第 537 章

聯合國制裁條例

本條例旨在就《聯合國憲章》第七章所引起而對中華人民共和國以外地方施加制裁而訂定條文，並就其附帶或與其有關連的事宜訂定條文。

[1997 年 7 月 18 日]

1. 簡稱

本條例可引稱為《聯合國制裁條例》。

2. 釋義

(1) 在本條例中，除文意另有所指外——

"作出指示的機關" (instructing authority) 指中華人民共和國外交部；

"制裁" (sanction) 包括由聯合國安全理事會決定針對中華人民共和國以外地方而實施的全面或局部經濟及貿易禁運、武器禁運以及其他強制性措施。

(2) 凡根據《聯合國憲章》第七章，聯合國安全理事會已決定須採取某項措施以執行其任何決定，而聯合國安全理事會亦已要求中華人民共和國實行該項措施，則以下由作出指示的機關向行政長官所作的指示就本條例而言屬有關指示——

　　(a) 為中華人民共和國香港特別行政區實行該項措施的目的而針對中華人民共和國以外地方實施制裁的指示 (該地方和制裁為該指示所指明者)；或

　　(b) 在該等制裁已實施的情況下採取以下行動的指示——

　　　　(i) 停止實施該等制裁；

CHAPTER 537

UNITED NATIONS SANCTIONS

An Ordinance to provide for the imposition of sanctions against places outside the People's Republic of China arising from Chapter 7 of the Charter of the United Nations, and to provide for matters incidental thereto or connected therewith.

[18 July 1997]

1. Short title

This Ordinance may be cited as the United Nations Sanctions Ordinance.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

"instructing authority" (作出指示的機關) means the Ministry of Foreign Affairs of the People's Republic of China;

"sanction" (制裁) includes complete or partial economic and trade embargoes, arms embargoes, and other mandatory measures decided by the Security Council of the United Nations, implemented against a place outside the People's Republic of China.

(2) Where, under Chapter 7 of the Charter of the United Nations, the Security Council of the United Nations has decided on a measure to be employed to give effect to any of its decisions and has called on the People's Republic of China to apply the measure, then any instruction given by the instructing authority to the Chief Executive—

　　(a) to implement the sanctions specified in the instruction against the place outside the People's Republic of China specified in the instruction for the purposes of the Hong Kong Special Administrative Region of the People's Republic of China applying that measure; or

　　(b) where such sanctions have been so implemented—

　　　　(i) to cease implementing such sanctions;

(ii) 按指示所指明修改該等制裁或該等制裁的實施；或

(iii) 以該指示所指明的其他制裁完全或局部取代該等制裁。

3.　規例須使有關指示得以執行

(1) 行政長官須訂立規例，以執行有關指示。

(2) 除第 (3) 款另有規定外，根據本條訂立的規例可規定違反任何該等規例即屬犯罪，並可就此訂明罰則。

(3) 根據本條訂立的規例可訂明凡違反或觸犯該等規例——

(a) 一經循簡易程序定罪，可處不超逾 $500,000 的罰款及不超逾 2 年的監禁；

(b) 一經循公訴程序定罪，可處無限額的罰款及不超逾 7 年的監禁。

(4) 根據本條訂立的規例可將任何或任何類別的人、財產、物品、技術資料、服務、交易、船舶、鐵路列車或飛機摒除於該等規例的適用範圍之外。

(5) 《釋義及通則條例》(第 1 章) 第 34 及 35 條不適用於根據本條訂立的規例。

(6) 為免生疑問，現宣布凡由某項有關指示引起並根據本條而訂立的規例已停止有效，則即使有另一項有關指示作出，而該有關指示的條款與首述的指示的條款相同，該規例亦不恢復生效。

(ii) to modify such sanctions, or the implementation of such sanctions, as are specified in the instruction; or

(iii) to replace such sanctions (whether in whole or in part) with other sanctions specified in the instruction,

is a relevant instruction for the purposes of this Ordinance.

3.　Regulations shall give effect to relevant instructions

(1) The Chief Executive shall make regulations to give effect to a relevant instruction.

(2) Subject to subsection (3), regulations made under this section may provide that a contravention of any such regulation shall be an offence and may prescribe penalties therefor.

(3) Regulations made under this section may prescribe that a contravention or breach thereof shall be punishable—

(a) on summary conviction by a fine not exceeding $500,000 and imprisonment for a term not exceeding 2 years;

(b) on conviction on indictment by an unlimited fine and imprisonment for a term not exceeding 7 years.

(4) Any regulations made under this section may exclude any person, property, goods, technical data, services, transaction, ship, train or aircraft or any class thereof from the application of the regulations.

(5) Sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under this section.

(6) For the avoidance of doubt, it is hereby declared that any regulations made under this section do not revive, after they have ceased to have effect, if a relevant instruction is given in the same terms as the relevant instruction which gave rise to those regulations.