

《國際組織 (特權及豁免權) (〈關於禁止發展、生產、儲存和使用化學武器及銷毀此種武器的公約〉) 令》
(第 558 章, 附屬法例 G)

International Organizations (Privileges and Immunities) (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction) Order
(Cap. 558 sub. leg. G)

版本日期
Version date
2.8.2012

經核證文本
Verified Copy

(《法例發布條例》(第 614 章) 第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

如某內頁的頁底標明：

- “經核證文本”；及
 - 以下列表顯示的該頁的最後更新日期，
- 該頁所載條文即視作於上述“版本日期”的正確版本。

此文本所載條文，如並非正在實施，會有附註作說明。

A provision is presumed to be correctly stated as at the above version date if it is on a page marked at the bottom with:

- the words “Verified Copy”; and
- the last updated date shown in this table for the page.

Any provision included in this copy that is not in force is marked accordingly.

條文 Provision	頁數 Page number	最後更新日期 Last updated date
主體 Main	1—4	2.8.2012
附表 Schedule	S-1—S-8	8.6.2012

尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

Please see Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for information of provisions and amendments not yet in operation.

《國際組織(特權及豁免權)(關於禁止發展、生產、儲存和使用化學武器及銷毀此種武器的公約)令》

International Organizations (Privileges and Immunities) (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction) Order

E-1
第 558G 章

E-2
Cap. 558G

制定史

本為 2012 年第 52 號法律公告 —— 2012 年第 2 號編輯修訂紀錄

Enactment History

Originally L.N. 52 of 2012 — E.R. 2 of 2012

《國際組織 (特權及豁免權) (關於禁止發展、生產、儲存和使用化學武器及銷毀此種武器的公約) 令》

(第 558 章，附屬法例 G)

目錄

條次		頁次
1.	(已失時效而略去)	1
2.	釋義	1
3.	在香港具有法律效力的《公約》條文	1
附表	在香港具有法律效力的《公約》條文	S-1

International Organizations (Privileges and Immunities) (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction) Order

(Cap. 558 sub. leg. G)

Contents

Section		Page
1.	(Omitted as spent)	2
2.	Interpretation	2
3.	Provisions of Convention having force of law in Hong Kong	2
Schedule	Provisions of Convention Having Force of Law in Hong Kong	S-2

《國際組織 (特權及豁免權) (關於禁止發展、生產、儲存和使用化學武器及銷毀此種武器的公約) 令》

(第 558 章第 3 條)

(略去制定語式條文——2012 年第 2 號編輯修訂紀錄)

[2012 年 6 月 8 日]

1. (已失時效而略去——2012 年第 2 號編輯修訂紀錄)
2. **釋義**
在本命令中——
《公約》 (Convention) 具有《化學武器 (公約) 條例》(第 578 章) 第 2(1) 條給予該詞的涵義；
《核查附件》 (Verification Annex) 指《公約》內關於執行和核查的附件。
3. **在香港具有法律效力的《公約》條文**
 - (1) 現宣布附表指明的《核查附件》第二部分第 11、12、13(自“在不減損”至“該國內政。”)、14 及 15 款的條文，在香港具有法律效力，而為該目的，該等條文須按照第 (2) 及 (3) 款解釋。
 - (2) 在應用《核查附件》第二部分下述各款時，對下述詞句的提述須解釋為指香港——
 - (a) 在第 11 款中的“被視察締約國或所在國領土”；

International Organizations (Privileges and Immunities) (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction) Order

(Cap. 558, section 3)

(Enacting provision omitted—E.R. 2 of 2012)

[8 June 2012]

1. (Omitted as spent—E.R. 2 of 2012)
2. **Interpretation**
In this Order—
Convention (《公約》) has the meaning given by section 2(1) of the Chemical Weapons (Convention) Ordinance (Cap. 578);
Verification Annex (《核查附件》) means the Annex on Implementation and Verification to the Convention.
3. **Provisions of Convention having force of law in Hong Kong**
 - (1) It is declared that the provisions of paragraphs 11, 12, 13 (from “Without prejudice” to “the internal affairs of that State.”), 14 and 15 of Part II of the Verification Annex as specified in the Schedule have the force of law in Hong Kong and for that purpose are to be construed in accordance with subsections (2) and (3).

- (b) 在第 11(g) 款中的“被視察締約國或所在締約國領土”；
 - (c) 在第 11(i) 款中的“在被視察締約國或所在國領土”；
 - (d) 在第 12 款中的“非被視察締約國領土”；及
 - (e) 在第 13 款中的“被視察締約國或所在國”。
- (3) 在應用《核查附件》第二部分第 11(d) 款時，對“有關規章”的提述，須解釋為指關乎處理及運輸有害物品的香港法例。
-

- (2) In applying the following paragraphs of Part II of the Verification Annex, the references to the following expressions are to be construed as meaning Hong Kong—
- (a) in paragraph 11, “the territory of the inspected State Party or Host State”;
 - (b) in paragraph 11(g), “the territory of the inspected State Party or Host State Party”;
 - (c) in paragraph 11(i), “the territory of the inspected State Party or the Host State”;
 - (d) in paragraph 12, “the territory of non-inspected States Parties”; and
 - (e) in paragraph 13, “the inspected State Party or Host State”.
- (3) In applying paragraph 11(d) of Part II of the Verification Annex, the reference to “relevant regulations” is to be construed as meaning the laws of Hong Kong relating to the handling and transport of hazardous goods.
-

附表

[第 3 條]

在香港具有法律效力的《公約》條文

《核查附件》第二部分

...

B. 特權和豁免

...

11. 為有效執行其職務，視察員和視察助理應享有 (a) 至 (i) 項所列的特權和豁免。視察組成員特權和豁免的授予，應是為了本公約，而不是為了其個人私利。視察組成員應在從抵達被視察締約國或所在國領土算起到離開此一領土為止這整段期間內享有此種特權和豁免，並在此後針對其先前執行公務的行為享有此種特權和豁免。
- (a) 視察組成員應享有外交代表根據 1961 年 4 月 18 日《維也納外交關係公約》第 29 條所享有的不受侵犯權。
- (b) 根據本公約進行視察活動的視察組的住所及辦公場所應享有外交代表館舍根據《維也納外交關係公約》第 30 條第 1 款所享有的不受侵犯權和保護。

Schedule

[s. 3]

Provisions of Convention Having Force of Law in Hong Kong

Part II of Verification Annex

...

B. PRIVILEGES AND IMMUNITIES

...

11. To exercise their functions effectively, inspectors and inspection assistants shall be accorded privileges and immunities as set forth in subparagraphs (a) to (i). Privileges and immunities shall be granted to members of the inspection team for the sake of this Convention and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party or Host State, and thereafter with respect to acts previously performed in the exercise of their official functions.
- (a) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.
- (b) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Convention shall be accorded the inviolability and

- (c) 視察組的文書和信件，包括記錄，應享有外交代表的一切文書和信件根據《維也納外交關係公約》第 30 條第 2 款所享有的不受侵犯權。視察組應有權使用密碼與技術秘書處通訊。
- (d) 視察組攜帶的樣品和核准的設備在不違反本公約條款的前提下應不受侵犯，並免繳一切關稅。運輸有害樣品應遵守有關規章。
- (e) 視察組成員應享有外交代表根據《維也納外交關係公約》第 31 條第 1、第 2 和第 3 款所享有的豁免。
- (f) 根據本公約進行規定活動的視察組成員應免納外交代表根據《維也納外交關係公約》第 34 條所免納的一切捐稅。
- (g) 視察組成員攜帶個人用品進入被視察締約國或所在締約國領土，應免繳一切關稅或有關費用，但法律禁止或檢疫條例管制進口或出口的物品除外。

- protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations.
- (c) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat.
 - (d) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in this Convention and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant regulations.
 - (e) The members of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations.
 - (f) The members of the inspection team carrying out prescribed activities pursuant to this Convention shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.
 - (g) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party or Host State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

- (h) 視察組成員享有的貨幣和兌換便利應與外國政府臨時公務代表的待遇相同。
- (i) 視察組成員不得在被視察締約國或所在國領土上為私人利益從事任何專業或商業活動。
12. 在非被視察締約國領土過境期間，視察組成員應享有外交代表根據《維也納外交關係公約》第 40 條第 1 款所享有的特權和豁免。他們所攜帶的文書和信件，包括記錄，以及樣品和核准的設備，應享有第 11 款 (c) 和 (d) 項中載明的特權和豁免。
13. 在不減損其特權和豁免的前提下，視察組成員有義務遵守被視察締約國或所在國的法律和規章，並在符合視察任務授權的前提下有義務不干涉該國內政。...
14. 如果總幹事認為視察組成員的管轄豁免會妨礙司法並且放棄豁免不致妨礙本公約條款的執行，總幹事可放棄此種豁免。放棄豁免絕對須明示。

- (h) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.
- (i) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party or the Host State.
12. When transiting the territory of non-inspected States Parties, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records, and samples and approved equipment, carried by them, shall be accorded the privileges and immunities set forth in paragraph 11(c) and (d).
13. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party or Host State and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. ...
14. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Convention. Waiver must always be express.

《國際組織(特權及豁免權)(關於禁止發展、生產、儲存和使用化學武器及銷毀此種武器的公約)令》

S-7
第 558G 章

附表

15. 觀察員應享有視察員根據本節所享有的特權和豁免，但視察員根據第 11 款 (d) 項享有的特權和豁免除外。

...

International Organizations (Privileges and Immunities) (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction) Order

Schedule

S-8
Cap. 558G

15. Observers shall be accorded the same privileges and immunities accorded to inspectors pursuant to this section, except for those accorded pursuant to paragraph 11(d).

...