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(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

Part 1

Preliminary

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;
license (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;

Part 2

Prohibitions

2. Prohibition against supply, sale or transfer of certain goods

(1) This section applies to—

(a) a person acting in the HKSAR; and
(b) a person acting outside the HKSAR who is—

(i) both a Hong Kong permanent resident and a Chinese national; or
(ii) a body incorporated or constituted under the law of the HKSAR.

(2) Except under the authority of a licence granted under section 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—
2015年第239号法律公告

第3条

（a）载运任何禁制物品予在利比里亚境内活动的人士或
该等人士指定的受对象；或

（b）载运任何禁制物品至某目的地，以将该等物品直接
或间接交付或转移予在利比里亚境内活动的人士或
该等人士指定的对象。

（3）如——

（a）有关禁制物品的载运，是在该等物品的供应、售
卖或转移的过程中作出的；而

（b）有关供应用、售卖或转移，是根据第5(1)(a) 条批予的
特许授予权进行的，

则第(2) 款不适用。

（4）如船舶、飞机或车辆在违反第(2) 款的情况下使用，每
一下述的人均属犯罪——

（a）就在特区注册的船舶而言，该船舶的租用人、船
长及船长；

（b）就任何其他船舶而言——

(i) （在该船舶的租用人身在特区境内，或是兼具
香港永久性居民及中国公民身分的人，或是根
据特区法律成立为法团或组成的团体的情况下）
该租用人；

(ii) （在该船舶的营运用人身在特区境内，或是兼具
香港永久性居民及中国公民身分的人，或是根
据特区法律成立为法团或组成的团体的情况下）
该营运用人；及

(iii) （在该船舶的船长身在特区境内，或是兼具香
港永久性居民及中国公民身分的人的情况下）
该船长；

(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.
第 3 部

特許

5. 供應、售賣、移轉或載運若干物品的特許
(1) 如行政長官應申請而信納第 (2) 款的任何一項規定獲符合，則行政長官須批予特許，准許（視何者屬適當而定）——

(a) 下述作為——
    (i) 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、售賣或移轉禁制物品的作為；或
    (ii) 向某目的地供應、售賣或移轉禁制物品，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，或作出任何可能會促使向某目的地供應、售賣或移轉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；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) 載運予在利比里亞境內活動的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在利比里亞境內活動的人士或該等人士指定的對象。

(2) 有關規定如下——

(a) 有關禁制物品是供應、售賣、移轉或載運予利比里亞政府的禁制物品；

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.
Part 4

Things Done outside HKSAR

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.
第 5 部

規例的執行

第 1 分部——對可疑船舶進行調查等

9. 對可疑船舶進行調查

(1) 獲授權人員如有理由懷疑第 3 條所適用的船舶曾經、正在或即將在違反第 3(2) 條的情況下使用，即可——

(a) 單獨或在獲該人員授權行事的人陪同及協助下，登上及搜查該船舶，並可為該目的而使用或授權他人使用合理武力；及

(b) 要求該船舶的租用人、營運人或船長提供任何該人員指明的關於該船舶或其所載貨物的資料，或交出任何該人員指明的關於該船舶或該等貨物的文件，以供該人員檢查。

(2) 獲授權人員如有理由懷疑第 3 條所適用的船舶正在或即將在違反第 3(2) 條的情況下使用，該人員可為制止或防止該船舶在違反第 3(2) 條的情況下使用的目的，或為進行調查的目的，當場或在考慮為回應根據第 (1)(b) 款作出的要求而提供的資料或交出的貨物或文件後，作出以下一項或多於一項作為——

(a) 指示該船舶的租用人、營運人或船長除非取得獲授權人員的同意，否則不得於該人員指明的任何港口

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

Part 5—Division 1

Section 9

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
卸下該船舶所載貨物中經該人員指明的任何部分；

(b) 要求該船舶的租用人、營運人或船長採取以下任何步驟——

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

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

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

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

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

(a) 該資料應以口頭或以書面提供，及應以何種方式提供；及

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 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. 船舶的租用人、營運人或船長所犯的罪行

(1) 任何租用人的營運人、營運人或船長如不遵從根據第9(2)(a)條作出的指示，或無合理辯解而拒絕在獲授權人員指明的時間內遵從根據第9(1)(b)或(2)(b)條作出的請求，或無合理辯解而沒有在獲授權人員指明的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) 任何租用人的營運人或船長如在回應根據第9(1)(b)或(2)(b)條作出的要求時，向獲授權人員提供或交出任何該租用人的營運人或船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。

11. 獲授權人員登上及扣留船舶的權力

(1) 在不局限第10條的原則下，如獲授權人員有理由懷疑根據第9(2)(b)條作出的要求可能不會獲遵從，則該人員可採取任何該人員覺得為確保該要求獲遵從而需採取的步驟，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船舶；

(b) 應在何時之前及在何地提供該資料或交出該貨物或文件，以供檢查。

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

(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,
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.

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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;
Part 5—Division 3
Section 16

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.

(b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and

(c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

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

(a) specify whether the information should be provided orally or in writing and in what form; and

(b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

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.

(b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and

(c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.

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

(a) specify whether the information should be provided orally or in writing and in what form; and

(b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.
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，以及搜查上述處所、船舶、飛機或車輛。

(3) 獲手令授權搜查任何處所、船舶、飛機或車輛的人，可行使以下任何或所有權力——

(a) 搜查在該處所內或在該船舶、飛機或車輛上發現的人，或該獲授權的人有合理理由相信不久前離開或即將進入該處所或登上該船舶、飛機或車輛的人；
(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) 段提及的人身上找到，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 on 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
20. 扣留被检取的文件、货物或物件

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

(2) 如有関文件、货物或物件攸關本規例所訂的罪行，而有关法律程序已就该罪行展开，則該文件、货物或物件可予扣留，直至該等法律程序完结为止。

(3) 任何被检取的文件、货物或物件，包括任何文件，货物或物件的复制本，及任何有关事实和资料如被用作或可能被用作证据以支持对任何將要或已經被检取的文件、货物或物件所进行的检视；

(4) 根据本條對任何人進行搜查，只可由與該人性別相同的人進行。

(5) 如任何人根據本條獲賦權進入任何處所或登上任何船舶、飛機或車輛，該人可為此目的而使用合理所需的武力。

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.
Part 7

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;

(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.

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Part 8

Other Offences and Miscellaneous Matters

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.
Part 9

Duration

27. Duration

This Regulation expires at midnight on 1 June 2016.

C. Y. LEUNG
Chief Executive

9 December 2015

第 9 部
有效期

27. 有效期
本規例的有效期在2016年6月1日午夜12時屆滿。

行政長官
梁振英

2015年12月9日

L.N. 239 of 2015
B5089

Part 9
Section 27

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.