

Subcommittee on Consular Relations (Additional Privileges and Immunities) (Cambodia) and Consular Relations (Additional Privileges and Immunities) (Philippines) Order

**List of follow-up actions arising from the discussion
at the meeting on 27 October 2015**

Question: The Administration is requested to provide information on the stance of Hong Kong Special Administrative Region and its legal interpretation of the term "consular archives", i.e. whether it only means physical form documents or it also covers documents stored in electronic form, in the bilateral consular agreements that have been entered before the use of electronic devices became common.

Answer: Article 1(k) of the "Vienna Convention on Consular Relations" ("VCCR") defines the meaning of "consular archives". It provides that –

"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-indexes and any article of furniture intended for their protection or safekeeping.

From the international law perspective, the definition of "consular archives" in the VCCR is non-exhaustive and could cover documents stored in electronic form. In the book "Consular Law and Practice" (3rd Edition) by Luke Lee and John Quigley at page 392, it is also noted that –

"VCCR Art.1(k) was drafted before the era of electronically stored data, but its terms are sufficiently broad to include such data."

In view of the above, consular archives of the consular missions in the Hong Kong Special Administrative Region include documents stored in electronic form.