

## **LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

### **UNITED NATIONS SANCTIONS (CENTRAL AFRICAN REPUBLIC) REGULATION 2020 (AMENDMENT) REGULATION 2020**

#### **INTRODUCTION**

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

#### **BACKGROUND**

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

B 2. Under section 3(1) of the Ordinance, the Chief Executive is required to make regulations to give effect to the instructions from the Ministry of Foreign Affairs of the People’s Republic of China (“MFA”) to implement sanctions decided by the Security Council of the United Nations (“UNSC”). The MFA issued instructions in September 2020 for the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2536 (at Annex B) in respect of the Central African Republic (“CAR”) in the HKSAR<sup>1</sup>. The Amendment Regulation was made pursuant to the instructions.

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<sup>1</sup> [https://www.mfa.gov.cn/web/wjw\\_673085/zfxxgk\\_674865/gknrlb/jytz/t1812120.shtml](https://www.mfa.gov.cn/web/wjw_673085/zfxxgk_674865/gknrlb/jytz/t1812120.shtml)

## **Sanctions against CAR**

3. Concerned with the continuing deterioration of the security situation in the CAR and its consequences on the central African region and beyond, the UNSC has adopted several UNSCRs to impose or renew sanctions against the CAR since 2013. Such sanction measures include arms embargo, travel ban and financial sanctions, which are all time-limited and have been renewed by the UNSC for a number of times.

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

## **UNSCR 2536**

5. On 28 July 2020, the UNSC, determining that the situation in the CAR continued to constitute a threat to international peace and security, adopted UNSCR 2536 and decided, inter alia, to renew the arms embargo, travel ban and financial sanctions imposed against the CAR until 31 July 2021.

## **THE AMENDMENT REGULATION**

6. The Amendment Regulation, at Annex A, seeks to implement the sanction measures imposed on the CAR as renewed by UNSCR 2536. The main provision of the Amendment Regulation is section 3, which amends section 2 of the 2020 Regulation to provide that the provisions of the 2020 Regulation implementing time-limited sanction measures and related exemptions (sections 3 to 7 and 9 to 11), as amended by the Amendment Regulation, are in force during the period from the commencement of the Amendment Regulation until midnight on 31 July 2021. A marked-up version showing the amendments made to the 2020 Regulation is at Annex C for easy reference by Members.

C

## **IMPLICATIONS OF THE PROPOSAL**

7. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Ordinance. It has no financial, civil service, economic, productivity, environmental, sustainability, family or gender implications. Additional work arising from the enforcement of the 2020 Regulation as amended by the Amendment Regulation, if any, will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

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

## **INFORMATION ON CAR AND RELATIONS WITH THE HKSAR**

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

D

**Commerce and Economic Development Bureau  
November 2020**

United Nations Sanctions (Central African Republic) Regulation 2020 (Amendment)  
Regulation 2020

L.N. 216 of 2020  
B3483

Section 1

L.N. 216 of 2020

**United Nations Sanctions (Central African Republic)  
Regulation 2020 (Amendment) Regulation 2020**

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

**1. United Nations Sanctions (Central African Republic) Regulation 2020 amended**

The United Nations Sanctions (Central African Republic) Regulation 2020 (Cap. 537 sub. leg. CM) is amended as set out in sections 2 to 5.

**2. Section 1 amended (interpretation)**

(1) Section 1—

**Repeal the definition of *Resolution 2507*.**

(2) Section 1—

**Add in alphabetical order**

***CAR security forces*** (中非安全部隊) means the Central African Republic security forces, including the civilian law enforcement institutions of the Central African Republic;

***CARSSR process*** (中非改革進程) means the Central African Republic process of Security Sector Reform;

***Resolution 2536*** (《第2536號決議》) means Resolution 2536 (2020) adopted by the Security Council on 28 July 2020;”.

United Nations Sanctions (Central African Republic) Regulation 2020 (Amendment)  
Regulation 2020

L.N. 216 of 2020  
B3485

Section 3

**3. Section 2 amended (limited duration of certain provisions)**

After section 2(2)—

**Add**

“(3) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (Central African Republic) Regulation 2020 (Amendment) Regulation 2020 until midnight on 31 July 2021.”.

**4. Section 9 amended (licence for supply or carriage of goods)**

(1) Section 9(2)(a)(iii)—

**Repeal**

“Resolution 2507”

**Substitute**

“Resolution 2536”.

(2) Section 9(2)(b)—

**Repeal**

“Central African Republic process of Security Sector Reform”

**Substitute**

“CARSSR process”.

(3) Section 9(2)(g)—

**Repeal**

everything after “are weapons with a calibre of 14.5 mm or less”

**Substitute**

“(relevant weapons), or ammunition or components specially designed for the relevant weapons, or unarmed ground military vehicles or ground military vehicles

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mounted with the relevant weapons, or rocket-propelled grenades or ammunition specially designed for the grenades, to be supplied to the CAR security forces, and intended solely for support of or use in the CARSSR process;”.

(4) Section 9(2)(h)—

**Repeal**

everything after “supplied to the” and before “, as approved”

**Substitute**

“CAR security forces, and intended solely for support of or use in the CARSSR process”.

**5. Section 10 amended (licence for provision of assistance)**

(1) Section 10(2)(a)—

**Repeal**

everything after “training to the” and before “, in coordination”

**Substitute**

“CAR security forces, is intended solely for support of or use in the CARSSR process”.

(2) After section 10(2)(b)—

**Add**

“(ba) the assistance is related to prohibited goods referred to in section 9(2)(g) to be supplied to the CAR security forces, and intended solely for support of or use in the CARSSR process;

(bb) the assistance is related to prohibited goods referred to in section 9(2)(h) to be supplied to the CAR security forces, and intended solely for support of or

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use in the CARSSR process, as approved in advance by the Committee;”.

(3) Section 10(4), after “subsection (2)(b)—

**Add**

“or (ba)”.

Matthew CHEUNG Kin-chung  
Acting Chief Executive

10 November 2020

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### Explanatory Note

This Regulation amends the United Nations Sanctions (Central African Republic) Regulation 2020 (Cap. 537 sub. leg. CM) (*principal Regulation*) to give effect to certain decisions in Resolution 2536 (2020) adopted by the Security Council of the United Nations on 28 July 2020.

2. Section 2 of this Regulation amends section 1 of the principal Regulation to repeal an old definition and include certain new definitions.
3. Section 3 of this Regulation amends section 2 of the principal Regulation to provide that sections 3, 4, 5, 6, 7, 9 (as amended by this Regulation), 10 (as amended by this Regulation) and 11 of the principal Regulation (*relevant provisions*) are in force only until midnight on 31 July 2021.
4. The relevant provisions relate to 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.

5. This Regulation also makes certain minor textual amendments.



# Security Council

Distr.: General  
28 July 2020

[Smt]

## Resolution 2536 (2020)

**Adopted by the Security Council at its 8750th meeting, on  
28 July 2020**

*The Security Council,*

*Recalling* all of its previous resolutions, statements of its President, and press statements on the situation in the Central African Republic (CAR),

*Welcoming* the efforts made by the CAR authorities, in coordination with their international partners, to advance the reform of the security sector (SSR), including the ongoing deployment of CAR defence and security forces, *encouraging* them to implement their National Defence Plan, Force Employment Concept, and 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 also* the commitment demonstrated and the progress made by the CAR authorities, along with their international partners, to achieve the key benchmarks for the review of the arms embargo measures, through inter alia suspension or progressive lifting of these measures, established in the statement of its President of 9 April 2019 (S/PRST/2019/3) (“the key benchmarks”) and *taking note of* the letter of the CAR authorities addressed to the President of the Security Council (S/2020/57),

*Stressing* the importance of the CAR authorities achieving the key benchmarks in order to contribute to the advancement of the SSR process, the disarmament, demobilisation, reintegration and repatriation (DDRR) process and necessary weapons and ammunition management reforms and *encouraging* the CAR authorities to maintain their efforts and continue their progress in this regard,

*Recalling* that deliveries of weapons, ammunition and military equipment and the provision of technical assistance or training, to the CAR security forces and intended solely for support of or use in the CAR process of SSR, by Member States or international, regional and subregional organisations should only be used for the purposes specified in the relevant notifications and exemption requests and underlining their contribution to the development of CAR security sector institutions, to the response to the specific needs of the CAR defence and security forces, and to the support to the progressive extension of State authority,



*Stressing* the need for the CAR authorities to ensure physical protection, control, management, traceability, and accountability of weapons, ammunition and military equipment transferred to their control,

*Welcoming* the report of the Secretary-General of 16 June 2020 (S/2020/545) submitted pursuant to resolution 2499 (2019),

*Taking note of* the Secretary-General's letter dated 30 June 2020 addressed to the President of the Security Council (S/2020/622) consistent with paragraph 13 of resolution 2507 (2020) and of the CAR authorities' report addressed to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the CAR ("the Committee") consistent with paragraph 12 of resolution 2507 (2020),

*Further taking note of* the final report (S/2020/662) of the Panel of Experts on the CAR established pursuant to resolution 2127 (2013), expanded by resolution 2134 (2014) and extended pursuant to resolution 2507 (2020) ("the Panel of Experts"), and *taking note also 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* that, until 31 July 2021, 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 *further decides* that these measures 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 52 of resolution 2499 (2019), and other Member 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* that MINUSCA 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 notified in advance to 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 and by armed wildlife rangers of the Chinko Project and the Bamingui-Bangoran National Park 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 weapons with a calibre of 14.5 mm or less, and ammunition and components specially designed for such weapons, and of unarmed ground military vehicles and ground military vehicles mounted with weapons with a calibre of 14.5 mm or less and their spare parts, and of RPG and ammunition specially designed for such weapons, and provision of related assistance, to the CAR security forces, including state civilian law enforcement institutions, and intended solely for support of or use in the CAR process of SSR, as notified in advance to the Committee;

(h) Supplies of arms and other related lethal equipment that are not listed in paragraph 1 (g) of this resolution, and provision of related assistance, to the CAR security forces, including state civilian law enforcement institutions, and intended solely for support of or use in the CAR process of SSR, as approved in advance by the Committee; or

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

2. *Decides* that the supplying Member State is primarily responsible for notifying the Committee and that such notification must be at least 20 days in advance of the delivery of any supplies as permitted in paragraph 1 (d), paragraph 1 (f) and paragraph 1 (g) of this resolution and *affirms* that the supplying international, regional or subregional organisation is primarily responsible for notifying the Committee and that such notification must be at least 20 days in advance of the delivery of any supplies as permitted in paragraph 1 (d), paragraph 1 (f) and paragraph 1 (g) of this resolution;

3. *Decides* to renew until 31 July 2021 the measures and provisions as set out in paragraphs 4 and 5 of resolution [2488 \(2019\)](#) and in paragraph 2 of resolution [2399 \(2018\)](#) and *recalls* paragraphs 8 and 9 of resolution [2488 \(2019\)](#);

4. *Decides* to renew until 31 July 2021 the measures and provisions as set out in paragraphs 9, 14, and 16 to 19 of resolution [2399 \(2018\)](#) and extended by paragraph 4 of resolution [2507 \(2020\)](#) and *recalls* paragraphs 10 to 13 and 15 of resolution [2399 \(2018\)](#);

5. *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, as set forth in paragraphs 20 to 22 of resolution [2399 \(2018\)](#) and extended by paragraph 5 of resolution [2507 \(2020\)](#);

6. *Decides* to extend until 31 August 2021 the mandate of the Panel of Experts, as set out in paragraphs 30 to 39 of resolution [2399 \(2018\)](#) and extended by paragraph 6 of resolution [2507 \(2020\)](#), *expresses* its intention to review the mandate

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

7. *Requests* the Panel of Experts to provide to the Council, after discussion with the Committee, a midterm report no later than 31 January 2021, a final report no later than 30 June 2021, and progress updates, as appropriate;

8. *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;

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

10. *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;

11. *Reaffirms* the Committee provisions and the reporting and review provisions as set out in resolution [2399 \(2018\)](#) and extended by resolution [2507 \(2020\)](#);

12. *Requests* the CAR authorities to report, by 15 June 2021, to the Committee on the progress achieved regarding the SSR, the disarmament, demobilisation, reintegration and repatriation (DDRR) process and the management of weapons and ammunition;

13. *Requests* the Secretary-General, in close consultation with MINUSCA, including UNMAS, and the Panel of Experts, to conduct, no later than 15 June 2021, an assessment on the progress achieved by the CAR authorities on the key benchmarks;

14. *Affirms* that it shall keep the situation in the CAR under continuous review and be prepared to review the appropriateness of the measures contained in this resolution, at any time as may be necessary, in light of the evolution of the security situation in the country, of the progress achieved in relation to the SSR process, the DDRR process and the management of weapons and ammunition, in particular the management and tracking of notified and exempted arms and other related equipment, including in relation to the report and assessment requested in paragraphs 12 and 13 of this resolution, and of compliance with this resolution;

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

# United Nations Sanctions (Central African Republic) Regulation 2020

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# United Nations Sanctions (Central African Republic) Regulation 2020

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

## 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;

***CAR security forces*** (中非安全部隊) means the Central African Republic security forces, including the civilian law enforcement institutions of the Central African Republic;

**CARSSR process** (中非改革進程) means the Central African Republic process of Security Sector Reform;

**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 33(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 33(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 2399** (《第 2399 號決議》) means Resolution 2399 (2018) adopted by the Security Council on 30 January 2018;

**Resolution 2499** (《第 2499 號決議》) means Resolution 2499 (2019) adopted by the Security Council on 15 November 2019;

~~**Resolution 2507** (《第 2507 號決議》) means Resolution 2507 (2020) adopted by the Security Council on 31 January 2020;~~

**Resolution 2536** (《第 2536 號決議》) means Resolution 2536 (2020) adopted by the Security Council on 28 July 2020;

**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.

## 2. Limited duration of certain provisions

- (1) A reference to a provision in a subsection of this section is a reference to the provision as in force from time to time during the period mentioned in the subsection.
- (2) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions

(Central African Republic) Regulation 2020 (Cap. 537 sub. leg. CM) until midnight on 31 July 2020.

- (3) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (Central African Republic) Regulation 2020 (Amendment) Regulation 2020 until midnight on 31 July 2021.

## **Part 2**

### **Prohibitions**

#### **3. 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 9(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 to 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 to 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 to 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 to the order of a connected person.

#### **4. 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 Hong Kong person or a person who is in the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 3, except under the authority of a licence granted under section 9(1)(b), a 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 connected person; or

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- (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 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 9(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 to 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 to the order of a connected person.

## 5. **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 10(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.

## **6. 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.



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- (2) Except under the authority of a licence granted under section 11(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.

## 7. **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.

**8. 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

#### 9. 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 to 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 to 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 to 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 to 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 52 of Resolution 2499; 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 ~~2507~~2536;
  - (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~~ CARSSR process, 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;
  - (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, or by armed wildlife rangers of the Chinko Project and the Bamingui-Bangoran National Park, 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 weapons with a calibre of 14.5 mm or less (relevant weapons), or ammunition or components specially designed for ~~such—the relevant~~ weapons, or unarmed ground military vehicles or ground military vehicles mounted with the relevant weapons ~~with a calibre of 14.5 mm or less, or rocket-propelled grenades or ammunition specially designed for the grenades~~, to be supplied to the ~~Central African Republic~~CAR 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~~ CARSSR process;
- (h) the prohibited goods are arms or other related lethal equipment (other than prohibited goods referred to in paragraph (g)) to be supplied to the ~~Central African Republic~~CAR 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~~ CARSSR process, as approved in advance by the Committee;
- (i) either of the following—

- (i) for a licence referred to in subsection (1)(a)—the supply of the prohibited goods is approved in advance by the Committee;
  - (ii) for a licence referred to in subsection (1)(b)—
    - (A) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and
    - (B) the supply is approved in advance by the Committee.
- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(b) 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.
- (4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(d), (f) or (g) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 20 days before granting it.

## 10. 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~~CAR 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~~ CARSSR process, 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;

(ba) the assistance is related to prohibited goods referred to in section 9(2)(g) to be supplied to the CAR security forces, and intended solely for support of or use in the CARSSR process;

(bb) the assistance is related to prohibited goods referred to in section 9(2)(h) to be supplied to the CAR security forces, and intended solely for support of or use in the CARSSR process, 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.

(4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) or (ba) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 20 days before granting it.

## **11. 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—



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- (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 the licence; and
  - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.
- (4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive—
  - (a) must cause the Committee to be notified of the intention to grant the licence; and
  - (b) must not, unless the Committee approves, grant the licence.
- (5) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the intention to grant the licence.
- (6) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 10 working days before granting it.

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

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or

document that the person knows to be false or misleading in a material particular commits an offence and is liable—

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

### **Enforcement**

#### **13. Application of Part 4**

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 4 applies has been, is being or is about to be used in contravention of section 4(2).

#### **14. 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.

#### **15. 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.

## **16. 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.

## **17. 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 16(1)(a); or
  - (b) refuses or fails to comply with a requirement made under section 15(1) or 16(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.

### **18. 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 15(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.

### **19. Power to enter and detain modes of transport**

- (1) Without limiting sections 17 and 18, this section applies if an authorized officer has reason to suspect that a requirement made under section 16(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.

## **20. 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.

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## Part 5

### Evidence

#### 21. 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 22(3).

#### 22. 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.

### **23. Notice of intended forfeiture**

- (1) This section applies if an authorized officer intends to apply to a magistrate or judge under section 25 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 25 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.

#### **24. 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 23(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 23(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 23(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.

## **25. 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 23(2) after the expiration of the appropriate period of time specified in section 24(2)(a) for the serving of a notice of objection.

## **26. 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 24(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.

## **27. Detention of seized property**

- (1) Subject to any order made under section 26, seized property may not be detained for more than 3 months.
  - (2) However, if seized property is relevant to an offence under this Regulation, and proceedings for the offence have begun, it may be detained until the completion of those proceedings.
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## Part 6

### Disclosure of Information or Documents

#### 28. 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.
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## **Part 7**

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

#### **29. 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.

#### **30. 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.



**31. 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.

**32. 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.

**33. 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.

#### **34. Exercise of powers of Chief Executive**

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to subdelegate it to another person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restriction or condition the Chief Executive considers appropriate.

**35. Exercise of powers of Secretary**

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

### Information on the Central African Republic

#### Country Background

The Central African Republic (“CAR”) is a landlocked country in Central Africa<sup>Note 1</sup>. It borders Chad in the north, Sudan in the northeast, South Sudan in the east, the Democratic Republic of the Congo and the Republic of Congo in the south and Cameroon in the west. The CAR achieved independence in 1960 and its capital is Bangui. It has a total area of 622 984 sq. km. and an estimated population of around 4.83 million in 2020<sup>Note 2</sup>. The CAR had a GDP of US\$2.185 billion<sup>Note 3</sup> (or HK\$17.13 billion) in 2018.

#### Sanctions imposed by the United Nations Security Council

2. Since the CAR’s independence 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<sup>Note 4</sup>.

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

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

Note 2 Source: World Statistics Pocket Book 2020 published by the United Nations Statistics Division at <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2020.pdf>

Note 3 Source: International Trade Statistics published by the World Trade Organisation at [https://www.wto.org/english/res\\_e/statistics/daily\\_update\\_e/trade\\_profiles/CF\\_e.pdf](https://www.wto.org/english/res_e/statistics/daily_update_e/trade_profiles/CF_e.pdf)

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

4. With the deteriorating situation in the country characterised by a total breakdown of law and order and widespread human rights abuses, the United Nations Security Council (“UNSC”) 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.

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. Since then, the UNSC has renewed all sanction measures imposed on the CAR for a number of times.

### **Trade Relation between Hong Kong and the CAR**

6. In 2019, the CAR ranked 172<sup>nd</sup> among Hong Kong’s trading partners in the world, with a total trade of HK\$13.8 million. Of these, HK\$12.4 million worth of trade were exports to the CAR and HK\$1.4 million imports. Hong Kong’s trade with the CAR are summarised as follows –

<b>Hong Kong’s Trade with the CAR [Value in HK\$ (in million)]</b> <sup>Note 5</sup>		
<b>Item</b>	<b>2019</b>	<b>2020 (January – September)</b>
(a) Total Exports to the CAR	12.4	16.7
(i) Domestic exports	- <sup>Note 6</sup>	0.003 <sup>Note 7</sup>
(ii) Re-exports	12.4 <sup>Note 8</sup>	16.7 <sup>Note 9</sup>
(b) Imports from the CAR	1.4 <sup>Note 10</sup>	- <sup>Note 11</sup>
<b>Total Trade [(a) + (b)]</b>	<b>13.8</b>	<b>16.7</b>

In 2019, HK\$3.2 million worth of goods were re-exports of CAR origin to the Mainland via Hong Kong, and HK\$12.4 million were re-exports of Mainland origin to the CAR via Hong Kong. The total of HK\$15.6 million worth of goods were equivalent to 3.2% <sup>Note 12</sup> of the total trade between the CAR and the Mainland.

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

<sup>Note 6</sup> In 2019, there was no domestic export to the CAR.

<sup>Note 7</sup> In the first nine months of 2020, Hong Kong’s major domestic export items to the CAR were special transactions and commodities not classified according to kind (100%).

<sup>Note 8</sup> In 2019, Hong Kong’s major re-export items to the CAR were telecommunications and sound recording and reproducing apparatus and equipment (89.0%).

<sup>Note 9</sup> In the first nine months of 2020, Hong Kong’s major re-export items to the CAR were telecommunications and sound recording and reproducing apparatus and equipment (89.5%).

<sup>Note 10</sup> In 2019, Hong Kong’s major import items from the CAR were general industrial machinery and equipment, and machine parts (79.2%).

<sup>Note 11</sup> In the first nine months of 2020, there was no import from the CAR.

<sup>Note 12</sup> The percentage is an estimate with reference to China’s Customs Statistics and Hong Kong Trade Statistics. Since two different sets of data are involved, the calculated percentage is

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 the Hong Kong economy.

**Commerce and Economic Development Bureau**  
**November 2020**

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solely indicative.