

AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT
GUIDE FOR APPLYING PERMIT TO
IMPORT/ SUPPLY/ MANUFACTURE/ STORE/ USE UNREGISTERED PESTICIDES

Introduction

In view of the potential danger of unregistered pesticides being greater than registered pesticides, there is a need to put the former under more stringent regulation. Under the Pesticides Ordinance Cap. 133, only persons holding a valid pesticide permit may import, manufacture, supply or possess unregistered pesticides. Each permit covers the dealing in one particular unregistered pesticide only. To safeguard public safety, the permittees are required to have adequate knowledge about the safe handling of that particular pesticide.

Procedures for Permit Application

- (1) Applicants are required to complete, in duplicate, a pesticide permit 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 the website : http://www.afcd.gov.hk/index_e.htm
- (2) Every section on the application form must be completed. After filling in the form, please submit it in person or post it together with the following documents:
 - (i) a copy of the Business Registration Certificate.
 - (ii) a copy of the Identity Card of the responsible person.
 - (iii) a copy of the Identity Card of the handler.
 - (iv) 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 copy of the "Notice of Assessment of Profits Tax of the Corporation".
 - (v) detailed information about the material safety data of the pesticide.
- (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.

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, or as a condition of approval, the Department will :
 - (i) interview each applicant in connection with the knowledge about the safety of the pesticide;
 - (ii) inspect the premises used for purposes like the manufacture, reformulation or storage of the pesticide;
 - (iii) test the person on handling and application of the pesticide if applying for the use.

- (5) It will take 2 to 5 working days to process an application. All permits will normally be sent to the applicants by post. Should there be any doubt, please contact the Plant and Pesticides Regulatory Division on 2150 7008.

General Conditions to be Observed by the Permittee

- (1) The pesticide could only be supplied locally to another person holding a permit for the same pesticide.
- (2) The pesticide must be stored in the container in its original import form, with appropriate label.
- (3) The permittee must properly keep the complete transaction record and the relevant documents of the pesticide.
- (4) The pesticide must be stored in the place specified by this Department.

Extension of Permits

Every permit shall expire 6 months after the date of issue. Permittee may, with a complete transaction record of the pesticide submitted for inspection, apply to the Department for extension one month before the date of expiry and pay the extension fee. No application for extension is accepted after the date of expiry. The applicant has to make a fresh application and pay the relevant fee.

Importing and Exporting Unregistered Pesticides

- (1) An "Import & Supply Permit" holder can import and/or export a particular unregistered pesticide, 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 transhipment 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, licencing requirements under Cap. 60 for pesticides undergoing transhipment 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 transhipment, a permit and Import/ Export Licence are exempted.

Penalties for Illegal Dealing in Unregistered Pesticides

- (1) Maximum fine for the import/ manufacture/ sale/ supply/ possession of unregistered pesticides without a permit is HK\$ 50,000 and one year's imprisonment.
- (2) Maximum fine for contravening any condition imposed on a permit is HK\$ 25,000 and six months' imprisonment.
- (3) Maximum fine for the use of any prohibited or controlled inert ingredient without a permit in the manufacture of pesticides or import, supply and sale of pesticides containing any prohibited or controlled inert ingredient is HK\$ 2,000 and six months' imprisonment.