

**Subcommittee on
Toys and Children's Products Safety (Additional Safety Standards or
Requirements) Regulation,
Toys and Children's Products Safety Regulation (Repeal) Regulation and
Toys and Children's Products Safety (Amendment) Ordinance 2013
(Commencement) Notice**

**The Administration's Response to Issues Raised
at the Meeting on 24 March 2014**

Purpose

This paper provides the Administration's response to the issues raised at the meeting on 24 March 2014.

Guidelines on Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation

2. At the meeting on 24 March 2014, deputations were invited to provide their views on the Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation (the Additional Safety Requirements Regulation), the Toys and Children's Products Safety Regulation (Repeal) Regulation and the Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice. Members and deputations had expressed concern on whether the phthalate control in the Additional Safety Requirements Regulation would be more stringent or less stringent than that implemented in other advanced economies (in particular the United States (US) and the European Union (EU)), and whether a testing certificate showing a product's compliance with the relevant requirement implemented in these advanced economies would be considered as complying with the provisions on the phthalate control in the Additional Safety Requirements Regulation. Members and deputations had requested guidelines be drawn up for the industry's reference.

3. In response, we had explained that the phthalate control regime as

set out in the Additional Safety Requirements Regulation was formulated after drawing reference from the regimes implemented in other advanced economies, including the EU, the US and Canada. The purpose is to ensure that our regime is on par with those in the advanced economies in protecting children from exposure to phthalates, and prevent Hong Kong from becoming the dumping ground for non-compliant products. The calculation of the weight of the six types of phthalates concerned (i.e. BBP, DBP and DEHP as Class 1 phthalates; and DIDP, DINP and DNOP as Class 2 phthalates) as 0.1% of the total weight of the plasticized materials in a toy or children's product as stipulated in the Additional Safety Requirements Regulation is consistent with the provisions in the EU and US legislation.

4. Noting the views of Members and deputations, we agree that guidelines should be drawn up to provide technical guidance on the operation of the Additional Safety Requirements Regulation for the industry's reference. The aspects to be covered by the guidelines may include the scope of application of the Additional Safety Requirements Regulation, illustrative examples showing how a toy or children's product would be considered as "can be placed into the mouth", testing methods available, and how testing certificates produced by the trade would be handled etc.

Commencement

5. The Bills Committee, when scrutinizing the Toys and Children's Products Safety (Amendment) Bill 2013 last year, had expressed the view that the Administration should consult the trade in proposing the implementation date of the proposed phthalate control. Taking account of the Bills Committee's view, in January 2014, we consulted major trade associations and organizations advocating children's welfare on the commencement of the proposed phthalate control in July 2014. This commencement date has taken into account the time needed by the industry to make preparations for complying with the new legislative requirements. We received no objection to the commencement date.

6. Under section 8(1) of the Toys and Children's Products Safety Ordinance (Cap. 424) (the Ordinance) as amended by the Toys and

Children's Products Safety (Amendment) Ordinance 2013, a person must not manufacture, import or supply a toy or children's product unless the toy or children's product complies with the general safety requirement and each additional safety standard or requirement imposed by regulations made under section 35 and applicable to the toy or children's product. The Additional Safety Requirements Regulation is made under the new section 35 of the Ordinance, which replaces the existing section 35 in the Ordinance, and the Regulation is to come into operation on the day on which the new section 35 comes into operation (i.e. 1 July 2014). On the commencement of the Regulation on 1 July 2014, toys or children's products manufactured, imported or supplied on or after that date which fail to comply with the requirements on phthalates in the Regulation will contravene section 8(1) of the Ordinance. Toys or children's products which are not manufactured, imported and supplied on or after 1 July 2014 will not be subject to those requirements. In the light of the concerns raised by Members at the meeting, we had explained that the Customs and Excise Department would, during the early stage upon the commencement of the Additional Safety Requirements Regulation, advise or warn the persons concerned if appropriate and practicable.

Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
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