

立法會
Legislative Council

LC Paper No. LS36/20-21

**Paper for the House Committee Meeting
on 19 February 2021**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 11 February 2021**

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

**United Nations Sanctions (Somalia) Regulation 2019
(Amendment) Regulation 2021**

(L.N. 19)

L.N. 19 is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council.

2. Since 1992, the Security Council of the United Nations ("UNSC") has adopted various resolutions to impose sanctions (with certain exemptions) against Somalia having regard to the heavy loss of human lives and widespread material damage resulting from the conflict in the country. These resolutions have been implemented by regulations made under Cap. 537, including the United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537CG). UNSC adopted Resolution 2551 (2020) ("Resolution") on 12 November 2020 to amend or extend certain exemption requirements, approval and notification arrangements in respect of arms embargo and financial sanctions. Members may refer to the Legislative Council ("LegCo") Brief (File Ref: CITB CR 102/53/1) issued by the Commerce and Economic Development Bureau in February 2021 for further details of the Resolution.

3. L.N. 19 amends Cap. 537CG to give effect to certain decisions in the Resolution. Major provisions of L.N. 19 include amendments relating to the licensing requirements for:

- (a) the supply, sale, transfer or carriage of weapons or military equipment to Somalia (section 8(6) to (9) of L.N. 19);
- (b) the provision of technical advice, financial or other assistance, or training, related to military activities (section 9 of L.N. 19);

- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources (section 11 of L.N. 19); and
 - (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities (section 11 of L.N. 19).
4. L.N. 19 also makes certain textual amendments to Cap. 537CG.¹
5. As advised by the Clerk to the Panel on Commerce and Industry, the Panel has not been consulted on L.N. 19.
6. L.N. 19 came into operation upon publication in the Gazette on 11 February 2021.
7. Members may refer to Annex C to the LegCo Brief for a marked-up version showing the changes made by L.N. 19 to Cap. 537CG.
8. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under section 3 of Cap. 537. Accordingly, L.N. 19 is not required to be tabled in LegCo and is not subject to amendment by LegCo. The former Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions was dissolved by the House Committee at its meeting held on 11 December 2020. Members may consider whether and, if so, how they wish to study L.N. 19 in detail.

Concluding observations

9. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 19.

Prepared by

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¹ For example, changing the expression "the order of" a connected/designated person to "to the order of" the person in various sections.