

立法會
Legislative Council

LC Paper No. CB(1)2418/01-02
(These minutes have been seen
by the Administration)

Ref : CB1/BC/3/01

**Bills Committee on
Chemical Weapons (Convention) Bill**

**Minutes of second meeting held on
Tuesday, 16 July 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Cyd HO Sau-lan (Chairman)
Hon HUI Cheung-ching, JP
Hon LAU Kong-wah
Dr Hon LO Wing-lok
Hon Audrey EU Yuet-mee, SC, JP

Member absent : Hon James TO Kun-sun

**Public officers
attending** : Ms Ellen CHOY
Principal Assistant Secretary for Commerce,
Industry and Technology (Commerce and Industry)

Miss Hinny LAM
Assistant Secretary for Commerce,
Industry and Technology (Commerce and Industry)

Ms Doris CHAN
Principal Trade Officer
Trade and Industry Department

Mr Andrew WONG
Head of Trade Controls
Customs and Excise Department

Action

Mr Paul SIT
Principal Trade Controls Officer
Customs and Excise Department

Mr C Y AU YEUNG
Senior Chemist
Government Laboratory

Mr Geoffrey FOX
Senior Assistant Law Draftsman
Department of Justice

Ms Marie SIU
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Mr Anthony WONG
Senior Assistant Secretary (1)8

Action

I. Meeting with the Administration

- (LC Paper No. CB(1)1722/01-02(01) — Description of the Chemical Weapons Convention Schedule 1 Chemicals
- LC Paper No. CB(1)1722/01-02(02) — Description of the Chemical Weapons Convention Schedule 2 Chemicals
- LC Paper No. CB(1)1722/01-02(03) — Description of the Chemical Weapons Convention Schedule 3 Chemicals

- LC Paper No. CB(1)1722/01-02(04) — Implications of the Chemical Weapons (Convention) Bill for the general public and establishments that need to acquire or use chemicals
- LC Paper No. CB(1)2206/01-02(01) — Comparison of the Chemical Weapons (Convention) Bill to the Australia Chemical Weapons (Prohibition) Act 1994 and the UK Chemical Weapons Act 1996
- LC Paper No. CB(1)2206/01-02(02) — The full text of the Chemical Weapons (Prohibition) Act 1994 of the Commonwealth of Australia
- LC Paper No. CB(1)2206/01-02(03) — The full text of the Chemical Weapons Act 1996 (C.6) of the United Kingdom)

The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

List of follow-up actions to be taken by the Administration

- Admin 2. At members' request, the Administration agreed to take the follow-up actions listed below:
- (a) Relationship of the Bill with other ordinances
To advise whether the chemicals listed in the three Schedules of Chemicals annexed to the Convention were already subject to the control of other ordinances, including:
- (i) the Import and Export (IE) Ordinance (Cap. 60) and the IE (Strategic Commodities) Regulations;
 - (ii) the Dangerous Drugs Ordinance (Cap. 134);
 - (iii) the Pharmacy and Poisons Ordinance (Cap. 138);
 - (iv) the Control of Chemicals Ordinance (Cap. 145);
 - (v) the Dangerous Goods Ordinance (Cap. 295); and
 - (vi) the Weapons of Mass Destruction (Control of Provision of Services) Ordinance (Cap. 526).

Action

(b) Implications of clause 8 (When permit is required)

To provide the following information for members' reference:

- (i) the types of establishments covered/likely to be covered by clause 8; and
- (ii) the types of establishments covered by relevant provisions in overseas legislation.

(c) Clause 38 (Appeals)

Clause 38 provided that an appeal against any decision of the Director-General of Trade and Industry (the Director) to which clause 10(4) applied might be made to the Chief Executive. According to the Administration, similar appeal channel was provided for in section 6 of the IE Ordinance. Given that the powers of the Director under the IE Ordinance and the Bill were broadly similar, the Administration considered it reasonable to adopt the same appeal arrangement. In this connection, the Administration was requested:

- (i) to set out the justifications for the appeal channel provided for in section 6 of the IE Ordinance; and
- (ii) to review whether the appeal channel proposed under clause 38 of the Bill and provided for in section 6 of the IE Ordinance was in line with the appeal channels commonly provided for under other ordinances, e.g. appeal to an Appeal Board or to the Chief Executive in Council.

(d) Two surveys conducted by the Administration in 1998 and 2001

According to the Administration, two rounds of surveys had been conducted among manufacturers, traders, medical and research institutions, testing laboratories, etc. in November 1998 and June 2001 to ascertain the impact of the Bill on these establishments. To facilitate members' consideration of the need to conduct public consultation on the Bill, the Administration was requested to provide the questionnaires and the list of organizations covered by the two rounds of surveys.

Date of next meeting

3. Members agreed on the meeting schedule of the Bills Committee, as follows:

<u>Meeting</u>	<u>Date</u>	<u>Time</u>
Third	10 October 2002 (Thursday)	10:45 am - 12:45 pm
Fourth	18 October 2002 (Friday)	8:30 am - 10:30 am
Fifth	24 October 2002 (Thursday)	10:45 am - 12:45 pm
Sixth	31 October 2002 (Thursday)	8:30 am - 10:30 am

(Post-meeting note: As the first meeting of all Panels in the 2002/03 session would be held on 10 October 2002, the Chairman of the Bills Committee agreed that the Bills Committee meeting scheduled for that day be cancelled. The notice of cancellation of the meeting was issued to members vide LC Paper No. CB(1)2363/01-02 on 26 July 2002.)

II. Any other business

4. There being no other business, the meeting ended at 9:45 am.

Legislative Council Secretariat
9 August 2002

Appendix

**Proceedings of the second meeting of the
Bills Committee on Chemical Weapons (Convention) Bill
on Tuesday, 16 July 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000607	Chairman	Meeting schedule	
000607 - 000631	Mr HUI Cheung-ching	-ditto-	
000631 - 001700	Chairman	-ditto-	
001700 - 001738	Administration	-ditto-	
001738 - 001742	Chairman	Matters arising from the first meeting	
001742 - 002508	Assistant Legal Adviser (ALA)	Issues raised in ALA's letter dated 1 November 2001 to the Administration and the Administration's reply dated 24 November 2001	
002508 - 002518	Ms Audrey EU Yuet-mee	-ditto-	
002518 - 003121	ALA	-ditto-	
003121 - 003217	Chairman	-ditto-	
003217 - 003320	Ms Audrey EU Yuet-mee	Drafting of clause 5 of the Bill	
003320 - 003544	Administration	-ditto-	
003544 - 003603	Chairman	-ditto-	
003603 - 003614	Ms Audrey EU Yuet-mee	Appeal channel provided under clause 38 of the Bill	
003614 - 003707	Administration	-ditto-	
003707 - 003755	Ms Audrey EU Yuet-mee	-ditto-	
003755 - 004003	ALA	(a) Appeal channel provided under clause 38 of the Bill (b) Delegation of powers to officers in the Clerical Officer Grade under clause 4 of the Bill	
004003 - 004106	Ms Audrey EU Yuet-mee	-ditto-	
004106 - 004205	Chairman	-ditto-	

Time	Speaker	Subject(s)	Action required
004205 - 004506	Administration	(a) Appeal channel provided under clause 38 of the Bill (b) Delegation of powers to officers in the Clerical Officer Grade under clause 4 of the Bill	
004506 - 004524	Chairman	Appeal channel	Admin
004524 - 004532	Ms Audrey EU Yuet-mee	-ditto-	
004532 - 004643	Chairman	Papers provided by the Administration on the three Schedules of Chemicals annexed to the Convention	
004643 - 004802	Administration	-ditto-	
004802 - 004837	Chairman	-ditto-	
004837 - 004935	Ms Audrey EU Yuet-mee	-ditto-	
004935 - 005003	Chairman	-ditto-	
005003 - 005108	Ms Audrey EU Yuet-mee	-ditto-	
005108 - 005309	Administration	-ditto-	
005309 - 005330	Chairman	-ditto-	
005330 - 005335	Administration	-ditto-	
005335 - 005400	Ms Audrey EU Yuet-mee	Implications of clause 8 of the Bill	
005400 - 005510	Chairman	(a) Implications of clause 8 of the Bill (b) Public consultation	
005510 - 005528	Ms Audrey EU Yuet-mee	Two surveys conducted by the Administration in 1998 and 2001	
005528 - 005911	Administration	-ditto-	Admin
005911 - 005950	Ms Audrey EU Yuet-mee	Implications of clause 8 of the Bill	
005950 - 010101	Administration	-ditto-	
010101 - 010112	Chairman	-ditto-	
010112 - 010207	Ms Audrey EU Yuet-mee	-ditto-	Admin
010207 - 010239	Chairman	-ditto-	
010239 - 010350	Administration	-ditto-	
010350 - 010414	Chairman	-ditto-	

Time	Speaker	Subject(s)	Action required
010414 - 010459	Administration	Implications of clause 8 of the Bill	
010459 - 010523	Ms Audrey EU Yuet-mee	Relationship of the Bill with other ordinances	
010523 - 010702	Administration	-ditto-	
010702 - 010711	Ms Audrey EU Yuet-mee	-ditto-	Admin
010711 - 010802	Administration	-ditto-	
010802 - 010832	Chairman	-ditto-	
010832 - 010923	Ms Audrey EU Yuet-mee	Implications of clause 8 of the Bill	Admin
010923 - 010956	Administration	-ditto-	
010956 - 011004	Ms Audrey EU Yuet-mee	-ditto-	
011004 - 011121	Chairman	Concluding remarks	

Note: The audio records of the above proceedings are kept at the Legislative Council Library

Legislative Council Secretariat
9 August 2002