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**L.N. 27 of 2020**

**United Nations Sanctions (Somalia) Regulation 2019  
(Amendment) Regulation 2020**

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## **United Nations Sanctions (Somalia) Regulation 2019 (Amendment) Regulation 2020**

(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 2019 amended**

The United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537 sub. leg. CG) is amended as set out in sections 2 to 9.

### **2. Section 1 amended (interpretation)**

- (1) Section 1, definition of *connected person*, paragraph (a), before “Government”—

**Add**

“Federal”.

- (2) Section 1—

**Repeal the definition of *Resolution 2111*.**

- (3) Section 1—

**Add in alphabetical order**

“*IED* (簡爆裝置) means improvised explosive devices;

*IED technology* (簡爆裝置技術) means the technology required for the production or use of any prohibited IED components;

*prohibited IED components* (禁制簡爆裝置組件) means any of the items covered by paragraph 1 or 2 of Part I of Annex C to Resolution 2498;

**Resolution 2498** (《第2498號決議》) means Resolution 2498 (2019) adopted by the Security Council on 15 November 2019;”.

**3. Section 1A added**

Part 1, after section 1—

**Add**

**“1A. Limited duration of certain provisions**

- (1) A reference to a provision in a subsection of this section is a reference to the provision as in force from time to time during the period mentioned in the subsection.
- (2) Sections 9(2)(k), 10(2)(g) and 11(2)(d) are in force during the period from the commencement of the United Nations Sanctions (Somalia) Regulation 2019 (Amendment) Regulation 2020 until midnight on 15 November 2020.”.

**4. Section 3 amended (carriage of goods prohibited)**

Section 3(1)(c)—

**Repeal**

everything after “chartered”

**Substitute**

“to a Hong Kong person or a person who is in the HKSAR; and”.

**5. Sections 4A, 4B and 4C added**

After section 4—

**Add**

**“4A. Supply of IED components 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 10A(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 IED components—
  - (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 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) that the components concerned were prohibited IED components; or
- (b) that the components 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.

#### **4B. Carriage of IED components 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 Hong Kong person or a person who is in the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 4A, except under the authority of a licence granted under section 10A(1)(b), a mode of transport must not be used for the carriage of any prohibited IED components if the carriage is, or forms part of, a carriage—
  - (a) from a place outside Somalia to a place in Somalia;

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- (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 IED components is performed in the course of the supply of the prohibited IED components; and
  - (b) the supply is authorized by a licence granted under section 10A(1)(a).
- (4) If a mode of transport is used in contravention of subsection (2), 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—

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- (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.
- (5) A person who commits an offence under subsection (4) 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.
- (6) 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 components concerned were prohibited IED components; or
  - (b) that the carriage of the components 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.

#### **4C. Provision of IED technology 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 10B(1), a person must not directly or indirectly provide to a connected person any IED technology.
- (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) that the IED technology was, or was to be, provided to a connected person; or
  - (b) that the technology concerned was IED technology.”.

**6. Section 9 amended (licence for supply or carriage of goods)**

(1) Section 9(2)—

**Repeal paragraphs (d) and (g).**

(2) Section 9(2)—

**Repeal paragraph (k)**

**Substitute**

“(k) the prohibited goods are not any of the items covered by Annex A or B to Resolution 2498 and are intended solely for the development of the Somali National Security Forces, or Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people;

(l) the prohibited goods are any of the items covered by Annex A to Resolution 2498 and are intended solely for the development of the Somali National Security Forces, or Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people;

(m) the prohibited goods are any of the items covered by Annex B to Resolution 2498 and are intended solely for the development of the Somali National Security Forces to provide security for the Somali people;

(n) the prohibited goods are any of the items covered by Annex B to Resolution 2498 and are intended solely for the purposes of helping develop Somali security sector institutions other than those of the Federal Government of Somalia.”.

(3) Section 9(3)—

**Repeal**

“a licence under subsection (1)”

**Substitute**

“the licence”.

(4) Section 9—

**Repeal subsection (4)**

**Substitute**

- “(4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(l) is met, the Chief Executive—
- (a) must cause a request for approval of the proposed supply or carriage to be submitted to the Committee not less than 5 working days before granting the licence; and
  - (b) may grant the licence only if the Committee approves the proposed supply or carriage.
- (5) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(m) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 5 working days before granting it.
- (6) Moreover, if the Chief Executive is satisfied that the requirement in subsection (2)(n) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant the licence;
  - (b) may grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification; and

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- (c) must cause the Federal Government of Somalia to be informed of the intention to grant the licence not less than 5 working days before granting it.”.

**7. Section 10 amended (licence for provision of assistance)**

- (1) Section 10(2)—

**Repeal paragraph (b).**

- (2) Section 10(2)—

**Repeal paragraph (g)**

**Substitute**

- “(g) the assistance is not related to any of the items covered by Annex A or B to Resolution 2498 and is intended solely for the development of the Somali National Security Forces, or Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people;
  - (h) the assistance is related to any of the items covered by Annex B to Resolution 2498 and is intended solely for the development of the Somali National Security Forces to provide security for the Somali people;
  - (i) the assistance is related to any of the items covered by Annex B to Resolution 2498 and is intended solely for the purposes of helping develop Somali security sector institutions other than those of the Federal Government of Somalia.”.
- (3) Section 10—
- Repeal subsection (3)**
- Substitute**

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- “(3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(h) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 5 working days before granting it.
- (4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(i) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant the licence;
  - (b) may grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification; and
  - (c) must cause the Federal Government of Somalia to be informed of the intention to grant the licence not less than 5 working days before granting it.”.

**8. Sections 10A and 10B added**

After section 10—

**Add**

**“10A. Licence for supply or carriage of IED components**

- (1) If, on application, the Chief Executive is satisfied that the requirement in subsection (2) is 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 IED components—
    - (i) to Somalia;

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- (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 IED components 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 requirement is that the prohibited IED components will not be used, or that there is not a significant risk that they may be used, in the manufacture in Somalia of IED.

**10B. Licence for provision of IED technology**

- (1) If, on application, the Chief Executive is satisfied that the requirement in subsection (2) is met, the Chief Executive must grant a licence for the provision, to a connected person, of IED technology.
- (2) The requirement is that the IED technology will not be used, or that there is not a significant risk that it may be used, in the manufacture in Somalia of IED.”.

**9. Section 11 amended (licence for making available or dealing with economic assets)**

- (1) Section 11(2)(d)—

**Repeal**

“until midnight on 15 November 2019—”.

- (2) Section 11(3)(a) and (4)(a)—

**Repeal**

“a licence under subsection (1)”

**Substitute**

“the licence”.

- (3) Section 11(5)—

**Repeal**

“a licence under subsection (1)”

**Substitute**

“the licence”.

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Carrie LAM  
Chief Executive

17 March 2020

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## Explanatory Note

This Regulation amends the United Nations Sanctions (Somalia) Regulation 2019 (Cap. 537 sub. leg. CG) (*principal Regulation*) to give effect to certain decisions in Resolution 2498 (2019) adopted by the Security Council of the United Nations on 15 November 2019 in respect of Somalia.

2. The amendments relate to the requirements of the licences for—
  - (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;
  - (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources; and
  - (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities.
  
3. The amendments also provide for the prohibition against, and the requirements of the licences for—
  - (a) the supply, sale, transfer or carriage of certain improvised explosive devices components to Somalia; and
  - (b) the provision of the technology required for the production or use of certain improvised explosive devices components.

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4. Certain provisions (sections 9(2)(k), 10(2)(g) and 11(2)(d) of the principal Regulation as amended by this Regulation) are in force only until midnight on 15 November 2020.
5. The Regulation also makes certain minor textual amendments.