2018年66号公告

《2018年聯合國制裁 (索馬里) (修訂) 規例》

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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”.

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)
3. 修訂第 2 條 (禁止供應、售賣或移轉若干物品)

(1) 第 2(2)(c) 條，英文文本——
廢除
“indirectly,”
代以
“indirectly”。

(2) 第 2(3)(b) 條，英文文本——
廢除
“indirectly,”
代以
“indirectly”。

(3) 第 2(4)(a) 條，英文文本——
廢除
“indictment to”
代以
“indictment—to”。

(4) 第 2(4)(b) 條，英文文本——

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——
Section 3

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

(1) Section 4(4)(a), English text—
Section 6

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”.

(3) Section 4A(5)(a)(i), English text—
Repeal
“was or was to be”
Substitute
“was, or was to be,”.

(4) Section 4A(5)(b)(i), English text—
Repeal
“was or was to be”
Substitute
“was, or was to be,”.
7. 修訂第 5 條 (禁止提供資金等或處理資金等)

(1) 第 5(4)(a) 條，英文文本——
   廢除
   “indictment to”
   代以
   “indictment—to”。

(2) 第 5(4)(b) 條，英文文本——
   廢除
   “conviction to”
   代以
   “conviction—to”。

(3) 第 5(5)(a) 條，在“有關的”之前——
   加入
   “就違反第 (2)(a) 款而言——”。

(4) 第 5(5)(a) 條，英文文本——
   廢除
   “were or were to be”
   代以
   “were, or were to be;”。

(5) 第 5(5)(b) 條，在“該人”之前——
   廢除
   “were or were to be”
   代以
   “were, or were to be;”。

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”—
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”.

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，將推進索馬裡的和平及民族和解以及該區域的穩定的目標。”.

9. Section 8 amended (licensure 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.”.

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.”.

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”
13. 修訂第 28 條 (有關規避本規例的罪行)

(1) 第 28(a) 條，英文文本——

廢除
“indictment to”
代以
“indictment—to”。

(2) 第 28(b) 條，英文文本——

廢除
“conviction to”
代以
“conviction—to”。

14. 修訂第 32 條 (有效期)

在第 32 條的末處——

加入
“(6) 第 8(2)(p)、9(2)(l) 及 10(2)(h) 條的有效期，在 2018 年 11 月 15 日午夜 12 時屆滿。”。
2018年第66号法律公告

行政長官
林鄭月娥

2018年4月17日

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.