

立法會
Legislative Council

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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 4 May 2010**

Adaptation of military-related references in the laws of Hong Kong

Purpose

This paper provides background information on the adaptation of military-related references in Hong Kong laws.

Adaptation of Laws Programme

2. In 1998, the Administration briefed the Panel on Constitutional Affairs and the Panel on Administration of Justice and Legal Services ("the AJLS Panel") on the Adaptation of Laws Programme, which was an exercise to amend all the references in laws which were inconsistent with the Basic Law or with the status of Hong Kong as a Special Administrative Region ("HKSAR") of the People's Republic of China. Even though the Hong Kong Reunification Ordinance set out how the most important references were to be construed after 1 July 1997, the Ordinance did not change the words themselves. It was necessary to introduce further legislation to effect the necessary textual amendments.

3. The Adaptation of Laws Programme was divided into two phases. Under the first phase, six bills dealing with items essential to the operation of HKSAR were introduced into and passed by the Provisional Legislative Council. A list of the Bills is in **Appendix I**. The second phase of the Programme dealt with the adaptation of non-essential items on an Ordinance-by-Ordinance basis.

Adaptation of Laws Bills introduced into the Legislative Council ("LegCo")

4. Since the First LegCo, 56 Adaptation of Laws Bills have been introduced into the Council. A list of the Bills is in **Appendix II**.

Discussions of the AJLS Panel on the adaptation of references involving the Hong Kong Garrison and other military references

5. During the discussion of the AJLS Panel on 26 June 2001, some members expressed concern about the progress of the adaptation of references to "Her Majesty's Forces" and other military references. The Administration advised that it was still working on the adaptations involving the Hong Kong Garrison which covered about 90 ordinances and subsidiary legislation, with over 200 references to "Her Majesty's Forces" and other military references. In accordance with Article 10 of the Garrison Law, the Administration was required to consult the Hong Kong Garrison when formulating any policy or drafting any legislative proposals which concerned them. As the exercise involved a number of policy bureaux and departments and the consultation with the Hong Kong Garrison, it required more time before the proposed adaptations could be introduced into LegCo.

6. In the Administration's paper for the AJLS Panel meeting on 28 April 2008, the Administration advised that it was finalizing the adaptation proposals for military-related references in the laws of HKSAR and was drafting the necessary bill in consultation with the Hong Kong Garrison.

Relevant papers

7. Members are invited to access the website of LegCo (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of meetings.

Council Business Division 2
Legislative Council Secretariat
28 April 2010

List of Adaptation of Laws Bills introduced into the Provisional Legislative Council

Bill	Date of 1 st Reading	Date of passage through PLC	Date of formation of Bills Committee (if applicable)
1. <u>Merchant Shipping (Registration) (Amendment) Bill 1998</u> (to adapt provisions of the Merchant Shipping (Registration) Ordinance (Cap. 415) relating to the flying of proper colours of ships registered in Hong Kong (i.e. national flag by PRC directly above the regional flag of the HKSAR etc)	11.2.98	18.3.98	N/A
2. <u>Adaptation of Laws (Courts and Tribunals) Bill</u> (to provide for the adaptation of reference to court nomenclatures or titles of courts in over 230 Ordinances)	11.2.98	7.4.98	N/A
3. <u>Adaptation of Laws (References to Foreign Country, Etc.) Bill</u> (to make amendments to reference to foreign country, and other related expressions in specific ordinances)	11.2.98	1.4.98	N/A
4. <u>Adaptation of Laws (Crown Land) Bill</u> (to amend references to the Crown in relation to land in the laws of Hong Kong to conform with Article 7 of the Basic Law)	11.2.98	7.4.98	N/A

Bill	Date of 1st Reading	Date of passage through PLC	Date of formation of Bills Committee (if applicable)
5. <u>Adaptation of Laws (Interpretative Provisions) Bill</u> (to amend provisions of the Interpretation and General Clauses Ordinance (Cap. 1) relating to the construction, application and interpretation of laws)	25.2.98	7.4.98	27.2.98
6. <u>Adaptation of Laws (Nationality Related Matters) Bill</u> (to introduce necessary adaptations to references to "British national", "commonwealth citizen" and similar expressions in the laws of Hong Kong and make supplementary provisions for right to land in Hong Kong enjoyed by former permanent residents)	25.2.98	7.4.98	27.2.98

List of Adaptation of Laws Bills introduced into the Legislative Council since 1998

<u>Bills</u>	<u>Date of 1st Reading</u>	<u>Date of Passage through LegCo</u>	<u>Date of formation of Bills Committee (if applicable)</u>
1. Adaptation of Laws Bill 1998	14.10.98	28.4.99	23.10.98
2. Adaptation of Laws (No. 2) Bill 1998	14.10.98	31.3.99	23.10.98
3. Adaptation of Laws (No. 3) Bill 1998	11.11.98	31.3.99	13.11.98
4. Adaptation of Laws (No. 4) Bill 1998	11.11.98	31.3.99	13.11.98
5. Adaptation of Laws (No. 5) Bill 1998	11.11.98	13.10.99	N/A
6. Adaptation of Laws (No. 6) Bill 1998	11.11.98	31.3.99	13.11.98
7. Adaptation of Laws (No. 7) Bill 1998	18.11.98	5.1.00	N/A
8. Adaptation of Laws (No. 8) Bill 1998	18.11.98	7.7.99	N/A
9. Adaptation of Laws (No. 9) Bill 1998	25.11.98	13.10.99	N/A
10. Adaptation of Laws (No. 10) Bill 1998	2.12.98	2.6.99	N/A
11. Adaptation of Laws (No. 11) Bill 1998	6.1.99	26.6.00	N/A
12. Adaptation of Laws (No. 12) Bill 1998	6.1.99	7.7.99	8.1.99
13. Adaptation of Laws (No. 13) Bill 1998	6.1.99	16.6.99	N/A
14. Adaptation of Laws (No. 14) Bill 1998	6.1.99	23.6.99	N/A
15. Adaptation of Laws (No. 15) Bill 1998	6.1.99	16.6.99	N/A
16. Adaptation of Laws (No. 16) Bill 1998	6.1.99	26.6.00	N/A
17. Adaptation of Laws (No. 17) Bill 1998	6.1.99	19.5.99	N/A
18. Adaptation of Laws (No. 18) Bill 1998	20.1.99	23.6.99	N/A
19. Adaptation of Laws Bill 1999	27.1.99	7.7.99	N/A

<u>Bills</u>	<u>Date of 1st Reading</u>	<u>Date of Passage through LegCo</u>	<u>Date of formation of Bills Committee (if applicable)</u>
20. Adaptation of Laws (No. 2) Bill 1999	10.2.99	26.6.00	N/A
21. Adaptation of Laws (No. 3) Bill 1999	10.2.99	21.6.00	N/A
22. Adaptation of Laws (No. 4) Bill 1999	10.2.99	16.7.99	N/A
23. Adaptation of Laws (No. 5) Bill 1999	10.3.99	27.10.99	30.4.99
24. Adaptation of Laws (No. 6) Bill 1999	10.3.99	19.5.99	N/A
25. Adaptation of Laws (No. 7) Bill 1999	10.3.99	23.6.99	N/A
26. Adaptation of Laws (No. 8) Bill 1999	31.3.99	31.5.00	N/A
* 27. Adaptation of Laws (No. 9) Bill 1999	31.3.99	Lapsed	16.4.99
28. Adaptation of Laws (No. 10) Bill 1999	21.4.99	15.12.99	30.4.99
29. Adaptation of Laws (No. 11) Bill 1999	5.5.99	2.6.99	N/A
30. Adaptation of Laws (No. 12) Bill 1999	19.5.99	27.6.00	N/A
31. Adaptation of Laws (No. 13) Bill 1999	19.5.99	27.6.00	N/A
32. Adaptation of Laws (No. 14) Bill 1999	19.5.99	23.6.99	N/A
33. Adaptation of Laws (No. 15) Bill 1999	9.6.99	30.6.99	N/A
34. Adaptation of Laws (No. 16) Bill 1999	16.6.99	26.6.00	25.6.99
35. Adaptation of Laws (No. 18) Bill 1999	23.6.99	16.7.99	N/A
36. Adaptation of Laws (No. 17) Bill 1999	30.6.99	7.6.00	N/A
37. Adaptation of Laws (No. 19) Bill 1999	7.7.99	26.6.00	N/A
38. Adaptation of Laws (No. 20) Bill 1999	14.7.99	8.12.99	N/A
39. Adaptation of Laws (No. 21) Bill 1999	14.7.99	27.10.99	N/A

<u>Bills</u>	<u>Date of 1st Reading</u>	<u>Date of Passage through LegCo</u>	<u>Date of formation of Bills Committee (if applicable)</u>
40. Adaptation of Laws (No. 22) Bill 1999	14.7.99	10.11.99	N/A
41. Adaptation of Laws (No. 23) Bill 1999	14.7.99	27.10.99	N/A
42. Adaptation of Laws (No. 24) Bill 1999	14.7.99	27.10.99	N/A
43. Adaptation of Laws (No. 25) Bill 1999	14.7.99	3.11.99	N/A
44. Adaptation of Laws (No. 26) Bill 1999	14.7.99	27.10.99	N/A
# 45. Adaptation of Laws (No. 27) Bill 1999	14.7.99	Lapsed	28.4.00
46. Adaptation of Laws (No. 28) Bill 1999	14.7.99	27.10.99	N/A
47. Adaptation of Laws (No. 29) Bill 1999	14.7.99	24.11.99	N/A
48. Adaptation of Laws (No. 30) Bill 1999	14.7.99	5.1.00	N/A
49. Adaptation of Laws (No. 31) Bill 1999	14.7.99	27.10.99	N/A
50. Adaptation of Laws (No. 32) Bill 1999	14.7.99	26.6.00	N/A
51. Adaptation of Laws (No. 33) Bill 1999	14.7.99	26.6.00	N/A
52. Adaptation of Laws (No. 34) Bill 1999	14.7.99	26.6.00	N/A
53. Adaptation of Laws Bill 2000	8.11.00	20.12.00	10.11.00
54. Adaptation of Laws Bill 2001	19.12.01	22.1.03	4.1.02
55. Adaptation of Laws (Miscellaneous Provisions) Bill 2002	15.5.02	5.6.02	N/A
56. Adaptation of Laws Bill 2009	11.2.09	29.4.09	13.2.09

* The Administration did not give notice for resumption of Second Reading debate on the Bill

Reintroduced as the Adaptation of Laws Bill 2000