

立法會
Legislative Council

LC Paper No. LS88/01-02

**Paper for the House Committee Meeting
on 17 May 2002**

**Legal Service Division Report on
Adaptation of Laws (Miscellaneous Provisions) Bill 2002**

I. SUMMARY

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| 1. Object of the Bill | To adapt certain Ordinances and subsidiary legislation to bring them into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China. |
| 2. Comments | The proposed amendments are technical in nature and involve no specific policy issues. |
| 3. Public Consultation | No public consultation has been held. |
| 4. Consultation with LegCo Panels/Committees | Proposals in the Bill have not been referred to any LegCo Panels or Committees. |
| 5. Conclusion | The legal and drafting aspects are in order. Subject to Members' view, the Bill is ready for resumption of Second Reading debate. |

II. REPORT

Object of the Bill

To adapt certain Ordinances and subsidiary legislation to bring them into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.

LegCo Brief Reference

2. LP 5039/21C issued by the Department of Justice in May 2002.

Date of First Reading

3. 17 May 2002.

Comments

4. A list of the Ordinances affected by the proposed amendments in the Bill and a summary of the amendments are set out in Annexes A and B respectively. The proposed amendments are essentially technical changes to individual Ordinances.

5. The proposed amendments in the Bill are along the same lines as amendments proposed in other Adaptation of Laws Bills which have been passed by the Legislative Council.

6. If enacted, those provisions which existed immediately before 1 July 1997 shall, subject to Article 12 of the Hong Kong Bill of Rights, take effect retrospectively as from 1 July 1997. In other words, the retrospective effect will not apply to provisions involving criminal offences or penalties. For provisions which were enacted on or after 1 July 1997, the Bill provides that the relevant adaptations shall take effect on the dates on which the respective provisions were enacted.

Public consultation

7. The Administration considers that the proposed amendments are essentially straightforward editorial adaptations, hence public consultation is not necessary (para. 16 of LegCo Brief).

Consultation with LegCo Panels/Committees

8. Proposals in the Bill have not been referred to any LegCo Panels or Committees.

Conclusion

9. The legal and drafting aspects of the Bill are in order. Subject to Members' views, the Bill is ready for resumption of Second Reading debate.

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Prepared by

CHENG Kit-yee Kitty
Assistant Legal Adviser
Legislative Council Secretariat
15 May 2002

**List of Ordinances affected by the
Adaptations of Laws (Miscellaneous Provisions) Bill 2002**

<u>Item No.</u>	<u>Ordinances and subsidiary legislation</u>
1.	Dangerous Drugs Ordinance (Cap. 134)
2.	Control of Chemicals Ordinance (Cap. 145) and its subsidiary legislation
3.	General Holidays Ordinance (Cap. 149)
4.	Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211, sub. leg.)
5.	Weapons Ordinance (Cap. 217)
6.	Police Force Ordinance (Cap. 232)
7.	Hong Kong Auxiliary Police Force Ordinance (Cap. 233)
8.	Customs and Excise Service Ordinance (Cap. 342)
9.	Kowloon-Canton Railway Corporation Ordinance (Cap. 372)
10.	Administrative Appeals Board Ordinance (Cap. 442)
11.	Nuclear Material (Liability for Carriage) Ordinance (Cap. 479)
12.	Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)
13.	Copyright Ordinance (Cap. 528)
14.	Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545)

Adaptations of Laws (Miscellaneous Provisions) Bill 2002
Summary of the proposed amendments

Amendments

Original Terms	Proposed Amendments
香港海關總監	香港海關關長
首席大法官	終審法院首席大法官
皇家天文台	香港天文台
皇家香港警隊	香港警務處
財政司法團	財政司司長法團
Royal Hong Kong Auxiliary Police Force Ordinance	Hong Kong Auxiliary Police Force Ordinance
Crown Rent and Premium (Apportionment) Ordinance	Government Rent and Premium (Apportionment) Ordinance
官方	政府
country or territory	country, territory or place