

**L.N. 143 of 2014**

**United Nations Sanctions (Libya) Regulation 2011  
(Amendment) Regulation 2014**

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## **United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2014**

(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 (Libya) Regulation 2011 amended**

The United Nations Sanctions (Libya) Regulation 2011 (Cap. 537 sub. leg. AW) is amended as set out in sections 2 to 13.

### **2. Section 1 amended (interpretation)**

(1) Section 1—

**Repeal the definition of *relevant entity***

**Substitute**

**“*relevant entity* (有關實體) means—**

- (a) an entity specified by the Chief Executive as a relevant entity in accordance with section 38;
- (b) an entity acting on behalf of, or at the direction of, or owned or controlled by, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 38(a); or
- (c) an entity owned or controlled by a person or entity acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 38(a);”.

(2) Section 1—

**Add in alphabetical order**

“**Resolution 2146** (《第 2146 號決議》) means Resolution 2146 (2014) adopted by the Security Council on 19 March 2014;”.

### 3. Sections 3A and 3B added

After section 3—

#### Add

#### “3A. Prohibition against loading, transport or discharge of crude oil

- (1) This section applies to a ship—
  - (a) that is registered in the HKSAR; and
  - (b) that is designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(a) of the Resolution.
- (2) Subject to section 3B, a ship must not be used to load, transport or discharge crude oil from Libya aboard the ship.
- (3) If a ship is used in contravention of subsection (2), each of the following persons commits an offence—
  - (a) the charterer of the ship;
  - (b) the operator of the ship;
  - (c) the master of the ship.
- (4) A person who commits an offence under subsection (3) 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.

- (5) 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 crude oil was aboard the ship; or
  - (b) that the crude oil aboard the ship was from Libya.

**3B. Exceptions to prohibition under section 3A**

- (1) Section 3A does not apply if the loading, transport or discharge of crude oil is directed by the Government of Libya’s focal point appointed under paragraph 3 of Resolution 2146.
- (2) Section 3A does not apply if the loading, transport or discharge of crude oil is exempted by the Committee under paragraph 12 of Resolution 2146.”.

**4. Section 7 amended (prohibition against making available funds, etc. or dealing with funds, etc.)**

- (1) Section 7(2)—

**Repeal paragraph (b)**

**Substitute**

- “(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.”.

- (2) Section 7(2A)(b)—

**Repeal**

“owned by or otherwise belonging to, or held”

**Substitute**

“belonging to, or owned or controlled”.

- (3) Section 7(4)(a)(ii)—

**Repeal**

“owned by or otherwise belonging to, or held”

**Substitute**

“belonging to, or owned or controlled”.

- (4) Section 7(5)—

**Repeal**

“owned by or otherwise belonging to, or held”

**Substitute**

“belonging to, or owned or controlled”.

- (5) Section 7(6), definition of *designated funds*—

**Repeal**

“owned by or otherwise belonging to, or held”

**Substitute**

“belonging to, or owned or controlled”.

**5. Sections 7A and 7B added**

After section 7—

**Add**

**“7A. Prohibition against engaging in certain financial transactions**

- (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) Subject to section 7B, a person must not engage, directly or indirectly, in any financial transaction related to any crude oil from Libya aboard a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(d) of the Resolution.
- (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 2 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 that the financial transaction concerned related to any crude oil from Libya aboard a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(d) of the Resolution.

(5) In this section—

*financial transaction* (金融交易) does not include the payment or acceptance of port dues payable under section 52 of the Shipping and Port Control Ordinance (Cap. 313) in the circumstances specified in section 10C(3).

#### **7B. Exception to prohibition under section 7A**

Section 7A does not apply if the engagement in the financial transaction concerned is exempted by the Committee under paragraph 12 of Resolution 2146.”.

#### **6. Section 8 amended (prohibition against entry or transit by certain persons)**

Section 8(4)—

**Repeal the definition of *specified person***

**Substitute**

“*specified person* (指明人士) means—

- (a) a person listed in Annex I to Resolution 1970 or Annex I to Resolution 1973;
- (b) a person designated by the Committee for the purposes of paragraph 15 of Resolution 1970;



- (c) a person determined by the Security Council or the Committee to have violated the provisions of Resolution 1970, or to have assisted another person or entity in violating those provisions; or
- (d) a person determined by the Committee to be engaging in or providing support for acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.”.

**7. Sections 10A, 10B and 10C added**

Before section 11—

**Add**

**“10A. Prohibition against provision of certain services to certain ships**

- (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) Subject to section 10B, a person must not provide, directly or indirectly, any specified services to a ship designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(c) of the Resolution.
- (3) A person who, without reasonable excuse, 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) In this section—
- specified services* (指明服務), in relation to a ship, means the provision of any bunkering service to the ship or any of the following services—
- (a) the provision of fuel to the ship;
  - (b) the provision of tools or equipment for shipboard maintenance;
  - (c) the provision of lubricants, chemicals, expendable parts, spare parts, supplies or any other requirements that are necessary for the safe operation of the ship;
  - (d) the servicing or repair of any part of the ship or any item referred to in paragraphs (b) and (c).

**10B. Exceptions to prohibition under section 10A**

- (1) Section 10A does not apply if the provision of the specified services concerned is necessary for—
  - (a) humanitarian purposes; or
  - (b) the ship to return to Libya.
- (2) Section 10A does not apply if the provision of the specified services concerned is exempted by the Committee under paragraph 12 of Resolution 2146.

**10C. Prohibition against certain ships from entering waters of the HKSAR**

- (1) This section applies to a ship—

- (a) that is outside the waters of the HKSAR; and
  - (b) that is designated by the Committee under paragraph 11 of Resolution 2146 for the measures in paragraph 10(b) of the Resolution.
- (2) Except in the circumstances specified in subsection (3), the Director of Marine must deny permission for the ship to enter the waters of the HKSAR.
- (3) A ship to which this section applies may enter the waters of the HKSAR—
- (a) for the purpose of an inspection under section 19;
  - (b) in the case of an emergency;
  - (c) for the ship to return to Libya; or
  - (d) if the entry is allowed by the Committee under paragraph 12 of Resolution 2146.
- (4) The charterer, operator or master of a ship to which permission is denied under subsection (2) must not cause the ship to enter the waters of the HKSAR.
- (5) A charterer, operator or master of a ship who, without reasonable excuse, contravenes subsection (4) 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.”.

**8. Section 13 amended (licence for supply, sale, transfer or carriage of certain goods)**

- (1) Section 13(2)(c)—

**Repeal**

“supply or sale”

**Substitute**

“supply, sale or transfer”.

(2) Section 13(2)—

**Repeal paragraphs (ca) and (d).**

(3) Section 13(3)—

**Repeal**

“subsection (2)(d) or (e)”

**Substitute**

“subsection (2)(e)”.

**9. Section 14 amended (licence for provision of certain assistance or training)**

Section 14(2)—

**Repeal paragraph (b).**

**10. Section 15 amended (licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities)**

(1) Section 15(1)(b)—

**Repeal**

“owned by or otherwise belonging to, or held”

**Substitute**

“belonging to, or owned or controlled”.

(2) Section 15(2)(a)(iii)—

**Repeal**

“owned by or otherwise belonging to, or held”

**Substitute**

“belonging to, or owned or controlled”.

**11. Section 19 amended (investigation of suspected ships)**

- (1) Section 19(1), after “section 3”—

**Add**

“, 3A”.

- (2) Section 19(1), after “section 3(2)—

**Add**

“, 3A(2)”.

- (3) Section 19(2), after “section 3”—

**Add**

“, 3A”.

- (4) Section 19(2), after “used in contravention of section 3(2)—

**Add**

“, 3A(2)”.

- (5) Section 19(2), after “ship in contravention of section 3(2)—

**Add**

“, 3A(2)”.

**12. Section 38 amended (specification of relevant person or relevant entity by Chief Executive)**

(1) Section 38(c)—

**Repeal the full stop**

**Substitute a semicolon.**

(2) After section 38(c)—

**Add**

“(d) a person or entity determined by the Committee to be engaging in or providing support for acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.”.

**13. Section 40 added**

After section 39—

**Add**

**“40. Duration**

The following provisions expire at midnight on 18 March 2015—

- (a) the definition of *Resolution 2146* in section 1;
- (b) sections 3A, 3B, 7A, 7B, 10A, 10B and 10C.”.

C. Y. LEUNG  
Chief Executive

25 November 2014

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## **Explanatory Note**

The purpose of this Regulation is to give effect to certain decisions in Resolution 2146 (2014) and Resolution 2174 (2014) as adopted by the Security Council of the United Nations on 19 March 2014 and 27 August 2014 respectively, by—

- (a) providing for the prohibitions against—
  - (i) the loading, transport or discharge of crude oil from Libya aboard certain ships;
  - (ii) engaging in any financial transaction related to any crude oil from Libya aboard certain ships;
  - (iii) the provision of certain services to ships under certain circumstances; and
  - (iv) certain ships from entering the waters of the HKSAR;
- (b) amending the licensing requirements for the supply, sale, transfer or carriage of certain goods;
- (c) extending to additional persons and entities the prohibitions against—
  - (i) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
  - (ii) dealing with any funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (d) extending to additional persons the prohibition against the entry into or transit through the HKSAR.