

**Subcommittee on
International Organizations (Privileges and Immunities)
(New Development Bank) Order**

**Government's Response to the Follow-up Action
Arising from the Meeting Held on 24 April 2018**

**Issue Relating to Conferment of Privileges and Immunities to an
International Organisation**

Article 151 of the Basic Law provides that “The Hong Kong Special Administrative Region may on its own, using the name ‘Hong Kong, China’, maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields.”

2. Conferment of privileges and immunities on an international organization is outside the scope of Article 151 of the Basic Law, and is a matter falling within the realm of foreign affairs relating to the Hong Kong Special Administrative Region, for which the Central People's Government shall be responsible under Article 13 of the Basic Law. Hence, the Hong Kong Special Administrative Region Government (“HKSARG”) on its own does not have the competence to confer privileges and immunities on an international organization while concluding an agreement with that international organization under Article 151 of the Basic Law. Authorization from the Central People's Government would be required if the HKSARG is to confer privileges and immunities on an international organization (including one which intends to set up a regional office in Hong Kong), regardless of whether the HKSARG is a party to the agreement establishing that international organization.