

立法會
Legislative Council

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by the Administration)

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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 tenth meeting
on Monday, 23 November 2015, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Cyd HO Sau-lan, JP (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 Kenneth LEUNG
Hon Dennis KWOK
Hon Martin LIAO Cheung-kong, SBS, JP

Public officers attending : Ms Carol YUEN Siu-wai, JP
Deputy Secretary for Commerce and Economic
Development (Commerce and Industry) 1

Mr Sam HUI Chark-shum
Principal Assistant Secretary for Commerce and
Economic Development (Commerce and Industry) 2

Ms Melody HUI Po-yu
Senior Government Counsel (Treaties and Law)
Department of Justice

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

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Ms Connie HO
Senior Council Secretary (1)3

Action

I. Meeting with the Administration

- | | | |
|----------------------------|----|--|
| (File Ref: CITB CR 75/53/9 | -- | Legislative Council Brief on United Nations Sanctions (Yemen) Regulation 2015 |
| File Ref: CITB CR 95/53/1 | -- | Legislative Council Brief on United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2015 |
| File Ref: CITB CR 136/53/1 | -- | Legislative Council Brief on United Nations Sanctions (Côte d'Ivoire) Regulation 2015 |
| LC Paper No. LS77/14-15 | -- | Legal Service Division Report on subsidiary legislation gazetted on 17 July 2015 (L.N. 166 to L.N. 168) for the House Committee meeting on 9 October 2015) |

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

2. The Subcommittee completed the study of the United Nations Sanctions (Yemen) Regulation 2015, the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2015 and the United Nations Sanctions (Côte d'Ivoire) Regulation 2015.

II. Any other business

3. There being no other business, the meeting ended at 3:08 pm.

Council Business Division 1
Legislative Council Secretariat
30 December 2015

**Proceedings of the tenth meeting of
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions
on Monday, 23 November 2015, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000000 – 000348	Chairman	Opening remarks by the Chairman	
000349 – 000637	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Yemen) Regulation 2015 ("the Yemen Regulation 2015")</u></p> <p>The Chairman requested the Administration to highlight for members' information the differences between the Yemen Regulation 2015 and other regulations made under section 3 of the United Nations Sanctions Ordinance (Cap.537) ("UNSO") in respect of the provisions relating to travel ban, financial sanctions and arms embargo.</p>	
000638 – 001350	Chairman Administration	<p><u>Study of the mark-up version of the Yemen Regulation 2015 (Annex E to CITB CR 75/53/9)</u></p> <p>The Administration advised that the Yemen Regulation 2015 was to implement Resolution 2204 (2015) of the Security Council of the United Nations ("UNSC") to renew sanctions against Yemen, and to give effect to UNSC Resolution 2216 (2015) imposing arms embargo against Yemen. The Administration advised that the renewed sanctions against Yemen were essentially the same as those in the expired United Nations Sanctions (Yemen) Regulation (Cap. 537BJ). The Administration then took members through the changes made in the mark-up version of the Yemen Regulation 2015 at Annex E.</p> <p><u>Part 1 Preliminary</u> <u>Part 2 Prohibitions</u> <u>Part 3 Licence</u></p> <p>Members raised no question.</p>	

Time marker	Speaker	Subject(s)	Action required
001351 – 001534	Chairman Administration Assistant Legal Adviser ("ALA5")	<p><u>Part 5 Enforcement of Regulation</u></p> <p>In response to the Chairman's enquiry, ALA5 confirmed that the provisions in Part 5 (i.e. sections 11 to 20) were broadly similar to those in other regulations made pursuant to the UNSO.</p>	
001535 – 002333	Chairman Administration	<p><u>Part 6 section 22 – Seized articles, etc. liable to forfeiture</u></p> <p><u>section 23 – Power of magistrate or judge to make order for forfeiture and disposal</u></p> <p>In response to the Chairman's enquiry, the Administration advised that –</p> <p>(a) while the provisions in section 22 relating to seizure and disposal of prohibited items and those in section 23 on the power of the magistrate or judge to make forfeiture and disposal were not common in regulations made under the UNSO, such provisions were in line with the prevailing drafting practices and consistent with similar provisions in other legislation; and</p> <p>(b) the time frame prescribed in sections 22(1), 22(2)(c) and 22(4)(a), and the authorization of a solicitor who was qualified to practice under the Legal Practitioners Ordinance (Cap. 159) to accept service on behalf of the claimant in relation to the forfeiture proceedings was consistent with similar provisions in other legislation.</p>	
002334 – 002504	Chairman Administration	<p><u>Part 8 section 31 – Specification of designated person or designated entity by Chief Executive</u></p> <p>In response to the Chairman's enquiry, the Administration advised that the Chief Executive might, by notice published in the Gazette, specify as a designated person or a designated entity a person or an entity designated by the Committee established pursuant to paragraph 19 of UNSC Resolution 2140 (2014) for the purposes of paragraph 20(d) of UNSC Resolution 2216 (2015).</p>	

Time marker	Speaker	Subject(s)	Action required
002505 – 002529	Chairman Administration	<p><u>Part 9 Duration</u></p> <p><u>Explanatory Note</u></p> <p>Members raised no question.</p> <p>Members completed the scrutiny of the Yemen Regulation 2015 and raised no objection to the Regulation.</p>	
002530 – 002931	Chairman Administration Mr Martin LIAO	<p><u>Briefing by the Administration on the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2015 ("the Libya Amendment Regulation")</u></p> <p>Considering that Hong Kong had the obligation to implement the relevant UN sanctions regardless of its trade relations with the countries concerned, Martin LIAO enquired about the purpose for the Administration to brief the Subcommittee on trade relations between Hong Kong and the country under sanctions.</p> <p>The Chairman advised that such information could enable the Subcommittee to ascertain the impact of implementing the relevant sanctions on Hong Kong's trade and industry. As requested by the Subcommittee, the Panel on Commerce and Industry and the Panel on Financial Affairs as well as the trades that might be affected by the regulations made under UNSO were notified of the UN sanctions being implemented in Hong Kong.</p>	
002932 – 003455	Chairman Administration	<p><u>Study of the mark-up version of the Libya Amendment Regulation</u> (Annex D to CITB CR 95/53/1)</p> <p>The Administration advised that the Libya Amendment Regulation sought to amend the United Nations Sanctions (Libya) Regulation 2011 (Cap.537 AW) to implement UNSC Resolution 2213 (2015) to extend until 31 March 2016 the sanctions or prohibitions imposed by UNSC Resolution 2146 (2014) in respect of the prevention of illicit oil exports. The Administration then took members through the amendments made in the mark-up version of the Libya Amendment Regulation at Annex D.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Part 1 Preliminary</u></p> <p><u>Part 2 Prohibitions</u></p> <p>The Administration advised that the descriptions of "HKSAR air space" and "waters of the HKSAR" under sections 3(1)(b) and (d) and sections 6(1)(b) and (d) had been revised to "Hong Kong air space" and "waters of Hong Kong" respectively to align with the prevailing descriptions used in the laws of Hong Kong.</p> <p><u>Part 5 Enforcement of Regulation</u></p> <p><u>Part 8 Other Offences and Miscellaneous Matters</u></p> <p>Members raised no question.</p> <p>Members completed the scrutiny of the Libya Amendment Regulation and raised no objection to the Regulation.</p>	
003456 – 003731	Chairman Administration	<u>Briefing by the Administration on the United Nations Sanctions (Côte d'Ivoire) Regulation 2015 ("the Côte d'Ivoire Regulation 2015")</u>	
003732 – 003933	Chairman Administration	<p><u>Study of the Côte d'Ivoire Regulation 2015 (Annex D to CITB CR 136/53/1)</u></p> <p>The Administration advised that the Côte d'Ivoire Regulation 2015 sought to implement UNSC Resolution 2219 (2015) to renew sanctions against Côte d'Ivoire (including arms embargo measures, financial and travel measures) until 30 April 2016. The Administration then took members through the changes of the Côte d'Ivoire Regulation 2015 when compared with the United Nations Sanctions (Côte d'Ivoire Regulation) 2014 (Cap. 537BK). The Administration advised that the revisions made therein were mainly technical amendments, and the provisions which renewed the sanctions against Côte d'Ivoire were essentially the same as those in the expired Cap. 537BK.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Part 1 Preliminary</u></p> <p><u>Part 2 Prohibitions</u></p> <p><u>Part 8 Other Offences and Miscellaneous Matters</u></p> <p><u>Part 9 Duration</u></p> <p><u>Explanatory Note</u></p> <p>Members raised no question.</p> <p>Members completed the scrutiny of the Côte d'Ivoire Regulation 2015 and raised no objection to the Regulation.</p>	