

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (SUDAN) REGULATION 2013

UNITED NATIONS SANCTIONS (SUDAN) REGULATION (REPEAL) REGULATION

INTRODUCTION

At the meeting of the Executive Council on 27 August 2013, the Council advised and the Acting Chief Executive (“CE”) ordered that –

- A (a) the United Nations Sanctions (Sudan) Regulation 2013 (“the 2013 Regulation”), at Annex A; and
- B (b) the United Nations Sanctions (Sudan) Regulation (Repeal) Regulation (“the Repeal Regulation”), at Annex B;

should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“UNSO”) to give effect to the instructions from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”). The 2013 Regulation and the Repeal Regulation were gazetted on 30 August 2013, and both Regulations will come into operation on 6 September 2013 ⁽¹⁾.

BACKGROUND

Obligation and Authority

2. Under section 3(1) of the UNSO, 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 June 2013, the CE received an instruction from the MFA requesting the

Notes ⁽¹⁾ After the repeal of the United Nations Sanctions (Sudan) Regulation (Cap. 537W), the current list of relevant persons or relevant entities as specified by the CE will cease to have effect. To ensure continued implementation of the financial sanctions against Sudan, we propose that the 2013 Regulation and the Repeal Regulation to come into operation one week after their gazettal, i.e. on 6 September 2013. In the meantime, it is proposed that the CE will make a notice to specify the relevant persons and relevant entities, pursuant to section 31 of the 2013 Regulation and section 32 of the Interpretation and General Clauses Ordinance (Cap. 1). The notice by the CE will be published in the Government Gazette on 6 September 2013, i.e. the date when the 2013 Regulation and the Repeal Regulation come into operation.

Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2035 in respect of Sudan. The 2013 Regulation and the Repeal Regulation were made to give effect to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction and a copy of UNSCR 2035 are at Annexes C and D respectively.

C & D

Sanctions against Sudan

3. In view of the acts of violence and violations of human rights and international humanitarian law in the Darfur area of Sudan, the UNSC has adopted a number of UNSCRs since 2004 to impose a range of sanctions against Sudan. The current framework for the sanctions was set out in UNSCR 1556 adopted in July 2004 and UNSCR 1591 adopted in March 2005. They concern arms embargo ⁽²⁾, travel ban ⁽³⁾ and financial restriction ⁽⁴⁾ in respect of persons designated by the Committee established under paragraph 3(a) of UNSCR 1591 (“the Committee”).

4. Pursuant to the earlier instructions of the MFA, the United Nations Sanctions (Sudan) Regulation (Cap. 537W) (at Annex E) was first made in April 2005 and subsequently amended in July 2005 to implement sanctions against Sudan in the relevant UNSCRs.

E

UNSCR 2035

5. Noting that the situation in Sudan continues to pose a threat to international peace and security in the region, the UNSC adopted UNSCR 2035 on 17 February 2012. The UNSC decided, inter alia, that the exemptions in support of the implementation of the Comprehensive Peace Agreement set forth in paragraph 7 of UNSCR 1591 and further clarified in

⁽²⁾ Paragraphs 7 and 8 of UNSCR 1556 and paragraph 7 of UNSCR 1591 provide for the prohibition against the sale, supply, transfer and carriage of arms and related materiel, as well as against the provision of technical training or assistance related to the provision, manufacture, maintenance or use of arms and related materiel, to all non-governmental entities and individuals operating in the states of Darfur, the parties to the N’djamena Ceasefire Agreement and other belligerents in Darfur. Exceptions to the measure are set out in paragraph 9 of UNSCR 1556 and paragraph 7 of UNSCR 1591.

⁽³⁾ Paragraph 3(d) of UNSCR 1591 provides for the prohibition against the entry into or transit through the territory of Member States by persons designated by the Committee. Exceptions to the measure are set out in paragraph 3(f) of UNSCR 1591.

⁽⁴⁾ Paragraph 3(e) of UNSCR 1591 provides for the freezing of funds, financial assets and economic resources owned or controlled, directly or indirectly, by the persons designated by the Committee, or by entities owned or controlled, directly or indirectly, by such persons, or by persons acting on their behalf or at their direction, and the prohibition against making available any funds, financial assets or economic resources to or for the benefit of such individuals or entities. Exceptions to the measure are set out in paragraph 3(g) of UNSCR 1591.

paragraph 8(b) of UNSCR 1945 shall no longer apply (*paragraph 4 of UNSCR 2035 refers*).

THE REPEAL REGULATION

6. Cap. 537W was made and amended in 2005 and its structure and language are very different from other regulations recently made under the UNSO. Therefore, we propose that a new regulation should be made to implement UNSCR 2035 instead of amending Cap. 537W. With the new regulation in place, Cap. 537W should be repealed.

THE 2013 REGULATION

7. The 2013 Regulation, at Annex A, seeks to implement the sanctions against Sudan as per UNSCR 2035 and previous UNSCRs. The main provisions of the 2013 Regulation include –

- (a) **section 1**, which provides that the 2013 Regulation will come into operation on 6 September 2013;
- (b) **sections 3 and 4**, which prohibit the supply, sale, transfer and carriage of arms or related materiel to certain persons connected with Sudan;
- (c) **section 5**, which prohibits the provision of assistance or training related to the provision, manufacture, maintenance or use of prohibited goods;
- (d) **section 6**, 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;
- (e) **sections 7 and 8**, which prohibit the entry into or transit through the HKSAR by certain persons, subject to exceptions;
- (f) **sections 9 to 11**, which provide for the granting of licences, for the supply, sale, transfer or carriage of prohibited goods; for provision of certain assistance or training related to the provision, manufacture, maintenance or use of prohibited goods; and for making available to certain persons or entities funds or other

financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities; and

- (g) **section 31**, which provides that the CE may by notice published in the Gazette specify as a relevant person or a relevant entity a person or an entity designated by the Committee, for the purpose of the financial sanctions under section 6 of the 2013 Regulation.

IMPLICATIONS OF THE PROPOSAL

8. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The 2013 Regulation and the Repeal Regulation will not affect the current binding effect of the UNSO. They have no financial, economic, productivity, environmental, sustainability or family implications. Additional work arising from the enforcement of the 2013 Regulation, if any, will be absorbed by the relevant departments with existing resources.

PUBLICITY

9. A press release was issued on 30 August 2013 when the 2013 Regulation and the Repeal Regulation were published in the Gazette.

INFORMATION ON SUDAN AND RELATION WITH HKSAR

10. For information on Sudan, 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 UNSCR 2035 in the HKSAR by the 2013 Regulation and the Repeal Regulation.

Commerce and Economic Development Bureau
August 2013

United Nations Sanctions (Sudan) Regulation 2013

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United Nations Sanctions (Sudan) Regulation 2013

(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. Commencement**

This Regulation comes into operation on 6 September 2013.

2. 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;

Committee (委員會) means the Committee of the Security Council established under paragraph 3(a) of Resolution 1591;

Darfur (達爾富爾) means the states of North Darfur, South Darfur, East Darfur, West Darfur and Central Darfur of Sudan;

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 9(1)(a) or (b), 10(1) or 11(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;

N'djamena Ceasefire Agreement (《恩賈梅納停火協定》) means the agreement known as the N'djamena Ceasefire Agreement, signed in N'djamena on 8 April 2004 by the

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Government of Sudan, the Sudan Liberation Movement/
Army and the Justice and Equality Movement;

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

person connected with Sudan (有關連人士) means—

- (a) any non-governmental entity or individual, including
the Janjaweed, operating in Darfur;
- (b) all the parties to the N'djamena Ceasefire Agreement;
or
- (c) any other belligerents in Darfur;

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 31(1);
- (b) an entity owned or controlled, directly or indirectly, by
a person or entity specified by the Chief Executive as
a relevant person or relevant entity in accordance with
section 31(1); or
- (c) an entity owned or controlled, directly or indirectly, by
a person or entity acting on behalf of, or at the
direction of, a person or entity specified by the Chief
Executive as a relevant person or relevant entity in
accordance with section 31(1);

relevant person (有關人士) means a person specified by the Chief
Executive as a relevant person in accordance with section
31(1);

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Resolution 1591 (《第1591號決議》) means Resolution 1591
(2005) adopted by the Security Council on 29 March 2005;

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

Part 2**Prohibitions****3. Prohibition against supply, sale or transfer of certain goods**

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 9(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
 - (a) to, or to the order of, a person connected with Sudan; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly to, or to the order of, a person connected with Sudan.
- (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, a person connected with Sudan; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly to, or to the order of, a person connected with Sudan.

4. Prohibition against carriage of certain goods

- (1) This section applies to—
 - (a) a ship that is registered in the HKSAR;
 - (b) an aircraft that is registered in the HKSAR;
 - (c) any other ship or aircraft that is for the time being chartered to a person who is—
 - (i) in the HKSAR;
 - (ii) both a Hong Kong permanent resident and a Chinese national; or
 - (iii) a body incorporated or constituted under the law of the HKSAR; and
 - (d) a vehicle in the HKSAR.
- (2) Without limiting section 3, except under the authority of a licence granted under section 9(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
 - (a) to, or to the order of, a person connected with Sudan; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly to, or to the order of, a person connected with Sudan.

- (3) Subsection (2) does not apply if—
 - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 9(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
 - (a) for a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
 - (b) for any other ship—
 - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (c) for an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
 - (d) for any other aircraft—
 - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;

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

5. Prohibition against provision of certain assistance or training

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—

- (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1), a person must not provide, directly or indirectly, to a person connected with Sudan any technical assistance or training related to the provision, manufacture, maintenance or use of any prohibited goods.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the assistance or training concerned was or was to be provided to a person connected with Sudan; or
 - (b) that the assistance or training concerned related to the provision, manufacture, maintenance or use of any prohibited goods.

6. 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 11(1)—
- (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
 - (b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.

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

7. Prohibition against entry or transit by certain persons

- (1) Subject to section 8, 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—

Resolution 1556 (《第1556號決議》) means Resolution 1556 (2004) adopted by the Security Council on 30 July 2004;

specified person (指明人士) means a person designated by the Committee as—

- (a) a person who impedes the peace process;
- (b) a person who constitutes a threat to stability in Darfur and the region;
- (c) a person who commits violations of international humanitarian or human rights law or other atrocities;
- (d) a person who violates the measures implemented in accordance with paragraphs 7 and 8 of Resolution 1556 and paragraph 7 of Resolution 1591; or
- (e) a person who is responsible for offensive military flights in or over the Darfur region.

8. Exceptions to prohibition against entry or transit by certain persons

Section 7 does not apply to a case in respect of which—

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

Part 3**Licences****9. Licence for supply, sale, transfer or carriage of certain goods**

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant, as appropriate—
 - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
 - (i) to, or to the order of, a person connected with Sudan; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly to, or to the order of, a person connected with Sudan; or
 - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) to, or to the order of, a person connected with Sudan; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly to, or to the order of, a person connected with Sudan.
- (2) The requirements are as follows—
 - (a) the prohibited goods are for monitoring, verification or peace support operations, including the operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;
 - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use;

- (c) the prohibited goods are protective clothing, including flak jackets and military helmets, for the personal use of the personnel of the United Nations, human rights monitors, representatives of the media, humanitarian or development workers or associated personnel;
- (d) the prohibited goods are military equipment and supplies into the Darfur region that are approved in advance by the Committee on a request by the Government of Sudan.

10. Licence for provision of certain assistance or training

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence for the provision of technical assistance or training related to the provision, manufacture, maintenance or use of prohibited goods to a person connected with Sudan.
- (2) The requirements are as follows—
 - (a) the technical assistance or training is related to the provision, manufacture, maintenance or use of prohibited goods which are for monitoring, verification or peace support operations, including the operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;
 - (b) the technical assistance or training is related to the provision, manufacture, maintenance or use of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use.

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

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

- (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
- (a) the funds or other financial assets or economic resources are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) necessary for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;
 - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
 - (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 29 March 2005 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment.
- (3) If the Chief Executive determines that—

- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) must grant the licence in the absence of a negative decision by the Committee within 2 working days of receiving 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.
- 12. Provision of false information or documents for purpose of obtaining licences**
- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
 - (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
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Part 4

Things Done outside HKSAR

13. Licence or permission granted by authorities of places outside HKSAR

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

Enforcement of Regulation

Division 1—Investigation, etc. of Suspected Ships

14. Investigation of suspected ships

- (1) If an authorized officer has reason to suspect that a ship to which section 4 applies has been, is being or is about to be used in contravention of section 4(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 4 applies is being or is about to be used in contravention of section 4(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 4(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.

15. Offences by charterer, operator or master of ship

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 14(2)(a), or, without reasonable

excuse, refuses or fails to comply with a request made under section 14(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

16. Power of authorized officers to enter and detain ships

- (1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or the ship concerned;
 - (b) detain or authorize the detention of that ship or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 2—Investigation, etc. of Suspected Aircraft

17. Investigation of suspected aircraft

- (1) If an authorized officer has reason to suspect that an aircraft to which section 4 applies has been, is being or is about to be used in contravention of section 4(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.

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

- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 17(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 17(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

19. Power of authorized officers to enter and detain aircraft

- (1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or the aircraft concerned;
 - (b) detain or authorize the detention of that aircraft or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.

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

Division 3—Investigation, etc. of Suspected Vehicles**20. Investigation of suspected vehicles**

- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 4(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.

21. Offences by operator or driver of vehicle

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 20(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 20(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

22. Power of authorized officers to enter and detain vehicles

- (1) Without limiting section 21, if an authorized officer has reason to suspect that a request that has been made under section 20(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
 - (b) detain or authorize the detention of that vehicle or any article carried on it;
 - (c) use or authorize the use of reasonable force.

- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.
- (4) In this section—

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.

Division 4—Proof of Identity

23. Production of proof of identity

Before or on exercising a power conferred by section 14, 16, 17, 19, 20 or 22, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

Part 6

Evidence

24. Power of magistrate or judge to grant warrant

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

25. Detention of documents, cargoes or articles seized

- (1) Subject to subsection (2), any document, cargo or article seized under section 24(3) may not be detained for more than 3 months.
- (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

Part 7**Disclosure of Information or Documents****26. Disclosure of information or documents**

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

- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
 - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.
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Part 8**Other Offences and Miscellaneous Matters****27. Liability of persons other than principal offenders**

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

28. Offences in relation to obstruction of authorized persons, etc.

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

29. Offences in relation to evasion of this Regulation

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

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

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

30. Consent and time limit for proceedings

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

31. Specification of relevant person or relevant entity by Chief Executive

- (1) 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 under paragraph 3 of Resolution 1591, as extended by paragraph 3 of Resolution 2035.
- (2) In this section—
Resolution 2035 (《第2035號決議》) means Resolution 2035 (2012) adopted by the Security Council on 17 February 2012.

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.

United Nations Sanctions (Sudan) Regulation 2013

Part 8
Section 32

L.N. 145 of 2013
B3551

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

Carrie LAM
Acting Chief Executive

27 August 2013

United Nations Sanctions (Sudan) Regulation 2013

Explanatory Note
Paragraph 1

L.N. 145 of 2013
B3553

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2035 (2012) as adopted by the Security Council of the United Nations (*Security Council*) on 17 February 2012. The main decision seeks to remove the exemptions relating to the Comprehensive Peace Agreement set out in Resolution 1591 (2005) of 29 March 2005 (*Resolution 1591*).

2. The Regulation also continues to give effect to certain decisions of the Security Council in Resolution 1556 (2004) of 30 July 2004 and Resolution 1591 by providing for the prohibition against—
- (a) the supply, sale, transfer or carriage of arms or related materiel to a person connected with Sudan;
 - (b) the provision of certain technical assistance or training to a person connected with Sudan;
 - (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
 - (d) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and
 - (e) entry into or transit through the HKSAR by certain persons.

United Nations Sanctions (Sudan) Regulation (Repeal) Regulation

Section 1 L.N. 146 of 2013
B3555

L.N. 146 of 2013

**United Nations Sanctions (Sudan) Regulation (Repeal)
Regulation**

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

1. Commencement

This Regulation comes into operation on 6 September 2013.

2. Repeal

The United Nations Sanctions (Sudan) Regulation (Cap. 537 sub. leg. W) is repealed.

Carrie LAM
Acting Chief Executive

27 August 2013

United Nations Sanctions (Sudan) Regulation (Repeal) Regulation

Explanatory Note L.N. 146 of 2013
Paragraph 1 B3557

Explanatory Note

This Regulation repeals the United Nations Sanctions (Sudan) Regulation (Cap. 537 sub. leg. W) on the making of the United Nations Sanctions (Sudan) Regulation 2013 (*the new Regulation*).

2. The new Regulation is a consolidated instrument which gives effect to certain decisions of the Security Council of the United Nations (*Security Council*) in Resolution 2035 (2012) and continues to give effect to earlier decisions of the Security Council in Resolutions 1556 (2004) and 1591 (2005).

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Sudan) Regulation 2013

United Nations Sanctions (Sudan) Regulation (Repeal) Regulation

This is to confirm that the Chief Executive received specific instruction from the Ministry of Foreign Affairs of the People's Republic of China in June 2013 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 2035 of the Security Council of the United Nations, and that the United Nations Sanctions (Sudan) Regulation 2013 and the United Nations Sanctions (Sudan) Regulation (Repeal) Regulation were made in pursuance of that instruction.

Dated this 27th day of August 2013



(Mrs Carrie Lam)
Chief Secretary for Administration

**Security Council**

Distr.: General
17 February 2012

Resolution 2035 (2012)

**Adopted by the Security Council at its 6716th meeting, on
17 February 2012**

The Security Council,

Recalling its previous resolutions and statements of its President concerning Sudan,

Reaffirming its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, to the full and timely resolution of outstanding Comprehensive Peace Agreement (CPA) issues, *welcoming* the Doha Document for Peace in Darfur, and *recalling* the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

Recognizing that the Darfur conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process,

Reiterating its full support for efforts to reach a comprehensive and inclusive solution to the conflict in Darfur, and welcoming the Doha Document for Peace in Darfur as a basis for these efforts, the need for the completion of the political process, and an end to the violence and abuses in Darfur,

Urging the Government of Sudan and the Liberation and Justice Movement (LJM) to deliver on the commitments made in the Doha Document for Peace in Darfur, and *urging* all parties, in particular other armed movements who have not signed the Doha Document for Peace in Darfur, to indicate a willingness to negotiate without preconditions or further delays on the basis of the Doha Document for Peace in Darfur and fully participate in the Joint African Union/United Nations Mediation,

Welcoming the inauguration of the Darfur Regional Authority as an important step in the implementation of the Doha Document for Peace,

Demanding that the parties to the conflict exercise restraint and cease military action of all kind, including aerial bombardments,

Demanding an immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians in line with resolutions 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009); recruitment and use of children



in line with resolutions 1998 (2011), 1612 (2005), and 1882 (2009); and indiscriminate attacks on civilians in line with resolution 1894 (2009),

Commending the efforts of, and reiterating its full support for, the United Nations/African Union Hybrid Operation in Darfur (UNAMID), the Joint African Union/United Nations Mediation, the United Nations Secretary-General, the African Union High Level Implementation Panel on Sudan, and the leaders of the region to promote peace and stability in Darfur, and expressing strong support for the political process under the African Union/United Nations-led mediation,

Urging enhanced cooperation and information sharing between UNAMID and the Panel of Experts, called for by the Department of Peacekeeping Operations' guidelines and with the assistance of the UNAMID focal point,

Recalling the 28 June 2011 midterm report by the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (b) of resolution 1591 (2005) and extended by subsequent resolutions, *taking note* of the Panel of Expert's final report, and *expressing* its intent to study, through the Committee, the Panel's recommendations and to consider appropriate next steps,

Expressing concern over the obstacles that have been imposed on the work of the Panel of Experts during the course of its last mandate, including delays in the issuance of visas and travel permits, and restrictions to the freedom of movement of the Panel of Experts and UNAMID,

Emphasizing the need to respect the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Reminding all States, particularly States in the region, of the obligations contained in resolutions 1556 (2004), 1591 (2005), and 1945 (2010) in particular those obligations relating to arms and related materiel,

Stressing the necessity articulated in the Doha Document for Peace in Darfur that all Parties to the armed conflict in Darfur shall fully and unconditionally accept their obligations under international humanitarian law, international human rights law, and relevant Security Council resolutions,

Calling on the Government of Sudan to fulfil all its commitments, including lifting the state of emergency in Darfur, allowing free expression and undertaking effective efforts to ensure accountability for serious violations of international human rights and humanitarian law, by whomsoever perpetrated,

Emphasizing the imperative, highlighted in the Doha Document for Peace in Darfur, to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations of human rights and international humanitarian law and the need to address the urgent humanitarian crisis faced by the people of Darfur, including the guarantee of unrestricted humanitarian access to all areas,

Noting that acts of hostility, violence or intimidation against the civilian population, including IDPs, in Darfur and other activities that could endanger or undermine the Parties' commitment to a complete and durable cessation of hostilities would be inconsistent with the Doha Document for Peace in Darfur,

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

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

1. *Decides* to extend until 17 February 2013 the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), and 1891 (2009), 1945 (2010), and 1982 (2011) and *requests* the Secretary-General to take the necessary administrative measures, including basing arrangements, as expeditiously as possible;

2. *Notes* the creation on 11 January 2012 of two additional states in Darfur, and *confirms* that all previous references to North, South and West Darfur shall apply to all the territory of Darfur, including the new states of Eastern and Central Darfur;

3. *Decides* that the listing criteria set out in paragraph (3) (c) of resolution 1591 (2005) shall also apply to entities;

4. *Decides* that the exemptions in support of the implementation of the Comprehensive Peace Agreement set forth in paragraph 7 of resolution 1591 (2005) and further clarified in paragraph 8 (b) of resolution 1945 (2010) shall no longer apply;

5. *Requests* the Panel of Experts to provide no later than 31 July 2012, a midterm briefing on its work and no later than 90 days after the adoption of this resolution an interim report to the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005) (hereinafter “the Committee”) and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations;

6. *Requests* the Panel of Experts to provide monthly updates to the Committee regarding its activities, including Panel travel, any obstacles encountered to the fulfilment of its mandate, as well as violations of the sanctions;

7. *Requests* the Panel of Experts to report, in the timeframe identified in paragraph 5, on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010);

8. *Requests* the Panel of Experts to coordinate its activities as appropriate with the operations of the United Nations/African Union Hybrid Operation in Darfur (UNAMID) and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2005), paragraph 7 of resolution 1591 (2005), and paragraph 10 of resolution 1945 (2010), progress towards removing impediments to the political process, threats to stability in Darfur and the region, violations of international humanitarian or human rights law or other atrocities, including sexual- and gender-based violence, and other violations of the above-mentioned resolutions, and to provide the Committee with information on the individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591;

9. *Regrets* that some individuals affiliated with the Government of Sudan and armed groups in Darfur have continued to commit violence against civilians,

impede the peace process, and disregard the demands of the Council, *expresses* its intention to impose targeted sanctions against individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591 (2005), and *encourages* the Panel of Experts, in coordination with the Joint African Union/United Nations Mediation, to provide to the Committee when appropriate the names of any individuals, groups, or entities that meet the listing criteria;

10. *Requests* the Panel of Experts to continue to investigate the role of armed, military, and political groups in attacks against UNAMID personnel in Darfur, and *notes* that individuals and entities who plan, sponsor or participate in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria provided for in paragraph 3 (c) of resolution 1591 (2005);

11. *Expresses* its concern that certain items are being converted for military purposes and transferred to Darfur, and *urges* all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

12. *Urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005) and resolution 1556 (2004), and *calls on* all States to remove all obstacles to the work of the Panel of Experts, particularly to freedom of movement, including by issuing timely visas and travel permits;

13. *Urges* all States, in particular those in the region, to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004), including imposition of targeted measures;

14. *Expresses its concern* that the travel ban and asset freeze on designated individuals is not being implemented by all States, and requests the Committee to respond effectively to any reports of non-compliance by States with paragraph 3 of resolution 1591 (2005) and resolution 1672 (2006), including by engaging with all relevant parties;

15. *Expresses* its intention, following the midterm report, to review the state of implementation, including obstacles to full and effective implementation of the measures, imposed in resolution 1591 (2005) and 1945 (2010), with a view to ensuring full compliance;

16. *Reaffirms* the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures and further encourages the Committee to continue its dialogue with UNAMID;

17. *Welcomes* the Committee's work, which has drawn on the reports of the Panel of Experts and taken advantage of the work done in other fora, to draw attention to the responsibilities of private sector actors in conflict affected areas;

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

Chapter:	537W	UNITED NATIONS SANCTIONS (SUDAN) REGULATION	Gazette Number	Version Date
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		Empowering section	L.N. 45 of 2005	01/04/2005
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(Cap 537, section 3)

[1 April 2005]

(Originally L.N. 45 of 2005)

Part:	1	PRELIMINARY	L.N. 45 of 2005	01/04/2005
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Section:	1	Interpretation	L.N. 124 of 2005	08/07/2005
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In this Regulation, unless the context otherwise requires-

"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;

"commander" (機長), in relation to an aircraft, means the member of the flight crew designated as the commander of the aircraft by the operator of the aircraft, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

"Commissioner" (關長) means the Commissioner of Customs and Excise, the 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 of the United Nations established pursuant to paragraph 3(a) of Resolution 1591; (L.N. 124 of 2005)

"Comprehensive Peace Agreement" (《全面和平協定》) means the agreement known as the Comprehensive Peace Agreement, signed in Nairobi, Kenya on 9 January 2005 by the Government of Sudan and the Sudan People's Liberation Movement/Army; (L.N. 124 of 2005)

"Darfur" (達爾富爾) means the states of North Darfur, South Darfur and West Darfur of Sudan;

"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; (L.N. 124 of 2005)

"licence" (特許) means a licence granted under section 7(1)(a) or (b), 8(1) or 8A(1); (L.N. 124 of 2005)

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

"N'djamena Ceasefire Agreement" (《恩賈梅納停火協定》) means the agreement known as the N'djamena Ceasefire Agreement, signed in N'djamena on 8 April 2004 by the Government of Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement; (L.N. 124 of 2005)

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

"owner" (擁有人), in relation to a ship, where the owner of the ship is not the operator, means the operator and any person to whom it is chartered;

"person connected with Sudan" (有關連人士) means—

- (a) any non-governmental entity or individual, including the Janjaweed, operating in Darfur;
- (b) all the parties to the N' djamena Ceasefire Agreement; or
- (c) any other belligerents in Darfur; (L.N. 124 of 2005)

"prohibited goods" (禁制物品) means any goods specified in the Schedule;

"relevant entity" (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 23A; (L.N. 124 of 2005)

"relevant person" (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 23A; (L.N. 124 of 2005)

"Resolution 1556" (《第1556號決議》) means Resolution 1556 (2004) adopted by the Security Council of the United Nations on 30 July 2004; (L.N. 124 of 2005)

"Resolution 1591" (《第1591號決議》) means Resolution 1591 (2005) adopted by the Security Council of the United Nations on 29 March 2005; (L.N. 124 of 2005)

"ship" (船舶) includes every description of vessel used in navigation not propelled by oars.

(L.N. 124 of 2005)

Part:	2	PROHIBITIONS	L.N. 45 of 2005	01/04/2005
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Section:	2	Prohibition against supply and delivery of certain goods to persons connected with Sudan	L.N. 124 of 2005	08/07/2005
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Supply and delivery of goods

(1) Except under the authority of a licence granted under section 7(1)(a), a person shall not supply or deliver, agree to supply or deliver, or do any act likely to promote the supply or delivery of, any prohibited goods—

- (a) to, or to the order of, a person connected with Sudan; or
- (b) to a destination for the purpose of delivery, directly or indirectly, to, or to the order of, a person connected with Sudan. (L.N. 124 of 2005)

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

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) In any proceedings for an offence in relation to a contravention of subsection (1), it is a defence for a person charged to prove that he did not know and had no reason to believe—

- (a) that the goods concerned were prohibited goods; or
- (b) that the goods concerned were to be supplied or delivered—
 - (i) to, or to the order of, a person connected with Sudan; or
 - (ii) to a destination for the purpose of delivery, directly or indirectly, to, or to the order of, a person connected with Sudan. (L.N. 124 of 2005)

(4) This section applies to—

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

Section:	3	Application of sections 4 and 5	L.N. 45 of 2005	01/04/2005
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Carriage of goods

Sections 4 and 5 apply to—

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

Section:	4	Prohibition against carriage of certain goods to persons connected with Sudan	L.N. 124 of 2005	08/07/2005
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(1) Except under the authority of a licence granted under section 7(1)(b), and without prejudice to the generality of section 2, a ship, aircraft or vehicle to which this section and section 5 apply shall not be used for the carriage of any prohibited goods if the carriage is, or forms part of, carriage-

- (a) to, or to the order of, a person connected with Sudan; or
- (b) to a destination for the purpose of delivery, directly or indirectly, to, or to the order of, a person connected with Sudan. (L.N. 124 of 2005)

(2) Subsection (1) does not apply if-

- (a) the carriage of the prohibited goods is performed in the course of the supply or delivery of the prohibited goods; and
- (b) the supply or delivery was authorized by a licence granted under section 7(1)(a).

(3) This section does not operate so as to prejudice any other law prohibiting or restricting the use of ships, aircraft or vehicles.

Section:	5	Offences in respect of carriage of certain goods to persons connected with Sudan	L.N. 124 of 2005	08/07/2005
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(1) For the purposes of subsection (2), "specified person" (指明人士), means-

- (a) in relation to a ship registered in the HKSAR, the owner or master of the ship;
- (b) in relation to any other ship-
 - (i) the person to whom the ship is for the time being chartered; or
 - (ii) the master of the ship, if the master is within the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (c) in relation to an aircraft registered in the HKSAR, the operator or commander of the aircraft;
- (d) in relation to any other aircraft-
 - (i) the person to whom the aircraft is for the time being chartered;
 - (ii) the operator of the aircraft, if the operator is within the HKSAR, is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; or
 - (iii) the commander of the aircraft, if the commander is within the HKSAR or is both a Hong Kong permanent resident and a Chinese national; or
- (e) in relation to a vehicle, the operator or driver of the vehicle.

(2) If a ship, aircraft or vehicle is used in contravention of section 4(1), each specified person commits an offence and is liable-

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) In any proceedings for an offence in relation to a contravention of section 4(1), it is a defence for a person charged to prove that he 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, carriage-
 - (i) to, or to the order of, a person connected with Sudan; or
 - (ii) to a destination for the purpose of delivery, directly or indirectly, to, or to the order of, a person connected with Sudan. (L.N. 124 of 2005)

Section:	6	Prohibition against provision of certain technical assistance or training to persons connected with Sudan	L.N. 124 of 2005	08/07/2005
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Provision of technical assistance or training

(1) Except under the authority of a licence granted under section 8(1), a person shall not provide to a person connected with Sudan any technical assistance or training related to the supply, delivery, manufacture, maintenance or use of any prohibited goods. (L.N. 124 of 2005)

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

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

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

(3) In any proceedings for an offence in relation to a contravention of subsection (1), it is a defence for a person charged to prove that he did not know and had no reason to believe-

(a) that the assistance or training concerned was being provided to a person connected with Sudan; or (L.N. 124 of 2005)

(b) that the assistance or training concerned related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

(4) This section applies to-

(a) a person within the HKSAR; and

(b) a person acting elsewhere who is-

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

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

Section:	6A	Prohibition against making available funds, etc. to certain persons or entities	L.N. 124 of 2005	08/07/2005
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Making available funds, etc. to certain persons or entities

(1) Except under the authority of a licence granted under section 8A(1), a person shall not make available any funds or other financial assets or economic resources to or for the benefit of a relevant person or a relevant entity.

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

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

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

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe that the funds or other financial assets or economic resources concerned were to be made available to or for the benefit of a relevant person or a relevant entity.

(4) This section applies to—

(a) a person within the HKSAR; and

(b) a person acting elsewhere 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.

(L.N. 124 of 2005)

Section:	6B	Prohibition against entry or transit by certain persons	L.N. 124 of 2005	08/07/2005
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Entry into or transit through HKSAR

(1) Subject to the exception in section 6C, a specified person shall 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 shall not prohibit a person having the right of abode or the right to land in the HKSAR from entry into the HKSAR.

(4) In this section, “specified person” (指明人士) means a person designated by the Committee, for the purposes of paragraph 3(d) of Resolution 1591, as—

- (a) a person who impedes the peace process;
- (b) a person who constitutes a threat to stability in Darfur and the region;
- (c) a person who commits violations of international humanitarian or human rights law or other atrocities;
- (d) a person who violates the measures implemented in accordance with paragraphs 7 and 8 of Resolution 1556 and paragraph 7 of Resolution 1591; or
- (e) a person who is responsible for offensive military flights in or over the Darfur region.

(L.N. 124 of 2005)

Section:	6C	Exception to prohibition against entry or transit by certain persons	L.N. 124 of 2005	08/07/2005
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Section 6B shall not apply if—

- (a) the Committee determines on a case-by-case basis that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (b) the Committee concludes that the relevant entry into or transit through the HKSAR would further the objectives of the resolutions of the Security Council of the United Nations for the creation of peace and stability in Sudan and the region.

(L.N. 124 of 2005)

Part:	3	LICENCE	L.N. 45 of 2005	01/04/2005
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Section:	7	Licence for supply, delivery or carriage of certain goods	L.N. 124 of 2005	08/07/2005
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(1) If it is proved to the satisfaction of the Chief Executive that any one of the requirements in subsection (2) is met, the Chief Executive shall, on application, grant, as appropriate-

- (a) a licence for the supply or delivery of prohibited goods, or the doing of an act likely to promote the supply or delivery of prohibited goods-
 - (i) to, or to the order of, a person connected with Sudan; or
 - (ii) to a destination for the purpose of delivery, directly or indirectly, to, or to the order of, a person connected with Sudan; or (L.N. 124 of 2005)
- (b) a licence for the carriage of prohibited goods which is, or forms part of, carriage-
 - (i) to, or to the order of, a person connected with Sudan; or
 - (ii) to a destination for the purpose of delivery, directly or indirectly, to, or to the order of, a person connected with Sudan. (L.N. 124 of 2005)

(2) The requirements referred to in subsection (1) are as follows-

- (a) the prohibited goods are for monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;
- (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use;
- (c) the prohibited goods are protective clothing including flak jackets and military helmets, for the personal use of the personnel of the United Nations, human rights monitors, representatives of the media, humanitarian and development workers and associated personnel; (L.N. 124 of 2005)
- (d) the prohibited goods are supplied in support of implementation of the Comprehensive Peace Agreement; (L.N. 124 of 2005)
- (e) the prohibited goods are military equipment and supplies into the Darfur region that are approved in advance by the Committee upon a request by the Government of Sudan. (L.N. 124 of 2005)

Section:	8	Licence for provision of certain technical assistance or training	L.N. 124 of 2005	08/07/2005
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(1) If it is proved to the satisfaction of the Chief Executive that any one of the requirements in subsection (2) is met, the Chief Executive shall, on application, grant a licence for the provision to a person connected with Sudan of

technical assistance or training related to the supply, delivery, manufacture, maintenance or use of prohibited goods. (L.N. 124 of 2005)

- (2) The requirements referred to in subsection (1) are as follows-
 - (a) the technical assistance or training is related to the supply, delivery, manufacture, maintenance or use of prohibited goods which are for monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;
 - (b) the technical assistance or training is related to the supply, delivery, manufacture, maintenance or use of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use; (L.N. 124 of 2005)
 - (c) the technical assistance is provided in support of implementation of the Comprehensive Peace Agreement. (L.N. 124 of 2005)

Section:	8A	Licence for making available funds, etc. to certain persons or entities	L.N. 124 of 2005	08/07/2005
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(1) If it is proved to the satisfaction of the Chief Executive that any one of the requirements in subsection (2) is met, the Chief Executive shall, on application, grant a licence for making available funds or other financial assets or economic resources to or for the benefit of a relevant person or a relevant entity.

- (2) The requirements referred to in subsection (1) are as follows—
 - (a) the funds or other financial assets or economic resources have been determined by the Chief Executive to be—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines and medical treatments, taxes, insurance premiums, and public utility charges; or
 - (ii) necessary for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services,
 and the Committee has been notified by the Chief Executive of the intention to authorize, where appropriate, access to such funds or other financial assets or economic resources, and the Committee has not made a negative decision within 2 working days of such notification;
 - (b) the funds or other financial assets or economic resources have been determined by the Chief Executive to be necessary for extraordinary expenses, and the Committee has been notified by the Chief Executive of the determination, and the Committee has approved the determination;
 - (c) the funds or other financial assets or economic resources have been determined by the Chief Executive to be the subject of a judicial, administrative or arbitral lien or judgment, and the lien or judgment—
 - (i) was entered prior to 29 March 2005;
 - (ii) is not for the benefit of a relevant person or a relevant entity; and
 - (iii) has been notified by the Chief Executive to the Committee.

(3) A licence granted by the Chief Executive under subsection (1), on his being satisfied that the requirements in subsection (2)(c) are met, shall only authorize that the funds or other financial assets or economic resources be used to satisfy the relevant lien or judgment.

(L.N. 124 of 2005)

Section:	9	Provision of false information or documents for purpose of obtaining licences	L.N. 45 of 2005	01/04/2005
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(1) If, for the purpose of obtaining a licence, a person makes any statement or provides or produces any information or document that he knows to be false in a material particular, that person 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) If, for the purpose of obtaining a licence, a person recklessly makes any statement or provides or produces any information or document that is false in a material particular, that person 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	L.N. 45 of 2005	01/04/2005
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Section:	10	Licence or permission granted by authorities of places outside HKSAR	L.N. 45 of 2005	01/04/2005
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(1) If the circumstances described in subsection (2) apply, a provision of this Regulation which prohibits the doing of a thing except under the authority of a licence shall not have effect in relation to any such thing done in a place outside the HKSAR by-

- (a) a person who is ordinarily resident in that place; or
- (b) a body corporate incorporated or constituted under the law of that place.

(2) For the purposes of subsection (1), the circumstances are that the thing is done 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	L.N. 45 of 2005	01/04/2005
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Section:	11	Investigation of suspected ships	L.N. 45 of 2005	01/04/2005
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Investigation, etc. of suspected ships

(1) If an authorized officer has reason to suspect that a ship to which sections 4 and 5 apply has been, is being or is about to be used in contravention of section 4(1), he may-

- (a) either alone or accompanied and assisted by any person acting under his authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the master or charterer of the ship to provide such information relating to the ship and its cargo, and produce for his inspection such documents so relating and such cargo carried on it, as he may specify.

(2) If an authorized officer has reason to suspect that a ship is being or is about to be used in contravention of section 4(1), he may (either there and then or on consideration of any information provided or document or cargo produced in response to a request made under subsection (1)(b)), with a view to preventing the commission, or the continued commission, of such a contravention or in order that enquiries may be pursued, do one or more of the following-

- (a) direct the master or charterer 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 master or charterer of the ship to take one or more of the following steps-
 - (i) to cause the ship, including any of its cargo, not to proceed with the voyage on which the ship is then engaged or about to be engaged until the master or charterer 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 master or charterer 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 such port as is specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the master or charterer 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 such other destination as may be specified by an authorized officer in agreement with the master or charterer.

(3) A power conferred by this section to request the provision of any information or the production of any document or cargo 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 document

or cargo should be produced for inspection.

Section:	12	Offences by master or charterer of ship	L.N. 45 of 2005	01/04/2005
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(1) If a master or charterer of a ship 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, the master or charterer commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) If a master or charterer of a ship, in response to a request made under section 11(1)(b) or (2)(b), provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information, explanation or document that is false in a material particular, the master or charterer commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	13	Power of authorized officers to enter and detain ships	L.N. 45 of 2005	01/04/2005
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(1) Without prejudice to 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, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose-

- (a) enter, or authorize the entry on, any land and the ship concerned;
- (b) detain, or authorize the detention of, that ship and any of its cargo; and
- (c) use, or authorize the use of, reasonable force.

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

(3) The Chief Secretary for Administration may, by order in writing under his hand, authorize the detention of a ship referred to in subsection (1) for further periods of not more than 12 hours each, and any such order shall state the times from which and for which the order shall be effective.

Section:	14	Sections 11, 12 and 13 not to prejudice other laws	L.N. 45 of 2005	01/04/2005
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Sections 11, 12 and 13 do not operate so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of a ship.

Section:	15	Investigation of suspected aircraft	L.N. 45 of 2005	01/04/2005
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Investigation, etc. of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which sections 4 and 5 apply has been, is being or is about to be used in contravention of section 4(1), he may-

- (a) either alone or accompanied and assisted by any person acting under his 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 commander of the aircraft, or all of them, to provide such information relating to the aircraft and its cargo, and produce for his inspection such documents so relating and such cargo carried on it, as he 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 document or cargo produced in response to a request made under subsection (1)(b)) further request the charterer, operator or commander, or all of them, to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or commander is, or (if the further request is made to all of them) all of them are, notified by an authorized officer that the aircraft and its cargo may depart.

(3) A power conferred by this section to request the provision of any information or the production of any document or cargo 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 document or cargo should be produced for inspection.

Section:	16	Offences by charterer, operator or commander of aircraft	L.N. 45 of 2005	01/04/2005
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(1) If a charterer, operator or commander of an aircraft, without reasonable excuse, refuses or fails to comply with a request made under section 15(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, the charterer, operator or commander commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) If a charterer, operator or commander of an aircraft, in response to a request made under section 15(1)(b) or (2), provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information, explanation or document that is false in a material particular, the charterer, operator or commander commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	17	Power of authorized officers to enter and detain aircraft	L.N. 45 of 2005	01/04/2005
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(1) Without prejudice to section 16, if an authorized officer has reason to suspect that a request that has been made under section 15(2) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose-

- (a) enter, or authorize the entry on, any land and the aircraft concerned;
- (b) detain, or authorize the detention of, that aircraft and any of its cargo; and
- (c) use, or authorize the use of, reasonable force.

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

(3) The Chief Secretary for Administration may, by order in writing under his hand, authorize the detention of an aircraft referred to in subsection (1) for further periods of not more than 6 hours each, and any such order shall state the times from which and for which the order shall be effective.

Section:	18	Sections 15, 16 and 17 not to prejudice other laws	L.N. 45 of 2005	01/04/2005
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Sections 15, 16 and 17 do not operate so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of an aircraft.

Section:	19	Investigation of suspected vehicles	L.N. 45 of 2005	01/04/2005
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Investigation, etc. of suspected vehicles

(1) If an authorized officer has reason to suspect that a vehicle within the HKSAR has been, is being or is about to be used in contravention of section 4(1), he may-

- (a) either alone or accompanied and assisted by any person acting under his 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 such information relating to the vehicle and any article carried on it, and produce for his inspection such documents so relating and such articles carried on it, as he may specify; and
- (c) (either there and then or on consideration of any information provided or document or article produced in response to a request made under paragraph (b)) further request the operator or driver to take the vehicle and any article carried on it to such place as is 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 the provision of any information or the production of any document or article 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 document or article should be produced for inspection.

Section:	20	Offences by operator or driver of vehicle	L.N. 45 of 2005	01/04/2005
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(1) If an operator or driver of a vehicle, without reasonable excuse, refuses or fails to comply with a request made under section 19(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, the operator or driver commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) If an operator or driver of a vehicle, in response to a request made under section 19(1)(b) or (c), provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information, explanation or document that is false in a material particular, the operator or driver commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	21	Power of authorized officers to enter and detain vehicles	L.N. 45 of 2005	01/04/2005
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(1) Without prejudice to section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose-

- (a) enter, or authorize the entry on, any land and enter, or authorize the entry into, the vehicle concerned;
- (b) detain, or authorize the detention of, that vehicle and any article carried on it; and
- (c) use, or authorize the use of, reasonable force.

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

(3) The Commissioner may, by order in writing under his hand, authorize the detention of a vehicle referred to in subsection (1) for further periods of not more than 12 hours each, and any such order shall state the times from which and for which the order shall be effective.

Section:	22	Sections 19, 20 and 21 not to prejudice other laws	L.N. 45 of 2005	01/04/2005
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Sections 19, 20 and 21 do not operate so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of a vehicle.

Section:	23A	Specification of relevant person or relevant entity by Chief Executive	L.N. 124 of 2005	08/07/2005
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General

The Chief Executive may by notice published in the Gazette specify a person or an entity designated by the Committee with respect to the measures set out in paragraph 3(e) of Resolution 1591 as a relevant person or a relevant entity.

(L.N. 124 of 2005)

Section:	23	Exercise of powers of Chief Executive	L.N. 45 of 2005	01/04/2005
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The Chief Executive may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorize the delegation of any of his powers or functions under this Regulation to any person, or class or description of persons, approved by him, and references in this Regulation to the Chief Executive shall be construed accordingly.

Section:	24	Production of proof of identity	L.N. 45 of 2005	01/04/2005
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Before or on exercising a power conferred by section 11, 13, 15, 17, 19 or 21, an authorized officer shall, if requested so to do, produce evidence of his identity.

Part:	6	EVIDENCE	L.N. 45 of 2005	01/04/2005
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Section:	25	Power of magistrate or judge to grant warrant	L.N. 45 of 2005	01/04/2005
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(1) A magistrate or judge may grant a warrant under this section if he is 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 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) to search any person who is found on, or whom he has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
- (b) to seize and detain any document or article found on the premises, ship, aircraft or vehicle or on such person that he has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
- (c) to take in relation to any such document or article any other steps that may appear necessary for preserving the document or article seized 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, he may use such force as is reasonably necessary for that purpose.

Section:	26	Detention of documents or articles seized	L.N. 45 of 2005	01/04/2005
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(1) Subject to subsection (2), any document or article seized under section 25(3) may not be detained for a period of more than 3 months.

(2) If the document or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document or article may be detained until the completion of those proceedings.

Part:	7	DISCLOSURE OF INFORMATION OR DOCUMENTS	L.N. 45 of 2005	01/04/2005
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Section:	27	Disclosure of information or documents	L.N. 45 of 2005	01/04/2005
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(1) Any information or document provided, produced or seized in pursuance of this Regulation may be disclosed only if-

- (a) the person who provided or produced the information or document or the person 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 any organ of the United Nations or to any person in the service of the United Nations or to 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 Sudan decided on by the Security Council of the United Nations; 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 he has obtained the information or possessed the document only in his capacity as servant or agent of another person; and
- (b) a person may give consent to the disclosure if he is entitled to the information or to the possession of the document in his own right.

Part:	8	OTHER OFFENCES AND MISCELLANEOUS MATTERS	L.N. 45 of 2005	01/04/2005
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Section:	28	Liability of person other than principal offender	L.N. 45 of 2005	01/04/2005
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(1) Where the person convicted of an offence against 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 shall be guilty of the like offence.

(2) Where the person convicted of an offence against 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 shall be guilty of the like offence.

Section:	29	Offences in relation to obstruction of authorized persons, etc.	L.N. 45 of 2005	01/04/2005
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A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of his powers under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	30	Offences in relation to evasion of this Regulation	L.N. 45 of 2005	01/04/2005
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A person who destroys, mutilates, defaces, secretes or removes any document 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.

Section:	31	Proceedings to be instituted	L.N. 45 of 2005	01/04/2005
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(1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.

(2) Summary proceedings for an offence under this Regulation, being an offence 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 committing the offence.

Schedule:		SCHEDULE	L.N. 45 of 2005	01/04/2005
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[section 2]

PROHIBITED GOODS

1. Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary equipment).
2. Any component for any goods specified in section 1.

**United Nations Sanctions (Sudan) Regulation 2013
United Nations Sanctions (Sudan) Regulation (Repeal) Regulation**

Information on Sudan

Country Background

Sudan is a country in North-Eastern Africa, situated between Egypt and Eritrea, bordering the Red Sea. It has a total area of 1,861,484 sq. km. and an estimated population of around 34.8 million.¹ With its capital in Khartoum, Sudan first achieved independence in 1956. Sudan's oil-dependent economy was severely weakened when it lost about 75 percent of its oil revenue following the separation of South Sudan in July 2011.² Sudan had a GDP of US\$56.0 billion (or HK\$436.0 billion) in 2011.³ Merchandise imports and exports of Sudan in 2012 amounted to US\$ 9.5 billion (or HK\$73.5 billion) and US\$ 3.4 billion (or HK\$26.1 billion) respectively.⁴

United Nations Sanctions against Sudan

2. Since its independence, Sudan has been beset by two rounds of prolonged north-south civil wars. The Comprehensive Peace Agreement (CPA) of 2005 between the Government of Sudan and the Sudan People's Liberation Movement/Army ushered in a new era for the Sudan, ending over 20 years of civil strife and paving the way for the independence of South Sudan in 2011 by popular referendum. On 9 July 2011, South Sudan gained independence from Sudan after a six-year peace process which began with the signing of the CPA.

3. In 2003, a civil war erupted in Darfur between the Government of Sudan and its allied militia, and other armed rebel groups. Tens if not hundreds of thousands of people were killed, particularly during the first two years of the conflict. Fighting continued between the Government and the now splintered

¹ Source: CIA World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/su.html>

² Source: World Food Programme Website at <http://www.wfp.org/countries/sudan/overview>

³ Source: World Statistics Pocket Book published by United Nations Statistics Division at [http://unstats.un.org/unsd/pocketbook/World Statistics Pocketbook 2013 edition.pdf](http://unstats.un.org/unsd/pocketbook/World%20Statistics%20Pocketbook%202013%20edition.pdf)

⁴ Source: WTO Statistics Database at <http://stat.wto.org/Home/WSDBHome.aspx?Language>

movements, and 1.8 million people were estimated to be internally displaced.⁵

4. In view of the acts of violence and violations of human rights and international humanitarian law in Darfur area of Sudan, the Security Council first imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in Darfur on 30 July 2004 with the adoption of resolution 1556. The sanctions regime was modified and strengthened with the adoption of resolution 1591 (2005), which expanded the scope of arms embargo to also include all the parties to the N'djamena Ceasefire Agreement and any other belligerents, and imposed additional measures including a travel ban and an assets freeze on individuals designated by the Committee. Noting that individuals affiliated with the Government of Sudan and armed groups continued to perpetrate violence against civilians in Darfur, the UNSC adopted UNSCR 2035 on 17 February 2012. The UNSC, inter alia, decided to end exemptions to the embargo applicable to arms brought into Darfur as part of the CPA.⁶

Trade Relation between Hong Kong and Sudan

5. In 2012, Sudan ranked 128th among Hong Kong's trading partners in the world, with a total trade of HK\$154.7 million. Of these, HK\$107.6 million worth of trade were exports to Sudan, and HK\$47.1 million imports. Hong Kong's trade with Sudan are summarised as follows –

Hong Kong's Trade with Sudan [Value in HK\$ (in million)]		
Item	2012	2013 (January – June)
(a) Total Exports to Sudan	107.6	45.8
<i>(i) Domestic exports</i>	1.3 ⁷	1.2 ⁸

⁵ Source of information in paragraphs 2-3: United Nations Peacekeeping Website at <http://www.un.org/en/peacekeeping/>

⁶ Source: Website of United Nations Security Council Sanctions Committee at <http://www.un.org/sc/committees/index.shtml>

⁷ In 2012, domestic exports to Sudan include non-electrical machinery, tools and mechanical apparatus (97.3%); and manufactured tobacco (2.0%).

⁸ In January – June 2013, domestic exports to Sudan include non-electrical machinery, tools and mechanical apparatus (99.9%). The increase in domestic exports to Sudan in January – June 2013 was due to the rise in demand for non-electrical machinery, tools and mechanical apparatus.

Hong Kong's Trade with Sudan [Value in HK\$ (in million)]		
Item	2012	2013 (January – June)
<i>(ii) Re-exports</i>	106.3 ⁹	44.5 ¹⁰
(b) Imports from Sudan	47.1 ¹¹	32.0 ¹²
Total Trade [(a) + (b)]	154.7	77.7

In 2012, HK\$86.4 million worth of goods, or 0.3% of the total trade between Sudan and the Mainland, were routed through Hong Kong. Of these, HK\$81.9 million worth of goods were re-exports of Mainland origin to Sudan via Hong Kong. The remaining HK\$4.5 million were re-exports from Sudan to the Mainland.

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

Commerce and Economic Development Bureau

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⁹ In 2012, re-exports to Sudan include telecommunications equipment (35.1%); musical instruments and sound recordings (11.7%); and electrical apparatus for switching or protecting electrical circuits (8.2%).

¹⁰ In January – June 2013, re-exports to Sudan include telecommunications equipment (34.5%); measuring and checking instruments (15.9%); automatic data processing machines and units thereof (10.5%); and internal combustion piston engines and parts (7.4%). The decrease in re-exports to Sudan in January – June 2013 was due to the fall in demand for telecommunications equipment; as well as electrical apparatus for switching or protecting electrical circuits.

¹¹ In 2012, imports from Sudan include Leather (93.0%); civil engineering and contractors' plant and equipment (2.5%); and telecommunications equipment (2.2%).

¹² In January – June 2013, imports from Sudan include Leather (89.2%); civil engineering and contractors' plant and equipment (5.9%); meat and edible meat offal, prepared or preserved (2.3%); and fresh or chilled fish (1.0%).