

## **LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

### **UNITED NATIONS SANCTIONS (CENTRAL AFRICAN REPUBLIC) REGULATION 2017**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 9 May 2017, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Central African Republic) Regulation 2017 (“the 2017 Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The 2017 Regulation was gazetted on 12 May 2017 and came into operation on the same day.

#### **BACKGROUND**

##### **Obligation and Authority**

B 2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to an instruction from the 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”). In February 2017, the CE received an instruction from the MFA to implement UNSC Resolution (“UNSCR”) 2339 in respect of the Central African Republic in the Hong Kong Special Administrative Region (“HKSAR”). The 2017 Regulation was made pursuant to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction is at Annex B.

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

3. Concerned with the continuing deterioration of the security situation in the Central African Republic and its consequences on the central African region and beyond, the UNSC has adopted several UNSCRs to impose or renew sanctions against the Central African Republic since 2013. The sanction measures include arms-related sanctions, financial sanctions and travel ban, which have been renewed by the UNSC on an annual basis.

4. Pursuant to the instructions of the MFA, the CE implemented these sanctions through making regulations under the Ordinance, the most recent one being the United Nations Sanctions (Central African Republic) Regulation 2016 (“the 2016 Regulation”). The 2016 Regulation expired at midnight on 31 January 2017.

### **UNSCR 2339**

5. Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region, the UNSC adopted UNSCR 2339 (at Annex C) on 27 January 2017, which decided, inter alia, that –

- C
- (a) until 31 January 2018, all Member States shall continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, subject to the exceptions set out in paragraph 1 of UNSCR 2339 (*paragraph 1 of UNSCR 2339 refers*);

- (b) all Member States shall, upon discovery of items prohibited by paragraph 1 of UNSCR 2339, seize, register and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraph 1 of UNSCR 2339 (*paragraph 2 of UNSCR 2339 refers*);
- (c) until 31 January 2018, all Member States shall continue to take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee established pursuant to paragraph 57 of UNSCR 2127 (“the Committee”), provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory, and subject to the exceptions set out in paragraph 10 of UNSCR 2339 (*paragraphs 5 and 10 of UNSCR 2339 refer*); and
- (d) all Member States shall, until 31 January 2018, continue to freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and that all Member States shall continue to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee, subject to the exceptions set out in paragraphs 13, 14 and 15 of UNSCR 2339 (*paragraphs 12, 13, 14 and 15 of UNSCR 2339 refer*).

## **THE 2017 REGULATION**

6. The 2017 Regulation, at Annex A, seeks to implement the sanctions against the Central African Republic as renewed by UNSCR 2339. The main provisions of the 2017 Regulation include -

- (a) **sections 2 and 3**, which prohibit the supply, sale, transfer and carriage of prohibited goods (i.e. arms or related materiel) to the Central African Republic or certain persons;
- (b) **section 4**, which prohibits the provision of assistance or training related to military activities or to the provision, maintenance or use of any prohibited goods to certain persons;
- (c) **section 5**, which provides for prohibition against making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (d) **section 6**, which prohibits the entry into or transit through the HKSAR by certain persons;
- (e) **section 7**, which provides for exceptions to the prohibition against the entry into or transit through the HKSAR by certain persons;
- (f) **sections 8 to 10**, which provide for the granting of licences for the supply, sale, transfer or carriage of prohibited goods; for the provision of assistance or training to certain persons; for making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (g) **section 32**, which provides that the Chief Executive may by notice published in the Gazette specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purpose of the financial sanctions under the 2017 Regulation; and
- (h) **section 34**, which provides that the 2017 Regulation would expire at midnight on 31 January 2018.

D A marked-up version showing the changes when compared against the 2016 Regulation is at Annex D for easy reference by Members.

### **IMPLICATIONS OF THE PROPOSAL**

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal will 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 2017 Regulation, if any, will be absorbed by the relevant departments with existing resources.

### **PUBLICITY**

8. A press release was issued on 12 May 2017 when the 2017 Regulation was published in the Gazette. A spokesperson will be available to answer media and public enquiries.

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

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

### **ADVICE SOUGHT**

10. Members are invited to note the implementation of the UNSCR 2339 in the HKSAR by the 2017 Regulation.

**Commerce and Economic Development Bureau**  
**May 2017**

L.N. 79 of 2017

**United Nations Sanctions (Central African Republic)  
Regulation 2017**

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## United Nations Sanctions (Central African Republic) Regulation 2017

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

### Part 1

#### Preliminary

##### 1. Interpretation

In this Regulation—

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

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

*authorized officer* (獲授權人員) means—

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

*Commissioner* (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

*Committee* (委員會) means the Committee of the Security Council established under paragraph 57 of Resolution 2127;

*economic resources* (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

*funds* (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

*licence* (特許) means a licence granted under section 8(1)(a) or (b), 9(1) or 10(1);

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



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

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

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

- (a) the Government of the Central African Republic;
- (b) any person in, or resident in, the Central African Republic;
- (c) any body incorporated or constituted under the law of the Central African Republic;
- (d) any body, wherever incorporated or constituted, which is controlled by—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c) or (d);

**pilot in command** (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft (without being under the direction of any other pilot in the aircraft) and charged with the safe conduct of a flight;

**prohibited goods** (禁制物品) means any arms or related materiel;

**relevant entity** (有關實體) means—

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

**relevant person** (有關人士) means—

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

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

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

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

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

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

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 8(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
- (a) to the Central African Republic;
  - (b) to, or to the order of, a person connected with the Central African Republic; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or
  - (b) that the goods concerned were or were to be supplied, sold or transferred—
    - (i) to the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

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

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR;
  - (b) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;
  - (c) an aircraft that is registered in the HKSAR;
  - (d) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;

- (e) any other ship or aircraft that is for the time being chartered to a person who is—
  - (i) in the HKSAR;
  - (ii) both a Hong Kong permanent resident and a Chinese national; or
  - (iii) a body incorporated or constituted under the law of the HKSAR; and
- (f) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 8(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
  - (a) from a place outside the Central African Republic to a place in the Central African Republic;
  - (b) to, or to the order of, a person connected with the Central African Republic; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
- (3) Subsection (2) does not apply if—
  - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 8(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—

- (a) for a ship registered in the HKSAR—the charterer, the operator and the master of the ship;
- (b) for any other ship—
  - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
  - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
  - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (c) for an aircraft registered in the HKSAR—the charterer, the operator and the pilot in command of the aircraft;
- (d) for any other aircraft—
  - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
  - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and

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

- 4. Prohibition against provision of certain assistance or training**
- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 9(1), a person must not provide, directly or indirectly, to a person connected with the Central African Republic any technical assistance, training, financial or other assistance, related to military activities or to the provision, maintenance or use of any prohibited goods, including the provision of armed mercenary personnel.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the assistance or training concerned was or was to be provided to a person connected with the Central African Republic; or
  - (b) that the assistance or training concerned related to military activities or to the provision, maintenance or use of any prohibited goods.

**5. Prohibition against making available funds, etc. or dealing with funds, etc.**

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1)—
- (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources belonging to, or owned or controlled by, the first-mentioned person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) that the person was dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or owned or controlled by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
  - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (6) In this section—
- deal with* (處理) means—
- (a) in respect of funds—
    - (i) use, alter, move, allow access to or transfer;
    - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
    - (iii) make any other change that would enable use, including portfolio management; and

- (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

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

- (1) Subject to section 7, a specified person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (4) In this section—

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

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

Section 6 does not apply to a case in respect of which—

- (a) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation;
- (b) the relevant entry or transit is necessary for the fulfilment of a judicial process; or
- (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in the Central African Republic and stability in the region.

## Part 3

### Licences

**8. Licence for supply, sale, transfer or carriage of certain goods**

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant, as appropriate—
  - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
    - (i) to the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside the Central African Republic to a place in the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

- (2) The requirements are as follows—
- (a) the prohibited goods are intended solely for the support of or use by MINUSCA, the African Union-Regional Task Force, the European Union Missions or the French forces deployed in the Central African Republic;
  - (b) the prohibited goods are non-lethal equipment intended solely for support of or use in the Central African Republic process of Security Sector Reform, in coordination with MINUSCA;
  - (c) the prohibited goods are brought into the Central African Republic by Chadian or Sudanese forces solely for their use in international patrols of the tripartite force (established on 23 May 2011 in Khartoum by the Central African Republic, Chad and Sudan), to enhance security in the common border areas, in cooperation with MINUSCA, as approved in advance by the Committee;
  - (d) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (e) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to the Central African Republic by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;

- (f) the prohibited goods are small arms or other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory or arms, or other activities contrary to the national laws or international legal obligations of the Central African Republic;
  - (g) the prohibited goods are arms or other related lethal equipment to be supplied, sold or transferred to the Central African Republic security forces, including the civilian law enforcement institutions of the Central African Republic, and intended solely for the support of or use in the Central African Republic process of Security Sector Reform, as approved in advance by the Committee;
  - (h) the supply or sale of the prohibited goods is approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(b) or (f) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

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

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

- (2) The requirements are as follows—
- (a) the assistance or training, including operational and non-operational training to the Central African Republic security forces, including the civilian law enforcement institutions of the Central African Republic, is intended solely for the support of or use in the Central African Republic process of Security Sector Reform, in coordination with MINUSCA;
  - (b) the assistance or training is related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (c) the assistance or provision of personnel is approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(a) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed provision of the assistance or training to which the application for the licence relates.

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

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
- (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.

- (2) The requirements are as follows—
- (a) the funds or other financial assets or economic resources are—
    - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
    - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services under the law of the HKSAR; or
    - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity;
  - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
  - (c) the funds or other financial assets or economic resources—
    - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 27 January 2017 and is not for the benefit of a relevant person or a relevant entity; and
    - (ii) are to be used to satisfy the lien or judgment;



- (d) the funds or other financial assets or economic resources are to be used for making payment due under a contract entered into by a person or entity before the date on which the person or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
- (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
  - (ii) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification;
- (b) the requirement in subsection (2)(b) is met, the Chief Executive—
- (i) must cause the Committee to be notified of the determination; and
  - (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination;
- (d) the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the determination 10 working days before granting the licence.

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

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

## Part 4

### Things Done outside HKSAR

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

### Enforcement of Regulation

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

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

- (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;
- (b) request the charterer, operator or master of the ship to take any of the following steps—
  - (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
  - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
  - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
  - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.

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

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

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 13(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 13(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 13(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 14, if an authorized officer has reason to suspect that a request that has been made under section 13(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or the ship concerned;
  - (b) detain or authorize the detention of that ship or any of its cargo;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

**Division 2—Investigation, etc. of Suspected Aircraft****16. Investigation of suspected aircraft**

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

- (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.
- (2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
  - (a) specify whether the information should be provided orally or in writing and in what form; and
  - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

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

- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 16(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 16(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
- (a) enter or authorize the entry on any land or the aircraft concerned;
  - (b) detain or authorize the detention of that aircraft or any of its cargo;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

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

#### 19. Investigation of suspected vehicles

- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2), the officer may—
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
  - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
  - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.
- (2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and

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

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

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 19(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 19(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
  - (b) detain or authorize the detention of that vehicle or any article carried on it;

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

**Division 4—Proof of Identity**

**22. Production of proof of identity**

Before or on exercising a power conferred by section 13, 15, 16, 18, 19 or 21, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

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**Part 6****Evidence****23. Power of magistrate or judge to grant warrant**

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

- (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
- (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

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

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

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

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



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

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

- (1) Subject to subsection (2) and any order made under section 25, any document, cargo or article seized under section 23(3) may not be detained for more than 3 months.
- (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

## Part 7

### Disclosure of Information or Documents

#### 27. Disclosure of information or documents

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

for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to the Central African Republic decided on by the Security Council; or

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

### Other Offences and Miscellaneous Matters

#### 28. Liability of persons other than principal offenders

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

#### 29. Offences in relation to obstruction of authorized persons, etc.

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

#### 30. Offences in relation to evasion of this Regulation

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

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

**31. Consent and time limit for proceedings**

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

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

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

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

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

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

### Duration

**34. Duration**

This Regulation expires at midnight on 31 January 2018.

C. Y LEUNG  
Chief Executive

10 May 2017

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## Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2339 (2017) as adopted by the Security Council of the United Nations on 27 January 2017 by providing for the prohibition against—

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

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

**United Nations Sanctions (Central African Republic)  
Regulation 2017**

This is to confirm that the Chief Executive received specific instruction from the Ministry of Foreign Affairs of the People's Republic of China in February 2017 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution 2339 of the Security Council of the United Nations, and that the United Nations Sanctions (Central African Republic) Regulation 2017 was made in pursuance of that instruction.

Dated this 10<sup>th</sup> day of May 2017

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a cursive 'C' and 'K'.

( Matthew Cheung Kin-Chung )  
Chief Secretary for Administration



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**Resolution 2339 (2017)****Adopted by the Security Council at its 7872nd meeting, on  
27 January 2017**

*The Security Council,*

*Recalling* its previous resolutions and statements on the Central African Republic (CAR), in particular resolutions [2121 \(2013\)](#), [2127 \(2013\)](#), [2134 \(2014\)](#), [2149 \(2014\)](#), [2181 \(2014\)](#), [2196 \(2015\)](#), [2212 \(2015\)](#), [2217 \(2015\)](#), [2262 \(2016\)](#), [2264 \(2016\)](#), [2281 \(2016\)](#), [2301 \(2016\)](#) as well as resolution [2272 \(2016\)](#), and the Statements of its President of 18 December 2014 ([S/PRST/2014/28](#)), 20 October 2015 ([S/PRST/2015/17](#)), and 16 November 2016 ([S/PRST/2016/17](#)),

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

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

*Noting with concern* that while improving, the security situation in the CAR remains fragile, due to the continued presence of armed groups and other armed spoilers, as well as the ongoing violence, the lack of capacity of the national security forces, the limited authority of the State over all of the CAR territory, and the persistence of the root causes of the conflict,

*Emphasizing* that any sustainable solution to the crisis in the CAR should be CAR-owned, including the political process, and should prioritize reconciliation of the Central African people, through an inclusive process that involves men and women of all social, economic, political, religious and ethnic backgrounds, including, those displaced by the crisis,

*Calling upon* the CAR authorities to urgently implement transparent and inclusive measures that allow for stabilization and reconciliation in the CAR, including to take concrete steps to restore the effective authority of the State over all of the territory of the CAR; to fight impunity by restoring administration of the judiciary and the criminal justice system, including the penitentiary system, throughout the country; to speed up the reform of the CAR Armed Forces (FACA)



and internal security forces in order to put in place multi-ethnic, professional, and republican security services through appropriate security sector reform processes; to carry out the inclusive and effective disarmament, demobilization, reintegration and repatriation (DDRR) of armed groups, including children formerly associated with them; and to establish a functioning public financial management in order to meet the expenses related to the functioning of the State, implement early recovery plans, and revitalize the economy,

*Encouraging* the CAR authorities, in collaboration with the United Nations Multidimensional Integrated Mission in the CAR (MINUSCA) and the European Union Training Mission in the CAR (EUTM-RCA), to provide equal opportunities for members of armed groups, whether anti-Balaka or ex-Séléka, in the process of selecting eligible demobilized members to integrate into the national security and defence forces, and to ensure that FACA soldiers of all prefectures enjoy equal access to the registration and simplified verification process,

*Underlining* the importance of rebuilding a multi-ethnic, republican and professional national army in the CAR, recognizing in this regard the work carried out by the EUTM-RCA and welcoming the intention of Member States of the Central Africa Economic and Monetary Community (CEMAC) to contribute to the training of the national security and defence forces in support of the CAR authorities and in coordination with EUTM,

*Calling upon* the CAR authorities to ensure that perpetrators of violations of applicable international law, including those committed against children and women, are excluded from the CAR security and armed forces,

*Welcoming* the commitment of the Secretary-General to enforce strictly his zero-tolerance policy on sexual exploitation and abuse, expressing grave concern over numerous allegations of sexual exploitation and abuse reportedly committed by peacekeepers in the CAR, stressing the urgent need for troop- and police-contributing countries and MINUSCA to promptly investigate those cases in a credible and transparent manner and to hold accountable those responsible for such criminal offenses or misconduct, and further stressing the need to prevent such exploitation and abuse and to improve how these allegations are addressed,

*Welcoming* the Secretary-General's Report of 29 September 2016 (S/2016/824) submitted pursuant to resolution 2301 (2016),

*Further welcoming* also the midterm update and the final report (S/2016/1032) of the Panel of Experts on the CAR established pursuant to resolution 2127 (2013), expanded by resolution 2134 (2014) and extended pursuant to resolution 2262 (2016), and taking note of the Panel of Experts' recommendations,

*Strongly condemning* the ongoing violence and instability in the CAR, and the threats of violence, human rights violations and abuses and international humanitarian law violations, including against women and children; the attacks against United Nations peacekeepers, international forces and humanitarian personnel; the continuous cycle of provocations and reprisals by armed groups, both inside and outside Bangui and denial of humanitarian access, committed by armed elements, which continue to adversely affect the dire humanitarian situation faced by the civilian population and to impede humanitarian access to vulnerable populations,

*Stressing* the urgent and imperative need to end impunity in the CAR and to bring to justice perpetrators of these acts, some of which may amount to crimes under the Rome Statute of the International Criminal Court (ICC), to which the CAR is a State party, noting in this regard the opening by the Prosecutor of the International Criminal Court on 24 September 2014 of an investigation following the request of the national authorities on alleged crimes committed since 2012 and welcoming the ongoing cooperation by the CAR authorities in this regard,

*Stressing* the importance of putting in place an effective national judicial system, underlining the need to bolster national accountability mechanisms, including through further implementation of the 7 August 2014 Memorandum of Understanding (MoU) on Urgent Temporary Measures, and the law promulgated in June 2015 to establish a national Special Criminal Court to investigate and prosecute serious crimes committed in the CAR, and recalling the importance of continuous support of the international community to this process pursued by the CAR authorities,

*Emphasizing* that those engaging in or providing support for acts that undermine the peace, stability or security of the CAR, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers may meet criteria for designation under sanctions as stated in this resolution,

*Expressing concern* that illicit trafficking, trade, exploitation and smuggling of natural resources including gold, diamonds and wildlife has a negative impact in the economy and the development of the country, and that it continues to threaten the peace and stability of the CAR,

*Taking note* of the Kimberley Process (KP) Administrative Decision on Resumption of Exports of Rough Diamonds from the CAR, its annexed Operational Framework, and the work of the KP Monitoring Team for CAR and recognizing the extraordinary efforts of the CAR Authorities and the KP, to responsibly and progressively, through pre-established “compliant zones”, reintegrate the CAR into the global diamond trade,

*Noting with concern* the findings of the Panel of Experts’ final report that the Lord’s Resistance Army (LRA) remains active in the CAR, has established links to other armed groups and is generating revenues from the exploitation and trade of natural resources, including gold, diamonds and wildlife poaching,

*Further noting with concern* the ongoing transnational criminal activity in the region, emphasizing the risk of the situation in the CAR providing a conducive environment for further transnational criminal activities, such as those involving arms trafficking and the use of mercenaries as well as a potential breeding ground for radical networks,

*Acknowledging* in this respect the important contribution the Council-mandated arms embargo can make to countering the illicit transfer of arms and related materiel in the CAR and its region, and in supporting post-conflict peacebuilding, DDR and SSR processes, recalling its resolutions [2117 \(2013\)](#), [2127 \(2013\)](#), [2220 \(2015\)](#) and [2262 \(2016\)](#) and expressing grave concern at the threat to peace and security in the CAR arising from the illicit transfer, destabilizing



accumulation and misuse of small arms and light weapons, and the use of such weapons against civilians affected by armed conflict,

*Reiterating* the importance of all Member States' full implementation of the measures set out in resolutions 2127 (2013), 2134 (2014), 2196 (2015), 2262 (2016) and this resolution, including the obligation to implement targeted sanctions against individuals and entities designated by the Sanctions Committee established pursuant to resolution 2127 (2013) (the Committee),

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

*Noting with concern* the reports that sanctioned individuals are travelling in the region in violation of the travel ban, and underlining that individuals or entities who knowingly facilitate the travel of a sanctioned individual in violation of the travel ban may be determined by the Committee to have met the designation criteria for sanctions,

*Welcoming* efforts by the Chair of the Committee and the President of the Security Council to support and strengthen the implementation of the measures imposed pursuant to resolution 2262 (2016) through engagement with Member States, especially regional States, and welcoming in this regard the travel by the Chair and Committee members to the CAR in May 2016,

*Welcoming* the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during this conference, encouraging Member States to swiftly disburse these pledges, and encourages further mobilization at the African Union Solidarity Conference for the CAR to be held in Addis Ababa in February 2017,

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

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

### **Arms embargo**

1. *Decides* that, until 31 January 2018, all Member States shall continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the CAR, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:

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

(b) Supplies of non-lethal equipment and provision of assistance, including operational and non-operational training to the CAR security forces, including State civilian law enforcement institutions, intended solely for support of or use in the CAR process of Security Sector Reform (SSR), in coordination with MINUSCA, and as notified in advance to the Committee, and requests MINUSCA to report on the contribution to SSR of this exemption, as part of its regular reports to the Council;

(c) Supplies brought into the CAR by Chadian or Sudanese forces solely for their use in international patrols of the tripartite force established on 23 May 2011 in Khartoum by the CAR, Chad and Sudan, to enhance security in the common border areas, in cooperation with MINUSCA, as approved in advance by the Committee;

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

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

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

(g) Supplies of arms and other related lethal equipment to the CAR security forces, including State civilian law enforcement institutions, intended solely for support of or use in the CAR process of SSR, as approved in advance by the Committee; or

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

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

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

4. *Strongly encourages* the CAR authorities to increase their capacity, with the support of MINUSCA, the United Nations Mine Action Service (UNMAS), and

other international partners, to store and manage weapons and ammunition in their possession, including those transferred from MINUSCA stocks, according to international best practices and norms, while ensuring that the FACA and interior forces units receiving such weapons and ammunition are fully trained and vetted;

#### **Travel ban**

5. *Decides* that, until 31 January 2018, all Member States shall continue to take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory, and calls upon the CAR Government to enhance cooperation and information sharing with other States in this regard;

6. *Encourages* Member States, as appropriate and in accordance with their domestic law and applicable international legal instruments and framework documents, to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee;

7. *Also encourages* Member States to report any such departures from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations;

8. *Urges* the CAR authorities, in their implementation of the measures set out in paragraph 5 above, to ensure that fraudulent, counterfeit, stolen, and lost passports and other travel documents, as well as invalidated diplomatic passports are removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

9. *Encourages* Member States to submit, where available and in accordance with their national legislation, photographs and other biometric data of individuals designated by the Committee for inclusion in INTERPOL-United Nations Security Council Special Notices;

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

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

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

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

11. *Emphasizes* that violations of the travel ban can undermine the peace, stability or security of the CAR, observes that individuals or entities who knowingly facilitate the travel of a listed individual in violation of the travel ban may be

determined by the Committee to have met the designation criteria provided for in this resolution and calls upon all parties and all Member States to cooperate with the Committee as well as the Panel of Experts on the implementation of the travel ban;

#### **Asset freeze**

12. *Decides* that all Member States shall, until 31 January 2018, continue to freeze without delay all funds, other financial assets and economic resources within their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall continue to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee;

13. *Decides* that the measures imposed by paragraph 12 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

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

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

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

14. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 12 above of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

15. *Decides* that the measures in paragraph 12 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or

entity designated pursuant to paragraph 12 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

#### **Designation criteria**

16. *Decides* that the measures contained in paragraphs 5 and 12 shall apply to the individuals and entities designated by the Committee as engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or impede the stabilization and reconciliation process or that fuel violence;

17. *Further decides* in this regard that the measures contained in paragraphs 5 and 12 shall also apply to the individuals and entities designated by the Committee as:

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

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

(c) Involved in planning, directing or committing acts involving sexual and gender-based violence in the CAR;

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

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

(f) Obstructing the delivery of humanitarian assistance to the CAR, or access to, or distribution of, humanitarian assistance in the CAR;

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

(h) Being leaders of an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014), paragraphs 11 or 12 of resolution 2196 (2015), paragraphs 12 or 13 of resolution 2262 (2016) or this resolution, or having provided support to, or acted for or on behalf of, or at the direction of, an individual or an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014), paragraphs 11 or 12 of resolution 2196 (2015),

paragraphs 12 or 13 of resolution 2262 (2016) or this resolution, or an entity owned or controlled by a designated individual or entity;

18. *Welcomes* measures taken by Member States of the International Conference on the Great Lakes Region (ICGLR) to implement the Regional Initiative against Illegal Exploitation of Natural Resources as endorsed in the 2010 Lusaka Declaration, including promoting the use by economic actors of Due Diligence Frameworks such as the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, and encourages all States, particularly those in the region, to continue to raise awareness of the due diligence guidelines;

### **Sanctions Committee**

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

20. *Emphasizes* the importance of holding regular consultations with concerned Member States, international and regional and subregional organizations, as may be necessary, in particular neighbouring and regional States, in order to ensure full implementation of the measures renewed by this resolution, and in that regard encourages the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members;

21. *Encourages* all Member States, in particular neighbouring States and Member States of the Economic Community of the Central African States (ECCAS) and of the Central African Economic and Monetary Community (CEMAC) to utilize the advance notification and exemption procedures pursuant to paragraph 1 of this resolution to return arms and related materiel of all types belonging to the FACA, or to implement technical assistance, training or other assistance related to military activities by the Central African national security and defence forces, and in this regard requests the Panel of Experts to provide the necessary assistance as per paragraph 28 (b) of this resolution;

22. *Requests* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 2, 5 and 12 above and to determine the appropriate course of action on each case, and requests the Chair, in regular reports to the Council pursuant to paragraph 37 below, to provide progress reports on the Committee's work on this issue;

23. *Recognizes* the KP's decision that the CAR may resume trade in rough diamonds from "compliant zones" established under conditions set forth by the KP, notes that the KP intends to keep the Security Council, the Committee and its Panel of Experts, and MINUSCA informed of its decisions and, requests the KP Chair of the Working Group on Monitoring to periodically update the Committee on the work of the KP CAR Monitoring Team, including any decisions on areas designated as "compliant zones" and decisions related to the trade of the stockpiles of rough diamonds held in the CAR;

24. *Calls for* enhanced vigilance from trading centres and States in the region to support the CAR authorities' efforts to re-establish legitimate trade and benefit from its natural resources; and commends the CAR for taking special

measures to enhance traceability of diamonds from compliant zones so that diamonds are not used for the benefit of armed groups or to destabilize the CAR;

25. *Encourages* the KP to resolve the issue of the diamond stockpiles in cooperation with the CAR authorities and in consultation with the Panel of Experts;

#### **Panel of Experts**

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

27. *Decides* to extend the mandate of the Panel of Experts until 28 February 2018, expresses its intent to review the mandate and take appropriate action regarding further extension no later than 31 January 2018 and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to support its action;

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

(a) Assist the Committee in carrying out its mandate as specified in this resolution;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents of non-compliance, including to facilitate, upon request by Member States, assistance on capacity-building;

(c) Provide to the Security Council, after discussion with the Committee, a midterm report no later than 30 July 2017, and a final report by 31 December 2017, on the implementation of the measures imposed by paragraphs 54 and 55 of resolution [2127 \(2013\)](#) and paragraphs 30 and 32 of resolution [2134 \(2014\)](#) renewed by paragraphs 1, 2, 5 and 12 of this resolution;

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

(e) Assist the Committee in refining and updating information on the list of individuals and entities designated by the Committee pursuant to the criteria renewed by paragraphs 16 and 17 above including through the provision of biometric information and additional information for the publicly available narrative summary of reasons for listing;

(f) Assist the Committee by providing information regarding individuals and entities that may meet the designation criteria in paragraphs 16 and 17 above, including by reporting such information to the Committee, as it becomes available, and to include in its formal written reports, the names of potential designees, appropriate identifying information, and relevant information regarding why the individual or entity may meet the designation criteria in paragraphs 16 and 17 above;

(g) Cooperate with the KP CAR Monitoring Team to support the resumption of exports of rough diamonds from the CAR and report to the Committee if the resumption of trade is destabilizing the CAR or benefiting armed groups;



29. *Requests* the Secretariat to provide to the Security Council, by 30 May 2017, options for the elaboration of benchmarks, in coordination with EUTM and other active partners in the field of SSR and in consultation with the CAR Authorities, to assess the arms embargo measures according to the progress of the SSR, including FACA and Internal Security Forces and their needs, as well as additional information on the Panel of Experts' recommended arms embargo working group to be potentially established within MINUSCA by the Security Council, including on the composition, tasks, functioning, resource requirements and implication with regards the implementation of MINUSCA's mandate, of such a working group, with reference to previous similar experiences in other UN Peacekeeping Missions;

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

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

32. *Urges* the CAR, its neighbouring States and other Member States of the ICGLR to cooperate at the regional level to investigate and combat criminal networks and armed groups involved in the illegal exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking;

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

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

35. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

#### **Reporting and review**

36. *Calls upon* all States, particularly those in the region and those in which designated individuals and entities designated are based, to actively implement the measures contained in this resolution and to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) renewed by paragraphs 1, 2, 5 and 12 of this resolution;

37. *Requests* the Committee to report orally, through its Chair, at least once per year to the Council, on the state of the overall work of the Committee, including alongside the Special Representative of the Secretary-General for the CAR on the



situation in the CAR as appropriate, and encourages the Chair to hold regular briefings for all interested Member States;

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

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

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# United Nations Sanctions (Central African Republic) Regulation 2017

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# United Nations Sanctions (Central African Republic) Regulation 2017

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

## Part 1

### Preliminary

#### 1. Interpretation

In this Regulation—

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

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

*authorized officer* (獲授權人員) means—

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

*Commissioner* (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

*Committee* (委員會) means the Committee of the Security Council established under paragraph 57 of Resolution 2127;

***economic resources*** (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

***funds*** (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

***licence*** (特許) means a licence granted under section 8(1)(a) or (b), 9(1) or 10(1);

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

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

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

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

- (a) the Government of the Central African Republic;
- (b) any person in, or resident in, the Central African Republic;
- (c) any body incorporated or constituted under the law of the Central African Republic;
- (d) any body, wherever incorporated or constituted, which is controlled by—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
  - (i) the Government mentioned in paragraph (a);
  - (ii) a person mentioned in paragraph (b); or
  - (iii) a body mentioned in paragraph (c) or (d);

***pilot in command*** (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft (without being under the direction of any other pilot in the aircraft) and charged with the safe conduct of a flight;

***prohibited goods*** (禁制物品) means any arms or related materiel;

***relevant entity*** (有關實體) means—

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



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

**relevant person** (有關人士) means—

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

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

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

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

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

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## Part 2

### Prohibitions

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

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 8(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
  - (a) to the Central African Republic;
  - (b) to, or to the order of, a person connected with the Central African Republic; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the goods concerned were prohibited goods; or
  - (b) that the goods concerned were or were to be supplied, sold or transferred—
    - (i) to the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

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

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

- (iii) a body incorporated or constituted under the law of the HKSAR; and
    - (f) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 8(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
  - (a) from a place outside the Central African Republic to a place in the Central African Republic;
  - (b) to, or to the order of, a person connected with the Central African Republic; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
- (3) Subsection (2) does not apply if—
  - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
  - (b) the supply, sale or transfer was authorized by a licence granted under section 8(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
  - (a) for a ship registered in the HKSAR—the charterer, the operator and the master of the ship;
  - (b) for any other ship—
    - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body

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- incorporated or constituted under the law of the HKSAR;
- (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
  - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (c) for an aircraft registered in the HKSAR—the charterer, the operator and the pilot in command of the aircraft;
- (d) for any other aircraft—
- (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
  - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
  - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (e) for a vehicle—the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
  - (a) that the goods concerned were prohibited goods; or
  - (b) that the carriage of the goods concerned was, or formed part of, a carriage—
    - (i) from a place outside the Central African Republic to a place in the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

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

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

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

- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the assistance or training concerned was or was to be provided to a person connected with the Central African Republic; or
  - (b) that the assistance or training concerned related to military activities or to the provision, maintenance or use of any prohibited goods.

**5. Prohibition against making available funds, etc. or dealing with funds, etc.**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a person acting outside the HKSAR who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1)—

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



belonging to, or owned or controlled by, a relevant person or a relevant entity with—

- (a) interest or other earnings due on that account; or
- (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.

(6) In this section—

*deal with* (處理) means—

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

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

- (1) Subject to section 7, a specified person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (4) In this section—

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

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

Section 6 does not apply to a case in respect of which—

- (a) the Committee has determined that the relevant entry ~~into~~ or transit ~~through the HKSAR~~ is justified on the ground of humanitarian need, including religious obligation;
  - (b) the relevant entry or transit is necessary for the fulfilment of a judicial process; or
  - (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in the Central African Republic and stability in the region.
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## Part 3

### Licences

#### 8. Licence for supply, sale, transfer or carriage of certain goods

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant, as appropriate—
  - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
    - (i) to the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside the Central African Republic to a place in the Central African Republic;
    - (ii) to, or to the order of, a person connected with the Central African Republic; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
- (2) The requirements are as follows—

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- (a) the prohibited goods are intended solely for the support of or use by MINUSCA, the African Union-Regional Task Force, the European Union Missions or the French forces deployed in the Central African Republic;
  - (b) the prohibited goods are non-lethal equipment intended solely for support of or use in the Central African Republic process of Security Sector Reform, in coordination with MINUSCA;
  - (c) the prohibited goods are brought into the Central African Republic by Chadian or Sudanese forces solely for their use in international patrols of the tripartite force (established on 23 May 2011 in Khartoum by the Central African Republic, Chad and Sudan), to enhance security in the common border areas, in cooperation with MINUSCA, as approved in advance by the Committee;
  - (d) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (e) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to the Central African Republic by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
  - (f) the prohibited goods are small arms or other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory or arms, or other activities contrary to the national laws or international legal obligations of the Central African Republic;

- (g) the prohibited goods are arms or other related lethal equipment to be supplied, sold or transferred to the Central African Republic security forces, including the civilian law enforcement institutions of the Central African Republic, and intended solely for the support of or use in the Central African Republic process of Security Sector Reform, as approved in advance by the Committee;
  - (h) the supply or sale of the prohibited goods is approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(b) or (f) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.

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

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence for the provision, to a person connected with the Central African Republic, of technical assistance, training, financial or other assistance, related to military activities or to the provision, maintenance or use of any prohibited goods, including the provision of armed mercenary personnel.
- (2) The requirements are as follows—
  - (a) the assistance or training, including operational and non-operational training to the Central African Republic security forces, including the civilian law enforcement institutions of the Central African Republic, is intended solely for the support of or use in the Central African

Republic process of Security Sector Reform, in coordination with MINUSCA;

- (b) the assistance or training is related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
  - (c) the assistance or provision of personnel is approved in advance by the Committee.
- (3) If the Chief Executive is satisfied that the requirement in subsection (2)(a) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed provision of the assistance or training to which the application for the licence relates.

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

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
- (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
- (a) the funds or other financial assets or economic resources are—
    - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines,

- medical treatments, taxes, insurance premiums and public utility charges;
- (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services under the law of the HKSAR; or
  - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity;
- (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
  - (c) the funds or other financial assets or economic resources—
    - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before ~~22 January 2015~~ 27 January 2017 and is not for the benefit of a relevant person or a relevant entity; and
    - (ii) are to be used to satisfy the lien or judgment;
  - (d) the funds or other financial assets or economic resources are to be used for making payment due under a contract entered into by a person or entity before the date on which the person or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—

- (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
  - (ii) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification;
- (b) the requirement in subsection (2)(b) is met, the Chief Executive—
  - (i) must cause the Committee to be notified of the determination; and
  - (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination;
- (d) the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the determination 10 working days before granting the licence.

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

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



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

### **Things Done outside HKSAR**

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

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

### **Enforcement of Regulation**

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

##### **13. Investigation of suspected ships**

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

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

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

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 13(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 13(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 13(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

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

- (1) Without limiting section 14, if an authorized officer has reason to suspect that a request that has been made under section 13(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or the ship concerned;
  - (b) detain or authorize the detention of that ship or any of its cargo;
  - (c) use or authorize the use of reasonable force.

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

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

### **16. Investigation of suspected aircraft**

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

- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
        - (a) specify whether the information should be provided orally or in writing and in what form; and
        - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.
- 17. Offences by charterer, operator or pilot in command of aircraft**
  - (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 16(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
  - (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 16(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- 18. Power of authorized officers to enter and detain aircraft**
  - (1) Without limiting section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure

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

- (a) enter or authorize the entry on any land or the aircraft concerned;
  - (b) detain or authorize the detention of that aircraft or any of its cargo;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

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

#### **19. Investigation of suspected vehicles**

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



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

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

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 19(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 19(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in

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

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

- (1) Without limiting section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
  - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
  - (b) detain or authorize the detention of that vehicle or any article carried on it;
  - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

## **Division 4—Proof of Identity**

### **22. Production of proof of identity**

Before or on exercising a power conferred by section 13, 15, 16, 18, 19 or 21, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

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## **Part 6**

### **Evidence**

#### **23. Power of magistrate or judge to grant warrant**

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

relation to the commission of an offence under this Regulation;

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

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

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

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

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

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

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

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

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

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

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

- (1) Subject to subsection (2) and any order made under section 25, any document, cargo or article seized under section 23(3) may not be detained for more than 3 months.
  - (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.
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## Part 7

### Disclosure of Information or Documents

#### 27. Disclosure of information or documents

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



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

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

#### **28. Liability of persons other than principal offenders**

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

#### **29. Offences in relation to obstruction of authorized persons, etc.**

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

#### **30. Offences in relation to evasion of this Regulation**

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

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

**31. Consent and time limit for proceedings**

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

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

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

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

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

### Duration

#### 34. Duration

This Regulation expires at midnight on 31 January ~~2017~~2018.

Chief Executive

~~2016~~2017

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### **Explanatory Note**

The purpose of this Regulation is to give effect to certain decisions in Resolution 2339 (2017) ~~2262 (2016)~~ as adopted by the Security Council of the United Nations on 27 January ~~2016~~ 2017 by providing for the prohibition against—

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

## United Nations Sanctions (Central African Republic) Regulation 2017

### Information on the Central African Republic

#### Country Background

The Central African Republic is a landlocked country in Central Africa<sup>Note 1</sup>. It borders Chad in the north, Sudan in the northeast, South Sudan in the east, the Democratic Republic of the Congo and the Republic of Congo in the south and Cameroon in the west. The Central African Republic first achieved independence in 1960, with its capital in Bangui. It has a total area of 622,984 sq. km. and an estimated population of around 4.999 million in 2014<sup>Note 2</sup>. Its GDP in 2015 was US\$1.503 billion (or HK\$11.65 billion)<sup>Note 3</sup>.

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

2. Since independence of the Central African Republic in 1960, four presidents have been removed from power through unconstitutional means, and state authority has been weak in many parts of the country. Ethnic tensions in the north and the presence of the Lord's Resistance Army, an armed group known for its brutal tactics, have added to instability, which has crippled the country for decades and driven people away from their homes<sup>Note 4</sup>.

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

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

Note 2 Source: World Statistics Pocket Book published by the United Nations Statistics Division at [http://unstats.un.org/unsd/pocketbook/World\\_Statistics\\_Pocketbook\\_2016\\_edition.pdf](http://unstats.un.org/unsd/pocketbook/World_Statistics_Pocketbook_2016_edition.pdf)

Note 3 Source: International Trade Statistics published by the World Trade Organisation at <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=CF>

Note 4 Source: The Website of the United Nations Integrated Peacebuilding Office in the Central African Republic at <https://binuca.unmissions.org/en/background>

4. With the deteriorating situation in the country characterised by a total breakdown of law and order and widespread human rights abuses, the United Nations Security Council (“UNSC”) unanimously adopted resolution 2127 on 5 December 2013 authorising the African-led International Support Mission in the Central African Republic (“MISCA”), to quell the spiralling violence, as well as the deployment of French troops to assist it. The resolution also imposed a sanctions regime, including a year-long embargo banning the sale or transfer to the Central African Republic of weapons of all types.

5. Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region, the UNSC expanded the sanctions against the Central African Republic, including year-long financial sanctions and travel ban, via the adoption of resolution 2134 on 28 January 2014. The UNSC then extended the sanction measures on an annual basis for a few times. The sanction measures were most recently renewed by the UNSC until 31 January 2018, by the adoption of resolution 2339 on 27 January 2017.

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

6. In 2016, the Central African Republic ranked 172<sup>nd</sup> among Hong Kong’s trading partners in the world, with a total trade of HK\$20.1 million. Of these, HK\$20.06 million worth of trade were exports to the Central African Republic, and HK\$0.04 million imports. Hong Kong’s trade with the Central African Republic are summarised as follows –

<b>Hong Kong’s Trade with the Central African Republic</b> <sup>Note 5</sup> [Value in HK\$ (in million)]		
<b>Item</b>	<b>2015</b>	<b>2016</b>
(a) Total Exports to the Central African Republic	7.33	20.06
(i) Domestic exports	0.08 <sup>Note 6</sup>	0.01 <sup>Note 7</sup>
(ii) Re-exports	7.24 <sup>Note 8</sup>	20.05 <sup>Note 9</sup>
(b) Imports from the Central African Republic	0.07 <sup>Note 10</sup>	0.04 <sup>Note 11</sup>
<b>Total Trade [(a) + (b)]</b>	<b>7.39</b>	<b>20.10</b>

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

Note 6 In 2015, Hong Kong’s major domestic export items to the Central African Republic were printed matters (90.7%).

Note 7 In 2016, Hong Kong’s domestic export items to the Central African Republic were special transactions and commodities not classified according to kind (100%).

Note 8 In 2015, Hong Kong’s major re-export items to the Central African Republic were telecommunications and sound recording and reproducing apparatus and equipment (94.7%).

Note 9 In 2016, Hong Kong’s major re-export items to the Central African Republic were telecommunications and sound recording and reproducing apparatus and equipment (77.4%).

Note 10 In 2015, Hong Kong’s major import items from the Central African Republic were fish, crustaceans, molluscs and aquatic invertebrates, and preparations thereof (98.6%).

Note 11 In 2016, Hong Kong’s import items from the Central African Republic were plastics in non-primary forms (100%).

In 2016, HK\$26.97 million worth of goods, or 7.4% <sup>Note 12</sup> of the total trade between the Central African Republic and the Mainland, were routed through Hong Kong. Of these, HK\$19.97 million worth of goods were re-exports of the Central African Republic origin to Mainland via Hong Kong. The remaining HK\$7 million were re-exports of Mainland origin to the Central African Republic via Hong Kong.

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

**Commerce and Economic Development Bureau**  
**May 2017**

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<sup>Note 12</sup> 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.