

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting on 8 January 2021**

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

**Purpose**

This paper reports on the deliberations of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("the Subcommittee") on the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2020 (L.N. 164 of 2020) and United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 (L.N. 165 of 2020) ("the Amendment Regulations").

**Background**

2. The Amendment Regulations are made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") on the instructions of the Ministry of Foreign Affairs of the People's Republic of China ("MFA") and after consultation with the Executive Council. They were published in the Gazette on 11 September 2020 and came into operation on the same day. At its meeting on 16 October 2020, the House Committee ("HC") referred the Amendment Regulations to the Subcommittee for study.

**United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2020 (L.N. 164 of 2020)**

3. Since 2003, the Security Council of the United Nations ("UNSC") has adopted several resolutions ("UNSCRs") to impose sanctions against the Democratic Republic of the Congo ("DR Congo"). These resolutions have been implemented by regulations made under UNSO, the last one being the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019

(Cap. 537CJ). Sections 3 to 7 and 9 to 11 of Cap. 537CJ, which contain certain prohibitions and related exemptions in respect of DR Congo, were in force until midnight on 1 July 2020.

4. L.N. 164 of 2020 amends Cap. 537CJ mainly to give effect to certain decisions in UNSCR 2528 (2020) adopted by UNSC on 25 June 2020 to renew the expired sanctions against DR Congo. These sanctions, which are in force until midnight on 1 July 2021, mainly concern:

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

5. L.N. 164 of 2020 also makes certain textual amendments to Cap. 537CJ.

#### **United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 (L.N. 165 of 2020)**

6. Since March 2015, UNSC has adopted several UNSCRs to impose sanctions against South Sudan. These resolutions have been implemented by regulations made under UNSO, the last one being the United Nations Sanctions (South Sudan) Regulation 2019 (Cap. 537CK). Sections 3 to 7 and 9 to 11 of Cap. 537CK, which contain certain prohibitions and related exemptions in respect of South Sudan, were in force until midnight on 31 May 2020.

7. L.N. 165 of 2020 amends Cap. 537CK mainly to give effect to certain decisions in UNSCR 2521 (2020) adopted by UNSC on 29 May 2020 to renew the expired sanctions against South Sudan. These sanctions, which are similar to those imposed in respect of DR Congo as mentioned in paragraph 4 above, are in force until midnight on 31 May 2021.

8. L.N. 165 of 2020 also makes certain textual amendments to Cap. 537CK.

## **The Subcommittee**

9. At the HC meeting on 14 October 2016, Members agreed to form the Subcommittee dedicated to consider regulations made under UNSO for implementing in HKSAR UNSCRs in relation to sanctions in the Sixth Legislative Council ("LegCo"). The Subcommittee submitted its first report on its deliberations for the 2016-2017 to 2019-2020 sessions to HC vide LC Paper No. CB(1)846/19-20 on 10 July 2020.

10. At the HC meeting on 13 November 2020, Members agreed that the membership of the Subcommittee be re-opened as the number of members of the Subcommittee had been reduced to two<sup>1</sup> and that a subcommittee should consist of not less than three members under rules 21(b) and 26(f) of the House Rules ("HR"). By the deadline for signification of membership, no Member had signified to join the Subcommittee as new member and an existing member had signified withdrawal from the Subcommittee. Given the said HR requirements, the Subcommittee could not continue its operation, and HC agreed to dissolve the Subcommittee at its meeting on 11 December 2020.<sup>2</sup>

## **Deliberations of the Subcommittee on the Amendment Regulations**

11. In the 2020-2021 session, the Subcommittee held one meeting with the Administration on 6 November 2020 to study the Amendment Regulations. The deliberations of the Subcommittee on the Amendment Regulations are summarized in the ensuing paragraphs. The then membership list of the Subcommittee is in the **Appendix**.

### Law drafting approach

12. Noting that a list of expiry dates of the prohibition and licensing provisions has been provided in each section 2 of Cap. 537CJ and Cap. 537CK as amended by the Amendment Regulations respectively ("amended section 2"), members have sought clarification on whether the Administration will update that

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<sup>1</sup> According to the announcement made by the HKSAR 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 and Dennis KWOK Wing-hang (who were members of the Subcommittee), among others, were disqualified from being members of LegCo on 30 July 2020.

<sup>2</sup> United Nations Sanctions (Central African Republic) Regulation 2020 (Amendment) Regulation 2020 (L.N. 216 of 2020) and United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020 (L.N. 217 of 2020) were referred to the Subcommittee at the HC meeting on 20 November 2020 for study but were not dealt with by the Subcommittee.

section (i.e. amended section 2) when UNSC resolves to renew any time-limited sanction measures provided under the relevant regulations in the future.

13. The Administration has advised that the same law drafting approach as recently adopted for making similar regulations<sup>3</sup> under UNSO is used to prepare the Amendment Regulations. By adopting the law drafting approach referred to in paragraph 12 above, a new subsection can be added to the relevant amended section 2 to provide for matters such as the updated expiry date of any prohibition and/or licensing provisions under the relevant regulation in case UNSC resolves to renew any relevant time-limited sanction measures.

14. The Administration has further advised that such drafting approach facilitates readers' understanding of the periods during which the time-limited sanction measures are in force. It also simplifies the drafting process in making regulations to give effect to MFA's instructions to implement sanctions decided by UNSC.

### **Recommendation**

15. The Subcommittee has completed study of the Amendment Regulations and members raised no objection to them.

### **Advice sought**

16. Members are invited to note the deliberations of the Subcommittee on the Amendment Regulations.

Council Business Division 1  
Legislative Council Secretariat  
6 January 2021

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<sup>3</sup> The law drafting approach was adopted in the making of the following regulations:

- (a) United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (L.N. 157 of 2019);
- (b) United Nations Sanctions (South Sudan) Regulation 2019 (L.N. 158 of 2019);
- (c) United Nations Sanctions (Mali) Regulation 2019 (L.N. 176 of 2019);
- (d) United Nations Sanction (Somalia) Regulation 2019 (Amendment) Regulation 2020 (L.N. 27 of 2020);
- (e) United Nations Sanctions (Central African Republic) Regulation 2020 (L.N. 79 of 2020);
- (f) United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2020 (L.N. 80 of 2020); and
- (g) United Nations Sanctions (Yemen) Regulation 2019 (Amendment) Regulation 2020 (L.N. 81 of 2020).

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

**Membership list  
(as at 6 November 2020)**

**Chairman** Hon Kenneth LEUNG (Chairman)  
**Members** Hon Dennis KWOK Wing-hang  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon Holden CHOW Ho-ding

(Total : 4 members)

[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.]

**Clerk** Mr Desmond LAM

**Legal Adviser** Miss Evelyn LEE  
(in relation to L.N. 164 and L.N. 165 of 2020)