

AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT

GUIDE TO APPLICATION FOR A PESTICIDES LICENCE 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 to protect public safety. Only persons with licences issued under the Pesticides Ordinance are allowed to carry out the aforementioned activities in respect of registered pesticides.

Registered pesticides are classified into two types according to their usage and toxicity. All those ready for immediate use in general household situation are Part I registered pesticides and all other pesticides are Part II registered pesticides. Applicants may apply for a licence to import/supply/manufacture/repackage/store/retail Part I pesticides, Part II pesticides or both Part I and Part II pesticides.

Furthermore, the pesticides to be imported, supplied or retailed must be subject to the restrictions imposed on any pesticide listed in the register of pesticides, such as maximum concentration of active ingredient(s) and permitted formulation. For further information, please refer to the list of registered pesticides on the website of the Agriculture, Fisheries and Conservation Department (AFCD) at <http://www.afcd.gov.hk> or approach this office in person.

Procedures for Licence Application

- (1) Applicants are required to complete, in duplicate, a Pesticides Licence application form. The form can be obtained from AFCD at 5/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon or downloaded from its website at <http://www.afcd.gov.hk>.
- (2) The completed form should be submitted in person or by post together with a photocopy of the Business Registration Certificate. If the applicant is an unlimited company, proof of proprietorship, e.g. “Certified Copy of an Extract of Information on the Business Registration Register (Form 1a/1c)” or a photocopy of the “Notice of Assessment of Profits Tax of the Corporation”, should also be submitted.
- (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 application. Please note that the application fee is not refundable if the application is rejected. To simplify the application procedures, applicants should pay the licence issue fee together with the application fee if the licence required only involves import, supply or retail. Regarding application for a 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” will be issued to inform the applicant to pay the licence issue fee within one month. The applicant should pay the fee before the due date. Otherwise, the approval will lapse and a fresh application has to be made.

Postal applications should be addressed to the Director of Agriculture, Fisheries and Conservation (DAFC). The fee should be settled by a 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, AFCD may inspect the following:
- (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 the 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 impervious and strong enough to resist damage from normal handling and transport.)
- (5) It usually takes two working days to process an application. The licences are normally sent to applicants by post. Should there be any doubt, please contact the Plant and Pesticides Regulatory Division of AFCD at 2150 7007.

Licence Renewal

Every licence shall expire 12 months after the date of issue. The licensee can apply to DAFC for renewal one month before the licence expiry date and pay the renewal fee. An application for renewal submitted after the expiry date will not be entertained. The applicant has to make a fresh application and pay the relevant fee.

Amendment of Licence Particulars

If there is any change in the responsible person, correspondence address or any other particulars on the licence, the licensee must inform DAFC in advance for amendment of licence particulars.

Import and Export of Registered Pesticides

- (1) The holder of an “Import and Supply” Pesticides Licence can import and/or export registered pesticides, but should still 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 an Import and/or Export Licence issued by AFCD under the delegated authority from the Director-General of Trade and Industry.

- (2) If a pesticide is in transshipment on a through bill of lading via Hong Kong to another place outside Hong Kong, a Pesticides Licence is not necessary but the Import and Export Licences are still required. Such pesticide, after being shipped into Hong Kong, must be stored in a public godown until leaving Hong Kong. Moreover, the licensing requirement under Cap. 60 for pesticides undergoing transshipment on a through air waybill has 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 Pesticides Licence and Import/Export Licence under Cap. 60 are exempted.

Penalties for Dealing with Registered Pesticides Illegally

- (1) Import/manufacture/sale/supply of registered pesticides by any person without a licence.
 - maximum fine at level 5 and one year imprisonment.
- (2) Contravention of any conditions as gazetted:
 - (i) use of any prohibited or controlled inert ingredient in the manufacture of pesticides.
 - (ii) import/sale/supply of pesticides containing any prohibited or controlled inert ingredient.
 - maximum fine at level 1 and six months imprisonment.
- (3) Contravention of any of the conditions on a licence:
 - maximum fine at level 4 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 at level 3 and six months imprisonment.

Enquiry

If you have any enquiry regarding application for a Pesticides Licence, please contact the Plant and Pesticides Regulatory Division of AFCD.

Tel: (852) 2150 7007

Fax: (852) 2314 2622

E-mail: pestlic1@afcd.gov.hk

Website: <http://www.afcd.gov.hk>

除害劑規例附表內所訂的收費調整(一九九七年十一月二十八日起生效)
Revision of Fees Prescribed in the Schedule to the Pesticides Regulations
(Effective from 28th November, 1997)

項目 Item	事 項 Matter	新收費(元) New Fee (\$)
1.	申請註冊除害劑 Application for pesticides registration	2500
2.	提交除害劑牌照申請 Application for a pesticides licence	125
3.	提交除害劑許可證申請 Application for a pesticides permit	155
4.	簽發在登記冊第 I 部註冊的除害劑牌照 Issue of a licence covering Part I pesticides only	395
5.	簽發在登記冊第 II 部或同時在第 I 及第 II 部註冊的除害劑牌照 Issue of a licence covering Part II or both Part I and Part II pesticides	800
6.	應持牌人要求簽發修訂牌照 Issue of a varied licence at the request of the licensee	520
7.	簽發作進口或擁有以作轉口用途的未註冊除害劑許可證 Issue of a permit to import or possess an unregistered pesticides for re-export only	700
8.	簽發作任何其他用途的未註冊除害劑許可證 Issue of a permit for an unregistered pesticide to cover any other purpose	1280
9.	應持證人要求簽發修訂許可證 Issue of a varied permit at the request of the permittee	825
10.	延續在登記冊第 I 部註冊的除害劑牌照 Renewal of a licence covering Part I pesticides only	200
11.	延續在登記冊第 II 部或同時在第 I 及第 II 部註冊的除害劑牌照 Renewal of a licence covering Part II or both Part I and Part II pesticides	580
12.	簽發牌照或許可證複本 Issue of a duplicate licence or permit	160
13.	延長進口或擁有以用作轉口用途的未註冊除害劑許可證的有效期 Extension of a permit to import or possess an unregistered pesticide for re-export only	395
14.	延長作任何其他用途的未註冊除害劑許可證的有效期 Extension of a permit for an unregistered pesticide to cover any other purpose	910