

《聯合國人員和有關人員安全條例》  
(第 590 章)

**Safety of United Nations and Associated Personnel Ordinance**  
(Cap. 590)

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尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

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**制定史**

本為 2007 年第 2 號 —— 2021 年第 1 號編輯修訂紀錄

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## 《聯合國人員和有關人員安全條例》

## Safety of United Nations and Associated Personnel Ordinance

## (第 590 章)

## (Cap. 590)

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本條例旨在實施《聯合國人員和有關人員安全公約》第 9 條及第 10 條第 1 及 2(a) 款；以及對附帶或有關事宜作出規定。

An Ordinance to implement Article 9 and paragraphs 1 and 2(a) of Article 10 of the Convention on the Safety of United Nations and Associated Personnel; and to provide for incidental or related matters.

[2007 年 4 月 20 日] 2007 年第 31 號法律公告  
(格式變更——2021 年第 1 號編輯修訂紀錄)

[20 April 2007] L.N. 31 of 2007  
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(Enacting provision omitted—E.R. 1 of 2021)

## 第 1 部

## Part 1

### 導言

### Preliminary

#### 1. 簡稱

(編輯修訂——2021 年第 1 號編輯修訂紀錄)

- (1) 本條例可引稱為《聯合國人員和有關人員安全條例》。
- (2) (已失時效而略去——2021 年第 1 號編輯修訂紀錄)

#### 1. Short title

(Amended E.R. 1 of 2021)

- (1) This Ordinance may be cited as the Safety of United Nations and Associated Personnel Ordinance.
- (2) (Omitted as spent—E.R. 1 of 2021)

#### 2. 釋義

在本條例中——

**《公約》** (Convention) 指在 1994 年 12 月 9 日訂於紐約的《聯合國人員和有關人員安全公約》；

**有關人員** (associated personnel) 指進行活動以協助完成聯合國行動的任務的下列人員——

- (a) 由一國政府或政府間組織按同聯合國主管機關協議派遣進行該活動的人；

#### 2. Interpretation

In this Ordinance—

**associated personnel** (有關人員) means—

- (a) persons assigned by a government or an intergovernmental organization with the agreement of a competent organ of the United Nations;
- (b) persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency; and

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- (b) 由聯合國秘書長或專門機構或國際原子能機構聘用進行該活動的人；及
- (c) 由人道主義非政府組織或機構根據同聯合國秘書長或專門機構或國際原子能機構的協議部署進行該活動的人；

**有關罪行** (relevant offence) 指 ——

- (a) 對任何聯合國人員或有關人員犯的第 4(1)(a) 或 (b) 條所述的罪行；或
- (b) 對任何聯合國人員或有關人員通常使用的任何處所或交通工具犯的第 4(1)(c) 條所述的罪行，  
不論該罪行是否憑藉第 4(2) 條而屬罪行的；

**指明人士** (specified person) 指 ——

- (a) 兼具下列兩項身分的人 ——
  - (i) 中國公民；及
  - (ii) 香港永久性居民；或
- (b) 兼具下列兩項身分的人 ——
  - (i) 無國籍人；及
  - (ii) 香港永久性居民；

**聯合國人員** (United Nations personnel) 指 ——

- (a) 由聯合國秘書長聘用或部署、擔任聯合國行動的軍事、警察或文職部門成員的人；及
- (b) 由聯合國或其專門機構或國際原子能機構派遣、在進行聯合國行動的地區具有正式身分的其他官員和專家；

**聯合國行動** (United Nations operation) 指聯合國主管機關按照《聯合國憲章》設立、並在聯合國的權力和控制之下進行的行動，而 ——

- (a) 該行動是以維持或恢復國際和平與安全為目的；或

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- (c) persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

**Convention** (《公約》) means the Convention on the Safety of United Nations and Associated Personnel done at New York on 9 December 1994;

**relevant offence** (有關罪行) means—

- (a) an offence mentioned in section 4(1)(a) or (b), against a member of the United Nations personnel or a member of the associated personnel; or
- (b) an offence mentioned in section 4(1)(c), against any premises or means of transportation ordinarily used by a member of the United Nations personnel or a member of the associated personnel,

whether it is an offence by virtue of section 4(2) or not;

**specified person** (指明人士) means—

- (a) a person who is—
  - (i) a Chinese national; and
  - (ii) a Hong Kong permanent resident; or
- (b) a person who is—
  - (i) a stateless person; and
  - (ii) a Hong Kong permanent resident;

**United Nations operation** (聯合國行動) means an operation established by a competent organ of the United Nations in accordance with the Charter of the United Nations and

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(b) 聯合國安全理事會或聯合國大會已為《公約》的目的，宣布參加行動人員的安全面臨特殊危險，

但不包括經聯合國安全理事會根據《聯合國憲章》第七章授權作為執行行動、有任何參與人員作為與有組織的武裝部隊作戰的戰鬥人員、並適用國際武裝衝突法的任何行動。

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conducted under the authority and control of the United Nations—

- (a) where the operation is for the purpose of maintaining or restoring international peace and security; or
- (b) where the Security Council of the United Nations or the General Assembly of the United Nations has declared, for the purposes of the Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation,

but does not include any operation which is authorized by the Security Council of the United Nations as an enforcement action under Chapter VII of the Charter of the United Nations, in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies;

***United Nations personnel*** (聯合國人員) means—

- (a) persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation; and
- (b) other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted.

## 第 2 部

### 罪行

#### 3. 提起法律程序

就任何罪行（而該罪行如無本部的規定便不會在香港是罪行的）提起的法律程序，只可由律政司司長提起或在律政司司長同意下提起。

#### 4. 對聯合國人員和有關人員犯的罪行

##### (1) 指明人士不得在香港以外地方——

- (a) 對任何聯合國人員或有關人員或就任何聯合國人員或有關人員，作出任何假使在香港作出便會構成謀殺、誤殺、綁架、非法禁錮、襲擊致造成身體傷害或普通襲擊罪行的作為；
- (b) 對任何聯合國人員或有關人員或就任何聯合國人員或有關人員，作出任何假使在香港作出便會構成下列罪行的作為——
  - (i) 《刑事罪行條例》(第 200 章) 第 53、60 或 118 條所訂的罪行；或
  - (ii) 《侵害人身罪條例》(第 212 章) 第 17、19、20、21、22、23、28、29、30 或 42 條所訂的罪行；或
- (c) 對任何聯合國人員或有關人員通常使用的任何處所或交通工具或就任何該等處所或交通工具，作出任何假使在香港作出便會構成《刑事罪行條例》(第 200 章) 第 53 或 60 條所訂的罪行的作為。

(2) 指明人士違反第 (1) 款，即屬犯了假使有關的作為是在香港作出的他便會犯了的罪行。

## Part 2

### Offences

#### 3. Institution of proceedings

Proceedings for an offence which apart from this Part would not be an offence in Hong Kong shall only be instituted by, or with the consent of, the Secretary for Justice.

#### 4. Offences against United Nations personnel and associated personnel

- (1) A specified person shall not, outside Hong Kong, do any act—
  - (a) to or in relation to a member of the United Nations personnel or a member of the associated personnel which, if done in Hong Kong, would constitute the offence of murder, manslaughter, kidnapping, false imprisonment, assault occasioning actual bodily harm or common assault;
  - (b) to or in relation to a member of the United Nations personnel or a member of the associated personnel which, if done in Hong Kong, would constitute an offence under—
    - (i) section 53, 60 or 118 of the Crimes Ordinance (Cap. 200); or
    - (ii) section 17, 19, 20, 21, 22, 23, 28, 29, 30 or 42 of the Offences against the Person Ordinance (Cap. 212); or
  - (c) to or in relation to any premises or means of transportation ordinarily used by a member of the United Nations personnel or a member of the associated

## 5. 威脅

- (1) 任何人不得為強迫另一人作出或不作出任何作為而向該另一人作出威脅，表示某作為（該作為屬假如作出便會構成有關罪行者）將會作出，而——
  - (a) 首述的人的用意在使該另一人害怕該項威脅會被付諸實行；及
  - (b) 在——
    - (i) 該項威脅的內容是將會對或將會就任何人（**有關人士**）作出某作為的情況下，首述的人明知或有理由相信有關人士是聯合國人員或有關人員；或
    - (ii) 該項威脅的內容是將會對或將會就任何處所或交通工具作出某作為的情況下，首述的人明知或有理由相信該處所或交通工具是聯合國人員或有關人員通常使用的。
- (2) 指明人士不得為強迫另一人作出或不作出任何作為而在香港以外地方向該另一人作出威脅，表示某作為（該作為屬假如作出便會構成有關罪行者）將會作出，而——
  - (a) 該指明人士的用意在使該另一人害怕該項威脅會被付諸實行；及
  - (b) 在——
    - (i) 該項威脅的內容是將會對或將會就任何人（**有關人士**）作出某作為的情況下，該指明人士明

personnel which, if done in Hong Kong, would constitute an offence under section 53 or 60 of the Crimes Ordinance (Cap. 200).

- (2) A specified person who contravenes subsection (1) commits the offence that he would have committed had the act been done in Hong Kong.

## 5. Threats

- (1) A person shall not, in order to compel another person to do or refrain from doing any act, make to the other person a threat that an act will be done which, if done, would constitute a relevant offence—
  - (a) with the intention that the other person will fear that the threat will be carried out; and
  - (b) knowing or having reason to believe—
    - (i) that, in relation to a threat that an act will be done to or in relation to any person (**relevant person**), the relevant person is a member of the United Nations personnel or a member of the associated personnel; or
    - (ii) that, in relation to a threat that an act will be done to or in relation to any premises or means of transportation, the premises are or the means of transportation is ordinarily used by a member of the United Nations personnel or a member of the associated personnel.
- (2) A specified person shall not, outside Hong Kong, in order to compel another person to do or refrain from doing any act, make to the other person a threat that an act will be done which, if done, would constitute a relevant offence—
  - (a) with the intention that the other person will fear that the threat will be carried out; and



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知或有理由相信有關人士是聯合國人員或有關人員；或

- (ii) 該項威脅的內容是將會對或將會就任何處所或交通工具作出某作為的情況下，該指明人士明知或有理由相信該處所或交通工具是聯合國人員或有關人員通常使用的。
- (3) 任何人違反第 (1) 款，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年，但監禁期不得超逾可就由於作出威脅會作出的作為而構成的有關罪行判處的最高監禁期。
- (4) 指明人士違反第 (2) 款，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年，但監禁期不得超逾可就由於作出威脅會作出的作為而構成的有關罪行判處的最高監禁期。

## 6. 企圖、協助、教唆等

- (1) 指明人士如在香港以外地方，作出任何假使在香港作出便會根據《刑事罪行條例》(第 200 章) 第 159G 條構成企圖犯有關罪行的作為，則該作為須當作是在香港作出。
- (2) 指明人士如在香港以外地方協助、教唆、慫使或促致另一人——
- (a) 犯有關罪行；或
- (b) 企圖犯有關罪行，

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(b) knowing or having reason to believe—

- (i) that, in relation to a threat that an act will be done to or in relation to any person (*relevant person*), the relevant person is a member of the United Nations personnel or a member of the associated personnel; or
- (ii) that, in relation to a threat that an act will be done to or in relation to any premises or means of transportation, the premises are or the means of transportation is ordinarily used by a member of the United Nations personnel or a member of the associated personnel.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 10 years, but the term of imprisonment shall not exceed the maximum which may be imposed for the relevant offence constituted by doing the act threatened to be done.
- (4) A specified person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 10 years, but the term of imprisonment shall not exceed the maximum which may be imposed for the relevant offence constituted by doing the act threatened to be done.

## 6. Attempts, aiding, abetting, etc.

- (1) If a specified person does any act, outside Hong Kong, which, if done in Hong Kong, would constitute an attempt to commit a relevant offence under section 159G of the Crimes Ordinance (Cap. 200), the act shall be deemed to have been done in Hong Kong.
- (2) A specified person who aids, abets, counsels or procures, outside Hong Kong—

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即屬犯同一罪行。

**7. 知悉其他人是聯合國人員或有關人員**

就第 4(1)、5(1) 及 (2) 及 6(1) 及 (2) 條而言，除第 5(1) 及 (2) 條另有明文規定外，任何人是否知道另一人是聯合國人員或有關人員，並不具關鍵性。

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- (a) the commission by another person of a relevant offence;  
or
- (b) an attempt by another person to commit a relevant offence,  
shall be guilty of the like offence.

**7. Knowledge of other persons being members of United Nations personnel or members of associated personnel**

For the purposes of sections 4(1), 5(1) and (2) and 6(1) and (2), except as otherwise expressly provided by section 5(1) and (2), it is immaterial whether a person knows that another person is a member of the United Nations personnel or a member of the associated personnel.