

**立法會**  
**Legislative Council**

LC Paper No. LS52/11-12

**Paper for the House Committee Meeting  
on 13 April 2012**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 30 March 2012**

**Date of tabling in LegCo** : 18 April 2012

**Amendment to be made by** : 16 May 2012 (or 6 June 2012 if extended by resolution)

**Employees Retraining Ordinance (Cap. 423)  
Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2012  
(L.N. 49)**

Schedule 2 to the Employees Retraining Ordinance (Cap. 423) (the Ordinance) specifies the training bodies that may provide or conduct retraining courses for the purposes of the Ordinance.

2. By L.N. 49 made by the Employees Retraining Board under section 31(2) of the Ordinance, Schedule 2 to the Ordinance is amended to add two training bodies<sup>1</sup> and to remove four training bodies<sup>2</sup>.
3. L.N. 49 has come into operation on its gazettal (i.e. 30 March 2012).
4. Members may refer to LegCo Brief (File Ref: QA/TBM/09) issued by ERB Executive Office and dated 27 March 2012 for further information.
5. The Panel on Manpower has not been consulted on L.N. 49.

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<sup>1</sup> The added training bodies are Fu Hong Society Training Department (item 152) and New Home Association Limited (item 153).

<sup>2</sup> The removed training bodies are Management Society for Healthcare Professionals (item 48), Asia Pacific Hairdresser & Cosmetologist Association (APHCA) (item 96), Oasis Beauty School (item 98) and Kaplan Language Training (HK) Limited (item 107).

**Enduring Powers of Attorney Ordinance (Cap. 501)**  
**Enduring Powers of Attorney (Amendment) Ordinance 2011**  
**(Commencement) Notice (L.N. 50)**

6. By the Notice made under section 1(2) of the Enduring Powers of Attorney (Amendment) Ordinance 2011 (25 of 2011) (the Amendment Ordinance), the Secretary for Justice has appointed 3 July 2012 as the day on which the Amendment Ordinance comes into operation.

7. The Amendment Ordinance amends the Enduring Powers of Attorney Ordinance (Cap. 501) to implement certain recommendations contained in the report of the Law Reform Commission on Enduring Powers of Attorney published in March 2008 –

- (a) to relax the existing requirements for the execution of an enduring power of attorney (EPA) under section 5(2) of Cap. 501 by allowing a donor and a solicitor to sign an EPA within 28 days after the EPA has been signed by a registered medical practitioner; and
- (b) to replace the statutory form for EPAs and its explanatory notes with new statutory forms and explanatory information drafted in plain language and in a more user-friendly format.

8. Before the passage of the Enduring Powers of Attorney (Amendment) Bill 2011 (the Bill) at the Council meeting on 21 December 2011, the Bill had been scrutinized by a Bills Committee. The Bills Committee had not discussed the commencement date of the Bill, if passed. Members may wish to refer to the report of the Bills Committee (LC Paper No. CB(2)567/11-12) for further information.

9. The Panel on Administration of Justice and Legal Services has not been consulted on the Notice.

**LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT**

**United Nations Sanctions Ordinance (Cap. 537)**  
**United Nations Sanctions (Democratic Republic of the Congo) Regulation 2012 (L.N. 51)**

10. L.N. 51 is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (UNSO) on the instruction of

the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council.

11. Given the political and social instability in the Democratic Republic of the Congo (Congo), which has constituted a threat to international peace and security in the region, the Security Council of the United Nations (UNSC) has adopted several resolutions imposing sanctions against Congo and renewed certain sanctions upon their expiry since 2003. These resolutions have been implemented by regulations made under UNSO, the last one being the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2011 (Cap. 537 sub. leg. AT), which expired at midnight on 30 November 2011.

12. L.N. 51 is made to give effect to certain decisions of the UNSC in Resolution 2021 (2011). The Resolution renews until 30 November 2012 certain sanctions against Congo as adopted by the UNSC on 29 November 2011. The content of L.N. 51 is essentially the same as that of the expired United Nations Sanctions (Democratic Republic of the Congo) Regulation 2011. It provides for –

- (a) granting of licences for the supply, sale, transfer or carriage of prohibited goods;
- (b) provision of assistance, advice or training to certain persons;
- (c) making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities; and
- (d) prohibition against –
  - (i) the supply, sale, transfer or carriage of arms or related materiel to certain persons operating in the territory of Congo;
  - (ii) the provision of assistance, advice or training related to military activities to certain persons operating in the territory of Congo;
  - (iii) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;

- (iv) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and
- (v) entry into or transit through Hong Kong Special Administrative Region by certain persons.

13. L.N. 51 has come into operation when it was published in the Gazette on 30 March 2012. It will expire at midnight on 30 November 2012.

14. Members may refer to the information paper prepared by the Commerce and Economic Development Bureau in March 2012 and circulated on 2 April 2012 to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions (the Subcommittee) (LC Paper No. CB(1)1486/11-12) for further information.

15. Under section 3(5) of UNSO, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under UNSO. L.N. 51 is therefore not subject to amendment by the Legislative Council. As L.N. 51 comes within the terms of reference of the Subcommittee, the Subcommittee will study it at its meeting to be held on 20 April 2012.

### **Concluding Observation**

16. No difficulties have been identified in relation to the legal or drafting aspects of L.N. 49 to L.N. 50.

Prepared by

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