

LEGISLATIVE COUNCIL BRIEF

Cross-Harbour Tunnel Ordinance (Chapter 203)
Eastern Harbour Crossing Ordinance (Chapter 215)
Fixed Penalty (Traffic Contraventions) Ordinance Chapter 237)
Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240)
Motor Vehicles Insurance (Third Party Risks) Ordinance (Chapter 272)
Road Tunnels (Government) Ordinance (Chapter 368)
Roads (Works, Use and Compensation) Ordinance (Chapter 370)
Road Traffic Ordinance (Chapter 374)
Road Traffic (Driving-Offence Points) Ordinance (Chapter 375)
Tate's Cairn Tunnel Ordinance (Chapter 393)
Western Harbour Crossing Ordinance (Chapter 436)
Tai Lam Tunnel And Yuen Long Approach Road Ordinance (Chapter 474)
Tsing Ma Control Area Ordinance (Chapter 498)
Discovery Bay Tunnel Link Ordinance (Chapter 520)

ADAPTATION OF LAWS (NO. 9) BILL 1999

INTRODUCTION

At the meeting of the Executive Council on 9 March 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No. 9) Bill 1999 should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

2. The existing laws of Hong Kong which contain references inconsistent with the Basic Law or with Hong Kong's status as a Special Administrative Region of the People's Republic of China need to be adapted.

3. The Adaptation of Laws (No. 9) Bill 1999, at the Annex, will be introduced into the Legislative Council, to effect necessary adaptations to 14 Ordinances relating to roads and tunnels and their subsidiary legislation.

THE BILL

4. Most of the proposed amendments are merely terminological changes, e.g. references to “the Colony” and “立法局” are replaced by “Hong Kong” and “立法會” respectively. Similarly, a reference to the “Governor” will be replaced by the “Chief Executive”. Where a provision previously conferred power on the “Governor” to make subsidiary legislation, the reference to the “Governor” will be adapted to the “Chief Executive”. Although the requirement under Article 56 of the Basic Law that the Chief Executive shall consult the Executive Council before making subordinate legislation is not expressly set out, the Council will still be consulted if the Chief Executive is to exercise this legislative function. References to “the Crown” will be adapted to “the State” in provisions that deal with the scope of application of an Ordinance. Other references to “the Crown” will be adapted to either “the Government” or “the State” depending on the context of the relevant provisions of the Ordinances.

COMMENCEMENT

5. The Bill provides that, subject to Article 12 of the Hong Kong Bill of Rights, the adaptations when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region.

LEGISLATIVE TIMETABLE

6. As approved by the Chief Executive in Council, the legislative timetable will be -

Publication in the Gazette	19 March 1999
First Reading and commencement of Second Reading debate	31 March 1999
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

HUMAN RIGHTS IMPLICATIONS

7. The Department of Justice advises that the proposed Bill is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT

8. The amendments in the Bill do not affect the current binding effect of the existing provisions of the various Ordinances covered by the Bill.

FINANCIAL AND STAFFING IMPLICATIONS

9. There are no financial or staffing implications arising from the Bill.

PUBLIC CONSULTATION

10. Since the amendments are essentially straightforward adaptations, consultation with the public is not considered necessary.

PUBLICITY

11. We will issue a press release on 12 March. A spokesman will be available to handle media enquiries.

ENQUIRIES

Enquiries can be directed to
Mr Roy TANG, Principal Assistant Secretary (Transport)
Tel : 2189 2186

Transport Bureau
March 1999

ADAPTATION OF LAWS (NO. 9) BILL 1999

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A BILL

To

Adapt certain Ordinances 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 (No. 9) Ordinance 1999.

2. Commencement

(1) This Ordinance shall be deemed to have come into operation on 1 July 1997.

(2) Subsection (1) shall be 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. Amendment of Ordinances

The Ordinances specified in the Schedules are amended in the manner indicated in those Schedules.

SCHEDULE 1

[s. 3]

CROSS-HARBOUR TUNNEL ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Cross-Harbour Tunnel Ordinance

1. Section 2 of the Cross-Harbour Tunnel Ordinance (Cap. 203) is amended, in the definition of “Company”, by repealing “Governor in Council” and substituting “Chief Executive in Council”.
2. Section 5 is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.
3. Section 6(2) is amended by repealing “Governor” and substituting “Chief Executive”.
4. Section 38(1) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.
5. Section 41 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
6. Section 51(1) and (2) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
7. Section 53(2) (b) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

8. Section 57 is amended-

(a) in subsection (1)-

(i) by repealing “the Colony” and substituting “Hong Kong”;

(ii) by repealing “Governor in Council” and substituting
“Chief Executive in Council”;

(b) in subsections (2), (3), (4), (5) and (6), by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.

9. Section 58 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.

10. Section 61 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

11. Section 62(2) is amended by repealing “立法局” and substituting “立法會”.

12. Section 67 is amended by repealing “Her Majesty the Queen, Her Heirs or Successors” and substituting “the Central People’s Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws”.

Cross-Harbour Tunnel By-laws

13. By-law 4(1) of the Cross-Harbour Tunnel By-laws (Cap. 203 sub. leg.) is amended by repealing “Crown” and substituting “State”.

14. By-law 26 is amended by repealing “Crown” and substituting “State”.

Cross-Harbour Tunnel Tolls

15. The Cross-Harbour Tunnel Tolls (Cap. 203 sub. leg.) is amended by repealing “fixed by the Cross-Harbour Tunnel Company, Limited, and approved by the Governor in Council”.

SCHEDULE 2

[s. 3]

EASTERN HARBOUR CROSSING ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Eastern Harbour Crossing Ordinance

1. Section 2(3) of the Eastern Harbour Crossing Ordinance (Cap. 215) is repealed and the following substituted-

“(3) Any function to be exercised by the Chief Executive in Council under this Ordinance may, where the matter is one of emergency, be exercised by the Chief Executive.”.

2. Section 9(1) is amended by repealing “Governor in Council”

where it twice appears and substituting “Chief Executive in Council”.

3. Section 10(1) is amended, in the proviso, by repealing “Governor in Council” and substituting “Chief Executive in Council”.

4. Section 11(2) is amended by repealing “Governor” and substituting “Chief Executive”.

5. Section 21(3) is amended by repealing “Secretary for Lands and Works” and substituting “Secretary for Planning, Environment and Lands”.

6. Section 34(2) is amended by repealing “Crown” and substituting “State”.

7. Section 43 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

8. Section 49(1) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

9. Section 54(3) and (6) is amended by repealing “立法局” and substituting “立法會”.

10. Section 55(3) and (5) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.

11. Section 69(1), (2), (3), (4) and (5) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.

12. Section 75 is amended-

(a) in subsection (1), by repealing “Governor” where it twice appears and substituting “Chief Executive”;

(b) in subsection (2)-

(i) by repealing “Governor” where it first and secondly appears and substituting “Chief Executive”;

(ii) by repealing “Governor in Council” and substituting “Chief Executive in Council”;

(c) in subsection (3), by repealing “Governor” and substituting “Chief Executive”;

(d) in subsection (4), by repealing “Governor in Council” and substituting “Chief Executive in Council”.

Eastern Harbour Crossing Road Tunnel Regulations

13. Regulation 3(1) (c) (i) and (3) of the Eastern Harbour Crossing Road Tunnel Regulations (Cap. 215 sub. leg.) is amended by adding

“香港” before “警務處”.

Eastern Harbour Crossing Road Tunnel By-laws

14. By-law 4(1) of the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg.) is amended by repealing “Crown” and substituting “State”.
15. By-law 23 is amended by repealing “Crown” and substituting “State”.
16. By-law 24 is amended by repealing “Crown” and substituting “State”.

SCHEDULE 3

[s. 3]

FIXED PENALTY (TRAFFIC CONTRAVENTIONS) ORDINANCE

1. Section 3 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) is amended by repealing “Crown” wherever it appears and substituting “State”.
2. Section 13 is amended by repealing “立法局” and substituting “立法會”.
3. Section 15(7) is amended by repealing “皇家”.

4. Section 20B(3) is amended by repealing “立法局” and substituting “立法會”.
5. Section 22(6) is amended by repealing “立法局” and substituting “立法會”.

SCHEDULE 4

[s. 3]

FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE

1. Section 2(1) of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) is amended, in the definition of “警務人員”, by repealing “皇家”.
2. Section 9(3) is amended by repealing “立法局” and substituting “立法會”.
3. Section 12 is amended by repealing “立法局” and substituting “立法會”.

SCHEDULE 5

[s. 3]

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) ORDINANCE

AND ITS SUBSIDIARY LEGISLATION

Motor Vehicles Insurance (Third Party Risks) Ordinance

1. Section 2 of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272) is amended, in the definition of “Authority”,

by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

2. Section 3(3) is amended by repealing “Governor” and substituting “Chief Executive”.
3. Section 4(4) is amended-
 - (a) in paragraph (a), by repealing “Her Majesty or the Government” where it twice appears and substituting “the State”;
 - (b) in paragraph (c), by repealing “Governor in Council” and substituting “Chief Executive in Council”.
4. Section 5(d)(ii) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
5. Section 20(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

Motor Vehicles Insurance (Third Party Risks) Regulations

6. Regulation 3(1) of the Motor Vehicles Insurance (Third Party Risks) Regulations (Cap. 272 sub. leg.) is amended, in the proviso, by repealing “Governor” where it twice appears and substituting “Chief Executive”.

SCHEDULE 6

[s. 3]

ROAD TUNNELS (GOVERNMENT) ORDINANCE

1. Section 3(2) of the Road Tunnels (Government) Ordinance (Cap. 368) is amended by repealing “Governor” and substituting “Chief Executive”.
2. Section 16(3)(b)(ii) and (5) is amended by repealing “Crown” and substituting “Government”.
3. Section 20(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
4. Section 21 is amended by repealing “Crown” and substituting “State”.

SCHEDULE 7

[s. 3]

ROADS (WORKS, USE AND COMPENSATION) ORDINANCE

1. Section 3(2) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370) is amended by repealing “Crown” and substituting “Government”.
2. Section 4(3) is amended by repealing “Crown” and substituting “Government”.
3. Section 5(b)(iv) is amended by repealing “Governor” and

substituting “Chief Executive”.

4. Section 11 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.

5. Section 12 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.

6. Section 13(1) and (3) is amended by repealing “Governor” and substituting “Chief Executive”.

7. Section 14(2)(d) is amended by repealing “Governor” and substituting “Chief Executive”.

8. Section 15(1), (3) and (4) is amended by repealing “Governor” and substituting “Chief Executive”.

9. Section 16(2)(d) is amended by repealing “Governor” and substituting “Chief Executive”.

10. Section 17(1) is amended by repealing “Governor” and substituting “Chief Executive”.

11. Section 19(1) is amended by repealing “Crown” and substituting “Government”.

12. Section 21(4) is amended by repealing “Crown” and substituting “Government”.

13. Section 22 is amended-

- (a) in subsection (3), in the proviso, by repealing “Governor in Council” and substituting “Chief Executive in Council”;
- (b) in subsection (7), by repealing “Governor” and substituting “Chief Executive”;
- (c) in subsection (8), by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”;
- (d) in subsection (9)-
 - (i) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
 - (ii) by repealing “Governor” and substituting “Chief Executive”.

14. Section 23(1) and (2) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.

15. Section 25 is amended by repealing “Crown” and substituting “Government”.

16. Section 26 is amended by repealing “Crown” and substituting “Government”.

17. Section 27 is amended -

- (a) in subsection (1), by repealing “Crown” and

substituting “Government”;

- (b) in subsection (3), by repealing “Governor in Council” and substituting “Chief Executive in Council”.

18. Section 28(4) is amended by repealing “Crown” and substituting “Government”.

19. Section 29(6)(a) is amended by repealing “Crown” and substituting “Government”.

20. Section 34(b) is amended by repealing “Crown” and substituting “Government”.

21. Section 42(4) is amended by repealing “Crown” and substituting “Government”.

SCHEDULE 8

[s. 3]

ROAD TRAFFIC ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Road Traffic Ordinance

1. Section 2 of the Road Traffic Ordinance (Cap. 374) is amended, in the definition of “international driving permit”, by adding “or territory” after “country”.

2. Section 3 is amended by repealing “Crown” where it twice

appears and substituting “State”.

3. Section 5(3) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

4. Section 6(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

5. Section 7(1B) and (1C) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

6. Section 8 is amended-

- (a) in subsection (1)(d), by adding “or territories” after “countries” where it twice appears;
- (b) in subsection (1A), by repealing “Governor in Council” and substituting “Chief Executive in Council”.

7. Section 10 is amended-

- (a) in subsection (2), by repealing “Governor in Council” and substituting “Chief Executive in Council”;
- (b) in subsection (5), by repealing “立法局” and substituting “立法會”.

8. Section 11(1) is amended by repealing “Crown” and

substituting “Government”.

9. Section 12(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

10. Section 12A(1A) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

11. Section 14(2) is amended by repealing “立法局” and substituting “立法會”.

12. Section 14A(a) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

13. Section 23 is amended-

(a) in subsection (1), by repealing “Governor in Council” and substituting “Chief Executive in Council”;

(b) in subsection (3), by repealing “立法局” and substituting “立法會”.

14. Section 28(a) is amended by repealing “Governor” and substituting “Chief Executive”.

15. Section 39G(2) is amended by repealing “立法局” and substituting “立法會”.

16. Section 51(2) is amended by repealing “Crown” and substituting “Government”.
17. Section 55(4) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.
18. Section 58(2) is amended by repealing “皇家香港警隊” and substituting “香港警務處”.
19. Section 77H(1) is amended by repealing “Governor” and substituting “Chief Executive”.
20. Section 77I is amended by repealing “Crown” and substituting “Government”.
21. Section 86(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
22. Section 87 is amended by repealing “Crown” where it twice appears and substituting “Government”.
23. Section 88(6) and (7) is amended by repealing “Crown” and substituting “Government”.
24. Section 88H(1) is amended by repealing “Governor” and

substituting “Chief Executive”.

25. Section 88I is amended by repealing “Crown” and substituting “Government”.

26. Section 88P is amended by repealing “Governor” and substituting “Chief Executive”.

27. Section 88Q is amended by repealing “Crown” and substituting “Government”.

28. Section 94(2) is amended by repealing “Crown” and substituting “Government”.

29. Section 96(4) is amended by repealing “Crown” and substituting “Government”.

30. Section 102 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

31. Section 105(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

32. Section 106 is amended by repealing “Crown” where it twice appears and substituting “Government”.

33. Section 107(3)(b)(ii) and (5) is amended by repealing “Crown” and substituting “Government”.

34. Section 109(2) is amended by repealing “立法局” and substituting “立法會”.
35. Section 111(2)(e) is amended by repealing “a country outside Hong Kong” and substituting “a country or territory outside Hong Kong”.
36. Section 112 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
37. Section 113(2) is amended by repealing “Governor” and substituting “Chief Executive”.
38. Section 114(3) is amended by repealing “Governor” and substituting “Chief Executive”.
39. Section 120(4) is amended by repealing “Governor” and substituting “Chief Executive”.
40. Section 121(2)(i) is amended by repealing “Crown” and substituting “Government”.
41. Section 129(1) and (2) is amended by repealing “Crown” and substituting “Government”.
42. Section 131(2) is amended by repealing “Governor in Council” and

substituting “Chief Executive in Council”.

Road Traffic (Driving Licences) Regulations

43. Regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) is amended, in the definition of “international driving permit”, by repealing “a country which is a party” and substituting “a country or territory which is a party”.

44. Regulation 4(1) is amended by repealing “Crown” where it twice appears and substituting “State”.

45. Regulation 10(2)(a) is amended by repealing “any other country” and substituting “any country or territory other than Hong Kong”.

46. Regulation 11(3)(a) and (c)(i) and (iii) and (3A)(a) is amended by adding “or territory” after “country”.

47. Regulation 13(1)(a) and (2)(a) and (c) is amended by adding “or territory” after “country”.

48. Regulation 45 is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

49. The Fourth Schedule is amended, in the heading, by adding “OR TERRITORIES” after “COUNTRIES”.

50. The Ninth Schedule is amended -

- (a) in Forms 1 and 2, in the heading on Page 1, by repealing “HONG KONG” and substituting “THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE’S REPUBLIC OF CHINA”;
- (b) by adding “or territory” after “country” wherever it appears;
- (c) by adding “or territories” after “countries” where it twice appears.

Road Traffic (Parking) Regulations

51. Regulation 3 of the Road Traffic (Parking) Regulations (Cap. 374 sub. leg.) is amended -

- (a) in subregulation (1), by repealing “Crown” and substituting “State”;
- (b) in subregulation (2), by repealing “Crown” and substituting “Government”.

52. Regulation 27D(3) is amended by repealing “Crown” and substituting “Government”.

Road Traffic (Public Service Vehicles) Regulations

53. Regulation 46(1)(i)(i) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg.) is amended by repealing

“皇家香港輔助警務人員” and substituting “香港輔助警察隊隊員”.

54. Regulation 61(2) is amended by repealing “Governor” and substituting “Chief Executive”.

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

55. Regulation 2 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg.) is amended -

- (a) in the definition of “nationality sign”, by adding “or territory” after “country”;
- (b) in the definition of “visitor’s registration document”, by adding “or territory” after “country” wherever it appears.

56. Regulation 26(1)(c) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

57. Regulation 31(4)(d) is amended by adding “or territory” after “country”.

58. Regulation 34(3) is amended by adding “or territory” after “country”.

59. Regulation 53(5) is amended by repealing “Governor” and substituting “Chief Executive”.

60. Schedule 8 is amended, in Form 1 -

- (a) by adding “or territories” after “countries” wherever it appears;
- (b) by adding “or territory” after “country” wherever it appears.

Road Traffic (Safety Equipment) Regulations

61. Regulation 5(2) of the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg.) is amended by repealing “Crown” and substituting “Government”.

Road Traffic (Traffic Control) Regulations

62. Regulation 2(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.) is amended, in the definition of “person in the public service of the Crown” -

- (a) by repealing “Crown” and substituting “State”;
- (b) by repealing “(官方” and substituting “(“國家””;
- (c) in paragraph (c) -
 - (i) by repealing subparagraph (ii) and substituting -
“(ii) the Government Flying Service;”.
 - (ii) in subparagraph (iii), by repealing “皇家”.

63. Regulation 15B(8) is amended by repealing “Crown” and substituting “Government”.
64. Regulation 41(2)(a) is amended by repealing “Crown” and substituting “State”.
65. Regulation 62 is amended by repealing “Crown” and substituting “State”.

Traffic Wardens (Discipline) Regulations

66. Regulation 6 of the Traffic Wardens (Discipline) Regulations (Cap. 374 sub. leg.) is amended by repealing “Crown” and substituting “Government”.

Road Traffic (Parking on Private Roads) Regulations

67. Regulation 3(1) of the Road Traffic (Parking on Private Roads) Regulations (Cap. 374 sub. leg.) is amended by repealing “Crown” and substituting “State”.
68. Regulation 12(1)(a)(ii)(A) and (2)(b)(i) is amended by repealing “Crown” and substituting “Government”.

Road Traffic (Expressway) Regulations

69. Regulation 3 of the Road Traffic (Expressway) Regulations

(Cap. 374 sub. leg.) is amended by repealing “Crown” and substituting “State”.

SCHEDULE 9

[s. 3]

ROAD TRAFFIC (DRIVING-OFFENCE POINTS) ORDINANCE

1. Section 4(3) of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) is amended by repealing “立法局” and substituting “立法會”.
2. Section 17 is amended by repealing “Crown” and substituting “State”.

SCHEDULE 10

[s. 3]

TATE’S CAIRN TUNNEL ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Tate’s Cairn Tunnel Ordinance

1. Section 2(3) of the Tate’s Cairn Tunnel Ordinance (Cap. 393) is repealed and the following substituted -

“(3) Any function to be exercised by the Chief Executive in Council under this Ordinance may, where the matter is one of emergency, be exercised by the Chief Executive.”.

2. Section 6(1) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

3. Section 7(1) is amended, in the proviso, by repealing “Governor in Council” and substituting “Chief Executive in Council”.
4. Section 8(2) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 24 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
6. Section 30(1) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.
7. Section 35(3) and (6) is amended by repealing “立法局” and substituting “立法會”.
8. Section 36(3) and (6) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
9. Section 47(1), (2), (3), (4) and (5) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
10. Section 53 is amended -

- (a) in subsection (1), by repealing “Governor” where it twice appears and substituting “Chief Executive”;
- (b) in subsection (2) -
 - (i) by repealing “Governor-” and substituting “Chief Executive -”;
 - (ii) in paragraph (a), by repealing “Governor” and substituting “Chief Executive”;
 - (iii) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
- (c) in subsection (3), by repealing “Governor” and substituting “Chief Executive”;
- (d) in subsection (4), by repealing “Governor in Council” and substituting “Chief Executive in Council”.

Tate’s Cairn Tunnel Regulations

11. Regulation 3(1)(c)(i) and (3) of the Tate’s Cairn Tunnel Regulations (Cap. 393 sub. leg.) is amended by adding “香港” before “警務處”.

Tate’s Cairn Tunnel By-laws

12. By-law 4(1) of the Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg.) is amended by repealing “Crown” and substituting “State”.

13. By-law 23 is amended by repealing “Crown” and substituting “State”.
14. By-law 24 is amended by repealing “Crown” and substituting “State”.

SCHEDULE 11

[s. 3]

WESTERN HARBOUR CROSSING ORDINANCE AND ITS SUBSIDIARY
LEGISLATION

Western Harbour Crossing Ordinance

1. Section 2(3) of the Western Harbour Crossing Ordinance (Cap. 436) is amended -
 - (a) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
 - (b) by repealing “Governor” and substituting “Chief Executive”;
 - (c) by repealing “he is of the opinion that”.
2. Section 6 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
3. Section 7(1), (2), (3) and (5) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
4. Section 8(2) is amended by repealing “Governor” and substituting “Chief Executive”.

5. Section 22(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
6. Section 27(1) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.
7. Section 32(3) and (6) is amended by repealing “立法局” and substituting “立法會”.
8. Section 40(3) is amended -
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “立法局” and substituting “立法會”.
9. Section 59(1), (3), (4), (5), (6), (7) and (9) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
10. Section 66(1) and (2) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.

Western Harbour Crossing Regulation

11. Section 2(1)(c)(i) and (4) of the Western Harbour Crossing Regulation (Cap. 436 sub. leg.) is amended by repealing “皇家香港警

隊” and substituting “香港警務處”.

SCHEDULE 12

[s. 3]

TAI LAM TUNNEL AND YUEN LONG APPROACH ROAD ORDINANCE

1. Section 2(3) of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) is amended-
 - (a) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
 - (b) by repealing “Governor” and substituting “Chief Executive”;
 - (c) by repealing “he is of the opinion that”.
2. Section 6 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
3. Section 7(1), (2), (3) and (5) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
4. Section 8(2) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 22(1) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

6. Section 26(4) is amended by repealing “立法局” and substituting “立法會”.
7. Section 34(4) is amended -
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “立法局” and substituting “立法會”.
8. Section 52(1), (4), (5), (6), (7) and (9) is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
9. Section 59(1) and (2) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
10. Section 60(1), (6) and (9) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

SCHEDULE 13

[s. 3]

TSING MA CONTROL AREA ORDINANCE

1. Section 27(1) of the Tsing Ma Control Area Ordinance (Cap. 498) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
2. Section 28(1) and (5) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

3. Section 30 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

SCHEDULE 14

[s. 3]

DISCOVERY BAY TUNNEL LINK ORDINANCE

1. Section 11 of the Discovery Bay Tunnel Link Ordinance (Cap. 520) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.
2. Section 12(2), (4) and (5) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
3. Section 26(1), (2) and (4) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
4. Section 30(2) is amended by repealing “立法局” and substituting “立法會”.
5. Section 35(1) and (5) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

Explanatory Memorandum

The purpose of this Bill is to adapt certain Ordinances and their subsidiary legislation to bring them into conformity with the Basic Law and with Hong Kong’s status as a Special

Administrative Region of the People's Republic of China (clause 3, Schedules 1 to 14).

2. The Ordinances adapted and their respective Schedule numbers under the Bill are -

Cross-Harbour Tunnel Ordinance (Cap. 203)	Schedule 1
Discovery Bay Tunnel Link Ordinance (Cap. 520)	Schedule 14
Eastern Harbour Crossing Ordinance (Cap. 215)	Schedule 2
Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)	Schedule 4
Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237)	Schedule 3
Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272)	Schedule 5
Road Traffic (Driving-offence Points) Ordinance (Cap. 375)	Schedule 9
Road Traffic Ordinance (Cap. 374)	Schedule 8
Road Tunnels (Government) Ordinance (Cap. 368)	Schedule 6
Roads (Works, Use and Compensation) Ordinance (Cap. 370)	Schedule 7
Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)	Schedule 12
Tate's Cairn Tunnel Ordinance (Cap. 393)	Schedule 10
Tsing Ma Control Area Ordinance (Cap. 498)	Schedule 13
Western Harbour Crossing Ordinance (Cap. 436)	Schedule 11

3. The Bill also provides that the adaptations when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region (clause 2).