

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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COMMERCE, INDUSTRY AND TOURISM BRANCH
**COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU**
GOVERNMENT OF THE HONG KONG
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28 November 2016

Clerk to the Subcommittee
to Examine the Implementation in Hong Kong of Resolutions
of the United Nations Security Council in relation to Sanctions
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Mr Desmond Lam)
(Fax No.: 2978 7569)

Dear Mr Lam,

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

At the meeting of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions on 8 November 2016, the Government was requested to –


- (a) provide an explanation on why the phrase “through the HKSAR” existed in sections 7(a), (b), (c) and (d) but not in section 7(e) of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2015 (Cap. 537BN) (“the 2015 Regulation”); and
- (b) address members’ concern about the textual ambiguity which the deletion of the phrase “through the HKSAR” in sections 7(b), (c) and (d) of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2016 (Cap. 537BT) (“the 2016 Regulation”) might create.

Bureau's Response

Section 6 of the 2016 Regulation prohibits the entry into or transit through the HKSAR by certain persons, while section 7 of the 2016 Regulation sets out the circumstances under which the prohibition provided by section 6 does not apply. The scope of "the relevant entry or transit" in section 7(b) and (e) and "the relevant transit" in section 7(c) and (d) is limited by the prohibition set out in section 6, which covers "entry into or transit through the HKSAR" only. As sections 6 and 7 of the 2016 regulation should be read in conjunction with one another, we consider that the absence of the phrase "through the HKSAR" in section 7(b), (c), (d) and (e) will not create any ambiguity in interpretation.

As regards the reason for not having the phrase "through the HKSAR" in section 7(e) of the 2015 Regulation, we are unable to trace from our file record the reason for not including the phrase. Nevertheless, as explained above, we consider that the meaning of "the relevant entry or transit" is obvious and unambiguous even without the phrase "through the HKSAR" in the section.

Yours sincerely,



(Eileen YUE)

for Secretary for Commerce and Economic Development