

## **LEGISLATIVE COUNCIL BRIEF**

- Control of Chemicals Ordinance  
(Chapter 145)
- Juvenile Offenders Ordinance  
(Chapter 226)
- Prisons Ordinance  
(Chapter 234)
- Detention Centres Ordinance  
(Chapter 239)
- Drug Addiction Treatment Centres Ordinance  
(Chapter 244)
- Training Centres Ordinance  
(Chapter 280)
- Rehabilitation of Offenders Ordinance  
(Chapter 297)
- Prisoners (Release under Supervision) Ordinance  
(Chapter 325)
- Drug Addicts Treatment and Rehabilitation Ordinance  
(Chapter 326)
- Drug Trafficking (Recovery of Proceeds) Ordinance  
(Chapter 405)
- Prisoners' Education Trust Fund Ordinance  
(Chapter 467)
- Post-Release Supervision of Prisoners Ordinance  
(Chapter 475)
- Transfer of Sentenced Persons Ordinance  
(Chapter 513)
- Long-term Prison Sentences Review Ordinance  
(Chapter 524)
- Correctional Services Children's Education Trust Ordinance  
(Chapter 1131)

## **ADAPTATION OF LAWS BILL 1998**

## INTRODUCTION

At the meeting of the Executive Council on 22 September 1998, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws Bill 1998, at the Annex, should be introduced into the Legislative Council, to effect necessary adaptations to 15 Ordinances relating to the treatment of offenders etc. and their subsidiary legislation.

## BACKGROUND AND ARGUMENT

2. Article 160 of the Basic Law states that -

“Upon 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.”

Article 8 of the Basic Law states that -

“The 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 contravenes this Law, and subject to any amendment by the legislature of the Hong Kong Special Administrative Region.”.

3. On 23 February 1997, the Standing Committee of the National People’s Congress published a decision on the treatment of laws previously in force in Hong Kong. It provides, among other things, that apart from the 24 Hong Kong Ordinances that are declared not to be adopted in whole or in part, the existing Hong Kong laws are to be adopted as laws of the Hong Kong Special Administrative Region and these laws shall, unless the context otherwise requires, be construed in accordance with specified principles of interpretation. These interpretative principles are included in

the Hong Kong Reunification Ordinance and are now incorporated as section 2A and Schedule 8 in the Interpretation and General Clauses Ordinance. However, although the Interpretation and General Clauses Ordinance laid down how terminology inconsistent with the Basic Law or with the status of Hong Kong as a Special Administrative Region of the People's Republic of China is to be construed, it is considered unacceptable to retain such terminology in our laws. Accordingly, we now need to introduce further legislation to effect the necessary textual amendments.

## **THE BILL**

4. The proposed amendments are merely terminological changes. References to “the Governor”, “the Crown”, “the Colonial Regulations”, “London” and “Secretary of State” etc. will be suitably amended.

## **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.

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— \* **Note** Article 12 of the Hong Kong Bill of Rights states that -

“(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.”

## **PUBLIC CONSULTATION**

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

## **HUMAN RIGHTS IMPLICATIONS**

7. There are no human rights implications arising from the Bill.

## **BINDING EFFECT**

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

## **FINANCIAL AND STAFFING IMPLICATIONS**

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

## **LEGISLATIVE TIMETABLE**

10. The legislative timetable is -

Publication in the Gazette	30 September 1998
First Reading and commencement of Second Reading debate	14 October 1998
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

**PUBLICITY**

11. A press release will be issued on 30 September 1998.

**ENQUIRIES**

12. For any enquiries on the Bill, please contact Ms Mimi Lee, Principal Assistant Secretary for Security (Narcotics), on 2867 2748 or Mrs Sarah Kwok, Principal Assistant Secretary for Security (B), on 2810 3435.

Security Bureau  
28 September 1998

(a555)

**ADAPTATION OF LAWS BILL 1998**

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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 Ordinance 1998.

**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]

CONTROL OF CHEMICALS ORDINANCE

1. Section 13 of the Control of Chemicals Ordinance (Cap. 145) is amended by repealing "Crown" and substituting "Government".

2. Section 14 is amended -
  - (a) in subsections (1) and (2), by repealing “Crown” and substituting “Government”;
  - (b) in subsection (4) -
    - (i) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
    - (ii) by repealing “Crown” and substituting “Government”.
3. Section 16(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
4. Section 18A(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

SCHEDULE 2

[s. 3]

JUVENILE OFFENDERS ORDINANCE AND ITS  
SUBSIDIARY LEGISLATION

**Juvenile Offenders Ordinance**

1. Section 12 of the Juvenile Offenders Ordinance (Cap. 226) is amended by repealing “Governor” and substituting “Chief Executive”.
2. Section 13 is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
3. Section 16(1) and (5) is amended by repealing “Governor” and substituting “Chief Executive”.



4. Section 17 is amended -

(a) by adding -

“(2A) The Chief Executive shall cause places of detention to be inspected.”;

(b) in subsection (3), by repealing “The Governor shall cause places of detention to be inspected, and” and substituting “The Chief Executive in Council”.

5. Section 21 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

#### **Places of Detention (Juvenile Offenders)**

##### **Appointment (Consolidation) Order**

6. Item 2 of the Schedule to the Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order (Cap. 226 sub. leg.) is amended by repealing “the Colony” and substituting “Hong Kong”.

#### **Juvenile Offenders (Forms) Rules**

7. Forms 1 and 3 of the Schedule to the Juvenile Offenders (Forms) Rules (Cap. 226 sub. leg.) are amended by repealing “the said Colony” and substituting “Hong Kong”.

#### **Juvenile Offenders (Visitation of Places of Detention) Rules**

8. Rule 2(b) of the Juvenile Offenders (Visitation of Places of Detention) Rules (Cap. 226 sub. leg.) is amended by repealing “Governor” and substituting “Chief Executive”.

## **Remand Home Rules**

9. Rule 14(1) of the Remand Home Rules (Cap. 226 sub. leg.) is amended by repealing “Governor” and substituting “Chief Executive”.

### **SCHEDULE 3**

[s. 3]

## **PRISONS ORDINANCE AND ITS SUBSIDIARY LEGISLATION**

### **Prisons Ordinance**

1. Section 2 of the Prisons Ordinance (Cap. 234) is amended -
- (a) in the definition of “subordinate officers”, by repealing “Governor” and substituting “Chief Executive”;
  - (b) by adding -
    - ““government regulations” (政府規例) means the administrative rules known as the Government Regulations and any other administrative rules or instruments regulating the public service;
    - “relevant executive order” (有關的行政命令) means any executive order issued by the Chief Executive for the administration of the public service and any regulation or direction made under such order;”.
2. Section 3 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

3. Section 9(b) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
4. Section 12(2) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
5. Section 12A(1), (3) and (4) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
6. Section 20B(a) is amended by repealing “Colonial Regulations and Regulations of the Hong Kong Government” and substituting “relevant executive orders and government regulations”.
7. Section 20D(1) (a) is amended by repealing “Colonial Regulations and Regulations of the Hong Kong Government” and substituting “relevant executive orders and government regulations”.
8. Section 20E(1) is amended by repealing “Colonial Regulations and Regulations of the Hong Kong Government” and substituting “relevant executive orders and government regulations”.
9. Section 20F is amended -
  - (a) in paragraph (a), by repealing “Colonial Regulations and Regulations of the Hong Kong Government” and substituting “relevant executive orders and government regulations”;
  - (b) in paragraph (b), by repealing “Colonial Regulations” and substituting “relevant executive orders”.
10. Section 22 is amended -

- (a) in subsection (2) (d), by repealing “立法局” and substituting “立法會”;
  - (b) in subsection (2A), by repealing “Crown” where it twice appears and substituting “Government”.
11. Section 23(1) is amended by repealing “Governor” and substituting “Chief Executive”.
12. Section 24(2) is amended by repealing “Governor” and substituting “Chief Executive”.
13. Section 24A is amended by repealing “Governor” and substituting “Chief Executive”.
14. Section 25 is amended -
- (a) in subsection (1), by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (b) in subsection (3) -
    - (i) by repealing “Governor” and substituting “Chief Executive”;
    - (ii) by repealing “Secretary” where it secondly appears and substituting “Director of Bureau”.

### **Prison Rules**

15. Rule 1A of the Prison Rules (Cap. 234 sub. leg.) is amended -
- (a) in the definition of “specified person” -
    - (i) in paragraph (a), by repealing “Governor” and substituting “Chief Executive”;

- (ii) in paragraph (b), by repealing “行政局” and substituting “行政會議”;
    - (iii) in paragraph (c), by repealing “立法局” and substituting “立法會”;
  - (b) in the definition of “visiting justice”, by repealing “Governor” and substituting “Chief Executive”.
16. Rule 21(2) is amended by repealing “Governor” and substituting “Chief Executive”.
  17. Rule 31 is amended by repealing “Governor” and substituting “Chief Executive”.
  18. Rule 40(2) is amended by repealing “branch” and substituting “bureau”.
  19. Rule 46 is amended by repealing “Governor” and substituting “Chief Executive”.
  20. Rule 54 is amended by repealing “Governor” and substituting “Chief Executive”.
  21. Rule 67(6) is amended by repealing “Governor” and substituting “Chief Executive”.
  22. Rule 70 is amended by repealing “the Colonial Regulations, the Regulations of Her Majesty’s Overseas Civil Service and the Regulations of the Hong Kong Government” and substituting “relevant executive orders and government regulations”.

23. Rule 77(1) and (2) is amended by repealing “Governor” and substituting “Chief Executive”.
24. Rule 139(2) is amended by repealing “the Regulations of the Hong Kong Government” and substituting “government regulations”.
25. Rule 140(1) is amended by repealing “the Regulations of the Hong Kong Government” and substituting “government regulations”.
26. Rule 148(2) is amended by repealing “Governor” and substituting “Chief Executive”.
27. Rule 167(1) is amended by repealing “Governor” and substituting “Chief Executive”.
28. Rule 188(1) (d), (da) and (e) is repealed.
29. Rule 225 is amended by repealing “Governor” and substituting “Chief Executive”.
30. Rule 226(2) is amended by repealing “Governor” and substituting “Chief Executive”.
31. Rule 227 is amended by repealing “Governor” and substituting “Chief Executive”.
32. Rule 229 is amended by repealing “Governor” and substituting “Chief Executive”.

33. Rule 234 is amended by repealing “Governor” and substituting “Chief Executive”.
34. Rule 235 is amended by repealing “Governor” and substituting “Chief Executive”.
35. Rule 239(1) (q) is amended by repealing “Regulations of the Hong Kong Government” and substituting “government regulations”.
36. Rule 249(b) (ii) is amended by repealing “Governor” and substituting “Chief Executive”.
37. Rule 250 is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
38. Rule 251 is amended by repealing “Governor” and substituting “Chief Executive”.
39. Rule 253 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
40. Rule 254(b) is amended by repealing “Governor” and substituting “Chief Executive”.
41. Rule 255 is amended by repealing “Governor” and substituting “Chief Executive”.
42. Rule 255AA is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

43. Rule 255B(2), (3) and (4) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
44. Rule 255E is amended -
  - (a) by repealing “Governor” where it twice appears and substituting “Chief Executive”;
  - (b) in paragraph (2), by repealing “Secretary” where it secondly appears and substituting “Director of Bureau”.
45. Rule 255F is amended by repealing “Governor” and substituting “Chief Executive”.
46. Rule 255H is amended by repealing “Governor” and substituting “Chief Executive”.
47. Rule 255J is amended by repealing “Governor” and substituting “Chief Executive”.
48. Rule 255K is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
49. Rule 257(b) is repealed.
50. Rule 258 is amended by repealing “London” and substituting “Hong Kong”.
51. Rule 259 is amended by repealing “or in London”.



52. Rule 260 is amended by repealing everything after “Limited” and substituting a full stop.

53. Rule 264(3) is amended -

- (a) by repealing “立法局” and substituting “立法會”;
- (b) by repealing “Governor” and substituting “Chief Executive”.

#### SCHEDULE 4

[s. 3]

### DETENTION CENTRES ORDINANCE AND ITS SUBSIDIARY LEGISLATION

#### **Detention Centres Ordinance**

1. Section 8(2) of the Detention Centres Ordinance (Cap. 239) is amended by repealing “Governor” and substituting “Chief Executive”.
2. Section 8A is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
3. Section 9(1) is amended by repealing “Governor” and substituting “Chief Executive”.
4. Section 11 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
5. Section 12 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

### **Detention Centres Regulations**

6. Regulation 10 of the Detention Centres Regulations (Cap. 239 sub. leg.) is amended by repealing “Governor” and substituting “Chief Executive”.
7. Forms 1 and 2 of the Schedule are amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.

### SCHEDULE 5

[s. 3]

### DRUG ADDICTION TREATMENT CENTRES ORDINANCE AND ITS SUBSIDIARY LEGISLATION

#### **Drug Addiction Treatment Centres Ordinance**

1. Section 7(2) of the Drug Addiction Treatment Centres Ordinance (Cap. 244) is amended by repealing “Governor” and substituting “Chief Executive”.
2. Section 8(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
3. Section 8A(1) and (3) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
4. Section 10 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
5. Section 11 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

### **Drug Addiction Treatment Centres Regulations**

6. Regulation 10 of the Drug Addiction Treatment Centres Regulations (Cap. 244 sub. leg.) is amended by repealing “Governor” and substituting “Chief Executive”.
  
7. The Schedule is amended -
  - (a) in Forms 1 and 2, by repealing “the Colony” and “Colony” and substituting “Hong Kong”;
  - (b) in Forms 5 and 6, by repealing “*Governor*” and substituting “*Chief Executive*”.

#### SCHEDULE 6

[s. 3]

### TRAINING CENTRES ORDINANCE AND ITS SUBSIDIARY LEGISLATION

#### **Training Centres Ordinance**

1. Section 2 of the Training Centres Ordinance (Cap. 280) is amended, in the definition of “Commissioner”, by repealing “the Colony” and substituting “Hong Kong”.
  
2. Section 4(2) is amended by repealing “Governor” and substituting “Chief Executive”.
  
3. Section 6(2) is amended by repealing “Governor” and substituting “Chief Executive”.

4. Section 7 is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.

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

### **Training Centres Regulations**

6. Regulation 3(1) of the Training Centres Regulations (Cap. 280 sub. leg.) is amended by repealing “Governor” and substituting “Chief Executive”.

7. Regulation 10 is amended by repealing “Governor” and substituting “Chief Executive”.

8. The Schedule is amended -

- (a) in Form 1, by repealing “the Colony” and substituting “Hong Kong”;
- (b) in Forms 4 and 5, by repealing “*Governor*” and substituting “*Chief Executive*”;
- (c) in Form 6, by repealing “the Colony” where it twice appears and substituting “Hong Kong”.

### SCHEDULE 7

[s. 3]

### REHABILITATION OF OFFENDERS ORDINANCE

1. Section 6(4) of the Rehabilitation of Offenders Ordinance (Cap. 297) is amended by repealing “Governor” and substituting “Chief Executive”.

2. Section 9(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
  
3. Item 2 of Part 1 of the Schedule is amended -
  - (a) by repealing “, including a cadet,”;
  - (b) by repealing “皇家香港警察隊” and substituting “香港警務處”;
  - (c) by repealing “皇家香港輔助警察隊” and substituting “香港輔助警察隊”.

SCHEDULE 8

[s. 3]

PRISONERS (RELEASE UNDER SUPERVISION) ORDINANCE  
AND ITS SUBSIDIARY LEGISLATION

**Prisoners (Release under Supervision) Ordinance**

1. Section 2 of the Prisoners (Release under Supervision) Ordinance (Cap. 325) is amended, in the definition of “supervision order”, by repealing “Governor” and substituting “Chief Executive”.
  
2. Section 3 is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
  
3. Section 4 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
  
4. Section 6 is amended by repealing “Governor” and substituting “Chief Executive”.

5. Section 7(1), (2) and (3) is amended by repealing “Governor” and substituting “Chief Executive”.
6. Section 8 is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
7. Section 12 is amended -
  - (a) in subsection (1) -
    - (i) by repealing “Governor” wherever it appears and substituting “Chief Executive”;
    - (ii) by repealing “Governor’s” and substituting “Chief Executive’s”;
  - (b) in subsection (2), by repealing “Governor” and substituting “Chief Executive”.
8. Section 14(1) is amended by repealing “Governor” and substituting “Chief Executive”.
9. Section 15(2)(b) is amended by repealing “Governor” and substituting “Chief Executive”.
10. Section 16 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
11. Section 18 is amended by repealing “Governor” and substituting “Chief Executive”.
12. Section 19 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

13. Section 20 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

**Prisoners (Release under Supervision) Regulations**

14. Regulation 8 of the Prisoners (Release under Supervision) Regulations (Cap. 325 sub. leg.) is amended by repealing “Governor” and substituting “Chief Executive”.

SCHEDULE 9

[s. 3]

**DRUG ADDICTS TREATMENT AND REHABILITATION ORDINANCE**

1. Section 3(1) and (2) of the Drug Addicts Treatment and Rehabilitation Ordinance (Cap. 326) is amended by repealing “Governor” and substituting “Chief Executive in Council”.

2. Section 4(1) is amended by repealing “Governor” and substituting “Chief Executive”.

3. Section 5(1) is amended by repealing “Governor” and substituting “Chief Executive”.

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

5. Section 14 is amended -

- (a) in subsection (2) (c), by repealing “Governor” and substituting “Chief Executive”;
- (b) in subsection (3) -
  - (i) by repealing “Governor” where it first appears and substituting “Chief Executive”;
  - (ii) by repealing “Governor at his pleasure” and substituting “Chief Executive at his discretion”;
- (c) in subsection (6), by repealing “Governor” and substituting “Chief Executive”.

6. Section 21(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

#### SCHEDULE 10

[s. 3]

### DRUG TRAFFICKING (RECOVERY OF PROCEEDS) ORDINANCE AND ITS SUBSIDIARY LEGISLATION

#### **Drug Trafficking (Recovery of Proceeds) Ordinance**

1. Section 2(12) (d) of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) is amended by repealing “Her Majesty’s” and substituting “the Chief Executive’s”.
2. Section 23 is amended -
  - (a) in subsection (10), by repealing “Crown” and substituting “Government”;
  - (b) in subsection (11)(b), by repealing “Governor” and substituting “Chief Executive”;
  - (c) in subsection (12), by repealing “Governor” and substituting “Chief Executive”.



3. Section 24C(6) is amended by repealing “立法局” and substituting “立法會”.
4. Section 28(1) is amended -
  - (a) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (b) by repealing “立法局” and substituting “立法會”;
  - (c) in paragraph (a), by repealing “country or territory” and substituting “country, territory or place”.
5. Section 31 is amended -
  - (a) in subsection (1), by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (b) in subsection (2), by repealing “立法局” and substituting “立法會”.

**Drug Trafficking (Recovery of Proceeds) (Designated Countries and Territories) Order**

6. Paragraph 2 of the Drug Trafficking (Recovery of Proceeds) (Designated Countries and Territories) Order (Cap. 405 sub. leg.) is amended in the definition of “designated country” by repealing “country or territory” and substituting “country, territory or place”.
7. Paragraph 3(1) is amended -
  - (a) by repealing “countries and territories” and substituting “countries, territories and places”;
  - (b) in sub-subparagraph (b), by repealing “country or territory” and substituting “country, territory or place”.

8. Schedule 1 is amended by adding “(except Hong Kong)” after “China”.
9. Schedule 2 is amended -
  - (a) in paragraph 12(a), by repealing “經歷司” and substituting “司法常務官”;
  - (b) in paragraph 18, by repealing “Governor in Council” and substituting “Chief Executive in Council”.
10. Section 31 of Schedule 3 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

#### SCHEDULE 11

[s. 3]

#### PRISONERS’ EDUCATION TRUST FUND ORDINANCE

1. Section 7(3) of the Prisoners’ Education Trust Fund Ordinance (Cap. 467) is amended by repealing “立法局” and substituting “立法會”.

#### SCHEDULE 12

[s. 3]

#### POST-RELEASE SUPERVISION OF PRISONERS ORDINANCE

1. Section 4 of the Post-Release Supervision of Prisoners Ordinance (Cap. 475) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
2. Section 19(4) is amended by repealing “Governor” and substituting “Chief Executive”.

3. Section 22 is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.

4. Section 23(1) is amended by repealing “Governor” and substituting “Chief Executive in Council”.

SCHEDULE 13

[s. 3]

TRANSFER OF SENTENCED PERSONS ORDINANCE

1. Section 3 of the Transfer of Sentenced Persons Ordinance (Cap. 513) is amended -

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

(b) in subsection (2), by repealing “Governor” and substituting “Chief Executive in Council”.

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

3. Section 5(3) and (4) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.

4. Section 6 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

5. Section 7(b) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

6. Section 8 is repealed.

7. Section 9 is amended -
  - (a) in subsections (1), (2), (3)(b), (4)(a)(v), (5) and (6) (in the definition of “relevant period”), by repealing “Secretary of State” wherever it appears and substituting “Central People’s Government”;
  - (b) in subsection (2)(b), by repealing “United Kingdom” and substituting “People’s Republic of China”;
  - (c) in subsection (6), by repealing the definition of “Secretary of State”;
  - (d) in subsections (1), (2), (3)(b), (5) and (6), by repealing “Governor” and substituting “Chief Executive”.
  
8. Section 10(2) and (3) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
  
9. Schedule 1 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

SCHEDULE 14

[s. 3]

LONG-TERM PRISON SENTENCES REVIEW ORDINANCE

1. Section 6 of the Long-term Prison Sentences Review Ordinance (Cap. 524) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
  
2. Section 12(1) is amended by repealing “Governor” and substituting “Chief Executive”.

3. Section 15(1)(a) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
4. Section 16 is amended -
  - (a) by repealing “Governor” wherever it appears and substituting “Chief Executive”;
  - (b) in subsection (4), by repealing “Governor’s” and substituting “Chief Executive’s”.
5. Section 21 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
6. Section 41 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
7. Section 43(1) is amended -
  - (a) by repealing “立法局” and substituting “立法會”;
  - (b) by repealing “Governor” and substituting “Chief Executive in Council”.
8. Section 45(1) is amended by repealing “Governor” and substituting “Chief Executive in Council”.
9. Schedule 1 is amended -
  - (a) in section 3, by repealing “Governor” wherever it appears and substituting “Chief Executive”;
  - (b) in section 5, by repealing “Governor” wherever it appears and substituting “Chief Executive”;
  - (c) in section 6, by repealing “Governor” and substituting “Chief Executive”.

## SCHEDULE 15

[s. 3]

## CORRECTIONAL SERVICES CHILDREN'S EDUCATION TRUST ORDINANCE

1. Section 6(2)(a), (e) and (f) and (3) of the Correctional Services Children's Education Trust Ordinance (Cap. 1131) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
2. Section 7(2) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 9(2) is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 10 is amended -
  - (a) in subsections (2) and (3), by repealing "Governor" and substituting "Chief Executive";
  - (b) in subsection (3), by repealing "立法局" and substituting "立法會".
5. Section 11(1) is amended by repealing "香港" where it twice appears.
6. Section 12 is amended by repealing "Her Majesty the Queen, Her Heirs or Successors" and substituting "the Central People's Government of the People's Republic of China and the rights of the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws or other rights of any body".

## 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 1-15).

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

Control of Chemicals Ordinance (Cap. 145)	Schedule 1
Correctional Services Children's Education Trust Ordinance (Cap. 1131)	Schedule 15
Detention Centres Ordinance (Cap. 239)	Schedule 4
Drug Addiction Treatment Centres Ordinance (Cap. 244)	Schedule 5
Drug Addicts Treatment and Rehabilitation Ordinance (Cap. 326)	Schedule 9
Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405)	Schedule 10
Juvenile Offenders Ordinance (Cap. 226)	Schedule 2
Long-term Prison Sentences Review Ordinance (Cap. 524)	Schedule 14
Post-Release Supervision of Prisoners Ordinance (Cap. 475)	Schedule 12
Prisoners (Release under Supervision) Ordinance (Cap. 325)	Schedule 8
Prisoners' Education Trust Fund Ordinance (Cap. 467)	Schedule 11
Prisons Ordinance (Cap. 234)	Schedule 3

Rehabilitation of Offenders Ordinance (Cap. 297)	Schedule 7
Training Centres Ordinance (Cap. 280)	Schedule 6
Transfer of Sentenced Persons Ordinance (Cap. 513)	Schedule 13.

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).