

立法會
Legislative Council

LC Paper No. CB(1)2728/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/HS/2/08

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

**Minutes of the tenth meeting
held on Tuesday, 19 April 2011 at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Dr Hon Margaret NG (Chairman)
Hon LEE Cheuk-yan
Hon LAU Kong-wah, JP
Hon Cyd HO Sau-lan
Hon LEUNG Kwok-hung

**Public Officers
attending** : Agenda item II

Ms Linda LAI Wai-ming, JP
Deputy Secretary for Commerce and Economic
Development (Commerce and Industry)

Mr Raymond WU Wai-man
Principal Assistant Secretary for Commerce and
Economic Development (Commerce and Industry)

Ms Agnes CHEUNG Siu-hang
Senior Government Counsel (Treaties and Law)
Department of Justice

Ms Francoise LAM See-man
Senior Government Counsel
Department of Justice

Ms Angie LI Sau-lee
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms YUE Tin-po
Chief Council Secretary (1)3

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mr Joey LO
Senior Council Secretary (1)3

Action

I. Paper issued since last meeting

(LC Paper No. CB(1)1846/10-11(01) -- Information on UK Parliament's
(English version only) new statutory role in ratifying
treaties forwarded by Hon Cyd
HO)

Members noted that the above paper had been issued since the last meeting.

II. Meeting with the Administration

(LC Paper No. CB(1)1929/10-11(01) -- List of follow-up actions arising
from the discussion at the
meeting on 4 April 2011

LC Paper No. CB(1)1929/10-11(02) -- Administration's response to
issues raised at the meeting on
4 April 2011

LC Paper No. CB(1)1723/10-11(02) -- Administration's paper on United
Nations Sanctions (Iran)
(Amendment) Regulation 2011

LC Paper No. LS44/10-11

-- Report on subsidiary legislation gazetted on 25 March 2011 to the House Committee meeting on 1 April 2011)

2. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

3. The Subcommittee completed the study of the English version of the United Nations Sanctions (Iran) (Amendment) Regulation 2011 (the Regulation).

4. The Assistant Legal Adviser was requested to examine the legal and drafting aspects of the Chinese version of the Regulation and to report irregularity, if any, to the Subcommittee.

Admin 5. The Administration was requested to provide the following information:

(a) the definition of the word "Iran" in Section 8AA(9)(a) of the Regulation; and

(b) ways to notify the relevant parties affected by the Regulation, including those involved in the provision of professional and financial services.

III. Any other business

Meeting arrangement

6. Noting that the Government would submit other Regulations, including the United Nations Sanctions (Libya) Regulation 2011, made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) to the Subcommittee within the current legislative session, members agreed that a further meeting should be scheduled before the end of current session to study these Regulations once they were available. The Secretariat would consult members on the meeting date nearer the time.

(Post-meeting note: With the concurrence of the Chairman, the next meeting was scheduled for 20 July 2011 to study the United Nations Sanctions (Libya) Regulation 2011 and United Nations Sanctions (Cote d'Ivoire) (No.2) Regulation 2011. Notice of the meeting was issued to members vide LC Paper No. CB(1)2723/10-11 on 13 July 2011.)

7. There being no other business, the meeting ended at 5:24 pm.

Council Business Division 1
Legislative Council Secretariat
19 July 2011

**Proceedings of the tenth meeting of
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions
on Tuesday, 19 April 2011 at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000620 – 000635	Chairman	Opening remarks by the Chairman	
000636 – 001202	Chairman Administration	Meeting with the Administration Administration's response to issues raised at the last meeting held on 4 April 2011 (LC Paper No. CB(1)1929/10-11(02)).	
001203 – 002209	Chairman Assistant Legal Adviser (ALA) Administration	<u>Study of the English mark-up version of the United Nations Sanctions (Iran) (Amendment) Regulation 2011 (LC Paper No. CB(1)1723/10-11(02))</u> <u>Section 8AA. Prohibition against sale and acquisition of interest in commercial activity involving uranium mining</u> Discussion on the definition of the word "Iran" in Section 8AA(9)(a).	The Administration to follow up as stated in paragraph 5(a) of the minutes.
002210 – 003300	Chairman Administration	<u>Section 9. Licence for supply, transfer or carriage of certain items and Section 10. Licence for provision of certain training, services or assistance</u> Ms Cyd HO expressed grave doubts whether the commitment by the Government of Iran under Sections 9 and 10 would suffice to ensure the non-proliferation of Iran's sensitive nuclear activities. The Administration advised that as provided under Sections 9 and 10, it would be up to the Committee of the Security Council under the United Nations Security Council to determine on a case-by-case basis that the supply, sale, transfer or carriage of the regulated prohibited items, or the provision of the technical training, financial resources or services, advice, other services or assistance would clearly not contribute to the development of Iran's technologies in support of Iran's proliferation of sensitive nuclear activities or the development of Iran's nuclear weapons delivery systems. Applicants of licences under sections 9 and 10 would also have to demonstrate to the satisfaction of the Chief Executive of the HKSAR Government that the activities mentioned above would clearly not contribute to the development of Iran's technologies in support of Iran's	

Time marker	Speaker	Subject(s)	Action required
		proliferation of sensitive nuclear activities or the development of Iran's nuclear weapons delivery systems before licences would be granted.	
003301 – 005410	Chairman Ms Cyd HO Mr LEUNG Kwok-hung Administration	Discussion on the channels through which the parties affected by the Regulation would be informed, and the defence provided under Section 8AA(7). In response to Ms Cyd HO, the Administration replied that notifications would be issued to relevant parties affected by the Regulation, including those involved in the provision of professional and financial services. The Administration would provide a sample of such notification to the Subcommittee.	The Administration to follow up as stated in paragraph 5(b) of the minutes.
005411 – 005452	Chairman Ms Cyd HO Administration	Discussion on the legislative timetable for the United Nations Sanctions (Libya) Regulation 2011.	