

立法會
Legislative Council

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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 fourth meeting on
Wednesday, 18 July 2018, at 2:30 pm
in Conference Room 3 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 Leona LAW
Acting Deputy Secretary for Commerce and
Economic Development (Commerce and
Industry)1

Miss Eileen YUE
Assistant Secretary for Commerce and Economic
Development (Commerce and Industry) 2A

Mr Henry CHAN
Senior Government Counsel

Ms Mandy NG
Senior Government Counsel

Miss Michelle FUNG
Senior Government Counsel
(Treaties & Law)

Miss Queenie HO
Government Counsel (Treaties & Law)

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

Staff in attendance: Ms Wendy KAN
Assistant Legal Adviser 6

Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Clara TAM
Assistant Legal Adviser 9

Mr Joey LO
Senior Council Secretary (1)8

Miss Zoe YIP
Clerical Assistant (1)3

Action

I. Meeting with the Administration

- | | | |
|-----------------------------|----|---|
| (File Ref: CITB CR 106/53/1 | -- | Legislative Council Brief on United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 |
| LC Paper No. LS76/17-18 | -- | Legal Service Division Report on subsidiary legislation gazetted on 22 June 2018 (L.N. 122) for the House Committee meeting on 29 June 2018 |
| File Ref: CITB CR 75/53/10 | -- | Legislative Council Brief on United Nations Sanctions (Mali) Regulation |

- LC Paper No. LS28/17-18 -- Legal Service Division Report on subsidiary legislation gazetted on 26 January 2018 (L.N. 12) for the House Committee meeting on 2 February 2018
- File Ref: CITB CR 102/53/1 -- Legislative Council Brief on United Nations Sanctions (Somalia) (Amendment) Regulation 2018
- LC Paper No. LS52/17-18 -- Legal Service Division Report on subsidiary legislation gazetted on 20 April 2018 (L.N. 66) for the House Committee meeting on 27 April 2018
- File Ref: CITB CR 75/53/8 -- Legislative Council Brief on United Nations Sanctions (Central African Republic) Regulation 2018
- File Ref: CITB CR 75/53/9 -- Legislative Council Brief on United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018
- LC Paper No. LS69/17-18 -- Legal Service Division Report on subsidiary legislation gazetted on 8 June 2018 (L.N. 117 and L.N.118) for the House Committee meeting on 15 June 2018)

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

Follow-up action

2. In relation to the United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537AE) ("the Regulation"), the Administration was requested to inform the Subcommittee whether it had conducted due diligence on compliance with the provisions of section 10G

(prohibition against certain activities in connection with immovable property) under Division 9 (property and joint ventures etc.) of Part 2 of the Regulation; if so, of the details.

(Post-meeting note: The information provided by the Administration was circulated to members on 14 August 2018 (LC Paper No. CB(1)1331/17-18(01).)

3. The Subcommittee completed the study of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018, the United Nations Sanctions (Mali) Regulation and the United Nations Sanctions (Somalia) (Amendment) Regulation 2018. Noting that the meeting was about to end and there would be no sufficient time for the Subcommittee to study the United Nations Sanctions (Central African Republic) Regulation 2018 and the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018 ("the remaining two Regulations") as scheduled for consideration at the meeting, the Chairman advised and members agreed that the remaining two Regulations would be studied at a future meeting.

II. Any other business

4. There being no other business, the meeting ended at 4:25 pm.

Council Business Division 1
Legislative Council Secretariat
5 October 2018

**Proceedings of the fourth meeting of
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions
on Wednesday, 18 July 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000000 – 000643	Chairman	Opening remarks by the Chairman.	
000644 – 000941	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 which sought to implement the sanctions against the Democratic People's Republic of Korea ("DPRK") as imposed or expanded by the relevant Security Council of the United Nations ("UNSC") Resolutions ("UNSCRs"), which were adopted by UNSC between March 2016 and December 2017. The United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 was gazetted on 22 June 2018 and came into operation on the same day.</p>	
000942 – 002321	Chairman Mr Dennis KWOK Mr Holden CHOW Administration	<p>Noting recent media reports about alleged activities of certain Hong Kong registered companies covertly assisting companies of DPRK to carry out business activities which were prohibited under the sanctions regime against DPRK, Mr Dennis KWOK enquired about the latest development of the implementation of relevant UNSCRs in respect of DPRK in Hong Kong. He urged the Administration to ensure that the Companies Registry would stay vigilant to the business activities of shell companies without active business operations in Hong Kong, which were suspected to be associated with companies of DPRK, and check the flow of funds to and from these companies. Mr Holden CHOW shared a similar view.</p> <p>The Administration advised that:</p> <p>(a) the Hong Kong Special Administrative Region</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>("HKSAR") Government had all along made relevant regulations as expeditiously as possible to give effect to the instructions of the Ministry of Foreign Affairs of the People's Republic of China ("MFA") to implement sanctions against DPRK, so as to keep pace with the adoption of the relevant UNSCRs by UNSC;</p> <p>(b) the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 was introduced on 22 June 2018 to provide the legal basis for implementing the relevant UNSCRs in relation to sanctions against DPRK and to carry out relevant investigations into suspicious business activities; and</p> <p>(c) through the concerted efforts of relevant Government departments including the Hong Kong Customs and Excise Department, the Hong Kong Police Force and the Companies Registry, the Administration had been closely looking into suspected violations of the sanctions regime, which included business transactions of suspected companies. No prosecutions had been taken so far.</p> <p>In response to the Chairman's enquiry, the Administration advised that there had been no prosecutions under the United Nations Sanctions Ordinance (Cap. 537).</p>	
002322 – 002842	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 (Annex H to CITB CR 106/53/1)</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 term "DPRK bank" was not defined under the relevant UNSCRs and the definition in the Regulation was drafted in consultation with the Hong Kong Monetary Authority ("HKMA").</p>	

Time marker	Speaker	Subject(s)	Action required
002843 – 003913	Chairman Mr Holden CHOW Administration	<p><u>Part 2: Prohibitions</u> <u>Part 2: Division 1: Prohibitions Subject to General Licence</u></p> <p>Members raised no question.</p> <p><u>Part 2: Division 2: Supply, Sale, Transfer or Carriage of Items to DPRK</u> <u>Section 2 – Prohibition against supply, sale or transfer of supply-sanctioned items</u></p> <p>In response to the Chairman's enquiry, the Government advised that the wordings of section 2 (1A), (1B) and (1C) were drafted with reference to the wordings of the relevant UNSCRs.</p> <p>In response to Mr Holden CHOW's enquiry, the Administration advised that references to "the DPRK" and "a person connected with the DPRK" in section 2(1)(a) and (1)(b) respectively corresponded to the meaning of the references to "DPRK" in the relevant UNSCRs, whereas the reference to "the DPRK" in section 2(1B) (a) corresponded to the meaning of the references to "the territory of DPRK" in the relevant UNSCRs.</p> <p><u>Section 2A – Prohibition against supply, sale or transfer of luxury goods</u></p> <p>In response to Mr Holden CHOW's enquiry, the Administration advised that there had been no prosecutions under section 2A since its introduction in 2014. As regards Mr CHOW's suggestion that more publicity be conducted to raise the awareness of Hong Kong citizens, who were travelling to DPRK, about the details of the prohibition as stated in section 2A, the Administration advised that it would continue the efforts to alert travellers to DPRK of the requirements of section 2A to prevent inadvertent contraventions.</p>	
003914 – 004104	Chairman Administration	<p><u>Section 3 – Prohibition against carriage of supply-sanctioned items</u> <u>Section 3AA – Prohibition against carriage of luxury goods</u></p> <p><u>Section 3A – Exceptions to prohibitions under sections 2 and 3</u></p>	

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		<p><u>Section 3B – Exceptions to prohibitions under sections 2A and 3AA</u></p> <p>Members raised no question.</p>	
004105 – 004341	Chairman Administration	<p><u>Part 2: Division 3: Procurement of Items or Services from DPRK</u></p> <p><u>Section 4 – Prohibition against procurement of procurement-sanctioned items or certain services by certain persons</u></p> <p><u>Section 5 – Prohibition against procurement of procurement-sanctioned items or certain services using ships, aircraft or vehicles</u></p> <p><u>Section 5AA – Prohibition against procurement of ship or aircraft crewing service</u></p> <p>Members raised no question.</p>	
004342 – 004447	Chairman Administration	<p><u>Part 2: Division 4: Financial and Banking Activities</u></p> <p><u>Section 5A – Prohibition against engaging in certain financial transactions</u></p> <p>In response to the Chairman's enquiry, the Administration advised that there were currently no financial institutions from DPRK authorized by HKMA.</p>	
004448 – 004731	Chairman Administration	<p><u>Section 5B – Exception to prohibition under section 5A(2)</u></p> <p><u>Section 5C – Prohibition against provision of financial services or transfer of funds, etc.</u></p> <p><u>Section 5D – Prohibition against certain banking activities in HKSAR</u></p> <p><u>Section 5E – Prohibition against certain activities of financial institutions in DPRK or in connection with DPRK banks</u></p> <p>Members raised no question.</p>	
004732 – 004955	Chairman Administration	<p><u>Section 5F – Prohibition against opening or maintaining certain bank accounts</u></p> <p>In response to the Chairman's enquiry, the</p>	

Time marker	Speaker	Subject(s)	Action required
		Administration advised that it had carried out due diligence on compliance with the requirements of section 5F by the DPRK consular officers concerned.	
004956 – 005449	Chairman Mr Holden CHOW Administration	<p><u>Section 5G – Prohibition against provision of financial support for trade with persons connected with the DPRK</u></p> <p>In response to Mr Holden CHOW's enquiry, the Administration advised that trade with DPRK was permissible except for those items specified in the United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537AE) ("the Regulation"), whereas provision of financial support, including: (a) export credit; (b) guarantee; and (c) insurance, to any person for trade with a person connected with DPRK, was prohibited under the Regulation.</p> <p>Regarding Mr CHOW's and the Chairman's enquiry about the dissemination of information on the prohibition under section 5G, the Administration advised that it had informed the import and export industry of the requirements through the Trade and Industry Department, and informed the financial industry of the requirements through the financial regulators such as HKMA, the Securities and Futures Commission and the Insurance Authority.</p>	
005450 – 005639	Chairman Administration	<p><u>Part 2: Division 5: Technical, Scientific and Training Activities</u></p> <p><u>Section 6 – Prohibition against provision of technical training, services, etc. to certain persons</u></p> <p><u>Section 6A – Exception to prohibition under section 6</u></p> <p><u>Section 7 – Prohibition against acceptance of technical training, services, etc. provided by certain persons</u></p> <p><u>Section 7A – Prohibition against provision of certain specialized teaching and training</u></p> <p><u>Section 7B – Prohibition against engaging in certain scientific or technical co-operation</u></p>	

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		Members raised no question.	
005640 – 010334	Chairman Administration	<p><u>Part 2: Division 6: Making Available or Dealing with Funds etc.</u> <u>Section 8 – Prohibition against making available funds, etc. or dealing with funds, etc.</u></p> <p><u>Part 2: Division 7: Entry and Transit</u> <u>Section 9 – Prohibition against entry or transit by certain persons</u></p> <p><u>Section 10 – Exceptions to prohibition against entry or transit by certain persons</u></p> <p><u>Part 2: Division 8: Ships and Aircraft</u> <u>Section 10A – Prohibition against certain activities in connection with ships and aircraft</u></p> <p><u>Section 10B – Exception to prohibition under section 10A</u></p> <p><u>Section 10C – Prohibition against certain ships from entering waters of Hong Kong</u></p> <p><u>Section 10D – Prohibition against ship-to-ship transfer</u></p> <p><u>Section 10E – Director of Marine to give directions to certain ships</u></p> <p><u>Section 10F – Prohibition against certain aircraft from taking off, landing and flying</u></p> <p>Members raised no question.</p>	
010335 – 010450	Chairman Administration	<p><u>Part 2: Division 9: Property and Joint Ventures etc.</u> <u>Section 10G – Prohibition against certain activities in connection with immovable property</u></p> <p>In response to the Chairman's enquiry, the Administration was requested to provide information on whether it had conducted due diligence on compliance with the provisions of section 10G (prohibition against certain activities in connection with immovable property) under Division 9 (property and joint ventures etc.) of Part 2 of the Regulation; if so, of the details.</p>	The Administration to take follow-up action as required in paragraph 2 of the minutes.

Time marker	Speaker	Subject(s)	Action required
010451 – 012226	Chairman Administration	<p><u>Section 10H – Prohibition against joint ventures or co-operative entities with persons connected with the DPRK</u></p> <p><u>Part 3: Licences</u></p> <p><u>Section 10I – General licence for all prohibited acts</u></p> <p><u>Section 10J – Licence for supply, sale, transfer or carriage of certain supply-sanctioned items</u></p> <p><u>Section 10K – Licence for procurement of certain procurement-sanctioned items</u></p> <p><u>Section 10L – Licence for certain activities in connection with DPRK banks</u></p> <p><u>Section 10M – Licence for opening or maintaining certain bank accounts</u></p> <p><u>Section 10N – Licence for provision of financial support for trade with persons connected with the DPRK</u></p> <p><u>Section 10O: Licence for engaging in certain scientific or technical co-operation</u></p> <p><u>Section 11 – Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities</u></p> <p><u>Section 11A – Licence for certain activities in connection with ships and aircraft</u></p> <p><u>Section 11B – Licence for joint ventures or co-operative entities with persons connected with the DPRK</u></p> <p><u>Section 12 – Provision of false information or documents for purpose of obtaining licences</u></p> <p><u>Part 4: Things Done outside HKSAR</u></p> <p><u>Section 13 – Licence or permission granted by authorities of places outside HKSAR</u></p> <p><u>Part 5: Enforcement of Regulation</u></p> <p><u>Part 5: Division 1: Investigation, etc. of Suspected Ships</u></p> <p><u>Section 14 – Investigation of suspected ships</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Section 15 – Offences by charterer, operator or master of ship</u></p> <p><u>Section 16 – Power of authorized officers to enter and detain ships</u></p> <p><u>Part 5: Division 2: Investigation, etc. of Suspected Aircraft</u></p> <p><u>Section 17 – Investigation of suspected aircraft</u></p> <p><u>Section 18 – Offences by charterer, operator or pilot in command of aircraft</u></p> <p><u>Section 19 – Power of authorized officers to enter and detain aircraft</u></p> <p><u>Part 5: Division 3: Investigation, etc. of Suspected Vehicles</u></p> <p><u>Section 20 – Investigation of suspected vehicles</u></p> <p><u>Section 21 – Offences by operator or driver of vehicle</u></p> <p><u>Section 22 – Power of authorized officers to enter and detain vehicles</u></p> <p>Members raised no question.</p>	
012227 – 012522	Chairman Administration Assistant Legal Adviser 6 ("ALA6")	<p><u>Part 5: Division 3A: Powers to Search, Arrest, etc.</u></p> <p><u>Section 22A – Powers to stop and search etc.</u></p> <p><u>Section 22B – Arrest and detention</u></p> <p><u>Part 5: Division 4: Proof of Identity</u></p> <p><u>Section 23 – Production of proof of identity</u></p> <p>Members raised no question.</p> <p>ALA6 advised that other regulations made under the United Nations Sanctions Ordinance (Cap. 537) ("the Ordinance") did not contain provisions similar to those under sections 22A and 22B. The background for including these two provisions in the Regulation had been explained by the Administration. Members might consider whether further follow-up actions should be made.</p>	

Time marker	Speaker	Subject(s)	Action required
012523 – 013319	Chairman Administration Mr Holden CHOW	<p><u>Part 6: Evidence</u> <u>Part 6: Division 1: Interpretation</u> <u>Section 23A – Interpretation of Part 6</u></p> <p><u>Part 6: Division 2: Making Material Available</u> <u>Section 23B – Order to make material available</u></p> <p><u>Section 23C – Supplementary provisions to section 23B</u></p> <p><u>Section 23D – Revocation or variation of order under section 23B or 23C</u></p> <p><u>Section 23E – Procedures for application under section 23B, 23C or 23D</u></p> <p><u>Section 23F – Privileges</u></p> <p><u>Section 23G – Offence for failure to comply with order under section 23B</u></p> <p><u>Section 23H – Investigation not to be prejudiced</u></p> <p><u>Part 6: Division 3: Search Warrant</u> <u>Section 24 – Power of magistrate or judge to grant warrant</u></p> <p><u>Part 6: Division 4: Forfeiture and Detention of Seized Property</u> <u>Section 24A – Seized property liable to forfeiture</u></p> <p><u>Section 24B – Power of magistrate or judge to make order for forfeiture and disposal</u></p> <p><u>Section 25 – Detention of seized property</u></p> <p>The Administration explained that sections 23A to 23H were new provisions added to the Regulation and such provisions did not contain in other subsidiary legislation made under the Ordinance.</p> <p>In response to Mr Holden CHOW's enquiry, the Administration advised that the applications made under sections 23B(1) and 23C(3) should be heard in camera, and the proceedings so held would be formally recorded in accordance with the normal judicial procedures.</p>	

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013520 – 013820	Chairman Administration	<p><u>Part 7: Disclosure of Information or Documents</u> <u>Section 26 – Disclosure of information or documents</u></p> <p><u>Part 8: Other Offences and Miscellaneous Matters</u> <u>Section 27 – Liability of persons other than principal offenders</u></p> <p><u>Section 28 – Offences in relation to obstruction of authorized persons, etc.</u></p> <p><u>Section 29 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 30 – Consent and time limit for proceedings</u></p> <p>Members raised no question.</p>	
013821 – 014234	Chairman Mr Holden CHOW ALA6 Administration	<p><u>Section 31 – Publication of list of individuals and entities by Secretary</u></p> <p><u>Section 31A – Publication of list of ships by Secretary</u></p> <p>ALA6 advised members to note that the arrangements regarding the publication on the website of the Commerce and Economic Development Bureau of a list of individuals and entities and a list of ships by the Secretary for Commerce and Economic Development under sections 31 and 31A were only provided for in the Regulation and did not contain in other regulations made under the Ordinance.</p> <p>In response to Mr Holden CHOW's enquiry about the channel of appeal against UNSC's listing, the Administration advised that the individuals, entities and ship owners concerned could make an appeal to UNSC against its decisions. If necessary, the HKSAR Government would, upon request by the individuals, entities and ship owners concerned, provide assistance in submitting the request to UNSC via MFA.</p> <p>In response to the Chairman's enquiry whether the function of the Gazette as a periodical publication to publish public or legal notices would be affected by sections 31 and 31A, the Administration</p>	

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		advised that other notices published by way of Gazette would not be affected.	
014235 – 014352	Chairman Administration	<p><u>Section 32 – Access to Security Council Resolutions etc.</u></p> <p><u>Section 33 – Exercise of powers of Chief Executive</u></p> <p><u>Section 34 – Exercise of powers of Secretary</u></p> <p><u>Section 35 – Transitional provision for United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018</u></p> <p>Members raised no question.</p>	
014353 – 014519	Chairman Administration	<p><u>Schedule 1: Luxury Goods</u></p> <p><u>Schedule 2: Specified Items</u></p> <p><u>Schedule 3: Supply-sanctioned Items</u></p> <p><u>Schedule 4: Procurement-sanctioned Items</u></p> <p>Members raised no question.</p> <p>The Subcommittee completed the study of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 and raised no objection to the said Amendment Regulation.</p>	
014520 – 014718	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Mali) Regulation</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Mali) Regulation which sought to implement the sanctions against Mali as imposed by UNSCR 2374, which was adopted by UNSC on 5 September 2017. The United Nations Sanctions (Mali) Regulation was gazetted on 26 January 2018 and came into operation on the same day.</p>	
014719 – 014956	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Mali) Regulation (Annex D to CITB CR 75/53/10)</u></p> <p><u>Part 1: Preliminary</u></p> <p><u>Section 1 – Interpretation</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Part 2: Prohibitions</u> <u>Section 2 – Prohibition against making available funds, etc. or dealing with funds, etc.</u></p> <p><u>Section 3 – Prohibition against entry or transit by certain persons</u></p> <p><u>Section 4 – Exceptions to prohibition against entry or transit by certain persons</u></p> <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><u>Section 6 – Provision of false information or documents for purpose of obtaining licence</u></p> <p><u>Part 4: Things Done outside HKSAR</u> <u>Section 7 – Licence or permission granted by authorities of places outside HKSAR</u></p> <p><u>Part 5: Evidence</u> <u>Section 8 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 9 – Detention of documents, cargoes or articles seized</u></p> <p><u>Part 6: Disclosure of Information or Documents</u> <u>Section 10 – Disclosure of information or documents</u></p> <p><u>Part 7: Other Offences and Miscellaneous Matters</u> <u>Section 11 – Liability of persons other than principal offenders</u></p> <p><u>Section 12 – Offences in relation to obstruction of authorized persons, etc.</u></p> <p><u>Section 13 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 14 – Consent and time limit for proceedings</u></p> <p><u>Section 15 – Specification of relevant person or relevant entity by Chief Executive</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Section 16 – Exercise of powers of Chief Executive</u></p> <p><u>Part 8: Duration</u> <u>Section 17 – Duration</u></p> <p>In response to the Chairman's enquiry, the Administration advised that it remained to be seen whether new UNSCR to renew sanctions against Mali would be adopted by UNSC upon the expiry of the said Regulation at midnight on 4 September 2018.</p> <p>The Subcommittee completed the study of the United Nations Sanctions (Mali) Regulation and raised no objection to the said Regulation.</p>	
014957 – 015200	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Somalia) (Amendment) Regulation 2018</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Somalia) (Amendment) Regulation 2018 which sought to implement the exceptions to sanctions against Somalia as renewed by UNSCR 2385, which was adopted by UNSC on 14 November 2017. The United Nations Sanctions (Somalia) (Amendment) Regulation 2018 was gazetted on 20 April 2018 and came into operation on the same day.</p>	
015201 – 015647	Chairman Administration Mr Holden CHOW	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Somalia) (Amendment) Regulation 2018 (Annex D to CITB CR 102/53/1)</u></p> <p><u>Part 1: Preliminary</u> <u>Section 1 – Interpretation</u></p> <p><u>Part 2: Prohibitions</u> <u>Section 2 – Prohibition against supply, sale or transfer of certain goods</u></p> <p><u>Section 3 – Prohibition against carriage of certain goods</u></p> <p><u>Section 4 – Prohibition against provision of certain advice, assistance or training</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Section 4A – Prohibition against importation of charcoal</u></p> <p><u>Section 5 – Prohibition against making available funds, etc. or dealing with funds, etc.</u></p> <p><u>Section 6 – Prohibition against entry or transit by certain persons</u></p> <p><u>Section 7 – Exceptions to prohibition against entry or transit by certain persons</u></p> <p><u>Part 3: Licences</u> <u>Section 8 – Licence for supply, sale, transfer or carriage of certain goods</u></p> <p><u>Section 9 – Licence for provision of certain advice, assistance or training</u></p> <p><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><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>Section 12 – Licence or permission granted by authorities of places outside HKSAR</u></p> <p><u>Part 5: Enforcement of Regulation</u> <u>Part 5: Division 1: Investigation, etc. of Suspected Ships</u> <u>Section 13 – Investigation of suspected ships</u></p> <p><u>Section 14 – Offences by charterer, operator or master of ship</u></p> <p><u>Section 15 – Power of authorized officers to enter and detain ships</u></p> <p><u>Part 5: Division 2: Investigation, etc. of Suspected Aircraft</u> <u>Section 16 – Investigation of suspected aircraft</u></p> <p><u>Section 17 – Offences by charterer, operator or pilot in command of aircraft</u></p> <p><u>Section 18 – Power of authorized officers to enter</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>and detain aircraft</u></p> <p><u>Part 5: Division 3: Investigation, etc. of Suspected Vehicles</u> <u>Section 19 – Investigation of suspected vehicles</u></p> <p><u>Section 20 – Offences by operator or driver of vehicle</u></p> <p><u>Section 21 – Power of authorized officers to enter and detain vehicles</u></p> <p><u>Part 5: Division 4: Proof of Identity</u> <u>Section 22 – Production of proof of identity</u></p> <p><u>Part 6: Evidence</u> <u>Section 23 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 24 – Detention of documents, cargoes or articles seized</u></p> <p><u>Part 7: Disclosure of Information or Documents</u> <u>Section 25 – Disclosure of information or documents</u></p> <p><u>Part 8: Other Offences and Miscellaneous Matters</u> <u>Section 26 – Liability of persons other than principal offenders</u></p> <p><u>Section 27 – Offences in relation to obstruction of authorized persons, etc.</u></p> <p><u>Section 28 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 29 – Consent and time limit for proceedings</u></p> <p>In response to Mr Holden CHOW's enquiry, the Administration advised that section 29 provided that the time limit for proceedings for an offence under the Regulation was 12 months from the date on which the person charged first entered HKSAR after the alleged commission of the offence. Similar provisions were provided in all other regulations made under Cap. 537, say for example, section 30 of the United Nations Sanctions (Democratic People's Republic of Korea)</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Regulation.</p> <p><u>Section 30 – Specification of relevant person or relevant entity by Chief Executive</u></p> <p><u>Section 31 – Exercise of powers of Chief Executive</u></p> <p><u>Section 32 – Duration</u></p> <p>Members raised no question.</p> <p>The Subcommittee completed the study of the United Nations Sanctions (Somalia) (Amendment) Regulation 2018 and raised no objection to the said Amendment Regulation.</p>	
015648 – 015903	Chairman Administration	<p>Noting that the meeting was about to end and there would be no sufficient time for the Subcommittee to study the United Nations Sanctions (Central African Republic) Regulation 2018 and the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018 ("the remaining two Regulations") as scheduled for consideration at the meeting, the Chairman advised that the remaining two Regulations would be studied at a future meeting. Members agreed.</p>	