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**UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2004**

(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**

This Regulation expires at midnight on 21 December 2004.

**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;

“licence” (特許) means a licence granted under section 12(1)(a) or (b) or 13(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 to 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) 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;

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

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

## PART 2

### PROHIBITIONS AND RESTRICTIONS, ETC.

#### 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 12(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 purposes 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 this section, 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 purposes 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.

### **Provision of technical advice, assistance or training**

#### **4. Prohibition against provision of certain technical advice, assistance or training**

(1) Except under the authority of a licence granted under section 13(1), a person shall not provide, directly or indirectly, to a person connected with Liberia, any technical advice, 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 this section, it is a defence for a person charged to prove that he did not know and had no reason to believe that the advice, assistance or training concerned—

- (a) was being provided, directly or indirectly, to a person connected with Liberia; or
  - (b) 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.

### **Importation of rough diamonds**

#### **5. 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 this section, 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**

#### **6. 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 this section, 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 to or transit through HKSAR**

#### **7. Prohibition against entry or transit by certain persons**

(1) Subject to the exception in section 8, 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) 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 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 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.

(4) 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.

#### **8. Exception to prohibition against entry or transit by certain persons**

Section 7 shall not apply if—

(a) the Committee determines that the relevant entry to 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 to 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.

### **Carriage of goods**

#### **9. Application of sections 10 and 11**

Sections 10 and 11 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.

#### **10. Prohibition against carriage of certain goods destined for Liberia**

(1) Except under the authority of a licence granted under section 12(1)(b), and without prejudice to the generality of section 3, a ship, aircraft or vehicle to which this section and section 11 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 purposes 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 12(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.

## 11. 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 10(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 this section, 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 purposes of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

## PART 3

## LICENCE

**12. Licence for supply, delivery or carriage of prohibited 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 purposes 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 purposes 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 that has been approved in advance by the Committee;
  - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use that has been approved in advance by the Committee;
  - (c) the prohibited goods are protective clothing including flak jackets and military helmets, 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. Licence for provision of certain technical advice, 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 advice, 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 advice, 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 that has been approved in advance by the Committee;

(b) the technical advice, 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 that has been approved in advance by the Committee.

**14. Provision of false information or documents for purposes of applying for licences**

(1) If, for the purposes 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 purposes 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

#### **15. Licence or permission granted by 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**

#### **16. Investigation of suspected ships**

(1) If an authorized officer has reason to suspect that a ship to which sections 10 and 11 apply has been, is being or is about to be used in contravention of section 10(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 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 10(1), he may (either there and then or on consideration of any information provided or document or cargo produced in pursuance of 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) to 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) to request the master or charterer of the ship to take one or more of the following steps—
  - (i) to cause the ship and any of its cargo not to proceed with the voyage on which it is then engaged or about to engage until the master or charterer is notified by an authorized officer that the ship and its cargo may so proceed;
  - (ii) (if the ship is in the HKSAR) to cause the ship and any of its cargo to remain in the HKSAR until the master or charterer is notified by an authorized officer that the ship and its cargo may depart;
  - (iii) (if the ship is in any other place) to take the ship and any of its cargo to such port as is specified by 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.

### **17. Offences by master or charterer of ship, etc.**

(1) If a master or charterer of a ship disobeys any direction given under section 16(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 16 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 16, 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 the 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.

(3) If a person obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under section 16 or 18, the person commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

### **18. Power of authorized officers to enter and detain ships**

(1) Without prejudice to section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(2)(b) may not be complied with, the authorized officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorize 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 for more than 12 hours of any ship.

(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.

### **19. Sections 16, 17 and 18 not to prejudice other laws**

Sections 16, 17 and 18 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**

### **20. Investigation of suspected aircraft**

(1) If an authorized officer has reason to suspect that an aircraft to which sections 10 and 11 apply has been, is being or is about to be used in contravention of section 10(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 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 pursuance of a request made under subsection (1)(b)) further request the charterer, operator or commander, or all of them, to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or commander is, or (if the further request is made to all of them) all of them are, notified by an authorized officer that the aircraft and its cargo may depart.

(3) 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.

## **21. Offences by charterer, operator or commander of aircraft, etc.**

(1) If a charterer, operator or commander of an aircraft, without reasonable excuse, refuses or fails to comply with a request made under section 20, 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 20, 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 the 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.

(3) If a person obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under section 20 or 22, the person commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.



## **22. Power of authorized officers to enter and detain aircraft**

(1) Without prejudice to section 21, if an authorized officer has reason to suspect that a request that has been made under section 20(2) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorize entry on, any land and 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 for more than 6 hours of any aircraft.

(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.

## **23. Sections 20, 21 and 22 not to prejudice other laws**

Sections 20, 21 and 22 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**

## **24. 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 10(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 articles carried on it and produce for his inspection such documents so relating and such articles as he may specify; and
- (c) (either there and then or on consideration of any information provided or document or articles produced in pursuance of a request made under paragraph (b)) further request the operator or driver to take the vehicle and any articles carried on it to such

place as is specified by an authorized officer and to cause the vehicle and the articles to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the articles may depart.

(2) A power conferred by this section to request the provision of any information or the production of any document or articles 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 articles should be produced for inspection.

## **25. Offences by operator or driver of vehicle, etc.**

(1) If an operator or driver of a vehicle, without reasonable excuse, refuses or fails to comply with a request made under section 24, 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 24, 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 the 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.

(3) If a person obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under section 24 or 26, the person commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

## **26. Power of authorized officers to enter and detain vehicles**

(1) Without prejudice to section 25, if an authorized officer has reason to suspect that a request that has been made under section 24(1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorize entry on, any land and enter, or authorize entry of, the vehicle concerned;
- (b) detain, or authorize the detention of, that vehicle and any article contained in it; and

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

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

(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.

## **27. Sections 24, 25 and 26 not to prejudice other laws**

Sections 24, 25 and 26 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.

### **General**

## **28. 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.

## **29. Production of proof of identity**

Before or on exercising a power conferred by section 16, 18, 20, 22, 24 or 26, an authorized officer shall, if requested so to do, produce evidence of his identity.

### **PART 6**

#### **EVIDENCE**

## **30. Power of magistrate or judge to grant warrant**

(1) A magistrate or judge may grant a warrant under this section 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) evidence in relation to the commission of the offence is to be found on any premises specified in the information, or on any ship, aircraft or vehicle so specified.

(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.

### **31. Detention of documents or articles seized**

(1) Any document or article seized under section 30(3) may be detained for a period of 3 months.

(2) If, however, proceedings for an offence under this Regulation have begun but could not be completed within the 3-month period, the document or article which is relevant to the offence may be detained until the completion of those proceedings.

### **32. Disclosure of documents**

(1) A document seized under this Part may be disclosed only if—

(a) the person from whom the document was seized has given consent to the disclosure;

- (b) the document is disclosed on the authority of the Chief Executive, subject to the 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
  - (c) the 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 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 possession of the document in his own right.

## PART 7

### OTHER OFFENCES AND MISCELLANEOUS MATTERS

#### **33. Liability of person other than principal offender**

(1) Where the person convicted of an offence against 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 against 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.

**34. Offences in relation to obstruction of authorized persons, etc.**

Without affecting the operation of any other provision of this Regulation, a person who obstructs another person in the exercise of any 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.

**35. 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.

**36. 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.

**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.

TUNG Chee-hwa  
Chief Executive

25 November 2004

### Explanatory Note

This Regulation gives effect to a decision of the Security Council of the United Nations in Resolution 1521 of 22 December 2003 to implement the following sanctions—

- (a) prohibitions against supply of arms and related materials to Liberia;
- (b) prohibitions against provision of certain technical advice, assistance or training to Liberia;
- (c) prohibitions against importation of rough diamonds from Liberia;
- (d) prohibitions against importation of round logs and timber products originating in Liberia;
- (e) prohibitions against entry to or transit through Hong Kong of certain specified persons.