



白皮書第一〇一號（三十七年一月）

中英關於中國海關與香港政府間關務協定之換文

（中華民國三十七年一月十二日簽字
中華民國三十七年一月二十日生效）

中華民國國民政府外交部編印

中英關於中國海關與香港政府間關務協定之換文

(一) 中國外交部部長王世杰博士致英國駐華大使施諦文爵士照會

查關於防止香港與中國港口間之走私一事，中國海關與香港政府間商討之結果，業已成立協定，茲檢同該項協定，照請貴大使查照。

本部長茲謹聲述 中國政府對於所附該項協定內所載辦法，予以核准；並建議：倘英王陛下聯合王國政府對其規定亦表贊同，本照會及

貴大使之覆照，即視為構成兩國政府間之協定。

本部長順向

貴大使重表崇高之敬意。

此致

英王陛下駐中華民國特命全權大使施諦文爵士閣下

王世杰（簽字）

中華民國三十七年一月十二日於南京

(二) 英國駐華大使施諦文爵士覆中國外交部部長王世杰博士照會

接准

貴部長本日照會以中國政府核准來照所附關於防止香港與中國港口間走私辦法之條款囑爲查照等由查英王陛下聯合王國政府對該項條款亦予以核准本大使茲謹檢附其全文照覆

貴部長查照

關於

貴部長來照第二段所提之建議本大使茲謹增述英王陛下聯合王國政府認爲該照會及本覆照即構成兩國政府間之協定

本大使順向

貴部長重表崇高之敬意

此致

中華民國外交部部長王世杰博士閣下

施諦文 (簡簽)

中華民國三十七年一月十二日於南京

附件

一、香港政府(以下簡稱「政府」)將向香港參議會提出法案，對擬予運往中國貨物之裝運，加以限制，其辦法如下：

(甲) 船隻註冊淨噸數在二百噸及二百噸以上者，其裝運將限於維多利亞港口以內之任何地點；

(乙) 船隻註冊淨噸數在二百噸以下者，其裝運將限於西環民船碇泊所(即依照一八九九年商船法所定規則中S表第一節內所指之碇泊所)，或由香港港務長在油蔴地避風塘所指定之地區，或大埔滘口；

(丙) 除本項上述規定外，港務長有權自由決定准許任何船隻在香港領水內其他地點裝運，惟遇有給予此項准許之情形時，該港務長應儘速通知中國海關(以下簡稱「海關」)，海關得在任何此種情形下，對於凡於輸入中國國境時應向海關繳納關稅(以下簡稱「中國關稅」)之任何貨物，就其出口商擬在香港納稅或已申請在香港估定稅額者，有核對查驗其裝運之自由。

二、海關得在香港境內自由指定地點，對於行將輸往中國之貨物，預予徵收中國關稅或預予估定額稅。中國關稅應在上述任何地點預予繳納抑預予估定稅額，悉由有關貨物之出口商自行抉擇，此項辦法並應由海關曉諭該有關出口商知悉。海關對於在香港繳納中國關稅之任何貨商，應給予完稅憑證，並在其本身組織內採取措施，務使有關貨物於運至中國

境內之目的港口時，得儘先放行。海關依本項之規定，得在由其擇定儘可能毗鄰第一項(乙)款所指避風塘及碇泊所之場所內，自由設立檢查處所，並在各該處所及雙方同意之其他處所，自由檢查出口商擬在香港繳納中國關稅或已申請估定稅額之貨物。海關專為查驗已在香港繳納中國關稅或估定稅額貨物之裝運事宜，得在上述避風塘及碇泊所自由派駐檢查員；此項檢查員，在未得香港總督書面允許之前，不得超過四十人，惟得另雇適當數額之伙役頭目，其數額須經香港總督之同意。此外，海關為查驗已在香港繳納中國關稅或估定稅額貨物裝入註冊淨噸數二百噸及二百噸以上船隻之裝運事宜，可另行派駐適當數額之檢查員及伙役頭目，其數額須經香港總督之同意。檢查員及伙役頭目於必要時得為上述目的自由登臨任何船隻，但其職務應僅限於核對性質，不得干涉或阻碍貨物之裝運；其詳細之檢查，並應於估定稅額時，在海關檢查處所執行之。所有海關執行查驗貨物之人員，須備具身份證明書，粘附照片，並由當地海關稅務司或其代表簽字證明。本協定內任何條款，不得解釋為准許海關任何關員或雇員，在未徵得所有人同意之前，進入任何私人場所。

三、政府將訓令港務長盡力協助海關，對於由香港開往中國境內任何港口之船隻，拒絕其結關，但經海關與港務長雙方所同意之港口表內所列之港口，不在此限。又此項訓令僅具酌量施行性質，並得於通常或特定情形之下，在任何時間內予以變更或撤消。如遇有業已在香港結關開往中國某一港口之船隻，經充分證明其並無充足理由而未開往該港口之情

形，則應於該船駛返香港時，重依通常程序，科以處罰。註冊淨噸數在二百噸以下之船隻，由香港結關開往中國港口時，除海關另行指定者外，應通知其向香港附近海關卡所之一停靠。爲實施本項規定所必需之法案，將由政府向香港參議會及時提出之。

四、政府特此授權海關自由進入及巡弋本協定所附錄說明內所述香港領水內各區域（以下簡稱「禁止區域」），並在各該區域內，飭令任何船隻停泊，以查驗其文書；如查有裝運貨物之任何船隻，未在香港一港口內辦理結關手續，除准予繼續其航程者外，海關應將該項船隻交由最近便之香港當局看管。政府將向香港參議會提出爲實施本項規定所必需之法案，該項法案，包括禁止不在香港一港口內辦理結關手續之任何運貨船隻駛入一禁止區域之措施。但本項規定不能認爲政府負有任何義務，給予海關任何搜查、沒收、扣留或科罰之權利，或任何依照國際法政府不能讓與或海關不能承受執行之權利。

五、政府對於依照一八九九年商船法內T表領有第四類執照之船隻，將視香港需要及該項船隻在運貨方面對香港之服務情形，隨時考慮禁止其爲裝運貨物之目的而使用。

六、政府將考慮何種措施係屬切實可行，俾規定由香港經由北面邊界輸往中國之貨物，僅限於沙頭角，蓮塘對面之一地點，廣九公路經過邊界之地點及羅湖鐵路橋以及其他經雙方商定之地點出口，並防止或制止輸出物品在該邊界上其他地

點出口。

七、各條款之任何規定，不適用於擬經由空運輸往中國之貨物；啓德飛機場不得駐紮關員，現時駐紮該處之關員應予撤退。

八、海關及香港進出口監理員任何一方，應將此方可能獲得，並依此方意見認為在防止及查察麻醉藥品及應納稅商品或禁止出口或進口物品之輸出或輸入（視情形而定）之私運方面，對彼方有所資助之任何消息，供給彼方。

九、關於海關管理廣九鐵路貨運辦法，仍依前例，由政府與中華民國交通部另以協定規定之；但依任何該項協定之規定，在香港向海關繳納關稅一節，應仍聽由有關商人自行抉擇，惟政府仍得依照香港現行有關該鐵路之任何法令、規章或其他法律，或依雙方議定之辦法，對海關予以合法協助。

十、在本協定有效期間，隨時派駐香港充任中國海關稅務司之人員（以及在香港擔任各部門事務之稅務司），應為英籍，並應為政府所能接受之人員。

十一、本協定內所稱：「船隻」字樣，應包括民船、駁船及可能用於裝運貨物之任何種類之船隻。

十二、本協定自香港總督決定並通知之日起發生效力，此日期，不得遲於一九四八年一月二十日。本協定自生效之日起一年期內繼續有效。本協定於生效一年後仍繼續有效，直至締約一方政府將廢止之書面通知遞交他方之日起三個月後為止。

說明

一、急水門區：本區海面，北面以急水門海岸爲界，南面則自南頭南西角向正極北二百二十五度伸出一、五哩處爲起點，至邊界線至急水門海岸相交處爲終點，劃一直線爲界。上述界線一如附圖所示。

二、大鵬灣區：本區海面包括沙頭角海面，及位於大鵬灣北岸及東岸之海面，其界線自魯濱遜島極北角爲起點，向正極北零度伸出半哩，由此據點向正極北八十六度伸長至距南澳嘴一哩，其方位爲正極北二百七十度處，轉向正極北一百二十六度，至距平洲極東十分之八哩，其方位爲正極北六十三度處，再由此據點伸向正極北一百八十度，至距大鵬角二、七哩，其方位爲正極北二百七十度處，然後伸向正極北一百三十五度直至香港領水東面邊界線相交處爲止。上述界線一如附圖所示。

SINO-BRITISH EXCHANGE OF NOTES GIVING
EFFECT TO THE CUSTOMS AGREEMENT BE-
TWEEN THE CHINESE MARITIME CUSTOMS
AND THE GOVERNMENT OF HONG KONG

(I) NOTE FROM DR. WANG SHIH-CHIEH, MINISTER
FOR FOREIGN AFFAIRS OF THE REPUBLIC
OF CHINA, TO SIR RALPH S. STEVENSON,
HIS BRITANNIC MAJESTY'S AMBASSADOR TO
CHINA

THE MINISTRY OF FOREIGN
AFFAIRS
REPUBLIC OF CHINA

Nanking, 12th January, 1948.

Your Excellency,

I have the honour to inform you that the discussions between the Chinese Maritime Customs and the Government of Hong Kong concerning the prevention of smuggling between Hong Kong and Chinese ports have resulted in an agreement, the provisions of which are annexed hereto.

I have the honour to state that the Chinese Government approve of the arrangements set forth in the Annex and if His Majesty's Government in the United Kingdom likewise concur in these provisions, the present note together with Your Excellency's reply be regarded as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Initialed) W.S.C.

His Excellency

Sir Ralph Skrine Stevenson K.C.M.G.,
His Majesty's Ambassador,
NANKING.

(II) NOTE FROM SIR RALPH S. STEVENSON, HIS
BRITANNIC MAJESTY'S AMBASSADOR TO
CHINA, TO DR. WANG SHIH-CHIEH, MINISTER
FOR FOREIGN AFFAIRS OF THE REPUBLIC
OF CHINA

BRITISH EMBASSY
NANKING

12th January, 1948.

Your Excellency,

I have the honour to acknowledge the receipt of your note of today's date, in which you informed me that the Chinese Government approve of the provisions annexed thereto with regard to the arrangements for the prevention of smuggling between Hong Kong and Chinese ports, and I have the honour to inform Your Excellency that His Majesty's Government in the United Kingdom likewise approve of the said provisions the text of which is annexed hereto.

2. With regard to the proposal contained in the second paragraph of Your Excellency's note, I have the honour to add that His Majesty's Government in the United Kingdom consider that note together with the present reply as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) Ralph Skrine STEVENSON

His Excellency
Dr. Wang Shih-chieh,
Minister for Foreign Affairs,
NANKING.

A N N E X

1. The Government of Hong Kong (hereinafter called "the Government") will submit to the Legislative Council of Hong Kong legislation the objects of which shall be to restrict the loading of goods intended to be exported to China as follows:—

- (a) Loading of vessels of two hundred net registered tons and upwards shall be restricted to any point within the Port of Victoria;
- (b) Loading of vessels of less than two hundred net registered tons shall be restricted to either the Junk Anchorage at West Point (being the Anchorage defined in Part I of Table S of the Regulations made under the Merchant Shipping Ordinance, 1899), such portion of the Yaumati Typhoon Shelter as the Harbour Master of Hong Kong may direct, or the port of Taipo;
- (c) Anything hereinbefore contained in this paragraph notwithstanding the Harbour Master in his discretion shall have the right to permit any vessel to load elsewhere in Hong Kong waters and in any case in which such permission is given by him he shall as soon as may be so inform the Chinese Maritime Customs (hereinafter called "the Customs") and the Customs shall have the liberty in any such case by tally, to check the loading of any goods in respect of which the exporter proposes to pay or has requested the assessment in Hong Kong of customs duty which would, upon importation into China of any commodity, become payable to the Customs (hereinafter called "Chinese duty").

2. The Customs shall be at liberty to establish within Hong Kong centres at which Chinese duty may be paid or assessed in advance in respect of commodities about to be exported to China. Payment or assessment of Chinese duty at any centre so established shall be

entirely at the option of the intended exporter of the goods concerned and the Customs will take every care to ensure that this fact is known to any such intended exporter. The Customs will supply any person so paying Chinese duty in Hong Kong with such documents and will take such action within its own organisation as will ensure that the goods concerned are released with a minimum of delay upon arrival at their port of destination in China. The Customs will be at liberty to establish inspection centres as provided in this paragraph in such premises as it may be able to arrange adjacent to the Shelter and Anchorage mentioned in sub-paragraph (b) of paragraph 1, and at such centres and at such other centres as may be agreed to inspect goods in respect of which the exporter proposes to pay or has requested the assessment of Chinese duty in Hong Kong. The Customs shall be at liberty to maintain, for the purpose only of checking the loading of goods in respect of which Chinese duty has been paid or assessed in Hong Kong, a staff of checkers at the Shelter and Anchorage aforesaid, which shall not, without the prior permission in writing of His Excellency the Governor of Hong Kong, exceed a total of forty persons together with a reasonable number of foremen, as may be approved by His Excellency the Governor of Hong Kong. In addition the Customs may maintain for the purpose of checking loads into vessels of two hundred net registered tons and upwards of goods in respect of which Chinese duty has been paid or assessed in Hong Kong such reasonable number of checkers and foremen as may be approved by His Excellency the Governor of Hong Kong. Checkers and foremen will be at liberty to go on board any vessel where necessary for the purpose aforesaid but their duties shall be in the nature of tallying only and shall be carried out in such manner as not to interfere with or hinder the loading of cargo; and more detailed examination must be made in the Customs' centres when duty is being assessed. Every person engaged in checking cargo on behalf of the Customs shall be provided with an identification card to which shall be

annexed his photograph, such card to be authenticated by the signature of the local Commissioner of Customs or his Deputy. Nothing in this agreement shall be construed as authorizing any officer or other employee of the Customs to enter upon any private premises without the consent of the owner thereof.

3. The Government will instruct the Harbour Master to assist the Customs as far as possible by refusing clearance of vessels from Hong Kong for any port in China save those ports on a list to be agreed to between the Customs and the Harbour Master, but such instructions shall be discretionary only and may be varied or revoked at any time either generally or in specific instances. Where sufficient evidence is forthcoming that vessels which were cleared from Hong Kong for a port in China failed without sufficient justification to proceed to such port, proceedings for penalty will be normally instituted when such vessel returns to Hong Kong. Vessels of less than two hundred net registered tons clearing from Hong Kong for a port in China will be advised, unless the Customs otherwise requests, to call at one of the Chinese Customs' island stations in the vicinity of Hong Kong. Such legislation as may be necessary for the carrying into effect of this paragraph will be submitted by the Government to the Legislative Council of Hong Kong in due course.

4. The Government hereby grants to the Customs liberty to enter upon and patrol those areas in Hong Kong waters described in the Schedule appended hereto (hereinafter called "prohibited areas") and therein to stop any vessel for the purpose of examining her papers; if it is found that any such vessel which is carrying cargo has not been duly cleared from a port in Hong Kong the Customs shall, unless such vessel is allowed to proceed on her voyage, place such vessel in the custody of the nearest or most convenient Hong Kong authority. The Government will submit to the Legislative Council of Hong Kong legislation necessary for the purpose of giving effect to this paragraph including the prohibition of the entry into a prohibited area of

any cargo-carrying vessel which has not been duly cleared from a port in Hong Kong. Nothing in this paragraph shall be deemed to impose upon the Government any liability to concede to the Customs any right of search, confiscation, detention or fine or any right which it would be a breach of international law for the Government to concede or the Customs to exercise.

5. The Government will from time to time consider the question of prohibiting the use for the purpose of carrying cargo of vessels licensed as Class IV under Table T of the Regulations under the Merchant Shipping Ordinance, 1899, having regard to the needs of Hong Kong and the services rendered to Hong Kong by such vessels as cargo-carriers.

6. The Government will consider what measures may be practicable for directing that export of goods from Hong Kong to China across the northern land frontier shall take place only at Sha Tau Kok, at a point opposite Ling Tong, at the point where the Kowloon-Canton road crosses the frontier and at Lowu railway bridge and at any other points which may be agreed upon and towards the hindrance or prevention of exports at other points on such frontier.

7. Nothing in these provisions shall apply to goods which are intended to be exported to China by air; no officer shall be stationed by the Customs at Kai Tak Aerodrome and the officer at present stationed there shall be withdrawn.

8. The Customs and the Superintendent of Imports & Exports of Hong Kong will each of them supply to the other any information which they may respectively acquire which, in their respective opinions, might be of assistance to the other in the prevention and detection of the smuggling of narcotics and dutiable commodities, or of the exportation or importation, as the case may be, of prohibited exports or imports.

9. Customs arrangements in respect of goods being

transported on the Kowloon-Canton railway shall as heretofore be the subject of agreement between the Government and the Ministry of Communications of the Republic of China but payment in Hong Kong of duty due to the Customs shall by the terms of any such agreement remain optional except insofar as assistance may lawfully be given to the Customs by virtue of any Ordinance, rules or other laws relating to the said Railway for the time being in force in Hong Kong, or by contractual stipulation.

10. During the continuance of this agreement the person from time to time appointed to the office of Commissioner of the Chinese Maritime Customs in Hong Kong (and also all Departmental Commissioners in Hong Kong) shall be of British nationality and shall be persons acceptable to the Government.

11. In this agreement the word "vessel" shall include junks, lighters, boats and craft of any kind which are capable of being used for the purpose of carrying cargo.

12. This agreement shall come into force at a date not later than 20th January 1948 to be determined and notified by His Excellency the Governor of Hong Kong and shall remain in force for the space of one year from the commencement thereof. Thereafter it shall continue in force until three calendar months after written notice of termination shall have been given by one contracting Government to the other.

THE SCHEDULE

1. Deep Bay Area: That part of the waters of Deep Bay bounded on the North by the shores of that bay and on the South by a line drawn from a point 225° distant 1.5 miles from South West Point to a point where the frontier line meets the shore of Deep Bay as the same is delineated on the plan annexed hereto.

2. Mirs Bay Area: The waters of Starling Inlet and that part of the waters of Mirs Bay lying between the shores of Mirs Bay on the North and East and a line commencing at the northernmost point of Robinson Island, and thence to a point 000° distant 0.5 miles from the commencing point, thence 086° to a point 270° distant 1.0 miles from Albion Point, thence 126° to a point 063° 0.8 miles from the easternmost point of Ping Chau Island, thence 180° to a point 270° distant 2.7 miles from Mirs Point, thence 135° to a point where this line meets the eastern limits of Hong Kong waters as the same is delineated on the plan annexed hereto.