

LC Paper No.CB(2)739/98-99(02)

Adaptation of Laws Bill 1998**Provisions not Covered by, or which Depart from, the Guideline Adaptations**

Item	Schedule & Section No.	Term or Passage Repealed	Term or Passage Added or Substituted	Remarks
1	Sched 2, s.4	“Governor” (S.17(3), Juvenile Offenders Ord. (Cap. 226))	(a) “Chief Executive” in new s.17(2A) (b) “Chief Executive in Council” in s.17(3)	“Governor” in existing s.17(3) of Cap. 226 includes a reference to both legislative and non-legislative powers. To comply with the guideline adaptation of this term, existing s.17(3) is split into 2 subsections, one dealing with the non-legislative powers (new s.17(2A)) and one with the legislative powers (existing s.17(3)).
2	Sched 3, s.1, 6, 7, 8, 9, 22, 24, 25 and 35	(a) “Colonial Regulations” (b) “Regulations of the Hong Kong Government” (c) “Regulations of Her Majesty’s Overseas Civil Service” (Prisons Ord. (Cap. 234) and Prison Rules (Cap. 234 sub. leg.))	(a) “relevant executive order” (b) “government regulations” (c) [no substitution]	(a) , (b) For the sake of clarity of expression, the guideline adaptation of these 2 terms appearing in various provisions of Cap. 234 and its sub. leg. is implemented by using a shorter term which is defined in s.2 of Cap. 234 to have the guideline meaning. (c) Subsumed under the adapted term for “Colonial Regulations”

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3	Sched 3, s.28	Rule 188(1)(d), (da) and (e) (Prison Rules (Cap. 234 sub. leg.))	[no substitution]	The repealed provisions relate to pre-handover extradition arrangements. These arrangements no longer have effect. New arrangements now in place are given effect by the Fugitive Offenders Ordinance (Cap. 503), reference to which is contained in new Rule 188(1)(db).
4	Sched 3, s.49	Rule 257(b) (Prison Rules (Cap. 234 sub. leg.))	[no substitution]	Rule 257 deals with the investment of sums comprising the Correctional Services Department Welfare Fund. The provision repealed authorizes the Commissioner to remit such funds to the Crown Agent for investment as approved by the Secretary of State. (Rule 257(a), which is not affected by the adaptation, authorizes investment of such sums in Hong Kong by the Director of Accounting Services as approved by the Financial Secretary).
5	Sched 3, s.50	"London" (Rule 258, Prison Rules (Cap. 234 sub. leg.))	"Hong Kong"	The reference is to the relevant market price for the purpose of the valuation of investments in the CSD Welfare Fund. Investments in the fund being predominantly in the local market, it is considered that the Hong Kong market price is the appropriate measure.
6	Sched 3, s.51	"or in London" (Rule 259, Prison Rules (Cap. 234 sub. leg.))	[no substitution]	The reference is to the appropriate market in which to realize investments in the CSD Welfare Fund. For reasons similar to those given in relation to Item 5 above, reference to London is deleted. (The existing reference to the local market remains.)

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7	Sched 3, s.52	Reference to deposits in the Joint Colonial Fund (Rule 260, Prison Rules (Cap. 234 sub. leg.))	[no substitution]	The context is the appropriate rate for calculation of interest on temporary advances by DAS to the CSD Welfare Fund, pending the Fund's realization of investments. The rate being repealed is one of 2 rates provided for in the section, and does not need to be replaced.
8	Sched 7, s.3(a)	"including a cadet" (Schedule, Rehabilitation of Offenders Ord. (Cap. 297))	[no substitution]	The reference to a Police cadet is deleted because there are no longer any cadets in the Hong Kong Police Force.
9	Sched 7, s.3(b) & (c)	(a) "皇家香港警察隊" (b) "皇家香港輔助警察隊" (Schedule, Rehabilitation of Offenders Ord. (Cap. 297))	(a) "香港警務處" (b) "香港輔助警察隊"	The Chinese characters used for the equivalent of "Royal Hong Kong Police Force" and "Royal Hong Kong Auxiliary Police Force" in these occurrences are not covered by the Declaration of Change of Titles (General Adaptation) Notice 1997 (L.N. 362 of 1997).
10	Sched 9, s.5(b)(ii)	"Governor at his pleasure" (S.14(3), Drug Addicts Treatment and Rehabilitation Ord. (Cap. 326))	"Chief Executive at his discretion"	The repealed term "at his pleasure" is generally limited to instances of a common law prerogative. As adapted, the context is one of a simple discretion.
11	Sched 10, s.1	"Her Majesty's" (S.2(12)(d), Drug Trafficking (Recovery of Proceeds) Ord. (Cap. 405))	"the Chief Executive's"	Under Article 48(12) of the Basic Law, the question of pardons is now the function of the Chief Executive.

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12	Sched 10, s.4(c)	“country or territory” (S.28(1)(a), Drug Trafficking (Recovery of Proceeds) Ord. (Cap. 405))	“country, territory or place”	The adapted version preserves the meaning of the original expression “country or territory outside Hong Kong” as including the Mainland.
13	Sched 10, s.6, 7 and 8	(a) “country or territory” (b) “countries and territories” (c) “China” (Drug Trafficking (Recovery of Proceeds)(Designated Countries and Territories) Order (Cap. 405 sub. leg.))	(a) “country, territory or place” (b) “countries, territories and places” (c) “China (except Hong Kong)”	Section 8 deals with a reference to “China” in a Schedule of designated countries and territories. The adaptations proposed are necessary in order to exclude Hong Kong from the ambit of that reference, and to preserve the meaning of the original expressions “country or territory” and “countries and territories” appearing in provisions referring to that Schedule.
14	Sched 10, s.9(a)	“經歷司” (Schedule 2, Drug Trafficking (Recovery of Proceeds) (Designated Countries and Territories) Order (Cap. 405 sub. leg.))	“司法常務官”	This occurrence of the Chinese version of the term “Registrar” is amended to bring it into line with other occurrences of the same term elsewhere in the Laws of Hong Kong.

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15	Sched 13, s.6	Section 8 (Transfer of Sentenced Persons Ord. (Cap. 513))	[no substitution]	The Transfer of Sentenced Persons Ordinance (Cap. 513) regulates the transfer of persons serving prison sentences. Section 8 was intended to cater for any arrangements which might have been put in place before the UK Order which the Ordinance supersedes lapsed. No such arrangements were in fact put in place. The section itself declares that its effect expires upon the expiration of 30 June 1997.
16	Sched 13, s.7	(a) "Secretary of State" (b) "United Kingdom" (c) the definition of "Secretary of State" (S.9, Transfer of Sentenced Persons Ord. (Cap. 513))	(a) "Central People's Government" (b) "People's Republic of China" (c) [no substitution]	Section 9 of Cap. 513 deals with notices and instructions as between Hong Kong and officers of its sovereign power in relation to the transfer of sentenced prisoners. As to item (c), it is not considered necessary to define "Central People's Government".