

**LEGISLATIVE COUNCIL BRIEF**  
United Nations Sanctions Ordinance  
(Chapter 537)

**UNITED NATIONS SANCTIONS (LIBYA)  
REGULATION 2019 (AMENDMENT) REGULATION 2021**

**INTRODUCTION**

A At the meeting of the Executive Council on 6 July 2021, the Council ADVISED and the Chief Executive (“the CE”) ORDERED that the United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2021 (“the Amendment Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The Amendment Regulation was gazetted on 9 July 2021 and came into operation on the same day.

**BACKGROUND**

**Obligation and Authority**

B 2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to the instructions of the Ministry of Foreign Affairs of the People's Republic of China (“MFA”) to implement sanctions decided by the Security Council of the United Nations (“UNSC”). The MFA issued instructions in May 2021 for the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2571 (at Annex B) in respect of Libya<sup>1</sup>. The Amendment Regulation was made pursuant to the instructions.

**Sanctions against Libya**

3. Concerned with serious violations of human rights and attacks against civilians in Libya, the UNSC passed UNSCRs 1970 and 1973 in 2011 to implement a range of sanctions against Libya, such as arms embargo, travel ban and financial sanctions. No time limit has been prescribed by the UNSC on these sanctions.

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<sup>1</sup> [https://www.mfa.gov.cn/web/wjfb\\_673085/zfxxgk\\_674865/gknrlb/jytz/t1877317.shtml](https://www.mfa.gov.cn/web/wjfb_673085/zfxxgk_674865/gknrlb/jytz/t1877317.shtml)

## UNSCR 2146

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4. The UNSC adopted UNSCR 2146 (at Annex C) on 19 March 2014 to expand the scope of sanctions against Libya. The UNSC decided, inter alia, to impose the following sanction measures, which are related to preventing illicit export of crude oil from Libya, 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 Committee<sup>2</sup> shall take the necessary measures to direct the vessel not to load, transport, or discharge such crude oil from Libya aboard the vessel, absent direction from the focal point of the Government of Libya;
- (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.

The above sanction measures are time-limited and have been amended and extended several times by the UNSC.

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<sup>2</sup> As at 31 May 2021, no vessels were designated by the Committee.

5. Pursuant to the instructions of the MFA, the sanction measures in respect of Libya are implemented in the HKSAR under the United Nations Sanctions (Libya) Regulation 2019 (Cap. 537CF) (“2019 Regulation”). The provisions implementing time-limited sanction measures related to preventing illicit oil export were in force until midnight on 30 April 2021.

### **UNSCR 2571**

6. Determining that the situation in Libya continued to constitute a threat to international peace and security, the UNSC, by adopting UNSCR 2571 on 16 April 2021, decided, inter alia, to extend until 30 July 2022 the sanction measures related to preventing illicit oil export from Libya imposed by UNSCR 2146, as amended by UNSCRs 2441<sup>3</sup> and 2509<sup>4</sup> (*paragraph 2 of UNSCR 2571 refers*).

### **THE AMENDMENT REGULATION**

7. The Amendment Regulation, at Annex A, seeks to implement the sanction measures in respect of Libya as extended by UNSCR 2571. The main provision of the Amendment Regulation is **section 3**, which adds section 1A(4) to the 2019 Regulation to provide that sections 4, 5 (as amended by the Amendment Regulation), 10, 11, 13, 14, 15 and 21 of the 2019 Regulation are in force during the period from the commencement of the Amendment Regulation until midnight on 30 July 2022.

8. A marked-up version showing the amendments made to the 2019 Regulation is at Annex D for easy reference by Members.

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<sup>3</sup> Paragraph 2 of UNSCR 2441 provides that such measures 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.

<sup>4</sup> Paragraph 2 of UNSCR 2509 provides that the designation period in paragraph 11 of UNSCR 2146 be modified to one year, which may be renewed by the Committee.

## **IMPLICATIONS OF THE PROPOSAL**

9. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Ordinance. It has no financial, civil service, economic, productivity, environmental, sustainability, family or gender implications. Additional work arising from the enforcement of the 2019 Regulation as amended by the Amendment Regulation, if any, will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

10. A press release was issued on 9 July 2021, the day the Amendment Regulation was published in the Gazette. A spokesperson is available to answer media and public enquiries.

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

11. 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 E.

E

**Commerce and Economic Development Bureau  
July 2021**

## L.N. 111 of 2021

**United Nations Sanctions (Libya) Regulation 2019  
(Amendment) Regulation 2021**

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

**1. United Nations Sanctions (Libya) Regulation 2019 amended**

The United Nations Sanctions (Libya) Regulation 2019 (Cap. 537 sub. leg. CF) is amended as set out in sections 2 to 8.

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

(1) Section 1, English text, definition of *connected person*, paragraph (a)—

**Repeal**

“Libyan Government”

**Substitute**

“Government of Libya”.

(2) Section 1, definition of *Resolution 2146*—

**Repeal**

everything after “19 March”

**Substitute**

“2014—

- (a) as amended by Resolution 2441 (2018) adopted by the Security Council on 5 November 2018 and Resolution 2509 (2020) adopted by the Security Council on 11 February 2020; and

(b) as extended by Resolution 2571 (2021) adopted by the Security Council on 16 April 2021;”.

(3) Section 1—

**Repeal the definition of *Libyan Government*.**

**3. Section 1A amended (limited duration of certain provisions)**

After section 1A(3)—

**Add**

“(4) Sections 4, 5, 10, 11, 13, 14, 15 and 21 are in force during the period from the commencement of the United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2021 until midnight on 30 July 2022.”.

**4. Section 2 amended (supply of goods prohibited)**

(1) Section 2(4)(b)(i), Chinese text, after “供應”—

**Add**

“的”.

(2) Section 2(4)(b)(ii), Chinese text, after “對象”—

**Add**

“的”.

(3) Section 2(4)(b)(iii)(A), Chinese text, after “利比亞”—

**Add**

“的”.

(4) Section 2(4)(b)(iii)(B), Chinese text, after “對象”—

**Add**

“的”.

**5. Section 3 amended (carriage of goods prohibited)**

Section 3(3)(b), Chinese text—

**Repeal**

“有關的”

**Substitute**

“該項”.

**6. Section 5 amended (exceptions to prohibition under section 4)**

Section 5(2)—

**Repeal**

everything after “focal point”

**Substitute**

“of the Government of Libya.”.

**7. Section 19 amended (licence for provision of assistance)**

Section 19(2)(c), English text—

**Repeal**

“Libyan Government”

**Substitute**

“Government of Libya”.

**8. Section 20 amended (licence for making available or dealing with economic assets)**

Section 20(9), English text—

**Repeal**

“Libyan Government” (wherever appearing)

**Substitute**

“Government of Libya”.

Carrie LAM  
Chief Executive

6 July 2021

### Explanatory Note

This Regulation amends the United Nations Sanctions (Libya) Regulation 2019 (Cap. 537 sub. leg. CF) (*principal Regulation*) to give effect to certain decisions in Resolution 2571 (2021) adopted by the Security Council of the United Nations on 16 April 2021.

2. Section 2(3) of the Regulation repeals the definition of *Libyan Government* in section 1 of the principal Regulation and sections 2(1), 6, 7 and 8 of the Regulation replace “Libyan Government” with “Government of Libya” wherever the former expression appears in the English text of the principal Regulation.
3. Section 3 of the Regulation amends section 1A of the principal Regulation to provide that sections 4, 5 (as amended by the Regulation), 10, 11, 13, 14, 15 and 21 of the principal Regulation (*relevant provisions*) are in force until midnight on 30 July 2022.
4. The relevant provisions relate to the prohibition against—
  - (a) the loading, transport or discharge of petroleum from Libya aboard certain ships;
  - (b) engaging in any financial transaction related to any petroleum from Libya aboard certain ships;
  - (c) the provision of certain services to ships under certain circumstances; and
  - (d) certain ships entering the HKSAR.
5. The Regulation also makes certain minor textual amendments.



## Security Council

Distr.: General  
16 April 2021

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### Resolution 2571 (2021)

#### Adopted by the Security Council on 16 April 2021

*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 \(2011\)](#) and [2146 \(2014\)](#), and modified by subsequent resolutions including resolutions [2441 \(2018\)](#), [2509 \(2020\)](#) and [2526 \(2020\)](#), and that the mandate of the Panel of Experts established by paragraph 24 of resolution [1973 \(2011\)](#) and modified by subsequent resolutions was extended until 15 May 2021 by resolution [2509 \(2020\)](#),

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

*Recalling* its Presidential Statement of 12 March 2021, which welcomed the vote of confidence by the Libyan House of Representatives to endorse the cabinet of the interim Government of National Unity charged with leading the country up to elections on 24 December 2021 and stressed the importance of this step in the Libyan political process,

*Renewing* its request that all Member States support fully the efforts of the Special Envoy of the Secretary-General, and its call on Member States to use their influence with the parties to implement the ceasefire and support the Libyan-led and Libyan owned inclusive political process,

*Calling* for Member States to implement fully the existing measures and to report violations to the United Nations Sanctions Committee, and *recalling* in that regard that individuals or entities engaging in, or providing support for, acts that threaten the peace, stability or security of Libya may be designated for targeted sanctions,

*Reaffirming* that all parties must comply with their obligations under international humanitarian law and international human rights law, as applicable, and *emphasising* 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,

*Expressing* its concern that the illicit export of petroleum, including crude oil and refined petroleum products, from Libya undermines the Government of Libya and National Oil Corporation and poses a threat to the peace, security and stability of Libya, and *noting* with concern the reports of the illicit import of petroleum, including crude oil and refined petroleum products to Libya,





*Recalling* that providing support for armed groups or criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya may constitute acts that threaten the peace, stability and security of Libya,

*Further reiterating* its concern about activities which could damage the integrity and unity of Libyan State financial institutions and the National Oil Corporation, and stressing the need for the unification of Libya's institutions, and, in this regard, *calling* on Member States to cease support to and official contact with parallel institutions outside of the authority of the Government of Libya,

*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 \(2017\)](#), [2420 \(2018\)](#), [2473 \(2019\)](#) and [2526 \(2020\)](#) 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,

*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 Libya;

2. *Decides* to extend until 30 July 2022 the authorisations and the measures in resolution [2146 \(2014\)](#), as amended by paragraph 2 of resolutions [2441 \(2018\)](#) and [2509 \(2020\)](#);

3. *Requests* the Government of Libya to notify the Committee of its focal point responsible for communication with the Committee with respect to the measures in resolution [2146 \(2014\)](#), *further requests* that the Government of Libya's focal point informs the Committee of any vessels transporting petroleum, including crude oil and refined petroleum products, illicitly exported from Libya, *urges* the Government of Libya to work closely with the National Oil Corporation in that regard, and to provide the Committee with regular updates 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, and *requests* that the Panel of Experts closely follow and report to the Committee any information relating to the illicit export from or illicit import to Libya of petroleum, including crude oil and refined petroleum products;

4. *Calls on* the Government of Libya, 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 Libya's focal point regarding vessels transporting petroleum, including crude oil and refined petroleum products, illicitly exported from Libya;

### Arms Embargo

5. *Calls* for full compliance by all Member States with the arms embargo, *further calls* on all Member States not to intervene in the conflict or take measures that exacerbate the conflict and *reiterates* that individuals and entities determined by the Committee to have violated the provisions of resolution 1970 (2011), including the arms embargo, or assisted others in doing so, are subject to designation;

6. *Calls on* all parties to implement the 23 October 2020 ceasefire agreement (S/2020/1043) in full and urges Member States to respect and support the full implementation of the agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without further delay;

7. *Calls upon* the Government of Libya 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

8. *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;

9. *Reiterates* that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons designated by the Committee, in accordance with paragraphs 15 and 16 of 1970, as modified by paragraphs 11 of resolution 2213 (2015), 11 of resolution 2362 (2017) and 11 of resolution 2441 (2018) and *calls upon* the Government of Libya to enhance cooperation and information sharing with other States in this regard;

10. *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 Libya;

11. *Recalls* resolution 2174 which decided that the measures set out in resolution 1970 (2011), as modified by subsequent resolutions, shall 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 *underlines* that such acts could include obstructing or undermining those elections planned for in the Libyan Political Dialogue Forum roadmap;

### Panel of Experts

12. *Decides* to extend until 15 August 2022 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), 2441 (2018) and 2509 (2020), *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 *expresses* its intent to review the mandate and take appropriate action regarding further extension no later than 15 July 2022;

13. *Decides* that the Panel shall provide to the Council an interim report on its work no later than 15 December 2021, and a final report to the Council, after

discussion with the Committee, no later than 15 June 2022 with its findings and recommendations;

14. *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 \(2018\)](#), [2441 \(2018\)](#), [2473 \(2019\)](#), [2509 \(2020\)](#) and [2526 \(2020\)](#), in particular incidents of non-compliance, and *calls on* UNSMIL and the Government of Libya to support Panel investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate;

15. *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;

16. *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;

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

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**Resolution 2146 (2014)****Adopted by the Security Council at its 7142nd meeting, on  
19 March 2014**

*The Security Council,*

*Recalling* its resolutions [1970 \(2011\)](#) of 26 February 2011, [1973 \(2011\)](#) of 17 March 2011, [2009 \(2011\)](#) of 16 September 2011, [2016 \(2011\)](#) of 27 October 2011, [2017 \(2011\)](#) of 31 October 2011, [2022 \(2011\)](#) of 2 December 2011, 2040 of 12 March (2012), 2095 of 14 March (2013), and [2144 \(2014\)](#), as well as the Statement of its President ([S/PRST/2013/21](#)) of 16 December 2013,

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

*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 ocean,

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

*Noting* the letter of 10 March 2014 from the Libyan Government to the President of the Security Council and *expressing* concern that the illicit export of crude oil from Libya undermines the Government of Libya and poses a threat to the peace, security and stability of Libya,

*Expressing* support to efforts by the Libyan government to resolve peacefully the disruptions of Libya's energy exports and re-iterating that control of all facilities should be transferred back to the proper authorities, supporting the Libyan government's intention to address border security issues, including the implementation of the Tripoli Action Plan, and *noting* the importance of the European Union Border Assistance Mission to Libya to strengthen Libyan border management,

*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,



1. *Condemns* attempts to illicitly export crude oil from Libya;
2. *Calls on* the Government of Libya, 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;
3. *Requests* the Government of Libya to appoint and notify the Committee established pursuant to resolution 1970 (2011) of a focal point responsible for communication with the Committee with respect to the measures in this resolution, and *requests* that the Government of Libya's focal point inform the Committee of any vessels transporting crude oil illicitly exported from Libya, along with available and relevant information, and of any efforts made in accordance with paragraph 2;
4. *Directs* the Committee to immediately inform all relevant Member States about such notifications from the Government of Libya's focal point;
5. *Authorizes* Member States to inspect on the high seas vessels designated by the Committee pursuant to paragraph 11, and *authorizes* Member States to use all measures commensurate to the specific circumstances, in full compliance with international humanitarian law and international human rights law, as may be applicable, to carry out such inspections and direct the vessel to take appropriate actions to return the crude oil, with the consent of and in coordination with the Government of Libya, to Libya;
6. *Requests* that Member States, before taking the measures authorized in paragraph 5, first seek the consent of the vessel's flag State;
7. *Decides* that any Member State that undertakes an inspection pursuant to paragraph 5 shall submit promptly a report to the Committee on the inspection containing relevant details, including efforts made to seek the consent of the vessel's flag State;
8. *Affirms* that the authorization provided by paragraph 5 of this resolution applies only with respect to inspections carried out by warships and ships owned or operated by a State and used only on government non-commercial service;
9. *Further affirms* that the authorization provided by paragraph 5 of this resolution applies only with respect to vessels that are the subject of a designation made by the Committee pursuant to paragraph 11 and shall not affect the rights or obligations or responsibilities of Member States under international law, including rights or obligations under the United Nations Convention on the Law of the Sea, including the general principle of exclusive jurisdiction of a flag state over its vessels on the high seas, with respect to other vessels and in any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law;
10. *Decides* to impose the following measures on vessels designated in accordance with paragraph 11:
  - (a) The Flag State of a vessel designated by the Committee pursuant to paragraph 11 shall take the necessary measures to direct the vessel not to load, transport, or discharge such crude oil from Libya aboard the vessel, absent direction from the Government of Libya focal point;
  - (b) All Member States shall take the necessary measures to prohibit vessels designated by the Committee pursuant to paragraph 11 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 pursuant to paragraph 11, 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;

(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 such crude oil from Libya aboard vessels designated by the Committee pursuant to paragraph 11;

11. *Decides* that the Committee may designate vessels for some or all of the measures in paragraph 10, on a case-by-case basis, for a period of ninety days, which may be renewed by the Committee;

12. *Decides* that the Committee may decide to terminate the designation of a vessel at any time and may make exceptions to some or all of the measures in paragraph 10 as may be necessary and appropriate;

13. *Recalls* the creation, pursuant to paragraph 24 of resolution [1973 \(2011\)](#), of a Panel of Experts, under the direction of the Committee, to carry out the tasks provided for by that paragraph, *decides* that this mandate shall apply with respect to the measures imposed in this resolution, and *directs* the Panel of Experts to monitor implementation of the measures imposed in this resolution;

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

15. *Decides* that the authorizations provided by and the measures imposed by this resolution shall terminate one year from the date of the adoption of this resolution, unless the Council decides to extend them;

16. *Decides* to remain seized of the matter.

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# United Nations Sanctions (Libya) Regulation 2019

## 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 of Libya;

- (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, ~~—~~

(a) as amended by Resolution 2441 (2018) adopted by the Security Council on 5 November 2018 and Resolution 2509 (2020) adopted by the Security Council on 11 February 2020; and

(b) as extended by Resolution ~~2509 (2020)~~2571 (2021) adopted by the Security Council on ~~11 February 2020~~16 April 2021;

**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.

#### **1A. Limited duration of certain provisions**

- (1) A reference to a provision in a subsection of this section is a reference to the provision as in force from time to time during the period mentioned in the subsection.
- (2) Sections 4, 5, 10, 11, 13, 14, 15 and 21 are in force during the period from the commencement of the United Nations Sanctions (Libya) Regulation 2019 (Cap. 537 sub. leg. CF) until midnight on 15 February 2020.
- (3) Sections 4, 5, 10, 11, 13, 14, 15 and 21 are in force during the period from the commencement of the United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2020 (L.N. 80 of 2020) until midnight on 30 April 2021.
- (4) Sections 4, 5, 10, 11, 13, 14, 15 and 21 are in force during the period from the commencement of the United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2021 until midnight on 30 July 2022.

## 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 to 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 to the order of a connected person.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—

- (a) that the goods concerned were prohibited goods; or
- (b) that the goods concerned were, or were to be, supplied—
  - (i) to Libya;
  - (ii) to a connected person or to the order of a connected person; or
  - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
    - (A) to Libya; or
    - (B) to a connected person or to 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 Hong Kong person, or a person who is in the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 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 to the order of a connected person; or

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- (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
    - (i) to Libya; or
    - (ii) to a connected person or to the order of a connected person.
  - (3) Subsection (2) does not apply if—
    - (a) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and
    - (b) the supply is authorized by a licence granted under section 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 to 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 to the order of a connected person.

#### **4. Loading, transport or discharge of petroleum prohibited**

- (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

- (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 of the Government of Libya.~~
- (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 Hong Kong person, or a person who is in the HKSAR; and
  - (d) a vehicle in the HKSAR.

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- (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).

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- (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**

- (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

- (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**

- (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**

- (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**

- (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).
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## 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 to 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 to the order of a connected person; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside Libya to a place in Libya;
    - (ii) to a connected person or to the order of a connected person; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
      - (A) to Libya; or
      - (B) to a connected person or to the order of a connected person.
- (2) The requirements are as follows—

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- (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) either of the following—
    - (i) for a licence referred to in subsection (1)(a)—the supply of the prohibited goods is approved in advance by the Committee;
    - (ii) for a licence referred to in subsection (1)(b)—
      - (A) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and
      - (B) the supply is approved in advance by the Committee;
  - (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 the licence; and
  - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.

**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 of Libya 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) (as appropriate); 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) (as appropriate); 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) (as appropriate) 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) (as appropriate) not less than 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 of Libya to be consulted about the intended use of the designated funds;
  - (b) if the ~~Libyan~~-Government of Libya has no objection to the intended use of the designated funds, the Chief Executive must cause the Committee and the ~~Libyan~~-Government of Libya 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 of Libya within 5 working days of the notification.

## 21. Licence for provision of services to ships

- (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

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- 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.

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## 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) for a notice that cannot be served in accordance with paragraph (a) or (b)—it is exhibited at the offices of the Customs and Excise Department, in a place to which the public have access, for a period of not less than 7 days commencing within 30 days from the date of the seizure of the seized property.

#### 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.
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## 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—

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

**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.
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## **United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2021**

### **Information on Libya**

#### **Country Background**

Libya is a country in Northern Africa, situated between Tunisia and Egypt, bordering the Mediterranean Sea. It has a total area of 1,676,198 sq. km. <sup>Note 1</sup>, and had an estimated population of around 6.87 million in 2019. With its capital in Tripoli, Libya achieved independence in 1951. Dependent on exports of petroleum oil, Libya had a GDP of US\$34.38 billion (or HK\$267 billion) in 2018<sup>Note 1</sup>.

2. 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.

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

3. In response to Muammar al-Qadhafi's regime's military crackdown on protesters in Libya, the United Nations Security Council (UNSC) adopted Resolutions 1970 and 1973 in 2011 to impose sanctions on Libya, such as arms embargo, travel ban and financial sanctions.

4. 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.

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<sup>Note 1</sup> Source: World Statistics Pocket Book published by United Nations Statistics Division at <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2020.pdf>

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. The measures were expanded by the UNSC under Resolution 2441 on 5 November 2018 to cover refined petroleum products. The UNSC has amended and extended such time-limited sanction measures for a number of times.

### **Trade Relation between Hong Kong and Libya**

6. In 2020, Libya ranked 134<sup>th</sup> among Hong Kong's trading partners in the world, with a total trade of HK\$123.7 million. Of these, HK\$123.5 million worth of trade were exports to Libya, and HK\$0.2 million imports. Hong Kong's trade with Libya are summarised as follows –

<b>Hong Kong's Trade with Libya [Value in HK\$ (in million)]</b> <sup>Note 2</sup>		
<b>Item</b>	<b>2020</b>	<b>2021 (January – March)</b>
(a) Total Exports to Libya	123.5	18.7
(i) Domestic exports	0.09 <sup>Note 3</sup>	- <sup>Note 4</sup>
(ii) Re-exports	123.4 <sup>Note 5</sup>	18.7 <sup>Note 6</sup>
(b) Imports from Libya	0.2 <sup>Note 7</sup>	0.2 <sup>Note 8</sup>
<b>Total Trade [(a) + (b)]</b>	<b>123.7</b>	<b>18.9</b>

7. In 2020, no re-exports of Libyan origin to the Mainland via Hong Kong was recorded, while HK\$119.5 million worth of goods were re-exports of Mainland origin to Libya via Hong Kong <sup>Note 9</sup>.

<sup>Note 2</sup> Due to rounding of figures, the sub-items may not add up to the total.

<sup>Note 3</sup> In 2020, Hong Kong's major domestic export items to Libya were electrical machinery, apparatus and appliances, and electrical parts thereof (100%).

<sup>Note 4</sup> In the first three months of 2021, no domestic export to Libya was recorded.

<sup>Note 5</sup> In 2020, Hong Kong's major re-export items to Libya were telecommunications and sound recording and reproducing apparatus and equipment (59.7%).

<sup>Note 6</sup> In the first three months of 2021, Hong Kong's major re-export items to Libya were chemical materials and products (57.1%).

<sup>Note 7</sup> In 2020, Hong Kong's major import item from Libya were essential oils and resinoids and perfume materials; toilet, polishing and cleansing preparations (100%).

<sup>Note 8</sup> In the first three months of 2021, Hong Kong's major import item from Libya were essential oils and resinoids and perfume materials; toilet, polishing and cleansing preparations (89.2%).

<sup>Note 9</sup> The total of HK\$119.5 million worth of goods were equivalent to 0.6% of the total trade between Libya and the Mainland. The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics. It is solely indicative since two different sets of data are involved.

8. 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's economy.

**Commerce and Economic Development Bureau**  
**July 2021**