

香港特別行政區政府
商務及經濟發展局
工商及旅遊科



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12 September 2014

Clerk to the Subcommittee
to Examine the Implementation in Hong Kong of Resolutions
of the United Nations Security Council in relation to Sanctions
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Annette Lam)
(Fax No.: 2978 7569)

Dear Ms Lam,

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

At the sixth meeting of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions of 9 June 2014, the Administration was requested to –

- (a) disseminate to the public in websites of relevant Government bureaux/departments the list of specified persons prohibited from entry into or transit through Hong Kong as stipulated by the United Nations Security Council (UNSC) in the relevant resolutions in relation to sanctions that were implemented in Hong Kong;

- (b) provide an explanation on the deletion of section 9(2)(b) of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013 from the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014 being scrutinised by the Subcommittee to serve as a record on the change in drafting practice adopted by the Administration in the regulations to implement in Hong Kong the resolutions of the UNSC in relation to sanctions; and
- (c) explain the reason for using different terms, such as "the Federal Government of Somalia" and "Somali authorities" in the United Nations Sanctions (Somalia)(Amendment) Regulation 2014 and to address members' concerns about the confusion which such an inconsistency might cause.

Our responses are set out at the ensuing paragraphs –

- (a) We have created a new webpage (http://www.cedb.gov.hk/citb/en/Policy_Responsibilities/united_nations_sanctions.html) under the website for the Commerce, Industry and Tourism Branch of the Commerce and Economic Development Bureau to disseminate to the public the list of specified persons prohibited from entry into or transit through Hong Kong as stipulated by the UNSC in the relevant resolutions in relation to sanctions that were implemented in Hong Kong.
- (b) Section 9(2)(b) of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013 was deleted from the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014 because the exemption to the arms embargo for protective clothing, including flack jackets and military helmets, temporarily exported to the Democratic Republic of the Congo by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only, did not mention technical training and assistance (*paragraph 3(b) of the United Nations Security Council Resolution (UNSCR) 1807 as reaffirmed in paragraph 1 of UNSCR 2136*).
- (c) Since the adoption of UNSCR 733 against Somalia in 1992, the political situation of Somalia had been undergoing different changes. The UNSCRs regarding Somalia have been referring to different terminologies regarding the Somali administration.

As noted from UNSCR 2067 (September 2012), the transition in Somalia came to an end with the “**Somali authorities**” assuming the role of the “**Transitional Federal Government of Somalia**”.

Apparently after March 2013 when UNSCRs 2093 (March 2013) and 2111 (July 2013) were adopted, the Federal Government of Somalia had already been set up and the “**Federal Government of Somalia**” was referred to in these resolutions.

However, it appears that the term “Somali authorities” was referred to again for the period between November 2013 and March 2014 in UNSCR 2125 owing to the political uncertainty in Somalia during the period.

In light of the political situation of Somalia and the frequent changes in the terminologies regarding the Somali administration adopted in the UNSCRs on Somalia, to avoid mistakes in the interpretation of the different terminologies, the Administration has been following closely the terminologies used in the respective UNSCRs adopted for Somalia.

In February, 2014, the HKSAR received instructions from the MFA to implement UNSCR 2125. Following the wordings of paragraphs 12 and 14 of UNSCR 2125, the Administration adopted the term “**Somali authorities**” in the amendment to section 8(2)(j) and the inclusion of section 9(2)(g) to the United Nations Sanctions (Somalia) Regulation (Cap. 537 AN). Such an adoption aims to reflect accurately the sanctions expressly referred to under UNSCR 2125 which seems to correspond with the changing political situation in Somalia.

Yours sincerely,



(Jerry Ji)

for Secretary for Commerce and Economic Development