

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2987/10-11  
(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 eleventh meeting  
held on Wednesday, 20 July 2011 at 3:00 pm  
in Conference Room B of the Legislative Council Building**

**Members present** : Dr Hon Margaret NG (Chairman)  
Hon LEE Cheuk-yan  
Hon Cyd HO Sau-lan  
Hon LEUNG Kwok-hung

**Member absent** : Hon LAU Kong-wah, JP

**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

**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. Confirmation of minutes of meetings**

(LC Paper No. CB(1)2727/10-11 -- Minutes of meeting held on  
4 April 2011

LC Paper No. CB(1)2728/10-11 -- Minutes of meeting held on  
19 April 2011)

The minutes of the meetings held on 4 and 19 April 2011 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1)2642/10-11(01) -- Administration's paper on United  
Nations Sanctions (Libya)  
Regulation 2011

LC Paper No. CB(1)2642/10-11(02) -- Administration's paper on United  
Nations Sanctions (Côte d'Ivoire)  
(No. 2) Regulation 2011

LC Paper No. LS86/10-11 -- Report on subsidiary legislation  
gazetted on 30 June 2011 to the  
House Committee meeting on  
8 July 2011

LC Paper No. CB(1)2788/10-11(01) -- Map of the Hong Kong flight information region relating to the prohibitions under sections 11 and 12 of the United Nations Sanctions (Libya) Regulation 2011)  
(*English version only*)

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

3. The Subcommittee completed the study of the United Nations Sanctions (Libya) Regulation 2011 and the United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2011.

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 provide further information, if any, on the administrative procedures formulated by the Civil Aviation Department for implementation of the prohibition against aircraft taking off from or landing in HKSAR under sections 11 and 12 of the United Nations Sanctions (Libya) Regulation 2011.

*(Post-meeting note: The Administration already briefed the Subcommittee on the administrative procedures for implementing the prohibition against aircraft taking off from or landing in HKSAR under sections 11 and 12 of the United Nations Sanctions (Libya) Regulation 2011 at the meeting of 20 July. The position remains the same as explained at the meeting.)*

### **III. Any other business**

6. There being no other business, the meeting ended at 4:25 pm.

**Proceedings of the eleventh meeting of  
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of  
the United Nations Security Council in relation to Sanctions  
on Wednesday, 20 July 2011 at 3:00 pm  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000600 – 000742	Chairman Mr LEE Cheuk-yan	Opening remarks by the Chairman  Confirmation of minutes of meeting held on 4 April 2011 and 19 April 2011 (LC Paper Nos. CB(1)2727/10-11 and CB(1)2728/10-11).	
000743 – 005800	Chairman Ms Cyd HO ALA Administration	<p><b>Study of the English version of the United Nations Sanctions (Libya) Regulation 2011</b></p> <p>Discussion on whether it was conventional for United Nations Security Council (UNSC) Resolutions to indicate individual names in the annexes on travel ban and asset freeze.</p> <p><u>Section 6. Prohibition against procurement of certain items using ships, aircraft or vehicles</u></p> <p>Discussion on the definition of "person connected with Libya" in section 6(2)(b).</p> <p><u>Section 7. Prohibition against making available funds, etc. or dealing with funds, etc.</u></p> <p>Discussion on the definition of "first-mentioned person" in section 7(2)(b) and the Chinese version "首述人士".</p> <p>Discussion on the implementation of the asset freeze and travel ban under UNSC Resolution 1970 (2011) and 1973 (2011) in relation to sections 7 and 8 of the Regulation.</p> <p><u>Section 11. Prohibition against certain aircraft taking off from, landing in etc. HKSAR and Section 12. Prohibition against Libyan aircraft taking off from, landing in etc. HKSAR</u></p> <p>Discussion on the map of the Hong Kong flight information region relating to the prohibitions under sections 11 and 12 (LC Paper No. CB(1)2788/10-11(01)).</p> <p>Discussion on whether the annexes to the UNSC Resolutions should be incorporated into UN Sanctions Regulations to obviate the need for cross-referencing to the UNSC Resolutions.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration advised that it would not be flexible to do so as the contents of the annexes were subject to amendments from time to time by the Sanctions Committee established under paragraph 24(b) of UNSC Resolution 1970 (2011).</p> <p>Discussion on the administrative procedures formulated by the Civil Aviation Department for the implementation of the prohibition against aircraft taking off from or landing in HKSAR under sections 11 and 12.</p> <p>The Administration advised that if the Director-General of Civil Aviation (DGCA) received information that provided reasonable grounds for him to believe that an aircraft was one to which sections 11 and 12 applied, DGCA would deny permission for the aircraft to take off from or land in the HKSAR, unless for emergency landing. If the pilot of the aircraft ignored the DGCA's order, he would be arrested upon landing. In practice, the pilot would have great difficulty landing the aircraft if the Air Traffic Control Tower of Hong Kong International Airport refused to provide guidance to the aircraft. In the case of emergency landing, the Control Tower would maintain close liaison with the management of the Civil Aviation Department (CAD) on the handling of the incident. The CAD had been consulted on the drafting of the Regulation and was fully aware of the necessary procedures to follow under such circumstances. The CAD would be reminded to explain the Regulation to its staff again and put in place internal guidelines on the handling of such incidents.</p>	<p>The Administration to follow up as stated in paragraph 5 of the minutes.</p>
005801 – 010600	Chairman Ms Cyd HO Administration	<p><u>Section 16. Licence for flights into Libya</u></p> <p>Discussion on the administrative procedures and coordination mechanism for evacuation of foreign nationals from Libya under section 16(2) in accordance with the regional arrangements mentioned in paragraph 8 of UNSC Resolution 1973(2011).</p>	
010601 – 012446	Chairman Ms Cyd HO Mr LEUNG Kwok-hung Administration	<p><b>Study of the English mark-up version of the United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2011</b></p> <p><u>Section 9. Prohibition against entry or transit by certain persons</u></p> <p>Discussion on the model law approach.</p> <p>Discussion on the lead time required for implementing the</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		UNSC Resolutions in Hong Kong against Libya and Côte d'Ivoire between receipt of the instructions of the Ministry of Foreign Affairs and gazettal of the United Nations Sanctions Regulations.	

Council Business Division 1  
Legislative Council Secretariat  
6 September 2011