

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 2016

INTRODUCTION

— This paper briefs Members on the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2016 ("the Notice", copy at [Annex A](#)), which will be published in the Gazette on 15 January 2016.

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 (mostly 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 2015.

4. The specified standards for toys and for four classes of Schedule 2 products, namely “babies’ dummies”, “carry cots and similar handled products and stands”, “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 four classes of Schedule 2 products as mentioned in paragraph 4 above. Specifically,

Toy Standards –

- (a) a new part of the International Standard, “ISO 8124-5:2015 Safety of toys – Part 5: Determination of total concentration of certain elements in toys”, has been published;
- (b) the existing part of the European Standard “BS EN 71-1:2011+A3:2014” has been updated to “BS EN 71-1:2014”;
- (c) the existing part of the European Standard “BS EN 71-3:2013” has been updated to “BS EN 71-3:2013+A1:2014”;
- (d) a new part of the European Standard, “BS EN 71-14:2014 Safety of Toys – Part 14: Trampolines for domestic use”, has been published;

Schedule 2 Product Standards –

- (e) the existing Australian Standard “AS 2432:2009” for babies dummies has been updated to “AS 2432:2015”;
- (f) the existing European Standard “BS EN 1466:2004+A1:2007” for carry cots and similar handled products and stands has been updated to “BS EN 1466:2014”;

- (g) the existing ASTM Standard “ASTM F404-14” for children’s high chairs and multi-purpose high chairs for domestic use has been updated to “ASTM F404-14a”; and
- (h) the existing European Standard “BS EN 71-3:2013” for children’s paints has been updated to “BS EN 71-3:2013+A1:2014”.

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

6. The Notice will come into operation on 1 October 2016.

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, family or gender implications. The updates can enhance the protection of child safety 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 November to December 2015, 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 3 submissions which raised no objection to our proposal. There were requests for reasonable time for the trade to adjust to the requirements prescribed by the updated standards, and accordingly, we propose that the updates take effect on 1 October 2016.

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
January 2016

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2016

(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 2016.

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, after item 1(ca)—

Add

“(cb) **ISO 8124-5:2015**

“Safety of toys—Part 5: Determination of total concentration of certain elements in toys”.

- (2) Schedule 1, item 2(a)—

Repeal

“**BS EN 71-1:2011 + A3:2014**”

Substitute

“**BS EN 71-1:2014**”.

- (3) Schedule 1, item 2(c)—

Repeal

“**BS EN 71-3:2013**”

Substitute

“**BS EN 71-3:2013 + A1:2014**”.

- (4) Schedule 1, after item 2(ha)—

Add

“(hb) **BS EN 71-14:2014**

“Safety of toys—Part 14: Trampolines for domestic use”.

4. Schedule 2 amended (Schedule 2 product standards)

- (1) Schedule 2, item 1, column 2—

Repeal

“**AS 2432:2009**”

Substitute

“**AS 2432:2015**”.

- (2) Schedule 2, item 5, column 2—

Repeal

everything after “specified in—”

Substitute

“**BS EN 1466:2014**

“Child use and care articles—Carry cots and stands—Safety requirements and test methods”.

- (3) Schedule 2, item 8, column 2—

Repeal

“**ASTM F404-14**”

Substitute

“**ASTM F404-14a**”.

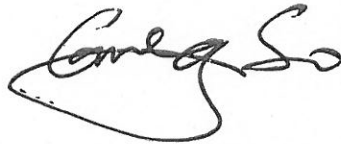
(4) Schedule 2, item 9, column 2—

Repeal

“BS EN 71-3:2013”

Substitute

“BS EN 71-3:2013 + A1:2014”.



Secretary for Commerce and
Economic Development

10 Jan 2016

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 8124-5:2015 (June 2015)	<ul style="list-style-type: none"> ● A new part of ISO 8124 to specify methods of sampling and digestion for the determination of the total concentration of eight elements (namely antimony, arsenic, barium, cadmium, chromium, lead, mercury and selenium) in toy materials, which can be used to decide whether further testing to ISO 8124-3 is required; ● To provide for normative references, terms and definitions, and principle; ● To specify requirements on reagents and apparatus, selection and composition of test portions; ● To specify digestion methods for the elements mentioned above for the following types of toy materials: <ol style="list-style-type: none"> 1) coating of paints, varnishes, lacquers, printing inks, polymers, and similar coatings; 2) polymeric and similar materials, including laminates, whether textile-reinforced or not, but excluding other textiles; 3) paper, paperboard, and cardboard; 4) natural or synthetic textiles; 5) other materials, whether mass-coloured or not; 6) materials intended to leave a trace; 	<ul style="list-style-type: none"> ● 1; ● 2 to 4; ● 5 and 6; ● 7 and 8;

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
			7) pliable modelling materials, including modelling clays and gels; 8) paints to be used as such in the toy, including finger paints, varnishes, lacquers, and similar materials in solid or liquid form; 9) metallic materials whether coated or not; and 10) packaging materials that form part of the toy or have intended play value. <ul style="list-style-type: none"> To specify requirements on detection limits of the instrumental method, expression of results and test report. 	<ul style="list-style-type: none"> 9 to 11.
<i>European Standard</i>				
(i)	BS EN 71-1:2011+A3:2014	BS EN 71-1:2014 (November 2014)	<ul style="list-style-type: none"> To make editorial changes and render certain notes normative; To introduce new requirements on the self-retraction mechanisms for cords in toys; and To remove the former Annex B (on comparison with the previous version of the standard) which is no longer applicable. 	<ul style="list-style-type: none"> 4.25, 5.1, 5.2, 7.1, 8.10.3, 8.12.3, 8.15, 8.22.3.1, 8.28.1.4 and Annex A; 5.4 and 8.39; Former Annex B.
(ii)	BS EN 71-3:2013	BS EN 71-3:2013+A1:2014 (October 2014)	<ul style="list-style-type: none"> To revise the requirements on the equipment for measuring pH; To specify more precise migration conditions with regard to the pH value; To correct the relative molecular weights of organic tin cations; 	<ul style="list-style-type: none"> 6.2.2; 7.4; 9.3;

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
			<ul style="list-style-type: none"> • To remove the instructions on how to prepare the hydrochloric acid solution; • To correct some of the values of organic tin compounds (e.g. molecular weights); • To update the explanations and make editorial changes; and • To remove dimethyltin bis(2-ethylhexylmercaptoacetate) from the list of organic tin compounds and correct the families of some compounds. 	<ul style="list-style-type: none"> • Annexes F and G; • Annex G; • Annex H; • Annex J.
(iii)	-	BS EN 71-14:2014 (December 2014)	<ul style="list-style-type: none"> • A new part of BS EN 71 to specify requirements and test methods for trampolines for domestic use, their access devices and enclosures, intended for outdoor and/or indoor use above ground level by one person at a time; • To provide for normative references and terms and definitions; • To specify general requirements covering construction for mini, medium and large trampolines; durability of materials; prevention of entrapment; sharp edges, sharp points, protruding parts; access devices; padding; strength; mat deflection; and stability; • To specify requirements on warnings, markings and instructions; and • To specify test methods. 	<ul style="list-style-type: none"> • 1; • 2 and 3; • 4; • 5; • 6.

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
Schedule 2 Product Standards				
<i>Babies dummies</i>				
(i)	AS 2432:2009	AS 2432:2015 (March 2015)	<ul style="list-style-type: none"> ● To add material requirements and test methods; ● To add requirements on decorations; ● To add a minimum thickness requirement on the teat; ● To remove the minimum width requirement on the dummy shield; ● To revise the bite test; ● To add a requirement on a batch code; ● To revise the recommended instructions for use and care, and a warning label text; ● To revise the conditioning requirements before construction and mechanical tests; and ● To add an appendix on the rationale of the standard. 	<ul style="list-style-type: none"> ● 4.1 and Appendix A; ● 5.2; ● 5.5.1; ● Former 6.2(b); ● 6.4 and Appendix G; ● 8.1(b); ● 8.2, 8.3 and Appendix J; ● Appendix B; ● Appendix K.
<i>Carry cots and similar handled products and stands</i>				
(i)	BS EN 1466:2004+A1:2007	BS EN 1466:2014 (November 2014)	<ul style="list-style-type: none"> ● To revise the scope to render it clearer; ● To revise the requirements on accuracy of test equipment, and provide for the determination of a protected volume; ● To update the test methods for small parts; ● To update the requirements for measuring the internal height of rigid carry cots; 	<ul style="list-style-type: none"> ● 1; ● 4.3 and 4.4; ● 5.4; ● 7.1.2.2;

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
			<ul style="list-style-type: none"> ● To specify requirements on carry cots with restraint system; ● To revise the requirements on preventing entrapment hazards, hazards from moving parts, entanglement hazards, choking and ingestion hazards, suffocation hazards, and hazards from edges, point and corners; and to revise the format of presentation; ● To revise the requirements on the stability of carry cots and stands; and ● To revise the requirements on provision of warnings. 	<ul style="list-style-type: none"> ● 7.1.4; ● 7.2 to 7.7; ● 7.8.1 and 7.8.3; ● 9.4.
<i>Children's high chairs and multi-purpose high chairs for domestic use</i>				
(i)	ASTM F404-14	ASTM F404-14a (May 2015)	<ul style="list-style-type: none"> ● To update the scope to cover high chairs created by using a high chair conversion kit and component(s) from other products; ● To add new definitions of "accessory", "conspicuous", "high chair conversion kit", "key structural elements" and "threaded fastener"; ● To add general requirements that for products sold as a high chair, all components necessary for a high chair to comply with the standard must be included when shipped; and that accessories sold by the manufacturer separately should comply with the standard; ● To add general requirements for "high chair conversion kits" and "threaded fasteners"; ● To add general and performance requirements for "threaded fasteners"; and 	<ul style="list-style-type: none"> ● 1; ● 3; ● 5.1 and 5.4; ● 5.2 and 5.3; ● 5.5 and 6.10.1.5;

	Current Specified Standards	Updated Standards (Publication / Effective Date)	Major Changes / Remarks	Affected Clauses
			<ul style="list-style-type: none"> To update the requirements for measuring and evaluating "openings". 	<ul style="list-style-type: none"> 5.11.
<i>Children's paints</i>				
(i)	BS EN 71-3:2013	BS EN 71-3:2013+A1:2014 (October 2014)	<ul style="list-style-type: none"> To revise the requirements on the equipment for measuring pH; To specify more precise migration conditions with regard to the pH value; To correct the relative molecular weights of organic tin cations; To remove the instructions on how to prepare the hydrochloric acid solution; To correct some of the values of organic tin compounds (e.g. molecular weights); To update the explanations and make editorial changes; and To remove dimethyltin bis(2-ethylhexylmercaptoacetate) from the list of organic tin compounds and correct the families of some compounds. 	<ul style="list-style-type: none"> 6.2.2; 7.4; 9.3; Annexes F and G; Annex G; Annex H; Annex J.