

Overview of current sanctions measures concerning Hong Kong (China)

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1. United States (US) sanctions concerning Hong Kong (China)

FINANCIAL RESTRICTIONS

- All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, of designated persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.
- Prohibition on the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked.
- Prohibition on the receipt of any contribution or provision of funds, goods, or services from any such person.

TRAVEL BAN

The unrestricted immigrant and nonimmigrant entry into the United States of listed aliens, as well as immediate family members of such aliens, or aliens determined by the Secretary of State to be employed by, or acting as an agent of, such aliens, would be detrimental to the interest of the United States, and the entry of such persons into the United States, as immigrants and nonimmigrants, is hereby suspended.

EXPORT CONTROLS

- The Bureau of Industry and Security (BIS) of the Department of Commerce administers dual-use EXPORT CONTROLS. BIS administers these controls through the Export Administration Regulations (EAR, 15 C.F.R. 730 et seq.), which includes the Commerce Control List (CCL) of dual-use technologies subject to controls. The EAR sets licensing policy for specific destinations, end use, and end user controls.
- On the CCL, national security (NS) controlled items are on the Wassenaar Arrangement's multilateral control list.
- The EAR presumes denial for license applications of NS items that would make a direct and significant contribution to China's military.
- Separate statutes and regulations control nuclear materials and technology and defense articles and services.
- Prohibition on exports and re-exports of crime control and crime detection equipment and instruments listed in the EAR to China, as well as the licensing of defense articles and defense services subject to the International Traffic in Arms Regulations (ITAR).
- Policy of denial for exports of satellite and space equipment to China.
- Increased use of the BIS Entity List (EL) to restrict some dual-use trade with China by placing certain PRC firms of concern on the list. BIS typically requires a license for any U.S. export of EAR items to those listed. EL listings often presume an export denial.
- BIS amended the foreign-direct product rule to restrict Huawei's ability to acquire chips from any source using U.S.-controlled equipment or software.
- BIS extended licensing requirements for PRC firms identified as military-end users; it presumed denial for certain, but not all, CCL exports to these firms. Many PRC military firms do not appear to be on the BIS military-end users list or the EL.
- Foreign made items incorporating less than 25% controlled U.S.-origin content are generally not subject to the EAR for purposes of export or reexport to China, there is no de minimis for exports to China of foreign made items incorporating U.S.-origin 600-series and 9x515 content. All such items will remain subject to the licensing requirements of the EAR, regardless of the level of U.S.-origin 600-series and 9x515 content.
- Heightened scrutiny of potential Chinese investments in areas related to critical technologies, critical infrastructure, businesses with sensitive personal data, and certain types of real estate transaction by the Committee on Foreign Investment in the United States (CFIUS).

SOURCE:

<https://ofac.treasury.gov/sanctions-programs-and-country-information/chinese-military-companies-sanctions> & <https://ofac.treasury.gov/sanctions-programs-and-country-information/hong-kong-related-sanctions> & <https://www.bis.doc.gov/index.php/documents/regulations-docs/2383-supplement-no-1-to-part-738/f> & <https://www.ecfr.gov/current/title-22/chapter-I/subchapter-M/part-126/section-126.1> & <https://crsreports.congress.gov/product/pdf/IF/IF11627>

2. European Union (EU) sanctions concerning Hong Kong (China)

ARMS EMBARGO

Interruption by the Member States of the Community of military cooperation and an embargo on trade in arms with China (since 1989).

TRAVEL BAN

Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of listed natural persons.

ASSETS FREEZE

All funds and economic resources belonging to, owned, held or controlled by listed natural or legal persons, entities or bodies shall be frozen.

No funds or economic resources shall be made available directly or indirectly to or for the benefit of the listed natural or legal persons, entities or bodies.

SOURCE:

<https://www.sanctionsmap.eu/#/main/details/10/?search=%7B%22value%22:%22%22,%22searchType%22:%7B%7D%7D> &
<https://www.sanctionsmap.eu/#/main/details/50/?search=%7B%22value%22:%22%22,%22searchType%22:%7B%7D%7D> &
https://sanctio.com/en/system/files/EU/1989_june_-_madrid_eng_.pdf?language=en

3. United Kingdom (UK) sanctions concerning Hong Kong (China)

The UK arms embargo on mainland China and Hong Kong and the Global Human Rights Sanctions Regulations 2020 ensure UK financial sanctions relating to serious violations of human rights are implemented effectively.

PARTIAL ARMS EMBARGO AND TRANSIT CONTROL

The military items covered by the embargo are as follows:

- lethal weapons, such as machine guns, large-calibre weapons, bombs, torpedoes, rockets and missiles
specially designed components of the above and ammunition

- military aircraft and helicopters, vessels of war, armoured fighting vehicles and other weapons platforms
- any equipment which might be used for internal repression

FINANCIAL RESTRICTIONS

- A person (“P”) must not deal with funds or economic resources owned, held or controlled by a designated person if P knows, or has reasonable cause to suspect, that P is dealing with such funds or economic resources.
- A person (“P”) must not make funds available directly or indirectly to a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.
- A person (“P”) must not make funds available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.
- A person (“P”) must not make economic resources available directly or indirectly to a designated person if P knows, or has reasonable cause to suspect that P is making the economic resources so available, and that the designated person would be likely to exchange the economic resources for, or use them in exchange for, funds, goods or services.
- A person (“P”) must not make economic resources available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the economic resources so available.

IMMIGRATION SANCTIONS

Travel ban on designated persons

A person who is designated under regulation 5 for the purposes of this regulation is an excluded person. An excluded person must be refused leave to enter the United Kingdom; leave to remain in the United Kingdom and any leave given to a person who is an excluded person is invalid. A person’s leave to enter or remain in the United Kingdom is cancelled on his becoming an excluded person.

SOURCE:

<https://www.gov.uk/government/collections/uk-arms-embargo-on-mainland-china-and-hong-kong> &
<https://www.legislation.gov.uk/ukxi/2020/680/made>

4. Canada sanctions concerning Hong Kong (China)

Sanctions related to China have been enacted under the Special Economic Measures Act in response to the gross and systematic human rights violations in the Xinjiang Uyghur Autonomous Region (XUAR). Subject to certain exceptions, the measures imposed against China include:

FINANCIAL RESTRICTIONS

- Prohibition on dealing in property, wherever situated, that is owned, held or controlled by a listed person or a person acting on behalf of a listed person;
- Prohibition on entering into or facilitating any transaction related to a dealing prohibited by these Regulations;
- Prohibition on providing any financial or related services in respect of a dealing prohibited by these Regulations;
- Prohibition on making available any goods, wherever situated, to a listed person or a person acting on behalf of a listed person;
- Prohibition on providing any financial or other related services to or for the benefit of a listed person.

CIRCUMVENTION & FACILITATING

Causing, facilitating or assisting in prohibited activities is likewise prohibited.

TRAVEL BAN

Listed individuals are inadmissible to Canada.

SOURCE:

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/china-chine.aspx?lang=eng