

**LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

**UNITED NATIONS SANCTIONS (SOMALIA) REGULATION 2019  
(Cap. 537CG)**

**UNITED NATIONS SANCTIONS  
(SOMALIA) REGULATION (REPEAL) REGULATION**

**UNITED NATIONS SANCTIONS  
(ERITREA) REGULATION (REPEAL) REGULATION**

**INTRODUCTION**

At the meeting of the Executive Council on 26 March 2019, the Council ADVISED and the Chief Executive (“the CE”) ORDERED that -

A

(a) the United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537CG) (“the 2019 Somalia Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”);

B

(b) the United Nations Sanctions (Somalia) Regulation (Repeal) Regulation (“the Somalia Repeal Regulation”), at Annex B, should be made consequential to the making of the 2019 Somalia Regulation; and

C

(c) the United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation (“the Eritrea Repeal Regulation”), at Annex C, should be made under section 3 of the Ordinance.

The 2019 Somalia Regulation, the Somalia Repeal Regulation and the Eritrea Repeal Regulation were gazetted on 29 March 2019 and came into operation on the same day.

## **BACKGROUND**

### **Obligation and Authority**

2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to instructions from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”) to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In December 2018, the CE received instructions from the MFA to implement UNSC Resolution (“UNSCR”) 2444 in respect of Somalia and Eritrea in the Hong Kong Special Administrative Region (“HKSAR”). The 2019 Somalia Regulation, the Somalia Repeal Regulation and the Eritrea Repeal Regulation were made pursuant to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions is at Annex D.

D

### **Sanctions against Somalia**

3. Having regard to the heavy loss of human lives and widespread material damages resulting from the conflict in Somalia, the UNSC has passed a number of resolutions since 1992 to implement a range of sanctions against Somalia, including arms embargo, travel ban, financial sanctions and charcoal ban. The UNSC subsequently allowed exemptions to such sanctions through adopting various UNSCRs. No time limits have been prescribed for the sanctions, while certain exemptions to arms embargo (as set out in UNSCR 2142<sup>1</sup>) and to financial sanctions (as set out in UNSCR 2182<sup>2</sup>) have time limits and have been renewed several times. Such exemptions were last renewed in November 2017 and they expired at midnight on 15 November 2018.

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<sup>1</sup> Paragraph 2 of UNSCR 2142 provides that until 25 October 2014 the arms embargo on Somalia shall not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Security Forces of the Federal Government of Somalia, to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of UNSCR 2111.

<sup>2</sup> Paragraph 41 of UNSCR 2182 provides that until 30 October 2015 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 UN, its specialized agencies or programmes, humanitarian organizations having observer status with the UN General Assembly that provide humanitarian assistance and their implementing partners including bilaterally or multilaterally funded NGOs participating in the UN Consolidated Appeal for Somalia.

4. Pursuant to the instructions of the MFA, the HKSAR implemented the sanction measures and the relevant exemptions in respect of Somalia through the United Nations Sanctions (Somalia) Regulation (Cap.537AN) (“the existing Somalia Regulation”).

### **Sanctions against Eritrea**

5. In view of the international concern over the unresolved border dispute between Eritrea and Djibouti and Eritrea’s support to the armed groups in Somalia that upset the peace process in the region, the UNSC has since 2009 imposed arms embargo, travel ban and financial sanctions against Eritrea.

6. Pursuant to the instructions of the MFA, the HKSAR implemented the sanction measures in respect of Eritrea through the United Nations Sanctions (Eritrea) Regulation (Cap.537AR) (“the Eritrea Regulation”).

### **UNSCR 2444**

#### ***Sanctions against Somalia***

7. Determining that the situation in Somalia continued to constitute a threat to international peace and security in the region, the UNSC adopted UNSCR 2444 (at Annex E) on 14 November 2018 and decided, inter alia, that –

- E
- (a) the provisions set out in paragraph 2 of UNSCR 2142 be renewed until 15 November 2019 and reiterated that the arms embargo on Somalia shall not apply to -
    - (i) deliveries of weapons, ammunition or military equipment, or
    - (ii) the provision of advice, assistance or training, intended solely for the development of the Somali National Security Forces to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of UNSCR 2111 (*paragraph 14 of UNSCR 2444 refers*); and

- (b) until 15 November 2019 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 (“UN”), its specialized agencies or programmes, humanitarian organizations having observer status with the UN General Assembly that provide humanitarian assistance and relevant implementing partners including bilaterally or multilaterally funded non-governmental organizations participating in the UN Humanitarian Response Plan for Somalia (*paragraph 48 of UNSCR 2444 refers*).

### *Sanctions against Eritrea*

8. Taking note of increased engagement between Eritrea and Djibouti and to strongly encourage further efforts towards normalisation of relations and good neighbourhood between the two countries, the UNSC decided to lift the arms embargo, travel ban, asset freeze and targeted sanctions against Eritrea from 14 November 2018 (*paragraph 4 of UNSCR 2444 refers*).

### **THE 2019 SOMALIA REGULATION**

9. The 2019 Somalia Regulation, at Annex A, seeks to implement all sanctions and exemptions imposed by the UNSC on Somalia, including those extended by UNSCR 2444, using modernised provisions proposed by the Law Drafting Division of the Department of Justice to improve tidiness and readability of the legislation. The main provisions of the Somalia 2019 Regulation include –

- (a) **sections 2 and 3**, which prohibit the supply and carriage of any weapons or military equipment to Somalia or a connected person;
- (b) **section 4**, which prohibits the provision of assistance related to military activities to a connected person; and the provision of assistance related to military activities or to the supply, manufacture, maintenance or use of any prohibited goods to a person designated by the Committee established under paragraph 11 of UNSCR 751 (“the Committee”);

- (c) **section 5**, which prohibits the import of charcoal from Somalia;
- (d) **section 6**, which prohibits any person from making available economic assets to persons or entities designated by the Committee, or dealing with economic assets of such persons or entities;
- (e) **section 7**, which prohibits the entry into or transit through the HKSAR by persons designated by the Committee and provides for exceptions;
- (f) **sections 9 to 11**, which provide for the granting of licences to implement relevant exemptions for the supply or carriage of weapons or military equipment; for the provision of assistance related to military activities to certain persons; for making available economic assets to certain persons or entities; and for dealing with economic assets of certain persons or entities. Provisions implementing the exemptions renewed by UNSCR 2444 are effective until midnight on 15 November 2019; and
- (g) **section 29**, which provides that the Secretary for Commerce and Economic Development may publish on the website of the Commerce and Economic Development Bureau a list of individuals and entities designated by the Committee.

F A marked-up version showing changes when compared against the existing Somalia Regulation is at Annex F for easy reference by Members.

### **THE SOMALIA REPEAL REGULATION**

10. Consequential to the making of the 2019 Somalia Regulation which fully implements all sanction measures and exemptions imposed by the UNSC on Somalia, the existing Somalia Regulation is no longer necessary. The Somalia Repeal Regulation, at Annex B, seeks to repeal the existing Somalia Regulation.

### **THE ERITREA REPEAL REGULATION**

11. The Eritrea Repeal Regulation, at Annex C, seeks to repeal the Eritrea Regulation to implement the UNSC's decision to lift the sanctions previously imposed on Eritrea.

## **IMPLICATIONS**

12. The 2019 Somalia Regulation, the Somalia Repeal Regulation and the Eritrea Repeal Regulation are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of the Ordinance. They have no financial, civil service, economic, productivity, environmental, sustainability, family or gender implications. Additional work arising from the enforcement of the 2019 Somalia Regulation, if any, will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

13. A press release was issued on 29 March 2019 when the three Regulations were published in the Gazette. A spokesperson is available to answer media and public enquiries.

## **INFORMATION ON SOMALIA AND ERITREA AS WELL AS RELATIONS WITH THE HKSAR**

14. For information on Somalia and Eritrea, background of the sanctions imposed against the two countries by the UNSC as well as their bilateral trade relations with the HKSAR, please refer to Annex G and H respectively.

G & H

## **ADVICE SOUGHT**

15. Members are invited to note the implementation of the UNSCR 2444 in the HKSAR by the 2019 Somalia Regulation, the Somalia Repeal Regulation and the Eritrea Repeal Regulation.

**Commerce and Economic Development Bureau  
March 2019**

L.N. 55 of 2019

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**United Nations Sanctions (Somalia) Regulation 2019**

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## United Nations Sanctions (Somalia) Regulation 2019

(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;

**assistance** (協助) means technical advice, financial or other assistance, or training;

**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;



**connected person** (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;

**designated person** (指認人士) means a person or an entity designated by the Committee for the purposes of paragraph 7 of Resolution 1844;

**economic assets** (經濟資產) means any funds or other financial assets or economic resources;

**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;
- (g) documents evidencing an interest in funds or financial resources; and
- (h) any other instrument of export financing;

**Hong Kong person** (香港人) means—

- (a) a person who is both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR;

**licence** (特許) means a licence granted under Part 3;

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

**mode of transport** (運輸工具) means a ship, aircraft or vehicle;

**operator** (營運人), in relation to a mode of transport, means the person for the time being having the management of the mode of transport;

**pilot in command** (機長), in relation to an aircraft, means the pilot designated by the operator or owner, as appropriate, as being—

- (a) in charge of the aircraft (without being under the direction of any other pilot in the aircraft); and
- (b) 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 named in the list published under section 29(1);
- (b) an entity—
  - (i) acting on behalf of;
  - (ii) acting at the direction of; or
  - (iii) owned or controlled by, an individual or entity named in that list; or
- (c) an entity owned or controlled by an individual or entity—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of, an individual or entity named in that list;

**relevant person** (有關人士) means—

- (a) an individual named in the list published under section 29(1); or
- (b) an individual—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of, an individual or entity named in that list;

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

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

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

**responsible person** (負責人) means—

- (a) for a ship—the charterer, operator or master of the ship;
- (b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or
- (c) for a vehicle—the operator or driver of the vehicle;

**Secretary** (局長) means the Secretary for Commerce and Economic Development;

**Security Council** (安理會) means the Security Council of the United Nations;

**supply** (供應) means supply, sale or transfer.

**Part 2****Prohibitions****2. Supply of goods prohibited**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 9(1)(a), a person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—
  - (a) to Somalia;
  - (b) to a connected person or the order of a connected person; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
    - (i) to Somalia; or
    - (ii) to a connected person or the order of a connected person.
- (3) A person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—
  - (a) to a designated person or the order of a designated person; or

- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a designated person or the order of a designated person.
- (4) A person who contravenes subsection (2) or (3) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (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—
    - (i) to Somalia;
    - (ii) to a connected person or the order of a connected person; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
      - (A) to Somalia; or
      - (B) to a connected person or the order of a connected person; or
  - (c) for a contravention of subsection (3)—that the goods concerned were, or were to be, supplied—
    - (i) to a designated person or the order of a designated person; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to a designated person or the order of a designated person.

**3. Carriage of goods prohibited**

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR, or is in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR, or is in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) a Hong Kong person; or
    - (ii) in the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 9(1)(b), a mode of transport 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 a connected person or the order of a connected person; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
    - (i) to Somalia; or
    - (ii) to a connected person or the order of a connected person.
- (3) Subsection (2) does not apply if—
  - (a) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and

- (b) the supply is authorized by a licence granted under section 9(1)(a).
- (4) Without limiting section 2, a mode of transport must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
  - (a) to a designated person or the order of a designated person; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a designated person or the order of a designated person.
- (5) If a mode of transport 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 responsible persons for the ship;
  - (b) for any other ship—
    - (i) the charterer of the ship if the charterer is a Hong Kong person, or is in the HKSAR;
    - (ii) the operator of the ship if the operator is a Hong Kong person, or is in the HKSAR; and
    - (iii) the master of the ship if the master is both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
  - (c) for an aircraft registered in the HKSAR—the responsible persons for the aircraft;
  - (d) for any other aircraft—
    - (i) the charterer of the aircraft if the charterer is a Hong Kong person, or is in the HKSAR;

- (ii) the operator of the aircraft if the operator is a Hong Kong person, or is in the HKSAR; and
  - (iii) the pilot in command of the aircraft if the pilot in command is both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
- (e) for a vehicle—the responsible persons for the vehicle.
- (6) A person who commits an offence under subsection (5) is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (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 a connected person or the order of a connected person; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
      - (A) to Somalia; or
      - (B) to a connected person or the order of a connected person; or

- (c) for a contravention of subsection (4)—that the carriage of the goods concerned was, or formed part of, a carriage—
    - (i) to a designated person or the order of a designated person; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to a designated person or the order of a designated person.
- 4. Provision of assistance prohibited**
- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 10(1), a person must not directly or indirectly provide to a connected person any assistance related to military activities.
- (3) A person must not directly or indirectly provide to a designated person any assistance, including investment, brokering or other financial services, related to military activities or to the supply, 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 summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.

- (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 assistance was, or was to be, provided to a connected person; or
    - (ii) that the assistance related to military activities; or
  - (b) for a contravention of subsection (3)—
    - (i) that the assistance was, or was to be, provided to a designated person; or
    - (ii) that the assistance related to military activities or to the supply, manufacture, maintenance or use of any prohibited goods.

#### 5. **Importation of charcoal prohibited**

- (1) A person must not directly or indirectly import 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 summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
- (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, or was to be, imported from Somalia into the HKSAR.

#### 6. **Making available or dealing with economic assets prohibited**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 11(1)—
  - (a) a person must not directly or indirectly make available any economic assets to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person must not directly or indirectly deal with any economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity (including, if the person is a relevant person or a relevant entity, the economic assets belonging to, or directly or indirectly owned or controlled by, the person).
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (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—
  - (a) for a contravention of subsection (2)(a)—that the economic assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or

- (b) for a contravention of subsection (2)(b)—that the person was dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
  - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (6) 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.

7. **Entry or transit of persons prohibited**
- (1) A designated person must not enter or transit through the HKSAR.
  - (2) However, subsection (1) does not apply to a case in respect of which—
    - (a) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation; or
    - (b) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in Somalia and stability in the region.
  - (3) 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.
  - (4) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
8. **Acts done outside HKSAR with permission granted outside HKSAR not prohibited**
- This Part does not apply if—
- (a) it otherwise prohibits a person from doing an act in a place outside the HKSAR except under the authority of a licence; and
  - (b) the person does the act in the place with permission granted in accordance with a law in force in the place (being a law substantially corresponding to the relevant provisions of this Regulation).
-

**Part 3****Licences****9. Licence for supply or carriage of goods**

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate—
- (a) a licence for the supply of, or the doing of an act likely to promote the supply of, prohibited goods—
    - (i) to Somalia;
    - (ii) to a connected person or the order of a connected person; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
      - (A) to Somalia; or
      - (B) to a connected person or the order of a connected person; 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 a connected person or the order of a connected person; or
    - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
      - (A) to Somalia; or
      - (B) to a connected person or the order of a connected person.

- (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 United Nations personnel, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
  - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
  - (c) the prohibited goods are intended solely for the support of or use by AMISOM;
  - (d) the prohibited goods are intended solely for the purposes of helping develop Somali security sector institutions;
  - (e) 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 co-operation and co-ordination with AMISOM;
  - (f) the prohibited goods are intended solely for the support of or use by United Nations personnel, including the United Nations Assistance Mission in Somalia;
  - (g) 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;
  - (h) the prohibited goods are intended solely for the support of or use by the European Union Training Mission in Somalia;



- (i) the prohibited goods are intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of Somali authorities for which they have notified the Secretary-General of the United Nations;
  - (j) the prohibited goods are intended for defensive purposes and are—
    - (i) to be carried by a ship that enters a Somali port for a temporary visit; and
    - (ii) to remain aboard the ship at all times while the ship is in Somalia;
  - (k) until midnight on 15 November 2019—the prohibited goods do not include any item covered by the Annex to Resolution 2111, and are intended solely for the development of the Somali National Security Forces, and to provide security for the Somali people.
- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (1) 5 days before granting it.
- (4) Also, if the Chief Executive is satisfied 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 the notification.

**10. Licence for provision of assistance**

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant a licence for the provision, to a connected person, of assistance related to military activities.
- (2) The requirements are as follows—
  - (a) the assistance is technical training or assistance intended solely for the support of or use by AMISOM;
  - (b) the assistance is technical assistance or training intended solely for the purposes of helping develop Somali security sector institutions;
  - (c) 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 co-operation and co-ordination with AMISOM;
  - (d) the assistance is intended solely for the support of or use by United Nations personnel, including the United Nations Assistance Mission in Somalia;
  - (e) the assistance is technical training or assistance intended solely for the support of or use by the European Union Training Mission in Somalia;
  - (f) the assistance is intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of Somali authorities for which they have notified the Secretary-General of the United Nations;

- (g) until midnight on 15 November 2019—the assistance is intended solely for the development of the Somali National Security Forces, and to provide security for the Somali people.
- (3) However, if the Chief Executive is satisfied 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 the notification.

#### 11. Licence for making available or dealing with economic assets

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate, a licence for—
  - (a) making available economic assets to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
  - (a) the economic assets 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 under the law of the HKSAR; or
- (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of economic assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity;
- (b) the economic assets are necessary for extraordinary expenses;
- (c) the economic assets are—
  - (i) 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) to be used to satisfy the lien or judgment;
- (d) until midnight on 15 November 2019—the economic assets are necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by—
  - (i) the United Nations, its specialized agencies or programmes, or humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance; or
  - (ii) their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plan for Somalia.

- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(a) 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 3 working days of the notification.
- (4) Also, if the Chief Executive is satisfied 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 not, unless the Committee approves, grant the licence.
- (5) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (1) before granting it.

**12. Provision of false or misleading 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 or misleading in a material particular commits an offence and is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

- (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
- (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 or misleading in a material particular commits an offence and is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
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**Part 4****Enforcement****13. Application of Part 4**

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 3 applies has been, is being or is about to be used in contravention of section 3(2) or (4).

**14. Power to board and search modes of transport**

The authorized officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the mode of transport and search it; and
- (b) for the purposes of paragraph (a), use or authorize the use of reasonable force.

**15. Power to require information and production of document, cargo or article**

- (1) The authorized officer may require a responsible person for the mode of transport to—
  - (a) provide any information, or produce for inspection any document, relating to the mode of transport, that the officer may specify;
  - (b) for a ship or aircraft—provide any information, or produce for inspection any document, relating to its cargo, that the officer may specify;
  - (c) for a vehicle—provide any information, or produce for inspection any document, relating to any article on it, that the officer may specify; or

- (d) produce for inspection any of its cargo or articles that the officer may specify.
- (2) The power under subsection (1) 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 at which, the information should be provided or the document, cargo or article should be produced for inspection.

**16. Power to direct movement**

- (1) If the mode of transport is a ship, the authorized officer may do one or more of the following—
  - (a) direct a responsible person for 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 specified;
  - (b) require a responsible person for 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 responsible person is notified by an authorized officer that the ship and its cargo may 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 responsible person is notified by an authorized officer that the ship and its cargo may depart;
    - (iii) if the ship is in another place—
      - (A) to take the ship and any of its cargo to a port specified by an authorized officer; and

- (B) to cause the ship and its cargo to remain in that place until the responsible person 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 by agreement with the responsible person.
- (2) If the mode of transport is an aircraft and the aircraft is in the HKSAR, the authorized officer may require a responsible person for the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the responsible person is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) If the mode of transport is a vehicle, the authorized officer may require a responsible person for the vehicle to—
- (a) take the vehicle and any article on it to a place specified by an authorized officer; and
  - (b) cause the vehicle and the article to remain in that place until the responsible person is notified by an authorized officer that the vehicle and the article may depart.

**17. Failure to comply with direction or requirement**

- (1) A responsible person for a mode of transport commits an offence if, without reasonable excuse, the person—
- (a) disobeys a direction given under section 16(1)(a); or
  - (b) refuses or fails to comply with a requirement made under section 15(1) or 16(1)(b), (2) or (3)—

- (i) within the time specified by an authorized officer; or
  - (ii) if no time is specified—within a reasonable time.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**18. Provision of false or misleading information or documents**

- (1) A responsible person for a mode of transport commits an offence if the person, in response to a requirement made under section 15(1)—
- (a) provides or produces to an authorized officer any information or document that the person knows to be false or misleading in a material particular; or
  - (b) recklessly provides or produces to an authorized officer any information or document that is false or misleading in a material particular.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**19. Power to enter and detain modes of transport**

- (1) Without limiting sections 17 and 18, this section applies if an authorized officer has reason to suspect that a requirement made under section 16(1)(b), (2) or (3) may not be complied with.
- (2) The officer may take any steps that appear to the officer to be necessary to secure compliance with that requirement including, in particular, steps to—

- (a) enter or authorize the entry on any land or the mode of transport concerned;
  - (b) detain or authorize the detention of the mode of transport, or of (for a ship or aircraft) any of its cargo or (for a vehicle) any article on it; or
  - (c) use or authorize the use of reasonable force.
- (3) Subject to subsections (4) and (5), subsection (2) does not authorize the detention of a ship or vehicle for more than 12 hours, or of an aircraft for more than 6 hours.
- (4) 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, or of an aircraft for further periods of not more than 6 hours each.
- (5) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each.
- (6) An order under subsection (4) or (5) must state the time from which, and period for which, the order is effective.

**20. Production of proof of identity**

Before or on exercising a power conferred by this Part, an authorized officer must, if requested by any person, produce proof of the officer's identity to the person for inspection.

**Part 5****Evidence****21. Interpretation of Part 5**

In this Part—

*premises* (處所) includes any place and, in particular, includes—

- (a) any mode of transport or offshore structure; and
- (b) any tent or movable structure;

*seized property* (被檢取財產) means anything seized under section 22(3).

**22. 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, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize an authorized officer, together with any other person named in the warrant, at any time within 1 month from the date of the warrant, to—
- (a) enter the premises specified in the information; and
  - (b) search the premises.
- (3) A person authorized by a warrant to search any premises may exercise any or all of the following powers—

- (a) the power to 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;
  - (b) the power to seize and detain anything found—
    - (i) on the premises; or
    - (ii) 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) the power to take in relation to anything seized under paragraph (b) any other steps that may appear necessary for preserving the thing 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, the person may use any force that is reasonably necessary for the purpose.

**23. Detention of seized property**

- (1) Seized property may not be detained for more than 3 months.
- (2) However, if seized property is relevant to an offence under this Regulation, and proceedings for the offence have begun, it may be detained until the completion of those proceedings.

**Part 6****Disclosure of Information or Documents****24. 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 require 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 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; and
  - (b) 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.
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## Part 7

### Other Offences and Miscellaneous Matters

#### 25. Liability of persons other than principal offenders

- (1) If—
  - (a) the person convicted of an offence under this Regulation is a body corporate; and
  - (b) 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 also guilty of the offence.
- (2) If—
  - (a) the person convicted of an offence under this Regulation is a firm; and
  - (b) 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 other person concerned in the management of the firm,

the partner or other person is also guilty of the offence.

#### 26. 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.



**27. Offences in relation to evasion of this Regulation**

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

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

**28. Consent and deadline for prosecution**

- (1) A prosecution for an offence under this Regulation may only be started by or with the consent of the Secretary for Justice.
- (2) A prosecution for a summary offence under this Regulation that is alleged to have been committed by a person outside the HKSAR may only be started before the end of 12 months beginning on the date on which the person first enters the HKSAR after the alleged commission of the offence.

**Note—**

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

- (3) In this section—  
*summary offence* (簡易程序罪行) means an offence triable summarily only.

**29. Publication of list of individuals and entities by Secretary**

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (*CEDB*) a list of individuals and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.

- (2) The Secretary may include in the list the name of an individual or entity designated by the Committee for the purposes of paragraph 3 of Resolution 1844.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the list if the individual or entity is no longer designated by the Committee for the purposes of paragraph 3 of Resolution 1844.
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy of a list referred to in subsection (1) printed from the website of the CEDB—
  - (a) is admissible in evidence on production without further proof; and
  - (b) unless the contrary is proved, is evidence of the information contained in the list.

**30. 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 another person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restriction or condition the Chief Executive considers appropriate.

**31. Exercise of powers of Secretary**

- (1) The Secretary may delegate any of the Secretary's powers or functions under this Regulation to any person or class or description of person.
- (2) A delegation under subsection (1) may be subject to any restriction or condition the Secretary considers appropriate.

Carrie LAM  
Chief Executive

26 March 2019

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**Explanatory Note**

This Regulation gives effect to certain decisions in Resolution 2444 (2018) adopted by the Security Council of the United Nations on 14 November 2018 in respect of Somalia by providing for the prohibition against—

- (a) the supply, sale, transfer or carriage of weapons or military equipment to Somalia;
- (b) the provision of technical advice, financial or other assistance, or training, related to military activities in certain circumstances;
- (c) the importation of charcoal from Somalia;
- (d) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (e) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (f) entry into or transit through the HKSAR by certain persons.

United Nations Sanctions (Somalia) Regulation (Repeal) Regulation

Section 1 L.N. 56 of 2019  
B1275

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**L.N. 56 of 2019**

**United Nations Sanctions (Somalia) Regulation (Repeal)  
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)

**1. Repeal**

The United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) is repealed.

Carrie LAM  
Chief Executive

26 March 2019

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United Nations Sanctions (Somalia) Regulation (Repeal) Regulation

Explanatory Note L.N. 56 of 2019  
Paragraph 1 B1277

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**Explanatory Note**

This Regulation repeals the United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) on the making of the new United Nations Sanctions (Somalia) Regulation 2019.

## United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation

Section 1 L.N. 57 of 2019  
B1279

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**L.N. 57 of 2019**

**United Nations Sanctions (Eritrea) Regulation (Repeal)  
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)

**1. Repeal**

The United Nations Sanctions (Eritrea) Regulation (Cap. 537 sub. leg. AR) is repealed.

Carrie LAM  
Chief Executive

26 March 2019

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## United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation

Explanatory Note L.N. 57 of 2019  
Paragraph 1 B1281

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**Explanatory Note**

This Regulation repeals the United Nations Sanctions (Eritrea) Regulation (Cap. 537 sub. leg. AR) to give effect to the decision of the Security Council of the United Nations (*Security Council*) on the termination of the provisions of Resolutions 1907 (2009), 2023 (2011), 2060 (2012) and 2111 (2013) under paragraph 4 of Resolution 2444 (2018) adopted by the Security Council on 14 November 2018.

**United Nations Sanctions Ordinance  
(Cap. 537)**

**United Nations Sanctions (Somalia) Regulation 2019**

**United Nations Sanctions (Somalia) Regulation (Repeal) Regulation**

**United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation**

This is to confirm that the Chief Executive received specific instructions from the Ministry of Foreign Affairs of the People's Republic of China in December 2018 which requested the Government of the Hong Kong Special Administrative Region to implement United Nations Security Council Resolution 2444, and that the United Nations Sanctions (Somalia) Regulation 2019, the United Nations Sanctions (Somalia) Regulation (Repeal) Regulation and the United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation were made in pursuance of the instructions.

Dated this 26<sup>th</sup> day of March 2019

A handwritten signature in black ink, appearing to read 'Matthew Cheung Kin-chung', with a long horizontal flourish extending to the right.

( Matthew Cheung Kin-chung )  
Chief Secretary for Administration



# Security Council

Distr.: General  
14 November 2018

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## Resolution 2444 (2018)

**Adopted by the Security Council at its 8398th meeting, on  
14 November 2018**

*The Security Council,*

*Recalling* all its previous resolutions and statements of its President on the situation in Somalia and Eritrea, in particular resolutions 733 (1992), [1844 \(2008\)](#), [1907 \(2009\)](#), [2023 \(2011\)](#), [2036 \(2012\)](#), [2093 \(2013\)](#), [2111 \(2013\)](#), [2124 \(2013\)](#), [2125 \(2013\)](#), [2142 \(2014\)](#), [2182 \(2014\)](#), [2244 \(2015\)](#), [2317 \(2016\)](#) and [2385 \(2017\)](#),

*Taking note* of the final reports of the Somalia and Eritrea Monitoring Group (the SEMG) on Somalia ([S/2018/1002](#)) and Eritrea ([S/2018/1003](#)) and their conclusions on the situations in Somalia and Eritrea,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea, and underscoring the importance of working to prevent destabilising effects of regional crises and disputes from spilling over into Somalia,

*Condemning* Al-Shabaab attacks in Somalia and beyond, *expressing concern* that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region, and *further expressing concern* at the presence of affiliates linked to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and the security implications of the situation in Yemen for Somalia,

*Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights law, international refugee law, and international humanitarian law, threats to international peace and security caused by terrorist acts,

*Underlining* its support for the efforts of the Somali authorities to deliver stability and security in Somalia and to reduce the threats to peace and security posed by Al-Shabaab and affiliates linked to ISIL (also known as Da'esh),

*Condemning* any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo on Somalia, including when they result in supplies to Al-Shabaab and affiliates linked to ISIL (also known as Da'esh) and when they undermine the sovereignty and territorial integrity of Somalia, as a serious threat to peace and stability in the region, and *expressing concern* at reports of increased illegal flows of weapons and ammunition supplies from Yemen to Somalia,



*Welcoming* the cooperation between the Federal Government of Somalia (FGS), the Federal Member States (FMSs), and the SEMG, and *underlining* the importance of these relationships improving further and strengthening in the future,

*Welcoming* the development of a conditions-based transition plan with clear target dates for the progressive transfer of security responsibilities from the African Union Mission in Somalia (AMISOM) to the Somali security institutions and forces, *calling for* its swift and coordinated implementation with full participation from all stakeholders, and *recalling* the critical importance of accelerating the implementation of the National Security Architecture agreement between the FGS and the FMSs, including decisions to define the composition and roles of Somalia's security forces and to integrate and provide federal support to regional forces, in order to provide the foundation for a successful transition to Somali-led security,

*Taking note of* the efforts of the FGS to improve its notifications to the Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea ("the Committee"), *urging* further progress in this regard, and *recalling* that improved arms and ammunition management in Somalia is a fundamental component of greater peace and stability for the region,

*Commending* the efforts of the FGS to restore key economic and financial institutions, increase domestic revenue and implement financial governance and structural reforms, *welcoming* the continued progress on building a track record of reforms under the International Monetary Fund Staff-Monitored Programme, together with progress on the anti-corruption bill, and *highlighting* the importance of continual progress in these areas,

*Welcoming* the FGS's efforts to implement the Anti-Money Laundering and Countering the Financing of Terrorism Act (2015) and the National Communications Act (2017), *underlining* the importance of compliance with the counter-terrorism and national security provisions in this legislation, and *further welcoming* the establishment of a Financial Reporting Centre to serve as Somalia's financial intelligence unit,

*Underlining* the importance of financial propriety in contributing to stability and prosperity, *welcoming* the efforts of the FGS to address corruption, and *stressing* the need for a zero tolerance approach to corruption to promote transparency and increase mutual accountability in Somalia,

*Expressing* serious concern at reports of illegal, unreported and unregulated fishing in waters where Somalia has jurisdiction, *underlining* the importance of refraining from illegal, unreported and unregulated fishing, *welcoming* further reporting on the matter, and *encouraging* the FGS, with the support of the international community, to ensure that fishing licenses are issued in a responsible manner and in line with the appropriate Somali legal framework,

*Expressing serious concern* at the ongoing difficulties in delivering humanitarian aid in Somalia, and *condemning* in the strongest terms any party obstructing the safe delivery of humanitarian assistance, any misappropriation or diversion of any humanitarian funds or supplies, and acts of violence against and harassment of humanitarian workers,

*Recalling* that the FGS has the primary responsibility to protect its population, and *recognising* the FGS's responsibility, working with the FMSs, to build the capacity of its own national security forces, as a matter of priority,

*Welcoming* the FGS's efforts to address sexual- and gender-based violence, *encouraging* strengthened reporting mechanisms to facilitate prosecutions, and *further encouraging* the FGS to continue to implement its National Action Plan on

Ending Sexual Violence in Conflict through training, accountability, victim support and oversight of the security sector,

*Commending* efforts towards peace, stability and reconciliation in the region, including the signing of the Joint Declaration of Peace and Friendship between Eritrea and Ethiopia on 9 July 2018, the signing of the Joint Declaration on Comprehensive Cooperation between Ethiopia, Somalia and Eritrea on 5 September 2018, and the signing of the Agreement on Peace, Friendship and Comprehensive Cooperation between Eritrea and Ethiopia on 16 September 2018,

*Taking note of* the decision of the Secretary-General to appoint a new Special Envoy for the Horn of Africa who will, inter alia, work with the Intergovernmental Authority on Development (IGAD) and other relevant subregional and regional organisations in consolidating recent gains in peace and security in the region, and carry out good offices on behalf of the Secretary-General,

*Regretting* that the SEMG has not been able to visit Eritrea since 2011 and fully discharge its mandate, and *welcoming* the meeting on 5 October 2018 between the representative of the Government of Eritrea and the Coordinator of the SEMG,

*Welcoming* that in recent months several armed groups in the region have declared that they will cease hostilities and engage peacefully in efforts to pursue reconciliation in the region,

*Expressing concern* at ongoing reports of Djiboutian combatants missing in action since the clashes in 2008, *calling on* Eritrea and Djibouti to continue to engage in resolving the issues of combatants, and *urging* Eritrea to share any further available detailed information pertaining to the combatants,

*Taking note of* increased engagement between Eritrea and Djibouti, *strongly encouraging* further efforts towards normalisation of relations and good neighbourhood between Djibouti and Eritrea, including cooperation in accordance with international law to resolve any disputes regarding their shared border, and *reaffirming* its readiness to continue to assist the parties in the peaceful settlement of any prolonged disputes,

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

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

### **Lifting of arms embargoes, travel bans, asset freezes and targeted sanctions on Eritrea**

1. *Recalls* paragraphs 16 and 17 of resolution [1907 \(2009\)](#) and *recognises* that during the course of its current and four previous mandates the SEMG has not found conclusive evidence that Eritrea supports Al-Shabaab;

2. *Welcomes* the meeting on 25 September 2018 between the representative of the Government of Eritrea and the Chair of the Committee, and *further welcomes* the meeting on 5 October 2018 between the representative of the Government of Eritrea and the Coordinator of the SEMG, with the participation of the Chair of the Committee;

3. *Welcomes* the meeting between the President of Djibouti and the President of Eritrea in Jeddah on 17 September 2018, *underlines* the importance of continuing efforts towards the normalisation of relations between Eritrea and Djibouti for regional peace, stability and reconciliation, and *encourages* Member States, international, regional and subregional organisations and other parties to continue to support these efforts including through their good offices;



4. *Decides* to lift from the date of adoption of this resolution the arms embargoes, travel bans, asset freezes and targeted sanctions imposed on Eritrea by the Security Council in its resolutions [1907 \(2009\)](#) [2023 \(2011\)](#), [2060 \(2012\)](#) and [2111 \(2013\)](#);

5. *Expresses its satisfaction* that funds derived from the mining sector of Eritrea are not contributing to violations of resolutions [1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) or [2023 \(2011\)](#), and *decides* that from the date of adoption of this resolution, States are no longer required to undertake the measures set out in paragraph 13 of resolution [2023 \(2011\)](#);

6. *Urges* Eritrea and Djibouti to engage on the issue of the Djiboutian combatants missing in action including through the mediation of any relevant party of their own choosing, and *further urges* Eritrea to make available any further detailed information;

7. *Urges* the two parties to continue efforts to settle their border dispute peacefully in a manner consistent with international law by conciliation, arbitration or judicial settlement, or by any other means of pacific dispute settlement identified in Article 33 of the Charter upon which they agree;

8. *Affirms* that it will continue to follow developments towards the normalisation of relations between Eritrea and Djibouti and will support the two countries in the resolution of these matters in good faith;

#### **Committee**

9. *Decides* that the mandate of the Committee pursuant to resolutions 751 (1992) and [1907 \(2009\)](#) concerning Somalia and Eritrea, hereafter to be known as the Committee pursuant to resolution 751 (1992) concerning Somalia (“the Committee”), shall include the tasks as set out in paragraph 11 of resolution 751 (1992), paragraph 11 of resolution [1844 \(2008\)](#), and paragraph 23 of resolution [2036 \(2012\)](#), and *requests* that the Committee amends its guidelines, its implementation assistance notices and its website accordingly;

#### **Somalia and Eritrea Monitoring Group**

10. *Decides* to terminate the mandate of the Somalia and Eritrea Monitoring Group (SEMG), with effect from 16 December 2018;

#### **Panel of Experts on Somalia**

11. *Decides* to establish, with effect from the date of adoption of this resolution, until 15 December 2019, the Panel of Experts on Somalia, *further decides* that the mandate of the Panel of Experts shall include the tasks as set out in paragraph 13 of resolution [2060 \(2012\)](#) and updated in paragraph 41 of resolution [2093 \(2013\)](#), paragraph 15 of resolution [2182 \(2014\)](#), paragraph 23 of resolution [2036 \(2012\)](#) and paragraph 29 of this resolution as they relate to Somalia, and *expresses* its intention to review the mandate and take appropriate action regarding any extensions of the mandate of the Panel of Experts no later than 15 November 2019;

12. *Requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to establish the Panel of Experts, consisting of six members and to be based in Nairobi, in consultation with the Committee, until 15 December 2019, drawing, as appropriate, on the expertise of the members of the SEMG established pursuant to previous resolutions, and *further requests* the Panel of Experts to include the necessary gender expertise, in line with paragraph 6 of resolution [2242 \(2015\)](#);

### Somalia Arms embargo

13. *Reaffirms* the arms embargo on Somalia, imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 (2013) and paragraphs 4 to 17 of resolution 2111 (2013), paragraph 14 of resolution 2125 (2013), paragraph 2 of resolution 2142 (2014), paragraph 2 of resolution 2244 (2015), paragraph 2 of resolution 2317 (2016) and paragraph 2 of resolution 2385 (2017) (hereafter referred to as “the arms embargo on Somalia”);

14. *Decides* to renew the provisions set out in paragraph 2 of resolution 2142 (2014) until 15 November 2019, and in that context *reiterates* that the arms embargo on Somalia shall not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Somali National Security Forces, to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of resolution 2111 (2013);

15. *Reaffirms* its decision that the entry into Somali ports for temporary visits of vessels carrying arms and related materiel for defensive purposes does not amount to a delivery of such items in violation of the arms embargo on Somalia, provided that such items remain at all times aboard such vessels;

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

17. *Welcomes* in this regard the improvements made by the FGS in weapons registration, recording and marking procedures and *encourages* further improvements, *expresses concern* at reports of continued weapons diversion from within the FGS and FMSs, *notes* that further improved weapons and ammunition management is vital in order to prevent the diversion of weapons and ammunition, and *reiterates* that the Security Council is committed to monitoring and assessing improvements in order to review the arms embargo when all conditions as set out in Security Council resolutions are met;

18. *Calls upon* the FGS to facilitate access for the Panel of Experts, on the basis of written requests to the FGS by the Panel of Experts submitted at least ten days in advance, to all FGS armouries in Mogadishu, all FGS imported weapons and ammunition prior to distribution, all FGS military storage facilities in Somalia National Army (SNA) sectors and all captured weaponry in FGS custody, and to allow photographs of weapons and ammunition in FGS custody and access to all FGS logbooks and distribution records, in order to enable the Security Council to monitor and assess progress in this area;

19. *Welcomes* the ongoing efforts of the FGS to develop detailed Standard Operating Procedures for weapons and ammunition management including an issue and receipt system to track all weapons post distribution, *further welcomes* the development of a mechanism to distribute weapons and ammunition to regional forces, consistent with the requirements of this resolution including paragraph 16, *encourages* that such a mechanism be expanded to include other military equipment and supplies, consistent with the requirements of this resolution including paragraph 16, and *urges* the FGS to finalise and implement these procedures as soon as possible;

20. *Welcomes* the establishment of the Joint Verification Team (JVT) and *urges* Member States to support improved weapons and ammunition management to improve the capacity of the FGS to manage weapons and ammunition;

21. *Takes notes of* FGS reporting to the Security Council pursuant to paragraph 9 of resolution [2182 \(2014\)](#) and as requested in paragraph 7 of resolution [2244 \(2015\)](#), *calls on* the FGS and FMSs to accelerate the implementation of the National Security Architecture agreement, the Security Pact, and the transition plan in order to provide Somali-led security and protection to the people of Somalia, and *requests* the FGS to report to the Security Council in accordance with paragraph 9 of resolution [2182 \(2014\)](#) and as requested in paragraph 7 of resolution [2244 \(2015\)](#), by 15 March 2019 and then by 15 September 2019, on the structure, composition, strength and disposition of its Security Forces, including the status of regional and militia forces, and to include as annexes the reports of the JVT requested in paragraph 7 of resolution [2182 \(2014\)](#);

22. *Recalls* that the FGS has the primary responsibility to notify the Committee of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to its Security Forces, pursuant to paragraphs 3 to 8 of resolution [2142 \(2014\)](#), and *calls upon* the FGS to improve its notifications to the Committee;

23. *Calls upon* the FGS to continue to improve the timeliness and content of notifications regarding the completion of deliveries, as set out in paragraph 6 of resolution [2142 \(2014\)](#);

24. *Requests* the FGS to incorporate the notifications regarding the destination unit in the Somali National Security Forces upon distribution of imported arms and ammunition, detailed in paragraph 7 of resolution [2142 \(2014\)](#), into the regular FGS reporting to the Security Council requested in paragraph 20;

25. *Stresses* Member States' obligations pursuant to the notification procedures set out in paragraph 11 (a) of resolution [2111 \(2013\)](#), *urges* Member States to strictly follow the notification procedures for providing assistance to develop Somali security sector institutions, and *encourages* Member States to consider Implementation Assistance Notice No.2 of the Committee as a guide;

26. *Recalls* paragraph 2 of resolution [2142 \(2014\)](#) and *notes* that support for the development of the Somali National Security Forces may include, inter alia, building infrastructure and provision of salaries and stipends solely provided to the Somali National Security Forces;

27. *Urges* increased cooperation by the FGS, FMSs and AMISOM, as set out in paragraph 6 of resolution [2182 \(2014\)](#), to document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates;

28. *Calls upon* the FGS and FMSs to enhance civilian oversight of their security forces, to continue to adopt and implement appropriate vetting procedures of all defence and security personnel, including human rights vetting, and to investigate and as appropriate prosecute individuals responsible for violations of international law, including international humanitarian law and human rights law, and in this context *recalls* the importance of the Secretary-General's Human Rights and Due Diligence Policy in relation to the support provided by the United Nations to Somali security forces;

29. *Decides* that the Panel of Experts will continue the investigations started by the SEMG related to the export to Somalia of chemicals that may be used as oxidisers in the manufacture of improvised explosive devices, such as the precursors

ammonium nitrate, potassium chlorate, potassium nitrate and sodium chlorate with a view to considering further action, and *calls on* Members States and the FGS to cooperate with the Panel of Experts in this regard;

30. *Underlines* the importance of timely and predictable payment of salaries to the Somali security forces and *calls on* the FGS to continue to implement systems to improve the timeliness and accountability of payments and supply of provisions to the Somali security forces, and *welcomes* the progress made to date on biometric registration;

31. *Recalls* the need to build the capacities of the Somali National Security Forces, in particular the provision of equipment, training and mentoring, in order to develop credible, professional and representative security forces to enable the gradual handing over of security responsibilities from AMISOM to the Somali security forces in line with the transition plan, and *encourages* further donor support and coordination as set out in the Security Pact;

32. *Requests* the Secretary-General to conduct a technical assessment regarding the arms embargo, with options and recommendations for improving implementation, by 15 May 2019;

#### **Threats to peace and security in Somalia**

33. *Condemns* Al-Shabaab's increased revenue from natural resources including the taxing of the illicit sugar trade, agricultural production and livestock, *further expresses concern* at the group's involvement in the illicit charcoal trade, and *welcomes* the Panel of Experts' reporting on these issues;

34. *Requests* the FGS to cooperate with the Panel of Experts to facilitate interviews of suspected members of Al-Shabaab and ISIL (also known as D'aesh) held in FGS custody, in order to assist the Panel of Experts with its investigations;

35. *Welcomes* the efforts that the FGS has made to improve its financial management procedures including the successful completion of two International Monetary Fund (IMF) Staff-Monitoring programmes and the commitments to further reform made under the third Staff-Monitored programme, *encourages* the FGS and FMSs to maintain the pace of reform to increase transparency, accountability, comprehensiveness and predictability in revenue collection and budget allocations, and *expresses concern* at the generation and distribution of counterfeit Somali currency;

36. *Expresses concern* at the continued reports of corruption and diversion of public resources, including reports of alleged financial impropriety involving members of the FGS, FMSs, Federal Parliament and Somali opposition groups which pose a risk to state-building efforts, and in this context *strongly welcomes* the steps taken by the FGS to address cases of corruption and to develop anti-corruption legislation;

37. *Underlines* that individuals engaged in acts that threaten the peace and reconciliation process in Somalia may be listed for targeted measures;

38. *Recognises* that addressing outstanding constitutional issues around power and resource sharing between the FGS and FMSs is crucial for Somalia's stability, *calls upon* the FGS and the FMSs to work constructively together to address these issues in an inclusive manner, and *encourages* the FGS and FMSs to implement the outstanding elements of the National Security Architecture agreement, including decisions around the make-up, distribution and command and control of the security forces and resource-sharing;

39. *Reaffirms* Somalia's sovereignty over its natural resources;

40. *Reiterates its serious concern* that the petroleum sector in Somalia could be a driver for increased conflict, *welcomes* the political agreement on petroleum and mineral resource-sharing reached by the FGS and the FMSs in June 2018, and *underlines* the vital importance of the FGS and FMSs putting in place, without undue delay, resource-sharing arrangements and credible legal frameworks to ensure that the petroleum sector in Somalia does not become a source of increased tension;

### **Somalia Charcoal ban**

41. *Reaffirms* its decision regarding the ban on the import and export of Somali charcoal, as set out in paragraph 22 of resolution 2036 (2012) (“the charcoal ban”), *welcomes* efforts of Member States to prevent the import of charcoal of Somali origin, *reiterates* that the FGS and FMSs shall take the necessary measures to prevent the export of charcoal from Somalia, *urges* Member States to continue their efforts to ensure full implementation of the ban, and *further reiterates* that individuals and entities engaged in acts which violate the charcoal ban may be listed for targeted measures;

42. *Reiterates* its requests in paragraph 18 of resolution 2111 (2013) and paragraph 16 of resolution 2431 (2018) that AMISOM support and assist the FGS and FMSs in implementing the total ban on the export of charcoal from Somalia, and *calls upon* AMISOM to facilitate regular access for the Panel of Experts to charcoal exporting ports;

43. *Welcomes* the efforts of the Combined Maritime Forces (CMF) to disrupt the export and import of charcoal to and from Somalia, and *further welcomes* the cooperation between the Panel of Experts and CMF in keeping the Committee informed on the charcoal trade;

44. *Expresses concern* that the charcoal trade provides significant funding for Al-Shabaab, and in that context *reiterates* paragraphs 11 to 21 of resolution 2182 (2014), and *further decides* to renew the provisions set out in paragraph 15 of resolution 2182 (2014) until 15 November 2019;

45. *Condemns* the ongoing export of charcoal from Somalia, in violation of the total ban on the export of charcoal, *calls* on Member States to share information with the Panel of Experts, *requests* the Panel of Experts to continue to focus on this in their next report and propose further measures, taking account of human rights concerns, and *expresses* its intention to consider further measures if violations continue;

46. *Encourages* the United Nations Office on Drugs and Crime to continue its work with the FGS, within its current mandate, under the Indian Ocean Forum on Maritime Crime to bring together relevant Member States and international organisations to develop strategies to disrupt the trade in Somali charcoal;

### **Humanitarian access in Somalia**

47. *Expresses grave concern* at the ongoing humanitarian situation in Somalia and its impact on the people of Somalia, *commends* the efforts of the United Nations humanitarian agencies and other humanitarian actors to deliver life-saving assistance to vulnerable populations, *condemns* in the strongest terms attacks against humanitarian actors and any misuse of donor assistance and the obstruction of the delivery of humanitarian aid, *reiterates* its demand that all parties allow and facilitate full, safe and unhindered access for the timely delivery of aid to persons in need across Somalia, and *encourages* the FGS to improve the regulatory environment for aid donors;

48. *Decides* that until 15 November 2019 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 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 non-governmental organisations participating in the United Nations Humanitarian Response Plan for Somalia;

49. *Requests* the Emergency Relief Coordinator to report to the Security Council by 15 October 2019 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 organisations 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;

### **Targeted sanctions in Somalia**

50. *Recalls* its decisions in resolution 1844 (2008) which imposed targeted sanctions and resolutions 2002 (2011) and 2093 (2013) which expanded the listing criteria, *notes* one of the listing criteria under resolution 1844 (2008) is engaging in or providing support for acts that threaten the peace, security or stability of Somalia, and *decides* that such acts may also include but are not limited to planning, directing or committing acts involving sexual and gender-based violence;

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

52. *Recalls* paragraph 2 (c) of resolution 2060 (2012) and emphasises that certain misappropriation of financial resources is a criterion for designation and applies to misappropriation at all levels;

53. *Reiterates* its request for Member States to assist the Panel of Experts in its investigations, and *further requests* the FGS, FMSs and AMISOM to share information with the Panel of Experts regarding Al-Shabaab activities;

### **Reporting**

54. *Requests* the Panel of Experts to provide monthly updates to the Committee pursuant to resolution 751 (1992), and a comprehensive midterm update, as well as to submit, for the Security Council's consideration, through the Committee, a final report by 15 October 2019;

55. *Requests* the Committee, in accordance with its mandate and in consultation with the Panel of Experts and other relevant United Nations entities, to consider the recommendations contained in the reports of the Panel of Experts and recommend to the Security Council ways to improve the implementation of and compliance with the Somalia arms embargo, the measures regarding the import and export of charcoal from Somalia, as well as implementation of the measures imposed by paragraphs 1, 3 and 7 of resolutions 1844 (2008) in response to continuing violations;

56. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members to enhance the full and effective implementation of the measures above, with a view to encouraging States to comply fully with this resolution;

57. *Requests* the Secretary General to keep the Security Council informed of developments towards the normalisation of relations between Eritrea and Djibouti and to report to the Security Council no later than 15 February 2019 and every six months thereafter, and *expresses its intention* to keep this request under review in light of developments;

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

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## United Nations Sanctions (Somalia) Regulation 2019

(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;

**assistance** (協助) means technical advice, financial or other assistance, or training;

**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;



***connected 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;

***designated person*** (指認人士) means a person or an entity designated by the Committee for the purposes of paragraph 7 of Resolution 1844;—

- ~~(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 assets* (經濟資產) means any funds or other financial assets or economic resources;

*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—
- (h) any other instrument of export financing;

**Hong Kong person (香港人) means—**

- (a) a person who is both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR;

***licence* (特許) means a licence granted under ~~section 8(1)(a) or (b), 9(1) or 10(1)~~Part 3;**

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

***mode of transport* (運輸工具) means a ship, aircraft or vehicle;**

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

***pilot in command* (機長), in relation to an aircraft, means the pilot designated by the operator or ~~the~~ owner, as appropriate, as being—**

- (a) in charge of the aircraft (without being under the direction of any other pilot in the aircraft); and—
- (b) 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 named in the list published under section 29(1);

- ~~(a) an entity specified by the Chief Executive as a relevant entity under section 30; or~~
- (b) an entity—
- ~~(i) acting on behalf of; or~~
- ~~(ii) acting at the direction of; or~~
- ~~(iii) owned or controlled by,—~~
- ~~a person an individual or entity specified by the Chief Executive as a relevant person or relevant entity under section 30 named in that list; or~~
- ~~(c) an entity owned or controlled by an individual or entity—~~
- ~~(i) acting on behalf of; or~~
- ~~(ii) acting at the direction of,~~
- ~~an individual or entity named in that list;~~

**relevant person** (有關人士) means—

- (a) ~~a person specified by the Chief Executive as a relevant person under section 30~~an individual named in the list published under section 29(1); 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 under section 30;~~an individual—
- ~~(i) acting on behalf of; or~~
- ~~(ii) acting at the direction of,~~
- ~~an individual or entity named in that list;~~

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

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

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

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

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

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

**responsible person** (負責人) means—

(a) for a ship—the charterer, operator or master of the ship;

(b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or

(c) for a vehicle—the operator or driver of the vehicle;

**Secretary** (局長) means the Secretary for Commerce and Economic Development;

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

**supply** (供應) means supply, sale or transfer.

## Part 2

### Prohibitions

2. ~~Prohibition against s~~Supply, sale or transfer of ~~certain~~ goods prohibited
- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a Hong Kong 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 ~~89~~89(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~~ a connected person or the order of, a connected person ~~connected with Somalia~~; or
  - (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
    - ~~(i) to Somalia; or~~
    - ~~(ii) to~~ a connected person; or ~~to~~ the order of, a connected 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 a designated person, or ~~to~~ the order of, a designated person; or
- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a designated person, 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)~~ (ba) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

~~(b) on conviction on indictment—to a fine and to imprisonment for 7 years.~~

(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 a connected person, or ~~to~~ the order of, a connected person ~~connected with Somalia~~; or
  - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—

~~(A)~~ (A) —to Somalia; or

~~(B)~~ (B) —to a connected person, or ~~to~~ the order of, a connected 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 a designated person, or ~~to~~ the order of, a designated person; or
- (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to a designated person, or ~~to~~ the order of, a designated person.

### 3. ~~Prohibition against e~~Carriage of ~~certain~~ goods prohibited

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR, or is in the HKSAR;
- (b) an aircraft that is registered in the HKSAR, or is 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~~ person; or
- (iii) ~~a body incorporated or constituted under the law of~~ in the HKSAR; and
- (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, except under the authority of a licence granted under section 89(1)(b), a ~~ship, aircraft or vehicle~~ mode of transport 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 a connected person; or ~~to~~ the order of; a connected person ~~connected with Somalia~~; or
- (c) to a destination for the purpose of delivery or transfer, directly or indirectly—
- (i) ~~to~~ Somalia; or
- (ii) ~~to~~ a connected person; or ~~to~~ the order of; a connected 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~~ is authorized by a licence granted under section ~~89~~(1)(a).
- (4) Without limiting section 2, a ~~ship, aircraft or vehicle~~ mode of transport must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
- (a) to a designated person; or ~~to~~ the order of; a designated person; or
- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to a designated person; or ~~to~~ the order of; a designated person.
- (5) If a ~~ship, aircraft or vehicle~~ mode of transport 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 responsible persons for 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 person ~~permanent~~

- ~~resident and a Chinese national~~, or is ~~a body incorporated or constituted under the law of~~in 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~~person~~, or is ~~a body incorporated or constituted under the law of~~in 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, or is in the HKSAR;
- (c) for an aircraft registered in the HKSAR—~~the charterer, the operator and the pilot in command of~~the responsible persons for the aircraft;
- (d) for any other aircraft—
- (i) the charterer of the aircraft, if the charterer is ~~in the HKSAR, or is both~~ a Hong Kong permanent resident and a Chinese national~~person~~, or is ~~a body incorporated or constituted under the law of~~in 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~~person~~, or is ~~a body incorporated or constituted under the law of~~in 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, or is in the HKSAR;

- (e) for a vehicle—~~the operator and the driver of~~the responsible persons for 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~~a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
- ~~(b) on conviction on indictment—to a fine and to imprisonment for 7 years.~~
- (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 a connected person; or ~~to~~ the order of; a connected person ~~connected with Somalia~~; or
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
- ~~(A) —to Somalia; or~~
- ~~(B) —to a connected person; or to~~ the order of; a connected 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 a designated person; or ~~to~~ the order of; a designated person; or

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

4. ~~Prohibition against p~~**Provision of certain advice, assistance or training prohibited**

(1) This section applies to—

- (a) a person acting in the HKSAR; and
- (b) a Hong Kong 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~~10(1), a person must not ~~provide~~, directly or indirectly, provide to a connected 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, provide 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~~a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

~~(b) on conviction on indictment—to a fine and to imprisonment for 7 years.~~

(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 connected 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.

#### **4A5. ~~Prohibition against i~~Importation of charcoal prohibited**

(1) A person must not ~~import~~, directly or indirectly, import 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)~~ a on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

~~(b) on conviction on indictment—to a fine and to imprisonment for 2 years.~~

- (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, or was to be, imported, ~~directly or indirectly~~, from Somalia into the HKSAR.

**56. Prohibition against making available funds, etc. or dealing with funds, etc. economic assets prohibited**

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a Hong Kong 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 ~~1011~~1011(1)—
- (a) a person must not ~~make available~~, directly or indirectly, make available any ~~funds or other financial assets or economic resources~~ assets 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, deal with any ~~funds or other financial assets or economic resources~~ assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity, ~~and (including, if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets~~

~~or the~~ economic ~~resources—assets~~ belonging to, or directly or indirectly owned or controlled by, the ~~first-mentioned~~ person).

(43) 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~~a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

~~(b) on conviction on indictment—to a fine and to imprisonment for 7 years.~~

(54) It is a defence for a person charged with an offence under subsection (43) to prove that the person did not know and had no reason to believe—

(a) for a contravention of subsection (2)(a)—that the ~~funds or other financial assets or~~ economic assets resources concerned were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or

(b) for a contravention of subsection (2)(b)—that the person was dealing with ~~funds or other financial assets or~~ economic resources—assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.

(65) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity with—

(a) interest or other earnings due on that account; or

(b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.

(76) 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.

**67. ~~Prohibition against e~~Entry or transit ~~by certain of~~ persons prohibited**

(1) ~~Subject to section 7, a~~A designated person must not enter or transit through the HKSAR.

(2) However, subsection (1) does not apply to a case in respect of which—

(a) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation; or

(b) the Committee has determined that the relevant entry or transit would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region.

(23) 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.



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

~~8. **Acts done outside HKSAR with permission granted outside HKSAR not prohibited**~~

~~This Part does not apply if—~~

- ~~(a) it otherwise prohibits a person from doing an act in a place outside the HKSAR except under the authority of a licence; and~~
- ~~(b) the person does the act in the place with permission granted in accordance with a law in force in the place (being a law substantially corresponding to the relevant provisions of this Regulation).~~

## Part 3

### Licences

#### **89. Licence for supply, ~~sale, transfer~~ or carriage of ~~certain~~ goods**

- (1) If, ~~satisfied~~ on application, the Chief Executive is satisfied that ~~any one or more~~ of the requirements in subsection (2) ~~is~~ are 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 a connected person, or ~~to~~ the order of, a connected person ~~connected with Somalia~~; or
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
- (A) to Somalia; or
- (B) to a connected person, or ~~to~~ the order of, a connected 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 a connected person, or ~~to~~ the order of, a connected person ~~connected with Somalia~~; or
- (iii) to a destination for the purpose of delivery or transfer, directly or indirectly—
- (A) to Somalia; or

~~(B)~~ to a connected person, or ~~to the order of~~, a connected 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 personnel, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
  - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
  - (c) the prohibited goods are intended solely for the support of or use by AMISOM;
  - (d) the prohibited goods are intended solely for the purposes of helping develop Somali security sector institutions;
  - ~~(e) (expired)~~
  - ~~(f)~~ the prohibited goods are intended solely for the support of or use by AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent African Union strategic concepts), and in co-operation and co-ordination with AMISOM;
  - ~~(g)~~ the prohibited goods are intended solely for the support of or use by ~~the personnel of the~~ United Nations personnel, including the United Nations Assistance Mission in Somalia;
  - ~~(h)~~ the prohibited goods are any of the items covered by the Annex to Resolution 2111 and to be supplied to the Federal Government of Somalia, as approved in advance by the Committee on a case-by-case basis;

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

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

~~(k) (expired)~~

~~(l) (expired)~~

~~(m) (expired)~~

(~~nj~~) the prohibited goods are intended for defensive purposes and are—

(i) to be carried by a ship that enters a Somali port for a temporary visit; and

(ii) to remain aboard the ship at all times while the ship is in Somalia;

~~(o) (expired)~~

(~~pk~~) until midnight on 15 November 2019—the prohibited goods do not include any item covered by the Annex to Resolution 2111, and are intended solely for the development of the Somali National Security Forces, and to provide security for the Somali people.

(3) However, if the Chief Executive ~~determines~~ is satisfied that—

~~(a)~~ the requirement in subsection (2)(b) is met, the Chief Executive must cause the Committee to be notified of the ~~determination~~ intention to grant a licence under

~~subsection (1) 5 days before granting a licence it under subsection (1);~~

- (~~b~~4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, the Chief Executive—
- (~~i~~a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
  - (~~ii~~b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of ~~receiving~~ the notification.

**910. Licence for provision of ~~certain advice, assistance or training~~**

- (1) If, ~~satisfied~~ on application, the Chief Executive is satisfied that ~~any one or more~~ of the requirements in subsection (2) ~~is~~ are met, the Chief Executive must, ~~subject to subsection (3),~~ grant a licence for the provision, to a connected person connected with Somalia, of ~~technical advice, financial or other assistance or training~~ related to military activities.
- (2) The requirements are as follows—
- (a) the assistance ~~or training~~ is technical training or assistance intended solely for the support of or use by AMISOM;
  - (b) the assistance ~~or training~~ is technical assistance or training intended solely for the purposes of helping develop Somali security sector institutions;
  - ~~(c) (expired)~~
  - (~~d~~c) 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 co-operation and co-ordination with AMISOM;

- (~~ed~~) the assistance is intended solely for the support of or use by ~~the personnel of the~~ United Nations personnel, including the United Nations Assistance Mission in Somalia;
  - (~~fe~~) 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;
  - (~~gf~~) the assistance is intended solely for the undertaking of measures that are consistent with applicable international humanitarian and human rights law to suppress acts of piracy and armed robbery at sea off the coast of Somalia, on the request of Somali authorities for which they have notified the Secretary-General of the United Nations;
  - ~~(h) (expired)~~
  - ~~(i) (expired)~~
  - ~~(j) (expired)~~
  - ~~(k) (expired)~~
  - (~~lg~~) until midnight on 15 November 2019—the ~~advice,~~ assistance ~~or training~~ is intended solely for the development of the Somali National Security Forces, and to provide security for the Somali people.
- (3) However, if the Chief Executive ~~determines~~ is satisfied 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.

**1011. Licence for making available ~~funds, etc. to certain persons or entities~~ or dealing with ~~funds, etc. of certain persons or entities~~ economic assets**

- (1) If, on application, the Chief Executive ~~determines~~ is satisfied that ~~any one or more~~ of the requirements in subsection (2) ~~is~~ are 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~~ assets 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~~ assets belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
- (a) the ~~funds or other financial~~ economic 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 under the law of the HKSAR; or
    - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of ~~funds or other financial~~ economic assets ~~or economic resources~~ belonging to, or directly or indirectly owned or controlled by, a relevant person or a relevant entity;

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

~~(d) (expired)~~

~~(e) (expired)~~

~~(f) (expired)~~

~~(g) (expired)~~

- (hd) ~~until midnight on 15 November 2019~~—the ~~funds or other financial~~economic assets ~~or economic resources~~ are necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by—
  - (i) the United Nations, its specialized agencies or programmes, or humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance; or
  - (ii) their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plan for Somalia.

(3) However, if the Chief Executive ~~determines~~ is satisfied that—

~~(a)~~ the requirement in subsection (2)(a) is met, the Chief Executive—



- (~~ia~~) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
- (~~ib~~) must grant the licence in the absence of a negative decision by the Committee within 3 working days of ~~receiving~~ the notification;
- (~~b4~~) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive—
  - (~~ia~~) must cause the Committee to be notified of the ~~determination~~ intention to grant a licence under subsection (1); and
  - (~~ib~~) must not, unless the Committee approves, grant the licence ~~unless the Committee approves the determination~~;
- (~~e5~~) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, the Chief Executive must cause the Committee to be notified of the intention to grant a licence under subsection (1) before granting ~~it~~ the licence, ~~the Chief Executive must cause the Committee to be notified of the determination.~~

#### **112. Provision of false or misleading 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 or misleading 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~~
  - (~~ba~~) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

~~(b) on conviction on indictment—to a fine and to imprisonment for 2 years.~~

(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 or misleading 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~~

~~(ba)~~ on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

~~(b) on conviction on indictment—to a fine and to imprisonment for 2 years.~~

## ~~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 54

### Enforcement ~~of Regulation~~

#### ~~Division 1—Investigation, etc. of Suspected Ships~~

##### 13. Application of Part 4

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 3 applies has been, is being or is about to be used in contravention of section 3(2) or (4).

##### ~~13~~14. Investigation of suspected shipsPower to board and search modes of transport

~~(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—~~

The authorized officer may—

(a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ~~ship~~mode of transport and search it; and,

~~(b) for that the purposes of paragraph (a), use or authorize the use of reasonable force;~~and

##### 15. Power to require information and production of document, cargo or article

(1) The authorized officer may require a responsible person for the mode of transport to—

~~(ba) request the charterer, operator or master of the ship to provide any information, or produce for inspection any document, relating to the ship or its cargo,~~mode of transport, that the officer may specify;

- ~~(b) —or for a ship or aircraft—provide any information, or produce for inspection any of its cargo or any document, relating to the ship or its cargo, that the officer may specify;~~
- ~~(c) for a vehicle—provide any information, or produce for inspection any document, relating to any article on it, that the officer may specify; or~~
- ~~(d) produce for inspection any of its cargo or articles that the officer may specify.~~
- ~~(2) The power under subsection (1) 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 at which, the information should be provided or the document, cargo or article should be produced for inspection.~~

## 16. Power to direct movement

- ~~(21) 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), If the mode of transport is a ship, the authorized officer may do one or more of the following—~~
- ~~(a) direct the charterer, operator or master of a responsible person for 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~~ require a responsible person for 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~~ responsible person 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~~ responsible person is notified by an authorized officer that the ship and its cargo may depart;

(iii) if the ship is in ~~any other~~ another place, ~~—~~

~~—~~ (A) to take the ship and any of its cargo to a port specified by an authorized officer; ~~and—~~

~~—~~ (B) to cause the ship and its cargo to remain in that place until the ~~charterer, operator or master~~ responsible person 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~~ by agreement with the ~~charterer, operator or master~~ responsible person.

~~(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 mode of transport is an aircraft and the aircraft referred to in subsection (1) is in the HKSAR, an the 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 require a responsible person for the aircraft to cause the aircraft and~~



any of its cargo to remain in the HKSAR until the ~~charterer, operator or pilot in command~~ responsible person 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~~
- ~~(e3) 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~~If the mode of transport is a vehicle, the authorized officer may require a responsible person for the vehicle to—
- ~~(a) take the vehicle and any article carried on it to a place specified by an authorized officer; and~~
- ~~(b) to cause the vehicle and the article to remain in that place until the operator or driver~~responsible person 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.~~

**2017. Offences by operator or driver of vehicle**Failure to comply with direction or requirement

- (1) ~~An operator or driver of a vehicle who~~A responsible person for a mode of transport commits an offence if, without reasonable excuse, the person—
- ~~(a) disobeys a direction given under section 16(1)(a); or~~

~~\_\_\_\_\_ (b) refuses or fails to comply with a request-requirement made under section 19(1)(b) or (e)15(1) or 16(1)(b), (2) or (3)—~~

~~\_\_\_\_\_ (i) within the time specified by an authorized officer; or—~~

~~\_\_\_\_\_ (ii) if no time is specified, —within a reasonable time;.~~

~~(2) A person who commits an offence under subsection (1) and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~

### **18. Provision of false or misleading information or documents**

~~(21) An operator or driver of a vehicle who A responsible person for a mode of transport commits an offence if the person, in response to a request-requirement made under section 19(1)(b) or (e)15(1);—~~

~~\_\_\_\_\_ (a) provides or produces to an authorized officer any information or document that the operator or driver person knows to be false or misleading in a material particular; or~~

~~\_\_\_\_\_ (b) —recklessly provides or produces to an authorized officer any information or document that is false or misleading in a material particular;.~~

~~(2) A person who commits an offence under subsection (1) and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~

### **219. Power of authorized officers to enter and detain vehicles modes of transport**

(1) Without limiting sections 2017 and 18, this section applies if an authorized officer has reason to suspect that a request-requirement that has been made under section 19(1)(e)16(1)(b), (2) or (3) may not be complied with;.

~~(2)~~ ~~The officer may take any steps that appear to the officer to be necessary to secure compliance with that request requirement including, in particular, any of the following steps to—~~

- ~~(a)~~ enter or authorize the entry on any land or ~~enter or authorize the entry into the vehicle~~ the mode of transport concerned;
  - ~~(b)~~ detain or authorize the detention of ~~that vehicle~~ the mode of transport, or of (for a ship or aircraft) any of its cargo or (for a vehicle) any article carried on it; or
  - ~~(c)~~ use or authorize the use of reasonable force.
- ~~(23)~~ Subject to subsections ~~(34)~~ (5), subsection ~~(12)~~ does not authorize the detention of a ship or a vehicle for more than 12 hours, or of an aircraft for more than 6 hours.

~~(4)~~ 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, or of an aircraft for further periods of not more than 6 hours each.

- ~~(35)~~ The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, ~~and—~~

~~(6)~~ An order under subsection (4) or (5) must state the time from which, and period for which, the order is effective.

### **Division 4—Proof of Identity**

#### **2220. Production of proof of identity**

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

United Nations Sanctions (Somalia) Regulation 2019

Part 54—Division 4

Section 2220

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**Part 65****Evidence****21. Interpretation of Part 5**

In this Part—

*premises* (處所) includes any place and, in particular, includes—

(a) any mode of transport or offshore structure; and

(b) any tent or movable structure;

*seized property* (被檢取財產) means anything seized under section 22(3).

**2322. 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~~ 1 month from the date of the warrant, ~~and to—~~

(a) enter the premises specified in the information; and

(b) —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) the power to 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) the power to seize and detain ~~any document, cargo or article~~anything found—
- ~~(i) on the premises, ~~ship, aircraft or vehicle~~; or~~
- ~~(ii) 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) the power to take in relation to ~~any document, cargo or article~~anything seized under paragraph (b) any other steps that may appear necessary for preserving the ~~document, cargo or article~~thing 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~~the purpose.

**2423. Detention of ~~documents, cargoes or articles~~ seized property**

- (1) ~~Subject to subsection (2), any document, cargo or article~~  
~~s~~Seized property under section 23(3) may not be detained for more than 3 months.
- (2) However, if the document, cargo or article~~seized property~~ is relevant to an offence under this Regulation, and proceedings



| for the offence have begun, ~~the document, cargo or article~~it  
may be detained until the completion of those proceedings.

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## Part 76

### Disclosure of Information or Documents

#### 2524. 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~~ require 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) 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; and
- ~~(b) 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.~~
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## Part **87**

### Other Offences and Miscellaneous Matters

#### **2625. Liability of persons other than principal offenders**

(1) If ~~---~~

~~---~~ (a) the person convicted of an offence under this Regulation is a body corporate; and~~---~~

~~---~~ (b) 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 also guilty of the ~~like~~-offence.

(2) If ~~---~~

~~---~~ (a) the person convicted of an offence under this Regulation is a firm; and~~---~~

~~---~~ (b) 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 other person concerned in the management of the firm,~~---~~

the partner or ~~the other~~ person ~~concerned in the management of the firm~~ is also guilty of the ~~like~~-offence.

#### **2726. 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.

**2827. Offences in relation to evasion of this Regulation**

A person who destroys, mutilates, defaces, secretes or removes ~~any document, cargo or article~~anything 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~~
- (ba) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; ~~or~~
- ~~(b) on conviction on indictment—to a fine and to imprisonment for 2 years.~~

**2928. Consent and ~~time limit~~deadline for proceedings**

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

**Note—**

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

- ~~(3) In this section—~~

*summary offence* (簡易程序罪行) means an offence triable summarily only.

~~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.~~

**29. Publication of list of individuals and entities by Secretary**

(1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (CEDB) a list of individuals and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.

(2) The Secretary may include in the list the name of an individual or entity designated by the Committee for the purposes of paragraph 3 of Resolution 1844.

(3) The list may also contain other information that the Secretary considers appropriate.

(4) The Secretary may remove the name of an individual or entity from the list if the individual or entity is no longer designated by the Committee for the purposes of paragraph 3 of Resolution 1844.

(5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.

(6) In any legal proceedings, a document purporting to be a copy of a list referred to in subsection (1) printed from the website of the CEDB—

(a) is admissible in evidence on production without further proof; and

(b) unless the contrary is proved, is evidence of the information contained in the list.

### **3130. 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~~another 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~~considers appropriate.

### **31. Exercise of powers of Secretary**

- (1) The Secretary may delegate any of the Secretary's powers or functions under this Regulation to any person or class or description of person.
- (2) A delegation under subsection (1) may be subject to any restriction or condition the Secretary considers appropriate.

### **~~32.~~ Duration**

- ~~(1) (spent)~~
- ~~(2) (spent)~~
- ~~(3) (spent)~~
- ~~(4) (spent)~~
- ~~(5) (spent)~~
- ~~(6) Sections 8(2)(p), 9(2)(l) and 10(2)(h) expire at midnight on 15 November 2018.~~

Chief Executive

2019

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**United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537CG)****United Nations Sanctions (Somalia) Regulation (Repeal) Regulation****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 <sup>Note 1</sup>. It has a total area of 637,657 sq. km. and had an estimated population of around 15.18 million in 2018. With its capital in Mogadishu, Somalia achieved independence in 1960. It is an agriculture dependent economy and had a GDP of US\$1.32 billion <sup>Note 2</sup> (or HK\$10.25 billion) in 2016. The inauguration of the new Federal Parliament of Somalia on 20 August 2012 marked the end of the transitional period following decades of warfare in the country.

**Sanctions imposed by the United Nations Security Council**

2. The overthrow of the former President of Somalia, 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 arms embargo against the country. Since then, the sanctions regime against Somalia has been further expanded and amended by subsequent resolutions.

3. Under the Djibouti Agreement reached in June 2008, the Transitional Federal Government of Somalia and the opposition Alliance for the Re-liberation of Somalia agreed to end their conflict and to establish a unity government. To take measures against those who sought to prevent or block a peaceful political process, or take action to undermine stability in Somalia or the region, the UNSC adopted Resolution 1844 on 20 November 2008 to apply travel ban and financial sanctions to individuals and entities that engaged in such activities, as well as those who violated the arms embargo. On 22 February 2012, the UNSC further strengthened sanctions in respect of Somalia by adopting Resolution 2036 to impose charcoal ban against the country to cut off the main funding of Al-Shabaab, a prominent insurgent group in the country.

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Note 1 At present, there is not a definite list of Belt and Road countries, but Somalia is usually regarded as one of the countries along the Belt and Road.

Note 2 Source: World Statistics Pocket Book published by the United Nations Statistics Division at <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2018.pdf>

4. Recognising the significant progress made in Somalia while noting that the situation in Somalia continued to pose a threat to international peace and security in the region, the UNSC adopted Resolutions 2060 and 2093 in 2012 and 2013 respectively to provide for exemptions to the financial sanctions for the delivery of humanitarian assistance in Somalia and to partially lift the arms embargo for the purpose of building the capacity of the Security Forces of the Federal Government of Somalia, for a certain period. The partial lift of the arms-related sanctions and the humanitarian exemption to the financial sanctions were renewed for a number of times by the UNSC since then. On 14 November 2018, the UNSC adopted Resolution 2444 to further renew such exemptions until 15 November 2019 <sup>Note 3</sup>.

### **Trade Relation between Hong Kong and Somalia**

5. In 2018, Somalia ranked 160th among Hong Kong's trading partners in the world, with a total trade of HK\$45.5 million. Of these, HK\$40.3 million worth of trade were exports to Somalia, and HK\$5.2 million imports. Hong Kong's trade with Somalia are summarised as follows –

<b>Hong Kong's Trade with Somalia [Value in HK\$ (in million)]</b> <sup>Note 4</sup>		
<b>Item</b>	<b>2017</b>	<b>2018</b>
<b>(a) Total Exports to Somalia</b>	14.5	40.3
<i>(i) Domestic exports</i>	0.7 <sup>Note 5</sup>	0
<i>(ii) Re-exports</i>	13.8 <sup>Note 6</sup>	40.3 <sup>Note 7</sup>
<b>(b) Imports from Somalia</b>	9.2 <sup>Note 8</sup>	5.2 <sup>Note 9</sup>
<b>Total Trade [(a) + (b)]</b>	<b>23.6</b>	<b>45.5</b>

In 2018, HK\$0.85 million worth of goods were re-exports of Somali origin to the Mainland via Hong Kong and HK\$40.26 million were re-exports of Mainland origin to Somalia via Hong Kong. The total of HK\$41.11 million worth of goods were equivalent to 0.8% <sup>Note 10</sup> of the total trade between Somalia and the Mainland.

<sup>Note 3</sup> Webpage of Security Council Committee pursuant to Resolutions 751 concerning Somalia at <https://www.un.org/securitycouncil/sanctions/751>.

<sup>Note 4</sup> Due to rounding of figures, the sub-items may not add up to the total.

<sup>Note 5</sup> In 2017, Hong Kong's domestic export items to Somalia were tobacco and tobacco manufactures (100%).

<sup>Note 6</sup> In 2017, Hong Kong's major re-export items to Somalia were telecommunications and sound recording and reproducing apparatus and equipment (54.1%); and office machines and automatic data processing machines (12.7%).

<sup>Note 7</sup> In 2018, Hong Kong's major re-export items to Somalia were telecommunications and sound recording and reproducing apparatus and equipment (72.4%).

<sup>Note 8</sup> In 2017, Hong Kong's major import items from Somalia were fish, crustaceans, molluscs and aquatic invertebrates, and preparations thereof (93.7%).

<sup>Note 9</sup> In 2018, Hong Kong's major import items from Somalia were fish, crustaceans, molluscs and aquatic invertebrates, and preparations thereof (85.0%).

<sup>Note 10</sup> The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics. Since two different sets of data are involved, the calculated percentage is solely indicative.

6. The sanctions against Somalia imposed by the 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 sanctions against Somalia imposed by the UNSC would unlikely have any significant effect on Hong Kong economy.

**Commerce and Economic Development Bureau  
March 2019**

## United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation

### Information on Eritrea

#### Country Background

Eritrea is a northeastern African country bordered by the Red Sea and surrounded by Sudan, Ethiopia and Djibouti<sup>Note 1</sup>. It has a total area of 117,600 sq. km. and had an estimated population of 5.19 million in 2018. Its capital and largest city is Asmara. Once a colony of Italy, Eritrea was federated with Ethiopia by the United Nations (UN) in 1952 and was annexed to Ethiopia in 1962. Following a 30-year struggle for independence and the UN-supervised referendum, Eritrea became an independent state in May 1993<sup>Note 2</sup>. Eritrea is an agriculture dependent economy and had a GDP of US\$5.81 billion<sup>Note 3</sup> (or HK\$45.3 billion) in 2017.

#### Sanctions imposed by the United Nations Security Council

2. Eritrea's relations with its neighbours and members of the African Union since its independence have been strained. Eritrea took military action against Djibouti in June 2008, and refused to pull out from the disputed territory. The UN Security Council (UNSC) adopted Resolution 1862 in January 2009 to demand Eritrea to withdraw its forces and all its equipment to the position of the status quo ante, and engage in dialogue and diplomatic efforts leading to a mutually acceptable settlement of the border issue.

3. As Eritrea failed to comply with UNSC Resolution 1862, and continued its destabilizing role in the Somalia conflict, the UNSC adopted Resolution 1907 on 23 December 2009 to impose sanctions, including arms embargo, travel ban and financial sanctions, against Eritrea.

4. On 14 November 2018, the UNSC took note of the increased engagement between Eritrea and Djibouti, and strongly encouraged further efforts towards normalisation of relations and good neighbourhood between the two countries, and therefore adopted Resolution 2444 to lift all sanctions imposed on Eritrea.

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Note 1 At present, there is not a definite list of Belt and Road countries, but Eritrea is usually not regarded as one of the countries along the Belt and Road.

Note 2 Source: World Statistics Pocket Book published by United Nations Statistics Division at <https://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2018.pdf>

Note 3 Source: WTO Statistics Database at [http://stat.wto.org/CountryProfiles/ER\\_e.htm](http://stat.wto.org/CountryProfiles/ER_e.htm)

### **Trade Relation between Hong Kong and Eritrea**

5. Separate trade statistics on Eritrea is not available as the country is grouped by the Census and Statistics Department under “African countries/ territories, not elsewhere specified or included”, together with several other African economies including Mayotte, British Indian Ocean Territory, Western Sahara, etc. These economies are considered as a single group in view of their extremely small share in Hong Kong’s trade (accounting for 0.00005% of Hong Kong’s trade value in 2018).

**Commerce and Economic Development Bureau  
March 2019**