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Secretary for Commerce, Industry and Technology
(Attention: Miss Clara Tang,
Principal Assistant Secretary for Commerce,
Industry and Technology (Commerce and
Industry))
Commerce, Industry and Technology Bureau
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14 May 2003

BY FAX

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Total no(s) of page(s) : (2)

Dear Miss Tang,

Chemical Weapons (Convention) Bill

I am scrutinising the legal and drafting aspects of the Committee Stage amendments on the above Bill and have the following observations -

Clause 2

2. Some key definitions from the Convention are added in the Bill but not the definitions of "toxic chemical" and "precursor". Would the law be more user friendly and self-contained if the two definitions are added?

3. In the Chinese version of the definition "《公約》不禁止的目的", under paragraph (d), the term "國內" is used. Is there any special reason to legislate outside Hong Kong as well?

Clause 4

4. Its heading " Power of Director to appoint public officers to exercise or perform any of the powers or duties conferred or imposed on director by this Ordinance" does not seem to be as clear as in the Clause. Further, in the Chinese version, should the word "duty" be rendered as "職責" and not "責任"?

Clause 21

5. The new Clause 21(3) states that the Commissioner will, within 30 days from the date of seizure of an article, vessel or vehicle, serve a notice of seizure to the relevant owner and would specify the reasons for the seizure. Is this notice of seizure or is it a notice of forfeiture or both? Will the reasons for such forfeiture be given?

6. In the new Clause 21(7)(b), the English version reads as "may within 30 days beginning 2 days after the date of posting" while the Chinese version reads as "投寄當日之後第 2 天". Would both version tally better if the English reads as "beginning on the second day after the date of posting?"

7. I should be grateful if you could let me have your reply in both English and Chinese *before 16 May 2003* so that I can submit to the members of the Bills Committee for their consideration.

Yours sincerely,

(Anita HO)
Assistant Legal Adviser

c.c. Department of Justice (Attn: Mr. Geoffrey FOX, SALD and
Ms Marie SIU, SGC)

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