

Chemical Weapons (Convention) Ordinance (Cap. 578)
Guidelines and Notes for Annual Notification

Guidelines on Submission of Annual Notification
(Referred as "Guideline" on the notification form, Form UDOC)

1. Notification form must be completed in English and in block letters unless otherwise specified.
2. Please mark ' x ' in the square boxes as applicable.
3. Every blank item on the notification form must be filled in if applicable and the information provided must be complete and accurate. Supporting documents and attachments, if any, should be submitted with the form.
4. A separate notification form should be used for each facility. If there is insufficient space on the form to provide the required information, please continue on a new form. The total number of pages for each notification submitted should be put in the space specified on the form.
5. Completed notification report should be submitted with all the attachments to Trade and Industry Department on or before 31 January of the year immediately following the reporting year; or by the date as announced in Circulars issued by the Department.

Requirement for Annual Notification

1. In accordance with Section 11 of the Chemical Weapons (Convention) Ordinance (Cap. 578), operators of facilities are subject to notification requirement and are required to complete Form UDOC and submit it to the Director-General of Trade and Industry ("the Director") if their facilities –
 - (a) produced by synthesis during the previous calendar year more than 200 tonnes of Unscheduled Discrete Organic Chemicals (UDOCs); or
 - (b) comprise one or more plants which produced by synthesis during the previous calendar year more than 30 tonnes of an UDOC containing the elements phosphorus, sulfur or fluorine (here referred to as "PSF-plant" and "PSF-chemical").
2. Facilities that exclusively produced in a calendar year explosive or hydrocarbons shall not be subject to the notification requirements. However, if there is any plant at the facility which produced by synthesis UDOCs in addition to the production of hydrocarbons or explosive, the operator of that facility has to make the notification.
3. Facilities subject to notification requirement should keep and maintain records related to the notification and any other information submitted to the Director in accordance with the Ordinance. Such records shall be kept and maintained for not less than 3 years after the year the notification relates.
4. In accordance with Section 13 of the Chemical Weapons (Convention) Ordinance (Cap. 578), facilities shall provide information or documents requested within the time specified if the Director has reasonable grounds to believe that the operator of a facility is capable of giving information or documents relevant to a declaration required to be given to the Organization for the Prohibition of the Chemical Weapons (OPCW) established under the Chemical Weapons Convention.

5. Facilities subject to notification requirement shall comply with the inspection requirements which aim at verifying and ensuring, among other things, the accuracy of the information related to the notification and other required information submitted to the Director by the operators of the facilities. Such inspections are conducted as and when necessary and may be at short notice by officers of the Hong Kong Customs and Excise Department and/or the inspection teams of the Organization for the Prohibition of the Chemical Weapons (OPCW) established under the Chemical Weapons Convention.
6. Facilities subject to notification requirement is legally bound to observe all conditions under the notification requirement and other requirements as promulgated by the Director-General of Trade and Industry in notices and circulars. The notices and circulars will be made available in the Chemical Weapons (Convention) Ordinance Website of Trade and Industry Department (<http://www.cwc.tid.gov.hk>). The concerned facility commits an offence and is liable on conviction to a fine and imprisonment if it contravenes any such conditions or requirement.

Explanatory Notes

(Referred as "Notes" on the notification form, Form UDOC)

1. **"Facility"** means any "plant site", "plant" and "unit":
 - (a) **"Plant Site"** means the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, including any -
 - (i) administration and other offices;
 - (ii) repair and maintenance shops;
 - (iii) medical centre;
 - (iv) utilities;
 - (v) central analytical laboratory;
 - (vi) research and development laboratories;
 - (vii) central effluent and waste treatment area; and
 - (viii) warehouse storage.
 - (b) **"Plant"** means a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, including any -
 - (i) small administrative section;
 - (ii) storage or handling areas for feedstock and products;
 - (iii) effluent or waste handling or treatment area;
 - (iv) control or analytical laboratory;
 - (v) first aid service or related medical section; and
 - (vi) records associated with the movement into, around and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.
 - (c) **"Unit"** means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical.

2. **"Operator"**, in relation to a facility, means the person or persons (whether an individual, a body corporate, or otherwise, or any combination thereof) having responsibility, as distinct from day-to-day management, in relation to operations carried on at the facility and includes the legal personal representative, administrator and other successor in title of any such person.
3. For the purpose of completing the notification form, the following activities mean:
"Production" of a chemical is defined as its formation through chemical reaction;
"Processing" of a chemical is defined as a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;
"Consumption" of a chemical is defined as its conversion into another chemical via a chemical reaction.
4. **Product Group Code(s)** are Standard International Trade Classification (SITC) codes that describe the type of ultimate products. Please provide one or more product group code(s) to describe the main activities of the plant in terms of the final products manufactured. See Annex for the relevant SITC code.
5. **Unscheduled Discrete Organic Chemicals (UDOCs)** are Discrete Organic Chemicals not listed in the Schedules to the Chemical Weapons Convention. **Discrete Organic Chemical** is defined as any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates; and identifiable by chemical name; structural formula, if known; and Chemical Abstracts Service (CAS) registry number, if assigned.

Collection of Personal Data

1. Personal data provided in connection with the notification (which includes subsequent changes and updates) including the name, identity card number/passport number, address of company, telephone number, and signature of the authorised signatory or responsible person, etc will be used by Trade and Industry Department for considering and processing the notification, checking compliance with various legal and administrative regulations, and for other related purposes. Incomplete or inaccurate information provided in the notification may affect the Department's consideration and processing of the notification, and may result in deferment or rejection, and/or other administrative actions and penalties against the parties concerned.
2. The data collected in the notification and documents submitted in connection with the notification (which include subsequent changes and updates) will in general be kept in confidence. However, in accordance with Section 28 of the Chemical Weapons (Convention) Ordinance (Cap. 578), they may be disclosed to other government departments, or to third parties in Hong Kong or elsewhere, if such disclosure is necessary to facilitate consideration of the notification, is in the interests of the trade in Hong Kong, or is authorized or required by the law.
3. Data subjects may request for access to their personal data under the Personal Data (Privacy) Ordinance. If a data subject considers that the data supplied to Trade and Industry Department is inaccurate, a request for correction of the personal data may be made.
4. Requests for access to and correction of personal data submitted in connection with the notification should be made in writing to the Strategic Trade Controls Branch, Rm 516B, 5/F, Trade and Industry Department Tower, 700 Nathan Road, Mongkok, Kowloon (Tel No: 2398 5625). For more details on the Personal Data (Privacy) Ordinance, please go to the following website: <http://www.pco.org.hk>.

Product Group Codes

Standard International Trade Classification (STIC) 3 Digit Codes
(an excerpt of chemicals and related products)

<u>Code</u>	<u>Description</u>
511	Hydrocarbons and their halogenated, sulphonated, nitrated or nitrosated derivatives
512	Alcohols, phenols, phenol-alcohols, and their halogenated, sulphonated, nitrated or nitrosated derivatives
513	Carboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives
514	Nitrogen-function compounds
515	Organo-inorganic compounds, heterocyclic compounds, nucleic acids and their salts, and sulphonamides
516	Other organic chemicals
522	Inorganic chemical elements, oxides and halogen salts
523	Metal salts and peroxysalts, of inorganic acids
524	Other inorganic chemicals; organic and inorganic compounds of precious metals
525	Radioactive and associated materials
531	Synthetic organic colouring matter and colour lakes, and preparations based thereon
532	Dyeing and tanning extracts, and synthetic tanning materials
533	Pigments, paints, varnishes and related materials
541	Medicinal and pharmaceutical products, other than medicaments of Group 542
542	Medicaments (including veterinary medicaments)
551	Essential oils, perfume and flavour materials
553	Perfumery, cosmetic or toilet preparations (excluding soaps)
554	Soap, cleansing and polishing preparations
562	Fertilizers (other than those of Group 272)
571	Polymers of ethylene, in primary forms
572	Polymers of styrene, in primary forms
573	Polymers of vinyl chloride or of other halogenated olefins in primary forms
574	Polyacetals, other polyethers and epoxide resins, in primary forms; Polycarbonates, alkyd resins, polyallylesters and other polyesters
575	Other plastics, in primary forms
579	Waste, parings and scrap, of plastics
581	Tubes, pipes and hoses, and fittings therefor, of plastics
582	Plates, sheets, film, foil and strip, of plastics
583	Monofilament of which any cross-sectional dimension exceeds 1 mm, rods, sticks and profile shapes, whether or not surface-worked but not otherwise worked, of plastics
591	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (e.g. sulphur-treated bands, wicks and candles, and fly papers)
592	Starches, insulin and wheat gluten; albuminoidal substances; glues
593	Explosives and pyrotechnic products
597	Prepared additives for mineral oils and the like; Prepared liquids for hydraulic transmission; Anti-freezing preparations and prepared de-icing fluids; Lubricating preparations
598	Miscellaneous chemical products
599	Others