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Part 1

Preliminary

1. Interpretation

In this Regulation—

*arms or related materiel* (軍火或相關物資) includes—

(a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and

(b) any spare part for any item specified in paragraph (a);

*assistance* (協助) means any assistance, advice or training, including financing and financial assistance;

*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;
Part 1
Section 1

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economic assets (經濟資產) means any funds or other financial assets or economic resources;

economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

funds (資金) includes—

(a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;

(b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);

(d) interest, dividends or other income on or value accruing from or generated by property;

(e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;

(f) letters of credit, bills of lading and bills of sale;

(g) documents evidencing an interest in funds or financial resources; and

(h) any other instrument of export financing.

負責人 (responsible person)——

(a) 就船舶而言——指該船舶的租用人、營運人或船長；

(b) 就飛機而言——指該飛機的租用人、營運人或機長；

(c) 就車輛而言——指該車輛的營運人或駕駛人；

軍火或相關物資 (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) 段指明的任何項目的任何零部件；

香港人 (Hong Kong person) 指——

(a) 兼具香港永久性居民及中國公民身分的人；或

(b) 根據特區法律成立為法團或組成的團體；

特許 (licence) 指根據第 3 部批予的特許；

《第 1807 號決議》(Resolution 1807) 指安理會於 2008 年 3 月 31 日通過的第 1807 (2008) 號決議；

船長 (master) 就船舶而言，包括當其時掌管該船舶的人 (領港員除外)；

禁制物品 (prohibited goods) 指任何軍火或相關物資；

經濟資產 (economic assets) 指任何資金或其他財務資產或經濟資源；

經濟資源 (economic resources) 指並非資金的各種資產，不論是有形的或無形的，是動產或不動產，並可用以取得資金、貨物或服務；
資金 (funds) 包括——

(a) 金幣、金錠、現金、支票、金錢的申索、銀票、匯票及其他作付款用的證據；
(b) 存於財務機構或其他實體的存款、帳戶結餘、債項及債務責任；
(c) 證券及債務票據 (包括股額及股份、代表證券的證明書、債券、票據、認購權證、債權證、債權股證及衍生工具合約)；
(d) 財產所孳生的利息、股息或其他收入、自財產累算的價值或財產所產生的價值；
(e) 信貨、抵押權、保證或擔保、履約保證或其他財務承擔；
(f) 信用狀、提單及賣據；
(g) 資金或財務資源的權益的證明文件；及
(h) 任何其他出口融資的票據；

運輸工具 (mode of transport) 指船舶、飛機或車輛；

機長 (pilot in command) 就飛機而言，指由營運人或機主 (視何者屬適當而定) 指定執行以下職能的機師——

(a) 掌管該飛機，而不受該飛機任何其他機師指揮；及
(b) 獲委負責安全進行飛航；

營運人 (operator) 就運輸工具而言，指當其時掌有該運輸工具的管理權的人；

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 I 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；

Hong Kong person (香港人) 意思是——

(a) 一個香港永久性居民及中國國家公民；或
(b) 一個根據香港特別行政區法律成立或組織的公司；

licence (特許) 意思是根據第 3 部授予的許可；

master (船長)，在與船舶有關時，包括任何另外一個 (非機長) 的在船人員，因為他在船上負有責任——

(a) 掌管該船舶 (不包括任何其他機長)；及
(b) 負責航班的安全；

禁止物品 (prohibited goods) 意思是任何武器或相關器材；

相關實體 (relevant entity) 指在第 29(1) 條公告中所載的實體名稱；

相關人士 (relevant person) 指在第 29(1) 條公告中所載的個人名稱；

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Resolution 1807 (《第1807號決議》) 2008年3月31日由安全理事會通過。
2. Limited duration of certain provisions

Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 until midnight on 1 July 2020.
Part 2

Prohibitions

3. Supply of goods prohibited

(1) This section applies to—

(a) a person acting in the HKSAR; and

(b) a Hong Kong person acting outside the HKSAR.

(2) Except under the authority of a licence granted under section 9(1)(a), a person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—

(a) to a person in DRC or to the order of a person in DRC; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a person in DRC or to the order of a person in DRC.

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

(a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

(b) on conviction on indictment—to a fine and to imprisonment for 7 years.

(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—

(1) (a) In the HKSAR; and

(b) in the territory of the HKSAR.

(2) Except under the authority of a licence granted under section 9(1)(a), a person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—

(a) to a person in DRC or to the order of a person in DRC; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a person in DRC or to the order of a person in DRC.

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(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—

(1) (a) In the HKSAR; and

(b) in the territory of the HKSAR.

(2) Except under the authority of a licence granted under section 9(1)(a), a person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—

(a) to a person in DRC or to the order of a person in DRC; or

(b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a person in DRC or to the order of a person in DRC.

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

(a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

(b) on conviction on indictment—to a fine and to imprisonment for 7 years.

(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—
4. 禁止载运物品

(1) 本條適用於——

(a) 於特區註冊或處於特區境內的船舶；
(b) 於特區註冊或處於特區境內的飛機；
(c) 當其時租予香港人或處於特區境內的人的任何其他
船舶或飛機；及
(d) 處於特區境內的車輛。

(2) 在不局限第 3 條的原則下，除獲根據第 9(1)(b) 條批予的
特許授權外，運輸工具不得用於下述載運途程或其任何
組成部分——

(a) 載運任何禁制物品予身處剛果人士，或該等人士指
定的對象；或
(b) 載運任何禁制物品至某目的地，以將該等物品直接
或間接交付或移轉予身處剛果人士，或該等人士指
定的對象。

4. Carriage of goods prohibited

(1) This section applies to—

(a) a ship that is registered in the HKSAR, or is in the
HKSAR;
(b) an aircraft that is registered in the HKSAR, or is in
the HKSAR;
(c) any other ship or aircraft that is for the time being
chartered to a Hong Kong person or a person who is
in the HKSAR; and
(d) a vehicle in the HKSAR.

(2) Without limiting section 3, except under the authority of
a licence granted under section 9(1)(b), a mode of
transport must not be used for the carriage of any
prohibited goods if the carriage is, or forms part of, a
carriage—

(a) to a person in DRC or to the order of a person in
DRC; or
(b) to a destination for the purpose of delivery or
transfer, directly or indirectly, to a person in
DRC or to the order of a person in DRC.
Subsection (2) does not apply if—

(a) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and

(b) the supply is authorized by a licence granted under section 9(1)(a).

If a mode of transport is used in contravention of subsection (2), each of the following persons commits an offence—

(a) for a ship registered in the HKSAR—the responsible persons for the ship;

(b) for any other ship—

(i) the charterer of the ship if the charterer is a Hong Kong person, or is in the HKSAR;

(ii) the operator of the ship if the operator is a Hong Kong person, or is in the HKSAR; and

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

(c) for an aircraft registered in the HKSAR—the responsible persons for the aircraft;

(d) for any other aircraft—

(i) the charterer of the aircraft if the charterer is a Hong Kong person, or is in the HKSAR;

(ii) the operator of the aircraft if the operator is a Hong Kong person, or is in the HKSAR; and

(iii) the pilot in command of the aircraft if the pilot in command is both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
5. 禁止提供協助
(1) 本條適用於——
(a) 在特區境內行事的人；及
(b) 在特區境外行事的香港人。
(2) 除獲根據第 10(1) 條批予的特許授權外，任何人不得直接或間接向身處剛果人士，提供關於軍事活動的協助。
(3) 任何人違反第 (2) 款，即屬犯罪——

(e) 就車輛而言——該車輛的負責人。
(5) 任何人犯第 (4) 款所訂罪行——
(a) 一經簡易程序定罪——可處第 6 級罰款及監禁 6 個月；或
(b) 一經公訴程序定罪——可處罰款及監禁 7 年。
(6) 被控犯第 (4) 款所訂罪行的人，如證明自己既不知道亦無理由相信——
(a) 有關的物品屬禁制物品；或
(b) 有關的物品的載運，屬下述載運途程，或屬其任何組成部分——
(i) 載運予身處剛果人士，或該等人士指定的對象；或
(ii) 載運至某目的地，以將該等物品直接或間接交付或移轉予身處剛果人士，或該等人士指定的對象，

即為免責辯護。

5. Provision of assistance prohibited
(1) This section applies to—
(a) a person acting in the HKSAR; and
(b) a Hong Kong person acting outside the HKSAR.
(2) Except under the authority of a licence granted under section 10(1), a person must not directly or indirectly provide to a person in DRC any assistance related to military activities.
(3) A person who contravenes subsection (2) commits an offence and is liable—

(e) for a vehicle—the responsible persons for the vehicle.
(5) A person who commits an offence under subsection (4) is liable—
(a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
(b) on conviction on indictment—to a fine and to imprisonment for 7 years.
(6) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
(a) that the goods concerned were prohibited goods; or
(b) that the carriage of the goods concerned was, or formed part of, a carriage—
(i) to a person in DRC or to the order of a person in DRC; or
(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to a person in DRC or to the order of a person in DRC.
6. Making available or dealing with economic assets prohibited

(a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
(b) on conviction on indictment—to a fine and to imprisonment for 7 years.

(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 was, or was to be, provided to a person in DRC; or
(b) that the assistance related to military activities.
(a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
(b) on conviction on indictment—to a fine and to imprisonment for 7 years.

(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) for a contravention of subsection (2)(a)—that the economic assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or
(b) for a contravention of subsection (2)(b)—that the person was dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.

(5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity with—

(a) interest or other earnings due on that account; or
(b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.

(6) In this section—

deal with (處理) means—

(a) in respect of funds—

(i) use, alter, move, allow access to or transfer;
7. Entry or transit of persons prohibited

(1) A specified person must not enter or transit through the HKSAR.

(2) However, subsection (1) does not apply to a case in respect of which—

(a) the relevant entry or transit is necessary for the fulfilment of a judicial process;

(b) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation;

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

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

(e) the Committee has authorized the relevant transit by a person participating in efforts to bring to justice...
8. Acts done outside HKSAR with permission granted outside HKSAR not prohibited

This Part does not apply if—

(a) it otherwise prohibits a person from doing an act in a place outside the HKSAR except under the authority of a licence; and

(b) the person does the act in the place with permission granted in accordance with a law in force in the place (being a law substantially corresponding to the relevant provisions of this Regulation).
第 3 部

特許

9. 供應或載運物品的特許
(1) 行政長官如按申請而信納，第 (2) 款中的一項或多於一項規定獲符合，則須批予特許，准許（視何者屬適當而定）——
(a) 下述作為——
(i) 向身處剛果人士，或該等人士指定的對象，供應禁制物品，或作出任何可能會促使向該等人士或對象供應禁制物品的作為；或
(ii) 向某目的地供應禁制物品，或作出任何可能會促使向某目的地供應禁制物品的作為，以將該等物品直接或間接交付或轉予身處剛果人士，或該等人士指定的對象；或
(b) 屬下述載運途程或其任何組成部分的禁制物品載運——
(i) 載運予身處剛果人士，或該等人士指定的對象；或
(ii) 載運至某目的地，以將該等物品直接或間接交付或轉予身處剛果人士，或該等人士指定的對象。
(2) 有關規定如下——
(a) 有關的禁制物品，是供應或載運予剛果民主共和國政府的禁制物品；
(b) 有關的禁制物品，擬純粹用於支助聯合國組織剛果民主共和國穩定特派團，或擬純粹供該特派團使用；

 Licence for supply or carriage of goods
(1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate——
(a) a licence for the supply of, or the doing of an act likely to promote the supply of, prohibited goods—
(i) to a person in DRC or to the order of a person in DRC; or
(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to a person in DRC or to the order of a person in DRC; or
(b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
(i) to a person in DRC or to the order of a person in DRC; or
(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to a person in DRC or to the order of a person in DRC.
(2) The requirements are as follows——
(a) it is a supply or carriage of prohibited goods to the Government of the Democratic Republic of the Congo;
(b) the prohibited goods are intended solely for the support of or use by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo;
(c) 有關的禁制物品，擬純粹用於支助非洲聯盟區域特混部隊，或擬純粹供該特混部隊使用；

(d) 有關的禁制物品，是將會由聯合國人員、媒體代表、人道主義或發展工作人員或相關人員暫時出口至剛果民主共和國，並僅供他們個人使用的防護服裝（包括防彈背心及軍用頭盔）；

(e) 有關的禁制物品，是擬純粹作人道主義或防護用途的非致命軍事裝備；

(f) 供應有關的禁制物品，是委員會事先核准的。

(3) 然而，行政長官如信納第 (2)(a) 或 (e) 款的規定獲符合，則須在批予有關特許之前，安排將有關特許申請所關乎的供應或載運禁制物品的建議，通知委員會。

10. 提供協助的特許
(1) 行政長官如信納第 (2) 款中的一項或多於一項規定獲符合，則須批予特許，準許向身處剛果人士提供關於軍事活動的協助。

(2) 有關規定如下——

(a) 有關的協助，是提供予剛果民主共和國政府的協助；

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

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

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

(f) the supply of the prohibited goods is approved in advance by the Committee.

(3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(a) or (e) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed supply or carriage of the prohibited goods to which the application for the licence relates.

10. Licence for provision of assistance
(1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant a licence for the provision, to a person in DRC, of assistance related to military activities.

(2) The requirements are as follows—

(a) the assistance is provided to the Government of the Democratic Republic of the Congo;
11. Licence for making available or dealing with economic assets

(1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate, a licence for—

(a) making available economic assets to, or for the benefit of, a relevant person or a relevant entity; or

(b) dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.

(2) The requirements are as follows—

(a) the economic assets are—

(i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
(ii) for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or

(iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity;

(b) the economic assets are necessary for extraordinary expenses;

(c) the economic assets are—

(i) the subject of a judicial, administrative or arbitral lien or judgment that was entered before 31 March 2008 and is not for the benefit of a relevant person or a relevant entity; and

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

(3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(a) is met, the Chief Executive—

(a) must cause the Committee to be notified of the intention to grant the licence; and

(b) must grant the licence in the absence of a negative decision by the Committee within 4 working days of the notification.

(4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive—

(a) must cause the Committee to be notified of the intention to grant the licence; and
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(b) must not, unless the Committee approves, grant the licence.

(5) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the intention to grant the licence.

12. Provision of false or misleading 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 or misleading in a material particular commits an offence and is liable—

(a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

(b) on conviction on indictment—to a fine and to imprisonment for 2 years.

(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 or misleading in a material particular commits an offence and is liable—

(a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

(b) on conviction on indictment—to a fine and to imprisonment for 2 years.

12. 為取得特許，提供虛假或具誤導性的資料或文件

(1) 任何人為了取得特許，而作出任何該人知道在要項上屬虛假或具誤導性的陳述，或提供或交出任何該人知道在要項上屬虛假或具誤導性的資料或文件，即屬犯罪——

(a) 一經循簡易程序定罪——可處第 6 級罰款及監禁 6 個月；或

(b) 一經循公訴程序定罪——可處罰款及監禁 2 年。

(2) 任何人為了取得特許，而罔顧實情地作出任何在要項上屬虛假或具誤導性的陳述，或提供或交出任何在要項上屬虛假或具誤導性的資料或文件，即屬犯罪——

(a) 一經循簡易程序定罪——可處第 6 級罰款及監禁 6 個月；或

(b) 一經循公訴程序定罪——可處罰款及監禁 2 年。
Part 4

Enforcement

13. Application of Part 4

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 4 applies has been, is being or is about to be used in contravention of section 4(2).

14. Power to board and search modes of transport

The authorized officer may—

(a) either alone or accompanied and assisted by any person acting under the officer’s authority, board the mode of transport and search it; and

(b) for the purposes of paragraph (a), use or authorize the use of reasonable force.

15. Power to require information and production of document, cargo or article

(1) The authorized officer may require a responsible person for the mode of transport to—

(a) provide any information, or produce for inspection any document, relating to the mode of transport, that the officer may specify;

(b) for a ship or aircraft—provide any information, or produce for inspection any document, relating to its cargo, that the officer may specify;

(c) for a vehicle—provide any information, or produce for inspection any document, relating to any article on it, that the officer may specify; or
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Section 16

(d) produce for inspection any of its cargo or articles that the officer may specify.

(2) The power under subsection (1) 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 at which, the information should be provided or the document, cargo or article should be produced for inspection.

16. Power to direct movement

(1) If the mode of transport is a ship, the authorized officer may do one or more of the following—

(a) direct a responsible person for 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 specified;

(b) require a responsible person for 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 responsible person is notified by an authorized officer that the ship and its cargo may 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 responsible person is notified by an authorized officer that the ship and its cargo may depart;

(iii) if the ship is in another place—

(A) to take the ship and any of its cargo to a port specified by an authorized officer; and
17. Failure to comply with direction or requirement

(1) A responsible person for a mode of transport commits an offence if, without reasonable excuse, the person—
   (a) disobeys a direction given under section 16(1)(a); or
   (b) refuses or fails to comply with a requirement made under section 15(1) or 16(1)(b), (2) or (3)—
       (i) within the time specified by an authorized officer; or
(ii) if no time is specified—within a reasonable time.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

18. **Provision of false or misleading information or documents**

(1) A responsible person for a mode of transport commits an offence if the person, in response to a requirement made under section 15(1)—

(a) provides or produces to an authorized officer any information or document that the person knows to be false or misleading in a material particular; or

(b) recklessly provides or produces to an authorized officer any information or document that is false or misleading in a material particular.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

19. **Power to enter and detain modes of transport**

(1) Without limiting sections 17 and 18, this section applies if an authorized officer has reason to suspect that a requirement made under section 16(1)(b), (2) or (3) may not be complied with.

(2) The officer may take any steps that appear to the officer to be necessary to secure compliance with that requirement including, in particular, steps to—

(a) enter or authorize the entry on any land or the mode of transport concerned;
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Section 20

(b) detain or authorize the detention of the mode of transport, or of (for a ship or aircraft) any of its cargo or (for a vehicle) any article on it; or
(c) use or authorize the use of reasonable force.

(3) Subject to subsections (4) and (5), subsection (2) does not authorize the detention of a ship or vehicle for more than 12 hours, or of an aircraft for more than 6 hours.

(4) 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, or of an aircraft for further periods of not more than 6 hours each.

(5) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each.

(6) An order under subsection (4) or (5) must state the time from which, and period for which, the order is effective.

20. Production of proof of identity

Before or on exercising a power conferred by this Part, an authorized officer must, if requested by any person, produce proof of the officer’s identity to the person for inspection.
21. Interpretation of Part 5

In this Part—

premises (處所) includes any place and, in particular, includes—

(a) any mode of transport or offshore structure; and
(b) any tent or movable structure;

seized property (被檢取財產) means anything seized under section 22(3).

22. 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, evidence in relation to the commission of the offence.

(2) A warrant granted under subsection (1) may authorize an authorized officer, together with any other person named in the warrant, at any time within 1 month from the date of the warrant, to—

(a) enter the premises specified in the information; and

(b) search the premises.
23. Detention of seized property

(1) Seized property may not be detained for more than 3 months.

(2) However, if seized property is relevant to an offence under this Regulation, and proceedings for the offence have begun, it may be detained until the completion of those proceedings.

(3) A person authorized by a warrant to search any premises may exercise any or all of the following powers—

(a) the power to 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;

(b) the power to seize and detain anything found—

(i) on the premises; or

(ii) 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) the power to take in relation to anything seized under paragraph (b) any other steps that may appear necessary for preserving the thing 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, the person may use any force that is reasonably necessary for the purpose.
Disclosure of Information or Documents

24. 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 require that it be provided or produced;

(c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—

(i) any organ of the United Nations;

(ii) any person in the service of the United Nations;

or

(iii) the Government of any place outside the People's Republic of China,

for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to the Democratic Republic of the Congo decided on by the Security Council; or
(d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

(2) For the purposes of subsection (1)(a)—

(a) a person may 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; and

(b) 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.
Part 7

Other Offences and Miscellaneous Matters

25. Liability of persons other than principal offenders

(1) If—
   (a) the person convicted of an offence under this Regulation is a body corporate; and
   (b) 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 also guilty of the offence.

(2) If—
   (a) the person convicted of an offence under this Regulation is a firm; and
   (b) 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 other person concerned in the management of the firm,

   the partner or other person is also guilty of the offence.

26. 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.
27. Offences in relation to evasion of this Regulation

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

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

28. Consent and deadline for prosecution

(1) A prosecution for an offence under this Regulation may only be started by or with the consent of the Secretary for Justice.

(2) A prosecution for a summary offence under this Regulation that is alleged to have been committed by a person outside the HKSAR may only be started before the end of 12 months beginning on the date on which the person first enters the HKSAR after the alleged commission of the offence.

Note—

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

(3) In this section—

summary offence (簡易程序罪行) means an offence triable summarily only.
29. Publication of list of individuals and entities by Secretary

(1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (CEDB) a list of individuals and entities for the purposes of the definitions of relevant person and relevant entity in section 1.

(2) The Secretary may include in the list the name of an individual or entity designated by the Committee for the purposes of paragraph 11 of Resolution 1807.

(3) The list may also contain other information that the Secretary considers appropriate.

(4) The Secretary may remove the name of an individual or entity from the list if the individual or entity is no longer designated by the Committee for the purposes of paragraph 11 of Resolution 1807.

(5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.

(6) In any legal proceedings, a document purporting to be a copy of a list referred to in subsection (1) printed from the website of the CEDB—

(a) is admissible in evidence on production without further proof; and

(b) unless the contrary is proved, is evidence of the information contained in the list.

30. 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 subdelegate it to another person or class or description of person.

(3) A delegation or authorization under subsection (1) or (2) may be subject to any restriction or condition the Chief Executive considers appropriate.

31. Exercise of powers of Secretary

(1) The Secretary may delegate any of the Secretary’s powers or functions under this Regulation to any person or class or description of person.

(2) A delegation under subsection (1) may be subject to any restriction or condition the Secretary considers appropriate.

Matthew CHEUNG Kin-chung
Acting Chief Executive

22 October 2019
Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2478 (2019) adopted by the Security Council of the United Nations on 26 June 2019 in respect of the Democratic Republic of the Congo by providing for the prohibition against—

(a) the supply, sale, transfer or carriage of arms or related materiel to certain persons;
(b) the provision of assistance, advice or training related to military activities in certain circumstances;
(c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
(d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
(e) entry into or transit through the HKSAR by certain persons.

Explanatory Note

本規例就以下事宜訂定條文，以落實聯合國安全理事會於2019年6月26日通過的第2478 (2019) 號決議中關於剛果民主共和國的若干決定——

(a) 禁止向若干人士供應、售賣、移轉或載運軍火或其他相關物資；
(b) 禁止在若干情況下，提供關於軍事活動的協助、意見或訓練；
(c) 禁止向若干人士或實體提供任何資金或其他財務資產或經濟資源，或為該等人士或實體的利益，而提供任何資金或其他財務資產或經濟資源；
(d) 禁止處理屬於若干人士或實體的資金或其他財務資產或經濟資源，或處理由該等人士或實體擁有或控制的資金或其他財務資產或經濟資源；及
(e) 禁止若干人士在香港特別行政區入境，或經香港特別行政區過境。