United Nations Sanctions (Liberia) (No. 2) Regulation 2015

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《2015年聯合國制裁(利比里亞)(第2號)規例》

(由行政長官按中華人民共和國外交部的指示並在徵詢行政會議的意見後根據《聯合國制裁條例》(第537章)第3條訂立)

第1部
導言

1. 釋義
在本規例中——
安全理事會(Security Council)指聯合國安全理事會；
軍火或相關的物資(arms or related materiel)包括——
(a) 任何武器、彈藥、軍用車輛、軍事裝備或準軍事裝備及
(b) (a) 段指明的任何一項的任何零部件；
特派團(UNMIL)指聯合國利比里亞特派團；
特許(licence)指根據——
(a) 第5(1)(a)或(b)條；或
(b) 第6(1)條，
批予的特許；

1. Interpretation
In this Regulation—
arms or related materiel(軍火或相關的物資) includes—
(a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and
(b) any spare part for any item specified in paragraph (a);
authorized officer(獲授權人員) means—
(a) a police officer;
(b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
(c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;
Commissioner(關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;
licence (特許) means a licence granted under—
(a) section 5(1)(a) or (b); or
(b) section 6(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;
Security Council (安全理事會) means the Security Council of the United Nations;

船長 (master) 就某船舶而言，包括當其時掌管該船舶的人（領港員除外）；
禁制物品 (prohibited goods) 指任何軍火或相關的物資；
機長 (pilot in command) 就某飛機而言，指由營運人或機主 (視何者屬適當而定) 指定為掌管該飛機的機師，而該機師無需受該飛機任何其他機師指示，並獲委負責飛行的安全；
營運人 (operator) 就某船舶、飛機或車輛而言，指當其時管理該船舶、飛機或車輛的人；
獲授權人員 (authorized officer) 指——
(a) 警務人員；
(b) 擔任《香港海關條例》 (第 342 章) 附表 1 指明的職位的香港海關人員；或
(c) 受僱於香港海關的屬貿易管制主任職系的公職人員；
關長 (Commissioner) 指香港海關關長，任何香港海關副關長或任何香港海關助理關長。

licence (特許) means a licence granted under—
(a) section 5(1)(a) or (b); or
(b) section 6(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;
Security Council (安全理事會) means the Security Council of the United Nations;
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——
   (a) 在特區內行事的人；及
   (b) 在特區境外行事的——
       (i) 兼具香港永久性居民及中國公民身分的人；或
       (ii) 根據特區法律成立為法團或組成的團體。

(2) 除獲根據第 5(1)(a) 條批予的特許授權外，任何人不得——
   (a) 直接或間接向在利比里亞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利比里亞境內活動的人士或該等人士指定的對象；或
       同意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如此直接或間接交付或移轉；或作出任何可能會促使向某目的地供應、售賣或移轉任何禁制物品以將該等物品如此直接或間接交付或移轉的作為。

(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。

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 5(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 Liberia; 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 Liberia.

(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 Liberia; 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 Liberia.

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 5(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 Liberia; 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 Liberia.

(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 5(1)(a).

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

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

(b) for any other ship—

(i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;

(ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and

(iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
(c) for an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;

(d) for any other aircraft—

(i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;

(ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and

(iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;

(e) for a vehicle, the operator and the driver of the vehicle.

(5) A person who commits an offence under subsection (4) is liable—

(a) on conviction on indictment to a fine and to imprisonment for 7 years; or

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

(6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—

(a) that the goods concerned were prohibited goods; or
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 6(1), a person must not provide, directly or indirectly, to a person operating in the territory of Liberia 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—

(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 Liberia; or
(b) that the assistance, advice or training concerned related to military activities.
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Part 3

Licences

5. Licence for supply, sale, transfer or carriage of certain goods

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

(a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—

(i) to, or to the order of, a person operating in the territory of Liberia; 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 Liberia; or

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

(i) to, or to the order of, a person operating in the territory of Liberia; 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 Liberia.

(2) The requirements are as follows—

(a) it is a supply, sale, transfer or carriage of prohibited goods to the Government of Liberia;
6. 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 grant a licence for the provision, to a person operating in the territory of Liberia, of 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 for the Government of Liberia;
(b) the assistance or training is technical assistance or training intended solely for the support of or use by UNMIL;
(c) the assistance or training is technical assistance or training related to non-lethal military equipment intended solely for humanitarian or protective use.
7. 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.
第 4 部

在特區以外地方作出的事情

8. 特區以外地方的主管當局批予的特許或准許

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

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

8. Licence or permission granted by authorities of places outside HKSAR

(1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.

(2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.
Part 5

Enforcement of Regulation

Division 1—Investigation, etc. of Suspected Ships

9. 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) 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
10. **Offences by charterer, operator or master of ship**

   (1) A charterer, operator or master of a ship who disobeys any direction given under section 9(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 9(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 9(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.

11. **Power of authorized officers to enter and detain ships**

   (1) Without limiting section 10, if an authorized officer has reason to suspect that a request that has been made under section 9(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;
Part 5—Division 2

Section 12

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(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

12. Investigation of suspected aircraft

(1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(2), the officer may—
(a) either alone or accompanied and assisted by any person acting under the officer’s authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
(b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.

(2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer,
第13條

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12(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12(1)(b)或(2)條作出的要求時，向獲授權人員提供或交出任何該租用人、營運人或機長知道在要項上屬虛假的資料或文件，或罔顧實情地向獲授權人員提供或交出任何在要項上屬虛假的資料或文件，即屬犯罪，一經定罪，可處第6級罰款及監禁6個月。

13. 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 12(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 12(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.
14. Power of authorized officers to enter and detain aircraft

(1) Without limiting section 13, if an authorized officer has reason to suspect that a request that has been made under section 12(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.

15. Investigation of suspected vehicles

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

(a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
16. 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 15(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.
17. Power of authorized officers to enter and detain vehicles

(1) Without limiting section 16, if an authorized officer has reason to suspect that a request that has been made under section 15(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.
18. Production of proof of identity

Before or on exercising a power conferred by section 9, 11, 12, 14, 15 or 17, 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

19. 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，以及檢查上述處所、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；
(b) 檢取及扣留在該處所內或在該船舶、飛機或車輛上或在任何 (a) 段所述的人身上找到，而該獲授權的

Part 6

Evidence

19. Power of magistrate or judge to grant warrant
(1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
(a) an offence under this Regulation has been committed or is being committed; and
(b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
(2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
(3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
(a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
(b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe
Part 6  
Section 20

20. Detention of documents, cargoes or articles seized

(1) Subject to subsection (2), any document, cargo or article seized under section 19(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.

(3) 

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

(c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.

(4) A person may only be searched under this section by a person who is of the same sex.

(5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

20. 拘留被检取的文件、货物或物件

(1) 除第(2)款另有规定外，根据第19(3)款被检取的任何文件、货物或物件不得予以拘留超过3个月。

(2) 如有关文件、货物或物件攸关本规则所定的罪行，而有法律程序已就该罪行展延，则该文件、货物或物件可予拘留，直至该等法律程序完结为止。
Disclosure of Information or Documents

21. 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 Liberia 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.
22. 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.

23. 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.

24. 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—
25. 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.

26. 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.
27. **Duration**

This Regulation expires at midnight on 1 June 2016.

C. Y. LEUNG

Chief Executive

9 December 2015
Explanatory Note

The purpose of this Regulation is to give effect to certain decisions in Resolution 2237 (2015) as adopted by the Security Council of the United Nations on 2 September 2015 by providing for the prohibition against—

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

(b) the provision to certain persons of assistance, advice or training related to military activities in certain circumstances.

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