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Dear Ms Ho,

Chemical Weapons (Convention) Bill

Your letter dated 2 June 2003 refers. I append below our response to your questions.

Clause 21

2. The purpose of the new clause 21(3) is to state the information that should be included in the Notice of Seizure. It does not prevent the Commissioner from adding other points in the Notice of Seizure if he considers it necessary to do so.

3. Upon review, we have amended the English version of clause 21(3)(b)(ii) by replacing the words “liable for forfeiture” by “liable to forfeiture” and amend the Chinese version of clause 21(14)(b) by replacing “當日” with “時” in the latest draft of the Committee Stage Amendments (CSAs) circulated on 6 June 2003.

4. As regards clause 21(7)(b), we have amended it as agreed in the latest draft of the CSAs circulated on 6 June 2003.

Clause 23

5. Clause 23(3) states that a claimant who applies for the release of a vessel or vehicle shall prior to the release of the vessel or vehicle pay to the Commissioner the reasonable cost of assessing the value of the vessel or vehicle as the court orders. According to the amended clause 23(1) under which the power to determine the level of payment is now vested with the court, the Commissioner is no longer obliged under the law to assess the value of the vessel or vehicle. However, to enable the court to take account of all relevant factors of the case before determining the level of payment, the Commissioner will provide his assessment of the value of the seized vessel or vehicle to the court. Whether the claimant would have to pay the cost of assessing the value of the seized vessel or vehicle to the Commissioner and the amount to be paid will be subject to the court's order.

Proposed Schedule 5

6. Upon review, we have replaced the word "possessing" in the consequential amendment to Schedule 1 to the Organized and Serious Crimes Ordinance (Cap. 455) by "acquiring, stockpiling, retaining" and added a new consequential amendment to Schedule 2 to the Customs and Excise Service Ordinance (Cap. 342) in the latest draft of the CSAs circulated on 6 June 2003.

Yours sincerely,

(Miss Amy Chan)
for Secretary for Commerce, Industry and Technology

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