

立法會
Legislative Council

LC Paper No. LS97/16-17

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 September 2017**

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT
SUBJECT TO AMENDMENT**

**United Nations Sanctions (Democratic Republic of the Congo)
Regulation 2017** **(L.N. 149)**

United Nations Sanctions (South Sudan) Regulation 2017 **(L.N. 150)**

L.N. 149 and L.N. 150 are made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council. L.N. 149 and L.N. 150 came into operation when they were published in the Gazette on 15 September 2017.

L.N. 149

2. Since 2003, the Security Council of the United Nations ("UNSC") has adopted several resolutions imposing sanctions against the Democratic Republic of the Congo ("Congo") in view of the threats to international peace and security brought about by the situation in the region. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2016 (Cap. 537BT), which expired at midnight on 1 July 2017.

3. L.N. 149 implements certain decisions in Resolution 2360 (2017) as adopted by UNSC on 21 June 2017 to renew the sanction measures against Congo. It provides for the prohibition against:

- (a) the supply, sale, transfer or carriage of arms or related materiel to persons operating in the territory of Congo;
- (b) the provision of assistance, advice or training related to military activities to persons operating in the territory of Congo;

- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (e) entry into or transit through Hong Kong by certain persons.

4. L.N. 149 will expire at midnight on 1 July 2018.

L.N. 150

5. In 2015, UNSC adopted Resolution 2206 (2015) to impose sanctions against South Sudan. The Resolution has been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (South Sudan) Regulation 2016 (Cap. 537BU), which expired at midnight on 31 May 2017.

6. L.N. 150 implements certain decisions in Resolution 2353 (2017) as adopted by UNSC on 24 May 2017 to renew the sanction measures against South Sudan. It provides for the prohibition against:

- (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (c) entry into or transit through Hong Kong by certain persons.

7. L.N. 150 will expire at midnight on 31 May 2018.

Other information and remarks

8. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under section 3 of Cap. 537. Therefore, L.N. 149 and L.N. 150 are not required to be tabled in the Legislative Council ("LegCo") and are not subject to amendment by LegCo. However, since 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 ("Subcommittee"), Members may consider referring them to the Subcommittee for its consideration.

9. As advised by the Clerk to the Subcommittee, the LegCo Briefs on L.N. 149 and L.N. 150 (File Ref: CITB CR 75/53/4 and CITB CR 75/53/5/1) issued

by the Commerce and Economic Development Bureau in September 2017 were circulated to members of the Subcommittee vide LC Paper No. CB(1)1427/16-17 on 18 September 2017. A marked-up version showing the changes made by L.N. 149 and L.N. 150 to the relevant expired regulations is at Annex F and Annex E to the respective LegCo Briefs.

Concluding Observations

10. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

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