

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2015

UNITED NATIONS SANCTIONS (LIBERIA) REGULATION 2014 (REPEAL) REGULATION

INTRODUCTION

At the meeting of the Executive Council on 24 March 2015, the Council advised and the Chief Executive (“the CE”) ordered that –

A (a) the United Nations Sanctions (Liberia) Regulation 2015 (“the 2015 Regulation”), at Annex A, be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”) to give effect to the instruction of the Ministry of Foreign Affairs of the People’s Republic of China (“MFA”); and

B (b) the United Nations Sanctions (Liberia) Regulation 2014 (Repeal) Regulation (“the Repeal Regulation”), at Annex B, be made consequential to the making of the 2015 Regulation.

The 2015 Regulation and the Repeal Regulation were gazetted on 27 March 2015. The 2015 Regulation (except the provisions relating to financial sanctions) came into operation on the same date. The Repeal Regulation and the provisions of the 2015 Regulation relating to financial sanctions will come into operation on 3 April 2015¹.

¹ After the repeal of the United Nations Sanctions (Liberia) Regulation 2014, the current list of relevant persons or relevant entities as specified by the CE for the purpose of the financial sanctions will cease to have effect. A new name list can only be gazetted pursuant to section 31 of the 2015 Regulation after it comes into effect on 27 March 2015. To ensure continued implementation of the financial sanctions, the Repeal Regulation and sections 6 and 11 of the 2015 Regulation relating to financial sanctions are brought into operation one week after the 2015 Regulation comes into operation.

BACKGROUND

Obligation and Authority

2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to instructions from the MFA to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In January 2015, the CE received an instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2188 in respect of Liberia. The 2015 Regulation was made pursuant to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction is at Annex C.

C

Sanctions against Liberia

3. Since March 2001, the UNSC has adopted a series of resolutions imposing sanctions against Liberia in view of the country’s support for armed rebel groups in neighbouring countries which constituted a threat to international peace and security in the region. These resolutions include UNSCR 1521 imposing travel ban measures, UNSCR 1532 concerning financial sanctions measures and UNSCR 1903² imposing arms-related sanctions. The sanctions regime, last renewed by UNSCR 2128 in December 2013, includes the following –

- (a) prohibition against the direct or indirect supply, sale, transfer and carriage of arms and related materiel, and the provision of assistance, advice or training related to military activities, to a person operating in the territory of Liberia (*paragraphs 3, 4, 5 and 6 of UNSCR 1903 refer*);
- (b) prohibition against the entry into or transit through the territories of Member States by certain persons designated by the Committee established by paragraph 21 of UNSCR 1521 (“the Committee”) (*paragraph 4 of UNSCR 1521 refers*); and

² Paragraph 3 of UNSCR 1903 provides that the measures on arms, previously imposed by paragraph 2 of UNSCR 1521 and modified by paragraphs 1 and 2 of UNSCR 1683, paragraph 1(b) of UNSCR 1731, are to be replaced by paragraph 4 of UNSCR 1903.

- (c) freezing of funds, other financial assets and economic resources owned or controlled directly or indirectly by persons designated by the Committee, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and prohibition against making available to, or for the benefit of, such persons or entities any funds, other financial assets or economic resources (*paragraph 1 of UNSCR 1532 refers*).

4. Pursuant to the instructions of the MFA, the HKSAR implemented these sanctions through making subsidiary legislation under the Ordinance, the most recent one being the United Nations Sanctions (Liberia) Regulation 2014 (Cap. 537BG) (“the 2014 Regulation”) which implemented the sanctions as renewed by UNSCR 2128. All provisions in the 2014 Regulation, except for those relating to financial sanctions (including prohibition, licensing and law enforcement provisions), expired at midnight on 9 December 2014.

UNSCR 2188

D 5. On 9 December 2014, UNSC adopted UNSCR 2188 (at Annex D), which stipulated, inter alia, that –

- (a) the financial measures imposed by paragraph 1 of UNSCR 1532 remain in force (*paragraph 1 of UNSCR 2188 refers*); and
- (b) for a period of nine months from the date of adoption of UNSCR 2188 –
 - (i) the measures on travel imposed by paragraph 4 of UNSCR 1521 would be renewed (*paragraph 2(a) of UNSCR 2188 refers*); and
 - (ii) the measures on arms, previously imposed by paragraph 2 of UNSCR 1521 and modified by paragraphs 1 and 2 of UNSCR 1683, by paragraph 1(b) of UNSCR 1731, by paragraphs 3, 4, 5 and 6 of UNSCR 1903, by paragraph 3 of UNSCR 1961, and by paragraph 2(b) of UNSCR 2128,

would be renewed (*paragraph 2(b) of UNSCR 2188 refers*).

THE 2015 REGULATION

6. The 2015 Regulation, at Annex A, seeks to implement the sanctions against Liberia as renewed by UNSCR 2188, and to continue the implementation of the financial sanctions under UNSCR 1532. The main provisions of the 2015 Regulation include –

- (a) **section 1**, which provides that the provisions relating to financial sanctions would commence on 3 April 2015;
- (b) **sections 3 and 4**, which prohibit the supply, sale, transfer and carriage of arms or related materiel to a person operating in the territory of Liberia;
- (c) **section 5**, which prohibits the provision of assistance, advice or training related to military activities to a person operating in the territory of Liberia;
- (d) **section 6**, which provides for prohibitions against making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;
- (e) **section 7**, which prohibits the entry into or transit through the HKSAR by certain persons;
- (f) **sections 9 to 11**, which provide for the granting of licences for the supply, sale, transfer or carriage of prohibited goods; for the provision of assistance, advice or training related to military activities to a person operating in the territory of Liberia; and for making available to certain persons or entities funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of certain persons or entities;

- (g) **section 31**, which provides that the Chief Executive may by notice published in the Gazette specify a person or an entity designated by the Committee as a relevant person or a relevant entity for the purpose of the financial sanctions under the 2015 Regulation; and
- (h) **section 33**, which provides that all provisions, except those relating to financial sanctions, would expire at midnight on 8 September 2015.

E

A mark-up version showing changes when compared against the 2014 Regulation is at Annex E for easy reference by Members.

THE REPEAL REGULATION

7. All provisions of the 2014 Regulation, except those relating to financial sanctions, expired on 9 December 2014. Consequential to the making of the 2015 Regulation which includes provisions relating to financial sanctions, there is no further need for the 2014 Regulation and it should therefore be repealed.

IMPLICATIONS OF THE PROPOSAL

8. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The 2015 Regulation will not affect the current binding effect of the Ordinance. It has no financial, economic, productivity, environmental, sustainability or family implications. Additional work arising from the enforcement of the 2015 Regulation, if any, will be absorbed by the relevant departments with existing resources.

PUBLICITY

9. A press release was issued on 27 March 2015 when the 2015 Regulation and the Repeal Regulation were published in the Gazette.

INFORMATION ON LIBERIA AND RELATION WITH THE HKSAR

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

ADVICE SOUGHT

11. Members are invited to note the implementation of the UNSCR 2188 in the HKSAR by the 2015 Regulation and the Repeal Regulation.

Commerce and Economic Development Bureau
March 2015

United Nations Sanctions (Liberia) Regulation 2015

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United Nations Sanctions (Liberia) Regulation 2015

(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**

Sections 6 and 11 come into operation on 3 April 2015.

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 21 of Resolution 1521;

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—

- (a) section 9(1)(a) or (b);
- (b) section 10(1); or
- (c) section 11(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 an entity specified by the Chief Executive as a relevant entity in accordance with section 31;

relevant person (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 31;

Resolution 1521 (《第1521號決議》) means Resolution 1521 (2003) adopted by the Security Council on 22 December 2003;

Resolution 2188 (《第2188號決議》) means Resolution 2188 (2014) adopted by the Security Council on 9 December 2014;

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

UNMIL (特派團) means the United Nations Mission in Liberia.

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) Except under the authority of a licence granted under section 9(1)(a), 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 person operating in the territory of Liberia; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.
- (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 person operating in the territory of Liberia; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.

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, except under the authority of a licence granted under section 9(1)(b), 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 person operating in the territory of Liberia; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.
- (3) Subsection (2) does not apply if—
- (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 9(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) for a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
 - (b) for 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) for an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
- (d) for 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) for a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) 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.
- (6) It is a defence for a person charged with an offence under subsection (4) 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 person operating in the territory of Liberia; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.
- 5. Prohibition against provision of certain assistance, advice 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) Except under the authority of a licence granted under section 10(1), a person must not provide, directly or indirectly, to a person operating in the territory of Liberia any assistance, advice or training related to military activities, including financing and financial assistance.
 - (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 assistance, advice or training concerned was or was to be provided to a person operating in the territory of Liberia; or
 - (b) that the assistance, advice 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 11(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 belonging to, or owned or controlled 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

- belonging to, or owned or controlled 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 belonging to, or owned or controlled 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 belonging to, or owned or controlled by, a relevant person or a relevant entity with—
 - (a) interest or other earnings due on that account; or
 - (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.
 - (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 specified 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.
- (4) In this section—

paragraph 2 of Resolution 1521 (《第 1521 號決議》第 2 段) means paragraph 2 of Resolution 1521 as replaced by the Security Council by paragraph 4 of Resolution 1903 and as renewed by paragraph 2(b) of Resolution 2188;

paragraph 4 of Resolution 1521 (《第 1521 號決議》第 4 段) means paragraph 4 of Resolution 1521 as renewed by the Security Council by paragraph 2(a) of Resolution 2188;

Resolution 1903 (《第 1903 號決議》) means Resolution 1903 (2009) adopted by the Security Council on 17 December 2009;

specified person (指明人士) means a person designated by the Committee, for the purposes of paragraph 4 of Resolution 1521, as—

- (a) a person who constitutes a threat to the peace process in Liberia or is engaged in activities aimed at undermining peace and stability in Liberia and the subregion;
- (b) a senior member of the former President Charles Taylor's Government who retains links to the former President or a spouse of such a senior member;
- (c) a member of Liberia's former armed forces who retains links to the former President Charles Taylor;
- (d) a person determined by the Committee to be in violation of paragraph 2 of Resolution 1521; or
- (e) an individual who provides, or an individual associated with an entity that provides, financial or military support to armed rebel groups in Liberia or in countries in the region.

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

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

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or

- (b) the Committee has determined that the relevant entry into or transit through the HKSAR would otherwise further the objectives of the resolutions of the Security Council, that is, the creation of peace, stability and democracy in Liberia and lasting peace in the subregion.
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Part 3

Licences

9. Licence for supply, sale, transfer or carriage of certain goods

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant, as appropriate—
- (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
 - (i) to, or to the order of, a person operating in the territory of Liberia; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia; or
 - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) to, or to the order of, a person operating in the territory of Liberia; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.
- (2) The requirements are as follows—
- (a) it is a supply, sale, transfer or carriage of prohibited goods to the Government of Liberia;
 - (b) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Liberia by the personnel of

the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;

- (c) the prohibited goods are intended solely for the support of or use by UNMIL;
- (d) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use.

10. Licence for provision of certain assistance, advice or training

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence for the provision, to a person operating in the territory of Liberia, of assistance, advice or training related to military activities, including financing and financial assistance.
- (2) The requirements are as follows—
 - (a) the assistance, advice or training is provided for the Government of Liberia;
 - (b) the assistance or training is technical assistance or training intended solely for the support of or use by UNMIL;
 - (c) the assistance or training is technical assistance or training related to non-lethal military equipment intended solely for humanitarian or protective use.

11. 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 belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements 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, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity;
 - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
 - (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 12 March 2004 and is not for the benefit of a relevant person or a relevant entity; and

- (ii) are to be used to satisfy the lien or judgment.
- (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 2 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;
 - (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

12. 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.
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Part 4

Things Done outside HKSAR

13. 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

14. 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.

15. Offences by charterer, operator or master of ship

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 14(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 14(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 14(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.

16. Power of authorized officers to enter and detain ships

- (1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(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

17. 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.

18. 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 17(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 17(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.

19. Power of authorized officers to enter and detain aircraft

- (1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(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**20. 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.

21. 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 20(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 20(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.

22. Power of authorized officers to enter and detain vehicles

- (1) Without limiting section 21, if an authorized officer has reason to suspect that a request that has been made under section 20(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

23. Production of proof of identity

Before or on exercising a power conferred by section 14, 16, 17, 19, 20 or 22, 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****24. 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.

25. Detention of documents, cargoes or articles seized

- (1) Subject to subsection (2), any document, cargo or article seized under section 24(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****26. 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 Liberia 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****27. 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.

28. 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.

29. 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.

30. 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.

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

The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 1 of Resolution 1532 (2004) adopted by the Security Council on 12 March 2004.

32. 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.
-

Part 9

Duration

33. Duration

The following provisions expire at midnight on 8 September 2015—

- (a) the definitions of *arms or related materiel*, *Commissioner*, *master*, *operator*, *pilot in command*, *prohibited goods*, *Resolution 2188* and *UNMIL* in section 2;
- (b) paragraphs (a) and (b) of the definition of *licence* in section 2;
- (c) sections 3, 4, 5, 7, 8, 9 and 10;
- (d) Part 5.

C. Y. LEUNG
Chief Executive

24 March 2015

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2188 (2014) as adopted by the Security Council of the United Nations (*Security Council*) on 9 December 2014 by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
- (b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances; and
- (c) entry into or transit through the HKSAR by certain persons.

2. The Regulation also continues to give effect to a decision of the Security Council in Resolution 1532 (2004) as adopted by the Security Council on 12 March 2004 by providing for the prohibition against—

- (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
- (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities.

United Nations Sanctions (Liberia) Regulation 2014 (Repeal) Regulation

L.N. 70 of 2015
B765

Section 1

L.N. 70 of 2015

**United Nations Sanctions (Liberia) Regulation 2014
(Repeal) Regulation**

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

1. Commencement

This Regulation comes into operation on 3 April 2015.

2. Repeal

The United Nations Sanctions (Liberia) Regulation 2014 (Cap. 537 sub. leg. BG) is repealed.

C. Y. LEUNG
Chief Executive

24 March 2015

United Nations Sanctions (Liberia) Regulation 2014 (Repeal) Regulation

Explanatory Note
Paragraph 1

L.N. 70 of 2015
B767

Explanatory Note

This Regulation repeals the United Nations Sanctions (Liberia) Regulation 2014 (Cap. 537 sub. leg. BG), on the making of the United Nations Sanctions (Liberia) Regulation 2015 (*the new Regulation*).

2. The new Regulation is a consolidated instrument which gives effect to certain decisions of the Security Council of the United Nations (*Security Council*) in Resolution 2188 (2014) and continues to give effect to a decision of the Security Council in Resolution 1532 (2004).

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Liberia) Regulation 2015

**United Nations Sanctions (Liberia) Regulation 2014
(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 January 2015 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 2188 of the Security Council of the United Nations, and that the United Nations Sanctions (Liberia) Regulation 2015 and the United Nations Sanctions (Liberia) Regulation 2014 (Repeal) Regulation were made in pursuance of that instruction.

Dated this 24th day of March 2015



(Mrs Carrie Lam)
Chief Secretary for Administration

United Nations

S/RES/2188 (2014)

**Security Council**Distr.: General
9 December 2014

Resolution 2188 (2014)**Adopted by the Security Council at its 7328th meeting, on
9 December 2014***The Security Council,**Recalling* its previous resolutions and statements by its President on the situation in Liberia,*Welcoming* the sustained progress made by the Government of Liberia, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,*Taking note* of the report of the United Nations Panel of Experts on Liberia ([S/2014/831](#)),*Further noting* the Secretary-General's letter and welcoming the recommendations to the Council regarding the Assessment mission concerning the Liberia sanctions regime dated 29 September 2014 ([S/2014/707](#)),*Expressing grave concern* about the outbreak of the Ebola virus in, and its impact on, West Africa, including Liberia,*Recognizing* that the peacebuilding and development gains in Liberia could be reversed in light of the Ebola outbreak, and in light of these factors, *expressing* its intent to scale back and terminate the remaining sanctions in a prudent manner,*Affirming* that the Government of Liberia bears primary responsibility for ensuring peace, stability and the protection of the civilian population in Liberia and *stressing* that lasting stability in Liberia will require the Government of Liberia to sustain well-functioning and accountable government institutions, particularly of the rule of law and security sectors,*Stressing* the need for continued progress on security sector reform in Liberia to ensure that Liberia's military, police, and border security forces are self-sufficient, capable, and adequately prepared to protect the Liberian people,*Underlining* that the transparent and effective management of natural resources is critical for Liberia's sustainable peace and security,*Underlining* its determination to support the Government of Liberia in its efforts to meet the conditions of resolution 1521 (2003), welcoming the engagement

of the Peacebuilding Commission, and encouraging all stakeholders, including donors, to support the Government of Liberia in its efforts,

Determining that the situation in Liberia remains fragile and constitutes a threat to international peace and security in the region,

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

1. *Reaffirms* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force;

2. *Decides* for a period of nine months from the date of adoption of this resolution:

(a) To renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003);

(b) To renew the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006), by paragraph 1 (b) of resolution 1731 (2006), by paragraphs 3, 4, 5 and 6 of resolution 1903 (2009), by paragraph 3 of resolution 1961 (2010), and by paragraph 2 (b) of resolution 2128 (2013);

3. *Decides further* to maintain all of the above measures under continuous review with a view to modifying or lifting all or part of the measures of the sanctions regime dependent upon Liberia's progress towards meeting the conditions set out in resolution 1521 (2003) for terminating those measures and in light of the threat to peace and security in Liberia posed by the Ebola virus;

4. *Requests* the Secretary-General to provide an update to the Security Council by August 1, 2015 on progress made by the Government of Liberia to implement the recommendations on the proper management of arms and ammunition, including enacting the necessary legislative frameworks, and on facilitating the effective monitoring and management of the border regions between Liberia and Côte d'Ivoire;

5. *Decides* to extend the mandate of the Panel of Experts appointed pursuant to paragraph 9 of resolution 1903 (2009) for a period of 10 months from the date of adoption of this resolution to undertake the following tasks in close collaboration with the Government of Liberia and the Côte d'Ivoire Group of Experts:

(a) To conduct a follow-up assessment mission to Liberia and neighbouring States, as feasible given conditions on the ground, to investigate and compile a final report on the implementation, and any violations, of the measures on arms as amended by resolutions 1903 (2009), 1961 (2010) and 2128 (2013), and including the various sources of financing for the illicit trade of arms, on progress in the security and legal sectors with respect to the Government of Liberia's ability to effectively monitor and control arms and border issues, and on the Government of Liberia's progress on meeting notification requirements;

(b) To provide to the Council, after discussion with the Committee, a final report no later than August 1, 2015 on all the issues listed in this paragraph, and to provide an update to the Committee no later than April 23, 2015 on the status of legislation in Liberia related to the Government of Liberia's ability to effectively

monitor and control arms and border issues; and any other informal updates to the Committee as appropriate;

(c) To cooperate actively with other relevant panels of experts, in particular that on Côte d'Ivoire re-established by paragraph 24 of resolution 2153 (2014);

6. *Requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Panel of Experts, in consultation with the Committee, for a period of 10 months from the date of this resolution, drawing, as appropriate, on the expertise of the members of the Panel of Experts established pursuant to previous resolutions;

7. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all aspects of its mandate;

8. *Recalls* that responsibility for controlling the circulation of small arms within the territory of Liberia and between Liberia and neighbouring States rests with the relevant governmental authorities in accordance with the Economic Community of West African States Convention on Small Arms and Light Weapons of 2006;

9. *Urges* the Government of Liberia to expedite the adoption and implementation of appropriate legislation and take other necessary and appropriate steps to establish the necessary legal framework to combat the illicit trafficking of arms and ammunition;

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

United Nations Sanctions (Liberia) Regulation 2015

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United Nations Sanctions (Liberia) Regulation ~~2014~~2015

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United Nations Sanctions (Liberia) Regulation ~~2014~~2015

(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

Sections 6 and 11 come into operation on ~~21 March 2014~~3 April 2015.

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 21 of Resolution 1521;

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—

- (a) section 9(1)(a) or (b);
- (b) section 10(1); or
- (c) section 11(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 an entity specified by the Chief Executive as a relevant entity in accordance with section 31;

relevant person (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 31;

Resolution 1521 (《第 1521 號決議》) means Resolution 1521 (2003) adopted by the Security Council on 22 December 2003;

Resolution ~~2128~~2188 (《第 ~~2128~~2188 號決議》) means Resolution ~~2128~~2188 (~~2013~~2014) adopted by the Security Council on ~~10~~9 December ~~2013~~2014;

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

UNMIL (特派團) means the United Nations Mission in Liberia.

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) Except under the authority of a licence granted under section 9(1)(a), 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 person operating in the territory of Liberia; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.
- (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 person operating in the territory of Liberia; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.

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, except under the authority of a licence granted under section 9(1)(b), 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 person operating in the territory of Liberia; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.
- (3) Subsection (2) does not apply if—
 - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 9(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
 - (a) for a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
 - (b) for 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) for an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
 - (d) for 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) for a vehicle, the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) 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.
- (6) It is a defence for a person charged with an offence under subsection (4) 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 person operating in the territory of Liberia; or
- (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.

5. Prohibition against provision of certain assistance, advice 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) Except under the authority of a licence granted under section 10(1), a person must not provide, directly or indirectly, to a person operating in the territory of Liberia any assistance, advice or training related to military activities, including financing and financial assistance.
- (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 assistance, advice or training concerned was or was to be provided to a person operating in the territory of Liberia; or
- (b) that the assistance, advice 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 11(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~~ belonging to, or owned or controlled 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 belonging to, or owned or controlled

~~by, 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 belonging to, or owned or controlled by, ~~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 belonging to, or owned or controlled by, ~~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; or
 - (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.
- (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 specified 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.
- (4) In this section—

paragraph 2 of Resolution 1521 (《第 1521 號決議》第 2 段) means paragraph 2 of Resolution 1521 as replaced by the Security Council by paragraph 4 of Resolution 1903 and as renewed by paragraph 2(b) of Resolution [21282188](#);

paragraph 4 of Resolution 1521 (《第 1521 號決議》第 4 段) means paragraph 4 of Resolution 1521 as renewed by the Security Council by paragraph 2(a) of Resolution [21282188](#);

Resolution 1903 (《第 1903 號決議》) means Resolution 1903 (2009) adopted by the Security Council on 17 December 2009;

specified person (指明人士) means a person designated by the Committee, for the purposes of paragraph 4 of Resolution 1521, as—

- (a) a person who constitutes a threat to the peace process in Liberia or is engaged in activities aimed at undermining peace and stability in Liberia and the subregion;
- (b) a senior member of the former President Charles Taylor's Government who retains links to the former President or a spouse of such a senior member;
- (c) a member of Liberia's former armed forces who retains links to the former President Charles Taylor;
- (d) a person determined by the Committee to be in violation of paragraph 2 of Resolution 1521; or
- (e) an individual who provides, or an individual associated with an entity that provides, financial or military support to armed rebel groups in Liberia or in countries in the region.

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

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

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (b) the Committee has determined that the relevant entry into or transit through the HKSAR would otherwise

further the objectives of the resolutions of the Security Council, that is, the creation of peace, stability and democracy in Liberia and lasting peace in the subregion.

Part 3

Licences

9. Licence for supply, sale, transfer or carriage of certain goods

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant, as appropriate—
 - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
 - (i) to, or to the order of, a person operating in the territory of Liberia; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia; or
 - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) to, or to the order of, a person operating in the territory of Liberia; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a person operating in the territory of Liberia.
- (2) The requirements are as follows—
 - (a) it is a supply, sale, transfer or carriage of prohibited goods to the Government of Liberia;
 - (b) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Liberia by the personnel of the United

Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;

- (c) the prohibited goods are intended solely for the support of or use by UNMIL;
- (d) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use.

10. Licence for provision of certain assistance, advice or training

(1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence ~~for the provision, to provide~~ to a person operating in the territory of Liberia, of assistance, advice or training related to military activities, including financing and financial assistance.

(2) The requirements are as follows—

(a) the assistance, advice or training is provided for the Government of Liberia;

~~—(b) the assistance, advice or training is related to protective clothing, including flak jackets and military helmets, to be temporarily exported to Liberia by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;~~

(eb) the assistance or training is technical assistance or training intended solely for the support of or use by UNMIL;

(dc) the assistance or training is technical assistance or training related to non-lethal military equipment intended solely for humanitarian or protective use.

11. 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 belonging to, or owned or controlled by,~~owned by or otherwise belonging to, or held by,~~ a relevant person or a relevant entity.
- (2) The requirements 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, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources belonging to, or owned or controlled by,~~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;
 - (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 12 March 2004 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment.
- (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 2 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;
 - (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

12. 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.
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Part 4

Things Done outside HKSAR

13. 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

14. 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 ~~that~~ 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.

15. Offences by charterer, operator or master of ship

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 14(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 14(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 14(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.

16. Power of authorized officers to enter and detain ships

- (1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(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

17. 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.

18. 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 17(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 17(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.

19. Power of authorized officers to enter and detain aircraft

- (1) Without limiting section 18, if an authorized officer has reason to suspect that a request that has been made under section 17(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

20. 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.

21. 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 20(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 20(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.

22. Power of authorized officers to enter and detain vehicles

- (1) Without limiting section 21, if an authorized officer has reason to suspect that a request that has been made under section 20(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

23. Production of proof of identity

Before or on exercising a power conferred by section 14, 16, 17, 19, 20 or 22, 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

24. 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.

25. Detention of documents, cargoes or articles seized

- (1) Subject to subsection (2), any document, cargo or article seized under section 24(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.
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Part 7

Disclosure of Information or Documents

26. 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 Liberia 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

27. 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.

28. 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.

29. 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.

30. 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.

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

The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 1 of Resolution 1532 (2004) adopted by the Security Council on 12 March 2004.

32. 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.

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- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.
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Part 9

Duration

33. Duration

The following provisions expire at midnight on ~~9 December 2014~~
September 2015—

- (a) the definitions of *arms or related materiel*, *Commissioner*, *master*, *operator*, *pilot in command*, *prohibited goods*, *Resolution ~~2128~~2188* and *UNMIL* in section 2;
- (b) paragraphs (a) and (b) of the definition of *licence* in section 2;
- (c) sections 3, 4, 5, 7, 8, 9 and 10;
- (d) Part 5.

Chief Executive

20145

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution ~~2128~~2188 (~~2013~~2014) as adopted by the Security Council of the United Nations (*Security Council*) on ~~109~~ December ~~2013~~2014 by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
- (b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances; and
- (c) entry into or transit through the HKSAR by certain persons.

2. The Regulation also continues to give effect to a decision of the Security Council in Resolution 1532 (2004) as adopted by the Security Council on 12 March 2004 by providing for the prohibition against—

- (a) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
- (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by,~~owned by or otherwise belonging to, or held by,~~ certain persons or entities.

**United Nations Sanctions (Liberia) Regulation 2015
United Nations Sanctions (Liberia) Regulation 2014 (Repeal) Regulation**

Information on Liberia

Country Background

Liberia is a country on the west coast of Africa, bordered by Sierra Leone, Guinea and Côte d'Ivoire. It has a total area of 111 369 sq. km.^{Note 1} and an estimated population of around 4.29 million in 2013.^{Note 2} With its capital in Monrovia, Liberia was founded in 1847 by freed American slaves, adopting a republic government modeled on that of the United States. The country is currently led by President Ellen Johnson Sirleaf who has come to power since 2005. Dependent on exports of iron ore, rubber and other natural resources such as diamond and timber, Liberia had a GDP of US\$1.96 billion (or HK\$15.16 billion) in 2013.^{Note 3} Merchandise imports and exports of Liberia in 2013 amounted to US\$1.15 billion (or HK\$8.92 billion) and US\$559 million (or HK\$4.34 billion) respectively.^{Note 2} The country also has the second largest maritime registry of vessels in the world.^{Note 4}

United Nations Sanctions against Liberia

2. Decades of economic plunder and social disinvestments, amplified by military coups and civil wars in the 1980s and 1990s, eroded the wealth of natural resources, human capital and infrastructure of Liberia. Concerned with the situation in Liberia, the United Nations Security Council (UNSC) imposed an arms embargo on the country in 1992. In 2001, the UNSC adopted Resolution 1343 which further blocked trade in rough diamonds (which was exploited by warlords for illicit trading) and restricted the travel of key individuals undermining regional security through Liberia's role in the war in neighbouring Sierra Leone. As the conflict intensified

Note 1 Source: World Statistics Pocket Book published by the United Nations Statistics Division at <http://unstats.un.org/unsd/pocketbook/WSPB2014.pdf>

Note 2 Source: International Trade Statistics published by the World Trade Organisation at <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=LR>

Note 3 Source: World Economic Outlook Database, October 2014 published by the International Monetary Fund at <http://www.imf.org/external/pubs/ft/weo/2014/02/weodata/weorept.aspx?sy=2013&ey=2013&scsm=1&ssd=1&sort=country&ds=.&br=1&c=668&s=NGDPD&grp=0&a=&pr.x=84&pr.y=3>

Note 4 Source: Liberian Registry at <http://www.liscr.com/liscr/AboutUs/AboutLiberianRegistry/tabid/206/Default.aspx>

within Liberia, the UNSC demanded audits of the Liberian shipping registry and the logging sector via Resolution 1408 (2002), and eventually applied timber sanctions in 2003 by adopting Resolution 1478(2003).

3. Armed conflicts intensified in 2003, leading to the exile of the former President Charles Taylor who was known for his brutal regime between 1997 and 2003. The Comprehensive Peace Agreement signed among the warring factions in 2003 ended the conflict in Liberia. However, the exiled former President Charles Taylor continued to exert influence on events in Liberia, and the implementation of the peace accord lacked progress. Outbreaks of violence from former warlords and rebel fighters continued. In light of these developments, the UNSC imposed in 2003 by Resolution 1521(2003) travel ban against certain individuals, including among others those senior members of former President Charles Taylor's Government and certain members of Liberia's former armed forces. The UNSC also renewed sanctions on ban of arms and natural resources through 2004 and 2005, and imposed in 2004 by Resolution 1532 (2004) an assets freeze measure on certain individuals to prevent access to resources to fuel further conflict.^{Note 5}

4. Acknowledging the efforts taken by the new Government of President Ellen Johnson Sirleaf inaugurated in January 2006, the UNSC allowed the timber sanctions to expire on 20 June 2006. Subsequently, the UNSC also lifted the ban on rough diamond on 27 April 2007. Noting that the situation in Liberia continued to constitute a threat to international peace and security in the region, the sanctions regime was most recently modified and renewed by Resolutions 1903 (2009) and 2188 (2014)^{Note 6}.

Trade Relation between Hong Kong and Liberia

5. In 2014, Liberia ranked 153rd among Hong Kong's trading partners in the world, with a total trade of HK\$86.1 million. Of these, HK\$85.6 million worth of trade were exports to Liberia, and HK\$0.5 million imports. Hong Kong's trade with Liberia are summarised as follows –

^{Note 5} The information in paragraphs 2-3 is extracted from Report of the Panel of Experts submitted pursuant to paragraph 4 (d) of Security Council resolution 1731 (2006) concerning Liberia (S/2007/340).

^{Note 6} Source: Official Website of UN Security Council Sanctions Committee at <http://www.un.org/sc/committees/1521/index.shtml>

Hong Kong's Trade with Liberia [Value in HK\$ (in million)]		
Item	2013	2014
(a) Total Exports to Liberia	42.3	85.6
(i) Domestic exports	0.007 ^{Note 7}	--
(ii) Re-exports	42.3 ^{Note 8}	85.6 ^{Note 9}
(b) Imports from Liberia	1.7 ^{Note 10}	0.5 ^{Note 11}
Total Trade [(a) + (b)]	44.0	86.1

In 2014, HK\$84.8 million worth of goods, or 0.5%^{Note 12} of the total trade between Liberia and the Mainland, were routed through Hong Kong. Of these, HK\$1.2 million worth of goods were re-exports from Liberia to the Mainland^{Note 13}. The remaining HK\$83.6 million were re-exports of Mainland origin to Liberia via Hong Kong.

6. The current arms embargo, travel ban and financial sanctions against Liberia imposed by the UNSC would unlikely affect trade between Hong Kong and Liberia notably, as the major categories of commodities traded are not related to arms and related materials. In addition, given the rather small trade volume between the two places, the United Nations sanctions against

^{Note 7} In 2013, domestic exports to Liberia include special transaction and commodities not classified according to kind (100%).

^{Note 8} In 2013, the re-export items to Liberia mainly include telecommunications equipment and parts (80.9%); rotating electric plant and parts (5.0%); and civil engineering and contractors' plant and equipment (4.1%).

^{Note 9} In 2014, the re-export items to Liberia mainly include Telecommunications equipment and parts (90.3%); instruments and appliances for medical, surgical, dental or veterinary purposes (1.4%); and nitrogen function compounds (1.3%). The increase was mainly due to rise in demand for telecommunications equipment.

^{Note 10} In 2013, the import items from Liberia mainly include dried or salted fish (40.4%); raw hides and skins (except furskins) (21.0%); and worn clothing and other worn textile articles (15.1%).

^{Note 11} In 2014, the import items from Liberia mainly include iron and steel bars/rods/angles/shapes/sections (52.2%); waste, parings and scrap of plastics (40.2%); and feeding stuff for animals (4.1%). The decrease was mainly due to the drop in imports of dried and salted fish.

^{Note 12} The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics.

^{Note 13} This re-export figure refers to goods produced in Liberia (i.e. the country of origin is Liberia) and re-exported through Hong Kong to the Mainland. These goods are not necessarily consigned from Liberia. It is possible that some goods produced in Liberia are sold to a third country before consigning to Hong Kong. Meanwhile, imports statistics reported in this Annex are based on country of consignment, but not country of origin.

Liberia would unlikely have any significant effect on Hong Kong's economy.

Commerce and Economic Development Bureau
March 2015