

**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
(AFGHANISTAN) REGULATION 2012**

**UNITED NATIONS SANCTIONS (AFGHANISTAN) REGULATION
(REPEAL) REGULATION**

INTRODUCTION

At the meeting of the Executive Council on 13 March 2012, the Council advised and the Chief Executive (“the CE”) ordered that –

- A
- (i) the United Nations Sanctions (Afghanistan) Regulation 2012 (“the 2012 Regulation”), at Annex A; and
- B
- (ii) the United Nations Sanctions (Afghanistan) Regulation (Repeal) Regulation (“the 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 2012 Regulation and the Repeal Regulation were gazetted on 16 March 2012, and both will come into effect on 23 March 2012^{Note(1)}.

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 sanctions

^{Note(1)} After the repeal of the United Nations Sanctions (Afghanistan) Regulation (Cap. 537K), the current list of relevant persons or relevant entities as specified by the CE will cease to have effect. To ensure continued implementation of the sanctions including travel ban, arms embargo and assets freeze, we propose that the 2012 Regulation and the Repeal Regulation to come into operation one week after they are gazetted, i.e. 23 March 2012. In the meantime, it is proposed that the CE to make a notice to specify the relevant persons and relevant entities, pursuant to section 29 of the 2012 Regulation and as empowered under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1). The notice will be published in the gazette on 23 March 2012, i.e. the date the 2012 Regulation and Repeal Regulation come into operation.

decided by the Security Council of the United Nations (“UNSC”). In July 2011, the CE received an instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement in the HKSAR sanctions as imposed under UNSC Resolution (“UNSCR”) 1988. The 2012 Regulation and the 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 a copy of UNSCR 1988, are at Annexes C and D respectively.

C & D

Sanctions against Afghanistan

3. Since October 1999, the UNSC has passed a number of resolutions to impose sanctions against Afghanistan condemning the use of the areas of Afghanistan controlled by the Taliban for the sheltering and training of terrorists and planning for terrorist acts. Pursuant to the instructions from the MFA, the HKSAR made and amended the United Nations Sanctions (Afghanistan) Regulation (Cap. 537K) (“the existing Regulation”) (at Annex E) in June 2000 and July 2002 to implement UNSCR 1267 and UNSCR 1390 respectively. The existing Regulation implements the following sanctions -

E

- (a) prohibition against the supply, delivery, exportation and carriage of arms and related materiel to a relevant person^{Note (2)} or a relevant undertaking^{Note (3)};
- (b) prohibition against the provision of assistance, technical advice or training related to military activities to a relevant person or a relevant undertaking;

^{Note (2)} According to section 1 of the existing Regulation, “relevant person” means -

- (a) Usama bin Laden, being the person referred to in the list maintained by the Committee established pursuant to UNSCR 1267 (1267 Committee) for the purposes of UNSCR 1390 and designated by the Chief Executive in accordance with section 10 of the existing Regulation; or
- (b) a person who is -
 - (i) a member of the Al-Qaida Organization;
 - (ii) a member of the Taliban; or
 - (iii) an individual associated with a person mentioned in subparagraph (i) or (ii) or paragraph (a),

being a person referred to in the list mentioned in paragraph (a) and designated by the Chief Executive in accordance with section 10 of the existing Regulation.

^{Note(3)} According to section 1 of the existing Regulation, “relevant undertaking” means an undertaking or entity associated with a relevant person, being an undertaking or entity referred to in the list maintained by the 1267 Committee for the purposes of UNSCR 1390 and designated by the Chief Executive in accordance with section 10 of the existing Regulation.

- (c) prohibition against the making available of funds, other financial assets or economic resources for the benefit of a relevant person or a relevant undertaking; and
- (d) prohibition against the entry into or transit through the HKSAR by a relevant person.

UNSCR 1988

4. Noting that the security situation in Afghanistan has evolved, that some members of the Taliban have reconciled with the Government of Afghanistan rejecting the terrorist ideology of Al-Qaida, and that the situation in Afghanistan remains a threat to international peace and security, the UNSC adopted UNSCR 1988 on 17 June 2011. The UNSC, inter alia, decides to –

- (a) remove the names of those individuals and entities previously designated as the Taliban, and other individuals, groups, undertakings and entities associated with the Taliban (collectively referred to as “Taliban individuals and groups” below) from sections A and B of the Consolidated List maintained by the Committee established pursuant to UNSCR 1267 concerning Al-Qaida and the Taliban and associated individuals and entities, and put them on a new List maintained by the Committee established pursuant to paragraph 30 of UNSCR 1988 (“1988 Committee”). All States should impose arms embargo, travel ban and financial sanctions set forth in paragraph 1(a) to (c) of UNSCR 1988 against these Taliban individuals and groups (*paragraphs 1 and 2 of UNSCR 1988 refer*);
- (b) freeze without delay funds and other financial assets or economic resources of the Taliban individuals and groups, and ensure that neither these funds and other financial assets or economic resources nor any other funds, financial assets or economic resources are made available for the benefit of the Taliban individuals and groups by their nationals or by persons within their territory, subject to exceptions (*paragraphs 1(a), 6, 8 and 9 of UNSCR 1988 refer*);

- (c) prevent the entry into or transit through the territories of all States of the Taliban individuals, provided that all States are not obliged to deny entry or require the departure from its territories of its own nationals, and that travel ban shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the 1988 Committee determines on a case-by-case basis that entry or transit is justified (*paragraph 1(b) of UNSCR 1988 refers*); and
- (d) prevent the direct or indirect supply, sale, or transfer to the Taliban individuals and groups from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types and technical advice, assistance, or training related to military activities (*paragraph 1(c) of UNSCR 1988 refers*).

THE REPEAL REGULATION

5. The existing Regulation was made in June 2000 and its structure and style is very different from other regulations made under the Ordinance in recent years. Substantial amendments to the existing Regulation will be required in order to bring its structure and style in line with that of other regulations made under the Ordinance. Therefore, a new regulation should be made to implement UNSCR 1988 instead of amending the existing Regulation. With the new regulation in place, the existing Regulation should be repealed.

THE 2012 REGULATION

6. The 2012 Regulation (at Annex A) seeks to implement the sanctions against Afghanistan imposed by UNSCR 1988. The main provisions of the 2012 Regulation include -

- (a) **sections 3 and 4**, which prohibit the supply, sale, transfer or carriage of arms or related materiel to certain persons, entities, groups or undertakings;

- (b) **section 5**, which prohibits the provision of technical advice, assistance or training related to military activities to certain persons, entities, groups or undertakings;
- (c) **section 6**, which provides for prohibition against making available to certain persons, entities, groups or undertakings funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons, entities, groups or undertakings;
- (d) **sections 7 and 8**, which prohibit the entry into or transit through the HKSAR by certain persons, subject to exceptions;
- (e) **section 9**, which provides for the granting of licences for making available to certain persons, entities, groups or undertakings funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons, entities, groups or undertakings; and
- (f) **section 29**, which provides that the CE may by notice published in the Gazette specify as a relevant person or a relevant entity a person, an entity, a group or an undertaking as designated by the 1988 Committee for the purpose of arms embargo, financial sanctions and travel ban under the 2012 Regulation.

IMPLICATIONS OF THE PROPOSAL

7. 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, economic, productivity, environmental or sustainability implications. Additional workload arising from the enforcement of the 2012 Regulation, if any, will be absorbed by the relevant departments.

PUBLICITY

8. A press release was issued on 16 March when the 2012 Regulation and the Repeal Regulation were published in the Gazette.

INFORMATION ON AFGHANISTAN AND RELATION WITH HKSAR

9. Information on Afghanistan, the sanctions regime against the country as well as its bilateral trade relation with the HKSAR is at Annex F.

F

ADVICE SOUGHT

10. Members are invited to note the implementation of the UNSCR 1988 in the HKSAR by the 2012 Regulation and the Repeal Regulation.

Commerce and Economic Development Bureau

March 2012

**United Nations Sanctions (Afghanistan)
Regulation 2012**

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United Nations Sanctions (Afghanistan) Regulation 2012

(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)

Part 1**Preliminary****1. Commencement**

This Regulation comes into operation on 23 March 2012.

2. Interpretation

In this Regulation—

arms or related materiel (軍火或相關的物資) includes—

- (a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and
- (b) any spare part for any item specified in paragraph (a);

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;

Commissioner (關長) means the Commissioner of Customs and Excise, any 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 established under paragraph 30 of Resolution 1988;

economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

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 9(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 a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

pilot in command (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;

prohibited goods (禁制物品) means any arms or related materiel;

relevant entity (有關實體) means a group, undertaking or entity specified by the Chief Executive as a relevant entity in accordance with section 29(b);

relevant person (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 29(a);

Resolution 1988 (《第1988號決議》) means Resolution 1988 (2011) adopted by the Security Council on 17 June 2011;

Security Council (安全理事會) means the Security Council of the United Nations.

Part 2

Prohibitions

3. Prohibition against supply, sale or transfer of certain goods

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR 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.
- (2) A person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
 - (a) to, or to the order of, a relevant person or a relevant entity; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.
- (3) A person who contravenes subsection (2) 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.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
 - (a) that the goods concerned were prohibited goods; or

- (b) that the goods concerned were or were to be supplied, sold or transferred—
 - (i) to, or to the order of, a relevant person or a relevant entity; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.

4. Prohibition against carriage of certain goods

- (1) This section applies 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) in 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 in the HKSAR.
- (2) Without limiting section 3, a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
 - (a) to, or to the order of, a relevant person or a relevant entity; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.
- (3) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—

- (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
- (b) in the case of any other ship—
 - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (c) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
- (d) in the case of any other aircraft—
 - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;

- (e) in the case of a vehicle, the operator and the driver of the vehicle.
- (4) A person who commits an offence under subsection (3) 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.
- (5) It is a defence for a person charged with an offence under subsection (3) to prove that the person 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, a carriage—
 - (i) to, or to the order of, a relevant person or a relevant entity; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.

5. Prohibition against provision of certain advice, assistance or training

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR 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.

- (2) A person must not provide, directly or indirectly, to a relevant person or a relevant entity any technical advice, assistance or training related to military activities.
- (3) A person who contravenes subsection (2) 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.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
 - (a) that the advice, assistance or training concerned was or was to be provided to a relevant person or a relevant entity; or
 - (b) that the advice, assistance or training concerned related to military activities.

6. Prohibition against making available funds, etc. or dealing with funds, etc.

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR 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.
- (2) Except under the authority of a licence granted under section 9(1)—
 - (a) a person must 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; and
- (b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.
- (3) A person who contravenes subsection (2) 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.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
- (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account;

- (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity; or
- (c) payment in favour of the person or entity.
- (6) In this section—
- deal with* (處理) means—
- (a) in respect of funds—
- (i) use, alter, move, allow access to or transfer;
- (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
- (iii) make any other change that would enable use, including portfolio management; and
- (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

7. Prohibition against entry or transit by certain persons

- (1) Subject to section 8, a relevant person must 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 does not apply to a person having the right of abode or the right to land in the HKSAR.

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

Section 7 does not apply to a case in respect of which—

- (a) the relevant entry or transit is necessary for the fulfillment of a judicial process; or
 - (b) the Committee has determined that the relevant entry into or transit through the HKSAR is justified, including an entry or transit that directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation.
-

Part 3

Licence

9. **Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities**
- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
 - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, 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 are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) fees or service charges for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;

- (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses.
- (3) If the Chief Executive determines that—
 - (a) the requirement in subsection (2)(a) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) must grant the licence in the absence of a negative decision by the Committee within 3 working days of the notification;
 - (b) the requirement in subsection (2)(b) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the determination; and
 - (ii) must not grant the licence unless the Committee approves the determination.

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

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular 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) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular 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

11. **Licence or permission granted by authorities of places outside HKSAR**
- (1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.
 - (2) For the purposes of subsection (1), the circumstances are that the thing is done by the person 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

Division 1—Investigation, etc. of Suspected Ships

12. **Investigation of suspected ships**
- (1) If an authorized officer has reason to suspect that a ship to which section 4 applies has been, is being or is about to be used in contravention of section 4(2), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
 - (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.
 - (2) If an authorized officer has reason to suspect that a ship to which section 4 applies is being or is about to be used in contravention of section 4(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 4(2) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—
 - (a) direct the charterer, operator or master 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 charterer, operator or master of the ship to take any of the following steps—
- (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master 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 charterer, operator or master 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 a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master 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 another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document 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 cargo or document should be produced for inspection.

13. Offences by charterer, operator or master of ship

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 12(2)(a), or, without

- reasonable excuse, refuses or fails to comply with a request made under section 12(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 12(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

14. Power of authorized officers to enter and detain ships

- (1) Without limiting section 13, if an authorized officer has reason to suspect that a request that has been made under section 12(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
- (a) enter or authorize the entry on any land or the ship concerned;
 - (b) detain or authorize the detention of that ship or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.

- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 2—Investigation, etc. of Suspected Aircraft

15. Investigation of suspected aircraft

- (1) If an authorized officer has reason to suspect that an aircraft to which section 4 applies has been, is being or is about to be used in contravention of section 4(2), the officer may—
- (a) either alone or accompanied and assisted by any person acting under the officer's 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 pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer 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 cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document 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 cargo or document should be produced for inspection.

16. Offences by charterer, operator or pilot in command of aircraft

- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 15(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 15(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

17. Power of authorized officers to enter and detain aircraft

- (1) Without limiting section 16, if an authorized officer has reason to suspect that a request that has been made under section 15(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or the aircraft concerned;
 - (b) detain or authorize the detention of that aircraft or any of its cargo;

- (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 3—Investigation, etc. of Suspected Vehicles

18. Investigation of suspected vehicles

- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 4(2), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's 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 any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
 - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place 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 a person to provide any information or produce any article or document 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 article or document should be produced for inspection.

19. Offences by operator or driver of vehicle

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 18(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 18(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

20. Power of authorized officers to enter and detain vehicles

- (1) Without limiting section 19, if an authorized officer has reason to suspect that a request that has been made under section 18(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
 - (b) detain or authorize the detention of that vehicle or any article carried on it;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 4—Proof of Identity

21. Production of proof of identity

Before or on exercising a power conferred by section 12, 14, 15, 17, 18 or 20, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

Part 6

Evidence

22. Power of magistrate or judge to grant warrant

- (1) A magistrate or judge may grant a warrant if 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, ship, aircraft or vehicle 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) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
 - (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;

- (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article 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, the person may use any force that is reasonably necessary for that purpose.

23. Detention of documents, cargoes or articles seized

- (1) Subject to subsection (2), any document, cargo or article seized under section 22(3) may not be detained for more than 3 months.
- (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

Part 7

Disclosure of Information or Documents

24. Disclosure of information or documents

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
 - (a) the person who provided or produced the information or document or 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—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or
 - (iii) 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 Afghanistan decided on by the Security Council; 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 the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
- (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.
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Part 8

Other Offences and Miscellaneous Matters

25. Liability of persons other than principal offenders

- (1) If 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 is guilty of the like offence.
- (2) If 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 is guilty of the like offence.

26. 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 the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

27. Offences in relation to evasion of this Regulation

A person who destroys, mutilates, defaces, secretes or removes any document, cargo 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.

28. Consent and time limit for proceedings

- (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 that is 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 the alleged commission of the offence.

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

The Chief Executive may, by notice published in the Gazette, specify—

- (a) as a relevant person, a person referred to in the list maintained by the Committee for the purposes of paragraph 1 of Resolution 1988; and
- (b) as a relevant entity, a group, undertaking or entity referred to in that list.

30. Exercise of powers of Chief Executive

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.

Donald TSANG
Chief Executive

14 March 2012

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 1988 (2011) as adopted by the Security Council of the United Nations on 17 June 2011 by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities;
- (b) the provision of technical advice, assistance or training related to military activities in certain circumstances;
- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (d) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and
- (e) entry into or transit through the HKSAR by certain persons.

United Nations Sanctions (Afghanistan) Regulation (Repeal) Regulation

United Nations Sanctions (Afghanistan) Regulation (Repeal) Regulation

Section 1 L.N. 44 of 2012
B1473

Explanatory Note L.N. 44 of 2012
Paragraph 1 B1475

L.N. 44 of 2012

Explanatory Note

**United Nations Sanctions (Afghanistan) Regulation
(Repeal) Regulation**

This Regulation repeals the United Nations Sanctions (Afghanistan) Regulation (Cap. 537 sub. leg. K), on the making of the United Nations Sanctions (Afghanistan) Regulation 2012 (*the new 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)

2. The new Regulation gives effect to certain decisions of the Security Council of the United Nations in Resolution 1988 (2011).

1. Commencement

This Regulation comes into operation on 23 March 2012.

2. Repeal

The United Nations Sanctions (Afghanistan) Regulation (Cap. 537 sub. leg. K) is repealed.

Donald TSANG
Chief Executive

14 March 2012

United Nations Sanctions Ordinance (Cap. 537)

**United Nations Sanctions (Afghanistan) Regulation 2012
United Nations Sanctions (Afghanistan) 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 July 2011 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No.1988 of the Security Council of the United Nations, and that the United Nations Sanctions (Afghanistan) Regulation 2012 and the United Nations Sanctions (Afghanistan) Regulation (Repeal) Regulation were made in pursuance of the instruction.

Dated this *14th* day of *March* 2012



(Stephen Lam)

Chief Secretary for Administration



Security Council

Distr.: General
17 June 2011

Resolution 1988 (2011)

Adopted by the Security Council at its 6557th meeting, on 17 June 2011

The Security Council,

Recalling its previous resolutions on international terrorism and the threat it poses to Afghanistan, in particular its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009) and the relevant statements of its President,

Recalling its previous resolutions extending through March 22, 2012 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 1974 (2011),

Reaffirming that the situation in Afghanistan still constitutes a threat to international peace and security, and *expressing* its strong concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the importance of a comprehensive political process in Afghanistan to support reconciliation among all Afghans, and *recognizing* there is no purely military solution that will ensure the stability of Afghanistan,

Recalling the Government of Afghanistan's strong desire to seek national reconciliation, as set forth in the Bonn Agreement (2001), the London Conference (2010), and the Kabul Conference (2010),

Recognizing that the security situation in Afghanistan has evolved and that some members of the Taliban have reconciled with the Government of Afghanistan, have rejected the terrorist ideology of Al-Qaida and its followers, and support a peaceful resolution to the continuing conflict in Afghanistan,

Recognizing that notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to



international peace and security, and *reaffirming* the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort,

Recalling that the conditions for reconciliation, open to all Afghans, laid forth in the 20 July 2010 Kabul Communiqué, supported by the Government of Afghanistan and the international community, include the renunciation of violence, no links to international terrorist organizations, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities,

Stressing the importance of all individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of those previously designated as the Taliban, as well as those individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, accepting the Government of Afghanistan's offer of reconciliation,

Taking note of the Government of Afghanistan's request that the Security Council support national reconciliation by removing Afghan names from the UN sanctions lists for those who respect the conditions for reconciliation, and, therefore, have ceased to engage in or support activities that threaten the peace, stability and security of Afghanistan,

Welcoming the results of the Consultative Peace Jirga held on 6 June 2010, in which 1,600 Afghan delegates, representing a broad cross-section of all Afghan ethnic and religious groups, government officials, religious scholars, tribal leaders, civil society, and Afghan refugees residing in Iran and Pakistan, discussed an end to insecurity and developed a plan for lasting peace in the country,

Welcoming the establishment of the High Peace Council and its outreach efforts both within and outside Afghanistan,

Stressing the central and impartial role that the United Nations continues to play in promoting peace, stability and security in Afghanistan, and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the UNAMA Salaam Support Group to assist the High Peace Council's peace and reconciliation efforts,

Reiterating its support for the fight against illicit production and trafficking of drugs from, and chemical precursors to, Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries,

Expressing concern at the increase in incidents of kidnapping and hostage-taking with the aim of raising funds, or gaining political concessions, and *expressing* the need for this issue to be addressed,

Reiterating the need to ensure that the present sanctions regime contributes effectively to ongoing efforts to combat the insurgency and support the Government of Afghanistan's work to advance reconciliation in order to bring about peace, stability, and security in Afghanistan, and *considering* the 1267 Committee's deliberations on the recommendation of the 1267 Monitoring Team in its Eleventh Report to the 1267 Committee that Member States treat listed Taliban and listed

individuals and entities of Al-Qaida and its affiliates differently in promoting peace and stability in Afghanistan,

Reaffirming international support for Afghan-led reconciliation efforts, and expressing its intention to give due regard to lifting sanctions on those who reconcile,

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

Measures

1. *Decides* that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A (“Individuals associated with the Taliban”) and section B (“entities and other groups and undertaking associated with the Taliban”) of the Consolidated List of the Committee established pursuant to resolution 1267 (1999) and 1333 (2000) as of the date of adoption of this resolution, as well as other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established in paragraph 30, (hereafter known as “the List”):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons’ benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified, including where this directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. *Decides* that those previously designated as the Taliban, and other individuals groups, undertakings and entities associated with them, whose names were inscribed in sections A (“Individuals associated with the Taliban”) and section B (“entities and other groups and undertakings associated with the Taliban”) of the Consolidated List maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on the date of adoption of this resolution shall no longer be a part of the Consolidated List, but shall henceforth be on the List described in paragraph 1, and *decides further* that all States shall take the measures

set forth in paragraph 1 against these listed individuals, groups, undertakings and entities;

3. *Decides* that the acts or activities indicating that an individual, group, undertaking, or entity is eligible for designation under paragraph 1 include:

(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related materiel to;

(c) Recruiting for; or

(d) Otherwise supporting acts or activities of those designated and other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan;

4. *Affirms* that any undertaking or entity owned or controlled, directly or indirectly by, or otherwise supporting, such an individual, group, undertaking or entity on the List, shall be eligible for designation;

5. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors originating in and transiting through Afghanistan;

6. *Confirms* that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of the Taliban on this List, and other individuals, groups, undertakings and entities associated with them, as well as other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan and other individuals, groups, undertakings, or entities associated with them;

7. *Confirms* further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the 1988 Sanctions List;

8. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

9. *Decides* that all Member States may make use of the provisions set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006) regarding available exemptions with regard to the measures in paragraph 1 (a), and *encourages* their use by Member States;

Listing

10. *Encourages* all Member States to submit to the Committee established under paragraph 30 below (“the Committee”) for inclusion on the List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities described in paragraph 3 above;

11. *Decides* that, when proposing names to the Committee for inclusion on the List, Member States shall provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings, and entities, and to the extent possible, the information required by Interpol to issue a Special Notice;

12. *Decides* that, when proposing names to the Committee for inclusion on the List, Member States shall also provide a detailed statement of case, and that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 13 below;

13. *Directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the List, a narrative summary of reasons for listing for the corresponding entry or entries;

14. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 13;

15. *Requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the List, and *highlights* the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

16. *Calls upon* Member States, when considering the proposal of a new designation, to consult with the Government of Afghanistan on the designation prior to submission to the Committee, where appropriate, and *encourages* all Member States considering the proposal of a new designation to seek advice from UNAMA, where appropriate;

17. *Decides* that the Committee shall, after publication but within three working days after a name is added to the List, notify the Government of Afghanistan, the Permanent Mission of Afghanistan, and the Permanent Mission of the State(s) where the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of which the person is believed to be a national;

Delisting

18. *Directs* the Committee to remove expeditiously individuals and entities on a case-by-case basis that no longer meet the listing criteria outlined in paragraph 3 above, and *requests* that the Committee give due regard to requests for removal of individuals that meet the reconciliation conditions agreed to by the Government of Afghanistan and the international community, which include the renunciation of violence, no links to international terrorist organizations, including Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities;

19. *Calls upon* Member States to coordinate their delisting requests, as appropriate, with the Government of Afghanistan to ensure coordination with the Government of Afghanistan's peace and reconciliation efforts;

20. *Decides* that individuals and entities seeking removal from the List without the sponsorship of a Member State are eligible to submit such requests to the Focal Point mechanism established in resolution 1730 (2006);

21. *Encourages* UNAMA to support and facilitate cooperation between the Government of Afghanistan and the Committee to ensure that the Committee has sufficient information to consider delisting requests, and *directs* the Committee established pursuant to paragraph 30 of this resolution to consider delisting requests in accordance with the following principles, where relevant:

(a) Delisting requests concerning reconciled individuals should, if possible, include a communication from the High Peace Council through the Government of Afghanistan confirming the reconciled status of the individual according to the reconciliation guidelines, or, in the case of individuals reconciled under the Strengthening Peace Program, documentation attesting to their reconciliation under the previous program; as well as current address and contact information;

(b) Delisting requests concerning individuals who formerly held positions in the Taliban regime prior to 2002 who no longer meet the listing criteria outlined in paragraph 3 of this resolution should, if possible, include a communication from the Government of Afghanistan confirming that the individual is not an active supporter of, or participant in, acts that threaten the peace, stability and security of Afghanistan, as well as current address and contact information;

(c) Delisting requests for reportedly deceased individuals should include an official statement of death from the state of nationality, residence, or other relevant state;

22. *Requests* all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been delisted should be considered for designation under paragraph 1 of this resolution, and *further requests* that the Government of Afghanistan provide to the Committee an annual report on the status of reportedly reconciled individuals who have been delisted by the Committee in the previous year;

23. *Directs* the Committee to consider expeditiously any information indicating that a delisted individual has returned to activities set forth in paragraph 3, including by engaging in acts inconsistent with the reconciliation conditions outlined in paragraph 18 of this resolution, and *requests* the Government of Afghanistan or other Member States, where appropriate, to submit a request to add that individual's name back on the list;

24. *Decides* that the Secretariat shall, as soon as possible after the Committee has made a decision to remove a name from the List, transmit the decision to the Government of Afghanistan and the Permanent Mission of Afghanistan for notification, and the Secretariat should also, as soon as possible, notify the Permanent Mission of the State(s) in which the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of nationality, and *decides* further that States receiving such notification take measures,

in accordance with domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Review and Maintenance of the List

25. *Recognizes* that the ongoing conflict in Afghanistan, and the urgency that the Government of Afghanistan and the international community attach to a peaceful political solution to the conflict, requires timely and expeditious modifications to the List, including the addition and removal of individuals and entities, *urges* the Committee to decide on delisting requests in a timely manner, *requests* the Committee to review each entry on the list on a regular basis, including, as appropriate, by means of reviews of individuals considered to be reconciled, individuals whose entries lack identifiers, individuals reportedly deceased, and entities reported or confirmed to have ceased to exist, *directs* the Committee to establish guidelines for such reviews accordingly, and *requests* the Monitoring Team to circulate to the Committee every six months:

(a) A list of individuals on the List whom the Afghan Government considers to be reconciled along with relevant documentation as outlined in paragraph 21 (a);

(b) A list of individuals and entities on the List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them; and

(c) A list of individuals on the List who are reportedly deceased and entities that are reported or confirmed to have ceased to exist, along with the documentation requirements outlined in paragraph 21 (c);

26. *Urges* the Committee to ensure that there are fair and clear procedures for the conduct of its work, and *directs* the Committee to establish guidelines accordingly, as soon as possible, in particular with respect to paragraphs 9, 10, 11, 12, 17, 20, 21, 24, 25, and 27;

27. *Encourages* Member States and relevant international organizations to send representatives to meet with the Committee to share information and discuss any relevant issues, and *welcomes* periodic briefings from the Government of Afghanistan on the impact of targeted sanctions on deterring threats to the peace, stability and security of Afghanistan, as well as to support Afghan-led reconciliation;

Cooperation with Government of Afghanistan

28. *Encourages* continued cooperation amongst the Committee, the Government of Afghanistan, and UNAMA, including by identifying and providing detailed information regarding individuals and entities participating in the financing or support of acts or activities set forth in paragraph 3 of this resolution, and by inviting UNAMA representatives to address the Committee;

29. *Welcomes* the Government of Afghanistan's desire to assist the Committee in the coordination of listing and delisting requests and in the submission of all relevant information to the Committee;

New Sanctions Committee

30. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein “the Committee”), to undertake the following tasks

(a) To consider listing requests, delisting requests and proposed updates to the existing information relevant to the List referred to in paragraph 1;

(b) To consider listing requests, delisting requests and proposed updates to the existing information relevant to section A (“Individuals associated with the Taliban”) and section B (“entities and other groups and undertakings associated with the Taliban”) of the Consolidated List that were pending before the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities as of the date of adoption of this resolution;

(c) To update regularly the List referred to in paragraph 1;

(d) To make accessible on the Committee’s website narrative summaries of reasons for listing for all entries on the List;

(e) To review the names on the List;

(f) To make periodic reports to the Council on information submitted to the Committee regarding the implementation of the resolution, including regarding non-compliance with the measures imposed by the resolution;

(g) To ensure that fair and clear procedures exist for placing individuals and entities on the List and for removing them as well as for granting humanitarian exemptions;

(h) To examine the reports presented by the Monitoring Team;

(i) To monitor implementation of the measures imposed in paragraph 1;

(j) To consider requests for exemptions in accordance with paragraph 1 and 9;

(k) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(l) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(m) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above; and

(n) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

(o) To facilitate, through the Monitoring Team and specialized UN agencies, assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

(p) To cooperate with other relevant Security Council Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999).

Monitoring Team

31. *Decides*, in order to assist the Committee in fulfilling its mandate, that the 1267 Monitoring Team, established pursuant to paragraph 7 of resolution 1526 (2004), shall also support the Committee for a period of 18 months, with the mandate set forth in Annex A of this resolution, and *requests* the Secretary-General to make any necessary arrangements to this effect;

Coordination and Outreach

32. *Recognizes* the need to maintain contact with relevant UN Security Council Committees, international organizations and expert groups, including the Committee established pursuant to resolution 1267 (1999), the Counter Terrorism Committee (CTC), the United Nations Office of Drugs and Crime, the Counter-Terrorism Executive Directorate (CTED), and the Committee established pursuant to resolution 1540 (2004), particularly given the continuing presence and negative influence on the Afghan conflict by Al-Qaida, and any cell, affiliate, splinter group or derivative thereof;

33. *Encourages* UNAMA to provide assistance to the High Peace Council, at its request, to encourage listed individuals to reconcile;

Reviews

34. *Decides* to review the implementation of the measures outlined in this resolution in eighteen months and make adjustments, as necessary, to support peace and stability in Afghanistan;

35. *Decides* to remain actively seized of the matter.

Annex

In accordance with paragraph 31 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 March 2012, and the second by 31 October 2012, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Committee in regularly reviewing names on the List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(c) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(d) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel;

(e) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(f) To present to the Committee recommendations, which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the List;

(g) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 13;

(h) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

(i) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

(j) To encourage Member States to submit names and additional identifying information for inclusion on the List, as instructed by the Committee;

(k) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the List as updated and accurate as possible;

(l) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(m) To consult with Member States and other relevant organizations and bodies, including UNAMA, and engage in regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(n) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(o) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(p) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(q) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

(r) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

(s) To assist the Committee in facilitating assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

(t) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(u) To submit to the Committee within 90 days a written report and recommendations on linkages between those individuals, groups, undertakings, and entities eligible for designation under paragraph 1 of this resolution and Al-Qaida, with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the List referred to in paragraph 1 of this resolution, and thereafter submit such a report and recommendations periodically.

(v) Any other responsibility identified by the Committee.

Chapter:	537K	UNITED NATIONS SANCTIONS (AFGHANISTAN) REGULATION	Gazette Number	Version Date
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		Empowering section	L.N. 229 of 2000	23/06/2000
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(Cap 537, section 3)

[23 June 2000]

(Originally L.N. 229 of 2000)

Section:	1	Interpretation	L.N. 134 of 2002	19/07/2002
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In this Regulation, unless the context otherwise requires-

"arms and related material" (武器及相關物資) includes weapons, ammunition, military vehicles, military equipment and paramilitary equipment; (L.N. 134 of 2002)

"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 of the aircraft or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

"Committee" (委員會) means the Committee of the Security Council of the United Nations established pursuant to Resolution 1267;

"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 a ship, submersible vehicle, aircraft or vehicle, includes the taking out of the HKSAR of the ship, submersible vehicle, aircraft or vehicle notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; (L.N. 134 of 2002)

"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; (L.N. 134 of 2002)

"master" (船長), in relation to a ship, includes a person (other than a pilot) for the time being in charge of the ship; (L.N. 134 of 2002)

"operator" (營運人), in relation to an aircraft, means the person for the time being having the management of the aircraft;

"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; (L.N. 134 of 2002)

"prohibited goods" (禁制物品) means-

- (a) any arms and related material; or
- (b) any component for any arms or related material; (L.N. 134 of 2002)

"relevant person" (有關人士) means-

- (a) Usama bin Laden, being the person referred to in the list maintained by the Committee for the purposes of Resolution 1390 and designated by the Chief Executive in accordance with section 10; or
- (b) a person who is-

- (i) a member of the Al-Qaida Organization;
- (ii) a member of the Taliban; or
- (iii) an individual associated with a person mentioned in subparagraph (i) or (ii) or paragraph (a), being a person referred to in the list mentioned in paragraph (a) and designated by the Chief Executive in accordance with section 10; (L.N. 134 of 2002)

"relevant undertaking" (有關企業) means an undertaking or entity associated with a relevant person, being an undertaking or entity referred to in the list maintained by the Committee for the purposes of Resolution 1390 and designated by the Chief Executive in accordance with section 10; (L.N. 134 of 2002)

"Resolution 1267" (《第1267號決議》) means Resolution 1267 adopted by the Security Council of the United Nations on 15 October 1999;

"Resolution 1390" (《第1390號決議》) means Resolution 1390 adopted by the Security Council of the United Nations on 16 January 2002; (L.N. 134 of 2002)

"ship" (船舶) includes every description of vessel used in navigation not propelled by oars;

"Taliban" (塔利班) means the Afghan political faction known as the Taliban; (L.N. 134 of 2002)

"vehicle" (載具) means land transport vehicle.

(L.N. 134 of 2002)

Section:	2	(Repealed L.N. 134 of 2002)	L.N. 134 of 2002	19/07/2002
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Section:	3	Freezing of funds, financial assets, etc.	L.N. 134 of 2002	19/07/2002
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(1) Except with the permission in writing of the Chief Executive, a person shall not make available, directly or indirectly, any funds or other financial assets or economic resources for the benefit of a relevant person or a relevant undertaking.

- (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;
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) 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.

(L.N. 134 of 2002)

Section:	3A	Entry or transit by relevant persons	L.N. 134 of 2002	19/07/2002
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(1) Subject to subsection (3), a relevant person shall not enter or transit through the HKSAR.

(2) A 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.

- (3) This section does not apply-
 - (a) so as to prohibit a person having the right of abode or the right to land in the HKSAR from entering the HKSAR;
 - (b) if entry or transit is necessary for the fulfilment of a judicial process; or
 - (c) if the Committee determines in a particular case that entry or transit is justified, to that case.

(L.N. 134 of 2002)

Section:	3B	Supplies and deliveries of prohibited goods to relevant persons or relevant undertakings	L.N. 134 of 2002	19/07/2002
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- (1) Except with the permission in writing of the Chief Executive, a person shall not-
 - (a) supply or deliver;
 - (b) agree to supply or deliver; or

- (c) do any act likely to promote the supply or delivery of, any prohibited goods-
 - (d) to, or to the order of, a relevant person or a relevant undertaking; or
 - (e) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.
- (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;
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) In the case of proceedings for an offence under this section, it is a defence for the accused person to prove that-
 - (a) he did not know and had no reason to believe that the goods in question were prohibited goods; or
 - (b) he did not know and had no reason to believe that the goods in question were to be supplied or delivered-
 - (i) to, or to the order of, a relevant person or a relevant undertaking; or
 - (ii) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.
- (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.
- (5) Subsection (1)(b) and (c) does not apply if the supply or delivery of the goods to the person or undertaking concerned is permitted for the purposes of this section.

(L.N. 134 of 2002)

Section:	3C	Exportation of prohibited goods to relevant persons or relevant undertakings	L.N. 134 of 2002	19/07/2002
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- (1) Except with the permission in writing of the Chief Executive, prohibited goods shall not be exported from the HKSAR-
 - (a) to, or to the order of, a relevant person or a relevant undertaking; or
 - (b) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.
- (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;
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) In the case of proceedings for an offence under this section, it is a defence for the accused person to prove that-
 - (a) he did not know and had no reason to believe that the goods in question were prohibited goods; or
 - (b) he did not know and had no reason to believe that the goods in question were to be exported from the HKSAR-
 - (i) to, or to the order of, a relevant person or a relevant undertaking; or
 - (ii) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.
- (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.
- (5) This section does not apply so as to prejudice any other law prohibiting or restricting the exportation of goods from the HKSAR.

(L.N. 134 of 2002)

Section:	3D	Provision of certain technical advice, assistance or training	L.N. 134 of 2002	19/07/2002
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(1) Except with the permission in writing of the Chief Executive, a person shall not provide, directly or indirectly, any technical advice, assistance or training related to military activities, to a relevant person or a relevant undertaking.

- (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;
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) In the case of proceedings for an offence under this section, it is a defence for the accused person to prove that-
- (a) he did not know and had no reason to believe that the advice, assistance or training was being provided, directly or indirectly, to a relevant person or a relevant undertaking; or
 - (b) he did not know and had no reason to believe that the advice, assistance or training related to military activities.
- (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.

(L.N. 134 of 2002)

Section:	3E	Carriage of prohibited goods for purposes of supply or delivery to relevant persons or relevant undertakings	L.N. 134 of 2002	19/07/2002
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- (1) This section applies to and in relation 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.
- (2) Without limiting section 3B, and except with the permission in writing of the Chief Executive, no ship, aircraft or vehicle shall be used for the carriage of prohibited goods if the carriage is, or forms part of, carriage-
- (a) to, or to the order of, a relevant person or a relevant undertaking; or
 - (b) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.
- (3) If a ship, aircraft or vehicle is used in contravention of subsection (2), a specified person commits an offence and is liable-
- (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,
- and if there is more than one specified person, then each specified person is liable accordingly.
- (4) For the purposes of subsection (3), "specified person" (指明人士)-
- (a) in relation to a ship registered in the HKSAR, means the owner or master of the ship;
 - (b) in relation to any other ship-
 - (i) means the person to whom the ship is for the time being chartered; or
 - (ii) means the master of the ship, if the master is a person who is-
 - (A) within the HKSAR; or
 - (B) both a Hong Kong permanent resident and a Chinese national;
 - (c) in relation to an aircraft registered in the HKSAR, means the operator or commander of the aircraft;
 - (d) in relation to any other aircraft-
 - (i) means the person to whom the aircraft is for the time being chartered;
 - (ii) means the operator of the aircraft, if the operator is a person who is-
 - (A) within the HKSAR;

- (B) both a Hong Kong permanent resident and a Chinese national; or
- (C) a body incorporated or constituted under the law of the HKSAR; or
- (iii) means the commander of the aircraft, if the commander is a person who is-
 - (A) within the HKSAR; or
 - (B) both a Hong Kong permanent resident and a Chinese national;
- (e) in relation to a vehicle, means the operator of the vehicle.

(5) In the case of proceedings for an offence in contravention of this section, it is a defence for the accused person to prove that-

- (a) he did not know and had no reason to believe that the goods in question were prohibited goods; or
- (b) he did not know and had no reason to believe that the carriage of the goods in question was, or formed part of, carriage-
 - (i) to, or to the order of, a relevant person or a relevant undertaking; or
 - (ii) to any destination for the purpose of delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking.

(6) This section does not apply so as to prejudice any other law prohibiting or restricting the use of a ship, aircraft or vehicle.

(7) This section does not apply if the supply or delivery or exportation from the HKSAR of the goods concerned to the prohibited destination was permitted under section 3B or 3C.

(L.N. 134 of 2002)

Section:	3F	Powers to demand evidence of destination which goods reach	L.N. 134 of 2002	19/07/2002
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(1) An exporter or a shipper of any prohibited goods that have been exported from the HKSAR shall, if required by the Chief Executive, produce within such time as the Chief Executive may allow, proof to the Chief Executive's satisfaction that the goods have reached-

- (a) a destination to which they were authorized to be supplied or delivered by a permission granted under this Regulation; or
- (b) a destination to which their supply or delivery was not prohibited by this Regulation.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine at level 6.

(3) In the case of proceedings for an offence under subsection (2), it is a defence for the accused person to prove that he did not consent to or connive at the goods reaching any destination other than a destination mentioned in subsection (1)(a) or (b).

(L.N. 134 of 2002)

Section:	3G	Declaration as to goods: powers of search	L.N. 134 of 2002	19/07/2002
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(1) A person who is about to leave the HKSAR shall, if required by an authorized officer-

- (a) declare whether or not he has with him any prohibited goods that are destined for a relevant person or a relevant undertaking or, for delivery, directly or indirectly, to, or to the order of, a relevant person or a relevant undertaking; and
- (b) produce any prohibited goods mentioned in paragraph (a) that he has with him,

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

(2) A person may however only be searched under subsection (1) by a person of the same sex.

(3) A person who, without reasonable excuse, refuses to make a declaration, fails to produce any goods, or refuses to allow himself to be searched under subsection (1) commits an offence and is liable on conviction to a fine at level 6.

(4) A person who, under this section, makes a declaration that he knows to be false in a material particular, or recklessly makes a declaration that is false in a material particular, commits an offence and is 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.

(L.N. 134 of 2002)

Section:	3H	Investigations, etc. of suspected ship	L.N. 134 of 2002	19/07/2002
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(1) If an authorized officer has reason to suspect that a ship to which section 3E applies has been, is being or is about to be used in contravention of subsection (2) of that section, he may-

- (a) either alone or accompanied and assisted by any person 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 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.

(2) If an authorized officer has reason to suspect that a ship is being or is about to be used in contravention of section 3E(2), he may (either there and then or on consideration of any information furnished or document or cargo produced in pursuance of a request made under subsection (1)(b)) with a view to prevent the commission, or the continued commission, of such a contravention or in order that enquiries may be pursued, take one or more of the following actions-

- (a) to direct the master or charterer to refrain, except with the consent of any authorized officer, from landing at any port specified by him any part of the ship's cargo that is so specified;
- (b) to request the master or charterer to take one or more of the following steps-
 - (i) to cause the ship and any of its cargo not to proceed with the voyage on which it is then engaged or about to engage, until the master or charterer is notified by an authorized officer that the ship and its cargo may so proceed;
 - (ii) (if the ship is in the HKSAR) to cause the ship and any of its cargo to remain in the HKSAR until the master or charterer is notified by an authorized officer that the ship and its cargo may depart;
 - (iii) (if the ship is in any other place) to take the ship and any of its cargo to such port as is specified by him 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 him in agreement with the master or charterer.

(3) If a master or charterer of a ship-

- (a) disobeys any direction given under subsection (2)(a); or
- (b) without reasonable excuse, refuses or fails to comply with a request made under this section, 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.

(4) If a master or charterer of a ship furnishes or produces to the authorized officer in response to a request made under this section any information, explanation or document that he knows to be false in a material particular, or recklessly furnishes or produces to the officer any information, explanation or document that is false in a material particular, the master or charterer commits an offence and is 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.

(5) If a master, charterer or member of a crew of a ship intentionally obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under this section, the master, charterer or crew member commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(6) Without prejudice to subsections (3), (4) and (5), if-

- (a) a master or charterer refuses or fails to comply with a request made under subsection (2)(b); or
- (b) an authorized officer otherwise has reason to suspect that a request that has been so made may not be complied with,

the authorized officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter the ship, or authorize such entry, and use or authorize the use of reasonable force.

(7) A power conferred by this section to request the furnishing of information or the production of a document or of cargo for inspection includes a power to-

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

(8) This section does not apply so as to prejudice any other law conferring powers or imposing restrictions or

enabling restrictions to be imposed in respect of a ship.

(L.N. 134 of 2002)

Section:	3I	Investigations, etc. of suspected aircraft	L.N. 134 of 2002	19/07/2002
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(1) If an authorized officer has reason to suspect that an aircraft to which section 3E applies has been, is being or is about to be used in contravention of subsection (2) of that section, he may-

- (a) either alone or accompanied and assisted by any person 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 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.

(2) If the aircraft is in the HKSAR, an authorized officer may (either there and then or on consideration of any information furnished or document or cargo produced in pursuance of a request made under subsection (1)(b)) further request the charterer, operator or commander, or all of them, to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or commander is, or (if the further request is made to all of them) all of them are, notified by an authorized officer that the aircraft and its cargo may depart.

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

(4) If a charterer, operator or commander of an aircraft furnishes or produces to the authorized officer in response to a request made under this section any information, explanation or document that he knows to be false in a material particular, or recklessly furnishes or produces to the officer any information, explanation or document that is false in a material particular, the charterer, operator or commander commits an offence and is 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.

(5) If a charterer, operator, commander or member of a crew of an aircraft intentionally obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under this section, the charterer, operator, commander or crew member commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(6) Without prejudice to subsections (3), (4) and (5), if an authorized officer has reason to suspect that a request that has been made under subsection (2) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose-

- (a) enter, or authorize entry on, any land and that aircraft;
- (b) detain, or authorize the detention of, that aircraft and any of its cargo; and
- (c) use, or authorize the use of, reasonable force.

(7) A power conferred by this section to request the furnishing of information or the production of a document or of cargo for inspection includes a power to-

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

(8) This section does not apply so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of an aircraft.

(L.N. 134 of 2002)

Section:	3J	Investigations, etc. of suspected vehicle	L.N. 134 of 2002	19/07/2002
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(1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3E(2), he may-

- (a) either alone or accompanied and assisted by any person 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 and driver of the vehicle or either of them to furnish such information relating to the vehicle and goods contained in it and produce for his inspection such documents so relating and such goods as he may specify; and

(c) (either there and then or on consideration of any information furnished or document or goods produced in pursuance of a request made under paragraph (b)) further request the operator or driver of the vehicle to cause the vehicle and any goods contained in it to remain in the HKSAR until the operator or driver of the vehicle is notified by an authorized officer that the vehicle and its goods may depart.

(2) If an operator or driver of a vehicle, without reasonable excuse, refuses or fails to comply with a request made under this section, within a reasonable time, the operator or driver of the vehicle commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(3) If an operator or driver of a vehicle furnishes or produces to the authorized officer in response to a request made under this section any information, explanation or document that he knows to be false in a material particular, or recklessly furnishes or produces to the officer any information, explanation or document that is false in a material particular, the operator or driver of the vehicle commits an offence and is 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) If an operator or driver of a vehicle intentionally obstructs an authorized officer (or any person acting under the authority of an authorized officer) in the exercise of his powers under this section, the operator or driver of the vehicle commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(5) Without prejudice to subsections (2), (3) and (4), if an authorized officer has reason to suspect that a request that has been made under subsection (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose-

- (a) enter, or authorize entry on, any land and enter, or authorize entry of, that vehicle;
- (b) detain, or authorized the detention of, that vehicle and any goods contained in it; and
- (c) use, or authorize the use of, reasonable force.

(6) A power conferred by this section to request the furnishing of information or the production of a document or of goods for inspection includes a power to-

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

(7) This section does not apply so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed in respect of a vehicle.

(L.N. 134 of 2002)

Section:	3K	Disclosure of information or documents	L.N. 134 of 2002	19/07/2002
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(1) Any information furnished or any document produced or seized in pursuance of section 3H, 3I or 3J may be disclosed only if-

- (a) the person who furnished the information or produced the 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 furnished 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 purposes of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to a relevant person or a relevant undertaking 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.

(L.N. 134 of 2002)

Section:	3L	Production of proof of identity	L.N. 134 of 2002	19/07/2002
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Before or on exercising a power conferred by section 3H, 3I or 3J, an authorized officer shall, if requested so to do, produce evidence of his identity and authority.

(L.N. 134 of 2002)

Section:	4	Offences in connection with applications for permission, conditions attached to permission, etc.	L.N. 134 of 2002	19/07/2002
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(1) If, for the purpose of obtaining any permission referred to in this Regulation, a person makes any statement or furnishes any document or information that to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information that is false in a material particular, he shall be guilty of an offence.

(2) Subject to subsection (3), a person who has done any act under the authority of a permission referred to in this Regulation and who fails to comply with any condition attaching to the permission shall be guilty of an offence.

(3) It shall be a defence for a person charged with an offence under subsection (2) to prove 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 permission.

(L.N. 134 of 2002)

Section:	5	Obtaining of evidence and information	L.N. 134 of 2002	19/07/2002
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The provisions of the Schedule shall have effect in order to-

- (a) 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;
- (b) facilitate the obtaining, by or on behalf of the Chief Executive, of evidence in relation to the commission of an offence under this Regulation. (L.N. 134 of 2002)

Section:	6	Penalties and proceedings	L.N. 134 of 2002	19/07/2002
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(1) A person guilty of an offence under section 3(b) or (d) of the Schedule shall be liable- (L.N. 134 of 2002)

- (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.

(2) (Repealed L.N. 134 of 2002)

(3) A person guilty of an offence under section 4(1) or (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.

(4) A person guilty of an offence under section 3(a) or (c) of the Schedule shall be liable on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(5) Where a 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.

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

(7) 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:	7	Grant of permission	L.N. 134 of 2002	19/07/2002
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No permission referred to in this Regulation shall be granted except in accordance with a resolution of the

Section:	8	(Repealed L.N. 134 of 2002)	L.N. 134 of 2002	19/07/2002
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Section:	9	Exercise of powers of the Chief Executive	L.N. 134 of 2002	19/07/2002
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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 or functions under this Regulation to any person, or any class or description of persons, approved by him, and references in this Regulation to the Chief Executive shall be construed accordingly.

(2) Subject to section 7, any permission referred to in this Regulation may be either 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. (L.N. 134 of 2002)

Section:	10	Designation by Chief Executive	L.N. 134 of 2002	19/07/2002
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The Chief Executive shall by notice published in the Gazette designate a person, undertaking or entity as a person, undertaking or entity referred to in the list maintained by the Committee for the purposes of Resolution 1390.

(L.N. 134 of 2002)

Schedule:		SCHEDULE	L.N. 134 of 2002	19/07/2002
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[sections 5 & 6]

EVIDENCE AND INFORMATION

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 the Chief Executive (or to that authorized officer) any information, or to produce to the Chief Executive (or to that authorized officer) any document, that the person has in his possession or control and that the Chief Executive (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 to do so 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 the power to take copies of or extracts from any document so produced and to request that person or, where that person is a body corporate, any person who is a present or past officer of, or is employed by, the body corporate to provide an explanation of such document.

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 document that ought to have been produced under section 1 and that has not been so produced is to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorizing any police officer 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.

(1A) Before or on exercising a power conferred by subsection (1), a person authorized by such warrant shall, if requested so to do, produce evidence of his identity and authority. (L.N. 134 of 2002)

(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 that he has reasonable ground to believe to be evidence of the commission of an offence referred to in subsection (1) or any other document that he has reasonable ground to believe ought to have been produced under section 1 and may take in relation to any such document or article any other steps that 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 an offence referred to in subsection (1) 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 servant or agent of another person may not give consent for the purposes of this paragraph but that 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 a relevant person or a relevant undertaking decided upon by the Security Council of the United Nations; or (L.N. 134 of 2002)
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation. (L.N. 134 of 2002)

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.

**United Nations Sanctions (Afghanistan) Regulation 2012
United Nations Sanctions (Afghanistan) Regulation (Repeal) Regulation**

Information on Afghanistan

Country Background

Afghanistan is a country in Southern Asia, situated in the northwest of Pakistan and the east of Iran. It has a total area of 652,090 sq. km. and a projected population of around 28.15 million. With its capital in Kabul, Afghanistan first achieved independence in 1919 from British control. The country has been led by President Hamid KARZAI since December 2004. Dependent on its agriculture sector, Afghanistan had a GDP of US\$12.9 billion (or HK\$99.6 billion) in 2009.¹ Merchandise imports and exports of Afghanistan in 2010 amounted to US\$ 4.4 billion (or HK\$34.2 billion) and US\$ 430 million (or HK\$3.3 billion) respectively.²

United Nations Sanctions against Afghanistan

2. Since 1989, a series of civil wars broke out in Afghanistan. In 1996, Kabul and most part of the country fell under the control of the Taliban, a movement emerged in the country since 1994 with an aim to end the country's civil war.

3. In view that the Taliban continued to provide safe haven to Usama bin Laden and allow him and his associates to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international terrorist operations, the United Nations Security Council (UNSC) adopted Resolution 1267 on 15 October 1999, demanding the Taliban to turn over Usama bin Laden to the appropriate authorities for trial. Following the failure of the Taliban to respond to this demand, the UNSC decided to impose sanctions on the Taliban as from 14 November 1999, including the freezing by States of all funds and other financial resources owned or controlled by the Taliban.

4. Noting the continued activities of Usama bin Laden and the Al-Qaida network in supporting international terrorism and the failure of the Taliban to respond to the demands in previous relevant resolutions, the UNSC further passed Resolutions 1388 and 1390 in January 2002 to extend the part of the sanctions imposed earlier to include the freezing of funds of the individuals and undertakings

¹ Source: World Statistics Pocket Book published by United Nations Statistics Division at <http://data.un.org/CountryProfile.aspx?crName=Afghanistan>

² Source: WTO Statistics Database at <http://stat.wto.org/Home/WSDBHome.aspx?Language>

belonging to both Al-Qaida and Taliban as designated by the UNSC Committee established pursuant to Resolution 1267, the restriction on entry into or transit through the territories of the States of these individuals, and arms embargoes against these individuals and undertakings.

5. Recognising that some members of the Taliban in Afghanistan had rejected the terrorist ideology of Al-Qaida and joined in the national Government reconciliation process, the UNSC adopted Resolution 1988 on 17 June 2011 to separate the sanctions measures imposed on Al-Qaida from those imposed on the Taliban under the efforts to fight terrorism. Those Taliban individuals and entities constituting a threat to the peace, stability and security of Afghanistan would be subject to sanctions measures including arms embargo, travel ban, and assets freeze.³

Trade Relation between Hong Kong and Afghanistan

6. In 2011, Afghanistan ranked 144th among Hong Kong's trading partners in the world, with a total trade of HK\$102.7 million. Of these, HK\$95.9 million worth of trade were exports to Afghanistan, and HK\$6.7 million imports. Hong Kong's trade with Afghanistan are summarised as follows –

Hong Kong's Trade with Afghanistan [Value in HK\$ (in million)]		
Item	2010	2011
(a) Total Exports to Afghanistan	31.6	95.9
(i) Domestic exports	0.008 ⁴	0.004 ⁵
(ii) Re-exports	31.6 ⁶	95.9 ⁷
(b) Imports from Afghanistan	4.1 ⁸	6.7 ⁹
Total Trade [(a) + (b)]	35.7	102.7

³ Source of information contained in paragraphs 2-5: UN News Centre at <http://www.un.org/apps/news/>

⁴ In 2010, domestic exports to Afghanistan were commodities not classified according to kind under the Standard International Trade Classification.

⁵ In 2011, domestic exports to Afghanistan were commodities not classified according to kind under the Standard International Trade Classification.

⁶ In 2010, re-exports to Afghanistan include telecommunications and sound recording and reproducing apparatus and equipment (63%), electrical machinery, apparatus and appliances, and electrical parts thereof (15%); and office machines and automatic data processing machines (6%).

⁷ In 2011, re-exports to Afghanistan include telecommunications and sound recording and reproducing apparatus and equipment (89%); and office machines and automatic data processing machines (7%). The increase in re-exports during in 2011 over 2010 was due to the increase in re-exports of "telecommunications equipment and parts" by 344%.

⁸ In 2010, imports from Afghanistan include textile fibres (other than wool tops and other combed wool) and their wastes (not manufactured into yarn or fabric) (57%); and non-metallic mineral manufactures (40%).

⁹ In 2011, imports from Afghanistan include non-metallic mineral manufactures (85%); and telecommunications and sound recording and reproducing apparatus and equipment (9%). The increase in imports from Afghanistan in 2011 over 2010 was due to the increase in imports of "pearls, precious and semi-precious stones" by 244%.

In 2011, HK\$90.9 million worth of goods between Afghanistan and the Mainland were routed through Hong Kong. Of these, HK\$3.7 million worth of goods were re-exports from Afghanistan to the Mainland. The remaining HK\$87.2 million were re-exports of Mainland origin to Afghanistan via Hong Kong.

7. The current arms embargo, travel ban and financial sanctions against Afghanistan imposed by the UNSC would unlikely affect the trade between Hong Kong and Afghanistan adversely, as the major categories of commodities traded are not related to arms and related materiel. In addition, given the rather small trade volume between the two places, the United Nations sanctions against Afghanistan would unlikely have any effect on the Hong Kong economy.

Commerce and Economic Development Bureau
March 2012