

Toys and Children's Products Safety Ordinance

(Cap. 424)

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An Ordinance to provide for safety standards for children's toys and safety standards for specified chattels used in association with children, and to provide for other powers to enhance the safety of children.

[1 July 1993] *L.N. 240 of 1993*

(Enacting provision omitted—E.R. 2 of 2012)

(Format changes—E.R. 2 of 2012; E.R. 1 of 2015)

Part 1

Preliminary

1. Short title

- (1) This Ordinance may be cited as the Toys and Children's Products Safety Ordinance.
- (2) *(Omitted as spent—E.R. 2 of 2012)*

2. Interpretation

In this Ordinance, unless the context otherwise requires—

additional safety standard (附加安全標準)—

- (a) in relation to a toy—means an additional safety standard or requirement imposed by regulations made under section 35 and applicable to the toy; and
- (b) in relation to a children's product—means an additional safety standard or requirement imposed by regulations made under section 35 and applicable to the product;
(Added 18 of 2013 s. 3)

advertise (宣傳) includes issuing a catalogue, circular or price list that is intended for the general public;

authorized officer (獲授權人員) means an officer specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342) or an officer appointed by the Commissioner under section 19 to be an authorized officer;

children's product (兒童產品)—see section 2C; (*Replaced 18 of 2013 s. 3*)

Commissioner (關長) means the Commissioner of Customs and Excise, any Deputy or Assistant Commissioner of Customs and Excise or any public officer designated in writing by the Commissioner of Customs and Excise to exercise the powers of the Commissioner of Customs and Excise under this Ordinance; (*Amended 65 of 2000 s. 3; 18 of 2013 s. 3*)

goods (貨物) means toys or children's products;

goods in transit (過境貨物) means goods that are brought into Hong Kong solely for the purpose of taking them out of Hong Kong and that remain at all times on the vessel or aircraft that brought them into Hong Kong; (*Amended 44 of 1996 s. 2*)

notice to warn (警告通知書) means a notice served under section 10(1);

premises (房產) includes any place and any stall, whether permanent or temporary in nature;

prohibition notice (禁制通知書) means a notice served under section 11(1);

recall notice (收回通知書) means a notice served under section 12(1);

record (紀錄) or **document** (文件) includes—

- (a) a book, voucher, receipt or data material, or information which is recorded in a non-legible form but is capable of being reproduced in a legible form; and

- (b) any document, disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of other equipment) of being reproduced and any film (including a microfilm), tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced;

Schedule 2 product (附表2產品)—see section 2B; (*Added 18 of 2013 s. 3*)

Schedule 2 product standard (附表2產品標準), in relation to a product or material falling within a class of products set out in column 1 of Schedule 2, or the packaging of the product or material, means a standard specified in column 2 of that Schedule opposite to that class of products; (*Added 18 of 2013 s. 3*)

Secretary (局長) means the Secretary for Commerce and Economic Development; (*Added 5 of 2010 s. 3*)

supply (供應) means—

- (a) to sell or hire out;
- (b) to offer, have in possession, or expose for sale or for hiring out;
- (c) to exchange or dispose of for any consideration;
- (d) to transmit, convey or deliver in pursuance of—
 - (i) a sale;
 - (ii) a hiring out; or
 - (iii) an exchange or disposal for any consideration; or
- (e) for commercial purposes, to give goods as a prize or to make a gift of the goods;

toy (玩具) means—

- (a) a product or material that is designed or clearly intended for use in play by a child; or
- (b) the packaging of that product or material; (*Replaced 5 of 2010 s. 3*)

toy standard (玩具標準) means a standard specified in Schedule 1; (*Replaced 26 of 2012 s. 14*)

transshipment (轉運) means the importation of an article that is consigned on a through bill of lading or a through air waybill from a place outside Hong Kong to another place outside Hong Kong and is or is to be removed from the vessel, vehicle or aircraft in which it was imported and either returned to the same vessel, vehicle or aircraft or transferred to another vessel, vehicle or aircraft before being exported, whether it is or is to be transferred directly between such vessels, vehicles or aircraft or whether it is to be landed in Hong Kong after its importation and stored, pending exportation.

(Amended 5 of 2010 s. 3; 18 of 2013 s. 3)

Editorial Note:

* Commencement : 1 April 2010

2A. Application of Ordinance

This Ordinance does not apply to—

- (a) food as defined by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);
- (b) medicine as defined by section 2(1) of the Pharmacy and Poisons Ordinance (Cap. 138); or
- (c) Chinese herbal medicine, or proprietary Chinese medicine, as defined by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).

(Added 18 of 2013 s. 4)

2B. What is Schedule 2 product

- (1) A product or material is a Schedule 2 product if it falls within a class of products set out in column 1 of Schedule 2.
- (2) The packaging of a Schedule 2 product within the meaning of subsection (1) is also a Schedule 2 product.

(Added 18 of 2013 s. 4)

2C. What is children's product

- (1) A product or material is a children's product if—
 - (a) it is a Schedule 2 product within the meaning of section 2B(1); or
 - (b) it—
 - (i) is neither a Schedule 2 product within the meaning of section 2B(1) nor a product or material described in paragraph (a) of the definition of *toy* in section 2; and
 - (ii) is intended to facilitate the feeding, hygiene, relaxation, sleep, sucking or teething of a child under 4 years of age and contains any plasticized material.
- (2) Each of the following is also a children's product—
 - (a) a Schedule 2 product within the meaning of section 2B(2);
 - (b) the packaging of a children's product within the meaning of subsection (1)(b).

(Added 18 of 2013 s. 4)

Part 2

Toy Safety

3. Toys must comply with toy standards

- (1) This section applies to a toy to which any requirements contained in at least one toy standard are applicable, but does not apply to goods in transit, goods in the course of transshipment or goods manufactured for export.
- (2) A person must not manufacture, import or supply a toy unless—
 - (a) if only one toy standard contains any requirements that apply to the toy, the toy complies with all the applicable requirements contained in that standard; or
 - (b) if more than one toy standard contains any requirements that apply to the toy, the toy complies with all the applicable requirements contained in any one of those standards.
- (3) A person who contravenes subsection (2) commits an offence.

(Replaced 5 of 2010 s. 4)

4. *(Repealed 5 of 2010 s. 5)*

Part 3

Schedule 2 Product Safety*

Editorial Note:

* *(Replaced 18 of 2013 s. 5)*

5. Schedule 2 products must comply with Schedule 2 product standards*

- (1) If only one Schedule 2 product standard contains requirements that apply to a Schedule 2 product, a person must not manufacture, import or supply the product unless the product complies with all the applicable requirements contained in the standard. *(Replaced 18 of 2013 s. 6)*
- (1A) If more than one Schedule 2 product standard contains requirements that apply to a Schedule 2 product, a person must not manufacture, import or supply the product unless the product complies with all the applicable requirements contained in at least one of those standards. *(Added 18 of 2013 s. 6)*
- (2) *(Repealed 16 of 1997 s. 3)*
- (3) Subsections (1) and (1A) do not apply to goods in transit, goods in the course of transshipment or goods manufactured for export. *(Amended 18 of 2013 s. 6)*
- (4) A person who contravenes subsection (1) or (1A) commits an offence. *(Amended 18 of 2013 s. 6)*

Editorial Note:

* *(Replaced 18 of 2013 s. 6)*

6. *(Repealed 5 of 2010 s. 7)*

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7. *(Repealed 16 of 1997 s. 5)*

Part 4

General Safety Requirement and Additional Safety Standard*

Editorial Note:

* (Amended 18 of 2013 s. 7)

8. The general safety requirement and additional safety standard*

- (1) 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. (*Replaced 5 of 2010 s. 8. Amended 18 of 2013 s. 8*)
- (2) For the purposes of this section, **general safety requirement** (一般安全規定) means a duty to ensure that a toy or children's product is reasonably safe having regard to all the circumstances, including—
 - (a) the manner in which, and the purposes for which, the toy or children's product is being or would be marketed, the use of any mark in relation to it and any instructions or warnings which are given or would be given with respect to the keeping, use or consumption of it; and
 - (b) the existence of any means by which it would have been reasonable, taking into account the cost, likelihood and extent of any improvement, for it to have been made safer.
- (3) For the purposes of this section, a toy is regarded as complying with the general safety requirement if—

- (a) only one toy standard contains any requirements that apply to the toy, and the toy complies with all the applicable requirements contained in that standard; or
 - (b) more than one toy standard contains any requirements that apply to the toy, and the toy complies with all the applicable requirements contained in any one of those standards. *(Replaced 5 of 2010 s. 8)*
- (4) For the purposes of this section, a Schedule 2 product is regarded as complying with the general safety requirement if— *(Amended 18 of 2013 s. 8)*
- (a) only one Schedule 2 product standard contains requirements that apply to the product, and the product complies with all the applicable requirements contained in the standard; or
 - (b) more than one Schedule 2 product standard contains requirements that apply to the product, and the product complies with all the applicable requirements contained in at least one of those standards. *(Replaced 5 of 2010 s. 8. Amended 18 of 2013 s. 8)*
- (5) Subsection (1) does not apply to goods in transit, goods in the course of transshipment or goods manufactured for export.
- (6) A person who contravenes subsection (1) commits an offence.
- (7) In any proceedings against any person for an offence under this section in respect of any toys or children's products it shall be a defence for that person to show—
- (a) that he reasonably believed that they would not be used or consumed in Hong Kong;
 - (b) that—
 - (i) he supplied them in the course of carrying on a retail business; and

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- (ii) at the time he supplied them, he neither knew nor had reasonable grounds for believing that they failed to comply with the general safety requirement; or
- (c) that the terms on which he sold them indicated that they were not being sold as new goods.

Editorial Note:

* *(Amended 18 of 2013 s. 8)*

Part 5

Laboratory Testing

9. Laboratories

- (1) In this section and sections 24(4)(b) and 25(4) ***approved laboratory*** (認可化驗所) means a laboratory approved in writing by the Commissioner for Innovation and Technology for the purpose of testing toys and children's products. (*Amended L.N. 218 of 2000*)
- (2) A person may, at the person's own expense, have tested by an approved laboratory—
 - (a) a toy, to determine whether it complies with an applicable requirement contained in a toy standard, or with an additional safety standard;
 - (b) a Schedule 2 product, to determine whether it complies with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (c) any other children's product, to determine whether it complies with an additional safety standard. (*Replaced 18 of 2013 s. 9*)
- (3) The Commissioner may have tested by the Government Chemist—
 - (a) a toy that is seized under section 20 or purchased by the Commissioner, to determine whether it complies with an applicable requirement contained in a toy standard, or with an additional safety standard;
 - (b) a Schedule 2 product that is seized under section 20 or purchased by the Commissioner, to determine whether

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it complies with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or

- (c) any other children's product that is seized under section 20 or purchased by the Commissioner, to determine whether it complies with an additional safety standard.
(Replaced 18 of 2013 s. 9)

(Amended 16 of 1997 s. 7)

Part 6

Additional Controls

10. Notice to warn

- (1) Where the Commissioner reasonably believes that a toy or children's product may be unsafe in certain circumstances, the Commissioner may serve on a person a notice to warn requiring that person, at his own expense and by his own arrangement, to publish in a form or manner and on such occasions as may be specified in the notice, a warning that a specified toy or children's product may be unsafe unless certain steps are taken.
- (2) A person who is served with a notice to warn and fails or refuses to comply with it commits an offence.

11. Prohibition notice

- (1) The Commissioner may serve a notice on a person prohibiting the person from supplying a toy or children's product for a specified period not exceeding 6 months, if—
 - (a) for a toy, the Commissioner reasonably believes that— *(Amended 18 of 2013 s. 10)*
 - (i) it does not comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or *(Replaced 18 of 2013 s. 10)*
 - (ii) it may not comply with the general safety requirement under section 8; *(Amended 18 of 2013 s. 10)*
 - (b) for a Schedule 2 product, the Commissioner reasonably believes that—

- (i) it does not comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8; or (*Replaced 18 of 2013 s. 10*)
- (c) for any other children's product, the Commissioner reasonably believes that—
 - (i) it does not comply with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8. (*Added 18 of 2013 s. 10*)
- (2) A person who is served with a prohibition notice and fails or refuses to comply with it commits an offence.

12. Recall notice

- (1) The Commissioner may serve a notice on a person requiring the immediate withdrawal of a toy or children's product from being supplied and the retrieval, to the extent reasonably possible, of the toys or children's products already supplied, if—
 - (a) for a toy, the Commissioner reasonably believes that there is a significant risk that it will cause a serious injury to a person and that— (*Amended 18 of 2013 s. 11*)
 - (i) it does not comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or (*Replaced 18 of 2013 s. 11*)

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- (ii) it may not comply with the general safety requirement under section 8; (*Replaced 5 of 2010 s. 11. Amended 18 of 2013 s. 11*)
 - (b) for a Schedule 2 product, the Commissioner reasonably believes that there is a significant risk that it will cause a serious injury to a person and that—
 - (i) it does not comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8; or (*Replaced 18 of 2013 s. 11*)
 - (c) for any other children's product, the Commissioner reasonably believes that there is a significant risk that it will cause a serious injury to a person and that—
 - (i) it does not comply with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8. (*Added 18 of 2013 s. 11*)
 - (2) A person who is served with a recall notice and fails or refuses to comply with it commits an offence.

13. Other powers of the Commissioner

- (1) The Commissioner may require the manufacturer, importer or supplier of a toy or children's product to have it tested in the form and manner specified by the Commissioner, if—
 - (a) for a toy, the Commissioner reasonably believes that—
 - (i) it does not comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or

- (ii) it may not comply with the general safety requirement under section 8;
 - (b) for a Schedule 2 product, the Commissioner reasonably believes that—
 - (i) it does not comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8; or
 - (c) for any other children's product, the Commissioner reasonably believes that—
 - (i) it does not comply with an additional safety standard; or
 - (ii) it may not comply with the general safety requirement under section 8.
- (2) The Commissioner may—
 - (a) require the manufacturer, importer or supplier of a toy to modify the toy, or its labelling or advertising—
 - (i) to comply with an applicable requirement contained in a toy standard, or with an additional safety standard; or
 - (ii) to comply with the general safety requirement under section 8;
 - (b) require the manufacturer, importer or supplier of a Schedule 2 product to modify the product, or its labelling or advertising—
 - (i) to comply with an applicable requirement contained in a Schedule 2 product standard, or with an additional safety standard; or

- (ii) to comply with the general safety requirement under section 8; or
- (c) require the manufacturer, importer or supplier of any other children's product to modify the product, or its labelling or advertising—
 - (i) to comply with an additional safety standard; or
 - (ii) to comply with the general safety requirement under section 8.
- (3) The Commissioner may require a person who advertises a toy or children's product to include in the advertisement a warning notice specified by the Commissioner.
- (4) A person who fails or refuses to comply with a requirement imposed by the Commissioner under subsection (1), (2) or (3) commits an offence.

(Replaced 18 of 2013 s. 12)

Part 7

Appeals

14. Appeal to Appeal Board

(For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.)

- (1) A person who is aggrieved by a decision or action of the Commissioner under Part 6 may appeal to the Appeal Board appointed under section 16.
- (2) Within 14 days after the decision or action of the Commissioner, the appellant shall deliver to the Commissioner a notice of appeal stating the substance of the matter and reasons for the appeal.
- (3) After receiving the notice of appeal the Commissioner shall forward it to the Secretary. *(Amended L.N. 218 of 2000; L.N. 106 of 2002; L.N. 130 of 2007; 5 of 2010 s. 13)*
- (4) An appeal under this section against a decision or action of the Commissioner does not affect the Commissioner's decision or action, unless the Commissioner decides otherwise. *(Amended 18 of 2013 s. 13)*

(Amended E.R. 1 of 2015)

15. Appeal Board panel

(For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.)

- (1) The Secretary shall appoint members to an Appeal Board panel based on the following numbers and

categories— (*Amended L.N. 106 of 2002; L.N. 130 of 2007; 5 of 2010 s. 14*)

- (a) a chairman and a deputy chairman each of whom shall be a barrister qualified to practise as such or a solicitor qualified to act as such under the Legal Practitioners Ordinance (Cap. 159);
 - (b) not more than 5 members who are scientists or technologists with relevant expertise in toys or children's products;
 - (c) not more than 5 members who are from the toys or children's products industry;
 - (d) not more than 5 members of the general public who do not come within the categories referred to in paragraphs (b) and (c).
- (2) A public officer is not eligible for appointment to the Appeal Board panel.
 - (3) A member shall be appointed for a term determined by the Secretary, and he may set different terms for each member, and a member may be reappointed at the end of a term. (*Amended L.N. 106 of 2002; L.N. 130 of 2007; 5 of 2010 s. 14*)

(Amended L.N. 218 of 2000)

16. Appeal Board

(For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.)

- (1) As soon as reasonably possible after receipt of a notice of appeal from the Commissioner under section 14, the Secretary shall appoint an Appeal Board to hear the appeal and the Board shall consist of the chairman or deputy chairman of the panel, who shall be chairman of the Board, and 1 member

from each of the other categories of the Appeal Board panel.
(Amended L.N. 218 of 2000; L.N. 106 of 2002)

- (2) The chairman of the Appeal Board shall have a casting vote.
- (3) Each member shall be remunerated out of money provided by the Legislative Council for the purpose at a rate that the Secretary may determine. (Amended L.N. 125 of 2004)

(Amended L.N. 130 of 2007; 5 of 2010 s. 15)

17. Proceedings before the Appeal Board

- (1) The chairman of the Appeal Board shall notify the appellant of the time and place of its hearing of the appeal.
- (2) The appellant and the Commissioner may be represented by an agent or a barrister qualified to practise as such or a solicitor qualified to act as such under the Legal Practitioners Ordinance (Cap. 159) at a proceeding before the Appeal Board.
- (3) The appellant and the Commissioner may adduce evidence.
- (4) The Appeal Board shall establish its procedure for hearing the appeal.

18. Appeal Board powers

- (1) The Appeal Board may, by notice under the signature of the chairman—
 - (a) order a person to attend before the Board and give evidence;
 - (b) order a person to produce documents,and a person who fails or refuses to comply with an order of the Appeal Board made under this subsection commits an offence.
- (2) The Appeal Board may—

- (a) confirm or revoke the decision or action of the Commissioner;
 - (b) make any decision that the Commissioner could have made; or
 - (c) order the Commissioner to take any action within his powers.
- (3) The Appeal Board may make any order it thinks fit with regard to the payment of costs of proceedings under this section and the costs of the Commissioner or of any person in respect of whom the proceedings are brought.
- (4) The Appeal Board shall notify the appellant and the Commissioner of its decision and the reasons for it.
- (5) Costs awarded or imposed under this section are recoverable as a civil debt.
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Part 8

Enforcement

19. Appointment of authorized officers

The Commissioner may appoint any public officer to be an authorized officer for the purposes of this Ordinance.

20. Power to enter premises and inspect and seize goods and documents

- (1) An authorized officer may, on production, if required, of evidence of his appointment—
 - (a) subject to section 21, for the purpose of ascertaining whether or not any offence under this Ordinance has been or is being committed, inspect any goods and enter any premises, vehicle, vessel or aircraft;
 - (b) if he has reasonable cause to suspect that an offence under this Ordinance has been committed, seize or detain any goods for the purpose of ascertaining, by testing or otherwise, whether or not the offence has been committed;
 - (c) for the purpose of ascertaining whether or not an offence under this Ordinance has been committed, require any person carrying on or employed in connection with, a trade or business to produce any books or documents relating to the trade or business, and may take originals or copies of, or of any entry in, a book or document;
 - (d) in the case of any premises, vehicle, vessel or aircraft in which he has reasonable cause to suspect that there are goods in respect of which an offence under this Ordinance has been or is being committed—

- (i) enter and search those premises;
 - (ii) stop, board and search that vehicle, vessel or aircraft; and
 - (e) seize, remove or detain—
 - (i) any goods in respect of which he has reasonable cause to suspect an offence under this Ordinance has been or is being committed; and
 - (ii) anything which he has reason to believe may be required as evidence in proceedings for an offence under this Ordinance.
- (2) An authorized officer may—
 - (a) break open any container or open any vending machine for the purpose of exercising his powers under subsection (1)(e) to seize goods;
 - (b) break open any outer or inner door necessary to conduct a search authorized by this Ordinance;
 - (c) forcibly board any vehicle, vessel or aircraft which he is empowered by this Ordinance to stop, board or search;
 - (d) remove by force any person or thing obstructing him in the exercise of any power conferred on him by this Ordinance;
 - (e) for the duration of a search or for such shorter period as the officer considers appropriate, detain any person found during a search authorized by this Ordinance where the officer, after inquiry, has reasonable grounds for believing the person is connected with the subject-matter of the search and the officer considers it necessary to detain the person in order to be able to adequately perform the search;

- (f) arrest or detain for further inquiry any person whom he reasonably suspects is committing or has committed an offence under this Ordinance; and
 - (g) detain any vehicle, vessel or aircraft which he is empowered by this Ordinance to stop, board and search until it has been so searched.
- (3) An authorized officer who arrests a person under subsection (2)(f) shall forthwith take the person to a police station or, if in the opinion of that authorized officer further inquiries are necessary, first to an office of the Customs and Excise Department and then to a police station, there to be dealt with in accordance with the provisions of the Police Force Ordinance (Cap. 232); but, whether arrested or not, in no case shall a person be detained under subsection (2)(f) for more than 48 hours without being charged and brought before a magistrate.
- (4) If any person forcibly resists or attempts to evade arrest under subsection (2)(f), the authorized officer may use such force as is reasonably necessary to effect the arrest.

21. Restrictions on entry and search

- (1) No domestic premises shall be entered and searched by an authorized officer unless—
- (a) a magistrate has issued a warrant under subsection (2);
or
 - (b) the Commissioner has given an authorization under subsection (3).
- (2) A magistrate may, if he is satisfied by information on oath that there is reasonable ground for suspecting that there are in any domestic premises any goods or thing which may be seized, removed or detained under section 20(1)(e), issue a

warrant authorizing an authorized officer to enter and search the premises.

- (3) The Commissioner may, if he is satisfied that there is reasonable ground for suspecting—
- (a) that there is in any domestic premises any goods or thing which may be seized, removed or detained under section 20(1)(e); and
 - (b) that unless the premises are entered and searched immediately such goods or thing are likely to be removed from the premises,

authorize in writing an authorized officer to enter and search the premises.

- (4) An authorized officer authorized under subsection (2) or (3) to enter and search domestic premises may take with him any other person and any equipment as may appear to him to be necessary to assist him in entering and searching the premises.

22. Power to obtain information

- (1) Where, in the opinion of the Commissioner, a person possesses information that the Commissioner needs to assist him in deciding whether to serve, vary or revoke—
- (a) a notice to warn;
 - (b) a prohibition notice; or
 - (c) a recall notice,
- he may serve on that person a notice under this section.
- (2) For the purposes of subsection (1), a notice may require a person—
- (a) to furnish to the Commissioner, within a period specified in the notice, the information specified; and

- (b) to produce records specified in the notice at a time and place specified and to permit a person appointed by the Commissioner to take copies of the records at that time and place.
- (3) A person who—
 - (a) fails, without reasonable excuse, to comply with a notice served on him under this section;
 - (b) furnishes information which he knows is false in a material particular; or
 - (c) recklessly furnishes information which is false in a material particular,commits an offence.

23. Obstruction

- (1) A person who—
 - (a) wilfully obstructs an authorized officer in the exercise of his powers or the performance of his duties under this Ordinance; or
 - (b) without reasonable excuse fails to give such authorized officer any assistance or information which the authorized officer may reasonably require of him for the purpose of the performance of the officer's functions under this Ordinance,commits an offence.
- (2) A person who, in giving information which is required of him by virtue of subsection (1)(b)—
 - (a) makes a statement which he knows is false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,

commits an offence.

- (3) Nothing in subsection (1)(b) shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

24. Destruction or release of seized goods

- (1) Where—
- (a) toys have been manufactured, imported or supplied contrary to section 3;
 - (b) Schedule 2 products have been manufactured, imported or supplied contrary to section 5; or (*Amended 18 of 2013 s. 14*)
 - (c) toys or children's products have been manufactured, imported or supplied contrary to section 8,
- the goods shall be liable to be destroyed.
- (2) Where goods are seized or detained by an authorized officer under section 20, the Commissioner may at any time release the goods to the person who appears to him to be the owner thereof or his authorized agent subject to such conditions as the Commissioner may specify in writing.
- (3) Where goods have not been released under subsection (2), the Commissioner may, whether in proceedings where an offence is prosecuted or in other proceedings under this Ordinance, apply to a court or magistrate for the destruction of the goods.
- (4) If, on the hearing of an application under subsection (3), the court or magistrate is satisfied that the goods are liable to destruction, the court or magistrate may order that—
- (a) the goods be destroyed; or
 - (b) where it is feasible to alter the goods so that they comply with this Ordinance, the goods be returned to the owner on condition that he so alter the goods, and

supply the Commissioner with certification from an approved laboratory that they have been so altered and obtain the written approval of the Commissioner before supplying them to any person.

- (5) Where under subsection (3) an application is made to a court or magistrate for the destruction of goods otherwise than in proceedings where an offence is prosecuted, the Commissioner shall forthwith notify in writing the owner of the goods or his authorized agent, unless the owner or his authorized agent has indicated in writing to the Commissioner that such notification is not required or unless the owner of the goods cannot reasonably be ascertained.
- (6) If there is more than one owner of the goods, it shall be sufficient for the purposes of subsection (5) to give notice to one such owner or his authorized agent or for one such owner or his authorized agent to indicate that such notification is not required.

Part 9

Miscellaneous

25. Defence of due diligence

- (1) In any proceedings against a person for an offence under section 3, 5, 8, 10, 11, 12 or 13 or a regulation made under section 35, it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (2) Where in any proceedings the defence provided by subsection (1) involves an allegation that the commission of the offence was due—
 - (a) to the act or default of another person; or
 - (b) to reliance on information given by another,that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than 7 clear working days before the hearing of the proceedings, he has served a notice on the person bringing the proceedings giving such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.
- (3) A person shall not be entitled to rely on the defence provided by subsection (1) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—
 - (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

- (b) to whether he had any reason to disbelieve the information.
- (4) A court, in making a decision on the defence provided under subsection (1), may take into consideration the existence of a certificate from an approved laboratory under section 9(2) showing that samples of the toy or children's product which is the subject of the prosecution had been tested before being sold and had complied with the safety standard specified in the certificate.

26. Liability of persons other than principal offender

- (1) Where the commission by any person of an offence to which section 25 applies is due to an act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished whether or not proceedings are taken against the first-mentioned person.
- (2) Where a body corporate is guilty of an offence under this Ordinance in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against.
- (3) Where the affairs of a body corporate are managed by its members, subsection (2) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (4) Where the person who is guilty of an offence under this Ordinance is a firm and it is proved that the offence was committed with the consent or connivance of, or was

attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm shall be guilty of the like offence.

27. Compensation for seizure and detention

- (1) Where any goods are seized or detained by an authorized officer under section 20 the Government shall, subject to this section, be liable to compensate the owner of the goods for any loss suffered by the owner by reason of the seizure or detention or by reason that the goods, during the detention, are lost or damaged; but the owner shall not be entitled to compensation for the loss if— *(Amended 18 of 2013 s. 15)*
 - (a) the owner is convicted of an offence under this Ordinance committed in relation to the goods;
 - (b) an order has been made by a court or magistrate under section 24(4) for the destruction of the goods or the return of the goods for alteration; or
 - (c) the court is satisfied during proceedings commenced by an owner for compensation under this section that the goods— *(Amended 18 of 2013 s. 15)*
 - (i) did not comply with an applicable requirement contained in a toy standard or a Schedule 2 product standard, or with an additional safety standard; or *(Replaced 18 of 2013 s. 15)*
 - (ii) did not comply with the general safety requirement under section 8. *(Amended 18 of 2013 s. 15)*
- (2) In any proceedings against the Government in respect of a claim for compensation under subsection (1), the amount of the compensation recoverable shall be such amount as is just and equitable in all the circumstances of the case, including the conduct and comparative blame-worthiness of—

- (a) the owner of the goods;
 - (b) the person in charge or control of the goods at the time they were seized;
 - (c) the agents of the persons specified in paragraphs (a) and (b); and
 - (d) authorized officers, public officers and other persons concerned.
- (3) No proceedings shall be maintainable in respect of a claim for compensation under subsection (1) unless the proceedings are commenced—
- (a) in the case of a claim for compensation in respect of goods released to their owner by order of a court or magistrate or by any person having authority to release the goods to him, not later than 6 months after the release thereof;
 - (b) in the case of a claim for compensation on the ground that any goods were lost during the detention thereof, not later than 6 months after—
 - (i) the discovery by the owner of the loss; or
 - (ii) the date on which the owner could, by the exercise of reasonable diligence, have discovered the loss, whichever is the earlier.

28. Recovery of expenses of enforcement

Where a court—

- (a) convicts a person of an offence under section 3, 5 or 8; or
- (b) makes an order under section 24 for the destruction of any goods or the return of the goods for alteration,

the court may, in addition to any other order it may make as to costs or expenses, order the person convicted or any person having an interest in the destroyed or altered goods to reimburse the Government Chemist for any costs associated with testing the goods and the Commissioner for any expenditure which has been or may be incurred by him—

- (i) in connection with any seizure or detention of the goods;
- (ii) in purchasing a toy or children's product for testing by the Government Chemist; or
- (iii) in connection with any compliance by the Commissioner with directions given by the court for the purposes of any order for the destruction or alteration of the goods.

29. Storage of allegedly unsafe products

- (1) An authorized officer may order the person in possession or control of any goods in respect of which the authorized officer has reasonable cause to suspect that an offence under this Ordinance has been committed or is being committed to cause the goods, at the person's expense, to be stored in a place specified by the authorized officer under such conditions as he may impose.
- (2) No person shall remove the goods stored in a specified place in accordance with the order of an authorized officer under subsection (1) from that place unless an authorized officer has authorized in writing the removal of the goods.
- (3) A person authorized in writing under subsection (2) to remove any goods from a specified place shall comply with such conditions as may be imposed by the authorized officer on the removal of the goods.
- (4) A person who fails or refuses to obey an order under subsection (1) or who contravenes subsection (2) or (3) commits an offence.

30. Innocent publication of advertisement

In proceedings for an offence under this Ordinance committed by the publication of an advertisement, it shall be a defence for the person charged to prove that he is a person whose business is to publish or arrange for the publication of advertisements and that he received the advertisement for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this Ordinance.

31. Penalties

- (1) A person who commits an offence under section 3, 5, 8, 10, 11, 12 or 13 shall be liable—
 - (a) on first conviction, to a fine at level 6 and to imprisonment for 1 year; and
 - (b) on subsequent conviction, to a fine of \$500,000 and to imprisonment for 2 years.
- (2) Where an offence referred to in subsection (1) is a continuing offence, in addition to the fine specified in that subsection the person shall be liable to a fine of \$1,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.
- (3) A person who commits an offence under section 18(1), 22, 23, 26 or 29 shall be liable to a fine at level 3 and to imprisonment for 1 year. *(Amended 68 of 1995 s. 46)*

(Amended 5 of 2010 s. 17)

32. Limitation on commencement of proceedings

Notwithstanding section 26 of the Magistrates Ordinance (Cap. 227), an information or complaint relating to an offence under this Ordinance may be tried if it is laid or made, as the case may be, at any time within 3 years after the commission of the

offence or within 12 months after the first discovery thereof by the prosecutor, whichever period expires first.

33. Defence of goods in transit, in the course of transshipment or manufactured for export

In a prosecution for an offence under section 3, 5 or 8 or a regulation made under section 35, goods that are found in Hong Kong shall, in the absence of evidence to the contrary, be presumed to be goods that are not goods in transit, goods in the course of transshipment or goods manufactured for export.

34. Service of notices

- (1) A notice or direction required to be served under this Ordinance shall be properly served if—
- (a) in the case of an individual, it is delivered to him or, where it cannot conveniently be so delivered, it is—
 - (i) left at the address at which he ordinarily resides or carries on business or, if such an address is unknown, at his last known address; or
 - (ii) sent by post to him at any such address;
 - (b) in the case of—
 - (i) a company, it is delivered to an officer of the company or, where it cannot conveniently be so delivered, it is left at, or sent by post to, the company's registered office;
 - (ii) a non-Hong Kong company within the meaning of the Companies Ordinance (Cap. 622), it is left with, or sent by post to, its authorized representative as defined by section 774(1) of that Ordinance; (*Amended 30 of 2004 s. 3; 28 of 2012 ss. 912 & 920*)

- (c) in the case of a partnership, it is delivered to any partner or, where it cannot conveniently be so delivered, it is left at, or sent by post to, the address at which the partnership carries on business;
 - (d) in the case of a body corporate other than a company or an unincorporated body of persons other than a partnership, it is delivered to an officer of the body or, where it cannot conveniently be so delivered, it is left at, or sent by post to, the address at which the body carries on business.
- (2) For the purposes of subsection (1), every other body corporate other than a company and every unincorporated body of persons not being a partnership shall be deemed to carry on business at its principal office or place of business.
- (3) Where a notice or direction is served—
- (a) by sending it by post, it shall, in the absence of evidence to the contrary, be deemed to have been served on the 7th day after the day on which it was sent; or
 - (b) by leaving it at an address referred to in subsection (1)(a)(i), (b)(i) or (ii), (c) or (d), as the case may be, it shall, in the absence of evidence to the contrary, be deemed to have been served on the 7th day after it was so left.

35. Regulations

(For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.)

- (1) The Secretary may by regulation—
- (a) impose additional safety standards or requirements for toys, including more stringent standards or requirements

in relation to a matter provided for in any one or more of the toy standards;

- (b) impose additional safety standards or requirements for Schedule 2 products, including more stringent standards or requirements in relation to a matter provided for in any one or more of the Schedule 2 product standards;
 - (c) impose additional safety standards or requirements for other children's products;
 - (d) prohibit the manufacture, importation or supply of toys or children's products; and
 - (e) provide for incidental, consequential and transitional provisions that are necessary or expedient in consequence of the regulation.
- (2) Regulations under subsection (1) may—
- (a) make different provisions for different circumstances and provide for a particular case or class of cases; and
 - (b) prescribe offences for contravention of the regulations, punishable by a fine, imprisonment or both.
- (3) The maximum fine that may be prescribed for an offence is \$500,000 and the maximum imprisonment is 2 years.

(Replaced 18 of 2013 s. 16)

36. *(Omitted as spent—E.R. 2 of 2014)*

37. Power to amend Schedules

The Secretary may, by notice published in the Gazette, amend Schedule 1 or 2.

(Added 5 of 2010 s. 19)

Schedule 1

[ss. 2 & 37]

Toy Standards

Standards

1. International Standard

The International Standard is established by the International Organization for Standardization and the International Electrotechnical Commission, and the requirements contained in the Standard are specified in—

(a) **ISO 8124-1:2014**

“Safety of toys—Part 1: Safety aspects related to mechanical and physical properties”

(b) **ISO 8124-2:2014**

“Safety of toys—Part 2: Flammability”

(c) **ISO 8124-3:2010**

(incorporating Amendment 1:2014)

“Safety of toys—Part 3: Migration of certain elements”

(ca) **ISO 8124-4:2014**

“Safety of toys—Part 4: Swings, slides and similar activity toys for indoor and outdoor family domestic use” (*Replaced L.N. 17 of 2015*)

(cb) **ISO 8124-5:2015**

“Safety of toys—Part 5: Determination of total concentration of certain elements in toys” (*Added L.N. 7 of 2016*)

(cc) **ISO 8124-7:2015**

“Safety of toys—Part 7: Requirements and test methods for finger paints” (*Added L.N. 102 of 2017*)

(d) **IEC 62115:2017 Edition 2.0**

“Electric Toys—Safety” (*Replaced 26 of 2012 s. 15*)

2. European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

(a) **BS EN 71-1:2014**

“Safety of toys—Part 1: Mechanical and physical properties”

(b) **BS EN 71-2:2011 + A1:2014**

“Safety of toys—Part 2: Flammability”

(c) **BS EN 71-3:2013 + A1:2014**

“Safety of toys—Part 3: Migration of certain elements”

(d) **BS EN 71-4:2013**

“Safety of toys—Part 4: Experimental sets for chemistry and related activities”

(e) **BS EN 71-5:2015**

“Safety of toys—Part 5: Chemical toys (sets) other than experimental sets”

(f) (*Repealed L.N. 184 of 2011*)

(g) **BS EN 71-7:2014**

“Safety of toys—Part 7: Finger paints—Requirements and test methods”

(h) **BS EN 71-8:2011**

“Safety of toys—Part 8: Activity toys for domestic use”

- (ha) **BS EN 71-12:2016**
“Safety of toys—Part 12: N-Nitrosamines and N-nitrosatable substances” (*Added L.N. 17 of 2015*)
- (hab) **BS EN 71-13:2014**
“Safety of toys—Part 13: Olfactory board games, cosmetic kits and gustative games” (*Added L.N. 102 of 2017*)
- (hb) **BS EN 71-14:2014**
“Safety of toys—Part 14: Trampolines for domestic use” (*Added L.N. 7 of 2016*)
- (i) **BS EN 62115:2005 + A12:2015**
“Electric toys—Safety”

3. **ASTM Standard**

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F963-17

“Standard consumer safety specification for toy safety”

(Schedule 1 replaced 5 of 2010 s. 20. Amended L.N. 184 of 2011; 26 of 2012 s. 15; L.N. 30 of 2013; L.N. 17 of 2015; L.N. 7 of 2016; L.N. 102 of 2017; L.N. 63 of 2018)

(Format changes—E.R. 2 of 2012)

Schedule 2

[ss. 2, 2B & 37]

(Amended 18 of 2013 s. 17)

Schedule 2 Product Standards

(Amended 18 of 2013 s. 17)

Column 1	Column 2
Classes of products	Standards
1. Babies' dummies	<p>European Standard</p> <p>The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—</p> <p>BS EN 1400:2013 + A1:2014</p> <p>“Child use and care articles—Soothers for babies and young children—Safety requirements and test methods”</p> <p>ASTM Standard</p> <p>The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—</p> <p>ASTM F963-17</p> <p>“Standard consumer safety specification for toy safety”</p> <p>Australian Standard</p> <p>The Australian Standard is established by Standards Australia, and the requirements contained in the Standard are specified in—</p> <p>AS 2432:2015</p> <p>“Babies' dummies”</p>

(Amended L.N. 63 of 2018)

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2. Baby walking frames **European Standard**

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

BS EN 1273:2005

“Child use and care articles—Baby walking frames—Safety requirements and test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F977-12

“Standard consumer safety specification for infant walkers”

(Amended L.N. 110 of 2010)

3. Bottle teats **European Standard**

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

(a) **BS EN 14350-1:2004**

“Child use and care articles—Drinking equipment—Part 1: General and mechanical requirements and tests”

(b) **BS EN 14350-2:2004**

“Child use and care articles—Drinking equipment—Part 2: Chemical requirements and tests”

4. Bunk beds for domestic use **European Standard**

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

(a) **BS EN 747-1:2012 + A1:2015**

“Furniture—Bunk beds and high beds—Part 1: Safety, strength and durability requirements”

(b) **BS EN 747-2:2012 + A1:2015**

“Furniture—Bunk beds and high beds—Part 2: Test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F1427-13

“Standard consumer safety specification for bunk beds”

Joint Australian/New Zealand Standard

The Joint Australian/New Zealand Standard is established by Standards Australia and Standards New Zealand, and the requirements contained in the Standard are specified in—

AS/NZS 4220:2010

“Bunk beds and other elevated beds”

International Standard

The International Standard is established by the International Organization for Standardization, and the requirements contained in the Standard are specified in—

(a) ISO 9098-1:1994

“Bunk beds for domestic use—Safety requirements and tests—Part 1: Safety requirements”

(b) ISO 9098-2:1994

“Bunk beds for domestic use—Safety requirements and tests—Part 2: Test methods”

(Amended L.N. 102 of 2017)

5. Carry cots and similar handled products and stands

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

BS EN 1466:2014

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

6. Child safety barriers for domestic use

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

BS EN 1930:2011

“Child use and care articles—Safety barriers—Safety requirements and test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F1004-16b

“Standard consumer safety specification for expansion gates and expandable enclosures”

(Amended L.N. 110 of 2010; L.N. 102 of 2017)

7. Children’s cots **European Standard**
for domestic use

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

(a) **BS EN 716-1:2008 + A1:2013**

“Furniture—Children’s cots and folding cots for domestic use—Part 1: Safety requirements”

(b) **BS EN 716-2:2008 + A1:2013**

“Furniture—Children’s cots and folding cots for domestic use—Part 2: Test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F1169-13

“Standard consumer safety specification for full-size baby cribs”

International Standard

The International Standard is established by the International Organization for Standardization, and the requirements contained in the Standard are specified in—

(a) **ISO 7175-1:1997**

“Children’s cots and folding cots for domestic use—Part 1: Safety requirements”

(b) **ISO 7175-2:1997**

“Children’s cots and folding cots for domestic use—Part 2: Test methods”

(Amended L.N. 110 of 2010)

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8. Children's **European Standard**

high chairs and
multi-purpose
high chairs for
domestic use

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

(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”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F404-17

“Standard consumer safety specification for high chairs”

International Standard

The International Standard is established by the International Organization for Standardization, and the requirements contained in the Standard are specified in—

(a) **ISO 9221-1:2015**

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

(b) **ISO 9221-2:2015**

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

(Amended L.N. 102 of 2017; L.N. 63 of 2018)

9. Children's
paints

European Standard

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

BS EN 71-3:2013 + A1:2014

“Safety of toys—Part 3: Migration of certain elements”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F963-17

“Standard consumer safety specification for toy safety”

Joint Australian/New Zealand Standard

The Joint Australian/New Zealand Standard is established by Standards Australia and Standards New Zealand, and the requirements contained in the Standard are specified in—

AS/NZS 8124.3:2012

(incorporating Amendment 1:2016)

“Safety of toys—Part 3: Migration of certain elements”

International Standard

The International Standard is established by the International Organization for Standardization, and the requirements contained in the Standard are specified in—

ISO 8124-3:2010

(incorporating Amendment 1:2014)

“Safety of toys—Part 3: Migration of certain elements”

(Amended L.N. 110 of 2010; L.N. 63 of 2018)

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10. Children's safety harnesses
- European Standard**
- The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—
- BS EN 13210:2004**
- “Child use and care articles—Children's safety harnesses, reins and similar type articles—Safety requirements and test methods”
11. Playpens for domestic use
- European Standard**
- The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—
- BS EN 12227:2010**
- “Playpens for domestic use—Safety requirements and test methods”
- ASTM Standard**
- The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—
- ASTM F406-15**
- “Standard consumer safety specification for non-full-size baby cribs/play yards”

(Amended L.N. 110 of 2010; L.N. 102 of 2017)

12. Wheeled child conveyances **European Standard**

The European Standard is established by the European Committee for Standardization, and the requirements contained in the Standard are specified in—

BS EN 1888:2012

“Child care articles—Wheeled child conveyances—Safety requirements and test methods”

ASTM Standard

The ASTM Standard is established by ASTM International, and the requirements contained in the Standard are specified in—

ASTM F833-15

“Standard consumer safety performance specification for carriages and strollers”

Joint Australian/New Zealand Standard

The Joint Australian/New Zealand Standard is established by Standards Australia and Standards New Zealand, and the requirements contained in the Standard are specified in—

AS/NZS 2088:2013

“Prams and Strollers—Safety requirements”

(Amended L.N. 110 of 2010; L.N. 102 of 2017)

(Schedule 2 added 5 of 2010 s. 21. Amended L.N. 184 of 2011; 26 of 2012 s. 16; L.N. 30 of 2013; 18 of 2013 s. 17; L.N. 17 of 2015; L.N. 7 of 2016)

(Format changes—E.R. 2 of 2012)