

核對表及指引  
Check List and Instructions

領事館官員管理遺產條例  
(第 191 章)

ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS ORDINANCE  
(CAP. 191)

如欲確定此乃本成文法則的最新核對表及指引，請參閱第 1 冊內的總核對表及指引第 II 部所載本成文法則的核對表及指引的刊印期數，該刊印期數應與此頁右下角所示的刊印期數相同。

To verify that this is the latest Check List and Instructions for this enactment, please refer to the issue number of Check List and Instructions for this enactment shown in Part II of the Master Check List and Instructions in Volume 1. Such issue number should be the same as the issue number shown at the lower right hand corner of this page.

如欲知悉本成文法則文本切合何時的法律情況，請參閱第 1 冊內的總核對表及指引第 I 部。

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制定史

本為 1940 年第 7 號 — 1964 年編正版，1994 年第 242 號法律公告，1995 年第(C)120 號法律公告(中文真確本)，1997 年第 362 號法律公告，1999 年第 81 號，2003 年第 167 號法律公告，2005 年第 53 號法律公告，2005 年第 56 號法律公告

Enactment History

Originally 7 of 1940 — R. Ed. 1964, L.N. 242 of 1994, L.N. (C) 120 of 1995 (Chinese authentic version), L.N. 362 of 1997, 81 of 1999, L.N. 167 of 2003, L.N. 53 of 2005, L.N. 56 of 2005

尚未實施 —

無

The following are not yet in operation —

Nil

## 第 191 章

## CHAPTER 191

### 領事館官員管理遺產條例

### ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS

本條例旨在就領事館官員管理遺產事宜訂定條文。

To make provision for the administration of estates by consular officers.

[1940 年 3 月 15 日]

[15 March 1940]

弁言 (由 1999 年第 81 號第 3 條廢除)

**Preamble** (*Repealed 81 of 1999 s. 3*)

#### 1. 簡稱

本條例可引稱為《領事館官員管理遺產條例》。

#### 1. Short title

This Ordinance may be cited as the Administration of Estates by Consular Officers Ordinance.

#### 2. 由領事館官員管理遺產

凡附表第 1 欄所述任何國家的任何子民或公民——

(a) 在香港境內去世，或

(b) 在香港境外去世，遺下財產在香港境內，

而在其去世時，並無依法有權管理該死者遺產的人在�香港，則該國家在香港的領事、副領事或領事代理人可管有及保管該死者的財產，並可運用該等財產以支付該死者的債項及殯殮費，以及將盈餘部分為有權享有其利益的人而保留；但該領事、副領事及領事代理人須就該死者的財產立即申請並有權從法院獲得遺產管理書，而遺產管理書受限制的方式及時間則視乎法院覺得適當者而定。

#### 2. Administration of estates by Consular Officers

Whenever any subject or citizen of any State mentioned in the first column of the Schedule—

(a) dies within Hong Kong, or

(b) dies outside Hong Kong, leaving property within Hong Kong,

and no person is present in Hong Kong at the time of his death who is rightfully entitled to administer the estate of such deceased person, the consul, vice-consul, or consular agent of such State within Hong Kong may take possession and have the custody of the property of such deceased person, and may apply the same in payment of his debts and funeral expenses, and may retain the surplus for the benefit of the persons entitled thereto; but such consul, vice-consul, or consular agent shall immediately apply for, and shall be entitled to obtain from the court, letters of administration of the property of such deceased person, limited in such manner and for such time as to the court shall seem fit.

(*Amended 81 of 1999 s. 3*)

## 3. 附表的更改

行政長官可藉憲報公布由政務司司長簽署的命令，更改附表，更改的方式是——  
(由 1994 年第 242 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1999 年第 81 號第 3 條修訂)

- (a) 在中華人民共和國政府與任何國家訂立某項適用於香港的協議或安排而該項協議或安排或該項協議或安排的任何條文就領事館官員管理遺產一事作出規定時，在附表內加入該國家；(由 1999 年第 81 號第 3 條代替)
- (b) 當與附表內任何國家訂立的協議或安排內附表所述的條文失效時，從附表刪除該國家。(由 1999 年第 81 號第 3 條代替)

## 附表 [第 3 條]

國家名稱	協議或安排名稱	協議或安排日期	條文
1. 加拿大	《中華人民共和國政府和加拿大政府領事協定》	1997 年 11 月 28 日	第十(三)條 <i>(由 2003 年第 167 號法律公告增補)</i>
2. 澳大利亞	《中華人民共和國和澳大利亞領事協定》	1999 年 9 月 8 日	第十三(六)條 <i>(由 2005 年第 53 號法律公告增補)</i>
3. 越南社會主義共和國	《中華人民共和國和越南社會主義共和國領事條約》	1998 年 10 月 19 日	第四十一(三)條 <i>(由 2005 年第 56 號法律公告增補)</i> <i>(附表由 1999 年第 81 號第 3 條代替)</i>

## 3. Variation of Schedule

The Chief Executive may by order notified in the Gazette under the hand of the Chief Secretary for Administration vary the Schedule— *(Amended L.N. 242 of 1994; L.N. 362 of 1997; 81 of 1999 s. 3)*

- (a) by adding thereto any State with whom the Government of the People's Republic of China has entered into an agreement or arrangement which or any provision of which provides for the administration of estates by consular officers and which applies to Hong Kong; *(Replaced 81 of 1999 s. 3)*
- (b) by deleting therefrom any State when the provision of the agreement or arrangement with that State mentioned in the Schedule shall have ceased to have effect. *(Replaced 81 of 1999 s. 3)*

## SCHEDULE [s. 3]

Name of State	Title of agreement or arrangement	Date of agreement or arrangement	Provision
1. Canada	Consular Agreement between the Government of the People's Republic of China and the Government of Canada	28.11.1997	Article 10.3 <i>(Added L.N. 167 of 2003)</i>
2. Australia	Agreement on Consular Relations between the People's Republic of China and Australia	8.9.1999	Article 13.6 <i>(Added L.N. 53 of 2005)</i>
3. Socialist Republic of Vietnam	Consular Convention between the Socialist Republic of Vietnam and the People's Republic of China	19.10.1998	Article 41(3) <i>(Added L.N. 56 of 2005)</i> <i>(Schedule replaced 81 of 1999 s. 3)</i>