

LEGISLATIVE COUNCIL BRIEF

Toys and Children's Products Safety Ordinance (Chapter 424)

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

INTRODUCTION

— This paper briefs Members on the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2018 ("the Notice", copy at [Annex A](#)), which will be published in the Gazette on 6 April 2018.

JUSTIFICATIONS

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. We keep in view updates or amendments to the safety standards made by the standards institutions concerned and, as a regular exercise, apply up-to-date, operative versions to products supplied in Hong Kong. Under section 37 of the Ordinance, the Secretary for Commerce and Economic Development may amend both Schedules by notice published in the Gazette, thereby updating the standards applicable to toys and Schedule 2 products supplied in Hong Kong. The last update to the two Schedules was made in 2017.

4. 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. We intend to apply the updated versions, and for this purpose, the Secretary for Commerce and Economic Development has made the Notice.

THE NOTICE

5. 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 4 above. 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)”.

— The table at Annex B summarises the major changes introduced by the latest standards.

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

IMPLICATIONS

7. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the Ordinance. It has no economic, financial, productivity, environmental, competition or gender implications. The updates can enhance the protection of child safety, will be welcomed by families with children and is conducive to sustainable development. Additional workload arising from the implementation of the Notice will be absorbed by the relevant departments with their existing resources.

PUBLIC CONSULTATION

8. From 1 to 31 December 2017, we consulted some 50 major trade associations and organisations advocating children welfare, informing them of our intention to adopt the updated standards as soon as possible. We also posted a gist of our proposed updates on our Bureau website and the Public Affairs Forum (administered by the Home Affairs Bureau) for public information and comments. We received two submissions which supported our updating proposal in general. We propose that the updates take effect on 1 August 2018.

ENQUIRIES

9. Any enquiries on this brief can be addressed to Ms Jacko TSANG, Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) (Special Duties) (telephone: 2810 2969, facsimile: 2869 4420).

Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
March 2018

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

(Made by the Secretary for Commerce and Economic Development under section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424))

1. Commencement

This Notice comes into operation on 1 August 2018.

2. Toys and Children's Products Safety Ordinance amended

The Toys and Children's Products Safety Ordinance (Cap. 424) is amended as set out in sections 3 and 4.

3. Schedule 1 amended (toy standards)

(1) Schedule 1, item 1(d)—

Repeal

“IEC 62115 Edition 1.2

(2011-02) [IEC 62115 Edition 1:2003 consolidated with amendment 1:2004 and amendment 2:2010]”

Substitute

“IEC 62115:2017 Edition 2.0”.

(2) Schedule 1, item 2(ha)—

Repeal

“BS EN 71-12:2013”

Substitute

“BS EN 71-12:2016”.

(3) Schedule 1, item 3—

Repeal

“ASTM F963-11”

Substitute

“ASTM F963-17”.

4. Schedule 2 amended (Schedule 2 product standards)

(1) Schedule 2, item 1, column 2—

Repeal

“ASTM F963-11”

Substitute

“ASTM F963-17”.

(2) Schedule 2, item 8, column 2—

Repeal

“ASTM F404-16a”

Substitute

“ASTM F404-17”.

(3) Schedule 2, item 9, column 2—

Repeal

“ASTM F963-11”

Substitute

“ASTM F963-17”.

(4) Schedule 2, item 9, column 2—

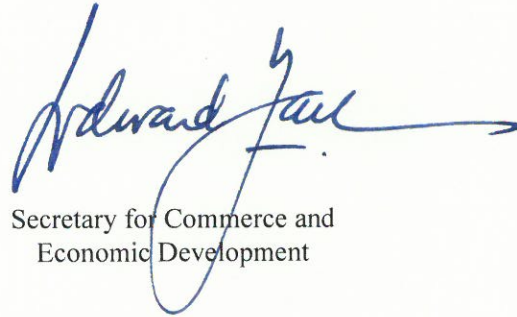
Repeal

“AS/NZS ISO 8124.3:2012”

Substitute

“AS/NZS 8124.3:2012

(incorporating Amendment 1:2016)".



Secretary for Commerce and
Economic Development

26 March 2018

Explanatory Note

This Notice updates—

- (a) certain safety standards for toys specified in Schedule 1 to the Toys and Children's Products Safety Ordinance (Cap. 424); and
- (b) certain safety standards for children's products specified in Schedule 2 to that Ordinance.

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
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	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