

香港特別行政區政府  
商務及經濟發展局  
工商及旅遊科



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28 May 2010

Kelvin Ka-yun LEE  
Assistant Legal Adviser to the Subcommittee  
to Examine the Implementation in Hong Kong of Resolutions  
of the United Nations Security Council in relation to Sanctions  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Mr Lee,

### **United Nations Sanctions (Côte d'Ivoire) Regulation 2010**

Thank you for your letter of 25 May regarding the new provision under the United Nations Sanctions (Côte d'Ivoire) Regulation 2010 (L.N.46 of 2010) prohibiting the dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity ("prohibition against dealing with funds").

2. The prohibition against dealing with funds was added to L.N.46 to implement more effectively paragraphs 11 and 12 of the United Nations Security Council Resolution ("UNSCR") 1572, which was renewed by paragraph 1 of the UNSCR 1893. Paragraph 11 of UNSCR 1572 concerns the freezing of funds, other financial assets and economic resources owned or

controlled directly or indirectly by the persons designated by the relevant Sanctions Committee, or that held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, as well as prohibits the making available to, or for the benefit of, such persons or entities any funds, financial assets or economic resources.

3. As an improvement initiative, drawing reference from similar provisions in the UK laws on freezing of funds, we have strengthened the previous provision prohibiting against making available funds etc. [i.e. section 5 of the now expired United Nations Sanctions (Côte d'Ivoire) (No.2) Regulation (Cap. 537, sub.leg. AK)] by adding the prohibition against dealing with funds. With the new provision, it is now clear that the designated persons or entities are prohibited from using, transferring, or changing in any way those funds, other financial assets or economic resources that may be in their physical possession. For clarity, we have also provided an interpretation of "deal with" in sub-section (6).

4. With the objective of continuing improving the drafting approach, we have introduced similar prohibition against dealing with funds to the United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537, sub.leg. AE), the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2010 (L.N. 47 of 2010), and the United Nations Sanctions (Liberia) Regulation 2010 (L.N. 48 of 2010). The same drafting improvement will be made as appropriate to other regulations under the United Nations Sanctions Ordinance when the opportunity arises.

Yours sincerely,



(Wendy Chung)

for Secretary for Commerce and Economic Development