

LEGISLATIVE COUNCIL BRIEF

Pesticides Ordinance (Cap. 133)

Pesticides Ordinance (Amendment of Schedule 2) Notice 2019

Introduction

In exercise of the power under section 19A(1)(a) of the Pesticides Ordinance (Cap. 133) (the “Ordinance”), the Secretary for Food and Health (“SFH”) has made the Pesticides Ordinance (Amendment of Schedule 2) Notice 2019 (the “Notice”), as set out at **Annex**. The Notice amends Part 1 of Schedule 2 to the Ordinance by adding a pesticide that has recently become subject to the regulation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the “Rotterdam Convention”)¹.

Background and Justifications

2. The Stockholm Convention on Persistent Organic Pollutants (the “Stockholm Convention”)² and the Rotterdam Convention are international treaties that aim at protecting human health and the environment from persistent organic pollutants and hazardous chemicals, including pesticides and other industrial chemicals. The People’s Republic of China is a signatory to both Conventions. In accordance with Article 153 of the Basic Law, the Central People’s Government has applied the Stockholm Convention and the Rotterdam Convention to the Hong Kong Special Administrative Region since 11 November 2004 and 26 August 2008 respectively.

3. The regulation of pesticides, including those regulated under the

¹ The Rotterdam Convention aims to promote shared responsibility and cooperative efforts among the contracting parties in the international trade of certain hazardous chemicals and pesticides in order to protect human health and the environment from potential harm. The Convention has introduced a mandatory Prior Informed Consent Procedure to monitor and control the import and export of certain hazardous chemicals and disseminate national import decisions to the contracting parties.

² The Stockholm Convention aims to protect human health and the environment from potentially harmful persistent organic pollutants. In implementing the Convention, governments will take measures of restricting the production/use of the persistent organic pollutants, and/or their reduction/ultimate elimination.

two Conventions, is governed by the provisions of the Ordinance. Pesticides listed in Schedule 1 and Part 1 of Schedule 2 to the Ordinance (“scheduled pesticides”) are respectively regulated under the Stockholm Convention and the Rotterdam Convention. Pursuant to section 8 of the Ordinance, the import, export, manufacture, sale, supply, possession and use of scheduled pesticides are subject to permit control.

4. At the last (i.e. ninth) biennial meeting of the Conference of the Parties to the Rotterdam Convention held in May 2019 in Geneva, Switzerland, the Parties adopted the decision to list an additional pesticide, namely, *phorate* (CAS No: 298-02-2)(“the newly added pesticide”), in Annex III to the Rotterdam Convention. The amendment has been effective since 16 September 2019.

5. We need to amend Part 1 of Schedule 2 to the Ordinance to include the newly added pesticide in that Schedule to reflect the latest list of pesticides regulated under the Rotterdam Convention.

The Notice

6. Section 19A(1)(a) of the Ordinance provides that SFH may by notice published in the Gazette, add any Convention-regulated pesticide, to Schedule 1 or 2. SFH has accordingly made the Notice to add a new item 37 “*Phorate 298-02-2*” to Part 1 of Schedule 2 to the Ordinance.

Legislative Timetable

7. The legislative timetable is as follows –

Publication in the Gazette	18 October 2019
Tabling at the Legislative Council	23 October 2019
Commencement of the Notice	1 January 2020

Implications of the Proposal

8. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Ordinance. There are no economic, environmental or

financial implications.

Public Consultation

9. In June 2019, the Agriculture, Fisheries and Conservation Department informed holders of pesticides licences and permits under the Ordinance as well as shipping and logistics companies of the aforesaid decision of the ninth meeting of the Conference of the Parties to the Rotterdam Convention and of the proposed amendment to Part 1 of Schedule 2 to the Ordinance. No comments or concerns on the above have been raised by the trade.

Publicity

10. The Notice will be published in the Gazette on 18 October 2019. A spokesperson will be available to answer media enquiries.

Enquiries

11. Enquiries on this brief can be addressed to Mr Amor WONG, Principal Assistant Secretary for Food and Health (Food) 3, at 3509 8927.

Food and Health Bureau

Agriculture, Fisheries and Conservation Department

16 October 2019

**Pesticides Ordinance (Amendment of Schedule 2)
Notice 2019**

(Made by the Secretary for Food and Health under section 19A of the
Pesticides Ordinance (Cap. 133))

1. Commencement

This Notice comes into operation on 1 January 2020.

2. Pesticides Ordinance amended

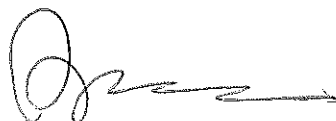
The Pesticides Ordinance (Cap. 133) is amended as set out in
section 3.

**3. Schedule 2 amended (pesticides listed under Rotterdam
Convention and limitations on application of section 8)**

Schedule 2, Part 1—

Add

“37. Phorate 298-02-2”.



Secretary for Food and Health

14 October 2019

Explanatory Note

This Notice amends Schedule 2 to the Pesticides Ordinance (Cap. 133) to add to that Schedule one pesticide, namely Phorate, that has become subject to the regulation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.