

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (MALI) REGULATION 2019 (AMENDMENT) REGULATION 2020

INTRODUCTION

A At the meeting of the Executive Council on 10 November 2020, the Council ADVISED and the Acting Chief Executive ORDERED that the United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020 (“the Amendment Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The Amendment Regulation was gazetted on 13 November 2020 and came into operation on the same day.

BACKGROUND

Obligation and Authority

B 2. Under section 3(1) of the Ordinance, the Chief Executive is required to make regulations to give effect to the instructions from the Ministry of Foreign Affairs of the People’s Republic of China (“MFA”) to implement sanctions decided by the Security Council of the United Nations (“UNSC”). The MFA issued instructions in September 2020 for the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2541 (at Annex B) in respect of Mali in the HKSAR¹. The Amendment Regulation was made pursuant to the instructions.

¹ https://www.mfa.gov.cn/web/wjw_673085/zfxxgk_674865/gknrlb/jytz/t1811767.shtml

Sanctions against Mali

3. Determining that the situation in Mali continued to constitute a threat to international peace and security in the region, the UNSC has adopted several UNSCRs to impose or renew sanctions against Mali since 2017. Such sanction measures include travel ban and financial sanctions, which are all time-limited and have been renewed by the UNSC annually.

4. Pursuant to the instructions from the MFA, the sanction measures against Mali were implemented in the HKSAR by regulations made under the Ordinance, the most recent one being the United Nations Sanctions (Mali) Regulation 2019 (Cap. 537CL) (“the 2019 Regulation”). As stipulated in section 2(2) of the 2019 Regulation, provisions that are related to sanction measures and related exemptions were in force until midnight on 31 August 2020.

UNSCR 2541

5. On 31 August 2020, the UNSC, determining that the situation in Mali continued to constitute a threat to international peace and security in the region, adopted UNSCR 2541 to renew the travel ban and financial sanctions imposed against Mali.

THE AMENDMENT REGULATION

6. The Amendment Regulation, at Annex A, seeks to implement the sanctions measures imposed on Mali as renewed by UNSCR 2541. The main provision of the Amendment Regulation is section 2(2), which amends section 2 of the 2019 Regulation to provide that the provisions of the 2019 Regulation implementing time-limited sanction measures and related exemptions (sections 3 to 5), as amended by the Amendment Regulation, are in force during the period from the commencement of the Amendment Regulation until midnight on 31 August 2021. A marked-up version showing the amendments made to the 2019 Regulation is at Annex C for easy reference by Members.

C

IMPLICATIONS OF THE PROPOSAL

7. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Ordinance. It has no financial, civil service, economic, productivity, environmental, sustainability, family or gender implications. Additional work arising from the enforcement of the 2019 Regulation as amended by the Amendment Regulation, if any, will be absorbed by the relevant departments with existing resources.

PUBLICITY

8. A press release was issued on 13 November 2020 when the Amendment Regulation was published in the Gazette. A spokesperson is available to answer media and public enquiries.

INFORMATION ON MALI AND RELATIONS WITH THE HKSAR

9. For information on Mali, background of the sanctions imposed against the country by the UNSC as well as its bilateral trade relations with the HKSAR, please refer to Annex D.

D

**Commerce and Economic Development Bureau
November 2020**

United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020

L.N. 217 of 2020

Section 1

B3495

L.N. 217 of 2020

United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020

(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. **United Nations Sanctions (Mali) Regulation 2019 amended**
The United Nations Sanctions (Mali) Regulation 2019 (Cap. 537 sub. leg. CL) is amended as set out in sections 2 and 3.
2. **Section 2 amended (limited duration of certain provisions)**
 - (1) Section 2(1), Chinese text, after “期間”—
Add
“內”.
 - (2) After section 2(2)—
Add
“(3) Sections 3, 4 and 5 are in force during the period from the commencement of the United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020 until midnight on 31 August 2021.”.
3. **Section 5 amended (licence for making available or dealing with economic assets)**
 - (1) Section 5(5), Chinese text—
Repeal
“在批予有關特許之前，安排”

United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020

L.N. 217 of 2020

Section 3

B3497

Substitute

“安排在批予有關特許之前，”。

- (2) Section 5(6), Chinese text—

Repeal

“在批予有關特許至少 10 個工作日之前，安排”

Substitute

“安排在批予有關特許的至少 10 個工作日之前，”。

Matthew CHEUNG Kin-chung
Acting Chief Executive

10 November 2020

Explanatory Note

This Regulation amends the United Nations Sanctions (Mali) Regulation 2019 (Cap. 537 sub. leg. CL) (*principal Regulation*) to give effect to certain decisions in Resolution 2541 (2020) adopted by the Security Council of the United Nations on 31 August 2020 in respect of Mali.

2. Section 2 of this Regulation amends section 2 of the principal Regulation to provide that sections 3, 4 and 5 of the principal Regulation (*relevant provisions*) are in force only until midnight on 31 August 2021.
3. The relevant provisions relate to the prohibition 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 belonging to, or owned or controlled by, certain persons or entities; and
 - (c) entry into or transit through the HKSAR by certain persons.
4. This Regulation also makes certain minor textual amendments.



Security Council

Distr.: General
31 August 2020

Resolution 2541 (2020)

Adopted by the Security Council on 31 August 2020

The Security Council,

Recalling all its previous resolutions, statements of its President and press statements on the situation in Mali,

Reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Mali, *emphasizing* that the Malian authorities have primary responsibility for the provision of stability and security throughout the territory of Mali, and *underscoring* the importance of achieving national ownership of peace- and security-related initiatives,

Recalling the provisions of the Agreement on Peace and Reconciliation in Mali (“the Agreement”) calling upon the Security Council to give its full support to the Agreement, to closely monitor its implementation and, if necessary, to take measures against anyone hindering the implementation of the commitments contained therein or the realization of its objectives,

Expressing its deep concern regarding the recent developments in Mali, *strongly condemning* the mutiny which happened in Kati, on 18 August 2020, *underlining* the urgent need to restore rule of law and to move towards the return to constitutional order, *reiterating* its strong support to the Economic Community of West African States’ (ECOWAS) initiatives and mediation efforts in Mali, and *expressing its readiness* to discuss this matter, in the course of the year, in light of the potential implications of these recent developments on the implementation of the Agreement,

Recognizing that some progress was made during the past eight months in the implementation of the Agreement, and that a combination of some level of political will and international pressure, including through the prospect of sanctions, constituted important factors in securing this progress, *expressing* a significant sense of impatience with parties over the persistent delays in the full implementation of key provisions of the Agreement, *further noting* that continued delays in implementation contribute to a political and security vacuum jeopardizing the stability and development of Mali as well as the viability of the Agreement, *stressing* the need for increased ownership and prioritization in the implementation of the Agreement, and *further stressing* the importance of the full, effective and meaningful participation of women in the mechanisms established by the Agreement to support and monitor its implementation,



Strongly condemning all abuses and violations of human rights and violations of international humanitarian law in Mali, *calling upon* all parties to bring an end to such violations and abuses and to comply with their obligations under applicable international law,

Recalling the provisions of resolution [2531 \(2020\)](#) urging the Malian parties to take immediate and concrete action, in a spirit of genuine cooperation, to fulfil the priority measures listed in its paragraph 3 before the end of MINUSMA's current mandate, encouraging the Panel of Experts established pursuant to resolution [2374 \(2017\)](#) ("the Panel of Experts") to identify parties responsible for potential lack of implementation of these priority measures through its regular reporting and interim updates, and expressing its intent, should these priority measures not be implemented by the end of MINUSMA's current mandate, to respond with measures pursuant to resolution [2374 \(2017\)](#) on individuals and entities who are thus obstructing or threatening the implementation of the Agreement,

Stressing that all parties to the Agreement share the primary responsibility to make steadfast progress in its implementation,

Taking note of the decisions of the Security Council Committee established pursuant to resolution [2374 \(2017\)](#) concerning Mali ("the Committee") of 20 December 2018 and 10 July 2019 that several individuals be placed on the list of individuals and entities subject to measures pursuant to resolution [2374 \(2017\)](#) ("the 2374 Sanctions List") and *further taking note* of the intention of the Committee to consider the removal of these individuals from the 2374 Sanctions List if the priority measures listed in paragraph 3 of resolution [2531 \(2020\)](#) are fully implemented and the individuals designated cease all illicit activities, including those listed in the statement of case, while *stressing* that the Security Council has not yet seen sufficient progress to merit such consideration,

Reiterating that individuals or entities placed on the 2374 Sanctions List shall not benefit from any financial, operational or logistical support from United Nations entities deployed in Mali, until their removal from the 2374 Sanctions List and without prejudice to the exemptions set by paragraphs 2, 5, 6 and 7 of resolution [2374 \(2017\)](#), *welcoming* the measures already taken by United Nations entities deployed in Mali to ensure these individuals or entities do not benefit from such support, and *reiterating* its request made in resolution [2531 \(2020\)](#) for the Secretary-General to include in his next quarterly report on MINUSMA an update on these measures,

Taking note of the final report ([S/2020/785](#)) of the Panel of Experts,

Noting the importance of continued cooperation and information exchange between the Panel of Experts and all other United Nations entities operating in Mali, within their mandates and capabilities,

Determining that the situation in Mali 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 renew until 31 August 2021 the measures as set out in paragraphs 1 to 7 of resolution [2374 \(2017\)](#);

2. *Reaffirms* that these measures shall apply to individuals and entities as designated by the Committee, as set forth in paragraphs 8 and 9 of resolution [2374 \(2017\)](#);

3. *Decides* to extend until 30 September 2021 the mandate of the Panel of Experts, as set out in paragraphs 11 to 15 of resolution [2374 \(2017\)](#), as well as the request to MINUSMA, as set out in paragraph 16 of resolution [2374 \(2017\)](#), *expresses*

its intention to review the mandate and take appropriate action regarding its further extension no later than 31 August 2021, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Panel of Experts, in consultation with the Committee, drawing, as appropriate, on the expertise of the current members of the Panel of Experts;

4. *Requests* the Panel of Experts to provide to the Council, after discussion with the Committee, a midterm report no later than 28 February 2021, a final report no later than 15 August 2021, and periodic updates in between, as appropriate;

5. *Reaffirms* the reporting and review provisions as set out in resolution [2374 \(2017\)](#);

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

United Nations Sanctions (Mali) Regulation 2019

Contents

Section	Page
Part 1	
Preliminary	
1. Interpretation	1
2. Limited duration of certain provisions	3
Part 2	
Prohibitions	
3. Making available or dealing with economic assets prohibited	4
4. Entry or transit of persons prohibited	6
Part 3	
Licences	
5. Licence for making available or dealing with economic assets	7
6. Provision of false or misleading information or documents for purpose of obtaining licences	9
Part 4	
Evidence	
7. Interpretation of Part 4	10

Section	Page
8. Power of magistrate or judge to grant warrant	10
9. Detention of seized property	11

Part 5

Disclosure of Information or Documents

10. Disclosure of information or documents	12
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Part 6

Other Offences and Miscellaneous Matters

11. Liability of persons other than principal offenders.....	14
12. Offences in relation to obstruction of authorized persons etc.	14
13. Offences in relation to evasion of this Regulation.....	15
14. Consent and deadline for prosecution	15
15. Publication of list of individuals and entities by Secretary	15
16. Exercise of powers of Chief Executive	16
17. Exercise of powers of Secretary	17

United Nations Sanctions (Mali) Regulation 2019

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

Part 1

Preliminary

1. Interpretation

In this Regulation—

authorized officer (獲授權人員) means—

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

Committee (委員會) means the Committee of the Security Council established under paragraph 9 of Resolution 2374;

economic assets (經濟資產) means any funds or other financial assets or economic resources;

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;
- (g) documents evidencing an interest in funds or financial resources; and
- (h) any other instrument of export financing;

Hong Kong person (香港人) means—

- (a) a person who is both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR;

licence (特許) means a licence granted under section 5(1);

relevant entity (有關實體) means—

- (a) an entity named in the list published under section 15(1);
- (b) an entity—
 - (i) acting on behalf of;
 - (ii) acting at the direction of; or
 - (iii) owned or controlled by, an individual or entity named in that list; or
- (c) an entity owned or controlled by an individual or entity—

- (i) acting on behalf of; or
- (ii) acting at the direction of,
an individual or entity named in that list;

relevant person (有關人士) means—

- (a) an individual named in the list published under section 15(1); or
- (b) an individual—
 - (i) acting on behalf of; or
 - (ii) acting at the direction of,
an individual or entity named in that list;

Resolution 2374 (《第 2374 號決議》) means Resolution 2374 (2017) adopted by the Security Council on 5 September 2017;

Secretary (局長) means the Secretary for Commerce and Economic Development;

Security Council (安理會) means the Security Council of the United Nations.

2. Limited duration of certain provisions

- (1) A reference to a provision in a subsection of this section is a reference to the provision as in force from time to time during the period mentioned in the subsection.
- (2) Sections 3, 4 and 5 are in force during the period from the commencement of the United Nations Sanctions (Mali) Regulation 2019 until midnight on 31 August 2020.

(3) Sections 3, 4 and 5 are in force during the period from the commencement of the United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020 until midnight on 31 August 2021.

Part 2

Prohibitions

3. Making available or dealing with economic assets prohibited

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence—
 - (a) a person must not directly or indirectly make available any economic assets to, or for the benefit of, a relevant person or a relevant entity; and
 - (b) a person must not directly or indirectly deal with any economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity (including, if the person is a relevant person or a relevant entity, the economic assets belonging to, or directly or indirectly owned or controlled by, the person).
- (3) However, subsection (2) does not apply if the person does the act in a place outside the HKSAR with permission granted in accordance with a law in force in the place (being a law substantially corresponding to section 5).
- (4) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.

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- (5) 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) for a contravention of subsection (2)(a)—that the economic assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) for a contravention of subsection (2)(b)—that the person was dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (6) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
 - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (7) 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.

4. **Entry or transit of persons prohibited**

- (1) A specified person must not enter or transit through the HKSAR.
 - (2) However, subsection (1) does not apply to a case in respect of which—
 - (a) the relevant entry or transit is necessary for the fulfilment of a judicial process;
 - (b) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation; or
 - (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Mali and stability in the region.
 - (3) 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.
 - (4) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
 - (5) In this section—

specified person (指明人士) means an individual designated by the Committee for the purposes of paragraph 1 of Resolution 2374.
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Part 3

Licences

5. Licence for making available or dealing with economic assets

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate, a licence for—
 - (a) making available economic assets to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
 - (a) the economic assets are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services under the law of the HKSAR; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity;
 - (b) the economic assets are necessary for extraordinary expenses;

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- (c) the economic assets are—
 - (i) the subject of a judicial, administrative or arbitral lien or judgment that was entered before 5 September 2017 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) to be used to satisfy the lien or judgment;
 - (d) the economic assets are to be used for making payment due under a contract entered into by an individual or entity before the date on which the individual or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity;
 - (e) the Committee has determined that making available, or dealing with, the economic assets would further the objectives of peace and national reconciliation in Mali and stability in the region.
- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(a) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant the licence; and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.
- (4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant the licence; and
 - (b) must not, unless the Committee approves, grant the licence.

- (5) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the intention to grant the licence.
- (6) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 10 working days before granting it.

6. Provision of false or misleading 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 or misleading in a material particular commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
 - (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 or misleading in a material particular commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
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Part 4

Evidence

7. Interpretation of Part 4

In this Part—

premises (處所) includes any place and, in particular, includes—

- (a) any ship, aircraft, vehicle or offshore structure; and
- (b) any tent or movable structure;

seized property (被檢取財產) means anything seized under section 8(3).

8. 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, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize an authorized officer, together with any other person named in the warrant, at any time within 1 month from the date of the warrant, to—
 - (a) enter the premises specified in the information; and
 - (b) search the premises.
- (3) A person authorized by a warrant to search any premises may exercise any or all of the following powers—

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- (a) the power to 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;
 - (b) the power to seize and detain anything found—
 - (i) on the premises; or
 - (ii) 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) the power to take in relation to anything seized under paragraph (b) any other steps that may appear necessary for preserving the thing 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, the person may use any force that is reasonably necessary for the purpose.

9. Detention of seized property

- (1) Seized property may not be detained for more than 3 months.
 - (2) However, if seized property is relevant to an offence under this Regulation, and proceedings for the offence have begun, it may be detained until the completion of those proceedings.
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Part 5

Disclosure of Information or Documents

10. 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 require 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 Mali 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 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; and
 - (b) 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.
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Part 6

Other Offences and Miscellaneous Matters

11. Liability of persons other than principal offenders

- (1) If—
 - (a) the person convicted of an offence under this Regulation is a body corporate; and
 - (b) 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 also guilty of the offence.
- (2) If—
 - (a) the person convicted of an offence under this Regulation is a firm; and
 - (b) 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 other person concerned in the management of the firm,
the partner or other person is also guilty of the offence.

12. 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.

13. Offences in relation to evasion of this Regulation

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

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

14. Consent and deadline for prosecution

- (1) A prosecution for an offence under this Regulation may only be started by or with the consent of the Secretary for Justice.
- (2) A prosecution for a summary offence under this Regulation that is alleged to have been committed by a person outside the HKSAR may only be started before the end of 12 months beginning on the date on which the person first enters the HKSAR after the alleged commission of the offence.

Note—

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

- (3) In this section—

summary offence (簡易程序罪行) means an offence triable summarily only.

15. Publication of list of individuals and entities by Secretary

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (*CEDB*) a list of individuals and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.

- (2) The Secretary may include in the list the name of an individual or entity designated by the Committee for the purposes of paragraph 4 of Resolution 2374.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the list if the individual or entity is no longer designated by the Committee for the purposes of paragraph 4 of Resolution 2374.
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy of a list referred to in subsection (1) printed from the website of the CEDB—
 - (a) is admissible in evidence on production without further proof; and
 - (b) unless the contrary is proved, is evidence of the information contained in the list.

16. 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 subdelegate it to another person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restriction or condition the Chief Executive considers appropriate.

17. Exercise of powers of Secretary

- (1) The Secretary may delegate any of the Secretary's powers or functions under this Regulation to any person or class or description of person.
 - (2) A delegation under subsection (1) may be subject to any restriction or condition the Secretary considers appropriate.
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**United Nations Sanctions (Mali) Regulation 2019
(Amendment) Regulation 2020**

Information on Mali

Country Background

Mali is a landlocked country in West Africa^{Note 1}. It has a total area of 1,240,192 sq. km. and an estimated population of around 19.55 million^{Note 2}. After independence from France in 1960, Mali had been ruled under 23 years of military dictatorship until a coup in 1991 led to the writing of a new constitution and the establishment of Mali as a democratic and multi-party state. The first presidential election was held in 1992.

2. Dependent on gold mining and agricultural exports for revenue, Mali is one of the 25 poorest countries in the world, and had a GDP of US\$17.17 billion^{Note 3} (or HK\$134.6 billion) in 2018.

Sanctions imposed by the United Nations Security Council

3. Since 2011, the security situation in Mali has significantly deteriorated as the Malian returnees from Libya exacerbated tensions in northern Mali and Tuareg ethnic militias rebelled in January 2012. In April 2012, intensive mediation efforts led by the Economic Community of West African States returned power to a civilian administration with the appointment of an interim president. The post-coup chaos led to rebels expelling the Malian military from the country's three northern regions and allowed Islamic militants to set up strongholds. Hundreds of thousands of northern Malians fled the violence to southern Mali and neighbouring countries, exacerbating regional food shortages in host communities. French military intervention began in January 2013 and retook most of the northern region^{Note 4}.

4. Noting the deteriorating situation and the escalation of violence in the country, the United Nations Security Council (“UNSC”) decided to create a peacekeeping mission in Mali in April 2013. In June 2015, the Malian Government and the northern armed groups signed the Agreement on Peace and Reconciliation.

Note 1 At present, there is not a definite list of Belt and Road countries, but Mali is usually not regarded as one of the countries along the Belt and Road.

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

Note 3 Source: World Statistics Pocket Book 2020 published by United Nations Statistics Division at <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2020.pdf>

Note 4 Source: CIA World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/ml.html>

5. Notwithstanding this, the security situation in Mali became even more volatile due to continued terrorist attacks against civilians, as well as the intensification of criminal activities such as drug and human traffickings, kidnappings and hostage-takings. There have also been repeated ceasefire violations by armed groups in northern Mali since June 2017.

6. Determining that the situation in Mali constituted a threat to international peace and security in the region, the UNSC adopted Resolution 2374 on 5 September 2017, imposing travel ban and financial sanctions against designated individuals or entities. The sanction measures have been renewed by the UNSC annually since then. On 31 August 2020, UNSC adopted Resolution 2541 to renew the travel ban and financial sanctions imposed on Mali until 31 August 2021.

Trade Relation between Hong Kong and Mali

7. In 2019, Mali ranked 147th among Hong Kong's trading partners in the world, with a total trade of HK\$76 million. Of these, HK\$58 million worth of trade were exports to Mali, and HK\$18 million imports from Mali. Hong Kong's trade with Mali are summarised as follows –

Hong Kong's Trade with Mali [Value in HK\$ (in million)]^{Note 5}		
Item	2019	2020 (January – September)
(a) Total Exports to Mali	58.0	127.6
<i>(i) Domestic exports</i>	<i>1.7^{Note 6}</i>	<i>2.2^{Note 7}</i>
<i>(ii) Re-exports</i>	<i>56.3^{Note 8}</i>	<i>125.4^{Note 9}</i>
(b) Imports from Mali	18.0^{Note 10}	4.0^{Note 11}
Total Trade [(a) + (b)]	76.0	131.6

Note 5 Due to rounding of figures, the sub-items may not add up to the total.

Note 6 In 2019, Hong Kong's major domestic export items to Mali were articles of apparel and clothing accessories (72.4%).

Note 7 In the first nine months of 2020, Hong Kong's major domestic export items to Mali were non-ferrous metals (91.4%).

Note 8 In 2019, Hong Kong's major re-export items to Mali were telecommunications and sound recording and reproducing apparatus and equipment (79.2%).

Note 9 In the first nine months of 2020, Hong Kong's major re-export items to Mali were telecommunications and sound recording and reproducing apparatus and equipment (94.0%).

Note 10 In 2019, Hong Kong's major import items from Mali were telecommunications and sound recording and reproducing apparatus and equipment (91.5%).

Note 11 In the first nine months of 2020, Hong Kong's major import items from Mali were telecommunications and sound recording and reproducing apparatus and equipment (79.3%).

In 2019, HK\$3.8 million worth of goods were re-exports of Mali origin to the Mainland via Hong Kong, and HK\$56 million were re-exports of Mainland origin to Mali via Hong Kong. The total of HK\$59.7 million worth of goods, were equivalent to 1.3% ^{Note 12} of the total trade between Mali and the Mainland.

8. Given that the sanctions imposed by the UNSC against Mali are not related to trading of goods, such sanctions would unlikely have any significant effect on the Hong Kong economy.

Commerce and Economic Development Bureau
November 2020

^{Note 12} The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics. Since two different sets of data are involved, the calculated percentage is solely indicative.