

**立法會**  
**Legislative Council**

LC Paper No. LS98/07-08

**Paper for the House Committee Meeting  
on 20 June 2008**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 13 June 2008**

**LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO  
AMENDMENT**

**United Nations Sanctions Ordinance (Cap. 537)  
United Nations Sanctions (Democratic Republic of the Congo) (No. 2) Regulation  
2008 (L.N. 166)**

The United Nations Sanctions (Democratic Republic of the Congo) (No. 2) Regulation 2008 (the Regulation) was made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (the Ordinance) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China issued in April 2008 and after consultation with the Executive Council to implement Resolution 1807 (2008) as adopted by the Security Council of the United Nations on 31 March 2008.

2. The Regulation replaces the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2008 (Cap. 537 sub. leg. AH), which expired at midnight on 15 February 2008.

3. The Regulation provides for prohibition against -

- (a) the supply, delivery and carriage of arms and related materials to certain persons in the territory of the Democratic Republic of the Congo;
- (b) the provision of assistance, advice or training related to military activities to certain persons in the territory of the Democratic Republic of the Congo;
- (c) making available to or for the benefit of certain persons or entities any funds or other financial assets or economic resources; and
- (d) entry into or transit through the Hong Kong Special Administrative Region of certain persons.

4. The Regulation further makes provisions for -
  - (a) the granting of licences to certain persons in the territory of the Democratic Republic of the Congo for the supply, delivery and carriage of arms and related materials; the provision of assistance, advice or training related to military activities; or the making available funds, other financial assets or economic resources to or for the benefit of certain persons or entities;
  - (b) the investigation of any contravention of the respective prohibitions; and
  - (c) the gathering of evidence and other matters relating to the enforcement of the prohibitions.
  
5. The Regulation has come into effect on 13 June 2008. It will expire at midnight on 31 December 2008.
  
6. Members may refer to the information papers issued by the Commerce and Economic Development Bureau in June 2008 (CB(1)1910/07-08(01)) to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions (the Subcommittee) on the Regulation.
  
7. Under section 3(5) of the Ordinance, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap.1) shall not apply to regulations made under the Ordinance. Therefore, the Regulation is not required to be tabled in the Legislative Council nor is it subject to amendment by the Legislative Council. However, since the Regulation comes within the terms of reference of the Subcommittee, Members may consider referring it to the Subcommittee for further consideration.
  
8. No difficulties have been identified in the legal or drafting aspects of the Regulation.

Prepared by

LO Wing-ye, Winnie  
Assistant Legal Adviser  
Legislative Council Secretariat  
18 June 2008