

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

**UNITED NATIONS SANCTIONS  
(CÔTE D’IVOIRE) (NO.2) REGULATION 2011**

**INTRODUCTION**

A At the meeting of the Executive Council on 28 June 2011, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Côte d’Ivoire) (No.2) Regulation 2011 (“the Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”) to give effect to the instructions from the Ministry of Foreign Affairs of the People’s Republic of China (“MFA”). The Regulation was gazetted on 30 June 2011 and came into effect on the same day.

**BACKGROUND**

**Obligation and Authority**

B, C & D 2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to an instruction by the MFA to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In April and June 2011, the CE received two instructions from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement sanctions against Côte d’Ivoire in the HKSAR pursuant to UNSC Resolutions (“UNSCR”) 1975 and 1980 respectively. The Regulation was made to give effect to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions, copies of UNSCR 1975 and UNSCR 1980, are at Annexes B, C and D respectively.

## Sanctions against Côte d'Ivoire

3. In view of Côte d'Ivoire's continuing human rights violations against its civilians which threaten the peace process in the region, the UNSC has passed a number of resolutions since 2004 to implement a range of sanctions against Côte d'Ivoire. These sanctions were most recently renewed and modified by UNSCR 1946 in October 2010. They concern arms embargoes<sup>Note (1)</sup>, travel ban on certain individuals designated by the Committee established by paragraph 14 of UNSCR 1572 ("the Committee")<sup>Note(2)</sup>, financial sanctions against certain persons and entities designated by the Committee<sup>Note(3)</sup>, and ban on import of rough diamonds from Côte d'Ivoire<sup>Note(4)</sup>.

4. Pursuant to the instructions of the MFA, the HKSAR implemented the sanctions against Côte d'Ivoire through enacting the United Nations Sanctions (Côte d'Ivoire) Regulation 2011 (Cap. 537AS) on 12 January 2011. Cap. 537AS expired at midnight on 30 April 2011.

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Note (1) Paragraphs 7 and 8 of UNSCR 1572 provide for the prohibition against the direct or indirect supply, sale, transfer or carriage of arms and related materiel to Cote d'Ivoire, as well as the provision of any assistance, advice or training related to military activities.

Note(2) Paragraph 9 of UNSCR 1572 provides for the prohibition against the entry into or transit through the territory of Member States by persons designated by the Committee as persons who constitute a threat to the peace and national reconciliation in Cote d'Ivoire. Exceptions to this travel ban are provided by paragraph 10 of UNSCR 1572.

Note(3) Paragraphs 11 and 12 of UNSCR 1572 provide for the freezing of funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons designated by the Committee, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and the prohibition against making available to, or for the benefit of, certain persons or entities any funds, financial assets or economic resources.

Note(4) Paragraph 6 of UNSCR 1643 provides for the prohibition against importation of all rough diamonds from Cote d'Ivoire. Paragraphs 16 and 17 of UNSCR 1893 further provide that the ban on import of rough diamond is subject to exemption for import used solely for the purposes of scientific research and analysis coordinated by the Kimberley Process, and approved on a case-by-case basis by the Committee, to facilitate the development of specific technical information concerning Ivorian diamond production.

## **UNSCR 1975**

5. On 30 March 2011, UNSC adopted UNSCR 1975. Paragraph 12 of UNSCR 1975 stipulates that -

- (a) targeted sanctions be adopted against those individuals who meet the criteria set out in UNSCR 1572 and subsequent resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of the United Nations Operation in Côte d'Ivoire and other international actors in Côte d'Ivoire and commit serious violations of human rights and international humanitarian law; and
- (b) the individuals listed in Annex I of UNSCR 1975 shall be subject to the financial and travel measures imposed by paragraphs 9 to 11 of UNSCR 1572.

## **UNSCR 1980**

6. Noting that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region and expressing deep concerns over the presence of mercenaries in the country, the UNSC adopted UNSCR 1980 on 28 April 2011. The UNSC, inter alia, decides that -

- (a) the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of UNSCR 1572, paragraph 5 of UNSCR 1946 and paragraph 12 of UNSCR 1975 be renewed until 30 April 2012, and measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of UNSCR 1643 be renewed until 30 April 2012 (*paragraph 1 of UNSCR 1980 refers*);
- (b) the supply of vehicles to the Ivorian security forces shall be subject to the measures imposed by paragraph 7 of UNSCR 1572 (*paragraph 8 of UNSCR 1980 refers*); and

- (c) the exemption procedure set out in paragraph 8(e) of UNSCR 1572 shall apply only to arms and related materiel, vehicles, and the provision of technical training and assistance in support of the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government and approved in advance by the Sanctions Committee (*paragraph 9 of UNSCR 1980 refers*).

## **THE REGULATION**

7. The Regulation, at Annex A, seeks to implement the sanctions against Côte d'Ivoire that are further renewed and slightly modified by UNSCRs 1975 and 1980. The main provisions of the Regulation include -

- (a) sections 2 and 3, which prohibit the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire or certain persons;
- (b) sections 4 and 5, which prohibit the supply, sale, transfer or carriage of vehicles to the Ivorian security forces;
- (c) section 6, which prohibits the provision of advice, assistance or training related to military activities to certain persons;
- (d) section 7, which prohibits the importation of rough diamonds from Côte d'Ivoire;
- (e) section 8, which provides for prohibition against making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (f) section 9, which prohibits the entry into or transit through the HKSAR by certain persons;
- (g) sections 11 to 15, which provide for the granting of licences

for the supply, sale, transfer or carriage of prohibited goods and vehicles; for the provision of assistance or training to certain persons; for the importation of rough diamonds from Côte d'Ivoire for the purpose of scientific research and analysis approved by the Committee; and for making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;

- (h) section 35, which provides that the CE may by notice published in the Gazette specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purpose of the financial sanctions under the Regulation; and
- (i) section 37, which provides that the Regulation will expire at midnight on 30 April 2012.

8. As the Regulation primarily renews the now expired sanctions under Cap. 537AS, a mark-up version showing amendments to Cap. 537AS is at Annex E for easy reference by Members.

E

## **IMPLICATIONS OF THE PROPOSAL**

9. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the Ordinance. It has no financial, economic, productivity, environmental or sustainability implications. Additional workload arising from the enforcement of the Regulation, if any, will be absorbed by the relevant departments.

## **PUBLICITY**

10. A press release was issued on 30 June 2011 when the Regulation was published in the Gazette.

## **INFORMATION ON CÔTE D'IVOIRE AND RELATION WITH HKSAR**

11. For information on Côte d'Ivoire, background of the sanction regime against the country as well as its bilateral trade relation with the HKSAR, please refer to Annex F.

F

## **ADVICE SOUGHT**

12. Members are invited to note the implementation of the UNSCRs 1975 and 1980 in the HKSAR by the Regulation.

**Commerce and Economic Development Bureau  
June 2011**

**UNITED NATIONS SANCTIONS ORDINANCE (CAP. 537)**

**UNITED NATIONS SANCTIONS (CÔTE D'IVOIRE) (NO. 2)**  
**REGULATION 2011**

**ANNEXES**

- ANNEX A            UNITED NATIONS SANCTIONS (CÔTE  
D'IVOIRE) (NO. 2) REGULATION 2011
- ANNEX B            DOCUMENT ISSUED BY THE CHIEF  
SECRETARY FOR ADMINISTRATION  
CONFIRMING THE INSTRUCTIONS FROM  
THE MINISTRY OF FOREIGN AFFAIRS
- ANNEX C            UNITED NATIONS SECURITY COUNCIL  
RESOLUTION 1975
- ANNEX D            UNITED NATIONS SECURITY COUNCIL  
RESOLUTION 1980
- ANNEX E            MARK-UP VERSION OF THE UNITED  
NATIONS SANCTIONS (CÔTE D'IVOIRE)  
(NO. 2) REGULATION 2011
- ANNEX F            INFORMATION ON CÔTE D'IVOIRE

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## United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2011

(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)

### Part 1

#### Preliminary

##### 1. Interpretation

In this Regulation—

*arms or related materiel* (軍火或相關的物資) includes military aircraft and equipment;

*authorized officer* (獲授權人員) means—

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

*Commissioner* (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

*Committee* (委員會) means the Committee of the Security Council established under paragraph 14 of Resolution 1572;

*economic resources* (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

*funds* (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

*licence* (特許) means a licence granted under section 11(1)(a) or (b), 12(1)(a) or (b), 13(1) or (2), 14(1) or 15(1);

*master* (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

*operator* (營運人), in relation to a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

*person connected with Côte d'Ivoire* (有關連人士) means—

- (a) the Government of Côte d'Ivoire;

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- (b) any person in, or resident in, Côte d'Ivoire;
- (c) any body incorporated or constituted under the law of Côte d'Ivoire;
- (d) any body, wherever incorporated or constituted, which is controlled by—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c) or (d);

***pilot in command*** (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;

***prohibited goods*** (禁制物品) means any arms or related materiel;

***relevant entity*** (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 35;

***relevant person*** (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 35;

***Resolution 1572*** (《第1572號決議》) means Resolution 1572 (2004) adopted by the Security Council on 15 November 2004;

***Resolution 1893*** (《第1893號決議》) means Resolution 1893 (2009) adopted by the Security Council on 29 October 2009;

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***Resolution 1975*** (《第1975號決議》) means Resolution 1975 (2011) adopted by the Security Council on 30 March 2011;

***Resolution 1980*** (《第1980號決議》) means Resolution 1980 (2011) adopted by the Security Council on 28 April 2011;

***Security Council*** (安全理事會) means the Security Council of the United Nations;

***UNOCI*** (聯科行動) means the United Nations Operation in Côte d'Ivoire.

**Part 2****Prohibitions****2. Prohibition against supply, sale or transfer of certain goods**

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 11(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
- (a) to Côte d'Ivoire;
  - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or
  - (b) that the goods concerned were or were to be supplied, sold or transferred—
    - (i) to Côte d'Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

**3. Prohibition against carriage of certain goods**

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) in the HKSAR;
    - (ii) both a Hong Kong permanent resident and a Chinese national; or
    - (iii) a body incorporated or constituted under the law of the HKSAR; and
  - (d) a vehicle in the HKSAR.

- (2) Without limiting section 2, except under the authority of a licence granted under section 11(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
- (a) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
  - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) Subsection (2) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 11(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
  - (b) in the case of any other ship—
    - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;

- (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
  - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (c) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
- (d) in the case of any other aircraft—
- (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
  - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
  - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (e) in the case of a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
  - (a) that the goods concerned were prohibited goods; or
  - (b) that the carriage of the goods concerned was, or formed part of, a carriage—
    - (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

#### 4. Prohibition against supply, sale or transfer of certain vehicles

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 12(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, a vehicle—

- (a) to, or to the order of, the Ivorian security forces; or
- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe that the vehicle concerned was or was to be supplied, sold or transferred—
  - (a) to, or to the order of, the Ivorian security forces; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.

#### 5. Prohibition against carriage of certain vehicles

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) in the HKSAR;

- (ii) both a Hong Kong permanent resident and a Chinese national; or
- (iii) a body incorporated or constituted under the law of the HKSAR; and
- (d) a vehicle in the HKSAR.
- (2) Without limiting section 4, except under the authority of a licence granted under section 12(1)(b), a ship, aircraft or vehicle must not be used for the carriage of a vehicle if the carriage is, or forms part of, a carriage—
  - (a) to, or to the order of, the Ivorian security forces; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.
- (3) Subsection (2) does not apply if—
  - (a) the carriage of the vehicle is performed in the course of the supply, sale or transfer of the vehicle; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 12(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
  - (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
  - (b) in the case of any other ship—
    - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;

- (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
- (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (c) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
- (d) in the case of any other aircraft—
  - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
  - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
  - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (e) in the case of a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe that the carriage of the vehicle concerned was, or formed part of, a carriage—

- (a) to, or to the order of, the Ivorian security forces; or
- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.

**6. Prohibition against provision of certain advice, assistance or training**

(1) This section applies to—

- (a) a person acting in the HKSAR; and
- (b) a person acting outside the HKSAR who is—
  - (i) both a Hong Kong permanent resident and a Chinese national; or
  - (ii) a body incorporated or constituted under the law of the HKSAR.

(2) A person must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any advice related to military activities.

(3) Except under the authority of a licence granted under section 13(1) or (2), a person must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any assistance or training related to military activities.

(4) A person who contravenes subsection (2) or (3) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—

- (a) that the advice, assistance or training concerned was or was to be provided to a person connected with Côte d'Ivoire; or
- (b) that the advice, assistance or training concerned related to military activities.

**7. Prohibition against importation of rough diamonds**

(1) Except under the authority of a licence granted under section 14(1), a person must not import any rough diamond from Côte d'Ivoire into the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe that the rough diamond concerned was imported from Côte d'Ivoire into the HKSAR.

**8. Prohibition against making available funds, etc. or dealing with funds, etc.**

(1) This section applies to—

- (a) a person acting in the HKSAR; and
- (b) a person acting outside the HKSAR who is—



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- (i) both a Hong Kong permanent resident and a Chinese national; or
  - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 15(1)—
- (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or

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- (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
  - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (6) In this section—
- deal with* (處理) means—
- (a) in respect of funds—
    - (i) use, alter, move, allow access to or transfer;
    - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
    - (iii) make any other change that would enable use, including portfolio management; and
  - (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

**9. Prohibition against entry or transit by certain persons**

- (1) Subject to section 10, a specified person must not enter or transit through the HKSAR.

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- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (4) In this section—

*paragraph 9 of Resolution 1572* (《第1572號決議》第9段) means paragraph 9 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution 1980;

*specified person* (指明人士) means—

- (a) a person designated by the Committee for the purposes of paragraph 9 of Resolution 1572; or
- (b) a person listed in Annex I to Resolution 1975.

#### 10. Exceptions to prohibition against entry or transit by certain persons

Section 9 does not apply to a case in respect of which—

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (b) the Committee has determined that the relevant entry into or transit through the HKSAR would further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in Côte d'Ivoire and stability in the region.

## Part 3

## Section 11

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## Part 3

### Licences

#### 11. Licence for supply, sale, transfer or carriage of certain goods

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate—
  - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
    - (i) to Côte d'Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (2) The requirements referred to in subsection (1) are as follows—

- (a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
  - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Côte d'Ivoire by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
  - (d) the prohibited goods are to be temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire;
  - (e) the supply, sale, transfer or carriage of prohibited goods is approved in advance by the Committee on a formal request by the Ivorian Government;
  - (f) the prohibited goods are non-lethal equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, as approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

**12. Licence for supply, sale, transfer or carriage of certain vehicles**

- (1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must grant, as appropriate—
- (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, a vehicle—
    - (i) to, or to the order of, the Ivorian security forces; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces; or
  - (b) a licence for the carriage of a vehicle that is, or forms part of, a carriage—
    - (i) to, or to the order of, the Ivorian security forces; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.
- (2) The requirement referred to in subsection (1) is that the supply, sale, transfer or carriage of the vehicle is approved in advance by the Committee on a formal request by the Ivorian Government.

**13. Licence for provision of certain assistance or training**

- (1) If satisfied on application that any of the requirements in subsection (3) is met, the Chief Executive must grant a licence to provide to a person connected with Côte d'Ivoire assistance related to military activities.

## Part 3

## Section 14

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- (2) If satisfied on application that any of the requirements in subsection (4) is met, the Chief Executive must grant a licence to provide to a person connected with Côte d'Ivoire training related to military activities.
- (3) The requirements referred to in subsection (1) are as follows—
  - (a) the assistance is technical assistance intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
  - (b) the assistance is technical assistance related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (c) the assistance is technical assistance in support of the Ivorian process of Security Sector Reform, as approved in advance by the Committee on a formal request by the Ivorian Government.
- (4) The requirements referred to in subsection (2) are as follows—
  - (a) the training is technical training related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (b) the training is technical training in support of the Ivorian process of Security Sector Reform, as approved in advance by the Committee on a formal request by the Ivorian Government.

**14. Licence for importation of rough diamonds**

- (1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to import rough diamonds from Côte d'Ivoire into the HKSAR.

## Part 3

## Section 15

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- (2) The requirement referred to in subsection (1) is that—
  - (a) the proposed import is solely for the purpose of scientific research, and analysis in connection with the research, to facilitate the development of specific technical information concerning Ivorian diamond production; and
  - (b) the research is coordinated by the Kimberley Process and approved by the Committee.
- (3) If the requirement in subsection (2) is met, the Chief Executive—
  - (a) must cause the parties by which a request is required to be submitted under paragraph 17 of Resolution 1893 to be notified of the application; and
  - (b) must not grant the licence unless the Committee has given its approval for the proposed import.
- (4) In subsection (2)(b)—

*Kimberley Process* (金伯利進程) has the same meaning as in section 6DA of the Import and Export (General) Regulations (Cap. 60 sub. leg. A).

**15. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities**

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
  - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.

- (2) The requirements referred to in subsection (1) are as follows—
- (a) the funds or other financial assets or economic resources are—
- (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
  - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
  - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;
- (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
- (c) the funds or other financial assets or economic resources—
- (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 15 November 2004 and is not for the benefit of a relevant person or a relevant entity; and
  - (ii) are to be used to satisfy the lien or judgment.
- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
- (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and

- (ii) must grant the licence in the absence of a negative decision by the Committee within 2 working days of the notification;
- (b) the requirement in subsection (2)(b) is met, the Chief Executive—
- (i) must cause the Committee to be notified of the determination; and
  - (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.
- 16. Provision of false information or documents for purpose of obtaining licences**
- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

## Part 4

### Things Done outside HKSAR

#### 17. Licence or permission granted by authorities of places outside HKSAR

- (1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.
  - (2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.
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## Part 5

### Enforcement of Regulation

#### Division 1

#### Investigation, etc. of Suspected Ships

#### 18. Investigation of suspected ships

- (1) If an authorized officer has reason to suspect that a ship to which section 3 or 5 applies has been, is being or is about to be used in contravention of section 3(2) or 5(2), the officer may—
  - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
  - (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.
- (2) If an authorized officer has reason to suspect that a ship to which section 3 or 5 applies is being or is about to be used in contravention of section 3(2) or 5(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2) or 5(2) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—

- (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;
- (b) request the charterer, operator or master of the ship to take any of the following steps—
  - (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
  - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
  - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
  - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
  - (a) specify whether the information should be provided orally or in writing and in what form; and

- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

**19. Offences by charterer, operator or master of ship**

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 18(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 18(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 18(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**20. Power of authorized officers to enter and detain ships**

- (1) Without limiting section 19, if an authorized officer has reason to suspect that a request that has been made under section 18(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or the ship concerned;
  - (b) detain or authorize the detention of that ship or any of its cargo;

- (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

## Division 2

### Investigation, etc. of Suspected Aircraft

#### 21. Investigation of suspected aircraft

- (1) If an authorized officer has reason to suspect that an aircraft to which section 3 or 5 applies has been, is being or is about to be used in contravention of section 3(2) or 5(2), the officer may—
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.
- (2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and

- any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

#### 22. Offences by charterer, operator or pilot in command of aircraft

- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 21(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 21(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

#### 23. Power of authorized officers to enter and detain aircraft

- (1) Without limiting section 22, if an authorized officer has reason to suspect that a request that has been made under



section 21(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or the aircraft concerned;
  - (b) detain or authorize the detention of that aircraft or any of its cargo;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

### Division 3

#### Investigation, etc. of Suspected Vehicles

##### 24. Investigation of suspected vehicles

- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2) or 5(2), the officer may—
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
  - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article

carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and

- (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.
- (2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

##### 25. Offences by operator or driver of vehicle

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 24(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 24(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an

authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**26. Power of authorized officers to enter and detain vehicles**

- (1) Without limiting section 25, if an authorized officer has reason to suspect that a request that has been made under section 24(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
  - (b) detain or authorize the detention of that vehicle or any article carried on it;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

**Division 4**

**Proof of Identity**

**27. Production of proof of identity**

Before or on exercising a power conferred by section 18, 20, 21, 23, 24 or 26, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

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**Part 6****Evidence****28. Power of magistrate or judge to grant warrant**

- (1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
  - (a) an offence under this Regulation has been committed or is being committed; and
  - (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
- (3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
  - (a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
  - (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;

- (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

**29. Detention of documents, cargoes or articles seized**

- (1) Subject to subsection (2), any document, cargo or article seized under section 28(3) may not be detained for more than 3 months.
  - (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.
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**Part 7****Disclosure of Information or Documents****30. Disclosure of information or documents**

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
- (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
  - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
    - (i) any organ of the United Nations;
    - (ii) any person in the service of the United Nations; or
    - (iii) the Government of any place outside the People's Republic of China,
 for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to Côte d'Ivoire decided on by the Security Council; or
  - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—

- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
  - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.
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**Part 8****Other Offences and Miscellaneous Matters****31. Liability of persons other than principal offenders**

- (1) If the person convicted of an offence under this Regulation is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, the director, manager, secretary or other similar officer is guilty of the like offence.
- (2) If the person convicted of an offence under this Regulation is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm is guilty of the like offence.

**32. Offences in relation to obstruction of authorized persons, etc.**

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**33. Offences in relation to evasion of this Regulation**

A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

**34. Consent and time limit for proceedings**

- (1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.
- (2) Summary proceedings for an offence under this Regulation that is alleged to have been committed outside the HKSAR may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after the alleged commission of the offence.

**35. Specification of relevant person or relevant entity by Chief Executive**

- (1) The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity any of the following persons or entities—
  - (a) a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 11 of Resolution 1572;
  - (b) a person listed in Annex I to Resolution 1975.
- (2) In this section—

*paragraph 11 of Resolution 1572* (《第1572號決議》第11段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution 1980.

**36. Exercise of powers of Chief Executive**

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.

Part 8

Section 36

L.N. 113 of 2011

- 
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.
  - (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.
- 

Part 9

Section 37

L.N. 113 of 2011

**Part 9**

**Duration**

**37. Duration**

This Regulation expires at midnight on 30 April 2012.

Donald TSANG  
Chief Executive

29 June 2011

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**Explanatory Note**

The purpose of this Regulation is to give effect to certain decisions in Resolution 1975 (2011) and Resolution 1980 (2011), as adopted by the Security Council of the United Nations on 30 March 2011 and 28 April 2011 respectively, by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire;
- (b) the supply, sale, transfer or carriage of vehicles to the Ivorian security forces;
- (c) the provision of advice, assistance or training related to military activities in certain circumstances;
- (d) importation of rough diamonds from Côte d'Ivoire;
- (e) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (f) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and
- (g) entry into or transit through the HKSAR by certain persons.

**United Nations Sanctions Ordinance (Cap. 537)**

**United Nations Sanctions (Côte d'Ivoire) (No.2) Regulation 2011**

This is to confirm that the Chief Executive received specific instructions from the Ministry of Foreign Affairs of the People's Republic of China in April and June 2011 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolutions No.1975 and No.1980 of the Security Council of the United Nations respectively, and that the United Nations Sanctions (Côte d'Ivoire) (No.2) Regulation 2011 was made in pursuance of the instructions.

Dated this 28 day of June 2011

A handwritten signature in black ink, consisting of a large, stylized 'H' followed by a series of loops and a final flourish.

( Henry Tang )  
Chief Secretary for Administration



United Nations

S/RES/1975 (2011)

**Security Council**Distr.: General  
30 March 2011

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**Resolution 1975 (2011)****Adopted by the Security Council at its 6508th meeting,  
on 30 March 2011***The Security Council,*

*Recalling* its previous resolutions, in particular resolutions 1572 (2004), 1893 (2009), 1911 (2010), 1924 (2010), 1933 (2010), 1942 (2010), 1946 (2010), 1951 (2010), 1962 (2010), 1967 (2011), 1968 (2011) and the statements of its President relating to the situation in Côte d'Ivoire, and resolution 1938 (2010) on the situation in Liberia,

*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

*Reiterating* its strong desire that the post-electoral crisis in Côte d'Ivoire be resolved peacefully and require an overall political solution that preserves democracy and peace and promotes lasting reconciliation among Ivoirians,

*Commending* the constructive efforts of the African Union High-level Panel for the resolution of the crisis in Côte d'Ivoire and *reiterating* its support to the African Union and the Economic Community of West African States (ECOWAS) for their commitment to resolve the crisis in Côte d'Ivoire,

*Welcoming* the decision of the Peace and Security Council of the African Union adopted at its 265th meeting at the level of Heads of State and Government, held on 10 March 2011 in Addis Ababa, which reaffirms all its previous decisions on the rapidly deteriorating post-electoral crisis facing Côte d'Ivoire since the second round of the presidential election, on 28 November 2010, which recognize the election of Mr Alassane Dramane Ouattara as the President of the Republic of Côte d'Ivoire,

*Welcoming* the political initiatives and noting the communiqué and the resolution on Côte d'Ivoire adopted by the Authority of Heads of State and Government of ECOWAS on 24 March 2011,

*Expressing* grave concern about the recent escalation of violence in Côte d'Ivoire and the risk of relapse into civil war and *urging* all parties to show utmost restraint to prevent such outcome and to resolve their differences peacefully,



*Condemning* unequivocally all provocative action and statements that constitute incitement to discrimination, hostility, hatred and violence made by any party,

*Condemning* the serious abuses and violations of international law in Côte d'Ivoire, including humanitarian, human rights and refugee law, *reaffirming* the primary responsibility of each State to protect civilians and *reiterating* that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians and facilitate the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel, *recalling* its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security, its resolution 1612 (2005) and 1882 (2009) on children and armed conflict and its resolution 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts,

*Welcoming* the Human Rights Council resolution A/HRC/16/25 of 25 March 2011, including the decision to dispatch an independent international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential elections of 28 November 2010,

*Stressing* that those responsible for such serious abuses and violations, including by forces under their control, must be held accountable,

*Reaffirming* that it is the responsibility of Côte d'Ivoire to promote and protect all human rights and fundamental freedoms, to investigate alleged violations of human rights and international law and to bring to justice those responsible for such acts,

*Considering* that the attacks currently taking place in Côte d'Ivoire against the civilian population could amount to crimes against humanity and that perpetrators of such crimes must be held accountable under international law and noting that the International Criminal Court may decide on its jurisdiction over the situation in Côte d'Ivoire on the basis of article 12, paragraph 3 of the Rome Statute,

*Determining* that the situation in Côte d'Ivoire continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Urges* all the Ivorian parties and other stakeholders to respect the will of the people and the election of Alassane Dramane Ouattara as President of Côte d'Ivoire, as recognized by ECOWAS, the African Union and the rest of the international community, *expresses* its concern at the recent escalation of violence and *demand*s an immediate end to the violence against civilians, including women, children and Internally displaced persons;

2. *Calls upon* all parties to pursue the overall political solution of the African Union and, in this regard, *welcomes* the decision of the African Union Peace and Security Council Summit of 10 March to appoint a High Representative for the implementation of the overall political solution and calls upon all parties to fully cooperate with him;

3. *Condemns* the decision of Mr. Laurent Gbagbo not to accept the overall political solution proposed by the High-Level panel put in place by the African Union, and *urges* him to immediately step aside;

4. *Urges* all Ivorian State institutions, including the Defence and Security Forces of Côte d'Ivoire (FDSCI), to yield to the authority vested by the Ivorian people in President Alassane Dramane Ouattara, *condemns* the attacks, threats, acts of obstructions and violence perpetrated by FDSCI, militias and mercenaries against United Nations personnel, obstructing them from protecting civilians, monitoring and helping investigate human rights violations and abuses, *stresses* that those responsible for such crimes under international law must be held accountable and *calls upon* all parties, in particular Mr. Laurent Gbagbo's supporters and forces, to fully cooperate with the United Nations Operation in Côte d'Ivoire (UNOCI) and cease interfering with UNOCI's activities in implementation of its mandate;

5. *Reiterates* its firm condemnation of all violence committed against civilians, including women, children, internally displaced persons and foreign nationals, and other violations and abuses of human rights, in particular enforced disappearances, extrajudicial killings, killing and maiming of children and rapes and other forms of sexual violence;

6. *Recalls* its authorization and *stresses* its full support given to the UNOCI, while impartially implementing its mandate, to use all necessary means to carry out its mandate to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment, including to prevent the use of heavy weapons against the civilian population and requests the Secretary-General to keep it urgently informed of measures taken and efforts made in this regard;

7. *Calls upon* all parties to cooperate fully in the operation of UNOCI and French forces which support it, in particular by guaranteeing their safety, security and freedom of movement with unhindered and immediate access throughout the territory of Côte d'Ivoire, to enable them to fully carry out their mandate;

8. *Calls upon* all parties to fully cooperate with the independent international commission of inquiry put in place by the Human Rights Council on 25 March 2011 to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential elections of 28 November 2010, and *requests* the Secretary-General to transmit this report to the Security Council and other relevant international bodies;

9. *Condemns* the use of Radiodiffusion Télévision Ivoirienne (RTI) and other media to incite discrimination, hostility, hatred and violence, including against UNOCI, as well as acts of intimidation and violence against journalists, and *calls for* the lifting of all restrictions placed on the exercise of the right of freedom of expression in Côte d'Ivoire;

10. *Expresses* deep concern about the increasing number of internally displaced persons and Ivorian refugees, especially in Liberia, caused by the crisis in Côte d'Ivoire, and *calls on* all Ivorian parties to cooperate fully with United Nations agencies and other actors working to enhance access to humanitarian aid to refugees and internally displaced persons;

11. *Reiterates* its longstanding demand that Mr. Laurent Gbagbo lift the siege of Golf Hotel without delay;

12. *Decides* to adopt targeted sanctions against those individuals who meet the criteria set out in resolution 1572 (2004) and subsequent resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of UNOCI and other international actors in Côte d'Ivoire and commit serious violations of human rights and international humanitarian law, and therefore *decides* that the individuals listed in Annex I of this resolution shall be subject to the financial and travel measures imposed by paragraphs 9 to 11 of resolution 1572 (2004), and *reaffirms* its intention to consider further measures, as appropriate, including targeted sanctions against media actors who meet the relevant sanctions criteria, including by inciting publicly hatred and violence;

13. *Decides* to remain actively seized of the matter.

## Annex I

### Targeted sanctions

1. Laurent Gbagbo

Date of birth: 31 May 1945

Place of birth: Gagnoa, Côte d'Ivoire

Former President of Côte d'Ivoire: obstruction of the peace and reconciliation process, rejection of the results of the presidential election.

2. Simone Gbagbo

Date of birth: 20 June 1949

Place of birth: Moossou, Grand-Bassam, Côte d'Ivoire

Chairperson of the Parliamentary Group of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, public incitement to hatred and violence.

3. Désiré Tagro

Passport number: PD – AE 065FH08

Date of birth: 27 January 1959

Place of birth: Issia, Côte d'Ivoire

Secretary-General in the so-called “presidency” of Mr. Gbagbo: participation in the illegitimate government of Mr. Gbagbo, obstruction of the peace and reconciliation process, rejection of the results of the presidential election, participation in violent repressions of popular movements.

4. Pascal Affi N'Guessan

Passport number: PD-AE 09DD00013.

Date of birth: 1 January 1953

Place of birth: Bouadriko, Côte d'Ivoire

Chairman of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, incitement to hatred and violence.

5. Alcide Djédjé

Date of birth: 20 October 1956

Place of birth: Abidjan, Côte d'Ivoire

Close advisor to Mr. Gbagbo: participation in the illegitimate government of Mr. Gbagbo, obstruction of the peace and reconciliation process, public incitement to hatred and violence.

United Nations

S/RES/1980 (2011)

**Security Council**Distr.: General  
28 April 2011

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**Resolution 1980 (2011)****Adopted by the Security Council at its 6525th meeting, on  
28 April 2011**

*The Security Council,*

*Recalling* its previous resolutions and the statements of its President relating to the situation in Côte d'Ivoire, in particular resolutions 1880 (2009), 1893 (2009), 1911 (2010), 1933 (2010), 1946 (2010), 1962 (2010) and 1975 (2011),

*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

*Taking note* of the report of the Secretary-General dated 30 March 2011 (S/2011/211), of the 2011 report (S/2011/272) and of the Final 2010 report (S/2011/271) of the United Nations Group of Experts,

*Emphasizing* the continued contribution to the stability in Côte d'Ivoire of the measures imposed by resolutions 1572 (2004), 1643 (2005) and 1975 (2011) and stressing that these measures aim at supporting the peace process in Côte d'Ivoire,

*Welcoming* that President Alassane Dramane Ouattara of Côte d'Ivoire is now able to assume all his responsibilities as Head of State, in accordance with the will of the Ivorian people expressed at the presidential elections of 28 November 2010 and as recognized by the international community,

*Emphasizing* the imperative of sustained efforts by all the Ivorians to promote national reconciliation and consolidation of peace through dialogue and consultation and *welcoming* the assistance of the African Union (AU) and the Economic Community of West African States (ECOWAS) in this regard,

*Recalling* its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women, peace and security, its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict and its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts,

*Reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, *condemning* all violence committed against civilians, including women, children, internally displaced persons and foreign nationals, and other violations and abuses of human rights, in particular enforced disappearances, extrajudicial killings, killing and maiming of children and



rapes and other forms of sexual violence and *stressing* that the perpetrators must be brought to justice,

*Stressing* the importance for the Group of Experts, originally established pursuant to paragraph 7 of resolution 1584 (2004), to be provided with the sufficient resources for the implementation of its mandate,

*Determining* that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 30 April 2012 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004), paragraph 5 of resolution 1946 (2010) and paragraph 12 of resolution 1975 (2011) and *further decides* to renew until 30 April 2012 the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005);

2. *Decides* to review the measures renewed in paragraph 1 above in light of the progress achieved in the stabilization throughout the country, the holding of the parliamentary elections and the implementation of the key steps of the peace process, as referred to in resolution 1933 (2010), by the end of the period mentioned in paragraph 1, and *decides further* to carry out a midterm review of the measures renewed in paragraph 1 above no later than 31 October 2011, with a view to possibly modifying, lifting or maintaining, ahead of 30 April 2012, all or part of the measures of the sanctions regime, in accordance with progress in the peace process, the developments related to Human rights violations and the developments related to the parliamentary elections;

3. *Calls upon* all Member States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above, including as appropriate by enforcing the necessary rules and regulations and *calls also upon* the United Nations Operation in Côte d'Ivoire (UNOCI) to lend its full support within its capacities and mandate and further *calls upon* the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities;

4. *Urges* all illegal armed combatants to lay down their arms immediately, *encourages* UNOCI, within its mandate and limits of capabilities and areas of deployment, to continue to assist the Ivorian Government in collecting and storing those arms and further *calls upon* the Ivorian authorities, including the National Commission to fight against the Proliferation and Illicit Traffic of Small Arms and Light Weapons, to ensure that those arms are neutralized or not illegally disseminated, in accordance with the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Associated Materials;

5. *Recalls* that UNOCI, within the monitoring of the arms embargo, is mandated to collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and to dispose of such arms and related materiel as appropriate;

6. *Expresses* its deep concern about the presence of mercenaries in Côte d'Ivoire, notably from neighbouring countries, and *calls upon* the authorities of Côte d'Ivoire and Liberia to coordinate their action to solve this issue and further *encourages* UNOCI and the United Nations Mission in Liberia (UNMIL), within

their respective mandates, capabilities and areas of deployment, to assist respectively the Governments of Côte d'Ivoire and Liberia in monitoring their border, with particular attention to any cross border movement of combatants or transfer of arms;

7. *Reiterates* the necessity for the Ivorian authorities to provide unhindered access to the Group of Experts, as well as UNOCI and the French Forces which support it, to equipment, sites and installations referred to in paragraph 2 (a) of resolution 1584 (2005), and to all weapons, ammunition and related materiel of all armed security forces, regardless of location, including the arms issued from the collection referred to in paragraph 4 above, when appropriate without notice, as set out in its resolutions 1739 (2007), 1880 (2009), 1933 (2010) and 1962 (2010);

8. *Decides* that the supply of vehicles to the Ivorian security forces shall be subject to the measures imposed by paragraph 7 of resolution 1572 (2004);

9. *Decides* that the exemption procedure set out in paragraph 8 (e) of resolution 1572 (2004) shall apply only to arms and related materiel, vehicles, and the provision of technical training and assistance in support of the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government and approved in advance by the Sanctions Committee;

10. *Underlines* that it is fully prepared to impose targeted measures against persons to be designated by the Committee in accordance with paragraphs 9, 11 and 14 of resolution 1572 (2004) who are determined to be, among other things:

(a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process, as referred to in the Ouagadougou Political Agreement;

(b) Attacking or obstructing the action of UNOCI, of the French forces which support it and of the Special Representative of the Secretary-General in Côte d'Ivoire;

(c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces which support it;

(d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;

(e) Inciting publicly hatred and violence;

(f) Acting in violation of the measures imposed by paragraph 1 above;

11. *Reiterates* its readiness to impose sanctions against those who obstruct the electoral process, specifically the action of the Independent Electoral Commission and all other operators involved, and the proclamation and certification of the results of the Parliamentary elections;

12. *Requests* all States concerned, in particular those in the subregion, to cooperate fully with the Sanctions Committee, and *authorizes* the Committee to request whatever further information it may consider necessary;

13. *Decides* to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2012 and *requests* the Secretary-General to take the necessary measures to support its action;



14. *Requests* the Group of Experts to submit a midterm report to the Committee by 15 October 2011 and to submit a final report as well as recommendations to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011),

15. *Decides* that the report of the Group of Experts, as referred to in paragraph 7 (e) of resolution 1727 (2006) may include, as appropriate, any information and recommendations relevant to the Committee's possible additional designation of the individuals and entities described in paragraphs 9 and 11 of resolution 1572 (2004) and further *recalls* the Informal Working Group on General Issues of Sanctions report (S/2006/997) on best practices and methods, including paragraphs 21, 22, and 23 that discuss possible steps for clarifying methodological standards for monitoring mechanisms;

16. *Requests* the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

17. *Requests* also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

18. *Requests* also the Kimberley Process Certification Scheme to communicate as appropriate to the Security Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d'Ivoire and *further decides* to renew the exemptions set out by paragraph 16 and 17 of resolution 1893 (2009) with regard to the securing of samples of rough diamonds for scientific research purposes coordinated by the Kimberley Process;

19. *Encourages* the Ivorian authorities to work with the Kimberley Process Certification Scheme to conduct a review and assessment of Côte d'Ivoire's internal controls system for trade in rough diamonds and a comprehensive geologic study of Côte d'Ivoire's potential diamond resources and production capacity, with a view to possibly modifying or lifting, as appropriate, the measures imposed by paragraph 6 of resolution 1643 (2005);

20. *Encourages* the Ivorian authorities to deploy customs and border control officials throughout the country, particularly in the north and the west, and encourages UNOCI, within its mandate, to assist the Ivorian authorities in the re-establishment of normal customs and border control operation;

21. *Urges* all States, relevant United Nations bodies and other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011) as reiterated in paragraph 1 above; further requests the Group of Experts to coordinate its activities as appropriate with all political actors;

22. *Recalls* paragraph 7 of 1960 (2010) and paragraph 7 (b) of 1882 (2009), regarding sexual and gender-based violence and children in armed conflict, and *welcomes* the information-sharing between the Committee and the Special Representatives of the Secretary-General for Children and Armed Conflict and for Sexual Violence in Conflict, in accordance with their respective mandates and as appropriate;

23. *Urges* further in this context that all Ivorian parties and all States, particularly those in the region, ensure:

- the safety of the members of the Group of Experts;
- unhindered access by the Group of Experts, in particular to persons, documents and sites in order for the Group of Experts to execute its mandate;

24. *Decides* to remain actively seized of the matter.

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# United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2011

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## **United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2011**

(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)

### **Part 1**

#### **Preliminary**

##### **1. Interpretation**

In this Regulation—

~~*Accra III Agreement* (《阿克拉協定三》) means the agreement known as the Accra III Agreement, signed in Accra, Ghana, on 30 July 2004 by the President of the Republic of Côte d'Ivoire, the Prime Minister of the Government of National Reconciliation and all the political forces of Côte d'Ivoire;~~

*arms or related materiel* (軍火或相關的物資) includes military aircraft and equipment;

*authorized officer* (獲授權人員) means—

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

*Commissioner* (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

*Committee* (委員會) means the Committee of the Security Council established under paragraph 14 of Resolution 1572;

*economic resources* (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

*funds* (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

*licence* (特許) means a licence granted under section 11(1)(a) or (b), 12(1)(a) or (b), 13(1) or (2), 14(1) or 15(1);

~~*Linac Marcoussis Agreement* (《利納—馬庫錫協定》) means the agreement known as the Linac Marcoussis Agreement, signed by the Ivoirian political forces in Linac Marcoussis on 24 January 2003 and approved by the Conference of Heads of States on Côte d'Ivoire held in Paris on 25 and 26 January 2003;~~

*master* (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;



**operator** (營運人), in relation to a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

~~**Ouagadougou Political Agreement** (《瓦加杜古政治協議》) means the agreement signed in Ouagadougou, Burkina Faso on 4 March 2007 by the President of the Republic of Côte d'Ivoire, the Secretary-General of the Forces nouvelles of the Republic of Côte d'Ivoire and the President of Burkina Faso eum Chairman of the Economic Community of West African States as Facilitator;~~

**person connected with Côte d'Ivoire** (有關連人士) means—

- (a) the Government of Côte d'Ivoire;
- (b) any person in, or resident in, Côte d'Ivoire;
- (c) any body incorporated or constituted under the law of Côte d'Ivoire;
- (d) any body, wherever incorporated or constituted, which is controlled by—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c) or (d);

**pilot in command** (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;

**prohibited goods** (禁制物品) means any arms or related materiel;

- relevant entity*** (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 35;
- relevant person*** (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 35;
- Resolution 1572*** (《第 1572 號決議》) means Resolution 1572 (2004) adopted by the Security Council on 15 November 2004;
- Resolution 1893*** (《第 1893 號決議》) means Resolution 1893 (2009) adopted by the Security Council on 29 October 2009;
- ~~***Resolution 1946*** (《第 1946 號決議》) means Resolution 1946 (2010) adopted by the Security Council on 15 October 2010;~~
- Resolution 1975*** (《第 1975 號決議》) means Resolution 1975 (2011) adopted by the Security Council on 30 March 2011;
- Resolution 1980*** (《第 1980 號決議》) means Resolution 1980 (2011) adopted by the Security Council on 28 April 2011;
- Security Council*** (安全理事會) means the Security Council of the United Nations;
- UNOCI*** (聯科行動) means the United Nations Operation in Côte d'Ivoire.
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## Part 2

### Prohibitions

#### 2. Prohibition against supply, sale or transfer of certain goods

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 11(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
  - (a) to Côte d'Ivoire;
  - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or
  - (b) that the goods concerned were or were to be supplied, sold or transferred—
    - (i) to Côte d'Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

### 3. Prohibition against carriage of certain goods

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) in the HKSAR;
    - (ii) both a Hong Kong permanent resident and a Chinese national; or
    - (iii) a body incorporated or constituted under the law of the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 11(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—

- (a) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
  - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) Subsection (2) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 11(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
  - (b) in the case of any other ship—
    - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
    - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
    - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;

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- (c) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
  - (d) in the case of any other aircraft—
    - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
    - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
    - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
  - (e) in the case of a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or
  - (b) that the carriage of the goods concerned was, or formed part of, a carriage—

- (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
- (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

#### **4. Prohibition against supply, sale or transfer of certain vehicles**

(1) This section applies to—

(a) a person acting in the HKSAR; and

(b) a person acting outside the HKSAR who is—

(i) both a Hong Kong permanent resident and a Chinese national; or

(ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section 12(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, a vehicle—

(a) to, or to the order of, the Ivorian security forces; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.

(3) A person who contravenes subsection (2) commits an offence and is liable—

(a) on conviction on indictment to a fine and to imprisonment for 7 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe that the vehicle concerned was or was to be supplied, sold or transferred—

(a) to, or to the order of, the Ivorian security forces; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.

### **5. Prohibition against carriage of certain vehicles**

(1) This section applies to—

(a) a ship that is registered in the HKSAR;

(b) an aircraft that is registered in the HKSAR;

(c) any other ship or aircraft that is for the time being chartered to a person who is—

(i) in the HKSAR;

(ii) both a Hong Kong permanent resident and a Chinese national; or

(iii) a body incorporated or constituted under the law of the HKSAR; and

(d) a vehicle in the HKSAR.

(2) Without limiting section 4, except under the authority of a licence granted under section 12(1)(b), a ship, aircraft or vehicle must not be used for the carriage of a vehicle if the carriage is, or forms part of, a carriage—

(a) to, or to the order of, the Ivorian security forces; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.

(3) Subsection (2) does not apply if—



- (a) the carriage of the vehicle is performed in the course of the supply, sale or transfer of the vehicle; and
- (b) the supply, sale or transfer was authorized by a licence granted under section 12(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
  - (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
  - (b) in the case of any other ship—
    - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
    - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
    - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
  - (c) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
  - (d) in the case of any other aircraft—
    - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;

- (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
    - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
  - (e) in the case of a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe that the carriage of the vehicle concerned was, or formed part of, a carriage—
  - (a) to, or to the order of, the Ivorian security forces; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.

**6. Prohibition against provision of certain advice, assistance or training**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or

- (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) A person must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any advice related to military activities.
- (3) Except under the authority of a licence granted under section 13(1) or (2), a person must not provide, directly or indirectly, to a person connected with Côte d'Ivoire any assistance or training related to military activities.
- (4) A person who contravenes subsection (2) or (3) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
  - (a) that the advice, assistance or training concerned was or was to be provided to a person connected with Côte d'Ivoire; or
  - (b) that the advice, assistance or training concerned related to military activities.

#### **7. Prohibition against importation of rough diamonds**

- (1) Except under the authority of a licence granted under section 14(1), a person must not import any rough diamond from Côte d'Ivoire into the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe that the rough diamond concerned was imported from Côte d'Ivoire into the HKSAR.

**8. Prohibition against making available funds, etc. or dealing with funds, etc.**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 15(1)—
  - (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
  - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (6) In this section—
- deal with*** (處理) means—
- (a) in respect of funds—
    - (i) use, alter, move, allow access to or transfer;
    - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
    - (iii) make any other change that would enable use, including portfolio management; and

- (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

## 9. Prohibition against entry or transit by certain persons

- (1) Subject to section 10, a specified person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (4) In this section—

~~*paragraph 7 of Resolution 1572* (《第 1572 號決議》第 7 段) means paragraph 7 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution 1946;~~

~~*paragraph 9 of Resolution 1572* (《第 1572 號決議》第 9 段) means paragraph 9 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution ~~1946~~1980;~~

~~*Resolution 1880* (《第 1880 號決議》) means Resolution 1880 (2009) adopted by the Security Council on 30 July 2009;~~

~~*Secretary-General* (秘書長) means the Secretary-General of the United Nations;~~

~~*specified person* (指明人士) means—~~

- ~~(a) a person designated by the Committee, for the purposes of paragraph 9 of Resolution 1572, as a person who constitutes a threat to the peace and national reconciliation process in Côte d'Ivoire; or~~

~~(b) a person listed in Annex I to Resolution 1975.~~

- ~~(5) For the purposes of the definition of *specified person* in subsection (4)—~~

- ~~(a) any of the following constitutes a threat to the peace and national reconciliation process in Côte d'Ivoire—~~
- ~~— (i) any serious obstacle to the freedom of movement of the UNOCI or the French forces which support the UNOCI;~~
  - ~~— (ii) any attack on or obstruction of the action of the UNOCI, the French forces or the Special Representative of the Secretary General in Côte d'Ivoire;~~
  - ~~— (iii) any attack on or obstruction of the action of the Facilitator mentioned in paragraph 23 of Resolution 1880 or the Facilitator's Special Representative in Côte d'Ivoire;~~
  - ~~— (iv) any threat to the electoral process in Côte d'Ivoire, in particular, any attack on or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement; and~~
- ~~(b) without limiting paragraph (a), a person who constitutes a threat to the peace and national reconciliation process in Côte d'Ivoire includes—~~
- ~~— (i) a person who blocks the implementation of the Linas-Marcoussis Agreement or Accra III Agreement;~~
  - ~~— (ii) a person who is responsible for serious violations of human rights or international humanitarian law in Côte d'Ivoire;~~
  - ~~— (iii) a person who incites publicly hatred and violence; and~~

~~— (iv) a person who is determined by the Committee to be in violation of measures imposed by paragraph 7 of Resolution 1572.~~

**10. Exceptions to prohibition against entry or transit by certain persons**

Section 9 does not apply to a case in respect of which—

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (b) the Committee has determined that the relevant entry into or transit through the HKSAR would further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in Côte d'Ivoire and stability in the region.

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## Part 3

### Licences

#### 11. Licence for supply, sale, transfer or carriage of certain goods

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate—
  - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
    - (i) to Côte d'Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (2) The requirements referred to in subsection (1) are as follows—

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- (a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
  - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Côte d'Ivoire by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
  - (d) the prohibited goods are to be temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire;
  - (e) the supply, sale, transfer or carriage of prohibited goods are intended solely for the support of or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas-Marcoussis Agreement, as is approved in advance by the Committee on a formal request by the Ivorian Government;
  - (f) the prohibited goods are non-lethal equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, as approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

**12. Licence for supply, sale, transfer or carriage of certain vehicles**

(1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must grant, as appropriate—

(a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, a vehicle —

(i) to, or to the order of, the Ivorian security forces; or

(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces; or

(b) a licence for the carriage of a vehicle that is, or forms part of, a carriage—

(i) to, or to the order of, the Ivorian security forces; or

(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, the Ivorian security forces.

(2) The requirement referred to in subsection (1) is that the supply, sale, transfer or carriage of the vehicle is approved in advance by the Committee on a formal request by the Ivorian Government.

**13. Licence for provision of certain assistance or training**

(1) If satisfied on application that any of the requirements in subsection (3) is met, the Chief Executive must grant a licence to provide to a person connected with Côte d'Ivoire assistance related to military activities.

(2) If satisfied on application that any of the requirements in subsection (4) is met, the Chief Executive must grant a licence to provide to a person connected with Côte d'Ivoire training related to military activities.

(3) The requirements referred to in subsection (1) are as follows—

- (a) the assistance is technical assistance intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
  - (b) the assistance is technical assistance related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (c) the assistance is technical assistance ~~intended solely for the~~ in support of the Ivorian process of Security Sector Reform ~~or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas-Marcoussis Agreement,~~ as approved in advance by the Committee on a formal request by the Ivorian Government.
- (4) The requirements referred to in subsection (2) are as follows—
- (a) the training is technical training related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (b) the training is technical training ~~intended solely for the~~ in support of the Ivorian process of Security Sector Reform ~~or use in the process of restructuring defence or security forces pursuant to subparagraph (f) of paragraph 3 of the Linas-Marcoussis Agreement,~~ as approved in advance by the Committee on a formal request by the Ivorian Government.

#### 14. Licence for importation of rough diamonds

- (1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to import rough diamonds from Côte d'Ivoire into the HKSAR.
- (2) The requirement referred to in subsection (1) is that—

- (a) the proposed import is solely for the purpose of scientific research, and analysis in connection with the research, to facilitate the development of specific technical information concerning Ivorian diamond production; and
  - (b) the research is coordinated by the Kimberley Process and approved by the Committee.
- (3) If the requirement in subsection (2) is met, the Chief Executive—
- (a) must cause the parties by which a request is required to be submitted under paragraph 17 of Resolution 1893 to be notified of the application; and
  - (b) must not grant the licence unless the Committee has given its approval for the proposed import.
- (4) In subsection (2)(b)—

*Kimberley Process* (金伯利進程) has the same meaning as in section 6DA of the Import and Export (General) Regulations (Cap. 60 sub. leg. A).

**15. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities**

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
- (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (2) The requirements referred to in subsection (1) are as follows—

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- (a) the funds or other financial assets or economic resources are—
    - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
    - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
    - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;
  - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
  - (c) the funds or other financial assets or economic resources—
    - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 15 November 2004 and is not for the benefit of a relevant person or a relevant entity; and
    - (ii) are to be used to satisfy the lien or judgment.
- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
    - (ii) must grant the licence in the absence of a negative decision by the Committee within 2 working days of the notification;

- (b) the requirement in subsection (2)(b) is met, the Chief Executive—
  - (i) must cause the Committee to be notified of the determination; and
  - (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

**16. Provision of false information or documents for purpose of obtaining licences**

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
  - (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
-

## **Part 4**

### **Things Done outside HKSAR**

#### **17. Licence or permission granted by authorities of places outside HKSAR**

- (1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.
  - (2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.
-



## Part 5

### Enforcement of Regulation

#### Division 1

#### Investigation, etc. of Suspected Ships

##### 18. Investigation of suspected ships

- (1) If an authorized officer has reason to suspect that a ship to which section 3 or 5 applies has been, is being or is about to be used in contravention of section 3(2) or 5(2), the officer may—
  - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
  - (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.
- (2) If an authorized officer has reason to suspect that a ship to which section 3 or 5 applies is being or is about to be used in contravention of section 3(2) or 5(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of ~~that~~ section 3(2) or 5(2) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—
  - (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer,

- from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;
- (b) request the charterer, operator or master of the ship to take any of the following steps—
- (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
  - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
  - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
  - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

**19. Offences by charterer, operator or master of ship**

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 18(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 18(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 18(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**20. Power of authorized officers to enter and detain ships**

- (1) Without limiting section 19, if an authorized officer has reason to suspect that a request that has been made under section 18(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or the ship concerned;
  - (b) detain or authorize the detention of that ship or any of its cargo;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.

- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

## **Division 2**

### **Investigation, etc. of Suspected Aircraft**

#### **21. Investigation of suspected aircraft**

- (1) If an authorized officer has reason to suspect that an aircraft to which section 3 or 5 applies has been, is being or is about to be used in contravention of section 3(2) or 5(2), the officer may—
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
  - (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.
- (2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.

- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

## **22. Offences by charterer, operator or pilot in command of aircraft**

- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 21(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 21(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

## **23. Power of authorized officers to enter and detain aircraft**

- (1) Without limiting section 22, if an authorized officer has reason to suspect that a request that has been made under section 21(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or the aircraft concerned;
  - (b) detain or authorize the detention of that aircraft or any of its cargo;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
  - (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

### **Division 3**

#### **Investigation, etc. of Suspected Vehicles**

##### **24. Investigation of suspected vehicles**

- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2) or 5(2), the officer may—
  - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
  - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
  - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph

(b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

- (2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

**25. Offences by operator or driver of vehicle**

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 24(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 24(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**26. Power of authorized officers to enter and detain vehicles**

- (1) Without limiting section 25, if an authorized officer has reason to suspect that a request that has been made under section 24(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
  - (b) detain or authorize the detention of that vehicle or any article carried on it;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

**Division 4**

**Proof of Identity**

**27. Production of proof of identity**

Before or on exercising a power conferred by section 18, 20, 21, 23, 24 or 26, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

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## Part 6

### Evidence

#### 28. Power of magistrate or judge to grant warrant

- (1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
  - (a) an offence under this Regulation has been committed or is being committed; and
  - (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
- (3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
  - (a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
  - (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;

- (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

**29. Detention of documents, cargoes or articles seized**

- (1) Subject to subsection (2), any document, cargo or article seized under section 28(3) may not be detained for more than 3 months.
  - (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.
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## Part 7

### Disclosure of Information or Documents

#### 30. Disclosure of information or documents

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
  - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
  - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
    - (i) any organ of the United Nations;
    - (ii) any person in the service of the United Nations; or
    - (iii) the Government of any place outside the People's Republic of China,  
for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to Côte d'Ivoire decided on by the Security Council; or
  - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—
  - (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the

document only in the person's capacity as servant or agent of another person; and

- (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.

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## **Part 8**

### **Other Offences and Miscellaneous Matters**

#### **31. Liability of persons other than principal offenders**

- (1) If the person convicted of an offence under this Regulation is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, the director, manager, secretary or other similar officer is guilty of the like offence.
- (2) If the person convicted of an offence under this Regulation is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm is guilty of the like offence.

#### **32. Offences in relation to obstruction of authorized persons, etc.**

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

#### **33. Offences in relation to evasion of this Regulation**

A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

#### 34. Consent and time limit for proceedings

- (1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.
- (2) Summary proceedings for an offence under this Regulation that is alleged to have been committed outside the HKSAR may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after the alleged commission of the offence.

#### 35. Specification of relevant person or relevant entity by Chief Executive

- (1) The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity any of the following persons or entities—

(a) a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 11 of Resolution 1572;

(b) a person listed in Annex I to Resolution 1975.

- (2) In this section—

*paragraph 11 of Resolution 1572* (《第 1572 號決議》第 11 段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph 1 of Resolution ~~1946~~1980.

#### 36. Exercise of powers of Chief Executive

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.

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- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.
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## **Part 9**

### **Duration**

**37. Duration**

This Regulation expires at midnight on 30 April ~~2011~~2012.

Chief Executive

2011

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### Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in ~~Resolution 1946 (2010)~~ Resolution 1975 (2011) and Resolution 1980 (2011), as adopted by the Security Council of the United Nations on ~~15 October 2010~~ 30 March 2011 and 28 April 2011 respectively, by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire;
- (b) the supply, sale, transfer or carriage of vehicles to the Ivorian security forces;
- (c) the provision of advice, assistance or training related to military activities in certain circumstances;
- (d) importation of rough diamonds from Côte d'Ivoire;
- (e) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (f) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and
- (g) entry into or transit through the HKSAR by certain persons.

**United Nations Sanctions  
(Côte d'Ivoire) (No.2) Regulation 2011**

**Information on Côte d'Ivoire**

**Country Background**

Côte d'Ivoire is a country in western Africa, bordering the North Atlantic Ocean between Liberia, Ghana and Guinea. With its capital in Yamoussoukro and largest city in Abidjan, Côte d'Ivoire has a total area of 322,463 sq. km. and a projected population of around 20.6 million. Côte d'Ivoire has a GDP of US\$23.4 billion (or HK\$182.5 billion) in 2008, supported mainly by its production and export of coffee, cocoa beans, and palm oil.<sup>1</sup> Merchandise imports and exports of Côte d'Ivoire in 2010 amounted to US\$ 7.8 billion (or HK\$60.8 billion) and US\$ 10.5 billion (or HK\$81.9 billion) respectively.<sup>2</sup> After gaining independence from France, Côte d'Ivoire established its republic government in August 1960.

**United Nations Sanctions against Côte d'Ivoire**

2. During the 1990s, Côte d'Ivoire was among the most stable and prosperous states in west Africa. However, the country's economy suffered from greater competition and falling prices in agricultural products in the global market, and the economic fallout was exacerbated by social unrest and political crisis. Attempted coup-turned-rebellion in 2002 divided up the country, and there was armed conflict between the Government (concentrated in the south) and the rebel Forces Nouvelles (which controlled much of the country and were primarily in the north). The United Nations peacekeepers maintained a buffer zone in between; the civil war continued for several years.

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<sup>1</sup> Source: World Statistics Pocket Book published by United Nations Statistics Division at <http://data.un.org/CountryProfile.aspx?crName=Côte%20d'Ivoire>.

<sup>2</sup> Source : WTO Statistics Database at <http://stat.wto.org/Home/WSDBHome.aspx?Language=E>

3. The Linas-Marcoussis Agreement brokered by France was signed in January 2003 by the Government of Côte d'Ivoire and the rebel forces. The Agreement called for the formation of a government of national reconciliation to include representatives of Forces Nouvelles, and the establishment of a United Nations monitoring committee to supervise compliance, followed by a ceasefire deal. With continuing political tension, the Accra II and the Accra III agreements were signed in March 2003 and July 2004 respectively to consolidate the peace process through disarmament of the rebel forces. Notwithstanding, hostilities in Côte d'Ivoire resumed and the ceasefire agreement was repeatedly violated.

4. As a major step in restoring stability in the country split by civil war, presidential elections were originally scheduled for as far back as 2005. The elections, however, were repeatedly postponed. The first round of elections was eventually held on 31 October 2010. Since no candidate received a majority in the first round, a run-off poll was held on 28 November 2010, where incumbent President Laurent Gbagbo was pitted against former prime minister, Alassane Ouattara. Laurent Gbagbo's refusal to step down after losing the run-off election resulted in political stand-off and ensuing violence that led to reported deaths of more than 1,000 people. The surrender of Laurent Gbagbo in mid-April 2011 put an end to the violence and Alassane Ouattara was inaugurated as the president of the country on 21 May 2011.

5. In view of the threat to the regional peace process, the United Nations Security Council (UNSC) adopted Resolution 1572 on 15 November 2004 to impose sanctions on Côte d'Ivoire, including arms embargo, travel ban and assets freeze of certain persons. These sanctions regime were modified by UNSC Resolution 1643 in 2005, imposing further prohibition on the import of rough diamonds from Côte d'Ivoire to prevent illicit trading and financing to armed forces through conflict diamonds. The sanctions on Côte d'Ivoire were renewed by subsequent UNSC Resolutions, with the most recent ones being Resolution 1975 adopted on 30 March 2011, which imposed targeted sanctions against former President Laurent Gbagbo and his close associates; and Resolution 1980 adopted on 28 April 2011, which extended and modified the existing sanctions on the country until 30 April 2012.<sup>3</sup>

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<sup>3</sup> Source of information contained in paragraphs 2-5: Official Website of World Food Programme at <http://www.wfp.org/countries/c%C3%B4te-divoire>, Official Website of UNICEF at <http://www.unicef.org/infobycountry/cotedivoire.html> and UN News Centre at <http://www.un.org/apps/news/>

## **Trade Relation between Hong Kong and Côte d'Ivoire**

6. In 2010, Côte d'Ivoire ranked 109<sup>th</sup> among Hong Kong's trading partners in the world, with a total trade of HK\$218.8 million. Of these, HK\$60.6 million worth of trade were exports to the Côte d'Ivoire, and HK\$158.2 million imports. Hong Kong's trade with Côte d'Ivoire are summarized as follows –

<b>Hong Kong's Trade with Côte d'Ivoire [Value in HK\$ (in million)]</b>		
<b>Item</b>	<b>2010</b>	<b>2011 (Jan – Mar)</b>
(a) Total Exports to Côte d'Ivoire	60.6	9.0
<i>(i) Domestic exports</i>	12.9 <sup>4</sup>	0 <sup>5</sup>
<i>(ii) Re-exports</i>	47.7 <sup>6</sup>	9.0 <sup>7</sup>
(b) Imports from Côte d'Ivoire	158.2 <sup>8</sup>	0.001 <sup>9</sup>
<b>Total Trade [(a) + (b)]</b>	<b>218.8</b>	<b>9.0</b>

<sup>4</sup> In 2010, domestic export items to Côte d'Ivoire include aluminium (93.6%), plastic articles (2.4%) and automatic data processing machines and units thereof (1.8%).

<sup>5</sup> There were no domestic exports to Côte d'Ivoire in January-March 2011, which resulted in a 100% decrease in the related figure.

<sup>6</sup> In 2010, re-exports to Côte d'Ivoire include rotating electric plant and parts (26.5%); telecommunications equipment (11.0%); and image/sound recorders or reproducers (5.2%).

<sup>7</sup> In January – March 2011, re-exports to Côte d'Ivoire include telecommunications equipment (72.0%); and radio broadcast receivers (7.6%). The decrease in re-exports to Côte d'Ivoire in January-March 2011 was mainly caused by the drop in the demand for rotating electric plant and parts.

<sup>8</sup> In 2010, imports from Côte d'Ivoire include cotton (83.1%); telecommunications equipment (15.4%); and leather (1.2%).

<sup>9</sup> In January – March 2011, imports from Côte d'Ivoire include special transactions and commodities not classified according to kinds (100%). Due to the limited value of HK's imports from Côte d'Ivoire, small changes in absolute value led to substantial fluctuations in percentage terms. The significant decrease in demand for cotton and telecommunications equipment led to a dramatic drop in imports from Côte d'Ivoire during January-March 2011.

In 2010, HK\$67.9 million worth of goods, or 1.3% of the total trade between Côte d'Ivoire and the Mainland, were routed through Hong Kong. Of these, HK\$24.3 million worth of goods were re-exports from Côte d'Ivoire to the Mainland. The remaining HK\$43.6 million were re-exports of Mainland origin to Côte d'Ivoire via Hong Kong.

7. The current arms embargo, travel ban, restriction on import of rough diamond and financial sanctions against Côte d'Ivoire imposed by the UNSC would unlikely affect the trade between Hong Kong and Côte d'Ivoire adversely, as the major categories of commodities traded are not related to arms and related material. In addition, given the rather small trade volume between the two places, the UNSC sanctions against Côte d'Ivoire would unlikely have any effect on the Hong Kong economy.

**Commerce and Economic Development Bureau  
June 2011**