

香港特別行政區政府  
工商及科技局  
工商科



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COMMERCE AND INDUSTRY BRANCH  
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19 February 2003

Ms Doris Chan  
Clerk to Subcommittee  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

(Fax No : 2509 9055)

Dear Ms Chan,

**Subcommittee on United Nations (Afghanistan)(Amendment)  
Regulation 2002 and United Nations Sanctions (Angola)  
(Suspension of Operation) Regulation 2002**

**Meeting on 25 February 2003**

Thank you for your letter of 23 January 2003 seeking our clarification on a number of issues. Our replies are set out as below -

- (a) *to provide the instruction by the Ministry of Foreign Affairs (MFA) of the People's Republic of China (PRC) to implement the United Nations Security Council Resolution (UNSCR) 1390 in the HKSAR. If the relevant instruction cannot be released, the Administration is required to provide a written response on the legal basis or other principles justifying non-disclosure and a confirmation as to whether this was instructed by MFA.*

As a member state of the UN, the PRC has an obligation to implement UNSCRs which are adopted pursuant to Chapter 7 of UN Charter. The implementation of UNSCRs concerns foreign

affairs and other considerations regarding national interests and international/foreign relations. Correspondence between CPG and HKSAR Government, including the instructions concerning the implementation of UNSCRs, is intended for internal use only. As such, although we have not received any instructions with regard to the release of such internal correspondence, the HKSAR Government considers it inappropriate to release them to persons outside the Administration. This is a general practice governing the handling of the HKSAR Government's correspondence with all other governments.

We have however informed the public and the LegCo Subcommittee of the contents of the CPG's instruction, i.e., that the HKSAR government should implement the decisions of the UNSCR in relation to UNSCR 1390. We can confirm again that the HKSAR Government has received such an instruction from the CPG giving details of the Resolution with a copy of it (to which the public can gain access at the UN website <http://www.un.org/documents>) making it clear that it was a mandatory measure adopted pursuant to Chapter 7 of the UN Charter. As a member State of the UN, the PRC was obliged to implement the Resolution and accordingly instructed the HKSAR Government to take the necessary implementing measures within the HKSAR. The details of these implementing measures were left to the HKSAR.