

# LEGISLATIVE COUNCIL BRIEF

## Pesticides Ordinance (Cap. 133)

### **Pesticides Ordinance (Amendment of Schedule 1) Notice 2014**

#### **Introduction**

In exercise of the power under section 19A(1)(a) of the Pesticides Ordinance (Cap. 133) (the Ordinance), the Secretary for Food and Health (SFH) has made the Pesticides Ordinance (Amendment of Schedule 1) Notice 2014 (the Notice), as set out at **Annex**. The Notice amends Schedule 1 to the Ordinance by adding six pesticides that have recently become subject to the regulation of the Stockholm Convention on Persistent Organic Pollutants (the Stockholm Convention)<sup>1</sup>.

#### **Background and Justifications**

2. The Stockholm Convention and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the Rotterdam Convention)<sup>2</sup> are international treaties that aim at protecting human health and the environment from persistent organic pollutants and hazardous chemicals, including pesticides and other industrial chemicals. The People's Republic of China (PRC) is signatory to both Conventions and the Central People's Government (CPG) has applied the two Conventions to Hong Kong since November 2004 and August 2008 respectively. The Ordinance was amended by way of the Pesticides (Amendment) Bill 2013

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<sup>1</sup> The Stockholm Convention aims to protect human health and the environment from the potentially harmful persistent organic pollutants. In implementing the Convention, governments will take measures to restrict the production/use and/or reduction/ultimate elimination of the persistent organic pollutants identified by the United Nations Environment Programme.

<sup>2</sup> The Rotterdam Convention aims to promote shared responsibility and cooperative efforts among the contracting parties in the international trade of certain hazardous chemicals and pesticides in order to protect human health and the environment from potential harm. The Convention has introduced a mandatory Prior Informed Consent Procedure to monitor and control the import and export of certain hazardous chemicals and disseminate national import decisions to the contracting parties.

(the Bill) to meet the full requirements of the two Conventions in respect of the regulation of pesticides. The amended Ordinance came into operation on 27 January 2014.

3. Schedule 1 to the Ordinance sets out the pesticides regulated by the Stockholm Convention, whereas Part 1 of Schedule 2 sets out the pesticides listed under the Rotterdam Convention.

4. At the time when the Bill was introduced into the Legislative Council (LegCo) in February 2013, the Stockholm Convention covered 22 chemicals, of which 15 were pesticides and seven were non-pesticide chemicals. Of the 15 pesticides, five were added to the Stockholm Convention in 2009 and one in 2011, and the PRC had yet to accede to their inclusion at that time. As such, only nine of the 15 pesticides listed under the Stockholm Convention that the PRC had already acceded to were covered in Schedule 1.

5. In January 2014, CPG notified us that ratification for inclusion of the six pesticides by the PRC has been completed. We therefore need to amend Schedule 1 to the Ordinance to include these six pesticides to fully meet the requirements of the Stockholm Convention.

### **The Notice**

6. Section 19A(1)(a) of the Ordinance provides that SFH may by notice published in the Gazette, add any Convention-regulated pesticide, to Schedule 1 or 2. SFH has accordingly made the Notice to add the following pesticides into Schedule 1 to the Ordinance –

- (i) *alpha hexachlorocyclohexane (CAS No: 319-84-6)*;
- (ii) *beta hexachlorocyclohexane (CAS No: 319-85-7)* ;
- (iii) *chlordecone (CAS No: 143-50-0)* ;
- (iv) *lindane (CAS No: 58-89-9)*;
- (v) *pentachlorobenzene (CAS No: 608-93-5)*; and
- (vi) *technical endosulfan (CAS No: 115-29-7) and its related isomers (CAS No:959-98-8; 33213-65-9)*.

## **Legislative Timetable**

7. The legislative timetable is as follows –

Publication in the Gazette	28 March 2014
Laying on the table of LegCo	9 April 2014
Commencement of the Notice	1 June 2014

## **Public Consultation**

8. In the LegCo Brief on the Bill issued on 23 January 2013, it was pointed out that only nine pesticides, which PRC had already acceded to, of the 15 pesticides regulated by the Stockholm Convention were included in Schedule 1 to the Ordinance. Members of the Bills Committee set up by LegCo to scrutinise the Bill were also informed of the position and that Schedule 1 would be amended as and when the ratification for the inclusion of the six pesticides by the PRC had been completed. The Bills Committee had not raised any concern.

## **Publicity**

9. The Notice will be published in the Gazette on 28 March 2014. A spokesperson will be available to answer media enquiries.

## **Enquiries**

10. Enquiries on this brief can be addressed to Ms Hinny LAM, Principal Assistant Secretary for Food and Health (Food) 3, at 3509 7927.

## **Food and Health Bureau**

**Agriculture, Fisheries and Conservation Department**

**26 March 2014**

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

(Made by the Secretary for Food and Health under section 19A of the  
Pesticides Ordinance (Cap. 133))

**1. Commencement**

This Notice comes into operation on 1 June 2014.

**2. Pesticides Ordinance amended**

The Pesticides Ordinance (Cap. 133) is amended as set out in section 3.

**3. Schedule 1 amended (pesticides listed under Stockholm Convention)**

Schedule 1, after item 9—

**Add**

“10.	Alpha hexachlorocyclohexane	319-84-6
11.	Beta hexachlorocyclohexane	319-85-7
12.	Chlordecone	143-50-0
13.	Lindane	58-89-9
14.	Pentachlorobenzene	608-93-5
15.	Technical endosulfan and its related isomers	115-29-7; 959-98-8; 33213-65-9”.



Secretary for Food and Health

21 March 2014

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**Explanatory Note**

This Notice amends Schedule 1 to the Pesticides Ordinance (Cap. 133) by adding 6 pesticides that have recently become subject to the regulation of the Stockholm Convention on Persistent Organic Pollutants.