

(File Ref.: SBCR 24/5/1162/88)

LEGISLATIVE COUNCIL BRIEF

Pawnbrokers Ordinance (Cap. 166)
Births and Deaths Registration Ordinance (Cap. 174)
Births Registration (Special Registers) Ordinance (Cap. 175)
Deaths Registration (Special Registers) Ordinance (Cap.176)
Registration of Persons Ordinance (Cap. 177)
Marriage Ordinance (Cap. 181)
Defences (Firing Areas) Ordinance (Cap. 196)
Emergency Regulations Ordinance (Cap. 241)
Auxiliary Forces Pay and Allowances Ordinance (Cap. 254)
Mock Auctions Ordinance (Cap. 255)
Marriage (War Period) (Validity) Ordinance (Cap. 258)
Protected Places (Safety) Ordinance (Cap.260)
Massage Establishments Ordinance (Cap. 266)
Dangerous Goods Ordinance (Cap. 295)
Government Flying Service Ordinance (Cap. 322)
Trading with the Enemy Ordinance (Cap.346)
Timber Stores Ordinance (Cap. 464)
Internationally Protected Persons and Taking of Hostages Ordinance
(Cap.468)
Aviation Security Ordinance (Cap. 494)
Fire Safety (Commercial Premises) Ordinance (Cap.502)
Fugitive Offenders Ordinance (Cap. 503)
Mutual Legal Assistance in Criminal Matters Ordinance (Cap.525)

ADAPTATION OF LAWS (NO. 22) BILL 1999

INTRODUCTION

At the meeting of the Executive Council on 29 June 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No.22) Bill 1999 (copy at the Annex) should be introduced into the Legislative Council to effect adaptations to 22 Ordinances and their subsidiary legislation on security-related matters.

BACKGROUND AND ARGUMENT

2. There are provisions in the Ordinances which are inconsistent with the Basic Law or with Hong Kong's status as a Special Administrative Region of the People's Republic of China. The Adaptation of Laws (No. 22) Bill 1999 seeks to adapt these provisions with a view to bringing them into conformity with the Basic Law and Hong Kong's present status.

THE BILL

3. Most of the proposed amendments are merely terminological changes. References to “the Governor”, “the Colony” and “the Governor in Council”, etc will be suitably amended to the “Chief Executive”, “Hong Kong” and the “Chief Executive in Council”.

4. Other main amendments include –

(a) Sections 21(1)(c) and 23(2) and (7) of the Pawnbrokers Ordinance (Cap. 166)

(i) Section 21(1)(c) of the Pawnbrokers Ordinance provides that no pawnbroker shall receive in pawn any goods having upon them any mark or sign indicating them to be or to have been the property of the Crown, the Urban Council or any other statutory body or authority. It is considered that adapting the reference to “the Crown” to read “the State” will best reflect the intent of the provision, as the property of State organs will not be left unprotected.

(ii) Section 23 provides for the powers of a court or magistrate in respect of goods pawned. The powers are in relation to matters for which the Hong Kong Special Administration Region Government is solely responsible. In line with other Ordinances, provisions contained in that section to the effect that such goods are to be forfeited to or shall become the property of the “Crown” are proposed to be adapted in such a

way that the goods are forfeited to or shall become the property of the “Government”.

(b) Regulation 2(b) of the Pawnbrokers Regulations (Cap. 166 sub. leg.)

Regulation 2(b) of the Pawnbrokers Regulations provides that an application form prescribed by the Regulations shall be completed in the English language or in both the English and the Chinese languages. As the decision of the Standing Committee of the National People’s Congress on 23 February 1997 provides that provisions relating to the superior legal status of the English language shall be construed as providing that both the Chinese and English languages are to be official languages, it is proposed that Regulation 2(b) should be adapted so that completing a prescribed form in Chinese only will also be allowed.

(c) Sections 3(b), 11 and 18 of the Dangerous Goods Ordinance (Cap. 295)

(i) Section 3(b) of the Dangerous Goods Ordinance provides that the Ordinance shall not apply, subject to Part III thereof, to any dangerous goods in the possession and control of the Crown. Under Section 7 of Schedule 9 to the Interpretation and General Clauses Ordinance (Cap. 1), a reference to “the Crown” shall be construed as a reference to “the State” in a provision dealing with the scope of application of an Ordinance. Consistent with other Ordinances which applies or does not apply to the Crown, the reference to “the Crown” is proposed to be adapted to “the State”.

(ii) Sections 11 and 18 provide respectively for the removal and forfeiture of dangerous goods, which are matters for which the HKSAR government is solely responsible. As usual, the references to “the Crown” contained in the two

sections are proposed to be adapted to “the Government”.

(d) Regulations 84, 92, 99, 153 and 182(1) of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg.)

The references to “Minister” and “Ministry” in the Regulations mean respectively Her Majesty’s Minister of Transport and Her Majesty’s Ministry of Transport. Under regulations 84, 92, 99, 153 and 182(1), the Minister or Ministry discharges certain functions in respect of dangerous goods. As it is no longer appropriate for the Minister or Ministry to perform the functions under the Regulations, the definitions of and the references to “Minister” and “Ministry” should be repealed. The Director of Fire Services will become the sole authority to discharge the functions under those regulations. These amendments are proposed to come into operation on the date on which the Ordinance is published in the Gazette so as not to affect anything already done by the Minister or Ministry under the Regulations.

(e) Section 2(1) (definitions of “enemy”, “enemy subject”, “enemy territory”) and section 3(4) of the Trading with the Enemy Ordinance (Cap. 346)

- (i) The provisions in question make references to a State at war with Her Majesty, a Power allied with Her Majesty, a Power with whom Her Majesty is at war, an area in the occupation of Her Majesty etc. Taken into account the context in which the references to “Her Majesty” appear, it is considered that they should be adapted to “the People’s Republic of China”.
- (ii) Under the existing definition, “enemy subject” means, inter alia, an individual who, not being either a Commonwealth citizen or a British protected person, possesses the nationality of a State at war with Her Majesty. The reference

to “not being either a Commonwealth citizen or a British protected person” is no longer appropriate and should therefore be repealed.

(f) **Sections 6 and 24 of the Fugitive Offenders Ordinance (Cap. 503), Section 34 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)**

The provisions in question involve affairs for which the Central People’s Government has responsibility. References to “Secretary of State” should therefore be adapted to the “Central People’s Government” pursuant to the principle set out in section 1 of Schedule 8 to the Interpretation and General Clauses Ordinance (Cap. 1).

COMMENCEMENT

5. The Bill provides that, subject to Article 12 of the Hong Kong Bill of Rights, the proposed adaptations (except those stated in paragraph 4(d)) when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region.

PUBLIC CONSULTATION

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

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 will not affect the binding effect of the existing provisions of various Ordinances and their subsidiary legislation

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 for the Bill is as follows -

Publication in the Gazette	2 July 1999
First Reading and commencement of Second Reading debate	14 July 1999
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

PUBLICITY

11. A press release will be issued on 30 June 1999.

ENQUIRIES

12. Enquiries on the brief may be directed to Mrs Carrie WILLIS, Principal Assistant Secretary for Security (Tel: 2810 2329).

Security Bureau
30 June 1999
File Ref.: SBCR 24/5/1162/88

ADAPTATION OF LAWS (NO. 22) 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. 22) Ordinance 1999.

2. Commencement

(1) (a) This Ordinance, except as provided in subsection (2), shall be deemed to have come into operation on 1 July 1997.

(b) Paragraph (a) 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).

(2) Sections 10, 12, 13, 14, 15 and 17(a) of Schedule 14 shall come into operation at the beginning of the day on which this Ordinance is published in the Gazette.

3. Amendment of Ordinances

The Ordinances specified in the Schedules are amended in the manner indicated in those Schedules.

SCHEDULE 1

[s. 3]

PAWNBROKERS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Pawnbrokers Ordinance

1. Section 10(1) and (2) of the Pawnbrokers Ordinance (Cap. 166) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
2. Section 21(1) (c) is amended by repealing "Crown" and substituting "State".
3. Section 23(2) (c) and (7) is amended by repealing "Crown" and substituting "Government".
4. Section 26(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
5. Section 27 is amended by repealing "Governor" and substituting "Chief Executive".

Pawnbrokers Regulations

6. Regulation 2 of the Pawnbrokers Regulations (Cap. 166 sub. leg.) is amended by repealing "English language" and substituting "English or Chinese language".

SCHEDULE 2

[s. 3]

BIRTHS AND DEATHS REGISTRATION ORDINANCE

1. Section 3(1) and (2) of the Births and Deaths Registration

Ordinance (Cap. 174) is amended by repealing "Governor" and substituting "Chief Executive".

2. Section 29 is amended -
 - (a) in subsection (2), by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (3), by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 31 is amended by repealing "立法局" and substituting "立法會".
4. The Second Schedule is amended, in Form 1 -
 - (a) by repealing "Hong Kong permanent resident status" and substituting "Status of permanent resident of the Hong Kong Special Administrative Region";
 - (b) by repealing "所界定的香港" and substituting "下的香港特別行政區".

SCHEDULE 3

[s. 3]

BIRTHS REGISTRATION (SPECIAL REGISTERS) ORDINANCE

1. Section 13(2) of the Births Registration (Special Registers) Ordinance (Cap. 175) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 4

[s. 3]

DEATHS REGISTRATION (SPECIAL REGISTERS) ORDINANCE

1. Section 13(2) of the Deaths Registration (Special Registers) Ordinance (Cap. 176) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 5

[s. 3]

REGISTRATION OF PERSONS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Registration of Persons Ordinance

1. The long title to the Registration of Persons Ordinance (Cap. 177) is amended by repealing "外地" and substituting "其他地方".
2. Section 2(1) and (3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
3. Section 3C(2) and (3) is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 7(1) and (2) (ia) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

Registration of Persons Regulations

5. Regulation 4 of the Registration of Persons Regulations (Cap. 177 sub. leg.) is amended -
 - (a) in subregulation (1) (b) (vii), by adding "or place"

- after "country";
 - (b) in subregulation (1A) (e), by adding "as a Chinese national" after "Hong Kong".
6. Regulation 5(1) is amended -
- (a) in paragraph (a), by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in paragraph (b), by repealing "Governor" and substituting "Chief Executive".
7. Regulation 11(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council"

SCHEDULE 6
MARRIAGE ORDINANCE

[s. 3]

1. Section 3(1) of the Marriage Ordinance (Cap. 181) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 4 is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 5 is amended by repealing "Governor" and substituting "Chief Executive".

4. Section 11(1) and (2) is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 12 is amended by repealing "Governor" and substituting "Chief Executive".
6. Section 13 is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 14(1) is amended by repealing "Governor" and substituting "Chief Executive".
8. Section 19(2) is amended by repealing "Governor's" and substituting "Chief Executive's".
9. Section 21(1) is amended by repealing "Governor" and substituting "Chief Executive".
10. Section 22 is amended by repealing "Governor's" and substituting "Chief Executive's".
11. Section 36 is amended, in the proviso, by repealing "Governor in Council" and substituting "Chief Executive in Council".
12. Section 39(1) is amended by repealing "Governor" and substituting "Chief Executive".
13. Section 42 is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 7
DEFENCES (FIRING AREAS) ORDINANCE

[s. 3]

1. Section 11 of the Defences (Firing Areas) Ordinance (Cap. 196) is amended -
 - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) by repealing "its territorial waters" and substituting "Hong Kong waters".

SCHEDULE 8
EMERGENCY REGULATIONS ORDINANCE

[s. 3]

1. The long title to the Emergency Regulations Ordinance (Cap. 241) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 2 is amended -
 - (a) in subsection (1), by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in subsection (2) -
 - (i) in paragraph (c), by repealing "territorial waters of the Colony" and substituting "waters of Hong Kong";
 - (ii) in paragraph (k), by repealing "Governor"

- and substituting "Chief Executive";
 - (iii) in paragraph (n), by repealing "the Colony" and substituting "Hong Kong";
 - (iv) by repealing "Governor" and substituting "Chief Executive";
 - (c) in subsection (3), by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (d) in subsection (5), by repealing "Governor" wherever it appears and substituting "Chief Executive".
3. Section 3(1) is amended -
- (a) by repealing "the Colony" and substituting "Hong Kong";
 - (b) by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 4 is amended by repealing "總督會同行政局" and substituting "行政長官會同行政會議".

SCHEDULE 9 [s. 3]
AUXILIARY FORCES PAY AND ALLOWANCES ORDINANCE
AND ITS SUBSIDIARY LEGISLATION

Auxiliary Forces Pay and Allowances Ordinance

1. Section 2(1) of the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254) is amended -
- (a) in the definitions of "full call out" and "limited call out", by repealing "Governor" wherever it

- appears and substituting "Chief Executive";
 - (b) in the definitions of "適用日薪額" and "適用時薪額", by repealing "立法局" and substituting "立法會".
- 2. Section 3(1) and (2) is amended by repealing "立法局" and substituting "立法會".
- 3. Section 8 is amended -
 - (a) in subsection (2) -
 - (i) in paragraph (b), by repealing "皇家香港警隊" and substituting "香港警務處";
 - (ii) in the proviso -
 - (A) by repealing "Governor" and substituting "Chief Executive";
 - (B) by repealing "皇家香港警隊" and substituting "香港警務處";
 - (b) in subsection (4), in the definition of "薪級", by repealing "立法局" and substituting "立法會".
- 4. Section 16 is amended -
 - (a) in subsection (1), by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in subsection (2) -
 - (i) in paragraph (a), by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (ii) in paragraph (d), by repealing "立法局" and substituting "立法會".

**Pay Classification (Royal Hong Kong Auxiliary
Police Force) Assignment Notice**

5. Paragraph 1 of the Pay Classification (Royal Hong Kong Auxiliary Police Force) Assignment Notice (Cap. 254 sub. leg.) is amended by repealing "Royal".

**Auxiliary Forces Pay and Allowances
(Pensions) Regulation**

6. Section 3(1) of the Auxiliary Forces Pay and Allowances (Pensions) Regulation (Cap. 254 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

7. Section 5(3) (c) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

8. Section 6 is amended -

- (a) in subsection (1), by repealing "Governor" where it twice appears and substituting "Chief Executive";
- (b) in subsection (3) (b) (ii), by repealing "Governor" and substituting "Chief Executive";
- (c) in subsection (8), by repealing "立法局" and substituting "立法會";
- (d) in subsection (10), by repealing "Governor" and substituting "Chief Executive".

MOCK AUCTIONS ORDINANCE

1. Section 5 of the Mock Auctions Ordinance (Cap. 255) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 11

[s. 3]

MARRIAGE (WAR PERIOD) (VALIDITY) ORDINANCE

1. Section 3 of the Marriage (War Period) (Validity) Ordinance (Cap. 258) is amended by repealing "the Colony" and substituting "Hong Kong".
2. Section 4 is amended by repealing "the Colony" and substituting "Hong Kong".
3. Section 10 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 12

[s. 3]

PROTECTED PLACES (SAFETY) ORDINANCE AND ITS
SUBSIDIARY LEGISLATION

Protected Places (Safety) Ordinance

1. Section 2 of the Protected Places (Safety) Ordinance (Cap. 260) is amended, in the definitions of "authorized guard" and "protected place", by repealing "Governor" and substituting "Chief Executive".

2. Section 3(1) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 4(2) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
4. Section 9(1) is amended -
 - (a) by repealing "Governor" and substituting "Chief Executive";
 - (b) by repealing "立法局" and substituting "立法會".

Protected Places (Police Guards) Order

5. Section 2 of the Protected Places (Police Guards) Order (Cap. 260 sub. leg.) is amended by repealing "皇家香港警察隊" and substituting "香港警務處".

SCHEDULE 13

[s. 3]

MASSAGE ESTABLISHMENTS ORDINANCE

1. Section 12 of the Massage Establishments Ordinance (Cap. 266) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 16 is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 14

[s. 3]

DANGEROUS GOODS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Dangerous Goods Ordinance

1. Section 3 of the Dangerous Goods Ordinance (Cap. 295) is amended -
 - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in the proviso, in paragraph (b), by repealing "Crown" and substituting "State".
2. Section 4 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
3. Section 5(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 10 is amended by repealing "the Colony" and substituting "Hong Kong".
5. Section 11 is amended by repealing "Crown" and substituting "Government".
6. Section 13A is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 13D is amended by repealing "Governor" and substituting "Chief Executive".
8. Section 13E(1) is amended by repealing "Governor in Council"

and substituting "Chief Executive in Council".

9. Section 18 is amended by repealing "Crown" and substituting "Government".

Dangerous Goods (General) Regulations

10. Regulation 2(1) of the Dangerous Goods (General) Regulations (Cap. 295 sub. leg.) is amended by repealing the definition of "Minister".

11. Regulation 68(2) is amended by repealing "Crown" and substituting "Government".

12. Regulation 84 is amended, in the Table -

- (a) in the substance of "ACETIC ACID over 80% strength by weight.", in column (2), in item (6), by repealing "the Minister or";
- (b) in the substance of "CHLOROSULPHONIC ACID (with or without Sulphur Trioxide).", in column (2), in item (3), by repealing "Ministry" and substituting "Authority";
- (c) in the substance of "CHROMIC ACID (Solution).", in column (5), in item (1), by repealing "the Ministry or";
- (d) in the substance of "HYDROCHLORIC ACID (Muriatic Acid or Spirits of Salt).", in column (2), in item

- (5), by repealing "the Ministry or by";
- (e) in the substance of "NITRIC ACID.", in column (5), in item (1), by repealing "Ministry or";
- (f) in the substance of "PHOSPHORIC ACID (Orthophosphoric Acid).", in column (2), in item (4), by repealing "the Ministry or by";
- (g) in the substance of "SULPHURIC ACID exceeding 50% w/w including concentrated sulphuric acid (Oil of Vitriol), but excluding Oleum or "Nordhausen" Acid.", in column (2), in item (3), by repealing "the Ministry or by";
- (h) in the substance of "SULPHURIC ACID, fuming (Oleum or "Nordhausen" Acid).", in column (2), in item (2), by repealing "the Ministry or";
- (i) in the substance of "TITANIUM TETRACHLORIDE.", in column (2), in item (4), by repealing "the Ministry or".

13. Regulation 92 is amended, in the Table -

- (a) under the heading "Class 1 - Substances giving off poisonous gas or vapour." -
 - (i) in the substance of "AMMONIA SOLUTIONS containing not less than 10% ammonia by weight.", in column (2), in item (4), by repealing "the Ministry or by";
 - (ii) in the substance of "MOTOR FUEL ANTIKNOCK COMPOUNDS (Ethyl Fluid).", in column (2), in item (3), by repealing "the Ministry or by";

- (b) under the heading "Class 2 - Certain other poisonous substances." -
 - (i) in the substance of "NICOTINE, Salts of NICOTINE, preparations containing NICOTINE or any Salt of NICOTINE.", in column (5), in items (2) and (4), by repealing "the Ministry or";
 - (ii) in the substance of "PENTACHLOROPHENOL.", in column (5), by repealing "the Ministry or" wherever it appears.

14. Regulation 99 is amended, in the Table -

- (a) under the heading "Dangerous Goods in Category 5, Class 2. GENERALLY (Flash point of or exceeding 23°C but not exceeding 66 °C). (except substances specifically mentioned elsewhere in this Table).", in column (5), in item (2), by repealing "the Ministry or";
- (b) in the substance of "CARBON DISULPHIDE (Carbon bisulphide).", in column (2), in item (3), by repealing "the Ministry or by";
- (c) in the substance of "CELLULOSE and other ENAMELS, LACQUERS, PAINTS and VARNISHES, but excluding THINNERS.", in column (5)
 -
 - (i) in item (1), by repealing "Ministry" and substituting "Authority";
 - (ii) in item (2) (b), by repealing "the Ministry or".

15. Regulation 153 is amended, in the Table -

- (a) in the passage beginning with "AMMONIUM NITRATE", in column (1), by repealing "the Ministry or";
- (b) in the substance of "CHROMIC ACID Solid. (Chromium Trioxide).", in column (5), in item (1), by repealing "the Ministry or".

16. Regulation 181 is amended by repealing "Governor" and substituting "Chief Executive".

17. Regulation 182(1) is amended -

- (a) by repealing "the Ministry or";
- (b) by repealing "the Colony" where it twice appears and substituting "Hong Kong".

Dangerous Goods (Shipping) Regulations

18. Regulation 2 of the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg.) is amended, in the definitions of "type I vessel", "type II vessel" and "type III vessel" by repealing "the Colony" and substituting "Hong Kong".

19. Regulation 4 is amended by repealing "the Colony" and substituting "Hong Kong".

Dangerous Goods (Government Explosives Depots) Regulations

20. Regulation 2 of the Dangerous Goods (Government Explosives

Depots) Regulations (Cap. 295 sub. leg.) is amended, in the definitions of "deputy manager" and "manager" by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 15
GOVERNMENT FLYING SERVICE ORDINANCE AND
ITS SUBSIDIARY LEGISLATION

[s. 3]

Government Flying Service Ordinance

1. Section 2(1) of the Government Flying Service Ordinance (Cap. 322) is amended -
 - (a) in the definition of "call out", in paragraph (a), 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;
 - "Public Service (Administration) Order" (《公務人員(管理)命令》) means -
 - (a) the Public Service (Administration) Order 1997 (Executive Order No. 1 of 1997);
 - (b) the Public Service (Disciplinary) Regulation made under section 21 of that Order (and together with that Order

published as S.S. No. 5 to Gazette No. 2/1997); and

(c) any other regulation made or any direction given under that Order, as amended from time to time;"

2. Section 3(2) is amended by repealing "立法局" and substituting "立法會".
3. Section 5 is amended -
 - (a) in subsection (2) (a), by repealing "皇家香港警察隊" and substituting "香港警務處";
 - (b) in subsection (4), by repealing "Governor" and substituting "Chief Executive".
4. Section 6 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
5. Section 8(1) is amended by repealing "Colonial Regulations, the Regulations of the Hong Kong Government" and substituting "Public Service (Administration) Order, government regulations".
6. Section 9(2) is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 10(1) and (2) is amended by repealing "Governor" and substituting "Chief Executive".

8. Section 12(1) (b) is amended by repealing "Colonial Regulations and the Regulations of the Hong Kong Government except where" and substituting "Public Service (Administration) Order and government regulations except where that Order or".

9. Section 15(b) is amended by repealing "立法局" and substituting "立法會".

Government Flying Service (Discipline) Regulation

10. Section 3 of the Government Flying Service (Discipline) Regulation (Cap. 322 sub. leg.) is amended -

- (a) in subsection (1) -
 - (i) by repealing "Colonial Regulations and the Regulations of the Hong Kong Government" and substituting "Public Service (Administration) Order and government regulations";
 - (ii) by repealing "those Regulations" and substituting "that Order and those regulations";
- (b) in subsection (8) (a) and (b), by repealing "Colonial Regulations and the Regulations of the Hong Kong Government" and substituting "Public Service (Administration) Order and government regulations".

11. Section 5(1) (a) is amended by repealing "Colonial Regulations and the Regulations of the Hong Kong Government" and substituting "Public Service (Administration) Order and government regulations".

12. Section 21(2) is amended -

- (a) by repealing "Secretary of the Government Secretariat" and substituting "Director of the Government Secretariat";
- (b) by repealing "銓敍司" and substituting "公務員事務局局長".

Government Flying Service (General) Regulation

13. Section 3(1) of the Government Flying Service (General) Regulation (Cap. 322 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

14. Section 12(2) is amended by repealing "Governor" and substituting "Chief Executive".

Government Flying Service (Welfare Fund) Regulation

15. Section 12(3) of the Government Flying Service (Welfare Fund) Regulation (Cap. 322 sub. leg.) is amended -

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

SCHEDULE 16

[s. 3]

TRADING WITH THE ENEMY ORDINANCE

1. Section 2(1) of the Trading with the Enemy Ordinance (Cap. 346) is amended -
 - (a) in the definition of "controller", by repealing "Governor" and substituting "Chief Executive";
 - (b) in the definition of "enemy" -
 - (i) in paragraphs (a) and (d), by repealing "Her Majesty" and substituting "the People's Republic of China";
 - (ii) in paragraph (f), by repealing "Governor" and substituting "Chief Executive";
 - (c) in the definition of "enemy subject", in paragraph (a) -
 - (i) by repealing ", not being either a Commonwealth citizen or a British protected person,";
 - (ii) by repealing "Her Majesty" and substituting "the People's Republic of China";
 - (d) in the definition of "enemy territory" -
 - (i) in paragraph (a), by repealing "Her Majesty" wherever it appears and substituting "the People's Republic of China";
 - (ii) in paragraph (b), by repealing "Governor" and substituting "Chief Executive";
 - (e) in the definition of "inspector", by repealing "Governor" and substituting "Chief Executive";

- (f) in the definition of "restriction order", by repealing "Governor" and substituting "Chief Executive";
- (g) in the definition of "supervisor", by repealing "Governor" and substituting "Chief Executive";
- (h) in the definition of "winding-up order", by repealing "Governor" and substituting "Chief Executive".

2. Section 3 is amended -

- (a) in subsections (1), (2) and (3), by repealing "Governor" wherever it appears and substituting "Chief Executive";
- (b) in subsection (4) -
 - (i) by repealing "Her Majesty" wherever it appears and substituting "the People's Republic of China";
 - (ii) by repealing "Governor" and substituting "Chief Executive";
- (c) in subsection (5), by repealing "Governor" and substituting "Chief Executive".

3. Section 4(2) is amended, in the proviso, by repealing "Governor" and substituting "Chief Executive".

4. Section 5(1) and (2) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

5. Section 6 is amended -

- (a) in subsection (1) -
 - (i) by repealing "the Colony" and substituting "Hong Kong";
 - (ii) by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in subsections (2), (3), (6), (8) and (9), by repealing "Governor" wherever it appears and substituting "Chief Executive".
6. Section 7 is amended -
- (a) in subsection (1), by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (b) in subsection (3), in the proviso, by repealing "the Colony" and substituting "Hong Kong".
7. Section 8 is amended -
- (a) in subsection (1), by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in subsection (4), by repealing "the Colony" and substituting "Hong Kong".
8. Section 9 is amended by repealing "Governor" and substituting "Chief Executive".
9. Section 10 is amended -
- (a) in subsections (1) and (3), by repealing "Governor" wherever it appears and substituting "Chief Executive";

- (b) in subsection (8), by repealing "the Colony" and substituting "Hong Kong".

10. Section 13 is amended by repealing "Her Majesty the Queen, Her Heirs or Successors" and substituting "the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

SCHEDULE 17 [s. 3]
TIMBER STORES ORDINANCE

1. Section 12(1) of the Timber Stores Ordinance (Cap. 464) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 18 [s. 3]
INTERNATIONALLY PROTECTED PERSONS AND
TAKING OF HOSTAGES ORDINANCE

1. Section 6(1) and (2) of the Internationally Protected Persons and Taking of Hostages Ordinance (Cap. 468) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 19 [s. 3]
AVIATION SECURITY ORDINANCE

1. Section 4(4) (a) of the Aviation Security Ordinance (Cap. 494) is amended by repealing "皇家香港警隊" and substituting "香港警務處".
2. Section 7(1) and (2) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 8(4) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 22(1) is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 24(1) is amended by repealing "Governor" and substituting "Chief Executive".
6. Section 26(2) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
7. Section 44(1) is amended by repealing "country or territory" and substituting "country, territory or place".
8. Section 53(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
9. Section 55(1) (f) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
10. Section 64 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 20
FIRE SAFETY (COMMERCIAL PREMISES) ORDINANCE

[s. 3]

1. Section 23 of the Fire Safety (Commercial Premises) Ordinance (Cap. 502) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 25(1) (a) and (2) is amended by repealing "立法局" and substituting "立法會".

SCHEDULE 21
FUGITIVE OFFENDERS ORDINANCE AND ITS SUBSIDIARY
LEGISLATION

[s. 3]

Fugitive Offenders Ordinance

1. Section 2(1) of the Fugitive Offenders Ordinance (Cap. 503) is amended -
 - (a) in the definition of "arrangements for the surrender of fugitive offenders" -
 - (i) in paragraph (a) (i), by repealing "People's Republic of China or any part thereof" and substituting "Central People's Government or the government of any other part of the People's Republic of China";

- (ii) in paragraph (a) (ii), by repealing "the People's Republic of China or any part thereof" and substituting "any other part of the People's Republic of China";
 - (b) in the definition of "authority to proceed", by repealing "Governor" and substituting "Chief Executive";
 - (c) by repealing the definition of "Secretary of State".
2. Section 3 is amended -
- (a) in subsection (1), by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in subsection (2) -
 - (i) by repealing "立法局" and substituting "立法會";
 - (ii) by repealing "該局" and substituting "該會";
 - (c) in subsections (3), (4) and (5), by repealing "立法局" wherever it appears and substituting "立法會";
 - (d) in subsection (6), by repealing "Governor" and substituting "Chief Executive";
 - (e) in subsection (7), by repealing "立法局" and substituting "立法會";
 - (f) in subsection (9), by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (g) in subsection (14), by repealing "Governor" and substituting "Chief Executive".

3. Section 5(2) (c), (3), (4), (5) (b), (6) and (7) (a) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
4. Section 6 is amended -
 - (a) in subsection (1), by repealing "Secretary of State" wherever it appears and substituting "Central People's Government";
 - (b) in subsection (2), by repealing "Governor" and substituting "Chief Executive";
 - (c) in subsection (3), by repealing "Secretary of State" wherever it appears and substituting "Central People's Government".
5. Section 7(2) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
6. Section 10 is amended -
 - (a) in subsection (3), by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (6) -
 - (i) in paragraph (i), by repealing "Governor's" and substituting "Chief Executive's";
 - (ii) in paragraph (ii), by repealing "Governor" and substituting "Chief Executive".
7. Section 11(4) is amended by repealing "Governor" and

substituting "Chief Executive".

8. Section 12(1) (b) is amended by repealing "Governor" and substituting "Chief Executive".

9. Section 13(1), (3), (4) and (5) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

10. Section 14 is amended -

(a) in subsection (2) (b), by repealing "Governor's" and substituting "Chief Executive's";

(b) in subsection (4), by repealing "Governor" and substituting "Chief Executive".

11. Section 15(4) and (5) is amended by repealing "Governor" and substituting "Chief Executive".

12. Section 18(2) is amended by repealing "Governor" and substituting "Chief Executive".

13. Section 19(1) (b) and (i) (A) is amended by repealing "Governor" and substituting "Chief Executive".

14. Section 20(2) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

15. Section 22(3) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

16. Section 24 is amended -
- (a) in subsection (1) -
 - (i) by repealing "Governor" and substituting "Chief Executive";
 - (ii) by repealing "Secretary of State" and substituting "Central People's Government";
 - (b) in subsection (3) -
 - (i) by repealing "Secretary of State" and substituting "Central People's Government";
 - (ii) by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (iii) in paragraph (b), by repealing "United Kingdom" and substituting "People's Republic of China".
17. Section 25 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
18. Section 26 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

Fugitive Offenders (Notification Procedures) Regulation

19. The Schedule to the Fugitive Offenders (Notification Procedures) Regulation (Cap. 503 sub. leg.) is amended, in Part 1, in sections 1(b) (iii), 2(a) (iv), 3(a), 4(a) and 5(a), by repealing

"Secretary of State" and substituting "Central People's Government".

Fugitive Offenders (Forms) Regulation

20. The Schedule to the Fugitive Offenders (Forms) Regulation (Cap. 503 sub. leg.) is amended -

- (a) in Forms 1 and 4, by repealing "Governor" and substituting "Chief Executive";
- (b) in Form 6 -
 - (i) in paragraph (b), by repealing "Governor's" and substituting "Chief Executive's";
 - (ii) in paragraph (c), by repealing "Governor" and substituting "Chief Executive";
- (c) in Forms 7, 8 and 9, by repealing "Governor" and substituting "Chief Executive".

Fugitive Offenders (Miscellaneous) Regulation

21. Section 1 of the Fugitive Offenders (Miscellaneous) Regulation (Cap. 503 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 22

[s. 3]

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ORDINANCE

1. Section 2(1) of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) is amended -

- (a) in the definition of "arrangements for mutual legal assistance" -
 - (i) in paragraph (a) (i), by repealing "People's Republic of China or any part thereof" and substituting "Central People's Government or the government of any other part of the People's Republic of China";
 - (ii) in paragraph (a) (ii), by repealing "the People's Republic of China or any part thereof" and substituting "any other part of the People's Republic of China";
- (b) by repealing the definition of "Secretary of State".

2. Section 3(1) is amended by repealing "the People's Republic of China or any part thereof" and substituting "any other part of the People's Republic of China".

3. Section 4 is amended -

- (a) in subsection (1) -
 - (i) by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (ii) by repealing "立法局" and substituting "立法會";
- (b) in subsection (2), by repealing "Governor in Council" and substituting "Chief Executive in Council";
- (c) in subsection (6), by repealing "Governor" and substituting "Chief Executive".

4. Section 5(1) (a) is amended by repealing "United Kingdom" where it twice appears and substituting "People's Republic of China".
5. Section 15 is amended -
 - (a) in subsection (11), in the definition of "public body", in paragraph (b), by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (12), by repealing "Governor" and substituting "Chief Executive".
6. Section 33 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
7. Section 34 is amended -
 - (a) in subsection (1) -
 - (i) by repealing "Governor" and substituting "Chief Executive";
 - (ii) by repealing "Secretary of State" and substituting "Central People's Government";
 - (b) in subsection (2) -
 - (i) by repealing "Secretary of State" and substituting "Central People's Government";
 - (ii) by repealing "Governor" wherever it appears and substituting "Chief Executive";

- (iii) in paragraph (b), by repealing "United Kingdom" and substituting "People's Republic of China";
 - (c) in subsection (3) (c) (iv), by repealing "Secretary of State" and substituting "Central People's Government";
 - (d) in subsection (4) -
 - (i) by repealing "Governor" and substituting "Chief Executive";
 - (ii) by repealing "Secretary of State" where it twice appears and substituting "Central People's Government".

- 8. Section 35 is amended -
 - (a) in subsection (1), by repealing "立法局" and substituting "立法會";
 - (b) in subsection (2), by repealing "Governor in Council" and substituting "Chief Executive in Council".

- 9. Schedule 2 is amended
 - (a) in section 7 -
 - (i) in subsection (4) (b), by repealing "大法官" and substituting "法官";
 - (ii) in subsection (9), by repealing "High Court's directions" and substituting "directions of the Court of First Instance";

(b) in section 8(3) (b), by repealing "大法官" and substituting "法官".

10. Schedule 3 is amended by repealing "**Supreme Court**" and substituting "**High Court**".

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 22).

2. The Ordinances adapted and their respective Schedule numbers under the Bill are -
- | | |
|--|-------------|
| Pawnbrokers Ordinance (Cap. 166) | Schedule 1 |
| Births and Deaths Registration Ordinance (Cap. 174) | Schedule 2 |
| Births Registration (Special Registers) Ordinance (Cap. 175) | Schedule 3 |
| Deaths Registration (Special Registers) Ordinance (Cap. 176) | Schedule 4 |
| Registration of Persons Ordinance (Cap. 177) | Schedule 5 |
| Marriage Ordinance (Cap. 181) | Schedule 6 |
| Defences (Firing Areas) Ordinance (Cap. 196) | Schedule 7 |
| Emergency Regulations Ordinance (Cap. 241) | Schedule 8 |
| Auxiliary Forces Pay and Allowances Ordinance (Cap. 254) | Schedule 9 |
| Mock Auctions Ordinance (Cap. 255) | Schedule 10 |
| Marriage (War Period) (Validity), Ordinance (Cap. 258) | Schedule 11 |

Protected Places (Safety) Ordinance (Cap. 260)	Schedule 12
Massage Establishments Ordinance (Cap. 266)	Schedule 13
Dangerous Goods Ordinance (Cap. 295)	Schedule 14
Government Flying Service Ordinance (Cap. 322)	Schedule 15
Trading with the Enemy Ordinance (Cap. 346)	Schedule 16
Timber Stores Ordinance (Cap. 464)	Schedule 17
Internationally Protected Persons and Taking of Hostages Ordinance (Cap. 468)	Schedule 18
Aviation Security Ordinance (Cap. 494)	Schedule 19
Fire Safety (Commercial Premises) Ordinance (Cap. 502)	Schedule 20
Fugitive Offenders Ordinance (Cap. 503)	Schedule 21
Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)	Schedule 22

3. The Bill also provides that the adaptations (except those referred to in clause 2(2)) when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region (clause 2).