

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 2019

INTRODUCTION

— This paper briefs Members on the Toys and Children’s Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2019 (“the Notice”), copy at Annex A, which will be published in the Gazette on 29 March 2019.

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 2018.

4. The specified standards for toys and for five classes of Schedule 2 products, namely “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” and “playpens for domestic use”, 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) the existing part of the International Standard “ISO 8124-1:2014” has been updated to “ISO 8124-1:2018”;
- (b) the existing part of the International Standard “ISO 8124-4:2014” has been updated to “ISO 8124-4:2014 (incorporating Amendment 1:2017)”;
- (c) the existing part of the European Standard “BS EN 71-3:2013 + A1:2014” has been updated to “BS EN 71-3:2013 + A3:2018”;
- (d) the existing part of the European Standard “BS EN 71-7:2014” has been updated to “BS EN 71-7:2014 + A2:2018”;
- (e) the existing part of the European Standard “BS EN 71-8:2011” has been updated to “BS EN 71-8:2018”; and
- (f) the existing part of the European Standard “BS EN 71-14:2014” has been updated to “BS EN 71-14:2014 + A1:2017”.

Schedule 2 Product Standards –

- (a) the existing ASTM Standard “ASTM F1004-16b” for *child safety barriers for domestic use* has been updated to “ASTM F1004-18”;
- (b) the existing European Standard “BS EN 716-1:2008 + A1:2013” for *children’s cots for domestic use* has been updated to “BS EN 716-1:2017”;
- (c) the existing European Standard “BS EN 716-2:2008 + A1:2013” for *children’s cots for domestic use* has been updated to “BS EN 716-2:2017”;
- (d) the existing European Standards “BS EN 14988-1:2006 + A1:2012” and “BS EN 14988-2:2006 + A1:2012” for *children’s high chairs and multi-purpose high chairs for domestic use* have been updated and merged into “BS EN 14988:2017”;
- (e) the existing ASTM Standard “ASTM F404-17” for *children’s high chairs and multi-purpose high chairs for domestic use* has been updated to “ASTM F404-18”;
- (f) the existing European Standard “BS EN 71-3:2013 + A1:2014” for *children’s paints* has been updated to “BS EN 71-3:2013 + A3:2018”; and
- (g) the existing ASTM Standard “ASTM F406-15” for *playpens for domestic use* has been updated to “ASTM F406-17”.

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

6. The Notice will come into operation on 1 October 2019.

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 2018, 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 three submissions, all of which either expressed support for or did not raise any objection to our proposal. There was a request 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 2019.

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
March 2019

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2019

(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 2019.

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(a)—

Repeal

“ISO 8124-1:2014”

Substitute

“ISO 8124-1:2018”.

(2) Schedule 1, item 1(ca)—

Repeal

“ISO 8124-4:2014”

Substitute

“ISO 8124-4:2014

(incorporating Amendment 1:2017)”.

(3) Schedule 1, item 2(c)—

Repeal

“BS EN 71-3:2013 + A1:2014”

Substitute

“BS EN 71-3:2013 + A3:2018”.

(4) Schedule 1, item 2(g)—

Repeal

“BS EN 71-7:2014”

Substitute

“BS EN 71-7:2014 + A2:2018”.

(5) Schedule 1, item 2(h)—

Repeal

“BS EN 71-8:2011”

Substitute

“BS EN 71-8:2018”.

(6) Schedule 1, item 2(hb)—

Repeal

“BS EN 71-14:2014”

Substitute

“BS EN 71-14:2014 + A1:2017”.

4. Schedule 2 amended (Schedule 2 product standards)

(1) Schedule 2, item 6, column 2—

Repeal

“ASTM F1004-16b”

Substitute

“ASTM F1004-18”.

- (2) Schedule 2, item 7, column 2—

Repeal

“BS EN 716-1:2008 + A1:2013”

Substitute

“BS EN 716-1:2017”.

- (3) Schedule 2, item 7, column 2—

Repeal

“BS EN 716-2:2008 + A1:2013”

Substitute

“BS EN 716-2:2017”.

- (4) Schedule 2, item 8, column 2—

Repeal

“(a) BS EN 14988-1:2006 + A1:2012

“Children’s high chairs—Part 1: Safety requirements”

(b) BS EN 14988-2:2006 + A1:2012

“Children’s high chairs—Part 2: Test methods”

Substitute

“BS EN 14988:2017

“Children’s high chairs—Requirements and test methods”.

- (5) Schedule 2, item 8, column 2—

Repeal

“ASTM F404-17”

Substitute

“ASTM F404-18”.

- (6) Schedule 2, item 9, column 2—

Repeal

“BS EN 71-3:2013 + A1:2014”

Substitute

“BS EN 71-3:2013 + A3:2018”.

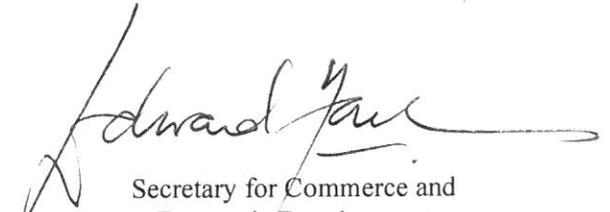
- (7) Schedule 2, item 11, column 2—

Repeal

“ASTM F406-15”

Substitute

“ASTM F406-17”.



Secretary for Commerce and
Economic Development

7 March 2019

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 8124-1:2014	ISO 8124-1:2018 (March 2018)	<ul style="list-style-type: none"> ● To revise terms and definitions; ● To revise requirements for cords, and add new requirements concerning yo-yo balls, sledges and toboggans with cords for pulling, jaw entrapment in handles and steering wheels; ● To revise the test methods; ● To revise the safety-labelling guidelines; and ● To revise rationale for various requirements. 	<ul style="list-style-type: none"> ● 3 ● 4 ● 5 ● Annex B ● Annexes
(ii)	ISO 8124-4:2014	ISO 8124-4:2014 (incorporating Amendment 1:2017) (July 2017)	<ul style="list-style-type: none"> ● To revise requirement for apparatus to be used in test. 	<ul style="list-style-type: none"> ● 6.1.5.2, Figure 21
<i>European Standard</i>				
(i)	BS EN 71-3:2013 + A1:2014	BS EN 71-3:2013 + A3:2018 (July 2018)	<ul style="list-style-type: none"> ● To revise migration limit for lead; ● To revise chromatographic settings of autosampler flush solvent for LC-ICP-MS system; ● To revise method of analysis for organic tin; and ● To revise rationale on organic tin requirement. 	<ul style="list-style-type: none"> ● 4.2, Table 2 ● Annex F ● Annex G ● Annex H

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(ii)	BS EN 71-7:2014	BS EN 71-7:2014 + A2:2018 (April 2018)	<ul style="list-style-type: none"> ● To add note and revise marking requirement; ● To revise specific requirements on using colourants; ● To update the preservative list; and ● To revise ions component for quantification. 	<ul style="list-style-type: none"> ● 5.2.1.2 ● Annex A ● Annex B ● Annex E
(iii)	BS EN 71-8:2011	BS EN 71-8:2018 (February 2018)	<ul style="list-style-type: none"> ● To revise the scope, normative references and terms and definitions; ● To revise the general requirements; ● To revise requirements on warnings, markings, and instructions; ● To revise test methods; and ● To revise the rationale for various requirements. 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 5 ● 6 ● Annex
(iv)	BS EN 71-14:2014	BS EN 71-14:2014 + A1:2017 (April 2018)	<ul style="list-style-type: none"> ● To revise the general requirements; and ● To revise test methods. 	<ul style="list-style-type: none"> ● 4 ● 6

Schedule 2 Product Standards

Child safety barriers for domestic use

(i)	ASTM F1004-16b	ASTM F1004-18 (June 2018)	<ul style="list-style-type: none"> ● To revise the scope and referenced documents; ● To add performance requirements; ● To revise test methods; ● To revise requirements on marking and labelling; ● To add requirements on instructional literature; and ● To add rationale on test methods, test procedures and marking and labelling. 	<ul style="list-style-type: none"> ● 1 and 2 ● 6 ● 7 ● 8 ● 9 ● Appendix X1
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	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
Children's cots for domestic use				
(i)	BS EN 716-1:2008 + A1:2013	BS EN 716-1:2017 (August 2017)	<ul style="list-style-type: none"> ● To revise the scope, normative references and terms and definitions; ● To revise the general requirements; ● To revise requirements on instructions for use and marking; ● To add references to UK requirements; and ● To add rationale on distance between the bed base and the upper edge of the sides and ends. 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 6 and 7 ● Annex A ● Annex B
(ii)	BS EN 716-2:2008 + A1:2013	BS EN 716-2:2017 (August 2017)	<ul style="list-style-type: none"> ● To revise the normative references; and ● To revise requirements on test mattress. 	<ul style="list-style-type: none"> ● 2 ● 4.3
Children's high chairs and multi-purpose high chairs for domestic use				
(i)	BS EN 14988-1:2006 + A1:2012	BS EN 14988:2017 (July 2017)	<ul style="list-style-type: none"> ● To merge the two standards into one document; ● To revise the scope, normative references and terms and definitions; ● To revise the general requirements; ● To add and revise test equipment; ● To add and revise various requirements and test methods; ● To add rationales for the inclusion of various requirements; ● To add references to UK requirements; and ● To add official translation of the consumer information in various languages of the European Union. 	-
(ii)	BS EN 14988-2:2006 + A1:2012			<ul style="list-style-type: none"> ● 1, 2 and 3 ● 4 ● 5 ● 6, 7 and 8 ● Annex A ● Annex B ● Annex C

	Current Specified Standards	Updated Standards (Publication/ Effective Date)	Major Changes/Remarks	Affected Clauses
(iii)	ASTM F404-17	ASTM F404-18 (March 2018)	<ul style="list-style-type: none"> ● To revise the scope, referenced documents and terminology; ● To revise requirements on marking and labelling; and ● To revise requirements on instructional literature. 	<ul style="list-style-type: none"> ● 1, 2 and 3 ● 8.5 ● 9
<i>Children's paints</i>				
(i)	BS EN 71-3:2013 + A1:2014	BS EN 71-3:2013 + A3:2018 (July 2018)	<ul style="list-style-type: none"> ● To revise the migration limit for lead; ● To revise chromatographic settings of autosampler flush solvent for LC-ICP-MS system; and ● To revise methods of analysis for organic tin; and ● To revise rationale on organic tin requirement. 	<ul style="list-style-type: none"> ● 4.2, Table 2 ● Annex F ● Annex G ● Annex H
<i>Playpens for domestic use</i>				
(i)	ASTM F406-15	ASTM F406-17 (January 2018)	<ul style="list-style-type: none"> ● To revise the scope and referenced documents; and ● To revise the performance requirements. 	<ul style="list-style-type: none"> ● 1 and 2 ● 6 and 7