

## **LEGISLATIVE COUNCIL BRIEF**

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

#### **Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice 2023**

### **INTRODUCTION**

\_\_\_\_\_ This paper briefs Members on the Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice 2023 (the Notice), copy at Annex A, which will be published in the Gazette on 17 February 2023.

### **JUSTIFICATIONS**

2. The Toys and Children's Products Safety Ordinance (Cap. 424) (the Ordinance) stipulates that a person must not manufacture, import or supply, inter alia, children's products listed in Schedule 2 to the Ordinance (Schedule 2 products) unless those products 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 standardisation bodies concerned and, as a regular exercise, applies up-to-date, operative versions to Schedule 2 products supplied in Hong Kong. Under section 37 of the Ordinance, the Secretary for Commerce and Economic Development may amend Schedule 2 by notice published in the Gazette, thereby updating the standards applicable to Schedule 2 products supplied in Hong Kong. The last update to Schedule 2 was made in September 2022.

4. The specified standards for four classes of Schedule 2 products, namely “bunk beds for domestic use”, “child safety barriers for domestic use”, “children’s high chairs and multi-purpose high chairs for domestic use” and “wheeled child conveyances” have been updated or amended by the standardisation bodies concerned. The Government intends to apply the updated standards to 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 Schedule 2 to the Ordinance to update the standards for the four classes of Schedule 2 products as mentioned in paragraph 4 above as follows -

- (a) the existing ASTM Standard “ASTM F1427-21” for *Bunk beds for domestic use* has been amended to “ASTM F1427-21e1”;
- (b) the existing ASTM Standard “ASTM F1004-19” for *Child safety barriers for domestic use* has been updated to “ASTM F1004-21”;
- (c) the existing ASTM Standard “ASTM F404-20” for *Children’s high chairs and multi-purpose high chairs for domestic use* has been updated to “ASTM F404-21”; and
- (d) the existing ASTM Standard “ASTM F833-19” for *Wheeled child conveyances* has been updated to “ASTM F833-21”.

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

6. The Notice will come into operation on 1 August 2023.

## 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 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 2022, we consulted 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 the Commerce and Economic Development 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.

## **ENQUIRIES**

9. Any enquiries on this brief can be addressed to Ms Peggy Siu, Principal Assistant Secretary for Commerce and Economic Development 6, whose telephone and fax numbers are 2810 2969 and 2869 4420 respectively.

Commerce and Economic Development Bureau  
February 2023

Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice  
2023

Section 1

1

**Toys and Children's Products Safety Ordinance  
(Amendment of Schedule 2) Notice 2023**

(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 2023.

**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 section 3.

**3. Schedule 2 amended (Schedule 2 product standards)**

(1) Schedule 2, item 4, column 2—

**Repeal**

**"ASTM F1427-21"**

**Substitute**

**"ASTM F1427-21e1".**

(2) Schedule 2, item 6, column 2—

**Repeal**

**"ASTM F1004-19"**

**Substitute**

**"ASTM F1004-21".**

(3) Schedule 2, item 8, column 2—

**Repeal**

Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice  
2023

Section 3

2

**"ASTM F404-20"**

**Substitute**

**"ASTM F404-21".**

(4) Schedule 2, item 12, column 2—

**Repeal**

**"ASTM F833-19"**

**Substitute**

**"ASTM F833-21".**



Secretary for Commerce and  
Economic Development

20 January 2023

Toys and Children's Products Safety Ordinance (Amendment of Schedule 2) Notice  
2023

Explanatory Note

Paragraph 1

3

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**Explanatory Note**

This Notice updates certain safety standards for children's products specified in Schedule 2 to the Toys and Children's Products Safety Ordinance (Cap. 424).

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

<b><i>Bunk beds for domestic use "4"</i></b>				
	<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>
(i)	ASTM F1427-21	<b>ASTM F1427-21e1 (October 2021)</b>	<ul style="list-style-type: none"> <li>To revise the Warning Labels by boldfacing the words "To help prevent" on the label.</li> </ul>	<ul style="list-style-type: none"> <li>Fig. 10 (a) - (d)</li> </ul>
<b><i>Child safety barriers for domestic use "6"</i></b>				
	<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>
(i)	ASTM F1004-19	<b>ASTM F1004-21 (June 2021)</b>	<ul style="list-style-type: none"> <li>To revise the terminology "conspicuous";</li> <li>To hyphenate the following terminologies: <ul style="list-style-type: none"> <li>single-action release mechanism</li> <li>pressure-mounted gate</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>3.1.3</li> <li>3.1.4</li> <li>3.1.5.1, 3.1.14, 6.2.1, 7.10.1, 7.13.1, Note 6, X1.2.6.9</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>
			<ul style="list-style-type: none"> <li>- hold–open mechanism</li> <li>- completely–bounded openings</li> <li>- Partially–bounded opening</li> <li>- Pressure–Mounted Gate–Mounting Hardware</li> <li>- Hold–open feature;</li> <li>● To make editorial change on the section number from 3.1.15 to 3.1.16 and correct the spelling of the term “gauge”;</li> <li>● To add new terminology “side pressure” and “visual side–pressure indicator”;</li> <li>● To add unit of temperature °F and °C in ambient temperature;</li> <li>● To revise capitalisation of the term “Small Torso Probe” to be expressed in small capital letters;</li> <li>● To make editorial change on the section number from 8.5.3 to 8.5.7;</li> <li>● To add a new section specifying the requirements for visual side–pressure indicators;</li> </ul>	<ul style="list-style-type: none"> <li>● 3.1.9, 7.4</li> <li>● 6.1.1</li> <li>● 6.1.5</li> <li>● 6.7</li> <li>● 7.4</li> <li>● 3.1.16</li> <li>● 3.1.15, 3.1.17</li> <li>● 4.4</li> <li>● 6.1.1, 6.1.4, 7.10.3</li> <li>● 6.7(a), Note 1</li> <li>● 6.8 - 6.8.2.3</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 add unit of measurement for the terms to be expressed in inch (in.) and millimetre (mm);</li><li>● To emphasise the visual side–pressure indicators are displaying the proper status according to manufacturer’s instructions for pressure–mounted gates with visual side–pressure indicators;</li><li>● To revise the word from “Assure” to “Ensure”;</li><li>● To revise the wording for brackets;</li><li>● To make editorial changes on the section numbers as follows:<table><tr><td><b><u>F1004-19</u></b></td><td><b><u>F1004-21</u></b></td></tr><tr><td>- 8.5.4</td><td>8.5.3</td></tr><tr><td>- 8.5.5</td><td>8.5.4</td></tr><tr><td>- 8.5.6</td><td>8.5.5</td></tr><tr><td>- 8.5.7</td><td>8.5.6</td></tr></table></li></ul>	<b><u>F1004-19</u></b>	<b><u>F1004-21</u></b>	- 8.5.4	8.5.3	- 8.5.5	8.5.4	- 8.5.6	8.5.5	- 8.5.7	8.5.6	<ul style="list-style-type: none"><li>● 7.1.1, 7.4, 7.5, 7.8.1, 7.9.1.4(3), 7.9.1.4(4), 7.13.1.2</li><li>● 7.9.1.2</li><li>● 7.1.1.3, 7.9.1.4(1), 7.13.1, Note 4, Note 5, Note 6, X1.2.6.8, X1.2.6.9</li><li>● Note 11</li><li>● 8.5.3</li><li>● 8.5.4</li><li>● 8.5.5</li><li>● 8.5.6</li></ul>
<b><u>F1004-19</u></b>	<b><u>F1004-21</u></b>													
- 8.5.4	8.5.3													
- 8.5.5	8.5.4													
- 8.5.6	8.5.5													
- 8.5.7	8.5.6													



	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 add one section for the specified location for warning statements in pressure-mounted gates with wall cups or other mounting hardware;</li> <li>● To revise the section number from 8.5.3 to 8.5.7 for labelling requirement for wall cups or other mounting hardware that packed in a hardware bag or similar container;</li> <li>● To add one section for the content to be included in the instructions of pressure-mounted gates with visual side-pressure indicators;</li> <li>● To add rationale for including visual side-pressure indicators' requirement in pressure-mounted gates.</li> </ul>	<ul style="list-style-type: none"> <li>● 8.5.7 – 8.5.7.3</li> <li>● 8.8</li> <li>● 9.5</li> <li>● X1.2.5.4</li> </ul>

***Children's high chairs and multi-purpose high chairs for domestic use "8"***

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses (with reference to the Updated Standards)
(i)	ASTM F404-20	<b>ASTM F404-21 (January 2022)</b>	<ul style="list-style-type: none"> <li>● To make editorial changes on the section numbers as follows:</li> </ul>	

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses (with reference to the Updated Standards)
			<div> <div> <b><u>F404-20</u></b> </div> <div> <b><u>F404-21</u></b> </div> </div> <ul style="list-style-type: none"> <li>- 7.7.2.1 -7.7.2.3</li> <li>- 7.7.2.4 and 7.7.2.5</li> <li>- 7.7.2.6</li> <li>- 7.7.2.4, 7.7.2.5 and 7.7.2.6</li> <li>- 7.7.2.4</li> <li>- 7.7.2.5</li> <li>- 7.7.2.6</li> <li>- 7.7.2.6(1)</li> <li>- 7.7.2.6(2)</li> <li>● To revise the material used in steel test weight;</li> <li>● To revise the seat back position when adjusting for stability testing;</li> <li>● To revise the description on how the test weights are oriented in testing by specifying its dimensions and add three subsections (1) to (3) to specify the position of the test weights when testing on different types of high chair;</li> </ul>	<ul style="list-style-type: none"> <li>● 6.5.1.1, 6.5.1.2</li> <li>● 6.5.1.1</li> <li>● 6.5.1.2</li> <li>● 7.7.2.1</li> <li>● 7.7.2.5</li> <li>● 7.7.2.6</li> <li>● 7.7.2.7</li> <li>● Note 13</li> <li>● 7.7.2.7(3)</li> <li>● Note 11</li> <li>● 7.7.2.1</li> <li>● 7.7.2.3, 7.7.2.3 (1) – 7.7.2.3 (3)</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 a block of material with negligible weight may be used to stabilise the test weights in testing the high chair;</li><li>● To add one section specifying the tray position when attaching it to the high chair for testing;</li><li>● To revise the term “restraining system” to “restraint system”;</li><li>● To make editorial changes to the section numbers in rationale as follows:<table><tr><th><u>F404-20</u></th><th><u>F404-21</u></th><th></th></tr><tr><td>- X1.69.4 – X1.69.4.4</td><td>X1.69.5 – X1.69.5.4</td><td>● X1.69.5 – X1.69.5.4</td></tr><tr><td>- X1.69.5</td><td>X1.69.6</td><td>● X1.69.6</td></tr><tr><td>- X1.69.6</td><td>X1.69.7</td><td>● X1.69.7</td></tr><tr><td>- X1.69.7</td><td>X1.69.8</td><td>● X1.69.8</td></tr><tr><td>- X1.69.8</td><td>X1.69.10</td><td>● X1.69.10</td></tr><tr><td>- X1.69.9 – X1.69.9.2</td><td>X1.69.11 – X1.69.11.2</td><td>● X1.69.11 – X1.69.11.2</td></tr><tr><td>- X1.69.10 – X1.69.10.4</td><td>X1.69.12 – X1.69.12.4</td><td>● X1.69.12 – X1.69.12.4</td></tr><tr><td>- X1.69.12 – X1.69.12.2</td><td>X1.69.14 – X1.69.14.2</td><td>● X1.69.14 – X1.69.14.2</td></tr><tr><td>- X1.69.13 – X1.69.13.2</td><td>X1.69.15 – X1.69.15.2</td><td>● X1.69.15 – X1.69.15.2</td></tr></table></li></ul>	<u>F404-20</u>	<u>F404-21</u>		- X1.69.4 – X1.69.4.4	X1.69.5 – X1.69.5.4	● X1.69.5 – X1.69.5.4	- X1.69.5	X1.69.6	● X1.69.6	- X1.69.6	X1.69.7	● X1.69.7	- X1.69.7	X1.69.8	● X1.69.8	- X1.69.8	X1.69.10	● X1.69.10	- X1.69.9 – X1.69.9.2	X1.69.11 – X1.69.11.2	● X1.69.11 – X1.69.11.2	- X1.69.10 – X1.69.10.4	X1.69.12 – X1.69.12.4	● X1.69.12 – X1.69.12.4	- X1.69.12 – X1.69.12.2	X1.69.14 – X1.69.14.2	● X1.69.14 – X1.69.14.2	- X1.69.13 – X1.69.13.2	X1.69.15 – X1.69.15.2	● X1.69.15 – X1.69.15.2	<ul style="list-style-type: none"><li>● Note 12</li><li>● 7.7.2.4</li><li>● Introduction, 7.8.6, 9.3.1–9.3.3</li></ul>
<u>F404-20</u>	<u>F404-21</u>																																	
- X1.69.4 – X1.69.4.4	X1.69.5 – X1.69.5.4	● X1.69.5 – X1.69.5.4																																
- X1.69.5	X1.69.6	● X1.69.6																																
- X1.69.6	X1.69.7	● X1.69.7																																
- X1.69.7	X1.69.8	● X1.69.8																																
- X1.69.8	X1.69.10	● X1.69.10																																
- X1.69.9 – X1.69.9.2	X1.69.11 – X1.69.11.2	● X1.69.11 – X1.69.11.2																																
- X1.69.10 – X1.69.10.4	X1.69.12 – X1.69.12.4	● X1.69.12 – X1.69.12.4																																
- X1.69.12 – X1.69.12.2	X1.69.14 – X1.69.14.2	● X1.69.14 – X1.69.14.2																																
- X1.69.13 – X1.69.13.2	X1.69.15 – X1.69.15.2	● X1.69.15 – X1.69.15.2																																

	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>- X1.69.14 – X1.69.16 – X1.69.14.3 X1.69.16.3</li> <li>● To add rationale for the following sections: <ul style="list-style-type: none"> <li>- Note 11;</li> <li>- 7.7.2.1;</li> <li>- 7.7.2.3;</li> <li>- 7.7.2.4;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● X1.69.16 – X1.69.16.3</li> <li>● X1.69.4</li> <li>● X1.69.5.5</li> <li>● X1.69.8.1–X1.69.8.3</li> <li>● X1.69.9 – X1.69.9.1</li> </ul>

***Wheeled child conveyances “12”***

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses (with reference to the Updated Standards)
(i)	ASTM F833-19	<b>ASTM F833-21 (August 2021)</b>	<ul style="list-style-type: none"> <li>● To hyphenate the following terminologies: <ul style="list-style-type: none"> <li>- double–action release mechanism</li> <li>- single–action locking mechanisms</li> <li>- quick–release mechanism;</li> </ul> </li> <li>● To revise the condition of testing conducted on a concrete floor from “shall” to “may” be covered with thick vinyl floor covering;</li> </ul>	<ul style="list-style-type: none"> <li>● 3.1.8, 7.5.5.3, Fig. 23</li> <li>● 3.1.8, 6.4.7.1, 7.5.5.2(3)</li> <li>● 3.1.17</li> <li>● 4.1</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 add unit of temperature °F and °C in ambient temperature;</li> <li>● To add unit of measurement for the terms to be expressed in inch (in.) and millimetre (mm);</li> <li>● To revise each parking brake shall meet the requirements of this standard in all parking brake engagement positions;</li> <li>● To revise the conformity to requirement for a parking brake release mechanism;</li> <li>● To add three sections and two figures for the requirements of a parking brake release mechanism when evaluated for each seating position of the product;</li> <li>● To add additional requirements for combination unit of a car seat on stroller;</li> <li>● To make editorial changes on the figure numbers as follows:</li> </ul>	<ul style="list-style-type: none"> <li>● 4.4</li> <li>● 7.3.2, 7.3.3, 7.5.2.8, 7.5.3</li> <li>● 6.1.2</li> <li>● 6.1.3</li> <li>● 6.1.3.1 – 6.1.3.3, Fig. 7, Fig. 8</li> <li>● 6.6.1</li> </ul>

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks		Affected Clauses (with reference to the Updated Standards)
			<b><u>F833-19</u></b>	<b><u>F833-21</u></b>	
			- Fig. 7	Fig. 9	● Fig. 9, 6.4.4, 7.5.2.8
			- Fig. 8	Fig. 10	● Fig. 10, 6.4.6.1, X1.4
			- Fig. 9	Fig. 11	● Fig. 11, 6.5, 7.7.3
			- Fig. 10	Fig. 12	● Fig. 12, 6.8, 6.10, 7.12.1.3, 7.12.2.4, 7.18.6, X1.3
			- Fig. 11	Fig. 13	● Fig. 13, 6.8, 6.10, 7.12.1.5, 7.12.2.6, 7.18.4, 7.18.5
			- Fig. 12	Fig. 14	● Fig. 14, 7.3.2
			- Fig. 13	Fig. 15	● Fig. 15, 7.4.1.2, 7.4.1.3, 7.5.2.1, 7.5.2.5, 7.11.1
			- Fig. 14	Fig. 16	● Fig. 16, 7.4.2.2, X1.2

	<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>
			<ul style="list-style-type: none"> <li>- Fig. 15      Fig. 17</li> <li>- Fig. 16      Fig. 18</li> <li>- Fig. 17      Fig. 19</li> <li>- Fig. 18      Fig. 20</li> <li>- Fig. 19a     Fig. 21a</li> <li>- Fig. 19b     Fig. 21b</li> <li>- Fig. 19c     Fig. 21c</li> <li>- Fig. 19d     Fig. 21d</li> <li>- Fig. 19      Fig. 21</li> <li>- Fig. 20      Fig. 22</li> <li>- Fig. 21      Fig. 23</li> <li>- Fig. 22      Fig. 24</li> <li>- Fig. 23      Fig. 25</li> <li>- Fig. 24      Fig. 26</li> <li>- Fig. 25      Fig. 27</li> </ul>	<ul style="list-style-type: none"> <li>● Fig. 17, 7.5.2.1, 7.5.2.8</li> <li>● Fig. 18, 7.5.4.2</li> <li>● Fig. 19, 7.5.4.2</li> <li>● Fig. 20, 7.5.4.6</li> <li>● Fig. 21, 7.5.5.1 (1)</li> <li>● Fig. 21, 7.5.5.1 (2)</li> <li>● Fig. 21, 7.5.5.2 (1)</li> <li>● Fig. 21, 7.5.5.2 (2)</li> <li>● 7.5.5.2 (3)</li> <li>● Fig. 22, 7.5.5.2 (1), 7.5.5.2 (2), 7.5.5.2 (3)</li> <li>● Fig. 23, 7.5.5.3</li> <li>● Fig. 24, 7.6.3</li> <li>● Fig. 25, 7.6.4</li> <li>● Fig. 26, 7.9.4.1</li> <li>● Fig. 27, 7.11.3</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>
			<ul style="list-style-type: none"> <li>- Fig. 26      Fig. 28</li> <li>- Fig. 27      Fig. 29</li> <li>- Fig. 28      Fig. 30</li> <li>- Fig. 29      Fig. 31</li> <li>- Fig. 30      Fig. 32</li> <li>- Fig. 31      Fig. 33</li> <li>- Fig. 32      Fig. 34</li> <li>- Fig. 33      Fig. 35</li> <li>- Fig. 34      Fig. 36</li> <li>- Fig. 35      Fig. 37</li> <li>- Fig. 36      Fig. 38</li> </ul>	<ul style="list-style-type: none"> <li>● Fig. 28, 7.13.1.4, 7.13.1.5</li> <li>● Fig. 29, 7.13.1.4, 7.13.1.5</li> <li>● Fig. 30, 7.13.2.3</li> <li>● Fig. 31, 7.15.1</li> <li>● Fig. 32, 7.15.2</li> <li>● Fig. 33, 7.16.1.1</li> <li>● Fig. 34, 7.16.1.2</li> <li>● Fig. 35, 7.17.2</li> <li>● Fig. 36, 7.18.2, 7.18.3</li> <li>● Fig. 37, 7.18.3</li> <li>● Fig. 38, 7.19.2</li> </ul>