

**Bills Committee on Chemical Weapons (Convention) Bill
Second meeting on 16 July 2002**

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

1. Relationship of the Bill with other ordinances
Please advise whether the chemicals listed in the three Schedules of Chemicals annexed to the Convention are already subject to the control of other ordinances, including:
 - (a) the Import and Export (IE) Ordinance (Cap. 60) and the IE (Strategic Commodities) Regulations;
 - (b) the Dangerous Drugs Ordinance (Cap. 134);
 - (c) the Pharmacy and Poisons Ordinance (Cap. 138);
 - (d) the Control of Chemicals Ordinance (Cap. 145);
 - (e) the Dangerous Goods Ordinance (Cap. 295); and
 - (f) the Weapons of Mass Destruction (Control of Provision of Services) Ordinance (Cap. 526).

2. Implications of clause 8 (When permit is required)
Clause 8 requires the operator of a facility to apply for a permit where scheduled chemicals are likely to be produced, acquired, retained or used at, or transferred from, or processed or consumed at, the facility. Please provide:
 - (a) the types of establishments covered/likely to be covered by clause 8; and
 - (b) the types of establishments covered by relevant provisions in overseas legislation.

3. Clause 38 (Appeals)
Clause 38 provides that an appeal against any decision of the Director-General of Trade and Industry (the Director) to which clause 10(4) applies may be made to the Chief Executive. According to the Administration, similar appeal channel is provided for in section 6 of the IE Ordinance. Given that the powers of the Director under the IE Ordinance and the Bill are broadly similar, the Administration considers it reasonable to adopt the same appeal arrangement. In this connection:
 - (a) please set out the justifications for the appeal channel provided for in section 6 of the IE Ordinance; and
 - (b) please review whether the appeal channel proposed under clause 38 of the Bill and provided for in section 6 of the IE Ordinance is 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.

4. Two surveys conducted by the Administration in 1998 and 2001

According to the Administration, two rounds of surveys have 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, please provide the questionnaires and the list of organizations covered by the two rounds of surveys.

Legislative Council Secretariat

16 July 2002