

**CONSULAR CONVENTIONS (APPLICATION OF
SECTION 3) (NEW ZEALAND) ORDER**

(Made by the Chief Executive under section 5 of the Consular Conventions Ordinance (Cap. 267) after consultation with the Executive Council)

1. Commencement

This Order comes into operation on 17 July 2009.

2. Application of section 3 of the Ordinance

It is directed that section 3 of the Ordinance applies to New Zealand.

3. Foreign State

The Schedule to the Consular Conventions (Application of Section 3) Order (Cap. 267 sub. leg. B) is amended by adding –

“5. New Zealand”.

Explanatory Notes

Article 5(g) of the VCCR provides for the safeguarding of the interests of nationals 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. The VCCR does not specify detailed provisions for matters relating to the handling of estates which their nationals have a right to inherit in the receiving State by consular officers.

The Consular Conventions (Application of Section 3) (New Zealand) Order directs that section 3 of Cap. 267 shall apply to New Zealand to confer additional powers to New Zealand consular officers as set out in Article 14(4) and 14(5) of the Agreement, i.e. to deal with estates which their nationals have a right to inherit in the HKSAR under specified circumstances.

**Agreement on Consular Relations
Between the People's Republic of China
and New Zealand**

**Article 14
Functions Concerning Estates**

4. In case a national of the sending State has or claims to have a right to inherit an estate in the receiving State but neither he or she nor his or her representative is able to be present at the inheritance proceedings, a consular officer or his or her representative may represent the national before the court or other competent authorities of the receiving State.

5. A consular officer shall be entitled, on behalf of a national of the sending State who is not a permanent resident in the receiving State, to receive for transmission to that national any estate or bequeathed gift in the receiving State, which is due to that national.