

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (CENTRAL AFRICAN REPUBLIC) REGULATION 2019 (Cap. 537CH)

INTRODUCTION

A At the meeting of the Executive Council on 28 May 2019, the Council ADVISED and the Chief Executive (“the CE”) ORDERED that the United Nations Sanctions (Central African Republic) Regulation 2019 (Cap. 537CH) (“the 2019 Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The 2019 Regulation was gazetted on 31 May 2019 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 the instructions from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”) to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In February 2019, the CE received instructions from the MFA to implement UNSC Resolution (“UNSCR”) 2454 in respect of the Central African Republic in the Hong Kong Special Administrative Region (“HKSAR”). The 2019 Regulation was made pursuant to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions is at Annex B.

Sanctions against 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 embargo, travel ban and financial sanctions, which are all time-limited and have been renewed by the UNSC on an annual basis.

4. Pursuant to the instructions of the MFA, the HKSAR implemented the sanctions against the Central African Republic through making regulations under the Ordinance, the most recent one being the United Nations Sanctions (Central African Republic) Regulation 2018 (Cap.537CA) (“the 2018 Regulation”), which expired at midnight on 31 January 2019.

UNSCR 2454

5. Determining that the situation in the Central African Republic continued to constitute a threat to international peace and security in the region, the UNSC adopted UNSCR 2454 (at Annex C) on 31 January 2019 to renew until 31 January 2020 the measures and provisions as set out in paragraphs 1 to 19 of UNSCR 2399 (at Annex D), including arms embargo, travel ban and financial sanctions.

C

D

THE 2019 REGULATION

6. The 2019 Regulation, at Annex A, seeks to implement the sanctions against the Central African Republic as renewed by UNSCR 2454. The main provisions of the 2019 Regulation include –

- (a) **sections 2 and 3**, which prohibit the supply and carriage of any arms or related materiel to the Central African Republic or a connected person;
- (b) **section 4**, which prohibits the provision to a connected person of any assistance related to military activities or the provision, maintenance or use of any arms or related materiel;
- (c) **section 5**, which prohibits any person from making available economic assets to certain persons or entities, or dealing with economic assets of such persons or entities;

- (d) **section 6**, which prohibits the entry into or transit through the HKSAR by certain persons and provides for exceptions;
- (e) **sections 8 to 10**, which provide for the granting of licences to implement relevant exemptions for the supply or carriage of arms or related materiel, for the provision of assistance to connected persons, for making available economic assets to certain persons or entities and for dealing with economic assets of certain persons or entities;
- (f) **section 32**, which provides that the Secretary for Commerce and Economic Development may publish on the website of the Commerce and Economic Development Bureau a list of individuals and entities designated by the Committee established pursuant to paragraph 57 of UNSCR 2127; and
- (g) **section 35**, which provides that the 2019 Regulation would expire at midnight on 31 January 2020.

A marked-up version showing changes when compared against the 2018 Regulation is at Annex E for easy reference by Members.

E

IMPLICATIONS

7. The 2019 Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It 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 2019 Regulation, if any, will be absorbed by the relevant departments with existing resources.

PUBLICITY

8. A press release was issued on 31 May 2019 when the 2019 Regulation was published in the Gazette. A spokesperson is available to answer media and public enquiries.

INFORMATION ON THE CENTRAL AFRICAN REPUBLIC AND RELATIONS WITH THE HKSAR

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

F

ADVICE SOUGHT

10. Members are invited to note the implementation of the UNSCR 2454 in the HKSAR by the 2019 Regulation.

Commerce and Economic Development Bureau
May 2019

United Nations Sanctions (Central African Republic) Regulation 2019

L.N. 81 of 2019
B1521

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Regulation 2019****Contents**

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United Nations Sanctions (Central African Republic) Regulation 2019

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

Part 1**Preliminary****1. Interpretation**

In this Regulation—

arms or related materiel (軍火或相關物資) includes—

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

assistance (協助) means technical assistance, training or financial or other assistance;

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 (2013) adopted by the Security Council on 5 December 2013;

connected person (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);

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

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

funds (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;

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

Hong Kong person (香港人) means—

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

licence (特許) means a licence granted under Part 3;

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;

mode of transport (運輸工具) means a ship, aircraft or vehicle;

operator (營運人), in relation to a mode of transport, means the person for the time being having the management of the mode of transport;

pilot in command (機長), in relation to an aircraft, means the pilot designated by the operator or owner, as appropriate, as being—

- (a) in charge of the aircraft (without being under the direction of any other pilot in the aircraft); and
- (b) 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 named in the list published under section 32(1);
- (b) an entity—
 - (i) acting on behalf of;
 - (ii) acting at the direction of; or
 - (iii) owned or controlled by, an individual or entity named in that list; or
- (c) an entity owned or controlled by an individual or entity—
 - (i) acting on behalf of; or
 - (ii) acting at the direction of, an individual or entity named in that list;

relevant person (有關人士) means—

- (a) an individual named in the list published under section 32(1); or
- (b) an individual—
 - (i) acting on behalf of; or
 - (ii) acting at the direction of, an individual or entity named in that list;

Resolution 2387 (《第2387號決議》) means Resolution 2387 (2017) adopted by the Security Council on 15 November 2017;

Resolution 2399 (《第2399號決議》) means Resolution 2399 (2018) adopted by the Security Council on 30 January 2018;

responsible person (負責人) means—

- (a) for a ship—the charterer, operator or master of the ship;
- (b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or
- (c) for a vehicle—the operator or driver of the vehicle;

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

Security Council (安理會) 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);

supply (供應) means supply, sale or transfer.

Part 2**Prohibitions****2. Supply of goods prohibited**

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 8(1)(a), a person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—
 - (a) to the Central African Republic;
 - (b) to a connected person or the order of a connected person; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to the Central African Republic; or
 - (ii) to a connected person or the order of a connected person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.

- (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—
 - (i) to the Central African Republic;
 - (ii) to a connected person or the order of a connected person; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to the Central African Republic; or
 - (B) to a connected person or the order of a connected person.

3. Carriage of goods prohibited

- (1) This section applies to—
 - (a) a ship that is registered in the HKSAR, or is in the HKSAR;
 - (b) an aircraft that is registered in the HKSAR, or is in the HKSAR;
 - (c) any other ship or aircraft that is for the time being chartered to a person who is a Hong Kong person, or is in the HKSAR; and
 - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 8(1)(b), a mode of transport 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 a connected person or the order of a connected person; or
- (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to the Central African Republic; or
 - (ii) to a connected person or the order of a connected person.
- (3) Subsection (2) does not apply if—
 - (a) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and
 - (b) the supply is authorized by a licence granted under section 8(1)(a).
- (4) If a mode of transport is used in contravention of subsection (2), each of the following persons commits an offence—
 - (a) for a ship registered in the HKSAR—the responsible persons for the ship;
 - (b) for any other ship—
 - (i) the charterer of the ship if the charterer is a Hong Kong person, or is in the HKSAR;
 - (ii) the operator of the ship if the operator is a Hong Kong person, or is in the HKSAR; and
 - (iii) the master of the ship if the master is both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
 - (c) for an aircraft registered in the HKSAR—the responsible persons for the aircraft;

- (d) for any other aircraft—
 - (i) the charterer of the aircraft if the charterer is a Hong Kong person, or is in the HKSAR;
 - (ii) the operator of the aircraft if the operator is a Hong Kong person, or is in the HKSAR; and
 - (iii) the pilot in command of the aircraft if the pilot in command is both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
- (e) for a vehicle—the responsible persons for the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (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 a connected person or the order of a connected person; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to the Central African Republic; or

- (B) to a connected person or the order of a connected person.

4. Provision of assistance prohibited

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 9(1), a person must not directly or indirectly provide to a connected person any assistance (including the provision of armed mercenary personnel) related to—
 - (a) military activities; or
 - (b) the provision, maintenance or use of any prohibited goods.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (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 was, or was to be, provided to a connected person; or
 - (b) that the assistance related to—
 - (i) military activities; or

- (ii) the provision, maintenance or use of any prohibited goods.

5. Making available or dealing with economic assets prohibited

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1)—
 - (a) a person must not directly or indirectly make available any economic assets to, or for the benefit of, a relevant person or a relevant entity; and
 - (b) a person must not directly or indirectly deal with any economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity (including, if the person is a relevant person or a relevant entity, the economic assets belonging to, or directly or indirectly owned or controlled by, the person).
- (3) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (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) for a contravention of subsection (2)(a)—that the economic assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) for a contravention of subsection (2)(b)—that the person was dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
 - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (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. Entry or transit of persons prohibited

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

specified person (指明人士) means an individual designated by the Committee for the purposes of paragraph 9 of Resolution 2399.

7. Acts done outside HKSAR with permission granted outside HKSAR not prohibited

This Part does not apply if—

- (a) it otherwise prohibits a person from doing an act in a place outside the HKSAR except under the authority of a licence; and

- (b) the person does the act in the place with permission granted in accordance with a law in force in the place (being a law substantially corresponding to the relevant provisions of this Regulation).
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Part 3

Licences

8. Licence for supply or carriage of goods

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate—
- (a) a licence for the supply of, or the doing of an act likely to promote the supply of, prohibited goods—
 - (i) to the Central African Republic;
 - (ii) to a connected person or the order of a connected person; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to the Central African Republic; or
 - (B) to a connected person or the order of a connected person; 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 a connected person or the order of a connected person; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to the Central African Republic; or

- (B) to a connected person or the order of a connected person.
- (2) The requirements are as follows—
- (a) the prohibited goods are intended solely for the support of or use by—
 - (i) MINUSCA and the European Union training missions deployed in the Central African Republic;
 - (ii) French forces under the conditions provided by paragraph 65 of Resolution 2387; or
 - (iii) forces of other Member States of the United Nations providing assistance, as notified in advance in accordance with paragraph 1(b) of Resolution 2399;
 - (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 United Nations personnel, 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-led 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 to the Central African Republic security forces, including the civilian law enforcement institutions of the Central African Republic, and intended solely for support of or use in the Central African Republic process of Security Sector Reform, as approved in advance by the Committee;
 - (h) the supply of the prohibited goods is approved in advance by the Committee.
- (3) However, 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 or carriage of the prohibited goods to which the application for the licence relates.

9. Licence for provision of assistance

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant a licence for the provision, to a connected person, of assistance (including the provision of armed mercenary personnel) related to—
 - (a) military activities; or
 - (b) the provision, maintenance or use of any prohibited goods.
- (2) The requirements are as follows—
 - (a) the assistance, 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 support of or use in the Central African Republic process of Security Sector Reform, in coordination with MINUSCA;
 - (b) the assistance is technical assistance or training related to non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
 - (c) the provision of assistance or personnel is approved in advance by the Committee.
- (3) However, 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 to which the application for the licence relates.

10. Licence for making available or dealing with economic assets

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate, a licence for—
 - (a) making available economic assets to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
 - (a) the economic assets are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services under the law of the HKSAR; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity;
 - (b) the economic assets are necessary for extraordinary expenses;
 - (c) the economic assets are—
 - (i) the subject of a judicial, administrative or arbitral lien or judgment that was entered before 30 January 2018 and is not for the benefit of a relevant person or a relevant entity; and

- (ii) to be used to satisfy the lien or judgment;
 - (d) the economic assets are to be used for making payment due under a contract entered into by an individual or entity before the date on which the individual or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(a) is met, the Chief Executive—
 - (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.
- (4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive—
 - (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (b) must not, unless the Committee approves, grant the licence.
- (5) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (1) before granting it.

- (6) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (1) not less than 10 working days before granting it.

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

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

Part 4**Enforcement****12. Application of Part 4**

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 3 applies has been, is being or is about to be used in contravention of section 3(2).

13. Power to board and search modes of transport

The authorized officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the mode of transport and search it; and
- (b) for the purposes of paragraph (a), use or authorize the use of reasonable force.

14. Power to require information and production of document, cargo or article

- (1) The authorized officer may require a responsible person for the mode of transport to—
 - (a) provide any information, or produce for inspection any document, relating to the mode of transport, that the officer may specify;
 - (b) for a ship or aircraft—provide any information, or produce for inspection any document, relating to its cargo, that the officer may specify;
 - (c) for a vehicle—provide any information, or produce for inspection any document, relating to any article on it, that the officer may specify; or

- (d) produce for inspection any of its cargo or articles that the officer may specify.
- (2) The power under subsection (1) 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 at which, the information should be provided or the document, cargo or article should be produced for inspection.

15. Power to direct movement

- (1) If the mode of transport is a ship, the authorized officer may do one or more of the following—
 - (a) direct a responsible person for 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 specified;
 - (b) require a responsible person for 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 responsible person is notified by an authorized officer that the ship and its cargo may 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 responsible person is notified by an authorized officer that the ship and its cargo may depart;
 - (iii) if the ship is in another place—
 - (A) to take the ship and any of its cargo to a port specified by an authorized officer; and

- (B) to cause the ship and its cargo to remain in that place until the responsible person 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 by agreement with the responsible person.
- (2) If the mode of transport is an aircraft and the aircraft is in the HKSAR, the authorized officer may require a responsible person for the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the responsible person is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) If the mode of transport is a vehicle, the authorized officer may require a responsible person for the vehicle to—
- (a) take the vehicle and any article on it to a place specified by an authorized officer; and
 - (b) cause the vehicle and the article to remain in that place until the responsible person is notified by an authorized officer that the vehicle and the article may depart.

16. Failure to comply with direction or requirement

- (1) A responsible person for a mode of transport commits an offence if, without reasonable excuse, the person—
- (a) disobeys a direction given under section 15(1)(a); or
 - (b) refuses or fails to comply with a requirement made under section 14(1) or 15(1)(b), (2) or (3)—
 - (i) within the time specified by an authorized officer; or

- (ii) if no time is specified—within a reasonable time.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

17. Provision of false or misleading information or documents

- (1) A responsible person for a mode of transport commits an offence if the person, in response to a requirement made under section 14(1)—
- (a) provides or produces to an authorized officer any information or document that the person knows to be false or misleading in a material particular; or
 - (b) recklessly provides or produces to an authorized officer any information or document that is false or misleading in a material particular.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

18. Power to enter and detain modes of transport

- (1) Without limiting sections 16 and 17, this section applies if an authorized officer has reason to suspect that a requirement made under section 15(1)(b), (2) or (3) may not be complied with.
- (2) The officer may take any steps that appear to the officer to be necessary to secure compliance with that requirement including, in particular, steps to—
- (a) enter or authorize the entry on any land or the mode of transport concerned;

- (b) detain or authorize the detention of the mode of transport, or of (for a ship or aircraft) any of its cargo or (for a vehicle) any article on it; or
- (c) use or authorize the use of reasonable force.
- (3) Subject to subsections (4) and (5), subsection (2) does not authorize the detention of a ship or vehicle for more than 12 hours, or of an aircraft for more than 6 hours.
- (4) 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, or of an aircraft for further periods of not more than 6 hours each.
- (5) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each.
- (6) An order under subsection (4) or (5) must state the time from which, and period for which, the order is effective.

19. Production of proof of identity

Before or on exercising a power conferred by this Part, an authorized officer must, if requested by any person, produce proof of the officer's identity to the person for inspection.

Part 5**Evidence****20. Interpretation of Part 5**

In this Part—

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

- (a) any mode of transport or offshore structure; and
- (b) any tent or movable structure;

seized property (被檢取財產) means anything seized under section 21(3).

21. Power of magistrate or judge to grant warrant

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

- (a) the power to search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises;
 - (b) the power to seize and detain anything found—
 - (i) on the premises; or
 - (ii) on any person referred to in paragraph (a), that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
 - (c) the power to take in relation to anything seized under paragraph (b) any other steps that may appear necessary for preserving the thing and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, the person may use any force that is reasonably necessary for the purpose.

22. Notice of intended forfeiture

- (1) This section applies if an authorized officer intends to apply to a magistrate or judge under section 24 for an order for forfeiture of any seized property.
- (2) The officer must, within 30 days from the date of the seizure, serve notice of the intention to apply for an order for forfeiture under section 24 on every person who was, to the knowledge of the officer at the time of, or immediately after, the seizure, an owner of the seized property.

- (3) A notice under subsection (2) 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) for a notice that cannot be served in accordance with paragraph (a) or (b)—it 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 seized property.

23. Notice of objection to intended forfeiture

- (1) The following persons may, by serving a notice in writing on the Commissioner, object to a proposed forfeiture of any seized property—
 - (a) an owner, or the authorized agent of an owner, of the seized property referred to in a notice served under section 22(2);
 - (b) a person who was in possession of the seized property at the time of seizure;
 - (c) a person who has a legal or equitable interest in the seized property.
- (2) A notice under subsection (1)—
 - (a) must be served on the Commissioner by a person referred to in subsection (1)(a), (b) or (c) (*claimant*) within 30 days from—
 - (i) if the notice under section 22(2) is delivered personally to the person named in the notice—the date of delivery;

- (ii) if the notice is sent by registered post—2 days after the date of posting; or
- (iii) if the notice is exhibited as described in section 22(3)(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—
 - (i) qualified to practise under the Legal Practitioners Ordinance (Cap. 159); and
 - (ii) authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.

24. Application for order for forfeiture

An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized property in respect of which a notice has been served under section 22(2) after the expiration of the appropriate period of time specified in section 23(2)(a) for the serving of a notice of objection.

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

- (1) This section applies if an application is made to a magistrate or judge for an order for forfeiture of any seized property.
- (2) If satisfied that—
 - (a) the seized property is a document relating to the provision, maintenance or use of any prohibited goods; or

- (b) the seized property is prohibited goods,
the magistrate or judge may make the order that the magistrate or judge considers appropriate for the forfeiture of the seized property and its subsequent destruction or disposal.
- (3) An order under subsection (2) may be made in respect of any seized property whether or not any person has been convicted of any offence in connection with the seized property.
- (4) Before making an order for forfeiture of any seized property, the magistrate or judge must issue a summons to any person who serves a notice under section 23(1) to appear on a day specified in the summons to show cause why the seized property should not be forfeited.
- (5) If any summons issued under subsection (4) 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 subsection (2) despite the fact that the summons has not been served on the person.

26. Detention of seized property

- (1) Subject to any order made under section 25, seized property may not be detained for more than 3 months.
- (2) However, if seized property is relevant to an offence under this Regulation, and proceedings for the offence have begun, it may be detained until the completion of those proceedings.

Part 6

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 require that it be provided or produced;
 - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or
 - (iii) the Government of any place outside the People's Republic of China,for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to 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 give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right; and
 - (b) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person.
-

Part 7**Other Offences and Miscellaneous Matters****28. Liability of persons other than principal offenders**

(1) If—

- (a) the person convicted of an offence under this Regulation is a body corporate; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate,

the director, manager, secretary or other similar officer is also guilty of the offence.

(2) If—

- (a) the person convicted of an offence under this Regulation is a firm; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any other person concerned in the management of the firm,

the partner or other person is also guilty of the offence.

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 anything with intent to evade any of the provisions of this Regulation commits an offence and is liable—

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

31. Consent and deadline for prosecution

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

Note—

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

- (3) In this section—

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

32. Publication of list of individuals and entities by Secretary

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (*CEDB*) a list of individuals and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.
- (2) The Secretary may include in the list the name of an individual or entity designated by the Committee for the purposes of paragraph 16 of Resolution 2399.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the list if the individual or entity is no longer designated by the Committee for the purposes of paragraph 16 of Resolution 2399.
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy of a list referred to in subsection (1) printed from the website of the CEDB—
 - (a) is admissible in evidence on production without further proof; and
 - (b) unless the contrary is proved, is evidence of the information contained in the list.

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

34. Exercise of powers of Secretary

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

Part 8

Duration

35. Duration

This Regulation expires at midnight on 31 January 2020.

Carrie LAM
Chief Executive

28 May 2019

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2454 (2019) adopted by the Security Council of the United Nations on 31 January 2019 in respect of the Central African Republic by providing for the prohibition against—

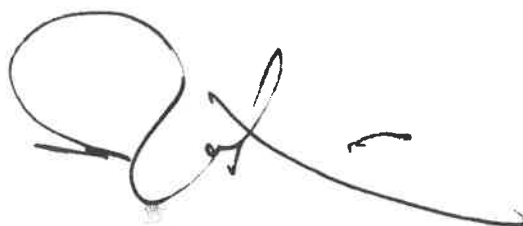
- (a) the supply, sale, transfer or carriage of arms or related materiel to the Central African Republic;
- (b) the provision of technical assistance, training or financial or other assistance related to military activities in certain circumstances;
- (c) making available to, or for the benefit of, certain 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 2019

This is to confirm that the Chief Executive received specific instructions from the Ministry of Foreign Affairs of the People's Republic of China in February 2019 which requested the Government of the Hong Kong Special Administrative Region to implement United Nations Security Council Resolution 2454, and that the United Nations Sanctions (Central African Republic) Regulation 2019 was made in pursuance of the instructions.

Dated this 28th day of May 2019

A handwritten signature in black ink, consisting of a large loop followed by a series of strokes that form the name 'Matthew Cheung Kin-chung'.

(Matthew Cheung Kin-chung)
Chief Secretary for Administration



Security Council

Distr.: General
31 January 2019

Resolution 2454 (2019)

**Adopted by the Security Council at its 8455th meeting, on
31 January 2019**

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 \(2016\)](#), [2339 \(2017\)](#), [2387 \(2017\)](#), [2399 \(2018\)](#), [2448 \(2018\)](#) 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](#)), 16 November 2016 ([S/PRST/2016/17](#)), 4 April 2017 ([S/PRST/2017/5](#)), 13 July 2017 ([S/PRST/2017/9](#)), and 13 July 2018 ([S/PRST/2018/14](#)),

Welcoming the significant efforts made by the CAR authorities, in coordination with their international partners, to advance the reform of the security sector, including the ongoing deployment of CAR defence and security forces as well as the adoption of a National Defence Plan, a Force Employment Concept, and a National Security Policy and *acknowledging* the urgent need for the CAR authorities to train and equip their defence and security forces to be able to respond proportionately to threats to the security of all citizens in the CAR,

Welcoming the Secretary-General's Report of 15 October 2018 ([S/2018/922](#)) submitted pursuant to resolution [2387 \(2017\)](#), and *taking note of* his letter dated 31 July 2018 addressed to the President of the Security Council ([S/2018/752](#)) pursuant to paragraph 43 of resolution [2399 \(2018\)](#),

Taking note of the midterm report and the final report ([S/2018/1119](#)) of the Panel of Experts on the CAR established pursuant to resolution [2127 \(2013\)](#), expanded by resolution [2134 \(2014\)](#) and extended pursuant to resolution [2399 \(2018\)](#), and *taking note of* the Panel of Experts' recommendations,

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,

1. *Decides* to renew until 31 January 2020 the measures and provisions as set out in paragraphs 1 to 19 of resolution [2399 \(2018\)](#);

2. *Reaffirms* that the measures described in paragraphs 9 and 16 of resolution [2399 \(2018\)](#) shall apply to individuals and entities as designated by the Committee



established pursuant to resolution [2127 \(2013\)](#) (“the Committee”), as set forth in paragraphs 20 to 22 of resolution [2399 \(2018\)](#);

3. *Decides* to extend until 29 February 2020 the mandate of the Panel of Experts, as set out in paragraphs 30 to 39 of resolution [2399 \(2018\)](#), *expresses* its intention to review the mandate and take appropriate action regarding its further extension no later than 31 January 2020, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Panel of Experts, in consultation with the Committee, drawing, as appropriate, on the expertise of the current members of the Panel of Experts;

4. *Requests* the Panel of Experts to provide to the Council, after discussion with the Committee, a midterm report no later than 30 July 2019, a final report no later than 31 December 2019, and progress updates, as appropriate;

5. *Expresses particular concern* about reports of illicit transnational trafficking networks which continue to fund and supply armed groups in the CAR, and *requests* the Panel, in the course of carrying out its mandate, to devote special attention to the analysis of such networks, in cooperation with other Panels or Groups of Experts established by the Security Council as appropriate;

6. *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;

7. *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 and *recalls* the value of information-sharing between MINUSCA and the Panel of Experts;

8. *Reaffirms* the Committee provisions and the reporting and review provisions as set out in resolution [2399 \(2018\)](#);

9. *Expresses* its intention to establish, no later than 30 April 2019, clear and well identified key benchmarks regarding the reform of the security sector, the disarmament, demobilization, reintegration and repatriation process, and the management of weapons and ammunition, that could serve in guiding the Security Council to review the arms embargo measures on the Government of the CAR;

10. *Requests* in this regard the Secretary-General, in close consultation with MINUSCA, UNMAS and the Panel of Experts, to conduct, no later than 31 July 2019, an assessment on the progress achieved on the key benchmarks that will be established pursuant to paragraph 9 above and *further expresses* its intention to review, by 30 September 2019, the arms embargo measures on the Government of the CAR in light of this assessment;

11. *Requests* the CAR authorities to report, by 30 June 2019, to the Committee on the progress achieved regarding the reform of the security sector, the disarmament, demobilization, reintegration and repatriation process, and the management of weapons and ammunition;

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



Security Council

Distr.: General
30 January 2018

Resolution 2399 (2018)

**Adopted by the Security Council at its 8169th meeting, on
30 January 2018**

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 \(2016\)](#), [2339 \(2017\)](#), [2387 \(2017\)](#) 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](#)), 16 November 2016 ([S/PRST/2016/17](#)), 4 April 2017 ([S/PRST/2017/5](#)), and 13 July 2017 ([S/PRST/2017/9](#)),

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,

Expressing concern at the deterioration of the security situation, in particular in the south-eastern part and the north-western part of the CAR, due to the ongoing clashes between armed groups and other armed spoilers in their attempts to forcefully gain control of territory and resources and destabilize the country, as well as 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 continue their efforts to implement transparent and inclusive measures that allow for stabilization and reconciliation in the CAR and 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 achieve 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 prevent the re-recruitment of the latter; 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,

Welcoming the African Initiative for Peace and Reconciliation in the CAR that led to the adoption of the roadmap by the ministerial conference held in Libreville on 17 July 2017 by the CAR authorities, the African Union, the Economic Community of Central African States (ECCAS), the International Conference on the Great Lakes region (ICGLR) with the support of Angola, Chad, Congo and Gabon, and *reaffirming* that this Initiative and this roadmap constitute the main framework for a political solution in the CAR, as agreed by CAR authorities and under their leadership,

Encouraging the CAR authorities, in collaboration with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (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, *welcoming* in this regard the launch of the DDRR pilot project, and *further encouraging* the CAR authorities 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, *welcoming* the support of other international and regional partners to the training of the national security and defence forces in support of the CAR authorities, and *encouraging* effective coordination with MINUSCA and EUTM-RCA,

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, and *further calling for* support for the CAR government to develop a comprehensive strategy on sexual and gender-based violence to reduce overall levels of sexual violence,

Welcoming the commitment of the Secretary-General to enforce strictly his zero-tolerance policy on sexual exploitation and abuse (SEA), noting the various measures taken by MINUSCA and Troop- and Police-contributing countries to combat SEA, which has led to a reduction in reported cases, but still *expressing grave concern* over numerous allegations of SEA reportedly committed by peacekeepers in the CAR, as well as by non-United Nations forces, *stressing* the urgent need for Troop- and Police-contributing countries and, as appropriate, MINUSCA to promptly investigate those cases in a credible and transparent manner and to hold accountable those responsible for such criminal offences or misconduct, and *further stressing* the need to prevent such exploitation and abuse and to improve how these allegations are addressed in line with resolution [2272 \(2016\)](#),

Welcoming the Secretary-General's Report of 16 October 2017 ([S/2017/865](#)) submitted pursuant to resolution [2301 \(2016\)](#), and *taking note of* his letter dated 10 July 2017 addressed to the President of the Security Council ([S/2017/597](#)) pursuant to paragraph 29 of resolution [2339 \(2017\)](#),

Further welcoming also the mid-term update and the final report ([S/2017/1023](#)) of the Panel of Experts on the CAR established pursuant to resolution [2127 \(2013\)](#),

expanded by resolution [2134 \(2014\)](#) and extended pursuant to resolution [2339 \(2017\)](#), and *taking note* of the Panel of Experts' recommendations,

Strongly condemning the ongoing violence and instability in the CAR, and the threats of violence, incitement to ethnic and religious hatred and violence, human rights violations and abuses and international humanitarian law violations, as well as sexual and gender-based violence, in particular against children, committed notably by both ex-Seleka and anti-Balaka elements and other armed groups; the attacks and incitement to violence against United Nations peacekeepers 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, *welcoming* in this regard the progressive operationalization of the Special Criminal Court (SCC) 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,

Recalling 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 need to strengthen the 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 south-eastern part of the CAR having carried out the killing and abduction of civilians, including children and women,

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, DDRR and Security sector reform (SSR) processes, *recalling* its resolutions [2117 \(2013\)](#), [2127 \(2013\)](#), [2220 \(2015\)](#), [2262 \(2016\)](#) and [2339 \(2017\)](#) 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 \(2016\)](#), [2339 \(2017\)](#) 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,

Further noting with concern the reports that funds, financial assets and economic resources of listed individuals and entities have still not been frozen, and *underlining* the obligation of Member States and CAR authorities to do so without further delays,

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 [2339 \(2017\)](#) through engagement with Member States, especially regional States,

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 2019, 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 and the European Union training missions deployed in the CAR, French forces under the conditions provided by paragraph 65 of resolution [2387 \(2017\)](#), as well as other Members States forces providing training and assistance as notified in advance in accordance with paragraph 1 (b) below;

(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-led 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 DDDR programmes;

4. *Welcomes* in this regard the creation of the "Commission nationale de lutte contre la prolifération et la circulation illicite des armes légères et de petit calibre (COMNAT-ALPC)" and *calls on* CAR authorities to fully operationalize it;

5. *Further welcomes* the establishment of MINUSCA's arms embargo working group (AEWG), which aims to coordinate the mission's efforts on the implementation of the arms embargo and to reinforce its role in countering arms trafficking, and *encourages* the AEWG to serve as a channel for information-sharing on arms trafficking and for recommendations on the control activities to be carried out including, when appropriate, the seizure of weapons, in pursuance of MINUSCA's mandate as defined in paragraph 44 of resolution [2387 \(2017\)](#);

6. *Strongly encourages* the CAR authorities to continue 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 internal security forces units receiving such weapons and ammunition are fully trained and vetted;

7. *Encourages* neighbouring States, in cooperation with the CAR authorities, to take effective action to counter the illicit flow of weapons and ammunition into the CAR and to ensure the traceability of the weapons and ammunition produced on their territories as required by the Kinshasa Convention for the Control of small arms and light weapons, their ammunition, parts and components that can be used for their manufacture, repair or assembly;

8. *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 32 (b) of this resolution;

Travel ban

9. *Decides* that, until 31 January 2019, 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;

10. *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;

11. *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;

12. *Urges* the CAR authorities, in their implementation of the measures set out in paragraph 9 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;

13. *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;

14. *Decides* that the measures imposed by paragraph 9 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;

15. *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

16. *Decides* that all Member States shall, until 31 January 2019, 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;

17. *Decides* that the measures imposed by paragraph 16 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;

18. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 16 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;

19. *Decides* that the measures in paragraph 16 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 16 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

20. *Decides* that the measures contained in paragraphs 9 and 16 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;

21. *Further decides* in this regard that the measures contained in paragraphs 9 and 16 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 in the CAR that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving targeting of civilians, ethnic- or religious-based attacks, attacks on civilian objects, including administrative centers, courthouses, 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 training missions and French forces deployed under the conditions provided by paragraph 65 of resolution [2387 \(2017\)](#) and which support them, as well as against humanitarian personnel;

(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), paragraphs 16 or 17 of resolution 2339 (2017) or this resolution, or an entity owned or controlled by a designated individual or entity;

22. *Condemns* all acts of incitement to violence, in particular on an ethnic or religious basis, that undermine the peace, stability or security of the CAR and *decides* that individuals and entities who commit such acts and then engage in or provide support for acts that undermine the peace, stability or security of the CAR could meet the designation criteria specified in paragraph 20 above;

23. *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

24. *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;

25. *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;

26. *Requests* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 2, 9 and 16 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 41 below, to provide progress reports on the Committee's work on this issue;

27. *Recalls* 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;

28. *Calls for* enhanced vigilance from international 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;

29. *Acknowledges* the KP's progress on the issue of the diamond stockpiles, and *encourages* the KP to facilitate the resolution of the issue, in cooperation with the CAR authorities and in consultation with the Panel of Experts;

Panel of Experts

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

31. *Decides* to extend the mandate of the Panel of Experts until 28 February 2019, *expresses* its intent to review the mandate and take appropriate action regarding further extension no later than 31 January 2019 and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to support its action;

32. *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 2018, and a final report by 31 December 2018, 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, 9 and 16 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 20 and 21 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 20 and 21 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 20 and 21 above;

(g) Collect, in cooperation with MINUSCA, and report to the Committee acts of incitement to violence, in particular on an ethnic or religious basis, that undermine the peace, stability or security of the CAR and identify those perpetrators;

(h) 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;

33. *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;

34. *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;

35. *Requests* the Panel of experts to include the necessary gender expertise, in line with paragraph 6 of resolution [2242 \(2015\)](#), and *encourages* the Panel to integrate gender as a cross-cutting issue across its investigations and reporting;

36. *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;

37. *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;

38. *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;

39. *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

40. *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, 9 and 16 of this resolution;

41. *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;

42. *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;

43. *Requests* in this regard the Secretariat to provide to the Security Council, within the next 6 months, benchmarks to assess the arms embargo measures according to the progress of the SSR, including FACA and internal security forces and their needs on the basis of option 3 of the letter of the Secretary General addressed to the President of the Security Council on 10 July 2017;

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

United Nations Sanctions (Central African Republic) Regulation ~~2018~~2019

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

Part 1

Preliminary

1. Interpretation

In this Regulation—

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);

assistance (協助) means technical assistance, training or financial or other assistance;

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 (2013) adopted by the Security Council on 5 December 2013;

connected 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);

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

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

funds (資金) includes—

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

Hong Kong person (香港人) means—

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

licence (特許) means a licence granted under Part 3 ~~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;

mode of transport (運輸工具) means a ship, aircraft or vehicle;

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

pilot in command (機長), in relation to an aircraft, means the pilot designated by the operator or ~~the~~ owner, as appropriate, as being—

- (a) in charge of the aircraft (without being under the direction of any other pilot in the aircraft); and
- (b) 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~~ named in the list published under section 32(1);
- (b) an entity—
 - (i) acting on behalf of; ~~or~~
 - (ii) acting at the direction of; ~~i~~ or
 - (iii) owned or controlled by,
 - ~~a person~~ an individual or entity ~~specified by the Chief Executive as a relevant person or relevant entity under section 32~~ named in that list; or
- (c) an entity owned or controlled by ~~a person~~ an individual or entity—
 - (i) acting on behalf of; ~~i~~ or
 - (ii) acting at the direction of,
 - ~~a person~~ an individual or entity ~~specified by the Chief Executive as a relevant person or relevant entity under section 32~~ named in that list;

relevant person (有關人士) means—

- (a) ~~a person specified by the Chief Executive as a relevant person~~ an individual named in the list published under section 32(1); or
- (b) ~~a person~~ an individual—
 - (i) acting on behalf of; or
 - (ii) acting at the direction of,—~~a person~~ an individual or entity ~~specified by the Chief Executive as a relevant person or relevant entity under section 32~~ named in that list;

~~**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;~~

Resolution 2387 (《第 2387 號決議》) means Resolution 2387 (2017) adopted by the Security Council on 15 November 2017;

~~**Resolution 2399** (《第 2399 號決議》) means Resolution 2399 (2018) adopted by the Security Council on 30 January 2018;~~

~~**responsible person** (負責人) means—~~

- ~~(a) for a ship—the charterer, operator or master of the ship;~~
- ~~(b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or~~
- ~~(c) for a vehicle—the operator or driver of the vehicle;~~

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

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):

supply (供應) means supply, sale or transfer.

Part 2

Prohibitions

2. ~~Prohibition against s~~Supply, sale or transfer of ~~certain~~ goods prohibited

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
 - (b) a Hong Kong 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 a connected person, or ~~to~~ the order of, a person connected with the Central African Republic~~connected person~~; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to the Central African Republic; or
 - (ii) to a connected person, or ~~to~~ the order of, a person connected with the Central African Republic~~connected person~~.

- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (~~ba~~) on summary conviction—to a fine at level 6 and to imprisonment for 6 months;~~;~~ or
 - (~~ab~~) on conviction on indictment—to a fine and to imprisonment for 7 years;~~;~~ or.
- (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 a connected person; or ~~to the order of; a person connected with the Central African Republic~~ connected person; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to the Central African Republic; or
 - (B) to a connected person; or ~~to the order of; a person connected with the Central African Republic~~ connected person.

3. ~~Prohibition against e~~Carriage of ~~certain~~ goods prohibited

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR, or is in the HKSAR;
 - ~~(b) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;~~

- (~~eb~~) an aircraft that is registered in the HKSAR, or is in the HKSAR;
 - ~~(d) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;~~
 - (~~ec~~) any other ship or aircraft that is for the time being chartered to a person who is —a Hong Kong person, or is — (~~i~~) in the HKSAR; and
 - ~~(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~~
 - (~~fd~~) 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~~ mode of transport 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 a connected person; or ~~to the order of, a person connected with the Central African Republic~~ connected person; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to the Central African Republic; or
 - (ii) to a connected person; or ~~to the order of, a person connected with the Central African Republic~~ connected person.
- (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~~ is authorized by a licence granted under section 8(1)(a).
- (4) If a ~~ship, aircraft or vehicle~~ mode of transport 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 responsible persons for the ship;
 - (b) for any other ship—
 - (i) the charterer of the ship, if the charterer is a Hong Kong person, or 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 a Hong Kong person, or 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, or is in the HKSAR;
 - (c) for an aircraft registered in the HKSAR—~~the charterer, the operator and the pilot in command of~~ the responsible persons for the aircraft;
 - (d) for any other aircraft—

- (i) the charterer of the aircraft, if the charterer is a Hong Kong person, or 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 a Hong Kong person, or 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, or is in the HKSAR;
 - (e) for a vehicle—~~the operator and the driver of~~ the responsible persons for the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
- (~~ba~~) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (~~ab~~) on conviction on indictment—to a fine and to imprisonment for 7 years; ~~or.~~
- (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 a connected person; or ~~to the order of; a person connected with the Central African Republic~~connected person; or
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly,—
 - (A) to the Central African Republic; or
 - (B) to a connected person; or ~~to the order of; a person connected with the Central African Republic~~connected person.

4. ~~Prohibition against p~~Provision of ~~certain assistance or training~~prohibited

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong 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; provide to a ~~person connected with the Central African Republic~~connected person any assistance (including the provision of armed mercenary personnel) ~~technical assistance, training, financial or other assistance~~, related to—
 - (a) military activities; ~~—or to—~~
 - (b) 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—
- (~~ba~~) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (~~ab~~) on conviction on indictment—to a fine and to imprisonment for 7 years; ~~or.~~
- (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~~ connected person; or
 - (b) that the assistance ~~or training concerned~~ related to—
 - (i) military activities; ~~or to~~
 - (ii) the provision, maintenance or use of any prohibited goods.

5. ~~Prohibition against m~~**Making available funds, etc. or dealing with funds, etc. economic assets prohibited**

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR; ~~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, make available any ~~funds or other financial assets or economic resources~~ economic assets 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 deal with, any ~~funds or other financial assets or economic resources~~ economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity, ~~and~~ (including, if the ~~first-mentioned~~ person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources the economic assets belonging to, or directly or indirectly owned or controlled by, the ~~first-mentioned~~ person).
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (~~ba~~) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (~~ab~~) on conviction on indictment—to a fine and to imprisonment for 7 years; ~~or~~.
- (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) for a contravention of subsection (2)(a)—that the ~~funds or other financial assets or economic resources concerned~~ economic assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) for a contravention of subsection (2)(b)—that the person was dealing with ~~funds or other financial assets or economic resources~~ economic assets belonging to, or

directly or indirectly 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 directly or indirectly owned or controlled by, a relevant person or a relevant entity with—

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

(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 e~~Entry or transit ~~by certain~~of persons prohibited

(1) ~~Subject to section 7, a~~A specified person must not enter or transit through the HKSAR.

(2) However, subsection (1) does not apply to a case in respect of which—

- (a) the relevant entry or transit is necessary for the fulfilment of a judicial process;
 - (b) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation; or
 - (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in the Central African Republic and stability in the region.
- (23) 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.
- (34) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (45) In this section—
specified person (指明人士) means ~~a person~~ an individual designated by the Committee for the purposes of paragraph 309 of Resolution ~~2134~~ 2399.

~~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.~~

7. Acts done outside HKSAR with permission granted outside HKSAR not prohibited

This Part does not apply if—

- (a) it otherwise prohibits a person from doing an act in a place outside the HKSAR except under the authority of a licence; and
 - (b) the person does the act in the place with permission granted in accordance with a law in force in the place (being a law substantially corresponding to the relevant provisions of this Regulation).
-

Part 3

Licences

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

(1) If, ~~satisfied~~ on application, the Chief Executive is satisfied that ~~any one or more~~ of the requirements in subsection (2) ~~is~~ are 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 a connected person, or ~~to~~ the order of, a ~~person connected with the Central African Republic~~ connected person; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly—

(A) to the Central African Republic; or

(B) to a connected person, or ~~to~~ the order of, a ~~person connected with the Central African Republic~~ connected person; 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 a connected person, or ~~to~~ the order of, a ~~person connected with the Central African Republic~~ connected person; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly—

(A) to the Central African Republic; or

(B) to a connected person, or ~~to the order of, a person connected with the Central African Republic~~ connected person.

(2) The requirements are as follows—

- (a) the prohibited goods are intended solely for the support of or use by—
 - (i) MINUSCA and the European Union training missions deployed in the Central African Republic;
 - (ii) French forces under the conditions provided by paragraph 65 of Resolution 2387; or
 - (iii) forces of other Member States of the United Nations providing ~~training and~~ assistance, as notified in advance ~~to the Committee~~ in accordance with paragraph 1(b) of Resolution 2399;
- (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 personnel, 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-led 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 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) However, 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, the Chief Executive is satisfied that any one or more of the requirements in subsection (2) ~~is~~

are met, the Chief Executive must grant a licence for the provision, to a ~~person connected with the Central African Republic~~connected person, of ~~technical assistance, training, financial or other assistance~~ assistance (including the provision of armed mercenary personnel); related to—

- (a) military activities; ~~or to~~
- (b) 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 support of or use in the Central African Republic process of Security Sector Reform, in coordination with MINUSCA;
- (b) the assistance ~~or training~~ is technical assistance or training 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 assistance or personnel is approved in advance by the Committee.

(3) However, 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~~economic assets

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

- (b) the ~~funds or other financial assets or economic resources~~economic assets are necessary for extraordinary expenses;
 - (c) the ~~funds or other financial assets or economic resources~~economic assets are—
 - (i) ~~are~~ the subject of a judicial, administrative or arbitral lien or judgment that was entered before ~~27 January 2017~~30 January 2018 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~~economic assets are to be used for making payment due under a contract entered into by ~~a person~~an individual or entity before the date on which the ~~person~~individual or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
- (3) ~~However, If~~if the Chief Executive ~~determines~~is satisfied 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)~~4 Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive—
 - ~~(i)~~ must cause the Committee to be notified of the ~~determination~~intention to grant a licence under subsection (1); and

- (~~ii~~b) must not, unless the Committee approves, grant the licence—~~unless the Committee approves the determination~~;
- (~~e~~5) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, ~~before granting the licence~~, the Chief Executive must cause the Committee to be notified of the ~~determination~~intention to grant a licence under subsection (1) before granting it;
- (~~d~~6) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the ~~determination~~intention to grant a licence under subsection (1) not less than 10 working days before granting ~~the licence~~it.

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

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

(~~a~~b) on conviction on indictment—to a fine and to imprisonment for 2 years;~~or.~~

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 ~~54~~

Enforcement ~~of Regulation~~

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

~~1312.~~ Investigation of suspected ships Application of Part 4

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

13. Power to board and search modes of transport

The authorized officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship-mode of transport and search it; and,
- (b) for ~~that the~~ purposes of paragraph (a), use or authorize the use of reasonable force; ~~and.~~

14. Power to require information and production of document, cargo or article

~~(b)(1)~~ The authorized officer may require a responsible person for the mode of transport request the charterer, operator or master of the ship to—

- (a) provide any information, or produce for inspection any document, relating to the ship-mode of transport, or its cargo that the officer may specify; or
- (b) for a ship or aircraft—provide any information, or produce for inspection any document, relating to its cargo, that the officer may specify;

(c) for a vehicle—provide any information, or produce for inspection any document, relating to any article on it, that the officer may specify; or

(d)—produce for inspection any of its cargo or ~~articles~~any document relating to the ship or its cargo,—that the officer may specify.

(2) The power under subsection (1) 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 at which, the information should be provided or the document, cargo or article should be produced for inspection.

15. Power to direct movement

~~—(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—~~

(1) If the mode of transport is a ship, the authorized officer may do one or more of the following—

(a) direct ~~the charterer, operator or master of a~~ responsible person for 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 require the charterer, operator or master of a responsible person for~~ 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~~ responsible person 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~~ responsible person is notified by an authorized officer that the ship and its cargo may depart;
- (iii) if the ship is in ~~any other~~ another place~~—~~,
 - (A) to take the ship and any of its cargo to a port specified by an authorized officer~~—~~; and
 - (B) to cause the ship and its cargo to remain in that place until the ~~charterer, operator or master~~ responsible person 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~~ by agreement with the ~~charterer, operator or master~~ responsible person.

(2) If the mode of transport is an aircraft and the aircraft is in the HKSAR, the authorized officer may require a responsible person for the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the responsible person is notified by an authorized officer that the aircraft and its cargo may depart.

- (3) If the mode of transport is a vehicle, the authorized officer may require a responsible person for the vehicle to—
- (a) take the vehicle and any article on it to a place specified by an authorized officer; and
 - (b) cause the vehicle and the article to remain in that place until the responsible person is notified by an authorized officer that the vehicle and the article 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.~~

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

16. Failure to comply with direction or requirement

- (1) A ~~charterer, operator or master~~ responsible person ~~of~~ for a ship mode of transport commits an offence if, without reasonable excuse, the person—who
- (a) disobeys ~~any~~ direction given under section ~~13(2)(a)~~ 15(1)(a); or;
 - (b) ~~without reasonable excuse,~~ refuses or fails to comply with a ~~request~~ requirement made under section ~~13(1)(b) or (2)(b)~~ 14(1) or 15(1)(b), (2) or (3)—
 - (i) within the time specified by an authorized officer;
 - or;
 - (ii) if no time is specified, ~~—~~within a reasonable time;

- (2) A person who commits an offence under subsection (1) ~~and~~ is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

17. Provision of false or misleading information or documents

- (21) A ~~charterer, operator or master of a ship~~ responsible person for a mode of transport commits an offence if the ~~person who~~, in response to a ~~request requirement~~ made under section ~~13(1)(b) or (2)(b)~~ 14(1),—
- (a) provides or produces to an authorized officer any information or document that the ~~charterer, operator or master~~ person knows to be false or misleading in a material particular; ~~or~~
- (b) recklessly provides or produces to an authorized officer any information or document that is false or misleading in a material particular; ~~or~~
- (2) A person who commits an offence under subsection (1) ~~and~~ is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

1518. Power ~~of authorized officers~~ to enter and detain ~~ships~~ modes of transport

- (1) Without limiting sections ~~14~~ 16 and 17, this section applies if an authorized officer has reason to suspect that a ~~request requirement that has been~~ made under section ~~13(2)(b)~~ 15(1)(b), (2) or (3) may not be complied with; ~~or~~
- (2) ~~the~~ The officer may take any steps that appear to the officer to be necessary to secure compliance with that ~~request requirement~~ including, in particular, ~~any of the following steps to~~—
- (a) enter or authorize the entry on any land or the ~~ship concerned~~ mode of transport concerned;

- (b) detain or authorize the detention of ~~that ship~~ the mode of transport, or of (for a ship or aircraft) any of its cargo; or (for a vehicle) any article on it; or
- (c) use or authorize the use of reasonable force.
- (23) Subject to subsections ~~(3)(4)~~ (4) and (5), subsection ~~(1)(2)~~ does not authorize the detention of a ship or vehicle for more than 12 hours, or of an aircraft for more than 6 hours.
- (34) 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~~ or of an aircraft for further periods of not more than 6 hours each.
- (5) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each.
- (6) ~~the~~ An order under subsection (4) or (5) 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~~19. Production of proof of identity

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

Part ~~6~~5

Evidence

20. Interpretation of Part 5

In this Part—

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

(a) any mode of transport or offshore structure; and

(b) any tent or movable structure;

seized property (被檢取財產) means anything seized under section 21(3).

2321. 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~~ an 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~~ 1 month from the date of the warrant, to—

(a) enter the premises specified in the information; and

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

2422. ~~Seized articles, etc. liable to~~Notice of intended forfeiture

- (1) This section applies ~~If~~if an authorized officer intends to apply to a magistrate or judge under section ~~25~~24 for an order for forfeiture of any ~~document, cargo or article seized under section 23(3)~~seized property.

- (2) ~~†~~The officer must, within 30 days from the date of the seizure, serve notice of ~~that the~~ intention to apply for an order for forfeiture under section 24 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~~seized property.
- (23) A notice under subsection (12) 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 for the a~~ notice ~~that~~ cannot be served in accordance with paragraph (a) or (b) ~~—, the notice~~it 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~~seized property.

23. Notice of objection to intended forfeiture

- (31) The following persons may, by serving a notice in writing on the Commissioner, object to a proposed forfeiture of any seized property—
- (a) A~~n~~ owner, or the authorized agent of an owner, of the ~~document, cargo or article~~seized property referred to in a notice served under ~~subsection (1)~~section 22(2); ~~;~~
 - (b) ~~or~~ a person who was in possession of the ~~document, cargo or article~~seized property at the time of seizure; ~~;~~
 - (c) ~~or~~ a person who has a legal or equitable interest in the ~~document, cargo or article~~ seized property; ~~;~~

~~may object to the proposed forfeiture by serving a notice in writing on the Commissioner.~~

(42) A notice ~~of objection~~ under subsection (31)—

- (a) must be served on the Commissioner by a person referred to in subsection ~~(3)(1)(a), (b) or (c)~~ (*claimant*) within 30 days from—
 - (i) if the notice under ~~subsection (1)~~ section 22(2) 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)~~ section 22(3)(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
 - (i) qualified to practise under the Legal Practitioners Ordinance (Cap. 159); and
 - (ii) ~~is~~ authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.

24. Application for order for forfeiture

~~—(5)—~~ An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized property document, cargo or article in respect of which a notice has been served under ~~subsection (1)~~ section 22(2) ~~(a)~~ after the expiration of the

appropriate period of time specified in ~~subsection 23~~(42)(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) ~~This section applies~~ If an application is made to a magistrate or judge for an order for forfeiture of any seized property document, cargo or article,

~~(2) the magistrate or judge may, if~~ If satisfied that—

~~(a)~~ the seized document property is a document relating to the provision, maintenance or use of any prohibited goods;~~;~~ or

~~(b) that~~ the seized cargo or article property is prohibited goods,—

~~the magistrate or judge may make such the order as~~that the magistrate or judge thinks fit~~considers appropriate~~ for the forfeiture of the ~~document, cargo or article~~seized property and its subsequent destruction or disposal.

~~(23)~~ An order under subsection ~~(12)~~ may be made in respect of any seized property document, cargo or article whether or not any person has been convicted of any offence in connection with the seized property~~document, cargo or article~~.

~~(34)~~ Before making an order for forfeiture of any seized property document, cargo or article, ~~a~~the magistrate or judge must issue a summons to any person who serves a notice ~~of objection in accordance with section 24(3) and (4) under section 23(1)~~ to appear on a day specified in the summons to show cause why the ~~document, cargo or article~~seized property should not be forfeited.

- (45) If any summons issued under subsection (34) 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~~subsection (2) despite the fact that the summons has not been served on ~~that~~ the person.

26. Detention of ~~documents, cargoes or articles~~ seized property

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

Part **76**

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~~ require that it be provided or produced;
 - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or
 - (iii) the Government of any place outside the People's Republic of China,
for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to 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)—

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

Part 87

Other Offences and Miscellaneous Matters

28. Liability of persons other than principal offenders

(1) If—

(a) the person convicted of an offence under this Regulation is a body corporate; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate,

the director, manager, secretary or other similar officer is also guilty of the ~~like~~ offence.

(2) If—

(a) the person convicted of an offence under this Regulation is a firm; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any other person concerned in the management of the firm,

the partner or ~~the other person concerned in the management of the firm~~ is also 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~~anything with intent to evade any of the provisions of this Regulation commits an offence and is liable—

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

31. Consent and deadline time limit for proceedings~~prosecution~~

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

Note—

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

- (3) In this section—

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

~~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.~~

32. Publication of list of individuals and entities by Secretary

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (CEDB) a list of individuals and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.
- (2) The Secretary may include in the list the name of an individual or entity designated by the Committee for the purposes of paragraph 16 of Resolution 2399.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the list if the individual or entity is no longer designated by the Committee for the purposes of paragraph 16 of Resolution 2399.
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy of a list referred to in subsection (1) printed from the website of the CEDB—
 - (a) is admissible in evidence on production without further proof; and

(b) unless the contrary is proved, is evidence of the information contained in the list.

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~~ another 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~~ considers appropriate.

34. Exercise of powers of Secretary

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

Part 98

Duration

3435. Duration

This Regulation expires at midnight on 31 January ~~2019~~2020.

Chief Executive

~~2018~~2019

United Nations Sanctions (Central African Republic) Regulation 2019

Information on the Central African Republic

Country Background

The Central African Republic (“CAR”) is a landlocked country in Central Africa ^{Note 1}. 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 CAR 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 4.737 million in 2018 ^{Note 2}. The CAR had a GDP of US\$1.928 billion ^{Note 3} (or HK\$15.03 billion) in 2017.

Sanctions imposed by the United Nations Security Council

2. Since independence of the CAR in 1960, four presidents have been removed from power through unconstitutional means, and the 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 ^{Note 4}.

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 faces a dire humanitarian situation that affected virtually the entire population.

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) adopted Resolution 2127 on 5 December 2013 authorising the African-led International Support Mission in the CAR, 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 CAR of weapons of all types.

Note 1 At present, there is not a definite list of Belt and Road countries, but the CAR 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 <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2018.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 CAR at <https://binuca.unmissions.org/en/background>

5. Determining that the situation in the CAR continued to constitute a threat to international peace and security in the region, the UNSC expanded the sanctions against the CAR, including a year-long travel ban and financial sanctions, via the adoption of Resolution 2134 on 28 January 2014. Subsequently, the UNSC extended all sanction measures imposed on the CAR on an annual basis for a few times. On 31 January 2019, the UNSC adopted Resolution 2454 to renew until 31 January 2020 all sanction measures imposed on the CAR.

Trade Relation between Hong Kong and the CAR

6. In 2018, the CAR ranked 184th among Hong Kong's trading partners in the world, with a total trade of HK\$8.6 million. Of these, HK\$6.6 million worth of trade were exports to the CAR and HK\$2.0 million imports. Hong Kong's trade with the CAR are summarised as follows –

Hong Kong's Trade with the CAR ^{Note 5} [Value in HK\$ (in million)]		
Item	2017	2018
(a) Total Exports to the CAR	10.2	6.6
(i) Domestic exports	0.3 ^{Note 6}	0.3 ^{Note 7}
(ii) Re-exports	9.9 ^{Note 8}	6.3 ^{Note 9}
(b) Imports from the CAR	0.8 ^{Note 10}	2.0 ^{Note 11}
Total Trade [(a) + (b)]	11.0	8.6

In 2018, HK\$0.7 million worth of goods were re-exports of CAR origin to the Mainland via Hong Kong, and HK\$6.1 million were re-exports of Mainland origin to the CAR via Hong Kong. The total of HK\$6.8 million worth of goods were equivalent to 1.2% ^{Note 12} of the total trade between the CAR and the Mainland.

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

Commerce and Economic Development Bureau May 2019

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

^{Note 6} In 2017, Hong Kong's major domestic export items to the CAR were printed matters (99.0%).

^{Note 7} In 2018, Hong Kong's major domestic export items to the CAR were printed matters (100%).

^{Note 8} In 2017, Hong Kong's major re-export items to the CAR were telecommunications and sound recording and reproducing apparatus and equipment (82.4%).

^{Note 9} In 2018, Hong Kong's major re-export items to CAR were telecommunications and sound recording and reproducing apparatus and equipment (92.6%).

^{Note 10} In 2017, Hong Kong's major import items from the CAR were non-metallic mineral manufactures (89.3%).

^{Note 11} In 2018, Hong Kong's major import items from the CAR were non-metallic mineral manufactures (86.2%).

^{Note 12} The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics and the calculated percentage is solely indicative.