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REGULATION 2003****CONTENTS**

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**UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2003**

(Made under section 3 of the United Nations Sanctions Ordinance (Cap. 537)  
on the instruction of the Ministry of Foreign Affairs of  
the People's Republic of China and after consultation  
with the Executive Council)

**1. Duration**

This Regulation ceases to have effect after 6 May 2004.

**PART 1****PRELIMINARY****2. Interpretation**

In this Regulation, unless the context otherwise requires—

“authorized officer” (獲授權人員) means—

- (a) a police officer;
- (b) a customs officer;
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade; or
- (d) any other person authorized under section 16;

“commander” (機長), in relation to an aircraft, means the member of the flight crew designated as the commander of the aircraft by the operator of the aircraft, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“Committee” (委員會) means the Committee of the Security Council of the United Nations established pursuant to Resolution 1343;

“customs officer” (海關人員) means a 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;

“licence” (特許) means a licence granted under section 3;

- “master” (船長), in relation to a ship, includes a person (other than a pilot) for the time being in charge of the ship;
- “operator” (營運人), in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or vehicle;
- “owner” (擁有人), in relation to a ship, where the owner of the ship is not the operator, means the operator and any person to whom it is chartered;
- “person connected with Liberia” (有關連人士) means—
- (a) the Government of Liberia;
  - (b) any other person in, or resident in, Liberia;
  - (c) any body incorporated or constituted under the law of Liberia;
  - (d) any body, wherever incorporated or constituted, which is controlled by any of the persons mentioned in paragraphs (a), (b) and (c); or
  - (e) any person acting on behalf of any of the persons mentioned in paragraphs (a), (b), (c) and (d);
- “prohibited goods” (禁制物品) means any goods specified in the Schedule;
- “Resolution 1343” (《第 1343 號決議》) means Resolution 1343 (2001) adopted by the Security Council of the United Nations on 7 March 2001;
- “Resolution 1478” (《第 1478 號決議》) means Resolution 1478 (2003) adopted by the Security Council of the United Nations on 6 May 2003;
- “ship” (船舶) includes every description of vessel used in navigation not propelled by oars;
- “shipment” (付運) includes loading into a ship, aircraft or vehicle.

## PART 2

### LICENCES

#### 3. Power of Chief Executive to grant licences

- (1) The Chief Executive may, subject to subsection (3), grant a licence mentioned in this Regulation.
- (2) A licence granted under subsection (1)—
- (a) may be subject to or without conditions;
  - (b) may be limited so as to expire on a specified date unless renewed; and
  - (c) may be varied or revoked by the Chief Executive.
- (3) The Chief Executive may grant a licence under this section only if he has obtained the approval of the instructing authority given generally or in a particular case.

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

(1) If for the purposes of obtaining a licence under section 3, a person makes any statement or provides or produces any information or document that he knows to be false in a material particular, that person commits an offence and is liable—

(a) on conviction on indictment to a fine and to imprisonment for 2 years; or

(b) on summary conviction to a fine at level 6.

(2) If for the purposes of obtaining a licence under section 3, a person recklessly makes any statement or provides or produces any information or document that is false in a material particular, that person commits an offence and is liable—

(a) on conviction on indictment to a fine and to imprisonment for 2 years; or

(b) on summary conviction to a fine at level 6.

#### **5. Failure to comply with licence conditions**

(1) A person who does any act under the authority of a licence but fails to comply with any condition that is attached to it 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.

(2) In any proceedings for an offence under this section, it is a defence for a person charged 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 licence.

### **PART 3**

#### **PROHIBITIONS AND RESTRICTIONS, ETC.**

#### **6. Prohibition against supply and delivery of certain goods to Liberia**

(1) Except under the authority of a licence granted for the purposes of this section, a person shall not supply or deliver, agree to supply or deliver, or do any act likely to promote the supply or delivery of, any prohibited goods—

(a) to Liberia;

- (b) to, or to the order of, a person connected with Liberia; or
- (c) to a destination for the purposes of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) In any proceedings for an offence under this section, it is a defence for a person charged to prove that he did not know and had no reason to believe—

- (a) that the goods were prohibited goods; or
- (b) that the goods were to be supplied or delivered—
  - (i) to Liberia;
  - (ii) to, or to the order of, a person connected with Liberia; or
  - (iii) to a destination for the purposes of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

(4) This section applies to—

- (a) a person within the HKSAR; and
- (b) a person acting elsewhere who is—
  - (i) both a Hong Kong permanent resident and a Chinese national; or
  - (ii) a body incorporated or constituted under the law of the HKSAR.

## **7. Prohibition against exportation of certain goods to Liberia**

(1) Except under the authority of a licence granted for the purposes of this section, a person shall not export any prohibited goods from the HKSAR—

- (a) to Liberia;
- (b) to, or to the order of, a person connected with Liberia; or
- (c) to a destination for the purposes of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or

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

(3) In any proceedings for an offence under this section, it is a defence for a person charged to prove that he did not know and had no reason to believe—

(a) that the goods were prohibited goods; or

(b) that the goods were to be exported from the HKSAR—

(i) to Liberia;

(ii) to, or to the order of, a person connected with Liberia; or

(iii) to a destination for the purposes of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

(4) This section applies to—

(a) a person within the HKSAR; and

(b) a person acting elsewhere who is—

(i) both a Hong Kong permanent resident and a Chinese national; or

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

(5) This section does not operate so as to prejudice any other law prohibiting or restricting the exportation of goods from the HKSAR.

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

(1) Except under the authority of a licence granted for the purposes of this section, a person shall not provide, directly or indirectly, to a person connected with Liberia, any technical advice, assistance or training related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

(2) A person who contravenes subsection (1) commits an offence and is liable—

(a) on conviction on indictment to a fine and to imprisonment for 7 years; or

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

(3) In any proceedings for an offence under this section, it is a defence for a person charged to prove that he did not know and had no reason to believe—

(a) that the advice, assistance or training was being provided, directly or indirectly, to a person connected with Liberia; or

(b) that it related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

- (4) This section applies to—
- (a) a person within the HKSAR; and
  - (b) a person acting elsewhere who is—
    - (i) both a Hong Kong permanent resident and a Chinese national; or
    - (ii) a body incorporated or constituted under the law of the HKSAR.

## **9. Prohibition against importation of rough diamonds into HKSAR**

(1) Except under the authority of a licence granted for the purposes of this section, a person shall not import any rough diamonds, exported directly or indirectly from Liberia, into the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) In any proceedings for an offence under this section, it is a defence for a person charged to prove that he did not know and had no reason to believe that the rough diamonds were being exported, directly or indirectly, from Liberia.

(4) Subsection (1) does not apply to any rough diamonds controlled through a certificate of origin regime established by the Government of Liberia pursuant to paragraph 13 of Resolution 1478, if the Committee has reported to the Security Council of the United Nations under paragraph 14 of Resolution 1478 in relation to that regime.

(5) This section does not operate so as to prejudice any other law prohibiting or restricting the importation of rough diamonds into the HKSAR.

## **10. Prohibition against importation of round logs and timber products into HKSAR**

(1) Except under the authority of a licence granted for the purposes of this section, a person shall not import any round logs or timber products, originating in Liberia, into the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or



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

(3) In any proceedings for an offence under this section, it is a defence for a person charged to prove that he did not know and had no reason to believe that the round logs or timber products were originating in Liberia.

(4) This section does not operate so as to prejudice any other law prohibiting or restricting the importation of round logs or timber products into the HKSAR.

#### **11. Prohibition against entry or transit by senior members of Government of Liberia, etc.**

(1) A specified person or any other person connected with Liberia providing financial and military support to armed rebel groups in countries neighbouring Liberia, in particular the Revolutionary United Front in Sierra Leone, as designated by the Committee, shall not enter or transit through the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$500,000 and to imprisonment for 2 years.

(3) Nothing in this section shall prohibit a person having the right of abode or the right to land in the HKSAR from entry into the HKSAR.

(4) In this section, “specified person” (指明人士) means a person who is—  
(a) a senior member of the Government of Liberia;  
(b) a senior member of the armed forces of Liberia; or  
(c) the spouse of a senior member as referred to in paragraph (a) or (b).

#### **12. Prohibition against entry or transit by persons who have violated paragraph 5 of Resolution 1343**

(1) A person, including a member of the Liberians United for Reconciliation and Democracy or any other armed rebel groups, designated by the Committee to be in violation of paragraph 5 of Resolution 1343 shall not enter or transit through the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$500,000 and to imprisonment for 2 years.

(3) Nothing in this section shall prohibit a person having the right of abode or the right to land in the HKSAR from entry into the HKSAR.

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

- (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) Except under the authority of a licence granted for the purposes of this section, and without prejudice to the generality of section 6, no ship, aircraft or vehicle shall be used for the carriage of prohibited goods if the carriage is, or forms part of, carriage—
  - (a) from a place outside Liberia to a place in Liberia;
  - (b) to, or to the order of, a person connected with Liberia; or
  - (c) to a destination for the purposes of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.
- (3) If a ship, aircraft or vehicle is used in contravention of subsection (2), each specified person commits an offence and is liable—
  - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (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; or

(e) in relation to a vehicle, means the operator of the vehicle.

(5) In any proceedings for an offence under this section, it is a defence for a person charged to prove that he did not know and had no reason to believe—

- (a) that the goods were prohibited goods; or
- (b) that the carriage of the goods was, or formed part of, carriage—
  - (i) from a place outside Liberia to a place in Liberia;
  - (ii) to, or to the order of, a person connected with Liberia; or
  - (iii) to a destination for the purposes of delivery, directly or indirectly, to Liberia or to, or to the order of, a person connected with Liberia.

(6) This section does not operate so as to prejudice any other law prohibiting or restricting the use of ships, aircraft or vehicles.

(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 authorized by a licence granted for the purposes of section 6 or 7.

#### **14. Duties of exporters and shippers to provide evidence of destination which goods reach**

(1) An exporter or 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 licence; 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 any proceedings for an offence under this section, it is a defence for a person charged 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).

## PART 4

### EXCEPTIONS

#### 15. Exceptions

(1) Nothing in section 6 shall apply to the supply, delivery or any act likely to promote the supply or delivery of—

- (a) non-lethal military equipment intended solely for humanitarian or protective use that has been approved in advance by the Committee; and
- (b) protective clothing including flak jackets and military helmets, temporarily exported to Liberia by the personnel of the United Nations, representatives of the media, humanitarian and development workers and associated personnel for their personal use only.

(2) Nothing in section 7 shall apply to the exportation of—

- (a) non-lethal military equipment intended solely for humanitarian or protective use that has been approved in advance by the Committee; and
- (b) protective clothing including flak jackets and military helmets, temporarily exported to Liberia by the personnel of the United Nations, representatives of the media, humanitarian and development workers and associated personnel for their personal use only.

(3) Nothing in section 8 shall apply to the provision of any technical advice, assistance or training related to the supply, delivery, manufacture, maintenance and use of the equipment mentioned in subsection (1)(a).

(4) Nothing in section 11 shall—

- (a) impede the transit of the representatives of the Government of Liberia to the Headquarters of the United Nations to conduct the business of the United Nations;
- (b) impede the participation of the senior members of the Government of Liberia in the official meeting of the Mano River Union, the Economic Community of West African States or the Organization of African Unity; and

(c) apply where—

- (i) the Committee determines that any travel by a person is justified on the ground of humanitarian need, including religious obligation; or
- (ii) the Committee concludes that any transit or travel by a person would otherwise promote the compliance by Liberia with the demands of the Security Council of the United Nations, or assist in the peaceful resolution of the conflicts in the subregion as referred to in paragraph 7(b) of Resolution 1343.

(5) Nothing in section 13 shall apply to the carriage of the equipment mentioned in subsection (1)(a).

(6) A person who claims that subsection (1), (2), (3), (4) or (5) applies shall produce evidence in advance to prove that fact to the satisfaction of the Chief Executive.

## PART 5

### ENFORCEMENT OF REGULATION

#### **16. Chief Executive's power to authorize persons as authorized officers**

The Chief Executive may authorize in writing any person to be an authorized officer for the purposes of this Regulation.

#### **17. Power of authorized officers to request persons who are about to leave HKSAR to make declarations**

(1) An authorized officer may request a person who is about to leave the HKSAR—

- (a) to declare whether or not he has with him any prohibited goods that are destined for Liberia or for delivery, directly or indirectly, to or to the order of, a person connected with Liberia; and
- (b) to produce any such goods that he has with him.

(2) An authorized officer, and any person acting under his directions, may search a person who is about to leave the HKSAR for the purposes of ascertaining whether he has with him any goods mentioned in subsection (1)(a).

(3) A person may only be searched under subsection (2) by a person who is of the same sex.

(4) 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 this section commits an offence and is liable on conviction to a fine at level 6.

(5) A person who, in response to a request made under subsection (1)(a), 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; or
- (b) on summary conviction to a fine at level 6.

**18. Power of authorized officers to request persons who are about to enter HKSAR to make declarations**

(1) An authorized officer may request a person who is about to enter the HKSAR—

- (a) to declare whether or not he has with him—
  - (i) any rough diamonds exported directly or indirectly from Liberia; or
  - (ii) any round logs or timber products, originating in Liberia; and
- (b) to produce any such diamonds, round logs or timber products that he has with him.

(2) An authorized officer, and any person acting under his directions, may search a person who is about to enter the HKSAR for the purposes of ascertaining whether he has with him any diamonds, round logs or timber products mentioned in subsection (1)(a).

(3) A person may only be searched under subsection (2) by a person who is of the same sex.

(4) A person who, without reasonable excuse, refuses to make a declaration, fails to produce any rough diamonds, round logs or timber products or refuses to allow himself to be searched under this section commits an offence and is liable on conviction to a fine at level 6.

(5) A person who, in response to a request made under subsection (1)(a), 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; or
- (b) on summary conviction to a fine at level 6.

**19. Investigation, etc. of suspected ships**

(1) If an authorized officer has reason to suspect that a ship to which section 13 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 acting under his authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the master or charterer of the ship to provide such information relating to the ship and its cargo and produce for his inspection such documents so relating and such cargo as he may specify.

(2) If an authorized officer has reason to suspect that a ship is being or is about to be used in contravention of section 13(2), he may (either there and then or on consideration of any information provided or document or cargo produced in pursuance of a request made under subsection (1)(b)), with a view to prevent the commission, or the continued commission, of such a contravention or in order that enquiries may be pursued, do one or more of the following—

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

(3) If a master or charterer of a ship disobeys any direction given under subsection (2)(a), or, 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, in response to a request made under this section, provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to the 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; or

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

(5) If a master, charterer or member of a crew of a ship 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 master or charterer of a ship refuses or fails to comply with a request made under subsection (2)(b), or 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 provision of any information or the production of any document or cargo for inspection includes a power to—

(a) specify if the information should be provided orally or in writing and in what form; and

(b) specify the time by which and the place in which the information should be provided or the document or cargo should be produced for inspection.

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



**20. Investigation, etc. of suspected aircraft**

(1) If an authorized officer has reason to suspect that an aircraft to which section 13 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 acting under his authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
- (b) request the charterer, operator or commander of the aircraft, or all of them, to provide such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify.

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

(3) 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, in response to a request made under this section, provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to the 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; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(5) If a charterer, operator, commander or member of a crew of an aircraft 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 provision of any information or the production of any document or cargo for inspection includes a power to—

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

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

## **21. Investigation, etc. of suspected vehicles**

(1) If an authorized officer has reason to suspect that a vehicle within the HKSAR has been, is being or is about to be used in contravention of section 13, he may—

- (a) either alone or accompanied and assisted by any person acting under his authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
- (b) request the operator and driver of the vehicle or either of them to provide such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify; and
- (c) (either there and then or on consideration of any information provided or document or goods produced in pursuance of a request made under paragraph (b)) further request the operator or driver to cause the vehicle and any goods contained in it to remain in the HKSAR until the operator or driver 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 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, in response to a request made under this section, provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to the officer any information, explanation or document that is false in a material particular, the operator or driver 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.

(4) If an operator or driver of a vehicle 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 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 authorize 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 provision of any information or the production of any document or goods for inspection includes a power to—

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

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

## **22. Exercise of powers of Chief Executive**

The Chief Executive may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorize the delegation of any of his powers or functions under this Regulation to any person, or class or description of persons, approved by him, and references in this Regulation to the Chief Executive shall be construed accordingly.

**23. Production of proof of identity**

Before or on exercising a power conferred by this Regulation, an authorized officer shall, if requested so to do, produce evidence of his identity and authority.

**PART 6****EVIDENCE AND INFORMATION****24. Obtaining of evidence and information**

This Part shall have effect in order to—

- (a) facilitate the obtaining, by an authorized officer, of evidence and information for the purposes of securing compliance with or detecting evasion of this Regulation; or
- (b) facilitate the obtaining, by an authorized officer, of evidence in relation to the commission of an offence under this Regulation.

**25. Power of authorized officers to obtain evidence and information**

(1) Without prejudice to any other provision of this Regulation or any other law, an authorized officer may request a person in the HKSAR to provide to him any information, or to produce to him any document, in the person's possession or control that the officer may require for the purposes of securing compliance with or detecting evasion of this Regulation, and a 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) The power conferred on an authorized officer by subsection (1) includes—

- (a) the power to take any copy of or extract from any document that is produced to him under that subsection; and
- (b) the power to request that person or, where that person is a body corporate, a present officer, past officer or employee of the body corporate to provide an explanation of that document.

(3) A person who, 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 a request made by an authorized officer under subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(4) A person who, in response to a request made under this section, provides or produces to an authorized officer any information, explanation or document that he knows to be false in a material particular, or recklessly provides or produces to the officer any information, explanation 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.

(5) This section does not operate so as to require a person who acts or has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

## **26. Orders of court to comply with certain requests made under this Regulation**

(1) If a person is convicted of failing to provide or produce information, explanation or document when requested so to do under this Regulation, the magistrate or the judge may make an order requiring the person convicted, within such period as may be specified in the order, to provide or produce the information, explanation or document.

(2) An order under this section may be made either on an application by an authorized officer or on the magistrate's or judge's own motion.

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

(1) A magistrate or judge may grant a warrant under this section if he is satisfied by information on oath given by an authorized officer—

- (a) that there are reasonable grounds for suspecting that an offence under this Regulation has been committed or is being committed and evidence in relation to the commission of the offence is to be found on any premises specified in the information, or on any ship, aircraft or vehicle so specified; or
- (b) that any document that ought to have been produced under this Regulation and has not been produced is to be found on any such premises, ship, aircraft or vehicle.

(2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant and to search the premises, ship, aircraft or vehicle.

(3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—

- (a) search any person who is found on, or whom he has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
- (b) seize and detain any document or article found on the premises, ship, aircraft or vehicle or on such person that he has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
- (c) seize and detain any document that he has reasonable grounds to believe ought to have been produced under this Regulation;
- (d) take in relation to any such document or article any other steps that may appear necessary for preserving the document or article seized and preventing interference with it.

(4) A person may only be searched under this section by a person who is of the same sex.

(5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, he may use such force as is reasonably necessary for that purpose.

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

(1) Any document or article seized by virtue of section 27(3) may be detained for a period of 3 months.

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

## **PART 7**

### **DISCLOSURE OF INFORMATION OR DOCUMENTS**

## **29. Disclosure of information or documents**

(1) Any information or document provided, produced or seized in pursuance of this Regulation may be disclosed only if—

- (a) the person who provided or produced the information or document or the person from whom the document was seized has given consent to the disclosure;

- (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any place outside the People's Republic of China for the purposes of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Liberia decided on by the Security Council of the United Nations; or
  - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—
- (a) a person may not give consent to the disclosure if he has obtained the information or possessed the document only in his capacity as servant or agent of another person; and
  - (b) a person may give consent to the disclosure if he is entitled to the information or to the possession of the document in his own right.

## PART 8

### OTHER OFFENCES AND RELATED MATTERS

#### **30. Offences committed by body corporate**

If a body corporate is guilty of an offence under this Regulation, and the 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 purporting to act in any such capacity, he and the body corporate respectively commits an offence and is liable to be proceeded against and punished accordingly.

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

Without affecting the operation of any other provision of this Regulation, a person who obstructs another person in the exercise of any of his powers under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**32. Offences in relation to evasion of this Regulation**

A person who destroys, mutilates, defaces, secretes or removes any document or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

**33. Proceedings to be instituted**

(1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.

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

**SCHEDULE**

[s. 2]

**PROHIBITED GOODS**

1. Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary equipment).
2. Any component for any goods specified in section 1.

**TUNG Chee-hwa**  
Chief Executive

30 October 2003



### **Explanatory Note**

This Regulation is made under the United Nations Sanctions Ordinance (Cap. 537). It implements a decision of the Security Council of the United Nations (“the Security Council”) in Resolution 1478 of 6 May 2003—

- (a) to extend certain sanctions imposed by the Security Council in Resolution 1343 (2001), i.e. the prohibitions against importation of rough diamonds exported from Liberia, entry or transit by senior members of the Government of Liberia and certain other persons, supply or delivery of arms and related materials to Liberia and provision of related technical advice, assistance or training to Liberia; and
- (b) to impose other sanctions, namely sanctions against the importation of round logs and timber products originating in Liberia, and entry or transit by persons who supply or deliver arms and related materials, or who provide related technical advice, assistance or training, to Liberia.