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OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF
THE PEOPLE'S REPUBLIC OF CHINA,
AT THE TWELFTH SESSION OF THE CONFERENCE OF THE STATES PARTIES
TO THE CHEMICAL WEAPONS CONVENTION**

Mr. Chairman,
Distinguished Delegates,

I am the Assistant Director-General of Trade and Industry of the Hong Kong Special Administrative Region of the People's Republic of China. It is a great pleasure for me to be here today to attend the Twelfth Session of the Conference of States Parties to the Chemical Weapons Convention.

On 1 July 1997, the People's Republic of China resumed the exercise of its sovereignty over Hong Kong. On the same day, the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China took effect. The Basic Law is the constitutional document setting forth the various systems to be applied in the HKSAR. Its Article 153 stipulates that "The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region."

As the People's Republic of China is a State Party to the Chemical Weapons Convention, the Central People's Government has extended its application to the HKSAR in accordance with Article 153 of the Basic Law. In accordance with the principle of "One country, Two systems" and the relevant provisions of the Basic Law, the HKSAR Government passed the Chemical Weapons (Convention) Ordinance in 2003, which came into effect in June 2004. Since then, the Chemical Weapons Convention has been implemented fully and effectively in the HKSAR. Now I would like to give you an overview of how the main provisions of the Convention are implemented in the HKSAR.

Firstly, to implement the general obligations of the State Parties to the Convention, i.e., to ban the use and development of chemical weapons and to destroy chemical weapons and the related production facilities they possess, the HKSAR's Chemical Weapons (Convention) Ordinance prohibits the use, development, production, acquisition, stockpiling, retaining or participating in the transfer of a chemical weapon. It also prohibits any engagement in



military preparations intending to use a chemical weapon. Breaches of these provisions constitute offences, and the maximum penalty is life imprisonment upon conviction on indictment. The Ordinance also provides Hong Kong's customs authorities with full powers to facilitate effective enforcement. Our customs officers may, for example, examine goods, require that goods are stored in designated places for monitoring of their movement, enter and search any premises, stop, board, search, and detain a vessel, aircraft or vehicle, examine or investigate any suspicious articles, take samples or evidence of suspicious articles, and arrest and prosecute persons who violate the law.

Secondly, the Convention has provided for requirements on declarations, i.e., States Parties shall declare their activities, if any, with respect to chemical weapons or scheduled chemicals, or their discrete organic chemical (DOC) production facilities. In this connection, in accordance with the Chemical Weapons (Convention) Ordinance which took effect in 2004, the HKSAR has established a permit and notification system, which requires that anybody who produces, acquires, retains a scheduled chemical in his facility, or uses, transfers and consumes a scheduled chemical in excess of a prescribed amount, or processes it, must have a permit. The Ordinance has also provided that the permit holder and operator of a DOC production facility must submit to the HKSAR's Trade and Industry Department, within a prescribed timeline, the operation data of the facility and other relevant information as required by the Convention, and the facility must be subject to examination and inspection by the customs authorities.

To fulfil the requirements on declarations, we collect information acquired under our Ordinance and submitted HKSAR's initial declarations to the OPCW through the Central People's Government in 2004, which included the following aspects:

- (a) we do not have any chemical weapons storage or production, or any declarable activities involving Schedule 1 chemicals;
- (b) we have some import/export activities involving Schedule 2 and 3 chemicals; and
- (c) we have one DOC production facility.

Subsequent to the initial declarations, we have submitted annual declarations on these activities to the OPCW through the Central People's Government.

Thirdly, the Convention has provided that States Parties shall provide access to relevant sites and activities in their territories and provide assistance for inspection teams from the Secretariat. In order to meet this requirement, HKSAR's Chemical Weapons (Convention) Ordinance has provided our customs authorities with the power to issue an authorisation in respect of the inspection in question, authorising the inspection team members to exercise within the specified area all the rights of access as are conferred on them by the Verification Annex, in order to facilitate their inspection activities in Hong Kong.

In conclusion, HKSAR has implemented the provisions of the Chemical Weapons Convention fully. In order to better implement the Convention, the Government has established a compliance office involving all relevant departments of the HKSAR to coordinate all the necessary work arising from the Convention and the relevant Ordinance, including policy development, licensing and reporting, law enforcement and technical assistance etc.

The HKSAR will continue to work closely with the international community, through the Central People's Government, to ensure the full and effective implementation of the Chemical Weapons Convention in HKSAR by way of comprehensive legislations and stringent law enforcement.

Thank you, Mr Chairman.

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