

立法會
Legislative Council

LC Paper No. LS100/16-17

**Paper for the House Committee Meeting
on 6 October 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 September 2017**

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

**United Nations Sanctions (Libya) Regulation 2011
(Amendment) Regulation 2017 (L.N. 151)**

L.N. 151 is 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. L.N. 151 came into operation when it was published in the Gazette on 29 September 2017.

2. Since 2011, the Security Council of the United Nations ("UNSC") has adopted several resolutions to impose certain sanctions against Libya in view of, among other things, serious violations of human rights and attacks against civilians in Libya. The United Nations Sanctions (Libya) Regulation 2011 (Cap. 537AW) was made and amended from time to time to implement these sanctions pursuant to section 3 of Cap. 537.

3. L.N. 151 amends Cap. 537AW mainly to give effect to certain decisions in Resolution 2362 (2017), as adopted by UNSC on 29 June 2017 in respect of Libya, by providing for the prohibitions against:

- (a) the loading, transport or discharge of petroleum (including crude oil and refined petroleum products) from Libya aboard certain ships;
- (b) engaging in any financial transaction related to any petroleum (including crude oil and refined petroleum products) from Libya aboard certain ships;

- (c) the provision of certain services to ships under certain circumstances; and
- (d) certain ships from entering the waters of Hong Kong.

L.N. 151 also contains certain textual amendments to Cap. 537AW.

4. Similar prohibitions in Cap. 537AW which had previously been provided under the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2016 (L.N. 111 of 2016) expired at midnight on 31 July 2017. The above prohibitions in L.N. 151 will expire at midnight on 15 November 2018.

5. 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 section 3 of Cap. 537. Therefore, L.N. 151 is not required to be tabled in the Legislative Council ("LegCo") and is not subject to amendment by LegCo. However, since L.N. 151 comes 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 it to the Subcommittee for its consideration.

6. As advised by the Clerk to the Subcommittee, the LegCo Brief on L.N. 151 (File Ref: CITB CR 95/53/1) issued by the Commerce and Economic Development Bureau in September 2017 was circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)1447/16-17 on 29 September 2017. A marked-up version showing the changes made by L.N. 151 to Cap. 537AW is at Annex E to the LegCo Brief.

7. The Legal Service Division is scrutinizing the legal and drafting aspects of L.N. 151 and will report further if necessary.

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