

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

Guidelines on Submission of Annual Reports
(Referred as "Guideline" on the report forms)

1. Report forms 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 report forms 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. If the report form requires information on each plant of a facility, a separate report form should be used for each plant of the facility. If there is insufficient space on the form to provide the required information, please continue on a new form. The number of total pages for each report submitted should be put in the space specified on the form.
5. If the report form requires information on individual chemicals, a separate report form should be used for each declared chemical. If there is insufficient space on the form to provide the required information, please continue on a new form. The number of additional pages attached to the form should be put in the space specified on the form.
6. Completed reports on past activities should be submitted with all the attachments to Trade and Industry Department on or before 15 January of the year immediately following the reporting year; or by the date as announced in Circulars issued by the Department.
7. Completed reports on anticipated activities should be submitted with all the attachments to Trade and Industry Department on or before 31 July of the year immediately preceding the reporting year; or by the date as announced in Circulars issued by the Department.
8. Completed report Form S1 on changes to declared information of Schedule 1 facilities must be submitted with updated technical details and relevant attachments to Trade and Industry Department in not less than 220 days before the changes take place. Form S1 is only required for facilities which produced or intended to produce Schedule 1 chemicals.
9. Additionally planned activities for Schedule 2 and 3 facilities must be reported to Trade and Industry Department in not less than 21 days before the commencement of the activities. Update to the anticipated reports previously submitted should be provided where appropriate.
10. If there were past activities of transfer, import or export for Schedule 1 chemicals, the details should be reported on Form S1-2 which should be submitted with Form S1-1. The information provided on these two forms should tally.
11. Form S2-1 and Form S2-2 should be submitted together. Details of the facility provided in these forms should also tally with each other.
12. Form S2-3 and Form S2-4 should be submitted together. Details of the facility provided in these forms should also tally with each other.

Requirement for Annual Reports

1. Annual reports provided in forms in the S1 series are required from a facility which is anticipated to produce, acquire, store, consume or transfer from the facility a Schedule 1 chemical, except for the following excluded Schedule 1 chemicals:
 - (a) the total amount of those chemicals likely to be acquired, retained or used at, or transferred from, the facility during the year does not exceed 100 grams;
 - (b) those chemicals will not be produced at the facility during that year; and
 - (c) those chemicals are intended only to be put to research, medical or pharmaceutical purposes;

See Annex I for list of the Schedule 1 chemicals.

2. Annual reports provided in forms in the S2 series are required from a facility with one or more plant(s) that produced, processed or consumed in the previous calendar year; or is anticipated to produce, process or consume in the next calendar year a Schedule 2 chemical in excess of the applicable threshold quantities. Such plant of a facility shall be deemed to be a Schedule 2 plant and is subject to declaration requirement. The declaration threshold for a Schedule 2 plant is:
 - (a) 1 kg for a chemical listed in Part A of Schedule 2 and designated with an "*";
 - (b) 100 kg of a chemical listed in Part A of Schedule 2 but is not designated with an "*"; or
 - (c) 1 tonne of a chemical listed in Part B of Schedule 2.

See Annex I for list of the Schedule 2 chemicals.

3. Annual reports provided in forms in the S3 series are required from a facility that comprises one or more plant(s) that produced or is anticipated to produce a Schedule 3 chemical exceeding the applicable threshold quantity. Such plant of a facility shall be deemed to be a Schedule 3 plant and is subject to declaration requirement. The declaration threshold for a Schedule 3 plant is 30 tonnes a year. See Annex I for list of the Schedule 3 chemicals.
4. As facilities subject to the annual reporting requirement are permit holders, these facilities are required to observe all the Conditions of Permit.

Explanatory Notes

(Referred as "Notes" on the report forms)

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. **"IUPAC"** stands for International Union of Pure and Applied Chemistry. Please specify the chemical name in accordance with the IUPAC nomenclature. The IUPAC chemical names and the structural formulae of the chemicals listed in the CWC Schedules can be found in the Chemical Weapons (Convention) Ordinance Website of Trade and Industry Department (<http://www.cwc.tid.gov.hk>).
4. **"CAS registry no."** refers to the Chemical Abstracts Service registry number of a chemical. It is a universal identification number assigned to a specific chemical substance by the Chemical Abstracts Service.
5. For the purpose of completing the report forms, 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.
"Import" of a chemical means importation of that chemical into Hong Kong from other countries apart from the Mainland China;
"Export" of a chemical means exportation of that chemical from Hong Kong to other countries apart from the Mainland China;
"Transfer" includes the movement of chemicals from one facility to another facility located either in Hong Kong or in the Mainland China.
6. **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. For specified forms for Schedule 2 chemicals, please identify the product group codes for which the Schedule 2 chemical was processed and/or consumed and provide up to five chemical product group codes that contain the largest percentage of the Schedule 2 chemical. See Annex II for the relevant SITC code.
7. **"Production Capacity"** is defined as the annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant plant. The production capacity shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. For the purpose of completing the report forms, nameplate capacity is the product

output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test runs and design capacity is the corresponding theoretically calculated product output, without test data or other supportive plant specific information. The production capacity of a multipurpose plant producing one Schedule 2 chemical along with other chemicals is calculated by assuming that the plant would be used solely for the production of that Schedule 2 chemical over a period of one year.

8. To calculate the quantity produced at the facility, add up the production quantity of each plant of the facility which produced the Schedule 2 chemical. The sum of the quantity produced in all the plants is the total quantity produced at the facility. Please put that number in the report form. The same method applies in calculating the quantity processed and consumed at the facility.
9. To calculate the anticipated quantity produced at the facility, add up the production quantity of each plant of the facility which is anticipated to produce the Schedule 2 chemical. The sum of the anticipated quantity produced on all the plants is the total anticipated quantity produced at the facility. Please put that number in the report form. The same method applies in calculating the quantity anticipated to be processed and consumed at the facility.
10. Please provide information about each transfer of Schedule 1 chemical into and out of the facility as named in the report form. If the recipient facility/supplying facility is a permit holder, please provide the permit number.
11. A Schedule 2 plant is **dedicated** when its process configuration is dedicated to the declarable activity(ies) in relation to the declared Schedule 2 chemical(s) (i.e. production/ processing/ consumption). A Schedule 2 plant is **multi-purpose** when the plant is designed to provide the means for the production of a variety of products by virtue of enabling more than one process configuration, i.e. the configuration of the equipment and the piping as required for these different processes.
12. Please identify the destination type of each chemical sold and/or transferred domestically within Hong Kong or to Mainland China. **Other Industry** may be another facility owned by this facility or another manufacturing company. **Trader** includes distributors and shippers, including companies engaged in international trade. **Other Destinations** include waste treatment or recycling facilities or other miscellaneous facilities.
13. **"Additionally planned activity"** means :
 - (a) any additionally planned activity during the year which is covered by the annual anticipatory declaration that involves :
 - an undeclared plant that initiates the production, processing or consumption of a Schedule 2 chemical; or initiates the production of a Schedule 3 chemical during that year above the declaration thresholds;
 - an additional Schedule 2 chemical that is produced, processed or consumed; or an additional Schedule 3 chemical that is produced in a declared plant during that year;
 - an additional type of activity related to a Schedule 2 or Schedule 3 chemical (processing, consumption, direct export, or sale or transfer) at the declared plant site;
 - any other non-quantitative change in relation to the anticipatory declarations;
 - (b) any quantitative upward change;
 - (c) any additional period in which an activity in relation to a Schedule 2 chemical takes place;

- (d) any increase in the declared anticipated annual production, processing or consumption figure for a Schedule 2 chemical; and
 - (e) any upward change in the production range given in the declared anticipated annual production of the Schedule 3 chemical.
14. The time periods of the activities that are anticipated to occur should be as precise as possible. In any case, it should be accurate to within a 3-month period.
 15. Please visit the web site of the Organization for the Prohibition of Chemical Weapons (OPCW) (<http://www.opcw.org>) for the most updated list of the State Parties to the Chemical Weapons Convention.

Collection of Personal Data

1. Personal data provided in connection with the reports (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 reports, checking compliance with various legal and administrative regulations, and for other related purposes. Incomplete or inaccurate information provided in the reports may affect the Department's consideration and processing of the reports, and may result in deferment or rejection, and/or other administrative actions and penalties against the parties concerned.
2. The data collected in the reports and documents submitted in connection with the reports (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 reports, 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 reports 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>.

**Scheduled Chemicals Controlled by
the Chemical Weapons (Conventions) Ordinance (Cap. 578)**

The following are chemicals controlled by the Chemical Weapons (Convention) Ordinance (Cap. 578). They are included in Schedules 1, 2 and 3 of the above Ordinance.

The operator of a facility is required to apply for a permit from the Director-General of Trade and Industry if the facility is engaged in specified activities for the scheduled chemicals under the Ordinance. For details of the requirement of a permit, please refer to the Ordinance or visit the Chemical Weapons (Convention) Ordinance Website at <http://www.cwc.tid.gov.hk>

Schedule 1

- A. Toxic chemicals : (CAS registry number)
- (1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl
(Me, Et, n-Pr or i-Pr)-phosphonofluoridates
e.g. Sarin : O-Isopropyl methylphosphonofluoridate (107-44-8)
Soman : O-Pinacolyl methylphosphonofluoridate (96-64-0)
 - (2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl
(Me, Et, n-Pr or i-Pr) phosphoramidocyanidates
e.g. Tabun : O-Ethyl N,N-dimethyl
phosphoramidocyanidate (77-81-6)
 - (3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonothiolates and
corresponding alkylated or protonated salts
e.g. VX : O-Ethyl S-2-diisopropylaminoethyl
methyl phosphonothiolate (50782-69-9)
 - (4) Sulfur mustards :
2-Chloroethylchloromethylsulfide (2625-76-5)
Mustard gas : Bis(2-chloroethyl)sulfide (505-60-2)
Bis(2-chloroethylthio)methane (63869-13-6)
Sesquimustard : 1,2-Bis(2-chloroethylthio)ethane (3563-36-8)
1,3-Bis(2-chloroethylthio)-n-propane (63905-10-2)
1,4-Bis(2-chloroethylthio)-n-butane (142868-93-7)
1,5-Bis(2-chloroethylthio)-n-pentane (142868-94-8)
Bis(2-chloroethylthiomethyl)ether (63918-90-1)
O-Mustard : Bis(2-chloroethylthioethyl)ether (63918-89-8)
 - (5) Lewisites :
Lewisite 1 : 2-Chlorovinylchloroarsine (541-25-3)
Lewisite 2 : Bis(2-chlorovinyl)chloroarsine (40334-69-8)
Lewisite 3 : Tris(2-chlorovinyl)arsine (40334-70-1)
 - (6) Nitrogen mustards :
HN1 : Bis(2-chloroethyl)ethylamine (538-07-8)
HN2 : Bis(2-chloroethyl)methylamine (51-75-2)
HN3 : Tris(2-chloroethyl)amine (555-77-1)
 - (7) Saxitoxin (35523-89-8)
 - (8) Ricin (9009-86-3)
- B. Precursors :
- (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
e.g. DF : Methylphosphonyldifluoride (676-99-3)
 - (10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl
(Me, Et, n-Pr or i-Pr) phosphonites and
corresponding alkylated or protonated salts
e.g. QL : O-Ethyl O-2-diisopropylaminoethyl
methylphosphonite (57856-11-8)
 - (11) Chlorosarin : O-Isopropyl methylphosphonochloridate (1445-76-7)
 - (12) Chlorosoman : O-Pinacolyl methylphosphonochloridate (7040-57-5)

Schedule 2

A. Toxic chemicals:

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| (1) | Amiton : O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts | (78-53-5) |
| (2) | PFIB : 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene | (382-21-8) |
| (3) | BZ : 3-Quinuclidinyl benzilate (*) | (6581-06-2) |

B. Precursors:

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| (4) | Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
e.g. Methylphosphonyl dichloride
Dimethyl methylphosphonate
Exemption : Fonofos : O-Ethyl S-phenyl ethylphosphonothiolothionate | (676-97-1)
(756-79-6)
(944-22-9) |
| (5) | N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides | |
| (6) | Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates | |
| (7) | Arsenic trichloride | (7784-34-1) |
| (8) | 2,2-Diphenyl-2-hydroxyacetic acid | (76-93-7) |
| (9) | Quinuclidin-3-ol | (1619-34-7) |
| (10) | N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts | |
| (11) | N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Exemptions : N,N-Dimethylaminoethanol and corresponding protonated salts
N,N-Diethylaminoethanol and corresponding protonated salts | (108-01-0)
(100-37-8) |
| (12) | N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts | |
| (13) | Thiodiglycol: Bis(2-hydroxyethyl)sulfide | (111-48-8) |
| (14) | Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol | (464-07-3) |

Schedule 3

A. Toxic chemicals :

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|-----|--------------------------------------|------------|
| (1) | Phosgene : Carbonyl dichloride | (75-44-5) |
| (2) | Cyanogen chloride | (506-77-4) |
| (3) | Hydrogen cyanide | (74-90-8) |
| (4) | Chloropicrin : Trichloronitromethane | (76-06-2) |

B. Precursors :

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|------|--------------------------|--------------|
| (5) | Phosphorus oxychloride | (10025-87-3) |
| (6) | Phosphorus trichloride | (7719-12-2) |
| (7) | Phosphorus pentachloride | (10026-13-8) |
| (8) | Trimethyl phosphite | (121-45-9) |
| (9) | Triethyl phosphite | (122-52-1) |
| (10) | Dimethyl phosphite | (868-85-9) |
| (11) | Diethyl phosphite | (762-04-9) |
| (12) | Sulfur monochloride | (10025-67-9) |
| (13) | Sulfur dichloride | (10545-99-0) |
| (14) | Thionyl chloride | (7719-09-7) |
| (15) | Ethyl-diethanolamine | (139-87-7) |
| (16) | Methyl-diethanolamine | (105-59-9) |
| (17) | Triethanolamine | (102-71-6) |

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