

**L.N. 140 of 2022**

**International Organizations (Privileges and Immunities)  
(AALCO Hong Kong Regional Arbitration Centre)  
Order**

(Made by the Chief Executive in Council under section 3 of the  
International Organizations (Privileges and Immunities) Ordinance  
(Cap. 558))

**1. Commencement**

This Order comes into operation on 17 November 2022.

**2. Interpretation**

In this Order—

*Agreement* (《協定》) means the Agreement Between the Government of the People's Republic of China and the Asian-African Legal Consultative Organization on the Establishment of a Regional Centre for Arbitration in the Hong Kong Special Administrative Region of the People's Republic of China, done at New York on 10 November 2021;

*Centre* (中心) means the AALCO Hong Kong Regional Arbitration Centre.

**3. Provisions of Agreement having force of law in Hong Kong**

- (1) The provisions of the Agreement as set out in the Schedule have the force of law in Hong Kong and are, for that purpose, to be construed in accordance with subsections (2), (3) and (4).

- (2) In applying Articles V, VII and VIII of the Agreement, a reference to “HKSAR” is to be construed as meaning the Hong Kong Special Administrative Region.
  - (3) The reference to “the relevant laws and regulations of the People’s Republic of China” in Article VII of the Agreement is, in relation to the Hong Kong Special Administrative Region, to be construed as meaning the national laws of the People’s Republic of China listed in Annex III to the Basic Law and applied in the Hong Kong Special Administrative Region by way of promulgation or legislation in accordance with Article 18 of the Basic Law.
  - (4) In applying paragraph 2 of Article VIII of the Agreement—
    - (a) the reference to “the Government” is to be construed as meaning the Central People’s Government of the People’s Republic of China; and
    - (b) the reference to “safeguard” is to be construed as including any safeguard that the Central People’s Government authorizes the Government of the Hong Kong Special Administrative Region to apply.
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## **Schedule**

[s. 3]

### **Provisions of Agreement Having Force of Law in Hong Kong**

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#### **ARTICLE V**

#### **JURIDICAL PERSONALITY OF THE CENTRE**

The Centre shall have the legal capacity to execute its functions and duties in ... the HKSAR.

#### **ARTICLE VI**

#### **INTERPRETATION**

This Agreement shall be interpreted in light of its primary objective of enabling the Centre to fully and efficiently discharge its duties and fulfil its objectives and functions as an independent arbitral institution of an international character.

**ARTICLE VII**  
**PRIVILEGES AND IMMUNITIES**

The Centre and its personnel shall enjoy the following privileges and immunities as may be necessary for the purpose of executing its functions and duties, respecting the relevant laws and regulations of the People's Republic of China, including the laws and regulations of the HKSAR:

- (a) The Government of the HKSAR shall take steps to ensure that the Centre and its personnel shall not be liable for acts done or omitted to be done in the execution of the Centre's functions and duties concerning appointment of an arbitral tribunal or mediator, and exercise or performance of any other function of an administrative nature in connection with arbitral or mediation proceedings, unless it is proved that the act was done or omitted to be done dishonestly;
- (b) The Government of the HKSAR shall take steps to ensure that the premises of the Centre, its property, assets, archives and all documents belonging to it, or otherwise held by it, shall be inviolable;
- (c) The Government of the HKSAR shall take steps to ensure that the Centre be exempted from customs duties in respect of office equipment used for its official purposes;
- (d) The Government of the HKSAR shall take steps to ensure that the income of the Centre be exempted from taxes in the HKSAR; and
- (e) The Government of the HKSAR shall take steps to ensure that foreign professional staff of the Centre be exempted from taxation in the HKSAR on the salaries and emoluments paid to them by the Centre, with the Centre paying the salaries of its foreign professional staff.

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**ARTICLE VIII**  
**SECURITY**

...

2- Nothing in this Agreement shall affect the right of the Government to apply any appropriate safeguard for the national security of the People's Republic of China, including the security of the HKSAR.

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Wendy LEUNG  
Clerk to the Executive Council

COUNCIL CHAMBER

7 June 2022

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Explanatory Note  
Paragraph 1

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### **Explanatory Note**

On 10 November 2021, the Government of the People's Republic of China and the Asian-African Legal Consultative Organization (*AALCO*) signed an Agreement relating to the establishment of a Regional Centre for Arbitration of the AALCO (*Centre*) in the Hong Kong Special Administrative Region (*Agreement*).

2. This Order declares that certain provisions of the Agreement relating to the status of the Centre and the privileges and immunities of the Centre and its personnel have the force of law in Hong Kong.