

立法會
Legislative Council

LC Paper No. LS75/20-21

**Paper for the House Committee Meeting
on 4 June 2021**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 May 2021**

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

**United Nations Sanctions (Yemen) Regulation 2019
(Amendment) Regulation 2021 (L.N. 72)**

L.N. 72 is 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.

2. Since 2014, the Security Council of the United Nations ("UNSC") has adopted several resolutions to impose certain sanctions against Yemen. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Yemen) Regulation 2019 (Cap. 537CI). Amongst the various prohibitions contained in Cap. 537CI, some of them applied until midnight on 26 February 2021.

3. L.N. 72 amends Cap. 537CI to give effect to certain decisions in Resolution 2564 (2021) adopted by UNSC on 25 February 2021 by:

- (a) renewing the expired prohibitions, namely, the prohibitions against making available or dealing with economic assets, and entry into or transit through the Hong Kong Special Administrative Region ("HKSAR"), so that sections 5, 6 and 8 of Cap. 537CI relating to such prohibitions and exemptions are in force until midnight on 28 February 2022;
- (b) amending the definition of "specified person" in section 6(6) of Cap. 537CI to the effect that the prohibition against entry into or transit through HKSAR under section 6 is applicable to the individual listed in the Annex to Resolution 2564 (2021); and

- (c) providing that the Secretary for Commerce and Economic Development may include the name of the individual listed in the Annex to Resolution 2564 (2021) in the lists of "designated person" and "designated entity" (section 30(2) of Cap. 537CI) and "relevant person" and "relevant entity" (section 31(2) of Cap. 537CI) to the effect that the prohibitions under sections 2 to 5 of Cap. 537CI in relation to (i) the supply or carriage of arms or related materiel; (ii) the provision of certain assistance; and (iii) making available or dealing with economic assets could be made applicable to such individual.
4. Members may refer to the Legislative Council ("LegCo") Brief (File Ref: CITB CR 75/53/9) issued by the Commerce and Economic Development Bureau in May 2021 for further information on L.N. 72. A marked-up version showing the changes made by L.N. 72 to Cap. 537CI is at Annex E to the LegCo Brief.
5. L.N. 72 came into operation upon publication in the Gazette on 28 May 2021.
6. As advised by the Clerk to the Panel on Commerce and Industry, the Panel has not been consulted on L.N. 72.
7. 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. 72 is not required to be tabled in LegCo and is not subject to amendment by LegCo. The former Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions was dissolved by the House Committee at its meeting held on 11 December 2020. Members may consider whether and, if so, how they wish to study L.N. 72 in detail.

Concluding observations

8. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 72.

Prepared by

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