



MSSB/UNSO_07/2019
8 April 2019

Circular

**Circular to Money Service Operators
Anti-Money Laundering / Counter-Terrorist Financing**

(1) United Nations (Anti-Terrorism Measures) Ordinance

Further to the circulars issued by the Customs and Excise Department (“C&ED”) on 31 January ^{Note1}, 11 February ^{Note2}, 1 ^{Note3}, 14 ^{Note4} and 25 March ^{Note5} and 1 April ^{Note6} 2019 regarding the amendments to the sanctions list by the United Nations Security Council (“UNSC”) committee which administers the sanctions regime relating to ISIL (Da’esh) and Al-Qaida and UNSC Resolution 1988 (2011), updated lists specifying the name of the persons designated by the UNSC as terrorist or terrorist associate were published under section 4 of the United Nations (Anti-Terrorism Measures) Ordinance (“UNATMO”) (Cap. 575) in the Gazette on 31 January, 11 February, 1, 14 and 25 March and 1 April 2019 respectively (G.N.(E) 4, 5, 9, 11, 13 and 17 of 2019) to reflect the amended sanctions list mentioned above.

(2) United Nations Sanctions (Libya) Regulation 2019 and United Nations Sanctions (Libya) Regulation 2011 (Repeal) Regulation

The United Nations Sanctions (Libya) Regulation 2019 (“the Libya Regulation 2019”) and the United Nations Sanctions (Libya) Regulation 2011 (Repeal) Regulation (“the Libya Repeal Regulation”), made under the United Nations Sanctions Ordinance (Cap. 537) (“UNSO”), were published in the Gazette (L.N. 53 & 54 of 2019) on 29 March 2019 with immediate effect.

The Libya Regulation 2019 implements all sanctions and exemptions imposed by the UNSC on Libya, including those extended by UNSC Resolution 2441, using modernized provisions to improve tidiness and readability of the legislation. Consequential to the making of the Libya Regulation 2019, the Libya Repeal Regulation repeals the United Nations Sanctions (Libya) Regulation 2011.

We would like to draw Money Service Operators’ (“MSOs”) attention to section 9 of the Libya Regulation 2019 which provides for prohibition against making available economic assets to certain persons or entities, or dealing with economic assets of such persons or entities, except with a licence.

A list specifying “relevant persons and entities” was published under section 43 of the Libya Regulation 2019 on the website of the Commerce and Economic Development Bureau (“CEDB”) on 29 March 2019 ^{Note7}.

Note1 *The circular issued on 31 January 2019 can be found on the C&ED’s website (<https://eservices.customs.gov.hk/MSOS/downloadFile?id=185698>)*

Note2 *The circular issued on 11 February 2019 can be found on the C&ED’s website (<https://eservices.customs.gov.hk/MSOS/downloadFile?id=186204>)*

Note3 *The circular issued on 1 March 2019 can be found on the C&ED’s website (<https://eservices.customs.gov.hk/MSOS/downloadFile?id=188856>)*

Note4 *The circular issued on 14 March 2019 can be found on the C&ED’s website (<https://eservices.customs.gov.hk/MSOS/downloadFile?id=189631>)*

Note5 *The circular issued on 25 March 2019 can be found on the C&ED’s website (<https://eservices.customs.gov.hk/MSOS/downloadFile?id=190629>)*

Note6 *The circular issued on 1 April 2019 can be found on the C&ED’s website (<https://eservices.customs.gov.hk/MSOS/downloadFile?id=191344>)*

Note7 *MSOs are advised to make reference to the list of persons and entities subject to targeted financial sanctions under the UNSO available on the CEDB’s website at https://www.cedb.gov.hk/citb/en/Policy_Responsibilities/united_nations_sanctions.html.*



(3) United Nations Sanctions (Somalia) Regulation 2019 and United Nations Sanctions (Somalia) Regulation (Repeal) Regulation

The United Nations Sanctions (Somalia) Regulation 2019 ("the Somalia Regulation 2019") and the United Nations Sanctions (Somalia) Regulation (Repeal) Regulation ("the Somalia Repeal Regulation") made under the UNSO was published in the Gazette (L.N. 55 & 56 of 2019) on 29 March 2019 with immediate effect.

The Somalia Regulation 2019 implements all sanctions and exemptions imposed by the UNSC on Somalia, including those extended by UNSC Resolution 2444, using modernized provisions to improve tidiness and readability of the legislation. Consequential to the making of the Somalia Regulation 2019, the Somalia Repeal Regulation repeals the United Nations Sanctions (Somalia) Regulation.

We would like to draw MSOs' attention to section 6 of the Somalia Regulation 2019 which provides for prohibition against making available economic assets to certain persons or entities, or dealing with economic assets of such persons or entities, except with a licence.

A list specifying "relevant persons and entities" was published under section 29 of the Somalia Regulation 2019 on the website of CEDB on 29 March 2019 ^{Note7}.

(4) United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation

The United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation ("the Eritrea Repeal Regulation") made under the UNSO was published in the Gazette (L.N. 57 of 2019) on 29 March 2019 with immediate effect.

The Eritrea Repeal Regulation repeals the United Nations Sanctions (Eritrea) Regulation to implement the UNSC's decision to lift the sanctions previously imposed on Eritrea.

The aforesaid lists in items (1) and regulations in items (2), (3) and (4) can be found on the Government's website at (<http://www.gld.gov.hk/cgi-bin/gld/egazette/index.cgi?lang=e>).

MSOs are also reminded to refer to Chapter 6 of the Guideline on Anti-Money Laundering and Counter-Financing of Terrorism (For Money Service Operators) which contains guidance on the appropriate measures that MSOs should take to ensure compliance with the UNATMO and the regulations made under the UNSO.

The C&ED expects all new designations to be screened by MSOs against their client lists as soon as practicable whenever there are updates. MSOs are also reminded to report any transactions or relationships they have or have had with any designated person or entity to the Joint Financial Intelligence Unit.

Should you have any queries regarding the contents of this circular, please contact us on 2707 7819.

Money Service Supervision Bureau
Customs and Excise Department

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