

Chemical Weapons (Convention) Ordinance (Cap. 578)
Guidelines and Conditions for Permit Applications

Guidelines for Permit Applications (Including Renewal)
(Referred as "Guideline" on the permit application, Form P-1)

1. Permit application 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 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 application form. Incomplete or inaccurate information may result in rejection, deferral or delay in processing.
4. A separate permit is required for each facility. A separate Form P-1 should be used for each application.
5. Information on each plant of the facility is required. If there is insufficient space on the form to provide all the required information, please continue on a new Form P-1. The number of total pages submitted for each permit application should be put under Part C "Supporting Documents".
6. Information on each chemical handled at the facility is required. If there is insufficient space on the form to provide all the required information, please continue on a new Form P-1. The number of total pages submitted for each permit application should be put under Part C "Supporting Documents".
7. Completed Form P-1 should be submitted in person or by post to Strategic Trade Controls Branch, Rm 516B, 5/F, Trade and Industry Department Tower, 700 Nathan Road, Mongkok, Kowloon. A fee of \$570 should be submitted with each application.

Requirement for a Permit

1. In accordance with Section 8 of the Chemical Weapons (Convention) Ordinance (Cap. 578), the operator of a facility requires a permit granted by the Director-General of Trade and Industry ("the Director") to operate the facility during a particular year if –
 - (a) Schedule 1 chemicals (other than excluded Schedule 1 chemicals) are likely to be produced, acquired, retained or used at, or transferred from, the facility during the year. Schedule 1 chemicals are excluded chemicals in relation to a facility and to a year if –
 - (i) 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;
 - (ii) those chemicals will not be produced at the facility during that year; and
 - (iii) those chemicals are intended only to be put to research, medical or pharmaceutical purposes;

- (b) an amount of a Schedule 2 chemical exceeding, in the aggregate, the Schedule 2 permit threshold for that chemical is likely to be produced, processed or consumed at a plant comprising, or comprising part of, the facility during the year. The threshold is –
- (i) 1 kg for a chemical listed in Part A of Schedule 2 and designated with an "*" ;
 - (ii) 100 kg for a chemical listed in Part A of Schedule 2 but is not designated with an "*" ;
or
 - (iii) 1 tonne for a chemical listed in Part B of Schedule 2; or
- (c) an amount of a Schedule 3 chemical exceeding, in the aggregate, 30 tonnes of that chemical is likely to be produced at a plant comprising, or comprising part of, the facility during the year.

The list at Annex sets out the chemicals in each Schedule. An operator of a facility who has doubt on whether his facility requires a permit to operate should approach the Chemical Weapons Convention Section, Strategic Trade Controls Branch of the Trade and Industry Department for advice.

Conditions of Permit

1. The Director-General of Trade and Industry ("the Director") shall only grant a permit to the operator of a facility if the facility produces Schedule 1 chemicals for research, medical or pharmaceutical purposes or acquires, retains, uses or transfers Schedule 1 chemicals only for research, medical, pharmaceutical or protective purposes. Besides, a permit shall be granted to the operator of a facility if the facility produces, processes and consumes Schedule 2 or produces Schedule 3 chemicals exceeding the thresholds as stated in "Requirement for a Permit" above for purposes not prohibited under the Chemical Weapons Convention. Purposes not prohibited under the Chemical Weapons Convention may include, amongst others, industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes.
2. The operator of a facility is required to complete and submit a Report Form S1 if the facility produces or is anticipated to produce Schedule 1 chemicals. The form shall include a current technical description of the facility or its relevant parts, including a narrative statement, detailed diagrams of the declared area(s), and an inventory of equipment in the declared area. For a newly established facility producing Schedule 1 chemical, this application form and the required supporting documents must be submitted 220 days before commencement of such production.
3. In accordance with Section 12 of the Chemical Weapons (Convention) Ordinance (Cap. 578), a permit holder is required to submit annual reports on past and anticipated activities in the mode and manner as prescribed by the Director in relevant circulars. The permit holder is also required to report to the Director regarding changes to the information provided in the permit application. Any additionally planned activities must be reported to the Director in advance.
4. A permit holder shall keep and maintain records related to his permit and any reports and 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 permit relates.
5. In accordance with Section 13 of the Chemical Weapons (Convention) Ordinance (Cap. 578), a permit holder shall provide information or documents requested within the time specified if the Director has reasonable grounds to believe that the permit holder 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.

6. A permit holder shall comply with the inspection requirements which aim at verifying and ensuring, among other things, the accuracy of the information related to the permit and the particulars in any reports and information submitted to the Director. 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.
7. Once granted a permit, the permit holder is legally bound to observe all conditions to which a permit is subject. The conditions are specified in the permit and new conditions may be promulgated by the Director in notices and circulars which will be made available in the Chemical Weapons (Convention) Ordinance Website of Trade and Industry Department (<http://www.cwc.tid.gov.hk>). Permit holders will be notified when there are such changes. The facility granted with a permit commits an offence and is liable on conviction to a fine and imprisonment if it contravenes any permit conditions.

Explanatory Notes

(Referred as "Notes" on the permit application, Form P-1)

1. **"Facility"** means any "plant site", "plant" or "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 permit application/renewal, 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.

Collection of Personal Data

1. Personal data provided in connection with a permit application/renewal (which includes subsequent changes and updates) under the Chemical Weapons (Convention) Ordinance (Cap. 578) 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 permit, by enforcement agencies for conducting inspections, and for other purposes related to the Ordinance. Incomplete or inaccurate information provided in the form may affect the Department's consideration and processing of the permit, and may result in deferment or rejection, and/or other administrative actions and penalties against the parties concerned.
2. The data collected for the application/renewal and documents submitted in connection with the application/renewal (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 permit, 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 permit application/renewal 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. <u>Toxic chemicals</u> : | (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
Soman : O-Pinacolyl methylphosphonofluoridate | (107-44-8)
(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
Mustard gas : Bis(2-chloroethyl)sulfide
Bis(2-chloroethylthio)methane
Sesquimustard : 1,2-Bis(2-chloroethylthio)ethane
1,3-Bis(2-chloroethylthio)-n-propane
1,4-Bis(2-chloroethylthio)-n-butane
1,5-Bis(2-chloroethylthio)-n-pentane
Bis(2-chloroethylthiomethyl)ether
O-Mustard : Bis(2-chloroethylthioethyl)ether | (2625-76-5)
(505-60-2)
(63869-13-6)
(3563-36-8)
(63905-10-2)
(142868-93-7)
(142868-94-8)
(63918-90-1)
(63918-89-8) |
| (5) Lewisites :
Lewisite 1 : 2-Chlorovinylchloroarsine
Lewisite 2 : Bis(2-chlorovinyl)chloroarsine
Lewisite 3 : Tris(2-chlorovinyl)arsine | (541-25-3)
(40334-69-8)
(40334-70-1) |
| (6) Nitrogen mustards :
HN1 : Bis(2-chloroethyl)ethylamine
HN2 : Bis(2-chloroethyl)methylamine
HN3 : Tris(2-chloroethyl)amine | (538-07-8)
(51-75-2)
(555-77-1) |
| (7) Saxitoxin | (35523-89-8) |
| (8) Ricin | (9009-86-3) |
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| B. <u>Precursors</u> : | |
| (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:

- (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:

- (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 (676-97-1)
Dimethyl methylphosphonate (756-79-6)
Exemption : Fonofos : O-Ethyl S-phenyl ethylphosphonothiolothionate (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 (108-01-0)
and corresponding protonated salts
N,N-Diethylaminoethanol (100-37-8)
and corresponding protonated salts
- (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 :

- (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 :

- (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) Ethyldiethanolamine (139-87-7)
- (16) Methyldiethanolamine (105-59-9)
- (17) Triethanolamine (102-71-6)