

LEGISLATIVE COUNCIL BRIEF

- Fire Services Ordinance
(Chapter 95)
- Essential Services Corps Ordinance
(Chapter 197)
- Police Force Ordinance
(Chapter 232)
- Royal Hong Kong Auxiliary Police Force Ordinance
(Chapter 233)
- Police Forces (Change of Titles) Ordinance
(Chapter 248)
- Immigration Service Ordinance
(Chapter 331)
- Customs and Excise Service Ordinance
(Chapter 342)
- Auxiliary Medical Service Ordinance
(Chapter 517)
- Civil Aid Service Ordinance
(Chapter 518)
- Police Children's Education Trust Ordinance
(Chapter 1119)
- Police Education and Welfare Trust Ordinance
(Chapter 1120)

ADAPTATION OF LAWS (NO. 29) 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. 29) Bill 1999 at Annex A should be introduced into the Legislative Council to effect necessary adaptations to 11 Ordinances relating to the law enforcement agencies and their subsidiary legislation.

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. 29) 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, e.g. references to "the Colony" and "立法局" are replaced by "Hong Kong" and "立法會" respectively. Similarly, a reference to the "Governor" will be replaced by the "Chief Executive". 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. Other amendments are explained in detail at Annex B.

COMMENCEMENT

4. 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

5. The legislative timetable will be 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

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT

7. 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

8. There are no financial or staffing implications.

PUBLIC CONSULTATION

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

PUBLICITY

10. Apart from this Legislation Council brief, a press release will also be issued on 7 July 1999.

11. Enquiries on this brief should be directed to Mr Philip CHAN, Principal Assistant Secretary for Security (Tel : 2810 2632).

Security Bureau

7 July 1999

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