

L.N. 66 of 2018

**United Nations Sanctions (Somalia) (Amendment)
Regulation 2018**

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United Nations Sanctions (Somalia) (Amendment) Regulation 2018

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

1. United Nations Sanctions (Somalia) Regulation amended

The United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) is amended as set out in sections 2 to 14.

2. Section 1 amended (interpretation)

- (1) Section 1, Chinese text, definition of 有關實體, paragraph (a), before “行政長官”—

Add

“由”.

- (2) Section 1, definition of *relevant entity*, paragraph (b)—

Repeal

“directly or indirectly”.

- (3) Section 1, Chinese text, definition of 有關實體, paragraph (b), after “人或實體”—

Add

“(該等人士或實體)”.

- (4) Section 1, Chinese text, definition of 有關實體, paragraph (b), after “指示”—

Add

“而”.

Section 3

- (5) Section 1, Chinese text, definition of 有關人士, paragraph (a), before “行政長官”—

Add

“由”.

- (6) Section 1, Chinese text, definition of 有關人士, paragraph (b), after “指示”—

Add

“而”.

3. Section 2 amended (prohibition against supply, sale or transfer of certain goods)

- (1) Section 2(2)(c), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

- (2) Section 2(3)(b), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

- (3) Section 2(4)(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

- (4) Section 2(4)(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

- (5) Section 2(5)(b), English text—

Repeal

“subsection (2), that”

Substitute

“subsection (2)—that”.

- (6) Section 2(5)(b), English text—

Repeal

“were or were to be”

Substitute

“were, or were to be,”.

- (7) Section 2(5)(b)(iii), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

- (8) Section 2(5)(c), English text—

Repeal

“subsection (3), that”

Substitute

“subsection (3)—that”.

- (9) Section 2(5)(c), English text—

Repeal

“were or were to be”

Substitute

“were, or were to be.”

(10) Section 2(5)(c)(ii), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

4. Section 3 amended (prohibition against carriage of certain goods)

(1) Section 3(2)(c), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

(2) Section 3(4)(b), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

(3) Section 3(6)(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

(4) Section 3(6)(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

- (5) Section 3(7)(b), English text—

Repeal

“subsection (2), that”

Substitute

“subsection (2)—that”.

- (6) Section 3(7)(b)(iii), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

- (7) Section 3(7)(c), English text—

Repeal

“subsection (4), that”

Substitute

“subsection (4)—that”.

- (8) Section 3(7)(c)(ii), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

5. Section 4 amended (prohibition against provision of certain advice, assistance or training)

- (1) Section 4(4)(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

- (2) Section 4(4)(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

- (3) Section 4(5)(a)(i), English text—

Repeal

“was or was to be”

Substitute

“was, or was to be,”.

- (4) Section 4(5)(b)(i), English text—

Repeal

“was or was to be”

Substitute

“was, or was to be,”.

6. Section 4A amended (prohibition against importation of charcoal)

- (1) Section 4A(3)(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

- (2) Section 4A(3)(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

7. Section 5 amended (prohibition against making available funds, etc. or dealing with funds, etc.)

- (1) Section 5(4)(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

- (2) Section 5(4)(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

- (3) Section 5(5)(a), before “that the funds”—

Add

“for a contravention of subsection (2)(a)—”.

- (4) Section 5(5)(a), English text—

Repeal

“were or were to be”

Substitute

“were, or were to be,”.

- (5) Section 5(5)(b), before “that the person”—

Add

“for a contravention of subsection (2)(b)—”.

- (6) Section 5(7), definition of *deal with*, paragraph (b)—

Repeal

“resources,”

Substitute

“resources—”.

8. Section 7 amended (exceptions to prohibition against entry or transit by certain persons)

Section 7, Chinese text—

Repeal paragraphs (a) and (b)

Substitute

- “(a) 經委員會認定，有關的入境或過境，是具有出於人道主義需要（包括宗教義務）的正當理由的；或
- (b) 經委員會認定，有關的入境或過境，將推進索馬里的和平及民族和解以及該區域的穩定的目標。”.

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

- (1) Section 8(1)(a)(iii), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

- (2) Section 8(1)(b)(iii), English text—

Repeal

“indirectly,”

Substitute

“indirectly”.

- (3) At the end of section 8(2)—

Add

“(p) 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.”.

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

At the end of section 9(2)—

Add

“(l) 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.”.

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

- (1) Section 10(2)(a)(ii), after “services”—

Add

“under the law of the HKSAR”.

- (2) At the end of section 10(2)—

Add

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

12. Section 11 amended (provision of false information or documents for purpose of obtaining licences)

- (1) Section 11(1)(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

- (2) Section 11(1)(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

- (3) Section 11(2)(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

- (4) Section 11(2)(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

13. Section 28 amended (offences in relation to evasion of this Regulation)

- (1) Section 28(a), English text—

Repeal

“indictment to”

Substitute

“indictment—to”.

- (2) Section 28(b), English text—

Repeal

“conviction to”

Substitute

“conviction—to”.

14. Section 32 amended (duration)

At the end of section 32—

Add

“(6) Sections 8(2)(p), 9(2)(l) and 10(2)(h) expire at midnight on 15 November 2018.”.

Carrie LAM
Chief Executive

17 April 2018

Explanatory Note

This Regulation gives effect to certain decisions in Resolution 2385 (2017) adopted by the Security Council of the United Nations on 14 November 2017 by amending the licensing requirements for—

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

2. The Regulation also makes certain minor textual amendments.