

立法會
Legislative Council

LC Paper No. LS1/01-02

**Paper for the House Committee Meeting
of the Legislative Council
on 9 November 2001**

**Legal Service Division Report on
Chemical Weapons (Convention) Bill**

Object of the Bill

To implement the "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction" ("the Convention") in Hong Kong by controlling chemical weapons and certain chemicals capable of being used as chemical weapons.

LegCo Brief Reference

2. CIB CR14/46/6/1 issued by the Commerce and Industry Bureau dated 26 September 2001.

Date of First Reading

3. 7 November 2001.

Comments

4. The Convention which came into force on 29 April 1997 is an international treaty that aims at banning the development, production, use and retention of chemical weapons. The People's Republic of China is a signatory to the Convention and the Central People's Government has extended the application of the Convention to Hong Kong. "Chemical weapons", as defined in the Convention, includes any toxic chemicals and their precursors except where intended for purposes not prohibited under the Convention; munitions and devices specifically designed to cause death or other harm through the toxic properties of toxic chemicals; and any equipment specifically designed for use directly in connection with the employment of these munitions and devices.

5. This Bill is to provide the necessary legal authority to fully fulfil the requirements of the Convention in Hong Kong. The Bill mainly provides for:

- (a) banning the development, production, possession and transfer of chemical weapons;

- (b) establishing a permit system under which facilities that engage in certain activities involving scheduled chemicals must apply for permits from the Director-General of Trade and Industry (the Director);
- (c) requiring the operator of a facility to notify the Director if the unscheduled discrete organic chemicals produced by the facility has exceeded specified amounts;
- (d) inspection by the Secretariat of the Convention in Hong Kong; and
- (e) powers of enforcement by the Commissioner of Customs and Excise.

6. Any person who uses, develops, possesses, participates in the transfer of a chemical weapon, or assists anyone to engage in any activity prohibited under the Convention commits an offence. He is liable on conviction on indictment to imprisonment for life.

Public Consultation

7. According to paragraph 22 of the LegCo Brief, the chemical industry and other related establishments have been informed of new legislation for the implementation of the Convention through the surveys conducted in 1998 and June this year. No concern has been raised. The Administration considered that public consultation is not necessary.

Consultation with the LegCo Panel

8. The Administration briefed the LegCo Panel on Commerce and Industry on the policy aspects of the Bill on 9 July 2001. Members raised some concerns on the international inspection arrangements, the impact of the requirements under the Convention on the industry and the drafting aspects of some provisions. Members may refer to LC Paper No. CB(1)1682/00-01(02) and Minutes of that meeting (LC Paper No. CB(1)2197/00-01) for details.

Conclusion

9. We have raised some queries with the Administration on the legal and drafting aspects of the Bill and are awaiting the Administration's reply. Members may wish to decide whether to set up a Bills Committee to examine the policy aspects of the Bill.

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5 November 2001