

L.N. 111 of 2008**UNITED NATIONS SANCTIONS (IRAN) (AMENDMENT)
REGULATION 2008**

(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. Interpretation

Section 1 of the United Nations Sanctions (Iran) Regulation (L.N. 179 of 2007) is amended—

- (a) in the definition of “regulated prohibited item”—
 - (i) in paragraph (b)(i), by adding “exclusive use in” before “light water reactors”;
 - (ii) in paragraph (b)(ii), by repealing “or”;
 - (iii) in paragraph (c), by repealing “, except any item covered by item 19.A.3 of Category II in the Security Council document S/2006/815;” and substituting “; or”;
 - (iv) by adding—
 - “(d) any item, material, equipment, goods or technology set out in INFCIRC/254/Rev. 7/Part 2 in the Security Council document S/2006/814, except any item, material, equipment, goods or technology set out in sections 1 to 6 of the Annex to INFCIRC/254/Rev. 7/Part 2 in that document when it is for exclusive use in light water reactors;”;
- (b) in the definition of “relevant entity”—
 - (i) in paragraph (a), by repealing “section 31” and substituting “section 31(a) or (b)”;
 - (ii) in paragraph (b), by repealing “section 31” and substituting “section 31(a)”;
- (c) in the definition of “relevant person”—
 - (i) in paragraph (a), by repealing “section 31” and substituting “section 31(a) or (b)”;
 - (ii) in paragraph (b), by repealing “section 31” and substituting “section 31(a)”;
- (d) by adding—

““Resolution 1803” (《第 1803 號決議》) means Resolution 1803 (2008) adopted by the Security Council on 3 March 2008;”.

2. Sections added

The following are added in Part 2—

“Entry into or transit through HKSAR

8A. Prohibition against entry or transit by certain persons

(1) Subject to section 8B, a specified person shall 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 prohibit a person having the right of abode or the right to land in the HKSAR from entry into the HKSAR.

(4) In this section, “specified person” (指明人士) means a person designated by the Security Council or the Committee for the purposes of the measures imposed by paragraph 5 of Resolution 1803, including a person listed in Annex II to Resolution 1803.

8B. Exceptions to prohibition against entry or transit by certain persons

Section 8A does not apply if—

- (a) the relevant entry into or transit through the HKSAR is for activities directly related to—
 - (i) any equipment covered by section B.1 of INFCIRC/254/Rev. 8/Part 1 in the Security Council document S/2006/814 when such equipment is for exclusive use in light water reactors; or
 - (ii) any low-enriched uranium covered by section A.1.2 of INFCIRC/254/Rev. 8/Part 1 in the Security Council document S/2006/814 when it is incorporated in assembled nuclear fuel elements for light water reactors;
- (b) the Committee determines on a case-by-case basis that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligations; or

- (c) the Committee concludes that the relevant entry into or transit through the HKSAR would otherwise further the objectives of Resolution 1803.”.

3. Licence for supply, delivery, transfer or carriage of certain items to Iran

(1) Section 9(1) is amended by repealing “all the requirements in subsection (2) or (3), as appropriate,” and substituting “the applicable requirements in subsections (2), (3) and (4)”.

(2) Section 9(2) is amended by repealing “For any regulated prohibited item, the requirements referred to in subsection (1) are as follows” and substituting “The following requirements apply to all regulated prohibited items”.

(3) Section 9(3) is amended by repealing “For any specified prohibited item, the requirements referred to in subsection (1) are as follows” and substituting “The following requirements apply to all specified prohibited items”.

(4) Section 9 is amended by adding—

“(4) If the specified prohibited item is an item set out in sections 1 to 6 of the Annex to INFCIRC/254/Rev. 7/Part 2 in the Security Council document S/2006/814, in addition to the requirements in subsection (3), it must also be proved to the satisfaction of the Chief Executive that—

- (a) in all cases, the supply, delivery, transfer or carriage of the item is necessary for technical cooperation provided to Iran by the International Atomic Energy Agency or under its auspices as provided in paragraph 16 of Resolution 1737; and
- (b) in the case of an item set out in sections 3 to 6 of that Annex, the supply, delivery, transfer or carriage of the item has been notified in advance to the Committee.”.

4. Licence for making available funds, etc. to certain persons or entities

(1) Section 11(2)(d)(i) is amended by adding “exclusive use in” before “light water reactors”.

(2) Section 11(2)(d)(ii) is amended, in the Chinese text—

- (a) by repealing “與” and substituting “關乎”;
- (b) by repealing “有關”.

5. Investigation of suspected aircraft

(1) Section 17(1)(b) is amended by repealing “, or all of them,”.

(2) Section 17(2) is amended by repealing “, or all of them, to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or commander is, or (if the further request is made to all of them) all of them are,” and substituting “to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or commander is”.

6. Section substituted

Section 31 is repealed and the following substituted—

“31. Specification of relevant person or relevant entity by Chief Executive

The Chief Executive may, by notice published in the Gazette, specify any of the following persons or entities as a relevant person or a relevant entity—

- (a) a person or an entity designated by the Security Council or the Committee for the purposes of the measures imposed by paragraph 12 of Resolution 1737, including a person or an entity listed in the Annex to Resolution 1737, Annex I to Resolution 1747 or Annex I or III to Resolution 1803;
- (b) a person or an entity determined by the Security Council or the Committee to have assisted a person or an entity mentioned in paragraph (a) in evading sanctions of, or in violating the provisions of, Resolution 1737, Resolution 1747 or Resolution 1803.”.

Donald TSANG
Chief Executive

6 May 2008

Explanatory Note

This Regulation amends the United Nations Sanctions (Iran) Regulation (L.N. 179 of 2007) (“principal Regulation”) to give effect to certain decisions of the Security Council of the United Nations (“Security Council”) in Resolution 1803 (2008) as adopted by the Security Council on 3 March 2008 by—

- (a) amending the definition of “regulated prohibited item” in section 1 of the principal Regulation to cover additional items and technologies;
- (b) amending the requirements for the granting of a licence for the supply, delivery, transfer or carriage of certain “specified prohibited items” (defined in section 1 of the principal Regulation);
- (c) extending the prohibition against making available to or for the benefit of certain persons and entities any funds or other financial assets or economic resources to additional persons and entities; and
- (d) providing for the prohibition against the entry into or transit through the HKSAR by certain persons.