

立法會
Legislative Council

LC Paper No. CB(2)1099/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/SS/12/01

**Subcommittee on United Nations Sanctions
(Afghanistan) (Amendment) Regulation 2002 and
United Nations Sanctions (Angola) (Suspension of Operation) Regulation 2002**

**Minutes of the 3rd meeting
held on Tuesday, 21 January 2003 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members Present : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon James TO Kun-sun
Hon LAU Kong-wah
Hon Audrey EU Yuet-mee, SC, JP

Public Officers Attending : Miss Anita CHAN
Principal Assistant Secretary for Commerce, Industry and
Technology (Commerce and Industry)

Mr LAU Wai-ming
Assistant Secretary for Commerce, Industry and Technology
(Commerce and Industry)

Mrs Margaret CHAN
Principal Assistant Secretary for Security

Ms Manda CHAN
Assistant Secretary for Security

Mr John HUNTER
Deputy Principal Government Counsel

Mr Y L PEH
Assistant Director
Immigration Department

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Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Miss Monna LAI
Assistant Legal Adviser 7

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Meeting with the Administration

(LC Paper Nos. CB(2)920/02-03(01) and (02) and LS45/02-03)

The Subcommittee deliberated (Index of proceedings at **Annex**).

2. The Administration was requested to re-consider the following issues raised by members at the meeting -

- (a) To provide to the Subcommittee the instruction by the Ministry of Foreign Affairs (MFA) of the People's Republic of China (PRC) to implement the United Nations Security Council Resolution (UNSCR) 1390 in the Hong Kong Special Administrative Region (HKSAR). If the answer was in the negative, to provide a written response on the legal basis or other principles justifying non-disclosure and a confirmation as to whether this was instructed by MFA; and
- (b) To clarify -
 - (i) whether the existing section 10 of the United Nations (Anti-Terrorism Measures) Ordinance could cover the requirement of UNSCR 1390 to prohibit the provision of technical advice, assistance or training related to military activities to terrorists; and
 - (ii) the amendment to that section to be proposed by the Administration, and in the light of the proposed amendment, the appropriateness of using that section to cover the requirement of UNSCR 1390 to prohibit the provision of technical advice, assistance or training related to military activities to terrorists.

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3. The Administration was also requested to provide a written response on the following issues raised by the members at the meeting -

- (a) The types of instructions received by the HKSAR Government from MFA, other than those on the implementation of UNSCRs, and the reason(s) why these instructions could not be released to Members of the Legislative Council (LegCo); and
- (b) An explanation on why the Administration considered it in order to repeal certain sections of the Afghanistan Regulation, given that the Chief Executive was required to make regulations to give effect to a relevant instruction from MFA of the PRC under section 3(1) of the United Nations Sanctions Ordinance (Cap. 537) (the Ordinance).

4. The Administration was invited to give their views on the comments made by the Legal Service Division of LegCo on the operation of the Ordinance set out in LC Paper No. LS 45/02-03. Specifically, whether the Administration would amend the Ordinance to extend its scope of coverage with regard to sanctions imposed by the United Nations Security Council and to provide for regulations made under section 3 to be vetted by LegCo.

II. Date of next meeting

5. Subject to confirmation from the Administration, the next meeting of the Subcommittee would be held on 13 February 2003 at 4:30 pm.

(Post-meeting note : The next meeting has been scheduled for 25 February 2003 at 10:45 am.)

6. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 2
Legislative Council Secretariat
5 February 2003

**Proceedings of the 3rd meeting of the
Subcommittee on United Nations Sanctions
(Afghanistan) (Amendment) Regulation 2002 and
United Nations Sanctions (Angola) (Suspension of Operation) Regulation 2002
on Tuesday, 21 January 2003 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000105 - 000658	Chairman, Administration, Ms Audrey EU and Clerk	Administration's comments to summary of deliberations prepared by the Legislative Council Secretariat (LC Paper No. CB(2)920/02-03(01))	
000659 - 004338	Chairman, Administration, Mr James TO, Ms Audrey EU and Ms Cyd HO	<p>Annex B of LC Paper No. CB(2)920/02-03(02) concerning the release of instruction received from the Ministry of Foreign Affairs (MFA) of the People's Republic of China (PRC) to implement United Nations Security Council Resolution (UNSCR) 1390</p> <p>The Administration was requested to re-consider providing to the Subcommittee the instruction by MFA of PRC to implement UNSCR 1390 in the HKSAR. If the answer was in the negative, to provide a written response on the legal basis or other principles justifying non-disclosure and a confirmation as to whether this was instructed by MFA</p> <p>The Administration was also requested to provide a written response on the types of instructions received by the HKSAR Government from MFA, other than those on the implementation of UNSCRs, and the reason(s) why these instructions could not be released to Members of the Legislative Council (LegCo)</p>	<p>✓ (Admin to provide a written response)</p>
004339 - 005436	Chairman, Administration and Ms Audrey EU	Annex A of LC Paper No. CB(2)920/02-03(02) explaining why the Administration considered that the HKSAR Government had acted in line with UNSCR 1412 during the period from 17 May 2002 to 14 August 2002 when the United Nations Sanctions (Angola) Regulation was in force	
005437 - 010803	Chairman and Administration	Annex C of LC Paper No. CB(2)920/02-03(02) setting out the provisions of UNSCR 1390 implemented through the United Nations Sanctions (Afghanistan) Regulation (the Afghanistan Regulation) that could be covered by the United Nations (Anti-Terrorism Measures) Ordinance (the Anti-Terrorism Ordinance)	

Action

		<p>The Administration was requested to clarify -</p> <p>(i) whether the existing section 10 of the Anti-Terrorism Ordinance could cover the requirement of UNSCR 1390 to prohibit the provision of technical advice, assistance or training related to military activities to terrorists; and</p> <p>(ii) the amendment to that section to be proposed by the Administration, and in the light of the proposed amendment, the appropriateness of using that section to cover the requirement of UNSCR 1390 to prohibit the provision of technical advice, assistance or training related to military activities to terrorists.</p>	<p>✓ (Admin to provide a written response)</p>
010804 - 012611	Chairman, ALA1, Administration and Mr James TO	<p>Validity of the United Nations Sanctions (Afghanistan)(Amendment)Regulation 2002</p> <p>The Administration was requested to provide an explanation on why the Administration considered it in order to repeal certain sections of the Afghanistan Regulation, given that the Chief Executive was required to make regulations to give effect to a relevant instruction from MFA of the PRC under section 3(1) of the United Nations Sanctions Ordinance (Cap. 537) (the Ordinance)</p>	<p>✓ (Admin to provide a written response)</p>
012612 - 013011	Chairman and Administration	Date of next meeting	
013012 -014200	Chairman, ALA and Administration	Comments on the operations of the Ordinance made by the Legal Service Division of LegCo (LC Paper No. CB(2) LS54/02-03)	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
 5 February 2003