

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 2017

INTRODUCTION

— This paper briefs Members on the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017 ("the Notice", copy at [Annex A](#)), which will be published in the Gazette on 19 May 2017.

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 2016.

4. The specified standards for toys and for five 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”, “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 five classes of Schedule 2 products as mentioned in paragraph 4 above. Specifically,

Toy Standards –

- (a) a new part of the International Standard, “ISO 8124-7:2015 Safety of toys — Part 7: Requirements and test methods for finger paints”, has been published;
- (b) the existing part of the European Standard “BS EN 71-5:2013” has been updated to “BS EN 71-5:2015”;
- (c) a new part of the European Standard, “BS EN 71-13:2014 Safety of toys — Part 13: Olfactory board games, cosmetic kits and gustative games”, has been published; and
- (d) the existing part of the European Standard “BS EN 62115:2005+A11:2012” has been updated to “BS EN 62115:2005+A12:2015”.

Schedule 2 Product Standards –

- (a) the existing European Standard “BS EN 747-1:2012” for bunk beds for domestic use has been updated to “BS EN 747-1:2012+A1:2015”;
- (b) the existing European Standard “BS EN 747-2:2012” for bunk beds for domestic use has been updated to “BS EN

747-2:2012+A1:2015”;

- (c) the existing ASTM Standard “ASTM F1004-13” for child safety barriers for domestic use has been updated to “ASTM F1004-16b”;
- (d) the existing ASTM Standard “ASTM F404-14a” for children’s high chairs and multi-purpose high chairs for domestic use has been updated to “ASTM F404-16a”;
- (e) the existing International Standard “ISO 9221-1:1992” for children’s high chairs and multi-purpose high chairs for domestic use has been updated to “ISO 9221-1:2015”;
- (f) the existing International Standard “ISO 9221-2:1992” for children’s high chairs and multi-purpose high chairs for domestic use has been updated to “ISO 9221-2:2015”;
- (g) the existing ASTM Standard “ASTM F406-13” for playpens for domestic use has been updated to “ASTM F406-15”; and
- (h) the existing ASTM Standard “ASTM F833-13b” for wheeled child conveyances has been updated to “ASTM F833-15”.

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

6. The Notice will come into operation on 1 April 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 2016, 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 four submissions, which supported the updating exercise in general. Some of the submissions expressed reservations over the adoption of a new part of the European Standard, “BS EN 71-13:2014 Safety of toys – Part 13: Olfactory board games, cosmetic kits and gustative games” as they considered it costly to comply with the requirements. We explained that the Ordinance requires a toy to comply with all the applicable requirements contained in any one of the safety standards (i.e. International Standard, European Standard and ASTM Standard). The Ordinance does not require a toy to comply with all three Standards simultaneously. Exemption from a part of one of the Standards would undermine the integrity of the toy safety regulatory regime. Separately, 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 April 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
May 2017

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017

(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 April 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, after item 1(cb)—

Add

“(cc) **ISO 8124-7:2015**

“Safety of toys—Part 7: Requirements and test methods for finger paints”.

(2) Schedule 1, item 2(e)—

Repeal

“**BS EN 71-5:2013**”

Substitute

“**BS EN 71-5:2015**”.

(3) Schedule 1, after item 2(ha)—

Add

“(hab) **BS EN 71-13:2014**

“Safety of toys—Part 13: Olfactory board games, cosmetic kits and gustative games”.

(4) Schedule 1, item 2(i)—

Repeal

“**BS EN 62115:2005 + A11:2012**”

Substitute

“**BS EN 62115:2005 + A12:2015**”.

4. Schedule 2 amended (Schedule 2 product standards)

(1) Schedule 2, item 4, column 2—

Repeal

“**BS EN 747-1:2012**”

Substitute

“**BS EN 747-1:2012 + A1:2015**”.

(2) Schedule 2, item 4, column 2—

Repeal

“**BS EN 747-2:2012**”

Substitute

“**BS EN 747-2:2012 + A1:2015**”.

(3) Schedule 2, item 6, column 2—

Repeal

“**ASTM F1004-13**”

Substitute

“**ASTM F1004-16b**”.

(4) Schedule 2, item 8, column 2—

Repeal

"ASTM F404-14a"

Substitute

"ASTM F404-16a".

- (5) Schedule 2, item 8, column 2—

Repeal

"ISO 9221-1:1992"

Substitute

"ISO 9221-1:2015".

- (6) Schedule 2, item 8, column 2—

Repeal

"ISO 9221-2:1992"

Substitute

"ISO 9221-2:2015".

- (7) Schedule 2, item 11, column 2—

Repeal

"ASTM F406-13"

Substitute

"ASTM F406-15".

- (8) Schedule 2, item 12, column 2—

Repeal

"ASTM F833-13b"

Substitute

"ASTM F833-15".



Secretary for Commerce and
Economic Development

12 May 2017

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 8124-7:2015 (October 2015)	<ul style="list-style-type: none"> ● A new part of ISO 8124 to specify requirements for the substances, materials, containers, markings and labelling used for finger paint. This part is not applicable to paint on face or body; ● To provide for normative references, terms and definitions; ● To specify general requirements for finger paint, as well as specific requirements regarding colourants, preservatives, migration of elements, and limits of impurities in finger paints; ● To specify requirements on the taste and smell, and pH value of finger paints; ● To specify requirements for binding agents, extenders, humectants and surfactants, and N-Nitrosamines in finger paints. ● To specify requirements on containers used for finger paints. 	<ul style="list-style-type: none"> ● 1 ● 2 and 3 ● 4.1 to 4.5 ● Annexes A to E ● 4.6 and 7 ● 4.8 and 4.9 ● Annex F ● 4.10 ● Annex G

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
European Standard				
(i)	BS EN 71-5:2013	BS EN 71-5:2015 (September 2015)	<ul style="list-style-type: none"> ● To remove “ceramic and vitreous enamelling materials supplied in miniature workshop sets” from the scope, terms and definitions, requirements and test methods of this part; ● To delete the chemical substance “phthalic acid esters with straight-chain aliphatic (C6 upwards except C8) alcohols and mixtures of these esters” from Table 1; ● To add the chemical substance “polyvinylpyrrolidone homo and copolymers” to Table 4, and to add “acrylic homo and copolymers”, “hydrophilic polyurethane containing neither free isocyanate-groups nor aromatic amino-compounds”, “polymers and copolymers of monomers permitted for materials intended to come into contact with foodstuffs”, “polyvinyl homo and copolymers”, “poly(vinyl alcohol)”, “dextrin” and “starch or modified starch” to Table 7; ● To replace the chemical substances “petroleum fraction (60 to 140)°C” and “petroleum fraction (135 to 210)°C” with “petroleum fraction (35 to 160)°C” and “hydrocarbons, C9 – C16, hydrotreated, dearomatized” in Tables 11 and 15; ● To delete the rationale on “phthalates”. 	<ul style="list-style-type: none"> ● 1 ● 3 ● Former 5 ● Former 11.2 ● Former Annex C ● 5 ● 7 ● 7 ● Annex D

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(ii)	-	BS EN 71-13:2014 (April 2014)	<ul style="list-style-type: none"> ● A new part of BS EN 71 to specify requirements of the substances and mixtures in olfactory board games, cosmetics kits, gustative games and supplementary sets (“the games”). This part also specifies allergenic fragrances which are prohibited in toys, requirements on marking, contents list, instructions for use, the equipment intended to be used during the activity and the use of highly flammable liquids; ● To provide for normative references, terms and definitions; ● To specify general and specific requirements on the games, which cover substances and mixtures, preservatives, allergenic fragrances, stability of resulting products, and food allergens; ● To specify requirements on the equipment to be used with the games, including containers and glassware, equipment for transfer of liquid and eye protection; ● To specify requirements on warnings and markings, including general requirements, markings on individual containers for reagents, substances or mixtures, for food allergens, and when glass is used as container; ● To specify requirements on instruction for use and contents list with warnings and first aid information. 	<ul style="list-style-type: none"> ● 1 ● 2 and 3 ● 4 ● Annex A ● 5 ● Annex B ● Annex C ● 6 ● 7 and 8

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(iii)	BS EN 62115:2005+A11:2012	BS EN 62115:2005+A12:2015 (January 2015)	<ul style="list-style-type: none"> ● To add Annex ZC to provide for requirements on toys generating electromagnetic fields, specifying that toys with an integrated field source generating electromagnetic fields shall comply with EN 62233:2008 with the modifications specified. ● To make editorial changes and add new information; ● To remove “personal protective equipment including swimming goggles, sunglasses and other eye protectors as well as bicycle and skateboard helmets” from the list of items not covered by this standard; ● To make editorial changes; ● To revise the requirements on the fault conditions for evaluation of electronic circuits and on toys with integrated field source. 	<ul style="list-style-type: none"> ● Annex ZC ● ZB.4, 16, 46 and 47 of Annex ZB ● 1 ● 7.5 ● 9.8.2 ● 20

Schedule 2 Product Standards

Bunk beds for domestic use

(i)	BS EN 747-1:2012	BS EN 747-1:2012+A1:2015 (June 2015)	<ul style="list-style-type: none"> ● To revise the scope to add the measurements of bunk beds and high beds to which this standard applies; ● To update the normative references; ● To revise the definitions of bunk bed and high bed; ● To revise the requirements on accessible holes, gaps and openings; ● To update the name of the standard referenced; ● To revise the instructions for use; 	<ul style="list-style-type: none"> ● 1 ● 2 ● 3.1 and 3.2 ● 4.1.2 to 4.14 ● 4.2 to 4.5 ● 5
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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 marking required for the beds, including text and pictogram. 	<ul style="list-style-type: none"> 6
(ii)	BS EN 747-2:2012	BS EN 747-2:2012+A1:2015 (June 2015)	<ul style="list-style-type: none"> To update the normative references; To revise requirements on test equipment by adding the template for V and irregular shaped openings. To update the test procedures, including measurements of holes, gaps and openings, V and irregular holes, gaps and openings, upwards and downwards static load on bed base, durability test on bed base, and related figures. 	<ul style="list-style-type: none"> 2 4.10 5.3 and 5.4

Child safety barriers for domestic use

(i)	ASTM F1004-13	ASTM F1004-16b (August 2016)	<ul style="list-style-type: none"> To revise the referenced documents and terminology; To revise requirements on calibration and standardisation; To revise the general requirements and performance requirements; To revise the test methods, which cover requirements on test fixture, testing guidelines, and various tests on different mechanisms; To revise the marking and labelling requirements and instructional literature, which include text and symbol to be used for warnings and items to be included in the instructions. 	<ul style="list-style-type: none"> 2 and 3 4.5 5 and 6 7 8 and 9
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Children's high chairs and multi-purpose high chairs for domestic use

(i)	ASTM F404-14a	ASTM F404-16a (August 2016)	<ul style="list-style-type: none"> To revise the scope and terminology; 	<ul style="list-style-type: none"> 1 and 3
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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 performance requirements, which cover stability, restraint system, passive crotch restraint system, protrusions and related figures; ● To revise requirements on test methods, which cover stability testing, restraint system retention test, completely bounded openings, tether length test method and protrusion evaluation; ● To revise requirements on labelling and warnings. 	<ul style="list-style-type: none"> ● 6.5, 6.8, 6.9 and 6.13 ● 7 ● 8
(ii)	ISO 9221-1:1992	ISO 9221-1:2015 (November 2015)	<ul style="list-style-type: none"> ● To revise the scope and normative references; ● The revise the definition of children's high chair and to add new terms and definitions; ● To revise the requirements on materials and construction; ● To add requirements on stability; ● To revise requirements on packaging and product information, which cover marking, warnings, instruction for use and additional information. 	<ul style="list-style-type: none"> ● 1 and 2 ● 3 ● 4 and 5 ● 6 ● 7 and 8
(iii)	ISO 9221-2:1992	ISO 9221-2:2015 (November 2015)	<ul style="list-style-type: none"> ● To revise the scope and normative references; ● To add terms and definitions; ● To add general test conditions, which include preliminary preparation, determination of the junction line, test sequence, and tolerances; ● To revise requirements on test equipment; ● To revise and add new test procedures; 	<ul style="list-style-type: none"> ● 1 and 2 ● 3 ● 4 ● 5 ● 6

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
			<ul style="list-style-type: none"> To revise requirements on test report. 	<ul style="list-style-type: none"> 7
Playpens for domestic use				
(i)	ASTM F406-13	ASTM F406-15 (December 2015)	<ul style="list-style-type: none"> To add definition, general requirements and test requirements on “cantilevered accessory”; To add a note on exclusion To clarify the placement of stability test device under test methods; To specify warning requirement on cribs intended for used in child care facilities. 	<ul style="list-style-type: none"> 3.1.4 5.15 8.26.1 to 8.26.3 5.16.1 8.17.4 9.4.2.11
Wheeled child conveyances				
(i)	ASTM F833-13b	ASTM F833-15 (December 2015)	<ul style="list-style-type: none"> To add definition of “convertible car seat/stroller”, “tray/grab bar locking position”, “tray/grab bar stop position” and “discussion” under terminology; To revise performance requirements, which cover static load, car seat/stroller products, and passive containment/foot opening; To revise test methods for passive containment/foot opening, which cover testing tray / grab bar locking positions and testing tray / grab bar stop positions; To revise warning requirements, which cover products with a removable-wheel fork assembly and three wheeled strollers that contain a locking front swivel wheel intended to be used for running, jogging or walking fast. 	<ul style="list-style-type: none"> 3.1.5 3.1.24 to 3.1.25.1 6.2 6.6 6.8 7.12 8.2.2.4 and 8.2.2.5