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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 8 of Resolution 1533;

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;
**Part 1**  
**Section 1**

**United Nations Sanctions (Democratic Republic of the Congo) Regulation 2016**

**Resolution 2293**

- **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;  

- **operator** (營運人), in relation to a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;  

- **pilot in command** (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft (without being under the direction of any other pilot in the aircraft) and charged with the safe conduct of a flight;
營運人 (operator) 就某船舶、飛機或車輛而言，指當其時管理該船舶、飛機或車輛的人；
獲授權人員 (authorized officer) 指——
(a) 警務人員；
(b) 擔任《香港海關條例》(第 342 章) 附表 1 指明的職位的香港海關人員；或
(c) 受僱於香港海關的屬貿易管制主任職系的公職人員；
關長 (Commissioner) 指海關關長、任何海關副關長或任何海關助理關長。

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 under section 30;
relevant person (有關人士) means a person specified by the Chief Executive as a relevant person under section 30;
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 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, or to the order of, a person operating in the territory of the Democratic Republic of the Congo; 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 the Democratic Republic of the Congo.

(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.
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) 在特區註冊的飛機；
(c) 當其時租予下述人士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
   (iii) 根據特區法律成立為法團或組成的團體；及
(d) 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——

(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 the Democratic Republic of the Congo; 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 the Democratic Republic of the Congo.
(a) to, or to the order of, a person operating in the territory of the Democratic Republic of the Congo; 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 the Democratic Republic of the Congo.

(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

(a) 載運任何禁制物品予在剛果民主共和國境內活動的人士或該等人士指定的對象；或
(b) 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轉予在剛果民主共和國境內活動的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、售賣或轉移的過程中作出的；而
(b) 有關供應、售賣或轉移，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，每一該款人均屬犯罪——
(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；
(ii) (在該船舶的營運人身在特區境內，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) 該營運人；及

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(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) 被控犯第 (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) 載運予在剛果民主共和國境內活動的人士或該等人士指定的對象；或
(ii) 載運至某目的地，以將該等物品直接或間接交付或移轉予在剛果民主共和國境內活動的人士或該等人士指定的對象，
即可以此作為免責辯護。

4. 禁止提供若干協助、意見或訓練
(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——
(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) 條批予的特許授權外，任何人不得直接或間接向在剛果民主共和國境內活動的人士提供關於軍事活動的任何協助、意見或訓練，包括資金籌供和財政援助。

(6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
(a) that the goods concerned were prohibited goods; or
(b) that the carriage of the goods concerned was, or formed part of, a carriage—
(i) to, or to the order of, a person operating in the territory of the Democratic Republic of the Congo; 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 the Democratic Republic of the Congo.

4. 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 9(1), a person must not provide, directly or indirectly, to a person operating in the territory of the Democratic Republic of the Congo any assistance, advice or training related to military activities, including financing and financial assistance.
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)—

(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 the Democratic Republic of the Congo; or
   (b) that the assistance, advice or training concerned related to military activities.
任何人不得直接或間接向有關人士或有關實體提供任何資金或其他財務資產或經濟資源，亦不得為有關人士或有關實體的利益而直接或間接提供任何資金或其他財務資產或經濟資源；及

(2) 任何人（首述人士）不得直接或間接處理屬於有關人士或有關實體的任何資金或其他財務資產或經濟資源，亦不得直接或間接處理由有關人士或有關實體擁有的或控制的任何資金或其他財務資產或經濟資源；而如首述人士屬有關人士或有關實體，則包括屬於該首述人士的任何資金及其他財務資產或經濟資源，以及由該首述人士擁有的或控制的任何資金及其他財務資產或經濟資源。

(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。

(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) 有關的資金或其他財務資產或經濟資源，是向或是會向有關人士或有關實體提供的，或是為或是會為有關人士或有關實體的利益而提供的；或

(b) 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擁有的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。

(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. 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.
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 Committee has determined that the relevant entry or transit would further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

(c) the Committee has authorized the relevant transit by a person returning to the territory of the State of his or her nationality;

(d) the Committee has authorized the relevant transit by a person participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law; or

(e) the relevant entry or transit is necessary for the fulfilment of a judicial process.
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, 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, or to the order of, a person operating in the territory of the Democratic Republic of the Congo; 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 the Democratic Republic of the Congo; 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 the Democratic Republic of the Congo; 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 the Democratic Republic of the Congo.

(2) The requirements are as follows—

(a) it is a supply, sale, transfer or carriage of prohibited goods to the Government of the Democratic Republic of the Congo;
(b) the prohibited goods are intended solely for the support of or use by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo;

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

(d) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;

(e) the prohibited goods are intended solely for the support of or use by the African Union-Regional Task Force;

(f) 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)(a) or (d) 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, advice or training

(1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to provide to a person operating in the territory of the Democratic Republic of
the Congo 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 to the Government of the Democratic Republic of the Congo;

(b) the assistance or training is technical assistance or training intended solely for the support of or use by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo;

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

(d) the assistance, advice or training is intended solely for the support of or use by the African Union-Regional Task Force;

(e) the assistance or provision of personnel is approved in advance by the Committee.

(3) If the Chief Executive is satisfied that the requirement in subsection (2)(a) or (c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed provision of the assistance, advice or training to which the application for the licence relates.

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—

(i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;

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

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

(a) on conviction on indictment to a fine and to imprisonment for 2 years; or
(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
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.
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 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—
14. 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13(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13(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13(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。

15. 獲授權人員登上及扣留船舶的權力

(1) 在不局面第14條的原則下，如獲授權人員有理由懷疑根據第13(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) 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。

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—

(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.
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.

(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 or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.

(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—

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

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

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.
Part 5—Division 3

Section 19


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;

(b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and

(c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

(2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—

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

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.

Part 6

Section 23

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 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;
24. Detention of documents, cargoes or articles seized

(1) Subject to subsection (2), 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.
Part 7

Disclosure of Information or Documents

25. 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 Democratic Republic of the Congo 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.
第 8 部

其他罪行及雜項事宜

26. 主犯以外的人的法律責任
   (1) 被裁定犯本規例所訂的罪行的人如屬法人團體，而該罪行經證明是在該法人團體的任何董事、經理、秘書或其他同類高級人員的同意或縱容下犯的，或是可歸因於任何該等人士的疏忽的，則該董事、經理、秘書或其他同類高級人員，即屬犯相同罪行。
   (2) 被裁定犯本規例所訂的罪行的人如屬商號，而該罪行經證明是在該商號的任何合夥人或任何關涉該商號的管理的人的同意或縱容下犯的，或是可歸因於任何該等人士的疏忽的，則該合夥人或關涉該商號的管理的人，即屬犯相同罪行。

27. 有關妨礙獲授權的人等的罪行
   任何人妨礙另一人（包括在獲授權人員的授權下行事的人）行使本規例所賦予該另一人的權力，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。

28. 有關規避本規例的罪行
   任何人意圖規避本規例的任何條文而銷毀、破損、毀損、隱藏或移去任何文件、貨物或物件，即屬犯罪——
29. **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.

30. **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 under paragraph 7 of Resolution 2293.

31. **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

32. **Duration**

This Regulation expires at midnight on 1 July 2017.

C. Y. LEUNG
Chief Executive

11 October 2016
Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2293 (2016) as adopted by the Security Council of the United Nations on 23 June 2016 by providing for the prohibition against—

(a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
(b) the provision of assistance, advice 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

The purpose of this Regulation is to give effect to certain decisions in Resolution 2293 (2016) as adopted by the Security Council of the United Nations on 23 June 2016 by providing for the prohibition against—

(a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
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(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.