

立法會
Legislative Council

LC Paper No. LS66/06-07

**Paper for the House Committee Meeting
on 4 May 2007**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 27 April 2007**

Date of tabling in LegCo : 2 May 2007

Amendment to be made by : 30 May 2007 (or 20 June 2007 if extended by resolution)

PART I CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

**International Organizations (Privileges and Immunities) Ordinance (Cap. 558)
International Organizations (Privileges and Immunities) (United Nations and Associated Personnel) Order (L.N. 60)**

**Fugitive Offenders Ordinance (Cap. 503)
Fugitive Offenders (Safety of United Nations and Associated Personnel) Order (L.N. 61)**

The Central People's Government of the People's Republic of China acceded to the Convention on the Safety of United Nations and Associated Personnel ("the Convention") on 22 September 2004 and the Convention entered into force for the People's Republic of China, including Hong Kong, on 22 October 2004.

2. The Safety of United Nations and Associated Personnel Ordinance (No. 2 of 2007) was passed on 31 January 2007 to implement the requirements of making the offence of threat to commit criminal attacks against United Nations and associated personnel punishable by appropriate penalties, and establishing extra-territorial jurisdiction over the crimes proscribed by the Convention. L.N. 60 and 61 make provisions on the duty to release and return United Nations and associated personnel captured or detained and extradition-related provisions.

3. Article 8 of the Convention provides for the privileges and immunities to be enjoyed by the United Nations and associated personnel who are captured or detained in the course of the performance of their duties, which include the immunity

from interrogation, the right to be promptly released and returned to the United Nations or other appropriate authorities, and the right of being treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949 pending their release.

4. L.N. 60 implements Article 8 of the Convention by providing that the relevant Article has the force of law in Hong Kong.

5. The Fugitive Offenders Ordinance (Cap. 503) provides for the surrender to certain places outside Hong Kong of persons who are wanted for prosecution, or for the imposition or enforcement of a sentence, in respect of certain offences against the laws of those places. It also provides for the treatment of persons wanted for prosecution, or for the imposition or enforcement of a sentence, in respect of certain offences against the law of Hong Kong who are surrendered from certain places outside Hong Kong.

6. L.N. 61 applies as between Hong Kong and the places outside Hong Kong to which the Convention relates the procedures for the surrender of fugitive offenders set out in Cap. 503. Those procedures are subject to the limitations, restrictions, exceptions and qualifications contained in the terms of the Convention as recited in the Schedule to the L.N. 61.

7. The drafts of the two Orders were submitted to the relevant Bills Committee for consideration when the Safety of United Nations and Associated Personnel Bill was considered. Certain technical issues were explained by the Administration and the Bills Committee did not raise any further queries. Members may refer to the LegCo Brief issued by the Security Bureau on 25 April 2007 and the Report of the Bills Committee on Safety of United Nations and Associated Personnel Bill to the House Committee (LC Paper No. CB(2)873/06-07) (para. 33 to 37) for background of these Orders.

8. The two Orders shall come into operation on a day to be appointed by the Secretary for Security by notice published in the gazette.

PART II ADDITION OF TRAFFIC SIGNS

Road Traffic Ordinance (Cap. 374)

Road Traffic (Traffic Control) (Addition of Traffic Signs) Regulation 2007 (L.N. 62)

9. The Regulation adds new traffic signs (lane signals and variable speed limit signs) in Schedule 1 to the Road Traffic (Traffic Control) Regulations (Cap. 374G) so that any person who without reasonable excuse fails to comply with the requirements indicated by the new traffic signs commits an offence.

10. Members may refer to the LegCo Brief issued by the Environment, Transport and Works Bureau on 25 April 2007 for background of the Regulation.

11. The relevant legislative proposal was included in a discussion paper (LC Paper No. CB(1)1004/06-07(05)) provided to the Panel on Transport for the meeting on 2 March 2007 when members discussed the traffic and transport arrangements for the commissioning of Shenzhen Bay Port (also known as Hong Kong – Shenzhen Western Corridor). Members did not raise any specific questions on this legislative proposal.

12. The Regulation shall come into operation on 23 June 2007.

PART III COMMENCEMENT NOTICE

Fire Safety (Buildings) Ordinance (Cap. 572)

Fire Safety (Buildings) Ordinance (Commencement) Notice (L.N. 63)

13. The Notice appoints 1 July 2007 as the day on which the Fire Safety (Buildings) Ordinance (Cap. 572), which was passed in 2002 to provide for fire safety improvements to be made to certain pre-1987 composite and domestic buildings, shall come into operation.

14. The Security Panel was consulted on the Administration's proposal to commence Cap. 572 on 1 July 2007 at its meeting on 25 January 2007. A member expressed support for the proposal and no other member raised objection.

PART IV LEGAL NOTICES NOT REQUIRED TO BE TABLED

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Côte d'Ivoire) Regulation 2007 (L.N. 64)

United Nations Sanctions (Côte d'Ivoire) Regulation 2006 (Repeal) Regulation (L.N. 65)

United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2007 (L.N. 66)

15. The United Nations Sanctions (Côte d'Ivoire) Regulation 2006 (Cap. 537 sub. leg. AA) ("the 2006 Regulation") was made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council to implement the United Nations Security Council Resolution ("UNSCR") 1572 (2004) as renewed by UNSCR 1643 (2005). The sanctions in the 2006 Regulation expired at midnight on 15 December 2006. By L.N. 65, the 2006 Regulation is repealed.

16. By UNSCR 1727 (2006), certain sanctions imposed by UNSCR 1572 (2004) and the prohibition against importation of rough diamond from Côte d'Ivoire have been renewed. The United Nations Sanctions (Côte d'Ivoire) Regulation 2007 (L.N. 64) ("the 2007 Regulation") is made to give effect to UNSCR 1727 (2006). The 2007 Regulation will expire at midnight on 31 October 2007 and is essentially the same as the 2006 Regulation. It imposes the following sanctions-

- (a) prohibition against the direct or indirect sale, supply or transfer of arms or related materials to Côte d'Ivoire;
- (b) prohibition against the provision of advice, assistance or training related to military activities in certain circumstances;
- (c) prohibition against making available to or for the benefits of certain persons or entities any funds or other financial assets or economic resources;
- (d) prohibition against entry into or transit through Hong Kong of certain persons; and
- (e) prohibition against importation of rough diamonds from Côte d'Ivoire.

17. The United Nations (Liberia) Regulation 2005 (Cap. 537 sub. leg. X) ("the Liberia Regulation") was made to implement UNSCR 1579 (2005) (which renewed certain sanctions in UNSCR 1521 (2003)) and UNSCR 1532 (2004) by imposing certain sanctions. Some of the sanctions and the relevant provisions in the Liberia Regulation are to expire at specified time. They have been subsequently renewed by various UNSCR, which were implemented in Hong Kong by adding new provisions in the Liberia Regulation upon the expiry of the original provisions.

18. The United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2007 ("the Amendment Regulation") was made to give effect to UNSCR 1731 (2006), which renewed the following sanctions-

- (a) prohibition against the sale or supply of arms and related material ("prohibited goods") to Liberia;
- (b) prohibition against the provision to Liberia of technical training or assistance related to provision, manufacture, maintenance or use of the prohibited goods;
- (c) prohibition against the direct or indirect import of rough diamonds from Liberia; and
- (d) prohibition against the entry into or transit through Hong Kong of certain specified persons.

19. The current sanctions and the relevant provisions expired at midnight on 19 December 2006. The new provisions in the Amendment Regulation are essentially the same as the current provisions. The sanction against the import of rough diamonds from Liberia will expire at midnight on 19 June 2007 whereas the others at midnight on 19 December 2007.

20. The three Regulations are not subject to the scrutiny of the Legislative Council under sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1). However, they come within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions. Members may consider referring the three Regulations to the Subcommittee for further consideration.

21. The Panel on Commerce and Industry has not been consulted on the three Regulations.

22. The drafting of the above subsidiary legislation is in order.

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