

## **LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

### **UNITED NATIONS SANCTIONS (DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA) (AMENDMENT) REGULATION 2018**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 19 June 2018, the Council advised and the Acting Chief Executive ordered that the United Nations Sanctions (Democratic People’s Republic of Korea) (Amendment) Regulation 2018 (“the Amendment Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The Amendment Regulation was gazetted on 22 June 2018 and came into operation on the same day.

#### **BACKGROUND**

##### **Obligation and Authority**

B 2. Under section 3(1) of the Ordinance, the Chief Executive (“the CE”) is required to make regulations to give effect to an instruction from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”) to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In March 2016, December 2016, August 2017, September 2017 and January 2018, the CE received instructions from the MFA to implement UNSC Resolutions (“UNSCR”) 2270, 2321, 2371, 2375 and 2397 in respect of the Democratic People’s Republic of Korea (“DPRK”) in the Hong Kong Special Administrative Region (“HKSAR”). The Amendment Regulation was made pursuant to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions is at Annex B.

## **Sanctions against the DPRK**

3. In view of the DPRK’s persistent failure to comply fully with its international obligations on non-proliferation of weapons of mass destruction, the UNSC adopted UNSCR 1718 in October 2006, imposing a range of sanctions against the DPRK. These sanctions were subsequently modified by UNSCRs 1874, 2087, 2094 and various decisions of the UNSC Committee established pursuant to paragraph 12 of UNSCR 1718 (“the Committee”).

4. Pursuant to the instructions of the MFA, the HKSAR first implemented sanctions against the DPRK through the United Nations Sanctions (Democratic People’s Republic of Korea) Regulation in 2007. It was then amended for a few times to implement the subsequent decisions of the UNSC and the Committee.

## **Latest Development**

5. The DPRK conducted nuclear tests in January 2016, September 2016 and September 2017, ballistic missile tests in July 2017 and launched a ballistic missile in November 2017. Expressing the gravest concern that the DPRK’s nuclear- and ballistic missile-related activities have destabilised the region and beyond, and determining that there is a clear threat to international peace and security, the UNSC adopted UNSCR 2270 (at Annex C) on 2 March 2016; UNSCR 2321 (at Annex D) on 30 November 2016; UNSCR 2371 (at Annex E) on 5 August 2017; UNSCR 2375 (at Annex F) on 11 September 2017; and UNSCR 2397 (at Annex G) on 22 December 2017, to significantly strengthen the sanctions regime against the DPRK.

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## **THE AMENDMENT REGULATION**

6. The Amendment Regulation, at Annex A, seeks to implement the sanctions against the DPRK as imposed or expanded by UNSCRs 2270, 2321, 2371, 2375 and 2397. The main provisions of the Amendment Regulation include –

- (a) **sections 4, 6 and 57**, which amend sections 2 and 3 of, and add the new Schedule 3 to, the United Nations Sanctions (Democratic People’s Republic of Korea) Regulation (“existing Regulation”) to prohibit the supply, sale, transfer and carriage of additional items, including aviation fuel, new helicopters, new or used ships, condensate oil, natural gas liquid, refined petroleum products, crude oil, iron, steel and other metals, industrial machinery, and transportation vehicles, to the DPRK or persons connected with the DPRK without licence;
- (b) **sections 5, 7 and 55**, which amend sections 2A, 3AA and Schedule 1 of the existing Regulation to prohibit the supply, sale, transfer and carriage of additional luxury goods, including aquatic recreational vehicles, snowmobiles, luxury watches, lead crystal items, luxury rugs or tapestries, and porcelain or bone china tableware to the DPRK without licence;
- (c) **sections 10, 11 and 57**, which amend section 4 and 5 of, and add the new Schedule 4 to, the existing Regulation to prohibit the procurement of additional items, including coal, iron or iron ore, gold, titanium ore, vanadium ore, rare earth minerals, copper, nickel, silver, zinc, lead or lead ore, textiles, statues, seafood, food and agricultural products, machinery, electrical equipment, earth and stone, wood and ships, from the DPRK or persons connected with the DPRK without licence;
- (d) **section 12**, which adds the new section 5AA to the existing Regulation to prohibit the procurement of ship or aircraft crewing service from the DPRK or persons connected with the DPRK without licence;
- (e) **sections 17 and 54**, which add the new sections 5D to 5G and 35 to the existing Regulation to –
  - (i) prohibit the carrying on of banking businesses by persons connected with the DPRK and the establishment and maintenance of offices by DPRK banks in the HKSAR without licence;
  - (ii) prohibit certain business activities of financial institutions in the DPRK or in connection with DPRK banks without licence;

- (iii) prohibit the opening and maintenance of bank accounts for consular posts and accredited consular officers of the DPRK without licence<sup>1</sup>, subject to a transitional arrangement; and
  - (iv) prohibit the provision of financial support for trade with persons connected with the DPRK without licence;
- (f) **section 22**, which adds the new sections 7A and 7B to the existing Regulation to –
- (i) prohibit the provision, to nationals of the DPRK, of specialized teaching or training that could contribute to the DPRK’s proliferation of sensitive nuclear activities or the DPRK’s development of nuclear weapon delivery systems without licence; and
  - (ii) prohibit the engagement in any scientific or technical co-operation involving persons officially sponsored by the DPRK or persons representing the DPRK, without licence, except for medical exchanges;
- (g) **sections 29 and 30**, which amend sections 10A and 10B of the existing Regulation to prohibit certain activities in connection with ships and aircraft without licence, including –
- (i) leasing or chartering ships or aircraft registered in the HKSAR to certain persons and entities;
  - (ii) providing ship or aircraft crewing services to certain persons and entities;
  - (iii) registering ships in the DPRK;
  - (iv) obtaining authorization for ships to use the flag of the DPRK;
  - (v) owning, leasing, chartering or operating ships registered in the DPRK;
  - (vi) providing ship classification, certification or associated services to certain ships;
  - (vii) insuring ships registered in the DPRK; and
  - (viii) dealing with ships designated by the UNSC;

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<sup>1</sup> The UNSC decided that all Member States shall limit the number of bank accounts to one per DPRK diplomatic mission and consular post, and one per accredited DPRK diplomat and consular officer, at banks in their territory.

- (h) **section 32**, which adds the new sections 10D to 10H to the existing Regulation to –
  - (i) prohibit the facilitation of or engagement in ship-to-ship transfers to or from a DPRK-registered ship, without licence;
  - (ii) provide that the Director of Marine must direct certain ships registered in the HKSAR to a port as required by the Committee;
  - (iii) provide that the Director-General of Civil Aviation must deny permission for certain aircraft carrying prohibited items to take off from or land in the HKSAR or fly within Hong Kong air space;
  - (iv) prohibit certain activities in connection with immovable property without licence, including leasing or making available immovable property to the DPRK Government for any purpose other than diplomatic or consular activities, and leasing immovable property from the DPRK Government and engaging in certain activities linked to the use of immovable property that the DPRK Government owns or leases; and
  - (v) prohibit the establishment, maintenance or operation of joint ventures or co-operative entities with persons connected with the DPRK and the investment in such joint ventures or co-operative entities without licence;
- (i) **sections 34 to 36**, which add the new sections 10I to 10O, 11A and 11B to the existing Regulation, and amend section 11 of, the existing Regulation, to provide for the granting of licences for prohibited acts under specified circumstances;
- (j) **sections 38 to 41**, which amend sections 14, 17, 20 of, and add the new section 22A and 22B to, the existing Regulation to provide certain powers for authorized officers to enforce the Regulation, including powers to stop and search, arrest and detain persons;
- (k) **section 43**, which adds the new sections 23A to 23H to the existing Regulation to provide that applications may be made to the court to require the making available of materials for investigation into an offence under the Regulation, and the relevant rules and procedures;

- (l) **section 50**, which amends section 31 of the existing Regulation to provide that the Secretary for Commerce and Economic Development (“SCED”) may publish on the website of the Commerce and Economic Development Bureau (“CEDB”) a list of individuals and entities designated by the Committee;
- (m) **section 51** which adds the new section 31A to the existing Regulation to provide that the SCED may publish on the website of the CEDB a list of ships designated by the Committee; and
- (n) **section 56**, which amends Schedule 2 of the existing Regulation to prohibit the supply, sale, transfer, carriage and procurement of additional items identified and designated by the UNSC, including certain items, materials, equipment, goods and technology related to weapons of mass destruction and conventional arms, to or from the DPRK or persons connected with the DPRK without licence.

A marked-up version showing the changes made to the existing Regulation is at Annex H for easy reference by Members.

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## **IMPLICATIONS OF THE PROPOSAL**

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal will not affect the current binding effect of the Ordinance. It has no financial, civil service, productivity, environmental, sustainability, family or gender implications. The prohibitions relating to the supply, sale, transfer, procurement and carriage of a wide range of items to and from the DPRK as well as to certain shipping, financial and other commercial activities may lead to some adjustment costs to the trading, logistics, maritime and financial sectors in complying with the new requirements. But given the very small trade volume between Hong Kong and the DPRK (around \$11.0 million in 2017, representing 0.0001% of Hong Kong’s total trade in 2017), the impact on the Hong Kong economy should be insignificant. Additional work arising from the enforcement of the Amendment Regulation, if any, will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

8. A press release was issued on 22 June 2018 when the Amendment Regulation was published in the Gazette. A spokesperson is available to answer media and public enquiries.

9. We have disseminated information on sanctions against the DPRK to stakeholders including financial regulators, self-regulatory bodies, tertiary institutions, the trading industry, the shipping industry, and trust and company service providers, through relevant bureaux and departments.

## **INFORMATION ON THE DPRK AND RELATIONS WITH THE HKSAR**

10. For information on the DPRK, background of the sanction measures imposed against the country by the UNSC as well as its bilateral trade relations with the HKSAR, please refer to Annex I.

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## **ADVICE SOUGHT**

11. Members are invited to note the implementation of the UNSCRs 2270, 2321, 2371, 2375 and 2397 in the HKSAR by the Amendment Regulation.

**Commerce and Economic Development Bureau  
June 2018**

United Nations Sanctions (Democratic People's Republic of Korea) (Amendment)  
Regulation 2018

L.N. 122 of 2018  
B3881

L.N. 122 of 2018

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## United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018

(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)

### 1. United Nations Sanctions (Democratic People's Republic of Korea) Regulation amended

The United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537 sub. leg. AE) is amended as set out in sections 2 to 57.

### 2. Section 1 amended (interpretation)

#### (1) Section 1, definition of *licence*—

##### Repeal

“11(1)”

##### Substitute

“10I(1), 10J(1) or (6), 10K(1), 10L(1), 10M(1), 10N(1), 10O(1), 11(1), 11A(1), (3) or (5) or 11B(1)”.

#### (2) Section 1, English text, definition of *pilot in command*—

##### Repeal

“without being under the direction of any other pilot in the aircraft”

##### Substitute

“(without being under the direction of any other pilot in the aircraft)”.

#### (3) Section 1, definition of *prohibited item*—

Repeal paragraphs (a) and (b)

### Substitute

- “(a) any supply-sanctioned item;
- (b) any luxury goods; or
- (c) any procurement-sanctioned item;”.

#### (4) Section 1, Chinese text, definition of 有關連人士—

##### Repeal

“DPRK”

##### Substitute

“the DPRK”.

#### (5) Section 1—

- (a) definition of *relevant entity*;
- (b) definition of *relevant person*;
- (c) definition of *small arms*—

Repeal the definitions.

#### (6) Section 1—

##### Add in alphabetical order

“*aviation fuel* (航空燃料) means fuel used or intended for use in aircraft, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel;

*cargo* (貨物) includes personal baggage and checked baggage;

*Classification List* (分類表) means the Hong Kong Imports and Exports Classification List (Harmonized System) 2017 Edition issued by the Commissioner of Customs and Excise by G.N. (S.) 61 of 2016 published in the Gazette on 11 November 2016;

**DPRK bank** (朝鮮銀行)—

- (a) means a body corporate—
  - (i) that—
    - (A) is authorized or recognized as a bank in the place where it is incorporated; or
    - (B) may, whether or not in or outside the place where it is incorporated, lawfully take deposits from the general public, whether or not on current account; and
  - (ii) that is, or is owned or controlled by, a person connected with the DPRK; and
- (b) includes a branch, subsidiary or representative office of such a body corporate;

**financial institution** (金融機構) means a bank or any other person performing financial services commensurate with those provided by banks;

**procurement-sanctioned item** (獲取受制裁項目) means an item specified in Schedule 4;

**relevant entity** (有關實體) means—

- (a) an entity named in the list published under section 31(1);
- (b) an entity—
  - (i) acting on behalf of;
  - (ii) acting at the direction of; or
  - (iii) owned or controlled by, an individual or entity named in that list; or

- (c) an entity owned or controlled by an individual or entity—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of, an individual or entity named in that list;

**relevant person** (有關人士) means—

- (a) an individual named in the list published under section 31(1); or
- (b) an individual—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of, an individual or entity named in that list;

**Resolution 1874** (《第1874號決議》) means Resolution 1874 (2009) adopted by the Security Council on 12 June 2009;

**Resolution 2087** (《第2087號決議》) means Resolution 2087 (2013) adopted by the Security Council on 22 January 2013;

**Resolution 2270** (《第2270號決議》) means Resolution 2270 (2016) adopted by the Security Council on 2 March 2016;

**Resolution 2321** (《第2321號決議》) means Resolution 2321 (2016) adopted by the Security Council on 30 November 2016;

**Resolution 2356** (《第2356號決議》) means Resolution 2356 (2017) adopted by the Security Council on 2 June 2017;

**Resolution 2371** (《第2371號決議》) means Resolution 2371 (2017) adopted by the Security Council on 5 August 2017;

Section 3

*Resolution 2375* (《第2375號決議》) means Resolution 2375 (2017) adopted by the Security Council on 11 September 2017;

*Resolution 2397* (《第2397號決議》) means Resolution 2397 (2017) adopted by the Security Council on 22 December 2017;

*Secretary* (局長) means the Secretary for Commerce and Economic Development;

*Security Council Resolutions* (《安理會相關決議》) means Resolution 1718, Resolution 1874, Resolution 2087, Resolution 2094, Resolution 2270, Resolution 2321, Resolution 2356, Resolution 2371, Resolution 2375 and Resolution 2397;

*supply-sanctioned item* (供應受制裁項目) means an item specified in Schedule 3;

*vehicle* (車輛) includes a train;”.

3. **Part 2, Division 1, and Division 2 heading added**

Part 2, before section 2—

**Add**

**“Division 1—Prohibitions Subject to General Licence**

**1A. Prohibitions subject to general licence**

A person may do any act that is otherwise prohibited by any provision of this Part if the person does so under the authority of a licence granted under section 10I(1).

Section 4

Note—

A person may also do a particular act that is otherwise prohibited by this Part if the person does so under the authority of a licence granted (other than under section 10I(1)) to allow the person to do the particular act.

**Division 2—Supply, Sale, Transfer or Carriage of Items to DPRK”.**

4. **Section 2 amended (prohibition against supply, sale or transfer of specified items)**

(1) Section 2, heading—

**Repeal**

“specified”

**Substitute**

“supply-sanctioned”.

(2) Section 2(1)—

**Repeal**

“Subject to section 3A,”

**Substitute**

“Except under the authority of a licence granted under section 10J(1)(a),”.

(3) Section 2(1)—

**Repeal**

“specified item”

**Substitute**

“supply-sanctioned item (other than aviation fuel)”.

(4) Section 2(1)(c), English text—

**Repeal**

Section 4

“indirectly,”

**Substitute**

“indirectly”.

- (5) After section 2(1)—

**Add**

“(1B) Except under the authority of a licence granted under section 10J(6)(a) and subject to subsection (1C), 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, aviation fuel—

- (a) to the DPRK; or
- (b) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK.

(1C) Subsection (1B) does not apply if the aviation fuel is supplied, sold or transferred to a civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight.”.

- (6) Section 2(2), after “(1)”—

**Add**

“or (1B)”.

- (7) Section 2(2)(a), English text—

**Repeal**

“indictment to a fine”

Section 4

**Substitute**

“indictment—to a fine”.

- (8) Section 2(2)(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.

- (9) Section 2(3)—

**Repeal paragraph (a)**

**Substitute**

“(a) for a contravention of subsection (1) or (1B)—that the item concerned was a supply-sanctioned item;”.

- (10) Section 2(3)(b)—

**Repeal**

“that the item concerned was or was to be”

**Substitute**

“for a contravention of subsection (1)—that the item concerned was, or was to be,”.

- (11) Section 2(3)(b)(iii), English text—

**Repeal**

“indirectly,”

**Substitute**

“indirectly”.

- (12) Section 2(3)(b)(iii)—

**Repeal**

“DPRK.”

Section 5

**Substitute**

“DPRK; or”.

- (13) After section 2(3)(b)—

**Add**

“(c) for a contravention of subsection (1B)—that the item concerned was, or was to be, supplied, sold or transferred—

(i) to the DPRK; or

(ii) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK.”.

5. **Section 2A amended (prohibition against supply, sale or transfer of luxury goods)**

- (1) Section 2A(3)(a), English text—

**Repeal**

“indictment to a fine”

**Substitute**

“indictment—to a fine”.

- (2) Section 2A(3)(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.

6. **Section 3 amended (prohibition against carriage of specified items)**

- (1) Section 3, heading—

**Repeal**

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“specified”

**Substitute**

“supply-sanctioned”.

- (2) Section 3(2)—

**Repeal**

“Subject to section 3A,”

**Substitute**

“Except under the authority of a licence granted under section 10J(1)(b),”.

- (3) Section 3(2)—

**Repeal**

“specified item”

**Substitute**

“supply-sanctioned item (other than aviation fuel)”.

- (4) Section 3(2)(c), English text—

**Repeal**

“indirectly,”

**Substitute**

“indirectly”.

- (5) After section 3(2)—

**Add**

“(2AA) Except under the authority of a licence granted under section 10J(6)(b) and subject to subsection (2AAB), a ship, aircraft or vehicle must not be used for the carriage of aviation fuel if the carriage is, or forms part of, a carriage—

- (a) from a place outside the DPRK to a place in the DPRK; or



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- (b) to a destination for the purpose of delivery or transfer, directly or indirectly to the DPRK.
- (2AAB) Subsection (2AA) does not apply if the aviation fuel is carried by a civilian passenger aircraft exclusively for consumption during its flight to the DPRK and its return flight.”.
- (6) Section 3(2A), after “(2)”—  
**Add**  
“or (2AA)”.
- (7) Section 3(2A)(a) and (c)—  
**Repeal**  
“HKSAR, the charterer,”  
**Substitute**  
“HKSAR—the charterer,”.
- (8) Section 3(2A)(e)—  
**Repeal**  
“vehicle, the operator”  
**Substitute**  
“vehicle—the operator”.
- (9) Section 3(3)(a), English text—  
**Repeal**  
“indictment to a fine”  
**Substitute**  
“indictment—to a fine”.
- (10) Section 3(3)(b), English text—  
**Repeal**  
“conviction to a fine”

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- Substitute**  
“conviction—to a fine”.
- (11) Section 3(4)—  
**Repeal paragraph (a)**  
**Substitute**  
“(a) for a contravention of subsection (2) or (2AA)—that the item concerned was a supply-sanctioned item;”.
- (12) Section 3(4)(b), before “that the carriage”—  
**Add**  
“for a contravention of subsection (2)—”.
- (13) Section 3(4)(b)(iii), English text—  
**Repeal**  
“indirectly,”  
**Substitute**  
“indirectly”.
- (14) Section 3(4)(b)(iii)—  
**Repeal**  
“DPRK.”  
**Substitute**  
“DPRK; or”.
- (15) After section 3(4)(b)—  
**Add**  
“(c) for a contravention of subsection (2AA)—that the carriage of the item concerned was, or formed part of, a carriage—  
(i) from a place outside the DPRK to a place in the DPRK; or

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(ii) to a destination for the purpose of delivery or transfer, directly or indirectly to the DPRK.”.

7. **Section 3AA amended (prohibition against carriage of luxury goods)**

(1) Section 3AA(3)(b), English text—

**Repeal**

“indirectly,”

**Substitute**

“indirectly”.

(2) Section 3AA(4)(a) and (c)—

**Repeal**

“HKSAR, the charterer,”

**Substitute**

“HKSAR—the charterer.”.

(3) Section 3AA(4)(e)—

**Repeal**

“vehicle, the operator”

**Substitute**

“vehicle—the operator”.

(4) Section 3AA(5)(a), English text—

**Repeal**

“indictment to a fine”

**Substitute**

“indictment—to a fine”.

(5) Section 3AA(5)(b), English text—

**Repeal**

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“conviction to a fine”

**Substitute**

“conviction—to a fine”.

8. **Section 3A repealed (exceptions to prohibitions under sections 2 and 3)**

Section 3A—

**Repeal the section.**

9. **Part 2, Division 3 heading added**

Before section 4—

**Add**

**“Division 3—Procurement of Items or Services from DPRK”.**

10. **Section 4 amended (prohibition against procurement of certain items or services by certain persons)**

(1) Section 4, heading—

**Repeal**

“certain items or”

**Substitute**

“procurement-sanctioned items or certain”.

(2) Section 4(1)—

**Repeal**

“A person”

**Substitute**

“Except under the authority of a licence granted under section 10K(1)(a), a person”.

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- (3) Section 4(1)—  
**Repeal**  
“specified”  
**Substitute**  
“procurement-sanctioned”.
- (4) Section 4(2)(a), English text—  
**Repeal**  
“indictment to a fine”  
**Substitute**  
“indictment—to a fine”.
- (5) Section 4(2)(b), English text—  
**Repeal**  
“conviction to a fine”  
**Substitute**  
“conviction—to a fine”.
- (6) Section 4(3)(a)—  
**Repeal**  
“specified”  
**Substitute**  
“procurement-sanctioned”.
- (7) Section 4(3B)(a), English text—  
**Repeal**  
“indictment to a fine”  
**Substitute**  
“indictment—to a fine”.
- (8) Section 4(3B)(b), English text—

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- Repeal**  
“conviction to a fine”  
**Substitute**  
“conviction—to a fine”.
- (9) Section 4(3C)(b), English text—  
**Repeal**  
“or was to be”  
**Substitute**  
“, or was to be,”.
11. **Section 5 amended (prohibition against procurement of certain items or services using ships, aircraft or vehicles)**
- (1) Section 5, heading—  
**Repeal**  
“certain items or”  
**Substitute**  
“procurement-sanctioned items or certain”.
- (2) Section 5(2)(a)—  
**Repeal**  
“any specified item”  
**Substitute**  
“(except under the authority of a licence granted under section 10K(1)(b) any procurement-sanctioned item”.
- (3) Section 5(2)(a)(i) and (ii), Chinese text—  
**Repeal**  
“採購任何指明”  
**Substitute**

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“獲取任何獲取受制裁”。

- (4) Section 5(2A)(a) and (c)—

**Repeal**

“HKSAR, the charterer,”

**Substitute**

“HKSAR—the charterer.”

- (5) Section 5(2A)(e)—

**Repeal**

“vehicle, the operator”

**Substitute**

“vehicle—the operator”.

- (6) Section 5(3)(a), English text—

**Repeal**

“indictment to a fine”

**Substitute**

“indictment—to a fine”.

- (7) Section 5(3)(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.

- (8) Section 5(4)—

**Repeal paragraphs (a) and (b)**

**Substitute**

“(a) for a contravention of subsection (2)(a)—that the item concerned—

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(i) was a procurement-sanctioned item; or

(ii) was from the DPRK or a person connected with the DPRK; or

- (b) for a contravention of subsection (2)(b)—that the technical training, service, assistance or advice concerned—

(i) related to the provision, manufacture, maintenance or use of any specified arms; or

(ii) was, or was to be, procured from the DPRK or a person connected with the DPRK.”.

- (9) Section 5(4)—

**Repeal paragraphs (c) and (d).**

**12. Section 5AA added**

After section 5—

**Add**

**“5AA. Prohibition against procurement of ship or aircraft crewing service**

- (1) This section applies to a person (whether acting in or outside the HKSAR) who is—

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

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

- (2) A person must not procure, agree to procure, directly or indirectly, or do any act likely to promote the procurement of any ship or aircraft crewing service—

(a) from the DPRK; or

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- (b) from a person connected with the DPRK.
- (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 ship or aircraft crewing service concerned was, or was to be, procured from the DPRK or a person connected with the DPRK.”.

13. **Part 2, Division 4 heading added**

Before section 5A—

**Add**

**“Division 4—Financial and Banking Activities”.**

14. **Section 5A amended (prohibition against engaging in certain financial transactions)**

(1) Section 5A(2)—

**Repeal**

“Subject to section 5B, a person”

**Substitute**

“A person”.

(2) Section 5A(3), Chinese text—

**Repeal**

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“採購”

**Substitute**

“獲取”.

(3) Section 5A(4)(a), English text—

**Repeal**

“indictment to a fine”

**Substitute**

“indictment—to a fine”.

(4) Section 5A(4)(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.

(5) Section 5A(5)(a), before “that the financial”—

**Add**

“for a contravention of subsection (2) or (3)—”.

(6) Section 5A(5)(b), before “that the supply”—

**Add**

“for a contravention of subsection (2)—”.

(7) Section 5A(5)(c), before “that the procurement”—

**Add**

“for a contravention of subsection (3)—”.

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15. **Section 5B repealed (exception to prohibition under section 5A(2))**  
Section 5B—  
**Repeal the section.**
16. **Section 5C amended (prohibition against provision of financial services or transfer of funds, etc.)**
- (1) Section 5C(5)(a), English text—  
**Repeal**  
“indictment to a fine”  
**Substitute**  
“indictment—to a fine”.
- (2) Section 5C(5)(b), English text—  
**Repeal**  
“conviction to a fine”  
**Substitute**  
“conviction—to a fine”.
- (3) Section 5C(6)(a)—  
**Repeal**  
“subsection (1), that the financial”  
**Substitute**  
“subsection (1)—that the financial”.
- (4) Section 5C(6)(b)—  
**Repeal**  
“subsection (2), that the funds”  
**Substitute**  
“subsection (2)—that the funds”.

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- (5) Section 5C(6)(c)—  
**Repeal**  
“subsection (3), that the funds”  
**Substitute**  
“subsection (3)—that the funds”.
- (6) Section 5C(6)(d)—  
**Repeal**  
“subsection (4), that the funds”  
**Substitute**  
“subsection (4)—that the funds”.
- (7) Section 5C(9), definition of *prohibited programme or activity*, paragraph (b)—  
**Repeal**  
“this Regulation”  
**Substitute**  
“the Security Council Resolutions”.
17. **Sections 5D to 5G added**  
After section 5C—  
**Add**  
**“5D. Prohibition against certain banking activities in HKSAR**
- (1) A person connected with the DPRK must not carry on a banking business or a business of taking deposits in the HKSAR.
- (2) A DPRK bank must not establish or maintain an office in the HKSAR.

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- (3) A person who contravenes subsection (1) or (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) In this section—
- banking business* (銀行業務) has the meaning given by section 2(1) of the Banking Ordinance (Cap. 155);
- deposit* (存款) has the meaning given by section 2(1) of the Banking Ordinance (Cap. 155).

**5E. Prohibition against certain activities of financial institutions in DPRK or in connection with DPRK banks**

- (1) This section applies to—
- (a) a financial institution acting in the HKSAR; and
  - (b) a financial institution acting outside the HKSAR that 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 financial institution must not—
- (a) open or maintain a representative office, or establish or maintain a subsidiary or branch, in the DPRK; or
  - (b) open or maintain a bank account in the DPRK.

Section 17

- (3) Except under the authority of a licence granted under section 10L(1), a financial institution must not—
- (a) establish or maintain a joint venture with a DPRK bank;
  - (b) acquire or maintain an ownership interest in a DPRK bank; or
  - (c) establish or maintain a correspondent banking relationship with a DPRK bank.
- (4) A financial institution which 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 financial institution charged with an offence under subsection (4) for a contravention of subsection (3) to prove that the financial institution did not know and had no reason to believe that the bank concerned was a DPRK bank.
- (6) In this section—
- correspondent banking relationship with a DPRK bank* (與朝鮮銀行的代理銀行關係), in relation to a financial institution, means a relationship involving—
- (a) the provision of banking services by the financial institution to a DPRK bank to enable the DPRK bank to provide services and products to the DPRK bank's customers; or

- (b) the provision of banking services by a DPRK bank to the financial institution to enable the financial institution to provide services and products to the financial institution's customers.

**5F. Prohibition against opening or maintaining certain bank accounts**

- (1) Except under the authority of a licence granted under section 10M(1), a financial institution must not open a new bank account, or maintain a bank account, for—
- (a) a diplomatic mission or consular post of the DPRK; or
- (b) an accredited diplomat or consular officer of the DPRK.
- (2) A financial institution which contravenes subsection (1) 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.
- (3) It is a defence for a financial institution charged with an offence under subsection (2) to prove that the financial institution did not know and had no reason to believe that the person for whom the new bank account was opened, or the bank account was maintained, was—
- (a) a diplomatic mission or consular post of the DPRK; or
- (b) an accredited diplomat or consular officer of the DPRK.

**5G. Prohibition against provision of financial support for trade with persons connected with the DPRK**

- (1) Except under the authority of a licence granted under section 10N(1), a regulated person must not provide financial support to any person for trade with a person connected with the DPRK.
- (2) A regulated person who contravenes subsection (1) 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.
- (3) It is a defence for a regulated person charged with an offence under subsection (2) to prove that the regulated person did not know and had no reason to believe that the financial support was provided for trade with a person connected with the DPRK.
- (4) In this section—
- financial support* (金融支持) includes—
- (a) export credit;
- (b) guarantee; and
- (c) insurance;
- regulated person* (受規管人士) means—
- (a) a person acting in the HKSAR; or
- (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.”.



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18. **Part 2, Division 5 heading added**  
Before section 6—  
**Add**  
**“Division 5—Technical, Scientific and Training Activities”.**
19. **Section 6 amended (prohibition against provision of technical training, services, etc. to certain persons)**
- (1) Section 6(1)—  
**Repeal**  
“Subject to section 6A, a person”  
**Substitute**  
“A person”.
- (2) Section 6(2)(a), English text—  
**Repeal**  
“indictment to a fine”  
**Substitute**  
“indictment—to a fine”.
- (3) Section 6(2)(b), English text—  
**Repeal**  
“conviction to a fine”  
**Substitute**  
“conviction—to a fine”.
- (4) Section 6(3)(b), English text—  
**Repeal**  
“or was to be”

Section 20

- Substitute**  
“, or was to be,”.
20. **Section 6A repealed (exception to prohibition under section 6)**  
Section 6A—  
**Repeal the section.**
21. **Section 7 amended (prohibition against acceptance of technical training, services, etc. provided by certain persons)**
- (1) Section 7(2)(a), English text—  
**Repeal**  
“indictment to a fine”  
**Substitute**  
“indictment—to a fine”.
- (2) Section 7(2)(b), English text—  
**Repeal**  
“conviction to a fine”  
**Substitute**  
“conviction—to a fine”.
- (3) Section 7(3)(b), English text—  
**Repeal**  
“or was to be”  
**Substitute**  
“, or was to be,”.
22. **Sections 7A and 7B added**  
After section 7—  
**Add**

Section 22

**“7A. Prohibition against provision of certain specialized teaching and 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 any specified teaching or training to a national of the DPRK.
- (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 teaching or training concerned was specified teaching or training; or
  - (b) that the person to whom the teaching or training concerned was provided was a national of the DPRK.
- (5) In this section—

*specified teaching or training* (指明教學或培訓) means specialized teaching or training that could contribute to the DPRK's proliferation of sensitive nuclear activities or the DPRK's development of nuclear

Section 22

weapon delivery systems, including teaching or training in—

- (a) advanced physics;
- (b) advanced computer simulation and related computer sciences;
- (c) geospatial navigation;
- (d) nuclear engineering;
- (e) aerospace engineering;
- (f) aeronautical engineering;
- (g) advanced materials science;
- (h) advanced chemical engineering;
- (i) advanced mechanical engineering;
- (j) advanced electrical engineering;
- (k) advanced industrial engineering; or
- (l) any related discipline.

**7B. Prohibition against engaging in certain scientific or technical co-operation**

- (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.

Section 23

- (2) Except under the authority of a licence granted under section 10O(1), a person must not engage in any scientific or technical co-operation involving a person officially sponsored by the DPRK or a person representing the DPRK, except for medical exchanges.
- (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 scientific or technical co-operation concerned involved a person officially sponsored by the DPRK or a person representing the DPRK.”.

23. **Part 2, Division 6 heading added**

Before section 8—

**Add**

**“Division 6—Making Available or Dealing with Funds etc.”.**

24. **Section 8 amended (prohibition against making available funds, etc. or dealing with funds, etc.)**

- (1) Section 8(1), after “a licence”—

**Add**

“granted under section 11(1)”.

Section 24

- (2) Section 8(2)(a), English text—

**Repeal**

“indictment to a fine”

**Substitute**

“indictment—to a fine”.
- (3) Section 8(2)(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.
- (4) Section 8(3), English text—

**Repeal**

“believe that”

**Substitute**

“believe”.
- (5) Section 8(3)(a), before “the funds”—

**Add**

“for a contravention of subsection (1)(a)—that”.
- (6) Section 8(3)(a), English text—

**Repeal**

“or were to be”

**Substitute**

“, or were to be,”.
- (7) Section 8(3)(b), before “the person”—

**Add**

“for a contravention of subsection (1)(b)—that”.

Section 25

(8) Section 8(6)(b)—

**Repeal**

“resources, use”

**Substitute**

“resources—use”.

25. **Part 2, Division 7 heading added**

Before section 9—

**Add**

**“Division 7—Entry and Transit”.**

26. **Section 9 amended (prohibition against entry or transit by certain persons)**

(1) Section 9(5), definition of *specified person*—

**Repeal paragraphs (a) and (b)**

**Substitute**

“(a) a person designated by the Committee or the Security Council for the purposes of paragraph 8(e) of Resolution 1718; or

(b) a person acting on behalf of, or at the direction of, a person mentioned in paragraph (a).”.

(2) Section 9(5), definition of *specified person*—

**Repeal paragraph (c).**

27. **Section 10 amended (exceptions to prohibition against entry or transit by certain persons)**

Section 10(a) and (b)—

**Repeal**

Section 28

“into or transit through the HKSAR”

**Substitute**

“or transit”.

28. **Part 2, Division 8 heading added**

Before section 10A—

**Add**

**“Division 8—Ships and Aircraft”.**

29. **Section 10A amended (prohibition against provision of certain services to ships registered in DPRK)**

(1) Section 10A, heading—

**Repeal**

“provision of certain services to ships registered in DPRK”

**Substitute**

“certain activities in connection with ships and aircraft”.

(2) Section 10A(2)—

**Repeal**

“section 10B”

**Substitute**

Section 29

- “section 10B(1)”.
- (3) After section 10A(2)—
- Add**
- “(2A) Except under the authority of a licence granted under section 11A(1), a person must not—
- (a) lease or charter a ship or aircraft that is registered in the HKSAR to a relevant person, relevant entity or person connected with the DPRK;
  - (b) provide a ship or aircraft crewing service to a relevant person, relevant entity or person connected with the DPRK;
  - (c) register a ship in the DPRK;
  - (d) obtain an authorization for a ship to use the flag of the DPRK;
  - (e) own, lease, charter or operate a ship registered in the DPRK;
  - (f) provide a ship classification, certification or associated service to a ship registered in the DPRK; or
  - (g) insure a ship registered in the DPRK.
- (2B) Except under the authority of a licence granted under section 11A(3), a person must not provide an insurance or reinsurance service to—
- (a) a ship owned, controlled or operated by a person connected with the DPRK; or
  - (b) a ship that is involved in an activity prohibited by the Security Council Resolutions.

Section 29

- (2C) Except under the authority of a licence granted under section 11A(5), a person must not provide a ship classification service to a ship if—
- (a) the ship—
    - (i) was registered in the HKSAR and the registration was closed under section 64(6) of the Merchant Shipping (Registration) Ordinance (Cap. 415); or
    - (ii) was registered in a place outside the HKSAR and the registration was closed (however described) by the authority of that place; and
  - (b) the closure of registration was related to the ship's involvement in an activity prohibited by the Security Council Resolutions.
- (2D) Subject to section 10B(2), a person must not, directly or indirectly, deal with a relevant ship.”.
- (4) Section 10A(3), after “subsection (2)”—
- Add**
- “, (2A), (2B), (2C) or (2D)”.
- (5) Section 10A(3)(a), English text—
- Repeal**
- “indictment to a fine”
- Substitute**
- “indictment—to a fine”.
- (6) Section 10A(3)(b), English text—
- Repeal**
- “conviction to a fine”
- Substitute**

Section 29

“conviction—to a fine”.

(7) After section 10A(3)—

**Add**

“(3A) 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) for a contravention of subsection (2A)(a) or (b)—that the person to whom the ship or aircraft was leased or chartered, or to whom the crewing service was provided, was a relevant person, relevant entity or person connected with the DPRK;
- (b) for a contravention of subsection (2A)(e), (f) or (g)—that the ship concerned was registered in the DPRK;
- (c) for a contravention of subsection (2B)(a)—that the ship concerned was owned, controlled or operated by a person connected with the DPRK;
- (d) for a contravention of subsection (2B)(b)—that the ship concerned was involved in an activity prohibited by the Security Council Resolutions;
- (e) for a contravention of subsection (2C)—
  - (i) that the registration of the ship concerned was closed; or
  - (ii) that the closure of registration was related to the ship's involvement in an activity prohibited by the Security Council Resolutions; or
- (f) for a contravention of subsection (2D)—that the ship concerned was a relevant ship.”.

Section 30

(8) Section 10A(4)—

**Repeal**

everything before “, in relation to”

**Substitute**

“(4) In this section—

*specified services* (指明服務)”.

(9) Section 10A(4), Chinese text, definition of 指明服務, paragraph (d)—

**Repeal the full stop**

**Substitute a semicolon.**

(10) Section 10A(4)—

**Add in alphabetical order**

“*deal with* (處理), in relation to a ship, means—

- (a) use (including use to obtain funds, goods or services in any way, such as by selling, hiring, chartering or mortgaging the ship);
- (b) alter, allow access to or transfer;
- (c) deal with in any other way that would result in any change in location, ownership, possession, character or destination; or
- (d) make any other change that would enable use;

*relevant ship* (相關船舶) means a ship named in the list published under section 31A(1);”.

30. **Section 10B amended (exception to prohibition under section 10A)**

(1) Section 10B—

**Renumber the section as section 10B(1).**

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(2) Section 10B(1)—

**Repeal**

“10A”

**Substitute**

“10A(2)”.

(3) After section 10B(1)—

**Add**

“(2) Section 10A(2D) does not apply if the ship concerned is dealt with in accordance with—

(a) for a ship registered in the HKSAR—a direction given by the Director of Marine under section 10E(1); or

(b) for a ship registered in a place outside the HKSAR—a direction given by the authority of that place for the purposes of paragraph 12(b) of Resolution 2321.”.

**31. Section 10C repealed (prohibition against certain ships from entering waters of Hong Kong)**

Section 10C—

**Repeal the section.**

**32. Sections 10D, 10E and 10F, and Part 2, Division 9 added**

At the end of Part 2—

**Add**

**“10D. Prohibition against ship-to-ship transfer**

(1) Subsection (2) applies to—

(a) a person acting in the HKSAR; and

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(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 facilitate or engage in a ship-to-ship transfer to or from a ship registered in the DPRK of any item that is being supplied, sold or transferred to or from the DPRK.

(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) A ship registered in the HKSAR must not be used for facilitating or engaging in a ship-to-ship transfer to or from a ship registered in the DPRK of any item that is being supplied, sold or transferred to or from the DPRK.

(5) If a ship registered in the HKSAR is used in contravention of subsection (4), the charterer, the operator and the master of the ship each commits an offence.

(6) A person who commits an offence under subsection (5) 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.

- (7) It is a defence for a person charged with an offence under subsection (3) or (5) to prove that the person did not know and had no reason to believe—
- (a) that the item concerned was being supplied, sold or transferred to or from the DPRK; or
  - (b) that the ship concerned was registered in the DPRK.

**10E. Director of Marine to give directions to certain ships**

- (1) If—
- (a) a ship registered in the HKSAR is designated by the Committee for the purposes of paragraph 12 of Resolution 2321; and
  - (b) the Committee requires that the ship be directed to a port identified by the Committee,
- the Director of Marine must direct the ship to the port.
- (2) Subsection (1) applies whether or not—
- (a) the ship is within the waters of Hong Kong; and
  - (b) the port to which the ship is directed is in the HKSAR.
- (3) A charterer, operator or master of a ship who, without reasonable excuse, fails to comply with a direction given under subsection (1) 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.

**10F. Prohibition against certain aircraft from taking off, landing and flying**

- (1) This section applies to—
- (a) an aircraft that carries a supply-sanctioned item or luxury goods to the DPRK (except for a carriage under the authority of a licence, or a carriage referred to in section 3(2AAB) or 3B(2)); and
  - (b) an aircraft that carries a procurement-sanctioned item from the DPRK (except for a carriage under the authority of a licence).
- (2) If the Director-General of Civil Aviation has information that provides reasonable grounds for the Director-General to believe that an aircraft is one to which this section applies, the Director-General must deny permission for the aircraft—
- (a) to take off from the HKSAR;
  - (b) to land in the HKSAR, except in the circumstances specified in subsection (3); or
  - (c) to fly within Hong Kong air space.
- (3) An aircraft to which this section applies may land in the HKSAR—
- (a) for the purpose of an inspection under section 17; or
  - (b) in the case of an emergency.
- (4) The pilot in command of an aircraft to which permission is denied under subsection (2) must not cause the aircraft—
- (a) for subsection (2)(a)—to take off from the HKSAR;



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- (b) for subsection (2)(b)—to land in the HKSAR;  
or
- (c) for subsection (2)(c)—to fly within Hong Kong  
air space.
- (5) A pilot in command who contravenes subsection (4)  
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.

**Division 9—Property and Joint Ventures etc.**

**10G. Prohibition against certain activities in connection with  
immovable property**

- (1) A person must not—
  - (a) lease, or otherwise make available, immovable  
property, directly or indirectly, to the DPRK  
Government if the person knows or has reason  
to believe that the property is to be used for any  
purpose other than diplomatic or consular  
activities;
  - (b) lease immovable property, directly or indirectly,  
from the DPRK Government; or
  - (c) subject to subsection (2), engage in any activity  
linked to the use of immovable property that  
the DPRK Government owns or leases.
- (2) Subsection (1)(c) does not apply to the provision of  
goods and services which—
  - (a) are essential for the functioning of a diplomatic  
mission or consular post; and

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- (b) cannot be used to generate income or profit,  
directly or indirectly, for the DPRK  
Government.
- (3) A person who contravenes subsection (1) 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) for a contravention of subsection (1)(a)—that  
the immovable property concerned was leased,  
or otherwise made available, to the DPRK  
Government;
  - (b) for a contravention of subsection (1)(b)—that  
the immovable property concerned was leased  
from the DPRK Government; or
  - (c) for a contravention of subsection (1)(c)—that  
the activity concerned was linked to the use of  
immovable property that the DPRK  
Government owned or leased.
- (5) In this section—  
**DPRK Government** (朝鮮政府) means—
  - (a) an entity or body of the Government of the  
DPRK; or
  - (b) a person acting on behalf of the Government  
of the DPRK.

**10H. Prohibition against joint ventures or co-operative entities with persons connected with the DPRK**

- (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 11B(1), a person must not—
  - (a) establish, maintain or operate a joint venture or co-operative entity with a person connected with the DPRK; or
  - (b) invest in such a joint venture or co-operative entity.
- (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 joint venture or co-operative entity concerned was one with a person connected with the DPRK.”.

**33. Part 3 heading amended (licence)**

Part 3, English text, heading—

**Repeal**

“Licence”

**Substitute**

“Licences”.

**34. Sections 10I to 10O added**

Part 3, before section 11—

**Add**

**“10I. General licence for all prohibited acts**

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant a licence for doing an act prohibited by any provision of Part 2 (whether or not the act is one for which a licence may be granted under another provision of this Part).
- (2) The requirement is that the Committee determines that the act is—
  - (a) necessary to facilitate the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK; or
  - (b) for any other purpose consistent with the objectives of the Security Council Resolutions.

**10J. Licence for supply, sale, transfer or carriage of certain supply-sanctioned items**

- (1) If on application the Chief Executive determines that the applicable requirements in subsection (2), (3), (4) or (5) are met, the Chief Executive must grant, as appropriate—
  - (a) a licence for the supply, sale or transfer of, or the doing of any act likely to promote the supply, sale or transfer of, a supply-sanctioned item referred to in the subsection concerned—
    - (i) to the DPRK;
    - (ii) to, or to the order of, a person connected with the DPRK; or
    - (iii) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK or to, or to the order of, a person connected with the DPRK; or
  - (b) a licence for the carriage of a supply-sanctioned item referred to in the subsection concerned that is, or forms part of, a carriage—
    - (i) from a place outside the DPRK to a place in the DPRK;
    - (ii) to, or to the order of, a person connected with the DPRK; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly to the

DPRK or to, or to the order of, a person connected with the DPRK.

- (2) For a new helicopter or a new or used ship, the applicable requirement is that the Committee has approved the supply, sale, transfer or carriage of the helicopter or ship in advance on a case-by-case basis.
- (3) For a refined petroleum product, the applicable requirements are all of the following—
  - (a) the supply, sale, transfer or carriage of the product will not result in the quota referred to in paragraph 5 of Resolution 2397 being exceeded;
  - (b) information about all parties to the supply, sale, transfer or carriage of the product has been given to the Chief Executive;
  - (c) the supply, sale, transfer or carriage of the product does not involve an individual or entity that is associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the Security Council Resolutions (including a relevant person, a relevant entity, and an individual or entity assisting in the evasion of sanctions);
  - (d) the supply, sale, transfer or carriage of the product is exclusively for livelihood purposes of the nationals of the DPRK and unrelated to generating revenue for the programmes or activities referred to in paragraph (c);
  - (e) there is no instruction from the instructing authority not to allow the supply, sale, transfer or carriage of the product.
- (4) For crude oil, the applicable requirement is either—

- (a) the Committee has approved in advance on a case-by-case basis that the supply, sale, transfer or carriage of the crude oil is exclusively for livelihood purposes of the nationals of the DPRK and unrelated to the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the Security Council Resolutions; or
  - (b) both of the following—
    - (i) the supply, sale, transfer or carriage of the crude oil will not result in the quota referred to in paragraph 4 of Resolution 2397 being exceeded;
    - (ii) there is no instruction from the instructing authority not to allow the supply, sale, transfer or carriage of the crude oil.
- (5) For an item specified in item 9 of Schedule 3, the applicable requirement is that the supply, sale, transfer or carriage of the item is for the provision of spare parts needed to maintain the safe operation of the DPRK's commercial civilian passenger aircraft.
- (6) If on application the Chief Executive determines that the requirement in subsection (7) is met, the Chief Executive must grant, as appropriate—
- (a) a licence for the supply, sale or transfer of, or the doing of any act likely to promote the supply, sale or transfer of, aviation fuel—
    - (i) to the DPRK; or
    - (ii) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK; or

- (b) a licence for the carriage of aviation fuel that is, or forms part of, a carriage—
    - (i) from a place outside the DPRK to a place in the DPRK; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly to the DPRK.
  - (7) The requirement is that the Committee has approved in advance on an exceptional case-by-case basis that the supply, sale, transfer or carriage of the aviation fuel to the DPRK is for verified essential humanitarian needs and is subject to specified arrangements for the effective monitoring of delivery and use.
- 10K. Licence for procurement of certain procurement-sanctioned items**
- (1) If on application the Chief Executive determines that the applicable requirements in subsection (2), (3) or (4) are met, the Chief Executive must grant, as appropriate—
- (a) a licence for the procurement of, or the doing of any act likely to promote the procurement of, a procurement-sanctioned item referred to in the subsection concerned—
    - (i) from the DPRK; or
    - (ii) from a person connected with the DPRK; or
  - (b) a licence for the use of a ship, aircraft or vehicle for or in connection with the procurement of a procurement-sanctioned item referred to in the subsection concerned—

- (i) from the DPRK; or
  - (ii) from a person connected with the DPRK.
- (2) For coal, the applicable requirements are both of the following—
- (a) the authority of a place outside the DPRK confirms, on the basis of credible information, that the coal has originated in that place and is transported through the DPRK solely for export from the Port of Rajin (Rason);
  - (b) the procurement is unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the Security Council Resolutions.
- (3) For a statue, the applicable requirement is that the Committee has approved the procurement in advance on a case-by-case basis.
- (4) For textiles (within the meaning of item 15 of Schedule 4), the applicable requirement is that the Committee has approved the procurement in advance on a case-by-case basis.

**10L. Licence for certain activities in connection with DPRK banks**

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant, as appropriate, a licence for—
- (a) establishing or maintaining a joint venture with a DPRK bank;
  - (b) acquiring or maintaining an ownership interest in a DPRK bank; or

- (c) establishing or maintaining a correspondent banking relationship with a DPRK bank.
- (2) The requirement is that the Committee has approved the activity concerned in advance on a case-by-case basis.

**10M. Licence for opening or maintaining certain bank accounts**

- (1) If on application the Chief Executive determines that the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate, a licence for opening a new bank account, or maintaining a bank account, for—
- (a) a diplomatic mission or consular post of the DPRK; or
  - (b) an accredited diplomat or consular officer of the DPRK.
- (2) The requirements are both of the following—
- (a) the opening or maintaining of the bank account will not result in there being more than one bank account in the HKSAR for the diplomatic mission or consular post of the DPRK or the accredited diplomat or consular officer of the DPRK;
  - (b) there is no instruction from the instructing authority not to allow the bank account to be opened or maintained.

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**10N. Licence for provision of financial support for trade with persons connected with the DPRK**

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant a licence for the provision of financial support for trade with a person connected with the DPRK.
- (2) The requirement is that the Committee has approved the financial support in advance on a case-by-case basis.

**10O. Licence for engaging in certain scientific or technical co-operation**

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence for engaging in scientific or technical co-operation involving a person officially sponsored by the DPRK or a person representing the DPRK.
- (2) The requirement is that—
  - (a) for scientific or technical co-operation in the field of nuclear science and technology, aerospace and aeronautical engineering and technology, or advanced manufacturing production techniques and methods—the Committee has determined on a case-by-case basis that the co-operation will not contribute to the DPRK's proliferation of sensitive nuclear activities or ballistic missile-related programmes; or

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(b) in any other case—the co-operation will not contribute to the DPRK's proliferation of sensitive nuclear activities or ballistic missile-related programmes.

- (3) If the Chief Executive determines that the requirement in subsection (2)(b) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.”.

**35. Section 11 amended (licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities)**

- (1) Section 11(2)(a)(ii), after “legal services”—

**Add**

“under the law of the HKSAR”.

- (2) Section 11(2)(c)(i), Chinese text—

**Repeal**

“的人”

**Substitute**

“的個人”.

- (3) Section 11(2)(c)(ii)—

**Repeal the full stop**

**Substitute a semicolon.**

- (4) After section 11(2)(c)—

**Add**

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- “(d) both of the following—
- (i) the relevant person or relevant entity concerned falls within the definition of *relevant person* or *relevant entity* in section 1 because of the Foreign Trade Bank or the Korean National Insurance Company being named in the list published under section 31(1);
  - (ii) the funds or other financial assets or economic resources are solely for—
    - (A) the operation of diplomatic or consular missions in the DPRK; or
    - (B) humanitarian assistance activities that are undertaken by, or in co-ordination with, the United Nations;
- (e) both of the following—
- (i) the relevant person or relevant entity concerned falls within the definition of *relevant person* or *relevant entity* in section 1 because of an entity referred to in section 31(2)(c) being named in the list published under section 31(1);
  - (ii) the funds or other financial assets or economic resources—
    - (A) are required to carry out activities of the DPRK's missions to the United Nations and its specialized agencies and related organizations or other diplomatic and consular missions of the DPRK; or

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- (B) are, as determined by the Committee in advance on a case-by-case basis, required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of Resolution 2270.”.

36. Sections 11A and 11B added

After section 11—

Add

“11A. Licence for certain activities in connection with ships and aircraft

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant, as appropriate, a licence for—
- (a) leasing or chartering a ship or aircraft that is registered in the HKSAR to a relevant person, relevant entity or person connected with the DPRK;
  - (b) providing a ship or aircraft crewing service to a relevant person, relevant entity or person connected with the DPRK;
  - (c) registering a ship in the DPRK;
  - (d) obtaining an authorization for a ship to use the flag of the DPRK;
  - (e) owning, leasing, chartering or operating a ship registered in the DPRK;
  - (f) providing a ship classification, certification or associated service to a ship registered in the DPRK; or

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- (g) insuring a ship registered in the DPRK.
- (2) The requirement is that the Committee has approved the activity concerned in advance on a case-by-case basis.
- (3) If on application the Chief Executive determines that the requirement in subsection (4) is met, the Chief Executive must grant, as appropriate, a licence for the provision of an insurance or reinsurance service to—
- (a) a ship owned, controlled or operated by a person connected with the DPRK; or
- (b) a ship that is involved in an activity prohibited by the Security Council Resolutions.
- (4) The requirement is that the Committee determines on a case-by-case basis that—
- (a) the ship is engaged in activities exclusively for livelihood purposes and will not be used by the DPRK's individuals or entities to generate revenue; or
- (b) the ship is engaged in activities exclusively for humanitarian purposes.
- (5) If on application the Chief Executive determines that the requirement in subsection (6) is met, the Chief Executive must grant a licence for the provision of a ship classification service to a ship where—
- (a) the ship—
- (i) was registered in the HKSAR and the registration was closed under section 64(6) of the Merchant Shipping (Registration) Ordinance (Cap. 415); or

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- (ii) was registered in a place outside the HKSAR and the registration was closed (however described) by the authority of that place; and
- (b) the closure of registration was related to the ship's involvement in an activity prohibited by the Security Council Resolutions.
- (6) The requirement is that the Committee has approved the provision of the ship classification service in advance on a case-by-case basis.
- 11B. Licence for joint ventures or co-operative entities with persons connected with the DPRK**
- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant, as appropriate, a licence for—
- (a) establishing, maintaining or operating a joint venture or co-operative entity with a person connected with the DPRK; or
- (b) investing in such a joint venture or co-operative entity.
- (2) The requirement is that the Committee has approved the joint venture or co-operative entity in advance on a case-by-case basis.”.

**37. Section 12 amended (provision of false information or documents for purpose of obtaining licences)**

- (1) Section 12(1)(a), English text—
- Repeal**
- “indictment to a fine”
- Substitute**



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“indictment—to a fine”.

- (2) Section 12(1)(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.

- (3) Section 12(2)(a), English text—

**Repeal**

“indictment to a fine”

**Substitute**

“indictment—to a fine”.

- (4) Section 12(2)(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.

**38. Section 14 amended (investigation of suspected ships)**

- (1) Section 14(1)—

**Repeal**

everything before “officer may—”

**Substitute**

“(1) If any of the circumstances specified in subsection (1A) exists, an authorized”.

- (2) Section 14(1)(a), after “the ship”—

**Add**

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“concerned”.

- (3) After section 14(1)—

**Add**

“(1A) The circumstances are as follows—

- (a) the authorized officer has reason to suspect that the ship is one to which section 3 or 5 applies and it has been, is being or is about to be used in contravention of section 3(2) or (2AA) or 5(2);
- (b) the authorized officer has reason to suspect that the ship is one to which section 3AA applies and it has been, is being or is about to be used as described in section 3AA(2)(a) and (b);
- (c) the ship carries cargo that has originated in the DPRK;
- (d) the ship carries cargo that is destined for the DPRK;
- (e) the ship carries cargo that has been brokered or facilitated by—
  - (i) the Government or a national of the DPRK;
  - (ii) an individual acting on behalf of, or at the direction of, the Government or a national of the DPRK;
  - (iii) an entity acting on behalf of, or at the direction of, or owned or controlled by, the Government or a national of the DPRK;
  - (iv) a relevant person; or
  - (v) a relevant entity;

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- (f) the ship carries cargo and is using the flag of the DPRK.
- (1B) If an authorized officer has reason to suspect—
- (a) 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 (2AA) or 5(2); or
- (b) that a ship to which section 3AA applies is being or is about to be used as described in section 3AA(2)(a) and (b),
- the officer may, for the purpose of stopping or preventing the ship from being so used or pursuing 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 acts specified in subsection (2).
- (1C) Also, if any of the circumstances specified in subsection (1A)(c), (d), (e) and (f) exists, an authorized officer may do one or more of the acts specified in subsection (2).”.
- (4) Section 14(2)—  
**Repeal everything before paragraph (a)**  
**Substitute**  
“(2) The acts are as follows—”.
- (5) Section 14(2)(a), English text—  
**Repeal**  
“direct the charterer,”  
**Substitute**  
“directing the charterer.”.
- (6) Section 14(2)(b), English text—

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- Repeal**  
“request the charterer,”  
**Substitute**  
“requesting the charterer,”.
39. **Section 17 amended (investigation of suspected aircraft)**
- (1) Section 17(1)—  
**Repeal**  
everything before “officer may—”  
**Substitute**  
“(1) If any of the circumstances specified in subsection (1A) exists, an authorized”.
- (2) Section 17(1)(a), after “the aircraft”—  
**Add**  
“concerned”.
- (3) After section 17(1)—  
**Add**  
“(1A) The circumstances are as follows—
- (a) the authorized officer has reason to suspect that the aircraft is one to which section 3 or 5 applies and it has been, is being or is about to be used in contravention of section 3(2) or (2AA) or 5(2);
- (b) the authorized officer has reason to suspect that the aircraft is one to which section 3AA applies and it has been, is being or is about to be used as described in section 3AA(2)(a) and (b);
- (c) the aircraft carries cargo that has originated in the DPRK;

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- (d) the aircraft carries cargo that is destined for the DPRK;
- (e) the aircraft carries cargo that has been brokered or facilitated by—
  - (i) the Government or a national of the DPRK;
  - (ii) an individual acting on behalf of, or at the direction of, the Government or a national of the DPRK;
  - (iii) an entity acting on behalf of, or at the direction of, or owned or controlled by, the Government or a national of the DPRK;
  - (iv) a relevant person; or
  - (v) a relevant entity;
- (f) the aircraft is using the flag of the DPRK.”.

**40. Section 20 amended (investigation of suspected vehicles)**

(1) Section 20(1)—

**Repeal**

everything before “officer may—”

**Substitute**

“(1) If any of the circumstances specified in subsection (1A) exists, an authorized”.

(2) Section 20(1)(a), after “the vehicle”—

**Add**

“concerned”.

(3) After section 20(1)—

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**Add**

“(1A) The circumstances are as follows—

- (a) the authorized officer has reason to suspect that the vehicle is one in the HKSAR and it has been, is being or is about to be used in contravention of section 3(2) or (2AA) or 5(2);
- (b) the authorized officer has reason to suspect that the vehicle is one in the HKSAR and it has been, is being or is about to be used as described in section 3AA(2)(a) and (b);
- (c) the vehicle carries cargo that has originated in the DPRK;
- (d) the vehicle carries cargo that is destined for the DPRK;
- (e) the vehicle carries cargo that has been brokered or facilitated by—
  - (i) the Government or a national of the DPRK;
  - (ii) an individual acting on behalf of, or at the direction of, the Government or a national of the DPRK;
  - (iii) an entity acting on behalf of, or at the direction of, or owned or controlled by, the Government or a national of the DPRK;
  - (iv) a relevant person; or
  - (v) a relevant entity.”.

**41. Part 5, Division 3A added**

Part 5, after Division 3—

**Add**

**“Division 3A—Powers to Search, Arrest, etc.**

**22A. Powers to stop and search etc.**

- (1) If an authorized officer has reasonable grounds to suspect that an offence under this Regulation has been, is being or is about to be committed, the officer may do one or more of the following—
  - (a) stop and search a person arriving in or about to leave the HKSAR and examine anything in the person's possession;
  - (b) examine at a point of entry to or exit from the HKSAR—
    - (i) any cargo (other than any baggage), together with any manifest and supporting documents;
    - (ii) any unaccompanied baggage; or
    - (iii) any unaccompanied personal belongings;
  - (c) examine any cargo (other than any baggage), together with any manifest and supporting documents—
    - (i) at a place where the cargo is stored before it is exported from the HKSAR; or
    - (ii) at a place where the cargo is stored after it has been imported into the HKSAR and before, or at the time of, its collection by the consignee.
- (2) An authorized officer may seize and detain anything—
  - (a) found as a result of the exercise of a power under subsection (1); and

- (b) that the officer reasonably suspects to be connected with a contravention of this Regulation.
  - (3) A person may only be searched under this section by a person who is of the same sex.
  - (4) An authorized officer may use any force reasonably necessary for exercising a power under subsection (1) or (2).

**22B. Arrest and detention**

- (1) An authorized officer may without warrant arrest or detain for further inquiries a person whom the officer reasonably suspects of having contravened this Regulation.
- (2) An authorized officer who arrests a person under subsection (1) must take the person to a police station to be dealt with in accordance with the Police Force Ordinance (Cap. 232).
- (3) However, if further inquiries are necessary, an authorized officer (other than a police officer) may take the person to an office of the Customs and Excise Department for further inquiries before taking the person to a police station in accordance with subsection (2).
- (4) A person must not be detained for more than 48 hours from the time the person is arrested without being charged and brought before a magistrate.
- (5) An authorized officer who arrests a person may require the person to give the person's name and to produce evidence of identity to the officer.

- (6) If a person forcibly resists or attempts to evade arrest under this section, an authorized officer may use any force reasonably necessary to effect the arrest.”.

42. **Section 23 amended (production of proof of identity)**

Section 23—

**Repeal**

“20 or 22”

**Substitute**

“20, 22, 22A or 22B”.

43. **Part 6, Divisions 1 and 2, and Division 3 heading added**

Part 6, before section 24—

**Add**

**“Division 1—Interpretation**

**23A. Interpretation of Part 6**

In this Part—

*material* (材料) includes any book, document or other record in any form, and any article or substance;

*possession* (管有) includes control;

*premises* (處所) includes any place and, in particular, includes—

- (a) any ship, aircraft, vehicle or offshore structure; and
- (b) any tent or movable structure;

*seized property* (被檢取財產) means anything seized under section 22A(2) or 24(3).

**Division 2—Making Material Available**

**23B. Order to make material available**

- (1) The Secretary for Justice or an authorized officer may, for the purpose of an investigation into an offence under this Regulation, make an ex parte application, by information on oath, to a judge for an order under subsection (2) in relation to particular material or to material of a particular description.
- (2) Subject to subsection (3), the judge may on the application make an order—
  - (a) that the person who appears to the judge to be in possession of the material must, within the period specified in the order—
    - (i) produce the material to an authorized officer for the officer to take away; or
    - (ii) give an authorized officer access to the material;
  - (b) that the person who appears to the judge likely to come into possession of the material must, within the period specified in the order—
    - (i) produce the material to an authorized officer for the officer to take away; or
    - (ii) give an authorized officer access to the material; or
  - (c) in terms both of paragraphs (a) and (b).
- (3) The judge may make the order only if the judge is satisfied—
  - (a) that there are reasonable grounds for suspecting that the offence has been committed;

- (b) that there are reasonable grounds for believing that the material is likely to be relevant to the investigation for the purpose of which the application is made;
  - (c) that there are reasonable grounds for believing that it is in the public interest that the material should be produced or that access to it should be given, having regard to—
    - (i) the benefit likely to accrue to the investigation if the material is obtained; and
    - (ii) the circumstances under which the person in possession of the material holds, or will hold, it; and
  - (d) for an application relating to material of a particular description—that an application in relation to particular material is not reasonably practicable.
- (4) The period to be specified in the order must be—
- (a) for subsection (2)(a)—a period of 7 days after the date on which the order is served on the person concerned; or
  - (b) for subsection (2)(b)—a period of 7 days after the later of the following dates—
    - (i) the date on which the order is served on the person concerned;
    - (ii) the date on which the person concerned comes into possession of the material,unless it appears to the judge that a longer or shorter period would be appropriate in the particular circumstances of the application.

- (5) If the application relates to material outside the HKSAR, it may be made only by the Secretary for Justice.
- (6) The application must be heard in camera.
- (7) As soon as practicable after an order is made under subsection (2), the Secretary for Justice or authorized officer must serve the order personally on the person who is subject to the order.

**23C. Supplementary provisions to section 23B**

- (1) An order under section 23B(2), in so far as it is in terms of paragraph (b) of that section, ceases to have effect on the expiry of—
  - (a) 3 months after the date on which the order is made; or
  - (b) any lesser period specified in the order.
- (2) However, subsection (1) does not—
  - (a) affect any obligation incurred under the order before it ceases to have effect; or
  - (b) prevent, whether before or after the order (*first order*) ceases to have effect, the making of any further order under section 23B(2) in respect of the person who is subject to the first order.
- (3) If a judge makes an order under section 23B(2)(a)(ii) or (b)(ii) in relation to material on any premises, a judge may, on the same application or a subsequent application by the Secretary for Justice or an authorized officer, order any person who appears to the judge to be entitled to grant entry to the premises to allow an authorized officer to enter the premises to obtain access to the material.

- (4) If the material to which an application under section 23B(1) relates consists of information recorded otherwise than in a legible form—
  - (a) an order under section 23B(2)(a)(i) or (b)(i) has effect as an order to produce the material in a form in which it can be taken away; and
  - (b) an order under section 23B(2)(a)(ii) or (b)(ii) has effect as an order to give access to the material in a form in which it is visible and legible.
- (5) If an order under section 23B(2)(a)(i) or (b)(i) relates to information recorded otherwise than in a legible form, an authorized officer may, by notice in writing served on the person concerned—
  - (a) require the person to produce the material in a form in which it is visible and legible and can be taken away; and
  - (b) release the person from any obligation under the order to produce the material in the form in which it was recorded.
- (6) An authorized officer may photograph or make copies of any material produced under this section or section 23B.
- (7) Subject to section 23F, a person is not excused from producing any material in relation to which an order under section 23B(2) is made on the ground that to do so would breach an obligation as to secrecy or another restriction on the disclosure of information imposed by statute or otherwise.
- (8) An application under subsection (3) must be heard in camera.

**23D. Revocation or variation of order under section 23B or 23C**

- (1) A person who is subject to an order under section 23B(2) or 23C(3) may apply for the revocation or variation of the order.
- (2) The application must be made to a judge by a summons supported by an affidavit.
- (3) The summons and affidavit in support must state the grounds on which the applicant seeks the revocation or variation of the order and the relevant facts.
- (4) The summons and a copy of the affidavit in support must be served on the Secretary for Justice not less than 3 clear days before the date fixed for the hearing of the application.
- (5) At the hearing of the application, the judge may revoke or vary the order as the judge considers appropriate.

**23E. Procedures for application under section 23B, 23C or 23D**

- (1) This section applies to an application made under section 23B, 23C or 23D.
- (2) At the hearing of the application, a judge may receive evidence.
- (3) All documents and information relating to the application must be treated as confidential.
- (4) All documents, and anything containing any information, relating to the application must, immediately after the application is determined, be placed in a packet and sealed by order of the judge hearing the application.
- (5) The packet—

- (a) must be kept in the custody of the court in a place to which the public has no access or in another place authorized by the judge;
- (b) must not be opened, and its contents must not be removed, except by order of a judge; and
- (c) must not be destroyed except by order of a judge.

**23F. Privileges**

- (1) An order under section 23B(2) does not—
  - (a) confer any right to production of, or access to, any item subject to legal professional privilege; or
  - (b) restrict the privilege against self-incrimination.
- (2) If, in the course of the exercise of powers conferred by an order under section 23B(2), a claim of legal professional privilege is made in respect of any material, the person making the claim must—
  - (a) in the presence of an authorized officer, secure the material in a sealed container;
  - (b) deposit the sealed container with a judge as soon as practicable or handle the sealed container in another way as directed by a judge;
  - (c) within 3 days of so depositing or handling the sealed container, apply to a judge by a summons supported by an affidavit for a declaration that the material is an item subject to legal professional privilege; and

- (d) not less than 3 clear days before the date fixed for the hearing of the application, serve the summons and a copy of the affidavit in support on the Secretary for Justice.

**23G. Offence for failure to comply with order under section 23B**

A person who, without reasonable excuse, fails to comply with an order under section 23B(2) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**23H. Investigation not to be prejudiced**

- (1) This section applies if an order under section 23B(2) has been made, or has been applied for and has not been refused.
- (2) A person who knows or suspects that an investigation in relation to which the order has been made or applied for is taking place must not—
  - (a) without lawful authority or reasonable excuse, make any disclosure intending to prejudice the investigation; or
  - (b) falsify, conceal, destroy or otherwise dispose of, or cause or permit the falsification, concealment, destruction or disposal of, any material—
    - (i) knowing or suspecting that the material is likely to be relevant to the investigation; and
    - (ii) intending to conceal the facts disclosed by the material from persons carrying out the investigation.



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- (3) If a person has been arrested in connection with an investigation referred to in subsection (2), that subsection does not apply as regards any disclosure in respect of the investigation made after the arrest.
- (4) A person who contravenes subsection (2) 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.

**Division 3—Search Warrant”.**

**44. Section 24 amended (power of magistrate or judge to grant warrant)**

- (1) Section 24(1)(b)—  
**Repeal**  
“, or on any ship, aircraft or vehicle so specified,”.
- (2) Section 24(2)—  
**Repeal**  
everything after “to enter”  
**Substitute**  
“the premises specified in the information at any time within one month from the date of the warrant, and to search the premises.”.
- (3) Section 24(3)—  
**Repeal**  
“, ship, aircraft or vehicle may”  
**Substitute**

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- “may”.
- (4) Section 24(3)(a)—  
**Repeal**  
“, ship, aircraft or vehicle”.
  - (5) Section 24(3)(b)—  
**Repeal**  
“any document, cargo or article”  
**Substitute**  
“anything”.
  - (6) Section 24(3)(b)—  
**Repeal**  
“, ship, aircraft or vehicle”.
  - (7) Section 24(3)(c)—  
**Repeal**  
“any document, cargo or article”  
**Substitute**  
“anything”.
  - (8) Section 24(3)(c)—  
**Repeal**  
“the document, cargo or article”  
**Substitute**  
“it”.

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(9) Section 24(5)—

**Repeal**

“, ship, aircraft or vehicle”.

**45. Part 6, Division 4 heading added**

Before section 24A—

**Add**

**“Division 4—Forfeiture and Detention of Seized  
Property”.**

**46. Section 24A amended (seized articles, etc. liable to forfeiture)**

(1) Section 24A, heading—

**Repeal**

“articles, etc.”

**Substitute**

“property”.

(2) Section 24A(1)—

**Repeal**

“document, cargo or article seized under section 24(3)”

**Substitute**

“seized property”.

(3) Section 24A(1)—

**Repeal**

“the document, cargo or article”

**Substitute**

“the seized property”.

(4) Section 24A(2)(c)—

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**Repeal**

“document, cargo or article”

**Substitute**

“seized property”.

(5) Section 24A(3)—

**Repeal**

“document, cargo or article” (wherever appearing)

**Substitute**

“seized property”.

(6) Section 24A(5)—

**Repeal**

“document, cargo or article”

**Substitute**

“property”.

**47. Section 24B amended (power of magistrate or judge to make  
order for forfeiture and disposal)**

(1) Section 24B—

**Repeal subsection (1)**

**Substitute**

“(1) If an application is made to a magistrate or judge for an order for forfeiture of any seized property, the magistrate or judge may, if satisfied that the seized property is a prohibited item or a document relating to the provision, manufacture, maintenance or use of a prohibited item, make such order as the magistrate or judge considers appropriate for the forfeiture of the seized property and its subsequent destruction or disposal.”.

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- (2) Section 24B(2)—

**Repeal**

“seized document, cargo or article”

**Substitute**

“seized property”.

- (3) Section 24B(2)—

**Repeal**

“the document, cargo or article”

**Substitute**

“the seized property”.

- (4) Section 24B(3)—

**Repeal**

“seized document, cargo or article”

**Substitute**

“seized property”.

- (5) Section 24B(3)—

**Repeal**

“the document, cargo or article”

**Substitute**

“the seized property”.

**48. Section 25 amended (detention of documents, cargoes or articles seized)**

- (1) Section 25, heading—

**Repeal**

“documents, cargoes or articles seized”

**Substitute**

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“seized property”.

- (2) Section 25(1)—

**Repeal**

“document, cargo or article seized under section 24(3)”

**Substitute**

“seized property”.

- (3) Section 25(2)—

**Repeal**

“If the document, cargo or article is”

**Substitute**

“If the seized property is”.

- (4) Section 25(2)—

**Repeal**

“the document, cargo or article may”

**Substitute**

“it may”.

**49. Section 29 amended (offences in relation to evasion of this Regulation)**

- (1) Section 29—

**Repeal**

“any document, cargo or article”

**Substitute**

“anything”.

- (2) Section 29(a), English text—

**Repeal**

“indictment to a fine”

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**Substitute**

“indictment—to a fine”.

- (3) Section 29(b), English text—

**Repeal**

“conviction to a fine”

**Substitute**

“conviction—to a fine”.

**50. Section 31 substituted**

Section 31—

**Repeal the section**

**Substitute**

**“31. Publication of list of individuals and entities by Secretary**

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau a list of individuals and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.
- (2) The Secretary may include in the list the name of—
- (a) an individual or entity designated by the Committee or the Security Council for the purposes of paragraph 8(d) of Resolution 1718;
- (b) an individual or entity to whom measures referred to in paragraph 8(d) of Resolution 1718 apply under a decision of the Committee or the Security Council; or
- (c) an entity of the Government of the DPRK or of the Worker's Party of Korea determined by the instructing authority as an entity associated

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with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by Resolution 1718, Resolution 1874, Resolution 2087, Resolution 2094 or Resolution 2270.

- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the list if the individual or entity no longer meets the description under subsection (2).
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy printed from the website referred to in subsection (1)—
- (a) is admissible in evidence on production without further proof; and
- (b) unless the contrary is proved, is evidence of the information contained in the list of individuals and entities referred to in that subsection.”.

**51. Section 31A added**

Before section 32—

**Add**

**“31A. Publication of list of ships by Secretary**

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau a list of ships for the purposes of the definition of *relevant ship* in section 10A(4).

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- (2) The Secretary may include in the list the name of—
  - (a) a ship designated by the Committee or the Security Council for the purposes of paragraph 8(d) of Resolution 1718, paragraph 12 of Resolution 2270 or paragraph 12 of Resolution 2321; or
  - (b) a ship to which measures referred to in paragraph 8(d) of Resolution 1718, paragraph 12 of Resolution 2270 or paragraph 12 of Resolution 2321 apply under a decision of the Committee or the Security Council.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of a ship from the list if the ship no longer meets the description under subsection (2).
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy printed from the website referred to in subsection (1)—
  - (a) is admissible in evidence on production without further proof; and
  - (b) unless the contrary is proved, is evidence of the information contained in the list of ships referred to in that subsection.”.

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52. **Section 32 amended (access to Security Council document S/2006/814, etc.)**
  - (1) Section 32, heading—

**Repeal**  
“document S/2006/814,”

**Substitute**  
“Resolutions”.
  - (2) Before section 32(a)—

**Add**  
“(aa) the Security Council Resolutions;”.
  - (3) Section 32(l)—

**Repeal the full stop**  
**Substitute a semicolon.**
  - (4) After section 32(l)—

**Add**  
“(m) the Security Council document S/2016/308;  
(n) the Security Council document S/2016/1069;  
(o) the Security Council document S/2017/728;  
(p) the Security Council document S/2017/760;  
(q) the Security Council document S/2017/822;  
(r) the Security Council document S/2017/829.”.
53. **Section 33 amended (exercise of powers of Chief Executive)**

Section 33(3)—

**Repeal**  
“thinks fit”

**Substitute**

“considers appropriate”.

**54. Sections 34 and 35 added**

Part 8, after section 33—

**Add**

**“34. Exercise of powers of Secretary**

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

(2) A delegation under subsection (1) may be subject to any restrictions or conditions that the Secretary considers appropriate.

**35. Transitional provision for United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018**

During the period from the commencement date of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 to 31 July 2018, section 5F(1) does not apply in relation to a bank account that was maintained by a financial institution immediately before that commencement date.”.

**55. Schedule 1 amended (luxury goods)**

(1) Schedule 1, after section 2(2)—

**Add**

“(3) An aquatic recreational vehicle (such as a personal watercraft).

(4) A snowmobile valued greater than US\$2,000.”.

(2) Schedule 1, after section 2—

**Add**

**“3. Others**

(1) A wrist watch, pocket watch, or any other watch, with a case of precious metal or of metal clad with precious metal.

(2) An item of lead crystal.

(3) Sporting goods or equipment.

(4) A rug or tapestry valued greater than US\$500.

(5) Tableware of porcelain or bone china valued greater than US\$100.”.

**56. Schedule 2 amended (specified item)**

(1) Schedule 2, English text, heading—

**Repeal**

**“Item”**

**Substitute**

**“Items”.**

(2) Schedule 2—

**Add**

“23. Isocyanates (TDI (Toluene diisocyanate), MDI (Methylene bis(phenyl isocyanate)), IPDI (Isophorone diisocyanate), HNMDI or HDI (Hexamethylene diisocyanate) and DDI (Dimeryl diisocyanate)) and production equipment.

24. Ammonium nitrate that is chemically pure or in phase stabilized version (PSAN).

United Nations Sanctions (Democratic People's Republic of Korea) (Amendment)  
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25. Non-destructive test chamber with a 1 m or more critical internal dimension.
26. Turbo-pump for a liquid or hybrid rocket engine.
27. Polymeric substances (Hydroxyl Terminated Poly-Ether (HTPE), Hydroxyl Terminated Caprolactone Ether (HTCE), Polypropylene glycol (PPG), Polydiethyleneglycol adipate (PGA) and Polyethylene glycol (PEG)).
28. Inertial equipment for any application, particularly for civilian aircraft, satellite, geophysical survey applications and their associated test equipment.
29. Countermeasure Subsystem and Penetration Aid (e.g. a jammer, chaff, decoy) designed to saturate, confuse or evade missile defence.
30. Manganese metal brazing foil.
31. Hydroforming machine.
32. Thermal treatment furnace with temperature over 850°C and 1 dimension over 1 m.
33. Electrical Discharge Machine (EDM).
34. Friction stir welding machine.
35. Modelling and design software related to the modelling of aerodynamic and thermodynamic analysis of rocket or unmanned aerial vehicle system.

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36. High-speed imaging camera (except one used in a medical imaging system).
37. Truck chassis with 6 or more axles.
38. Floor-mounted fume hood (walk-in style) with a minimum nominal width of 2.5 m.
39. Batch centrifuge with a rotor capacity of 4 L or greater that is usable with biological material.
40. Fermenter with an internal volume of 10 L to 20 L that is usable with biological material.
41. Any item, material, equipment, goods or technology set out in the Security Council document S/2016/308.
42. Any item, material, equipment, goods or technology set out in the Security Council document S/2016/1069.
43. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/728.
44. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/760.
45. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/822.
46. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/829.”.

**57. Schedules 3 and 4 added**

After Schedule 2—

**Add**

**“Schedule 3**

[ss. 1 & 10J]

**Supply-sanctioned Items**

1. Any specified item.
2. Aviation fuel.
3. New helicopter.
4. New or used ship.
5. Condensate oil.
6. Natural gas liquid.
7. Refined petroleum product.
8. Crude oil.
9. An item that is assigned, under the Classification List, a code that falls within any of the following Chapters in the Classification List—
  - (a) Chapter 72 (Iron and steel);
  - (b) Chapter 73 (Articles of iron or steel);
  - (c) Chapter 74 (Copper and articles thereof);

- (d) Chapter 75 (Nickel and articles thereof);
- (e) Chapter 76 (Aluminium and articles thereof);
- (f) Chapter 78 (Lead and articles thereof);
- (g) Chapter 79 (Zinc and articles thereof);
- (h) Chapter 80 (Tin and articles thereof);
- (i) Chapter 81 (Other base metals; cermets; articles thereof);
- (j) Chapter 82 (Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal);
- (k) Chapter 83 (Miscellaneous articles of base metal);
  - (l) Chapter 84 (Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof);
- (m) Chapter 85 (Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles);
- (n) Chapter 86 (Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds);
- (o) Chapter 87 (Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof);
- (p) Chapter 88 (Aircraft, spacecraft, and parts thereof);



(q) Chapter 89 (Ships, boats and floating structures).

**Note—**

The title of a Chapter in the Classification List, which is specified after the Chapter number, is for ease of reference only.

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**Schedule 4**

[ss. 1 & 10K]

**Procurement-sanctioned Items**

1. Any specified item.
2. Coal.
3. Iron or iron ore.
4. Gold.
5. Titanium ore.
6. Vanadium ore.
7. Any of the following items (commonly known as rare earth minerals)—
  - (a) mineral substance of cerium, dysprosium, erbium, europium, gadolinium, holmium, lanthanum, lutetium, neodymium, praseodymium, promethium, samarium, scandium, terbium, thulium, ytterbium or yttrium;

- (b) an item that is assigned, under the Classification List, a code that falls within any of the following headings in the Classification List—
  - (i) heading 2612 (Uranium or thorium ores and concentrates);
  - (ii) heading 2617 (Other ores and concentrates);
  - (iii) heading 2805 (Alkali or alkaline-earth metals; rare-earth metals, scandium and yttrium, whether or not intermixed or interalloyed; mercury);
  - (iv) heading 2844 (Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products).

**Note—**

The description of a heading in the Classification List, which is specified after the heading, is for ease of reference only.

8. Copper.
9. Nickel.
10. Silver.
11. Zinc.
12. Statue.
13. Seafood.

14. Lead or lead ore.
15. Textiles (including fabric and a partially or fully completed apparel product).
16. An item that is assigned, under the Classification List, a code that falls within any of the following Chapters in the Classification List—
  - (a) Chapter 7 (Edible vegetables and certain roots and tubers);
  - (b) Chapter 8 (Edible fruit and nuts; peel of citrus fruit or melons);
  - (c) Chapter 12 (Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder);
  - (d) Chapter 25 (Salt; sulphur; earths and stone; plastering materials, lime and cement);
  - (e) Chapter 44 (Wood and articles of wood; wood charcoal);
  - (f) Chapter 84 (Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof);
  - (g) Chapter 85 (Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles);
  - (h) Chapter 89 (Ships, boats and floating structures).

Note—

The title of a Chapter in the Classification List, which is specified after the Chapter number, is for ease of reference only.”.

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Matthew CHEUNG Kin-chung  
Acting Chief Executive

19 June 2018

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### Explanatory Note

This Regulation amends the United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537 sub. leg. AE) (*principal Regulation*) to give effect to certain decisions in the following Resolutions adopted by the Security Council of the United Nations in respect of the Democratic People's Republic of Korea (*DPRK*)—

- (a) Resolution 2270 (2016) adopted on 2 March 2016;
- (b) Resolution 2321 (2016) adopted on 30 November 2016;
- (c) Resolution 2371 (2017) adopted on 5 August 2017;
- (d) Resolution 2375 (2017) adopted on 11 September 2017; and
- (e) Resolution 2397 (2017) adopted on 22 December 2017.

2. The amendments of the principal Regulation provide for—

- (a) the prohibition against the supply, sale, transfer or carriage of certain items;
- (b) the prohibition against the procurement of certain items and services;
- (c) the prohibition against engaging in certain financial transactions;
- (d) the prohibition against certain banking activities in the HKSAR;
- (e) the prohibition against certain activities of financial institutions in the DPRK or in connection with banks related to the DPRK;

- (f) the prohibition against opening or maintaining certain bank accounts;
- (g) the prohibition against the provision of financial support for trade with the persons connected with the DPRK;
- (h) the prohibition against the provision of certain training, services, assistance and advice;
- (i) the prohibition against the provision of certain specialized teaching and training;
- (j) the prohibition against engaging in certain scientific or technical co-operation;
- (k) the prohibition against certain activities in connection with ships and aircraft;
- (l) the prohibition against ship-to-ship transfer;
- (m) the directions to be given by the Director of Marine to certain ships;
- (n) the prohibition against certain aircraft from taking off, landing and flying;
- (o) the prohibition against certain activities in connection with immovable property;
- (p) the prohibition against certain joint ventures or co-operative entities; and
- (q) certain new enforcement powers.

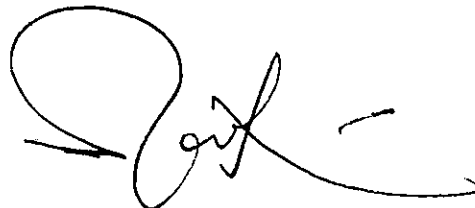
3. The Regulation also makes certain minor textual amendments to the principal Regulation.

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

**United Nations Sanctions  
(Democratic People's Republic of Korea)  
(Amendment) Regulation 2018**

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 March 2016, December 2016, August 2017, September 2017 and January 2018 which requested the Government of the Hong Kong Special Administrative Region to implement Resolutions 2270, 2321, 2371, 2375 and 2397 of the Security Council of the United Nations, and that the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 was made in pursuance of the instructions.

Dated this 19<sup>th</sup> day of June 2018

A handwritten signature in black ink, appearing to read 'Matthew Cheung Kin-chung', written in a cursive style.

( Matthew Cheung Kin-chung )  
Chief Secretary for Administration



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**Resolution 2270 (2016)****Adopted by the Security Council at its 7638th meeting, on  
2 March 2016**

*The Security Council,*

*Recalling* its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), resolution 2087 (2013) and resolution 2094 (2013), as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7) and 16 April 2012 (S/PRST/2012/13),

*Reaffirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Expressing* gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea ("the DPRK") on 6 January 2016 in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

*Underlining* once again the importance that the DPRK respond to other security and humanitarian concerns of the international community,

*Underlining* also that measures imposed by this resolution are not intended to have adverse humanitarian consequences for the civilian population DPRK,

*Regretting* the DPRK's diversion of financial, technical and industrial resources toward developing its nuclear weapons and ballistic missile program, and condemning its declared intent to develop nuclear weapons,

*Expressing* deep concern at the grave hardship that the DPRK people are subjected to,

*Expressing* great concern that the DPRK's arms sales have generated revenues that are diverted to the pursuit of nuclear weapons and ballistic missiles while DPRK citizens have great unmet needs,



*Expressing* serious concern that the DPRK has continued to violate relevant Security Council resolutions through repeated launches of ballistic missiles in 2014 and 2015, as well as the submarine-launched ballistic missile ejection test in 2015 and *noting* that all such ballistic missile activities contribute to the DPRK's development of nuclear weapons delivery systems and increase tension in the region and beyond,

*Expressing* continued concern that the DPRK is abusing the privileges and immunities accorded under the Vienna Conventions on Diplomatic and Consular Relations,

*Expressing* its gravest concern that the DPRK's ongoing nuclear-, and ballistic missile-related activities have further generated increased tension in the region and beyond, and *determining* that there continues to exist a clear threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* in the strongest terms the nuclear test conducted by the DPRK on 6 January 2016 in violation and flagrant disregard of the Council's relevant resolutions, and further *condemns* the DPRK's launch of 7 February 2016, which used ballistic missile technology and was in serious violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013);

2. *Reaffirms* its decisions that the DPRK shall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation, and shall suspend all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on missile launches, and *demands* that the DPRK immediately comply fully with these obligations;

3. *Reaffirms* its decisions that the DPRK shall abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, and immediately cease all related activities;

4. *Reaffirms* its decision that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner;

5. *Reaffirms* that, pursuant to paragraph 8 (c) of resolution 1718 (2006), all Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of nuclear-related, ballistic missile-related or other weapons of mass destruction-related items, materials, equipment, goods and technology, and *underscores* that this provision prohibits the DPRK from engaging in any form of technical cooperation with other Member States on launches using ballistic missile technology, even if characterized as a satellite launch or space launch vehicle;

6. *Decides* that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, including small arms and light weapons and their related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms and related materiel;

7. *Affirms* that the obligations imposed in paragraphs 8 (a), 8 (b) and 8 (c) of resolution 1718 (2006), as extended by paragraphs 9 and 10 of resolution 1874 (2009), apply with respect to the shipment of items to or from the DPRK for repair, servicing, refurbishing, testing, reverse-engineering, and marketing, regardless of whether ownership or control is transferred, and *underscores* that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall also apply to any individual traveling for the purposes of carrying out the activities described in this paragraph;

8. *Decides* that the measures imposed in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) shall also apply to any item, except food or medicine, if the State determines that such item could directly contribute to the development of the DPRK's operational capabilities of its armed forces, or to exports that support or enhance the operational capabilities of armed forces of another Member State outside the DPRK, and *decides* also that this provision shall cease to apply to the supply, sale or transfer of an item, or its procurement, if:

(a) the State determines that such activity is exclusively for humanitarian purposes or exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue, and also not related to any activity prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, provided that the State notifies the Committee in advance of such determination and also informs the Committee of measures taken to prevent the diversion of the item for such other purposes, or

(b) the Committee has determined on a case-by-case basis that a particular supply, sale or transfer would not be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

9. *Recalls* that paragraph 9 of resolution 1874 (2009) requires States to prohibit the procurement from the DPRK of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of arms and related materiel, and *clarifies* that this paragraph prohibits States from engaging in the hosting of trainers, advisors, or other officials for the purpose of military-, paramilitary- or police-related training;

10. *Decides* that the measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply also to the individuals and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means;

11. *Decides* that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall apply also to the individuals listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

12. *Affirms* that "economic resources," as referred to in paragraph 8 (d) of resolution 1718 (2006), includes assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods, or services, such as vessels (including maritime vessels);

13. *Decides* that if a Member State determines that a DPRK diplomat, governmental representative, or other DPRK national acting in a governmental

capacity, is working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, then the Member State shall expel the individual from its territory for the purpose of repatriation to the DPRK consistent with applicable national and international law, provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business, and *decides* that the provisions of this paragraph shall not apply with respect to a particular individual if: a) the presence of the individual is required for fulfillment of a judicial process, b) the presence of the individual is required exclusively for medical, safety or other humanitarian purposes, or c) the Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution;

14. *Decides* that, if a Member State determines that an individual who is not a national of that State is working on behalf of or at the direction of a designated individual or entity or assisting the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, then Member States shall expel the individual from their territories for the purpose of repatriation to the individual's state of nationality, consistent with applicable national and international law, unless the presence of the individual is required for fulfillment of a judicial process or exclusively for medical, safety or other humanitarian purposes, or the Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business;

15. *Underscores* that, as a consequence of implementing the obligations imposed in paragraph 8 (d) of resolution 1718 (2006) and paragraphs 8 and 11 of resolution 2094 (2013), all Member States shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for or on their behalf, directly or indirectly, from participating in joint ventures or any other business arrangements, and *underscores* that if a representative of such an office is a DPRK national, then States are required to expel the individual from their territories for the purpose of repatriation to the DPRK consistent with applicable national and international law, pursuant to and consistent with paragraph 10 of resolution 2094 (2013);

16. *Notes* that the DPRK frequently uses front companies, shell companies, joint ventures and complex, opaque ownership structures for the purpose of violating measures imposed in relevant Security Council resolutions, and, in this regard, *directs* the Committee, with the support of the Panel, to identify individuals and entities engaging in such practices and, if appropriate, designate them to be subject to the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution;

17. *Decides* that all Member States shall prevent specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines which could contribute to the DPRK's proliferation sensitive nuclear



activities or the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines;

18. *Decides* that all States shall inspect the cargo within or transiting through their territory, including in their airports, seaports and free trade zones, that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution, and calls upon States to implement such inspections in a manner that minimizes the impact on the transfer of cargo that the State determines is for humanitarian purposes;

19. *Decides* that Member States shall prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services to the DPRK, and *decides* that this prohibition shall also apply with respect to any designated individuals or entities, any other DPRK entities, any other individuals or entities whom the State determines to have assisted in the evasion of sanctions or in violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, any individuals or entities acting on behalf or at the direction of any of the aforementioned, and any entities owned or controlled by any of the aforementioned, *calls upon* Member States to de register any vessel that is owned, operated or crewed by the DPRK, further *calls upon* Member States not to register any such vessel that is de-registered by another Member State pursuant to this paragraph, and *decides* that this provision shall not apply with respect to such leasing, chartering or provision of crew services notified to the Committee in advance on a case-by-case basis accompanied by: a) information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue, and b) information on measures taken to prevent such activities from contributing to violations of the aforementioned resolutions;

20. *Decides* that all States shall prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from registering vessels in the DPRK, obtaining authorization for a vessel to use the DPRK flag, and from owning, leasing, operating, providing any vessel classification, certification or associated service, or insuring any vessel flagged by the DPRK, and *decides* that this measure shall not apply to activities notified in advance by the Committee on a case-by-case basis, following provision to the Committee of detailed information on the activities, including the names of individuals and entities involved in them, information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue and on measures taken to prevent such activities from contributing to violations of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

21. *Decides* that all States shall deny permission to any aircraft to take off from, land in or overfly, unless under the condition of landing for inspection, their

territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, except in the case of an emergency landing, and *calls upon* all States, when considering whether to grant overflight permission to flights to assess known risk factors;

22. *Decides* that all Member States shall prohibit the entry into their ports of any vessel if the Member State has information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, unless entry is required in the case of emergency or in the case of return to its port of origination, or for inspection, or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of this resolution;

23. *Recalls* that the Committee has designated the DPRK firm Ocean Maritime Management (OMM), *notes* that the vessels specified in Annex III of this resolution are economic resources controlled or operated by OMM and therefore subject to the asset freeze imposed in paragraph 8 (d) of resolution 1718 (2006), and *underscores* that Member States are required to implement the relevant provisions of that resolution;

24. *Decides* that the DPRK shall abandon all chemical and biological weapons and weapons-related programs, and shall act strictly in accordance with its obligations as a State Party to the Convention on the Prohibition of the Development, Production, or Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, and *calls upon* the DPRK to accede to the Convention of the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, and then to immediately comply with its provisions;

25. *Decides* to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) and this resolution through the designation of additional goods, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution, and further *decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report;

26. *Directs* the Committee to review and update the items contained in S/2006/853/CORR.1 no later than sixty days from the adoption of this resolution and on an annual basis thereafter;

27. *Decides* that the measures imposed in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) shall also apply to any item if the State determines that such item could contribute to the DPRK's nuclear or ballistic missile programs or other weapons of mass destruction programs, activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution;

28. *Reaffirms* paragraphs 14 through 16 of resolution 1874 (2009), and paragraph 8 of resolution 2087 (2013), and *decides* that these paragraphs shall apply

also with respect to any items the supply, sale or transfer of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution identified in inspections conducted pursuant to paragraph 18 of this resolution;

29. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, coal, iron, and iron ore, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK, and *decides* that this provision shall not apply with respect to:

(a) Coal that the procuring State confirms on the basis of credible information has originated outside the DPRK and was transported through the DPRK solely for export from the Port of Rajin (Rason), provided that the State notifies the Committee in advance and such transactions are unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution; and,

(b) Transactions that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

30. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, gold, titanium ore, vanadium ore, and rare earth minerals, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK;

31. *Decides* that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel, whether or not originating in their territory, to the territory of the DPRK, or unless the Committee has approved in advance on an exceptional case-by-case basis the transfer to the DPRK of such products for verified essential humanitarian needs, subject to specified arrangements for effective monitoring of delivery and use, and *decides* also that this provision shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight;

32. *Decides* that the asset freeze imposed by paragraph 8 (d) of resolution 1718 (2006) shall apply to all the funds, other financial assets and economic resources outside of the DPRK that are owned or controlled, directly or indirectly, by entities of the Government of the DPRK or the Worker's Party of Korea, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, that the State determines are associated with the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, *decides* further that all States except the DPRK shall ensure that any funds, financial assets or economic resources are prevented from being made available by their

nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, and *decides* that these measures shall not apply with respect to funds, other financial assets and economic resources that are required to carry out activities of the DPRK's missions to the United Nations and its specialized agencies and related organizations or other diplomatic and consular missions of the DPRK, and to any funds, other financial assets and economic resources that the Committee determines in advance on a case-by-case basis are required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of this resolution;

33. *Decides* that States shall prohibit in their territories the opening and operation of new branches, subsidiaries, and representative offices of DPRK banks, *decides* further that States shall prohibit financial institutions within their territories or subject to their jurisdiction from establishing new joint ventures and from taking an ownership interest in or establishing or maintaining correspondent relationships with DPRK banks, unless such transactions have been approved by the Committee in advance, and *decides* that States shall take the necessary measures to close such existing branches, subsidiaries and representative offices, and also to terminate such joint ventures, ownership interests and correspondent banking relationships with DPRK banks within ninety days from the adoption of this resolution;

34. *Decides* that States shall prohibit financial institutions within their territories or subject to their jurisdiction from opening new representative offices or subsidiaries, branches or banking accounts in the DPRK;

35. *Decides* that States shall take the necessary measures to close existing representative offices, subsidiaries or banking accounts in the DPRK within ninety days, if the State concerned has credible information that provides reasonable grounds to believe that such financial services could contribute to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, and *decides* further that this provision shall not apply if the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations or the activities of the United Nations or its specialized agencies or related organizations, or for any other purposes consistent with resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

36. *Decides* that all States shall prohibit public and private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, including paragraph 8;

37. *Expresses* concern that transfers to the DPRK of gold may be used to evade the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution, and *clarifies* that all States shall apply the measures set forth in paragraph 11 of resolution 2094 (2013) to the transfers of gold,

including through gold couriers, transiting to and from the DPRK so as to ensure such transfers of gold do not contribute to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

38. *Recalls* that the Financial Action Task Force (FATF) has called upon countries to apply enhanced due diligence and effective countermeasure to protect their jurisdictions from the DPRK's illicit financial activity, and *calls upon* Member States to apply the FATF Recommendation 7, its Interpretive Note, and related guidance to effectively implement targeted financial sanctions related to proliferation;

39. *Reaffirms* the measures imposed in paragraph 8 (a) (iii) of resolution 1718 (2006) regarding luxury goods, and *clarifies* that the term "luxury goods" includes, but is not limited to, the items specified in Annex V of this resolution;

40. *Calls upon* all States to report to the Security Council within ninety days of the adoption of this resolution, and thereafter upon request by the Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, *requests* the Panel of Experts established pursuant to resolution 1874 (2009), in cooperation with other UN sanctions monitoring groups, to continue its efforts to assist States in preparing and submitting such reports in a timely manner, and *directs* the Committee to prioritize outreach to those Member States who have never submitted implementation reports as requested by the Security Council;

41. *Calls upon* all States to supply information at their disposal regarding non-compliance with the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

42. *Encourages* all States to examine the circumstances of previously reported sanctions violations, particularly the items seized or activities prevented pursuant to the relevant resolutions, so as to assist in ensuring full and appropriate implementation of these resolutions, especially paragraph 27 of this resolution, and *notes* in this regard the reporting of the Panel of Experts and the information regarding sanctions violations that the Committee has released publicly;

43. *Directs* the Committee to respond effectively to violations of the measures decided in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution, and, in this regard, *directs* the Committee to designate additional individuals and entities to be subject to the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution;

44. *Directs* the Committee to continue its efforts to assist Member States in implementing the measures imposed on the DPRK, and, in this regard, *requests* the Committee to draft and circulate a comprehensive compilation of all the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution so as to facilitate Member State implementation;

45. *Directs* the Committee to update the information contained on the Committee's list of individuals and entities, including new aliases and front

companies, and *directs* the Committee to complete this task within 45 days of the adoption of this resolution and every twelve months thereafter;

46. *Decides* that the mandate of the Committee, as set out in paragraph 12 of resolution 1718 (2006), shall apply with respect to the measures imposed in resolution 1874 (2009), 2094 (2013) and this resolution;

47. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

48. *Underlines* that measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively those activities, including economic activities and cooperation, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, and the work of international organizations and non-governmental organization carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK;

49. *Reiterates* the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, and *expresses* its commitment to a peaceful, diplomatic and political solution to the situation and welcomes efforts by Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and to refrain from any actions that might aggravate tensions;

50. *Reaffirms* its support to the Six Party Talks, *calls* for their resumption, and *reiterates* its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to respect each other's sovereignty and exist peacefully together, and that the Six Parties undertook to promote economic cooperation, and all other relevant commitments;

51. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take further significant measures in the event of a further DPRK nuclear test or launch;

52. *Decides* to remain seized of the matter.

**Annex I****Travel Ban/Asset Freeze (Individuals)**

1. CHOE CHUN-SIK
  - a. *Description*: Choe Chun-sik was the director of the Second Academy of Natural Sciences (SANS) and was the head of the DPRK's long-range missile program.
  - b. *AKA*: Choe Chun Sik; Ch'oe Ch'un Sik
  - c. *Identifiers*: DOB: 12 October 1954; Nationality: DPRK
2. CHOE SONG IL
  - a. *Description*: Tanchon Commercial Bank Representative in Vietnam
  - b. *AKA*: NA
  - c. *Identifiers*: Passport: 472320665; Passport Date of Expiration: 26 Sep 2017; Passport: 563120356; Nationality: DPRK
3. HYON KWANG IL
  - a. *Description*: Hyon Kwang Il is the Department Director for Scientific Development at the National Aerospace Development Administration.
  - b. *AKA*: Hyon Gwang Il
  - c. *Identifiers*: DOB: 27 May 1961; Nationality: DPRK
4. JANG BOM SU
  - a. *Description*: Tanchon Commercial Bank Representative in Syria
  - b. *AKA*: Jang Pom Su
  - c. *Identifiers*: DOB: 15 April 1957; Nationality: DPRK
5. JANG YONG SON
  - a. *Description*: Korea Mining Development Trading Corporation (KOMID) Representative in Iran
  - b. *AKA*: NA
  - c. *Identifiers*: DOB: 20 February 1957; Nationality: DPRK
6. JON MYONG GUK
  - a. *Description*: Tanchon Commercial Bank Representative in Syria
  - b. *AKA*: Cho'n Myo'ng-kuk
  - c. *Identifiers*: Passport:4721202031; Passport Date of Expiration: 21 Feb 2017; Nationality: DPRK; DOB: 18 Oct 1976

7. KANG MUN KIL

- a. *Description:* Kang Mun Kil has conducted nuclear procurement activities as a representative of Namchongang, also known as Namhung.
- b. *AKA:* Jiang Wen-ji
- c. *Identifiers:* Passport: PS 472330208; Passport Date of Expiration: 4 July 2017; Nationality: DPRK

8. KANG RYONG

- a. *Description:* Korea Mining Development Trading Corporation (KOMID) Representative in Syria
- b. *AKA:* NA
- c. *Identifiers:* DOB: 21 August 1969; Nationality: DPRK

9. KIM JUNG JONG

- a. *Description:* Tanchon Commercial Bank Representative in Vietnam
- b. *AKA:* Kim Chung Chong
- c. *Identifiers:* Passport: 199421147 Passport Date of Expiration: 29 Dec 2014; Passport: 381110042, Passport Date of Expiration: 25 Jan 2016; Passport: 563210184, Passport Date of Expiration: 18 Jun 2018; DOB: 07 Nov 1966, Nationality: DPRK

10. KIM KYU

- a. *Description:* Korea Mining Development Trading Corporation (KOMID) External Affairs Officer
- b. *AKA:* NA
- c. *Identifiers:* DOB: 30 July 1968, Nationality: DPRK

11. KIM TONG MY'ONG

- a. *Description:* Kim Tong My'ong is the President of Tanchon Commercial Bank and has held various positions within Tanchon Commercial bank since at least 2002. He has also played a role in managing Amroggang's affairs.
- b. *AKA:* Kim Chin-So'k, Kim Tong-Myong, Kim Jin-Sok; Kim, Hyok-Chol
- c. *Identifiers:* DOB: 1964; Nationality: DPRK

12. KIM YONG CHOL

- a. *Description:* KOMID Representative in Iran
- b. *AKA:* NA
- c. *Identifiers:* DOB. 18 February 1962; Nationality: DPRK



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13. KO TAE HUN
- a. *Description*: Tanchon Commercial Bank Representative
  - b. *AKA*: Kim Myong Gi
  - c. *Identifiers*: Passport: 563120630; Passport Date of Expiration: 20 March 2018, D.O.B. 25 May 1972; Nationality: DPRK
14. RI MAN GON
- a. *Description*: Ri Man Gon is the Minister of the Munitions Industry Department.
  - b. *AKA*: n/a
  - c. *Identifiers*: DOB: 29 October 1945; Passport number: PO381230469; Passport Date of Expiration: 6 April 2016; Nationality: DPRK
15. RYU JIN
- a. *Description*: KOMID Representative in Syria
  - b. *AKA*: NA
  - c. *Identifiers*: DOB: 07 August 1965; Passport Number: 563410081; Nationality: DPRK
16. YU CHOL U
- a. *Description*: Yu Chol U is the Director of the National Aerospace Development Administration.
  - b. *AKA*: n/a
  - c. *Identifiers*: Nationality: DPRK
- List Update for Alias: Ra, Kyong-Su (KPi.008) — *New AKA*: Chang, Myong Ho

## Annex II

### Asset Freeze (Entities)

1. ACADEMY OF NATIONAL DEFENSE SCIENCE
  - a. *Description:* The Academy of National Defense Science is involved in the DPRK's efforts to advance the development of its ballistic missile and nuclear weapons programs.
  - b. *AKA:* n/a
  - c. *Location:* Pyongyang, DPRK
2. CHONGCHONGANG SHIPPING COMPANY
  - a. *Description:* The Chongchongang Shipping Company, through its vessel, the Chong Chon Gang, attempted to directly import the illicit shipment of conventional weapons and arms to the DPRK in July 2013.
  - b. *AKA:* Chong Chon Gang Shipping Co. Ltd.
  - c. *Location:* Address: 817 Haeun, Donghung-dong, Central District, Pyongyang, DPRK; Alternate Address: 817, Haeum, Tonghun-dong, Chung-gu, Pyongyang, DPRK; IMO Number: 5342883
3. DAEDONG CREDIT BANK (DCB)
  - a. *Description:* Daedong Credit Bank has provided financial services to the Korea Mining Development Trading Corporation (KOMID) and Tanchon Commercial Bank. Since at least 2007, DCB has facilitated hundreds of financial transactions worth millions of dollars on behalf of KOMID and Tanchon Commercial Bank. In some cases, DCB has knowingly facilitated transactions by using deceptive financial practices.
  - b. *AKA:* DCB; AKA: Taedong Credit Bank
  - c. *Location:* Address: Suite 401, Potonggang Hotel, Ansan-Dong, Pyongchon District, Pyongyang, DPRK; Alternate Address: Ansan-dong, Botonggang Hotel, Pongchon, Pyongyang, DPRK; SWIFT: DCBK KKPY
4. HESONG TRADING COMPANY
  - a. *Description:* The Korea Mining Development Trading Corporation (KOMID) is the parent company of Hesong Trading Corporation.
  - b. *Location:* Pyongyang, DPRK
5. KOREA KWANGSON BANKING CORPORATION (KKBC)
  - a. *Description:* KKBC provides financial services in support to Tanchon Commercial Bank and Korea Hyoksin Trading Corporation, a subordinate of the Korea Ryonbong General Corporation. Tanchon Commercial Bank has used KKBC to facilitate funds transfers likely amounting to millions of dollars, including transfers involving Korea Mining Development Corporation related funds.

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- b. *AKA:* KKBC
  - c. *Address:* Jungson-dong, Sungri Street, Central District, Pyongyang, DPRK
6. KOREA KWANGSONG TRADING CORPORATION
- a. *Description:* The Korea Ryongbong General Corporation is the parent company of Korea Kwangsong Trading Corporation.
  - b. *Address:* Rakwon-dong, Pothonggang District, Pyongyang, DPRK
7. MINISTRY OF ATOMIC ENERGY INDUSTRY
- a. *Description:* The Ministry of Atomic Energy Industry was created in 2013 for the purpose of modernizing the DPRK's atomic energy industry to increase the production of nuclear materials, improve their quality, and further develop an independent DPRK nuclear industry. As such, the MAEI is known to be a critical player in the DPRK's development of nuclear weapons and is in charge of day-to-day operation of the country's nuclear weapons program, and under it are other nuclear-related organizations. Under this ministry are a number of nuclear-related organizations and research centers, as well as two committees: an Isotope Application Committee and a Nuclear Energy Committee. The MAEI also directs a nuclear research center at Yongbyun, the site of the DPRK's known plutonium facilities. Furthermore, in the 2015 Panel of Experts (POE) report, the POE stated that Ri Je-son, a former director of the GBAE who was designated by the Committee established pursuant to resolution 1718 (2006) in 2009 for engagement in or support for nuclear related programs, was appointed as head of the MAEI on April 9, 2014.
  - b. *AKA:* MAEI
  - c. *Address:* Haeun-2-dong, Pyongchon District, Pyongyang, DPRK
8. MUNITIONS INDUSTRY DEPARTMENT
- a. *Description:* The Munitions Industry Department is involved in key aspects of the DPRK's missile program. MID is responsible for overseeing the development of the DPRK's ballistic missiles, including the Taepo Dong-2. The MID oversees the DPRK's weapons production and R&D programs, including the DPRK's ballistic missile program. The Second Economic Committee and the Second Academy of Natural Sciences — also designated in August 2010 — are subordinate to the MID. The MID in recent years has worked to develop the KN08 road-mobile ICBM.
  - b. *AKA:* Military Supplies Industry Department
  - c. *Location:* Pyongyang, DPRK
9. NATIONAL AEROSPACE DEVELOPMENT ADMINISTRATION
- a. *Description:* NADA is involved in the DPRK's development of space science and technology, including satellite launches and carrier rockets.
  - b. *AKA:* NADA
  - c. *Location:* DPRK

10. OFFICE 39

- a. *Description:* DPRK government entity.
- b. *AKA:* Office #39; AKA: Office No. 39; AKA: Bureau 39; AKA: Central Committee Bureau 39; AKA: Third Floor; AKA: Division 39
- c. *Location:* DPRK

11. RECONNAISSANCE GENERAL BUREAU

- a. *Description:* The Reconnaissance General Bureau is the DPRK's premiere intelligence organization, created in early 2009 by the merger of existing intelligence organizations from the Korean Workers' Party, the Operations Department and Office 35, and the Reconnaissance Bureau of the Korean People's Army. The Reconnaissance General Bureau trades in conventional arms and controls the DPRK conventional arms firm Green Pine Associated Corporation.
- b. *AKA:* Chongch'al Ch'ongguk; KPA Unit 586; RGB
- c. *Location:* Address: Hyongjesan-Guyok, Pyongyang, DPRK; Alternate Address: Nungrado, Pyongyang, DPRK.

12. SECOND ECONOMIC COMMITTEE

- a. *Description:* The Second Economic Committee is involved in key aspects of the DPRK's missile program. The Second Economic Committee is responsible for overseeing the production of the DPRK's ballistic missiles, and directs the activities of KOMID.
- b. *AKA:* N/A
- c. *Location:* Kangdong, DPRK

List Update for Alias: NAMCHONGANG TRADING CORPORATION (KPe.004) —  
New AKA: Namhung Trading Corporation

**Annex III****OMM Vessels**

<i>Ship Name</i>	<i>IMO Number</i>
1. CHOL RYONG (RYONG GUN BONG)	8606173
2. CHONG BONG(GREENLIGHT)(BLUE NOUVELLE)	8909575
3. CHONG RIM 2	8916293
4. DAWNLIGHT	9110236
5. EVER BRIGHT 88 (J STAR)	8914934
6. GOLD STAR 3 (BENEVOLENCE 2)	8405402
7. HOE RYONG	9041552
8. HU CHANG (O UN CHONG NYON)	8330815
9. HUI CHON (HWANG GUM SAN 2)	8405270
10. JH 86	8602531
11. JI HYE SAN (HYOK SIN 2)	8018900
12. JIN Tal	9163154
13. JIN TENG	9163166
14. KANG GYE (PI RYU GANG)	8829593
15. MI RIM	8713471
16. MI RIM 2	9361407
17. O RANG (PO THONG GANG)	8829555
18. ORION STAR (RICHOCÉAN)	9333589
19. RA NAM 2	8625545
20. RANAM 3	9314650
21. RYO MYONG	8987333
22. RYONG RIM (JON JIN 2)	8018912
23. SE PHO (RAK WON 2)	8819017
24. SONGJIN (JANG JA SAN CHONG NYON HO)	8133530
25. SOUTH HILL 2	8412467
26. SOUTH HILL 5	9138680
27. TAN CHON (RYONG GANG 2)	7640378

	<i>Ship Name</i>	<i>IMO Number</i>
28.	THAE PYONG SAN (PETREL 1)	9009085
29.	TONG HUNG SAN (CHONG CHON GANG)	7937317
30.	GRAND KARO	8511823
31.	TONG HUNG 1	8661575

**Annex IV:**

**Luxury Goods**

- (a) Luxury watches: wrist, pocket, and other with a case of precious metal or of metal clad with precious metal
  - (b) Transportation items, as follows:
    - (1) aquatic recreational vehicles (such as personal watercraft)
    - (2) snowmobiles (valued greater than \$2,000)
  - (c) Items of lead crystal
  - (d) Recreational sports equipment
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**Resolution 2321 (2016)**

**Adopted by the Security Council at its 7821st meeting, on  
30 November 2016**

*The Security Council,*

*Recalling* its previous relevant resolutions, including resolution [825 \(1993\)](#), resolution [1540 \(2004\)](#), resolution [1695 \(2006\)](#), resolution [1718 \(2006\)](#), resolution [1874 \(2009\)](#), resolution [1887 \(2009\)](#), resolution [2087 \(2013\)](#), resolution [2094 \(2013\)](#), and resolution [2270 \(2016\)](#), as well as the statements of its President of 6 October 2006 ([S/PRST/2006/41](#)), 13 April 2009 ([S/PRST/2009/7](#)) and 16 April 2012 ([S/PRST/2012/13](#)),

*Reaffirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Expressing* its gravest concern at the nuclear test by the Democratic People's Republic of Korea ("the DPRK") on September 9, 2016 in violation of resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#) and [2270 \(2016\)](#), and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

*Underlining* once again the importance that the DPRK respond to other security and humanitarian concerns of the international community,

*Underlining* also that measures imposed by this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK,

*Expressing* serious concern that the DPRK has continued to violate relevant Security Council resolutions through repeated launches and attempted launches of ballistic missiles, and *noting* that all such ballistic missile activities contribute to the DPRK's development of nuclear weapons delivery systems and increase tension in the region and beyond,

*Expressing* continued concern that the DPRK is abusing the privileges and immunities accorded under the Vienna Conventions on Diplomatic and Consular Relations,





*Expressing* great concern that the DPRK's prohibited arms sales have generated revenues that are diverted to the pursuit of nuclear weapons and ballistic missiles while DPRK citizens have unmet needs,

*Expressing* its gravest concern that the DPRK's ongoing nuclear- and ballistic missile-related activities have further generated increased tension in the region and beyond, and *determining* that there continues to exist a clear threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* in the strongest terms the nuclear test conducted by the DPRK on 9 September 2016 in violation and flagrant disregard of the Security Council's resolutions;

2. *Reaffirms* its decisions that the DPRK shall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation; shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launches; shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities; and shall abandon all other existing weapons of mass destruction and ballistic missile programmes in a complete, verifiable and irreversible manner;

3. *Decides* that the measures specified in paragraph 8 (d) of resolution [1718 \(2006\)](#) shall apply also to the individuals and entities listed in annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and *decides* further that the measures specified in paragraph 8 (e) of resolution [1718 \(2006\)](#) shall also apply to the individuals listed in annex I of this resolution and to individuals acting on their behalf or at their direction;

4. *Decides* that the measures imposed in paragraph 8 (a), 8 (b) and 8 (c) of resolution [1718 \(2006\)](#) shall also apply to the items, materials, equipment, goods and technology listed in annex III of this resolution;

5. *Reaffirms* the measures imposed in paragraph 8 (a) (iii) of resolution [1718 \(2006\)](#) regarding luxury goods, and *clarifies* that the term "luxury goods" includes also, but is not limited to, the items specified in annex IV of this resolution;

6. *Reaffirms* paragraphs 14 through 16 of resolution [1874 \(2009\)](#), and paragraph 8 of resolution [2087 \(2013\)](#), and *decides* that these paragraphs shall apply also with respect to any items the supply, sale or transfer of which is prohibited by this resolution;

7. *Decides* that the measures imposed in paragraphs 8 (a), 8 (b), and 8 (c) of resolution [1718 \(2006\)](#) shall also apply to the items listed in a new conventional arms dual-use list to be adopted by the Committee, *directs* the Committee to adopt this list within 15 days and to report to the Security Council to this effect, and further *decides* that, if the Committee has not acted, then the Security Council will

complete action to adopt the list within seven days of receiving that report, and *directs* the Committee to update this list every 12 months;

8. *Decides* that paragraph 19 of resolution [2270 \(2016\)](#) shall apply with respect to all leasing, chartering or provision of crew services to the DPRK without exception, unless the Committee approves on a case-by-case basis in advance;

9. *Decides* that paragraph 20 of resolution [2270 \(2016\)](#) shall apply to registering vessels in the DPRK, obtaining authorization for a vessel to use the DPRK flag, and owning, leasing, operating, providing any vessel classification, certification or associated service, or insuring any vessel flagged by the DPRK, without exception, unless the Committee approves on a case-by-case basis in advance;

10. *Clarifies* that, for the purposes of implementing paragraph 17 of resolution [2270 \(2016\)](#), specialized teaching and training which could contribute to the DPRK's proliferation sensitive nuclear activities or the development of nuclear weapons delivery systems includes, but is not limited to advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering;

11. *Decides* that all Member States shall suspend scientific and technical cooperation involving persons or groups officially sponsored by or representing the DPRK except for medical exchanges unless:

(a) In the case of scientific or technical cooperation in the fields of nuclear science and technology, aerospace and aeronautical engineering and technology, or advanced manufacturing production techniques and methods, the Committee has determined on a case-by-case basis that a particular activity will not contribute to the DPRK's proliferation sensitive nuclear activities or ballistic missile-related programmes; or

(b) In the case of all other scientific or technical cooperation, the State engaging in scientific or technical cooperation determines that the particular activity will not contribute to the DPRK's proliferation sensitive nuclear activities or ballistic missile-related programmes and notifies the Committee in advance of such determination;

12. *Decides* that the Committee, if it has information that provides reasonable grounds to believe the vessels are or have been related to nuclear- or ballistic missile-related programmes or activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#) or this resolution, may require any or all of the following measures with respect to vessels it designates pursuant to this paragraph: (a) the Flag State of a designated vessel shall de-flag the vessel; (b) the Flag State of a designated vessel shall direct the vessel to a port identified by the Committee, in coordination with the port State; (c) all Member States shall prohibit a designated vessel from entering their ports, unless in case of emergency, in case of return to the vessel's port of origination, or in case of direction by the Committee; (d) a vessel designated by the Committee shall be subject to the asset freeze imposed in paragraph 8 (d) of resolution [1718 \(2006\)](#);

13. *Expresses concern* that the personal luggage and checked baggage of individuals entering into or departing from the DPRK may be used to transport

items the supply, sale or transfer of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or this resolution, and *clarifies* that such luggage and baggage constitute “cargo” for the purposes of implementing paragraph 18 of resolution 2270 (2016);

14. *Calls upon* all Member States to reduce the number of staff at DPRK diplomatic missions and consular posts;

15. *Decides* that all Member States shall take steps to restrict the entry into or transit through their territory of members of the Government of the DPRK, officials of that Government, and members of the DPRK armed forces, if the State determines that such members or officials are associated with the DPRK’s nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), or this resolution;

16. *Decides* that all States shall take steps to limit the number of bank accounts to one per DPRK diplomatic mission and consular post, and one per accredited DPRK diplomat and consular officer, at banks in their territory;

17. *Recalls* that, under the Vienna Convention on Diplomatic Relations of 1961, a diplomatic agent shall not in the receiving State practice for personal profit any professional or commercial activity, and *emphasizes* accordingly that DPRK diplomatic agents are prohibited in the receiving State from such practice of professional or commercial activity;

18. *Decides* that all Member States shall prohibit the DPRK from using real property that it owns or leases in their territory for any purpose other than diplomatic or consular activities;

19. *Recalls* that a Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council, and that the exercise of these rights and privileges may be restored by the Security Council;

20. *Recalls* that paragraph 18 of resolution 2270 (2016) requires all States to inspect the cargo within or transiting through their territory, including their airports, that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK-flagged aircraft, emphasizes that this measure requires States to inspect DPRK-flagged aircraft when they land in or take off from their territory, recalls also that paragraph 31 of resolution 2270 (2016) requires all States to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of aviation fuel, to the territory of the DPRK, and *calls upon* all States to exercise vigilance to ensure that no more fuel is provided to DPRK-flagged civil passenger aircraft than is necessary for the relevant flight, including a standard margin for safety of flight;

21. *Expresses* concern that prohibited items may be transported to and from the DPRK by rail and by road, and *underscores* that the obligation in paragraph 18

of resolution 2270 (2016) to inspect the cargo within or transiting through their territory includes the cargo being transported by rail and by road;

22. *Decides* that all Member States shall prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from providing insurance or re-insurance services to vessels owned, controlled, or operated, including through illicit means, by the DPRK unless the Committee determines on a case-by-case basis that the vessel is engaged in activities exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue or exclusively for humanitarian purposes;

23. *Decides* that all Member States shall prohibit their nationals from procuring vessel and aircraft crewing services from the DPRK;

24. *Decides* that all Member States shall de-register any vessel that is owned, controlled, or operated by the DPRK, and further *decides* that Member States shall not register any such vessel that has been de-registered by another Member State pursuant to this paragraph;

25. *Notes* that, for the purpose of implementing resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and this resolution, the term “transit” includes but is not limited to the travel of individuals through a State’s international airport terminals en route to a destination in another State, regardless of whether such individuals pass through customs or passport control at that airport;

26. *Decides* that paragraph 29 of resolution 2270 (2016) shall be replaced by the following:

“*Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, coal, iron, and iron ore, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK, and *decides* that this provision shall not apply with respect to:

(a) Coal that the procuring State confirms on the basis of credible information has originated outside the DPRK and was transported through the DPRK solely for export from the Port of Rajin (Rason), provided that the State notifies the Committee in advance and such transactions are unrelated to generating revenue for the DPRK’s nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

(b) Total exports to all Member States of coal originating in the DPRK that in the aggregate do not exceed 53,495,894 US dollars or 1,000,866 metric tons, whichever is lower, between the date of adoption of this resolution and 31 December 2016, and total exports to all Member States of coal originating in the DPRK that in the aggregate do not exceed 400,870,018 US dollars or 7,500,000 metric tons per year, whichever is lower, beginning 1 January 2017, provided that the procurements (i) involve no individuals or entities that are associated with the DPRK’s nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or this resolution, including designated individuals

or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions, and (ii) are exclusively for livelihood purposes of DPRK nationals *and* unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or this resolution, and *decides* that each Member State that procures coal from the DPRK shall notify the Committee of the aggregate amount of the volume of such procurement for each month no later than 30 days after the conclusion of that month on the form in annex V to this resolution, *directs* the Committee to make publicly available on its website the volume of procurement of coal from the DPRK reported by Member States and value calculated by the Committee Secretary, as well as the amount reported for each month and with the number of States that reported for each month, *directs* the Committee to update this information on a real-time basis as it receives notifications, *calls upon* all States that import coal from the DPRK to periodically review this website to ensure that they do not exceed the mandatory aggregate annual limit, *directs* the Committee Secretary to notify all Member States when an aggregate value or volume of coal procurements from the DPRK of 75 per cent of the aggregate yearly amount has been reached, also *directs* the Committee Secretary to notify all Member States when an aggregate value or volume of coal procurements from the DPRK of 90 per cent of the aggregate yearly amount has been reached, further *directs* the Committee Secretary to notify all Member States when an aggregate value or volume of coal procurements from the DPRK of 95 per cent of the aggregate yearly amount has been reached and to inform them that they must immediately cease procuring coal from the DPRK for the year, and *requests* the Secretary-General to make the necessary arrangements to this effect and provide additional resources in this regard; and

(c) Transactions in iron and iron ore that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or this resolution.”

27. *Directs* the Panel of Experts, following the end of each month, to determine and transmit to the Committee, in no more than 30 days, an estimate of the average (mean) price in US dollars of coal exported from the DPRK that month based on credible and factually accurate trade data, and *directs* the Committee Secretary to use this average price as the basis to calculate the value of the procurement of coal from the DPRK each month based on the volume reported by States for the purposes of notifying all member states and making publicly available DPRK export levels on the Committee website on a real-time basis as required in paragraph 26 of this resolution;

28. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, copper, nickel, silver and zinc, and that all Member States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK;

29. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, statues, and that all States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, unless the Committee approves on a case-by-case basis in advance;

30. *Decides* that all Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of new helicopters and vessels, except as approved in advance by the Committee on a case-by-case basis;

31. *Decides* that Member States shall take the necessary measures to close existing representative offices, subsidiaries or banking accounts in the DPRK within 90 days, unless the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK or the activities of the United Nations or its specialized agencies or related organizations or any other purpose consistent with the objectives of this resolution;

32. *Decides* that all Member States shall prohibit public and private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade), except as approved in advance by the Committee on a case-by-case basis;

33. *Decides* that, if a Member State determines that an individual is working on behalf of or at the direction of a DPRK bank or financial institution, then Member States shall expel the individual from their territories for the purpose of repatriation to the individual's state of nationality, consistent with applicable national and international law, unless the presence of the individual is required for fulfillment of a judicial process or exclusively for medical, safety or other humanitarian purposes, or the Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), or this resolution;

34. *Expresses* concern that DPRK nationals are sent to work in other States for the purpose of earning hard currency that the DPRK uses for its nuclear and ballistic missile programmes, and *calls upon* States to exercise vigilance over this practice;

35. *Reiterates* its concern that bulk cash may be used to evade measures imposed by the Security Council, and *calls upon* Member States to be alert to this risk;

36. *Calls upon* all Member States to report to the Security Council within 90 days of the adoption of this resolution, and thereafter upon request by the Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, *requests* the Panel of Experts established pursuant to resolution [1874 \(2009\)](#), in cooperation with other UN sanctions monitoring



groups, to continue its efforts to assist Member States in preparing and submitting such reports in a timely manner;

37. *Reaffirms* that Security Council resolution 1540 (2004) obligates all States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials, and *notes* that these obligations are complementary to the obligations in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) to prevent the direct or indirect supply, sale or transfer to the DPRK of items, materials, equipment, goods and technology which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

38. *Calls upon* all Member States to redouble efforts to implement in full the measures in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), and to cooperate with each other in doing so, particularly with respect to inspecting, detecting and seizing items the transfer of which is prohibited by these resolutions;

39. *Decides* that the mandate of the Committee, as set out in paragraph 12 of resolution 1718 (2006), shall apply with respect to the measures imposed in this resolution and *further decides* that the mandate of the Panel of Experts, as specified in paragraph 26 of resolution 1874 (2009) and modified in paragraph 1 of resolution 2276 (2016), shall also apply with respect to the measures imposed in this resolution;

40. *Decides* to authorize all Member States to, and that all Member States shall, seize and dispose (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) of items the supply, sale, transfer, or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or this resolution that are identified in inspections, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972;

41. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

42. *Requests* the Secretary-General to provide additional administrative and analytical support resources needed to increase the capacity of the Panel of Experts

established pursuant to resolution 1874 (2009) and strengthen its ability to analyse the DPRK's sanctions violation and evasion activities, to include additional funding allocated to the procurement of aerial imagery and analysis services, access to relevant trade and international security databases and other information sources, as well as support the resulting increased activities of the Committee by the Secretariat;

43. *Requests* the Panel of Experts to include findings and recommendations in its midterm reports, beginning with the midterm report due to be submitted to the Committee by no later than 5 August 2017;

44. *Directs* the Committee, with the assistance of its Panel of Experts, to hold special meetings on important thematic and regional topics and Member States' capacity challenges, to identify, prioritize, and mobilize resources to areas that would benefit from technical and capacity-building assistance to enable more effective implementation by Member States;

45. *Reiterates* its deep concern at the grave hardship that the people in the DPRK are subjected to, *condemns* the DPRK for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people while people in the DPRK have great unmet needs, and *emphasizes* the necessity of the DPRK respecting and ensuring the welfare and inherent dignity of people in the DPRK;

46. *Reaffirms* that the measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively those activities, including economic activities and cooperation, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and this resolution, and the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK, and *decides* that the Committee may, on a case-by-case basis, exempt any activity from the measures imposed by these resolutions if the Committee determines that such an exemption is necessary to facilitate the work of such organizations in the DPRK or for any other purpose consistent with the objectives of these resolutions;

47. *Reaffirms* its support to the Six Party Talks, *calls* for their resumption, and *reiterates* its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to respect each other's sovereignty and exist peacefully together, and that the Six Parties undertook to promote economic cooperation, and all other relevant commitments;

48. *Reiterates* the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, and *expresses* its commitment to a peaceful, diplomatic and political solution to the situation and welcomes efforts by Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and stresses the importance of working to reduce tensions in the Korean Peninsula and beyond;



49. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take further significant measures in the event of a further DPRK nuclear test or launch;

50. *Decides* to remain seized of the matter.

**Annex I****Travel Ban/Asset Freeze (Individuals)**

1. PAK CHUN IL
  - a. *Description:* Pak Chun Il has served as the DPRK Ambassador to Egypt and provides support to KOMID.
  - b. *AKA:* n/a
  - c. *Identifiers:* DOB: 28 July 1954; Nationality: DPRK; Passport: 563410091
2. KIM SONG CHOL
  - a. *Description:* Kim Song Chol is a KOMID official that has conducted business in Sudan on behalf of KOMID's interests.
  - b. *AKA:* Kim Hak Song
  - c. *Identifiers:* DOB: 26 March 1968, alt. DOB: 15 October 1970; Nationality: DPRK; Passport: 381420565, alt. Passport: 654120219
3. SON JONG HYOK
  - a. *Description:* Son Jong Hyok is a KOMID official that has conducted business in Sudan on behalf of KOMID's interests.
  - b. *AKA:* Son Min
  - c. *Identifiers:* DOB: 20 May 1980; Nationality: DPRK
4. KIM SE GON
  - a. *Description:* Kim Se Gon works on behalf of the Ministry of Atomic Energy Industry.
  - b. *AKA:* n/a
  - c. *Identifiers:* DOB: 13 November 1969; Passport: PD472310104; Nationality: DPRK
5. RI WON HO
  - a. *Description:* Ri Won Ho is a DPRK Ministry of State Security Official stationed in Syria supporting KOMID.
  - b. *AKA:* n/a
  - c. *Identifiers:* DOB: 17 July 1964; Passport: 381310014, Nationality: DPRK
6. JO YONG CHOL
  - a. *Description:* Jo Yong Chol is a DPRK Ministry of State Security Official stationed in Syria supporting KOMID.
  - b. *AKA:* Cho Yong Chol
  - c. *Identifiers:* DOB: 30 September 1973, Nationality: DPRK

7. KIM CHOL SAM

- a. *Description:* Kim Chol Sam is a representative for Daedong Credit Bank (DCB) who has been involved in managing transactions on behalf of DCB Finance Limited. As an overseas-based representative of DCB, it is suspected that Kim Chol Sam has facilitated transactions worth hundreds of thousands of dollars and likely managed millions of dollars in DPRK related accounts with potential links to nuclear/missile programmes.
- b. *AKA:* n/a
- c. *Identifiers:* DOB: 11 March 1971; Nationality: DPRK

8. KIM SOK CHOL

- a. *Description:* Kim Sok Chol acted as the DPRK Ambassador to Myanmar and he operates as a KOMID facilitator. He was paid by KOMID for his assistance and arranges meetings on behalf of KOMID, including a meeting between KOMID and Myanmar's defense related persons to discuss financial matters.
- b. *AKA:* n/a
- c. *Identifiers:* DOB: 8 May 1955; Passport 472310082; Nationality: DPRK

9. CHANG CHANG HA

- a. *Description:* Chang Chang Ha is the President of the Second Academy of Natural Sciences (SANS).
- b. *AKA:* Jang Chang Ha
- c. *Identifiers:* DOB: 10 January 1964; Nationality: DPRK

10. CHO CHUN RYONG

- a. *Description:* Cho Chun Ryong is the Chairman of the Second Economic Committee (SEC).
- b. *AKA:* Jo Chun Ryong
- c. *Identifiers:* DOB: 4 April 1960; Nationality: DPRK

11. SON MUN SAN

- a. *Description:* Son Mun San is the Director-General of the External Affairs Bureau of the General Bureau of Atomic Energy (GBAE).
- b. *AKA:* n/a
- c. *Identifiers:* DOB: 23 January 1951; Nationality: DPRK

## Annex II

### Asset Freeze (Entities)

1. KOREA UNITED DEVELOPMENT BANK
  - a. *Description:* Korea United Development Bank operates in the financial services industry of the DPRK economy.
  - b. *Location:* Pyongyang, North Korea; SWIFT/BIC: KUDBKPPY
2. ILSIM INTERNATIONAL BANK
  - a. *Description:* Ilsim International Bank is affiliated with the DPRK military and has a close relationship with Korea Kwangson Banking Corporation (KKBC). Ilsim International Bank has attempted to evade United Nations sanctions.
  - b. *AKA:* n/a
  - c. *Location:* Pyongyang, DPRK; SWIFT: ILSIKPPY
3. KOREA DAESONG BANK
  - a. *Description:* Daesong Bank is owned and controlled by Office 39 of the Korea Workers' Party.
  - b. *AKA:* Choson Taesong Unhaeng; AKA: Taesong Bank
  - c. *Location:* Segori-dong, Gyongheung St. Potonggang District, Pyongyang, DPRK; SWIFT/BIC: KDBKKPPY
4. SINGWANG ECONOMICS AND TRADING GENERAL CORPORATION
  - a. *Description:* Singwang Economics and Trading General Corporation is a DPRK firm for trading in coal. DPRK generates a significant share of the money for its nuclear and ballistic missile programmes by mining natural resources and selling those resources abroad.
  - b. *AKA:* n/a
  - c. *Location:* DPRK
5. KOREA FOREIGN TECHNICAL TRADE CENTER
  - a. *Description:* Korea Foreign Technical Trade Center is a DPRK firm trading in coal. DPRK generates a significant share of the funds needed to finance its nuclear and ballistic missile programmes by mining natural resources and selling those resources abroad.
  - b. *AKA:* n/a
  - c. *Location:* DPRK

6. KOREA PUGANG TRADING CORPORATION

- a. *Description:* Korea Pugang Trading Corporation is owned by the Korea Ryonbong General Corporation, DPRK's defense conglomerate specializing in acquisition for DPRK defense industries and support to Pyongyang's military related sales.
- b. *AKA:* n/a
- c. *Location:* Rakwon-dong, Pothonggang District, Pyongyang, DPRK

7. KOREA INTERNATIONAL CHEMICAL JOINT VENTURE COMPANY

- a. *Description:* Korea International Chemical Joint Venture Company is a subsidiary of Korea Ryonbong General Corporation — DPRK's defense conglomerate specializing in acquisition for DPRK defense industries and support to Pyongyang's military related sales — and has engaged in proliferation-related transactions.
- b. *AKA:* Choson International Chemicals Joint Operation Company; *AKA:* Choson International Chemicals Joint Operation Company; *AKA:* International Chemical Joint Venture Company
- c. *Location:* Hamhung, South Hamgyong Province, DPRK; *Location:* Mangyongdae-kuyok, Pyongyang, DPRK; *Location:* Mangyungdae-gu, Pyongyang, DPRK

8. DCB FINANCE LIMITED

- a. *Description:* DCB Finance Limited is a front company for Daedong Credit Bank (DCB), a listed entity.
- b. *AKA:* n/a
- c. *Locations:* Akara Building, 24 de Castro Street, Wickhams Cay I, Road Town, Tortola, British Virgin Islands; Dalian, China

9. KOREA TAESONG TRADING COMPANY

- a. *Description:* Korea Taesong Trading Company has acted on behalf of KOMID in dealings with Syria.
- b. *AKA:* n/a
- c. *Location:* Pyongyang, DPRK

10. KOREA DAESONG GENERAL TRADING CORPORATION

- a. *Description:* Korea Daesong General Trading Corporation is affiliated with Office 39 through minerals (gold) exports, metals, machinery, agricultural products, ginseng, jewelry, and light industry products.
- b. *AKA:* Daesong Trading; Daesong Trading Company; Korea Daesong Trading Company; Korea Daesong Trading Corporation
- c. *Location:* Pulgan Gori Dong 1, Potonggang District, Pyongyang City, DPRK

## Annex III

### Items, Materials, Equipment, Goods and Technology

#### Nuclear- and/or Missile-usable Items

1. Isocyanates (TDI (Toluene di-isocyanate), MDI (Methylene bis (phenyl isocyanate)), IPDI (Isophorone diisocyanate), HNMDI or HDI (Hexamethylene diisocyanate), and DDI (dimeryl diisocyanate) and production equipment.
2. Ammonium nitrate, chemically pure or in phase stabilized version (PSAN).
3. Non-destructive test chambers with a 1m or more critical internal dimension.
4. Turbo-pumps for liquid or hybrid rocket engines.
5. Polymeric Substances (Hydroxyl Terminated Poly-Ether (HTPE), Hydroxyl Terminated Caprolactone Ether (HTCE), Polypropylene glycol (PPG), Polydiethyleneglycol adipate (PGA) and Polyethylene Glycol (PEG)).
6. Inertial equipment for any application, particularly for civilian aircraft, satellite, geophysical survey applications and their associated test equipment.
7. Countermeasure Subsystems and Penetration Aids (e.g. jammers, chaff, decoys) designed to saturate, confuse, or evade missile defences.
8. Manganese metal Brazing Foils.
9. Hydroforming machines.
10. Thermal treatment furnaces — Temperature >850 degrees C and one dimension >1m.
11. Electrical Discharge Machines (EDMs).
12. Friction stir welding machines.
13. Modelling and design software related to the modelling of aerodynamic and thermodynamic analysis of rocket or unmanned aerial vehicle systems.
14. High-speed imaging cameras except those used in medical imaging systems.
15. Truck chassis with 6 or more axles.

#### Chemical/Biological Weapons-usable Items

1. Floor-mounted fume hoods (walk-in style) with a minimum nominal width of 2.5 meters.
2. Batch centrifuges with a rotor capacity of 4 L or greater, usable with biological materials.
3. Fermenters with an internal volume of 10-20 L (.01-.02 cubic meters), usable with biological materials.

## **Annex IV**

### **Luxury Goods**

- (1) Rugs and tapestries (valued greater than \$500)
- (2) Tableware of porcelain or bone china (valued greater than \$100)

**Annex V**

**Standard Form for Notification of Import of Coal**  
**From the Democratic People's Republic of Korea (DPRK)**  
pursuant to paragraph 26 (b) of resolution [2321 \(2016\)](#)

*This form notifies the UN Security Council 1718 Committee of the procurement of coal from the Democratic People's Republic of Korea (DPRK) in keeping with the relevant provisions of resolution [2321 \(2016\)](#).*

Procuring State:

Month:

Year:

Coal imported from DPRK, in metric tons:

Coal imported from DPRK, in US dollars (optional):

Additional information (optional):

Signature/seal:

Date:

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**Resolution 2371 (2017)****Adopted by the Security Council at its 8019th meeting, on  
5 August 2017**

*The Security Council,*

*Recalling* its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), resolution 2087 (2013), resolution 2094 (2013), resolution 2270 (2016), resolution 2321 (2016), and resolution 2356 (2017), as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7) and 16 April 2012 (S/PRST/2012/13),

*Reaffirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Expressing* its gravest concern at the July 3 and July 28 of 2017 ballistic missile tests by the Democratic People's Republic of Korea ("the DPRK"), which the DPRK has stated were tests of intercontinental ballistic missiles, in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), and 2356 (2017), and at the challenge such tests constitute to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger they pose to peace and stability in the region and beyond,

*Underlining* once again the importance that the DPRK respond to other security and humanitarian concerns of the international community,

*Underlining* also that measures imposed by this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK,

*Expressing* serious concern that the DPRK has continued to violate relevant Security Council resolutions through repeated launches and attempted launches of ballistic missiles, and *noting* that all such ballistic missile activities contribute to the DPRK's development of nuclear weapons delivery systems and increase tension in the region and beyond,

*Expressing* continued concern that the DPRK is abusing the privileges and immunities accorded under the Vienna Conventions on Diplomatic and Consular Relations,



*Expressing* great concern that the DPRK's prohibited arms sales have generated revenues that are diverted to the pursuit of nuclear weapons and ballistic missiles while DPRK citizens have unmet needs,

*Expressing* its gravest concern that the DPRK's ongoing nuclear- and ballistic missile-related activities have further generated increased tension in the region and beyond, and *determining* that there continues to exist a clear threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* in the strongest terms the ballistic missile launches conducted by the DPRK on 3 July and 28 July of 2017, which the DPRK has stated were launches of intercontinental ballistic missiles, and which used ballistic missile technology in violation and flagrant disregard of the Security Council's resolutions;

2. *Reaffirms* its decisions that the DPRK shall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation; shall suspend all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on missile launches; shall abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, and immediately cease all related activities; and shall abandon any other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner;

### **Designations**

3. *Decides* that the measures specified in paragraph 8 (d) of resolution [1718 \(2006\)](#) shall apply also to the individuals and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and *decides* further that the measures specified in paragraph 8 (e) of resolution [1718 \(2006\)](#) shall also apply to the individuals listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

4. *Decides* to adjust the measures imposed by paragraph 8 of resolution [1718 \(2006\)](#) and this resolution through the designation of additional goods, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution, and *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report;

5. *Decides* to adjust the measures imposed by paragraph 7 of resolution [2321 \(2016\)](#) through the designation of additional conventional arms-related items, materials, equipment, goods, and technology, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within thirty days of adoption of this resolution, *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and *directs* the Committee to update this list every 12 months;

### **Transportation**

6. *Decides* that the Committee may designate vessels for which it has information indicating they are, or have been, related to activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), or this resolution and all Member States shall prohibit the entry into their ports of such designated vessels, unless entry is required in the case

of emergency or in the case of return to its port of origination, or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), or this resolution;

7. *Clarifies* that the measures set forth in paragraph 20 of resolution 2270 (2016) and paragraph 9 of resolution 2321 (2016), requiring States to prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from owning, leasing, operating any vessel flagged by the DPRK, without exception, unless the Committee approves on a case-by-case basis in advance, apply to chartering vessels flagged by the DPRK;

### **Sectoral**

8. *Decides* that paragraph 26 of resolution 2321 (2016) shall be replaced by the following:

“*Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, coal, iron, and iron ore, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK, *decides* that for sales and transactions of iron and iron ore for which written contracts have been finalized prior to the adoption of this resolution, all States may allow those shipments to be imported into their territories up to 30 days from the date of adoption of this resolution with notification provided to the Committee containing details on those imports by no later than 45 days after the date of adoption of this resolution, and *decides* further that this provision shall not apply with respect to coal that the exporting State confirms on the basis of credible information has originated outside the DPRK and was transported through the DPRK solely for export from the Port of Rajin (Rason), provided that the exporting State notifies the Committee in advance and such transactions involving coal originating outside of the DPRK are unrelated to generating revenue for the DPRK’s nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), or this resolution;”

9. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, seafood (including fish, crustaceans, mollusks, and other aquatic invertebrates in all forms), and that all States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, and further *decides* that for sales and transactions of seafood (including fish, crustaceans, mollusks, and other aquatic invertebrates in all forms) for which written contracts have been finalized prior to the adoption of this resolution, all States may allow those shipments to be imported into their territories up to 30 days from the date of adoption of this resolution with notification provided to the Committee containing details on those imports by no later than 45 days after the date of adoption of this resolution;

10. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, lead and lead ore, and that all States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, and further *decides* that for sales and

transactions of lead and lead ore for which written contracts have been finalized prior to the adoption of this resolution, all States may allow those shipments to be imported into their territories up to 30 days from the date of adoption of this resolution with notification provided to the Committee containing details on those imports by no later than 45 days after the date of adoption of this resolution;

11. *Expresses concern* that DPRK nationals frequently work in other States for the purpose of generating foreign export earnings that the DPRK uses to support its prohibited nuclear and ballistic missile programs, *decides* that all Member States shall not exceed on any date after the date of adoption of this resolution the total number of work authorizations for DPRK nationals provided in their jurisdictions at the time of the adoption of this resolution unless the Committee approves on a case-by-case basis in advance that employment of additional DPRK nationals beyond the number of work authorizations provided in a member state's jurisdiction at the time of the adoption of this resolution is required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), or this resolution;

### **Financial**

12. *Decides* that States shall prohibit, by their nationals or in their territories, the opening of new joint ventures or cooperative entities with DPRK entities or individuals, or the expansion of existing joint ventures through additional investments, whether or not acting for or on behalf of the government of the DPRK, unless such joint ventures or cooperative entities have been approved by the Committee in advance on a case-by-case basis;

13. *Clarifies* that the prohibitions contained in paragraph 11 of resolution [2094 \(2013\)](#) apply to clearing of funds through all Member States' territories;

14. *Clarifies* that companies performing financial services commensurate with those provided by banks are considered financial institutions for the purposes of implementing paragraph 11 of resolution [2094 \(2013\)](#), paragraphs 33 and 34 of resolution [2270 \(2016\)](#), and paragraph 33 of resolution [2321 \(2016\)](#);

### **Chemical Weapons**

15. *Recalls* paragraph 24 of resolution [2270 \(2016\)](#), *decides* that the DPRK shall not deploy or use chemical weapons, and *urgently calls upon* the DPRK to accede to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, and then to immediately comply with its provisions;

### **Vienna Convention**

16. *Demands* that the DPRK fully comply with its obligations under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations;

### **Impact on the People of the DPRK**

17. *Regrets* the DPRK's massive diversion of its scarce resources toward its development of nuclear weapons and a number of expensive ballistic missile programs, *notes* the findings of the United Nations Office for the Coordination of Humanitarian Assistance that well over half of the people in the DPRK suffer from major insecurities in food and medical care, including a very large number of pregnant and lactating women and under-five children who are at risk of

malnutrition and nearly a quarter of its total population suffering from chronic malnutrition, and, in this context, *expresses* deep concern at the grave hardship to which the people in the DPRK are subjected;

### **Sanctions Implementation**

18. *Decides* that Member States shall report to the Security Council within ninety days of the adoption of this resolution, and thereafter upon request by the Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, *requests* the Panel of Experts, in cooperation with other United Nations sanctions monitoring groups, to continue its efforts to assist Member States in preparing and submitting such reports in a timely manner;

19. *Calls upon* all Member States to redouble efforts to implement in full the measures in resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), and [2356 \(2017\)](#), and to cooperate with each other in doing so, particularly with respect to inspecting, detecting and seizing items the transfer of which is prohibited by these resolutions;

20. *Decides* that the mandate of the Committee, as set out in paragraph 12 of resolution [1718 \(2006\)](#), shall apply with respect to the measures imposed in this resolution and *further decides* that the mandate of the Panel of Experts, as specified in paragraph 26 of resolution [1874 \(2009\)](#) and modified in paragraph 1 of resolution [2345 \(2017\)](#), shall also apply with respect to the measures imposed in this resolution;

21. *Decides* to authorize all Member States to, and that all Member States shall, seize and dispose (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) of items the supply, sale, transfer, or export of which is prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), or this resolution that are identified in inspections, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution [1540 \(2004\)](#), as well as any obligations of parties to the NPT, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972;

22. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

23. *Requests* that Interpol issue Special Notices with respect to designated individuals, and *directs* the Committee to work with Interpol to develop the appropriate arrangements to do so;

24. *Requests* the Secretary-General to provide additional analytical resources needed to the Panel of Experts established pursuant to resolution [1874 \(2009\)](#) to strengthen its ability to analyze the DPRK's sanctions violation and evasion activities;

**Political**

25. *Reiterates* its deep concern at the grave hardship that the people in the DPRK are subjected to, *condemns* the DPRK for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people while people in the DPRK have great unmet needs, and *emphasizes* the necessity of the DPRK respecting and ensuring the welfare and inherent dignity of people in the DPRK;

26. *Reaffirms* that the measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), and this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017) and this resolution, and the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK and *decides* that the Committee may, on a case-by-case basis, exempt any activity from the measures imposed by these resolutions if the committee determines that such an exemption is necessary to facilitate the work of such organizations in the DPRK or for any other purpose consistent with the objectives of these resolutions, and *further decides* that the measures specified in paragraph 8 (d) of resolution 1718 (2006) shall not apply with respect to financial transactions with the DPRK Foreign Trade Bank or the Korea National Insurance Corporation if such transactions are solely for the operation of diplomatic or consular missions in the DPRK or humanitarian assistance activities that are undertaken by, or in coordination with, the United Nations;

27. *Reaffirms* its support for the Six Party Talks, *calls* for their resumption, and *reiterates* its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to respect each other's sovereignty and exist peacefully together, that the Six Parties undertook to promote economic cooperation, and all other relevant commitments;

28. *Reiterates* the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, and *expresses* its commitment to a peaceful, diplomatic, and political solution to the situation and welcomes efforts by the Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and stresses the importance of working to reduce tensions in the Korean Peninsula and beyond;

29. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take further significant measures in the event of a further DPRK nuclear test or launch;

30. *Decides* to remain seized of the matter.

## Annex I

**Travel Ban/Asset Freeze (Individuals)**

1. CHOE CHUN YONG
  - a. *Description*: Representative for Ilsim International Bank, which is affiliated with the DPRK military and has a close relationship with the Korea Kwangson Banking Corporation. Ilsim International Bank has attempted to evade United Nations sanctions.
  - b. *A.K.A.*: Ch'oe Ch'un-yo'ng
  - c. *Identifiers*: Nationality: DPRK; Passport no.: 654410078; Gender: male
2. HAN JANG SU
  - a. *Description*: Chief Representative of the Foreign Trade Bank.
  - b. *A.K.A.*: Chang-Su Han
  - c. *Identifiers*: DOB: November 08, 1969; POB: Pyongyang, DPRK; Nationality: DPRK; Passport no.: 745420176, expires on October 19, 2020; Gender: male
3. JANG SONG CHOL
  - a. *Description*: Jang Song Chol is a Korea Mining Development Corporation (KOMID) representative overseas.
  - b. *AKA*: n/a
  - c. *Identifiers*: DOB: 12 March 1967; Nationality: DPRK
4. JANG SUNG NAM
  - a. *Description*: Chief of an overseas Tangun Trading Corporation branch, which is primarily responsible for the procurement of commodities and technologies to support the DPRK's defense research and development programs.
  - b. *A.K.A.*: n/a
  - c. *Identifiers*: DOB: July 14, 1970; Nationality: DPRK; Passport no.: 563120368, issued on March 22, 2013; Passport expiration date: March 22, 2018; Gender: male
5. JO CHOL SONG
  - a. *Description*: Deputy Representative for the Korea Kwangson Banking Corporation, which provides financial services in support to Tanchon Commercial Bank and Korea Hyoksin Trading, a subordinate entity of Korea Ryonbong General Corporation.
  - b. *A.K.A.*: Cho Ch'o'l-so'ng
  - c. *Identifiers*: DOB: September 25, 1984; Nationality: DPRK; Passport no.: 654320502, expires on September 16, 2019; Gender: male
6. KANG CHOL SU
  - a. *Description*: Official for Korea Ryonbong General Corporation, which specializes in acquisition for the DPRK's defense industries and support for the DPRK's military-related overseas sales. Its procurements also likely support the DPRK's chemical weapons program.

- b. *A.K.A.*: n/a
  - c. *Identifiers*: DOB: February 13, 1969; Nationality: DPRK; Passport no.: 472234895
7. KIM MUN CHOL
- a. *Description*: Representative for Korea United Development Bank.
  - b. *A.K.A.*: Kim Mun-ch'o'l
  - c. *Identifiers*: DOB: March 25, 1957; Nationality: DPRK
8. KIM NAM UNG
- a. *Description*: Representative for Ilsim International Bank, which is affiliated with the DPRK military and has a close relationship with the Korea Kwangson Banking Corporation. Ilsim International Bank has attempted to evade United Nations sanctions.
  - b. *A.K.A.*: n/a
  - c. *Identifiers*: Nationality: DPRK; Passport no.: 654110043
9. PAK IL KYU
- a. *Description*: Official for Korea Ryonbong General Corporation, which specializes in acquisition for DPRK's defense industries and support to Pyongyang's military-related sales. Its procurements also likely support the DPRK's chemical weapons program.
  - b. *A.K.A.*: Pak Il-Gyu
  - c. *Identifiers*: Nationality: DPRK; Passport no.: 563120235; Gender: male

List Update for Aliases:

- JANG BOM SU (KPi.016) — *New AKA*: Jang Hyon U with date of birth 22 February 1958 and diplomatic passport number 836110034, which expires on 1 January 2020.
- JON MYONG GUK (KPi.018) — *New AKA*: Jon Yong Sang with date of birth 25 August 1976 and diplomatic passport number 836110035, which expires on 1 January 2020.



## Annex II

### Asset Freeze (Entities)

1. FOREIGN TRADE BANK (FTB)
    - a. *Description:* Foreign Trade Bank is a state-owned bank and acts as the DPRK's primary foreign exchange bank and has provided key financial support to the Korea Kwangson Banking Corporation.
    - b. *AKA:* n/a
    - c. *Location:* FTB Building, Jungsong-dong, Central District, Pyongyang, DPRK
  2. KOREAN NATIONAL INSURANCE COMPANY (KNIC)
    - a. *Description:* The Korean National Insurance Company is a DPRK financial and insurance company and is affiliated with Office 39.
    - b. *AKA:* Korea Foreign Insurance Company
    - c. *Location:* Central District, Pyongyang, DPRK
  3. KORYO CREDIT DEVELOPMENT BANK
    - a. *Description:* Koryo Credit Development Bank operates in the financial services industry in the DPRK's economy.
    - b. *AKA:* Daesong Credit Development Bank; Koryo Global Credit Bank; Koryo Global Trust Bank
    - c. *Location:* Pyongyang, DPRK
  4. MANSUDAE OVERSEAS PROJECT GROUP OF COMPANIES
    - a. *Description:* Mansudae Overseas Project Group of Companies engaged in, facilitated, or was responsible for the exportation of workers from the DPRK to other nations for construction-related activities including for statues and monuments to generate revenue for the Government of the DPRK or the Workers' Party of Korea. The Mansudae Overseas Project Group of Companies has been reported to conduct business in countries in Africa and Southeast Asia including Algeria, Angola, Botswana, Benin, Cambodia, Chad, the Democratic Republic of the Congo, Equatorial Guinea, Malaysia, Mozambique, Madagascar, Namibia, Syria, Togo, and Zimbabwe.
    - b. *AKA:* Mansudae Art Studio
    - c. *Location:* Pyongyang, DPRK
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**Resolution 2375 (2017)****Adopted by the Security Council at its 8042nd meeting, on  
11 September 2017**

*The Security Council,*

*Recalling* its previous relevant resolutions, including resolution 825 (1993), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), resolution 2087 (2013), resolution 2094 (2013), resolution 2270 (2016), resolution 2321 (2016), resolution 2356 (2017), resolution 2371 (2017) as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7), 16 April 2012 (S/PRST/2012/13), and 29 August 2017 (S/PRST/2017/16),

*Reaffirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Expressing* its gravest concern at the nuclear test by the Democratic People's Republic of Korea ("the DPRK") on September 2, 2017 in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), and 2371 (2017) and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

*Underlining* once again the importance that the DPRK respond to other security and humanitarian concerns of the international community and *expressing* great concern that the DPRK continues to develop nuclear weapons and ballistic missiles by diverting critically needed resources away from the people in the DPRK who have great unmet needs,

*Expressing* its gravest concern that the DPRK's ongoing nuclear- and ballistic missile-related activities have destabilized the region and beyond, and *determining* that there continues to exist a clear threat to international peace and security,

*Underscoring* its concern that developments on the Korean Peninsula could have dangerous, large-scale regional security implications,

*Underscoring* its commitment to the sovereignty, territorial integrity, and political independence of all States in accordance with the Charter, and *recalling* the purposes and principles of the Charter of the United Nations,



*Expressing* also its desire for a peaceful and diplomatic solution to the situation, and *reiterating* its welcoming of efforts by Council members as well as other Member States to facilitate a peaceful and comprehensive solution through dialogue,

*Underlining* the need to ensure international peace and security, and ensure lasting stability in north-east Asia at large and to resolve the situation through peaceful, diplomatic and political means,

*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* in the strongest terms the nuclear test conducted by the DPRK on September 2 of 2017 in violation and flagrant disregard of the Security Council's resolutions;

2. *Reaffirms* its decisions that the DPRK shall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation; shall immediately suspend all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on all missile launches; shall immediately abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, and immediately cease all related activities; and shall abandon any other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner;

### **Designations**

3. *Decides* that the measures specified in paragraph 8 (d) of resolution [1718 \(2006\)](#) shall apply also to the individual and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and *decides* further that the measures specified in paragraph 8 (e) of resolution [1718 \(2006\)](#) shall also apply to the individual listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

4. *Decides* to adjust the measures imposed by paragraph 8 of resolution [1718 \(2006\)](#) through the designation of additional WMD-related dual-use items, materials, equipment, goods, and technology, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution, and *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and *directs* the Committee to regularly update this list every twelve months;

5. *Decides* to adjust the measures imposed by paragraph 8 (a), 8 (b) and 8 (c) of resolution [1718 \(2006\)](#) through the designation of additional conventional arms-related items, materials, equipment, goods, and technology, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution, and *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report, and *directs* the Committee to regularly update this list every twelve months;

6. *Decides* to apply the measures imposed by paragraph 6 of resolution [2371 \(2016\)](#) on vessels transporting prohibited items from the DPRK, *directs* the Committee to designate these vessels and to report to the Security Council within fifteen days of adoption of this resolution, *further decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures

within seven days of receiving that report, and *directs* the Committee to regularly update this list when it is informed of additional violations;

### **Maritime Interdiction of Cargo Vessels**

7. *Calls upon* all Member States to inspect vessels with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) or this resolution, for the purpose of ensuring strict implementation of those provisions;

8. *Calls upon* all States to cooperate with inspections pursuant to paragraph 7 above, and, if the flag State does not consent to inspection on the high seas, *decides* that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 18 of resolution 2270 (2016), and *decides further* that, if a flag State neither consents to inspection on the high seas nor directs the vessel to proceed to an appropriate and convenient port for the required inspection, or if the vessel refuses to comply with flag State direction to permit inspection on the high seas or to proceed to such a port, then the Committee shall consider designating the vessel for the measures imposed in paragraph 8 (d) of resolution 1718 (2006) and paragraph 12 of resolution 2321 (2016) and the flag State shall immediately deregister that vessel provided that such designation has been made by the Committee;

9. *Requires* any Member State, when it does not receive the cooperation of a flag State of a vessel pursuant to paragraph 8 above, to submit promptly to the Committee a report containing relevant details regarding the incident, the vessel and the flag State, and *requests* the Committee to release on a regular basis information regarding these vessels and flag States involved;

10. *Affirms* that paragraph 7 contemplates only inspections carried out by warships and other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect, and *underscores* that it does not apply with respect to inspection of vessels entitled to sovereign immunity under international law;

11. *Decides* that all Member States shall prohibit their nationals, persons subject to their jurisdiction, entities incorporated in their territory or subject to their jurisdiction, and vessels flying their flag, from facilitating or engaging in ship-to-ship transfers to or from DPRK-flagged vessels of any goods or items that are being supplied, sold, or transferred to or from the DPRK;

12. *Affirms* that paragraphs 7, 8 and 9 apply only with respect to the situation in the DPRK and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under the United Nations Convention on the Law of the Sea of 10 December 1982, with respect to any other situation and *underscores* in particular that this resolution shall not be considered as establishing customary international law;

### **Sectoral**

13. *Decides* that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their

territories, of all condensates and natural gas liquids, and *decides* that the DPRK shall not procure such materials;

14. *Decides* that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of all refined petroleum products, *decides* that the DPRK shall not procure such products, *decides* that this provision shall not apply with respect to procurement by the DPRK or the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of refined petroleum products in the amount of up to 500,000 barrels during an initial period of three months beginning on 1 October 2017 and ending on 31 December 2017, and refined petroleum products in the amount of up to 2,000,000 barrels per year during a period of twelve months beginning on 1 January 2018 and annually thereafter, provided that (a) the Member State notifies the Committee every thirty days of the amount of such supply, sale, or transfer to the DPRK of refined petroleum products along with information about all the parties to the transaction, (b) the supply, sale, or transfer of refined petroleum products involve no individuals or entities that are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#) or this resolution, including designated individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions, and (c) the supply, sale, or transfer of refined petroleum products are exclusively for livelihood purposes of DPRK nationals and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#) or this resolution, *directs* the Committee Secretary to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 75 per cent of the aggregate amount for the period between 1 October 2017 and 31 December 2017 has been reached, and again notify all Member States when 90 percent and 95 percent of such aggregate amount has been reached, *directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 75 per cent of the aggregate yearly amounts have been reached, also *directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 90 per cent of the aggregate yearly amounts have been reached, and *further directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 95 per cent of the aggregate yearly amounts have been reached and to inform them that they must immediately cease selling, supplying, or transferring refined petroleum products to the DPRK for the remainder of the year, *directs* the Committee to make publicly available on its website the total amount of refined petroleum products sold, supplied, or transferred to the DPRK by month and by source country, *directs* the Committee to update this information on a real-time basis as it receives notifications from Member States, *calls upon* all Member States to regularly review this website to comply with the annual limits for refined petroleum products established by this provision, *directs* the Panel of Experts to closely monitor the implementation efforts of all Member States to provide assistance and ensure full and global compliance, and *requests* the Secretary-

General to make the necessary arrangements to this effect and provide additional resources in this regard;

15. *Decides* that all Member States shall not supply, sell, or transfer to the DPRK in any period of twelve months after the date of adoption of this resolution an amount of crude oil that is in excess of the amount that the Member State supplied, sold or transferred in the period of twelve months prior to adoption of this resolution, unless the Committee approves in advance on a case-by-case basis a shipment of crude oil is exclusively for livelihood purposes of DPRK nationals and unrelated to the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#) or this resolution;

16. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, textiles (including but not limited to fabrics and partially or fully completed apparel products), and that all States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, unless the Committee approves on a case-by-case basis in advance, and further *decides* that for such sales, supplies, and transfers of textiles (including but not limited to fabrics and partially or fully completed apparel products) for which written contracts have been finalized prior to the adoption of this resolution, all States may allow those shipments to be imported into their territories up to 90 days from the date of adoption of this resolution with notification provided to the Committee containing details on those imports by no later than 135 days after the date of adoption of this resolution;

17. *Decides* that all Member States shall not provide work authorizations for DPRK nationals in their jurisdictions in connection with admission to their territories unless the Committee determines on a case-by-case basis in advance that employment of DPRK nationals in a member state's jurisdiction is required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), or this resolution, and *decides* that this provision shall not apply with respect to work authorizations for which written contracts have been finalized prior to the adoption of this resolution;

### **Joint Ventures**

18. *Decides* that States shall prohibit, by their nationals or in their territories, the opening, maintenance, and operation of all joint ventures or cooperative entities, new and existing, with DPRK entities or individuals, whether or not acting for or on behalf of the government of the DPRK, unless such joint ventures or cooperative entities, in particular those that are non-commercial, public utility infrastructure projects not generating profit, have been approved by the Committee in advance on a case-by-case basis, *further decides* that States shall close any such existing joint venture or cooperative entity within 120 days of the adoption of this resolution if such joint venture or cooperative entity has not been approved by the Committee on a case-by-case basis, and States shall close any such existing joint venture or cooperative entity within 120 days after the Committee has denied a request for approval, and *decides* that this provision shall not apply with respect to existing China-DPRK hydroelectric power infrastructure projects and the Russia-DPRK Rajin-Khasan port and rail project solely to export Russia-origin coal as permitted by paragraph 8 of resolution [2371 \(2017\)](#);

### Sanctions Implementation

19. *Decides* that Member States shall report to the Security Council within ninety days of the adoption of this resolution, and thereafter upon request by the Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, *requests* the Panel of Experts, in cooperation with other UN sanctions monitoring groups, to continue its efforts to assist Member States in preparing and submitting such reports in a timely manner;

20. *Calls upon* all Member States to redouble efforts to implement in full the measures in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), and this resolution and to cooperate with each other in doing so, particularly with respect to inspecting, detecting and seizing items the transfer of which is prohibited by these resolutions;

21. *Decides* that the mandate of the Committee, as set out in paragraph 12 of resolution 1718 (2006), shall apply with respect to the measures imposed in this resolution and *further decides* that the mandate of the Panel of Experts, as specified in paragraph 26 of resolution 1874 (2009) and modified in paragraph 1 of resolution 2345 (2017), shall also apply with respect to the measures imposed in this resolution;

22. *Decides* to authorize all Member States to, and that all Member States shall, seize and dispose (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) of items the supply, sale, transfer, or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), or this resolution that are identified in inspections, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972;

23. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

### Political

24. *Reiterates* its deep concern at the grave hardship that the people in the DPRK are subjected to, *condemns* the DPRK for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people while people in the DPRK have great unmet needs, and *emphasizes* the necessity of the DPRK respecting and ensuring the welfare and inherent dignity of people in the DPRK;

25. *Regrets* the DPRK's massive diversion of its scarce resources toward its development of nuclear weapons and a number of expensive ballistic missile programs, *notes* the findings of the United Nations Office for the Coordination of Humanitarian Assistance that well over half of the people in the DPRK suffer from



major insecurities in food and medical care, including a very large number of pregnant and lactating women and under-five children who are at risk of malnutrition and nearly a quarter of its total population suffering from chronic malnutrition, and, in this context, *expresses* deep concern at the grave hardship to which the people in the DPRK are subjected;

26. *Reaffirms* that the measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) and this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) and this resolution, and the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK and *decides* that the Committee may, on a case-by-case basis, exempt any activity from the measures imposed by these resolutions if the committee determines that such an exemption is necessary to facilitate the work of such organizations in the DPRK or for any other purpose consistent with the objectives of these resolutions;

27. *Emphasizes* that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations;

28. *Reaffirms* its support for the Six Party Talks, *calls* for their resumption, and *reiterates* its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to respect each other's sovereignty and exist peacefully together, that the Six Parties undertook to promote economic cooperation, and all other relevant commitments;

29. *Reiterates* the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, *expresses* its commitment to a peaceful, diplomatic, and political solution to the situation, and *welcomes* efforts by the Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and stresses the importance of working to reduce tensions in the Korean Peninsula and beyond;

30. *Urges* further work to reduce tensions so as to advance the prospects for a comprehensive settlement;

31. *Underscores* the imperative of achieving the goal of complete, verifiable and irreversible denuclearization of the Korean Peninsula in a peaceful manner;

32. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take further significant measures in the event of a further DPRK nuclear test or launch;

33. *Decides* to remain seized of the matter.



## Annex I

### Travel Ban/Asset Freeze (Individuals)

1. PAK YONG SIK

- a. *Description:* Pak Yong Sik is a member of the Workers' Party of Korea Central Military Commission, which is responsible for the development and implementation of the Workers' Party of Korea military policies, commands and controls the DPRK's military, and helps direct the country's military defense industries.
- b. *AKA:* n/a
- c. *Identifiers:* YOB: 1950; Nationality: DPRK

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**Annex II****Asset Freeze (Entities)**

1. CENTRAL MILITARY COMMISSION OF THE WORKERS' PARTY OF KOREA (CMC)
    - a. *Description:* The Central Military Commission is responsible for the development and implementation of the Workers' Party of Korea's military policies, commands and controls the DPRK's military, and directs the country's military defense industries in coordination with the State Affairs Commission.
    - b. *AKA:* n/a
    - c. *Location:* Pyongyang, DPRK
  2. ORGANIZATION AND GUIDANCE DEPARTMENT (OGD)
    - a. *Description:* The Organization and Guidance Department is a very powerful body of the Worker's Party of Korea. It directs key personnel appointments for the Workers' Party of Korea, the DPRK's military, and the DPRK's government administration. It also purports to control the political affairs of all of the DPRK and is instrumental in implementing the DPRK's censorship policies.
    - b. *AKA:* n/a
    - c. *Location:* DPRK
  3. PROPAGANDA AND AGITATION DEPARTMENT (PAD)
    - a. *Description:* The Propaganda and Agitation Department has full control over the media, which it uses as a tool to control the public on behalf of the DPRK leadership. The Propaganda and Agitation Department also engages in or is responsible for censorship by the Government of the DPRK, including newspaper and broadcast censorship.
    - b. *AKA:* n/a
    - c. *Location:* Pyongyang, DPRK
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## Resolution 2397 (2017)

**Adopted by the Security Council at its 8151st meeting, on  
22 December 2017**

*The Security Council,*

*Recalling* its previous relevant resolutions, including resolution 825 (1993), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), resolution 2087 (2013), resolution 2094 (2013), resolution 2270 (2016), resolution 2321 (2016), resolution 2356 (2017), resolution 2371 (2017), resolution 2375 (2017), as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7), 16 April 2012 (S/PRST/2012/13), and 29 August 2017 (S/PRST/2017/16),

*Reaffirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Expressing* its gravest concern at the ballistic missile launch by the Democratic People's Republic of Korea ("the DPRK") on 28 November 2017 in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) 2321 (2016), 2356 (2017), 2371 (2017), and 2375 (2017) and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

*Underlining* once again the importance that the DPRK respond to other security and humanitarian concerns of the international community including the necessity of the DPRK respecting and ensuring the welfare, inherent dignity, and rights of people in the DPRK, and *expressing great concern* that the DPRK continues to develop nuclear weapons and ballistic missiles by diverting critically needed resources away from the people in the DPRK at tremendous cost when they have great unmet needs,

*Acknowledging* that the proceeds of the DPRK's trade in sectoral goods, including but not limited to coal, iron, iron ore, lead, lead ore, textiles, seafood, gold, silver, rare earth minerals, and other prohibited metals, as well as the revenue generated from DPRK workers overseas, among others, contribute to the DPRK's nuclear weapons and ballistic missile programs,

*Expressing* its gravest concern that the DPRK's ongoing nuclear- and ballistic missile-related activities have destabilized the region and beyond, and *determining* that there continues to exist a clear threat to international peace and security,



*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under Article 41,

1. *Condemns* in the strongest terms the ballistic missile launch conducted by the DPRK on 28 November 2017 in violation and flagrant disregard of the Security Council's resolutions;

2. *Reaffirms* its decisions that the DPRK shall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation; shall immediately suspend all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on all missile launches; shall immediately abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, and immediately cease all related activities; and shall abandon any other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner;

### **Designations**

3. *Decides* that the measures specified in paragraph 8(d) of resolution [1718 \(2006\)](#) shall apply also to the individuals and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and *decides* further that the measures specified in paragraph 8(e) of resolution [1718 \(2006\)](#) shall also apply to the individuals listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

### **Sectoral**

4. *Decides* that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels, aircraft, pipelines, rail lines, or vehicles and whether or not originating in their territories, of all crude oil, unless the Committee approves in advance on a case-by-case basis a shipment of crude oil which is exclusively for livelihood purposes of DPRK nationals and unrelated to the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or this resolution, further *decides* that this prohibition shall not apply with respect to crude oil that, for a period of twelve months after the date of adoption of this resolution, and for twelve months periods thereafter, does not exceed 4 million barrels or 525,000 tons in the aggregate per twelve month period, and *decides* that all Member States providing crude oil shall provide a report to the Committee every 90 days from the date of adoption of this resolution of the amount of crude oil provided to the DPRK;

5. *Decides* that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels, aircraft, pipelines, rail lines, or vehicles, and whether or not originating in their territories, of all refined petroleum products, *decides* that the DPRK shall not procure such products, *further decides* that this provision shall not apply with respect to procurement by the DPRK or the direct or indirect supply, sale, or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels, aircraft, pipelines, rail lines, or vehicles, and whether or not originating in their territories, of refined petroleum products, including diesel and kerosene, in the aggregate amount of up to 500,000 barrels during a period of twelve months beginning on January 1, 2018, and for twelve month periods thereafter, provided that (a) the Member State notifies the Committee every thirty days of the amount of such

supply, sale, or transfer to the DPRK of refined petroleum products along with information about all the parties to the transaction, (b) the supply, sale, or transfer of refined petroleum products involve no individuals or entities that are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#), or this resolution, including designated individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions, and (c) the supply, sale, or transfer of refined petroleum products are exclusively for livelihood purposes of DPRK nationals and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or this resolution, *directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 75 per cent of the aggregate yearly amounts have been reached, also *directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 90 per cent of the aggregate yearly amounts have been reached, and *further directs* the Committee Secretary beginning on 1 January 2018 to notify all Member States when an aggregate amount of refined petroleum products sold, supplied, or transferred to the DPRK of 95 per cent of the aggregate yearly amounts have been reached and to inform them that they must immediately cease selling, supplying, or transferring refined petroleum products to the DPRK for the remainder of the year, *directs* the Committee to make publicly available on its website the total amount of refined petroleum products sold, supplied, or transferred to the DPRK by month and by source country, *directs* the Committee to update this information on a real-time basis as it receives notifications from Member States, *calls upon* all Member States to regularly review this website to comply with the annual limits for refined petroleum products established by this provision beginning on 1 January 2018, *directs* the Panel of Experts to closely monitor the implementation efforts of all Member States to provide assistance and ensure full and global compliance, and *requests* the Secretary-General to make the necessary arrangements to this effect and provide additional resources in this regard;

6. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, food and agricultural products (HS codes 12, 08, 07), machinery (HS code 84), electrical equipment (HS code 85), earth and stone including magnesite and magnesia (HS code 25), wood (HS code 44), and vessels (HS code 89), and that all States shall prohibit the procurement of the above-mentioned commodities and products from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, *clarifies* that the full sectoral ban on seafood in paragraph 9 of resolution [2371 \(2017\)](#) prohibits the DPRK from selling or transferring, directly or indirectly, fishing rights, and *further decides* that for sales of and transactions involving all commodities and products from the DPRK whose transfer, supply, or sale by the DPRK are prohibited by this paragraph and for which written contracts have been finalized prior to the adoption of this resolution, all States may only allow those shipments to be imported into their territories up to 30 days from the date of adoption of this resolution with notification provided to the Committee containing details on those imports by no later than 45 days after the date of adoption of this resolution;

7. *Decides* that all Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using

their flag vessels, aircraft, pipelines, rail lines, or vehicles and whether or not originating in their territories, of all industrial machinery (HS codes 84 and 85), transportation vehicles (HS codes 86 through 89), and iron, steel, and other metals (HS codes 72 through 83) and *further decides* that this provision shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300);

8. *Expresses concern* that DPRK nationals continue to work in other States for the purpose of generating foreign export earnings that the DPRK uses to support its prohibited nuclear and ballistic missile programs despite the adoption of paragraph 17 of resolution [2375 \(2017\)](#), *decides* that Member States shall repatriate to the DPRK all DPRK nationals earning income in that Member State's jurisdiction and all DPRK government safety oversight attachés monitoring DPRK workers abroad immediately but no later than 24 months from the date of adoption of this resolution unless the Member State determines that a DPRK national is a national of that Member State or a DPRK national whose repatriation is prohibited, subject to applicable national and international law, including international refugee law and international human rights law, and the United Nations Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations, and *further decides* that all Member States shall provide a midterm report by 15 months from the date of adoption of this resolution of all DPRK nationals earning income in that Member State's jurisdiction that were repatriated over the 12 month period starting from the date of adoption of this resolution, including an explanation of why less than half of such DPRK nationals were repatriated by the end of that 12 month period if applicable, and all Member States shall provide final reports by 27 months from the date of adoption of this resolution;

#### **Maritime Interdiction of Cargo Vessels**

9. *Notes with great concern* that the DPRK is illicitly exporting coal and other prohibited items through deceptive maritime practices and obtaining petroleum illegally through ship-to-ship transfers and *decides* that Member States shall seize, inspect, and freeze (impound) any vessel in their ports, and may seize, inspect, and freeze (impound) any vessel subject to its jurisdiction in its territorial waters, if the Member State has reasonable grounds to believe that the vessel was involved in activities, or the transport of items, prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#), or this resolution, *encourages* Member States to consult with the flag States of relevant vessels once they are seized, inspected, and frozen (impounded), and *further decides* that, after six months from the date such vessels were frozen (impounded), this provision shall not apply if the Committee decides, on a case-by-case basis and upon request of a flag State, that adequate arrangements have been made to prevent the vessel from contributing to future violations of these resolutions;

10. *Decides* that when a Member State has information to suspect that the DPRK is attempting to supply, sell, transfer or procure, directly or indirectly, illicit cargo, that Member State may request additional maritime and shipping information from other relevant Member States, including to determine whether the item, commodity, or product in question originated from the DPRK, *further decides* that all Member States receiving such inquiries shall respond as promptly as possible to such requests in an appropriate manner, *decides* that the Committee, with the support of its Panel of Experts, shall facilitate timely coordination of such information requests through an expedited process, and *requests* the Secretary-General to make the

necessary arrangements to this effect and provide additional resources to the Committee and the Panel of Experts in this regard;

11. *Reaffirms* paragraph 22 of resolution 2321 (2016) and *decides* that each Member State shall prohibit its nationals, persons subject to its jurisdiction and entities incorporated in its territory or subject to its jurisdiction from providing insurance or re-insurance services to vessels it has reasonable grounds to believe were involved in activities, or the transport of items, prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017), or this resolution, unless the Committee determines on a case-by-case basis that the vessel is engaged in activities exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue or exclusively for humanitarian purposes;

12. *Reaffirms* paragraph 24 of resolution 2321 (2016) and *decides* that each Member State shall de-register any vessel it has reasonable grounds to believe was involved in activities, or the transport of items, prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017), or this resolution and prohibit its nationals, persons subject to its jurisdiction and entities incorporated in its territory or subject to its jurisdiction from thereafter providing classification services to such a vessel except as approved in advance by the Committee on a case-by-case basis, and *further decides* that Member States shall not register any such vessel that has been de-registered by another Member State pursuant to this paragraph except as approved in advance by the Committee on a case-by-case basis;

13. *Expresses concern* that DPRK-flagged, controlled, chartered, or operated vessels intentionally disregard requirements to operate their automatic identification systems (AIS) to evade UNSCR sanctions monitoring by turning off such systems to mask their full movement history and *calls upon* Member States to exercise enhanced vigilance with regards to such vessels conducting activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017), or this resolution;

14. *Recalls* paragraph 30 of resolution 2321 (2016) and *decides* that all Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of any new or used vessels, except as approved in advance by the Committee on a case-by-case basis;

15. *Decides* that, if a Member State has information regarding the number, name, and registry of vessels encountered in its territory or on the high seas that are designated by the Security Council or by the Committee as subject to the asset freeze imposed by paragraph 8 (d) of resolution 1718 (2006), the various measures imposed by paragraph 12 of resolution 2321 (2016), the port entry ban imposed by paragraph 6 of resolution 2371 (2017), or relevant measures in this resolution, then the Member State shall notify the Committee of this information and what measures were taken to carry out an inspection, an asset freeze and impoundment or other appropriate action as authorized by the relevant provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017), or this resolution;

16. *Decides* that the provisions of this resolution shall not apply with respect solely to the trans-shipment of Russia-origin coal to other countries through the Russia-DPRK Rajin-Khasan port and rail project, as permitted by paragraph 8 of resolution 2371 (2017) and paragraph 18 of resolution 2375 (2017);



### **Sanctions Implementation**

17. *Decides* that Member States shall report to the Security Council within ninety days of the adoption of this resolution, and thereafter upon request by the Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, *requests* the Panel of Experts, in cooperation with other UN sanctions monitoring groups, to continue its efforts to assist Member States in preparing and submitting such reports in a timely manner;

18. *Calls upon* all Member States to redouble efforts to implement in full the measures in resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and this resolution and to cooperate with each other in doing so, particularly with respect to inspecting, detecting and seizing items the transfer of which is prohibited by these resolutions;

19. *Decides* that the mandate of the Committee, as set out in paragraph 12 of resolution [1718 \(2006\)](#), shall apply with respect to the measures imposed in this resolution and *further decides* that the mandate of the Panel of Experts, as specified in paragraph 26 of resolution [1874 \(2009\)](#) and modified in paragraph 1 of resolution [2345 \(2017\)](#), shall also apply with respect to the measures imposed in this resolution;

20. *Decides* to authorize all Member States to, and that all Member States shall, seize and dispose (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) of items the supply, sale, transfer, or export of which is prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or this resolution that are identified in inspections, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution [1540 \(2004\)](#), as well as any obligations of parties to the NPT, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972;

21. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

22. *Emphasizes* that the measures set forth in resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and this resolution shall in no way impede the activities of diplomatic or consular missions in the DPRK pursuant to the Vienna Conventions on Diplomatic and Consular Relations;

### **Political**

23. *Reiterates* its deep concern at the grave hardship that the people in the DPRK are subjected to, *condemns* the DPRK for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people while people in the DPRK have great unmet needs, *emphasizes* the necessity of the DPRK respecting and ensuring the welfare and inherent dignity of people in the DPRK, and *demands* that the DPRK stop



diverting its scarce resources toward its development of nuclear weapons and ballistic missiles at the cost of the people in the DPRK;

24. *Regrets* the DPRK's massive diversion of its scarce resources toward its development of nuclear weapons and a number of expensive ballistic missile programs, *notes* the findings of the United Nations Office for the Coordination of Humanitarian Assistance that well over half of the people in the DPRK suffer from major insecurities in food and medical care, including a very large number of pregnant and lactating women and under-five children who are at risk of malnutrition and 41% of its total population who are undernourished, and, in this context, *expresses* deep concern at the grave hardship to which the people in the DPRK are subjected;

25. *Reaffirms* that the measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and this resolution, and the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK, *stresses* the DPRK's primary responsibility and need to fully provide for the livelihood needs of people in the DPRK, and *decides* that the Committee may, on a case-by-case basis, exempt any activity from the measures imposed by these resolutions if the committee determines that such an exemption is necessary to facilitate the work of such organizations in the DPRK or for any other purpose consistent with the objectives of these resolutions;

26. *Reaffirms* its support for the Six Party Talks, *calls* for their resumption, and *reiterates* its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner and the return of the DPRK to the Non-proliferation Treaty (NPT) and International Atomic Energy Agency safeguards at an early date, bearing in mind the rights and obligations of States parties to the NPT and underlining the need for all States parties to the NPT to continue to comply with their Treaty obligations, that the United States and the DPRK undertook to respect each other's sovereignty and exist peacefully together, that the Six Parties undertook to promote economic cooperation, and all other relevant commitments;

27. *Reiterates* the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, and *expresses* its commitment to a peaceful, diplomatic, and political solution to the situation and welcomes efforts by the Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and stresses the importance of working to reduce tensions in the Korean Peninsula and beyond;

28. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take further significant measures in the event of a further DPRK nuclear test or launch, and *decides* that, if the DPRK conducts a further nuclear test or a launch of a ballistic missile system capable of reaching intercontinental ranges or contributing to the development of a ballistic missile system capable of such ranges, then the Security Council will take action to restrict further the export to the DPRK of petroleum;

29. *Decides* to remain seized of the matter.

## Annex I

### Travel Ban/Asset Freeze (Individuals)

1. CH'OE SO'K MIN
  - a. Description: Ch'oe So'k-min is an overseas Foreign Trade Bank representative. In 2016, Ch'oe So'k-min was the deputy representative at the Foreign Trade Bank branch office in that overseas location. He has been associated with cash transfers from that overseas Foreign Trade Bank office to banks affiliated with North Korean special organizations and Reconnaissance General Bureau operatives located overseas in an effort to evade sanctions.
  - b. AKA: n/a
  - c. Identifiers: DOB: 25 July 1978; Nationality: DPRK; Gender: male
2. CHU HYO'K
  - a. Description: Chu Hyo'k is a North Korean national who is an overseas Foreign Trade Bank representative.
  - b. AKA: Ju Hyok
  - c. Identifiers: DOB: 23 November 1986; Passport No. 836420186 issued 28 October 2016 expires 28 October 2021; Nationality: DPRK; Gender: male
3. KIM JONG SIK
  - a. *Description*: A leading official guiding the DPRK's WMD development efforts. Serving as Deputy Director of the Workers' Party of Korea Munitions Industry Department.
  - b. *A.K.A.*: Kim Cho'ng-sik
  - c. *Identifiers*: YOB: between 1967 and 1969; Nationality: DPRK; Gender: male; Address: DPRK
4. KIM KYONG IL
  - a. Description: Kim Kyong Il is a Foreign Trade Bank deputy chief representative in Libya.
  - b. AKA: Kim Kyo'ng-il
  - c. Identifiers: Location Libya; DOB: 01 August 1979; Passport No. 836210029; Nationality: DPRK; Gender: male
5. KIM TONG CHOL
  - a. Description: Kim Tong Chol is an overseas Foreign Trade Bank representative.
  - b. AKA: Kim Tong-ch'o'l
  - c. Identifiers: DOB: 28 January 1966; Nationality: DPRK; Gender: male
6. KO CHOL MAN
  - a. Description: Ko Chol Man is an overseas Foreign Trade Bank representative.
  - b. AKA: Ko Ch'o'l-man

- c. Identifiers: DOB: 30 September 1967; Passport No. 472420180; Nationality: DPRK; Gender: male
7. KU JA HYONG
- a. Description: Ku Ja Hyong is a Foreign Trade Bank chief representative in Libya.
- b. AKA: Ku Cha-hyo'ng
- c. Identifiers: Location Libya; DOB: 08 September 1957; Nationality: DPRK; Gender: male
8. MUN KYONG HWAN
- a. Description: Mun Kyong Hwan is an overseas Bank of East Land representative.
- b. AKA: Mun Kyo'ng-hwan
- c. Identifiers: DOB: 22 August 1967; Passport No. 381120660 expires 25 March 2016; Nationality: DPRK; Gender: male
9. PAE WON UK
- a. Description: Pae Won Uk is an overseas Daesong Bank representative.
- b. AKA: Pae Wo'n-uk
- c. Identifiers: DOB: 22 August 1969; Nationality: DPRK; Gender: male; Passport No. 472120208 expires 22 Feb 2017
10. PAK BONG NAM
- a. Description: Pak Bong Nam is an overseas Ilsim International Bank representative.
- b. AKA: Lui Wai Ming; Pak Pong Nam; Pak Pong-nam
- c. Identifiers: DOB: 06 May 1969; Nationality: DPRK; Gender: male
- d. Nationality: DPRK; Gender: male
11. PAK MUN IL
- a. Description: Pak Mun Il is an overseas official of Korea Daesong Bank.
- b. AKA: Pak Mun-il
- c. Identifiers: DOB 01 January 1965; Passport No. 563335509 expires 27 August 2018; Nationality: DPRK; Gender: male
12. RI CHUN HWAN
- a. Description: Ri Chun Hwan is an overseas Foreign Trade Bank representative.
- b. AKA: Ri Ch'un-hwan
- c. Identifiers: DOB 21 August 1957; Passport No. 563233049 expires 09 May 2018; Nationality: DPRK; Gender: male
13. RI CHUN SONG
- a. Description: Ri Chun Song is an overseas Foreign Trade Bank representative.
- b. AKA: Ri Ch'un-so'ng

- c. Identifiers: DOB: 30 October 1965; Passport No. 654133553 expires 11 March 2019; Nationality: DPRK; Gender: male
- 14. RI PYONG CHUL
  - a. *Description:* Alternate Member of the Political Bureau of the Workers' Party of Korea and First Vice Director of the Munitions Industry Department.
  - b. *A.K.A.:* Ri Pyo'ng-ch'o'l
  - c. *Identifiers:* YOB: 1948; Nationality: DPRK; Gender: male; Address: DPRK
- 15. RI SONG HYOK
  - a. *Description:* Ri Song Hyok is an overseas representative for Koryo Bank and Koryo Credit Development Bank and has reportedly established front companies to procure items and conduct financial transactions on behalf of North Korea.
  - b. *AKA:* Li Cheng He
  - c. *Identifiers:* DOB: 19 March 1965; Nationality: DPRK; Gender: male
- 16. RI U'N SO'NG
  - a. *Description:* Ri U'n-so'ng is an overseas Korea Unification Development Bank representative.
  - b. *AKA:* Ri Eun Song; Ri Un Song
  - c. *Identifiers:* DOB: 23 July 1969; Nationality: DPRK; Gender: male

## Annex II

### Asset Freeze (Entities)

1. MINISTRY OF THE PEOPLE'S ARMED FORCES (MPAF)
    - a. *Description:* The Ministry of the People's Armed Forces manages the general administrative and logistical needs of the Korean People's Army.
    - b. *Location:* Pyongyang, DPRK
-

## United Nations Sanctions (Democratic People's Republic of Korea) Regulation

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# United Nations Sanctions (Democratic People's Republic of Korea) Regulation

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# United Nations Sanctions (Democratic People's Republic of Korea) Regulation

## Part 1

### Preliminary

#### 1. Interpretation

In this Regulation, unless the context otherwise requires—

***armoured combat vehicle*** (裝甲戰鬥車) means any tracked, semi-tracked or wheeled self-propelled vehicle, with armoured protection and cross-country capability, either—

- (a) designed and equipped to transport a squad of 4 or more infantry personnel; or
- (b) armed with an integral or organic weapon of at least 12.5 mm calibre or a missile launcher;

***attack helicopter*** (攻擊直昇機)—

- (a) means any rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for those weapons; and
- (b) includes any version of an aircraft described in paragraph (a) that performs specialized reconnaissance or electronic warfare missions;

***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;

**aviation fuel (航空燃料)** means fuel used or intended for use in aircraft, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel;

***battle tank (作戰坦克)*** means any tracked or wheeled self-propelled armoured fighting vehicle with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 mm calibre;

**cargo (貨物)** includes personal baggage and checked baggage;

**Classification List (分類表)** means the Hong Kong Imports and Exports Classification List (Harmonized System) 2017 Edition issued by the Commissioner of Customs and Excise by G.N. (S.) 61 of 2016 published in the Gazette on 11 November 2016;

***combat aircraft (作戰飛機)***—

- (a) means any fixed-wing or variable-geometry wing aircraft, or any primary trainer aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction; and
- (b) includes any version of an aircraft described in paragraph (a) that performs specialized electronic warfare, suppression of air defence or reconnaissance missions;

**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 12 of Resolution 1718;

**DPRK** (朝鮮) means the Democratic People's Republic of Korea;

**DPRK bank** (朝鮮銀行)—

(a) means a body corporate—

(i) that—

(A) is authorized or recognized as a bank in the place where it is incorporated; or

(B) may, whether or not in or outside the place where it is incorporated, lawfully take deposits from the general public, whether or not on current account; and

(ii) that is, or is owned or controlled by, a person connected with the DPRK; and

(b) includes a branch, subsidiary or representative office of such a body corporate;

**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;

**financial institution** (金融機構) means a bank or any other person performing financial services commensurate with those provided by banks;

**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;

***large-calibre artillery system*** (大口徑火炮) means any gun, howitzer, artillery piece combining the characteristics of a gun or howitzer, mortar or multiple-launch rocket system, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 mm and above;

***licence*** (特許) means a licence granted under section 10I(1), 10J(1) or (6), 10K(1), 10L(1), 10M(1), 10N(1), 10O(1), 11(1), 11A(1), (3) or (5) or 11B(1);

***luxury goods*** (奢侈品) means any item specified in Schedule 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;

***missile and missile launcher*** (導彈及導彈發射器) means—

- (a) any guided or unguided rocket, ballistic or cruise missile or remotely piloted vehicle capable of delivering a warhead or weapon of destruction to a range of at least 25 km;

(b) any means, other than any armoured combat vehicle, attack helicopter, battle tank, combat aircraft, large-calibre artillery system or warship, designed or modified specifically for launching any rocket or missile described in paragraph (a); or

(c) any Man-portable Air-Defence Systems (MANPADS), but does not include any ground-to-air missile;

**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 the DPRK** (有關連人士) means—

(a) the Government of the DPRK;

(b) any person in, or resident in, the DPRK;

(c) any body incorporated or constituted under the law of the DPRK;

(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;

**procurement-sanctioned item** (獲取受制裁項目) means an item specified in Schedule 4;

**prohibited item** (禁制項目) means—

(a) ~~any specified item; or~~ any supply-sanctioned item;

(b) any luxury goods; or

(c) any procurement-sanctioned item;

~~**relevant entity** (有關實體) means—~~

~~(a) an entity specified by the Chief Executive as a relevant entity in accordance with section 31;~~

~~(b) an entity acting on behalf of, or at the direction of, or owned or controlled by, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 31; or~~

~~(c) an entity owned or controlled by a person or entity acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 31;~~

~~**relevant person** (有關人士) means—~~

~~(a) a person specified by the Chief Executive as a relevant person in accordance with section 31; or~~

~~(b) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 31;~~

**relevant entity** (有關實體) means—

(a) an entity named in the list published under section 31(1);

(b) an entity—

(i) acting on behalf of;

(ii) acting at the direction of; or

- (iii) owned or controlled by,  
an individual or entity named in that list; or
- (c) an entity owned or controlled by an individual or entity—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of,  
an individual or entity named in that list;

***relevant person*** (有關人士) means—

- (a) an individual named in the list published under section 31(1); or
- (b) an individual—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of,  
an individual or entity named in that list;

***Resolution 1718*** (《第 1718 號決議》) means Resolution 1718 (2006) adopted by the Security Council on 14 October 2006;

***Resolution 1874*** (《第 1874 號決議》) means Resolution 1874 (2009) adopted by the Security Council on 12 June 2009;

***Resolution 2087*** (《第 2087 號決議》) means Resolution 2087 (2013) adopted by the Security Council on 22 January 2013;

***Resolution 2094*** (《第 2094 號決議》) means Resolution 2094 (2013) adopted by the Security Council on 7 March 2013;

***Resolution 2270*** (《第 2270 號決議》) means Resolution 2270 (2016) adopted by the Security Council on 2 March 2016;

***Resolution 2321*** (《第 2321 號決議》) means Resolution 2321 (2016) adopted by the Security Council on 30 November 2016;

**Resolution 2356** (《第 2356 號決議》) means Resolution 2356 (2017) adopted by the Security Council on 2 June 2017;

**Resolution 2371** (《第 2371 號決議》) means Resolution 2371 (2017) adopted by the Security Council on 5 August 2017;

**Resolution 2375** (《第 2375 號決議》) means Resolution 2375 (2017) adopted by the Security Council on 11 September 2017;

**Resolution 2397** (《第 2397 號決議》) means Resolution 2397 (2017) adopted by the Security Council on 22 December 2017;

**Secretary** (局長) means the Secretary for Commerce and Economic Development;

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

~~**small arms** (小型軍火) means any arms specified in items ML1 and ML2 of the Munitions List in Schedule 1 to the Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G);~~

**Security Council Resolutions** (《安理會相關決議》) means Resolution 1718, Resolution 1874, Resolution 2087, Resolution 2094, Resolution 2270, Resolution 2321, Resolution 2356, Resolution 2371, Resolution 2375 and Resolution 2397;

**specified arms** (指明軍火) means any arms referred to in item 1 of Schedule 2;

**specified item** (指明項目) means an item specified in Schedule 2;

**supply-sanctioned item** (供應受制裁項目) means an item specified in Schedule 3;

**vehicle** (車輛) includes a train;

***warship*** (軍艦) means any vessel or submarine armed and equipped for military use with a standard displacement of 500 metric tons or above, or any vessel or submarine with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 km or torpedoes with similar range.

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## Part 2

### Prohibitions

#### Division 1—Prohibitions Subject to General Licence

##### 1A. Prohibitions subject to general licence

A person may do any act that is otherwise prohibited by any provision of this Part if the person does so under the authority of a licence granted under section 10I(1).

Note—

A person may also do a particular act that is otherwise prohibited by this Part if the person does so under the authority of a licence granted (other than under section 10I(1)) to allow the person to do the particular act.

#### Division 2—Supply, Sale, Transfer or Carriage of Items to DPRK

##### 2. Prohibition against supply, sale or transfer of ~~specified~~ supply-sanctioned items

(1A) 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.

- (1) ~~Subject to section 3A~~ Except under the authority of a licence granted under section 10J(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 ~~specified item~~ supply-sanctioned item (other than aviation fuel)—

- (a) to the DPRK;
- (b) to, or to the order of, a person connected with the DPRK; or
- (c) to a destination or person for the purpose of delivery or transfer, directly or indirectly, to the DPRK or to, or to the order of, a person connected with the DPRK.

(1B) Except under the authority of a licence granted under section 10J(6)(a) and subject to subsection (1C), 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, aviation fuel—

- (a) to the DPRK; or
- (b) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK.

(1C) Subsection (1B) does not apply if the aviation fuel is supplied, sold or transferred to a civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight.

- (2) A person who contravenes subsection (1) or (1B) 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.
- (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—



- (a) ~~for a contravention of subsection (1) or (1B)—that the item concerned was a specified item; or supply-sanctioned item;~~
- (b) ~~for a contravention of subsection (1)—that the item concerned was, or was to be, supplied, sold or transferred—~~
  - (i) to the DPRK;
  - (ii) to, or to the order of, a person connected with the DPRK; or
  - (iii) to a destination or person for the purpose of delivery or transfer, directly or indirectly, to the DPRK or to, or to the order of, a person connected with the DPRK; ~~or~~
- (c) for a contravention of subsection (1B)—that the item concerned was, or was to be, supplied, sold or transferred—
  - (i) to the DPRK; or
  - (ii) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK.

## **2A. Prohibition against supply, sale or transfer of luxury 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) Subject to section 3B, if a person knows or has reason to believe that—
- (a) an item is luxury goods; and
  - (b) the item is to be supplied, sold or transferred to a place in the DPRK,
- the person must not, directly or indirectly, supply, sell or transfer the item.
- (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.

**3. Prohibition against carriage of ~~specified~~ supply-sanctioned items**

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR;
  - (aa) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;
  - (b) an aircraft that is registered in the HKSAR;
  - (ba) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;
  - (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) ~~Subject to section 3A~~ Except under the authority of a licence granted under section 10J(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any ~~specified items~~ supply-sanctioned item (other than aviation fuel) if the carriage is, or forms part of, a carriage—
- (a) from a place outside the DPRK to a place in the DPRK;
  - (b) to, or to the order of, a person connected with the DPRK; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the DPRK or to, or to the order of, a person connected with the DPRK.
- (2AA) Except under the authority of a licence granted under section 10J(6)(b) and subject to subsection (2AAB), a ship, aircraft or vehicle must not be used for the carriage of aviation fuel if the carriage is, or forms part of, a carriage—
- (a) from a place outside the DPRK to a place in the DPRK;  
or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly to the DPRK.
- (2AAB) Subsection (2AA) does not apply if the aviation fuel is carried by a civilian passenger aircraft exclusively for consumption during its flight to the DPRK and its return flight.
- (2A) If a ship, aircraft or vehicle is used in contravention of subsection (2) or (2AA), each of the following persons commits an offence—
- (a) for a ship registered in the HKSAR, —the charterer, the operator and the master of the ship;

- (b) for 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) for an aircraft registered in the HKSAR~~—~~, the charterer, the operator and the pilot in command of the aircraft;
- (d) for 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) for a vehicle~~\_\_\_~~, the operator and the driver of the vehicle.

(3) A person who commits an offence under subsection (2A) 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 (2A) to prove that the person did not know and had no reason to believe—

(a) ~~for a contravention of subsection (2) or (2AA)—~~that the item concerned was a ~~specified item; or~~ supply-sanctioned item;

(b) ~~for a contravention of subsection (2)—~~that the carriage of the item concerned was, or formed part of, a carriage—

(i) from a place outside the DPRK to a place in the DPRK;

(ii) to, or to the order of, a person connected with the DPRK; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly; to the DPRK or to, or to the order of, a person connected with the DPRK; ~~;~~ or

(c) for a contravention of subsection (2AA)—that the carriage of the item concerned was, or formed part of, a carriage—

(i) from a place outside the DPRK to a place in the DPRK; or

(ii) to a destination for the purpose of delivery or transfer, directly or indirectly to the DPRK.

### **3AA. Prohibition against carriage of luxury goods**

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR;
  - (b) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;
  - (c) an aircraft that is registered in the HKSAR;
  - (d) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;
  - (e) 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
  - (f) a vehicle in the HKSAR.
- (2) Subject to section 3B, a person specified in subsection (4) commits an offence if—
  - (a) a ship, aircraft or vehicle is used for the carriage of luxury goods;
  - (b) the carriage is, or forms part of, a carriage referred to in subsection (3); and
  - (c) at the time when the ship, aircraft or vehicle is so used, the person knows or has reason to believe that—
    - (i) the item concerned is luxury goods; and

- (ii) the carriage of the item concerned is, or forms part of, a carriage referred to in subsection (3).
- (3) The carriage is a carriage of the item concerned—
  - (a) from a place outside the DPRK to a place in the DPRK;  
or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a place in the DPRK.
- (4) The person is—
  - (a) for a ship registered in the HKSAR~~—~~, the charterer, the operator or the master of the ship;
  - (b) for 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; or
    - (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) for an aircraft registered in the HKSAR~~—~~, the charterer, the operator or the pilot in command of the aircraft;
  - (d) for 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; or
  - (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; or
- (e) for a vehicle~~—~~, the operator or the driver of the vehicle.
- (5) A person who commits an offence under subsection (2) 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.

~~**3A. Exceptions to prohibitions under sections 2 and 3**~~

- ~~(1) Sections 2 and 3 do not apply if—~~
- ~~(a) the specified item is small arms or their related materiel; and~~
  - ~~(b) the person who intends to perform any act in relation to the specified item that, but for this section, would be prohibited under section 2 or 3 notifies the Chief Executive in writing of their intention to perform the act at least 30 days before the day on which the act is intended to be performed.~~
- ~~(2) If the Chief Executive receives a notification under subsection (1)(b), the Chief Executive must cause the Committee to be notified of the act to which the notification relates at least 5~~



~~days before the day on which the act is intended to be performed.~~

### **3B. Exceptions to prohibitions under sections 2A and 3AA**

- (1) Section 2A does not apply if the luxury goods is supplied, sold or transferred for the purposes of the activities of a diplomatic mission in the DPRK pursuant to the Vienna Convention on Diplomatic Relations of 18 April 1961.
- (2) Section 3AA does not apply if the carriage of the luxury goods is made for the purposes of the activities of a diplomatic mission in the DPRK pursuant to the Vienna Convention on Diplomatic Relations of 18 April 1961.

## **Division 3—Procurement of Items or Services from DPRK**

### **4. Prohibition against procurement of ~~certain items~~ or procurement-sanctioned items or certain services by certain persons**

- (1A) 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.
- (1) Except under the authority of a licence granted under section 10K(1)(a), a person must not procure, agree to procure, directly or indirectly, or do any act likely to promote the procurement of any specified procurement-sanctioned item—
  - (a) from the DPRK; or
  - (b) from a person connected with the DPRK.

- (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 7 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—
  - (a) that the item concerned was a ~~specified procurement-sanctioned~~ item; or
  - (b) that the item concerned was—
    - (i) from the DPRK; or
    - (ii) from a person connected with the DPRK.
- (3A) A person must not procure, agree to procure, directly or indirectly, or do any act likely to promote the procurement of any technical training, service (including brokering or other intermediary service), assistance or advice related to the provision, manufacture, maintenance or use of any specified arms—
  - (a) from the DPRK; or
  - (b) from a person connected with the DPRK.
- (3B) A person who contravenes subsection (3A) 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.

- (3C) It is a defence for a person charged with an offence under subsection (3B) to prove that the person did not know and had no reason to believe—
- (a) that the technical training, service, assistance or advice concerned related to the provision, manufacture, maintenance or use of any specified arms; or
  - (b) that the technical training, service, assistance or advice concerned was, or was to be, procured from the DPRK or a person connected with the DPRK.

**5. Prohibition against procurement of ~~certain items or~~ procurement-sanctioned items or certain services using ships, aircraft or vehicles**

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR;
  - (aa) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;
  - (b) an aircraft that is registered in the HKSAR;
  - (ba) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;
  - (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, a ship, aircraft or vehicle must not be used for or in connection with the procurement of—

- (a) ~~(except under the authority of a licence granted under section 10K(1)(b)) any procurement-sanctioned item~~  
~~any specified item—~~
    - (i) from the DPRK; or
    - (ii) from a person connected with the DPRK; or
  - (b) any technical training, service (including brokering or other intermediary service), assistance or advice related to the provision, manufacture, maintenance or use of any specified arms—
    - (i) from the DPRK; or
    - (ii) from a person connected with the DPRK.
- (2A) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) for a ship registered in the HKSAR, ~~—~~the charterer, the operator and the master of the ship;
  - (b) for 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) for an aircraft registered in the HKSAR~~\_\_\_~~, the charterer, the operator and the pilot in command of the aircraft;
  - (d) for 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) for a vehicle~~\_\_\_~~, the operator and the driver of the vehicle.
- (3) A person who commits an offence under subsection (2A) 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 (2A) to prove that the person did not know and had no reason to believe—
- ~~(a) that the item concerned was a specified item;~~
  - ~~(b) that the item concerned was—~~
    - ~~(i) from the DPRK; or~~

- ~~—— (ii) from a person connected with the DPRK;~~
- ~~—— (c) that the technical training, service, assistance or advice concerned related to the provision, manufacture, maintenance or use of any specified arms; or~~
- ~~—— (d) that the technical training, service, assistance or advice concerned was or was to be procured from the DPRK or a person connected with the DPRK.~~
- (a) for a contravention of subsection (2)(a)—that the item concerned—
  - (i) was a procurement-sanctioned item; or
  - (ii) was from the DPRK or a person connected with the DPRK; or
- (b) for a contravention of subsection (2)(b)—that the technical training, service, assistance or advice concerned—
  - (i) related to the provision, manufacture, maintenance or use of any specified arms; or
  - (ii) was, or was to be, procured from the DPRK or a person connected with the DPRK.

**5AA. Prohibition against procurement of ship or aircraft crewing service**

- (1) This section applies to a person (whether acting in or outside the HKSAR) who is—
  - (a) both a Hong Kong permanent resident and a Chinese national; or
  - (b) a body incorporated or constituted under the law of the HKSAR.

- (2) A person must not procure, agree to procure, directly or indirectly, or do any act likely to promote the procurement of any ship or aircraft crewing service—
- (a) from the DPRK; or
- (b) from a person connected with the DPRK.
- (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 ship or aircraft crewing service concerned was, or was to be, procured from the DPRK or a person connected with the DPRK.

#### **Division 4—Financial and Banking Activities**

##### **5A. Prohibition against engaging in certain financial transactions**

- (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) ~~Subject to section 5B,~~ a ~~A~~ person must not engage, directly or indirectly, in any financial transaction related to the provision, manufacture, maintenance or use of any specified arms the

supply, sale, transfer or carriage of which is prohibited under section 2 or 3.

- (3) A person must not engage, directly or indirectly, in any financial transaction related to the provision, manufacture, maintenance or use of any specified arms the procurement of which is prohibited under section 4.
- (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) for a contravention of subsection (2) or (3)—that the financial transaction concerned related to the provision, manufacture, maintenance or use of any specified arms;
  - (b) for a contravention of subsection (2)—that the supply, sale, transfer or carriage of the arms concerned was prohibited under section 2 or 3; or
  - (c) for a contravention of subsection (3)—that the procurement of the arms concerned was prohibited under section 4.

~~**5B. Exception to prohibition under section 5A(2)**~~

~~(1) Section 5A(2) does not apply if—~~

~~(a) the specified arms is small arms or their related materiel;  
and~~

~~(b) the person who intends to perform any act in relation to the specified arms that, but for this section, would be~~



~~prohibited under section 5A(2) notifies the Chief Executive in writing of their intention to perform the act at least 30 days before the day on which the act is intended to be performed.~~

- ~~(2) If the Chief Executive receives a notification under subsection (1)(b), the Chief Executive must cause the Committee to be notified of the act to which the notification relates at least 5 days before the day on which the act is intended to be performed.~~

**5C. Prohibition against provision of financial services or transfer of funds, etc.**

- (1) A regulated person must not provide, directly or indirectly, any financial services that could contribute to a prohibited programme or activity.
- (2) A regulated person must not transfer, directly or indirectly, any funds or other financial assets or economic resources that could contribute to a prohibited programme or activity.
- (3) A regulated person must not accept, directly or indirectly, the transfer of any funds or other financial assets or economic resources that could contribute to a prohibited programme or activity.
- (4) A regulated person must not make available, or deal with, directly or indirectly, any funds or other financial assets or economic resources if the funds, financial assets or economic resources are associated with a prohibited programme or activity.
- (5) A person who contravenes subsection (1), (2), (3) or (4) 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~~ 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 (5) to prove that the person did not know and had no reason to believe—
- (a) for a contravention of subsection (1), ~~that~~ that the financial services concerned could contribute to a prohibited programme or activity;
  - (b) for a contravention of subsection (2), ~~that~~ that the funds or other financial assets or economic resources concerned could contribute to a prohibited programme or activity;
  - (c) for a contravention of subsection (3), ~~that~~ that the funds or other financial assets or economic resources concerned could contribute to a prohibited programme or activity;
  - (d) for a contravention of subsection (4), ~~that~~ that the funds or other financial assets or economic resources concerned were associated with a prohibited programme or activity.
- (7) A person is not to be regarded as having contravened subsection (1), (2), (3) or (4) by reason only of having credited an account described in subsection (8) 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 this section comes into operation.
- (8) The account is an account in which the funds or other financial assets or economic resources are kept.
- (9) In this section—
- prohibited programme or activity*** (禁制計劃或活動) means—
- (a) DPRK's nuclear or ballistic missile programme; or

- (b) any other activity that is prohibited by ~~this Regulation~~ the Security Council Resolutions;

**regulated person** (受規管人士) means—

- (a) a person acting in the HKSAR; or
- (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.

#### **5D. Prohibition against certain banking activities in HKSAR**

(1) A person connected with the DPRK must not carry on a banking business or a business of taking deposits in the HKSAR.

(2) A DPRK bank must not establish or maintain an office in the HKSAR.

(3) A person who contravenes subsection (1) or (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) In this section—

**banking business** (銀行業務) has the meaning given by section 2(1) of the Banking Ordinance (Cap. 155);

**deposit** (存款) has the meaning given by section 2(1) of the Banking Ordinance (Cap. 155).

**5E. Prohibition against certain activities of financial institutions in DPRK or in connection with DPRK banks**

- (1) This section applies to—
- (a) a financial institution acting in the HKSAR; and
  - (b) a financial institution acting outside the HKSAR that 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 financial institution must not—
- (a) open or maintain a representative office, or establish or maintain a subsidiary or branch, in the DPRK; or
  - (b) open or maintain a bank account in the DPRK.
- (3) Except under the authority of a licence granted under section 10L(1), a financial institution must not—
- (a) establish or maintain a joint venture with a DPRK bank;
  - (b) acquire or maintain an ownership interest in a DPRK bank; or
  - (c) establish or maintain a correspondent banking relationship with a DPRK bank.
- (4) A financial institution which 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 financial institution charged with an offence under subsection (4) for a contravention of subsection

(3) to prove that the financial institution did not know and had no reason to believe that the bank concerned was a DPRK bank.

(6) In this section—

*correspondent banking relationship with a DPRK bank* (與朝鮮銀行的代理銀行關係), in relation to a financial institution, means a relationship involving—

(a) the provision of banking services by the financial institution to a DPRK bank to enable the DPRK bank to provide services and products to the DPRK bank's customers; or

(b) the provision of banking services by a DPRK bank to the financial institution to enable the financial institution to provide services and products to the financial institution's customers.

**5F. Prohibition against opening or maintaining certain bank accounts**

(1) Except under the authority of a licence granted under section 10M(1), a financial institution must not open a new bank account, or maintain a bank account, for—

(a) a diplomatic mission or consular post of the DPRK; or

(b) an accredited diplomat or consular officer of the DPRK.

(2) A financial institution which contravenes subsection (1) 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.

(3) It is a defence for a financial institution charged with an offence under subsection (2) to prove that the financial

institution did not know and had no reason to believe that the person for whom the new bank account was opened, or the bank account was maintained, was—

- (a) a diplomatic mission or consular post of the DPRK; or
- (b) an accredited diplomat or consular officer of the DPRK.

**5G. Prohibition against provision of financial support for trade with persons connected with the DPRK**

(1) Except under the authority of a licence granted under section 10N(1), a regulated person must not provide financial support to any person for trade with a person connected with the DPRK.

(2) A regulated person who contravenes subsection (1) 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.

(3) It is a defence for a regulated person charged with an offence under subsection (2) to prove that the regulated person did not know and had no reason to believe that the financial support was provided for trade with a person connected with the DPRK.

(4) In this section—

*financial support* (金融支持) includes—

- (a) export credit;
- (b) guarantee; and
- (c) insurance;

*regulated person* (受規管人士) means—

- (a) a person acting in the HKSAR; or

(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.

### **Division 5—Technical, Scientific and Training Activities**

#### **6. Prohibition against provision of technical training, services, etc. to certain persons**

(1A) 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.

(1) ~~Subject to section 6A, a~~ person must not provide, directly or indirectly, to a person connected with the DPRK any technical training, service (including brokering or other intermediary service), assistance or advice related to the provision, manufacture, maintenance or use of any specified item.

(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 7 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—
- (a) that the technical training, service, assistance or advice concerned related to the provision, manufacture, maintenance or use of any specified item; or
  - (b) that the technical training, service, assistance or advice concerned was, or was to be, provided to a person connected with the DPRK.

~~6A. Exception to prohibition under section 6~~

~~(1) Section 6 does not apply if—~~

- ~~(a) the specified item is small arms or their related materiel; and~~
- ~~(b) the person who intends to perform any act in relation to the specified item that, but for this section, would be prohibited under section 6 notifies the Chief Executive in writing of their intention to perform the act at least 30 days before the day on which the act is intended to be performed.~~

~~(2) If the Chief Executive receives a notification under subsection (1)(b), the Chief Executive must cause the Committee to be notified of the act to which the notification relates at least 5 days before the day on which the act is intended to be performed.~~

**7. Prohibition against acceptance of technical training, services, etc. provided by certain persons**

(1A) 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.
- (1) A person must not accept, directly or indirectly, any technical training, service (including brokering or other intermediary service), assistance or advice that is provided by a DPRK-related person and related to the provision, manufacture, maintenance or use of any specified item.
- (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 7 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—
- (a) that the technical training, service, assistance or advice concerned related to the provision, manufacture, maintenance or use of any specified item; or
  - (b) that the technical training, service, assistance or advice concerned was<sub>2</sub> or was to be<sub>2</sub> provided by a DPRK-related person.
- (6) In this section—
- DPRK-related person*** (關乎朝鮮人士) means—
- (a) a person connected with the DPRK; or
  - (b) a national of the DPRK who is in a place outside the DPRK.

**7A. Prohibition against provision of certain specialized teaching and 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 any specified teaching or training to a national of the DPRK.
- (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 teaching or training concerned was specified teaching or training; or
  - (b) that the person to whom the teaching or training concerned was provided was a national of the DPRK.
- (5) In this section—

*specified teaching or training* (指明教學或培訓) means specialized teaching or training that could contribute to the DPRK's proliferation of sensitive nuclear activities or the DPRK's development of nuclear weapon delivery systems, including teaching or training in—

- (a) advanced physics;
- (b) advanced computer simulation and related computer sciences;
- (c) geospatial navigation;
- (d) nuclear engineering;
- (e) aerospace engineering;
- (f) aeronautical engineering;
- (g) advanced materials science;
- (h) advanced chemical engineering;
- (i) advanced mechanical engineering;
- (j) advanced electrical engineering;
- (k) advanced industrial engineering; or
- (l) any related discipline.

**7B. Prohibition against engaging in certain scientific or technical co-operation**

- (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 100(1), a person must not engage in any scientific or technical co-operation involving a person officially sponsored by the DPRK or a person representing the DPRK, except for medical exchanges.

(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 scientific or technical co-operation concerned involved a person officially sponsored by the DPRK or a person representing the DPRK.

### **Division 6—Making Available or Dealing with Funds etc.**

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

(1A) 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.

(1) Except under the authority of a licence granted under section 11(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 belonging to, or owned or controlled 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 belonging to, or owned or controlled by, the first-mentioned person.
- (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 7 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~~—
- (a) for a contravention of subsection (1)(a)—that the funds or other financial assets or economic resources concerned were<sub>2</sub> or were to be<sub>2</sub> made available to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) for a contravention of subsection (1)(b)—that the person was dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (1) by reason only of having credited an account belonging to, or owned or controlled 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~~ use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

### **Division 7—Entry and Transit**

#### **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.
- (5) In this section—

*specified person* (指明人士) means—

- (a) a person designated by the Committee or the Security Council ~~under for the purposes of~~ paragraph 8(e) of Resolution 1718; or
- ~~— (b) a person listed in Annex I to Resolution 2094; or~~
- ~~— (c) a person acting on behalf of, or at the direction of, a person mentioned in paragraph (b).~~
- (b) a person acting on behalf of, or at the direction of, a person mentioned in paragraph (a).

**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 otherwise further the objectives of Resolution 1718.

**Division 8—Ships and Aircraft**

**10A. Prohibition against ~~provision of certain services to ships registered in DPRK~~ certain activities in connection with ships and aircraft**

- (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) Subject to section 10B(1), a person must not provide, directly or indirectly, any specified services to a ship registered in the DPRK if the person knows or has reasonable grounds to believe that the ship is carrying a prohibited item.

(2A) Except under the authority of a licence granted under section 11A(1), a person must not—

(a) lease or charter a ship or aircraft that is registered in the HKSAR to a relevant person, relevant entity or person connected with the DPRK;

(b) provide a ship or aircraft crewing service to a relevant person, relevant entity or person connected with the DPRK;

(c) register a ship in the DPRK;

(d) obtain an authorization for a ship to use the flag of the DPRK;

(e) own, lease, charter or operate a ship registered in the DPRK;

(f) provide a ship classification, certification or associated service to a ship registered in the DPRK; or

(g) insure a ship registered in the DPRK.

(2B) Except under the authority of a licence granted under section 11A(3), a person must not provide an insurance or reinsurance service to—

(a) a ship owned, controlled or operated by a person connected with the DPRK; or

(b) a ship that is involved in an activity prohibited by the Security Council Resolutions.



(2C) Except under the authority of a licence granted under section 11A(5), a person must not provide a ship classification service to a ship if—

(a) the ship—

(i) was registered in the HKSAR and the registration was closed under section 64(6) of the Merchant Shipping (Registration) Ordinance (Cap. 415); or

(ii) was registered in a place outside the HKSAR and the registration was closed (however described) by the authority of that place; and

(b) the closure of registration was related to the ship's involvement in an activity prohibited by the Security Council Resolutions.

(2D) Subject to section 10B(2), a person must not, directly or indirectly, deal with a relevant ship.

(3) A person who contravenes subsection (2), (2A), (2B), (2C) or (2D) 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.

(3A) 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) for a contravention of subsection (2A)(a) or (b)—that the person to whom the ship or aircraft was leased or chartered, or to whom the crewing service was provided, was a relevant person, relevant entity or person connected with the DPRK;

- ~~(b) for a contravention of subsection (2A)(e), (f) or (g)—that the ship concerned was registered in the DPRK;~~
  - ~~(c) for a contravention of subsection (2B)(a)—that the ship concerned was owned, controlled or operated by a person connected with the DPRK;~~
  - ~~(d) for a contravention of subsection (2B)(b)—that the ship concerned was involved in an activity prohibited by the Security Council Resolutions;~~
  - ~~(e) for a contravention of subsection (2C)—~~
    - ~~(i) that the registration of the ship concerned was closed; or~~
    - ~~(ii) that the closure of registration was related to the ship's involvement in an activity prohibited by the Security Council Resolutions; or~~
  - ~~(f) for a contravention of subsection (2D)—that the ship concerned was a relevant ship.~~
- ~~(4) In this section,~~
- ~~(4) In this section—~~
- ~~***deal with*** (處理), in relation to a ship, means—~~
- ~~(a) use (including use to obtain funds, goods or services in any way, such as by selling, hiring, chartering or mortgaging the ship);~~
  - ~~(b) alter, allow access to or transfer;~~
  - ~~(c) deal with in any other way that would result in any change in location, ownership, possession, character or destination; or~~
  - ~~(d) make any other change that would enable use;~~
- ~~***relevant ship*** (相關船舶) means a ship named in the list published under section 31A(1);~~

*specified services* (指明服務), in relation to a ship, means the provision of any bunkering service to the ship or any of the following services—

- (a) the provision of fuel to the ship;
- (b) the provision of tools or equipment for shipboard maintenance;
- (c) the provision of lubricants, chemicals, expendable parts, spare parts, supplies or any other requirements that are necessary for the safe operation of the ship;
- (d) the servicing or repair of any part of the ship or any item referred to in paragraphs (b) and (c).

**10B. Exception to prohibition under section 10A**

~~(1)~~ Section 10A(2) does not apply if the provision of the specified services concerned is necessary for humanitarian purposes.

~~(2)~~ Section 10A(2D) does not apply if the ship concerned is dealt with in accordance with—

- ~~(a)~~ for a ship registered in the HKSAR—a direction given by the Director of Marine under section 10E(1); or
- ~~(b)~~ for a ship registered in a place outside the HKSAR—a direction given by the authority of that place for the purposes of paragraph 12(b) of Resolution 2321.

~~**10C. Prohibition against certain ships from entering waters of Hong Kong**~~

~~(1)~~ This section applies to a ship—

- ~~(a)~~ which is outside the waters of Hong Kong; and
- ~~(b)~~ which has refused to be inspected pursuant to paragraph 12 of Resolution 1874.

- ~~(2) Except in the circumstances specified in subsection (3), if the Director of Marine has information that provides reasonable grounds for the Director to believe that a ship is one to which this section applies, the Director must deny permission for the ship to enter the waters of Hong Kong.~~
- ~~(3) A ship to which this section applies may enter the waters of Hong Kong—~~
- ~~(a) for the purpose of an inspection under section 14;~~
  - ~~(b) in the case of an emergency; or~~
  - ~~(c) for the ship to return to its port of origination.~~
- ~~(4) The charterer, operator or master of a ship to which permission is denied under subsection (2) must not cause the ship to enter the waters of Hong Kong.~~
- ~~(5) A charterer, operator or master of a ship who, without reasonable excuse, contravenes subsection (4) 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.~~
- ~~(6) In this section—~~

~~**Resolution 1874** (《第 1874 號決議》) means Resolution 1874 (2009) adopted by the Security Council on 12 June 2009.~~

#### **10D. Prohibition against ship-to-ship transfer**

- ~~(1) Subsection (2) 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 facilitate or engage in a ship-to-ship transfer to or from a ship registered in the DPRK of any item that is being supplied, sold or transferred to or from the DPRK.
- (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) A ship registered in the HKSAR must not be used for facilitating or engaging in a ship-to-ship transfer to or from a ship registered in the DPRK of any item that is being supplied, sold or transferred to or from the DPRK.
- (5) If a ship registered in the HKSAR is used in contravention of subsection (4), the charterer, the operator and the master of the ship each commits an offence.
- (6) A person who commits an offence under subsection (5) 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.
- (7) It is a defence for a person charged with an offence under subsection (3) or (5) to prove that the person did not know and had no reason to believe—

  - (a) that the item concerned was being supplied, sold or transferred to or from the DPRK; or

(b) that the ship concerned was registered in the DPRK.

**10E. Director of Marine to give directions to certain ships**

(1) If—

(a) a ship registered in the HKSAR is designated by the Committee for the purposes of paragraph 12 of Resolution 2321; and

(b) the Committee requires that the ship be directed to a port identified by the Committee,

the Director of Marine must direct the ship to the port.

(2) Subsection (1) applies whether or not—

(a) the ship is within the waters of Hong Kong; and

(b) the port to which the ship is directed is in the HKSAR.

(3) A charterer, operator or master of a ship who, without reasonable excuse, fails to comply with a direction given under subsection (1) 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.

**10F. Prohibition against certain aircraft from taking off, landing and flying**

(1) This section applies to—

(a) an aircraft that carries a supply-sanctioned item or luxury goods to the DPRK (except for a carriage under the authority of a licence, or a carriage referred to in section 3(2AAB) or 3B(2)); and

- (b) an aircraft that carries a procurement-sanctioned item from the DPRK (except for a carriage under the authority of a licence).
- (2) If the Director-General of Civil Aviation has information that provides reasonable grounds for the Director-General to believe that an aircraft is one to which this section applies, the Director-General must deny permission for the aircraft—

  - (a) to take off from the HKSAR;
  - (b) to land in the HKSAR, except in the circumstances specified in subsection (3); or
  - (c) to fly within Hong Kong air space.
- (3) An aircraft to which this section applies may land in the HKSAR—

  - (a) for the purpose of an inspection under section 17; or
  - (b) in the case of an emergency.
- (4) The pilot in command of an aircraft to which permission is denied under subsection (2) must not cause the aircraft—

  - (a) for subsection (2)(a)—to take off from the HKSAR;
  - (b) for subsection (2)(b)—to land in the HKSAR; or
  - (c) for subsection (2)(c)—to fly within Hong Kong air space.
- (5) A pilot in command who contravenes subsection (4) 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.

**Division 9—Property and Joint Ventures etc.**

**10G. Prohibition against certain activities in connection with immovable property**

- (1) A person must not—
- (a) lease, or otherwise make available, immovable property, directly or indirectly, to the DPRK Government if the person knows or has reason to believe that the property is to be used for any purpose other than diplomatic or consular activities;
  - (b) lease immovable property, directly or indirectly, from the DPRK Government; or
  - (c) subject to subsection (2), engage in any activity linked to the use of immovable property that the DPRK Government owns or leases.
- (2) Subsection (1)(c) does not apply to the provision of goods and services which—
- (a) are essential for the functioning of a diplomatic mission or consular post; and
  - (b) cannot be used to generate income or profit, directly or indirectly, for the DPRK Government.
- (3) A person who contravenes subsection (1) 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) for a contravention of subsection (1)(a)—that the immovable property concerned was leased, or otherwise made available, to the DPRK Government;
- (b) for a contravention of subsection (1)(b)—that the immovable property concerned was leased from the DPRK Government; or
- (c) for a contravention of subsection (1)(c)—that the activity concerned was linked to the use of immovable property that the DPRK Government owned or leased.

(5) In this section—

*DPRK Government* (朝鮮政府) means—

- (a) an entity or body of the Government of the DPRK; or
- (b) a person acting on behalf of the Government of the DPRK.

**10H. Prohibition against joint ventures or co-operative entities with persons connected with the DPRK**

(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 11B(1), a person must not—

- (a) establish, maintain or operate a joint venture or co-operative entity with a person connected with the DPRK; or
- (b) invest in such a joint venture or co-operative entity.

(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 joint venture or co-operative entity concerned was one with a person connected with the DPRK.

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## Part 3

### Licences

#### 10I. General licence for all prohibited acts

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant a licence for doing an act prohibited by any provision of Part 2 (whether or not the act is one for which a licence may be granted under another provision of this Part).
- (2) The requirement is that the Committee determines that the act is—
- (a) necessary to facilitate the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK; or
  - (b) for any other purpose consistent with the objectives of the Security Council Resolutions.

#### 10J. Licence for supply, sale, transfer or carriage of certain supply-sanctioned items

- (1) If on application the Chief Executive determines that the applicable requirements in subsection (2), (3), (4) or (5) are met, the Chief Executive must grant, as appropriate—
- (a) a licence for the supply, sale or transfer of, or the doing of any act likely to promote the supply, sale or transfer of, a supply-sanctioned item referred to in the subsection concerned—
    - (i) to the DPRK;
    - (ii) to, or to the order of, a person connected with the DPRK; or

- (iii) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK or to, or to the order of, a person connected with the DPRK; or
  - (b) a licence for the carriage of a supply-sanctioned item referred to in the subsection concerned that is, or forms part of, a carriage—
    - (i) from a place outside the DPRK to a place in the DPRK;
    - (ii) to, or to the order of, a person connected with the DPRK; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly to the DPRK or to, or to the order of, a person connected with the DPRK.
- (2) For a new helicopter or a new or used ship, the applicable requirement is that the Committee has approved the supply, sale, transfer or carriage of the helicopter or ship in advance on a case-by-case basis.
- (3) For a refined petroleum product, the applicable requirements are all of the following—
  - (a) the supply, sale, transfer or carriage of the product will not result in the quota referred to in paragraph 5 of Resolution 2397 being exceeded;
  - (b) information about all parties to the supply, sale, transfer or carriage of the product has been given to the Chief Executive;
  - (c) the supply, sale, transfer or carriage of the product does not involve an individual or entity that is associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the Security Council Resolutions (including a relevant person, a relevant

entity, and an individual or entity assisting in the evasion of sanctions);

(d) the supply, sale, transfer or carriage of the product is exclusively for livelihood purposes of the nationals of the DPRK and unrelated to generating revenue for the programmes or activities referred to in paragraph (c);

(e) there is no instruction from the instructing authority not to allow the supply, sale, transfer or carriage of the product.

(4) For crude oil, the applicable requirement is either—

(a) the Committee has approved in advance on a case-by-case basis that the supply, sale, transfer or carriage of the crude oil is exclusively for livelihood purposes of the nationals of the DPRK and unrelated to the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the Security Council Resolutions; or

(b) both of the following—

(i) the supply, sale, transfer or carriage of the crude oil will not result in the quota referred to in paragraph 4 of Resolution 2397 being exceeded;

(ii) there is no instruction from the instructing authority not to allow the supply, sale, transfer or carriage of the crude oil.

(5) For an item specified in item 9 of Schedule 3, the applicable requirement is that the supply, sale, transfer or carriage of the item is for the provision of spare parts needed to maintain the safe operation of the DPRK's commercial civilian passenger aircraft.

- (6) If on application the Chief Executive determines that the requirement in subsection (7) is met, the Chief Executive must grant, as appropriate—
- (a) a licence for the supply, sale or transfer of, or the doing of any act likely to promote the supply, sale or transfer of, aviation fuel—
- (i) to the DPRK; or
- (ii) to a destination or person for the purpose of delivery or transfer, directly or indirectly to the DPRK; or
- (b) a licence for the carriage of aviation fuel that is, or forms part of, a carriage—
- (i) from a place outside the DPRK to a place in the DPRK; or
- (ii) to a destination for the purpose of delivery or transfer, directly or indirectly to the DPRK.
- (7) The requirement is that the Committee has approved in advance on an exceptional case-by-case basis that the supply, sale, transfer or carriage of the aviation fuel to the DPRK is for verified essential humanitarian needs and is subject to specified arrangements for the effective monitoring of delivery and use.

**10K. Licence for procurement of certain procurement-sanctioned items**

- (1) If on application the Chief Executive determines that the applicable requirements in subsection (2), (3) or (4) are met, the Chief Executive must grant, as appropriate—
- (a) a licence for the procurement of, or the doing of any act likely to promote the procurement of, a procurement-

sanctioned item referred to in the subsection concerned—

(i) from the DPRK; or

(ii) from a person connected with the DPRK; or

(b) a licence for the use of a ship, aircraft or vehicle for or in connection with the procurement of a procurement-sanctioned item referred to in the subsection concerned—

(i) from the DPRK; or

(ii) from a person connected with the DPRK.

(2) For coal, the applicable requirements are both of the following—

(a) the authority of a place outside the DPRK confirms, on the basis of credible information, that the coal has originated in that place and is transported through the DPRK solely for export from the Port of Rajin (Rason);

(b) the procurement is unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the Security Council Resolutions.

(3) For a statue, the applicable requirement is that the Committee has approved the procurement in advance on a case-by-case basis.

(4) For textiles (within the meaning of item 15 of Schedule 4), the applicable requirement is that the Committee has approved the procurement in advance on a case-by-case basis.

**10L. Licence for certain activities in connection with DPRK banks**

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

- (a) establishing or maintaining a joint venture with a DPRK bank;
  - (b) acquiring or maintaining an ownership interest in a DPRK bank; or
  - (c) establishing or maintaining a correspondent banking relationship with a DPRK bank.
- (2) The requirement is that the Committee has approved the activity concerned in advance on a case-by-case basis.

**10M. Licence for opening or maintaining certain bank accounts**

- (1) If on application the Chief Executive determines that the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate, a licence for opening a new bank account, or maintaining a bank account, for—
- (a) a diplomatic mission or consular post of the DPRK; or
  - (b) an accredited diplomat or consular officer of the DPRK.
- (2) The requirements are both of the following—
- (a) the opening or maintaining of the bank account will not result in there being more than one bank account in the HKSAR for the diplomatic mission or consular post of the DPRK or the accredited diplomat or consular officer of the DPRK;
  - (b) there is no instruction from the instructing authority not to allow the bank account to be opened or maintained.

**10N. Licence for provision of financial support for trade with persons connected with the DPRK**

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant a licence for the provision of financial support for trade with a person connected with the DPRK.



(2) The requirement is that the Committee has approved the financial support in advance on a case-by-case basis.

**100. Licence for engaging in certain scientific or technical co-operation**

(1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence for engaging in scientific or technical co-operation involving a person officially sponsored by the DPRK or a person representing the DPRK.

(2) The requirement is that—

(a) for scientific or technical co-operation in the field of nuclear science and technology, aerospace and aeronautical engineering and technology, or advanced manufacturing production techniques and methods—the Committee has determined on a case-by-case basis that the co-operation will not contribute to the DPRK's proliferation of sensitive nuclear activities or ballistic missile-related programmes; or

(b) in any other case—the co-operation will not contribute to the DPRK's proliferation of sensitive nuclear activities or ballistic missile-related programmes.

(3) If the Chief Executive determines that the requirement in subsection (2)(b) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

**11. 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 (4), 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 belonging to, or owned or controlled by, a relevant person or a relevant entity.

(2) The requirements 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 under the law of the HKSAR; 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 belonging to, or owned or controlled 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 14 October 2006 and is not for the benefit of a

relevant person or a relevant entity or an individual or entity identified by the Committee or the Security Council; and

(ii) are to be used to satisfy the lien or judgment;

(d) both of the following—

(i) the relevant person or relevant entity concerned falls within the definition of *relevant person* or *relevant entity* in section 1 because of the Foreign Trade Bank or the Korean National Insurance Company being named in the list published under section 31(1);

(ii) the funds or other financial assets or economic resources are solely for—

(A) the operation of diplomatic or consular missions in the DPRK; or

(B) humanitarian assistance activities that are undertaken by, or in co-ordination with, the United Nations;

(e) both of the following—

(i) the relevant person or relevant entity concerned falls within the definition of *relevant person* or *relevant entity* in section 1 because of an entity referred to in section 31(2)(c) being named in the list published under section 31(1);

(ii) the funds or other financial assets or economic resources—

(A) are required to carry out activities of the DPRK's missions to the United Nations and its specialized agencies and related organizations or other diplomatic and consular missions of the DPRK; or

(B) are, as determined by the Committee in advance on a case-by-case basis, required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of Resolution 2270.

- (4) 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 5 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.

**11A. Licence for certain activities in connection with ships and aircraft**

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

- (a) leasing or chartering a ship or aircraft that is registered in the HKSAR to a relevant person, relevant entity or person connected with the DPRK;
  - (b) providing a ship or aircraft crewing service to a relevant person, relevant entity or person connected with the DPRK;
  - (c) registering a ship in the DPRK;
  - (d) obtaining an authorization for a ship to use the flag of the DPRK;
  - (e) owning, leasing, chartering or operating a ship registered in the DPRK;
  - (f) providing a ship classification, certification or associated service to a ship registered in the DPRK; or
  - (g) insuring a ship registered in the DPRK.
- (2) The requirement is that the Committee has approved the activity concerned in advance on a case-by-case basis.
- (3) If on application the Chief Executive determines that the requirement in subsection (4) is met, the Chief Executive must grant, as appropriate, a licence for the provision of an insurance or reinsurance service to—
- (a) a ship owned, controlled or operated by a person connected with the DPRK; or
  - (b) a ship that is involved in an activity prohibited by the Security Council Resolutions.
- (4) The requirement is that the Committee determines on a case-by-case basis that—
- (a) the ship is engaged in activities exclusively for livelihood purposes and will not be used by the DPRK's individuals or entities to generate revenue; or

- (b) the ship is engaged in activities exclusively for humanitarian purposes.
- (5) If on application the Chief Executive determines that the requirement in subsection (6) is met, the Chief Executive must grant a licence for the provision of a ship classification service to a ship where—
  - (a) the ship—
    - (i) was registered in the HKSAR and the registration was closed under section 64(6) of the Merchant Shipping (Registration) Ordinance (Cap. 415); or
    - (ii) was registered in a place outside the HKSAR and the registration was closed (however described) by the authority of that place; and
  - (b) the closure of registration was related to the ship's involvement in an activity prohibited by the Security Council Resolutions.
- (6) The requirement is that the Committee has approved the provision of the ship classification service in advance on a case-by-case basis.

**11B. Licence for joint ventures or co-operative entities with persons connected with the DPRK**

- (1) If on application the Chief Executive determines that the requirement in subsection (2) is met, the Chief Executive must grant, as appropriate, a licence for—
  - (a) establishing, maintaining or operating a joint venture or co-operative entity with a person connected with the DPRK; or
  - (b) investing in such a joint venture or co-operative entity.

(2) The requirement is that the Committee has approved the joint venture or co-operative entity in advance on a case-by-case basis.

**12. 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.

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## **Part 4**

### **Things Done outside HKSAR**

#### **13. 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

##### 14. 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), or that a ship to which section 3AA applies has been, is being or is about to be used as described in section 3AA(2)(a) and (b) any of the circumstances specified in subsection (1A) exists, the an authorized officer may—~~

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship concerned 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.

(1A) The circumstances are as follows—

- (a) the authorized officer has reason to suspect that the ship is one to which section 3 or 5 applies and it has been, is being or is about to be used in contravention of section 3(2) or (2AA) or 5(2);
- (b) the authorized officer has reason to suspect that the ship is one to which section 3AA applies and it has been, is

being or is about to be used as described in section 3AA(2)(a) and (b);

(c) the ship carries cargo that has originated in the DPRK;

(d) the ship carries cargo that is destined for the DPRK;

(e) the ship carries cargo that has been brokered or facilitated by—

(i) the Government or a national of the DPRK;

(ii) an individual acting on behalf of, or at the direction of, the Government or a national of the DPRK;

(iii) an entity acting on behalf of, or at the direction of, or owned or controlled by, the Government or a national of the DPRK;

(iv) a relevant person; or

(v) a relevant entity;

(f) the ship carries cargo and is using the flag of the DPRK.

(1B) If an authorized officer has reason to suspect—

(a) 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 (2AA) or 5(2); or

(b) that a ship to which section 3AA applies is being or is about to be used as described in section 3AA(2)(a) and (b),

the officer may, for the purpose of stopping or preventing the ship from being so used or pursuing 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 acts specified in subsection (2).

(1C) Also, if any of the circumstances specified in subsection (1A)(c), (d), (e) and (f) exists, an authorized officer may do one or more of the acts specified in subsection (2).

~~(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), or that a ship to which section 3AA applies is being or is about to be used as described in section 3AA(2)(a) and (b), 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 as described in section 3AA(2)(a) and (b) 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~~The acts are as follows—

- (a) directing 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) requesting 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.

## **15. Offences by charterer, operator or master of ship**

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 14(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 14(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 14(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.

## 16. Power of authorized officers to enter and detain ships

- (1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(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

### 17. 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), or that an aircraft to which section 3AA applies has been, is being or is about to be used as described in section 3AA(2)(a) and (b),~~

any of the circumstances specified in subsection (1A) exists,~~the~~ an authorized officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft concerned 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.

(1A) The circumstances are as follows—

- (a) the authorized officer has reason to suspect that the aircraft is one to which section 3 or 5 applies and it has been, is being or is about to be used in contravention of section 3(2) or (2AA) or 5(2);
- (b) the authorized officer has reason to suspect that the aircraft is one to which section 3AA applies and it has been, is being or is about to be used as described in section 3AA(2)(a) and (b);
- (c) the aircraft carries cargo that has originated in the DPRK;
- (d) the aircraft carries cargo that is destined for the DPRK;
- (e) the aircraft carries cargo that has been brokered or facilitated by—
  - (i) the Government or a national of the DPRK;
  - (ii) an individual acting on behalf of, or at the direction of, the Government or a national of the DPRK;

- (iii) an entity acting on behalf of, or at the direction of, or owned or controlled by, the Government or a national of the DPRK;
  - (iv) a relevant person; or
  - (v) a relevant entity;
  - (f) the aircraft is using the flag of the DPRK.
- (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.

**18. 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 17(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 17(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.

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

- (1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(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

### 20. 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), or as described in section 3AA(2)(a) and (b), the any of the circumstances specified in subsection (1A) exists, an authorized officer~~ may—
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle concerned 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.

(1A) The circumstances are as follows—

- (a) the authorized officer has reason to suspect that the vehicle is one in the HKSAR and it has been, is being or is about to be used in contravention of section 3(2) or (2AA) or 5(2);

- (b) the authorized officer has reason to suspect that the vehicle is one in the HKSAR and it has been, is being or is about to be used as described in section 3AA(2)(a) and (b);
  - (c) the vehicle carries cargo that has originated in the DPRK;
  - (d) the vehicle carries cargo that is destined for the DPRK;
  - (e) the vehicle carries cargo that has been brokered or facilitated by—
    - (i) the Government or a national of the DPRK;
    - (ii) an individual acting on behalf of, or at the direction of, the Government or a national of the DPRK;
    - (iii) an entity acting on behalf of, or at the direction of, or owned or controlled by, the Government or a national of the DPRK;
    - (iv) a relevant person; or
    - (v) a relevant entity.
- (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.

## 21. 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 20(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 20(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.

## **22. Power of authorized officers to enter and detain vehicles**

- (1) Without limiting section 21, if an authorized officer has reason to suspect that a request that has been made under section 20(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 3A—Powers to Search, Arrest, etc.**

### **22A. Powers to stop and search etc.**

- (1) If an authorized officer has reasonable grounds to suspect that an offence under this Regulation has been, is being or is about to be committed, the officer may do one or more of the following—
- (a) stop and search a person arriving in or about to leave the HKSAR and examine anything in the person's possession;
  - (b) examine at a point of entry to or exit from the HKSAR—
    - (i) any cargo (other than any baggage), together with any manifest and supporting documents;
    - (ii) any unaccompanied baggage; or
    - (iii) any unaccompanied personal belongings;
  - (c) examine any cargo (other than any baggage), together with any manifest and supporting documents—
    - (i) at a place where the cargo is stored before it is exported from the HKSAR; or
    - (ii) at a place where the cargo is stored after it has been imported into the HKSAR and before, or at the time of, its collection by the consignee.
- (2) An authorized officer may seize and detain anything—
- (a) found as a result of the exercise of a power under subsection (1); and
  - (b) that the officer reasonably suspects to be connected with a contravention of this Regulation.
- (3) A person may only be searched under this section by a person who is of the same sex.

- (4) An authorized officer may use any force reasonably necessary for exercising a power under subsection (1) or (2).

**22B. Arrest and detention**

- (1) An authorized officer may without warrant arrest or detain for further inquiries a person whom the officer reasonably suspects of having contravened this Regulation.

- (2) An authorized officer who arrests a person under subsection (1) must take the person to a police station to be dealt with in accordance with the Police Force Ordinance (Cap. 232).

- (3) However, if further inquiries are necessary, an authorized officer (other than a police officer) may take the person to an office of the Customs and Excise Department for further inquiries before taking the person to a police station in accordance with subsection (2).

- (4) A person must not be detained for more than 48 hours from the time the person is arrested without being charged and brought before a magistrate.

- (5) An authorized officer who arrests a person may require the person to give the person's name and to produce evidence of identity to the officer.

- (6) If a person forcibly resists or attempts to evade arrest under this section, an authorized officer may use any force reasonably necessary to effect the arrest.

**Division 4—Proof of Identity**

**23. Production of proof of identity**

Before or on exercising a power conferred by section 14, 16, 17, 19, 20-~~or~~, 22, 22A or 22B, 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

#### Division 1—Interpretation

##### 23A. Interpretation of Part 6

In this Part—

*material* (材料) includes any book, document or other record in any form, and any article or substance;

*possession* (管有) includes control;

*premises* (處所) includes any place and, in particular, includes—

(a) any ship, aircraft, vehicle or offshore structure; and

(b) any tent or movable structure.

*seized property* (被檢取財產) means anything seized under section 22A(2) or 24(3).

#### Division 2—Making Material Available

##### 23B. Order to make material available

(1) The Secretary for Justice or an authorized officer may, for the purpose of an investigation into an offence under this Regulation, make an ex parte application, by information on oath, to a judge for an order under subsection (2) in relation to particular material or to material of a particular description.

(2) Subject to subsection (3), the judge may on the application make an order—

(a) that the person who appears to the judge to be in possession of the material must, within the period specified in the order—

- (i) produce the material to an authorized officer for the officer to take away; or
    - (ii) give an authorized officer access to the material;
  - (b) that the person who appears to the judge likely to come into possession of the material must, within the period specified in the order—
    - (i) produce the material to an authorized officer for the officer to take away; or
    - (ii) give an authorized officer access to the material; or
  - (c) in terms both of paragraphs (a) and (b).
- (3) The judge may make the order only if the judge is satisfied—
  - (a) that there are reasonable grounds for suspecting that the offence has been committed;
  - (b) that there are reasonable grounds for believing that the material is likely to be relevant to the investigation for the purpose of which the application is made;
  - (c) that there are reasonable grounds for believing that it is in the public interest that the material should be produced or that access to it should be given, having regard to—
    - (i) the benefit likely to accrue to the investigation if the material is obtained; and
    - (ii) the circumstances under which the person in possession of the material holds, or will hold, it; and
  - (d) for an application relating to material of a particular description—that an application in relation to particular material is not reasonably practicable.
- (4) The period to be specified in the order must be—



- (a) for subsection (2)(a)—a period of 7 days after the date on which the order is served on the person concerned; or
- (b) for subsection (2)(b)—a period of 7 days after the later of the following dates—
  - (i) the date on which the order is served on the person concerned;
  - (ii) the date on which the person concerned comes into possession of the material,unless it appears to the judge that a longer or shorter period would be appropriate in the particular circumstances of the application.
- (5) If the application relates to material outside the HKSAR, it may be made only by the Secretary for Justice.
- (6) The application must be heard in camera.
- (7) As soon as practicable after an order is made under subsection (2), the Secretary for Justice or authorized officer must serve the order personally on the person who is subject to the order.

**23C. Supplementary provisions to section 23B**

- (1) An order under section 23B(2), in so far as it is in terms of paragraph (b) of that section, ceases to have effect on the expiry of—
  - (a) 3 months after the date on which the order is made; or
  - (b) any lesser period specified in the order.
- (2) However, subsection (1) does not—
  - (a) affect any obligation incurred under the order before it ceases to have effect; or
  - (b) prevent, whether before or after the order (*first order*) ceases to have effect, the making of any further order

under section 23B(2) in respect of the person who is subject to the first order.

(3) If a judge makes an order under section 23B(2)(a)(ii) or (b)(ii) in relation to material on any premises, a judge may, on the same application or a subsequent application by the Secretary for Justice or an authorized officer, order any person who appears to the judge to be entitled to grant entry to the premises to allow an authorized officer to enter the premises to obtain access to the material.

(4) If the material to which an application under section 23B(1) relates consists of information recorded otherwise than in a legible form—

(a) an order under section 23B(2)(a)(i) or (b)(i) has effect as an order to produce the material in a form in which it can be taken away; and

(b) an order under section 23B(2)(a)(ii) or (b)(ii) has effect as an order to give access to the material in a form in which it is visible and legible.

(5) If an order under section 23B(2)(a)(i) or (b)(i) relates to information recorded otherwise than in a legible form, an authorized officer may, by notice in writing served on the person concerned—

(a) require the person to produce the material in a form in which it is visible and legible and can be taken away; and

(b) release the person from any obligation under the order to produce the material in the form in which it was recorded.

(6) An authorized officer may photograph or make copies of any material produced under this section or section 23B.

(7) Subject to section 23F, a person is not excused from producing any material in relation to which an order under section 23B(2) is made on the ground that to do so would breach an obligation as to secrecy or another restriction on the disclosure of information imposed by statute or otherwise.

(8) An application under subsection (3) must be heard in camera.

**23D. Revocation or variation of order under section 23B or 23C**

(1) A person who is subject to an order under section 23B(2) or 23C(3) may apply for the revocation or variation of the order.

(2) The application must be made to a judge by a summons supported by an affidavit.

(3) The summons and affidavit in support must state the grounds on which the applicant seeks the revocation or variation of the order and the relevant facts.

(4) The summons and a copy of the affidavit in support must be served on the Secretary for Justice not less than 3 clear days before the date fixed for the hearing of the application.

(5) At the hearing of the application, the judge may revoke or vary the order as the judge considers appropriate.

**23E. Procedures for application under section 23B, 23C or 23D**

(1) This section applies to an application made under section 23B, 23C or 23D.

(2) At the hearing of the application, a judge may receive evidence.

(3) All documents and information relating to the application must be treated as confidential.

(4) All documents, and anything containing any information, relating to the application must, immediately after the

application is determined, be placed in a packet and sealed by order of the judge hearing the application.

(5) The packet—

(a) must be kept in the custody of the court in a place to which the public has no access or in another place authorized by the judge;

(b) must not be opened, and its contents must not be removed, except by order of a judge; and

(c) must not be destroyed except by order of a judge.

### **23F. Privileges**

(1) An order under section 23B(2) does not—

(a) confer any right to production of, or access to, any item subject to legal professional privilege; or

(b) restrict the privilege against self-incrimination.

(2) If, in the course of the exercise of powers conferred by an order under section 23B(2), a claim of legal professional privilege is made in respect of any material, the person making the claim must—

(a) in the presence of an authorized officer, secure the material in a sealed container;

(b) deposit the sealed container with a judge as soon as practicable or handle the sealed container in another way as directed by a judge;

(c) within 3 days of so depositing or handling the sealed container, apply to a judge by a summons supported by an affidavit for a declaration that the material is an item subject to legal professional privilege; and

(d) not less than 3 clear days before the date fixed for the hearing of the application, serve the summons and a

copy of the affidavit in support on the Secretary for Justice.

**23G. Offence for failure to comply with order under section 23B**

A person who, without reasonable excuse, fails to comply with an order under section 23B(2) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**23H. Investigation not to be prejudiced**

(1) This section applies if an order under section 23B(2) has been made, or has been applied for and has not been refused.

(2) A person who knows or suspects that an investigation in relation to which the order has been made or applied for is taking place must not—

(a) without lawful authority or reasonable excuse, make any disclosure intending to prejudice the investigation; or

(b) falsify, conceal, destroy or otherwise dispose of, or cause or permit the falsification, concealment, destruction or disposal of, any material—

(i) knowing or suspecting that the material is likely to be relevant to the investigation; and

(ii) intending to conceal the facts disclosed by the material from persons carrying out the investigation.

(3) If a person has been arrested in connection with an investigation referred to in subsection (2), that subsection does not apply as regards any disclosure in respect of the investigation made after the arrest.

(4) A person who contravenes subsection (2) 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.

### Division 3—Search Warrant

#### 24. 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~~anything 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~~anything seized under paragraph (b) any other steps that may appear necessary for preserving ~~the document, cargo or article~~it 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.

#### **Division 4—Forfeiture and Detention of Seized Property**

##### **24A. Seized ~~articles, etc.~~property liable to forfeiture**

- (1) If an authorized officer intends to apply to a magistrate or judge under section 24B for an order for forfeiture of any ~~document, cargo or article seized under section 24(3)~~seized property, the officer must, within 30 days from the date of the seizure, serve notice of that intention on every person who was, to the knowledge of the officer at the time of, or immediately after, the seizure, an owner of the ~~document, cargo or article~~seized property.
- (2) A notice under subsection (1) is to be regarded as having been duly served on a person if—
  - (a) it is delivered personally to the person;

- (b) it is sent by registered post addressed to the person at any place of residence or business of the person known to the authorized officer; or
  - (c) where the notice cannot be served in accordance with paragraph (a) or (b), the notice is exhibited at the offices of the Customs and Excise Department, in a place to which the public have access, for a period of not less than 7 days commencing within 30 days from the date of the seizure of the ~~document, cargo or article~~seized property.
- (3) An owner, or the authorized agent of an owner, of the ~~document, cargo or article~~seized property referred to in a notice served under subsection (1), or a person who was in possession of the ~~document, cargo or article~~seized property at the time of seizure, or a person who has a legal or equitable interest in the ~~seized property~~document, cargo or article, may object to the proposed forfeiture by serving a notice in writing on the Commissioner.
- (4) A notice of objection under subsection (3)—
- (a) must be served on the Commissioner by a person referred to in subsection (3) (*claimant*) within 30 days from—
    - (i) if the notice under subsection (1) is delivered personally to the person named in the notice, the date of delivery;
    - (ii) if the notice under subsection (1) is sent by registered post, 2 days after the date of posting; or
    - (iii) if the notice under subsection (1) is exhibited as described in subsection (2)(c), the first day it is so exhibited;



- (b) must state the claimant's full name and address for service in Hong Kong; and
  - (c) if the claimant does not have a permanent address in Hong Kong, must state the name and address of a solicitor who is qualified to practise under the Legal Practitioners Ordinance (Cap. 159) and is authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.
- (5) An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized ~~document, cargo or article~~ property in respect of which a notice has been served under subsection (1)—
- (a) after the expiration of the appropriate period of time specified in subsection (4)(a) for the serving of a notice of objection; or
  - (b) if a notice of objection is served in accordance with subsections (3) and (4), after the receipt of the notice.

**24B. Power of magistrate or judge to make order for forfeiture and disposal**

- (1) If an application is made to a magistrate or judge for an order for forfeiture of any seized ~~document, cargo or article~~ property, the magistrate or judge may, if satisfied that the seized ~~document~~ property is a prohibited item or a document relating to the provision, manufacture, maintenance or use of a prohibited item, ~~or that the seized cargo or article is a prohibited item~~, make such order as the magistrate or judge ~~thinks fit~~ considers appropriate for the forfeiture of the ~~document, cargo or article~~ seized property and its subsequent destruction or disposal.
- (2) An order under subsection (1) may be made in respect of any seized ~~document, cargo or article~~ property whether or not any

person has been convicted of any offence in connection with the ~~document, cargo or article~~seized property.

- (3) Before making an order for forfeiture of any seized ~~document, cargo or article~~property, a magistrate or judge must issue a summons to any person who serves a notice of objection in accordance with section 24A(3) and (4) to appear on a day specified in the summons to show cause why the ~~document, cargo or article~~seized property should not be forfeited.
- (4) If any summons issued under subsection (3) has not for any reason been served and the magistrate or judge is satisfied that all reasonable efforts have been made to serve the summons on the person named in the summons, the magistrate or judge may make an order for forfeiture under this section despite the fact that the summons has not been served on that person.

**25. Detention of ~~documents, cargoes or articles~~ seized property**

- (1) Subject to subsection (2) and any order made under section 24B, any ~~document, cargo or article seized under section 24(3)~~seized property may not be detained for more than 3 months.
  - (2) If the ~~document, cargo or article~~seized property is relevant to an offence under this Regulation, and proceedings for the offence have begun, ~~the document, cargo or article~~it may be detained until the completion of those proceedings.
-

## Part 7

### Disclosure of Information or Documents

#### 26. 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 the DPRK 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

#### 27. 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.

#### 28. 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.

#### 29. Offences in relation to evasion of this Regulation

A person who destroys, mutilates, defaces, secretes or removes ~~any document, cargo or article~~ anything 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.

**30. 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.

~~**31. Specification of relevant person or relevant entity by Chief Executive**~~

~~The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity—~~

- ~~— (a) a person or an entity designated by the Committee or the Security Council under paragraph 8(d) of Resolution 1718; or~~
- ~~— (b) a person or an entity listed in Annex I or II to Resolution 2094.~~

**31. Publication of list of individuals and entities by Secretary**

- ~~(1) The Secretary may publish on the website of the Commerce and Economic Development Bureau a list of individuals and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.~~
- ~~(2) The Secretary may include in the list the name of—~~

- (a) an individual or entity designated by the Committee or the Security Council for the purposes of paragraph 8(d) of Resolution 1718;
  - (b) an individual or entity to whom measures referred to in paragraph 8(d) of Resolution 1718 apply under a decision of the Committee or the Security Council; or
  - (c) an entity of the Government of the DPRK or of the Worker's Party of Korea determined by the instructing authority as an entity associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by Resolution 1718, Resolution 1874, Resolution 2087, Resolution 2094 or Resolution 2270.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the list if the individual or entity no longer meets the description under subsection (2).
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy printed from the website referred to in subsection (1)—
- (a) is admissible in evidence on production without further proof; and
  - (b) unless the contrary is proved, is evidence of the information contained in the list of individuals and entities referred to in that subsection.

**31A. Publication of list of ships by Secretary**

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau a list of ships for the purposes of the definition of *relevant ship* in section 10A(4).
- (2) The Secretary may include in the list the name of—
  - (a) a ship designated by the Committee or the Security Council for the purposes of paragraph 8(d) of Resolution 1718, paragraph 12 of Resolution 2270 or paragraph 12 of Resolution 2321; or
  - (b) a ship to which measures referred to in paragraph 8(d) of Resolution 1718, paragraph 12 of Resolution 2270 or paragraph 12 of Resolution 2321 apply under a decision of the Committee or the Security Council.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of a ship from the list if the ship no longer meets the description under subsection (2).
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy printed from the website referred to in subsection (1)—
  - (a) is admissible in evidence on production without further proof; and
  - (b) unless the contrary is proved, is evidence of the information contained in the list of ships referred to in that subsection.



**32. Access to Security Council ~~document S/2006/814~~, Resolutions etc.**

The Director-General of Trade and Industry is to make available at his or her office, for inspection by the public during normal office hours, free of charge, an English version and a Chinese version of each of the following documents—

(aa) the Security Council Resolutions;

- (a) the Security Council document S/2006/814;
- (b) the Security Council document S/2006/815;
- (c) the Security Council document S/2006/853;
- (d) the Security Council document S/2006/853/Corr.1;
- (e) the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1a;
- (f) the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2a;
- (g) the Security Council document S/2009/205;
- (h) the Security Council document S/2012/235;
- (i) the International Atomic Energy Agency document INFCIRC/254/Rev. 10/Part 1;
- (j) the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1;
- (k) the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2;
- (l) the Security Council document S/2014/253;
- (m) the Security Council document S/2016/308;
- (n) the Security Council document S/2016/1069;
- (o) the Security Council document S/2017/728;
- (p) the Security Council document S/2017/760;

(q) the Security Council document S/2017/822;

(r) the Security Council document S/2017/829.

### **33. 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.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive ~~thinks fit~~ considers appropriate.

### **34. Exercise of powers of Secretary**

- (1) The Secretary may delegate any of the Secretary's powers or functions under this Regulation to any person or class or description of person.
- (2) A delegation under subsection (1) may be subject to any restrictions or conditions that the Secretary considers appropriate.

### **35. Transitional provision for United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018**

During the period from the commencement date of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 to 31 July 2018, section 5F(1) does not apply in relation to a bank account that was maintained by a financial institution immediately before that commencement date.

## Schedule 1

[s. 1]

### Luxury Goods

#### 1. Jewelry

(1) Jewelry which contains any, or any combination of, the following materials—

- (a) pearl;
- (b) diamond;
- (c) sapphire;
- (d) ruby;
- (e) emerald;
- (f) silver;
- (g) gold;
- (h) platinum.

(2) In this section—

*jewelry* (首飾) means—

- (a) a small object of personal adornment; or
- (b) an article of personal use of a kind carried in the pocket, in the handbag or on a person.

#### 2. Transportation item

(1) A yacht.

(2) A motor vehicle constructed or adapted for the carriage of not more than 8 persons (including a driver).

(3) An aquatic recreational vehicle (such as a personal watercraft).

(4) A snowmobile valued greater than US\$2,000.

**3. Others**

(1) A wrist watch, pocket watch, or any other watch, with a case of precious metal or of metal clad with precious metal.

(2) An item of lead crystal.

(3) Sporting goods or equipment.

(4) A rug or tapestry valued greater than US\$500.

(5) Tableware of porcelain or bone china valued greater than US\$100.

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## Schedule 2

[s. 1]

### Specified Items

1. All arms or related materiel including any armoured combat vehicle, attack helicopter, battle tank, combat aircraft, large-calibre artillery system, missile and missile launcher, warship, or related materiel (including any spare part).
2. Any item, material, equipment, goods or technology set out in the Security Council document S/2006/814.
3. Any item, material, equipment, goods or technology set out in the Security Council document S/2006/815.
4. Any item, material, equipment, goods or technology set out in the Security Council document S/2006/853 as rectified by the Security Council document S/2006/853/Corr.1.
5. Any item, material, equipment, goods or technology set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1a.
6. Any item, material, equipment, goods or technology set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2a.
7. Any item, material, equipment, goods or technology set out in the Security Council document S/2009/205.

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8. Graphite designed or specified for use in Electrical Discharge Machining (EDM) machines.
  9. Para-aramid fibre (Kevlar and other Kevlar-like), filament and tape.
  10. Any item, material, equipment, goods or technology set out in the Security Council document S/2012/235.
  11. Any item, material, equipment, goods or technology set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 10/Part 1.
  12. Any item, material, equipment, goods or technology set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1.
  13. Any item, material, equipment, goods or technology set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2.
  14. Any item, material, equipment, goods or technology set out in the Security Council document S/2014/253.
  15. Perfluorinated lubricant that can be used for lubricating a vacuum pump and compressor bearing and—
    - (a) has a low vapour pressure;
    - (b) is resistant to uranium hexafluoride (UF<sub>6</sub>), the gaseous uranium compound used in the gas centrifuge process; and
    - (c) is used for pumping fluorine.
  16. UF<sub>6</sub> corrosion resistant bellow-sealed valve that can be used in any uranium enrichment facility (such as a gas centrifuge and gaseous

- diffusion plant), in any facility that produces uranium hexafluoride (UF<sub>6</sub>), the gaseous uranium compound used in the gas centrifuge process, in any fuel fabrication facility and in any facility handling tritium.
17. Special corrosion resistant steel—limited to any steel resistant to Inhibited Red Fuming Nitric Acid (IRFNA) or nitric acid, such as nitrogen stabilized duplex stainless steel (N-DSS).
  18. Ultra high-temperature ceramic composite material in solid form (i.e. a block, cylinder, tube or ingot) in any of the following form factors—
    - (a) a cylinder having a diameter of 120 mm or greater and a length of 50 mm or greater;
    - (b) a tube having an inner diameter of 65 mm or greater and a wall thickness of 25 mm or greater and a length of 50 mm or greater;
    - (c) a block having a size of 120 mm x 120 mm x 50 mm or greater.
  19. Pyrotechnically actuated valve.
  20. Measurement and control equipment usable for wind tunnel (balance, thermal stream measurement, flow control).
  21. Sodium perchlorate.
  22. Vacuum pump with a manufacturer's specified maximum flow-rate greater than 1 m<sup>3</sup>/h (under standard temperature and pressure condition), casing (pump body), preformed casing-liner, impeller, rotor, and jet pump nozzle designed for the pump, in which all surfaces that come into direct contact with the chemical being processed are made from controlled material.

23. Isocyanates (TDI (Toluene diisocyanate), MDI (Methylene bis(phenyl isocyanate)), IPDI (Isophorone diisocyanate), HNMDI or HDI (Hexamethylene diisocyanate) and DDI (Dimeryl diisocyanate)) and production equipment.
24. Ammonium nitrate that is chemically pure or in phase stabilized version (PSAN).
25. Non-destructive test chamber with a 1 m or more critical internal dimension.
26. Turbo-pump for a liquid or hybrid rocket engine.
27. Polymeric Substances (Hydroxyl Terminated Poly-Ether (HTPE), Hydroxyl Terminated Caprolactone Ether (HTCE), Polypropylene glycol (PPG), Polydiethyleneglycol adipate (PGA) and Polyethylene glycol (PEG)).
28. Inertial equipment for any application, particularly for civilian aircraft, satellite, geophysical survey applications and their associated test equipment.
29. Countermeasure Subsystem and Penetration Aid (e.g. a jammer, chaff, decoy) designed to saturate, confuse or evade missile defence.
30. Manganese metal brazing foil.
31. Hydroforming machine.
32. Thermal treatment furnace with temperature over 850°C and 1 dimension over 1 m.
33. Electrical Discharge Machine (EDM).



34. Friction stir welding machine.
35. Modelling and design software related to the modelling of aerodynamic and thermodynamic analysis of rocket or unmanned aerial vehicle system.
36. High-speed imaging camera (except one used in a medical imaging system).
37. Truck chassis with 6 or more axles.
38. Floor-mounted fume hood (walk-in style) with a minimum nominal width of 2.5 m.
39. Batch centrifuge with a rotor capacity of 4 L or greater that is usable with biological material.
40. Fermenter with an internal volume of 10 L to 20 L that is usable with biological material.
41. Any item, material, equipment, goods or technology set out in the Security Council document S/2016/308.
42. Any item, material, equipment, goods or technology set out in the Security Council document S/2016/1069.
43. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/728.
44. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/760.
45. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/822.

46. Any item, material, equipment, goods or technology set out in the Security Council document S/2017/829.

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## Schedule 3

[ss. 1 & 10J]

### Supply-sanctioned Items

1. Any specified item.
2. Aviation fuel.
3. New helicopter.
4. New or used ship.
5. Condensate oil.
6. Natural gas liquid.
7. Refined petroleum product.
8. Crude oil.
9. An item that is assigned, under the Classification List, a code that falls within any of the following Chapters in the Classification List—
  - (a) Chapter 72 (Iron and steel);
  - (b) Chapter 73 (Articles of iron or steel);
  - (c) Chapter 74 (Copper and articles thereof);
  - (d) Chapter 75 (Nickel and articles thereof);
  - (e) Chapter 76 (Aluminium and articles thereof);
  - (f) Chapter 78 (Lead and articles thereof);

- (g) Chapter 79 (Zinc and articles thereof);
- (h) Chapter 80 (Tin and articles thereof);
- (i) Chapter 81 (Other base metals; cermets; articles thereof);
- (j) Chapter 82 (Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal);
- (k) Chapter 83 (Miscellaneous articles of base metal);
- (l) Chapter 84 (Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof);
- (m) Chapter 85 (Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles);
- (n) Chapter 86 (Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds);
- (o) Chapter 87 (Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof);
- (p) Chapter 88 (Aircraft, spacecraft, and parts thereof);
- (q) Chapter 89 (Ships, boats and floating structures).

Note—

The title of a Chapter in the Classification List, which is specified after the Chapter number, is for ease of reference only.

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## Schedule 4

[ss. 1 & 10K]

### Procurement-sanctioned Items

1. Any specified item.
2. Coal.
3. Iron or iron ore.
4. Gold.
5. Titanium ore.
6. Vanadium ore.
7. Any of the following items (commonly known as rare earth minerals)—
  - (a) mineral substance of cerium, dysprosium, erbium, europium, gadolinium, holmium, lanthanum, lutetium, neodymium, praseodymium, promethium, samarium, scandium, terbium, thulium, ytterbium or yttrium;
  - (b) an item that is assigned, under the Classification List, a code that falls within any of the following headings in the Classification List—
    - (i) heading 2612 (Uranium or thorium ores and concentrates);
    - (ii) heading 2617 (Other ores and concentrates);

(iii) heading 2805 (Alkali or alkaline-earth metals; rare-earth metals, scandium and yttrium, whether or not intermixed or interalloyed; mercury);

(iv) heading 2844 (Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products).

Note—

The description of a heading in the Classification List, which is specified after the heading, is for ease of reference only.

8. Copper.

9. Nickel.

10. Silver.

11. Zinc.

12. Statue.

13. Seafood.

14. Lead or lead ore.

15. Textiles (including fabric and a partially or fully completed apparel product).

16. An item that is assigned, under the Classification List, a code that falls within any of the following Chapters in the Classification List—

(a) Chapter 7 (Edible vegetables and certain roots and tubers);

- (b) Chapter 8 (Edible fruit and nuts; peel of citrus fruit or melons);
- (c) Chapter 12 (Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder);
- (d) Chapter 25 (Salt; sulphur; earths and stone; plastering materials, lime and cement);
- (e) Chapter 44 (Wood and articles of wood; wood charcoal);
- (f) Chapter 84 (Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof);
- (g) Chapter 85 (Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles);
- (h) Chapter 89 (Ships, boats and floating structures).

Note—

The title of a Chapter in the Classification List, which is specified after the Chapter number, is for ease of reference only.

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## **United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018**

### **Information on the Democratic People's Republic of Korea**

#### **Country Background**

The Democratic People's Republic of Korea ("DPRK"), generally known as North Korea, is a country in eastern Asia. It occupies the northern half of the Korean Peninsula, and is bordered by the People's Republic of China and the Republic of Korea (South Korea)<sup>Note 1</sup>. It has a total area of 120,538 sq. km. and an estimated population of around 25.5 million in 2017. The DPRK is currently led by Kim Jong-un and the Korean Workers' Party. As a socialist state operating a state-owned, agriculture-oriented economy, the DPRK had a GDP of US\$16.3 billion (or HK\$126.4 billion) in 2015<sup>Note 2</sup>. The DPRK has been a Member of the United Nations since 17 September 1991.

#### **Sanctions imposed by the Security Council of the United Nations**

2. In response to the DPRK's persistent failure to comply fully with its obligations on non-proliferation of nuclear weapons, especially the reported nuclear test in October 2006, the Security Council of the United Nations ("UNSC") passed Resolution 1718 in October 2006 to impose a range of arms, financial and travel-related sanctions against the DPRK. The DPRK engaged in constructive steps in 2008 to disable its nuclear facilities, which however, suspended in end 2008, and reportedly engaged in another nuclear test in 2009. UNSC Resolution 1874 was therefore adopted in June 2009 to tighten up sanctions against the DPRK<sup>Note 3</sup>.

3. In December 2012, the DPRK successfully launched a rocket, using ballistic missile technology, and conducted a nuclear test in February 2013. The UNSC adopted Resolution 2094 on 7 March 2013 to strengthen and expand the scope of sanctions against the DPRK<sup>Note 4</sup>.

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Note 1 At present, there is not a definite list of Belt and Road countries, but the DPRK is usually not regarded as one of the countries along the Belt and Road.

Note 2 Source: World Statistics Pocket Book published by United Nations Statistics Division at <http://unstats.un.org/unsd/pocketbook/WSPB2017.pdf>

Note 3 Source of information: Fact Sheet on DPRK Nuclear Safeguards of the International Atomic Energy Agency at [http://www.iaea.org/NewsCenter/Focus/iaeaDprk/fact\\_sheet\\_may2003.shtml](http://www.iaea.org/NewsCenter/Focus/iaeaDprk/fact_sheet_may2003.shtml)

Note 4 Source of information: <https://www.un.org/press/en/2013/sc10934.doc.htm>



4. On 6 January 2016, the DPRK carried out a hydrogen bomb test. The UNSC strongly condemned the DPRK for repeatedly violating its international obligations on non-proliferation of nuclear weapons and adopted Resolution 2270 on 2 March 2016 to impose new sanctions and tighten some of its existing measures against the DPRK (covering cargo inspection, prohibition on aviation fuel and rare minerals, etc.). On 9 September 2016, another nuclear test was conducted by the DPRK. The UNSC adopted Resolution 2321 on 30 November 2016 to further expand the scope of sanctions, including the suspension of scientific and technical cooperation with the DPRK.

5. Despite the further strengthening and expansion of sanctions, the DPRK's nuclear tests and ballistic missile-related activities did not stop. The DPRK conducted a nuclear test on 2 September 2017, ballistic missile tests on 3 and 28 July 2017 and launched a ballistic missile on 28 November 2017. The UNSC adopted Resolution 2371 on 5 August 2017, Resolution 2375 on 11 September 2017 and Resolution 2397 on 22 December 2017 in order to further tighten sanctions against the DPRK, including imposing a full ban on the import of coal, iron and iron ore from the DPRK, prohibition against provision of work authorisation for DPRK nationals, ban on textile imports and prohibition against ship-to-ship transfer to or from DPRK-flagged vessels, etc.

#### **Trade Relation between Hong Kong and the DPRK**

6. In 2017, the DPRK ranked 181<sup>st</sup> among Hong Kong's trading partners in the world, with a total trade of HK\$11.0 million. All of them were exports to the DPRK. Hong Kong's trade with the DPRK are summarised as follows –

<b>Hong Kong's Trade with the DPRK [Value in HK\$ (in million)]</b>		
<b>Item</b>	<b>2017</b>	<b>January – March 2018</b>
<b>(a) Total Exports to the DPRK</b>	<b>11.0</b>	<b>10.8</b>
<i>(i) Domestic exports</i>	<i>0.1<sup>Note 5</sup></i>	<i>0.1<sup>Note 6</sup></i>
<i>(ii) Re-exports</i>	<i>10.9<sup>Note 7</sup></i>	<i>10.7<sup>Note 8</sup></i>
<b>(b) Imports from the DPRK</b>	<b>-</b>	<b>-</b>
<b>Total Trade [(a) + (b)]</b>	<b>11.0</b>	<b>10.8</b>

Note 5 In 2017, Hong Kong's domestic export items to the DPRK include textile fibres (other than wool tops and other combed wool) and their wastes (not manufactured into yarn or fabric) (56.6%); paper, paperboard, and articles of paper pulp, of paper or of paperboard (24.6%).

Note 6 In the first three months of 2018, Hong Kong's major domestic export items to the DPRK were professional, scientific and controlling instruments and apparatus (84.3%).

Note 7 In 2017, Hong Kong's major re-export items to the DPRK were tobacco and tobacco manufactures (97.8%).

Note 8 In the first three months of 2018, Hong Kong's re-export items to the DPRK were tobacco and tobacco manufactures (99.97%).

In 2017, HK\$11.6 million worth of goods, or 0.03%<sup>Note 9</sup> of the total trade between the DPRK and the Mainland, were routed through Hong Kong. Of these, HK\$0.8 million worth of goods were re-exports of the DPRK origin to the Mainland while HK\$10.8 million were re-exports of Mainland origin to the DPRK via Hong Kong.

7. Given the rather small trade volume between Hong Kong and the DPRK, the sanctions against the DPRK imposed by the UNSC would unlikely have any significant effect on the Hong Kong economy.

**Commerce and Economic Development Bureau  
June 2018**

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<sup>Note 9</sup> The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics. Since two different sets of data are involved, the calculated percentage is solely indicative.