



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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12 March 2013

Ms Amy Yu
Clerk to Bills Committee
Council Business Division 2
Legislative Council Secretariat
Legislative Council

Dear Ms Yu,

Bills Committee on Pesticides (Amendment) Bill 2013

Thank you for your letter dated 28 February 2013. Please find in the Annex the supplementary information requested by Members at the meeting on 26 February 2013.

Yours sincerely,



(Hinny LAM)

for Secretary for Food and Health

c.c. AFCD (Attn.: Dr Thomas Sit
Mr Clive Lau
Mr Stephen Lai)
DoJ (Attn.: Ms Carmen Chu
Miss Karen Lee)

Bills Committee on Pesticides (Amendment) Bill 2013

**Supplementary information requested by Members
at the meeting on 26 February 2013**

(a) Existing control of pesticides

Comprehensive regulatory regime

The Administration attaches importance to the safe and proper use of pesticides. At present, the import, manufacture, sale and supply of pesticides in Hong Kong are regulated by the Pesticides Ordinance (Cap. 133)(the Ordinance). The Agriculture, Fisheries and Conservation Department (AFCD) is responsible for enforcing the relevant provisions. All pesticides intended for sale in Hong Kong must be registered with the Director of Agriculture, Fisheries and Conservation (DAFC). Under section 4 of the Ordinance, DAFC shall maintain a register of pesticides in which –

- (i) Part I contains a list of all pesticides which are in a form ready for immediate use without going through any treatment or process and which are for general domestic use; and
- (ii) Part II contains a list of all other pesticides.

2. In practice, AFCD would only register pesticides categorised as slightly or moderately hazardous by the World Health Organisation (WHO). AFCD would also impose supply and retail sale restrictions on the formulation and concentration of such pesticides. Pesticides categorised as extremely hazardous by WHO are not allowed to be registered. AFCD regularly reviews all registered pesticides, taking into account the adverse impact posed to the environment and human beings and in accordance with the international practices and latest development, including the reports of the Joint Food and Agriculture Organisation and WHO, scientific research and literature, as well as international conventions etc. If new information demonstrates that the continued use of a registered pesticide would pose unacceptable risks to human health or the environment, DAFC would remove the pesticide concerned from the register.

3. Apart from registration, DAFC exercises strict control on pesticides through a licence and permit system under the Ordinance. For registered pesticides, section 7(1) of the Ordinance states that no person shall import, manufacture, sell or supply registered pesticides except with a licence issued by DAFC. AFCD regularly inspects the premises for the manufacture, repackaging and/or sale of pesticides to ensure that they are suitable for engaging in the business.

4. For pesticides that are not listed on the register (unregistered pesticides), section 8(1) of the Ordinance states that no person shall import, manufacture, sell, supply or possess such pesticides except with a permit issued by DAFC. Permits are issued for specific pesticides, and are valid for an initial six-month period which can be renewed on a six-monthly basis. In each and every case where a permit includes use of an unregistered pesticide, the permit holder is required to demonstrate competence in storing, handling and using the pesticide concerned before a permit is granted and renewed.

Relevant Statistics

5. As of 28 February 2013, a total of 509 pesticides are registered under the Ordinance. The full list is available on AFCD's website¹. In 2012, a total of 1 300 tonnes of pesticide active ingredients was imported for local uses. The most commonly used pesticides, accounting for about 99% of the total imported quantities, are set out in Appendix A.

6. As noted in paragraph 3 above, the import, manufacture, sale and supply of registered pesticides is subject to the licensing requirement. In 2012, a total of 1 727 pesticides licences were issued by AFCD to regulate the trading (covering the retail, import/supply, manufacture and storage) of registered pesticides.

7. For unregistered pesticides, as mentioned in paragraph 4 above, no person shall import, manufacture, sell, supply or possess such pesticides except with a permit issued by DAFC. In 2012, AFCD issued a total of 43 permits in respect of 19 unregistered pesticides as set out in Appendix B. As shown in the list, most of the permits issued concerned the import of unregistered pesticides for subsequent re-export.

¹ Registered Pesticides List – Part 1 :
http://www.afcd.gov.hk/english/quarantine/qua_pesticide/qua_pes_pes/qua_pes_part1.html
Registered Pesticides List – Part 2 :
http://www.afcd.gov.hk/english/quarantine/qua_pesticide/qua_pes_pes/qua_pes_part2.html

8. At present, all pesticides listed under the Stockholm Convention on Persistent Organic Pollutants (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) are not registered under the Ordinance. In other words, they are unregistered pesticides subject to permit control. Between 2007 and 2012, there were only nine transshipment cases involving pesticides covered by the two Conventions.

Use of paraquat dichloride

9. As part of its ongoing efforts, AFCD has reviewed the condition for registering paraquat dichloride², which is a herbicide, in early 2012. As a result of the review, AFCD has modified the registration conditions for this pesticide by including the type and concentrations of vomiting agent and warning color in the formulation of paraquat dichloride since 1 September 2012. With the tighter registration conditions, it should enhance the safety of using paraquat dichloride. In the meantime, AFCD has also studied the availability of an alternative pesticide to replace paraquat dichloride based on specific local use pattern.

10. Taking into account the possible adverse impact of this herbicide posed to the environment and human beings, AFCD considers that the continued use of paraquat dichloride should be phased out. Given the frequent use of paraquat dichloride, AFCD is now formulating a plan to phase out its use and will remove it from the register in due course.

(b) Improvements to the regulation of pesticides by the Pesticides (Amendment) Bill 2013

11. The main purpose of the Bill is to meet the requirements of the Stockholm Convention and the Rotterdam Convention as extended to HKSAR by the Central People's Government (CPG). The People's Republic of China is signatory to the two Conventions and CPG has extended the application of the two Conventions to HKSAR. To ensure that the control of Convention-regulated pesticides under the Ordinance is fully and explicitly in line with the requirements of the Conventions, we need to amend the Ordinance.

² Also known as Gramoxone, which is the name of the most popular brand of paraquat dichloride.

12. Besides, we have also taken the opportunity to update the Ordinance by –

- (a) providing appeals against certain decisions of DAFC under the Ordinance be made to the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442) instead of the Chief Executive. This would place the appeal hearing function with an independent and impartial body;
- (b) confining the existing power of warrantless entry for routine inspection of any premises by authorised officers under the Ordinance to –
 - (i) any premises or place (whether domestic or not) the address of which is stated in an application for a licence or permit under the Pesticides Regulations; or
 - (ii) any other non-domestic premises or place; and
- (c) removing the ribbing requirement of pesticide containers. As ribs and grooves have become a common feature of food containers, such requirement no longer serves any useful purpose in distinguishing the pesticide from other non-pesticide products. Removal of the requirement would alleviate unnecessary burden on traders.

13. The Administration attaches importance to the safe and proper use of pesticides. As explained in section (a) above, we have in place a comprehensive regulatory regime and all pesticides are already subject to regulation under the Ordinance. The effectiveness of the current registration and licensing/permit system in ensuring safe and proper use of pesticides is borne out by evidence as we have not encountered any major incidents caused by improper storage or use of pesticides in the past. Besides, according to a 3-year study conducted by the Department of Health, cases of minor incidents relating to the use of pesticides are far and few in between.

14. There is of course no room for complacency. As we have set out in the paper submitted to LegCo Panel Food Safety and Environmental Hygiene on 12 July 2011 (LC Paper CB(2)2305/10-11(06)), to achieve our policy objective of ensuring the safe and proper use of pesticides, AFCD would continue to ensure that only pesticides that are safe for use by the public will be registered and AFCD could make use of the permit system so

that only trained professionals are allowed to handle unregistered pesticides. AFCD would also keep up its effort in assisting the trade to enhance their standard of using pesticides by –

- (a) devising suitable training syllabus for pesticide applicators. In this connection, we note that the percentage of pest control workers who have received training in recent years has increased from 10% in 2007 to 79% in 2011;
- (b) drawing up Codes of Practice for the sectors of pest control companies and workers, sports turf management personnel and local farmers in collaboration with the trade; and
- (c) promoting public awareness on the safe and proper use of pesticides through educational leaflets and information on website.

15. Whilst the measures set out above do not require legislative amendments, they aptly meet the need to protect the public from unsafe use of pesticide. We will continue such efforts.

(c) Regulation of pesticides in Vancouver, Canada and the suggestion of adopting a more stringent approach in regulating the use of pesticides in residential areas

16. At the request of the Bills Committee, we have conducted research into the regulatory system of pesticides in Canada and the city of Vancouver. Based on the information available on the internet and to the best of our understanding of the relevant materials, we have set out our findings in the ensuing paragraphs.

17. As we understand it, pesticides imported into, sold or used in Canada are regulated at the national level under the Pest Control Products Act and Regulations (PCPA)³. The Pest Management Regulatory Agency (PMRA) is responsible for administering this legislation, registering pest control products, re-evaluating registered products and setting maximum residue limits under the Food and Drugs Act. Only pesticides that are registered for use under PCPA may be imported into, sold or used in Canada.

³ Pest Control Products Act and Regulations can be downloaded from http://www.hc-sc.gc.ca/cps-spc/alt_formats/pdf/pubs/pest/_fact-fiche/regulation-Pesticides-reglementation-eng.pdf

18. We notice that the approach adopted by Canada at the national level under PCPA is in line with the regulatory approach that we have adopted under the Pesticides Ordinance in Hong Kong. We would continue to exercise vigilance to ensure that only pesticides that are safe for use by the public would be registered and AFCD could make use of the permit system so that only trained professionals are allowed to handle unregistered pesticides.

19. Provinces and territories in Canada may regulate the sale, use, storage, transportation and disposal of registered pesticides in their jurisdictions as long as the measures adopted are consistent with any conditions, directions and limitations imposed under PCPA or other federal legislation. Provincial/territorial jurisdictions may allow cities, towns, and municipalities to enact by-laws to set further conditions on the use of pesticides, such as when and where certain types of pesticides (usually lawn, turf and garden products) may be used.

20. For the city of Vancouver, there are two sets of by-laws, namely the Health By-law No. 9535–2013, City of Vancouver, British Columbia⁴ and the Pesticide Use Control, Bylaw No. 4377–2004, District of West Vancouver⁵, that may be relevant. The control regime provided under the two by-laws caters for the unique situation of Vancouver with the common goal of preventing the unnecessary use of pesticides. As far as we understand it, the two by-laws have not imposed a total ban on the use of pesticides, and use of pesticides registered under PCPA are permitted in circumstances where there is a genuine need, such as controlling rats and mice, which often involves the use of highly toxic rodenticides, or when pesticides are needed to combat public health pest problems.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
March 2013**

⁴ Health By-law No. 9535–2013, City of Vancouver, British Columbia can be downloaded from <http://former.vancouver.ca/bylaws/9535c.PDF>

⁵ Pesticide Use Control, Bylaw No. 4377–2004, District of West Vancouver can be downloaded from http://westvancouver.ca/uploadedFiles/Your_Government/Bylaws/PesticideUseControlBylawNo.4377,2004.pdf

本地使用量最高的除害劑（二零一二年）
The most common locally used pesticides in 2012

排行 Rank	註冊編號 Registration Number	除害劑名稱 Name of Pesticide	用途 Uses	入口數量 (有效成分)(公斤) Quantity Imported (a.i.) (kg)
1	1P053	萘 Naphthalene	驅蛾劑 Moth Repellents	411,949
2	1P001	1,4-二氯苯 1,4-Dichlorobenzene	驅蛾劑 Moth Repellents	350,188
3	2P276	蚊油 Larvicidal oil	控蚊殺蟲劑 Mosquito Control Insecticides	165,010
4	1P015	樟腦 Camphor	驅蛾劑 Moth Repellents	132,367
5	2P270	氧化亞銅/吡啶硫酮銅 Copper(I) oxide/Copper pyrithione	船底防污漆 Anti-fouling Paints	56,726
6	2P204	氧化亞銅 Copper (I) oxide	船底防污漆 Anti-fouling Paints	37,820
7	2P101	殺螟硫磷 Fenitrothion	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	28,500
8	2P209	氧化亞銅/代森鋅 Copper (I) oxide/Zineb	船底防污漆 Anti-fouling Paints	21,225
9	2P151	氯菊酯/胺菊酯/增效醚 Permethrin/Tetramethrin/ PBO	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	13,350
10	2P147	百草枯二氯化物 Paraquat dichloride	除草劑 Herbicides	10,416
11	1P146	香茅油 Citronella oil	控蚊殺蟲劑 Mosquito Control Insecticides	7,751
12	2P047	百菌清 Chlorothalonil	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	7,013
13	1P132	噁蟲酮/右旋苯醚菊酯 Metoxadiazone/ d-Phenothrin	控蚊殺蟲劑 Mosquito Control Insecticides	6,145
14	2P319	氧化亞銅/吡啶硫酮銅/ 代森鋅 Copper (I) oxide/Copper pyrithione/Zineb	船底防污漆 Anti-fouling Paints	5,803
15	2P127	代森錳鋅 Mancozeb	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	4,707

排行 Rank	註冊編號 Registration Number	除害劑名稱 Name of Pesticide	用途 Uses	入口數量 (有效成分)(公斤) Quantity Imported (a.i.) (kg)
16	1P085	苯醚氰菊酯 Cyphenothrin	控蚊殺蟲劑 Mosquito Control Insecticides	3,808
17	2P267	氧化亞銅/苯氟磺胺 Copper (I) oxide/ Dichlofluanid	船底防污漆 Anti-fouling Paints	3,624
18	2P325	吡啶三苯基硼/吡啶硫酮鋅 PTPB/ Zinc pyrithione	船底防污漆 Anti-fouling Paints	3,510
19	2P114	草甘膦 Glyphosate	除草劑 Herbicides	2,457
20	2P125	馬拉硫磷 Malathion	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	2,349
21	2P072	二嗪磷 Diazinon	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	2,038
22	2P062	氯氰菊酯 Cypermethrin	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	1,999
23	2P038	甲萘威 Carbaryl	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	1,940
24	1P011	硼酸 Boric acid	Insect Baits / Powder 昆蟲誘餌 / 粉	1,907
25	2P024	S-生物烯丙菊酯/氯菊酯/ 增效醚 Bioallethrin-S/Permethrin/ PBO	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	1,880
26	2P110	三乙膦酸鋁 Fosetyl-aluminium	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	1,514
27	1P194	甲基壬基酮 Methyl nonyl ketone	控蚊殺蟲劑 Mosquito Control Insecticides	1,453
28	1P106	右旋烯炔菊酯/鄰苯基苯酚 Empenthrin/2-Phenylphenol	驅蛾劑 Moth Repellents	1,414
29	2P262	苦楝油 Neem	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	1,400
30	2P149	氯菊酯 Permethrin	農用/蟲害防治殺蟲劑 Agricultural/Pest Control Insecticides	1,072
總入口數量 Total Quantity Imported				1,291,335

因使用未經註冊除害劑而簽發之除害劑許可證（二零一二年）
Pesticide permits issued for use of unregistered pesticides in 2012

除害劑名稱 Name of Pesticide	管有原因 Reason for Possession	發出許可證數目 No. of Permit Issued	入口數量 (有效成分)(公斤) Quantity imported (a.i.) (kg)
1. 吲哚丁酸/赤霉酸/吲哚乙酸 4-Indol-3-yl-butyric acid/Gibberellic acid/IAA	草坪管理 Turf Management	1	0
2. 磷化鋁 Aluminium phosphide	熏蒸處理 Fumigation	2	0
3. 高效氯氰菊酯/富右旋反式 烯丙菊酯/胺菊酯 beta-Cypermethrin/Rich-d-tr ansallethrin/Tetramethrin	入口作再轉口用途 Import for Re-Export Only	1	0
4. 溴敵隆 Bromadiolone	重新調配為註冊殺鼠劑 Reformulate into Registered Rodenticides	10	560
5. 硫線磷 Cadusafos	入口作再轉口用途 Import for Re-Export Only	1	0
6. 多菌靈/福美鋅 Carbendazim/Ziram	入口作再轉口用途 Import for Re-Export Only	1	0
7. 克百威 Carbofuran	入口作再轉口用途 Import for Re-Export Only	2	0
8. 丁硫克百威 Carbosulfan	入口作再轉口用途及 樹木管理 Import for Re-Export Only and for Tree Management	2	0
9. 唑草酮 Carfentrazone-ethyl	入口作再轉口用途 Import for Re-Export Only	1	0
10. 氯蟲苯甲酰胺 Chlorantraniliprole	草坪管理 Turf Management	3	8
11. 異噁草松 Clomazone	入口作再轉口用途 Import for Re-Export Only	1	0
12. 二氯吡啶酸 Clopyralid	入口作再轉口用途 Import for Re-Export Only	1	0
13. 氧化亞銅/代森鋅/2-叔丁氨基 -4-環丙氨基-6-甲硫基-s- 三嗪 Copper (I) oxide/Zineb/Irgarol 1051	船底防污漆 Antifouling Paint	3	8,960

除害劑名稱 Name of Pesticide	管有原因 Reason for Possession	發出許可證數目 No. of Permit Issued	入口數量 (有效成分)(公斤) Quantity imported (a.i.) (kg)
14. 由脂肪酸和松香酸產生的銅鹽 Copper salts of fatty and rosin acids	樹木管理 Tree Management	1	7
15. 苯醚甲環唑 Difenoconazole	樹木管理 Tree Management	1	7
16. 精吡氟禾草靈 Fluazifop-P-butyl	草坪管理 Turf Management	3	0
17. 溴甲烷/氯化苦 Methyl bromide/Chloropicrin	熏蒸作檢疫處理 Fumigation for Quarantine Treatment	7	24,364
18. 甲磺草胺 Sulfentrazone	入口作再轉口用途 Import for Re-Export Only	1	0
19. zeta-氯氰菊酯 zeta-Cypermethrin	入口作再轉口用途 Import for Re-Export Only	1	0
發出許可證總數 Total No. of Permit Issued		43	33,906