

立法會
Legislative Council

Ref : CB2/SS/2/03

LC Paper No. CB(2)1354/03-04
(These minutes have been seen by
the Administration)

**Subcommittee on United Nations Sanctions
(Liberia) Regulation 2003**

**Minutes of the second meeting
held on Monday, 19 January 2004 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Andrew WONG Wang-fat, JP
- Public Officers attending** : Mrs Philomena LEUNG
Principal Assistant Secretary for Commerce, Industry and
Technology (Commerce and Industry)
- Mr John HUNTER
Deputy Principal Government Counsel
- Mr LAU Wai-ming
Assistant Secretary for Commerce, Industry and
Technology (Commerce and Industry)
- Clerk in attendance** : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Mr Raymond LAM
Senior Council Secretary (2)5

I. Meeting with the Administration

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee requested the Administration -

- (a) to reconsider providing a certificate/formal document issued by the Chief Secretary for Administration (CS) confirming the instruction given by the Central People's Government (CPG) regarding the implementation of Resolution 1478 of the Security Council of the United Nations (UNSC), and consider adopting the same practice in relation to other subsidiary legislation to be made under the United Nations Sanctions Ordinance;
- (b) to provide justifications for the enforcement powers under section 25 of the United Nations Sanctions (Liberia) Regulation 2003 (the Regulation) and other powers in the Regulation, including the powers against entry or transit under sections 11 and 12 of the Regulation;
- (c) to provide information on the penalty levels in relation to the enforcement powers referred to in paragraph 6 and Annex B to the Administration's letter dated 13 January 2004 (LC Paper No. CB(2)983/03-04(01)) ; and
- (d) to provide information on how resolutions of UNSC relating to sanctions were implemented in other jurisdictions.

3. The Subcommittee requested the Clerk to write to the following organisations conveying the Subcommittee's concerns about how resolutions of UNSC were implemented in Hong Kong after 1 July 1997, the wide enforcement powers in the Regulation and its penal effect, and seeking their written views on the Regulation, including whether it was adequate, for the purpose of implementation of a resolution of UNSC in Hong Kong, for CS to issue a certificate/formal document confirming the CPG's instruction regarding the implementation of the resolution, and whether the United Nations Sanctions Ordinance should be amended -

- (a) The Law Society of Hong Kong;
- (b) Hong Kong Bar Association;

- (c) the law faculties of local universities;
- (d) the departments of politics and public administration of local universities;
and
- (e) JUSTICE.

4. The Chairman suggested that, for the purpose of documentation of members' concerns on the implementation of resolutions of UNSC in Hong Kong after 1 July 1997, the Subcommittee might consider moving a motion for the adjournment of the Council for the purpose of a debate on the subject matter. She said that the suggestion would be discussed at the next meeting.

II. Date of next meeting

5. The Bills Committee agreed that the next meeting would be held on 20 February 2004 at 8:30 am to continue discussion with the Administration.

6. The meeting ended at 9:20 am.

Council Business Division 2
Legislative Council Secretariat
16 February 2004

**Proceedings of the meeting of the
Subcommittee on
United Nations Sanctions (Liberia) Regulation 2003
on Monday, 19 January 2004 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
001202 - 001351	Chairman	Opening remarks	
001352 - 001914	Admin Chairman	Briefing on the Administration's response to issues raised by members at the last meeting on 11 December 2003 (LC Paper Nos. CB(2) 966/03-04(01) and CB(2)983/03-04(01))	
001915 - 002809	ALA2 Chairman	Briefing on the paper entitled "Implementation of resolutions of the Security Council of the United Nations in relation to sanctions in Hong Kong" prepared by the Legal Service Division of the Legislative Council Secretariat (LC Paper No. LS36/03-04)	
002810 - 004259	Chairman Admin Hon Cyd HO	Provision of a certificate/formal document issued by the Chief Secretary for Administration (CS) confirming the instruction given by the Central People's Government (CPG) regarding the implementation of Resolution 1478 of the Security Council of the United Nations (UNSC) and to consider adopting the same practice in relation to other subsidiary legislation to be made under the United Nations Sanctions Ordinance; justifications for the enforcement powers under section 25 of the Regulation and other powers in the Regulation, including the powers prohibiting entry or transit under sections 11 and 12 of the Regulation	Admin to reconsider providing a certificate/formal document issued by CS; to provide justifications for the enforcement powers under section 25 of the Regulation and other powers in the Regulation, including those under sections 11 and 12

Time marker	Speaker	Subject(s)	Action Required
004300 - 004318	Chairman	Penalty levels in relation to the enforcement powers referred to in paragraph 6 and Annex B to the Administration's letter dated 13 January 2004	Admin to provide information on the penalty levels
004319 - 004423	Hon Cyd HO	Seeking the views of the Law Society of Hong Kong, the Hong Kong Bar Association and law faculties of local universities on the Regulation	
004424 - 004552	Chairman	Moving a motion for the adjournment of the Council for the purpose of a debate on the implementation of resolutions of UNSC in Hong Kong after 1 July 1997	
004553 - 004810	Chairman Hon Cyd HO Hon Audrey EU	Seeking the written views of the Law Society of Hong Kong, Hong Kong Bar Association, law faculties of local universities, the departments of politics and public administration of local universities and JUSTICE on the Regulation.	Clerk to follow up
004811- 004852	Hon Audrey EU	Information on how resolutions of UNSC relating to sanctions were implemented in other jurisdictions	Admin to provide the relevant information
004853 - 005021	Chairman Admin	Date of next meeting	

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