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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;
fu*nds (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;
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;


第2部

禁止條文

2. 禁止供應．售賣或移轉若干物品

(1) 本條適用於——

(а) 在特區內行事的人；及

(б) 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8(1)(a)條批予的特許授權外，任何人不得——

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

(b) 直接或間接向某目的地供應、售賣或移轉任何禁制
物品，以將該等物品直接或間接交付或移轉予在剛
果民主共和國境內活動的人士或該等人士指定的對

(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。

United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017

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;

(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.
(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.

3. Prohibition against carriage of certain goods

(1) This section applies to—

(a) a ship that is registered in the HKSAR;

(b) an aircraft that is registered in the HKSAR;

(c) any other ship or aircraft that is for the time being chartered to a person who is—

(i) in the HKSAR;

(ii) both a Hong Kong permanent resident and a Chinese national; or

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

(d) a vehicle in the HKSAR.

(2) Without limiting section 2, except under the authority of a licence granted under section 8(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
(a) 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
(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.
Section 4

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.

(3) A person who contravenes subsection (2) commits an offence and is liable—

(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.
(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.

5. Prohibition against making available funds, etc. or dealing with funds, etc.

(1) This section applies to—
(a) a person acting in the HKSAR; and
(b) a person acting outside the HKSAR who is—
(i) both a Hong Kong permanent resident and a Chinese national; or
(ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section 10(1)—
(a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
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。

(5) 任何人不得僅因將以下任何一項記入屬於有關人士或有關實體的帳戶，或記入由有關人士或有關實體擁有的或控制的帳戶，而被視為違反第 (2) 款——

(a) 該帳戶應得的利息或其他收入；或

(b) 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
6. Prohibition against entry or transit by certain persons

(1) Subject to section 7, a specified person must not enter or transit through the HKSAR.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

(3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.

(4) In this section—

specified person (指明人士) means a person designated by the Committee under paragraph 7 of Resolution 2293.
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 or transit 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.

(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;
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—

(i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 31 March 2008 and is not for the benefit of a person designated by the Committee under paragraph 13 of Resolution 1807; and

(ii) are to be used to satisfy the lien or judgment.
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.

Provision of false information or documents for purpose of obtaining licences

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) 任何人為了取得許可而罔顧實情地作出任何在要項上屬虛假的陳述或提供或交出任何在要項上屬虛假的資料或文件，即屬犯罪——
(a) 一經循公訴程序定罪，可處罰款及監禁 2 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。

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(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

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.
13. Investigation of suspected ships

(1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—

(a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and

(b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.

(2) If an authorized officer has reason to suspect that a ship to which section 3 applies is being or is about to be used in contravention of section 3(2), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—
(a) 指示該船舶的租用人、營運人或船長除非取得獲授權人員的同意，否則不得於該人員指明的任何港口卸下該船舶所載貨物中經該人員指明的任何部分；

(b) 要求該船舶的租用人、營運人或船長採取以下任何步驟——

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

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

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

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

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

(a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship’s cargo that is so specified;

(b) request the charterer, operator or master of the ship to take any of the following steps—

(i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;

(ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;

(iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;

(iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.

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

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—
Part 5—Division 2

Section 16

Investigation of suspected aircraft

16. 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) enter or authorize the entry on any land or the ship concerned;

(b) detain or authorize the detention of that ship or any of its cargo;

(c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.

(3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 2—Investigation, etc. of Suspected Aircraft

16. Investigation of suspected aircraft

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

(a) either alone or accompanied and assisted by any person acting under the officer’s authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and

(b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.

(2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo
17. 飛機的租用人、營運人或機長所犯的罪行

(1) 任何飛機的租用人、營運人或機長如無合理辯解而拒絕在獲授權人員指明的時間或（如無指明時間）合理時間內遵從根據第 16(1)(b) 或 (2) 條作出的要求，或無合理辯解而沒有在獲授權人員指明的時間或（如無指明時間）合理時間內遵從該等要求，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。

(2) 任何飛機的租用人、營運人或機長如在回應根據第 16(1)(b) 或 (2) 條作出的要求時，向獲授權人員提供或交出任何該租用人、營運人或機長知道在要項上屬虛假的資料或文件，或罔顧實情地向獲授權人員提供或交出任外

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

(1) Without limiting section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—

(a) enter or authorize the entry on any land or the aircraft concerned;

(b) detain or authorize the detention of that aircraft or any of its cargo;

(c) use or authorize the use of reasonable force.

(2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.

(3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

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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—
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

(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.
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) Subject to subsection (2), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.

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.

(1) In the event the operator or driver knows or has reason to believe that information or documents provided to the officer are false or are made with the intent of deceiving the officer, the operator or driver 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.
(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.
第 6 部

證據

23. 裁判官或法官批出手令的權力
(1) 如裁判官或法官根據獲授權人員經宣誓而作的告發，信納有合理理由懷疑——
(a) 有人已經或正在犯本規例所訂的罪行；及
(b) 在該告發所指明的處所內或在如此指明的船舶、飛機或車輛上，有與犯該罪行有關的證據，
則該裁判官或法官可批出手令。
(2) 根據第 (1) 款批出的手令，可授權任何獲授權人員，連同任何其他在該手令中指名的人，於自該手令的日期起計的一個月內，隨時進入有關告發所指明的處所、船舶、飛機或車輛，或如此指明的船舶、飛機或車輛所在的處所，以及搜查上述處所、船舶、飛機或車輛。
(3) 獲手令授權搜查任何處所、船舶、飛機或車輛的人，可行使以下任何或所有權力——
(a) 搜查在該處所內或在該船舶、飛機或車輛上發現的人，或該獲授權的人有合理理由相信不久前離開或即將進入該處所或登上該船舶、飛機或車輛的人；

Part 6

Evidence

23. Power of magistrate or judge to grant warrant
(1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
(a) an offence under this Regulation has been committed or is being committed; and
(b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
(2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
(3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
(a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
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.
Part 8

Other Offences and Miscellaneous Matters

26. 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.

27. 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.

28. 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—
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.
32. **Duration**

This Regulation expires at midnight on 1 July 2018.

Carrie LAM  
Chief Executive  

13 September 2017
The purpose of this Regulation is to give effect to certain decisions in Resolution 2360 (2017) as adopted by the Security Council of the United Nations on 21 June 2017 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.