

AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT

GUIDE TO APPLICATION FOR PESTICIDE LICENCES TO IMPORT/ SUPPLY/ MANUFACTURE/ REPACKAGE/ STORE/ RETAIL REGISTERED PESTICIDES

Introduction

The Pesticides Ordinance Cap. 133, regulates the import, supply, manufacture, repackaging, storage, retail and labelling of all pesticides for public safety. Only persons with licences issued under the Pesticides Ordinance are allowed to deal in registered pesticides.

Registered pesticides are classified into two parts according to their usage and toxicity. All those ready for immediate use in general household situation are registered as Part I pesticides and all other pesticides are registered as Part II pesticides. The licences are categorized into three types:

1. Licences to import/ supply/ manufacture/ repackaging/ storage/ retail Part I pesticides.
2. Licences to import/ supply/ manufacture/ repackaging/ storage/ retail Part II pesticides.
3. Licences to import/ supply/ manufacture/ repackaging/ storage/ retail all registered pesticides (i.e. both Part I & Part II pesticides).

Import or retail of pesticides must be subject to the restrictions imposed on any pesticide listed in the Register such as maximum concentration for retail sale, formulation, etc. For further information, please refer to the Government Gazette, visit our website at http://www.afcd.gov.hk/index_e.htm, or approach our office in person.

Procedures for Licence Application

- (1) Applicants are required to complete, in duplicate, a pesticide licence application form obtainable from this department at 5/F., Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon or call 2708 8885 to obtain the form by fax through our Interactive Voice Processing System. In addition, it can also be downloaded from Internet at our website.
- (2) The completed form should be submitted in person or via post together with the following documents:
 - (i) a copy of the Identity Card of the responsible person.
 - (ii) a copy of the Business Registration Certificate. If the applicant is an unlimited company, she should also submit for proof of proprietorship. e.g. "Certified Copy of an extract of information on the Business Registration Register (Form 1a/1c)" or a copy of the "Notice of Assessment of Profits Tax of the Corporation".
- (3) Fees associated with the licence 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. To simplify the application procedure, applicants should pay licence issue fee together with the application fee if the licence required only involves import, supply or retail. Regarding application for licence to manufacture/ repackage/ store pesticides, a satisfactory evaluation of the activity is required before the licence is approved. Upon approval, a "Notice of Approval" stipulating conditions for the approved activities will be issued to inform the applicant to pay the licence 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.

Postal application should be addressed to the Director of Agriculture, Fisheries and Conservation. 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.

- (4) Before an application is approved, this Department may inspect :
- (i) the premises intended for the storage, repackaging, manufacture or retail of pesticides.
(**Note:** Pesticides must be kept out of reach of children. No food or drink should be stored or prepared in proximity to premises where pesticides are placed. Similarly no clothing or other absorbent material should be placed nearby.)
 - (ii) the packaging of pesticides to be stored or retailed.
(**Note:** The containers holding the pesticides must be strong and durable and properly sealed. If the containers are made of glass or plastics, the outer surface must be fluted vertically with grooves recognizable by touch for easy distinction from bottles used for containing beverages or seasonings.)
- (5) Usually it will take 2 working days to process an application. All licences will normally be sent to the applicants by post. Should there be any doubt, please contact the Plant and Pesticides Regulatory Division at 2150 7007.

Renewal of Licences

Every licence shall expire 12 months after the date of issue. The licensee can apply to the Department for renewal one month before the date of expiry and pay the renewal fee. No application for renewal is accepted after the date of expiry. An applicant must make a fresh application and pay the relevant fee.

Importing and Exporting Registered Pesticides

- (1) An "Import & Supply Pesticide Licence" holder can import and/or export registered pesticides, but still should comply with the Import and Export Ordinance, Cap. 60. Each consignment of pesticides to be imported, exported or transhipped in Hong Kong must be covered by the Import and/or Export Licence issued by Agriculture, Fisheries and Conservation Department under the delegated authorities from the Director-General of Trade and Industry.
- (2) If a pesticide is in transshipment on a through bill of lading from a place outside Hong Kong to another place outside Hong Kong, a Pesticide Licence is not necessary but the Import and Export Licence are still required. Such pesticides, after being shipped into Hong Kong, must be stored in a public godown until leaving Hong Kong. Moreover, licensing requirements under Cap. 60 for pesticides undergoing transshipment on a through air waybill have been waived since May 2000.
- (3) If a pesticide is in transit, that is, passing through Hong Kong on the same ship, aircraft or vehicle without transshipment, a Pesticide Licence and Import/ Export Licence are exempted.

Penalties for Illegal Dealing in Registered Pesticides

- (1) Import/ manufacture/ sale/ supply of registered pesticides by any person without a licence.
 - maximum fine HK\$ 50,000 and one year's imprisonment.
- (2) Contravention of any conditions as gazetted:
 - (i) use of any prohibited or controlled inert ingredient in the manufacture of pesticide.
 - (ii) Import/ sale/ supply of pesticides containing any prohibited or controlled inert ingredient.
 - maximum fine HK\$ 2,000 and six months' imprisonment.
- (3) Contravention of any of the conditions imposed on a licence:
 - maximum fine HK\$ 25,000 and six months' imprisonment.
- (4) Obstruction of an inspector, refusing to allow the collection of a sample, failure to produce a licence, etc:
 - maximum fine HK\$ 10,000 and six months' imprisonment.