

**立法會**  
**Legislative Council**

LC Paper No. CB(1)744/18-19  
(These minutes have been seen  
by the Administration)

Ref : CB1/HS/1/16

**Subcommittee to Examine the Implementation in Hong Kong of  
Resolutions of the United Nations Security Council in relation to Sanctions**

**Minutes of fifth meeting on  
Wednesday, 12 December 2018, at 9:30 am  
in Conference Room 2B of the Legislative Council Complex**

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

**Members attending** : Hon CHU Hoi-dick  
Hon AU Nok-hin

**Member absent** : Hon Dennis KWOK Wing-hang

**Public officers  
attending** : Agenda item II

Ms Vivian SUM  
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 Eileen YUE  
Assistant Secretary for Commerce and Economic  
Development (Commerce and Industry) 2A

Ms Lorraine CHAN  
Deputy Principal Government Counsel (Treaties &  
Law) (International Organizations and Legal  
Co-operation) (Acting)

Miss Michelle FUNG  
Senior Government Counsel  
(Treaties & Law)

Miss Elaine NG  
Senior Government Counsel

Mr Gary LI  
Government Counsel

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

**Staff in attendance:** Ms Clara TAM  
Assistant Legal Adviser 9

Miss Linda CHAN  
Assistant Legal Adviser 11

Mr Joey LO  
Senior Council Secretary (1)8

Miss Zoe YIP  
Clerical Assistant (1)3

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Action

**I. Application for late membership**  
(LC Paper No. CB(1)320/18-19(01) -- Letter dated 11 December 2018  
from Hon CHU Hoi-dick)

The Chairman invited members to consider the application for late membership from Hon CHU Hoi-dick. He drew members' attention to rule 23(c) of the House Rules ("HR") that it was for the relevant committee to decide whether to accept an application for late membership other than on the ground of absence from Hong Kong or indisposition during the time when membership was invited.

2. At the invitation of the Chairman, Hon CHU Hoi-dick explained his reasons for the application of late membership that in the light of the latest developments in international relations, he raised concern about the implementation of the United Nations Security Council ("UNSC") resolutions in Hong Kong.

3. Mr LIAO said that he did not see a strong connection between the latest developments in international relations and the implementation of UNSC resolutions in Hong Kong, and considered Hon CHU Hoi-dick's reasons for application of late membership insufficient. He suggested that Mr CHU should submit a further written representation to substantiate his application for late membership for the Subcommittee's consideration at the next meeting. Mr Holden CHOW agreed with Mr LIAO's suggestion, and added that the Subcommittee had all along been examining the contents of various UNSC resolutions for implementation in Hong Kong with due diligence and in great detail, and its efforts had been widely recognized.

4. Hon CHU Hoi-dick further explained that the recent arrest of the Chief Financial Officer of Huawei on suspicion of violating the United States ("US") trade sanctions on Iran had made him concerned about whether similar sanctions imposed by UNSC had been properly implemented in Hong Kong.

5. The Chairman advised that it was within the purview of the Subcommittee to examine the implementation of UNSC resolutions in Hong Kong, but not other sanctions imposed by an individual country such as the US. Having regard to members' views, the Chairman suggested and members agreed that Hon CHU Hoi-dick's application be dealt with at the next meeting. Mr CHU could still join the discussion of the UNSC regulations under deliberation at today's meeting.

6. Hon CHU Hoi-dick was requested to provide supplementary information to substantiate his application for further consideration by the Subcommittee at the next meeting.

## **II. Meeting with the Administration**

(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 |
| File Ref: CITB CR 75/53/11  | -- Legislative Council Brief on United Nations Sanctions (ISIL and Al-Qaida) Regulation  |
| LC Paper No. LS93/17-18     | -- Legal Service Division Report on subsidiary legislation gazetted on 21 September 2018 (L.N. 157) for the House Committee meeting on 5 October 2018      |
| File Ref: CITB CR 75/53/5/1 | -- Legislative Council Brief on United Nations Sanctions (South Sudan) Regulation 2018   |
| LC Paper No. LS16/18-19     | -- Legal Service Division Report on subsidiary legislation gazetted on 9 November 2018 (L.N. 216) for the House Committee meeting on 16 November 2018)     |

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

8. The Subcommittee completed the study of the United Nations Sanctions (Central African Republic) Regulation 2018 (L.N. 117), the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018 (L.N. 118), the United Nations Sanctions (ISIL and Al-Qaida) Regulation (L.N. 157) and the United Nations Sanctions (South Sudan) Regulation 2018 (L.N. 216).

Follow-up actions by the Administration

9. The Administration was requested to provide information on –

- (a) the annual number of investigations undertaken by the relevant law enforcement agencies (such as the Customs and Excise Department) on suspected contraventions of the regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") since 1997; and
- (b) the manpower establishment in the relevant law enforcement agencies responsible for the investigations mentioned in (a), and whether the staff responsible for such investigations had undergone any special training for the purpose; if yes, details of such special training.

*(Post-meeting note:* The information provided by the Administration was circulated to members on 11 February 2019 (LC Paper No. CB(1)557/18-19(01).)

**III. Any other business**

- 10. There being no other business, the meeting ended at 10:39 am.

Council Business Division 1  
Legislative Council Secretariat  
20 March 2019

**Proceedings of the fifth 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, 12 December 2018, at 9:30 am  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000000 – 001218	Chairman Mr CHU Hoi-dick Mr Martin LIAO Mr Holden CHOW	<p>Opening remarks by the Chairman.</p> <p><u>Hon CHU Hoi-dick's application for late membership (LC Paper No. CB(1)320/18-19(01))</u></p> <p>The Subcommittee agreed to deal with Hon CHU Hoi-dick's application at the next meeting and requested Mr CHU to provide supplementary information to substantiate his application.</p>	
001219 – 001623	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Central African Republic) Regulation 2018</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Central African Republic) Regulation 2018 which sought to implement the sanctions against the Central African Republic as renewed by United Nations Security Council Resolution ("UNSCR") 2399. The United Nations Sanctions (Central African Republic) Regulation 2018 was gazetted on 8 June 2018 and came into operation on the same day.</p> <p>The Administration advised that the Law Drafting Division of the Department of Justice had recently adopted a new law drafting style so that the resolutions were written in a plain and simple language to facilitate easier understanding of the contents of the regulations with no compromise to the substance of the relevant regulations. The United Nations Sanctions (ISIL and Al-Qaida) Regulation and the United Nations Sanctions (South Sudan) Regulation 2018, which were to be studied at today's meeting, were drafted in this new approach. All future regulations made under section 3 of UNSO would also be drafted in this new approach to ensure consistency.</p>	

Time marker	Speaker	Subject(s)	Action required
001624 – 001901	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 2018 (Annex D to CITB CR 75/53/8)</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 assistance or training</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 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>Division 1 – Investigation, etc. of Suspected Ships</u> <u>Section 13 – Investigation of suspected ships</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<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>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 and detain aircraft</u></p> <p><u>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>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 – Seized articles, etc. liable to forfeiture</u></p> <p><u>Section 25 – Power of magistrate or judge to make order for forfeiture and disposal</u></p> <p><u>Section 26 – Detention of documents, cargoes or articles seized</u></p> <p><u>Part 7: Disclosure of Information or Documents</u>  <u>Section 27 – Disclosure of information or documents</u></p> <p><u>Part 8: Other Offences and Miscellaneous Matters</u></p>	



Time marker	Speaker	Subject(s)	Action required
		<p><u>Section 28 – Liability of persons other than principal offenders</u></p> <p><u>Section 29 – Offences in relation to obstruction of authorized persons, etc.</u></p> <p><u>Section 30 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 31 – Consent and time limit for proceedings</u></p> <p><u>Section 32 – Specification of relevant person or relevant entity by Chief Executive</u></p> <p><u>Section 33 – Exercise of powers of Chief Executive</u></p> <p><u>Part 9: Duration</u> <u>Section 34 – Duration</u></p> <p>Members raised no question on the above.</p>	
001902 – 001930	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018 which sought to implement the sanctions against Yemen as renewed by UNSCR 2402. The United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018 was gazetted on 8 June 2018 and came into operation on the same day.</p>	
001931 – 002036	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 2018 (Annex E to CITB CR 75/53/9)</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>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Section 3 – Prohibition against carriage of certain goods</u></p> <p><u>Section 4 – Prohibition against provision of certain assistance or training</u></p> <p><u>Section 5C – Prohibition against making available funds, etc. or dealing with funds, etc.</u></p> <p><u>Section 7E – Prohibition against entry or transit by certain persons</u></p> <p><u>Section 7F – Exceptions to prohibition against entry or transit by certain persons</u></p> <p><u>Part 3A: Licence</u>  <u>Section 9A – 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 9D – Provision of false information or documents for purpose of obtaining licences</u></p> <p><u>Part 4: Things done outside HKSAR</u>  <u>Section 10 – Licence or permission granted by authorities of places outside HKSAR</u></p> <p><u>Part 5: Enforcement of Regulation</u>  <u>Division 1 – Investigation, etc. of Suspected Ship</u>  <u>Section 11 – Investigation of suspected ships</u></p> <p><u>Section 12 – Offences by charterer, operator or master of ship</u></p> <p><u>Section 13 – Power of authorized officers to enter and detain ships</u></p> <p><u>Division 2 – Investigation, etc. of Suspected Aircraft</u>  <u>Section 14 – Investigation of suspected aircraft</u></p> <p><u>Section 15 – Offences by charterer, operator or pilot in command of aircraft</u></p> <p><u>Section 16 – Power of authorized officers to enter and detain aircraft</u></p>	

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		<p><u>Division 3 — Investigation, etc. of Suspected Vehicles</u>  <u>Section 17 – Investigation of suspected vehicles</u></p> <p><u>Section 18 – Offences by operator or driver of vehicle</u></p> <p><u>Section 19 – Power of authorized officers to enter and detain vehicles</u></p> <p><u>Division 4—Proof of Identity</u>  <u>Section 20 – Production of proof of identity</u></p> <p><u>Part 6: Evidence</u>  <u>Section 21 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 22 – Seized articles, etc. liable to forfeiture</u></p> <p><u>Section 23 – Power of magistrate or judge to make order for forfeiture and disposal</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><u>Section 30B – Specification of relevant person or relevant entity by Chief Executive</u></p> <p><u>Section 31 – Specification of designated person or designated entity by Chief Executive</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Section 32 – Exercise of powers of Chief Executive</u></p> <p><u>Part 9: Duration</u> <u>Section 36 – Duration</u></p> <p>Members raised no question on the above.</p>	
002037 – 002313	Chairman Assistant Legal Adviser 9 ("ALA9") Administration	<p>In response to ALA9's enquiry, the Administration advised that in section 7F and section 7 respectively of the Chinese texts of the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018 and the United Nations Sanctions (Central African Republic) Regulation 2018 (both being provisions dealing with exceptions to prohibition against entry or transit by certain persons), there were a number of textual amendments to mirror more closely the corresponding English texts of the two regulations. Similar amendments would be made to the Chinese texts of other regulations made under the United Nations Sanctions Ordinance (Cap. 537) in future to ensure consistency.</p> <p>In response to the Chairman's enquiry, the Administration reiterated that the technical amendments made under the two regulations were textual in nature. The amendments were made in accordance with a new drafting approach seeking to make the regulations more readable and concise. This approach would be adopted for the drafting of all future regulations.</p>	
002314– 002400	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (ISIL and Al-Qaida) Regulation</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (ISIL and Al-Qaida) Regulation which sought to implement the sanction measures against ISIL and Al-Qaida imposed by UNSCR 2368. The United Nations Sanctions (ISIL and Al-Qaida) Regulation was gazetted on 21 September 2018 and came into operation on the same day.</p>	

Time marker	Speaker	Subject(s)	Action required
002401 – 002727	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (ISIL and Al-Qaida) Regulation (Annex D to CITB CR 75/53/11)</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 additional interpretation of terms under section 1 sought to keep the relevant sections of the regulation concise.</p> <p>In response to the Chairman's enquiry, the Administration advised that the term "responsible person" referred to different persons who would be held responsible in different contexts. The use of the term would streamline the drafting of the relevant sections.</p>	
002728 – 003054	Chairman Administration	<p><u>Part 2: Prohibitions</u> <u>Section 2 – Supply of goods prohibited</u></p> <p>In response to the Chairman's enquiry about the alternate use of the terms "HKSAR" vis-à-vis "Hong Kong" under section 2, the Administration advised that the term "Hong Kong person" (which was defined in section 1 – Interpretation) in section 2(1)(b) and other sections was a label to cover both natural and legal persons. The acronym "HKSAR" referred to the geographical boundary of Hong Kong in section 2(1)(a) whereas the term "Hong Kong" in section 2(1)(b) was used to describe the word "person". The definitions of "HKSAR" and "Hong Kong permanent resident" were provided under the Interpretation and General Clauses Ordinance (Cap. 1).</p>	
003055 – 004120	Chairman Administration	<p><u>Section 3 – Carriage of goods prohibited</u></p> <p><u>Section 4 – Provision of assistance prohibited</u></p> <p><u>Section 5 – Making available or dealing with economic assets prohibited</u></p> <p><u>Section 6 – Entry or transit of persons prohibited</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>Part 3: Licences</u>  <u>Section 7 – Licence for making available or dealing with economic assets</u></p> <p><u>Section 8 – Provision of false or misleading information or documents for purpose of obtaining licences</u></p> <p><u>Part 4: Enforcement</u>  <u>Section 9 – Application of Part 4</u></p> <p><u>Section 10 – Power to board and search modes of transport</u></p> <p><u>Section 11 – Power to require information and production of cargo, article or document</u></p> <p><u>Section 12 – Power to direct movement</u></p> <p><u>Section 13 – Failure to comply with direction or requirement</u></p> <p><u>Section 14 – Provision of false or misleading information or documents</u></p> <p><u>Section 15 – Power to enter and detain modes of transport</u></p> <p><u>Section 16 – Production of proof of identity</u></p> <p><u>Part 5: Evidence</u>  <u>Section 17 – Interpretation of Part 5</u></p> <p><u>Section 18 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 19 – Detention of seized property</u></p> <p><u>Part 6: Disclosure of Information or Documents</u>  <u>Section 20 – Disclosure of information or documents</u></p> <p><u>Part 7: Other Offences and Miscellaneous Matters</u>  <u>Section 21 – Liability of persons other than principal offenders</u></p> <p><u>Section 22 – Offences in relation to obstruction of authorized persons, etc.</u></p>	

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		<p><u>Section 23 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 24 – Consent and time limit for proceedings</u></p> <p><u>Section 25 – Publication of list of individuals, groups, undertakings and entities by Secretary</u></p> <p><u>Section 26 – Exercise of powers of Chief Executive</u></p> <p>Members raised no question on the above.</p>	
004121 – 004126	Chairman Administration	<p><u>Section 27 – Exercise of powers of Secretary</u></p> <p>In response to the Chairman's enquiry, the Administration advised that amendments similar to those made in section 27 regarding the delegation of the Secretary's powers or functions were also made to the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018.</p>	
004127 – 004238	Chairman Assistant Legal Adviser 11 ("ALA11") Administration	<p><u>Section 19 – Detention of seized property</u></p> <p>In response to ALA11's enquiry about why no provisions were made for the forfeiture of seized property under this regulation as in other similar regulations, the Administration advised that no such provisions were made in this regulation as the UNSCR relevant to this regulation did not provide for the forfeiture of seized property as the UNSCRs relevant to other regulations did.</p>	
004239– 004330	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (South Sudan) Regulation 2018</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (South Sudan) Regulation 2018 which sought to implement the sanctions against South Sudan as imposed and renewed by UNSCR 2428. The United Nations Sanctions (South Sudan) Regulation 2018 was gazetted on 9 November 2018 and came into operation on the same day.</p>	

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004331 – 004550	Chairman Administration ALA11	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (South Sudan) Regulation 2018 (Annex E to CITB CR 75/53/5/1)</u></p> <p>In response to the Chairman's enquiry, the Administration advised that the amendments made to this regulation in terms of drafting were broadly the same as those made in the United Nations Sanctions (ISIL and Al-Qaida) Regulation and the United Nations Sanctions (Central African Republic) Regulation 2018. In the past, UNSC sanctions against South Sudan were mainly travel ban and financial sanctions. The major amendments in this regulation in terms of sanctions involved the provision of prohibited goods (i.e. arms or related materiel) to South Sudan. These were shown in pages 8 to 15 of the marked-up version. Other amendments were textual in nature.</p> <p>ALA 11 did not raise any questions on the drafting and legal aspects of the English or Chinese texts of the regulation. The Subcommittee agreed that the study of the United Nations Sanctions (South Sudan) Regulation 2018 be taken as completed.</p>	
004551 – 005238	Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU made the following enquiries –</p> <p>(a) the meaning of "related materiel" in the definition of "arms or related materiel" under the regulation, and whether in the case of a computer-controlled weapon, the computer itself would be treated as "related materiel" as such; and</p> <p>(b) how would section 4 of the regulation on "Provision of assistance prohibited" be enforced in the case of contravention of subsection (2) by a Hong Kong person acting outside HKSAR.</p> <p>The Administration advised that –</p> <p>(a) the definition of "arms or related materiel" was set out in section 1 (Interpretation) of the regulation. "Related materiel" would include any spare part for any weapon,</p>	



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		<p>ammunition, military vehicle, military equipment or paramilitary equipment. This definition mirrored the wordings of Resolution 2368 (2017) adopted by UNSC. A computer which could perform many different functions would unlikely be considered a spare part of the abovementioned items. Nevertheless, whether a computer would be taken as "related materiel" would depend on the facts and circumstances of individual cases concerned; and</p> <p>(b) there was an established law enforcement cooperation mechanism for law enforcement agencies in Hong Kong to handle cases involving contravention of Hong Kong laws by a Hong Kong person acting outside HKSAR in accordance with the mutual legal assistance treaties, if any, signed between Hong Kong and overseas jurisdictions.</p>	
005239 – 005454	Chairman Mr Holden CHOW Administration	<p>Mr CHOW said that when he attended the Parliamentary Intelligence Security Forum held in December 2018, all United States Congressmen and experts on countering terrorism financing and money laundering whom he had met recognized Hong Kong's commitment to meeting international practice and standards for crackdown on terrorism and money laundering. Noting that Resolution 2368 (2017) was adopted by UNSC on 20 July 2017 and the corresponding United Nations Sanctions (ISIL and Al-Qaida) Regulation came into operation in about one year's time in September 2018, he enquired whether it was the usual lead time required for the Administration to make the arrangement for the corresponding regulations to be implemented in Hong Kong.</p> <p>The Administration advised that it had always endeavored to shorten the lead time between the receipt of Ministry of Foreign Affairs ("MFA") instructions and the gazettal of the related regulations to implement UNSC resolutions in Hong Kong as soon as possible, normally within two to three months of adoption by UNSC. The United Nations Sanctions (ISIL and Al-Qaida) Regulation took much longer time to commence</p>	

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		<p>due to the need for amending UNSO (the principal ordinance) in early 2018 to enable regulations made under the Ordinance to impose sanctions directly against persons (including groups, undertakings and entities) whom UNSC had decided to impose sanctions on.</p>	
005455 – 010003	<p>Chairman Mr AU Nok-hin Administration</p>	<p>Mr AU noted that the United States Government had recently expressed concern about the suspected contravention of United Nations sanctions against certain countries such as Iran by certain Hong Kong registered companies. Concerns were also expressed on the transfer of military and civilian dual-use technology to Iran by a Hong Kong registered company, which raised questions as to whether such technologies belonged to "arms or related materiel" covered by the relevant UNSCRs, and were therefore covered by arms embargo.</p> <p>At the request of the Chairman, the Administration briefed the Subcommittee on the relevant UNSC sanctions against Iran as follows –</p> <p>(a) under the current mechanism, when UNSC made a resolution regarding sanctions and called on Member States including the People's Republic of China to enforce those sanctions, MFA would issue an instruction to the Chief Executive ("CE") to implement the sanctions specified in the resolution. Pursuant to section 3(1) of UNSO, CE would make regulations to give effect to MFA's instructions to implement UNSCRs. The Administration had neither any legal authority nor responsibility to implement sanctions imposed unilaterally by countries or international organizations other than UN (e.g. the US or the European Union ("EU")) on any countries;</p> <p>(b) in view of Iran's failure to comply fully with its international obligations concerning non-proliferation of nuclear weapons and suspension of enrichment-related activities, the UNSC had previously imposed a range of sanctions against Iran since 2006. Pursuant to the instructions of MFA, HKSAR implemented the sanction measures, as</p>	

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		<p>renewed by UNSC from time to time, through making, and amending the United Nations Sanctions (Iran) Regulation since 2007;</p> <p>(c) on 14 July 2015, the Joint Comprehensive Plan of Action ("JCPOA") was concluded by China, France, Germany, the Russian Federation, the United Kingdom, the US, the High Representative of EU and Iran, reaching a comprehensive, long-term and proper solution to the Iranian nuclear issue. The JCPOA provided a timeline for the removal of sanctions against Iran upon verification by the International Atomic Energy Agency ("IAEA") that all nuclear material in Iran remained in peaceful activities. JCPOA was implemented in Hong Kong on 25 November 2016 by virtue of the United Nations Sanctions (Joint Comprehensive Plan of Action—Iran) Regulation ("JCPOA—Iran Regulation") which was the most recent regulation made for implementing UNSCRs against Iran in Hong Kong. IAEA had confirmed in 12 consecutive reports that Iran was abiding by its commitments under JCPOA; and</p> <p>(d) on 8 May 2018, the US Government announced its withdrawal from JCPOA. Nevertheless, other relevant parties of JCPOA were still committing to keeping the agreement and maintaining normal trade and economic cooperation with Iran.</p>	
010004 – 010013	Chairman Administration	The Chairman extended the meeting time for not more than 15 minutes.	
010014 – 010700	Chairman Mr CHU Hoi-dick Administration	Mr CHU noted that the import/export to and from Iran of the items and technologies as set out in UNSC document S/2006/815, in particular computers specially designed for modeling and simulation, had been prohibited by UNSC since 2006, and implemented in Hong Kong by virtue of the United Nations Sanctions (Iran) Regulation enacted in 2007, only to be superseded by the JCPOA—Iran Regulation in 2015. In this regard, he enquired –	

Time marker	Speaker	Subject(s)	Action required
		<p>(a) whether and how the Administration would follow up the news report of suspected contravention of UNSC sanction against Iran by a Hong Kong registered company allegedly providing prohibited items and technologies (i.e. computers designed for modeling and simulation) to Iran; and</p> <p>(b) whether and how the Administration would follow up the case mentioned in (i) if the defendant involved in the above case was found guilty of providing prohibited items and technologies in the US, hence proven to have contravened the JCPOA—Iran Regulation.</p> <p>The Chairman also enquired about the intelligence system of the enforcement agencies.</p> <p>The Administration advised that while the Administration would not comment on individual cases, the enforcement agencies concerned would monitor compliance by Hong Kong registered companies and individuals through their own intelligence systems, and would follow up such cases if warranted, taking into account the facts of the cases and in accordance with the relevant UNSCRs and the laws of Hong Kong. In determining whether any contraventions had been committed, consideration should be given to the prevailing regulation which was in force when the alleged contravention was committed, even if the regulation concerned had subsequently been amended or repealed.</p> <p>In response to the Chairman's enquiry, the Administration advised that while Hong Kong was not empowered to implement sanctions imposed unilaterally by the US against Iran, consideration should also be given to the common law principle against double jeopardy to the effect that nobody should be punished twice for the same offence.</p>	
010701 – 011251	Chairman Mr CHU Hoi-dick Administration	Noting that no prosecutions had so far been taken against offenders of the regulations on UN sanctions since the enactment of UNSO, Mr CHU requested information on the number of investigations undertaken by the enforcement	The Administration to take follow-up action as

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		<p>authorities so far. The Chairman further requested information on the manpower establishment and training of the personnel involved in such investigation.</p> <p>In response to the Chairman's enquiry, the Administration advised that the Commerce and Economic Development Bureau ("CEDB") was responsible for coordinating the work associated with the implementation of UNSCRs in Hong Kong. CEDB had been working closely with relevant enforcement authorities to monitor the implementation of UNSCRs.</p>	required in paragraph 9 of the minutes.
011251 – 011308	Chairman	Closing remarks.	

Council Business Division 1  
Legislative Council Secretariat  
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