

**Referral from Bills Committee on
Hazardous Chemicals Control Bill**

Implementation of international conventions in local legislation

The purpose of the Hazardous Chemicals Control Bill is to regulate the manufacture, export, import and use of chemicals that are not pesticides and have potentially harmful or adverse effects on human health or the environment, including such chemicals that are subject to the regulation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade which was adopted on 10 September 1998 or the Stockholm Convention on Persistent Organic Pollutants which was adopted on 22 May 2001.

In the course of examination of the Bill, members' attention is drawn to the fact that different approaches have been adopted in the implementation of international conventions in local legislation. According to legal adviser to the Bills Committee, convention requirements have been clearly spelt out in the relevant ordinances until recently when a more relaxed approach has been adopted by the Administration to include only a general reference clause to the conventions concerned as in the case of the Waste Disposal (Amendment) Bill 2005 and the Hazardous Chemicals Control Bill. The inclusion of such a general reference clause may create uncertainty on the convention requirements which are applicable to the Bill, particularly if such requirements involve the exercising of statutory power. At the request of the Bills Committee on Waste Disposal (Amendment) Bill 2005, the Administration has deleted the general reference clause from the Bill for the sake of clarity.

The Bills Committee on Hazardous Chemicals Control Bill considers that there is a need for consistency in the implementation of international conventions and would like the Panel on Administration of Justice and Legal Services to follow up on the subject.