

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

**Response to the Letters of the Hong Kong Bar Association and
the Hong Kong Human Rights Monitor**

Purpose

The Hong Kong Bar Association (“the HKBA”) and the Hong Kong Human Rights Monitor (“the HKHRM”) provided their comments on the Adaptation of Laws (Military References) Bill 2010 (“the Adaptation Bill”) in the letter of 14 February 2011 (LC Paper No. CB(2)1063/10-11(01)) and submission made in January 2011 (LC Paper No. CB(2)856/10-11(01)) respectively. At the request of the Bills Committee, this paper sets out our specific response to the two letters further to our earlier submissions to the Bills Committee and our explanations to the Bills Committee at its meetings.

2. The two letters enquired whether the adaptation proposals included in the Adaptation Bill complied with the Basic Law or expanded the legal effect of the provisions concerned. As explained at the meetings of the Bills Committee and in our submissions, the Adaptation Bill aims to adapt certain military-related references in the laws of Hong Kong with a view to bringing them into conformity with the Basic Law and Hong Kong’s status as a Special Administrative Region of the People’s Republic of China. The Bill only makes adaptation to the existing provisions relating to the rights, exemptions and obligations of the former British Forces/British Forces stationed in Hong Kong, in order to ensure that these Ordinances do not contravene the provisions of the Basic Law and the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (“the Garrison Law”), shall continue to have effect, and apply to the military forces stationed in the Hong Kong Special Administrative Region (“the HKSAR”) by the Central People’s Government. The adaptation proposals do not involve any change to the legal effect of the Ordinances, and do not add any rights and exemptions.

3. Further, the defence duties carried out by the Hong Kong Garrison in the HKSAR (including the use of military sites) must comply with the Garrison Law, which is one of the national laws applicable to the HKSAR under Annex III of the Basic Law. Article 16 (2) of Chapter IV of the Garrison Law clearly stipulates that members of the Hong Kong Garrison shall abide by national laws and the laws of the HKSAR.

4. As to the request by the HKBA for the Administration to again provide explanation on various provisions of the Adaptation Bill, we would wish to reiterate that we have undertaken at the Bills Committee meeting on 10 February to continue preparing a detailed summary table for each of the provision in the Adaptation Bill, explaining the justifications for each of the adaptation proposal. We have earlier prepared a summary table covering each of the adaptation proposals covered by Sections 1 to 45 of Schedule 1 to the Bill, and have provided it to the Bills Committee vide Annex D to LC Paper No. CB(2)479/10-11(02). We will continue to prepare summary tables for the remaining provisions in the Adaptation Bill, illustrating the justifications for each of the adaptation proposal. Please refer to **Annex A** for the latest summary table covering Sections 46 to 57 of Schedule 1 to the Adaptation Bill.

5. Regarding the other comments of the HKHRM, please refer to **Annex B** for our response.

Security Bureau
February 2011

**Adaptation of Laws (Military References) Bill 2010
Adaptation Proposals**

Schedule 1

Section	Legislation	Proposed Adaptation	Justifications
46	Defences (Firing Areas) Ordinance (Cap. 196), s. 4(1)	A provisional programme of firing from gun sites shall be circulated at the commencement of every quarter by the Commander, British Forces <u>Commander of the Hong Kong Garrison</u> , in respect of the firing areas described in Part I of the First Schedule other than Firing Area E, to the persons enumerated in the Second Schedule, such programme being subject to alteration from time to time if necessitated by military requirements.	<p>Cap. 196 makes provisions for the regulation of practice firing within firing areas and for clearing of firing areas.</p> <p>Under section 4, “the Commander, British Forces” shall circulate and publish notices of programme of firing in advance. As such, it is proposed to adapt the relevant term to the “Commander of the Hong Kong Garrison”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1.</p>
47	Defences (Firing Areas) Ordinance (Cap. 196), s. 8(2)	If any person commits an offence against this Ordinance he shall be liable on summary conviction to a fine of \$250, and may be removed by any officer—person authorized by section 9 from the areas to which the Ordinance applies, and taken into custody without warrant, and brought before a magistrate to be dealt with according to law, and any thing found in the areas in contravention of this Ordinance may be removed by such officer—any person authorized by section 9 as aforesaid and on due proof of such contravention may be declared by a magistrate to be forfeited.	<p>This provision stipulates the penalty for offences should a person contravene the provisions of the Ordinance.</p> <p>It is suggested to adapt the term “officer” to “person” to reflect more accurately the persons covered under section 9 of the Ordinance, including those individuals who are not stipulated as “officers” in sections 9(a), (b) and (c). Please refer to the next item for further explanation.</p> <p>As for the adaptation proposal off the term “such</p>

Section	Legislation	Proposed Adaptation	Justifications
			<p>officer” to “any person authorized by section 9”, the objective is to provide clarity of drafting to section 8(2) of the Ordinance in order to clearly stipulate the persons who can enforce the Ordinance, i.e. “any person authorized by section 9” in the Ordinance.</p>
<p>48(1) 48(2)</p>	<p>Defences (Firing Areas) Ordinance (Cap. 196), s. 9</p>	<p>Officers <u>Persons</u> authorized to arrest or remove trespassers, etc. The following officers <u>persons</u> are hereby authorized to remove or to take into custody without warrant any person contravening section 6 or 7, or to remove any aircraft or thing found within any firing area affected-</p> <ul style="list-style-type: none"> (a) the officer in charge of the practice firing; (b) any officer, warrant officer, non-commissioned officer or military policeman or soldier, for the time being under the command of the said officer in charge; (c) any person authorized in writing under the hand of the said officer in charge; or (d) any police officer. 	<p>This section provides for the arrest or removal of trespassers by authorized persons.</p> <p>Section 9(b) authorizes any officers or soldiers of different ranks under the command of the officer in charge to carry out duties within firing areas. As there is no equivalent ranks of warrant officer, non-commissioned officer or military policeman in the Chinese People’s Liberation Army, it is therefore proposed to adapt these references to “soldier”.</p> <p>Regarding the adaptation proposal of the term “officer” to “person” in the Ordinance, it is to reflect more accurately the persons covered under section 9 of the Ordinance, including those individuals who are not stipulated as “officers” in sections 9(a), (b) and (c). The adaptation proposal will not alter the legal effect of the existing provisions.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1 and section 1 of Schedule 8 to Cap.1.</p>
<p>49(1)</p>	<p>Defences (Firing Areas)</p>	<p>This Ordinance shall not apply to – (c) any aircraft when racing, provided due notice of</p>	<p>The Ordinance makes provisions for the regulation of practice firing within firing areas and for clearing of</p>

Section	Legislation	Proposed Adaptation	Justifications
	Ordinance (Cap. 196), s. 10(1)(c)	the racing fixture has been given not less than 48 hours previously to the Commander, British Forces <u>Commander of the Hong Kong Garrison</u> ;	<p>firing areas. Under section 10(1)(c), the Ordinance shall not apply to any aircraft when racing, provided notice has been given not less than 48 hours previously to the Commander, British Forces. As such, it is proposed to adapt the relevant term to the “Commander of the Hong Kong Garrison”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1 and section 1 of Schedule 8 to Cap.1.</p>
49(2)	Defences (Firing Areas) Ordinance (Cap. 196), s. 10(1)(e)	<p>This Ordinance shall not apply to –</p> <p>(e) Her Majesty’s aircraft or any aircraft employed under The Ministry of Defence authority or under the Government of Hong Kong any aircraft of the Chinese People’s Liberation Army or any aircraft employed under the Government.</p>	<p>The Ordinance makes provisions for the regulation of practice firing within firing areas and for clearing of firing areas. Section 10(1)(e) provided exemption for the aircraft of “Her Majesty” and “the Ministry of Defence authority” before the Reunification and the aircraft of the then “Government of Hong Kong”.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to the “Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to the “Hong Kong Garrison”. “Her Majesty’s aircraft or any aircraft employed under The Ministry of Defence authority ...” as set out in I section 49(2) of the Ordinance aims to provide exemption for military aircraft. As only the Chinese People’s Liberation Army will use military aircraft, it is therefore proposed to adapt the relevant terms as “the Chinese People’s</p>

Section	Legislation	Proposed Adaptation	Justifications
			<p>Liberation Army”.</p> <p>As for the term “Hong Kong Government”, the adaptation proposal is prepared in accordance with the definition in Part II of Cap. 1, i.e. “Government (特區政府) means the Government of the Hong Kong Special Administrative Region”.</p> <p>The adaptation proposal retains the original intent of the Ordinance and has neither narrowed nor widened the original scope of the provision.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1 and sections 1 and 2 of Schedule 8 to Cap.1.</p>
50	Crimes Ordinance (Cap. 200), s. 6(a)	<p>Any person who knowingly attempt –</p> <p>(a) to seduce any member of Her Majesty's forces from his duty and allegiance to Her Majesty the Chinese People's Liberation Army from his duty and allegiance to the People's Republic of China;</p> <p>or:</p> <p>shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.</p>	<p>Cap. 200 makes provisions for certain crimes.</p> <p>As for the reference “Her Majesty’s forces”, according to the principles of adaptation of laws, except for land vested in or occupied by the Former British Forces stationed in Hong Kong which is generally be adapted to the “Hong Kong Garrison”, the references of “Her Majesty’s forces” in the Bill are generally proposed to be adapted to the “Chinese People’s Liberation Army”. It is therefore suggested to adapt the term “Her Majesty’s forces” to “the Chinese People’s Liberation Army” and the term “Her Majesty” to “the People’s Republic of China”.</p> <p>The adaptation proposal is prepared by making</p>

Section	Legislation	Proposed Adaptation	Justifications
			reference to section 1 of Schedule 8 to Cap.1.
51(1) 51(2)	Crimes Ordinance (Cap. 200), s. 7	<p>(1) Any person who knowingly attempts to seduce – (a) any member of Her Majesty's forces; (b) (Repealed 20 of 1997 s. 25) (ba) any member of the Government Flying Service; (c) any police officer; or (d) any member of the Royal Hong Kong Auxiliary Police Force, from his duty or allegiance to Her Majesty shall be guilty of an offence.</p> <p><u>(1A) Any person who knowingly attempts to seduce any member of the Chinese People's Liberation Army from his duty or allegiance to the People's Republic of China is guilty of an offence.</u></p>	Please refer to the justifications for section 50 of Schedule 1 to the Bill above.
51(3)	Crimes Ordinance (Cap. 200), s. 7(2)(a)	<p>Any person who – (a) knowing that any member or officer mentioned in subsection (1) <u>or (1A)</u> is about to desert or absent himself without leave, assists him in so doing; or should be guilty of an offence.</p>	Consequential amendment to Sections 51(1) and (2) of Schedule 1 to the Bill.
51(4)	Crimes Ordinance (Cap. 200), s. 7(3)	<p>Any person who, with intent to commit or to aid, abet, counsel or procure the commission of an offence under subsection (1) <u>or (1A)</u>, has in his possession any document of such a nature that the dissemination of copies thereof among the members or officers mentioned in subsection (1) <u>or (1A)</u> would constitute such an offence,</p>	Consequential amendment to Sections 51(1) and (2) of the Bill.

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		shall be guilty of an offence.	
52	Crimes Ordinance (Cap. 200), s. 58B(2)	<p>The Government Chemist or any member of Her Majesty's forces <u>the Chinese People's Liberation Army</u> or police officer designated for the purpose of this subsection by the Commander British Forces <u>of the Hong Kong Garrison</u> or the Commissioner of Police respectively are authorized to have possession or custody of unmarked plastic explosive, or to have such explosive under their control, if they do so –</p> <ul style="list-style-type: none"> (a) in the course of their duties; and (b) solely for – <ul style="list-style-type: none"> (i) use in research, development or testing of new or modified explosives; (ii) use in training in explosives detection or the development or testing of explosives detection equipment; or (iii) forensic science purposes. 	<p>Sections 58B and 58D set out offences relating to the possession, import and export of unmarked plastic explosives.</p> <p>Before the Reunification, members of the former British Forces acting with the written authorization of the “Commander, British Forces” were exempt from the requirements of the relevant provisions. It is proposed to adapt the term “Commander, British Forces” to “Commander of the Hong Kong Garrison”.</p> <p>As for the reference “Her Majesty’s forces”, according to the principles of adaptation of laws, except for land vested in or occupied by the Former British Forces stationed in Hong Kong which is generally be adapted to the “Hong Kong Garrison”, the references of “Her Majesty’s forces” in the Bill are generally proposed to be adapted to the “Chinese People’s Liberation Army”. As such, it is proposed to adapt the term “member of Her Majesty’s forces” to “member of the Chinese People’s Liberation Army”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1 and section 1 of Schedule 8 to Cap.1.</p>
53	Crimes Ordinance (Cap. 200),	<p>This section shall not apply to –</p> <ul style="list-style-type: none"> (a) the importation into Hong Kong by – <ul style="list-style-type: none"> (i) any member of Her Majesty's forces <u>the</u> 	Please refer to the justifications for section 52 of Schedule 1 to the Bill above.

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	s. 58D(2)(a)	<p><u>Chinese People’s Liberation Army</u> acting with the written authorization of the <u>Commander British Forces Commander of the Hong Kong Garrison</u>;</p> <p>(ii) any police officer acting with the written authorization of the Commissioner of Police,</p> <p>of such quantity of unmarked plastic explosive as may be required by the <u>Commander British Forces Commander of the Hong Kong Garrison</u> or the Commissioner of Police respectively for a use or purpose specified in section 58B(2)(b)(i) to (iii); or</p>	
54	Crimes Ordinance (Cap. 200), s. 58E(3)	Any unmarked plastic explosive forfeited under or by virtue of this section shall, as soon as reasonably practicable after such forfeiture, unless required by the <u>Commander British Forces Commander of the Hong Kong Garrison</u> or the Commissioner of Police for a use or purpose specified in section 58B(2)(b)(i) to (iii), be destroyed by the Commissioner of Police.	<p>Section 58E deals with the forfeiture, seizure and destruction of unmarked plastic explosives.</p> <p>According to section 58E(3), unless required by the “Commander, British Forces”, the unmarked plastic explosive forfeited should be destroyed as soon as reasonably practicable. The relevant term is proposed to be adapted to “Commander of the Hong Kong Garrison”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1.</p>
55(1) 55(2)	Crimes Ordinance (Cap. 200), s.	<p>Exemption period for police officers and members of <u>armed forces Chinese People’s Liberation Army</u></p> <p>Notwithstanding section 58B, during the period of 15</p>	Please refer to the justifications for section 52 of Schedule 1 to the Bill above.

Section	Legislation	Proposed Adaptation	Justifications
	58F	<p>years beginning from the commencement of this Part it shall not be an offence under that section for any member of Her Majesty's forces <u>the Chinese People's Liberation Army</u> or police officer designated for the purpose of this section by the Commander British Forces <u>Commander of the Hong Kong Garrison</u> or the Commissioner of Police respectively to have in his possession or custody or under his control, in the course of and solely for the purpose of the performance of his duties, any unmarked plastic explosive that was being held in Hong Kong immediately prior to such commencement.</p>	<p>Part VIIA of Cap. 200 was enacted to implement in Hong Kong the provisions of Article IV (3) of the Convention on the Marking of Plastic Explosives for the Purpose of Detection which was passed by the International Conference on Air Law in 1991. The main objective of the Convention is to suppress acts of terrorism, in particular terrorist activities making use of plastic explosives.</p> <p>Part VIIA of the Ordinance has been in effect since 24 June 1994. Section 58F of Part VIIA of the Ordinance provides an exemption period of 15 years for the armed forces and the Police. The exemption period expired on 23 June 2009.</p> <p>Although the exemption period has expired, we still need to retain and adapt section 58F as it provides exemption to the offence under section 58B for the period between June 1994 and June 2009, and retaining the provision allows the relevant persons from clearly understanding the details of the exemption.</p>
56	Crimes Ordinance (Cap. 200), s. 158	<p>(1) In relation to a person charged with a specified sexual offence in pursuance of any provision of the Naval Discipline Act 1957 (1957 c. 53 U.K.), the Army Act 1955 (1955 c. 18 U.K.) or the Air Force Act 1955 (1955 c. 19 U.K.), section 156 shall have effect with the following modifications, namely (Amended 90 of 1991 s. 24) –</p> <p style="padding-left: 40px;">(a) any reference to a trial or a trial before the High Court shall be construed as a reference to a trial</p>	<p>Section 158 sets out the application of the laws to trials by courts-martial established under relevant Acts of the United Kingdom of specified sexual offences before the Reunification. The Acts are not applicable after the Reunification.</p> <p>After the Reunification, members of the Hong Kong Garrison who commit such offences are to be dealt</p>

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		<p>by court-martial; (b) for any reference in section 156(2) to a judge there shall be substituted a reference to the officer who is authorized to convene or has convened a court-martial for the trial of the offence (or, if after convening it he has ceased to hold the appointment by virtue of which he convened it, the officer holding that appointment) and for any reference in subsection (4) of that section to such a judge there shall be substituted a reference to the court; (c) for any reference in section 156(5) to the Court of Appeal there shall be substituted a reference to the Courts Martial Appeal Court; and (d) in section 156(7) for paragraphs (a) to (d) there shall be substituted the words “he is charged with a specified sexual offence in pursuance of any provision of the Naval Discipline Act 1957 (1957 c. 53 U.K.), the Army Act 1955 (1955 c. 18 U.K.) or the Air Force Act 1955 (1955 c. 19 U.K.)”; (Amended 90 of 1991 s. 24) and section 157 shall apply accordingly. (Amended 32 of 1979 s. 3)</p> <p>(2) In relation to a person who, having been charged with a specified sexual offence in pursuance of any provision of any of the Acts specified in subsection (1), has been convicted of an offence and has given notice of an appeal to the Courts Martial Appeal Court against the conviction, or notice of an application for leave so to appeal, a</p>	<p>with in accordance with Chapter V “Jurisdiction over Members of the Hong Kong Garrison” of the Garrison Law.</p> <p>The adaptation proposal is prepared by making reference to section 2A(1) of Cap.1.</p>

Section	Legislation	Proposed Adaptation	Justifications
		<p>direction given by a judge of that Court that section 156(1) shall not, by virtue of an accusation which alleges a specified sexual offence and is specified in the direction, apply in relation to a complainant so specified, shall be deemed to be a direction given by the Courts Martial Appeal Court in pursuance of subsection (5) of that section (as modified by this section). (Amended 32 of 1979 s. 3) [cf. 1976 c. 82 s. 5(6) U.K.]</p> <p>(3) In this section and in section 156 as modified by subsection (1)-</p> <p>”court martial” (軍事法庭) means a court martial under any of the Acts specified in subsection (1);</p> <p>”Courts Martial Appeal Court” (軍事法庭上訴庭) means the Courts Martial Appeal Court established by the Courts Martial (Appeals) Act 1951 (1951 c. 46 U.K.) for the purpose of hearing appeals from naval, army and air force courts martial, and continued in existence by the Courts Martial (Appeals) Act 1968 (1968 c. 20 U.K.).</p>	
57(1) 57(2) 57(3) 57(4)	Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A), regulation 19(1)	<p>Application to Crown servants, public servants, members of Chinese People’s Liberation Army and waterworks contractors</p> <p>(1) These regulations shall not apply to, and regulation 4 shall not apply in respect of a vehicle or bicycle being used by-</p> <p>(a) any person in the public service of the Crown <u>Government</u> while he is within a country park or special area acting in the course of his duties;</p> <p>(aa) any member of the Chinese People’s</p>	<p>This Regulation provides exemption before the Reunification to vehicles or bicycles being used by “any person in the public service of the Crown” acting in the course of his duties. The definition of “any person in the public service of the Crown” in the Regulation covers public officers, members of Her Majesty’s forces and members of certain groups. The definition of such person is provided in regulation 19(2).</p> <p>As such, the Bill proposes to adapt “any person in the</p>

Section	Legislation	Proposed Adaptation	Justifications
		<p><u>Liberation Army while he is within a country park or special area acting in the course of his duties;</u></p> <p>(b) any person, not being a person in the public service of the Crown<u>Government or a member of the Chinese People’s Liberation Army</u>, who is authorized by the Water Authority to carry out the construction, operation or maintenance of waterworks within a country park or special area.</p>	<p>public service of the Crown” in regulation 19(1) of the Regulation as-</p> <p>(i) “any person in the public service of the Government”; and</p> <p>(ii) “member of the Chinese People’s Liberation Army”.</p> <p>The amendment in the title is consequential to the amendment to sections (a), (aa) and (b).</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1 and sections 1 and 2 of Schedule 8 to Cap.1.</p>
57(5) 57(6) 57(7) 57(8)	Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A), regulation 19(2)	<p>In this regulation "person in the public service of the Crown" (官方<u>Government</u>" (<u>政府</u>公共服務人員) means a person who is –</p> <p>(a) a public officer; <u>or</u></p> <p>(b) a member of Her Majesty's forces; or</p> <p>(c) a member of -</p> <p>(i) (Repealed 20 of 1997 s. 25);</p> <p>(ii) the Royal Hong Kong Auxiliary Air Force<u>Government Flying Service</u>;</p> <p>(iii) the Hong Kong Auxiliary Police Force; (L.N. 362 of 1997)</p> <p>(iv) the Essential Services Corps; (57 of 1997 s. 34)</p> <p>(v) the Auxiliary Medical Service; (57 of 1997</p>	<p>This Regulation provides definition for the term “person in the public service of the Crown”. The term “person in the public service of the Crown” in the Regulation covers the then public officer, member of Her Majesty’s forces and member of certain groups. The definition of such person is provided in regulation 19 (2).</p> <p>As the application of the “Chinese People’s Liberation Army” has been separately dealt with in section 57(3) of the Bill, it is therefore proposed to delete the reference to “a member of Her Majesty’s forces” from the proposed amendment of “person in the public service of the Government”. The adaptation of the</p>

Section	Legislation	Proposed Adaptation	Justifications
		<p>s. 34; 58 of 1997 s. 34) (vi) the Civil Aid Service. (58 of 1997 s. 34)</p>	<p>“Crown” to the “Government” is made in accordance with the principles of adaptation of laws.</p> <p>As the duties of the Royal Hong Kong Auxiliary Air Force in this Regulation are now carried out by the Government Flying Service, it is therefore proposed to adapt the relevant term to the “Government Flying Service”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap.1 and sections 1 and 2 of Schedule 8 to Cap.1</p>

Security Bureau
February 2011

Adaptation of Laws (Military References) Bill 2010

Response to the comments of the Hong Kong Human Rights Monitor

The Adaptation Bill does not extend the rights, exemptions and obligations of the Hong Kong Garrison (Comments raised in paragraphs 4, 5, 7, 8, 12, 13, 14 and 15 of the letter)

The Adaptation Bill is prepared in accordance with the decisions of the Standing Committee of the National People's Congress. Provisions relating to the rights, exemptions and obligations of the military forces stationed in Hong Kong by the United Kingdom shall, subject to the provisions of the Basic Law and the Garrison Law, continue to have effect and apply to the military forces stationed in the HKSAR by the Central People's Government of the People's Republic of China. The Adaptation Bill does not extend the rights, exemptions and obligations of the Hong Kong Garrison.

2. Regarding the addition of the four definitions to section 3 of the Interpretation and General Clauses Ordinance (Cap 1), as stated in our December 2010 (LC Paper No. CB(2)479/10-11(02)) and January 2011 (LC Paper No. CB(2)813/10-11(02)) submissions to the Bills Committee, our intent for the addition is to obviate the need to repeat the relevant definitions in various Ordinances, making the law drafting more effective and the content of the adaptation proposals more straight forward and clear. The adaptation proposal does not extend the rights, exemptions and obligations of the Hong Kong Garrison, nor does it change the legal effect and the scope of the ordinances concerned.

3. The adaptation proposals in the Bill have the same legal effect as the relevant provisions before adaptation, such as those mentioned in the submission from the Hong Kong Human Rights Monitor, such as the adaptation proposals for section 2 of the Antiquities and Monuments Ordinance (Cap.53), schedule 2 of the Air Passenger Departure Tax (Cap.140), section 39 of the Public Order Ordinance (Cap.245), section 5(3) of the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap.413), section 3(1)(a) of the Merchant Shipping (Seafarers) Ordinance (Cap.478). Should individual Ordinances contain laws of the United Kingdom which no longer have any legal effect after the Reunification, we would repeal these provisions, e.g. the adaptation proposal suggested to section 158 of the Crimes Ordinance. The aforementioned provisions, when adapted, have the same legal effect after its adaptation as before, and do not extend the rights, exemptions and obligations of the Hong Kong Garrison.

4. As we have undertaken at the Bills Committee meeting on 10 February, we would continue preparing detailed summary tables for each of the provision in the Adaptation Bill, explaining the justifications for each of the adaptation proposal. We will continue to prepare summary tables for the remaining provisions in the Adaptation Bill for Members' consideration.

Other Background Information Relating to the Chinese People's Liberation Army and the Hong Kong Garrison (Comments raised in paragraphs 6, 9, 10 and 11 of the letter)

5. Regarding the enquiries raised in the submission by the Hong Kong Human Rights Monitor on the establishment and service conditions of the Chinese People's Liberation Army and the Hong Kong Garrison, we have provided the information in Annex B of our January 2011 submission (LC Paper No. CB(2)813/10-11(02)).