

L.N. 367 of 1998

UNITED NATIONS SANCTIONS (ARMS EMBARGOES)

(AMENDMENT) REGULATION 1998

(Made under section 3 of the United Nations Sanctions Ordinance

(Cap. 537) by the Chief Executive on the instruction

of the Ministry of Foreign Affairs of the People's

Republic of China and after consultation with

the Executive Council)

1. Interpretation and application

Section 1(1) of the United Nations Sanctions (Arms Embargoes) Regulation (L.N. 423 of 1997) is amended---

(a) by repealing the definition of "prohibited destination" and substituting---

"prohibited destination" (受禁制目的地) means---

(a) Liberia;

(b) Somalia;

(c) Rwanda;

(d) the Federal Republic of Yugoslavia; or

(e) Sierra Leone;";

(b) by adding---

"Federal Republic of Yugoslavia" (南斯拉夫聯盟共和國) includes Kosovo;".

2. Supplies and deliveries of certain goods

to a prohibited destination

Section 2(2) is repealed and the following substituted---

"(2) The provisions of this section shall apply to any person within the HKSAR and to any person acting elsewhere who is---

(a) a permanent resident of the HKSAR; or

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

3. Exportation of certain goods to

a prohibited destination

Section 3 is amended---

(a) by renumbering it as section 3(1);

(b) by adding---

"(2) Any person who exports any goods from the HKSAR in contravention of subsection (1) shall be guilty of an offence.

(3) Nothing in this section shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from the HKSAR.".

4. Carriage of certain goods destined for

a prohibited destination

Section 7 is amended---

(a) in subsection (3)---

(i) in paragraph (a), by repealing "or";

(ii) by adding---

"(aa) a permanent resident of the HKSAR; or";

(b) by repealing subsection (8) and substituting---

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

5. Investigation, etc. of suspected ships,
aircraft and vehicles

Section 8 is amended---

(a) in subsection (1), by repealing "ship in the HKSAR" and substituting "ship registered in the HKSAR";

(b) in subsection (3), by repealing "aircraft in the HKSAR" and substituting "aircraft registered in the HKSAR or any aircraft for the time being chartered to any person specified in section 7(3)";

(c) in subsection (8)(c), by repealing "Somalia or Rwanda" and substituting "Somalia, Rwanda, the Federal Republic of Yugoslavia or Sierra Leone";

(d) in subsection (9), by repealing "should furnished" and substituting "should be furnished".

6. Penalties and proceedings

Section 10(1) is amended by repealing "2(3)" and substituting "2(3), 3(2)".

7. Section added

The following is added---

"11A. Restriction on grant of licence

No licence shall be granted under this Regulation in respect of goods to be supplied, delivered or exported to Sierra Leone except---

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

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

8. Miscellaneous

Section 12(2) is amended by adding "or otherwise with the permission given" after "granted".

9. Evidence and information

Schedule 2 is amended in section 2(5)(c) by repealing "Somalia or Rwanda" and substituting "Somalia, Rwanda, the Federal Republic of Yugoslavia or Sierra Leone".

TUNG Chee-hwa

Chief Executive

25 November 1998

Explanatory Note

This Regulation amends the United Nations Sanctions (Arms Embargoes) Regulation (L.N. 423 of 1997). It imposes restrictions, pursuant to decisions of the Security Council of the United Nations in Resolutions No. 1160 of 31 March 1998 and No. 1171 of 5 June 1998, on the export to the Federal Republic of Yugoslavia and to Sierra Leone of arms and related material and on certain related activities including the carriage of prohibited goods in ships, aircraft and vehicles.