

二、執行上指職務的每月報酬為澳門幣六千六百元。

二零一一年十月十二日

行政長官 崔世安

### 第 66/2011 號行政長官公告

按照中央人民政府命令，行政長官根據澳門特別行政區第 3/1999 號法律第六條第一款的規定，命令公佈：

—— 一九九七年三月二十五日簽訂於北京的《中華人民共和國政府與美利堅合眾國政府關於在香港特別行政區保留美國總領事館的協定》的中文及英文正式文本；

—— 美利堅合眾國駐中國大使館一九九九年九月二十七日照會的英文正式文本，以及中華人民共和國外交部二零零一年六月二十六日照會的中文正式文本。

根據《中華人民共和國政府與美利堅合眾國政府關於在香港特別行政區保留美國總領事館的協定》的規定，協定自一九九七年七月一日起生效，並自一九九九年十二月二十日中華人民共和國政府對澳門恢復行使主權之日起，美國駐香港總領事館可繼續在中華人民共和國澳門特別行政區執行領事職務。該協定的相關條款亦適用於澳門特別行政區。

本公告及透過本公告公佈之內容取代第 11/2011 號行政長官公告和第 13/2011 號行政長官公告及透過該兩則公告公佈之內容。

二零一一年十月十一日發佈。

行政長官 崔世安

### 中華人民共和國政府與美利堅合眾國政府關於在香港特別行政區保留美國總領事館的協定

中華人民共和國政府和美利堅合眾國政府，根據《中華人民共和國香港特別行政區基本法》第一百五十七條以及《中華

2. O exercício dessas funções é remunerado pela quantia mensal de 6 600 patacas.

12 de Outubro de 2011.

O Chefe do Executivo, *Chui Sai On*.

### Aviso do Chefe do Executivo n.º 66/2011

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, por ordem do Governo Popular Central:

— o Acordo entre o Governo da República Popular da China e o Governo dos Estados Unidos da América relativo à Manutenção do Consulado Geral dos Estados Unidos da América na Região Administrativa Especial de Hong Kong, feito em Pequim, em 25 de Março de 1997, nos seus textos autênticos em línguas chinesa e inglesa;

— a Nota da Embaixada dos Estados Unidos da América na República Popular da China, datada de 27 de Setembro de 1999, no seu texto autêntico em língua inglesa e a Nota do Ministério dos Negócios Estrangeiros da República Popular da China, datada de 26 de Junho de 2001, no seu texto autêntico em língua chinesa.

Torna-se público que o Acordo entre o Governo da República Popular da China e o Governo dos Estados Unidos da América relativo à Manutenção do Consulado Geral dos Estados Unidos da América na Região Administrativa Especial de Hong Kong entrou em vigor em 1 de Julho de 1997 e que, em conformidade com o Acordo, o Consulado Geral dos Estados Unidos da América na Região Administrativa Especial de Hong Kong pode, a partir da data em que o Governo da República Popular da China voltou a assumir o exercício da soberania sobre Macau, em 20 de Dezembro de 1999, continuar a exercer funções consulares na Região Administrativa Especial de Macau da República Popular da China e as cláusulas pertinentes daquele Acordo são igualmente aplicáveis à Região Administrativa Especial de Macau.

Mais se torna público que o presente Aviso e as publicações efectuadas através deste substituem integralmente o Aviso do Chefe do Executivo n.º 11/2011 e o Aviso do Chefe do Executivo n.º 13/2011, bem como as publicações efectuadas através dos mesmos.

Promulgado em 11 de Outubro de 2011.

O Chefe do Executivo, *Chui Sai On*.

### Agreement Between the Government of the People's Republic of China and the Government of the United States of America Regarding the Maintenance of the United States Consulate General in the Hong Kong Special Administrative Region

The Government of the People's Republic of China and the Government of the United States of America, in accordance with Article 157 of the Basic Law of the Hong Kong Special

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香港問題的聯合聲明》附件一第十一部分，議定下列各條：

一、中華人民共和國政府同意美利堅合眾國政府在中華人民共和國香港特別行政區保留總領事館，領區為香港特別行政區。

二、中華人民共和國政府注意到美國駐香港總領事館在澳門執行領事職務的情況，並同意美國駐香港總領事館自一九九九年十二月二十日中華人民共和國政府對澳門恢復行使主權之日起繼續執行該職務。

三、根據《維也納領事關係公約》第七十三條，美利堅合眾國駐中華人民共和國香港特別行政區總領事館須遵守下列規定：

(一) 派遣國領事官員住宅應享有與派遣國領館館舍同等不得侵犯、受到保護及免予徵用的權利。如果為了國防或其他公共用途而必須徵用領館住宅時，接受國應採取一切可能的措施避免妨礙領事職務的執行，並及時向派遣國付出適當的和有效的補償。

(二) 適用於領館館舍的免稅應延及非為接受國國民或居民的領館成員的住宅，以及與上述住宅有關的交易或契據之徵稅。但此項免稅不適用於對特定服務的付款，以及按照接受國的法律，一個同派遣國或代表派遣國行事的人訂立合同的人應繳納的捐稅。

(三) 派遣國或其代表，必要時經接受國協助，應有權購置、租用或獲得領館館舍和住宅，以及對此類設施進行建築或修繕，但應遵守接受國有關地皮、建築、分區和城市規劃的法律。

(四) 1、領事館有權同它的政府，以及派遣國在其他任何地方的使館和領事館進行通訊。為此目的，領事館得使用一切普通的通訊辦法，包括外交信使和領事信使、外交郵袋和領事郵袋以及密碼。領事館須得到接受國事先同意才能安裝和使用無線電發報機；

2、領館的公務函電，不論使用何種通訊方法，以及加封的領事郵袋和其他容器，只要它們附有標明官方性質的可見外部

Administrative Region of the People's Republic of China and Section XI of Annex I of the Joint Declaration of the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong, hereby agree as follows:

1. The Government of the People's Republic of China agrees to the maintenance by the Government of the United States of America of its Consulate General in the Hong Kong Special Administrative Region of the People's Republic of China, the consular district of which shall be the Hong Kong Special Administrative Region.

2. The Government of the People's Republic of China takes note of the consular function which the Consulate General of the United States in Hong Kong performs in Macao, and agrees to the continuation of this function after the Government of the People's Republic of China resumes the exercise of sovereignty over Macao with effect from December 20, 1999.

3. In accordance with Article 73 of the Vienna Convention on Consular Relations, the Consulate General of the United States of America in the Hong Kong Special Administrative Region of the People's Republic of China shall be subject to the following provisions:

(a) The residences of consular officers of the sending State shall enjoy the same inviolability, protection, and immunity from requisition or expropriation as the consular premises of the sending State. If for the needs of the national defense or other public purposes, expropriation of consular residences becomes necessary, all possible measures must be taken by the receiving State to avoid interference with the performance of consular functions and promptly to pay appropriate and effective compensation to the sending State.

(b) The exemption from taxes applicable to the premises of the consulate shall extend to the residences of the members of the consulate who are not nationals or residents of the receiving State, as well as to any taxes that may be imposed in connection with transactions or documents relating to such residences, but this exemption shall not apply to payment for specific services rendered and to dues and taxes if under the law of the receiving State they are payable by a person contracting with the sending State or with a person acting on behalf of the sending State.

(c) With the assistance of the receiving State, where necessary, the sending State or its representative shall be entitled to purchase, lease, or otherwise acquire consular premises and residences, and to construct or improve such facilities, subject to relevant laws of the receiving State, including the law relating to land, construction, zoning and town planning.

(d) (1) A consulate shall be entitled to exchange communications with its government, with diplomatic missions of the sending State and with other consulates of the sending State, wherever situated. For this purpose, the consulate may employ all ordinary means of communication, including diplomatic and consular couriers, diplomatic and consular bags and codes and ciphers. The consulate may install and use a wireless transmitter only with the prior consent of the receiving State;

(2) The official correspondence of a consulate, regardless of the means of communication employed, as well as sealed consular bags and other containers, provided they bear visible ex-

標誌，均不得侵犯，但不得裝有公務函電和純為公務使用的物品以外的任何東西；

3、領館的公務函電，包括領事郵袋和其他容器，如本款第2項所述，接受國當局不得開拆或扣留；

4、派遣國的領事信使在接受國境內享有同派遣國外交信使相同的權利、特權與豁免；

5、如果派遣國的船長或民用飛機的機長受託攜帶官方領事郵袋，該船長或機長應持有官方文件說明他受託帶的構成領事郵袋的容器數目，但是他不被認為是領事信使。經過接受國有關當局的安排並遵守接受國的安全規章，派遣國得派領館成員直接並自由地與該船長或機長接交領事郵袋。

(五) 1、領館成員及其家庭成員免受接受國的刑事管轄；

2、領館成員及其家庭成員執行領事職務時的作為免受接受國的民事和行政管轄；

3、惟本款第2項之規定不適用下列民事訴訟：

(1) 因領館成員並非代表派遣國訂立的合同所引起的訴訟；

(2) 有關領館成員以私人身份作為遺囑執行人，遺產管理人，繼承人或受遺贈人的繼承事件的訴訟；

(3) 有關第三者要求賠償船舶、車輛或飛機所造成損害的訴訟；

(4) 有關處在接受國司法管轄下的私人不動產的訴訟，除非領館成員係代表派遣國為領事館之用而擁有該不動產者；

(5) 有關領館成員在其公務範圍外在接受國進行的任何私人的、專業的或商業的活動的訴訟。

4、對本款所提到的任何人不得採取執行措施，除非屬本款第3項(4)的案件，即使對此項案件採取措施也不得損害其人身和住宅的不可侵犯性；

5、領館成員及其家庭成員得被請在司法或行政程序中到場作證。如領事官員及其家庭成員拒絕作證，不得對其施行強制

ternal marks of their official character, shall be inviolable. They may contain nothing other than official correspondence and articles intended exclusively for official use;

(3) The authorities of the receiving State shall neither open nor detain the official correspondence of a consulate, including consular bags and other containers, as described in sub-paragraph (2) of this section;

(4) The consular couriers of the sending State shall enjoy in the territory of the receiving State the same rights, privileges and immunities enjoyed by diplomatic couriers of the sending State;

(5) If a master of a vessel or captain of a civil aircraft of the sending State is charged with an official consular bag, the master or captain shall be provided with an official document showing the number of containers forming the consular bag entrusted to him; he shall not, however, be considered to be a consular courier. By arrangements with the appropriate authorities of the receiving State, and in compliance with the safety regulations of the receiving State, the sending State may send a member of the consulate to take possession of the consular bag directly and freely from the master of the vessel or captain of the aircraft or to deliver such bag to him.

(e) (1) Members of the consulate and their family members shall be immune from the criminal jurisdiction of the receiving State;

(2) Members of the consulate and their family members shall be immune from the civil and administrative jurisdiction of the receiving State respecting any act performed by them in the exercise of consular functions;

(3) The provisions of sub-paragraph (2) of this section shall not apply to civil procedures:

(a) resulting from contracts that were not concluded by a member of the consulate on behalf of the sending State;

(b) relating to succession in which a member of the consulate was involved as executor, administrator, heir or legatee in a private capacity;

(c) concerning a claim by a third party for damage caused by a vessel, vehicle, or aircraft;

(d) concerning private immovable property in the jurisdiction of the receiving State, unless the member of the consulate is holding it on behalf of the sending State for the purposes of the consulate;

(e) relating to any private professional or commercial activities engaged in by a member of the consulate in the receiving State outside of his official functions.

(4) No measures of execution shall be taken against any of the persons mentioned in this section, except in the cases under sub-paragraph (3) (d) of this section, and then under the condition that these measures shall not infringe upon the inviolability of their person or residence;

(5) Members of the consulate and their family members may be called upon to attend as witnesses in the course of judicial or administrative proceedings. In the event of the refusal of a consular officer or a member of the officer's family to give evidence,

措施或處罰。除本款第6項所述事項外，領館工作人員及其家庭成員不得拒絕作證；

6、領館成員沒有義務就其執行公務所涉事項作證，或出示官方信件或文件。領館成員並有權拒絕作為派遣國法律的鑑定人而作證；

7、接受國當局在接受領館成員證詞時應採取一切適當措施避免妨礙其執行領事職務。應領事館長的請求，此種證詞在可能情形下得在領事館或有關人員的住宅口頭或書面提出；

8、除其執行領事職務的行為外，凡為接受國國民或永久居民的領館成員及其家庭成員不應享受上述特權與豁免。

(六) 1、領事官員有權在其領事區內與派遣國的國民聯繫和會見。必要時，可為其安排法律協助和譯員。接受國不應以任何方式限制領事官員和派遣國國民的會見；

2、領事區內遇有派遣國國民被逮捕或受到任何形式的拘禁，接受國主管當局應立即通知，最遲於該國民被逮捕或受拘禁之日起的四天內通知派遣國領事館。如果由於通訊設備方面的困難在四天內無法通知派遣國領事館，也應設法儘快通知。應領事官員要求，應告知該國民被逮捕或受到何種形式拘禁的理由；

3、接受國主管當局應立即告知該派遣國國民本款所給予的同領事官員進行聯繫的權利；

4、領事官員有權探視被逮捕或受到任何形式拘禁的派遣國國民，包括根據判決處在獄中的此等國民，以派遣國或接受國語言、文字與之交談和通信，並可協助安排法律代表和譯員。探視應儘快進行，最遲於主管當局通知領事館該國民受到任何形式拘禁之日起的二天後，不應拒絕探視。探視得按重複方式進行。經領事官員請求，兩次探視之間的時間不應超過一個月；

5、倘遇派遣國國民在接受國受審判或其他法律訴訟，有關當局經領事官員請求應告知對該國民提出的指控，並應允許一位領事官員旁聽審判或其他法律訴訟；

no coercive measure or penalty may be applied to such person. Consular employees and members of their families may not decline to give evidence except with respect to matters mentioned in sub-paragraph (6) of this section;

(6) Members of the consulate 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 testimony of members of the consulate, the authorities of the receiving State shall take all appropriate measures to avoid hindering the performance of their official consular duties. Upon the request of the head of the consulate, such testimony may, when possible, be given orally or in writing at the consulate or at the residence of the person concerned;

(8) Members of the consulate and their families who are nationals or permanent residents of the receiving State shall not enjoy the abovementioned privileges and immunities except in respect of any act performed by them in the exercise of consular functions.

(f) (1) A consular officer shall be entitled, in his consular district, to communicate and meet with any national of the sending State, and, when necessary, to arrange for legal assistance and an interpreter. The receiving State shall in no way restrict access between a consular officer and a national of the sending State;

(2) If a national of the sending State is arrested or placed under any form of detention within the consular district, the competent authorities of the receiving State shall immediately, but no later than within four days from the date of arrest or detention, notify the consulate of the sending State. If it is not possible to notify the consulate of the sending State within four days because of communications difficulties, they should try to provide notification as soon as possible. Upon the request of a consular officer, he shall be informed of the reasons for which said national has been arrested or detained in any manner;

(3) The competent authorities of the receiving State shall immediately inform the national of the sending State of the rights accorded to him by this section to communicate with a consular officer;

(4) A consular officer shall be entitled to visit a national of the sending State who has been arrested or placed under any form of detention, including such national who is in prison pursuant to a judgment, to converse and to exchange correspondence with him in the language of the sending State or the receiving State, and may assist in arranging for legal representation and an interpreter. These visits shall take place as soon as possible, but, at the latest, shall not be refused after two days from the date on which the competent authorities notified the consulate that said national had been placed under any form of detention. The visits may be made on a recurring basis. No longer than one month shall be allowed to pass in between visits requested by the consular officer;

(5) In the case of a trial of, or other legal proceeding against, a national of the sending State in the receiving State, the appropriate authorities shall, at the request of a consular officer, inform such officer of the charges against such national. A consular officer shall be permitted to attend the trial or other legal proceedings;

6、對於適用本款規定的國民，領事官員有權供給裝有食品、衣服、醫藥用品、讀物和書寫文具的包裹；

7、領事官員得請接受國當局協助查明派遣國國民的下落。接受國當局應儘可能提供所掌握的一切有關情況；

8、本款所載各項權利的行使，應遵照接受國的法律。但是，此項法律的適用，務使本條所規定的這些權利的目的，得以充分實現。

(七) 1、凡持中華人民共和國香港特別行政區旅行證件進入美國的香港特別行政區中國公民，於簽證或合法免簽入境賦予其該身份的有效期限內，將被美國有關當局視為中國公民，以確保其享有中華人民共和國領事會見及保護權；

2、凡持美國旅行證件進入香港特別行政區的美國國民，於簽證或合法免簽入境賦予其該身份的有效期限內，將被中華人民共和國有關當局（包括香港特區有關當局）視為美國國民，以確保其享有美國領事會見及保護權。

四、本協議未提到的事項將由《維也納領事關係公約》規範。

五、本協定自一九九七年七月一日起生效。

下列簽署人秉各自政府授權，簽署本協定，以昭信守。

本協定於一九九七年三月二十五日在北京簽訂，一式兩份，每份都用中文和英文寫成，兩種文本同等作準。

(6) A consular officer is entitled to provide to a national to whom the provisions of this section apply parcels containing food, clothing, medicaments and reading and writing materials;

(7) A consular officer of the sending State may request the assistance of the authorities of the receiving State in ascertaining the whereabouts of a national of the sending State. The authorities of the receiving State shall do everything possible to provide all relevant and available information;

(8) The rights contained in this section shall be exercised in accordance with the law of the receiving State. Nevertheless, such law shall be applied so as to give full effect to the purposes for which these rights are intended.

(g) (1) All Chinese nationals of the Hong Kong Special Administrative Region entering the United States on the basis of travel documents of the Hong Kong Special Administrative Region of the People's Republic of China will, during the period for which their status has been accorded on a limited basis by visa or lawful visa-free entry, be considered Chinese nationals by the appropriate authorities of the United States for the purpose of ensuring consular access and protection by the People's Republic of China;

(2) All nationals of the United States entering the Hong Kong Special Administrative Region on the basis of travel documents of the United States will, during the period for which their status has been accorded on a limited basis by visa or lawful visa-free entry, be considered nationals of the United States by the appropriate authorities of the People's Republic of China (including those of the HKSAR) for the purpose of ensuring consular access and protection by the United States.

4. The matters that are not referred to in this Agreement shall be regulated by the Vienna Convention on Consular Relations.

5. The present agreement shall enter into force on July 1, 1997.

In witness whereof the undersigned, being duly authorized by their respective governments, have signed this agreement.

Done in Beijing on March 25, 1997 in duplicate in the Chinese and English languages, both texts being equally authentic.

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For the Government of the  
People's Republic of China

\_\_\_\_\_  
For the Government of the  
United States of America

**EMBASSY OF THE  
UNITED STATES OF AMERICA**

No. 461

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the People's Republic of China and, with reference to the March 25, 1997, Agreement between the government of the United States of America and the Government of the People's Republic of China regarding the maintenance of the United States Consulate General in the Hong Kong Special Administrative Region and the accompanying agreed minute of March 7, 1997 ("Agreement"), wishes to confirm that, on or after December 20, 1999, the Macau Special Administrative Region ("Macau") shall be an integral part of the consular district of the United States Consulate General in Hong Kong SAR, and that said Agreement, including the agreed Minute, shall govern the United States consular presence and services in Macau, and shall apply, mutatis mutandis, to Macau.

The Embassy of the United States of America avails itself of the opportunity to renew to the Ministry of Foreign Affairs of the People's Republic of China the assurances of its highest consideration.

Embassy of the United States of America,  
Beijing, September 27, 1999

### 中華人民共和國外交部二〇〇一年六月二十六日照會

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中華人民共和國外交部向美利堅合眾國駐華大使館致意，並謹就大使館一九九九年九月二十七日第461號照會答覆如下：

根據一九九七年三月二十五日《中華人民共和國政府與美利堅合眾國政府關於在香港特別行政區保留美國總領事館的協定》，自一九九九年十二月二十日中華人民共和國政府對澳門恢復主權之日起，美國駐香港總領事館可在中華人民共和國澳門特別行政區執行領事職務，該協定的相關條款亦適用於澳門特區。

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#### 第 67/2011 號行政長官公告

哥倫比亞共和國政府與中華人民共和國政府以換文方式就哥倫比亞共和國駐香港特別行政區總領事館在澳門特別行政區執行領事職務達成協議。按照中央人民政府的命令，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈哥倫比亞共和國政府照會的西班牙文正式文本，以及中華人民共和國政府照會的中文正式文本及其相應的西班牙文譯本。

上述協議自一九九九年十二月二十日起生效。

二零一一年十月十一日發佈。

行政長官 崔世安

#### Aviso do Chefe do Executivo n.º 67/2011

O Governo da República da Colômbia e o Governo da República Popular da China concluíram, por troca de notas, o acordo relativo ao exercício de funções consulares na Região Administrativa Especial de Macau por parte do Consulado Geral da República da Colômbia na Região Administrativa Especial de Hong Kong. Neste sentido, o Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, por ordem do Governo Popular Central, a Nota do Governo da República da Colômbia no seu texto autêntico em língua espanhola e a Nota do Governo da República Popular da China no seu texto autêntico em língua chinesa, acompanhado da respectiva tradução para a língua espanhola.

Mais se torna público que o referido acordo entrou em vigor em 20 de Dezembro de 1999.

Promulgado em 11 de Outubro de 2011.

Chefe do Executivo, *Chui Sai On*.

El Ministerio de Relaciones Exteriores de Colombia saluda atentamente a la Embajada de la República Popular China en Colombia, y se complace en confirmar, en nombre del Gobierno de Colombia que, respecto al ejercicio de las funciones consulares en la Región Administrativa Especial de Macao por el Consulado General de Colombia en la Región Administrativa Especial de Hong Kong, las dos partes han llegado, a través de consultas amistosas, al siguiente acuerdo:

1. El Gobierno de la República Popular China consiente en que a partir del día 20 de diciembre de 1999, fecha en que el Gobierno de la República Popular China reasumirá el ejercicio de su soberanía sobre Macao, el Consulado General de Colombia en Hong Kong podrá ejercer funciones consulares en la Región Administrativa Especial de Macao.

2. Las dos Partes, atendiendo el espíritu de consulta y colaboración, y de conformidad con el Derecho Internacional y las prácticas internacionales, tratarán de manera amistosa los asuntos consulares entre los dos países.

Si la ilustre Embajada de China confirmara, en representación del Gobierno de la República Popular China, el contenido arriba mencionado en una Nota de Respuesta, la presente y la Nota de Respuesta de la Embajada constituirán un Acuerdo entre ambos Gobiernos, que entrará en vigor a partir del 20 de diciembre de 1999.

El Ministerio de Relaciones Exteriores de Colombia aprovecha esta oportunidad para reiterar a la Embajada de la República Popular China las seguridades de su más alta y distinguida consideración.