United Nations Sanctions (Liberia) Regulation 2015

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《2015 年聯合國制裁 (利比里亞) 規例》
（由行政長官按中華人民共和國外交部的指示並在徵詢行政會議的意見後根據《聯合國制裁條例》（第 537 章）第 3 條訂立）

第 1 部
導言

1. 生效日期
第 6 及 11 條自 2015 年 4 月 3 日起實施。

2. 釋義
在本規例中——

安全理事會 (Security Council) 指聯合國安全理事會；
有關人士 (relevant person) 指行政長官按照第 31 條指明為有關人士的人；
有關實體 (relevant entity) 指行政長官按照第 31 條指明為有關實體的實體；
委員會 (Committee) 指根據《第 1521 號決議》第 21 條設立的安全理事會委員會；
軍火或相關的物資 (arms or related materiel) 包括——
(a) 任何武器、彈藥、軍用車輛、軍事裝備或準軍事裝備；及
(b) (a) 段指明的任何一項的任何零部件；

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 (運營人), 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 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;

第 2 部
禁售條文

3. 禁止供應、售賣或移轉若干物品

(1) 本條適用於——

(a) 在特區境內行事的人；及

(b) 在特區境外行事的——

(i) 兼具香港永久性居民及中國公民身分的人；或

(ii) 根據特區法律成立為法團或組成的團體。

(2) 除獲根據第9(1)(a)條批予的特許授權外，任何人不得——

(a) 直接或間接向在利比里亞境內活動的人士或該等人士指定的對象供應、售賣或移轉任何禁制物品；或

同意直接或間接向該等人士或對象供應、售賣或移轉任何禁制物品；或作出任何可能會促使向該等人士或對象供應、售賣或移轉任何禁制物品的作為；或

(b) 直接或間接向某目的地供應、售賣或移轉任何禁制物品，以將該等物品直接或間接交付或移轉予在利比里亞境內活動的人士或該等人士指定的對象；或

同意直接或間接向某目的地供應、售賣或移轉任何禁制物品以將該等物品如此直接或間接交付或移轉；或作出任何可能會促使向某目的地供應、售賣或移轉任何禁制物品以將該等物品如此直接或間接交付或移轉的作為。

(3) 任何人違反第 (2) 款，即屬犯罪——

(a) 一經循公訴程序定罪，可處罰款及監禁 7 年；或

(b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。

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. 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—

(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.
(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
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
任何人違反第 (2) 款，即屬犯罪——
(a) 一經公訴程序定罪，可處罰款及監禁 7 年；或
(b) 一經簡易程序定罪，可處第 6 級罰款及監禁 6 個月。

被控犯第 (3) 款所訂罪行的人如證明本身既不知道亦無理由相信——
(a) 該人是處理屬於有關人士或有關實體的資金或其他財務資產或經濟資源，或是處理由有關人士或有關實體的所有或控制的資金或其他財務資產或經濟資源，
即可以此作為免責辯護。

任何人不得因將以下任何一項記入屬於有關人士或有關實體的帳戶，或記入由有關人士或有關實體擁有或控制的帳戶，而被視為違反第 (2) 款——
(a) 該帳戶應得的利息或其他收入；或
(b) 根據在該有關人士或有關實體成為有關人士或有關實體之日前產生的合同、協定或義務而應得的付款。

在本條中——
處理 (deal with)——

belonging to, or owned or controlled by, the first-mentioned person.

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.

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.

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.

In this section—
deal with (處理) means—
United Nations Sanctions (Liberia) Regulation 2015

Part 2

Section 7

L.N. 69 of 2015

(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;

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.
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
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—
(2) The requirements are as follows—

(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) 有關規定如下——

(a) 有關資金或其他財務資產或經濟資源——

(i) 嚴格為基本開支所必需的，包括支付食品、租金、
    抵押貸款、藥品、醫療、稅款、保險費及公用
    服務的開支；

(ii) 為支付合理的專業人員酬金或償付與提
     供法律服務有關連的已招致費用的；或

(iii) 屬根據特區法律規定為慣常持有或維持屬於有
     關人士或有關實體的資金或其他財務資產或經
     濟資源所需的費用或服務費，或屬根據特區法
     律規定為慣常持有或維持由有關人士或有關實
     體擁有的或控制的資金或其他財務資產或經濟
     資源所需的費用或服務費；

(b) 有關資金或其他財務資產或經濟資源是特殊開支所
    必需的；

(c) 有關資金或其他財務資產或經濟資源——

(i) 屬在 2004 年 3 月 12 日以前作出的司法、行政
    或仲裁留置權或裁決的標的物，而有關人士或
    有關實體並非該留置權或裁決的受益人；及
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.

(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.
(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.
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.
第5部

規例的執行

第1分部——對可疑船舶進行調查等

14. 對可疑船舶進行調查

(1) 獲授權人員如有理由懷疑第4條所適用的船舶曾經、正在或即將在違反第4(2)條的情況下使用，即可——

(a) 單獨或在獲該人員授權行事的人陪同及協助下，登上及搜查該船舶，並可為該目的而使用或授權他人使用合理武力；及

(b) 要求該船舶的租用人、營運人或船長提供任何該人員指明的關於該船舶或其所載貨物的資料，或交出任何該人員指明的關於該船舶或該貨物的文件，以供該人員檢查。

(2) 獲授權人員如有理由懷疑第4條所適用的船舶正在或即將在違反第4(2)條的情況下使用，該人員可為制止或防止該船舶在違反第4(2)條的情況下使用的目的，或為進行調查的目的，當場或在考慮為回應根據第(1)(b)款作出的要求而提供的資料或交出的貨物或文件後，作出以下一項或多於一項作為——

(a) 指示該船舶的租用人、營運人或船長除非取得獲授權人員的同意，否則不得於該人員指明的任何港口卸下該船舶所載貨物中經該人員指明的任何部分；

(2) 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. 船舶的租用人、營運人或船長所犯的罪行

(1) 任何船舶的租用人、營運人或船長如不遵從根據第14(2)(a)條作出的指示，或無合理辯解而拒絕在獲授權人員指明的時間或(如無指明時間)合理時間內遵從根據第14(1)(b)或(2)(b)條作出的要求，或無合理辯解而沒有在獲授權人員指明的時間或(如無指明時間)合理時間內遵從該等要求，即屬犯罪，一經定罪，可處第6級罰款及監禁6個月。

(2) 任何船舶的租用人、營運人或船長如在回應根據第14(1)(b)或(2)(b)條作出的要求時，向獲授權人員提供或交出任何該租用人、營運人或船長知道在要項上屬虛假的資料或文件，或罔顧實情地向獲授權人員提供或交出任何在要項上屬虛假的資料或文件，即屬犯罪，一經定罪，可處第6級罰款及監禁6個月。

16. 獲授權人員登上及扣留船舶的權力

(1) 在不局限第15條的原則下，如獲授權人員有理由懷疑根據第14(2)(b)條作出的要求可能不會獲遵從，則該人員可採取任何該人員覺得為確保該要求獲遵從而需採取的步驟，尤其包括以下步驟——

(a) 進入或授權他人進入任何土地，或登上或授權他人登上有關的船舶；
(b) 扣留或授權他人扣留該船舶或其所載的任何貨物；
(c) 使用或授權他人使用合理武力。

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
18. 飛機的租用人、營運人或機長所犯的罪行

(1) 任何飛機的租用人、營運人或機長如無合理辯解而拒絕在獲授權人員指明的時間或(如無指明時間)合理時間內遵從根據第17(1)(b)或(2)條作出的要求，或無合理辯解而沒有在獲授權人員指明的時間或(如無指明時間)合理時間內遵從該等要求，即屬犯罪，一經定罪，可處第6級罰款及監禁6個月。

(2) 任何飛機的租用人、營運人或機長如在回應根據第17(1)(b)或(2)條作出的要求時，向獲授權人員提供或交出任何該租用人、營運人或機長知道在要項上屬虛假的資料或文件，或罔顧實情地向獲授權人員提供或交出任何在要項上屬虛假的資料或文件，即屬犯罪，一經定罪，可處第6級罰款及監禁6個月。

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.

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.
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.

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;
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.
第 6 部

證據

24. 裁判官或法官批出手令的權力

(1) 如裁判官或法官根據獲授權人員經宣誓而作的告發，信納有合理理由懷疑——
   (a) 有人已經或正在犯本規例所訂的罪行；及
   (b) 在該告發所指明的處所內或在如此指明的船舶、飛機或車輛上，有與犯該罪行有關的證據，

則該裁判官或法官可批出手令。

(2) 根據第 (1) 款批出的手令，可授權任何獲授權人員，連同任何其他在該手令中指名的人，於自該手令的日期起計的一個月內，隨時進入有關告發所指明的處所、船舶、飛機或車輛，或如此指明的船舶、飛機或車輛所在的處所，以及搜查上述處所、船舶、飛機或車輛。

(3) 獲手令授權搜查任何處所、船舶、飛機或車輛的人，可行使以下任何或所有權力——
   (a) 搜查在該處所內或在該船舶、飛機或車輛上發現的人，或該獲授權的人有合理理由相信不久前離開或即將進入該處所或登上該船舶、飛機或車輛的人；
   (b) 檢取及扣留在該處所內或在該船舶、飛機或車輛或在任何 (a) 段提及的人身上找到，而該獲授權的

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; 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
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.

(3) to be evidence in relation to the commission of an offence under this Regulation;

(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.
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;

(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) 就第 (1)(a) 款而言——
(a) 任何人如僅以他人的受僱人或代理人的身分取得有關資料或管有有關文件，則該人不得同意有關披露；及
(b) 任何人如本身有權享有該資料或管有該文件，則該人可同意有關披露。

(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.
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—
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Part 8
Section 30

(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.
第 9 部
有效期

33. 有效期
以下條文的有效期在 2015 年 9 月 8 日午夜 12 時屆滿——
(a) 第 2 條中軍火或相關的物資、特派團、《第 2188 號決議》、船長、禁制物品、機長、營運人及關長的定義；
(b) 第 2 條中“許”的定義的 (a) 及 (b) 段；
(c) 第 3、4、5、7、8、9 及 10 條；
(d) 第 5 部。

行政長官
梁振英

2015 年 3 月 24 日

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.