

LCQ4: Regulating emerging toys with potential dangers

Following is a question by the Hon Chu Kwok-keung and a reply by the Secretary for Commerce and Economic Development, Mr Algernon Yau, in the Legislative Council today (December 6):

Question:

It has been reported that recently, some schools have discovered that during non-school hours, their students play with "carrot knives" or "nasal snorting energy bars" which are popular on the Mainland. Although these toys are packaged as "emerging stress relieving toys", they in fact carry hidden dangers. For instance, wielding "carrot knives" easily causes injuries to others, and some packages even bear violence-inciting expressions such as "stab whoever you dislike". As for "nasal snorting energy bars", they attract consumers with the fragrance of essential oils with unknown composition, and their twin-tube design easily causes children to mistakenly stick the tubes into their nostrils, damaging their nasal mucosa and nervous system. These toys have already been imported to Hong Kong and are even available for sale at individual stationery shops. In this connection, will the Government inform this Council:

(1) how it will regulate the import, sale and possession of toys with potential dangers, and how it will strengthen the work on aspects such as law enforcement, inspection, investigation and publicity;

(2) whether it will consider reviewing the Toys and Children's Products Safety Ordinance as well as updating the relevant definitions and provisions therein in the light of the presence of emerging toys with potential dangers; if so, of the details; if not, the reasons for that; and

(3) how the Education Bureau will step up parent education to remind parents to pay attention to the safety of emerging toys, and whether it will provide schools with guidelines on prohibiting the circulation on campuses of the toys which claim to relieve stress but carry hidden dangers?

Reply:

President,

Having consulted the Education Bureau (EDB), our consolidated reply to various parts of the question is as follows:

The Government attaches great importance to ensuring the safety of toys and children's products and has enacted the Toys and Children's Products Safety Ordinance (the Ordinance) (Cap. 424) to regulate the manufacture, import or supply of toys and children's products for local consumption.

The Ordinance sets out the statutory safety standards of toys and children's products and stipulates that a person must not manufacture, import or supply a toy unless the toy complies with all the applicable requirements contained in one of the toy standards specified in Schedule 1 to the Ordinance. A person who contravenes the above provision is liable to a maximum penalty of imprisonment for one year and a fine of \$100,000 on first conviction and is liable to a maximum penalty of imprisonment for two years and a fine of \$500,000 on subsequent conviction.

The safety standards set out in the Ordinance are international standards or standards adopted by major economies. The Government keeps in view any updates or amendments to the safety standards so as to amend the schedules to the Ordinance annually to update the safety standards applicable to the toys and children's products supplied in Hong Kong, ensuring that the standards are up-to-date and operative versions. The last update of safety standards came into operation on August 1 this year. As regards the amendments for next year, we also just launched the public consultation on December 1 to propose updates of the safety standards applicable to toys and six classes of children's products; and the relevant amendment notice will be laid on the table of the Legislative Council in the first quarter of next year.

Moreover, the Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation (the Regulation) stipulates that a toy supplied in Hong Kong must comply with the additional safety standards or requirements for toys supplied in Hong Kong, including the carrying of identification markings, i.e. the full name and address of the manufacturer, importer or supplier, and the bilingual warnings or cautions (with respect to the safe keeping, use, consumption or disposal) applicable to the toy; and the compliance with the requirements on concentration of phthalates contained in a toy.

As the enforcement agency of the Ordinance, the Customs and Excise Department (C&ED) proactively conducts surveillance in the market and online shopping platforms. Having conducted risk assessment, the C&ED will test-purchase different types of toys and children's products and pass them to the Government Laboratory for safety tests. Besides, the C&ED will conduct investigations into the complaints received and the cases referred from relevant government departments or organisations and take appropriate enforcement actions based on facts and evidence. In addition, the C&ED will actively follow up information about suspected unsafe toys and children's products obtained from different sources such as media coverage and measures taken by the Mainland or other overseas places against certain toys and children's products; and the news about product safety issued by law enforcement agencies and institutions of product safety outside Hong Kong.

During the approximately three-year period from 2021 to the end of November 2023, the C&ED received 67 complaints in relation to toys or children's products, conducted more than 5 200 surveillance visits or spot checks and investigated 88 cases. During the above period, the C&ED

prosecuted individuals or companies involved in 12 cases. All defendants, including nine persons and three companies, were convicted and fined by the court, with the amount ranging from \$3,000 to \$32,000. The toys involved in these cases were lanterns, toy guns, wooden letter puzzles, plastic beads, squeeze toys, magnetic toy beads, joint mats and toy gun sets, etc. Furthermore, the C&ED issued 20 prohibition notices to prohibit related persons from supplying products that were believed to be unsafe for a specified period of time; and issued 97 warning letters. Meanwhile, C&ED also conducted 24 blitz checks at boundary control points to combat the import of unsafe toys and children's products into Hong Kong.

In addition to law enforcement actions, the C&ED strives to carry out compliance promotion for traders to assist the traders in understanding the relevant requirements of the Ordinance. Regarding publicity and education, the C&ED has been organising toys and children's products safety talks and distributing pamphlets about the Ordinance to students and parents, introducing and sharing safety information of toys and children's products to ensure children's safety.

Regarding school education, the EDB has all along been actively supporting home-school co-operation and promoting parent education through schools. During the growth of children, parents have the responsibility to protect and nurture their children properly, cultivate their proper values and foster their whole-person development. To enable parents to acquire the necessary knowledge and skills for nurturing their children in a systematic manner, the EDB has launched the Curriculum Frameworks on Parent Education (Curriculum Frameworks) for kindergartens, primary schools and secondary schools in phases since 2021. The Curriculum Frameworks point out that parents should provide a safe and supportive family environment for their children, cultivate their children's self-management competence, good character and positive attitudes and encourage them to adopt a healthy lifestyle. Besides, the EDB disseminates important messages on supporting the physical and psychological development of students through the one-stop parent education website "Smart Parent Net", its Facebook and Instagram pages and the YouTube channel. We will continue to provide parents with more diverse education resources and support so that they can master the knowledge and skills of parenting for promoting children's whole-person development.

Meanwhile, the EDB has been providing schools with guidelines and reminding them of cultivating a safe and orderly learning environment for students. With reference to the School Administration Guide for aided schools provided by the EDB, school rules should elaborate the basic requirements for students' behaviours around the school with a view to developing self-discipline in students, teaching, guiding and protecting them in order to prevent behavioural problems. Schools and parents have to work closely together to nurture the next generation who is able to uphold positive values and attitudes.