

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (LIBYA) REGULATION 2019 (Cap. 537CF)

UNITED NATIONS SANCTIONS (LIBYA) REGULATION 2011 (REPEAL) REGULATION

INTRODUCTION

At the meeting of the Executive Council on 26 March 2019, the Council ADVISED and the Chief Executive (“the CE”) ORDERED that -

- A
- (a) the United Nations Sanctions (Libya) Regulation 2019 (Cap. 537CF) (“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 (Libya) Regulation 2011 (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 29 March 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 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 December 2018, the CE received instructions from the MFA to implement UNSC Resolution (“UNSCR”) 2441 in respect of Libya 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.

Sanctions against Libya

3. Concerned with serious violations of human rights and attacks against civilians in Libya, the UNSC adopted UNSCR 1970 to implement a range of sanctions against Libya on 26 February 2011. The sanctions were modified by the UNSC a few times. Such sanction measures include arms embargo, travel ban, financial sanctions and ban on flights. No time limit has been prescribed by the UNSC on these sanctions.

UNSCRs 2146 and 2441

4. Determining that the situation in Libya continued to constitute a threat to international peace and security, the UNSC passed UNSCR 2146 on 19 March 2014 to expand the scope of sanctions against Libya. The UNSC decided, inter alia, to impose the following measures on vessels designated under paragraph 11 of UNSCR 2146 by the Committee established pursuant to paragraph 24 of UNSCR 1970 (“the Committee”) (*paragraph 10 of UNSCR 2146 refers*) –

- (a) the flag State of a vessel designated by the Committee¹ shall take the necessary measures to direct the vessel not to load, transport, or discharge crude oil from Libya aboard the vessel, absent direction from the focal point, appointed under paragraph 3 of Resolution 2146, of the Libyan Government;
- (b) all Member States shall take the necessary measures to prohibit vessels designated by the Committee from entering their ports, unless such entry is necessary for the purpose of an inspection, in the case of emergency or in the case of return to Libya;
- (c) all Member States shall take the necessary measures to prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to vessels designated by the Committee, unless provision of such services is necessary for humanitarian purposes, or in the case of return to Libya, in which case the Member State shall notify the Committee; and
- (d) all Member States shall take the necessary measures to require their nationals and entities and individuals in their territory not to engage in any financial transactions with respect to crude oil from Libya aboard vessels designated by the Committee.

¹ As at 28 March 2019, no vessel was designated by the Committee.

5. The UNSC further decided that the measures imposed by UNSCR 2146 shall terminate one year from the date of the adoption of UNSCR 2146, unless the UNSC decides to extend them (*paragraph 15 of UNSCR 2146 refers*). The above time-limited measures were subsequently extended by the UNSC a few times until 15 November 2018.

6. Pursuant to the instructions of the MFA, the HKSAR implemented the sanctions against Libya through making and amending the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537AW) (“the existing Regulation”).

7. On 5 November 2018, the UNSC, by adopting UNSCR 2441 (at Annex D), decided, inter alia, to extend until 15 February 2020 the measures imposed by UNSCR 2146.

D

THE 2019 REGULATION

8. The 2019 Regulation, at Annex A, seeks to implement all sanctions and exemptions imposed by the UNSC on Libya, including those extended by UNSCR 2441, using modernised provisions 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 Libya or a connected person;
- (b) **sections 4 and 5**, which prohibit the loading, transport or discharge of petroleum from Libya aboard ships registered in the HKSAR and designated by the Committee, and provide for exceptions, until midnight on 15 February 2020;
- (c) **section 6**, which prohibits the provision to a connected person of any assistance related to military activities or the provision, maintenance or use of any arms or related materiel;
- (d) **sections 7 and 8**, which prohibit the procurement of arms or related materiel from Libya or a connected person;
- (e) **section 9**, which prohibits any person from making available economic assets to certain persons or entities, or dealing with economic assets of such persons or entities;

- (f) **sections 10 and 11**, which prohibit the engagement in any financial transactions related to petroleum from Libya aboard ships designated by the Committee and provide for exceptions, until midnight on 15 February 2020;
- (g) **section 12**, which prohibits the entry into or transit through the HKSAR by certain persons and provides for exceptions;
- (h) **sections 13 and 14**, which prohibit the provision of certain services to ships designated by the Committee and provide for exceptions, until midnight on 15 February 2020;
- (i) **section 15**, which prohibits ships outside the HKSAR and designated by the Committee from entering into the HKSAR and provides for exceptions, until midnight on 15 February 2020;
- (j) **section 16**, which prohibits the taking off from, landing in and flying in the HKSAR of certain aircraft;
- (k) **sections 18 to 21**, which provide for the granting of licences to implement relevant exemptions for the supply or carriage of arms or related materiel; for the provision of assistance to certain persons; for making available economic assets to certain persons or entities; for dealing with economic assets of certain persons or entities; and for providing certain services to ships designated by the Committee, until midnight on 15 February 2020; and
- (l) **section 43**, which provides that the Secretary for Commerce and Economic Development may publish on the website of the Commerce and Economic Development Bureau a list of individuals and entities designated by the Committee.

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

E

THE REPEAL REGULATION

9. Consequential to the making of the 2019 Regulation which fully implements all sanction measures imposed by the UNSC on Libya, the existing Regulation is no longer necessary. The Repeal Regulation, at Annex B, seeks to repeal the existing Regulation.

IMPLICATIONS

10. 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

11. A press release was issued on 29 March 2019 when the two Regulations were published in the Gazette. A spokesperson is available to answer media and public enquiries.

INFORMATION ON LIBYA AND RELATIONS WITH THE HKSAR

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

F

ADVICE SOUGHT

13. Members are invited to note the implementation of the UNSCR 2441 in the HKSAR by the 2019 Regulation and the Repeal Regulation.

**Commerce and Economic Development Bureau
March 2019**

L.N. 53 of 2019

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United Nations Sanctions (Libya) 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 any 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 24 of Resolution 1970;

connected person (有關連人士) means—

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

designated funds (指認資金) means any economic assets belonging to, or directly or indirectly owned or controlled by, a designated Libyan entity and which were frozen on 16 September 2011;

designated Libyan entity (指認利比亞實體) means—

- (a) the Libyan Investment Authority; or
- (b) the Libyan Africa Investment Portfolio;

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;

Libyan Government (利比亞政府) means the Government of National Accord in Libya;

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

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

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;

petroleum (石油) includes crude oil and refined petroleum products;

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 43(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 43(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 1970 (《第1970號決議》) means Resolution 1970 (2011) adopted by the Security Council on 26 February 2011;

Resolution 1973 (《第1973號決議》) means Resolution 1973 (2011) adopted by the Security Council on 17 March 2011;

Resolution 2146 (《第2146號決議》) means Resolution 2146 (2014) adopted by the Security Council on 19 March 2014, as extended by Resolution 2441 (2018) adopted by the Security Council on 5 November 2018;

responsible person (負責人) means—

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

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

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

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

specified services (指明服務), in relation to a ship, means the provision of any bunkering service to the ship or any of the following services—

- (a) the provision of fuel to the ship;
- (b) the provision of tools or equipment for shipboard maintenance;
- (c) the provision of lubricants, chemicals, expendable parts, spare parts, supplies or any other requirements that are necessary for the safe operation of the ship;
- (d) the servicing or repair of any part of the ship or any item referred to in paragraphs (b) and (c);

supply (供應) means supply, sale or transfer.

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

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 18(1)(a), a person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—
 - (a) to Libya;
 - (b) to a connected person or the order of a connected person; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to Libya; or
 - (ii) to a connected person or the order of a connected person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.

- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
 - (a) that the goods concerned were prohibited goods; or
 - (b) that the goods concerned were, or were to be, supplied—
 - (i) to Libya;
 - (ii) to a connected person or the order of a connected person; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (A) to Libya; or
 - (B) to a connected person or the order of a connected person.

3. Carriage of goods prohibited

- (1) This section applies to—
 - (a) a ship that is registered in the HKSAR, or is in the HKSAR;
 - (b) an aircraft that is registered in the HKSAR, or is in the HKSAR;
 - (c) any other ship or aircraft that is for the time being chartered to a person who is—
 - (i) a Hong Kong person; or
 - (ii) in the HKSAR; and
 - (d) a vehicle in the HKSAR.

- (2) Without limiting section 2, except under the authority of a licence granted under section 18(1)(b), a mode of transport must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
- (a) from a place outside Libya to a place in Libya;
 - (b) to a connected person or the order of a connected person; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
 - (i) to Libya; or
 - (ii) to a connected person or the order of a connected person.
- (3) Subsection (2) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and
 - (b) the supply is authorized by a licence granted under section 18(1)(a).
- (4) If a mode of transport is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) for a ship registered in the HKSAR—the responsible persons for the ship;
 - (b) for any other ship—
 - (i) the charterer of the ship if the charterer is a Hong Kong person, or is in the HKSAR;
 - (ii) the operator of the ship if the operator is a Hong Kong person, or is in the HKSAR; and

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

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

4. Loading, transport or discharge of petroleum prohibited

- (1) This section applies until midnight on 15 February 2020.
- (2) This section applies to a ship—
 - (a) that is registered in the HKSAR; and
 - (b) that is designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(a) of the Resolution.
- (3) Subject to section 5, a ship must not be used to load, transport or discharge petroleum from Libya aboard the ship.
- (4) If a ship is used in contravention of subsection (3), each of the responsible persons for the ship commits an offence.
- (5) A person who commits an offence under subsection (4) is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—

- (a) that petroleum was aboard the ship; or
- (b) that the petroleum aboard the ship was from Libya.

5. Exceptions to prohibition under section 4

- (1) This section applies until midnight on 15 February 2020.
- (2) Section 4 does not apply if the loading, transport or discharge of petroleum is directed by the focal point, appointed under paragraph 3 of Resolution 2146, of the Libyan Government.
- (3) Also, section 4 does not apply if the loading, transport or discharge of petroleum is exempted by the Committee under paragraph 12 of Resolution 2146.

6. Provision of assistance prohibited

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 19(1), a person must not directly or indirectly provide to a connected person any assistance (including the provision of armed mercenary personnel) related to—
 - (a) military activities; or
 - (b) the provision, maintenance or use of any prohibited goods.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

- (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
 - (a) that the assistance was, or was to be, provided to a connected person; or
 - (b) that the assistance related to—
 - (i) military activities; or
 - (ii) the provision, maintenance or use of any prohibited goods.

7. Procurement of items by persons 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 procure, agree to procure, directly or indirectly, or do any act likely to promote the procurement of any prohibited goods—
 - (a) from Libya; or
 - (b) from a connected person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.

- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
 - (a) that the goods concerned were prohibited goods; or
 - (b) that the goods concerned were—
 - (i) from Libya; or
 - (ii) from a connected person.

8. Procurement of items using modes of transport 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—
 - (i) a Hong Kong person; or
 - (ii) in the HKSAR; and
 - (d) a vehicle in the HKSAR.
- (2) Without limiting section 7, a mode of transport must not be used for or in connection with the procurement of any prohibited goods—
 - (a) from Libya; or
 - (b) from a connected person.
- (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 goods concerned were—
 - (i) from Libya; or
 - (ii) from a connected person.

9. Making available or dealing with economic assets prohibited

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 20(1)—
- (a) a person must not directly or indirectly make available any economic assets to, or for the benefit of, a relevant person or a relevant entity; and
 - (b) a person must not directly or indirectly deal with any economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity (including, if the person is a relevant person or a relevant entity, the economic assets belonging to, or directly or indirectly owned or controlled by, the person).
- (3) Except under the authority of a licence granted under section 20(2)—
- (a) a person must not directly or indirectly make available any designated funds to, or for the benefit of, a designated Libyan entity; and
 - (b) a person must not directly or indirectly deal with any designated funds (including, if the person is a designated Libyan entity, the economic assets

- belonging to, or directly or indirectly owned or controlled by, the person and which were frozen on 16 September 2011).
- (4) A person who contravenes subsection (2) or (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 (2)(a)—that the economic assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity;
- (b) for a contravention of subsection (2)(b)—that the person was dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity;
- (c) for a contravention of subsection (3)(a)—that the designated funds were, or were to be, made available to, or for the benefit of, a designated Libyan entity; or
- (d) for a contravention of subsection (3)(b)—that the economic assets concerned were designated funds.
- (6) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity with—

- (a) interest or other earnings due on that account; or
- (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (7) In this section—
- deal with* (處理) means—
- (a) in respect of funds—
- (i) use, alter, move, allow access to or transfer;
- (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
- (iii) make any other change that would enable use, including portfolio management; and
- (b) in respect of other financial assets or economic resources—use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

10. Engaging in financial transactions prohibited

- (1) This section applies until midnight on 15 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) Subject to section 11, a person must not engage, directly or indirectly, in any financial transaction related to any petroleum from Libya aboard a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(d) of the Resolution.

- (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 2 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 that the financial transaction concerned related to any petroleum from Libya aboard a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(d) of the Resolution.
- (6) In this section—
- financial transaction* (金融交易) does not include the payment or acceptance of port dues payable under section 52 of the Shipping and Port Control Ordinance (Cap. 313) in the circumstances specified in section 15(4).

11. Exception to prohibition under section 10

- (1) This section applies until midnight on 15 February 2020.
- (2) Section 10 does not apply if the engagement in the financial transaction concerned is exempted by the Committee under paragraph 12 of Resolution 2146.

12. Entry or transit of persons prohibited

- (1) A specified person must not enter or transit through the HKSAR.
- (2) However, subsection (1) does not apply to a case in respect of which—

- (a) the relevant entry or transit is necessary for the fulfilment of a judicial process;
 - (b) the relevant entry or transit is required to advance peace and stability in Libya;
 - (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 Libya and stability in the region.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (4) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
- (5) In this section—
- specified person* (指明人士) means—
- (a) an individual listed in Annex I to Resolution 1970 or Annex I to Resolution 1973;
 - (b) an individual designated by the Committee for the purposes of paragraph 15 of Resolution 1970;
 - (c) an individual determined by the Security Council or the Committee to have violated the provisions of Resolution 1970, or to have assisted another individual or entity in violating those provisions; or
 - (d) an individual determined by the Committee to be engaging in or providing support for acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.

13. Provision of services to ships prohibited

- (1) This section applies until midnight on 15 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) Subject to section 14, except under the authority of a licence granted under section 21(2), a person must not provide, directly or indirectly, any specified services to a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(c) of the Resolution.
- (4) A person who, without reasonable excuse, 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.

14. Exception to prohibition under section 13

- (1) This section applies until midnight on 15 February 2020.
- (2) Section 13 does not apply if the provision of the specified services concerned is exempted by the Committee under paragraph 12 of Resolution 2146.

15. Entry of ships to HKSAR prohibited

- (1) This section applies until midnight on 15 February 2020.
- (2) This section applies to a ship—
 - (a) that is outside the HKSAR; and

- (b) that is designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(b) of the Resolution.
- (3) Except in the circumstances specified in subsection (4), the Director of Marine must deny permission for the ship to enter the HKSAR.
- (4) A ship to which this section applies may enter the HKSAR only—
 - (a) for the purpose of an inspection under section 25;
 - (b) in the case of an emergency;
 - (c) for the ship to return to Libya; or
 - (d) if the entry is allowed by the Committee under paragraph 12 of Resolution 2146.
- (5) The responsible person of a ship to which permission is denied under subsection (3) must not cause the ship to enter the HKSAR.
- (6) A responsible person of a ship who, without reasonable excuse, contravenes subsection (5) 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.

16. Taking off from, landing in, etc. HKSAR of aircraft prohibited

- (1) This section applies to—
 - (a) an aircraft that carries prohibited goods from or to Libya; and
 - (b) an aircraft that carries armed mercenary personnel to Libya.

- (2) If the Director-General of Civil Aviation has information that provides reasonable grounds for the Director-General to believe that an aircraft is one to which this section applies, the Director-General must deny permission for the aircraft—
- (a) to take off from the HKSAR;
 - (b) to land in the HKSAR, unless the aircraft needs to make an emergency landing; or
 - (c) to fly in the HKSAR.
- (3) The pilot in command of an aircraft to which permission is denied under subsection (2) must not cause the aircraft—
- (a) for subsection (2)(a)—to take off from the HKSAR;
 - (b) for subsection (2)(b)—to land in the HKSAR; or
 - (c) for subsection (2)(c)—to fly in the HKSAR.
- (4) A pilot in command 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.

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

This Part does not apply if—

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

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

Part 3**Licences****18. Licence for supply or carriage of goods**

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

- (2) The requirements are as follows—
- (a) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
 - (b) the prohibited goods are protective clothing (including flak jackets and military helmets) to be temporarily exported to Libya by United Nations personnel, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
 - (c) the supply of the prohibited goods is approved in advance by the Committee;
 - (d) the prohibited goods are small arms or related materiel to be temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media, humanitarian or development workers or associated personnel.
- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.

19. Licence for provision of assistance

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant a licence for the provision, to a connected person, of assistance (including the provision of armed mercenary personnel) related to—

- (a) military activities; or
 - (b) the provision, maintenance or use of any prohibited goods.
- (2) The requirements are as follows—
- (a) the assistance is technical assistance or training related to non-lethal military equipment intended solely for humanitarian or protective use;
 - (b) the provision of assistance or personnel is approved in advance by the Committee;
 - (c) the assistance is to be provided to the Libyan Government and intended solely for security or disarmament assistance.

20. Licence for making available or dealing with economic assets

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (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.
- (2) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (4) are met, the Chief Executive must grant, as appropriate, a licence for—
- (a) making available designated funds to, or for the benefit of, a designated Libyan entity; or
 - (b) dealing with designated funds.

- (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 2011 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) The requirements are as follows—
- (a) the designated funds 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 the designated funds;
- (b) the designated funds are necessary for extraordinary expenses;
- (c) the designated funds are—
- (i) the subject of a judicial, administrative or arbitral lien or judgment that was entered before 26 February 2011 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 designated funds are to be used for making payment due under a contract entered into by a designated Libyan entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity;
- (e) the designated funds are—
- (i) to be used for one or more of the following purposes—
 - (A) humanitarian needs;

- (B) fuel, electricity and water for strictly civilian uses;
 - (C) resuming Libyan production and sale of hydrocarbons;
 - (D) establishing, operating or strengthening institutions of civilian government and civilian public infrastructure;
 - (E) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya; and
- (ii) not to be made available to, or for the benefit of, a relevant person or a relevant entity.
- (5) However, if the Chief Executive is satisfied that the requirement in subsection (3)(a) or (4)(a) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1) or (2); and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.
- (6) Also, if the Chief Executive is satisfied that the requirement in subsection (3)(b) or (4)(b) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1) or (2); and
 - (b) must not, unless the Committee approves, grant the licence.

- (7) Also, if the Chief Executive is satisfied that the requirement in subsection (3)(c) or (4)(c) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (1) or (2) before granting it.
- (8) Also, if the Chief Executive is satisfied that the requirement in subsection (3)(d) or (4)(d) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (1) or (2) 10 working days before granting it.
- (9) Further, if the Chief Executive is satisfied that the requirement in subsection (4)(e) is met—
- (a) the Chief Executive must cause the Libyan Government to be consulted about the intended use of the designated funds;
 - (b) if the Libyan Government has no objection to the intended use of the designated funds, the Chief Executive must cause the Committee and the Libyan Government to be notified of the intention to grant a licence under subsection (2); and
 - (c) the Chief Executive must grant the licence in the absence of a negative decision by the Committee and an objection from the Libyan Government within 5 working days of the notification.

21. Licence for provision of services to ships

- (1) This section applies until midnight on 15 February 2020.
- (2) If, on application, the Chief Executive is satisfied that one or both of the requirements in subsection (3) are met, the Chief Executive must grant a licence for the provision of specified services to a ship designated by the Committee

under paragraph 11 of Resolution 2146 for the measures in paragraph 10(c) of the Resolution.

- (3) The requirements are as follows—
 - (a) the provision of the specified services concerned is necessary for humanitarian purposes;
 - (b) the provision of the specified services concerned is necessary for the ship to return to Libya.

22. 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****23. Application of Part 4**

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 3, 4, 8 or 16 applies has been, is being or is about to be used in contravention of section 3(2), 4(3), 8(2) or 16(3).

24. 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.

25. 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—provide any information, or produce for inspection any document, relating to its cargo, that the officer may specify;
 - (c) for an aircraft—

- (i) provide any information, or produce for inspection any document, relating to its cargo, that the officer may specify; and
- (ii) if an authorized officer has reason to suspect that the aircraft carries armed mercenary personnel—provide any information relating to any person on board the aircraft;
- (d) for a vehicle—provide any information, or produce for inspection any document, relating to any article on it, that the officer may specify; or
- (e) 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.

26. 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.

27. 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 26(1)(a); or
 - (b) refuses or fails to comply with a requirement made under section 25(1) or 26(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.

28. 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 25(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.

29. Power to enter and detain modes of transport

- (1) Without limiting sections 27 and 28, this section applies if an authorized officer has reason to suspect that a requirement made under section 26(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.

30. 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****31. 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 32(3).

32. 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.

33. Notice of intended forfeiture

- (1) This section applies if an authorized officer intends to apply to a magistrate or judge under section 35 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 35 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) if the notice 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.

34. 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 33(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 33(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 33(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.

35. 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 33(2) after the expiration of the appropriate period of time specified in section 34(2)(a) for the serving of a notice of objection.

36. 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 34(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.

37. Detention of seized property

- (1) Subject to any order made under section 36, 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****38. 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 Libya decided on by the Security Council; or
- (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

- (2) For the purposes of subsection (1)(a)—
- (a) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right; and
 - (b) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person.
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Part 7

Other Offences and Miscellaneous Matters

39. 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.

40. 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.

41. 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.

42. 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.

43. Publication of list of individuals and entities by Secretary

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

- (2) The Secretary may include in the list the names of—
 - (a) an individual or entity designated by the Committee for the purposes of the measures imposed by paragraph 17 of Resolution 1970, including an individual or entity listed in Annex II to Resolution 1970 or Annex II to Resolution 1973;
 - (b) an individual or entity determined by the Security Council or the Committee to have violated the provisions of Resolution 1970, or to have assisted another individual or entity in violating those provisions;
 - (c) an individual or entity designated by the Committee for the purposes of paragraph 19 of Resolution 1973; and
 - (d) an individual or entity determined by the Committee to be engaging in or providing support for acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.
- (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.

44. 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.

45. 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

26 March 2019

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2441 (2018) adopted by the Security Council of the United Nations on 5 November 2018 in respect of Libya by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
- (b) the loading, transport or discharge of petroleum from Libya aboard certain ships;
- (c) the provision of technical assistance, training or financial or other assistance related to military activities, etc. in certain circumstances;
- (d) the procurement of arms or related materiel from certain persons;
- (e) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (f) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities;
- (g) engaging in any financial transaction related to any petroleum from Libya aboard certain ships;
- (h) entry into or transit through the HKSAR by certain persons;
- (i) the provision of certain services to ships under certain circumstances;
- (j) certain ships entering the HKSAR; and

United Nations Sanctions (Libya) Regulation 2019

Explanatory Note
Paragraph 1

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B1189

- (k) aircraft carrying arms or related materiel or armed mercenary personnel taking off from, landing in or flying in the HKSAR.

United Nations Sanctions (Libya) Regulation 2011 (Repeal) Regulation

Section 1 L.N. 54 of 2019
B1191

L.N. 54 of 2019

**United Nations Sanctions (Libya) Regulation 2011
(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 (Libya) Regulation 2011 (Cap. 537 sub. leg. AW) is repealed.

Carrie LAM
Chief Executive

26 March 2019

United Nations Sanctions (Libya) Regulation 2011 (Repeal) Regulation

Explanatory Note L.N. 54 of 2019
B1193

Explanatory Note

This Regulation repeals the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537 sub. leg. AW) on the making of the new United Nations Sanctions (Libya) Regulation 2019.

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

United Nations Sanctions (Libya) Regulation 2019

**United Nations Sanctions (Libya) Regulation 2011
(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 December 2018 which requested the Government of the Hong Kong Special Administrative Region to fully implement United Nations Security Council Resolution 2441, and that the United Nations Sanctions (Libya) Regulation 2019 and the United Nations Sanctions (Libya) Regulation 2011 (Repeal) Regulation were made in pursuance of the instructions.

Dated this 26th day of March 2019

A handwritten signature in black ink, appearing to read 'Matthew Cheung Kin-chung', with a long horizontal stroke extending to the right.

(Matthew Cheung Kin-chung)
Chief Secretary for Administration



Security Council

Distr.: General
5 November 2018

Resolution 2441 (2018)

**Adopted by the Security Council at its 8389th meeting, on
5 November 2018**

The Security Council,

Recalling the arms embargo, travel ban, assets freeze and measures concerning illicit oil exports which were imposed and modified by resolutions [1970 \(2011\)](#), [1973 \(2011\)](#), [2009 \(2011\)](#), [2040 \(2012\)](#), [2095 \(2013\)](#), [2144 \(2014\)](#), [2146 \(2014\)](#), [2174 \(2014\)](#), [2213 \(2015\)](#), [2278 \(2016\)](#), [2292 \(2016\)](#), [2357 \(2017\)](#), [2362 \(2018\)](#), [2420 \(2018\)](#) (the Measures), and that the mandate of the Panel of Experts established by paragraph 24 of resolution [1973 \(2011\)](#) and modified by resolutions [2040 \(2012\)](#), [2146 \(2014\)](#), [2174 \(2014\)](#), [2213 \(2015\)](#) and [2278 \(2016\)](#) was extended until 15 November 2018 by resolution [2362 \(2017\)](#),

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

Recalling resolution [2259 \(2015\)](#) which welcomed the signing of the 17 December 2015 Libyan Political Agreement of Skhirat, Morocco and endorsed the Rome Communiqué of 13 December 2015 to support the Government of National Accord (GNA) as the sole legitimate government of Libya, that should be based in Tripoli, and *further expressing* its determination in this regard to support the Government of National Accord,

Welcoming endorsement in principle of the Libyan Political Agreement (LPA) by the House of Representatives on 25 January 2016 and the subsequent meetings of the Libyan Political dialogue which reaffirmed its commitment to uphold the LPA, and *reaffirming* that the LPA remains the only viable framework to end the Libyan political crisis, and its implementation remains key to holding elections and finalising the political transition,

Underlining the primary responsibility of the GNA in taking appropriate action to prevent the illicit export of petroleum, including crude oil and refined petroleum products, from Libya and *reaffirming* the importance of international support for Libyan sovereignty over its territory and resources,

Expressing its concern that the illicit export of petroleum, including crude oil and refined petroleum products, from Libya undermines the Government of National Accord and poses a threat to the peace, security and stability of Libya,



Expressing support for Libyan efforts to resolve peacefully the disruptions of Libya's energy exports and *reiterating* that control of all facilities should be transferred back to the proper authorities,

Further reiterating its concern about activities which could damage the integrity and unity of Libyan State financial institutions and the National Oil Corporation (NOC), *recalling* events in the Oil Crescent and the Security Council's Press Statement of 19 July 2018 welcoming the announcement that Libya's NOC had resumed its work on behalf, and for the benefit, of all Libyans, and *stressing* the need for the Government of National Accord to exercise sole and effective oversight over the National Oil Corporation, the Central Bank of Libya, and the Libyan Investment Authority as a matter of urgency, without prejudice to future constitutional arrangements pursuant to the Libyan Political Agreement,

Further recalling resolution 2259 (2015) which called on Member States to cease support to and official contact with parallel institutions claiming to be the legitimate authority, but which were outside the Libyan Political Agreement, as specified by it,

Recalling that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, sets out the legal framework applicable to activities in the oceans and seas,

Further recalling resolutions 2292 (2016), 2357 (2017) and 2420 (2018) which in relation to the implementation of the arms embargo authorise, for the period of time specified by those resolutions, the inspection on the high seas off the coast of Libya of vessels bound to or from Libya believed to be carrying arms or related materiel in violation of relevant Security Council resolutions, and the seizure and disposal of such items provided that Member States make good faith efforts to first obtain the consent of the vessel's flag State prior to any inspections while acting in accordance with those resolutions,

Reaffirming the importance of holding accountable those responsible for violations or abuses of human rights or violations of international humanitarian law, including those involved in attacks targeting civilians and stressing the need to transfer detainees to State authority,

Reiterating its expression of support for the Government of National Accord, as stated in paragraph 3 of resolution 2259 (2015), and *noting* in this regard the specific requests made to the Government of National Accord in this resolution,

Reiterating its request that all Member States fully support the efforts of the Special Representative of the Secretary-General and work with the Libyan authorities and United Nations Support Mission in Libya (UNSMIL) to develop a coordinated package of support to build the capacity of the Government of National Accord, in line with Libyan priorities and in response to requests for assistance,

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

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

Prevention of Illicit Exports of Petroleum, including Crude Oil and Refined Petroleum Products

1. *Condemns* attempts to illicitly export petroleum, including crude oil and refined petroleum products, from Libya, including by parallel institutions which are not acting under the authority of the Government of National Accord;

2. *Decides* to extend until 15 February 2020 the authorizations provided by and the measures imposed by resolution 2146 (2014), and *decides further* that the authorisations provided by and the measures imposed by that resolution shall apply with respect to vessels loading, transporting, or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya;

3. *Welcomes* the appointment by the Government of National Accord and notification to the Committee established pursuant to paragraph 24 of resolution 1970 (2011) (the Committee) of a focal point responsible for communication with the Committee with respect to the measures in resolution 2146 (2014), *requests* the focal point to continue to inform the Committee of any vessels transporting petroleum, including crude oil and refined petroleum products, illicitly exported from Libya, and *urges* the Government of National Accord to work closely with the National Oil Company in that regard, and to provide regular updates to inform the Committee on ports, oil fields, and installations that are under its control, and to inform the Committee about the mechanism used to certify legal exports of petroleum, including crude oil and refined petroleum products;

4. *Calls* on the Government of National Accord, on the basis of any information regarding such exports or attempted exports, to expeditiously contact the concerned vessel's flag State, in the first instance, to resolve the issue and *directs* the Committee to immediately inform all relevant Member States about notifications to the Committee from the Government of National Accord's focal point regarding vessels transporting petroleum, including crude oil and refined petroleum products, illicitly exported from Libya;

Effective Oversight of the Financial Institutions

5. *Requests* that the Government of National Accord confirm to the Committee as soon as it exercises sole and effective oversight over the National Oil Corporation, the Central Bank of Libya, and the Libyan Investment Authority;

Arms Embargo

6. *Welcomes* the appointment by the Government of National Accord of a focal point pursuant to paragraph 6 of resolution 2278, *takes note* of the briefing provided by the focal point to the Committee on the structure of the security forces under its control, the infrastructure in place to ensure the safe storage, registration, maintenance and distribution of military equipment by the Government security forces, and training needs, *continues* to emphasise the importance of the Government of National Accord exercising control over and safely storing arms, with the support of the international community, and *stresses* that ensuring security and defending Libya from terrorism must be the task of unified and strengthened national security forces under the sole authority of the Government of National Accord within the framework of the Libyan Political Agreement;

7. *Affirms* that the Government of National Accord may submit requests under paragraph 8 of resolution 2174 (2014) for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, for the use by security forces under its control to combat the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), groups that have pledged allegiance to ISIL, Al-Qaida, Ansar Al Sharia, and other associated groups operating in Libya, *calls* upon the Committee to consider expeditiously such requests, and *affirms* the Security Council's readiness to consider reviewing the arms embargo, when appropriate;

8. *Urges* Member States to assist the Government of National Accord, upon its request, by providing it with the necessary security and capacity-building

assistance, in response to threats to Libyan security and in defeating ISIL, groups that have pledged allegiance to ISIL, Al-Qaida, Ansar Al Sharia, and other associated groups operating in Libya;

9. *Urges* the Government of National Accord to improve further the monitoring and control of arms or related materiel that are supplied, sold or transferred to Libya in accordance with paragraph 9 (c) of resolution 1970 (2011) or paragraph 8 of resolution 2174 (2014), including through the use of end user certificates issued by the Government of National Accord, *requests* the Panel of Experts established by paragraph 24 of resolution 1973 (2011) to consult with the Government of National Accord about the safeguards needed to safely procure and secure arms and related materiel, and *urges* Member States and regional organizations to provide assistance to the Government of National Accord upon its request to strengthen the infrastructure and mechanisms currently in place to do so;

10. *Calls upon* the Government of National Accord to improve the implementation of the arms embargo, including at all entry points, as soon as it exercises oversight, and *calls* upon all Member States to cooperate in such efforts;

Travel Ban and Asset Freeze

11. *Reaffirms* that the travel ban and asset freeze measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011), as modified by paragraphs 14, 15 and 16 of resolution 2009 (2011) paragraph 11 of resolution 2213 (2015) and paragraph 11 of resolution 2362 (2017), apply to individuals and entities designated under that resolution and under resolution 1973 (2011) and by the Committee established pursuant to paragraph 24 of resolution 1970 (2011), and *reaffirms* that these measures also apply to individuals and entities determined by the Committee to be engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition, and *reaffirms* that, in addition to the acts listed in paragraph 11 (a)-(f) of resolution 2213 (2015), such acts may also include but are not limited to planning, directing, sponsoring, or participating in attacks against United Nations personnel, including members of the Panel of Experts established by paragraph 24 of resolution 1973 (2011) and modified by resolutions 2040 (2012), 2146 (2014), 2174 (2014), 2213 (2015) and this resolution (the Panel) and *decides* that such acts may also include but are not limited to planning, directing or committing acts involving sexual and gender-based violence;

12. *Calls* on Member States, particularly those in which designated individuals and entities are based as well as those in which their assets frozen under the measures are suspected to be present, to report to the Committee on the actions they have taken to implement effectively the travel ban and asset freeze measures in relation to all individuals on the sanctions list, including those designated by the Committee on 7 June 2018 and 11 September 2018;

13. *Reaffirms* its intention to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall at a later stage be made available to and for the benefit of the Libyan people and taking note of the letter circulated as document S/2016/275, *affirms* the Security Council's readiness to consider changes, when appropriate, to the asset freeze at the request of the Government of National Accord;

Panel of Experts

14. *Decides* to extend until 15 February 2020 the mandate of the Panel of Experts (the Panel), established by paragraph 24 of resolution 1973 (2011) and modified by resolutions 2040 (2012), 2146 (2014), 2174 (2014), and 2213 (2015), *decides* that the Panel's mandated tasks shall remain as defined in resolution 2213

(2015) and shall also apply with respect to the Measures updated in this resolution and requests the Panel of experts to include the necessary sexual and gender-based violence expertise, in line with paragraph 6 of resolution 2242 (2015);

15. *Decides* that the Panel shall provide to the Council an interim report on its work no later than 15 June 2019, and a final report to the Council, after discussion with the Committee, no later than 15 December 2019 with its findings and recommendations;

16. *Urges* all States, relevant United Nations bodies, including UNSMIL, and other interested parties, to cooperate fully with the Committee and the Panel, in particular by supplying any information at their disposal on the implementation of the Measures decided in resolutions 1970 (2011), 1973 (2011), 2146 (2014) and 2174 (2014), and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2213 (2015), 2278 (2016), 2292 (2016), 2357 (2017), 2362 (2017), 2420 (2018) and in this resolution, in particular incidents of non-compliance, and *calls* on UNSMIL and the Government of National Accord to support Panel investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate;

17. *Calls* upon all parties and all States to ensure the safety of the Panel's members, and further *calls* upon all parties and all States, including Libya and countries of the region, to provide unhindered and immediate access, in particular to persons, documents and sites the Panel deems relevant to the execution of its mandate;

18. *Affirms* its readiness to review the appropriateness of the Measures contained in this resolution, including the strengthening, modification, suspension or lifting of the Measures, and its readiness to review the mandate of UNSMIL and the Panel, as may be needed at any time in light of developments in Libya;

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

United Nations Sanctions (Libya) 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 any 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 24 of Resolution 1970;

connected person (有關連人士) means—

(a) the Libyan Government;

(b) any person in, or resident in, Libya;

(c) any body incorporated or constituted under the law of Libya;

(d) any body, wherever incorporated or constituted, which is controlled by—

(i) the Government mentioned in paragraph (a);

(ii) a person mentioned in paragraph (b); or

(iii) a body mentioned in paragraph (c); or

(e) any person acting on behalf of—

(i) the Government mentioned in paragraph (a);

(ii) a person mentioned in paragraph (b); or

(iii) a body mentioned in paragraph (c) or (d);

designated funds (指認資金) means any economic assets belonging to, or directly or indirectly owned or controlled by, a designated Libyan entity and which were frozen on 16 September 2011;

designated Libyan entity (指認利比亞實體) means—

(a) the Libyan Investment Authority; or

(b) the Libyan Africa Investment Portfolio;

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;

Libyan Government (利比亞政府) means the Government of National Accord in Libya;

licence (特許) means a licence granted under ~~section 13(1)(a) or (b), 14(1), 15(1) or (1A) or 15B(1);~~ Part 3;

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

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;

~~**person connected with Libya** (有關連人士) means—~~

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

petroleum (石油) includes crude oil and refined petroleum products;

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~~named in the Chief Executive as a relevant entity list published under section ~~38;~~43(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 38(a);~~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 or entity specified by the Chief Executive as a relevant person or relevant entity under section 38(a);~~

an individual or entity named in that list;

relevant person (有關人士) means—

(a) ~~a person specified by~~an individual named in the Chief Executive as a relevant person list published under section ~~38;~~43(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 38(a);~~named in that list;

Resolution 1970 (《第 1970 號決議》) means Resolution 1970 (2011) adopted by the Security Council on 26 February 2011;

Resolution 1973 (《第 1973 號決議》) means Resolution 1973 (2011) adopted by the Security Council on 17 March 2011;

Resolution 2146 (《第 2146 號決議》) means Resolution 2146 (2014) adopted by the Security Council on 19 March 2014, as extended by Resolution ~~2362 (2017)~~2441 (2018) adopted by the Security Council on ~~29 June 2017~~5 November 2018;

responsible person (負責人) means—

(a) for a ship—the charterer, operator or master of the ship;

(b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or

(c) for a vehicle—the operator or driver of the vehicle;

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

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

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

specified services (指明服務), in relation to a ship, means the provision of any bunkering service to the ship or any of the following services—

(a) the provision of fuel to the ship;

(b) the provision of tools or equipment for shipboard maintenance;

(c) the provision of lubricants, chemicals, expendable parts, spare parts, supplies or any other requirements that are necessary for the safe operation of the ship;

(d) the servicing or repair of any part of the ship or any item referred to in paragraphs (b) and (c);

supply (供應) means supply, sale or transfer.

Part 2

Prohibitions

2. ~~Prohibition against supply, sale or transfer~~ Supply of certain goods prohibited
- (1) This section applies to—
- (a) a person acting in the HKSAR; and
 - (b) a Hong Kong person acting outside the HKSAR ~~who is—~~.
 - ~~(i) both a Hong Kong permanent resident and a Chinese national; or~~
 - ~~(ii) a body incorporated or constituted under the law of the HKSAR.~~
- (2) Except under the authority of a licence granted under section ~~1318~~(1)(a), a person must not supply, ~~sell or transfer~~, or agree to supply, ~~sell or transfer~~, directly or indirectly, or do any act likely to promote the supply, ~~sale or transfer~~ of, any prohibited goods—
- (a) to Libya;
 - (b) to, ~~—~~ a connected person or ~~to~~ the order of, a ~~person~~ connected ~~with Libya~~ person; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, ~~—~~
 - (i) to Libya; or
 - (ii) to Libya or to, a connected person or ~~to~~ the order of, a ~~person~~ connected ~~with Libya~~ person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—

- (a) on ~~conviction on indictment to a fine and to imprisonment for 7 years; or~~
- ~~(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months; 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, ~~sold or transferred~~—
- (i) to Libya;
- (ii) to, a connected person or ~~to~~ the order of, a ~~person~~ connected ~~with Libya~~person; or
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, ~~—~~
- (A) to Libya; or
- (B) to Libya or to, a connected person or to the order of, a person connected with Libyaperson.
3. ~~Prohibition against carriage~~Carriage of ~~certain~~ goods prohibited
- (1) This section applies to—
- (a) a ship that is registered in the HKSAR;
- ~~(b) a ship that, or is not registered in the HKSAR and is within the waters of Hong Kong;~~
- ~~(e)~~b 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;~~
- ~~(e)~~ (c) any other ship or aircraft that is for the time being chartered to a person who is—
- (i) a Hong Kong person; or
- ~~(ii)~~ (ii) 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~~
- ~~(f)~~ (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section ~~1318~~(1)(b), a ~~ship, aircraft or vehicle~~mode of transport must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
- (a) from a place outside Libya to a place in Libya;
- (b) to, a connected person or ~~to~~ the order of, a ~~person~~ connected with Libya~~person~~; or
- (c) to a destination for the purpose of delivery or transfer, directly or indirectly, —
- ~~(i)~~ (i) to Libya; or
- ~~(ii)~~ (ii) to Libya or to, a connected person or ~~to~~ the order of, a ~~person~~ connected with Libya~~person~~.
- (3) Subsection (2) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply, ~~sale or transfer~~ of the prohibited goods; and

- (b) the supply, ~~sale or transfer was~~ is authorized by a licence granted under section ~~1318~~(1)(a).
- (4) If a ~~ship, aircraft or vehicle~~ mode of transport is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) for a ship registered in the HKSAR—the ~~charterer, the operator and the master of~~ 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; 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~~ responsible persons for the aircraft;
- (d) for any other aircraft—
- (i) the charterer of the aircraft; if the charterer is ~~in the HKSAR, or is both~~ a Hong Kong permanent resident and a Chinese national, ~~or is a body~~

~~incorporated or constituted under the law of person,~~
or is in the HKSAR;

- (ii) the operator of the aircraft, if the operator is ~~in the HKSAR, or is both~~ a Hong Kong permanent resident and a Chinese national, ~~or is a body incorporated or constituted under the law of person,~~
or is in 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~~responsible persons for the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
- (a) on ~~conviction on indictment to a fine and to imprisonment for 7 years; or~~
 - ~~(b) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or~~
 - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or
 - (b) that the carriage of the goods concerned was, or formed part of, a carriage—
 - (i) from a place outside Libya to a place in Libya;
 - (ii) to, a connected person or ~~to~~ the order of, a ~~person~~ connected ~~with Libya~~person; or

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

~~—~~ (A) to Libya; or

(B) to ~~Libya or to~~ a connected person or ~~to the~~ order of, a ~~person~~ connected with ~~Libya~~ person.

3G4. Prohibition against loading, transport or discharge of petroleum prohibited

(1) This section applies until midnight on 15 February 2020.

(2) This section applies to a ship—

(a) that is registered in the HKSAR; and

(b) that is designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(a) of the Resolution.

~~(23)~~ Subject to section ~~3H5~~, a ship must not be used to load, transport or discharge petroleum from Libya aboard the ship.

~~(34)~~ If a ship is used in contravention of subsection ~~(23)~~, each of the ~~following~~ responsible persons for the ship commits an offence—

~~— (a) the charterer of the ship;~~

~~— (b) the operator of the ship;~~

~~— (c) the master of the ship.~~

~~(45)~~ A person who commits an offence under subsection ~~(34)~~ is liable—

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

- (~~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.
- (~~5~~6) It is a defence for a person charged with an offence under subsection (~~3~~4) to prove that the person did not know and had no reason to believe—
- (a) that petroleum was aboard the ship; or
 - (b) that the petroleum aboard the ship was from Libya.

~~3H5.~~ **Exceptions to prohibition under section ~~3G4~~**

- (1) This section applies until midnight on 15 February 2020.
- (2) Section ~~3G4~~ does not apply if the loading, transport or discharge of petroleum is directed by the focal point, appointed under paragraph 3 of Resolution 2146, of the Libyan Government.
- (~~2~~3) Also, section ~~3G4~~ does not apply if the loading, transport or discharge of petroleum is exempted by the Committee under paragraph 12 of Resolution 2146.

~~46.~~ **Provision of ~~certain~~ assistance ~~or training~~prohibited**

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

- (2) Except under the authority of a licence granted under section ~~1419~~(1), a person must not ~~provide~~, directly or indirectly, ~~provide~~ to a ~~person~~-connected ~~with Libyaperson~~ any ~~technical assistance, training, financial or other assistance, (including the provision of armed mercenary personnel)~~ related to—
- ~~(a) military activities; or to~~
- ~~(b) the provision, maintenance or use of any prohibited goods, including the provision of armed mercenary personnel.~~
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on ~~conviction on indictment to a fine and to imprisonment for 7 years; or~~
- ~~(b) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; 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 ~~or training concerned~~ was, or was to be, provided to a ~~person~~-connected ~~with Libyaperson~~; 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.~~

57. ~~Prohibition against procurement~~Procurement of ~~certain~~ items by ~~certain persons~~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 procure, agree to procure, directly or indirectly, or do any act likely to promote the procurement of any prohibited goods—
- (a) from Libya; or
 - (b) from a ~~person~~ connected ~~with Libya~~ person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
 - ~~(b) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; 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—
 - (i) from Libya; or
 - (ii) from a ~~person~~ connected ~~with Libya~~ person.

68. ~~Prohibition against procurement~~Procurement of certain items using ships, aircraft or vehicles~~modes of transport prohibited~~

(1) This section applies to—

(a) a ship that is registered in the HKSAR;

~~(b) a ship that, or is not registered in the HKSAR and is within the waters of Hong Kong;~~

~~(eb)~~ (e**b**) 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;~~

(e**c**) any other ship or aircraft that is for the time being chartered to a person who is—

(i) a Hong Kong person; or

~~(ii)~~ (ii) 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~~

(f**d**) a vehicle in the HKSAR.

(2) Without limiting section ~~57~~, a ~~ship, aircraft or vehicle~~mode of transport must not be used for or in connection with the procurement of any prohibited goods—

(a) from Libya; or

(b) from a ~~person~~ connected ~~with Libya~~person.

(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~~ 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; 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~~ responsible persons for the aircraft;
- (d) for any other aircraft—
 - (i) the charterer of the aircraft, if the charterer is ~~in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of~~ person, or is in the HKSAR;
 - (ii) the operator of the aircraft, if the operator is ~~in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body~~

- ~~incorporated or constituted under the law of person, or is in~~ 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~~ responsible persons for the vehicle.
- (4) A person who commits an offence under subsection (3) is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
- ~~(b)~~ (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 goods concerned were—
- (i) from Libya; or
- (ii) from a ~~person~~ connected with Libya ~~person~~.

79. Prohibition against making available funds, etc. or dealing with funds, etc. economic assets prohibited

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
- (b) a Hong Kong person acting outside the HKSAR ~~who is~~.

- ~~(i) both a Hong Kong permanent resident and a Chinese national; or~~
- ~~(ii) a body incorporated or constituted under the law of the HKSAR.~~
- (2) Except under the authority of a licence granted under section ~~15~~20(1)—
- (a) a person must not ~~make available,~~ directly or indirectly, make available any ~~funds or other financial assets or~~ economic ~~resources~~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~~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~~ the economic ~~resources~~assets belonging to, or directly or indirectly owned or controlled by, the ~~first-mentioned person).~~
- (~~2A~~3) Except under the authority of a licence granted under section ~~15(1A)~~20(2)—
- (a) a person must not directly or indirectly make available, ~~directly or indirectly,~~ any designated funds to, or for the benefit of, a designated Libyan entity; and
- (b) a person must not ~~deal with,~~ directly or indirectly, deal with any designated funds, ~~and (including, if the person is a designated Libyan entity, including any funds and other financial assets or~~ the economic ~~resources~~assets belonging to, or directly or indirectly owned or controlled by, the person and which were frozen on 16 September 2011).

- (~~34~~) A person who contravenes subsection (2) or (~~2A3~~) commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
- (~~b~~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.~~
- (~~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 (2)—
- ~~(i) (a) that the funds or other financial assets or economic resources concerned~~ assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; ~~or~~
- ~~(ii) (b) for a contravention of subsection (2)(b) that the person was dealing with funds or other financial assets or economic resources~~ assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity; ~~or~~
- (~~b~~c) for a contravention of subsection (~~2A~~)—
- ~~(i) 3)(a) that the designated funds were, or were to be, made available to, or for the benefit of, a designated Libyan entity; or~~
- ~~(ii) d) for a contravention of subsection (3)(b) that the funds or other financial assets or economic resources~~ assets concerned were designated funds.
- (~~56~~) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account

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

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

(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;

~~*designated funds* (指認資金) means any funds or other financial assets or economic resources belonging to, or owned or controlled by, a designated Libyan entity and which were frozen on 16 September 2011.~~

~~7G10. Prohibition against engaging~~Engaging in ~~certain~~ financial transactions prohibited

(1) This section applies until midnight on 15 February 2020.

(2) 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~~) Subject to section ~~7H11~~, a person must not engage, directly or indirectly, in any financial transaction related to any petroleum from Libya aboard a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(d) of the Resolution.
- (~~34~~) A person who contravenes subsection (~~23~~) commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 2 years; or~~
- (~~ba~~) ~~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.~~
- (~~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 that the financial transaction concerned related to any petroleum from Libya aboard a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(d) of the Resolution.
- (~~56~~) In this section—
- financial transaction*** (金融交易) does not include the payment or acceptance of port dues payable under section 52 of the Shipping and Port Control Ordinance (Cap. 313) in the circumstances specified in section ~~10L(3)~~15(4).

7H11. Exception to prohibition under section 7G10

(1) This section applies until midnight on 15 February 2020.

(2) Section 7G10 does not apply if the engagement in the financial transaction concerned is exempted by the Committee under paragraph 12 of Resolution 2146.

812. ~~Prohibition against entry~~Entry or transit ~~by certain~~of persons prohibited

(1) ~~Subject to section 9, a~~A specified person must not enter or transit through the HKSAR.

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

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

(b) the relevant entry or transit is required to advance peace and stability in Libya;

(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 Libya and stability in the region.

(23) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

(34) This section does not apply to a person having the right of abode or the right to land in the HKSAR.

(45) In this section—

specified person (指明人士) means—

- (a) ~~a person~~ individual listed in Annex I to Resolution 1970 or Annex I to Resolution 1973;
- (b) ~~a person~~ individual designated by the Committee for the purposes of paragraph 15 of Resolution 1970;
- (c) ~~a person~~ individual determined by the Security Council or the Committee to have violated the provisions of Resolution 1970, or to have assisted another ~~person~~ individual or entity in violating those provisions; or
- (d) ~~a person~~ individual determined by the Committee to be engaging in or providing support for acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.

~~9. Exceptions to prohibition against entry or transit by certain persons~~

~~Section 8 does not apply to a case in respect 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 Libya and stability in the region; or~~
- ~~(d) the relevant entry or transit is required to advance peace and stability in Libya.~~

10J13. Prohibition against provision of certain services to certain ships prohibited

- (1) This section applies until midnight on 15 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)~~ Subject to section 10K14, except under the authority of a licence granted under section ~~15B(121(2))~~, a person must not provide, directly or indirectly, any specified services to a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(c) of the Resolution.
- ~~(34)~~ A person who, without reasonable excuse, contravenes subsection ~~(23)~~ commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
 - ~~(ba)~~ 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) In this section—~~
- ~~*specified services* (指明服務), in relation to a ship, means the provision of any bunkering service to the ship or any of the following services—~~
- ~~(a) the provision of fuel to the ship;~~

- ~~— (b) the provision of tools or equipment for shipboard maintenance;~~
- ~~— (c) the provision of lubricants, chemicals, expendable parts, spare parts, supplies or any other requirements that are necessary for the safe operation of the ship;~~
- ~~— (d) the servicing or repair of any part of the ship or any item referred to in paragraphs (b) and (c).~~

10K14. Exception to prohibition under section 10J13

- ~~(1) This section applies until midnight on 15 February 2020.~~
- ~~(2) Section 10J13 does not apply if the provision of the specified services concerned is exempted by the Committee under paragraph 12 of Resolution 2146.~~

10L15. ~~Prohibition against certain ships from entering waters of Hong Kong~~ Entry of ships to HKSAR prohibited

- ~~(1) This section applies until midnight on 15 February 2020.~~
- ~~(2) This section applies to a ship—~~
 - ~~(a) that is outside the waters of Hong KongHKSAR; and~~
 - ~~(b) that is designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(b) of the Resolution.~~
- ~~(23) Except in the circumstances specified in subsection (34), the Director of Marine must deny permission for the ship to enter the waters of Hong KongHKSAR.~~
- ~~(34) A ship to which this section applies may enter the waters of Hong KongHKSAR only—~~
 - ~~(a) for the purpose of an inspection under section 19; 25;~~
 - ~~(b) in the case of an emergency;~~
 - ~~(c) for the ship to return to Libya; or~~

- (d) if the entry is allowed by the Committee under paragraph 12 of Resolution 2146.
- (45) The ~~charterer, operator or master~~responsible person of a ship to which permission is denied under subsection (23) must not cause the ship to enter the ~~waters of Hong Kong~~HKSAR.
- (56) A ~~charterer, operator or master~~responsible person of a ship who, without reasonable excuse, contravenes subsection (45) commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
- (ba) 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.

1116. ~~Prohibition against certain aircraft taking~~Taking off from, landing in, etc. HKSAR of aircraft prohibited

- (1) This section applies to—
- (a) an aircraft that carries prohibited goods from or to Libya; and
- (b) an aircraft that carries armed mercenary personnel to Libya.
- (2) If the Director-General of Civil Aviation has information that provides reasonable grounds for the Director-General to believe that an aircraft is one to which this section applies, the Director-General must deny permission for the aircraft—
- (a) to take off from the HKSAR;
- (b) to land in the HKSAR, unless the aircraft needs to make an emergency landing; or
- (c) to fly ~~within Hong Kong air space~~in the HKSAR.

- (3) The pilot in command of an aircraft to which permission is denied under subsection (2) must not cause the aircraft—
- (a) for subsection (2)(a), ~~___~~ to take off from the HKSAR;
 - (b) for subsection (2)(b), ~~___~~ to land in the HKSAR; or
 - (c) for subsection (2)(c), ~~___~~ to fly ~~within Hong Kong air space~~ in the HKSAR.
- (4) A pilot in command who contravenes subsection (3) commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
 - ~~(ba) 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.~~

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

This Part does not apply if—

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

Part 3

Licences

1318. Licence for supply, ~~sale, transfer~~ or carriage of ~~certain~~ goods

(1) If ~~satisfied~~, on application, the Chief Executive is satisfied that anyone or more of the requirements in subsection (2) is met, the Chief Executive must, ~~subject to subsection (3)~~, grant, as appropriate—

(a) a licence for the supply, ~~sale or transfer~~ of, or the doing of an act likely to promote the supply, ~~sale or transfer~~ of, prohibited goods—

(i) to Libya;

(ii) to, a connected person or ~~to~~ the order of, a ~~person~~ connected with Libyaperson; or

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

(A) to Libya; or

(B) to Libya or to, a connected person or to the order of, a person—connected with Libyaperson; or

(b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—

(i) from a place outside Libya to a place in Libya;

(ii) to, a connected person or ~~to~~ the order of, a ~~person~~ connected with Libyaperson; or

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

(A) to Libya; or

(B) to ~~Libya or to~~ a connected person or ~~to~~ the order of, a ~~person~~—connected ~~with Libyaperson~~.

- (2) The requirements are as follows—
- (a) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
 - (b) the prohibited goods are protective clothing, ~~—~~ (including flak jackets and military helmets,) to be temporarily exported to Libya by ~~the personnel of the~~ United Nations personnel, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
 - (c) the supply, ~~sale or transfer~~ of the prohibited goods is approved in advance by the Committee;
 - (ed) the prohibited goods are small arms or related materiel to be temporarily exported to Libya for the sole use of ~~the personnel of the~~ United Nations personnel, representatives of the media, humanitarian or development workers or associated personnel.
- (3) However, If the Chief Executive ~~determines~~ satisfied that the requirement in subsection (2)(ed) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.

1419. Licence for provision of ~~certain assistance or training~~

- (1) If ~~satisfied~~, on application, the Chief Executive is satisfied that anyone or more of the requirements in subsection (2)

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

~~(a)~~ (a) military activities; or ~~to~~

~~(b)~~ (b) the provision, maintenance or use of any prohibited goods, ~~including the provision of armed mercenary personnel.~~

(2) The requirements are as follows—

(a) the assistance is technical assistance or training ~~is~~ related to ~~the supply of~~ non-lethal military equipment intended solely for humanitarian or protective use;

~~(e)~~ (b) the ~~assistance or~~ provision of assistance or personnel is approved in advance by the Committee;

~~(c)~~ (c) the assistance ~~or training~~ is to be provided to the Libyan Government and intended solely for security or disarmament assistance.

1520. Licence for making available ~~funds, etc. to certain persons or entities~~ or dealing with ~~funds, etc. of certain persons or entities~~economic assets

(1) If, on application, the Chief Executive ~~determines~~is satisfied that ~~anyone or more~~ of the requirements in subsection (2) ~~is~~3) 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~~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~~assets belonging to, or directly or indirectly

owned or controlled by, a relevant person or a relevant entity.

- (1A2) If, on application, the Chief Executive ~~determines~~ is satisfied that ~~anyone or more~~ of the requirements in subsection (2A) ~~is~~ are met, the Chief Executive must, ~~subject to subsection (3),~~ grant, as appropriate, a licence for—
- (a) making available designated funds to, or for the benefit of, a designated Libyan entity; or
 - (b) dealing with designated funds.
- (23) The requirements are as follows—
- (a) the ~~funds or other financial assets or~~ economic ~~resources~~ 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~~ 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~~ assets are necessary for extraordinary expenses;
 - (c) the ~~funds or other financial assets or~~ economic ~~resources~~ assets are—

- (i) ~~are~~ the subject of a judicial, administrative or arbitral lien or judgment that was entered before 26 February 2011 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~~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.
- (~~2A4~~) The requirements are as follows—
- (a) the designated funds 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 the designated funds;
 - (b) the designated funds are necessary for extraordinary expenses;
 - (c) the designated funds are—
 - (i) ~~are~~ the subject of a judicial, administrative or arbitral lien or judgment that was entered before 26

February 2011 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 designated funds are to be used for making payment due under a contract entered into by a designated Libyan entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity;
- (e) the designated funds are—
 - (i) ~~are~~ to be used for one or more of the following purposes—
 - (A) humanitarian needs;
 - (B) fuel, electricity and water for strictly civilian uses;
 - (C) resuming Libyan production and sale of hydrocarbons;
 - (D) establishing, operating or strengthening institutions of civilian government and civilian public infrastructure;
 - (E) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya; and
 - (ii) ~~are~~ not to be made available to, or for the benefit of, a relevant person or a relevant entity.

~~(35)~~ However, If the Chief Executive determines satisfied that—

~~(a)~~ the requirement in subsection ~~(23)~~(a) or ~~(2A4)~~(a) is met, the Chief Executive—

- ~~(ia)~~ must cause the Committee to be notified of the intention to grant a licence under subsection ~~(1)~~ or ~~(2)~~; and

- (~~ii~~b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification~~;~~.
- (~~b~~6) Also, if the Chief Executive is satisfied that the requirement in subsection (~~23~~)(b) or (~~2A4~~)(b) is met, the Chief Executive—
 - (~~i~~a) must cause the Committee to be notified of the ~~determination~~intention to grant a licence under subsection (1) or (2); and
 - (~~ii~~b) must not ~~grant the licence~~, unless the Committee approves grant the ~~determination~~licence.
- (~~e~~7) Also, if the Chief Executive is satisfied that the requirement in subsection (~~23~~)(c) or (~~2A4~~)(c) is met, ~~before granting the licence~~, the Chief Executive must cause the Committee to be notified of the ~~determination~~intention to grant a licence under subsection (1) or (2) before granting it.
- (~~d~~8) Also, if the Chief Executive is satisfied that the requirement in subsection (~~23~~)(d) or (~~2A4~~)(d) is met, the Chief Executive must cause the Committee to be notified of the ~~determination~~intention to grant a licence under subsection (1) or (2) 10 working days before granting ~~the licence~~it.
- (~~e~~9) Further, if the Chief Executive is satisfied that the requirement in subsection (~~2A4~~)(e) is met—
 - (~~i~~a) the Chief Executive must cause the Libyan Government to be consulted about the intended use of the designated funds;
 - (~~ii~~b) if the Libyan Government has no objection to the intended use of the designated funds, the Chief Executive must cause the Committee and the Libyan Government to be notified of the intention to grant a licence under subsection (~~1A2~~); and

- (iii) the Chief Executive must grant the licence in the absence of a negative decision by the Committee and an objection from the Libyan Government within 5 working days of the notification.

~~(4) In this section—~~

~~*designated funds* (指認資金) has the meaning given by section 7.~~

15B21. Licence for provision of ~~certain~~ services to ~~certain~~ ships

(1) ~~This section applies until midnight on 15 February 2020.~~

~~(2) If satisfied, on application—, the Chief Executive is satisfied that anyone or both of the requirements in subsection (2) ~~is~~ 3 are met, the Chief Executive must grant a licence for the provision of specified services to a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(c) of the Resolution.~~

(23) The requirements are as follows—

- (a) the provision of the specified services concerned is necessary for humanitarian purposes;
- (b) the provision of the specified services concerned is necessary for the ship to return to Libya.

~~(3) In this section—~~

~~*specified services* (指明服務) has the meaning given by section 10J.~~

1722. 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 conviction on indictment to a fine and to imprisonment for 2 years; or~~
- (~~b~~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 conviction on indictment to a fine and to imprisonment for 2 years; or~~
- (~~b~~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~~

~~Things Done outside HKSAR~~

~~18. 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****23. Application of Part 4**

~~(1)~~

This Part applies if an authorized officer has reason to suspect that a shipmode of transport to which section 3, ~~3G4, 8~~ or ~~616~~ applies has been, is being or is about to be used in contravention of section 3(2), ~~3G4(3), 8(2)~~ or ~~6(2), the 16(3)~~.

1924. Investigation of suspected ships 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 shipmode of transport and search it ~~and, for that purpose, use or authorize the use of reasonable force~~; and
- (b) ~~request for~~ the ~~charterer, operator or master~~purposes of ~~the ship to~~ paragraph (a), use or authorize the use of reasonable force.

25. 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 ~~relating to the ship or its cargo,~~ or produce for inspection any ~~of its cargo or any~~

~~document, relating to the ship or mode of transport, that the officer may specify;~~

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

~~(c) for an aircraft—~~

~~(i) provide any information, or produce for inspection any document, relating to its cargo, that the officer may specify; and~~

~~(2) Ifii) if an authorized officer has reason to suspect that a ship to which section 3, 3G or 6 applies is being or is about to be used in contravention of section 3(2), 3G(2) or 6(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2), 3G(2) or 6(2) or aircraft carries armed mercenary personnel—provide any information relating to pursue enquiries, either there and then or any person on consideration of board the aircraft;~~

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

~~(e) produce for inspection any of its cargo or document produced in response to a request made—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.~~

26. 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 ~~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 the charterer, operator or master of~~ (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 ~~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, ~~to~~

(A) to take the ship and any of its cargo to a port specified by an authorized officer; and ~~to~~

(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.

~~(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.~~

~~20. Offences by charterer, operator or master of ship~~

~~(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.~~

~~27. Failure to comply with direction or requirement~~

~~(1) A charterer, operator or master of a ship who responsible person for a mode of transport commits an offence if, without reasonable excuse, the person—~~

- ~~(a) disobeys anya direction given under section 19(226(1)(a)); or, without reasonable excuse,~~
- ~~(b) refuses or fails to comply with a requestrequirement made under section 1925(1)(b) or (226(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; commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~
- ~~(2) A charterer, operator or master of a ship who (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.~~

28. 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 requestrequirement made under section 1925(1)(b) or (2)(b), ___~~
- ~~(a) provides or produces to an authorized officer any information or document that the charterer, operator or masterperson 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, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~
- ~~(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.~~

2129. Power ~~of authorized officers~~ to enter and detain ~~ships~~modes of transport

- (1) Without limiting sections 27 and 28, ~~this~~ section ~~20~~applies if an authorized officer has reason to suspect that a ~~request that has been~~requirement made under section ~~19~~(226(1)(b), (2) or (3)) may not be complied with~~, the~~.
- (2) ~~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~~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 (4) and (5), ~~subsection (3)~~, ~~subsection (12)~~ 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 the order must state the time from which, and period for which, the order is effective~~or of an aircraft for further periods of not more than 6 hours each.

Division 2—Investigation, etc. of Suspected Aircraft

22.—Investigation of suspected aircraft

- ~~(1)~~ ~~If an authorized officer has reason to suspect that an aircraft to which section 3, 6 or 11 applies has been, is being or is about to be used in contravention of section 3(2), 6(2) or 11(3), 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;~~
- ~~— (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; and~~
- ~~— (c) (in the case that an authorized officer has reason to suspect that the aircraft carries armed mercenary personnel) request the charterer, operator or pilot in command of the aircraft to provide any information relating to any person on board the aircraft.~~
- ~~— (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) or (c), 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.~~

~~23. 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 22(1)(b) or (c) 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 22(1)(b) or (c) 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.~~

~~24. Power of authorized officers to enter and detain aircraft~~

- ~~(1) Without limiting section 23, if an authorized officer has reason to suspect that a request that has been made under section 22(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~~

~~25. 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) or 6(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.~~

~~26. 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 25(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 25(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.~~

~~27. Power of authorized officers to enter and detain vehicles~~

- ~~(1) Without limiting section 26, if an authorized officer has reason to suspect that a request that has been made under section 25(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) (5) 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.~~
- (6) An order under subsection (4) or (5) must state the time from which, and period for which, the order is effective.

~~Division 4—Proof of Identity~~

2830. Production of proof of identity

Before or on exercising a power conferred by ~~section 19, 21, 22, 24, 25 or 27~~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

2931. 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 32(3).

32. Power of magistrate or judge to grant warrant

(1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—

(a) an offence under this Regulation has been committed or is being committed; and

(b) there is, on any premises specified in the information, ~~or on any ship, aircraft or vehicle so specified~~, evidence in relation to the commission of the offence.

(2) A warrant granted under subsection (1) may authorize ~~any~~ authorized officer, together with any other person named in the warrant, ~~to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be,~~ at any time within ~~one~~ 1 month from the date of the warrant, ~~to—~~

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

(b) 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~~; 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.

3033. ~~Seized articles, etc. liable to~~ Notice of intended forfeiture

- (1) ~~If~~This section applies if an authorized officer intends to apply to a magistrate or judge under section ~~31~~35 for an order for forfeiture of any ~~document, cargo or article~~ seized ~~under section 29(3), the~~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 35 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) ~~whereif~~ the notice 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.

34. Notice of objection to intended forfeiture

- ~~(31) A~~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 ~~document, cargo or article~~seized property referred to in a notice served under ~~subsection (1), or section 33(2)~~;
 - (b) a person who was in possession of the ~~document, cargo or article~~seized property at the time of seizure, ~~or~~;
 - (c) a person who has a legal or equitable interest in the ~~document, cargo or article, may object to the proposed~~

~~forfeiture by serving a notice in writing on the Commissioner seized property.~~

- (42) A notice ~~of objection~~ under subsection (31)—
- (a) must be served on the Commissioner by a person referred to in subsection (31)(a), (b) or (c) (*claimant*) within 30 days from—
 - (i) if the notice under ~~subsection (1)~~ section 33(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)~~ section 33(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 ~~qualified to practise under the Legal Practitioners Ordinance (Cap. 159) and is authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.~~
 - (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.

35. Application for order for forfeiture

- ~~(5)~~ An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized ~~document, cargo or~~

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

~~(a)~~ section 33(2) after the expiration of the appropriate period of time specified in ~~subsection (4)~~section 34(2)(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.~~

3136. Power of magistrate or judge to make order for forfeiture and disposal

(1) ~~If~~This section applies if an application is made to a magistrate or judge for an order for forfeiture of any seized ~~document, cargo or article, the magistrate or judge may, if~~property.

(2) If satisfied that—

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

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

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

(34) Before making an order for forfeiture of any seized ~~document, cargo or article, a~~property, the magistrate or judge must issue a summons to any person who serves a notice ~~of objection in accordance with~~under section ~~30(3) and (4)~~34(1) to appear on a day specified in the summons to show cause why the

~~document, cargo or article~~seized property should not be forfeited.

- (~~45~~) If any summons issued under subsection (~~34~~) has not for any reason been served and the magistrate or judge is satisfied that all reasonable efforts have been made to serve the summons on the person named in the summons, the magistrate or judge may make an order for forfeiture under ~~this section~~subsection (2) despite the fact that the summons has not been served on ~~that~~the person.

~~3237~~. Detention of ~~documents, cargoes or articles~~ seized property

- (1) Subject to ~~subsection (2) and~~ any order made under section ~~31, any document, cargo or article~~36, seized ~~under section 29(3)~~property may not be detained for more than 3 months.
- (2) ~~If the document, cargo or article~~However, if 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

3338. 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 Libya 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; ~~and.~~

~~(b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.~~

Part 87

Other Offences and Miscellaneous Matters

3439. 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 guilty of the like offence.~~

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 the person concerned in the management of the firm is guilty of the like offence.~~

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

3540. 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.

3641. 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—

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

~~(b) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or~~

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

3742. Consent and ~~time limit~~deadline for ~~proceedings~~prosecution

(1) ~~Proceedings~~A prosecution for an offence under this Regulation may only be ~~instituted~~started by or with the consent of the Secretary for Justice.

(2) ~~Summary proceedings~~A prosecution for ~~an~~a summary offence under this Regulation that is alleged to have been committed by a person outside the HKSAR may only be ~~commenced at any time not later than~~started 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.

~~38. **Specification of relevant persons 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 any of the following persons or entities—~~

43. Publication of list of individuals and entities by Secretary

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

(2) The Secretary may include in the list the names of—

- (a) ~~a person~~an individual or entity designated by the Committee for the purposes of the measures imposed by paragraph 17 of Resolution 1970, including ~~a person~~an individual or entity listed in Annex II to Resolution 1970 or Annex II to Resolution 1973;
- (b) ~~a person~~an individual or entity determined by the Security Council or the Committee to have violated the provisions of Resolution 1970, or to have assisted another ~~person~~individual or entity in violating those provisions;
- (c) ~~a person~~an individual or entity designated by the Committee for the purposes of paragraph 19 of Resolution 1973; and
- (d) ~~a person~~an individual or entity determined by the Committee to be engaging in or providing support for acts that threaten the peace, stability or security of Libya,

or obstruct or undermine the successful completion of its political transition.

- (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.

3944. 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~~restriction or ~~conditions~~that condition the Chief Executive ~~thinks—fit~~considers appropriate.

45. 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.

43. Duration

~~The following provisions expire at midnight on 15 November 2018—~~

- ~~(a) the definitions of *petroleum* and *Resolution 2146* in section 1;~~
- ~~(b) sections 3G, 3H, 7G, 7H, 10J, 10K, 10L and 15B.~~

Chief Executive

2019

United Nations Sanctions (Libya) Regulation 2019

United Nations Sanctions (Libya) Regulation 2011 (Repeal) Regulation

Information on Libya

Country Background

Libya is a country in Northern Africa, situated between Tunisia and Egypt, bordering the Mediterranean Sea ^{Note 1}. It has a total area of 1,676,198 sq. km. ^{Note 2}, and had an estimated population of around 6.47 million in 2018. With its capital in Tripoli, Libya achieved independence in 1951. Libya is embroiled in some of the worst fighting since the 2011 uprising that ousted former leader Muammar al-Qadhafi and set it on a path to democratic transition. The Libyan parliament was elected in June 2014 and convened for the first time in August 2014. Nevertheless, violence between rival armed formations in the country continued. Dependent on exports of petroleum oil, Libya had a GDP of US\$31.3 billion ^{Note 3} (or HK\$244 billion) in 2017.

Sanctions imposed by the United Nations Security Council

2. Protests calling for democratic change erupted in February 2011 in Libya following popular uprisings in Tunisia and Egypt that led to the ouster of long-time rulers there. The situation quickly spun out of control as protests against the regime of Muammar Al-Qadhafi turned into a full-fledged conflict between Government forces and the opposition. In response to Al-Qadhafi's regime's military crackdown on protesters, the United Nations Security Council (UNSC) adopted Resolution 1970 on 26 February 2011 to impose sanctions on Libya, including arms embargo, travel ban, and assets freeze on Muammar Al-Qadhafi and his family and certain Government officials.

3. Noting the deteriorating situation and the escalation of violence in the country, the UNSC further adopted Resolution 1973 on 17 March 2011 permitting the use of all necessary measures, including the imposition of a ban on all flight in the country's airspace and authorising the use of force to protect civilians and civilian areas under threat of attack in Libya. The resolution also tightened measures on arms embargo and assets freeze imposed by Resolution 1970 and decided that all States should deny permission to any Libyan commercial aircraft to take off from, land in or overfly their territory.

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

Note 2 Source: World Statistics Pocket Book published by United Nations Statistics Division at <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2018.pdf>

Note 3 Source: WTO Statistics Database at http://stat.wto.org/CountryProfiles/LY_e.htm

4. After several months of fighting, anti-Qadhafi forces captured the capital and took control of most of the country in August 2011. On 16 September 2011, the UNSC adopted Resolution 2009 to establish a mission in the country to support the Libyan transitional authorities in their reconstruction efforts, including restoring the rule of law, drafting a new constitution, promoting reconciliation and preparing for elections. In support of those objectives, the UNSC also partly lifted the arms embargo imposed on Libya and the assets freeze targeting entities connected to the previous regime, and terminated the measures on banning Libyan aircrafts from taking off from, landing in or overflying the territory of all States. Taking note of the declaration of liberation made by the Libyan transitional Government and the formation of a new interim Government following the death of the long-time leader Muammar Al-Qadhafi, the UNSC ordered the end to authorised international military action in Libya and terminated a no-fly zone over Libya that had been imposed in March 2011 through the adoption of Resolution 2016 on 27 October 2011.

5. To combat illicit export of crude oil from Libya, the UNSC passed Resolution 2146 on 19 March 2014 to impose measures, on vessels designated by the Committee, in relation to attempts to illicitly export crude oil from Libya. Expressing deep concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation as well as individuals and entities who threaten the stability in Libya and the region, the UNSC further passed Resolution 2174 on 27 August 2014 to reinforce the arms embargo and expand the criteria for designation of individuals or entities as subject to the travel ban and assets freeze. On 5 November 2018, the UNSC adopted Resolution 2441 to extend until 15 February 2020 the authorisations provided by and the measures imposed by UNSCR 2146 in respect of prevention of illicit oil exports.

Trade Relation between Hong Kong and Libya

6. In 2018, Libya ranked 137th among Hong Kong's trading partners in the world, with a total trade of HK\$163.1 million. Nearly all of these were exports to Libya, and less than HK\$0.1 million imports. Hong Kong's trade with Libya are summarised as follows –

Hong Kong's Trade with Libya [Value in HK\$ (in million)] ^{Note 4}		
Item	2017	2018
(a) Total Exports to Libya	60.6	163.1
<i>(i) Domestic exports</i>	- ^{Note 5}	-
<i>(ii) Re-exports</i>	60.6 ^{Note 6}	163.1 ^{Note 7}
(b) Imports from Libya	1.0 ^{Note 8}	0.1 ^{Note 9}
Total Trade [(a) + (b)]	61.5	163.1

In 2018, HK\$2.43 million worth of goods were re-exports of Libyan origin to the Mainland via Hong Kong, and HK\$158.8 million were re-exports of Mainland origin to Libya via Hong Kong. The total of HK\$161.3 million worth of goods were equivalent to 0.3%^{Note 10} of the total trade between Libya and the Mainland.

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

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^{Note 4} Due to rounding of figures, the sub-items may not add up to the total.

^{Note 5} In 2017, Hong Kong's domestic export item to Libya was special transactions and commodities not classified according to kind (100%). The trade value involved was around HK\$1,000.

^{Note 6} In 2017, Hong Kong's major re-export item to Libya were telecommunications and sound recording and reproducing apparatus and equipment (65.8%).

^{Note 7} In 2018, Hong Kong's major re-export items to Libya were telecommunications and sound recording and reproducing apparatus and equipment (81.5%).

^{Note 8} In 2017, Hong Kong's major import items from Libya were telecommunications and sound recording and reproducing apparatus and equipment (61.8%).

^{Note 9} In 2018, Hong Kong's major import items from Libya were telecommunications and sound recording and reproducing apparatus and equipment (71.6%).

^{Note 10} 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.