

立法會
Legislative Council

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

**Minutes of the fourth meeting on
Friday, 11 October 2013, at 9:00 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Cyd HO Sau-lan (Chairman)
Hon James TO Kun-sun
Hon IP Kwok-him, GBS, JP
Hon NG Leung-sing, SBS, JP
Dr Hon Kenneth CHAN Ka-lok
Hon Dennis KWOK

Members absent : Hon Kenneth LEUNG
Hon Martin LIAO Cheung-kong, JP

**Public officers
attending** : Agenda item I

Ms Carol YUEN, JP
Deputy Secretary for Commerce and Economic
Development (Commerce and Industry) 1

Mr Raymond WU
Principal Assistant Secretary for Commerce and
Economic Development (Commerce and Industry) 2

Ms Lonnie NG
Senior Government Counsel
Department of Justice

Ms Mandy NG
Acting Senior Government Counsel
Department of Justice

Ms Alice CHOY
Senior Government Counsel (Treaties & Law) 1
Department of Justice

Miss Michelle FUNG
Government Counsel (Treaties & Law)
Department of Justice

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

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Ms Connie HO
Senior Council Secretary (1)3

Action

- I. Meeting with the Administration**
- | | |
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| (LC Paper No. CB(1)1347/12-13(01)
(<i>English version only</i>) | -- Hon Dennis KWOK's
letter dated 17 June 2013 |
| LC Paper No. CB(1)1665/12-13(01) | -- Administration's response
to Hon Dennis KWOK's
letter dated 17 June 2013 |
| LC Paper No. CB(1)1309/12-13(01) | -- United Nations Sanctions
(Iran) (Amendment)
Regulation 2013 |
| LC Paper No. CB(1)1525/12-13(01) | -- United Nations Sanctions
(Côte d'Ivoire) Regulation
2013 |
| LC Paper No. CB(1)1628/12-13(01) | -- United Nations Sanctions
(Eritrea) (Amendment)
Regulation 2013 |

LC Paper No. CB(1)1628/12-13(02)	-- United Nations Sanctions (Somalia) (Amendment) Regulation 2013
LC Paper No. CB(1)1753/12-13(01)	-- United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2013
LC Paper No. CB(1)1753/12-13(02)	-- United Nations Sanctions (Sudan) Regulation 2013 and United Nations Sanctions (Sudan) Regulation (Repeal) Regulation
LC Paper No. LS61/12-13	-- Legal Service Division Report on subsidiary legislation gazetted on 14 June 2013 (L.N. 109)
LC Paper No. LS72/12-13	-- Legal Service Division Report on subsidiary legislation gazetted on 12 July 2013 (L.N. 123)
LC Paper No. LS73/12-13	-- Legal Service Division Report on subsidiary legislation gazetted on 26 July 2013 (L.N. 136 and L.N. 137)
LC Paper No. LS75/12-13	-- Legal Service Division Report on subsidiary legislation gazetted on 30 August 2013 (L.N. 144 to L.N. 146))

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

2. The Subcommittee completed the study of the United Nations Sanctions (Iran) (Amendment) Regulation 2013, United Nations Sanctions (Côte d'Ivoire) Regulation 2013, United Nations Sanctions (Eritrea)

(Amendment) Regulation 2013, United Nations Sanctions (Somalia)
(Amendment) Regulation 2013, United Nations Sanctions (Libya) Regulation
2011 (Amendment) Regulation 2013, United Nations Sanctions (Sudan)
Regulation 2013 and United Nations Sanctions (Sudan) Regulation (Repeal)
Regulation.

3. The Chairman expressed concern on whether the Department of Justice had sufficient language expertise to maintain the standard and quality of bilingual legislation drafting in Hong Kong. The Chairman suggested setting up a panel of advisory language specialists to help ensure no discrepancies between the English and Chinese defined terms. Members agreed to refer the issue to the Panel on Administration of Justice and Legal Services for consideration.

(Post-meeting note: The issue was referred to the Panel on Administration of Justice and Legal Services on 13 November 2013.)

Follow-up actions

4. The Administration was requested to:

- (a) consider using "第()款提述的規定" instead of "有關規定" in the Chinese text of the licensing provisions in the regulations made under the United Nations Sanctions Ordinance (Cap. 537) in the future; and
- (b) consider providing a definition of "African Union Strategic Concept" when amending the United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) in the future.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)331/13-14(01) on 15 November 2013.)

II. Any other business

5. There being no other business, the meeting ended at 10:30 am.

**Proceedings of the fourth meeting of
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions
on Friday, 11 October 2013, at 09:00 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000000 – 000230	Chairman	Opening remarks by the Chairman	
000231 – 000320	Chairman Mr Dennis KWOK	Members noted the Administration's response (LC Paper No. CB(1)1665/12-13(01)) to Mr Dennis KWOK's letter dated 17 June 2013 (LC Paper No. CB(1)1347/12-13(01)) regarding the provisions for disclosure of information or documents to Governments outside Hong Kong in regulations made under the United Nations Sanctions Ordinance (Cap. 537) (UNSO). Mr Dennis KWOK indicated that he would follow up the matter in other forums, if necessary.	
000321 – 000618	Chairman Administration	The Chairman informed members that the Subcommittee would study a total of seven regulations, including one repeal regulation, made under UNSO which had been received from the Administration since June 2013.	
000619 – 000840	Chairman Administration	<u>Briefing by the Administration on the United Nations Sanctions (Iran) (Amendment) Regulation 2013 (the Iran (Amendment) Regulation).</u>	
000841 – 002037	Chairman Administration Dr Kenneth CHAN	<p><u>Study of the mark-up versions of the Iran (Amendment) Regulation (Annex F to LC Paper No. CB(1)1309/12-13(01))</u></p> <p><u>Part 2: Section 3 (3A) and Section 5 (2A) (English version)</u></p> <p>In response to the Chairman, the Administration advised that the word "for" had been used to replace "in the case of" in accordance with the plain language policy of the Department of Justice (DoJ) in law drafting. The said change had been adopted in the drafting of other regulations.</p> <p><u>Part 3: Section 10 (2) and Section 11 (2) (Chinese version)</u></p> <p>The Chairman's view that the use of "第()款提述的規定" was more precise than "有關規定" in</p>	The Administration

Time marker	Speaker	Subject(s)	Action required
		<p>the revised Chinese text. The Administration would take note of the Chairman's view in the drafting of other regulations made under UNSO in the future.</p> <p>Members raised no objection to the Iran (Amendment) Regulation.</p>	<p>to follow up as stated in paragraph 4(a) of the minutes.</p>
002038 – 002511	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Côte d'Ivoire) Regulation 2013 (the Côte d'Ivoire 2013 Regulation)</u></p> <p>In response to the Chairman, the Administration advised that the content of the Côte d'Ivoire 2013 Regulation, which renewed sanctions against Côte d'Ivoire, was essentially the same as those in the United Nations Sanctions (Côte d'Ivoire) Regulation 2012 (Cap. 537BA) as expired at midnight on 30 April 2013. Same as some regulations made under UNSO, a sunset clause was provided in the Côte d'Ivoire 2013 Regulation such that it would expire at midnight on 30 April 2014.</p>	
002512 – 002758	Chairman Administration	<p><u>Study of the Côte d'Ivoire 2013 Regulation (Annex A to LC Paper No. CB(1)1525/12-13(01))</u></p> <p>Members raised no objection to the Côte d'Ivoire 2013 Regulation.</p>	
002759 – 003135	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Eritrea) (Amendment) Regulation 2013 (the Eritrea (Amendment) Regulation)</u></p> <p>In response to the Chairman's enquiry, the Administration advised that it did not have information about the number of Hong Kong tourists currently in Eritrea. However, according to the Administration's records, there were no direct flights between Hong Kong and Eritrea from April 2010 to April 2013.</p>	
003136 – 004707	Chairman Administration Assistant Adviser (ALA) Legal	<p><u>Study of the mark-up versions of the Eritrea (Amendment) Regulation (Annex F to LC Paper No. CB(1)1628/12-13(01))</u></p> <p>Members noted that the Chinese equivalent for the term "designated person" had been revised</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>from "指明人士" to "指認人士". The Administration advised that the revision was made with reference to the wordings used in the Chinese text of the relevant resolution of the Security Council of the United Nations (UNSC Resolution).</p> <p>The Chairman expressed concern on whether DoJ had sufficient language expertise to maintain the standard and quality of bilingual legislation drafting. The issue would be referred to the Panel on Administration of Justice and Legal Services (AJLS) for consideration.</p> <p>Members raised no objection to the Eritrea (Amendment) Regulation</p>	<p>The Clerk to refer the issue to the Panel on AJLS.</p>
004708 – 004732	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Somalia) (Amendment) Regulation 2013 (the Somalia (Amendment) Regulation)</u></p>	
004733 – 010130	Chairman Administration Mr Dennis KWOK	<p><u>Study of the mark-up versions of the Somalia (Amendment) Regulation (Annex E to LC Paper No. CB(1)1628/12-13(02))</u></p> <p><u>Part 1: Section 1 - "relevant person"</u></p> <p>The Administration drew members' attention that the deletion of "or owned or controlled directly or indirectly by," and "或該等人士或實體所直接或間接擁有或控制的人;" in the definition of "relevant person" and "有關人士" in the English and Chinese texts of the Somalia (Amendment) Regulation respectively was made pursuant to the Subcommittee's comments expressed at its meeting on 16 November 2012.</p> <p><u>Part 3: Sections 8 and 9 - Licence for supply, sale, transfer or carriage of certain goods/provision of certain advice, assistance or training</u></p> <p>(a) In response to the Chairman's enquiry on whether any Hong Kong companies had ever been involved in the transport of prohibited goods to Somalia, the Administration advised that it had not received any applications for a licence for the supply, sale, transfer or carriage of prohibited goods to Somalia so far.</p> <p>(b) In response to the query raised by Mr Dennis</p>	<p>The</p>

Time marker	Speaker	Subject(s)	Action required
		<p>KWOK, the Administration would consider whether there was a need of providing a definition of "African Union Strategic Concept" when amending the United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) in the future.</p>	<p>Administration to follow up as stated in paragraph 4(b) of the minutes.</p>
010131 – 010356	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2013 (the Libya (Amendment) Regulation)</u></p>	
010357 – 011617	Chairman Administration Mr Dennis KWOK Mr James TO	<p><u>Study of the mark-up versions of the Libya (Amendment) Regulation (Annex E to LC Paper No. CB(1)1753/12-13(01))</u></p> <p><u>Part 3: Section 13 - Licence for supply, sale, transfer or carriage of certain goods</u></p> <p>(a) In response to Mr Dennis KWOK's enquiry on the difference between the items set out in section 13(2)(ca) and section 13(2)(d), the Administration advised that the items under section 13(2)(ca) referred to "non-lethal military equipment" while those under section 13(2)(d) were "not non-lethal military equipment", covering lethal military equipment and other non-lethal arms and lethal arms.</p> <p>(b) In response to Mr James TO's enquiry on whether it was necessary to replace "Libyan authorities" by "Government of Libya" in section 13(2)(d), the Administration advised that this was in accordance with UNSC Resolution 2095 (2013) to ensure that the scope of sanction under the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537 sub. leg. AW) (the Libya Regulation) as amended by the Libya (Amendment) Regulation would be in line with the provisions under the relevant UNSC Resolution.</p> <p>(c) In response to Mr James TO's enquiry, the Administration advised that the definition of "person connected with Libya" was set out in section 1 of the Libya Regulation.</p> <p>Members raised no objection to the Libya</p>	

Time marker	Speaker	Subject(s)	Action required
		(Amendment) Regulation.	
011618 – 011800	Chairman Administration	<u>Briefing by the Administration on the United Nations Sanctions (Sudan) Regulation 2013 (the Sudan 2013 Regulation) and United Nations Sanctions (Sudan) Regulation (Repeal) Regulation (the Repeal Regulation)</u>	
011801 – 013300	Chairman Administration ALA Mr James TO	<p><u>Study of the Sudan 2013 Regulation and the Repeal Regulation (Annexes A and B to LC Paper No. CB(1)1753/12-13(02))</u></p> <p>In response to the Chairman, ALA advised that the structure and languages adopted in the Sudan 2013 Regulation were similar to and consistent with other regulations recently made under UNSO.</p> <p><u>Part 1: Section 2 - "person connected with Sudan"</u></p> <p>In response to Mr James TO's enquiry, the Administration advised that the definition of "person connected with Sudan" in the Sudan 2013 Regulation was in line with the provision in the relevant UNSC Resolutions. Deviation from the Resolutions would change the scope of sanctions.</p> <p>Members raised no objection to the Sudan 2013 Regulation and the Repeal Regulation.</p>	
013301 – 013358	Chairman	End of meeting	