

立法會
Legislative Council

LC Paper No. LS125/20-21

**Paper for the House Committee Meeting
on 8 October 2021**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 24 September 2021**

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

**United Nations Sanctions (Democratic Republic of the
Congo) Regulation 2019 (Amendment) Regulation 2021 (L.N. 229)**

L.N. 229 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 2003, the Security Council of the United Nations ("UNSC") has adopted several resolutions to impose or renew sanctions against the Democratic Republic of the Congo ("DR Congo"). These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Cap. 537CJ) (as amended by the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2020 (L.N. 164 of 2020)). Sections 3 to 7 and 9 to 11 of Cap. 537CJ, which contain certain prohibitions against DR Congo, applied until midnight on 1 July 2021.

3. L.N. 229 amends Cap. 537CJ to give effect to certain decisions in Resolution 2582 (2021) adopted by UNSC on 29 June 2021 to renew the expired prohibitions against DR Congo. These prohibitions, which are in force from the commencement of L.N. 229 until midnight on 1 July 2022, are against:

- (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 by certain persons.

4. L.N. 229 came into operation upon publication in the Gazette on 24 September 2021.

5. 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. 229 is not required to be tabled in the Legislative Council ("LegCo") and is not subject to amendment by LegCo.

6. Members may refer to the LegCo Brief (File Ref: CITB CR 75/53/4) issued by the Commerce and Economic Development Bureau in September 2021 for further information on L.N. 229. A marked-up version showing the changes made by L.N. 229 to Cap. 537CJ is at Annex C to the LegCo Brief.

7. As advised by the Clerk to the Panel on Commerce and Industry, the Panel has not been consulted on L.N. 229.

8. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 229.

Prepared by

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