

《國際組織 (特權及豁免權) (歐洲共同體委員會辦事處) 令》
(第 558 章, 附屬法例 A)

International Organizations (Privileges and Immunities) (Office of the Commission of the European Communities) Order
(Cap. 558 sub. leg. A)

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經核證文本
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尚未實施的條文 / 修訂 —

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E-1

第 558A 章

制定史

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E-2

Cap. 558A

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目錄

Contents

條次		頁次	Section		Page
1.	(已失時效而略去)	1	1.	(Omitted as spent)	2
2.	釋義	1	2.	Interpretation	2
3.	《辦事處協議》中的條文	1	3.	Provisions of Office Agreement	2
4.	授權退回就碳氫油而繳付的稅款	5	4.	Authorized refund of duties paid on hydrocarbon oils	6
附表	在香港具有法律效力的《辦事處協議》條文	S-1	Schedule	Provisions of Office Agreement Having the Force of Law in Hong Kong	S-2

《國際組織 (特權及豁免權) (歐洲共同體委員會辦事處) 令》

(第 558 章第 3 條)

(略去制定語式條文——2015 年第 1 號編輯修訂紀錄)

[2003 年 11 月 14 日]

(格式變更——2015 年第 1 號編輯修訂紀錄)

1. (已失時效而略去——2015 年第 1 號編輯修訂紀錄)
2. **釋義**
在本命令中——
《公約》 (Convention) 指於 1963 年 4 月 24 日於維也納訂立的《維也納領事關係公約》；
委員會 (Commission) 指歐洲共同體委員會；
歐洲共同體 (European Communities) 指歐洲煤鋼共同體、歐洲經濟共同體及歐洲原子能共同體；
《辦事處協議》 (Office Agreement) 指中華人民共和國政府與委員會於 1997 年 6 月就委員會自 1997 年 7 月 1 日起保留歐洲共同體委員會駐香港辦事處一事藉交換函件而達成的協議。
3. **《辦事處協議》中的條文**

International Organizations (Privileges and Immunities) (Office of the Commission of the European Communities) Order

(Cap. 558, section 3)

(Enacting provision omitted—E.R. 1 of 2015)

[14 November 2003]

(Format changes—E.R. 1 of 2015)

1. (Omitted as spent—E.R. 1 of 2015)
2. **Interpretation**
In this Order—
Commission (委員會) means the Commission of the European Communities;
Convention (《公約》) means the Vienna Convention on Consular Relations done at Vienna on 24 April 1963;
European Communities (歐洲共同體) means the European Coal and Steel Community, the European Community and the European Atomic Energy Community;
Office Agreement (《辦事處協議》) means the agreement concluded by exchange of letters in June 1997 between the Government of the People's Republic of China and the Commission concerning the maintenance of the Office of the Commission of the European Communities in Hong Kong from 1 July 1997.
3. **Provisions of Office Agreement**

- (1) 附表所列的即《辦事處協議》中的條文在香港具有法律效力，而為此目的，該等條文須按照第(2)至(4)款解釋。
- (2) 在該等條文中——
主任 (Head) 須解釋為奉派出任辦事處主任的人；
香港特別行政區永久性居民 (permanent resident of the Hong Kong Special Administrative Region) 須解釋為屬於《入境條例》(第 115 章) 附表 1 所指明的界別或種類的人；
辦事處 (Office) 須解釋為歐洲共同體委員會駐香港辦事處。
- (3) 《辦事處協議》第三條對中華人民共和國其他任何法律的提述，須解釋為對列於《基本法》附件三，並按照《基本法》第十八條藉公布或立法在香港實施的中華人民共和國全國性法律的提述。
- (4) 《辦事處協議》第四條對辦事處的人員的提述須解釋為對以下的人的提述——
 - (a) 派任辦事處官員(包括主任)職位承辦辦事處職務的人；
 - (b) 受僱擔任辦事處行政或技術事務的人；及
 - (c) 受僱擔任辦事處雜務的人。
- (5) 《辦事處協議》第四條對《公約》的條款的提述，須解釋為對載列於《領事關係條例》(第 557 章) 的附表的《公約》第十五條第三項、第二章中的條文及第七十一條的提述。

- (1) The provisions set out in the Schedule (being Articles of the Office Agreement) shall have the force of law in Hong Kong and shall for that purpose be construed in accordance with subsections (2) to (4).
- (2) In those Articles—
Head (主任) shall be construed as meaning the person charged with the duty of acting as the Head of the Office;
Office (辦事處) shall be construed as meaning the Office of the Commission of the European Communities in Hong Kong;
permanent resident of the Hong Kong Special Administrative Region (香港特別行政區永久性居民) shall be construed as meaning a person who belongs to a class or description of persons specified in Schedule 1 to the Immigration Ordinance (Cap. 115).
- (3) The reference to any other law of the People's Republic of China in Article 3 of the Office Agreement shall be construed as a reference to any national law of the People's Republic of China listed in Annex III to the Basic Law and applied in Hong Kong by way of promulgation or legislation in accordance with Article 18 of the Basic Law.
- (4) The reference to the members of the Office in Article 4 of the Office Agreement shall be construed as a reference to—
 - (a) the officers of the Office (including the Head) entrusted in that capacity with the exercise of the functions of the Office;
 - (b) the persons employed in the administrative or technical service of the Office; and
 - (c) the persons employed in the domestic service of the Office.

4. 授權退回就碳氫油而繳付的稅款

- (1) 凡碳氫油 ——
 - (a) 是輸入香港的；並且
 - (b) 用作某用途，而假使是為該用途而輸入，就其徵收的關稅即會根據《公約》第五十條(該條文載列於《領事關係條例》(第 557 章)的附表，並須連同《辦事處協議》第四條一併理解) 予以免除的，
則行政長官可授權海關關長作出行政長官認為合適的安排，以確保根據《應課稅品條例》(第 109 章) 就該等碳氫油而徵收的稅款得以退回。(2014 年第 18 號第 143 條)
- (2) 根據本條作出的任何安排，均可施加規限退回稅款的條件。
- (3) 按根據本條作出的安排而退回的款額，須從政府一般收入中撥款支付。

- (5) The reference to the provisions of the Convention in Article 4 of the Office Agreement shall be construed as a reference to paragraph 3 of Article 15, the Articles in Chapter II and Article 71 of the Convention as set out in the Schedule to the Consular Relations Ordinance (Cap. 557).

4. Authorized refund of duties paid on hydrocarbon oils

- (1) The Chief Executive may authorize the Commissioner of Customs and Excise to make such arrangements as the Chief Executive thinks fit for securing the refund of duties imposed on hydrocarbon oils under the Dutiable Commodities Ordinance (Cap. 109) where such hydrocarbon oils are—
 - (a) imported into Hong Kong; and
 - (b) used for such purpose that, had they been imported for that use, exemption from customs duty would have been required to be granted under Article 50 of the Convention as set out in the Schedule to the Consular Relations Ordinance (Cap. 557) as read with Article 4 of the Office Agreement.
- (2) Any arrangements made under this section may impose conditions subject to which any refund shall be made.
- (3) Any amount of money refunded under arrangements made under this section shall be paid from the general revenue.

附表

[第 3 條]

在香港具有法律效力的《辦事處協議》條文

三． 歐洲共同體——歐洲煤鋼共同體、歐洲經濟共同體和歐洲原子能共同體——在中華人民共和國香港特別行政區具有法人地位。

鑒此，為有效行使其職能，歐洲共同體有權按中華人民共和國香港特別行政區法律和中華人民共和國其他任何法律規定的程序和行政要求，締結契約，取得和處置不動產和動產，並可進行法律訴訟。上述活動得由歐洲共同體委員會代理。

四． 辦事處及其由歐洲共同體委員會委派的具有歐洲共同體成員國國籍且不具有香港特別行政區永久性居民身份的辦事處的主任和人員，以及構成他們同一戶口之家屬，享受領館、領館館長及領館人員根據一九六三年四月二十四日《維也納領事關係公約》的條款規定所享有的領事特權與豁免。

Schedule

[s. 3]

Provisions of Office Agreement Having the Force of Law in Hong Kong

3. The European Communities—the European Coal and Steel Community, the European Community and the European Atomic Energy Community—shall each have legal personality in the Hong Kong Special Administrative Region of the People’s Republic of China.

Accordingly, the European Communities shall have the capacity to conclude contracts, to acquire and dispose of immovable and movable property as necessary for the effective fulfillment of their duties, in accordance with the procedural and administrative requirements imposed by the law of the Hong Kong Special Administrative Region of the People’s Republic of China and by any other law of the People’s Republic of China, and to conduct legal proceedings, and shall be represented for that purpose by the Commission.

4. The Office, its Head and members accredited by the Commission of the European Communities who are nationals of the member states of the European Communities but not in their capacity as the permanent residents of the Hong Kong Special Administrative Region, as well as the members of their families forming part of their respective households, shall enjoy consular privileges and immunities as correspond to those enjoyed by consular posts, Heads and members of consular posts in accordance with the provisions of the Vienna Convention on Consular Relations of 24 April 1963.

他們將根據《中華人民共和國香港特別行政區基本法》以及根據基本法的規定應適用於香港特別行政區的其他全國性法律，享受為有效履行職責所必須的權利、領事特權和豁免。

五． 歐洲共同體發給其機構官員和其他公務人員的通行證應被承認為有效的旅行證件。

They will, consistent with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the other national laws of China applicable in the Hong Kong Special Administrative Region in accordance with the Basic Law, enjoy such rights and consular privileges and immunities as are necessary for the effective fulfillment of their duties.

5. The laissez-passer issued by the European Communities to officials and other servants of its institutions shall be recognized as a valid travel document.