

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (SOMALIA) (AMENDMENT) REGULATION 2015

INTRODUCTION

A At the meeting of the Executive Council on 13 January 2015, the Council advised and the Chief Executive (“CE”) ordered that the United Nations Sanctions (Somalia) (Amendment) Regulation 2015 (“the Amendment Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“UNSO”) 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 16 January 2015 and came into operation on the same day.

BACKGROUND

Obligation and Authority

B & C 2. Under section 3(1) of the UNSO, 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 November 2014, the CE received an instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2182 in respect of Somalia. The Amendment Regulation was made to give effect to the instruction. A document issued by the Chief Secretary for Administration confirming the MFA’s instruction and a copy of UNSCR 2182 are at Annexes B and C respectively.

Sanctions against Somalia

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 ban¹, financial restriction², arms embargo³ in respect of persons or entities designated by the Committee established under paragraph 11 of UNSCR 751 (“the Committee”), and charcoal ban⁴.

4. Pursuant to the instruction 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 D.

D

UNSCR 2182

5. Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region, the UNSC adopted UNSCR 2182 on 24 October 2014. The UNSC, inter alia, decided that –

(a) the provisions set out in paragraph 2 of UNSCR 2142⁵ be renewed until 30 October 2015 (*paragraph 3 of UNSCR 2182*); and

(b) until 30 October 2015 and without prejudice to humanitarian

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.

⁵ Paragraph 2 of UNSCR 2142 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 UNSCR 2111.

assistance programmes conducted elsewhere, the measures imposed by paragraph 3 of UNSCR 1844⁶ shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Consolidated Appeal for Somalia (*paragraph 41 of UNSCR 2182*).

THE AMENDMENT REGULATION

6. The Amendment Regulation, at Annex A, seeks to implement the sanctions against Somalia as per UNSCR 2182. The main provisions of the Amendment Regulation include –

- (a) **section 3 which amends section 8(2) of the existing Regulation** to reflect the renewed exceptions to the arms embargo measures against Somalia as per paragraph 3 of UNSCR 2182;
- (b) **section 4 which amends section 9(2) of the existing Regulation** to reflect the renewed exception to the prohibition against the provision of advice, assistance and training in respect of Somalia as per paragraph 3 of UNSCR 2182;
- (c) **section 5 which amends section 10(2) of the existing Regulation** to reflect the renewed exception to the financial sanctions against Somalia as per paragraph 41 of UNSCR 2182; and

⁶ Paragraph 3 of UNSCR 1844 decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities.

- (d) **section 6 which amends section 32 of the existing Regulation** to specify that the exceptions to the arms embargo measures and the prohibition against the provision of advice, assistance and training in respect of Somalia as per paragraph 3 of UNSCR 2182 as well as the exception to the financial sanctions against Somalia as per paragraph 41 of UNSCR 2182 expire at midnight on 30 October 2015.

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

IMPLICATIONS OF THE PROPOSAL

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It 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

8. A press release was issued on 16 January 2015 when the Amendment Regulation was published in the Gazette.

INFORMATION ON SOMALIA AND RELATION WITH HKSAR

F 9. 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 F.

ADVICE SOUGHT

10. Members are invited to note the implementation of UNSCR 2182 in the HKSAR by the Amendment Regulation.

Commerce and Economic Development Bureau
January 2015

United Nations Sanctions (Somalia) (Amendment) Regulation 2015

L.N. 10 of 2015
B61

Section 1

L.N. 10 of 2015

**United Nations Sanctions (Somalia) (Amendment)
Regulation 2015**

(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 to 6.
2. **Section 5 amended (prohibition against making available funds, etc. or dealing with funds, etc.)**
 - (1) Section 5(2)—
Repeal paragraph (b)
Substitute
“(b) a person (*first-mentioned person*) must not deal with, directly or indirectly, any funds or other financial assets or economic resources belonging to, or owned or controlled 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 belonging to, or owned or controlled by, the first-mentioned person.”.
 - (2) Section 5(5)(b)—
Repeal
“owned by or otherwise belonging to, or held by”

United Nations Sanctions (Somalia) (Amendment) Regulation 2015

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Section 3

Substitute

“belonging to, or owned or controlled by”.

- (3) Section 5(6)—

Repeal

“owned by or otherwise belonging to, or held by”

Substitute

“belonging to, or owned or controlled by”.

3. **Section 8 amended (licence for supply, sale, transfer or carriage of certain goods)**
At the end of section 8(2)—
Add
“(l) 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.”.
4. **Section 9 amended (licence for provision of certain advice, assistance or training)**
At the end of section 9(2)—
Add
“(i) 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.”.

5. Section 10 amended (licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities)

(1) Section 10(1)(b)—

Repeal

“owned by or otherwise belonging to, or held by”

Substitute

“belonging to, or owned or controlled by”.

(2) Section 10(2)(a)(iii)—

Repeal

“owned by or otherwise belonging to, or held by”

Substitute

“belonging to, or owned or controlled by”.

(3) At the end of section 10(2)—

Add

“(e) the funds or other financial assets or economic resources are necessary to ensure the 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.”.

6. Section 32 amended (duration)

At the end of section 32—

Add

“(3) Sections 8(2)(l), 9(2)(i) and 10(2)(e) expire at midnight on 30 October 2015.”.

C. Y. LEUNG
Chief Executive

13 January 2015

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2182 (2014) as adopted by the Security Council of the United Nations on 24 October 2014 by amending the licensing requirements for—

- (a) the supply, sale, transfer or carriage of certain goods;
- (b) providing certain advice, assistance or training;
- (c) making available funds or other financial assets or economic resources to certain persons or entities; and
- (d) dealing with funds or other financial assets or economic resources of certain persons or entities.

United Nations Sanctions Ordinance (Cap. 537)

**United Nations Sanctions (Somalia) (Amendment)
Regulation 2015**

This is to confirm that the Chief Executive received specific instruction from the Ministry of Foreign Affairs of the People's Republic of China in November 2014 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 2182 of the Security Council of the United Nations, and that the United Nations Sanctions (Somalia) (Amendment) Regulation 2015 was made in pursuance of that instruction.

Dated this 13th day of January 2015



(Mrs Carrie Lam)
Chief Secretary for Administration

United Nations

S/RES/2182 (2014)

**Security Council**Distr.: General
24 October 2014

Resolution 2182 (2014)**Adopted by the Security Council at its 7286th meeting, on
24 October 2014***The Security Council,*

Recalling all its previous resolutions and statements of its President on the situation in Somalia and Eritrea, in particular resolutions 733 (1992), 1844 (2008), 1907 (2009), 2036 (2012), 2023 (2011), 2093 (2013), 2111 (2013), 2124 (2013), 2125 (2013), and 2142 (2014),

Taking note of the final reports of the Somalia and Eritrea Monitoring Group (the SEMG) and their conclusions on the situations in both Somalia and Eritrea,

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

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

Somalia

Welcoming the recent high-level event on Somalia, chaired by the Secretary-General, and *looking forward* to all participants following up on their commitments,

Highlighting in particular the FGS's commitment to establish interim regional administrations by the end of 2014 which is an essential step under the "Vision 2016" programme, and *emphasizing* the importance of this being an inclusive and consultative process,

Underlining the importance of full and effective participation in the peace and reconciliation process across Somali society, including women, youth and minority groups,

Welcoming the establishment of the Independent Constitutional Review and Implementation Commission, and *emphasizing* the importance of establishing the Boundaries and Federation Commission within the upcoming parliamentary session,

Welcoming the FGS' commitment to a credible electoral process in 2016, *emphasizing* the need for legislation to establish the National Independent Electoral Commission as soon as possible, *underlining* the importance of all partners

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supporting a Somali-led process, and *looking forward* in particular to the upcoming United Nations electoral assessment mission,

Underlining the importance of capacity-building of the Somali Security Forces, and in this regard *reaffirming* the importance of re-establishing training, equipping and retention in the Security Forces of the Federal Republic of Somalia, which is vital for the long-term stability and security of Somalia, *expressing* its support for the ongoing European Union Training Mission and other capacity-building programmes, and *emphasizing* the importance of increased coordinated, timely and sustained support from the international community,

Underlining the need for greater effort in improving the institutional transparency and accountability of public financial management in Somalia, *welcoming* the establishment of a Financial Governance Committee, *encouraging* the FGS to use the Financial Governance Committee effectively, and *underlining* the need for increased mutual transparency and accountability between the FGS and the donor community,

Welcoming the intention of the Secretary-General and World Bank to develop an initiative aimed at promoting economic development in the Horn of Africa, and *looking forward* to the results of the initiative,

Recalling the total ban on the export and import of charcoal from Somalia, irrespective of whether such charcoal originated in Somalia, as set out in resolution 2036 (2012),

Expressing concern at the continuing violations and abuses of human rights, including extrajudicial killings, violence against women, children and journalists, arbitrary detention and pervasive sexual violence in Somalia, including in camps for internally displaced persons, *underscoring* the need to end impunity, promote and protect human rights, hold accountable those who commit such crimes, *welcoming* the efforts by the Federal Government of Somalia (FGS) to address violations and abuses of human rights including by implementing the two action plans signed on children and armed conflict and by developing a National Action Plan to combat sexual violence and *encouraging* the FGS to establish its National Human Rights Commission and to take concrete measures to implement fully the post transition human rights road map of August 2013,

Recalling the arms embargo on Somalia, and in particular the need for all supplies of weapons and military equipment destined for the Security Forces of the Federal Government of Somalia to be notified to the Committee established pursuant to resolution 751 (1992) and 1907 (2009) ("the Committee"), and *further recalling* that improved arms and ammunition management in Somalia is a fundamental component of greater peace and stability for the region,

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,

Stressing 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 that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, sets out the legal framework applicable to activities in the ocean,

Taking note of the Somalia and Eritrea Monitoring Group's continued assessment that the illegal charcoal trade continues to generate significant funding for Al-Shabaab, *reiterating* that charcoal exports from Somalia are a significant revenue source for Al-Shabaab and also exacerbate the humanitarian crisis, and *deploring* the continued violation of the ban,

Expressing concern that destination countries for Somali charcoal have not yet taken sufficient steps to prevent the importation of charcoal from Somalia,

Taking note of the President of the Federal Republic of Somalia's 8 October letter to the Security Council requesting Member States to provide military assistance to prevent the export of charcoal from Somalia and to prevent the import of weapons into Somalia in violation of the arms embargo,

Encouraging the FGS, in consultation with all levels of Government in Somalia, to mitigate properly against the petroleum sector in Somalia becoming a source of increased tension in Somalia, including through respecting the provisions of the constitution, and *stressing* the need to resolve issues of resource management and ownership as part of ongoing discussions around federalism,

Eritrea

Welcoming the meetings between representatives of the Government of Eritrea and the SEMG in Paris and Cairo and by telephone conference from New York, *encouraging* further cooperation, and *underlining* its expectation that this cooperation will deepen during the SEMG's mandate, including through regular visits to Eritrea by the SEMG,

Stressing its demand that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of June 2008 so that those concerned may ascertain the presence and conditions of the Djiboutian prisoners of war,

Underlining the importance of full cooperation between the SEMG and the Government of Eritrea,

AMISOM

Expressing its gratitude to the African Union Mission in Somalia (AMISOM) for its work in bringing greater peace and stability to Somalia,

Welcoming AMISOM's recent joint operations with the Somali National Army (SNA), and *paying tribute* to the extraordinary bravery and sacrifices made by both AMISOM and SNA personnel in the fight against Al-Shabaab,

Recognizing the importance of effective coordination among the United Nations Support Office to AMISOM (UNSOA), AMISOM, troop-contributing countries, and donors in order for UNSOA to effectively plan, budget, and provide authorized logistics for AMISOM operations, and *underscoring* the necessity of

enablers and force multipliers to address key limiting factors to AMISOM operations such as timely maintenance of key equipment, maintenance of logistical supply lines, and availability of water,

Recalling and *welcoming* AMISOM's efforts to assist in the provision of training to the SNA, and *underlining* the importance of the Federal Government of Somalia taking on increased responsibility and ownership of the security sector, which is an essential part of AMISOM's eventual exit strategy,

Expressing concern at the reports of sexual violence and exploitation allegedly perpetrated by some AMISOM troops, *reminding* AMISOM of the United Nations Human Rights and Due Diligence policy, *underscoring* in this context the importance of the United Nations Zero Tolerance Policy on Sexual Exploitation and Abuse in the context of peacekeeping, *welcoming* the African Union's deployment of a team to conduct a full investigation into these allegations, and *underlining* the importance of holding to account those responsible for such abuses,

Welcoming the support of the international community to peace and stability in Somalia, in particular the European Union for its substantial contribution in supporting AMISOM, and *emphasizing* the importance of new contributors sharing the financial burden of supporting AMISOM,

Somalia and Eritrea Monitoring Group

Taking note of the letter dated 7 February 2014 from the Somalia and Eritrea Monitoring Group recommending an exemption to the arms embargo to improve reporting on security operations for commercial shipping,

Determining that the situation in Somalia, Eritrea's influence in Somalia, as well as the dispute between Djibouti and Eritrea, continue to constitute a threat to international peace and security in the region,

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

Arms embargo

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), paragraph 14 of resolution 2125 (2013), and paragraph 2 of resolution 2142 (2013) (hereafter referred to as "the arms embargo on Somalia");

2. *Notes* with concern that some deliveries of weapons and military equipment have not been notified to the Committee in accordance with the relevant Security Council resolutions, *underlines* the fundamental importance of timely and detailed notifications to the Committee as set out in paragraphs 3 to 7 of resolution 2142, *notes* with concern reports of diversion of arms and ammunition, and *encourages* supplying Member States to assist the FGS in improving its notifications to the Committee;

3. *Decides* to renew the provisions set out in paragraph 2 of resolution 2142 (2014) until 30 October 2015, and in that context *reiterates* that 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);

4. *Welcomes* the steps taken by the Federal Government of Somalia to establish effective mechanisms in managing its weapons and military equipment, including the Arms and Ammunition Steering Committee, and *notes* with regret that these structures are not functioning with the required level of efficiency nor at all levels of government;

5. *Expresses* its disappointment that a weapons marking and registration process has not yet commenced, despite the Security Council's appeal in its Presidential Statement of 22 May 2014 and *urges* the FGS to implement this process without further delay;

6. *Requests* the SNA and AMISOM to document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates, including recording the type and serial number of the weapon and/or ammunition, photographing all items and relevant markings and facilitating inspection by the SEMG of all military items before their redistribution or destruction;

7. *Reiterates* its request to the FGS, with the support of international partners to establish a joint verification team which would conduct routine inspections of government security forces' stockpiles, inventory records and the supply chain of weapons, and *requests* that any such group provide its findings to the Committee, for the purposes of mitigating the diversion of arms and ammunition to entities outside of the security services of the FGS;

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;

9. *Urges* the FGS to implement fully all its requirements as set out in this and other relevant Security Council resolutions, and *requests* the FGS to report to the Security Council by 30 March 2015, and then by 30 September 2015 on:

(a) The current structure of the Security Forces of the Federal Government of Somalia;

(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;

(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;

10. *Takes note* of the SEMG's recommendation that weapons on board vessels engaged in commercial activity in Somali ports are granted an exemption to the arms embargo, *expresses* its willingness to take such a proposal forward, in close consultation with the FGS, and *requests* the FGS and SEMG to work together and formulate a proposal which should be communicated to the Security Council by 27 February 2015;

Maritime interdiction of charcoal and arms

11. *Reaffirms* the ban on the import and export of Somali charcoal, as set out in paragraph 22 of resolution 2036 (2012) (“the charcoal ban”), and *reiterates* that the Somali authorities shall take the necessary measures to prevent the export of charcoal from Somalia and *reiterates* its requests in paragraph 18 of resolution 2111 (2013), that AMISOM support and assist the Somali authorities in doing so, as part of AMISOM’s implementation of its mandate set out in paragraph 1 of resolution 2093;

12. *Condemns* the ongoing export of charcoal from Somalia, in violation of the total ban on the export of charcoal from Somalia reaffirmed above;

13. *Urges* all Member States, including those contributing AMISOM police and troop contingents, to respect and implement their obligations to prevent the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia, as set out in paragraph 22 of resolution 2036 (2002), and *affirms* this includes taking the necessary measures to prevent the use of their flag vessels for such importing;

14. *Condemns* the flow of weapons and military equipment to Al-Shabaab and other armed groups which are not part of the security forces of the Federal Government of Somalia, and *expresses* serious concern at the destabilizing impact of such weapons;

15. *Authorizes* for a period of 12 months from the date of this resolution Member States, acting nationally or through voluntary multinational naval partnerships, such as “Combined Maritime Forces”, in cooperation with the FGS and which the FGS has notified to the Secretary-General and which the Secretary-General has subsequently notified to all Member States, in order to ensure strict implementation of the arms embargo on Somalia and the charcoal ban, to inspect, without undue delay, in Somali territorial waters and on the high seas off the coast of Somalia extending to and including the Arabian sea and Persian Gulf, vessels bound to or from Somalia which they have reasonable grounds to believe are:

- (i) Carrying charcoal from Somalia in violation of the charcoal ban;
- (ii) carrying weapons or military equipment to Somalia, directly or indirectly, in violation of the arms embargo on Somalia;
- (iii) carrying weapons or military equipment to individuals or entities designated by the Committee established pursuant to resolution 751 (1992) and 1907 (2009);

16. *Calls upon* all Flag States of such vessels to cooperate with such inspections, *requests* Member States to make good-faith efforts to first seek the consent of the vessel’s Flag State prior to any inspections pursuant to paragraph 15, *authorizes* Member States conducting inspections pursuant to paragraph 15 to use all necessary measures commensurate with the circumstances to carry out such inspections and in full compliance with international humanitarian law and international human rights law, as may be applicable, and *urges* Member States conducting such inspections to do so without causing undue delay to or undue interference with the exercise of the right of innocent passage or freedom of navigation;

17. *Authorizes* Member States to seize and dispose of (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) any items identified in inspections pursuant to paragraph 15, the delivery, import or export of which is prohibited by the arms embargo on Somalia or the charcoal ban, *authorizes* Member States to collect evidence directly related to the carriage of such items in the course of such inspections, and *decides* that charcoal seized in accordance with this paragraph may be disposed of through resale which shall be monitored by the SEMG;

18. *Emphasizes* the importance of all Member States, including Somalia, taking the necessary measures to ensure that no claim shall lie at the instance of Somalia, or of any person or entity in Somalia, or of persons or entities designated for measures set out in resolutions 1844 (2008), 2002 (2011), or 2093 (2013), or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

19. *Requests* Member States to dispose of any charcoal, weapons or military equipment seized pursuant to paragraph 17, in an environmentally responsible manner, taking into account the United Nations Environment Programme's 4 September 2013 letter to the Chair of the Committee, and the Committee's 7 May 2014 "Implementation Assistance Notice", *calls upon* all Member States in the region to cooperate in the disposal of such charcoal, weapons or military equipment, *affirms* that the authorization provided for in paragraph 15 includes the authority to divert vessels and their crews, to a suitable port to facilitate such disposal, with the consent of the port State, *affirms* that the authorization in paragraph 15 includes the authority to use all necessary measures to seize items pursuant to paragraph 17 in the course of inspections and *decides* that any Member State cooperating in the disposal of items identified in inspections pursuant to paragraph 15, the delivery, import or export of which is prohibited by the arms embargo on Somalia or the charcoal ban, shall provide a written report to the Committee no later than 30 days after such items enter its territory on the steps taken to dispose or destroy them;

20. *Decides* that any Member State that undertakes an inspection pursuant to paragraph 15, shall promptly notify the Committee and submit a report on the inspection containing all relevant details, including an explanation of the grounds for and the results of the inspection and where possible including the flag of the vessel, the name of the vessel, the name and identifying information of the master of the vessel, the owner of the vessel, and the original seller of the cargo, and efforts made to seek the consent of the vessel's Flag State, *requests* the Committee to notify the Flag State of the inspected vessel that an inspection has been undertaken, *notes* the prerogative of any Member State to write to the Committee concerning the implementation of any aspect of this resolution, and *further encourages* the SEMG to share relevant information with Member States operating under the authorization set out in this resolution;

21. *Affirms* that the authorizations provided 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 UNCLOS, including the general principle of exclusive jurisdiction

of a Flag State over its vessels on the high seas, with respect to any other situation, *underscores* in particular that this resolution shall not be considered as establishing customary international law, and *notes* further that such authorizations have been provided only following the receipt of the 8 October 2014 letter conveying the request of the President of the Federal Republic of Somalia;

22. *Decides* to review after six months from the date of this resolution, the provisions set out in paragraphs 11 to 21 above;

AMISOM

23. *Decides* to authorize the Member States of the African Union to maintain the deployment of AMISOM, as set out in paragraph 1 of resolution 2093 (2013) until 30 November 2015, in line with the Security Council's request to the African Union for a maximum level of 22,126 troops, which shall be authorized to take all necessary measures, in full compliance with its Member States' obligations under international humanitarian law and human rights law, and in full respect of the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out its mandate;

24. *Recalls* the benchmarks for the deployment of a United Nations peacekeeping operation as set out in both the African Union Commission Chairperson's 11 October 2013 letter and the Secretary-General's subsequent 14 October 2013 letter to the President of the Security Council, *requests* that the Secretary-General keep these benchmarks under continuous review in close consultation with the AU, and *further requests* the Secretary-General and African Union to review jointly the impact of the temporary surge authorized in resolution 2124 (2013) and to set out recommendations on next steps in the military campaign by 30 May 2015, taking into due consideration the political situation in Somalia;

25. *Recalls* that, in line with the Joint United Nations-African Union Review of AMISOM, the increases in the force strength decided in resolution 2124 (2013) are to provide a short-term enhancement of AMISOM's military capacity, for a period of 18 to 24 months and as part of an overall exit strategy for AMISOM, after which a decrease in AMISOM's force strength will be considered;

26. *Reiterates* paragraphs 4 and 14 of resolution 2124 (2013) and paragraphs 4 and 5 of resolution 2093 (2013) with regard to the logistical support package for AMISOM;

27. *Requests* the Secretary-General to continue to work closely with and provide technical expertise and to the African Union as set out in paragraph 9 of resolution 2124 (2013) in particular by improving the efficiency in planning and strategic management of AMISOM, including strengthening command and control structures and improving the coordination between troop contingents, sectors and joint operations with the SNA;

28. *Welcomes* the recent joint AMISOM and SNA offensive operations, which have had a significant impact in reducing territory held by Al-Shabaab, *underlines* the importance of such operations continuing, *further underlines* that it is essential that military operations are followed immediately by national efforts to establish or improve governance structures in recovered areas and by the delivery of basic services, including security, and in that regard *encourages* the timely delivery of Quick Impact Projects in support of FGS stabilization efforts;

29. *Underlines* the imperative of securing key supply routes to areas recovered from Al-Shabaab in view of the deteriorating humanitarian situation in Somalia, *requests* AMISOM and the Somali National Army to ensure they give the utmost priority to securing key supply routes essential to improve the humanitarian situation in the most affected areas, and *requests* the Secretary-General to report, in consultation with the FGS and AMISOM, on progress in this regard in his written reports to the Security Council as set out in paragraph 15 of resolution 2158 (2014);

30. *Strongly urges* Member States to provide helicopters to AMISOM for the authorized aviation component of up to 12 military helicopters, provided for in paragraph 6 of resolution 2036 (2012) as well as providing the enablers and force multipliers which were identified as necessary in the 2013 joint United Nations-African Union benchmarking assessment;

31. *Reiterates* its request and that of the African Union Peace and Security Council for AMISOM to develop further an effective approach to the protection of civilians, *notes* with concern that AMISOM has not yet established a Civilian Casualty Tracking, Analysis and Response cell (CCTARC), as requested in resolutions 2093 (2013) and 2124 (2013), and *requests* the African Union to conclude the deployment of this cell without any further delay;

32. *Looks forward* to the results of both the African Union's investigation and investigations by troop-contributing countries concerning acts of sexual exploitation and abuse allegedly perpetrated by some AMISOM soldiers, *underlines* the importance of accountability and transparency in this regard, *requests* the African Union to review and endorse the draft African Union policy on prevention and response to sexual exploitation and abuse, and *requests* the African Union and the Secretary-General to make public the outcomes of these investigations;

33. *Underlines* the need for AMISOM troops to continue to receive appropriate information and predeployment training in relation to human rights principles, including gender equality and sexual violence, and for AMISOM personnel to be properly informed of the accountability mechanisms in place should any abuse be committed;

34. *Encourages* AMISOM to strengthen the mechanisms to prevent and respond to sexual violence and sexual exploitation and abuse, such as introducing a centralized database for the efficient and independent receipt, preliminary assessment and tracking of investigations into allegations of sexual and gender-based violence and sexual exploitation and abuse, including through the institution of protective measure for complainants in order to prevent the redeployment of any individual who has been involved in serious violations of international humanitarian and international human rights law, including those related to sexual violence;

35. *Condemns* all violations and abuses committed against children by all parties in Somalia, *calls for* the immediate cessation of such violations and abuses and for those responsible to be held to account, and *requests* the FGS and AMISOM to protect and treat as victims those children who have been released or otherwise separated from armed forces and armed groups, including through the full implementation of standard operating procedures for the protection and handover of these children;

36. *Reiterates* the need for AMISOM to ensure that any detainees in their custody, including disengaged combatants, are treated in strict compliance with

applicable obligations under international humanitarian law and human rights law, including ensuring their humane treatment, and *further reiterates* its request for AMISOM to allow appropriate access to detainees by a neutral body;

37. *Reiterates* its call for new donors to support AMISOM through the provision of additional funding for troop stipends, equipment, technical assistance and uncaveated funding for AMISOM to the United Nations Trust Fund for AMISOM, *calls upon* the African Union to consider how to provide sustainable funding for AMISOM, such as through its own assessed costs as it did for the African-led International Support Mission in Mali, and *underlines* the African Union's call for its Member States to provide financial support to AMISOM;

Public financial management in Somalia

38. *Expresses* its concern that corruption continues to undermine both security in the country and the FGS' efforts to rebuild Somalia's institutions, and *urges* the FGS to fight corruption and tighten financial governance procedures in order to improve transparency and accountability of public financial management, and *urges* the FGS to ensure that assets recovered from overseas and revenue raised including through the ports are documented transparently and channelled through the national budget;

39. *Underlines* the importance of ensuring that international aid is also delivered in a transparent manner and *encourages* all Member States to use the structures being currently being established between the FGS and donors, particularly on recurrent financing;

Humanitarian situation in Somalia

40. *Expresses* serious concern at the deterioration of the humanitarian situation in Somalia, *condemns* in the strongest terms increased attacks against humanitarian actors and any misuse of donor assistance and the obstruction of the delivery of humanitarian aid, and *reiterates* paragraph 10 of resolution 2158 (2014) in this regard;

41. *Decides* that until 30 October 2015 and without prejudice to humanitarian assistance programmes conducted elsewhere, the measures imposed by paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Consolidated Appeal for Somalia;

42. *Requests* the Emergency Relief Coordinator to report to the Security Council by 1 October 2015 on the delivery of humanitarian assistance in Somalia and on any impediments to the delivery of humanitarian assistance in Somalia, and *requests* relevant United Nations agencies and humanitarian organizations having observer status with the United Nations General Assembly and their implementing partners that provide humanitarian assistance in Somalia to increase their cooperation and willingness to share information with the United Nations

Humanitarian Aid Coordinator for Somalia in the preparation of such reports and in the interests of increasing transparency and accountability;

The Somalia and Eritrea Monitoring Group

43. *Recalls* resolution 1844 (2008) which imposed targeted sanctions and resolutions 2002 (2011) and 2093 (2013) which expanded the listing criteria, and *notes* one of the listing criteria under resolution 1844 (2008) is engaging in acts that threaten the peace, security and stability of Somalia;

44. *Reiterates* its willingness to adopt targeted measures against individuals and entities on the basis of the above mentioned criteria;

45. *Requests* Member States to assist the Monitoring Group in their investigations, and *reiterates* that obstructing the investigations or work of the Monitoring Group is a criterion for listing under paragraph 15 (e) of resolution 1907 (2009);

46. *Decides* to extend until 30 November 2015 the mandate of the Somalia and Eritrea Monitoring Group as set out in paragraph 13 of resolution 2060 (2012) and updated in paragraph 41 of resolution 2093 (2013), *expresses* its intention to review the mandate and take appropriate action regarding the further extension no later than 30 October 2015, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group, in consultation with the Committee, for a period of 13 months from the date of this resolution, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to previous resolutions;

47. *Requests* the Monitoring Group to submit, for the Security Council's consideration, through the Committee, two final reports; one focusing on Somalia, the other on Eritrea, covering all the tasks set out in paragraph 13 of resolution 2060 (2012) and updated in paragraph 41 of resolution 2093 (2013), not later than 30 September 2015;

48. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities to consider the recommendations in the reports of the Monitoring Group and recommend to the Council ways to improve the implementation of and compliance with the Somalia and Eritrea arms embargoes, the measures regarding the import and export of charcoal from Somalia, as well as implementation of the measures imposed by paragraphs 1, 3 and 7 of resolutions 1844 (2008) and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) taking into account paragraph 15 above, in response to continuing violations;

49. *Requests* the Monitoring Group to report on the implementation of the authorization set out in paragraph 15, as part of its regular reporting to the Committee;

50. *Encourages* Member States from East Africa to appoint focal points for the purpose of coordinating and exchanging information with the Monitoring Group on regional investigations into Al-Shabaab;

51. *Underlines* the importance of a constructive relationship between the SEMG and the FGS, *welcomes* efforts made by both so far, and *emphasizes* the need for this to continue and deepen during the course of this mandate;

52. *Welcomes* the SEMG's ongoing and significant efforts to engage with the Government of Eritrea and the Government of Eritrea's cooperation with the SEMG, *emphasizes* that this must continue and strengthen, and *reiterates* its expectation that the Government of Eritrea will facilitate the entry of the SEMG to Eritrea, as requested in paragraph 31 of resolution 2111 (2013);

53. *Urges* Eritrea to make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008;

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

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 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. 53 of 2014	11/04/2014
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Remarks:

Section 8(2)(k) has expired at midnight on 24 October 2014.

- (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) (Omitted as expired—E.R. 2 of 2014)
 - (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; L.N. 165 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 Somali authorities for which they have notified the Secretary-General of the United Nations; (L.N. 165 of 2013; L.N. 53 of 2014)
 - #(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. (L.N. 53 of 2014)
- (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. 53 of 2014	11/04/2014
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Remarks:

* Section 9(2)(h) has expired at midnight on 24 October 2014.

- (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) (Omitted as expired—E.R. 2 of 2014)
 - (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; L.N. 53 of 2014)
 - (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; (L.N. 53 of 2014)
- * (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. (L.N. 53 of 2014)
- (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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Remarks:

Section 10(2)(d) has expired at midnight on 24 October 2014.

- (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. 53 of 2014	11/04/2014
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- (1) (Omitted as spent—E.R. 2 of 2014)
 - (2) Sections 8(2)(k), 9(2)(h) and 10(2)(d) expire at midnight on 24 October 2014. (L.N. 165 of 2013; L.N. 53 of 2014)
- (L.N. 137 of 2013)

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United Nations Sanctions (Somalia) (Amendment) Regulation 2015

(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).

- (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~~ belonging to, or owned or controlled 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~~ belonging to, or owned or controlled by, the first-mentioned person.

- (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~~ belonging to, or owned or controlled 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~~ belonging to, or owned or controlled 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.

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

(k) *(expired)*

(l) 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) *(expired)*
- (i) 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~~ belonging to, or owned or controlled 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 funds or other financial assets or economic resources ~~owned by or otherwise belonging to, or held by belonging to, or owned or controlled 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) *(expired)*
- (e) the funds or other financial assets or economic resources are necessary to ensure the 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.
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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) *(spent)*

(3) Sections 8(2)(l), 9(2)(i) and 10(2)(e) expire at midnight on 30 October 2015.

**United Nations Sanctions (Somalia) (Amendment) Regulation 2015
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 10.20 million in 2012. 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\$1.31 billion (or HK\$10.2 billion) in 2012. ^{Note 1} Merchandise imports and exports of Somalia amounted to US\$ 1.3 billion (or HK\$10.1 billion) ^{Note 2} and US\$ 0.5 billion (or HK\$3.9 billion) respectively. ^{Note 3}

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

^{Note 1} Source: World Statistics Pocket Book published by the United Nations Statistics Division at <http://unstats.un.org/unsd/pocketbook/WSPB2014.pdf>

^{Note 2} Source: The World Factbook, CIA, 2010 estimates at <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>

^{Note 3} Source: The World Factbook, CIA, 2012 estimates at <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>

country to cut off the main funding of Al-Shabaab, a prominent insurgent group in the country.^{Note 4} 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. Recently, the UNSC adopted UNSCR 2182 on 24 October 2014 to renew certain exemptions applicable to arms embargo and assets freeze.

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	2013	January – October 2014
(a) Total Exports to Somalia	101.4	23.6
(i) Domestic exports	0.0	0.0
(ii) Re-exports	101.4 ^{Note 5}	23.6 ^{Note 6}
(b) Imports from Somalia	33.5 ^{Note 7}	12.4 ^{Note 8}
Total Trade [(a) + (b)]	134.8	36.0

In 2013, HK\$110.9 million worth of goods, or 9.5%^{Note 9} of the total trade between Somalia and the Mainland, were routed through Hong Kong. Of

Note 4 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 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%).

Note 6 In January to October 2014, re-exports to Somalia include telecommunications equipment (78.7%); automatic data processing machines and units thereof (7.6%); and measuring and checking instruments (5.5%). Due to limited value of HK's re-exports to Somalia, small changes in absolute value led to substantial fluctuations in percentage terms. The increase in demand for telecommunications equipment led to the increase in the re-exports to Somalia in 2013. The upward trend reversed in January-October 2014 largely due to the drop in demand for the same item of product.

Note 7 In 2013, imports from Somalia include leather (93.7%); raw hides and skins (except furskins) (2.2%); and dried or salted fish (1.9%).

Note 8 In January to October 2014, imports from Somalia include leather (73.4%); fruits and nuts (22.9%); and crude vegetable material (2.0%). Due to limited value of HK's imports from Somalia, small changes in absolute value led to substantial fluctuations in percentage terms. The increase in imports from Somalia in 2013 was attributed to the rise in demand for leather. The upward trend reversed in January-October 2014 mainly due to the drop in demand for the same item of product.

these, HK\$10.1 million worth of goods were re-exports from Somalia to Mainland. ^{Note 10} The remaining HK\$100.8 million were re-exports of Mainland origin to Somalia via Hong Kong.

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
January 2015

Note 9 The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics.

Note 10 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.