

**立法會**  
**Legislative Council**

LC Paper No. CB(1)171/12-13  
(These minutes have been cleared  
with the Chairman)

Ref : CB1/HS/1/12

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

**Minutes of first meeting on  
Wednesday, 31 October 2012, at 10:30 am  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Cyd HO Sau-lan (Chairman)  
Hon James TO Kun-sun  
Hon NG Leung-sing, SBS, JP  
Dr Hon Kenneth CHAN Ka-lok  
Hon Kenneth LEUNG  
Hon Dennis KWOK  
Hon Martin LIAO Cheung-kong, JP

**Member absent** : Hon IP Kwok-him, GBS, JP

**Clerk in attendance:** Ms Annette LAM  
Chief Council Secretary (1)3

**Staff in attendance :** Ms Wendy KAN  
Assistant Legal Adviser 6

Ms Sarah YUEN  
Senior Council Secretary (1)3

Miss Rita YUNG  
Council Secretary (1)3

Ms May LEUNG  
Legislative Assistant (1)3

Ms Yvonna HO  
Clerical Assistant (1)3

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Action

**I. Election of Chairman**

Ms Cyd HO was elected Chairman of the Subcommittee.

**II. Any other business**

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

Background and way forward of the Subcommittee

3. The Chairman briefed members on the background of the formation of the dedicated subcommittee under the House Committee (HC) in the Third and the Fourth Legislative Council (LegCo) in 2004 and 2008 respectively to study regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (UNSO) for implementing in Hong Kong the resolutions of the Security Council of the United Nations in relation to sanctions. She highlighted the deliberations and concerns of the two former subcommittees, and suggested that the current Subcommittee should continue to pursue the following with the Administration -

- (a) The use of a model law approach to improve efficiency in the preparation and the study of future regulations made under UNSO considering that the prohibition measures and the drafting approach adopted in most of the regulations made under UNSO were broadly similar; and
- (b) The timeliness of the regulations made under UNSO.

Follow-up actions

Clerk 4. The Chairman further instructed the Clerk to circulate the following papers for members' information –

- (a) Submission from Professor Yash GHAI of the University of Hong Kong on the legislative process under UNSO, and the Administration's response thereto (LC Papers Nos. CB(1)1665/04-05(01) and CB(1)1934/04-05(01));
- (b) Interim Report of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions formed in 2008 (the 2008 Subcommittee) for the HC meeting on 25 June 2010 (LC Paper No. CB(1)2327/09-10); and
- (c) Further Report of the 2008 Subcommittee for the HC meeting on 29 June 2012 (LC Paper No. CB(1)2244/11-12).

*(Post-meeting note: The above papers were issued to members vide LC Paper No. CB(1)110/12-13 on 1 November 2012.)*

Date of next meeting

Clerk 5. The Subcommittee agreed to schedule its second meeting for 16 November 2012 at 10:45 am to examine the following four regulations made under UNSO, which were gazetted on 28 September 2012 and referred by HC to the Subcommittee for consideration –

- (a) United Nations Sanctions (Côte d'Ivoire) Regulation 2012;
- (b) United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2012;
- (c) United Nations Sanctions (Guinea-Bissau) Regulation; and
- (d) United Nations Sanctions (Somalia) (Amendment) Regulation 2012.

Clerk 6. The Chairman directed the Clerk to consult members on the date for the third meeting and notify members of the meeting arrangements in due course.

*(Post-meeting note: With the concurrence of the Chairman, the third meeting was scheduled for Friday, 30 November 2012, at 10:45 am in Conference Room 2B of the Legislative Council Complex. Notice of the meeting was issued to members vide LC Paper No. CB(1)122/12-13 on 5 November 2012.)*

7. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1  
Legislative Council Secretariat  
14 November 2012

**Proceedings of the first 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, 31 October 2012, at 10:30 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000000 – 000206	Mr James TO Mr Dennis KWOK Dr Kenneth CHAN Ms Cyd HO	Election of Chairman	
000207 – 000600	Chairman	Meeting arrangements	The Clerk to follow up as stated in paragraph 6 of the minutes
000601 – 000900	Chairman	<p>The Chairman briefed members on:</p> <p>(a) The background of the enactment of the United Nations Sanctions Ordinance (Cap. 537) (UNSO), and of the formation of the dedicated subcommittee under the House Committee (HC) in the Third and Fourth Legislative Council (LegCo) in 2004 and 2008 respectively to study regulations made under section 3 of UNSO for implementing in Hong Kong resolutions of the Security Council of the United Nations (UNSC) in relation to sanctions; and</p> <p>(b) Deliberations of the two former subcommittees, in particular the following concerns about the current arrangements for implementing in Hong Kong UNSC resolutions in relation to sanctions:</p> <p style="margin-left: 40px;">(i) regulations made under UNSO were not required to be laid before LegCo and were not subject to its approval or amendment;</p> <p style="margin-left: 40px;">(ii) the need to adopt the model law approach when preparing these regulations; and</p> <p style="margin-left: 40px;">(iii) the timeliness of the regulations made under UNSO.</p>	The Clerk to follow up as stated in paragraph 4 of the minutes

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000901 – 001142	Chairman	<p>The Chairman's suggestion that the Subcommittee should follow up on the following:</p> <p>(a) The use of a model law approach to improve efficiency in the preparation and the study of future regulations made under UNSO considering that the prohibition measures and the drafting approach adopted in most of the regulations made under UNSO were broadly similar; and</p> <p>(b) The timeliness of the regulations made under UNSO.</p>	

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