

## **LEGISLATIVE COUNCIL BRIEF**

Antiquities and Monument Ordinance (Cap. 53)  
Miscellaneous Licences Ordinance (Cap. 114)  
Public Health and Municipal Services Department Ordinance (Cap. 132)  
Books Registration Ordinance (Cap. 142)  
Places of Public Entertainment Ordinance (Cap. 172)  
Hong Kong Arts Centre Ordinance (Cap. 304)  
Ocean Park Corporation Ordinance (Cap. 388)  
Lord Wilson Heritage Trust Ordinance (Cap. 425)  
Amusement Game Centres Ordinance (Cap. 435)  
Amusement Rides (Safety) Ordinance (Cap. 449)  
Hong Kong Arts Development Council Ordinance (Cap. 472)  
Sir David Trench Fund for Recreation Ordinance (Cap. 1128)  
The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135)  
Hong Kong Sports Development Board Ordinance (Cap. 1149)

### **ADAPTATION OF LAWS (NO. 16) BILL 1998**

#### **INTRODUCTION**

At the meeting of the Executive Council on 15 December 1998, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No. 16) Bill 1998, at the Annex, should be introduced into the Legislative Council.

#### **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. 16) Bill 1998 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” and “Governor in Council” have been changed to references to “Chief Executive” and “Chief Executive in Council” respectively.
4. Other amendments which warrant further explanation include the following:-
  - (a) where a provision states that a corporation shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, it is proposed to change “the Crown” to “the State”. The intention of such a provision is to rebut the presumption in section 66 of the Interpretation and General Clauses Ordinance (Cap. 1) which formerly provided for the immunity of the Crown;
  - (b) “Crown lease” is adapted to “Government lease” in accordance with the principle of Article 7 of the Basic Law which states that land shall be state property and that the Hong Kong Special Administrative Region (HKSAR) Government shall be responsible for the management, use, development of land and for its lease or grant;
  - (c) in provisions which confer powers over matters for which the HKSAR Government is solely responsible, references to “the Crown” will be changed to “the Government” in accordance with section 2 to Schedule 8 to the Interpretation and General Clauses Ordinance;
  - (d) any provision saving the rights of Her Majesty the Queen, Her Heirs or Successors shall be amended to saving the rights of the Central People’s Government or the Government of the HKSAR under the Basic Law or other laws;
  - (e) where a provision confers a privilege on the United Kingdom or other Commonwealth countries or territories or an institution in those countries or territories without reciprocal arrangements, the provision is repealed; and

- (f) where a provision confers a power on the Governor to make subsidiary legislation, a reference to “the Chief Executive in Council” will be substituted so as to comply with Article 56 of the Basic Law which requires the Chief Executive to consult the Executive Council before making subordinate legislation.

## **COMMENCEMENT**

5. The Bill also 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 HKSAR.

## **HUMAN RIGHTS IMPLICATIONS**

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

## **BINDING EFFECT OF THE LEGISLATION**

7. The amendments in the Bill (except section 44 of Schedule 3) do not affect the current binding effect of the existing provisions of various Ordinances covered by the Bill.

8. Section 44 of Schedule 3 amends section 2(2) of the Swimming Pools (Regional Council) By-Law (Cap. 132 sub.leg.) so that the By-law, which does not apply to swimming pools owned by “the Crown”, will not apply to swimming pools owned by “the State”, pursuant to item 7(1) of Schedule 9 to the Interpretation and General Clauses Ordinance.

## **LEGISLATIVE TIMETABLE**

9. The proposed legislative timetable is as follows-

Publication in the Gazette	24 December 1998
First Reading and commencement of Second Reading Debate	6 January 1999
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

## **FINANCIAL AND STAFFING IMPLICATIONS**

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

## **PUBLIC CONSULTATION**

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

## **PUBLICITY**

12. A press release will be issued on 22 December 1998 and the Bill will be gazetted on 24 December 1998.

## **OTHER**

13. Enquiries concerning the Bill and this brief can be directed to Mrs Clara Leung, Assistant Secretary for Home Affairs (tel no. 2594 5614).

Home Affairs Bureau  
File Ref: SF(1) to HAB/CS/CR 7/3/2  
December 1998

## ADAPTATION OF LAWS (NO. 16) BILL 1998

## CONTENTS

Clause		Page
1.	Short title	1
2.	Commencement	1
3.	Amendment of Ordinances	1
Schedule 1	Antiquities and Monuments Ordinance	2
Schedule 2	Miscellaneous Licences Ordinance and its subsidiary legislation	5
Schedule 3	Public Health and Municipal Services Ordinance and its subsidiary legislation	6
Schedule 4	Books Registration Ordinance	13
Schedule 5	Places of Public Entertainment Ordinance and its subsidiary legislation	13
Schedule 6	Hong Kong Arts Centre Ordinance	14
Schedule 7	Ocean Park Corporation Ordinance	16
Schedule 8	Lord Wilson Heritage Trust Ordinance	18
Schedule 9	Amusement Game Centres Ordinance	19
Schedule 10	Amusement Rides (Safety Ordinance and its subsidiary Legislation	21
Schedule 11	Hong Kong Arts Development Council Ordinance	21
Schedule 12	Sir David Trench Fund for Recreation Ordinance	22
Schedule 13	The Hong Kong Academy for Performing Arts Ordinance	24
Schedule 14	Hong Kong Sports Development Board Ordinance	25

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. 16) Ordinance 1998.

**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]

## ANTIQUITIES AND MONUMENTS ORDINANCE

1. Section 2B(2) of the Antiquities and Monuments Ordinance (Cap. 53) is amended by repealing “Governor” and substituting “Chief Executive”.
  
2. Section 2C is amended -
  - (a) in subsection (3), by repealing “Governor” and substituting “Chief Executive”;
  - (b) in subsection (4) -
    - (i) by repealing “The Governor” and substituting “The Chief Executive”;
    - (ii) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (c) in subsection (5), by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (d) in subsection (6) -
    - (i) by repealing “Governor” where it first appears and substituting “Chief Executive”;
    - (ii) by repealing “Governor in Council” and substituting “Chief Executive in Council”.

3. Section 3(1) is amended by repealing “Governor” and substituting “Chief Executive”.
4. Section 4 is amended -
  - (a) in subsection (3), by repealing “Governor” where it twice appears and substituting “Chief Executive”;
  - (b) in subsection (4) -
    - (i) by repealing “The Governor” and substituting “The Chief Executive”;
    - (ii) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (c) in subsection (5), by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (d) in subsection (6) -
    - (i) by repealing “Governor” where it first appears and substituting “Chief Executive”;
    - (ii) by repealing “Governor in Council” and substituting “Chief Executive in Council”.
5. Section 5(1)(b) is amended by repealing “Governor” and substituting “Chief Executive”.
6. Section 6(2), (3) and (4) is amended by repealing “Governor”



and substituting “Chief Executive”.

7. Section 7 is amended by repealing “Governor” and substituting “Chief Executive”.

8. Section 8(1) is amended by repealing “Governor” and substituting “Chief Executive”.

9. Section 11(4) is amended by repealing “Governor” and substituting “Chief Executive”.

10. Section 16 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

11. Section 17(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

12. Section 21 is amended by repealing “立法局” and substituting “立法會”.

13. Section 22(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

SCHEDULE 2

[s. 3]

MISCELLANEOUS LICENCES ORDINANCE AND ITS SUBSIDIARY LEGISLATION

**Miscellaneous Licences Ordinance**

1. Section 3(1) of the Miscellaneous Licences Ordinance (Cap. 114) is amended -
  - (a) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (b) in paragraph (i), by repealing “Governor” and substituting “Chief Executive”.

**Miscellaneous Licences Regulations**

2. Regulation 9 of the Miscellaneous Licences Regulations (Cap. 114 sub. leg.) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
3. Regulation 61 is amended by repealing “the Colony” and substituting “Hong Kong”.
4. Regulation 78(1)(c) is amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.
5. Regulation 110 is amended by repealing “the Colony” and substituting “Hong Kong”.

6. Regulation 119 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.

7. Regulation 139 is amended by repealing “the Colony” and substituting “Hong Kong”.

SCHEDULE 3

[s. 3]

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE AND  
ITS SUBSIDIARY LEGISLATION

**Public Health and Municipal Services Ordinance**

1. Section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132) is amended -

- (a) in the definition of “health inspector”, by repealing “Governor” and substituting “Chief Executive”;
- (b) in the definition of “public analyst”, by repealing “Governor” and substituting “Chief Executive”.

2. Section 3(2) and (3) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

3. Section 11 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

4. Section 20(3)(a) is amended by repealing “Crown” and substituting “Government”.

5. Section 22(4) is amended by repealing “Crown” and substituting “Government”.
6. Section 22A(4), (7) and (8) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
7. Section 55(1B) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
8. Section 81(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
9. Section 83B(7) is amended by repealing “Crown” and substituting “Government”.
10. Section 84(4) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
11. Section 86C(3) is amended by repealing “Crown” and substituting “Government”.
12. Section 86D is amended by repealing “Crown” and substituting “Government”.
13. Section 92 is amended by repealing “Crown” and substituting “Government”.

14. Section 102 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

15. Section 107(4) is amended by repealing “Governor” and substituting “Chief Executive”.

16. Section 110(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

17. Section 111B(5)(b) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

18. Section 111C(6)(b) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

19. Section 113(3) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

20. Section 117(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

21. Section 119 is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

22. Section 122 is amended by repealing “Governor in Council”

where it twice appears and substituting “Chief Executive in Council”.

23. Section 125(10)(b) is amended by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

24. Section 130(6) is amended by repealing “Crown” where it twice appears and substituting “Government”.

25. Section 131(4) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

26. Section 138 is amended, in the proviso, by repealing “Crown” and substituting “Government”.

27. Section 143(c) is amended -

- (a) by repealing “Governor” where it first appears and substituting “Chief Executive”;
- (b) by repealing “Governor in Council” and substituting “Chief Executive in Council”.

28. Section 144 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

29. Section 145 is amended -

- (a) in subsection (1), by repealing “Governor in

Council” where it twice appears and substituting “Chief Executive in Council”;

- (b) in subsection (3) -
  - (i) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
  - (ii) by repealing “行政局” and substituting “行政會議”;
- (c) in subsections (4) and (5), by repealing “Governor in Council” and substituting “Chief Executive in Council”.

30. Section 147(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

31. Section 149(2) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

32. The Third Schedule is amended, in entry relating to section 104(1), by repealing “Governor in Council” where it twice appears and substituting “Chief Executive in Council”.

### **Abattoirs (Urban Council) Bylaws**

33. Bylaw ???A (2) (b) of the Abattoirs (Urban Council) Bylaws (Cap. 132 sub. leg.) is amended by repealing “Royal”.

### **Advertisements By-laws**

34. By-law 3(1) of the Advertisements By-laws (Cap. 132 sub. leg.) is amended by repealing “the Colony” and substituting “Hong Kong”.

### **Pleasure Grounds (Regional Council) Bylaws**

35. Bylaw 17(2) of the Pleasure Grounds (Regional Council) Bylaws (Cap. 132 sub. leg.) is amended by repealing “Air Navigation (Overseas Territories) Order 1977 (App. III p. DP 1)” and substituting “Air Navigation (Hong Kong) Order 1995 (L.N. 561 of 1995)”.

### **Public Cleansing and Prevention of Nuisances (Regional Council) By-laws**

36. By-law 5(4) (a) of the Public Cleansing and Prevention of Nuisances (Regional Council) By-laws (Cap. 132 sub. leg.) is amended by repealing “Crown” and substituting “Government”.

37. By-law 9(4) is amended by repealing “Crown” and substituting “State”.

38. By-law 9A(4) is amended by repealing “Crown” and substituting “State”.



**Public Cleansing and Prevention of Nuisances  
(Urban Council) By-laws**

39. By-law 5(4) (a) of the Public Cleansing and Prevention of Nuisances (Urban Council) By-laws (Cap. 132 sub. leg.) is amended by repealing “Crown” and substituting “Government”.

40. By-law 9(4) is amended by repealing “Crown” and substituting “State”.

41. By-law 9A(4) is amended by repealing “Crown” and substituting “State”.

**Slaughterhouses (Regional Council) Bylaws**

42. Bylaw 12(2) (b) of the Slaughterhouses (Regional Council) Bylaws (Cap. 132 sub. leg.) is amended by repealing “Royal”.

**Slaughterhouses (Urban Council) Bylaws**

43. Bylaw 12(2) (b) of the Slaughterhouses (Urban Council) Bylaws (Cap. 132 sub. Leg.) is amended by repealing “Royal”.

**Swimming Pools (Regional Council) Bylaws**

44. Bylaw 2(2) of the Swimming Pools (Regional Council) Bylaws (Cap. 132 sub. leg.) is amended by repealing “Crown” and substituting “State”.

45. Bylaw 13(3) is amended by repealing “Royal Life Saving Society” and substituting “Hong Kong Life Saving Society”.

### **Swimming Pools (Urban Council) Bylaws**

46. Bylaw 12 of the Swimming Pools (Urban Council) Bylaws (Cap. 132 sub. leg.) is amended by repealing “Royal Life Saving Society” and substituting “Hong Kong Life Saving Society”.

#### SCHEDULE 4

[s. 3]

#### BOOKS REGISTRATION ORDINANCE

1. Section 4(1) (b) (i) of the Books Registration Ordinance (Cap. 142) is repealed.
2. Section 6 is amended by repealing “Governor” and substituting “Chief Executive in Council”.

#### SCHEDULE 5

[s. 3]

#### PLACES OF PUBLIC ENTERTAINMENT ORDINANCE AND ITS SUBSIDIARY LEGISLATION

### **Places of Public Entertainment Ordinance**

1. Section 7(1) (g) of the Places of Public Entertainment Ordinance (Cap. 172) is amended by repealing “Governor” and substituting “Chief Executive”.

### **Places of Public Entertainment Regulations**

2. Regulation 4 of the Places of Public Entertainment Regulations (Cap. 172 sub. leg.) is amended by repealing “the Colony” and substituting “Hong Kong”.
  
3. Regulation 56(1) is amended by repealing “the Colony” and substituting “Hong Kong”.

### SCHEDULE 6

[s. 3]

### HONG KONG ARTS CENTRE ORDINANCE

1. Section 2 of the Hong Kong Arts Centre Ordinance (Cap. 304) is amended in the definition of “Chief Executive” by repealing “Chief Executive” wherever it appears and substituting “Executive Director”.
  
2. Section 9(2) is amended -
  - (a) in paragraph (a), by repealing “Chief Executive” and substituting “Executive Director”;
  - (b) in paragraph (b), by repealing “Governor” and substituting “Chief Executive”.
  
3. Section 10 is amended -
  - (a) in subsection (1), by repealing “Governor” where it twice appears and substituting “Chief Executive”;

- (b) in subsection (6), by repealing “Chief Executive” and substituting “Executive Director”.

4. Section 11 is amended -

- (a) in subsection (1) and (2), by repealing “Chief Executive” wherever it appears and substituting “Executive Director”;
- (b) by repealing subsection (3).

5. Section 12(4) and (5) is amended by repealing “Chief Executive” and substituting “Executive Director”.

6. Section 14 is amended by repealing “Chief Executive” and substituting “Executive Director”.

7. Section 15(5) is amended by repealing the proviso.

8. Section 18 is amended by repealing “Chief Executive” where it twice appears and substituting “Executive Director”.

9. Section 19 is amended -

- (a) in subsection (1), by repealing “Chief Executive” and substituting “Executive Director”;
- (b) in subsection (2) -
  - (i) by repealing “Chief Executive” where it twice appears and substituting “Executive Director”;

- (ii) by repealing “Chief Executive’s” and substituting “Executive Director’s”.

10. Section 26(1) (c) is amended by repealing “Chief Executive” and substituting “Executive Director”.

11. Section 31 is amended by repealing “Her Majesty the Queen, Her Heirs or Successors” and substituting “the Central People’s Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws”.

#### SCHEDULE 7

[s. 3]

#### OCEAN PARK CORPORATION ORDINANCE

1. Section 2 of the Ocean Park Corporation Ordinance (Cap. 388) is amended, in the definition of “Chief Executive”, by adding “of the Corporation” after “Chief Executive” where it twice appears.
2. Section 8 is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
3. Section 9(1) and (2) is amended by repealing “Governor” and substituting “Chief Executive”.
4. Section 19(1) is amended by adding “of the Corporation” after “Chief Executive”.

5. Section 23 is amended by adding “of the Corporation” after “Chief Executive” where it twice appears.
6. Section 24 is amended by adding “of the Corporation” after “Chief Executive” wherever it appears.
7. Section 26(3) is amended -
  - (a) by repealing “Governor” and substituting “Chief Executive”;
  - (b) by repealing “立法局” where it twice appears and substituting “立法會”.
8. Section 31(a) (ii) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
9. Section 33(3) is amended -
  - (a) by repealing “Governor” and substituting “Chief Executive”;
  - (b) by repealing “立法局” where it twice appears and substituting “立法會”.
10. Section 36 is amended by repealing “Crown” where it twice appears and substituting “State”.
11. Section 37 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

12. Section 38 is amended by repealing “Governor” and substituting “Chief Executive”.

SCHEDULE 8

[s. 3]

LORD WILSON HERITAGE TRUST ORDINANCE

1. Section 4(2) of the Lord Wilson Heritage Trust Ordinance (Cap. 425) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

2. Section 5(3) (a) is amended by repealing “Governor” and substituting “Chief Executive”.

3. Section 7(2) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

4. Section 11 is amended -

- (a) in subsection (1), by repealing “Governor at his pleasure” and substituting “Chief Executive at his discretion”;
- (b) in subsections (2) and (3), by repealing “Governor” and substituting “Chief Executive”.

5. Section 13 is amended -

- (a) in subsection (3), by repealing “Governor” and substituting “Chief Executive”;
- (b) in subsection (5) -

- (i) by repealing “Governor” where it twice appears and substituting “Chief Executive”;
- (ii) by repealing “立法局” and substituting “立法會”.

SCHEDULE 9

[s. 3]

AMUSEMENT GAME CENTRES ORDINANCE

1. Section 2(2) of the Amusement Game Centres Ordinance (Cap. 435) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
2. Section 12(2), (4) and (6) is amended by repealing “Governor” and substituting “Chief Executive”.
3. Section 13(8) is amended by repealing “Crown” and substituting “Government”.
4. Section 14(1) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 17(2) is amended by repealing “Crown” and substituting “Government”.
6. Section 18(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.



## SCHEDULE 10

[s. 3]

## AMUSEMENT RIDES (SAFETY) ORDINANCE AND ITS SUBSIDIARY LEGISLATION

**Amusement Rides (Safety) Ordinance**

1. Section 25(5) of the Amusement Rides (Safety) Ordinance (Cap. 449) is amended by repealing “立法局” and substituting “立法會”.

**Amusement Rides (Safety) (Operation and Maintenance) Regulation**

2. Section 14(2) of the Amusement Rides (Safety) (Operation and Maintenance) Regulation (Cap. 449 sub. leg.) is amended by repealing “皇家天文台” and substituting “香港天文台”.

## SCHEDULE 11

[s. 3]

## HONG KONG ARTS DEVELOPMENT COUNCIL ORDINANCE

1. Section 2 of the Hong Kong Arts Development Council Ordinance (Cap. 472) is amended, in the definition of “Chairman”, by repealing “Governor” and substituting “Chief Executive”.
2. Section 3 is amended -
  - (a) in subsections (3) (a), (4), (5) and (6), by repealing “Governor” wherever it appears and substituting “Chief Executive”;
  - (b) in subsection (3), by repealing “Governor” and

substituting “Chief Executive in Council”.

3. Section 4(h) is amended by repealing “Governor” and substituting “Chief Executive”.
4. Section 8(1) is amended -
  - (a) by repealing “Governor” and substituting “Chief Executive”;
  - (b) by repealing “立法局” and substituting “立法會”.
5. Section 11(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
6. Section 14(4) is amended by repealing “立法局” and substituting “立法會”.
7. Section 15 is amended -
  - (a) by repealing “Governor” wherever it appears and substituting “Chief Executive”;
  - (b) by repealing “立法局” and substituting “立法會”.
8. Section 16 is amended by repealing “Governor” and substituting “Chief Executive”.
9. The Schedule is amended -
  - (a) in paragraph 2(2) and (3), by repealing “Governor” wherever it appears and substituting “Chief

- Executive”;
- (b) in paragraph 3, by repealing “Governor” and substituting “Chief Executive”.

SCHEDULE 12

[s. 3]

SIR DAVID TRENCH FUND FOR RECREATION ORDINANCE

1. Section 5 of the Sir David Trench Fund for Recreation Ordinance (Cap. 1128) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
2. Section 6 is amended -
  - (a) in subsection (1) -
    - (i) by repealing “Governor” and substituting “Chief Executive”;
    - (ii) by repealing “立法局” and substituting “立法會”;
  - (b) in subsection (2), by repealing “Governor” and substituting “Chief Executive”.
3. Section 7 is amended -
  - (a) in subsection (1) -
    - (i) by repealing “Governor” and substituting “Chief Executive”;

- (ii) by repealing “, and may remit moneys comprised in the fund to the Crown Agents for investment in the name of the trustee”;
  - (b) in subsection (2), by repealing “Governor” and substituting “Chief Executive”.
- 4. Section 8(1) is amended by repealing “Governor” and substituting “Chief Executive”.
- 5. Section 9 is amended -
  - (a) in subsection (2), by repealing “Governor” and substituting “Chief Executive”;
  - (b) in subsection (3) -
    - (i) by repealing “Governor” where it twice appears and substituting “Chief Executive”;
    - (ii) by repealing “立法局” and substituting “立法會”.
- 6. Section 10(1) is amended by repealing “of the Colony” where it twice appears.
- 7. Section 11 is amended by repealing “Her Majesty the Queen, Her Heirs or Successors” and substituting “the Central People’s Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws”.

## SCHEDULE 13

[s. 3]

## THE HONG KONG ACADEMY FOR PERFORMING ARTS ORDINANCE

1. Section 4(2) of The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135) is amended by repealing “Governor” and substituting “Chief Executive”.
2. Section 8 is amended by repealing “Governor in Council” wherever it appears and substituting “Chief Executive in Council”.
3. Section 10 is amended -
  - (a) in subsections (1) (b) and (c) and (2) (a), by repealing “Governor” and substituting “Chief Executive”;
  - (b) in subsection (3) -
    - (i) in paragraph (a), by repealing “during the pleasure of the Governor” and substituting “at the discretion of the Chief Executive”;
    - (ii) in paragraphs (b) and (c), by repealing “Governor” and substituting “Chief Executive”.
4. Section 20 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.

5. Section 21(3) is amended by repealing “Governor” and substituting “Chief Executive”.
6. Section 23 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”.

SCHEDULE 14

[ss. 2 & 3]

HONG KONG SPORTS DEVELOPMENT BOARD ORDINANCE

1. Section 3 of the Hong Kong Sports Development Board Ordinance (Cap. 1149) is amended -
  - (a) in subsection (2) -
    - (i) in paragraphs (a) and (b), by repealing “Governor” and substituting “Chief Executive”;
    - (ii) in paragraph (e), by adding “, China” after “Olympic Committee of Hong Kong”;
    - (iii) in paragraph (f), by repealing “Governor” where it twice appears and substituting “Chief Executive”;
    - (iv) in paragraph (g) -

- (A) by repealing “Governor” where it first appears and substituting “Chief Executive”;
    - (B) by repealing “pleasure of the Governor” and substituting “discretion of the Chief Executive”;
  - (b) in subsection (4), by repealing “Governor” and substituting “Chief Executive in Council”.
2. Section 4(c) is amended by repealing “Governor” and substituting “Chief Executive”.
3. Section 5 amended -
- (a) in subsection (2) (i), by adding “, China” after “Olympic Committee of Hong Kong”;
  - (b) in subsection (3), by repealing “Crown” and where it twice appears and substituting “Government”.
4. Section 5N(3) is amended -
- (a) by repealing “Governor” and substituting “Chief Executive”;
  - (b) by repealing “立法局” and substituting “立法會”.
5. Section 6(1) is amended -
- (a) by repealing “Governor” and substituting “Chief Executive”;
  - (b) by repealing “立法局” and substituting “立法會”.

6. Section 8 is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
  
7. Section 10(3) is amended -
  - (a) by repealing “Governor” and substituting “Chief Executive”;
  - (b) by repealing “立法局” and substituting “立法會”.
  
8. Section 14(4) is amended by repealing and substituting.
  
9. Section 15 is amended by repealing “Governor” and substituting “Chief Executive”.
  
10. Section 16 is amended by repealing “Governor” and substituting “Chief Executive”.
  
11. The Schedule is amended -
  - (a) in paragraph 2, by repealing “Crown” where it twice appears and substituting “State”;
  - (b) in paragraph 4(2), by repealing “Governor” and substituting “Chief Executive”;
  - (c) in paragraph 6, by repealing “Governor” wherever it appears 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, Schedules 1 to 14).

2. The Ordinances adapted and their respective Schedule numbers under the Bill are -

Antiquities and Monuments Ordinance (Cap. 53)	Schedule 1
Miscellaneous Licences Ordinance (Cap. 114)	Schedule 2
Public Health and Municipal Services Ordinance (Cap. 132)	Schedule 3
Books Registration Ordinance (Cap. 142)	Schedule 4
Places of Public Entertainment Ordinance (Cap. 172)	Schedule 5
Hong Kong Arts Centre Ordinance (Cap. 304)	Schedule 6
Ocean Park Corporation Ordinance (Cap. 388)	Schedule 7
Lora Wilson Heritage Trust Ordinance (Cap. 425)	Schedule 8
Amusement Game Centres Ordinance (Cap. 435)	Schedule 9
Amusement Rides (Safety) Ordinance (Cap. 449)	Schedule 10
Hong Kong Arts Development Council Ordinance (Cap. ???)	Schedule 11
Sir David Trench Fund for Recreation Ordinance (Cap. 1128)	Schedule 12
The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135)	Schedule 13
Hong Kong Sports Development Board Ordinance (Cap. 1149)	Schedule 14

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).