

LEGISLATIVE COUNCIL BRIEF

- Surviving Spouses' and Children's Pensions Ordinance
(Cap. 79)
- Pensions (Special Provisions)(Hospital Authority) Ordinance
(Cap. 80)
- Pensions Ordinance
(Cap. 89)
- Pensions (Special Provisions) (Hong Kong Polytechnic) Ordinance
(Cap. 90)
- Public Service Commission Ordinance
(Cap. 93)
- Widows and Orphans Pension Ordinance
(Cap. 94)
- Pension Benefits Ordinance
(Cap. 99)
- Widows and Orphans Pension (Increase) Ordinance
(Cap. 205)
- Pensions (Increase) Ordinance
(Cap. 305)
- Public Officers (Assignment of Emoluments) Ordinance
(Cap. 363)
- Pensions (Special Provisions)(Vocational Training Council) Ordinance
(Cap. 387)

ADAPTATION OF LAWS (NO. 26) 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. 26) Bill 1999 at the Annex should be introduced into the Legislative Council, to effect necessary adaptations to 11 Ordinances and their subsidiary legislation relating to pensions, gratuities and other allowances in respect of public service.

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. 26) 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. The Bill comprises mainly terminological changes, for example, references to "Governor", "Governor in Council" and "立法局" are changed to references to "Chief Executive", "Chief Executive in Council" and "立法會" respectively. References to "Colonial Regulations" and "Regulations of the Hong Kong Government" are suitably amended. 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 Executive Council will still have to be consulted if the Chief Executive is to exercise this legislative function.

4. Amendments that warrant further explanation are set out as follows –

(a) **Reference to "ex officio member of the Executive Council or Legislative Council" [section 5(c) of Schedule 5]**

It is a long established practice that the offices of the Chief Secretary for Administration, the Financial Secretary and the Secretary for Justice fall outside the purview of the Public Service Commission. Prior to reunification, the three public offices were excluded under section 6(2)(a) of the Public Service Commission Ordinance by reference to their position as ex officio members of the Executive Council in accordance with Article II of the Royal Instructions. After the reunification, there is no provision for the corresponding public offices to be "ex officio" members of the Executive Council. Accordingly, we need to refer to the three public offices by their post titles in order to preserve the purview of the Public Service Commission after the reunification.

(b) **Definition of "public service" and "services" [section 1(c) of Schedule 7]**

The Pension Benefits Ordinance currently recognizes services other than service in the Government of Hong Kong, such as service in other Commonwealth governments, for the purpose of computing pension and allowance for public officers. This is inconsistent with the status of Hong Kong as a Special Administrative Region of the People's Republic of China and needs to be adapted. Pension benefits should no longer be given in respect of service under the United Kingdom and Commonwealth governments and organizations for officers appointed on or after 1 July 1997. On the other hand, a saving provision has been added to ensure that the pension rights accrued or accruing to any person before 1 July 1997 as stated in Article 102 of the Basic Law is not affected.

COMMENCEMENT

5. The Bill provides that, subject to Article 12 of the Hong Kong Bill of Rights, the adaptations shall when passed into law 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 -

| | |
|--|----------------|
| 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 proposed Bill is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT OF THE LEGISLATION

8. The amendments in the Bill do not affect the current binding effect of the existing provisions of various Ordinances covered by the Bill.

FINANCIAL AND STAFFING IMPLICATIONS

9. There are no financial or staffing implications.

PUBLIC CONSULTATION

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

PUBLICITY

11. A Legislative Council brief will be issued on 2 July.

OTHERS

12. Enquiries concerning the Bill and this brief can be directed to -

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Civil Service Bureau
2 July 1999
File Ref: CSBCR/SP/1-010-004/7/Pt.4/98

LEGISLATIVE COUNCIL BRIEF

The Secretary for the Civil Service submits the following note for Members' information –

| <i>Title of Note</i> | <i>Date of ExCo</i> |
|---|---------------------|
| Adaptation of Laws (No. 26) Bill 1999 | 29 June 1999 |
| Surviving Spouses' and Children's Pensions Ordinance (Cap. 79) | |
| Pensions (Special Provisions)(Hospital Authority) Ordinance (Cap. 80) | |
| Pensions Ordinance (Cap. 89) | |
| Pensions (Special Provisions) (Hong Kong Polytechnic) Ordinance (Cap. 90) | |
| Public Service Commission Ordinance (Cap. 93) | |
| Widows and Orphans Pension Ordinance (Cap. 94) | |
| Pension Benefits Ordinance (Cap. 99) | |
| Widows and Orphans Pension (Increase) Ordinance (Cap. 205) | |
| Pensions (Increase) Ordinance (Cap. 305) | |
| Public Officers (Assignment of Emoluments) Ordinance (Cap. 363) | |
| Pensions (Special Provisions)(Vocational Training Council) Ordinance (Cap. 387) | |

Civil Service Bureau

2 July 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. 26) 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]

SURVIVING SPOUSES' AND CHILDREN'S PENSIONS ORDINANCE

1. Section 2(1) of the Surviving Spouses' and Children's Pensions Ordinance (Cap. 79) is amended, in the definition of "medical grounds", in paragraph (a), by repealing "Governor" and substituting "Chief Executive".
2. Section 3(3) is amended -
 - (a) by repealing "立法局" and substituting "立法會";
 - (b) by repealing "該局" where it twice appears and substituting "該會".
3. Section 4(2) is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 8(5) (a) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
5. Section 11(5) (a) is amended by repealing "Governor" and substituting "Chief Executive".
6. Section 13(4) is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 19 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
8. Section 20 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

SCHEDULE 2

[s. 3]

PENSIONS (SPECIAL PROVISIONS) (HOSPITAL AUTHORITY) ORDINANCE

1. Section 3(1) (c) of the Pensions (Special Provisions) (Hospital Authority) Ordinance (Cap. 80) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 3

[s. 3]

PENSIONS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Pensions Ordinance

1. Section 2 of the Pensions Ordinance (Cap. 89) is amended -
 - (a) in subsection (1) -
 - (i) in the definition of "established office", by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (ii) in the definition of "expatriation pay", by repealing "Regulations of the Government governing such pay" and substituting "provisions of the administrative rules known as the Government Regulations and of any other administrative rules or instruments regulating the public service which govern such pay;"

- (iii) in the definition of "public service", in paragraph (a), by repealing "other";
 - (iv) in the definition of "special allowance", by repealing "立法局" and substituting "立法會";
 - (b) in subsection (3), by repealing "Governor" and substituting "Chief Executive".
- 2. Section 2A(1) is amended by repealing "立法局" and substituting "立法會".
- 3. Section 2B is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
- 4. Section 3 is amended -
 - (a) by repealing "Governor" where it first appears and substituting "Chief Executive";
 - (b) by repealing "Governor in Council" wherever it appears and substituting "Chief Executive in Council";
 - (c) by repealing "立法局" where it twice appears and substituting "立法會".
- 5. Section 6(1) and (2) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
- 6. Section 6A is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

7. Section 7 is amended by repealing "Governor" and substituting "Chief Executive".
8. Section 7A is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
9. Section 8(1) is amended, in the proviso, by repealing "Governor" where it twice appears and substituting "Chief Executive".
10. Section 9(3) and (5) (iii) is amended by repealing "Governor" and substituting "Chief Executive".
11. Section 11 is amended by repealing "Governor" and substituting "Chief Executive".
12. Section 13(3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
13. Section 15(1) (a) (i) is amended by repealing "Governor" and substituting "Chief Executive".
14. Section 15A(5), (6), (7), (8) and (10) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
15. Section 16(1), (2), (3), and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

16. Section 17(7) (b) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
17. Section 18 is amended -
 - (a) in subsections (1) and (3), by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in subsection (7), by repealing "立法局" and substituting "立法會".
18. Section 18A(2) is amended by repealing "Governor" and substituting "Chief Executive".
19. Section 20 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
20. Section 20A is amended -
 - (a) in subsection (1), by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (2), by repealing "立法局" where it twice appears and substituting "立法會".
21. Section 21(5) is amended by repealing "Governor" and substituting "Chief Executive".

Pensions Regulations

22. Regulation 3 of the Pensions Regulations (Cap. 89 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".
23. Regulation 6 is amended by repealing "Governor" and substituting "Chief Executive".
24. Regulation 14(3) is amended, in the proviso, by repealing "Governor" and substituting "Chief Executive".
25. Regulation 15(2) is amended by repealing "Governor" and substituting "Chief Executive".
26. Regulation 18(2) (iii) is amended by repealing "Governor" and substituting "Chief Executive".
27. Regulation 21(c) is amended by repealing "Governor" and substituting "Chief Executive".
28. Regulation 23(2) and (4) is amended by repealing "Governor" and substituting "Chief Executive".
29. Regulation 26 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

30. Regulation 27 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
31. Regulation 28(2) is amended, in the definition of "daily paid service", by repealing "Governor" and substituting "Chief Executive".
32. Regulation 29(1) (c), (2) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
33. Regulation 31(1) is amended, in the proviso, by repealing "Governor" and substituting "Chief Executive".
34. Regulation 32 is amended -
 - (a) by repealing "Governor" and substituting "Chief Executive";
 - (b) by adding "(excluding Hong Kong)" after "China".
35. Regulation 33 is amended, in the proviso -
 - (a) by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (b) by repealing "a Colony" and substituting "a British colony".

Legislative Council Resolutions

36. The Grant of Ex Gratia Addition to Gratuities of the Legislative Council Resolutions (Cap. 89 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

37. The Special Police Allowance Pensionable of the Legislative Council Resolutions (Cap. 89 sub. leg.), is amended by repealing "所有督察級以下皇家香港警隊隊員" and substituting "香港警務處所有督察級以下的警隊隊員".

Pensions Ordinance (Established Offices) Order

38. Paragraph 2 of the Pensions Ordinance (Established Offices) Order (Cap. 89 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 4

[s. 3]

PENSIONS (SPECIAL PROVISIONS) (HONG KONG POLYTECHNIC) ORDINANCE

1. Section 3(1) of the Pensions (Special Provisions) (Hong Kong Polytechnic) Ordinance (Cap. 90) is amended by repealing "Governor" and substituting "Chief Executive".

2. Section 4(c) is amended by repealing "the Colony" and substituting "Hong Kong".

SCHEDULE 5

[s. 3]

PUBLIC SERVICE COMMISSION ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Public Service Commission Ordinance

1. Section 2 of the Public Service Commission Ordinance (Cap. 93) is amended 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 is amended -

(a) in subsection (1) -

- (i) by repealing "Governor" and substituting "Chief Executive";
- (ii) by repealing "during his pleasure" and substituting "at his discretion";

- (b) in subsection (5) -
 - (i) in paragraph (a), by repealing "the Colony" and substituting "Hong Kong";
 - (ii) by repealing "Governor" and substituting "Chief Executive";
 - (c) in subsection (6) -
 - (i) by repealing "Governor" and substituting "Chief Executive";
 - (ii) in the proviso, in paragraph (a) -
 - (A) by repealing "the Governor's power" and substituting "the Chief Executive's power";
 - (B) by repealing "at the Governor's pleasure" and substituting "at the discretion of the Chief Executive";
 - (iii) in paragraph (b), by repealing "立法局" where it twice appears and substituting "立法會".
3. Section 4 is amended -
- (a) by repealing "the Colony" where it twice appears and substituting "Hong Kong";
 - (b) by repealing "立法局" and substituting "立法會".
4. Section 5 is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 6 is amended -

- (a) in subsection (1) -
 - (i) by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (ii) in paragraph (c), by repealing "the Regulations of the Hong Kong Government" and substituting "government regulations";
 - (iii) in paragraph (e), by repealing "Colonial Regulations" and substituting "Public Service (Administration) Order";
- (b) in subsection (2) (a) -
 - (i) by repealing "Governor" and substituting "Chief Executive";
 - (ii) by repealing "any office of which the holder is ex officio a member of the Executive Council or Legislative Council of the Colony" and substituting "the offices of the Chief Secretary for Administration, the Financial Secretary and the Secretary for Justice";
 - (iii) by repealing "Governor's" and substituting "Chief Executive's";
- (c) in subsection (3), by repealing "立法局" and substituting "立法會".

6. Section 7 is amended -

- (a) in subsection (1) -
 - (i) in the proviso, by repealing "Governor" and substituting "Chief Executive";

- (ii) by repealing "立法局" and substituting "立法會";
 - (b) in subsection (2), by repealing "Colonial Regulations or to the Regulations of the Hong Kong Government" and substituting "the Public Service (Administration) Order or to government regulations".
- 7. Section 8 is amended by repealing "High Court" and substituting "Court of First Instance".
- 8. Section 9 is amended by repealing "Governor" and substituting "Chief Executive".
- 9. Section 10 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
- 10. Section 12(1) is amended by repealing "Governor" and substituting "Chief Executive".
- 11. Section 13 is amended, in the proviso, in paragraph (b), by repealing "the Regulations of the Hong Kong Government" and substituting "government regulations".
- 12. Section 14(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
- 13. Section 15 is repealed and substituted -

"15. Saving

Nothing in this Ordinance shall derogate from any provision of the Basic Law vesting in the Chief Executive the power of making appointments to the Public Service."

Public Service Commission Regulations

14. Regulation 2 of the Public Service Commission Regulations (Cap. 93 sub. leg.) is amended, in the definition of "efficiency bar", "probation bar" and "promotion step", by repealing "the Regulations of the Government of Hong Kong" and substituting "government regulations".

15. Regulation 3(1) and (2) is amended by repealing "Governor" and substituting "Chief Executive".

16. Regulation 5 is amended by repealing "Governor" and substituting "Chief Executive".

17. Regulation 7 is amended by repealing "Governor" and substituting "Chief Executive".

18. Regulation 8 is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 6

[s. 3]

WIDOWS AND ORPHANS PENSION ORDINANCE AND ITS SUBSIDIARY
LEGISLATION

Widows and Orphans Pension Ordinance

1. Section 2(1) of the Widows and Orphans Pension Ordinance (Cap. 94) is amended, in the definition of "directors", by repealing "Governor" and substituting "Chief Executive".
2. Section 3 is amended -
 - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in the proviso, by repealing "立法局" and substituting "立法會".
3. Section 4 is amended -
 - (a) in subsection (1), in the proviso, by repealing "which has been declared by the Secretary of State" and substituting "which, prior to 1 July 1997, has been declared by the Secretary of State of the United Kingdom";
 - (b) in subsection (2), by repealing "Her Majesty's dominions, which is declared by the Secretary of State" and substituting "a British dominion, which prior to 1 July 1997, is declared by the Secretary of State of the United Kingdom".
4. Section 7(1) and (2) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

5. Section 11(4) is amended by repealing "who leaves the public service on transfer to any other office under the Crown" and substituting "who, prior to 1 July 1997, leaves the public service on transfer to any other office under the Crown".
6. Section 17(1) (b) is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 23 is amended by adding "a Hong Kong or" after "valid by".
8. Section 30 is amended -
 - (a) by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (b) by repealing "行政局" and substituting "行政會議".
9. Section 33 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

Widows and Orphans Pension (Application) Regulations

10. Regulation 3 of the Widows and Orphans Pension (Application) Regulations (Cap. 94 sub. leg.) is amended -
 - (a) in paragraph (a), by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (b) in paragraph (b), by repealing "Governor's" and substituting "Chief Executive's".

PENSION BENEFITS ORDINANCE AND
ITS SUBSIDIARY LEGISLATION

Pension Benefits Ordinance

1. Section 2(1) of the Pension Benefits Ordinance (Cap. 99) is amended -
 - (a) in the definition of "established office", in paragraph (a), by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in the definition of "expatriation pay", by repealing "Regulations of the Government governing such pay" and substituting "provisions of the administrative rules known as the Government Regulations and of any other administrative rules or instruments regulating the public service which govern such pay";
 - (c) in the definition of "public service" and "service", by repealing paragraphs (a) to (h) and substituting -
 - "(a) with respect to an officer appointed on or after 1 July 1997 -
 - (i) service in a civil capacity under the Government;
 - (ii) any other service that the Chief Executive has determined to be public service for the purposes of this Ordinance;

- (b) with respect to an officer appointed before 1 July 1997 -
 - (i) service in a civil capacity under the Government or any country or territory in the Commonwealth;
 - (ii) service in a civil capacity under the East Africa High Commission, the East African Common Services Organization, the East African Posts and Telecommunications Administration, the East African Railways and Harbours Administration, the East African Community, the East African Harbours Corporation, the East African Posts and Telecommunications Corporation, the East African Railways Corporation or any of their successor authorities;
 - (iii) service which was, before 1 July 1997, pensionable -
 - (A) under the Oversea Superannuation Scheme of the United Kingdom;
 - (B) under any Acts of the United Kingdom relating to the

- superannuation of teachers in the United Kingdom;
- (C) under a local authority in the United Kingdom;
or
- (D) under the National Health Service of the United Kingdom;
- (iv) any other service that the Chief Executive has determined to be public service for the purposes of this Ordinance;
- (v) except for the purposes of computation of a pension or gratuity and of section 21, service in respect of which a pension could, before 1 July 1997, have been granted under the Governor's Pensions Act 1957 of the United Kingdom (1957 c. 62 U.K.) or the Governors' Pensions Scheme 1979 or any Act of the United Kingdom or Scheme amending or replacing that Act or Scheme;
- (vi) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of

Appeal for Eastern Africa or the Court of Appeal for East Africa;

(vii) service in a civil capacity in the service of the Interim Commission for the West Indies;

(viii) pensionable service with the British Telecommunication and the Post Office, United Kingdom of Great Britain and Northern Ireland; ";

(d) in the definition of "special allowance", by repealing "立法局" and substituting "立法會".

2. By adding -

"2A. Saving

The amendments made to this Ordinance by the Adaptation of Laws (No.) Ordinance 1999 (of 1999) shall not affect any right accrued or accruing to any person before 1 July 1997."

3. Section 3(1) is amended by repealing "立法局" and substituting "立法會".

4. Section 3A is amended by repealing "Governor" and substituting "Chief Executive".

5. Section 7(a) is amended by repealing "Governor" and substituting "Chief Executive".

6. Section 8(2) (c) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
7. Section 10(3) (a) and (4) is amended by repealing "Governor" and substituting "Chief Executive".
8. Section 11(1) (h) and (2) is amended by repealing "Governor" and substituting "Chief Executive".
9. Section 13 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
10. Section 18 is amended by repealing "Governor" and substituting "Chief Executive".
11. Section 19 is amended -
 - (a) by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in subsection (10), by repealing "立法局" and substituting "立法會".
12. Section 19A(2) is amended by repealing "Governor" and substituting "Chief Executive".
13. Section 20(10) (b) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

14. Section 22(2) is amended by repealing "Governor" and substituting "Chief Executive".
15. Section 24 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
16. Section 26(1) is amended by repealing "Governor" and substituting "Chief Executive".
17. Section 28(3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
18. Section 29(1) (a) is amended by repealing "Governor" and substituting "Chief Executive".
19. Section 29A(1), (6), (7), (8), (9) and (11) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
20. Section 29B(2), (3) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
21. Section 30(1), (2), (3) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
22. Section 33 is amended -
 - (a) in subsection (1), by repealing "Governor" and substituting "Chief Executive";

- (b) in subsection (2), by repealing "立法局" where it twice appears and substituting "立法會".
23. Section 35 is amended -
- (a) in subsections (1) and (2), by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in subsection (3), by repealing "立法局" and substituting "立法會".
24. The Schedule is amended, in item (2) -
- (a) by repealing "香港海關副總監" and substituting "香港海關副關長";
 - (b) by repealing "香港海關助理總監" and substituting "香港海關助理關長".

Pension Benefits Regulations

25. Regulation 3 of the Pension Benefits Regulations (Cap. 99 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".
26. Regulation 13(5) is amended by repealing "Governor" and substituting "Chief Executive".

27. Regulation 16(4) (c) is amended by repealing "Governor" and substituting "Chief Executive".
28. Regulation 21(1) (e) is amended by repealing "Governor" and substituting "Chief Executive".
29. Regulation 23(2) is amended by repealing "Governor" and substituting "Chief Executive".

Pension Benefits (Prescribed Ages) (Directorate Ranks) Notice

30. The Schedule to the Pension Benefits (Prescribed Ages) (Directorate Ranks) Notice (Cap. 99 sub. leg.) is amended, in item 2 -
- (a) by repealing "香港海關副總監" and substituting "香港海關副關長";
 - (b) by repealing "香港海關助理總監" and substituting "香港海關助理關長";

Pension Benefits (Prescribed Ages) (Senior Rank and Rank and File Grades) (Royal Hong Kong Police Force) order

31. Paragraph 1 of the Pension Benefits (Prescribed Ages) (Senior Rank and Rank and File Grades) (Royal Hong Kong Police Force) Order (Cap. 99 sub. leg.) is amended by repealing "Royal".

WIDOWS AND ORPHANS PENSION (INCREASE) ORDINANCE

1. Section 3(3) of the Widows and Orphans Pension (Increase) Ordinance (Cap. 205) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 9

[s. 3]

PENSIONS (INCREASE) ORDINANCE

1. Section 3(1) (c) of the Pensions (Increase) Ordinance (Cap. 305) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 4(1A) and (1B) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 7 is amended by repealing "立法局" and substituting "立法會".

SCHEDULE 10

[s. 3]

**PUBLIC OFFICERS (ASSIGNMENT OF
EMOLUMENTS) ORDINANCE**

1. Section 2(2) of the Public Officers (Assignment of Emoluments) Ordinance (Cap. 363) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 11

[s. 3]

PENSIONS (SPECIAL PROVISIONS) (VOCATIONAL

TRAINING COUNCIL) ORDINANCE

1. Section 3(1) (c) of the Pensions (Special Provisions) (Vocational Training Council) Ordinance (Cap. 387) is amended by repealing "Governor" and substituting "Chief Executive".

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, Schedule 1 to 11).

2. The Ordinances adapted and their respective Schedule numbers under the Bill are -
- | | |
|--|-------------|
| Pension Benefits Ordinance (Cap. 99) | Schedule 7 |
| Pensions (Increase) Ordinance (Cap. 305) | Schedule 9 |
| Pensions Ordinance (Cap. 89) | Schedule 3 |
| Pensions (Special Provisions) (Hong Kong Polytechnic) Ordinance (Cap. 90) | Schedule 4 |
| Pensions (Special Provisions) (Hospital Authority) Ordinance (Cap. 80) | Schedule 2 |
| Pensions (Special Provisions) (Vocational Training Council) Ordinance (Cap. 387) | Schedule 11 |
| Public Officers (Assignment of Emoluments) Ordinance (Cap. 363) | Schedule 10 |
| Public Service Commission Ordinance (Cap. 93) | Schedule 5 |
| Surviving Spouses' and Children's Pensions Ordinance (Cap. 79) | Schedule 1 |

Widows and Orphans Pension (Increase) Ordinance (Cap. 205)

Schedule 8

Widows and Orphans Pension Ordinance (Cap. 94)

Schedule 6

3. The Bill also provides that the adaptations when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region (clause 2(1)).