

LEGISLATIVE COUNCIL BRIEF

PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP AND LAND COMMISSION) ORDINANCE

(CAP. 36)

INTERNATIONAL ORGANIZATIONS AND DIPLOMATIC PRIVILEGES ORDINANCE

(CAP. 190)

ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS ORDINANCE

(CAP. 191)

CHINESE VISA OFFICE (PRIVILEGES AND IMMUNITIES) ORDINANCE

(CAP. 224)

CONSULAR RELATIONS ORDINANCE

(CAP. 259)

CONSULAR CONVENTIONS ORDINANCE

(CAP. 267)

ADAPTATION OF LAWS (NO. 10) BILL 1999

INTRODUCTION

At the meeting of the Executive Council on 23 March 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No.10) Bill 1999 (copy at the Annex) should be introduced into the Legislative Council to effect necessary adaptations to six Ordinances which relate principally to privileges and immunities.

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.”

3. 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.”

4. On 23 February 1997, the Standing Committee of the National People’s Congress (NPCSC) published a decision which set out a number of principles for interpreting the laws which were adopted by the NPCSC to continue to remain in force as laws of the HKSAR. These principles were included in the Hong Kong Reunification Ordinance and were subsequently incorporated as section 2A and Schedule 8 of the Interpretation and General Clauses Ordinance (Cap. 1).

5. Despite the guiding principles under the Interpretation and General Clauses Ordinance on construing terminology inconsistent with the Basic Law and Hong Kong’s status as a Special Administrative Region of the People’s Republic of China, it is considered unacceptable to retain such terminology in our statute books after the reunification. We need to introduce the Adaptation of Laws (No.10) Bill 1999 to bring necessary textual amendments to the Privileges and Immunities (Joint Liaison Group and Land Commission) Ordinance, International Organizations and Diplomatic Privileges Ordinance, Administration of Estates by Consular Officers Ordinance, Chinese Visa Office (Privileges and Immunities) Ordinance, Consular Relations Ordinance and Consular Conventions Ordinance.

THE BILL

6. Most of the proposed amendments are merely terminological changes, e.g. references to "the Colony" are replaced by "Hong Kong". Similarly, a reference to the "Governor" will be replaced by the "Chief Executive". Where a provision previously conferred power on the "Governor" to make subsidiary legislation, the reference to the "Governor" will still be adapted to the "Chief Executive". Although the requirement under Article 56 of the Basic Law that the Chief Executive shall consult the Executive Council before making subordinate legislation is then not expressly set out, the Council will still have to be consulted if the Chief Executive is to exercise this legislative function.

7. References to "England" and "the United Kingdom" are replaced by "the People's Republic of China" to bring them in line with the status of Hong Kong as a Special Administrative Region of the People's Republic of China. References to "Her Majesty's Government in the United Kingdom" and "Her Majesty's Government" are replaced by "the Central People's Government" according to section 1 of Schedule 8 to the Interpretation and General Clauses Ordinance (Cap. 1). Reference to "Her Majesty" is replaced by "the Government of the People's Republic of China" in the context of the accreditation of an envoy of a foreign sovereign power. This is because the normal usage in international agreements is to say that an envoy is accredited to the government of the receiving State.

8. Reference to "British citizens, British Dependent Territories citizens or British Overseas citizens" is replaced by "Chinese nationals" because of the differences in the nationality laws of the People's Republic of China and the United Kingdom. It is also because according to international practice adopted by a number of states, a national of one country is not given diplomatic privileges and immunities when he is in his own country.

9. For similar reasons, "a British citizen, a British Dependent Territories citizen or a British Overseas citizen and who is not the representative of a Government of Her Majesty other than Her Majesty's Government in Hong Kong or a member of the staff of and accompanying any such representative" is replaced by "a Chinese national" in view of the context.

Privileges and Immunities (Joint Liaison Group and Land Commission) Ordinance

10. Reference to the "Land Commission" is repealed since it no longer exists. References to the "premises of the Chinese members", "Chinese members of the Joint Liaison Group", "People's Republic of China" and "Chinese" are replaced by "premises of the British members", "British members of the Joint Liaison Group", "United Kingdom" and "British" respectively since privileges and immunities are no longer granted to the Chinese members but to the British members under this Ordinance.

International Organizations and Diplomatic Privileges Ordinance

11. "[T]he law applicable to the Colony, the law and" is replaced by "any Ordinance, the" in Section 6. This is because the relevant national law contained in Annex III of the Basic Law applies to Hong Kong even without this section and the first reference to "the law" according to Cap. 1, includes the Basic Law and the relevant national law contained in Annex III of the Basic Law.

12. Section 7 and the Second Schedule are repealed since they confer privileges and immunities on officers of the Commonwealth Secretariat which are no longer relevant to Hong Kong.

13. The Preambles of various subsidiary legislation having historical references to "Governor" which should not be adapted are repealed for they are inconsistent with the status of Hong Kong as a Special Administrative Region of the People's Republic of China. The European Communities Notification is repealed since it is no longer relevant.

14. In the Inter-governmental Maritime Consultative Organization (Cap. 190 sub. leg.), the proviso to Article 9 is repealed since it is no longer applicable to Hong Kong.

Administration of Estates by Consular Officers Ordinance

15. The Preamble is repealed since the Treaties of Commerce and Navigation between the United Kingdom and other countries are no longer applicable to Hong Kong.

16. Section 3 is amended by repealing paragraphs (a) and (b) and substituting new paragraphs (a) and (b). This is to set the framework for any future bilateral agreements or arrangements between the People's Republic of China and other countries.

17. The Schedule is replaced by a schedule framework since the Treaties of Commerce and Navigation between the United Kingdom and other countries are no longer applicable to Hong Kong.

Chinese Visa Office (Privileges and Immunities) Ordinance

18. Cap. 224 is repealed as this Ordinance granted privileges and immunities to the Visa Office of the Ministry of Foreign Affairs of the People's Republic of China, its officers and their dependants and it ceased to apply to Hong Kong on 1 July 1997.

Consular Relations Ordinance

19. In the definition of "Ministry for Foreign Affairs" in section 2(2), "Foreign and Commonwealth Office" is replaced by "Ministry of Foreign Affairs of the People's Republic of China" to bring it in line with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.

20. The definition of "national of the receiving State" in section 2(2) is repealed and substituted by a new definition of "national of the receiving State" which means a Chinese national to bring it in line with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.

21. The reference to "Diplomatic Privileges Act 1964 (1964c.81U.K.)" in section 2(8) is replaced by "Regulations of the

People's Republic of China Concerning Diplomatic Privileges and Immunities" to bring it in line with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.

22. Section 12 is repealed since it relates to the privileges and immunities of official representatives of Commonwealth countries and is no longer applicable to Hong Kong.

23. All the subsidiary legislation implementing the bilateral agreements between the United Kingdom and other countries are repealed since all these bilateral agreements were no longer applicable on 1 July 1997.

Consular Conventions Ordinance

24. The Consular Conventions (Consolidation) Order (Cap. 267 sub. leg.) made under this Ordinance is repealed since the bilateral agreements between the United Kingdom and other countries are no longer applicable to Hong Kong.

COMMENCEMENT

25. 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.

PUBLIC CONSULTATION

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

HUMAN RIGHTS IMPLICATIONS

27. The Department of Justice advises that the proposed Bill is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT

28. The amendments will not affect the current binding effect of the existing provisions of various Ordinances covered by the Bill.

FINANCIAL AND STAFFING IMPLICATIONS

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

LEGISLATIVE TIMETABLE

30. The legislative timetable of the Bill will be -

Publication in the Gazette	1 April 1999
First Reading and commencement of Second Reading debate	21 April 1999
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

ENQUIRIES

31. For enquiries on the brief, please contact Mr Stephen Fisher, Deputy Director of Administration at 2810 2268.

Administration Wing
Chief Secretary for Administration's Office
30 March 1999

ADAPTATION OF LAWS (NO. 10) BILL 1999

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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. 10) Ordinance 1999.

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]

PRIVILEGES AND IMMUNITIES (JOINT LIAISON GROUP AND
LAND COMMISSION) ORDINANCE

1. The long title to the Privileges and Immunities (Joint Liaison Group and Land Commission) Ordinance (Cap. 36) is amended by

repealing “Chinese members of the Joint Liaison Group, to the Chinese members of the Land Commission” and substituting “British members of the Joint Liaison Group”.

2. Section 1 is amended by repealing “and Land Commission”.

3. Section 2 is amended -

(a) by repealing the definition of “Chinese members of the Joint Liaison Group” and substituting -

““British members of the Joint Liaison Group” (聯合聯絡小組英方成員) means the persons designated from time to time by the Government of the United Kingdom pursuant to paragraph 7 of Annex II of the Joint Declaration as its members of the Joint Liaison Group;”;

(b) by repealing the definition of “Chinese members of the Land Commission”;

(c) in the definition of “dependants”, by repealing “Chinese members of the Joint Liaison Group, Chinese members of the Land Commission” and substituting “British members of the Joint Liaison Group”;

(d) in the definition of “experts”, by repealing “People’s Republic of China” and substituting “United Kingdom”;

(e) by repealing the definition of “Land Commission”;

(f) in the definition of “supporting staff”, by repealing “People’s Republic of China” and substituting “United Kingdom”.

4. Section 3(1) is repealed and the following substituted -

“(1) This Ordinance shall apply to -

- (a) British members of the Joint Liaison Group;
- (b) experts;
- (c) supporting staff; and
- (d) dependants of the persons mentioned in paragraph (a), (b) or (c).”.

5. The Schedule is amended -

- (a) in paragraph 1, by repealing the definition of “premises of the Chinese members” and substituting -

““premises of the British members” (英方成員的處所) means

the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the British members of the Joint Liaison Group and includes the residence, whether permanent or temporary, of any person to whom this Ordinance applies.”;

- (b) in paragraphs 2(1) and (2) and 3(1), by repealing “Chinese” and substituting “British”;

- (c) in paragraph 5 -

- (i) in sub-paragraph (4) -

- (A) in sub-subparagraph (a), by repealing “People’s Republic of China for the purposes of the Joint Liaison Group or of the Land Commission” and substituting “United Kingdom for the purposes of the Joint Liaison Group”;

- (B) in sub-subparagraph (b), by repealing “People’s Republic of China” and substituting “United Kingdom”;
- (ii) in sub-paragraph (4A)(a), by repealing “People’s Republic of China” and substituting “United Kingdom”;
- (d) in paragraph 6(1), by repealing “People’s Republic of China” and substituting “United Kingdom”;
- (e) in paragraph 7(b), by repealing “People’s Republic of China for the purposes of the Joint Liaison Group or of the Land Commission” and substituting “United Kingdom for the purposes of the Joint Liaison Group”;
- (f) in paragraph 10 -
 - (i) in sub-paragraph (1) -
 - (A) by repealing “People’s Republic of China” and substituting “United Kingdom”;
 - (B) by repealing “Chinese” and substituting “British”;
 - (ii) in sub-paragraph (6), by repealing “People’s Republic of China” and substituting “United Kingdom”.

Consequential Amendments

Dutiable Commodities Regulations

6. Regulation 12(1)(m) of the Dutiable Commodities Regulations (Cap. 109 sub. leg.) is amended by repealing “and Land Commission”.

7. Regulation 15 is amended by repealing “and Land Commission”.

Stamp Duty Ordinance

8. Section 43(3)(a)(iii) and (b)(iii) of the Stamp Duty Ordinance (Cap. 117) is amended by repealing “and Land Commission”.

Air Passenger Departure Tax Ordinance

9. The Second Schedule to the Air Passenger Departure Tax Ordinance (Cap. 140) is amended, in paragraph 10, by repealing “and Land Commission”.

Cross-Harbour Tunnel (Passage Tax) Ordinance

10. Section 4(3) of the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap. 274) is amended by repealing “and Land Commission”.

SCHEDULE 2

[s. 3]

INTERNATIONAL ORGANIZATIONS AND DIPLOMATIC PRIVILEGES ORDINANCE - AND ITS SUBSIDIARY LEGISLATION

International Organizations and Diplomatic Privileges

Ordinance

1. The long title to the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) is amended by repealing “the law for the time being in force in England” and substituting “the custom for the time being in force in the People’s Republic of China”.

2. Section 2(1) is amended-
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “United Kingdom” and substituting “People’s Republic of China”.

3. Section 3(1) is amended -
 - (a) by repealing “the Colony” and substituting “Hong Kong”;
 - (b) by repealing “Her Majesty’s Government in the United Kingdom” and substituting “the Central People’s Government”;
 - (c) by repealing “Governor” where it twice appears and substituting “Chief Executive”;
 - (d) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

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

5. Section 5 is amended-
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “British” and substituting “Chinese”.

6. Section 6 is amended-
 - (a) by repealing “the law applicable to the Colony, the law and” and substituting “any Ordinance, the”;
 - (b) by repealing “England” and substituting “the People’s

Republic of China”;

(c) by repealing “the Colony” and substituting “Hong Kong”.

7. Section 7 is repealed.

8. The First Schedule is amended-

(a) in Part I-

(i) in paragraph 2-

(A) by repealing “England” and substituting “the People’s Republic of China”;

(B) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;

(ii) in paragraph 3, by repealing “England” and substituting “the People’s Republic of China”;

(iii) in paragraph 4, by repealing “the Colony” and substituting “Hong Kong”;

(iv) in paragraph 6, by repealing “the Colony” and substituting “Hong Kong”;

(b) in Part II, in paragraph 1-

(i) by repealing “England” and substituting “the People’s Republic of China”;

(ii) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;

(c) in Part IV-

(i) in paragraph 1 -

- (A) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;
 - (B) by repealing “England” and substituting “the People’s Republic of China”;
 - (ii) in paragraph 2-
 - (A) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;
 - (B) by repealing “England” and substituting “the People’s Republic of China”.
9. The Second Schedule is repealed.

The Food and Agriculture Organization

10. The Food and Agriculture Organization (Cap. 190 sub. leg.) is amended by repealing “The Governor declares and provides and it is hereby declared and provided as follows-” before “A. THE ORGANIZATION”.
11. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.
12. Article 8 is amended -
- (a) in paragraph (1)(c)-
 - (i) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;

(ii) by repealing “British citizens, British Dependent Territories citizens or British Overseas citizens” and substituting “Chinese nationals”;

(b) in paragraph (3) -

(i) by repealing “Her Majesty’s Government” where it first appears and substituting “the Central People’s Government”;

(ii) by repealing everything after “any person who is” and substituting “a Chinese national.”.

13. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The Inter-governmental Maritime Consultative Organization

14. The Inter-governmental Maritime Consultative Organization (Cap. 190 sub. leg.) is amended by repealing “His Excellency the Governor hereby declares and provides as follows -” before “PART I”.

15. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

16. Article 8 is amended-

(a) in paragraph (1), by repealing “Her Majesty” where it twice appears and substituting “the Government of the People’s Republic of China”;

(b) in paragraph (4) -

- (i) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;
- (ii) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

17. Article 9 is amended-

- (a) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;
- (b) by repealing the proviso.

18. Article 11(1) is amended by repealing “Her Majesty” where it twice appears and substituting “the Government of the People’s Republic of China”.

The International Atomic Energy Agency

19. The International Atomic Energy Agency (Cap. 190 sub. leg.) is amended by repealing “His Excellency the Governor hereby declares and provides as follows -” before “PART I”.

20. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

21. Article 8 is amended -

- (a) in paragraph (1), by repealing “Her Majesty” where it twice appears and substituting “the Government of the People’s Republic of China”;
- (b) in paragraph (4)-
 - (i) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;
 - (ii) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

22. Article 9 is amended -

- (a) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;
- (b) in the proviso, by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

23. Article 11(1) is amended-

- (a) by repealing “Her Majesty” wherever it appears and substituting “the Government of the People’s Republic of China”;
- (b) in sub-paragraph (c), in the proviso, by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

The International Civil Aviation Organization

24. The International Civil Aviation Organization (Cap. 190 sub. leg.) is amended by repealing “The Governor declares and provides and it is hereby declared and provided as follows -” before “A. THE ORGANIZATION”.

25. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

26. Article 8 is amended-

(a) in paragraph (1)(c) -

- (i) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;
- (ii) by repealing “British citizens, British Dependent Territories citizens or British Overseas citizens” and substituting “Chinese nationals”;

(b) in paragraph (3)-

- (i) by repealing “Her Majesty’s Government” where it first appears and substituting “the Central People’s Government”;
- (ii) by repealing everything after “any person who is” and substituting “a Chinese national.”.

27. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The International Labour Organization

28. The International Labour Organization (Cap. 190 sub. leg.) is amended by repealing “The Governor declares and provides and it is hereby declared and provided as follows -” before “A. THE ORGANIZATION”.

29. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

30. Article 8 is amended-

(a) in paragraph (1)(c)-

- (i) by repealing “Her Majesty” and substituting “the Government of the people’s Republic of China”;
- (ii) by repealing “British citizens, British Dependent Territories citizens or British Overseas citizens” and substituting “Chinese nationals”;

(b) in paragraph (3)-

- (i) by repealing “Her Majesty’s Government” where it first appears and substituting “the Central People’s Government”;
- (ii) by repealing everything after “any person who is” and substituting “a Chinese national.”.

31. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

**The Organization for the Network of Aquaculture Centres in
Asia and the Pacific Notification**

32. Paragraph 5 of the Organization for the Network of Aquaculture Centres in Asia and the Pacific Notification (Cap. 190 sub. leg.) is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

33. Paragraph 6(1) is amended by repealing “England” and substituting “the People’s Republic of China”.

34. Paragraph 9(4) is amended-

- (a) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;
- (b) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

35. Paragraph 10 is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

36. Paragraph 11 is amended by repealing “Governor” and substituting “Chief Executive”.

The International Telecommunication Union

37. The International Telecommunication Union (Cap. 190 sub. leg.) is amended by repealing “His Excellency the Governor hereby declares and provides as follows -” before “A. THE ORGANIZATION”.

38. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

39. The heading before Article 8 is amended-

- (a) by repealing “HER MAJESTY’S GOVERNMENT” and substituting “THE CENTRAL PEOPLE’S GOVERNMENT”;
- (b) by repealing “THE COLONY” and substituting “HONG KONG”.

40. Article 8(4) is amended-

- (a) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;
- (b) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

41. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The United Nations

42. The United Nations (Cap. 190 sub. leg.) is amended by repealing “The Governor declares and provides and it is hereby declared and provided as follows -” before “PART I”.
43. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.
44. Article 5 is amended by repealing “the Colony” and substituting “Hong Kong”.
45. Article 7 is amended by repealing “the Colony” and substituting “Hong Kong”.
46. Article 8(c) is amended-
- (a) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;
 - (b) by repealing “the Colony” wherever it appears and substituting “Hong Kong”;
 - (c) by repealing “British citizens, British Dependent Territories citizens or British Overseas citizens” and substituting “Chinese nationals”.
47. Article 10 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.
48. Article 13 is amended -

- (a) by repealing “British citizens, British Dependent Territories citizens or British Overseas citizens” and substituting “Chinese nationals”;
- (b) by repealing “the Colony” and substituting “Hong Kong”;
- (c) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

49. Article 15 is amended-

- (a) by repealing “Her Majesty” where it first appears and substituting “the Government of the People’s Republic of China”;
- (b) by repealing “the Colony” wherever it appears and substituting “Hong Kong”;
- (c)
 - (i) by repealing “British citizen, British Dependent Territories citizen or British Overseas citizen” where it first appears and substituting “a Chinese national”;
 - (ii) by repealing “British citizen, British Dependent Territories citizen or British Overseas citizen” where it secondly appears and substituting “Chinese national”;
- (d) by repealing “Her Majesty’s Government” where it first appears and substituting “the Central People’s Government”;
- (e) by repealing everything after “any other Government” and substituting a full stop.

**The United Nations Educational, Scientific and
Cultural Organization**

50. The United Nations Educational, Scientific and Cultural Organization (Cap. 190 sub. leg.) is amended by repealing “The Governor declares and provides and it is hereby declared and provided as follows -” before “A. THE ORGANIZATION”.

51. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

52. Article 8 is amended-

(a) in paragraph (1)(c)-

(i) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;

(ii) by repealing “British citizens, British Dependent Territories citizens or British Overseas citizens” and substituting “Chinese nationals”;

(b) in paragraph (3)-

(i) by repealing “Her Majesty’s Government” where it first appears and substituting “the Central People’s Government”;

(ii) by repealing everything after “any person who is” and substituting “a Chinese national.”.

53. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The Universal Postal Union

54. The Universal Postal Union (Cap. 190 sub. leg.) is amended by repealing “His Excellency the Governor hereby declares and provides as follows -” before “A. THE ORGANIZATION”.

55. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

56. The heading before Article 8 is amended-

- (a) by repealing “HER MAJESTY’S GOVERNMENT” and substituting “THE CENTRAL PEOPLE’S GOVERNMENT”;
- (b) by repealing “THE COLONY” and substituting “HONG KONG”.

57. Article 8(4) is amended-

- (a) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;
- (b) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

58. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The World Health Organization

59. The World Health Organization (Cap. 190 sub. leg.) is amended by repealing “The Governor declares and provides and it is hereby declared and provided as follows -” before “A. THE ORGANIZATION”.

60. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

61. Article 8 is amended-

(a) in paragraph (1)(c)-

- (i) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”;
- (ii) by repealing “British citizens, British Dependent Territories citizens or British Overseas citizens” and substituting “Chinese nationals”;

(b) in paragraph (3)-

- (i) by repealing “Her Majesty’s Government” where it first appears and substituting “the Central People’s Government”;
- (ii) by repealing everything after “any person who is” and substituting “a Chinese national.”.

62. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The World Meteorological Organization

63. The World Meteorological Organization (Cap. 190 sub. leg.) is amended by repealing “His Excellency the Governor hereby declares and provides as follows -” before “A. THE ORGANIZATION”.

64. Article 3 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

65. The heading before Article 8 is amended-

- (a) by repealing “HER MAJESTY’S GOVERNMENT” and substituting “THE CENTRAL PEOPLE’S GOVERNMENT”;
- (b) by repealing “THE COLONY” and substituting “HONG KONG”.

66. Article 8(4) is amended-

- (a) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;
- (b) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

67. Article 9 is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The Asian Development Bank

68. The Asian Development Bank (Cap. 190 sub. leg.) is amended by repealing “His Excellency the Governor hereby declares and provides as follows -” before “PART I”.

69. Article 4 is amended-

- (a) by repealing “United Kingdom” and substituting “People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

70. Article 5 is amended by repealing “United Kingdom” and substituting “People’s Republic of China”.

The Asia-Pacific Telecommunity Notification

71. Article 6 of the Asia-Pacific Telecommunity Notification (Cap. 190 sub. leg.) is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

72. Article 7 is amended by repealing “England” and substituting “the People’s Republic of China”.

73. Article 11(4) is amended-

- (a) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;

- (b) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

74. Article 12 is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

The European Communities Notification

75. The European Communities Notification (Cap. 190 sub. leg.) is repealed.

The International Maritime Satellite Organization

Notification

76. Article 4 of the International Maritime Satellite Organization Notification (Cap. 190 sub. leg.) is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

77. Article 5 is amended by repealing “England” and substituting “the People’s Republic of China”.

78. Article 9(4) is amended -

- (a) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;
- (b) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

79. Article 10 is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

**The International Telecommunications Satellite
Organization Notification**

80. Article 4 of the International Telecommunications Satellite Organization Notification (Cap. 190 sub. leg.) is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

81. Article 5 is amended by repealing “England” and substituting “the People’s Republic of China”.

82. Article 9(4) is amended-

- (a) by repealing “Her Majesty’s Government” and substituting “the Central People’s Government”;

- (b) by repealing “a British citizen, a British Dependent Territories citizen or a British Overseas citizen” and substituting “a Chinese national”.

83. Article 10 is amended-

- (a) by repealing “England” and substituting “the People’s Republic of China”;
- (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

SCHEDULE 3

[s. 3]

ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS

ORDINANCE

1. The Preamble to the Administration of Estates by Consular officers Ordinance (Cap. 191) is repealed.
2. Section 2 is amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.
3. Section 3 is amended-
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing paragraphs (a) and (b) and substituting -
 - “(a) by adding thereto any State with whom the Government of the People’s Republic of China has entered into an agreement or arrangement which or any provision of which provides for the administration of estates

- by consular officers and which applies to Hong Kong;
- (b) by deleting therefrom any State when the provision of the agreement or arrangement with that State mentioned in the Schedule shall have ceased to have effect.”.

4. The Schedule is repealed and the following substituted -

“SCHEDULE [s. 3]

Name of State	Title of agreement or arrangement	Date of agreement or arrangement	Provision”.
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SCHEDULE 4 [s. 3]

CHINESE VISA OFFICE (PRIVILEGES AND IMMUNITIES) ORDINANCE

1. The Chinese Visa Office (Privileges and Immunities) Ordinance (Cap. 224) is repealed.

Consequential Amendments

Dutiable Commodities Regulations

2. Regulation 12(1)(m) of the Dutiable Commodities Regulations (Cap. 109 sub. leg.) is amended by repealing “the Chinese Visa Office (Privileges and Immunities) Ordinance (Cap. 224),”.

3. Regulation 15 is amended by repealing “the Chinese Visa Office (Privileges and Immunities) Ordinance (Cap. 224),”.

Stamp Duty Ordinance

4. Section 43(3)(a)(ii) and (b)(ii) of the Stamp Duty Ordinance (Cap. 117) is repealed.

Air Passenger Departure Tax Ordinance

5. The Second Schedule to the Air Passenger Departure Tax Ordinance (Cap. 140) is amended by repealing paragraph 9.

Cross-Harbour Tunnel (Passage Tax) Ordinance

6. Section 4(3) of the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap. 274) is amended by repealing “the Chinese Visa Office (Privileges and Immunities) Ordinance (Cap. 224),”.

SCHEDULE 5

[s. 3]

CONSULAR RELATIONS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Consular Relations Ordinance

1. The long title to the Consular Relations Ordinance (Cap. 259) is amended-
 - (a) by repealing “Her Majesty’s Government in the United Kingdom” and substituting “the Central People’s Government”;

- (b) by repealing “the United Kingdom” and substituting “the People’s Republic of China”.

2. Section 2 is amended-

- (a) in subsection (2)-
 - (i) in the definition of “Ministry for Foreign Affairs”, by repealing “Foreign and Commonwealth Office” and substituting “Ministry of Foreign Affairs of the People’s Republic of China”;
 - (ii) by repealing the definition of “national of the receiving State” and substituting the following-
 - ““national of the receiving State” (接受國國民)
shall be construed as meaning a Chinese national.”;
- (b) in subsection (8), by repealing “Diplomatic Privileges Act 1964 (1964 c. 81 U.K.)” and substituting “Regulations of the People’s Republic of China Concerning Diplomatic Privileges and Immunities (L.N. 379 of 1997)”;
- (c) in subsection (9), by repealing “Governor” and substituting “Chief Executive”.

3. Section 3 is amended-

- (a) by repealing “Governor” wherever it appears and substituting “Chief Executive”;
- (b) by repealing “the United Kingdom” and substituting “the People’s Republic of China”.

4. Section 4 is amended-
 - (a) by repealing “the United Kingdom” where it twice appears and substituting “the People’s Republic of China”;
 - (b) by repealing “Governor” where it twice appears and substituting “Chief Executive”.

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

6. Section 6(1) is amended-
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “person who is a British citizen, a British Dependent Territories citizen or a British Overseas citizen or is otherwise comprised in the definition of “national of the receiving State” in subsection (2) of section 2,” and substituting “Chinese national”.

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

8. Section 9(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

9. Section 10 is amended-
 - (a) in subsection (2)-

- (i) by repealing “Governor” and substituting “Chief Executive”;
 - (ii) by repealing “the United Kingdom” and substituting “the People’s Republic of China”;
 - (b) in subsection (3), by repealing “Diplomatic Privileges Act 1964 (1964 c. 81 U.K.)” and substituting “Regulations of the People’s Republic of China Concerning Diplomatic Privileges and Immunities (L.N.379 of 1997)”.
10. Section 12 is repealed.
11. The following orders are repealed-
- (a) Consular Relations (Privileges and Immunities) (Republic of Austria) Order (Cap. 259 sub. leg.);
 - (b) Consular Relations (Privileges and Immunities) (Kingdom of Belgium) Order (Cap. 259 sub. leg.);
 - (c) Consular Relations (Privileges and Immunities) (Kingdom of Denmark) Order (Cap. 259 sub. leg.);
 - (d) Consular Relations (Privileges and Immunities) (French Republic) Order (Cap. 259 sub. leg.);
 - (e) Consular Relations (Privileges and Immunities) (Federal Republic of Germany) Order (Cap. 259 sub. leg.);
 - (f) Consular Relations (Privileges and Immunities) (Kingdom of Greece) Order (Cap. 259 sub. leg.);
 - (g) Consular Relations (Privileges and Immunities) (Italian Republic) Order (Cap. 259 sub. leg.);

- (h) Consular Relations (Privileges and Immunities) (Japan) Order (Cap. 259 sub. leg.);
- (i) Consular Relations (Privileges and Immunities) (United States of Mexico) Order (Cap. 259 sub. leg.);
- (j) Consular Relations (Privileges and Immunities) (Kingdom of the Netherlands) Order (Cap. 259 sub. leg.);
- (k) Consular Relations (Privileges and Immunities) (Kingdom of Norway) Order (Cap. 259 sub. leg.);
- (l) Consular Relations (Privileges and Immunities) (Spanish State) Order (Cap. 259 sub. leg.);
- (m) Consular Relations (Privileges and Immunities) (Kingdom of Sweden) Order (Cap. 259 sub. leg.);
- (n) Consular Relations (Privileges and Immunities) (United States of America) Order (Cap. 259 sub. leg.);
- (o) Consular Relations (Privileges and Immunities) (Commonwealth Countries and Republic of Ireland) Order (Cap. 259 sub. leg.);
- (p) Consular Relations (Merchant Shipping) (Republic of Austria) Order (Cap. 259 sub. leg.);
- (q) Consular Relations (Merchant Shipping) (Kingdom of Belgium) Order (Cap. 259 sub. leg.);
- (r) Consular Relations (Merchant Shipping) (Kingdom of Denmark) Order (Cap. 259 sub. leg.);
- (s) Consular Relations (Merchant Shipping) (French Republic) Order (Cap. 259 sub. leg.);
- (t) Consular Relations (Merchant Shipping) (Federal Republic of Germany) Order (Cap. 259 sub. leg.);
- (u) Consular Relations (Merchant Shipping)(Kingdom of

- Greece) Order (Cap. 259 sub. leg.);
- (v) Consular Relations (Merchant Shipping) (Italian Republic) Order (Cap. 259 sub. leg.);
 - (w) Consular Relations (Merchant Shipping) (Japan) Order (Cap. 259 sub. leg.);
 - (x) Consular Relations (Merchant Shipping) (United States of Mexico) Order (Cap. 259 sub. leg.);
 - (y) Consular Relations (Merchant Shipping) (Kingdom of Norway) Order (Cap. 259 sub. leg.);
 - (z) Consular Relations (Merchant Shipping) (Spanish State) Order (Cap. 259 sub. leg.);
 - (aa) Consular Relations (Merchant Shipping) (Kingdom of Sweden) Order (Cap. 259 sub. leg.);
 - (ab) Consular Relations (Merchant Shipping) (United States of America) Order (Cap. 259 sub. leg.);
 - (ac) Consular Relations (Merchant Shipping and Civil Aviation)(Arab Republic of Egypt) Order (Cap. 259 sub. leg.); and
 - (ad) Consular Relations (Privileges and Immunities) (Arab Republic of Egypt) Order (Cap. 259 sub. leg.).

SCHEDULE 6

[s. 3]

CONSULAR CONVENTIONS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Consular Conventions Ordinance

1. The long title to the Consular Conventions Ordinance (Cap. 267) is amended by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

2. Section 5 is amended-
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “Her Majesty” and substituting “the Government of the People’s Republic of China”.

Consular Conventions (Consolidation) Order

3. The Consular Conventions (Consolidation) Order (Cap. 267 sub. leg.) is repealed.

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 to 6).

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

Administration of Estates by Consular Officers Ordinance (Cap. 191)	Schedule 3
Chinese Visa Office (Privileges and Immunities) Ordinance (Cap. 224)	Schedule 4
Consular Conventions Ordinance (Cap. 267)	Schedule 6
Consular Relations Ordinance (Cap. 259)	Schedule 5
International Organizations and Diplomatic Privileges Ordinance (Cap. 190)	Schedule 2
Privileges and Immunities (Joint Liaison Group and Land Commission) Ordinance	Schedule 1

(Cap. 36)

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).