

L.N. 217 of 2025

**International Organizations (Privileges and Immunities)
(International Organization for Mediation) 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 is deemed to have come into operation on
29 August 2025.

2. Interpretation

In this Order—

Convention (《公約》) means the Convention on the Establishment
of the International Organization for Mediation, done at
Hong Kong on 30 May 2025;

Governing Council (理事會) means the Organization's Governing
Council established under the Convention;

Organization (調解院) means the International Organization for
Mediation established under the Convention.

3. Provisions of Convention having force of law in Hong Kong

(1) The provisions of the Convention as set out in the
Schedule—

(a) have the force of law in Hong Kong; and

(b) for that purpose, are to be construed in accordance
with subsections (2), (3), (4), (5), (6), (7), (8), (9) and
(10).

- (2) In applying paragraph 1 of Article 48 of the Convention, the reference to “the territories of Contracting States” is to be construed as a reference to the area of the Hong Kong Special Administrative Region of the People’s Republic of China.
- (3) In applying paragraph 5(b) of Article 49 of the Convention, the reference to “will not be sold in the country into which they were imported except under conditions agreed with the government of that country” is to be construed as meaning “will not be sold in Hong Kong except under conditions agreed with the Government of the Hong Kong Special Administrative Region”.
- (4) In applying Article 50 of the Convention, the reference to “each Contracting State” is to be construed as meaning the People’s Republic of China.
- (5) In applying paragraph 1(d) of Article 51 of the Convention, the reference to “the Contracting State they are visiting or through which they are passing” is to be construed as meaning “the Hong Kong Special Administrative Region of the People’s Republic of China if they are visiting or passing through the Hong Kong Special Administrative Region of the People’s Republic of China”.
- (6) In applying paragraph 3 of Article 51 of the Convention, the reference to “a Contracting State” is to be construed as a reference to the Hong Kong Special Administrative Region of the People’s Republic of China.
- (7) In applying paragraph 5 of Article 51 of the Convention, that paragraph is to be construed as if it provided as follows: “The provisions of paragraphs 1 to 3 are not applicable as between a representative and the authorities of Hong Kong if the representative is a Chinese national

or if the representative is or has been a representative of the People’s Republic of China”.

- (8) In applying Article 52 of the Convention, the reference to “officials” is to be construed as meaning a person included in any category of officials that is—
 - (a) approved by the Governing Council from time to time under paragraph 1 of Article 52 of the Convention; and
 - (b) communicated to the governments of all Contracting States (as defined by Article 2 of the Convention).
 - (9) In applying paragraph 2(g) of Article 52 of the Convention, the reference to “the country in question” is to be construed as a reference to the Hong Kong Special Administrative Region of the People’s Republic of China.
 - (10) In applying paragraph 1(e) of Article 53 of the Convention, the reference to “local nationals” is to be construed as meaning “Chinese nationals or Hong Kong permanent residents”.
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Schedule

[s. 3]

Provisions of Convention Having Force of Law in Hong Kong

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Article 2 Definitions

For the purposes of this Convention:

a. “mediation” means a process, whether referred to by the term mediation, conciliation or other similar expressions, whereby the parties attempt to reach a mutually acceptable and amicable settlement of their dispute on a voluntary basis with the assistance of a third person or persons (the mediator) who may facilitate a solution between the parties to the dispute and lack the power to impose it upon the parties;

b. “Contracting States” means States which have consented to be bound by this Convention and for which this Convention is in force;

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d. “parties” means all parties to a dispute and “party” means any one of them;

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Article 6 Legal status

1. The Organization is hereby conferred international legal personality and shall have full legal capacity:

- a. to contract;
- b. to acquire, and dispose of, immovable and movable property;
- c. to take legal actions, including instituting and responding to legal proceedings; and
- d. to take such other action as may be necessary or useful for its purposes, objectives and functions.

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Article 48 General principles

1. The Organization shall enjoy in the territories of Contracting States such privileges and immunities as necessary for the performance and fulfilment of its purposes, objectives and functions.

2. Representatives of Contracting States and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Article 49 Property, funds and assets

1. The Organization, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. Any waiver given is not to be understood as extending to any immunity from measure of execution, unless such

immunity has been expressly and separately waived by the Organization.

2. The premises of the Organization shall be inviolable. The property and assets of the Organization, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

3. The archives of the Organization, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

4. Without being restricted by financial controls, regulations or moratoria of any kind,

a. the Organization may hold any kind of funds, currency or other assets, and may open and operate accounts in any convertible currency;

b. the Organization shall be free to transfer its funds, currency or other assets from one country to another or within any country and to convert any currency held by it into any other currency.

5. The Organization, its assets, income and other property shall be:

a. exempt from all direct taxes; it is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

b. exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organization for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the government of that country; and

c. exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

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Article 50 Facilities in respect of communications

Official communications of the Organization shall be accorded by each Contracting State the same treatment that it accords to the official communications of any other State.

Article 51 Representatives of Contracting States

1. Representatives of Contracting States to the Governing Council and to meetings convened by the Organization, shall, while exercising their functions and during the journey to and from the place of meeting, enjoy the following privileges and immunities:

a. immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

b. inviolability for all papers and documents;

c. the right to use codes and to receive papers or correspondence by courier or in sealed bags;

d. exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the Contracting State they are visiting or through which they are passing in the exercise of their functions;

e. the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

f. the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and

g. such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

2. In order to secure, for representatives of Contracting States to the Governing Council and to meetings convened by the Organization, freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer representatives of Contracting States.

3. Where the incidence of any form of taxation depends upon residence, periods during which representatives of Contracting States to the Governing Council and to meetings convened by the Organization are present in a Contracting State for the discharge of their duties shall not be considered as periods of residence.

4. Privileges and immunities are accorded to the representatives of Contracting States not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a Contracting State not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Contracting State the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

5. The provisions of paragraphs 1 to 3 are not applicable as between a representative and the authorities of the Contracting State of which he or she is a national or of which he or she is or has been the representative.

6. In this Article, the expression “representatives” shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

Article 52 Officials

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2. Officials of the Organization shall:

a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

b. be exempt from taxation on the salaries and emoluments paid to them by the Organization;

c. be immune from national service obligations;

d. be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

e. be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the government concerned;

f. be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys; and

g. have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

3. In addition to the immunities and privileges specified in paragraph 2, the Secretary-General and any Deputy Secretary-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

4. Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his or her opinion, the immunity would impede the course of justice and

can be waived without prejudice to the interests of the Organization. In the case of the Secretary-General, the Governing Council shall have the right to waive immunity.

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Article 53 Mediators and participants in mediation proceedings

1. Persons appearing in mediation proceedings in respect of disputes under Articles 25 and 27 as mediators, parties, agents, counsel, witnesses or experts shall be accorded:

a. immunity from personal arrest or detention and from seizure of their personal baggage while exercising their functions;

b. immunity from legal process in respect of words spoken or written and all acts performed by them in the course of their participation in mediation proceedings;

c. inviolability of all papers, documents in whatever form and materials relating to their participation in mediation proceedings;

d. for purposes of their communications in relation to mediation proceedings, the right to receive and send papers and documents in whatever form by duly identified couriers or in sealed bags; and

e. not being local nationals, the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by Contracting States to officials of the Organization.

The immunities referred to in sub-paragraphs (a) and (e) shall only apply in connection with their travel to and from, and their stay at, the place where the proceedings are held.

2. Persons acting as mediators in mediation proceedings under this Convention shall be exempt from taxation on any fees and expense allowances paid to them by or through the Organization for the work conducted in their capacity as mediators.

3. Privileges and immunities are granted to the said persons in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any person in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

Article 54 Exception to immunities

The immunities provided in paragraph 1(a) of Article 51, paragraph 2(a) of Article 52, and paragraph 1(b) of Article 53 shall not apply to civil liability either in the case of damage from a road traffic accident, or in the case of other personal injury or death.

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Ellen CHAN
Clerk to the Executive Council

COUNCIL CHAMBER

18 November 2025

Explanatory Note

On 30 May 2025, the Convention on the Establishment of the International Organization for Mediation (*Convention*) was done by 33 contracting states at Hong Kong. The Convention entered into force for the People's Republic of China (including Hong Kong) on 29 August 2025.

2. This Order declares that the provisions of the Convention as set out in the Order have the force of law in Hong Kong. Those provisions relate to—
 - (a) the status of the International Organization for Mediation; and
 - (b) the privileges and immunities of the Organization and of persons connected with it.