

2016 年第 35 號法律公告

《國際組織(特權及豁免權)(東盟 10+3 宏觀經濟研究
辦公室)令》

(由行政長官會同行政會議根據《國際組織(特權及豁免權)條例》(第 558 章)第 3 條作出)

1. 生效日期

本命令自 2016 年 4 月 27 日起實施。

2. 釋義

在本命令中——

《協議》(Agreement)指第 3(1)條提述的協議；

研究辦公室 (AMRO) 指藉《協議》設立的“ASEAN+3
Macroeconomic Research Office”(在本命令中，翻譯為
“東盟 10+3 宏觀經濟研究辦公室”)。

3. 在香港具有法律效力的《協議》條文

(1) 現宣布附表指明的於 2014 年 10 月 10 日在美國華盛頓哥倫比亞特區簽訂的“Agreement Establishing ASEAN+3 Macroeconomic Research Office”(在本命令中，翻譯為“《關於設立東盟 10+3 宏觀經濟研究辦公室的協議》”) # 的條文——

註：# Agreement Establishing ASEAN+3 Macroeconomic Research Office (在本命令中，翻譯為“《關於設立東盟 10+3 宏觀經濟研究辦公室的協議》”)以英文簽訂，具正本一份。

- (a) 在香港具有法律效力；及
 - (b) 為該目的，須按照第 (3)、(4) 及 (5) 款解釋。
- (2) 第 (1) 款提述的《協議》的條文的中文譯本，亦於附表列明。
 - (3) 在應用《協議》第 16、18 及 19(b) 及 (c) 條時，*member* (在本命令中，翻譯為“成員”) 須解釋為指研究辦公室成員。
 - (4) 在應用《協議》第 19 條時，*local citizens or nationals* (在本命令中，翻譯為“當地公民或國民”) 須解釋為指中國公民或香港永久性居民。
 - (5) 在應用《協議》第 19 及 21 條時，*experts performing missions for AMRO* (在本命令中，翻譯為“為研究辦公室執行任務的專家”) 須解釋為指根據與研究辦公室訂立的合約，而貫徹研究辦公室的宗旨及執行研究辦公室的職能的專業人士。
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附表

[第3條]

在香港具有法律效力的《協議》條文

CHAPTER 4

STATUS, PRIVILEGES AND IMMUNITIES

Article 16

Purposes of Status, Privileges and Immunities

The legal status, privileges, immunities, and exemptions set out in this Agreement shall be accorded to AMRO in the territory of each member to enable AMRO to effectively exercise its purpose and functions.

Article 17

Legal Status of AMRO

AMRO shall have full legal personality and, in particular, full legal capacity to:

- (a) enter into contracts;
- (b) acquire and dispose of immovable and movable property;
and

- (c) institute legal proceedings.

Article 18

Privileges and Immunities of AMRO

- (1) AMRO shall enjoy immunity from every form of legal process except to the extent that it expressly waives its immunity for the purpose of any proceedings or under the terms of any contract.
- (2) The property and assets of AMRO shall, wherever located and by whomsoever held, be immune from search, requisition, confiscation, expropriation or any other form of seizure, taking or foreclosure by executive or legislative action.
- (3) The archives of AMRO, and all documents belonging to it, or held by it, shall be inviolable.
- (4) To the extent necessary to carry out its functions, all property and assets of AMRO shall be free from restrictions, regulations, controls and moratoria of any nature.
- (5) Official communications of AMRO shall be accorded by each member treatment not less favourable than that it accords to the official communications of any other member.
- (6) No censorship shall be applied to the official correspondence and other official communications of AMRO. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a member and AMRO.

(7) AMRO, its assets, property, income, and its operations and transactions shall be exempt from all taxation and from all customs duties. AMRO shall also be exempt from any obligation for the payment, withholding or collection of any tax or duty. Notwithstanding this, it is understood, however, that AMRO shall not claim exemption from taxes which are, in fact, no more than charges for public utility services.

Article 19

Privileges and Immunities of AMRO Personnel

Deputies and their alternates, members of the Advisory Panel, the Director and staff of AMRO, and experts performing missions for AMRO (hereinafter referred to as “AMRO Personnel”):

- (a) shall be immune from legal process with respect to words spoken and written and acts performed by them in their official capacity and shall enjoy inviolability in respect of their official papers and documents except when AMRO waives this immunity;
- (b) where they are not local citizens or nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by each member to the representatives and staff of comparable rank of any other member;
- (c) shall be granted the same treatment in respect of travelling facilities as is accorded by each member to the

representatives and staff of comparable rank of any other member; and

- (d) where they are not local citizens or nationals, shall be exempt from taxation on the salaries and emoluments paid to them by AMRO.

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Article 21

Waiver of Immunity

(1) Privileges and immunities are granted to AMRO Personnel in the interest of AMRO only and not for the personal benefit of the individuals themselves.

(2) The Executive Committee may waive to such extent and upon such conditions as it determines any of the immunities conferred under this Chapter in respect of Deputies and their alternates, members of the Advisory Panel, and the Director.

(3) The Director may waive any such immunity in respect of any staff of and experts performing missions for AMRO other than himself or herself.

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(中文譯本)

第 4 章

地位、特權及豁免權

第 16 條

地位、特權及豁免權的宗旨

每個成員須在其領土內，給予研究辦公室本協議列明的法律地位、特權、豁免權及免繳權，以令研究辦公室有效履行其宗旨及職能。

第 17 條

研究辦公室的法律地位

研究辦公室具有完全法人資格，尤其具有完全法律行為能力以：

- (a) 訂立合約；
- (b) 取得和處置不動產及動產；及
- (c) 提起法律程序。

第 18 條

研究辦公室的特權及豁免權

- (1) 研究辦公室享有各種方式的法律程序的豁免權，但在研究辦公室為任何法律程序的目的或根據任何合約條款，以明示方式放棄其豁免權的範圍內，則屬例外。
- (2) 研究辦公室的財產及資產(不論位於何處及由何人持有)，均免受搜查、徵用、沒收、徵收，或藉行政或立法行動而作出的任何其他形式的檢取、取用或止贖。
- (3) 研究辦公室的檔案及屬於研究辦公室或由研究辦公室持有的所有文件，均屬不可侵犯。
- (4) 在對研究辦公室執行其職能屬必需的範圍內，其所有財產及資產，均不受任何性質的限制、規管、管制及凍結所限。
- (5) 每個成員給予研究辦公室的公務通訊待遇，不得遜於該成員給予任何其他成員的公務通訊待遇。
- (6) 研究辦公室的來往公文及其他公務通訊，均免受審查。本條不得解釋為阻止採取某成員與研究辦公室藉協議決定的適當安全防範措施。
- (7) 研究辦公室、其資產、財產、收入，以及其運作及交易，均獲豁免而無須繳付一切稅項及關稅。研究辦公室亦獲豁免而無須負有任何支付、預扣或收取任何稅項或關稅的義務。儘管有上述規定，仍須有以下理解：凡稅項事實上屬不多於公用事業服務費用，則研究辦公室不得要求豁免繳稅。

第 19 條

研究辦公室人員的特權及豁免權

副手及其替補者、諮詢委員會成員、主任及研究辦公室職員，以及為研究辦公室執行任務的專家(下稱“研究辦公室人員”)：

- (a) 就以其公務身分發表的口頭及書面的言論，及以其公務身分作出的作為而言，均享有法律程序的豁免權，而其公務文書及文件，均屬不可侵犯，但如研究辦公室放棄此豁免權，則屬例外；
- (b) (凡該等人員不屬當地公民或國民)就出入境限制、外籍人士的登記規定及國民服役的義務而言，均享有每個成員給予任何其他成員相若級別的代表及職員相同的豁免權；就外匯限制而言，亦享有每個成員給予任何其他成員相若級別的代表及職員相同的便利；
- (c) 就交通方面的便利而言，均享有每個成員給予任何其他成員相若級別的代表及職員相同的待遇；及
- (d) (凡該等人員不屬當地公民或國民)均獲豁免而無須就研究辦公室向該等人員支付的薪金及報酬繳稅。

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第 21 條

放棄豁免權

(1) 特權及豁免權是專為研究辦公室的利益而給予研究辦公室人員的，而並非為該等人員的個人利益而給予的。

(2) 執行委員會可在其決定的範圍內及按其決定的條件，放棄任何根據本章就副手及其替補者、諮詢委員會成員及主任而授予的豁免權。

(3) 主任可放棄任何研究辦公室職員及為研究辦公室執行任務的專家的豁免權，但主任本人的豁免權除外。

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行政會議秘書
黃潔怡

行政會議廳

2016 年 2 月 16 日

註釋

於 2014 年 10 月 10 日在美國華盛頓哥倫比亞特區簽訂的《關於設立東盟 10+3 宏觀經濟研究辦公室的協議》(《協議》)設立了東盟 10+3 宏觀經濟研究辦公室(研究辦公室)。

2. 本命令宣布《協議》的某些關乎研究辦公室及其人員的地位、特權及豁免權並在本命令中指明的條文，在香港具有法律效力。