

Legislative Council
Subcommittee to Examine the Implementation
in Hong Kong of Resolutions of the United Nations
Security Council in relation to Sanctions

UNITED NATIONS SANCTIONS
(LIBERIA) REGULATION 2005
(AMENDMENT) REGULATION 2005

INTRODUCTION

At the meeting of the Executive Council on 25 October 2005, the Council advised and the Acting Chief Executive ordered that the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2005 (“the Amendment Regulation”) (at Annex A) should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The Amendment Regulation was gazetted on 28 October 2005 and came into effect on the same day.

A

BACKGROUND

Obligation and Authority

2. Under section 3(1) of the Ordinance, the Chief Executive (“CE”) is required to make regulations to give effect to an instruction of the Ministry of Foreign Affairs (“MFA”) of the People’s Republic of China to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In September 2005, the CE received specific instruction from MFA which requested the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement United Nations Security Council Resolution (“UNSCR”) 1607. The Amendment Regulation was made in pursuance of that instruction. A copy of the document issued by the Chief Secretary for Administration confirming MFA’s instruction is at Annex B.

B

UNSCR 1607

C

3. UNSCR 1607 (at Annex C) was adopted on 21 June 2005 by the UNSC which decided to renew the measures on diamonds imposed by paragraph 6 of UNSCR 1521 for a further period of six months from the date of adoption of UNSCR 1607 (paragraph 1 of UNSCR 1607).

4. Paragraph 6 of UNSCR 1521 provides that all States shall take the necessary measures to prevent the direct or indirect import of all rough diamonds from Liberia to their territory, whether or not such diamonds originated in Liberia. This was implemented in the HKSAR through the United Nations Sanctions (Liberia) Regulation 2004 which, in line with paragraph 18 of UNSCR 1521, expired at midnight on 21 December 2004.

5. On 21 December 2004, the UNSC adopted UNSCR 1579. Paragraph 1(c) of UNSCR 1579 provides that the measures on diamonds imposed by paragraph 6 of UNSCR 1521 shall be renewed for a further period of six months from the date of adoption of UNSCR 1579. This was implemented in the HKSAR through the United Nations Sanctions (Liberia) Regulation 2005. In line with paragraph 1(c) of UNSCR 1579, section 10 of the Regulation relating to prohibition against importation of rough diamonds expired at midnight on 20 June 2005.

6. With the adoption of UNSCR 1607, the measures on diamonds imposed by paragraph 6 of UNSCR 1521 are now renewed until 20 December 2005.

THE AMENDMENT REGULATION

D

7. The Amendment Regulation, at Annex A, seeks to amend the United Nations Sanctions (Liberia) Regulation 2005 (L.N. 94 of 2005), at Annex D, to implement sanctions decided under paragraph 6 of UNSCR 1521 as renewed by UNSCR 1607. The main amendments are –

- (a) to add a new section 10A to provide for the prohibition against importation of rough diamonds directly or indirectly

from Liberia; and

- (b) to amend section 1(2) to provide for the new section 10A to expire at midnight on 20 December 2005.

IMPLICATIONS OF THE AMENDMENT REGULATION

8. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the Ordinance. It has no financial, civil service, economic, productivity, environmental or sustainability implications.

PUBLICITY

9. A press release was issued on 28 October 2005 when the Amendment Regulation was published in the Gazette.

RELATED MATTER

10. Between receipt of MFA's instruction and gazettal of the Amendment Regulation, the sanctions imposed under UNSCR 1607 could be implemented through existing law as follows: section 6C(1) of the Import and Export Ordinance (Cap. 60) and the First Schedule to the Import and Export (General) Regulations (Cap. 60A) provide that a licence under section 3 of the Import and Export Ordinance is required for importing rough diamonds into Hong Kong. Further, regulation 6DE of Cap. 60A stipulates that no person shall, whether as agent or otherwise, import rough diamonds from, or export rough diamonds to, a country or place other than a specified country or place. In this regard, Liberia is not on the list of specified countries or places under Schedule 7 to Cap. 60A.

ADVICE SOUGHT

11. Members are invited to note the implementation of UNSCR

1607 by the Amendment Regulation.

Commerce, Industry and Technology Bureau
October 2005

L.N. 193 of 2005

Annex A

**UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2005
(AMENDMENT) REGULATION 2005**

(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. Duration

Section 1(2) of the United Nations Sanctions (Liberia) Regulation 2005 (L.N. 94 of 2005) is amended by adding “10A,” after “7,”.

2. Section added

The following is added immediately after section 10—

“10A. Prohibition against importation of rough diamonds into HKSAR

(1) A person shall not import any rough diamond directly or indirectly from Liberia into the HKSAR.

(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 2 years; or

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

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe that the rough diamond concerned was imported directly or indirectly from Liberia into the HKSAR.

(4) This section does not operate so as to prejudice any other law prohibiting or restricting the importation of rough diamonds into the HKSAR.”.

Rafael S. Y. HUI
Acting Chief Executive

25 October 2005

Explanatory Note

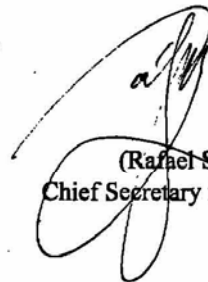
This Regulation amends the United Nations Sanctions (Liberia) Regulation 2005 (L.N. 94 of 2005) to give effect to a decision of the Security Council of the United Nations in Resolution 1607 of 21 June 2005 by providing for the prohibition against import of rough diamonds directly or indirectly from Liberia.

United Nations Sanctions Ordinance (Cap. 537)

**United Nations Sanctions (Liberia) Regulation 2005
(Amendment) Regulation 2005**

This is to confirm that the Chief Executive received specific instructions from the Ministry of Foreign Affairs of the People's Republic of China in September 2005 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolutions No. 1607 of the Security Council of the United Nations, and that the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2005 was made in pursuance of those instructions.

Dated this *31st* day of *October* 2005



(Rafael S. Y. HUI)
Chief Secretary for Administration

**Security Council**

Distr.: General

21 June 2005

Resolution 1607 (2005)**Adopted by the Security Council at its 5208th meeting, on
21 June 2005***The Security Council,*

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Taking note of the reports of the United Nations Panel of Experts on Liberia dated 17 March 2005 (S/2005/176) and 13 June 2005 (S/2005/360), and the report of the Secretary-General dated 7 June 2005 (S/2005/376), submitted pursuant to resolution 1579 (2004),

Recognizing the linkage between the illegal exploitation of natural resources such as diamonds and timber, illicit trade in such resources, and the proliferation and trafficking of arms and the recruitment and use of mercenaries as one of the sources of fuelling and exacerbating conflicts in West Africa, particularly in Liberia,

Recalling that the measures imposed under resolution 1521 (2003) were designed to prevent such illegal exploitation from fuelling a resumption of the conflict in Liberia, as well as to support the implementation of the Comprehensive Peace Agreement and the extension of the authority of the National Transitional Government throughout Liberia,

Expressing its concern that, while the deployment of the United Nations Mission in Liberia (UNMIL) has contributed to the improvement of security throughout Liberia, the National Transitional Government has not yet established its authority throughout Liberia,

Emphasizing the need for the international community to help the National Transitional Government increase its capacity to establish its authority throughout Liberia, particularly to establish its control over the diamond- and timber-producing areas and Liberia's borders,

Expressing deep concern at information that former President Charles Taylor and others still closely associated with him continue to engage in activities that undermine peace and stability in Liberia and the region,

Having reviewed the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress

towards meeting the conditions set forth in paragraphs 5, 7 and 11 of resolution 1521 (2003),

Welcoming the assessment of the Panel of Experts that there is no evidence of illegal timber being exported from Liberia, but *noting* with concern that few of the reforms in the National Transitional Government of Liberia road map necessary to meet the conditions set forth in paragraph 11 of resolution 1521 (2003) for lifting the measures on timber imposed by paragraph 10 of resolution 1521 (2003) have been implemented,

Acknowledging the recent completion of the Forest Concession Review and *welcoming* the report of the Forest Concession Review Committee,

Welcoming the progress made by the National Transitional Government of Liberia with training for diamond mining officials, but *noting with serious concern* the increase in unlicensed mining and illegal exports of diamonds and the National Transitional Government of Liberia's agreement to, and lack of transparency in, granting exclusive mining rights to a single company,

Noting with concern the limited progress made by the National Transitional Government of Liberia towards establishing transparent financial management systems that will help ensure that government revenues are not used to fuel conflict or otherwise used in violation of the Council's resolutions but are used for legitimate purposes for the benefit of the Liberian people, including development,

Taking note of the ongoing discussions regarding a Liberia Economic Governance Action Plan, designed to ensure prompt implementation of the Comprehensive Peace Agreement and to expedite the lifting of measures imposed by resolution 1521 (2003), and expressing its intention to consider, as appropriate, the Action Plan,

Emphasizing that, despite completion of demobilization and disarmament, significant challenges remain in completing reintegration and repatriation of ex-combatants and restructuring of the security sector, as well as establishing and maintaining stability in Liberia and the subregion,

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides*, on the basis of its assessments above of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003), to renew the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) for a further period of six months from the date of adoption of this resolution;

2. *Urges* the National Transitional Government of Liberia to intensify its efforts, with the support of UNMIL, to establish its authority over the diamond-producing areas, and to work towards establishing an official Certificate of Origin regime for trade in rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process;

3. *Reiterates* the Council's readiness to terminate all measures imposed by resolution 1521 (2003) once the conditions set forth in paragraphs 5, 7 and 11 of resolution 1521 (2003) have been met;

4. *Calls* on the National Transitional Government of Liberia urgently to intensify its efforts to reform the Forestry Development Authority, to implement the Liberia Forest Initiative and to implement the Forest Concession Review Committee's recommendations for reform, which will ensure transparency, accountability and sustainable forest management and contribute towards the lifting of the measures on timber set forth in paragraph 10 of resolution 1521 (2003);

5. *Invites* the National Transitional Government of Liberia to consider, with the assistance of international partners and for a specific time period, the possibility of commissioning independent external advice on the management of Liberia's diamond and timber resources, in order to increase investor confidence and attract additional donor support;

6. *Notes* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force to prevent former President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, and *reconfirms its intention* to review these measures at least once a year;

7. *Reiterates* its intention to consider whether and how to make available to the Government of Liberia the funds, other financial assets and economic resources frozen pursuant to paragraph 1 of resolution 1532 (2004), once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia;

8. *Emphasizes* its concern that the National Transitional Government of Liberia has taken no action to implement its obligations under paragraph 1 of resolution 1532 (2004), and *calls on* the Government to take such action immediately, particularly through adopting the necessary domestic legislation, with technical support provided by Member States;

9. *Notes* also that the measures on arms, travel and timber imposed by paragraphs 2, 4 and 10 respectively of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1579 (2004) remain in force until 21 December 2005;

10. *Urges* UNMIL to intensify its efforts, as mandated in resolution 1509 (2003), to assist the National Transitional Government of Liberia in re-establishing its authority throughout Liberia, including diamond-producing and timber-producing areas, and restoring proper administration of natural resources;

11. *Reiterates* the importance of UNMIL's continuing assistance to the National Transitional Government of Liberia, the Committee established by paragraph 21 of resolution 1521 (2003) ("the Committee") and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, in the following areas:

(a) monitoring the implementation of the measures in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003) in accordance with paragraph 23 of that resolution;

(b) supporting efforts by the Transitional Government to prevent violations of those measures, and reporting any such violations;

(c) collecting, as appropriate, arms and any related materiel brought into Liberia in violation of the measures taken by States to implement paragraph 2 of

resolution 1521 (2003), and disposing of such arms and related materiel as appropriate;

(d) assisting the National Transitional Government of Liberia in monitoring the recruitment and movement of ex-combatants, and reporting any relevant information to the Panel and the Committee, in order to reduce the opportunity for ex-combatants to undermine the peace process or provoke renewed instability in Liberia and the subregion;

(e) developing a strategy, in conjunction with the Economic Community of West African States and other international partners, to consolidate a national legal framework as mandated in resolution 1509 (2003), including the implementation by the National Transitional Government of Liberia of the measures in paragraph 1 of resolution 1532 (2004);

12. *Calls upon* UNMIL and the United Nations Missions in Sierra Leone and Côte d'Ivoire to intensify their cooperation, within their capabilities and areas of deployment and without prejudice to their mandates, to monitor arms trafficking and recruitment of mercenaries within the subregion;

13. *Reiterates* its call on the international donor community to continue to provide assistance to the peace process, including for reintegration of ex-combatants and reconstruction, to contribute generously to consolidated humanitarian appeals, to disburse as soon as possible the pledges made at the Liberia Reconstruction Conference in New York on 5-6 February 2004 and to respond to the financial, administrative and technical needs of the National Transitional Government of Liberia, in particular to assist the Government to meet the conditions referred to in paragraph 3 above, so that the measures can be lifted as soon as possible;

14. *Decides* to re-establish the Panel of Experts appointed pursuant to resolution 1579 (2004) for a further period until 21 December 2005 to undertake the following tasks:

(a) to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003), including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) to assess the impact and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004);

(c) to assess the progress made towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003);

(d) to assess the humanitarian and socio-economic impact of the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521 (2003);

(e) to report to the Council through the Committee by 7 December 2005 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before that date, especially on progress towards meeting the conditions for lifting the measures imposed by paragraphs 6 and 10 of resolution 1521 (2003);

(f) to cooperate with other relevant groups of experts, in particular that established on Côte d'Ivoire by resolution 1584 of 1 February 2005;

15. *Requests* the Secretary-General, acting in consultation with the Committee, to appoint as soon as possible no more than five experts, with the appropriate range of expertise, in particular on arms, timber, diamonds, finance, humanitarian and socio-economic and any other relevant issues, drawing as much as possible on the expertise of the members of the Panel of Experts established pursuant to resolution 1579 (2004), and further requests the Secretary-General to make the necessary financial and security arrangements to support the work of the Panel;

16. *Calls upon* all States and the National Transitional Government of Liberia to cooperate fully with the Panel of Experts;

17. *Decides* to remain seized of the matter.

L.N. 94 of 2005

Annex D

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**UNITED NATIONS SANCTIONS (LIBERIA)
REGULATION 2005**

(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. Duration

- (1) Section 10 expires at midnight on 20 June 2005.
- (2) Sections 3, 4, 5, 6, 7, 11, 12, 13, 14 and 15 and Part 5 expire at midnight on 20 December 2005.

PART 1

PRELIMINARY

2. Interpretation

In this Regulation, unless the context otherwise requires—
“authorized officer” (獲授權人員) means—

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

“commander” (機長), in relation to an aircraft, means the member of the flight crew designated as the commander of the aircraft by the operator of the aircraft, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“Commissioner” (關長) means the Commissioner of Customs and Excise, the Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

“Committee” (委員會) means the Committee of the Security Council of the United Nations established pursuant to paragraph 21 of Resolution 1521;

“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;

“licence” (特許) means a licence granted under section 14(1)(a) or (b), 15(1) or 16(1);

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

“operator” (營運人), in relation to an aircraft or a vehicle, means the person for the time being having the management of the aircraft or the vehicle;

“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;

“person connected with Liberia” (有關連人士) means—

- (a) the Government of Liberia;
- (b) the former President Charles Taylor or any member of the former President Charles Taylor’s Government of Liberia;
- (c) any other person in, or resident in, Liberia;
- (d) any body incorporated or constituted under the law of Liberia;
- (e) any former or current militia or armed group in Liberia;
- (f) any body, wherever incorporated or constituted, which is controlled by the Government mentioned in paragraph (a), any of the persons mentioned in paragraphs (b) and (c) or any of the bodies or groups mentioned in paragraphs (d) and (e) (including the Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia); or
- (g) any person acting on behalf of the Government mentioned in paragraph (a), any of the persons mentioned in paragraphs (b) and (c) or any of the bodies or groups mentioned in paragraphs (d), (e) and (f);

“prohibited goods” (禁制物品) means any goods specified in the Schedule;

“relevant entity” (有關實體) means an entity owned or controlled, directly or indirectly, by a relevant person or by a person acting on behalf of or at the direction of a relevant person, being an entity specified by the Chief Executive as a relevant entity in accordance with section 39;

“relevant person” (有關人士) means—

- (a) the former President Charles Taylor;
- (b) any immediate family member of the former President Charles Taylor, including Jewell Howard Taylor and Charles Taylor, Jr.;
- (c) any senior official of the former President Charles Taylor’s Government of Liberia; or
- (d) any close ally or associate of the former President Charles Taylor’s Government of Liberia,

being a person specified by the Chief Executive as a relevant person in accordance with section 39;

“Resolution 1521” (《第 1521 號決議》) means Resolution 1521 (2003) adopted by the Security Council of the United Nations on 22 December 2003;

“Resolution 1532” (《第 1532 號決議》) means Resolution 1532 (2004) adopted by the Security Council of the United Nations on 12 March 2004;

“ship” (船舶) includes every description of vessel used in navigation not propelled by oars.

PART 2

PROHIBITIONS

Supply and delivery of goods

3. Prohibition against supply and delivery of certain goods to Liberia

(1) Except under the authority of a licence granted under section 14(1)(a), a person shall not supply or deliver, agree to supply or deliver, or do any act likely to promote the supply or delivery of, any prohibited goods—

- (a) to Liberia;
- (b) to, or to the order of, a person connected with Liberia; or
- (c) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

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

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe—

- (a) that the goods concerned were prohibited goods; or
 - (b) that the goods concerned were to be supplied or delivered—
 - (i) to Liberia;
 - (ii) to, or to the order of, a person connected with Liberia; or
 - (iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.
- (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.

Carriage of goods

4. Application of sections 5 and 6

Sections 5 and 6 apply 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.

5. Prohibition against carriage of certain goods destined for Liberia

(1) Except under the authority of a licence granted under section 14(1)(b), and without prejudice to the generality of section 3, a ship, aircraft or vehicle to which this section and section 6 apply shall not be used for the carriage of any prohibited goods if the carriage is, or forms part of, carriage—

- (a) from a place outside Liberia to a place in Liberia;

- (b) to, or to the order of, a person connected with Liberia; or
 - (c) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.
- (2) Subsection (1) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply or delivery of the prohibited goods; and
 - (b) the supply or delivery was authorized by a licence granted under section 14(1)(a).
- (3) This section does not operate so as to prejudice any other law prohibiting or restricting the use of ships, aircraft or vehicles.

6. Offences in respect of carriage of certain goods destined for Liberia

- (1) For the purposes of subsection (2), “specified person” (指明人士), means—
- (a) in relation to a ship registered in the HKSAR, the owner or master of the ship;
 - (b) in relation to any other ship—
 - (i) the person to whom the ship is for the time being chartered; or
 - (ii) the master of the ship, if the master is within the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (c) in relation to an aircraft registered in the HKSAR, the operator or commander of the aircraft;
 - (d) in relation to any other aircraft—
 - (i) the person to whom the aircraft is for the time being chartered;
 - (ii) the operator of the aircraft, if the operator is within the HKSAR, is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; or
 - (iii) the commander of the aircraft, if the commander is within the HKSAR or is both a Hong Kong permanent resident and a Chinese national; or
 - (e) in relation to a vehicle, the operator or driver of the vehicle.
- (2) If a ship, aircraft or vehicle is used in contravention of section 5(1), each specified person 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.

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe—

(a) that the goods concerned were prohibited goods; or

(b) that the carriage of the goods concerned was, or formed part of, carriage—

(i) from a place outside Liberia to a place in Liberia;

(ii) to, or to the order of, a person connected with Liberia; or

(iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

Provision of technical assistance or training

7. Prohibition against provision of certain technical assistance or training to person connected with Liberia

(1) Except under the authority of a licence granted under section 15(1), a person shall not provide to a person connected with Liberia any technical assistance or training related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

(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; or

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

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe—

(a) that the assistance or training concerned was to be provided to a person connected with Liberia; or

(b) that the assistance or training concerned related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

(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.

Making available funds, etc. to certain persons or entities

8. Prohibition against making available funds, etc. to certain persons or entities

(1) Subject to the exception in section 9 and except under the authority of a licence granted under section 16(1), a person shall not make available, directly or indirectly, any funds or other financial assets or economic resources to or for the benefit of a relevant person or a relevant entity.

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

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe that the funds or other financial assets or economic resources concerned were to be made available to or for the benefit of a relevant person or a relevant entity.

(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.

9. Exception to prohibition against making available funds, etc. to certain persons or entities

Section 8 shall not prevent the addition to an account owned or controlled, directly or indirectly, by a relevant person or a relevant entity of—

- (a) interest or other earnings due on that account; and

(b) payments due under contracts, agreements or obligations that arose prior to 12 March 2004, but any such interest, other earnings and payments shall be subject to section 8(1).

Importation of rough diamonds

10. Prohibition against importation of rough diamonds into HKSAR

(1) A person shall not import any rough diamond directly or indirectly from Liberia into the HKSAR.

(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 2 years; or

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

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe that the rough diamond concerned was imported directly or indirectly from Liberia into the HKSAR.

(4) This section does not operate so as to prejudice any other law prohibiting or restricting the importation of rough diamonds into the HKSAR.

Importation of round logs and timber products

11. Prohibition against importation of round logs and timber products into HKSAR

(1) A person shall not import any round log or timber product, originating in Liberia, into the HKSAR.

(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 2 years; or

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

(3) In any proceedings for an offence under subsection (2), it is a defence for a person charged to prove that he did not know and had no reason to believe that the round log or timber product concerned originated in Liberia.

(4) This section does not operate so as to prejudice any other law prohibiting or restricting the importation of round logs or timber products into the HKSAR.

Entry into or transit through HKSAR

12. Prohibition against entry or transit by certain persons

(1) Subject to the exception in section 13, a specified person shall not enter or transit through the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

(3) This section shall not prohibit a person having the right of abode or the right to land in the HKSAR from entry into the HKSAR.

(4) In this section, “specified person” (指明人士) means—

(a) a person who is, as designated by the Committee—

(i) a person who constitutes a threat to the peace process in Liberia or is engaged in activities aimed at undermining peace and stability in Liberia and the subregion;

(ii) a senior member of the former President Charles Taylor’s Government who retains link with the former President or a spouse of such a senior member; or

(iii) a member of Liberia’s former armed forces who retains links to the former President Charles Taylor;

(b) a person connected with Liberia who provides financial or military support to armed rebel groups in Liberia or in countries in the region; or

(c) a person determined by the Committee to be in violation of paragraph 2 of Resolution 1521.

13. Exception to prohibition against entry or transit by certain persons

Section 12 shall not apply if—

(a) the Committee determines that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or

(b) the Committee concludes that the relevant entry into or transit through the HKSAR would otherwise further the objectives of the resolutions of the Security Council of the United Nations, for the creation of peace, stability and democracy in Liberia and lasting peace in the subregion.

PART 3

LICENCE

14. Licence for supply, delivery or carriage of certain goods

(1) If it is proved to the satisfaction of the Chief Executive that any one of the requirements in subsection (2) is met, the Chief Executive shall, on application, grant, as appropriate—

- (a) a licence for the supply or delivery of prohibited goods, or the doing of an act likely to promote the supply or delivery of prohibited goods—
 - (i) to Liberia;
 - (ii) to, or to the order of, a person connected with Liberia; or
 - (iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia; or
 - (b) a licence for the carriage of prohibited goods which is, or forms part of, carriage—
 - (i) from a place outside Liberia to a place in Liberia;
 - (ii) to, or to the order of, a person connected with Liberia; or
 - (iii) to a destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.
- (2) The requirements referred to in subsection (1) are as follows—
- (a) the prohibited goods are—
 - (i) intended solely for support of or use by the United Nations Mission in Liberia; or
 - (ii) intended solely for support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee;
 - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
 - (c) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Liberia by the personnel of the United Nations, representatives of the media, humanitarian and development workers and associated personnel, for their personal use only.

15. Licence for provision of certain technical assistance or training

(1) If it is proved to the satisfaction of the Chief Executive that any one of the requirements in subsection (2) is met, the Chief Executive shall, on application, grant a licence for the provision to a person connected with Liberia of technical assistance or training related to the supply, delivery, manufacture, maintenance or use of prohibited goods.

(2) The requirements referred to in subsection (1) are as follows—

(a) the technical assistance or training is related to the supply, delivery, manufacture, maintenance or use of prohibited goods which are—

(i) intended solely for support of or use by the United Nations Mission in Liberia; or

(ii) intended solely for support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee;

(b) the technical assistance or training is related to the supply, delivery, manufacture, maintenance or use of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee.

16. Licence for making available funds, etc. to certain persons or entities

(1) If it is proved to the satisfaction of the Chief Executive that any one of the requirements in subsection (2) is met, the Chief Executive shall, on application, grant a licence for making available funds or other financial assets or economic resources to or for the benefit of a relevant person or a relevant entity.

(2) The requirements referred to in subsection (1) are as follows—

(a) the funds or other financial assets or economic resources have been determined by the Chief Executive to be—

(i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines and medical treatment, taxes, insurance premiums, and public utility charges; or

(ii) exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services,

and the Committee has been notified by the Chief Executive of the intention to authorize, where appropriate, access to such funds or other financial assets or economic resources, and the Committee has not made a negative decision within 2 working days of such notification;

- (b) the funds or other financial assets or economic resources have been determined by the Chief Executive to be necessary for extraordinary expenses, and the Committee has been notified by the Chief Executive of the determination, and the Committee has approved the determination;
- (c) the funds or other financial assets or economic resources have been determined by the Chief Executive to be the subject of a judicial, administrative or arbitral lien or judgment, and the lien or judgment—
 - (i) was entered prior to 12 March 2004;
 - (ii) is not for the benefit of a relevant person or a relevant entity; and
 - (iii) has been notified by the Chief Executive to the Committee.

(3) A licence granted by the Chief Executive under subsection (1), on his being satisfied that the requirements in subsection (2)(c) are met, shall only authorize that the funds or other financial assets or economic resources be used to satisfy the relevant lien or judgment.

17. Provision of false information or documents for purpose of obtaining licences

(1) If, for the purpose of obtaining a licence, a person makes any statement or provides or produces any information or document that he knows to be false in a material particular, that person 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.

(2) If, for the purpose of obtaining a licence, a person recklessly makes any statement or provides or produces any information or document that is false in a material particular, that person 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.

PART 4

THINGS DONE OUTSIDE HKSAR

18. Licence or permission granted by authorities of places outside HKSAR

(1) If the circumstances described in subsection (2) apply, a provision of this Regulation which prohibits the doing of a thing except under the authority of a licence shall not have effect in relation to any such thing done in a place outside the HKSAR by—

- (a) a person who is ordinarily resident in that place; or
- (b) a body corporate incorporated or constituted under the law of that place.

(2) For the purposes of subsection (1), the circumstances are that the thing is done under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.

PART 5

ENFORCEMENT OF REGULATION

Investigation, etc. of suspected ships

19. Investigation of suspected ships

(1) If an authorized officer has reason to suspect that a ship to which sections 5 and 6 apply has been, is being or is about to be used in contravention of section 5(1), he may—

- (a) either alone or accompanied and assisted by any person acting 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 provide such information relating to the ship and its cargo, and produce for his inspection such documents so relating and such cargo carried on it, 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 5(1), he may (either there and then or on consideration of any information provided or document or cargo produced in response to a request made under subsection (1)(b)), with a view

to preventing the commission, or the continued commission, of such a contravention or in order that enquiries may be pursued, do one or more of the following—

- (a) direct the master or charterer of the ship to refrain, except with the consent of an authorized officer, from landing at any port specified by the authorized officer any part of the ship's cargo that is so specified;
 - (b) request the master or charterer of the ship to take one or more of the following steps—
 - (i) to cause the ship, including any of its cargo, not to proceed with the voyage on which the ship is then engaged or about to be engaged 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 an authorized officer, 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 an authorized officer in agreement with the master or charterer.
- (3) A power conferred by this section to request the provision of any information or the production of any document or cargo for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which and the place in which the information should be provided or the document or cargo should be produced for inspection.

20. Offences by master or charterer of ship

(1) If a master or charterer of a ship disobeys any direction given under section 19(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 19(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, 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.

(2) If a master or charterer of a ship, in response to a request made under section 19(1)(b) or (2)(b), provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information, explanation or document that is false in a material particular, the master or charterer commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

21. Power of authorized officers to enter and detain ships

(1) Without prejudice to section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(2)(b) 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 the entry on, any land and the ship concerned;
- (b) detain, or authorize the detention of, that ship and any of its cargo; and
- (c) use, or authorize the use of, reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of any ship for more than 12 hours.

(3) The Chief Secretary for Administration may, by order in writing under his hand, authorize the detention of a ship referred to in subsection (1) for further periods of not more than 12 hours each, and any such order shall state the times from which and for which the order shall be effective.

22. Sections 19, 20 and 21 not to prejudice other laws

Sections 19, 20 and 21 do not operate so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of a ship.

Investigation, etc. of suspected aircraft

23. Investigation of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which sections 5 and 6 apply has been, is being or is about to be used in contravention of section 5(1), he may—

- (a) either alone or accompanied and assisted by any person acting 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 provide such information relating to the aircraft and its cargo, and produce for his inspection such documents so relating and such cargo carried on it, as he may specify.

(2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may (either there and then or on consideration of any information provided or document or cargo produced in response to 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) A power conferred by this section to request the provision of any information or the production of any document or cargo for inspection includes a power to—

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which and the place in which the information should be provided or the document or cargo should be produced for inspection.

24. Offences by charterer, operator or commander of aircraft

(1) If a charterer, operator or commander of an aircraft, without reasonable excuse, refuses or fails to comply with a request made under section 23(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, 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.

(2) If a charterer, operator or commander of an aircraft, in response to a request made under section 23(1)(b) or (2), provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information, explanation or document that is false in a material particular, 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.

25. Power of authorized officers to enter and detain aircraft

(1) Without prejudice to section 24, if an authorized officer has reason to suspect that a request that has been made under section 23(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 the entry on, any land and the aircraft concerned;
- (b) detain, or authorize the detention of, that aircraft and any of its cargo; and
- (c) use, or authorize the use of, reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of any aircraft for more than 6 hours.

(3) The Chief Secretary for Administration may, by order in writing under his hand, authorize the detention of an aircraft referred to in subsection (1) for further periods of not more than 6 hours each, and any such order shall state the times from which and for which the order shall be effective.

26. Sections 23, 24 and 25 not to prejudice other laws

Sections 23, 24 and 25 do not operate so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of an aircraft.

Investigation, etc. of suspected vehicles**27. Investigation of suspected vehicles**

(1) If an authorized officer has reason to suspect that a vehicle within the HKSAR has been, is being or is about to be used in contravention of section 5(1), he may—

- (a) either alone or accompanied and assisted by any person acting 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 or driver of the vehicle to provide such information relating to the vehicle and any article carried on it, and produce for his inspection such documents so relating and such articles carried on it, as he may specify; and
- (c) (either there and then or on consideration of any information provided or document or article produced in response to a

request made under paragraph (b)) further request the operator or driver to take the vehicle and any article carried on it to such place as is specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

(2) A power conferred by this section to request the provision of any information or the production of any document or article for inspection includes a power to—

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which and the place in which the information should be provided or the document or article should be produced for inspection.

28. Offences by operator or driver of vehicle

(1) If an operator or driver of a vehicle, without reasonable excuse, refuses or fails to comply with a request made under section 27(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, the operator or driver commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(2) If an operator or driver of a vehicle, in response to a request made under section 27(1)(b) or (c), provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information, explanation or document that is false in a material particular, the operator or driver commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

29. Power of authorized officers to enter and detain vehicles

(1) Without prejudice to section 28, if an authorized officer has reason to suspect that a request that has been made under section 27(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 the entry on, any land and enter, or authorize the entry into, the vehicle concerned;
- (b) detain, or authorize the detention of, that vehicle and any article carried on it; and
- (c) use, or authorize the use of, reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of any vehicle for more than 12 hours.

(3) The Commissioner may, by order in writing under his hand, authorize the detention of a vehicle referred to in subsection (1) for further periods of not more than 12 hours each, and any such order shall state the times from which and for which the order shall be effective.

30. Sections 27, 28 and 29 not to prejudice other laws

Sections 27, 28 and 29 do not operate so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of a vehicle.

Proof of identity

31. Production of proof of identity

Before or on exercising a power conferred by section 19, 21, 23, 25, 27 or 29, an authorized officer shall, if requested so to do, produce evidence of his identity.

PART 6

EVIDENCE

32. Power of magistrate or judge to grant warrant

(1) A magistrate or judge may grant a warrant if he is satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—

- (a) an offence under this Regulation has been committed or is being committed; and
- (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.

(2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month

from the date of the warrant, and to search the premises, ship, aircraft or vehicle.

(3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—

- (a) to search any person who is found on, or whom he has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
- (b) to seize and detain any document or article found on the premises, ship, aircraft or vehicle or on such person that he has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
- (c) to take in relation to any such document or article any other steps that may appear necessary for preserving the document or article seized and preventing interference with it.

(4) A person may only be searched under this section by a person who is of the same sex.

(5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, he may use such force as is reasonably necessary for that purpose.

33. Detention of documents or articles seized

(1) Subject to subsection (2), any document or article seized under section 32(3) may not be detained for a period of more than 3 months.

(2) If the document or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document or article may be detained until the completion of those proceedings.

PART 7

DISCLOSURE OF INFORMATION OR DOCUMENTS

34. Disclosure of information or documents

(1) Any information or document provided, produced or seized in pursuance of this Regulation may be disclosed only if—

- (a) the person who provided or produced the information or 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 provided 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 purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Liberia 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.

PART 8

OTHER OFFENCES AND MISCELLANEOUS MATTERS

35. Liability of person other than principal offender

(1) Where the person convicted of an offence under this Regulation is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, the director, manager, secretary or other similar officer shall be guilty of the like offence.

(2) Where the person convicted of an offence under this Regulation is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm shall be guilty of the like offence.

36. Offences in relation to obstruction of authorized persons, etc.

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of his powers under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

37. Offences in relation to evasion of this Regulation

A person who destroys, mutilates, defaces, secretes or removes any document or article with intent to evade any of the provisions of this Regulation 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.

38. Proceedings to be instituted

(1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.

(2) Summary proceedings for an offence under this Regulation, being an offence alleged to have been committed outside the HKSAR, may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after committing the offence.

39. Specification of relevant person or relevant entity by Chief Executive

The Chief Executive may by notice published in the Gazette specify a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 1 of Resolution 1532 as a relevant person or a relevant entity.

40. Exercise of powers of Chief Executive

The Chief Executive may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorize the delegation of any of his powers or functions under this Regulation to any person, or class or description of persons, approved by him, and references in this Regulation to the Chief Executive shall be construed accordingly.

SCHEDULE

[s. 2]

PROHIBITED GOODS

1. Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary equipment).
2. Any component for any goods specified in section 1.

Henry TANG
Acting Chief Executive

8 June 2005

Explanatory Note

This Regulation gives effect to a decision of the Security Council of the United Nations (“the Security Council”) in Resolution 1579 of 21 December 2004 and provides for the implementation of the following sanctions imposed by the Security Council in Resolution 1521 of 22 December 2003 and Resolution 1532 of 12 March 2004—

- (a) prohibitions against the sale or supply of arms and related material (“prohibited goods”) to Liberia;
- (b) prohibitions against the provision to Liberia of technical assistance or training related to provision, manufacture, maintenance or use of the prohibited goods;
- (c) prohibitions against making available funds or other financial assets or economic resource, directly or indirectly, to or for the benefit of certain designated persons and entities;
- (d) prohibitions against the direct or indirect import of rough diamonds from Liberia;
- (e) prohibitions against the import of round logs and timber products originating in Liberia;
- (f) prohibitions against the entry into or transit through Hong Kong of certain specified persons.