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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.