

立法會
Legislative Council

LC Paper No. CB(1)313/05-06

Ref : CB1/HS/1/04

Tel : 2869 9246

Date : 16 November 2005

From : Clerk to Subcommittee

To : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon LAU Kong-wah, JP

**Subcommittee to Examine
the Implementation in Hong Kong of Resolutions of the
United Nations Security Council in relation to Sanctions**

As members are aware, the Committee on Rules of Procedure (CRoP) has recently completed a review on the voting rights of the chairmen of various committees and subcommittees, including subcommittees set up under the House Committee (HC) to study subsidiary legislation and subcommittees under the HC to study other issues of concern. Pursuant to Members' decision at the HC meetings held on 7 October and 11 November 2005, the voting right of the chairmen of the aforesaid two types of subcommittees would be as follows:

Type of subcommittee	Chairman's original vote	Chairman's casting vote
(a) HC's subcommittee other than that on subsidiary legislation	No	Yes
(b) HC's subcommittee on items of subsidiary legislation subject to sections 34 and 35 of Cap. 1, as well as those that are not so subject	Yes	No

2. In view of the nature of this Subcommittee, Hon Margaret NG, Chairman, has been consulted on whether this Subcommittee should be classified as category (a) or (b) in the above table. In this connection, the Chairman has made reference to the Terms of Reference (copy attached) endorsed by the Subcommittee on 15 April 2005 and the deliberations of the Subcommittee. It has been noted that the Subcommittee has exchanged views with the Administration and sought expert views from Professor Yash GHAI on the legal and constitutional issues arising from the existing mechanism for implementing United Nations (UN) sanctions in Hong Kong. In the course of deliberation, members have also made reference to the Regulations made under section 3 of UNSO from time to time, as well as other statutory provisions such as relevant provisions under the Fugitive Offenders Ordinance (Cap. 503) and Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) etc. as set out in a paper provided by Assistant Legal Adviser 2 to the Subcommittee earlier on.

3. As this Subcommittee is tasked to examine the mechanism of implementing UN sanctions in Hong Kong, rather than to study the detailed provisions of individual Regulations made under section 3 of UNSO, the Chairman has, on balance, come to the view that this Subcommittee should more appropriately be regarded as one under category (a) of the above table (i.e. a HC's subcommittee other than that on subsidiary legislation) and accordingly, will follow the procedural rules applicable thereon.

4. Members are invited to note the Chairman's view in paragraph 2 and 3 above.

(Miss Polly YEUNG)
Clerk to Subcommittee

Encl.

cc Hon LEUNG Yiu-chung (Non-Subcommittee member)
Hon LAU Chin-shek, JP (Non-Subcommittee member)
ALA2

**Subcommittee to Examine
the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions**

Terms of Reference

To examine the legal and constitutional issues arising from the current arrangements for implementing in Hong Kong resolutions of the United Nations Security Council in relation to sanctions as provided under the United Nations Sanctions Ordinance (Cap. 537) with reference to Regulations made under section 3 of the Ordinance.