

**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 third meeting on  
Tuesday, 31 October 2017, at 4:30 pm  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon Kenneth LEUNG (Chairman)  
Hon Dennis KWOK Wing-hang  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon Holden CHOW Ho-ding

**Public officers attending** : Agenda item I  
  
Ms Vivian SUM, JP  
Deputy Secretary for Commerce and Economic  
Development (Commerce and Industry) 1  
  
Ms Leona LAW  
Principal Assistant Secretary for Commerce and  
Economic Development (Commerce and Industry) 2  
  
Miss Wendy HO  
Government Counsel  
  
Mr Gary LI  
Government Counsel

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

**Staff in attendance:** Miss Joyce CHAN  
Assistant Legal Adviser 1

Ms Wendy KAN  
Assistant Legal Adviser 6

Mr Joey LO  
Senior Council Secretary (1)8

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Action

**I. Meeting with the Administration**

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|-----------------------------|----|--|
| (File Ref: CITB CR 75/53/8  | -- | Legislative Council Brief on United Nations Sanctions (Central African Republic) Regulation 2017   |
| File Ref: CITB CR 75/53/9   | -- | Legislative Council Brief on United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2017  |
| LC Paper No. LS67/16-17     | -- | Legal Service Division Report on subsidiary legislation gazetted on 12 May 2017 (L.N. 79 and L.N. 80) for the House Committee meeting on 19 May 2017 |
| File Ref: CITB CR 75/53/4   | -- | Legislative Council Brief on United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017   |
| File Ref: CITB CR 75/53/5/1 | -- | Legislative Council Brief on United Nations Sanctions (South Sudan) Regulation 2017  |
| LC Paper No. LS97/16-17     | -- | Legal Service Division Report on subsidiary legislation gazetted on 15 September 2017 (L.N. 149 and L.N. 150)  |

- File Ref: CITB CR 95/53/1 -- Legislative Council Brief on United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017
- LC Paper No. LS100/16-17 -- Legal Service Division Report on subsidiary legislation gazetted on 29 September 2017 (L.N. 151) for the House Committee meeting on 6 October 2017)

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

2. The Subcommittee completed the study of the United Nations Sanctions (Central African Republic) Regulation 2017, the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2017, the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017, United Nations Sanctions (South Sudan) Regulation 2017 and the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017.

## **II. Any other business**

3. There being no other business, the meeting ended at 5:14 pm.

Council Business Division 1  
Legislative Council Secretariat  
4 January 2018

**Proceedings of the third meeting of  
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of  
the United Nations Security Council in relation to Sanctions  
on Tuesday, 31 October 2017, at 4:30 pm  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000800 – 001014	Chairman	Opening remarks by the Chairman.	
001015 – 001257	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Central African Republic) Regulation 2017</u></p> <p>The Administration introduced the United Nations Sanctions (Central African Republic) Regulation 2017 which sought to implement the sanctions against the Central African Republic as renewed by the Security Council of the United Nations Resolution ("UNSCR") 2339 adopted by the Security Council of the United Nations ("UNSC") on 27 January 2017.</p>	
001258 – 001450	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Central African Republic) Regulation 2017 (Annex D to CITB CR 75/53/8)</u></p> <p><u>Part 1: Preliminary</u> <u>Part 2: Prohibitions</u> <u>Part 3: Licences</u> <u>Section 8 – Licence for supply, sale, transfer or carriage of certain goods</u></p> <p>Members raised no question.</p>	
001451 – 001538	Chairman Administration	<p><u>Part 3: Licences</u> <u>Section 9 – Licence for provision of certain assistance or training</u></p> <p><u>Section 9(2)(a)</u></p> <p>In response to the Chairman's enquiry, the Administration advised that "civilian law enforcement institutions" was "文職執法機構" in the Chinese text of the marked-up version.</p>	

Time marker	Speaker	Subject(s)	Action required
001539 – 001631	Chairman Administration	<p><u>Part 3: Licences</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>  <u>Section 11 – Provision of false information or documents for purpose of obtaining licences</u></p> <p><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> <p>Members raised no question.</p> <p>Members completed the study of the United Nations Sanctions (Central African Republic) Regulation 2017 and raised no objection to the Regulation.</p>	
001632 – 001832	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2017</u></p> <p>The Administration introduced the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2017 ("Amendment Regulation (Yemen)") which sought to implement the sanctions against Yemen as renewed by the UNSCR 2342 adopted by UNSC on 23 February 2017.</p>	
001833 – 001930	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2017 (Annex E to CITB CR 75/53/9)</u></p> <p><u>Part 1: Preliminary</u>  <u>Section 1 – Interpretation</u>  <u>Part 2: Prohibitions</u>  <u>Section 2 – Prohibition against supply, sale or transfer of certain goods</u>  <u>Section 3 – Prohibition against carriage of certain goods</u>  <u>Section 4 – Prohibition against provision of certain assistance or training</u></p> <p>Members raised no question.</p>	

Time marker	Speaker	Subject(s)	Action required
001931 – 002205	Chairman	The meeting was suspended for three minutes until the problem with the microphone system was fixed.	
002206 – 002413	Chairman Administration	<u>Section 5B – Prohibition against making available funds, etc. or dealing with funds, etc.</u> <u>Section 7C – Prohibition against entry or transit by certain persons</u> <u>Section 7D – Exceptions to prohibition against entry or transit by certain persons</u>  Members raised no question.	
002414 – 002509	Chairman Administration	<u>Part 3A: Licence</u> <u>Section 9C – Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities</u> <u>Section 9D – Provision of false information or documents for purpose of obtaining 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>Section 30B – Specification of relevant person or relevant entity by Chief Executive</u>  Members raised no question.	
002510 – 002700	Chairman Assistant Legal Adviser 1 ("ALA1") Administration	<u>Part 9: Duration</u> <u>Section 35 – Duration</u>  ALA1 drew members' attention to the newly added sections 9D and 30B in which duration was not specified for these two sections under the Amendment Regulation (Yemen). As explained by the Administration, the newly added sections 9D and 30B were standard provisions necessary for the effective implementation of the relevant financial sanctions against Yemen. As such, the Administration had been reinstating the same provisions annually to implement the financial sanctions against Yemen which were renewed by UNSC resolution on an annual basis. The Administration considered that there was no need to specify a duration for the provisions.  The Administration added that section 9D referred to "provision of false information or documents for	

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		<p>purpose of obtaining licences", while section 30B referred to "specification of relevant person or relevant entity by Chief Executive". Given that the time-limited nature of the financial sanctions against Yemen imposed by the Amendment Regulation (Yemen) would not be affected by the continuation of sections 9D and 30B after the expiry of the sanctions on 26 February 2018, the Administration considered that there was no need to specify a duration for the provisions.</p> <p>Members raised no question.</p> <p>Members completed the study of the Amendment Regulation (Yemen) and raised no objection to the Amendment Regulation (Yemen).</p>	
002701 – 002842	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017</u></p> <p>The Administration introduced the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017 which sought to implement the sanctions against the Democratic Republic of the Congo as renewed by UNSCR 2360 adopted by UNSC on 21 June 2017.</p>	
002843 – 003044	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017 (Annex F to CITB CR 75/53/4)</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> <p>Members raised no question.</p> <p>Members completed the study of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017 and raised no objection to the Regulation.</p>	

Time marker	Speaker	Subject(s)	Action required
003045 – 003217	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (South Sudan) Regulation 2017</u></p> <p>The Administration introduced the United Nations Sanctions (South Sudan) Regulation 2017 which sought to implement the sanctions against South Sudan as renewed by UNSCR 2353 adopted by UNSC on 24 May 2017.</p>	
003218 – 003249	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (South Sudan) Regulation 2017 (Annex E to CITB CR 75/53/5/1)</u></p> <p><u>Part 1: Preliminary</u> <u>Part 2: Prohibitions</u></p> <p>Members raised no question.</p>	
003250 – 003340	Chairman Administration	<p><u>Part 3: Licence</u> <u>Section 5 – Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities</u></p> <p>In response to the Chairman's enquiry, the Administration advised that the addition of "under the law of the HKSAR" under subsection 5(2)(a)(ii) was meant to tally with the phrase "in accordance with national laws" as stated in UNSCR 2353.</p>	
003341 – 003430	Chairman Administration	<p><u>Section 6 – Provision of false information or documents for purpose of obtaining licence</u> <u>Part 4: Things Done outside HKSAR</u> <u>Part 5: Evidence</u> <u>Part 6: Disclosure of Information or Documents</u> <u>Part 7: Other Offences and Miscellaneous Matters</u> <u>Part 8: Duration</u></p> <p>Members raised no question.</p> <p>Members completed the study of the United Nations Sanctions (South Sudan) Regulation 2017 and raised no objection to the Regulation.</p>	
003431 – 003706	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017</u></p>	



Time marker	Speaker	Subject(s)	Action required
		<p>The Administration introduced the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017 which sought to implement the sanctions against Libya as decided in UNSCR 2362 adopted by UNSC on 29 June 2017.</p>	
003707 – 003742	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017 (Annex E to CITB CR 95/53/1)</u></p> <p><u>Part 1: Preliminary</u> <u>Section 1 – Interpretation</u></p> <p>In response to the Chairman's enquiry, the Administration advised that "the Government of Libya" was not defined in the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537AW). It was replaced by "Libyan Government" which was defined to mean "the Government of National Accord in Libya" under the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017.</p>	
003743 – 004210	Chairman Administration	<p><u>Part 2: Prohibitions</u> <u>Section 3G – Prohibition against loading, transport or discharge of petroleum</u> <u>Section 3H – Exceptions to prohibition under section 3G</u> <u>Section 7G – Prohibition against engaging in certain financial transactions</u> <u>Section 7H – Exception to prohibition under section 7G</u> <u>Section 10J – Prohibition against provision of certain services to certain ships</u> <u>Section 10K – Exception to prohibition under section 10J</u> <u>Section 10L – Prohibition against certain ships from entering waters of Hong Kong</u> <u>Part 3: Licences</u> <u>Section 15B – Licence for provision of certain services to certain ships</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>Section 43 – Duration</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Members raised no question.</p> <p>Members completed the study of the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017 and raised no objection to the Regulation.</p>	
004211 – 004540	<p>Chairman Mr Dennis KWOK Mr Holden CHOW Administration</p>	<p>In response to members' enquiry, the Administration advised that UNSC had recently passed four UNSCRs in relation to sanctions against North Korea. The relevant regulation to be made under the United Nations Sanctions Ordinance ("UNSO") (Cap. 537) for implementing in the Hong Kong Special Administrative Region the UNSCRs in relation to the sanctions was in the pipeline. Members urged the Administration to expedite the process and implement the sanctions as soon as practicable.</p>	
004541 – 004806	<p>Chairman Administration</p>	<p>In response to the Chairman's enquiry about reports of UNSC in relation to sanctions against North Korea in which Hong Kong individuals and registered companies in Hong Kong were alleged to be involved, the Administration advised that the Commerce and Economic Development Bureau liaised closely with the Hong Kong Police Force and the Customs and Excise Department which were the enforcement agencies of the regulations made under UNSO. The two enforcement agencies would closely monitor any suspected violations involving Hong Kong registered companies or individuals.</p>	
004807 – 004833	<p>Chairman</p>	<p>End of meeting.</p>	