

## Adaptation of Laws (No. 16) Bill 1999

## Part I

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Item	Schedule & Section No.	Term or Passage Repealed	Term or Passage Added or Substituted	Remarks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 3 ss.4 to 16, 32 to 38	"高等法院"  (ss.7, 10, 10A, 10B, 10C(1), 10D, 10E, 11, 26, 26A, 26B, 27, 28, 59W, 59ZB, 59ZD, 59ZG, 59ZH, 59ZI and 59ZJ) Mental Health Ordinance (Cap.136)	"原訟法庭"	The Adaptation of Laws (Courts and Tribunals) Ordinance (No. 25 of 1998) amended the definition of "Court" in the Mental Health Ordinance (Cap.136) to become "Court" (原訟法庭). However, in the Mental Health (Amendment) Ordinance 1988 (No. 46 of 1988) which amended Cap. 136, the Chinese equivalent for "Court" is "高等法院". No.46 of 1988 came into operation on 1.2.1999. The policy intention is to amend the Chinese version to bring it into line with other references of the same term elsewhere in Cap. 136.
2	Sched 3, s.27	"Her Majesty's pleasure"  (s. 59B(1), Mental Health Ord. (Cap. 136))	"Chief Executive's decision"	The context arises in pardoning or commuting penalties of convicted person. In accordance with Article 48(12) of the Basic Law, such power is now within the function of the Chief Executive.

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3	Sched 3, s.39	"by the Governor in Council"  (s. 74(4) of Mental Health Ordinance (Cap.136)		Section 74(4) was added by the Mental Health (Amendment) Ordinance 1997 (No. 81 of 1997) to save regulations made by the Governor in Council in force immediately before the commencement of section 55 (not section 54) of No. 81 of 1997. Section 55 of No.80 of 1997 amended section 72(1) of the Mental Health Ordinance (Cap. 136). The reference to "Governor in Council" is a historical reference and is no longer needed.
4	Sched 7, s. 1(b)(i)	"Governor at his pleasure"  (s. 3(3), Radiation Ord. (Cap. 303))	"Chief Executive at his discretion"	The repealed term "at his pleasure" is generally limited to instances of a common law prerogative.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.

## Part II

**Sections in relevant Ordinances which have not been  
adapted in the Adaptation of Laws (No. 16) Bill 1999**

Item	Section No.	Remarks
1	Section 2, Pharmacy and Poisons Ordinance (Cap. 138) Paragraph (c) of the definition of "institution"	Paragraph (c) involves a reference to a hospital maintained by the "Crown" which covers military hospital. The adaptation of paragraph (c) will be dealt with as military reference.
2	Section 46, Quarantine and Prevention of Disease Ordinance (Cap. 141)	This section involves a reference to "Her Majesty's or of foreign vessels or aircraft of war", the adaptation of which will be dealt with as military reference.
3	Section 2, (definition of "clinic"), Medical Clinics Ordinance (Cap. 343)	The definition of "clinic" excludes premises maintained or controlled by any department of the Government of the United Kingdom. Such exclusion covers military hospital and will be dealt with as military reference.
4	Section 10(1)(a), (4), (5) and (6), Hong Kong Academy of Medicine Ordinance (Cap. 419)	References to "Governor" are historical references and therefore it is not necessary to adapt them.
5	Section 21(6), The Prince Philip Dental Hospital Ordinance (Cap. 1081)	The Provisional Board appointed by the "Governor" before the commencement of Cap. 1081 is only a transitional arrangement. The reference to "Governor" is therefore a historical reference.