

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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先生/女士：

《2018年聯合國(反恐怖主義措施)(修訂)條例》

立法會於2018年3月21日通過《2018年聯合國(反恐怖主義措施)(修訂)條例》(《修訂條例》)。《修訂條例》將於2018年5月31日生效。《修訂條例》的目的是進一步實施聯合國安全理事會第2178號決議及財務行動特別組織的建議，以防範外國恐怖主義的威脅，並改善凍結恐怖分子財產的機制。現隨函附上《修訂條例》，以供參考。

經修訂的《聯合國(反恐怖主義措施)條例》(第575章)包括以下旅遊業界可能有所關注的新禁制：

- (一) 禁止任何香港永久性居民為了作出、籌劃、籌備或參與恐怖主義行為，或提供或接受恐怖主義培訓(指明目的)，而前往外國；
- (二) 禁止任何人在意圖或知道的情況下，組織或協助為了指明目的而進行往來國家之間的旅程；及
- (三) 禁止任何人在意圖或知道的情況下，提供或籌集財產以資助為了指明目的而進行往來國家之間的旅程。

《修訂條例》的條文並無要求服務提供者或其他人必須在提供服務前了解其服務對象的旅程目的。服務提供者在組織或協助進行旅程時，只有在有意圖或知道該旅程將會為指明目的而進行但仍作出安排，才屬犯法。有關條文的檢控及定罪門檻皆甚高：檢控一方有舉證責任，並必須以毫無合理疑點作為舉證標準，而法庭亦會根據毫無合理疑點作定罪標準。

如業界服務提供者察覺或認為有人或機構可能與恐怖活動或本函第二段的行為有關，可致電與香港警務處有組織罪案及三合會調查科聯絡或舉報(電話：2527 7887)。

如對《修訂條例》有任何查詢，歡迎與保安局梁兆燾先生(電話：2810 3523)或林志光先生(電話：2810 2605)聯絡。

保安局局長

(梁兆燾



代行)

2018年5月3日

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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電話 Telephone: 2810 3523

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3 May 2018

Dear Sir/Madam,

**United Nations (Anti-Terrorism Measures) (Amendment)
Ordinance 2018**

The Legislative Council enacted the United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2018 (“Amendment Ordinance”) on 21 March 2018. The Amendment Ordinance will commence on 31 May 2018. The Amendment Ordinance aims at further implementing the United Nations Security Council Resolution 2178 and the Financial Action Task Force’s recommendation to combat the threats posed by foreign terrorist fighters and enhance the freezing mechanism on terrorist property. A copy of the Amendment Ordinance is enclosed herewith for reference.

The amended United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) includes the following new prohibitions which the travel sector may have interest:

- (a) Prohibition of any Hong Kong permanent resident from travelling to a foreign state for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts, or the provision or receiving of terrorist training (“specified purpose”);
- (b) Prohibition of any person from organizing or facilitating the travel of a person between states with the intention or knowing that the travel will be for a specified purpose; and
- (c) Prohibition of any person from providing or collecting any property to finance the travel of a person between states with the intention or knowing that the travel will be for a specified purpose.

The provisions of the Amendment Ordinance do not require service providers or any other persons to enquire their service targets about their purpose of travel before providing service. The service provider which organizes or facilitates the travel will commit an offence only if it has the intention or knowledge that the travel would be for a specified purpose but still makes the arrangements. There is a high threshold of prosecution and conviction of the relevant provisions: the prosecution has the burden of proof and has to prove the matter beyond reasonable doubt, and the court will make the conviction only if the offence is proved beyond reasonable doubt.

If a service provider in the sector notices or suspects that a person or organization may be involved in terrorist activities or any acts related to those mentioned in the second paragraph of this letter, it may contact or report the case to the Organized Crime and Triad Bureau of the Hong Kong Police Force (Tel.: 2527 7887).

Should you have any enquiries on the Amendment Ordinance, please contact Mr Percy Leung (Tel.: 2810 3523) or Mr Ares Lam (Tel.: 2810 2605) of the Security Bureau.

Yours sincerely,



(Percy Leung)
for Secretary for Security

《2018 年聯合國 (反恐怖主義措施) (修訂) 條例》

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香港特別行政區

2018 年第 14 號條例



行政長官
林鄭月娥

2018 年 3 月 28 日

本條例旨在修訂《聯合國(反恐怖主義措施)條例》，禁止以恐怖主義行為或恐怖主義培訓為目的而進行旅程，禁止提供或籌集財產以資助以恐怖主義行為或恐怖主義培訓為目的的旅程，及禁止組織或協助以恐怖主義行為或恐怖主義培訓為目的的旅程，以進一步實施聯合國安全理事會 2014 年 9 月 24 日第 2178 號決議中的決定；禁止處理關乎恐怖分子或與恐怖分子有聯繫者的財產，以進一步實施財務行動特別組織的建議；就違反有關禁制訂立罪行；令若干紀律部隊的人員能夠為執行有關禁制而行使他們現有的法定權力；以及作出相關修訂。

[]

由立法會制定。

第 1 部

導言

1. 簡稱及生效日期

- (1) 本條例可引稱為《2018 年聯合國(反恐怖主義措施)(修訂)條例》。

《2018 年聯合國(反恐怖主義措施)(修訂)條例》

2018 年第 14 號條例
A804

第 1 部
第 2 條

(2) 本條例自保安局局長以憲報公告指定的日期起實施。

2. 修訂成文法則

第 2 及 3 部指明的成文法則現予修訂，修訂方式列於該兩部。

第2部

修訂《聯合國(反恐怖主義措施)條例》(第575章)

3. 修訂詳題

詳題——

廢除

“《關於資助恐怖分子的特別建議》中某些建議”

代以

“的某些建議；進一步實施聯合國安全理事會2014年9月24日第2178號決議中關於防止以恐怖主義行為或恐怖主義培訓為目的的旅程的決定”。

4. 修訂第3條(某些條文在特區以外適用)

第3條——

廢除

“9、10、11B及11F”

代以

“8A、9、10、11B、11F、11L及11M”。

5. 加入第8A條

在第8條之後——

加入

“8A. 禁止處理若干財產

- (1) 除根據局長批予的特許的授權外，任何人不得在知道以下事宜或罔顧以下事宜是否屬實的情況下，直接或間接處理任何財產——
- (a) 該財產為根據第 4 或 5 條指明的恐怖分子財產；
 - (b) 該財產由根據第 4 或 5 條指明的恐怖分子或與恐怖分子有聯繫者，直接或間接地完全或與他人所共同擁有或控制；或
 - (c) 該財產由某人代表根據第 4 或 5 條指明的恐怖分子或與恐怖分子有聯繫者所持有；或由某人按根據第 4 或 5 條指明的恐怖分子或與恐怖分子有聯繫者指示而持有。
- (2) 在本條中——
- 處理** (deal with) 具有第 6(12) 條所給予的涵義。”。

6. 加入第 3C 部

在第 3B 部之後——

加入

“第 3C 部

關乎為指明目的而進行的旅程的禁制

11J. 第 3C 部的釋義

在本部中——

指明目的 (specified purpose) 指——

- (a) 作出、籌劃、籌備或參與一項或多於一項恐怖主義行為 (即使實際上沒有恐怖主義行為發生)；或

- (b) 提供或接受與作出、籌劃、籌備或參與一項或多於一項恐怖主義行為有關連的培訓(即使實際上沒有恐怖主義行為因該培訓而發生)。

11K. 禁止為指明目的而進行旅程

- (1) 任何香港永久性居民，不得懷有為指明目的離開特區(或特區以外任何地方)前往外國的意圖，而登上任何運輸工具。
- (2) 任何香港永久性居民，不得為指明目的，而離開特區(或特區以外任何地方)前往外國。

11L. 禁止提供或籌集財產以資助為指明目的而進行的旅程

任何人不得在下述情況以任何方法直接或間接提供或籌集財產——

- (a) 該人懷有以下意圖：該財產的全部或部分，將會用於資助任何人為指明目的而進行往來國家之間的旅程(不論該財產實際上有否被如此使用)；或
- (b) 該人知道該財產的全部或部分，將會用於資助任何人為指明目的而進行往來國家之間的旅程(不論該財產實際上有否被如此使用)。

11M. 禁止組織或協助為指明目的而進行的旅程

- (1) 任何人(前者)不得在下述情況直接或間接組織或協助任何人進行往來國家之間的旅程——
 - (a) 前者懷有以下意圖：該旅程將會為指明目的而進行；或

(b) 前者知道該旅程將會為指明目的而進行。

(2) 就第 (1) 款而言，不論——

(a) 組織或協助旅程的事宜，實際上有否如前者所預期般進行；或

(b) 該旅程實際上有否如前者所預期般進行，前者仍屬懷有有關意圖或知道有關情況而組織或協助進行該旅程。”。

7. 修訂第 12 條 (對某財產是恐怖分子財產等的知悉或懷疑的披露)

(1) 第 12(2) 條——

廢除

在“符合”之後的所有字句

代以

“第 (2B)(a) 或 (b) 款指明的條件，該人並不就該項違反而犯第 14(1) 條所訂的罪行。”。

(2) 在第 12(2) 條之後——

加入

“(2A) 已作出第 (1) 款所提述的披露的人，如 (不論在該項披露之前或之後) 作出任何違反第 8A(1)(b) 或 (c) 條的作為，而該項披露是關乎該作為的，則只要符合第 (2B)(a) 或 (b) 款指明的條件，該人並不就該項違反而犯第 14(1A) 條所訂的罪行。

(2B) 以下為就第 (2) 及 (2A) 款而指明的條件——

- (a) 有關披露是在有關的人作出有關作為之前作出的，而且該人是在獲授權人員同意下作出該作為；
- (b) 有關披露是——
 - (i) 在有關的人作出有關作為之後作出的；
 - (ii) 由該人主動作出的；及
 - (iii) 在該人作出該項披露屬切實可行後盡快作出的。”。

8. 修訂第 14 條 (罪行)

(1) 在第 14(1) 條之後——

加入

“(1A) 任何人違反第 8A 條，即屬犯罪——

- (a) 經循公訴程序定罪，可處罰款及監禁 14 年；
- (b) 經循簡易程序定罪，可處第 6 級罰款及監禁 2 年。”。

(2) 在第 14(4) 條之後——

加入

“(4A) 任何人違反第 11K、11L 或 11M 條，即屬犯罪——

- (a) 經循公訴程序定罪，可處罰款及監禁 7 年；
- (b) 經循簡易程序定罪，可處第 6 級罰款及監禁 1 年。”。

9. 修訂第 15 條 (適用於第 6(1) 或 8 條所述的特許的補充條文)

(1) 第 15 條，標題——

廢除

“或 8”

代以

“、8 或 8A”。

(2) 第 15(1) 條，在“第 6(1)”之後——

加入

“或 8A”。

10. 修訂第 17 條(向原訟法庭提出的申請)

第 17(4)(a) 及 (b) 及 (5)(a)(ii) 條——

廢除

“或 8”

代以

“、8 或 8A”。

第 3 部

相關修訂

第 1 分部——修訂《高等法院規則》(第 4 章, 附屬法例 A)

11. 修訂第 117A 號命令第 24 條規則(關於第 6(10)條所述的指示或第 6(1)或 8 條所述的特許的申請)

(1) 第 117A 號命令, 第 24 條規則, 標題——

廢除

“或 8”

代以

“、8 或 8A”。

(2) 第 117A 號命令, 第 24(1)條規則——

廢除

“或 8”

代以

“、8 或 8A”。

第 2 分部——修訂《廉政公署條例》(第 204 章)

12. 修訂第 10 條(逮捕權力)

(1) 在第 10(5)(ea)條之後——

加入

“(eb) 《聯合國(反恐怖主義措施) 條例》(第575章) 第14(1A) 條所訂的、在違反該條例第8A 條的情況下處理若干財產的罪行；

(ec) 《聯合國(反恐怖主義措施) 條例》(第575章) 第14(4A) 條所訂的、在違反該條例第11K、11L 或11M 條的情況下作出若干作為的罪行；”。

(2) 第10(5)(f) 及 (g) 條——

廢除

“或 (ea)”

代以

“、(ea)、(eb) 或 (ec)”。

第3分部——修訂《入境事務隊條例》(第331章)

13. 修訂附表2(表列罪行)

附表2，第I部，在第3項之後——

加入

“4. 《聯合國(反恐怖主義
措施) 條例》(第575章)

第14(1A) 條

在違反該條例第8A 條的
情況下處理若干財產

第 14(4A) 條

在違反該條例第 11K、
11L 或 11M 條的情況
下作出若干作為”。

第 4 分部——修訂《香港海關條例》(第 342 章)

14. 修訂附表 2 (第 17 及 17A 條內提述的條例)

附表 2，在“《中醫藥條例》(第 549 章)”項目之後——
加入

“《聯合國(反恐怖主義措施)條例》(第 575 章)”。

United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2018

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 14 OF 2018



Carrie LAM
Chief Executive
28 March 2018

An Ordinance to amend the United Nations (Anti-Terrorism Measures) Ordinance to further implement a decision of the Security Council of the United Nations in its Resolution 2178 of 24 September 2014 by prohibiting travelling, providing or collecting property to finance travel, and organizing or facilitating travel, for the purpose of terrorist acts or terrorist training; to further implement the Recommendations of the Financial Action Task Force by prohibiting dealing with property relating to terrorists or terrorist associates; to create offences for contravening the prohibitions; to enable officers from certain disciplinary forces to exercise their existing statutory powers to enforce the prohibitions; and to make related amendments.

[]

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2018.

United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2018

Part 1
Section 2

Ord. No. 14 of 2018
A805

(2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

Part 2

Amendments to United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)

3. Long title amended

The long title—

Repeal

everything after “to implement certain” and before “and to provide”

Substitute

“Recommendations of the Financial Action Task Force; to further implement a decision of the Security Council of the United Nations in its Resolution 2178 of 24 September 2014 relating to the prevention of travel for the purpose of terrorist acts or terrorist training;”.

4. Section 3 amended (application of certain provisions outside HKSAR)

Section 3—

Repeal

“9, 10, 11B and 11F shall”

Substitute

“8A, 9, 10, 11B, 11F, 11L and 11M”.

5. Section 8A added

After section 8—

Add

“8A. Prohibition on dealing with certain property

- (1) A person must not, except under the authority of a licence granted by the Secretary, directly or indirectly, deal with any property knowing that, or being reckless as to whether, the property is—
- (a) terrorist property specified under section 4 or 5;
 - (b) wholly or jointly owned or controlled, directly or indirectly, by a terrorist or terrorist associate specified under section 4 or 5; or
 - (c) held by a person on behalf of, or at the direction of, a terrorist or terrorist associate specified under section 4 or 5.
- (2) In this section—
deal with (處理) has the meaning given by section 6(12).”.

6. Part 3C added

After Part 3B—

Add

“Part 3C

Prohibitions Relating to Travel for Specified Purpose

11J. Interpretation of Part 3C

In this Part—

specified purpose (指明目的) means—

- (a) the perpetration, planning or preparation of, or participation in, one or more terrorist acts (even if no terrorist act actually occurs); or

- (b) the provision or receiving of training that is in connection with the perpetration, planning or preparation of, or participation in, one or more terrorist acts (even if no terrorist act actually occurs as a result of the training).

11K. Prohibition on travelling for specified purpose

- (1) A Hong Kong permanent resident must not go on board a conveyance with the intention to leave the HKSAR, or a place outside the HKSAR, for a foreign state for a specified purpose.
- (2) A Hong Kong permanent resident must not leave the HKSAR, or a place outside the HKSAR, for a foreign state for a specified purpose.

11L. Prohibition on providing or collecting property to finance travel for specified purpose

A person must not provide or collect, by any means, directly or indirectly, any property—

- (a) with the intention that the property will be used; or
- (b) knowing that the property will be used, in whole or in part, to finance the travel of any person between states for a specified purpose (whether or not the property is actually so used).

11M. Prohibition on organizing or facilitating travel for specified purpose

- (1) A person must not organize or facilitate, directly or indirectly, the travel of any person between states—
 - (a) with the intention that the travel will be for a specified purpose; or

(b) knowing that the travel will be for a specified purpose.

(2) For the purposes of subsection (1), a person organizes or facilitates travel with the relevant intention or knowledge whether or not the travel is—

(a) actually organized or facilitated as contemplated by the person; or

(b) actually undertaken as contemplated by the person.”.

7. Section 12 amended (disclosure of knowledge or suspicion that property is terrorist property, etc.)

(1) Section 12(2)—

Repeal

everything after “that contravention”

Substitute

“if the condition specified in subsection (2B)(a) or (b) is satisfied.”.

(2) After section 12(2)—

Add

“(2A) If a person who has made a disclosure referred to in subsection (1) does any act in contravention of section 8A(1)(b) or (c) (whether before or after the disclosure), and the disclosure relates to that act, the person does not commit an offence under section 14(1A) in respect of that contravention if the condition specified in subsection (2B)(a) or (b) is satisfied.

(2B) The following conditions are specified for the purposes of subsections (2) and (2A)—

- (a) the disclosure is made before the person does the act and the person does the act with the consent of an authorized officer;
- (b) the disclosure is made—
 - (i) after the person does the act;
 - (ii) on the person’s initiative; and
 - (iii) as soon as it is practicable for the person to make the disclosure.”.

8. Section 14 amended (offences)

- (1) After section 14(1)—

Add

“(1A) A person who contravenes section 8A commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 14 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 2 years.”.

- (2) After section 14(4)—

Add

“(4A) A person who contravenes section 11K, 11L or 11M commits an offence and is liable—

- (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 1 year.”.

9. Section 15 amended (supplementary provisions applicable to licences mentioned in section 6(1) or 8)

- (1) Section 15, heading—

Repeal

“or 8”

Substitute

“, 8 or 8A”.

(2) Section 15(1), after “6(1)”—

Add

“or 8A”.

10. Section 17 amended (applications to Court of First Instance)

Section 17(4)(a) and (b) and (5)(a)(ii)—

Repeal

“or 8”

Substitute

“, 8 or 8A”.

Part 3

Related Amendments

Division 1—Amendments to Rules of the High Court (Cap. 4 sub. leg. A)

11. **Order 117A, rule 24 amended (application concerning direction mentioned in section 6(10) or licence mentioned in section 6(1) or 8)**
- (1) Order 117A, rule 24, heading—
Repeal
“or 8”
Substitute
“, 8 or 8A”.
- (2) Order 117A, rule 24(1)—
Repeal
“or 8”
Substitute
“, 8 or 8A”.

Division 2—Amendments to Independent Commission Against Corruption Ordinance (Cap. 204)

12. **Section 10 amended (power of arrest)**
- (1) After section 10(5)(ea)—
Add

- “(eb) the offence under section 14(1A) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) of dealing with certain property in contravention of section 8A of that Ordinance;
- (ec) the offence under section 14(4A) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) of doing certain acts in contravention of section 11K, 11L or 11M of that Ordinance;”.
- (2) Section 10(5)(f) and (g)—

Repeal

“or (ea)”

Substitute

“, (ea), (eb) or (ec)”.

**Division 3—Amendment to Immigration Service Ordinance
(Cap. 331)**

13. Schedule 2 amended (scheduled offences)

Schedule 2, Part I, after item 3—

Add

“4. United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)

section 14(1A)

dealing with certain
property in
contravention of section
8A of that Ordinance

