

**立法會**  
**Legislative Council**

LC Paper No. LS9/20-21

**Paper for the House Committee Meeting  
on 20 November 2020**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 13 November 2020**

**Tabling in LegCo** : Council meeting of 18 November 2020

**Amendment to be made by** : Council meeting of 16 December 2020 (or that of 6 January 2021 if extended by resolution)

**Statute Law (Miscellaneous Provisions) Ordinance 2020  
(Commencement) Notice**

**(L.N. 215)**

By L.N. 215, the Chief Justice appoints 18 January 2021 as the day on which Part 2 of the Statute Law (Miscellaneous Provisions) Ordinance 2020 (Ord. No. 21 of 2020) ("SL Ordinance") comes into operation.

2. The SL Ordinance was published in the Gazette on 30 October 2020 after the Statute Law (Miscellaneous Provisions) Bill 2019 ("SL Bill") was passed by the Legislative Council ("LegCo") on 22 October 2020. The SL Bill has been studied by a Bills Committee before it was passed by LegCo. Members may refer to the report of the Bills Committee (LC Paper No. CB(4)714/19-20) for further information. The SL Ordinance makes miscellaneous amendments to various Ordinances, including the High Court Ordinance (Cap. 4) and the Interpretation and General Clauses Ordinance (Cap. 1). Part 2 of the SL Ordinance, which will come into operation on 18 January 2021, relates to amendments to Cap. 4, including those providing for the extension of the jurisdiction of the Court of Appeal ("CA") which consists of two Justices of Appeal ("JA") to hear and determine certain matters in the exercise of CA's civil jurisdiction and allowing parties to apply to re-argue a matter in the event the two JAs hearing the appeal or application cannot reach an unanimous decision.

3. Division 11 of Part 4 of the SL Ordinance, which relates to an amendment to the Chinese text of a defence to an offence by owner and tenant of an unlicensed hotel or guesthouse in section 5A of the Hotel and Guesthouse Accommodation Ordinance (Cap. 349), will come into operation on 1 December

2020.<sup>1</sup> The remaining provisions of the SL Ordinance will come into operation on the expiry of 30 days beginning on the day on which it was published in the Gazette on 30 October 2020, i.e. on 29 November 2020.

4. No LegCo Brief has been issued on L.N. 215.

5. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel has not been consulted on L.N. 215.

## **SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT**

**United Nations Sanctions (Central African Republic) Regulation 2020 (Amendment) Regulation 2020 (L.N. 216)**

**United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020 (L.N. 217)**

6. L.N. 216 and L.N. 217 are made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council. They came into operation when they were published in the Gazette on 13 November 2020.

### L.N. 216

7. Since 2013, the Security Council of the United Nations ("UNSC") has adopted several resolutions to impose or renew sanctions against the Central African Republic ("CAR"). These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Central African Republic) Regulation 2020 (Cap. 537CM). Under section 2(2) of Cap. 537CM, provisions related to sanction measures and related exemptions (i.e. sections 3, 4, 5, 6, 7, 9, 10 and 11) were in force until midnight on 31 July 2020.

8. L.N. 216 amends Cap. 537CM mainly to implement certain decisions in Resolution 2536 (2020) adopted by UNSC on 28 July 2020 to

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<sup>1</sup> It is provided under section 1(4) of the SL Ordinance that Division 11 of Part 4 of the SL Ordinance comes into operation either (i) on the date on which the SL Ordinance is published in the Gazette (i.e. 30 October 2020), or (ii) on the commencement date of Part 2 of the Hotel and Guesthouse Accommodation (Amendment) Ordinance 2020 (Ord. No. 6 of 2020) ("the HGA Ordinance"), whichever is the later. By L.N. 140 of 2020, the Secretary for Home Affairs has appointed 1 December 2020 as the day on which the HGA Ordinance comes into operation.

renew the sanctions against CAR. It provides for, among others, the prohibitions against:

- (a) the supply, sale, transfer or carriage of arms or related materiel to CAR;
- (b) the provision of technical assistance, training or financial or other assistance related to military activities in certain circumstances;
- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (e) entry into or transit through the Hong Kong Special Administrative Region ("HKSAR") by certain persons.

9. The prohibitions mentioned in paragraph 8 above are in force until midnight on 31 July 2021.

10. L.N. 216 also provides for certain new definitions, and makes certain textual amendments to Cap. 537CM.

11. Members may refer to the LegCo Brief (File Ref: CITB CR 75/53/8) issued by the Commerce and Economic Development Bureau ("CEDB") in November 2020 for further information. A marked-up version showing the changes made by L.N. 216 to Cap. 537CM is at Annex C to the LegCo Brief.

#### L.N. 217

12. UNSC has since 2018 adopted several resolutions to impose or renew sanctions against Mali. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Mali) Regulation 2019 (Cap. 537CL). Under section 2(2) of Cap. 537CL, provisions related to sanction measures and related exemptions (i.e. sections 3, 4, and 5) were in force until midnight on 31 August 2020.

13. L.N. 217 amends Cap. 537CL mainly to implement certain decisions in Resolution 2541 (2020) adopted by UNSC on 31 August 2020 to renew the sanctions against Mali. It provides for, among others, prohibitions against:

- (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;

- (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (c) entry into or transit through HKSAR by certain persons.

14. The prohibitions mentioned in paragraph 13 above are in force until midnight on 31 August 2021.

15. L.N. 217 also makes certain textual amendments to Cap. 537CL.

16. Members may refer to the LegCo Brief (File Ref: CITB CR 75/53/10) issued by CEDB in November 2020 for further information. A marked-up version showing the changes made by L.N. 217 to Cap. 537CL is at Annex C to the LegCo Brief.

#### Other matters

17. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under section 3 of Cap. 537. Accordingly, L.N. 216 and L.N. 217 are not required to be tabled in LegCo and are not subject to amendment by LegCo. However, since they come within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("Subcommittee"), Members may consider referring L.N. 216 and L.N. 217 to the Subcommittee for its consideration.

18. As advised by the Clerk to the Subcommittee, the LegCo Briefs on L.N. 216 and L.N. 217 have been circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)179/20-21 on 13 November 2020.

#### **Concluding observations**

19. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 215 to L.N. 217.

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