

立法會
Legislative Council

LC Paper No. LS52/17-18

**Paper for the House Committee Meeting
on 27 April 2018**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 20 April 2018**

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

**United Nations Sanctions (Somalia) (Amendment)
Regulation 2018**

(L.N. 66)

L.N. 66 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. L.N. 66 came into operation when it was published in the Gazette on 20 April 2018.

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 the 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. 15 of 2017.

3. L.N. 66 implements UNSC Resolution 2385, as adopted by UNSC on 14 November 2017, 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. 15 of 2017 and had expired at midnight on 15 November 2017. L.N. 66 provides that the renewed exceptions will expire at midnight on 15 November 2018. A marked-up version showing the amendments to Cap. 537AN is at Annex D to the Legislative Council ("LegCo") Brief (File reference: CITB CR 102/53/1) issued by the Commerce and Economic Development Bureau in April 2018.

5. L.N. 66 also provides for some textual amendments to Cap. 537AN.

6. 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. 66 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. 66 to the Subcommittee for its consideration.

7. As advised by the Clerk to the Subcommittee, the LegCo Brief on L.N. 66 was circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)838/17-18 on 23 April 2018.

8. No difficulties have been identified in the legal and drafting aspects of L.N. 66.

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