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**Paper for the House Committee meeting on 20 June 2008**

**Further Report  
of the Subcommittee to Examine the Implementation in Hong Kong of  
Resolutions of the United Nations Security Council in relation to Sanctions**

**PURPOSE**

This paper provides a further report on the work of the Subcommittee since it last reported to the House Committee on 18 May 2007. It also sets out the Subcommittee's key findings and the proposed way forward.

**BACKGROUND**

2. Since October 2004, the Subcommittee has examined the current arrangement under the United Nations Sanctions Ordinance (Cap. 537) (UNSO) for implementing the sanctions resolved by the Security Council of the United Nations (UNSC). One of the Subcommittee's main queries is the constitutionality or otherwise of provisions in the UNSO<sup>1</sup> which exclude the Legislative Council (LegCo) from vetting and, where necessary, amending the regulations made under the UNSO to implement UN sanctions.

3. In its first report submitted to the House Committee on 18 May 2007<sup>2</sup>, the Subcommittee has articulated concerns and formulated views on certain legal and constitutional issues arising from the UNSO, as well as put up suggestions for improvement. In its response to the Subcommittee's report, the Administration maintains the view that the current implementation arrangement as provided under the UNSO is constitutional and consistent with the Basic Law. A summary of the Subcommittee's main findings and the Administration's comments thereon is in **Appendix I**.

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<sup>1</sup> Section 3(5) of the UNSO provides that sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap.1) shall not apply to regulations made under this section.

<sup>2</sup> See the Subcommittee's report at LC Paper No. CB(1)1587/06-07.

## **MAJOR WORK UNDERTAKEN BY THE SUBCOMMITTEE**

4. The Subcommittee has continued to follow up relevant issues with the Administration. It has also conducted a study on the gazetted Regulations and deliberated on how the matter should be taken forward.

### **Further examination of legal and constitutional issues**

#### Implementation of UN sanctions before and after the handover

5. One of the issues highlighted by the Administration in its response to the Subcommittee's first report is that implementation of UN sanctions has always been a matter of foreign affairs, both before and after the handover. Prior to 1 July 1997, UN sanctions were implemented in Hong Kong by the United Kingdom (UK) Government by way of Orders in Council under the United Nations Act 1946. The Orders in Council were required to be laid before Parliament but were not subject to any parliamentary procedure to amend or repeal them. As far as Hong Kong was concerned, LegCo also did not have any vetting power over such Orders. It appears to the Subcommittee that the Administration is relying on this arrangement as one of the arguments to support its view that excluding LegCo from the regulation-making process under the UNSO is constitutional, based on the so-called "doctrine of continuity" enshrined in the Basic Law.

6. Members query whether it is appropriate to compare the legislative framework for implementing UN sanctions as provided under the UNSO with that which applied in Hong Kong before the handover for the purpose of determining the constitutionality or otherwise of the current arrangement because the two systems are totally different. They note the Chairman's observation that before the handover, the Orders in Council took effect as UK legislation, not Hong Kong legislation. This is very different from the post-handover arrangement whereby regulations are made under the UNSO, which purports to be Hong Kong legislation.

7. On the parliamentary procedure, the Subcommittee notes that the Orders in Council are required to be laid before Parliament. However, the Regulations made under the UNSO are not required to be laid before LegCo. In this connection, members note that after the Orders in Council made under the United Nations Act 1946 were laid before Parliament, they would be studied by a Joint Committee on Statutory Instruments. The Joint Committee may make recommendations to the UK Government on the legal and drafting aspects of such Orders, but does not have power to annul them.

#### The enactment of the UNSO

8. The Subcommittee has considered it necessary to obtain more information on the background leading to the enactment of the UNSO. In this regard, the Administration has advised that the Chief Executive (CE) has the constitutional

obligation under Article 48(8) of the Basic Law to "implement the directives issued by the [Central People's Government (CPG)] in respect of the relevant matters provided for in this Law". That obligation includes the implementation of UN sanctions pursuant to the CPG's directives. Where primary legislation is required for the implementation of the relevant CPG directive (as in the case of UN Sanctions), it is the constitutional duty of the CE (i) to consult the Executive Council before introducing the relevant bill into LegCo (Article 56(2) of the Basic Law) and (ii) to ensure that the bill is consistent with the relevant CPG directive before introducing the bill (Article 48(8) of the Basic Law).

9. For the purpose of implementing UN sanctions in the Hong Kong Special Administrative Region (HKSAR) from July 1997, the relevant CPG directive to the CE required that legislative measures be taken in the HKSAR to implement UN sanctions and that the CPG be consulted on the draft legislation before it was made by the HKSAR. Pursuant to the above directive and after consultation with the CPG, the CE in Council decided on 8 July 1997 that the United Nations Sanctions Bill should be introduced into the Provisional Legislative Council on 9 July 1997 to establish a statutory framework enabling the CE to implement directives issued by the CPG relating to specific UN sanctions.

#### Vetting of subsidiary legislation by LegCo

10. The Subcommittee remains concerned about the total absence of LegCo in the regulation-making process under the UNSO. The Administration's view is that the disapplication of the positive or negative vetting procedure is permissible under the laws of Hong Kong and at common law. Examples cited by the Administration are the English Schools Foundation Ordinance (Cap. 1117), the Hong Kong Institute of Education Ordinance (Cap. 444), the Vocational Training Council Ordinance (Cap. 1130) and the Fugitive Offenders Ordinance (Cap. 503) (FOO). Members do not subscribe entirely to the Administration's view and note that for the former three Ordinances, the subject matters mainly concern the internal regulation and management of the respective institution only. As for the FOO, although section 3(15) has an exclusionary provision similar to section 3(5) of UNSO, the section merely provides for the CE to make a Notice to reflect any changes of the parties to the relevant convention. The regulations made under section 3(1) of the UNSO however often create new offences, purport to have serious penal effect and confer vast investigation and enforcement powers. Members note that normally, subsidiary legislation of such a nature should be subject to vetting by the legislature.

#### Legislative vehicle for implementing UN sanctions

11. With a view to ascertaining the existing regulation-making process for implementing UN sanctions, the Subcommittee has sought more detailed information on the actual steps involved. In gist, according to the Administration's information, the instructions issued by the Ministry of Foreign Affairs (MFA) to CE request the HKSAR Government to take concrete steps to

effectively implement the sanctions resolved by the UNSC. After receiving the instructions, the HKSAR Government would prepare a draft regulation under UNSO and present it to CPG for comments, if any. Only after the draft regulation has been endorsed by CPG would the HKSAR Government submit it to the Executive Council for approval.

12. In this connection, members note that the instructions issued to CE by MFA have not prescribed the specific vehicle to be used for implementing the sanctions in question<sup>3</sup>. The actual method of implementation is a decision for the HKSAR Government. As such, making regulations under section 3(1) of UNSO may not be the only method as the Administration is at liberty to consider other options, such as by applying or amending existing legislation, e.g. the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (UNATMO), or by enacting new legislation. The Administration's general advice is that where the sanctions resolved by UNSC relate to particular places and are time-limited, they will be implemented by way of regulations made under UNSO.

#### The question of "vires"

13. While "sanction" is defined under section 2(1) of UNSO as including economic, trade and arms embargoes and other mandatory measures decided by UNSC implemented against a "place" outside the People's Republic of China, the Subcommittee has noted that at least seven of the Regulations made under UNSO and gazetted since 2004 were targeted at persons, undertakings or entities, and not at a place or territory<sup>4</sup>. Concern has been raised as to whether such Regulations are ultra vires of the primary legislation.

14. In the view of the Administration, sanctions against a "place" comprehend the activities or conduct of individuals or entities in the place. It would be too restrictive to view sanctions against a place in isolation from the persons/entities operating there or having a connection with that place. Members note that if necessary and subject to certain conditions, they may consider whether or not to amend the relevant definition of "sanctions" under the UNSO by way of a Member's Bill.

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<sup>3</sup> According to the Administration, the UNSO was specifically enacted for the purpose of implementing UN sanctions. The UNSO, together with the legislative framework for sanctions implementation which it created, was agreed to by the CPG.

<sup>4</sup> They are the United Nations Sanctions (Côte d'Ivoire) Regulation (L.N. 122 of 2005); United Nations Sanctions (Democratic Republic of the Congo) (Amendment) Regulation 2005 (L.N. 123 of 2005); United Nations Sanctions (Sudan) (Amendment) Regulation 2005 (L.N. 124 of 2005); United Nations Sanctions (Democratic Republic of the Congo) Regulation 2005 (L.N. 192 of 2005); United Nations Sanctions (Côte d'Ivoire) Regulation 2006 (L.N. 59 of 2006); and United Nations Sanctions (Democratic Republic of the Congo) Regulation 2006 (L.N. 257 of 2006) and United Nations Sanctions (Côte d'Ivoire) Regulation 2007 (L.N. 64 of 2007).

## **Study of 26 Regulations gazetted during the period July 2004 to May 2008**

15. The Subcommittee has completed a study of the 26 Regulations made under the UNSO and gazetted since July 2004. A table prepared on a country-based format summarizing the salient provisions of each Regulation is in **Appendix II**. The key observations arising from the study are highlighted in the paragraphs below.

### Types of prohibition measures

16. It is found that the following are the more common subjects of prohibition as stipulated in the 26 gazetted Regulations :

- (a) the sale and supply of arms and related materials;
- (b) importation of certain goods (i.e. timber, rough diamonds);
- (c) provision of advice, assistance or training related to military activities;
- (d) making available funds or assets or resources to certain persons or entities; and
- (e) the entry into or transit through Hong Kong of certain persons.

17. Some Amendment Regulations<sup>5</sup> contain provisions for the granting of licences for the supply of certain prohibited goods and the provision of certain assistance or training. It has been noted that most of the Regulations in relation to the Democratic Republic of the Congo, Cote d'Ivoire, Liberia, Sudan, Iraq and Lebanon have been drafted in similar terms.

18. In the case of the Regulations in relation to Iran and the Democratic People's Republic of Korea, one of the prohibition measures which is not found in the other Regulations is the prohibition on the provision of technologies or the transfer of nuclear-related material.

19. The Subcommittee has also examined whether the above sanctions can in fact be implemented through existing legislation, notably the UNATMO<sup>6</sup>. In this regard, members note that under the UNATMO, which is enacted to implement

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<sup>5</sup> For example, see the United Nations Sanctions (Democratic Republic of the Congo) (Amendment) Regulation 2005 (L.N.123 of 2005), the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) (No.2) Regulation 2006 (L.N.188 of 2006), and the United Nations Sanctions (Sudan) (Amendment) Regulation 2005 (L.N.124 of 2005).

<sup>6</sup> The Subcommittee has noted a paper on this subject prepared by its legal adviser (LC Paper No. LS90/07-08).

Resolution 1373 (2001) of the UNSC and three recommendations of the Financial Action Task Force on Money Laundering, the CE is empowered to, inter alia, specify by notice in the Gazette a person who is designated by a committee established by the UNSC as a terrorist<sup>7</sup>, whereas in the Regulations made under the UNSO, the targeted persons or entities are sometimes specified in the relevant resolutions passed by the UNSC. The UNATMO contains no prohibition concerning the importation of goods (such as timber, rough diamonds), the provision of advice, assistance or training related to military activities, and the entry into or transit through Hong Kong of certain persons. Nevertheless, both the UNATMO and the Regulations may prohibit the supply of weapons and the making available of funds to terrorists and terrorist associates.

20. It is found that there is no overlap in the sanctions provided under the Regulations and under the UNATMO as they are applicable to different persons/entities. As such, the sanctions imposed by the Regulations made under the UNSO may not be implemented through the UNATMO. However, subject to the terms of future UNSC resolutions, it may be possible that they may be implemented through the UNATMO if the relevant sanctions and the persons/entities to which they apply are identical to those provided in the UNATMO.

#### Use of a model law

21. The Subcommittee has observed that the drafting approach adopted for most of the 26 Regulations is quite similar, with the exception of the Regulations in relation to Iran and the Democratic People's Republic of Korea, where prohibitions relating to technologies and the transfer of nuclear-related material are involved. This finding reinforces the Subcommittee's suggestion in its first report to adopt a model law approach. One option is to incorporate into the primary legislation (i.e. UNSO) all the provisions on enforcement powers and other key provisions which generally apply to all UN sanctions; and to set out in a Schedule to UNSO the targets and subjects of sanctions which may differ on each occasion.

22. The Administration accepts the rationale behind the Subcommittee's proposal, but points out that it is very difficult to devise "model clauses" under the UNSO since the specific details of the sanction measures generally vary from one UNSC sanction to another. For example, the specific targets of sanctions and the emphases on the types of arms to be subject to embargo may be different. There are also exceptions to "typical" sanctions, for example, when sanctions relating to the proliferation of nuclear materials are concerned.

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<sup>7</sup> See section 4(1) of the UNATMO.

### Timeliness of the Regulations

23. As revealed in **Appendix II**, there have been long time gaps, ranging from six months to over one year, between the HKSAR's receipt of MFA's instruction to implement UN sanctions and the gazettal of the relevant Regulations. For example, while the relevant instruction from the MFA was received in May 2003, the United Nations Sanctions (Iraq) (Amendment) Regulation 2004 was only gazetted in July 2004 (a time gap of more than one year). After taking up the subject with the Administration, the Subcommittee has observed shortened time gaps of one to three months in most cases. The relevant instruction from MFA was received in May 2005 and gazettal of the United Nations Sanctions (Sudan) (Amendment) Regulation 2005 was in July 2005 (a time gap of two months). In all sanctions regulations enacted since October 2007, the gap between receipt of MFA's instruction to implement a resolution and the enactment of the regulation has consistently been less than three months. Recent cases which entail longer time gaps usually involved the imposition of sanctions on a new place, such as the United Nations Sanctions (Lebanon) Regulation and the United Nations Sanctions (Democratic People's Republic of Korea) Regulation.

24. The Subcommittee considers that the use of a model law is conducive to improving efficiency in the Administration's preparation of draft regulations and in Members' scrutiny. The Administration does not share this view and is concerned that even longer time may be required for checking the extent to which new UNSC resolutions deviate from "model clauses", given that there are often variations in the detailed wording of the resolutions. Notwithstanding the Administration's emphasis on the need for speedy action, the Subcommittee finds that the existing arrangement does not render the regulation-making process more expeditious. In response to members' concern about the long time taken to make and gazette the Regulations, the Administration has advised that it has endeavoured to expedite the process through more streamlined arrangements and deploying dedicated officers in the Department of Justice to deal with the subject.

### **Concluding observations of the Subcommittee**

25. The Subcommittee notes that the implementation of UN sanctions in Hong Kong is a matter of foreign affairs over which the CPG has sole responsibility. It is also fully aware of the need for HKSAR to implement such sanctions in fulfilment of CPG's international obligations to the UN. The fundamental concern of members is whether the current form or legislative approach as enshrined in UNSO is the proper and most appropriate vehicle to give effect to the instructions issued by MFA to implement UN sanctions. Some members of the Subcommittee and the Administration hold different views on the constitutionality or otherwise of section 3(5) of UNSO, which provides that the regulations made under section 3(1) are not subject to positive or negative vetting by LegCo. The reservation maintained by these members is mainly based on the findings arising from their past study, which are recapitulated as follows:

- (a) A comparative study of four Ordinances enacted to implement international obligations<sup>8</sup> reveals a variety of modalities being adopted. However, the UNSO is unique in that its subsidiary legislation is entirely excluded from LegCo's scrutiny, whether by way of the positive or negative vetting procedure.
- (b) Section 3(5) of the UNSO may have deprived LegCo of its constitutional role in making laws. The Subcommittee has exchanged views extensively with the Administration on whether it is proper for LegCo to have delegated such regulation-making power to the executive government under the principle of separation of powers enshrined in the Basic Law. Members attach great importance to the constitutionality of the current arrangement, as the regulations made under UNSO may be challenged as being legally ineffective if the statutory basis on which they have been made is unconstitutional.
- (c) Not all members have subscribed to the Administration's argument that the pre-handover arrangement for implementing UN sanctions has applied in Hong Kong after the handover based on the so-called "doctrine of continuity". The two systems are very different in that before the handover in 1997, the Orders in Council took effect in Hong Kong as UK legislation, whereas after the handover, regulations are made under the UNSO, which is domestic legislation.

#### Specific suggestions for improvement

26. It is the Subcommittee's common view that even on the assumption that the existing arrangement under UNSO is constitutional and consistent with the Basic Law, improvement to the existing regulation-making process is desirable to enhance transparency, accountability and compliance with the due process in enacting legislation. With a view to providing LegCo a role in the process, the Subcommittee has put forward the following suggestions :

- (a) The Administration should consult the appropriate LegCo Panel before deciding whether the implementation of a UN sanction should be by way of an independent bill or by making regulations under UNSO. If the Administration decides that the latter option is to be taken, it should provide a copy of the draft regulation to the Panel on Commerce and Industry and seek Members' views thereon. When finalizing the draft regulation for onward submission to the Office of the Commissioner of the MFA in HKSAR, the Administration should take into account the views and concerns expressed by LegCo

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<sup>8</sup> The four Ordinances are the Fugitive Offenders Ordinance (Cap. 503), Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525), United Nations Sanctions Ordinance (Cap. 537) and United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575). Key provisions of the four Ordinances are set out in Appendix VII of the Subcommittee's first report at LC Paper No. CB(1)1587/06-07.



Members.

- (b) If a regulation is made under UNSO, after gazettal, it will be considered by the House Committee in accordance with the normal procedure of dealing with subsidiary legislation, under which members may decide to set up a subcommittee to examine the regulation in question.

27. The suggested improvements vis-à-vis the existing major steps in the regulation-making process are set out in the flowchart in **Appendix III**. The Administration has expressed reservation on the suggestion of consulting the relevant Panel on the draft regulation prepared under the UNSO on the grounds that the time-critical nature of the UN sanctions requires their prompt implementation. It is concerned that adding further steps to the process would result in delay. In highlighting the importance of legislative oversight as part of the due process in enacting legislation, members consider that scrutiny by LegCo does not necessarily result in delay, as evidenced in past urgent scrutiny of legislative proposals. On the contrary, input by LegCo would render the legislative process more accountable and compliant with the due process.

#### The proposed way forward

28. Given that the Administration has expressed reservation on taking on board the Subcommittee's suggestions, the Subcommittee would recommend putting in place a mechanism comprising the following courses of action :

- (a) It was at the request of the Subcommittee that the Administration has, since October 2004, provided an explanatory paper comparable to a LegCo Brief in respect of each gazetted Regulation. To facilitate scrutiny by LegCo, the Subcommittee considers that where practicable, the following additional information should be included in the LegCo Brief :
  - (i) the reasons for the Administration's decision to implement the UN sanctions in question by way of Regulations made under the UNSO, instead of by way of applying or amending existing legislation (such as the UNATMO) or by the enactment of a new piece of legislation;
  - (ii) the date when the Administration finalized and forwarded the draft Regulation to CPG for endorsement;
  - (iii) the date when the draft Regulation was endorsed by CPG;
  - (iv) whether there was any matter which was different from the provisions on enforcement powers and other key provisions which generally applied to all UN sanctions; and

- (v) any other information relevant to the gazetted Regulation.
- (b) A dedicated subcommittee should be set up under the House Committee to deal with Regulations made under the UNSO. Under this standing arrangement, it is envisaged that in future, gazetted Regulations will be considered by Members at meetings of the House Committee, and where necessary, the Regulation(s) will be referred to the dedicated subcommittee for further scrutiny.

29. The Administration notes the Subcommittee's request for more information to be provided in the LegCo Brief in respect of each gazetted Regulation and has agreed to consider the extent to which it can provide such information. The Administration has no objection to the proposed setting up of a subcommittee to scrutinize the regulations made and gazetted under the UNSO and recognizes the importance of keeping LegCo informed of matters relating to the implementation of UN sanctions under the UNSO. After gazettal of the regulations, if LegCo Members consider that amendments are needed, the Administration has advised that it would be open to discussion of the need for such amendments. It has also undertaken to continue to consider other viable ways to ensure that LegCo is kept informed of the process of implementing UN sanctions.

#### **ADVICE SOUGHT**

30. Members are invited to note the deliberations of the Subcommittee; and to endorse the Subcommittee's recommendations to put in place a mechanism comprising the courses of action as set out in **paragraph 28(a) and (b)** above.

Council Business Division 1  
Legislative Council Secretariat  
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**A summary of the Subcommittee's main findings in its first report  
and the Administration's comments thereon**

**The question of "vires"**

While "sanction" is defined under section 2(1) of UNSO as including economic, trade and arms embargoes and other mandatory measures decided by UNSC implemented against a "place" outside the People's Republic of China (PRC), the Subcommittee has noted that at least seven of the Regulations gazetted since July 2004 were targeted at persons, undertakings or entities, and not at a place or a territory. Concern has been raised as to whether such Regulations are ultra vires of the primary legislation. According to the Administration, it would be too restrictive to view sanctions against a place in isolation from the persons/entities operating there or having a connection with that place. It considers that sanctions against a "place" comprehend the activities or conduct of individuals or entities in the place.

**Disclosure of the instructions issued by the Ministry of Foreign Affairs (MFA)  
to the Chief Executive (CE)**

2. On whether the MFA's instructions can be disclosed to the legislature for reference, the Administration remains of the view that such instructions are internal documents and should not be disclosed.

**Giving effect to MFA's instructions in relation to sanctions**

3. The Subcommittee notes that the implementation of UN sanctions in HKSAR is a matter of discharging PRC's international obligation to UN, which is a matter of foreign policy over which the Central People's Government (CPG) has sole responsibility. Notwithstanding, the Subcommittee has noted that the actual method of implementation is a decision for the HKSAR Government.

4. However, a salient point highlighted in the Administration's response to the Subcommittee's report, which has not been mentioned in its previous written information nor during past meetings, is that the entire set of draft regulation (including implementation details) is submitted to CPG for approval before the legislative process under section 3(1) of UNSO commences. The Administration considers that since the entire set of relevant regulation is part and parcel of the instruction given by CPG, there is no room for amendment by LegCo.

## **Removal of vetting by LegCo of subsidiary legislation**

5. Members are gravely concerned that section 3(5) of UNSO may have deprived LegCo of its constitutional role in scrutinizing and, where necessary, amending subsidiary legislation. The Regulations made under UNSO may be challenged as being legally ineffective if the statutory basis on which they have been made is unconstitutional. The Administration's view is that the Basic Law does not prohibit the delegation of law-making power and that the disapplication of sections 34 and 35 of IGCO in the scrutiny of subsidiary legislation predated 1 July 1997.

## **Timeliness of implementation**

6. On the need for timely implementation of UN sanctions, the Subcommittee has noted the undesirable situation of long time gaps between the passing of the relevant resolutions by UNSC and the gazettal of some of the Regulations. In response, the Administration has made endeavours to expedite the process, such as more streamlined arrangements and dedicated officers in the Department of Justice to deal with the subject. Some recently gazetted Regulations of average complexity have a shorter time gap of one to two months between the receipt of MFA instructions and the gazettal of the Regulations.

## **Suggested alternative approaches**

7. Having conducted a comparative study on three other Ordinances<sup>1</sup> which also implement international obligations, the Subcommittee has suggested that consideration be given to incorporating into the primary legislation (i.e. UNSO) all the provisions on enforcement powers and other key provisions which generally apply to all UN sanctions, and to make reference to the existing arrangements for Hong Kong to enter into bilateral agreements with other countries in relation to fugitive offenders and mutual legal assistance in criminal matters. The Administration considers that the suggestion may not be feasible as it is not possible to devise standard clauses for incorporation into the primary legislation. There can also be no question of repealing regulations made under section 3(1) of UNSO as they are to implement the directives issued by CPG in respect of foreign affairs.

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<sup>1</sup> They are the Fugitive Offenders Ordinance (Cap. 503), Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) and United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575).

**Analysis of the Regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537)**  
**(since July 2004 and up to 13 May 2008)**

Congo

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council [Date of expiry] (expiry of regulation)</b>	<b>Remarks</b>
1. United Nations Sanctions (Democratic Republic of the Congo) Regulation	4 March 2005 (L.N. 27 of 2005)	August 2004	Resolution 1552 of 27 July 2004 [31 July 2005] and Resolution 1493 of 28 July 2003 [27 July 2004]  (31 July 2005)	<ul style="list-style-type: none"> <li>- to implement UNSCR1522 to impose prohibitions against – <ul style="list-style-type: none"> <li>(a) provision of arms and related material to Congolese and other related armed groups;</li> <li>(b) provision of advice, assistance or training related to military activities to the aforesaid groups.</li> </ul> </li> <li>- the provisions are largely the same as the 2005 Liberia Regulations.</li> </ul>
2. United Nations Sanctions (Democratic Republic of the Congo) (Amendment) Regulation 2005	8 July 2005 (L.N. 123 of 2005)	May 2005	Resolution 1596 of 18 April 2005	<ul style="list-style-type: none"> <li>- to amend L.N. 27 of 2005 after UNSC reviewed the situations in Congo, and adopted a new UNSCR1596;</li> <li>- the Amendment Regulation- <ul style="list-style-type: none"> <li>(a) replace "person connected with Congo" with the new term of "person in the territory of the Democratic Republic of the Congo";</li> </ul> </li> </ul>

Regulation	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council <i>[Date of expiry]</i> (expiry of regulation)	Remarks
				<ul style="list-style-type: none"> <li>(b) amend the requirements for the granting of licences for supply of prohibited goods (arms and weapons) and the provision of certain assistance or training;</li> <li>(c) impose new sanctions to prohibit the making available of funds or assets or resources to certain persons or entities and prohibit the entry into or transit through Hong Kong of certain persons.</li> <li>(d) Impose new sanctions to prohibit against entry or transit by certain persons.</li> <li>(e) Amend the conditions for licensing for supply, delivery or carriage of prohibited goods and the provision of certain assistance or training (which are similar to other regulations).</li> <li>(f) Empower the CE to specify a person or entity as "relevant person" or "relevant entity".</li> </ul>
3. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2005	28 October 2005 (L.N. 192 of 2005)	September 2005	Resolution 1616 of 29 July 2005 <i>[31 July 2006]</i>	<ul style="list-style-type: none"> <li>- to renew the provisions of L.N. 123 of 2005, which expired on 31 July 2005.</li> <li>- the provisions are similar to those of in L.N. 27 of 2005 as amended by L.N. 123 of 2005.</li> </ul>

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council [Date of expiry] (expiry of regulation)</b>	<b>Remarks</b>
4. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2006	17 November 2006 (L.N. 257 of 2006)	August 2006	Resolution 1698 of 31 July 2006 <i>[31 July 2007]</i>	<ul style="list-style-type: none"> <li>- to replace the 2005 Regulation, which expired on 31 July 2006, with provisions largely the same as the 2005 Regulation;</li> <li>- to provide for the further implementation of the following prohibitions – <ul style="list-style-type: none"> <li>(a) provision of arms and related materials to persons in Congo;</li> <li>(b) provision of assistance, advice or training related to military activities;</li> <li>(c) making available of funds, assets or resources for certain persons or entities;</li> <li>(d) entry into or transit through Hong Kong of certain persons.</li> </ul> </li> </ul>
5. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2008	25 January 2008 (L.N. 17 of 2008)	December 2007	Resolution 1771 of 10 August 2007 <i>[15 February 2008]</i>	<ul style="list-style-type: none"> <li>- to replace the 2006 Regulation which expired at midnight on 31 July 2007 with provisions similar to the 2006 Regulation;</li> <li>- to provide for the further implementation of the following prohibitions- <ul style="list-style-type: none"> <li>(a) unauthorised supply, delivery, carriage of arms or related materials to Congo;</li> <li>(b) provision of advice, assistance or training related to military activities to persons in Congo in certain circumstances;</li> </ul> </li> </ul>

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i> (expiry of regulation)</b>	<b>Remarks</b>
				(c) making available funds, assets or resources to certain persons or entities; (d) entry into or transit through Hong Kong of certain persons.



<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
6. United Nations Sanctions (Côte d'Ivoire) Regulation	8 July 2005 (L.N. 122 of 2005)	December 2004	Resolution 1572 of 15 November 2004 <i>[14 December 2005]</i>	<ul style="list-style-type: none"> <li>- to implement the following prohibitions – <ul style="list-style-type: none"> <li>(a) the sale and supply of arms and related materials to Côte d'Ivoire;</li> <li>(b) the provision of advice, assistance, or training related to military activities in certain circumstances;</li> <li>(c) making available to or for the benefits of certain persons or entities, assets, resources, etc; and</li> <li>(d) entry into or transit through HKSAR of certain persons</li> </ul> </li> <li>- the terms of the sanctions are largely the same as the Liberia and Congo regulations.</li> </ul>
7. United Nations Sanctions (Côte d'Ivoire) Regulation 2006	17 March 2006 (L.N. 59 of 2006)	January 2006	Resolution 1643 of 15 December 2005 and resolution 1572 of 15 November 2004 <i>[The definitions in section 2 of the Regulation, other than the definitions of "authorized officer", "Security Council" and</i>	<ul style="list-style-type: none"> <li>- to renew the sanctions imposed by the 2005 Regulation (item 6), which expired on 14 December 2005 and to impose an additional sanctions of prohibition against the importation of rough diamonds from Côte d'Ivoire.</li> <li>- to replace the expired provisions in the 2005 Regulation with similar provisions.</li> </ul>

Regulation	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council <i>[Date of expiry]</i>	Remarks
			<i>"ship", sections 3,4,5,6,7,8,10 and 11, parts 3,4,and 5 and sections 36(2) and 37 expire at midnight on 15 December 2006]</i>	
8. United Nations Sanctions (Côte d'Ivoire) Regulation 2007	27 April 2007 (L.N. 64 of 2007)	March 2007	Resolution 1727 of 15 December 2006 <i>[31 October 2007]</i>	<ul style="list-style-type: none"> <li>- to implement UNSCR 1727, adopted on 15 December 2006, renewing paragraphs 7 to 12 of UNSCR 1572 and paragraph 6 of UNSCR1642, which include- <ul style="list-style-type: none"> <li>(a) prohibition against the provision of arms or related materials to Côte d'Ivoire;</li> <li>(b) prohibition against the provision of advice, assistance or training related to military activities in certain circumstances;</li> <li>(c) prohibition against making available of funds, assets or resources to certain persons or entities;</li> <li>(d) prohibition against entry into or transit through Hong Kong of certain persons; and</li> <li>(e) prohibition against the importation of rough diamond.</li> </ul> </li> <li>- the provisions of the 2007 Regulation is largely the same as those in the 2006 Regulation.</li> </ul>

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
9. United Nations Sanctions (Côte d'Ivoire) Regulation 2006 (Repeal) Regulation	27 April 2007 (L.N. 65 of 2007)	--	--	- to repeal the 2006 Regulation (item 12)
10. United Nations Sanctions (Côte d'Ivoire) Regulation 2008	25 January 2008 (L.N. 16 of 2008)	November 2007	Resolution 1782 of 29 October 2007 <i>[31 October 2008]</i>	<ul style="list-style-type: none"> <li>- to provide for the further implementation of the following prohibitions- <ul style="list-style-type: none"> <li>(a) unauthorised supply, delivery and carriage of arms or related materials to Côte d'Ivoire;</li> <li>(b) provision of advice, assistance or training related to military activities to persons in Côte d'Ivoire in certain circumstances;</li> <li>(c) making available funds, assets or resources to certain persons or entities;</li> <li>(d) importation of rough diamonds from Côte d'Ivoire; and</li> <li>(e) entry into or transit through Hong Kong of certain persons.</li> </ul> </li> <li>- to replace the 2007 Regulation, which expired at midnight on 31 October 2007 with similar provisions.</li> </ul>

Liberia

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
11. United Nations Sanctions (Liberia) Regulation 2004	3 December 2004 (L.N. 198 of 2004)	July 2004	Resolution 1521 of 22 December 2003 <i>[21 December 2004]</i>	<ul style="list-style-type: none"> <li>- UNSCR1521 terminated certain sanctions imposed by UNSCR1341 and 1478;</li> <li>- the 2004 Regulation renewed the existing prohibitions against:               <ul style="list-style-type: none"> <li>(a) supply of arms and related materials to Liberia;</li> <li>(b) provision of certain technical advice, assistance or training to Liberia;</li> <li>(c) importation of round logs and timber originating in Liberia;</li> <li>(d) entry to or transit through Hong Kong of certain former officials of Liberia.</li> </ul> </li> </ul>
12. United Nations Sanctions (Liberia) Regulation 2005	10 June 2005 (L.N. 94 of 2005)	July 2004 for Resolution 1532 and January 2005 for Resolution 1579	Resolution 1532 of 12 March 2004 and Resolution 1579 of 21 December 2004 <i>[Section 10 expired on 20 June 2005, sections 3, 4, 5, 6, 7, 11, 12, 13, 14, 15 and part 5 expired on 20 December 2005]</i>	<ul style="list-style-type: none"> <li>- in relation to UNSCR1579, the 2005 Regulation renewed the measures on               <ul style="list-style-type: none"> <li>(a) arms and travel;</li> <li>(b) timber;</li> <li>(c) diamond;</li> </ul> </li> <li>- UNSCR1532 imposes the new sanction (section 8) in relation to financial assets owned or controlled by the former Liberian President or</li> </ul>

Regulation	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council <i>[Date of expiry]</i>	Remarks
				<p>other designated personnel. There is no expiry date for this new section.</p> <p>- the provisions of the 2005 Regulation are largely the same as the 2004 Regulation.</p>
<p>13. United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2005</p>	<p>28 October 2005 (L.N. 193 of 2005)</p>	<p>September 2005</p>	<p>Resolution 1607 of 21 June 2005 <i>[20 December 2005]</i></p>	<p>- to renew the prohibition against importation of rough diamonds for 6 months as provided in L.N. 94 of 2005 (item 5), which expired on 20 June 2005 by adding a new section 10A to replace the expired section 10 in the 2005 Regulation. The new section 10A is in identical terms with the expired provision.</p>
<p>14. United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2006</p>	<p>17 March 2006 (L.N. 58 of 2006)</p>	<p>January 2006</p>	<p>Resolution 1647 of 20 December 2005 and resolution 1521 of 22 December 2003 <i>[Sections 10B and 11A of the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2006 expire at midnight on 19 June 2006; and the following provisions expire at midnight on 19 December 2006 :</i></p>	<p>- the Amendment Regulation replaces the expired provisions of the 2005 Regulation with similar provisions.</p>

Regulation	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council <i>[Date of expiry]</i>	Remarks
			<p><i>the definitions of "commander", "Commissioner", "master", "operator", "owner", "person connected with Liberia" and "prohibited goods" in section 2; paragraphs (a) and (b) of the definition of "licence" in section 2; sections 3A, 4A, 5A, 6A, 7A, 12A, 13A, 14A and 15A; Part 5A; the Schedule]</i></p>	
<p>15. United Nations Sanctions (Liberia) Regulation 2005 (Amendment) (No.2) Regulation 2006</p>	<p>15 September 2006 (L.N. 188 of 2006)</p>	<p>July 2006</p>	<p>Resolution 1683 of 13 June 2006 and resolution 1689 of 20 June 2006 <i>[Section 10C of the Regulation expires on 19 December 2006]</i></p>	<ul style="list-style-type: none"> <li>- to implement UNSCR 1683 and 1689 by amending the 2005 Regulation.</li> <li>- UNSCR 1683 exclude the provisions of weapons and ammunition as restricted by UNSCR1521 to the Liberian police and armed forces, and Special Security Service.</li> <li>- UNSCR1689 renewed the measures in relation to diamonds imposed by paragraph 6 of UNSCR1521 for 6 months.</li> <li>- a new section 10C regarding prohibition of importation of diamond is introduced to replace</li> </ul>

Regulation	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council <i>[Date of expiry]</i>	Remarks
				<p>the expired prohibition.</p> <ul style="list-style-type: none"> <li>- section 14A and 15A were amended by adding provisions for application of licence for the provision of weapons and ammunitions, and technical assistance or training, to Liberian police and security forces who have been vetted and trained.</li> </ul>
16. United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2007	27 April 2007 (L.N. 66 of 2007)	March 2007	Resolution 1731 of 20 December 2006 <i>[Section 10D of the United Nations Sanctions (Liberia) Regulation 2005 expires at midnight on 19 June 2007; and the following provisions expire at midnight on 19 December 2007 : the definitions of "arms and related material", "commander", "Commissioner", "master", "operator", "person connected with Liberia", "prohibited goods" and "Resolution 1731" in section 2; paragraphs (a) and (b) of the definition of</i>	<ul style="list-style-type: none"> <li>- to renew certain sanctions implemented through Amendment Regulation 2006 with provisions similar to the Amendment Regulation 2006, which include – <ul style="list-style-type: none"> <li>(a) prohibition against the provision of arms and related materials to Liberia;</li> <li>(b) prohibition against the provision of technical training or assistance related to provision, manufacture, maintenance or use of arms or related materials;</li> <li>(c) prohibition against the importation of rough diamonds from Liberia;</li> <li>(d) prohibition against entry into or transit through Hong Kong of certain persons.</li> </ul> </li> </ul>

Regulation	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council <i>[Date of expiry]</i>	Remarks
			<i>"licence" in section 2; sections 3B, 5B, 7B, 12B, 13B, 14B and 15B; Part 5B]</i>	
17. United Nations Sanctions (Liberia) Regulation 2005 (Amendment) (No.2) Regulation 2007	15 June 2007 (L.N. 121 of 2007)	May 2007	Resolution 1753 of 27 April 2007	- to amend Amendment Regulation 2007 by repealing the restriction of importation of rough diamonds from Liberia.
18. United Nations Sanctions (Liberia) Regulation 2008	14 March 2008 (L.N. 57 of 2008)	January 2008	Resolution 1792 of 19 December 2007 <i>[The following provisions expire at midnight on 18 December 2008 : the definitions of "arms and related material", "commander", "Commissioner", "master", "operator", "person connected with Liberia", "prohibited goods", "Resolution 1792" and "UNMIL" in section 2; paragraphs (a) and (b) of the definition of "licence" in section 2; sections</i>	<ul style="list-style-type: none"> <li>- L.N. 57 renewed the implementations of the following prohibitions- <ul style="list-style-type: none"> <li>(a) provision of arms and related materials to Liberia or persons connected with Liberia;</li> <li>(b) provision of technical training or assistance related to the provision, manufacture, maintenance or use of arms or related material to persons connected with Liberia;</li> <li>(c) entry into or transit through Hong Kong by certain persons</li> <li>(d) making available of funds, assets and resources to certain persons and entities.</li> </ul> </li> <li>- the provisions are largely the same as the 2005 Regulation, as amended by other regulations.</li> </ul>



<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
			<i>3,4,5,7,8,9 and 10; Part 5]</i>	<ul style="list-style-type: none"> <li>- 2 new categories of persons were added to "person connected with Liberia" in section 2.</li> <li>- "relevant person" and "relevant entity" are simplified.</li> </ul>
19. United Nations Sanctions (Liberia) Regulation 2005 (Repeal) Regulation	14 March 2008 (L.N. 58 of 2008)	January 2008	<i>[Consequential to the making of the United Nations Sanctions (Liberia) Regulation 2008, there is no need for Cap. 537 sub. leg. X, which is therefore repealed by this Regulation]</i>	- L.N. 58 repeals the 2005 Regulation, which expired on 19 December 2007.

Sudan

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
20. United Nations Sanctions (Sudan) Regulation	1 April 2005 (L.N. 45 of 2005)	August 2004	Resolution 1556 of 30 July 2004	<ul style="list-style-type: none"> <li>- to implement UNSCR1556 by imposing prohibitions against –               <ul style="list-style-type: none"> <li>(a) sale or supply of arms and related materials to non-governmental entities to North, South and West Darfur;</li> <li>(b) provision of technical assistance or training to the aforesaid entities or individuals.</li> </ul> </li> <li>- the terms of the Regulation is similar to those made for Liberia, Congo.</li> </ul>
21. United Nations Sanctions (Sudan) (Amendment) Regulation 2005	8 July 2005 (L.N. 124 of 2005)	May 2005	Resolution 1591 of 29 March 2005	<ul style="list-style-type: none"> <li>- the Amendment Regulation-               <ul style="list-style-type: none"> <li>(a) amends the definition of "person connected with Darfu" with the new term of "person connected with Sudan";</li> <li>(b) amends the requirements for the granting of licences for supply of prohibited goods (arms and weapons) and the provision of certain assistance or training;</li> <li>(c) imposes new sanctions to prohibit the making available of funds or assets or resources to certain persons or entities and prohibit the entry into or transit through</li> </ul> </li> </ul>

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council</b> <i>[Date of expiry]</i>	<b>Remarks</b>
				<p>Hong Kong of certain persons.</p> <ul style="list-style-type: none"> <li>- the new sanctions imposed are in similar terms with those made for Liberia, Congo.</li> </ul>

## Iran

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council [Date of expiry]</b>	<b>Remarks</b>
22. United Nations Sanctions (Iran) Regulation	28 September 2007 (L.N. 179 of 2007)	January and April 2007	Resolutions 1737 of 23 December 2006 and 1747 of 24 March 2007	<ul style="list-style-type: none"> <li>- to implement the following prohibitions- <ul style="list-style-type: none"> <li>(a) provision of certain items, material, equipment, goods or technologies to Iran;</li> <li>(b) procurement of certain arms or related materials, items or equipment from Iran;</li> <li>(c) provision or transfer of certain assistance, training, services or resources to Iran; and</li> <li>(d) making available of fund, assets, or resources to certain persons or entities.</li> </ul> </li> <li>- the provisions of the Iran Regulation are similar to those of the North Korea regulation.</li> </ul>
23. United Nations Sanctions (Iran) (Amendment) Regulation 2008	9 May 2008 (L.N. 111 of 2008)	March 2008	Resolution 1803 of 3 March 2008	<ul style="list-style-type: none"> <li>- additional sanctions of prevention of the entry into or transit (except in certain specified circumstances) through State's territories of individual designated in Annex II to Resolution 1803 as well as of additional persons designated by UNSC or the Committee established by paragraph 18 of Resolution 1737 (the Committee) should apply;</li> <li>- extension of</li> </ul>

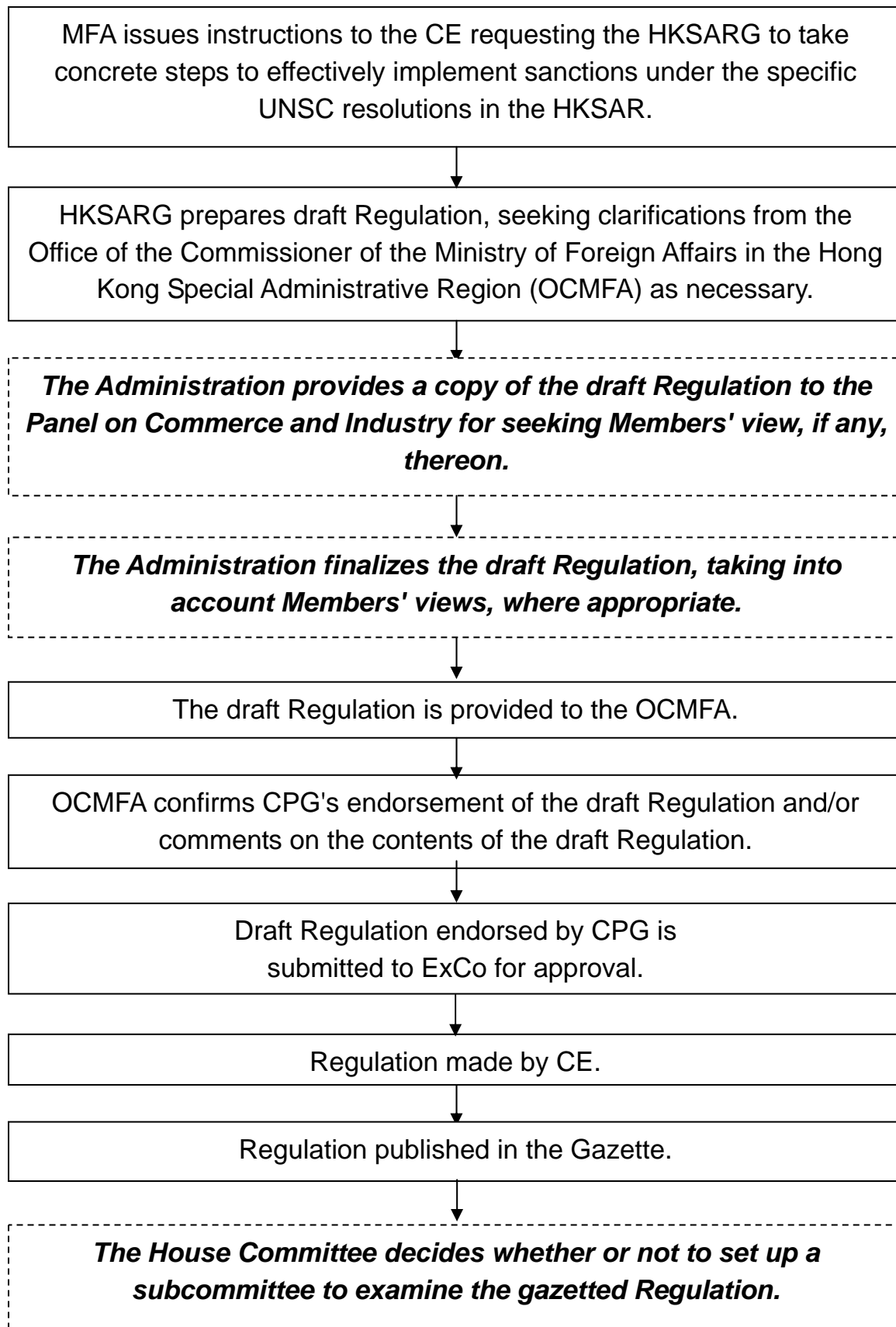
<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
				<p>(a) the financial measures specified in paragraphs 12 to 15 of Resolution 1737 to the persons and entities listed in Annexes I and III to Resolution 1803, those acting on their behalf or owned or controlled by them, and other persons or entities as determined by UNSC or the Committee; and</p> <p>(b) the prohibition of sale, supply or transfer (with some exceptions) to Iran of nuclear-related material to all items, materials, equipment, goods and technology set out in INFCIRC/254/Rev. 7/Part 2 of document S/2006/814 and in 19.A.3 of Category II of document S/2006/815.</p>

Other countries

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
24. United Nations Sanctions (Iraq) (Amendment) Regulation 2004	9 July 2004 (L.N. 132 of 2004)	May 2003	Resolution 1483 of 22 May 2003	<ul style="list-style-type: none"> <li>- to lift all prohibitions related to trade with Iraq contained in paragraph 10 of UNSCR1483;</li> <li>- the prohibition related to the sale or supply to Iraq of arms and related materials, except those required by USA and UK as occupying powers, shall continue to apply.</li> <li>- the provisions in the regulation are similar to those in the Liberia Regulation.</li> </ul>
25. United Nations Sanctions (Lebanon) Regulation	19 January 2007 (L.N. 8 of 2007)	August 2006	Resolution 1701 of 11 August 2006	<ul style="list-style-type: none"> <li>- to provide for the implementation of the following prohibitions –               <ul style="list-style-type: none"> <li>(a) provision of arms and related materials to any entity or individual in Lebanon;</li> <li>(b) provision of technical training or assistance related to the provision, manufacture, maintenance or use of arms or related materials to any entity or individual.</li> </ul> </li> <li>- the terms are similar to other regulations made for Liberia, Congo, etc.</li> </ul>

<b>Regulation</b>	<b>Date of gazettal</b>	<b>Date of receipt of instruction from the Ministry of Foreign Affairs</b>	<b>Resolution of the United Nations Security Council <i>[Date of expiry]</i></b>	<b>Remarks</b>
26. United Nations Sanctions (Democratic People's Republic of Korea) Regulation	15 June 2007 (L.N. 120 of 2007)	November 2006	Resolution 1718 of 14 October 2006	<ul style="list-style-type: none"> <li>- to implement the following prohibitions – <ul style="list-style-type: none"> <li>(a) provision of arms or related materials, items or technology to the Democratic People's Republic of Korea (DPRK);</li> <li>(a) procurement of certain items from DPRK;</li> <li>(b) transfer of certain training, services, assistance or advice to or from DPRK;</li> <li>(c) making available of funds, assets or resources to certain persons or entities;</li> <li>(d) entry into or transit through Hong Kong of certain persons</li> </ul> </li> <li>- licensing is not available to most prohibitions.</li> </ul>

**Flow-chart of the Major Steps  
in the Sanctions Regulation-making Process under UNSO  
(with proposed improvements)**



  ***proposed improvements***