

## **LEGISLATIVE COUNCIL BRIEF**

- Labour Relations Ordinance  
(Chapter 55)
- Employment Ordinance  
(Chapter 57)
- Contracts for Employment Outside Hong Kong Ordinance  
(Chapter 78)
- Employees' Compensation Ordinance  
(Chapter 282)
- Industrial Training (Clothing Industry) Ordinance  
(Chapter 318)
- Trade Unions Ordinance  
(Chapter 332)
- Employees Compensation Assistance Ordinance  
(Chapter 365)
- Employees' Compensation Insurance Levies Ordinance  
(Chapter 411)
- Employees Retraining Ordinance  
(Chapter 423)
- Vocational Training Council Ordinance  
(Chapter 1130)

## **ADAPTATION OF LAWS (NO. 33) 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. 33) Bill 1999, at **Annex A**, should be introduced into the Legislative Council to effect necessary adaptations to the above ten Ordinances on labour-related matters 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."

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."

3. On 23 February 1997, the Standing Committee of the National People's Congress published a decision on the treatment of laws previously in force in Hong Kong. It provides, among other things, that the existing Hong Kong laws are to be adopted as laws of the Hong Kong Special Administrative Region and these laws shall, unless the context otherwise requires, be construed in accordance with specified principles of

interpretation. These interpretative principles are included in the Hong Kong Reunification Ordinance (Ord. No. 110 of 1997) and are now incorporated as section 2A and Schedule 8 in the Interpretation and General Clauses Ordinance (Cap. 1). However, although the Interpretation and General Clauses Ordinance laid down how terminologies inconsistent with the Basic Law or with the status of Hong Kong as a Special Administrative Region of the People's Republic of China are to be construed, it is considered unacceptable to retain such terminologies in our laws. Accordingly, we now need to introduce further legislation to effect the necessary textual amendments.

## **THE BILL**

4. Most of the proposed amendments are merely terminological changes, e.g. references to the “Governor” and “立法局” are replaced by the “Chief Executive” and “立法會” respectively. Where a provision previously conferred power on the “Governor” to make subsidiary legislation, the reference to the “Governor” is still 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.

5. Amendments that warrant further explanation are set out at **Annex B**.

6. The adaptation of section 50(3)(a) of the Employment Ordinance and sections 4(1)(b), 29(1)(c) and 30A of the Employees' Compensation Ordinance is deferred. Section 50(3)(a) of the Employment Ordinance and section 4(1)(b) of the Employees' Compensation Ordinance contain references to "Her Majesty's Government" or "Her Majesty", while sections 29(1)(c) and 30A of the Employees' Compensation Ordinance both relate to the attestation of depositions taken on oath in places outside Hong Kong (including the Mainland). The adaptation of these provisions, together with some other provisions that are deferred from time to time under the Adaptation Programme, may be submitted at a later time in the form of an 'Omnibus' bill.

## **COMMENCEMENT**

7. The Bill provides that, subject to Article 12 of the Hong Kong Bill of Rights, most of the adaptations when passed into law shall take effect retrospectively as from the date of the establishment of the Hong Kong Special Administrative Region. Adaptations which deal with provisions that are yet to come into operation shall take effect as from the date when the relevant provisions come into operation.

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable is -

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**

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.

## **PUBLICITY**

13. A press release will be issued on 7 July 1999.

## **ENQUIRIES**

14. For enquiries, please contact Mr Ivan Lee, Principal Assistant Secretary for Education and Manpower at telephone number 2186 8199.

Education and Manpower Bureau

7 July 1999

**ADAPTATION OF LAWS (NO. 33) BILL 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. 33) Ordinance 1999.

**2. Commencement**

(1) (a) This Ordinance, other than sections 9 and 10 of Schedule 1, shall be deemed to have come into operation on 1 July 1997.

(b) Paragraph (a) 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).

(2) Sections 9 and 10 of Schedule 1 shall come into operation on the day appointed for the commencement of Part V of the Labour Relations Ordinance (Cap. 55).

**3. Amendment of Ordinances**

The Ordinances specified in the Schedules are amended in the



manner indicated in those Schedules.

SCHEDULE 1

[s. 3]

LABOUR RELATIONS ORDINANCE

1. Section 1(2) of the Labour Relations Ordinance (Cap. 55) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 10 is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".
3. Section 11 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 12 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 "Governor" and substituting "Chief Executive".
5. Section 19(3) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
6. Section 20 is amended by repealing "Governor" and substituting

"Chief Executive".

7. Section 22 is amended by repealing "Governor in Council" wherever it appears and substituting "Chief Executive in Council".

8. Section 23(1) and (4) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

9. Section 35 is amended -

(a) in subsection (1), by repealing "Governor in Council" and substituting "Chief Executive in Council";

(b) in subsection (2)-

(i) in paragraph (b), by repealing "Governor in Council" and substituting "Chief Executive in Council";

(ii) in paragraph (e), by repealing "Governor" and substituting "Chief Executive".

10. Section 36 is amended -

(a) in subsection (2), by repealing "Governor in Council" and substituting "Chief Executive in Council";

(b) in subsection (3), by repealing "Governor" and substituting "Chief Executive".

EMPLOYMENT ORDINANCE AND ITS SUBSIDIARY LEGISLATION

**Employment Ordinance**

1. Section 4B of the Employment Ordinance (Cap. 57) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
2. Section 62 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 66 is amended by repealing "Crown" and substituting "Government".
4. Section 67A is amended by repealing "立法局" and substituting "立法會".
5. Section 68 is amended by repealing "Governor" and substituting "Chief Executive".
6. Section 73(1) is amended -
  - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) by repealing paragraph (h).

7. The Second Schedule is amended, in Part II, in Form 2, by repealing ", in Her Majesty's name,".

### **Employment of Children Regulations**

8. Regulation 10 of the Employment of Children Regulations (Cap. 57 sub. leg.) is repealed.

## SCHEDULE 3

[s. 3]

### CONTRACTS FOR EMPLOYMENT OUTSIDE HONG KONG ORDINANCE

1. The long title to the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) is amended by repealing "區" and substituting "方".

2. Section 1 is amended by repealing "區" and substituting "方".

3. Section 4 is amended -

(a) in subsection (1), by repealing "區" and substituting "方";

(b) in subsection (2) -

(i) by repealing paragraph (b);

(ii) in paragraph (c) -

(A) by repealing "country" and substituting "place";

(B) by repealing "外地" and substituting "香港以外地方".

4. The heading of Part II is amended by repealing "區" and substituting "方".
5. Section 5(2) is amended -
  - (a) in paragraph (h), by repealing "country" and substituting "place";
  - (b) in paragraph (ia), by repealing "country" and substituting "place".
6. Section 11(1)(h) is amended by repealing "territory" wherever it appears and substituting "place".
7. Section 12(b) is amended by repealing "territory" and substituting "place".
8. Section 13(b) is amended by repealing "territory" and substituting "place".
9. Section 16 is amended -
  - (a) by repealing "country" and substituting "place";
  - (b) by repealing "外地" where it twice appears and substituting "香港以外地方".

## **Consequential Amendments**

### **Labour Tribunal Ordinance**

10. The Schedule to the Labour Tribunal Ordinance (Cap. 25) is amended, in paragraph 1(a), by repealing "區" and substituting "方".

### **Employment Ordinance**

11. Section 4(2)(c) of the Employment Ordinance (Cap. 57) is amended by repealing "區" and substituting "方".

12. The Fourth Schedule is amended, in item 4, by repealing "區" and substituting "方".

### **Minor Employment Claims Adjudication Board Ordinance**

13. The Schedule to the Minor Employment Claims Adjudication Board Ordinance (Cap. 453) is amended, in paragraphs (a)(i) and (b)(i), by repealing "區" and substituting "方".

SCHEDULE 4

[s. 3]

EMPLOYEES' COMPENSATION ORDINANCE AND ITS SUBSIDIARY LEGISLATION

### **Employees' Compensation Ordinance**

1. Section 2(3) of the Employees' Compensation Ordinance (Cap. 282) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 3 is amended, in the definition of "employer", by repealing "Her Majesty in Her Government of Hong Kong" and substituting "the Government".
3. Section 39 is amended -
  - (a) in subsection (2), by repealing "Crown" and substituting "State";
  - (b) in subsection (3), by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 45D(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
5. Section 48A is amended by repealing "立法局" and substituting "立法會".

### **Employees' Compensation (Rules of Court) Rules**

6. Rule 13 of the Employees' Compensation (Rules of Court) Rules

(Cap. 282 sub. leg.) is amended by repealing "the Colony" wherever it appears and substituting "Hong Kong".

## SCHEDULE 5

[s. 3]

## INDUSTRIAL TRAINING (CLOTHING INDUSTRY) ORDINANCE

1. Section 2 of the Industrial Training (Clothing Industry) Ordinance (Cap. 318) is amended -

- (a) in the definition of "A.T.A. Carnet", in paragraph (b), by repealing "so long as the United Kingdom adheres to it" and substituting "so long as it applies to Hong Kong";
- (b) in the definition of "Commissioner" -
  - (i) by repealing "總監" and substituting "關長";
  - (ii) by repealing "海關副總監" and substituting "海關副關長";
  - (iii) by repealing "助理總監" and substituting "助理關長".

2. Section 3 is amended by repealing "總監" wherever it appears and substituting "關長".

3. Section 6(2) is amended by repealing "Governor" and substituting "Chief Executive".



4. Section 7 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
5. Section 8 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
6. Section 14(a) is amended by repealing "總監" and substituting "關長".
7. Section 15 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
8. Section 20 is amended -
  - (a) in subsection (1), by repealing "Governor" where it twice appears and substituting "Chief Executive";
  - (b) in subsection (2) -
    - (i) by repealing "Governor" and substituting "Chief Executive";
    - (ii) by repealing "立法局" and substituting "立法會".
9. Section 22(1) is amended by repealing "立法局" and substituting "立法會".
10. Section 23(1), (2)(a) and (c), (3)(a), (3A) and (3B) is amended by repealing "總監" wherever it appears and substituting "關長".
11. Section 24(1) and (2) is amended by repealing "總監" wherever it appears and substituting "關長".

12. Section 25(1), (2), (3), (4) and (6) is amended by repealing "總監" wherever it appears and substituting "關長".
13. Section 26(1) is amended by repealing "總監" and substituting "關長".
14. Section 27(1) and (2) is amended by repealing "總監" and substituting "關長".
15. Section 28(1), (3) and (4) is amended by repealing "總監" wherever it appears and substituting "關長".
16. Section 29(4)(b) is amended by repealing "總監" and substituting "關長".
17. Section 30(1) and (2) is amended by repealing "總監" wherever it appears and substituting "關長".
18. Section 30A is amended by repealing "總監" where it twice appears and substituting "關長".
19. Section 30B is amended by repealing "總監" and substituting "關長".
20. Section 31 is amended by repealing "總監" and substituting "關長".
21. Section 31A(1) is amended by repealing "總監" where it twice

appears and substituting "關長".

22. Section 34 is amended by repealing "總監" where it twice appears and substituting "關長".

23. Section 35 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

24. Section 36 is amended -

- (a) in subsection (1), by repealing "Governor in Council" and substituting "Chief Executive in Council";
- (b) in subsection (2), by repealing "Governor" and substituting "Chief Executive".

#### SCHEDULE 6

[s. 3]

#### TRADE UNIONS ORDINANCE

1. Section 3 of the Trade Unions Ordinance (Cap. 332) is amended by repealing "Governor" and substituting "Chief Executive".

2. Section 17(3) and (3A) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

3. Section 28 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

4. Section 33A(1) is amended by repealing "立法局" wherever it appears and substituting "立法會".

5. Section 59(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 7

[s. 3]

EMPLOYEES COMPENSATION ASSISTANCE ORDINANCE

1. Section 3 of the Employees Compensation Assistance Ordinance (Cap. 365) is amended -

- (a) in subsection (2)(a) and (b), by repealing "Governor" wherever it appears and substituting "Chief Executive";
- (b) in subsection (5), by repealing "Governor" and substituting "Chief Executive";
- (c) in subsection (6), by repealing "Crown" where it twice appears and substituting "State".

2. Section 6 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

3. Section 14(3) is amended by repealing "立法局" and substituting "立法會".

4.. Section 15 is amended -

- (a) in subsection (1), by repealing "Governor" where it twice appears and substituting "Chief Executive";

- (b) in subsection (2) -
  - (i) by repealing "Governor" and substituting "Chief Executive";
  - (ii) by repealing "立法局" and substituting "立法會".

5. Section 41(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

6. Schedule 1 is amended -

- (a) in paragraph 2(2), (3) and (4), by repealing "Governor" wherever it appears and substituting "Chief Executive";
- (b) in paragraph 3, by repealing "Governor" wherever it appears and substituting "Chief Executive".

#### SCHEDULE 8

[s. 3].

#### EMPLOYEES' COMPENSATION INSURANCE LEVIES ORDINANCE

1. Section 3(2) of the Employees' Compensation Insurance Levies Ordinance (Cap. 411) is amended -

- (a) in paragraphs (a), (b), (c), (d), (e), (ea) and (eb), by repealing "Governor" wherever it appears and substituting "Chief Executive";
- (b) in paragraph (f) -
  - (i) by repealing "Governor" where it first appears and substituting "Chief Executive";

- (ii) by repealing "at the pleasure of the Governor" and substituting "at the discretion of the Chief Executive".
2. Section 4(b) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 12(3) is amended by repealing "立法局" and substituting "立法會".
4. Section 13 is amended -
  - (a) by repealing "Governor" where it twice appears and substituting "Chief Executive";
  - (b) by repealing "立法局" and substituting "立法會".
5. Section 14(2) is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".
6. Section 23(1) is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 26(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
8. Section 27 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
9. Schedule 1 is amended -
  - (a) in paragraph 2, by repealing "Crown" where it twice

- appears and substituting "State";
- (b) in paragraph 3(2)(a) and (b), (3) and (4), by repealing "Governor" and substituting "Chief Executive";
- (c) in paragraph 4, by repealing "Governor" wherever it appears and substituting "Chief Executive".

## SCHEDULE 9

[s. 3]

## EMPLOYEES RETRAINING ORDINANCE

1. Section 3(2) of the Employees Retraining Ordinance (Cap. 423) is amended -
  - (a) in paragraph (a), by repealing "Governor" wherever it appears and substituting "Chief Executive";
  - (b) in paragraph (b) -
    - (i) by repealing "Governor" where it first appears and substituting "Chief Executive";
    - (ii) by repealing "at the pleasure of the Governor" and Substituting "at the discretion of the Chief Executive".
2. Section 10(2) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 11(2) is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 12(3) and (4) is amended by repealing "立法局" wherever

it appears and substituting "立法會".

5. Section 13 is amended -
  - (a) by repealing "Governor" wherever it appears and substituting "Chief Executive";
  - (b) by repealing "立法局" where it twice appears and substituting "立法會".
6. Section 14(3) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
7. Section 27 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
8. Section 31(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
9. Schedule 1 is amended -
  - (a) in section 2, by repealing "Crown" where it twice appears and substituting "State";
  - (b) in section 3(2)(a) and (b), (3) and (4), by repealing "Governor" and substituting "Chief Executive";
  - (c) in section 4, by repealing "Governor" wherever it appears and substituting "Chief Executive".

SCHEDULE 10

[s. 3]

VOCATIONAL TRAINING COUNCIL ORDINANCE



1. Section 5(a) of the Vocational Training Council Ordinance (Cap. 1130) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 6(1) is amended -
  - (a) in paragraphs (a), (b) and (c), by repealing "Governor" wherever it appears and substituting "Chief Executive";
  - (b) in paragraph (f), by repealing everything after "specified by the" and substituting "Chief Executive, or any public officer delegated with the function, duty or power under section 5(2A) of the Apprenticeship Ordinance (Cap. 47), to be designated trades under section 45 of that ordinance;".
3. Section 8 is amended -
  - (a) in subsections (1)(a) and (b), (2) and (3), by repealing "Governor" and substituting "Chief Executive";
  - (b) in subsection (4), by repealing "at the pleasure of the Governor" and substituting "at the discretion of the Chief Executive";
  - (c) in subsections (5), (6) and (7), by repealing "Governor" and substituting "Chief Executive".
4. Section 9(1A) is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 10(1) and (2) is amended by repealing "Governor" and

substituting "Chief Executive".

6. Section 12(a) is amended by repealing "立法局" and substituting "立法會".

7. Section 14 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

8. Section 15 is amended by repealing "Governor" and substituting "Chief Executive".

9. Section 19 is amended -

(a) in subsection (1), by repealing "Governor" where it twice appears and substituting "Chief Executive";

(b) in subsection (2) -

(i) by repealing "Governor" and substituting "Chief Executive";

(ii) by repealing "立法局" and substituting "立法會".

10. Section 19A(3) is amended by repealing "立法局" and substituting "立法會".

11. Section 21 is amended by repealing "Crown" where it twice appears and substituting "State".

12. Section 22 is amended by repealing "Governor in Council" where it twice appears 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 10).

2. The Ordinances adapted and their respective Schedule numbers under the Bill are -
- |  |             |
|--|-------------|
| Labour Relations Ordinance (Cap. 55)                           | Schedule 1  |
| Employment Ordinance (Cap. 57)                                 | Schedule 2  |
| Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) | Schedule 3  |
| Employees' Compensation Ordinance (Cap. 282)                   | Schedule 4  |
| Industrial Training (Clothing Industry) Ordinance (Cap. 318)   | Schedule 5  |
| Trade Unions Ordinance (Cap. 332)                              | Schedule 6  |
| Employees Compensation Assistance Ordinance (Cap. 365)         | Schedule 7  |
| Employees' Compensation Insurance Levies Ordinance (Cap. 411)  | Schedule 8  |
| Employees Retraining Ordinance (Cap. 423)                      | Schedule 9  |
| Vocational Training Council Ordinance (Cap. 1130)              | Schedule 10 |
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)) except for sections 9 and 10 of Schedule 1, which shall take effect on the day appointed for the commencement of Part V of the Labour Relations Ordinance (Cap. 55) (clause 2(2)).

**Amendments to be noted**

**Schedule 2, Section 3**

(Section 66 of Employment Ordinance (Cap. 57))

The expression “civil debt due to the *Crown*” is adapted by changing “Crown” to “*Government*”, as it concerns a matter under the sole responsibility of the HKSARG.

**Schedule 3, Section 3(b)(i)**

(Section 4(2)(b) of Contracts for Employment Outside Hong Kong Ordinance (Cap. 78))

Cap. 78 provides for the control of contracts of employment entered into in Hong Kong by employees proceeding outside Hong Kong for employment. However, s.4(2)(b) excludes the application of the Ordinance in respect of persons proceeding to the United Kingdom for employment there. In view of the sovereignty implications of this exclusion, s.4(2)(b) is *repealed*.

**Schedule 3, Section 3(b)(ii)**

(Section 4(2)(c) of Contracts for Employment Outside Hong Kong Ordinance (Cap. 78))

Section 4(2)(c) excludes the application of the Ordinance to “persons migrating for employment whose admission to the *country* of immigration will be granted on a permanent basis”. It is the policy intent that the exclusion should cover (inter alia) persons migrating for employment in Taiwan, Macau or other parts of PRC who are admitted to the place on a permanent basis. To reflect the policy intent, it is appropriate to adapt “country” to “*place*”, as a person in Hong Kong has to obtain the approval of the local authority of such place for admission to the place on a permanent basis.

**Schedule 4, Section 3(a)**

(Section 39(2) of Employees’ Compensation Ordinance (Cap. 282))

Part IV (i.e. ss. 37 to 45D) relates to compulsory insurance against

employer's liability. That Part requires the employer to take out insurance against employer's liability before he employs a person. Section 39(2) excludes the application of Part IV of the Ordinance to "any employment by or under the **Crown**". Clause 3(a) amends the section, so that Part IV of the Ordinance shall not apply to "any employment by or under the **State**". This adaptation is consistent with section 7(1) of Schedule 9 to the Interpretation and General Clauses Ordinance, Cap. 1, which provides that where it is expressly stated that the right of the Crown is or is not affected, or that the Crown is or is not bound by an Ordinance, the reference to "Crown" will be construed to mean "State".

**Schedule 5, Section 1(a)**

(Section 2, para. (b) of the definition of "A.T.A. Carnet" of Industrial Training (Clothing Industry) Ordinance (Cap.318))

The People's Republic of China is a party to the A.T.A. Convention. Article 153 of the Basic Law provides that the application to HKSAR of international agreements to which PRC is or becomes a party shall be decided by CPG, in accordance with the circumstances and needs of the Region, and after seeking the views of the HKSAR Government. Hence, the expression "*so long as the United Kingdom adheres to it*" is adapted to "*so long as it applies to Hong Kong*".

**Schedule 7, Section 1(c)**

(Section 3(6) of Employees Compensation Assistance Ordinance (Cap. 365))

Section 3(6) provides that "the Board is not a servant or agent of the **Crown**, nor does it enjoy any status, immunity or privilege of the **Crown**". It is considered that the intention of this provision is to rebut the presumption in section 66 of Cap. 1, which formerly provided that the Crown was not bound by an Ordinance unless it contained an express provision or by necessary implication that it was bound. As "the Crown" in section 66 of Cap. 1 has already been changed to "the State", it is logical to substitute "**State**" for "Crown" in this section, so as to reflect the intention that the Board does not enjoy any immunity under section 66 of Cap. 1.

**Schedule 8, Section 9(a)**

(Schedule 1, para. 2 of Employees' Compensation Insurance Levies Ordinance (Cap. 411))

For the same reason as stated above, "**Crown**" is adapted to "**State**" to displace the immunity under s.66 of Cap. 1.

**Schedule 9, Section (a)**

(Schedule 1, section 2 of Employees Retraining Ordinance (Cap. 423))

For the same reason as stated above, "**Crown**" is adapted to "**State**" to displace the immunity under s.66 of Cap. 1.

**Schedule 10, Section 2(b)**

(Section 6(1), para. (f) of Vocational Training Council Ordinance (Cap.1130))

This section refers to s.45 of the Apprenticeship Ordinance (Cap. 47). To reflect the changes made to that provision in a separate Adaptation Bill, this section is correspondingly adapted by **repealing everything beginning from "Governor" and substituting "Chief Executive, or any public officer delegated with the function, duty or power under s.5(2A) of the Apprenticeship Ordinance (Cap. 47), to be designated trades under section 45 of that ordinance."**

**Schedule 10, Section 11**

(Section 21 of Vocational Training Council Ordinance (Cap.1130))

For the same reason as stated above, "**Crown**" is adapted to "**State**" to displace the immunity under s.66 of Cap. 1.