

**Chemical Weapons (Convention) Bill -
The Administration's response to comments / questions
raised at the eighth and ninth meetings of the Bills Committee
held on 21 January and 17 February 2003**

Clause 27

Members have asked the Administration to clarify whether the term "in-country escort" in clause 27 of the Bill refers to an officer of the Central People's Government (CPG) or the HKSAR Government (SARG) or both.

2. It is a State Party's obligation to grant to the Organisation for the Prohibition of Chemical Weapons (OPCW) inspection team the requisite access to conduct inspections of the chemical facilities within its border. "In-country escorts" refer to individuals specified by the inspected State Party and, if appropriate, by the Host State, if they so wish, to accompany and assist the inspection team during the in-country period. The CPG and SARG have agreed that the SARG may, under normal circumstances, nominate officers as "in-country escorts" for endorsement by the CPG, and where necessary, the CPG may, after consultation with the SARG, specify officer(s) to be "in-country escort(s)" along with the SARG officers.

3. We confirm that the term "in-country escort" in clause 27(4) may refer to an officer of the SARG or an officer of the CPG. For clarity, we are prepared to add a definition of "in-country escort" to clause 2 (Interpretation) as suggested by Members.

4. The CPG and the SARG have confirmed the agreed arrangement for specifying officers as "in-country escorts" in writing. The relevant documents however are for internal use only. We consider it inappropriate to release them to persons outside the Administration. This is a general practice governing the handling of the SARG's correspondence with all other governments.

5. Separately, Members have requested us to set out the departments of the CPG or the SARG of which officers may be specified as "in-country escorts".

6. The CPG has set up a leading group for the implementation of the CWC in the People's Republic of China (PRC), under which there is the National CWC Implementation Office of PRC, comprising officers of the competent department of the chemical industry of the State Council, the Ministry of Foreign Affairs etc. As we understand it, the CPG officer(s) in the aforementioned department(s) may be specified as "in-country escort(s)" in relation to inspections in the HKSAR where necessary. In the case of the SARG, "in-country escorts" are likely to be officers from the Commerce, Industry and Technology Bureau, Customs and Excise Department, Trade and Industry Department and / or Government Laboratory.

Commerce, Industry and Technology Bureau
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