

# LEGISLATIVE COUNCIL BRIEF

## Pesticides Ordinance (Cap. 133)

### **Pesticides Ordinance (Amendment of Schedule 2) Notice 2015**

#### **Introduction**

In exercise of the power under section 19A(1)(a) and (b) of the Pesticides Ordinance (Cap. 133) (the “Ordinance”), the Secretary for Food and Health (“SFH”) has made the Pesticides Ordinance (Amendment of Schedule 2) Notice 2015 (the “Notice”), as set out at **Annex**. The Notice amends Part 1 of Schedule 2 to the Ordinance by adding a pesticide that has recently become subject to the regulation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the “Rotterdam Convention”)<sup>1</sup> and removing an existing pesticide. The removed entry will be covered by the newly added entry.

#### **Background and Justifications**

2. The Stockholm Convention on Persistent Organic Pollutants (the “Stockholm Convention”)<sup>2</sup> and the Rotterdam Convention 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 is signatory to both Conventions. In accordance with Article 153 of the Basic Law, the Central People’s Government has applied the Stockholm

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<sup>1</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.

<sup>2</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.

Convention and the Rotterdam Convention to the Hong Kong Special Administrative Region since 11 November 2004 and 26 August 2008 respectively.

3. The regulation of pesticides, including those regulated under the two Conventions, is governed by the provisions of the Ordinance. Pesticides listed in Schedule 1 and/or Part 1 of Schedule 2 to the Ordinance (“scheduled pesticides”) are respectively regulated under the Stockholm Convention and Rotterdam Convention. Pursuant to section 8 of the Ordinance, the import, export, manufacture, sale, supply, possession and use of scheduled pesticides is subject to permit control.

4. *Methamidophos (soluble liquid formulations of the substance that exceed 600g active ingredient per litre) (CAS No: 10265-92-6)* had been listed in Annex III of the Rotterdam Convention as a severely hazardous pesticide formulation (which is reflected in item 31 in Part 1 of Schedule 2 to the Ordinance). At the 7<sup>th</sup> meeting of the Conference of the Parties to the Rotterdam Convention held in May 2015 in Geneva, Switzerland, the Parties adopted the decision to include *methamidophos (CAS No: 10265-92-6)* in Annex III of the Rotterdam Convention and delete the existing entry for *methamidophos (soluble liquid formulations of the substance that exceed 600 g active ingredient per litre) (CAS No: 10265-92-6)* that is covered by the new entry for *methamidophos*. The amendment has been effective since 15 September 2015.

5. We need to amend Part 1 of Schedule 2 to the Ordinance to include the newly added pesticide in that Schedule and remove the deleted pesticide from that Schedule to reflect the latest list of pesticides regulated under the Rotterdam Convention.

## **The Notice**

6. Section 19A(1)(a) and (b) of the Ordinance provides that SFH may by notice published in the Gazette, add any Convention-regulated pesticide<sup>3</sup> to Schedule 1 or 2, and remove any specified pesticide<sup>4</sup> from

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<sup>3</sup> For the purpose of section 19A(1), section 19A(2)(a) of the Ordinance stipulates that a pesticide is a Convention-regulated pesticide if the pesticide is subject to the regulation of the Rotterdam Convention or the Stockholm Convention on the publication day.

Schedule 1 or 2. SFH has accordingly made the Notice to –

- (a) remove item 31 “*Methamidophos (soluble liquid formulations of the substance that exceed 600g active ingredient per litre) 10265-92-6*” from Part 1 of Schedule 2; and
- (b) add a new item 34 “*Methamidophos 10265-92-6*” to that Part.

### **Legislative Timetable**

7. The legislative timetable is as follows –

Publication in the Gazette	16 October 2015
Laying on the table of LegCo	28 October 2015
Commencement of the Notice	21 December 2015

### **Implications of the Proposal**

8. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Ordinance. There are no economic, environmental or financial implications.

### **Public Consultation**

9. In July 2015, the Agriculture, Fisheries and Conservation Department informed relevant stakeholders, including holders of pesticides licences and permits under the Ordinance, as well as shipping and logistics companies, of the proposed amendments to Part 1 of Schedule 2 to the Ordinance. No comments have been received.

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<sup>4</sup> For the purpose of section 19A(1), section 19A(2)(b) of the Ordinance stipulates that a pesticide is a specified pesticide if, at some time before the publication day, the pesticide has been subject to the regulation of the Rotterdam Convention or the Stockholm Convention but is no longer subject to the regulation on that day.

## **Publicity**

10. The Notice will be published in the Gazette on 16 October 2015. A spokesperson will be available to answer media enquiries.

## **Enquiries**

11. 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**  
**14 October 2015**

**Pesticides Ordinance (Amendment of Schedule 2)  
Notice 2015**

(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 21 December 2015.

**2. Pesticides Ordinance amended**

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

**3. Schedule 2 amended (pesticides listed under Rotterdam  
Convention and limitations on application of section 8)**

(1) Schedule 2, Part 1—

**Repeal item 31.**

(2) Schedule 2, Part 1—

**Add**

“34. Methamidophos 10265-92-6”.



Secretary for Food and Health

9 October 2015

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**Explanatory Note**

This Notice amends Schedule 2 to the Pesticides Ordinance (Cap. 133) to—

- (a) remove from that Schedule one pesticide that is no longer subject to the regulation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (*Convention*); and
- (b) add to that Schedule one pesticide that has recently become subject to the regulation of the Convention.