

## **LEGISLATIVE COUNCIL BRIEF**

- Society of Boys' Centres Incorporation Ordinance  
(Chapter 1008)
- The Helena May Incorporation Ordinance  
(Chapter 1021)
- Hong Kong Tuberculosis, Chest and Heart Diseases Association  
Incorporation Ordinance (Chapter 1024)
- Matilda and War Memorial Hospital Ordinance  
(Chapter 1035)
- Hong Kong Council of Social Service Incorporation Ordinance  
(Chapter 1057)
- Hong Kong Society for the Protection of Children Incorporation Ordinance  
(Chapter 1058)
- Hong Kong Playground Association Ordinance  
(Chapter 1061)
- Salvation Army Ordinance  
(Chapter 1062)
- Hong Kong Juvenile Care Centre Incorporation Ordinance  
(Chapter 1066)
- Pok Oi Hospital Incorporation Ordinance  
(Chapter 1068)
- Alice Ho Miu Ling Nethersole Hospital Incorporation Ordinance  
(Chapter 1072)
- Hong Kong Society for the Blind Incorporation Ordinance  
(Chapter 1086)
- Society for the Relief of Disabled Children Incorporation Ordinance  
(Chapter 1087)
- Director of Social Welfare Incorporation Ordinance  
(Chapter 1096)
- Yan Chai Hospital Ordinance  
(Chapter 1106)
- Community Chest of Hong Kong Ordinance  
(Chapter 1122)
- Hong Kong St. John Ambulance Incorporation Ordinance  
(Chapter 1164)

## **ADAPTATION OF LAWS BILL 1999**

### **INTRODUCTION**

At the meeting of the Executive Council on 5th January 1999, the Council ADVISED and the Chief Executive ORDERED that the

Adaptation of Laws Bill 1999, at Annex, should be introduced into the Legislative Council to effect necessary adaptations to 17 Ordinances on matters related to private bodies.

## **BACKGROUND AND ARGUMENT**

2. The Bill covers 17 Ordinances which are related to private bodies. These ordinances contain references 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. Adaptation is required to remove such inconsistencies.

## **THE BILL**

3. Most of the proposed amendments are merely terminological changes. For instance, references to the "Colony" and the "Governor" are replaced by "Hong Kong" and the "Chief Executive" respectively. In accordance with section 21 of Schedule 8 to the Interpretation and General Clauses Ordinance, provisions saving the rights of "Her Majesty the Queen, Her Heirs or Successors" are adapted as 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".

4. References to the "Crown" in the following provisions relate to land, and are replaced by the "Government" -

- (a) section 5(a) of the Society of Boys' Centres Incorporation Ordinance;
- (b) section 4(3) of The Helena May Incorporation Ordinance; and
- (c) section 6(1) of the Hong Kong Tuberculosis, Chest and Heart Diseases Association Incorporation Ordinance.

Article 7 of the Basic Law states that the lands within the Hong Kong Special Administrative Region shall be State property, and that the Government of the Hong Kong Special Administrative Region shall be responsible for the management, use, development, lease and grant of the lands. As the above provisions relate to the grant or reversion of the lands (as opposed to their title), the references to the "Crown" in the provisions are replaced by the "Government" accordingly.

## **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 legislative timetable approved by the Chief Executive in Council is as follows -

Publication in the Gazette	15 January 1999
First Reading and commencement of Second Reading debate	27 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 Bill is consistent with the human rights provisions of the Basic Law.

## **BINDING EFFECT OF THE LEGISLATION**

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.

## **PUBLICITY**

11. A press release will be issued on 15 January 1999 when the Bill is gazetted.

12. For enquiries in relation to this Bill, please contact the following officer -

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Health and Welfare Bureau  
January 1999

## ADAPTATION OF LAWS 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 Ordinance 1999.

**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]

SOCIETY OF BOYS' CENTRES INCORPORATION ORDINANCE

1. Section 5(a) of the Society of Boys' Centres Incorporation Ordinance (Cap. 1008) is amended by repealing "Crown" and substituting "Government".
2. Section 10 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 2

[s. 3]

THE HELENA MAY INCORPORATION ORDINANCE

1. Section 2 of The Helena May Incorporation Ordinance (Cap. 1021) is amended in the definition of "constitution" by repealing "Governor" and substituting "Chief Executive".
2. Section 3(1) is amended by repealing "the Colony" and substituting "Hong Kong".
3. Section 4(3) is amended -
  - (a) by repealing "Governor" and substituting "Chief Executive";
  - (b) by repealing "Crown" and substituting "Government".

4. 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”.

5. The Schedule is amended -

- (a) in paragraph 15, by repealing “the Colony” wherever it appears and substituting “Hong Kong”;
- (b) in paragraph 19(a), by repealing “the Colony” and substituting “Hong Kong”;
- (c) in paragraph 20(4), by repealing “the Colony” and substituting “Hong Kong”;
- (d) in paragraph 30, by repealing “the Colony” and substituting “Hong Kong”;
- (e) in paragraph 36, by repealing “Governor” and substituting “Chief Executive”.

### SCHEDULE 3

[s. 3]

#### HONG KONG TUBERCULOSIS, CHEST AND HEART DISEASES ASSOCIATION INCORPORATION ORDINANCE

1. Section 3 of the Hong Kong Tuberculosis, Chest and Heart Diseases Association Incorporation Ordinance (Cap. 1024) is amended by repealing “the Colony” and substituting “Hong Kong”.

2. Section 6(1) is amended by repealing “Crown” and substituting “Government”.

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 4

[s. 3]

#### MATILDA AND WAR MEMORIAL HOSPITAL ORDINANCE

1. Section 11 of the Matilda and War Memorial Hospital Ordinance (Cap. 1035) 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”.
2. The Schedule is amended -
  - (a) in article 13, by repealing “Governor” and substituting “Chief Executive”;
  - (b) in paragraph (b) of the proviso to article 23, by repealing “Governor” and substituting “Chief Executive”.

#### SCHEDULE 5

[s. 3]

#### HONG KONG COUNCIL OF SOCIAL SERVICE INCORPORATION ORDINANCE

1. Section 3 of the Hong Kong Council of Social Service Incorporation Ordinance (Cap. 1057) is amended by repealing “the Colony” and substituting “Hong Kong”.

2. Section 4(a) and (c) 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 6

[s. 3]

#### HONG KONG SOCIETY FOR THE PROTECTION OF CHILDREN INCORPORATION ORDINANCE

1. Section 3 of the Hong Kong Society for the Protection of Children Incorporation Ordinance (Cap. 1058) is amended by repealing “the Colony” and substituting “Hong Kong”.

2. Section 4(a) is amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.

3. Section 10 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]

## HONG KONG PLAYGROUND ASSOCIATION ORDINANCE

1. Section 3 of the Hong Kong Playground Association Ordinance (Cap. 1061) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 4 is amended by repealing “the Colony” and substituting “Hong Kong”.
3. Section 5(a) and (c) is amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.
4. Section 12 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]

## SALVATION ARMY ORDINANCE

1. Section 2(2) of the Salvation Army Ordinance (Cap. 1062) is amended by repealing “the Colony” where it twice appears and substituting “Hong Kong”.
2. 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 9

[s. 3]

HONG KONG JUVENILE CARE CENTRE INCORPORATION ORDINANCE

1. Section 3(1) of the Hong Kong Juvenile Care Centre Incorporation Ordinance (Cap. 1066) 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 10

[s. 3]

POK OI HOSPITAL INCORPORATION ORDINANCE

1. Section 3(1) of the Pok Oi Hospital Incorporation Ordinance (Cap. 1068) 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 11

[s. 3]

ALICE HO MIU LING NETHERSOLE HOSPITAL INCORPORATION ORDINANCE

1. Section 3(1) of the Alice Ho Miu Ling Nethersole Hospital Incorporation Ordinance (Cap. 1072) 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 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 12

[s. 3]

HONG KONG SOCIETY FOR THE BLIND INCORPORATION ORDINANCE

1. Section 3 of the Hong Kong Society for the Blind Incorporation Ordinance (Cap. 1086) 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]

SOCIETY FOR THE RELIEF OF DISABLED CHILDREN  
INCORPORATION ORDINANCE

1. Section 3 of the Society for the Relief of Disabled Children Incorporation Ordinance (Cap. 1087) 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 14

[s. 3]

DIRECTOR OF SOCIAL WELFARE INCORPORATION ORDINANCE

1. Section 5(1) of the Director of Social Welfare Incorporation Ordinance (Cap. 1096) is amended in the proviso by repealing “Governor” and substituting “Chief Executive”.
2. Section 8 is amended -
  - (a) in subsection (4), by repealing “Governor” and substituting “Chief Executive”;
  - (b) in subsection (6), by repealing “立法局” and substituting “立法會”.

SCHEDULE 15

[s. 3]

YAN CHAI HOSPITAL ORDINANCE

1. Section 10 of the Yan Chai Hospital Ordinance (Cap. 1106) 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 16

[s. 3]

COMMUNITY CHEST OF HONG KONG ORDINANCE

1. Section 14 of the Community Chest of Hong Kong Ordinance (Cap. 1122) 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 17

[s. 3]

HONG KONG ST. JOHN AMBULANCE INCORPORATION ORDINANCE

1. Section 20 of the Hong Kong St. John Ambulance Incorporation Ordinance (Cap. 1164) 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 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 17).

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

Alice Ho Miu Ling Nethersole Hospital Incorporation Ordinance (Cap. 1072)	Schedule 11
Community Chest of Hong Kong Ordinance (Cap. 1122)	Schedule 16
Director of Social Welfare Incorporation Ordinance (Cap. 1096)	Schedule 14

The Helena May Incorporation Ordinance (Cap. 1021)	Schedule 2
Hong Kong Council of Social Service Incorporation Ordinance (Cap. 1057)	Schedule 5
Hong Kong Juvenile Care Centre Incorporation Ordinance (Cap. 1066)	Schedule 9
Hong Kong Playground Association Ordinance (Cap. 1061)	Schedule 7
Hong Kong Society for the Blind Incorporation Ordinance (Cap. 1086)	Schedule 12
Hong Kong Society for the Protection of Children Incorporation Ordinance (Cap. 1058)	Schedule 6
Hong Kong St. John Ambulance Incorporation Ordinance (Cap. 1164)	Schedule 17
Hong Kong Tuberculosis, Chest and Heart Diseases Association Incorporation Ordinance (Cap. 1024)	Schedule 3
Matilda and War Memorial Hospital Ordinance (Cap. 1035)	Schedule 4
Pok Oi Hospital Incorporation Ordinance (Cap. 1068)	Schedule 10
Salvation Army Ordinance (Cap. 1062)	Schedule 8
Society for the Relief of Disabled Children Incorporation Ordinance (Cap. 1087)	Schedule 13
Society of Boys' Centres Incorporation Ordinance (Cap. 1008)	Schedule 1
Yan Chai Hospital Ordinance (Cap. 1106)	Schedule 15

3. The Bill also provides that the adaptations when passed into law shall take effect retrospectively, as from the date of establishment of the Hong Kong Special Administrative Region (clause 2).