



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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14 June 2013

Miss Carrie Wong  
Assistant Legal Adviser  
Legal Service Division  
Legislative Council Secretariat  
Legislative Council

Dear Miss Wong,

**Pesticides (Amendment) Bill 2013**

Thank you for your letter dated 11 June 2013 seeking our clarification regarding the proposed new section 15A in the captioned Bill. You had been of the view that the heading of the proposed section 15A, i.e. "Power to enter premises etc. for routine inspection", does not commensurate with the content of the provision, which provides that inspectors or Customs officers may without a warrant enter, at any reasonable time, a relevant premises on which the inspector or Customs officer reasonably suspects a pesticide is being manufactured, used, kept, stored, sold, offered or exposed for sale, or supplied or offered to be supplied.

As the Administration has explained at the Bills Committee meeting on 7 June 2013, the proposed section 15A seeks to replace the existing section 15(3) and the main change is to confine the power of entry without a warrant to a relevant premises for the purposes of ascertaining whether the Pesticides Ordinance (Cap. 133) has been or is being complied with. A relevant premises refers to any premises or place (whether domestic or not) the address of which is stated in an application under regulation 6(c) of the Pesticides Regulations (Cap. 133 sub. leg. A), or any

other premises or place (other than domestic premises). The presence of a “reasonable suspicion” to trigger the exercise of this power of entry without a warrant is provided in the existing section 15(3) and we have not proposed any change to it in the proposed new section 15A. At the meeting, Members of the Bills Committee did not raise other views on the content of the provision.

The heading of section 15A seeks to give the reader a brief impression about the content of the provision and does not carry the force of law. However, noting your concern that the use of the term “routine inspection” might cause ambiguity, we are prepared to replace the heading to read “Power to enter premises etc. without warrant” instead.

Yours sincerely,



(Hanny LAM)  
for Secretary for Food and Health

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