

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 2020

INTRODUCTION

— This paper briefs Members on the Toys and Children’s Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2020 (“the Notice”), copy at Annex A, which will be published in the Gazette on 21 February 2020.

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 2019.

4. The specified standards for toys and for eight classes of Schedule 2 products, namely “babies’ dummies”, “baby walking frames”, “child safety barriers for domestic use”, “children’s cots for domestic use”, “children’s high chairs and multi-purpose high chairs for domestic use”, “children’s paints”, “playpens for domestic use” and “wheeled child conveyances”, 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 eight classes of Schedule 2 products as mentioned in paragraph 4 above. Specifically,

Toy Standards –

- (a) the existing part of the International Standard “ISO 8124-3:2010 (incorporating Amendment 1:2014)” has been updated to “ISO 8124-3:2010 (incorporating Amendment 2:2018)”;
- (b) the existing part of the International Standard “ISO 8124-4:2014 (incorporating Amendment 1:2017)” has been updated to “ISO 8124-4:2014 (incorporating Amendment 2:2019)”;
- (c) the existing part of the European Standard “BS EN 71-1:2014” has been updated to “BS EN 71-1:2014 + A1:2018”;
- (d) the existing part of the European Standard “BS EN 71-3:2013 + A3:2018” has been updated to “BS EN 71-3:2019”;
- (e) the existing part of the European Standard “BS EN 71-14:2014 + A1:2017” has been updated to “BS EN 71-14:2018”.

Schedule 2 Product Standards –

- (a) the existing European Standard “BS EN 1400:2013 + A1:2014” for *babies dummies* has been updated to “BS EN 1400:2013 + A2:2018”;
- (b) the existing ASTM Standard “ASTM F977-12” for *baby walking frames* has been updated to “ASTM F977-18”;
- (c) the existing ASTM Standard “ASTM F1004-18” for *child safety barriers for domestic use* has been updated to “ASTM F1004-19”;
- (d) the existing ASTM Standard “ASTM F1169-13” for *children’s cots for domestic use* has been updated to “ASTM F1169-19”;
- (e) the existing International Standard “ISO 7175-1:1997” for *children’s cots for domestic use* has been updated to “ISO 7175-1:2019”;
- (f) the existing International Standard “ISO 7175-2:1997” for *children’s cots for domestic use* has been updated to “ISO 7175-2:2019”;
- (g) the existing ASTM Standard “ASTM F404-18” for *children’s high chairs and multi-purpose high chairs for domestic use* has been updated to “ASTM F404-18a”;
- (h) the existing European Standard “BS EN 71-3:2013 + A3:2018” for *children’s paints* has been updated to “BS EN 71-3:2019”;
- (i) the existing International Standard “ISO 8124-3:2010 (incorporating Amendment 1:2014)” for *children’s paints* has been updated to “ISO 8124-3:2010 (incorporating Amendment 2:2018)”;

- (j) the existing ASTM Standard “ASTM F406-17” for *playpens for domestic use* has been updated to “ASTM F406-19”;
- (k) the existing European Standard “BS EN 1888:2012” for *wheeled child conveyances* has been updated to “BS EN 1888-1:2018” and “BS EN 1888-2:2018”; and
- (l) the existing ASTM Standard “ASTM F833-15” for *wheeled child conveyances* has been updated to “ASTM F833-19”.

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

6. The Notice will come into operation on 1 October 2020.

IMPLICATIONS

7. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current 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 and will be welcomed by families with children. It is conducive to sustainable development. Additional workload arising from the implementation of the Notice will be absorbed by the relevant departments within their existing resources.

PUBLIC CONSULTATION

8. From 1 to 31 December 2019, 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 the website of our Bureau and the GovHK website for public information and comments. We received one submission, which did not raise any objection to our proposal. As we understand that the trade requires reasonable time to adjust to the requirements prescribed by the updated standards, we propose that the updates take effect on 1 October 2020.

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) (6) (telephone: 2810 2969, facsimile: 2869 4420).

Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
February 2020

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2020

(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 October 2020.

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(c)—

Repeal

“(incorporating Amendment 1:2014)”

Substitute

“(incorporating Amendment 2:2018)”.

(2) Schedule 1, item 1(ca)—

Repeal

“(incorporating Amendment 1:2017)”

Substitute

“(incorporating Amendment 2:2019)”.

(3) Schedule 1, item 2(a)—

Repeal

“BS EN 71-1:2014”

Substitute

“BS EN 71-1:2014 + A1:2018”.

(4) Schedule 1, item 2(c)—

Repeal

“BS EN 71-3:2013 + A3:2018”

Substitute

“BS EN 71-3:2019”.

(5) Schedule 1, item 2(hb)—

Repeal

“BS EN 71-14:2014 + A1:2017”

Substitute

“BS EN 71-14:2018”.

4. Schedule 2 amended (Schedule 2 product standards)

(1) Schedule 2, item 1, column 2—

Repeal

“BS EN 1400:2013 + A1:2014”

Substitute

“BS EN 1400:2013 + A2:2018”.

(2) Schedule 2, item 2, column 2—

Repeal

“ASTM F977-12”

Substitute

“ASTM F977-18”.

(3) Schedule 2, item 6, column 2—

Repeal

“ASTM F1004-18”

Substitute

“ASTM F1004-19”.

- (4) Schedule 2, item 7, column 2—

Repeal

“ASTM F1169-13”

Substitute

“ASTM F1169-19”.

- (5) Schedule 2, item 7, column 2—

Repeal

“ISO 7175-1:1997

“Children’s cots and folding cots for domestic use—Part 1:
Safety requirements”

Substitute

“ISO 7175-1:2019

“Furniture—Children’s cots and folding cots for domestic
use—Part 1: Safety requirements”.

- (6) Schedule 2, item 7, column 2—

Repeal

“ISO 7175-2:1997

“Children’s cots and folding cots for domestic use—Part 2:
Test methods”

Substitute

“ISO 7175-2:2019

“Furniture—Children’s cots and folding cots for domestic
use—Part 2: Test methods”.

- (7) Schedule 2, item 8, column 2—

Repeal

“ASTM F404-18”

Substitute

“ASTM F404-18a”.

- (8) Schedule 2, item 9, column 2—

Repeal

“BS EN 71-3:2013 + A3:2018”

Substitute

“BS EN 71-3:2019”.

- (9) Schedule 2, item 9, column 2—

Repeal

“(incorporating Amendment 1:2014)”

Substitute

“(incorporating Amendment 2:2018)”.

- (10) Schedule 2, item 11, column 2—

Repeal

“ASTM F406-17”

Substitute

“ASTM F406-19”.

- (11) Schedule 2, item 12, column 2—

Repeal

“BS EN 1888:2012

“Child care articles—Wheeled child conveyances—Safety requirements and test methods”

Substitute

“(a) **BS EN 1888-1:2018**

“Child use and care articles—Wheeled child conveyances—Part 1: Pushchairs and prams”

(b) **BS EN 1888-2:2018**

“Child care articles—Wheeled child conveyances—Part 2: Pushchairs for children above 15 kg up to 22 kg”.

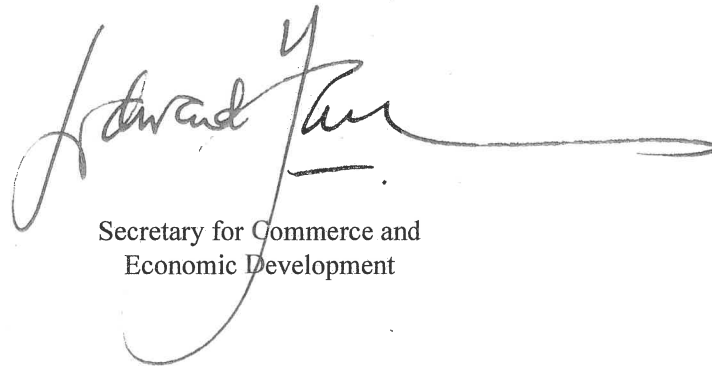
(12) Schedule 2, item 12, column 2—

Repeal

“ASTM F833-15”

Substitute

“ASTM F833-19”.



Secretary for Commerce and
Economic Development

10 February 2020

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
Toy Standards				
<i>International Standard</i>				
(i)	ISO 8124-3:2010 (incorporating Amendment 1:2014)	ISO 8124-3:2010 (incorporating Amendment 2:2018) (September 2018)	<ul style="list-style-type: none"> ● To add the maximum acceptable element migration from finger paint. 	<ul style="list-style-type: none"> ● Table 1
(ii)	ISO 8124-4:2014 (incorporating Amendment 1:2017)	ISO 8124-4:2014 (incorporating Amendment 2:2019) (March 2019)	<ul style="list-style-type: none"> ● To add an example of gondola; ● To revise the requirement on the minimum clearance between adjacent swing elements and adjacent structures; ● To revise the exemption for lateral stability of swing elements; and ● To revise the requirement on the minimum clearance between swing element and the ground. 	<ul style="list-style-type: none"> ● Figure 4 ● Table 1 ● 4.7.6 ● Table 2 and Annex A
<i>European Standard</i>				
(i)	BS EN 71-1:2014	BS EN 71-1:2014 + A1:2018 (December 2018)	<ul style="list-style-type: none"> ● To revise the scope, normative references and terms and definitions; ● To revise the general requirements; ● To revise the requirements for toys intended for children under 36 months; ● To revise a requirement for packaging; ● To revise the requirements for warnings; ● To revise the test methods; and ● To revise the background and rationale. 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 5 ● 6 ● 7 ● 8 ● Annex A

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(ii)	BS EN 71-3:2013 + A3:2018	BS EN 71-3:2019 (April 2019)	<ul style="list-style-type: none"> ● To revise the terms and definitions; ● To revise the migration limit value for chromium (VI) for Category III material; ● To revise the list of reagents and apparatus; ● To revise the requirements for sampling and sample preparation; ● To revise the migration methodology; ● To revise the stabilization and analysis of migration solutions; ● To revise the calculation of migration; ● To introduce data on method performance based on the results of test method validation and in particular the results of an interlaboratory comparison; ● To revise the requirements on test report; ● To add new informative annexes containing information on <ul style="list-style-type: none"> - method validation, - estimation of reproducibility, and - toy material visual particle size comparison materials; ● To revise the method of analysis for general elements; ● To replace the method for analysis for chromium (III) and chromium (VI) by a method of analysis for chromium (VI); ● To revise the method of analysis for organic tin; and ● To revise the rationale. 	<ul style="list-style-type: none"> ● 3 ● Table 2 ● 6 ● 7 ● 8 ● 9 ● 10 ● 11 ● 12 ● Annex B ● Annex C ● Annex D ● Annex E ● Annex F ● Annex G ● Annex H

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(iii)	BS EN 71-14:2014 + A1:2017	BS EN 71-14:2018 (December 2018)	<ul style="list-style-type: none"> ● To revise the normative references and terms and definitions; ● To revise the classification of trampoline categories; ● To revise the general requirements; ● To revise the requirements on warnings, markings and instructions; ● To revise the test methods; and ● To revise the rationale. 	<ul style="list-style-type: none"> ● 2 and 3 ● 4 ● 5 ● 6 ● 7 ● Annex A
Schedule 2 Product Standards				
<i>Babies' dummies</i>				
(i)	BS EN 1400:2013 + A1:2014	BS EN 1400:2013 + A2:2018 (September 2018)	<ul style="list-style-type: none"> ● To add "polycarbonate and polysulphone" to the requirements and tests on materials; ● To revise the limits of element migration from soothers; ● To revise the migration limit of Bisphenol A from polycarbonate or polysulphone; and ● To revise the rationale. 	<ul style="list-style-type: none"> ● Table 4 ● Table 5 ● Table 10 ● Annex B
<i>Baby walking frames</i>				
(i)	ASTM F977-12	ASTM F977-18 (August 2018)	<ul style="list-style-type: none"> ● To add the rationale on the revised calculation on the effect of the weight of the child's legs and lower torso. 	<ul style="list-style-type: none"> ● X1.9 and Fig. X1.1
<i>Child safety barriers for domestic use</i>				
(i)	ASTM F1004-18	ASTM F1004-19 (June 2019)	<ul style="list-style-type: none"> ● To revise the referenced documents; ● To revise the performance requirements; ● To revise the horizontal push-out test to be conducted at the maximum opening width only; ● To revise the marking and labelling requirements; and ● To revise the requirements for instructional literature. 	<ul style="list-style-type: none"> ● 2.4 ● 6 ● 7.9.1.1 ● 8 ● 9

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
<i>Children's cots for domestic use</i>				
(i)	ASTM F1169-13	ASTM F1169-19 (April 2019)	<ul style="list-style-type: none"> To revise the requirement of warnings to be affixed to the crib. 	<ul style="list-style-type: none"> 8.4
(ii)	ISO 7175-1:1997	ISO 7175-1:2019 (January 2019)	<ul style="list-style-type: none"> To revise the scope, normative references, terms and definitions, requirements on safety, packaging, instructions for use and marking. 	<ul style="list-style-type: none"> 1 to 7
(iii)	ISO 7175-2:1997	ISO 7175-2:2019 (January 2019)	<ul style="list-style-type: none"> To revise the scope, normative references, terms and definitions, requirements on general test conditions, test apparatus, test procedures and test report. 	<ul style="list-style-type: none"> 1 to 6
<i>Children's high chairs and multi-purpose high chairs for domestic use</i>				
(i)	ASTM F404-18	ASTM F404-18a (January 2019)	<ul style="list-style-type: none"> To exempt high chairs and high chair accessories that can be used with only children unable to sit upright unassisted and weigh 20 lb (9.1 kg) or less from the stability requirements in the standard; To add a requirement for warning statement on products that can be used with only children unable to sit upright unassisted and weigh 20 lb (9.1 kg) or less; and To add rationale for the above exemption and the added warning statement. 	<ul style="list-style-type: none"> 6.5.1 8.5.2.2 X1.21, X1.93 and X1.96

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
Children's paints				
(i)	BS EN 71-3:2013 + A3:2018	BS EN 71-3:2019 (April 2019)	<ul style="list-style-type: none"> ● To revise the terms and definitions; ● To revise the migration limit value for chromium (VI) for Category III material; ● To revise the list of reagents and apparatus; ● To revise the requirements for sampling and sample preparation; ● To revise the migration methodology; ● To revise the stabilization and analysis of migration solutions; ● To revise the calculation of migration; ● To introduce data on method performance based on the results of test method validation and in particular the results of an interlaboratory comparison; ● To revise the requirements on test report; ● To add new informative annexes containing information on <ul style="list-style-type: none"> - method validation, - estimation of reproducibility, and - toy material visual particle size comparison materials; ● To revise the method of analysis for general elements; ● To replace the method for analysis for chromium (III) and chromium (VI) by a method of analysis for chromium (VI); ● To revise the method of analysis for organic tin; and ● To revise the rationale. 	<ul style="list-style-type: none"> ● 3 ● Table 2 ● 6 ● 7 ● 8 ● 9 ● 10 ● 11 ● 12 ● Annex B ● Annex C ● Annex D ● Annex E ● Annex F ● Annex G ● Annex H

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(ii)	ISO 8124-3:2010 (incorporating Amendment 1:2014)	ISO 8124-3:2010 (incorporating Amendment 2:2018 (September 2018))	<ul style="list-style-type: none"> To add the maximum acceptable element migration from finger paint. 	<ul style="list-style-type: none"> Table 1
<i>Playpens for domestic use</i>				
(i)	ASTM F406-17	ASTM F406-19 (April 2019)	<ul style="list-style-type: none"> To revise terminology, note and test method. 	<ul style="list-style-type: none"> 3, 7 and 8
<i>Wheeled child conveyances</i>				
(i)	BS EN 1888:2012	BS EN 1888-1:2018 (January 2019)	<ul style="list-style-type: none"> To revise the scope, normative references and terms and definitions; To add the determination of occupant space to the general requirements and test conditions; To revise the requirements on test equipment; To revise requirements and test methods for chemical hazards, shearing hazards, thermal hazards and mechanical hazards; To revise requirements on product information; and To add new informative annexes with information on <ul style="list-style-type: none"> rationales, examples of moving parts of the canopies inside 100 mm from the pivot point, translation of warnings in different European languages, and the arrangement of approval marks for child restraint systems. 	<ul style="list-style-type: none"> 1, 2 and 3 4 5 6 to 8 10.2.9, 10.3 and 10.4 Annex A Annex D Annex E Annex G
		BS EN 1888-2:2018 (January 2019)	<ul style="list-style-type: none"> To provide additional safety requirements and test methods for pushchairs designed for the carriage of one or more children above 15 kg and up to 22 kg each. 	<ul style="list-style-type: none"> 1 to 7 and Annex A & B

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(ii)	ASTM F833-15	ASTM F833-19 (April 2019)	<ul style="list-style-type: none"> ● To add a definition for tray/grab bar protective covering to the terminology; ● To add general requirement and test method for tray/grab bar protective covering ; and ● To add the requirement of a warning for tray/grab bar with a removable protective covering. 	<ul style="list-style-type: none"> ● 3.1.25 ● 5.14 and 7.19 ● 8.3