

## **LEGISLATIVE COUNCIL BRIEF**

- Public Health (Animals and Birds) Ordinance  
(Chapter 139)
- Dogs and Cats Ordinance  
(Chapter 167)
- Pounds Ordinance  
(Chapter 168)
- Prevention of Cruelty to Animals Ordinance  
(Chapter 169)
- Fisheries Protection Ordinance  
(Chapter 171)
- Animals and Plants (Protection of Endangered Species) Ordinance  
(Chapter 187)
- Plant (Importation and Pest Control) Ordinance  
(Chapter 207)
- Agricultural Products (Marketing) Ordinance  
(Chapter 277)
- Marine Fish (Marketing) Ordinance  
(Chapter 291)
- Marine Fish Culture Ordinance  
(Chapter 353)
- Rabies Ordinance  
(Chapter 421)
- Whaling Industry (Regulation) Ordinance  
(Chapter 496)

## **ADAPTATION OF LAWS (NO. 28) 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.28) Bill 1999 (copy at the Annex) should be introduced into the Legislative Council to effect necessary adaptations to 12 Ordinances on matters relating to animals and plants and their subsidiary legislation.

## **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 contravene this Law, and subject to any amendment by the legislature of the Hong Kong Special Administrative Region.”

4. On 23 February 1997, the Standing Committee of the National People’s Congress (NPCSC) 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 Hong Kong Special Administrative Region (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 (Cap. 1).

5. Despite the guiding principles under the Interpretation and General Clauses Ordinance on construing terminology inconsistent with the Basic Law and Hong Kong’s status as a Special Administrative Region of the People’s Republic of China, it is considered unacceptable to retain such terminology in our statute books after the reunification. We need to introduce the Adaptation of Laws (No.28) Bill 1999 to bring necessary amendments to the texts of the Public Health (Animals and Birds) Ordinance, Dogs and Cats Ordinance, Pounds Ordinance, Prevention of Cruelty to Animals Ordinance, Fisheries Protection Ordinance, Animals and Plants (Protection of Endangered Species) Ordinance, Plant (Importation and Pest Control) Ordinance, Agricultural Products (Marketing) Ordinance, Marine Fish (Marketing) Ordinance, Marine Fish Culture Ordinance, Rabies Ordinance, and Whaling Industry (Regulation) Ordinance and their subsidiary legislation.

## THE BILL

6. Most of the proposed amendments are merely terminological changes, e.g. references to the "Governor", "Governor in Council", "the Colony" and "立法局" are replaced by the "Chief Executive", "Chief Executive in Council", "Hong Kong" and "立法會" respectively.

7. Other major amendments include -

- (a) **Regulation 2 of the Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg.);**  
**Regulation 3 of the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139 sub. leg.);**  
**Regulation 3 of the Public Health (Animals) (Riding Establishment) Regulations (Cap. 139 sub. leg.)**

These provisions expressly provide that the relevant regulations shall not apply to any cattle, sheep or goats kept by the "Crown", or to the keeping of an animal-boarding establishment or riding establishment at a place occupied or managed by the "Crown". As they are application clauses and concern the scope of application of the relevant regulations, the references to the "Crown" there are adapted to the "State" in accordance with section 7 of Schedule 9 to the Interpretation and General Clauses Ordinance.

- (b) **Section 6 of the Fisheries Protection Ordinance (Cap. 171);**  
**Section 13 of the Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187);**  
**Section 12 of the Agricultural Products (Marketing) Ordinance (Cap. 277);**  
**Section 8 of the Marine Fish (Marketing) Ordinance (Cap. 291)**

These sections provide for the circumstances under which a magistrate or the court may order certain fish, animals, plants, market proceeds or other articles or products seized by public officers to be forfeited to the "Crown". They should now be forfeited to the "Government" in accordance with section 2 of Schedule 8 to the Interpretation and General Clauses Ordinance because the matters involved are within the sole responsibility of the HKSAR Government.

(c) **Sections 9, 11, 13 and 16 of the Plant (Importation and Pest Control) Ordinance (Cap. 207)**

For controlling plant importation and plant pests and for quarantine purposes, the Director of Agriculture and Fisheries may destroy or otherwise dispose of plants, plant pests or soil, and may recover the cost of such action as a debt due to the "Crown" under these sections. The cost should now be recoverable as a debt due to the "Government" in accordance with section 2 of Schedule 8 to the Interpretation and General Clauses Ordinance because the matters involved are within the sole responsibility of the HKSAR Government.

(d) **Section 18 of the Plant (Importation and Pest Control) Ordinance (Cap. 207)**

This section provides that the "Crown" and other public officers shall not be liable for any damage caused to any plant in a quarantine area. "Crown" is adapted to the "Government" in accordance with section 2 of Schedule 8 to the Interpretation and General Clauses Ordinance because the matter involved is within the sole responsibility of the HKSAR Government.

(e) **Section 9 of the Whaling Industry (Regulation) Ordinance (Cap. 496)**

This Ordinance implements the International Convention for the Regulation of Whaling of 1946. Under section 9 of the Ordinance, "the United Kingdom Department of Trade and Industry" may grant a whaling permit for scientific research or for other exceptional purposes. The reference to the UK Department is adapted to "the relevant authority of the Central People's Government", which is defined as the organ in the CPG from time to time responsible for whaling matters.

The Agriculture and Fisheries Department advises that Hong Kong has never been a whaling base and they are not aware of any permits having been issued by the UK Department in this regard.

## **COMMENCEMENT**

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

Kong Special Administrative Region. Adaptations relating to provisions that shall come into operation after 1 July 1997 shall take effect as from the commencement of the relevant provisions.

## **PUBLIC CONSULTATION**

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

## **HUMAN RIGHTS IMPLICATIONS**

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

## **BINDING EFFECT OF THE LEGISLATION**

11. 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**

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

## **LEGISLATIVE TIMETABLE**

13. The legislative timetable for the Bill 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 debate, committee stage and Third Reading	to be notified

## **PUBLICITY**

14. A press release will be issued on 9 July 1999.

## **ENQUIRIES**

15. Enquiries may be directed to Miss Dora FU, Principal Assistant Secretary for Economic Services, at Tel: 2810 2507 or Fax: 2868 4679.

**Economic Services Bureau**  
**8 July 1999**

**ADAPTATION OF LAWS (NO. 28) BILL 1999**

**CONTENTS**

Clause		Page
1.	Short title	1
2.	Commencement	1
3.	Amendment of Ordinances	1
Schedule 1	Public Health (Animals and Birds) Ordinance and its subsidiary legislation	2
Schedule 2	Dogs and Cats Ordinance	7
Schedule 3	Pounds Ordinance	7
Schedule 4	Prevention of Cruelty to Animals Ordinance and its subsidiary legislation	8
Schedule 5	Fisheries Protection Ordinance	8
Schedule 6	Animals and Plants (Protection of Endangered Species) Ordinance	9
Schedule 7	Plant (Importation and Pest Control) Ordinance	10
Schedule 8	Agricultural Products (Marketing) Ordinance	11
Schedule 9	Marine Fish (Marketing) Ordinance and its subsidiary legislation	14
Schedule 10	Marine Fish Culture Ordinance	18
Schedule 11	Rabies Ordinance	18
Schedule 12	Whaling Industry (Regulation) Ordinance	19

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. 28) Ordinance 1999.

**2. Commencement**

(1) This Ordinance, other than Schedule 2, shall be deemed to have come into operation on 1 July 1997.

(2) Schedule 2 shall come into operation or be deemed to have come into operation on the commencement of sections 4 and 5 of the Dogs and Cats (Amendment) Ordinance 1997 (97 of 1997).

(3) Subsections (1) and (2) 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.



PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE  
AND ITS SUBSIDIARY LEGISLATION

**Public Health (Animals and Birds) Ordinance**

1. Section 2(1) of the Public Health (Animals and Birds) Ordinance (Cap. 139) is amended, in the definition of "health officer", by repealing "Governor" and substituting "Chief Executive".
2. Section 3 (1) is amended -
  - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) in paragraph (k), by repealing "the Colony" and substituting "Hong Kong".
3. Section 4 is amended -
  - (a) in subsection (1), by repealing "the Colony" and substituting "Hong Kong";
  - (b) in subsection (2) -
    - (i) by repealing "the Colony" where it twice appears and substituting "Hong Kong";
    - (ii) by repealing "Governor" and substituting "Chief Executive".
4. Section 5 (1) is amended -

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

5. Section 6 is amended -

- (a) in subsection (1) (e), by repealing "Governor in Council" and substituting "Chief Executive in Council";
- (b) in subsection (5) -
  - (i) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (ii) by repealing "the Colony" where it twice appears and substituting "Hong Kong";
- (c) in subsection (6) -
  - (i) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (ii) by repealing "the Colony" and substituting "Hong Kong";
- (d) in subsection (7), by repealing "Governor in Council" and substituting "Chief Executive in Council".

6. The heading preceding section 11 is amended by repealing "GOVERNOR IN COUNCIL" and substituting "CHIEF EXECUTIVE IN COUNCIL".

7. Section 11 is amended -
  - (a) in subsection (1) -
    - (i) by repealing "Governor in Council" and substituting "Chief Executive in Council";
    - (ii) by repealing "而總督" and substituting "而行政長官";
  - (b) in subsection (2), by repealing "Governor in Council" and substituting "Chief Executive in Council".
  
8. Section 12 is amended -
  - (a) in subsections (1) and (3), by repealing "Governor in Council" wherever it appears and substituting "Chief Executive in Council";
  - (b) in subsection (4) -
    - (i) by repealing "Governor in Council" and substituting "Chief Executive in Council";
    - (ii) by repealing "行政局秘書" and substituting "行政會議秘書";
  - (c) in the proviso, by repealing "Governor in Council" and substituting "Chief Executive in Council".
  
9. Section 13 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

10. Section 17 is amended by repealing "Governor" and substituting "Chief Executive".
11. Section 18 is amended by repealing "Governor" and substituting "Chief Executive".

**Public Health (Animals and Birds) (Keeping of Cattle,  
Sheep and Goats) Regulations**

12. Regulation 2 (a) of the Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg.) is amended by repealing "Crown" and substituting "State".

**Dairies Regulations**

13. Regulation 2 of the Dairies Regulations (Cap. 139 sub. leg.) is amended, in the definition of "public analyst", by repealing "Governor" and substituting "Chief Executive".
14. Regulation 28 is amended by repealing "the Colony" and substituting "Hong Kong".

**Poultry (Slaughtering for Export) Regulations**

15. Regulation 108 (3) of the Poultry (Slaughtering for Export) Regulations (Cap. 139 sub. leg.) is amended -

- (a) in subparagraph (a), by repealing ", where applicable,";
- (b) in subparagraph (c), by adding "or the Chinese language" after "the English language".

16. Regulation 114 is amended -

- (a) in paragraph (1), by repealing "Governor" where it twice appears and substituting "Chief Executive";
- (b) in paragraph (2), by repealing "Governor in Council" and substituting "Chief Executive in Council";
- (c) in paragraph (3), by repealing "Governor" and substituting "Chief Executive".

#### **Importation of Equines (Prohibition) Order**

17. Paragraph 2 of the Importation of Equines (Prohibition) Order (Cap. 139 sub. leg.) is amended by repealing "the Colony" where it twice appears and substituting "Hong Kong".

#### **Public Health (Animals) (Boarding Establishment) Regulations**

18. Regulation 3 of the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139 sub. leg.) is amended by repealing "Crown" and substituting "State".

**Public Health (Animals) (Riding  
Establishment) Regulations**

19. Regulation 3 of the Public Health (Animals) (Riding Establishment) Regulations (Cap. 139 sub. leg.) is amended by repealing "Crown" and substituting "State".

SCHEDULE 2

[s. 3]

DOGS AND CATS ORDINANCE

1. Section 2 of the Dogs and Cats Ordinance (Cap. 167) is amended, in the definition of "身分證明文件", by repealing "人民".

2. Section 3 (1) 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 3

[s. 3]

POUNDS ORDINANCE

1. Section 3 of the Pounds Ordinance (Cap. 168) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

## SCHEDULE 4

[s. 3]

PREVENTION OF CRUELTY TO ANIMALS ORDINANCE  
AND ITS SUBSIDIARY LEGISLATION**Prevention of Cruelty to Animals Ordinance**

1. Section 3 (1) (g) of the Prevention of Cruelty to Animals Ordinance (Cap. 169) is amended by repealing "the Colony" and substituting "Hong Kong".
2. Section 8 (1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

**Prevention of Cruelty to Animals Regulations**

3. Regulation 11 (1) of the Prevention of Cruelty to Animals Regulations (Cap. 169 sub. leg.) is amended by repealing "the Colony" and substituting "Hong Kong".
4. Regulation 14 is amended by repealing "the Colony" and substituting "Hong Kong".

## SCHEDULE 5

[s. 3]

## FISHERIES PROTECTION ORDINANCE

1. Section 3 (1) of the Fisheries Protection Ordinance (Cap. 171) is amended by repealing "Governor" and substituting "Chief Executive".

2. Section 4 (1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 6 (1) is amended by repealing "Crown" and substituting "Government".

SCHEDULE 6

[s. 3]

ANIMALS AND PLANTS (PROTECTION OF ENDANGERED  
SPECIES) ORDINANCE

1. Section 13 (1), (2) (b), (2A) (b), (3) (b) and (4) of the Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) is amended by repealing "Crown" and substituting "Government".
2. Section 14 (1) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 16 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
4. Section 17 (1), (2) and (3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
5. Section 18 is amended by repealing "Governor" and substituting "Chief Executive".



6. Section 19 (1) and (1A) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 7

[s. 3]

PLANT (IMPORTATION AND PEST CONTROL) ORDINANCE

1. Section 8 (2) of the Plant (Importation and Pest Control) Ordinance (Cap. 207) is amended by repealing "China" and substituting "any place in China outside Hong Kong".
2. Section 9 (4) is amended by repealing "Crown" and substituting "Government".
3. Section 11 (3) is amended by repealing "Crown" and substituting "Government".
4. Section 13 (2) is amended by repealing "Crown" and substituting "Government".
5. Section 16 (5) is amended by repealing "Crown" and substituting "Government".
6. Section 18 is amended by repealing "Crown" and substituting "Government".
7. Section 21 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

8. Section 22 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
9. Section 25 is amended by repealing "Governor" and substituting "Chief Executive".
10. Section 26 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
11. The Second Schedule is amended, in Part I, in item 7, by repealing "China" and substituting "any place in China outside Hong Kong".

SCHEDULE 8

[s. 3]

AGRICULTURAL PRODUCTS (MARKETING) ORDINANCE

1. Section 2 of the Agricultural Products (Marketing) Ordinance (Cap. 277) is amended, in the definition of "regulated product", by repealing "the Colony" and substituting "Hong Kong".
2. Section 3 (1) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 5A is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

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

- (ii) by repealing "立法局" where it twice appears and substituting "立法會".
  
- 8. Section 9E is amended -
  - (a) in subsection (2), by repealing "Governor" and substituting "Chief Executive";
  - (b) in subsection (3) -
    - (i) by repealing "Governor" and substituting "Chief Executive";
    - (ii) by repealing "立法局" where it twice appears and substituting "立法會".
  
- 9. Section 9F (3) (c) is amended by repealing "Governor" and substituting "Chief Executive".
  
- 10. Section 10 (1) is amended -
  - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) in paragraph (c), by repealing "the Colony" and substituting "Hong Kong".
  
- 11. Section 12 (1) is amended by repealing "Crown" and substituting "Government".

## SCHEDULE 9

[s. 3]

MARINE FISH (MARKETING) ORDINANCE AND ITS  
SUBSIDIARY LEGISLATION**Marine Fish (Marketing) Ordinance**

1. Section 4 (1) of the Marine Fish (Marketing) Ordinance (Cap. 291) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 6 (1) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 8 is amended -
  - (a) in subsections (2) and (5), by repealing "Crown" wherever it appears and substituting "Government";
  - (b) in subsection (6), by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 9 (2) and (3) is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 11 (1) (b) and (2) (f) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
6. Section 13 is amended -

- (a) in paragraph (a), in the proviso, by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) in paragraphs (e) and (f), by repealing "Governor" and substituting "Chief Executive".
  
- 7. Section 14 is amended -
  - (a) in subsection (1), by repealing "Governor" and substituting "Chief Executive";
  - (b) in subsection (2) -
    - (i) by repealing "Governor" where it twice appears and substituting "Chief Executive";
    - (ii) by repealing "立法局" where it twice appears and substituting "立法會";
  - (c) in subsection (3), by repealing "Governor" where it twice appears and substituting "Chief Executive".
  
- 8. Section 15 (3) is amended -
  - (a) by repealing "Governor" and substituting "Chief Executive";
  - (b) by repealing "立法局" and substituting "立法會".
  
- 9. Section 16 is amended -
  - (a) in subsections (1) and (2), by repealing "Governor" wherever it appears and substituting "Chief Executive";

- (b) in subsection (4) -
  - (i) by repealing "by the Governor" and substituting "by the Chief Executive";
  - (ii) by repealing "pleasure of the Governor" and substituting "discretion of the Chief Executive";
- (c) in subsection (6), by repealing "Governor" and substituting "Chief Executive".

10. Section 17 (4) and (5) is amended by repealing "Governor" and substituting "Chief Executive".

11. Section 23 is amended -

- (a) in subsection (2), by repealing "Governor" and substituting "Chief Executive";
- (b) in subsection (3) -
  - (i) by repealing "Governor" and substituting "Chief Executive";
  - (ii) by repealing "立法局" where it twice appears and substituting "立法會".

12. Section 24 (3) (c) is amended by repealing "Governor" and substituting "Chief Executive".

### **Marine Fish (Marketing and Exportation) Regulations**

13. Regulation 4A (1), (2) and (4) of the Marine Fish (Marketing and Exportation) Regulations (Cap. 291 sub. leg.) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
14. Regulation 4C (2) (h) is amended by adding "or place" after "country".
15. Regulation 4F is amended -
  - (a) by repealing "Governor may" and substituting "Chief Executive may";
  - (b) by repealing "Governor in Council" and substituting "Chief Executive in Council".

### **Marine Fish (Marketing) By-laws**

16. By-law 2 of the Marine Fish (Marketing) By-laws (Cap. 291 sub. leg.) is amended, in the definition of "corporation", by repealing "the Colony" and substituting "Hong Kong".
17. By-law 23 (5) is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".



## SCHEDULE 10

[s. 3]

## MARINE FISH CULTURE ORDINANCE

1. Section 4 of the Marine Fish Culture Ordinance (Cap. 353) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
2. Section 16 (1), (2), (3) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
3. Section 22 (1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

## SCHEDULE 11

[s. 3]

## RABIES ORDINANCE

1. Section 2 of the Rabies Ordinance (Cap. 421) is amended, in the definition of "place prohibited to animals", by repealing "Governor" and substituting "Chief Executive".
2. Section 29 (1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

3. Section 31 (1) is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 42 (4) is amended by repealing "立法局" and substituting "立法會".
5. Section 48 is amended by repealing "Governor" and substituting "Chief Executive".
6. Section 49 (1) is amended by repealing "立法局" and substituting "立法會".
7. Section 51 (1) is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".

SCHEDULE 12

[s. 3]

WHALING INDUSTRY (REGULATION) ORDINANCE

1. Section 9 of the Whaling Industry (Regulation) Ordinance (Cap. 496) is amended -
  - (a) by renumbering it as section 9 (1);
  - (b) in subsection (1), by repealing "United Kingdom Department of Trade and Industry" where it twice appears and substituting "relevant authority in the Central People's Government";
  - (c) by adding -

"(2) In subsection (1), "relevant authority in the Central People's Government" "(中央人民政府有關當局)" means the organ in the Central People's Government from time to time responsible for whaling matters."

2. Section 13 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

#### 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 12).

2. The Ordinances adapted and their respective Schedule numbers under the Bill are -
- |  |            |
|--|------------|
| Public Health (Animals and Birds) Ordinance (Cap. 139)                     | Schedule 1 |
| Dogs and Cats Ordinance (Cap. 167)   | Schedule 2 |
| Pounds Ordinance (Cap. 168)  | Schedule 3 |
| Prevention of Cruelty to Animals Ordinance (Cap. 169)                      | Schedule 4 |
| Fisheries Protection Ordinance (Cap. 171)                                  | Schedule 5 |
| Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) | Schedule 6 |
| Plant (Importation and Pest Control) Ordinance                             | Schedule 7 |

(Cap. 207)

Agricultural Products (Marketing) Ordinance (Cap. 277)	Schedule 8
Marine Fish (Marketing) Ordinance (Cap. 291)	Schedule 9
Marine Fish Culture Ordinance (Cap. 353)	Schedule 10
Rabies Ordinance (Cap. 421)	Schedule 11
Whaling Industry (Regulation) Ordinance (Cap. 496)	Schedule 12

3. The Bill also provides that, subject to Article 12 of the Hong Kong Bill of Rights, most of the proposed 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)). Adaptations relating to provisions to be commenced after 1 July 1997 shall take effect as from the commencement of those provisions (clause 2 (2)).