

File Ref: S/F (3) to HAB/CR/1/19/45

LEGISLATIVE COUNCIL BRIEF

Chinese Temples Ordinance (Cap.153)
 Bishop of the Roman Catholic Church in Hong Kong Incorporation Ordinance (Cap.1003)
 Catholic Mission of Macao Incorporation Ordinance (Cap.1006)
 Dominican Missions Ordinance (Cap.1018)
 Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Cap.1025)
 Hop Yat Church of the Church of Christ in China Incorporation Ordinance (Cap.1027)
 London Missionary Society Incorporation Ordinance (Cap.1033)
 Missions Etrangères Incorporation Ordinance (Cap.1036)
 Petites Sœurs des Pauvres, St Pern, Bretagne, Incorporation Ordinance (Cap.1039)
 Sœurs de Saint Paul de Chartres Incorporation Ordinance (Cap.1046)
 Emmanuel Church Incorporation Ordinance (Cap.1069)
 Hong Kong Christian Council Incorporation Ordinance (Cap.1083)
 Kowloon City Baptist Church Ordinance (Cap.1093)

ADAPTATION OF LAWS (NO.18) 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.18) 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.18) 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. Most of the proposed amendments are terminological changes, for example, references to "Colony" and "立法局" are replaced by "Hong Kong" and "立法會" respectively. Similarly, references to "the Governor" will be replaced by "the Chief Executive". In respect of the saving provisions in 12 Ordinances, all references saving the

rights of Her Majesty the Queen, Her Heirs or Successors are replaced by references saving the rights of the Central People's Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws. Such change is based on item 10 of Annex 3 of the Decision of the Standing Committee of the National People's Congress on Treatment of Laws Previously in Force in Hong Kong in accordance with Article 160 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which has since been incorporated in section 21 of Schedule 8 to the Interpretation and General Clauses Ordinance (Cap.1).

4. Other amendments include changes to section 2 of Cap.1018, Cap.1033 and Cap.1036. As the missions involved in the above Ordinances had all been incorporated, the provision relating to the requirement of placing satisfactory proof in the hands of the Governor before the incorporation have become spent. Accordingly, the reference to "having placed in the hands of the Governor satisfactory proof of his appointment" is proposed to be deleted.

COMMENCEMENT

5. 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

6. The proposed legislative timetable is as follow :

Publication in the Gazette	24 December 1998
First Reading and commencement of Second Reading debate	20 January 1999
Resumption of Second Reading debate, committee stage and Third Reading	to be notified.

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT

8. 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

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

PUBLIC CONSULTATION

10. Since the amendments are essentially straightforward adaptations, consultation with the public is not considered necessary. The bodies concerned have been consulted and they have no objection to the proposed amendments.

PUBLICITY

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

OTHERS

12. Enquiries concerning the Bill and this brief can be directed to Miss Anne TENG, Assistant Secretary for Home Affairs (tel no : 2835 1580).

Home Affairs Bureau
22 December 1998
File Ref. : S/F(3) to HAB/CR/1/19/45

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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. 18) 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]

CHINESE TEMPLES ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Chinese Temples Ordinance

1. Section 3(1) of the Chinese Temples Ordinance (Cap. 153) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
2. Section 7(2)(b) and (d) is amended by repealing “Governor” and substituting “Chief Executive”.
3. Section 9 is amended -
 - (a) in subsection (1)(b), by repealing “the Colony” and substituting “Hong Kong”;
 - (b) in subsection (2), by repealing “Governor in Council” and substituting “Chief Executive in Council”.
4. Section 13(4) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

Chinese Temples Fund Regulations

5. Regulation 6 of the Chinese Temples Fund Regulations (Cap. 153 sub. leg.) is amended by repealing “of the Colony”.

6. Regulation 10 is amended -
 - (a) in subregulation (2), by repealing “Governor” and substituting “Chief Executive”;
 - (b) in subregulation (3) -
 - (i) by repealing “Governor” and substituting “Chief Executive”;
 - (ii) by repealing “立法局” and substituting “立法會”.

General Chinese Charities Fund Directions

7. Direction 5 of the General Chinese Charities Fund Directions (Cap. 153 sub. leg.) is amended by repealing “of the Colony”.

8. Direction 9 is amended -
 - (a) in subdirection (2), by repealing “Governor” and substituting “Chief Executive”;
 - (b) in subdirection (3) -
 - (i) by repealing “Governor” and substituting “Chief Executive”;
 - (ii) by repealing “立法局” and substituting “立法會”.

SCHEDULE 2

[s. 3]

BISHOP OF THE ROMAN CATHOLIC CHURCH IN
HONG KONG INCORPORATION ORDINANCE

1. Section 2A(3) of the Bishop of the Roman Catholic Church in Hong Kong Incorporation Ordinance (Cap. 1003) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

2. Section 3 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 3

[s. 3]

CATHOLIC MISSION OF MACAO INCORPORATION ORDINANCE

1. Section 2 of the Catholic Mission of Macao Incorporation Ordinance (Cap. 1006) is amended by repealing “the Colony” and substituting “Hong Kong”.

2. Section 5(1) and (2) is amended by repealing “Governor” and substituting “Chief Executive”.

3. Section 7 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 4

[s. 3]

DOMINICAN MISSIONS ORDINANCE

1. The long title to the Dominican Missions Ordinance (Cap. 1018) is amended by repealing “the Colony” and substituting “Hong Kong”.

2. Section 2 is amended -
 - (a) by repealing “the Colony” wherever it appears and substituting “Hong Kong”;
 - (b) by repealing “having placed in the hands of the Governor satisfactory proof of his appointment”;
 - (c) in the proviso -
 - (i) by repealing “the Colony” and substituting “Hong Kong”;
 - (ii) by repealing “Governor” and substituting “Chief Executive”.

3. Section 4 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 5

[s. 3]

HONG KONG CHINESE CHRISTIAN CHURCHES UNION
INCORPORATION ORDINANCE

1. Section 2 of the Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Cap. 1025) is amended, in the definition of “The Hong Kong Chinese Christian Churches Union” or “the Union”, by repealing “the Colony” and substituting “Hong Kong”.
2. Section 4 is amended by repealing “the Colony” and substituting “Hong Kong”.
3. Section 5(2) and (3) is amended by repealing “the Colony” and substituting “Hong Kong”.
4. Section 6 is amended by repealing “the Colony” where it twice appears and substituting “Hong Kong”.
5. Section 8 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 6

[s. 3]

HOP YAT CHURCH OF THE CHURCH OF CHRIST IN CHINA
INCORPORATION ORDINANCE

1. Section 3 of the Hop Yat Church of The Church of Christ in China Incorporation Ordinance (Cap. 1027) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 4(e) is amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.
3. 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 7

[s. 3]

LONDON MISSIONARY SOCIETY INCORPORATION ORDINANCE

1. The long title to the London Missionary Society Incorporation Ordinance (Cap. 1033) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 2 is amended -
 - (a) by repealing “, having placed in the hands of the Governor satisfactory proof of his appointment,”;

- (b) by repealing “the Colony” wherever it appears and substituting “Hong Kong”;
- (c) in the proviso, by repealing “Governor” and substituting “Chief Executive”.

3. Section 4 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 8

[s. 3]

MISSIONS ETRANGERES INCORPORATION ORDINANCE

1. The long title to the Missions Etrangeres Incorporation Ordinance (Cap. 1036) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 2 is amended -
 - (a) by repealing “the Colony” wherever it appears and substituting “Hong Kong”;
 - (b) by repealing “having placed in the hands of the Governor satisfactory proof of appointment”;
 - (c) in the proviso, by repealing “Governor” and substituting “Chief Executive”.
3. Section 4 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 9

[s. 3]

PETITES SCEURS DES PAUVRES, ST. PERN, BRETAGNE,
INCORPORATION ORDINANCE

1. The long title to the Petites Sceurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Cap. 1039) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 2 is amended by repealing “the Colony” where it twice appears and substituting “Hong Kong”.
3. Section 3(1) is amended by repealing “the Colony” and substituting “Hong Kong”.
4. Section 5 is amended by repealing “the Colony” and substituting “Hong Kong”.
5. Section 6 is amended -
 - (a) in subsection (1) -
 - (i) by repealing “the Colony” and substituting “Hong Kong”;
 - (ii) by repealing “Governor” where it twice appears and substituting “Chief Executive”;

- (b) in subsection (2), by repealing “Governor” and substituting “Chief Executive”.

6. Section 7 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 10

[s. 3]

SCEURS DE SAINT PAUL DE CHARTRES INCORPORATION ORDINANCE

1. The long title to the Sceurs de Saint Paul de Chartres Incorporation Ordinance (Cap. 1046) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 2 is amended by repealing “the Colony” where it twice appears and substituting “Hong Kong”.
3. Section 3(a) and (c) is amended by repealing “the Colony” and substituting “Hong Kong”.
4. Section 4 is amended by repealing “the Colony” and substituting “Hong Kong”.
5. Section 5 is amended -
 - (a) in subsection (1) -

- (i) by repealing “the Colony” and substituting “Hong Kong”;
 - (ii) by repealing “Governor” where it twice appears and substituting “Chief Executive”;
- (b) in subsection (2), by repealing “Governor” and substituting “Chief Executive”.

6. Section 6 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 11

[s. 3]

EMMANUEL CHURCH INCORPORATION ORDINANCE

1. Section 3(1) of the Emmanuel Church Incorporation Ordinance (Cap. 1069) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 4(1) is amended by repealing “the Colony” where it twice appears and substituting “Hong Kong”.
3. Section 6 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 12

[s. 3]

HONG KONG CHRISTIAN COUNCIL INCORPORATION ORDINANCE

1. Section 3 of the Hong Kong Christian Council Incorporation Ordinance (Cap. 1083) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 4(d) is amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.
3. Section 9 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]

KOWLOON CITY BAPTIST CHURCH ORDINANCE

1. Section 3 of the Kowloon City Baptist Church Ordinance (Cap. 1093) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 4(1) is amended by repealing “the Colony” and substituting “Hong Kong”.

3. Section 5 is amended, in the proviso, by repealing “the Colony” and substituting “Hong Kong”.
4. Section 10(4) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 15 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”.

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 13).

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

Bishop of the Roman Catholic Church in Hong Kong Incorporation Ordinance (Cap. 1003)	Schedule 2
Catholic Mission of Macao Incorporation Ordinance (Cap. 1006)	Schedule 3
Chinese Temples Ordinance (Cap. 153)	Schedule 1
Dominican Missions Ordinance (Cap. 1018)	Schedule 4

Emmanuel Church Incorporation Ordinance (Cap. 1069)	Schedule 11
Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Cap. 1025)	Schedule 5
Hong Kong Christian Council Incorporation Ordinance (Cap. 1083)	Schedule 12
Hop Yat Church of The Church of Christ in China Incorporation Ordinance (Cap. 1027)	Schedule 6
Kowloon City Baptist Church Ordinance (Cap. 1093)	Schedule 13
London Missionary Society Incorporation Ordinance (Cap. 1033)	Schedule 7
Missions Etrangeres Incorporation Ordinance (Cap. 1036)	Schedule 8
Petites Sceurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Cap. 1039)	Schedule 9
Sceurs de Saint Paul de Chartres Incorporation Ordinance (Cap. 1046)	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).