

《除害劑條例》 (第 133 章)

Pesticides Ordinance (Cap. 133)

版本日期
Version date
20.3.2024

經核證文本 Verified Copy

(《法例發布條例》(第 614 章)第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

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條文 Provision	頁數 Page number	最後更新日期 Last updated date
第 1 部 Part 1	1-1—1-14	1.7.2022
第 2 部 Part 2	2-1—2-4	10.4.2014
第 3 部 Part 3	3-1—3-16	9.7.2020
第 4 部 Part 4	4-1—4-24	1.7.2022
附表 1 Schedule 1	S1-1—S1-4	20.10.2023
附表 2 Schedule 2	S2-1—S2-10	20.3.2024

尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

附註 ——

有關《立法會決議》(2007 年第 130 號法律公告) 所作之修訂的保留及過渡性條文，見載於該決議第 (12) 段。

Provisions / Amendments not yet in operation —

Please see Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for information of provisions and amendments not yet in operation.

Remarks —

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

制定史

本為 1977 年第 38 號 —— 1977 年第 46 號，1977 年編正版，1979 年第 25 號，1980 年第 69 號，1990 年第 79 號，1995 年第 68 號，1996 年第 (C)91 號法律公告 (中文真確本)，1997 年第 62 號法律公告，1997 年第 256 號法律公告，1997 年第 52 號，1997 年第 80 號，1997 年第 92 號，1997 年第 362 號法律公告，1999 年第 78 號，1999 年第 331 號法律公告，2000 年第 35 號，2000 年第 60 號，2002 年第 106 號法律公告，2007 年第 130 號法律公告，2013 年第 14 號，2014 年第 2 號編輯修訂紀錄，2014 年第 43 號法律公告，2015 年第 201 號法律公告，2018 年第 55 號法律公告，2019 年第 148 號法律公告，2020 年第 4 號編輯修訂紀錄，2022 年第 144 號法律公告，2023 年第 95 號法律公告，2024 年第 4 號法律公告

Enactment History

Originally 38 of 1977 — 46 of 1977, R. Ed. 1977, 25 of 1979, 69 of 1980, 79 of 1990, 68 of 1995, L.N. (C) 91 of 1996 (Chinese authentic version), L.N. 62 of 1997, L.N. 256 of 1997, 52 of 1997, 80 of 1997, 92 of 1997, L.N. 362 of 1997, 78 of 1999, L.N. 331 of 1999, 35 of 2000, 60 of 2000, L.N. 106 of 2002, L.N. 130 of 2007, 14 of 2013, E.R. 2 of 2014, L.N. 43 of 2014, L.N. 201 of 2015, L.N. 55 of 2018, L.N. 148 of 2019, E.R. 4 of 2020, L.N. 144 of 2022, L.N. 95 of 2023, L.N. 4 of 2024

《除害劑條例》

(第 133 章)

目錄

條次	頁次
第 1 部 導言	
1. 簡稱	1-1
2. 釋義	1-1
3. 適用範圍	1-9
3A. 本條例適用於特區政府等	1-11
第 2 部 除害劑的註冊	
4. 除害劑註冊紀錄冊	2-1
5. 註冊	2-1
6. 署長取消或修改註冊的權力	2-3
第 3 部 對除害劑的管制	
7. 對註冊除害劑的管制	3-1
8. 管制附表所列除害劑及其他未經註冊除害劑	3-3
9. 除害劑牌照或許可證	3-7

Pesticides Ordinance

(Cap. 133)

Contents

Section	Page
Part 1 Preliminary	
1. Short title	1-2
2. Interpretation	1-2
3. Application	1-10
3A. Ordinance applies to Government etc.	1-12
Part 2 Registration of Pesticides	
4. Register of pesticides	2-2
5. Registration	2-2
6. Power of Director to cancel or modify registration	2-4
Part 3 Control of Pesticides	
7. Control of registered pesticides	3-2
8. Control of scheduled pesticides and other unregistered pesticides	3-4
9. Licence or permit for pesticides	3-8

條次		頁次	Section	Page	
10.	牌照的取消或暫時吊銷	3-9	10.	Cancellation or suspension of licence	3-10
11.	許可證的取消	3-11	11.	Cancellation of permit	3-12
12.	擬作出取消或暫時吊銷意向通知書	3-11	12.	Notice of intention to cancel or suspend	3-12
13.	牌照或許可證取消後除害劑的處置指示	3-11	13.	Directions on disposal of pesticide where licence or permit cancelled	3-12
13A.	違禁或受管制的非主成分	3-13	13A.	Prohibited or controlled inert ingredients	3-14
第 4 部 雜項條文			Part 4 Miscellaneous		
14.	督察及獲授權人員的委任	4-1	14.	Appointment of inspectors and authorized officers	4-2
15.	進入、檢取等權力	4-1	15.	Powers of entry, seizure, etc.	4-2
15A.	無需手令進入處所的權力等	4-3	15A.	Power to enter premises, etc. without warrant	4-4
16.	(廢除)	4-5	16.	(Repealed)	4-6
16A.	向行政上訴委員會提出上訴	4-5	16A.	Appeals to Administrative Appeals Board	4-6
17.	罪行及罰則	4-7	17.	Offences and penalties	4-8
18.	沒收	4-11	18.	Forfeiture	4-12
18A.	署長可為實施《鹿特丹公約》或《斯德哥爾摩公約》的規定而行使權力	4-13	18A.	Director may exercise powers for implementing requirements of Rotterdam Convention or Stockholm Convention	4-14
19.	規例	4-13	19.	Regulations	4-14
19A.	環境及生態局局長可修訂附表	4-17	19A.	Power of Secretary for Environment and Ecology to amend Schedules	4-18
19B.	對公職人員的保障	4-19	19B.	Protection of public officers	4-20

條次		頁次
20.	商標、商品說明、專利權及版權不受影響	4-19
21.	《藥劑業及毒藥條例》不適用於除害劑	4-21
22.	《危險品條例》適用	4-21
23.	關乎《2013 年除害劑 (修訂) 條例》的過渡性條文及保留條文	4-21
附表 1	《斯德哥爾摩公約》所列的除害劑	S1-1
附表 2	《鹿特丹公約》所列的除害劑及第 8 條的適用範圍的限制	S2-1

Section		Page
20.	Trade marks, trade descriptions, patents and copyright not affected	4-20
21.	Pharmacy and Poisons Ordinance not to apply to pesticides	4-22
22.	Dangerous Goods Ordinance to apply	4-22
23.	Transitional and savings provisions relating to Pesticides (Amendment) Ordinance 2013	4-22
Schedule 1	Pesticides Listed under Stockholm Convention	S1-2
Schedule 2	Pesticides Listed under Rotterdam Convention and Limitations on Application of Section 8	S2-2

本條例旨在就除害劑的註冊與管制以及相關事宜訂定條文。

(由 1990 年第 79 號第 2 條修訂)
(格式變更——2020 年第 4 號編輯修訂紀錄)

[1977 年 7 月 15 日] 1977 年第 166 號法律公告

第 1 部

導言

(格式變更——2014 年第 2 號編輯修訂紀錄)

1. 簡稱

本條例可引稱為《除害劑條例》。

(由 1990 年第 79 號第 3 條修訂)

2. 釋義

(1) 在本條例中，除文意另有所指外——(由 2013 年第 14 號第 3 條修訂)

未經註冊除害劑 (unregistered pesticide) 指並無在註冊紀錄冊上註冊的除害劑；(由 1990 年第 79 號第 4 條增補)

附表所列除害劑 (scheduled pesticide) 指——

- (a) 附表 1 或附表 2 第 1 部所指明的未經註冊除害劑；或
- (b) 附表 1 及附表 2 第 1 部均有指明的未經註冊除害劑；(由 2013 年第 14 號第 3 條增補)

非主成分 (inert ingredient) 與除害劑有關時，指除害劑中不屬活性成分的任何成分；(由 1990 年第 79 號第 4 條增補)

To provide for the registration and control of pesticides and for matters connected therewith.

(Amended 79 of 1990 s. 2)
(Format changes—E.R. 4 of 2020)

[15 July 1977] L.N. 166 of 1977

Part 1

Preliminary

(Format changes—E.R. 2 of 2014)

1. Short title

This Ordinance may be cited as the Pesticides Ordinance.

(Amended 79 of 1990 s. 3)

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—(Amended 14 of 2013 s. 3)

active ingredient (活性成分), in relation to a pesticide, means any substance, mixture of substances or biological agent in the pesticide which is the biologically active part of the pesticide; (Added 79 of 1990 s. 4)

authorized officer (獲授權人員) means a public officer appointed to be an authorized officer under section 14; (Added 14 of 2013 s. 3)

Director (署長) means the Director of Agriculture, Fisheries and Conservation and the Deputy Director of Agriculture, Fisheries and Conservation; (Amended L.N. 331 of 1999)

活性成分 (active ingredient) 與除害劑有關時，指除害劑中具有生物活性的部分的任何物質、物質混合物或生物劑；(由 1990 年第 79 號第 4 條增補)

海關人員 (member of the Customs and Excise Service) 指擔任《香港海關條例》(第 342 章) 附表 1 所指明的職位的任何人；(由 1977 年第 46 號第 18 條修訂；由 1995 年第 68 號第 2 條修訂)

除害劑 (pesticide) 指——

- (a) 任何除蟲劑、除真菌劑、除莠劑、除蟎劑或用作或擬用作預防、摧毀、驅除、吸引、抑制或控制屬有害物的任何昆蟲、齧齒動物、雀鳥、線蟲、細菌、真菌、雜草或其他形態的植物或動物或任何病毒的任何物質 (不論是有機的或無機的) 或物質混合物；或
- (b) 用作或擬用作植物生長調節劑、落葉劑或乾燥劑的任何物質或物質混合物，
但不包括——
 - (i) 用作誘捕或捕捉昆蟲、齧齒動物或其他動物的任何純機械裝置；
 - (ii) 用作控制蚊子、齧齒動物或其他有害物的任何純電磁或超聲波裝置；
 - (iii) 作臨床或衛生用途的任何既非附表 1 所指明亦非附表 2 第 1 部所指明的防腐或消毒溶液或製劑；(由 2013 年第 14 號第 3 條修訂)
 - (iv) 《藥劑業及毒藥條例》(第 138 章) 第 2 條所指的任何藥劑產品；及 (由 1990 年第 79 號第 4 條增補。由 1997 年第 62 號法律公告修訂；由 2013 年第 14 號第 3 條修訂)
 - (v) 任何符合以下描述的除蟲劑、除真菌劑、除莠劑、除蟎劑或 (a) 或 (b) 段描述的物質 (不論是有機的或無機的) 或其混合物——

function (職能) includes duty; (Added 14 of 2013 s. 3)

inert ingredient (非主成分), in relation to a pesticide, means any ingredient of the pesticide which is not an active ingredient; (Added 79 of 1990 s. 4)

inspector (督察) means any public officer authorized to be an inspector under section 14;

licence (牌照) means a licence to import, manufacture, sell or supply registered pesticides issued under section 9; (Amended 79 of 1990 s. 4; 14 of 2013 s. 3)

member of the Customs and Excise Service (海關人員) means any person holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); (Amended 46 of 1977 s. 18; 68 of 1995 s. 2)

permit (許可證) means—

- (a) a permit to import, manufacture, sell, supply, be in possession of or use a scheduled pesticide or any other unregistered pesticide issued under section 9; or
- (b) a permit to export a scheduled pesticide issued under section 9; (Replaced 14 of 2013 s. 3)

pesticide (除害劑) means—

- (a) 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
- (b) any substance or mixture of substances used or intended to be used as a plant growth regulator, defoliant or desiccant,

but does not include—

1-5
第 133 章

第 1 部
第 2 條

- (A) 既非附表 1 所指明亦非附表 2 第 1 部所指明者；
- (B) 載於獨立包裝或容器內，而分量不超過 10 克或 10 毫升者；及
- (C) 在室內使用或擬在室內使用 ——
 - (I) 作實驗室研究；
 - (II) 作化學分析；或
 - (III) 作參照標準；(由 2013 年第 14 號第 3 條增補)

許可證 (permit) 指 ——

- (a) 根據第 9 條發出的輸入、製造、售賣、供應、管有或使用附表所列除害劑或任何其他未經註冊除害劑的許可證；或
- (b) 根據第 9 條發出的出口附表所列除害劑的許可證；(由 2013 年第 14 號第 3 條代替)

《鹿特丹公約》 (Rotterdam Convention) 指於 1998 年 9 月 10 日通過、並經不時修訂和適用於香港的《關於在國際貿易中對某些危險化學品和農藥採用事先知情同意程序的鹿特丹公約》；(由 2013 年第 14 號第 3 條增補)

《斯德哥爾摩公約》 (Stockholm Convention) 指於 2001 年 5 月 22 日通過、並經不時修訂和適用於香港的《關於持久性有機污染物的斯德哥爾摩公約》；(由 2013 年第 14 號第 3 條增補)

植物 (plants) 包括樹木、灌木及種子；

牌照 (licence) 指根據第 9 條發出的輸入、製造、售賣或供應註冊除害劑的牌照；(由 1990 年第 79 號第 4 條修訂；由 2013 年第 14 號第 3 條修訂)

註冊紀錄冊 (register) 指根據第 4 條備存的除害劑註冊紀錄冊；(由 1990 年第 79 號第 4 條修訂)

註冊除害劑 (registered pesticide) 指在註冊紀錄冊上註冊的除害劑；(由 1990 年第 79 號第 4 條增補)

Part 1
Section 2

1-6
Cap. 133

- (i) any purely mechanical device for trapping or catching insects, rodents or other animals;
- (ii) any purely electromagnetic or ultrasonic device for the control of mosquitoes, rodents or other pests;
- (iii) any antiseptic, disinfecting solution or preparation in clinical or sanitary applications that is neither specified in Schedule 1 nor in Part 1 of Schedule 2; (*Amended 14 of 2013 s. 3*)
- (iv) any pharmaceutical product within the meaning of section 2 of the Pharmacy and Poisons Ordinance (Cap. 138); and (*Added 79 of 1990 s. 4. Amended 14 of 2013 s. 3*)
- (v) any insecticide, fungicide, herbicide, acaricide or any substance (whether organic or inorganic) or mixture of substances described in paragraph (a) or (b), if—
 - (A) it is neither specified in Schedule 1 nor in Part 1 of Schedule 2;
 - (B) it is contained in an individual package or container and does not exceed 10 g or 10 mL; and
 - (C) it is used or intended to be used indoors—
 - (I) for laboratory research;
 - (II) for chemical analysis; or
 - (III) as a reference standard; (*Added 14 of 2013 s. 3*)

plants (植物) include trees, bushes and seeds;

register (註冊紀錄冊) means the register of pesticides maintained under section 4; (*Amended 79 of 1990 s. 4*)

registered pesticide (註冊除害劑) means a pesticide which is registered in the register; (*Added 79 of 1990 s. 4*)

- 督察** (inspector) 指根據第 14 條獲授權為督察的任何公職人員；
- 署長** (Director) 指漁農自然護理署署長及漁農自然護理署副署長；(由 1999 年第 331 號法律公告修訂；由 2013 年第 14 號第 3 條修訂)
- 獲授權人員** (authorized officer) 指根據第 14 條委任為獲授權人員的公職人員；(由 2013 年第 14 號第 3 條增補)
- 職能** (function) 包括責任。(由 2013 年第 14 號第 3 條增補)
- (由 1990 年第 79 號第 4 條修訂；由 2013 年第 14 號第 3 條修訂；編輯修訂——2014 年第 2 號編輯修訂紀錄)
- (2) 在本條例中，就附表所列除害劑或任何其他未經註冊除害劑而言，凡提述製造，即包括提述安排製造該除害劑。(由 2013 年第 14 號第 3 條增補)
- (3) 為免生疑問，如附表所列除害劑或任何其他未經註冊除害劑，是在製造其他物品的過程中附帶地產生的，則不得視為經已製造該除害劑。(由 2013 年第 14 號第 3 條增補)
- (4) 就本條例而言，如除害劑——
- (a) 憑全程提單或全程航空運貨單，由香港以外的一處地方，托運往香港以外的另一處地方；及
- (b) 是從或擬從運載其進口到香港的船舶、車輛、鐵路列車或飛機上搬離的，並在從香港出口之前——
- (i) 搬回同一船舶、車輛、鐵路列車或飛機上；或
- (ii) 轉移到另一船舶、車輛、鐵路列車或飛機上，
- 該除害劑即屬在轉運中的除害劑。(由 2013 年第 14 號第 3 條增補)
- (5) 不論除害劑——
- (a) 是在或擬在有關船舶、車輛、鐵路列車或飛機之間直接轉移；或
- (b) 擬在進口後在香港卸貨和貯存，等待出口，

- Rotterdam Convention** (《鹿特丹公約》) means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade adopted on 10 September 1998 as amended from time to time and as applied to Hong Kong; (Added 14 of 2013 s. 3)
- scheduled pesticide** (附表所列除害劑) means an unregistered pesticide specified in—
- (a) Schedule 1 or Part 1 of Schedule 2; or
- (b) both Schedule 1 and Part 1 of Schedule 2; (Added 14 of 2013 s. 3)
- Stockholm Convention** (《斯德哥爾摩公約》) means the Stockholm Convention on Persistent Organic Pollutants adopted on 22 May 2001 as amended from time to time and as applied to Hong Kong; (Added 14 of 2013 s. 3)
- unregistered pesticide** (未經註冊除害劑) means a pesticide which is not registered in the register. (Added 79 of 1990 s. 4)
- (Amended 79 of 1990 s. 4; 14 of 2013 s. 3)
- (2) In this Ordinance, a reference to manufacture, in relation to a scheduled pesticide or any other unregistered pesticide, includes causing the pesticide to be manufactured. (Added 14 of 2013 s. 3)
- (3) To avoid doubt, a scheduled pesticide or any other unregistered pesticide is not regarded as having been manufactured if it is produced incidentally in the course of the manufacture of another thing. (Added 14 of 2013 s. 3)
- (4) For the purposes of this Ordinance, a pesticide is in transshipment if—
- (a) it is consigned on a through bill of lading or air waybill from a place outside Hong Kong to another place outside Hong Kong; and

1-9
第 133 章

第 1 部
第 3 條

第 (4)(b) 款仍適用。(由 2013 年第 14 號第 3 條增補)

3. 適用範圍

- (1) 本條例不適用於 ——
 - (a) 在過境中的除害劑；
 - (b) 不屬附表所列除害劑且在香港轉運的除害劑；或
 - (c) 屬附表所列除害劑且屬航空轉運貨物的除害劑。(由 2013 年第 14 號第 4 條代替)
- (2) (由 1990 年第 79 號第 5 條廢除)
- (3) 就第 (1)(a) 款而言，如任何除害劑是以香港以外地方為目的地，並在沒有轉運的情況下，由同一船舶、飛機或車輛運載途經香港，該除害劑即屬在過境中的除害劑。(由 2013 年第 14 號第 4 條修訂)
- (4) 在本條中 ——

航空轉運貨物 (air transhipment cargo) 指在進口及托運出口時均是以飛機運載的在轉運中的物品，而該物品自進口至出口的期間，一直是留在機場貨物轉運區的；

Part 1
Section 3

1-10
Cap. 133

- (b) it is or is to be removed from the ship, vehicle, train or aircraft in which it was imported into Hong Kong and—
 - (i) returned to the same ship, vehicle, train or aircraft before being exported from Hong Kong; or
 - (ii) transferred to another ship, vehicle, train or aircraft before being exported from Hong Kong. (*Added 14 of 2013 s. 3*)
- (5) Subsection (4)(b) applies whether—
 - (a) the pesticide is or is to be transferred directly between the ships, vehicles, trains or aircraft; or
 - (b) the pesticide is to be landed in Hong Kong after its importation and stored, pending exportation. (*Added 14 of 2013 s. 3*)

3. Application

- (1) 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. (*Replaced 14 of 2013 s. 4*)
- (2) (*Repealed 79 of 1990 s. 5*)
- (3) For the purposes of subsection (1)(a), a pesticide is in transit if it is destined for a place outside Hong Kong and is passing through Hong Kong on the same ship, aircraft or vehicle without transhipment. (*Amended 14 of 2013 s. 4*)
- (4) In this section—

air transhipment cargo (航空轉運貨物) means an article in transhipment that is both imported and consigned for export in an aircraft and which, during the period between its import

1-11
第 133 章

第 1 部
第 3A 條

機場貨物轉運區 (cargo transhipment area of Hong Kong International Airport) 具有《進出口條例》(第 60 章) 第 2 條給予該詞的涵義。(由 2013 年第 14 號第 4 條代替)
(由 1990 年第 79 號第 5 條修訂)

3A. 本條例適用於特區政府等

- (1) 本條例適用於特區政府。
- (2) 儘管有第 (1) 款的規定，特區政府 ——
 - (a) 不得被控犯本條例所訂的罪行；及
 - (b) 無須繳付任何訂明費用。
- (3) 如署長有合理理由相信，特區政府曾經或正在違反本條例，署長須向環境及生態局局長報告此事。
- (4) 上述報告須載有署長對以下事宜的意見 ——
 - (a) 有關違例事項是否已終止；及
 - (b) (如該違例事項已終止) 該違例事項是否在令署長滿意的情況下終止。
- (5) 在接獲署長就某事宜作出的報告後，環境及生態局局長須對該事宜進行查訊。
- (6) 如查訊顯示曾有第 (3) 款提述的違例事項發生，而該違例事項相當可能會再度發生，環境及生態局局長須採取最佳的切實可行步驟，以避免相類似的違例事項再度發生。

Part 1
Section 3A

1-12
Cap. 133

and export, remains within the cargo transhipment area of Hong Kong International Airport;

cargo transhipment area of Hong Kong International Airport (機場貨物轉運區) has the meaning given by section 2 of the Import and Export Ordinance (Cap. 60). (Replaced 14 of 2013 s. 4)

(Amended 79 of 1990 s. 5)

3A. Ordinance applies to Government etc.

- (1) This Ordinance applies to the Government.
- (2) Despite subsection (1), the Government—
 - (a) is not liable to be prosecuted for an offence under this Ordinance; and
 - (b) is not required to pay any prescribed fee.
- (3) If the Director has reasonable grounds to believe that there has been or is a contravention by the Government of this Ordinance, the Director must report the matter to the Secretary for Environment and Ecology.
- (4) The report must contain the advice of the Director on—
 - (a) whether the contravention has been terminated; and
 - (b) if the contravention has been terminated, whether it has been terminated to the Director's satisfaction.
- (5) On receiving the report from the Director, the Secretary for Environment and Ecology must enquire into the matter to which the report relates.
- (6) If the enquiry shows that there has been a contravention referred to in subsection (3) and the contravention is likely to be repeated, the Secretary for Environment and Ecology must take the best practicable steps to avoid the recurrence of a like contravention.

1-13
第 133 章

第 1 部
第 3A 條

- (7) 如查訊顯示正有第 (3) 款提述的違例事項發生，而該違例事項持續，環境及生態局局長須採取最佳的切實可行步驟，以制止該違例事項。

(由 2013 年第 14 號第 5 條增補。由 2022 年第 144 號法律公告
修訂)

Part 1
Section 3A

1-14
Cap. 133

- (7) If the enquiry shows that there is a contravention referred to in subsection (3) and the contravention is continuing, the Secretary for Environment and Ecology must take the best practicable steps to stop the contravention.

(Added 14 of 2013 s. 5. Amended L.N. 144 of 2022)

第 2 部**除害劑的註冊***(格式變更——2014 年第 2 號編輯修訂紀錄)***4. 除害劑註冊紀錄冊**

署長須備存除害劑註冊紀錄冊，其中——

- (a) 第 I 部須載有一份所有無須經任何處理或工序而可供即時使用和作為一般家居用途的除害劑的列表；及
- (b) 第 II 部須載有一份所有其他除害劑的列表。

*(由 1990 年第 79 號第 6 條代替。由 1999 年第 331 號法律公告修訂)***5. 註冊**

- (1) 任何人可向署長申請將某除害劑註冊。*(由 1990 年第 79 號第 7 條修訂)*
- (2) 根據第 (1) 款提出的申請，須按訂明方式以書面提出。
- (3) 在考慮根據第 (1) 款提出的申請後，署長可——
 - (a) 將該除害劑註冊於註冊紀錄冊的第 I 或 II 部內；或*(由 1990 年第 79 號第 7 條修訂)*
 - (b) 拒絕將其註冊。
- (3A) 署長不得註冊——
 - (a) 附表所列除害劑；或
 - (b) 由附表所列除害劑構成的除害劑。*(由 2013 年第 14 號第 6 條增補)*
- (4) 即使無人根據第 (1) 款提出申請將某除害劑註冊，署長亦可將該除害劑註冊於註冊紀錄冊的第 I 部或第 II 部內。*(由 1990 年第 79 號第 7 條修訂)*

Part 2**Registration of Pesticides***(Format changes—E.R. 2 of 2014)***4. Register of pesticides**

The Director shall maintain a register of pesticides in which—

- (a) Part I shall contain a list of all pesticides which are in a form ready for immediate use without going through any treatment or process and which are for general domestic use; and
- (b) Part II shall contain a list of all other pesticides.

*(Replaced 79 of 1990 s. 6)***5. Registration**

- (1) Any person may apply to the Director for registration of a pesticide.
- (2) An application under subsection (1) must be made in writing in the prescribed manner. *(Amended 14 of 2013 s. 6)*
- (3) After considering an application under subsection (1) the Director may—
 - (a) register the pesticide in Part I or II of the register; or
 - (b) refuse to register it.
- (3A) The Director must not register—
 - (a) a scheduled pesticide; or
 - (b) a pesticide that consists of a scheduled pesticide. *(Added 14 of 2013 s. 6)*

2-3
第 133 章

第 2 部
第 6 條

- (5) 署長可在他認為合適的條件的規限下將除害劑註冊。(由 1990 年第 79 號第 7 條修訂)
(由 1999 年第 331 號法律公告修訂)

6. 署長取消或修改註冊的權力

署長 —— (由 1999 年第 331 號法律公告修訂)

- (a) 可隨時取消除害劑在註冊紀錄冊第 I 部的註冊，並將其註冊於註冊紀錄冊第 II 部內；
- (ab) 可隨時取消被列入《鹿特丹公約》或《斯德哥爾摩公約》的除害劑的註冊；(由 2013 年第 14 號第 7 條增補)
- (b) 可隨時修改、增加或取消任何由他根據本部就除害劑的註冊所施加的條件；或
- (c) 如覺得為公眾安全計有此需要，可隨時取消或暫時吊銷除害劑的註冊。

(由 1990 年第 79 號第 8 條修訂)

Part 2
Section 6

2-4
Cap. 133

- (4) The Director may register a pesticide in Part I or Part II of the register although an application for registration of the pesticide has not been made under subsection (1).
- (5) The Director may register a pesticide subject to such conditions as he may think fit.

(Amended 79 of 1990 s. 7)

6. Power of Director to cancel or modify registration

The Director may at any time—

- (a) cancel the registration of a pesticide in Part I of the register and register it in Part II of the register;
- (ab) cancel the registration of a pesticide if the pesticide is listed under the Rotterdam Convention or the Stockholm Convention; (Added 14 of 2013 s. 7)
- (b) modify or add to, or cancel, any condition imposed by him under this Part in respect of the registration of a pesticide; or
- (c) cancel or suspend the registration of a pesticide if it appears to him to be necessary in the interests of public safety.

(Amended 79 of 1990 s. 8)

第 3 部**對除害劑的管制***(格式變更——2014 年第 2 號編輯修訂紀錄)***7. 對註冊除害劑的管制**

- (1) 除非根據並按照牌照的規定而行，否則任何人不得——
- (a) 將任何註冊除害劑輸入香港或安排將任何註冊除害劑輸入香港；
 - (aa) 製造任何註冊除害劑；*(由 1990 年第 79 號第 9 條增補)*
 - (b) 售賣、要約售賣或為售賣而展示任何註冊除害劑；或
 - (c) 供應或要約供應任何註冊除害劑。*(由 1990 年第 79 號第 9 條修訂)*
- (2) 第 (1)(b) 及 (c) 款不適用於以下的人——
- (a) 並非從事售賣、要約售賣、為售賣而展示、供應或要約供應任何除害劑的行業或業務（不論是屬於批發、零售或其他性質）的人；及 *(由 1990 年第 79 號第 9 條修訂)*
 - (b) 售賣、要約售賣、為售賣而展示、供應或要約供應任何為自用而取得的除害劑的人。*(由 1990 年第 79 號第 9 條修訂)*
- (3) 第 (1) 款不適用於作出以下作為的獲授權人員或海關人員——
- (a) 根據本條例行使權力或本意是根據本條例行使權力，或作出任何與行使該權力或本意是行使該權力有關或因此而附帶的事情；或

Part 3**Control of Pesticides***(Format changes—E.R. 2 of 2014)***7. Control of registered pesticides**

- (1) Save under and in accordance with a licence, no person shall—
- (a) import into or cause to be imported into Hong Kong;
 - (aa) manufacture; *(Added 79 of 1990 s. 9)*
 - (b) sell or offer or expose for sale; or
 - (c) supply or offer to supply, any registered pesticide. *(Amended 79 of 1990 s. 9)*
- (2) Subsection (1)(b) and (c) shall not apply to any person who—
- (a) is not engaged in the trade or business, whether for wholesale, retail or otherwise, of selling, offering or exposing for sale, supplying or offering to supply pesticides; and *(Amended 79 of 1990 s. 9)*
 - (b) sells, offers or exposes for sale, supplies or offers to supply any pesticide which he acquired for his own use. *(Amended 79 of 1990 s. 9)*
- (3) Subsection (1) does not apply to an authorized officer or a member of the Customs and Excise Service who is—
- (a) exercising a power or purporting to exercise a power under this Ordinance or doing anything in connection with or incidental to the exercise or purported exercise of the power; or
 - (b) performing a function or purporting to perform a function under this Ordinance or doing anything in

3-3
第 133 章

第 3 部
第 8 條

- (b) 根據本條例執行職能或本意是根據本條例執行職能，或作出任何與執行該職能或本意是執行該職能有關或因此而附帶的事情。(由 2013 年第 14 號第 8 條增補)
- (4) 第 (1) 款不適用於作出以下作為的公職人員 ——
- (a) 根據下列條例行使權力或本意是根據下列條例行使權力 ——
- (i) 《進出口條例》(第 60 章)；
 - (ii) 《公眾衛生及市政條例》(第 132 章)；
 - (iii) 《危險品條例》(第 295 章)；或
 - (iv) 任何其他條例(本條例除外)；或
- (b) 作出任何與行使該權力或本意是行使該權力有關或因此而附帶的事情。(由 2013 年第 14 號第 8 條增補)

8. 管制附表所列除害劑及其他未經註冊除害劑

- (1) 除附表 2 第 2 部另有規定外，除非根據並按照許可證行事，否則任何人不得 ——
- (a) 將(或安排將)附表所列除害劑或任何其他未經註冊除害劑，輸入香港；
 - (b) 製造附表所列除害劑或任何其他未經註冊除害劑；
 - (c) 售賣、要約售賣或為售賣而展示附表所列除害劑或任何其他未經註冊除害劑；
 - (d) 供應或要約供應附表所列除害劑或任何其他未經註冊除害劑；
 - (e) 管有附表所列除害劑或任何其他未經註冊除害劑；或
 - (f) 使用附表所列除害劑或任何其他未經註冊除害劑。

Part 3
Section 8

3-4
Cap. 133

- connection with or incidental to the performance or purported performance of the function. (*Added 14 of 2013 s. 8*)
- (4) Subsection (1) does not apply to a public officer who is—
- (a) exercising a power or purporting to exercise a power under—
 - (i) the Import and Export Ordinance (Cap. 60);
 - (ii) the Public Health and Municipal Services Ordinance (Cap. 132);
 - (iii) the Dangerous Goods Ordinance (Cap. 295); or
 - (iv) any Ordinance other than this Ordinance; or
 - (b) doing anything in connection with or incidental to the exercise or purported exercise of the power. (*Added 14 of 2013 s. 8*)

8. Control of scheduled pesticides and other unregistered pesticides

- (1) Subject to Part 2 of Schedule 2, except under and in accordance with a permit, a person must not—
- (a) import into or cause to be imported into Hong Kong;
 - (b) manufacture;
 - (c) sell or offer or expose for sale;
 - (d) supply or offer to supply;
 - (e) be in possession of; or
 - (f) use,
- a scheduled pesticide or any other unregistered pesticide.
- (2) Subject to Part 2 of Schedule 2, except under and in accordance with a permit, a person must not export or cause to be exported a scheduled pesticide.

- (2) 除附表 2 第 2 部另有規定外，除非根據並按照許可證行事，否則任何人不得出口或安排出口附表所列除害劑。
- (3) 如附表所列除害劑 ——
- (a) 是載於獨立包裝或容器內，而分量不超過 10 克或 10 毫升；及
 - (b) 在室內使用或擬在室內使用 ——
 - (i) 作實驗室研究；
 - (ii) 作化學分析；或
 - (iii) 作參照標準，
- 第 (1) 及 (2) 款不適用於該除害劑。
- (4) 如許可證持有人按照許可證條件，將附表所列除害劑或未經註冊除害劑售賣或供應予另一人，則第 (1)(e) 及 (f) 款不適用於該另一人。
- (5) 如某除害劑的註冊根據第 6(ab) 或 (c) 條被取消，則 ——
- (a) 在自取消註冊日期起計的 3 個月期間內，第 (1) 款並不就該除害劑而適用於任何人；或
 - (b) 如在該期間屆滿前，有人根據第 9(1) 條，就該除害劑申請許可證，則在該人根據第 9(2) 條獲發給或遭拒絕發出有關許可證之前，第 (1) 款並不就該除害劑而適用於該人。
- (6) 如某除害劑的註冊根據第 6(c) 條被暫時吊銷，則第 (1)(e) 款不適用於自緊接暫時吊銷前起管有該除害劑的人。
- (7) 如有將某除害劑加入附表 1 或 2 的公告根據第 19A(1)(a) 條刊登，而某人在緊接該公告刊登日期前，根據許可證管有該除害劑，則在該許可證屆滿前，第 (2) 款並不就該除害劑而適用於該人。
- (8) 第 (1) 及 (2) 款不適用於作出以下作為的獲授權人員或海關人員 ——

- (3) Subsections (1) and (2) do not apply to a scheduled pesticide if—
- (a) it is contained in an individual package or container and does not exceed 10 g or 10 mL; and
 - (b) it is used or intended to be used indoors—
 - (i) for laboratory research;
 - (ii) for chemical analysis; or
 - (iii) as a reference standard.
- (4) Subsection (1)(e) and (f) does not apply to a person to whom the scheduled pesticide or unregistered pesticide is sold or supplied by a permit holder in accordance with the permit conditions.
- (5) If the registration of a pesticide is cancelled under section 6(ab) or (c), subsection (1) does not apply to a person in respect of the pesticide—
- (a) for a period of 3 months from the date of cancellation; or
 - (b) if before the expiry of that period the person applies for a permit for the pesticide under section 9(1), until the permit is issued or refused under section 9(2).
- (6) If the registration of a pesticide is suspended under section 6(c), subsection (1)(e) does not apply to a person who has been in possession of the pesticide since the time immediately before the suspension.
- (7) If a person is in possession of a pesticide under a permit immediately before the date on which a notice to add the pesticide to Schedule 1 or 2 is published under section 19A(1)(a), subsection (2) does not apply to the person in respect of the pesticide until the permit expires.

3-7
第 133 章

第 3 部
第 9 條

- (a) 根據本條例行使權力或本意是根據本條例行使權力，或作出任何與行使該權力或本意是行使該權力有關或因此而附帶的事情；或
 - (b) 根據本條例執行職能或本意是根據本條例執行職能，或作出任何與執行該職能或本意是執行該職能有關或因此而附帶的事情。
- (9) 第 (1) 款不適用於作出以下作為的公職人員 ——
- (a) 根據下列條例行使權力或本意是根據下列條例行使權力 ——
 - (i) 《進出口條例》(第 60 章) ；
 - (ii) 《公眾衛生及市政條例》(第 132 章) ；
 - (iii) 《危險品條例》(第 295 章) ；或
 - (iv) 任何其他條例 (本條例除外) ；或
 - (b) 作出任何與行使該權力或本意是行使該權力有關或因此而附帶的事情。

(由 2013 年第 14 號第 9 條代替)

9. 除害劑牌照或許可證

- (1) 牌照或許可證申請須按訂明方式以書面向署長提出。
- (2) 在考慮根據第 (1) 款提出的申請後，署長可 ——
 - (a) 將牌照或許可證 (視屬何情況而定) 發給申請人；或
 - (b) 拒絕發出牌照或許可證。

Part 3
Section 9

3-8
Cap. 133

- (8) Subsections (1) and (2) do not apply to an authorized officer or a member of the Customs and Excise Service who is—
 - (a) exercising a power or purporting to exercise a power under this Ordinance or doing anything in connection with or incidental to the exercise or purported exercise of the power; or
 - (b) performing a function or purporting to perform a function under this Ordinance or doing anything in connection with or incidental to the performance or purported performance of the function.
- (9) Subsection (1) does not apply to a public officer who is—
 - (a) exercising a power or purporting to exercise a power under—
 - (i) the Import and Export Ordinance (Cap. 60);
 - (ii) the Public Health and Municipal Services Ordinance (Cap. 132);
 - (iii) the Dangerous Goods Ordinance (Cap. 295); or
 - (iv) any Ordinance other than this Ordinance; or
 - (b) doing anything in connection with or incidental to the exercise or purported exercise of the power.

(Replaced 14 of 2013 s. 9)

9. Licence or permit for pesticides

- (1) An application for a licence or permit must be made in writing to the Director in the prescribed manner. *(Amended 14 of 2013 s. 10)*
- (2) After considering an application under subsection (1) the Director may—
 - (a) issue to the applicant a licence or a permit, as the case may be; or

3-9
第 133 章

第 3 部
第 10 條

- (3) 凡署長拒絕發出牌照或許可證，署長須向申請人送交拒絕通知，並在通知內述明拒絕理由。(由 2013 年第 14 號第 10 條修訂)
- (4) 牌照可就下列除害劑向持有人授權——
- (a) 一般註冊除害劑；
 - (b) 所有註冊於註冊紀錄冊第 I 部內的除害劑，或牌照所指明的任何此等除害劑；或
 - (c) 所有註冊於註冊紀錄冊第 II 部內的除害劑，或牌照所指明的任何此等除害劑。(由 1990 年第 79 號第 11 條修訂)
- (5) 在不抵觸第 (6) 款的條文下，署長可在其認為合適的條件的規限下發出牌照。(由 1990 年第 79 號第 11 條修訂；由 2013 年第 14 號第 10 條修訂)
- (6) 授權售賣除害劑的牌照，須受該除害劑的註冊條件規限。(由 1990 年第 79 號第 11 條代替)
- (7) 署長可發出受其認為合適的條件所規限的許可證。(由 2013 年第 14 號第 10 條代替)
- (7A) 許可證須指明其所關乎的附表所列除害劑或未經註冊除害劑。(由 2013 年第 14 號第 10 條增補)
- (8) 署長可隨時更改牌照或許可證的詳情，或修改、增加或取消牌照或許可證的條件。
- (由 1999 年第 331 號法律公告修訂)

10. 牌照的取消或暫時吊銷

在符合第 12 條的規定下，署長可因以下理由取消牌照，或將牌照在一段他認為合適的期間內暫時吊銷——

- (a) 本條例遭違反；

Part 3
Section 10

3-10
Cap. 133

- (b) refuse to issue a licence or permit.
- (3) Where the Director refuses to issue a licence or a permit, the Director must send to the applicant a notice of the refusal and state in the notice the reasons for the refusal. (Amended 14 of 2013 s. 10)
- (4) A licence may authorize the holder in respect of—
- (a) registered pesticides generally;
 - (b) all pesticides registered in Part I of the register or any such pesticides as may be specified in the licence; or
 - (c) all pesticides registered in Part II of the register or any such pesticides as may be specified in the licence. (Amended 79 of 1990 s. 11)
- (5) Subject to subsection (6), the Director may issue a licence subject to the conditions that the Director thinks fit. (Amended 79 of 1990 s. 11; 14 of 2013 s. 10)
- (6) A licence authorizing the sale of a pesticide is subject to the conditions of registration of that pesticide. (Replaced 79 of 1990 s. 11. Amended 14 of 2013 s. 10)
- (7) The Director may issue a permit subject to the conditions that the Director thinks fit. (Replaced 14 of 2013 s. 10)
- (7A) A permit must specify the scheduled pesticide or unregistered pesticide to which it relates. (Added 14 of 2013 s. 10)
- (8) The Director may at any time vary the particulars of a licence or permit or modify, add to, or cancel, the conditions of a licence or permit.

10. Cancellation or suspension of licence

Subject to section 12, the Director may cancel, or suspend for such period as he may think fit, a licence—

- (a) for breach of this Ordinance;

3-11
第 133 章

第 3 部
第 11 條

- (b) 牌照的任何條件遭違反；或
- (c) 署長覺得為公眾安全計有此需要。

(由 1999 年第 331 號法律公告修訂)

11. 許可證的取消

在符合第 12 條的規定下，署長可因以下理由取消許可證——

- (a) 本條例遭違反；
- (b) 許可證的任何條件遭違反；或
- (c) 署長覺得為公眾安全計有此需要。

(由 1999 年第 331 號法律公告修訂)

12. 擬作出取消或暫時吊銷意向通知書

- (1) 凡署長擬根據第 10 條取消或暫時吊銷牌照或擬根據第 11 條取消許可證，他須給予牌照或許可證持有人 14 天書面通知，表明他擬取消或暫時吊銷牌照或擬取消許可證（視屬何情況而定）的意向，該通知書並須指明擬作出取消或暫時吊銷所據的理由。
- (2) 牌照或許可證持有人可於第 (1) 款提述的 14 天期間內，向署長提交書面陳詞，陳述其牌照或許可證為何不應被取消或其牌照為何不應被暫時吊銷（視屬何情況而定）。

(由 1999 年第 331 號法律公告修訂)

13. 牌照或許可證取消後除害劑的處置指示

- (1) 凡署長根據第 10 或 11 條取消牌照或許可證，他可就該牌照或許可證所關乎的除害劑的處置，以及盛載該除害劑的容器的處置，向牌照持有人或許可證持有人發出他認為合適的指示。（由 1990 年第 79 號第 12 條修訂）

Part 3
Section 11

3-12
Cap. 133

- (b) for breach of any of the conditions of the licence; or
- (c) if it appears to him to be necessary in the interests of public safety.

11. Cancellation of permit

Subject to section 12, the Director may cancel a permit—

- (a) for breach of this Ordinance;
- (b) for breach of any of the conditions of the permit; or
- (c) if it appears to him to be necessary in the interests of public safety.

12. Notice of intention to cancel or suspend

- (1) Where the Director intends to cancel or suspend a licence under section 10 or cancel a permit under section 11, he shall give to the holder of the licence or permit 14 days' notice in writing of his intention to cancel or suspend the licence or cancel the permit as the case may be and the notice shall specify the grounds for the intended cancellation or suspension.
- (2) The holder of a licence or permit may, within the 14-day period referred to in subsection (1), make written submissions to the Director as to why his licence or permit should not be cancelled or his licence suspended as the case may be. (Amended E.R. 4 of 2020)

13. Directions on disposal of pesticide where licence or permit cancelled

- (1) Where the Director cancels a licence or a permit under section 10 or 11 he may give to the licence holder or permit holder such directions as he thinks fit for the disposal of the pesticide to which the licence or permit relates and for the

3-13
第 133 章

第 3 部
第 13A 條

- (1A) 署長在考慮是否根據第 (1) 款發出指示或根據該款發出何種指示時，須顧及管限處置有關除害劑的其他成文法則。 (由 2013 年第 14 號第 11 條增補)
- (2) 第 (1) 款提述的牌照持有人或許可證持有人，可以書面向署長申請更改根據該款所發出的任何指示，並述明申請的理由及支持該等理由所依據的事實和情況。
- (3) 署長須 ——
- 考慮根據第 (2) 款提出的申請；及
 - 於接獲該申請的 14 天內，以書面將署長確認或更改根據第 (1) 款發出的指示的決定，通知有關牌照持有人或許可證持有人。 (由 2013 年第 14 號第 11 條代替)
- (4) 如第 (2) 款提述的牌照持有人或許可證持有人根據第 16A 條，針對根據第 (3) 款作出的決定提出上訴，則第 (2) 款提述的有關指示指明的遵從期限，須予延長，延長的期間從提出上訴開始，至獲通知行政上訴委員會的決定時為止。 (由 2013 年第 14 號第 11 條代替)
- (5) 在執行根據本條所發出的任何指示時所作出或沒有作出的任何作為，均不構成本條例所訂的罪行。

(由 1999 年第 331 號法律公告修訂)

13A. 違禁或受管制的非主成分

凡署長認為為公眾安全計，應禁止或管制在製造除害劑時使用某非主成分，或禁止或管制輸入、售賣或供應含有某非主

Part 3
Section 13A

3-14
Cap. 133

- disposal of any container containing that pesticide. (*Amended 79 of 1990 s. 12*)
- (1A) When considering whether to give a direction or what directions to give under subsection (1), the Director must have regard to other enactments that govern the disposal of the pesticide. (*Added 14 of 2013 s. 11*)
- (2) A licence holder or permit holder referred to in subsection (1) may apply in writing to the Director for a variation of any direction given under that subsection, stating the grounds of the application and the facts and circumstances relied upon in support of those grounds.
- (3) The Director must—
- consider an application under subsection (2); and
 - within 14 days from receiving the application, advise the licence holder or permit holder in writing of the Director's decision to confirm or vary the directions given under subsection (1). (*Replaced 14 of 2013 s. 11*)
- (4) If a licence holder or permit holder referred to in subsection (2) appeals under section 16A against a decision under subsection (3), a period for compliance specified in the direction referred to in subsection (2) is extended by the period between presentation of the appeal and notification of the Administrative Appeals Board's decision. (*Replaced 14 of 2013 s. 11*)
- (5) Any act done or omitted to be done in the carrying out of any direction given under this section does not constitute an offence under this Ordinance. (*Amended 14 of 2013 s. 11*)

13A. Prohibited or controlled inert ingredients

Where the Director is of the opinion that the use of a particular inert ingredient in the manufacture of pesticides, or that the import, sale or supply of pesticides containing a particular inert ingredient

成分的除害劑，則他可藉憲報公告——（由 1999 年第 331 號法律公告修訂）

- (a) 禁止在製造除害劑時使用該非主成分；
- (b) 禁止為所有或任何目的而輸入、售賣或供應含有該非主成分的除害劑；
- (c) 藉施加他認為合適並在公告內指明的使用條件，管制在製造除害劑時使用該非主成分；
- (d) 藉施加他認為合適並在公告內指明的條件，管制含有該非主成分的除害劑的輸入、售賣或供應。

（由 1990 年第 79 號第 13 條增補）

should, in the interest of public safety, be prohibited or controlled, he may, by notice in the Gazette—

- (a) prohibit the use of the inert ingredient in the manufacture of pesticides;
- (b) prohibit for all or any purposes the import, sale or supply of pesticides containing the inert ingredient;
- (c) control the use of the inert ingredient in the manufacture of pesticides by imposing such conditions on such use as he thinks fit and specifies in the notice;
- (d) control the import, sale or supply of pesticides containing the inert ingredient by imposing such conditions on such import, sale or supply as he thinks fit and specifies in the notice.

(Added 79 of 1990 s. 13)

第 4 部**雜項條文***(格式變更——2014 年第 2 號編輯修訂紀錄)***14. 督察及獲授權人員的委任**

為施行本條例，署長可藉書面委任公職人員為督察或獲授權人員（或兼任兩職）。

*(由 2013 年第 14 號第 12 條代替)***15. 進入、檢取等權力**

(1) 如裁判官因任何人所作宣誓而覺得有合理理由懷疑在任何地方或處所存有任何除害劑，並有人正在或已經就該等除害劑而犯本條例所訂罪行，則該裁判官可發出手令，授權任何督察或海關人員，聯同所需的助理人員，進入該地方或處所（需要時可強行進入），及搜查該手令所註明的地方或處所。*(由 1990 年第 79 號第 14 條修訂)*

(2) 督察或海關人員可在依據第 (1) 款進入的任何處所或地方內——

(a) 檢取並扣押他覺得是或包含本條例所訂罪行的證據的任何物品、文件或物件；

(b) 開啟並檢查 (a) 段所指明的任何物品、文件或物件。

(3) *(由 2013 年第 14 號第 13 條廢除)*

*(由 1977 年第 46 號第 18 條修訂)***Part 4****Miscellaneous***(Format changes—E.R. 2 of 2014)***14. Appointment of inspectors and authorized officers**

The Director may appoint in writing a public officer to be an inspector or authorized officer (or both) for the purposes of this Ordinance.

*(Replaced 14 of 2013 s. 12)***15. Powers of entry, seizure, etc.**

(1) If it appears to a magistrate upon the oath of any person that there is reasonable cause to suspect that there is in any place or premises any pesticide in respect of which an offence under this Ordinance is being or has been committed, the magistrate may by warrant authorize any inspector or member of the Customs and Excise Service with such assistants as may be necessary to enter the place or premises, by force if necessary, and search the place or premises named in the warrant. *(Amended 79 of 1990 s. 14)*

(2) In any premises or place entered pursuant to subsection (1) an inspector or member of the Customs and Excise Service may—

(a) seize and detain any article, document or thing which appears to him to be or to contain evidence of an offence under this Ordinance;

(b) open and examine any article, document or thing specified in paragraph (a).

(3) *(Repealed 14 of 2013 s. 13)*

*(Amended 46 of 1977 s. 18)***15A. 無需手令進入處所的權力等**

- (1) 本條賦予的任何權力，可為確定本條例是否已經或正在獲遵從而行使。
- (2) 督察或海關人員如合理地懷疑在某有關處所內有製造、使用、存放、貯存、售賣、要約售賣或為售賣而展示、供應或要約供應除害劑的情況正在發生，該督察或人員可在任何合理時間，無需手令而進入該處所。
- (3) 上述督察或人員進入有關處所後，可 ——
 - (a) 視察、檢驗和要求交出 ——
 - (i) 屬除害劑的物品，或該督察或人員合理地相信屬除害劑的物品；或
 - (ii) 包含除害劑的物品，或該督察或人員合理地相信包含除害劑的物品，包括該督察或人員合理地相信以除害劑為其成分的物品；
 - (b) 視察、檢驗、要求交出和要求提供 ——
 - (i) 關乎除害劑的牌照、許可證或任何其他文件，包括關乎除害劑的來源或性質的文件；及
 - (ii) 該督察或人員合理地相信是攸關本條例所訂罪行的任何其他文件、資料或物品；
 - (c) 取走和抄錄或複製 (b) 段提述的牌照、許可證、文件及資料；及
 - (d) 在該督察或人員為斷定是否有人已犯本條例所訂罪行而進行檢驗和調查而合理需要某物品的樣本的情況下，取走該樣本。
- (4) 上述督察或人員可在無須付款的情況下取走樣本，但須就取走的樣本發出收據。
- (5) 在完成對取自某有關處所的樣本的檢驗和調查後，署長可指示將該樣本或該樣本的剩餘部分 ——

15A. Power to enter premises, etc. without warrant

- (1) Any of the powers in this section may be exercised for the purpose of ascertaining whether this Ordinance has been or is being complied with.
- (2) An inspector or a member of the Customs and Excise Service may without a warrant enter, at any reasonable time, a relevant premises on which the inspector or member reasonably suspects a pesticide is being manufactured, used, kept, stored, sold, offered or exposed for sale, or supplied or offered to be supplied.
- (3) After entering the relevant premises, the inspector or member may—
 - (a) require the production of, inspect and examine—
 - (i) a thing that is or the inspector or member reasonably believes to be a pesticide; or
 - (ii) a thing that contains or the inspector or member reasonably believes to contain a pesticide, including a thing that the inspector or member reasonably believes to have a pesticide as its part;
 - (b) require the production or provision of, inspect and examine—
 - (i) a licence, permit or any other document to which a pesticide relates, including a document relating to the pesticide's origin or nature; and
 - (ii) any other document, information or thing that the inspector or member reasonably believes to be relevant to an offence under this Ordinance;
 - (c) take and make copies of a licence, permit, document and information referred to in paragraph (b); and

4-5
第 133 章

第 4 部
第 16 條

- (a) 歸還其擁有人，或交回該處所；或
 - (b) 按署長認為適當的任何其他方式處置。
 - (6) 督察在根據本條行使權力前，須出示本身的督察授權書面證明。
 - (7) 在本條中——
- 有關處所** (relevant premises) 指——
- (a) 地址在根據《除害劑規例》(第 133 章，附屬法例 A) 第 6(c) 條提出的申請中述明的任何處所或地方 (不論是否住宅)；或
 - (b) 任何其他處所或地方 (住宅處所除外)。

(由 2013 年第 14 號第 14 條增補)

16. (由 2013 年第 14 號第 15 條廢除)

16A. 向行政上訴委員會提出上訴

- (1) 任何人如因署長的下述任何決定而感到受屈，可在接獲該決定的通知後 28 天內，針對該決定而向行政上訴委員

Part 4
Section 16

4-6
Cap. 133

- (d) take a sample of a thing that the inspector or member may reasonably require for an examination and investigation in order to determine whether an offence has been committed against this Ordinance.
 - (4) The inspector or member may take a sample without payment, but must issue a receipt for it.
 - (5) After completing an examination and investigation in relation to a sample, the Director may direct that the sample or remaining part of the sample be—
 - (a) returned to its owner or the relevant premises from which it was taken; or
 - (b) disposed of in any other way that the Director considers appropriate.
 - (6) An inspector must produce written evidence of his or her authority as an inspector before exercising a power under this section.
 - (7) In this section—
- relevant premises** (有關處所) means—
- (a) any premises or place (whether domestic or not) the address of which is stated in an application under regulation 6(c) of the Pesticides Regulations (Cap. 133 sub. leg. A); or
 - (b) any other premises or place (other than domestic premises).

(Added 14 of 2013 s. 14)

16. (Repealed 14 of 2013 s. 15)

16A. Appeals to Administrative Appeals Board

- (1) A person aggrieved by any of the following decisions of the Director may appeal to the Administrative Appeals Board

會提出上訴——

- (a) 根據第 5(3)(b) 條拒絕將除害劑註冊的決定；
 - (b) 根據第 5(5) 條在條件規限下將除害劑註冊的決定；
 - (c) 根據第 6 條取消或暫時吊銷除害劑的註冊、或修改、增加或取消任何條件的決定；
 - (d) 根據第 9(2)(b) 條拒絕發出牌照或許可證的決定；
 - (e) 根據第 9(5) 條在條件規限下發出牌照的決定；
 - (f) 根據第 9(7) 條在條件規限下發出許可證的決定；
 - (g) 根據第 9(8) 條更改牌照或許可證的詳情、或修改、增加或取消牌照或許可證的條件的決定；
 - (h) 根據第 10 條取消或暫時吊銷牌照的決定；
 - (i) 根據第 11 條取消許可證的決定；
 - (j) 根據第 13(3)(b) 條確認或更改根據第 13(1) 條發出的指示的決定。
- (2) 除第 13(4) 條另有規定外，即使有人針對第 (1) 款提述的決定提出上訴，該決定仍立即生效或（如適用）自該決定指明的日期起具有效力。

(由 2013 年第 14 號第 16 條增補)

17. 罪行及罰則

against the decision within 28 days after receiving notice of the decision—

- (a) a decision to refuse to register a pesticide under section 5(3)(b);
 - (b) a decision to register a pesticide subject to conditions under section 5(5);
 - (c) a decision to cancel or suspend the registration of a pesticide, or to modify, add to or cancel any condition, under section 6;
 - (d) a decision to refuse to issue a licence or permit under section 9(2)(b);
 - (e) a decision to issue a licence subject to conditions under section 9(5);
 - (f) a decision to issue a permit subject to conditions under section 9(7);
 - (g) a decision to vary the particulars of a licence or permit, or to modify, add to or cancel the conditions of a licence or permit, under section 9(8);
 - (h) a decision to cancel or suspend a licence under section 10;
 - (i) a decision to cancel a permit under section 11;
 - (j) a decision to confirm or vary under section 13(3)(b) the directions given under section 13(1).
- (2) Subject to section 13(4), a decision referred to in subsection (1) has immediate effect, or has effect from a date specified in the decision (if applicable), despite any appeal against the decision.

(Added 14 of 2013 s. 16)

17. Offences and penalties

4-9
第 133 章

第 4 部
第 17 條

- (1) 任何人違反第 7 或 8 條，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。
- (2) 牌照持有人違反其牌照的任何條件，或許可證持有人違反其許可證的任何條件，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 6 個月。
- (3) 任何人 ——
 - (a) 故意妨礙督察或海關人員根據第 15 或 15A 條行使任何權力；(由 1977 年第 46 號第 18 條修訂)
 - (b) 拒絕容許任何樣本按照第 15A 條被取走；
 - (c) 在沒有合理辯解的情況下，當被有關人員根據第 15A 條提出要求時，不出示任何物品、牌照、許可證或文件，或不提供任何資料；或
 - (d) 在沒有合理辯解的情況下，不遵從署長根據第 13 條發出的指示，(由 1999 年第 331 號法律公告修訂)
 即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。
- (4) 牌照或許可證持有人在製造除害劑時 ——
 - (a) 使用根據第 13A(a) 條發出的公告所禁止使用的任何非主成分；或
 - (b) 在任何非主成分的使用受根據第 13A(c) 條發出的公告所指明的條件規限的情況下，違反任何如此指明的條件而使用該等非主成分，
 即屬犯罪，可處第 1 級罰款及監禁 6 個月。(由 1990 年第 79 號第 15 條增補)
- (5) 牌照或許可證持有人 ——
 - (a) 在任何除害劑的輸入、售賣或供應(視何者適用而定)受根據第 13A(b) 條發出的公告禁止的情況下，輸入、安排輸入、售賣、要約售賣、為售賣而展示、供應或要約供應該等除害劑，以供在香港使用；或
 - (b) 在任何除害劑的輸入、售賣或供應(視何者適用而定)受根據第 13A(d) 條發出的公告所指明的條件規限的

Part 4
Section 17

4-10
Cap. 133

- (1) Any person who contravenes section 7 or 8 commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.
- (2) Any holder of a licence who contravenes any of the conditions of his licence or any holder of a permit who contravenes any of the conditions of his permit commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.
- (3) Any person who—
 - (a) wilfully obstructs an inspector or member of the Customs and Excise Service in the exercise of any power under section 15 or 15A; (*Amended 46 of 1977 s. 18*)
 - (b) refuses to allow any sample to be taken in accordance with section 15A;
 - (c) fails without reasonable excuse to produce any thing, licence, permit or document, or to give any information, when required to do so under section 15A; or
 - (d) fails without reasonable excuse to obey a direction given by the Director under section 13,
 commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (4) A holder of a licence or permit who, in the manufacture of pesticides— (*Amended E.R. 4 of 2020*)
 - (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. (*Added 79 of 1990 s. 15*)

4-11
第 133 章

第 4 部
第 18 條

情況下，違反任何如此指明的條件而輸入、安排輸入、售賣、要約售賣、為售賣而展示、供應或要約供應該等除害劑，以供在香港使用，

即屬犯罪，可處第 1 級罰款及監禁 6 個月。（由 1990 年第 79 號第 15 條增補）

（由 2013 年第 14 號第 17 條修訂）

18. 沒收

- (1) 凡有人就任何除害劑或任何盛載除害劑的容器而犯本條例所訂罪行，裁判官可應政府的申請，命令將該除害劑或容器沒收，不論是否有任何人已被裁定犯該等罪行；此外，在沒收令作出後，該除害劑或容器須當作為政府財產，而不受任何人的任何權利影響。（由 2000 年第 60 號第 3 條修訂）
- (2) 在根據第 (1) 款進行的任何法律程序中，任何在容器上或在裝載任何除害劑或容器的箱、盒或其他不論任何性質的包裝上所書明或顯示關於該除害劑性質的陳述或其他註明，須當作為該除害劑或該容器所載物品（視屬何情況而定）的真實說明，直至相反證明成立為止。

（由 1990 年第 79 號第 16 條修訂）

Part 4
Section 18

4-12
Cap. 133

- (5) A holder of a licence or permit who imports or causes to be imported, sells or offers or exposes for sale, supplies or offers to supply for use in Hong Kong—
 - (a) any pesticide the import, sale or supply of which, as may be appropriate, is prohibited by notice under section 13A(b); or
 - (b) any pesticide the import, sale or supply of which, as may be appropriate, is subject to conditions specified by notice under section 13A(d) 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. (*Added 79 of 1990 s. 15*)

(*Amended 14 of 2013 s. 17*)

18. Forfeiture

- (1) A magistrate may, on application by the Government, order to be forfeited any pesticide, or any container containing any pesticide, with respect to which any offence under this Ordinance has been committed, whether or not any person has been convicted of such offence and upon the making of an order of forfeiture such pesticide or container shall be deemed to be the property of the Government free from all rights of any person. (*Amended 60 of 2000 s. 3*)
- (2) In any proceedings under subsection (1), any statement or other indication of the nature of any pesticide written upon or indicated on the container, or on any box or other covering of whatever nature enclosing the pesticide or the container, shall, until the contrary is proved, be deemed to be a true description of the pesticide or of the contents of the container, as the case may be.

(*Amended 79 of 1990 s. 16*)

18A. 署長可為實施《鹿特丹公約》或《斯德哥爾摩公約》的規定而行使權力

署長可為實施《鹿特丹公約》或《斯德哥爾摩公約》的規定，而根據本條例行使署長的權力。

(由 2013 年第 14 號第 18 條增補)

19. 規例

(1) 漁農自然護理署署長可藉規例就以下事宜訂定條文——(由 1997 年第 80 號第 4 條修訂；由 1999 年第 331 號法律公告修訂)

- (a) 除害劑註冊申請，包括註冊申請人須為此提供的資料；(由 1990 年第 79 號第 17 條修訂)
- (b) 註冊時條件的施加；(由 1990 年第 79 號第 17 條修訂)
- (c) (由 1997 年第 80 號第 4 條廢除)
- (d) 註冊紀錄冊的格式及內容；
- (e) 藉出示證明書以證明與註冊有關的事宜；
- (f) 牌照及許可證的發出，包括——
 - (i) 牌照及許可證申請人須提供的資料；
 - (ii) 牌照及許可證條件的施加；
 - (iii) 牌照及許可證的取消和暫時吊銷一段期間；
- (g) 牌照及許可證的有效期以及牌照的續期；
- (h) 牌照及許可證的交回；
- (i) 牌照及許可證複本的發出；
- (j) 盛載除害劑或盛載某類別或類型的除害劑的容器，包括該等容器的——(由 1990 年第 79 號第 17 條修訂)
 - (i) 形狀及大小；

18A. Director may exercise powers for implementing requirements of Rotterdam Convention or Stockholm Convention

The Director may exercise the Director's powers under this Ordinance for the purpose of implementing the requirements of the Rotterdam Convention or the Stockholm Convention.

(Added 14 of 2013 s. 18)

19. Regulations

(1) The Director of Agriculture, Fisheries and Conservation may by regulation provide for— (Amended 80 of 1997 s. 4; L.N. 331 of 1999)

- (a) applications for registration of pesticides including the information to be supplied by applicants therefor; (Amended 79 of 1990 s. 17)
- (b) the imposition of conditions on registration; (Amended 79 of 1990 s. 17)
- (c) (Repealed 80 of 1997 s. 4)
- (d) the form and contents of the register;
- (e) the proof of matters relating to registration by the production of certificates;
- (f) the issue of licences and permits including—
 - (i) the information to be supplied by applicants therefor;
 - (ii) the imposition of conditions thereof;
 - (iii) the cancellation and suspension for any period thereof;
- (g) the duration of licences and permits and the renewal of licences;
- (h) the surrender of licences and permits;

- (ii) 設計及顏色；
- (iii) 組成成分；及
- (iv) 標籤及標記；
- (k) 除害劑的貯存及除害劑的存放狀況；(由 1990 年第 79 號第 17 條修訂)
- (l) 批准處所以作貯存、重新包裝或售賣除害劑的用途；(由 1990 年第 79 號第 17 條修訂)
- (m) 除害劑的售賣及供應；(由 1990 年第 79 號第 17 條修訂)
- (n) 關於除害劑的廣告宣傳；(由 1990 年第 79 號第 17 條修訂)
- (o) 須使用的表格。(由 1997 年第 80 號第 4 條修訂)
- (p)-(r) (由 1997 年第 80 號第 4 條廢除)
- (1A) 行政長官會同行政會議可藉訂立規例就以下事宜訂定條文——(由 2000 年第 60 號第 3 條修訂)
 - (a) 費用及收費；
 - (b) 由署長一般地或在個別情況下授予轄免，使無須遵守根據本條例訂立的任何規例。(由 1997 年第 80 號第 4 條增補。由 1999 年第 331 號法律公告修訂)
- (1B) 環境及生態局局長可藉訂立規例就以下事宜訂定條文——(由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂；由 2022 年第 144 號法律公告修訂)
 - (a) 除害劑註冊的取消和暫時吊銷一段時間；
 - (b) 概括而言，更佳地施行本條例的條文。(由 1997 年第 80 號第 4 條增補)
- (1C) 凡規例可根據第 (1) 或 (1A) 款就某事宜訂立，第 (1B) 款不得詮釋為賦權予環境及生態局局長就該事宜訂立規

- (i) the issue of duplicate licences and permits;
- (j) the containers for pesticides or classes or types of pesticides including— (*Amended 79 of 1990 s. 17*)
 - (i) the shape and size;
 - (ii) the design and colour;
 - (iii) the composition; and
 - (iv) the labelling and marking, of such containers;
- (k) the storage of pesticides and conditions under which they are to be kept; (*Amended 79 of 1990 s. 17*)
- (l) the approval of premises for the storage, repackaging or sale of pesticides; (*Amended 79 of 1990 s. 17*)
- (m) the sale and supply of pesticides; (*Amended 79 of 1990 s. 17*)
- (n) the advertisement of pesticides; (*Amended 79 of 1990 s. 17*)
- (o) the forms to be used. (*Amended 80 of 1997 s. 4*)
- (p)-(r) (*Repealed 80 of 1997 s. 4*)
- (1A) The Chief Executive in Council may by regulation provide for— (*Amended 60 of 2000 s. 3*)
 - (a) fees and charges;
 - (b) exemption by the Director from compliance with any regulation made under this Ordinance, either generally or in a particular case. (*Added 80 of 1997 s. 4*)
- (1B) The Secretary for Environment and Ecology may by regulation provide for— (*Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022*)
 - (a) the cancellation and suspension for any period of registration of a pesticide;

4-17
第 133 章

第 4 部
第 19A 條

例。(由 1997 年第 80 號第 4 條增補。由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂；由 2022 年第 144 號法律公告修訂)

- (2) 根據本條訂立的規例可規定，任何人違反該等規例的指明條文即屬犯罪，並可就有關罪行訂定不超過第 3 級罰款及監禁 1 年的罰則。(由 2013 年第 14 號第 19 條修訂)

19A. 環境及生態局局長可修訂附表

(由 2022 年第 144 號法律公告修訂)

- (1) 環境及生態局局長可藉憲報公告——(由 2022 年第 144 號法律公告修訂)
- (a) 將任何受公約規管的除害劑(包括其化學文摘社編號或其他描述)，加入附表 1 或 2 中；
 - (b) 將任何指明除害劑(包括其化學文摘社編號或其他描述)，從附表 1 或 2 中刪除；
 - (c) 修訂附表 2 第 2 部，但只限於關乎受公約規管的除害劑的修訂，或關乎刪除指明除害劑的修訂；及
 - (d) 就根據 (a)、(b) 或 (c) 段所作的加入、刪除或修訂，而對附表 1 或 2 作出任何相應、附帶或相關的修訂。
- (2) 就第 (1) 款而言——
- (a) 如在刊登日期，某除害劑受《鹿特丹公約》或《斯德哥爾摩公約》規管，該除害劑即屬受公約規管的除害劑；及

Part 4
Section 19A

4-18
Cap. 133

(b) generally, the better carrying out of the provisions of this Ordinance. *(Added 80 of 1997 s. 4)*

- (1C) Subsection (1B) shall not be construed as enabling the Secretary for Environment and Ecology to make regulations as regards any matter in relation to which regulations may be made under subsection (1) or (1A). *(Added 80 of 1997 s. 4. Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022)*
- (2) Regulations made under this section may provide that a contravention of specified provisions thereof shall be an offence and may provide penalties therefor not exceeding a fine at level 3 and imprisonment for 1 year. *(Amended 14 of 2013 s. 19)*

19A. Power of Secretary for Environment and Ecology to amend Schedules

(Amended L.N. 144 of 2022)

- (1) The Secretary for Environment and Ecology may by notice published in the Gazette— *(Amended L.N. 144 of 2022)*
- (a) add any Convention-regulated pesticide, including its Chemical Abstracts Service (**CAS**) registry number or other description, to Schedule 1 or 2;
 - (b) remove any specified pesticide, including its CAS registry number or other description, from Schedule 1 or 2;
 - (c) make any amendment to Part 2 of Schedule 2 that only relates to a Convention-regulated pesticide or the removal of a specified pesticide; and
 - (d) make any amendment to Schedule 1 or 2 that is consequential, incidental or related to an addition, removal or amendment made under paragraph (a), (b) or (c).

- (b) 如曾在刊登日期前的某時間，某除害劑受《鹿特丹公約》或《斯德哥爾摩公約》規管，但在該日期不再受該等規管，該除害劑即屬指明除害劑。
- (3) 在第 (2) 款中 ——
- 刊登日期** (publication day) 指根據第 (1)(a) 或 (b) 款刊登加入或刪除有關的除害劑的公告的日期。
- (由 2013 年第 14 號第 20 條增補)

19B. 對公職人員的保障

- (1) 如公職人員在 ——
- (a) 根據本條例行使權力或本意是根據本條例行使權力時；或
- (b) 根據本條例執行職能或本意是根據本條例執行職能時，
- 真誠地作出或沒有作出某作為，該人員無須為該作為或不作為承擔個人法律責任。
- (2) 第 (1) 款並不影響特區政府為有關作為或不作為而承擔的法律責任。

(由 2013 年第 14 號第 20 條增補)

20. 商標、商品說明、專利權及版權不受影響

署長根據第 5 條將任何除害劑註冊，或根據第 9 條就任何除

- (2) For the purposes of subsection (1)—
- (a) a pesticide is a Convention-regulated pesticide if the pesticide is subject to the regulation of the Rotterdam Convention or the Stockholm Convention on the publication day; and
- (b) a pesticide is a specified pesticide if, at some time before the publication day, the pesticide has been subject to the regulation of the Rotterdam Convention or the Stockholm Convention but is no longer subject to the regulation on that day.
- (3) In subsection (2)—
- publication day** (刊登日期) means the day on which a notice to add or remove the pesticide concerned is published under subsection (1)(a) or (b).

(Added 14 of 2013 s. 20)

19B. Protection of public officers

- (1) A public officer is not personally liable for an act done or omitted to be done by the public officer in good faith—
- (a) in the exercise of a power or purported exercise of a power under this Ordinance; or
- (b) in the performance of a function or purported performance of a function under this Ordinance.
- (2) Subsection (1) does not affect the liability of the Government for the act or omission.

(Added 14 of 2013 s. 20)

20. Trade marks, trade descriptions, patents and copyright not affected

4-21
第 133 章

第 4 部
第 21 條

害劑發出任何牌照或許可證，並不因此而向任何人批予該除害劑的所有權權利，亦不因此而賦予或影響在《商標條例》(第 559 章)、《商品說明條例》(第 362 章)、《專利條例》(第 514 章)或《版權條例》(第 528 章)下的任何權利。

(由 1979 年第 25 號第 12 條修訂；由 1980 年第 69 號第 37 條修訂；由 1990 年第 79 號第 18 條修訂；由 1997 年第 256 號法律公告修訂；由 1997 年第 52 號第 161 條修訂；由 1997 年第 92 號第 280 條修訂；由 1999 年第 331 號法律公告修訂；由 2000 年第 35 號第 98 條修訂)

21. 《藥劑業及毒藥條例》不適用於除害劑

《藥劑業及毒藥條例》(第 138 章)不適用於本條例所適用的任何除害劑。

(由 1990 年第 79 號第 19 條修訂；由 1997 年第 62 號法律公告修訂)

22. 《危險品條例》適用

本條例並不對《危險品條例》(第 295 章)的條文有所減損。

23. 關乎《2013 年除害劑(修訂)條例》的過渡性條文及保留條文

- (1) 在緊接生效日期前，如某人根據許可證管有未經註冊除害劑，則在該許可證屆滿之前，第 8(1)(f) 或 (2) 條並不就該除害劑而適用於該人。
- (2) 根據已廢除的第 16 條產生的上訴權，如在緊接生效日期前存在，須視為根據第 16A 條產生的向行政上訴委員會提出上訴的上訴權。
- (3) 如根據已廢除的第 16 條提出的上訴，在緊接生效日期前仍有待裁決，則該上訴須在猶如是根據第 16A 條提出的有待裁決的上訴的情況下予以處理和解決。
- (4) 如第 (3) 款提述的有待裁決的上訴，是牌照持有人或許可證持有人針對根據第 13(3) 條作出的決定而提出的，則第

Part 4
Section 21

4-22
Cap. 133

The registration of, or issue of any licence or permit in respect of, a pesticide by the Director under section 5 or 9 respectively shall not grant to any person any proprietary right in respect of that pesticide and shall not confer or affect any rights under the Trade Marks Ordinance (Cap. 559), the Trade Descriptions Ordinance (Cap. 362), the Patents Ordinance (Cap. 514) or the Copyright Ordinance (Cap. 528).

(Amended 25 of 1979 s. 12; 69 of 1980 s. 37; 79 of 1990 s. 18; 52 of 1997 s. 161; 92 of 1997 s. 280; 35 of 2000 s. 98)

21. Pharmacy and Poisons Ordinance not to apply to pesticides

The Pharmacy and Poisons Ordinance (Cap. 138) shall not apply to any pesticide to which this Ordinance applies.

(Amended 79 of 1990 s. 19)

22. Dangerous Goods Ordinance to apply

Nothing in this Ordinance shall derogate from the provisions of the Dangerous Goods Ordinance (Cap. 295).

23. Transitional and savings provisions relating to Pesticides (Amendment) Ordinance 2013

- (1) If a person was in possession of an unregistered pesticide under a permit immediately before the commencement date, section 8(1)(f) or (2) does not apply to the person in respect of the pesticide until the permit expires.
- (2) A right of appeal existing immediately before the commencement date under the repealed section 16 is to be treated as being a right of appeal to the Administrative Appeals Board under section 16A.
- (3) An appeal pending immediately before the commencement date under the repealed section 16 is to be treated and

13(2) 條提述的指示所指明的遵從期限，須予延長，延長的期間從提出上訴開始，至獲通知行政上訴委員會的決定時為止。

(5) 在本條中——

已廢除的第 16 條 (repealed section 16) 指遭《2013 年除害劑 (修訂) 條例》(2013 年第 14 號) 第 15 條廢除的第 16 條；

* **生效日期** (commencement date) 指《2013 年除害劑 (修訂) 條例》(2013 年第 14 號) 實施的日期。

(由 2013 年第 14 號第 21 條代替)

編輯附註：

* 生效日期：2014 年 1 月 27 日。

disposed of as if it were an appeal pending under section 16A.

(4) If an appeal that is pending as referred to in subsection (3) was made by a licence holder or permit holder against a decision under section 13(3), a period for compliance specified in the direction referred to in section 13(2) is extended by the period between presentation of the appeal and notification of the Administrative Appeals Board's decision.

(5) In this section—

* **commencement date** (生效日期) means the date on which the Pesticides (Amendment) Ordinance 2013 (14 of 2013) comes into operation;

repealed section 16 (已廢除的第 16 條) means section 16 repealed by section 15 of the Pesticides (Amendment) Ordinance 2013 (14 of 2013).

(Replaced 14 of 2013 s. 21)

Editorial Note:

* Commencement date: 27 January 2014.

S1-1
第 133 章

附表 1

Schedule 1

S1-2
Cap. 133**附表 1**

[第 2、8 及 19A 條及附表 2]

《斯德哥爾摩公約》所列的除害劑

項	除害劑	化學文摘社編號
1.	艾氏劑	309-00-2
2.	氯丹	57-74-9
3.	滴滴涕	50-29-3
4.	狄氏劑	60-57-1
5.	異狄氏劑	72-20-8
6.	七氯	76-44-8
7.	六氯苯	118-74-1
8.	滅蟻靈	2385-85-5
9.	毒殺芬	8001-35-2
10.	α - 六氯環己烷	319-84-6
11.	β - 六氯環己烷	319-85-7
12.	十氯酮	143-50-0
13.	林丹	58-89-9

Schedule 1

[ss. 2, 8 & 19A & Sch. 2]

Pesticides Listed under Stockholm Convention

Item	Pesticide	CAS registry number
1.	Aldrin	309-00-2
2.	Chlordane	57-74-9
3.	DDT	50-29-3
4.	Dieldrin	60-57-1
5.	Endrin	72-20-8
6.	Heptachlor	76-44-8
7.	Hexachlorobenzene (HCB)	118-74-1
8.	Mirex	2385-85-5
9.	Toxaphene	8001-35-2
10.	Alpha hexachlorocyclohexane	319-84-6
11.	Beta hexachlorocyclohexane	319-85-7
12.	Chlordecone	143-50-0
13.	Lindane	58-89-9

S1-3

附表 1

第 133 章

項	除害劑	化學文摘社編號
14.	五氯苯	608-93-5
15.	硫丹原藥及其相關異構體	115-29-7 ; 959-98-8 ; 33213-65-9
16.	五氯苯酚及其鹽類和酯類	87-86-5(僅列出原生化合物的化學文摘社編號)

(附表 1 由 2013 年第 14 號第 22 條增補。由 2014 年第 43 號法律公告修訂；由 2023 年第 95 號法律公告修訂)

Schedule 1

S1-4

Cap. 133

Item	Pesticide	CAS registry number
14.	Pentachlorobenzene	608-93-5
15.	Technical endosulfan and its related isomers	115-29-7; 959-98-8; 33213-65-9
16.	Pentachlorophenol and its salts and esters	87-86-5 (for parent compound only)

(Schedule 1 added 14 of 2013 s. 22. Amended L.N. 43 of 2014; L.N. 95 of 2023)

S2-1
第 133 章

附表 2 —— 第 1 部

Schedule 2—Part 1

S2-2
Cap. 133

附表 2

[第 2、8 及 19A 條]

《鹿特丹公約》所列的除害劑及第 8 條的適用範圍的限制

第 1 部

《鹿特丹公約》所列的除害劑

項	除害劑	化學文摘社編號
1.	2, 4, 5- 涕及其各種鹽類和酯類	93-76-5(僅列出原生化合物的化學文摘社編號)
2.	甲草胺	15972-60-8
3.	涕滅威	116-06-3
4.	艾氏劑	309-00-2
5.	谷硫磷	86-50-0
6.	樂殺蟎	485-31-4
7.	敵菌丹	2425-06-1
8.	氯丹	57-74-9
9.	殺蟲脒	6164-98-3
10.	乙酯殺蟎醇	510-15-6

Schedule 2

[ss. 2, 8 & 19A]

Pesticides Listed under Rotterdam Convention and Limitations on Application of Section 8

Part 1

Pesticides Listed under Rotterdam Convention

Item	Pesticide	CAS registry number
1.	2, 4, 5-T and its salts and esters	93-76-5 (for parent compound only)
2.	Alachlor	15972-60-8
3.	Aldicarb	116-06-3
4.	Aldrin	309-00-2
5.	Azinphos-methyl	86-50-0
6.	Binapacryl	485-31-4
7.	Captafol	2425-06-1
8.	Chlordane	57-74-9
9.	Chlordimeform	6164-98-3
10.	Chlorobenzilate	510-15-6

S2-3
第 133 章

附表 2 —— 第 1 部

Schedule 2—Part 1

S2-4
Cap. 133

項	除害劑	化學文摘社編號
11.	滴滴涕	50-29-3
12.	狄氏劑	60-57-1
13.	二硝基 - 鄰 - 甲酚 (DNOC) 及其各種鹽類 (例如銨鹽、鉀鹽和鈉鹽)	534-52-1 ; 2980-64-5 ; 5787-96-2 ; 2312-76-7
14.	地樂酚及其鹽類和酯類	88-85-7 (僅列出原生化合物的化學文摘社編號)
15.	1, 2- 二溴乙烷 (EDB)	106-93-4
16.	硫丹	115-29-7
17.	1, 2- 二氯乙烷	107-06-2
18.	環氧乙烷	75-21-8
19.	敵蚜胺	640-19-7
20.	六六六 (混合異構體)	608-73-1
21.	七氯	76-44-8
22.	六氯苯	118-74-1
23.	林丹	58-89-9

Item	Pesticide	CAS registry number
11.	DDT	50-29-3
12.	Dieldrin	60-57-1
13.	Dinitro-ortho-cresol (DNOC) and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1; 2980-64-5; 5787-96-2; 2312-76-7
14.	Dinoseb and its salts and esters	88-85-7 (for parent compound only)
15.	1, 2-dibromoethane (EDB)	106-93-4
16.	Endosulfan	115-29-7
17.	Ethylene dichloride	107-06-2
18.	Ethylene oxide	75-21-8
19.	Fluoroacetamide	640-19-7
20.	HCH (mixed isomers)	608-73-1
21.	Heptachlor	76-44-8
22.	Hexachlorobenzene (HCB)	118-74-1
23.	Lindane (gamma-HCH)	58-89-9

S2-5

附表 2 —— 第 1 部

第 133 章

項	除害劑	化學文摘社編號
24.	汞化合物，包括無機汞化合物、烷基汞化合物和烷氧烷基及芳基汞化合物	
25.	久效磷	6923-22-4
26.	對硫磷	56-38-2
27.	五氯苯酚及其鹽類和酯類	87-86-5 (僅列出原生化合物的化學文摘社編號)
28.	毒殺芬	8001-35-2
29.	所有三丁錫化合物包括 ——	
	– 三丁錫氧化物	56-35-9
	– 三丁錫氟化物	1983-10-4
	– 三丁錫甲基丙烯酸	2155-70-6
	– 三丁錫苯甲酸	4342-36-3
	– 三丁錫氯化物	1461-22-9
	– 三丁錫亞油酸	24124-25-2
	– 三丁錫環烷酸	85409-17-2
30.	含有以下成分的可粉化混合粉劑 ——	
	– 含量等於或高於 7% 的苯菌靈	17804-35-2
	– 含量等於或高於 10% 的克百威 (由 2018 年第 55 號法律公告修訂)	1563-66-2
	– 含量等於或高於 15% 的福美雙	137-26-8

Schedule 2—Part 1

S2-6

Cap. 133

Item	Pesticide	CAS registry number
24.	Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds	
25.	Monocrotophos	6923-22-4
26.	Parathion	56-38-2
27.	Pentachlorophenol and its salts and esters	87-86-5 (for parent compound only)
28.	Toxaphene	8001-35-2
29.	All tributyltin compounds including—	
	– Tributyltin oxide	56-35-9
	– Tributyltin fluoride	1983-10-4
	– Tributyltin methacrylate	2155-70-6
	– Tributyltin benzoate	4342-36-3
	– Tributyltin chloride	1461-22-9
	– Tributyltin linoleate	24124-25-2
	– Tributyltin naphthenate	85409-17-2
30.	Dustable powder formulations containing a combination of—	
	– Benomyl at or above 7%	17804-35-2
	– Carbofuran at or above 10%	1563-66-2
	– Thiram at or above 15%	137-26-8

S2-7
第 133 章附表 2 —— 第 2 部
第 1 條

項	除害劑	化學文摘社編號
31.	(由 2015 年第 201 號法律公告廢除)	
32.	甲基對硫磷 (活性成分含量等於或高於 19.5% 的乳油 (EC) 及活性成分含量等於或高於 1.5% 的粉劑)	298-00-0
33.	磷胺 (活性成分含量超過每升 1 000 克的可溶性液劑)	13171-21-6
34.	甲胺磷 (由 2015 年第 201 號法律公告增補)	10265-92-6
35.	克百威 (由 2018 年第 55 號法律公告增補)	1563-66-2
36.	敵百蟲 (由 2018 年第 55 號法律公告增補)	52-68-6
37.	甲拌磷 (由 2019 年第 148 號法律公告增補)	298-02-2
38.	特丁硫磷 (由 2024 年第 4 號法律公告增補)	13071-79-9

第 2 部

第 8 條對本附表第 1 部指明的除害劑不適用的範圍

1. 限制第 8 條對本附表第 1 部指明的除害劑的適用範圍
第 8 條不適用於符合 (a) 及 (b) 段說明的本附表第 1 部指明的除害劑 ——

Schedule 2—Part 2
Section 1S2-8
Cap. 133

Item	Pesticide	CAS registry number
31.	(<i>Repealed L.N. 201 of 2015</i>)	
32.	Methyl-parathion (Emulsifiable concentrates at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)	298-00-0
33.	Phosphamidon (Soluble liquid formulations of the substance that exceed 1 000 g active ingredient per litre)	13171-21-6
34.	Methamidophos (<i>Added L.N. 201 of 2015</i>)	10265-92-6
35.	Carbofuran (<i>Added L.N. 55 of 2018</i>)	1563-66-2
36.	Trichlorfon (<i>Added L.N. 55 of 2018</i>)	52-68-6
37.	Phorate (<i>Added L.N. 148 of 2019</i>)	298-02-2
38.	Terbufos (<i>Added L.N. 4 of 2024</i>)	13071-79-9

Part 2

Extent to which Section 8 does not Apply to Pesticides Specified in Part 1 of this Schedule

1. Limitations on application of section 8 to pesticides specified in Part 1 of this Schedule
Section 8 does not apply to a pesticide specified in Part 1 of this

S2-9
第 133 章附表 2 —— 第 2 部
第 1 條

- (a) 並非附表 1 指明者；及
- (b) 是任何以下物品或屬以下物品的成分 ——
 - (i) 《公眾衛生及市政條例》(第 132 章) 第 2(1) 條所界定的食物；
 - (ii) 《食物及藥物 (成分組合及標籤) 規例》(第 132 章，附屬法例 W) 第 2(1) 條所界定的添加劑；
 - (iii) 《輻射條例》(第 303 章) 第 2 條所界定的放射性物質；
 - (iv) 《廢物處置條例》(第 354 章) 第 2(1) 條所界定的廢物；
 - (v) 《化學武器 (公約) 條例》(第 578 章) 第 2(1) 條所界定的化學武器；
 - (vi) 在 1961 年 3 月 30 日通過的《1961 年麻醉品單一公約》(即經在 1972 年 3 月 24 日通過的《1972 年修訂〈1961 年麻醉品單一公約〉議定書》所修訂的該公約) 的附表 I 或 II 所列的任何物品；
 - (vii) 在 1971 年 2 月 21 日通過的《1971 年精神藥物公約》所列的任何物品。

(附表 2 由 2013 年第 14 號第 22 條增補)

Schedule 2—Part 2
Section 1S2-10
Cap. 133

Schedule if the pesticide—

- (a) is not specified in Schedule 1; and
- (b) is, or is a part of, any of the following—
 - (i) food as defined by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);
 - (ii) additive as defined by regulation 2(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W);
 - (iii) radioactive substance as defined by section 2 of the Radiation Ordinance (Cap. 303);
 - (iv) waste as defined by section 2(1) of the Waste Disposal Ordinance (Cap. 354);
 - (v) chemical weapons as defined by section 2(1) of the Chemical Weapons (Convention) Ordinance (Cap. 578);
 - (vi) a thing listed in Schedule I or II of the Single Convention on Narcotic Drugs, 1961 which was adopted on 30 March 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961 which was adopted on 24 March 1972;
 - (vii) a thing listed in the Convention on Psychotropic Substances, 1971 which was adopted on 21 February 1971.

(Schedule 2 added 14 of 2013 s. 22)