

LEGISLATIVE COUNCIL BRIEF

JUDICIAL PROCEEDINGS (ADJOURNMENT DURING GALE WARNINGS)

ORDINANCE

(CAP. 62)

CRIMINAL PROCEDURE ORDINANCE

(CAP. 221)

CRIMINAL JURISDICTION ORDINANCE

(CAP. 461)

COSTS IN CRIMINAL CASES ORDINANCE

(CAP. 492)

ENDURING POWERS OF ATTORNEY ORDINANCE

(CAP. 501)

REVISED EDITION OF THE LAWS ORDINANCE 1965

(53 OF 1965)

LAWS (LOOSE-LEAF PUBLICATION) ORDINANCE 1990

(51 OF 1990)

ADAPTATION OF LAWS (NO.12) BILL 1998

INTRODUCTION

At the meeting of the Executive Council on 1 December 1998, the Council **ADVISED** and the Chief Executive **ORDERED** that the Adaptation of Laws (No.12) Bill 1998 at Annex 1 should be introduced into the Legislative Council.

Annex

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 (Ord. No.110 of 1997) and are now incorporated as section 2A and Schedule 8 in the Interpretation and General Clauses Ordinance (Chapter 1). 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 are to be construed, it is considered unacceptable to retain such terminology in our laws. Accordingly, we need to introduce further legislation to effect the necessary textual amendments.

THE BILL

4. Most of the proposed amendments are merely terminological changes, e.g. references to “the Governor” and the “Governor in Council” are replaced by the “Chief Executive” and the “Chief Executive in Council” respectively, and references to “the Colony” are replaced by “Hong Kong”. Other proposed amendments which are not covered by the “Adaptation of Laws Programme Guiding Principles and Guideline Glossary of Terms” are set out in the document attached to this Brief and entitled “Adaptation of Laws (No.12) Bill 1998 Provisions not Covered by, or which Depart from, the Guideline Adaptations” (Annex 2). Annex 3 attached to this Brief entitled “Adaptation of Laws (No.12) Bill 1998 Provisions Containing Historical References that need not be Adapted or References of which Adaptation is Deferred” sets out the provisions containing -

- (a) historical references that need not be adapted; and
- (b) references of which adaptation is deferred.

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. The legislative timetable is -

Publication in the Gazette	11 December 1998
First Reading and commencement of Second Reading debate	6 January 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. The Bill will be published in the Gazette on 11 December 1998, and a press release will be issued on the same day. A spokesman will be available to handle media enquiries.

December 1998

Department of Justice

File Reference : LP 5039/19/3/1C

ADAPTATION OF LAWS (NO. 12) 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 (No. 12) 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]

JUDICIAL PROCEEDINGS (ADJOURNMENT DURING GALE WARNINGS) ORDINANCE

1. Section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62) is amended, in the definition of "Director", by repealing "in Hong Kong".

SCHEDULE 2

[s. 3]

CRIMINAL PROCEDURE ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Criminal Procedure Ordinance

1. Section 3 of the Criminal Procedure Ordinance (Cap. 221) is repealed.
2. Section 9(1A) is amended by repealing “立法局” and substituting “立法會”.
3. Section 9A(1) and (2) is amended by repealing “立法局” and substituting “立法會”.
4. Section 9B(1) and (2) is amended by repealing “立法局” and substituting “立法會”.
5. Section 9M(1) is amended by repealing “Crown” and substituting “Government”.
6. Section 19 is amended by repealing “in the peace of the Queen” and substituting “within the jurisdiction of the Hong Kong courts”.
7. Section 20 is amended by repealing “any note of the Bank of England or of any other bank” and substituting “any bank note”.
8. Section 56(2)(a) is amended by repealing “Crown” and substituting “Government”.
9. Section 59 is amended by repealing “Crown” and substituting “Government”.

10. Section 63(5) is amended by repealing “any other part of the Commonwealth” and substituting “any part of the Commonwealth”.
11. Section 67B(2) is amended by repealing “Governor” and substituting “Chief Executive”.
12. Section 67C(2), (4) and (5) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
13. Section 76(2)(a)(ii) is amended by repealing “Governor” and substituting “Chief Executive”.
14. Section 79G(9) is amended by repealing “立法局” and substituting “立法會”.
15. Section 83D(1) is amended by repealing “Governor” and substituting “Chief Executive”.
16. Section 83L(1) and (2) is amended by repealing “Governor” and substituting “Chief Executive”.
17. Section 83P(1) and (2) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
18. Section 83S is amended by repealing “Crown” and substituting “Government”.
19. Section 83U(1) is amended by repealing “上訴法院” and substituting “上訴法庭”.

20. Section 83W(2)(c) is amended by repealing “Governor” and substituting “Chief Executive”.
21. Section 84A(5) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
22. Section 102(4) is amended by repealing “Crown” and substituting “Government”.
23. Section 109 is amended by repealing “the Colony” and substituting “Hong Kong”.
24. Section 109AC(3) is amended by repealing “Governor” and substituting “Chief Executive”.
25. Section 109B(1) is amended by repealing “the Colony” and substituting “Hong Kong”.
26. Section 109E(1) is amended by repealing “the Colony” and substituting “Hong Kong”.
27. Section 113B(3) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
28. Section 113C(4) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
29. Section 115 is amended by repealing “Governor” and substituting “Chief Executive”.
30. Section 117(1) is amended -

- (a) by repealing “Governor, in the name and on behalf of Her Majesty,” and substituting “Chief Executive”;
- (b) by repealing “of the Governor” and substituting” of the Chief Executive”.

31. Section 118 is amended by repealing “Her Majesty’s prerogative of mercy or any prerogative of mercy vested in the Governor” and substituting “the power vested in the Chief Executive to pardon offences or commute penalties”.

32. Section 124 is amended by repealing “立法局” and substituting “立法會”.

33. Schedule 1 is amended, in Form 1, by repealing “Her Majesty’s Attorney General” and substituting “the Secretary for Justice”.

34. Schedule 4 is amended -

- (a) in paragraph 1(1) and (3), by repealing “Governor” wherever it appears and substituting “Chief Executive”;
- (b) in paragraph 3, by repealing “Governor” where it twice appears and substituting “Chief Executive”;
- (c) in paragraph 4, by repealing “Governor” wherever it appears and substituting “Chief Executive”.

35. Schedule 5 is amended, in paragraph 1(1) and (3), by repealing “Governor” and substituting “Chief Executive”.

Criminal Appeal Rules

36. Rule 64(2) of the Criminal Appeal Rules (Cap. 221 sub. leg.) is amended by repealing “Crown” and substituting “Government”.

37. The Schedule is amended -

- (a) in Form I, by repealing “R.” and substituting “HKSAR”;
- (b) in Forms II and III, by repealing “Queen” and substituting “Government”;
- (c) in Forms IV, V, VI, VII, XII and XIII, by repealing “R.” and substituting “HKSAR”;
- (d) in Form XIV -
 - (i) by repealing “R.” and substituting “HKSAR”;
 - (ii) by repealing “the Colony” and substituting “Hong Kong”;
- (e) in Form XV, by repealing “R.” and substituting “HKSAR”;
- (f) in Forms XVI and XVII, by repealing “Queen” and substituting “Government”;
- (g) in Forms XVIII, XIX, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX and XXX, by repealing “R.” and substituting “HKSAR”.

Indictment Rules

38. Rule 4 of the Indictment Rules (Cap. 221 sub. leg.) is amended -

- (a) by repealing “imperial enactment” where it first appears and substituting “a national law applying in Hong Kong”;
- (b) in paragraph (a), by repealing “imperial enactment” and substituting “national law applying in Hong Kong”.

39. Rule 5 is amended -
- (a) by repealing “imperial enactment states” and substituting “a national law applying in Hong Kong states”;
 - (b) by repealing “imperial enactment may” and substituting “national law may”.
40. The Schedule is amended by repealing “The Queen” and substituting “HKSAR”.

Legal Aid in Criminal Cases Rules

41. Rule 21 (1)(i) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg.) is amended by repealing “Privy Council” and substituting “Court of Final Appeal”.

Criminal Procedure (Applications under Section 16) Rules

42. Rule 2A (10) of the Criminal Procedure (Applications under Section 16) Rules (Cap. 221 sub. leg.) is amended by repealing “上訴法院” and substituting “上訴法庭”.

Criminal Procedure (Representation) Rules

43. Rule 2 of the Criminal Procedure (Representation) Rules (Cap. 221 sub. leg.) is amended by repealing “Crown” and substituting “Government”.
44. The Schedule is amended by repealing “Reg” and substituting “HKSAR”.

SCHEDULE 3

[s. 3]

CRIMINAL JURISDICTION ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Criminal Jurisdiction Ordinance

1. Section 2 of the Criminal Jurisdiction Ordinance (Cap. 461) is amended -
 - (a) in subsection (4), by repealing “Governor in Council” and substituting “Chief Executive in Council”;
 - (b) in subsection (5), by repealing “立法局” where it twice appears and substituting “立法會”.

Criminal Jurisdiction (Specification of Time) Rules

2. Rule 2(a) of the Criminal Jurisdiction (Specification of Time) Rules (Cap. 461 sub. leg.) is amended -
 - (a) by repealing “High Court” and substituting “Court of First Instance”;
 - (b) by repealing “地方法院” and substituting “區域法院”;
 - (c) in subparagraph (ii), by repealing “法院” and substituting “原訟法庭或區域法院”.

SCHEDULE 4

[s. 3]

COSTS IN CRIMINAL CASES ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Costs in Criminal Cases Ordinance

1. Section 2 of the Costs in Criminal Cases Ordinance (Cap. 492) is amended, in the definition of “法官”, by repealing “上訴法院” and substituting “上訴法庭”.

2. Section 3(3) is amended by repealing “立法局” and substituting “立法會”.
3. Section 11(3) is amended by repealing “立法局” and substituting “立法會”.
4. Section 22 is amended by repealing “立法局” and substituting “立法會”.

Costs in Criminal Cases Rules

5. Rule 2 of the Costs in Criminal Cases Rules (Cap. 492 sub. leg.) is amended, in the definitions of “法院” and “虛耗訟費命令”, by repealing “大法官” and substituting “法官”.
6. Rule 4 is amended -
 - (a) in subrule (1) -
 - (i) in paragraph (i), by repealing “High Court” and substituting “Court of First Instance”;
 - (ii) in paragraph (ii) -
 - (A) by repealing “High Court” and substituting “Court of First Instance”;
 - (B) by repealing “地方法院” and substituting “區域法院”;
 - (C) by repealing “上訴法院” and substituting “上訴法庭”;
 - (b) in subrule (2) -
 - (i) in paragraph (a) -

- (A) by repealing “Supreme Court” and substituting “High Court”;
- (B) by repealing “to the High Court” and substituting “to the Court of First Instance”;
- (ii) in paragraph (b), by repealing “上訴法院” and substituting “上訴法庭”;
- (c) in subrule (5) -
 - (i) in paragraph (a) -
 - (A) by repealing “High Court” where it twice appears and substituting “Court of First Instance”;
 - (B) by repealing “大法官” and substituting “法官”;
 - (ii) in paragraph (b) -
 - (A) by repealing “上訴法院” where it twice appears and substituting “上訴法庭”;
 - (B) by repealing “大法官” and substituting “法官”.

7. Rule 5(2) is amended -

- (a) in paragraph (a), by repealing “地方法院” where it twice appears and substituting “區域法院”;
- (b) in paragraph (b) -
 - (i) by repealing “Supreme Court” and substituting “High Court”;
 - (ii) by repealing “in the High Court” and substituting “in the Court of First Instance”;
 - (iii) by repealing “上訴法院” and substituting.

“上訴法庭”.

8. Rule 8(3) is amended by repealing “Supreme Court” and substituting “High Court”.
9. Rule 10 is amended -
 - (a) in subrule (1), by repealing “Supreme Court Fees Rules” and substituting “High Court Fees Rules”;
 - (b) in subrule (2) -
 - (i) in paragraph (a), by repealing “地方法院” where it twice appears and substituting “區域法院”;
 - (ii) in paragraph (b) -
 - (A) by repealing “Registrar of the Supreme Court” and substituting “Registrar of the High Court”;
 - (B) by repealing “Supreme Court Fees Rules” and substituting “High Court Fees Rules”.

SCHEDULE 5

[s. 3]

ENDURING POWERS OF ATTORNEY (PRESCRIBED FORM) REGULATION

1. The Schedule to the Enduring Powers of Attorney (Prescribed Form) Regulation (Cap. 501 sub. leg.) is amended, in Part A, in paragraphs 7 and 8 and in Part C, by repealing “Supreme Court” and substituting “High Court”.

SCHEDULE 6

[s. 3]

REVISED EDITION OF THE LAWS ORDINANCE 1965

1. The long title to the Revised Edition of the Laws Ordinance 1965 (53 of 1965) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 5(q) is amended by repealing “the Colony” and substituting “Hong Kong”.
3. Section 10(2) is amended by repealing “the Colony” and substituting “Hong Kong”.
4. Section 11(2) is amended by repealing “the Colony” and substituting “Hong Kong”.
5. Section 12(2) is amended by repealing “the Colony” and substituting “Hong Kong”.
6. Section 15(4) is amended by repealing “the Colony” and substituting “Hong Kong”.
7. Section 18(2) is amended by repealing “立法局” where it twice appears and substituting “立法會”.

SCHEDULE 7

[s. 3]

LAWS (LOOSE-LEAF PUBLICATION) ORDINANCE 1990

1. Section 1(2) of the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) is amended by repealing “Governor” and substituting “Chief Executive”.

2. Section 2(5) is amended by repealing “Hong Kong” and substituting “Hong Kong Special Administrative Region”.

3. Section 3 is amended by repealing “Hong Kong” and substituting “the Hong Kong Special Administrative Region”.

Explanatory Memorandum

The purpose of this Bill is to adapt certain Ordinances and 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 7).

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

Costs in Criminal Cases Ordinance and its subsidiary legislation (Cap. 492)	Schedule 4
Criminal Jurisdiction Ordinance and its subsidiary legislation (Cap. 461)	Schedule 3
Criminal Procedure Ordinance and its subsidiary legislation (Cap. 221)	Schedule 2
Enduring Powers of Attorney (Prescribed Form) Regulation (Cap. 501 sub. leg.)	Schedule 5
Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62)	Schedule 1
Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990)	Schedule 7
Revised Edition of the Laws Ordinance 1965 (53 of 1965)	Schedule 6

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).

Adaptation of Laws (No. 12) 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 1, s. 1	“in Hong Kong” (S. 2(definition of “Director”), Judicial Proceedings (Adjournment During Gale Warnings) Ord. (Cap. 62))	[no substitution]	The expression in question is “Director of the Royal Observatory in Hong Kong”. By virtue of item 28 of the Schedule to the Declaration of Change of Titles (General Adaptation) Notice 1997 (LN 362 of 1997), that expression becomes “Director of the Hong Kong Observatory in Hong Kong”. The phrase “in Hong Kong” is therefore redundant.
2	Sched 2, s. 1	Section 3 (Criminal Procedure Ord. (Cap. 221))	[no substitution]	The practical effect of s. 3 is to designate the Registrar as the Registrar of the Court of First Instance acting in the exercise of its criminal jurisdiction. It is unnecessary to have an express provision for this as the definitions of “court” and “Registrar” achieve this.
3	Sched 2, s. 6	“in the peace of the Queen” (S. 19, Criminal Procedure Ord. (Cap. 221))	“within the jurisdiction of the Hong Kong courts”	The expression was formerly used to allege jurisdiction in an indictment by the victim of an offence committed outside Hong Kong or on the high seas.
4	Sched 2, s. 7	“any note of the Bank of England or of any other bank” (S. 20, Criminal Procedure Ord. (Cap. 221))	“any bank note”	The purpose of the section is to set out how a bank note is to be described in an indictment where it is necessary to make an averment as to money. A separate reference to a note of the Bank of England is not necessary in this context and “any bank note” covers bank notes issued by any bank.

Item	Schedule & Section No.	Term or Passage Repealed	Term or Passage Added or Substituted	Remarks
5	Sched 2, s. 10	<p>“any other part of the Commonwealth”</p> <p>(S. 63(5), Criminal Procedure Ord. (Cap. 221))</p>	<p>“any part of the Commonwealth”</p>	<p>S. 63 sets out the procedure to be followed in proving previous convictions and the forms to be used for that purpose. The adaptation is to remove “other” in s. 63(5) as it suggests that Hong Kong is part of the Commonwealth.</p>
6	Sched 2, s. 30(a) and 31	<p>(a) “Governor, in the name and on behalf of Her Majesty,”</p> <p>(b) “Her Majesty’s prerogative of mercy or any prerogative of mercy vested in the Governor”</p> <p>(S. 117(1) and 118, Criminal Procedure Ord. (Cap. 221))</p>	<p>(a) “Chief Executive”</p> <p>(b) “the power vested in the Chief Executive to pardon offences or commute penalties”</p>	<p>Under Article 48(12) of the Basic Law, the question of pardons is now the function of the Chief Executive.</p>
7	Sched 2, s. 33	<p>“Her Majesty’s Attorney General”</p> <p>(Form 1, Sched 1, Criminal Procedure Ord. (Cap. 221))</p>	<p>“Secretary for Justice”</p>	<p>This appears in the form to be used when the then Attorney General declines to file an indictment against a person. Despite the words “Her Majesty’s”, this was a reference to the “Attorney General of Hong Kong” as the substantive provision s. 15(2) shows. All references to “Attorney General” were changed to “Secretary for Justice” under item 3 of the Sched to the Declaration of Change of Titles (General Adaptation) Notice 1997 (LN 362 of 1997). This was not covered, technically, by the Declaration as the expression is “Her Majesty’s Attorney General”.</p>

Item	Schedule & Section No.	Term or Passage Repealed	Term or Passage Added or Substituted	Remarks
8	Sched 2, ss. 37(a), (c), (d)(i), (e) & (g), 40 and 44	(a) “R.” or “Reg” (Forms I, IV, V, VI, VII, XII, XIII, XIV, XV, XVIII, XIX, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX & XXX, Sched 1, Criminal Appeal Rules (Cap. 221 sub. leg.), and Sched, Criminal Procedure (Representation) Rules (Cap. 221 sub. leg.)) (b) “The Queen” (Sched, Indictment Rules (Cap. 221 sub. leg.))	“HKSAR”	These are forms used in criminal proceedings. “R.” or Reg” signifies the person in whose name the proceedings are instituted. Under s. 19 of the Hong Kong Reunification Ord., criminal proceedings are brought in the name of HKSAR. The amendments reflect the practice after 1.7.1997.
9	Sched 2, s. 37(b) & (f)	“Queen” (Forms II, III, XVI & XVII, Sched 1, Criminal Appeal Rules (Cap. 221 sub. leg.))	“Government”	These are forms for recognizance and formerly Queen was used in the context of the person to whom the money was owed. The amendments is as per the principle of adaptation of “Crown” in same context.
10	Sched 2, ss. 38 & 39	“imperial enactment” (Rules 4 & 5, Indictment Rules (Cap. 221 sub. leg.))	“national law applying in Hong Kong”	These rules specify the matters to be included in indictments for specific statutory offences including those under imperial enactment. The expression “imperial enactment” is no longer appropriate and should be adapted to “national law applying in Hong Kong.”

Item	Schedule & Section No.	Term or Passage Repealed	Term or Passage Added or Substituted	Remarks
11	Sched 3, s. 2(c)	<p>“法院”</p> <p>(Rule 2(a)(ii), Criminal Jurisdiction (Specification of Time) Rules (Cap. 461 sub. leg.))</p>	“原訟法庭或區域法院”	<p>“法院” refers to the expression “高等法院或地方法院” in paragraph (a). That expression will be adapted to “原訟法庭或區域法院”. Hence, the proposed amendment.</p>
12	Sched 7, ss. 2 & 3	<p>“Hong Kong”</p> <p>(Ss. 2(5) and 3, Laws (Loose-leaf Publication) Ordinance 1990)</p>	“Hong Kong Special Administrative Region”	<p>In s. 2(5), “Hong Kong” appears in the context of a prescribed statement to be printed on each page of the loose-leaf edition. It is therefore not appropriate to rely on the definition of “Hong Kong” in Cap. 1.</p> <p>In s. 3, “Hong Kong” appears in the context of “Government of Hong Kong”. Hence, the proposed amendment.</p>

Adaptation of Laws (No. 12) Bill 1998
Provisions Containing Historical References that need
not be Adapted or References of which Adaptation is Deferred

Item	Historical References that need not be Adapted or References of which Adaptation is Deferred	Remarks
1	“Governor” (Ss. 2 (definitions of “effective date” and “Ordinance”), 3, 11(1), 15(4), 17(1), (2) & (3) and 20), Revised Edition of the Laws Ord. 1965)	The last annual edition of the revised edition was published in 1990 under s. 13 (as read with s. 21) of the Revised Edition of the Laws Ord. 1965. The expression is a historical reference that need not be adapted.
2	“立法局” (S. 2 (definition of “Ordinance”), Revised Edition of the Laws Ord. 1965)	The remark for item 1 applies.
3	“Proclamation of the British Military Administration” (Ss. 2 (definitions of “Ordinance” and “subsidiary legislation”) and 11(1), Revised Edition of the Laws Ord. 1965)	The remark for item 1 applies.
4	“Her Majesty’s dominions” (S. 5(r), Revised Edition of the Laws Ord. 1965)	The remark for item 1 applies.

Item	Historical References that need not be Adapted or References of which Adaptation is Deferred	Remarks
5	<p>“Chief Secretary”</p> <p>(S. 10(2), Revised Edition of the Laws Ord. 1965)</p>	<p>Under the Declaration of Change of Titles (General Adaptation) Notice 1997 (LN 362 of 1997), “Chief Secretary for Administration” is substituted, where the context permits, for “Chief Secretary” whenever occurring in any Ordinance enacted before 1 July 1997. The remark for item 1 applies to the reference to “Chief Secretary” in this section, which will not be replaced with “Chief Secretary for Administration”.</p>
6	<p>“Attorney General”</p> <p>(Ss. 10(2), 13, 14(1) & (2), 15(1) & (4) and 16, Revised Edition of the Laws Ord. 1965)</p>	<p>Under the Declaration of Change of Titles (General Adaptation) Notice 1997 (LN 362 of 1997), “Secretary for Justice” is substituted, where the context permits, for “Attorney General” whenever occurring in any Ordinance enacted before 1 July 1997. The remark for item 1 applies to the reference to “Attorney General” in these sections, which will not be replaced with “Secretary for Justice”. However, the reference to “Attorney General” in section 18(1) will be replaced with “Secretary for Justice”.</p>
7	<p>“Supreme Court”</p> <p>(S. 10(2), Revised Edition of the Laws Ord. 1965)</p>	<p>The remark for item 1 applies.</p>
8	<p>“imperial enactment, treaty or convention”</p> <p>(Ss 12(1) & (2) and 13(1) & (2), Revised Edition of the Laws Ord. 1965)</p>	<p>The remark for item 1 applies.</p>
9	<p>S. 9(3) of the Criminal Procedure Ord. (Cap. 221)</p>	<p>There is a reference to “treason or misprision of treason” in this section. Adaptation of this section is deferred.</p> <p>(Ss. 9G(10)(b), 14A(1)(a), 51(2), 91(4) and 100 of the Criminal Procedure Ord. also contain references to “treason”. Whether they will have to be adapted depends on the contents of the laws enacted pursuant to Article 23 of the Basic Laws.)</p>