

## 第 557 章

## 領事關係條例

本條例旨在就在香港實施《維也納領事關係公約》中某些條文，及中華人民共和國政府締結的並經中央人民政府決定是適用於香港的關於領事關係的其他協議中的某些條文，訂定條文；就中華人民共和國與他國之間在香港的領事關係及與此相關而發生的事宜訂定進一步條文；使在香港的外交代表及領事官員可在某些情況下監督和作出公證作為；以及就與前述事項相關的事宜並就前述事項附帶引起的事宜訂定條文。

[2000 年 3 月 10 日]

## 1. 簡稱

本條例可引稱為《領事關係條例》。

## 2. 釋義

在本條例中，除文意另有所指外——

“某國家所享有的”(accorded to a State)就任何特權或豁免而言，指某國家的領館或與該領館相關的人或兩者所享有的，而類似用詞亦作相應解釋；

“國際協議”(international agreement)指在國際法中具有效力而關於領事關係的書面協議，亦指經不時修訂的該協議，不論該協議是載於一份或多於一份文件，亦不論該協議如何命名，並且——

## CHAPTER 557

## CONSULAR RELATIONS

An Ordinance to make provisions for the implementation in Hong Kong of certain provisions of the Vienna Convention on Consular Relations and of other agreements concerning consular relations to which the Government of the People's Republic of China is a party and which are applied to Hong Kong by the Central People's Government; to make further provisions with respect to consular relations in Hong Kong between the People's Republic of China and other countries and matters arising in connection therewith; to enable diplomatic agents and consular officers in Hong Kong to administer oaths and do notarial acts in certain cases; and to provide for matters connected therewith and incidental thereto.

[10 March 2000]

## 1. Short title

This Ordinance may be cited as the Consular Relations Ordinance.

## 2. Interpretation

In this Ordinance, unless the context otherwise requires—

“accorded to a State”(某國家所享有的), in relation to any privilege or immunity, means accorded to a consular post of a State, or to persons connected with the consular post, or to both, and similar expressions shall be construed accordingly;

“additional privileges and immunities”(增補特權及豁免) means privileges or immunities that are not contained in the Schedule;

“international agreement”(國際協議) means any agreement in writing concerning consular relations or that agreement as amended from time to time, whether contained in one or more documents and by whatever name called, which has effect in international law and—

- (a) 中華人民共和國政府是該協議的一方；及  
 (b) 中央人民政府決定該協議是適用於香港的；
- “增補特權及豁免”(additional privileges and immunities)指並非載於附表內的特權或豁免。

### 3. 《維也納領事關係公約》中的條文

(1) 在不抵觸第 4(2) 及 (3) 條的規定下，附表所列條文(即於 1963 年 4 月 24 日於維也納訂立的《維也納領事關係公約》中的條文或條文部分)在香港具有法律效力，而為此目的，該等條文或條文部分須按照第 (2) 至 (8) 款解釋。

(2) 在該等條文或條文部分中——

- “外交部”(Ministry for Foreign Affairs)須解釋為中華人民共和國外交部；  
 “接受國當局”、“接受國官吏”、“接受國機關”(authorities of the receiving State)須解釋為包括任何警務人員及任何根據成文法則行使進入任何處所的權力的人；  
 “接受國國民”(national of the receiving State)須解釋為中國公民；  
 “嚴重罪行”(grave crime)須解釋為如屬首次定罪則可處高達 5 年監禁期或可處更重刑罰的罪行。

(3) 第十七條第二項對依國際習慣法或國際協定享有之任何特權及豁免的提述，須解釋為對《國際組織及外交特權條例》(第 190 章)或《國際組織(特權及豁免權)條例》(第 558 章)所賦予的在香港的任何特權及豁免的提述。

(4) 為施行第四十五條及根據第五十八條而適用的第四十五條，如——

- (a) 奉派出任某國家負責監督的使館的館長職位的人，或奉派出任有關領館館長職位的人；或  
 (b) 當其時執行該使館館長職務的人，或當其時執行該領館館長職務的人，已明示拋棄任何特權或豁免，則須當作有關國家已明示拋棄該特權或豁免。

(5) 第五十、五十一、五十二、五十四、六十二及六十七條須解釋為授予該等條文所訂定的任何特權或豁免。

(6) 第五十七條對第二章所規定之特權及豁免的提述，須解釋為對該章第二節所規定的該等特權及豁免的提述。

- (a) to which the Government of the People's Republic of China is a party; and  
 (b) which is applied to Hong Kong by the Central People's Government.

### 3. Provisions of Vienna Convention on Consular Relations

(1) Subject to section 4(2) and (3), the provisions set out in the Schedule (being Articles or parts of Articles of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963) shall have the force of law in Hong Kong and shall for that purpose be construed in accordance with subsections (2) to (8).

- (2) In those Articles or parts of Articles—  
 “authorities of the receiving State” (接受國當局、接受國官吏、接受國機關) shall be construed as including any police officer and any person exercising a power of entry to any premises under any enactment;  
 “grave crime” (嚴重罪行) shall be construed as meaning any offence punishable (on a first conviction) with imprisonment for a term up to 5 years or with a more severe sentence;  
 “Ministry for Foreign Affairs” (外交部) shall be construed as meaning the Ministry of Foreign Affairs of the People's Republic of China;  
 “national of the receiving State” (接受國國民) shall be construed as meaning a Chinese national.

(3) The reference in paragraph 2 of Article 17 to any privileges and immunities accorded by customary international law or by international agreements shall be construed as a reference to any privileges and immunities conferred in Hong Kong under the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) or the International Organizations (Privileges and Immunities) Ordinance (Cap. 558).

(4) For the purposes of Article 45 and that Article as applied by Article 58 a waiver shall be deemed to have been expressed by a State if it has been expressed by—

- (a) the person charged with the duty of acting in the capacity of; or  
 (b) any person for the time being performing the functions of, head, of the superintending diplomatic mission of that State or of the consular post concerned.

(5) Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting any privilege or immunity provided for in those Articles.

(6) The reference in Article 57 to the privileges and immunities provided in Chapter II shall be construed as referring to those provided in Section II of that Chapter.

(7) 第七十條對關於外交關係之國際法規則的提述，須解釋為對載於《1997 年全國性法律公布》(1997 年第 379 號法律公告)\* 附表 5 的《中華人民共和國外交特權與豁免條例》的條文的提述。

(8) 第七十一條對接受國特許享有的其他特權及豁免或在接受國許可之範圍內享有的特權及豁免的提述，須解釋為對行政長官會同行政會議藉根據第 4 條在憲報公布的命令指明的該等特權及豁免的提述。

#### 4. 訂定增補特權及豁免或訂定削減的特權及豁免的命令

(1) 行政長官會同行政會議可——

(a) 藉憲報公布的命令宣布——

- (i) 某國家根據某項國際協議所享有的；並在
- (ii) 該命令所指明的，

增補特權及豁免在香港具有法律效力；及

(b) 在該等命令中，訂定其認為為施行該協議中與該等特權及豁免相關的條文所需的條文。

(2) 行政長官會同行政會議可藉憲報公布的命令宣布，載於附表內而——

(a) 根據某國家作為協議一方的任何國際協議，該國家並不享有的；並在

(b) 該命令所指明的，

特權或豁免，在就下述者而引用第 3 條時，不屬附表所列者——

- (i) 該國家的領館；
- (ii) 與該領館相關的人。

(3) 行政長官會同行政會議可基於設於某國家領域內的中華人民共和國領館或與該領館相關的人在該國家並無享有某項特權或豁免，而藉憲報公布的命令宣布就——

(a) 該國家的所有領館或任何領館而言；

(b) 行政長官會同行政會議認為恰當的與該領館或該等領館相關的人而言，本條例賦予或根據本條例賦予，並在該命令中指明的相應特權或豁免，不再在香港具有法律效力。

\* 刊載於第 1 冊，第 17/1 頁。

(7) The reference in Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of the Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities in Schedule 5 to the Promulgation of National Laws 1997 (L.N. 379 of 1997)\*.

(8) The references in Article 71 to additional privileges and immunities that may be granted by the receiving State or to privileges and immunities so far as these are granted by the receiving State shall be construed as referring to such privileges and immunities as may be specified by the Chief Executive in Council by order in the Gazette under section 4.

#### 4. Orders providing for additional or reduced privileges and immunities

(1) The Chief Executive in Council may—

(a) by order in the Gazette, declare that the additional privileges and immunities—

- (i) accorded to a State under an international agreement; and
- (ii) specified in the order,

shall have the force of law in Hong Kong; and

(b) in such order make such provisions as the Chief Executive in Council may consider necessary for carrying into effect in Hong Kong the provisions of the international agreement in connection with such privileges and immunities.

(2) The Chief Executive in Council may, by order in the Gazette, declare that such of the privileges and immunities contained in the Schedule—

(a) that are not accorded to a State under an international agreement to which that State is a party; and

(b) as specified in the order,

shall be excluded in the application of section 3 in relation to—

- (i) any consular post of that State;
- (ii) persons connected with the consular post.

(3) The Chief Executive in Council may, by order in the Gazette, declare that any privilege or immunity conferred by or under this Ordinance and as specified in the order shall no longer have the force of law in Hong Kong in relation to—

- (a) all or any of the consular posts of a State;
- (b) such persons connected with the consular post or posts as the Chief Executive in Council may consider proper,

on the ground that that State is failing to accord the corresponding privilege or immunity to a consular post of the People's Republic of China in a territory of that State, or to persons connected with such consular post.

\* *ib* Volume I, p. 17/1.

## 5. 授權退回就碳氫油而繳付的稅款

- (1) 凡碳氫油——
- (a) 是輸入香港；及
  - (b) 用作某用途，而假使是為該用途而輸入，就其徵收的關稅即會根據——
    - (i) 附表第五十條；或
    - (ii) 第 4(1) 條的命令，
 須予以免除的，

則行政長官可授權香港海關關長作出行政長官認為合適的安排，以確保根據《應課稅品條例》(第 109 章) 就該等碳氫油而徵收的稅款得以退回。

- (2) 根據本條作出的任何安排，均可施加規限退回稅款的條件。
- (3) 按根據本條作出的安排而退回的款額，須從政府一般收入中撥款支付。

## 6. 外交代表及領事官員在某些情況下監督和作出公證作為的權利

(1) 任何國家的外交代表及領事官員，如根據該國家的法律獲授權監督、監理誓章和作出公證作為，則可在以下條件獲符合的情況下，監督、監理誓章和作出公證作為——

- (a) 該等宣誓、誓章和公證作為是任何人為在該國家使用，或為根據該國家的法律而使用所要求的；或
- (b) 該等宣誓、誓章和公證作為是該國家的國民在其他情況下所要求的，並且是不會在香港使用的(但如根據他國的法律而在香港使用者，則屬例外)。

(2) 行政長官如認為在任何國家的任何領域內，中華人民共和國的外交代表或領事官員不獲准執行在性質和範圍上相應於第(1)款所授權執行的職能，則可藉憲報公告就該國家在香港的外交代表或領事官員而摒除或限制第(1)款的條文。

(3) 在本條中，“外交代表”的涵義與載於《1997 年全國性法律公布》(1997 年第 379 號法律公告)\* 附表 5 的《中華人民共和國外交特權與豁免條例》中該詞的涵義相同。

\* 刊載於第 1 冊，第 17/1 頁。

## 5. Authorized refund of duties paid on hydrocarbon oils

(1) The Chief Executive may authorize the Commissioner of Customs and Excise to make such arrangements as the Chief Executive thinks fit for securing the refund of duties imposed on hydrocarbon oils under the Dutiable Commodities Ordinance (Cap. 109) where such hydrocarbon oils are—

- (a) imported into Hong Kong; and
- (b) used for such purpose that, had they been imported for that use, exemption from customs duty would have been required to be granted under—
  - (i) Article 50 in the Schedule; or
  - (ii) an order made under section 4(1).

(2) Any arrangements made under this section may impose conditions subject to which any refund shall be made.

(3) Any amount of money refunded under arrangements made under this section shall be paid from the general revenue.

## 6. Right of diplomatic agents and consular officers to administer oaths and do notarial acts in certain cases

(1) A diplomatic agent or consular officer of a State may, if authorized to do so under the laws of that State, administer oaths, take affidavits and do notarial acts—

- (a) required by a person for use in that State or under the laws of that State; or
- (b) otherwise required by a national of that State but not for use in Hong Kong except under the laws of some other country.

(2) The Chief Executive may by notice in the Gazette exclude or restrict the provisions of subsection (1) in relation to the diplomatic agents or consular officers of a State in Hong Kong if he considers that in any territory of that State diplomatic agents or consular officers of the People's Republic of China are not permitted to perform functions corresponding in nature and extent to those authorized by that subsection.

(3) In this section, “diplomatic agent” has the same meaning as the term “外交代表” (diplomatic agent) in the Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities in Schedule 5 to the Promulgation of National Laws 1997 (L.N. 379 of 1997)\*.

\* in Volume 1, p. 17/1.

## 7. 證據

(1) 凡對某人是否享有本條例賦予或根據本條例賦予的特權或豁免產生疑問，則除第(2)款另有規定外，一份由政務司司長發出並述明與該問題有關的事實的證明書，即為該事實的確證。

(2) 凡——

(a) 根據第(1)款發出的證明書；與

(b) 根據《基本法》第十九條第三款取得的證明文件，

在事實問題上有互相矛盾或抵觸之處，則在上述矛盾或抵觸(視屬何情況而定)的範圍內，該證明文件凌駕於該證明書。

## 8. 全國性法律的實施

(1) 本條例或根據第 4 條作出的命令並不影響——

(a) 載於《1997 年全國性法律公布》(1997 年第 379 號法律公告)\* 附表 5 的《中華人民共和國外交特權與豁免條例》的實施；或

(b) 載於《1997 年全國性法律公布(第 2 號)》(1997 年第 386 號法律公告)\* 附表 3 的《中華人民共和國領事特權與豁免條例》的實施。

(2) 如——

(a) 本條例的條文，或根據第 4 條作出的命令的條文；與

(b) 第(1)(a)或(b)款提述的條例，

有互相衝突或抵觸之處，則該條文須在以第(1)(a)或(b)款所提述的條例為準，並符合中央人民政府享有的國際權利及承擔的國際義務的規限下，予以解釋。

9-15. (已失時效而略去)

\* 刊載於第 1 冊，第 17/1 頁。

\* 刊載於第 1 冊，第 18/1 頁。

## 7. Evidence

(1) Where a question arises as to whether or not a person is entitled to a privilege or immunity conferred by or under this Ordinance, a certificate issued by the Chief Secretary for Administration stating a fact relevant to that question is, subject to subsection (2), conclusive evidence of that fact.

(2) Where there is any conflict or inconsistency as respects a question of fact between—

(a) a certificate issued under subsection (1); and

(b) a certificate obtained under the third paragraph of Article 19 of the Basic Law,

then the second-mentioned certificate shall, to the extent of that conflict or inconsistency, as the case may be, prevail over the certificate issued under subsection (1).

## 8. Application of national laws

(1) Nothing in this Ordinance or an order made under section 4 shall prejudice the operation of—

(a) the Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities in Schedule 5 to the Promulgation of National Laws 1997 (L.N. 379 of 1997)\*; or

(b) the Regulations of the People's Republic of China Concerning Consular Privileges and Immunities in Schedule 3 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)\*.

(2) If there is any conflict or inconsistency between—

(a) a provision of this Ordinance or of an order made under section 4; and

(b) the Regulations referred to in subsection (1)(a) or (b),

then that provision shall be construed subject to the Regulations and shall be so construed as to be consistent with the international rights and obligations of the Central People's Government.

9-15. (Omitted as spent)

\* in Volume 1, p. 17/1.

\* in Volume 1, p. 18/1.

附表 [第 2、3、4 及 5 條]

在香港具有法律效力的《維也納領事關係公約》條文

## 第一條

## 定義

- 一. 就本公約之適用而言，下列名稱應具意義如次：
- (一) 稱“領館”者，謂任何總領事館、領事館、副領事館或領事代理處；
  - (二) 稱“領館轄區”者，謂為領館執行職務而設定之區域；
  - (三) 稱“領館館長”者，謂奉派任此職位之人員；
  - (四) 稱“領事官員”者，謂派任此職承辦領事職務之任何人員，包括領館館長在內；
  - (五) 稱“領館僱員”者，謂受僱擔任領館行政或技術事務之任何人員；
  - (六) 稱“服務人員”者，謂受僱擔任領館雜務之任何人員；
  - (七) 稱“領館人員”者，謂領事官員、領館僱員及服務人員；
  - (八) 稱“領館館員”者，謂除館長以外之領事官員、領館僱員及服務人員；
  - (九) 稱“私人服務人員”者，謂受僱專為領館人員私人服務之人員；
  - (十) 稱“領館館舍”者，謂專供領館使用之建築物或建築物之各部份，以及其所附屬之土地，至所有權誰屬，則在所不問；
  - (十一) 稱“領館檔案”者，謂領館之一切文書、文件、函電、簿籍、膠片、膠帶及登記冊，以及明密電碼、紀錄卡片及供保護或保管此等文卷之用之任何器具。
- 二. 領事官員分為兩類，即職業領事官員與名譽領事官員。本公約第二章之規定對以職業領事官員為館長之領館適用之；第三章之規定對以名譽領事官員為館長之領館適用之。
- 三. 領館人員為接受國國民或永久居民者，其特殊地位依本公約第七十一條定之。

## 第一章 一般領事關係

## 第五條

## 領事職務

領事職務包括：

- (一) 於國際法許可之限度內，在接受國內保護派遣國及其國民——個人與法人——之利益；

SCHEDULE

[ss. 2, 3, 4 &amp; 5]

PROVISIONS OF VIENNA CONVENTION ON CONSULAR RELATIONS  
HAVING THE FORCE OF LAW IN HONG KONG

## ARTICLE I

## Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:
- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
  - (b) “consular district” means the area assigned to a consular post for the exercise of consular functions;
  - (c) “head of consular post” means the person charged with the duty of acting in that capacity;
  - (d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
  - (e) “consular employee” means any person employed in the administrative or technical service of a consular post;
  - (f) “member of the service staff” means any person employed in the domestic service of a consular post;
  - (g) “members of the consular post” means consular officers, consular employees and members of the service staff;
  - (h) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;
  - (i) “member of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;
  - (j) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;
  - (k) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indices and any article of furniture intended for their protection or safe-keeping.
2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officer; the provisions of Chapter III govern consular posts headed by honorary consular officers.
3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

## CHAPTER I CONSULAR RELATIONS IN GENERAL

## ARTICLE 5

## Consular functions

Consular functions consist in:

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

- (二) 依本公約之規定，增進派遣國與接受國間之商業、經濟、文化及科學關係之發展，並在其他方面促進兩國間之友好關係；
- (三) 以一切合法手段調查接受國內商業、經濟、文化及科學活動之狀況暨發展情形，向派遣國政府具報，並向關心人士提供資料；
- (四) 向派遣國國民發給護照及旅行證件，並向擬赴派遣國旅行人士發給簽證或其他適當文件；
- (五) 幫助及協助派遣國國民——個人與法人；
- (六) 擔任公證人，民事登記員及類似之職司，並辦理若干行政性質之事務，但以接受國法律規章無禁止之規定為限；
- (七) 依接受國法律規章在接受國境內之死亡繼承事件中，保護派遣國國民——個人與法人——之利益；
- (八) 在接受國法律規章所規定之限度內，保護為派遣國國民之未成年人及其他無充分行為能力人之利益，尤以須對彼等施以監護或託管之情形為然；
- (九) 以不抵觸接受國內施行之辦法與程序為限，遇派遣國國民因不在當地或由於其他原因不能於適當期間自行辯護其權利與利益時，在接受國法院及其他機關之前担任其代表或為其安排適當之代表，俾依照接受國法律規章取得保全此等國民之權利與利益之臨時措施；
- (十) 依現行國際協定之規定或於無此種國際協定時，以符合接受國法律規章之任何其他方式，轉送司法書狀與司法以外文件或執行囑託調查書或代派遣國法院調查證據之委託書；
- (十一) 對具有派遣國國籍之船舶，在該國登記之航空機以及其航行人員，行使派遣國法律規章所規定之監督及檢查權；
- (十二) 對本條第(十一)款所稱之船舶與航空機及其航行人員給予協助，聽取關於船舶航程之陳述，查驗船舶文書並加蓋印章，於不妨害接受國當局權力之情形下調查航行期間發生之任何事故及在派遣國法律規章許可範圍內調解船長船員與水手間之任何爭端；
- (十三) 執行派遣國責成領館辦理而不為接受國法律規章所禁止，或不為接受國所反對，或派遣國與接受國間現行國際協定所訂明之其他職務。

#### 第十五條

##### 暫時代理領館館長職務

- 一. 領館館長不能執行職務或缺位時，得由代理館長暫代領館館長。

- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- (d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession mortis causa in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;
- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;
- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;
- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- (l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;
- (m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

#### ARTICLE 15

##### Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

二. 代理館長之全名應由派遣國使館通知接受國外交部或該部指定之機關；如該國在接受國未設使館，應由領館館長通知，館長不能通知時，則由派遣國主管機關通知之。此項通知通例應事先為之。如代理館長非為派遣國駐接受國之外交代表或領事官員，接受國得以徵得其同意為承認之條件。

三. 接受國主管機關應予代理館長以協助及保護。代理館長主持館務期間應在與領館館長相同之基礎上適用本公約各項規定。惟如領館館長係在代理館長並不具備之條件下始享受便利、特權與豁免時，接受國並無准許代理館長享受此種便利、特權與豁免之義務。

四. 遇本條第一項所稱之情形，派遣國駐接受國使館之外交職員奉派遣國派為領館代理館長時，倘接受國不表反對，應繼續享有外交特權與豁免。

### 第十七條

#### 領事官員承辦外交事務

一. 在派遣國未設使館亦未由第三國使館代表之國家內，領事官員經接受國之同意，得准予承辦外交事務，但不影響其領事身份。領事官員承辦外交事務，並不因而有權主張享有外交特權及豁免。

二. 領事官員得於通知接受國後，担任派遣國出席任何政府間組織之代表。領事官員担任此項職務時，有權享受此等代表依國際習慣法或國際協定享有之任何特權及豁免；但就其執行領事職務而言，仍無權享有較領事官員依本公約所享有之廣之管轄之豁免。

## 第二章 關於領館職業領事官員及其他領館人員之便利、特權與豁免

### 第一節——關於領館之便利、特權與豁免

#### 第三十一條

##### 領館館舍不得侵犯

一. 領館館舍於本條所規定之限度內不得侵犯。

二. 接受國官吏非經領館館長或其指定人員或派遣國使館館長同意，不得進入領館館舍中專供領館工作之用之部份。惟遇火災或其他災害須迅速採取保護行動時，得推定領館館長已表示同意。

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

### ARTICLE 17

#### Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

## CHAPTER II FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

### SECTION I—FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST

#### ARTICLE 31

##### Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent provided in this Article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.



四. 領館館舍、館舍設備以及領館之財產與交通工具應免受為國防或公用目的而實施之任何方式之徵用。如為此等目的確有徵用之必要時，應採取一切可能步驟以免領館職務之執行受有妨礙，並應向派遣國為迅速、充分及有效之賠償。

### 第三十二條

#### 領館館舍免稅

一. 領館館舍及職業領館館長寓邸之以派遣國或代表派遣國人員為所有權人或承租人者，概免繳納國家、區域或地方性之一切捐稅，但其為對供給特定服務應納之費者不在此列。

二. 本條第一項所稱之免稅，對於與派遣國或代表派遣國人員訂立承辦契約之人依接受國法律應納之捐稅不適用之。

### 第三十三條

#### 領館檔案及文件不得侵犯

領館檔案及文件無論何時，亦不論位於何處，均屬不得侵犯。

### 第三十五條

#### 通訊自由

一. 接受國應准許領館為一切公務目的自由通訊，並予保護。領館與派遣國政府及無論何處之該國使館及其他領館通訊，得採用一切適當方法，包括外交或領館信差、外交或領館郵袋及明密碼電信在內。但領館須經接受國許可，始得裝置及使用無線電發報機。

二. 領館之來往公文不得侵犯。來往公文係指有關領館及其職務之一切來往文件。

三. 領館郵袋不得予以開拆或扣留。但如接受國主管當局有重大理由認為郵袋裝有不在本條第四項所稱公文文件及用品之列之物品時，得請派遣國授權代表一人在該當局前將郵袋開拆。如派遣國當局拒絕此項請求，郵袋應予退回至原發送地點。

四. 構成領館郵袋之包裹須附有可資識別之外部標記，並以裝載來往公文及公務文件或專供公務之用之物品為限。

五. 領館信差應持有官方文件，載明其身份及構成領館郵袋之包裹件數。除經接受國同意外，領館信差不得為接受國國民，亦不得為接受國永久居民，但其為派遣國國民者不在此限。其於執行職務時，應受接受國保護。領館信差享有人身不得侵犯權，不受任何方式之逮捕或拘禁。

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If ex-propiation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

### ARTICLE 32

#### Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

### ARTICLE 33

#### Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

### ARTICLE 35

#### Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

六. 派遣國，其使館及領館得派特別領館信差。遇此情形，本條第五項之規定亦應適用，惟特別信差將其所負責攜帶之領館郵袋送交收件人後，即不復享有該項所稱之豁免。

七. 領館郵袋得託交預定在准許入境地點停泊之船舶船長或在該地降落之商營飛機機長運帶。船長或機長應持有官方文件，載明構成郵袋之包裹件數，但不得視為領館信差。領館得與主管地方當局商定，派領館人員一人逕向船長或機長自由提取領館郵袋。

## 第三十九條

## 領館規費與手續費

- 一. 領館得在接受國境內徵收派遣國法律規章所規定之領館辦事規費與手續費。
- 二. 本條第一項所稱規費與手續費之收入款項以及此項規費或手續費之收據，概免繳納接受國內之一切捐稅。

## 第二節——關於職業領事官員及其他領館人員之便利特權與豁免

## 第四十一條

## 領事官員人身不得侵犯

- 一. 領事官員不得予以逮捕候審或羈押候審，但遇犯嚴重罪行之情形，依主管司法機關之裁判執行者不在此列。
- 二. 除有本條第一項所規定之情形外，對於領事官員不得施以監禁或對其人身自由加以任何其他方式之拘束，但為執行有確定效力之司法判決者不在此限。

## 第四十三條

## 管轄之豁免

- 一. 領事官員及領館僱員對其為執行領事職務而實施之行為不受接受國司法或行政機關之管轄。
- 二. 惟本條第一項之規定不適用於下列民事訴訟：
  - (一) 因領事官員或領館僱員並未明示或默示以派遣國代表身份而訂契約所生之訴訟；
  - (二) 第三者因車輛船舶或航空機在接受國內所造成之意外事故而要求損害賠償之訴訟。

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers ad hoc. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

## ARTICLE 39

## Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.
2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II—FACILITIES, PRIVILEGES AND IMMUNITIES  
RELATING TO CAREER CONSULAR OFFICERS AND  
OTHER MEMBERS OF A CONSULAR POST

## ARTICLE 41

## Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.
2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

## ARTICLE 43

## Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.
2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:
  - (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
  - (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

## 第四十四條

## 作證之義務

一. 領館人員得被請在司法或行政程序中到場作證。除本條第三項所稱之情形外，領館僱員或服務人員不得拒絕作證。如領事官員拒絕作證，不得對其施行強制措施或處罰。

二. 要求領事官員作證之機關應避免對其執行職務有所妨礙。於可能情形下得在其寓所或領館錄取證言，或接受其書面陳述。

三. 領館人員就其執行職務所涉事項，無担任作證或提供有關來往公文及文件之義務。領館人員並有權拒絕以鑑定人身份就派遣國之法律提出證言。

## 第四十五條

## 特權及豁免之拋棄

一. 派遣國得就某一領館人員拋棄第四十一條、第四十三條及第四十四條所規定之任何一項特權及豁免。

二. 除本條第三項所規定之情形外，特權及豁免之拋棄概須明示，並應以書面通知接受國。

三. 領事官員或領館僱員如就第四十三條規定可免受管轄之事項，主動提起訴訟，即不得對與本訴直接相關之反訴主張管轄之豁免。

四. 民事或行政訴訟程序上管轄豁免之拋棄，不得視為對司法判決執行處分之豁免亦默示拋棄；拋棄此項處分之豁免，須分別為之。

## 第四十八條

## 社會保險辦法免予適用

一. 除本條第三項另有規定外，領館人員就其對派遣國所為之服務而言，以及與其構成同一戶口之家屬，應免適用接受國施行之社會保險辦法。

二. 專受領館人員僱用之私人服務人員亦應享有本條第一項所規定之豁免，但以符合下列兩項條件為限：

- (一) 非為接受國國民且不在該國永久居留者；
- (二) 受有派遣國或第三國所施行之社會保險辦法保護者。

三. 領館人員如其所僱人員不享受本條第二項所規定之豁免時，應履行接受國社會保險辦法對僱用人所規定之義務。

四. 本條第一項及第二項所規定之豁免並不妨礙對於接受國社會保險制度之自願參加，但以接受國許可參加為限。

## ARTICLE 44

## Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

## ARTICLE 45

## Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

## ARTICLE 48

## Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

## 第四十九條

## 免稅

- 一、領事官員及領館僱員以及與其構成同一戶口之家屬免納一切對人或對物課徵之國家、區域或地方性捐稅，但下列各項不在此列：
- (一) 通常計入商品或勞務價格內之一類間接稅；
  - (二) 對於接受國境內私有不動產課徵之捐稅，但第三十二條之規定不在此限；
  - (三) 接受國課徵之遺產稅、遺產取得稅或繼承稅及讓與稅，但第五十一條第(二)項之規定不在此限；
  - (四) 對於自接受國內獲致之私人所得，包括資本收益在內，所課徵之捐稅以及對於在接受國內商務或金融事業上所為投資課徵之資本稅；
  - (五) 為供給特定服務所徵收之費用；
  - (六) 登記費、法院手續費或紀錄費、抵押稅及印花稅，但第三十二條之規定不在此限。
- 二、領館服務人員就其服務所得之工資，免納捐稅。
- 三、領館人員如其所僱人員之工資薪給不在接受國內免除所得稅時，應履行該國關於徵收所得稅之法律規章對僱用人所規定之義務。

## 第五十條

## 免納關稅及免受查驗

- 一、接受國應依本國制定之法律規章，准許下列物品入境並免除一切關稅以及貯存、運送及類似服務費用以外之一切其他課徵：
- (一) 領館公務用品；
  - (二) 領事官員或與其構成同一戶口之家屬之私人自用品，包括供其初到任定居之用品在內。消費用品不得超過關係人員本人直接需用之數量。
- 二、領館僱員就其初到任時運入之物品，享有本條第一項所規定之特權與豁免。
- 三、領事官員及與其構成同一戶口之家屬所携私人行李免受查驗。倘有重大理由認為其中裝有不在本條第一項第(二)款之列之物品或接受國法律規章禁止進出口或須受其檢疫法律規章管制之物品，始可查驗。此項查驗應在有關領事官員或其家屬前為之。

## ARTICLE 49

## Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:
- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
  - (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
  - (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;
  - (d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
  - (e) charges levied for specific services rendered;
  - (f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.
2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.
3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

## ARTICLE 50

## Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:
- (a) articles for the official use of the consular post;
  - (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.
2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.
3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

## 第五十一條

## 領館人員或其家屬之遺產

遇領館人員或與其構成同一戶口之家屬死亡時，接受國：

- (一) 應許可亡故者之動產移送出國，但任何動產係在接受國內取得而在當事人死亡時禁止出口者不在此列；
- (二) 對於動產之在接受國境內純係因亡故者為領館人員或領館人員之家屬而在接受國境內所致者，應不課徵國家、區域或地方性遺產稅遺產取得稅或繼承稅及讓與稅。

## 第五十二條

## 免除個人勞務及捐獻

接受國應准領館人員及與其構成同一戶口之家屬免除一切個人勞務及所有各種公共服務，並免除類如有關徵用、軍事捐獻及屯宿等之軍事義務。

## 第五十三條

## 領事特權與豁免之開始及終止

一. 各領館人員自進入接受國國境前往就任之時起享有本公約所規定之特權與豁免，其已在該國境內者，自其就領館職務之時起開始享有。

二. 領館人員之與其構成同一戶口之家屬及其私人服務人員自領館人員依本條第一項享受特權及豁免之日起，或自本人進入接受國國境之時起，或自其成為領館人員之家屬或私人服務人員之日起，享有本公約所規定之特權與豁免，以在後之日期為準。

三. 領館人員之職務如已終止，其本人之特權與豁免以及與其構成同一戶口之家屬或私人服務人員之特權與豁免通常應於各該人員離接受國國境時或其離境之合理期間終了時停止，以在先之時間為準，縱有武裝衝突情事，亦應繼續有效至該時為止。就本條第二項所稱之人員而言，其特權與豁免於其不復為領館人員戶內家屬或不復為領館人員僱用時終止，但如此等人員意欲於稍後合理期間內離接受國國境，其特權與豁免應繼續有效，至其離境之時為止。

四. 惟關於領事官員或領館僱員為執行職務所實施之行為，其管轄之豁免應繼續有效，無時間限制。

五. 遇領館人員死亡，與其構成同一戶口之家屬應繼續享有應享之特權與豁免至其離接受國國境時或其離境之合理期間終了時為止，以在先之時間為準。

## ARTICLE 51

## Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

## ARTICLE 52

## Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

## ARTICLE 53

## Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

## 第五十四條

## 第三國之義務

一. 遇領事官員前往就任或返任或返回派遣國道經第三國境或在該國境內，而該國已發給其應領之簽證時，第三國應給予本公約其他條款所規定而為確保其過境或返回所必需之一切豁免。與領事官員構成同一戶口而享有特權與豁免之家屬與領事官員同行時或單獨旅行前往會聚或返回派遣國時，本項規定應同樣適用。

二. 遇有類似本條第一項所述之情形，第三國不應阻礙其他領館人員或與其構成同一戶口之家屬經過該國境。

三. 第三國對於過境之來往公文及其他公務通訊，包括明密碼電信在內，應比照接受國依本公約所負之義務，給予同樣之自由及保護。第三國遇有已領其所應領簽證之領館信差及領館郵袋過境時，應比照接受國依本公約所負之義務，給予同樣之不得侵犯權及保護。

四. 第三國依本條第一項、第二項及第三項規定所負之義務，對於各該項內分別述及之人員與公務通訊及領館郵袋之因不可抗力而在第三國境內者，亦適用之。

## 第五十五條

## 尊重接受國法律規章

二. 領館館舍不得充作任何與執行領事職務不相符合之用途。

三. 本條第二項之規定並不禁止於領館館舍所在之建築物之一部份設置其他團體或機關之辦事處，但供此類辦事處應用之房舍須與領館自用房舍隔離。在此情形下，此項辦事處在本公約之適用上，不得視為領館館舍之一部份。

## 第五十七條

## 關於私人有償職業之特別規定

二. 下列人員不應享受本章所規定之特權及豁免：

- (一) 在接受國內從事私人有償職業之領館僱員或服務人員；
- (二) 本項第(一)款所稱人員之家屬或其私人服務人員；
- (三) 領館人員家屬本人在接受國內從事私人有償職業者。

## ARTICLE 54

## Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to force majeure.

## ARTICLE 55

## Respect for the laws and regulations of the receiving State

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

## ARTICLE 57

## Special provisions concerning private gainful occupation

2. Privileges and immunities provided in this Chapter shall not be accorded:
- (a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;
  - (b) to members of the family of a person referred to in sub-paragraph (a) of this paragraph or to members of his private staff;
  - (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

第三章 對於名譽領事官員及以此等官員為館長之領館  
所適用之辦法

第五十八條

關於便利、特權及豁免之一般規定

一. 第三十五條、第三十九條、第五十四條第三項、第五十五條第二項及第三項對於以名譽領事官員為館長之領館應適用之。此外，關於此等領館所享之便利、特權及豁免應適用第六十條、第六十一條及第六十二條之規定。

二. 第四十三條、第四十四條第三項、第四十五條及第五十三條之規定應適用於名譽領事官員。此外，關於此等領事官員所享之便利、特權及豁免應適用第六十六條及第六十七條之規定。

三. 名譽領事官員之家屬及以名譽領事官員為館長之領館所僱用僱員之家屬不得享受本公約所規定之特權及豁免。

第六十條

領館館舍免稅

一. 以名譽領事官員為館長之領館館舍，如以派遣國為所有權人或承租人，概免繳納國家、區域或地方性之一切捐稅，但其為對供給特定服務應納之費者不在此列。

二. 本條第一項所稱之免稅，對於與派遣國訂立承辦契約之人依接受國法律規章應納之捐稅，不適用之。

第六十一條

領館檔案及文件不得侵犯

領館以名譽領事官員為館長者，其領館檔案及文件無論何時亦不論位於何處，均屬不得侵犯，但此等檔案及文件以與其他文書及文件，尤其與領館館長及其所屬工作人員之私人信件以及關於彼等專業或行業之物資、簿籍或文件分別保管者為限。

第六十二條

免納關稅

接受國應依本國制定之法律規章，准許下列物品入境並免除一切關稅以及貯存、運送及類似服務費用以外之一切其他課徵，但以此等物品係供以名譽領事官員為館長之領館公務上使用為限：國徽、國旗、牌匾、印章、簿籍、公務印刷品、辦公室用具、辦公室設備以及由派遣國或應派遣國之請供給與領館之類似物品。

CHAPTER III REGIME RELATING TO HONORARY CONSULAR  
OFFICERS AND CONSULAR POSTS HEADED  
BY SUCH OFFICERS

ARTICLE 58

General provisions relating to facilities, privileges  
and immunities

1. Articles 35, 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 60, 61 and 62.

2. Articles 43, paragraph 3 of Article 44, Articles 45 and 53 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

ARTICLE 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

ARTICLE 61

Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books and documents relating to their profession or trade.

ARTICLE 62

Exemption from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

第六十六條

免稅

名譽領事官員因執行領事職務向派遣國支領之薪酬免納一切捐稅。

第六十七條

免除個人勞務及捐獻

接受國應准名譽領事官員免除一切個人勞務及所有各種公共服務，並免除類如有關徵用、軍事捐獻及屯宿等之軍事義務。

第四章 一般條款

第七十條

使館承辦領事職務

- 一. 本公約之各項規定，在其文義所許可之範圍內，對於使館承辦領事職務，亦適用之。
- 二. 使館人員派任領事組工作者，或另經指派担任使館內領事職務者，其姓名應通知接受國外交部或該部指定之機關。

四. 本條第二項所稱使館人員之特權與豁免仍以關於外交關係之國際法規則為準。

第七十一條

接受國國民或永久居民

- 一. 除接受國特許享有其他便利特權與豁免外，領事官員為接受國國民或永久居民者，僅就其為執行職務而實施之公務行為享有管轄之豁免及人身不得侵犯權，並享有本公約第四十四條第三項所規定之特權。
- 二. 其他為接受國國民或永久居民之領館人員及其家屬，以及本條第一項所稱領事官員之家屬，僅得在接受國許可之範圍內享有便利、特權與豁免。領館人員家屬及私人服務人員本人為接受國國民或永久居民者，亦僅得在接受國許可之範圍內享有便利、特權及豁免。

ARTICLE 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

ARTICLE 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

CHAPTER IV GENERAL PROVISIONS

ARTICLE 70

Exercise of consular functions by diplomatic missions

- 1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.
- 2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

ARTICLE 71

Nationals or permanent residents of the receiving State

- 1. Except in so far as additional facilities privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44.
- 2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State.