

L.N. 60 of 2007**INTERNATIONAL ORGANIZATIONS (PRIVILEGES
AND IMMUNITIES) (UNITED NATIONS AND
ASSOCIATED PERSONNEL) ORDER**

(Made by the Chief Executive in Council under section 3 of the
International Organizations (Privileges and Immunities)
Ordinance (Cap. 558))

1. Commencement

This Order shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Interpretation

In this Order—

“associated personnel” (有關人員) means—

- (a) persons assigned by a government or an intergovernmental organization with the agreement of a competent organ of the United Nations;
- (b) persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency; and
- (c) persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

“Convention” (《公約》) means the Convention on the Safety of United Nations and Associated Personnel done at New York on 9 December 1994;

“United Nations operation” (聯合國行動) means an operation established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under the authority and control of the United Nations—

- (a) where the operation is for the purpose of maintaining or restoring international peace and security; or

(b) where the Security Council of the United Nations or the General Assembly of the United Nations has declared, for the purposes of the Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation, but does not include any operation which is authorized by the Security Council of the United Nations as an enforcement action under Chapter VII of the Charter of the United Nations, in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies;

“United Nations personnel” (聯合國人員) means—

- (a) persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation; and
- (b) other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted.

3. Article 8 of Convention has force of law in Hong Kong

Article 8 of the Convention, as set out in the Schedule, has the force of law in Hong Kong.

SCHEDULE

[s. 3]

ARTICLE 8 OF CONVENTION HAVING FORCE OF LAW IN HONG KONG

Article 8

Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
17 April 2007

Explanatory Note

The Central People's Government of the People's Republic of China acceded to the Convention on the Safety of United Nations and Associated Personnel ("the Convention") on 22 September 2004 and the Convention entered into force for the People's Republic of China, including Hong Kong, on 22 October 2004.

2. Article 8 of the Convention provides for the privileges and immunities to be enjoyed by the United Nations and associated personnel who are captured or detained in the course of the performance of their duties, which include the immunity from interrogation, the right to be promptly released and returned to the United Nations or other appropriate authorities, and the right of being treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949 pending their release.

3. The objective of this Order is to implement Article 8 of the Convention by providing that that Article has the force of law in Hong Kong.