

**立法會**  
**Legislative Council**

LC Paper No. CB(2)856/11-12  
(The minutes have been seen  
by the Administration)

Ref : CB2/BC/5/09

**Bills Committee on  
Adaptation of Laws (Military References) Bill 2010**

**Minutes of the tenth meeting  
held on Monday, 28 November 2011, at 2:30 pm  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon James TO Kun-sun  
Hon LAU Kong-wah, JP  
Hon CHAN Hak-kan  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon WONG Kwok-kin, BBS  
Hon Paul TSE Wai-chun, JP

**Members absent** : Dr Hon Margaret NG  
Hon Andrew LEUNG Kwan-yuen, GBS, JP  
Hon Cyd HO Sau-lan

**Public Officers attending** : Item I  
  
Ms Carol YIP, JP  
Deputy Secretary for Security  
  
Mr David LAU  
Principal Assistant Secretary for Security  
  
Ms Françoise LAM  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Mrs Sharon TONG  
Principal Council Secretary (2)

**Staff in attendance** : Mr Jimmy MA  
Legal Adviser

Ms Clara TAM  
Assistant Legal Adviser 9

Ms Catherina YU  
Senior Council Secretary (2) 6

Ms Camy YOONG  
Clerical Assistant (2) 7

---

## **I. Meeting with the Administration**

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration was requested to take the following actions and revert to the Bills Committee in writing -

- (a) to re-examine its proposal on the commencement dates under clause 2 and provide justifications for including the provisions under clause 2(1) instead of clause 2(3) of the Bill, to ensure that no negative effect would arise;
- (b) to review the need for clause 5 and why only certain sections of Schedule 1 were included in the clause; and
- (c) to provide a full set of the Committee Stage amendments to be moved by the Administration.

## **II. Date of next meeting**

3. Members agreed to hold meetings in December 2011 and January 2012 as follows -

- (a) 12 December 2011 at 10:45 am; and

(b) 5 January 2012 at 10:45 am.

4. The meeting ended at 3:57 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 January 2012

**Proceedings of the tenth meeting of the  
Bills Committee on Adaptation of Laws (Military References) Bill 2010  
on Monday, 28 November 2011, at 2:30 pm  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000946 - 001029	Chairman	Opening remarks	
001030 - 001251	Chairman Admin Mr LAU Kong-wah	LC Paper No. CB(3)924/09-10  <u>Clause 1 - Short title</u>  Briefing by the Administration	
001252 - 001649	Chairman Admin Mr James TO	LC Paper No. CB(3)924/09-10  <u>Clause 2 - Commencement</u>  Explanation by the Administration on the reasons for proposing different commencement dates for the subsections of clause 2	
001650 - 001912	Chairman Mr James TO Admin	Information provided by the Legal Service Division of the Legislative Council Secretariat on the commencement dates for clause 2 (LC Paper CB(2)411/11-12(05)); and  Enquiry on the need for setting different commencement dates for the provisions in the Bill in subsections of clause 2 and whether such approach would involve any negative impact  Explanation by the Administration on the arrangement to include the provisions concerned in clause 2(1) was prepared in accordance with the Interpretation and General Clauses Ordinance (Cap.1) and the general principles of adaptation of laws that had been adopted in previous adaptation of laws exercises. The Administration confirmed that such arrangement would not involve negative effect	The Administration to re-examine its proposal on the commencement dates under clause 2 and provide justifications for including the provisions under clause 2(1) instead of clause 2(3) of the Bill to ensure that no negative effect would arise.
001913 - 002725	Chairman Mr James TO Admin Mr LAU Kong-wah LA	The appropriateness and reasons to have provisions referred to in clause 2(1) to take retrospective effect on 1 July 1997; and  Information provided by LA on the commencement dates of provisions in other law adaptation exercises	

Time marker	Speaker	Subject(s)	Action required
002726 - 003416	Chairman Mr James TO Admin	Concern about the possible omission of some sections of the Bill from clause 2(3) which should come into operation on the day on which the Ordinance was published in the Gazette	
003417 - 003839	Chairman Mr LAU Kong-wah Admin Mr James TO LA	Suggestion of inputs by LA to clause 2(3); and  Views on the provisions which might carry negative effects to have retrospective effect	
003840 - 003903	Mr James TO Chairman	Suggestion of including the sections with possible negative effect in clause 2(3)	
003904 - 004019	Chairman Admin LA	<u>Clause 3 - Adaptation of laws</u>  Briefing by the Administration; and  Reference of past papers on the Bill (LC Paper Nos. CB(2)228/10-11(03) and (04))	
004020 - 004049	Chairman Admin	<u>Clause 4 - Consequential amendments</u>  Briefing by the Administration	
004050 - 004201	Chairman Admin	<u>Clause 5 - Savings and transitional</u>  Reasons for only including certain sections of Schedule 1 in clause 5; and  The relationship between clause 2(3) and clause 5	The Administration to provide explanation on why only certain sections of Schedule 1 were included in clause 5.
004202 - 004832	Chairman Mr James TO Admin LA	Concern about the possible exclusion of certain provisions from clause 5 and the approach adopted for considering whether savings and transitional provisions should be provided in the Bill in comparison with other adaptation of laws proposals  Explanation by the Administration on the intention to include savings and transitional clauses in the Bill was to provide additional safeguards	
004833 - 005329	Chairman Mr LAU Kong-wah Admin LA	Suggestion of deleting clause 5 from the Bill; and  The circumstances under which the provision for "avoidance of doubt" would be considered in the drafting of legislation	The Administration to review the need for clause 5 and revert to the Bills Committee.

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
005330 - 005714	Chairman Admin	LC Paper No. CB(2)390/11-12(01)  Presentation by the Administration on its response to major issues raised by the Bills Committee at previous meetings	
005715 - 010348	Mr LAU Kong-wah Admin Chairman Mr Paul TSE LA	Reiteration of the spirit and principles of adaptation of law	
010349 - 010559	Chairman Admin	Presentation by the Administration on the intention of the original proposal to include four definitions in the Interpretation and General Clauses Ordinance (section 1 of Schedule 1 to the Bill) and the proposed Committee Stage amendments ("CSA") to remove the four definitions from section 1 of Schedule 1 to the Bill	
010600 - 011032	Chairman Mr LAU Kong-wah Admin	Presentation by the Administration on the intention of the original proposal to adapt the reference "ships belonging to Her Majesty" to "ships belonging to the Central People's Government and used only on non-commercial service" in the Pilotage Ordinance (Cap. 84), Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) and Merchant Shipping (Seafarers) Ordinance (Cap. 478) (sections 8, 119 and 132 of Schedule 1 to the Bill) and the proposed CSAs to remove the reference "used only on non-commercial service" from the sections concerned	
011033 - 011323	Chairman Admin	Presentation by the Administration on the intention of the original adaptation proposal of "Secretary of State" ("國務大臣"/"工貿大臣") in the Civil Aviation Ordinance (Cap. 448), Air Navigation (Hong Kong) Order 1995 (Cap. 448C), Aviation Security Ordinance (Cap. 494) and Registered Designs Ordinance (Cap. 522) (sections 120, 126, 127, 128, 135,136 and 137 of Schedule 1 to the Bill) and the proposed CSAs to uniformly adapt the reference of "Secretary of State" to "Central People's Government" and take away the reference "or on behalf of" to sections 128(3), 135, 137(1), 137(2), 137(3)(a), 137(4), 137(5)(a) and 137(6) of Schedule 1 to the Bill	

Time marker	Speaker	Subject(s)	Action required
011324 - 011338	Mr LAU Kong-wah Chairman Admin	Clarification on the provisions containing the terms of "Secretary of State" ("國務大臣"/"工貿大臣") in the Bill	
011339 - 011527	Dr Priscilla LEUNG Admin Chairman	Clarification on the conformity of the proposed amendments with the Basic Law	
011528 - 011659	Chairman Admin	Presentation by the Administration on the intention of the original proposal to adapt "服役" to "服務" in the Chinese texts of the Immigration Ordinance (Cap. 115), Registration of Persons Regulations (Cap. 177A) and Public Bus Services Regulations (Cap. 230A) and the proposal to adapt "當值中" to "正在執行職務" in the Chinese text of the Star Ferry Company, Limited, By-laws (Cap. 104E) (sections 14, 20, 45 and 65 of Schedule 1 to the Bill) and the proposed CSAs to use the reference of "服役" and "在當值中" in the sections concerned	
011700 - 011813	Chairman Admin	Presentation by the Administration on the intention of the original proposal to adapt the reference "a member of Her Majesty's naval forces" to "a member of the Chinese People's Liberation Army" in section 29(2) of the Summary Offences Ordinance (Cap. 228) (section 60 of Schedule 1 to the Bill) and the proposed CSAs to include the reference of "naval forces of the Chinese People's Liberation Army" in section 60 of Schedule 1 to the Bill	
011814 - 012025	Chairman Admin	Presentation by the Administration on the intention of the original adaptation proposal of "Army Department Pass" in the Public Order Ordinance (Cap. 245) (section 71 of Schedule 1 to the Bill) and the proposed CSAs to delete "or the Hong Kong Garrison" from section 71(2) of Schedule 1 to the Bill	
012026 - 012627	Chairman Mr LAU Kong-wah Admin	Explanation on the different passes in possession by the Hong Kong Garrison and members of the Ministry of National Defence in the Central People's Government	
012628 - 012730	Chairman LA Admin Mr LAU Kong-wah	Concern about the inclusion of members other than those of the Hong Kong Garrison with the proposed adaptation; Suggestion of adapting "Her Majesty's	The Administration to provide a full set of CSAs to be moved by the Administration.

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		forces" to "Hong Kong Garrison" to improve clarity;  Provision of CSAs to be moved by the Administration; and  Agenda items for next meeting	
012731 - 012911	Chairman Admin Dr Priscilla LEUNG Mr LAU Kong-wah	Date of next two meetings	

Council Business Division 2  
Legislative Council Secretariat  
18 January 2012