

L.N. 111 of 2016

**United Nations Sanctions (Libya) Regulation 2011
(Amendment) Regulation 2016**

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United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2016

(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, definition of *licence*—
Repeal
“or 15(1) or (1A)”
Substitute
“, 15(1) or (1A) or 15A(1)”.
 - (2) Section 1, English text, definition of *pilot in command*—
Repeal
“without being under the direction of any other pilot in the aircraft”
Substitute
“(without being under the direction of any other pilot in the aircraft)”.
 - (3) Section 1, definition of *relevant entity*, paragraphs (a), (b) and (c)—
Repeal
“in accordance with”

Substitute

“under”.

- (4) Section 1, definition of *relevant person*, paragraphs (a) and (b)—

Repeal

“in accordance with”

Substitute

“under”.

- (5) Section 1—

Repeal the definition of *Resolution 2146*

Substitute

“*Resolution 2146* (《第2146號決議》) means Resolution 2146 (2014) adopted by the Security Council on 19 March 2014, as extended by Resolution 2278 (2016) adopted by the Security Council on 31 March 2016;”.

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

- (1) Section 3(4)(a) and (c)—

Repeal

“HKSAR,”

Substitute

“HKSAR—”.

- (2) Section 3(4)(e)—

Repeal

“vehicle,”

Substitute

“vehicle—”.

4. Sections 3C and 3D repealed

Sections 3C and 3D—

Repeal the sections.

5. Sections 3E and 3F added

Before section 4—

Add

“3E. 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 3F, 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.

3F. Exceptions to prohibition under section 3E

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

6. Sections 7C and 7D repealed

Sections 7C and 7D—

Repeal the sections.

7. Sections 7E and 7F added

Before section 8—

Add

“7E. 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 7F, 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 10I(3).

7F. Exception to prohibition under section 7E

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

8. Sections 10D, 10E and 10F repealed

Sections 10D, 10E and 10F—

Repeal the sections.

9. Sections 10G, 10H and 10I added

Before section 11—

Add

“10G. 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 10H, except under the authority of a licence granted under section 15A(1), 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).

10H. Exception to prohibition under section 10G

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

10I. 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.”.

10. Section 15A added

After section 15—

Add

“15A. Licence for provision of certain services to certain ships

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence for the provision of 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.
- (2) The requirements are as follows—
 - (a) the provision of the specified services concerned is necessary for humanitarian purposes;
 - (b) the provision of the specified services concerned is necessary for the ship to return to Libya.
- (3) In this section—
specified services (指明服務) has the meaning given by section 10G.”.

11. Section 19 amended (investigation of suspected ships)

- (1) Section 19(1)—
Repeal
“3, 3C”
Substitute
“3, 3E”.
- (2) Section 19(1)—
Repeal
“3C(2)”
Substitute
“3E(2)”.
- (3) Section 19(2)—

Repeal

“3, 3C”

Substitute

“3, 3E”.

(4) Section 19(2)—

Repeal

“3C(2)” (wherever appearing)

Substitute

“3E(2)”.

12. Section 41 repealed (duration)

Section 41—

Repeal the section.

13. Section 42 added

At the end of Part 8—

Add

“42. Duration

The following provisions expire at midnight on 31 July 2017—

- (a) the definition of *Resolution 2146* in section 1;
- (b) sections 3E, 3F, 7E, 7F, 10G, 10H, 10I and 15A.”.

C. Y. LEUNG
Chief Executive

28 June 2016

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2278 (2016) as adopted by the Security Council of the United Nations on 31 March 2016 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.