

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) (NO. 2) REGULATION 2006

INTRODUCTION

At the meeting of the Executive Council on 12 September 2006, the Council advised and the Chief Executive ordered that the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) (No. 2) Regulation 2006 (“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 15 September 2006 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 from 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 July 2006, the CE received specific instructions from MFA which requested the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement United Nations Security Council Resolutions (“UNSCR”) 1683 and 1689. The Amendment Regulation was made in pursuance of those instructions. A document issued by the Chief Secretary for Administration confirming MFA’s instructions is at Annex B.

B

UNSCR 1683

3. UNSCR 1683 (copy at Annex C) was adopted on 13 June 2006 by the UNSC which decided, inter alia, that the measures imposed by paragraph 2(a) and (b) of UNSCR 1521 shall not apply to:

C

- (a) weapons and ammunition already provided to members

of the Special Security Service (“SSS”) for training purposes pursuant to advance approval under paragraph 2(e) by the Committee established by paragraph 21 of UNSCR 1521 (“the Committee”) and that those weapons and ammunition may remain in the custody of the SSS for unencumbered operational use (paragraph 1 of UNSCR 1683); and

- (b) limited supplies of weapons and ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (“UNMIL”) in October 2003 (paragraph 2 of UNSCR 1683).

UNSCR 1689

D

4. UNSCR 1689 (copy at Annex D) was adopted on 20 June 2006 by the UNSC which decided, inter alia, to renew the measures on diamonds imposed by paragraph 6 of UNSCR 1521 for an additional six months with a review by the UNSC after four months, to allow the Government of Liberia sufficient time to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process (paragraph 4 of UNSCR 1689).

UNSCR 1521

E

5. Under paragraph 2(a) of UNSCR 1521 (copy at Annex E), all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related material. Under paragraph 2 (b), all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of arms and related material. Under paragraph 2(e), the measures imposed by paragraph 2(a) and 2(b) shall not apply to supplies of arms and related material and technical training and assistance 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.

6. Under paragraph 6 of UNSCR 1521, all States shall take the necessary measures to prevent the direct or indirect import of all rough diamonds from Liberia to their territory.

THE AMENDMENT REGULATION

F & G

7. The Amendment Regulation, at Annex A, seeks to amend the United Nations Sanctions (Liberia) Regulation 2005, as amended by the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2006, copies at Annexes F and G respectively, to implement the decisions in paragraph 2 of UNSCR 1683 and paragraph 4 of UNSCR 1689. The main amendments are –

- (a) to add a new section 10C to give effect to the prohibition against the direct or indirect import of rough diamonds from Liberia. In line with UNSC's decision, this section will expire on 19 December 2006; and
- (b) to add new provisions to sections 14A(2) and 15A(2) so that a licence shall be granted under section 14A or 15A, as the case may be, if it is proved to the satisfaction of the Chief Executive that the relevant prohibited goods are weapons or ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Liberian police and security forces who have been vetted and trained since the inception of the UNMIL in October 2003.

8. Paragraph 1 of UNSCR 1683 does not require any legislative amendment as it only relates to weapons and ammunition that have already been provided to the SSS.

IMPLICATIONS OF THE AMENDMENT REGULATION

9. 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 United Nations Sanctions (Liberia) Regulation 2005 or the Ordinance. It has no financial, civil service, economic, productivity, environmental or sustainability implications.

PUBLICITY

10. A press release was issued on 15 September 2006 when the Amendment Regulation was published in the Gazette.

RELATED MATTER

11. Between receipt of MFA's instructions in July 2006 and the making of the Amendment Regulation, the sanction imposed on importation of rough diamonds under UNSCR 1521, as renewed by UNSCR 1689, was implemented through section 6C(1) of the Import and Export Ordinance (Cap. 60) and First Schedule to the Import and Export (General) Regulations (Cap. 60A) which provide that a licence under section 3 of Cap. 60 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.

12. We have not been advised of any approval given by the Committee pursuant to paragraph 2 of UNSCR 1683.

ADVICE SOUGHT

13. Members are invited to note the implementation of UNSCRs 1683 and 1689 by the Amendment Regulation.

Commerce, Industry and Technology Bureau
September 2006

L N 188 of 2006

**UNITED NATIONS SANCTIONS (LIBERIA)
REGULATION 2005 (AMENDMENT)
(NO. 2) REGULATION 2006**

(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(4)(c) of the United Nations Sanctions (Liberia) Regulation 2005 (Cap 537 sub leg X) is amended by adding "10C," after "7A,"

2. Section added

The following is added immediately after section 10B—

**"10C 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 "

3 Licence for supply, delivery or carriage of certain goods

Section 14A(2) is amended—

- (a) in paragraph (c), by repealing the full stop and substituting a semicolon,
- (b) by adding—
 - “(d) the prohibited goods are weapons or ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003 ”

4. Licence for provision of certain technical assistance or training

Section 15A(2) is amended—

- (a) in paragraph (b), by repealing the full stop and substituting a semicolon,
- (b) by adding—
 - “(c) the technical assistance or training is related to the supply, delivery, manufacture, maintenance or use of weapons or ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003 ”

Donald TSANG
Chief Executive

13 September 2006

Explanatory Note

This Regulation amends the United Nations Sanctions (Liberia) Regulation 2005 (Cap 537 sub leg X) (“principal Regulation”) to give effect to 2 decisions of the Security Council of the United Nations (“Security Council”)

Resolution 1689

2 A new section 10C is added to the principal Regulation to give effect to a decision of the Security Council in Resolution 1689 of 20 June 2006 to renew a measure imposed by Resolution 1521 of 22 December 2003 ("Resolution 1521") by providing for the prohibition against the direct or indirect import of rough diamonds from Liberia

Resolution 1683

3 Sections 3A and 5A of the principal Regulation provide for the prohibition against the supply, delivery or carriage of arms and related material ("prohibited goods") to Liberia, except under the authority of a licence granted under section 14A of the principal Regulation. Section 7A of the principal Regulation provides for the prohibition against the provision to Liberia of technical assistance or training related to the supply, delivery, manufacture, maintenance or use of prohibited goods, except under the authority of a licence granted under section 15A of the principal Regulation. These measures are imposed by Resolution 1521 (as renewed by Resolution 1647 of 20 December 2005)

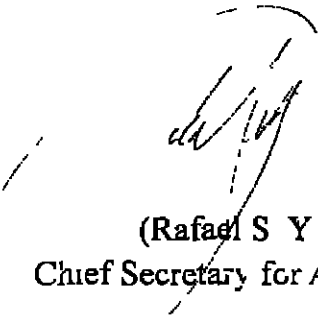
4 Sections 14A(2) and 15A(2) of the principal Regulation are amended to give effect to a decision of the Security Council in Resolution 1683 of 13 June 2006. New provisions are added so that a licence shall be granted under section 14A or 15A of the principal Regulation, as the case may be, if it is proved to the satisfaction of the Chief Executive that the relevant prohibited goods are weapons or ammunition, as approved in advance on a case-by-case basis by the Committee of the Security Council established pursuant to paragraph 21 of Resolution 1521, intended for use by members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003

United Nations Sanctions Ordinance (Cap 537)

**United Nations Sanctions (Liberia) Regulation 2005
(Amendment) (No. 2) Regulation 2006**

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 July 2006 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolutions No 1683 and 1689 of the Security Council of the United Nations, and that the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) (No 2) Regulation 2006 was made in pursuance of those instructions

Dated this 13th day of September, 2006


(Rafael S Y HUI)
Chief Secretary for Administration

United Nations

S/RES/1683 (2006)



Security Council

Distr. General
13 June 2006

Resolution 1683 (2006)

**Adopted by the Security Council at its 5454th meeting, on
13 June 2006**

The Security Council,

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

Welcoming the leadership of newly elected President Ellen Johnson Sirleaf and her efforts to restore peace, security and harmony throughout Liberia,

Underscoring the continuing need for the United Nations Mission in Liberia (UNMIL) to support the Government of Liberia in building a stable environment that will allow democracy to flourish,

Recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, including policing, intelligence gathering, and executive protection,

Determining that, despite significant progress having been made in Liberia, the situation there 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* that the measures imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to the weapons and ammunition already provided to members of the Special Security Service (SSS) for training purposes pursuant to advance approval under paragraph 2 (c) by the Committee established by paragraph 21 of that resolution and that those weapons and ammunition may remain in the custody of the SSS for unencumbered operational use,

2 *Further decides* that the measures imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to limited supplies of weapons and ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003,

3 *Decides* that a request made in accordance with paragraph 2 shall be submitted to the Committee by the Government of Liberia and the exporting state,

and, in case of approval the Government of Liberia shall subsequently mark the weapons and ammunition, maintain a registry of them, and formally notify the Committee that these steps have been taken,

4 *Reiterates* the importance of UNMIL's continuing assistance to the Government of Liberia, the Committee established by paragraph 21 of resolution 1521 (2003) and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, including in monitoring the implementation of the measures in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003) and in this regard requests UNMIL to inspect inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 above to ensure all such weapons and ammunition are accounted for, and to make periodic reports to the Committee established by paragraph 21 of resolution 1521 (2003) on its findings,

5 *Decides* to remain seized of the matter

— — —

United Nations

S/RES/1689 (2006)



Security Council

Distr. General

20 June 2006

Resolution 1689 (2006)

**Adopted by the Security Council at its 5468th meeting, on
20 June 2006**

The Security Council

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

Welcoming the rapid progress made by President Ellen Johnson Sirleaf since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Applauding the actions of President Sirleaf, Nigerian President Olusegun Obasanjo, and others in the international community for their roles in transferring Charles Taylor to the Special Court for Sierra Leone,

Welcoming the Government of Liberia's progress in implementing the Governance and Economic Management Assistance Program, designed to ensure prompt implementation of the Comprehensive Peace Agreement and to expedite the lifting of the measures imposed by resolution 1521 (2003),

Applauding the Government of Liberia's commitment to transparent management of the country's forestry resources for the benefit of Liberians and its reforms in the timber sector, including promulgating Executive Order No. 1, which declared all purported forest concessions null and void, creating a Forest Reform Monitoring Committee (FRMC), placing an internationally-recruited financial controller in the Forestry Development Authority, making progress towards implementing a management contract to ensure transparency in timber operations, establishing a mechanism for civil society to monitor the forestry sector, and drafting new forestry laws and regulations,

Stressing that Liberia's progress in the timber sector is held back by the absence of appropriate forestry legislation, and urging speedy adoption of the necessary laws,

Taking note of President Sirleaf's June 10 announcement of a moratorium on timber exports and new timber concessions pending the passage by the Liberian legislature of forestry legislation that respects Executive Order No. 1 of 2 February 2006, and that is consistent with the recommendations of the FRMC,

Welcoming the Government of Liberia's continuing cooperation with the Kimberley Process Certification Scheme and noting Liberia's progress towards compliance with the Kimberley Process,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security throughout Liberia and helping the new Government establish its authority throughout the country, particularly in the diamond and timber-producing regions, and border areas

Taking note of the report of the United Nations Panel of Experts on Liberia dated 7 June 2006 (S/2006/379),

Having reviewed the measures imposed and conditions set out by paragraphs 6 through 9 of resolution 1521 (2003) and concluding that insufficient progress has been made towards meeting those conditions,

Having reviewed the measures imposed and conditions set out by paragraphs 10 and 11 of resolution 1521 (2003), and concluding that sufficient progress has been made towards meeting those conditions,

Underlining its determination to support the Government of Liberia, and encouraging donors to do likewise,

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* not to renew the measure in paragraph 10 of resolution 1521 (2003) that obligates Member States to prevent the import into their territories of all round log and timber products originating in Liberia,

2 *Decides* to review the decision in paragraph one (1) after a period of ninety (90) days and expresses its determination to reinstate the measures in paragraph 10 of resolution 1521 (2003) unless the Council is informed by that time that the forestry legislation proposed by the FRMC has been passed,

3 *Urges* the speedy adoption of the forestry legislation proposed by the FRMC,

4 *Further decides* that the measures imposed by paragraph 6 of resolution 1521 (2003) shall be renewed for an additional six (6) months with a review by the Council after four (4) months, to allow the Government of Liberia sufficient time to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process and calls upon the Government of Liberia to provide the Sanctions Committee, established according to paragraph 21 of resolution 1521 (2003) with a detailed description of the proposed regime,

5 *Requests* that the Secretary-General renew for an additional six (6) months the mandate of the Panel of Experts re-established according to paragraph 9 of resolution 1647 (2005), and requests that the Panel of Experts report to the Council through the Committee no later than 15 December 2006 its observations and recommendations,

6 *Decides* to remain actively seized of the matter

United Nations

S/RES/1521 (2003)



Security Council

Distr. General
22 December 2003

Resolution 1521 (2003)

**Adopted by the Security Council at its 4890th meeting, on
22 December 2003**

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 7 August 2003 (S/2003/779) and 28 October 2003 (S/2003/937 and S/2003/937/Add 1) submitted pursuant to resolution 1478 (2003),

Expressing serious concern at the findings of the Panel of Experts that the measures imposed by resolution 1343 (2001) continue to be breached, particularly through the acquisition of arms,

Welcoming the Comprehensive Peace Agreement signed by the former Government of Liberia, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) on 18 August 2003 in Accra, and that the National Transitional Government of Liberia under Chairman Gyude Bryant took office on 14 October 2003,

Calling upon all States in the region, particularly the National Transitional Government of Liberia to work together to build lasting regional peace including through the Economic Community of West African States (ECOWAS) the International Contact Group on Liberia, the Mano River Union and the Rabat Process,

Noting with concern however, that the ceasefire and the Comprehensive Peace Agreement are not yet being universally implemented throughout Liberia, and that much of the country remains outside the authority of the National Transitional Government of Liberia particularly those areas to which the United Nations Mission in Liberia (UNMIL) has not yet deployed,

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 illegal arms as a major source of fuelling and exacerbating conflicts in West Africa, particularly in Liberia

Determining that the situation in Liberia and the proliferation of arms and armed non-State actors including mercenaries, in the subregion continue to

constitute a threat to international peace and security in West Africa, in particular to the peace process in Liberia,

Acting under Chapter VII of the Charter of the United Nations

A

Recalling its resolutions 1343 (2001) of 7 March 2001, 1408 (2002) of 6 May 2002, 1478 (2003) of 6 May 2003, 1497 (2003) of 1 August 2003, and 1509 (2003) of 19 September 2003,

Noting that the changed circumstances in Liberia, in particular the departure of former President Charles Taylor and the formation of the National Transitional Government of Liberia, and progress with the peace process in Sierra Leone require the Council's determination for action under Chapter VII to be revised to reflect these altered circumstances,

1 *Decides to terminate the prohibitions imposed by paragraphs 5, 6, and 7 of resolution 1343 (2001) and paragraphs 17 and 28 of resolution 1478 (2003) and to dissolve the committee established under resolution 1343 (2001),*

B

2 (a) *Decides that all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territories,*

(b) *Decides that all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items in subparagraph (a) above;*

(c) *Reaffirms that the measures in subparagraphs (a) and (b) above apply to all sales or supply of arms and related materiel destined for any recipient in Liberia, including all non-State actors such as LURD and MODEL, and to all former and current militias and armed groups,*

(d) *Decides that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by UNMIL,*

(e) *Decides that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance 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 established by paragraph 21 below ("the Committee")*

(f) *Decides that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training as approved in advance by the Committee,*

(g) *Affirms that the measures imposed by subparagraph (a) above do not apply to protective clothing, including flak jackets and military helmets, temporarily*

exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only,

3 *Demands* that all States in West Africa take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any action that might contribute to further destabilization of the situation in the subregion,

4 (a) *Decides also* that all States shall take the necessary measures to prevent the entry into or transit through their territories of all such individuals, as designated by the Committee, who constitute a threat to the peace process in Liberia, or who are engaged in activities aimed at undermining peace and stability in Liberia and the subregion, including those senior members of former President Charles Taylor's Government and their spouses and members of Liberia's former armed forces who retain links to former President Charles Taylor, those individuals determined by the Committee to be in violation of paragraph 2 above, and any other individuals, or individuals associated with entities, providing financial or military support to armed rebel groups in Liberia or in countries in the region provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals

(b) *Decides* that the measures in paragraph 4 (a) above shall continue to apply to the individuals already designated pursuant to paragraph 7 (a) of resolution 1343 (2001) pending the designation of individuals by the Committee as required by and in accordance with paragraph 4 (a) above

(c) *Decides* that the measures imposed by subparagraph 4 (a) above shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligation or where the Committee concludes that an exemption would otherwise further the objectives of the Council's resolutions, for the creation of peace, stability and democracy in Liberia and lasting peace in the subregion,

5 *Expresses* its readiness to terminate the measures imposed by paragraphs 2 (a) and (b) and 4 (a) above when the Council determines that the ceasefire in Liberia is being fully respected and maintained, disarmament, demobilization, reintegration, repatriation and restructuring of the security sector have been completed, the provisions of the Comprehensive Peace Agreement are being fully implemented, and significant progress has been made in establishing and maintaining stability in Liberia and the subregion,

6 *Decides* 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,

7 *Calls upon* the National Transitional Government of Liberia to take urgent steps to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable with a view to joining the Kimberley Process, and to provide the Committee with a detailed description of the proposed regime,

8 *Expresses* its readiness to terminate the measures referred to in paragraph 6 above when the Committee, taking into account expert advice, decides that Liberia

has established a transparent effective and internationally verifiable Certificate of Origin regime for Liberian rough diamonds,

9 *Encourages* the National Transitional Government of Liberia to take steps to join the Kimberley Process as soon as possible,

10 *Decides* that all States shall take the necessary measures to prevent the import into their territories of all round logs and timber products originating in Liberia,

11 *Urges* the National Transitional Government of Liberia to establish its full authority and control over the timber producing areas, and to take all necessary steps to ensure that government revenues from the Liberian timber industry are not used to fuel conflict or otherwise in violation of the Council's resolutions but are used for legitimate purposes for the benefit of the Liberian people, including development

12 *Expresses* its readiness to terminate the measures imposed by paragraph 10 above once the Council determines that the goals in paragraph 11 above have been achieved,

13 *Encourages* the National Transitional Government of Liberia to establish oversight mechanisms for the timber industry that will promote responsible business practices, and to establish transparent accounting and auditing mechanisms to ensure that all government revenues, including those from the Liberian International Ship and Corporate Registry, are not used to fuel conflict or otherwise in violation of the Council's resolutions but are used for legitimate purposes for the benefit of the Liberian people, including development,

14 *Urges* all parties to the Comprehensive Peace Agreement of 18 August 2003 to implement fully their commitments and fulfil their responsibilities in the National Transitional Government of Liberia, and not to hinder the restoration of the Government's authority throughout the country, particularly over natural resources,

15 *Calls upon* States, relevant international organizations and others in a position to do so to offer assistance to the National Transitional Government of Liberia in achieving the objectives in paragraphs 7, 11 and 13 above, including the promotion of responsible and environmentally sustainable business practices in the timber industry, and to offer assistance with the implementation of the ECOWAS Moratorium on the Importation Exportation and Manufacture of Small Arms and Light Weapons in West Africa adopted in Abuja on 31 October 1998 (S/1998/1194, annex),

16 *Encourages* the United Nations and other donors to assist the Liberian civil aviation authorities, including through technical assistance, in improving the professionalism of their staff and their training capabilities and in complying with the standards and practices of the International Civil Aviation Organization,

17 *Takes note* of the establishment by the National Transitional Government of Liberia of a review committee with the task of establishing procedures to fulfil the demands of the Security Council for the lifting of the measures imposed under this resolution

18 *Decides* that the measures in paragraphs 2, 4, 6 and 10 above are established for 12 months from the date of adoption of this resolution unless

otherwise decided, and that, at the end of this period the Council will review the position, assess progress towards the goals in paragraphs 5, 7, and 11 and decide accordingly whether to continue these measures,

19 *Decides* to review the measures in paragraphs 2, 4, 6 and 10 above by 17 June 2004, to assess progress towards the goals in paragraphs 5, 7, and 11 and decide accordingly whether to terminate these measures,

20 *Decides* to keep under regular review the measures imposed by paragraphs 6 and 10 above so as to terminate them as soon as possible once the conditions in paragraphs 7 and 11 have been met, in order to create revenue for the reconstruction and development of Liberia,

21 *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks

(a) to monitor the implementation of the measures in paragraphs 2, 4, 6 and 10 above, taking into consideration the reports of the expert panel established by paragraph 22 below

(b) to seek from all States, particularly those in the subregion, information about the actions taken by them to implement effectively those measures,

(c) to consider and decide upon requests for the exemptions set out in paragraphs 2 (e) 2 (f) and 4 (c) above,

(d) to designate the individuals subject to the measures imposed by paragraph 4 above and to update this list regularly,

(e) to make relevant information publicly available through appropriate media including the list referred to in subparagraph (d) above,

(f) to consider and take appropriate action, within the framework of this resolution on pending issues or concerns brought to its attention concerning the measures imposed by resolutions 1343 (2001), 1408 (2002) and 1478 (2003) while those resolutions were in force,

(g) to report to the Council with its observations and recommendations

22 *Requests* the Secretary-General to establish, within one month from the date of adoption of this resolution, in consultation with the Committee, for a period of five months a Panel of Experts consisting of up to five members, with the range of expertise necessary to fulfil the Panel's mandate described in this paragraph, drawing as much as possible on the expertise of the members of the Panel of Experts established pursuant to resolution 1478 (2003), 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 referred to in paragraphs 2, 4, 6 and 10 above, including any violations involving rebel movements and neighbouring countries, and including any information relevant to the Committee's designation of the individuals described in paragraph 4 (a) above, and including the various sources of financing such as from natural resources, for the illicit trade of arms,

(b) to assess the progress made towards the goals described in paragraphs 5, 7 and 11 above

(c) to report to the Council through the Committee no later than 30 May 2004 with observations and recommendations, including *inter alia*, how to minimize any humanitarian and socio-economic impact of the measures imposed by paragraph 10 above;

23 *Welcomes* UNMIL's readiness within its capabilities, its areas of deployment and without prejudice to its mandate, once it is fully deployed and carrying out its core functions, to assist the Committee established by paragraph 21 above and the Panel of Experts established by paragraph 22 above in monitoring the measures in paragraphs 2, 4, 6 and 10 above, and requests the United Nations Mission in Sierra Leone and the United Nations Mission in Côte d'Ivoire, likewise without prejudicing their capacities to carry out their respective mandates, to assist the Committee and the Panel of Experts by passing to the Committee and the Panel any information relevant to the implementation of the measures in paragraphs 2, 4, 6 and 10, in the context of enhanced coordination among United Nations missions and offices in West Africa,

24 *Reiterates* its call on the international donor community to provide assistance for the implementation of a programme of disarmament, demobilization, reintegration and repatriation and sustained international assistance to the peace process and to contribute generously to consolidated humanitarian appeals, and further requests the donor community to respond to the immediate financial, administrative and technical needs of the National Transitional Government of Liberia,

25 *Encourages* the National Transitional Government of Liberia to undertake, with the assistance of UNMIL, appropriate actions to sensitize the Liberian population to the rationale of the measures in this resolution, including the criteria for their termination,

26 *Requests* the Secretary-General to submit a report to the Council by 30 May 2004 drawing on information from all relevant sources, including the National Transitional Government of Liberia, UNMIL and ECOWAS, on progress made towards the goals described in paragraphs 5, 7 and 11 above,

27 *Decides* to remain seized of the matter

L.N. 94 of 2005

UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2005

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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

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PART 5A

ENFORCEMENT OF REGULATION

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**UNITED NATIONS SANCTIONS (LIBERIA)
REGULATION 2005 (AMENDMENT)
REGULATION 2006**

(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 of the United Nations Sanctions (Liberia) Regulation 2005 (Cap 537 sub leg X) is amended by adding—

“(3) Sections 10B and 11A expire at midnight on 19 June 2006

(4) The following provisions expire at midnight on 19 December 2006—

- (a) the definitions of “commander”, “Commissioner”, “master”, “operator”, “owner”, “person connected with Liberia” and “prohibited goods” in section 2,
- (b) paragraphs (a) and (b) of the definition of “licence” in section 2,
- (c) sections 3A, 4A, 5A, 6A, 7A, 12A, 13A, 14A and 15A,
- (d) Part 5A,
- (e) the Schedule ”

2. Interpretation

Section 2 is amended by repealing the definition of “licence” and substituting—

““licence” (特許) means a licence granted under—

- (a) section 14A(1)(a) or (b),
- (b) section 15A(1), or
- (c) section 16(1),”

3. Section added

The following is added immediately after section 3—

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

(1) Except under the authority of a licence granted under section 14A(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 ”

4. Section added

The following is added—

“4A. Application of sections 5A and 6A

Sections 5A and 6A 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. Section added

The following is added—

“5A. Prohibition against carriage of certain goods destined for Liberia

(1) Except under the authority of a licence granted under section 14A(1)(b), and without prejudice to the generality of section 3A, a ship, aircraft or vehicle to which this section and section 6A 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 14A(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 Section added

The following is added immediately after section 6—

“6A. 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 5A(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 ”

7 Section added

The following is added immediately after section 7—

‘7A. 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 15A(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 ”

8. Section added

The following is added immediately after section 10A—

“10B. 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 ”

9 Section added

The following is added immediately after section 11—

“11A. 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 ”

10. Section added

The following is added—

“12A. Prohibition against entry or transit by certain persons

(1) Subject to the exception in section 13A, 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 ”

11. Section added

The following is added immediately after section 13—

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

Section 12A 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 ”

12. Section added

The following is added—

“14A. 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 ”

13. Section added

The following is added—

“15A. 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 ”

14. Part 5A added

The following is added immediately after section 31—

“PART 5A**ENFORCEMENT OF REGULATION****Investigation, etc. of suspected ships****31A. Investigation of suspected ships**

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

31B. Offences by master or charterer of ship

(1) If a master or charterer of a ship disobeys any direction given under section 31A(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 31A(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 31A(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

31C. Power of authorized officers to enter and detain ships

(1) Without prejudice to section 31B, if an authorized officer has reason to suspect that a request that has been made under section 31A(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

31D. Sections 31A, 31B and 31C not to prejudice other laws

Sections 31A, 31B and 31C 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

31E. Investigation of suspected aircraft

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

31F. 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 31E(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 31E(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

31G. Power of authorized officers to enter and detain aircraft

(1) Without prejudice to section 31F, if an authorized officer has reason to suspect that a request that has been made under section 31E(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

31H. Sections 31E, 31F and 31G not to prejudice other laws

Sections 31E, 31F and 31G 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

31I. 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 5A(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

31J. 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 31I(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 31I(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

31K. Power of authorized officers to enter and detain vehicles

(1) Without prejudice to section 31J, if an authorized officer has reason to suspect that a request that has been made under section 31I(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

31L. Sections 31I, 31J and 31K not to prejudice other laws

Sections 31I, 31J and 31K 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**31M. Production of proof of identity**

Before or on exercising a power conferred by section 31A, 31C, 31E, 31G, 31I or 31K, an authorized officer shall, if requested so to do, produce evidence of his identity ”

Donald TSANG
Chief Executive

14 March 2006

Explanatory Note

This Regulation amends the United Nations Sanctions (Liberia) Regulation 2005 (Cap 537 sub leg X) to give effect to a decision of the Security Council of the United Nations in Resolution 1647 of 20 December 2005 by providing for the following sanctions—

- (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 the direct or indirect import of rough diamonds from Liberia,
- (d) prohibitions against the import of round logs and timber products originating in Liberia,
- (e) prohibitions against the entry into or transit through Hong Kong of certain specified persons