

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 eighth meeting on
Friday, 6 November 2020, at 10:30 am
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

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being members of the Legislative Council on 30 July 2020.]

Public officers attending : Agenda item I

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

Mr Ian CHENG
Assistant Secretary for Commerce and
Economic Development (Commerce and
Industry) 2A

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

Staff in attendance: Miss Evelyn LEE
Assistant Legal Adviser 10

Mr Boris LAM
Senior Council Secretary (A)2

Mr Terence LAM
Council Secretary (1)3

Miss Zoe YIP
Clerical Assistant (1)3

Action

I. Meeting with the Administration

(File Ref: CITB CR 75/53/4 -- Legislative Council Brief on
United Nations Sanctions
(Democratic Republic of the
Congo) Regulation 2019
(Amendment) Regulation 2020

File Ref: CITB CR 75/53/5/1 -- Legislative Council Brief on
United Nations Sanctions (South
Sudan) Regulation 2019
(Amendment) Regulation 2020

LC Paper No. LS123/19-20 -- Legal Service Division Report on
subsidiary legislation gazetted on
11 September 2020 (L.N. 164 and
L.N. 165 of 2020))

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

2. The Subcommittee completed the study of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2020 (L.N. 164 of 2020) and the United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 (L.N. 165 of 2020).

II. Any other business

3. There being no other business, the meeting ended at 10:42 am.

Council Business Division 1
Legislative Council Secretariat
1 December 2020

**Proceedings of the eighth meeting of
the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions
on Friday, 6 November 2020, at 10:30 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action required
000000 – 000512	Chairman	Opening remarks by the Chairman.	
000513 – 000823	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2020 (L.N. 164 of 2020)</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2020 ("Amendment Regulation (DR Congo)") which sought to implement the sanctions against DR Congo as renewed by the Security Council of the United Nations Resolution ("UNSCR") 2528. The Amendment Regulation (DR Congo) was published in the Gazette on 11 September 2020 and came into operation on the same day.</p> <p>The Administration also informed the Subcommittee that the same drafting approach as recently adopted was used to prepare the Amendment Regulation (DR Congo) and the other regulation to be examined by the Subcommittee at today's meeting. Such drafting approach would facilitate readers' understanding of the periods for which the time-limited sanction measures would be in force. This approach would also simplify the drafting process as required to make regulations to give effect to the instructions of the Ministry of Foreign Affairs of the People's Republic of China ("MFA") to implement sanctions decided by the Security Council of the United Nations ("UNSC").</p>	
000824 – 001112	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 2019 (Amendment) Regulation 2020 (L.N. 164 of 2020) (Annex F to CITB CR 75/53/4)</u></p>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>Part 1: Preliminary</u> <u>Section 1 – Interpretation</u></p> <p><u>Section 2 – Limited duration of certain provisions</u></p> <p><u>Part 2: Prohibitions</u> <u>Section 3 – Supply of goods prohibited</u></p> <p><u>Section 4 – Carriage of goods prohibited</u></p> <p><u>Section 5 – Provision of assistance prohibited</u></p> <p><u>Section 6 – Making available or dealing with economic assets prohibited</u></p> <p><u>Section 7 – Entry or transit of persons prohibited</u></p> <p><u>Section 8 – Acts done outside HKSAR with permission granted outside HKSAR not prohibited</u></p> <p><u>Part 3: Licences</u> <u>Section 9 – Licence for supply or carriage of goods</u></p> <p><u>Section 10 – Licence for provision of assistance</u></p> <p><u>Section 11 – Licence for making available or dealing with economic assets</u></p> <p><u>Section 12 – Provision of false or misleading information or documents for purpose of obtaining licences</u></p> <p><u>Part 4: Enforcement</u> <u>Section 13 – Application of Part 4</u></p> <p><u>Section 14 – Power to board and search modes of transport</u></p> <p><u>Section 15 – Power to require information and production of document, cargo or article</u></p> <p><u>Section 16 – Power to direct movement</u></p> <p><u>Section 17 – Failure to comply with direction or requirement</u></p>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>Section 18 – Provision of false or misleading information or documents</u></p> <p><u>Section 19 – Power to enter and detain modes of transport</u></p> <p><u>Section 20 – Production of proof of identity</u></p> <p><u>Part 5: Evidence</u> <u>Section 21 – Interpretation of Part 5</u></p> <p><u>Section 22 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 23 – Detention of seized property</u></p> <p><u>Part 6: Disclosure of Information or Documents</u> <u>Section 24 – Disclosure of information or documents</u></p> <p><u>Part 7: Other Offences and Miscellaneous Matters</u> <u>Section 25 – Liability of persons other than principal offenders</u></p> <p><u>Section 26 – Offences in relation to obstruction of authorized persons etc.</u></p> <p><u>Section 27 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 28 – Consent and deadline for prosecution</u></p> <p><u>Section 29 – Publication of list of individuals and entities by Secretary</u></p> <p><u>Section 30 – Exercise of powers of Chief Executive</u></p> <p><u>Section 31 – Exercise of powers of Secretary</u></p> <p>Members raised no questions on the above sections.</p> <p>Members did not raise questions about the Chinese text of the Amendment Regulation (DR Congo). The Subcommittee completed the study of the Amendment Regulation (DR Congo).</p>	

Time Marker	Speaker	Subject(s)	Action required
001113 – 001301	Chairman Administration	<p><u>Briefing by the Administration on the United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 (L.N. 165 of 2020)</u></p> <p>The Administration briefed members on the background of the United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 ("Amendment Regulation (South Sudan)") which sought to implement the sanctions imposed on South Sudan as renewed by UNSCR 2521. The Amendment Regulation (South Sudan) was published in the Gazette on 11 September 2020 and came into operation on the same day.</p>	
001302 – 001351	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 2019 (Amendment) Regulation 2020 (L.N. 165 of 2020) (Annex E to CITB CR 75/53/5/1)</u></p> <p><u>Part 1: Preliminary</u> <u>Section 1 – Interpretation</u></p> <p><u>Section 2 – Limited duration of certain provisions</u></p> <p>In response to the Chairman's enquiry, the Administration advised that, by adopting the drafting approach referred to in the discussion on L.N. 164 of 2020, a new subsection could be added to section 2 of the relevant regulation to provide for matters such as the updated expiry date of the prohibition and licence provisions under the regulation in the case that UNSC resolved to renew the sanction measures against South Sudan upon the expiry on 31 May 2021.</p>	
001352 – 001432	Chairman Administration	<p><u>Part 2: Prohibitions</u> <u>Section 3 – Supply of goods prohibited</u></p> <p><u>Section 4 – Carriage of goods prohibited</u></p> <p><u>Section 5 – Provision of assistance prohibited</u></p> <p><u>Section 6 – Making available or dealing with economic assets prohibited</u></p> <p><u>Section 7 – Entry or transit of persons</u></p>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>prohibited</u></p> <p><u>Section 8 – Acts done outside HKSAR with permission granted outside HKSAR not prohibited</u></p> <p><u>Part 3: Licences</u> <u>Section 9 – Licence for supply or carriage of goods</u></p> <p><u>Section 10 – Licence for provision of assistance</u></p> <p><u>Section 11 – Licence for making available or dealing with economic assets</u></p> <p><u>Section 12 – Provision of false or misleading information or documents for purpose of obtaining licences</u></p> <p><u>Part 4: Enforcement</u> <u>Section 13 – Application of Part 4</u></p> <p><u>Section 14 – Power to board and search modes of transport</u></p> <p><u>Section 15 – Power to require information and production of document, cargo or article</u></p> <p><u>Section 16 – Power to direct movement</u></p> <p><u>Section 17 – Failure to comply with direction or requirement</u></p> <p><u>Section 18 – Provision of false or misleading information or documents</u></p> <p><u>Section 19 – Power to enter and detain modes of transport</u></p> <p><u>Section 20 – Production of proof of identity</u></p> <p><u>Part 5: Evidence</u> <u>Section 21 – Interpretation of Part 5</u></p> <p><u>Section 22 – Power of magistrate or judge to grant warrant</u></p> <p><u>Section 23 – Notice of intended forfeiture</u></p> <p><u>Section 24 – Notice of objection to intended</u></p>	

Time Marker	Speaker	Subject(s)	Action required
		<p><u>forfeiture</u></p> <p><u>Section 25 – Application for order for forfeiture</u></p> <p><u>Section 26 – Power of magistrate or judge to make order for forfeiture and disposal</u></p> <p><u>Section 27 – Detention of seized property</u></p> <p><u>Part 6: Disclosure of Information or Documents</u> <u>Section 28 – Disclosure of information or documents</u></p> <p><u>Part 7: Other Offences and Miscellaneous Matters</u> <u>Section 29 – Liability of persons other than principal offenders</u></p> <p><u>Section 30 – Offences in relation to obstruction of authorized persons etc.</u></p> <p><u>Section 31 – Offences in relation to evasion of this Regulation</u></p> <p><u>Section 32 – Consent and deadline for prosecution</u></p> <p><u>Section 33 – Publication of list of individuals and entities by Secretary</u></p> <p><u>Section 34 – Exercise of powers of Chief Executive</u></p> <p><u>Section 35 – Exercise of powers of Secretary</u></p> <p>Members raised no questions on the above sections.</p> <p>Members did not raise questions about the Chinese text of the Amendment Regulation (South Sudan). The Subcommittee completed the study of the Amendment Regulation (South Sudan).</p>	
001433 – 001529	Chairman Administration	<p>Chairman enquired about the number of regulations currently being drafted to give effect to the instructions of MFA to implement sanction measures imposed on countries/places decided by UNSC. The Administration advised that about seven to eight such regulations were to be made annually.</p>	

Time Marker	Speaker	Subject(s)	Action required
		<p>Currently, the Administration had been working on two regulations to be made under the United Nations Sanctions Ordinance (Cap. 537) to give effect to MFA's relevant instructions. These two pieces of subsidiary legislation were expected to be published in the Gazette soon.</p> <p>Closing remarks.</p>	

Council Business Division 1
Legislative Council Secretariat
1 December 2020