

Appendix I

ADAPTATION OF LAWS (NO.9) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Honourable [_____]

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 2 section 15	By deleting “State” and substituting “Government”.
Schedule 5 section 3	In paragraph (a), by deleting “the State” and substituting “the Government”.
Schedule 6 section 4	By deleting “State” and substituting “Government”.
Schedule 10 section 12	By deleting “State” and substituting “Government”.
Schedule 10 section 13	By deleting “State” and substituting “Government”.

**Explanatory Note on the Proposed Committee Stage Amendments to
Adaptation of Laws (No.9) Bill 1999**

Section 14 of Schedule 2 and section 12 of Schedule 10

- (a) Section 14 of Schedule 2 and section 12 of Schedule 10 amend by-law 4(1) of the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg.) and by-law 4(1) of the Tate's Cairn Tunnel By-laws (Cap. 393 sub. leg.) respectively. By-law 4(1) of these two By-laws provide that a vehicle that carries a person in the public service of the Crown when he is engaged on duty relating to the road tunnel area is exempt from the payment of a toll. The Bill proposes to adapt "Crown" to "State".
- (b) The effect of the proposed adaptation in the Bill is that vehicles that carry persons in the service of the subordinate organs of the Central People's Government will be entitled to exemption from the payment of toll if they perform duties in relation to the relevant tunnels.
- (c) In other tunnel legislation, namely, the Tsing Ma Control Area Ordinance (Cap. 498), the Western Harbour Crossing Bylaw (Cap. 436 sub. leg.) and the Tai Lam and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg.), exemption from payment of toll is given to vehicles that carry persons in the public service of the "Government".
- (d) The proposed CSA to by-law 4(1) which amends "State" to "Government" will make the provision consistent with similar provisions in other tunnel legislation.

Section 15 of Schedule 2, section 4 of Schedule 6 and section 13 of Schedule 10

- (a) The above sections of the respective Schedules to the Bill seek to amend by-law 23 of the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg.), section 21 of the Road Tunnels (Government) Ordinance (Cap. 368) and by-law 23 of the Tate's Cairn Tunnel By-laws (Cap. 393 sub. leg.). These provisions save and preserve the powers or duties the law had conferred or imposed on persons in the public service of the Crown which might be affected by the operation of the relevant legislation.
- (b) The Bill proposes to adapt "Crown" in these provisions to "State".

- (c) At the meeting of the Bills Committee on 8 June 1999, members considered that as the subject matter in the savings provisions was closely related to the exemption provisions, references to “Crown” in those provisions should be adapted in the same manner as those related to the exemption provisions. Accordingly, “Crown” is proposed to be amended to “Government”. The proposed CSA will also make the savings provisions consistent with similar provisions in other tunnel legislation.

Section 3 of Schedule 5

- (a) Section 3 of Schedule 5 amends section 4(4) of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272). Section 4(4)(a) of Cap. 272 exempts vehicles owned by “Her Majesty or the Government” from taking out third party insurance.
- (b) The Administration proposes to adapt “Her Majesty or the Government” to “State”. The effect of this proposed adaptation is that vehicles owned by subordinate organs of the Central People’s Government will also be exempted from the requirement to take out third party insurance.
- (c) Before Reunification, motor vehicles owned by the armed forces were exempted from taking out third party insurance. Under the Crown Proceedings Ordinance (Cap. 300), no proceedings could be brought against the Crown or a member of the armed forces of the Crown for personal injury or death caused to another person if the death or personal injury is caused while the member is executing his duties as a member of the armed forces. He may be personally liable in tort if the court is satisfied that his act which resulted in death or personal injury was not connected with the execution of his duties as a member of the armed forces. According to the Administration, claims arising from accidents involving military vehicles were normally settled through mediation before Reunification.
- (d) At the meeting of the Bills Committee on 2 September 1999, Members noted the possible difficulty in claiming and enforcing judgment against the State organs in traffic accidents involving motor vehicles owned by State organs.
- (e) The proposed CSA adapts “Her Majesty or the Government” to “Government”. The effect of this is that only Government vehicles will be exempted from taking out third party insurance. All users of other motor vehicles, including those owned by subordinate organs of the Central People’s Government, are required to be insured against third party risks.

Prepared by
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