

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

**Purpose**

This paper briefs Members on the Adaptation of Laws (Military References) Bill 2010 (the Adaptation Bill).

**Background**

2. The Adaptation Bill aims to adapt certain military-related references in the laws of Hong Kong to bring them into conformity with the Basic Laws and Hong Kong's status as a Special Administrative Region of the People's Republic of China. At the meeting on 14 July 2010, we introduced the Adaptation Bill to the Legislative Council (LegCo) for first reading and commencement of second reading.

**Adaptation of Military-related References**

3. There are a substantial number of military-related references in the laws of Hong Kong which require adaptation to bring them into conformity with the Basic Law and Hong Kong's status as a Special Administrative Region of the People's Republic of China. Such adaptation proposals are formulated in accordance with the interpretative principles promulgated by the Standing Committee of the National People's Congress and those added to the Interpretation and General Clauses Ordinance (Cap.1), as well as the legislative intent of the provisions concerned. In fact, military-related provisions in the laws of Hong Kong previously in force have been construed in accordance with the interpretative principles set out in the Interpretation and General Clauses Ordinance (Cap. 1) since 1 July 1997. In the interest of legal certainty of the laws of Hong Kong, it is still necessary to adapt these military-related provisions. (The interpretative principles concerned have been set out in the LegCo Brief issued by the Administration on 7 July 2010.)

4. The adaptation proposals set out in the Adaptation Bill comprise 85 pieces of legislation. Generally speaking, the adaptation proposals can be categorized into five different groups based on the content of the adaptation proposals-

- (i) land-related<sup>1</sup>;
- (ii) healthcare-related<sup>2</sup>;
- (iii) transport-related<sup>3</sup>;
- (iv) security-related<sup>4</sup>; and
- (v) miscellaneous<sup>5</sup>.

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- 1 Antiquities and Monuments Ordinance (Cap. 53); Telecommunications Ordinance (Cap. 106); Tramway Ordinance (Cap. 107); Rating Ordinance (Cap. 116); Buildings Ordinance (Cap. 123); Lands Resumption Ordinance (Cap. 124); Land Acquisition (Possessory Title) Ordinance (Cap. 130); Protected Places (Safety) Ordinance (Cap. 260); Protected Places (Safety) (Authorized Guards) Order (Cap. 260 sub. leg. C); Mining Ordinance (Cap. 285); Mining (General) Regulations (Cap. 285 sub. leg. A); Lifts and Escalators (Safety) Ordinance (Cap. 327).
- 2 Employment Ordinance (Cap. 57); Funeral Parlours Regulation (Cap. 132 sub. leg. AD); Dangerous Drugs Ordinance (Cap. 134); Dangerous Drugs Regulations (Cap. 134 sub. leg. A); Pharmacy and Poisons Ordinance (Cap. 138); Dentists Registration Ordinance (Cap. 156); Medical Registration Ordinance (Cap. 161); Midwives Registration Ordinance (Cap. 162); Nurses Registration Ordinance (Cap. 164); Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165); Summary Offences Ordinance (Cap. 228); Undesirable Medical Advertisements Ordinance (Cap. 231); Massage Establishments Ordinance (Cap. 266); Employees' Compensation Ordinance (Cap. 282); Medical Clinics Ordinance (Cap. 343); Supplementary Medical Professions Ordinance (Cap. 359); Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360); Occupational Deafness (Compensation) Ordinance (Cap. 469).
- 3 Pilotage Ordinance (Cap. 84); "Star" Ferry Company, Limited, By-laws (Cap. 104 sub. leg. E); Air Passenger Departure Tax Ordinance (Cap. 140); Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A); Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229); Public Bus Services Regulations (Cap. 230 sub. leg. A); Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237); Peak Tramway By-laws (Cap. 265 sub. leg. B); Merchant Shipping Ordinance (Cap. 281); Housing (Traffic) By-laws (Cap. 283 sub. leg. A); Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C); Shipping and Port Control Ordinance (Cap. 313); Shipping and Port Control Regulations (Cap. 313 sub. leg. A); Motor Vehicles (First Registration Tax) Ordinance (Cap. 330); Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B); Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B); Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C); Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E); Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G); Road Traffic (Parking on Private Roads) Regulations (Cap. 374 sub. leg. O); Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q); Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413); Civil Aviation Ordinance (Cap. 448); Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C); Merchant Shipping (Seafarers) Ordinance (Cap. 478); Aviation Security Ordinance (Cap. 494); Carriage by Air Ordinance (Cap. 500).
- 4 Immigration Ordinance (Cap. 115); Authorization by the Governor under Section 58A (Cap. 115 sub. leg. F); Registration of Persons Regulations (Cap. 177 sub. leg. A); Defences (Firing Areas) Ordinance (Cap. 196); Crimes Ordinance (Cap. 200); Weapons Ordinance (Cap. 217); Firearms and Ammunition Ordinance (Cap. 238); Public Order Ordinance (Cap. 245); Security and Guarding Services Ordinance (Cap. 460).
- 5 Jury Ordinance (Cap. 3); Probate and Administration Ordinance (Cap. 10); Defamation Ordinance (Cap. 21); Import and Export (Registration) Regulations (Cap. 60 sub. leg. E); Pensions Regulations (Cap. 89 sub. leg. A); Public Service Commission Ordinance (Cap. 93); Pension Benefits Regulations (Cap. 99 sub. leg. A); Dutiable Commodities Ordinance (Cap. 109); Inland Revenue Ordinance (Cap. 112); Hong Kong Cemetery, Happy Valley, Rules (Cap. 132 sub. leg. AJ); Wild Animals Protection Ordinance (Cap. 170); Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A); Adoption Rules (Cap. 290 sub. leg. A); Dangerous Goods Ordinance (Cap. 295); Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C); Census and Statistics Ordinance (Cap. 316); Industrial Training (Clothing Industry) Ordinance (Cap. 318); Pension Benefits (Judicial Officers) Regulations (Cap. 401 sub. leg. A); Registered Designs Ordinance (Cap. 522).