

L.N. 178 of 2022

United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2022

(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 (Democratic Republic of the Congo) Regulation 2019 amended

The United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Cap. 537 sub. leg. CJ) is amended as set out in sections 2, 3 and 4.

2. Section 2 amended (limited duration of certain provisions)

(1) Section 2(4), after “2021”—

Add

“(L.N. 229 of 2021)”.

(2) After section 2(4)—

Add

“(5) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2022 until midnight on 1 July 2023.”.

3. Section 9 amended (licence for supply or carriage of goods)

(1) Section 9(3)—

Repeal

everything after “satisfied”

Substitute

“that—

- (a) the requirement in subsection (2)(a) is met; and
- (b) the supply or carriage relates to prohibited goods that are any of the items specified in subsection (4),

before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply or carriage of the prohibited goods to which the application for the licence relates.”.

- (2) After section 9(3)—

Add

“(4) The items are as follows—

- (a) all types of weapons with a calibre up to 14.5 mm and associated ammunition;
- (b) mortars with a calibre up to 82 mm and associated ammunition;
- (c) grenade and rocket launchers with a calibre up to 107 mm and associated ammunition;
- (d) man-portable air-defence systems (MANPADS);
- (e) anti-tank guided missile systems.”.

4. Section 10 amended (licence for provision of assistance)

Section 10(3)—

Repeal

“or (d)”.

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John KC LEE
Chief Executive

20 September 2022

Explanatory Note

This Regulation amends the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Cap. 537 sub. leg. CJ) (*principal Regulation*) to give effect to certain decisions in Resolution 2641 (2022) adopted by the Security Council of the United Nations on 30 June 2022 (*Resolution 2641*).

2. Section 2(2) of this Regulation amends section 2 of the principal Regulation to provide that sections 3, 4, 5, 6, 7, 9 (as amended by this Regulation), 10 (as amended by this Regulation) and 11 of the principal Regulation (*relevant provisions*) are in force until midnight on 1 July 2023.
3. The relevant provisions relate to the prohibition against—
 - (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
 - (b) the provision of assistance, advice or training related to military activities in certain circumstances;
 - (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
 - (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
 - (e) entry into or transit through the HKSAR by certain persons.

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4. Sections 3 and 4 of this Regulation amend sections 9 and 10 of the principal Regulation respectively to provide that the notification requirement under section 9(3) or 10(3) no longer applies to—
- (a) the supply, sale, transfer or carriage of arms or related materiel (other than any item specified in Annex A of Resolution 2641) to the Government of the Democratic Republic of the Congo;
 - (b) the supply, sale, transfer or carriage of non-lethal military equipment intended solely for humanitarian or protective use (*relevant equipment*); or
 - (c) the provision of technical assistance or training related to any relevant equipment.