

**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
(ARMS EMBARGOES) REGULATION (REPEAL)
REGULATION**

AND

**UNITED NATIONS SANCTIONS (SIERRA LEONE)
(IMMIGRATION CONTROL) REGULATION (REPEAL)
REGULATION**

INTRODUCTION

A
B
At the meeting of the Executive Council on 11 January 2011, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Arms Embargoes) Regulation (Repeal) Regulation (“the Arms Embargoes Repeal Regulation”), at Annex A, and the United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal) Regulation (“the Immigration Control Repeal Regulation”), at Annex B, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”) to give effect to the instruction from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”). The Arms Embargoes Repeal Regulation and the Immigration Control Repeal Regulation were gazetted on 14 January 2011 and came into effect on the same day.

BACKGROUND

Obligation and Authority

2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to an instruction by the MFA to implement or cease sanctions decided by the Security Council of the United Nations (“UNSC”). In November 2010, the CE received an

instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to cease sanctions against Sierra Leone in HKSAR pursuant to UNSC Resolution (“UNSCR”) 1940. The Arms Embargoes Repeal Regulation and the Immigration Control Repeal Regulation were made to give effect to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction, and copy of UNSCR 1940, are at Annexes C and D respectively.

C & D

Sanctions against Sierra Leone

3. Sierra Leone has been subject to UNSC sanctions since October 1997. These sanctions concern arms embargoes in respect of Sierra Leone and travel restriction on certain individuals. The sanctions regime was last amended in June 1998 vide UNSCR 1171 (at Annex E), which prohibits the supply, sale or carriage of arms and related materiel to Sierra Leone other than its Government, and bans travel of certain individuals designated by the relevant Committee established under UNSCR 1132 (1997).

E

4. Pursuant to the instructions of MFA, the HKSAR implemented the arms embargoes and travel-related sanctions against Sierra Leone through amending the United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub.leg. E)^{Note 1} and making the United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Cap. 537 sub.leg. G) respectively in December 1998. Copy of Cap. 537E and Cap. 537G, both of which were repealed on 14 January 2011, are at Annexes F and G respectively.

F & G

UNSCR 1940

5. On 29 September 2010, UNSC adopted UNSCR 1940, which terminates measures relating to arms embargoes and travel ban in respect of Sierra Leone set forth in paragraphs 2, 4 and 5 of UNSCR 1171.

^{Note 1} The United Nations Sanctions (Arms Embargoes) Regulation provides for a set of arms-related prohibitions against “prohibited destination” as specified in section 1 of the Regulation. For the purpose of implementing arms embargoes decided under UNSCR 1171, Sierra Leone was added to the list of “prohibited destination” in December 1998.

THE ARMS EMBARGOES REPEAL REGULATION

6. The Arms Embargoes Repeal Regulation, at Annex A, seeks to give effect to the instruction of MFA to terminate arms-related sanctions against Sierra Leone as decided under UNSCR 1940 by repealing Cap. 537E, which provides for arms-related measures against Sierra Leone as the only remaining “prohibited destination” in that Regulation. Consequential to the lifting of arms embargoes against Sierra Leone, there is no further need for Cap. 537E and it should therefore be repealed.

THE IMMIGRATION CONTROL REPEAL REGULATION

7. The Immigration Control Repeal Regulation, at Annex B, seeks to repeal Cap. 537G to terminate travel-related measures against Sierra Leone as decided under UNSCR 1940.

IMPLICATIONS OF THE PROPOSAL

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

PUBLICITY

9. A press release was issued on 14 January 2011 when the Arms Embargoes Repeal Regulation and the Immigration Control Repeal Regulation were published in the Gazette.

ADVICE SOUGHT

10. Members are invited to note the cessation of sanctions in respect of Sierra Leone by the Arms Embargoes Repeal Regulation and the Immigration Control Repeal Regulation.

**Commerce and Economic Development Bureau
January 2011**

UNITED NATIONS SANCTIONS ORDINANCE (CAP. 537)

**UNITED NATIONS SANCTIONS
(ARMS EMBARGOES) REGULATION (REPEAL) REGULATION**

AND

**UNITED NATIONS SANCTIONS (SIERRA LEONE)
(IMMIGRATION CONTROL) REGULATION (REPEAL)
REGULATION**

ANNEXES

ANNEX A UNITED NATIONS SANCTIONS (ARMS
EMBARGOES) REGULATION (REPEAL)
REGULATION

ANNEX B UNITED NATIONS SANCTIONS (SIERRA
LEONE) (IMMIGRATION CONTROL)
REGULATION (REPEAL) REGULATION

ANNEX C DOCUMENT ISSUED BY THE CHIEF
SECRETARY FOR ADMINISTRATION
CONFIRMING THE INSTRUCTION FROM
THE MINISTRY OF FOREIGN AFFAIRS

ANNEX D UNITED NATIONS SECURITY COUNCIL
RESOLUTION 1940

ANNEX E UNITED NATIONS SECURITY COUNCIL
RESOLUTION 1171

ANNEX F UNITED NATIONS SANCTIONS (ARMS
EMBARGOES) REGULATION (Cap. 537E)

ANNEX G UNITED NATIONS SANCTIONS (SIERRA
LEONE) (IMMIGRATION CONTROL)
REGULATION (Cap. 537G)

**United Nations Sanctions (Arms Embargoes)
Regulation (Repeal) Regulation**

(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. **Commencement**
This Regulation comes into operation on 14 January 2011.
2. **United Nations Sanctions (Arms Embargoes) Regulation repealed**
The United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub. leg. E) is repealed.

Explanatory Note

This Regulation repeals the United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub. leg. E) to give effect to the decision of the Security Council of the United Nations in Resolution 1940 (2010) which lifts the previously imposed arms embargo against Sierra Leone.

Chief Executive

2011

United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal)
Regulation

Section 1

1

**United Nations Sanctions (Sierra Leone) (Immigration
Control) Regulation (Repeal) Regulation**

(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. Commencement

This Regulation comes into operation on 14 January 2011.

**2. United Nations Sanctions (Sierra Leone) (Immigration Control)
Regulation repealed**

The United Nations Sanctions (Sierra Leone) (Immigration
Control) Regulation (Cap. 537 sub. leg. G) is repealed.

Chief Executive

2011

United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal)
Regulation

Explanatory Note

Paragraph 1

2

Explanatory Note

This Regulation repeals the United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Cap. 537 sub. leg. G) to give effect to the decision of the Security Council of the United Nations in Resolution 1940 (2010) which lifts the prohibition on leading members of the former military junta in Sierra Leone or the Revolutionary United Front against their entry into or transit through member states.

United Nations Sanctions Ordinance (Cap. 537)**United Nations Sanctions (Arms Embargoes)
Regulation (Repeal) Regulation****United Nations Sanctions (Sierra Leone)
(Immigration Control) Regulation (Repeal) Regulation**

This is to confirm that the Chief Executive received specific instruction from the Ministry of Foreign Affairs of the People's Republic of China in November 2010 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 1940 of the Security Council of the United Nations, and that the United Nations Sanctions (Arms Embargoes) Regulation (Repeal) Regulation and the United Nations Sanctions (Sierra Leone) (Immigration Control) Regulation (Repeal) Regulation were made in pursuance of that instruction.

Dated this 12 day of January 2011



(Henry Tang)
Chief Secretary for Administration

United Nations

S/RES/1940 (2010)

**Security Council**Distr.: General
29 September 2010

Resolution 1940 (2010)**Adopted by the Security Council at its 6392nd meeting, on
29 September 2010**

The Security Council,

Recalling all its previous resolutions on Sierra Leone, in particular resolution 1132 (1997) and 1171 (1998),

Recalling further its readiness to terminate the measures once the control of the Government of Sierra Leone has been fully re-established over all its territory, and when all non-governmental forces have been disarmed and demobilized,

Reaffirming its commitment to support the recovery of Sierra Leone from conflict and to the country's peace, security and development,

Commending the continuing role of the United Nations Integrated Peacebuilding Office in Sierra Leone in this regard,

Welcoming the letter to the President of the Council dated 9 September 2010 from the Permanent Representative of the Republic of Sierra Leone, updating the Council on the situation in Sierra Leone and requesting that the measures in place be lifted,

Commending the work of the Security Council Committee established pursuant to paragraph 10 of resolution 1132 (1997) concerning Sierra Leone,

Taking note of the 2009 Report of the Committee pursuant to resolution 1132 (1997) concerning Sierra Leone (S/2009/690) and, in particular, the Chairman's observations in paragraph 17,

Urging all States to cooperate with and render assistance to the Special Court for Sierra Leone, or any institution to which the Special Court has transferred his case, to bring Johnny Paul Koroma to justice if he is found to be alive, and calls on him to surrender,

Calling on all States to cooperate with the International Criminal Police Organisation (INTERPOL) in apprehending and transferring Johnny Paul Koroma, if he is found to be alive,

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



1. *Decides* to terminate, with immediate effect, the measures set forth in paragraphs 2, 4 and 5 of resolution 1171 (1998);
 2. *Decides further* to dissolve the Committee established by paragraph 10 of resolution 1132 (1997) with immediate effect.
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**Security Council**Distr.
GENERALS/RES/1171 (1998)
5 June 1998

RESOLUTION 1171 (1998)

Adopted by the Security Council at its 3889th meeting
on 5 June 1998

The Security Council,

Recalling its resolutions 1132 (1997) of 8 October 1997, 1156 (1998) of 16 March 1998 and 1162 (1998) of 17 April 1998 and the statements of its President of 26 February 1998 (S/PRST/1998/5) and 20 May 1998 (S/PRST/1998/13),

Welcoming the efforts of the Government of Sierra Leone to restore peaceful and secure conditions in the country, to re-establish effective administration and the democratic process, and to promote national reconciliation,

Deploring the continued resistance to the authority of the legitimate Government of Sierra Leone and stressing the urgency for all rebels to put an end to the atrocities, cease their resistance and lay down their arms,

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

1. Decides to terminate the remaining prohibitions imposed by paragraphs 5 and 6 of resolution 1132 (1997);

2. Further decides, with a view to prohibiting the sale and supply of arms and related matériel to non-governmental forces in Sierra Leone, that all States shall prevent the sale or supply, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to Sierra Leone other than to the Government of Sierra Leone through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Member States of the United Nations of the list;

3. Decides also that the restrictions referred to in paragraph 2 above shall not apply to the sale or supply of arms and related matériel for the sole use in Sierra Leone of the Military Observer Group of the Economic Community of West African States (ECOMOG) or the United Nations;

4. Further decides that States shall notify all exports from their territories of arms or related matériel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone shall mark, register and notify to the Committee all imports made by it of arms and related matériel, and that the Committee shall report regularly to the Council on notifications so received;

5. Decides that all States shall prevent the entry into or transit through their territories of leading members of the former military junta and of the Revolutionary United Front (RUF), as designated by the Committee established by resolution 1132 (1997), provided that the entry into or transit through a particular State of any such person may be authorized by the same Committee, and provided that nothing in this paragraph shall oblige a State to refuse entry to its territory to its own nationals;

6. Decides that the Committee established by resolution 1132 (1997) shall continue to undertake the tasks referred to in paragraph 10 (a), (b), (c), (d), (f) and (h) of that resolution in relation to paragraphs 2 and 5 above;

7. Expresses its readiness to terminate the measures referred to in paragraphs 2, 4 and 5 above once the control of the Government of Sierra Leone has been fully re-established over all its territory, and when all non-governmental forces have been disarmed and demobilized;

8. Requests the Secretary-General to report to the Council within 3 months of the date of adoption of this resolution, and again within 6 months, regarding, in particular, the export of arms and related matériel referred to in paragraph 2 above, and on progress made towards the objectives referred to in paragraph 7 above;

9. Decides to remain seized of the matter.

Chapter:	537E	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number	Version Date
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		Empowering section	L.N. 423 of 1997	22/08/1997
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(Cap 537 section 3)

[22 August 1997]

(Originally L.N. 423 of 1997)

Section:	1	Interpretation and application	L.N. 59 of 2009	27/03/2009
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- (1) In this Regulation, unless the context otherwise requires-
- "authorized officer" (獲授權人員) means a person authorized in writing by the Chief Executive for the purposes of this Regulation;
- "commander" (機長), in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being in charge or command of the aircraft;
- "customs officer" (海關人員) means any member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap 342);
- "export" (出口) includes shipment as stores and, in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the HKSAR of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power;
- "HKSAR" (特區) means the Hong Kong Special Administrative Region of the People's Republic of China;
- "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 vehicle, means the person for the time being having the management of the aircraft or vehicle;
- "owner" (擁有人), where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;
- "person connected with a prohibited destination" (與受禁制目的地有關連的人) means-
- the Government of any territory comprised within a prohibited destination;
 - any other person in, or resident in, a prohibited destination;
 - any body incorporated or constituted under the law of any part of a prohibited destination;
 - any body, wherever incorporated or constituted, which is controlled by the Government of any territory comprised within a prohibited destination, any other person in, or resident in, a prohibited destination, or any body incorporated or constituted under the law of any part of a prohibited destination;
 - any person acting on behalf of any of the above mentioned persons;
- "prohibited destination" (受禁制目的地) means-
- (Repealed L.N. 281 of 2001)
 - (Repealed L.N. 59 of 2009)
 - (c)-(d) (Repealed L.N. 236 of 2008)
 - Sierra Leone; (L.N. 367 of 1998)
- "ship" (船舶) includes every description of vessel used in navigation not propelled by oars;
- "shipment" (付運) includes loading into an aircraft.

(L.N. 236 of 2008)

(2) No licence shall be granted under this Regulation except with the approval of the instructing authority given generally or in a particular case.

(3) (Repealed L.N. 236 of 2008)

Section:	2	Supplies and deliveries of certain goods to a prohibited destination	L.N. 236 of 2008	31/10/2008
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- (1) Except under the authority of a licence granted by the Chief Executive under this section, no person shall-
- (a) supply or deliver;
 - (b) agree to supply or deliver; or
 - (c) do any act likely to promote the supply or delivery of, any goods specified in Schedule 1-
 - (i) to a prohibited destination;
 - (ii) to or to the order of, any person connected with a prohibited destination; or (L.N. 236 of 2008)
 - (iii) to any destination for the purpose of delivery, directly or indirectly, to a prohibited destination or to, or to the order of, any person connected with a prohibited destination. (L.N. 236 of 2008)
 - (iv)-(v) (Repealed L.N. 236 of 2008)
- (2) The provisions of this section shall apply to any person within the HKSAR and to any person acting elsewhere who is-
- (a) a permanent resident of the HKSAR; or
 - (b) a body incorporated or constituted under the law of the HKSAR. (L.N. 367 of 1998)
- (3) Subject to the provisions of subsection (4), any person specified in subsection (2) who contravenes the provisions of subsection (1) shall be guilty of an offence.
- (4) In the case of proceedings for an offence in contravention of subsection (1) it shall be a defence for the accused person to prove-
- (a) that he did not know and had no reason to suppose that the goods in question were prohibited goods; or
 - (b) that he did not know and had no reason to suppose that the goods were to be supplied or delivered to a prohibited destination or to, or to the order of, a person connected with a prohibited destination.
- (5) Subsection (1) shall not apply to goods supplied or delivered to a prohibited destination by or on behalf of the United Nations.
- (6) Nothing in subsection (1)(b) or (c) shall apply where the supply or delivery of the goods to the person concerned is authorized by a licence granted by the Chief Executive under this section.

Section:	3	Exportation of certain goods to a prohibited destination	L.N. 236 of 2008	31/10/2008
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- (1) Except under the authority of a licence granted by the Chief Executive under this section, the goods specified in Schedule 1 are prohibited to be exported from the HKSAR- (L.N. 367 of 1998)
- (a) to a prohibited destination;
 - (b) to, or to the order of, any person connected with a prohibited destination; or (L.N. 236 of 2008)
 - (c) to any destination for the purpose of delivery, directly or indirectly, to a prohibited destination or to, or to the order of, any person connected with a prohibited destination. (L.N. 236 of 2008)
 - (d)-(e) (Repealed L.N. 236 of 2008)
- (2) Any person who exports any goods from the HKSAR in contravention of subsection (1) shall be guilty of an offence. (L.N. 367 of 1998)
- (3) Nothing in this section shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from the HKSAR. (L.N. 367 of 1998)

Section:	4	Powers to demand evidence of destination which goods reach	L.N. 423 of 1997	22/08/1997
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- Any exporter or any shipper of goods specified in Schedule 1 which have been exported from the HKSAR shall, if so required by the Chief Executive, furnish within such time as he may allow proof to his satisfaction that the goods have reached-
- (a) a destination to which they were authorized to be supplied or delivered by a licence granted under this Regulation; or
 - (b) a destination to which their supply or delivery was not prohibited by this Regulation,
- and, if he fails to do so, he shall be guilty of an offence and liable to a fine at level 6 unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination mentioned in paragraph (a) or (b).

Section:	5	Offences in connection with applications for licences, conditions attaching to licences, etc.	L.N. 423 of 1997	22/08/1997
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(1) If for the purpose of obtaining any licence under this Regulation any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information which is false in a material particular he shall be guilty of an offence.

(2) Any person who has done any act under the authority of a licence granted by the Chief Executive under this Regulation and who fails to comply with any condition attaching to that licence shall be guilty of an offence:

Provided that no person shall be guilty of an offence under this subsection where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Chief Executive after the doing of the act authorized by the licence.

Section:	6	Declaration as to goods: powers of search	L.N. 423 of 1997	22/08/1997
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(1) Any person who is about to leave the HKSAR shall if he is required to do so by an authorized officer-

(a) declare whether or not he has with him any goods specified in Schedule 1;

(b) produce any goods specified in Schedule 1 which he has with him,

and such officer, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such goods:

Provided that no person shall be searched in pursuance of this subsection except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, fails to produce any goods or refuses to allow himself to be searched in accordance with the provisions of this section shall be guilty of an offence.

(3) Any person who under the provisions of this section makes a declaration which to his knowledge is false in a material particular or recklessly makes any declaration which is false in a material particular shall be guilty of an offence.

Section:	7	Carriage of certain goods destined for a prohibited destination	L.N. 236 of 2008	31/10/2008
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(1) Except under the authority of a licence granted by the Chief Executive under this section, and without prejudice to the generality of section 2, no ship or aircraft to which this section applies, and no vehicle within the HKSAR, shall be used for the carriage of goods specified in Schedule 1 if the carriage is or forms part of carriage from any place outside a prohibited destination to any place therein, or to, or to the order of, a person connected with a prohibited destination.

(2) (Repealed L.N. 236 of 2008)

(3) This section applies to ships registered in the HKSAR, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person who is-

(a) within the HKSAR; (L.N. 367 of 1998)

(aa) a permanent resident of the HKSAR; or (L.N. 367 of 1998)

(b) a body incorporated or constituted under the law of the HKSAR.

(4) If any ship, aircraft or vehicle is used in contravention of subsection (1), then-

(a) in the case of a ship registered in the HKSAR or any aircraft so registered, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft;

(b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he is such a person as is referred to in subsection (3)(a) or (b), the master of the ship or, as the case may be, the operator and the commander of the aircraft; or

(c) in the case of a vehicle, the operator of the vehicle,

shall be guilty of an offence unless he proves that he did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage from any place outside a prohibited destination to any place therein or to, or to the order of, any person connected with a prohibited destination.

(5) (Repealed L.N. 236 of 2008)

(6) In the case of proceedings for an offence in contravention of subsection (4), it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the goods in question were goods specified in Schedule 1.

(7) Nothing in this section shall be construed so as to prejudice any other provision of law prohibiting or

restricting the use of ships, aircraft or vehicles.

(8) Nothing in this section shall apply where the supply or delivery or exportation from the HKSAR of the goods concerned to the prohibited destination was authorized by a licence granted by the Chief Executive under section 2(1) or 3(1). (L.N. 367 of 1998)

Section:	8	Investigation, etc. of suspected ships, aircraft and vehicles	L.N. 59 of 2009	27/03/2009
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(1) Where any authorized officer has reason to suspect that any ship registered in the HKSAR has been or is being or is about to be used in contravention of section 7(1), he may (either alone or accompanied and assisted by persons under his authority) board the ship and search it and, for that purpose, may use or authorize the use of reasonable force, and he may request the master of the ship to furnish such information relating to the ship and its cargo and produce for his inspection such documents so relating and such cargo as he may specify; and an authorized officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of section 7, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of such contravention or in order that inquiries into the matter may be pursued, that is to say, he may either direct the master to refrain, except with the consent of an authorized officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps- (L.N. 367 of 1998; L.N. 236 of 2008)

- (a) to cause the ship not to proceed with the voyage on which it is then engaged or about to engage until the master is notified by any authorized officer that the ship may so proceed;
- (b) if the ship is then in the HKSAR to cause it to remain there until the master is notified by any authorized officer that the ship may depart;
- (c) if the ship is then in any other place, to take it to any such port specified by the officer and to cause it to remain there until the master is notified as mentioned in paragraph (b);
- (d) to take it to any other destination that may be specified by the officer in agreement with the master, and the master shall comply with any such request or direction.

(2) Without prejudice to the provisions of subsection (10), where a master refuses or fails to comply with a request made under this section that his ship shall or shall not proceed to or from any place or where an authorized officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorize entry upon, that ship and use, or authorize the use of, reasonable force.

(3) Where the Chief Executive or any authorized officer has reason to suspect that any aircraft registered in the HKSAR or any aircraft for the time being chartered to any person specified in section 7(3) has been or is being or is about to be used in contravention of section 7(1), the Chief Executive or that authorized officer may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and the Chief Executive or that authorized officer may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorize the use of reasonable force; and, if the aircraft is then in the HKSAR, the Chief Executive or any such authorized officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may further request the charterer, the operator and the commander or any of them to cause the aircraft to remain in the HKSAR until notified that the aircraft may depart; and the charterer, the operator and the commander shall comply with any such request. (L.N. 367 of 1998; L.N. 236 of 2008)

(4) Without prejudice to the provisions of subsection (10), where any authorized officer has reason to suspect that any request that an aircraft should remain in the HKSAR that has been made under this section may not be complied with, that 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, upon any land and upon that aircraft;
- (b) detain, or authorize the detention of, that aircraft; and
- (c) use, or authorize the use of, reasonable force.

(5) Where the Chief Executive or any authorized officer has reason to suspect that any vehicle in the HKSAR has been or is being or is about to be used in contravention of section 7(1), the Chief Executive or that authorized officer may request the operator and driver of the vehicle or either of them to furnish such information relating to the

vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify, and the Chief Executive or that authorized officer may (either alone or accompanied and assisted by persons under his authority) board the vehicle and search it and, for the purpose, may use or authorize the use of reasonable force; and the Chief Executive or any such authorized officer (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of such a request) may further require the operator or driver to cause the vehicle to remain in the HKSAR until notified that the vehicle may depart; and the operator and the driver shall comply with any such request. (L.N. 236 of 2008)

(6) Without prejudice to the provisions of subsection (10), where the Chief Executive or any authorized officer has reason to suspect that any request that a vehicle should remain in the HKSAR that has been made under this section may not be complied with, the Chief Executive or that 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, upon any land and upon that vehicle;
- (b) detain, or authorize the detention of, that vehicle;
- (c) use, or authorize the use of, reasonable force.

(7) Before or on exercising any power conferred by subsection (1), (2), (3), (4), (5) or (6), an authorized officer shall, if requested so to do, produce evidence of his authority.

(8) No information furnished or document produced by any person in pursuance of a request made under this section shall be disclosed except-

- (a) with the consent of the person by whom the information was furnished or the document was produced:
Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;
- (b) to any person who would have been empowered under this section to request that it be furnished or produced;
- (c) 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 Sierra Leone decided upon by the Security Council of the United Nations; or (L.N. 367 of 1998; L.N. 281 of 2001; L.N. 236 of 2008; L.N. 59 of 2009)
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, for an offence against any enactment relating to customs.

(9) Any power conferred by this section to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection. (L.N. 367 of 1998)

(10) Each of the following persons shall be guilty of an offence, that is to say-

- (a) a master of a ship who disobeys any direction given under subsection (1) with respect to the landing of any cargo;
- (b) a master of a ship or charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who-
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this section by any person empowered to make it; or
 - (ii) intentionally furnishes false information or produces false documents to such a person in response to such a request;
- (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who intentionally obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this section.

(11) Nothing in this section shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

Section:	9	Obtaining of evidence and information	L.N. 423 of 1997	22/08/1997
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The provisions of Schedule 2 shall have effect in order to facilitate the obtaining, by or on behalf of the Chief Executive, of evidence and information for the purpose of securing compliance with or detecting evasion of this Regulation and in order to facilitate the obtaining, by or on behalf of the Chief Executive, of evidence of the commission of an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, of an offence relating to customs.

Section:	10	Penalties and proceedings	L.N. 236 of 2008	31/10/2008
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- (1) Any person guilty of an offence under section 2(3), 3(2) or 7(4) shall be liable- (L.N. 367 of 1998; L.N. 236 of 2008)
- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) Any person guilty of an offence under section 8(10)(b)(ii), or section 3(b) or (d) of Schedule 2, shall be liable-
- (a) on conviction on indictment to a fine and to imprisonment for 2 years;
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) Any person guilty of an offence under section 5(1) or (2) or 6(3) shall be liable-
- (a) on conviction on indictment to a fine and to imprisonment for 2 years;
 - (b) on summary conviction to a fine at level 6.
- (4) Any person guilty of an offence under section 6(2) shall be liable on summary conviction to a fine at level 6.
- (5) Any person guilty of an offence under section 8(10)(a), (b)(i) or (c), or section 3(a) or (c) of Schedule 2, shall be liable on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) Where any body corporate is guilty of an offence under this Regulation, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.
- (7) 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.
- (8) No proceedings for an offence under this Regulation shall be instituted in the HKSAR except by or with the consent of the Secretary for Justice.

Section:	11	Exercise of powers of the Chief Executive	L.N. 423 of 1997	22/08/1997
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(1) 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 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.

(2) Any licences granted under this Regulation may be general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the Chief Executive.

Section:	11A	Restriction on grant of licence	L.N. 367 of 1998	04/12/1998
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No licence shall be granted under this Regulation in respect of goods to be supplied, delivered or exported to Sierra Leone except-

- (a) to the Government of Sierra Leone through a named point of entry on a list that is supplied by that Government to the Secretary-General of the United Nations and is notified to the Central People's Government of the People's Republic of China; or

- (b) for the sole use in Sierra Leone of the Military Observer Group of the Economic Community of West African States or the United Nations.

(L.N. 367 of 1998)

Section:	12	Miscellaneous	L.N. 367 of 1998	04/12/1998
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(1) Any provision of this Regulation which prohibits the doing of a thing except under the authority of a licence granted by the Chief Executive shall not have effect in relation to any such thing done in a place outside the HKSAR provided that it is duly authorized.

(2) A thing is duly authorized for the purpose of subsection (1) if it is done under the authority of a licence granted or otherwise with the permission given in accordance with any law in force in the place where it is done (being a law substantially corresponding to the relevant provisions of this Regulation) by the authority competent in that behalf under that law. (L.N. 367 of 1998)

Schedule:	1	PROHIBITED GOODS	L.N. 423 of 1997	22/08/1997
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[sections 2, 3, 4, 6 & 7]

(1) Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary police equipment).

(2) Any component for any goods specified in subsection (1).

(3) Any goods specially designed or prepared for use, or normally used, in the manufacture or maintenance of any goods specified in paragraph (1) or (2).

Schedule:	2	EVIDENCE AND INFORMATION	L.N. 59 of 2009	27/03/2009
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[sections 9 & 10]

1. (1) Without prejudice to any other provision of this Regulation, or any provision of any other law, the Chief Executive (or an authorized officer) may request any person in or resident in the HKSAR to furnish to him (or to that authorized officer) any information in his possession or control, or to produce to him (or to that authorized officer) any document in his possession or control, which he (or that authorized officer) may require for the purpose of securing compliance with or detecting evasion of this Regulation, and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in subsection (1) shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of failing to furnish information or produce a document when requested so to do under this section, the magistrate or court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this section to request any person to produce documents shall include power to take copies of or extracts from any documents so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2. (1) If any magistrate or judge is satisfied by information on oath given by any police officer, customs officer or authorized officer-

- (a) that there is reasonable ground for suspecting that an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, an offence under any enactment relating to customs has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, ship or aircraft so specified; or

- (b) that any documents which ought to have been produced under section 1 and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorizing any police or customs officer, together with any other persons named in the warrant and any other police or customs officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft so specified may be, at any time within one month from the

date of the warrant and to search the premises, or, as the case may be, the vehicle, ship or aircraft.

(2) A person authorized by any such warrant to search any premises or any vehicle, ship or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, ship or aircraft and may seize any document or article found on the premises or in the vehicle, ship or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid, or any documents which he has reasonable ground to believe ought to have been produced under section 1, or to take in relation to any such document or article any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no person shall in pursuance of any warrant issued under this section be searched except by a person of the same sex.

(3) Where, by virtue of this section, a person is empowered to enter any premises, vehicle, ship or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any document or article of which possession is taken under this section may be retained for a period of 3 months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which it is relevant, until the conclusion of those proceedings.

(5) No information furnished or document produced (including any copy of or extract made of any document produced) by any person in pursuance of a request made under this Schedule, and no document seized under subsection (2), shall be disclosed except-

(a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as a servant or agent of another person may not give consent for the purposes of this paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;

(b) to any person who would have been empowered under this Schedule to request that it be furnished or produced;

(c) 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 Sierra Leone decided upon by the Security Council of the United Nations; or (L.N. 367 of 1998; L.N. 281 of 2001; L.N. 236 of 2008; L.N. 59 of 2009)

(d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, for an offence against any enactment relating to customs.

3. Any person who-

(a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it;

(b) intentionally furnishes false information or a false explanation to any person exercising his powers under this Schedule;

(c) otherwise intentionally obstructs any person in the exercise of his powers under this Schedule; or

(d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence.

Chapter:	537G	UNITED NATIONS SANCTIONS (SIERRA LEONE) (IMMIGRATION CONTROL) REGULATION	Gazette Number	Version Date
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		Empowering section	L.N. 365 of 1998	04/12/1998
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(Cap 537 section 3)

[4 December 1998]

(Originally L.N. 365 of 1998)

Section:	1	Interpretation	L.N. 365 of 1998	04/12/1998
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In this Regulation, unless the context otherwise requires-
"Committee" (委員會) means the Committee of the Security Council of the United Nations established by paragraph 10 of Resolution No. 1132 adopted by the Security Council of the United Nations on 8 October 1997.

Section:	2	Prohibition on entry into the HKSAR by leading members of the former military junta, etc.	L.N. 365 of 1998	04/12/1998
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(1) A person who is a leading member of the former military junta in Sierra Leone or of the Revolutionary United Front, as designated by the Committee, shall not enter into or transit through the HKSAR unless-

- (a) such entry or transit is authorized by the Committee; and
- (b) that person has, prior to his arrival in the HKSAR, produced evidence of the authorization to the satisfaction of the Chief Executive.

(2) Nothing in this section shall prohibit a person having the right to land or right of abode in the HKSAR under the Immigration Ordinance (Cap 115) from entry into the HKSAR.

(3) Without prejudice to the operation of the Immigration Ordinance (Cap 115), any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$500000 and to imprisonment for 2 years.

(4) No proceedings for an offence under this section shall be instituted in the HKSAR except by or with the consent of the Secretary for Justice.

Section:	3	Exercise of power of the Chief Executive	L.N. 365 of 1998	04/12/1998
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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.