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Paper for the House Committee meeting on 25 June 2010

**Interim 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 reports on the progress of work of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions (the Subcommittee) formed under the House Committee on 1 December 2008.

Background

2. Prior to 1 July 1997, resolutions of the Security Council of the United Nations (UNSC) in relation to sanctions were implemented in Hong Kong by way of Orders in Council which were made by the United Kingdom Government and extended to Hong Kong. All such Orders in Council as applicable to Hong Kong lapsed at midnight on 30 June 1997. To put in place a mechanism to ensure the continued application and enforcement of UNSC sanctions in the Hong Kong Special Administrative Region (HKSAR), the United Nations Sanctions Ordinance (UNSO) (Cap. 537) was passed by the Provisional Legislative Council on 16 July 1997 and came into effect on 18 July 1997.

3. Pursuant to section 3(1) of the UNSO, the Chief Executive (CE) shall make regulations to give effect to the instructions of the Ministry of Foreign Affairs (MFA) of the People's Republic of China in relation to the implementation of sanctions as decided by the UNSC. It is also expressly provided in section 3(5) of the UNSO that sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to such regulations. Therefore, such regulations are not required to be laid before the Legislative Council (LegCo) and are not subject to its approval or amendment.

4. Under the current mechanism, when the UNSC makes a resolution regarding sanctions and calls on Member States including the People's Republic of China to enforce those sanctions, the MFA may issue instructions to CE to implement the sanctions specified in the resolutions and CE has to make regulations to give effect to such instructions. These regulations may prescribe penalties for breaches of provisions therein subject to the maximum limits prescribed in section 3(3) of the UNSO¹.

5. In the Third LegCo, a subcommittee was formed under the House Committee to examine the legal and constitutional issues arising from the current arrangements for implementing in Hong Kong resolutions of the UNSC in relation to sanctions by regulations made under section 3 of the UNSO. The subcommittee submitted a report to the House Committee on 20 June 2008 recommending, among others, the setting up of a dedicated subcommittee under the House Committee in the Fourth LegCo to deal with regulations made under the UNSO. Under this arrangement, future regulations made and gazetted under the UNSO would be considered by Members at the House Committee meetings, and where necessary, the regulations would be referred to the subcommittee for study.

The Subcommittee

6. In the Fourth LegCo, at the meeting of the House Committee on 7 November 2008, Members agreed in principle that a dedicated subcommittee should be set up in the light of the recommendations made by the previous Subcommittee. The Subcommittee was formed on 1 December 2008 under the Chairmanship of Dr Hon Margaret Ng to deal with regulations made under the UNSO and follow up the recommendations made by the previous Subcommittee. The membership list and the terms of reference of the Subcommittee are given in **Appendices I** and **II** respectively.

7. At the meeting of the House Committee on 20 November 2009 in the current session, Members agreed that given that regulations made under the UNSO would be submitted by the Government to LegCo from time to time, the Subcommittee should continue its work in the remaining sessions of the current term. The Subcommittee has held seven meetings with the Administration up to now.

¹ Regulations made under section 3(3) of the UNSO may prescribe that a contravention or breach thereof shall be punishable –

- (a) on summary conviction by a fine not exceeding \$500,000 and imprisonment for a term not exceeding 2 years;
- (b) on conviction on indictment by an unlimited fine and imprisonment for a term not exceeding 7 years.

Deliberations of the Subcommittee

8. Since 1 December 2008, the House Committee has referred to the Subcommittee a total of 13 Regulations made and gazetted under section 3(1) of the UNSO. In response to the request of the Subcommittee, the Administration has provided an explanatory brief in respect of each of these Regulations to provide more background information to facilitate the Subcommittee's discussion.

Legislative vehicle for implementation of UNSC sanctions

9. According to the Administration, MFA's instructions have not prescribed the specific vehicle to be used for implementing the UNSC sanctions. The actual method of implementation is a decision for the HKSAR Government. The Subcommittee shares the views of the previous Subcommittee that making regulations under section 3(1) of the 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).

10. The Administration has advised that the UNSO is purposefully enacted as a legislative framework for implementing UNSC sanctions, and regulations made under the UNSO should be the primary instrument for such purpose. The UNATMO specifically aimed at implementing UNSC Resolution 1373 and a number of international conventions as well as the recommendations of the Financial Action Task Force² of which Hong Kong, China is a member. The international instruments covered by the UNATMO seek to tackle terrorism and the financing of terrorism in a continuous manner, and are not "sanctions" against a place as such. Due to the differences in the nature of the subject matter involved and the time-critical nature of sanctions against places, the legislative approach under the UNATMO is not appropriate for implementing sanctions under the UNSO.

Dissemination of information on UNSC resolutions in relation to sanctions

11. In the course of examining the Regulations made under the UNSO, the Subcommittee has requested the Administration to explore with the Trade and Industry Department (TID) ways to disseminate information on UNSC resolutions in relation to sanctions to the respective trade as early as possible. The Administration has advised that in addition to issuing notices to promulgate new legislation or changes to legislation providing a link to the relevant legislation on TID's website, the Commerce and Economic Development Bureau will continue to liaise with TID to disseminate information on UNSC resolutions in relation to sanctions to respective trade and industry through routine channels (such as newsletter, regular meetings with industry bodies).

² Financial Action Task Force is an inter-governmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing.

12. The Subcommittee has acknowledged that the implementation of the UNSC resolution is a matter of foreign affairs, and that UNSC sanctions will only become relevant to Hong Kong upon the MFA's instruction on implementing the UNSC resolution in Hong Kong. The Subcommittee is of the view that the Administration should also inform the Panel on Commerce and Industry (CI Panel), as early as possible, of those UNSC sanctions which have direct relevance to and impact on trade and industry in Hong Kong.

13. The Administration has undertaken to inform both the Subcommittee and the CI Panel by way of an explanatory brief providing information on the relevant UNSC resolution, the trade relation between the country under sanction and Hong Kong, and the implications on the economy of Hong Kong.

Study of 13 Regulations gazetted since October 2008

14. During the period from December 2008 to May 2010, the Subcommittee has completed the study of 13 Regulations. Apart from briefings on the background of the Regulations, the Subcommittee has requested the Administration to provide mark-up copies of the Regulations showing any change in the drafting of the Regulations from the existing regulations to assist members to conduct clause-by-clause examination at the meetings. The Subcommittee has noted that most of the Regulations were drafted in similar terms, and a summary of the salient provisions of each Regulation is given in **Appendix III**.

Types of prohibition measures

15. The Subcommittee has found that the following are the more common subjects of prohibition as stipulated in the gazetted Regulations:

- (a) the supply, sale, transfer or carriage of arms or related materiel;
- (b) importation of certain goods (e.g. rough diamonds);
- (c) provision of advice, assistance or training related to military activities in certain circumstances;
- (d) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
- (e) entry into or transit through the HKSAR by certain persons.

Modal law approach

16. The Subcommittee has noted that while different sanction measures, targets and subjects of the sanctions may be formulated for different countries or places, the drafting approach adopted in most of the Regulations made under the UNSO is broadly similar. Some members agree with the previous Subcommittee that the use of a model law approach (or developing different models for different scenarios) is conducive to improving efficiency in the Administration's preparation and the Subcommittee's study of the Regulations. Such an approach will also facilitate understanding by the public.

17. The Administration has advised that while a model law approach can serve as a useful reference, the specific details of the sanction measures may differ in different resolutions, hence the wording is different. It may not therefore be possible to devise a standardized approach and "model clauses" that will be appropriate for universal adoption in all subsidiary legislation on UN sanctions.

United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Repeal) Regulation

18. In 1998 the UNSC adopted Resolution 1160 which prohibited the sale or supply of arms and related materiel to the former Federal Republic of Yugoslavia (FR Yugoslavia) as well as arming and training for terrorist activities in the former FR Yugoslavia. The United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub. leg. E) and the United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Cap. 537 sub. leg. H) were made respectively to implement such sanctions. In 2001, the UNSC adopted Resolution 1367 terminating the sanctions imposed under Resolution 1160.

19. The Subcommittee has noted that there is a long time gap between the passing of UNSC resolution 1367 in September 2001 and the gazettal of the United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Repeal) Regulation in October 2008 to implement resolution 1367. The Subcommittee has requested the Administration to provide the reason for such a long time gap if this happens again in future.

United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2008 and United Nations Sanctions (Côte d'Ivoire) Regulation 2010

20. The Subcommittee has noted that in view of Côte d'Ivoire continuing human rights violations against its civilians which threaten the peace process in the region, the UNSC adopted Resolution 1572 on 15 November 2004 to impose arms embargo on Côte d'Ivoire, travel ban and assets freeze of certain persons. The sanctions regime has been modified by UNSC Resolution 1643 in 2005, which imposes further prohibition on the import of rough diamonds from Côte d'Ivoire to prevent illicit trading and financing to armed forces through conflict diamonds.

The sanctions on Côte d'Ivoire were renewed by subsequent UNSC Resolutions, including Resolution 1842 adopted on 29 October 2008, and Resolution 1893 adopted on 29 October 2009 which extended and modified the sanctions until 31 October 2010.

21. During the study of the United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2008 (Côte d'Ivoire Regulation 2008), members appreciated the drafting improvements (such as the adoption of plain language equivalents for certain words and expressions often used in legislation, e.g. "under" instead of "pursuant to") made to the English text of the Côte d'Ivoire Regulation 2008. They considered that guidelines should be provided by the Department of Justice to uphold the quality and standards of law drafting. The Subcommittee has suggested that the Law Draftsman be invited to brief the Panel on Administration of Justice and Legal Services (AJLS) on the work of the Law Drafting Division and its new initiatives including improvements on the drafting of bilingual legislation. The issue on quality of law drafting has been subsequently referred to the Panel on AJLS for consideration to follow-up.

22. The Subcommittee has also made a number of suggestions on the drafting and textual aspects of the Côte d'Ivoire Regulation 2008 to further improve the clarity and quality of the provisions therein. The Administration has agreed to consider these suggestions and make appropriate improvement in future regulations made under the UNSO.

23. The United Nations Sanctions (Côte d'Ivoire) Regulation 2010 (Côte d'Ivoire Regulation 2010) was made to implement UNSC Resolution 1893, renewing, among other things, the sanction imposed by paragraphs 11 and 12 of Resolution 1572 until 31 October 2010. The Subcommittee has noted that, instead of adopting the expired provision in the Côte d'Ivoire Regulation 2010 which has been the practice of renewing sanctions, new provisions were added to section 5 of the Côte d'Ivoire Regulation 2010 prohibiting dealing with funds. Subcommittee members have asked the Administration to explain the reason for adopting this approach and whether such an approach will be adopted in other regulations imposing similar sanction.

24. The Administration has explained that the prohibition against dealing with funds was added to section 5 of the Côte d'Ivoire Regulation 2010 to implement more effectively paragraphs 11 and 12 of the UNSC Resolution 1572 which was renewed by paragraph 1 of UNSC Resolution 1893. Paragraph 11 of UNSC Resolution 1572 concerns the freezing of funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons designated by the relevant Sanctions Committee, or that held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, as well as prohibits the making available to, or for the benefit of, such persons or entities any funds, financial assets or economic resources.

25. The Administration has advised that by making reference to similar provisions in the UK laws on freezing of funds, the previous provision prohibiting against making available funds was strengthened with the addition of the prohibition against dealing with funds. With the new provision, it is clear that the designated persons or entities are prohibited from using, transferring, or changing in any way those funds, other financial assets or economic resources that may be in their physical possession. For clarity, the Administration has also provided an interpretation of "deal with" in sub-section (6) of the Côte d'Ivoire Regulation 2010.

26. The Subcommittee has noted that with the objective of continuing improving the drafting approach, the Administration has introduced similar prohibition against dealing with funds to the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation (L.N. 5 of 2010), the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2010 (L.N. 47 of 2010), and the United Nations Sanctions (Liberia) Regulation 2010 (L.N. 48 of 2010). The Administration has indicated that drafting improvement will be made as appropriate to other regulations under the UNSO.

United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2010

27. The Subcommittee has noted that the Democratic People's Republic of Korea (the DPRK) has been a UN Member since 17 September 1991. In response to the DPRK's withdrawal from international cooperation and dialogue in respect of nuclear talks, its programme to enrich uranium for nuclear weapons and the reported nuclear test in October 2006, the UNSC passed the Resolution 1718 to impose a range of sanctions against the DPRK for its pursuit of weapons of mass destruction. Although the DPRK engaged in constructive steps in 2008 to disable its nuclear facilities, its suspension of the disablement process at the end of 2008 and reported engagement in another nuclear test in 2009 led to the passage of another UNSC Resolution 1874 in June 2009 to tighten up sanctions against the DPRK.

28. The Subcommittee has noted that paragraph 14 of the UNSC Resolution 1874 imposed an obligation on Member States to seize and dispose of prohibited items identified in inspections. To give effect to the decision of the UNSC, the Administration introduced sections 24A and 24B of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2010 to provide for new powers to forfeit and dispose of seized prohibited items pursuant to a court order.

29. Subcommittee members have discussed the rationale and basis for introducing the new measure for forfeiture and disposal of seized items under the new sections 24A and 24B, with reference to paragraph 14 of the UNSC Resolution

1874 and the UNSO. Members have also discussed the applicability of section 102 of the Criminal Procedure Ordinance (CPO) (Cap. 221) on disposal of property and section 27 of the Import and Export Ordinance (IEO) (Cap. 60) on forfeiture to implement the UNSC Resolution 1874.

30. The Chairman and Hon Cyd HO are of the view that the new sections 24A and 24B made under section 26 of the Amendment Regulation have serious penal effect and confer vast enforcement power on the HKSAR Government. Despite that the current mechanism for implementing UN sanctions in Hong Kong whereby the vetting procedures applicable to subsidiary legislation does not apply to regulations made under 3(1) of the UNSO, the new provisions made under the Amendment Regulation should be subject to vetting by LegCo. As the forfeiture provision is not provided for under the principal Ordinance, the proper way is to seek amendments to the principal Ordinance first. In this connection, members have queried whether such provisions in the Amendment Regulation are ultra vires.

31. The Administration has explained that the new sections 24A and 24B are made in accordance with the empowering section under section 3 of the UNSO. Section 3(1) of UNSO provides that "The Chief Executive shall make regulations to give effect to a relevant instruction." without specifying the means. Under subsection (2), contravention of the Regulations may be made an offence and penalties may be prescribed therefore subject to the maximum penalty set out in subsection (3), which is intended to set out the maximum fine and term of imprisonment to be prescribed under subsection (2) and does not restrict the type of penalties that could be imposed under subsection (2).

32. Hon LAU Kong-wah agrees with the Administration that it is appropriate to introduce sections 24A and 24B in accordance with the empowering section under section 3 of the UNSO for the purpose of implementing the UNSC Resolution 1874. He does not consider it necessary to amend the principal Ordinance.

33. The Administration has advised that given that Resolution 1874 explicitly requires seizure and disposal of the specified items, the making of the provisions on forfeiture and disposal is not only incidental to but is essential to give effect to such requirement as instructed under the relevant instruction. The Administration has stressed that there is no mandatory forfeiture penalty under the said provision and the forfeiture proceeding is under close scrutiny by the court. A warrant is required to seize and dispose of an item and an owner or claimant of a seized item is also given an opportunity to raise an objection under section 24A. The court is not compelled to make an order and is in fact given a discretion to make the appropriate order in the circumstances under section 24B and in the light of Resolution 1874. As such, the provisions on forfeiture and disposal are properly made pursuant to section 3 of the UNSO and are intra vires.

34. The Administration has further advised that in considering how best to implement paragraph 14 of the UNSC Resolution 1874 in Hong Kong, it has examined section 102 of the CPO and Part VI of the IEO. It is noted that section 102 of the CPO only provides for general powers of the court to deal with disposal of property without any specified procedures about applying for or defending against the disposal order. On the other hand, Part VI of the IEO sets out the detailed procedures for forfeiting the seized items and circumstances under which a court order is not required including 'mandatory' forfeiture, whereby seized items shall be forfeited to the Government if no notice of claim was received upon expiration of the appropriate period of time.

35. Having reviewed the above, the Administration has concluded that it sees the merits of adding new sections 24A and 24B under the Amendment Regulation in order to implement the decisions of UNSC on forfeiture and disposal of seized items, instead of relying on the relevant provisions in the CPO or the IEO. The newly added provisions provide transparency and improvement to the procedural aspect to enable the interested parties to claim back or object to the forfeiture of seized items in an orderly manner under the self-contained regime of the Amendment Regulation. Moreover, the trade will find sections 24A and 24B familiar, as they are not too different from the established forfeiture arrangements under Part VI of the IEO (apart from excluding the mandatory forfeiture provisions). Empowering the court to scrutinize the application for forfeiture and disposal under sections 24A and 24B also gives better protection to the rights of the owner of the seized items. In light of the above considerations, the Administration is of the view that the new sections 24A and 24B are appropriate and adequate for the purpose of implementing paragraph 14 of the UNSC Resolution 1874. In this connection, the Subcommittee Chairman has urged the Administration to consider standardizing the procedures on forfeiture and seizure of prohibited items in future review of the relevant Ordinances. The Administration noted the Chairman's views for consideration.

Adjournment debate initiated by the Subcommittee

36. Members have agreed that an interim report on the Subcommittee's work should be made to the House Committee before the end of the current legislative session. As the existing procedure for holding debates on subsidiary legislation in the Council does not cover regulations made under UNSO, and given the legal and constitutional implications arising from the current mechanism of implementing UN sanctions in Hong Kong as provided under the UNSO, members consider it necessary to provide a forum for all LegCo Members to give views on the subject and to elicit the Administration's response at a Council meeting.

37. After deliberations, members consider that the Subcommittee should move a motion for adjournment at the Council meeting on 7 July 2010. The wording of the motion, as endorsed by the Subcommittee, is in **Appendix IV**. The

Subcommittee Chairman has given notice of her intention to move the motion under Rule 16(5) of the Rules of Procedure at the Council meeting on 7 July 2010.

38. At the meeting of the House Committee on 18 June 2010, Members' support was sought for Dr Hon Margaret NG, in her capacity as the Subcommittee Chairman, to move the motion under Rule 16(4) at the Council meeting on 7 July 2010. Members acceded to the Subcommittee's request. The adjournment debate will be held in addition to the motion debate moved by the Chairman of the Subcommittee on Poverty Alleviation and two other debates on Members' motions with no legislative effect at the Council meeting on 7 July 2010, and the slot so allocated will not be counted as Dr Hon Margaret NG's own slot as an individual Member.

Advice sought

39. The House Committee is invited to note the deliberations of the Subcommittee.

Council Business Division 1
Legislative Council Secretariat
24 June 2010

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

Membership List

Chairman	Dr Hon Margaret NG
Members	Hon LAU Kong-wah, JP
	Hon Cyd HO Sau-lan
	Hon Tanya CHAN (up to 28 January 2010)
	(Total : 3 members)
Clerk	Ms YUE Tin-po
Legal Adviser	Mr Kelvin LEE
Date	29 January 2010

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

Terms of Reference

To examine the implementation in Hong Kong resolutions of the United Nations Security Council in relation to sanctions by Regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) and to follow up the recommendations made by the previous Subcommittee.

**Regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537)
(since October 2008)**

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
1. United Nations Sanctions (Arms Embargoes) (Amendment) Regulation 2008	31 October 2008 (L.N. 236 of 2008)	August 2008	Resolution 1823 of 10 July 2008	<ul style="list-style-type: none"> - to amend the definition of "prohibited destination" in section 1(1) of the principal Regulation to remove the references to Rwanda and Federal Republic of Yugoslavia. - to amend the relevant provisions of the principal Regulation consequential to the removal of the reference to Rwanda from the definition of "prohibited destination". - to remove the definition of Federal Republic of Yugoslavia from the principal Regulation.
2. United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity)	31 October 2008 (L.N. 237 of 2008)	September 2008	Resolution 1367 of 10 September 2001	<ul style="list-style-type: none"> - to repeal United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Cap. 537 sub. leg. H) to give effect to the decision of the UNSC in Resolution 1367 to terminate the prohibition against arming and training for terrorist activity in the former Federal Republic of Yugoslavia.

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
Regulation (Repeal) Regulation				
3. United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2008	12 December 2008 (L.N. 276 of 2008)	November 2008	Resolution 1842 of 29 October 2008 <i>[31 October 2009]</i>	<p>- to implement the following prohibitions -</p> <ul style="list-style-type: none"> (a) the supply, delivery and carriage of arms and related materials to Côte d'Ivoire; (b) the provision of advice, assistance or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (d) entry into or transit through the HKSAR of certain persons; and (e) importation of rough diamonds from Côte d'Ivoire.
4. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2009	13 March 2009 (L.N. 37 of 2009)	January 2009	Resolution 1857 of 22 December 2008 <i>[30 November 2009]</i>	<p>- to implement the following prohibitions -</p> <ul style="list-style-type: none"> (a) the supply, delivery or carriage of arms or related materials to certain persons; (b) the provision to certain persons of assistance, advice or training related to military activities; (c) making available to, or for the benefit of, certain persons or

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>entities any funds or other financial assets or economic resources; and</p> <p>(d) entry into or transit through the HKSAR by certain persons.</p>
5. United Nations Sanctions (Liberia) Regulation 2009	13 March 2009 (L.N. 38 of 2009)	January 2009	<p>Resolution 1854 of 19 December 2008</p> <p><i>[The following provisions expire at midnight on 18 December 2009: the definitions of "arms or related material", "Commissioner", "master", "operator", "person connected with Liberia", "pilot in command", "prohibited goods", "Resolution 1854" and "UNMIL" in section 2;</i></p>	<p>- to implement the following prohibitions -</p> <p>(a) the supply, delivery or carriage of arms or related material ("prohibited goods") to Liberia;</p> <p>(b) the provision of technical training or assistance related to the provision, manufacture, maintenance or use of the prohibited goods in certain circumstances; and</p> <p>(c) entry into or transit through the HKSAR by certain persons.</p> <p>- to continue to give effect to a decision of the UNSC in Resolution 1532 of 2004 by providing for the prohibition against making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources.</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
			<i>paragraphs (a) and (b) of the definition of "licence" in section 2; sections 3, 4, 5, 7, 8, 9 and 10; and Part 5]</i>	
6. United Nations Sanctions (Liberia) Regulation 2008 (Repeal) Regulation	13 March 2009 (L.N. 39 of 2009)	January 2009	Consequential to the making of the United Nations Sanctions (Liberia) Regulation 2009 which includes provisions relating to financial sanctions, there is no need for Cap. 537AI, which is therefore repealed by this Regulation.	- L.N. 39 repeals the 2008 Regulation which expired on 19 December 2008, with the exception of the provisions relating to financial sanctions.
7. United Nations Sanctions (Somalia)	27 March 2009 (L.N. 58 of	December 2008	Resolutions 1356, 1425, 1725, 1744, 1772 and 1844	- to implement the following prohibitions - (a) the supply, delivery or carriage of weapons or military

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
Regulation	2009)		made between 2001 and 2008	<p>equipment to certain persons;</p> <p>(b) the provision of advice, assistance or training in certain circumstances;</p> <p>(c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and</p> <p>(d) entry into or transit through the HKSAR by certain persons.</p>
8. United Nations Sanctions (Arms Embargoes) (Amendment) Regulation 2009	27 March 2009 (L.N. 59 of 2009)	March 2009	Resolution 1844 of 20 November 2008	- to remove Somalia from the sanctions regime by amending the definition of "prohibited destination" in section 1(1) of the principal Regulation to remove the references to Somalia, and by making consequential amendments to section 8(8)(c) and Schedule 2 to the principal Regulation.
9. United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation	15 January 2010 (L.N. 5 of 2010)	June, July and August 2009	Resolution 1874 of 12 June 2009 and decisions made by the Committee established under paragraph 12 of Resolution 1718 of 14 October 2006	<p>- to amend the principal Regulation to implement the expanded sanction by -</p> <p>(a) amending the definition of "specified item" in section 1 of the principal Regulation to cover additional items;</p> <p>(b) extending the prohibition against the procurement of certain items from the Democratic People's Republic of Korea ("DRPK") to any technical training, service, assistance or</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
2010				<p>advice related to the provision, manufacture, maintenance or use of any specified arms;</p> <p>(c) providing the prohibition against engaging in any financial transaction related to the provision, manufacture, maintenance or use of any specified arms the supply or procurement of which is prohibited under the principal Regulation as amended by this Regulation; and</p> <p>(d) providing for the prohibition against the provision of certain services to ships registered in the DRPK under certain circumstances.</p> <p>- to amend the definition of "specified item" in section 1 of the principal Regulation to cover additional items and goods specified in the UNSC documents S/2009/205 and S/2009/364.</p>
10. United Nations Sanctions (Côte d'Ivoire) Regulation 2010	30 April 2010 (L.N. 46 of 2010)	November 2009	Resolution 1893 of 29 October 2009 <i>[31 October 2010]</i>	<p>- to implement the following prohibitions -</p> <p>(a) the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire;</p> <p>(b) the provision of advice, assistance or training related to military activities in certain circumstances;</p> <p>(c) importation of rough diamonds from Côte d'Ivoire;</p> <p>(d) making available to, or for the benefit of, certain persons or</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
				entities any funds or other financial assets or economic resources; (e) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and (f) entry into or transit through the HKSAR by certain persons.
11. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2010	30 April 2010 (L.N. 47 of 2010)	December 2009	Resolution 1896 of 30 November 2009 <i>[30 November 2010]</i>	- to implement the following prohibitions - (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons; (b) the provision of assistance, advice or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (d) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and (e) entry into or transit through the HKSAR by certain persons.
12. United Nations Sanctions (Liberia) Regulation	30 April 2010 (L.N. 48 of 2010)	January 2010	Resolution of 1903 of 17 December 2009 <i>[The following</i>	- to implement the following prohibitions - (a) the supply, sale, transfer or carriage of arms or related materiel ("prohibited goods") to certain persons;

Regulation	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council [Date of expiry]	Remarks
2010			<i>provisions expire at midnight on 16 December 2010: the definitions of "arms or related materiel", "Commissioner", "master", "operator", "pilot in command", "prohibited goods", "Resolution 1903" and "UNMIL" in section 2; paragraphs (a) and (b) of the definition of "licence" in section 2; sections 3, 4, 5, 7, 8, 9 and 10; and Part 5]</i>	(b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances; and (c) entry into or transit through the HKSAR by certain persons; (d) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and (e) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities.
13. United Nations Sanctions (Liberia)	30 April 2010 (L.N. 49 of	January 2010	Consequential to the making of the United Nations	- L.N. 49 repeals the 2009 Regulation which expired on 18 December 2009, with the exception of the provisions relating to financial sanctions.

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
Regulation 2009 (Repeal) Regulation	2010)		Sanctions (Liberia) Regulation 2010 which includes provisions relating to financial sanctions, there is no need for Cap. 537 AM, which is therefore repealed by this Regulation.	

2010年7月7日
立法會會議席上
吳靄儀議員提出的休會待續議案

議案措辭

"本會現即休會待續，以就下述事項進行辯論：在香港實施聯合國安全理事會議決的制裁事宜的現行安排。"

(Translation)

**Motion for adjournment
to be moved by Hon Margaret NG
at the Legislative Council meeting
on 7 July 2010**

Wording of the Motion

"That this Council do now adjourn for the purpose of debating the following issue: The current arrangement of implementing in Hong Kong sanctions resolved by the Security Council of the United Nations."