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United Nations Sanctions (Côte d’Ivoire) 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. Interpretation

In this Regulation—

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 14 of Resolution 1572;

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;
(e) 代表下述的政府、人或團體行事的人——
   (i) (a) 段所述的政府；
   (ii) (b) 段所述的人；或
   (iii) (c) 或 (d) 段所述的團體；

有 關 實 體 (relevant entity) 指 行 政 長 官 按 照 第 28 條 指 明 為 有
關實體的實體；

委員 會 (Committee) 指 根 據 《 第 1572 號 決 議 》第 14 條 構 立 的
安全理事會委員會；

指 明 物 品 (specified goods) 指《第 2219 號 決 議 》附 件 指 明 的，
由委員會不時依據《第 2219 號 決 議 》第 5 條 修 訂 的 項 目；

特 許 (licence) 指 根 據 第 7(1)(a) 或 (b) 或 8(1) 條 批 立 的 特 許；

《第 1572 號 決 議 》(Resolution 1572) 指 安 全 理 事 會 於 2004 年
11 月 15 日 通 過 的 第 1572 (2004) 號 決 議；

《第 1975 號 決 議 》(Resolution 1975) 指 安 全 理 事 會 於 2011 年
3 月 30 日 通 過 的 第 1975 (2011) 號 決 議；

《第 2219 號 決 議 》(Resolution 2219) 指 安 全 理 事 會 於 2015 年
4 月 28 日 通 過 的 第 2219 (2015) 號 決 議；

船 長 (master) 就 某 船 舶 而 言，包 括 當 其 時 掌 管 該 船 舶 的 人（領
港 員 除 外）；

禁 制 物 品 (prohibited goods) 指 任 何 軍 火 或 相 關 的 致 命 物 資；

經 傳 資 源 (economic resources) 指 並 非 資 金 的 各 種 資 源，不 論
是有形的或無形的、是動產或不動產，並可用以取得資
金，貨物或服務；

**funds** (資金) includes—
   (a) gold coin, gold bullion, cash, cheques, claims on
       money, drafts, money orders and other payment
       instruments;
   (b) deposits with financial institutions or other entities,
       balances on accounts, debts and debt obligations;
   (c) securities and debt instruments (including stocks and
       shares, certificates representing securities, bonds,
       notes, warrants, debentures, debenture stock and
       derivatives contracts);
   (d) interest, dividends or other income on or value
       accruing from or generated by property;
   (e) credit, rights of set-off, guarantees, performance
       bonds or other financial commitments;
   (f) letters of credit, bills of lading and bills of sale; and
   (g) documents evidencing an interest in funds or
       financial resources, and any other instrument of
       export financing;

**licence** (特許) means a licence granted under section 7(1)(a) or
(b) or 8(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;

**person connected with Côte d’Ivoire** (有關連人士) means—
   (a) the Government of Côte d’Ivoire;
   (b) any person in, or resident in, Côte d’Ivoire;
   (c) any body incorporated or constituted under the law
       of Côte d’Ivoire;
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Part 1
Section 1

(d) any body, wherever incorporated or constituted, which is controlled by—
   (i) the Government mentioned in paragraph (a);
   (ii) a person mentioned in paragraph (b); or
   (iii) a body mentioned in paragraph (c); or
(e) any person acting on behalf of—
   (i) the Government mentioned in paragraph (a);
   (ii) a person mentioned in paragraph (b); or
   (iii) a body mentioned in paragraph (c) or (d);

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 lethal materiel;

relevant entity (有關實體) means an entity specified by the Chief Executive as a relevant entity in accordance with section 28;

relevant person (有關人士) means a person specified by the Chief Executive as a relevant person in accordance with section 28;


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Section 1

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

specified goods (指明物品) means the items specified in the Annex to Resolution 2219, as amended by the Committee from time to time pursuant to paragraph 5 of Resolution 2219;

UNOCI (聯科行動) means the United Nations Operation in Côte d'Ivoire.
Part 2

Prohibitions

2. 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 7(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 Côte d’Ivoire;

(b) to, or to the order of, a person connected with Côte d’Ivoire; or

(c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.

(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 Côte d’Ivoire;

(ii) to, or to the order of, a person connected with Côte d’Ivoire; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.

3. 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) 在不局限第2條的原則下，除獲根據第7(1)(b)條批予的特許授權外，船舶、飛機或車輛不得用於下述載運途徑或其任何組成部分——
(a) 自科特迪瓦以外的某地方載運任何禁制物品至科特迪瓦境內的某地方；
(b) 載運任何禁制物品予有關連人士或該等人士指定的對象；或
(c) 載運任何禁制物品至某目的地，以將該等物品直接或間接交付或移轉至科特迪瓦，或直接或間接交付或移轉予有關連人士或該等人士指定的對象。

(3) 如——
(a) 有關禁制物品的載運，是在該等物品的供應、售賣或移轉的過程中作出的；而
(b) 有關供應、售賣或移轉，是根據第7(1)(a)條批予的特許授權進行的，
則第(2)款不適用。

(4) 如船舶、飛機或車輛在違反第(2)款的情況下使用，每一下述的人均屬犯罪——
(a) 就在特區註冊的船舶而言，該船舶的租用人、營運人及船長；
(b) 就任何其他船舶而言——
(i) （在該船舶的租用人身在特區境內，或是兼具香港永久性居民及中國公民身分的人，或是根據特區法律成立為法團或組成的團體的情況下）
該租用人；

(2) Without limiting section 2, except under the authority of a licence granted under section 7(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) from a place outside Côte d'Ivoire to a place in Côte d'Ivoire;
(b) to, or to the order of, a person connected with Côte d'Ivoire; or
(c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d'Ivoire or to, or to the order of, a person connected with Côte d'Ivoire.

(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 7(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—
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(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) from a place outside Côte d’Ivoire to a place in Côte d’Ivoire;
(ii) to, or to the order of, a person connected with Côte d’Ivoire; or
(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.

4. 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 8(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. Prohibition against entry or transit by certain persons

(1) Subject to section 6, 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.
6. Exceptions to prohibition against entry or transit by certain persons

Section 5 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 further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in Côte d’Ivoire and stability in the region.
Part 3
Licences

7. 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, subject to subsection (3), 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 Côte d’Ivoire;

(ii) to, or to the order of, a person connected with Côte d’Ivoire; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.

(b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—

(i) from a place outside Côte d’Ivoire to a place in Côte d’Ivoire;

(ii) to, or to the order of, a person connected with Côte d’Ivoire; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Côte d’Ivoire or to, or to the order of, a person connected with Côte d’Ivoire.

(2) The requirements are as follows—
(a) the prohibited goods are intended solely for the support of or use by the UNOCI or the French forces which support the UNOCI;

(b) the prohibited goods are to transit through Côte d'Ivoire and are intended for the support of or to be used by United Nations Peacekeeping operations;

(c) the prohibited goods are to be temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire;

(d) the prohibited goods are not specified goods and the supply, sale, transfer or carriage of which to the Ivorian security forces is intended solely for the support of or use in the Ivorian process of Security Sector Reform, as notified in advance to the Committee;

(e) the prohibited goods are specified goods and the supply, sale, transfer or carriage of which to the Ivorian security forces is intended solely for the support of or use in the Ivorian process of Security Sector Reform, as approved in advance by the Committee.

(3) If the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply, sale, transfer or carriage of the prohibited goods to which the application for the licence relates.
8. 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—
(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.

9. 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—
(2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—

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

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
Part 4

Things Done outside HKSAR

10. 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

11. Investigation of suspected ships

(1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(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 3 applies is being or is about to be used in contravention of section 3(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(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.
12. Offences by charterer, operator or master of ship

(1) A charterer, operator or master of a ship who disobeys any direction given under section 11(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 11(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 11(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.

13. Power of authorized officers to enter and detain ships

(1) Without limiting section 12, if an authorized officer has reason to suspect that a request that has been made under section 11(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) 除第 (3) 款另有規定外，第 (1) 款並不授權扣留任何船舶超過 12 小時。

(3) 政務司司長可藉書面命令，授權他人將任何船舶進一步扣留，而進一步扣留該船舶的每個時段不得超過 12 小時；該命令須表明命令於何時生效及其有效期。

第 2 分部——對可疑飛機進行調查等

14. 對可疑飛機進行調查

(1) 獲授權人員如有理由懷疑第 3 條所適用的飛機曾經，正在或即將在違反第 3(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
上及搜查該飛機，並可為該目的而使用或授權他人
使用合理武力；及

(b) 要求該飛機的租用人、營運人或機長提供任何該人
員指明的關於該飛機或其所載貨物的資料，或交出
任何該人員指明的該等貨物，或交出任何該人員指
明的關於該飛機或該等貨物的文件，以供該人員檢
查。

(2) 如第 (1) 款所述的飛機在特區境內，獲授權人員可當場
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，進一步要求該飛機的租用人、
營運人或機長安排該飛機連同其所載的任何貨物留在特
區境內，直至該租用人、營運人或機長獲得獲授權人員
通知該飛機連同其所載貨物可離開為止。

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Part 5—Division 2

Section 14

(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

14. Investigation of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(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.
16. Power of authorized officers to enter and detain aircraft

(1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary 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.
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

17. 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 3(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
18. **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 17(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 17(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.
19. Power of authorized officers to enter and detain vehicles

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

20. Production of proof of identity

Before or on exercising a power conferred by section 11, 13, 14, 16, 17 or 19, 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

21. 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 so specified, 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...
22. Detention of documents, cargoes or articles seized

(1) Subject to subsection (2), any document, cargo or article seized under section 21(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) Any document, cargo or article seized under paragraph (b) may be detained for a period not exceeding 3 months, and the person may, if required by the person seeking to detain the document, cargo or article, make representations to the person detaining 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.

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22. 扣留被檢取的文件、貨物或物件

(1) 除第 (2) 款另有規定外，根據第 21(3) 條被檢取的任何文件、貨物或物件不得予以扣留超過 3 個月。

(2) 如有關文件、貨物或物件攸關本規例所訂的罪行，而有法律程序已就該罪行展開，則該文件、貨物或物件可予扣留，直至該等法律程序完結為止。
第7部
披露資料或文件

23. 披露資料或文件

(1) 根據本規例提供、交出或檢取的資料或文件，只可在下列情況下披露——

(a) 提供或交出該資料或文件的人已同意披露，或該文件是檢取自某人而該人已同意披露；

(b) 該資料或文件是向任何根據本規例屬本會獲賦權要求提供或交出該資料或文件的人披露的；

(c) 該資料或文件是在行政長官授權下向——

(i) 聯合國的任何機關；

(ii) 任何任職於聯合國的人；或

(iii) 中華人民共和國以外任何地方的政府，

(d) 該資料或文件是為了就本規例所訂的罪行提起法律程序而披露的，或在其他情況下是為了該等法律程序的目的而披露的。

Part 7
Disclosure of Information or Documents

23. 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 Côte d’Ivoire 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.
Part 8

Other Offences and Miscellaneous Matters

24. 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.

25. 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.

26. 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.

27. 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.

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

(1) The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity any of the following persons or entities—

(a) a person or an entity referred to in the list maintained by the Committee for the purposes of paragraph 11 of Resolution 1572;

(b) a person listed in Annex I to Resolution 1975.

(2) In this section—

paragraph 11 of Resolution 1572 (《第1572號決議》第11段) means paragraph 11 of Resolution 1572 as renewed by the Security Council by paragraph 12 of Resolution 2219.
Part 8
Section 29

29. **Access to documents relating to specified goods**

The Director-General of Trade and Industry is to make available at his or her office, for inspection by the public during normal office hours, free of charge, an English version and a Chinese version of any amendment to the list of specified goods.

30. **Exercise of powers of Chief Executive**

(1) The Chief Executive may delegate any of the Chief Executive’s powers or functions under this Regulation to any person or class or description of person.

(2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.

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

Duration

31. Duration
This Regulation expires at midnight on 30 April 2016.

C. Y. LEUNG
Chief Executive

14 July 2015
Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2219 (2015), as adopted by the Security Council of the United Nations on 28 April 2015, by providing for the prohibition against—

(a) the supply, sale, transfer or carriage of arms or related lethal materiel to Côte d’Ivoire;

(b) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;

(c) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and

(d) entry into or transit through the HKSAR by certain persons.

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2219 (2015), as adopted by the Security Council of the United Nations on 28 April 2015, by providing for the prohibition against—

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