

THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT
SUMMARY OF THE PESTICIDES ORDINANCE

1. SCOPE

The handling of pesticides in Hong Kong is regulated by the Pesticides Ordinance (Cap. 133) (the Ordinance). The Ordinance was last updated in 2013 by way of the Pesticides (Amendment) Ordinance 2013 to implement therein the requirements of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the Rotterdam Convention) and the Stockholm Convention on Persistent Organic Pollutants (the Stockholm Convention) which aims are to protect human health and the environment. The Pesticides (Amendment) Ordinance 2013 commences operation on 27 January 2014.

Under the Ordinance, the term “pesticide” means any insecticide, fungicide, herbicide, acaricide or any substance (whether organic or inorganic) or mixture of substances used or intended to be used for preventing, destroying, repelling, attracting, inhibiting or controlling any insect, rodent, bird, nematode, bacterium, fungus, weed or other form of plant or animal life or any virus, which is a pest; or any substance or mixture of substances used or intended to be used as a plant growth regulator, defoliant or desiccant. They range from agricultural insecticides, pest control chemicals and antifouling paints to domestic use mothballs, rat poison, mosquito coils, mosquito liquid, etc. However, they do not include any purely mechanical device for trapping or catching insects, rodents or other animals; any purely electromagnetic or ultrasonic device for the control of mosquitoes, rodents or other pests; any antiseptic, disinfecting solution or preparation in clinical or sanitary applications; any pharmaceutical product within the meaning of the Pharmacy and Poisons Ordinance (Cap. 138) and any pesticide not listed in Schedule 1 nor in Part 1 of Schedule 2 to the Ordinance that is contained in an individual package or container not exceeding 10g or 10mL and used indoors for laboratory research, chemical analysis or as a reference standard. Such items do not fall under the scope of control under the Ordinance. Pesticides regulated under the Stockholm Convention and the Rotterdam Convention are set out in the two schedules to the Ordinance (scheduled pesticides).

Control of pesticides is effected through:

- a) registration of pesticides (including their active ingredients and control of inert ingredients);
- b) licensing of pesticide traders and manufacturers;
- c) requirement for a permit to trade, manufacture, possess, or use any scheduled pesticide or any other unregistered pesticide; and
- d) minimum requirements for labeling and bottling of pesticides.

2. REGISTRATION

Under section 4 of the Ordinance, the Director of Agriculture, Fisheries and Conservation (DAFC) shall maintain a register of pesticides. Only pesticides that have been registered in Hong Kong may be distributed in accordance with a Pesticides Licence and used in Hong Kong. Under the Pesticides Register, details of registered pesticides, including the active ingredient(s), concentration limit and permitted formulations, are entered. Individual products do not have to be registered as long as they contain the registered active ingredient and conform to the specified maximum concentration of active ingredient(s) and permitted formulation detailed in the Pesticides Register.

The Pesticides Register is in two parts. Pesticides registered in Part I are ready-for-use domestic pesticides and those in Part II are all other pesticides.

Please refer to the separate guidelines on the application procedure for the registration of a pesticide for details.

3. CONTROL OF INERT INGREDIENTS

Section 13A of the Ordinance empowers DAFC to prohibit or control the use of certain inert ingredients designated to be of toxicological concern. A list of such inert ingredients to be published by notice in the Gazette when they are designated to be of toxicological concern.

No person may manufacture, import, sell or supply any pesticide containing a prohibited or controlled inert ingredient without approval by DAFC.

4. PESTICIDES LICENCES

In accordance with section 7 of the Ordinance, no person shall import, manufacture, sell (including retail) or supply any registered pesticides unless he/she is holding a valid Pesticides Licence. Pesticides Licences are renewable annually. Pesticides Licences are issued to cover all registered pesticides on the Part I or on both Part I and II of the Pesticides Register. Please refer to the separate guidelines on the application procedure for the Pesticides Licences for details.

5. PESTICIDES PERMITS

In accordance with section 8 of the Ordinance, no person shall import, manufacture, sell (including retail), supply, be in possession of, or use a scheduled pesticide or any other unregistered pesticides, or export a scheduled pesticide, unless he/she is holding a valid Pesticides Permit. Pesticides Permits, issued for specific pesticides, are valid for 6 months and can be extended for further 6-month periods as DAFC thinks fit. Scheduled pesticides not exceeding 10g or 10mL that is contained in an individual package or container and used indoors for laboratory research, chemical analysis or as a reference standard are excluded from the permit requirement. Please refer to the separate guidelines on the application procedure for the Pesticides Permits for details.

6. LABELING AND BOTTLING OF PESTICIDES

Minimum requirements for the labeling and bottling of pesticides are prescribed in the Pesticides Regulations (Cap. 133A). The requirements are set to safeguard the users of pesticides, the general public and the environment. Please refer to the separate guidelines on labeling of pesticides for further details.

7. IMPORT AND EXPORT OF PESTICIDES

As stated above, registered pesticides may only be imported by a holder of a Pesticides Licence, and scheduled pesticides or any other unregistered pesticides may only be imported or possessed by a holder of a Pesticides Permit issued in respect of pesticides specified therein.

In addition, each shipment of registered pesticides, scheduled pesticides or any other unregistered pesticides entering/leaving Hong Kong must also be covered by an import/export licence issued under the Import and Export Ordinance (Cap. 60). All import/export licences, with the exception of those covering methyl bromide, are issued by AFCD under delegation from the Trade and Industry Department. Import/export licences for methyl bromide are issued directly by the Director-General of Trade and Industry.

8. EXEMPTIONS

Pesticides in transit (which remain in the ship/aircraft on which they are imported) are exempted from the control of the Ordinance and the import/export licence under the Import and Export Ordinance (Cap. 60). Pesticides which are not scheduled pesticide and are transshipped in Hong Kong on a valid through bill of lading are also exempted from the control of the Ordinance but an import/export licence under Cap. 60 is required. However, scheduled pesticides (except air transshipment cargo) are subject to control of the Ordinance and a Pesticide Permit is required for their import, export and transshipment unless they are packed in individual containers not exceeding 10g or 10 mL and are used for laboratory research, chemical analysis or as a reference standard.

This exemption however does not apply to the import and export control of scheduled pesticides and a Cap.60 licence is required irrespective of the size of the package. Import/export licencing requirements under Cap. 60 for air-to-air transshipment of all pesticides on a valid through air waybill have been waived since May 2000.

9. ENQUIRIES

All guidelines and application forms mentioned in this summary and fees list are available from the Plant and Pesticides Regulatory Division of AFCD (Address: 5/F., Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon), or can be downloaded from AFCD's website www.afcd.gov.hk. Enquiries are welcome by email: pestlic1@afcd.gov.hk (Pesticides Licence) or pestpmt@afcd.gov.hk (Pesticides Permit), phone: (852) 2150 7007 (Pesticides Licence) or (852) 2150 7008 (Pesticides Permit) or fax: (852) 2314 2622.

(Updated on 27 January 2014)