

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1499/12-13  
(These minutes have been seen by  
the Administration)

Ref : CB2/BC/1/12

**Bills Committee on  
Pesticides (Amendment) Bill 2013**

**Minutes of the third meeting  
held on Monday, 15 April 2013, at 10:45 am  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon SIN Chung-kai, SBS, JP (Chairman)  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Albert CHAN Wai-yip  
Hon Steven HO Chun-yin  
Dr Hon Helena WONG Pik-wan

**Public Officers attending** : Agenda item I

Mr Philip CHAN, JP  
Deputy Secretary for Food and Health (Food)2

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

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

Dr Thomas SIT Hon-chung  
Assistant Director (Inspection & Quarantine)  
Agriculture, Fisheries and Conservation  
Department

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Mr Clive LAU Siu-ki  
Senior Agricultural Officer (Regulatory)  
Agriculture, Fisheries and Conservation Department

Ms Carmen CHU Ying-hung  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Amy YU  
Chief Council Secretary (2)6

**Staff in attendance** : Miss Carrie WONG  
Assistant Legal Adviser 4

Mr Jove CHAN  
Senior Council Secretary (2)6

Miss Meisy KWOK  
Legislative Assistant (2)6

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**I. Meeting with the Administration**

[LC Paper Nos. CB(2)950/12-13(01), CB(2)950/12-13(02), CB(3)328/12-13, CB(2)689/12-13(02), FH CR2/3231/03, CB(2)689/12-13(03), CB(2)689/12-13(04), CB(2)781/12-13(01) and CB(2)763/12-13(03)]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration was requested to provide the following information in writing –

- (a) the Administration's plan to enhance, on the operational level, the safe use of pesticides by pest control practitioners and the public, including the Administration's consideration of members' suggestions of standardizing the warning signs put up in public areas (such as parks and schools) where pesticides had been applied and enhancing the training of service providers in this regard, and making available on the Government website records of operations involving application of pesticides;

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- (b) studies conducted by the Administration on alternatives to using paraquat dichloride and diazinon, including relevant information on the replacement pesticides studied; and
- (c) regulation of organic pesticides in Taiwan and how it compared with that in Hong Kong.

*(Post-meeting note: The Administration's response was circulated to members on 19 April 2013 vide LC Paper No. CB(2)1016/12-13(01).)*

**II. Any other business**

Date of next meeting

- 3. The Chairman reminded members that the next meeting of the Bills Committee would be held on 22 April 2013, at 10:45 am.
- 4. There being no other business, the meeting ended at 12:38 pm.

Council Business Division 2  
Legislative Council Secretariat  
24 June 2013

**Proceedings of the third meeting of the  
Bills Committee on Pesticides (Amendment) Bill 2013  
on Monday, 15 April 2013, at 10:45 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000159 - 000305	Chairman	Opening remarks	
000306 - 000917	Chairman Admin	Briefing by the Administration on its response to issues raised by members at the meeting on 15 March 2013 (LC Paper No. CB(2)950/12-13(2))	
000918 - 003015	Chairman Mr Albert CHAN Admin	<p>Making reference to the two-tier regulatory system of pesticides in some countries such as Canada, Mr Albert CHAN expressed the view that the Administration should consider adopting more stringent legislative control on the use of pesticides in residential areas, particularly in rural districts, with a view to enhancing protection to public health.</p> <p>The Administration undertook to step up and strengthen the promotional and publicity efforts as well as enhancing public education on the safe use of household pesticides, including publishing a wide range of educational leaflets and booklets to ensure the safe and proper use of pesticides by end-users, in particular, in rural residential areas.</p>	
003016 - 004904	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's views that –</p> <p>(a) the Administration should introduce a scheme to regulate applicators of pesticides so as to ensure that they had acquired the necessary training and enhance the standard of the trade; and</p> <p>(b) the Administration should work out a timetable on introducing a licensing and registration scheme for the trade after the enactment of the Bill.</p> <p>The Administration's response that –</p> <p>(a) the Administration conducted a public consultation on a package of legislative proposals to amend the Pesticides Ordinance, which sought to comply with the requirements of the two Conventions and at the same time introduce a pesticide product registration system and a scheme to regulate applicators of pesticides in 2007. During the public consultation, there were concerns that the combined effects of the proposals might result in small pest control</p>	

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		<p>companies being driven out of business due to high operational costs and that a substantial number of existing pesticide applicators would fail to be registered as the training requirement might be too high. The proposal to regulate applicators of pesticides was therefore dropped in the light of the views received;</p> <p>(b) to ensure safe and proper use of pesticides, the Administration had made continuous efforts in assisting the trade to enhance their standard of using pesticides by drawing up Codes of Practice for the relevant sectors in collaboration with the trade and strengthening the training for pest control workers; and</p> <p>(c) the Administration would review the need to step up regulation on pesticide applicators as appropriate in the light of the effectiveness of these measures in enhancing the standard of the trade and would consult the relevant Panel if necessary.</p> <p>Dr Helena WONG's suggestions of standardizing the warning signs put up in public areas (such as parks and schools) where pesticides had been applied to ensure that essential information such as the date/time of application, types of pesticides applied and contact number for further enquiry was included on the signage, and enhancing the training of service providers in this regard.</p> <p>The Chairman's suggestion of making available appropriate leaflets on safe use of pesticides to pesticide licensees for distribution to their customers.</p>	
004905 - 005801	Chairman Mr Steven HO Admin	<p>Mr Steven HO pointed out the concern raised by stakeholders including farmers and importers and retailers of pesticides, about the efficacy and costs of the replacement pesticides for diazinon. He urged the Administration to work closely with the stakeholders in identifying and promoting the use of suitable replacement pesticides.</p> <p>In response to Mr Steven HO, the Administration briefed members on the Administration's plan to prepare for phasing out the registration of diazinon and paraquat dichloride by 2014.</p>	
005802 - 010507	Chairman Mr Albert CHAN	Mr Albert CHAN's suggestion of making public on the Government website records of operations	

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	Mr Steven HO Admin	<p>involving application of pesticides for better public scrutiny.</p> <p>The Administration was requested to provide the following information in writing –</p> <p>(a) the Administration's plan to enhance, on the operational level, the safe use of pesticides by pest control practitioners and the public, including the Administration's consideration of the suggestions put forward by members in this regard; and</p> <p>(b) studies conducted by the Administration on alternatives to using paraquat dichloride and diazinon, including relevant information on the replacement pesticides studied.</p>	<b>Admin</b>
<b>Clause-by-clause examination of the Bill</b>			
010508 - 010714	Chairman Admin	<b>Long title</b>	
010715 - 010821	Chairman Admin	<p><b>Part 1 - Preliminary</b></p> <p><u>Clauses 1 and 2</u></p>	
010822 - 012009	Chairman Admin Mr Albert CHAN	<p><b>Part 2 – Amendments to Pesticides Ordinance (Cap.133)</b></p> <p><u>Clause 3</u></p> <p>Meaning of "manufacture" to be added to the proposed amendment to the definition of "licence" in the proposed section (2)1 (clause 3(2))</p>	
012010 - 013110	Chairman Admin Mr Albert CHAN Mr Steven HO	<p>Discussion on whether pesticides derived from natural products (such as garlic) fell under the Pesticides Ordinance (Cap. 133) ("the Ordinance"). Mr Albert CHAN's request for information about the regulation of such pesticides in Taiwan and how it compared with that in Hong Kong.</p> <p>The Chairman's view that the Administration should proactively provide information to organic farms on regulation of pesticides derived from natural products under the Ordinance.</p>	<b>Admin</b>
013111 – 014150	Chairman Admin Mr Albert CHAN ALA4	The Administration briefed members on its response to the enquiries raised by the legal adviser to the Bills Committee in her letter to the Administration dated 5 February 2013 (LC Paper No. CB(2)689/12-13(03) on the use of the	

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		expression "as amended from time to time" in the proposed definition of "Rotterdam Convention" and "Stockholm Convention" in the proposed section 2(1) (clause 3(8)).	
014151 - 014612	Chairman Admin Mr Steven HO	<p>Meaning of "transhipment" of pesticides in the proposed section 2(1) (clause 3(9))</p> <p>In response to Mr Steven HO's enquiry, the Administration's advice that for pesticides in transhipment, the cargo should not be opened during the entire period of transhipment.</p>	
014613 - 015133	Chairman Admin	<p>In response to the Chairman's enquiry on whether the Ordinance applied to the Hong Kong Garrison of the Chinese People's Liberation Army, the Administration's advice that –</p> <p>(a) the existing Ordinance did not apply to the three offices set up by the Central People's Government in the Hong Kong Special Administrative Region ("CPG offices");</p> <p>(b) by virtue of section 66 of IGCO, an ordinance does not bind the Government or CPG offices in HKSAR unless there was an express provision to that effect; and</p> <p>(c) the Administration considered that the activities engaged by CPG offices would unlikely be relevant to the Ordinance and hence there was no need to apply the Ordinance to such offices.</p>	
015134 - 015342	Chairman Admin	<u>Clause 4</u>	
015343 - 015430	Chairman	Date of the next meeting	