

立法會
Legislative Council

Ref : CB2/SS/2/03

LC Paper No. CB(2) 1601/03-04
(These minutes have been seen by
the Administration)

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

**Minutes of the third meeting
held on Friday, 20 February 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 Andrew WONG Wang-fat, JP
Hon Audrey EU Yuet-mee, SC, 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 Peter WONG
Senior Assistant Solicitor General (Basic Law)

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. Confirmation of minutes of previous meeting

The minutes of the meeting held on 19 January 2004 were confirmed.

II. Meeting with the Administration

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

3. The Subcommittee requested the Administration -

- (a) to advise on whether subsidiary legislation made under the relevant legislation of Australia, New Zealand and Singapore, as referred to in paragraph 12 of the Administration's response to issues raised at the meeting on 19 January 2004, were subject to scrutiny by the legislature, and to provide the relevant legislation of those jurisdictions;
- (b) to explain the obligation of the Chief Executive (CE) to make regulations under section 3(1) of the United Nations Sanctions Ordinance (Cap.537) (UNSO), including -
 - (i) whether CE must implement a resolution of the United Nations Security Council (UNSCR) relating to sanction by way of making a regulation under UNSO;
 - (ii) whether a self-contained regulation must be made for each UNSCR relating to sanction; and
- (c) to provide information on how UNSCRs were implemented in Hong Kong since the enactment of UNSO on 18 July 1997, including information on resolutions implemented by way of administrative means or by way of making regulations under section 3(1) of UNSO and those implemented through other means, such as through the introduction of bills as in cases of the United Nations (Anti-Terrorism Measures) Bill, and the criteria of determining the approach for implementing such resolutions.

4. In connection with paragraph 3(c) above, the Chairman requested the Clerk to identify the past discussions of subcommittees/bills committees formed to study the relevant regulations/bills, and circulate the relevant reports and papers for members'

reference.

5. The Chairman requested the legal adviser to the Subcommittee to comment on whether the powers and penalty levels in the Annexes to the Administration's response to issues raised at the meeting on 19 January 2004 were comparable to those in the Regulation.

6. The Administration stressed that section 3(5) of UNSO did not offend the principle of separation of powers implicit in the Basic Law.

7. Regarding the letter from the Chief Secretary for Administration (CS) on the instruction from the Ministry of Foreign Affairs, the Chairman informed members that she had asked the Legal Adviser to discuss with the Department of Justice regarding the desired format of the formal document issued by CS.

8. In connection with Mr Andrew WONG's views regarding CE's power under Article 48(4) of the Basic Law to issue executive orders relating to civil service matters, the Administration undertook to provide Mr WONG with the judgment delivered by the Court of First Instance on *The Association of Expatriate Civil Servants of Hong Kong v The Chief Executive of the Hong Kong Special Administrative Region*.

9. The Subcommittee agreed that the next meeting would be scheduled in about three weeks' time.

10. The meeting ended at 10:10 am.

Council Business Division 2
Legislative Council Secretariat
5 March 2004

**Proceedings of the meeting of the
Subcommittee on
United Nations Sanctions (Liberia) Regulation 2003
on Friday, 20 February 2004 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000254	Chairman	Opening remarks	
000255 - 000617	Chairman Admin ALA2	Letter dated 17 February 2004 from Chief Secretary for Administration (LC Paper No. CB(2)1377/03-04(02))	
000618 - 000954	Chairman Admin	Administration's response to issues raised by members at the meeting on 19 January 2004 (LC Paper No. CB(2)1377/03-04(01))	
000955 - 005406	Chairman Hon Andrew WONG Admin ALA2	Submission from Mr Simon YOUNG of the University of Hong Kong (LC Paper No. CB(2)1377/03-04(03)) and the Administration's response; relationship of provisions in the United Nations Sanctions Ordinance (UNSO) and regulations made under UNSO	
005407 - 005709	Chairman Admin ALA2	Whether subsidiary legislation made under the relevant legislation of Australia, New Zealand and Singapore, as referred to in paragraph 12 of the Administration's response to issues raised at the meeting on 19 January 2004, were subject to scrutiny by the legislature	Admin to provide the relevant information
005710 - 012122	Chairman Admin ALA2	Obligation of the Chief Executive (CE) to make regulation under section 3(1) of UNSO; whether the powers and penalty levels in the Annexes to the Administration's response to issues raised at the meeting on 19 January 2004 were comparable to those in the Regulation	Admin to explain the obligation of CE to make regulation under section 3(1) of UNSO; ALA2 to comment on whether the powers and penalty levels were comparable

Time marker	Speaker	Subject(s)	Action Required
012123 - 013109	Hon Cyd HO Chairman Hon Andrew WONG Admin ALA2	Information on how resolutions of the United Nations Security Council (UNSCRs) were implemented in Hong Kong since the enactment of UNSO on 18 July 1997; relevant reports and papers of subcommittees/bills committees formed to study the relevant regulations/bills; number of regulations made under UNSO since 18 July 1997	Admin to provide information on how UNSCRs were implemented in Hong Kong since the enactment of UNSO on 18 July 1997; Clerk to provide relevant reports and papers of subcommittees/bills committees
013110 - 013137	Chairman	Date of next meeting	
013138- 013436	Hon Andrew WONG Admin Chairman	CE's powers under Article 48(4) of the Basic Law to issue executive orders relating to civil service matters and judgment delivered by the Court of First Instance on <i>The Association of Expatriate Civil Servants of Hong Kong v The Chief Executive of the Hong Kong Special Administrative Region</i>	Admin to provide Hon Andrew WONG with the judgment