

立法會
Legislative Council

LC Paper No. LS56/15-16

**Paper for the House Committee Meeting
on 3 June 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 27 May 2016**

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND
NOT SUBJECT TO AMENDMENT**

**United Nations Sanctions (Central African Republic)
Regulation 2016** **(L.N. 90)**

**United Nations Sanctions (Yemen) Regulation 2015
(Amendment) Regulation 2016** **(L.N. 91)**

L.N. 90 and L.N. 91 are made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council. They came into operation when they were published in the Gazette on 27 May 2016.

L.N. 90

2. Since 2013, the Security Council of the United Nations ("UNSC") has adopted several resolutions imposing certain sanctions against the Central African Republic. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Central African Republic) Regulation 2015 (Cap. 537BM) which expired at midnight on 29 January 2016.

3. L.N. 90 is made to give effect to certain decisions in Resolution 2262 (2016), as adopted by UNSC on 27 January 2016, in respect of the Central African Republic by providing for the prohibition against:

- (a) the supply, sale, transfer or carriage of arms or related materiel to the Central African Republic;

- (b) the provision of assistance or training related to military activities in certain circumstances;
- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (e) entry into or transit through the Hong Kong Special Administrative Region ("HKSAR") by certain persons.

4. L.N. 90 will expire at midnight on 31 January 2017.

5. Members may refer to the Legislative Council ("LegCo") Brief (File Ref: CITB CR 75/53/8) issued by the Commerce and Economic Development Bureau ("CEDB") in May 2016 for further information. A marked-up version showing the differences between L.N. 90 and the expired Cap. 537BM is at Annex D to the LegCo Brief. The provisions in L.N. 90 are essentially the same as those in Cap. 537BM.

L.N. 91

6. Since 2014, UNSC has adopted several resolutions imposing certain sanctions against Yemen. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Yemen) Regulation 2015 (L.N. 166 of 2015). Except the provisions relating to the arms embargo measures, the provisions in L.N. 166 of 2015 expired at midnight on 26 February 2016.

7. L.N. 91 amends L.N. 166 of 2015 to give effect to certain decisions in UNSC Resolution 2266 (2016) as adopted by UNSC on 24 February 2016 in respect of Yemen 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;
- (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (c) entry into or transit through HKSAR by certain persons.

8. The new sections 5A, 7A, 7B, 9A, 9B and 30A¹ of L.N. 166 of 2015 as added by L.N. 91, will expire at midnight on 26 February 2017.

9. Members may refer to the LegCo Brief (File Ref: CITB CR 75/53/9) issued by CEDB in May 2016 for further information. A marked-up version showing the differences between L.N. 91 and L.N. 166 of 2015 is at Annex D to the LegCo Brief.

Other information and remarks

10. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under Cap. 537. Accordingly, L.N. 90 and L.N. 91 are not required to be tabled in 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 L.N. 90 and L.N. 91 to the Subcommittee for its consideration.

11. As advised by the Clerk to the Subcommittee, the LegCo Briefs on L.N. 90 and L.N. 91 were circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)986/15-16 on 30 May 2016.

Concluding Observations

12. The Legal Service Division is scrutinizing the legal and drafting aspects of L.N. 90 and L.N. 91, and a further report will be made if necessary.

Prepared by

LEE Hoi-see, Evelyn
Assistant Legal Adviser
Legislative Council Secretariat
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LS/S/25/15-16

¹ These sections are essentially the same as the expired provisions of L.N. 166 of 2015. They relate to travel ban measures, financial sanctions and the power conferred on the Chief Executive to specify certain persons or entities as a relevant person or relevant entity for the purposes of certain financial sanctions.