

## **LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

### **UNITED NATIONS SANCTIONS (CENTRAL AFRICAN REPUBLIC) REGULATION 2015**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 28 April 2015, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Central African Republic) Regulation 2015 (“the 2015 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 2015 Regulation was gazetted on 30 April 2015 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 March 2015, the CE received an instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2196 in respect of the Central African Republic. The 2015 Regulation was made pursuant to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction is at Annex B.

##### **Sanctions against the Central African Republic**

3. Concerned with the continuing deterioration of the security situation in the Central African Republic and its consequences on the central African region and beyond, the UNSC adopted several resolutions to impose sanctions against the Central African Republic since 2013. These sanctions include the following –

- (a) prohibition against the direct or indirect supply, sale or transfer of arms and related materiel, and the provision of assistance or training related to military activities or to the provision, maintenance or use of any arms and related materiel to the Central African Republic (*paragraph 54 of UNSCR 2127 and paragraph 40 of UNSCR 2134 refer*);
- (b) prohibition against the entry into or transit through the territories of the Member States by persons designated by the Committee established pursuant to paragraph 57 of UNSCR 2127 (“the Committee”) (*paragraphs 30 and 31 of UNSCR 2134 refer*); and
- (c) freezing of funds, other financial assets and economic resources owned or controlled directly or indirectly by persons or entities designated by the Committee, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them; and the prohibition against making available to, or for the benefit of, such persons or entities any funds, financial assets or economic resources (*paragraphs 32, 33, 34 and 35 of UNSCR 2134 refer*).

4. Pursuant to the instructions of the MFA, the HKSAR implemented these sanctions through making the United Nations Sanctions (Central African Republic) Regulation (Cap. 537BH) (the Regulation). The Regulation expired at midnight on 27 January 2015.

## **UNSCR 2196**

5. Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region, the UNSC adopted UNSCR 2196 (at Annex C) on 22 January 2015. UNSCR 2196 decides, inter alia, that –

- (a) through 29 January 2016, all Member States shall continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including

the provision of armed mercenary personnel whether or not originating in their territories, subject to exceptions (*paragraph 1 of UNSCR 2196 refers*);

- (b) all Member States shall, upon discovery of items prohibited by paragraph 1 of UNSCR 2196, seize, register and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraph 1 of UNSCR 2196 (*paragraph 2 of UNSCR 2196 refers*);
- (c) through 29 January 2016, all Member States shall continue to take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory, subject to exceptions (*paragraphs 4 and 5 of UNSCR 2196 refer*); and
- (d) all Member States shall, through 29 January 2016, continue to freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and that all Member States shall continue to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee, subject to exceptions (*paragraphs 7, 8, 9 and 10 of UNSCR 2196 refer*).

## THE 2015 REGULATION

6. The 2015 Regulation, at Annex A, seeks to implement the sanctions against the Central African Republic as per UNSCR 2196. The main provisions of the 2015 Regulation include -

- (a) **sections 2 and 3**, which prohibit the supply, sale, transfer and carriage of prohibited goods (i.e. arms or related materiel) to the Central African Republic or certain persons;

- (b) **section 4**, which prohibits the provision of assistance or training related to military activities or to the provision, maintenance or use of any prohibited goods to certain persons;
- (c) **section 5**, which provides for prohibition against making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (d) **section 6**, which prohibits the entry into or transit through the HKSAR by certain persons;
- (e) **section 7**, which provides for exceptions to the prohibition against the entry into or transit through the HKSAR by certain persons;
- (f) **sections 8 to 10**, which provide for the granting of licences for the supply, sale, transfer or carriage of prohibited goods; for the provision of assistance or training to certain persons; 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;
- (g) **section 32**, which provides that the Chief Executive may by notice published in the Gazette specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purpose of the financial sanctions under the 2015 Regulation; and
- (h) **section 34**, which provides that the 2015 Regulation would expire at midnight on 29 January 2016.

A mark-up version showing changes when compared against the Regulation is at Annex D for easy reference by Members.

D

## IMPLICATIONS OF THE PROPOSAL

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The 2015 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 2015 Regulation, if any,

will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

8. A press release was issued on 30 April 2015 when the 2015 Regulation was published in the Gazette.

## **INFORMATION ON THE CENTRAL AFRICAN REPUBLIC AND RELATION WITH HKSAR**

9. For information on the Central African Republic, background of the sanction regime against the country as well as its bilateral trade relation with the HKSAR, please refer to Annex E.

E

## **ADVICE SOUGHT**

10. Members are invited to note the implementation of the UNSCR 2196 in the HKSAR by the 2015 Regulation.

**Commerce and Economic Development Bureau**  
**April 2015**

## United Nations Sanctions (Central African Republic) Regulation 2015

L.N. 82 of 2015  
B879

L.N. 82 of 2015

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## United Nations Sanctions (Central African Republic) Regulation 2015

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

### Part 1

#### Preliminary

#### 1. Interpretation

In this Regulation—

**arms or related materiel** (軍火或相關的物資) includes—

- (a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and
- (b) any spare part for any item specified in paragraph (a);

**AU-RTF** (非盟特混部隊) means the African Union-Regional Task Force referred to in paragraph 1(a) of Resolution 2196;

**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 57 of Resolution 2127;

**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;

**MINUSCA** (中非穩定團) means the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic;

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

**person connected with the Central African Republic** (有關連人士) means—

- (a) the Government of the Central African Republic;
- (b) any person in, or resident in, the Central African Republic;
- (c) any body incorporated or constituted under the law of the Central African Republic;
- (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—

- (a) an entity specified by the Chief Executive as a relevant entity in accordance with section 32;
- (b) an entity acting on behalf of, or at the direction of, or owned or controlled by, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32; or
- (c) an entity owned or controlled by a person or entity acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32;

**relevant person** (有關人士) means—

- (a) a person specified by the Chief Executive as a relevant person in accordance with section 32; or
- (b) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32;

**Resolution 2127** (《第2127號決議》) means Resolution 2127 (2013) adopted by the Security Council on 5 December 2013;

**Resolution 2134** (《第2134號決議》) means Resolution 2134 (2014) adopted by the Security Council on 28 January 2014;

**Resolution 2196** (《第2196號決議》) means Resolution 2196 (2015) adopted by the Security Council on 22 January 2015;

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

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

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## Part 2

### Prohibitions

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

(1) This section applies to—

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

(2) Except under the authority of a licence granted under section 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 the Central African Republic;
- (b) to, or to the order of, a person connected with the Central African Republic; or
- (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

(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 the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

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

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR;
  - (b) a ship that is not registered in the HKSAR and is within the waters of the HKSAR;
  - (c) an aircraft that is registered in the HKSAR;
  - (d) an aircraft that is not registered in the HKSAR and is within the HKSAR air space;
  - (e) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) in the HKSAR;
    - (ii) both a Hong Kong permanent resident and a Chinese national; or

- (iii) a body incorporated or constituted under the law of the HKSAR; and
- (f) a vehicle in the HKSAR.
- (2) 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 the Central African Republic to a place in the Central African Republic;
  - (b) to, or to the order of, a person connected with the Central African Republic; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
- (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 the Central African Republic to a place in the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

#### 4. Prohibition against provision of certain assistance or training

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

- (ii) a body incorporated or constituted under the law of the HKSAR.
  - (2) Except under the authority of a licence granted under section 9(1), a person must not provide, directly or indirectly, to a person connected with the Central African Republic any technical assistance, training, financial or other assistance, related to military activities or to the provision, maintenance or use of any prohibited goods, including the provision of armed mercenary personnel.
  - (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 assistance or training concerned was or was to be provided to a person connected with the Central African Republic; or
    - (b) that the assistance or training concerned related to military activities or to the provision, maintenance or use of any prohibited goods.
5. **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 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 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.

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

- (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—

*specified person* (指明人士) means a person designated by the Committee for the purposes of paragraph 30 of Resolution 2134.

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

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;
  - (b) the relevant entry or transit is necessary for the fulfilment of a judicial process; or
  - (c) the Committee has determined that the relevant entry into or transit through the HKSAR would further the objectives of peace and national reconciliation in the Central African Republic and stability in the region.
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**Part 3****Licences****8. 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 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 the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside the Central African Republic to a place in the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

**(2) The requirements are as follows—**

- (a) the prohibited goods are intended solely for the support of or use by MINUSCA, AU-RTF, the European Union Missions or the French forces deployed in the Central African Republic;
- (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
- (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to the Central African Republic 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 small arms or other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory or arms, or other activities contrary to the national laws or international legal obligations of the Central African Republic;
- (e) the prohibited goods are arms or other related lethal equipment to be supplied, sold or transferred to the Central African Republic security forces and intended solely for the support of or use in the Central African Republic process of Security Sector Reform, as approved in advance by the Committee;
- (f) the supply or sale of the prohibited goods is approved in advance by the Committee.

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

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence for the provision, to a person connected with the Central African Republic, of technical assistance, training, financial or other assistance, related to military activities or to the provision, maintenance or use of any prohibited goods, including the provision of armed mercenary personnel.
- (2) The requirements are as follows—
  - (a) the assistance or training is related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (b) the assistance or provision of personnel is approved in advance by the Committee;
  - (c) the assistance or training is related to the supply of prohibited goods intended solely for the support of or use by MINUSCA, AU-RTF, the European Union Missions or the French forces deployed in the Central African Republic.

**10. 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 under the law of the HKSAR; or
    - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity;
  - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
  - (c) the funds or other financial assets or economic resources—
    - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 22 January 2015 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;



- (d) the funds or other financial assets or economic resources are to be used for making payment due under a contract entered into by a person or entity before the date on which the person or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
- (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 5 working days of the notification;
  - (b) the requirement in subsection (2)(b) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the determination; and
    - (ii) must not grant the licence unless the Committee approves the determination;
  - (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination;
  - (d) the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the determination 10 working days before granting the licence.

- 11. Provision of false information or documents for purpose of obtaining licences**
- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
  - (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
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## **Part 4**

### **Things Done outside HKSAR**

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

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

### **Enforcement of Regulation**

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

#### **13. 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.

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

- (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.

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

- (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.

### **Division 2—Investigation, etc. of Suspected Aircraft**

#### **16. 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.

#### **17. 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 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.

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

- (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.

**Division 3—Investigation, etc. of Suspected Vehicles**

**19. 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.

**20. 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 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.

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

- (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.

**Division 4—Proof of Identity**

**22. Production of proof of identity**

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

### Evidence

#### 23. 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.

#### 24. Seized articles, etc. liable to forfeiture

- (1) If an authorized officer intends to apply to a magistrate or judge under section 25 for an order for forfeiture of any document, cargo or article seized under section 23(3), the officer must, within 30 days from the date of the seizure, serve notice of that intention on every person who was, to the knowledge of the officer at the time of, or immediately after, the seizure, an owner of the document, cargo or article.
- (2) A notice under subsection (1) is to be regarded as having been duly served on a person if—
  - (a) it is delivered personally to the person;
  - (b) it is sent by registered post addressed to the person at any place of residence or business of the person known to the authorized officer; or

- (c) where the notice cannot be served in accordance with paragraph (a) or (b), the notice is exhibited at the offices of the Customs and Excise Department, in a place to which the public have access, for a period of not less than 7 days commencing within 30 days from the date of the seizure of the document, cargo or article.
- (3) An owner, or the authorized agent of an owner, of the document, cargo or article referred to in a notice served under subsection (1), or a person who was in possession of the document, cargo or article at the time of seizure, or a person who has a legal or equitable interest in the document, cargo or article, may object to the proposed forfeiture by serving a notice in writing on the Commissioner.
- (4) A notice of objection under subsection (3)—
  - (a) must be served on the Commissioner by a person referred to in subsection (3) (*claimant*) within 30 days from—
    - (i) if the notice under subsection (1) is delivered personally to the person named in the notice, the date of delivery;
    - (ii) if the notice under subsection (1) is sent by registered post, 2 days after the date of posting; or
    - (iii) if the notice under subsection (1) is exhibited as described in subsection (2)(c), the first day it is so exhibited;
  - (b) must state the claimant's full name and address for service in Hong Kong; and

- (c) if the claimant does not have a permanent address in Hong Kong, must state the name and address of a solicitor who is qualified to practise under the Legal Practitioners Ordinance (Cap. 159) and is authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.
  - (5) An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized document, cargo or article in respect of which a notice has been served under subsection (1)—
    - (a) after the expiration of the appropriate period of time specified in subsection (4)(a) for the serving of a notice of objection; or
    - (b) if a notice of objection is served in accordance with subsections (3) and (4), after the receipt of the notice.
- 25. Power of magistrate or judge to make order for forfeiture and disposal**
- (1) If an application is made to a magistrate or judge for an order for forfeiture of any seized document, cargo or article, the magistrate or judge may, if satisfied that the seized document is a document relating to the provision, maintenance or use of any prohibited goods, or that the seized cargo or article is prohibited goods, make such order as the magistrate or judge thinks fit for the forfeiture of the document, cargo or article and its subsequent destruction or disposal.
  - (2) An order under subsection (1) may be made in respect of any seized document, cargo or article whether or not any person has been convicted of any offence in connection with the document, cargo or article.



- (3) Before making an order for forfeiture of any seized document, cargo or article, a magistrate or judge must issue a summons to any person who serves a notice of objection in accordance with section 24(3) and (4) to appear on a day specified in the summons to show cause why the document, cargo or article should not be forfeited.
- (4) If any summons issued under subsection (3) has not for any reason been served and the magistrate or judge is satisfied that all reasonable efforts have been made to serve the summons on the person named in the summons, the magistrate or judge may make an order for forfeiture under this section despite the fact that the summons has not been served on that person.

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

- (1) Subject to subsection (2) and any order made under section 25, 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.

**Part 7**

**Disclosure of Information or Documents**

**27. Disclosure of information or documents**

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

- (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
  - (2) For the purposes of subsection (1)(a)—
    - (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
    - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.
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## Part 8

### Other Offences and Miscellaneous Matters

#### 28. 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.

#### 29. 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.

#### 30. 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.

**31. 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.

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

The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purposes of paragraph 32 of Resolution 2134.

**33. Exercise of powers of Chief Executive**

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

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

### Duration

**34. Duration**

This Regulation expires at midnight on 29 January 2016.

C. Y. LEUNG  
Chief Executive

28 April 2015

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## Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2196 (2015) as adopted by the Security Council of the United Nations on 22 January 2015 by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to the Central African Republic;
- (b) the provision of assistance or training related to military activities in certain circumstances;
- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (e) entry into or transit through the HKSAR by certain persons.

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

**United Nations Sanctions (Central African Republic)  
Regulation 2015**

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 March 2015 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 2196 of the Security Council of the United Nations, and that the United Nations Sanctions (Central African Republic) Regulation 2015 was made in pursuance of that instruction.

Dated this 28<sup>th</sup> day of April 2015



( Mrs Carrie Lam )

Chief Secretary for Administration



## Security Council

Distr.: General  
22 January 2015

### Resolution 2196 (2015)

**Adopted by the Security Council at its 7366th meeting, on  
22 January 2015**

*The Security Council,*

*Recalling* its previous resolutions and statements on the Central African Republic (CAR), in particular resolutions 2121 (2013), 2127 (2013), 2134 (2014) 2149 (2014) and 2181 (2014), as well as the Presidential Statement [S/PRST/2014/28](#) of 18 December 2014,

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

*Recalling* that the Central African Republic bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity,

*Emphasizing* that any sustainable solution to the crisis in the CAR should be CAR-owned, including the political process, and should include the restructuring of the Central African Republic security forces,

*Reiterating* its call upon the Transitional Authorities to accelerate the transition process, including its action towards an inclusive and comprehensive political dialogue and reconciliation process and towards the holding of free, fair, transparent and inclusive presidential and legislative elections no later than August 2015, with the full, effective and equal participation of women,

*Commending* the African-led International Support Mission to the Central African Republic (MISCA), Sangaris and EUFOR RCA for the work done in laying the foundation for increased security ahead of and in support of the United Nations Integrated Multi-dimensional Mission to the CAR (MINUSCA)'s deployment, *noting also with concern*, however, that while improving, security in the CAR remains fragile,

*Welcoming* the decision of the European Union to establish a one-year military advice mission based in Bangui (EUMAM-RCA), as requested by the CAR transitional authorities, in order to contribute to providing them with expert advice on reforming the CAR Armed Forces (FACA) into a multi-ethnic, professional, and

\* Reissued for technical reasons on 22 January 2015.



republican armed forces, and *underlines* the importance of a clear distribution of tasks and close coordination between the international forces or missions in the CAR and the lead role of MINUSCA in this regard, and *further requests* that this information is included in the regular reporting of the Secretary-General on MINUSCA,

*Welcoming* the United Nations Secretary-General Report of 1 December 2014 (S/2014/857) submitted pursuant to resolution 2149 (2014),

*Welcoming also* the interim and final reports (S/2014/452 and S/2014/762) of the Panel of Experts on the Central African Republic established pursuant to resolution 2127 (2013) and expanded and extended pursuant to resolution 2134 (2014),

*Taking note of* the final report of the United Nations International Commission of Inquiry (S/2014/928) of 22 December 2014,

*Strongly condemning* the resurgence of violence, which was politically or criminally motivated, that occurred in October 2014 in Bangui; the continuous cycle of provocations and reprisals by armed groups, both inside and outside of Bangui; the threats of violence, human rights violations and abuses and international humanitarian law violations, including those involving extrajudicial killings, enforced disappearances, arbitrary arrests and detention, torture, sexual violence against women and children, rape, recruitment and use of children and attacks against civilians, attacks against places of worship, and denial of humanitarian access, committed by armed elements, which continue to adversely affect the dire humanitarian situation faced by the civilian population and to impede humanitarian access to vulnerable populations,

*Equally condemning* the targeted attacks against the Transitional Authorities as well as those against MINUSCA, Sangaris and EUFOR RCA troops during the October events in Bangui, *underlining* that attacks targeting peacekeepers are among the designation criteria in paragraph 10 of this resolution and may constitute a war crime and *reminding* all parties of their obligations under international humanitarian law,

*Reiterating* that all perpetrators of such acts must be held accountable and that some of those acts may amount to crimes under the Rome Statute of the International Criminal Court (ICC), to which the CAR is a State party, *noting* in this regard the opening by the Prosecutor of the International Criminal Court on 24 September 2014 of an investigation following the request of the national authorities on alleged crimes committed since 2012 and *welcoming* the ongoing cooperation by the CAR Transitional Authorities in this regard,

*Expressing grave concern* at the findings of the Panel of Experts' final report of 29 October 2014 (S/2014/762) that, armed groups continue to destabilize the CAR and to pose a permanent threat to the peace, security and stability of the country, and *further expressing concern* that illicit trade, exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking continues to threaten the peace and stability of CAR,

*Noting with concern* the findings of the Panel of Experts' final report that the Lord's Resistance Army (LRA) remains active in the CAR and that it has established links to other armed groups,

*Stressing* the urgent and imperative need to end impunity in the CAR and to bring to justice perpetrators of violations of international humanitarian law and of abuses or violations of human rights, *underlining* in this regard the need to bolster national accountability mechanisms and to implement without delay the 7 August 2014 Memorandum of Understanding (MoU) on Urgent Temporary Measures, which describes, in particular, the establishment of a national Special Criminal Court in charge of investigating and prosecuting the serious crimes committed in the CAR, including through the adoption of the necessary legislation by the Transitional Authorities,

*Emphasizing* the risk of the situation in the CAR providing a conducive environment for transnational criminal activity, such as that involving arms trafficking and the use of mercenaries as well as a potential breeding ground for radical networks,

*Acknowledging* in this respect the important contribution the Council-mandated arms embargo can make to countering the illicit transfer of arms and related materiel in the CAR and its region, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration and security sector reform, *recalling* its resolutions 2117 (2013) and 2127 (2013) and expressing grave concern at the threat to peace and security in the CAR arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, and the use of such weapons against civilians affected by armed conflict,

*Recalling* the need for an inclusive and effective disarmament, demobilization and reintegration process (DDR) as well as repatriation and resettlement (DDRRR) in the case of foreign fighters, including children formerly associated with armed forces and groups, while respecting the need to fight impunity,

*Recalling* its decision to establish a sanctions regime pursuant to resolutions 2127 (2013) and 2134 (2014) and *emphasizing* that the targeted sanctions aim at, inter alia, individuals and entities designated by the Committee established pursuant to resolution 2127 (2013) and expanded pursuant to resolution 2134 (2014) as engaging in or providing support for acts that undermine the peace, stability or security of the CAR, that impede the political transition process or that fuel violence and at individuals and entities designated by the Committee as involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law or that constitute human rights abuses or violations,

*Noting* the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring States, as well as regional and subregional organizations, can play in this regard and *encouraging* efforts to further enhance cooperation,

*Determining* that the situation in the CAR continues to constitute a threat to international peace and security in the region,

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

### **Arms embargo**

1. *Decides* that, through 29 January 2016, all Member States shall continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the CAR, from or through their territories or by their nationals, or using



their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:

(a) Supplies intended solely for the support of or use by MINUSCA, the African Union-Regional Task Force (AU-RTF), and the European Union Missions and French Forces deployed in the CAR;

(b) MINUSCA, the AU-RTF, the European Union Missions and French Forces operating in the CAR to provide organizational advice or non-operational training to the CAR government forces and as relevant to the implementation of their mandates, and *requests* these forces to report on measures taken in this regard as part of their regular reports to the Council;

(c) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;

(d) Protective clothing, including flak jackets and military helmets, temporarily exported to the CAR by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(e) Supplies of small arms and other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory and arms, and other activities contrary to the national laws of the CAR or the CAR's international legal obligations;

(f) Supplies of arms and other related lethal equipment to the CAR security forces, intended solely for support of or use in the CAR process of SSR, as approved in advance by the Committee; or

(g) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

2. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 1 of this resolution, seize, register and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraph 1 of this resolution and *decides* further that all Member States shall cooperate in such efforts;

3. *Reiterates its call* upon the transitional authorities, with the assistance of MINUSCA and international partners, to address the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in the CAR, and to ensure the safe and effective management, storage, and security of their stockpiles of small arms and light weapons and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition and further stresses the importance of incorporating such elements into SSR and DDRRR programmes;

### Travel ban

4. *Decides* that, through 29 January 2016, all Member States shall continue to take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

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

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the CAR and stability in the region;

6. *Emphasizes* that violations of the travel ban can undermine the peace, stability or security of the CAR and *observes* that individuals who knowingly facilitate the travel of a listed individual in violation of the travel ban may be determined by the Committee to have met the designation criteria provided for in this resolution;

### Asset freeze

7. *Decides* that all Member States shall, through 29 January 2016, continue to freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides further* that all Member States shall continue to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee;

8. *Decides* that the measures imposed by paragraph 7 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant State or Member States to the Committee;

9. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 7 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

10. *Decides* that the measures in paragraph 7 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 7 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

#### **Designation criteria**

11. *Decides* that the measures contained in paragraphs 4 and 7 shall apply to the individuals and entities designated by the Committee as engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence;

12. *Further decides* in this regard that the measures contained in paragraphs 4 and 7 shall also apply to the individuals and entities designated by the Committee as:

(a) acting in violation of the arms embargo established in paragraph 54 of resolution 2127 (2013) and extended by paragraph 1 of this resolution, or as having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in CAR, or as having been the recipient of arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in CAR;

(b) involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;

(c) recruiting or using children in armed conflict in the CAR, in violation of applicable international law;

(d) providing support for armed groups or criminal networks through the illicit exploitation or trade of natural resources, including diamonds, gold, wildlife as well as wildlife products in or from the CAR;

(e) obstructing the delivery of humanitarian assistance to CAR, or access to, or distribution of, humanitarian assistance in CAR;

(f) involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union Missions and French operations which support them;

(g) being leaders of an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014) or this resolution, or having provided support to, or acted for or on behalf of, or at the direction of, an individual or an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014) or this resolution, or an entity owned or controlled by a designated individual or entity;

### **Sanctions Committee**

13. *Decides* that the mandate of the Committee established pursuant to paragraph 57 of resolution 2127 (2013) shall apply with respect to the measures imposed in paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) extended by this resolution;

14. *Emphasizes* the importance of holding regular consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

### **Panel of Experts**

15. *Expresses* its full support for the Panel of Experts on the Central African Republic established pursuant to paragraph 59 of resolution 2127 (2013);

16. *Decides* to extend the mandate of the Panel of Experts until 29 February 2016 and, *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than 29 January 2016 and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to support its action;

17. *Decides* that the mandate of the Panel of Experts shall include the following tasks, to:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee with information relevant to the potential designation at a later stage of individuals or entities who may be engaging in the activities described in paragraphs 11 and 12 above;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents of non-compliance;

(c) Provide to the Committee a midterm update no later than 30 July 2015 and a final report to the Security Council, after discussion with the Committee, by 31 December 2015 on the implementation of the measures imposed by

paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) renewed by paragraphs 1, 2, 4 and 7 of this resolution;

(d) Submit progress updates to the Committee, especially in situations of urgency, or as the Panel deems necessary;

(e) To assist the Committee in refining and updating information on the list of individuals and entities designated by the Committee pursuant to the criteria renewed by paragraphs 11 and 12 above including through the provision of biometric information and additional information for the publicly available narrative summary of reasons for listing;

(f) To assist the Committee by providing information regarding individuals and entities that may meet the designation criteria in paragraphs 11 and 12 above, including by reporting such information to the Committee, as it becomes available, and to include in its formal written reports, the names of potential designees, appropriate identifying information, and relevant information regarding why the individual or entity may meet the designation criteria in paragraphs 11 and 12 above;

18. *Calls upon* the Panel of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, as relevant to the implementation of their mandate;

19. *Expresses* particular concern about reports of illicit trafficking networks which continue to fund and supply armed groups in the CAR, and *encourages* the Panel, in the course of carrying out its mandate, to devote special attention to the analysis of such networks;

20. *Urges* the CAR, its neighbouring States and other member States of the International Conference on the Great Lakes Region (ICGLR) to cooperate at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking;

21. *Urges* all parties, and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and the safety of its members;

22. *Further urges* all Member States and all relevant United Nations bodies to ensure unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate;

23. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative 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);

#### **Reporting and review**

24. *Calls upon* all States, particularly those in the region and those in which designated individuals and entities designated are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs of the measures imposed by paragraphs 54 and 55 of resolution 2127

(2013) and paragraphs 30 and 32 of resolution 2134 (2014) renewed by paragraphs 1, 2, 4 and 7 of this resolution;

25. *Affirms* that it shall keep the situation in the CAR under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening through additional measures, in particular the freezing of assets, modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the stabilization of the country and compliance with this resolution;

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

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# United Nations Sanctions (Central African Republic) Regulation 2015

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# United Nations Sanctions (Central African Republic) Regulation 2015

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

## Part 1

### Preliminary

#### 1. Interpretation

In this Regulation—

***arms or related materiel*** (軍火或相關的物資) includes—

- (a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and
- (b) any spare part for any item specified in paragraph (a);

***AU-RTF*** (非盟特混部隊) means the African Union-Regional Task Force referred to in paragraph 1(a) of Resolution 2196;

***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 57 of Resolution 2127;

**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;

**MINUSCA** (中非穩定團) means the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic;

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

**person connected with the Central African Republic** (有關連人士) means—

- (a) the Government of the Central African Republic;
- (b) any person in, or resident in, the Central African Republic;
- (c) any body incorporated or constituted under the law of the Central African Republic;
- (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—

- (a) an entity specified by the Chief Executive as a relevant entity in accordance with section 32; ~~or~~



(b) an entity acting on behalf of, or at the direction of, or owned or controlled by, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32; or

(c) an entity owned or controlled by a person or entity acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32;

**relevant person** (有關人士) means—

(a) a person specified by the Chief Executive as a relevant person in accordance with section 32; or

(b) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32;

**Resolution 2127** (《第 2127 號決議》) means Resolution 2127 (2013) adopted by the Security Council on 5 December 2013;

**Resolution 2134** (《第 2134 號決議》) means Resolution 2134 (2014) adopted by the Security Council on 28 January 2014;

**Resolution 2196** (《第 2196 號決議》) means Resolution 2196 (2015) adopted by the Security Council on 22 January 2015;

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

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

## **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 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 the Central African Republic;
  - (b) to, or to the order of, a person connected with the Central African Republic; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
- (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 the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

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

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR;
  - (b) a ship that is not registered in the HKSAR and is within the waters of the HKSAR;
  - (c) an aircraft that is registered in the HKSAR;
  - (d) an aircraft that is not registered in the HKSAR and is within the HKSAR air space;
  - (e) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) in the HKSAR;
    - (ii) both a Hong Kong permanent resident and a Chinese national; or



- (iii) a body incorporated or constituted under the law of the HKSAR; and
    - (f) a vehicle in the HKSAR.
  - (2) 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 the Central African Republic to a place in the Central African Republic;
    - (b) to, or to the order of, a person connected with the Central African Republic; or
    - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
  - (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 the Central African Republic to a place in the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

**4. Prohibition against provision of certain assistance or training**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 9(1), a person must not provide, directly or indirectly, to a person connected with the Central African Republic any technical assistance, training, financial or other assistance, related to military activities or to the provision, maintenance

or use of any prohibited goods, including the provision of armed mercenary personnel.

- (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 assistance or training concerned was or was to be provided to a person connected with the Central African Republic; or
  - (b) that the assistance or training concerned related to military activities or to the provision, maintenance or use of any prohibited goods.

**5. 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 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~~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 ~~owned by or otherwise belonging to, or held~~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 ~~owned by or otherwise belonging to, or held~~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 held downed 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.

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

- (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—

*specified person* (指明人士) means a person designated by the Committee for the purposes of paragraph 30 of Resolution 2134.

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

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;
  - (b) the relevant entry or transit is necessary for the fulfilment of a judicial process; or
  - (c) the Committee has determined that the relevant entry into or transit through the HKSAR would further the objectives of peace and national reconciliation in the Central African Republic and stability in the region.
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## **Part 3**

### **Licences**

#### **8. 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 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 the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside the Central African Republic to a place in the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
- (2) The requirements are as follows—



- (a) the prohibited goods are intended solely for the support of or use by ~~the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX), the African-led International Support Mission in the Central African Republic (MISCA), the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) and its guard unit, the African Union Regional Task Force (AU-RTF), MINUSCA, AU-RTF, the European Union Missions~~ or the French forces deployed in the Central African Republic;
- (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
- (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to the Central African Republic 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 small arms or other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory or arms, or other activities contrary to the national laws or international legal obligations of the Central African Republic;
- (e) the prohibited goods are arms or other related lethal equipment to be supplied, sold or transferred to the Central African Republic security forces and intended solely for the support of or use in the Central African Republic process of Security Sector Reform, as approved in advance by the Committee;

(f) the supply or sale of the prohibited goods is approved in advance by the Committee;

~~(g) the prohibited goods are intended solely for the support of or use by the European Union operation in the Central African Republic.~~

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

(1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence for the provision, to a person connected with the Central African Republic, of technical assistance, training, financial or other assistance, related to military activities or to the provision, maintenance or use of any prohibited goods, including the provision of armed mercenary personnel.

(2) The requirements are as follows—

(a) the assistance or training is related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;

(b) the assistance or provision of personnel is approved in advance by the Committee;

~~(c) the assistance or training is related to the supply of prohibited goods intended solely for the support of or use by MINUSCA, AU-RTF, the European Union Missions or the French forces deployed in the Central African Republic.~~

**10. 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 ~~downed or controlled~~ by, a relevant person or a relevant entity.

(2) The requirements are as follows—

- (a) the funds or other financial assets or economic resources are—
  - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
  - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services under the law of the HKSAR; or
  - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources ~~owned by or otherwise belonging to, or~~ held ~~downed 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 ~~28~~22 January ~~2014~~2015 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;
  - (d) the funds or other financial assets or economic resources are to be used for making payment due under a contract entered into by a person or entity before the date on which the person or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
- (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 5 working days of the notification;
  - (b) the requirement in subsection (2)(b) is met, the Chief Executive—
    - (i) must cause the Committee to be notified of the determination; and
    - (ii) must not grant the licence unless the Committee approves the determination;
  - (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination;

- (d) the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the determination 10 working days before granting the licence.

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

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
  - (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
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## **Part 4**

### **Things Done outside HKSAR**

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

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

### **Enforcement of Regulation**

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

##### **13. 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.



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

- (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.

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

- (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.

## **Division 2—Investigation, etc. of Suspected Aircraft**

### **16. 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.

**17. 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 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.

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

- (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.

### **Division 3—Investigation, etc. of Suspected Vehicles**

#### **19. 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.

**20. 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 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.

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

- (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.

**Division 4—Proof of Identity**

**22. Production of proof of identity**

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**

### **Evidence**

#### **23. 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.

#### **24. Seized articles, etc. liable to forfeiture**

- (1) If an authorized officer intends to apply to a magistrate or judge under section 25 for an order for forfeiture of any document, cargo or article seized under section 23(3), the officer must, within 30 days from the date of the seizure, serve notice of that intention on every person who was, to the knowledge of the officer at the time of, or immediately after, the seizure, an owner of the document, cargo or article.
- (2) A notice under subsection (1) is to be regarded as having been duly served on a person if—
  - (a) it is delivered personally to the person;
  - (b) it is sent by registered post addressed to the person at any place of residence or business of the person known to the authorized officer; or
  - (c) where the notice cannot be served in accordance with paragraph (a) or (b), the notice is exhibited at the offices of the Customs and Excise Department, in a place to which the public have access, for a period of not less



than 7 days commencing within 30 days from the date of the seizure of the document, cargo or article.

- (3) An owner, or the authorized agent of an owner, of the document, cargo or article referred to in a notice served under subsection (1), or a person who was in possession of the document, cargo or article at the time of seizure, or a person who has a legal or equitable interest in the document, cargo or article, may object to the proposed forfeiture by serving a notice in writing on the Commissioner.
- (4) A notice of objection under subsection (3)—
  - (a) must be served on the Commissioner by a person referred to in subsection (3) (*claimant*) within 30 days from—
    - (i) if the notice under subsection (1) is delivered personally to the person named in the notice, the date of delivery;
    - (ii) if the notice under subsection (1) is sent by registered post, 2 days after the date of posting; or
    - (iii) if the notice under subsection (1) is exhibited as described in subsection (2)(c), the first day it is so exhibited;
  - (b) must state the claimant's full name and address for service in Hong Kong; and
  - (c) if the claimant does not have a permanent address in Hong Kong, must state the name and address of a solicitor who is qualified to practise under the Legal Practitioners Ordinance (Cap. 159) and is authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.
- (5) An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized document, cargo or article

in respect of which a notice has been served under subsection (1)—

- (a) after the expiration of the appropriate period of time specified in subsection (4)(a) for the serving of a notice of objection; or
- (b) if a notice of objection is served in accordance with subsections (3) and (4), after the receipt of the notice.

**25. Power of magistrate or judge to make order for forfeiture and disposal**

- (1) If an application is made to a magistrate or judge for an order for forfeiture of any seized document, cargo or article, the magistrate or judge may, if satisfied that the seized document is a document relating to the provision, maintenance or use of any prohibited goods, or that the seized cargo or article is prohibited goods, make such order as the magistrate or judge thinks fit for the forfeiture of the document, cargo or article and its subsequent destruction or disposal.
- (2) An order under subsection (1) may be made in respect of any seized document, cargo or article whether or not any person has been convicted of any offence in connection with the document, cargo or article.
- (3) Before making an order for forfeiture of any seized document, cargo or article, a magistrate or judge must issue a summons to any person who serves a notice of objection in accordance with section 24(3) and (4) to appear on a day specified in the summons to show cause why the document, cargo or article should not be forfeited.
- (4) If any summons issued under subsection (3) has not for any reason been served and the magistrate or judge is satisfied that all reasonable efforts have been made to serve the summons on the person named in the summons, the magistrate or judge

may make an order for forfeiture under this section despite the fact that the summons has not been served on that person.

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

- (1) Subject to subsection (2) and any order made under section 25, 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**

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

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

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

- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
  - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.
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## **Part 8**

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

#### **28. 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.

#### **29. 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.

#### **30. 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.

**31. 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.

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

The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purposes of paragraph 32 of Resolution 2134.

**33. Exercise of powers of Chief Executive**

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.
  - (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.
  - (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.
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## Part 9

### Duration

#### 34. Duration

This Regulation expires at midnight on ~~27~~29 January ~~2015~~2016.

Chief Executive

2014

2015



### Explanatory Note

~~This~~The purpose of this Regulation ~~gives~~is to give effect to certain decisions in Resolution 2127 (2013) and Resolution 2134 (2014) 2196 (2015) as adopted by the Security Council of the United Nations on 5 December 2013 and 28 22 January 2014 respectively, 2015 by providing for ~~prohibition~~the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to the Central African Republic;
- (b) the provision of assistance or training related to military activities ~~etc.~~ in certain circumstances;
- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (d) dealing with funds or other financial assets or economic resources ~~owned by or otherwise belonging to, or held~~downed or controlled by, certain persons or entities; and
- (e) entry into or transit through the HKSAR by certain persons.

**United Nations Sanctions (Central African Republic) Regulation 2015  
Information on the Central African Republic**

**Country Background**

The Central African Republic is a landlocked country in Central Africa. It borders Chad in the north, Sudan in the northeast, South Sudan in the east, the Democratic Republic of the Congo and the Republic of Congo in the south and Cameroon in the west. It has a total area of 622,984 sq. km.<sup>Note 1</sup> and an estimated population of around 4.616 million in 2013. With its capital in Bangui, the Central African Republic first achieved independence in 1960. The Central African Republic had a GDP of US\$1.538 billion (or HK\$11.93 billion) in 2013. Merchandise imports and exports of the Central African Republic in 2013 amounted to US\$ 250 million (or HK\$1.94 billion) and US\$ 150 million (or HK\$1.16 billion) respectively.<sup>Note2</sup>

**United Nations Sanctions against the Central African Republic**

2. Since independence in 1960, four of the country's five presidents have been removed from power through unconstitutional means, and state authority is weak in many parts of the country. Ethnic tensions in the north and the presence of the Lord's Resistance Army, an armed group known for its brutal tactics, have added to instability, which has crippled the country for decades and driven people away from their homes.<sup>Note 3</sup>

3. The country witnessed the latest turmoil in December 2012 when the Séléka rebel coalition launched a series of attacks, culminating in March 2013 when President François Bozizé was forced to flee. A transitional government, headed by the then Prime Minister Nicolas Tiangaye, has been entrusted with restoring law and order and paving the way for democratic elections. However, armed clashes in the north-eastern part of the country have increased since August 2013, and the country is facing a dire humanitarian situation that affects virtually the entire population.

4. With the deteriorating situation in the country characterised by a total breakdown of law and order and widespread human rights abuses,

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

Note 2 Source: International Trade Statistics published by the World Trade Organisation at <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=CF>

Note 3 The Department of Political Affairs of the United Nations at [http://www.un.org/wcm/content/site/undpa/main/activities\\_by\\_region/africa/central\\_african\\_republ ic](http://www.un.org/wcm/content/site/undpa/main/activities_by_region/africa/central_african_republ ic)

notably by former Séléka rebels and militia groups, the United Nations Security Council (UNSC) unanimously adopted resolution 2127 on 5 December 2013 authorising the African-led International Support Mission in the Central African Republic (MISCA), to quell the spiralling violence, as well as the deployment of French troops to assist it. The resolution also imposes a sanctions regime, including a year-long embargo banning the sale or transfer to the Central African Republic of weapons of all types, including ammunition, military vehicles and paramilitary equipment. Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region, the UNSC expanded the sanctions against the Central African Republic, including a year-long travel ban and financial sanctions, via the adoption of UNSCR 2134 on 28 January 2014. <sup>Note 4</sup> By Resolution 2196(2015) adopted on 22 January 2015, the UNSC extended the arms embargo and targeted travel and financial sanctions until 29 January 2016.

### **Trade Relation between Hong Kong and the Central African Republic**

5. In 2014, the Central African Republic ranked 179<sup>th</sup> among Hong Kong's trading partners in the world, with a total trade of HK\$23.3 million. Of these, HK\$23.2 million worth of trade were exports to the Central African Republic, and HK\$0.006 million imports. Hong Kong's trade with the Central African are summarised as follows –

<b>Hong Kong's Trade with the Central African Republic</b> [Value in HK\$ (in million)]		
<b>Item</b>	<b>2013</b>	<b>2014</b>
(a) Total Exports to the Central African Republic	21.2	23.3
<i>(i) Domestic exports</i>	0.01 <sup>Note 5</sup>	0.1 <sup>Note 6</sup>
<i>(ii) Re-exports</i>	21.2 <sup>Note 7</sup>	23.2 <sup>Note 8</sup>
(b) Imports from the Central African Republic	0.6 <sup>Note 9</sup>	0.006 <sup>Note 10</sup>

Note 4 Source of information contained in paragraphs 3-4: UN News Centre at <http://www.un.org/news/>

Note 5 In 2013, domestic exports to the Central African Republic include manufactured tobacco (52.9%).

Note 6 In 2014, domestic exports to the Central African Republic include printed matter (79.3%). The increase was mainly due to the domestic exports of printed matter in 2014. Such item was not exported to the Central African Republic in 2013.

Note 7 In 2013, re-exports to the Central African Republic include telecommunications equipment and parts (89.1%); passenger motor cars (2.5%); and automatic data processing machines and units thereof (2.6%).

Note 8 In 2014, re-exports to the Central African Republic include telecommunications equipment and parts (88.1%); radio broadcast receivers (3.3%); and automatic data processing machines and units thereof (2.6%).

Note 9 In 2013, imports from the Central African Republic include telecommunications equipment and parts (60.6%); dried or salted fish (25.8%); and plastic articles (11.7%).

Note 10 In 2014, imports from the Central African Republic include special transactions and commodities not classified according to kind (100.0%). The decrease was mainly due to the decrease in imports of telecommunications equipment and parts by 100% in 2014.

<b>Hong Kong's Trade with the Central African Republic</b> [Value in HK\$ (in million)]		
<b>Item</b>	<b>2013</b>	<b>2014</b>
<b>Total Trade [(a) + (b)]</b>	<b>21.8</b>	<b>23.3</b>

In 2014, HK\$29.4 million worth of goods, or 10.4% <sup>Note 11</sup> of the total trade between the Central African Republic and the Mainland, were routed through Hong Kong. Of these, HK\$6.3 million worth of goods were re-exports from the Central African Republic to Mainland. The remaining HK\$23.1 million were re-exports of Mainland origin to the Central African Republic via Hong Kong.

6. The sanctions against the Central African Republic imposed by UNSC would unlikely affect the trade between Hong Kong and the Central African Republic notably, as the major categories of commodities traded are not related to arms or other related products. In addition, given the rather small trade volume between the two places, the United Nations sanctions against the Central African Republic would unlikely have any significant effect on the Hong Kong economy.

**Commerce and Economic Development Bureau**  
**April 2015**

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<sup>Note 11</sup> The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics.