

立法會
Legislative Council

LC Paper No. CB(4)956/17-18(02)

Ref : CB4/SS/5/17

**Subcommittee on Toys and Children's Products Safety Ordinance
(Amendment of Schedules 1 and 2) Notice 2018**

Background brief

Purpose

This paper provides background information on the legislative amendments made under the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2018 (L.N. 63) ("the Notice"), and summarizes the views and concerns expressed by Members in previous discussion on related matters.

Background

2. The Toys and Children's Products Safety Ordinance (Cap. 424) ("the Ordinance") stipulates that a person must not manufacture, import or supply toys and children's products listed in Schedule 2 ("Schedule 2 products") unless they comply with all the applicable requirements contained in any one of the safety standards (international standards or standards adopted by major economies) specified in Schedules 1 and 2 respectively to the Ordinance.

3. The specified standards for toys and for three classes of Schedule 2 products, namely "babies' dummies", "children's high chairs and multi-purpose high chairs for domestic use" and "children's paints", have been updated or amended by the standards institutions concerned. The Administration thus intends to apply the updated versions.

The Notice

4. The Notice amends Schedules 1 and 2 to the Ordinance to apply the updates to the standards for toys and for the three classes of Schedule 2 products as mentioned in paragraph 3. Specifically:

Toy Standards –

- (a) the existing part of the International Standard, "IEC 62115 Edition 1.2 (2011-02) [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004 and amendment 2:2010]", has been updated to "IEC 62115:2017 Edition 2.0";
- (b) the existing part of the European Standard "BS EN 71-12:2013" has been updated to "BS EN 71-12:2016"; and
- (c) the existing part of the ASTM Standard "ASTM F963-11" has been updated to "ASTM F963-17".

Schedule 2 Product Standards –

- (a) the existing ASTM Standard "ASTM F963-11" for babies' dummies has been updated to "ASTM F963-17";
- (b) the existing ASTM Standard "ASTM F404-16a" for children's high chairs and multi-purpose high chairs for domestic use has been updated to "ASTM F404-17";
- (c) the existing ASTM Standard "ASTM F963-11" for children's paints has been updated to "ASTM F963-17"; and
- (d) the existing Joint Australian/New Zealand Standard "AS/NZS ISO 8124.3:2012" for children's paints has been updated to "AS/NZS 8124.3:2012 (incorporating Amendment 1:2016)".

A summary of the major changes introduced by the latest standards is in **Appendix I**.

5. The Notice will come into operation on 1 August 2018.

Previous discussion

6. At the meeting of the Subcommittee on Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017 on 6 June 2017, members discussed issues relating to the updating of certain safety standards for toys and children's products specified in Schedules 1 and 2 to the

Ordinance respectively. A member expressed concern that Hong Kong might become a dumping ground for products that did not meet the latest safety requirements if other countries adopted the new standards ahead of Hong Kong. In response, the Administration advised that actions would be taken to update the relevant safety standards in Hong Kong soon after the new ones were published.

7. Another member was concerned about the low indictment rate for cases of non-compliance with the various safety standards conducted by the Customs and Excise Department ("C&ED"), and how consumers could distinguish toys and children's products in the retail market which did not meet the safety requirements. The Administration advised that C&ED would issue warning notices to traders for minor breaches, whereas prohibition notices would be issued for more serious breaches. It also advised that education and publicity efforts were made by C&ED and the Consumer Council to prevent consumers from buying products that did not meet the prescribed safety standards.

Latest development

8. The Panel on Economic Development has not been consulted on the Notice. According to the Administration, it had consulted some 50 major trade associations and organizations advocating children welfare in December 2017, and received two submissions which supported the updating proposal in general.

9. At the House Committee meeting on 13 April 2018, Members agreed to form a Subcommittee to study the Notice.

Relevant papers

10. A list of relevant papers which are available on the LegCo Website (<http://www.legco.gov.hk>) is in **Appendix II**.

Appendix I

Toys and Children's Products Safety Ordinance (Cap. 424)
Updates to Standards Specified for Toys and Schedule 2 Products

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
Toys Standards				
<i>International Standard</i>				
(i)	IEC 62115 Edition 1.2 (2011-02) [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004 and amendment 2:2010]	IEC 62115:2017 Edition 2.0 (April 2017)	<ul style="list-style-type: none"> ● To revise the scope, normative references and terms and definitions; ● To revise the general requirement; ● To revise general conditions for tests; ● To revise the criteria for reduced testing; ● To revise requirements on marking and instructions; ● To revise requirements on power input, heating and abnormal operation and electric strength; ● To revise requirements on electric toys used in water, electric toys used with liquid and electric toys cleaned with liquid; ● To revise requirements on mechanical strength; ● To revise requirements on construction; ● To revise wordings on edges and moving parts, screws and connections and resistance to heat and fire; ● To revise requirements on components; ● To revise requirements on clearances and creepage distances; ● To revise requirements on radiation and similar hazards; 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 5 ● 6 ● 7 ● 8, 9 and 10 ● 11 ● 12 ● 13 ● 14, 16 and 18 ● 15 ● 17 ● 19

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
			<ul style="list-style-type: none"> ● To revise requirements on experimental sets and automatic controls and switches; ● To provide requirements on electric toys with protective electronic circuits; ● To revise requirements on safety of electric toys incorporating optical radiation sources; ● To provide measurement methods for electric toys generating electromagnetic fields; and ● To provide requirements for safety of remote controls for electric ride-on toys. 	<ul style="list-style-type: none"> ● Annex A and C ● Annex D ● Annex E ● Annex I ● Annex J
European Standard				
(i)	BS EN 71-12:2013	BS EN 71-12:2016 (January 2017)	<ul style="list-style-type: none"> ● To add note with regard to the detection of N-nitrosamines and N-nitrosatable substances in elastomers of the vulcanized materials; ● To revise the terms and definitions of finger paint and elastomer; ● To revise the requirements and limit values for elastomers; ● To revise requirements on reagents; ● To add requirements on calibration solutions for elastomers; ● To add glass balls and conical flask as additional apparatus for applying the test method and porous graphitic carbon as alternative HPLC column; ● To revise requirements on sample preparation for other toys or parts of toys than balloons; 	<ul style="list-style-type: none"> ● 1 ● 3.1, 3.2 and Annex A.1 ● 4.2 and Annex A.3 ● 6.1 ● 6.2.6.3 ● 6.3 ● 7.3.2 and Annex C

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
			<ul style="list-style-type: none"> ● To revise the injection volume in the analysis of N-nitrosamines and N-nitrosatable substances under HPLC chromatographic conditions; ● To add high resolution mass spectrometry as alternative confirmation method of N-nitrosamines; ● To revise the limits of detection and quantification of N-nitrosamines and N-nitrosatable substances in elastomers; and ● To include additional information on the specified migration time. 	<ul style="list-style-type: none"> ● 8.2 ● 8.4 ● 10.2.2 ● Annex A.5
ASTM Standard				
(i)	ASTM F963-11	ASTM F963-17 (August 2017)	<ul style="list-style-type: none"> ● To revise the scope, referenced documents and terminology; ● To revise the safety requirements; ● To revise labelling requirements and instructional literature; ● To specify producer's marking on toy chests; ● To revise requirements on test methods; and ● To add design guidelines for battery operated toys. 	<ul style="list-style-type: none"> ● 1, 2 & 3 ● 4 ● 5 & 6 ● 7 ● 8 ● Annex A8
Schedule 2 Product Standards				
Babies' dummies				
(i)	ASTM F963-11	ASTM F963-17 (August 2017)	<ul style="list-style-type: none"> ● To revise the terminology; ● To revise the safety requirements; and ● To revise requirements on test methods. 	<ul style="list-style-type: none"> ● 3 ● 4 ● 8

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
Children's high chairs and multi-purpose high chairs for domestic use				
(i)	ASTM F404-16a	ASTM F404-17 (March 2017)	<ul style="list-style-type: none"> ● To revise the terminology; ● To revise general requirements; ● To revise performance requirements; ● To revise wording of test methods; and ● To revise requirements on marking, labelling and instructional literature. 	<ul style="list-style-type: none"> ● 3 ● 5 ● 6.7 and Note 6 ● 7.2.4.1, 7.4.2.4, 7.5.1.3 and 7.5.2.3 ● 8 and 9.2
Children's paints				
(i)	ASTM F963-11	ASTM F963-17 (August 2017)	<ul style="list-style-type: none"> ● To revise the terminology; ● To revise the safety requirements; and ● To revise requirements on test methods. 	<ul style="list-style-type: none"> ● 3 ● 4 ● 8
(ii)	AS/NZS ISO 8124.3:2012	AS/NZS 8124.3:2012 (incorporating Amendment 1:2016) (June 2016)	<ul style="list-style-type: none"> ● To revise the wording of scope; ● To revise the note on selection of test portions from materials used to manufacture the toy; and ● To revise wording of note on packaging. 	<ul style="list-style-type: none"> ● 1.3 ● 7 and Annex C.6 ● Annex C.2.2

Source: Annex B to Legislative Council Brief (File ref.: CITB CR 08/18/3)

List of relevant papers

Issued by	Meeting date/ Issue date	Paper
Commerce and Economic Development Bureau	March 2018	Legislative Council Brief
House Committee	13 April 2018	Legal Service Division Report
Subcommittee on Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017	6 June 2017	Legislative Council Brief Legal Service Division Report Minutes