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1. 修訂《2015年聯合國制裁 (也門) 規例》
《2015年聯合國制裁 (也門) 規例》(第537章，附屬法例BP)現予修訂，修訂方式列於第2至12條。

2. 修訂第1條 (釋義)
(1) 第1條，指認實體的定義——
(a) (a) 段——
廢除
“按照”
代以
“根據”;
(b) (b) 段——
廢除
“按照第31條指明為指認人士或指認實體 (該等人士或實體)”
代以
“根據第31條指明為指認人士或指認實體 (該等人士或實體)”;
(c) (c) 段——
廢除

1. United Nations Sanctions (Yemen) Regulation 2015 amended
The United Nations Sanctions (Yemen) Regulation 2015 (Cap. 537 sub. leg. BP) is amended as set out in sections 2 to 12.

2. Section 1 amended (interpretation)
(1) Section 1, definition of designated entity, paragraphs (a), (b) and (c)—
第 2 條

“或實體所擁有或控制的實體；或按該等人士或
實體指示行事的人士”
代以
“或實體所擁有或控制的實體；或按該等人士或實
體指示行事的人”。

(2) 第 1 條，指定人士的定義，(a) 段——
廢除
“按照第 31 條指明為指定人士的人；或；”
代以
“根據第 31 條指明為指定人士的人；或”。

(3) 第 1 條，指定人士的定義，(b) 段——
廢除
“按照第 31 條指明為指定人士或指定實體”
代以
“根據第 31 條指明為指定人士或指定實體的人或實體”。

(4) 第 1 條，許可的定義——
廢除
“9A(1)”
代以
“9C(1)”。

Repeal
“in accordance with”
Substitute
“under”.

(2) Section 1, definition of designated person, paragraph (a)—
Repeal
“in accordance with section 31; or;”
Substitute
“under section 31; or”.

(3) Section 1, definition of designated person, paragraph (b)—
Repeal
“in accordance with”
Substitute
“under”.

(4) Section 1, definition of licence—
Repeal
“9A(1)”
Substitute
“9C(1)”.  

United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2017
(5) 第 1 條，有關實體的定義——

(a) (a) 段——

廢除
“按照第 30A 條”
代以
“根據第 30B 條”；

(b) (b) 段——

廢除
“按照第 30A 條指明為有關實體或有關實體（該等人士或實體）”
代以
“根據第 30B 條指明為有關實體或有關實體（該等人士或實體）的人或實體”；

(c) (c) 段——

廢除
“士或實體所擁有或控制的實體；或按該等人士或實體指示行事的人士”
代以
“或實體所擁有或控制的實體；或按該等人士或實體指示行事的人”。

(6) 第 1 條，有關人士的定義——

(a) (a) 段——

廢除
“按照第 30A”
代以
“根據第 30B”；
3. 廢除第 5A 條（禁止提供資金等或處理資金等）
第 5A 條——
廢除該條。

4. 加入第 5B 條
規例——
加入

“5B. 禁止提供資金等或處理資金等
(1) 本條適用於——
(a) 在特區境內行事的人；及
(b) 在特區境外行事的——
(i) 兼具香港永久性居民及中國公民身分的人；或
(ii) 根據特區法律成立之法團或組成的團體。

3. Section 5A repealed (prohibition against making available funds, etc. or dealing with funds, etc.)
Section 5A—
Repeal the section.

4. Section 5B added
The Regulation—
Add

“5B. Prohibition against making available funds, etc. or dealing with funds, etc.
(1) This section applies to—
(a) a person acting in the HKSAR; and
(b) a person acting outside the HKSAR who is—
(i) both a Hong Kong permanent resident and a Chinese national; or
(ii) a body incorporated or constituted under the law of the HKSAR.
Section 4

(2) Except under the authority of a licence—

(a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and

(b) a person (first-mentioned person) must not deal with, directly or indirectly, any funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources belonging to, or owned or controlled by, the first-mentioned person.

(3) A person who contravenes subsection (2) commits an offence and is liable—

(a) on conviction on indictment to a fine and to imprisonment for 7 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(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 funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or

(b) that the person was dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.
Section 5

A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or 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.

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.”.

5. Sections 7A and 7B repealed

Repeal the sections.
6. Sections 7C and 7D added

At the end of Part 2—

Add

“7C. Prohibition against entry or transit by certain persons

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

(2) 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.

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

(4) In this section—

specified person (指明人士) means—

(a) a person designated by the Committee for the purposes of paragraph 15 of Resolution 2140; or

(b) a person listed in the Annex to Resolution 2216.

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

Section 7C does not apply to a case in respect of which—

(a) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation;

(b) the relevant entry or transit is necessary for the fulfilment of a judicial process;
Section 7

(c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Yemen; or

(d) the relevant entry or transit is required to advance peace and stability in Yemen.”.

7. Sections 9A and 9B repealed

Sections 9A and 9B—
Repeal the sections.

8. Sections 9C and 9D added

At the end of Part 3A—
Add

“9C. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities

(1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—

(a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or

(b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.

(2) The requirements are as follows—

(a) the funds or other financial assets or economic resources are—
Section 8

(i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;

(ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services under the law of the HKSAR; or

(iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity;

(b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;

(c) the funds or other financial assets or economic resources—

(i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 26 February 2014 and is not for the benefit of a relevant person or a relevant entity; and

(ii) are to be used to satisfy the lien or judgment;
(d) the funds or other financial assets or economic resources are to be used for making payment due under a contract entered into by a person or entity before the date on which the person or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.

(3) If the Chief Executive determines that—

(a) the requirement in subsection (2)(a) is met, the Chief Executive—

(i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and

(ii) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification;

(b) the requirement in subsection (2)(b) is met, the Chief Executive—

(i) must cause the Committee to be notified of the determination; and

(ii) must not grant the licence unless the Committee approves the determination;

(c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination;

(d) the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the determination 10 working days before granting the licence.
Section 9

9D. Provision of false 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 in a material particular commits an offence and is liable—

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

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(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 in a material particular commits an offence and is liable—

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

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

9. Section 30A repealed (specification of relevant person or relevant entity by Chief Executive)

Section 30A—

Repeal the section.

10. Section 30B added

Before section 31—

Add
Section 11

United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2017

30B. Specification of relevant person or relevant entity by Chief Executive

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

(a) a person or an entity designated by the Committee for the purposes of paragraph 11 of Resolution 2140; or

(b) a person listed in the Annex to Resolution 2216.”.

11. Section 34 repealed (duration)

Section 34—

Repeal the section.

12. Section 35 added

At the end of Part 9—

Add

“35. Duration

Sections 5B, 7C, 7D and 9C expire at midnight on 26 February 2018.”.

行政長官

C. Y. LEUNG

Chief Executive

2017 年 5 月 10 日

10 May 2017
Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2342 (2017) as adopted by the Security Council of the United Nations on 23 February 2017 by providing for the prohibition against—

(a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;

(b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and

(c) entry into or transit through the HKSAR by certain persons.

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2342 (2017) as adopted by the Security Council of the United Nations on 23 February 2017 by providing for the prohibition against—

(a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;

(b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and

(c) entry into or transit through the HKSAR by certain persons.