

中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府
關於英國在中華人民共和國
香港特別行政區設立總領事館
藉互換照會而達成的協議

Agreement Constituted by Exchange of Notes
Between the Government of the People's Republic of China
and the Government of the United Kingdom of
Great Britain and Northern Ireland
Concerning the Establishment of
a British Consulate-General
in the Hong Kong Special Administrative Region
of the People's Republic of China

Note No. 66/96

The Embassy of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Ministry of Foreign Affairs of the People's Republic of China and would like to propose, on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, in implementation of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the question of Hong Kong, done at Beijing on 19 December 1984, whereby it is provided that the United Kingdom may establish a Consulate-General in the Hong Kong Special Administrative Region, and proceeding from the common desire further to develop friendly relations and strengthen consular relations between the two countries, that the Governments of the United Kingdom of Great Britain and Northern Ireland and the People's Republic of China hereby agree on the establishment of a British Consulate-General in Hong Kong as follows:

1. The Government of the People's Republic of China confirms its consent to the Government of the United Kingdom of Great Britain and Northern Ireland to establish a Consulate-General in Hong Kong with the consular district comprising the Hong Kong Special Administrative Region.
2. In accordance with the Vienna Convention on Consular Relations of 24 April 1963 and the relevant laws and regulations of the People's Republic of China, the Government of the People's Republic of China shall provide the necessary assistance for the establishment of the Consulate-General.
3. The like exemption from dues and taxes as shall be accorded to the premises of the Consulate-General shall be accorded to the residence of a consular officer of which the Government of the United Kingdom, or any person acting on its behalf, is the owner or lessee.
4. Articles 3, 5, 6, 7 and 8 of the Agreement between the two Governments done at Beijing on the 17th day of April 1984 on the establishment of Consulates-General at Shanghai and Manchester ^(Note) shall apply to the Consulate-General to be established under the present Agreement.
5. Consular matters which are not dealt with in this Agreement shall be regulated by the Vienna Convention on Consular Relations of 24 April 1963. Consular matters shall be handled on the basis of equality and mutual benefit and in a friendly and co-operative spirit.

If the above proposal is confirmed in a Note from the Ministry of Foreign Affairs representing the Government of the People's Republic of China, this Note and the reply from the Ministry of Foreign Affairs shall constitute an

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China. It shall enter into force on 1 July 1997.

The Embassy of the United Kingdom of
Great Britain and Northern Ireland in China

Beijing 26 September 1996

Note: Articles 3, 5, 6, 7 and 8 of the Agreement Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Establishment of a British Consulate-General at Shanghai and a Chinese Consulate-General at Manchester extracted as follows:

Article 3

(1) The consular premises shall be inviolable. The authorities of the receiving State may not enter the consular premises without the consent of the head of the consular post or the head of the diplomatic mission of the sending State, or a person designated by one of those persons.

(2) The receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

(3) The provisions of paragraph (1) of this Article shall likewise apply to the residences of consular officers.

Article 5

(1) The receiving State shall take all steps necessary to provide full facilities for the performance of consular functions by the consular officers of the sending State.

(2) With the consent of the receiving State, consular officers shall be able to exercise consular functions in areas outside their consular district when necessary. The receiving State shall render necessary assistance in this regard.

Article 6

The receiving State shall treat consular officers with due respect, and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 7

(1) Members of the consular post and members of their families shall be immune from the criminal jurisdiction of the receiving State and shall not be liable to arrest or detention pending trial.

(2) Members of the consular post shall be immune from the civil and administrative jurisdiction of the receiving State in respect of any act performed by them in the exercise of consular functions.

(3) The provisions of paragraph (2) of this Article shall not apply in respect of a civil action:

- (a) relating to private immovable property situated in the receiving State, unless the member of the consular post holds it on behalf of the sending State for the purposes of the consular post;
- (b) relating to succession in which the member of the consular post is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) relating to any professional or commercial activity exercised by the member of the consular post in the receiving State outside his official functions;
- (d) arising out of a contract concluded by the member of the consular post in which he did not contract, expressly or impliedly, on behalf of the sending State;
- (e) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

(4) No measures of execution shall be taken against any of the persons mentioned in this Article, except in the cases coming under subparagraphs (a), (b) and (c) of paragraph (3) of this Article and provided also that the measures concerned can be taken without infringing the inviolability of the person concerned or of his residence.

(5) Members of the consular post and members of their families may be called upon to attend as witnesses in the course of judicial or administrative proceedings. If a consular officer or a member of his family should decline to

give evidence, no coercive measure or penalty shall be applied to that person. Consular employees and members of their families, as well as members of the service staff and members of their families, may not decline to give evidence except as provided in paragraph (6) of this Article.

(6) Members of the consular post are under no obligation to give evidence concerning matters relating to the exercise of their official functions or to produce official correspondence or documents. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

(7) In taking evidence from members of the consular post, the authorities of the receiving State shall take all appropriate measures to avoid interference with the performance of their consular functions. At the request of the head of the consular post, such evidence may, when possible, be given orally or in writing at the consular premises or at the residence of the person concerned.

(8) Members of the consular post who are nationals or permanent residents of the receiving State and members of their families, as well as those members of the families of the members of the consular post who are themselves nationals or permanent residents of the receiving State, shall not enjoy the rights, facilities and immunities provided for in this Article, except the immunity provided for in paragraph (6) of this Article.

Article 8

(1) Consular officers shall have the right to communicate with nationals of the sending State and to have access to them in the consular district. The receiving State shall not in any way limit the communication of nationals of the sending State with the consular post or their access to it.

(2) If a national of the sending State is arrested, committed to prison or detained in any other manner in the consular district, the competent authorities of the receiving State shall notify the consular post of the sending State to that effect as soon as possible and at the latest within seven days from the time at which the personal freedom of that national is restricted. A visit to that national as requested by consular officers shall be arranged by the competent authorities of the receiving State two days after the consular post is notified of the restriction of the personal freedom of that national. Subsequent visits shall be permitted at intervals not exceeding one month.

(3) The rights mentioned in this Article shall be exercised within the framework of the laws and regulations of the receiving State, it being understood, however, that those laws and regulations shall enable full effect to be given to the purposes for which the said rights are granted.