<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1</strong> Preliminary</td>
<td></td>
</tr>
<tr>
<td>1. Interpretation</td>
<td>B4291</td>
</tr>
<tr>
<td>2. Limited duration of certain provisions</td>
<td>B4297</td>
</tr>
<tr>
<td><strong>Part 2</strong> Prohibitions</td>
<td></td>
</tr>
<tr>
<td>3. Supply of goods prohibited</td>
<td>B4299</td>
</tr>
<tr>
<td>4. Carriage of goods prohibited</td>
<td>B4301</td>
</tr>
<tr>
<td>5. Provision of assistance prohibited</td>
<td>B4305</td>
</tr>
<tr>
<td>6. Making available or dealing with economic assets prohibited</td>
<td>B4307</td>
</tr>
<tr>
<td>7. Entry or transit of persons prohibited</td>
<td>B4311</td>
</tr>
<tr>
<td>8. Acts done outside HKSAR with permission granted outside HKSAR not prohibited</td>
<td>B4313</td>
</tr>
</tbody>
</table>
### Part 3
#### Licences

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>Licence for supply or carriage of goods</td>
</tr>
<tr>
<td>10.</td>
<td>Licence for provision of assistance</td>
</tr>
<tr>
<td>11.</td>
<td>Licence for making available or dealing with economic assets</td>
</tr>
<tr>
<td>12.</td>
<td>Provision of false or misleading information or documents for purpose of obtaining licences</td>
</tr>
</tbody>
</table>

### Part 4
#### Enforcement

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td>Application of Part 4</td>
</tr>
<tr>
<td>14.</td>
<td>Power to board and search modes of transport</td>
</tr>
<tr>
<td>15.</td>
<td>Power to require information and production of document, cargo or article</td>
</tr>
<tr>
<td>16.</td>
<td>Power to direct movement</td>
</tr>
<tr>
<td>17.</td>
<td>Failure to comply with direction or requirement</td>
</tr>
<tr>
<td>18.</td>
<td>Provision of false or misleading information or documents</td>
</tr>
<tr>
<td>19.</td>
<td>Power to enter and detain modes of transport</td>
</tr>
<tr>
<td>20.</td>
<td>Production of proof of identity</td>
</tr>
</tbody>
</table>
### 第 5 部
#### 證據

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
<th>條</th>
<th>内容</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.</td>
<td></td>
<td>第 5 部的釋義</td>
<td>B4334</td>
</tr>
<tr>
<td>22.</td>
<td></td>
<td>裁判官或法官批出手令的權力</td>
<td>B4334</td>
</tr>
<tr>
<td>23.</td>
<td></td>
<td>扣留被檢取財產</td>
<td>B4336</td>
</tr>
</tbody>
</table>

### 第 6 部
#### 披露資料或文件

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
<th>條</th>
<th>内容</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.</td>
<td></td>
<td>披露資料或文件</td>
<td>B4338</td>
</tr>
</tbody>
</table>

### 第 7 部
#### 其他罪行及雜項事宜

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
<th>條</th>
<th>内容</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td></td>
<td>主犯以外的人的法律責任</td>
<td>B4342</td>
</tr>
<tr>
<td>26.</td>
<td></td>
<td>關於妨礙獲授權的人等的罪行</td>
<td>B4342</td>
</tr>
<tr>
<td>27.</td>
<td></td>
<td>關於規避本規例的罪行</td>
<td>B4344</td>
</tr>
<tr>
<td>28.</td>
<td></td>
<td>在同意下提出檢控及檢控期限</td>
<td>B4344</td>
</tr>
<tr>
<td>29.</td>
<td></td>
<td>局長發佈個人和實體的名單</td>
<td>B4346</td>
</tr>
<tr>
<td>30.</td>
<td></td>
<td>行使行政長官權力</td>
<td>B4346</td>
</tr>
<tr>
<td>31.</td>
<td></td>
<td>行使局長權力</td>
<td>B4348</td>
</tr>
</tbody>
</table>

### Part 5
#### Evidence

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
<th>條</th>
<th>内容</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.</td>
<td></td>
<td>Interpretation of Part 5</td>
<td>B4335</td>
</tr>
<tr>
<td>22.</td>
<td></td>
<td>Power of magistrate or judge to grant warrant</td>
<td>B4335</td>
</tr>
<tr>
<td>23.</td>
<td></td>
<td>Detention of seized property</td>
<td>B4337</td>
</tr>
</tbody>
</table>

### Part 6
#### Disclosure of Information or Documents

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
<th>條</th>
<th>内容</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.</td>
<td></td>
<td>Disclosure of information or documents</td>
<td>B4339</td>
</tr>
</tbody>
</table>

### Part 7
#### Other Offences and Miscellaneous Matters

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
<th>條</th>
<th>内容</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td></td>
<td>Liability of persons other than principal offenders</td>
<td>B4343</td>
</tr>
<tr>
<td>26.</td>
<td></td>
<td>Offences in relation to obstruction of authorized persons etc.</td>
<td>B4343</td>
</tr>
<tr>
<td>27.</td>
<td></td>
<td>Offences in relation to evasion of this Regulation</td>
<td>B4345</td>
</tr>
<tr>
<td>28.</td>
<td></td>
<td>Consent and deadline for prosecution</td>
<td>B4345</td>
</tr>
<tr>
<td>29.</td>
<td></td>
<td>Publication of list of individuals and entities by Secretary</td>
<td>B4347</td>
</tr>
<tr>
<td>30.</td>
<td></td>
<td>Exercise of powers of Chief Executive</td>
<td>B4347</td>
</tr>
<tr>
<td>31.</td>
<td></td>
<td>Exercise of powers of Secretary</td>
<td>B4349</td>
</tr>
</tbody>
</table>
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 (援助) 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

United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019


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;
Hong Kong person (香港人) means—
(a) a person who is both a Hong Kong permanent resident and a Chinese national; or
(b) a body incorporated or constituted under the law of the HKSAR;

licence (特許) means a licence granted under Part 3;

master (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

mode of transport (運輸工具) means a ship, aircraft or vehicle;

operator (營運人), in relation to a mode of transport, means the person for the time being having the management of the mode of transport;

person in DRC (身處剛果人士) means a person operating in the territory of the Democratic Republic of the Congo;

pilot in command (機長), in relation to an aircraft, means the pilot designated by the operator or owner, as appropriate, as being—
(a) in charge of the aircraft (without being under the direction of any other pilot in the aircraft); and
(b) charged with the safe conduct of a flight;

prohibited goods (禁制物品) means any arms or related materiel;

relevant entity (有關實體) means an entity named in the list published under section 29(1);

relevant person (有關人士) means an individual named in the list published under section 29(1);

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.

**responsible person** (負責人) means—

(a) for a ship—the charterer, operator or master of the ship;

(b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or

(c) for a vehicle—the operator or driver of the vehicle;

**Secretary** (局長) means the Secretary for Commerce and Economic Development;

**Security Council** (安理會) means the Security Council of the United Nations;

**supply** (供應) means supply, sale or transfer.
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—
(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.

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.
(3) 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).

(4) 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) 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.

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—
6. 禁止提供或處理經濟資產

(1) 本條適用於——

(a) 在特區境內事的人；及
(b) 在特區境外行事的香港人。

(2) 除獲根據第 11(1) 條批准的特許授權外——

(a) 任何人不得直接或間接向有關人士或有關實體，提供任何經濟資產，亦不得為有關人士或有關實體的利益，而直接或間接提供任何經濟資產；及
(b) 任何人(該人)不得直接或間接處理屬於有關人士或有關實體的任何經濟資產，亦不得直接或間接處理有關人士或有關實體直接或間接擁有或控制的任何經濟資產；而如該人屬有關人士或有關實體，則包括屬於該人的經濟資產，以及由該人直接或間接擁有或控制的經濟資產。

(3) 任何人違反第 (2) 款，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 7年。

(4) 被控犯第 (3) 款所訂罪行的人，如證明自己既不知道亦無理由相信——
(a) 如屬違反第 (2)(a) 款——有關的經濟資產，是向 (或將會向) 有關人士或有關實體提供的，或是為 (或將會為) 有關人士或有關實體的利益而提供的；或
(b) 如屬違反第 (2)(b) 款——自己在處理屬於有關人士或有關實體的經濟資產，或由有關人士或有關實體直接或間接擁有或控制的經濟資產，
即為免責辯護。

(5) 任何人不得僅因將以下任何一項，記入屬於有關人士或有關實體 (該人) 的帳戶，或由該人直接或間接擁有或控制的賬戶，而被視為違反第 (2) 款——
(a) 該帳戶應得的利息或其他收入；或
(b) 該人根據在其成為有關人士或有關實體當日之前產生的合同、協定或義務，而應得的付款。

(6) 在本條中——
處理 (deal with) ——
(a) 就資金而言，指——
(i) 使用、改動、移動、容許動用或移轉；

(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. 禁止入境或過境

(1) 指明人士不得在特區入境或經特區過境。

(2) 然而，如就任何個案而言，有以下情況，則第 (1) 款不適用—

(a) 有關的入境或過境，是為完成某司法程序而必需的；

(b) 委員會認定，有關的入境或過境，是具有出於人道主義需要（包括宗教義務）的正當理由的；

(c) 委員會認定，有關的入境或過境，將會推進安理會決議的目標，即促進剛果民主共和國的和平及民族和解以及該區域的穩定；

(d) 有關的過境，屬某人經特區過境返回本身國籍國領土，而且是委員會批准的；或

(e) 有關的過境，屬某名參與有關工作的人經特區過境，而且是委員會批准的，上述有關工作，指將嚴

(ii) 以將會導致任何以下方面有所改變的任何其他方式，予以處理：規模、數額、地點、擁有權、管有權、性質或目的地；或

(iii) 作出任何令到資金可予使用的任何其他改變，包括資金組合管理；及

(b) 就其他財務資產或經濟資源而言，指使用該等資產或資源，以任何方式，取得資金、貨物或服務，包括將該等資產或資源出售、出租或作抵押。

(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.

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
perpetrators of grave violations of human rights or international humanitarian law.

(3) 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.

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

(5) In this section—

specified person (指明人士) means an individual designated by the Committee for the purposes of paragraph 9 of Resolution 1807.

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).
Part 3

Licences

9. 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;
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;
Part 3

Section 11

United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019

L.N. 157 of 2019

(b) the assistance is intended solely for the support of or use by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo;

c) the assistance is intended solely for the support of or use by the African Union-Regional Task Force;

d) the assistance is technical assistance or training related to non-lethal military equipment intended solely for humanitarian or protective use;

e) the provision of assistance or personnel is approved in advance by the Committee.

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

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
Part 3
Section 12

(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.
第 4 部
執法

13. Application of Part 4
如獲授權人員有理由懷疑，第 4 條適用的運輸工具曾經，正在或即將在違反第 4(2) 條的情況下使用，則本部適用。

14. Power to board and search modes of transport
獲授權人員可——
(a) 單獨或在獲該人員授權行事的人陪同和協助下，登上和搜查有關的運輸工具；及
(b) 為施行 (a) 段，使用或授權他人使用合理武力。

15. Power to require information and production of document, cargo or article
(1) 獲授權人員可要求有關的運輸工具的負責人——
(a) 提供該人員指明的，關於該運輸工具的任何資料，或交出該人員指明的，關於該運輸工具的任何文件，以供檢查；
(b) 就船舶或飛機而言——提供該人員指明的，關於該船舶或飛機所載的貨物的任何資料，或交出該人員指明的，關於該等貨物的任何文件，以供檢查；
(c) 就車輛而言——提供該人員指明的，關於車上物件的任何資料，或交出該人員指明的，關於該等物件的任何文件，以供檢查；或

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
(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
18. 提供虛假或具誤導性的資料或文件

(1) 凡獲授權人員根據第 15(1) 條作出要求，任何運輸工具的負責人如在回應該要求時——
   (a) 將該負責人知道在要項上屬虛假或具誤導性的任何資料或文件；或
   (b) 咎顧實情地將在要項上屬虛假或具誤導性的任何資料或文件，
       向獲授權人員提供或交出，即屬犯罪。

(2) 任何人犯第 (1) 款所訂罪行，一經定罪，可處第 6 級罰款及監禁 6 個月。

19. 登上和扣留運輸工具的權力

(1) 在不局限第 17 及 18 條的原則下，如獲授權人員有理由懷疑，根據第 16(1)(b)、(2) 或 (3) 條作出的要求，可能會不獲遵從，則本條適用。

(2) 獲授權人員可採取任何該人員覺得屬必需的步驟，以確保上述要求獲遵從，尤其包括以下步驟——
   (a) 進入或授權他人進入任何土地，或登上或授權他人登上有關的運輸工具；

(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;
(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.
Part 5

Evidence

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.
(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.

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.
Disclosure of Information or Documents

24. 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 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.
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,

then 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,

then 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.
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

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(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.

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(2) 凡任何人獲行政長官轉授權力或職能，行政長官可授權該人，將該等權力或職能再轉授予另一人，或任何類別或種類的人。

(3) 根據第 (1) 或 (2) 款作出的轉授或授權，可受行政長官認為適當的任何限制或條件所規限。
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.