

## **LEGISLATIVE COUNCIL BRIEF**

### **United Nations Sanctions Ordinance (Chapter 537)**

## **UNITED NATIONS SANCTIONS (YEMEN) REGULATION 2015**

### **INTRODUCTION**

A At the meeting of the Executive Council on 14 July 2015, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Yemen) 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 17 July 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 and May 2015, the CE received two instructions from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement respectively UNSC Resolutions (“UNSCRs”) 2204 and 2216 in respect of Yemen. The 2015 Regulation was made pursuant to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions is at Annex B.

#### **Sanctions against Yemen**

#### **UNSCR 2140**

3. Determining that the situation in Yemen constituted a threat to international peace and security in the region, the UNSC adopted UNSCR 2140 on 26 February 2014, imposing sanctions against Yemen. The UNSC, inter alia, decided that –

- (a) for an initial period of one year from the date of the adoption of UNSCR 2140, all Member States shall 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 established pursuant to paragraph 19 of UNSCR 2140 (“the Committee”), or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them; and 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 11, 12, 13 and 14 of UNSCR 2140 refer*); and
- (b) for an initial period of one year from the date of the adoption of UNSCR 2140, all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee, provided that nothing in paragraph 15 of UNSCR 2140 shall oblige a State to refuse its own nationals entry into its territory, subject to exceptions (*paragraphs 15 and 16 of UNSCR 2140 refer*).

4. Pursuant to the instruction of MFA, the CE made the United Nations Sanctions (Yemen) Regulation (Cap. 537BJ) (the Regulation) in May 2014. The Regulation expired at midnight on 25 February 2015.

#### **UNSCR 2204**

5. On 24 February 2015, the UNSC adopted UNSCR 2204 (at Annex C), which decided, inter alia, to renew until 26 February 2016 the measures imposed by paragraphs 11 and 15 of UNSCR 2140, and reaffirmed the provisions of paragraphs 12, 13, 14 and 16 of UNSCR 2140 (*paragraph 2 of UNSCR 2204 refers*).

#### **UNSCR 2216**

6. On 14 April 2015, the UNSC further adopted UNSCR 2216 (at Annex D), which decided, inter alia, that –

- (a) the individuals listed in the annex of UNSCR 2216 shall be subject to the measures imposed by paragraphs 11 and 15 of UNSCR 2140 (*paragraph 3 of UNSCR 2216 refers*);

- (b) all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to, or for the benefit of Ali Abdullah Saleh, Abdullah Yahya Al Hakim, Abd Al-Khaliq Al-Huthi and the individuals and entities designated by the Committee pursuant to paragraph 20(d) of UNSCR 2216, the individuals and entities listed in the annex of UNSCR 2216, and those acting on their behalf or at their direction in Yemen, 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 (*paragraph 14 of UNSCR 2216 refers*); and
- (c) all Member States shall, upon discovery of items the supply, sale or transfer of which is prohibited by paragraph 14 of UNSCR 2216, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items (*paragraph 16 of UNSCR 2216 refers*).

## THE 2015 REGULATION

7. The 2015 Regulation, at Annex A, seeks to implement the sanctions against Yemen as per UNSCRs 2204 and 2216. 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 certain persons and entities;
- (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 and entities;
- (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) **section 8**, which provides for the grant of licence 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 30**, which provides that the CE may by notice published in the Gazette specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purpose of the financial sanctions under the 2015 Regulation;
- (h) **section 31**, which provides that the CE may by notice published in the Gazette specify as a designated person or a designated entity a person or an entity designated by the Committee for the purpose of the arms embargo measures under the 2015 Regulation; and
- (i) **section 33**, which provides that all provisions of the 2015 Regulation, except those relating to arms embargo measures, would expire at midnight on 26 February 2016.

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

E

## IMPLICATIONS OF THE PROPOSAL

8. 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**

9. A press release was issued on 17 July 2015 when the 2015 Regulation was published in the Gazette.

## **INFORMATION ON YEMEN AND RELATION WITH HKSAR**

10. For information on Yemen, background of the sanction regime against the country as well as its bilateral trade relation with the HKSAR, please refer to Annex F.

F

## **ADVICE SOUGHT**

11. Members are invited to note the implementation of the UNSCRs 2204 and 2216 in the HKSAR by the 2015 Regulation.

**Commerce and Economic Development Bureau**  
**July 2015**

## United Nations Sanctions (Yemen) Regulation 2015

L.N. 166 of 2015  
B2587

L.N. 166 of 2015

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**United Nations Sanctions (Yemen) 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);

**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 19 of Resolution 2140;

**designated entity** (指認實體) means—

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

**designated person** (指認人士) means—

- (a) a person named in paragraph 14 of Resolution 2216;
- (b) a person listed in the Annex of Resolution 2216;
- (c) a person specified by the Chief Executive as a designated person in accordance with section 31; or
- (d) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a designated person or designated entity in accordance with section 31;

**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);

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

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

**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 30;

- (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 30; 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 30;

**relevant person** (有關人士) means—

- (a) a person specified by the Chief Executive as a relevant person in accordance with section 30; 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 30;

**Resolution 2140** (《第2140號決議》) means Resolution 2140 (2014) adopted by the Security Council on 26 February 2014;

**Resolution 2216** (《第2216號決議》) means Resolution 2216 (2015) adopted by the Security Council on 14 April 2015;

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

## 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) 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, or to the order of, or for the benefit of, a designated person or a designated entity; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, or for the benefit of, a designated person or a designated entity.
- (3) A person who contravenes subsection (2) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (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, or to the order of, or for the benefit of, a designated person or a designated entity; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, or for the benefit of, a designated person or a designated entity.

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

- (iii) a body incorporated or constituted under the law of the HKSAR; and
- (f) a vehicle in the HKSAR.
- (2) Without limiting section 2, 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) to, or to the order of, or for the benefit of, a designated person or a designated entity; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, or for the benefit of, a designated person or a designated entity.
- (3) 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.
- (4) A person who commits an offence under subsection (3) is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (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 carriage of the goods concerned was, or formed part of, a carriage—
  - (i) to, or to the order of, or for the benefit of, a designated person or a designated entity; or
  - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, or for the benefit of, a designated person or a designated entity.

#### 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) A person must not provide, directly or indirectly, to a designated person or a designated entity 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 designated person or a designated entity; 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 8(1)—
  - (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and



other financial assets or economic resources belonging to, or owned or controlled by, the first-mentioned person.

- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) that the person was dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or owned or controlled by, a relevant person or a relevant entity with—
  - (a) interest or other earnings due on that account; or
  - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (6) In this section—  
*deal with* (處理) means—

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

#### 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 15 of Resolution 2140.

#### 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;
  - (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Yemen; or
  - (d) the relevant entry or transit is required to advance peace and stability in Yemen.
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## Part 3

### Licence

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

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
  - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
  - (a) the funds or other financial assets or economic resources are—
    - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
    - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services 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 26 February 2014 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.
- 9. Provision of false information or documents for purpose of obtaining licences**
- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
  - (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
    - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
    - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

## Part 4

### Things Done outside HKSAR

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

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

## Part 5

### Enforcement of Regulation

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

##### 11. Investigation of suspected ships

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

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

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

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 11(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 11(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 11(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 12, if an authorized officer has reason to suspect that a request that has been made under section 11(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or the ship concerned;
  - (b) detain or authorize the detention of that ship or any of its cargo;
  - (c) use or authorize the use of reasonable force.



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

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

### **14. Investigation of suspected aircraft**

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

notified by an authorized officer that the aircraft and its cargo may depart.

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

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

- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 14(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 14(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or the aircraft concerned;
  - (b) detain or authorize the detention of that aircraft or any of its cargo;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

**Division 3—Investigation, etc. of Suspected Vehicles****17. Investigation of suspected vehicles**

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

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

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

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 17(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

- (2) An operator or driver of a vehicle who, in response to a request made under section 17(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
  - (b) detain or authorize the detention of that vehicle or any article carried on it;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

**Division 4—Proof of Identity**

**20. Production of proof of identity**

Before or on exercising a power conferred by section 11, 13, 14, 16, 17 or 19, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

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**Part 6****Evidence****21. Power of magistrate or judge to grant warrant**

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

to be evidence in relation to the commission of an offence under this Regulation;

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

**22. Seized articles, etc. liable to forfeiture**

- (1) If an authorized officer intends to apply to a magistrate or judge under section 23 for an order for forfeiture of any document, cargo or article seized under section 21(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.

## 23. 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 22(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.

#### 24. Detention of documents, cargoes or articles seized

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

#### Disclosure of Information or Documents

##### 25. 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 Yemen 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

#### 26. 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.

#### 27. 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.

#### 28. 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.

**29. 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.

**30. 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 11 of Resolution 2140.

**31. Specification of designated person or designated entity by Chief Executive**

The Chief Executive may, by notice published in the Gazette, specify as a designated person or a designated entity a person or an entity designated by the Committee for the purposes of paragraph 20(d) of Resolution 2216.

**32. 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

#### 33. Duration

The following provisions expire at midnight on 26 February 2016—

- (a) the definitions of *economic resources*, *funds*, *licence*, *relevant entity* and *relevant person* in section 1;
- (b) sections 5, 6 and 7;
- (c) Part 3;
- (d) section 30.

C. Y. LEUNG  
Chief Executive

14 July 2015

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## Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2204 (2015) and Resolution 2216 (2015) as adopted by the Security Council of the United Nations on 24 February 2015 and 14 April 2015 respectively by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities;
- (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 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 (Yemen) Regulation 2015**

This is to confirm that the Chief Executive received specific instructions from the Ministry of Foreign Affairs of the People's Republic of China in March and May 2015 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolutions No. 2204 and 2216 of the Security Council of the United Nations, and that the United Nations Sanctions (Yemen) Regulation 2015 was made in pursuance of the instructions.

Dated this 14<sup>th</sup> day of July 2015



( Mrs Carrie Lam )  
Chief Secretary for Administration

United Nations

S/RES/2204 (2015)



Security Council

Distr.: General  
24 February 2015

## Resolution 2204 (2015)

**Adopted by the Security Council at its 7390th meeting, on  
24 February 2015**

*The Security Council,*

*Recalling* its resolutions 1267 (1999), 1373 (2001), 1875 (2009), 2051 (2012), 2140 (2014), 2201 (2015) and the statements of its President dated 15 February 2013 ([S/PRST/2013/3](#)) and 29 August 2014 ([S/PRST/2014/18](#)) concerning Yemen,

*Reaffirming* its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen,

*Expressing* concern at the ongoing political, security, economic and humanitarian challenges in Yemen, including the ongoing violence, and threats arising from the illicit transfer, destabilizing accumulation and misuse of weapons,

*Reiterating* its call for all parties in Yemen to adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation,

*Expressing* its support for and commitment to the work of the Special Adviser to the Secretary-General on Yemen, Jamal Benomar, in support of the Yemeni transition process,

*Recalling* the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the Al-Qaida sanctions list established by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and *stressing* in this regard the need for robust implementation of the measures in paragraph 1 of resolution 2161 (2014) as a significant tool in combating terrorist activity in Yemen,

*Noting* the critical importance of effective implementation of the sanctions regime imposed pursuant to resolution 2140 (2014), including the key role that Member States from the region can play in this regard and encouraging efforts to further enhance cooperation,

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

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

1. *Reaffirms* the need for the full and timely implementation of the political transition following the comprehensive National Dialogue Conference, in line with





the Gulf Cooperation Council Initiative and Implementation Mechanism, the Peace and National Partnership Agreement and in accordance with resolution 2014 (2011), 2051 (2012), and 2140 (2014) and with regard to the expectations of the Yemeni people;

2. *Decides* to renew until 26 February 2016 the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014), and *reaffirms* the provisions of paragraphs 12, 13, 14 and 16 of resolution 2140 (2014);

#### *Designation Criteria*

3. *Reaffirms* that the provisions of paragraphs 11 and 15 of resolution 2140 (2014) shall apply to individuals or entities designated by the Committee established pursuant to paragraph 19 of resolution 2140 (2014) (“the Committee”) as engaging in or providing support for acts that threaten the peace, security or stability of Yemen;

#### *Reporting*

4. *Decides* to extend until 25 March 2016 the mandate of the Panel of Experts as set out in paragraph 21 of resolution 2140 (2014), *expresses its intention* to review the mandate and take appropriate action regarding the further extension no later than 25 February 2016, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Panel of Experts, in consultation with the Committee, for a period of 13 months from the date of this resolution, drawing, as appropriate, on the expertise of the members of the Panel established pursuant to resolution 2140 (2014);

5. *Requests* the Panel of Experts to provide a midterm update to the Committee no later than 24 September 2015, and a final report no later than 24 February 2016 to the Security Council, after discussion with the Committee;

6. *Directs* the Panel to cooperate with other relevant expert groups established by the Security Council to support the work of its Sanctions Committees, in particular the Analytical Support and Sanctions Monitoring Team established by resolution 1526 (2004) and extended by resolution 2161 (2014);

7. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and further urges all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites, in order for the Panel of Experts to execute its mandate;

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

9. *Calls* upon all Member States to report to the Committee within 90 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014);

10. *Reaffirms* its intention to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the measures contained in

this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of developments;

*United Nations involvement*

11. *Requests* the Secretary-General to continue his good offices role, *notes* with appreciation the work of his Special Adviser, Jamal Benomar, and *stresses* the importance of the United Nations' close coordination with international partners, including the Gulf Cooperation Council, Group of Ambassadors in Sana'a, and other actors, in order to contribute to the successful transition;

12. *Further requests* the Secretary-General to continue to coordinate assistance from the international community in support of the transition, and to propose options for strengthening the office of the Special Adviser to enable him to fulfil his mandate, including on United Nations assistance for finalizing and adopting the draft constitution, undertaking electoral reform, holding general elections, and creating mechanisms for disarmament, demobilization and reintegration as well as security sector reform;

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

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**Security Council**

Distr.: General  
14 April 2015

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**Resolution 2216 (2015)**

**Adopted by the Security Council at its 7426th meeting, on  
14 April 2015**

*Security Council,*

*Recalling* its resolutions 2014 (2011), 2051 (2012), 2140 (2014), 2201 (2015), and 2204 (2015) and presidential statements of 15 February 2013, 29 August 2014, and 22 March 2015,

*Noting* the letter dated 24 March 2015 from the Permanent Representative of Yemen, to the United Nations, transmitting a letter from the President of Yemen, in which he informed the President of the Security Council that “he has requested from the Cooperation Council for the Arab States of the Gulf and the League of Arab States to immediately provide support, by all necessary means and measures, including military intervention, to protect Yemen and its people from the continuing aggression by the Houthis”, and *noting* the letter dated 26 March 2015 from the Permanent Representative of the State of Qatar, [S/2015/217](#), transmitting a letter from the Representatives of the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates,

*Recalling* the resolution of Summit XXVI of the League of Arab States on the developments in Yemen, stressing inter alia the necessity to resume Yemen’s political transition process with the participation of all Yemeni parties in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference,

*Reaffirming* its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen, and its commitment to stand by the people of Yemen,

*Condemning* the growing number of and scale of the attacks by Al-Qaida in the Arabian Peninsula (AQAP),

*Expressing* concern at the ability of AQAP to benefit from the deterioration of the political and security situation in Yemen, mindful that any acts of terrorism are criminal and unjustifiable regardless of their motivation, whenever, wherever and by whomsoever committed,

*Reiterating* its support for the efforts of the Gulf Cooperation Council in assisting the political transition in Yemen and *commending* its engagement in this regard,



*Reaffirming* its support for the legitimacy of the President of Yemen, Abdo Rabbo Mansour Hadi, and *reiterating its call* to all parties and Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen,

*Expressing* grave alarm at the significant and rapid deterioration of the humanitarian situation in Yemen, and *emphasizing* that the humanitarian situation will continue to deteriorate in the absence of a political solution,

*Recalling* that arbitrary denial of humanitarian access and depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, may constitute a violation of international humanitarian law,

*Emphasizing* the need for the return to the implementation of the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference, including drafting a new constitution, electoral reform, the holding of a referendum on the draft constitution and timely general elections, to avoid further deterioration of the humanitarian and security situation in Yemen,

*Reaffirming* its full support for, and commitment to, the efforts of the United Nations and the Special Adviser of the Secretary-General on Yemen, in particular to the UN-brokered negotiations, and its support for the efforts of the Group of Ambassadors in Sana'a,

*Alarmed* at the military escalation by the Houthis in many parts of Yemen including in the Governorates of Ta'iz, Marib, AlJauf, Albayda, their advance towards Aden, and their seizure of arms, including missile systems, from Yemen's military and security institutions,

*Condemning* in the strongest terms the ongoing unilateral actions taken by the Houthis, and their failure to implement the demands in resolution 2201 (2015) to immediately and unconditionally withdraw their forces from government institutions, including in the capital Sana'a, normalize the security situation in the capital and other provinces, relinquish government and security institutions, and safely release all individuals under house arrest or arbitrarily detained, and *reiterating* its call on all non-State actors to withdraw from government institutions across Yemen and to refrain from any attempts to take over such institutions,

*Deploring* any attempt by the Houthis to take actions that are exclusively within the authority of the legitimate Government of Yemen, and *noting* that such actions are unacceptable,

*Expressing alarm* that such actions taken by the Houthis undermine the political transition process in Yemen, and jeopardize the security, stability, sovereignty and unity of Yemen,

*Noting with concern* the destabilizing actions taken by the former President of Yemen, Ali Abdullah Saleh, including supporting the Houthis' actions, which continue to undermine the peace, security and stability of Yemen,

*Welcoming* the intention of the Gulf Cooperation Council to convene a conference in Riyadh, upon the request of the President of Yemen, with the participation of all Yemeni parties to further support the political transition in Yemen, and to complement and support the UN-brokered negotiations,

*Recalling* its resolution 2117 (2013) and expressing grave concern at the threat to peace and security in Yemen arising from the illicit transfer, destabilising accumulation and misuse of small arms and light weapons,

*Recognizing* that the continuing deterioration of the security situation and escalation of violence in Yemen poses an increasing and serious threat to neighbouring States and *reaffirming its determination* that the situation in Yemen constitutes a threat to international peace and security,

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

1. *Demands* that all Yemeni parties, in particular the Houthis, fully implement resolution 2201 (2015), *refrain* from further unilateral actions that could undermine the political transition in Yemen, and *further demands* that the Houthis immediately and unconditionally:

- (a) end the use of violence;
- (b) withdraw their forces from all areas they have seized, including the capital Sana'a;
- (c) relinquish all additional arms seized from military and security institutions, including missile systems;
- (d) cease all actions that are exclusively within the authority of the legitimate Government of Yemen;
- (e) refrain from any provocation or threats to neighbouring States, including through acquiring surface-surface missiles, and stockpiling weapons in any bordering territory of a neighbouring State;
- (f) safely release Major-General Mahmoud al-Subaihi, the Minister of Defence of Yemen, all political prisoners, and all individuals under house arrest or arbitrarily detained; and
- (g) end the recruitment and use of children and release all children from their ranks;

2. *Requests* the Secretary-General to report on the implementation of this resolution and resolution 2201 (2015), in particular paragraph 1 of this resolution, in 10 days from the adoption of this resolution; and in case of further non-implementation, *expresses* its intent to consider designating additional individuals and entities who are engaged in or providing support for acts that threaten the peace, security or stability of Yemen, to be subject to the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014);

3. *Decides* that the individuals listed in the annex of this resolution shall be subject to the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014);

4. *Reiterates* the importance of the implementation of all measures imposed by resolution 2140 (2014), as extended in resolution 2204 (2015);

5. *Calls upon* all Yemeni parties, in particular the Houthis, to abide by the Gulf Cooperation Council Initiative and its Implementation Mechanism, the outcomes of the comprehensive National Dialogue conference, and the relevant Security Council resolutions and to resume and accelerate inclusive United Nations-brokered negotiations, including on issues relating to governance, to continue the

political transition in order to reach a consensus solution and *stresses* the importance of full implementation of agreements reached and commitments made towards that goal and *calls on* the parties, in this regard, to agree on the conditions leading to an expeditious cessation of violence, in accordance with the United Nations Charter and relevant Security Council resolutions, including this resolution and resolution 2201 (2015);

6. *Demands* that all Yemeni parties adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation and all unilateral actions to undermine the political transition and *stresses* that all parties should take concrete steps to agree and implement a consensus-based political solution to Yemen's crisis in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference;

7. *Urges* all Yemeni parties to respond positively to the request of the President of Yemen to attend a conference in Riyadh, under the auspices of the Gulf Cooperation Council, to further support the political transition in Yemen, and to complement and support the UN-brokered negotiations;

8. *Calls on* all parties to comply with their obligations under international law, including applicable international humanitarian law and human rights law;

9. *Reaffirms*, consistent with international humanitarian law, the need for all parties to ensure the safety of civilians, including those receiving assistance, as well as the need to ensure the security of humanitarian personnel and United Nations and its associated personnel, and *urges* all parties to facilitate the delivery of humanitarian assistance, as well as rapid, safe and unhindered access for humanitarian actors to reach people in need of humanitarian assistance, including medical assistance;

10. *Calls on* all parties to facilitate the evacuation by concerned States and international organizations of their civilians and personnel from Yemen and *commends* steps already taken in this regard;

11. *Reaffirms* the principle of the inviolability of diplomatic and consular premises and the obligations of host Governments, including under the 1961 Vienna Convention on Diplomatic Relations and under the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity;

12. *Requests* the Secretary-General to intensify his efforts in order to facilitate the delivery of humanitarian assistance and evacuation, including the establishment of humanitarian pauses, as appropriate, in coordination with the Government of Yemen, and *calls on* Yemeni parties to cooperate with the Secretary-General to deliver humanitarian aid to those in need;

13. *Further requests* the Secretary-General to intensify his good offices role in order to enable a resumption of a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people, including women, for peaceful change and meaningful political, economic and social reform, as set out in the Gulf Cooperation Council Initiative and Implementation Mechanism and the outcomes of the comprehensive National

Dialogue conference, and *stresses* the importance of the United Nations' close coordination with international partners, in particular the Gulf Cooperation Council, Group of Ambassadors in Sana'a, and other actors, in order to contribute to a successful transition;

#### ***Arms embargo***

14. *Decides* that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to, or for the benefit of Ali Abdullah Saleh, Abdullah Yahya Al Hakim, Abd Al-Khaliq Al-Huthi, and the individuals and entities designated by the Committee established pursuant to paragraph 19 of resolution 2140 (2014) (hereinafter referred to as "the Committee") pursuant to paragraph 20 (d) of this resolution, the individuals and entities listed in the annex of this resolution, and those acting on their behalf or at their direction in Yemen, 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;

15. *Calls upon* Member States, in particular States neighbouring Yemen, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to Yemen, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 14 of this resolution for the purpose of ensuring strict implementation of those provisions;

16. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items the supply, sale, or transfer of which is prohibited by paragraph 14 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items and *decides* further that all Member States shall cooperate in such efforts;

17. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 15 of this resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for supply, sale, or transfer are found, further *requires* such Member States to submit to the Committee within 30 days a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

#### ***Additional designation criteria***

18. *Reaffirms* the designation criteria set out in paragraph 17 of resolution 2140 (2014), the measures imposed by paragraphs 11 and 15 of the same and *stresses* the importance of their full implementation;

19. *Reaffirms* paragraph 18 of resolution 2140 (2014), and *underscores* that acts that threaten the peace, security, or stability of Yemen may also include the violations of the arms embargo imposed by paragraph 14 or obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen;

***Mandate of the Sanctions Committee***

20. *Decides* that the Committee established pursuant to paragraph 19 of resolution 2140 (2014) shall also undertake the following tasks:

- (a) monitoring implementation of the measures imposed in paragraph 14 of this resolution;
- (b) seeking from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed by paragraph 14 above;
- (c) examining and taking appropriate action on information regarding alleged non-compliance with the measures contained by this resolution;
- (d) designating as may be necessary additional individuals and entities subject to the measures imposed by paragraph 14 above;

***Mandate of the Panel of Experts***

21. *Decides* that the mandate of the Panel of Experts established pursuant to paragraph 21 of resolution 2140 (2014) and renewed by resolution 2204 (2015) shall also include monitoring implementation of the measures imposed by paragraph 14;

22. *Requests* the Secretary-General, having due regard for the increased mandate of the Panel of Experts, to increase the Panel to five members, and make the necessary financial and security arrangements to support the work of the Panel;

23. *Calls upon* the Panel of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, including the 1267 Monitoring Team, as relevant to the implementation of their mandate;

***Commitment to review***

24. *Reaffirms* its readiness to take further measures in case of non-implementation by any Yemeni party of this resolution and resolution 2201 (2015);

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



## Annex

### 1. Abdulmalik al-Houthi

Abdul Malik al Houthi is a leader of a group that has engaged in acts that threaten the peace, security, or stability of Yemen.

In September 2014, Houthi forces captured Sanaa and in January 2015 they attempted to unilaterally replace the legitimate government of Yemen with an illegitimate governing authority that the Houthis dominated. Al-Houthi assumed the leadership of Yemen's Houthi movement in 2004 after the death of his brother, Hussein Badreddin al-Houthi. As leader of the group, al-Houthi has repeatedly threatened Yemeni authorities with further unrest if they do not respond to his demands and detained President Hadi, Prime Minister, and key cabinet members. Hadi subsequently escaped to Aden. The Houthis then launched another offensive towards Aden assisted by military units loyal to former president Saleh and his son, Ahmed Ali Saleh.

### 2. Ahmed Ali Abdullah Saleh

Ahmed Ali Saleh has engaged in acts that threaten the peace, security, and stability of Yemen.

Ahmed Ali Saleh has been working to undermine President Hadi's authority, thwart Hadi's attempts to reform the military, and hinder Yemen's peaceful transition to democracy. Saleh played a key role in facilitating the Houthi military expansion. As of mid-February 2013, Ahmed Ali Saleh had issued thousands of new rifles to Republican Guard brigades and unidentified tribal shaykhs. The weapons were originally procured in 2010 and reserved to purchase the loyalties of the recipients for political gain at a later date.

After Saleh's father, former Republic of Yemen President Ali Abdullah Saleh, stepped down as President of Yemen in 2011, Ahmed Ali Saleh retained his post as commander of Yemen's Republican Guard. A little over a year later, Saleh was dismissed by President Hadi but he retained significant influence within the Yemeni military, even after he was removed from command. Ali Abdullah Saleh was designated by the UN under UNSCR 2140 in November 2014.

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# United Nations Sanctions (Yemen) Regulation **2015**

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## United Nations Sanctions (Yemen) 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);

**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 19 of Resolution 2140;

***designated entity*** (指認實體) means—

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

***designated person*** (指認人士) means—

- (a) a person named in paragraph 14 of Resolution 2216;
- (b) a person listed in the Annex of Resolution 2216;
- (c) a person specified by the Chief Executive as a designated person in accordance with section 31; or
- (d) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a designated person or designated entity in accordance with section 31;

***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 ~~58~~(1);

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

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

**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 ~~15~~; ~~or~~ 30;
- (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 ~~15~~; 30; 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 30;

**relevant person** (有關人士) means—

- (a) a person specified by the Chief Executive as a relevant person in accordance with section ~~1530~~; 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 ~~1530~~;

**Resolution 2140** (《第 2140 號決議》) means Resolution 2140 (2014) adopted by the Security Council on 26 February 2014;

**Resolution 2216** (《第 2216 號決議》) means Resolution 2216 (2015) adopted by the Security Council on 14 April 2015;

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

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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) 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, or to the order of, or for the benefit of, a designated person or a designated entity; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, or for the benefit of, a designated person or a designated entity.

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

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

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



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

(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, or to the order of, or for the benefit of, a designated person or a designated entity; or

(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, or for the benefit of, a designated person or a designated entity.

### **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 Hong Kong;

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

(d) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;

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

(i) in the HKSAR;

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

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

(f) a vehicle in the HKSAR.

(2) Without limiting section 2, 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) to, or to the order of, or for the benefit of, a designated person or a designated entity; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, or for the benefit of, a designated person or a designated entity.

(3) 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.
- (4) A person who commits an offence under subsection (3) is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (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 carriage of the goods concerned was, or formed part of, a carriage—
    - (i) to, or to the order of, or for the benefit of, a designated person or a designated entity; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of,

or for the benefit of, a designated person or a designated entity.

**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) A person must not provide, directly or indirectly, to a designated person or a designated entity 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 designated person or a designated entity; or



(b) that the assistance or training concerned related to military activities or to the provision, maintenance or use of any prohibited goods.

**25. 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 ~~58~~(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 downed 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.

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

- (1) Subject to section 47, 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 15 of Resolution 2140.

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

Section 36 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;

- (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Yemen; or
  - (d) the relevant entry or transit is required to advance peace and stability in Yemen.
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## Part 3

### Licence

**58. 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 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 26 February 2014 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.

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

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

## Part 4

### Things Done outside HKSAR

#### **710. 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**

##### **11. Investigation of suspected ships**

- (1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—

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

  - (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;

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



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

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 11(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 11(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 11(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 12, if an authorized officer has reason to suspect that a request that has been made under section 11(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
- (a) enter or authorize the entry on any land or the ship concerned;
- (b) detain or authorize the detention of that ship or any of its cargo;
- (c) use or authorize the use of reasonable force.



(2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.

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

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

### **14. Investigation of suspected aircraft**

(1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—

(a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and

(b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.

(2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.



(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—

(a) specify whether the information should be provided orally or in writing and in what form; and

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

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

(1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 14(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 14(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

(1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure



compliance with that request including, in particular, any of the following steps—

(a) enter or authorize the entry on any land or the aircraft concerned;

(b) detain or authorize the detention of that aircraft or any of its cargo;

(c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.

(3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

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

#### **17. Investigation of suspected vehicles**

(1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2), the officer may—

(a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;

(b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and

(c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

(2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—

(a) specify whether the information should be provided orally or in writing and in what form; and

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

### **18. Offences by operator or driver of vehicle**

(1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 17(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) An operator or driver of a vehicle who, in response to a request made under section 17(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in



a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

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

(a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;

(b) detain or authorize the detention of that vehicle or any article carried on it;

(c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.

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

**Division 4—Proof of Identity**

**20. Production of proof of identity**

Before or on exercising a power conferred by section 11, 13, 14, 16, 17 or 19, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

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**Part 56****Evidence****821. Power of magistrate or judge to grant warrant**

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



has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;

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

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

(1) If an authorized officer intends to apply to a magistrate or judge under section 23 for an order for forfeiture of any document, cargo or article seized under section 21(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.

**23. 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 22(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.

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

- (1) Subject to subsection (2), any document, cargo or article seized under section 821(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 67****Disclosure of Information or Documents****1025. 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 Yemen 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 **78**

### Other Offences and Miscellaneous Matters

#### **1226.** 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.

#### **1227.** 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.

#### **1328.** 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.

**1429. 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.

**1530. 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 11 of Resolution 2140.

**31. Specification of designated person or designated entity by Chief Executive**

The Chief Executive may, by notice published in the Gazette, specify as a designated person or a designated entity a person or an entity designated by the Committee for the purposes of paragraph 20(d) of Resolution 2216.

**1632. 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 **89**

### Duration

#### **1733.** Duration

~~This Regulation expires~~ The following provisions expire at midnight on ~~2526~~ February ~~2015.2016~~—

- (a) the definitions of *economic resources, funds, licence, relevant entity* and *relevant person* in section 1;
- (b) sections 5, 6 and 7;
- (c) Part 3;
- (d) section 30.

Chief Executive

20145

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### Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2204 (2015) and Resolution 2216 (2015) as adopted by the Security Council of the United Nations on 24 February 2015 and 14 April 2015 respectively by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities;
- (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 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 (Yemen) Regulation  
Information on Yemen 2015**

**Country Background**

Yemen is an Arab country in Western Asia. It is bordered by Saudi Arabia to the north, the Red Sea to the west, the Gulf of Aden and Arabian Sea to the south, and Oman to the east. With its capital in Sana'a, Yemen has a total area of 527,968 sq. km.<sup>Note 1</sup> and an estimated population of around 24.407 million in 2013. It had a GDP of US\$35.96 billion (or HK\$278.87 billion) in 2013. Merchandise imports and exports of Yemen in 2013 amounted to US\$12.5 billion (or HK\$97.0 billion) and US\$9.2 billion (or HK\$71.4 billion) respectively.<sup>Note 2</sup>

**United Nations Sanctions against Yemen**

2. The United Nations (UN) has been facilitating Yemen's political transition since 2011, when the country was on the brink of civil war, and fighting killed and wounded hundreds. In April 2011, President Ali Abdullah Saleh refused to sign a Gulf Cooperation Council initiative, leading to continued political deadlock. In November 2011, face-to-face negotiations between the ruling party and the opposition, facilitated by the UN's Special Advisor on Yemen, led to the signing of a Transition Agreement in Riyadh on 23 November 2011. A milestone was marked on 21 February 2012, when presidential elections transferred power to the then Vice-President Abed Rabbu Mansour Hadi in a largely peaceful environment. A National Unity Government was formed under the leadership of Prime Minister Mohamed Basendwa. 18 March 2013 saw the successful launching of Yemen's National Dialogue Conference, representing all Yemeni constituencies.

3. Challenges persist, however, in spite of the relative stability in Yemen. They range from longstanding conflicts in the North and South to Al-Qaida-linked terrorism and armed groups, and from targeted killings of military and government officials to the legacy of past human rights violations. The humanitarian situation thus remains extremely grave.<sup>Note 3</sup>

4. Unanimously adopting resolution 2140 on 26 February 2014, the Security Council of the United Nations (UNSC) encouraged all Yemeni

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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=YE>

Note 3 The Department of Political Affairs of the United Nations at [http://www.un.org/wcm/content/site/undpa/main/activities\\_by\\_region/middle\\_east/pid/24705](http://www.un.org/wcm/content/site/undpa/main/activities_by_region/middle_east/pid/24705)



constituencies to continue their active and constructive engagement in the country's political transition. The UNSC also condemned the growing number of attacks carried out or sponsored by Al-Qaida in the Arabian peninsula, and expressed concern over reported serious human rights abuses and violence against civilians. Determining that the situation in Yemen constitutes a threat to international peace and security in the region, the UNSC decided to impose a year-long travel ban and financial sanctions against Yemen. <sup>Note 4</sup> On 24 February 2015, the UNSC adopted resolution 2204 to renew until 26 February 2016 the travel ban and financial sanctions measures imposed by resolution 2140. On 14 April 2015, the UNSC further adopted UNSCR 2216 to impose a targeted arms embargo against some designated individuals or entities.

### **Trade Relation between Hong Kong and Yemen**

5. In 2014, Yemen ranked 133<sup>rd</sup> among Hong Kong's trading partners in the world, with a total trade of HK\$171 million. Of these, HK\$55 million worth of trade were exports to Yemen, and HK\$116 million imports. Hong Kong's trade with Yemen are summarised as follows –

<b>Hong Kong's Trade with Yemen</b> [Value in HK\$ (in million)]		
<b>Item</b>	<b>2014</b>	<b>January – April 2015</b>
(a) Total Exports to Yemen	55	7.6
<i>(i) Domestic exports</i>	2 <sup>Note 5</sup>	– <sup>Note 6</sup>
<i>(ii) Re-exports</i>	53 <sup>Note 7</sup>	7.6 <sup>Note 8</sup>
(b) Imports from Yemen	116 <sup>Note 9</sup>	27.2 <sup>Note 10</sup>
<b>Total Trade [(a) + (b)]</b>	<b>171</b>	<b>34.7</b>

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

<sup>Note 5</sup> In 2014, domestic exports to Yemen include plastic in non-primary forms (82.7%); and other non-electrical machinery, tools and mechanical apparatus, and parts thereof (17.3%).

<sup>Note 6</sup> In January – April 2015, there was no domestic exports to Yemen.

<sup>Note 7</sup> In 2014, re-exports to Yemen include telecommunications and sound recording and reproducing apparatus and equipment (54.1%); office machines and automatic data processing machines (14.1%); and electrical machinery, apparatus and appliances (6.0%).

<sup>Note 8</sup> In January – April 2015, re-exports to Yemen include electrical machinery, apparatus and appliances (39.8%); office machines and automatic data processing machines (20.2%); and power generating machinery and equipment (13.2%). The decrease in re-exports to Yemen in January – April 2015 was mainly due to the decrease in re-exports of “telecommunications equipment and parts, and accessories of apparatus” by 97% in January – April 2015. This product item accounted for 51% of re-exports to Yemen in the same period in 2014.

<sup>Note 9</sup> In 2014, imports from Yemen include fish, crustaceans, molluscs and aquatic invertebrates, and preparations thereof (81.9%); road vehicles (including air-cushion vehicles) (9.7%); and hides, skins and furskins, raw (3.5%).

<sup>Note 10</sup> In January – April 2015, imports from Yemen include fish, crustaceans, molluscs and aquatic invertebrates, and preparations thereof (93.4%); telecommunications and sound recording and reproducing apparatus and equipment (5.6%); and plastics in primary forms (0.8%).

In 2014, HK\$70.1 million worth of goods, or 0.2% <sup>Note 11</sup> of the total trade between Yemen and the Mainland, were routed through Hong Kong. Of these, HK\$20 million worth of goods were re-exports from Yemen to the Mainland. The remaining HK\$51 million were re-exports of Mainland origin to Yemen via Hong Kong.

6. The sanctions against Yemen imposed by UNSC, including travel ban and financial sanctions, would unlikely affect the trade between Hong Kong and Yemen notably. In addition, given the rather small trade volume between the two places, the United Nations sanctions against Yemen would unlikely have any significant effect on the Hong Kong economy.

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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.