

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

**Response to the Follow-up Actions of the
Third Meeting on 18 January 2011**

Purpose

At the third meeting of the Bills Committee on the Adaptation of Laws (Military References) Bill 2010 (“the Adaptation Bill”) held on 18 January 2011, the Bills Committee requested the Administration to provide certain supplementary information. This paper sets out the Administration’s response to the request made by the Bills Committee.

Comments of the Hong Kong Bar Association

2. The Hong Kong Bar Association’s letter provided comments on some of the adaptation proposals and requested other information relating to the former British Forces stationed in Hong Kong and the Hong Kong Garrison. We have already provided our explanation and response to the Bar Association’s letter to the Legislative Council (“LegCo”) in our 14 January 2011 paper (LC Paper No. CB(2)813/10-11(03)). The amendments proposed in the Adaptation Bill are all straight forward, and are drawn up in accordance with the guiding principles to be applied for the adaptation of laws programme presented to the LegCo in 1998 by the Department of Justice. As for the other information relating to the former British Forces stationed in Hong Kong and the Hong Kong Garrison, our paper of 12 January 2011 to the Bills Committee (LC Paper No. CB(2)813/10-11(02)) provided a general response. The proposals included in the Adaptation Bill are merely technical adaptation amendments. Should the Bills Committee require other information relating to individual provisions, we suggest more detailed discussions during the clause-by-clause examination of the Adaptation Bill. Further, we will continue to prepare the summary table for the remaining provisions in the Bill, setting out the justifications for each of the adaptation proposal so as to facilitate the Bills Committee’s scrutiny.

Other Background Information Relating to the Hong Kong Garrison and the Former British Forces Stationed in Hong Kong

3. We explained earlier that the information concerning the size of the Hong Kong Garrison and its changes were not of relevance to the adaptation proposals in the Adaptation Bill, and that the Hong Kong Garrison also confirmed that such figure involved military information. That said, in view of a Member’s request, we have relayed the question to the Hong Kong Garrison.

According to the reply from the Garrison, the number of its members is determined according to the defence needs of the Hong Kong Special Administrative Region (“the HKSAR”). As the size of the Hong Kong Garrison is a defence matter and involves military information, it is therefore considered not appropriate to provide such information. Nevertheless, the Hong Kong Garrison emphasises that it has all along been performing defence responsibilities for the HKSAR in accordance with the Basic Law and the Garrison Law since the Reunification, and will continue to adjust its size according to the defence need for the HKSAR.

4. As for the operation of the military hospital of the former British Forces stationed in Hong Kong, we do not have detailed information. As far as we understand, before the Reunification, the British Military Hospital generally provided medical services for the former British Forces and their dependents, and limited services to individuals who were connected with the British Forces, including war veterans, war victims during the Japanese Occupation and their dependants.

5. At the meeting of the Bills Committee, a Member also enquired about the practices of the military hospital with respect to the prevention of infectious diseases. Section 35 of the Prevention and Control of Disease Regulation (Cap. 599A) stipulates the locations in which deceased bodies with specified infectious diseases are to be deposited, which includes a mortuary that is within the precincts of a military hospital.

Security Bureau
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