

ADAPTATION OF LAWS (NO. 9) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Transport

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 1	By deleting the Schedule.
Schedule 2	(a) By deleting section 6. (b) By deleting the subheading before section 14. (c) By deleting sections 14, 15 and 16.
Schedule 5	By deleting section 3(a).
Schedule 6	By deleting section 4.
Schedule 8, sections 1, 35, 43, 45, 46, 47, 57 and 58	By deleting “or territory” and substituting “or place”.
Schedule 8, section 6(a)	By deleting “or territories” and substituting “or places”.

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 8, section 49	By deleting “OR TERRITORIES” and substituting “OR PLACES”.
Schedule 8, section 50	By deleting it and substituting - “50. The Ninth Schedule is amended, in Form 1 - (a) 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 place” after “country” wherever it appears; (c) by adding “or places” after “countries” where it twice appears.”.
Schedule 8, section 55	By deleting “or territory” where it twice appears and substituting “or place”.
Schedule 8	By deleting section 60.
Schedule 10	By adding - “4A. Section 16(3) is amended by repealing “Secretary for Lands and Works” and substituting

Clause

Amendment Proposed

“Secretary for Planning, Environment and Lands”.”.

Schedule 10

- (a) By deleting the subheading before section 12.
- (b) By deleting sections 12, 13 and 14.

## Adaptation of Laws (No. 9) Bill 1999

### Explanation regarding CSAs proposed by the Administration

1. **Schedule 1 (amending the Cross-Harbour Tunnel Ordinance (Cap. 203) and its subsidiary legislation)**

The entire Schedule 1 should be deleted following the repeal of the Cross-Harbour Tunnel Ordinance (Cap. 203) by the Revenue Ordinance 1999.

2. **Schedule 2, section 6 (amending Eastern Harbour Crossing Ordinance (Cap. 215), section 34(2))**

The Administration proposes to introduce CSA to delete the adaptation amendment to this provision. The provision deals with the diversion of utilities under the control of “the Government or any agency of the Crown” in order to permit the carrying out of the construction works. As the construction of the tunnel had long been completed, the reference to the “Crown” is historical and does not require adaptation.

3. **Schedule 2, sections 14, 15 and 16 (amending Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg.), by-laws 4(1), 23 and 24)**

The Administration proposes to introduce CSA to delete the adaptation amendments to these provisions. Before Reunification -

- (a) by-law 4(1) exempted vehicles that carried persons in the public service of the Crown who were engaged on duty relating to the road tunnel area from the payment of tolls;
- (b) by-law 23 preserved powers or duties the law had conferred or imposed on persons in the service of the Crown which might be affected by the operation of the By-laws; and
- (c) by-law 24 expressly applied the By-laws to vehicles and persons in the public service of the Crown.

The Administration's proposal is to adapt all references to "Crown" in the above by-laws to "State". Members of the Bills Committee are concerned that such amendment will result in inconsistencies between by-laws 4(1), 23 and 24 and similar provisions in the Western Harbour Crossing By-law (Cap. 436 sub. leg.), the Tai Lam Tunnel and Yuen Long Approach Road By-law (Cap. 474 sub. leg.) and the Tsing Ma Control Area Ordinance (Cap. 498). In the latter legislation, specific references are made to "vehicles or persons in the public service of the *Government*".

If an overall review of similar provisions in tunnel related legislation has to be conducted with a view to achieve consistency among them, such exercise is beyond the scope of the Adaptation of Laws Programme and should be done separately. The Administration therefore proposes to delete the adaptation amendment to by-laws 4(1), 23 and 24 of the Eastern Harbour Crossing Road Tunnel By-laws from the Bill.

**4. Schedule 5, section 3(a) (amending Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272), section 4(4)(a))**

Section 4(4)(a) of the Ordinance provides that section 4 (which obliges all vehicles users to take out third party insurance) shall not apply to "any motor vehicle which is the property of *Her Majesty or the Government* upon any occasion upon which such vehicle is being used by a person authorized by *Her Majesty or the Government* to use the same on such occasion".

The Administration proposed to adapt the 2 references to "Her Majesty or the Government" to "the State". Members of the Bills Committee requested the Administration to review the policy of not applying section 4 to State vehicles upon adaptation. As such review is beyond the scope of the Adaptation of Laws Programme, it should be dealt with in a separate exercise. The Administration therefore proposes to introduce CSA to delete this item from the Bill.

**5. Schedule 6, section 4 (amending Road Tunnels (Government) Ordinance (Cap. 368), section 21)**

Section 21 of the Ordinance is of the same effect as by-law 23 of the Eastern

Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg.). For the same reason set out in paragraph 2 above, the Administration proposes to introduce CSA to delete this item from the Bill.

6. **Schedule 8, sections 1, 6(a), 35, 43, 45, 46, 47, 49, 50, 55, 57 and 58 (amending Road Traffic Ordinance (Cap. 374), sections 2, 8(1)(d) and 111(2)(e); Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.), regulations 2, 10, 11 and 13, the Fourth Schedule and Form 1 of the Ninth Schedule; Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg.), regulations 2, 31(4)(d) and 34(3))**

In these sections, the references to “country” or “countries” are originally adapted to read “country or territory” or “countries or territories” respectively. The Administration proposes to introduce CSA to amend the adaptation to “country or place” or “countries or places” to follow a similar adaptation made in Ordinance No. 15 of 1999.

7. **Schedule 8, section 50 (amending Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.), Ninth Schedule, Form 2)**

The Administration proposes to introduce CSA to delete all adaptation amendments to Form 2 of the Ninth Schedule to the Road Traffic (Driving Licences) Regulations. This is the form of an international driving permit issued under the authority of a party to the International Convention relative to the international circulation of cars concluded at Paris on 24 April 1926. As this Convention has ceased to apply to Hong Kong, the Form is proposed to be repealed in a separate amendment exercise.

8. **Schedule 8, section 60 (amending Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg.), Schedule 8, Form 1)**

The Administration proposes to introduce CSA to delete all adaptation to Form 1 of Schedule 8 to the Road Traffic (Registration and Licensing of Vehicles) Regulations. The reason being that the International Convention regarding the taxation of foreign motor vehicles concluded at Geneva on 30 March 1931 has ceased to apply to Hong Kong and reference to which in the Regulation

will be repealed in a separate legislative exercise in due course.

**9. Schedule 10, section 16A (amending Tate’s Cairn Tunnel Ordinance (Cap. 393), section 16(3))**

The Administration proposes to introduce CSA to amend the reference to “Secretary for Lands and Works” to “Secretary for Planning, Environment and Lands”. As such change of post title had not been provided for in the Declaration of Change of Titles (General Adaptation) Notice 1997 (L.N. 362 of 1997), it cannot be incorporated into the Loose-leaf Edition of the Laws editorially and has to be adapted specifically under the Bill.

**10. Schedule 10, sections 12, 13 and 14 (amending Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg.), by-laws 4(1), 23 an 24)**

By-laws 4(1), 23 and 24 of the above By-laws are of the same effect as by-laws 4(1), 23 and 24 of the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg.). The Administration proposes to introduce CSA to delete the adaptation amendment to these by-laws for the same reason set out in paragraph 2 above.