

**For Information**

**Legislative Council  
Panel on Food Safety and Environmental Hygiene**

**Proposed Amendment to Schedule 2 to  
the Pesticides Ordinance (Cap. 133)**

**Purpose**

The Government proposes to amend Part 1 of Schedule 2 to the Pesticides Ordinance (Cap. 133) (the Ordinance) to incorporate one pesticide, namely terbufos, in order to give effect to the 2023 amendment to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the Rotterdam Convention). This paper briefs Members on the relevant proposal.

**Background**

**The Rotterdam Convention**

2. The Rotterdam Convention entered into force on 24 February 2004, implementing a prior informed consent procedure<sup>1</sup> in the international trade of specified hazardous chemicals. The Convention aims to promote shared responsibility and cooperative efforts among Parties to the Convention, with a view to protecting human health and avoiding potential harm to the environment caused by such chemicals. The Convention has become effective in our country since 20 June 2005, and has applied to the Hong Kong Special Administrative Region since 26 August 2008.

3. The Conference of the Parties (COP) to the Rotterdam Convention will amend the list of chemicals under the Convention as required after

<sup>1</sup> When chemicals are listed in Annex III of the Rotterdam Convention, parties to the Convention may decide on whether they will allow future import of such chemicals. The prior informed consent procedure is a mechanism that formally obtains and disseminates relevant decisions, and ensures exporting parties comply with these decisions.

discussion, in order to include chemicals that are hazardous to human health or the environment in good time, putting them under regulations.

### The Ordinance

4. Currently, the registration, control and related matters of pesticides in Hong Kong are governed by the Ordinance. Pesticides regulated under the Rotterdam Convention are specified in Part 1 of Schedule 2 to the Ordinance. Pursuant to section 7 of the Ordinance, any person who wishes to import, manufacture, sell or supply etc. a registered<sup>2</sup> pesticide must have a valid pesticide Licence<sup>3</sup>. As for any pesticide listed in a schedule to the Ordinance and any other unregistered pesticide, pursuant to section 8 of the Ordinance, any person who wishes to import, manufacture, sell, supply, be in possession or use etc. such pesticide, or export a scheduled pesticide, must hold a pesticide Permit<sup>4</sup>.

5. Section 19A(1)(a) of the Ordinance provides that the Secretary for the Environment and Ecology (SEE) may by notice published in the Gazette, add any Convention-regulated pesticide<sup>5</sup>, including its Chemical Abstracts Service (CAS) number or other description, to Schedules of the Ordinance. When the COP to the Convention agrees to amend the lists, we will amend the schedules to the Ordinance accordingly, to give effect to the relevant amendments.

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<sup>2</sup> Pursuant to section 4 of the Ordinance, the Director of Agriculture, Fisheries and Conservation (DAFC) and the Deputy Director of Agriculture, Fisheries and Conservation (DDAFC) shall maintain a register of pesticides.

<sup>3</sup> Pesticide Licence shall be renewed annually and the Licence issued covers all registered pesticides in Part I of the pesticide Register, or all registered pesticides in Part I and Part II of the pesticide Register. Ready-for-use domestic pesticides and all other pesticides are registered in Part I and Part II respectively.

<sup>4</sup> Pesticide Permits are issued for specific pesticides and valid for six months, but may be extended for further periods of six months as approved by DAFC and DDAFC.

<sup>5</sup> The Ordinance provides that a pesticide is a pesticide regulated by the Convention if it is regulated by the Rotterdam Convention or other relevant Conventions at the date of publication in the Gazette.

## **Proposed Amendment**

6. At the Eleventh Meeting of the COP to the Rotterdam Convention in 2023, parties to the Convention passed a resolution to add a pesticide, namely terbufos, under Annex III to the Rotterdam Convention (i.e. the list of regulated chemicals). According to the provisions of the Rotterdam Convention, listing chemicals in Annex III of the Rotterdam Convention does not require further ratification by the parties to the Convention. Hence, the amendment has entered into force on 22 October 2023. Parties to the Convention are required to send a response to the Convention Secretariat within nine months after the date of the amendment entering into force, elaborating on the legislative or administrative measures to be adopted for regulating the import and export of the relevant chemicals. Terbufos is currently not registered in Hong Kong, hence its import, manufacture, sale, supply, possession and or use etc. are regulated by pesticide Permit conditions under the Ordinance. No person holds a relevant valid pesticide Permit in Hong Kong at the moment.

7. To implement the amendment in Hong Kong, we will add terbufos into Part 1 of Schedule 2 to the Ordinance. In exercise of the power under section 19A(1)(a) of the Ordinance, SEE will make the Notice in the Gazette to add “terbufos (CAS number: 13071-79-9)” to Part 1 of Schedule 2 to the Ordinance accordingly. After terbufos is listed in Part 1 of Schedule 2 to the Ordinance, unless a pesticide Permit is issued by DAFC or DDAFC, such pesticide shall not be exported, imported, manufactured, sold or used etc.

## **Public Consultation**

8. In August 2023, AFCD informed holders of pesticide Licences and Permits under the Ordinance, as well as shipping and logistics companies of the aforementioned decision of the Eleventh Meeting of COP to the Rotterdam Convention, and the proposed amendment to Part 1 of Schedule 2 to the Ordinance respectively. No comments or concerns have been raised by the trade.

## **Way Forward**

9. We will table the proposed amendment to Part 1 of Schedule 2 to the Ordinance before the Legislative Council for negative vetting on 17 January 2024. Subject to the negative vetting procedure, the new amendment is estimated to take effect in March 2024. We will then notify the trade of the effective date of the amendment.

**Environment and Ecology Bureau**  
**Agriculture, Fisheries and Conservation Department**  
**December 2023**