

Extract from the minutes of the House Committee meeting on 20 June 2008

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VII. Report of Bills Committees and subcommittees

(g) Further report of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions

(LC Paper No. CB(1) 1926/07-08)

75. Ms Margaret NG Chairman of the Subcommittee, said that the Subcommittee had provided its first report to the House Committee on 18 May 2007. The Administration had provided a written response to the report in August 2007. Since then, the Subcommittee had followed up the relevant constitutional and legal issues with the policy bureau concerned and the Secretary for Justice, and had also studied 26 gazetted Regulations referred by the House Committee.

76. Ms NG further reported that as section 3 of the United Nations Sanctions Ordinance did not enable the Legislature to have a role in the whole regulation-making process, members remained doubtful of and gravely concerned about the constitutionality of the existing arrangement. It was the Subcommittee's view that even on the assumption that the existing arrangement was constitutional, improvement to the existing regulation-making process was desirable to enhance transparency, accountability and compliance with the due process in enacting legislation. Following in-depth exchanges of views with the Administration, the Subcommittee had put forward the following concrete recommendations for the endorsement of the House Committee as set out in paragraphs 28(a) and (b) of the paper -

- (a) the Administration should include more background information in the LegCo Brief in respect of each regulation made and gazetted under the United Nations Sanctions Ordinance to facilitate scrutiny by Members ; and
- (b) a subcommittee should be set up under the House Committee to scrutinize such regulations.

77. Ms NG further said that the Administration generally had no objection to the above recommendations of the Subcommittee. The Subcommittee, however, noted that the Administration still held different views from the Subcommittee on certain constitutional and legal issues. In this regard, further written views from the Administration would be welcomed.

78. Ms NG added that the Subcommittee had also agreed to present its report to the Council and seek the President's consent for her, as Chairman of the Subcommittee, to address the Council on the report at the Council meeting on 2 July 2008.

79. Members endorsed the recommendation of the Subcommittee to put in place a mechanism to facilitate scrutiny by LegCo of regulations made under the United Nations Sanctions Ordinance. Members agreed that the request for additional information to be provided in the LegCo Brief on such regulations should be conveyed to the Administration. Members also agreed in principle that a subcommittee should be set up to deal with such regulations and the matter should be referred to the House Committee for consideration in the Fourth LegCo.

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