

立法會
Legislative Council

Ref : CB2/SS/2/03

LC Paper No. CB(2)2350/03-04
(These minutes have been seen by
the Administration)

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

**Minutes of the fourth meeting
held on Monday, 3 May 2004 at 10:45 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. Meeting with the Administration

1. The Subcommittee deliberated (index of proceedings attached at **Annex**).
2. The Subcommittee requested the Administration -
 - (a) to adopt the practice of providing a certificate/formal document issued by the Chief Secretary for Administration confirming the relevant instruction given by the Central People's Government (CPG) for all future regulations to be made under the United Nations Sanctions Ordinance (Cap. 537) (UNSO) to implement resolutions of the Security Council of the United Nations (UNSCRs);
 - (b) to consider reviewing UNSO;
 - (c) to provide further justifications regarding its view that it was inappropriate to disclose CPG's instruction; and
 - (d) to provide, for each regulation referred to in Annex B to the Administration's response to issues raised at the meeting on 20 February 2004, the date when the relevant instruction was received from CPG, the date when the relevant regulation came into force, and how the instruction was implemented in the period between the two dates.
3. The Subcommittee agreed to seek the views of Professor Yash GHAI on the United Nations Sanctions (Liberia) Regulation 2003, in particular the constitutional issues arising from the existing arrangements for implementing UNSCRs in relation to sanctions in Hong Kong, and whether and how UNSO should be amended.

II. Date of next meeting

4. The Subcommittee agreed that the next meeting would be scheduled when the views of Professor Yash GHAI were received.
5. The Subcommittee agreed that an interim report on its work would be made to the House Committee at its meeting on 21 May 2004.
6. The meeting ended at 12:15 pm.

Council Business Division 2
Legislative Council Secretariat
13 May 2004

**Proceedings of the meeting of the
Subcommittee on
United Nations Sanctions (Liberia) Regulation 2003
on Monday, 3 May 2004 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000726	Chairman	Opening remarks; date of expiry of the United Nations Sanctions (Liberia) Regulation 2003 (the Regulation)	
000727 - 000741	Admin	Briefing on the document issued by the Chief Secretary for Administration (CS) in connection with the Regulation (LC Paper No. CB(2) 2218/03-04(01))	
000742 - 001827	Chairman Hon Cyd HO Hon Andrew WONG Hon Audrey EU Admin ALA2	Adopting the practice of providing a certificate/formal document issued by CS confirming the relevant instruction given by the Central People's Government (CPG) for all future regulations to be made under the United Nations Sanctions Ordinance (Cap. 537) (UNSO) to implement resolutions of the Security Council of the United Nations (UNSCRs)	Admin to consider adopting the suggested practice
001828 - 002058	Admin	Briefing on the Administration's response to issues raised by members at the meeting on 20 February 2004 (LC Paper No. CB(2)2108/03-04(01))	

Time marker	Speaker	Subject(s)	Action Required
002059 - 003442	Chairman Hon Audrey EU Admin	Whether regulations implementing UNSCRs should be subject to the scrutiny of the Legislative Council; whether the Chief Executive (CE) was obliged to make regulations under UNSO to implement UNSCRs; review of UNSO; seeking the views of Professor Yash GHAI on the Regulation, in particular the constitutional issues arising from the existing arrangements for implementing UNSCRs in relation to sanctions in Hong Kong, and whether and how UNSO should be amended	Admin to consider reviewing UNSO; Clerk to seek the views of Professor Yash GHAI
003443 - 003700	Admin	Briefing on the Administration's response to issues raised in the submission from Hong Kong Bar Association (LC Paper No. CB(2)2204/03-04(01))	
003701 - 005933	Chairman Admin Hon Cyd HO Hon Andrew WONG	Whether the Administration should provide the Subcommittee with a copy of the CPG's instruction regarding implementation of the relevant UNSCR; justifications for the Administration's view that it was inappropriate to disclose CPG's instruction; whether the term "shall" in section 3 of UNSO should be amended along the line of "may"; whether the Regulation was constitutionally not in order	Admin to provide further justifications regarding its view that it was inappropriate to disclose CPG's instruction
005934 - 011036	ALA2	Briefing on the paper entitled "Enforcement powers and penalty levels under the United Nations Sanctions (Liberia) Regulation 2003 and some other Ordinances" prepared by the legal adviser to the Subcommittee (LC Paper No. LS70/03-04)	

Time marker	Speaker	Subject(s)	Action Required
011037 - 012349	Hon Audrey EU Hon Andrew WONG Hon Cyd HO Chairman ALA2 Admin	Requesting the Administration to provide, for each regulation referred to in Annex B to the Administration's response to issues raised at the meeting on 20 February 2004, the date when the relevant instruction was received from CPG, the date when the relevant regulation came into force, and how the instruction was implemented in the period between the two dates	Admin to provide the requested information
012350- 012338	Chairman Hon Andrew WONG	Date of next meeting; interim report on the work of the Subcommittee to the House Committee	

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