

Annex

Bills Committee on Pesticides (Amendment) Bill 2013

**Supplementary information requested by Members
at the meeting on 15 March 2013**

(a) Measures, including administrative and management ones, to be taken by the Administration to enhance its monitoring and control on the use of pesticides to ensure safe and proper use 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). In practice, AFCD would only register pesticides categorised as slightly or moderately hazardous by the World Health Organisation (WHO). AFCD would also impose restrictions on the formulation and concentration of such pesticides. Pesticides categorised as extremely hazardous by WHO are not allowed to be registered.

2. 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. 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. They are only valid for an initial six-month period which should 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.

4. All professional officers of AFCD responsible for duties relating to pesticide registration are specialists trained in the relevant expert areas. They always make reference to the international guidelines and practices before making any regulatory decision in registering or revoking a pesticide. They always stand ready and actively provide professional advice and support to Government departments, the trade and the public on the safe and proper use of pesticides.

Training for the Trade and Adoption of Good Practices

5. AFCD has made continuous efforts in assisting the trade to enhance their standard of using pesticides. Codes of Practice (COPs) have been drawn up, in collaboration with the trade, for the sectors of pest control companies and workers, sports turf management personnel and local farmers to promote the safe and proper use of pesticides. COPs are regularly reviewed with professional inputs and advice provided by AFCD to ensure that the information is accurate and up-to-date. COPs can be obtained by all members of the trade or the public either through contacting the respective trade associations or via the website of AFCD.

6. Government departments are the major users of pesticides, including the Leisure and Cultural Services Department and the Food and Environmental Hygiene Department (FEHD) etc. They are aware of the importance to ensure safe and proper use of pesticides. For instance, FEHD imposes specific conditions on the training requirement of pest control workers when the service providers are invited to bid for contracts to provide pest control services. This is to ensure that the service providers would engage properly trained workers with the necessary knowledge on the use of pesticides. We would conduct a round of briefings for the relevant departments before the Pesticides (Amendment) Bill comes into operation to update them of the regulatory requirements and related matters.

7. Besides, AFCD has been working with the relevant training bodies, including the School of Professional and Continuing Education of The University of Hong Kong and the School of Professional Education and Executive Development of The Hong Kong Polytechnic University, in devising suitable training syllabus for pesticide applicators to ensure that the course contents are up-to-date with the essential elements on the safe and proper use of pesticides. These training courses are run on a regular basis, and course attendees are required to attend course examinations and obtain passing grades in order to complete the programmes. In this connection, the percentage of pest control workers who have received training in recent years has notably increased from 10% in 2007 to around 80% in 2011.

8. To support local farmers, AFCD conducts farm visits to all registered crop farms to provide on-site technical support once every two to three months to ensure that the required knowledge of pesticide safety is effectively conveyed to the farming community. In 2012, AFCD conducted visits to a total of 1 849 farms and organised 49 seminars with a module on pesticide safety for more than 2 200 attendees.

9. In addition, to ensure that pesticides are properly used in agricultural production, crop producers are required to register under the Food Safety Ordinance (Cap. 612). Pesticide residues on agricultural products are also regulated by the Pesticide Residues in Food Regulation (Cap. 132CM) which will come into operation on 1 August 2014.

Promotion and Publicity for the Public

10. AFCD has published a wide range of educational leaflets and booklets on the safe and proper use of pesticides to cover essential safety guidelines for various operations, from agriculture, mosquito control, household pest control to turf management. Other important safety information on pesticide formulations and guidelines on labeling and storage of pesticides are also available. These materials are readily available on the website of AFCD.

11. To address the concerns raised by some Members of the Bills Committee and of the deputations attending the meeting on 15 March 2013, AFCD would step up and strengthen its 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. AFCD would also continue its efforts in following up cases with the users of pesticides (including schools, pest control agents etc) upon receipt of public complaints and enquiries.

(b) Pesticides that are banned in other countries but are sold, supplied or used in Hong Kong

12. At the request of the Bills Committee, we have conducted research on pesticides that are banned (referred to as “banned pesticides” herein below) in other countries, but are sold, supplied or used in Hong Kong. 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.

13. Since the meaning of “banned pesticides” varies in different countries, we have made reference to the definition of “banned chemicals” (including pesticides) adopted by the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the Rotterdam Convention). A banned chemical means a chemical the uses of which have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process.

14. Based on this understanding, we have compared the registered pesticides in Hong Kong with those of other jurisdictions, including Australia, Canada, New Zealand, the United States (US) and the European Union (EU). It is found that with the exception of the EU (covering the United Kingdom), none of the pesticides that are registered in Hong Kong are “banned pesticides” in Australia, Canada, New Zealand and the US. In the case of the EU, it is noteworthy that a manufacturer’s voluntary withdrawal of a pesticide’s registration (which may not be necessarily related to human health or environmental reasons) may also be considered to be a ban. We do not have sufficient information to verify whether the pesticides “banned” in the EU are for reasons of protecting human health or the environment. AFCD would take this into account in the next round of review.

15. We note that some Members of the Bills Committee and the deputations have raised concern on the use of paraquat dichloride and diazinon in Hong Kong. As we have reported to the Bills Committee at the last meeting, AFCD has reviewed the conditions for registering these two pesticides. Taking into account the possible adverse impact of these two pesticides posed to the environment and human beings, AFCD considers that the continued use of them should be phased out. Given the frequent use of both pesticides, AFCD is now formulating a plan, including liaison with the trade, identification of suitable replacement pesticides, provision of suitable pest management training to farmers and the practitioners etc, to phase out their use with a view to removing them from the register by 2014.

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