

## **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 2021**

#### **INTRODUCTION**

— This paper briefs Members on the Toys and Children’s Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2021 (“the Notice”), copy at Annex A, which will be published in the Gazette on 19 February 2021.

#### **JUSTIFICATIONS**

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

3. The Government keeps 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 October 2020.

4. The specified standards for toys and for three classes of Schedule 2 products, namely “bunk beds for domestic use”, “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 Government intends to apply the updated versions to toys and Schedule 2 products supplied in Hong Kong, 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 update the standards for toys and for the three classes of Schedule 2 products as mentioned in paragraph 4 above, as follows –

### *Toy Standards*

- (a) the existing part of the International Standard “ISO 8124-3:2010 (incorporating Amendment 2:2018)” has been updated, which now reads “ISO 8124-3:2020”;
- (b) the existing part of the European Standard “BS EN 71-7:2014 + A2:2018” has been amended, which now reads “BS EN 71-7:2014 + A3:2020”;

### *Schedule 2 Product Standards*

- (a) the existing ASTM Standard “ASTM F1427-13” for *bunk beds for domestic use* has been updated to “ASTM F1427-19”;
- (b) the existing European Standard “BS EN 14988:2017” for *children’s high chairs and multi-purpose high chairs for domestic use* has been amended to “BS EN 14988:2017 + A1:2020”; and
- (c) the existing International Standard “ISO 8124-3:2010 (incorporating Amendment 2:2018)” for *children’s paints* has been updated to “ISO 8124-3:2020”.

The table at Annex B summarises the major changes introduced by the

latest standards.

6. The Notice will come into operation on 1 October 2021.

## **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 or gender implications. The updates can enhance the protection of children 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 2020, 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 four submissions, which did not raise any objection in principle to the proposed updates. 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 2021.

## **ENQUIRIES**

9. Any enquiries on this brief can be addressed to Billy Woo, Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) 6, whose telephone and fax numbers are 2810 2969 and 2869 4420 respectively.

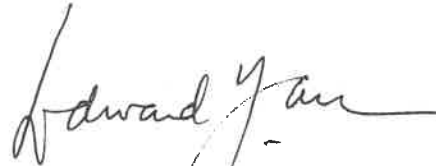
Commerce, Industry and Tourism Branch  
Commerce and Economic Development Bureau  
February 2021

## Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2021

(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 2021.
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**  
"ISO 8124-3:2010  
(incorporating Amendment 2:2018)"  
**Substitute**  
"ISO 8124-3:2020".
  - (2) Schedule 1, item 2(g)—  
**Repeal**  
"BS EN 71-7:2014 + A2:2018"  
**Substitute**  
"BS EN 71-7:2014 + A3:2020".

4. **Schedule 2 amended (Schedule 2 product standards)**
  - (1) Schedule 2, item 4, column 2—  
**Repeal**  
"ASTM F1427-13"  
**Substitute**  
"ASTM F1427-19".
  - (2) Schedule 2, item 8, column 2—  
**Repeal**  
"BS EN 14988:2017"  
**Substitute**  
"BS EN 14988:2017 + A1:2020".
  - (3) Schedule 2, item 9, column 2—  
**Repeal**  
"ISO 8124-3:2010  
(incorporating Amendment 2:2018)"  
**Substitute**  
"ISO 8124-3:2020".



Secretary for Commerce and  
Economic Development

3 February 2021

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**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**  
**2021**

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses (with reference to the Updated Standards)
<b>Toy Standards</b>				
<b><i>International Standard</i></b>				
(i)	ISO 8124-3:2010 (incorporating Amendment 2:2018)	ISO 8124-3:2020 (March 2020)	<ul style="list-style-type: none"> <li>● To revise the definition of paper and paperboard;</li> <li>● To add definition of the following terms: method blank, calibration blank, instrument detection limit IDL, and calibration check solution;</li> <li>● To revise the maximum acceptable value of element migration from toy materials (finger paint);</li> <li>● To revise the principle on methods for determining concentrations of soluble elements extracted from toy materials;</li> <li>● To revise the means of measuring pH to proper accuracy without cross-contamination;</li> <li>● To add recommendation for the following apparatus: soxhlet extractor, solvent extractor, high retention filter paper;</li> <li>● To revise methods for preparing test portion of materials intending to leave a trace in solid form;</li> <li>● To revise methods for preparing test portion of materials intending to leave a trace in liquid form;</li> <li>● To revise methods for preparing test portion of pliable modelling materials (including modelling clays and gels);</li> <li>● To revise methods for preparing test portion of paints (including finger</li> </ul>	<ul style="list-style-type: none"> <li>● 3.5, 3.6</li> <li>● 3.9, 3.10, 3.11, 3.12</li> <li>● 4.2 (Table 1)</li> <li>● 5</li> <li>● 7.2</li> <li>● 7.7, 7.8, 7.9</li> <li>● 9.7.1.1, 9.7.1.2, 9.7.1.3</li> <li>● 9.7.2</li> <li>● 9.8.1</li> <li>● 9.9.1, 9.9.2</li> </ul>

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses (with reference to the Updated Standards)
			<p>paints), varnishes, lacquers, glazing powders and similar material in solid or liquid form;</p> <ul style="list-style-type: none"> <li>● To add new clauses on method of analysis and calculation of results for elemental analysis;</li> <li>● To revise the information required in the test report; and</li> <li>● To revise the background and rationale of various parts of the updated standard on statistical uncertainty of the test procedure and interpretation of results, means of measuring pH, selection of test portions, and application to other materials (whether mass-coloured or not).</li> </ul>	<ul style="list-style-type: none"> <li>● 10, Annex C</li> <li>● 11b, 11c</li> <li>● Annex D.4, D.5.1, D.6, D.10</li> </ul>

**European Standard**

(i)	BS EN 71-7:2014 + A2:2018	BS EN 71-7:2014 + A3:2020 (April 2020)	<ul style="list-style-type: none"> <li>● To revise the restrictions, specifications and information of certain organic <i>colourants</i> which are commonly used in finger paints;</li> <li>● To revise the restrictions, specifications and information of certain non-organic <i>colourants</i> which are commonly used in finger paints;</li> <li>● To revise the maximum concentration of certain preservatives substance allowed for use in finger paints;</li> <li>● To revise the limit for benzo[a]pyrene; and</li> <li>● To revise the rationale for PCB analytical method.</li> </ul>	<ul style="list-style-type: none"> <li>● Annex A (Table A.1)</li> <li>● Annex A (Table A.2)</li> <li>● Annex B (Table B.1)</li> <li>● Annex F (F.6)</li> <li>● Annex F (F.14)</li> </ul>
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	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses (with reference to the Updated Standards)
<b>Schedule 2 Product Standards</b>				
<b><i>Bunk Beds for domestic use</i></b>				
(i)	ASTM F1427-13	ASTM F1427-19 (December 2019)	<ul style="list-style-type: none"> <li>● To revise the scope of the standard;</li> <li>● To add measurement of the diameter of testing sphere in millimetres; and</li> <li>● To revise the information on size of mattress and foundation included on printed instructions.</li> </ul>	<ul style="list-style-type: none"> <li>● 1.6, 1.7</li> <li>● 5.7.2.4, 5.9</li> <li>● 7.4</li> </ul>
<b><i>Children's high chairs and multi-purpose high chairs for domestic use</i></b>				
(i)	BS EN 14988:2017	BS EN 14988:2017+A1:2020 (April 2020)	<ul style="list-style-type: none"> <li>● To revise the method to assess hazardous compression points;</li> <li>● To revise the requirements on choking and ingestion hazards;</li> <li>● To revise the test method on accessibility of filling materials;</li> <li>● To revise the requirements for high chairs with an active restraint system;</li> <li>● To revise the test method on slippage of straps of restraint systems;</li> <li>● To revise the requirements on stability;</li> <li>● To revise the requirements on marking; and</li> <li>● To add Italy to the list of deviations.</li> </ul>	<ul style="list-style-type: none"> <li>● 8.4.1</li> <li>● 8.6.1, Annex A (A.4.4)</li> <li>● 8.6.2.4</li> <li>● 8.9.1.1.2</li> <li>● 8.9.1.2.4</li> <li>● 8.12.1</li> <li>● 9.2.1</li> <li>● Annex B</li> </ul>
<b><i>Children's paints [TO AMEND AS ABOVE]</i></b>				
(i)	ISO 8124-3:2010 (incorporating Amendment 2:2018)	ISO 8124-3:2020 (March 2020)	<ul style="list-style-type: none"> <li>● To revise the definition of paper and paperboard;</li> <li>● To add definition of the following terms: method blank, calibration blank, instrument detection limit IDL, and calibration check solution;</li> </ul>	<ul style="list-style-type: none"> <li>● 3.5, 3.6</li> <li>● 3.9, 3.10, 3.11, 3.12</li> </ul>



	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses (with reference to the Updated Standards)
			<ul style="list-style-type: none"> <li>● To revise the maximum acceptable value of element migration from toy materials (finger paint);</li> <li>● To revise the principle on methods for determining concentrations of soluble elements extracted from toy materials;</li> <li>● To revise the means of measuring pH to proper accuracy without cross-contamination;</li> <li>● To add recommendation for the following apparatus: soxhlet extractor, solvent extractor, high retention filter paper;</li> <li>● To revise methods for preparing test portion of materials intending to leave a trace in solid form;</li> <li>● To revise methods for preparing test portion of materials intending to leave a trace in liquid form;</li> <li>● To revise methods for preparing test portion of pliable modelling materials (including modelling clays and gels);</li> <li>● To revise methods for preparing test portion of paints (including finger paints), varnishes, lacquers, glazing powders and similar material in solid or liquid form;</li> <li>● To add new clauses on method of analysis and calculation of results for elemental analysis;</li> <li>● To revise the information required in the test report; and</li> <li>● To revise the background and rationale of various parts of the updated standard on statistical uncertainty of the test procedure and interpretation of results, means</li> </ul>	<ul style="list-style-type: none"> <li>● 4.2 (Table 1)</li> <li>● 5</li> <li>● 7.2</li> <li>● 7.7, 7.8, 7.9</li> <li>● 9.7.1.1, 9.7.1.2, 9.7.1.3</li> <li>● 9.7.2</li> <li>● 9.8.1</li> <li>● 9.9.1, 9.9.2</li> <li>● 10, Annex C</li> <li>● 11b, 11c</li> <li>● Annex D.4, D.5.1, D.6, D.10</li> </ul>

	<b>Current Specified Standards</b>	<b>Updated Standards (Publication/ Effective Date)</b>	<b>Major Changes/Remarks</b>	<b>Affected Clauses (with reference to the Updated Standards)</b>
			of measuring pH, selection of test portions, and application to other materials (whether mass-coloured or not).	