

LEGISLATIVE COUNCIL BRIEF

United Nations Sanctions Ordinance
(Chapter 537)

UNITED NATIONS SANCTIONS (SOMALIA) (AMENDMENT) (NO. 2) REGULATION 2013

INTRODUCTION

A At the meeting of the Executive Council on 22 October 2013, the Council advised and the Chief Executive (“CE”) ordered that the United Nations Sanctions (Somalia) (Amendment) (No. 2) Regulation 2013 (“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 25 October 2013 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 August 2013, the CE received an instruction from the MFA requesting the Government of the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2111 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 2111 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 ban⁽¹⁾, financial restriction⁽²⁾ and arms embargo⁽³⁾ in respect of persons or entities designated by the Committee established under paragraph 11 of UNSCR 751 (“the Committee”), and charcoal ban⁽⁴⁾.

D

4. Pursuant to the instruction of the MFA, the United Nations Sanctions (Somalia) Regulation (Cap. 537AN) (at Annex D) was first made in March 2009 and subsequently amended in September 2012 and July 2013 to implement sanctions against Somalia in the relevant UNSCRs.

UNSCR 2111

5. Recognising the significant progress that has been made in Somalia over the past year while noting that the situation in Somalia continues to pose a threat to international peace and security in the region, the UNSC adopted UNSCR 2111 on 24 July 2013. The UNSC, *inter alia*, decided that –

- (a) the supplies of items in the annex to UNSCR 2111 to the Federal Government of Somalia by Member States or international, regional, and subregional organisations require an advance approval by the Committee on a case-by-case basis (*paragraph 7 of UNSCR 2111 refers*);
- (b) the arms embargo on Somalia shall not apply to (*paragraph 10 of UNSCR 2111 refers*) –
 - (i) supplies of weapons or military equipment or the provision of assistance intended solely for the support of or use by United Nations personnel, including the United Nations Assistance

Notes ⁽¹⁾ Paragraph 1 of UNSCR 1844 provides for the prohibition against the entry into or transit through the territory of Member States by individuals designated by the Committee. Exceptions to the measure are set out in paragraph 2 of UNSCR 1844.

⁽²⁾ Paragraph 3 of UNSCR 1844 provides for the freezing of funds, other financial assets and economic resources owned or controlled, directly or indirectly, by individuals or entities designated by the Committee, or by the individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and the prohibition against making available any funds, financial assets or economic resources to or for the benefit of such individuals or entities. Exceptions to the measure are set out in paragraph 4 of UNSCR 1844.

⁽³⁾ Paragraph 7 of UNSCR 1844 provides for the prohibition against the direct or indirect supply, sale or transfer of weapons and military equipment to individuals or entities designated by the Committee, as well as the direct or indirect supply of technical assistance or training, financial and other assistance related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment.

⁽⁴⁾ Paragraph 22 of UNSCR 2036 provides for the prohibition against the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia.

Mission in Somalia (“UNSOM”);

- (ii) supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by the African Union Mission in Somalia (“AMISOM”);
 - (iii) supplies of weapons or military equipment or the provision of assistance 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;
 - (iv) supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by the European Union Training Mission (“EUTM”) in Somalia;
 - (v) supplies of weapons and military equipment destined for the sole use of Member States or international, regional and subregional organisations undertaking measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia, upon the request of the Federal Government of Somalia for which it has notified the Secretary-General, and provided that any measures undertaken shall be consistent with applicable international humanitarian and human rights law;
 - (vi) supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only; and
 - (vii) supplies of non-lethal military equipment intended solely for humanitarian or protective use, notified to the Committee five days in advance and for its information only, by the supplying State, international, regional or subregional organisation;
- (c) the arms embargo on Somalia shall not apply to supplies of weapons or military equipment and technical assistance or training by Member States or international, regional and subregional organisations intended solely for the purpose of helping develop Somali security sector institutions, in the absence of a negative decision by the Committee within five working days of receiving a

notification of any such assistance from the supplying State, international, regional or subregional organisation (*paragraph 11 of UNSCR 2111 refers*); and

- (d) until 25 October 2014 and without prejudice to humanitarian assistance programmes conducted elsewhere, the measures imposed by paragraph 3 of UNSCR 1844 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 specialised agencies or programmes, humanitarian organisations 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 22 of UNSCR 2111 refers*).

THE AMENDMENT REGULATION

6. The Amendment Regulation, at Annex A, seeks to implement the sanctions against Somalia as per UNSCR 2111. The main provisions of the Amendment Regulation include -

- (a) **sections 3 to 4 which amend sections 8 and 9 of Cap. 537AN** to reflect modified and new exceptions to the arms embargo measures and the prohibition against the provision of advice, assistance and training in respect of Somalia as per paragraphs 7, 10 and 11 of UNSCR 2111;
- (b) **section 5 which adds a new section 10(2)(d) to Cap. 537AN** to reflect new exceptions to the financial sanctions against Somalia as per paragraph 22 of UNSCR 2111; and
- (c) **section 6 which adds a new section 32(2) to Cap. 537AN** to specify that the exceptions to the financial sanctions against Somalia expire at midnight on 24 October 2014.

E A mark-up version showing amendments to Cap. 537AN 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. The Amendment Regulation will not affect the current binding effect of the UNSO. It has no financial, economic, productivity, environmental, sustainability or family implications. Additional work arising from the enforcement of Cap. 537AN 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 25 October 2013 when the Amendment Regulation was published in the Gazette.

INFORMATION ON SOMALIA AND RELATION WITH HKSAR

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.

F

ADVICE SOUGHT

10. Members are invited to note the implementation of UNSCR 2111 in the HKSAR by the Amendment Regulation.

Commerce and Economic Development Bureau
October 2013

United Nations Sanctions (Somalia) (Amendment) (No. 2) Regulation 2013

L.N. 165 of 2013

Section 1

B4099

L.N. 165 of 2013

United Nations Sanctions (Somalia) (Amendment) (No. 2) Regulation 2013

(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 1 amended (interpretation)**
 - (1) Section 1—
 - (a) definition of *Resolution 1744*;
 - (b) definition of *Resolution 1772*—
Repeal the definitions.
 - (2) Section 1—
Add in alphabetical order
“*Resolution 2111* (《第2111號決議》) means Resolution 2111 (2013) adopted by the Security Council on 24 July 2013;”.
3. **Section 8 amended (licence for supply, sale, transfer or carriage of certain goods)**
 - (1) Section 8(2)(b)—
Repeal
“, as approved in advance by the Committee”.
 - (2) Section 8(2)(c)—

United Nations Sanctions (Somalia) (Amendment) (No. 2) Regulation 2013

L.N. 165 of 2013

Section 3

B4101

Repeal

“the mission established under paragraph 4 of Resolution 1744”

Substitute

“AMISOM”.

- (3) Section 8(2)(d)—

Repeal

“purpose of helping develop security sector institutions, consistent with the political process set out in paragraphs 1, 2, 3, 4 and 5 of Resolution 1772”

Substitute

“purposes of helping develop Somali security sector institutions”.

- (4) Section 8(2)(e)—

Repeal

“2093, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somalia people”

Substitute

“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”.

- (5) Section 8(2)(f), after “2012”—

Add

“(or subsequent African Union strategic concepts)”.

- (6) Section 8(2)(g)—

Repeal

“the United Nations Political Office for Somalia or its successor mission.”

Substitute

“the United Nations Assistance Mission in Somalia;”.

(7) After section 8(2)(g)—

Add

“(h) the prohibited goods are any of the items covered by the Annex to Resolution 2111 and to be supplied to the Federal Government of Somalia, as approved in advance by the Committee on a case-by-case basis;

(i) the prohibited goods are intended solely for the support of or use by the European Union Training Mission in Somalia;

(j) the prohibited goods are intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of the Federal Government of Somalia for which it has notified the Secretary-General of the United Nations.”.

(8) Section 8—

Repeal subsection (3)

Substitute

“(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.”.

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

(1) Section 9(2)(a)—

Repeal

“the mission established under paragraph 4 of Resolution 1744”

Substitute

“AMISOM”.

(2) Section 9(2)—

Repeal paragraph (b)

Substitute

“(b) the assistance or training is technical assistance or training intended solely for the purposes of helping develop Somali security sector institutions;”.

(3) Section 9(2)—

Repeal paragraph (c)

Substitute

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

(4) Section 9(2)(d), after “2012”—

Add

“(or subsequent African Union strategic concepts)”.

Section 5

- (5) Section 9(2)(e)—

Repeal

“the United Nations Political Office for Somalia or its successor mission.”

Substitute

“the United Nations Assistance Mission in Somalia;”.

- (6) After section 9(2)(e)—

Add

“(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.”.

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(2)(c)(ii)—

Repeal

“judgment.”

Substitute

“judgment;”.

- (2) After section 10(2)(c)—

Add

“(d) the funds or other financial assets or economic resources are necessary to ensure timely delivery of urgently needed humanitarian assistance in Somalia by—

Section 6

- (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)

- (1) Section 32—

Renumber the section as section 32(1).

- (2) After section 32(1)—

Add

“(2) Section 10(2)(d) expires at midnight on 24 October 2014.”.

C. Y. LEUNG
Chief Executive

22 October 2013

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2111 (2013) as adopted by the Security Council of the United Nations on 24 July 2013 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)
(No. 2) Regulation 2013**

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 August 2013 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 2111 of the Security Council of the United Nations, and that the United Nations Sanctions (Somalia) (Amendment) (No. 2) Regulation 2013 was made in pursuance of that instruction.

Dated this 22nd day of October 2013



(Mrs Carrie Lam)
Chief Secretary for Administration

United Nations

S/RES/2111 (2013)

**Security Council**Distr.: General
24 July 2013

Resolution 2111 (2013)**Adopted by the Security Council at its 7009th meeting, on
24 July 2013***The Security Council,**Reaffirming* its previous resolutions and statements of its President concerning the situation in Somalia and Eritrea, in particular resolutions 733 (1992), 1844 (2008), 1907 (2009), 2036 (2012), 2060 (2012) and 2093 (2013),*Taking note* of the final reports of the Somalia and Eritrea Monitoring Group (the Monitoring Group) on Somalia (S/2013/413) and Eritrea,*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea respectively,*Expressing concern* at the continued violation of the charcoal ban, and expressing particular concern over the situation in Kismayo and the impact of these violations on the deteriorating security situation in the Juba regions,*Condemning* flows of weapons and ammunition supplies to and through Somalia and Eritrea in violation of the arms embargo on Somalia and the arms embargo on Eritrea, as a serious threat to peace and stability in the region,*Expressing concern* at the reports of violations 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, and underscoring the need to end impunity, uphold human rights and to hold accountable those who commit such crimes,*Underlining* the importance of the Federal Government of Somalia and donors being mutually accountable and transparent in the allocation of financial resources,*Recognizing* the significant progress in Somalia over the past year, commending the Federal Government of Somalia for its efforts to bring peace and stability to Somalia, and *encouraging* it to set out and define a clear political process towards implementing a federal structure, in line with the provisional constitution of Somalia,*Encouraging* the engagement of the Federal Government of Somalia in identifying for listing individuals and entities engaging in acts that threaten the peace, security and stability of Somalia, as well as other listing criteria,

Welcoming the intention of the Monitoring Group to continue building a productive relationship with the Federal Government of Somalia,

Expressing concern at the level of information sharing between humanitarian agencies and the Monitoring Group, and *urging* enhanced information sharing and dialogue between the Monitoring Group and relevant humanitarian agencies,

Expressing its desire to consolidate and affirm current exemptions to the arms embargo on Somalia and Eritrea in order to facilitate its implementation as well as to add new exemptions in operative paragraph 10 of this resolution,

Looking forward to the EU-Somalia Conference in Brussels on 16 September, and in that context *urging* the international community to work together to ensure Somali government priorities are effectively supported,

Underlining the importance of international support to the Federal Government of Somalia in fulfilling its commitments under the terms of the suspension of the arms embargo,

Welcoming the efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President S/2006/997,

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

Determining that the situation in Somalia, 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,

1. *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;
2. *Reiterates* its willingness to adopt targeted measures against individuals and entities on the basis of the above mentioned criteria;
3. *Reiterates* that obstructing the investigations or work of the Monitoring Group is a criterion for listing under paragraph 15 (e) of resolution 1907 (2009);

Arms embargo

4. *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) (hereafter referred to as "the arms embargo on Somalia");

5. *Further reaffirms* the arms embargo on Eritrea imposed by paragraphs 5 and 6 of resolution 1907 (2009) (hereafter referred to as "the arms embargo on Eritrea");

6. *Decides* that until 6 March 2014 the arms embargo on Somalia shall not apply to deliveries of weapons 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 to this resolution;

7. *Decides* that supplies of items in the annex to this resolution to the Federal Government of Somalia by Member States or international, regional, and subregional organizations require an advance approval by the committee on a case-by-case basis;

8. *Decides* 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. *Reminds* the Federal Government of Somalia of its obligations to report to the Security Council no later than 6 October 2013, following that by 6 February 2014, and every six months thereafter, on:

(a) The 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. *Decides* that the arms embargo on Somalia shall not apply to:

(a) Supplies of weapons or military equipment or the provision of assistance, intended solely for the support of or use by United Nations personnel, including the United Nations Assistance Mission in Somalia (UNSOM);

(b) Supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by the African Union Mission in Somalia (AMISOM);

(c) Supplies of weapons or military equipment or the provision of assistance 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 AU strategic concepts), and in cooperation and coordination with AMISOM;

(d) Supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by the European Union Training Mission (EUTM) in Somalia;

(e) Supplies of weapons and military equipment destined for the sole use of Member States or international, regional and subregional organizations undertaking measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia, upon the request of the Federal Government of Somalia for which it has notified the Secretary-General, and provided that any measures undertaken shall be consistent with applicable international humanitarian and human rights law;

(f) Supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;

(g) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, notified to the Committee five days in advance and for its information only, by the supplying State, international, regional or subregional organization;

11. *Further decides* that the arms embargo on Somalia shall not apply to:

(a) Supplies of weapons or military equipment and technical assistance or training by Member States or international, regional and subregional organizations intended solely for the purposes of helping develop Somali security sector institutions, in the absence of a negative decision by the Committee within five working days of receiving a notification of any such assistance from the supplying State, international, regional or subregional organization;

12. *Decides* that the arms embargo on Eritrea shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved on case-by-case basis in advance by the Committee;

13. *Decides* that the arms embargo on Eritrea shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Eritrea by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;

Notification to the Committee

14. *Decides* that the Federal Government of Somalia has the primary responsibility to notify the Committee, for its information at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the Security Forces of the Federal Government of Somalia, as permitted in paragraph 6 of this resolution and excluding the items listed in the Annex to this resolution;

15. *Further decides* that the Member State or international, regional and subregional organization delivering assistance may, in the alternative, make this notification in consultation with the Federal Government of Somalia;

16. *Stresses* the importance that notifications submitted to the Committee in accordance with paragraphs 14 and 15 above, contain all relevant information, including where applicable, the type and quantity of weapons, ammunitions, military equipment and materiel to be delivered, the proposed date and the specific place of delivery in Somalia;

17. *Calls on* the Federal Government of Somalia to fulfil its obligations under the terms of the suspension of the arms embargo, in particular the notification procedure set out in paragraph 14 of this resolution;

Charcoal ban

18. *Reiterates* that the Somali authorities shall take the necessary measures to prevent the export of charcoal from Somalia and *requests* 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, and *reiterates* that all Member States shall take the necessary measures to prevent the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia;

19. *Expresses its deep concern* at reports of continuing violations of the charcoal ban by Member States, *requests* further detailed information from the Monitoring Group on possible environmentally sound destruction of Somali charcoal, *reiterates* its support for the President of Somalia's task-force on charcoal issues, and *underscores* its willingness to take action against those who violate the charcoal ban;

20. *Reminds* all Member States, including police and troop contributing contingents to AMISOM, of their obligations to abide by the charcoal ban, as set out in resolution 2036 (2012);

Humanitarian issues

21. *Underscores* the importance of humanitarian aid operations, *condemns* any politicization of humanitarian assistance, or misuse or misappropriation, and *calls upon* Member States and the United Nations to take all feasible steps to mitigate these aforementioned practices in Somalia;

22. *Decides* that until 25 October 2014 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;

23. *Requests* the Emergency Relief Coordinator to report to the Security Council by 20 March 2014 and again by 20 September 2014 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;

24. *Requests* enhanced cooperation, coordination and information sharing between the Monitoring Group and the humanitarian organizations operating in Somalia and neighbouring countries;

Public financial management

25. *Takes note* of the President of Somalia's commitment to improve public financial management, *expresses its serious concern* at reports of misappropriation of Somalia's public resources, *underlines* the importance of transparent and

effective management of public finances, *encourages* more robust efforts across the Federal Government of Somalia to address corruption and hold perpetrators accountable, improve public financial management and accountability, and *reiterates* its willingness to take action against individuals involved in the misappropriation of public resources;

Petroleum sector

26. *Encourages* the Federal Government of Somalia, to mitigate properly against the risk of the petroleum sector in Somalia becoming a source of increased tension in Somalia;

Mandate of the Monitoring Group

27. *Decides* to extend until 25 November 2014 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 intent to review the mandate and take appropriate action regarding the further extension no later than 25 October 2014, 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 sixteen 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;

28. *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), no later than thirty days prior to the termination of the Monitoring Group's mandate;

29. *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 targeted 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 1 above, in response to continuing violations;

30. *Decides* that the Monitoring Group shall no longer be obliged to submit monthly reports to the Committee in the same months in which it provides its mid-term brief and submits its final reports;

31. *Underlines* the importance of engagement between the Government of Eritrea and the Monitoring Group, and *underlines* its expectation that the Government of Eritrea will facilitate the entry of the Monitoring Group to Eritrea without any further delay;

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

AMISOM

33. *Looks forward* to the results of the upcoming joint review of AMISOM by the Secretariat and the African Union, *requests* options and recommendations to be presented to the Council by 10 October 2013, and *welcomes* the African Union's intention to work closely with the Secretariat on the review;

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

Annex

1. Surface to air missiles, including Man-Portable Air-Defence Systems (MANPADS);
 2. Guns, howitzers, and cannons with a calibre greater than 12.7 mm, and ammunition and components specially designed for these. (This does not include shoulder fired anti-tank rocket launchers such as RPGs or LAWs, rifle grenades, or grenade launchers.);
 3. Mortars with a calibre greater than 82 mm;
 4. Anti-tank guided weapons, including Anti-tank Guided Missiles (ATGMs) and ammunition and components specially designed for these items;
 5. Charges and devices intended for military use containing energetic materials; mines and related materiel;
 6. Weapon sights with a night vision capability.
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Chapter:	537AN	United Nations Sanctions (Somalia) Regulation	Gazette Number	Version Date
		Empowering section	E.R. 1 of 2013	25/04/2013

(Cap 537, section 3)

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

[27 March 2009]

(Originally L.N. 58 of 2009)

(*Format changes—E.R. 1 of 2013)

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

Part:	1	Preliminary	E.R. 1 of 2013	25/04/2013
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Section:	1	Interpretation	L.N. 137 of 2013	26/07/2013
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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 1744 (《第1744號決議》) means Resolution 1744 (2007) adopted by the Security Council on 20 February 2007;

Resolution 1772 (《第1772號決議》) means Resolution 1772 (2007) adopted by the Security Council on 20 August 2007;

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)

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

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) 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. (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) for a contravention of subsection (2)— (L.N. 137 of 2013)
 - (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)— (L.N. 137 of 2013)
 - (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. (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—
 - (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.

(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) a person acting in the HKSAR; and
 - (b) a person acting outside the HKSAR who is—
 - (i) both a Hong Kong permanent resident and a Chinese national; or

- (ii) a body incorporated or constituted under the law of the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1)—
 - (a) a person must not make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; and
 - (b) a person (***first-mentioned person***) must not deal with, directly or indirectly, any funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity, and if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise belonging to, or held by, the first-mentioned person. (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. 137 of 2013	26/07/2013
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- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate—
 - (a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—
 - (i) to Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia; or
 - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) from a place outside Somalia to a place in Somalia;
 - (ii) to, or to the order of, a person connected with Somalia; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Somalia or to, or to the order of, a person connected with Somalia. (L.N 142 of 2012)
- (2) The requirements are as follows— (L.N 137 of 2013)
 - (a) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Somalia by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
 - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;
 - (c) the prohibited goods are intended solely for the support of or use by the mission established under paragraph 4 of Resolution 1744;
 - (d) the prohibited goods are intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in paragraphs 1, 2, 3, 4 and 5 of Resolution 1772; (L.N. 142 of 2012; L.N. 137 of 2013)
 - (e) the prohibited goods do not include any item covered by the Annex to Resolution 2093, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somalia people; (L.N. 137 of 2013)
 - (f) the prohibited goods are intended solely for the support of or use by AMISOM' s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012, and in cooperation and coordination with AMISOM; (L.N. 137 of 2013)
 - (g) the prohibited goods are intended solely for the support of or use by the personnel of the United Nations, including the United Nations Political Office for Somalia or its successor mission. (L.N. 137 of 2013)
- (3) If the Chief Executive determines that the requirement in subsection (2)(d) 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)

Note:

* (L.N. 142 of 2012)

Section:	9	Licence for provision of certain advice, assistance or training	L.N. 137 of 2013	26/07/2013
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- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant a licence to provide to a person connected with Somalia technical advice, financial or other assistance or training related to military activities.
- (2) The requirements are as follows— (L.N. 137 of 2013)
 - (a) the assistance or training is technical training or assistance intended solely for the support of or use by the

- mission established under paragraph 4 of Resolution 1744;
- (b) the assistance is technical assistance intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in paragraphs 1, 2, 3, 4 and 5 of Resolution 1772; (L.N. 137 of 2013)
- (c) the advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somalia people; (L.N. 137 of 2013)
- (d) the assistance is intended solely for the support of or use by AMISOM' s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012, 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 Political Office for Somalia or its successor mission. (L.N. 137 of 2013)
- (3) If the Chief Executive determines that the requirement in subsection (2)(b) is met, the Chief Executive—
 - (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of receiving the notification. (L.N. 142 of 2012)

(L.N. 142 of 2012)

Section:	10	Licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities*	L.N. 137 of 2013	26/07/2013
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- (1) If on application the Chief Executive determines that any of the requirements in subsection (2) is met, the Chief Executive must, subject to subsection (3), grant, as appropriate, a licence for—
 - (a) making available funds or other financial assets or economic resources to, or for the benefit of, a relevant person or a relevant entity; or
 - (b) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity. (L.N. 142 of 2012)
- (2) The requirements are as follows— (L.N. 137 of 2013)
 - (a) the funds or other financial assets or economic resources are—
 - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
 - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
 - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, a relevant person or a relevant entity; (L.N. 142 of 2012)
 - (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
 - (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 20 November 2008 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment.
- (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. 137 of 2013	26/07/2013
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Sections 8(2)(e) and 9(2)(c) expire at midnight on 5 March 2014.

(L.N. 137 of 2013)

United Nations Sanctions (Somalia) Regulation

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United Nations Sanctions (Somalia) Regulation

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

Part 1

Preliminary

1. Interpretation

In this Regulation—

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

authorized officer (獲授權人員) means—

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

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

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

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

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

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

funds (資金) includes—

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

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

master (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

operator (營運人), in relation to a ship, aircraft or vehicle, means the person for the time being having the management of the ship, aircraft or vehicle;

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

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

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

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

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

relevant entity (有關實體) means—

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

relevant person (有關人士) means—

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

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

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

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

~~**Resolution 1744** (《第 1744 號決議》) means Resolution 1744 (2007) adopted by the Security Council on 20 February 2007;~~

~~**Resolution 1772** (《第 1772 號決議》) means Resolution 1772 (2007) adopted by the Security Council on 20 August 2007;~~

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

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

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

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

Part 2

Prohibitions

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

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

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

3. Prohibition against carriage of certain goods

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

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

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

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

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

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

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

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

4A. Prohibition against importation of charcoal

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

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

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

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

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

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

6. Prohibition against entry or transit by certain persons

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

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

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

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

Licences

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

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

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

- (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, ~~as approved in advance by the Committee;~~
- (c) the prohibited goods are intended solely for the support of or use by ~~the mission established under paragraph 4 of Resolution 1744~~ AMISOM;
- (d) the prohibited goods are intended solely for the purposes of helping develop Somali security sector institutions; ~~consistent with the political process set out in paragraphs 1, 2, 3, 4 and 5 of Resolution 1772;~~
- (e) the prohibited goods do not include any item covered by the Annex to Resolution ~~2093~~ 2111, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the ~~Somalia~~ Somali people;
- (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 Political Office for Somalia or its successor mission~~ United Nations Assistance Mission in Somalia;
- (h) the prohibited goods are any of the items covered by the Annex to Resolution 2111 and to be supplied to the

Federal Government of Somalia, as approved in advance by the Committee on a case-by-case basis;

(i) the prohibited goods are intended solely for the support of or use by the European Union Training Mission in Somalia;

(j) the prohibited goods are intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of the Federal Government of Somalia for which it has notified the Secretary-General of the United Nations.

(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—

(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.

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 ~~the mission established under paragraph 4 of Resolution 1744~~AMISOM;
- (b) the assistance or training is technical assistance or training intended solely for the purposes of helping develop Somali security sector institutions, ~~consistent with the political process set out in paragraphs 1, 2, 3, 4 and 5 of Resolution 1772~~;
- (c) the advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the ~~Somalia~~Somali people;
- (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 Political Office for Somalia or its successor mission~~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.

(3) If the Chief Executive determines that the requirement in subsection (2)(b) is met, the Chief Executive—

- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and

- (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of receiving the notification.

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

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

- (b) the funds or other financial assets or economic resources are necessary for extraordinary expenses;
- (c) the funds or other financial assets or economic resources—
 - (i) are the subject of a judicial, administrative or arbitral lien or judgment that was entered before 20 November 2008 and is not for the benefit of a relevant person or a relevant entity; and
 - (ii) are to be used to satisfy the lien or judgment;

(d) the funds or other financial assets or economic resources are necessary to ensure timely delivery of urgently needed humanitarian assistance in Somalia by—

(i) the United Nations, its specialized agencies or programmes, or humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance; or

(ii) their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Consolidated Appeal for Somalia.

(3) If the Chief Executive determines that—

- (a) the requirement in subsection (2)(a) is met, the Chief Executive—
 - (i) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
 - (ii) must grant the licence in the absence of a negative decision by the Committee within 3 working days of receiving the notification;
- (b) the requirement in subsection (2)(b) is met, the Chief Executive—

- (i) must cause the Committee to be notified of the determination; and
- (ii) must not grant the licence unless the Committee approves the determination;
- (c) the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the determination.

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

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

Part 4

Things Done outside HKSAR

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

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

Part 5

Enforcement of Regulation

Division 1—Investigation, etc. of Suspected Ships

13. Investigation of suspected ships

- (1) If an authorized officer has reason to suspect that a ship to which section 3 applies has been, is being or is about to be used in contravention of section 3(2) or (4), the officer may—
 - (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ship and search it and, for that purpose, use or authorize the use of reasonable force; and
 - (b) request the charterer, operator or master of the ship to provide any information relating to the ship or its cargo, or produce for inspection any of its cargo or any document relating to the ship or its cargo, that the officer may specify.
- (2) If an authorized officer has reason to suspect that a ship to which section 3 applies is being or is about to be used in contravention of section 3(2) or (4), the officer may, for the purpose of stopping or preventing the use of the ship in contravention of section 3(2) or (4) or to pursue enquiries, either there and then or on consideration of any information provided or cargo or document produced in response to a request made under subsection (1)(b), do one or more of the following—
 - (a) direct the charterer, operator or master of the ship to refrain, except with the consent of an authorized officer,

- from landing, at any port specified by the authorized officer, any part of the ship's cargo that is so specified;
- (b) request the charterer, operator or master of the ship to take any of the following steps—
- (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may so proceed;
 - (ii) if the ship is in the HKSAR, to cause the ship and any of its cargo to remain in the HKSAR until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iii) if the ship is in any other place, to take the ship and any of its cargo to a port specified by an authorized officer, and to cause the ship and its cargo to remain in that place until the charterer, operator or master is notified by an authorized officer that the ship and its cargo may depart;
 - (iv) to take the ship and any of its cargo to another destination specified by an authorized officer in agreement with the charterer, operator or master.
- (3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—
- (a) specify whether the information should be provided orally or in writing and in what form; and
 - (b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.

14. Offences by charterer, operator or master of ship

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

15. Power of authorized officers to enter and detain ships

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

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

Division 2—Investigation, etc. of Suspected Aircraft

16. Investigation of suspected aircraft

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

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

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

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

18. Power of authorized officers to enter and detain aircraft

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

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

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

Division 3—Investigation, etc. of Suspected Vehicles

19. Investigation of suspected vehicles

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

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

20. Offences by operator or driver of vehicle

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

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

21. Power of authorized officers to enter and detain vehicles

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

Division 4—Proof of Identity

22. Production of proof of identity

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

Part 6

Evidence

23. Power of magistrate or judge to grant warrant

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

relation to the commission of an offence under this Regulation;

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

24. Detention of documents, cargoes or articles seized

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

Part 7

Disclosure of Information or Documents

25. Disclosure of information or documents

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
 - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
 - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to request that it be provided or produced;
 - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations; or
 - (iii) the Government of any place outside the People's Republic of China,
for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to Somalia decided on by the Security Council; or
 - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—

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

Other Offences and Miscellaneous Matters

26. Liability of persons other than principal offenders

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

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

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

28. Offences in relation to evasion of this Regulation

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

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

29. Consent and time limit for proceedings

- (1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.
- (2) Summary proceedings for an offence under this Regulation that is alleged to have been committed outside the HKSAR may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after the alleged commission of the offence.

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

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

31. Exercise of powers of Chief Executive

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

32. Duration

(1) Sections 8(2)(e) and 9(2)(c) expire at midnight on 5 March 2014.

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

**United Nations Sanctions (Somalia)
(Amendment) (No. 2) Regulation 2013
Information on Somalia**

Country Background

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

United Nations Sanctions against Somalia

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

3. Under the Djibouti Agreement reached in June 2008, Somalia's Transitional Federal Government (TFG) and the opposition Alliance for the Re-liberation of Somalia (ARS) agreed to end their conflict and to establish a unity government. To take measures against those who threatened the peace and the political processes and obstructed humanitarian assistance, UNSC adopted Resolution 1844 on 20 November 2008 to apply travel restrictions and an asset freeze to individuals and entities that engaged in such activities,

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

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

in addition to those that breached the weapons ban, which was put in place by resolution 733 and amended by subsequent resolutions. On 22 February 2012, UNSC further tightened up sanctions in relation to Somalia by adopting Resolution 2036 to impose a charcoal ban against the country to cut off the main funding of Al-Shabaab, a prominent insurgent group in the country.^{Note 3}

Recognising the significant progress that has been made in Somalia over the past year while noting that the situation in Somalia continues to pose a threat to international peace and security in the region, UNSC adopted Resolution 2093 and Resolution 2111 on 6 March and 24 July 2013 respectively to modify the exceptions to the arms embargo measures, the prohibition against the provision of advice, assistance and training, as well as financial sanctions in respect of Somalia.

Trade Relation between Hong Kong and Somalia

4. In 2012, Somalia ranked 152nd among Hong Kong's trading partners in the world, with a total trade of HK\$64.3 million. Of these, HK\$38.9 million worth of trade were exports to Somalia, and HK\$25.4 million imports. Hong Kong's trade with Somalia are summarised as follows –

Hong Kong's Trade with Somalia [Value in HK\$ (in million)]		
Item	2012	2013 (January – July)
(a) Total Exports to Somalia	38.9	26.8
(i) Domestic exports	0.0	0.0
(ii) Re-exports	38.9 ^{Note 4}	26.8 ^{Note 5}
(b) Imports from Somalia	25.4 ^{Note 6}	13.7 ^{Note 7}
Total Trade [(a) + (b)]	64.3	40.5

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

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

^{Note 5} In January – July 2013, re-exports to Somalia include telecommunications equipment (81.9%); musical instruments and sound recordings (8.7%) and electric power machinery and parts (7.6%). The increase in the re-exports to Somalia in January – July 2013 was due to the rise in demand for telecommunications equipment as well as electric power machinery and parts.

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

^{Note 7} In January – July 2013, imports from Somalia include Leather (95.4%) and dried or salted fish (4.6%). The increase in imports from Somalia in January – July 2013 was due to the rise in demand for leather as well as dried or salted fish.

In 2012, HK\$40.1 million worth of goods, or 5.0% ^{Note 8} of the total trade between Somalia and the Mainland, were routed through Hong Kong. Of these, HK\$1.2 million worth of goods were re-exports from Somalia to Mainland. ^{Note 9} The remaining HK\$38.9 million were re-exports of Mainland origin to the 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
October 2013**

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

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