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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 15.

2. Section 1 amended (interpretation)
(1) Section 1, definition of licence—
Repeal
“9C(1)”
Substitute
“9CA(1)”.

(2) Section 1, Chinese text, definition of 有關人士, paragraph (b), after “指示”—
Add
“而”.

(3) Section 1, Chinese text, definition of 有關實體—
(a) Paragraph (b)—
Repeal
“(該等人士或實體)的人或實體”
Substitute
“的人或實體 (該等人士或實體)”;
(b) Paragraph (b), after “指示”—
3. 修訂第 2 條（禁止供應、售賣或轉移若干物品）
(1) 第 2(2)(b) 條，英文文本——
廢除
“indirectly,”

Add
“而”；
(c) Paragraph (c), after “指示”—
Add
“而”。
(4) Section 1, Chinese text, definition of 指認實體 —
(a) Paragraph (b)—
Repeal
“( 指認實體 ) 的人或實體”
Substitute
“的人或實體 ( 指認實體 )”；
(b) Paragraph (b), after “指示”—
Add
“而”；
(c) Paragraph (c), after “指示”—
Add
“而”。
(5) Section 1, Chinese text, definition of 指認實體 —
(a) Paragraph (b)—
Repeal
“( 指認人士 ) 的人或實體”
Substitute
“的人或實體 ( 指認人士 )”；
(b) Paragraph (b), after “指示”—
Add
“而”；
(c) Paragraph (c), after “指示”—
Add
“而”。

3. Section 2 amended (prohibition against supply, sale or transfer of certain goods)
(1) Section 2(2)(b), English text—
Repeal
“indirectly,”
4. Section 3 amended (prohibition against carriage of certain goods)
   (1) Section 3(2)(b), English text—
   Repeal
   “indirectly,”

   (2) Section 2(3)(a), English text—
   Repeal
   “indirectly to”
   Substitute
   “indictment—to”.

   (3) Section 2(3)(b), English text—
   Repeal
   “conviction to”
   Substitute
   “conviction—to”.

   (4) Section 2(4)(b), English text—
   Repeal
   “were or were to be”
   Substitute
   “were, or were to be,”.

   (5) Section 2(4)(b)(ii), English text—
   Repeal
   “indirectly,”
   Substitute
   “indirectly”.

4. 修訂第 3 條 (禁止載運若干物品)
   (1) 第 3(2)(b) 條，英文文本——
   廢除
   “indirectly,”
5. 修訂第 4 條 ( 禁止提供若干協助或訓練 )

(1) 第 4(3)(a) 條，英文文本——
廢除
“indictment to”
代以
“indictment—to”。

(2) 第 4(3)(b) 條，英文文本——
廢除
“indirectly,”
代以
“indirectly”。

Section 4 amended (prohibition against provision of certain assistance or training)

(1) Section 4(3)(a), English text—
Repeal
“indictment to”
Substitute
“indictment—to”.

(2) Section 4(3)(b), English text—
Repeal
“indirectly,”
Substitute
“indirectly”.

(3) Section 3(4)(b), English text—
Repeal
“conviction to”
Substitute
“conviction—to”.

(4) Section 3(5)(b)(ii), English text—
Repeal
“indirectly,”
Substitute
“indirectly”.

(2) Section 3(4)(a), English text—
Repeal
“indictment to”
Substitute
“indictment—to”.

(3) Section 3(4)(b), English text—
Section 6

“conviction to”
代以
“conviction—to”。

(3) 第 4(4)(a) 條，英文文本——
廢除
“was or was to be”
代以
“was, or was to be,”。

6. 廢除第 5B 條 (禁止提供資金等或處理資金等)
第 5B 條——
廢除該條。

7. 加入第 5C 條
規例——
加入

“5C. 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) 根據特區法律成立為法團或組成的團體。
(2) 除獲特許授權外——

United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018

Section 6

“conviction to”
Substitute
“conviction—to”.

(3) Section 4(4)(a), English text—
Repeal
“was or was to be”
Substitute
“was, or was to be,”.

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

7. Section 5C added
The Regulation—
Add

“5C. 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.
(2) Except under the authority of a licence—
Section 7

(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) for a contravention of subsection (2)(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) for a contravention of subsection (2)(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 8

(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.

(6) In this section—

deal with (處理) means—

(a) in respect of funds—

(i) use, alter, move, allow access to or transfer;

(ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or

(iii) make any other change that would enable use, including portfolio management; and

(b) in respect of other financial assets or economic resources—use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.”.

8. Sections 7C and 7D repealed

Sections 7C and 7D—

Repeal the sections.
9. **Sections 7E and 7F added**

At the end of Part 2—

_Add_

“7E. **Prohibition against entry or transit by certain persons**

(1) Subject to section 7F, 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.

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

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

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

(b) the relevant entry or transit is necessary for the fulfilment of a judicial process;
10. 廢除第 9C 條 (向若干人士或實體提供資金等或處理若干人士或實體的資金等的特許)
第 9C 條——
廢除該條。

11. 加入第 9CA 條
在第 9D 條之前——
加入

“9CA. 向若干人士或實體提供資金等或處理若干人士或實體的資金等的特許

(1) 如行政長官應申請而認定第 (2) 款的任何一項規定獲符合，則在符合第 (3) 款的規定下，行政長官須批予特許，准許 ( 視何者屬適當而定 )——
(a) 向有關人士或有關實體提供資金或其他財務資產或經濟資源，或為有關人士或有關實體的利益而提供資金或其他財務資產或經濟資源；或
(b) 處理屬於有關人士或有關實體的資金或其他財務資產或經濟資源，或處理由有關人士或有關實體擁有的或控制的資金或其他財務資產或經濟資源。

(2) 有關規定如下——

(c) 經委員會認定，有關的入境或過境，將推進也門的和平及民族和解的目標；或
(d) 為促進也門的和平及穩定，需要有關的入境或過境。”。

10. Section 9C repealed (licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities)
Section 9C—
Repeal the section.

11. Section 9CA added
Before section 9D—
Add

“9CA. 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—
United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018

Section 11

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

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

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

(iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources 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;

(a) 有關資金或其他財務資產或經濟資源——

(i) 是基本開支所必需的，包括支付食品、租金、抵押貸款、藥品、醫療、稅款、保險費及公用服務的開支；

(ii) 屬專用於支付與根據特區法律規定而提供的法律服務有關連的合理專業人員酬金，或償付與該服務有關連的已招致費用；或

(iii) 屬根據特區法律規定為慣常持有或維持屬於有關人士或有關實體的資金或其他財務資產或經濟資源所需的費用或服務費，或屬根據特區法律規定為慣常持有或維持由有關人士或有關實體擁有的或控制的資金或其他財務資產或經濟資源所需的費用或服務費；

(b) 有關資金或其他財務資產或經濟資源是特殊開支所必需的；

(c) 有關資金或其他財務資產或經濟資源——

(i) 屬在 2014 年 2 月 26 日以前作出的司法、行政或仲裁留置權或裁決的標的物，而有關人士或有關實體並非該留置權或裁決的受益人；及

(ii) 是會用於有關留置權或裁決的執行；
(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.”.
12. Section 9D amended (provision of false information or documents for purpose of obtaining licences)

(1) Section 9D(1)(a), English text—
Repeal
“indictment to”
Substitute
“indictment—to”.

(2) Section 9D(1)(b), English text—
Repeal
“conviction to”
Substitute
“conviction—to”.

(3) Section 9D(2)(a), English text—
Repeal
“indictment to”
Substitute
“indictment—to”.

(4) Section 9D(2)(b), English text—
Repeal
“conviction to”
Substitute
“conviction—to”.

13. Section 28 amended (offences in relation to evasion of this Regulation)

(1) Section 28(a), English text—
Repeal
“indictment to”
代以
“indictment—to”。

(2) 第 28(b) 條，英文文本——
廢除
“conviction to”
代以
“conviction—to”。

14. 廢除第 35 條 (有效期)
第 35 條——
廢除該條。

15. 加入第 36 條
在第 9 部的末處——
加入

“36. 有效期
第 5C、7E、7F 及 9CA 條的有效期，在 2019 年 2 月 26 日午夜 12 時屆滿。”。

行政長官
林鄭月娥

2018 年 6 月 5 日

United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018

Section 14

“indictment to”
Substitute
“indictment—to”.

(2) Section 28(b), English text—
Repeal
“conviction to”
Substitute
“conviction—to”.

14. Section 35 repealed (duration)
Section 35—
Repeal the section.

15. Section 36 added
At the end of Part 9—
Add

“36. Duration
Sections 5C, 7E, 7F and 9CA expire at midnight on 26 February 2019.”.

Carrie LAM
Chief Executive

5 June 2018
本規例就以下事宜訂定條文，以落實聯合國安全理事會於2018年2月26日通過的第2402（2018）號決議中的若干決定——

(a) 禁止向若干人士或實體提供任何資金或其他財務資產或經濟資源，或為該等人士或實體的利益而提供任何資金或其他財務資產或經濟資源；

(b) 禁止處理屬於若干人士或實體的資金或其他財務資產或經濟資源，或處理由該等人士或實體擁有的或控制的資金或其他財務資產或經濟資源；及

(c) 禁止若干人士在香港特別行政區入境或經香港特別行政區過境。

2. 本規例亦作出若干輕微文本修訂。

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2402 (2018) adopted by the Security Council of the United Nations on 26 February 2018 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.

2. The Regulation also makes certain minor textual amendments.