

L.N. 49 of 2011

United Nations Sanctions (Iran) (Amendment) Regulation 2011

Contents

Section	Page
1.	United Nations Sanctions (Iran) Regulation amendedB1915
2.	Part 1 heading substitutedB1915
Part 1	
Preliminary	
3.	Section 1 amendedB1915
4.	Part 2 heading substitutedB1927
Part 2	
Prohibitions	
5.	Cross-heading before section 2 repealedB1927
6.	Section 2 amendedB1927
7.	Cross-heading before section 3 repealedB1933
8.	Section 3 amendedB1933
9.	Cross-heading before section 4 repealedB1939
10.	Section 4 amendedB1941
11.	Section 5 amendedB1943
12.	Cross-heading before section 6 repealedB1949

United Nations Sanctions (Iran) (Amendment) Regulation 2011

B1903

L.N. 49 of 2011

Section	Page
13.	Section 6 amendedB1949
14.	Section 6A addedB1953
6A.	Prohibition against transfer of technology or assistance related to ballistic missiles.....B1953
15.	Cross-heading before section 7 repealedB1957
16.	Section 7 amendedB1957
17.	Section 8 repealedB1963
18.	Section 8AA addedB1963
8AA.	Prohibition against sale and acquisition of interest in commercial activity involving uranium miningB1963
19.	Cross-heading before section 8A repealedB1967
20.	Section 8A substitutedB1969
8A.	Prohibition against entry or transit by certain personsB1969
21.	Section 8B substituted.....B1969
8B.	Exceptions to prohibition against entry or transit by certain persons.....B1969
22.	Sections 8C and 8D added.....B1971
8C.	Prohibition against provision of certain services to certain shipsB1971
8D.	Exception to prohibition under section 8CB1975
23.	Part 3 heading substitutedB1975

Section	Page
---------	------

Part 3

Licences

24.	Section 9 substituted	B1975
9.	Licence for supply, sale, transfer or carriage of certain items	B1975
25.	Section 10 substituted	B1983
10.	Licence for provision of certain training, services or assistance	B1983
26.	Section 11 substituted	B1985
11.	Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities	B1987
27.	Section 12 substituted	B1993
12.	Provision of false information or documents for purpose of obtaining licences.....	B1993
28.	Part 4 heading substituted	B1995

Part 4

Things Done outside HKSAR

29.	Section 13 substituted	B1995
13.	Licence or permission granted by authorities of places outside HKSAR	B1995
30.	Part 5 heading substituted	B1997

Section	Page
---------	------

Part 5

Enforcement of Regulation

31.	Cross-heading before section 14 repealed	B1997
32.	Part 5, Division 1 heading added.....	B1997

Division 1

Investigation, etc. of Suspected Ships

33.	Section 14 substituted	B1997
	14. Investigation of suspected ships	B1999
34.	Section 15 substituted	B2003
	15. Offences by charterer, operator or master of ship.....	B2003
35.	Section 16 substituted	B2003
	16. Power of authorized officers to enter and detain ships	B2005
36.	Cross-heading before section 17 repealed	B2005
37.	Part 5, Division 2 heading added.....	B2005

Division 2

Investigation, etc. of Suspected Aircraft

38.	Section 17 substituted	B2007
	17. Investigation of suspected aircraft.....	B2007
39.	Section 18 substituted	B2009

Section	Page
18.	Offences by charterer, operator or pilot in command of aircraftB2009
40.	Section 19 substitutedB2011
19.	Power of authorized officers to enter and detain aircraft.....B2011
41.	Cross-heading before section 20 repealedB2013
42.	Part 5, Division 3 heading added.....B2013
Division 3	
Investigation, etc. of Suspected Vehicles	
43.	Section 20 substitutedB2013
20.	Investigation of suspected vehiclesB2013
44.	Section 21 substitutedB2015
21.	Offences by operator or driver of vehicle.....B2015
45.	Section 22 substitutedB2017
22.	Power of authorized officers to enter and detain vehiclesB2017
46.	Cross-heading before section 23 repealedB2019
47.	Part 5, Division 4 heading added.....B2019
Division 4	
Proof of Identity	
48.	Section 23 substitutedB2019
23.	Production of proof of identityB2019

Section	Page
49.	Part 6 heading substitutedB2021

Part 6

Evidence

50.	Section 24 amendedB2021
51.	Sections 24A and 24B addedB2023
24A.	Seized articles, etc. liable to forfeitureB2023
24B.	Power of magistrate or judge to make order for forfeiture and disposal.....B2027
52.	Section 25 substitutedB2029
25.	Detention of documents, cargoes or articles seizedB2029
53.	Part 7 heading substitutedB2029

Part 7

Disclosure of Information or Documents

54.	Section 26 substitutedB2031
26.	Disclosure of information or documentsB2031
55.	Part 8 heading substitutedB2033

Part 8

Other Offences and Miscellaneous Matters

56.	Section 27 amendedB2035
57.	Section 28 substitutedB2035

United Nations Sanctions (Iran) (Amendment) Regulation 2011

B1913

L.N. 49 of 2011

Section	Page
28.	Offences in relation to obstruction of authorized persons, etc.....B2035
58.	Section 29 amendedB2037
59.	Section 30 amendedB2037
60.	Section 31 amendedB2037
61.	Section 32 substitutedB2039
32.	Access to Security Council documents.....B2041
62.	Section 33 substitutedB2041
33.	Exercise of powers of Chief Executive.....B2041

United Nations Sanctions (Iran) (Amendment) Regulation 2011

(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)

1. United Nations Sanctions (Iran) Regulation amended

The United Nations Sanctions (Iran) Regulation (Cap. 537 sub. leg. AF) is amended as set out in sections 2 to 62.

2. Part 1 heading substituted

Part 1, heading—

Repeal the heading

Substitute

“Part 1

Preliminary”.

3. Section 1 amended

(1) Section 1—

Repeal

“, unless the context otherwise requires”.

(2) Section 1, English text, definition of *armoured combat vehicle*, paragraph (a)—

Repeal

“infantrymen”

Substitute

“infantry personnel”.

- (3) Section 1, definition of *Commissioner*—

Repeal

“the Deputy”

Substitute

“any Deputy”.

- (4) Section 1, definition of *Committee*—

Repeal

“pursuant to”

Substitute

“under”.

- (5) Section 1—

Repeal the definition of *conventional arms*

Substitute

“*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);”.

- (6) Section 1, definition of *person connected with Iran*—

- (a) Chinese text, paragraphs (b) and (c)—

Repeal

“任何”;

- (b) **Repeal paragraphs (d) and (e)**

Substitute

- “(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);”.

(7) Section 1—

Repeal the definition of *regulated prohibited item*

Substitute

“*regulated prohibited item* (受規管禁制項目) means—

- (a) any item, material, equipment, goods or technology covered by section B.2, B.3, B.4, B.5, B.6 or B.7 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1;
- (b) any item, material, equipment, goods or technology covered by sections A.1 and B.1 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1, except—
 - (i) any equipment covered by section B.1 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 when such equipment is for exclusive use in light water reactors; and
 - (ii) any low-enriched uranium covered by section A.1.2 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 when it is incorporated in assembled nuclear fuel elements for light water reactors;

- (c) any item, material, equipment, goods or technology covered by the Security Council document S/2010/263;
 - (d) any item, material, equipment, goods or technology covered by the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2, except any item, material, equipment, goods or technology covered by sections 1 to 6 of the Annex to the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2 when it is for exclusive use in light water reactors; or
 - (e) conventional arms;”.
- (8) Section 1—
- Repeal the definition of *relevant entity***
- Substitute**
- “*relevant entity* (有關實體) means—
- (a) an entity specified by the Chief Executive as a relevant entity in accordance with section 31(a), (aa) 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 in accordance with section 31(a) or (aa);”.
- (9) Section 1—
- Repeal the definition of *relevant person***
- Substitute**

“*relevant person* (有關人士) means—

- (a) a person specified by the Chief Executive as a relevant person in accordance with section 31(a), (aa) 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 in accordance with section 31(a) or (aa);”.

(10) Section 1—

Repeal the definition of *specified item*

Substitute

“*specified item* (指明項目) means—

- (a) any item, material, equipment, goods or technology covered by the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 or the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2;
- (b) any item, material, equipment, goods or technology covered by the Security Council document S/2010/263; or
- (c) any arms or related materiel;”.

(11) Section 1—

Repeal the definition of *specified prohibited item*

Substitute

“*specified prohibited item* (指明禁制項目) means any item, material, equipment, goods or technology that—

- (a) is covered by the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 or the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2 or the Security Council document S/2010/263; and

(b) is not a regulated prohibited item;”.

(12) Section 1—

Repeal the definitions of *commander, missile and missile launcher and ship*.

(13) Section 1—

Add in alphabetical order

“*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;

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;

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;

Resolution 1929 (《第 1929 號決議》) means Resolution 1929 (2010) adopted by the Security Council on 9 June 2010;”.

4. Part 2 heading substituted

Part 2, heading—

Repeal the heading

Substitute

“Part 2

Prohibitions”.

5. Cross-heading before section 2 repealed

Cross-heading before section 2—

Repeal the cross-heading.

6. Section 2 amended

(1) Section 2, heading—

Repeal

“Prohibition against supply, delivery or transfer of certain items to Iran”

Substitute

“Prohibition against supply, sale or transfer of certain items”.

(2) Section 2—

Repeal subsection (1)

Substitute

“(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.

(1A) Except under the authority of a licence granted under section 9(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 regulated prohibited item or specified prohibited 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) Section 2(2)—

Repeal

“(1)”

Substitute

“(1A)”.

(4) Section 2—

Repeal subsection (3)

Substitute

“(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe—

(a) that the item concerned was a regulated prohibited item or specified prohibited 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.”.

(5) Section 2—

Repeal subsection (4).

7. Cross-heading before section 3 repealed

Cross-heading before section 3—

Repeal the cross-heading.

8. Section 3 amended

(1) Section 3, heading—

Repeal

everything after “**items**”.

(2) After section 3(1)(a)—

Add

“(aa) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;”.

(3) After section 3(1)(b)—

Add

“(ba) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;”.

(4) Section 3—

Repeal subsection (2)

Substitute

“(2) Without limiting section 2, except under the authority of a licence granted under section 9(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any regulated prohibited item or specified prohibited 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.”.
- (5) Section 3(3)(a) and (b)—
 - Repeal**
 - “delivery”
 - Substitute**
 - “sale”.
- (6) After section 3(3)—
 - Add**
 - “(3A) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—
 - (a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
 - (b) in the case of any other ship—

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- (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) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
- (d) in the case of 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) in the case of a vehicle, the operator and the driver of the vehicle.”.

(7) Section 3—

Repeal subsections (4) and (5)

Substitute

- “(4) A person who commits an offence under subsection (3A) 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) It is a defence for a person charged with an offence under subsection (3A) to prove that the person did not know and had no reason to believe—
- (a) that the item concerned was a regulated prohibited item or specified prohibited 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.”.

(8) Section 3—

Repeal subsection (6).

9. Cross-heading before section 4 repealed

Cross-heading before section 4—

Repeal the cross-heading.

10. Section 4 amended

- (1) Section 4, heading—

Repeal

“**from Iran**”.

- (2) Section 4—

Repeal subsection (1)

Substitute

“(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.

(1A) A person must not procure, agree to procure, directly or indirectly, or do any act likely to promote the procurement of any specified item—

- (a) from Iran; or
- (b) from a person connected with Iran.”.

- (3) Section 4(2)—

Repeal

“(1)”

Substitute

“(1A)”.

- (4) Section 4—

Repeal subsection (3)

Substitute

“(3) It is a defence for a person charged with an offence under subsection (2) to prove that the person did not know and had no reason to believe—

(a) that the item concerned was a specified item; or

(b) that the item concerned was—

(i) from Iran; or

(ii) from a person connected with Iran.”.

(5) Section 4—

Repeal subsection (4).

11. Section 5 amended

(1) Section 5, heading—

Repeal

“from Iran”.

(2) After section 5(1)(a)—

Add

“(aa) a ship that is not registered in the HKSAR and is within the waters of Hong Kong;”.

(3) After section 5(1)(b)—

Add

“(ba) an aircraft that is not registered in the HKSAR and is within Hong Kong air space;”.

(4) Section 5—

Repeal subsection (2)

Substitute

“(2) Without limiting section 4, a ship, aircraft or vehicle must not be used for or in connection with the procurement of any specified item—

(a) from Iran; or

(b) from a person connected with Iran.”.

(5) After section 5(2)—

Add

“(2A) If a ship, aircraft or vehicle is used in contravention of subsection (2), each of the following persons commits an offence—

(a) in the case of a ship registered in the HKSAR, the charterer, the operator and the master of the ship;

(b) in the case of 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) in the case of an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;

- (d) in the case of 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) in the case of a vehicle, the operator and the driver of the vehicle.”.

(6) Section 5—

Repeal subsections (3) and (4)

Substitute

- “(3) A person who commits an offence under subsection (2A) 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 (2A) to prove that the person did not know and had no reason to believe—
- (a) that the item concerned was a specified item; or
 - (b) that the item concerned was—

- (i) from Iran; or
- (ii) from a person connected with Iran.”.

(7) Section 5—

Repeal subsection (5).

12. Cross-heading before section 6 repealed

Cross-heading before section 6—

Repeal the cross-heading.

13. Section 6 amended

(1) Section 6, heading—

Repeal

“Prohibition against provision or transfer of certain assistance, training, services or resources to Iran”

Substitute

“Prohibition against provision of certain training, services or assistance”.

(2) Section 6—

Repeal subsection (1)

Substitute

“(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.

- (1A) Except under the authority of a licence granted under section 10(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, provision, manufacture, maintenance or use of any regulated prohibited 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) Section 6—

Repeal subsection (2).

- (4) Section 6(3)—

Repeal

“(1)”

Substitute

“(1A)”.

- (5) Section 6—

Repeal subsection (4).

- (6) Section 6—

Repeal subsection (5)

Substitute

“(5) 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, provision, manufacture, maintenance or use of the regulated prohibited item concerned.”.

(7) Section 6—

Repeal subsections (6) and (7).

14. Section 6A added

After section 6—

Add

“6A. Prohibition against transfer of technology or assistance 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) A person must not transfer, directly or indirectly, any technology or technical assistance related to any activity that relates to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology—
 - (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.
- (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 technology or assistance 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 technology or assistance concerned related to an activity that relates to ballistic missiles capable of delivering nuclear weapons.”.

15. Cross-heading before section 7 repealed

Cross-heading before section 7—

Repeal the cross-heading.

16. Section 7 amended

(1) Section 7, heading—

Repeal

“Prohibition against making available funds, etc. to certain persons or entities”

Substitute

“Prohibition against making available funds, etc. or dealing with funds, etc.”.

(2) Section 7—

Repeal subsection (1)

Substitute

“(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.
- (1A) Without limiting section 6, except under the authority of a licence granted under section 11(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 owned by or otherwise belonging to, or held 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 owned by or otherwise belonging to, or held by, the first-mentioned person.”.
- (3) Section 7(2)—
 - Repeal**
 - “(1)”
 - Substitute**
 - “(1A)”.
- (4) Section 7—
 - Repeal subsection (3)**
 - Substitute**
 - “(3) It is a defence for a person charged with an offence under subsection (2) 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 owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.”.

(5) Section 7—

Repeal subsection (4).

(6) Section 7—

Add

“(5) A person is not to be regarded as having contravened subsection (1A) by reason only of having credited an account owned by or otherwise belonging to, or held 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.”.

17. Section 8 repealed

Section 8—

Repeal the section.

18. Section 8AA added

Before section 8A—

Add

“8AA. Prohibition against sale and acquisition of interest in commercial activity involving uranium mining

- (1) A specified person must not sell or otherwise make available, directly or indirectly, an interest in a specified commercial activity to a prohibited person.
- (2) A specified person must not knowingly provide, directly or indirectly, any financial services or related services that facilitate the acquisition of an interest in a specified commercial activity by a prohibited person.
- (3) A prohibited person must not, directly or indirectly, acquire an interest in a specified commercial activity.
- (4) A person who contravenes subsection (1) 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 (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) It is a defence for a person charged with an offence under subsection (1) to prove that the person did not know and had no reason to believe—
 - (a) that the interest concerned was an interest in a specified commercial activity; or
 - (b) that the interest concerned was sold or otherwise made available to a prohibited person.
- (8) 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 that the interest concerned was an interest in a specified commercial activity.
- (9) In this section—

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).

specified commercial activity (指明商業活動) 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. 9/Part 1, including—

- (a) uranium-enrichment and reprocessing activities;
- (b) all heavy-water activities; and
- (c) activities that involve technology related to ballistic missiles capable of delivering nuclear weapons.

specified person (指明人士) means—

- (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.”.

19. Cross-heading before section 8A repealed

Cross-heading before section 8A—

Repeal the cross-heading.

20. Section 8A substituted

Section 8A—

Repeal the section

Substitute

“8A. Prohibition against entry or transit by certain persons

- (1) Subject to section 8B, 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 Security Council or the Committee under paragraph 10 of Resolution 1737, including a person designated in Annex C, D or E of Resolution 1737, Annex I of Resolution 1747, Annex I of Resolution 1803, or Annex I or II of Resolution 1929.”.

21. Section 8B substituted

Section 8B—

Repeal the section

Substitute

“8B. Exceptions to prohibition against entry or transit by certain persons

Section 8A does not apply—

- (a) if the relevant entry into or transit through the HKSAR is for activities directly related to the provision to Iran of—
 - (i) any equipment covered by section B.1 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 when such equipment is for exclusive use in light water reactors; or
 - (ii) any low-enriched uranium covered by section A.1.2 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 when it is incorporated in assembled nuclear fuel elements for light water reactors;
- (b) to a case in respect of which the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (c) to a case in respect of which the Committee has determined that the relevant entry into or transit through the HKSAR would otherwise further the objectives of Resolution 1929.”.

22. Sections 8C and 8D added

After section 8B—

Add

“8C. Prohibition against provision of certain services to certain ships

- (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) Subject to section 8D, a person must not provide, directly or indirectly, any specified services to a specified ship if the person knows or has reasonable grounds to believe that—
 - (a) the ship concerned is a specified ship; and
 - (b) the ship concerned is carrying any regulated prohibited item, specified prohibited item or specified item.
 - (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) In this section—

specified services (指明服務), in relation to a ship, means the provision of any bunkering service to the ship or any of the following services—

 - (a) the provision of fuel to the ship;
 - (b) the provision of tools or equipment for shipboard maintenance;
 - (c) the provision of lubricants, chemicals, expendable parts, spare parts, supplies or any other requirements that are necessary for the safe operation of the ship;
 - (d) the servicing or repair of any part of the ship or any item referred to in paragraphs (b) and (c);

specified ship (指明船舶) means a ship which is owned or contracted by, or chartered to, a person connected with Iran or a national of Iran.

8D. Exception to prohibition under section 8C

Section 8C does not apply if the provision of the specified services concerned is necessary for humanitarian purposes.”.

23. Part 3 heading substituted

Part 3, heading—

Repeal the heading

Substitute

“Part 3

Licences”.

24. Section 9 substituted

Section 9—

Repeal the section

Substitute

“9. Licence for supply, sale, transfer or carriage of certain items

(1) If satisfied on application that the applicable requirements in subsections (2), (3) and (4) 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, any regulated prohibited item (except conventional arms) or any specified prohibited item—

- (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 any regulated prohibited item (except conventional arms) or any specified prohibited item 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 following requirements apply to all regulated prohibited items (except conventional arms)—
 - (a) the Committee has determined in advance and on a case-by-case basis that the supply, sale, transfer or carriage of the regulated prohibited item (including any item that is for food, agricultural, medical or other humanitarian purposes) would clearly not contribute to the development of Iran's technologies in support of—
 - (i) Iran's proliferation sensitive nuclear activities; or
 - (ii) the development of Iran's nuclear weapon delivery systems;
 - (b) the applicant has submitted to the Chief Executive such information in relation to the end-use of the regulated prohibited item as the Chief Executive may require, and the Chief Executive has determined that the supply, sale, transfer or carriage of the regulated prohibited item would clearly not contribute to the development of Iran's technologies in support of—
 - (i) Iran's proliferation sensitive nuclear activities; or
 - (ii) the development of Iran's nuclear weapon delivery systems;
 - (c) the Government of Iran has committed not to use the regulated prohibited item—

-
- (i) in Iran's proliferation sensitive nuclear activities; or
 - (ii) for the development of Iran's nuclear weapon delivery systems.
 - (3) The following requirements apply to all specified prohibited items—
 - (a) the requirements, as appropriate, of the guidelines as set out in the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1, the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2 and the Security Council document S/2006/985 are met;
 - (b) 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 specified prohibited item.
 - (4) If the specified prohibited item is an item covered by sections 1 to 6 of the Annex to the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2, in addition to the requirements in subsection (3), it must also be proved to the satisfaction of the Chief Executive that—
 - (a) in all cases, the supply, sale, transfer or carriage of the item is necessary for technical cooperation provided to Iran by the International Atomic Energy Agency or under its auspices as provided in paragraph 16 of Resolution 1737; and
 - (b) in the case of an item covered by sections 3 to 6 of that Annex, the supply, sale, transfer or carriage of the item has been notified in advance to the Committee.”.

25. Section 10 substituted

Section 10—

Repeal the section

Substitute

“10. Licence for provision of certain training, services or assistance

(1) If satisfied on application that all the requirements in subsection (2) are met, the Chief Executive must grant a licence for the provision of any technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of any regulated prohibited item (except 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 requirements referred to in subsection (1) are as follows—

(a) the Committee has determined in advance and on a case-by-case basis that the provision of the technical training, financial resources or services, advice, other services or assistance (including any provision for food, agricultural, medical or other humanitarian purposes) would clearly not contribute to the development of Iran’s technologies in support of—

(i) Iran’s proliferation sensitive nuclear activities;
or

- (ii) the development of Iran’s nuclear weapon delivery systems;
- (b) the applicant has submitted to the Chief Executive such information in relation to the end-use of the technical training, financial resources or services, advice, other services or assistance to be provided, as the Chief Executive may require, and the Chief Executive has determined that the provision would clearly not contribute to the development of Iran’s technologies in support of—
 - (i) Iran’s proliferation sensitive nuclear activities; or
 - (ii) the development of Iran’s nuclear weapon delivery systems;
- (c) the Government of Iran has committed not to use the regulated prohibited item—
 - (i) in Iran’s proliferation sensitive nuclear activities; or
 - (ii) for the development of Iran’s nuclear weapon delivery systems.”.

26. Section 11 substituted

Section 11—

Repeal the section

Substitute

“11. 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 owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (2) The requirements referred to in subsection (1) 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; or
 - (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 owned by or otherwise belonging to, or held 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 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;
 - (d) the funds or other financial assets or economic resources are necessary for activities directly related to—
 - (i) any equipment covered by section B.1 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 when such equipment is for exclusive use in light water reactors; or
 - (ii) any low-enriched uranium covered by section A.1.2 of the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1 when it is incorporated in assembled nuclear fuel elements for light water reactors;
 - (e) 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 regulated prohibited item; or

(ii) any technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of any regulated prohibited item,

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 Committee to be notified of the intention to grant a licence under subsection (1); and

(ii) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification;

(b) the requirement in subsection (2)(b) is met, the Chief Executive—

(i) must cause the Committee to be notified of the determination; and

(ii) must not grant the licence unless the Committee approves the determination;

(c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination;

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

- (e) the requirement in subsection (2)(e) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 10 working days before the grant of the licence.”.

27. Section 12 substituted

Section 12—

Repeal the section

Substitute

“12. 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.”.

28. Part 4 heading substituted

Part 4, heading—

Repeal the heading

Substitute

“Part 4

Things Done outside HKSAR”.

29. Section 13 substituted

Section 13—

Repeal the section

Substitute

“13. 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.”.

30. Part 5 heading substituted

Part 5, heading—

Repeal the heading

Substitute

“Part 5

Enforcement of Regulation”.

31. Cross-heading before section 14 repealed

Cross-heading before section 14—

Repeal the cross-heading.

32. Part 5, Division 1 heading added

Before section 14—

Add

“Division 1

Investigation, etc. of Suspected Ships”.

33. Section 14 substituted

Section 14—

Repeal the section

Substitute

“14. 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.”.

34. Section 15 substituted

Section 15—

Repeal the section

Substitute

“15. Offences by charterer, operator or master of ship

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 14(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 14(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 14(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.”.

35. Section 16 substituted

Section 16—

Repeal the section

Substitute

“16. Power of authorized officers to enter and detain ships

- (1) Without limiting section 15, if an authorized officer has reason to suspect that a request that has been made under section 14(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.”.

36. Cross-heading before section 17 repealed

Cross-heading before section 17—

Repeal the cross-heading.

37. Part 5, Division 2 heading added

Before section 17—

Add

“Division 2

Investigation, etc. of Suspected Aircraft”.

38. Section 17 substituted

Section 17—

Repeal the section

Substitute

“17. 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.”.

39. Section 18 substituted

Section 18—

Repeal the section

Substitute

“18. 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 17(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 17(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.”.

40. Section 19 substituted

Section 19—

Repeal the section

Substitute

“19. Power of authorized officers to enter and detain aircraft

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

41. Cross-heading before section 20 repealed

Cross-heading before section 20—

Repeal the cross-heading.

42. Part 5, Division 3 heading added

Before section 20—

Add

“Division 3

Investigation, etc. of Suspected Vehicles”.

43. Section 20 substituted

Section 20—

Repeal the section

Substitute

“20. 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.”.

44. Section 21 substituted

Section 21—

Repeal the section

Substitute

“21. 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 20(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 20(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.”.

45. Section 22 substituted

Section 22—

Repeal the section

Substitute

“22. Power of authorized officers to enter and detain vehicles

- (1) Without limiting section 21, if an authorized officer has reason to suspect that a request that has been made under section 20(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.”.

46. Cross-heading before section 23 repealed

Cross-heading before section 23—

Repeal the cross-heading.

47. Part 5, Division 4 heading added

Before section 23—

Add

“Division 4

Proof of Identity”.

48. Section 23 substituted

Section 23—

Repeal the section

Substitute

“23. Production of proof of identity

Before or on exercising a power conferred by section 14, 16, 17, 19, 20 or 22, an authorized officer must, if requested by any person so to do, produce proof of the officer’s identity to the person for inspection.”.

49. Part 6 heading substituted

Part 6, heading—

Repeal the heading

Substitute

“Part 6

Evidence”.

50. Section 24 amended

(1) Section 24(1), English text—

Repeal

“he is”.

(2) Section 24—

Repeal subsection (3)

Substitute

“(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.”.

(3) Section 24—

Repeal subsection (5)

Substitute

“(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.”.

51. Sections 24A and 24B added

After section 24—

Add

“24A. Seized articles, etc. liable to forfeiture

(1) If an authorized officer intends to apply to a magistrate or judge under section 24B for an order for forfeiture of any document, cargo or article seized under section 24(3), the officer must, within 30 days from the date of the seizure, serve notice of that intention on every person who was, to the knowledge of the officer at the time of, or immediately after, the seizure, an owner of the document, cargo or article.

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

(a) it is delivered personally to the person;

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

- (c) where the notice cannot be served in accordance with paragraph (a) or (b), the notice is exhibited at the offices of the Customs and Excise Department, in a place to which the public have access, for a period of not less than 7 days commencing within 30 days from the date of the seizure of the document, cargo or article.
- (3) An owner, or the authorized agent of an owner, of the document, cargo or article referred to in a notice served under subsection (1), or a person who was in possession of the document, cargo or article at the time of seizure, or a person who has a legal or equitable interest in the document, cargo or article, may object to the proposed forfeiture by serving a notice in writing on the Commissioner.
- (4) A notice of objection under subsection (3)—
- (a) must be served on the Commissioner by a person referred to in subsection (3) (*claimant*) within 30 days from—
- (i) if the notice under subsection (1) is delivered personally to the person named in the notice, the date of delivery;
- (ii) if the notice under subsection (1) is sent by registered post, 2 days after the date of posting; or
- (iii) if the notice under subsection (1) is exhibited as described in subsection (2)(c), the first day it is so exhibited;
- (b) must state the claimant's full name and address for service in Hong Kong; and
- (c) if the claimant does not have a permanent address in Hong Kong, must state the name and address of a solicitor who is qualified to practise under

the Legal Practitioners Ordinance (Cap. 159) and is authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.

- (5) An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized document, cargo or article in respect of which a notice has been served under subsection (1)—
 - (a) after the expiration of the appropriate period of time specified in subsection (4)(a) for the serving of a notice of objection; or
 - (b) if a notice of objection is served in accordance with subsections (3) and (4), after the receipt of the notice.

24B. Power of magistrate or judge to make order for forfeiture and disposal

- (1) If an application is made to a magistrate or judge for an order for forfeiture of any seized document, cargo or article, the magistrate or judge may, if satisfied that the seized document is a document relating to the provision, manufacture, maintenance or use of a regulated prohibited item, specified prohibited item or specified item, or that the seized cargo or article is a regulated prohibited item, specified prohibited item or specified item, make such order as the magistrate or judge thinks fit for the forfeiture of the document, cargo or article and its subsequent destruction or disposal.
- (2) An order under subsection (1) may be made in respect of any seized document, cargo or article whether or not any person has been convicted of any offence in connection with the document, cargo or article.
- (3) Before making an order for forfeiture of any seized document, cargo or article, a magistrate or judge must

issue a summons to any person who serves a notice of objection in accordance with section 24A(3) and (4) to appear on a day specified in the summons to show cause why the document, cargo or article should not be forfeited.

- (4) If any summons issued under subsection (3) has not for any reason been served and the magistrate or judge is satisfied that all reasonable efforts have been made to serve the summons on the person named in the summons, the magistrate or judge may make an order for forfeiture under this section despite the fact that the summons has not been served on that person.”.

52. Section 25 substituted

Section 25—

Repeal the section

Substitute

“25. Detention of documents, cargoes or articles seized

- (1) Subject to subsection (2) and any order made under section 24B, any document, cargo or article seized under section 24(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.”.

53. Part 7 heading substituted

Part 7, heading—

Repeal the heading

Substitute

“Part 7

Disclosure of Information or Documents”.

54. Section 26 substituted

Section 26—

Repeal the section

Substitute

“26. 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."

55. Part 8 heading substituted

Part 8, heading—

Repeal the heading

Substitute

“Part 8

Other Offences and Miscellaneous Matters”.

56. Section 27 amended

(1) Section 27, English text, heading—

Repeal

“Liability of person other than principal offender”

Substitute

“Liability of persons other than principal offenders”.

(2) Section 27(1) and (2), English text—

Repeal

“Where”

Substitute

“If”.

57. Section 28 substituted

Section 28—

Repeal the section

Substitute

“28. 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.”.

58. Section 29 amended

Section 29, after “document”—

Add

“, cargo”.

59. Section 30 amended

(1) Section 30, heading—

Repeal

“Proceedings to be instituted”

Substitute

“Consent and time limit for proceedings”.

(2) Section 30—

Repeal subsection (2)

Substitute

“(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.”.

60. Section 31 amended

(1) Section 31—

Repeal

“specify any of the following persons or entities as a relevant person or a relevant entity”

Substitute

“specify as a relevant person or a relevant entity any of the following persons or entities”.

(2) Section 31—

Repeal paragraph (a)

Substitute

“(a) a person or entity designated by the Security Council or the Committee for the purposes of the measures imposed by paragraph 12 of Resolution 1737, including a person or entity listed in the Annex to Resolution 1737, Annex I to Resolution 1747, Annex I or III to Resolution 1803, Annex I to Resolution 1929, or any of the entities of the Islamic Republic of Iran Shipping Lines specified in Annex III to Resolution 1929;”.

(3) After section 31(a)—

Add

“(aa) any of the persons or entities of the Islamic Revolutionary Guard Corps (also known as Army of the Guardians of the Islamic Revolution) specified in Annex II to Resolution 1929;”.

(4) Section 31—

Repeal paragraph (b)

Substitute

“(b) a person or entity determined by the Security Council or the Committee to have assisted a person or entity mentioned in paragraph (a) in evading sanctions of, or in violating the provisions of, Resolution 1737, Resolution 1747, Resolution 1803 or Resolution 1929.”.

61. Section 32 substituted

Section 32—

Repeal the section

Substitute

“32. 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 Security Council document S/2006/263;
- (b) the International Atomic Energy Agency document INFCIRC/254/Rev. 9/Part 1;
- (c) the International Atomic Energy Agency document INFCIRC/254/Rev. 7/Part 2.”.

62. Section 33 substituted

Section 33—

Repeal the section

Substitute

“33. Exercise of powers of Chief Executive

- (1) The Chief Executive may delegate any of the Chief Executive’s powers or functions under this Regulation to any person or class or description of person.
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.”.

United Nations Sanctions (Iran) (Amendment) Regulation 2011

B2043

L.N. 49 of 2011

Donald TSANG
Chief Executive

22 March 2011

Explanatory Note

This Regulation amends the United Nations Sanctions (Iran) Regulation (Cap. 537 sub. leg. AF) (*principal Regulation*) to give effect to certain decisions of the Security Council of the United Nations (*Security Council*) in Resolution 1929 (2010) as adopted by the Security Council on 9 June 2010 by—

- (a) amending the definition of *regulated prohibited item*, *specified item* and *specified prohibited item* in section 1 of the principal Regulation to cover additional items and technologies;
- (b) extending to additional persons and entities the prohibitions against—
 - (i) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
 - (ii) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities;
- (c) extending the prohibition against the entry into or transit through the HKSAR to additional persons; and
- (d) providing for the prohibitions against—
 - (i) the transfer to Iran and certain persons of technology or technical assistance related to an activity that relates to ballistic missiles capable of delivering nuclear weapons;
 - (ii) the sale to, and acquisition by, certain persons of an interest in a commercial activity which involves uranium mining and the provision of financial services to facilitate the acquisition of such interest by certain persons; and

Explanatory Note

Paragraph 1

L.N. 49 of 2011

- (iii) the provision of certain services to ships under certain circumstances.