

香港特別行政區政府
商務及經濟發展局
工商及旅遊科



香港金鐘添美道二號
政府總部西翼二十三樓

COMMERCE, INDUSTRY AND TOURISM BRANCH
COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU
GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION

LEVEL 23, WEST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE
ADMIRALTY, HONG KONG

17 January 2013

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 second meeting of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions of 16 November 2012, the Administration was requested to take the following actions –

- (a) ensure that members of the relevant Panels, namely, the Panel on Commerce and Industry (C&I Panel) and the Panel on Financial Affairs (FA Panel), would be alerted to the resolutions of the United Nations Security Council in relation to sanctions being implemented in Hong Kong by way of regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (UNSO), including the following four regulations gazetted on 28 September 2012 –
 - (i) United Nations Sanctions (Côte d'Ivoire) Regulation 2012 (L.N.139 of 2012);

- (ii) United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2012 (L.N. 140 of 2012);
 - (iii) United Nations Sanctions (Guinea-Bissau) Regulation (L.N. 141 of 2012); and
 - (iv) United Nations Sanctions (Somalia) (Amendment) Regulation 2012 (L.N. 142 of 2012) (the Amendment Regulation);
- (b) take note of members' concern on the meaning of "a person owned directly or indirectly by a person or entity" in the definition of "relevant person" under section 1 of the United Nations Sanctions (Somalia) Regulation (Cap. 537AN) (the Somalia Regulation) as amended by section 2(3) of the Amendment Regulation, and improve the drafting (both the English and Chinese text) when amending the Somalia Regulation in future; and
 - (c) amend "第 537 條" to "第 537 章" under section 1 of the Chinese text of the Amendment Regulation.

Our responses are set out at the ensuing paragraphs –

In relation to item (a), we wrote to the Clerk to the C&I Panel and the FA Panel on 10 December 2012 seeking their assistance to bring to the attention of the relevant Panel Members of the four regulations gazetted on 28 September 2012 as well as any future regulations made under UNSO.

In relation to item (b), we propose that the definition of "relevant person" in the Somalia Regulation be amended in the next exercise as follows –

"relevant person (有關人士) means –

- (a) a person specified by the Chief Executive as a relevant person in accordance with section 30; or
- (b) a person acting on behalf of, or at the direction of, ~~or owned or controlled directly or indirectly by,~~ a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 30;"

We note members' suggestion in respect of item (c). In this regard, it should be noted that the amendments in the Amendment Regulation (L.N. 142 of 2012) have been incorporated into the existing Somalia Regulation. Since “第 537 條” does not form part of the textual amendments made to the existing Somalia Regulation, it would not appear in the statute book and hence further amendments to the Chinese text of section 1 of the Amendment Regulation would not be necessary.

Yours sincerely,



(Jerry Ji)

for Secretary for Commerce and Economic Development