

立法會
Legislative Council

LC Paper No. CB(1)2727/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/HS/2/08

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

**Minutes of the ninth meeting
held on Monday, 4 April 2011 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Dr Hon Margaret NG (Chairman)
Hon LEE Cheuk-yan
Hon LAU Kong-wah, JP
Hon Cyd HO Sau-lan
Hon LEUNG Kwok-hung

**Public Officers
attending** : Agenda item II

Ms Linda LAI Wai-ming, JP
Deputy Secretary for Commerce and Economic
Development (Commerce and Industry)

Mr Raymond WU Wai-man
Principal Assistant Secretary for Commerce and
Economic Development (Commerce and Industry)

Ms Agnes CHEUNG Siu-hang
Senior Government Counsel (Treaties and Law)
Department of Justice

Ms Francoise LAM See-man
Senior Government Counsel
Department of Justice

Ms Angie LI Sau-lee
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms YUE Tin-po
Chief Council Secretary (1)3

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mr Joey LO
Senior Council Secretary (1)3

Action

I. Matters arising

(LC Paper No. CB(1)1773/10-11(01) -- Letter from Hon LEUNG Kwok-hung on application for late membership dated 23 March 2011
(*Chinese version only*)

LC Paper No. CB(1)1773/10-11(02) -- Letter from Hon LEE Cheuk-yan on application for late membership dated 24 March 2011
(*Chinese version only*)

The Chairman informed the meeting that Mr LEE Cheuk-yan and Mr LEUNG Kwok-hung had submitted late applications to join the Subcommittee. Members agreed to accept their late membership.

II. Meeting with the Administration

(LC Paper No. CB(1)2920/09-10(01) -- Administration's paper on United Nations Sanctions (Eritrea) Regulation

LC Paper No. CB(1)1086/10-11(01) -- Administration's paper on United Nations Sanctions (Côte d'Ivoire) Regulation 2011

- LC Paper No. CB(1)1086/10-11(02) -- Administration's paper on United Nations Sanctions (Arms Embargoes) Regulation (Repeal) Regulation and United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal) Regulation
- LC Paper No. CB(1)1723/10-11(01) -- Administration's paper on United Nations Sanctions (Democratic Republic of the Congo) Regulation 2011
- LC Paper No. CB(1)1723/10-11(02) -- Administration's paper on United Nations Sanctions (Iran) (Amendment) Regulation 2011
- LC Paper No. CB(1)1723/10-11(03) -- Administration's paper on United Nations Sanctions (Liberia) Regulation 2011 and the United Nations Sanctions (Liberia) Regulation 2010 (Repeal) Regulation
- LC Paper No. LS92/09-10(01) -- Report on subsidiary legislation gazetted on 24 September 2010 to the House Committee meeting on 8 October 2010
- LC Paper No. LS23/10-11 -- Report on subsidiary legislation gazetted on 14 January 2011 to the House Committee meeting on 21 January 2011
- LC Paper No. LS44/10-11 -- Report on subsidiary legislation gazetted on 25 March 2011 to the House Committee meeting on 1 April 2011

LC Paper No. CB(1)1254/10-11(01) -- Letter from the Legislative Council Secretariat to the Administration dated 20 January 2011
(*English version only*)

LC Paper No. CB(1)1254/10-11(02) -- Administration's response to LC Paper No. CB(1)1254/10-11(01))

2. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

3. The Subcommittee completed the study of the English version of the United Nations Sanctions (Eritrea) Regulation, United Nations Sanctions (Côte d'Ivoire) Regulation 2011, United Nations Sanctions (Arms Embargoes) Regulation (Repeal) Regulation, United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal) Regulation, United Nations Sanctions (Democratic Republic of the Congo) Regulation 2011, United Nations Sanctions (Liberia) Regulation 2011 and United Nations Sanctions (Liberia) Regulation 2010 (Repeal) Regulation.

4. The Assistant Legal Adviser was requested to examine the legal and drafting aspects of the Chinese version of the Regulations and to report irregularity, if any, to the Subcommittee.

Admin 5. The Administration was requested to:

- (a) provide copies of the Resolutions adopted by the United Nations Security Council (UNSC) in relation to sanctions against Libya;
- (b) advise whether any licences under Part 3 of the Regulations made under United Nations Sanctions Ordinance (UNSO) (Cap. 537) had ever been granted by the Chief Executive since the enactment of the UNSO on 18 July 1997;
- (c) provide the legal framework to implement the UNSC sanctions in Hong Kong against Iran between receipt of the instructions of the Ministry of Foreign Affairs and gazettal of the United Nations Sanctions (Iran)(Amendment) Regulation 2011, and advise whether any sanctions could not be implemented through existing laws during the said period;
- (d) provide brief description of the regulated prohibited items, the specified items and the specified prohibited items covered by the UNSC Resolution 1929 and the International Atomic Energy Agency document under the

United Nations Sanctions (Iran) (Amendment) Regulation 2011;

- (e) provide information on the types and nature of industrial machinery, equipment and machine part that were exported to Iran, and information on Hong Kong-based companies involved in trade with Iran, including those engaging in uranium business; and
- (f) provide a sample of the notifications issued by the Trade and Industry Department to the respective trade on UNSC resolutions in relation to sanctions.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)1929/09-10(02) on 18 April 2011.)

III. Any other business

Date of next meeting

6. The Subcommittee agreed that the next meeting would be held on 19 April 2011 at 4:30 pm to continue to study the United Nations Sanctions (Iran) (Amendment) Regulation 2011.

7. There being no other business, the meeting ended at 4:26 pm.

Council Business Division 1
Legislative Council Secretariat
19 July 2011

**Proceedings of the ninth meeting of
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions
on Monday, 4 April 2011 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000511 – 000731	Chairman Mr LAU Kong-wah Ms Cyd HO Mr LEUNG Kwok-hung Mr LEE Cheuk-yan	Opening remarks by the Chairman Mr LEUNG Kwok-hung's and Mr LEE Cheuk-yan's applications for late membership.	
000732 – 002700	Chairman Ms Cyd HO Administration	Meeting with the Administration Discussion on the timetable for the implementation of the United Nations (UN) sanctions against Libya in Hong Kong.	The Administration to follow up as stated in paragraph 5(a) of the minutes.
002701 – 004100	Chairman Ms Cyd HO Administration	<u>Briefing by the Administration on the United Nations Sanctions (Côte d'Ivoire) Regulation 2011 (LC Paper No. CB(1)1086/10-11(01))</u> Study of the English mark-up version of United Nations Sanctions (Côte d'Ivoire) Regulation 2011. <u>Briefing by the Administration on the United Nations Sanctions (Arms Embargoes) Regulation (Repeal) Regulation and United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal) Regulation (LC Paper No. CB(1)1086/10-11(02))</u> Study of the English version of United Nations Sanctions (Arms Embargoes) Regulation (Repeal) Regulation and United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal) Regulation. <u>Briefing by the Administration on the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2011 (LC Paper No. CB(1)1723/10-11(01))</u> Study of the English version of United Nations Sanctions (Democratic Republic of the Congo) Regulation 2011.	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Briefing by the Administration on the United Nations Sanctions (Liberia) Regulation 2011 and United Nations Sanctions (Liberia) Regulation 2010 (Repeal) Regulation (LC Paper No. CB(1)1723/10-11(03)</u></p> <p>Study of the English version of United Nations Sanctions (Liberia) Regulation 2011 and United Nations Sanctions (Liberia) Regulation 2010 (Repeal) Regulation.</p>	
004101 – 0011020	Chairman Ms Cyd HO Asistant Legal Advisor (ALA) Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Eritrea) Regulation (LC Paper No. CB(1)2920/10-11(01)</u></p> <p>Study of the English version of United Nations Sanctions (Eritrea) Regulation.</p> <p><u>Section 1. Interpretation</u></p> <p>Discussion on the definition of "persons connected with Eritrea".</p> <p><u>Section 4. Prohibition against provision of certain assistance or training</u></p> <p>Discussion on the difference in definition and in sanction between "persons connected with Eritrea" and "designated person".</p> <p><u>Section 10. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities</u></p> <p>Discussion on whether any licences under Part 3 of the Regulations made under United Nations Sanctions Ordinance (UNSO) (Cap. 537) had ever been granted by the Chief Executive since the enactment of the UNSO on 18 July 1997.</p> <p>Discussion on whether humanitarian organizations operating in Eritrea would be required to apply for the licences under Section 10.</p>	The Administration to follow up as stated in paragraph 5(b) of the minutes.
011021 – 012930	Chairman Ms Cyd HO ALA Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Iran) (Amendment) Regulation 2011 (LC Paper No. CB(1)1723/10-11(02)</u></p> <p>Discussion on the types and nature of industrial machinery, equipment and machine part that were exported to Iran.</p> <p>Discussion on the press report concerning the implementation of the UN sanctions against Iran in Hong</p>	The Administration to follow up as stated in paragraph 5(e) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>Kong.</p> <p>Discussion on the legal framework to implement the UNSC sanctions in Hong Kong against Iran between receipt of the instructions of the Ministry of Foreign Affairs and gazettal of the United Nations Sanctions (Iran)(Amendment) Regulation 2011, and whether any sanctions could not be implemented through existing laws during the said period.</p>	<p>The Administration to follow up as stated in paragraph 5(c) of the minutes.</p>
012931 – 015420	Chairman Ms Cyd HO Administration	<p><u>Study of the English mark-up version of United Nations Sanctions (Iran) (Amendment) Regulation 2011 (LC Paper No. CB(1)1723/10-11(02))</u></p> <p><u>Section 1. Interpretation</u></p> <p>Discussion on the definitions of regulated prohibited items, the specified items and the specified prohibited items covered by the UNSC Resolution 1929 and the International Atomic Energy Agency document under the United Nations Sanctions (Iran) (Amendment) Regulation 2011.</p> <p><u>Section 6. Prohibition against provision of certain training, services or assistance</u></p> <p>Discussion on whether any notifications would be issued by the Trade and Industry Department to the respective trade on UNSC resolutions in relation to sanctions.</p> <p><u>Section 8AA. Prohibition against sale and acquisition of interest in commercial activity involving uranium mining</u></p> <p>Discussion on whether the prohibition would cover the sale or making available of an interest in a specified commercial activity to a prohibited person by a specified person which happened outside Hong Kong.</p> <p>Discussion on Hong Kong-based companies involved in trade with Iran, including those engaging in uranium business.</p>	<p>The Administration to follow up as stated in paragraph 5(d) of the minutes.</p> <p>The Administration to follow up as stated in paragraph 5(f) of the minutes.</p> <p>The Administration to follow up as stated in paragraph 5(e) of the minutes.</p>
015421 – 015651	Chairman Administration	Meeting arrangement	

Council Business Division 1
Legislative Council Secretariat
19 July 2011