

LEGISLATIVE COUNCIL BRIEF

CONSULAR RELATIONS BILL

INTRODUCTION

A At the meeting of the Executive Council on 23 November 1999, the Council ADVISED and the Chief Executive ORDERED that the Consular Relations Bill, at Annex A, should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

Background

2. The legal system in the Hong Kong Special Administrative Region (HKSAR) is different from that of the rest of the People's Republic of China (PRC). The HKSAR remains a common law jurisdiction whereas the legal system in the Mainland is based on civil law. Article 18 of the Basic Law provides that the laws in force in the HKSAR shall be the Basic Law, the laws previously in force in Hong Kong as provided for in Article 8 of the Basic Law and the laws enacted by the legislature of the HKSAR. It further provides that national laws shall not be applied in the HKSAR, except for those listed in Annex III to the Basic Law. The laws listed in Annex III are confined to those relating to foreign affairs and defence, as well as other matters which are outside the limits of the autonomy of the HKSAR as specified by the Basic Law.

3. As in other common law jurisdictions, international rights and obligations arising from international agreements (including multilateral and bilateral agreements) do not automatically have the force of law in the HKSAR. If the implementation of international agreements will affect private rights and obligations, they must be transformed from the international legal plane onto the domestic legal plane by legislation. This contrasts with the legal system in the rest of the PRC under which international agreements, once signed or acceded to by the PRC and having secured the approval of the Standing Committee of the National People's Congress, become self-executing, i.e. they become part of the law of the PRC.

4. The Vienna Convention on Consular Relations 1963 (VCCR) is the international agreement which codifies consular relations, privileges and immunities. The PRC acceded to the Convention in 1979. While the management of affairs relating to the presence of consular posts is based on the

VCCR, a state may also conclude bilateral agreements with another state regarding the establishment of or facilitation for consular posts on its soil if the situation so warrants (for example, if additional privileges and immunities exceeding those provided for in the VCCR are to be accorded to the consular posts of the other state).

5. The conferment of privileges and immunities on consular posts and persons connected with the consular posts is an act falling within the repertoire of foreign affairs. It is, therefore, the responsibility of the Central People's Government (CPG) under Article 13 of the Basic Law which states that the CPG shall be responsible for the foreign affairs relating to the HKSAR.

Present Position

6. The principal Ordinance in the HKSAR giving effect to the privileges and immunities of consular posts and persons connected with the consular posts is the Consular Relations Ordinance (Cap. 259) (the Ordinance) (at Annex B). The approach in the Ordinance for according privileges and immunities is specific and prescriptive. Section 2(1) of the Ordinance provides that those articles of the VCCR which are reproduced in the First Schedule to the Ordinance shall have the force of law in the HKSAR. The provisions set out in the First Schedule are the consular privileges and immunities usually accorded to consular posts in the HKSAR. Furthermore, section 4(1) of the Ordinance provides that the Chief Executive in Council may accord additional privileges and immunities (i.e. privileges and immunities exceeding those provided for in the VCCR) to a consular post if the bilateral agreement between the PRC and another country confers such additional privileges and immunities to that consular post in the HKSAR. However, only the privileges and immunities set out in the Second Schedule to the Ordinance (which contains a list of special privileges and immunities which may be conferred in the HKSAR in addition to the usual consular privileges and immunities) may be accorded. This has given rise to technical and drafting problems in a number of cases since some of the additional privileges and immunities that need to be granted to the consular posts in question and to the persons connected with them do not correspond exactly to those set out in the Second Schedule.

Problem Cases

7. The consular agreement between the PRC and the United States of America (USA), the consular agreement between the PRC and the United Kingdom, and that between the PRC and Canada all involve additional privileges and immunities. Orders should have been made under section 4(1) to give these additional privileges and immunities legal effect in the HKSAR. However, given the constraints of the Second Schedule to the Ordinance, the draft Orders, if made, would have to be worded quite differently from the consular agreements because of the rigid structure of the Ordinance. It is

considered undesirable as it would be very difficult to recognise the provisions of the agreements from the Orders.

8. As an interim measure, the Government of the HKSAR is now relying on the Regulations of the People's Republic of China Concerning Consular Privileges and Immunities (a national Law listed in Annex III of the Basic Law which has been applied to the HKSAR by promulgation in accordance with Article 18 of the Basic Law) to accord the additional privileges and immunities for the three consular posts and persons connected with the consular posts. Nevertheless, given the difference in legal systems of the HKSAR and the Mainland, we still need to introduce local legislation to facilitate the implementation of the additional privileges and immunities of these consular posts so as to ensure that those provisions of the consular agreements which will affect private rights and obligations are given legal effect by way of local legislation.

The Proposal

9. We propose that a Bill be introduced into the Legislative Council to provide a framework under which privileges and immunities conferred on consular posts may be given the force of law in the HKSAR. The Bill should also repeal and replace the existing Consular Relations Ordinance. Some provisions in the existing Ordinance are retained and reproduced in the Bill. A table comparing the provisions of the Ordinance and the Bill is at Annex C.

THE BILL

10. The Bill seeks to underpin the implementation of consular privileges and immunities in the HKSAR. The main provisions of the Bill are as follows :

- (a) Clause 2 sets out the definitions necessary for the interpretation of the proposed Ordinance.
- (b) Clause 3 provides that such of the articles or parts of articles of the VCCR as specified in the Schedule (which are related to consular privileges and immunities) to the Bill shall have the force of law in Hong Kong and provides also for the construction of these articles.
- (c) Clause 4 empowers the Chief Executive in Council to declare by order the application of additional or reduced consular privileges and immunities to a consular post of a State and persons connected with the post. In particular :

- (i) Clause 4(1) empowers the Chief Executive in Council to declare by order that additional privileges and immunities accorded to a consular post of a State and persons connected with the post shall have the force of law in Hong Kong. It also empowers the Chief Executive in Council to make provisions in the order for carrying into effect such additional privileges and immunities in Hong Kong;
 - (ii) Clause 4(2) empowers the Chief Executive in Council to declare by order that such of the privileges and immunities provided for in the articles of the VCCR as specified in the order which are not accorded to a consular post of a State and persons connected with the post shall not apply in Hong Kong in relation to such consular post and persons; and
 - (iii) Clause 4(3) provides that if a State fails to accord any privilege or immunity to a consular post of the PRC in a territory of that State, the Chief Executive in Council may by order declare that the corresponding privilege or immunity conferred by or under the proposed Ordinance to a consular post of that State and any person connected with the post shall no longer have the force of law in Hong Kong.
- (d) Clause 5 provides that the Chief Executive may authorize the Commissioner of Customs and Excise to make arrangements for the refund of duties payable on hydrocarbon oils under the Dutiable Commodities Ordinance (Cap. 109) where hydrocarbon oils are imported into Hong Kong for such purposes as would require exemption from the payment of custom duties to be granted under Article 50 in the Schedule or an order made under Clause 4(1).
 - (e) Clause 6 seeks to provide that a diplomatic officer and a consular officer of a sending State may, in specified cases, administer oaths and perform notarial duties in Hong Kong.
 - (f) Clause 7 provides for the proof of whether a person is entitled to a privilege or immunity conferred by or under the proposed Ordinance.
 - (g) Clause 8 provides for the relationship between the proposed Ordinance and the two national laws applying in Hong Kong that relate to diplomatic or consular privileges and immunities.
 - (h) Clause 9 repeals the Consular Relations Ordinance (Cap. 259) and its subsidiary legislation.

- (i) Clauses 10 to 15 are consequential amendments.
- (j) The Schedule to the Bill sets out the provisions of the VCCR concerning consular privileges and immunities that have the force of law in Hong Kong.

PUBLIC CONSULTATION

11. This Bill relates to foreign affairs matters which are the responsibilities of the CPG. It does not involve any substantive change to the HKSAR Government's existing policy of granting privileges and immunities to the consular posts in accordance with international agreements concluded by the HKSAR or applied to the HKSAR by the CPG. Therefore, we do not see a need for public consultation on this Bill.

BASIC LAW IMPLICATIONS

12. The Department of Justice advises that the Bill does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

13. The Department of Justice advises that the Bill is consistent with human rights provisions of the Basic Law.

BINDING EFFECT

14. The binding effect of the Bill is the same as that of the Ordinance it replaces.

FINANCIAL AND STAFFING IMPLICATIONS

15. There are no financial and staffing implications.

LEGISLATIVE TIMETABLE

16. The legislative timetable of the Bill will be –

Publication in the Gazette	26 November 1999
First Reading and commencement of Second Reading debate	8 December 1999
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

PUBLICITY

17. A press release will be issued immediately before the publication of the Bill in the Gazette. A government spokesman will be available for answering possible media questions.

OTHERS

18. Enquiries concerning this brief should be directed to Mrs Apollonia Liu, Assistant Director of Administration, on 2810 3503.

Administration Wing,
Chief Secretary for Administration's Office
25 November 1999

CONSULAR RELATIONS BILL

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A BILL

To

Make provisions for the implementation in Hong Kong of certain provisions of the Vienna Convention on Consular Relations and of other agreements concerning consular relations to which the Government of the People's Republic of China is a party and which are applied to Hong Kong by the Central People's Government; to make further provisions with respect to consular relations in Hong Kong between the People's Republic of China and other countries and matters arising in connection therewith; to enable diplomatic agents and consular officers in Hong Kong to administer oaths and do notarial acts in certain cases; and to provide for matters connected therewith and incidental thereto.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Consular Relations Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires -

“accorded to a State” (某國家所享有的) , in relation to any privilege or immunity, means accorded to a consular post of a State, or to persons connected with the consular post, or to both, and similar expressions shall be construed accordingly;

“additional privileges and immunities” (增補特權及豁免) means privileges or immunities that are not contained in the Schedule;

“international agreement” (國際協議) means any agreement in writing concerning consular relations or that agreement as amended from time to time, whether contained in one or more documents and by whatever name called, which has effect in international law and -

- (a) to which the Government of the People’s Republic of China is a party; and
- (b) which is applied to Hong Kong by the Central People’s Government.

3. Provisions of Vienna Convention

on Consular Relations

(1) Subject to section 4(2) and (3), the provisions set out in the Schedule (being Articles or parts of Articles of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963) shall have the force of law in Hong Kong and shall for that purpose be construed in accordance with subsections (2) to (8).

(2) In those Articles or parts of Articles -

“authorities of the receiving State”(接受國當局、接受國官吏、接受國機關) shall be construed as including any police officer and any person exercising a power of entry to any premises under any enactment;

“grave crime”(嚴重罪行) shall be construed as meaning any offence punishable (on a first conviction) with imprisonment for a term up to 5 years or with a more severe sentence;

“Ministry for Foreign Affairs”(外交部) shall be construed as meaning the Ministry of Foreign Affairs of the People’s Republic of China;

“national of the receiving State”(接受國國民) shall be construed as meaning a Chinese national.

(3) The reference in paragraph 2 of Article 17 to any privileges and immunities accorded by customary international law or by international agreements shall be construed as a reference to any privileges and immunities conferred in Hong Kong under the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) or the International Organizations (Privileges and Immunities) Ordinance (of 1999).

(4) For the purposes of Article 45 and that Article as applied by Article 58 a waiver shall be deemed to have been expressed by a State if it has been expressed by the head, or

any person for the time being performing the functions of head, of the superintending diplomatic mission of that State or of the consular post concerned.

(5) Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting any privilege or immunity provided for in those Articles.

(6) The reference in Article 57 to the privileges and immunities provided in Chapter II shall be construed as referring to those provided in Section II of that Chapter.

(7) The reference in Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of the Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities in Schedule 5 to the Promulgation of National Laws 1997 (L.N. 379 of 1997).

(8) The references in Article 71 to additional privileges and immunities that may be granted by the receiving State or to privileges and immunities so far as these are granted by the receiving State shall be construed as referring to such privileges and immunities as may be specified by the Chief Executive in Council by order.

4. Orders providing for additional or reduced privileges and immunities

(1) The Chief Executive in Council may -

- (a) by order, declare that the additional privileges and immunities -
 - (i) accorded to a State under an international agreement; and
 - (ii) specified in the order,

shall have the force of law in Hong Kong; and

- (b) in such order make such provisions as the Chief Executive in Council may consider necessary for carrying into effect in Hong Kong the provisions of the international agreement in connection with such privileges and immunities.

(2) The Chief Executive in Council may, by order, declare that such of the privileges and immunities contained in the Schedule -

- (a) that are not accorded to a State under an international agreement to which that State is a party; and
- (b) as specified in the order,

shall be excluded in the application of section 3 in relation to -

- (i) any consular post of that State;
- (ii) persons connected with the consular post.

(3) The Chief Executive in Council may, by order, declare that any privilege or immunity conferred by or under this Ordinance and as specified in the order shall no longer have the force of law in Hong Kong in relation to -

- (a) all or any of the consular posts of a State;
- (b) such persons connected with the consular post or posts as the Chief Executive in Council may consider proper,

on the ground that that State is failing to accord the corresponding privilege or immunity to a consular post of the People's Republic of China in a territory of that State, or to persons connected with such consular post.

5. Authorized refund of duties paid on hydrocarbon oils

(1) The Chief Executive may authorize the Commissioner of Customs and Excise to make such arrangements as the Chief Executive thinks fit for securing the refund of duties imposed on hydrocarbon oils under the Dutiable Commodities Ordinance (Cap. 109) where such hydrocarbon oils are -

- (a) imported into Hong Kong; and
- (b) used for such purpose that, had they been imported for that use, exemption from customs duty would have been required to be granted under -
 - (i) Article 50 in the Schedule; or
 - (ii) an order made under section 4(1).

(2) Any arrangements made under this section may impose conditions subject to which any refund shall be made.

(3) Any amount of money refunded under arrangements made

under this section shall be paid from the general revenue.

6. Right of diplomatic agents and consular officers to administer oaths and do notarial acts in certain cases

(1) A diplomatic agent or consular officer of a State may, if authorized to do so under the laws of that State, administer oaths, take affidavits and do notarial acts -

- (a) required by a person for use in that State or under the laws of that State; or
- (b) otherwise required by a national of that State but not for use in Hong Kong except under the laws of some other country.

(2) The Chief Executive may by notice in the Gazette exclude or restrict the provisions of subsection (1) in relation to the diplomatic agents or consular officers of a State in Hong Kong if he considers that in any territory of that State diplomatic agents or consular officers of the People's Republic of China are not permitted to perform functions corresponding in nature and extent to those authorized by that subsection.

(3) In this section, "diplomatic agent" has the same meaning as the term "外交代表"(diplomatic agent) in the Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities in Schedule 5 to the Promulgation of National Laws 1997 (L.N. 379 of 1997).

7. Evidence

(1) Where a question arises as to whether or not a person is entitled to a privilege or immunity conferred by or under this Ordinance, a certificate issued by the Chief Secretary for Administration stating a fact relevant to that question is, subject to subsection (2), conclusive evidence of that fact.

(2) Where there is any conflict or inconsistency as respects a question of fact between -

(a) a certificate issued under subsection (1); and

(b) a certificate obtained under the third paragraph of Article 19 of the Basic Law,

then the second-mentioned certificate shall, to the extent of that conflict or inconsistency, as the case may be, prevail over the certificate issued under subsection (1).

8. Application of national laws

(1) Nothing in this Ordinance or an order made under section 4 shall prejudice the operation of -

(a) the Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities in Schedule 5 to the Promulgation of National Laws 1997 (L.N. 379 of 1997); or

(b) the Regulations of the People's Republic of China Concerning Consular Privileges and

Immunities in Schedule 3 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997).

(2) If there is any conflict or inconsistency between -

(a) a provision of this Ordinance or of an order made under section 4; and

(b) the Regulations referred to in subsection (1) (a) or (b),

then that provision shall be construed subject to the Regulations and shall be so construed as to be consistent with the international rights and obligations of the Central People's Government.

9. Repeals

The Consular Relations Ordinance (Cap. 259) and all subsidiary legislation made under it are repealed.

Consequential Amendments

Dutiable Commodities Regulations

10. Exemptions

Regulation 12(1) (m) of the Dutiable Commodities Regulations (Cap. 109 sub. leg.) is amended by repealing “(Cap. 259)” and substituting “(of 1999)”.

**11. Refund of duty on goods supplied
for consular etc. use**

Regulation 15 is amended by repealing “(Cap. 259)” and substituting “(of
1999)”.

Immigration Ordinance

12. Interpretation

Section 2(4) (a) (vii) of the Immigration Ordinance (Cap. 115) is amended by
repealing “(Cap. 259)” and substituting “(of 1999)”.

Stamp Duty Ordinance

**13. Relief in case of certain leases etc. of
consular premises**

Section 43(3) of the Stamp Duty Ordinance (Cap. 117) is amended -

(a) in paragraph (a) (i), by repealing “(Cap. 259)” and substituting “(of
1999)”;

(b) in paragraph (b) (i), by repealing “(Cap. 259)” and substituting “(of
1999)”.

Air Passenger Departure Tax Ordinance

**14. Passengers exempted from liability
to pay the tax**

The Second Schedule to the Air Passenger Departure Tax Ordinance (Cap. 140) is amended, in paragraph 8(c), by repealing “(Cap. 259)” and substituting “(of 1999)”.

Road Traffic (Driving Licences) Regulations

15. Issue of full driving licences

Regulation 11(3A) of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) is amended -

- (a) by repealing “First”;
- (b) by repealing “(Cap. 259)” and substituting “(of 1999)”.

SCHEDULE

[ss. 2, 3, 4 & 5]

PROVISIONS OF VIENNA CONVENTION ON CONSULAR RELATIONS

HAVING THE FORCE OF LAW IN HONG KONG

ARTICLE 1

Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) “consular post” means any consulate-general,

- consulate, vice-consulate or consular agency;
- (b) “consular district” means the area assigned to a consular post for the exercise of consular functions;
 - (c) “head of consular post” means the person charged with the duty of acting in that capacity;
 - (d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
 - (e) “consular employee” means any person employed in the administrative or technical service of a consular post;
 - (f) “member of the service staff” means any person employed in the domestic service of a consular post;
 - (g) “members of the consular post” means consular officers, consular employees and members of the service staff;
 - (h) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;
 - (i) “member of the private staff” means a person who is employed exclusively in the private

service of a member of the consular post;

(j) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

(k) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indices and any article of furniture intended for their protection or safe-keeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officer; the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

CHAPTER I CONSULAR RELATIONS IN GENERAL

ARTICLE 5

Consular functions

Consular functions consist in:

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- (d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (f) acting as notary and civil registrar and in

capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, 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;

(h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of

their rights and interests;

- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- (l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;
- (m) performing any other functions entrusted to a

consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

ARTICLE 15

Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the

sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistant and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

ARTICLE 17

Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be

authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

CHAPTER II FACILITIES, PRIVILEGES AND IMMUNITIES
RELATING TO CONSULAR POSTS, CAREER
CONSULAR OFFICERS AND OTHER
MEMBERS OF A CONSULAR POST

SECTION I - FACILITIES, PRIVILEGES AND
IMMUNITIES RELATING TO A
CONSULAR POST

ARTICLE 31

Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent

provided in this Article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

.....

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If ex-propriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

ARTICLE 32

Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt

from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

ARTICLE 33

Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

ARTICLE 35

Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular

couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In

the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers ad hoc. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 39

Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II - FACILITIES, PRIVILEGES AND
IMMUNITIES RELATING TO CAREER
CONSULAR OFFICERS AND OTHER
MEMBERS OF A CONSULAR POST

ARTICLE 41

Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

ARTICLE 43

Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:

- (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
- (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

ARTICLE 44

Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular

officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

ARTICLE 45

Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

ARTICLE 48

Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

(a) that they are not nationals of or permanently resident in the receiving State;

and

(b) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to

whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

ARTICLE 49

Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
- (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;

- (d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

ARTICLE 50

Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar

services, on:

- (a) articles for the official use of the consular post;
- (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

ARTICLE 51

**Estate of a member of the consular post or
of a member of his family**

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

ARTICLE 52

Exemption from personal services and contributions

The receiving State shall exempt members of the consular

post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 53

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post

have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

ARTICLE 54

Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer of travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the

receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to force majeure.

ARTICLE 55

Respect for the laws and regulations of the receiving State

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

ARTICLE 57

Special provisions concerning private gainful occupation

2. Privileges and immunities provided in this Chapter shall not be accorded:
- (a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;
 - (b) to members of the family of a person referred to in sub-paragraph (a) of this paragraph or to members of his private staff;
 - (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III REGIME RELATING TO HONORARY CONSULAR
OFFICERS AND CONSULAR POSTS HEADED
BY SUCH OFFICERS

ARTICLE 58

**General provisions relating to facilities, privileges
and immunities**

1. Articles 35,
and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to
consular posts headed by an honorary

consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles..... 60, 61 and 62.

2. Articles 43, paragraph 3 of Article 44, Articles 45 and 53 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles..... 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

ARTICLE 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they

are payable by the person who contracted with the sending State.

ARTICLE 61

Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books and documents relating to their profession or trade.

ARTICLE 62

Exemption from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular

officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

ARTICLE 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

ARTICLE 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

CHAPTER IV GENERAL PROVISIONS

ARTICLE 70

Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

.....

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

ARTICLE 71

Nationals or permanent residents of the receiving State

1. Except in so far as additional facilities privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction

and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State.

Explanatory Memorandum

This Bill seeks to underpin the implementation of consular privileges and immunities in Hong Kong. At present, consular privileges and immunities are given effect in Hong Kong by the Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities in Schedule 5 to the Promulgation of National Laws 1997 (L.N. 379 of 1997), the Regulations of the People's Republic of China Concerning Consular Privileges and Immunities in Schedule 3 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)

and the Consular Relations Ordinance (Cap. 259). The Bill is intended to repeal that Ordinance and, without prejudice to the operation of both Regulations in Hong Kong, make provisions for implementing consular privileges and immunities accorded to consular posts of other States and persons connected with such posts pursuant to international agreements concerning consular relations to which the People's Republic of China is a party. The Bill makes further provisions for purposes connected with consular matters in Hong Kong.

2. Clause 2 sets out the definitions necessary for the interpretation of the proposed Ordinance.

3. Clause 3 provides that such of the articles or parts of articles of the Vienna Convention on Consular Relations as specified in the Schedule (which articles or parts of articles are related to consular privileges and immunities, hereafter called "VCCR PIs") to the Bill shall have the force of law in Hong Kong and provides also for the construction of these articles.

4. (a) Clause 4(1) empowers the Chief Executive in Council to declare by order that consular privileges and immunities in addition to the VCCR PIs accorded to a consular post of a State and persons connected with the post shall have the force of law in Hong Kong. It also empowers the Chief Executive in Council to make provisions in the order for carrying into

effect such additional privileges and immunities in Hong Kong.

(b) Clause 4(2) empowers the Chief Executive in Council to declare by order that such of the VCCR PIs which are not accorded to a consular post of a State and persons connected with the post shall not apply in Hong Kong in relation to such consular post and persons.

(c) Clause 4(3) provides that if a State fails to accord any privilege or immunity to a consular post of the People's Republic of China in a territory of that State, the Chief Executive in Council may, by order, declare that the corresponding privilege or immunity conferred by or under the proposed Ordinance to a consular post of that State and any person connected with the post shall no longer have the force of law in Hong Kong.

5. Clause 5 provides that the Chief Executive may authorize the Commissioner of Customs and Excise to make arrangements for the refund of duties payable on hydrocarbon oils under the Dutiable Commodities Ordinance (Cap. 109) where hydrocarbon oils are imported into Hong Kong for such purposes as would require exemption from the payment of custom duties to be granted under Article 50 in the Schedule or an order made under clause 4(1).

6. Clause 6 seeks to provide that a diplomatic agent (defined in clause 6(3)) and a consular officer of a sending State may, in specified cases, administer oaths and perform notarial duties in Hong Kong.

7. Clause 7 provides for the proof of whether a person is entitled to a privilege or immunity conferred by or under the proposed Ordinance.

8. Clause 8 provides for the relationship between the proposed Ordinance and the 2 national laws applying in Hong Kong that relate to diplomatic or consular privileges and immunities.

9. Clause 9 repeals the Consular Relations Ordinance (Cap. 259) and its subsidiary legislation.

10. Clauses 10 to 15 are consequential amendments.

11. The Schedule to the Bill sets out the provisions of the Vienna Convention on Consular Relations that have the force of law in Hong Kong.

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
		Heading:	Long title	Version Date:	30/06/1997

To give effect in Hong Kong to the Vienna Convention on Consular Relations; to enable effect to be given in Hong Kong to other agreements entered into by Her Majesty's Government in the United Kingdom concerning consular relations and to make further provision with respect to consular relations in Hong Kong between the United Kingdom and other countries and matters arising in connection therewith; to restrict the jurisdiction of courts in Hong Kong with respect to certain matters concerning or arising on board certain ships or aircraft; to enable diplomatic agents and consular officers in Hong Kong to administer oaths and do notarial acts in certain cases; and for purposes connected with those matters.

[4 February 1972] (L.N. 9 of 1972)

(Originally 17 of 1970)

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
Section:	1	Heading:	Short title	Version Date:	30/06/1997

- (1) This Ordinance may be cited as the Consular Relations Ordinance.
(2) (Omitted as spent)

(Replaced 41 of 1971 s. 2)

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
Section:	2	Heading:	Application of Vienna Convention	Version Date:	30/06/1997

(1) Subject to section 3 and to subsection (2) of section 4, the provisions set out in the First Schedule (being Articles or parts of Articles of the Vienna Convention on Consular Relations signed in 1963) shall have the force of law in Hong Kong and shall for that purpose be construed in accordance with subsections (2) to (9) of this section.

- (2) In those provisions-
- “authorities of the receiving State” (接受國當局、接受國官吏、接受國機關) shall be construed as including any police officer and any person exercising a power of entry to any premises under any enactment;
- “grave crime” (嚴重罪行) shall be construed as meaning any offence punishable (on a first conviction) with imprisonment for a term that may extend to five years or with a more severe sentence;
- “Ministry for Foreign Affairs” (外交部) shall be construed as meaning the Foreign and Commonwealth Office;

“national of the receiving State” (接受國國民) shall be construed as meaning-

- (a) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
- (b) a British subject; or
- (c) a British protected person. (Replaced 80 of 1982 s. 2)

(3) The reference in paragraph 2 of Article 17 to any privileges and immunities accorded by customary international law or by international agreements shall be construed as a reference to any privileges and immunities conferred in Hong Kong under the International Organizations and Diplomatic Privileges Ordinance (Cap 190).

(4) The references in Article 44 to matters connected with the exercise of the functions of members of a consular post shall be construed as references to matters connected with the exercise of consular functions by consular officers or consular employees.

(5) For the purposes of Article 45 and that Article as applied by Article 58 a waiver shall be deemed to have been expressed by a State if it has been expressed by the head, or any person for the time being performing the functions of head, of the superintending diplomatic mission of that State or of the consular post concerned.

(6) Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting any privilege or immunity which they require to be granted.

(7) The reference in Article 57 to the privileges and immunities provided in Chapter II shall be construed as referring to those provided in Section II of that Chapter.

(8) The reference in Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of the Diplomatic Privileges Act 1964 (1964 c. 81 U.K.).

(9) The references in Article 71 to additional privileges and immunities that may be granted by the receiving State or to privileges and immunities so far as these are granted by the receiving State shall be construed as referring to such privileges and immunities as may be specified by the Governor by order.

[cf. 1968 c. 18 s.1 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS		Gazette Number:
			ORDINANCE		
Section:	3	Heading:	Restriction of privileges and immunities	Version Date:	30/06/1997

If it appears to the Governor that the privileges and immunities accorded to a consular post of the United Kingdom in a territory of any State, or to persons connected with such a consular post, are less than those conferred by this Ordinance on a consular post of that State or on persons connected with such a consular post, the Governor may by order withdraw such of the privileges and immunities so conferred from all or any of the consular posts of that State in Hong Kong or from such persons connected therewith as appears to the Governor to be proper.

[cf. 1968 c. 18 s. 2 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS		Gazette Number:
			ORDINANCE		

Section:	4	Heading:	Agreements providing for additional or reduced privileges and immunities	Version Date:	30/06/1997
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(1) Where any agreement made, whether before or after the commencement of this Ordinance, between the United Kingdom and any other State provides for according to consular posts and persons connected with them privileges and immunities not accorded to them by the other provisions of this Ordinance, the Governor may by order exercise, with respect to the consular posts of that State in Hong Kong and persons connected with them, the powers specified in the Second Schedule so far as may be necessary to give effect to that agreement.

(2) Where any agreement made, whether before or after the commencement of this Ordinance, between the United Kingdom and any other State provides for according to consular posts and persons connected with them some but not all of the privileges and immunities accorded to them by the other provisions of this Ordinance, the Governor may by order provide for excluding, with respect to consular posts of that State in Hong Kong and persons connected with them, any of those privileges and immunities which are not provided for by the agreement.

[cf. 1968 c. 18 s. 3 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS ORDINANCE	Gazette Number:	
Section:	5	Heading:	Civil jurisdiction concerning service on board ship or aircraft	Version Date:	30/06/1997

The Governor may by order make provision for excluding or limiting the jurisdiction of any court in Hong Kong to entertain proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew of any ship or aircraft belonging to a State specified in the order, except where a consular officer of that State has been notified of the intention to invoke the jurisdiction of that court and has not objected within such time as may be specified by or under the order.

[cf. 1968 c.18 s.4 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS ORDINANCE	Gazette Number:	
Section:	6	Heading:	Jurisdiction over offences committed on board ship	Version Date:	30/06/1997

(1) The Governor may by order make provision for securing that, where an offence is alleged to have been committed on board any ship by the master or a member of the crew and the ship belongs to a State specified in the order, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of that State are not entertained by any court in Hong Kong unless-

- (a) the offence is alleged to have been committed by or against a person who is a British citizen, a British Dependent Territories citizen or a British Overseas citizen or is otherwise comprised in the definition of "national of the receiving State" in subsection (2) of section 2, or against a person other than the master or a member of the crew; or

(Amended 80 of 1982 s. 2)

- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs or is of any other description specified in the order; or
- (c) the offence is one comprised in the definition of “grave crime” in subsection (2) of section 2.

(2) For the purposes of this section, an offence which affects the property of any person shall be deemed to have been committed against him.

(3) For the purposes of this section, any document purporting to be signed by or on behalf of a consular officer and stating that he has requested or consented to the institution of any proceedings shall be sufficient proof of that fact unless the contrary is shown.

(4) Neither section 23B of the Crimes Ordinance (Cap 200) nor section 8B or 9 of the Offences against the Person Ordinance (Cap 212) shall be construed as affecting this section. (Added 89 of 1990 s. 4)

[cf. 1968 c.18 s.5 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
Section:	7	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The Governor may by order designate any State for the purposes of this section; and where a State is so designated, a member of the crew of a ship belonging to that State who is detained in custody on board for a disciplinary offence shall not be deemed to be unlawfully detained unless-

- (a) his detention is unlawful under the laws of that State or the conditions of detention are inhumane or unjustifiably severe; or
- (b) there is reasonable cause for believing that his life or liberty will be endangered for reasons of race, nationality, political opinion or religion, in any country to which the ship is likely to go.

[cf. 1968 c.18 s.6 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
Section:	8	Heading:	Ship and aircraft belonging to a State	Version Date:	30/06/1997

For the purposes of section 5, 6 or 7, a ship, and for the purposes of section 5, an aircraft, shall be treated as belonging to a State in such circumstances as may be specified by an order made under that section; and different circumstances may be so specified with respect to different States and different classes of ship or aircraft.

[cf. 1968 c. 18 s. 16(2) U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
Section:	9	Heading:	Authorized refund of duties paid on hydrocarbon oils	Version Date:	30/06/1997

(1) The Governor may authorize the Commissioner of Customs and Excise to make such arrangements as the Governor thinks fit for securing the refund of duties imposed on hydrocarbon oils under the Dutiable Commodities Ordinance (Cap 109) where such hydrocarbon oils are- (Amended 40 of 1985 s. 10)

- (a) imported into Hong Kong; and
- (b) used for such purpose that, had they been imported for that use, exemption from customs duty would have been required to be granted under-
 - (i) Article 50 in the First Schedule to this Ordinance; or
 - (ii) an order made under subsection (1) of section 4 of this Ordinance.

(2) Any arrangements made under this section may impose conditions subject to which any refund shall be made.

(3) Any amount of money refunded under arrangements made under this section shall be paid from the general revenue of the Government of Hong Kong.

[cf. 1968 c.18 s.8 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
Section:	10	Heading:	Right of diplomatic agents and consular officers to administer oaths and do notarial acts in certain cases	Version Date:	30/06/1997

(1) A diplomatic agent or consular officer of any State may, if authorized to do so under the laws of that State, administer oaths, take affidavits and do notarial acts-

- (a) required by a person for use in that State or under the laws thereof; or
- (b) otherwise required by a national of that State but not for use in Hong Kong except under the laws of some other country.

(2) The Governor may by order exclude or restrict the provisions of subsection (1) in relation to the diplomatic agents or consular officers of any State in Hong Kong if it appears to him that in any territory of that State diplomatic agents or consular officers of the United Kingdom are not permitted to perform functions corresponding in nature and extent to those authorized by that subsection.

(3) In this section “diplomatic agent” (外交代表) has the same meaning as in the Diplomatic Privileges Act 1964 (1964 c. 81 U.K.).

[cf. 1968 c.18 s.10 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS ORDINANCE	Gazette Number:	
Section:	11	Heading:	Evidence	Version Date:	30/06/1997

Where any question arises whether or not any person is entitled to any immunity or privilege under this Ordinance, a certificate issued by the Chief Secretary stating any fact relating to that question shall be conclusive evidence of that fact.

(Amended L.N. 226 of 1976)
[cf. 1968 c.18 s.11 U.K.]

Chapter:	259	Title:	CONSULAR RELATIONS ORDINANCE	Gazette Number:	
Section:	12	Heading:	Privileges and immunities of official representatives of Commonwealth countries, etc.	Version Date:	30/06/1997

(1) The Governor may by order direct that any person in the service of a Commonwealth country or of the Republic of Ireland or in the service of a State or Province of any such country holding such office or class of office as are or may be specified in the order, being such an office or class of office as appears to the Governor to involve the performance of duties substantially corresponding to those which, in the case of a sovereign foreign Power, would be performed in Hong Kong by a consular officer within the meaning of this Ordinance shall have all such immunities and privileges as are or may be conferred upon a consular officer under the provisions of this Ordinance.

- (2) Where the Governor has made an order under subsection (1) in respect of any person-
- (a) the members of the staff of such person shall have such immunities and privileges as are conferred upon the staff of a consular officer under the provisions of this Ordinance; and
 - (b) the provisions of Articles 31 to 39 and 51 in the First Schedule to this Ordinance shall apply mutatis mutandis in relation to the premises, official archives, communications, documents and personal property of any such person.

(3) Any order made by the Governor under subsection (1) may exclude from any immunity or privilege conferred under it any person who is permanently resident in Hong Kong or who is a person within the definition of "national of the receiving State" in subsection (2) of section 2.

(4) Any order made by the Governor under subsection (1) may apply to the persons specified in the order and to the premises, residences and communications of such persons the provisions of the Second Schedule.

Chapter:	259	Title:	CONSULAR RELATIONS ORDINANCE	Gazette Number:	
Section:	13	Heading:	Application of specified Articles in the Vienna Convention on Diplomatic Relations 1961	Version Date:	30/06/1997

For the purposes of paragraphs 4, 5 and 6 of the Second Schedule, paragraphs 1, 2, 3, 4 and 5 of the Third Schedule (being Articles 29, 31, 22, paragraph 1 of Article 30 and Article 27, respectively, of the Vienna Convention on Diplomatic Relations signed in 1961) shall have the force of law in Hong Kong.

Chapter:	259	Title:	CONSULAR RELATIONS ORDINANCE	Gazette Number:	
Section:	14	Heading:	(Omitted as spent)	Version Date:	30/06/1997

(Omitted as spent)

Chapter:	259	Title:	CONSULAR RELATIONS ORDINANCE	Gazette Number:	
Section:	1	Heading:	PROVISIONS OF VIENNA CONVENTION HAVING THE FORCE OF LAW IN HONG KONG	Version Date:	30/06/1997

[sections. 2 & 12(2)]

ARTICLE 1

Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “consular district” means the area assigned to a consular post for the exercise of consular functions;
- (c) “head of consular post” means the person charged with the duty of acting in that capacity;
- (d) “consular officer” means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
- (e) “consular employee” means any person employed in the administrative or technical service of a consular post;
- (f) “member of the service staff” means any person employed in the domestic service of a consular post;
- (g) “members of the consular post” means consular officers, consular employees and members of the service staff;
- (h) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;
- (i) “member of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;
- (j) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

- (k) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indices and any article of furniture intended for their protection or safe-keeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officer; the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention.

CHAPTER I— CONSULAR RELATIONS IN GENERAL

ARTICLE 5

Consular functions

Consular functions consist in:

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- (d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- (g) safeguarding the interests of nationals, both individuals and bodies corporate, 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;
- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;
- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals

and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;

- (j) transmitting judicial and extra-judicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- (l) extending assistance to vessels and aircraft mentioned in sub-paragraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State;
- (m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

ARTICLE 15

Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

ARTICLE 17

Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

CHAPTER II— FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

SECTION I— FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST

ARTICLE 31

Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent provided in this Article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

.....

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If ex-propiation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

ARTICLE 32

Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional

or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

ARTICLE 33

Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

ARTICLE 35

Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers ad hoc. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 39

Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II— FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

ARTICLE 41

Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

ARTICLE 43

IMMUNITY FROM JURISDICTION

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:

- (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
- (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

ARTICLE 44

Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the

consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

ARTICLE 45

Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

ARTICLE 48

Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

ARTICLE 49

Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
- (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51;
- (d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

ARTICLE 50

Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- (a) articles for the official use of the consular post;
- (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

ARTICLE 51

Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;
- (b) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

ARTICLE 52

Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 53

Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming

part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

ARTICLE 54

Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer of travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to force majeure.

ARTICLE 55

Respect for the laws and regulations of the receiving State

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

ARTICLE 57

Special provisions concerning private gainful occupation

2. Privileges and immunities provided in this Chapter shall not be accorded:
 - (a) to consular employees or to members of the service staff who carry on any private gainful

- occupation in the receiving State;
- (b) to members of the family of a person referred to in sub-paragraph (a) of this paragraph or to members of his private staff;
 - (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III— REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS

ARTICLE 58

General provisions relating to facilities, privileges and immunities

1. Articles 35, and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer, In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 60, 61 and 62.

2. Articles..... 43, paragraph 3 of Article 44, Articles 45 and 53 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles..... 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

ARTICLE 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

ARTICLE 61

Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books and documents relating to their profession or trade.

ARTICLE 62

Exemption from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

ARTICLE 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

ARTICLE 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

CHAPTER IV – GENERAL PROVISIONS

ARTICLE 70

Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

.....

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

ARTICLE 71

Nationals or permanent residents of the receiving State

1. Except in so far as additional facilities privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall

enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State.

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		
Section:	2	Heading:	PROVISIONS FOR GIVING EFFECT TO OTHER AGREEMENTS	Version Date:	30/06/1997

[sections 4(1), 12(4) & 13]

1. The like exemption from dues and taxes may be extended to the residence of any member of a consular post as is accorded under Article 32 in the First Schedule to the residence of the career head of a consular post.

2. Paragraph 1 of Article 49 in that Schedule may be extended to members of the service staff.

3. Paragraph 2 of Article 50 in that Schedule may be applied as if it were among the Articles mentioned in paragraph 2 of Article 58 in that Schedule, as if the reference to consular employees included members of the service staff and also such members of the families of consular employees or of members of the service staff as form part of their households, and as if the words “in respect of articles imported at the time of first installation” were omitted.

4. Paragraphs 1 and 2 of the Third Schedule (inviolability and immunity from jurisdiction and arrest of diplomatic agents and exemption from duty to give evidence) may be extended to members of a consular post and members of their families forming part of their households.

5. Paragraph 3 of the Third Schedule (inviolability and protection of mission) may be extended to consular premises; and paragraph 4 of that Schedule (inviolability of private residence) may be extended to the residences of consular officers.

6. Paragraph 5 of the Third Schedule (freedom of communications) may be extended to the communications of a consular post.

Chapter:	259	Title:	CONSULAR RELATIONS	Gazette Number:	
			ORDINANCE		

[section 13]

1. The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

2. (1) A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of-

- (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

(2) A diplomatic agent is not obliged to give evidence as a witness.

(3) No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

(4) The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

3. (1) The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

(2) The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

(3) The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

4. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

5. (1) The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

(2) The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

(3) The diplomatic bag shall not be opened or detained.

(4) The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

(5) The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

(6) The sending State or the mission may designate diplomatic couriers ad hoc. In such cases the provisions of paragraph (5) of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

(7) A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Chapter:	259A	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (REPUBLIC OF AUSTRIA)	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 10 of 1972)

Chapter:	259A	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Republic of Austria) Order

Chapter:	259A	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer or a consular employee of the Republic of Austria of which the Republic of Austria or any person acting on its behalf is the owner.

Chapter:	259A	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
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Paragraph: 3 Heading: **Consular bag to be accorded the same treatment as diplomatic bag** Version Date: 30/06/1997

A consular bag exchanged between a consular officer of the Republic of Austria in Hong Kong and the Government, a diplomatic mission or another consular post of the Republic of Austria shall be accorded the treatment which is accorded to a diplomatic bag by paragraph 5 of the Third Schedule to the Ordinance.

Chapter: 259B Title: CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF BELGIUM) ORDER Gazette Number:
Heading: **Empowering section** Version Date: 30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 11 of 1972)

Chapter: 259B Title: CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF BELGIUM) ORDER Gazette Number:
Paragraph: 1 Heading: **Citation** Version Date: 30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Kingdom of Belgium) Order.

Chapter: 259B Title: CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF BELGIUM) ORDER Gazette Number:
Paragraph: 2 Heading: **Exemption from dues and taxes in respect of consular residences** Version Date: 30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a

career consular officer or a consular employee of the Kingdom of Belgium of which the Kingdom of Belgium or any person acting on its behalf is the owner.

Chapter:	259B	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF BELGIUM) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Exemption from customs duties	Version Date:	30/06/1997

(1) Paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to consular employees of the Kingdom of Belgium who satisfy the conditions set out in sub-paragraph (2) as if the words “in respect of articles imported at the time of first installation” were omitted.

(2) The conditions referred to in sub-paragraph (1) are that the consular employee concerned-

- (a) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or
 - (iii) a British protected person; and (80 of 1982)
- (b) does not carry on any private gainful occupation in Hong Kong; and
- (c) is not permanently resident in Hong Kong.

Chapter:	259C	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 12 of 1972)

Chapter:	259C	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Kingdom of Denmark) Order.

Chapter:	259C	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer of the Kingdom of Denmark of which the Kingdom of Denmark or any person acting on its behalf is the owner.

Chapter:	259D	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (FRENCH REPUBLIC) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 13 of 1972)

Chapter:	259D	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (FRENCH REPUBLIC) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (**French Republic**) Order.

Chapter:	259D	Title:	CONSULAR RELATIONS	Gazette Number:	
			(PRIVILEGES AND IMMUNITIES) (FRENCH REPUBLIC) ORDER		
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a consular officer or a consular employee of the French Republic of which the French Republic or any person acting on its behalf is the owner.

Chapter:	259D	Title:	CONSULAR RELATIONS	Gazette Number:	
			(PRIVILEGES AND IMMUNITIES) (FRENCH REPUBLIC) ORDER		
Paragraph:	3	Heading:	Exemption from customs duties	Version Date:	30/06/1997

(1) Paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to consular employees of the French Republic who satisfy the conditions set out in sub-paragraph (2) as if the words “in respect of articles imported at the time of first installation” were omitted.

(2) The conditions referred to in sub-paragraph (1) are that the consular employee concerned-

- (a) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or
 - (iii) a British protected person; and (80 of 1982 s.3)
 - (b) does not carry on any private gainful occupation in Hong Kong; and
 - (c) is not permanently resident in Hong Kong.
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Chapter:	259E	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 14 of 1972)

Chapter:	259E	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Federal Republic of Germany) Order.

Chapter:	259E	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer or a consular employee of the Federal Republic of Germany of which the Federal Republic of Germany or any person acting on its behalf is the owner.

Chapter:	259E	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Exemption from customs duties	Version Date:	30/06/1997

(1) Paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to consular employees of the Federal Republic of Germany who satisfy the conditions set out in sub-paragraph (2) as if the words “in respect of articles imported at the time of first installation” were omitted.

(2) The conditions referred to in sub-paragraph (1) are that the consular employee concerned-

- (a) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or
 - (iii) a British protected person; and (80 of 1982 s.3)
- (b) does not carry on any private gainful occupation in Hong Kong; and
- (c) is not permanently resident in Hong Kong.

Chapter:	259E	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Consular bag to be accorded the same treatment as diplomatic bag	Version Date:	30/06/1997

A consular bag exchanged between a consular officer of the Federal Republic of Germany in Hong Kong and the Government, a diplomatic mission or another consular post of the Federal Republic of Germany shall be accorded the treatment which is accorded to a diplomatic bag by paragraph 5 of the Third Schedule to the Ordinance.

Chapter:	259F	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF GREECE) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap. 259 section 4(1))

[4 February 1972]

Chapter:	259F	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF GREECE) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Kingdom of Greece) Order.

Chapter:	259F	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF GREECE) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer of the Kingdom of Greece of which the Kingdom of Greece or any person acting on its behalf is the owner.

Chapter:	259F	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF GREECE) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Exemption from customs duties	Version Date:	30/06/1997

(1) Paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to consular employees of the Kingdom of Greece who satisfy the conditions set out in sub-paragraph (2) as if the words “in respect of articles imported at the time of first installation” were omitted.

(2) The conditions referred to in sub-paragraph (1) are that the consular employee concerned-

- (a) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or

- (iii) a British protected person; and (80 of 1982 s.3)
 - (b) does not carry on any private gainful occupation in Hong Kong; and
 - (c) is not permanently resident in Hong Kong.
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Chapter:	259G	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 16 of 1972)

Chapter:	259G	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Italian Republic) Order.

Chapter:	259G	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer of the Italian Republic of which the Italian Republic or any person acting on its behalf is the owner.

Chapter:	259G	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Consular bag to be accorded the same treatment as diplomatic bag	Version Date:	30/06/1997

A consular bag exchanged between a consular officer of the Italian Republic in Hong Kong and the Government. a diplomatic mission or another consular post of the Italian Republic shall be accorded the treatment which is accorded to a diplomatic bag by paragraph 5 of the Third Schedule to the Ordinance.

Chapter:	259H	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (JAPAN) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 17 of 1972)

Chapter:	259H	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (JAPAN) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Japan) Order.

Chapter:	259H	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (JAPAN) ORDER	Gazette Number:	
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The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a consular officer or a consular employee of Japan of which Japan or any person acting on its behalf is the owner, provided that the officer or employee-

- (a) is a national of Japan; and
 - (b) does not carry on any private gainful occupation in Hong Kong; and
 - (c) is not permanently resident in Hong Kong; and
 - (d) is a full-time officer or employee of Japan.
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Chapter:	259I	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap. 259 section 4(1))

[4 February 1972]

(L.N. 18 of 1972)

Chapter:	259I	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (United States of Mexico) Order.

Chapter:	259I	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer of the United States of Mexico of which the United States of Mexico or any person acting on its behalf is the owner.

Chapter:	259I	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Exemption from customs duties	Version Date:	30/06/1997

(1) Paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to consular employees of the United States of Mexico who satisfy the conditions set out in sub-paragraph (2) as if the words "in respect of articles imported at the time of first installation" were omitted.

(2) The conditions referred to in sub-paragraph (1) are that the consular employee concerned-

- (a) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or
 - (iii) a British protected person; and (80 of 1982 s.3)
- (b) does not carry on any private gainful occupation in Hong Kong; and
- (c) is not permanently resident in Hong Kong.

Chapter:	259J	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF THE NETHERLANDS) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 19 of 1972; L.N. 188 of 1972)

Chapter:	259J	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF THE NETHERLANDS) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Kingdom of the Netherlands) Order.

Chapter:	259J	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF THE NETHERLANDS) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from customs duties	Version Date:	30/06/1997

(1) Paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to consular employees of the Kingdom of the Netherlands who satisfy the conditions set out in sub-paragraph (2) as if the words “in respect of articles imported at the time of first installation” were omitted.

(2) The conditions referred to in sub-paragraph (1) are that the consular employee concerned-

- (a) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or
 - (iii) a British protected person; and (80 of 1982 s. 3)
- (b) does not carry on any private gainful occupation in Hong Kong; and
- (c) is not permanently resident in Hong Kong.

Chapter:	259J	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF THE NETHERLANDS) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

With effect from the 1st day of October 1972, the like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer of the Kingdom of the Netherlands of which the Kingdom of the Netherlands or any person acting on its behalf is the owner.

(L.N. 188 of 1972)

Chapter:	259K	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 20 of 1972)

Chapter:	259K	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Kingdom of Norway) Order.

Chapter:	259K	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer of the Kingdom of Norway of which the Kingdom of Norway or any person acting on its behalf is the owner.

Chapter:	259K	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 21 of 1972)

Chapter:	259L	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (SPANISH STATE) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Spanish State) Order.

Chapter:	259L	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (SPANISH STATE) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a consular officer of the Spanish State of which the Spanish State or any person acting on its behalf is the owner.

Chapter:	259L	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (SPANISH STATE) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Exemption from customs duties	Version Date:	30/06/1997

(1) Except in respect of importations of consumable goods (such as wines, spirits and tobacco), paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to consular employees of the Spanish State who satisfy the conditions set out in sub-paragraph (2) as if the words “in respect of articles imported at the time of first installation” were omitted, provided that no such consular employee shall have in his possession or use at any time more than one vehicle in respect of which exemption from customs duty has been given on importation.

(2) The conditions referred to in sub-paragraph (1) are that the consular employee concerned-

- (a) is a Spanish subject; and (80 of 1982 s. 3)
- (aa) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas

citizen; or

(ii) a British subject; or

(iii) a British protected person; and (80 of 1982 s. 3)

(b) does not carry on any private gainful occupation in Hong Kong; and

(c) is not permanently resident in Hong Kong; and

(d) is in receipt of regular emoluments from the Spanish State.

Chapter:	259M	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 22 of 1972)

Chapter:	259M	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Kingdom of Sweden) Order.

Chapter:	259M	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Exemption from dues and taxes in respect of consular residences	Version Date:	30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a career consular officer of the Kingdom of Sweden of which the Kingdom of Sweden or any person acting on its behalf is the owner.

Chapter:	259M	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
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Paragraph: 3	Heading: Consular bag to be accorded the same treatment as diplomatic bag	Version Date: 30/06/1997
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A consular bag exchanged between a consular officer of the Kingdom of Sweden in Hong Kong and the Government, a diplomatic mission or another consular post of the Kingdom of Sweden shall be accorded the treatment which is accorded to a diplomatic bag by paragraph 5 of the Third Schedule to the Ordinance.

Chapter: 259N	Title: CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF AMERICA) ORDER	Gazette Number:
	Heading: Empowering section	Version Date: 30/06/1997

(Cap 259 section 4(1))

[4 February 1972]

(L.N. 23 of 1972)

Chapter: 259N	Title: CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF AMERICA) ORDER	Gazette Number:
Paragraph: 1	Heading: Citation	Version Date: 30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (United States of America) Order.

Chapter: 259N	Title: CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF AMERICA) ORDER	Gazette Number:
Paragraph: 2	Heading: Exemption from dues and taxes in respect of consular residences	Version Date: 30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a consular officer, consular employee, consular guard, messenger or driver of the United States of America of which the United States of America or any person acting on its behalf is the owner.

Chapter:	259N	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Exemption from taxes of members of service staffs at consular posts	Version Date:	30/06/1997

Paragraph 1 of Article 49 in the First Schedule to the Ordinance (exemption from taxation) shall be extended to members of the service staff of any consular post of the United States of America who are consular guards, messengers or drivers, provided that the member concerned of the service staff satisfies the conditions set out in paragraph 5.

Chapter:	259N	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Exemption from customs duties	Version Date:	30/06/1997

Paragraph 2 of Article 50 in the First Schedule to the Ordinance (exemption from customs duties) shall be applied in regard to members of consular posts of the United States of America as if the reference to consular employees included consular guards, messengers and drivers, and as if the words “in respect of articles imported at the time of first installation” were omitted, provided that the member concerned of the consular post satisfies the conditions set out in paragraph 5.

Chapter:	259N	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
Paragraph:	5	Heading:	Conditions	Version Date:	30/06/1997

The conditions referred to in paragraphs 3 and 4 are that the person concerned-

- (a) is not-
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or
 - (iii) a British protected person; and (80 of 1982 s. 3)
 - (b) does not carry on any private gainful occupation in Hong Kong; and
 - (c) is not permanently resident in Hong Kong.
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Chapter:	259N	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
Paragraph:	6	Heading:	Consular bag to be accorded the same treatment as diplomatic bag	Version Date:	30/06/1997

A consular bag exchanged between a consular officer of the United States of America in Hong Kong and the Government, a diplomatic mission or another consular post of the United States of America or the authorities of any territory subject to the sovereignty or authority of the United States of America shall be accorded the treatment which is accorded to a diplomatic bag by paragraph 5 of the Third Schedule to the Ordinance, provided that the consular bag is certified by a responsible officer of the United States of America to contain nothing but official communications and documents.

Chapter:	259O	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (COMMONWEALTH COUNTRIES AND REPUBLIC OF IRELAND) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 section 12)

[4 February 1972]

(L.N. 24 of 1972)

Chapter:	2590	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (COMMONWEALTH COUNTRIES AND REPUBLIC OF IRELAND) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Commonwealth Countries and Republic of Ireland) Order.

Chapter:	2590	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (COMMONWEALTH COUNTRIES AND REPUBLIC OF IRELAND) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Immunities and privileges conferred	Version Date:	30/06/1997

Subject to paragraph 3, any person-

- (a) in the service of a country specified in the First Schedule or in the service of a State or Province of any such country; and (L.N. 258 of 1980)
- (b) holding an office or class of office specified in the Second Schedule,

shall have all the immunities and privileges conferred upon a consular officer under the Ordinance.

Chapter:	2590	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (COMMONWEALTH COUNTRIES AND REPUBLIC OF IRELAND) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Persons excluded	Version Date:	30/06/1997

Any person mentioned in paragraph 2, who is permanently resident in Hong Kong or who is a person within the definition of “national of the receiving state” in section 2(2) of the Ordinance, shall be excluded from all the immunities and privileges conferred under this order other than-

- (a) immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of his functions; and
- (b) the privilege provided in Article 44(3) in the First Schedule to the Ordinance.

Chapter:	2590	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (COMMONWEALTH COUNTRIES AND REPUBLIC OF IRELAND) ORDER		Gazette Number:
Schedule::	1	Heading:	COUNTRIES	Version Date:	30/06/1997

[paragraph 2 (a)]

Australia
Bangladesh
Canada
India
Malaysia
New Zealand
Nigeria
Singapore

(L.N. 115 of 1977)

Chapter:	2590	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (COMMONWEALTH COUNTRIES AND REPUBLIC OF IRELAND) ORDER		Gazette Number:
Schedule:	2	Heading:	OFFICE OR CLASS OF OFFICE	Version Date:	30/06/1997

[paragraph 2(b)]

Consul-General of Australia.
Commissioner for the Government of Canada.
Commissioner for the Government of India.
Commissioner for the Government of Malaysia.
Commissioner for the Government of New Zealand.
Commissioner for the Government of Nigeria.
Commissioner for the Government of Singapore.
Bangladesh Trade Commissioner.
Agent for Alberta, Canada.
Honorary Agent for Prince Edward Island, Canada.
Agent for Quebec, Canada.

(L.N. 115 of 1977; L.N. 258 of 1980; L.N. 378 of 1984; L.N. 336 of 1985; L.N. 44 of 1987; L.N. 282 of 1988; L.N. 386 of 1990; L.N. 22 of 1992; L.N. 163 of 1995)

Chapter:	259P	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 6, 7 & 8)

[4 February 1972]

(L.N. 25 of 1972)

Chapter:	259P	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Republic of Austria) Order.

Chapter:	259P	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Republic of Austria	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Republic of Austria if it is registered in the Austrian register or sea-going vessels or otherwise entitled to fly the Austrian flag.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259P	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master or crew of a ship belonging to the Republic of Austria	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Republic of Austria shall not be entertained by any court in Hong Kong unless a consular officer of the Republic of Austria has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259P	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Proceedings relating to offences committed on board ships belonging to the Republic of Austria	Version Date:	30/06/1997

Where an offence is alleged to have been committed on board any ship belonging to the Republic of Austria by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the Republic of Austria shall not be entertained by any court in Hong Kong, unless-

- (a) the offence is alleged to have been committed-
 - (i) by or against-
 - (A) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (B) a British subject; or
 - (C) a British protected person; or (80 of 1982 s. 3)
 - (ii) against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs; or
- (c) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to 5 years or with a more severe sentence.

Chapter:	259P	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (REPUBLIC OF AUSTRIA) ORDER	Gazette Number:	
Paragraph:	5	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The Republic of Austria is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259Q	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF BELGIUM) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 6, 7 & 8)

[4 February 1972]

(L.N. 26 of 1972)

Chapter:	259Q	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF BELGIUM) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Kingdom of Belgium) Order.

Chapter:	259Q	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF BELGIUM) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Kingdom of Belgium	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Kingdom of Belgium if it is registered under Belgium law for the purposes of navigation at sea.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259Q	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF BELGIUM) ORDER	Gazette Number:	
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Paragraph: 3 Heading: **Proceedings relating to the remuneration, etc., of the master of crew of a ship belonging to the Kingdom of Belgium** Version Date: 30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Kingdom of Belgium shall not be entertained by any court in Hong Kong unless a consular officer of the Kingdom of Belgium has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter: 259Q Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF BELGIUM) ORDER Gazette Number:

Paragraph: 4 Heading: **Proceedings relating to offences committed on board ships belonging to the Kingdom of Belgium** Version Date: 30/06/1997

Where an offence is alleged to have been committed on board any ship belonging to the Kingdom of Belgium by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the Kingdom of Belgium shall not be entertained by any court in Hong Kong, unless-

- (a) the offence is alleged to have been committed-
 - (i) by or against-
 - (A) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (B) a British subject; or
 - (C) a British protected person; or (80 of 1982 s. 3)
 - (ii) against a person other than the master or a member of the crew; or
 - (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs; or
 - (c) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to 5 year or with a more severe sentence.
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Chapter: 259Q Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF BELGIUM) ORDER Gazette Number:

Paragraph: 5 Heading: **Detention on board ship for disciplinary offences** Version Date: 30/06/1997

The Kingdom of Belgium is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259R	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 6, 7 & 8)

[4 February 1972]

(L.N. 27 of 1972)

Chapter:	259R	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Kingdom of Denmark) Order.

Chapter:	259R	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Kingdom of Denmark	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Kingdom of Denmark if it is registered at a port in the Kingdom of Denmark.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259R	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master of crew of a ship belonging to the Kingdom of Denmark	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Kingdom of Denmark shall not be entertained by any court in Hong Kong unless a consular officer of the Kingdom of Denmark has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the state of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259R	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Proceedings relating to offences committed on board ships belonging to the Kingdom of Denmark	Version Date:	30/06/1997

Where an offence is alleged to have been committed on board any ship belonging to the Kingdom of Denmark by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the Kingdom of Denmark shall not be entertained by any court in Hong Kong, unless-

- (a) the offence is alleged to have been committed-
 - (i) by or against-
 - (A) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (B) a British subject; or
 - (C) a British protected person; or (80 of 1982 s. 3)
 - (ii) against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs, or in regard to which the prosecution is instituted by a private person; or
- (c) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to 5 years or with a more severe sentence.

Chapter:	259R	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF DENMARK) ORDER	Gazette Number:	
Paragraph:	5	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The Kingdom of Denmark is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259S	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FRENCH REPUBLIC) ORDER	Gazette Number:	
:		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 7 & 8)

[4 February 1972]

(L.N 28 of 1972)

Chapter:	259S	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FRENCH REPUBLIC) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (French Republic) Order.

Chapter:	259S	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FRENCH REPUBLIC) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the French Republic	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the French Republic if it is

registered under the law of the French Republic.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259S	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FRENCH REPUBLIC) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The French Republic is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259T	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 6, 7 & 8)

[4 February 1972]

(L.N. 29 of 1972)

Chapter:	259T	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Federal Republic of Germany) Order.

Chapter:	259T	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Federal Republic of Germany	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Federal Republic of Germany if it is a ship which lawfully flies the flag of the Federal Republic of Germany.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259T	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master of crew of a ship belonging to the Federal Republic of Germany	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Federal Republic of Germany shall not be entertained by any court in Hong Kong unless a consular officer of the Federal Republic of Germany has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259T	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Proceedings relating to offences committed on board ships belonging to the Federal Republic of Germany	Version Date:	30/06/1997

Where an offence is alleged to have been committed on board any ship belonging to the Federal Republic of Germany by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the Federal Republic of Germany shall not be entertained by any court in Hong Kong, unless-

- (a) the offence is alleged to have been committed-
 - (i) by or against-

- (A) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (B) a British subject; or
 - (C) a British protected person; or (80 of 1982 s. 3)
- (ii) against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs; or
 - (c) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to 5 years or with a more severe sentence.
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Chapter:	259T	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (FEDERAL REPUBLIC OF GERMANY) ORDER	Gazette Number:	
Paragraph:	5	Heading:	Detention of board ship for disciplinary offences	Version Date:	30/06/1997

The Federal Republic of Germany is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259U	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF GREECE) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 7 & 8)

[4 February 1972]

(L.N. 30 of 1972)

Chapter:	259U	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF GREECE) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Kingdom of Greece) Order.

Chapter:	259U	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF GREECE) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Kingdom of Greece	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Kingdom of Greece if it is registered at a port in the Kingdom of Greece.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259U	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF GREECE) ORDER	Gazette Number:	
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Paragraph: 3 Heading: **Proceedings relating to the remuneration, etc., of the master or crew of a ship belonging to the Kingdom of Greece** Version Date: 30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Kingdom of Greece shall not be entertained by any court in Hong Kong unless a consular officer of the Kingdom of Greece has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter: 259U Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF GREECE) ORDER Gazette Number:
Paragraph: 4 Heading: **Detention on board ship for disciplinary offences** Version Date: 30/06/1997

The Kingdom of Greece is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter: 259V Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (ITALIAN REPUBLIC) ORDER Gazette Number:
Heading: **Empowering section** Version Date: 30/06/1997

(Cap. 259 sections 5, 6, 7 & 8)

[4 February 1972]

(L.N. 31 of 1972)

Chapter: 259V Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (ITALIAN REPUBLIC) ORDER Gazette Number:
Paragraph: 1 Heading: **Citation** Version Date: 30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Italian Republic) Order.

Chapter:	259V	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Italian Republic	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Italian Republic if it is a ship flying the Italian flag.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259V	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master or crew of a ship belonging to the Italian Republic	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Italian Republic shall not be entertained by any court in Hong Kong unless a consular officer of the Italian Republic has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259V	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Proceedings relating to offences committed on board ships belonging to the Italian Republic	Version Date:	30/06/1997

Where an offence is alleged to have been committed on board any ship belonging to the Italian Republic by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the Italian Republic shall not be entertained by any court in Hong Kong, unless-

- (a) the offence is alleged to have been committed-
 - (i) by or against-
 - (A) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (B) a British subject; or
 - (C) a British protected person; or (80 of 1982 s. 3)
 - (ii) against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs; or
- (c) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to 5 years or with a more severe sentence.

Chapter:	259V	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (ITALIAN REPUBLIC) ORDER	Gazette Number:	
Paragraph:	5	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The Italian Republic is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259W	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (JAPAN) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 6, 7 & 8)

[4 February 1972]

(L.N. 32 of 1972)

Chapter:	259W	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (JAPAN) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Japan) Order.

Chapter:	259W	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (JAPAN) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to Japan	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to Japan if it is carrying the papers required by the law of Japan in proof of Japanese nationality.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259W	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (JAPAN) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master of crew of a ship belonging to Japan	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to Japan shall not be entertained by any court in Hong Kong unless a consular officer of Japan has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259W	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (JAPAN) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Proceedings relating to offences committed on board ships belonging to Japan	Version Date:	30/06/1997

Where an offence is alleged to have been committed on board any ship belonging to Japan by the

master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of Japan shall not be entertained by any court in Hong Kong, unless-

- (a) the offence is alleged to have been committed-
 - (i) by or against-
 - (A) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (B) a British subject; or
 - (C) a British protected person; or (80 of 1982 s. 3)
 - (ii) against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs; or
- (c) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to 5 years or with a more severe sentence.

Chapter:	259W	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (JAPAN) ORDER	Gazette Number:	
Paragraph:	5	Heading:	Detention of board ship for disciplinary offences	Version Date:	30/06/1997

Japan is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259X	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 7 & 8)

[4 February 1972]

(L.N. 33 of 1972)

Chapter:	259X	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (United States of Mexico) Order.

Chapter:	259X	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the United States of Mexico	Version Date:	30/06/1997

- (1) For the purpose of this order a ship shall be treated as belonging to the United States of Mexico if it is registered at a port in any of the territories of the United States of Mexico.
- (2) Nothing in this order shall apply to any ship of war.

Chapter:	259X	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master or crew of a ship belonging to the United States of Mexico	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the United States of Mexico shall not be entertained by any court in Hong Kong unless either-

- (a) the proceedings are instituted by or against-
- (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a British subject; or
 - (iii) a British protected person; or (80 of 1982 s. 3)
- (b) a consular officer of the United States of Mexico has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259X	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF MEXICO) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The United States of Mexico is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259Y	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 7 & 8)

[4 February 1972]

(L.N. 34 of 1972)

Chapter:	259Y	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (Kingdom of Norway) Order.

Chapter:	259Y	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Kingdom of Norway	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Kingdom of Norway if it is registered at a port in the Kingdom of Norway.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259Y	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF NORWAY) ORDER	Gazette Number:	
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Paragraph: 3 Heading: **Proceedings relating to the remuneration etc., of the master or crew of a ship belonging to the Kingdom of Norway** Version Date: 30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Kingdom of Norway shall not be entertained by any court in Hong Kong unless a consular officer of the Kingdom of Norway has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter: 259Y Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF NORWAY) ORDER Gazette Number:
Paragraph: 4 Heading: **Detention on board ship for disciplinary offences** Version Date: 30/06/1997

The Kingdom of Norway is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter: 259Y Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (SPANISH STATE) ORDER Gazette Number:
Heading: **Empowering section** Version Date: 30/06/1997

(Cap 259 sections 5, 6, 7 & 8)

[4 February 1972]

(L.N. 35 of 1972)

Chapter: 259Z Title: CONSULAR RELATIONS (MERCHANT SHIPPING) (SPANISH STATE) ORDER Gazette Number:
Paragraph: 1 Heading: **Citation** Version Date: 30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping)(Spanish State) Order.

Chapter:	259Z	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (SPANISH STATE) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Spanish State	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Spanish State if it is registered in Spain.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259Z	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (SPANISH STATE) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master or crew of a ship belonging to the Spanish State	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Spanish State shall not be entertained by any court in Hong Kong unless a consular officer of the Spanish State has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259Z	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (SPANISH STATE) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Proceedings relating to offences committed on board ships belonging to the Spanish State	Version Date:	30/06/1997

Where an offence is alleged to have been committed on board any ship belonging to the Spanish State by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the Spanish State shall not be entertained by any court in Hong Kong, unless-

- (a) the offence is alleged to have been committed-
- (i) by or against-
 - (A) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (B) a British subject; or
 - (C) a British protected person; or (80 of 1982 s. 3)
 - (ii) against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquillity or safety of a port, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration, or customs; or
- (c) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to 5 years or with a more severe sentence.
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Chapter:	259Z	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (SPANISH STATE) ORDER	Gazette Number:	
Paragraph:	5	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The Spanish State is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter:	259AA	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 5, 7 & 8)

[4 February 1972]

(L.N. 36 of 1972)

Chapter:	259AA	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) Kingdom of Sweden Order.

Chapter:	259AA	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the Kingdom of Sweden	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the Kingdom of Sweden if it is registered at a port in the Kingdom of Sweden.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259AA	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master or crew of a ship belonging to the Kingdom of Sweden	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Kingdom of Sweden shall not be entertained by any court in Hong Kong unless a consular officer of the Kingdom of Sweden has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Chapter:	259AA	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (KINGDOM OF SWEDEN) ORDER	Gazette Number:	
Paragraph:	4	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The Kingdom of Sweden is designated for the purposes of section 7 of the Ordinance (which relates

to detention on board ship for disciplinary offences).

Chapter:	259AB	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap 259 sections 7 & 8)

[4 February 1972]

(L.N. 372 of 1972)

Chapter:	259AB	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
Paragraph:	1	Heading:	Citation	Version Date:	30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping) (United States of America) Order.

Chapter:	259AB	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
Paragraph:	2	Heading:	Ships to be treated as belonging to the United States of America	Version Date:	30/06/1997

(1) For the purpose of this order a ship shall be treated as belonging to the United States of America if it is documented or registered under the law of any territory subject to the sovereignty or authority of the United States of America, excepting the Panama Canal Zone.

(2) Nothing in this order shall apply to any ship of war.

Chapter:	259AB	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING) (UNITED STATES OF AMERICA) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Detention on board ship for disciplinary offences	Version Date:	30/06/1997

The United States of America is designated for the purposes of section 7 of the Ordinance (which relates to detention on board ship for disciplinary offences).

Chapter: 259AB	Title: CONSULAR RELATIONS (MERCHANT SHIPPING AND CIVIL AVIATION) (ARAB REPUBLIC OF EGYPT) ORDER	Gazette Number:
Heading: Empowering section	Version Date: 30/06/1997	

(Cap 259 sections 5 & 8)

[17 January 1989](L.N. 9 of 1989)

(L.N. 43 of 1987)

Chapter: 259AC	Title: CONSULAR RELATIONS (MERCHANT SHIPPING AND CIVIL AVIATION) (ARAB REPUBLIC OF EGYPT) ORDER	Gazette Number:
Paragraph: 1	Heading: Citation	Version Date: 30/06/1997

This order may be cited as the Consular Relations (Merchant Shipping and Civil Aviation) (Arab Republic of Egypt) Order.

(Enacted 1987)

Chapter: 259AC	Title: CONSULAR RELATIONS (MERCHANT SHIPPING AND CIVIL AVIATION) (ARAB REPUBLIC OF EGYPT) ORDER	Gazette Number:
Paragraph: 2	Heading: Ships and aircrafts to be treated as belonging to the Arab Republic of Egypt	Version Date: 30/06/1997

(1) For the purposes of this order-

- (a) a ship shall be treated as belonging to the Arab Republic of Egypt if it is registered at a port in the territory of the Arab Republic of Egypt; and
- (b) an aircraft shall be treated as belonging to the Arab Republic of Egypt if it is registered in the Arab Republic of Egypt.

(2) Nothing in this order shall apply to any ship of war or military aircraft.

(Enacted 1987)

Chapter:	259AC	Title:	CONSULAR RELATIONS (MERCHANT SHIPPING AND CIVIL AVIATION) (ARAB REPUBLIC OF EGYPT) ORDER	Gazette Number:	
Paragraph:	3	Heading:	Proceedings relating to the remuneration, etc., of the master or commander or crew of a ship or aircraft belonging to the Arab Republic of Egypt	Version Date:	30/06/1997

Proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew of any ship or aircraft belonging to the Arab Republic of Egypt shall not be entertained by any court in Hong Kong unless a consular officer of the Arab Republic of Egypt has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of 2 weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

(Enacted 1987)

Chapter:	259AD	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (ARAB REPUBLIC OF EGYPT) ORDER	Gazette Number:	
		Heading:	Empowering section	Version Date:	30/06/1997

(Cap. 259 section 4(1))

[17 January 1989] **(L.N. 8 of 1989)**

(L.N. 42 of 1987)

Chapter:	259AD	Title:	CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (ARAB REPUBLIC OF EGYPT) ORDER	Gazette Number:	
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Paragraph: 1 Heading: Citation Version Date: 30/06/1997

This order may be cited as the Consular Relations (Privileges and Immunities) (Arab Republic of Egypt) Order.

(Enacted 1987)

Chapter: 259AD	Title: CONSULAR RELATIONS (PRIVILEGES AND IMMUNITIES) (ARAB REPUBLIC OF EGYPT) ORDER	Gazette Number:
Paragraph: 2	Heading: Exemption from dues and taxes in respect of consular residences	Version Date: 30/06/1997

The like exemption from dues and taxes as is accorded under Article 32 in the First Schedule to the Ordinance to the residence of the career head of a consular post shall be extended to the residence of a consular officer of the Arab Republic of Egypt of which the Arab Republic of Egypt or any person acting on its behalf is the owner.

(Enacted 1987)

Comparison between the Consular Relations Ordinance (Cap. 259) and the Consular Relations Bill 1999

Provisions of the Consular Relations Ordinance (Cap. 259)	Corresponding Provision in the Consular Relations Bill 1999	Remarks
Section 1: Short title	Clause 1: Short title	The Bill will have the same short title as the existing Ordinance.
--	Clause 2: Interpretation	This clause provides for the definitions required for the interpretation of the contents of the Bill.
Section 2: Application of the Vienna Convention	Clause 3: Provisions of the Vienna Convention on Consular Relations	Existing provisions are suitably amended and reproduced in the Bill to take into account the position of Hong Kong as a Special Administrative Region (SAR) of the People's Republic of China (PRC), and to ensure consistency with the international rights and obligations of the Central People's Government.
Section 3: Restriction of privileges and immunities	Clause 4: Orders providing for additional or reduced privileges and immunities	Sections 3 and 4 are being suitably amended (to take into account the position of Hong Kong as an SAR of the PRC) and re-organised (for better presentation).
Section 4: Agreements providing for additional or reduced privileges and immunities		
Section 5: Civil jurisdiction concerning service on board ship or aircraft	--	<p>These sections were enacted to enable the implementation of merchant shipping aspects in consular agreements between the United Kingdom and other countries which ceased to apply to Hong Kong on 1 July 1997. The Orders made under these sections of the Consular Relations Ordinance are going to be repealed upon the enactment of Adaptation of Laws (No. 10) Bill 1999.</p> <p>These sections of the Ordinance are now obsolete as the current consular agreements between PRC and the other countries concerning the maintenance or establishment of consular posts in the HKSAR contain no provisions in these respects. Therefore, we do not see the need to reproduce these sections in the Bill.</p>
Section 6: Jurisdiction over offences committed on board ship		
Section 7: Detention on board ship for disciplinary offences		
Section 8: Ship and aircraft belonging to a State		

Provisions of the Consular Relations Ordinance (Cap. 259)	Corresponding Provision in the Consular Relations Bill 1999	Remarks
Section 9: Authorized refund of duties paid on hydrocarbon oils	Clause 5: Authorized refund of duties paid on hydrocarbon oils	This section of the current Ordinance is being reproduced in the Bill.
Section 10: Right of diplomatic agents and consular officers to administer oaths and do notarial acts in certain cases	Clause 6: Right of diplomatic agents and consular officers to administer oaths and do notarial acts in certain cases	This section of the current Ordinance is being reproduced in the Bill.
Section 11: Evidence	Clause 7: Evidence	The existing provision in the Ordinance is being suitably amended taking into account relevant provisions of the Basic Law and the position of Hong Kong as an SAR of the PRC.
Section 12: Privileges and immunities of official representatives of Commonwealth countries, etc.	--	This section should be repealed in line with the position of Hong Kong as an SAR of the PRC.
Section 13: Application of specified Articles in the Vienna Convention on Diplomatic Relations 1961	--	This section of the Ordinance relates to the Second Schedule and the Third Schedule which are to be repealed. Re-production of this section in the Bill is therefore not necessary.
--	Clause 8: Application of national laws	The purpose of this new clause is to clarify the relationship between the provisions in the Bill and the effect of the Regulations of the PRC Concerning Diplomatic Privileges and Immunities and the Regulations of the PRC Concerning Consular Privileges and Immunities which were applied to the HKSAR by promulgation on 1 July 1997.
--	Clause 9: Repeal	This clause aims to repeal the existing Consular Relations Ordinance and its subsidiary legislation.

Provisions of the Consular Relations Ordinance (Cap. 259)	Corresponding Provision in the Consular Relations Bill 1999	Remarks
First Schedule: Provisions of Vienna Convention having the force of law in Hong Kong	Schedule: Provisions of the Vienna Convention on Consular Relations having the force of law in Hong Kong	The Schedule of the Bill reproduces the provisions of the Vienna Convention on Consular Relations currently included in the First Schedule of the Ordinance.
Second Schedule: Provisions for giving effect to other agreements	-	Under the Bill, additional consular privileges and immunities in other agreements will be given effect by way of Orders to be made by the Chief Executive in Council under Clause 4(1). It is therefore not necessary to reproduce the Second Schedule of the Ordinance in the Bill.
Third Schedule: Applied Articles of the Vienna Convention on Diplomatic Relations signed in 1961	-	Currently, the Third Schedule of the Ordinance exists for the purpose of the Second Schedule. As the Second Schedule will not be reproduced in the Bill, the Third Schedule is also not required.