

**Annex**

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

**Supplementary information requested by Members  
at the meeting on 7 June 2013**

This note sets out the supplementary information requested by Members of the Bills Committee at the meeting on 7 June 2013.

**Legal representation during the appeal process**

2. Under the Bill, we have proposed that appeals against certain decisions of the Director of Agriculture, Fisheries and Conservation Department (DAFC) under the Pesticides Ordinance (Cap. 133) (the Ordinance) would be made to the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442) (AABO) instead of to the Chief Executive. A Member asked whether the appellant could have legal representation.

3. Pursuant to AABO, the appellant may be represented either by a barrister or a solicitor at the hearing of the appeal. Section 18 of AABO provides that *“the parties to an appeal may appear and be present at the hearing of the appeal and may make representations or be represented either by a barrister or a solicitor or, with the approval of the Secretary, by any other person authorized by any of the parties in writing. The respondent may be represented by a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87).”*

**Power to enter domestic premises without warrant**

4. At the meeting, in response to a question raised by a Member, the Administration has explained that under the proposed new section 15A, an authorised officer may without a warrant enter, at any reasonable time, a relevant premises for the purposes of ascertaining whether the Ordinance has been or is being complied with. The term “relevant premises” is defined to mean 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<sup>1</sup>, or any other non-domestic premises or place. In this connection, the Agriculture, Fisheries and Conservation Department (AFCD) will insert suitable notes in the licence and permit application forms to remind the applicants that the address of any premises or place (whether domestic or not) stated in their applications would be subject to such inspection requirement.

### **Use of the term “CAS” and the Chinese names of the pesticides in the Schedules**

5. The Assistant Legal Adviser referred to the term “CAS registry number” in Schedules 1 and 2 and asked whether the acronym “CAS” should be replaced by the full name for the sake of clarity. The acronym “CAS” stands for the “Chemical Abstracts Service” and the “CAS registry number” is a unique numerical identifier designating one particular substance, one particular group of substances or a particular mixture of substances in the open scientific literature. The term “CAS registry number” is a well known technical term used by all walks of technical workers. However, for the sake of clarity and to facilitate reference by general readers, the Administration is prepared to move an amendment to the proposed section 19A(1)(a), which is the enabling provision of Schedules 1 and 2, to replace the term “CAS” with “the Chemical Abstracts Service (CAS)”.

6. Separately, a Member asked whether the Chinese names of the pesticides listed in the Schedules were the same as those adopted by other Chinese-speaking places outside Hong Kong and were commonly known by users or members of the public. In this regard, the Administration has pointed out that the Chinese chemical names as set out in the Schedules are official names adopted in Chinese legal texts of the Stockholm Convention and the Rotterdam Convention. It is noted that alternative names may be used on a given chemical (in English and other languages). To facilitate reference by users or members of the public, AFCD would draw their attention to the alternative chemical or common names which might be used for a given pesticide. AFCD would also provide advice on how to identify a pesticide properly.

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<sup>1</sup> Some licensees and permittees use domestic premises as their registered addresses for a licence/ permit granted under the Ordinance.

## **Checklist of follow-up actions undertaken by the Administration**

7. In response to the earlier requests by the Bills Committee, the Administration has undertaken to follow up on a number of issues to further promote the safe and proper use of pesticides. The Bills Committee requested the Administration to list out the actions undertaken and to include them in the speech by the Secretary for Food and Health during the resumption of second reading of the Bill. The list of follow-up actions undertaken by the Administration is set out at the Appendix.

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

**Pesticides (Amendment) Bill 2013**

**List of follow-up actions undertaken by the Administration  
to further promote the safe and proper use of pesticides**

**(a) Safety measures**

- To discuss with the relevant government departments and other stakeholders in the industry on ways to promote the safe and proper use of pesticides, particularly those that are related to the applications of pesticides, including the use of warning signs, such as the design, size, content of such signage and location to place them.
- To incorporate the enhanced safety measures, including requirements on warning signage, into the respective Codes of Practice for the pest control industry, as well as the training syllabus of the relevant training bodies.
- To make extra efforts in checking the labels of pesticides to ensure that adequate safety information has been included in the labels, and explore with the trade to see if the instructions and cautions on the labels could be highlighted and complemented by suitable pictograms.

**(b) Promotion and publicity**

- To step up promotional and publicity efforts as well as public education on the safe use of household pesticides, including publishing a wide range of educational leaflets and booklets, in particular, for users in rural residential areas. Appropriate leaflets and promotional materials would also be provided to pesticide licensees for free distribution to their customers.
- To include in the promotional materials the fact that many alternative common names have been used on a given pesticide and provide advice to members of the public to identify the various common names of a given pesticide properly.

- To step up 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.
- To conduct a round of briefings for the relevant government departments, including the Leisure and Cultural Services Department and the Food and Environmental Hygiene Department, before the commencement of the Pesticides (Amendment) Ordinance 2013 and update them on the latest regulatory requirements and related matters. Refreshers' briefing sessions would also be organised on a periodic basis to keep them up-to-date on the regulatory requirements and related matters on the safe and proper use of pesticides.

**(c) Registration and use of pesticides**

- To formulate a plan with a view to phasing out paraquat dichloride and diazinon, and removing them from the register by 2014.
- To take into account the pesticides which are banned in the European Union in the next round of review conducted by AFCD.
- To introduce the concept of integrated pest management to farmers and the pest control industry through workshops and seminars.
- To keep in view the development of pesticides derived from natural products and to refine the regulation on such pesticides as appropriate.
- To keep in view the need to step up regulation of pesticide applicators as appropriate, having regard to the effectiveness of an array of measures in enhancing the standard of the industry.

**(d) Others**

- To continue efforts in following up cases with users of pesticides (including schools, pest control agents etc) upon receipt of public complaints and enquiries.

- To insert suitable notes in the licence and permit application forms to remind applicants that the address of any premises or place (whether domestic or not) stated in their applications would be subject to entry without a warrant by authorised officers for the purposes of ascertaining whether the Ordinance has been or is being complied with.
- To consider the feasibility on a study regarding the long-term impact of pesticides on the health of pesticide applicators in collaboration with the industry.

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