

Pesticides (Amendment) Bill 2013

Committee Stage

Amendments to be moved by the Secretary for Food and Health

Clause

Amendment Proposed

- 3(9) In the proposed section 2(4), in the English text, by deleting “the purposes of”.
- 5 By deleting the proposed section 3A and substituting—
- “3A. Ordinance applies to Government etc.**
- (1) This Ordinance applies to the Government.
 - (2) Despite subsection (1), the Government—
 - (a) is not liable to be prosecuted for an offence under this Ordinance; and
 - (b) is not required to pay any prescribed fee.
 - (3) If the Director has reasonable grounds to believe that there has been or is a contravention by the Government of this Ordinance, the Director must report the matter to the Secretary for Food and Health.
 - (4) The report must contain the advice of the Director on—
 - (a) whether the contravention has been terminated; and
 - (b) if the contravention has been terminated, whether it has been terminated to the Director’s satisfaction.
 - (5) On receiving the report from the Director, the Secretary for Food and Health must enquire into the matter to which the report relates.
 - (6) If the enquiry shows that there has been a contravention referred to in subsection (3) and the

contravention is likely to be repeated, the Secretary for Food and Health must take the best practicable steps to avoid the recurrence of a like contravention.

- (7) If the enquiry shows that there is a contravention referred to in subsection (3) and the contravention is continuing, the Secretary for Food and Health must take the best practicable steps to stop the contravention.”.

New By adding—

“7A. Section 7 amended (control of registered pesticides)

After section 7(2)—

Add

- “(3) Subsection (1) does not apply to a person who—
- (a) is engaged in carrying out this Ordinance; or
 - (b) is assisting persons in carrying out this Ordinance.”.

8 In the proposed section 8, by adding—

- “(8) Subsections (1) and (2) do not apply to a person who—
- (a) is engaged in carrying out this Ordinance; or
 - (b) is assisting persons in carrying out this Ordinance.”.

12 In the proposed section 15A, in the heading, by deleting “**for routine inspection**” and substituting “**without warrant**”.

- 12 In the proposed section 15A(3)(c), in the Chinese text, by adding “及” after the semicolon.
- 14 In the proposed section 16A(1)(a), by deleting “section 5(3)” and substituting “section 5(3)(b)”.
- 14 In the proposed section 16A(1)(d), by deleting “section 9(2)” and substituting “section 9(2)(b)”.
- 18 In the proposed section 19A(1)(a), in the English text, by deleting “CAS” and substituting “Chemical Abstracts Service (*CAS*)”.
- 20 In the proposed Schedule 2, in Part 1, by adding—
“4A. Azinphos-methyl 86-50-0”.
- 25(2) In the proposed item 8, by deleting paragraph (a) and substituting—
“(a) for any purposes not specified in item 7; or”.
- 25(4) In the proposed item 14, by deleting paragraph (a) and substituting—
“(a) for any purposes not specified in item 13; or”.
- 26 In the proposed item 73, in paragraph (a), by deleting “section 5(3)” and substituting “section 5(3)(b)”.
- 26 In the proposed item 73, in paragraph (d), by deleting “section 9(2)” and substituting “section 9(2)(b)”.