

2002 年第 141 號法律公告

《2002 年聯合國制裁 (利比亞) 規例》

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UNITED NATIONS SANCTIONS (LIBERIA)
REGULATION 2002

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《2002 年聯合國制裁(利比亞)規例》

(按中華人民共和國外交部的指示並在徵詢行政會議的意見後
根據《聯合國制裁條例》(第 537 章) 第 3 條訂立)

1. 有效期

本規例於 2003 年 5 月 6 日期滿失效。

2. 釋義

在本規例中，除文意另有所指外——

“出口”(export) 包括作為補給品付運，而就任何船隻、可潛航載具、飛機或車輛而言，包括將該船隻、可潛航載具、飛機或車輛帶出特區，即使該船隻、可潛航載具、飛機或車輛正在運送物品或乘客亦然，亦不論其是否正以本身的動力移動；

“付運”(shipment) 包括裝上船隻、飛機或車輛；

“有關連人士”(person connected with Liberia) 指——

- (a) 利比亞政府；
- (b) 任何其他在利比亞或居於利比亞的人；
- (c) 根據利比亞的法律成立為法團或組成的團體；
- (d) 由 (a) 至 (c) 段所述的任何人控制的團體，不論該團體在何處成立為法團或組成；
- (e) 代表 (a) 至 (d) 段所述的任何人行事的人；

“委員會”(Committee) 指依據《第 1343 號決議》設立的聯合國安全理事會的委員會；

“特許”(licence) 指根據第 3(1)(a) 條批予的特許；

“海關人員”(customs officer) 指出任《香港海關條例》(第 342 章) 附表 1 指明的職位的香港海關人員；

“船長”(master) 就某船舶而言，包括在當其時掌管該船舶的人(領港員除外)；

“船舶”(ship) 包括各類型用於航行而並非由槳驅動的船隻；

“《第 1343 號決議》”(Resolution 1343) 指聯合國安全理事會於 2001 年 3 月 7 日通過的第 1343 (2001) 號決議；

“《第 1408 號決議》”(Resolution 1408) 指聯合國安全理事會於 2002 年 5 月 6 日通過的第 1408 (2002) 號決議；

UNITED NATIONS SANCTIONS (LIBERIA)
REGULATION 2002

(Made 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)

1. Duration

This Regulation shall expire on 6 May 2003.

2. Interpretation

In this Regulation, unless the context otherwise requires—

“authorized officer” (獲授權人員) means a police officer or a customs officer or a person authorized under section 3(1)(b);

“commander” (機長), in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“Committee” (委員會) means the Committee of the Security Council of the United Nations established pursuant to Resolution 1343;

“customs officer” (海關人員) means any member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342);

“export” (出口) includes shipment as stores and, in relation to any vessel, submersible vehicle, aircraft or vehicle, includes the taking out of the HKSAR of the vessel, submersible vehicle, aircraft or vehicle notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power;

“licence” (特許) means a licence granted under section 3(1)(a);

“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 an aircraft or vehicle, means the person for the time being having the management of the aircraft or vehicle;

“owner” (擁有人), in relation to a ship, where the owner of the ship is not the operator, means the operator and any person to whom it is chartered;

“person connected with Liberia” (有關連人士) means—

- (a) the Government of Liberia;
- (b) any other person in, or resident in, Liberia;
- (c) any body incorporated or constituted under the law of Liberia;

“禁制物品”(prohibited goods)指附表 1 指明的任何物品；

“擁有人”(owner)就某船舶而言，在該船舶的擁有人並非其營運人的情況下，指該船舶的營運人，亦指租用該船舶的人；

“機長”(commander)就某飛機而言，指由該飛機的營運人指定為該飛機的機長的空勤人員，如無上述指定人員，則指當其時指揮該飛機的機師；

“獲授權人員”(authorized officer)指警務人員、海關人員或根據第 3(1)(b) 條獲授權的人；

“營運人”(operator)就某飛機或車輛而言，指當其時管理該飛機或車輛的人。

3. 行政長官的權力

(1) 行政長官可——

(a) 批予本規例所述的特許；或

(b) 為施行本規例而以書面授權任何人為獲授權人員。

(2) 根據本條批予的特許可附加或不附加條件、可予以限制使其有效期若非獲得續期則會在指明日期屆滿，並可由行政長官更改或撤銷。

(3) 只有在獲得作出指示的機關就一般情況或個別情況給予批准的情況下，方可根據本規例批予特許。

4. 向利比亞供應及交付某些物品

(1) 除根據為施行本條而批予的特許的授權外，本條適用的人不得——

(a) 供應或交付任何禁制物品；

(b) 同意供應或交付任何禁制物品；或

(c) 作出任何作為，而該作為是相當可能會促進任何禁制物品的供應或交付的，

而該等物品是——

(d) 向利比亞供應或交付的；

(e) 供應或交付予有關連人士或該人指定的對象的；或

(f) 向任何目的地供應或交付，以將該等物品直接或間接交付至利比亞，或直接或間接交付予任何有關連人士或該人指定的對象的。

(d) any body, wherever incorporated or constituted, which is controlled by any of the persons mentioned in paragraphs (a) to (c);

(e) any person acting on behalf of any of the persons mentioned in paragraphs (a) to (d);

“prohibited goods”(禁制物品) means any goods specified in Schedule 1;

“Resolution 1343”(《第 1343 號決議》) means Resolution 1343 (2001) adopted by the Security Council of the United Nations on 7 March 2001;

“Resolution 1408”(《第 1408 號決議》) means Resolution 1408 (2002) adopted by the Security Council of the United Nations on 6 May 2002;

“ship”(船舶) includes every description of vessel used in navigation not propelled by oars;

“shipment”(付運) includes loading into a vessel, an aircraft or a vehicle.

3. Power of Chief Executive

(1) The Chief Executive may—

(a) grant the licences mentioned in this Regulation; or

(b) authorize in writing any person to be an authorized officer for the purposes of this Regulation.

(2) Any licence granted under this section may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the Chief Executive.

(3) No licence shall be granted under this Regulation except with the approval of the instructing authority given either generally or in a particular case.

4. Supplies and deliveries of certain goods to Liberia

(1) Except under the authority of a licence granted for the purpose of this section, a person to whom this section applies shall not—

(a) supply or deliver;

(b) agree to supply or deliver; or

(c) do any act likely to promote the supply or delivery of,

any prohibited goods—

(d) to Liberia;

(e) to, or to the order of, any person connected with Liberia; or

(f) to any destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, any person connected with Liberia.

- (2) 本條適用於任何在特區的人，亦適用於任何在其他地方行事的——
- (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。
- (3) 任何人違反第(1)款，即屬犯罪。
- (4) 在就本條所訂的罪行而進行的法律程序中，根據本條被控的人如證明他既不知道亦無理由相信——
- (a) 有關的物品屬禁制物品；或
- (b) 該等物品是會——
- (i) 向利比亞供應或交付的；
- (ii) 供應或交付予有關連人士或該人指定的對象的；或
- (iii) 向任何目的地供應或交付，以將該等物品直接或間接交付至利比亞，或直接或間接交付予任何有關連人士或該人指定的對象的，
- 即可以此作為免責辯護。

5. 將某些物品出口至利比亞

- (1) 除根據為施行本條而批予的特許的授權外，如禁制物品是供出口——
- (a) 至利比亞的；
- (b) 予有關連人士或該人指定的對象的；或
- (c) 至任何目的地，以將該等物品直接或間接交付至利比亞，或直接或間接交付予任何有關連人士或該人指定的對象的，
- 則本條適用的人不得自特區出口任何該等物品。
- (2) 本條適用於任何在特區的人，亦適用於任何在其他地方行事的——
- (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。
- (3) 任何人違反第(1)款，即屬犯罪。
- (4) 在就本條所訂的罪行而進行的法律程序中，根據本條被控的人如證明他既不知道亦無理由相信——
- (a) 有關的物品屬禁制物品；或

- (2) This section applies to any person within the HKSAR and to any person acting elsewhere who is—
- (a) both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR.
- (3) Any person who contravenes subsection (1) commits an offence.
- (4) In proceedings for an offence under this section, it is a defence for a person charged under this section to prove that—
- (a) he did not know and had no reason to believe that the goods in question were prohibited goods; or
- (b) he did not know and had no reason to believe that the goods were to be supplied or delivered—
- (i) to Liberia;
- (ii) to, or to the order of, any person connected with Liberia; or
- (iii) to any destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, any person connected with Liberia.

5. Exportation of certain goods to Liberia

- (1) Except under the authority of a licence granted for the purpose of this section, a person to whom this section applies shall not export any prohibited goods from the HKSAR if the goods are for export—
- (a) to Liberia;
- (b) to, or to the order of, any person connected with Liberia; or
- (c) to any destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, any person connected with Liberia.
- (2) This section applies to any person within the HKSAR and to any person acting elsewhere who is—
- (a) both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR.
- (3) Any person to whom this section applies and who contravenes subsection (1) commits an offence.
- (4) In proceedings for an offence under this section, it is a defence for a person charged under this section to prove that—
- (a) he did not know and had no reason to believe that the goods in question were prohibited goods; or

(b) 該等物品是會自特區出口——

- (i) 至利比利亞的；
- (ii) 予有關連人士或該人指定的對象的；或
- (iii) 至任何目的地，以將該等物品直接或間接交付至利比利亞，或直接或間接交付予任何有關連人士或該人指定的對象的，

即可以此作為免責辯護。

(5) 本條不得解釋為損害任何禁止或限制將物品自特區出口的其他法律。

6. 提供某些技術上的意見、協助或訓練

(1) 除根據為施行本條而批予的特許的授權外，本條適用的人不得直接或間接向與利比利亞有關連的人提供關於供應、交付、製造、維修或使用任何禁制物品的任何技術上的意見、協助或訓練。

(2) 本條適用於任何在特區的人，亦適用於任何在其他地方行事的人——

- (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。

(3) 任何人違反第(1)款，即屬犯罪。

(4) 在就本條所訂的罪行而進行的法律程序中，根據本條被控的人如證明他既不知道亦無理由相信有關意見、協助或訓練是直接或間接向與利比利亞有關連的人提供的，或是與供應、交付、製造、維修或使用任何禁制物品有關的，即可以此作為免責辯護。

7. 將未經加工鑽石輸入特區

(1) 除根據為施行本條而批予的特許的授權或第(3)款另有規定外，任何人不得將直接或間接自利比利亞出口的任何未經加工鑽石輸入特區。

(2) 任何人在違反第(1)款的規定下將任何未經加工鑽石輸入特區，即屬犯罪。

(b) he did not know and had no reason to believe that the goods were to be exported from the HKSAR—

- (i) to Liberia;
- (ii) to, or to the order of, any person connected with Liberia; or
- (iii) to any destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, any person connected with Liberia.

(5) Nothing in this section shall be construed so as to prejudice any other law prohibiting or restricting the exportation of goods from the HKSAR.

6. Provision of certain technical advice, assistance or training

(1) Except under the authority of a licence granted for the purpose of this section, a person to whom this section applies shall not provide, directly or indirectly, to a person connected with Liberia, any technical advice, assistance or training related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

(2) This section applies to any person within the HKSAR and to any person acting elsewhere who is—

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

(3) Any person who contravenes subsection (1) commits an offence.

(4) In proceedings for an offence under this section, it is a defence for a person charged under this section to prove that he did not know and had no reason to believe that the advice, assistance or training was being provided, directly or indirectly, to a person connected with Liberia or that it related to the supply, delivery, manufacture, maintenance or use of any prohibited goods.

7. Importation of rough diamonds into HKSAR

(1) Except under the authority of a licence granted for the purpose of this section and subject to subsection (3), a person shall not import any rough diamonds, exported directly or indirectly from Liberia, into the HKSAR.

(2) Any person who imports any rough diamonds into the HKSAR in contravention of subsection (1) commits an offence.

(3) 如委員會已根據《第 1408 號決議》第 8 段，就由利比利亞政府依據該決議第 7 段所設立的原產地證制度向聯合國安全理事會作出報告，則第 (1) 款不適用於由利比利亞政府透過該制度所掌控的任何未經加工鑽石。

(4) 在就本條所訂的罪行而進行的法律程序中，根據本條被控的人如證明他既不知道亦無理由相信有關的未經加工鑽石是直接或間接自利比利亞輸入特區的，即可以此作為免責辯護。

(5) 本條不得解釋為損害任何禁止或限制將未經加工鑽石輸入特區的其他法律。

8. 利比利亞高級成員等的入境或過境

(1) 任何人如是——

- (a) 利比利亞政府的高級成員；
- (b) 利比利亞武裝部隊的高級成員；
- (c) (a) 或 (b) 段提述的高級成員的配偶；或
- (d) 向鄰近利比利亞的國家並由委員會指定的武裝反叛組織 (尤其是在塞拉利昂的革命聯合陣線) 提供經濟及軍事協助的個人，

不得進入特區或經特區過境。

(2) 任何人違反第 (1) 款，即屬犯罪。

(3) 本條並不禁止有特區居留權或特區入境權的人進入特區。

9. 索取關於物品所抵達的目的地的證據的權力

(1) 任何已自特區出口的禁制物品的出口人或付運人，須應行政長官的要求，在行政長官所容許的時限內提供令他信納的證據，證明該等物品已抵達——

- (a) 由根據本規例批予的特許授權將該等物品供應或交付至的目的地；或
- (b) 本規例並不禁止將該等物品供應或交付至的目的地，

該人如沒有遵守以上條文，即屬犯罪。

(3) If the Committee has reported to the Security Council of the United Nations under paragraph 8 of Resolution 1408 in relation to a Certificate of Origin regime established by the Government of Liberia pursuant to paragraph 7 of Resolution 1408, subsection (1) shall not apply to any rough diamonds controlled by the Government of Liberia through the regime.

(4) In proceedings for an offence under this section, it is a defence for a person charged under this section to prove that he did not know and had no reason to believe that the rough diamonds were being exported, directly or indirectly, from Liberia into the HKSAR.

(5) Nothing in this section shall be construed so as to prejudice any other law prohibiting or restricting the importation of rough diamonds into the HKSAR.

8. Entry or transit by senior members of Liberia, etc.

(1) Any person who is—

- (a) a senior member of the Government of Liberia;
- (b) a senior member of the armed forces of Liberia;
- (c) the spouse of the senior member as referred to in paragraph (a) or (b); or
- (d) an individual providing financial and military support to armed rebel groups in countries neighbouring Liberia, in particular the Revolutionary United Front in Sierra Leone, as designated by the Committee,

shall not enter or transit through the HKSAR.

(2) Any person who contravenes subsection (1) commits an offence.

(3) Nothing in this section shall prohibit a person having the right of abode or the right to land in the HKSAR from entry into the HKSAR.

9. Powers to demand evidence of destination which goods reach

(1) Any exporter or any shipper of any prohibited goods which have been exported from the HKSAR shall, if so required by the Chief Executive, furnish within such time as he may allow proof to his satisfaction that the goods have reached—

- (a) a destination to which they were authorized to be supplied or delivered by a licence granted under this Regulation; or
- (b) a destination to which their supply or delivery was not prohibited by this Regulation,

and, if he fails to do so, he commits an offence.

(2) 在就本條所訂的罪行而進行的法律程序中，根據本條被控的人如證明他既沒有同意亦沒有縱容有關的物品抵達第(1)(a)或(b)款所述的目的地以外的目的地，即可以此作為免責辯護。

10. 與特許的申請、附加於特許的條件等有關連的罪行

(1) 任何人為了取得本規例所指的任何特許，作出任何他知道在要項上屬虛假的陳述、交出任何他知道在要項上屬虛假的文件或提供任何他知道在要項上屬虛假的資料，或罔顧實情地作出任何在要項上屬虛假的陳述、交出任何他知道在要項上屬虛假的文件或提供任何在要項上屬虛假的資料，即屬犯罪。

(2) 任何人在根據本規例批予的特許的授權下作出任何作為，而沒有遵從附加於該特許的任何條件，即屬犯罪。

(3) 在就本條所訂的罪行而進行的法律程序中，根據本條被控的人如證明他所沒有遵從的條件，是在他作出經有關特許授權的作為後，在未經他同意下被行政長官修改的，即可以此作為免責辯護。

11. 關於物品的聲明：搜查的權力

(1) 任何即將離開特區的人須應任何獲授權人員的要求——

- (a) 聲明他是否攜有任何禁制物品，而該等物品的目的地是利比利亞，或供直接或間接交付予任何在利比利亞的人或該人指定的對象的；及
- (b) 交出他所攜有的任何該等物品，

而該人員及任何按該人員的指示行事的人可搜查該人，以確定該人是否攜有任何該等物品。

(2) 根據第(1)款進行的搜查，只可由與被搜查的人性別相同的人進行。

(3) 任何人無合理辯解而拒絕按照第(1)款作出聲明、沒有按照該款交出物品或拒絕容許他人按照該款對他進行搜查，即屬犯罪。

(4) 任何人根據本條作出他知道在要項上屬虛假的聲明或罔顧實情地作出在要項上屬虛假的聲明，即屬犯罪。

(2) In proceedings for an offence under this section, it is a defence for a person charged under this section to prove that he did not consent to or connive at the goods reaching any destination other than such a destination mentioned in subsection (1)(a) or (b).

10. Offences in connection with application for licences, conditions attaching to licences, etc.

(1) If for the purpose of obtaining any licence under this Regulation, any person makes any statement or produces any document or furnishes any information which to his knowledge is false in a material particular or recklessly makes any statement or produces any document or furnishes any information which is false in a material particular, he commits an offence.

(2) Any person who has done any act under the authority of a licence granted under this Regulation and who fails to comply with any condition attaching to that licence commits an offence.

(3) In proceedings for an offence under this section, it is a defence for a person charged under this section to prove that the condition with which he failed to comply was modified, otherwise than with his consent, by the Chief Executive after the doing of the act authorized by the licence.

11. Declaration as to goods: powers of search

(1) Any person who is about to leave the HKSAR shall if he is required to do so by an authorized officer—

- (a) declare whether or not he has with him any prohibited goods which are destined for Liberia or for delivery, directly or indirectly, to or to the order of, any person in Liberia; and
- (b) produce any such goods which he has with him,

and such authorized officer, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such goods.

(2) A person may however only be searched under subsection (1) by a person of the same sex.

(3) Any person who without reasonable excuse refuses to make a declaration, or fails to produce any goods or refuses to allow himself to be searched in accordance with subsection (1) commits an offence.

(4) Any person who under this section makes a declaration which to his knowledge is false in a material particular or recklessly makes a declaration which is false in a material particular commits an offence.

12. 關於未經加工鑽石的聲明：搜查的權力

(1) 任何即將進入特區的人須應任何獲授權人員的要求——

- (a) 聲明他是否攜有任何直接或間接自利比利亞出口的未經加工鑽石；及
- (b) 交出他所攜有的任何該等鑽石，

而該獲授權人員及任何按該獲授權人員的指示行事的人可搜查該人，以確定該人是否攜有任何該等鑽石。

(2) 根據第(1)款進行的搜查，只可由與被搜查的人性別相同的人進行。

(3) 任何人無合理辯解而拒絕按照第(1)款作出聲明、沒有按照該款交出任何未經加工鑽石或拒絕容許他人按照該款對他進行搜查，即屬犯罪，一經循簡易程序定罪，可處第6級罰款。

(4) 任何人根據本條作出他知道在要項上屬虛假的聲明或罔顧實情地作出在要項上屬虛假的聲明，即屬犯罪。

13. 以利比利亞為目的地的某些物品的載運

(1) 除根據為施行本條而批予的特許的授權外，以及在不損害第4條的一般性的原則下，本條適用的船舶或飛機，以及在特區內的車輛，均不得用於下述載運途程或其部分——

- (a) 自利比利亞以外的任何地方載運禁制物品至利比利亞內的任何地方；
- (b) 載運禁制物品予有關連人士或該人指定的對象；或
- (c) 載運禁制物品至任何目的地，以將該等物品直接或間接交付至利比利亞，或直接或間接交付予任何有關連人士或該人指定的對象。

(2) 本條適用於在特區註冊的船舶及飛機，以及在當其時租予任何下述的人的任何其他船舶或飛機——

- (a) 在特區的人；
- (b) 兼具香港永久性居民及中國公民身分的人；或
- (c) 根據特區法律成立為法團或組成的團體。

12. Declaration as to rough diamonds: powers of search

(1) Any person who is about to enter into the HKSAR shall if he is required to do so by an authorized officer—

- (a) declare whether or not he has with him any rough diamonds which are exported directly or indirectly from Liberia; and
- (b) produce any such diamonds which he has with him,

and such authorized officer, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such diamonds.

(2) A person may however only be searched under subsection (1) by a person of the same sex.

(3) Any person who without reasonable excuse refuses to make a declaration, or fails to produce any rough diamonds or refuses to allow himself to be searched in accordance with subsection (1) commits an offence and shall be liable, on summary conviction, to a fine at level 6.

(4) Any person who under this section makes a declaration which to his knowledge is false in a material particular or recklessly makes a declaration which is false in a material particular commits an offence.

13. Carriage of certain goods destined for Liberia

(1) Except under the authority of a licence granted for the purpose of this section, and without prejudice to the generality of section 4, no ship or aircraft to which this section applies, and no vehicle within the HKSAR, shall be used for the carriage of prohibited goods if the carriage is, or forms part of, carriage—

- (a) from any place outside Liberia to any place therein;
- (b) to, or to the order of, any person connected with Liberia; or
- (c) to any destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, any person connected with Liberia.

(2) This section applies to ships registered in the HKSAR, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person who is—

- (a) within the HKSAR;
- (b) both a Hong Kong permanent resident and a Chinese national; or
- (c) a body incorporated or constituted under the law of the HKSAR.

(3) 如——

- (a) 在特區註冊的船舶在違反第(1)款的情況下被使用，該船舶的擁有人及船長即屬犯罪；如在特區註冊的飛機在違反第(1)款的情況下被使用，則該飛機的營運人及機長即屬犯罪；
- (b) 任何其他船舶或飛機在違反第(1)款的情況下被使用——
- (i) 當其時租用該船舶或飛機的人；及
 - (ii) (如該船舶的船長或該飛機的營運人或機長屬第(2)(a)、(b)或(c)款提述的人) 該船長或該營運人或機長(視屬何情況而定)，即屬犯罪；或
- (c) 車輛在違反第(1)款的情況下被使用，該車輛的營運人即屬犯罪。
- (4) 在就本條所訂的罪行而進行的法律程序中，根據本條被控的人如證明——
- (a) 他既不知道亦無理由相信有關的物品屬禁制物品；或
 - (b) 他既不知道亦無理由相信有關的物品的載運屬下述載運途程或其部分——
 - (i) 自利比利亞以外的任何地方載運至利比利亞內的任何地方；
 - (ii) 載運予有關連人士或該人指定的對象；或
 - (iii) 載運至任何目的地，以將該等物品直接或間接交付至利比利亞，或直接或間接交付予任何有關連人士或該人指定的對象，

即可以此作為免責辯護。

(5) 本條不得解釋為損害任何禁止或限制使用船舶、飛機或車輛的其他法律。

(6) 如自特區向受禁制目的地供應、交付或出口有關的物品是由為施行第4或5條而批予的特許所授權的，則本條不適用。

14. 就可疑船舶、飛機及車輛作出調查等

(1) 任何獲授權人員如有理由懷疑第13條適用的任何船舶已經、正在或即將在違反該條的第(1)款的情況下被使用——

- (a) 他可(單獨或在獲他授權的人陪同及協助下)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；

(3) If any ship, aircraft or vehicle is used in contravention of subsection (1), then—

- (a) in the case of a ship registered in the HKSAR or any aircraft so registered, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft;
- (b) in the case of any other ship or aircraft—
- (i) the person to whom the ship or aircraft is for the time being chartered; and
 - (ii) the master of the ship or, as the case may be, the operator or the commander of the aircraft if he is such a person as is referred to in subsection (2)(a), (b) or (c); or
- (c) in the case of a vehicle, the operator of the vehicle, commits an offence.

(4) In proceedings for an offence under this section, it is a defence for a person charged under this section to prove that—

- (a) he did not know and had no reason to believe that the goods in question were prohibited goods; or
- (b) he did not know and had no reason to believe that the carriage of the goods in question was, or formed part of, carriage—
- (i) from any place outside Liberia to any place therein;
 - (ii) to, or to the order of, any person connected with Liberia; or
 - (iii) to any destination for the purpose of delivery, directly or indirectly, to Liberia or to, or to the order of, any person connected with Liberia.

(5) Nothing in this section shall be construed so as to prejudice any other law prohibiting or restricting the use of ships, aircraft or vehicles.

(6) Nothing in this section shall apply where the supply or delivery or exportation from the HKSAR of the goods concerned to the prohibited destination was authorized by a licence granted for the purposes of section 4 or 5.

14. Investigations, etc. of suspected ships, aircraft and vehicles

(1) Where any authorized officer has reason to suspect that any ship to which section 13 applies has been or is being or is about to be used in contravention of subsection (1) of that section—

- (a) he may (either alone or accompanied and assisted by persons under his authority) board the ship and search it and, for that purpose, may use or authorize the use of reasonable force;

- (b) 他可要求該船舶的船長或租用人提供與該船舶及它所載貨物有關的資料，以及交出他所指明的與該船舶及該等貨物有關的文件和他所指明的貨物以供他檢查；及
- (c) 如屬有理由懷疑船舶正在或即將在違反第13(1)條的情況下被使用的情況，任何獲授權人員可(在當場及當時，或經考慮任何依照根據(b)段所作的要求而提供的資料或交出的文件或貨物後)為防止犯(或繼續犯)該違反事項或就上述事宜進行調查而採取下述進一步行動——
- (i) 指示船長或租用人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卸下該船舶所載的貨物的經該人員指明的任何部分；或
- (ii) 要求船長或租用人採取下述任何一項或多於一項步驟——
- (A) 安排該船舶連同它所載的任何貨物停止進行當時正進行或即將進行的航程，直至船長或租用人獲得獲授權人員通知該船舶連同它所載的貨物可進行該航程為止；
- (B) (如該船舶當時在特區內)安排該船舶連同它所載的任何貨物留在特區內，直至船長或租用人獲得獲授權人員通知該船舶連同它所載的貨物可離開為止；
- (C) (如該船舶當時在其他地方)將該船舶連同它所載的任何貨物開往獲授權人員指明的任何港口和安排該船舶連同它所載的貨物留在該港口，直至船長或租用人獲得(B)分節所述的通知為止；及
- (D) 將該船舶連同它所載的任何貨物開往獲授權人員在與船長或租用人協議下所指明的任何其他目的地。
- (2) 在不損害第(10)款的原則下，如——
- (a) 船長或租用人拒絕或沒有遵從根據第(1)(c)(ii)款作出的要求；或
- (b) 獲授權人員在其他情況下有理由懷疑已如此作出的要求可能不會獲遵從。

- (b) he may request the master or charterer of the ship to furnish such information relating to the ship and its cargo and produce for his inspection such documents so relating and such cargo as he may specify; and
- (c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of section 13(1), any authorized officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under paragraph (b)), with a view to preventing the commission (or the continued commission) of such contravention, or in order that enquiries into the matter may be pursued, may take the following further action—
- (i) to direct the master or charterer 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 so specified; or
- (ii) to request the master or charterer to take any one or more of the following steps—
- (A) to cause the ship and any of its cargo not to proceed with the voyage on which it is then engaged or about to engage until the master or charterer is notified by an authorized officer that the ship and its cargo may so proceed;
- (B) if the ship is then in the HKSAR, to cause it and any of its cargo to remain there until the master or charterer is notified by an authorized officer that the ship and its cargo may depart;
- (C) if the ship is then in any other place, to take it and any of its cargo to any such port specified by an authorized officer and to cause it and its cargo to remain there until the master or charterer is notified as mentioned in sub-subparagraph (B); and
- (D) to take it and any of its cargo to any other destination that may be specified by an authorized officer in agreement with the master or charterer.
- (2) Without prejudice to subsection (10), where—
- (a) a master or charterer refuses or fails to comply with a request made under subsection (1)(c)(ii); or
- (b) an authorized officer otherwise has reason to suspect that a request that has been so made may not be complied with,

該獲授權人員可採取他覺得為確保該要求獲遵從而必需採取的步驟，而在不損害上述權力的一般性的原則下，他可為該目的而登上或授權他人登上有關船舶，並可為該目的而使用或授權他人使用合理武力。

(3) 任何獲授權人員如有理由懷疑第 13 條適用的任何飛機已經、正在或即將在違反該條的第 (1) 款的情況下被使用——

- (a) 他可(單獨或在獲他授權的人陪同及協助下)登上及搜查該飛機，並可為該目的而使用或授權他人使用合理武力；
- (b) 他可要求該飛機的租用人、營運人及機長或他們任何一人，提供與該飛機及它所載的貨物有關的資料，以及交出他所指明的與該飛機及該貨物有關的文件和他所指明的貨物以供他檢查；及
- (c) 如該飛機當時在特區內，任何獲授權人員可(在當場及當時，或經考慮任何依照根據 (b) 段所作的要求而提供的資料或交出的文件或貨物後)進一步要求該租用人、營運人及機長或他們任何一人安排該飛機連同它所載的任何貨物留在特區內，直至獲通知該飛機連同它所載的貨物可離開為止。

(4) 在不損害第 (10) 款的原則下，如任何獲授權人員有理由懷疑任何已根據第 (3)(c) 款作出的要求可能不會獲遵從，他可採取他覺得為確保該要求獲遵從而必需採取的步驟，而在不損害上述權力的一般性的原則下，他可為該目的而——

- (a) 進入或授權他人進入任何土地上，及登上或授權他人登上該飛機；
- (b) 扣留或授權他人扣留該飛機及它所載的任何貨物；及
- (c) 使用或授權他人使用合理武力。

(5) 任何獲授權人員如有理由懷疑任何在特區內的車輛已經、正在或即將在違反第 13(1) 條的情況下被使用——

- (a) 他可(單獨或在獲他授權的人陪同及協助下)登上及搜查該車輛，並可為該目的而使用或授權他人使用合理武力；
- (b) 他可要求該車輛的營運人及駕駛人或他們其中一人，提供與該車輛及它所載的任何物品有關的資料，以及交出他所指明的與該車輛及該等物品有關的文件和他所指明的物品以供他檢查；及

any such authorized officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorize entry upon, that ship and use, or authorize the use of, reasonable force.

(3) Where any authorized officer has reason to suspect that any aircraft to which section 13 applies has been or is being or is about to be used in contravention of subsection (1) of that section—

- (a) he may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorize the use of reasonable force;
- (b) he may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify; and
- (c) if the aircraft is then in the HKSAR, any authorized officer may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under paragraph (b)) further request the charterer, the operator and the commander or any of them to cause the aircraft and any of its cargo to remain in the HKSAR until notified that the aircraft and its cargo may depart.

(4) Without prejudice to subsection (10), where any authorized officer has reason to suspect that any request that has been made under subsection (3)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorize entry, upon any land and upon that aircraft;
- (b) detain, or authorize the detention of, that aircraft and any of its cargo; and
- (c) use, or authorize the use of, reasonable force.

(5) Where any authorized officer has reason to suspect that any vehicle in the HKSAR has been or is being or is about to be used in contravention of section 13(1)—

- (a) he may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorize the use of reasonable force;
- (b) he may request the operator and the driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify; and

(c) 任何獲授權人員可(在當場及當時,或經考慮任何依照根據(b)段所作的要求而提供的資料或交出的文件或物品後)進一步要求該營運人或駕駛人安排該車輛連同它所載的任何物品留在特區內,直至獲通知該車輛連同該等物品可離開為止。

(6) 在不損害第(10)款的原則下,如任何獲授權人員有理由懷疑任何已根據第(5)(c)款作出的要求可能不會獲遵從,他可採取他覺得為確保該要求獲遵從而必需採取的步驟,而在不損害上述權力的一般性的原則下,他可為該目的而——

- (a) 進入或授權他人進入任何土地上,及登上或授權他人登上該車輛;
- (b) 扣留或授權他人扣留該車輛及它所載的任何物品;及
- (c) 使用或授權他人使用合理武力。

(7) 獲授權人員在行使本條所賦予的任何權力前或在行使該權力時,須應要求出示其身分的證據及已獲授權的證據。

(8) 任何人依照根據本條所作的要求而提供的資料或交出的文件,不得予以披露,但下述情況則除外——

(a) 在該人的同意下披露:

但僅以另一人的受僱人或代理人的身分取得資料或管有文件的人不得為本段的目的而給予同意,但該項同意可由任何本身有權享有該資料或管有該文件的人給予;

- (b) 向任何本可根據本條獲賦權要求提供該資料或交出該文件的人披露;
- (c) 在行政長官授權下向聯合國的任何機關或向任何任職於聯合國的人或向中華人民共和國以外任何地方的政府披露,而目的是協助聯合國或該政府確保由聯合國安全理事會就利比亞而決定的措施獲遵從或偵查規避該等措施的情況,但該資料或文件須是在作出指示的機關批准的情況下經由作出指示的機關轉交的;或
- (d) 為了就本規例所訂的罪行而提起任何法律程序而披露,或在其他情況下為了該等法律程序的目的而披露。

(c) any authorized officer may (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request made under paragraph (b)) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in the HKSAR until notified that the vehicle and the goods may depart.

(6) Without prejudice to subsection (10), where any authorized officer has reason to suspect that any request that has been made under subsection (5)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorize entry, upon any land and enter, or authorize entry of, that vehicle;
- (b) detain, or authorize the detention of, that vehicle and any goods contained in it; and
- (c) use, or authorize the use of, reasonable force.

(7) Before or on exercising any power conferred by this section, an authorized officer shall, if requested so to do, produce evidence of his identity and authority.

(8) No information furnished or document produced by any person in pursuance of a request made under this section shall be disclosed except—

(a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this paragraph but such consent may instead be given by any person who is entitled to that information or the possession of that document in his own right;

- (b) to any person who would have been empowered under this section to request that it be furnished or produced;
- (c) 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 any organ of the United Nations or to any person in the service of the United Nations or to 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 upon by the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

(9) 本條所賦予的要求提供資料或交出文件、貨物或物品以供檢查的權力，包括以下權力：指明有關資料應以口頭或以書面提供並應以何種形式提供的權力，以及指明應提供資料或交出文件、貨物或物品以供檢查的期限及地點的權力。

(10) 任何——

- (a) 船舶的船長或租用人不遵從任何根據第(1)(c)(i)款作出的指示；
- (b) 船舶的船長或租用人，或飛機的租用人、營運人或機長，或車輛的營運人或駕駛人——
 - (i) 無合理辯解而拒絕或沒有在合理時間內遵從由任何獲授權人員根據本條作出的任何要求；或
 - (ii) 在回應上述要求時蓄意或罔顧實情地向該獲授權人員提供或交出任何在要項上屬虛假的資料、解釋或文件；或
- (c) 船舶的船長或租用人或船員，或飛機的租用人、營運人、機長或機員，或車輛的營運人或駕駛人蓄意妨礙任何獲授權人員（或獲任何獲授權人員授權行事的任何人）行使他在本條下的權力，

即屬犯罪。

(11) 本條不得解釋為損害任何其他就船舶、飛機或車輛而賦予權力或施加限制或使限制得以施加的法律。

15. 證據及資料的取得

附表 2 為下述目的而具有效力——

- (a) 便利獲授權人員取得證據及資料，以確保本規例獲遵從或偵查規避本規例的情況；或
- (b) 便利獲授權人員取得關於任何人犯本規例所訂的罪行的證據。

16. 罰則及法律程序

- (1) 任何人犯第 4(3)、5(3)、6(3) 或 13(3) 條所訂的罪行——

(9) Any power conferred by this section to request the furnishing of information or the production of a document or of cargo or of goods for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo or goods produced for inspection.

(10) Each of the following persons commits an offence, that is to say—

- (a) a master or a charterer of a ship who disobeys any direction given under subsection (1)(c)(i);
- (b) a master or a charterer of a ship or a charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who—
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this section by any authorized officer; or
 - (ii) intentionally or recklessly furnishes or produces any information, explanation or document which is false in a material particular to that authorized officer in response to such a request; or
- (c) a master or a charterer or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who intentionally obstructs any authorized officer (or any person acting under the authority of any authorized officer) in the exercise of his powers under this section.

(11) Nothing in this section shall be construed so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

15. Obtaining of evidence and information

Schedule 2 shall have effect in order to—

- (a) facilitate the obtaining, by an authorized officer, of evidence and information for the purpose of securing compliance with or detecting evasion of this Regulation; or
- (b) facilitate the obtaining, by an authorized officer, of evidence in relation to the commission of an offence under this Regulation.

16. Penalties and proceedings

(1) Any person who commits an offence under section 4(3), 5(3), 6(3) or 13(3) shall be liable—

- (a) 一經循公訴程序定罪，可處罰款及監禁 7 年；
 (b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
- (2) 任何人犯第 7(2) 或 14(10)(b)(ii) 條或附表 2 第 3(b) 或 (d) 條所訂的罪行——
 (a) 一經循公訴程序定罪，可處罰款及監禁 2 年；
 (b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
- (3) 任何人犯第 8(2) 條所訂的罪行，一經循簡易程序定罪，可處罰款 \$500,000 及監禁 2 年。
- (4) 任何人犯第 10(1) 或 (2)、11(4) 或 12(4) 條所訂的罪行——
 (a) 一經循公訴程序定罪，可處罰款及監禁 2 年；
 (b) 一經循簡易程序定罪，可處第 6 級罰款。
- (5) 任何人犯第 9(1) 或 11(3) 條所訂的罪行，一經定罪，可處第 6 級罰款。
- (6) 任何人犯第 14(10)(a)、(b)(i) 或 (c) 條或附表 2 第 3(a) 或 (c) 條所訂的罪行，一經定罪，可處第 6 級罰款及監禁 6 個月。
- (7) 凡任何法人團體犯本規例所訂的罪行，而該罪行經證明是在該法人團體的任何董事、經理、秘書或其他相類職位的高級人員或任何看來是以任何該等身分行事的人的同意或縱容下所犯的，或是可歸因於任何上述的人本身的疏忽的，則該人以及該法人團體均屬犯該罪行，並可據此而被起訴和受懲罰。
- (8) 任何本規例所訂的罪行如被指稱是在特區以外所犯的，則就該罪行而進行的簡易法律程序，可於自被控該罪行的人在犯該罪行後首次進入特區的日期起計的 12 個月內任何時間展開。
- (9) 除非由律政司司長提起或在律政司司長同意下提起，否則不得就本規例所訂的罪行在特區提起法律程序。

17. 例外情況

- (1) 第 4 條不適用於下述物品的供應或交付，亦不適用於任何相當可能會促進下述物品的供應或交付的作為——

- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
 (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) Any person who commits an offence under section 7(2) or 14(10)(b)(ii), or section 3(b) or (d) of Schedule 2, shall be liable—
 (a) on conviction on indictment to a fine and to imprisonment for 2 years;
 (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) Any person who commits an offence under section 8(2) shall be liable on summary conviction to a fine of \$500,000 and to imprisonment for 2 years.
- (4) Any person who commits an offence under section 10(1) or (2), 11(4) or 12(4) shall be liable—
 (a) on conviction on indictment to a fine and to imprisonment for 2 years;
 (b) on summary conviction to a fine at level 6.
- (5) Any person who commits an offence under section 9(1) or 11(3) shall be liable on conviction to a fine at level 6.
- (6) Any person who commits an offence under section 14(10)(a), (b)(i) or (c), or section 3(a) or (c) of Schedule 2, shall be liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (7) Where any body corporate commits an offence under this Regulation, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, commits that offence, and shall be liable to be proceeded against and punished accordingly.
- (8) Summary proceedings for an offence under this Regulation, being an offence 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 committing the offence.
- (9) No proceedings for an offence under this Regulation shall be instituted in the HKSAR except by or with the consent of the Secretary for Justice.

17. Exceptions

- (1) Nothing in section 4 shall apply to the supply, delivery or any act likely to promote the supply or delivery of—

- (a) 委員會事先批准擬純作人道或保護用途的非致命軍事設備；及
 - (b) 聯合國人員、傳播媒介代表、人道及發展工作人員及相聯繫人員臨時出口至利比亞以僅供其個人使用的保護性服裝(包括防彈衣及軍用頭盔)。
- (2) 第 5 條不適用於下述物品的出口——
- (a) 委員會事先批准擬純作人道或保護用途的非致命軍事設備；及
 - (b) 聯合國人員、傳播媒介代表、人道及發展工作人員及相聯繫人員臨時出口至利比亞以僅供其個人使用的保護性服裝(包括防彈衣及軍用頭盔)。
- (3) 第 6 條不適用於委員會事先批准的關於供應、交付、製造、維修及使用擬純作人道或保護用途的非致命軍事設備的技術上的意見、協助或訓練的提供。
- (4) 第 8 條並不——
- (a) 妨礙利比亞政府代表過境以前往聯合國總部處理聯合國事務；
 - (b) 妨礙利比亞政府的高級成員參與馬諾河聯盟、西非經共體或非洲統一組織的正式會議；及
 - (c) 適用於下述情況——
 - (i) 委員會決定某人的任何行程是在人道需要方面(包括宗教義務)有充分理由支持的；或
 - (ii) 委員會確定某人的任何過境或行程是會在其他方面促使利比亞遵從聯合國安全理事會的要求、或協助和平解決《第 1343 號決議》第 7(b) 段提述的地區的紛爭的。
- (5) 第 13 條不適用於委員會事先批准的對擬純作人道或保護用途的非致命軍事設備的載運。

- (a) non-lethal military equipment intended solely for humanitarian or protective use that has been approved in advance by the Committee; and
 - (b) protective clothing including flak jackets and military helmets, temporarily exported to Liberia by the personnel of the United Nations, representatives of the media, humanitarian and development workers and associated personnel for their personal use only.
- (2) Nothing in section 5 shall apply to the exportation of—
- (a) non-lethal military equipment intended solely for humanitarian or protective use that has been approved in advance by the Committee; and
 - (b) protective clothing including flak jackets and military helmets, temporarily exported to Liberia by the personnel of the United Nations, representatives of the media, humanitarian and development workers and associated personnel for their personal use only.
- (3) Nothing in section 6 shall apply to the provision of technical advice, assistance or training related to the supply, delivery, manufacture, maintenance and use of non-lethal military equipment intended solely for humanitarian or protective use that has been approved in advance by the Committee.
- (4) Nothing in section 8 shall—
- (a) impede the transit of the representatives of the Government of Liberia to the Headquarters of the United Nations to conduct the business of the United Nations;
 - (b) impede the participation of the senior members of the Government of Liberia in the official meeting of the Mano River Union, the Economic Community of West African States or the Organization of African Unity; and
 - (c) apply where—
 - (i) the Committee determines that any travel by a person is justified on the ground of humanitarian need, including religious obligation; or
 - (ii) the Committee concludes that any transit or travel by a person would otherwise promote the compliance by Liberia with the demands of the Security Council of the United Nations, or assist in the peaceful resolution of the conflicts in the subregion as referred to in paragraph 7(b) of Resolution 1343.
- (5) Nothing in section 13 shall apply to the carriage of non-lethal military equipment intended solely for humanitarian or protective use that has been approved in advance by the Committee.

(6) 任何人如聲稱第(1)、(2)、(3)、(4)或(5)款適用，須事先提出證據，證明並令行政長官信納該款適用。

18. 行政長官的權力的行使

行政長官可按他認為適當的範圍及在附加他認為適當的限制及條件下，將他根據本規例所具有的任何權力或職能，轉授予或授權轉授予任何獲他批准的人，或任何獲他批准的類別或種類的人，而本規例中對行政長官的提述須據此解釋。

附表 1

[第 2 條]

禁制物品

- (1) 任何武器及相關的物料(包括軍械、彈藥、軍用車輛、軍事設備及準軍事設備)。
- (2) 第(1)款所指明的任何物品的任何元件。

附表 2

[第 15 及 16 條]

證據及資料

1. (1) 在不損害本規例任何其他條文或任何其他法律的原則下，任何獲授權人員可要求任何在特區的人，向該人員提供該人管有或控制的任何資料，或向該人員交出該人管有或控制的任何文件，而上述資料或文件須屬該人員為確保本規例獲遵從或為偵查規避本規例的情況而需要的，而該人須在該要求所指明的時間內及按該要求所指明的方式遵從該要求。

(2) 第(1)款不得視為規定任何曾代表任何人的大律師或律師披露他以該身分所獲得的受保密權涵蓋的通訊。

(3) 凡任何人因沒有根據本條應要求提供資料或交出文件而被定罪，有關的裁判官或法官可作出命令，規定該人在命令所指明的限期內提供該資料或交出該文件。

(4) 本條所指的命令可應獲授權人員的申請而作出，或由有關的裁判官或法官主動作出。

(5) 本條所賦予要求任何人交出文件的權力，包括取得如此交出的任何文件的副本或摘錄的權力，以及要求該人(如該人是法人團體，則要求該法人團體的現任或已卸任的高級人員或正受僱於該法人團體的任何其他人)就上述文件提供解釋的權力。

(6) A person who claims that subsection (1), (2), (3), (4) or (5) applies shall produce evidence in advance to prove that fact to the satisfaction of the Chief Executive.

18. Exercise of powers of Chief Executive

The Chief Executive may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorize the delegation of any of his powers or functions under this Regulation to any person, or class or description of persons, approved by him, and references in this Regulation to the Chief Executive shall be construed accordingly.

SCHEDULE 1

[s. 2]

PROHIBITED GOODS

- (1) Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary equipment).
- (2) Any component for any goods specified in subsection (1).

SCHEDULE 2

[ss. 15 & 16]

EVIDENCE AND INFORMATION

1. (1) Without prejudice to any other provision of this Regulation or any other law, an authorized officer may request any person in the HKSAR to furnish to him any information, or to produce to him any document, in his possession or control, which he may require for the purpose of securing compliance with or detecting evasion of this Regulation, and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in subsection (1) shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of failing to furnish information or produce a document when requested so to do under this section, the magistrate or the judge may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) An order under this section may be made either on an application by an authorized officer or on the magistrate's or judge's own motion.

(5) The power conferred by this section to request any person to produce documents shall include the power to take copies of or extracts from any document so produced and to request that person or, where that person is a body corporate, any person who is a present or past officer of, or is employed by, the body corporate to provide an explanation of such document.

2. (1) 如任何裁判官或法官根據任何獲授權人員經宣誓而作的告發而信納——
- (a) 有合理理由懷疑有人已經或正在犯本規例所訂的罪行，以及有合理理由懷疑與犯該罪行有關的證據，可在該告發所指明的任何處所或在如此指明的任何車輛、船舶或飛機中發現；或
- (b) 任何理應已根據第1條交出但尚未如此交出的文件，可在任何上述處所或在任何上述車輛、船舶或飛機中發現，
- 則該裁判官或法官可批出搜查手令，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，隨時進入該告發所指明的處所或如此指明的車輛、船舶或飛機所在的任何處所(視屬何情況而定)，以及搜查上述處所或車輛、船舶或飛機(視屬何情況而定)。

(2) 獲第(1)款所指的手令授權的人在行使第(1)款所賦予的任何權力前或在行使該權力時，須應要求出示其身分的證據及已獲授權的證據。

(3) 任何獲第(1)款所指的手令授權搜查任何處所或任何車輛、船舶或飛機的人，可搜查每名在該處所或車輛、船舶或飛機中發現的人，或他有合理理由相信不久前離開或即將進入該處所或車輛、船舶或飛機的人，並可檢取在該處所或車輛、船舶或飛機中或在上述的人身上發現、而他有合理理由相信是與犯第(1)款所提述的罪行有關的證據的任何文件或物件，或他有合理理由相信是理應已根據第1條交出的任何其他文件，並可就任何上述文件或物件採取看來是必需的任何其他步驟，以保存該文件或物件和防止它被干擾；

但依據任何根據第(1)款發出的手令對任何人作搜查，只可由與該人性別相同的人進行。

(4) 凡任何人憑藉本條獲賦權進入任何處所、車輛、船舶或飛機，他可為此目的而使用合理所需的武力。

(5) 根據本條管有的任何文件或物件，可予保留3個月；如在該段期間內，就第(1)(a)款所提述的罪行有任何與該文件或物件有關的法律程序展開，則可保留至該等法律程序結束為止。

(6) 任何人依照根據本附表所作的要求而提供的資料或交出的文件(包括所交出的文件的任何副本或摘錄)，以及根據第(3)款自任何人處檢取的文件，不得予以披露，但下述情況則除外——

- (a) 在該人的同意下披露；
但僅以另一人的受僱人或代理人的身分取得資料或管有文件的人不得為本段的目的而給予同意，但該項同意可由任何本身有權享有該資料或管有該文件的人給予；
- (b) 向任何本可根據本附表獲賦權要求提供該資料或交出該文件的人披露；
- (c) 在行政長官授權下向聯合國的任何機關或向任何任職於聯合國的人或向中華人民共和國以外任何地方的政府披露，而目的是協助聯合國或該政府確保由聯合國安全理事會就利比利亞而決定的措施獲遵從或偵查規避該等措施的情況但該資料或文件須是在作出指示的機關批准的情況下經由作出指示的機關轉交的；或
- (d) 為了就本規例所訂的罪行而提起任何法律程序而披露，或在其他情況下為了該等法律程序的目的而披露。

2. (1) If any magistrate or judge is satisfied by information on oath given by any authorized officer that—

- (a) there is reasonable ground for suspecting that an offence under this Regulation has been or is being committed and that evidence in relation to the commission of the offence is to be found on any premises specified in the information or in any vehicle, ship or aircraft so specified; or
- (b) any document that ought to have been produced under section 1 and that has not been so produced is to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorizing any authorized officer, together with any other persons named in the warrant, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises or, as the case may be, the vehicle, ship or aircraft.

(2) Before or on exercising any power conferred by subsection (1), a person authorized by any such warrant shall, if requested so to do, produce evidence of his identity and authority.

(3) A person authorized by any such warrant to search any premises or any vehicle, ship or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, the premises or the vehicle, ship or aircraft and may seize any document or article found on the premises or in the vehicle, ship or aircraft or on such person that he has reasonable ground to believe to be evidence in relation to the commission of an offence referred to in subsection (1) or any other document that he has reasonable ground to believe ought to have been produced under section 1 and may take in relation to any such document or article any other steps that may appear necessary for preserving it and preventing interference with it: Provided that no person shall in pursuance of any warrant issued under subsection (1) be searched except by a person of the same sex.

(4) Where, by virtue of this section, a person is empowered to enter any premises, vehicle, ship or aircraft, he may use such force as is reasonably necessary for that purpose.

(5) Any document or article of which possession is taken under this section may be retained for a period of 3 months or, if within that period there are commenced any proceedings for an offence referred to in subsection (1)(a) to which it is relevant, until the conclusion of those proceedings.

(6) No information furnished or document produced (including any copy of or extract made from any document produced) by any person in pursuance of a request made under this Schedule, and no document seized under subsection (3) shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:
Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;
- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced;
- (c) 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 any organ of the United Nations or to any person in the service of the United Nations or to 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 upon by the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.

3. 任何人——
- (a) 無合理辯解而拒絕或沒有在指明的時間內(或如無指明時間,則在一段合理時間內)及按指明的方式遵從由任何根據本附表獲賦權作出要求的人所作出的任何要求;
 - (b) 蓄意或罔顧實情地向任何根據本附表行使其權力的人提供或交出任何在要項上屬虛假的資料、解釋或文件;
 - (c) 蓄意妨礙任何根據本附表行使其權力的人;或
 - (d) 意圖規避本附表而銷毀、破損、毀損、隱藏或移去任何文件或物件,
- 即屬犯罪。

行政長官
董建華

2002 年 9 月 27 日

註 釋

本規例根據《聯合國制裁條例》(第 537 章)訂立,旨在實施聯合國安全理事會於 2002 年 5 月 6 日通過的《第 1408 號決議》的決定,以延長實施安全理事會在 2001 年《第 1343 號決議》中所施加的制裁,就從利比利亞向香港特別行政區輸入未經加工鑽石、利比利亞高級成員入境或過境,以及就供應及交付武器及相關的物料予利比利亞和向利比利亞提供有關的技術上的意見、協助或訓練方面,作出限制。

3. Any person who—
- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it;
 - (b) intentionally or recklessly furnishes or produces any information, explanation or document which is false in a material particular to any person exercising his powers under this Schedule;
 - (c) intentionally obstructs any person in the exercise of his powers under this Schedule; or
 - (d) with intent to evade this Schedule, destroys, mutilates, defaces, secretes or removes any document or article,
- commits an offence.

TUNG Chee-hwa
Chief Executive

27 September 2002

Explanatory Note

This Regulation is made under the United Nations Sanctions Ordinance (Cap. 537). It implements a decision of the Security Council of the United Nations in Resolution 1408 of 6 May 2002 to extend certain sanctions imposed by the Security Council in Resolution 1343 (2001). Restrictions are imposed on the importation of rough diamonds from Liberia into the Hong Kong Special Administrative Region, the entry or transit by senior members of Liberia, and the supply and delivery of arms and related materials, and on the provision of related technical advice, assistance or training, to Liberia.