

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

**UNITED NATIONS SANCTIONS (YEMEN) REGULATION 2019
(Cap. 537CI)**

**UNITED NATIONS SANCTIONS (YEMEN) REGULATION 2015
(REPEAL) REGULATION**

INTRODUCTION

At the meeting of the Executive Council on 9 July 2019, the Council ADVISED and the Chief Executive (“the CE”) ORDERED that –

- A
- (a) the United Nations Sanctions (Yemen) Regulation 2019 (Cap. 537CI) (“the 2019 Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”); and
- B
- (b) the United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation (“the Repeal Regulation”), at Annex B, should be made consequential to the making of the 2019 Regulation.

The 2019 Regulation and the Repeal Regulation were gazetted on 12 July 2019 and came into operation on the same day.

BACKGROUND

Obligation and Authority

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 May 2019, the CE received instructions from the MFA to implement UNSC Resolution (“UNSCR”) 2456 in respect of Yemen in the Hong Kong Special Administrative Region (“HKSAR”). The 2019 Regulation and the Repeal Regulation were made pursuant to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions is at Annex C.

C

Sanctions against Yemen

3. Determining that the situation in Yemen constituted a threat to international peace and security in the region, the UNSC adopted UNSCR 2140 (at Annex D) on 26 February 2014 to impose time-limited financial sanctions and travel ban against Yemen, which have subsequently been renewed by the UNSC on an annual basis.

D

4. Recognising that the continuing deterioration of the security situation and escalation of violence in Yemen poses an increasing and serious threat to neighbouring States, the UNSC adopted UNSCR 2216 (at Annex E) on 14 April 2015 to further impose targeted arms-related sanctions against certain individuals and entities. No time limit has been prescribed by the UNSC on the arms-related sanctions.

E

5. Pursuant to the instructions of MFA, the CE made the United Nations Sanctions (Yemen) Regulation (Cap. 537BJ) in 2014 to implement the financial sanctions and travel ban against Yemen, and the United Nations Sanctions (Yemen) Regulation 2015 (Cap. 537BP) (“the 2015 Regulation”) to implement all sanction measures in paragraphs 3 and 4 above. The 2015 Regulation was most recently amended in June 2018 to renew the financial sanctions and travel ban, the provisions on which expired at midnight on 26 February 2019.

UNSCR 2456

6. Determining that the situation in Yemen continued to constitute a threat to international peace and security, the UNSC adopted UNSCR 2456 (at Annex F) on 26 February 2019 to renew until 26 February 2020 the financial sanctions and travel ban imposed by paragraphs 11 and 15 of UNSCR 2140.

F

THE 2019 REGULATION

7. The 2019 Regulation, at Annex A, seeks to implement all sanctions and exemptions imposed by the UNSC on Yemen, including those extended by UNSCR 2456 using modernised drafting styles proposed by the Law Drafting Division of the Department of Justice to improve tidiness and readability of the legislation. The main provisions of the 2019 Regulation include -

- (a) **sections 2 and 3**, which prohibit the supply and carriage of arms or related materiel to certain persons or entities;
- (b) **section 4**, which prohibits the provision to certain persons or entities 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, until midnight on 26 February 2020;
- (d) **section 6**, which prohibits the entry into or transit through the HKSAR by certain persons and provides for exceptions until midnight on 26 February 2020;
- (e) **section 8**, which provides for the granting of licence to implement relevant exemptions for making available economic assets to certain persons or entities and for dealing with economic assets of certain persons or entities, until midnight on 26 February 2020; and

- (f) **sections 30 and 31**, which provide that the Secretary for Commerce and Economic Development may publish on the website of the Commerce and Economic Development Bureau lists of individuals and entities for the purposes of arms-related sanctions and financial sanctions respectively.

G A marked-up version showing changes when compared against the 2015 Regulation is at Annex G for easy reference by Members.

THE REPEAL REGULATION

8. Consequential to the making of the 2019 Regulation which fully implements all sanction measures and exemptions imposed by the UNSC on Yemen, the 2015 Regulation is no longer necessary. The Repeal Regulation, at Annex B, seeks to repeal the 2015 Regulation.

IMPLICATIONS

9. The 2019 Regulation and the Repeal Regulation are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of the Ordinance. They have 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

10. A press release was issued on 12 July 2019 when the two Regulations were published in the Gazette. A spokesperson is available to answer media and public enquiries.

INFORMATION ON YEMEN AND RELATIONS WITH THE HKSAR

11. For information on Yemen, 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 H.

H

ADVICE SOUGHT

12. Members are invited to note the implementation of the UNSCR 2456 in the HKSAR by the 2019 Regulation and the Repeal Regulation.

Commerce and Economic Development Bureau
July 2019

United Nations Sanctions (Yemen) Regulation 2019

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United Nations Sanctions (Yemen) Regulation 2019

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United Nations Sanctions (Yemen) 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 19 of Resolution 2140;

designated entity (指認實體) means—

- (a) an entity named in the list published under section 30(1); or
- (b) an entity—
 - (i) acting in Yemen on behalf of; or
 - (ii) acting in Yemen at the direction of, an individual or entity named in that list;

designated person (指認人士) means—

- (a) an individual named in the list published under section 30(1); or
- (b) an individual—
 - (i) acting in Yemen on behalf of; or
 - (ii) acting in Yemen at the direction of, an individual or entity named in that list;

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

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

funds (資金) includes—

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

Hong Kong person (香港人) means—

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

licence (特許) means a licence granted under section 8;

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

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 31(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 31(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 2140 (《第2140號決議》) means Resolution 2140 (2014) adopted by the Security Council on 26 February 2014;

Resolution 2216 (《第2216號決議》) means Resolution 2216 (2015) adopted by the Security Council on 14 April 2015;

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;

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) 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 a designated person or a designated entity or the order of a designated person or a designated entity;
 - (b) for the benefit of a designated person or a designated entity; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to a designated person or a designated entity or the order of a designated person or a designated entity; or
 - (ii) for the benefit of a designated person or a designated entity.
- (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 a designated person or a designated entity or the order of a designated person or a designated entity;
 - (ii) for the benefit of a designated person or a designated entity; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to a designated person or a designated entity or the order of a designated person or a designated entity; or
 - (B) for the benefit of a designated person or a designated entity.
- 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, 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) to a designated person or a designated entity or the order of a designated person or a designated entity;
 - (b) for the benefit of a designated person or a designated entity; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to a designated person or a designated entity or the order of a designated person or a designated entity; or
 - (ii) for the benefit of a designated person or a designated entity.
- (3) 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.
- (4) A person who commits an offence under subsection (3) 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.
- (5) 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 carriage of the goods concerned was, or formed part of, a carriage—
 - (i) to a designated person or a designated entity or the order of a designated person or a designated entity;
 - (ii) for the benefit of a designated person or a designated entity; or

- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to a designated person or a designated entity or the order of a designated person or a designated entity; or
 - (B) for the benefit of a designated person or a designated entity.

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) A person must not directly or indirectly provide to a designated person or a designated entity 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 designated person or a designated entity; 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 until midnight on 26 February 2020.
- (2) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (3) Except under the authority of a licence—
 - (a) a person must not directly or indirectly make available any economic assets to, or for the benefit of, a relevant person or a relevant entity; and
 - (b) a person must not directly or indirectly deal with any economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity (including, if the person is a relevant person or a relevant entity, the economic assets belonging to, or directly or indirectly owned or controlled by, the person).
- (4) A person who contravenes subsection (3) 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.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—

- (a) for a contravention of subsection (3)(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 (3)(b)—that the person was dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (6) A person is not to be regarded as having contravened subsection (3) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
 - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (7) In this section—
- deal with* (處理) means—
- (a) in respect of funds—
 - (i) use, alter, move, allow access to or transfer;
 - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
 - (iii) make any other change that would enable use, including portfolio management; and
 - (b) in respect of other financial assets or economic resources—use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

6. Entry or transit of persons prohibited

- (1) This section applies until midnight on 26 February 2020.
- (2) A specified person must not enter or transit through the HKSAR.
- (3) However, subsection (2) 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 relevant entry or transit is required to advance peace and stability in Yemen;
 - (c) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation; or
 - (d) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Yemen.
- (4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (5) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (6) In this section—

specified person (指明人士) means—

 - (a) an individual designated by the Committee for the purposes of paragraph 15 of Resolution 2140; or
 - (b) an individual listed in the Annex to Resolution 2216.

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**Licence****8. Licence for making available or dealing with economic assets**

- (1) This section applies until midnight on 26 February 2020.
- (2) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (3) 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.
- (3) 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 26 February 2014 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.
- (4) However, if the Chief Executive is satisfied that the requirement in subsection (3)(a) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (2); and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.
- (5) Also, if the Chief Executive is satisfied that the requirement in subsection (3)(b) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (2); and
 - (b) must not, unless the Committee approves, grant the licence.

- (6) Also, if the Chief Executive is satisfied that the requirement in subsection (3)(c) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (2) before granting it.
- (7) Further, if the Chief Executive is satisfied that the requirement in subsection (3)(d) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (2) not less than 10 working days before granting it.

9. 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****10. 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).

11. 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.

12. 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.
- 13. 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.

14. 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 13(1)(a); or

(b) refuses or fails to comply with a requirement made under section 12(1) or 13(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.

15. 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 12(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.

16. Power to enter and detain modes of transport

(1) Without limiting sections 14 and 15, this section applies if an authorized officer has reason to suspect that a requirement made under section 13(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.

17. 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****18. 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 19(3).

19. 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.

20. Notice of intended forfeiture

- (1) This section applies if an authorized officer intends to apply to a magistrate or judge under section 22 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 22 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.

21. 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 20(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 20(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 20(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.

22. 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 20(2) after the expiration of the appropriate period of time specified in section 21(2)(a) for the serving of a notice of objection.

23. 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 21(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.

24. Detention of seized property

- (1) Subject to any order made under section 23, 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****25. 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 Yemen 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****26. 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.

27. 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.

28. 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.

29. 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.

30. Secretary's publication of list for purposes of *designated person* and *designated entity*

- (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 *designated person* and *designated entity* in section 1.
- (2) The Secretary may include in the list the name of—
 - (a) an individual named in paragraph 14 of Resolution 2216;
 - (b) an individual or entity designated by the Committee pursuant to paragraph 20(d) of Resolution 2216; or
 - (c) an individual listed in the Annex to Resolution 2216.
- (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 no longer meets the description under subsection (2).
- (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.

31. Secretary's publication of list for purposes of *relevant person* and *relevant entity*

- (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—
 - (a) an individual or entity designated by the Committee for the purposes of paragraph 11 of Resolution 2140; or
 - (b) an individual listed in the Annex to Resolution 2216.
- (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 no longer meets the description under subsection (2).
- (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.

32. 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.

33. 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.

Carrie LAM
Chief Executive

9 July 2019

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2216 (2015) and Resolution 2456 (2019) adopted by the Security Council of the United Nations on 14 April 2015 and 26 February 2019 respectively in respect of Yemen by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities;
- (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 (Yemen) Regulation 2015 (Repeal) Regulation

Section 1 L.N. 95 of 2019
B1821

L.N. 95 of 2019

**United Nations Sanctions (Yemen) Regulation 2015
(Repeal) Regulation**

(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. Repeal

The United Nations Sanctions (Yemen) Regulation 2015 (Cap. 537 sub. leg. BP) is repealed.

Carrie LAM
Chief Executive

9 July 2019

United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation

Explanatory Note L.N. 95 of 2019
B1823

Explanatory Note

This Regulation repeals the United Nations Sanctions (Yemen) Regulation 2015 (Cap. 537 sub. leg. BP) on the making of the new United Nations Sanctions (Yemen) Regulation 2019.

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

United Nations Sanctions (Yemen) Regulation 2019

United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation

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 May 2019 which requested the Government of the Hong Kong Special Administrative Region to implement United Nations Security Council Resolution 2456, and that the United Nations Sanctions (Yemen) Regulation 2019 and the United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation were made in pursuance of the instructions.

Dated this 9th day of July 2019



(Matthew Cheung Kin-chung)
Chief Secretary for Administration



Resolution 2140 (2014)**Adopted by the Security Council at its 7119th meeting, on
26 February 2014**

The Security Council,

Recalling its resolution [2014 \(2011\)](#), [2051 \(2012\)](#) and presidential statement of 15 February 2013,

Reaffirming its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen,

Commending the engagement of the Gulf Cooperation Council (GCC) in assisting the political transition in Yemen,

Welcoming the outcomes of the comprehensive National Dialogue Conference, signed by all political parties, and whose decisions provide a road map for a continued Yemeni led democratic transition underpinned by a commitment to democracy, good governance, rule of law, national reconciliation, and respect for the human rights and fundamental freedoms of all the people of Yemen,

Commending those who have facilitated the outcome of the comprehensive National Dialogue Conference through their constructive participation, in particular the leadership of President Abd Rabbo Mansour Hadi,

Expressing concern at the ongoing political, security, economic and humanitarian challenges in Yemen, including the ongoing violence,

Recalling the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the Al-Qaida sanctions list established by the Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) and *stressing* in this regard the need for robust implementation of the measures in paragraph 1 of resolution 2083 as a significant tool in combating terrorist activity in Yemen,

Condemning all terrorist activities, attacks against civilians, oil, gas and electricity infrastructure and against the legitimate authorities, including those aimed at undermining the political process in Yemen,

Further condemning attacks against military and security facilities, in particular the attack on the Ministry of Defence on 5 December 2013 and the 13 February attack of the Ministry of Interior Prison, *stressing* the need for the



Yemeni Government to efficiently continue reforms of the Armed Forces and in the security sector,

Reaffirming its resolution 2133 and *calling* upon all member states to prevent terrorists from benefiting directly or indirectly from ransom payments or from political concessions and to secure the safe release of hostages,

Noting the formidable economic, security and social challenges confronting Yemen, which have left many Yemenis in acute need of humanitarian assistance, *reaffirming* its support to the Yemeni government to safeguard security, promote social and economic development, and put forward political, economic, and security reforms, and welcoming the work of the Mutual Accountability Framework Executive Bureau, the World Bank, and the International Monetary Fund (IMF) in their support to the Government of Yemen on economic reform,

Stressing that the best solution to the situation in Yemen is through a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people for peaceful change and meaningful political, economic and social reform, as set out in the GCC Initiative and Implementation Mechanism and the outcomes of the comprehensive National Dialogue Conference, *welcoming* Yemen's efforts to strengthen women's participation in political and public life, including through measures to ensure at least 30 per cent women candidates for national legislative elections and elected councils,

Further recalling its resolutions [1612 \(2005\)](#), [1882 \(2009\)](#), [1998 \(2011\)](#) and [2068 \(2012\)](#) on Children and Armed Conflict and its resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [1960 \(2010\)](#), [2106 \(2013\)](#) and [2122 \(2013\)](#) on Women, Peace and Security,

Recognizing that the transition process requires turning the page from the presidency of Ali Abdullah Saleh, and welcoming the involvement and cooperation of all stakeholders in Yemen, including groups that were not party to the GCC Initiative and its Implementation Mechanism,

Reiterating the need for comprehensive, independent and impartial investigations consistent with international standards into alleged human rights violations and abuses in line with the outcomes of the comprehensive National Dialogue Conference, the GCC Initiative, and the Implementation Mechanism, to ensure full accountability,

Recognizing the importance of governance reforms to the political transition in Yemen, *noting* in this regard the proposals in the National Dialogue Conference's Good Governance Working Group report, including, among other things, prerequisites for candidates for Yemeni leadership positions and the disclosure of their financial assets,

Recalling its resolution [2117 \(2013\)](#) and expressing grave concern at the threat to peace and security in Yemen arising from the illicit transfer, destabilising accumulation and misuse of small arms and light weapons,

Emphasizing the need for continued progress in the implementation of the GCC Initiative and Implementation Mechanism to avoid further deterioration of the humanitarian and security situation in Yemen,

Noting with appreciation the work of the United Nations country team and agencies in Yemen,

Welcoming the efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President (S/2006/997),

Determining that the situation in Yemen constitutes a threat to international peace and security in the region,

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

1. *Reaffirms* the need for the full and timely implementation of the political transition following the comprehensive National Dialogue Conference, in line with the GCC Initiative and Implementation Mechanism, and in accordance with resolution 2014 (2011) and 2051 (2012), and with regard to the expectations of the Yemeni people;

Implementation of Political Transition

2. *Welcomes* the recent progress made in the political transition of Yemen and expresses strong support for completing the next steps of the transition, in line with the Implementation Mechanism, including:

- (a) drafting a new constitution in Yemen;
- (b) electoral reform including the drafting and adoption of a new electoral law consistent with the new Constitution;
- (c) the holding of a referendum on the draft constitution, including suitable outreach;
- (d) state structure reform to prepare Yemen for the transition from a unitary to a federal state; and
- (e) timely general elections, after which the current term of President Hadi would end following the inauguration of the President elected under the new Constitution;

3. *Encourages* all constituencies in the country, including the youth movements, women's groups, in all regions in Yemen, to continue their active and constructive engagement in the political transition and to continue the spirit of consensus to implement the subsequent steps in the transition process and the recommendations of the National Dialogue Conference, and calls upon the Hiraak Southern movement, the Houthi movement and others to constructively partake and to reject the use of violence to achieve political aims;

4. *Welcomes* the Yemeni Government's plan to introduce an Asset Recovery Law, and supports international cooperation on this, including through the Deauville initiative;

5. *Expresses concern* over use of the media to incite violence and frustrate the legitimate aspirations for peaceful change of the people of Yemen;

6. *Looks forward* to steps by the Government of Yemen, towards the implementation of Republican Decree No. 140 of 2012, which establishes a committee to investigate allegations of violations of human rights in 2011 and which

states that investigations shall be transparent and independent and adhere to international standards, in accordance with Human Rights Council resolution 19/29, and invites the Government of Yemen to provide soon a time frame for the early appointment of members of that committee;

7. *Expresses* its concern that children continue to be recruited and used in violation of applicable international law by armed groups, and the Yemeni Government forces, and calls for continued national efforts to end and prevent the recruitment and use of children, including through the signing and implementation by the Yemeni Government of the action plan to halt and prevent the recruitment and use of children in the government forces of Yemen, in line with the Security Council resolutions 1612 (2005), 1882 (2009) and 1998 (2011), and *urges* armed groups to allow the United Nations personnel safe and unhindered access to territories under their control for monitoring and reporting purposes;

8. *Also looks forward* to the early adoption of a law on transitional justice and national reconciliation that, while taking into account the recommendations of the National Dialogue Conference, is in accordance with the international obligations and commitments of Yemen and following best practices as appropriate;

9. *Calls* on all parties to comply with their obligations under international law including applicable international humanitarian law and human rights law;

Further Measures

10. *Emphasizes* that the transition agreed upon by the parties to the GCC Initiative and Implementation Mechanism Agreement has not yet been fully achieved and *calls* upon all Yemenis to fully respect the implementation of the political transition and adhere to the values of the Implementation Mechanism Agreement;

11. *Decides* that all Member States shall, for an initial period of one year from the date of the adoption of this resolution, freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee established pursuant to paragraph 19 below, 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 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;

12. *Decides* that the measures imposed by paragraph 11 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;

(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;

13. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 11 above of interests 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;

14. *Decides* that the measures in paragraph 11 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 11 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;

Travel ban

15. *Decides* that, for an initial period of one year from the date of the adoption of this resolution, all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee established pursuant to paragraph 19 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

16. *Decides* that the measures imposed by paragraph 15 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 Yemen; and

(d) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in Yemen and the States subsequently notifies the Committee within forty-eight hours after making such a determination;

Designation Criteria

17. *Decides* that the provisions of paragraphs 11 and 15 shall apply to individuals or entities designated by the Committee as engaging in or providing support for acts that threaten the peace, security or stability of Yemen;

18. *Underscores* that such acts as described in paragraph 17 above may include, but are not limited to:

(a) Obstructing or undermining the successful completion of the political transition, as outlined in the GCC Initiative and Implementation Mechanism Agreement;

(b) Impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure; or

(c) Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen;

Sanctions Committee

19. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein “the Committee”), to undertake to following tasks:

(a) To monitor implementation of the measures imposed in paragraph 11 and 15 above with a view to strengthening, facilitating and improving implementation of these measures by Member States;

(b) To seek and review information regarding those individuals and entities who may be engaging in the acts described in paragraph 17 and 18 above;

(c) To designate individuals and entities to be subject to the measures imposed in paragraphs 11 and 15 above;

(d) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(e) To report within 60 days to the Security Council on its work and thereafter to report as deemed necessary by the Committee;

(f) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(g) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed;

(h) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in paragraphs 11 and 15;

20. *Directs* the Committee to cooperate with other relevant Security Council Sanctions Committees, in particular the Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) concerning Al-Qaida and Associated Individuals and Entities;

Reporting

21. *Requests* the Secretary-General to create for an initial period of 13 months, in consultation with the Committee, and to make the necessary financial and security arrangements to support the work of the Panel, a group of up to four experts (“Panel of Experts”), under the direction of the Committee to carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee at any time with information relevant to the potential designation at a later stage of individuals and entities who may be engaging in the activities described in paragraph 17 and 18 above;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organisations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents of undermining the political transition;

(c) Provide to the Council, after discussion with the Committee, an update no later than 25 June 2014, an interim report by 25 September 2014, and a final report no later than 25 February 2015; and

(d) To assist the Committee in refining and updating information on the list of individuals subject to measures imposed pursuant to paragraphs 11 and 15 of this resolution, including through the provision of identifying information and additional information for the publicly-available narrative summary of reasons for listing;

22. *Directs* the Panel to cooperate with other relevant expert groups established by the Security Council to support the work of its Sanctions Committees, in particular the Analytical Support and Sanctions Monitoring Team established by resolution [1526 \(2004\)](#);

23. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of experts and further urges all Member States involved to ensure the safety of the members of the Panel of experts and unhindered access, in particular to persons, documents and sites in order for the Panel of experts to execute its mandate;

Commitment to Review

24. *Affirms* that it shall keep the situation in Yemen under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of developments;

Economic Reform and Development Assistance to Support the Transition

25. *Calls* upon donors and regional organisations to fully disburse the pledges made at the Riyadh Donor conference in September 2012 to fund the priorities set out in the Mutual Accountability Framework agreed in Riyadh; and encourages donors with undisbursed pledges to work closely with the Executive Bureau to identify priority projects for support, taking into account the security conditions on the ground;

26. *Emphasizes* the importance of Government of National Unity taking action to implement the urgent policy reforms set out in the Mutual Accountability Framework; and encourages donors to provide technical assistance to help drive forward these reforms, including through the Executive Bureau;

27. *Expresses* its concern over reported serious human rights abuses and violence against civilians in both the Northern and Southern Governorates, including Al Dhale'e Governorate, *urges* all parties involved to end the conflicts and comply with their obligations under applicable international humanitarian and human rights law, and *stresses* the need for parties to take all required measures to avoid civilian casualties, respect and protect the civilian population;

28. *Encourages* the international community to continue providing humanitarian assistance to Yemen and *calls* for the full funding of the 2014 Strategic Response Plan for Yemen, and in this regard requests all parties in Yemen to facilitate safe and unhindered humanitarian access to ensure the delivery of assistance to all populations in need and *calls* on all parties to take necessary steps to ensure the safety and security of humanitarian personnel and of the United Nations and its associated personnel and their assets;

29. *Condemns* the growing number of attacks carried out or sponsored by Al-Qaida in the Arabian Peninsula, and expresses its determination to address this threat in accordance with the Charter of the United Nations and international law including applicable human rights, refugee and humanitarian law, and in this regard, through the Al-Qaida sanctions regime administered by the Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) and *reiterates its readiness*, under the above-mentioned regime, to sanction further individuals, groups, undertakings and entities who do not cut off all ties to Al-Qaida and associated groups;

30. *Calls for* continued national efforts to address the threat posed by all weapons, including explosive weapons and small arms and light weapons, to stability and security in Yemen, including inter alia through ensuring the safe and effective management, storage and security of their stockpiles of small arms and light weapons and explosive weapons, and the collection and/or destruction of explosive remnants of war and surplus, seized, unmarked, or illicitly held weapons and ammunition, and *further stresses* the importance of incorporating such elements into security sector reform;

31. *Acknowledges* the serious economic, political and security obstacles facing refugees and internally displaced persons in Yemen who wish to return to their homes after years of conflict, and *supports* and encourages the efforts of the Government of Yemen and the international community to facilitate their return;

United Nations involvement

32. *Requests* the Secretary-General to continue his good offices role, *notes* with appreciation the work Special Adviser, Jamal Benomar, *stresses* the importance of their close co-ordination with international partners, including the GCC, Group of Ambassadors, and other actors, in order to contribute to the successful transition, and in this regard *further* requests the Secretary-General to continue to coordinate assistance from the international community in support of the transition;

33. *Requests* the Secretary-General to continue to report on developments in Yemen, including on the implementation of the outcome of the comprehensive National Dialogue Conference every 60 days;

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



Resolution 2216 (2015)
**Adopted by the Security Council at its 7426th meeting, on
 14 April 2015**

Security Council,

Recalling its resolutions 2014 (2011), 2051 (2012), 2140 (2014), 2201 (2015), and 2204 (2015) and presidential statements of 15 February 2013, 29 August 2014, and 22 March 2015,

Noting the letter dated 24 March 2015 from the Permanent Representative of Yemen, to the United Nations, transmitting a letter from the President of Yemen, in which he informed the President of the Security Council that “he has requested from the Cooperation Council for the Arab States of the Gulf and the League of Arab States to immediately provide support, by all necessary means and measures, including military intervention, to protect Yemen and its people from the continuing aggression by the Houthis”, and *noting* the letter dated 26 March 2015 from the Permanent Representative of the State of Qatar, [S/2015/217](#), transmitting a letter from the Representatives of the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates,

Recalling the resolution of Summit XXVI of the League of Arab States on the developments in Yemen, stressing inter alia the necessity to resume Yemen’s political transition process with the participation of all Yemeni parties in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference,

Reaffirming its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen, and its commitment to stand by the people of Yemen,

Condemning the growing number of and scale of the attacks by Al-Qaida in the Arabian Peninsula (AQAP),

Expressing concern at the ability of AQAP to benefit from the deterioration of the political and security situation in Yemen, mindful that any acts of terrorism are criminal and unjustifiable regardless of their motivation, whenever, wherever and by whomsoever committed,

Reiterating its support for the efforts of the Gulf Cooperation Council in assisting the political transition in Yemen and *commending* its engagement in this regard,



Reaffirming its support for the legitimacy of the President of Yemen, Abdo Rabbo Mansour Hadi, and *reiterating its call* to all parties and Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen,

Expressing grave alarm at the significant and rapid deterioration of the humanitarian situation in Yemen, and *emphasizing* that the humanitarian situation will continue to deteriorate in the absence of a political solution,

Recalling that arbitrary denial of humanitarian access and depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, may constitute a violation of international humanitarian law,

Emphasizing the need for the return to the implementation of the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference, including drafting a new constitution, electoral reform, the holding of a referendum on the draft constitution and timely general elections, to avoid further deterioration of the humanitarian and security situation in Yemen,

Reaffirming its full support for, and commitment to, the efforts of the United Nations and the Special Adviser of the Secretary-General on Yemen, in particular to the UN-brokered negotiations, and its support for the efforts of the Group of Ambassadors in Sana'a,

Alarmed at the military escalation by the Houthis in many parts of Yemen including in the Governorates of Ta'iz, Marib, AlJauf, Albayda, their advance towards Aden, and their seizure of arms, including missile systems, from Yemen's military and security institutions,

Condemning in the strongest terms the ongoing unilateral actions taken by the Houthis, and their failure to implement the demands in resolution 2201 (2015) to immediately and unconditionally withdraw their forces from government institutions, including in the capital Sana'a, normalize the security situation in the capital and other provinces, relinquish government and security institutions, and safely release all individuals under house arrest or arbitrarily detained, and *reiterating* its call on all non-State actors to withdraw from government institutions across Yemen and to refrain from any attempts to take over such institutions,

Deploring any attempt by the Houthis to take actions that are exclusively within the authority of the legitimate Government of Yemen, and *noting* that such actions are unacceptable,

Expressing alarm that such actions taken by the Houthis undermine the political transition process in Yemen, and jeopardize the security, stability, sovereignty and unity of Yemen,

Noting with concern the destabilizing actions taken by the former President of Yemen, Ali Abdullah Saleh, including supporting the Houthis' actions, which continue to undermine the peace, security and stability of Yemen,

Welcoming the intention of the Gulf Cooperation Council to convene a conference in Riyadh, upon the request of the President of Yemen, with the participation of all Yemeni parties to further support the political transition in Yemen, and to complement and support the UN-brokered negotiations,

Recalling its resolution 2117 (2013) and expressing grave concern at the threat to peace and security in Yemen arising from the illicit transfer, destabilising accumulation and misuse of small arms and light weapons,

Recognizing that the continuing deterioration of the security situation and escalation of violence in Yemen poses an increasing and serious threat to neighbouring States and *reaffirming its determination* that the situation in Yemen constitutes a threat to international peace and security,

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

1. *Demands* that all Yemeni parties, in particular the Houthis, fully implement resolution 2201 (2015), *refrain* from further unilateral actions that could undermine the political transition in Yemen, and *further demands* that the Houthis immediately and unconditionally:

- (a) end the use of violence;
- (b) withdraw their forces from all areas they have seized, including the capital Sana'a;
- (c) relinquish all additional arms seized from military and security institutions, including missile systems;
- (d) cease all actions that are exclusively within the authority of the legitimate Government of Yemen;
- (e) refrain from any provocation or threats to neighbouring States, including through acquiring surface-surface missiles, and stockpiling weapons in any bordering territory of a neighbouring State;
- (f) safely release Major-General Mahmoud al-Subaihi, the Minister of Defence of Yemen, all political prisoners, and all individuals under house arrest or arbitrarily detained; and
- (g) end the recruitment and use of children and release all children from their ranks;

2. *Requests* the Secretary-General to report on the implementation of this resolution and resolution 2201 (2015), in particular paragraph 1 of this resolution, in 10 days from the adoption of this resolution; and in case of further non-implementation, *expresses* its intent to consider designating additional individuals and entities who are engaged in or providing support for acts that threaten the peace, security or stability of Yemen, to be subject to the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014);

3. *Decides* that the individuals listed in the annex of this resolution shall be subject to the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014);

4. *Reiterates* the importance of the implementation of all measures imposed by resolution 2140 (2014), as extended in resolution 2204 (2015);

5. *Calls upon* all Yemeni parties, in particular the Houthis, to abide by the Gulf Cooperation Council Initiative and its Implementation Mechanism, the outcomes of the comprehensive National Dialogue conference, and the relevant Security Council resolutions and to resume and accelerate inclusive United Nations-brokered negotiations, including on issues relating to governance, to continue the

political transition in order to reach a consensus solution and *stresses* the importance of full implementation of agreements reached and commitments made towards that goal and *calls on* the parties, in this regard, to agree on the conditions leading to an expeditious cessation of violence, in accordance with the United Nations Charter and relevant Security Council resolutions, including this resolution and resolution 2201 (2015);

6. *Demands* that all Yemeni parties adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation and all unilateral actions to undermine the political transition and *stresses* that all parties should take concrete steps to agree and implement a consensus-based political solution to Yemen's crisis in accordance with the Gulf Cooperation Council Initiative and its Implementation Mechanism and the outcomes of the comprehensive National Dialogue conference;

7. *Urges* all Yemeni parties to respond positively to the request of the President of Yemen to attend a conference in Riyadh, under the auspices of the Gulf Cooperation Council, to further support the political transition in Yemen, and to complement and support the UN-brokered negotiations;

8. *Calls on* all parties to comply with their obligations under international law, including applicable international humanitarian law and human rights law;

9. *Reaffirms*, consistent with international humanitarian law, the need for all parties to ensure the safety of civilians, including those receiving assistance, as well as the need to ensure the security of humanitarian personnel and United Nations and its associated personnel, and *urges* all parties to facilitate the delivery of humanitarian assistance, as well as rapid, safe and unhindered access for humanitarian actors to reach people in need of humanitarian assistance, including medical assistance;

10. *Calls on* all parties to facilitate the evacuation by concerned States and international organizations of their civilians and personnel from Yemen and *commends* steps already taken in this regard;

11. *Reaffirms* the principle of the inviolability of diplomatic and consular premises and the obligations of host Governments, including under the 1961 Vienna Convention on Diplomatic Relations and under the 1963 Vienna Convention on Consular Relations, to take all appropriate steps to protect diplomatic and consular premises against any intrusion or damage, and to prevent any disturbance of the peace of these missions or impairment of their dignity;

12. *Requests* the Secretary-General to intensify his efforts in order to facilitate the delivery of humanitarian assistance and evacuation, including the establishment of humanitarian pauses, as appropriate, in coordination with the Government of Yemen, and *calls on* Yemeni parties to cooperate with the Secretary-General to deliver humanitarian aid to those in need;

13. *Further requests* the Secretary-General to intensify his good offices role in order to enable a resumption of a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people, including women, for peaceful change and meaningful political, economic and social reform, as set out in the Gulf Cooperation Council Initiative and Implementation Mechanism and the outcomes of the comprehensive National

Dialogue conference, and *stresses* the importance of the United Nations' close coordination with international partners, in particular the Gulf Cooperation Council, Group of Ambassadors in Sana'a, and other actors, in order to contribute to a successful transition;

Arms embargo

14. *Decides* that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to, or for the benefit of Ali Abdullah Saleh, Abdullah Yahya Al Hakim, Abd Al-Khaliq Al-Huthi, and the individuals and entities designated by the Committee established pursuant to paragraph 19 of resolution 2140 (2014) (hereinafter referred to as "the Committee") pursuant to paragraph 20 (d) of this resolution, the individuals and entities listed in the annex of this resolution, and those acting on their behalf or at their direction in Yemen, 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;

15. *Calls upon* Member States, in particular States neighbouring Yemen, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to Yemen, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 14 of this resolution for the purpose of ensuring strict implementation of those provisions;

16. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items the supply, sale, or transfer of which is prohibited by paragraph 14 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items and *decides* further that all Member States shall cooperate in such efforts;

17. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 15 of this resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for supply, sale, or transfer are found, further *requires* such Member States to submit to the Committee within 30 days a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

Additional designation criteria

18. *Reaffirms* the designation criteria set out in paragraph 17 of resolution 2140 (2014), the measures imposed by paragraphs 11 and 15 of the same and *stresses* the importance of their full implementation;

19. *Reaffirms* paragraph 18 of resolution 2140 (2014), and *underscores* that acts that threaten the peace, security, or stability of Yemen may also include the violations of the arms embargo imposed by paragraph 14 or obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen;

Mandate of the Sanctions Committee

20. *Decides* that the Committee established pursuant to paragraph 19 of resolution 2140 (2014) shall also undertake the following tasks:

(a) monitoring implementation of the measures imposed in paragraph 14 of this resolution;

(b) seeking from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed by paragraph 14 above;

(c) examining and taking appropriate action on information regarding alleged non-compliance with the measures contained by this resolution;

(d) designating as may be necessary additional individuals and entities subject to the measures imposed by paragraph 14 above;

Mandate of the Panel of Experts

21. *Decides* that the mandate of the Panel of Experts established pursuant to paragraph 21 of resolution 2140 (2014) and renewed by resolution 2204 (2015) shall also include monitoring implementation of the measures imposed by paragraph 14;

22. *Requests* the Secretary-General, having due regard for the increased mandate of the Panel of Experts, to increase the Panel to five members, and make the necessary financial and security arrangements to support the work of the Panel;

23. *Calls upon* the Panel of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, including the 1267 Monitoring Team, as relevant to the implementation of their mandate;

Commitment to review

24. *Reaffirms* its readiness to take further measures in case of non-implementation by any Yemeni party of this resolution and resolution 2201 (2015);

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

Annex

1. Abdulmalik al-Houthi

Abdul Malik al Houthi is a leader of a group that has engaged in acts that threaten the peace, security, or stability of Yemen.

In September 2014, Houthi forces captured Sanaa and in January 2015 they attempted to unilaterally replace the legitimate government of Yemen with an illegitimate governing authority that the Houthis dominated. Al-Houthi assumed the leadership of Yemen's Houthi movement in 2004 after the death of his brother, Hussein Badredden al-Houthi. As leader of the group, al-Houthi has repeatedly threatened Yemeni authorities with further unrest if they do not respond to his demands and detained President Hadi, Prime Minister, and key cabinet members. Hadi subsequently escaped to Aden. The Houthis then launched another offensive towards Aden assisted by military units loyal to former president Saleh and his son, Ahmed Ali Saleh.

2. Ahmed Ali Abdullah Saleh

Ahmed Ali Saleh has engaged in acts that threaten the peace, security, and stability of Yemen.

Ahmed Ali Saleh has been working to undermine President Hadi's authority, thwart Hadi's attempts to reform the military, and hinder Yemen's peaceful transition to democracy. Saleh played a key role in facilitating the Houthi military expansion. As of mid-February 2013, Ahmed Ali Saleh had issued thousands of new rifles to Republican Guard brigades and unidentified tribal shaykhs. The weapons were originally procured in 2010 and reserved to purchase the loyalties of the recipients for political gain at a later date.

After Saleh's father, former Republic of Yemen President Ali Abdullah Saleh, stepped down as President of Yemen in 2011, Ahmed Ali Saleh retained his post as commander of Yemen's Republican Guard. A little over a year later, Saleh was dismissed by President Hadi but he retained significant influence within the Yemeni military, even after he was removed from command. Ali Abdullah Saleh was designated by the UN under UNSCR 2140 in November 2014.



Security Council

Distr.: General
26 February 2019

Resolution 2456 (2019)

Adopted by the Security Council at its 8469th meeting, on 26 February 2019

The Security Council,

Recalling its resolutions [2014 \(2011\)](#), [2051 \(2012\)](#), [2140 \(2014\)](#), [2201 \(2015\)](#), [2204 \(2015\)](#), [2216 \(2015\)](#), [2266 \(2016\)](#), [2342 \(2017\)](#), [2402 \(2018\)](#), [2451 \(2018\)](#) and [2452 \(2019\)](#) and the statements of its President dated 15 February 2013 ([S/PRST/2013/3](#)), 29 August 2014 ([S/PRST/2014/18](#)), 22 March 2015 ([S/PRST/2015/8](#)), and 25 April 2016 ([S/PRST/2016/5](#)), 15 June 2017 ([S/PRST/2017/7](#)) and 15 March 2018 ([S/PRST/2018/5](#)) concerning Yemen,

Reaffirming its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen,

Expressing concern at the ongoing political, security, economic and humanitarian challenges in Yemen, including the ongoing violence, and threats arising from the illicit transfer, destabilizing accumulation and misuse of weapons,

Reiterating its call for all parties in Yemen to adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation,

Reaffirming the need for all parties to comply with their obligations under international law, including international humanitarian law and international human rights law as applicable,

Expressing its support for and commitment to the work of the Special Envoy for Yemen to the Secretary-General in support of the Yemeni transition process,

Expressing its grave concern that areas of Yemen are under the control of Al-Qaida in the Arabian Peninsula (AQAP) and about the negative impact of their presence, violent extremist ideology and actions on stability in Yemen and the region, including the devastating humanitarian impact on the civilian populations, *expressing* concern at the increasing presence and future potential growth of the Islamic State in Iraq and Levant (ISIL, also known as Da'esh) affiliates in Yemen, and *reaffirming its resolve* to address all aspects of the threat posed by AQAP, ISIL (Da'esh), and all other associated individuals, groups, undertakings and entities,

Recalling the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the ISIL (Da'esh) and Al-Qaida Sanctions List and stressing



in this regard the need for robust implementation of the measures in paragraph 2 of resolution [2253 \(2015\)](#) as a significant tool in combating terrorist activity in Yemen,

Noting the critical importance of effective implementation of the sanctions regime imposed pursuant to resolution [2140 \(2014\)](#) and resolution [2216 \(2015\)](#), including the key role that Member States from the region can play in this regard, and encouraging *efforts* to further enhance cooperation,

Recalling the provisions of paragraph 14 of resolution [2216 \(2015\)](#) imposing a targeted arms embargo,

Gravely distressed by the continued deterioration of the devastating humanitarian situation in Yemen, *expressing serious concern* at all instances of hindrances to the effective delivery of humanitarian assistance, including limitations on the delivery of vital goods to the civilian population of Yemen,

Emphasizing the necessity of discussion by the Committee established pursuant to paragraph 19 of resolution [2140 \(2014\)](#) (“the Committee”) of the recommendations contained in the Panel of Experts reports,

Determining that the situation in Yemen continues to constitute a threat to international peace and security,

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

1. *Reaffirms* the need for the full and timely implementation of the political transition following the comprehensive National Dialogue Conference, in line with the Gulf Cooperation Council Initiative and Implementation Mechanism, and in accordance with resolutions [2014 \(2011\)](#), [2051 \(2012\)](#), [2140 \(2014\)](#), [2201 \(2015\)](#), [2204 \(2015\)](#), [2216 \(2015\)](#), [2266 \(2016\)](#), [2451 \(2018\)](#) and [2452 \(2019\)](#) and with regard to the expectations of the Yemeni people;

2. *Decides* to renew until 26 February 2020 the measures imposed by paragraphs 11 and 15 of resolution [2140 \(2014\)](#), *reaffirms* the provisions of paragraphs 12, 13, 14 and 16 of resolution [2140 \(2015\)](#), and *further reaffirms* the provisions of paragraphs 14 to 17 of resolution [2216 \(2015\)](#);

Designation Criteria

3. *Reaffirms* that the provisions of paragraphs 11 and 15 of resolution [2140 \(2014\)](#) and paragraph 14 of resolution [2216 \(2015\)](#) shall apply to individuals or entities designated by the Committee, or listed in the annex to resolution [2216 \(2015\)](#) as engaging in or providing support for acts that threaten the peace, security or stability of Yemen;

4. *Reaffirms* the designation criteria set out in paragraph 17 of resolution [2140 \(2014\)](#) and paragraph 19 of resolution [2216 \(2015\)](#);

Reporting

5. *Decides* to extend until 28 March 2020 the mandate of the Panel of Experts as set out in paragraph 21 of resolution [2140 \(2014\)](#), and paragraph 21 of resolution [2216 \(2015\)](#), *expresses its intention* to review the mandate and take appropriate action regarding the further extension no later than 28 February 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 until 28 March 2020 drawing, as appropriate, on the expertise of the members of the Panel established pursuant to resolution [2140 \(2014\)](#);

6. *Requests* the Panel of Experts to provide a mid-term update to the Committee no later than 28 July 2019, and a final report no later than 28 January 2020 to the Security Council, after discussion with the Committee;

7. *Directs* the Panel to cooperate with other relevant expert groups established by the Security Council to support the work of its Sanctions Committees, in particular the Analytical Support and Sanctions Monitoring Team established by resolution [1526 \(2004\)](#) and extended by resolution [2368 \(2017\)](#);

8. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts, and *further urges* all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites, in order for the Panel of Experts to execute its mandate;

9. *Emphasizes* the importance of holding consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

10. *Calls upon* all Member States which have not already done so to report to the Committee as soon as possible on the steps they have taken with a view to implementing effectively the measures imposed by paragraphs 11 and 15 of resolution [2140 \(2014\)](#) and paragraph 14 of resolution [2216 \(2015\)](#), and *recalls* in this regard that Member States undertaking cargo inspections pursuant to paragraph 15 of resolution [2216 \(2015\)](#) are required to submit written reports to the Committee as set out in paragraph 17 of resolution [2216 \(2015\)](#);

11. *Recalls* the Informal Working Group on General Issues of Sanctions report ([S/2006/997](#)) on best practices and methods, including paragraphs 21, 22 and 23 that discuss possible steps for clarifying methodological standards for monitoring mechanisms;

12. *Reaffirms* its intention to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of developments;

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

United Nations Sanctions (Yemen) Regulation ~~2015~~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 19 of Resolution 2140;

designated entity (指認實體) means—

- (a) an entity ~~specified by the Chief Executive as a designated entity~~ named in the list published under section ~~31~~ 30(1); or
- (b) an entity—
 - (i) acting in Yemen on behalf of, ~~;~~ or
 - (ii) acting in Yemen at the direction of, ~~or—~~
~~—owned or controlled by,—~~
a ~~person~~ an individual or entity ~~specified by the Chief Executive as a designated person or designated entity under section 31~~ named in that list; or
 - ~~—(c) an entity owned or controlled by a person or entity— acting on behalf of, or— at— the direction of, a person or entity specified by the Chief Executive as a designated person or designated entity under section 31;~~

designated person (指認人士) means—

- (a) ~~a person~~ an individual ~~specified by the Chief Executive as a designated person~~ named in the list published under section ~~31~~ 30(1); or
- (b) ~~a person~~ an individual—
 - (i) acting in Yemen on behalf of, ~~;~~ or
 - (ii) acting in Yemen at the direction of, ~~—~~
a ~~person~~ an individual or entity ~~specified by the Chief Executive as a designated person or designated entity under section 31~~ named in that list;

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 section ~~9CA(1)8~~;

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

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 ~~30B~~31(1);
- (b) an entity—
 - (i) acting on behalf of, ~~or~~;
 - (ii) acting at the direction of, ~~;~~ 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 30B~~ named in that list; or
- (c) an entity owned or controlled by ~~a person an individual~~ or entity—
 - (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 30B~~ 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 ~~30B~~31(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 30B~~ named in that list;

Resolution 2140 (《第 2140 號決議》) means Resolution 2140 (2014) adopted by the Security Council on 26 February 2014;

Resolution 2216 (《第 2216 號決議》) means Resolution 2216 (2015) adopted by the Security Council on 14 April 2015;

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;

supply (供應) means supply, sale or transfer.

Part 2

Prohibitions

2. Prohibition against 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) 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 a designated person or a designated entity, or ~~to~~ the order of, ~~or for the benefit of,~~ a designated person or a designated entity; ~~or~~
 - (b) for the benefit of a designated person or a designated entity; or
 - ~~(c)~~ to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to a designated person or a designated entity, or ~~to~~ the order of, ~~or for the benefit of,~~ a designated person or a designated entity; or
 - (ii) for the benefit of a designated person or a designated entity.

-
- (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 a designated person or a designated entity; or ~~to the order of, or for the benefit of,~~ a designated person or a designated entity; ~~or~~
 - (ii) for the benefit of a designated person or a designated entity; or
 - (~~iii~~) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to a designated person or a designated entity; or ~~to the order of, or for the benefit of,~~ a designated person or a designated entity; or
 - (B) for the benefit of a designated person or a designated entity.
3. **Prohibition against 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, 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) to a designated person or a designated entity; or ~~to~~ the order of, ~~or for the benefit of,~~ a designated person or a designated entity; ~~or~~
- (b) for the benefit of a designated person or a designated entity; or
- (bc) to a destination for the purpose of delivery or transfer, directly or indirectly—
- (i) to a designated person or a designated entity; or ~~to~~ the order of, ~~or for the benefit of,~~ a designated person or a designated entity; or
- (ii) for the benefit of a designated person or a designated entity.

- (3) 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;~~

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- (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.
- (4) A person who commits an offence under subsection (3) 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~~.
- (5) 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 carriage of the goods concerned was, or formed part of, a carriage—
 - (i) to a designated person or a designated entity, or ~~to~~ the order of, ~~or for the benefit of~~, a designated person or a designated entity; ~~or~~
 - (ii) for the benefit of a designated person or a designated entity; or
 - (~~iii~~) to a destination for the purpose of delivery or transfer, directly or indirectly —

- (A) to a designated person or a designated entity;
 or ~~to the order of, or for the benefit of,~~ a
 designated person or a designated entity; or
- (B) for the benefit of a designated person or a
 designated entity.

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) A person must not ~~provide,~~ directly or indirectly, provide to a
 designated person or a designated entity 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 designated person or a designated entity; 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.

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

(1) This section applies until midnight on 26 February 2020.

~~(12)~~ 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.~~

~~(23)~~ Except under the authority of a licence—

(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).
- (~~34~~) A person who contravenes subsection (~~23~~) 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.~~
- (~~45~~) It is a defence for a person charged with an offence under subsection (~~34~~) to prove that the person did not know and had no reason to believe—
- (a) for a contravention of subsection (~~23~~)(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 (~~23~~)(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.
- (~~56~~) A person is not to be regarded as having contravened subsection (~~23~~) 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.

(67) 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.

7E6. Prohibition against eEntry or transit by certain of persons prohibited

- (1) This section applies until midnight on 26 February 2020.
- (12) Subject to section 7F, a A specified person must not enter or transit through the HKSAR.
- (3) However, subsection (2) 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 relevant entry or transit is required to advance peace and stability in Yemen;
 - (c) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation; or
 - (d) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Yemen.
- (24) A person who contravenes subsection (12) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (35) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (46) In this section—
- specified person* (指明人士) means—
- (a) ~~a person~~ an individual designated by the Committee for the purposes of paragraph 15 of Resolution 2140; or
 - (b) ~~a person~~ an individual listed in the Annex to Resolution 2216.

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

~~Section 7E 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;~~

-
- ~~—— (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Yemen; or~~
 - ~~—— (d) the relevant entry or transit is required to advance peace and stability in Yemen.~~

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 3A

Licence

9CA8. Licence for making available ~~funds, etc. to certain persons or entities~~ or dealing with ~~funds, etc. of certain persons or entities~~ economic assets

- (1) This section applies until midnight on 26 February 2020.
- (12) If, on application, the Chief Executive ~~determines~~ is satisfied that ~~any one or more~~ of the requirements in subsection (23) ~~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.
- (23) 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 26 February 2014 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.
- (34) However, if the Chief Executive ~~determines~~ is satisfied that— ~~(a)~~—the requirement in subsection (23)(a) is met, the Chief Executive—
- (ia) must cause the Committee to be notified of the intention to grant a licence under subsection (12); and
 - (ib) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification~~;~~.

- (b5) Also, if the Chief Executive is satisfied that the requirement in subsection (23)(b) is met, the Chief Executive—
- (ia) must cause the Committee to be notified of the determination intention to grant a licence under subsection (2); and
- (ib) must not, unless the Committee approves, grant the licence—~~unless the Committee approves the determination;~~
- (e6) Also, if the Chief Executive is satisfied that the requirement in subsection (23)(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 (2) before granting it;
- (e7) Further, if the Chief Executive is satisfied that the requirement in subsection (23)(d) is met, the Chief Executive must cause the Committee to be notified of the determination intention to grant a licence under subsection (2) not less than 10 working days before granting ~~the licence~~.

9D9. 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—
- (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.~~
- (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—

- (~~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.~~
-

Part 4

~~Things Done outside HKSAR~~

~~10. 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.~~

Part 54

Enforcement ~~of Regulation~~

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

~~110.~~ Investigation of suspected ships Application of Part 4

~~—(1)—~~ This Part applies ~~if~~ 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—~~

11. 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.~~

12. 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 articlesany 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.~~

13. 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.~~

~~12. — Offences by charterer, operator or master of ship~~

14. 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 ~~11(2)(a)~~ 13(1)(a); or,
 - (b) without reasonable excuse, refuses or fails to comply with a request requirement made under section ~~11(1)(b)~~ or ~~(2)(b)~~ 12(1) or 13(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.

15. 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 ~~11(1)(b) or (2)(b)~~ 12(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, ~~;~~.
- (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.

1316. Power ~~of authorized officers~~ to enter and detain ~~ships~~ modes of transport

- (1) Without limiting sections ~~12~~ 14 and 15, this section applies if an authorized officer has reason to suspect that a ~~request requirement that has been~~ made under section ~~11(2)(b)~~ 13(1)(b), (2) or (3) may not be complied with, ~~;~~.
- (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)~~ 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~~

~~14. — 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.~~

~~15. 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 14(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 14(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.~~

~~**16. Power of authorized officers to enter and detain aircraft**~~

- ~~(1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(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~~

~~17. — 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.~~

~~18. 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 17(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 17(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.~~

~~19. Power of authorized officers to enter and detain vehicles~~

- ~~(1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(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~~

2017. Production of proof of identity

Before or on exercising a power conferred by ~~section 11, 13, 14, 16, 17 or 19~~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 65

Evidence

18. 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 19(3).

219. 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.

2220. ~~Seized articles, etc. liable to~~ Notice of intended forfeiture

- (1) This section applies ~~if~~ an authorized officer intends to apply to a magistrate or judge under section ~~23-22~~ for an order for forfeiture of any ~~document, cargo or article seized under section 21(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 22 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 a the~~ 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.

21. 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) Aan 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 20(2); ₂
 - (b) ~~or~~ a person who was in possession of the ~~document, cargo or article~~ seized property at the time of seizure; ₂
 - (c) ~~or~~ a person who has a legal or equitable interest in the ~~document, cargo or article~~ seized property; ₂

~~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 20(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)(e)~~ section 20(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.

22. 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 20(2) after the expiration of the appropriate

period of time specified in section 21(2)(a) for the serving of a notice of objection.—

~~—(a) after the expiration of the appropriate period of time specified in subsection (4)(a) for the serving of a notice of objection; or~~

~~—(b) if a notice of objection is served in accordance with subsections (3) and (4), after the receipt of the notice.~~

23. 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;² 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 22(3) and (4) under~~

section 21(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 sections~~subsection (2) despite the fact that the summons has not been served on ~~that the~~ person.

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

- (1) Subject to ~~subsection (2)~~any order made under section 23, any document, cargo or article seized under section 21(3)seized property may not be detained for more than 3 months.
- (2) However, if ~~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

25. 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 Yemen 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)—

- (~~ba~~) 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~~.
 - (~~ab~~) 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

26. 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.

27. 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.

28. 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

29. Consent and deadline time limit for proceedingsprosecution

- (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.

~~30B. 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 (as appropriate)—~~

- ~~— (a) a person or an entity designated by the Committee for the purposes of paragraph 11 of Resolution 2140; or~~
- ~~— (b) a person listed in the Annex to Resolution 2216.~~

~~**31. Specification of designated person or designated entity by Chief Executive**~~

~~The Chief Executive may, by notice published in the Gazette, specify as a designated person or a designated entity (as appropriate) —~~

- ~~(a) a person or an entity designated by the Committee for the purposes of paragraph 20(d) of Resolution 2216;~~
- ~~(b) a person named in paragraph 14 of Resolution 2216; or~~
- ~~(c) a person listed in the Annex to Resolution 2216.~~

30. Secretary's publication of list for purposes of *designated person* and *designated entity*

- (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 *designated person* and *designated entity* in section 1.
- (2) The Secretary may include in the list the name of—
 - (a) an individual named in paragraph 14 of Resolution 2216;
 - (b) an individual or entity designated by the Committee pursuant to paragraph 20(d) of Resolution 2216; or
 - (c) an individual listed in the Annex to Resolution 2216.
- (3) The lists may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the lists if the individual or entity no longer meets the description under subsection (2).

- (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.

31. Secretary's publication of list for purposes of *relevant person* and *relevant entity*

- (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—
 - (a) an individual or entity designated by the Committee for the purposes of paragraph 11 of Resolution 2140; or
 - (b) an individual listed in the Annex to Resolution 2216.
- (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 no longer meets the description under subsection (2).
- (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.

32. 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.

33. 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 9

Duration

~~36. Duration~~

~~Sections 5C, 7E, 7F and 9CA expire at midnight on 26 February 2019.~~

Chief Executive

2019

United Nations Sanctions (Yemen) Regulation 2019

United Nations Sanctions (Yemen) Regulation 2015 (Repeal) Regulation

Information on Yemen

Country Background

Yemen is an Arab country in Western Asia^{Note 1}. It is bordered by Saudi Arabia to the north, the Red Sea to the west, the Gulf of Aden and Arabian Sea to the south, and Oman to the east. With its capital in Sana'a, Yemen has a total area of 527,968 sq. km. and an estimated population of around 28.92 million in 2018^{Note 2}. It had a GDP of US\$16.51 billion^{Note 3} (or HK\$128.68 billion) in 2017.

United Nations Sanctions against Yemen

2. The United Nations has been facilitating Yemen's political transition since 2011, when the country was on the brink of civil war, and fighting killed and wounded hundreds. In April 2011, President Ali Abdullah Saleh refused to sign a Gulf Cooperation Council initiative, leading to continued political deadlock. In November 2011, face-to-face negotiations between the ruling party and the opposition, facilitated by the United Nations Special Advisor on Yemen, led to the signing of a Transition Agreement in Riyadh on 23 November 2011. A further milestone was marked on 21 February 2012, when presidential elections transferred power to the then Vice-President Abed Rabbu Mansour Hadi in a largely peaceful environment with high voter participation. A National Unity Government was formed under the leadership of Prime Minister Mohamed Basendwa. 18 March 2013 saw the successful launching of Yemen's National Dialogue Conference, representing all Yemeni constituencies.

3. Challenges persist, however, in spite of the relative stability in Yemen currently. They range from longstanding conflicts in the North and South to Al-Qaida-linked terrorism and armed groups, and from targeted killings of military officials and politicians to attacks on infrastructure and systemic obstruction. The economy is suffering decline, and the humanitarian situation thus remains extremely grave. Nearly half the population is food insecure with no access to clean water and other basic services. A quarter of a million children are severely malnourished^{Note 4}.

Note 1 At present, there is not a definite list of Belt and Road countries, but Yemen is usually 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=YE>

Note 4 Source: The website of the Office of the Special Adviser to the United Nations Secretary-General on Yemen at <https://osag.yunmissions.org/background>

4. Unanimously adopting Resolution 2140 on 26 February 2014, the Security Council of the United Nations (“UNSC”) encouraged all Yemeni constituencies to continue their active and constructive engagement in the country’s political transition. The UNSC condemned the growing number of attacks carried out or sponsored by Al-Qaida in the Arabian peninsula, and expressed concern over reported serious human rights abuses and violence against civilians. Determining that the situation in Yemen constituted a threat to international peace and security in the region, the UNSC decided to impose a year-long financial sanctions and travel ban against Yemen. The UNSC then extended the sanction measures on an annual basis for a few times. In addition, on 14 April 2015, the UNSC adopted Resolution 2216 to impose arms-related sanctions against designated persons and entities. No time limits on the arm-related sanctions have been prescribed by the UNSC. On 26 February 2019, the UNSC further adopted Resolution 2456 to renew until 26 February 2020 the financial sanctions and travel ban imposed by Resolution 2140.

Trade Relation between Hong Kong and Yemen

5. In 2018, Yemen ranked 145th among Hong Kong’s trading partners in the world, with a total trade of HK\$105.3 million. Of these, HK\$4.5 million worth of trade were exports to Yemen, and HK\$100.8 million imports. Hong Kong’s trade with Yemen are summarised as follows –

Hong Kong’s Trade with Yemen [Value in HK\$ (in million)]		
Item	2018	2019 (January – March)
(a) Total Exports to Yemen	4.5	2.5
(i) Domestic exports	- Note 5	- Note 6
(ii) Re-exports	4.5 Note 7	2.5 Note 8
(b) Imports from Yemen	100.8 Note 9	31.2 Note 10
Total Trade [(a) + (b)]	105.3	33.7

In 2018, HK\$0.6 million worth of goods were re-exports of Yemen origin to the Mainland via Hong Kong, and HK\$4.5 million were re-exports of Mainland origin to Yemen via Hong Kong. The total of HK\$5.1 million worth of goods, were equivalent to 0.03%^{Note 11} of the total trade between Yemen and the Mainland.

Note 5 In 2018, there was no domestic export to Yemen.

Note 6 In the first three months of 2019, there was no domestic export to Yemen.

Note 7 In 2018, Hong Kong’s major re-export items to Yemen were electrical machinery, apparatus and appliances, and electrical parts thereof (36.9%); and professional, scientific and controlling instruments and apparatus (23.0%).

Note 8 In the first three months of 2019, Hong Kong’s major re-export items to Yemen were telecommunications and sound recording and reproducing apparatus and equipment (41.2%); office machines and automatic data processing machines (24.4%); and musical instruments and parts and accessories thereof; records, tapes and other sound or similar recordings (22.6%).

Note 9 In 2018, Hong Kong’s major import items from Yemen were fish, crustaceans, molluscs and aquatic invertebrates, and preparations thereof (90.4%).

Note 10 In the first three months of 2019, Hong Kong’s major import items from Yemen were fish, crustaceans, molluscs and aquatic invertebrates, and preparations thereof (96.0%).

Note 11 The percentage is an estimate with reference to China’s Customs Statistics and Hong Kong Trade Statistics. Since two different sets of data are involved, the calculated percentage is solely indicative.

6. The sanctions against Yemen imposed by the UNSC would unlikely affect the trade between Hong Kong and Yemen 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 Yemen imposed by the UNSC would unlikely have any significant effect on Hong Kong economy.

**Commerce and Economic Development Bureau
July 2019**