



GUIDE TO APPLY FOR PESTICIDES PERMITS
TO IMPORT/ SUPPLY/ MANUFACTURE / STORE/ POSSESS/
USE/ EXPORT/ TRANSHIP
SCHEDULED OR UNREGISTERED PESTICIDES UNDER
THE PESTICIDES ORDINANCE (CAP. 133)

A. Introduction

The Pesticides Ordinance (Cap. 133) and the Pesticides Regulations (Cap. 133A) regulate the handling of pesticides for the purpose of protecting human health and the environment.

Under section 8 of the Ordinance, save under and in accordance with a Pesticides Permit, a person (1) must not import,¹ cause to be imported, manufacture, sell or offer or expose for sale, supply or offer to supply, be in possession of or use scheduled or any other unregistered pesticides, or (2) must not export² any scheduled pesticides.

In general, a Pesticides Permit will be issued in respect of one single scheduled or unregistered pesticide for, amongst others –

- (i) Import/manufacture/repackaging/storage prior to re-export;
- (ii) use as fumigants by competent pest control companies;
- (iii) restricted use under specific conditions;
- (iv) laboratory research or chemical analysis purposes with content exceeding 10g or 10mL;
- (v) supply to other permit holders; or
- (vi) export ; or transhipment (for scheduled pesticides only).

To safeguard public safety, the permit holders are required to have adequate knowledge about the safe handling of the pesticides concerned.

¹ Section 3(1) of the Ordinance provides that “This Ordinance does not apply to a pesticide that –
(a) is in transit;
(b) is not a scheduled pesticide and is transhipped in Hong Kong; or
(c) is a scheduled pesticide and is air transhipment cargo.”

² Ibid.

B. Procedures for Application of a Pesticides Permit

- (1) Applicants are required to complete, in duplicate, the application form for a Pesticides Permit. The form can be obtained from the Plant and Pesticides Regulatory Division of Agriculture, Fisheries and Conservation Department (AFCD). In addition, it can also be downloaded from Internet. (Website : <http://www.afcd.gov.hk>; Postal address: 5/F., Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon or by email at pestpmt@afcd.gov.hk).
- (2) The completed application form should be submitted to AFCD together with the data and information as specified.
 - (i) a copy of the Business Registration Certificate.
 - (ii) the information listed in “Appendix A – Information Required for Applying a Pesticides Permit”.
 - (iii) the applicant from an unlimited company should also submit proof of proprietorship. e.g. “Certified Copy of an Extract of Information on the Business Registration Register (Form 1a/1c)” or copy of the “Notice of Assessment of Profits Tax of the Corporation”.
- (3) The fees associated with the permit include the application fee and the issue fee. The applicant should pay the application fee at the time of submitting the application. Please note that the application fee is not refundable if the application is rejected. A “Notice of Approval” will be issued to the applicant if the application is approved, informing the applicant to pay the permit issue fee within one month. If this fee is not paid before the due date, the approval will lapse and a fresh application has to be made.
- (4) Upon receipt of an application, AFCD will need to –
 - (i) interview the responsible person or person whose name is to be listed on the Pesticides Permit on his/their knowledge on the control/handling of the pesticide, particularly on the safe use of the pesticide;
 - (ii) inspect the premises to see if they are suitable for the purposes, such as manufacture, reformulation or storage of the pesticide; and
 - (iii) assess the person(s) responsible for handling and using the pesticide through demonstration on his technical competence except for the transshipment of scheduled pesticides.
- (5) A “Notice of Approval” will be issued to the Applicant between two to four working days after all required documents have been received by AFCD and all assessments and inspections have been satisfactorily passed. After the Applicant confirms acceptance of the conditions as stated in the “Notice of Approval NOA”, the applicant has to pay for the permit issue fee within a month to obtain the permit, or AFCD will withdraw the permit.
- (6) Postal application should be addressed to the Director of Agriculture, Fisheries and Conservation (DAFC). E-mail application should be sent to pestpmt@afcd.gov.hk. The fee should be settled by crossed cheque and no cash should be sent by post. The cheque should be made payable to "The Government of the Hong Kong Special Administrative Region". Please refer to the attached table for the various fees.

C. General Conditions to be Observed by the Permit Holders

- (1) The pesticide shall only be supplied locally to another person holding a Pesticides Permit for the same pesticide.
- (2) The pesticide must be stored in its original import container with an appropriate label showing warning wording such as "POISON".
- (3) The Pesticides Permit holders must keep proper written record of all transactions and activities relating to of the pesticide.
- (4) The pesticide must be stored in the place specified by AFCD.

D. Introduction

Each Pesticides Permit shall expire six months after the date of issuance.

A Pesticides Permit holder who wishes to apply to AFCD for extension of the Pesticides Permit shall make an application one month before the date of expiry. The Pesticides Permit holder shall at the same time submit all transaction records of the pesticide to AFCD for inspection and arrangement made for examining the demonstration on the handling or application of the pesticide. No application for extension will be accepted after the expiry of the Permit.

Postal application should be addressed to the Director of Agriculture, Fisheries and Conservation (DAFC). E-mail application should be sent to pestpmt@afcd.gov.hk. The fee should be settled by crossed cheque and no cash should be sent by post. The cheque should be made payable to "The Government of the Hong Kong Special Administrative Region". Please refer to the attached table for the various fees. No application for extension is accepted after the date of expiry. The applicant has to make a fresh application and pay the relevant fee.

E. Variation of Pesticides Permit

Should there be any change to the information of the Pesticides Permits, such as particulars of the responsible person and pesticide handler, correspondence address, or any other particulars on the Pesticides Permit, the Pesticides Permit holders must inform DAFC in advance for variation of the Pesticides Permits concerned.

F. Application for Pesticides Permits for the Possession of Unregistered Fumigants

Applicants should contact the Plant and Pesticides Regulatory Division of AFCD for further information before submitting their applications.

G. Import and Export of Scheduled or Unregistered Pesticides

- (1) A Pesticides Permit is required for the import or import for re-export of any unregistered pesticide. For scheduled pesticides, in addition to import and export, the permit requirement is also applicable to transshipment cargoes. Furthermore, each consignment of the relevant pesticides to be imported, exported or transhipped must be covered by an Import/Export Licence (IE License) issued under the Import and Export Ordinance (Cap.60). The IE Licence for pesticides is issued by AFCD under the delegated authorities from the Director-General of Trade and Industry. All pesticides, including scheduled pesticides, in air-transshipment are exempted from regulation under Cap.133 and Cap.60.
- (2) Except for scheduled pesticides for which import responses have been clearly issued by the importing country, exporters or shipping companies should also furnish the relevant document from the importing country authorizing the importation of the pesticide for the applications of permit and IE Licence. For transshipment cases, the relevant cargo shall be consigned on a through bill of lading.
- (3) If a consignment of a scheduled or unregistered pesticide in transshipment is consigned on a through bill of lading via Hong Kong to another place outside Hong Kong, the consignment must depart Hong Kong according to the details provided in the through bill of lading, otherwise it must be stored in a specified public godown until leaving Hong Kong. In the latter case, documentary proof of the storage arrangement shall be provided to AFCD for reference.
- (4) If a pesticide is in transit, that is, passing through Hong Kong on the same ship, aircraft or vehicle without transshipment, the Pesticides Permit and IE Licence are exempted.
- (5) The definition of “pesticide” in the Ordinance includes scheduled pesticides but not, amongst others, an insecticide, fungicide, herbicide, acaricide or any substance (whether organic or inorganic) or mixture of substance described in paragraph (a) or (b) of the definition of ‘pesticide’, which is not a scheduled pesticide; is contained in an individual package or container and does not exceed 10g or 10 mL; and is used or intended to be used indoors (I) for laboratory research; (II) for chemical analysis; or (III) as a reference standard. The permit requirement under section 8 of the Ordinance however does not apply to a scheduled pesticide if it is contained in an individual package or container and does not exceed 10g or 10 mL and it is used or intended to be used indoors for laboratory research, chemical analysis or as a reference standard.

H. Statutory Penalties Violation of the Ordinance in Dealing with Scheduled or Unregistered Pesticides

- (1) The maximum penalties for the import, manufacture, sale, supply, in possession of, use, export, or transshipment of scheduled or unregistered pesticides without a Pesticides Permit are a fine at level 5 and imprisonment for one year.
- (2) The maximum penalties for contravening any condition on a Pesticides Permit are a fine at level 4 and imprisonment for six months.
- (3) A holder of a permit who, in the manufacture of pesticides, -(a) uses any inert ingredient the use of which is prohibited by notice under section 13A(a); or (b) uses any inert ingredient the use of which is subject to conditions specified by notice under section 13A(c) in contravention of any condition so specified, commits an offence and is liable to a fine at level 1 and to imprisonment for 6 months.

I. Enquiries

Should you have any enquiries regarding application for Pesticides Permits, please contact the Plant and Pesticides Regulatory Division of AFCD as follows.

Plant and Pesticide Regulatory Division
Agriculture, Fisheries and Conservation Department
Tel: (852) 2150 7008
Fax: (852) 2314 2622
E-mail: pestpmt@afcd.gov.hk
Website: www.afcd.gov.hk