

立法會
Legislative Council

LC Paper No. LS77/05-06

**Paper for the House Committee Meeting
on 26 May 2006**

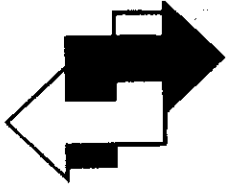
**Legal Service Division Further Report on
Import and Export (Strategic Commodities) Regulations (Amendment of
Schedule 1) Order 2006 (L.N. 95 of 2006)**

In the report of the Legal Service Division (LSD) of 9 May 2006 on the above subsidiary legislation, it was mentioned that the reply from the Administration on the technical and drafting points raised by LSD was pending. The reply from the Administration has now been received. The Administration has acknowledged that there are “printing errors” in the Chinese version, and indicated that such errors will be removed in the next legislative amendment exercise. The Administration’s letter of reply dated 23 May 2006 is attached for Members’ perusal.

Encl

Prepared by

KAU Kin-wah
Assistant Legal Adviser
Legislative Council Secretariat
24 May 2006



香港特別行政區政府

工業貿易署

Trade and Industry Department

The Government of the Hong Kong Special Administrative Region



Ref : TRA CR 1506/2

Tel : 2398 5554

Fax: 2396 3070

By Fax

(Total: 14 pages)

23 May 2006

Legislative Council Secretariat
(Attn: Mr. KAU Kin-wah, Assistant Legal Advisor)
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Fax: 2877 5029)

Dear Mr. Kau,

**Import and Export (Strategic Commodities) Regulations
(Amendment of Schedule 1) Order 2006**

I refer to your letter of 10 May 2006 seeking clarifications on the above Amendment Order.

You enquired whether the Hong Kong Special Administrative Region (HKSAR) is a member of the international non-proliferation regimes including the Wassenaar Arrangement (WA), the Australia Group (AG), the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG) and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). As mentioned in the paper submitted by the then Trade and Industry Bureau in June 1999 to the Legislative Council Panel on Trade and Industry (copy at Annex I), as an active and responsible player in the global economy, the HKSAR is fully committed to adopting the highest international standard of strategic trade control. Although we are not a member of any of the above-mentioned regimes, we have been implementing a comprehensive control system on strategic commodities since the 1950's. The legal basis of the control system is the Import and Export Ordinance and its Strategic Commodities Regulations. The items subject to licensing control are laid down in the Schedules to the Regulations which follow the standards of the

control of the regimes. All along, the HKSAR Government has adopted in full the control lists of the various international regimes. We keep our control list under constant review and amend it on a regular basis to reflect the latest revisions adopted by the regimes in their respective control lists to ensure that our controls are up-to-date. Hong Kong deals with the issue of strategic trade control in the same manner before and after the Reunification. The recent updating exercises took place in 1999, 2000, 2001 and 2004.

As explained in the above-mentioned paper submitted to the Panel on Trade and Industry, under the “One Country, Two Systems” principle as enshrined in the Basic Law, Hong Kong remains a separate trading entity and separate customs territory. We have full autonomy in regulating the import and export of goods, including strategic commodities, and are maintaining a separate and autonomous import and export control system. Against the above background, the HKSAR Government initiates regular amendments to our control list of strategic commodities from time to time as necessary.

You have also raised other specific drafting points. These are explained in the ensuing paragraphs and a detailed, point-by-point response is further provided at Annex II.

You sought clarifications on the use of a number of specific terms in the Chinese version of the Amendment Order. We would like to point out that we have drawn reference to a variety of authoritative sources in translating the English terms of substances or items adopted in the control lists of the various international control regimes. These sources include the authentic Chinese version of the CWC (the PRC is a member of the CWC¹), academic dictionaries such as the “English-Chinese Dictionary of Chemistry and Chemical Engineering” published by “中國科學院科學出版社”, as well as some websites of the CPG such as that of the PRC Customs, etc. To a lesser extent, we also draw reference to the Chinese translation of the control list on the website of the AG².

You also asked why there are different formulations of control thresholds among various provisions in the Amendment Order. You may wish to note that our control list represents a consolidation of the various control lists

¹ We do not make reference to the Chinese control lists published by Taiwan because Taiwan is not a member of CWC nor any of the international non-proliferation regimes. Among the various international non-proliferation regimes, only the CWC has an authentic Chinese text.

² Occasionally inconsistencies are found in the usage of the terms in the Chinese translation of AG’s control list.

adopted by the different international regimes. Generally, we merely follow the individual regime in describing the commodities. It is possible that the regimes use different formulations in the descriptions of the control thresholds for certain commodities. However, we have reviewed the relevant descriptions and concluded that although the description formulations of the thresholds are not exactly the same in certain cases, the meanings are in fact the same. For instance, it is stated in Category 0B001(j)(1) (in Schedule 1 to the Strategic Commodities Regulations) that “Ion sourcescapable of providing a total ion beam current of 50mA or greater” are subject to control. You asked whether “50mA or greater” should be amended to “equal to or greater than 50mA”. These two threshold descriptions have the same meaning and effect. We are of the view that the different threshold descriptions should not present any problem.

There are a few references in the Chinese version of the Amendment Order concerning the names of a number of chemical compounds where there are printing errors. Some of these terms were added during the amendment exercises in the past. We have reviewed all these terms in question and are of the considered view that there should be no ambiguity in the present legislation and the Amendment Order on the question of which chemicals the references in question refer to. This is because every chemical substance is assigned a unique “Chemical Abstracts Service” (CAS) Registry Number, which is specific to only one chemical substance. The CAS registry numbering system³ is a system adopted and recognized internationally to distinguish between different chemical substances, and the CAS registry numbers are also shown in the control lists of the relevant international non-proliferation regimes. In Schedule 1 to the Strategic Commodities Regulations, the CAS numbers are shown to assist in identifying whether a particular chemical or mixture is controlled, irrespective of nomenclature. We are of the view that the CAS registry numbers together with the English names should be sufficient in identifying the chemical products under control. In any event, the chemicals concerned are rarely traded in Hong Kong and the impact on the trade is minimal. We have checked our licensing records and found that there were no

³ Chemical Abstracts Service (CAS) is a division of the *American Chemical Society* which produces the Chemical Abstracts, an index of the scientific literature in chemistry and related fields. Chemical Abstracts have been published since 1907. CAS also maintains the CAS registry, a comprehensive database of chemical substances. It is the largest and most current database of chemical substance information in the world containing more than 28 million organic and inorganic substances and 57 million sequences. Each substance in this database receives a CAS registry number, and these numbers are now commonly used to uniquely identify chemical substances.

imports/exports of the items in question over the past several years. That said, we would conduct a tidying up exercise and identify the terms in the Chinese version of the legislation for refinements in our next legislative amendment exercise.

We hope the above helps clarify matters. We would be most happy to meet with you to go through the various points raised in detail if it is considered useful.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'BKS AU', written in a cursive style.

(Billy K S AU)

for Director-General of Trade and Industry

c.c. CITB (Attn: Miss Amy Chan)
DoJ (Attn: Miss Selina Lau)
Government Laboratory (Attn: Dr. Gabriel Chan)
AFCD (Attn: Miss Phyllis Wong)

Legislative Council Panel on Trade and Industry

Control over trade in strategic commodities

Purpose

This paper briefs members on Hong Kong's system of control over trade in strategic commodities.

Introduction

2. As an active and responsible player in the global economy, the Hong Kong Special Administrative Region Government is fully committed to adopting the highest international standard of strategic trade control. We are at the forefront of maintaining an effective control system over such trade in this region.

3. Hong Kong has tremendous incentive to maintain good control over strategic trade. Hong Kong needs to maintain its trading partners' faith in the integrity of its trading system so as to have continued access to high-tech products essential to its role as an international business and trade centre.

The System

4. Hong Kong's system of control over trade strategic commodities is law-based, transparent, backed by stringent licensing controls, vigorous enforcement and close international co-operation. Our system has the following unique features/safeguards :

1. we implement both import and export licensing. The transit of more sensitive items is also to subject to licensing requirement. This comprehensive system of control enables us to keep track of the movement of goods into and out of our territory;
 2. we have built into our system unique features to guard against illicit transfer of licensed sensitive items to a third party after their importation. For import of all sensitive items, we require the importers to declare the end use and end user before the goods can be imported into Hong Kong. Hong Kong Customs conducts disposal checks on import of strategic commodities for local use. They also carry out enduse checks on sensitive commodities. If the products are not used as declared, the importer is in breach of the licensing conditions and would be prosecuted;
 3. we operate an export licensing system that complements those run by exporting countries. For sensitive items, we would not issue export licence until the Hong Kong exporter has produced to us explicit license endorsement or approval from the originating exporting countries for the goods to be re-exported to a specific destination. This system would ensure that we would not undercut the control imposed by originating countries; and
 4. we impose a legal responsibility on our carriers to ensure licensing compliance of strategic commodities importing into/exporting from Hong Kong.
5. The legal basis of our system is the Hong Kong Import and Export Ordinance and its Strategic Commodities Regulations. The scope of items subject to licensing is laid down in the Schedules to the Import and Export (Strategic Commodities) Regulations which follow the control lists of all international non-proliferation regimes and conventions. The scope of our control is therefore objective and follows the highest prevailing international standard.

6. In addition to the control over import and export activities, Hong Kong is one of the pioneers in introducing legislation to prohibit services knowingly provided to assist in the development of weapons of mass destruction (WMD). The Weapons of Mass Destruction (Control of Provision of Services) Ordinance makes activities such as financing WMD programmes illegal and subject to prosecution. As in the case of unlicensed import and export of strategic commodities, the maximum penalty for providing services to assist the development of WMD is an unlimited fine and imprisonment for seven years.

7. Our system operates on a level playing field. All individuals and companies regardless of their background are subject to the same laws and control. This is fully demonstrated by the track record of enforcement action taken by Hong Kong Customs both before and after the reunification.

Hong Kong's Autonomy in Controlling Strategic Commodities and International Recognition

8. Under the "one country, two system" principle as enshrined in the Basic Law, Hong Kong remains a separate trading entity and a separate customs territory. We have full autonomy in regulating the import and export of goods, including strategic commodities, and are maintaining a separate and autonomous import and export control system.

9. Hong Kong's system of strategic trade control is highly regarded by our trading partners. Overseas authorities have commended our determination to uphold the integrity of Hong Kong as a separate customs territory by taking action against companies which infringed the HKSAR's tight export control, our vigorous enforcement of a strict export control regime, and our ability and willingness to enforce such a stringent control regime.

10. Government delegations from the U.S., Europe, Australia and Japan have all visited our system since the reunification. They are impressed by the comprehensiveness and stringency of our system. Our overseas offices also keep regular contacts with overseas authorities and key political players to explain to them the good system we have in place. Major trading partners continue to share and exchange with Hong Kong bilaterally information regarding development of the international control regimes. In addition, Hong Kong Customs have been maintaining close co-operation with its overseas counterparts, and pursue cases actively through co-operation. Such co-operative efforts have led to successful prosecutions and convictions by Hong Kong courts.

Way forward

11. Hong Kong will continue to develop and maintain close contacts with our trading partners. We will also continue to keep up the effectiveness of our system and keep it transparent by explaining our system to overseas government agencies and legislators, organising visits for them to see how our system operates on the ground, and arranging for secondment of overseas experts to boost our technical expertise in this area.

June 1999
Trade and Industry Bureau

[legco-t&ipanel]

Import and Export (Strategic Commodities) Regulations
(Amendment of Schedule 1) Order 2006

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
ML7(b)(1)(a) (i)	<ul style="list-style-type: none"> Whether “類” should be added after “-- 氟磷酸脂” to reflect plural sense of “phosphonofluoridates”. 	氟磷酸脂	<ul style="list-style-type: none"> We have consulted the authentic Chinese text of the CWC control list (referred to as the CWC list below). It uses “氟磷酸脂”. As the chemical group preceding “phosphonofluoridates” has already reflected the plural sense, there should be no need to add “類” after “氟磷酸脂”.
ML7(b)(1)(a) (ii)	<ul style="list-style-type: none"> Observed that Chinese version of WA Control List (http://cweb.trade.gov.tw/kmDoit.asp?c at1605&CtNode=887) (note: the Chinese version of WA control list referred to in this item and the items below is from the website of “Bureau of Foreign Trade” of Taiwan) renders “O-Pinacolyl methylphosphonofluoridate” as “O-特己基甲基氟磷酸酯”. 	O-比哪基甲基氟磷酸酯	<ul style="list-style-type: none"> The Chinese translation for “O-Pinacolyl methylphosphonofluoridate” has been in use since 1997. The CWC list uses “甲基氟磷酸频哪酯”. The CWC list was available only in 1998. The Chinese term used in the Amendment Order is a direct translation from the English term. As the Amendment Order includes the registry number CAS 96-64-0 that uniquely defines the chemical, there should be no problem on product identification.
ML7(b)(1)(b) (i)	<ul style="list-style-type: none"> Observed that Chinese version of WA control list renders “phosphoramidocyanidates” as “胺基 	氨基氟磷酸酯	<ul style="list-style-type: none"> The Chinese translation for “phosphoramidocyanidates” has been in use since 1997.

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
	<p>氰磷酸酯類”。</p>		<ul style="list-style-type: none"> We note from the CWC list that the term used is “氨基氰磷酸酯”。 As the Amendment Order includes the CAS registry number that can identify the chemical concerned, there should be no problem on product identification. Will revise the translation in the next amendment exercise.
ML7(b)(1)(b)(ii)	<ul style="list-style-type: none"> Observed that Chinese version of WA control list renders “dimethylphosphoramidocyanidate” as “二甲胺基氰磷酸酯”。 	O-乙基 N,N-二甲氨基氰磷酸酯	<ul style="list-style-type: none"> The Chinese translation for “dimethylphosphoramidocyanidate” has been in use since 1997. The CWC list uses “二甲氨基氰磷酸乙酯”。 As the Amendment Order includes the registry number CAS 77-81-6 that uniquely defines the chemical, there should be no problem on product identification. Will revise the translation in the next amendment exercise.
ML7(b)(1)(b)	<ul style="list-style-type: none"> Whether “類” should be added after “氨基氰磷酸脂” to reflect plural sense of “phosphoramidocyanidates”。 	氨基氰磷酸脂	<ul style="list-style-type: none"> We have consulted the CWC list. As the chemical group preceding “phosphoramidocyanidates” has already reflected the plural sense, there should be no need to add “類” after “氨基氰磷酸脂”。
ML7(b)(2)(a)(1) & (2)	<ul style="list-style-type: none"> Whether “醚” should be omitted from Chinese rendering of chemical compound as is done in Chinese version of WA Control List 	2-氯乙基氨基甲基硫醚 二(2-氯乙基)硫醚	<ul style="list-style-type: none"> We have consulted the CWC list. It uses “醚” in its Chinese translation.
ML7(b)(2)(b)(i)	<ul style="list-style-type: none"> Whether “Lewisites” should be “路易氏氣”？ 	路易代劑	<ul style="list-style-type: none"> The Chinese translation has been in use since 1997. We note from the CWC list that the translation for “Lewisites” is “路易氏劑”。 As the Amendment Order includes the CAS

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
			registry number that can define the chemical concerned, there should be no problem on product identification. Will revise the translation in the next amendment exercise.
ML7(b)(2)(b)(ii)	<ul style="list-style-type: none"> Whether “基” need to be added after “乙烯” in each of item (1), (2) and (3)? 	2-氯乙烯二氯砷 三(2-氯乙烯)砷 二(2-氯乙烯)砷	<ul style="list-style-type: none"> The Chinese translation has been in use since 1997. We note from the CWC list that the translation is “2-氯乙烯基二氯砷” but we consider that it should be technically acceptable not to add “基” after “乙烯”. In addition, the Amendment Order includes the corresponding registry numbers CAS 541-25-3, CAS 40334-70-1 and CAS 40334-69-8 that can identify the chemicals.
ML7(b)(2)(b)(3)	<ul style="list-style-type: none"> Chinese translation of “chloroarsine” appears to have omitted “氯” before “砷” 	二(2-氯乙烯)砷	<ul style="list-style-type: none"> The Chinese translation has been in use since 1997. We note from the CWC list that “chloroarsine” is “氯砷”. As the Amendment Order includes the registry number CAS 40334-69-8 that uniquely identifies the chemical, there should be no problem on product identification. Will revise the term in the next amendment exercise.
ML7(b)(3)	<ul style="list-style-type: none"> Observed that “3-Quinuclidinyl benzilate” rendered as “二苯基乙醇酸 3-喹定酯” in Chinese version of WA Control List. 	二苯羥乙酸-3-喹 環酯	<ul style="list-style-type: none"> The Chinese translation has been in use since 1997. We note from the CWC list that the term used for “3-Quinuclidinyl benzilate” is “二苯乙醇酸-3-奎寧環酯”. As the Amendment Order includes the registry number CAS 6581-06-2 that uniquely identifies the chemical, there should no problem on product identification. Will revise the translation in the next amendment exercise.

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
ML7(b)(4)(a) (i)	<ul style="list-style-type: none"> Note the extended space between Butyl and 2-chloro-4-fluorophenoxyacetate. Whether it is a typo layout error or done with specific intent. 	-	<ul style="list-style-type: none"> The extended space is a layout format with no specific intent. However, the legal effect should not be affected.
ML7(b)(4)(a) (ii)	<ul style="list-style-type: none"> Observed that “Butyl 2-chloro-4-fluorophenolxyacetate” rendered in Chinese version of WA Control List as “乙酸丁基 2-氯-4-氟酚酯”. 	2-氯-4-氟苯氧基乙酸丁酯	<ul style="list-style-type: none"> The correct English term of the chemical substance in question should be “Butyl 2-chloro-4-fluorophenoxyacetate”. We have consulted the English-Chinese Dictionary of Chemistry and Chemical Engineering and websites of the CPG. It is common to translate “phenoxy” as “苯氧基”. The translation in the Amendment Order should be appropriate.
ML7(b)(4)(b)	<ul style="list-style-type: none"> whether “乙酸” should be “醋酸” ? 	2,4,5-三氯苯氧基乙酸混合 2,4-二氯苯氧基乙酸	<ul style="list-style-type: none"> We follow the English-Chinese Dictionary of Chemistry and Chemical Engineering and websites of the CPG. It is more common to translate “acetic acid” as “乙酸”. The translation in the Amendment Order should be appropriate.
ML7(d)(1)	<ul style="list-style-type: none"> Observed that Chinese version of WA Control List renders “α-Bromobenzeneacetonitrile” as “(溴化苯甲基腈)” 	α -溴苯乙腈, (溴苯基腈)	<ul style="list-style-type: none"> We follow the English-Chinese Dictionary of Chemistry and Chemical Engineering and websites of the CPG. The translation of “α-溴苯乙腈” for “α-Bromobenzeneacetonitrile” should be appropriate.
ML7(d)(2)	<ul style="list-style-type: none"> Observed that “O-chlorobenzylidenemalononitrile” rendered in Chinese version of WA Control List as “邻-氯苯甲亚基丙二腈”. 	o-氯亞嗶基丙二腈	<ul style="list-style-type: none"> We have consulted the English-Chinese Dictionary of Chemistry and Chemical Engineering and websites of the CPG. “o-氯亞苳基丙二腈” and “鄰-氯苳甲亞基丙二腈” are both acceptable translations for the substance “O-Chlorobenzylidenemalononitrile”. As the Amendment Order includes the registry number CAS 2698-41-1 that uniquely

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
			identifies the chemical, there should be no problem on product identification. Will revise the term in the next amendment exercise.
ML7(d)(3)	<ul style="list-style-type: none"> Whether “苯酰基甲氯(ω-氯乙酰苯)” should be “苄醯甲基氯(ω-氯苯乙酮)”? 	2-氯-1-苯乙烯酮·苯酰基甲氯(ω-氯乙酰苯)	<ul style="list-style-type: none"> We have consulted the English-Chinese Dictionary of Chemistry and Chemical Engineering and websites of the CPG and the correct Chinese translation should be “苯醯甲基氯”. As the Amendment Order includes the registry number CAS 532-27-4 that uniquely identifies the chemical, there should be no problem on product identification. Will revise the translation in the next amendment exercise.
ML7(d)(4)	<ul style="list-style-type: none"> Whether “4-氧雜吡康因” should be “4-氧吡康因”? 	二苯-(b,f)-1,4-氧雜吡庚因	<ul style="list-style-type: none"> We have consulted the website of CWC . The translation should be appropriate.
ML7(d)(5)	<ul style="list-style-type: none"> whether “Adamsite” should be “亞當氏氣”? 	亞當氏劑	<ul style="list-style-type: none"> We have consulted the English-Chinese Dictionary of Chemistry and Chemical Engineering and websites of the CPG. “亞當氏劑” and “亞當氏氣” should both be acceptable translations for “Adamsite”.
Clause 2(s)(i)	<ul style="list-style-type: none"> Need for putting the phrases between inverted commas 	-	<ul style="list-style-type: none"> The inverted commas around the phrase are used to denote local definition within a clause and it is also the practice adopted by international control regimes.
1C350(55) (i) and (ii)	<ul style="list-style-type: none"> Observed that Chinese version of Control List of Australia Group renders “methyl phosphonic acid” as “甲基磷 	甲基磷酸	<ul style="list-style-type: none"> The substance under control is “methyl phosphonic acid”, not “methyl phosphoric acid”. We follow the English-Chinese Dictionary of Chemistry and

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
	<p>酸”。</p> <ul style="list-style-type: none"> Whether “phosphonic” should be “phosphoric”? 	-	Chemical Engineering and websites of the CPG in translating “methyl phosphonic acid” as “甲基膦酸”。
1C350 (56), (57), (60), (61) & (63)	<ul style="list-style-type: none"> Chinese rendering of these items in Amendment Order different from rendering in Chinese version of Control List of AG at its official website : http://www.australiagroup.net/cn/control_list/precursors.htm. Please clarify. 	<p><u>1C350(56)</u> 甲基膦酸二乙脂</p> <p><u>1C350(57)</u> N,N-二甲基氨基二氮</p> <p><u>1C350(60)</u> O,O-二乙基硫代磷酸胺</p> <p><u>1C350(61)</u> O,O-二乙基二硫代磷酸胺</p> <p><u>1C350(63)</u> 甲基硫代膦酰二氮</p>	<ul style="list-style-type: none"> We have consulted the English-Chinese Dictionary of Chemistry and Chemical Engineering and websites of the CPG. 1C350(63) should be accurate translation. As regards items 1C350(56), 1C350(57), 1C350(60) and 1C350(61), translations should be “甲基膦酸二乙酯”, “N,N-二甲基膦酰二氮”, “O,O-二乙基硫代磷酸酯” and “O,O-二乙基二硫代磷酸酯” respectively. As the Amendment Order includes CAS numbers that can identify the products, there should be no problem on product identification. Will revise these terms in the next amendment exercise.
1C354(a)(1)	<ul style="list-style-type: none"> Chinese rendering of the items in Amendment Order different from that of Chinese version of Plant Pathogen List of AG (PVI) at its official website : 	馬鈴薯 A 病毒	<ul style="list-style-type: none"> We follow the translation used in CPG’s website (http://ciq.jms.gov.cn/rudzwml.htm).

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
	<p>http://www.australiagroup.net/cn/control_list/plants.htm.</p>		
1C354(b)(5)	<ul style="list-style-type: none"> Chinese rendering of the items in Amendment Order different from that of Chinese version of Plant Pathogen list of AG (PB5) at its official website : http://www.australiagroup.net/cn/control_list/plants.htm. 	<p>青枯病菌第二及第三生理小種 (Pseudomonas solanacearum Races 2 及 3 或 Burkholderia solanacearum Races 2 及 3)</p>	<ul style="list-style-type: none"> We follow the translation used in the government research bulletin of Taiwan (http://grbsearch.stpi.org.tw/servlet/GRBSearch?showfile=PD9009-0212&recno=8&plan_or_report=plan&lastquery=ralstonia). Also, plant pathogens are primarily identified by scientific names. When a Chinese name is used, it is a common practice to provide the scientific name in brackets to avoid confusion. The Chinese translation in the Amendment Order should be correct.
3B001(a)(1)	<ul style="list-style-type: none"> Whether it is necessary to add "差" after "膜厚均勻度" to bring out the full meaning of the English text. 	<p>"膜厚均勻度"須屬低於± 2.5%</p>	<ul style="list-style-type: none"> The Chinese translation already conveys the meaning of difference. The present formulation should be adequate.
4E	<ul style="list-style-type: none"> Why the 'Technical Notes on "Composite Theoretical Performance" ("CTP")' is not repealed when all references to CTP in 4E appear to have been deleted. 	-	<ul style="list-style-type: none"> The CTP is still in use in other parts of the document such as in control entry 3E002. Hence, the 'Technical Notes on "Composite Theoretical Performance" ("CTP")' should not be deleted.
6A003(b)(4) Notes 3(b)(4)(c)(2)	<ul style="list-style-type: none"> "有效機制" does not seem to reflect the full meaning of "active mechanism". The emphasis of the English phrase seems to be on the word "active", meaning that the mechanism does not required to be activated. Please consider an alternative rendering such 	<p>有效機制</p>	<ul style="list-style-type: none"> The products referred to are imaging cameras that incorporate an active mechanism that forces the cameras not to function under certain conditions. In this case, "active mechanism" refers to the process that can be activated, either automatically or by other means. As such, the use of the term "自發" which implies self-initiated process does not bring out the full meaning of "active mechanism". We consider that the present formulation should be accurate and adequate.

Section	Clarification sought by LegCo Secretariat	Translation used in Amendment Order 2006	Response from HKSAR Government
	as "自發".		
6A006 Note	<ul style="list-style-type: none"> The Chinese rendering appear to limit the scope of not controlled instruments to those for biomagnetic measurements. Please consider a rendering along the following line: 項目 6A006 不管制為漁業應用或為醫療診斷進行生物磁量測量而特別設計的儀器. 	<p>6A006 不管制為應用於漁業或為進行用於醫療診斷的生物磁量測量而特別設計的儀器</p>	<ul style="list-style-type: none"> We consider that the present Chinese translation has the same meaning as the English version which says that "6A006 does not control instruments specially designed for fishery applications or biomagnetic measurements for medical diagnostics." The existing translation should be appropriate.
9A105(b)	<ul style="list-style-type: none"> Please clarify whether "0.841 MNs or greater" should also be changed to "equal to or greater than 0.841×10^5 Ns" as is done in 9A107. 	-	<ul style="list-style-type: none"> The latter formulation is adopted by MTCR. As the meanings and the legal effects are the same, the different descriptions should not present any problem.
Other Provisions remain unamended	<ul style="list-style-type: none"> To clarify why some provisions have not been amended in compliance with the criteria which the amendments to the Schedule made under the Amendment Order have been followed. 	-	<ul style="list-style-type: none"> The original formulations are adopted by NSG. Since the meanings and the legal effects are the same, the different descriptions should not present any problem.