

BRIEF FOR THE LEGISLATIVE COUNCIL

The Director of Administration submits the following note for

Members' information :

Title of the Note

Date of Gazette

Adaptation of Laws (No. 27) Bill 1999

9 July 1999

8 July 1999

Administration Wing

Chief Secretary for Administration's Office

BRIEF FOR THE LEGISLATIVE COUNCIL

Private Bills Ordinance (Cap. 69)
Legislative Council (Powers and Privileges) Ordinance (Cap. 382)
Legislative Council Commission Ordinance (Cap. 443)

ADAPTATION OF LAWS (NO. 27) BILL 1999

INTRODUCTION

At the meeting of the Executive Council on 6 July 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No. 27) Bill (copy at the Annex) should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

2. Article 160 of the Basic Law states that -

“Upon the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong shall be adopted as laws of the Region except for those which the Standing Committee of the National People’s Congress declares to be in contravention of this Law. If any laws are later discovered to be in contravention of this Law, they shall be amended or cease to have force in accordance with the procedure as prescribed by this Law.”

3. Article 8 of the Basic Law states that -

“The laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravenes this Law, and subject to any amendment by the legislature of the Hong Kong Special Administrative Region.”

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

5. Despite the guiding principles under the Interpretation and General Clauses Ordinance on construing terminology inconsistent with the Basic Law and the status of Hong Kong as a Special Administrative Region of the People's Republic of China, it is considered unacceptable to retain these terminology in our Statute Book after the Reunification. We, therefore, need to introduce the Adaptation of Laws (No. 27) Bill 1999 to bring necessary textual amendments to the Private Bills Ordinance, the Legislative Council (Powers and Privileges) Ordinance and the Legislative Council Commission Ordinance.

THE BILL

6. Most of the proposed amendments are merely terminological changes, e.g. references to "the Standing Order" and "立法局" are replaced by "the Rules of Procedure" and "立法會" respectively. Similarly, a reference to "the Governor" will, in the usual case, be replaced by "the Chief Executive".

COMMENCEMENT

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

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows -

Publication in the Gazette	9 July 1999
First Reading and commencement of Second Reading debate	14 July 1999

Resumption of Second Reading To be notified
debate, committee stage and Third
Reading

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT

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

FINANCIAL AND STAFFING IMPLICATIONS

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

PUBLIC CONSULTATION

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

ENQUIRIES

13. For enquiries on the brief, please contact Mr Jacky Lum, Assistant Director of Administration (3) on 2810 3946.

Administration Wing
Chief Secretary for Administration's Office
8 July 1999