

核對表及指引
Check List and Instructions

領事協定條例
(第 267 章)

CONSULAR CONVENTIONS ORDINANCE
(CAP. 267)

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。

To determine how up to date the text of this enactment is, please see Part I of the Master Check List and Instructions in Volume 1.

移去頁數
Withdraw pages
1 - 2 (全部/all).....

加插頁數
Insert pages
1 - 2.....

目前應有頁數
You should now have pages
1 - 2.....

刊印期數
Issue number
20

制定史

本為 1951 年第 12 號 — 1970 年第 17 號，1971 年第 26 號，1972 年編正版，1996 年第(C)109 號法律公告(中文真確本)，1999 年第 81 號

Enactment History

Originally 12 of 1951 — 17 of 1970, 26 of 1971, R. Ed. 1972, L.N. (C) 109 of 1996 (Chinese authentic version), 81 of 1999

尚未實施 —
無

The following are not yet in operation —
Nil

第 267 章

CHAPTER 267

領事協定條例

CONSULAR CONVENTIONS

本條例旨在將某些與管理死者遺產及財產有關的權力授予已與中華人民共和國政府訂立領事協定的外國的領事館官員。

(1999 年第 81 號第 3 條修訂)

To confer upon the consular officers of foreign States with which consular conventions are concluded by the Government of the People's Republic of China certain powers relating to the administration of the estates and property of deceased persons.

(Amended 81 of 1999 s. 3)

[1951 年 4 月 20 日]

[20 April 1951]

1. 簡稱

本條例可引稱為《領事協定條例》。

1. Short title

This Ordinance may be cited as the Consular Conventions Ordinance.

2. 釋義

在本條例中，除文意另有所指外——
“領事辦事處”(consular office)指任何純粹為執行領事館官員公務而佔用的建築物或其部分。

[比照 1949 c. 29 s. 4(3) U.K.]

2. Interpretation

In this Ordinance, unless the context otherwise requires—
“consular office” (領事辦事處) means any building or part of a building which is exclusively occupied for the purposes of the official business of a consular officer.

[cf. 1949 c. 29 s. 4(3) U.K.]

3. 領事館官員在死者於香港的財產方面的權力

(1) 凡任何屬本條適用國家的國民的人被指名為處置在香港財產的死者遺囑的遺囑執行人，或該國民在其他情況下屬可獲授予承辦死者在香港的遺產的人，如法院應該國的領事館官員提出的申請而信納該國民並非在香港居住，而且沒有獲授權書妥為

3. Powers of consular officers in relation to property in Hong Kong of deceased persons

(1) Where any person who is a national of a State to which this section applies is named as executor in the will of a deceased person disposing of property in Hong Kong, or is otherwise a person to whom a grant of representation to the estate in Hong Kong of a deceased person may be made, then if the court is satisfied, on the application of a consular officer of the said State, that the said national is not resident in Hong Kong, and if no application for a grant of such representation is made by a person duly authorized by power of attorney to act for him in that behalf, the court shall

授權在該方面代該國民行事的人提出授予該項承辦的申請，則法院須向該官員作出承辦死者遺產的授予，如同假使該官員獲得如上述般授權便會向他作出的一樣。

(2) 凡任何屬本條適用國家的國民的人——

- (a) 有權獲得屬死者遺產一部分並在香港的任何金錢或其他財產，或有權收取於死者去世時到期在香港繳付的任何金錢；或
- (b) 是根據任何在本條例生效之前或之後通過的條例，無須遺囑認證授予或其他所有權證明亦可獲付予或交付死者的任何金錢或其他財產的人士中的其中一人，

則該國民如並非在香港居住，該國的任何領事館官員即具有收取任何該等金錢或財產或就其給予有效責任解除的權利及權力，猶如該官員已獲授權書妥為授權在該方面代該國民行事一樣：

但如任何人知悉在香港有其他人已獲明示授權代該國民收取任何金錢或財產，則本款並不授權或規定該人將該筆金錢或財產付予或交付領事館官員。

(由 1971 年第 26 號第 76 條修訂)

[比照 1949 c. 29 s. 1 U.K.]

4. 第 3 條的補充條文

即使有任何法律規程在領事館官員的公事上作為及文件方面賦予豁免或特權，領事館官員在憑藉第 3 條賦予或根據第 3 條賦予他的權力而作出的任何作為方面，或在與該等作為有關而當其時正由他管有的任何文件方面，並無權享有任何豁免或特權。

[比照 1949 c. 29 s. 3 U.K.]

5. 藉行政長官命令第 3 條適用於任何外國

行政長官可藉於憲報示明的命令，指示第 3 條適用於該命令所指明的已與中華人民共和國政府訂立關乎該條所規定事宜的領事協定的外國。

(由 1970 年第 17 號第 14 條修訂；由 1999 年第 81 號第 3 條修訂)

[比照 1949 c. 29 s. 6 U.K.]

make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorized as aforesaid.

(2) Where any person who is a national of a State to which this section applies--

- (a) is entitled to any money or other property in Hong Kong forming part of the estate of a deceased person, or to receive payment in Hong Kong of any money becoming due on the death of a deceased person; or
- (b) is among the persons to whom any money or other property of a deceased person may under any Ordinance, whether passed before or after the commencement of this Ordinance, be paid or delivered without grant of probate or other proof of title,

then if the said national is not resident in Hong Kong a consular officer of that State shall have the like right and power to receive and give a valid discharge for any such money or property as if he were duly authorized by power of attorney to act for him in that behalf:

Provided that no person shall be authorized or required by this subsection to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in Hong Kong has been expressly authorized to receive that money or property on behalf of the said national.

(Amended 26 of 1971 s. 76)

[cf. 1949 c. 29 s. 1 U.K.]

4. Supplementary provisions as to section 3

Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on him by or under section 3 or in respect of any document for the time being in his possession relating thereto.

[cf. 1949 c. 29 s. 3 U.K.]

5. Section 3 to apply to any foreign State by order of the Chief Executive

The Chief Executive may by order signified in the Gazette direct that section 3 shall apply to any foreign State specified in the Order, being a State with which a consular convention providing for matters for which provision is made by that section has been concluded by the Government of the People's Republic of China.

(Amended 17 of 1970 s. 14; 81 of 1999 s. 3)

[cf. 1949 c. 29 s. 6 U.K.]