

立法會
Legislative Council

LC Paper No. LS28/16-17

**Paper for the House Committee Meeting
on 3 February 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 27 January 2017**

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT
SUBJECT TO AMENDMENT**

**United Nations Sanctions (Somalia) (Amendment)
Regulation 2017**

(L.N. 15)

L.N. 15 is made by the Chief Executive 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.

2. Since 1992, the Security Council of the United Nations ("UNSC") has adopted a series of resolutions imposing sanctions (with certain exceptions) against Somalia having regard to the rapid deterioration of situation in Somalia and the heavy loss of human life and widespread material damage resulting from the conflict in the country. The United Nations Sanctions (Somalia) Regulation (Cap. 537AN) was made to implement the sanctions, which include arms embargo, travel ban and financial restrictions, and to provide for exceptions to these sanctions. The last amendment to Cap. 537AN was made by L.N. 24 of 2016 to give effect to Resolution 2244 adopted by UNSC on 23 October 2015. On 10 November 2016, UNSC adopted Resolution 2317 to revise the sanctions against Somalia. Members may refer to the Legislative Council ("LegCo") Brief (File reference: CITB CR 102/53/1) issued by the Commerce and Economic Development Bureau in January 2017 for details.

3. L.N. 15 implements UNSC Resolution 2317 by amending Cap. 537AN to reflect the renewed exceptions to sanctions against Somalia. The exceptions provide that:

- (a) the supply, sale, transfer, or carriage of certain goods and the provision of certain advice, assistance or training intended solely for the development of the Somali National Security Forces and to provide

security for the Somali people will not be subject to the arms embargo measures against Somalia; and

- (b) funds or other financial assets or economic resources that are necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialized agencies or programmes etc. will not be subject to the financial sanctions against Somalia.

4. The above exceptions to sanctions were previously provided under L.N. 24 of 2016 and had expired at midnight on 15 November 2016. L.N. 15 provides that the renewed exceptions will expire at midnight on 15 November 2017. A marked-up version showing the differences between L.N. 15 and L.N. 24 of 2016 is at Annex D to the LegCo Brief.

5. L.N. 15 also provides for some textual amendments to Cap. 537AN.

6. L.N. 15 came into operation when it was published in the Gazette on 27 January 2017.

7. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) do not apply to regulations made under section 3 of Cap. 537. Accordingly, L.N. 15 is not required to be tabled in LegCo and is not subject to amendment by LegCo. However, since it comes within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("the Subcommittee"), Members may consider referring L.N. 15 to the Subcommittee for its consideration.

8. As advised by the Clerk to the Subcommittee, the LegCo Brief on L.N. 15 was circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)508/16-17 on 27 January 2017.

Concluding Observations

9. No difficulties have been identified in the legal and drafting aspects of L.N. 15.

Prepared by

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