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Section of Enactment



Chapter:	60	Title:	IMPORT AND EXPORT ORDINANCE	Gazette Number:	
Section:	35A	Heading:	Assisting, etc., in carriage of prohibited, etc., articles	Version Date:	30/06/1997

(1) Any person who knowingly-

- (a) has possession of any article, the carriage of which is restricted under this Ordinance;
- (b) has possession of any article, the export of which is prohibited under any law in force in Hong Kong or is prohibited other than in accordance with a licence issued under this Ordinance;
- (c) assists with the carrying, removing, depositing, harbouring, keeping or concealing of any article, the carriage of which is restricted under this Ordinance;
- (d) assists with the carrying, removing, depositing, harbouring, keeping or concealing of any article, the export of which is prohibited under any law in force in Hong Kong or is prohibited other than in accordance with a licence issued under this Ordinance;
- (e) otherwise deals with any article, the carriage of which is restricted under this Ordinance;
- or
- (f) otherwise deals with any article, the export of which is prohibited under any law in force in Hong Kong or is prohibited other than in accordance with a licence issued under this Ordinance,

with intent to evade the restriction or prohibition or to assist another person to evade the restriction or prohibition is guilty of an offence and liable-

- (i) in the case where contravention of the restriction or prohibition is punishable otherwise than as an indictable offence, on conviction to a fine of \$500000 and to imprisonment for 2 years;
- (ii) in the case where contravention of the restriction or prohibition is punishable as an indictable offence-
 - (A) on summary conviction to a fine of \$500000 and to imprisonment for 2 years;
 - (B) on conviction on indictment to a fine of \$2000000 and to imprisonment for 7 years.

(2) Any person who-

- (a) has possession of any article, the carriage of which is restricted under this Ordinance;
- (b) has possession of any article, the export of which is prohibited under any law in force in Hong Kong or is prohibited other than in accordance with a licence issued under this Ordinance;
- (c) assists with the carrying, removing, depositing, harbouring, keeping or concealing of any article, the carriage of which is restricted under this Ordinance;
- (d) assists with the carrying, removing, depositing, harbouring, keeping or concealing of any article, the export of which is prohibited under any law in force in Hong Kong or is

prohibited other than in accordance with a licence issued under this Ordinance;
(e) otherwise deals with any article, the carriage of which is restricted under this Ordinance;
or
(f) otherwise deals with any article, the export of which is prohibited under any law in force in Hong Kong or is prohibited other than in accordance with a licence issued under this Ordinance,

in circumstances that give rise to a reasonable suspicion that there is intent on the part of that person to evade a restriction or prohibition or to assist another person to evade a restriction or prohibition, the first mentioned person will be presumed to have such intent in the absence of evidence to the contrary.

(Added 22 of 1991 s. 12. Amended 1 of 1994 s. 18)

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Section of Enactment



Chapter:	60	Title:	IMPORT AND EXPORT ORDINANCE	Gazette Number:	
Section:	18A	Heading:	Assisting, etc., in export of unmanifested cargo	Version Date:	30/06/1997

(1) Any person who knowingly-

- (a) has possession of any cargo;
- (b) assists with the carrying, removing, depositing, harbouring, keeping or concealing of any cargo; or
- (c) otherwise deals with any cargo,

with intent to export the cargo without a manifest or with intent to assist another person to export the cargo without a manifest is guilty of an offence and liable-

- (i) on summary conviction to a fine of \$500000 and to imprisonment for 2 years;
 - (ii) on conviction on indictment to a fine of \$2000000 and to imprisonment for 7 years.
- (Amended 1 of 1994 s. 9)

(2) Any person who-

- (a) has possession of any cargo;
- (b) assists with the carrying, removing, depositing, harbouring, keeping or concealing of any cargo; or
- (c) otherwise deals with any cargo,

in circumstances that give rise to a reasonable suspicion that there is intent on the part of that person to export the cargo without a manifest or to assist another person to export the cargo without a manifest, the first mentioned person will be presumed to have such intent in the absence of evidence to the contrary.

(Added 22 of 1991 s. 8)

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