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United Nations Sanctions (Joint Comprehensive Plan of Action—Iran) Regulation

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United Nations Sanctions (Joint Comprehensive Plan of Action—Iran) Regulation

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

Part 1

Preliminary

1. Interpretation

In this Regulation—

armoured combat vehicle (裝甲戰鬥車) means any tracked, semi-tracked or wheeled self-propelled vehicle, with armoured protection and cross-country capability, either—

- (a) designed and equipped to transport a squad of 4 or more infantry personnel; or
- (b) armed with an integral or organic weapon of at least 12.5 mm calibre or a missile launcher;

attack helicopter (攻擊直昇機)—

- (a) means any rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for those weapons; and
- (b) includes any version of an aircraft described in paragraph (a) that performs specialized reconnaissance or electronic warfare missions;

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;

ballistic missile commercial activity (彈道導彈商業活動) means a commercial activity that is related to—

- (a) the supply, sale, transfer, manufacture or use of any ballistic missile-related item; or
- (b) any ballistic missile-related activity;

ballistic missile-related activity (彈道導彈活動) means an activity that is related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology;

ballistic missile-related item (彈道導彈項目) means any item, material, equipment, goods or technology set out in the Security Council document S/2015/546;

battle tank (作戰坦克) means any tracked or wheeled self-propelled armoured fighting vehicle with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 mm calibre;

combat aircraft (作戰飛機)—

- (a) means any fixed-wing or variable-geometry wing aircraft, or any primary trainer aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction; and

- (b) includes any version of an aircraft described in paragraph (a) that performs specialized electronic warfare, suppression of air defence or reconnaissance missions;

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 18 of Resolution 1737;

conventional arms (常規武器) means any armoured combat vehicle, attack helicopter, battle tank, combat aircraft, large-calibre artillery system, missile and missile system or warship, or its related materiel (including spare parts);

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;

JCPOA (《全面行動計劃》) means the Joint Comprehensive Plan of Action (S/2015/544) concluded on 14 July 2015 and attached as Annex A to Resolution 2231;

Joint Commission (聯合委員會) means the Joint Commission established in the JCPOA;

large-calibre artillery system (大口徑火炮) means any gun, howitzer, artillery piece combining the characteristics of a gun or howitzer, mortar or multiple-launch rocket system, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 mm and above;

licence (特許) means a licence granted under section 13(1), 14(1), 15(1), 16(1), 17(1), 18(1) or 19(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;

missile and missile system (導彈及導彈系統) means—

- (a) any guided or unguided rocket, ballistic or cruise missile or remotely piloted vehicle capable of delivering a warhead or weapon of destruction to a range of at least 25 km;
- (b) any means, other than any armoured combat vehicle, attack helicopter, battle tank, combat aircraft, large-calibre artillery system or warship, designed or modified specifically for launching any rocket or missile described in paragraph (a), including any missile launcher; or

(c) any Man-portable Air-Defence Systems (MANPADS), but does not include any ground-to-air missile;

nuclear-related item (核項目) means any item, material, equipment, goods or technology set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1 or the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2;

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 Iran (有關連人士) means—

- (a) the Government of Iran;
- (b) any person in, or resident in, Iran;
- (c) any body incorporated or constituted under the law of Iran;
- (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 person (受禁制人士) means—

- (a) Iran;
- (b) a national of Iran;
- (c) an entity incorporated in Iran or subject to Iranian jurisdiction;
- (d) a person or entity acting on behalf of, or at the direction of, Iran, a national of Iran or an entity mentioned in paragraph (c); or
- (e) an entity owned or controlled by Iran, a national of Iran or an entity mentioned in paragraph (c);

relevant entity (有關實體) means—

- (a) an entity specified by the Chief Executive as a relevant entity under section 39(a) or (b); or
- (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 under section 39(a) or (b);

relevant person (有關人士) means—

- (a) a person specified by the Chief Executive as a relevant person under section 39(a) or (b); 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 under section 39(a) or (b);

Resolution 1737 (《第1737號決議》) means Resolution 1737 (2006) adopted by the Security Council on 23 December 2006;

Resolution 2231 (《第2231號決議》) means Resolution 2231 (2015) adopted by the Security Council on 20 July 2015;

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

uranium commercial activity (鈾商業活動) means a commercial activity that involves uranium mining, or the production or use of nuclear materials or technology listed in the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1;

warship (軍艦) means any vessel or submarine armed and equipped for military use with a standard displacement of 500 metric tons or above, or any vessel or submarine with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 km or torpedoes with similar range.

Part 2

Prohibitions

- 2. Prohibition against supply, sale or transfer of certain items to Iran**
- (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 13(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 conventional arms, nuclear-related item or ballistic missile-related item—
- (a) to Iran;
 - (b) to, or to the order of, a person connected with Iran;
 - (c) to a destination or person for the purpose of delivery or transfer, directly or indirectly, to Iran or

- to, or to the order of, a person connected with Iran;
or
- (d) for the use in or benefit of Iran.
- (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 item concerned was conventional arms, a nuclear-related item or a ballistic missile-related item;
or
- (b) that the item concerned was or was to be supplied, sold or transferred—
- (i) to Iran;
- (ii) to, or to the order of, a person connected with Iran;
- (iii) to a destination or person for the purpose of delivery or transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
- (iv) for the use in or benefit of Iran.

3. Prohibition against carriage of certain items to Iran

- (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
 - (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 13(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any conventional arms, nuclear-related item or ballistic missile-related item if the carriage is, or forms part of, a carriage—
- (a) from a place outside Iran to a place in Iran;
 - (b) to, or to the order of, a person connected with Iran;
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (d) for the use in or benefit of Iran.

- (3) Subsection (2) does not apply if—
 - (a) the carriage of the conventional arms, nuclear-related item or ballistic missile-related item is performed in the course of the supply, sale or transfer of the conventional arms, nuclear-related item or ballistic missile-related item; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 13(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
 - (a) for a ship registered in the HKSAR—the charterer, the operator and the master of the ship;
 - (b) for any other ship—
 - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (c) for an aircraft registered in the HKSAR—the charterer, the operator and the pilot in command of the aircraft;
 - (d) for any other aircraft—

- (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
- (e) for a vehicle—the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
 - (a) that the item concerned was conventional arms, a nuclear-related item or a ballistic missile-related item; or
 - (b) that the carriage of the item concerned was, or formed part of, a carriage—
 - (i) from a place outside Iran to a place in Iran;

- (ii) to, or to the order of, a person connected with Iran;
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
- (iv) for the use in or benefit of Iran.

4. Prohibition against supply, sale or transfer of certain items from Iran

- (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 14(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 arms or related materiel or ballistic missile-related item—
 - (a) from Iran; or
 - (b) from a person connected with Iran.
- (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 item concerned was arms or related materiel or a ballistic missile-related item; or
 - (b) that the item concerned was or was to be supplied, sold or transferred—
 - (i) from Iran; or
 - (ii) from a person connected with Iran.

5. Prohibition against carriage of certain items from Iran

- (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
 - (iii) a body incorporated or constituted under the law of the HKSAR; and
 - (f) a vehicle in the HKSAR.

- (2) Without limiting section 4, except under the authority of a licence granted under section 14(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any arms or related materiel or ballistic missile-related item if the carriage is, or forms part of, a carriage—
 - (a) from Iran; or
 - (b) from a person connected with Iran.
- (3) Subsection (2) does not apply if—
 - (a) the carriage of the arms or related materiel or ballistic missile-related item is performed in the course of the supply, sale or transfer of the arms or related materiel or ballistic missile-related item; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 14(1)(a).
- (4) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
 - (a) for a ship registered in the HKSAR—the charterer, the operator and the master of the ship;
 - (b) for any other ship—
 - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and

- (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (c) for an aircraft registered in the HKSAR—the charterer, the operator and the pilot in command of the aircraft;
 - (d) for any other aircraft—
 - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (e) for a vehicle—the operator and the driver of the vehicle.
- (5) A person who commits an offence under subsection (4) is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

- (6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) that the item concerned was arms or related materiel or a ballistic missile-related item; or
 - (b) that the carriage of the item concerned was, or formed part of, a carriage—
 - (i) from Iran; or
 - (ii) from a person connected with Iran.

6. Prohibition against provision of certain training, services or assistance related to conventional arms

- (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 15(1), a person must not provide, directly or indirectly, any technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance or use of any conventional arms—
- (a) to Iran;
 - (b) to, or to the order of, a person connected with Iran; or

- (c) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.
- (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 technical training, financial resources or services, advice, other services or assistance concerned were or were to be provided—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (b) that the technical training, financial resources or services, advice, other services or assistance concerned related to the supply, sale, transfer, manufacture, maintenance or use of the conventional arms concerned.

7. Prohibition against provision or transfer of certain assistance, training, services or resources related to nuclear-related items

- (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) Without limiting section 6, except under the authority of a licence granted under section 16(1)(a), a person must not provide, directly or indirectly, any technical assistance or training, financial assistance, investment, brokering or other services related to the supply, sale, transfer, manufacture or use of any nuclear-related item—
 - (a) to Iran;
 - (b) to, or to the order of, a person connected with Iran; or
 - (c) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.
- (3) Without limiting section 6, except under the authority of a licence granted under section 16(1)(b), a person must not transfer, directly or indirectly, any financial resources or services related to the supply, sale, transfer, manufacture or use of any nuclear-related item—
 - (a) to Iran;
 - (b) to, or to the order of, a person connected with Iran; or

- (c) to a destination or person for the purpose of transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.
- (4) 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.
- (5) A person who contravenes subsection (3) 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.
- (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 technical assistance or training, financial assistance, investment, brokering or other services concerned were or were to be provided—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or

- (b) that the technical assistance or training, financial assistance, investment, brokering or other services concerned related to the supply, sale, transfer, manufacture or use of the nuclear-related item concerned.
- (7) It is a defence for a person charged with an offence under subsection (5) to prove that the person did not know and had no reason to believe—
 - (a) that the financial resources or services concerned were or were to be transferred—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (b) that the financial resources or services concerned related to the supply, sale, transfer, manufacture or use of the nuclear-related item concerned.

8. Prohibition against provision or transfer of certain technology, assistance, training, services or resources related to ballistic missiles

- (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) Without limiting sections 6 and 7, except under the authority of a licence granted under section 17(1)(a), a person must not provide, directly or indirectly, any technology or technical assistance or training, financial assistance, investment, brokering or other services related to the supply, sale, transfer, manufacture or use of any ballistic missile-related item, or to any ballistic missile-related activity—
- (a) to Iran;
 - (b) to, or to the order of, a person connected with Iran; or
 - (c) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.
- (3) Without limiting sections 6 and 7, except under the authority of a licence granted under section 17(1)(b), a person must not transfer, directly or indirectly, any financial resources or services related to the supply, sale, transfer, manufacture or use of any ballistic missile-related item, or to any ballistic missile-related activity—
- (a) to Iran;
 - (b) to, or to the order of, a person connected with Iran; or
 - (c) to a destination or person for the purpose of transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.

- (4) 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.
- (5) A person who contravenes subsection (3) 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.
- (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 technology or technical assistance or training, financial assistance, investment, brokering or other services concerned were or were to be provided—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (b) that the technology or technical assistance or training, financial assistance, investment, brokering or other services concerned related to the supply, sale, transfer, manufacture or use of the ballistic

missile-related item concerned, or to the ballistic missile-related activity concerned.

- (7) It is a defence for a person charged with an offence under subsection (5) to prove that the person did not know and had no reason to believe—
- (a) that the financial resources or services concerned were or were to be transferred—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (b) that the financial resources or services concerned related to the supply, sale, transfer, manufacture or use of the ballistic missile-related item concerned, or to the ballistic missile-related activity concerned.

9. 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) Without limiting sections 6, 7 and 8, except under the authority of a licence granted under section 18(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.

10. Prohibition against sale and acquisition of interest in ballistic missile commercial activity or uranium commercial activity

- (1) Subsections (2) and (3) apply 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 19(1)(a), a person must not sell or otherwise make available, directly or indirectly, an interest in a ballistic missile commercial activity or a uranium commercial activity to a prohibited person.
- (3) Except under the authority of a licence granted under section 19(1)(b), a person must not knowingly provide, directly or indirectly, any financial services or related services that facilitate the acquisition of an interest in a ballistic missile commercial activity or a uranium commercial activity by a prohibited person.
- (4) Except under the authority of a licence granted under section 19(1)(c), a prohibited person must not, directly or indirectly, acquire an interest in a ballistic missile commercial activity or a uranium commercial activity.
- (5) 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.
- (6) A person who contravenes subsection (3) 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.

- (7) A person who contravenes subsection (4) 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.
- (8) It is a defence for a person charged with an offence under subsection (5) to prove that the person did not know and had no reason to believe—
 - (a) that the interest concerned was an interest in a ballistic missile commercial activity or a uranium commercial activity; or
 - (b) that the interest concerned was sold or otherwise made available to a prohibited person.
- (9) It is a defence for a person charged with an offence under subsection (7) to prove that the person did not know and had no reason to believe that the interest concerned was an interest in a ballistic missile commercial activity or a uranium commercial activity.

11. Prohibition against entry or transit by certain persons

- (1) Subject to section 12, 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) a person specified on the list established and maintained by the Committee pursuant to Resolution 1737 as of 20 July 2015, other than—
 - (i) a person specified in the Attachment to Annex B to Resolution 2231; or
 - (ii) a person de-listed by the Security Council;
- (b) a person designated by the Security Council for the purposes of paragraph 6(c) of Annex B to Resolution 2231.

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

Section 11 does not apply—

- (a) to a case in respect of which the Security Council determines on a case-by-case basis that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
 - (b) to a case in respect of which the Security Council concludes that the relevant entry or transit would otherwise further the objectives of Resolution 2231.
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Part 3

Licences

13. Licence for supply, sale, transfer or carriage of certain items to Iran

- (1) If satisfied on application that the applicable requirements in subsection (2), (3), (4) or (5) are met, the Chief Executive must, subject to subsection (6), 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, conventional arms, nuclear-related items or ballistic missile-related items—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran;
 - (iii) to a destination or person for the purpose of delivery or transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (iv) for the use in or benefit of Iran; or

- (b) a licence for the carriage of conventional arms, nuclear-related items or ballistic missile-related items which is, or forms part of, a carriage—
 - (i) from a place outside Iran to a place in Iran;
 - (ii) to, or to the order of, a person connected with Iran;
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (iv) for the use in or benefit of Iran.
- (2) The requirement that applies to conventional arms is that the supply, sale, transfer or carriage of the conventional arms is approved in advance on a case-by-case basis by the Security Council.
- (3) The following requirements apply to nuclear-related items—
 - (a) either—
 - (i) the supply, sale, transfer or carriage of the item is approved in advance on a case-by-case basis by the Security Council; or
 - (ii) the item is—
 - (A) any equipment covered by B.1 of the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1 when such equipment is for light water reactors;
 - (B) low-enriched uranium covered by A.1.2 of the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1 when it is incorporated in assembled nuclear fuel elements for light water reactors; or

- (C) an item set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2 when it is for exclusive use in light water reactors;
 - (b) the requirements, as appropriate, of the guidelines as set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1 and the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2 are met; and
 - (c) the Chief Executive has obtained and is in a position to exercise effectively a right to verify the end-use and end-use location of the item.
- (4) The following requirements apply to nuclear-related items—
- (a) the supply, sale, transfer or carriage of the item is directly related to—
 - (i) the necessary modification of 2 cascades at the facility of the Fordow Fuel Enrichment Plant for stable isotope production;
 - (ii) the export of Iran’s enriched uranium in excess of 300 kg in return for natural uranium; or
 - (iii) the modernization of the heavy water research reactor in Arak based on the agreed conceptual design and, subsequently, on the agreed final design of the reactor;
 - (b) the supply, sale, transfer or carriage of the item is undertaken strictly in accordance with the JCPOA;
 - (c) the requirements, as appropriate, of the guidelines as set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1 and the

International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2 are met; and

- (d) the Chief Executive has obtained and is in a position to exercise effectively a right to verify the end-use and end-use location of the item.
- (5) The following requirements apply to ballistic missile-related items—
 - (a) the supply, sale, transfer or carriage of the item is approved in advance on a case-by-case basis by the Security Council;
 - (b) the applicant has submitted to the Chief Executive such information in relation to the end-use of the item as the Chief Executive may require; and
 - (c) the Government of Iran commits not to use the item for development of nuclear weapon delivery systems.
- (6) If the Chief Executive determines that the requirements in subsection (4) are met, the Chief Executive must cause the Security Council and the Joint Commission to be notified of the intention to grant the licence not less than 10 days before the grant of the licence.

14. Licence for supply, sale, transfer or carriage of certain items from Iran

- (1) If satisfied on application that the applicable requirements in subsection (2) or (3) are 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, arms or related materiel or ballistic missile-related items—
 - (i) from Iran; or

- (ii) from a person connected with Iran; or
 - (b) a licence for the carriage of arms or related materiel or ballistic missile-related items which is, or forms part of, a carriage—
 - (i) from Iran; or
 - (ii) from a person connected with Iran.
 - (2) The requirement that applies to arms or related materiel is that the supply, sale, transfer or carriage of the arms or related materiel is approved in advance on a case-by-case basis by the Security Council.
 - (3) The following requirements apply to ballistic missile-related items—
 - (a) the supply, sale, transfer or carriage of the item is approved in advance on a case-by-case basis by the Security Council;
 - (b) the applicant has submitted to the Chief Executive such information in relation to the end-use of the item as the Chief Executive may require; and
 - (c) the Government of Iran commits not to use the item for development of nuclear weapon delivery systems.
- 15. Licence for provision of certain training, services or assistance related to conventional arms**
- (1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must grant a licence for the provision of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance or use of any conventional arms—
 - (a) to Iran;

- (b) to, or to the order of, a person connected with Iran;
or
 - (c) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.
- (2) The requirement is that the provision of the technical training, financial resources or services, advice, other services or assistance is approved in advance on a case-by-case basis by the Security Council.

16. Licence for provision or transfer of certain assistance, training, services or resources related to nuclear-related items

- (1) If satisfied on application that the requirements in subsection (2) or (3) are met, the Chief Executive must, subject to subsection (4), grant, as appropriate—
- (a) a licence for the provision of technical assistance or training, financial assistance, investment, brokering or other services related to the supply, sale, transfer, manufacture or use of any nuclear-related item—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or

- to the order of, a person connected with Iran;
or
- (b) a licence for the transfer of financial resources or services related to the supply, sale, transfer, manufacture or use of any nuclear-related item—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.
- (2) The requirements are that—
- (a) the provision of the technical assistance or training, financial assistance, investment, brokering or other services, or the transfer of the financial resources or services, is directly related to—
 - (i) the necessary modification of 2 cascades at the facility of the Fordow Fuel Enrichment Plant for stable isotope production;
 - (ii) the export of Iran’s enriched uranium in excess of 300 kg in return for natural uranium; or
 - (iii) the modernization of the heavy water research reactor in Arak based on the agreed conceptual design and, subsequently, on the agreed final design of the reactor;
 - (b) the provision of the technical assistance or training, financial assistance, investment, brokering or other services, or the transfer of the financial resources or services, is undertaken strictly in accordance with the JCPOA;

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- (c) the requirements, as appropriate, of the guidelines as set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1 and the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2 are met; and
 - (d) the Chief Executive has obtained and is in a position to exercise effectively a right to verify the end-use and end-use location of the technical assistance or training, financial assistance, investment, brokering or other services, or the financial resources or services.
- (3) The requirement is that the provision of the technical assistance or training, financial assistance, investment, brokering or other services, or the transfer of the financial resources or services, is approved in advance on a case-by-case basis by the Security Council.
 - (4) If the Chief Executive determines that the requirements in subsection (2) are met, the Chief Executive must cause the Security Council and the Joint Commission to be notified of the intention to grant the licence not less than 10 days before the grant of the licence.
- 17. Licence for provision or transfer of certain technology, assistance, training, services or resources related to ballistic missiles**
- (1) If satisfied on application that the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate—
 - (a) a licence for the provision of technology or technical assistance or training, financial assistance, investment, brokering or other services related to the supply, sale, transfer, manufacture or use of any ballistic missile-related item, or to any ballistic missile-related activity—

- (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of provision, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran; or
 - (b) a licence for the transfer of financial resources or services related to the supply, sale, transfer, manufacture or use of any ballistic missile-related item, or to any ballistic missile-related activity—
 - (i) to Iran;
 - (ii) to, or to the order of, a person connected with Iran; or
 - (iii) to a destination or person for the purpose of transfer, directly or indirectly, to Iran or to, or to the order of, a person connected with Iran.
- (2) The requirements are that—

- (a) the provision of the technology or technical assistance or training, financial assistance, investment, brokering or other services, or the transfer of the financial resources or services, is approved in advance on a case-by-case basis by the Security Council;
- (b) the applicant has submitted to the Chief Executive such information in relation to the end-use of the technology or technical assistance or training, financial assistance, investment, brokering or other services, or the financial resources or services, as the Chief Executive may require; and
- (c) the Government of Iran commits not to use the technology or technical assistance or training, financial assistance, investment, brokering or other services, or the financial resources or services, for development of nuclear weapon delivery systems.

18. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
 - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements are as follows—

- (a) the funds or other financial assets or economic resources are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant person or a relevant entity;
- (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
- (c) the funds or other financial assets or economic resources are necessary for the civil nuclear cooperation projects described in Annex III of the JCPOA;
- (d) 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 23 December 2006 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;

- (e) the funds or other financial assets or economic resources are necessary for activities directly related to—
 - (i) the items specified in paragraph 2 of Annex B to Resolution 2231; or
 - (ii) any other activity required for the implementation of the JCPOA;
- (f) the funds or other financial assets or economic resources are for making payment due under a contract entered into before the date on which such person or entity became a relevant person or a relevant entity, and the contract is not related to—
 - (i) any conventional arms, arms or related materiel, nuclear-related item or ballistic missile-related item;
 - (ii) any technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance or use of any conventional arms;
 - (iii) any technical assistance or training, financial assistance, investment, brokering or other services, or any financial resources or services, related to the supply, sale, transfer, manufacture or use of any nuclear-related item; or
 - (iv) any technology or technical assistance or training, financial assistance, investment, brokering or other services, or any financial resources or services, related to the supply, sale, transfer, manufacture or use of any ballistic missile-related item, or to any ballistic missile-related activity,

and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.

- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
 - (i) must cause the Security Council 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 Security Council within 5 working days of the notification;
 - (b) the requirement in subsection (2)(b), (c) or (e) is met, the Chief Executive—
 - (i) must cause the Security Council to be notified of the determination; and
 - (ii) must not grant the licence unless the Security Council approves the determination;
 - (c) the requirement in subsection (2)(d) is met, before granting the licence, the Chief Executive must cause the Security Council to be notified of the determination;
 - (d) the requirement in subsection (2)(f) is met, the Chief Executive must cause the Security Council to be notified of the intention to grant the licence not less than 10 working days before the grant of the licence.

19. Licence for sale and acquisition of interest in ballistic missile commercial activity or uranium commercial activity

- (1) If satisfied on application that the requirement in subsection (2) is met, the Chief Executive must grant, as appropriate—

- (a) to a person a licence for the sale or otherwise making available of an interest in a ballistic missile commercial activity or a uranium commercial activity to a prohibited person;
 - (b) to a person a licence for the provision of financial services or related services that facilitate the acquisition of an interest in a ballistic missile commercial activity or a uranium commercial activity by a prohibited person; or
 - (c) to a prohibited person a licence for the acquisition of an interest in a ballistic missile commercial activity or a uranium commercial activity.
- (2) The requirement is that the sale or making available of an interest, the provision of the financial services or related services or the acquisition of an interest in the ballistic missile commercial activity or the uranium commercial activity is approved in advance on a case-by-case basis by the Security Council.

20. Provision of false information or documents for purpose of obtaining licences

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

- (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
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Part 4

Things Done outside HKSAR

- 21. 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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Part 5

Enforcement of Regulation

Division 1—Investigation, etc. of Suspected Ships

22. Investigation of suspected ships

- (1) If an authorized officer has reason to suspect that a ship to which section 3 or 5 applies has been, is being or is about to be used in contravention of section 3(2) or 5(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 or 5 applies is being or is about to be used in contravention of section 3(2) or 5(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2) or 5(2) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—

- (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;
- (b) request the charterer, operator or master of the ship to take any of the following steps—
 - (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
 - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

23. Offences by charterer, operator or master of ship

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 22(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 22(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 22(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.

24. Power of authorized officers to enter and detain ships

- (1) Without limiting section 23, if an authorized officer has reason to suspect that a request that has been made under section 22(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or the ship concerned;
 - (b) detain or authorize the detention of that ship or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 2—Investigation, etc. of Suspected Aircraft

25. Investigation of suspected aircraft

- (1) If an authorized officer has reason to suspect that an aircraft to which section 3 or 5 applies has been, is being or is about to be used in contravention of section 3(2) or 5(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.

26. 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 25(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 25(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.

27. Power of authorized officers to enter and detain aircraft

- (1) Without limiting section 26, if an authorized officer has reason to suspect that a request that has been made under section 25(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or the aircraft concerned;
 - (b) detain or authorize the detention of that aircraft or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 3—Investigation, etc. of Suspected Vehicles

28. 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) or 5(2), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer’s authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
 - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
 - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.
- (2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—
 - (a) specify whether the information should be provided orally or in writing and in what form; and

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

29. 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 28(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 28(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.

30. Power of authorized officers to enter and detain vehicles

- (1) Without limiting section 29, if an authorized officer has reason to suspect that a request that has been made under section 28(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

31. Production of proof of identity

Before or on exercising a power conferred by section 22, 24, 25, 27, 28 or 30, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

Part 6

Evidence

32. Power of magistrate or judge to grant warrant

- (1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
 - (a) an offence under this Regulation has been committed or is being committed; and
 - (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
- (3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
 - (a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
 - (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe

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

- (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

33. Detention of documents, cargoes or articles seized

- (1) Subject to subsection (2), any document, cargo or article seized under section 32(3) may not be detained for more than 3 months.
 - (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.
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Part 7

Disclosure of Information or Documents

34. 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 Iran decided on by the Security Council; or

- (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—
- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person’s capacity as servant or agent of another person; and
 - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person’s own right.
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Part 8

Other Offences and Miscellaneous Matters

35. 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.

36. 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.

37. Offences in relation to evasion of this Regulation

A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

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

38. 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.

39. 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 any of the following persons or entities—

- (a) a person or entity specified on the list established and maintained by the Committee pursuant to Resolution 1737 as of 20 July 2015, other than—
 - (i) a person or entity specified in the Attachment to Annex B to Resolution 2231; or
 - (ii) a person or entity de-listed by the Security Council;
- (b) a person or entity designated by the Security Council for the purposes of paragraph 6(c) of Annex B to Resolution 2231.

40. Access to Security Council documents

The Director-General of Trade and Industry is to make available at his or her office, for inspection by the public during normal office hours, free of charge, an English version and a Chinese version of each of the following documents—

- (a) the International Atomic Energy Agency document INFCIRC/254/Rev. 12/Part 1;
- (b) the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 2;
- (c) the Security Council document S/2015/546.

41. 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.

C. Y. LEUNG
Chief Executive

22 November 2016

Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in paragraph 7(b) of Resolution 2231 (2015) as adopted by the Security Council of the United Nations on 20 July 2015 by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of certain items to Iran;
- (b) the supply, sale, transfer or carriage of certain items from Iran;
- (c) the provision of certain training, services or assistance related to conventional arms;
- (d) the provision or transfer of certain assistance, training, services or resources related to nuclear-related items;
- (e) the provision or transfer of certain technology, assistance, training, services or resources related to ballistic missiles;
- (f) making available, or dealing with, funds or other financial assets or economic resources under certain circumstances;
- (g) the sale and acquisition of interest in certain commercial activities; and
- (h) entry or transit by certain persons.