

**立法會**  
***Legislative Council***

LC Paper No. LS93/17-18

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 21 September 2018**

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

**United Nations Sanctions (ISIL and Al-Qaida) Regulation (L.N. 157)**

L.N. 157 is 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. 157 came into operation on the day of publication in the Gazette, i.e. 21 September 2018.

2. In view of terrorism posing threat to international peace and security, and the presence, violent extremist ideology and actions of the Islamic State in Iraq and the Levant ("ISIL") and Al-Qaida, the Security Council of the United Nations ("UNSC") adopted Resolution 2368 (2017) ("the Resolution") on 20 July 2017 to impose sanctions of assets freeze, travel ban and arms embargo with respect to ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities.

3. L.N. 157 is made to implement the Resolution. It provides for the prohibition against:

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities;
- (b) the provision of technical advice, assistance or training related to military activities in certain circumstances;
- (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 the Hong Kong Special Administrative Region ("HKSAR") by certain persons.

4. The relevant prohibitions apply to any person acting in the HKSAR and any Hong Kong person<sup>1</sup> acting outside the HKSAR. It is an offence for contravention of the relevant prohibition which is punishable on conviction by fine and imprisonment.

5. L.N. 157 also provides for enforcement powers, such as the powers to board, search, enter and detain a ship, aircraft or vehicle by an authorized officer. No expiration date for the relevant prohibitions is provided in L.N. 157. Members may refer to the Legislative Council ("LegCo") Brief (File Ref: CITB CR 75/53/11) on L.N. 157 issued by the Commerce and Economic Development Bureau in September 2018 for further information. A marked-up version showing differences between this Regulation and the United Nations Sanctions (Afghanistan) Regulation 2012, which implements similar sanctions, is at Annex D to the LegCo Brief.

6. 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. Accordingly, L.N. 157 is not required to be tabled in the LegCo and is not subject to amendment by LegCo. However, since it comes 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 ("the Subcommittee"), Members may consider referring L.N. 157 to the Subcommittee for its consideration.

7. As advised by the Clerk to the Subcommittee, the LegCo Brief was circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)1415/17-18 on 21 September 2018.

### **Concluding observations**

8. No difficulties have been identified in the legal and drafting aspects of L.N. 157.

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<sup>1</sup> Under section 1 of L.N. 157, Hong Kong person (香港人) means –

- (a) a person who is both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR.