

立法會
Legislative Council

LC Paper No. LS32/12-13

**Paper for the House Committee Meeting
on 22 March 2013**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 March 2013**

Date of tabling in LegCo : 20 March 2013

Amendment to be made by : 17 April 2013 (or 8 May 2013 if extended by resolution)

Toys and Children's Products Safety Ordinance (Cap. 424)

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2013 (L.N. 30)

The Notice is made by the Secretary for Commerce and Economic Development under section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424) (the Ordinance) to amend Schedules 1 and 2 to the Ordinance so that certain safety standards specified for toys and children's products are updated.

2. Under sections 3 and 5 of the Ordinance, no person shall manufacture, import or supply any toy or children's product unless the toy or product complies with all the requirements contained in at least one relevant standard specified in Schedule 1 or 2 to the Ordinance. Schedule 1 specifies the standards for toys and Schedule 2 specifies the standards for children's products. According to the Administration, those standards are international standards or standards adopted by major economies. Further, sections 3(1) and 5(1) respectively provides that goods in transit, in the course of transshipment or manufactured for export are not subject to the said prohibition.

3. The Notice updates all the standards specified in Schedule 1 and the standards specified for the following products in Schedule 2 –

- (a) babies' dummies;
- (b) baby walking frames;
- (c) bunk beds for domestic use;

- (d) child safety barriers for domestic use;
- (e) children's cots for domestic use;
- (f) children's paints;
- (g) playpens for domestic use; and
- (h) wheeled child conveyances.

4. According to the Administration, from January to February 2013, some 50 major trade associations and organisations advocating children welfare were consulted. Four submissions which raised no objection to the proposal were received by the Administration. Members may wish to refer to the LegCo Brief (File Ref: CITB CR 08/18/3) issued by the Commerce and Economic Development Bureau dated March 2013 for further information.

5. According to the Clerk to the Panel on Economic Development, the amendments stated in L.N. 30 have not been discussed by the Panel.

6. L.N. 30 will come into operation on 1 July 2013.

7. No difficulties have been identified in the legal and drafting aspects of the above item of subsidiary legislation.

LEGAL NOTICES 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 2013 (L.N. 31)

United Nations Sanctions (Liberia) Regulation 2013 (L.N. 32)

United Nations Sanctions (Liberia) Regulation 2012 (Repeal) Regulation (L.N. 33)

8. L.N. 31 to L.N. 33 are 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.

L.N. 31

9. 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 (UNSCRs) 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 2012 (Cap. 537 sub. leg. AY), which expired at midnight on 30 November 2012.

10. L.N. 31 is made to give effect to certain decisions in UNSCR 2078(2012). The resolution renews certain sanctions against Congo as adopted by the UNSC on 28 November 2012. The content of L.N. 31 is essentially the same as that of the expired United Nations Sanctions (Democratic Republic of the Congo) Regulation 2012. It provides for –

- (a) granting of licences for the supply, sale, transfer or carriage of prohibited goods;
- (b) provisions 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 the HKSAR by certain persons.

11. L.N. 31 will expire at midnight on 1 February 2014.

L.N. 32

12. Since March 2001, the UNSC has adopted several UNSCRs imposing sanctions against Liberia in view of the country's support for armed rebel groups in neighbouring countries which constitutes a threat to international peace and security in the region. These resolutions include imposing travel ban measures¹ and financial measures² and arm-related sanctions³. The sanctions regime was last updated by UNSCR 2025 in December 2011. The relevant sanctions have been implemented by regulations made under UNSO, the most recent one being the United Nations Sanctions (Liberia) Regulation 2012 (Cap. 537, sub. leg. AZ) (Liberia Regulation 2012). All provisions in Liberia Regulation 2012, except for those relating to financial sanctions (including prohibition, licensing and law enforcement provisions), expired at midnight on 13 December 2012.

13. L.N. 32 is made to give effect to the decision of UNSC in UNSCR 2079 (2012) (as adopted by UNSC on 12 December 2012) in respect of Liberia to renew or continue the prohibition against –

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
- (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.

14. L.N. 32 also continues to give effect to a decision of the UNSC in UNSCR 1532 (2004) (as adopted by UNSC on 12 March 2004) by providing for the prohibition against –

- (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
- (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities.

15. The provisions of L.N. 32, which renew or continue the implementation of sanctions against Liberia, are similar to the provisions in the Liberia Regulation 2012. Except for provisions relating to financial sanctions in

¹ UNSCR 1521

² UNSCR 1532 (2004)

³ UNSCR 1903

the United Nations Sanctions (Liberia) Regulation 2013, which will come into effect on 22 March 2013, the Regulation came into operation on the day it was gazetted (15 March 2013). According to the Administration, the one week lapse between the commencement dates allows time for the Chief Executive to specify a new list of relevant persons and entities for the purpose of the financial sanctions⁴. Further, except for provisions relating to financial sanctions, the United Nations Sanctions (Liberia) Regulation 2013 will expire at midnight on 11 December 2013.

L.N. 33

16. L.N. 33 repeals Liberia Regulation 2012 consequential upon the making of L.N. 32. L.N. 33 will come into operation on 22 March 2013.

Other information and remarks

17. 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. Therefore, L.N. 31 to L.N. 33 are not required to be tabled in the Legislative Council (LegCo) and are not subject to amendment by LegCo. However, since they come within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions (the Subcommittee), Members may consider referring them to the Subcommittee for its consideration.

18. According to the Clerk to the Subcommittee, two LegCo Briefs on L.N. 31 to L.N. 33 and dated March 2013 issued by the Commerce and Economic Development Bureau were circulated to all members vide LC Paper No. CB (1)720/12-13(01) and (02) on 18 March 2013. Members may wish to refer to the two papers for further information.

Prepared by

LEE Hoi-see, Evelyn
Assistant Legal Adviser
Legislative Council Secretariat
21 March 2013

LS/S/18/12-13

⁴ L.N. 33 will come into operation on 22 March 2013 for the same reason.