

LN134e

United Nations Sanctions (Afghanistan)
(Amendment) Regulation 2002
(Made 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. Interpretation

Section 1 of the United Nations Sanctions (Afghanistan) Regulation (Cap. 537 sub.
leg.) is amended---

(a) by repealing the definitions of "gold", "make any payment", "securities",
"Taliban" and "Taliban undertaking";

(b) by adding---

"arms and related material" (武器及相關物資) includes weapons, ammunition, military
vehicles, military equipment and paramilitary equipment;

"export" (出口) includes shipment as stores and, in relation to a ship, submersible
vehicle, aircraft or vehicle, includes the taking out of the HKSAR of the ship,
submersible vehicle, aircraft or vehicle notwithstanding that it is conveying goods
or passengers and whether or not it is moving under its own power;

"funds" (資金) includes---

(a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders
and other payment instruments;

(b) deposits with financial institutions or other entities, balances on accounts,
debts and debt obligations;

(c) securities and debt instruments (including stocks and shares, certificates
representing securities, bonds, notes, warrants, debentures, debenture stock and
derivatives contracts);

(d) interest, dividends or other income on or value accruing from or generated by
property;

(e) credit, rights of set-off, guarantees, performance bonds or other financial
commitments;

(f) letters of credit, bills of lading and bills of sale; and

(g) documents evidencing an interest in funds or financial resources, and any other
instrument of export financing;

"master" (船長), in relation to a ship, includes a person (other than a pilot) for
the time being in charge of the ship;

"owner" (擁有人), in relation to a ship, where the owner of the ship is not the operator, means the operator and any person to whom it is chartered;

"prohibited goods" (禁制物品) means---

(a) any arms and related material; or

(b) any component for any arms or related material;

"relevant person" (有關人士) means---

(a) Usama bin Laden, being the person referred to in the list maintained by the Committee

for the purposes of Resolution 1390 and designated by the Chief Executive in accordance with section 10; or

(b) a person who is---

(i) a member of the Al-Qaida Organization;

(ii) a member of the Taliban; or

(iii) an individual associated with a person mentioned in subparagraph (i) or (ii) or paragraph (a),

being a person referred to in the list mentioned in paragraph (a) and designated by the Chief Executive in accordance with section 10;

"relevant undertaking" (有關企業) means an undertaking or entity associated with a relevant person, being an undertaking or entity referred to in the list maintained by the Committee for the purposes of Resolution 1390 and designated by the Chief Executive in accordance with section 10;

"Resolution 1390" (《第 1390 號決議》) means Resolution 1390 adopted by the Security Council of the United Nations on 16 January 2002;

"Taliban" (塔利班) means the Afghan political faction known as the Taliban;".

2. Prohibition of flights

Section 2 is repealed.

3. Section substituted

Section 3 is repealed and the following substituted---

"3. Freezing of funds, financial assets, etc.

(1) Except with the permission in writing of the Chief Executive, a person shall not make available, directly or indirectly, any funds or other financial assets or economic resources for the benefit of a relevant person or a relevant undertaking.

(2) A person who contravenes subsection (1) commits an offence and is liable---

(a) on conviction on indictment to a fine and to imprisonment for 7 years;

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) This section applies to---

(a) a person within the HKSAR; and

(b) a person acting elsewhere 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."

4. Sections added

The following are added---

"3A. Entry or transit by relevant persons

(1) Subject to subsection (3), a relevant person shall not enter or transit through the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$500,000 and to imprisonment for 2 years.

(3) This section does not apply---

(a) so as to prohibit a person having the right of abode or the right to land in the HKSAR from entering the HKSAR;

(b) if entry or transit is necessary for the fulfilment of a judicial process; or

(c) if the Committee determines in a particular case that entry or transit is justified, to that case.

3B. Supplies and deliveries of prohibited goods to relevant persons or relevant undertakings

(1) Except with the permission in writing of the Chief Executive, a person shall not---

(a) supply or deliver;

(b) agree to supply or deliver; or

(c) do any act likely to promote the supply or delivery of, any prohibited goods---

(d) to, or to the order of, a relevant person or a relevant undertaking; or

(e) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.

(2) A person who contravenes subsection (1) commits an offence and is liable---

(a) on conviction on indictment to a fine and to imprisonment for 7 years;

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) In the case of proceedings for an offence under this section, it is a defence for the accused person to prove that---

(a) he did not know and had no reason to believe that the goods in question were prohibited goods; or

(b) he did not know and had no reason to believe that the goods in question were to be supplied or delivered---

(i) to, or to the order of, a relevant person or a relevant undertaking; or

(ii) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.

(4) This section applies to---

(a) a person within the HKSAR; and

(b) a person acting elsewhere 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.

(5) Subsection (1)(b) and (c) does not apply if the supply or delivery of the goods to the person or undertaking concerned is permitted for the purposes of this section.

3C. Exportation of prohibited goods to relevant persons or relevant undertakings

(1) Except with the permission in writing of the Chief Executive, prohibited goods shall not be exported from the HKSAR---

(a) to, or to the order of, a relevant person or a relevant undertaking; or

(b) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.

(2) A person who contravenes subsection (1) commits an offence and is liable---

(a) on conviction on indictment to a fine and to imprisonment for 7 years;

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) In the case of proceedings for an offence under this section, it is a defence for the accused person to prove that---

(a) he did not know and had no reason to believe that the goods in question were prohibited goods; or

(b) he did not know and had no reason to believe that the goods in question were to be exported from the HKSAR---

(i) to, or to the order of, a relevant person or a relevant undertaking; or

(ii) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.

(4) This section applies to---

(a) a person within the HKSAR; and

(b) a person acting elsewhere 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.

(5) This section does not apply so as to prejudice any other law prohibiting or restricting the exportation of goods from the HKSAR.

3D. Provision of certain technical advice, assistance or training

(1) Except with the permission in writing of the Chief Executive, a person shall not provide, directly or indirectly, any technical advice, assistance or training related to military activities, to a relevant person or a relevant undertaking.

(2) A person who contravenes subsection (1) commits an offence and is liable---

- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) In the case of proceedings for an offence under this section, it is a defence for the accused person to prove that---

- (a) he did not know and had no reason to believe that the advice, assistance or training was being provided, directly or indirectly, to a relevant person or a relevant undertaking; or
- (b) he did not know and had no reason to believe that the advice, assistance or training related to military activities.

(4) This section applies to---

- (a) a person within the HKSAR; and
- (b) a person acting elsewhere 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.

3E. Carriage of prohibited goods for purposes of supply or delivery to relevant persons or relevant undertakings

(1) This section applies to and in relation to---

- (a) a ship that is registered in the HKSAR;
- (b) an aircraft that is registered in the HKSAR;
- (c) any other ship or aircraft that is for the time being chartered to a person who is---
 - (i) within the HKSAR;
 - (ii) both a Hong Kong permanent resident and a Chinese national; or
 - (iii) a body incorporated or constituted under the law of the HKSAR; and
- (d) a vehicle within the HKSAR.

(2) Without limiting section 3B, and except with the permission in writing of the Chief Executive, no ship, aircraft or vehicle shall be used for the carriage of prohibited goods if the carriage is, or forms part of, carriage---

- (a) to, or to the order of, a relevant person or a relevant undertaking; or
- (b) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.

(3) If a ship, aircraft or vehicle is used in contravention of subsection (2), a specified person commits an offence and is liable---

- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months, and if there is more than one specified person, then each specified person is liable

accordingly.

(4) For the purposes of subsection (3), "specified person" (指明人士)---

(a) in relation to a ship registered in the HKSAR, means the owner or master of the ship;

(b) in relation to any other ship---

(i) means the person to whom the ship is for the time being chartered; or

(ii) means the master of the ship, if the master is a person who is---

(A) within the HKSAR; or

(B) both a Hong Kong permanent resident and a Chinese national;

(c) in relation to an aircraft registered in the HKSAR, means the operator or commander of the aircraft;

(d) in relation to any other aircraft---

(i) means the person to whom the aircraft is for the time being chartered;

(ii) means the operator of the aircraft, if the operator is a person who is---

(A) within the HKSAR;

(B) both a Hong Kong permanent resident and a Chinese national; or

(C) a body incorporated or constituted under the law of the HKSAR; or

(iii) means the commander of the aircraft, if the commander is a person who is---

(A) within the HKSAR; or

(B) both a Hong Kong permanent resident and a Chinese national;

(e) in relation to a vehicle, means the operator of the vehicle.

(5) In the case of proceedings for an offence in contravention of this section, it is a defence for the accused person to prove that---

(a) he did not know and had no reason to believe that the goods in question were prohibited goods; or

(b) he did not know and had no reason to believe that the carriage of the goods in question was, or formed part of, carriage---

(i) to, or to the order of, a relevant person or a relevant undertaking; or

(ii) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.

(6) This section does not apply so as to prejudice any other law prohibiting or restricting the use of a ship, aircraft or vehicle.

(7) This section does not apply if the supply or delivery or exportation from the HKSAR of the goods concerned to the prohibited destination was permitted under section 3B or 3C.

3F. Powers to demand evidence of destination
which goods reach

(1) An exporter or a shipper of any prohibited goods that have been exported from the HKSAR shall, if required by the Chief Executive, produce within such time as the Chief Executive may allow, proof to the Chief Executive's satisfaction that the goods have reached---

(a) a destination to which they were authorized to be supplied or delivered by a permission granted under this Regulation; or

(b) a destination to which their supply or delivery was not prohibited by this Regulation.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine at level 6.

(3) In the case of proceedings for an offence under subsection (2), it is a defence for the accused person to prove that he did not consent to or connive at the goods reaching any destination other than a destination mentioned in subsection (1)(a) or (b).

3G. Declaration as to goods: powers of search

(1) A person who is about to leave the HKSAR shall, if required by an authorized officer---

(a) declare whether or not he has with him any prohibited goods that are destined for a relevant person or a relevant undertaking or, for delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking; and

(b) produce any prohibited goods mentioned in paragraph (a) that he has with him, and the officer, and any person acting under his directions, may search that person for the purpose of ascertaining if he has with him any such goods.

(2) A person may however only be searched under subsection (1) by a person of the same sex.

(3) A person who, without reasonable excuse, refuses to make a declaration, fails to produce any goods, or refuses to allow himself to be searched under subsection (1) commits an offence and is liable on conviction to a fine at level 6.

(4) A person who, under this section, makes a declaration that he knows to be false in a material particular, or recklessly makes a declaration that is false in a material particular, commits an offence and is liable---

(a) on conviction on indictment to a fine and to imprisonment for 2 years;

(b) on summary conviction to a fine at level 6.

3H. Investigations, etc. of suspected ship

(1) If an authorized officer has reason to suspect that a ship to which section 3E applies has been, is being or is about to be used in contravention of subsection (2) of that section, he may---

(a) either alone or accompanied and assisted by any person under his authority, board

the ship and search it and, for that purpose, use or authorize the use of reasonable force; and

(b) request the master or charterer of the ship to furnish such information relating to the ship and its cargo and produce for his inspection such documents so relating and such cargo as he may specify.

(2) If an authorized officer has reason to suspect that a ship is being or is about to be used in contravention of section 3E(2), he may (either there and then or on consideration of any information furnished or document or cargo produced in pursuance of a request made under subsection (1)(b)) with a view to prevent the commission, or the continued commission, of such a contravention or in order that enquiries may be pursued, take one or more of the following actions---

(a) to direct the master or charterer to refrain, except with the consent of any authorized officer, from landing at any port specified by him any part of the ship's cargo that is so specified;

(b) to request the master or charterer to take one or more of the following steps---

(i) to cause the ship and any of its cargo not to proceed with the voyage on which it is then engaged or about to engage, until the master or charterer is notified by an authorized officer that the ship and its cargo may so proceed;

(ii) (if the ship is in the HKSAR) to cause the ship and any of its cargo to remain in the HKSAR until the master or charterer is notified by an authorized officer that the ship and its cargo may depart;

(iii) (if the ship is in any other place) to take the ship and any of its cargo to such port as is specified by him and to cause the ship and its cargo to remain in that place until the master or charterer is notified by an authorized officer that the ship and its cargo may depart;

(iv) to take the ship and any of its cargo to such other destination as may be specified by him in agreement with the master or charterer.

(3) If a master or charterer of a ship---

(a) disobeys any direction given under subsection (2)(a); or

(b) without reasonable excuse, refuses or fails to comply with a request made under this section, within a reasonable time,

the master or charterer commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(4) If a master or charterer of a ship furnishes or produces to the authorized officer in response to a request made under this section any information, explanation or document that he knows to be false in a material particular, or recklessly furnishes or produces to the officer any information, explanation or document that is false in a material particular, the master or charterer commits an offence and is liable---

- (a) on conviction on indictment to a fine and to imprisonment for 2 years;
- (b) on summary conviction to a fine at level 6.

(5) If a master, charterer or member of a crew of a ship intentionally obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under this section, the master, charterer or crew member commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(6) Without prejudice to subsections (3), (4) and (5), if---

(a) a master or charterer refuses or fails to comply with a request made under subsection (2)(b); or

(b) an authorized officer otherwise has reason to suspect that a request that has been so made may not be complied with,

the authorized officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter the ship, or authorize such entry, and use or authorize the use of reasonable force.

(7) A power conferred by this section to request the furnishing of information or the production of a document or of cargo for inspection includes a power to--
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(a) specify if the information should be furnished orally or in writing and in what form; and

(b) specify the time by which and the place in which the information should be furnished or the document or cargo be produced for inspection.

(8) This section does not apply so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of a ship.
3I. Investigations, etc. of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which section 3E applies has been, is being or is about to be used in contravention of subsection (2) of that section, he may---

(a) either alone or accompanied and assisted by any person under his authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and

(b) request the charterer, operator or commander of the aircraft, or all of them, to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify.

(2) If the aircraft is in the HKSAR, an authorized officer may (either there and

then or on consideration of any information furnished or document or cargo produced in pursuance of a request made under subsection (1)(b)) further request the charterer, operator or commander, or all of them, to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or commander is, or (if the further request is made to all of them) all of them are, notified by an authorized officer that the aircraft and its cargo may depart.

(3) If a charterer, operator or commander of an aircraft, without reasonable excuse, refuses or fails to comply with a request made under this section, within a reasonable time, the charterer, operator or commander commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(4) If a charterer, operator or commander of an aircraft furnishes or produces to the authorized officer in response to a request made under this section any information, explanation or document that he knows to be false in a material particular, or recklessly furnishes or produces to the officer any information, explanation or document that is false in a material particular, the charterer, operator or commander commits an offence and is liable---

(a) on conviction on indictment to a fine and to imprisonment for 2 years;

(b) on summary conviction to a fine at level 6.

(5) If a charterer, operator, commander or member of a crew of an aircraft intentionally obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under this section, the charterer, operator, commander or crew member commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(6) Without prejudice to subsections (3), (4) and (5), if an authorized officer has reason to suspect that a request that has been made under subsection (2) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose---

(a) enter, or authorize entry on, any land and that aircraft;

(b) detain, or authorize the detention of, that aircraft and any of its cargo; and

(c) use, or authorize the use of, reasonable force.

(7) A power conferred by this section to request the furnishing of information or the production of a document or of cargo for inspection includes a power to--

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(a) specify if the information should be furnished orally or in writing and in what form; and

(b) specify the time by which and the place in which the information should be furnished or the document or cargo be produced for inspection.

(8) This section does not apply so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of an aircraft.

3J. Investigations, etc. of suspected vehicle

(1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3E(2), he may---

(a) either alone or accompanied and assisted by any person under his authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;

(b) request the operator and driver of the vehicle or either of them to furnish such information relating to the vehicle and goods contained in it and produce for his inspection such documents so relating and such goods as he may specify; and

(c) (either there and then or on consideration of any information furnished or document or goods produced in pursuance of a request made under paragraph (b)) further request the operator or driver of the vehicle to cause the vehicle and any goods contained in it to remain in the HKSAR until the operator or driver of the vehicle is notified by an authorized officer that the vehicle and its goods may depart.

(2) If an operator or driver of a vehicle, without reasonable excuse, refuses or fails to comply with a request made under this section, within a reasonable time, the operator or driver of the vehicle commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(3) If an operator or driver of a vehicle furnishes or produces to the authorized officer in response to a request made under this section any information, explanation or document that he knows to be false in a material particular, or recklessly furnishes or produces to the officer any information, explanation or document that is false in a material particular, the operator or driver of the vehicle commits an offence and is liable---

(a) on conviction on indictment to a fine and to imprisonment for 2 years;

(b) on summary conviction to a fine at level 6.

(4) If an operator or driver of a vehicle intentionally obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under this section, the operator or driver of the vehicle commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(5) Without prejudice to subsections (2), (3) and (4), if an authorized officer has reason to suspect that a request that has been made under subsection (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing,

may for that purpose---

(a) enter, or authorize entry on, any land and enter, or authorize entry of, that vehicle;

(b) detain, or authorized the detention of, that vehicle and any goods contained in it; and

(c) use, or authorize the use of, reasonable force.

(6) A power conferred by this section to request the furnishing of information or the production of a document or of goods for inspection includes a power to--

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(a) specify if the information should be furnished orally or in writing and in what form; and

(b) specify the time by which and the place in which the information should be furnished or the document or goods be produced for inspection.

(7) This section does not apply so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of a vehicle.

3K. Disclosure of information or documents

(1) Any information furnished or any document produced or seized in pursuance of section 3H, 3I or 3J may be disclosed only if---

(a) the person who furnished the information or produced the document, or the person from whom the document was seized, has given consent to the disclosure;

(b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be furnished or produced;

(c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any place outside the People's Republic of China for the purposes of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to a relevant person or a relevant undertaking decided on by the Security Council of the United Nations; or

(d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

(2) For the purposes of subsection (1)(a)---

(a) a person may not give consent to the disclosure if he has obtained the information or possessed the document only in his capacity as servant or agent of another person; and

(b) a person may give consent to the disclosure if he is entitled to the information

or to the possession of the document in his own right.

3L. Production of proof of identity

Before or on exercising a power conferred by section 3H, 3I or 3J, an authorized officer shall, if requested so to do, produce evidence of his identity and authority."

5. Offences in connection with applications for permission, conditions attached to permission, etc.

Section 4(1) and (2) is amended by repealing "section 2(1) or 3(1)" and substituting "this Regulation".

6. Obtaining of evidence and information

Section 5(b) is repealed and the following substituted---

"(b) facilitate the obtaining, by or on behalf of the Chief Executive, of evidence in relation to the commission of an offence under this Regulation."

7. Penalties and proceedings

(1) Section 6(1) is amended by repealing "or section 2(2)".

(2) Section 6(2) is repealed.

8. Grant of permission

Section 7 is amended by repealing "section 2(1) or 3(1)" and substituting "this Regulation".

9. Exceptions

Section 8 is repealed.

10. Exercise of powers of the Chief Executive

Section 9(2) is amended by repealing "section 2(1) or 3(1)" and substituting "this Regulation".

11. Section added

The following is added---

"10. Designation by Chief Executive

The Chief Executive shall by notice published in the Gazette designate a person, undertaking or entity as a person, undertaking or entity referred to in the list maintained by the Committee for the purposes of Resolution 1390."

12. Evidence and information

Section 2 of the Schedule is amended---

(a) by adding---

"(1A) Before or on exercising a power conferred by subsection (1), a person authorized by such warrant shall, if requested so to do, produce evidence of his identity and authority.";

(b) in subsection (5)(c), by repealing "the Taliban" and substituting "a relevant person or a relevant undertaking";

(c) by repealing subsection (5)(d) and substituting---

"(d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation."

TUNG Chee-hwa

Chief Executive

12 July 2002

Explanatory Note

This Regulation is made under the United Nations Sanctions Ordinance (Cap. 537).

2. In view of the changing situation in Afghanistan, Resolution 1390, adopted by the Security Council of the United Nations on 16 January 2002, continued, amended or terminated as appropriate certain provisions of Security Council Resolutions 1267, adopted on 15 October 1999, and 1333, adopted on 19 December 2000 which imposed sanctions in relation to Usama bin Laden, the Taliban and the territory of Afghanistan. The effect of Resolution 1390 is to require member States to prohibit the supply or delivery of arms and related material and the provision of related technical assistance and training to Usama bin Laden, the Al-Qaida Organization, the Taliban and their associates. It also prohibits the making of funds available to those persons and restricts their entry into or transit through territories of member States.

3. In order to give effect to Resolution 1390, the United Nations Sanctions (Afghanistan) Regulation (Cap. 537 sub. leg.) is amended.

4. It should be noted that by implementing the decisions of the Security Council in Resolution 1390, this Regulation has also given effect to Resolution 1388 adopted by the Security Council on 15 January 2002. (Note: Resolution 1388 ceases to impose sanctions against an Ariana Afghan Airlines aircraft, and Resolution 1390 further ceases to impose sanctions against any aircraft owned, leased or operated by or for the Taliban.)