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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;
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eas 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票據；
(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、自財產所生的價值或財產所產生的價值；
(e) 信贷、抵銷權、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) 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.
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—
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.

(i) 供应予身处刚果人士，或该等人士指定的对象的；或

(ii) 向某目的地供应，以将该等物品直接或间接交付或转移予身处刚果人士，或该等人士指定的对象的，

即为免负责任。
(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. **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. 禁止提供或處理經濟資產

(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 11(1) 條批予的特許授權外——

(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由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) 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.

6. Making available or dealing with economic assets 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 11(1)—

(a) a person must not directly or indirectly make available any economic assets to, or for the benefit of, a relevant person or a relevant entity; and
(b) a person must not directly or indirectly deal with any economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity (including, if the person is a relevant person or a relevant entity, the economic assets belonging to, or directly or indirectly owned or controlled by, the person).

(3) A person who contravenes subsection (2) commits an offence and is liable—
(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
控制的帳戶，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;
(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。

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) 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
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;

(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;
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(c) 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) 屬用於支付與提供法律服務相關的合理專業人員酬金，或償付與提供該服務相關的已招致開支；或

(iii) 是為慣常持有或維持以下經濟資產而根據特區法律須付的費用或服務費：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；

(b) 有關的經濟資產，是特殊開支所必需的；

(c) 有關的經濟資產——

(i) 是在 2008 年 3 月 31 日以前作出的司法、行政或仲裁留置權或裁決的標的物，而該留置權或裁決的受益人，並非有關人士或有關實體；及

(ii) 將會用於該留置權或裁決的執行。

(3) 然而，行政長官如信納第 (2)(a) 款的規定獲符合，則——

(a) 須安排將批予有關特許的意向，通知委員會；及

(b) 如委員會沒有在該通知後 4 個工作日內，作出反對的決定——須批予該項特許。

(4) 此外，如行政長官信納第 (2)(b) 款的規定獲符合，則——

(a) 行政長官須安排將批予有關特許的意向，通知委員會；及

(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
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.
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
Part 4
Section 16

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(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

(B) to cause the ship and its cargo to remain in that place until the responsible person is notified by an authorized officer that the ship and its cargo may depart;
(iv) to take the ship and any of its cargo to another destination specified by an authorized officer by agreement with the responsible person.

(2) If the mode of transport is an aircraft and the aircraft is in the HKSAR, the authorized officer may require a responsible person for the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the responsible person is notified by an authorized officer that the aircraft and its cargo may depart.

(3) If the mode of transport is a vehicle, the authorized officer may require a responsible person for the vehicle to—
(a) take the vehicle and any article on it to a place specified by an authorized officer; and
(b) cause the vehicle and the article to remain in that place until the responsible person is notified by an authorized officer that the vehicle and the article may depart.
(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.
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.
第6部
披露資料或文件

24. 披露資料或文件

(1) 根據本規例提供、交出或檢取的資料或文件，只可在以下情況下披露——

(a) 提供或交出該資料或文件的人已同意披露，或該文件是自某人處檢取而該人已同意披露；

(b) 該資料或文件的披露對象，是任何根據本規例屬本會獲賦權要求提供或交出該資料或文件的人；

(c) 該資料或文件，是在行政長官授權下——

(i) 向聯合國的任何機關披露；

(ii) 向任何任職於聯合國的人披露；或

(iii) 向中華人民共和國以外任何地方的政府披露，而披露的目的，是協助聯合國或該政府確保由安理會就剛果民主共和國而決定的措施獲遵從或偵查規避該等措施的情況，前提是該資料或文件的轉交，須透過作出指示的機關進行，並且獲該機關批准；或

Part 6
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,

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.
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

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—

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