

L.N. 167 of 2015

**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)

- 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 15.
- 2. Section 1 amended (interpretation)**
 - (1) Section 1—
Repeal the definition of *Resolution 2146*.
 - (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, as extended by Resolution 2213 (2015) adopted by the Security Council on 27 March 2015;”.
- 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”.

(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 Sections 3A and 3B repealed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.

- (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.”.

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”.

- (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.

- (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”

Substitute

“or transit”.

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, 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).

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

- (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 Hong Kong.
- (3) A ship to which this section applies may enter the waters of Hong Kong—
 - (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 Hong Kong.
- (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.”.

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”

Substitute

“Hong Kong”.

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)

Section 40—

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.