

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (SOMALIA) (AMENDMENT) REGULATION 2014

INTRODUCTION

A At the meeting of the Executive Council on 8 April 2014, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (Somalia) (Amendment) Regulation 2014 (“the Amendment Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”) to give effect to the instructions from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”). The Amendment Regulation was gazetted on 11 April 2014 and came into operation on the same day.

BACKGROUND

Obligation and Authority

2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to an instruction from the MFA to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In February and March 2014, the CE received two instructions from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement respectively UNSC Resolutions (“UNSCRs”) 2125 and 2142 in respect of Somalia. The Amendment Regulation was made to give effect to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions is at Annex B.

Sanctions against Somalia

B 3. 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 UNSC passed a number of

resolutions since 1992 to implement a range of sanctions against Somalia. The current framework for the sanctions was set out in UNSCR 1844 adopted in November 2008 and UNSCR 2036 adopted in February 2012. They concern travel ban⁽¹⁾, financial restriction⁽²⁾, arms embargo⁽³⁾ in respect of persons or entities designated by the Committee established under paragraph 11 of UNSCR 751 (“the Committee”), and charcoal ban⁽⁴⁾.

4. Pursuant to the instructions of the MFA, the HKSAR implemented the sanctions against Somalia in relevant UNSCRs through the United Nations Sanctions (Somalia) Regulation (Cap. 537AN) (“the existing Regulation”). The latest version is at Annex C.

C

UNSCR 2125

5. Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia are an important factor exacerbating the situation in Somalia, the UNSC adopted UNSCR 2125 (at Annex D) on 18 November 2013. The UNSC, inter alia, decided that the arms embargo on Somalia imposed by paragraph 5 of UNSCR 733 and further elaborated upon by paragraphs 1 and 2 of UNSCR 1425 and modified by paragraphs 33 to 38 of UNSCR 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional and subregional organisations undertaking

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- Notes**
- ⁽¹⁾ Paragraph 1 of UNSCR 1844 provides for the prohibition against the entry into or transit through the territory of Member States by individuals designated by the Committee. Exceptions to the measure are set out in paragraph 2 of UNSCR 1844.
 - ⁽²⁾ Paragraph 3 of UNSCR 1844 provides for the freezing of funds, other financial assets and economic resources owned or controlled, directly or indirectly, by individuals or entities designated by the Committee, or by the individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and the prohibition against making available any funds, financial assets or economic resources to or for the benefit of such individuals or entities. Exceptions to the measure are set out in paragraph 4 of UNSCR 1844.
 - ⁽³⁾ Paragraph 7 of UNSCR 1844 provides for the prohibition against the direct or indirect supply, sale or transfer of weapons and military equipment to individuals or entities designated by the Committee, as well as the direct or indirect supply of technical assistance or training, financial and other assistance related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment.
 - ⁽⁴⁾ Paragraph 22 of UNSCR 2036 provides for the prohibition against the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia.

measures in accordance with paragraph 12 of UNSCR 2125⁽⁵⁾ (*paragraph 14 of UNSCR 2125 refers*).

UNSCR 2142

E 6. Determining that the situation in Somalia continues to constitute a threat to international peace and security, the UNSC adopted UNSCR 2142 (at Annex E) on 5 March 2014. The UNSC, inter alia, decided that, until 25 October 2014, the arms embargo on Somalia shall not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia, to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of UNSCR 2111 (*paragraph 2 of UNSCR 2142 refers*).

THE AMENDMENT REGULATION

7. The Amendment Regulation, at Annex A, seeks to implement the sanctions against Somalia as per UNSCRs 2125 and 2142. The main provisions of the Amendment Regulation include –

- (a) **section 2 which amends section 8(2) of the existing Regulation** to reflect the modified and renewed exceptions to the arms embargo measures against Somalia as per paragraph 14 of UNSCR 2125 and paragraph 2 of UNSCR 2142;
- (b) **section 3 which amends section 9(2) of the existing Regulation** to reflect the new and renewed exceptions to the prohibition against the provision of advice, assistance and training in respect of Somalia as per paragraph 14 of UNSCR 2125 and paragraph 2 of UNSCR 2142; and
- (c) **section 4 which amends section 32(2) of the existing Regulation** to specify that the exceptions to the arms embargo measures and the prohibition against the provision of advice,

⁽⁵⁾ Paragraph 12 of UNSCR 2125 encourages Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, notes the primary role of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and decides that for a further period of twelve months from the date of UNSCR 2125 to renew the authorisations as set out in paragraph 10 of UNSCR 1846 and paragraph 6 of UNSCR 1851, as renewed by paragraph 7 of UNSCR 1897, paragraph 7 of UNSCR 1950, paragraph 9 of UNSCR 2020, and paragraph 12 of UNSCR 2077, granted to States and regional organisations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General.

assistance and training in respect of Somalia as per paragraph 2 of UNSCR 2142 expire at midnight on 24 October 2014.

F A mark-up version showing amendments to the existing Regulation is at Annex F for easy reference by Members.

IMPLICATIONS OF THE PROPOSAL

8. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The Amendment Regulation will not affect the current binding effect of the Ordinance. It has no financial, economic, productivity, environmental, sustainability or family implications. Additional work arising from the enforcement of the existing Regulation as amended by the Amendment Regulation, if any, will be absorbed by the relevant departments with existing resources.

PUBLICITY

9. A press release was issued on 11 April 2014 when the Amendment Regulation was published in the Gazette.

INFORMATION ON SOMALIA AND RELATION WITH HKSAR

G 10. For information on Somalia, the background of the sanction regime against the country as well as its bilateral trade relation with the HKSAR, please refer to Annex G.

ADVICE SOUGHT

11. Members are invited to note the implementation of UNSCRs 2125 and 2142 in the HKSAR by the Amendment Regulation.

Commerce and Economic Development Bureau
April 2014

United Nations Sanctions (Somalia) (Amendment) Regulation 2014

L.N. 53 of 2014
B677

Section 1

L.N. 53 of 2014

**United Nations Sanctions (Somalia) (Amendment)
Regulation 2014**

(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)

1. United Nations Sanctions (Somalia) Regulation amended

The United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) is amended as set out in sections 2, 3 and 4.

2. Section 8 amended (licence for supply, sale, transfer or carriage of certain goods)

(1) Section 8(2)(j)—

Repeal

“the Federal Government of Somalia for which it has notified the Secretary-General of the United Nations.”

Substitute

“Somali authorities for which they have notified the Secretary-General of the United Nations;”.

(2) After section 8(2)(j)—

Add

“(k) the prohibited goods do not include any item covered by the Annex to Resolution 2111, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people.”.

United Nations Sanctions (Somalia) (Amendment) Regulation 2014

L.N. 53 of 2014
B679

Section 3

3. Section 9 amended (licence for provision of certain advice, assistance or training)

(1) Section 9(2)(f)—

Repeal

“Somalia.”

Substitute

“Somalia;”.

(2) After section 9(2)(f)—

Add

“(g) the assistance is intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of Somali authorities for which they have notified the Secretary-General of the United Nations;

(h) the advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people.”.

4. Section 32 amended (duration)

Section 32(2)—

Repeal

“Section 10(2)(d) expires”

Substitute

“Sections 8(2)(k), 9(2)(h) and 10(2)(d) expire”.

United Nations Sanctions (Somalia) (Amendment) Regulation 2014

L.N. 53 of 2014
B681

C. Y. LEUNG
Chief Executive

8 April 2014

United Nations Sanctions (Somalia) (Amendment) Regulation 2014

Explanatory Note
Paragraph 1

L.N. 53 of 2014
B683

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2125 (2013) and Resolution 2142 (2014) as adopted by the Security Council of the United Nations on 18 November 2013 and 5 March 2014 respectively, by amending the licensing requirements for the supply and carriage of certain goods and the provision of certain advice, assistance and training.

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Somalia) (Amendment) Regulation 2014

This is to confirm that the Chief Executive received specific instructions from the Ministry of Foreign Affairs of the People's Republic of China in February and March 2014 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolutions No. 2125 and No. 2142 of the Security Council of the United Nations respectively, and that the United Nations Sanctions (Somalia) (Amendment) Regulation 2014 was made in pursuance of the instructions.

Dated this 8th day of April 2014

A handwritten signature in black ink, appearing to read 'Carrie Lam', with a stylized flourish at the end.

(Mrs Carrie Lam)
Chief Secretary for Administration

Chapter:	537AN	United Nations Sanctions (Somalia) Regulation	Gazette Number	Version Date
		Empowering section	E.R. 1 of 2013	25/04/2013

(Cap 537, section 3)

(Enacting provision omitted—E.R. 1 of 2013)

[27 March 2009]

(Originally L.N. 58 of 2009)

(*Format changes—E.R. 1 of 2013)

Note:*** The format of the whole Regulation has been updated to the current legislative styles.**

Part:	1	Preliminary	E.R. 1 of 2013	25/04/2013
Section:	1	Interpretation	L.N. 165 of 2013	25/10/2013

In this Regulation— (L.N. 142 of 2012)

AMISOM (非索特派團) means the African Union Mission in Somalia; (L.N. 137 of 2013)**authorized officer** (獲授權人員) means—

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

Commissioner (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;**Committee** (委員會) means the Committee of the Security Council established under paragraph 11 of Resolution 751;**designated person** (指認人士) means a person or an entity designated by the Committee—

- (a) as engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, including acts that threaten the peace and reconciliation process in Somalia, or threaten the Federal Government of Somalia or AMISOM by force; (L.N. 137 of 2013)
- (b) as having acted in violation of—
 - (i) the arms embargo imposed by paragraph 5 of Resolution 733, as further elaborated upon by paragraphs 1 and 2 of Resolution 1425, and as amended by paragraphs 33 to 38 of Resolution 2093;
 - (ii) the arms resale and transfer restrictions set out in paragraph 34 of Resolution 2093; (L.N. 137 of 2013)
- (c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
- (d) as being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law; or (L.N. 137 of 2013)
- (e) as being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement; (L.N. 137 of 2013)

economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services; (L.N. 142 of 2012)**funds** (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;

- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

licence (特許) means a licence granted under section 8(1)(a) or (b), 9(1) or 10(1);

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 a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

person connected with Somalia (有關連人士) means—

- (a) the Government of Somalia;
- (b) any person in, or resident in, Somalia;
- (c) any body incorporated or constituted under the law of Somalia;
- (d) any body, wherever incorporated or constituted, which is controlled by—
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b); or
 - (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b); or
 - (iii) a body mentioned in paragraph (c) or (d),

but does not include a designated person;

pilot in command (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;

prohibited goods (禁制物品) means any weapons or military equipment;

relevant entity (有關實體) means—

- (a) an entity specified by the Chief Executive as a relevant entity in accordance with section 30; or
- (b) an entity acting on behalf of, or at the direction of, or owned or controlled directly or indirectly by, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 30; (L.N. 142 of 2012)

relevant person (有關人士) means—

- (a) a person specified by the Chief Executive as a relevant person in accordance with section 30; or
- (b) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 30; (L.N. 142 of 2012; L.N. 137 of 2013)

Resolution 733 (《第733號決議》) means Resolution 733 (1992) adopted by the Security Council on 23 January 1992; (L.N. 137 of 2013)

Resolution 751 (《第751號決議》) means Resolution 751 (1992) adopted by the Security Council on 24 April 1992;

Resolution 1425 (《第1425號決議》) means Resolution 1425 (2002) adopted by the Security Council on 22 July 2002; (L.N. 137 of 2013)

Resolution 1844 (《第1844號決議》) means Resolution 1844 (2008) adopted by the Security Council on 20 November 2008;

Resolution 2093 (《第2093號決議》) means Resolution 2093 (2013) adopted by the Security Council on 6 March 2013; (L.N. 137 of 2013)

Resolution 2111 (《第2111號決議》) means Resolution 2111 (2013) adopted by the Security Council on 24 July 2013; (L.N. 165 of 2013)

Security Council (安全理事會) means the Security Council of the United Nations. (L.N. 142 of 2012)

(L.N. 165 of 2013)

Part:	2	Prohibitions	E.R. 1 of 2013	25/04/2013
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Section:	2	Prohibition against supply, sale or transfer of certain goods*	L.N. 137 of 2013	26/07/2013
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- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 8(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
 - (a) to Somalia;
 - (b) to, or to the order of, a person connected with Somalia; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia. (L.N. 142 of 2012)
- (3) A person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
 - (a) to, or to the order of, a designated person; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person. (L.N. 142 of 2012)
- (4) A person who contravenes subsection (2) or (3) commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
 - (a) that the goods concerned were prohibited goods;
 - (b) for a contravention of subsection (2), that the goods concerned were or were to be supplied, sold or transferred— (L.N. 137 of 2013)
 - (i) to Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia; or (L.N. 142 of 2012)
 - (c) for a contravention of subsection (3), that the goods concerned were or were to be supplied, sold or transferred— (L.N. 137 of 2013)
 - (i) to, or to the order of, a designated person; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person. (L.N. 142 of 2012)

Note:

* (L.N. 142 of 2012)

Section:	3	Prohibition against carriage of certain goods	L.N. 137 of 2013	26/07/2013
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- (1) This section applies to—
 - (a) a ship that is registered in the HKSAR;
 - (b) an aircraft that is registered in the HKSAR;
 - (c) any other ship or aircraft that is for the time being chartered to a person who is—
 - (i) in the HKSAR;
 - (ii) both a Hong Kong permanent resident and a Chinese national; or
 - (iii) a body incorporated or constituted under the law of the HKSAR; and

- (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 8(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
 - (a) from a place outside Somalia to a place in Somalia;
 - (b) to, or to the order of, a person connected with Somalia; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia. (L.N. 142 of 2012)
- (3) Subsection (2) does not apply if—
 - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 8(1)(a). (L.N. 142 of 2012)
- (4) Without limiting section 2, a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
 - (a) to, or to the order of, a designated person; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person. (L.N. 142 of 2012)
- (5) If a ship, aircraft or vehicle is used in contravention of subsection (2) or (4), each of the following persons commits an offence—
 - (a) for a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
 - (b) for any other ship— (L.N. 137 of 2013)
 - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; (L.N. 142 of 2012)
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (c) for an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
 - (d) for any other aircraft— (L.N. 137 of 2013)
 - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; (L.N. 142 of 2012)
 - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (e) for a vehicle, the operator and the driver of the vehicle. (L.N. 137 of 2013)
- (6) A person who commits an offence under subsection (5) is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (7) It is a defence for a person charged with an offence under subsection (5) to prove that the person did not know and had no reason to believe—
 - (a) that the goods concerned were prohibited goods;
 - (b) for a contravention of subsection (2), that the carriage of the goods concerned was, or formed part of, a carriage— (L.N. 137 of 2013)
 - (i) from a place outside Somalia to a place in Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia; or
 - (c) for a contravention of subsection (4), that the carriage of the goods concerned was, or formed part of, a carriage— (L.N. 137 of 2013)
 - (i) to, or to the order of, a designated person; or

- (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person. (L.N. 142 of 2012)

Section:	4	Prohibition against provision of certain advice, assistance or training	L.N. 137 of 2013	26/07/2013
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- (1) This section applies to—
- a person acting in the HKSAR; and
 - a person acting outside the HKSAR who is—
 - both a Hong Kong permanent resident and a Chinese national; or
 - a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 9(1), a person must not provide, directly or indirectly, to a person connected with Somalia any technical advice, financial or other assistance or training related to military activities.
- (3) A person must not provide, directly or indirectly, to a designated person any technical assistance or training, or financial or other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of any prohibited goods. (L.N. 142 of 2012)
- (4) A person who contravenes subsection (2) or (3) commits an offence and is liable—
- on conviction on indictment to a fine and to imprisonment for 7 years; or
 - on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- for a contravention of subsection (2)— (L.N. 137 of 2013)
 - that the advice, assistance or training concerned was or was to be provided to a person connected with Somalia; or
 - that the advice, assistance or training concerned related to military activities; or
 - for a contravention of subsection (3)— (L.N. 137 of 2013)
 - that the assistance or training concerned was or was to be provided to a designated person; or
 - that the assistance or training concerned related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of any prohibited goods. (L.N. 142 of 2012)

Section:	4A	Prohibition against importation of charcoal	E.R. 1 of 2013	25/04/2013
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- (1) A person must not import, directly or indirectly, any charcoal from Somalia into the HKSAR.
- (2) Subsection (1) applies whether or not the charcoal concerned was originated in Somalia.
- (3) A person who contravenes subsection (1) commits an offence and is liable—
- on conviction on indictment to a fine and to imprisonment for 2 years; or
 - on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe that the charcoal concerned was imported, directly or indirectly, from Somalia into the HKSAR.

(L.N. 142 of 2012)

Section:	5	Prohibition against making available funds, etc. or dealing with funds, etc.*	E.R. 1 of 2013	25/04/2013
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- (1) This section applies to—
- a person acting in the HKSAR; and
 - a person acting outside the HKSAR who is—
 - both a Hong Kong permanent resident and a Chinese national; or
 - a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1)—

- (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
- (b) a person (**first-mentioned person**) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person. (L.N. 142 of 2012)
- (3) (Repealed L.N. 142 of 2012)
- (4) A person who contravenes subsection (2) commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
 - (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity. (L.N. 142 of 2012)
- (6) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with—
 - (a) interest or other earnings due on that account; or
 - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity. (L.N. 142 of 2012)
- (7) In this section—
deal with (處理) means—
 - (a) in respect of funds—
 - (i) use, alter, move, allow access to or transfer;
 - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
 - (iii) make any other change that would enable use, including portfolio management; and
 - (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources. (L.N. 142 of 2012)

Note:

* (L.N. 142 of 2012)

Section:	6	Prohibition against entry or transit by certain persons	E.R. 1 of 2013	25/04/2013
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- (1) Subject to section 7, a designated person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR. (L.N. 142 of 2012)

Section:	7	Exceptions to prohibition against entry or transit by certain persons	E.R. 1 of 2013	25/04/2013
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Section 6 does not apply to a case in respect of which—

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
- (b) the Committee has determined that the relevant entry into or transit through the HKSAR would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region.

Part:	3	Licences	E.R. 1 of 2013	25/04/2013
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Section:	8	Licence for supply, sale, transfer or carriage of certain goods*	L.N. 165 of 2013	25/10/2013
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- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate—
 - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
 - (i) to Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia; or
 - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) from a place outside Somalia to a place in Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia. (L.N 142 of 2012)
- (2) The requirements are as follows— (L.N 137 of 2013)
 - (a) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Somalia by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
 - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
 - (c) the prohibited goods are intended solely for the support of or use by AMISOM;
 - (d) the prohibited goods are intended solely for the purposes of helping develop Somali security sector institutions; (L.N. 142 of 2012; L.N. 137 of 2013)
 - (e) the prohibited goods do not include any item covered by the Annex to Resolution 2111, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people; (L.N. 137 of 2013)
 - (f) the prohibited goods are intended solely for the support of or use by AMISOM' s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts), and in cooperation and coordination with AMISOM; (L.N. 137 of 2013)
 - (g) the prohibited goods are intended solely for the support of or use by the personnel of the United Nations, including the United Nations Assistance Mission in Somalia; (L.N. 137 of 2013; L.N. 165 of 2013)
 - (h) the prohibited goods are any of the items covered by the Annex to Resolution 2111 and to be supplied to the Federal Government of Somalia, as approved in advance by the Committee on a case-by-case basis; (L.N. 165 of 2013)
 - (i) the prohibited goods are intended solely for the support of or use by the European Union Training Mission in Somalia; (L.N. 165 of 2013)
 - (j) the prohibited goods are intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of the Federal Government of Somalia for which it has notified the Secretary-General of the United Nations. (L.N. 165 of 2013)
- (3) If the Chief Executive determines that—
 - (a) the requirement in subsection (2)(b) is met, the Chief Executive must cause the Committee to be notified of the determination 5 days before granting a licence under subsection (1);
 - (b) the requirement in subsection (2)(d) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) must grant the licence in the absence of a negative decision by the Committee within 5 working days of receiving the notification. (L.N. 165 of 2013)

Note:

* (L.N. 142 of 2012)

Section:	9	Licence for provision of certain advice, assistance or training	L.N. 165 of 2013	25/10/2013
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- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to provide to a person connected with Somalia technical advice, financial or other assistance or training related to military activities.
- (2) The requirements are as follows— (L.N. 137 of 2013)
 - (a) the assistance or training is technical training or assistance intended solely for the support of or use by AMISOM;
 - (b) the assistance or training is technical assistance or training intended solely for the purposes of helping develop Somali security sector institutions; (L.N. 165 of 2013)
 - (c) the advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people; (L.N. 165 of 2013)
 - (d) the assistance is intended solely for the support of or use by AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts), and in cooperation and coordination with AMISOM; (L.N. 137 of 2013)
 - (e) the assistance is intended solely for the support of or use by the personnel of the United Nations, including the United Nations Assistance Mission in Somalia; (L.N. 137 of 2013; L.N. 165 of 2013)
 - (f) the assistance or training is technical training or assistance intended solely for the support of or use by the European Union Training Mission in Somalia. (L.N. 165 of 2013)
- (3) If the Chief Executive determines that the requirement in subsection (2)(b) is met, the Chief Executive—
 - (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of receiving the notification. (L.N. 142 of 2012)

(L.N. 142 of 2012)

Section:	10	Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities*	L.N. 165 of 2013	25/10/2013
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- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
 - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity. (L.N. 142 of 2012)
- (2) The requirements are as follows— (L.N. 137 of 2013)
 - (a) the funds or other financial assets or economic resources are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity; (L.N. 142 of 2012)
 - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
 - (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 20 November 2008 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment; (L.N. 165 of 2013)
 - (d) the funds or other financial assets or economic resources are necessary to ensure timely delivery of urgently needed humanitarian assistance in Somalia by—
 - (i) the United Nations, its specialized agencies or programmes, or humanitarian organizations having

- observer status with the United Nations General Assembly that provide humanitarian assistance; or
- (ii) their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Consolidated Appeal for Somalia. (L.N. 165 of 2013)

(3) If the Chief Executive determines that—

- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
- (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) must grant the licence in the absence of a negative decision by the Committee within 3 working days of receiving the notification;
- (b) the requirement in subsection (2)(b) is met, the Chief Executive—
- (i) must cause the Committee to be notified of the determination; and
 - (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

(L.N. 142 of 2012)

Note:

* (L.N. 142 of 2012)

Section:	11	Provision of false information or documents for purpose of obtaining licences	E.R. 1 of 2013	25/04/2013
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- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

Part:	4	Things Done outside HKSAR	E.R. 1 of 2013	25/04/2013
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Section:	12	Licence or permission granted by authorities of places outside HKSAR	E.R. 1 of 2013	25/04/2013
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- (1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.
- (2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.

Part:	5	Enforcement of Regulation	E.R. 1 of 2013	25/04/2013
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Part:	5	Investigation, etc. of Suspected Ships	E.R. 1 of 2013	25/04/2013
Division:	1			

Section:	13	Investigation of suspected ships	E.R. 1 of 2013	25/04/2013
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- (1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2) or (4), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
 - (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.
- (2) If an authorized officer has reason to suspect that a ship to which section 3 applies is being or is about to be used in contravention of section 3(2) or (4), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2) or (4) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following— (L.N. 142 of 2012)
 - (a) direct the charterer, operator or master of the ship 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;
 - (b) request the charterer, operator or master of the ship to take any of the following steps—
 - (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
 - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
 - (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

Section:	14	Offences by charterer, operator or master of ship	E.R. 1 of 2013	25/04/2013
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- (1) A charterer, operator or master of a ship who disobeys any direction given under section 13(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 13(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 13(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	15	Power of authorized officers to enter and detain ships	E.R. 1 of 2013	25/04/2013
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- (1) Without limiting section 14, if an authorized officer has reason to suspect that a request that has been made under section 13(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or the ship concerned;
 - (b) detain or authorize the detention of that ship or any of its cargo;
 - (c) use or authorize the use of reasonable force.

- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Part:	5	Investigation, etc. of Suspected Aircraft	E.R. 1 of 2013	25/04/2013
Division:	2			

Section:	16	Investigation of suspected aircraft	E.R. 1 of 2013	25/04/2013
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- (1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(2) or (4), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
 - (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.
- (2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
 - (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

Section:	17	Offences by charterer, operator or pilot in command of aircraft	E.R. 1 of 2013	25/04/2013
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- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 16(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 16(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	18	Power of authorized officers to enter and detain aircraft	E.R. 1 of 2013	25/04/2013
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- (1) Without limiting section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or the aircraft concerned;
 - (b) detain or authorize the detention of that aircraft or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

Part:	5	Investigation, etc. of Suspected Vehicles	E.R. 1 of 2013	25/04/2013
Division:	3			

Section:	19	Investigation of suspected vehicles	E.R. 1 of 2013	25/04/2013
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- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2) or (4), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
 - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and
 - (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.
- (2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—
 - (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

Section:	20	Offences by operator or driver of vehicle	E.R. 1 of 2013	25/04/2013
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- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 19(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 19(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	21	Power of authorized officers to enter and detain vehicles	E.R. 1 of 2013	25/04/2013
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- (1) Without limiting section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
 - (b) detain or authorize the detention of that vehicle or any article carried on it;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Part:	5	Proof of Identity	E.R. 1 of 2013	25/04/2013
Division:	4			

Section:	22	Production of proof of identity	E.R. 1 of 2013	25/04/2013
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Before or on exercising a power conferred by section 13, 15, 16, 18, 19 or 21, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

Part:	6	Evidence	E.R. 1 of 2013	25/04/2013
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Section:	23	Power of magistrate or judge to grant warrant	E.R. 1 of 2013	25/04/2013
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- (1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that— (L.N. 142 of 2012)
 - (a) an offence under this Regulation has been committed or is being committed; and
 - (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
- (3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
 - (a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
 - (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
 - (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

Section:	24	Detention of documents, cargoes or articles seized	E.R. 1 of 2013	25/04/2013
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- (1) Subject to subsection (2), any document, cargo or article seized under section 23(3) may not be detained for more than 3 months.
- (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

Part:	7	Disclosure of Information or Documents	E.R. 1 of 2013	25/04/2013
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Section:	25	Disclosure of information or documents	E.R. 1 of 2013	25/04/2013
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- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
 - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
 - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
 - (c) the information or document is disclosed 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—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or

- (iii) 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 Somalia decided on by the Security Council; or
 - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—
- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
 - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.

Part:	8	Other Offences and Miscellaneous Matters	E.R. 1 of 2013	25/04/2013
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Section:	26	Liability of persons other than principal offenders*	E.R. 1 of 2013	25/04/2013
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- (1) If the person convicted of an offence under this Regulation is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, the director, manager, secretary or other similar officer is guilty of the like offence.
- (2) If the person convicted of an offence under this Regulation is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm is guilty of the like offence.

Note:

* (L.N. 142 of 2012)

Section:	27	Offences in relation to obstruction of authorized persons, etc.	E.R. 1 of 2013	25/04/2013
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A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

Section:	28	Offences in relation to evasion of this Regulation	E.R. 1 of 2013	25/04/2013
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A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

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

Section:	29	Consent and time limit for proceedings	E.R. 1 of 2013	25/04/2013
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- (1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.
- (2) Summary proceedings for an offence under this Regulation that is 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 the alleged commission of the offence.

Section:	30	Specification of relevant person or relevant entity by Chief Executive	E.R. 1 of 2013	25/04/2013
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The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person

or an entity designated by the Committee for the purposes of paragraph 3 of Resolution 1844.

Section:	31	Exercise of powers of Chief Executive	E.R. 1 of 2013	25/04/2013
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- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.

Section:	32	Duration	L.N. 165 of 2013	25/10/2013
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- (1) Sections 8(2)(e) and 9(2)(c) expire at midnight on 5 March 2014. (L.N. 165 of 2013)
- (2) Section 10(2)(d) expires at midnight on 24 October 2014. (L.N. 165 of 2013)

(L.N. 137 of 2013)



Security Council

Distr.: General
18 November 2013

Resolution 2125 (2013)

**Adopted by the Security Council at its 7061st meeting, on
18 November 2013**

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011) and 2077 (2012), as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010 and (S/PRST/2012/24) of 19 November 2012,

Welcoming the report of the Secretary-General (S/2013/623), as requested by resolution 2077 (2012), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's sovereign rights in accordance with international law, with respect to offshore natural resources, including fisheries,

While welcoming the significant decrease in reported incidents of piracy off the coast of Somalia, which are at the lowest level since 2006, *continuing* to be gravely concerned by the on-going threat that piracy and armed robbery at sea pose to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law, and also gravely concerned by the extended range of the piracy threat into the western Indian Ocean and adjacent sea areas and increased pirate capacities,

Expressing concern about the reported involvement of children in piracy off the coast of Somalia,

Recognizing that the on-going instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, and stressing the need to continue the comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes, *recognizing* the need to undertake long-term and sustainable efforts to repress piracy and the need to create adequate economic opportunities for the citizens of Somalia,



Recognizing the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks, and *reiterating its concern* over persons suspected of piracy having been released without facing justice, *reaffirming* that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts,

Noting the report of the Secretary-General (S/2013/623), particularly Section IX on “Allegations of illegal fishing and illegal dumping, including of toxic substances, off the coast of Somalia”,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“The Convention”), sets out the legal framework applicable to activities in the ocean, including countering piracy and armed robbery at sea,

Underlining the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia; *noting* the several requests from Somali authorities for international assistance to counter piracy off its coast, including the letter of 12 November 2013, from the Permanent Representative of Somalia to the United Nations expressing the appreciation of Somali authorities to the Security Council for its assistance, expressing their willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, and requesting that the provisions of resolution 2077 (2012) be renewed for an additional twelve months,

Encouraging implementation of the Somali Maritime Resource and Security Strategy, which was endorsed by the President of the Federal Government of Somalia and participating states at the 14th Plenary of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in New York on 1 May 2013; at the International Somalia Conference in London on 7 May 2013, and at the European Union’s “New Deal for Somalia” Conference in Brussels on 16 September 2013,

Recognizing the work of the CGPCS to facilitate the prosecution of suspected pirates and, in accordance with international law, to establish an on-going network and mechanism for sharing information and evidence between investigators and prosecutors, *welcoming* the development of the Capacity Building Coordination Group under Working Group 1 of the CGPCS, and *welcoming* the work by Working Group 5 of the CGPCS to disrupt illicit financial flows linked to piracy,

Welcoming the financing provided by the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund) to strengthen regional ability to prosecute suspected pirates and imprison those convicted in accordance with applicable international human rights law, *noting* with appreciation the assistance provided by the United Nations Office of Drugs and Crime (UNODC) Counter-Piracy Programme, and *being determined* to continue efforts to ensure that pirates are held accountable,

Commending the efforts of the European Union operation ATALANTA, North Atlantic Treaty Organization Operation Ocean Shield, Combined Maritime Forces’ Combined Task Force 151 commanded by Pakistan and the United Kingdom, as well as United States ships assigned to Combined Task Force 151 and NATO Task Force 508, the counter-piracy activities of the African Union onshore in Somalia and

the naval activities of the Southern Africa Development Community, and other States acting in a national capacity in cooperation with Somali authorities and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, and *welcoming* the Shared Awareness and Deconfliction Initiative (SHADE) and the efforts of individual countries, including China, India, Indonesia, Japan, Republic of Korea, Malaysia, Pakistan, and the Russian Federation, which have deployed naval counter-piracy missions in the region, as stated in the Secretary-General's report (S/2013/623),

Noting the efforts of flag States for taking measures to permit vessels sailing under their flag transiting the High Risk Area (HRA) to embark vessel protection detachments and privately contracted armed security personnel (PCASP), and *encouraging* States to regulate such activities in accordance with applicable international law and permit charters to favour arrangements that make use of such measures,

Noting the request of some Member States on the need to review the boundaries of the HRA on an objective and transparent basis, taking into account actual incidents of piracy, and *noting* that the HRA is set and defined by the insurance and maritime industry,

Welcoming the capacity-building efforts in the region made by the International Maritime Organization-(IMO)-funded Djibouti Code of Conduct, the Trust Fund and the European Union's activities under EUCAP Nestor, which is working with the Federal Government of Somalia to strengthen its criminal justice system, and *recognizing* the need for all engaged international and regional organizations to coordinate and cooperate fully,

Supporting the development of a coastal police force, *noting with appreciation* the efforts made by the IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden, and the Indian Ocean area, and *recognizing* the work of the IMO and the CGPCS in this regard, *noting* the efforts of the International Organization for Standardization, which has developed industry standards of training and certification for Private Maritime Security Companies when providing privately contracted armed security personnel on board ships in high-risk areas, and *further welcoming* the European Union's EUCAP Nestor, which is working to develop the sea-going maritime security capacities of Somalia, Djibouti, Kenya, Seychelles and Tanzania,

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia, too often has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, and *reiterating* that, consistent with the provisions of "The Convention" concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Underlining the importance of continuing to enhance the collection, preservation and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the on-going work of the IMO, INTERPOL, and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and noting the importance for the successful prosecution of acts of piracy of enabling seafarers to give evidence in criminal proceedings,

Further recognizing that pirate networks continue to rely on kidnapping and hostage-taking, and that these activities help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of civilians and restricting the flow of free commerce, and *welcoming* international efforts to collect and share information to disrupt the pirate enterprise, as exemplified by INTERPOL's Global Database on Maritime Piracy, and *taking note of* the on-going efforts of the Regional Fusion and Law Enforcement Centre for Safety and Security at Sea (formerly the Regional Anti Piracy Prosecution and Intelligence Coordination Centre), hosted by Seychelles to combat piracy,

Reaffirming international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, *strongly condemning* the continuing practice of hostage-taking by pirates operating off the coast of Somalia, *expressing serious concern* at the inhuman conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling for* the immediate release of all hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

Commending Kenya, Mauritius, Seychelles and Tanzania for their efforts to prosecute suspected pirates in their national courts, and *noting* with appreciation the assistance provided by the UNODC Counter-Piracy Programme, the Trust Fund and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Mauritius, Seychelles, Tanzania, Somalia, and other States in the region with their efforts to prosecute, or incarcerate in a third State after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and emphasizing the need for States and international organizations to further enhance international efforts in this regard,

Welcoming the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, and *acknowledging* the return from Seychelles to Somalia of convicted prisoners willing and eligible to serve their sentences in Somalia,

Recalling the reports of the Secretary-General on the modalities for the establishment of specialized Somali anti-piracy courts (S/2011/360 and S/2012/50), prepared pursuant to paragraph 26 of resolution 1976 (2011) and paragraph 16 of resolution 2015 (2011),

Stressing the need for States to consider possible methods to assist the seafarers who are victims of pirates, and *welcoming* in this regard the Trust Fund's

establishment in November 2012 of the “Hostage Support Programme” to provide support to hostages during their release and return home, as well as to their families throughout the hostage situation,

Recognizing the progress made by the CGPCS and UNODC in the use of public information tools to raise awareness of the dangers of piracy, highlight the best practices to eradicate this criminal phenomenon, and inform the public of the dangers posed by piracy,

Further noting with appreciation the on-going efforts by UNODC to support efforts to enhance Somalia’s maritime security and law enforcement capacities, also noting efforts by UNODC and UNDP and the funding provided by the Trust Fund, the European Union, the United Kingdom, the United States, and other donors to develop regional judicial and law enforcement capacity to investigate, arrest, and prosecute suspected pirates and to incarcerate convicted pirates consistent with applicable international human rights law,

Bearing in mind the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, *noting* the operations of information-sharing centres in Yemen, Kenya and Tanzania and the regional maritime training centre in Djibouti, and *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and *further emphasizing* that Somalia’s long-term security rests with the effective development by Somali authorities of the Somali National Security Forces,

Noting with appreciation recent high-level events on Somalia which have generated substantial pledges of support, and underlining the importance of delivering on any support pledged at these events,

Taking note with appreciation the intention expressed by the Indian Ocean Rim Association at the thirteenth meeting of its Council of Ministers to bolster maritime security and safety, including through the upcoming Indian Ocean Dialogue in India, which will explore concrete options to enhance counter-piracy cooperation, including through improved maritime information-sharing arrangements and stronger national legal capacity and laws, and *encouraging* the Indian Ocean Rim Association to pursue efforts that are complementary to and coordinated with the on-going work of the CGPCS,

Noting that the joint counter-piracy efforts of the international community and private sector have resulted in a sharp decline in pirate attacks as well as hijackings since 2011 and emphasizing that without further action, the significant progress made in reducing the number of successful pirate attacks is reversible,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea off the coast of Somalia;
2. *Recognizes* that the on-going instability in Somalia is one of the underlying causes of the problem of piracy and contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, while piracy, in turn, exacerbates instability by introducing large amounts of illicit cash that fuels additional crime and corruption in Somalia;
3. *Stresses* the need for a comprehensive response to repress piracy and tackle its underlying causes by the international community;
4. *Underlines* the primary responsibility of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and requests the Somali authorities, with assistance from the Secretary-General and relevant United Nations entities, to pass a complete set of anti-piracy laws without further delay, and *urges* Somalia to continue efforts, with the support of the international community, to adopt an exclusive economic zone in accordance with “The Convention”;
5. *Recognizes* the need to continue investigating and prosecuting those who plan, organize or illicitly finance or profit from pirate attacks off the coast of Somalia, including key figures of criminal networks involved in piracy, *urges* States, working in conjunction with relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates off the coast of Somalia;
6. *Calls upon* the Somali authorities to interdict, and upon interdiction to investigate and prosecute pirates and to patrol the territorial waters off the coast of Somalia to suppress acts of piracy and armed robbery at sea;
7. *Calls upon* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea and *calls upon* Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen maritime capacity in Somalia, including regional authorities and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international law, in particular international human rights law;
8. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage taking, and the prosecution of suspected pirates for taking hostages;
9. *Recognizes* the need for States, international and regional organizations, and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates and with a view to the arrest and prosecution of key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate, or illicitly finance or profit from piracy operations if they meet the listing criteria set out in paragraph 8, resolution [1844 \(2008\)](#); and *calls upon* all States to cooperate fully with the Somalia and Eritrea Monitoring Group including on information-sharing regarding possible violations of the arms embargo or charcoal ban;
10. *Renews* its call upon States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea

off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms, military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms, and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

11. *Commends the work* of the CGPCS to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with the IMO, flag States, and Somali authorities and *urges* States and international organizations to continue to support these efforts;

12. *Encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, notes the primary role of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that for a further period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008), as renewed by paragraph 7 of resolution 1897 (2009), paragraph 7 of resolution 1950 (2010), paragraph 9 of resolution 2020 (2011), and paragraph 12 of resolution 2077 (2012) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

13. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations, under “The Convention”, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been renewed only following the receipt of the 12 November 2013 letter conveying the consent of Somali authorities;

14. *Decides* that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional and subregional organizations undertaking measures in accordance with paragraph 12 above;

15. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 12 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

16. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims, and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including anyone who incites or facilitates an act of piracy,

consistent with applicable international law including international human rights law to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under this resolution;

17. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of those convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law, including international human rights law;

18. *Reiterates* its decision to continue its consideration of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support, as set forth in resolution [2015 \(2011\)](#), and the importance of such courts having jurisdiction over not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attack, and *encourages* the CGPCS to continue its discussions in this regard;

19. *Welcomes*, in this context, the UNODC Counter-Piracy Programme's continued work with authorities in Somalia and in neighbouring States to ensure that individuals suspected of piracy are prosecuted and those convicted are imprisoned in a manner consistent with international law, including international human rights law;

20. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

21. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

22. *Commends* INTERPOL for operationalizing a global piracy database that consolidates information about piracy off the coast of Somalia and facilitates the development of actionable analysis for law enforcement, and *urges* all States to share such information with INTERPOL for use in the database, through appropriate channels;

23. *Commends* the contributions of the Trust Fund and the IMO-funded Djibouti Code of Conduct and *urges* both state and non-State actors affected by piracy, most notably the international shipping community, to contribute to them;

24. *Urges* States parties to "The Convention" and the SUA Convention to implement fully their relevant obligations under these conventions and customary international law and to cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

25. *Acknowledges* the recommendations and guidance provided by the IMO on preventing and suppressing piracy and armed robbery at sea; and *urges* States, in

collaboration with the shipping and insurance industries, and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

26. *Encourages* flag States and port States to further consider the development of safety and security measures on board vessels, including, where applicable, developing regulations for the use of PCASP on board ships, aimed at preventing and suppressing piracy off the coast of Somalia, through a consultative process, including through the IMO and ISO;

27. *Invites* the IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships in coordination, in particular, with the UNODC, the World Food Program (WFP), the shipping industry, and all other parties concerned, and *recognizes* the IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

28. *Notes* the importance of securing the safe delivery of WFP assistance by sea, welcomes the on-going work by the WFP, EU operation ATALANTA and flag States with regard to Vessel Protection Detachments on WFP vessels;

29. *Requests* States and regional organizations cooperating with Somali authorities to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 12 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

30. *Requests* the Secretary-General to report to the Security Council within 11 months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

31. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 12 above for additional periods upon the request of Somali authority;

32. *Decides* to remain seized of the matter.



Security Council

Distr.: General
5 March 2014

Resolution 2142 (2014)

**Adopted by the Security Council at its 7127th meeting, on
5 March 2014**

The Security Council,

Recalling its previous statements and resolutions on the situation in Somalia, in particular its resolutions [2036 \(2012\)](#), [2093 \(2013\)](#), and [2111 \(2013\)](#),

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Noting the Federal Government of Somalia's 6 February 2014 letter to the Security Council, *welcoming* the new information it provides as well as noting its shortcomings, *further noting* the National Security Adviser to the Federal Government of Somalia's 20 February letter to the Chair of the Committee, and *encouraging* it to continue to submit appropriately detailed information to the Security Council,

Welcoming the measures taken by the Federal Government of Somalia to manage better its weapons and ammunition, and *looking forward* to the Federal Government of Somalia taking further steps to improve its weapons management further,

Underlining the imperative need for the Federal Government of Somalia to improve its compliance with its requirements under the partial suspension of the arms embargo,

Taking note of the Somalia and Eritrea Monitoring Group's (SEMG) 6 February 2014 report on compliance by the Federal Government of Somalia with its requirements under the terms of the partial suspension of the arms embargo on the Federal Government of Somalia,

Condemning flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo on Somalia, as well as the destabilizing accumulation and misuse of such weapons, as a serious threat to peace and stability in the region,

Expressing serious concern that the requirements under the suspension of the arms embargo as set out in resolution [2093 \(2013\)](#) and [2111 \(2013\)](#) have not been fully met,



Noting with concern the SEMG's reports of diversions of arms and ammunition, including to Al-Shabaab, which has been cited as a potential recipient of diverted arms and ammunition, and *further noting* that, pursuant to paragraph 7 of resolution [1844 \(2008\)](#), all Member States are required to take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment to designated individuals and entities, which includes Al-Shabaab,

Stressing that any decision to continue or end the partial suspension of the arms embargo on the Federal Government of Somalia will be taken in the light of the thoroughness of the Federal Government of Somalia's implementation of its requirements as set out in this and other relevant Security Council resolutions,

Noting the request of the Federal Government of Somalia for assistance in weapons management, and *encouraging* relevant international actors, including the United Nations, to support the Federal Government of Somalia in managing weapons and military equipment in an effective manner,

Reiterating the need for all Member States to respect and implement, in accordance with relevant Security Council resolutions, their obligations with respect to preventing unauthorized deliveries of weapons and military equipment to Somalia and to prevent the direct or indirect import of charcoal from Somalia in violation of the relevant Security Council resolutions,

Recalling the Informal Working Group on General issues of Sanctions report (S/2006/997) on best practices and methods, including paragraphs 21, 22 and 23 that discuss possible steps for clarifying methodological standards for monitoring mechanisms,

Determining that the situation in Somalia continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the arms embargo on Somalia, imposed by paragraph 5 of resolution [733 \(1992\)](#) and further elaborated upon in paragraphs 1 and 2 of resolution [1425 \(2002\)](#) and modified by paragraphs 33 to 38 of resolution [2093 \(2013\)](#) and paragraphs 4 to 17 of resolution [2111 \(2013\)](#);

2. *Decides* that until 25 October 2014 the arms embargo on Somalia shall not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia, to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of resolution [2111 \(2013\)](#);

3. *Decides* that the Federal Government of Somalia has the primary responsibility to notify the Committee established pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#) (the Committee) for its information at least five days in advance of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to its Security Forces, as permitted in paragraph 2 of this resolution, as well as for the exemption procedure for those items set out in the annex of resolution [2111 \(2013\)](#), as provided for by paragraph 7 of resolution [2111 \(2013\)](#);

4. *Decides* that the Member State, international, regional or subregional organisation delivering assistance may, in the alternative, make the notification referred to in paragraph 3 in consultation with the Federal Government of Somalia;

5. *Decides* that all such notifications concerning the provision of weapons or military equipment to the Committee shall include: details of the manufacturer and supplier of the arms and ammunition, a description of the arms and ammunition including the type, calibre and quantity, proposed date and place of delivery, and all relevant information concerning the intended destination unit in the Somali National Security Forces, or the intended place of storage;

6. *Further decides* that, no later than 30 days after the delivery of arms or ammunition, the Federal Government of Somalia shall submit to the Committee a written confirmation of the completion of the delivery, including the serial numbers for the arms and ammunition delivered, shipping information, bill of lading, cargo manifests or packing lists, and the specific place of storage, and *recognizes* the value of the supplying Member State, international, regional or subregional organization doing the same, in cooperation with the Federal Government of Somalia;

7. *Further decides* that within five days of the distribution of imported arms or ammunition, the Federal Government of Somalia shall inform the Committee in writing of the destination unit in the Somali National Security Forces or the place of storage;

8. *Reiterates* that weapons or military equipment sold or supplied solely for the development of the Security Forces of the Federal Government of Somalia may not be resold to, transferred to, or made available for use by, any individual or entity not in the service of the Security Forces of the Federal Government of Somalia, and *underlines* the responsibility of the Federal Government of Somalia to ensure the safe and effective management, storage and security of their stockpiles;

9. *Requests* the Federal Government of Somalia to report to the Security Council by 13 June 2014 and again by 13 September 2014 on:

(a) The structure, strength and composition (including the status of allied militia) of the Security Forces of the Federal Government of Somalia, including the names of current commanders, the locations of the headquarters, and the status of militias;

(b) The infrastructure in place to ensure the safe storage, registration, maintenance and distribution of military equipment by the Security Forces of the Federal Government of Somalia, including details of all available armouries and storerooms, their location, storage capacity, staffing capacity, arms and ammunition management systems and status of use;

(c) The procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by the Security Forces of the Federal Government of Somalia, and on training needs in this regard, including procedures for receipt, verification and recording of weapons imports through any Federal Government controlled port of entry, procedures for the transport of weapons and ammunition with the Security Forces of the Federal Government of Somalia, and the current systems of logging and auditing in the Security Forces of the Federal Government of Somalia;

10. *Requests* the Secretary-General to provide options and recommendations, within 30 days, on United Nations (including UNSOM) and other technical assistance to the Federal Government of Somalia in:

(a) Complying with its requirements as set out in paragraphs 3 to 7 of this resolution and with the requests set out in paragraph 9 of this resolution;

(b) Assisting in improving its capacities in the safe and transparent storage, distribution and management of weapons and military equipment, including in monitoring and verification;

11. *Urges* the Federal Government of Somalia, all other parties and States, as well as international, regional and subregional organizations, including AMISOM, to ensure cooperation with the Monitoring Group, and ensure the safety of the members of the Monitoring Group, unhindered access, in particular to persons, documents and sites the Monitoring Group deems relevant to the execution of its mandate;

12. *Requests* the SEMG to provide the Federal Government of Somalia feedback on its reporting to the Committee and to keep the Security Council regularly informed on compliance by the Federal Government of Somalia with this and other relevant Council resolutions;

13. *Decides* to remain actively seized of the matter.

United Nations Sanctions (Somalia) Regulation

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United Nations Sanctions (Somalia) Regulation

(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)

Part 1

Preliminary

1. Interpretation

In this Regulation—

AMISOM (非索特派團) means the African Union Mission in Somalia;

authorized officer (獲授權人員) means—

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

Commissioner (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

Committee (委員會) means the Committee of the Security Council established under paragraph 11 of Resolution 751;

designated person (指認人士) means a person or an entity designated by the Committee—

- (a) as engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, including acts that threaten the peace and reconciliation process in Somalia, or threaten the Federal Government of Somalia or AMISOM by force;
- (b) as having acted in violation of—
 - (i) the arms embargo imposed by paragraph 5 of Resolution 733, as further elaborated upon by paragraphs 1 and 2 of Resolution 1425, and as amended by paragraphs 33 to 38 of Resolution 2093;
 - (ii) the arms resale and transfer restrictions set out in paragraph 34 of Resolution 2093;
- (c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
- (d) as being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law; or
- (e) as being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement;

economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

funds (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; and
- (g) documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

licence (特許) means a licence granted under section 8(1)(a) or (b), 9(1) or 10(1);

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 a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

person connected with Somalia (有關連人士) means—

- (a) the Government of Somalia;
- (b) any person in, or resident in, Somalia;
- (c) any body incorporated or constituted under the law of Somalia;
- (d) any body, wherever incorporated or constituted, which is controlled by—

- (i) the Government mentioned in paragraph (a);
- (ii) a person mentioned in paragraph (b); or
- (iii) a body mentioned in paragraph (c); or
- (e) any person acting on behalf of—
 - (i) the Government mentioned in paragraph (a);
 - (ii) a person mentioned in paragraph (b); or
 - (iii) a body mentioned in paragraph (c) or (d),but does not include a designated person;

pilot in command (機長), in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;

prohibited goods (禁制物品) means any weapons or military equipment;

relevant entity (有關實體) means—

- (a) an entity specified by the Chief Executive as a relevant entity in accordance with section 30; or
- (b) an entity acting on behalf of, or at the direction of, or owned or controlled directly or indirectly by, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 30;

relevant person (有關人士) means—

- (a) a person specified by the Chief Executive as a relevant person in accordance with section 30; or
- (b) a person acting on behalf of, or at the direction of, a person or entity specified by the Chief Executive as a relevant person or relevant entity in accordance with section 30;

Resolution 733 (《第 733 號決議》) means Resolution 733 (1992) adopted by the Security Council on 23 January 1992;

Resolution 751 (《第 751 號決議》) means Resolution 751 (1992) adopted by the Security Council on 24 April 1992;

Resolution 1425 (《第 1425 號決議》) means Resolution 1425 (2002) adopted by the Security Council on 22 July 2002;

Resolution 1844 (《第 1844 號決議》) means Resolution 1844 (2008) adopted by the Security Council on 20 November 2008;

Resolution 2093 (《第 2093 號決議》) means Resolution 2093 (2013) adopted by the Security Council on 6 March 2013;

Resolution 2111 (《第 2111 號決議》) means Resolution 2111 (2013) adopted by the Security Council on 24 July 2013;

Security Council (安全理事會) means the Security Council of the United Nations.

Part 2

Prohibitions

2. Prohibition against supply, sale or transfer of certain goods

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 8(1)(a), a person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
 - (a) to Somalia;
 - (b) to, or to the order of, a person connected with Somalia; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia.
- (3) A person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—
 - (a) to, or to the order of, a designated person; or

- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.
- (4) A person who contravenes subsection (2) or (3) commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
 - (a) that the goods concerned were prohibited goods;
 - (b) for a contravention of subsection (2), that the goods concerned were or were to be supplied, sold or transferred—
 - (i) to Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia; or
 - (c) for a contravention of subsection (3), that the goods concerned were or were to be supplied, sold or transferred—
 - (i) to, or to the order of, a designated person; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.

3. Prohibition against carriage of certain goods

- (1) This section applies to—
 - (a) a ship that is registered in the HKSAR;
 - (b) an aircraft that is registered in the HKSAR;
 - (c) any other ship or aircraft that is for the time being chartered to a person who is—
 - (i) in the HKSAR;
 - (ii) both a Hong Kong permanent resident and a Chinese national; or
 - (iii) a body incorporated or constituted under the law of the HKSAR; and
 - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 8(1)(b), a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
 - (a) from a place outside Somalia to a place in Somalia;
 - (b) to, or to the order of, a person connected with Somalia; or
 - (c) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia.
- (3) Subsection (2) does not apply if—
 - (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
 - (b) the supply, sale or transfer was authorized by a licence granted under section 8(1)(a).

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- (4) Without limiting section 2, a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
- (a) to, or to the order of, a designated person; or
 - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.
- (5) If a ship, aircraft or vehicle is used in contravention of subsection (2) or (4), each of the following persons commits an offence—
- (a) for a ship registered in the HKSAR, the charterer, the operator and the master of the ship;
 - (b) for any other ship—
 - (i) the charterer of the ship, if the charterer is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the ship, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the master of the ship, if the master is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (c) for an aircraft registered in the HKSAR, the charterer, the operator and the pilot in command of the aircraft;
 - (d) for any other aircraft—
 - (i) the charterer of the aircraft, if the charterer is in the HKSAR, or is both a Hong Kong permanent

- resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR;
 - (ii) the operator of the aircraft, if the operator is in the HKSAR, or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and
 - (iii) the pilot in command of the aircraft, if the pilot in command is in the HKSAR or is both a Hong Kong permanent resident and a Chinese national;
 - (e) for a vehicle, the operator and the driver of the vehicle.
- (6) A person who commits an offence under subsection (5) is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (7) It is a defence for a person charged with an offence under subsection (5) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods;
 - (b) for a contravention of subsection (2), that the carriage of the goods concerned was, or formed part of, a carriage—
 - (i) from a place outside Somalia to a place in Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or

to the order of, a person connected with Somalia;
or

- (c) for a contravention of subsection (4), that the carriage of the goods concerned was, or formed part of, a carriage—
 - (i) to, or to the order of, a designated person; or
 - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.

4. Prohibition against provision of certain advice, assistance or training

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 9(1), a person must not provide, directly or indirectly, to a person connected with Somalia any technical advice, financial or other assistance or training related to military activities.
- (3) A person must not provide, directly or indirectly, to a designated person any technical assistance or training, or financial or other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of any prohibited goods.
- (4) A person who contravenes subsection (2) or (3) commits an offence and is liable—

- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
 - (a) for a contravention of subsection (2)—
 - (i) that the advice, assistance or training concerned was or was to be provided to a person connected with Somalia; or
 - (ii) that the advice, assistance or training concerned related to military activities; or
 - (b) for a contravention of subsection (3)—
 - (i) that the assistance or training concerned was or was to be provided to a designated person; or
 - (ii) that the assistance or training concerned related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of any prohibited goods.

4A. Prohibition against importation of charcoal

- (1) A person must not import, directly or indirectly, any charcoal from Somalia into the HKSAR.
- (2) Subsection (1) applies whether or not the charcoal concerned was originated in Somalia.
- (3) A person who contravenes subsection (1) commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or

- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe that the charcoal concerned was imported, directly or indirectly, from Somalia into the HKSAR.

5. Prohibition against making available funds, etc. or dealing with funds, etc.

- (1) This section applies to—
 - (a) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or
 - (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1)—
 - (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
 - (b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person.

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- (4) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on conviction on indictment to a fine and to imprisonment for 7 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) that the funds or other financial assets or economic resources concerned were or were to be made available to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) that the person was dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (6) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account owned by or otherwise belonging to, or held by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
 - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (7) In this section—
- deal with*** (處理) means—
- (a) in respect of funds—
 - (i) use, alter, move, allow access to or transfer;

- (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
 - (iii) make any other change that would enable use, including portfolio management; and
- (b) in respect of other financial assets or economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

6. Prohibition against entry or transit by certain persons

- (1) Subject to section 7, a designated person must not enter or transit through the HKSAR.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (3) This section does not apply to a person having the right of abode or the right to land in the HKSAR.

7. Exceptions to prohibition against entry or transit by certain persons

Section 6 does not apply to a case in respect of which—

- (a) the Committee has determined that the relevant entry into or transit through the HKSAR is justified on the ground of humanitarian need, including religious obligation; or
 - (b) the Committee has determined that the relevant entry into or transit through the HKSAR would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region.
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Part 3

Licences

8. Licence for supply, sale, transfer or carriage of certain goods

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate—
 - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
 - (i) to Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia; or
 - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) from a place outside Somalia to a place in Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia.
- (2) The requirements are as follows—
 - (a) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Somalia by the personnel of the United

Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;

- (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
- (c) the prohibited goods are intended solely for the support of or use by AMISOM;
- (d) the prohibited goods are intended solely for the purposes of helping develop Somali security sector institutions;
- (e) *(expired)*
- (f) the prohibited goods are intended solely for the support of or use by AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts), and in cooperation and coordination with AMISOM;
- (g) the prohibited goods are intended solely for the support of or use by the personnel of the United Nations, including the United Nations Assistance Mission in Somalia;
- (h) the prohibited goods are any of the items covered by the Annex to Resolution 2111 and to be supplied to the Federal Government of Somalia, as approved in advance by the Committee on a case-by-case basis;
- (i) the prohibited goods are intended solely for the support of or use by the European Union Training Mission in Somalia;
- (j) the prohibited goods are intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea

off the coast of Somalia, on the request of ~~the Federal Government of Somalia~~ Somali authorities for which it ~~has~~ they have notified the Secretary-General of the United Nations;

(k) the prohibited goods do not include any item covered by the Annex to Resolution 2111, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people.

(3) If the Chief Executive determines that—

- (a) the requirement in subsection (2)(b) is met, the Chief Executive must cause the Committee to be notified of the determination 5 days before granting a licence under subsection (1);
- (b) the requirement in subsection (2)(d) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) must grant the licence in the absence of a negative decision by the Committee within 5 working days of receiving the notification.

9. Licence for provision of certain advice, assistance or training

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to provide to a person connected with Somalia technical advice, financial or other assistance or training related to military activities.
- (2) The requirements are as follows—

- (a) the assistance or training is technical training or assistance intended solely for the support of or use by AMISOM;
 - (b) the assistance or training is technical assistance or training intended solely for the purposes of helping develop Somali security sector institutions;
 - (c) *(expired)*
 - (d) the assistance is intended solely for the support of or use by AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts), and in cooperation and coordination with AMISOM;
 - (e) the assistance is intended solely for the support of or use by the personnel of the United Nations, including the United Nations Assistance Mission in Somalia;
 - (f) the assistance or training is technical training or assistance intended solely for the support of or use by the European Union Training Mission in Somalia;
 - (g) the assistance is intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of Somali authorities for which they have notified the Secretary-General of the United Nations;
 - (h) the advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people.
- (3) If the Chief Executive determines that the requirement in subsection (2)(b) is met, the Chief Executive—

- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
- (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of receiving the notification.

10. Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities

- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
 - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
 - (a) the funds or other financial assets or economic resources are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of

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- funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity;
- (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
 - (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 20 November 2008 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment;
 - (d) the funds or other financial assets or economic resources are necessary to ensure timely delivery of urgently needed humanitarian assistance in Somalia by—
 - (i) the United Nations, its specialized agencies or programmes, or humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance; or
 - (ii) their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Consolidated Appeal for Somalia.
- (3) If the Chief Executive determines that—
- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and

- (ii) must grant the licence in the absence of a negative decision by the Committee within 3 working days of receiving the notification;
- (b) the requirement in subsection (2)(b) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the determination; and
 - (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

11. Provision of false information or documents for purpose of obtaining licences

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false in a material particular commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false in a material particular commits an offence and is liable—
 - (a) on conviction on indictment to a fine and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months..

Part 4

Things Done outside HKSAR

12. Licence or permission granted by authorities of places outside HKSAR

- (1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.
- (2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.

Part 5

Enforcement of Regulation

Division 1—Investigation, etc. of Suspected Ships

13. Investigation of suspected ships

- (1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2) or (4), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
 - (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.
- (2) If an authorized officer has reason to suspect that a ship to which section 3 applies is being or is about to be used in contravention of section 3(2) or (4), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2) or (4) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—
 - (a) direct the charterer, operator or master of the ship 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;
- (b) request the charterer, operator or master of the ship to take any of the following steps—
- (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
 - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

14. Offences by charterer, operator or master of ship

- (1) A charterer, operator or master of a ship who disobeys any direction given under section 13(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 13(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or master of a ship who, in response to a request made under section 13(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

15. Power of authorized officers to enter and detain ships

- (1) Without limiting section 14, if an authorized officer has reason to suspect that a request that has been made under section 13(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or the ship concerned;
 - (b) detain or authorize the detention of that ship or any of its cargo;
 - (c) use or authorize the use of reasonable force.

- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 2—Investigation, etc. of Suspected Aircraft

16. Investigation of suspected aircraft

- (1) If an authorized officer has reason to suspect that an aircraft to which section 3 applies has been, is being or is about to be used in contravention of section 3(2) or (4), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and
 - (b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.
- (2) If the aircraft referred to in subsection (1) is in the HKSAR, an authorized officer may, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the charterer, operator or pilot in command is notified by an authorized officer that the aircraft and its cargo may depart.

- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
 - (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

17. Offences by charterer, operator or pilot in command of aircraft

- (1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 16(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 16(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

18. Power of authorized officers to enter and detain aircraft

- (1) Without limiting section 17, if an authorized officer has reason to suspect that a request that has been made under section 16(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure

compliance with that request including, in particular, any of the following steps—

- (a) enter or authorize the entry on any land or the aircraft concerned;
 - (b) detain or authorize the detention of that aircraft or any of its cargo;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.
- (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 3—Investigation, etc. of Suspected Vehicles

19. Investigation of suspected vehicles

- (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 3(2) or (4), the officer may—
- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;
 - (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and

- (c) further request, either there and then or on consideration of any information provided or article or document produced in response to a request made under paragraph (b), the operator or driver to take the vehicle and any article carried on it to a place specified by an authorized officer, and to cause the vehicle and the article to remain in that place until the operator or driver is notified by an authorized officer that the vehicle and the article may depart.
- (2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—
 - (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.

20. Offences by operator or driver of vehicle

- (1) An operator or driver of a vehicle who, without reasonable excuse, refuses or fails to comply with a request made under section 19(1)(b) or (c) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) An operator or driver of a vehicle who, in response to a request made under section 19(1)(b) or (c), provides or produces to an authorized officer any information or document that the operator or driver knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in

a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

21. Power of authorized officers to enter and detain vehicles

- (1) Without limiting section 20, if an authorized officer has reason to suspect that a request that has been made under section 19(1)(c) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—
 - (a) enter or authorize the entry on any land or enter or authorize the entry into the vehicle concerned;
 - (b) detain or authorize the detention of that vehicle or any article carried on it;
 - (c) use or authorize the use of reasonable force.
- (2) Subject to subsection (3), subsection (1) does not authorize the detention of a vehicle for more than 12 hours.
- (3) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.

Division 4—Proof of Identity

22. Production of proof of identity

Before or on exercising a power conferred by section 13, 15, 16, 18, 19 or 21, an authorized officer must, if requested by any person so to do, produce proof of the officer's identity to the person for inspection.

Part 6

Evidence

23. Power of magistrate or judge to grant warrant

- (1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
 - (a) an offence under this Regulation has been committed or is being committed; and
 - (b) there is on any premises specified in the information, or on any ship, aircraft or vehicle so specified, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize any authorized officer, together with any other person named in the warrant, to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be, at any time within one month from the date of the warrant, and to search the premises, ship, aircraft or vehicle.
- (3) A person authorized by a warrant to search any premises, ship, aircraft or vehicle may exercise any or all of the following powers—
 - (a) search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises, ship, aircraft or vehicle;
 - (b) seize and detain any document, cargo or article found on the premises, ship, aircraft or vehicle or on any person referred to in paragraph (a) that the authorized person has reasonable grounds to believe to be evidence in

relation to the commission of an offence under this Regulation;

- (c) take in relation to any document, cargo or article seized under paragraph (b) any other steps that may appear necessary for preserving the document, cargo or article and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ship, aircraft or vehicle, the person may use any force that is reasonably necessary for that purpose.

24. Detention of documents, cargoes or articles seized

- (1) Subject to subsection (2), any document, cargo or article seized under section 23(3) may not be detained for more than 3 months.
- (2) If the document, cargo or article is relevant to an offence under this Regulation, and proceedings for the offence have begun, the document, cargo or article may be detained until the completion of those proceedings.

Part 7

Disclosure of Information or Documents

25. Disclosure of information or documents

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
 - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
 - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
 - (c) the information or document is disclosed 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—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or
 - (iii) 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 Somalia decided on by the Security Council; or
 - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—

- (a) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person; and
 - (b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.
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Part 8

Other Offences and Miscellaneous Matters

26. Liability of persons other than principal offenders

- (1) If the person convicted of an offence under this Regulation is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, the director, manager, secretary or other similar officer is guilty of the like offence.
- (2) If the person convicted of an offence under this Regulation is a firm and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any person concerned in the management of the firm, the partner or the person concerned in the management of the firm is guilty of the like offence.

27. Offences in relation to obstruction of authorized persons, etc.

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

28. Offences in relation to evasion of this Regulation

A person who destroys, mutilates, defaces, secretes or removes any document, cargo or article with intent to evade any of the provisions of this Regulation commits an offence and is liable—

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

29. Consent and time limit for proceedings

- (1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.
- (2) Summary proceedings for an offence under this Regulation that is 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 the alleged commission of the offence.

30. Specification of relevant person or relevant entity by Chief Executive

The Chief Executive may, by notice published in the Gazette, specify as a relevant person or a relevant entity a person or an entity designated by the Committee for the purposes of paragraph 3 of Resolution 1844.

31. Exercise of powers of Chief Executive

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to any other person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions that the Chief Executive thinks fit.

32. Duration

(1) *(spent)*

(2) Sections 8(2)(k), 9(2)(h) and 10(2)(d) expires at midnight on 24 October 2014.

**United Nations Sanctions (Somalia) (Amendment) Regulation 2014
Information on Somalia**

Country Background

Somalia is a country in Eastern Africa, situated in the east of Ethiopia, bordering the Gulf of Aden and the Indian Ocean. It has a total area of 637,657 sq. km. and an estimated population of around 9.56 million in 2011. With its capital in Mogadishu, Somalia first achieved independence in 1960. The inauguration of the new Federal Parliament of Somalia on 20 August 2012 marked the end of transitional period following decades of warfare in the country. Dependent on its agricultural sector, Somalia had a GDP of US\$1.07 billion (or HK\$8.3 billion) in 2011. ^{Note 1} Merchandise imports and exports of Somalia in 2011 amounted to US\$ 1.1 billion (or HK\$8.6 billion) and US\$ 450 million (or HK\$3.5 billion) respectively. ^{Note 2}

United Nations Sanctions against Somalia

2. The overthrow of Somali President Siad Barre in January 1991 left Somalia without a viable government. Fighting broke out, mainly between two major clans, with the support of a number of clan-based militias. By early 1992, the country's humanitarian situation was dire with more than 300,000 people estimated to have died of hunger and disease and another 1.5 million in danger of starvation. Against this background, in January 1992, the United Nations Security Council (UNSC) adopted Resolution 733 to impose an arms embargo against the country. Since then, the sanctions regime against Somalia was further expanded and amended by Resolutions 1356, 1725, 1744, 1772, etc.

3. Under the Djibouti Agreement reached in June 2008, Somalia's Transitional Federal Government (TFG) and the opposition Alliance for the Re-liberation of Somalia (ARS) agreed to end their conflict and to establish a unity government. To take measures against those who threatened the peace and the political processes and obstructed humanitarian assistance, UNSC adopted Resolution 1844 on 20 November 2008 to apply travel restrictions and an asset freeze to individuals and entities that engaged in such activities, in addition to those that breached the weapons ban, which was put in place by resolution 733 and amended by subsequent resolutions. On 22 February 2012, UNSC further tightened up sanctions in relation to Somalia by adopting Resolution 2036 to impose a charcoal ban against the country to cut off the main funding of Al-Shabaab, a prominent insurgent

Note 1 Source: World Statistics Pocket Book published by the United Nations Statistics Division at http://unstats.un.org/unsd/pocketbook/World_Statistics_Pocketbook_2013_edition.pdf

Note 2 Source: International Trade Statistics 2012 published by the World Trade Organization at http://www.wto.org/english/res_e/statis_e/its2012_e/its12_toc_e.htm

group in the country. ^{Note 3} Noting that the situation in Somalia continues to pose a threat to international peace and security in the region and determining that the incidents of piracy and armed robbery at sea off the coast of Somalia are an important factor exacerbating the situation in Somalia, UNSC adopted Resolutions 2093, 2111, 2125 and 2142 on 6 March, 24 July, 28 November 2013 and 5 March 2014 respectively to modify the exceptions to the arms embargo measures, the prohibition against the provision of advice, assistance and training, as well as financial sanctions in respect of Somalia.

Trade Relation between Hong Kong and Somalia

4. In 2013, Somalia ranked 138th among Hong Kong's trading partners in the world, with a total trade of HK\$134.8 million. Of these, HK\$101.4 million worth of trade were exports to Somalia, and HK\$33.5 million imports. Hong Kong's trade with Somalia are summarised as follows –

Hong Kong's Trade with Somalia [Value in HK\$ (in million)]		
Item	2012	2013
(a) Total Exports to Somalia	38.9	101.4
(i) Domestic exports	0.0	0.0
(ii) Re-exports	38.9 ^{Note 4}	101.4 ^{Note 5}
(b) Imports from Somalia	25.4 ^{Note 6}	33.5 ^{Note 7}
Total Trade [(a) + (b)]	64.3	134.8

In 2013, HK\$110.9 million worth of goods, or 9.5% ^{Note 8} of the total trade between Somalia and the Mainland, were routed through Hong Kong. Of these, HK\$10.1 million worth of goods were re-exports from Somalia to Mainland. ^{Note 9} The remaining HK\$100.8 million were re-exports of Mainland origin to the Somalia via Hong Kong.

^{Note 3} Source of information contained in paragraphs 2-3: UN Peacekeeping Operation Webpage at <http://www.un.org/en/peacekeeping/>, UN News Centre at <http://www.un.org/apps/news/>, Webpage of Security Council Committee pursuant to Resolutions 751 and 1907 concerning Somalia and Eritrea at <http://www.un.org/sc/committees/751/index.shtml>.

^{Note 4} In 2012, re-exports to Somalia include telecommunications equipment (95.1%); musical instruments and sound recordings (3.0%); and printed matter (0.9%).

^{Note 5} In 2013, re-exports to Somalia include telecommunications equipment (85.4%); automatic data processing machines and units thereof (7.9%); and musical instruments and sound recordings (2.3%). The increase in the re-exports to Somalia in 2013 was due to the rise in demand for telecommunications equipment.

^{Note 6} In 2012, imports from Somalia include leather (98.7%); and crude vegetable materials (1.2%).

^{Note 7} In 2013, imports from Somalia include leather (93.7%); raw hides and skins (except furkins) (2.2%); and dried or salted fish (1.9%). The increase in imports from Somalia in 2013 was due to the rise in demand for leather.

^{Note 8} The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics.

^{Note 9} This re-export figure refers to goods produced in Somalia and re-exported through Hong Kong to the Mainland. These goods are not necessarily consigned from Somalia. It is possible that some goods produced in Somalia are sold to a third country before consigning to Hong Kong. Meanwhile, imports statistics reported in this Annex are based on country of consignment, but not country of origin.

5. The modified sanctions against Somalia imposed by UNSC would unlikely affect the trade between Hong Kong and Somalia notably, as the major categories of commodities traded are not related to arms, charcoal or other related products. In addition, given the rather small trade volume between the two places, the United Nations sanctions against Somalia would unlikely have any significant effect on the Hong Kong economy.

Commerce and Economic Development Bureau
April 2014