

## **LEGISLATIVE COUNCIL BRIEF**

### **ADAPTATION OF LAWS (MILITARY REFERENCES) BILL 2010**

#### **INTRODUCTION**

At the meeting of the Executive Council held on 6 July 2010, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (Military References) Bill 2010 (the Adaptation Bill) at **Annex A** should be introduced into the Legislative Council (LegCo). The Adaptation Bill aims to adapt certain military-related references in the laws of Hong Kong 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.

#### **JUSTIFICATIONS**

##### **Background**

2. On 23 February 1997, the Standing Committee of the National People's Congress decided that except for 14 Ordinances and subsidiary legislation, and certain provisions in 10 Ordinances and subsidiary legislation which are in contravention of the Basic Law, the laws previously in force in Hong Kong are adopted as the laws of the Hong Kong Special Administrative Region in accordance with Articles 8 and 160 of the Basic Law<sup>1</sup>. The decision of the Standing Committee of the National People's Congress also spells out the interpretative principles for provisions relating to the rights, exemptions and obligations of military forces stationed in Hong Kong by the United Kingdom and references of "Her Majesty", "the Crown", "the British Government" or "the Secretary of State", etc.

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<sup>1</sup> Article 8 of the Basic Law stipulates that "[t]he laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravene this Law, and subject to any amendment by the legislature of the Hong Kong Special Administrative Region."

Article 160 of the Basic Law stipulates that "[u]pon the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong shall be adopted as laws of the Region except for those which the Standing Committee of the National People's Congress declares to be in contravention of this Law. If any laws are later discovered to be in contravention of this Law, they shall be amended or cease to have force in accordance with the procedure as prescribed by this Law."

3. The interpretative principles promulgated by the Standing Committee of the National People's Congress have been enacted as part of Hong Kong law by the Hong Kong Reunification Ordinance (No. 110 of 1997) and incorporated as section 2A of and Schedule 8 to the Interpretation and General Clauses Ordinance (Cap. 1). In line with these general principles, more detailed principles of interpretation have been added to the Interpretation and General Clauses Ordinance (Cap. 1) by the amendments made under the Adaptation of Laws (Interpretative Provisions) Ordinance (No. 26 of 1998).

4. 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.

### **Adaptation of Military-related References**

5. 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 military-related references include direct military references (e.g. "Her Majesty's forces", "armed forces of the Crown", etc.), references that are to be construed as including the Chinese People's Liberation Army or the Garrison<sup>2</sup> and references in a military context (e.g. national defence)<sup>3</sup>.

6. The adaptation proposals set out in the Adaptation Bill at Annex A involve 85 pieces of legislation across different policy areas. They are

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<sup>2</sup> For example, section 33(6)(a) of the Employment Ordinance (Cap. 57) stipulates:

"For the purposes of this section –

(a) the expression "hospital" (醫院) means a hospital or specialist clinic maintained by the Crown, a public hospital within the meaning of the Hospital Authority Ordinance (Cap 113) or a hospital in respect of which a person is registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165);"

The reference to "the Crown" is to be construed as meaning the Government and the Garrison.

<sup>3</sup> For instance, section 2A(3) of the Civil Aviation Ordinance (Cap. 448) stipulates:

"No order may be made under subsection (2)(s) for prohibiting aircraft from flying over any area in Hong Kong –

(a) by reason of national defence; or

(b) during a state of emergency or state of war,

except on an instruction of a Secretary of State issued as described in subsection (4)."

formulated in accordance with the following principles as set out in the Interpretation and General Clauses Ordinance (Cap. 1) –

- (a) 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 of the Hong Kong Special Administrative Region of the People's Republic of China (the Garrison Law), continue to have effect and apply to the military forces stationed in the Hong Kong Special Administrative Region by the Central People's Government (CPG) of the People's Republic of China (section 2A(2)(c) of Cap. 1);
- (b) any reference in any provision to Her Majesty, the Crown, the British Government or the Secretary of State (or to similar names, terms or expressions) where the content of the provision –
  - (i) relates to title to land in the Hong Kong Special Administrative Region;
  - (ii) involves affairs for which the CPG of the People's Republic of China has responsibility;
  - (iii) involves the relationship between the Central Authorities and the Hong Kong Special Administrative Region,

shall be construed as a reference to the CPG or other competent authorities of the People's Republic of China (section 1 of Schedule 8 to Cap. 1); and

- (c) any reference in any provision to Her Majesty, the Crown, the British Government or the Secretary of State (or to similar names, terms or expressions) in contexts other than those specified in (b) above shall be construed as a reference to the Government of the Hong Kong Special Administrative Region (section 2 of Schedule 8 to Cap. 1).

7. Broadly speaking, general references to “Her Majesty’s forces”, for example, will be adapted as “the Chinese People’s Liberation Army” since “Her Majesty’s forces” covered the British forces garrisoned in Hong Kong and other members of the British forces before 1 July 1997. References specific to the British armed forces stationed in Hong Kong will be adapted

as “the Hong Kong Garrison”. Examples illustrating the adaptation proposals for some of the common military-related references in the laws of Hong Kong are at **Annex B**. When formulating the actual adaptation proposals, we have also taken into account the context and the legislative intent of the relevant provisions.

## **THE ADAPTATION BILL**

8. The main provisions of the Adaptation Bill at Annex A are summarized below –

- (a) Clause 2(1) provides that subject to specified exceptions, the Adaptation Bill, when enacted, is deemed to have come into operation on 1 July 1997;
- (b) Clause 2(2) provides that the retrospective commencement of the whole Adaptation Bill is subject to Article 12 of the Hong Kong Bill of Rights<sup>4</sup> set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383). This aims to protect persons who may be affected by the adaptation amendments against retroactive criminal offences and penalties;
- (c) Clause 2(3) provides for a list of adaptation provisions set out in Schedule 1 to the Adaptation Bill that may otherwise carry a negative effect and should not have retrospective effect. These provisions will come into operation on the day the Adaptation Bill is published as an Ordinance in the Gazette, pursuant to section 20(2)(a) of the Interpretation and General Clauses Ordinance (Cap. 1)<sup>5</sup>; and

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<sup>4</sup> Article 12 of the Hong Kong Bill of Rights provides –

- “(1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under Hong Kong or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
- (2) Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.”

<sup>5</sup> Section 20(2) of Cap. 1 provides that an Ordinance commences –

- (a) at the beginning of the day on which it is published; or
- (b) if provision is made for it to commence on another day, at the beginning of that other day.

- (d) Schedule 1 contains the proposed adaptation amendments to 85 pieces of legislation. Depending on the context of the relevant provisions, military-related references will be either suitably adapted or deleted as appropriate.

## **LEGISLATIVE TIMETABLE**

9. The legislative timetable is as follows –

Publication in the Gazette	9 July 2010
First Reading and commencement of Second Reading debate at LegCo	14 July 2010
Resumption of Second Reading debate, Committee Stage and Third Reading	to be notified

## **IMPLICATIONS OF THE PROPOSAL**

10. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no civil service, economic, productivity, environmental or sustainability implications. Regarding financial implications, the Government will continue to make payment as required by relevant legislation. The adaptation proposals set out in the Adaptation Bill do not affect the current binding effect of the existing provisions of the legislation covered by the Adaptation Bill. Military-related references in the relevant legislation are adapted to bring them into conformity with the Basic Law.

## **CONSULTATION**

11. In accordance with Article 10 of the Garrison Law<sup>6</sup>, we have consulted the Garrison on the Adaptation Bill.

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<sup>6</sup> Article 10 of the Garrison Law provides that the Hong Kong Special Administrative Region shall consult the Hong Kong Garrison when formulating any policy or drafting any legislation which concerns the Hong Kong Garrison.

12. On 4 May 2010, we consulted the LegCo Panel on Security on the general adaptation principles for the military-related references in the laws of Hong Kong. Members raised no objection to the legislative exercise.

## **PUBLICITY**

13. A spokesman will be made available to answer media enquiries.

## **ENQUIRIES**

14. Enquiries on this Brief should be addressed to Mr David Lau, Principal Assistant Secretary (Security), at telephone number 2810 2329.

Security Bureau  
7 July 2010

ADAPTATION OF LAWS (MILITARY REFERENCES) BILL 2010

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A BILL

To

Adapt certain military references in, and other related provisions of, the laws of Hong Kong 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.

Enacted by the Legislative Council.

**1. Short title**

This Ordinance may be cited as the Adaptation of Laws (Military References) Ordinance 2010.

**2. Commencement**

(1) This Ordinance, except as provided in subsections (3), (4) and (5), is deemed to have come into operation on 1 July 1997.

(2) Subsection (1) is subject to Article 12 of the Hong Kong Bill of Rights set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383).

(3) Sections 4, 7, 8, 9, 12, 14, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 86, 87, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 104, 105, 107, 108, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 136 and 137 of Schedule 1 come into operation on the day on which this Ordinance is published in the Gazette.

(4) Section 2 of Schedule 2 is deemed to have come into operation on 16 January 1998.

(5) Section 3 of Schedule 2 is deemed to have come into operation on 22 June 1998.



### **3. Adaptation of laws**

The enactments specified in Schedule 1 are amended in the manner indicated in that Schedule.

### **4. Consequential amendments**

The enactments specified in Schedule 2 are amended in the manner indicated in that Schedule.

### **5. Savings and transitional**

For the avoidance of doubt –

- (a) the amendment made to the Defamation Ordinance (Cap. 21) by section 4 of Schedule 1 does not affect any action or proceeding commenced before the date on which that section comes into operation;
- (b) the amendments made to the Pensions Regulations (Cap. 89 sub. leg. A), the Pension Benefits Regulations (Cap. 99 sub. leg. A) and the Pension Benefits (Judicial Officers) Regulations (Cap. 401 sub. leg. A) by section 9, 10, 12, 13 or 118 of Schedule 1 do not affect any right accrued or accruing to any person before the date on which that section comes into operation; and
- (c) the repeal of rule 29(d) of the Adoption Rules (Cap. 290 sub. leg. A) effected by section 90(b) of Schedule 1 does not affect the validity of any document or declaration executed or made by any person outside Hong Kong that is attested in accordance with that rule 29(d) before the date on which that section comes into operation.

## SCHEDULE 1

[ss. 3 &amp; 5]

## ADAPTATION OF LAWS

**Interpretation and General Clauses Ordinance****1. Interpretation of words and expressions**

Section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) is amended by adding –

““Commander of the Hong Kong Garrison” (香港駐軍最高指揮官) means the officer for the time being in command of the Hong Kong Garrison;

“Hong Kong Garrison” (香港駐軍) means the Hong Kong Garrison of the Chinese People’s Liberation Army as stipulated in Article 2 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997);

“member of the Hong Kong Garrison” (香港駐軍人員) means a member of the Hong Kong Garrison for the time being serving with the Hong Kong Garrison but does not include locally employed personnel, agents or servants of the Hong Kong Garrison;

“military hospital” (軍方醫院) means a hospital of the Hong Kong Garrison;”.

## **Jury Ordinance**

### **2. Exemptions from service**

(1) Section 5(1)(j) of the Jury Ordinance (Cap. 3) is repealed and the following substituted –

“(j) members of the Chinese People’s Liberation Army;”.

(2) Section 5(1)(p) is amended by repealing “Armed Forces of Her Majesty serving on full pay” and substituting “Chinese People’s Liberation Army”.

## **Probate and Administration Ordinance**

### **3. Saving as to estates of certain persons**

(1) Section 17 of the Probate and Administration Ordinance (Cap. 10) is amended by renumbering it as section 17(1).

(2) Section 17(1) is amended by repealing “any person dying in any of Her Majesty’s forces or of”.

(3) Section 17 is amended by adding –

“(2) Nothing in this Ordinance shall be construed to enable or require the Official Administrator to obtain administration of the estate of any person dying in the Chinese People’s Liberation Army for the administration of whose estate provision is made by any law of the Mainland.

(3) In this section, “Mainland” (內地) means any part of China other than Hong Kong, Macau and Taiwan.”.

## **Defamation Ordinance**

### **4. Newspaper statements having qualified privilege**

The Schedule to the Defamation Ordinance (Cap. 21) is amended, in paragraph 4, by repealing “held outside Hong Kong under the Naval Discipline Act, the Army Act or the Air Force Act” and substituting “of the Chinese People’s Liberation Army held outside Hong Kong”.

## **Antiquities and Monuments Ordinance**

### **5. Interpretation**

Section 2 of the Antiquities and Monuments Ordinance (Cap. 53) is amended, in paragraph (b) of the definition of “private land”, by repealing “Her Majesty’s forces, or for other purposes of the Crown in right of Her Majesty’s Government in the United Kingdom” and substituting “the Hong Kong Garrison, or for other purposes of the Central People’s Government”.

## **Employment Ordinance**

### **6. Sickness allowance**

Section 33(6)(a) of the Employment Ordinance (Cap. 57) is amended by repealing “Crown” and substituting “Government, a military hospital”.

## **Import and Export (Registration) Regulations**

### **7. Exemptions in respect of regulations 4 and 5**

Regulation 3(c) of the Import and Export (Registration) Regulations (Cap. 60 sub. leg. E) is amended by repealing “armed forces of the Crown” and substituting “Chinese People’s Liberation Army”.

### **Pilotage Ordinance**

#### **8. Exemption from compulsory pilotage**

Section 10D(1)(a) of the Pilotage Ordinance (Cap. 84) is amended by repealing “Her Majesty” and substituting “the Chinese People’s Liberation Army or ships belonging to the Central People’s Government and used only on non-commercial service”.

### **Pensions Regulations**

#### **9. War service to count for pension purposes**

Regulation 16 of the Pensions Regulations (Cap. 89 sub. leg. A) is repealed.

#### **10. Additional pension in respect of war service**

(1) Regulation 17A(9) is amended, in the definition of “excess remuneration”, by repealing “Crown” and substituting “United Kingdom”.

(2) Regulation 17A(9) is amended, in paragraph (a) of the definition of “war service”, by repealing “Crown” and substituting “United Kingdom”.

### **Public Service Commission Ordinance**

#### **11. Functions of Commission**

Section 6(2)(d) of the Public Service Commission Ordinance (Cap. 93) is amended by repealing “in any naval, military or air force constituted by or raised under any enactment or”.

## **Pension Benefits Regulations**

### **12. Military service to count for pension benefits**

Regulation 15 of the Pension Benefits Regulations (Cap. 99 sub. leg. A) is repealed.

### **13. Additional pension in respect of war service**

(1) Regulation 15A(9) is amended, in the definition of “excess remuneration”, by repealing “Crown” and substituting “United Kingdom”.

(2) Regulation 15A(9) is amended, in paragraph (a) of the definition of “war service”, by repealing “Crown” and substituting “United Kingdom”.

## **“Star” Ferry Company, Limited, By-laws**

### **14. Firearms**

By-law 13 of the “Star” Ferry Company, Limited, By-laws (Cap. 104 sub. leg. E) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

## **Telecommunications Ordinance**

### **15. Power to place and maintain telecommunications lines, etc., on land, etc.**

(1) Section 14(1)(b) of the Telecommunications Ordinance (Cap. 106) is amended –

- (a) by repealing “Her Majesty’s naval, military or airforce services” and substituting “the Hong Kong Garrison”;
- (b) by repealing “Commander, British Forces” and substituting “Commander of the Hong Kong Garrison”.

(2) Section 14(3)(c) is amended –

- (a) by repealing “Her Majesty’s naval, military or airforce services” and substituting “the Hong Kong Garrison”;
- (b) by repealing “Commander, British Forces” and substituting “Commander of the Hong Kong Garrison”.

### **Tramway Ordinance**

#### **16. Interpretation**

Section 2 of the Tramway Ordinance (Cap. 107) is amended by repealing the definition of “department” and substituting –

““department” (部門) includes the Government and the Hong Kong Garrison;”.

### **Dutiable Commodities Ordinance**

#### **17. Application**

Section 3(4) of the Dutiable Commodities Ordinance (Cap. 109) is amended by repealing “Government of the United Kingdom or of Hong Kong” and substituting “Central People’s Government, the Chinese People’s Liberation Army or the Government of the Hong Kong Special Administrative Region”.

### **Inland Revenue Ordinance**

#### **18. Charge of salaries tax**

(1) Section 8(2)(d) of the Inland Revenue Ordinance (Cap. 112) is repealed and the following substituted –

“(d) the emoluments payable by the Central People’s Government to members of the Chinese People’s Liberation Army, and to persons in the permanent service

of that Government in Hong Kong in respect of their offices under that Government;”.

(2) Section 8(2)(e) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

(3) Section 8(2)(f) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

(4) Section 8 is amended by adding –

“(2A) In computing the income of any person for the purposes of subsection (1) there is to be excluded any amount that, had it been payable immediately before the date of commencement of section 18 of Schedule 1 to the Adaptation of Laws (Military References) Ordinance 2010 ( of 2010), would have been excluded under subsection (2)(e) or (f) as in force immediately before that date.”.

## **Immigration Ordinance**

### **19. Interpretation**

Section 2(1) of the Immigration Ordinance (Cap. 115) is amended, in the definition of “serviceman”, by repealing “Her Majesty’s regular naval, military or air force service” and substituting “the Chinese People’s Liberation Army”.

### **20. Interpretation**

Section 17B(1)(e) is amended by repealing “Her Majesty’s regular naval, military or air forces” and substituting “the Chinese People’s Liberation Army”.

### **21. Sections repealed**

Sections 57A, 57B, 58 and 58A are repealed.



## **Authorization by the Governor under Section 58A**

### **22. Repeal**

The Authorization by the Governor under Section 58A (Cap. 115 sub. leg. F) is repealed.

## **Rating Ordinance**

### **23. Exemption of certain tenements from assessment**

Section 36(4) of the Rating Ordinance (Cap. 116) is amended by repealing the definition of “military land” and substituting –

““military land” (軍事用地) means any land and any building thereon occupied by the Hong Kong Garrison but does not include any land or building thereon rented for public purposes by the Hong Kong Garrison unless such land or building is rented directly from the Government;”.

## **Buildings Ordinance**

### **24. Exemptions**

(1) Section 41(1)(b) of the Buildings Ordinance (Cap. 123) is amended by repealing “Her Majesty’s naval, military or air force services” and substituting “the Hong Kong Garrison”.

(2) Section 41(1)(ba) is amended by repealing “Her Majesty’s naval, military or air force services” and substituting “the Hong Kong Garrison”.

(3) Section 41(1A)(a) is amended by repealing “Her Majesty’s naval, military or air force services” and substituting “the Hong Kong Garrison”.

## **Lands Resumption Ordinance**

### **25. Interpretation**

Section 2 of the Lands Resumption Ordinance (Cap. 124) is amended, in the definition of “resumption for a public purpose”, by repealing paragraph (c) and substituting –

- “(c) resumption for any purpose connected with the Hong Kong Garrison; and”.

## **Land Acquisition (Possessory Title) Ordinance**

### **26. Interpretation**

Section 2 of the Land Acquisition (Possessory Title) Ordinance (Cap. 130) is amended, in the definition of “acquisition for a public purpose”, by repealing paragraph (c) and substituting –

- “(c) acquisition for any purpose connected with the Hong Kong Garrison; and”.

## **Funeral Parlours Regulation**

### **27. Interpretation**

Section 3 of the Funeral Parlours Regulation (Cap. 132 sub. leg. AD) is amended, in the definition of “funeral parlour” –

- (a) in paragraph (b), by repealing “Crown” and substituting “Government”;
- (b) by adding –
  - “(ba) any mortuary situated within the precincts of a military hospital;”.

## **Hong Kong Cemetery, Happy Valley, Rules**

### **28. Bands and photographs**

Rule 4(a) of the Hong Kong Cemetery, Happy Valley, Rules (Cap. 132 sub. leg. AJ) is amended by repealing “, other than a band of Her Majesty’s armed forces,”.

## **Dangerous Drugs Ordinance**

### **29. Interpretation**

Section 2(1) of the Dangerous Drugs Ordinance (Cap. 134) is amended, in the definition of “prescribed hospital”, by repealing “Crown” and substituting “Government, a military hospital”.

### **30. Dangerous drug not to be supplied except to person authorized or licensed to be in possession thereof**

Section 5(3)(c) is amended by repealing “or in a health centre or clinic maintained by the Crown” and substituting “, in a health centre or clinic maintained by the Government or in a health centre or clinic of the Hong Kong Garrison”.

### **31. Statutory authority for certain persons to possess, supply or manufacture dangerous drugs**

(1) Section 22(1)(e)(ii) is amended by repealing “or at a health centre or clinic maintained by the Crown” and substituting “, at a health centre or clinic maintained by the Government or at a health centre or clinic of the Hong Kong Garrison”.

(2) Section 22(1)(f) is amended by repealing “or in a health centre or clinic maintained by the Crown” and substituting “, in a health centre or clinic

maintained by the Government or in a health centre or clinic of the Hong Kong Garrison”.

**32. Restrictions on authority conferred by section 22, etc.**

(1) Section 23(1)(b) is amended by repealing “or in a health centre or clinic maintained by the Crown” and substituting “, in a health centre or clinic maintained by the Government or in a health centre or clinic of the Hong Kong Garrison”.

(2) Section 23(1)(c) is amended by repealing “or at a health centre or clinic maintained by the Crown” and substituting “, at a health centre or clinic maintained by the Government or at a health centre or clinic of the Hong Kong Garrison”.

(3) Section 23(3) is amended by repealing “by a person who is a registered pharmacist or an approved person and who is employed or engaged at a prescribed hospital or at a health centre or clinic maintained by the Crown or by the matron of a hospital” and substituting “by the matron of a hospital or by a person who is a registered pharmacist or an approved person and who is employed or engaged at a prescribed hospital, at a health centre or clinic maintained by the Government or at a health centre or clinic of the Hong Kong Garrison”.

**33. Statutory authority to possess equipment and apparatus for injection of dangerous drugs**

Section 27(1)(c) is amended by repealing “or in a health centre or clinic maintained by the Crown” and substituting “, in a health centre or clinic maintained by the Government or in a health centre or clinic of the Hong Kong Garrison”.

**34. Supply of dangerous drugs to hospitals, etc.**

Section 30(1) is amended by repealing “or in a health centre or clinic maintained by the Crown” and substituting “, in a health centre or clinic maintained by the Government or in a health centre or clinic of the Hong Kong Garrison”.

**35. Prescribed hospitals and institutions, other than hospitals maintained by the Government**

The Second Schedule is amended, in the heading, by adding “AND MILITARY HOSPITALS” after “GOVERNMENT”.

### **Dangerous Drugs Regulations**

**36. Requirements with respect to prescriptions**

Regulation 3(2) of the Dangerous Drugs Regulations (Cap. 134 sub. leg. A) is amended by repealing “or a health centre maintained by the Crown” and substituting “, a health centre maintained by the Government or a health centre of the Hong Kong Garrison”.

### **Pharmacy and Poisons Ordinance**

**37. Interpretation**

Section 2(1) of the Pharmacy and Poisons Ordinance (Cap. 138) is amended, in the definition of “institution” –

- (a) in paragraph (c), by repealing “Crown; or” and substituting “Government;”;
- (b) by adding –
  - “(ca) any military hospital or any maternity home or clinic of the Hong Kong Garrison; or”.

### **Air Passenger Departure Tax Ordinance**

**38. Passengers exempted from liability to pay the tax**

The Second Schedule to the Air Passenger Departure Tax Ordinance (Cap. 140) is amended by repealing paragraph 5 and substituting –

- “5. Passengers departing from Hong Kong by civilian aircraft, who –
- (a) are members of the Chinese People’s Liberation Army or are civilians sponsored by the Ministry of National Defence in the Central People’s Government; and
  - (b) are present in Hong Kong with or in connection with the Hong Kong Garrison,
- and members of their families forming part of their households, if their passages have been arranged by the appropriate authority or with the approval of the appropriate authority, as evidenced by a certificate issued by or on behalf of the Commander of the Hong Kong Garrison.”.

### **Dentists Registration Ordinance**

**39. Exemptions from sections 9, 10 and 14**

Section 30(2) of the Dentists Registration Ordinance (Cap. 156) is amended by repealing “Her Majesty’s navy, army or air force” and substituting “the Chinese People’s Liberation Army”.

### **Medical Registration Ordinance**

**40. Exemption from registration**

Section 29 of the Medical Registration Ordinance (Cap. 161) is amended –

- (a) by adding “or positions” after “appointments”;

- (b) in paragraph (a), by repealing “Her Majesty’s Forces serving on full pay” and substituting “the Chinese People’s Liberation Army serving”.

### **Midwives Registration Ordinance**

#### **41. Exemption from registration**

Section 25 of the Midwives Registration Ordinance (Cap. 162) is amended by repealing “on full pay in Her Majesty’s armed forces” and substituting “in the Chinese People’s Liberation Army”.

### **Nurses Registration Ordinance**

#### **42. Exemptions from registration**

Section 26(a) of the Nurses Registration Ordinance (Cap. 164) is amended by repealing “on full pay in Her Majesty’s armed forces” and substituting “in the Chinese People’s Liberation Army”.

### **Hospitals, Nursing Homes and Maternity Homes Registration Ordinance**

#### **43. Interpretation**

(1) Section 2(1) of the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) is amended, in the definition of “hospital”, by repealing “Crown or a” and substituting “Government, any military hospital or any”.

(2) Section 2(1) is amended, in the definition of “maternity home”, by repealing “Crown” and substituting “Government, any maternity home of the Hong Kong Garrison”.

## **Wild Animals Protection Ordinance**

### **44. Entry in restricted areas**

(1) Section 13(2)(a) of the Wild Animals Protection Ordinance (Cap. 170) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

(2) Section 13(3)(a) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

## **Registration of Persons Regulations**

### **45. Exemptions**

Regulation 25(b)(i) of the Registration of Persons Regulations (Cap. 177 sub. leg. A) is amended by repealing “Her Majesty’s regular naval, military or air forces” and substituting “the Chinese People’s Liberation Army”.

## **Defences (Firing Areas) Ordinance**

### **46. Firing programme and notices**

Section 4(1) of the Defences (Firing Areas) Ordinance (Cap. 196) is amended by repealing “Commander, British Forces” and substituting “Commander of the Hong Kong Garrison”.

### **47. Penalty for offences**

Section 8(2) is amended –

- (a) by repealing “officer authorized” and substituting “person authorized”;
- (b) by repealing “such officer” and substituting “any person authorized by section 9”.



**48. Officers authorized to arrest or remove trespassers, etc.**

(1) The heading of section 9 is amended by repealing “**Officers**” and substituting “**Persons**”.

(2) Section 9 is amended –

- (a) by repealing “officers” and substituting “persons”;
- (b) in paragraph (b), by repealing “, warrant officer, non-commissioned officer or military policeman,” and substituting “or soldier”.

**49. Exemptions**

(1) Section 10(1)(c) is amended by repealing “Commander, British Forces” and substituting “Commander of the Hong Kong Garrison”.

(2) Section 10(1)(e) is repealed and the following substituted –

- “(e) any aircraft of the Chinese People’s Liberation Army or any aircraft employed under the Government.”.

**Crimes Ordinance**

**50. Incitement to mutiny**

Section 6(a) of the Crimes Ordinance (Cap. 200) is repealed and the following substituted –

- “(a) to seduce any member of the Chinese People’s Liberation Army from his duty and allegiance to the People’s Republic of China; or”.

**51. Incitement to disaffection**

(1) Section 7(1)(a) is repealed.

(2) Section 7 is amended by adding –

- “(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.”.

(3) Section 7(2)(a) is amended by adding “or (1A)” after “subsection (1)”.

(4) Section 7(3) is amended by adding “or (1A)” after “subsection (1)” where it twice appears.

#### **52. Possession etc. of unmarked plastic explosive**

Section 58B(2) is amended –

- (a) by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”;
- (b) by repealing “Commander British Forces” and substituting “Commander of the Hong Kong Garrison”.

#### **53. Import and export of unmarked plastic explosive**

Section 58D(2)(a) is amended –

- (a) by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”;
- (b) by repealing “Commander British Forces” where it twice appears and substituting “Commander of the Hong Kong Garrison”.

#### **54. Forfeiture, seizure and destruction of unmarked plastic explosive**

Section 58E(3) is amended by repealing “Commander British Forces” and substituting “Commander of the Hong Kong Garrison”.

**55. Exemption period for police officers and members of armed forces**

(1) The heading of section 58F is amended by repealing “**armed forces**” and substituting “**Chinese People’s Liberation Army**”.

(2) Section 58F is amended –

(a) by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”;

(b) by repealing “Commander British Forces” and substituting “Commander of the Hong Kong Garrison”.

**56. Application of ss. 156 and 157 to trials by courts-martial**

Section 158 is repealed.

**Country Parks and Special Areas Regulations**

**57. Application to Crown servants and waterworks contractors**

(1) The heading of regulation 19 of the Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A) is amended by repealing “**Crown servants**” and substituting “**public servants, members of Chinese People’s Liberation Army**”.

(2) Regulation 19(1)(a) is amended by repealing “Crown” and substituting “Government”.

(3) Regulation 19(1) is amended by adding –

“(aa) any member of the Chinese People’s Liberation Army while he is within a country park or special area acting in the course of his duties;”.

(4) Regulation 19(1)(b) is amended by repealing “Crown” and substituting “Government or a member of the Chinese People’s Liberation Army”.

(5) Regulation 19(2) is amended by repealing “Crown” (官方) and substituting “Government” (政府).

(6) Regulation 19(2)(a) is amended by adding “or” at the end.

(7) Regulation 19(2)(b) is repealed.

(8) Regulation 19(2)(c)(ii) is amended by repealing “Royal Hong Kong Auxiliary Air Force” and substituting “Government Flying Service”.

### **Aerial Ropeways (Operation and Maintenance) Regulations**

#### **58. Prohibited goods, and prohibition on smoking**

Regulation 13(1)(a) of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

### **Weapons Ordinance**

#### **59. Application**

Section 3(a) of the Weapons Ordinance (Cap. 217) is repealed and the following substituted –

“(a) on behalf of the Central People’s Government, including possession by an officer or member of the Chinese People’s Liberation Army who is in possession of any prohibited weapon or martial arts weapon in his capacity as such; or”.

## Summary Offences Ordinance

### 60. Prohibition of smoking in certain places

(1) Section 29(2) of the Summary Offences Ordinance (Cap. 228) is amended, in paragraph (a) of the proviso, by repealing “Her Majesty’s naval forces” and substituting “the Chinese People’s Liberation Army”.

(2) Section 29(2) is amended, in paragraph (b) of the proviso, by repealing “Senior Naval Officer in Hong Kong” and substituting “senior naval commander of the Hong Kong Garrison”.

## Traffic Accident Victims (Assistance Fund) Ordinance

### 61. Levy on motor vehicles

(1) Section 5(1)(c) of the Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229) is amended by repealing “Crown whether in right of Her Majesty’s Government in Hong Kong or in the United Kingdom” and substituting “Government or the Hong Kong Garrison”.

(2) Section 5(2) is amended –

- (a) by repealing “possession of Her Majesty’s forces” and substituting “possession of the Hong Kong Garrison”;
- (b) by repealing “any unit of Her Majesty’s forces in Hong Kong” and substituting “the Hong Kong Garrison”.

(3) Section 5(7) is amended by repealing “Crown in right of Her Majesty’s Government in Hong Kong” and substituting “Government”.

### 62. Levy on licence holders

(1) The heading of section 6 is amended by adding “**and members of Hong Kong Garrison**” after “**holders**”.

(2) Section 6(1)(b) is amended by repealing “Crown” wherever it appears and substituting “Government”.

(3) Section 6(1)(b) is amended by repealing the full stop at the end and substituting a semicolon.

(4) Section 6(1) is amended by adding –

“(c) the Government in respect of every member of the Hong Kong Garrison who, not being the holder of a valid full driving licence, learner’s driving licence or temporary driving licence issued under the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B), is at the date of payment of the levy permitted by the Commander of the Hong Kong Garrison to drive a vehicle belonging to the Hong Kong Garrison.”.

(5) Section 6(5) is amended –

(a) by adding “and (c)” after “(1)(b)”;

(b) by repealing “Crown” and substituting “Government”.

(6) Section 6(6) is amended by repealing “Crown” (官方” and substituting “Government” (政府”.

(7) Section 6(6)(a) is amended by adding “or” at the end.

(8) Section 6(6)(b) is repealed.

(9) Section 6(6)(c)(ii) is amended by repealing “Royal Hong Kong Auxiliary Air Force” and substituting “Government Flying Service”.

### 63. **Failure to pay levy**

Section 7(2) is amended by repealing “Crown shall be recoverable as a debt due to the Crown” and substituting “Government is recoverable as a debt due to the Government”.

### 64. **Schedule amended**

(1) The Schedule is amended, in Part II, in the heading, by adding “AND MEMBERS OF HONG KONG GARRISON” after “LICENCES”.

(2) The Schedule is amended, in Part II, in column 2, in the heading, by adding “or Permission” after “Licence”.

(3) The Schedule is amended, in Part II, in item 4, by repealing “Crown to drive a vehicle owned by the Crown” and substituting “Government to drive a vehicle belonging to the Government”.

(4) The Schedule is amended, in Part II, by adding –

“5. Permission permitting a member - \$38”.  
of the Hong Kong Garrison  
to drive a vehicle belonging  
to the Hong Kong Garrison

### **Public Bus Services Regulations**

#### **65. Power to remove passengers etc.**

Regulation 13(5)(d) of the Public Bus Services Regulations (Cap. 230 sub. leg. A) is amended by repealing “Her Majesty’s regular naval, military or air forces” and substituting “the Chinese People’s Liberation Army”.

### **Undesirable Medical Advertisements Ordinance**

#### **66. Prohibition of advertisements relating to certain diseases; exceptions therefrom**

Section 3(2) of the Undesirable Medical Advertisements Ordinance (Cap. 231) is amended by repealing “Her Majesty’s forces for dissemination only amongst members of Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army for dissemination only amongst members of the Chinese People’s Liberation Army”.

### **Fixed Penalty (Traffic Contraventions) Ordinance**

#### **67. Scheduled circumstances**

Schedule 2 to the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) is amended, in paragraph 1C, by repealing “Armed Forces of the Crown” and substituting “Chinese People’s Liberation Army”.

### **Firearms and Ammunition Ordinance**

#### **68. Possession on behalf of the Crown etc.**

(1) The heading of section 3 of the Firearms and Ammunition Ordinance (Cap. 238) is amended by repealing “**Crown**” and substituting “**Government**”.

(2) Section 3(a) is repealed and the following substituted –

“(a) on behalf of the Central People’s Government, including possession by an officer or member of the Chinese People’s Liberation Army who is in possession of or deals in the arms or ammunition in his capacity as such; or”.

### **Public Order Ordinance**

#### **69. Prohibition of quasi-military organizations**

Section 5(1)(a) of the Public Order Ordinance (Cap. 245) is amended by repealing “armed forces of the Crown” and substituting “Chinese People’s Liberation Army”.

#### **70. Prohibition of offensive weapons at public meetings and processions**

Section 17C(2)(e) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.



**71. Curfew orders**

(1) Section 31(6)(f) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

(2) Section 31(6)(m) is amended by repealing “an employee of the Ministry of Defence in possession of a valid Army Department Pass” and substituting “a member of the Ministry of National Defence in the Central People’s Government in possession of a valid pass of the Ministry of National Defence or the Hong Kong Garrison”.

**72. Permits to enter and leave closed area**

Section 37(1) is repealed and the following substituted –

“(1) In the case of a closed area which is an area or place occupied by the Hong Kong Garrison or for other purposes of the Central People’s Government, the Commander of the Hong Kong Garrison or any member of the Chinese People’s Liberation Army authorized by him for the purposes of this subsection may issue to any person a permit allowing such person to enter and leave the closed area.”.

**73. Prohibition on entering or leaving closed area without permit**

Section 38(2)(a)(iii) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

**74. Power of arrest**

(1) Section 39(1) is amended by repealing “any member of Her Majesty’s forces, or any guard,” and substituting “any guard”.

(2) Section 39(4)(b) is amended by repealing “Governor or the Commander British Forces” and substituting “Chief Executive”.

(3) Section 39(4) is amended by adding –

“(ba) in the case of a closed area which is an area or place occupied by the Hong Kong Garrison or for other purposes of the Central People’s Government, any member of the Chinese People’s Liberation Army;”.

**75. Power to require identification**

Section 49(1) is amended –

- (a) by repealing “a member of Her Majesty’s forces acting in the course of his duty or”;
- (b) by repealing “member or”.

**76. Powers of members of certain auxiliary services and Her Majesty’s forces**

(1) The heading of section 50 is amended by repealing “**Her Majesty’s forces**” and substituting “**Chinese People’s Liberation Army**”.

(2) Section 50(3) is amended by repealing “Her Majesty’s forces acting in aid of the civil power” and substituting “the Chinese People’s Liberation Army acting under Article 14 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)”.

(3) Section 50(4) is amended by repealing “commissioned officer in Her Majesty’s forces acting in aid of the civil power” and substituting “member of the Chinese People’s Liberation Army of or above the rank of second lieutenant (or ensign) acting under Article 14 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)”.

(4) Section 50(5) is amended –

- (a) by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”;
- (b) by repealing “in aid of the civil power” and substituting “under Article 14 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)”.

**77. Obstruction**

Section 50A(a) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

**78. Indemnity to persons acting under Ordinance**

Section 53 is amended by repealing “Crown in any capacity, whether naval, military, air force or civil” and substituting “Government in any capacity, or be a member of the Chinese People’s Liberation Army”.

**Protected Places (Safety) Ordinance**

**79. Power for the Chief Executive to authorize any person to act as an authorized guard**

Section 3(2) of the Protected Places (Safety) Ordinance (Cap. 260) is amended by repealing “Her Majesty’s armed forces” and substituting “the Hong Kong Garrison”.

**Protected Places (Safety) (Authorized Guards)  
Order**

**80. Paragraphs substituted**

Paragraphs 2, 3 and 4 of the Protected Places (Safety) (Authorized Guards) Order (Cap. 260 sub. leg. C) are repealed and the following substituted –

**“2. Authorized guards in respect of protected places under control of Senior Army Officer of Hong Kong Garrison**

In respect of any protected place under the control of the Senior Army Officer of the Hong Kong Garrison, a member of the Hong Kong Garrison is authorized to act as an authorized guard.

**3. Authorized guards in respect of protected places under control of Senior Navy Officer of Hong Kong Garrison**

In respect of any protected place under the control of the Senior Navy Officer of the Hong Kong Garrison, a member of the Hong Kong Garrison is authorized to act as an authorized guard.

**4. Authorized guards in respect of protected places under control of Senior Air Officer of Hong Kong Garrison**

In respect of any protected place under the control of the Senior Air Officer of the Hong Kong Garrison, a member of the Hong Kong Garrison is authorized to act as an authorized guard.”.

### **Peak Tramway By-laws**

**81. Firearms**

By-law 25 of the Peak Tramway By-laws (Cap. 265 sub. leg. B) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

### **Massage Establishments Ordinance**

#### **82. Application of Ordinance**

(1) Section 3(a) of the Massage Establishments Ordinance (Cap. 266) is amended by repealing “Crown” and substituting “Government”.

(2) Section 3 is amended by adding –

“(aa) a military hospital or a maternity home of the Hong Kong Garrison;”.

### **Merchant Shipping Ordinance**

#### **83. Dispensing power and exemption**

Section 118(2) of the Merchant Shipping Ordinance (Cap. 281) is amended by repealing “Her Majesty’s ships of war” and substituting “the ships of war of the Chinese People’s Liberation Army”.

### **Employees’ Compensation Ordinance**

#### **84. Interpretation**

Section 3(1) of the Employees’ Compensation Ordinance (Cap. 282) is amended, in the definition of “hospital”, by repealing “or maintained by the Crown or which is a” and substituting “, any hospital maintained by the Government, any military hospital or any”.

#### **85. Application to certain employees**

Section 4(1)(a) is amended by repealing “armed forces of the Crown” and substituting “Chinese People’s Liberation Army”.

### **Housing (Traffic) By-laws**

#### **86. Exemption from restrictions**

By-law 9(b) of the Housing (Traffic) By-laws (Cap. 283 sub. leg. A) is amended by repealing “armed forces of the Crown” and substituting “Chinese People’s Liberation Army”.

### **Housing (Traffic Contraventions) (Fixed Penalty) Bylaw**

#### **87. Scheduled circumstances**

Schedule 2 to the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C) is amended, in paragraph C, by repealing “Armed Forces of the Crown” and substituting “Chinese People’s Liberation Army”.

### **Mining Ordinance**

#### **88. Interpretation**

Section 2 of the Mining Ordinance (Cap. 285) is amended, in the definition of “private land”, by repealing “Her Majesty’s forces” and substituting “the Hong Kong Garrison”.

### **Mining (General) Regulations**

#### **89. First Schedule amended**

The First Schedule to the Mining (General) Regulations (Cap. 285 sub. leg. A) is amended –

- (a) in Form IV, in Note (5), by repealing “Her Majesty’s Forces” and substituting “the Hong Kong Garrison”;
- (b) in Form V, in Note (5), by repealing “Her Majesty’s Forces” and substituting “the Hong Kong Garrison”.

## **Adoption Rules**

### **90. Persons who may attest documents and declarations outside Hong Kong**

Rule 29 of the Adoption Rules (Cap. 290 sub. leg. A) is amended –

- (a) in paragraph (c)(iii), by repealing the semicolon and substituting a full stop;
- (b) by repealing paragraph (d).

## **Dangerous Goods Ordinance**

### **91. Application**

Section 3 of the Dangerous Goods Ordinance (Cap. 295) is amended, in paragraph (a) of the proviso, by repealing “Her Majesty’s ships of war,” and substituting “the ships of war of the Chinese People’s Liberation Army”.

## **Dangerous Goods (Shipping) Regulations**

### **92. Approved petroleum wharves**

The First Schedule to the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C) is amended, in Part II –

- (a) in item 11, by repealing “Stonecutters Island vested in the Ministry of Defence” and substituting “the Ngong Shuen Chau Barracks”;
- (b) by repealing item 12.

## **Shipping and Port Control Ordinance**

### **93. Application**

Section 3(1) of the Shipping and Port Control Ordinance (Cap. 313) is amended by repealing “Her Majesty’s Government” and substituting “the Chinese People’s Liberation Army, the Central People’s Government”.

### **94. Application**

Section 11(b) is amended by repealing “Her Majesty’s Government” and substituting “the Chinese People’s Liberation Army or the Central People’s Government”.

### **95. Port clearance to be obtained before departure**

Section 15(2)(a) is amended by repealing “Her Majesty’s Government” and substituting “the Chinese People’s Liberation Army, the Central People’s Government”.

### **96. Port dues and remissions**

Section 52(2) is amended by repealing “Her Majesty’s Government” and substituting “the Chinese People’s Liberation Army, the Central People’s Government”.

### **97. Boarding ships without authority**

Section 70(1) is amended by repealing “Her Majesty’s forces in uniform and on duty” and substituting “the Chinese People’s Liberation Army in uniform and acting under Article 14 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)”.



## **Shipping and Port Control Regulations**

### **98. Report of arrival of ship**

Regulation 22(4) of the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) is amended by repealing “Her Majesty’s Government” and substituting “the Chinese People’s Liberation Army, the Central People’s Government”.

### **99. Use of piers**

Regulation 47(1) is amended by repealing “Government or British Forces pier” and substituting “Government pier or Hong Kong Garrison pier”.

### **100. Use of lights**

Regulation 63(2)(b) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

### **101. Minor prohibitions**

Regulation 65(1)(c) is amended by repealing “Her Majesty’s forces on duty” and substituting “the Chinese People’s Liberation Army acting under Article 14 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)”.

## **Census and Statistics Ordinance**

### **102. Enumeration of armed forces and travellers**

Section 10(a) of the Census and Statistics Ordinance (Cap. 316) is amended by repealing “Armed Forces of the Crown” and substituting “Chinese People’s Liberation Army”.

**Industrial Training (Clothing Industry)  
Ordinance**

**103. Application**

Section 3(a) of the Industrial Training (Clothing Industry) Ordinance (Cap. 318) is amended by repealing “or by or on behalf of Her Majesty’s Armed Forces”.

**Lifts and Escalators (Safety) Ordinance**

**104. Application**

Section 3(1A)(c) of the Lifts and Escalators (Safety) Ordinance (Cap. 327) is amended –

- (a) by repealing “Her Majesty’s naval, military or air force services” and substituting “the Hong Kong Garrison”;
- (b) by repealing “any of such services” and substituting “the Hong Kong Garrison”.

**105. Special provisions as to application of  
Ordinance where lessee of building  
responsible for lift or escalator**

Section 46(1) is amended by repealing “Her Majesty’s naval, military or air force services” and substituting “the Hong Kong Garrison”.

**Motor Vehicles (First Registration Tax)  
Ordinance**

**106. Tax not payable in respect of certain motor  
vehicles**

Section 5(1) of the Motor Vehicles (First Registration Tax) Ordinance (Cap. 330) is repealed.

## **Medical Clinics Ordinance**

### **107. Interpretation**

Section 2 of the Medical Clinics Ordinance (Cap. 343) is amended, in paragraph (a) of the definition of “clinic”, by repealing “Government of the United Kingdom or of the Government of Hong Kong” and substituting “Government, or by the Hong Kong Garrison”.

## **Supplementary Medical Professions Ordinance**

### **108. Disapplication of certain provisions to certain classes of person**

(1) Section 30(2) of the Supplementary Medical Professions Ordinance (Cap. 359) is amended by repealing “the appointments” and substituting “or holding the appointments or positions”.

(2) Section 30(2)(a) is repealed and the following substituted –

“(a) a member of the Chinese People’s Liberation Army; and”.

## **Pneumoconiosis and Mesothelioma (Compensation) Ordinance**

### **109. Interpretation**

Section 2(1) of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) is amended, in the definition of “hospital”, by repealing “or maintained by the Crown or which is a” and substituting “, any hospital maintained by the Government, any military hospital or any”.

### **110. Entitlement to compensation**

Section 4(3)(d) is amended by repealing “armed forces of the Crown” and substituting “Chinese People’s Liberation Army”.

## **Kowloon-Canton Railway Corporation By-laws**

### **111. Exemption for Government officers**

By-law 96 of the Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) is amended by repealing “Her Majesty’s Forces” and substituting “the Chinese People’s Liberation Army”.

## **Road Traffic (Driving Licences) Regulations**

### **112. Application to State**

Regulation 4(2) of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B) is repealed and the following substituted –

- “(2) These regulations do not apply to –
- (a) any member of the Chinese People’s Liberation Army; or
  - (b) any person who is employed by the Chinese People’s Liberation Army,

when he is driving a vehicle belonging to the Chinese People’s Liberation Army in the course of his duties.”.

## **Road Traffic (Parking) Regulations**

### **113. Exemptions from restrictions**

Regulation 10(c) of the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) is amended by repealing “armed forces of the Crown” and substituting “Chinese People’s Liberation Army”.

### **Road Traffic (Registration and Licensing of Vehicles) Regulations**

#### **114. Application**

Regulation 3(b) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

### **Road Traffic (Traffic Control) Regulations**

#### **115. Interpretation**

Regulation 2(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) is amended, in paragraph (b) of the definition of “person in the public service of the State”, by repealing “Her Majesty’s armed forces” and substituting “the Chinese People’s Liberation Army”.

### **Road Traffic (Parking on Private Roads) Regulations**

#### **116. Exemptions**

Regulation 10(c) of the Road Traffic (Parking on Private Roads) Regulations (Cap. 374 sub. leg. O) is amended by repealing “armed forces of the Crown” and substituting “Chinese People’s Liberation Army”.

### **Road Traffic (Expressway) Regulations**

#### **117. Vehicles permitted**

Regulation 4(2)(c)(ii) of the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q) is amended by repealing “Her Majesty’s forces” and substituting “the Chinese People’s Liberation Army”.

### **Pension Benefits (Judicial Officers) Regulations**

#### **118. Military service to count for pension benefits**

Regulation 15 of the Pension Benefits (Judicial Officers) Regulations (Cap. 401 sub. leg. A) is repealed.

### **Merchant Shipping (Prevention and Control of Pollution) Ordinance**

#### **119. Application of Part III**

Section 5(3) of the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) is repealed and the following substituted –

- “(3) No direction under section 6(2) applies to –
- (a) any ship which is used by the Chinese People’s Liberation Army; or
  - (b) any ship which belongs to the Central People’s Government or the Government of the Hong Kong Special Administrative Region and is used only on non-commercial service,

and no action may be taken under section 6(4) or (5) as respects any such ship.”.

### **Civil Aviation Ordinance**

#### **120. Power to give effect to Chicago Convention and regulate air navigation**

(1) Section 2A(3) of the Civil Aviation Ordinance (Cap. 448) is amended by repealing “a Secretary of State” and substituting “the Central People’s Government”.

(2) Section 2A(4) is amended –

- (a) by repealing “a Secretary of State” and substituting “the Central People’s Government”;
- (b) by repealing “Governor –” and substituting “Chief Executive –”;
- (c) by repealing “Governor in Council” and substituting “Chief Executive in Council”.

(3) Section 2A(8) is amended, in the definition of “state of emergency”, by repealing “a Secretary of State” and substituting “the Standing Committee of the National People’s Congress”.

(4) Section 2A(8) is amended, in the definition of “state of war”, by repealing “United Kingdom” and substituting “People’s Republic of China”.

#### 121. **Savers**

(1) Section 13(1) is amended by repealing “Her Majesty” and substituting “the Central People’s Government, the Chinese People’s Liberation Army or the Government of the Hong Kong Special Administrative Region”.

(2) Section 13(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

### **Air Navigation (Hong Kong) Order 1995**

#### 122. **Members of flight crew – requirement of licences**

(1) Article 19(4)(b)(i) of the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) is amended by repealing “any of Her Majesty’s naval, military or air forces” and substituting “the Chinese People’s Liberation Army”.

(2) Article 19(6) is amended by repealing “any of Her Majesty’s naval, military or air forces” and substituting “the Chinese People’s Liberation Army”.

### 123. **Instruction in flying**

Article 23(2) is amended, in the proviso, by repealing “any of Her Majesty’s naval, military or air forces” and substituting “the Chinese People’s Liberation Army”.

### 124. **Rules of the Air**

Article 64(3)(c) is repealed and the following substituted –

- “(c) for complying with regulations or directives issued by the Central People’s Government in relation to an aircraft of which the pilot in command is acting as such in the course of his duty as a member of the Chinese People’s Liberation Army.”.

### 125. **Prohibition of unlicensed air traffic controllers and student air traffic controllers**

Article 66(1) is amended, in the proviso, by repealing “any of Her Majesty’s naval, military or air forces or a visiting force” and substituting “the Chinese People’s Liberation Army”.

### 126. **Power to prohibit or restrict flying**

(1) Article 69(4) is amended by repealing “a Secretary of State” and substituting “the Central People’s Government”.

(2) Article 69(5) is amended –

- (a) by repealing “a Secretary of State” and substituting “the Central People’s Government”;
- (b) by repealing “Governor” where it twice appears and substituting “Chief Executive”.

### 127. **Application of Order to the Crown and visiting forces etc.**

(1) The heading of Article 94 is amended by repealing “**Crown and visiting forces**” and substituting “**Government**”.



(2) Article 94(1) is amended by repealing “Her Majesty” wherever it appears and substituting “the Central People’s Government or the Government of the Hong Kong Special Administrative Region”.

(3) Article 94(2) is repealed.

(4) Article 94(4) is amended –

(a) by repealing “any of Her Majesty’s naval, military or air forces or as a member of a visiting force or international headquarters” and substituting “the Chinese People’s Liberation Army”;

(b) by repealing “Military Flying Regulations (Joint Service Publication 318) of Flying Orders to contractors (Aviation Publication 67) issued by the Secretary of State” and substituting “regulations or directives issued by the Central People’s Government in relation to an aircraft of which the pilot in command is acting as such in the course of his duty as a member of the Chinese People’s Liberation Army”.

## 128. Interpretation

(1) Article 98(1) is amended, in the definition of “Country”, by repealing “, except in paragraph (2) of this Article”.

(2) Article 98(1) is amended, in the definition of “Government aerodrome”, by repealing “Her Majesty’s naval, military or air forces, or of any visiting force” and substituting “the Chinese People’s Liberation Army”.

(3) Article 98(1) is amended, in paragraphs (a) and (b) of the definition of “Military aircraft”, by repealing “by the Secretary of State” and substituting “by or on behalf of the Central People’s Government”.

(4) Article 98(2) is repealed.

**129. Rules of the Air**

Schedule 14 is amended, in Rule 3(2), by repealing “of Her Majesty’s naval, military or air force aircraft” and substituting “military aircraft of the Chinese People’s Liberation Army”.

**Security and Guarding Services Ordinance**

**130. Persons to whom Part II does not apply**

Schedule 1 to the Security and Guarding Services Ordinance (Cap. 460) is amended, in item 2, by repealing “Her Majesty’s regular armed forces” and substituting “the Chinese People’s Liberation Army”.

**Occupational Deafness (Compensation)  
Ordinance**

**131. Entitlement to compensation for the first  
time**

Section 14(3)(a) of the Occupational Deafness (Compensation) Ordinance (Cap. 469) is amended by repealing “Her Majesty’s armed forces” and substituting “the Chinese People’s Liberation Army”.

**Merchant Shipping (Seafarers) Ordinance**

**132. Application**

Section 3(1)(a) of the Merchant Shipping (Seafarers) Ordinance (Cap. 478) is repealed and the following substituted –

“(a) any ship of war of the Chinese People’s Liberation Army, any other ship of war or any ship belonging to the Central People’s Government and used only on non-commercial service;”.

**133. Royal Fleet Auxiliary**

Section 141 is repealed.

**134. Specified provisions for purposes of section 125**

Item 17 of Schedule 1 is repealed.

**Aviation Security Ordinance****135. Interpretation**

Section 2(4) of the Aviation Security Ordinance (Cap. 494) is amended by repealing “by the Secretary of State” and substituting “by or on behalf of the Central People’s Government”.

**Carriage by Air Ordinance****136. Power to exclude aircraft in use for military purposes**

Section 8(1) of the Carriage by Air Ordinance (Cap. 500) is amended –

- (a) by repealing “Secretary of State” and substituting “Central People’s Government”;
- (b) by repealing “Governor” where it twice appears and substituting “Chief Executive”.

**Registered Designs Ordinance****137. Designs relevant for defence purposes**

(1) Section 77(1) of the Registered Designs Ordinance (Cap. 522) is amended by repealing “Secretary of State” and substituting “competent authority”.

- (2) Section 77(3) is amended by repealing “directions to the Secretary of State” and substituting “directions to the competent authority”.
- (3) Section 77(3)(a) is amended –
- (a) by repealing “Secretary of State” and substituting “competent authority”;
  - (b) by repealing “United Kingdom or Hong Kong” and substituting “People’s Republic of China”.
- (4) Section 77(3)(b) is amended by repealing “Secretary of State” and substituting “competent authority”.
- (5) Section 77(3)(c) is amended –
- (a) by repealing “Secretary of State” and substituting “competent authority”;
  - (b) by repealing “United Kingdom or Hong Kong” and substituting “People’s Republic of China”.
- (6) Section 77(4) is repealed and the following substituted –
- “(4) In this section, “competent authority” (主管當局) means an authority in the Central People’s Government responsible for the matters to which this section applies.”.

## SCHEDULE 2

[s. 4]

### CONSEQUENTIAL AMENDMENTS

#### **Interpretation and General Clauses Ordinance**

##### **1. Laws previously in force**

Section 2A(2)(c) of the Interpretation and General Clauses Ordinance (Cap. 1) is amended by repealing “Garrison Law of the Hong Kong Special Administrative Region of the People’s Republic of China” and substituting “Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special

Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)”.

### **Airport Authority Bylaw**

#### **2. Public officers, etc.**

Section 6(1) of the Airport Authority Bylaw (Cap. 483 sub. leg. A) is amended by adding “Hong Kong” before “Garrison”.

### **Aviation Security Regulation**

#### **3. Extent to which Regulation not binding on the Government**

Section 22(d) of the Aviation Security Regulation (Cap. 494 sub. leg. A) is amended by adding “Hong Kong” before “Garrison”.

### **Explanatory Memorandum**

The main object of this Bill is to adapt certain military references in, and other related provisions of, the laws of Hong Kong 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. Clause 1 provides for the short title of the Bill when enacted.
3. Clause 2 provides for the commencement of the Bill when enacted.
4. Clauses 3 and 4 enact the amendments set out in Schedules 1 and 2.
5. Clause 5 is a savings and transitional provision relating to certain amendments set out in Schedule 1.
6. Section 1 of Schedule 1 adds definitions to section 3 of the Interpretation and General Clauses Ordinance (Cap. 1).
7. The remaining sections of Schedule 1 adapt provisions of the following enactments –

- (1) Jury Ordinance (Cap. 3);
- (2) Probate and Administration Ordinance (Cap. 10);
- (3) Defamation Ordinance (Cap. 21);
- (4) Antiquities and Monuments Ordinance (Cap. 53);
- (5) Employment Ordinance (Cap. 57);
- (6) Import and Export (Registration) Regulations (Cap. 60 sub. leg. E);
- (7) Pilotage Ordinance (Cap. 84);
- (8) Pensions Regulations (Cap. 89 sub. leg. A);
- (9) Public Service Commission Ordinance (Cap. 93);
- (10) Pension Benefits Regulations (Cap. 99 sub. leg. A);
- (11) “Star” Ferry Company, Limited, By-laws (Cap. 104 sub. leg. E);
- (12) Telecommunications Ordinance (Cap. 106);
- (13) Tramway Ordinance (Cap. 107);
- (14) Dutiable Commodities Ordinance (Cap. 109);
- (15) Inland Revenue Ordinance (Cap. 112);
- (16) Immigration Ordinance (Cap. 115);
- (17) Authorization by the Governor under Section 58A (Cap. 115 sub. leg. F);
- (18) Rating Ordinance (Cap. 116);
- (19) Buildings Ordinance (Cap. 123);
- (20) Lands Resumption Ordinance (Cap. 124);
- (21) Land Acquisition (Possessory Title) Ordinance (Cap. 130);
- (22) Funeral Parlours Regulation (Cap. 132 sub. leg. AD);
- (23) Hong Kong Cemetery, Happy Valley, Rules (Cap. 132 sub. leg. AJ);
- (24) Dangerous Drugs Ordinance (Cap. 134);
- (25) Dangerous Drugs Regulations (Cap. 134 sub. leg. A);

- (26) Pharmacy and Poisons Ordinance (Cap. 138);
- (27) Air Passenger Departure Tax Ordinance (Cap. 140);
- (28) Dentists Registration Ordinance (Cap. 156);
- (29) Medical Registration Ordinance (Cap. 161);
- (30) Midwives Registration Ordinance (Cap. 162);
- (31) Nurses Registration Ordinance (Cap. 164);
- (32) Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165);
- (33) Wild Animals Protection Ordinance (Cap. 170);
- (34) Registration of Persons Regulations (Cap. 177 sub. leg. A);
- (35) Defences (Firing Areas) Ordinance (Cap. 196);
- (36) Crimes Ordinance (Cap. 200);
- (37) Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A);
- (38) Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A);
- (39) Weapons Ordinance (Cap. 217);
- (40) Summary Offences Ordinance (Cap. 228);
- (41) Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229);
- (42) Public Bus Services Regulations (Cap. 230 sub. leg. A);
- (43) Undesirable Medical Advertisements Ordinance (Cap. 231);
- (44) Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237);
- (45) Firearms and Ammunition Ordinance (Cap. 238);
- (46) Public Order Ordinance (Cap. 245);
- (47) Protected Places (Safety) Ordinance (Cap. 260);

- (48) Protected Places (Safety) (Authorized Guards) Order (Cap. 260 sub. leg. C);
- (49) Peak Tramway By-laws (Cap. 265 sub. leg. B);
- (50) Massage Establishments Ordinance (Cap. 266);
- (51) Merchant Shipping Ordinance (Cap. 281);
- (52) Employees' Compensation Ordinance (Cap. 282);
- (53) Housing (Traffic) By-laws (Cap. 283 sub. leg. A);
- (54) Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C);
- (55) Mining Ordinance (Cap. 285);
- (56) Mining (General) Regulations (Cap. 285 sub. leg. A);
- (57) Adoption Rules (Cap. 290 sub. leg. A);
- (58) Dangerous Goods Ordinance (Cap. 295);
- (59) Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C);
- (60) Shipping and Port Control Ordinance (Cap. 313);
- (61) Shipping and Port Control Regulations (Cap. 313 sub. leg. A);
- (62) Census and Statistics Ordinance (Cap. 316);
- (63) Industrial Training (Clothing Industry) Ordinance (Cap. 318);
- (64) Lifts and Escalators (Safety) Ordinance (Cap. 327);
- (65) Motor Vehicles (First Registration Tax) Ordinance (Cap. 330);
- (66) Medical Clinics Ordinance (Cap. 343);
- (67) Supplementary Medical Professions Ordinance (Cap. 359);
- (68) Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360);



- (69) Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B);
- (70) Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B);
- (71) Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C);
- (72) Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E);
- (73) Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G);
- (74) Road Traffic (Parking on Private Roads) Regulations (Cap. 374 sub. leg. O);
- (75) Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q);
- (76) Pension Benefits (Judicial Officers) Regulations (Cap. 401 sub. leg. A);
- (77) Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413);
- (78) Civil Aviation Ordinance (Cap. 448);
- (79) Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C);
- (80) Security and Guarding Services Ordinance (Cap. 460);
- (81) Occupational Deafness (Compensation) Ordinance (Cap. 469);
- (82) Merchant Shipping (Seafarers) Ordinance (Cap. 478);
- (83) Aviation Security Ordinance (Cap. 494);
- (84) Carriage by Air Ordinance (Cap. 500);
- (85) Registered Designs Ordinance (Cap. 522).

8. Schedule 2 makes consequential amendments to certain enactments.

**Examples illustrating adaptation of military-related references  
in the laws of Hong Kong**

**TABLE 1: Adaptation of military references**

<b><u>Existing expression</u></b>	<b><u>Expression after adaptation</u></b>
Commander, British Forces	Commander of the Hong Kong Garrison
Commissioned officer in Her Majesty's forces	Member of the Chinese People's Liberation Army of or above the rank of second lieutenant (or ensign)
Her Majesty's forces (and equivalent expressions) <sup>1</sup>	Chinese People's Liberation Army
Her Majesty's forces (in relation to land vested in or occupied by)	Hong Kong Garrison
Her Majesty's ships of war	Ships of war of the Chinese People's Liberation Army
Member/officer of Her Majesty's forces	(1) Member/officer/soldier of the Chinese People's Liberation Army; or (2) Member/officer/soldier of the Hong Kong Garrison
Ministry of Defence	Ministry of National Defence in the Central People's Government
Royal Hong Kong Auxiliary Air Force	Government Flying Service
Ships used by Her Majesty's Government	(1) Ships used by the Central People's Government; or (2) Ships used by the Central People's Government or the Chinese People's Liberation Army
Warships used by Her Majesty's Government	Warships used by the Chinese People's Liberation Army

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<sup>1</sup> Such expressions include "armed forces of the Crown", "armed forces of Her Majesty", "British Forces", "Her Majesty's armed forces" and "Her Majesty's naval, military or air forces", etc.

**TABLE 2: Adaptation of other references<sup>2</sup>**

<b><u>Existing expression</u></b>	<b><u>Expression after adaptation</u></b>
Crown	Government/Central People's Government/Chinese People's Liberation Army (or Hong Kong Garrison)
Governor	Chief Executive
Her Majesty	Government/Central People's Government/Chinese People's Liberation Army (or Hong Kong Garrison)
Secretary of State	Central People's Government

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<sup>2</sup> These references are to be adapted since they either can be construed as including the Chinese People's Liberation Army or the Garrison (as applicable) or are used in a military context (e.g. national defence).