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(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—

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;

小型軍火 (small arms) 指《進出口 (戰略物品) 規例》(第 60 章 - 附屬法例 G) 附表 1 的軍需物品清單的項目 ML1 及 ML2 中指明的任何軍火;

中非穩定團 (MINUSCA) 指中非共和國多層面綜合穩定團;

安全理事會 (Security Council) 指聯合國安全理事會;

有關人士 (relevant person) 指——

(a) 由行政長官按照第 32 條指明為有關人士的人；或

(b) 代表由行政長官按照第 32 條指明為有關人士或有關實體行事的人；或按該等人士或實體指示行事的人；

Committee (委員會) means the Committee of the Security Council established under paragraph 57 of Resolution 2127;

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 section 8(1)(a) or (b), 9(1) or 10(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;

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MINUSCA (中非稳定團) means the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic;

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 the Central African Republic (有關連人士) means—
(a) the Government of the Central African Republic;
(b) any person in, or resident in, the Central African Republic;
(c) any body incorporated or constituted under the law of the Central African Republic;
(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 materiel;
relevant entity (有關實體) means—
(a) an entity specified by the Chief Executive as a relevant entity in accordance with section 32;  
(b) an entity acting on behalf of, or at the direction of, or owned or controlled by, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32; or  
(c) an entity owned or controlled by a person or entity acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32;  

relevant person (有關人士) means—
(a) a person specified by the Chief Executive as a relevant person in accordance with section 32; or  
(b) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 32;  


Security Council (安全理事會) means the Security Council of the United Nations;
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small arms (小型軍火) means any arms specified in items ML1 and ML2 of the Munitions List in Schedule 1 to the Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G).
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 8(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 the Central African Republic;

(b) to, or to the order of, a person connected with the Central African Republic;

(c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

(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
3. 禁止載運若干物品

(1) 本條適用於——
(a) 在特區註冊的船舶；
(b) 並非在特區註冊但在香港水域內的船舶；
(c) 在特區註冊的飛機；
(d) 並非在特區註冊但在香港空域內的飛機；
(e) 當其時租予上述人仕的任何其他船舶或飛機——
   (i) 在特區境內的人；
   (ii) 兼具香港永久性居民及中國公民身分的人；或

(b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。

(4) 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) 有關的物品屬禁制物品；或
(b) 有關的物品是或會是——
   (i) 向中非共和國供應、售賣或移轉的；
   (ii) 供應、售賣或移轉予有關連人士或該等人士指定的對象的；或
   (iii) 向某目的地供應、售賣或移轉，以將該等物品直接或間接交付或移轉至中非共和國，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的，

即可以此作為免責辯護。

3. Prohibition against carriage of certain goods

(1) This section applies to—
(a) a ship that is registered in the HKSAR;
(b) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;
(c) an aircraft that is registered in the HKSAR;
(d) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;
(e) 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

(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 the Central African Republic;
   (ii) to, or to the order of, a person connected with the Central African Republic; or
   (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
(iii) 根據特區法律成立的法團或組成的團體；及

(f) 在特區境內的車輛。

(2) 在不局限第 2 條的原則下，除獲根據第 8(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程或其任何組成部分——

(a) 自中非共和國以外的某地方載運任何禁制物品至中非共和國境內的某地方；

(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中非共和國，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 8(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，每一述述的人均屬犯罪——

(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——

(iii) a body incorporated or constituted under the law of the HKSAR; and

(f) a vehicle in the HKSAR.

(2) Without limiting section 2, except under the authority of a licence granted under section 8(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 the Central African Republic to a place in the Central African Republic;

(b) to, or to the order of, a person connected with the Central African Republic; or

(c) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

(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 8(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;
4. 禁止提供若干協助或訓練

(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——

(e) 就車輛而言—該車輛的營運人及駕駛人。

(5) 任何人犯第 (4) 款所訂罪行——

(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。

(6) 任何人犯第 (4) 款所訂罪行的人如證明本身既不知道亦無理由相信——

(a) 有關的物品屬禁制物品；或

(b) 有關的物品的載運屬下述載運途程或其任何組成部分——

(i) 自中非共和國以外的某地方載運至中非共和國境內的某地方；

(ii) 載運予有關連人士或該等人士指定的對象；或

(iii) 載運至某目的地，以將該等物品直接或間接交付或移轉至中非共和國，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，

即可以此作為免責辯護。

4. Prohibition against provision of certain assistance or training

(1) This section applies to—

(a) a person acting in the HKSAR; and

(b) a person acting outside the HKSAR who is—

(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) from a place outside the Central African Republic to a place in the Central African Republic;

(ii) to, or to the order of, a person connected with the Central African Republic; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
5. 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 10(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.
6. 禁止若干人士入境或過境
(1) 除第 7 條另有規定外，指明人士不得在特區入境或經特區過境。
(2) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 2 年。
(3) 本條並不適用於有特區居留權或特區入境權的人。
(4) 在本條中——
指明人士 (specified person) 指經委員會為《第 2134 號決議》第 30 段的目的而指認的人。

7. 禁止若干人士入境或過境的例外情況
如就某個案而言有下述情況，第 6 條不適用——
(a) 經委員會認定有關的指明人士在特區入境或經特區過境是出於人道主義需要的正當理由，包括宗教義務；
(b) 有關的指明人士為履行某司法程序而需要在特區入境或經特區過境；或
(c) 經委員會認定有關的指明人士在特區入境或經特區過境，將推進中非共和國的和平及民族和解以及該區域的穩定的目標。

6. Prohibition against entry or transit by certain persons
(1) Subject to section 7, 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——
specified person (指明人士) means a person designated by the Committee for the purposes of paragraph 30 of Resolution 2134.

7. Exceptions to prohibition against entry or transit by certain persons
Section 6 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;
(b) the relevant entry or transit is necessary for the fulfilment of a judicial process; or
(c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in the Central African Republic and stability in the region.
第 3 部
特許

8. 供應、售賣、移轉或載運若干物品的特許
(1) 如行政長官應申請而信納第 (2) 款的任何一項規定獲符合，則行政長官須批予特許，准許 (視何者屬適當而定)——

(a) 下述作為——

(i) 向中非共和國供應、售賣或移轉禁制物品，或作出任何可能會促使向中非共和國供應、售賣或移轉禁制物品的作為；

(ii) 向有關連人士或該等人士指定的對象供應、售賣或移轉禁制物品，或作出任何可能會促使向該等人士或對象供應、售賣或移轉禁制物品的作為；或

(iii) 向某目的地供應、售賣或移轉禁制物品，以將該等物品直接或間接交付或移轉至中非共和國，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，或作出任何可能會促使向某目的地供應、售賣或移轉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；或

(b) 屬下述載運途程或其任何組成部分的禁制物品載運——

(i) 自中非共和國以外的某地方載運至中非共和國境內的某地方；

(ii) 載運予有關連人士或該等人士指定的對象；或

(iii) 載運至某目的地，以將該等物品直接或間接交付或移轉至中非共和國，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。

Part 3
Licences

8. 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 the Central African Republic;

(ii) to, or to the order of, a person connected with the Central African Republic; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.

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

(i) from a place outside the Central African Republic to a place in the Central African Republic;

(ii) to, or to the order of, a person connected with the Central African Republic; or

(iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to the Central African Republic or to, or to the order of, a person connected with the Central African Republic.
The requirements are as follows—

(a) the prohibited goods are intended solely for the support of or use by MINUSCA, the African Union-Regional Task Force, the European Union Missions or the French forces deployed in the Central African Republic;

(b) the prohibited goods are non-lethal equipment intended solely for support of or use in the Central African Republic process of Security Sector Reform, in coordination with MINUSCA;

(c) the prohibited goods are brought into the Central African Republic by Chadian or Sudanese forces solely for their use in international patrols of the tripartite force (established on 23 May 2011 in Khartoum by the Central African Republic, Chad and Sudan), to enhance security in the common border areas, in cooperation with MINUSCA, as approved in advance by the Committee;

(d) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;

(e) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to the Central African Republic by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;

(f) the prohibited goods are small arms or other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-
national Protected Area to defend against poaching, smuggling of ivory or arms, or other activities contrary to the national laws or international legal obligations of the Central African Republic;

(g) the prohibited goods are arms or other related lethal equipment to be supplied, sold or transferred to the Central African Republic security forces and intended solely for the support of or use in the Central African Republic process of Security Sector Reform, as approved in advance by the Committee;

(h) the supply or sale of the prohibited goods is approved in advance by the Committee.

(3) If the Chief Executive is satisfied that the requirement in subsection (2)(b) or (f) 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.

9. Licence for provision of certain assistance 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 connected with the Central African Republic, of technical assistance, training, financial or other assistance, related to military activities or to the provision, maintenance or use of any prohibited goods, including the provision of armed mercenary personnel.

(2) The requirements are as follows—

(a) the assistance or training, including operational and non-operational training to the Central African Republic security forces, is intended solely for the
10. 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—

(b) the assistance or training is related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
(3) 如行政長官認定——

(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) 是基本開支所必需的，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) 屬根據特區法律規定為專用於支付合理的專業人員酬金或僱金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持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；

(d) 有關資金或其他財務資產或經濟資源，是用以支付根據某人或實體在其成為有關人士或有關實體之日前簽訂的合同而應作出的付款，而該項付款並不是直接或間接由任何有關人士或有關實體所收取的。

(3) If the Chief Executive determines that—

(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 under the law of the HKSAR; 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 22 January 2015 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;

(d) the funds or other financial assets or economic resources are to be used for making payment due under a contract entered into by a person or entity before the date on which the person or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
(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 5 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;

(d) the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the determination 10 working days before granting the licence.

11. 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
(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.
第4部

在特區以外地方作出的事情

12. 特區以外地方的主管當局批予的特許或准許

(1) 如第(2)款描述的情況適用，本規例中規定某人除非獲特許的授權行事否則不得作出某事情的條文，就該人在特區以外地方作出的任何該等事情而言，並不具效力。

(2) 就第(1)款而言，有關的情況是：有關事情是有關的人獲特許的授權作出或獲準許作出的，而該項特許或准許是根據上述在特區以外地方的有效法律（該法律實質上與本規例的有關條文相類）在該方面具有權限的主管當局按照該等法律而批予的。

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Part 4

Things Done outside HKSAR

12. 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.

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第5部

規例的執行

第1分部——對可疑船舶進行調查等

13. 對可疑船舶進行調查
(1) 獲授權人員如有理由懷疑第3條所適用的船舶曾經、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等貨物的文件，以供該人員檢查。
(2) 獲授權人員如有理由懷疑第3條所適用的船舶正在或即將在違反第3(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3(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——

Part 5

Enforcement of Regulation

Division 1—Investigation, etc. of Suspected Ships

13. 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) 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；

(b) 要求該船舶的租用人、營運人或船長採取以下任何步驟——

(i) 安排該船舶連同其所載的任何貨物停止進行當時正進行的航程或不進行即將進行的航程，直至租用人、營運人或船長獲得獲授權人員通知該船舶連同其所載貨物可進行該航程為止；

(ii) (如該船舶在特區境內) 安排該船舶連同其所載的任何貨物留在特區境內，直至租用人、營運人或船長獲得獲授權人員通知該船舶連同其所載貨物可離開為止；

(iii) (如該船舶在任何其他地方) 將該船舶連同其所載的任何貨物開往獲授權人員指明的港口和安排該船舶連同其所載貨物留在該處，直至租用人、營運人或船長獲得獲授權人員通知該船舶連同其所載貨物可離開為止；

(iv) 將該船舶連同其所載的任何貨物開往獲授權人員在與租用人、營運人或船長議定後指明的另一目的地。

(3) 本條所賦予的要求某人提供任何資料或要求某人交出任何貨物或文件以供檢查的權力，包括指明以下事項的權力——

(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—
14. Offences by charterer, operator or master of ship

(1) A charterer, operator or master of a ship who disobeys any direction given under section 13(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 13(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 13(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.

15. Power of authorized officers to enter and detain ships

(1) Without limiting section 14, if an authorized officer has reason to suspect that a request that has been made under section 13(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—
第 2 分部——對可疑飛機進行調查等

16. 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

(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

16. 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
17. 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、營運人或機長若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16(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16(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。

(3) 本條所賦予的要求某人提供任何資料或要求某人交出任何貨物或文件以供檢查的權力，包括指明以下事項的權力——

(a) 該資料應以口頭或以書面提供，及應以何種方式提供；及
(b) 應在何時之前及在何地提供該資料或交出該貨物或文件，以供檢查。

17. 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 16(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 16(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.
18. **Power of authorized officers to enter and detain aircraft**

(1) Without limiting section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(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.

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**Division 3—Investigation, etc. of Suspected Vehicles**

19. **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;
20. 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 19(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 19(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.

21. Power of authorized officers to enter and detain vehicles

(1) Without limiting section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(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.
Part 5—Division 4

Section 22


Division 4—Proof of Identity

22. Production of proof of identity

Before or on exercising a power conferred by section 13, 15, 16, 18, 19 or 21, 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

23. 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) 搜索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、飛機或車輛上或在任何 (a) 段所述的人身上找到，而該獲授權的

Part 6

Evidence

23. 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
24. 被檢取的物件等可予沒收

(1) 任何獲授權人員如擬根據第 25 條向裁判官或法官申請沒收任何根據第 23(3) 條檢取的文件、貨物或物件的命令，則須自檢取當日起計的 30 天內，向在作出檢取時或向在緊接作出檢取後為該人員知悉是該文件、貨物或物件的擁有人的每一人，送達該意向的通知書。

(2) 第 (1) 款所指的通知書如符合下述情況，須視為已向某人妥為送達——

(a) 該通知書已面交該人；

(b) 該通知書是以掛號郵遞方式註明該人為收件人並寄往有關獲授權人員所知悉是該人的任何住址或業務地址；或

(c) 該通知書不能按照 (a) 或 (b) 條的規定送達，但該通知書已自有關文件、貨物或物件被檢取當日起計的

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.

24. Seized articles, etc. liable to forfeiture

(1) If an authorized officer intends to apply to a magistrate or judge under section 25 for an order for forfeiture of any document, cargo or article seized under section 23(3), the officer must, within 30 days from the date of the seizure, serve notice of that intention on every person who was, to the knowledge of the officer at the time of, or immediately after, the seizure, an owner of the document, cargo or article.

(2) A notice under subsection (1) is to be regarded as having been duly served on a person if—

(a) it is delivered personally to the person;  

(b) it is sent by registered post addressed to the person at any place of residence or business of the person known to the authorized officer; or

(c) where the notice cannot be served in accordance with paragraph (a) or (b), the notice is exhibited at the offices of the Customs and Excise Department, in a place to which the public have access, for a period of not less than 7 days commencing within 30 days from
the date of the seizure of the document, cargo or article.

(3) An owner, or the authorized agent of an owner, of the document, cargo or article referred to in a notice served under subsection (1), or a person who was in possession of the document, cargo or article at the time of seizure, or a person who has a legal or equitable interest in the document, cargo or article, may object to the proposed forfeiture by serving a notice in writing on the Commissioner.

(4) A notice of objection under subsection (3)—

(a) must be served on the Commissioner by a person referred to in subsection (3) (claimant) within 30 days from—

(i) if the notice under subsection (1) is delivered personally to the person named in the notice, the date of delivery;

(ii) if the notice under subsection (1) is sent by registered post, 2 days after the date of posting; or

(iii) if the notice under subsection (1) is exhibited as described in subsection (2)(c), the first day it is so exhibited;

(b) must state the claimant’s full name and address for service in Hong Kong; and

(c) if the claimant does not have a permanent address in Hong Kong, must state the name and address of a solicitor who is qualified to practise under the Legal Practitioners Ordinance (Cap. 159) and is authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.
25. Power of magistrate or judge to make order for forfeiture and disposal

(1) If an application is made to a magistrate or judge for an order for forfeiture of any seized document, cargo or article, the magistrate or judge may, if satisfied that the seized document is a document relating to the provision, maintenance or use of any prohibited goods, or that the seized cargo or article is prohibited goods, make such order as the magistrate or judge thinks fit for the forfeiture of the document, cargo or article and its subsequent destruction or disposal.

(2) An order under subsection (1) may be made in respect of any seized document, cargo or article whether or not any person has been convicted of any offence in connection with the document, cargo or article.

(3) Before making an order for forfeiture of any seized document, cargo or article, a magistrate or judge must issue a summons to any person who serves a notice of objection in accordance with section 24(3) and (4) to appear on a day specified in the summons to show cause why the document, cargo or article should not be forfeited.

(5) An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized document, cargo or article in respect of which a notice has been served under subsection (1)—

(a) after the expiration of the appropriate period of time specified in subsection (4)(a) for the serving of a notice of objection; or

(b) if a notice of objection is served in accordance with subsections (3) and (4), after the receipt of the notice.

(5) 獲授權人員可在以下時間，向裁判官或法官申請命令，沒收根據第(1)款送達的通知書所關乎的任何被檢取的文件、貨物或物件——

(a) 在第(4)(a)款就送達反對通知書而指明的適當限期屆滿之後；或

(b) (如按照第(3)及(4)款送達反對通知書) 在接獲該通知書之後。
(4) If any summons issued under subsection (3) has not for any reason been served and the magistrate or judge is satisfied that all reasonable efforts have been made to serve the summons on the person named in the summons, the magistrate or judge may make an order for forfeiture under this section despite the fact that the summons has not been served on that person.

26. Detention of documents, cargoes or articles seized

(1) Subject to subsection (2) and any order made under section 25, any document, cargo or article seized under section 23(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.
Disclosure of Information or Documents

27. 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 the Central African Republic 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

28. 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.

29. 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.

30. 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—
31. 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.

32. 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 designated by the Committee for the purposes of paragraph 32 of Resolution 2134.

33. 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

34. Duration
This Regulation expires at midnight on 31 January 2017.

C. Y. LEUNG
Chief Executive

25 May 2016
Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2262 (2016) as adopted by the Security Council of the United Nations on 27 January 2016 by providing for the prohibition against—

(a) the supply, sale, transfer or carriage of arms or related materiel to the Central African Republic;

(b) the provision of assistance or training related to military activities in certain circumstances;

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

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

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

Explanatory Note

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