

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1666/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/6/13

**Subcommittee on  
Pesticides Ordinance (Amendment of Schedule 1) Notice 2014**

**Minutes of meeting  
held on Tuesday, 22 April 2014, at 8:30 am  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Cyd HO Sau-lan (Chairman)  
Hon Emily LAU Wai-hing, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Albert CHAN Wai-yip  
Hon Steven HO Chun-yin

**Members absent** : Hon Alan LEONG Kah-kit, SC  
Hon WONG Yuk-man  
Hon SIN Chung-kai, SBS, JP

**Public Officers attending** : Item II

Ms Hinny LAM  
Principal Assistant Secretary for Food and Health (Food) 3

Ms Jeanne CHENG  
Assistant Secretary for Food and Health (Food) 1

Mr Clive LAU  
Assistant Director (Inspection and Quarantine) (Acting)  
Agriculture, Fisheries and Conservation Department

Ms Carmen CHU  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Alice LEUNG  
Chief Council Secretary (2) 2

**Staff in attendance** : Miss Winnie LO  
Assistant Legal Adviser 7

Mr Jove CHAN  
Senior Council Secretary (2) 2

Mr Richard WONG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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Action

**I. Election of Chairman**

Ms Emily LAU, the Member who had the highest precedence in the Council among those who were present at the meeting, presided over the election of the Chairman of the Subcommittee.

2. Ms Emily LAU invited nominations for the chairmanship of the Subcommittee. Ms Cyd HO was nominated by Mr Tommy CHEUNG and the nomination was seconded by Mr Albert CHAN. Ms HO accepted the nomination. As there was no other nomination, Ms LAU declared Ms Cyd HO elected as the Chairman of the Subcommittee. Members agreed that election of a deputy chairman was not necessary.

**II. Meeting with the Administration**

(Legislative Council Brief, L.N. 43 of 2014, LS42/13-14, LC Paper Nos. CB(2)1333/13-14(02) and (03))

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions requested of the Administration

Admin

4. The Administration was requested to provide -

(a) copies of the Codes of Practice for the trade on the safe and proper use of pesticides by the trade; and

Action

- (b) an update on the progress on the follow-up actions undertaken by the Administration during the deliberations of the Bills Committee on Pesticides (Amendment) Bill 2013, as set out in the **Appendix**, to further promote the safe and proper use of pesticides, in particular, the phasing out of paraquat dichloride and diazinon and removal of these two pesticides from the register, and the work to indicate in the promotional materials the alternative common names of a given pesticide and provide advice to the public to identify various common names of a given pesticide properly.

5. Regarding the Codes of Practice for the trade on the correct and effective use of pesticides, there was a suggestion that to ensure the safe use of pesticides in schools and the elderly care homes, the Food and Health Bureau ("FHB") should provide the Codes of Practice to the Education Bureau ("EDB") and the Labour and Welfare Bureau ("LWB") for their onward distribution to the schools and the elderly care homes so that they could follow the guidelines set out in the Codes of Practice. FHB was requested to follow up this suggestion with EDB and LWB.

Admin

6. The Subcommittee completed section-by-section examination of the Notice at the meeting.

### **III. Any other business**

7. At the suggestion of Hon Albert CHAN, members agreed that the Subcommittee would invite written submissions on the Notice from the public and the deputations/individuals which/who had previously given views to the Bills Committee on Pesticides (Amendment) Bill 2013 ("the former Bills Committee"). In line with the usual practice, a general notice to invite views from the public would be posted on the Legislative Council's website. The 18 District Councils would also be invited to give views on the Notice.

8. To allow sufficient time for the Subcommittee to invite views from the public, members further agreed that the Chairman would move a motion at the Council meeting of 7 May 2014 to extend the scrutiny period of the Notice to that of 28 May 2014.

*(Post-meeting note: The motion was not dealt with at the Council meeting of 7 May 2014 and the deadline for amending the Notice expired on 28 April 2014.)*

Action

9. Members also agreed that subject to views members might have on the supplementary information to be provided by the Administration and the written submissions received, the Subcommittee Chairman would decide whether it was necessary to hold a further meeting.

*(Post-meeting note: The Subcommittee received written submissions from four deputations/individuals which/who had previously given views to the former Bills Committee (LC Paper Nos. CB(2)1379/13-14(01) to (03), CB(2)1420/13-14(01) and CB(2)1457/13-14(01)). As no members had requested to hold a meeting to discuss the Administration's supplementary information paper and written submissions received, the Subcommittee Chairman had instructed that no further meeting of the Subcommittee would be held.)*

10. There being no other business, the meeting ended at 10:06 am.

Council Business Division 2  
Legislative Council Secretariat  
30 May 2014

**Proceedings of the meeting of the  
Subcommittee on Pesticides Ordinance (Amendment of Schedule 1) Notice 2014  
on Tuesday, 22 April 2014, at 8:30 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000153 - 000313	Ms Emily LAU Mr Tommy CHEUNG Ms Cyd HO Mr Albert CHAN	Election of Chairman	
000314 - 001039	Chairman Admin	Opening remarks  Briefing by the Administration on the Pesticides Ordinance (Amendment of Schedule 1) Notice 2014 ("the Notice").	
001040 - 001956	Chairman Ms Emily LAU Admin	<p>Ms Emily LAU's expression of concern about the Administration's proposal to amend Schedule 1 to the Pesticides Residues in Food Regulation (Cap. 132CM) ("the Regulation") to remove three pesticides. Her view that the Administration should follow up the matter.</p> <p>The Administration's clarification that the aim of the Regulation was to strengthen the regulation of pesticide residues in food to protect public health and promote harmonization between local and international standards. The aim of the Notice was to amend Schedule 1 to the Pesticides Ordinance (Cap. 133) ("the Ordinance") by adding six pesticides that had recently become subject to the regulation of the Stockholm Convention on Persistent Organic Pollutants ("the Stockholm Convention"). The Stockholm Convention was an international treaty aimed at protecting human health and the environment from persistent organic pollutants and hazardous chemicals, including pesticides and other industrial chemicals.</p> <p>Ms LAU's enquiry about whether the Hong Kong Special Administrative Region ("HKSAR") Government could amend Schedule 1 to the Ordinance to include pesticides regulated by the Stockholm Convention which the People's Republic of China ("PRC") had yet to accede to their inclusion. The Administration's response that, in accordance with Article 153 of the</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>Basic Law, the application to HKSAR of international agreements to which PRC was or became a party, such as the Stockholm Convention, should be decided by the Central People's Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region. PRC was the signatory to the Stockholm Convention. Legislative amendments to the Schedule to the Ordinance should be introduced after PRC had acceded to the inclusion of the pesticides concerned.</p>	
<p>001957 - 004913</p>	<p>Chairman Mr Albert CHAN Admin</p>	<p>Mr Albert CHAN's suggestion of inviting the public and the deputations/individuals which/who had previously given views to the Bills Committee on Pesticides (Amendment) Bill 2013 ("the former Bills Committee") to give views on the Notice.</p> <p>Mr CHAN's enquiry and the Administration's advice of the follow-up actions taken by the Administration in light of the views provided by the former Bills Committee on the safe and proper use of pesticides when scrutinizing the Pesticides (Amendment) Bill 2013.</p> <p>Mr CHAN's expression of concern about the safe and proper use of pesticides in schools and elderly care homes and the health risks posed to school students and the elders. His suggestion that the Food and Health Bureau ("FHB") should provide the trade's Codes of Practice on the safe and proper use of pesticides to the Education Bureau ("EDB") and the Labour and Welfare Bureau ("LWB") for their onward distribution to schools and elderly care homes so that they could follow the guidelines set out in the Codes of Practice. His request for copies of the Codes of Practice for the trade on the safe and proper use of pesticides by the trade.</p> <p>The Administration's undertaking that FHB would follow up Mr Albert CHAN's suggestion with EDB and LWB.</p> <p>Provision of copies of leaflets and booklets published by the Agriculture, Fisheries and Conservation Department ("AFCD") to members at the meeting.</p>	<p><b>Admin to provide the requested information</b> (paragraph 4(a) and 5 of the minutes)</p>

Time marker	Speaker	Subject(s)	Action Required
004914 - 010514	Chairman Mr Tommy CHEUNG Admin	<p>Mr Tommy CHEUNG's declaration that he was a member of the School Committee of a secondary school and a member of the Board of Directors of an elderly care home.</p> <p>Mr CHEUNG's view that AFCD should advise schools and elderly care homes not to use a particular pesticide and provide common names which might be used for that particular pesticide. Information on the safe practice in using hazardous pesticides and precautionary and control measures should be made available to the public.</p> <p>The Administration's advice that AFCD had published a set of educational leaflets on the safe and proper use of pesticides in schools, organizing promotional campaigns and talks to schools as well as their service providers. The set of leaflets has been uploaded onto the websites of EDB and AFCD for reference of schools and members of the public. The Food and Environmental Hygiene Department ("FEHD") had drawn up a set of occupational safety and health guidelines for pest control operators, providing information on the precautionary measures to prevent accidental poisoning or harm to human health, and this set of guidelines was available on the website of FEHD for public inspection.</p>	
010515 - 011120	Mr Tommy CHEUNG Chairman Clerk Mr Albert CHAN Admin	<p>Mr Tommy CHEUNG's view that the Administration should proceed to the introduction of the legislative amendments as early as possible when it came to notice that new pesticides had been included in the Stockholm Convention.</p> <p>The Administration's advice that according to the legal advice sought by the Administration, legislative amendments to Schedule 1 to the Ordinance should be introduced after PRC had acceded to the inclusion of the six pesticides, so as to avoid any possible legal doubts. Its advice that at present, the import, manufacture, sale and supply of pesticides in Hong Kong was regulated under the Ordinance. Its explanation of the current registration and licensing/permit system under the Ordinance.</p> <p>Legislative timetable of the Notice.</p>	

Time marker	Speaker	Subject(s)	Action Required
011121 - 012605	Chairman Mr Albert CHAN Ms Emily LAU Admin	<p>Mr Albert CHAN's reiteration of his view that the Subcommittee should invite public views on the Notice. Ms Emily LAU's concurrence with Mr CHAN's view.</p> <p>In response to Ms Emily LAU's enquiry, the Administration's advice that it had consulted the Panel on Food Safety and Environmental Hygiene ("the FSEH Panel") in 2007 the legislative proposals to amend the Ordinance and its subsidiary legislation to enhance the control of pesticides. The proposals aimed to, among others, fulfil the obligations under the Stockholm Convention and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, as well as introduce a product registration system and a user control scheme. In view of the Panel members' and the trade's concern about the proposed product registration system and the user control scheme, the Administration consulted the Panel on its improved approach on the control of pesticides in July 2011. Subsequently, the Administration introduced the Pesticides (Amendment) Bill 2013 into the Legislative Council in 2013.</p> <p>The Administration's advice that none of the six pesticides were currently registered under the Ordinance, and there were no records of imports, exports, re-exports or use of them in the past three years.</p>	
012606 - 012900	Admin Chairman	The Administration's advice that it intended to revert to the FSEH Panel on the progress of the follow-up actions undertaken by it during the deliberations of the former Bills Committee in the second half of 2014.	
012901 - 013508	Chairman Mr Albert CHAN Admin Ms Emily LAU	<p>Members' agreement to extend the scrutiny period of the Notice and to invite written submissions from the public and the deputations/individuals which/who had previously given views to the former Bills Committee.</p> <p>The Administration's undertaking to provide an update on the progress on the follow-up actions undertaken by the Administration</p>	<b>Admin to provide the requested</b>



Time marker	Speaker	Subject(s)	Action Required
		during the deliberations of the former Bills Committee to further promote the safe and proper use of pesticides, in particular, the phasing out of paraquat dichloride and diazinon and removal of these two pesticides from the register, and the work to indicate in the promotional materials the alternative common names of a given pesticide and provide advice to the public to identify various common names of a given pesticide properly.	<b>information</b> (paragraph 4(b) of the minutes)
013509 - 013538	Chairman Admin Mr Albert CHAN	Section-by-section examination of the Notice	
013539 - 013710	Chairman Ms Emily LAU Mr Albert CHAN Admin	Members' agreement that subject to views members might have on the supplementary information to be provided by the Administration and the written submissions received, the Subcommittee Chairman would decide whether it was necessary to hold a further meeting.  The Chairman's closing remarks	

### **Pesticides (Amendment) Bill 2013**

#### **List of follow-up actions undertaken by the Administration to further promote the safe and proper use of pesticides**

##### **(a) Safety measures**

- To discuss with the relevant government departments and other stakeholders in the industry on ways to promote the safe and proper use of pesticides, particularly those that are related to the applications of pesticides, including the use of warning signs, such as the design, size, content of such signage and location to place them.
- To incorporate the enhanced safety measures, including requirements on warning signage, into the respective Codes of Practice for the pest control industry, as well as the training syllabus of the relevant training bodies.
- To make extra efforts in checking the labels of pesticides to ensure that adequate safety information has been included in the labels, and explore with the trade to see if the instructions and cautions on the labels could be highlighted and complemented by suitable pictograms.

##### **(b) Promotion and publicity**

- To step up promotional and publicity efforts as well as public education on the safe use of household pesticides, including publishing a wide range of educational leaflets and booklets, in particular, for users in rural residential areas. Appropriate leaflets and promotional materials would also be provided to pesticide licensees for free distribution to their customers.
- To include in the promotional materials the fact that many alternative common names have been used on a given pesticide and provide advice to members of the public to identify the various common names of a given pesticide properly.

- To step up promotional and publicity efforts targeted at schools, including publishing a set of educational leaflet targeting the safe and proper use of pesticides in schools, organising promotional campaign to deliver the messages to the relevant parties, and organising talks to schools and/or their service providers.
- To conduct a round of briefings for the relevant government departments, including the Leisure and Cultural Services Department and the Food and Environmental Hygiene Department, before the commencement of the Pesticides (Amendment) Ordinance 2013 and update them on the latest regulatory requirements and related matters. Refreshers' briefing sessions would also be organised on a periodic basis to keep them up-to-date on the regulatory requirements and related matters on the safe and proper use of pesticides.

**(c) Registration and use of pesticides**

- To formulate a plan with a view to phasing out paraquat dichloride and diazinon, and removing them from the register by 2014.
- To take into account the pesticides which are banned in the European Union in the next round of review conducted by AFCD.
- To introduce the concept of integrated pest management to farmers and the pest control industry through workshops and seminars.
- To keep in view the development of pesticides derived from natural products and to refine the regulation on such pesticides as appropriate.
- To keep in view the need to step up regulation of pesticide applicators as appropriate, having regard to the effectiveness of an array of measures in enhancing the standard of the industry.

**(d) Others**

- To continue efforts in following up cases with users of pesticides (including schools, pest control agents etc) upon receipt of public complaints and enquiries.

- To insert suitable notes in the licence and permit application forms to remind applicants that the address of any premises or place (whether domestic or not) stated in their applications would be subject to entry without a warrant by authorised officers for the purposes of ascertaining whether the Ordinance has been or is being complied with.
- To consider the feasibility on a study regarding the long-term impact of pesticides on the health of pesticide applicators in collaboration with the industry.

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*Source : Appendix IV to the Report of the Bills Committee on Pesticides (Amendment)  
Bill 2013 (LC Paper No. CB(2)1508/12-13)*