United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2015

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United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2015

(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)


The United Nations Sanctions (Libya) Regulation 2011 (Cap. 537 sub. leg. AW) is amended as set out in sections 2 to 15.

2. Section 1 amended (interpretation)

(1) Section 1—

Repeal the definition of Resolution 2146.

(2) Section 1—

Add in alphabetical order


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

(1) Section 3(1)(b) —

Repeal

“waters of the HKSAR”

Substitute

“waters of Hong Kong”.

《2015年〈2011年聯合國制裁(利比亞)規例〉(修訂)規例》

(由行政長官按中華人民共和國外交部的指示並在徵詢行政會議的意見後根據《聯合國制裁條例》(第537章)第3條訂立)

1. 修訂《2011年聯合國制裁(利比亞)規例》

《2011年聯合國制裁(利比亞)規例》(第537章，附屬法例AW)現予修訂，修訂方式列於第2至15條。

2. 修訂第1條(釋義)

(1) 第1條——

廢除《第2146號決議》的定義。

(2) 第1條——

按筆劃數目順序加入


3. 修訂第3條(禁止載運若干物品)

(1) 第3(1)(b)條——

廢除

“特區水域”

代以

“香港水域”。

L.N. 167 of 2015

B2675


The United Nations Sanctions (Libya) Regulation 2011 (Cap. 537 sub. leg. AW) is amended as set out in sections 2 to 15.

2. Section 1 amended (interpretation)

(1) Section 1—

Repeal the definition of Resolution 2146.

(2) Section 1—

Add in alphabetical order


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

(1) Section 3(1)(b) —

Repeal

“waters of the HKSAR”

Substitute

“waters of Hong Kong”.

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Section 4

(2) Section 3(1)(d)—
Repeal
“the HKSAR air space”
Substitute
“Hong Kong air space”.

4. Sections 3A and 3B repealed
Sections 3A and 3B—
Repeal the sections.

5. Sections 3C and 3D added
Before section 4—
Add

“3C. 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 3D, 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.
6. 修訂第 6 條（禁止使用船舶、飛機或車輛採購若干項目）

(1) 第 6(1)(b) 條——

廢除
“特區水域”
代以
“香港水域”。

3D. 例外情竇

(1) 如裝上、運載或卸載原油，是根據《第 2146 號決議》第 3 段任命的利比亞政府協調人所指示的，則第 3C 條不適用。

(2) 如裝上、運載或卸載原油，是委員會根據《第 2146 號決議》第 12 段作出例外規定的，則第 3C 條不適用。”。

6. Section 6 amended (prohibition against procurement of certain items using ships, aircraft or vehicles)

(1) Section 6(1)(b)—

Repeal
“waters of the HKSAR”
Substitute
“waters of Hong Kong”.

4. 任何人犯第 (3) 款所訂罪行——

(a) 一經循公訴程序定罪，可處罰款及監禁 2 年；
或
(b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。

5. 被控犯第 (3) 款所訂罪行的人如證明本身既不知道亦無理由相信——

(a) 有關的船舶裝運上原油；或
(b) 有關的船舶裝運上的原油來自利比亞，
即可以此作為免責辯護。

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.

3D. Exceptions to prohibition under section 3C

(1) Section 3C 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 3C does not apply if the loading, transport or discharge of crude oil is exempted by the Committee under paragraph 12 of Resolution 2146.”.
Section 7

(2) Section 6(1)(d)—
Repeal
"the HKSAR air space"
Substitute
"Hong Kong air space".

7. Sections 7A and 7B repealed
Sections 7A and 7B—
Repeal the sections.

8. Sections 7C and 7D added
Before section 8—
Add

“7C. 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 7D, 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.
Section 9

(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 10F(3).

7D. Exception to prohibition under section 7C
Section 7C does not apply if the engagement in the financial transaction concerned is exempted by the Committee under paragraph 12 of Resolution 2146.”.

9. Section 9 amended (exceptions to prohibition against entry or transit by certain persons)
Section 9(c), English text—
Repeal
“into or transit through the HKSAR”
10. Sections 10A, 10B and 10C repealed

Sections 10A, 10B and 10C—

Repeal the sections.

11. Sections 10D, 10E and 10F added

Before section 11—

Add

“10D. 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 10E, 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, contraveses 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).

10E. Exceptions to prohibition under section 10D

(1) Section 10D 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 10D does not apply if the provision of the specified services concerned is exempted by the Committee under paragraph 12 of Resolution 2146.

10F. Prohibition against certain ships from entering waters of Hong Kong

(1) This section applies to a ship—

(a) that is outside the waters of Hong Kong; and
Section 12.

12. Section 11 amended (prohibition against certain aircraft taking off from, landing in etc. HKSAR)

Section 11(2)(c) and (3)(c)—

Repeal

“the HKSAR”
13. Section 19 amended (investigation of suspected ships)

(1) Section 19(1)—
Repeal
“3A or”
Substitute
“3C or”.

(2) Section 19(1)—
Repeal
“3A(2)”
Substitute
“3C(2)”.

(3) Section 19(2)—
Repeal
“3A or”
Substitute
“3C or”.

(4) Section 19(2)—
Repeal
“3A(2)” (wherever appearing)
Substitute
“3C(2)”.
14. **Section 40 repealed (duration)**
   Repeal the section.

15. **Section 41 added**
   At the end of Part 8—
   Add

   “41. **Duration**
   The following provisions expire at midnight on 31 March 2016—
   (a) the definition of Resolution 2146 in section 1;
   (b) sections 3C, 3D, 7C, 7D, 10D, 10E and 10F.”

   C. Y. LEUNG
   Chief Executive
   14 July 2015
Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2213 (2015) as adopted by the Security Council of the United Nations on 27 March 2015 by providing for the prohibition against—

(a) the loading, transport or discharge of crude oil from Libya aboard certain ships;
(b) engaging in any financial transaction related to any crude oil from Libya aboard certain ships;
(c) the provision of certain services to ships under certain circumstances; and
(d) certain ships from entering the waters of Hong Kong.

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2213 (2015) as adopted by the Security Council of the United Nations on 27 March 2015 by providing for the prohibition against—

(a) the loading, transport or discharge of crude oil from Libya aboard certain ships;
(b) engaging in any financial transaction related to any crude oil from Libya aboard certain ships;
(c) the provision of certain services to ships under certain circumstances; and
(d) certain ships from entering the waters of Hong Kong.