

**L.N. 118 of 2018**

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

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

(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 (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”—

**Add**

“而”;

- (c) Paragraph (c), after “指示”—

**Add**

“而”.

- (4) Section 1, Chinese text, definition of *指認人士*, paragraph (b), after “指示”—

**Add**

“而”.

- (5) Section 1, Chinese text, definition of *指認實體*—

- (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”—

**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,”

**Substitute**

“indirectly”.

- (2) Section 2(3)(a), English text—

**Repeal**

“indictment 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. Section 3 amended (prohibition against carriage of certain goods)**

- (1) Section 3(2)(b), 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—

**Repeal**

“conviction to”

**Substitute**

“conviction—to”.

- (4) Section 3(5)(b)(ii), English text—

**Repeal**

“indirectly,”

**Substitute**

“indirectly”.

**5. 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**

“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—

- 
- (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.



- (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;

- (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.”.

**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—

- 
- (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;

- (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”

**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

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### **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.