

**Extract from the Administration's response
to the issues raised by the Subcommittee on Subsidiary Legislation
Relating to Consular Matters gazetted on 9 July 2003 relating to
consular functions of safeguarding the interests of deceased nationals in
cases of succession mortis causa in the receiving State**

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**Consular functions of safeguarding the interests of deceased nationals in
the HKSAR**

Q2 Whether Canadian consular officers, who are entitled to exercise estate-related consular functions under the PRC/Canada Agreement, would be accorded with any privileges and immunities not available to an ordinary Hong Kong citizen in the case of dispute or litigation between the two parties over the right to estate property in Hong Kong.

A2 Article 5(g) of the Vienna Convention on Consular Relations 1963 (the VCCR) requires that consular activities concerning safeguarding the interests of nationals in cases of succession mortis causa in the territory of the receiving State, must be conducted “in accordance with the laws and regulations of the receiving State”. Article 10(6) of the Consular Agreement between Canada and the People’s Republic of China, which deals with functions concerning estates under Article 10(3) to (5), also provides that a consular officer “shall comply with the law of the receiving State”. If a consular officer performs acts under section 2 of Cap. 191, he/she is obliged to act in accordance with the laws of Hong Kong. The same apply if a consular officer performs acts under section 3 of the Consular Conventions Ordinance (Cap. 267). Section 4 of that Ordinance is also relevant.