

**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 Written Submissions

Purpose

This paper provides the Administration's response to the written submissions on the Toys and Children's Products Safety (Additional Safety Standards or 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, at the Annex.

Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
March 2014

The Administration’s Response to Written Submissions

Salient Points of Submissions	Administration’s Response
<i>Hong Kong Toys Council – LC Paper No. CB(2)1086/13-14(01)</i>	
<p>(1) The proposed regulation of phthalates applies to “the total weight of all the plasticized materials in the toy or children’s product”. This would dilute the phthalate requirement in the product. An example is as below -</p> <p>A plastic PVC toy doll has 3 plasticized materials:</p> <ul style="list-style-type: none">(a) Plasticized PVC material -1 in doll’s head with 0.2% phthalate content.(b) Plasticized PVC material -2 in doll’s hands with no phthalate content.(c) Plasticized PVC material -3 in doll’s legs with no phthalate content. <p>In the above example, the plastic doll with the 0.2% phthalate content violates the current EU or USA phthalate requirement, but according to Hong Kong’s proposed regulation, the phthalate content would be considered as less than 0.1% as the weight of plasticized PVC material-2 and plasticized PVC material-3 are counted in the total weight of all the plasticized materials in the toy.</p> <p>The proposed regulation requires testing of the total weight of phthalates and</p>	<p>The phthalate control regime as set out in the Toys and Children’s Products Safety (Additional Safety Standards or Requirements) Regulation (the Additional Safety Requirements Regulation) was formulated after drawing reference from the relevant regimes implemented in other advanced economies, including the European Union (EU), the United States (US) and Canada.</p> <p>The relevant provisions in the EU regulation provide that BBP, DBP and DEHP combined shall not be used at concentrations higher than 0.1% by mass of the plasticized material in toys and childcare articles; and DIDP, DINP and DNOP combined shall not be used at concentrations higher than 0.1% by mass of the plasticized material in toys and childcare articles which can be placed in the mouth by children. The relevant provisions in the US legislation prohibit any children’s toy or child care article that contains concentrations of more than 0.1% of BBP, DBP or DEHP; and any children’s toy that can be placed in a child’s mouth or child care article that contains concentrations of more than 0.1% of DIDP, DINP or DNOP.</p> <p>The calculation of the weight of the</p>

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<p>plasticized materials in a toy. It is not quite feasible for a toy made of multiple plasticized components, especially large and bulky toys.</p>	<p>above mentioned 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 set out in the EU and US legislation.</p> <p>On the point about possible dilution caused by different testing methods, we need to point out that the threshold of "0.1% of the total weight of the plasticized materials" represents a measurable quantity. Its use is to take into account impurities, not to allow the use of the above six types of phthalates. In order to plasticize a toy or children's product, concentrations of phthalates of more than 10% are needed. The example concerned may therefore be hypothetical. Even if the level of impurities might slightly exceed the 0.1% threshold in an individual part of a toy or children's product as in the example, it should not be a concern if the total weight of the phthalates concerned does not exceed 0.1% of the total weight of the plasticized materials in that toy or children's product.</p> <p>We do not envisage any difficulty in testing the phthalate concentrations in large or bulky toys with multiple component parts.</p>

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<p>(2) For toys and child care articles that can be placed into a child's mouth, it is arguable whether the proposed regulation should be applicable to children up to the age of 4 only. It is a kind of sociological and physiological question.</p>	<p>As we have explained previously, phthalates have very low acute oral toxicity in humans. The main concern is over chronic exposure, which animal studies have shown might result in adverse effects including toxicity in the liver, kidney, reproductive and developmental systems. As phthalates in soft plastic products could leach out during periods of mouthing and migrate through saliva into the body, prolonged mouthing of these products may cause a health concern.</p> <p>On the other hand, while these overseas risk assessments have classified BBP, DBP and DEHP (Class 1 phthalates) as reprotoxic, scientific information regarding DIDP, DINP and DNOP (Class 2 phthalates) are not as conclusive but their potential risk cannot be excluded. It is on this basis that advanced overseas jurisdictions implement control on Class 2 phthalates on a narrower group of toys and children's products, i.e. focusing on the protection of younger children, as they are more likely to mouth items for prolonged periods.</p> <p>Having considered the foregoing, we have specified in the Additional Safety Requirements Regulation that the control of DIDP, DINP and DNOP is applicable to a toy or children's product that can be placed into the mouth of a child under 4</p>

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	years of age. Canada also adopts this approach.
<i>Consumer Council – LC Paper No. CB(2)1086/13-14(02)</i>	
(3) The implementation of the relevant regulation imposing concentration limits of phthalates in toys and children's products is supported.	We have noted the support.
(4) Phthalates can be found not only in toys and children's products but also in general consumer goods and household products. Consideration should be given to further expanding the definition of "children's product" to cover other general consumer products and household products that may be used by children. The regulation should be reviewed from time to time to bring local safety standards more on par with international standards, and provide a safer environment to our future generation.	We will keep in view the development of phthalate control in overseas economies, and update our regime as necessary.
(5) Technical guidance and support should be given to industry.	We will organize seminars for the industry to provide guidance and advice on compliance with the new legislation. We will also draw up guidelines for the industry's reference.
<i>Mr. YEUNG Wai-sing – LC Paper No. CB(2)1122/13-14(01)</i>	
(6) 有關的規例規管某些玩具及兒童產品中的六種鄰苯二甲酸酯的含量，致使製造商、進口商或供應商須確保他們在香港市場上銷售的玩具及兒童產品符合最新的安全標準，因此提高	We have noted the support.

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它們的安全性，對此表示支持。	
(7) 為確保兒童的安全，建議當局須緊貼國際包括歐美等地有關玩具及兒童產品的條例，不斷地將相關的標準更新。	We will keep in view the development of phthalate control in overseas economies, and update our regime as necessary.
<i>Liberal Party – LC Paper No. CB(2)1140/13-14(01)</i>	
(8) We are glad to know that the Government intends to introduce the Toys and Children's Products Safety (Amendment) Ordinance. We suggest that all wordings or regulation should align with the current requirement under the EU or the US.	We have noted the support.
(9) We would also like to propose that the phthalate requirement should apply to each plasticized material separately and not the "total weight" of all the plasticized materials. Since the EU or US has already established the safety standards for toys and children's products, if we use the EU or US standard for this regulation, it should be good enough for our (Hong Kong) children.	Please see our response to (1) above.
(10) We agree to Hong Kong's proposed regulation of group 2 phthalates as applying to mouth toy for children up to the age of 4.	We have noted the support.
(11) We as consumers would like to let our children have more variety of the toys. We think the children are very well protected under this regulation. We do not need extra effort to establish more restrict standards.	When considering the phthalate control in the Additional Safety Requirements Regulation, we have drawn reference from the control regimes implemented in other advanced economies, including the EU, the US and Canada. This would

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	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.
<i>Daniel & Co. – LC Paper No. CB(2)1140/13-14(02)</i>	
(12) We agree to legislate to control the six types of phthalates as the world trend and for protection of consumers.	We have noted the support.
(13) As the testing of the six types of phthalates may take time, we suggest a 3-6 month buffer time be provided after 1 July 2014 in order to let industries have sufficient time to conduct related test.	The commencement of the Additional Safety Requirements Regulation on 1 July 2014 has taken into account the time needed by the industry to make preparations for complying with the new legislative requirements.