

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 seventh meeting on
Tuesday, 10 December 2019, at 5:00 pm
in Conference Room 3 of the Legislative Council Complex**

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

Member absent : Hon Dennis KWOK Wing-hang

Member attending : Hon AU Nok-hin

**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 Gary LI
Senior Government Counsel (Acting)

Miss Wendy HO
Government Counsel

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

Staff in attendance: Ms Vanessa CHENG
Assistant Legal Adviser 5

Mr Cliff IP
Assistant Legal Adviser 8

Mr Terence LAM
Council Secretary (1)3

Miss Zoe YIP
Clerical Assistant (1)3

Action

The Chairman said that while the Subcommittee had agreed at the last meeting on 7 May 2019 that the two applications for late membership of the Subcommittee submitted by Dr Hon Priscilla LEUNG and Hon Alvin YEUNG would be dealt with at the next meeting (i.e. today's meeting), members were informed (under LC Paper Nos. CB(1)209/19-20 and CB(1)244/19-20 dated 2 and 10 December 2019 respectively) that Mr YEUNG and Dr LEUNG had respectively withdrawn their applications.

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 2019 (L.N. 81 of 2019) |
| LC Paper No. LS74/18-19 | -- Legal Service Division Report on subsidiary legislation gazetted on 31 May 2019 (L.N. 81 of 2019) for the House Committee meeting on 14 June 2019 |

- File Ref: CITB CR 75/53/9 -- Legislative Council Brief on United Nations Sanctions (Yemen) Regulation 2019 (L.N. 94 of 2019) and United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation (L.N. 95 of 2019)
- LC Paper No. LS83/18-19 -- Legal Service Division Report on subsidiary legislation gazetted on 12 July 2019 (L.N. 94 and L.N. 95 of 2019) for the House Committee meeting on 11 October 2019)

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. The Subcommittee completed the study of the United Nations Sanctions (Central African Republic) Regulation 2019 (L.N. 81 of 2019), United Nations Sanctions (Yemen) Regulation 2019 (L.N. 94 of 2019) and United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation (L.N. 95 of 2019).

II. Any other business

4. There being no other business, the meeting ended at 5:42 pm.

Council Business Division 1
Legislative Council Secretariat
23 April 2020

**Proceedings of the seventh 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, 10 December 2019, at 5:00 pm
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action required
000000 – 000836	Chairman	The Chairman informed members that Dr Hon Priscilla LEUNG and Hon Alvin YEUNG had respectively withdrawn their applications for late membership of the Subcommittee.	
000837 – 001123	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Central African Republic) Regulation 2019 (L.N. 81 of 2019)</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Central African Republic) Regulation 2019 ("the Central African Republic Regulation") which implemented the sanctions against the Central African Republic as renewed by the Security Council of the United Nations Resolution ("UNSCR") 2454. The Central African Republic Regulation was published in the Gazette on 31 May 2019 and came into operation on the same day.</p> <p>The Administration also informed members that when adopting UNSCR 2454 to renew sanctions, the Security Council of the United Nations ("UNSC") had expressed its intention to review the arms embargo measures on the Government of the Central African Republic by end of September 2019. Later on, UNSC had, by adopting UNSCR 2488 on 12 September 2019, decided to adjust the arms embargo measures imposed on the Government of the Central African Republic. The United Nations Sanctions (Central African Republic) Regulation 2019 (Amendment) Regulation 2019 was published in the Gazette on 29 November 2019 and came into operation on the same day to reflect the updated exemption criteria for arms embargo measures imposed on the Government of the Central African Republic.</p> <p>In response to the Chairman's enquiry, the Administration advised the Subcommittee that the updated exemption criteria for arms</p>	

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		<p>embargo measures imposed on the Government of the Central African Republic under UNSCR 2488 were not included in the Central African Republic Regulation as discussed at today's meeting.</p>	
001124 – 001449	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 2019 (L.N. 81 of 2019) (Annex E to CITB CR 75/53/8)</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 Central African Republic Regulation was written in plain and simple language to facilitate readers' understanding of the provision without compromising the substance of the Central African Republic Regulation. The United Nations Sanctions (Democratic Republic of the Congo) Regulation 2018 (L.N. 269 of 2018), which was studied at the last meeting, was also drafted using this new approach. The Administration would continue to adopt the same drafting approach when preparing future regulations to be made under the United Nations Sanctions Ordinance (Cap. 537).</p>	
001450 – 001937	Chairman Administration Mr Holden CHOW	<p><u>Part 2: Prohibitions</u> <u>Section 2 – Supply of goods prohibited</u></p> <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>In response to Mr Holden CHOW's enquiry as to whether the term "economic assets" under section 1 of the Central African Republic Regulation was also used in similar sections of the regulations studied at the last meeting, the Administration replied in the affirmative.</p> <p><u>Section 6 – Entry or transit of persons prohibited</u></p>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>Section 7 – Acts done outside HKSAR with permission granted outside HKSAR not prohibited</u></p> <p>Members raised no questions on the above sections.</p>	
001938 – 002131	Chairman Administration	<p><u>Part 3: Licences</u> <u>Section 8 – Licence for supply or carriage of goods</u> <u>Section 9 – Licence for provision of assistance</u></p> <p>The Chairman sought clarification on whether section 9 was the section which had to be amended in order to give effect to UNSC's latest decisions under UNSCR 2488. The Administration explained that the amendments to implement the updated exemption criteria for arms embargo measures imposed under UNSCR 2488 were not reflected in the Central African Republic Regulation.</p>	
002132 – 002805	Chairman Administration	<p><u>Part 3: Licences</u> <u>Section 10 – Licence for making available or dealing with economic assets</u> <u>Section 11 – Provision of false or misleading information or documents for purpose of obtaining licences</u></p> <p><u>Part 4: Enforcement</u> <u>Section 12 – Application of Part 4</u> <u>Section 13 – Power to board and search modes of transport</u> <u>Section 14 – Power to require information and production of document, cargo or article</u> <u>Section 15 – Power to direct movement</u> <u>Section 16 – Failure to comply with direction or requirement</u> <u>Section 17 – Provision of false or misleading information or documents</u> <u>Section 18 – Power to enter and detain modes of transport</u></p>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>Section 19 – Production of proof of identity</u></p> <p><u>Part 5: Evidence</u> <u>Section 20 – Interpretation of Part 5</u></p> <p><u>Section 21 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 22 – Notice of intended forfeiture</u></p> <p><u>Section 23 – Notice of objection to intended forfeiture</u></p> <p><u>Section 24 – Application for order for 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 seized property</u></p> <p><u>Part 6: Disclosure of Information or Documents</u> <u>Section 27 – Disclosure of information or documents</u></p> <p><u>Part 7: Other Offences and Miscellaneous Matters</u> <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 deadline for prosecution</u></p> <p><u>Section 32 – Publication of list of individuals and entities by Secretary</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>Part 8: Duration</u> <u>Section 35 – Duration</u></p> <p>Members raised no questions on the above sections.</p>	

Time Marker	Speaker	Subject(s)	Action required
		<p>Members did not raise questions about the Chinese text of the Central African Republic Regulation. The Subcommittee completed the study of the Central African Republic Regulation.</p>	
002806 – 003108	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Yemen) Regulation 2019 (L.N. 94 of 2019) and United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation (L.N. 95 of 2019)</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Yemen) Regulation 2019 ("the Yemen Regulation") which implemented all sanctions imposed on Yemen and the related exemptions, including those extended by UNSCR 2456. The United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation ("the Repeal Regulation") was made consequential to the making of the Yemen Regulation. The Yemen Regulation and the Repeal Regulation were published in the Gazette on 12 July 2019 and came into operation on the same day.</p>	
003109 – 003611	Chairman Administration	<p><u>Section-by-section examination of the English text of the marked-up version of the United Nations Sanctions (Yemen) Regulation 2019 (L.N. 94 of 2019) (Annex G 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 – Supply of goods prohibited</u></p> <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> <p><u>Section 7 – Acts done outside HKSAR with permission granted outside HKSAR not</u></p>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>prohibited</u></p> <p>Members raised no questions on the above sections.</p>	
003612 – 003857	Chairman Administration	<p><u>Part 3: Licence</u> <u>Section 8 – Licence for making available or dealing with economic assets</u></p> <p><u>Section 9 – Provision of false or misleading information or documents for purpose of obtaining licences</u></p> <p>The Chairman sought clarification on whether section 9 would expire together with section 8 on 26 February 2020 and if not, whether section 9 could still apply upon the expiry of section 8. The Administration responded that section 9 would continue to be in force upon the expiry of section 8. As the Yemen Regulation was made to reflect UNSC's decisions set out in the relevant UNSCRs, only provisions implementing the time-limited financial sanctions and travel ban imposed against Yemen would expire at midnight on 26 February 2020. Other provisions of the Yemen Regulation, including those implementing arms-related sanctions, would remain in force as no time limit had been prescribed by UNSC on those measures.</p> <p><u>Part 4: Enforcement</u> <u>Section 10 – Application of Part 4</u></p> <p>Members raised no questions on the above section.</p>	
003858 – 004032	Chairman Mr Holden CHOW Administration	<p>The Chairman enquired whether transfer of satellites, in particular those for military uses, to Yemen was prohibited under the arms-related sanctions as provided under the Yemen Regulation. The Administration advised that according to section 1 of the Yemen Regulation, "arms or related materiel" included any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and any spare part for any of such items. Nevertheless, whether a satellite would be considered as "arms or related materiel" would depend on the facts and circumstances of the case concerned.</p>	

Time Marker	Speaker	Subject(s)	Action required
004033 – 004534	Chairman Administration Mr Holden CHOW	<p><u>Part 4: Enforcement</u> <u>Section 10 – Application of Part 4</u></p> <p><u>Section 11 – Power to board and search modes of transport</u></p> <p><u>Section 12 – Power to require information and production of document, cargo or article</u></p> <p><u>Section 13 – Power to direct movement</u></p> <p><u>Section 14 – Failure to comply with direction or requirement</u></p> <p><u>Section 15 – Provision of false or misleading information or documents</u></p> <p><u>Section 16 – Power to enter and detain modes of transport</u></p> <p><u>Section 17 – Production of proof of identity</u></p> <p><u>Part 5: Evidence</u> <u>Section 18 – Interpretation of Part 5</u></p> <p><u>Section 19 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 20 – Notice of intended forfeiture</u></p> <p><u>Section 21 – Notice of objection to intended forfeiture</u></p> <p><u>Section 22 – Application for order for 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 seized property</u></p> <p><u>Part 6: Disclosure of Information or Documents</u> <u>Section 25 – Disclosure of information or documents</u></p> <p><u>Part 7: 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>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>Section 28 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 29 – Consent and deadline for prosecution</u></p> <p><u>Section 30 – Secretary's publication of list for purposes of <i>designated person and designated entity</i></u></p> <p><u>Section 31 – Secretary's publication of list for purposes of <i>relevant person and relevant entity</i></u></p> <p><u>Section 32 – Exercise of powers of Chief Executive</u></p> <p><u>Section 33 – Exercise of powers of Secretary</u></p> <p>In response to the enquiries raised by the Chairman and Mr Holden CHOW, the Administration advised that in accordance with the new arrangement for the publication of the lists of individuals and entities for the purposes of arms-related sanctions and financial sanctions, the Yemen Regulation provided that the Secretary for Commerce and Economic Development ("SCED") might publish the lists of individuals and entities on the website of the Commerce and Economic Development Bureau ("CEDB"). SCED had delegated such powers and functions to the relevant staff in CEDB in accordance with section 33 of the Yemen Regulation.</p> <p>The Administration further advised that the power or function to publish the lists of individuals and entities on CEDB's website under sections 30 and 31 of the Yemen Regulation was the only power or function provided to SCED by the Yemen Regulation. Therefore, it was also the only power or function that could be delegated to other persons by SCED under the Yemen Regulation.</p> <p>Members did not raise questions about the Chinese text of the Yemen Regulation. The Subcommittee completed the study of the Yemen Regulation.</p>	

Time Marker	Speaker	Subject(s)	Action required
004535 – 004545	Chairman Administration	<u>Section-by-section examination of the English text of the United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation (L.N. 95 of 2019) (Annex B to CITB CR 75/53/9)</u> <u>Section 1 – Repeal</u> Members did not raise questions about the English and Chinese texts of the Repeal Regulation. The Subcommittee completed the study of the Repeal Regulation.	
004546 – 004555	Chairman	Closing remarks.	