

## **LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

### **UNITED NATIONS SANCTIONS (CÔTE D'IVOIRE) REGULATION 2014**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 23 September 2014, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Côte d’Ivoire) Regulation 2014 (“the 2014 Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”) to give effect to the instruction from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”). The 2014 Regulation was gazetted on 26 September 2014 and came into operation on the same day.

#### **BACKGROUND**

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

B 2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to an instruction from the MFA to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In May 2014, the CE received an instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2153 in respect of Côte d’Ivoire. The 2014 Regulation was made to give effect to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction is at Annex B.

##### **Sanctions against Côte d’Ivoire**

3. In view of Côte d’Ivoire’s persistent human rights violations against civilians which threaten the peace process in the region, the UNSC has passed a number of resolutions since 2004 to implement a range of sanctions against Côte d’Ivoire. These sanctions, which were most recently

modified and renewed by UNSCR 2101 in April 2013, included an arms embargo<sup>(1)</sup>, a travel ban on certain individuals designated by the Committee established by paragraph 14 of UNSCR 1572 (the Committee)<sup>(2)</sup>, financial sanctions against certain persons and entities designated by the Committee<sup>(3)</sup>, and a ban on import of rough diamonds from Côte d'Ivoire<sup>(4)</sup>.

C 4. Pursuant to the instruction of the MFA, the HKSAR implemented the sanctions against Côte d'Ivoire through enacting the United Nations Sanctions (Côte d'Ivoire) Regulation 2013 (the existing Regulation) (at Annex C) on 12 July 2013. The existing Regulation expired at midnight on 30 April 2014.

### UNSCR 2153

D 5. Noting that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region, the UNSC adopted UNSCR 2153 (at Annex D) on 29 April 2014. The UNSC, inter alia, decided that –

- (a) the arms embargo measures imposed by paragraphs 1, 2 and 3 of UNSCR 2101, as modified by paragraphs 1 and 4 of UNSCR 2153, be renewed until 30 April 2015 (*paragraphs 1 and 4 of UNSCR 2153 refer*);
- (b) the exceptions to the arms embargo measures imposed by paragraph 3 of UNSCR 2101 be modified by paragraph 4 of UNSCR 2153 (*paragraph 4 of UNSCR 2153 refer*);

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**Notes** <sup>(1)</sup> Paragraph 1 of UNSCR 2101 provides for the prohibition against the direct or indirect supply, sale, transfer or carriage of arms and related materiel to Côte d'Ivoire. Exceptions to the measure are set out in paragraph 3 of UNSCR 2101.

<sup>(2)</sup> Paragraph 9 of UNSCR 1572 provides for the prohibition against the entry into or transit through the territory of Member States by persons designated by the Committee as persons who constitute a threat to the peace and national reconciliation in Côte d'Ivoire. Exceptions to the measure are set out in paragraph 10 of UNSCR 1572.

<sup>(3)</sup> Paragraph 11 of UNSCR 1572 provides for the freezing of funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons designated by the Committee, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and the prohibition against making available to, or for the benefit of, certain persons or entities any funds, financial assets or economic resources. Exceptions to the measure are set out in paragraph 12 of UNSCR 1572.

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

- (c) the financial and travel measures imposed by paragraphs 9 to 12 of UNSCR 1572 and paragraph 12 of UNSCR 1975 be renewed until 30 April 2015 (*paragraph 12 of UNSCR 2153 refers*); and
- (d) the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of UNSCR 1643 be terminated (*paragraph 13 of UNSCR 2153 refers*).

## THE 2014 REGULATION

6. The 2014 Regulation, at Annex A, seeks to implement the sanctions against Côte d'Ivoire that are further renewed and modified by UNSCR 2153. The main provisions of the 2014 Regulation include –

- (a) **sections 2 and 3**, which prohibit the supply, sale, transfer and carriage of arms or related materiel to Côte d'Ivoire or certain persons connected with Côte d'Ivoire;
- (b) **section 4**, which provides for prohibitions against making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (c) **sections 5 and 6**, which provide for a prohibition against the entry into or transit through the HKSAR by certain persons and relevant exceptions;
- (d) **sections 7 and 8**, which provide for the granting of licences for the supply, sale, transfer or carriage of prohibited goods; and for making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (e) **section 28**, which provides that the CE may by notice published in the Gazette specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purpose of the financial sanctions under section 4 of the 2014 Regulation; and

- (f) **section 30**, which provides that the 2014 Regulation will expire at midnight on 30 April 2015.

E

A mark-up version showing amendments to the existing Regulation is at Annex E for easy reference by Members.

## **IMPLICATIONS OF THE PROPOSAL**

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The 2014 Regulation will not affect the current binding effect of the Ordinance. It has no financial, economic, productivity, environmental, sustainability or family implications. Additional work arising from the enforcement of the 2014 Regulation, if any, will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

8. A press release was issued on 26 September 2014 when the 2014 Regulation was published in the Gazette.

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

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

F

## **ADVICE SOUGHT**

10. Members are invited to note the implementation of UNSCR 2153 in the HKSAR by the 2014 Regulation.

**Commerce and Economic Development Bureau**  
**September 2014**

## United Nations Sanctions (Côte d'Ivoire) Regulation 2014

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## United Nations Sanctions (Côte d'Ivoire) Regulation 2014

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

### Part 1

#### Preliminary

#### 1. Interpretation

In this Regulation—

**authorized officer** (獲授權人員) means—

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

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

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

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

**funds** (資金) includes—

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

**licence** (特許) means a licence granted under section 7(1)(a) or (b) or 8(1);

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

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

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

- (a) the Government of Côte d'Ivoire;
- (b) any person in, or resident in, Côte d'Ivoire;
- (c) any body incorporated or constituted under the law of Côte d'Ivoire;



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

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

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

**relevant entity** (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 28;

**relevant person** (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 28;

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

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

**Resolution 2153** (《第2153號決議》) means Resolution 2153 (2014) adopted by the Security Council on 29 April 2014;

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

**specified goods** (指明物品) means the items specified in the Annex to Resolution 2153, as amended by the Committee from time to time pursuant to paragraph 5 of Resolution 2153;

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



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

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

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

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

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

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- (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 7(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
  - (a) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
  - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) Subsection (2) does not apply if—
  - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 7(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
  - (a) 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;

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- (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.
- (5) A person who commits an offence under subsection (4) is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.



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

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

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 8(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.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) that the person was dealing with funds or other financial assets or economic resources 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 (2) 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 to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

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

- (1) Subject to section 6, a specified person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (4) In this section—  
*paragraph 9 of Resolution 1572* (《第1572號決議》第9段) means paragraph 9 of Resolution 1572 as renewed by the Security Council by paragraph 12 of Resolution 2153;

*specified person* (指明人士) means—

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

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

Section 5 does not apply to a case in respect of which—

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



**Part 3****Licences****7. Licence for supply, sale, transfer or carriage of certain goods**

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

- (2) The requirements are as follows—
  - (a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
  - (b) the prohibited goods are to transit through Côte d'Ivoire and are intended for the support of or to be used by United Nations Peacekeeping operations;
  - (c) the prohibited goods are to be temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire;
  - (d) the prohibited goods are not specified goods and the supply, sale, transfer or carriage of which to the Ivorian security forces is intended solely for the support of or use in the Ivorian process of Security Sector Reform, as notified in advance to the Committee;
  - (e) the prohibited goods are specified goods and the supply, sale, transfer or carriage of which to the Ivorian security forces is intended solely for the support of or use in the Ivorian process of Security Sector Reform, as approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

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

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
  - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with funds or other financial assets or economic resources 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; 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 15 November 2004 and is not for the benefit of a relevant person or a relevant entity; and
  - (ii) are to be used to satisfy the lien or judgment.
- (3) If the Chief Executive determines that—
  - (a) the requirement in subsection (2)(a) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
    - (ii) must grant the licence in the absence of a negative decision by the Committee within 2 working days of the notification;
  - (b) the requirement in subsection (2)(b) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the determination; and
    - (ii) must not grant the licence unless the Committee approves the determination;
  - (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

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

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



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

## Part 4

### Things Done outside HKSAR

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

**Part 5****Enforcement of Regulation****Division 1—Investigation, etc. of Suspected Ships****11. Investigation of suspected ships**

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

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



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

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 11(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 11(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 11(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.

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

- (1) Without limiting section 12, if an authorized officer has reason to suspect that a request that has been made under section 11(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****14. Investigation of suspected aircraft**

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



- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

**15. 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 14(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 14(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.

**16. Power of authorized officers to enter and detain aircraft**

- (1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(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****17. 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), the officer may—
  - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
  - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
  - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

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

**18. 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 17(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 17(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.

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

- (1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
  - (b) detain or authorize the detention of that vehicle or any article carried on it;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
  - (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

**Division 4—Proof of Identity****20. Production of proof of identity**

Before or on exercising a power conferred by section 11, 13, 14, 16, 17 or 19, 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****21. Power of magistrate or judge to grant warrant**

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

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

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

- (1) Subject to subsection (2), any document, cargo or article seized under section 21(3) may not be detained for more than 3 months.
  - (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.
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## Part 7

### Disclosure of Information or Documents

#### 23. Disclosure of information or documents

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
  - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
  - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
    - (i) any organ of the United Nations;
    - (ii) any person in the service of the United Nations; or
    - (iii) the Government of any place outside the People's Republic of China,
 

for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to Côte d'Ivoire decided on by the Security Council; or
  - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

- (2) For the purposes of subsection (1)(a)—
  - (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
  - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.

**Part 8****Other Offences and Miscellaneous Matters****24. 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.

**25. 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.

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

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

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

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

**27. 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.

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

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

*paragraph 11 of Resolution 1572* (《第1572號決議》第11段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph 12 of Resolution 2153.

**29. Access to documents relating to specified goods**

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 any amendment to the list of specified goods.

**30. 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.
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**Part 9**

**Duration**

**31. Duration**

This Regulation expires at midnight on 30 April 2015.

C. Y. LEUNG  
Chief Executive

24 September 2014

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**Explanatory Note**

The purpose of this Regulation is to give effect to certain decisions in Resolution 2153 (2014), as adopted by the Security Council of the United Nations on 29 April 2014, by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related lethal materiel to Côte d'Ivoire;
- (b) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (c) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (d) entry into or transit through the HKSAR by certain persons.

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

**United Nations Sanctions (Côte d'Ivoire) Regulation 2014**

This is to confirm that the Chief Executive received specific instruction from the Ministry of Foreign Affairs of the People's Republic of China in May 2014 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 2153 of the Security Council of the United Nations, and that the United Nations Sanctions (Côte d'Ivoire) Regulation 2014 was made in pursuance of that instruction.

Dated this 24<sup>th</sup> day of September 2014



( Mrs Carrie Lam )  
Chief Secretary for Administration

|          |       |   |                |              |
|----------|-------|---|----------------|--------------|
| Chapter: | 537BE | <b>United Nations Sanctions (Côte d'Ivoire) Regulation 2013</b> | Gazette Number | Version Date |
|          |       | <b>Empowering section</b>                                       | E.R. 2 of 2014 | 10/04/2014   |

## Remarks:

This Regulation expires at midnight on 30 April 2014.

(Cap 537, section 3)

(Enacting provision omitted—E.R. 2 of 2014)

[12 July 2013]

(Originally L.N. 123 of 2013)

|          |   |                       |                  |            |
|----------|---|-----------------------|------------------|------------|
| Part:    | 1 | <b>Preliminary</b>    | L.N. 123 of 2013 | 12/07/2013 |
| Section: | 1 | <b>Interpretation</b> | L.N. 123 of 2013 | 12/07/2013 |

In this Regulation—

**authorized officer** (獲授權人員) means—

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

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

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

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

**funds** (資金) includes—

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

**licence** (特許) means a licence granted under section 8(1)(a) or (b), 9(1) or 10(1);

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

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

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

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



- (ii) a person mentioned in paragraph (b); or
- (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c) or (d);

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

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

**relevant entity** (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 30;

**relevant person** (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 30;

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

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

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

**Resolution 2101** (《第2101號決議》) means Resolution 2101 (2013) adopted by the Security Council on 25 April 2013;

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

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

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|-------|---|---------------------|------------------|------------|
| Part: | 2 | <b>Prohibitions</b> | L.N. 123 of 2013 | 12/07/2013 |
|-------|---|---------------------|------------------|------------|

|          |   |  |                  |            |
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| Section: | 2 | <b>Prohibition against supply, sale or transfer of certain goods</b> | L.N. 123 of 2013 | 12/07/2013 |
|----------|---|--|------------------|------------|

- (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 8(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
  - (a) to Côte d’Ivoire;
  - (b) to, or to the order of, a person connected with Côte d’Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the goods concerned were prohibited goods; or
  - (b) that the goods concerned were or were to be supplied, sold or transferred—
    - (i) to Côte d’Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d’Ivoire; or

- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d' Ivoire or to, or to the order of, a person connected with Côte d' Ivoire.

|          |   |  |                  |            |
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| Section: | 3 | <b>Prohibition against carriage of certain goods</b> | L.N. 123 of 2013 | 12/07/2013 |
|----------|---|--|------------------|------------|

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) in the HKSAR;
    - (ii) both a Hong Kong permanent resident and a Chinese national; or
    - (iii) a body incorporated or constituted under the law of the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 8(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
  - (a) from a place outside Côte d' Ivoire to a place in Côte d' Ivoire;
  - (b) to, or to the order of, a person connected with Côte d' Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d' Ivoire or to, or to the order of, a person connected with Côte d' Ivoire.
- (3) Subsection (2) does not apply if—
  - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 8(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
  - (a) 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.
- (5) A person who commits an offence under subsection (4) is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
  - (a) that the goods concerned were prohibited goods; or
  - (b) that the carriage of the goods concerned was, or formed part of, a carriage—
    - (i) from a place outside Côte d' Ivoire to a place in Côte d' Ivoire;

- (ii) to, or to the order of, a person connected with Côte d’ Ivoire; or
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’ Ivoire or to, or to the order of, a person connected with Côte d’ Ivoire.

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| Section: | 4 | <b>Prohibition against importation of rough diamonds</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) Except under the authority of a licence granted under section 9(1), a person must not import any rough diamond from Côte d’ Ivoire into the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe that the rough diamond concerned was imported from Côte d’ Ivoire into the HKSAR.

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| Section: | 5 | <b>Prohibition against making available funds, etc. or dealing with funds, etc.</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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 10(1)—
  - (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person (***first-mentioned person***) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with—
  - (a) interest or other earnings due on that account; or
  - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.

(6) In this section—

***deal with*** (處理) means—

- (a) in respect of funds—
  - (i) use, alter, move, allow access to or transfer;
  - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
  - (iii) make any other change that would enable use, including portfolio management; and
- (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way,

including by selling, hiring or mortgaging the assets or resources.

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| Section: | 6 | <b>Prohibition against entry or transit by certain persons</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) Subject to section 7, a specified person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (4) In this section—

**paragraph 9 of Resolution 1572** (《第1572號決議》第9段) means paragraph 9 of Resolution 1572 as renewed by the Security Council by paragraph 6 of Resolution 2101;

**specified person** (指明人士) means—

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

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| Section: | 7 | <b>Exceptions to prohibition against entry or transit by certain persons</b> | L.N. 123 of 2013 | 12/07/2013 |
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Section 6 does not apply to a case in respect of which—

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

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| Part: | 3 | <b>Licences</b> | L.N. 123 of 2013 | 12/07/2013 |
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| Section: | 8 | <b>Licence for supply, sale, transfer or carriage of certain goods</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate—
  - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
    - (i) to Côte d’Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d’Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside Côte d’Ivoire to a place in Côte d’Ivoire;
    - (ii) to, or to the order of, a person connected with Côte d’Ivoire; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.
- (2) The requirements are as follows—
  - (a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
  - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
  - (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Côte d’Ivoire by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
  - (d) the prohibited goods are to be temporarily exported to Côte d’Ivoire to the forces of a State which is

taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d’Ivoire;

- (e) the prohibited goods are non-lethal law enforcement equipment intended to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order;
  - (f) the prohibited goods are arms and other related lethal equipment, the supply, sale, transfer or carriage of which to the Ivorian security forces is intended solely for support of or use in the Ivorian process of Security Sector Reform, as approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(b), (d) or (e) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

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| Section: | 9 | <b>Licence for importation of rough diamonds</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to import rough diamonds from Côte d’Ivoire into the HKSAR.
- (2) The requirement is that—
  - (a) the proposed import is solely for the purpose of scientific research, and analysis in connection with the research, to facilitate the development of specific technical information concerning Ivorian diamond production; and
  - (b) the research is coordinated by the Kimberley Process and approved by the Committee.
- (3) If the requirement is met, the Chief Executive—
  - (a) must cause the parties by which a request is required to be submitted under paragraph 17 of Resolution 1893 to be notified of the application; and
  - (b) must not grant the licence unless the Committee has given its approval for the proposed import.
- (4) In subsection (2)(b)—

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

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| Section: | 10 | <b>Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
  - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
  - (a) the funds or other financial assets or economic resources are—
    - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
    - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
    - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;
  - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
  - (c) the funds or other financial assets or economic resources—
    - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 15 November 2004 and is not for the benefit of a relevant person or a relevant entity; and
    - (ii) are to be used to satisfy the lien or judgment.



- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
    - (ii) must grant the licence in the absence of a negative decision by the Committee within 2 working days of the notification;
  - (b) the requirement in subsection (2)(b) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the determination; and
    - (ii) must not grant the licence unless the Committee approves the determination;
  - (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

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| Section: | 11 | <b>Provision of false information or documents for purpose of obtaining licences</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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 | <b>Things Done outside HKSAR</b> | L.N. 123 of 2013 | 12/07/2013 |
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| Section: | 12 | <b>Licence or permission granted by authorities of places outside HKSAR</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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 | <b>Enforcement of Regulation</b> | L.N. 123 of 2013 | 12/07/2013 |
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| Part:     | 5 | <b>Investigation, etc. of Suspected Ships</b> | L.N. 123 of 2013 | 12/07/2013 |
| Division: | 1 |   |                  |            |

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| Section: | 13 | <b>Investigation of suspected ships</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—
  - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
  - (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the



officer may specify.

- (2) If an authorized officer has reason to suspect that a ship to which section 3 applies is being or is about to be used in contravention of section 3(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—
- (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;
  - (b) request the charterer, operator or master of the ship to take any of the following steps—
    - (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
    - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
    - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
    - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

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| Section: | 14 | <b>Offences by charterer, operator or master of ship</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) A charterer, operator or master of a ship who disobeys any direction given under section 13(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 13(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 13(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.

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| Section: | 15 | <b>Power of authorized officers to enter and detain ships</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) Without limiting section 14, if an authorized officer has reason to suspect that a request that has been made under section 13(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.

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| Part:     | 5 | <b>Investigation, etc. of Suspected Aircraft</b> | L.N. 123 of 2013 | 12/07/2013 |
| Division: | 2 |  |                  |            |

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| Section: | 16 | <b>Investigation of suspected aircraft</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—
  - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
  - (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.
- (2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
  - (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

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| Section: | 17 | <b>Offences by charterer, operator or pilot in command of aircraft</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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 16(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 16(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.

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| Section: | 18 | <b>Power of authorized officers to enter and detain aircraft</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) Without limiting section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(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.

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| Part:     | 5 | <b>Investigation, etc. of Suspected Vehicles</b> | L.N. 123 of 2013 | 12/07/2013 |
| Division: | 3 |  |                  |            |

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| Section: | 19 | <b>Investigation of suspected vehicles</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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), the officer may—
  - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
  - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
  - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.
- (2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—
  - (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

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| Section: | 20 | <b>Offences by operator or driver of vehicle</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 19(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 19(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.

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| Section: | 21 | <b>Power of authorized officers to enter and detain vehicles</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) Without limiting section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(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.

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| Part:     | 5 | <b>Proof of Identity</b> | L.N. 123 of 2013 | 12/07/2013 |
| Division: | 4 |                          |                  |            |

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| Section: | 22 | <b>Production of proof of identity</b> | L.N. 123 of 2013 | 12/07/2013 |
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Before or on exercising a power conferred by section 13, 15, 16, 18, 19 or 21, 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 | <b>Evidence</b> | L.N. 123 of 2013 | 12/07/2013 |
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| Section: | 23 | <b>Power of magistrate or judge to grant warrant</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
  - (a) an offence under this Regulation has been committed or is being committed; and
  - (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
- (3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
  - (a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
  - (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
  - (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

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| Section: | 24 | <b>Detention of documents, cargoes or articles seized</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) Subject to subsection (2), any document, cargo or article seized under section 23(3) may not be detained for more than 3 months.
- (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

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| Part: | 7 | <b>Disclosure of Information or Documents</b> | L.N. 123 of 2013 | 12/07/2013 |
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| Section: | 25 | <b>Disclosure of information or documents</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
  - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
  - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
    - (i) any organ of the United Nations;
    - (ii) any person in the service of the United Nations; or
    - (iii) the Government of any place outside the People's Republic of China, for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to Côte d'Ivoire decided on by the Security Council; or
  - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

- (2) For the purposes of subsection (1)(a)—
- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
  - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.

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| Part: | 8 | <b>Other Offences and Miscellaneous Matters</b> | L.N. 123 of 2013 | 12/07/2013 |
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| Section: | 26 | <b>Liability of persons other than principal offenders</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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.

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| Section: | 27 | <b>Offences in relation to obstruction of authorized persons, etc.</b> | L.N. 123 of 2013 | 12/07/2013 |
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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.

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| Section: | 28 | <b>Offences in relation to evasion of this Regulation</b> | L.N. 123 of 2013 | 12/07/2013 |
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A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

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

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| Section: | 29 | <b>Consent and time limit for proceedings</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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.

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| Section: | 30 | <b>Specification of relevant person or relevant entity by Chief Executive</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (1) The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity any of the following persons or entities—
  - (a) a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 11 of Resolution 1572;
  - (b) a person listed in Annex I to Resolution 1975.
- (2) In this section—

**paragraph 11 of Resolution 1572** (《第1572號決議》第11段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph 6 of Resolution 2101.

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| Section: | 31 | <b>Exercise of powers of Chief Executive</b> | L.N. 123 of 2013 | 12/07/2013 |
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- (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.

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| Part: | 9 | <b>Duration</b> | L.N. 123 of 2013 | 12/07/2013 |
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| Section: | 32 | <b>Duration</b> | L.N. 123 of 2013 | 12/07/2013 |
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This Regulation expires at midnight on 30 April 2014.



United Nations

S/RES/2153 (2014)



Security Council

Distr.: General  
29 April 2014

## Resolution 2153 (2014)

**Adopted by the Security Council at its 7163rd meeting, on  
29 April 2014**

*The Security Council,*

*Recalling* its previous resolutions and the statements of its President relating to the situation in Côte d'Ivoire, in particular resolutions 1880 (2009), 1893 (2009), 1911 (2010), 1933 (2010), 1946 (2010), 1962 (2010), 1975 (2011), 1980 (2011), 2000 (2011), 2045 (2012), 2062 (2012), 2101 (2013), and 2112 (2013),

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

*Welcoming* the special report of the Secretary-General dated 24 December 2013 (S/2013/761), and *noting* the 2013 midterm report (S/2013/605), and the 2014 Final report (S/2014/266), of the United Nations Group of Experts,

*Welcoming* the overall progress towards restoring security, peace and stability in Côte d'Ivoire, commending the President and Government of Côte d'Ivoire's continued efforts to stabilize the security situation and accelerate economic recovery in Côte d'Ivoire and strengthen international and regional cooperation, and notably enhanced cooperation with the governments of Ghana and Liberia, and *calling upon* all national stakeholders to work together to consolidate the progress made so far and to address the underlying causes of tension and conflict,

*Recognizing* the continued contribution the measures imposed by resolutions 1572 (2004), 1643 (2005), 1975 (2011) and 1980 (2011), as modified by later resolutions, make to the stability of Côte d'Ivoire, including by countering the illicit transfer of small arms and light weapons in Côte d'Ivoire, as well as in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration (DDR) and security sector reform (SSR), and *stressing* that these measures aim at supporting the peace process in Côte d'Ivoire with a view to possibly further modifying or lifting all or part of the remaining measures, in accordance with progress achieved in relation to DDR and SSR, national reconciliation and the fight against impunity,

*Welcoming* the completion of the electoral cycle that originated in the Ouagadougou Accords, and the announcement of the presidential election in October 2015 and *encouraging* the government and the opposition to move

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positively and collaboratively towards political reconciliation and electoral reform to ensure that the political space remains open and transparent,

*Welcoming* the efforts made toward the security reform agenda and especially the increasing cooperation between the National Security Council and the local authorities while expressing concern about the delays in the implementation of the national strategy for security sector reform, in particular beyond Abidjan and *urging* an acceleration of efforts to reform the security sector, including by putting in place an effective chain of command, a system of military justice and appropriate budgetary allocations,

*Welcoming* the progress made in the overall security situation and efforts to address security challenges *while expressing concern* at delays in implementation of security sector reform and disarmament, demobilization and reintegration of former combatants, *welcoming* efforts towards better monitoring and management of weapons through the National Commission to Fight Against the Proliferation and Illicit Traffic of Small Arms and Light Weapons, with the support of UNOCI, and *emphasizing* the importance of continued efforts in this area, *re-emphasizing* the necessity of the Ivoirian Government to provide sufficient financial resources and to develop viable reintegration opportunities for former combatants in order to ensure the achievement of the DDR process by June 2015 at the latest,

*Reiterating* the urgent need for the Government of Côte d'Ivoire to train and equip its security forces, especially the police and gendarmerie with standard policing weapons and ammunition,

*Re-emphasizing* the importance of the Ivoirian Government to be able to respond proportionately to threats to the security of all citizens in Côte d'Ivoire and *calling on* the Government of Côte d'Ivoire to ensure that its security forces remain committed to upholding human rights and applicable international law,

*Encouraging* closer cooperation between the Government of Côte d'Ivoire and the Group of Experts, originally established pursuant to paragraph 7 of resolution [1584 \(2005\)](#),

*Welcoming* the ongoing efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President [S/2006/997](#),

*Welcoming* the progress made by the Ivoirian authorities in combating illegal taxation systems and acknowledging the decrease in the number of illegal checkpoints and incidents of racketeering but noting the insufficient capacity and resources in order to control borders, in particular in the western part of the country,

*Noting* that the Kimberley Process (KP) recognized that Côte d'Ivoire fulfilled KP Certification Scheme minimum requirements in its Final Communiqué of 22 November 2013, *encouraging* Côte d'Ivoire's full implementation of its Action Plan to develop its diamond sector in line with KP standards, including participation in the KP's Mano River basin initiative, and *welcoming* Côte d'Ivoire's invitation to host a KP review visit six months after legal exports of rough diamonds have resumed,

*Recalling* its resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [1960 \(2010\)](#), [2106 \(2013\)](#) and [2122 \(2013\)](#) on women, peace and security, its resolutions [1612 \(2005\)](#), [1882 \(2009\)](#), [1998 \(2011\)](#), [2068 \(2012\)](#) and [2143 \(2014\)](#) on

children and armed conflict and its resolutions [1265 \(1999\)](#), [1296 \(2000\)](#), [1674 \(2006\)](#), [1738 \(2006\)](#) and [1894 \(2009\)](#) on the protection of civilians in armed conflicts,

*Reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, *condemning* all violence committed against civilians, including women, children, internally displaced persons and foreign nationals, and other violations and abuses of human rights, and *stressing* that the perpetrators on all sides must be brought to justice, whether in domestic or international courts, and *encouraging* the Government of Côte d'Ivoire to further continue its close cooperation with the International Criminal Court,

*Welcoming* in this regard the transfer of Charles Blé Goudé, former leader of the Young Patriots, to the International Criminal Court, and further welcoming national and international efforts to bring to justice alleged perpetrators of violations and abuses of human rights and of violations of international humanitarian law,

*Stressing* the importance for the Group of Experts to be provided with the sufficient resources for the implementation of its mandate,

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

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

1. *Decides*, for a period ending on 30 April 2015, that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related lethal material, whether or not originating in their territories;

2. *Decides* that supplies of non-lethal equipment, and the provision of any technical assistance, training or financial assistance, intended to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, shall no longer require notification to the Committee;

3. *Notes that* the measures on arms and related lethal materiel in paragraph 1 do not apply to the provision of training, advice, technical or financial assistance, and expertise related to security and military activities, or to non-lethal material, including the supplies of civilian vehicles to the Ivorian security forces;

4. *Decides* that the measures imposed by paragraph 1 above shall not apply to:

(a) supplies intended solely for the support of or use by the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces who support them, and supplies transiting through Côte d'Ivoire intended for the support of or to be used by United Nations Peacekeeping operations;

(b) supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, as notified in advance to the Committee established by paragraph 14 of resolution [1572 \(2004\)](#);



(c) supplies of arms and related lethal materiel to the Ivoirian security forces, intended solely for the support of or use in the Ivoirian process of SSR, as notified in advance to the Committee established by paragraph 14 of the resolution [1572 \(2004\)](#), except for those arms and related lethal materiel which are set out in the Annex of this resolution, which require the advance approval of the Committee established by paragraph 14 of resolution [1572 \(2004\)](#);

5. *Decides* that the Committee shall add, remove or clarify items on the list of arms and related lethal materiel specified in the Annex of this resolution, as appropriate;

6. *Decides*, for the period referred to in paragraph 1 above, that the Ivorian authorities shall notify or request approval in advance, as appropriate, from the Committee for any shipments of items referred to in paragraph 3(c) above, *further decides* that the Member State delivering assistance may, in the alternative, make this notification or approval request pursuant to paragraph 3(c) after informing the Government of Côte d'Ivoire that it intends to do so;

7. *Requests* the Ivorian Government ensure that notifications and approval requests sent to the Sanctions Committee contain all relevant information, including the purpose of the use and end user, including the intended destination unit in the Ivoirian Security Forces or the intended place of storage, the technical specifications, quantity of the equipment to be shipped, details of the manufacturer and supplier of the equipment, the proposed date of delivery, mode of transportation and itinerary of shipments; *further stresses* the importance of a specific focus on detailed explanations for how the requested equipment will support security sector reform; and *emphasizes* that such notifications and approval requests include information about any intended modification of non-lethal equipment into lethal equipment;

8. *Decides* that the Ivorian authorities shall submit biannual reports to the Committee by 30 September 2015 and by 30 March 2015 on progress achieved in relation to DDR and SSR;

9. *Encourages* Ivorian authorities to consult with UNOCI, within its existing mandate and resources, to ensure notifications and authorisation requests contain the required information;

10. *Urges* the Government of Côte d'Ivoire to allow the Group of Experts and UNOCI access to the exempted arms and lethal materiel at the time of import and before the transfer to the end user takes place, *stresses* that the Government of Côte d'Ivoire shall mark the arms and related lethal materiel when received in the territory of Côte d'Ivoire, *urges* the Government of Côte d'Ivoire to maintain a registry of all arms and materials owned by national security forces, with a specific attention to small arms and light weapons, with a view of improving tracking and monitoring of their circulation;

11. *Decides* to review the measures decided in paragraphs above in light of the progress achieved in the stabilization throughout the country, by the end of the period mentioned in paragraph 1, in accordance with progress achieved in relation to DDR and SSR, national reconciliation and the fight against impunity;

12. *Decides* to renew until 30 April 2015 the financial and travel measures imposed by paragraphs 9 to 12 of resolution [1572 \(2004\)](#) and paragraph 12 of

resolution 1975 (2011) and stresses its intention to review the continued listing of individuals subject to such measures provided they engage in actions that further the objective of national reconciliation;

13. *Decides* to terminate as of the date of adoption of this resolution the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005), in light of progress made towards Kimberley Process Certification Scheme (KPCS) implementation and better governance of the sector;

14. *Requests* Côte d'Ivoire to update the Security Council, through the Committee, on its progress in implementing its Action Plan for diamonds, including on any enforcement activities involving illegal smuggling, development of its customs regime, and reporting of financial flows from diamonds; *encourages* Côte d'Ivoire to host a KP review visit within nine months following the date of adoption of this resolution to include a representative from the Group of Experts; and further *encourages* Côte d'Ivoire's continued participation in the regional cooperation and law enforcement activities, such as the KP's Mano River Basin initiative;

15. *Invites* the KPCS, in particular, its Working Groups on Monitoring and Statistics, to communicate information, as appropriate, regarding Côte d'Ivoire's compliance with the KPCS to the Security Council, through the Committee, and when possible, for review by the Group of Experts; *encourages* donors to support Côte d'Ivoire's efforts by sharing related information and providing technical assistance;

16. *Calls upon* the Government of Côte d'Ivoire to take the necessary steps to enforce the measures imposed by paragraph 1 above, including by incorporating relevant provisions in its national legal framework;

17. *Calls upon* all Member States, in particular those in the subregion, to fully implement the measures mentioned in paragraphs 1 and 6 above;

18. *Expresses* its continued concern about the instability in western Côte d'Ivoire, *welcomes* and *further encourages* the coordinated action by authorities from neighbouring countries to address this issue, particularly with respect to the border area, including through continuing monitoring, information sharing and conducting coordinated actions, and in developing and implementing a shared border strategy to inter alia support the disarmament and repatriation of foreign armed elements on both sides of the border;

19. *Encourages* UNOCI and the United Nations Mission in Liberia (UNMIL), within their respective mandates, capabilities and areas of deployment, to continue to coordinate closely in assisting respectively the Governments of Côte d'Ivoire and Liberia in monitoring their border, and *welcomes* continued cooperation between the Group of Experts and the Panel of Experts on Liberia appointed pursuant to paragraph 4 of resolution 1854 (2008);

20. *Urges* all illegal Ivorian armed combatants, including in neighbouring countries, to lay down their arms immediately, *encourages* UNOCI, within its mandate and limits of capabilities and areas of deployment, to continue to assist the Government of Côte d'Ivoire in collecting and storing the arms and registering all relevant information related to those arms and further *calls upon* the Government of Côte d'Ivoire, including the National Commission to Fight Against the Proliferation

and Illicit Traffic of Small Arms and Light Weapons, to ensure that those arms are neutralized or not illegally disseminated, in accordance with the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Associated Materials;

21. *Recalls* that UNOCI, within the monitoring of the arms embargo, is mandated to collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire in violation of the measures imposed by paragraph 1 of this resolution, and to dispose of such arms and related materiel as appropriate;

22. *Reiterates* the necessity for the Ivorian authorities to provide unhindered access to the Group of Experts, as well as UNOCI and the French forces which support it, to equipment, sites and installations referred to in paragraph 2(a) of resolution 1584 (2005), and to all weapons, ammunition and related materiel of all armed security forces, regardless of location, including the arms issued from the collection referred to in paragraph 10 or 11 above, when appropriate and without notice, as set out in its resolutions 1739 (2007), 1880 (2009), 1933 (2010), 1962 (2010), 1980 (2011), 2062 (2012), and 2112 (2013);

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

24. *Decides* to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) for a period of 13 months until 30 May 2015 and *requests* the Secretary-General to take the necessary measures to support its action;

25. *Reiterates* that paragraph 7(b) of resolution 1727 (2006) includes a mandate for the Group of Experts to gather and analyse all relevant information on sources of financing, including from the exploitation of natural resources in Côte d'Ivoire, for the purchase of arms and related materiel and activities and notes that pursuant to paragraph 12(a) of resolution 1727 (2006) those who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire through the illicit trafficking of natural resources, including diamonds and gold, may be designated by the Committee;

26. *Decides* that the Group of Experts will also report on the activities of and any continued threat to peace and security in Côte d'Ivoire posed by sanctioned individuals and additionally *requests* the Group of Experts to assess and report on the effects of the modifications decided in this resolution;

27. *Requests* the Group of Experts to submit a midterm report to the Committee by 15 October 2014 and to submit a final report by 15 April 2015, after discussion with the Committee, on the implementation of the measures imposed by paragraphs 1 above, 9 and 11 of resolution 1572 (2004), paragraph 12 of resolution 1975 (2011) and paragraph 10 of resolution 1980 (2011);

28. *Decides* that the report of the Group of Experts, as referred to in paragraph 7(e) of resolution 1727 (2006) may include, as appropriate, any information and recommendations relevant to the Committee's possible additional designation of the individuals and entities described in paragraphs 9 and 11 of resolution 1572 (2004) and paragraph 10 of resolution 1980 (2011) and further *recalls* the Informal Working Group on General Issues of Sanctions report



(S/2006/997) on best practices and methods, including paragraphs 21, 22 and 23 that discuss possible steps for clarifying methodological standards for monitoring mechanisms;

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

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

31. *Encourages* the Ivorian authorities to participate in the OECD-hosted implementation program with regard to the due diligence guidelines for responsible supply chains of minerals from conflict-affected and high-risk areas, with a special attention to gold, and to reach out to international organizations with a view to taking advantage of lessons learned from other initiatives and countries that have and are confronting similar issues on artisanal mining;

32. *Calls upon* the Ivorian authorities to continue to take the necessary measures to dismantle the illegal taxation networks, including by undertaking relevant and thorough investigations, reduce the number of checkpoints and prevent incidents of racketeering throughout the country and *further calls upon* the authorities to continue to take the necessary steps to continue to re-establish and reinforce relevant institutions and to accelerate the deployment of customs and border control officials in the North, West and East of the country;

33. *Asks* the Group of Experts to assess the effectiveness of these border measures and control in the region, *encourages* all neighbouring States to be aware of Ivorian efforts in that regard and *encourages* UNOCI, within its mandate, to continue its assistance to Ivorian authorities in the re-establishment of normal customs and border control operation;

34. *Urges* all States, relevant United Nations bodies and other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 1, 2 and 3 above, paragraphs 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011), and further *requests* the Group of Experts to coordinate its activities as appropriate with all political actors and to implement their mandate in accordance with the Report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997);

35. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

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

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

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

## **Annex**

1. Weapons, direct and indirect fire artillery, and guns with a calibre bigger than 12.7 mm, their ammunition and components.
  2. Rocket propelled grenades, rockets, light anti-tank weapons, rifle grenades and grenade-launchers.
  3. Surface-to-air Missiles, including man portable air defence systems (Manpads); surface-to-surface missiles; and air-to-surface missiles.
  4. Mortars with a calibre bigger than 82 mm.
  5. Guided anti-tank weapons, especially guided anti-tank missiles, their ammunition and components.
  6. Armed aircraft, including rotary wing or fixed wing.
  7. Military armed vehicles or Military vehicles equipped with weapon mounts.
  8. Explosive charges and devices containing explosive materials, designed for military purpose, mines and related material.
  9. Night observation and night shooting devices.
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## United Nations Sanctions (Côte d'Ivoire) Regulation 2014

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## United Nations Sanctions (Côte d'Ivoire) Regulation 2014

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

### Part 1

#### Preliminary

#### 1. Interpretation

In this Regulation—

**authorized officer** (獲授權人員) means—

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

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

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

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

**funds** (資金) includes—

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

**licence** (特許) means a licence granted under section ~~87~~(1)(a) or (b), ~~9(1)~~ or ~~108~~(1);

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

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

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

- (a) the Government of Côte d'Ivoire;
- (b) any person in, or resident in, Côte d'Ivoire;
- (c) any body incorporated or constituted under the law of Côte d'Ivoire;

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

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

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

**relevant entity** (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 2830;

**relevant person** (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 2830;

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

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

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

**Resolution ~~2101~~–2153** (《第 ~~2101~~2153 號決議》) means Resolution ~~2101~~–2153 (2013/2014) adopted by the Security Council on ~~25 April 2013~~ 29 April 2014;

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

**specified goods** (指明物品) means the items specified in the Annex to Resolution 2153, as amended by the Committee from time to time pursuant to paragraph 5 of Resolution 2153;

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



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

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 87(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
  - (a) to Côte d'Ivoire;
  - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

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

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

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) in the HKSAR;
    - (ii) both a Hong Kong permanent resident and a Chinese national; or
    - (iii) a body incorporated or constituted under the law of the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 87(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—



- (a) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
  - (b) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.
- (3) Subsection (2) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 87(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) 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.
- (5) A person who commits an offence under subsection (4) is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or

- (b) that the carriage of the goods concerned was, or formed part of, a carriage—
  - (i) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
  - (ii) to, or to the order of, a person connected with Côte d'Ivoire; or
  - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

#### ~~4. Prohibition against importation of rough diamonds~~

~~(1) Except under the authority of a licence granted under section 9(1), a person must not import any rough diamond from Côte d'Ivoire into the HKSAR.~~

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

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

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

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

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

(1) This section applies to—

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

- (i) both a Hong Kong permanent resident and a Chinese national; or
- (ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section ~~108~~(1)—

(a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and

(b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources ~~owned by or otherwise~~ belonging to, or owned or controlled held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources ~~owned by or otherwise~~ belonging to, or owned or controlled held by, the first-mentioned person.

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

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

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

(4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—

- (a) that the funds or other financial assets or economic resources concerned were or were to be made available



to, or for the benefit of, a relevant person or a relevant entity; or

- (b) that the person was dealing with funds or other financial assets or economic resources ~~owned by or otherwise~~ belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account ~~owned by or otherwise~~ belonging to, or 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 to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

## **65. Prohibition against entry or transit by certain persons**

- (1) Subject to section ~~76~~, a specified person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (4) In this section—

*paragraph 9 of Resolution 1572* (《第 1572 號決議》第 9 段) means paragraph 9 of Resolution 1572 as renewed by the Security Council by paragraph ~~6-12~~ of Resolution ~~2401~~2153;

*specified person* (指明人士) means—

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

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

Section ~~6-5~~ does not apply to a case in respect of which—

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

## Part 3

### Licences

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

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

- (a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;
- ~~(b) the prohibited goods are to transit through Côte d'Ivoire and are intended for the support of or to be used by United Nations Peacekeeping operations;~~
- ~~(b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;~~
- ~~(c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Côte d'Ivoire by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;~~
- (dc) the prohibited goods are to be temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire;
- ~~(e) the prohibited goods are non-lethal law enforcement equipment intended to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order;~~
- (fd) the prohibited goods are not specified goods ~~are arms and other related lethal equipment, and~~ the supply, sale, transfer or carriage of which to the Ivorian security forces is intended solely for the support of or use in the Ivorian process of Security Sector Reform, as notified in advance to the Committee as approved in advance by the Committee;



~~(e) the prohibited goods are specified goods and the supply, sale, transfer or carriage of which to the Ivorian security forces is intended solely for the support of or use in the Ivorian process of Security Sector Reform, as approved in advance by the Committee.~~

- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(~~bc~~), ~~(d)~~ or ~~(e)~~ is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

#### 9. ~~Licence for importation of rough diamonds~~

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

~~(2) The requirement is that—~~

~~(a) the proposed import is solely for the purpose of scientific research, and analysis in connection with the research, to facilitate the development of specific technical information concerning Ivorian diamond production; and~~

~~(b) the research is coordinated by the Kimberley Process and approved by the Committee.~~

~~(3) If the requirement is met, the Chief Executive—~~

~~(a) must cause the parties by which a request is required to be submitted under paragraph 17 of Resolution 1893 to be notified of the application; and~~

~~(b) must not grant the licence unless the Committee has given its approval for the proposed import.~~

~~(4) In subsection (2)(b)—~~

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

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

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—

- (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
- (b) dealing with funds or other financial assets or economic resources ~~owned by or otherwise~~ belonging to, or ~~held~~ 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; or

- (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources ~~owned by or otherwise~~ belonging to, or owned or controlled held by, a relevant person or a relevant entity;
- (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
- (c) the funds or other financial assets or economic resources—
  - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 15 November 2004 and is not for the benefit of a relevant person or a relevant entity; and
  - (ii) are to be used to satisfy the lien or judgment.
- (3) If the Chief Executive determines that—
  - (a) the requirement in subsection (2)(a) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
    - (ii) must grant the licence in the absence of a negative decision by the Committee within 2 working days of the notification;
  - (b) the requirement in subsection (2)(b) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the determination; and
    - (ii) must not grant the licence unless the Committee approves the determination;

- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

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

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



## Part 4

### Things Done outside HKSAR

#### **1210.** Licence or permission granted by authorities of places outside HKSAR

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

## Part 5

### Enforcement of Regulation

#### Division 1—Investigation, etc. of Suspected Ships

#### **1311.** Investigation of suspected ships

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

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

**1412. Offences by charterer, operator or master of ship**

- (1) A charterer, operator or master of a ship who disobeys any direction given under section ~~1311~~(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section ~~1311~~(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 ~~1311~~(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.

**1513. Power of authorized officers to enter and detain ships**

- (1) Without limiting section ~~1412~~, if an authorized officer has reason to suspect that a request that has been made under section ~~1311~~(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**

### **1614. Investigation of suspected aircraft**

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

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

### **1715. 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 1614(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 1614(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.

### **1816. Power of authorized officers to enter and detain aircraft**

- (1) Without limiting section 1715, if an authorized officer has reason to suspect that a request that has been made under section 1614(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

#### **1917. 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), the officer may—
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
  - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and

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

#### **2018. 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 ~~1917~~(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 ~~1917~~(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.

#### **2119. Power of authorized officers to enter and detain vehicles**

- (1) Without limiting section 2018, if an authorized officer has reason to suspect that a request that has been made under section 1917(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
  - (b) detain or authorize the detention of that vehicle or any article carried on it;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

### **Division 4—Proof of Identity**

#### **2220. Production of proof of identity**

Before or on exercising a power conferred by section 1311, 1513, 1614, 1816, 19-17 or 2119, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

## **Part 6**

### **Evidence**

#### **2321. Power of magistrate or judge to grant warrant**

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

relation to the commission of an offence under this Regulation;

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

#### **2422. Detention of documents, cargoes or articles seized**

- (1) Subject to subsection (2), any document, cargo or article seized under section ~~2321~~(3) may not be detained for more than 3 months.
- (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

## **Part 7**

### **Disclosure of Information or Documents**

#### **2523. Disclosure of information or documents**

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
  - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
  - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
    - (i) any organ of the United Nations;
    - (ii) any person in the service of the United Nations; or
    - (iii) the Government of any place outside the People's Republic of China,
 

for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to Côte d'Ivoire decided on by the Security Council; or
  - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—



- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
- (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.

## Part 8

### Other Offences and Miscellaneous Matters

#### **2624. 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.

#### **2725. 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.

#### **2826. Offences in relation to evasion of this Regulation**

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

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

**2927. 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.

**3028. Specification of relevant person or relevant entity by Chief Executive**

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

*paragraph 11 of Resolution 1572* (《第 1572 號決議》第 11 段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph ~~6-12~~ of Resolution ~~2104~~2153.

**29. Access to documents relating to specified goods**

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 any amendment to the list of specified goods.

**3130. 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.

## Part 9

### Duration

#### **3230. Duration**

This Regulation expires at midnight on 30 April ~~2014~~2015.

Chief Executive

~~2013~~2014

### Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution ~~2101-2153~~ (20132014), as adopted by the Security Council of the United Nations on ~~25 April 2013~~29 April 2014, by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related lethal materiel to Côte d'Ivoire;
- ~~—(b) importation of rough diamonds from Côte d'Ivoire;~~
- (eb) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (ed) dealing with funds or other financial assets or economic resources ~~owned by or otherwise~~ belonging to, or owned or controlled held by, certain persons or entities; and
- (ed) entry into or transit through the HKSAR by certain persons.

**United Nations Sanctions (Côte d'Ivoire) Regulation 2014  
Information on Côte d'Ivoire**

**Country Background**

Côte d'Ivoire is a country in western Africa, bordering the North Atlantic Ocean between Liberia, Ghana and Guinea. With its capital in Yamoussoukro and largest city in Abidjan, Côte d'Ivoire has a total area of 322,463 sq. km. and an estimated population of around 19.8 million in 2012. Côte d'Ivoire had a GDP of US\$24.4 billion (or HK\$189.3 billion) in 2012<sup>1</sup>, supported mainly by its production and export of coffee, cocoa beans, and palm oil<sup>2</sup>. Merchandise exports and imports of Côte d'Ivoire in 2013 amounted to US\$13.2 billion (or HK\$102.7 billion) and US\$12.7 billion (or HK\$98.7 billion) respectively.<sup>3</sup> After gaining independence from France, Côte d'Ivoire established its republic government in August 1960.

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

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

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

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<sup>1</sup> Source: World Statistics Pocket Book published by United Nations Statistics Division at <http://unstats.un.org/unsd/pocketbook/WSPB2014.pdf>

<sup>2</sup> Source: CIA The World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/iv.html>

<sup>3</sup> Source : WTO Statistics Database at <http://stat.wto.org/Home/WSDBHome.aspx?Language=E>



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

5. In view of the threat to the regional peace process, the United Nations Security Council (UNSC) adopted Resolution 1572 on 15 November 2004 to impose sanctions on Côte d'Ivoire, including arms embargo, travel ban and assets freeze of certain persons. These sanctions regime were modified by Resolution 1643 in 2005, imposing further prohibition on the import of rough diamonds from Côte d'Ivoire to prevent illicit trading and financing to armed forces through conflict diamonds. The sanctions on Côte d'Ivoire were renewed by subsequent UNSC Resolutions, with the most recent ones being Resolution 2153 adopted on 29 April 2014, which extended and modified the existing sanctions on the country until 30 April 2015, as well as terminated the measures preventing the importation by any State of rough diamonds from Côte d'Ivoire.<sup>4</sup>

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

6. In 2013, Côte d'Ivoire ranked 129<sup>th</sup> among Hong Kong's trading partners in the world, with a total trade of HK\$172 million. Of these, HK\$141 million worth of trade were exports to the Côte d'Ivoire, and HK\$32 million imports. Hong Kong's trade with Côte d'Ivoire are summarised as follows –

| <b>Hong Kong's Trade with Côte d'Ivoire</b> [Value in HK\$ (in million)] |                 |                                   |
|--|-----------------|-----------------------------------|
| <b>Item</b>  | <b>2013</b>     | <b>2014<br/>(January – June )</b> |
| (a) Total Exports to Côte d'Ivoire                                       | 141             | 87                                |
| <i>(i) Domestic exports</i>  | 14 <sup>5</sup> | 14 <sup>6</sup>                   |

<sup>4</sup> Source of information contained in paragraphs 2-5: Official Website of World Food Programme at <http://www.wfp.org/countries/c%C3%B4te-d'ivoire>, Official Website of UNICEF at <http://www.unicef.org/infobycountry/cotedivoire.html> and UN News Centre at <http://www.un.org/news/>

<sup>5</sup> In 2013, domestic export items to Côte d'Ivoire mainly include aluminium (94.8%); and clothing (4.3%).

<sup>6</sup> In January – June 2014, domestic export items to Côte d'Ivoire mainly include aluminium (96.5%); and clothing (3.0%). The increase was mainly due to the increase in domestic exports of aluminium and clothing to Côte d'Ivoire in January – June 2014.

| <b>Hong Kong's Trade with Côte d'Ivoire</b> [Value in HK\$ (in million)] |                  |                                   |
|--|------------------|-----------------------------------|
| <b>Item</b>  | <b>2013</b>      | <b>2014<br/>(January – June )</b> |
| <i>(ii) Re-exports</i>   | 127 <sup>7</sup> | 73 <sup>8</sup>                   |
| (b) Imports from Côte d'Ivoire   | 32 <sup>9</sup>  | 21 <sup>10</sup>                  |
| <b>Total Trade [(a) + (b)]</b>   | <b>172</b>       | <b>108</b>                        |

In 2013, HK\$134 million worth of goods, or 1.4% of the total trade between Côte d'Ivoire and the Mainland, were routed through Hong Kong. Of these, HK\$12 million worth of goods were re-exports from Côte d'Ivoire to the Mainland<sup>11</sup>. The remaining HK\$122 million were re-exports of Mainland origin to Côte d'Ivoire via Hong Kong.

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

## **Commerce and Economic Development Bureau September 2014**

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<sup>7</sup> In 2013, re-exports to Côte d'Ivoire include telecommunications equipment (71.2%); automatic data processing machines and unit thereof (6.1%); and image/sound recorders or reproducers (2.0%).

<sup>8</sup> In January – June 2014, re-exports to Côte d'Ivoire include telecommunications equipment (74.0%); automatic data processing machines and unit thereof (8.7%); and equipment for distributing electricity (2.2%).

<sup>9</sup> In 2013, imports from Côte d'Ivoire mainly include cotton (88.4%); and telecommunications equipment (10.9%).

<sup>10</sup> In January – June 2014, imports from Côte d'Ivoire mainly include cotton (97.9%); and dried or salted fish (2.0%).

<sup>11</sup> This re-export figure refers to goods produced in Côte d'Ivoire (i.e. the country of origin is Côte d'Ivoire) and re-exported through Hong Kong to the Mainland. These goods are not necessarily consigned from Côte d'Ivoire. It is possible that some goods produced in Côte d'Ivoire are sold to a third country before consigning to Hong Kong. Meanwhile, imports statistics reported in this Annex are based on country of consignment, but not country of origin.