

## **LEGISLATIVE COUNCIL BRIEF**

Legitimacy Ordinance (Cap. 184)  
Matrimonial Proceedings and Property Ordinance (Cap. 192)  
Protection of Children and Juveniles Ordinance (Cap. 213)  
Adoption Ordinance (Cap. 290)  
Sex Discrimination Ordinance (Cap. 480)  
Disability Discrimination Ordinance (Cap. 487)  
Child Abduction and Custody Ordinance (Cap. 512)  
Family Status Discrimination Ordinance (Cap. 527)

### **ADAPTATION OF LAWS (NO. 23) 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. 23) Bill 1999, at the Annex, should be introduced into the Legislative Council.

#### **BACKGROUND AND ARGUMENT**

2. There are references in the above-mentioned 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. 23) Bill 1999 seeks to adapt these references 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, e.g. references to "the Governor", "the colony", and "the Governor in Council" etc. will be suitably amended.

4. Other proposed amendments include –

- (a) The decision of the Standing Committee of the National People's Congress on the Treatment of the Laws Previously in Force in Hong Kong in accordance with Article 160 of the Basic Law adopted on 23 February 1997 provides that provisions giving a superior legal status of the English language shall be construed as providing that both the Chinese and English languages are to be official languages. Rule 2(3) of the Adoption Rules (Cap. 290 sub. leg.), which provides that the English version of forms should prevail, should therefore be repealed.
- (b) Section 2 of the Matrimonial Proceedings and Property Ordinance (Cap. 192) provides for the recognition of an adoption made under an "imperial enactment". It is proposed to delete this reference without replacement since such adoption is recognized by virtue of section 17 of the Adoption Ordinance (Cap. 290).

## **COMMENCEMENT**

5. The Bill provides that, subject to Article 12 of the Hong Kong Bill of Rights Ordinance (Cap. 383), the adaptations when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region.

## **LEGISLATIVE TIMETABLE**

6. The proposed legislative timetable 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

## **HUMAN RIGHTS IMPLICATIONS**

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

## **BINDING EFFECT**

8. The amendments proposed in the Bill do not affect the current 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.

## **PUBLIC CONSULTATION**

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

## **PUBLICITY**

11. A press release will be issued on 30 June 1999. A spokesman will be available to handle media enquiries.

## **OTHERS**

12. Enquiries concerning the Bill and this brief can be directed to Edward Yu, Assistant Secretary for Home Affairs (tel no : 2835 1384).

Home Affairs Bureau  
29 June 1999  
File Ref. : S/F(15) to HAB/CR/1/19/45

**ADAPTATION OF LAWS (NO. 23) BILL 1999**

**CONTENTS**

Clause		Page
1.	Short title	1
2.	Commencement	1
3.	Amendment of Ordinances	1
Schedule 1	Legitimacy Ordinance	1
Schedule 2	Matrimonial Proceedings and Property Ordinance	2
Schedule 3	Protection of Children and Juveniles Ordinance and its subsidiary legislation	2
Schedule 4	Adoption Ordinance and its subsidiary legislation	3
Schedule 5	Sex Discrimination Ordinance	4
Schedule 6	Disability Discrimination Ordinance	7
Schedule 7	Child Abduction and Custody Ordinance	9
Schedule 8	Family Status Discrimination Ordinance	9

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. 23) 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]

LEGITIMACY ORDINANCE

1. Section 3(4) of the Legitimacy Ordinance (Cap. 184) is amended by repealing "立法局" and substituting "立法會".

## SCHEDULE 2

[s. 3]

## MATRIMONIAL PROCEEDINGS AND PROPERTY ORDINANCE

1. Section 2(1) of the Matrimonial Proceedings and Property Ordinance (Cap. 192) is amended, in the definition of "adopted", by repealing "or any corresponding imperial enactment".
2. Section 28(8) is amended by repealing "首席大法官" and substituting "終審法院首席法官".

## SCHEDULE 3

[s. 3]

PROTECTION OF CHILDREN AND JUVENILES ORDINANCE  
AND ITS SUBSIDIARY LEGISLATION**Protection of Children and Juveniles Ordinance**

1. Section 2 of the Protection of Children and Juveniles Ordinance (Cap. 213) is amended, in the definition of "place of refuge", by repealing "Governor" and substituting "Chief Executive".
2. Section 2A is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 39 is amended -
  - (a) in subsection (1A), by repealing "Governor in Council" and substituting "Chief Executive in Council";

(b) in subsection (1B), by repealing "總督會同行政局" and substituting "行政長官會同行政會議".

4. Section 48(2) is amended by repealing "Governor" and substituting "Chief Executive".

**Protection of Children and Juveniles  
(Places of Refuge) Regulations**

5. The Schedule to the Protection of Children and Juveniles (Places of Refuge) Regulations (Cap. 213 sub. leg.) is amended by repealing "裁判署" and substituting "裁判法院".

SCHEDULE 4 [s. 3]  
ADOPTION ORDINANCE AND ITS SUBSIDIARY LEGISLATION

**Adoption Ordinance**

1. Section 5(6) of the Adoption Ordinance (Cap. 290) is amended by repealing "the Colony" and substituting "Hong Kong".

2. Section 7(2) is amended by repealing "the Colony" and substituting "Hong Kong".

3. Section 18(5) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

**Adoption Rules**



4. Rule 2(3) of the Adoption Rules (Cap. 290 sub. leg.) is repealed.
5. Rule 28(a) is amended by repealing "the Colony" and substituting "Hong Kong".
6. Rule 29 is amended by repealing "the Colony" and substituting "Hong Kong".
7. The heading before rule 32 is amended -
  - (a) by repealing "HIGH COURT" and substituting "COURT OF FIRST INSTANCE";
  - (b) by repealing "地方法院" and substituting "區域法院".
8. The First Schedule is amended -
  - (a) in Form 3, in paragraph 9, by repealing "地方法院" and substituting "區域法院";
  - (b) in Form 4 -
    - (i) in note (8), by repealing "the Colony" and substituting "Hong Kong";
    - (ii) by repealing "地方法院" and substituting "區域法院";
  - (c) in Form 4A, in note (5), by repealing "the Colony" and substituting "Hong Kong".

SCHEDULE 5

[s. 3]

SEX DISCRIMINATION ORDINANCE

1. Section 11(9) of the Sex Discrimination Ordinance (Cap. 480) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 15(7) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 31(3) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 57(4) is amended by repealing "立法局" and substituting "立法會".
5. Section 63 is amended -
  - (a) in subsections (3) and (5), by repealing "Governor" and substituting "Chief Executive";
  - (b) in subsection (10), by repealing "Governor in Council" and substituting "Chief Executive in Council".
6. Section 64(1)(e) and (2)(i) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
7. Section 66(2) is amended by repealing "Governor" and substituting "Chief Executive".
8. Section 69 is amended -

- (a) in subsections (4)(b), (5), (6) and (7) by repealing "立法局" wherever it appears and substituting "立法會";
- (b) in subsection (8) -
  - (i) by repealing "Governor" and substituting "Chief Executive";
  - (ii) by repealing "立法局" and substituting "立法會";
- (c) in subsection (9), by repealing "立法局" where it twice appears and substituting "立法會".

9. Section 85(4)(a) is amended by repealing "法庭" and substituting "區域法院".

10. Section 86(6) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

11. Section 89(2) is amended by repealing "立法局" and substituting "立法會".

12. Section 90 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 "立法局" and substituting "立法會".

13. Schedule 6 is amended -
- (a) in section 1(1) and (2), by repealing "Governor" and substituting "Chief Executive";
  - (b) in section 2(3), by repealing "Governor" and substituting "Chief Executive";
  - (c) in section 5, by repealing "Governor" wherever it appears and substituting "Chief Executive";
  - (d) in section 15(1)(a)(i), by repealing "立法局" and substituting "立法會";
  - (e) in section 18(4), by repealing "立法局" and substituting "立法會".

SCHEDULE 6

[s. 3]

DISABILITY DISCRIMINATION ORDINANCE

1. Section 11(7) of the Disability Discrimination Ordinance (Cap. 487) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 15(6) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 30(3) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 57(4) is amended by repealing "立法局" and substituting "立法會".

5. Section 62(1)(e) and (2)(a) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
6. Section 63(2) is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 65 is amended -
  - (a) in subsections (4)(b), (5), (6) and (7), by repealing "立法局" wherever it appears and substituting "立法會";
  - (b) in subsection (8) -
    - (i) by repealing "Governor" and substituting "Chief Executive";
    - (ii) by repealing "立法局" and substituting "立法會";
  - (c) in subsection (9), by repealing "立法局" where it twice appears and substituting "立法會".
8. Section 82(6) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
9. Section 86(2) is amended by repealing "立法局" and substituting "立法會".
10. Section 87(2) is amended -
  - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) by repealing "立法局" and substituting "立法會".

## SCHEDULE 7

[s. 3]

## CHILD ABDUCTION AND CUSTODY ORDINANCE

1. Section 4(1) of the Child Abduction and Custody Ordinance (Cap. 512) is amended by repealing "Governor" and substituting "Chief Executive".

## SCHEDULE 8

[s. 3]

## FAMILY STATUS DISCRIMINATION ORDINANCE

1. Section 8(8) of the Family Status Discrimination Ordinance (Cap. 527) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 11(4) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 22(3) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 44(1)(d) and (2)(a) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
5. Section 45(2) is amended by repealing "Governor" and substituting "Chief Executive".
6. Section 54(4) is amended by repealing "法庭" and substituting "區域法院".

7. Section 64(7) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
8. Section 67(2) is amended by repealing "立法局" and substituting "立法會".
9. Section 68 is amended -
  - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) by repealing "立法局" and substituting "立法會".

#### 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 8).

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

Adoption Ordinance (Cap. 290)	Schedule 4
Child Abduction and Custody Ordinance (Cap. 512)	Schedule 7
Disability Discrimination Ordinance (Cap. 487)	Schedule 6
Family Status Discrimination Ordinance (Cap. 527)	Schedule 8
Legitimacy Ordinance (Cap. 184)	Schedule 1
Matrimonial Proceedings and Property Ordinance (Cap. 192)	Schedule 2

Protection of Children and Juveniles Ordinance(Cap. 213)  
Sex Discrimination Ordinance (Cap. 480)

Schedule 3  
Schedule 5

3. The Bill also 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 (clause 2).