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Report of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions

Purpose

This paper reports on the work of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("the Subcommittee") formed under the House Committee ("HC") on 12 October 2012. It also summarizes the views and concerns expressed by the Subcommittee during the study of the regulations made under the United Nations Sanctions Ordinance ("UNSO") (Cap. 537) in the Fifth Legislative Council ("LegCo").

Background

2. Prior to 1 July 1997, resolutions of the Security Council of the United Nations ("UNSC") in relation to sanctions were implemented in Hong Kong by way of Orders in Council which were made by the United Kingdom Government and extended to Hong Kong. All such Orders in Council as applicable to Hong Kong lapsed at midnight on 30 June 1997. To put in place a mechanism to ensure the continued application and enforcement of United Nations ("UN") sanctions in the Hong Kong Special Administrative Region ("HKSAR"), UNSO was passed by the Provisional Legislative Council on 16 July 1997 and came into effect on 18 July 1997.

3. Under the current mechanism, when UNSC makes a resolution regarding sanctions and calls on Member States including the People's Republic of China ("PRC") to enforce those sanctions, the Ministry of Foreign Affairs ("MFA") may issue an instruction to the Chief Executive ("CE") to implement the sanctions specified in the resolution. Pursuant to section 3(1) of UNSO, CE shall make regulations to give effect to the MFA's

instructions to implement UNSC resolutions ("UNSCRs"). These regulations may, under section 3(3) of UNSO, prescribe that a contravention or breach thereof is an offence.¹

4. Section 3(5) of UNSO provides that sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap.1) shall not apply to regulations made under UNSO. These regulations are therefore not required to be laid before LegCo and are not subject to approval or amendment by LegCo.

5. A subcommittee was formed under HC in the Third and the Fourth LegCo in October 2004 and December 2008 respectively dedicated to consider regulations made under UNSO for implementing in HKSAR UNSCRs in relation to sanctions. Regulations made and gazetted under UNSO would be considered by Members at HC meetings for the whole LegCo term, and where necessary, referred to the dedicated subcommittee for study. On 12 October 2012, HC agreed that the Subcommittee should be formed to deal with regulations made under UNSO and follow up the recommendations made by the previous subcommittee formed in the Fourth LegCo.

The Subcommittee

6. Since 12 October 2012, HC has referred to the Subcommittee a total of 40 Regulations made and gazetted under section 3(1) of UNSO. Under the chairmanship of Hon Cyd HO, the Subcommittee held a total of 12 meetings, and 11 of the meetings were attended by the Administration. The updated membership list of the Subcommittee is in **Appendix I**.

Deliberations of the Subcommittee

7. The deliberations of the Subcommittee are summarized in the ensuing paragraphs.

¹ Regulations made under section 3 of UNSO may prescribe that a contravention or breach thereof shall be punishable –

- (a) on summary conviction by a fine not exceeding \$500,000 and imprisonment for a term not exceeding 2 years;
- (b) on conviction on indictment by an unlimited fine and imprisonment for a term not exceeding 7 years.

Provision of information to facilitate study of the regulations

8. At the request of the Subcommittee, the Administration has been providing background information on the regulations made under UNSO pursuant to the relevant UNSCRs, trade relations between HKSAR and the countries under sanctions as well as the implications of the sanctions on the economy of HKSAR by way of a LegCo Brief. Marked-up versions of the regulations showing amendments made to the existing regulations are provided to assist members in conducting section-by-section examination of the regulations. In the case where a new regulation is made to renew or continue the implementation of sanctions imposed on a country, and where the existing regulation has expired or has been repealed, the Administration, at the Chairman's request, has provided the Subcommittee with information on the key differences between the new regulation and the existing one to facilitate the Subcommittee's study of the regulations.

Model law approach

9. The Subcommittee notes that while different sanction measures, targets and subjects of the sanctions may be formulated for different countries or places to implement the relevant UNSCRs, the drafting approach adopted in most of the regulations made under UNSO is broadly similar. The Subcommittee concurs with the previous subcommittees' view that the use of a model law approach (or developing different models for different scenarios) is conducive to improving efficiency in the Administration's preparation and the Subcommittee's study of the regulations. The Subcommittee has requested the Administration to use the model law approach in preparing the regulations made under UNSO.

10. The Administration has advised that while a model law approach could serve as a useful reference, the specific details of sanction measures may differ in different UNSCRs. The Administration would make reference to statutory provisions in similar regulations where appropriate.

Disclosures by the Government

11. Hon Dennis KWOK notes that regulations made under UNSO contain sections that permit the disclosure of evidence, information, or other materials to Governments and/or relevant authorities of any place outside HKSAR on the authority of CE. Mr KWOK has expressed concern that such disclosure may well have the direct or indirect effect of inviting surveillance activities in HKSAR, and has enquired about the number of such requests made by Governments of other countries, the frequency of such

disclosure as well as the nature and purpose of the information sought and disclosed.

12. The Administration has explained that under the disclosure provisions in the regulations made under UNSO, any information or document provided, produced or seized under the respective regulations may be disclosed if, *inter alia*, the information or document is disclosed on the authority of CE, subject to the information or document being transmitted through and with the approval of MFA to, *inter alia*, the Government of any place outside the PRC for the purpose of assisting that Government in securing compliance with or detecting evasion of measures in relation to the places under UNSC sanction. The Administration advised in August 2013 that according to its records for the past five years, no such disclosure was made.

Dissemination of information in relation to sanctions

13. The Subcommittee is keen to ensure timely dissemination of information in relation to UN sanctions to the concerned trades, such as the financial and accounting sectors, the tourism, export/import and logistic sectors, which would be affected by the financial sanctions, travel bans on specified persons, prohibition on the supply or transfer of specified goods, etc. The Subcommittee has requested that members of the Panel on Commerce and Industry ("CI Panel") and the Panel on Financial Affairs ("FA Panel") should be notified of the UN sanctions being implemented in HKSAR by way of regulations made under UNSO.

14. The Administration has advised that under the prevailing arrangements, the Commerce and Economic Development Bureau ("CEDB"), upon gazettal of regulations that implement UN sanctions against certain places, would issue press release and notify the concerned bureaux/departments, including the Trade and Industry Department ("TID") and the Hong Kong Monetary Authority, which would then notify stakeholders under their purviews, such as financial regulators, relevant trade associations, the industry and trade sector, the logistics and tourism sectors, etc. as appropriate, by issuing notices or circulars. According to the Administration, the notification arrangement effectively ensures timely dissemination of information for the implementation of regulations made under UNSO. At the Administration's request, the LegCo Secretariat has assisted in circulating the relevant LegCo Briefs to members of the CI Panel and the FA Panel for information.

15. During the study of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014 in relation to the prohibition against the carriage and supply of luxury goods to a place in the

Democratic People's Republic of Korea ("DPRK"), the Chairman opined that, in addition to notifying the concerned trades in the tourism, import/export and logistic sectors, the Administration should also inform the academic sector of the prohibition in view that some universities have organized study tours to DPRK in the past and might continue to organize such activities in future.

16. According to the Administration, assistance of the Travel Industry Council of Hong Kong has been enlisted in notifying travel agencies organizing tours to DPRK and the concerned travellers of the relevant prohibition. Intermediaries through which universities arrange study tours to DPRK are among the Administration's targets of notification. The Customs and Excise Department ("C&ED") has also reminded business operators engaging in import, export and logistic businesses in connection with DPRK of the prohibition.

17. In the course of the study of the United Nations Sanctions (Central African Republic) Regulation, the Subcommittee considers that the Administration should promulgate the list of specified persons prohibited from entry into and transit through HKSAR in the websites of relevant Government bureaux/departments to disseminate the information to the public and the trades concerned.

18. The Administration has advised that the list of specified persons subject to travel ban as designated by the relevant sanctions committees established pursuant to the relevant UNSCRs is open to the public and is available on the UN's website. Such information is normally not provided in the relevant local legislation. At the request of the Subcommittee, the Administration has created a new webpage under the website for the Commerce, Industry and Tourism Branch of CEDB to disseminate to the public the list of specified persons prohibited from entry into or transit through HKSAR as stipulated by UNSC in relation to sanctions that are implemented in HKSAR.

19. During the study of the United Nations Sanctions (Côte d'Ivoire) Regulation 2014, the Administration has agreed that, apart from making available a list of specified goods referred to in the Regulation and any amendments to the list for public inspection free of charge at the Office of the Director-General of Trade and Industry during normal office hours, such information would also be provided on the Internet.

Timeliness of the regulations made under UNSO

20. While appreciating the improvements made by the Administration in reducing the time gap between the receipt of the MFA's instructions and the

gazettal of the relevant regulations to around three months in most cases, some members have noted with concern the relatively long time gap between the receipt of the MFA's instructions or expiry of UN sanctions and the gazettal of the relevant regulations to implement the sanctions in HKSAR as in the case of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014 and the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013². The Subcommittee considers such a situation undesirable and urges the Administration to take every possible step to expedite the legislative process to shorten the time gap.

21. The Administration has explained that there would be a necessary lead time between the receipt of MFA's instructions and the gazettal of the related regulations and the Administration has been striving to shorten the time gap. The Administration has assured members that it would continue to work closely with MFA to ensure timely implementation of the MFA's instructions in relation to UN sanctions in HKSAR and would endeavour to expedite the process through more streamlined arrangements and deploy dedicated officers in the Department of Justice ("DoJ") to deal with the subject. To facilitate drafting work, reference would be made to statutory provisions in similar regulations as far as possible.

Drafting issues and suggestions for improvements

22. During the study of the regulations made under UNSO, the Subcommittee has made a number of drafting and textual suggestions to further improve the clarity and quality of the provisions therein. The Administration has agreed to consider these suggestions and make appropriate improvement in regulations made under UNSO³ in future.

23. During the study of the United Nations Sanctions (Democratic People's Republic of Korea (Amendment) Regulation 2014 and the United Nations Sanctions (Côte d'Ivoire) Regulation 2014, the Subcommittee has enquired about the rationale for the use of the new phrase "*belonging to, or owned or controlled by*" in place of the phrase "owned by or otherwise belonging to, or held by" in the United Nations Sanctions (Democratic People's Republic of Korea (Amendment) Regulation 2013 and the United

² For details, please refer to paragraph 45 of the report in respect of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014, and paragraph 62 of the report in respect of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013.

³ Examples include the definition of "relevant person" in the United Nations Sanctions (Somalia) (Amendment) Regulation 2012 (paragraph 31 of the report), and the definition of "focal point" in the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2014 (paragraph 56 of the report).

Nations Sanctions (Côte d'Ivoire) Regulation 2013. The Administration has advised that the relevant change aims to bring the wording in line with what was adopted in the relevant UNSCRs⁴ and is made with reference to the latest drafting practices of overseas legislation (e.g. The Côte d'Ivoire (Sanctions) (Overseas Territories) Order 2012 of the United Kingdom).

24. While some members agree with the Administration's practice of bringing the wording in local legislation in line with the relevant UNSCRs so as to ensure that the scope of sanctions as implemented by the relevant regulations is in accordance with the concerned resolutions, the Chairman and some members have expressed concern that the strict adoption of the terminologies used in the relevant UNSCRs in the corresponding regulations made under UNSO may give rise to inconsistencies in the drafting of local legislation. The Subcommittee has requested the Administration to furnish the Subcommittee with explanations on any changes in drafting practice and terminologies used to facilitate the Subcommittee's understanding and study of the regulations in future⁵.

25. In response to the Chairman's enquiry on whether the use of the terminology "controlled by" will set a precedent in local legislation, the Administration has advised that the term "controlled by" has already been used in a similar context in some local legislation, such as in section 64 of the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485A) and section 285 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32).

26. In the course of the study of the United Nations Sanctions (Eritrea) (Amendment) Regulation 2013, the Subcommittee notes that the Chinese rendition for the term "designated person" has been revised from "指明人士" to "指認人士" with reference to the wording used in the Chinese text of the relevant UNSCR. In this connection, the Chairman has expressed concern about whether DoJ has sufficient language expertise to maintain the standard and quality of bilingual legislation drafting. The Chairman has suggested that consideration should be given to the setting up of a panel of advisory language specialists to help ensure that there will be no discrepancies between the English and Chinese defined terms. The issue has been referred

⁴ Paragraph 8(d) of UNSCR 1718 in respect of the United Nations Sanctions (Democratic People's Republic of Korea (Amendment) Regulation 2014, and paragraph 11 of UNSCR 1572 in respect of the United Nations Sanctions (Côte d'Ivoire) Regulation 2014.

⁵ Examples include the United Nations Sanctions (Democratic People's Republic of Korea (Amendment) Regulation 2014 (paragraphs 46, 48 and 50 of the report), and the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014 (paragraph 64 of the report).

to the Panel on Administration of Justice and Legal Services for consideration to follow up with the Administration.

27. Hon Kenneth LEUNG pointed out that there were past cases in which the Securities and Futures Commission ("SFC") used different Chinese renditions for an English term in some technical legislation and documents to facilitate understanding of respective readers in HKSAR, the Mainland and Taiwan. He suggested that reference could be made to SFC's practice as appropriate such that prevailing Chinese translation of certain terminologies used in the laws of HKSAR could be adopted in regulations made under UNSO to facilitate public understanding of the relevant regulations.

Study of 40 Regulations gazetted since September 2012

28. The Subcommittee has noted that most of the Regulations were drafted in similar terms. The more common subjects of sanctions as stipulated in the gazetted regulations include:

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

A summary of the salient provisions of each regulation is given in **Appendix II**.

UN sanctions against Somalia

29. Since 1992, the UNSC has adopted various resolutions to impose sanctions against Somalia having regard to the rapid deterioration of the situation in Somalia and the heavy loss of human life and widespread material damage resulting from the conflict in the country. The United Nations Sanctions (Somalia) Regulation (Cap. 537AN) ("the Somalia Regulation") was made to implement these sanctions.

United Nations Sanctions (Somalia) (Amendment) Regulation 2012

30. The United Nations Sanctions (Somalia) (Amendment) Regulation 2012 mainly provides for the prohibition against the importation of charcoal from Somalia. It was made to amend the Somalia Regulation to implement UNSCR 2036.

31. Members have raised query about the meaning of "a person owned directly or indirectly by a person or entity" in the definition of "relevant person (有關人士)"⁶ under section 1 of the Somalia Regulation as amended by section 2(3) of the Somalia (Amendment) Regulation 2012. Members are of the view that the owning of a person by another person is inappropriate and have requested the Administration to improve the drafting of the definition of "relevant person (有關人士)" when amending the Somalia Regulation in future. At the request of the Subcommittee, the Administration has deleted the phrase "or owned or controlled directly or indirectly by," and "或該等人士或實體所直接或間接擁有或控制的人;" from the definition of "relevant person (有關人士)" in the respective English and Chinese texts of the Somalia Regulation in the subsequent amendment exercise.

United Nations Sanctions (Somalia) (Amendment) Regulation 2013

32. The Subcommittee notes that pursuant to UNSCR 2093 adopted on 6 March 2013, sections 8(2) and 9(2) of the Somalia Regulation are amended by the United Nations Sanctions (Somalia) (Amendment) Regulation 2013 to provide exceptions to arms embargo measures for the deliveries of weapons or military equipment or the provision of assistance, intended solely for the support of, or use by, strategic partners of the African Union Mission in Somalia ("AMISOM") operating solely under the African Union Strategic Concept of 5 January 2012 and in cooperation and coordination with AMISOM. Hon Dennis KWOK has requested the Administration to consider providing a definition of "African Union Strategic Concept" when amending the Somalia Regulation in future to enhance clarity.

⁶ Relevant person (有關人士) means –

- (a) a person specified by CE as a relevant person in accordance with section 30; or
- (b) a person acting on behalf of, or at the direction of, or owned or controlled directly or indirectly by, a person or entity specified by CE as a relevant person or relevant entity in accordance with section 30.

33. According to the Administration, the term "African Union Strategic Concept of 5 January 2012" in sections 8(2)(f) and 9(2)(d) of the Somalia Regulation has its specific meaning in the context of Somalia, and the term was mentioned in paragraph 36 of UNSCR 2093. As there does not appear to be any doubt as to its meaning, the Administration considers that a definition for the term is not necessary.

United Nations Sanctions (Somalia) (Amendment) Regulation 2014

34. To implement UNSCR 2125 and UNSCR 2142, the United Nations Sanctions (Somalia) (Amendment) Regulation 2014 is made to amend the Somalia Regulation by providing additional exceptions to the prohibition against the supply, sale, transfer or carriage of weapons or military equipment, and the provision of certain advice, assistance or training to certain persons. These new exceptions exempt prohibited goods and assistance, etc. which are intended solely for the development of the Security Forces of the Federal Government of Somalia and to provide security for the Somali people.

35. During the scrutiny of the United Nations Sanctions (Somalia) (Amendment) Regulation 2014, the Subcommittee notes that two different terms, namely "Somali authorities" and "the Federal Government of Somalia" are used in section 8(2)(j) and section 8(2)(k) respectively. The Chairman opines that the strict adoption of the terminologies used in the respective UNSCRs in regulations under UNSO may cause confusion and inconsistency in local legislation. The Administration has explained that since the adoption of UNSCR 733 against Somalia in 1992, the UNSCRs regarding Somalia have been referring to different terminologies regarding the Somali administration. In light of the changing political situation of Somalia, and the frequent changes in the terminologies regarding the Somali administration, the Administration has been following closely the terminologies used in the respective UNSCRs adopted for Somalia so as to avoid mistakes in the interpretation of the different terminologies, and to reflect accurately the sanctions.

United Nations Sanctions (Somalia) (Amendment) Regulation 2015

36. The United Nations Sanctions (Somalia) (Amendment) Regulation 2015 mainly renews the exceptions to the arms embargo measures, the prohibitions against the provision of certain advice, assistance and training, as well as financial sanctions in respect of Somalia to implement UNSCR 2182.

37. Noting that HKSAR's exports to Somalia mainly comprise re-exports of Mainland origin via HKSAR, the Chairman is concerned that HKSAR may

not be able to fulfill its international obligations in relation to UN sanctions should it fail to detect the prohibited items in re-exports to Somalia via HKSAR. The Chairman has enquired whether any non-compliant cases have been identified by the HKSAR Government ("HKSARG") since the implementation of UN sanctions in HKSAR, and how such cases were dealt with by HKSARG. The Chairman has also sought information about the reporting mechanism and collaboration between HKSARG and CPG in relation to contravention of UN sanctions.

38. The Administration has advised that items prohibited under the Somalia Regulation are strategic commodities and not the commodities involved in the normal trade between HKSAR and Somalia. The export and/or import of strategic commodities are subject to the control regime under the Import and Export (Strategic Commodities) Regulations (Cap. 60G). During the period from 2010 to October 2014, TID had not issued any permits for import and export of strategic commodities to and from Somalia pursuant to Cap. 60G. In addition, C&ED has from time to time conducted random physical examinations of cargoes imported from or exported to countries under sanction in accordance with the prevailing mechanism based on international intelligence. C&ED has also paid special attention to goods handled by forwarders and shippers who may have connections with a person or an entity specified by notice published in the Gazette by CE pursuant to regulations made under UNSO. According to the Administration's record, no prohibited items have been detected so far and no law enforcement actions leading to any form of prosecutions have been taken pursuant to regulations made under UNSO in the past.

39. In terms of reporting, HKSARG will keep the Office of the Commissioner of MFA in HKSAR informed of the status of UN sanctions regulations that HKSAR has been instructed to make. As part of the international obligations, PRC will submit national implementation reports to UN with regard to countries subject to sanctions and such reports will cover HKSAR.

UN sanctions against DPRK

40. In view of the persistent failure of DPRK to comply fully with its international obligations on non-proliferation of nuclear weapons, UNSC has adopted various resolutions since 2006 to impose a range of sanctions against DPRK. The United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537AE) ("the DPRK Regulation") was made and amended to implement the relevant UN sanctions.

United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2013

41. The United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2013 mainly amends the definition of "specified item" under the DPRK Regulation to cover additional items set out in certain documents, to implement UNSCR 2087.

42. During the study of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2013, the Subcommittee notes that a HKSAR company is subject to asset freeze under UNSCR 2087. The Chairman has advised that while implementing financial sanctions in fulfillment of international obligations, the Administration should consider putting in place administrative measures or specifying certain exceptions, similar to other anti-terrorism legislation, to provide for the specified entities under asset freeze to meet contractual liabilities and reasonable expenses, such as payments liable to be made under the Employment Ordinance (Cap. 57) and rents, etc.

43. According to the Administration, exceptions to financial sanctions against DPRK are provided for under paragraph 9 of UNSCR 1718 adopted in 2006. These exceptions have been implemented by section 11 of the DPRK Regulation. The Administration considers that the relevant exceptions would cover basic expenses of a specified entity, which may include payments liable to be made under the Employment Ordinance, depending on the circumstances of each case.

United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014

44. The United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014 amends the DPRK Regulation to implement UNSCR 2094 and the relevant UNSC decisions to expand the scope of sanctions against DPRK. It provides for an expanded scope of items subject to sanctions to cover updated lists of items, material, equipment, goods or technology; prohibition against the supply, sale, transfer or carriage of luxury goods to a place in DPRK; prohibition against the provision of financial services or the transfer of funds or other financial assets or economic resources that could contribute to a prohibited programme or activity to or by a regulated person; and prohibition against certain ships from entering the waters of Hong Kong.

45. The Subcommittee notes the time gap between the receipt of the relevant instructions from MFA in March 2013 and May 2014 and the

gazettal of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014 in September 2014, and has enquired about the reason for the long lead time. The Administration has explained that paragraph 23 of UNSCR 2094 has for the first time clarified that the term "luxury goods" in paragraph 8(a)(iii) of UNSCR 1718 includes a list of items specified in Annex IV to UNSCR 2094. Unlike other prohibited items, the luxury goods⁷ listed in Annex IV of UNSCR 2094 are general commodities and can be traded freely in HKSAR before the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014 is gazetted. Various business operators ranging from chainstores, exporters and large logistics providers to small retailers and local carriers are involved in the trading and carriage of these luxury goods. In light of the nature of the luxury goods as specified in Annex IV to UNSCR 2094, and to avoid affecting many bona fide business activities and imposing significant compliance burden on the trade, the Administration has taken considerable time to work out a separate and targeted prohibition regime for these luxury goods (i.e. addition of sections 2A, 3AA and 3B and specifying the luxury goods in Schedule 1).

46. The Subcommittee notes that a new section 2A (prohibition against supply, sale or transfer of luxury goods) is added to the DPRK Regulation. It provides that a person commits an offence if the person directly or indirectly supplies, sells or transfers an item knowing or having reason to believe that the item is luxury goods and the item is to be supplied, sold or transferred to a place in DPRK. However, under section 2 of the DPRK Regulation, a different structure is used in respect of the prohibition against the supply, sale or transfer of specified items. Section 2(3) provides for a defence for a person charged if the person does not know and has no reason to believe that the item concerned is a specified item or that the item is or is to be supplied, sold or transferred to DPRK, etc. Members have enquired about the rationale for the difference between section 2 and the new section 2A, as well as the reasons for a similar difference between section 3

⁷ These items include –

- (a) jewelry:
 - (i) jewelry with pearls;
 - (ii) gems;
 - (iii) precious and semi-precious stones (including diamonds, sapphires, rubies, and emeralds);
 - (iv) jewelry of precious metal or of metal clad with precious metal; and
- (b) transportation items as follows:
 - (i) yachts;
 - (ii) luxury automobiles (and motor vehicles): automobiles and other motor vehicles to transport people (other than public transport), including station wagons; racing cars.

(prohibition against carriage of specified items) and the new section 3AA (prohibition against carriage of luxury goods).

47. The Administration has explained that different from sections 2 and 3 of the DPRK Regulation, criminal intent is required for the offences under the new sections 2A and 3AA. The change is to address the situation where local business operators could be caught unintentionally if the luxury goods are supplied, sold, transferred and/or delivered first to a place outside DPRK (say within HKSAR) and subsequently to a place in DPRK without the knowledge of the relevant business operators. Comparing with the regime under sections 2 and 3 of the DPRK Regulation where the burden is on the defendant to prove a lack of knowledge as a defence, the burden would be on the prosecution to prove that the defendant knows or has reason to believe that the item concerned is luxury goods and that the item is to be supplied, sold, transferred or delivered to a place in DPRK under sections 2A and 3AA of the new regime.

48. Noting that the parts relating to "a person connected with the DPRK" in section 3(2) (prohibition against carriage of specified items) do not appear in the corresponding new section 3AA(3) (prohibition against carriage of luxury goods), the Subcommittee has requested the Administration to explain the rationale behind the difference.

49. The Administration has advised that under sections 2A and 3AA of the new regime, the prohibition would apply to the direct or indirect supply, sale, transfer or carriage of luxury goods to a place in DPRK. Unlike other items prohibited in sections 2 and 3, the luxury goods specified in Schedule 1 are general commodities that can be traded freely in HKSAR and it would not be practical to require local retailers and carriers to ascertain from all their clients whether they are "a person connected with the DPRK". The new regime therefore does not contain the parts relating to "a person connected with the DPRK" so that bona fide business activities would not be affected if the luxury goods are not supplied, sold, transferred or delivered to a place in DPRK.

50. The Subcommittee notes that there are a number of differences between the items of "luxury goods" specified in Schedule 1 to the DPRK Regulation and those in Annex IV to UNSCR 2094. Furthermore, although according to paragraph 23 of UNSCR 2094, the term "luxury goods" includes, but is not limited to, the items specified in Annex IV to UNSCR 2094, "luxury goods" is defined in section 1 of the DPRK Regulation (as amended by section 3(1) of the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014) to mean any item specified in Schedule 1. Members have requested the Administration

to explain the rationale for the differences and to clarify whether the scope of "luxury goods" in the DPRK Regulation is intended to be different from that in UNSCR 2094.

51. The Administration has advised that on the basis of the items listed in Annex IV to UNSCR 2094, the Administration has defined items of prohibited luxury goods in Schedule 1 to the DPRK Regulation with reference to the definitions of similar terms, if applicable, adopted in the Harmonized Commodity Description and Coding System and the Road Traffic Ordinance (Cap. 374) which are familiar to business operators. While paragraph 23 of UNSCR 2094 provides that the luxury goods items need not be limited to the items specified in Annex IV, the Administration has confined the scope of luxury goods to that specified in Schedule 1 to the DPRK Regulation in order to provide sufficient clarity on the scope of prohibition for business operators to comply with.

52. Referring to the case of a Macao bank, namely Banco Delta Asia, that was sanctioned by the United States ("US") for allegedly handling funds for the North Korea Government, the Chairman and Hon NG Leung-sing have enquired how the case was handled by the Macao Government and the collaboration between the Macao Government and CPG for reference by HKSARG. The Chairman has requested the Administration to study how UNSCRs in relation to sanctions are implemented in the Macao Special Administrative Region ("MSAR"), which is also required to implement UNSCRs in relation to sanctions pursuant to the instructions from MFA.

53. The Administration has advised that Banco Delta Asia was sanctioned by the US under the USA Patriot Act and the case is not related to the implementation of UNSCRs in HKSAR. According to the Administration, UNSCRs are promulgated by notices made by CE of MSAR and published in the MSAR Gazette. This approach differs from the HKSAR system where UN sanctions are to be implemented by enactment of local legislation.

UN sanctions against Libya

United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2014

54. Concerned with serious violations of human rights and attacks against civilians, the UNSC adopted UNSCR 1970 to implement a range of sanctions against Libya since 2011. The United Nations Sanctions (Libya) Regulation 2011 (Cap. 537AW) ("the Libya Regulation") was made in 2011 and subsequently amended to implement sanctions against Libya in the relevant UNSCRs.

55. The United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2014 is made to expand the scope of sanctions against Libya pursuant to UNSCR 2146 and UNSCR 2174. Members notes that the newly added section 3B(1) refers to the term "focal point appointed under paragraph 3 of Resolution 2146". As the English meaning of the term is vague and is not commonly seen in local legislation, some members including Mr Martin LIAO have requested the Administration to consider defining the term in the future to enhance clarity and facilitate users' understanding.

56. The Administration has advised that it has been following closely the terminology used in UNSCR 2146 when drafting the regulation. Given that paragraph 3 of UNSCR 2146 has explained the concept of the Government of Libya's focal point, and the term only appears once in the Libya Regulation, the Administration has not considered it necessary to define the term.

57. Referring to section 10A, Hon Kenneth LEUNG has expressed concern about the impact of the prohibition on local business relating to the provision of ship leasing and financing services. In response to Mr LEUNG's enquiry about the scope of prohibition, the Administration has explained that subject to certain exceptions under section 10B, a person must not provide, directly or indirectly, any specified services to a ship designated under paragraph 11 of UNSCR 2146 by the sanctions committee established pursuant to UNSCR 1970. Such prohibition does not apply to all ships registered in Libya in general, and section 10B has provided for certain exceptions to prohibitions under section 10A, including ships on return to Libya.

UN sanctions against Liberia

United Nations Sanctions (Liberia) Regulation 2014

58. Since March 2001, UNSC has adopted a series of resolutions imposing sanctions against Liberia in view of the country's support for armed rebel groups in neighbouring countries which constitutes a threat to international peace and security in the region. The United Nations Sanctions (Liberia) Regulation 2014 implements sanctions against Liberia imposed by UNSCR 2128 and continues the implementation of the financial sanctions against Liberia under UNSCR 1532.

59. During the scrutiny of the Liberia Regulation 2014, some members have enquired whether it would be more appropriate to adopt "the Republic of Liberia" ("Formal Name"), rather than "Liberia" ("Short Name"), in the

operative provisions of the regulation to achieve consistency in the use of "the Republic of Liberia" in the laws of HKSAR⁸.

60. The Administration has explained that when determining the name of a country to be adopted in the provisions in local legislation, consideration would generally be given to the international convention or treaty that give rise to that local legislation. Since UNSC first imposed sanctions against Liberia in 2001, the relevant UNSCRs have been referring to the country as "Liberia". Moreover, in the Terminology Bulletin No. 347/Rev.1 (Country Names) issued by UN in 1997 as well as the United Nations Multilingual Terminology Database, the official name of Liberia have been referred to as "Liberia" and "the Republic of Liberia" respectively. Hence, the references to both the Short Name and Formal Name of Liberia are equally valid from the perspective of international law, and both names remain valid official names of Liberia.

UN sanctions against the Democratic Republic of the Congo

61. Since 2003, UNSC has adopted several resolutions imposing sanctions against the Democratic Republic of the Congo ("DR Congo") in view of its political and social instability which continues to pose a threat to international peace and security in the region.

United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013

62. Referring to the time gap between the expiry of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2012 at midnight on 30 November 2012 and the gazettal of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013 on 15 March 2013, the Chairman has expressed concern over whether HKSAR could promptly implement prohibitions against entry or transit by specified persons from the DR Congo. The Administration has advised that all nationals of DR Congo, regardless of whether they are prohibited persons, would require visas to visit or transit through HKSAR.

⁸ Examples include Schedule 1 to the Patents Ordinance (Cap. 514), Schedule 1 to the Registered Designs Ordinance (Cap. 522) and Schedule 1 to the Trade Marks Ordinance (Cap. 559).

United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014

63. The United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014 seeks to implement the sanctions against DR Congo as renewed by UNSCR 2136 which was adopted by UNSC on 30 January 2014. According to the Administration, the content of the Democratic Republic of the Congo Regulation 2014 is essentially the same as the Democratic Republic of the Congo Regulation 2013 that expired at midnight on 1 February 2014.

64. The Subcommittee notes that section 9(2)(b) of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013 has provided for the granting of a licence by CE for the provision to a person operating in the territory of DR Congo, of assistance, advice or training that is related to protective clothing, including flack jackets and military helmets, to be temporarily exported to the DR Congo by UN personnel, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only. Noting that the relevant section has been deleted from the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014, members have requested the Administration to explain the reasons for the deletion. In this connection, the Chairman has advised that the Administration should furnish the Subcommittee with explanations regarding changes in drafting practice and such information should be kept on record to facilitate the understanding and study of the UN sanctions regulations by the Subcommittee in future.

65. According to the Administration, section 9(2)(b) was deleted from the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014 because the exemption to the arms embargo provided for under paragraph 3(b) of UNSCR 1807⁹ as reaffirmed in paragraph 1 of UNSCR 2136 did not mention technical training and assistance.

United Nations Sanctions (Democratic Republic of the Congo) Regulation 2015

66. During the study of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2015, the Administration undertook to consider providing definitions for the terms "United Nations Organization

⁹ Paragraph 3(b) of UNSCR 1807 adopted in March 2008 provides exemption for "protective clothing, including flack jackets and military helmets, to be temporarily exported to the DR Congo by UN personnel, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only".

Stabilization Mission" and "African Union-Regional Task Force" in future exercises if view was received from the industry that this might help enhance the readability of the regulations.

UN sanctions against Iran

United Nations Sanctions (Iran) (Amendment) Regulation 2016

67. In view of Iran's failure to comply fully with its international obligations concerning non-proliferation of nuclear weapons and suspension of enrichment-related activities, UNSC has made several resolutions imposing a range of sanctions against Iran since 2006. These sanctions are given effect by the United Nations Sanctions (Iran) Regulation (Cap. 537AF). The United Nations Sanctions (Iran) (Amendment) Regulation 2016 ("the Iran Amendment Regulation") seeks to amend Cap. 537AF to give effect to the exemptions to sanction measures against Iran decided in UNSCR 2231.

68. During the scrutiny of the Iran Amendment Regulation, the Chairman has expressed concern about the transparency of the mechanism whereby CE of HKSAR may exercise the power of granting licence for the transfer of technology or assistance related to ballistic missiles, which is provided for under section 10A of the United Nations Sanctions (Iran) Regulation as amended by the Iran Amendment Regulation, despite the fact that HKSAR does not possess technology relating to ballistic missiles at moment.

69. The Administration has advised that section 10A of the United Nations Sanctions (Iran) Regulation provides that, if satisfied on application that the requirements in subsection (2) or (3) of the section are met, CE must grant a licence for the transfer of technology or assistance related to ballistic missiles. Subsection (3) stipulates that the activity must be approved by the Committee established by UNSC to oversee sanctions against Iran ("the Committee") on a case-by-case basis in advance. Subsection (4) stipulates that if CE determines that the requirements in subsection (2) are met, CE must notify the Committee and the Joint Commission established under the Joint Comprehensive Plan of Action of the intention to grant the licence not less than 10 days before the grant of the licence. When CE decides to grant the licence, the Administration will follow the usual practice of disseminating United Nations sanctions-related information to stakeholders through the relevant bureaux and departments, such as the Financial Services and the Treasury Bureau, TID, C&ED and the Immigration Department, as appropriate. This is to ensure that stakeholders are aware of the granting of the licence so that they can make the necessary arrangements or adaptations accordingly.

UN sanctions against Yemen

United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2016

70. During the study of the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2016, members note that Yemen is one of countries along the Belt and Road. In this connection, to facilitate members' better understanding of the countries being sanctioned by UNSC, the Administration is requested to provide information on whether the countries being sanctioned are considered as Belt and Road countries in future LegCo Briefs on regulations made under UNSO.

Recommendation

71. Given that Regulations would be submitted by the Government to LegCo from time to time, the Subcommittee has recommended setting up a dedicated subcommittee under HC in the Sixth LegCo to deal with these Regulations. Under this arrangement, future Regulations made and gazetted would be considered by Members at HC meetings for the whole LegCo term, and where necessary, these Regulations would be referred to the dedicated subcommittee for study. The Subcommittee has also agreed that for Regulations which involve minor amendments such as date of commencement and UNSC resolution numbers, the dedicated subcommittee may adopt a streamlined approach to study the Regulations by circulating the information papers provided by the Administration instead of going through the Regulations by conducting section-by-section examination at the meetings.

Advice sought

72. Members are invited to note the deliberations of the Subcommittee and endorse the Subcommittee's recommendation in paragraph 71 above.

**Subcommittee to Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions**

Membership List

Chairman

Hon Cyd HO Sau-lan, JP

Members

Hon James TO Kun-sun

Hon IP Kwok-him, GBS, JP

Hon NG Leung-sing, SBS, JP

Dr Hon Kenneth CHAN Ka-lok

Hon Kenneth LEUNG

Hon Dennis KWOK

Hon Martin LIAO Cheung-kong, SBS, JP

(Total : 8 members)

Clerk

Mr Desmond LAM

Legal Advisers

Mr Timothy TSO

Mr Kelvin LEE

Miss Joyce CHAN

Mr Alvin CHUI

Miss Carrie WONG

Ms Vanessa CHENG

Ms Wendy KAN

Mr YICK Wing-kin

Ms Clara TAM

Miss Evelyn LEE

**Regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537)
(since September 2012)**

Regulation [Date of expiry]/ Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
1. United Nations Sanctions (Central African Republic) Regulation [midnight on 27 January 2015] 11 April 2014 (L.N. 51 of 2014)	December 2013 (Resolution 2127) & February 2014 (Resolution 2134)	Resolution 2127 of 5 December 2013 and Resolution 2134 of 28 January 2014	- to provide for prohibitions against – (a) the supply, sale, transfer and carriage of arms or related materiel to the Central African Republic; (b) the provision of assistance or training related to military activities or to the provision, maintenance or use of any arms or related materiel to certain persons; (c) making available to certain persons or entities any 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 (d) entry into or transit through the Hong Kong Special Administrative Region ("HKSAR") by certain persons.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
2. United Nations Sanctions (Central African Republic) Regulation 2015 [midnight on 29 January 2016] 30 April 2015 (L.N. 82 of 2015)	March 2015	Resolution 2196 of 22 January 2015	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to the Central African Republic; (b) the provision of assistance or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and (e) entry into or transit through HKSAR by certain persons.
3. United Nations Sanctions (Central African Republic) Regulation 2016 [midnight on 31 January 2017]	March 2016	Resolution 2262 of 27 January 2016	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to the Central African Republic; (b) the provision of assistance or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
27 May 2016 (L.N. 90 of 2016)			resources; (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and (e) entry into or transit through HKSAR by certain persons.
4. United Nations Sanctions (Côte d'Ivoire) Regulation 2012 [midnight on 30 April 2013] 28 September 2012 (L.N. 139 of 2012)	May 2012	Resolution 2045 of 26 April 2012	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire; (b) the importation of rough diamonds from Côte d'Ivoire; (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 HKSAR by certain persons.
5. United Nations Sanctions (Côte d'Ivoire)	May 2013	Resolution 2101 of 25 April 2013	- to provide for prohibitions against – (a) the supply, sale, transfer and carriage of arms or related

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
Regulation 2013 [midnight on 30 April 2014] 12 July 2013 (L.N. 123 of 2013)			materiel to Côte d'Ivoire; (b) the importation of rough diamonds from Côte d'Ivoire; (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 HKSAR by certain persons.
6. United Nations Sanctions (Côte d'Ivoire) Regulation 2014 [midnight on 30 April 2015] 26 September 2014 (L.N. 114 of 2014)	May 2014	Resolution 2153 of 29 April 2014	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire; (b) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (c) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and (d) entry into or transit through HKSAR by certain persons.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
			- termination of the measures preventing the importation of rough diamonds from Côte d'Ivoire.
7. United Nations Sanctions (Côte d'Ivoire) Regulation 2015 [midnight on 30 April 2016] 17 July 2015 (L.N. 168 of 2015)	May 2015	Resolution 2219 of 28 April 2015	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related lethal materiel to Côte d'Ivoire; (b) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (c) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and (d) entry into or transit through HKSAR by certain persons.
8. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2013 [midnight on 1	January 2013	Resolution 2078 of 28 November 2012	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons; (b) the provision of assistance, advice or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
February 2014] 15 March 2013 (L.N. 31 of 2013)			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 HKSAR by certain persons.
9. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014 [midnight on 1 February 2015] 11 April 2014 (L.N. 52 of 2014)	February 2014	Resolution 2136 of 30 January 2014	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons; (b) the provision of assistance, advice or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (d) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and (e) entry into or transit through HKSAR by certain persons.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
10. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2015 [midnight on 1 July 2016] 30 April 2015 (L.N. 83 of 2015)	February 2015	Resolution 2198 of 29 January 2015	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons; (b) the provision of assistance, advice or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and (e) entry into or transit through HKSAR by certain persons.
11. United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2012	May 2012	decisions of the Committee established by paragraph 12 of Resolution 1718 of 14 October 2006	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of prohibited items (comprising luxury goods and specified items such as materials, equipment, goods and technology related to nuclear or ballistic missile) to the Democratic People's Republic of Korea ("DPRK"); (b) the procurement of specified items;

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
28 September 2012 (L.N. 140 of 2012)			(c) the provision of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of specified items to a person connected with DPRK or procurement of such training, advice, services or assistance provided by a specified person; (d) making available to, or for the benefit of, certain persons or entities any funds or other financial assets and economic resources; and (e) entry into or transit through HKSAR by certain persons.
12. United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2013 12 April 2013 (L.N. 54 of 2013)	February 2013	Resolution 2087 of 22 January 2013	- to amend the definition of "specified item" in section 1 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulation (Cap. 537 AE) to cover any item, material, equipment, goods or technology set out in the following documents – (a) the International Atomic Energy Agency document INFCIRC/254/Rev. 11/Part 1; (b) the International Atomic Energy Agency document INFCIRC/254/Rev. 8/Part 2; and (c) the Security Council document S/2012/947.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
13. United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2014 26 September 2014 (L.N. 115 of 2014)	March 2013 (Resolution 2094) & May 2014 (Resolution 1718)	Resolution 2094 of 7 March 2013 & decision of the Committee established by paragraph 12 of Resolution 1718 of 14 October 2006	<ul style="list-style-type: none"> - to provide for – <ul style="list-style-type: none"> (a) an expanded scope of items subject to sanctions to cover updated lists of items, material, equipment, goods or technology; (b) prohibition against the supply, sale, transfer or carriage of luxury goods to a place in the DPRK; (c) prohibition against the provision of financial services or the transfer of funds or other financial assets or economic resources that could contribute to a prohibited programme or activity to or by a regulated person; and (d) prohibition against certain ships from entering the waters of HKSAR. - provisions relating to the prohibition on luxury goods against the DPRK came into operation on 26 December 2014 to allow a three-month transitional period for the public and the business sector to familiarize themselves with the new legal requirements and make necessary adjustments.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
14. United Nations Sanctions (Eritrea) (Amendment) Regulation 2013 26 July 2013 (L.N. 136 of 2013)	June 2013	Regulation 2060 of 25 July 2012	- to provide exceptions in certain circumstances to the prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to Eritrea; and (b) the provision of technical assistance, training, or financial or other assistance related to military activities or to the provision, manufacture, maintenance or use of arms or related materiel to a person connected with Eritrea.
15. United Nations Sanctions (Guinea-Bissau) Regulation 28 September 2012 (L.N. 141 of 2012)	June 2012	Resolution 2048 of 18 May 2012	- to provide for prohibition against the entry into or transit through HKSAR by certain persons and the relevant exceptions.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
16. United Nations Sanctions (Iran) (Amendment) Regulation 2013 14 June 2013 (L.N. 109 of 2013)	April 2013	decision of the Committee established by paragraph 18 of Resolution 1737 of 23 December 2006	- to update the scope of items subject to sanctions to include all items, materials, equipment, goods and technology as per the International Atomic Energy Agency documents INFCIRC/254/Rev.11/Part1, INFCIRC/254/Rev.8/Part2 and the UNSC document S/2012/947.
17. United Nations Sanctions (Iran) (Amendment) Regulation 2016 15 January 2016 (L.N. 8 of 2016)	August 2015	Resolution 2231 of 20 July 2015	- to provide for exceptions to, or amend the licensing requirements for – (a) the supply, sale, transfer or carriage of arms and nuclear-related items; (b) the procurement of certain nuclear-related items from Iran; (c) the provision of certain training, services or assistance related to certain items under certain circumstances; (d) the transfer of technology or assistance related to ballistic missiles to certain persons under certain circumstances; (e) the making available of, or dealing with, funds or other financial assets or economic resources under certain circumstances;

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
			(f) the sale and acquisition of interest in a commercial activity involving uranium mining and the provision of financial services that facilitate such acquisition; (g) the entry or transit by certain persons; and (h) the provision of certain services to certain ships.
18. United Nations Sanctions (Liberia) Regulation 2013 15 March 2013 (L.N. 32 of 2013)	January 2013	Resolution 2079 of 12 December 2012	- to renew or continue the prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons; (b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (d) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and (e) entry into or transit through HKSAR by certain persons. - all provisions, except those relating to financial sanctions

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
			which came into effect on 22 March 2013, expired at midnight on 11 December 2013.
19. United Nations Sanctions (Liberia) Regulation 2012 (Repeal) Regulation 15 March 2013 (L.N. 33 of 2013)	January 2013		- to repeal the United Nations Sanctions (Liberia) Regulation 2012 (Cap. 537AZ) consequential upon the making of the United Nations Sanctions (Liberia) Regulation 2013. The United Nations Sanctions (Liberia) Regulation 2012 (Repeal) Regulation came into operation on 22 March 2013.
20. United Nations Sanctions (Liberia) Regulation 2014 14 March 2014 (L.N. 29 of 2014)	December 2013	Resolution 2128 of 10 December 2013	- to renew or continue the prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons; (b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances; (c) entry into or transit through HKSAR by certain persons; (d) making available to, or for the benefit of, certain persons or

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
			<p>entities any funds or other financial assets or economic resources; and</p> <p>(e) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities.</p> <p>- all provisions, except those relating to financial sanctions which came into operation on 21 March 2014, expired at midnight on 9 December 2014.</p>
<p>21. United Nations Sanctions (Liberia) Regulation 2013 (Repeal) Regulation</p> <p>14 March 2014 (L.N. 30 of 2014)</p>	<p>December 2013</p>		<p>- to repeal the United Nations Sanctions (Liberia) Regulation 2013 (Cap. 537, sub. leg. BD) consequential upon the making of the United Nations (Liberia) Regulation 2014. The Repeal Regulation came into operation on 21 March 2014.</p>

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
22. United Nations Sanctions (Liberia) Regulation 2015 27 March 2015 (L.N. 69 of 2015)	January 2015	Resolution 2188 of 9 December 2014	<ul style="list-style-type: none"> - to renew or continue the prohibitions against – <ul style="list-style-type: none"> (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons; (b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances; (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and (e) entry into or transit through HKSAR by certain persons. - all provisions, except those relating to financial sanctions which came into operation on 3 April 2015, expired at midnight on 8 September 2015.
23. United Nations Sanctions (Liberia)	January 2015		<ul style="list-style-type: none"> - to repeal the United Nations Sanctions (Liberia) Regulation 2014 (Cap. 537 sub. leg. BG) consequential upon the making of the United Nations Sanctions (Liberia)

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
Regulation 2014 (Repeal) Regulation 27 March 2015 (L.N. 70 of 2015)			Regulation 2015. The Repeal Regulation came into operation on 3 April 2015.
24. United Nations Sanctions (Liberia) (No. 2) Regulation 2015 [midnight on 1 June 2016] 11 December 2015 (L.N. 239 of 2015)	September 2015	Resolution 2237 of 2 September 2015	- to renew the prohibitions or sanctions against – (a) the supply, sale, transfer or carriage of arms or related material to a person operating in the territory of Liberia; and (b) the provision of assistance, advice or training related to military activities to a person operating in the territory of Liberia.
25. United Nations Sanctions (Liberia) Regulation 2015	September 2015		- to repeal the United Nations Sanctions (Liberia) Regulation 2015 (Cap. 537 sub. Leg. BL) consequential upon the making of the United Nations Sanctions (Liberia) (No. 2) Regulation. The Repeal Regulation came into

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
(Repeal) Regulation 11 December 2015 (L.N. 240 of 2015)			operation on 11 December 2015.
26. United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2013 30 August 2013 (L.N. 144 of 2013)	June 2013	Resolution 2095 of 14 March 2013	- to amend the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537 AW)) ("the Libya Regulation 2011") to amend the licensing requirements for – (a) the supply, sale, transfer or carriage of certain goods; and (b) the provision of certain assistance or training.
27. United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2014	April 2014 (Resolution 2146) & September 2014	Resolution 2146 of 19 March 2014 & Resolution 2174 of 27 August 2014	- to provide for prohibitions against – (a) the loading, transport or discharge of crude oil from Libya aboard certain ships; (b) engaging in any financial transaction related to any crude

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
28 November 2014 (L.N. 143 of 2014)	(Resolution 2174)		<p>oil from Libya aboard certain ships;</p> <p>(c) the provision of certain services to certain ships under certain circumstances; and</p> <p>(d) certain ships from entering the waters of Hong Kong.</p> <p>- to amend the licensing requirements for the supply, sale, transfer or carriage of certain goods.</p> <p>- to extend to additional persons and entities the prohibitions against –</p> <p>(a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and</p> <p>(b) dealing with any funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities.</p> <p>- to extend to additional persons the prohibition against the entry into or transit through HKSAR.</p> <p>- Sections 3A, 3B, 7A, 7B and 10A to 10C, as well as the</p>

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
			definition of "Resolution 2146" in section 1 of the United Nations Sanctions (Libya) Regulation 2011 introduced by L.N. 143 of 2014 in relation to Resolution 2146 expired at midnight on 18 March 2015.
28. United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2015 17 July 2015 (L.N. 167 of 2015)	April 2015	Resolution 2213 of 27 March 2015	<ul style="list-style-type: none"> - to renew the prohibitions against – <ul style="list-style-type: none"> (a) the loading, transport or discharge of crude oil from Libya aboard ships designated by the relevant UNSC Sanctions Committee; (b) engaging in certain financial transactions related to any crude oil from Libya aboard ships designated by the relevant UNSC Sanctions Committee; (c) the provision of certain services to ships designated by the relevant UNSC Sanctions Committee; and (d) ships designated by the relevant UNSC Sanctions Committee from entering the waters of Hong Kong. - sections 3C, 3D, 7C, 7D and 10D to 10F in relation to the above prohibitions of the Libya Regulation 2011 introduced by L.N. 167 of 2015 expired at midnight on 31 March 2016.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
29. United Nations Sanctions (Somalia) (Amendment) Regulation 2012 28 September 2012 (L.N. 142 of 2012)	April 2012	Resolution 2036 of 22 February 2012	<ul style="list-style-type: none"> - to prohibit the importation of charcoal from Somalia. - to introduce amendments so as to bring the structure and style of certain provisions in the United Nations Sanctions (Somalia) Regulation (Cap. 537AN) in line with the structure and style of similar provisions in other regulations made under the United Nations Sanctions Ordinance (Cap. 537).
30. United Nations Sanctions (Somalia) (Amendment) Regulation 2013 26 July 2013 (L.N. 137 of 2013)	April 2013	Resolution 2093 of 6 March 2013	<ul style="list-style-type: none"> - to implement the revised sanctions against Somalia by – <ul style="list-style-type: none"> (a) revising the definition of "designated person" and making technical amendment to the definition of "relevant person" under section 1; (b) providing for additional exceptions to the prohibition against – <ul style="list-style-type: none"> (i) the supply, sale, transfer or carriage of weapons or military equipment to certain persons; and (ii) the provision of certain advice, assistance or training to certain persons.

Regulation <i>[Date of expiry]/</i> Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council	Remarks
			- The new sections 8(2)(e) and 9(2)(e) which respectively provide for an exception to the supply, sale, transfer or carriage of goods and to the provision of advice, assistance or training expired at midnight on 5 March 2014.
31. United Nations Sanctions (Somalia) (Amendment) (No. 2) Regulation 2013 25 October 2013 (L.N. 165 of 2013)	August 2013	Resolution 2111 of 24 July 2013	- to implement the revised sanctions against Somalia by – (a) amending sections 8 and 9 of the principal Regulation to reflect modified and new exceptions to the arms embargo measures and the prohibition against the provision of advice, assistance and training in respect of Somalia; and (b) adding a new section 10(2)(d) to the principal Regulation to reflect new exceptions to the financial sanctions against Somalia. The new section 10(2)(d) expired at midnight on 24 October 2014.
32. United Nations Sanctions (Somalia) (Amendment) Regulation 2014	February 2014 (Resolution 2125) and March 2014	Resolution 2125 of 18 November 2013 and Resolution 2142 of 5 March 2014	- to provide additional exceptions to prohibitions against the supply, sale, transfer or carriage of weapons or military equipment to certain persons; and the provision of certain advice, assistance or training to certain persons which are intended solely for the development of the Security Forces

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11 April 2014 (L.N. 53 of 2014)	(Resolution 2142)		of the Federal Government of Somalia and to provide security for the Somali people. The relevant exceptions expired at midnight on 24 October 2014.
33. United Nations Sanctions (Somalia) (Amendment) Regulation 2015 16 January 2015 (L.N. 10 of 2015)	November 2014	Resolution 2182 of 24 October 2014	<ul style="list-style-type: none"> - to renew the exceptions to prohibitions or sanctions in relation to – <ul style="list-style-type: none"> (a) the supply, sale, transfer or carriage of certain goods to Somalia (or to persons connected with Somalia); (b) the provision of certain advice, assistance or training in respect of Somalia; and (c) financial sanctions against Somalia in relation to providing funds, other financial assets or economic resources to certain persons or entities. - the above exceptions expired at midnight on 30 October 2015.
34. United Nations Sanctions (Somalia) (Amendment)	December 2015	Resolution 2244 of 23 October 2015	<ul style="list-style-type: none"> - to renew the exceptions to prohibitions or sanctions in relation to – <ul style="list-style-type: none"> (a) the supply, sale, transfer, or carriage of certain goods and

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Regulation 2016 [midnight on 15 November 2016] 29 January 2016 (L.N. 24 of 2016)			the provision of certain advice, assistance or training provided that these goods and advice, etc. are intended solely for the development of the Security Forces of the Federal Government of Somalia and to provide security for the Somali people; and (b) funds or other financial assets or economic resources that are necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations or its specified agencies.
35. United Nations Sanctions (Sudan) Regulation 2013 30 August 2013 (L.N. 145 of 2013)	June 2013	Resolution 2035 of 17 February 2012	- to provide for prohibitions 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

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			(e) entry into or transit through HKSAR by certain persons. - this Regulation came into operation on 6 September 2013.
36. United Nations Sanctions (Sudan) Regulation (Repeal) Regulation 30 August 2013 (L.N. 146 of 2013)	June 2013		- to repeal the United Nations Sanctions (Sudan) Regulation (Cap. 537W) consequential upon the making of the United Nations Sanctions (Sudan) Regulation 2013. The United Nations Sanctions (Sudan) Regulation (Repeal) Regulation came into operation on 6 September 2013.
37. United Nations Sanctions (South Sudan) Regulation [midnight on 2 March 2016]	March 2015	Resolution 2206 of 3 March 2015	- to provide for prohibitions against – (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (b) dealing with any funds or other financial assets or economic resources belonging to, or owned or controlled

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29 May 2015 (L.N. 104 of 2015)			by, certain persons or entities; and (c) entry into or transit through HKSAR by certain persons.
38. United Nations Sanctions (Yemen) Regulation [midnight on 25 February 2015] 16 May 2014 (L.N. 62 of 2014)	March 2014	Resolution 2140 of 26 February 2014	- to provide for prohibitions against – (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and (c) entry into or transit through HKSAR by certain persons.
39. United Nations Sanctions (Yemen) Regulation 2015 17 July 2015 (L.N. 166 of 2015)	March 2015 (Resolution 2204) & May 2015 (Resolution 2216)	Resolution 2204 of 24 February 2015 & Resolution 2216 of 14 April 2015	- to provide for prohibitions against – (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities; (b) the provision of assistance or training related to military activities or to the provision, maintenance or use of any arms or related materiel to certain persons and entities; (c) making available to, or for the benefit of, certain persons or

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			<p>entities any funds or other financial assets or economic resources;</p> <p>(d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and</p> <p>(e) entry into or transit through HKSAR by certain persons.</p> <p>- all provisions, except those relating to arms embargo measures, expired at midnight on 26 February 2016.</p>
<p>40. United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2016</p> <p>27 May 2016 (L.N. 91 of 2016)</p>	<p>March 2016</p>	<p>Resolution 2266 of 24 February 2016</p>	<p>- to provide for prohibitions against –</p> <p>(a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;</p> <p>(b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and</p> <p>(c) entry into or transit through HKSAR by certain persons.</p> <p>New sections 5A, 7A, 7B, 9A, 9B and 30A of the United Nations Sanctions (Yemen) Regulation 2015 as added by</p>

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			L.N. 91 of 2016 will expire at midnight on 26 February 2017.