

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 eleventh meeting
on Monday, 22 February 2016, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

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

Members absent : Hon James TO Kun-sun
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 Alice CHOY Mun-see
Deputy Principal Government Counsel (Treaties and
Law) 2

Miss Elaine NG Pui-kei
Senior Government Counsel

Mr Henry CHAN Ngai-him
Senior Government Counsel

Clerk in attendance: Mr Desmond LAM
Chief Council Secretary (1)3

Staff in attendance : Miss Joyce CHAN
Assistant Legal Adviser 1

Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Connie HO
Senior Council Secretary (1)3

Action

I. Meeting with the Administration

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|-----------------------------|----|--|
| (File Ref: CITB CR 104/53/1 | -- | Legislative Council Brief on United Nations Sanctions (Liberia) (No. 2) Regulation 2015 and United Nations Sanctions (Liberia) Regulation 2015 (Repeal) Regulation |
| LC Paper No. LS17/15-16 | -- | Legal Service Division Report on L.N. 239 and 240 for the House Committee meeting on 18 December 2015 |
| File Ref: CITB CR 67/53/1 | -- | Legislative Council Brief on United Nations Sanctions (Iran) (Amendment) Regulation 2016 |
| LC Paper No. LS27/15-16 | -- | Legal Service Division Report on L.N. 8 for the House Committee meeting on 22 January 2016 |

- File Ref: CITB CR 102/53/1 -- Legislative Council Brief on United Nations Sanctions (Somalia) (Amendment) Regulation 2016
- LC Paper No. LS32/15-16 -- Legal Service Division Report on L.N. 24 for the House Committee meeting on 5 February 2016)

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

2. The Subcommittee completed the study of the United Nations Sanctions (Liberia) (No. 2) Regulation 2015, the United Nations Sanctions (Liberia) Regulation 2015 (Repeal) Regulation, the United Nations Sanctions (Iran) (Amendment) Regulation 2016 and the United Nations Sanctions (Somalia) (Amendment) Regulation 2016.

Follow-up actions by the Administration

3. In relation to the United Nations Sanctions (Iran) Regulation, the Administration was requested to advise the Subcommittee of the procedures to be observed in respect of the granting of a licence by the Chief Executive of the Hong Kong Special Administrative Region for the transfer of technology or assistance related to ballistic missiles pursuant to the relevant provisions under section 10A of the Regulation.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)731/15-16(01) on 31 March 2016.)

II. Any other business

4. There being no other business, the meeting ended at 5:11 pm.

**Proceedings of the eleventh 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, 22 February 2016, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000000 – 000444	Chairman	Opening remarks by the Chairman	
000445 – 000752	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Liberia) (No.2) Regulation 2015 ("the Liberia (No.2) Regulation 2015") and the United Nations Sanctions (Liberia) Regulation 2015 (Repeal) Regulation ("the Repeal Regulation")</u></p> <p>In response to the Chairman's enquiry, the Administration advised that the Liberia (No.2) Regulation 2015 sought to implement the arms-related sanctions against Liberia as renewed by Resolution 2237 (2015) of the United Nations Security Council ("UNSC"). The relevant sanctions would expire at midnight on 1 June 2016.</p> <p>The Administration advised that all provisions of the United Nations Sanctions (Liberia) Regulation 2015 (Cap. 537BL) ("the Liberia Regulation 2015"), except those relating to financial sanctions, expired on 8 September 2015. As the financial sanctions on Liberia had been terminated by UNSC Resolution 2237 (2015), the Liberia Regulation 2015 should therefore be repealed.</p>	
000753 – 001220	Chairman Administration	<p><u>Study of the mark-up version of the Liberia (No. 2) Regulation 2015 (Annex E to CITB CR 104/53/1)</u></p> <p><u>Part 1: Preliminary</u> <u>Part 2: Prohibitions</u> <u>Part 3: Licences</u> <u>Part 4: Things Done outside HKSAR</u> <u>Part 5: Enforcement of Regulation</u> <u>Part 6: Evidence</u> <u>Part 7: Disclosure of Information or Documents</u> <u>Part 8: Other Offences and Miscellaneous Matters</u> <u>Part 9: Duration</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Explanatory Note</u></p> <p>Members raised no question.</p> <p>Members completed the study of the Liberia (No.2) Regulation 2015 and raised no objection to the Regulation.</p> <p><u>Study of the Repeal Regulation</u> (Annex B to CITB CR 104/53/1)</p> <p>Members raised no question.</p> <p>Members completed the study of the Repeal Regulation and raised no objection to the Regulation.</p>	
001221 – 001622	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Iran) (Amendment) Regulation 2016 ("the Iran Amendment Regulation")</u></p> <p>The Administration advised that the Iran Amendment Regulation sought to amend the United Nations Sanctions (Iran) Regulation (Cap.537AF) to implement the exemptions to sanction measures against Iran as decided by UNSC Resolution 2231 (2015) to support the implementation of the Joint Comprehensive Plan of Action ("JCPOA").</p> <p>The Administration's response to the Chairman's enquiry about JCPOA that –</p> <p>(a) JCPOA was a solution to the Iranian nuclear issue reached by the five permanent members of the UNSC (the United States, United Kingdom, France, China and Russian Federation) together with Germany and the European Union which provided for a timeline for the removal of sanctions upon verification by the International Atomic Energy Agency that all nuclear materials in Iran remained in peaceful activities; and</p> <p>(b) any non-compliance by Iran of commitments under the JCPOA would result in reinstatement of the sanctions regime.</p>	

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001623 – 002309	Chairman Administration	<p><u>Study of the mark-up version of the Iran Amendment Regulation</u> (Annex E to CITB CR 67/53/1)</p> <p><u>Part 1: Preliminary</u></p> <p>Members raised no question.</p> <p><u>Part 2: Prohibitions</u></p> <p>In response to the Chairman's enquiry on whether there was any precedent for the provision of exceptions to prohibitions in support of the implementation of any joint international action plans similar to JCPOA in other regulations made pursuant to the United Nations Sanctions Ordinance (Cap. 537) ("UNSO"), the Administration advised that –</p> <p>(a) JCPOA was a solution to Iranian nuclear issue reached by some member states of the UNSC and similar arrangement was not seen in any other UNSC Resolutions before; and</p> <p>(b) the Iran Amendment Regulation was the first regulation made under the UNSO that had provided for the necessary exceptions to support the implementation of JCPOA.</p>	
002310 – 003547	Chairman Administration	<p><u>Part 3: Licences</u></p> <p><u>Section 10A – Licence for transfer of technology or assistance related to ballistic missiles</u></p> <p>Despite the fact that Hong Kong did not possess technology relating to ballistic missiles at present, the Chairman was concerned about the transparency of the mechanism whereby the Chief Executive ("CE") of the Hong Kong Special Administrative Region ("HKSAR") might exercise the power of granting licence for the transfer of technology or assistance related to ballistic missiles, which was provided for under section 10A of the United Nations Sanctions (Iran) Regulation as amended by the Iran Amendment Regulation.</p> <p>At the request of the Chairman, the Administration undertook to advise the Subcommittee of the procedures to be observed in respect of the</p>	The Administration to take

Time marker	Speaker	Subject(s)	Action required
		granting of a licence by CE of HKSAR for the transfer of technology or assistance related to ballistic missiles pursuant to the relevant provisions under section 10A of the United Nations Sanctions (Iran) Regulation.	follow-up action as required in paragraph 3 of the minutes.
003548 – 003626	Chairman Administration	<p><u>Part 8: Other Offences and Miscellaneous Matters</u> <u>Section 32 – Access to Security Council documents</u></p> <p><u>Explanatory Note</u></p> <p>Members raised no question.</p> <p>Members completed the study of the Iran Amendment Regulation and raised no objection to the Regulation.</p>	
003627 – 003810	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Somalia) (Amendment) Regulation 2016 ("the Somalia Amendment Regulation")</u></p> <p>The Administration advised that the Somalia Amendment Regulation mainly sought to renew the exceptions to arms embargo measures, the prohibition against the provision of advice, assistance and training, as well as financial sanctions in respect of Somalia as per UNSC Resolution 2244 (2015).</p>	
003811 – 004051	Chairman Administration	<p><u>Study of the mark-up version of the Somalia Amendment Regulation (Annex D to CITB CR 102/53/1)</u></p> <p><u>Part 3: Licences</u> <u>Section 8 – Licence for supply, sale, transfer or carriage of certain goods</u> <u>Section 9 – Licence for provision of certain advice, assistance or training</u> <u>Section 10 – Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities</u></p> <p>Members raised no question.</p>	

Time marker	Speaker	Subject(s)	Action required
004052 – 004133	Chairman Administration	<u>Part 8: Other Offences and Miscellaneous Matters</u> <u>Section 32 – Duration</u> Members raised no question. Members completed the study of the Somalia Amendment Regulation and raised no objection to the Regulation.	

Council Business Division 1
Legislative Council Secretariat
1 June 2016