

LCQ20: Implementation of sanctions imposed by United Nations Security Council

Following is a question by the Hon Holden Chow and a written reply by the Acting Secretary for Commerce and Economic Development, Dr Bernard Chan, in the Legislative Council today (March 20):

Question:

The Secretary for Commerce and Economic Development indicated in reply to a question raised by a Member of this Council on January 23 this year that the Government had all along been implementing and enforcing the sanctions or restrictions imposed by the United Nations Security Council against 14 places and two organisations through the United Nations Sanctions Ordinance (Cap. 537) and the regulations made under that Ordinance by the Chief Executive. In the past five years, the Hong Kong Police Force (HKPF) and the Customs and Excise Department (C&ED) investigated 201 and 99 suspected cases of sanctions violations respectively. The manpower responsible for the relevant law enforcement work includes 69 staff members from the relevant investigation division of HKPF and 47 staff members from the Trade Controls Branch of C&ED. In this connection, will the Government inform this Council:

(1) of a breakdown of the aforesaid cases by the places/organisations under sanction they involved (set out in a table);

(2) whether it has assessed the adequacy of the current law enforcement manpower; if so, of the outcome; whether it has plans to increase the manpower; if so, of the details; if not, the reasons for that; and

(3) whether the current deployment of law enforcement manpower is based on the places/organisations under sanction; if so, of the details, and whether it has deployed law enforcement manpower based on the risk of the occurrence of sanctions violations; if so, of the details; if not, the reasons for that?

Reply:

President,

According to the Charter of the United Nations (UN), Member States of the UN (including the People's Republic of China (PRC)) should apply measures decided by the UN Security Council (UNSC) to maintain or restore international peace and security. As part of the PRC, the Hong Kong Special Administrative Region (HKSAR) implements UNSC sanctions pursuant to the instructions of the Ministry of Foreign Affairs to fulfil our international obligation.

Currently, the UNSC imposes sanctions or restrictions against 14 places (Note 1) and two organisations (Note 2). The HKSAR Government has fully implemented sanctions or restrictions imposed by the UNSC against the 14 places and two organisations through the United Nations Sanctions Ordinance (Cap. 537) (the Ordinance) and the regulations made under the Ordinance by the Chief Executive.

The Hong Kong Police Force (HKPF) and the Customs and Excise Department (C&ED) are the law enforcement agencies of the Ordinance. Generally speaking, the HKPF is mainly responsible for enforcement work related to the financial sanction and sanctions on financial transactions or transfer of funds, while the C&ED is mainly responsible for enforcement against the supply, sale or transfer of arms and other items subject to sanction. The two law enforcement agencies have been acting in accordance with the law, without fear or favour, to follow up on suspected violations of the Ordinance.

My reply to the three parts of the question is as follows:

(1) To ensure integrity and confidentiality of our investigation work, the Government will not disclose details of the cases, including the places or organisations involved.

(2) The Government has been monitoring the law enforcement agencies' manpower arrangements for handling suspected violations of UN sanctions, and providing adequate resources as necessary. The Financial Investigation Division of the Narcotics Bureau of the HKPF is responsible for, inter alia, enforcing the Ordinance. The Division will be expanded from the current size of 69 staff members to 79 in 2019-20. As for the C&ED, apart from the staff responsible for physical examination of cargoes at boundary control points, 47 staff members from the Trade Controls Branch are responsible for, inter alia, enforcing the Ordinance. The Government will continue to provide adequate resources to the HKPF and the C&ED according to their needs.

(3) Appropriate training has been provided to HKPF and C&ED staff who are responsible for enforcing the Ordinance so that they are capable of investigating and following up on suspected cases involving different sanctioned places or organisations. Instead of assigning individual law enforcement officers to be solely responsible for cases involving specific sanctioned places or organisations, the HKPF and the C&ED deploy their manpower flexibly to follow up on each and every suspected case. Such arrangement not only allows effective use of manpower, but also ensures proper follow-up of all suspected cases.

Note 1: These 14 places are Afghanistan, Central African Republic, Democratic Republic of the Congo, Democratic People's Republic of Korea, Guinea-Bissau, Iran, Iraq, Lebanon, Libya, Mali, Somalia, South Sudan, Sudan and Yemen.

Note 2: The two organisations are Islamic State in Iraq and the Levant and Al-Qaida.