

File Ref : WB(CR) 10/32

LEGISLATIVE COUNCIL BRIEF

- Waterworks Ordinance
(Chapter 102)
- Public Lighting Ordinance
(Chapter 105)
- Sand Ordinance
(Chapter 147)
- Mining Ordinance
(Chapter 285)
- Architects Registration Ordinance
(Chapter 408)
- Engineers Registration Ordinance
(Chapter 409)
- Surveyors Registration Ordinance
(Chapter 417)
- Planners Registration Ordinance
(Chapter 418)
- Builders' Lifts and Tower Working Platforms Ordinance
(Chapter 470)
- Landscape Architects Registration Ordinance
(Chapter 516)
- The Hong Kong Institution of Engineers Ordinance
(Chapter 1105)
- The Hong Kong Institute of Architects Incorporation Ordinance
(Chapter 1147)
- The Hong Kong Institute of Surveyors Ordinance
(Chapter 1148)
- The Hong Kong Institute of Planners Incorporation Ordinance
(Chapter 1153)
- The Hong Kong Institute of Landscape Architects Incorporation Ordinance
(Chapter 1162)

ADAPTATION OF LAWS (NO. 4) BILL 1999

INTRODUCTION

At the meeting of the Executive Council on 19 January 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of _____ Laws (No.4) Bill 1999 at the Annex A should be introduced into the Legislative Council.

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 apart from the 24 Hong Kong Ordinances that are declared not to be adopted in whole or in part, 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 (Chapter 1). Although the Interpretation and General Clauses Ordinance laid down how terminology 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 terminology in our laws. Accordingly, we need to introduce further legislation to effect the necessary textual amendments.

THE BILL

4. Most of the proposed amendments are merely terminological changes. References to "the Colony", "立法局", "Supreme Court", "上訴法院" and "地方法院", etc will be amended to "Hong Kong", "立法會", "High Court", "上訴法庭" and "區域法院".

5. References to saving the rights of “Her Majesty the Queen, Her Heirs and Successors” will be amended to 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” in accordance with item 10 of Annex 3 to the Decision of the Standing Committee of the National People’s Congress on Treatment of the 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.

6. Reference to the “Crown” will be adapted to the “Government” in the provisions referred to in column 1 of the table at Annex B for the reasons set out in column 2.

7. A reference to the “Governor” will, in the usual case, be replaced by the “Chief Executive”. Where a provision previously conferred power on the “Governor” to make subsidiary legislation, a reference to the “Chief Executive in Council” will be substituted to comply with the requirement under Article 56 of the Basic Law that the Chief Executive shall consult the Executive Council before making subordinate legislation.

8. Other amendments include -

(a) Regulation 33(1) of the Waterworks Regulations

This provision specifies who may apply for a plumber’s licence. The amendment deletes the special status given to persons who hold Plumbing Craft Certificates issued by the City and Guilds of London or who are fellows or members of the Institute of Plumbing of the United

Kingdom. To avoid affecting the rights of those persons retrospectively, the amendment will only take effect from the day on which the Bill, if passed into law, is published as an Ordinance in the Gazette. Accordingly, persons who may apply for plumber's licences if the amendment is passed into law are persons who hold Craft Certificates in Plumbing and Pipefitting issued by the Vocational Training Council after 1987 or equivalent qualifications in the opinion of the Water Authority.

(b) Section 2 of the Architects Registration Ordinance and Section 2 of the Engineers Registration Ordinance

In section 2 of the Chinese text of both Ordinances, there is a definition of “上訴庭” meaning “最高法院上訴庭”. This definition should be adapted. It is noted that throughout the texts of both Ordinances, no reference has been made to the term “上訴庭”. Instead, there are references to “上訴法院”, which will be adapted to “上訴法庭”. The definitions of “上訴庭” can therefore be repealed.

COMMENCEMENT

9. The Bill provides that, subject to Article 12 of the Hong Kong Bill of Rights, the adaptations (apart from the amendment mentioned in paragraph 8(a) above) when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region.

LEGISLATIVE TIMETABLE

10. The legislative timetable is as follows -

Publication in the Gazette	29 January 1999
First Reading and commencement of Second Reading debate	10 February 1999`
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT

12. 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

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

PUBLIC CONSULTATION

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

PUBLICITY

15. A press release will be issued on 29 January 1999.

16. Inquiries can be directed to Mr Daniel L T Lam, Technical Secretary at 2848 1108.

Works Bureau

January 1999

ADAPTATION OF LAWS (NO. 4) 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. 4) Ordinance 1999.

2. Commencement

(1) This Ordinance, other than section 8 of Schedule 1, 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) Section 8 of Schedule 1 shall come into operation at the beginning of the day on which this Ordinance is published in the Gazette.

3. Amendment of Ordinances

The Ordinances specified in the Schedules are amended in the manner indicated in those Schedules.

SCHEDULE 1

[ss. 2 & 3]

WATERWORKS ORDINANCE AND ITS
SUBSIDIARY LEGISLATION**Waterworks Ordinance**

1. Section 6 of the Waterworks Ordinance (Cap. 102) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
2. Section 21(1) is amended by repealing “Crown” and substituting “Government”.
3. Section 24(1) is amended by repealing “Governor” where it twice appears and substituting “Chief Executive”.
4. Section 25(1) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 26(1) and (2) is amended by repealing “Governor” wherever it appears and substituting “Chief Executive”.
6. Section 27 is amended by repealing “立法局” and substituting “立法會”.
7. Section 37(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

Waterworks Regulations

8. Regulation 33(1) of the Waterworks Regulations (Cap. 102 sub. leg.) is amended -
 - (a) in paragraph (a), by repealing everything after “1987” and substituting”;
or”;
 - (b) by repealing paragraph (b).

SCHEDULE 2

[s. 3]

PUBLIC LIGHTING ORDINANCE

1. The long title to the Public Lighting Ordinance (Cap. 105) is amended by repealing “the Colony” and substituting “Hong Kong”.
2. Section 2 is amended by repealing “the Colony” and substituting “Hong Kong”.

SCHEDULE 3

[s. 3]

SAND ORDINANCE

1. Section 3(1) of the Sand Ordinance (Cap. 147) is amended by repealing “the Colony” where it twice appears and substituting “Hong Kong”.
2. Section 5 is amended by repealing “the Colony” and substituting “Hong Kong”.

SCHEDULE 4

[ss. 2 & 3]

MINING ORDINANCE AND ITS
SUBSIDIARY LEGISLATION**Mining Ordinance**

1. Section 2 of the Mining Ordinance (Cap. 285) is amended, in the definition of “mineral”, in paragraph (iii), by repealing “Governor” and substituting “Chief Executive in Council”.
2. Section 3 is amended by repealing “the Colony” and substituting “Hong Kong”.
3. Section 4 is amended by repealing “the Colony” and substituting “Hong Kong”.
4. Section 7(1) is amended by repealing “the Colony” where it twice appears and substituting “Hong Kong”.
5. Section 11 is amended -
 - (a) in subsection (1), by repealing “Governor” and substituting “Chief Executive in Council”;
 - (b) in subsection (2), by repealing “Governor” and substituting “Chief Executive”.
6. Section 12(1) is amended by repealing “Governor” and substituting “Chief Executive”.

7. Section 17 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
8. Section 20(4) is amended, in the proviso, by repealing “Governor” and substituting “Chief Executive”.
9. Section 24(3) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.
10. Section 31 is amended -
 - (a) in subsection (3), by repealing “Governor in Council” and substituting “Chief Executive in Council”;
 - (b) in subsection (4) -
 - (i) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
 - (ii) by repealing “行政局秘書” and substituting “行政會議秘書”;
 - (c) in subsection (5), by repealing “Governor in Council” and substituting “Chief Executive in Council”.
11. Section 32 is amended -
 - (a) in subsection (1), by repealing “Governor” and substituting “Chief Executive”;
 - (b) in subsection (2), by repealing “Governor’s pleasure” and substituting “discretion of the Chief Executive”;
 - (c) in subsection (4), by repealing “Governor” and substituting “Chief Executive”.

12. Section 34 is amended by repealing “Governor” and substituting “Chief Executive in Council”.
13. Section 38 is amended by repealing “the Colony” and substituting “Hong Kong”.
14. Section 42 is amended by repealing “Governor” and substituting “Chief Executive”.
15. Section 43 is amended -
 - (a) in paragraph (b), by repealing “Governor” and substituting “Chief Executive”;
 - (b) in paragraph (c), by repealing “Crown” and substituting “Government”.
16. Section 51(d) is amended by repealing “by the Governor”.
17. Section 59 is amended -
 - (a) in subsection (1) -
 - (i) by repealing “to the Crown” and substituting “to the Government”;
 - (ii) by repealing everything after “property of the” and substituting “Government.”;
 - (b) in subsection (3), by repealing “Governor” and substituting “Chief Executive”.

18. Section 61 is amended by repealing “Governor” and substituting “Chief Executive”.
19. Section 62 is amended by repealing “Crown” and substituting “Government”.
20. Section 65 is amended -
 - (a) in subsection (1) -
 - (i) by repealing “Governor in Council” and substituting “Chief Executive in Council”;
 - (ii) by repealing “Governor” and substituting “Chief Executive”;
 - (b) in subsection (3), by repealing “Governor” and substituting “Chief Executive”.
21. Section 67 (1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

Mining (General) Regulations

22. Regulation 22A of the Mining (General) Regulations (Cap. 285 sub. leg.) is amended by repealing “Governor” and substituting “Chief Executive in Council”.
23. Regulation 28(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

24. Regulation 29 is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”.

25. Regulation 34(2)(g) is amended by repealing “the Colony” and substituting “Hong Kong”.

26. Regulation 35 is amended by repealing “the Colony” wherever it appears and substituting “Hong Kong”.

27. The First Schedule is amended -

(a) in Form IV -

(i) in paragraph 4(a), by repealing “官地” and substituting “政府土地”;

(ii) in Note (4), by repealing ““官地” (Crown land)” and substituting “政府土地” (Government land)”;

(iii) in Note (5), by repealing “官方” and substituting “政府”;

(b) in Form V, in paragraph 2, in the proviso, by repealing “Governor” and substituting “Chief Executive”.

SCHEDULE 5

[s. 3]

ARCHITECTS REGISTRATION ORDINANCE

1. Section 2 of the Architects Registration Ordinance (Cap. 408) is amended by repealing the definition of “上訴庭”.

2. Section 4(2) and (3) is amended by repealing “Governor” and substituting “Chief Executive”.

3. Section 5(3) is amended -
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “Governor’s pleasure” and substituting “discretion of the Chief Executive”.

4. Section 13(2)(a) is amended by repealing “外地” and substituting “香港以外地方”.

5. Section 17(2) is amended by repealing “Governor” and substituting “Chief Executive”.

6. Section 20(3) is amended by repealing “上訴法院” and substituting “上訴法庭”.

7. Section 21(1)(f) is amended by repealing “外地” and substituting “香港以外地方”.

8. Section 24(3) is amended -
 - (a) by repealing “Supreme Court” and substituting “High Court”;
 - (b) in paragraph (b), by repealing “地方法院” and substituting “區域法院”.

9. Section 27(2) is amended by repealing “上訴法院” and substituting “上訴法庭”.

10. Section 29 is amended -
 - (a) in subsections (1) to (5), by repealing “上訴法院” wherever it appears and substituting “上訴法庭”;
 - (b) in subsection (6), by repealing “Supreme Court” and substituting “High Court”;
 - (c) in subsections (7) and (8), by repealing “上訴法院” and substituting “上訴法庭”.

SCHEDULE 6

[s. 3]

ENGINEERS REGISTRATION ORDINANCE

1. Section 2 of the Engineers Registration Ordinance (Cap. 409) is amended by repealing the definition of “上訴庭”.

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

3. Section 4(3) is amended -
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “Governor’s pleasure” and substituting “discretion of the Chief Executive”.

4. Section 12(2)(a) is amended by repealing “外地” and substituting “香港以外地方”.
5. Section 16(2) is amended by repealing “Governor” and substituting “Chief Executive”.
6. Section 19(3) is amended by repealing “上訴法院” and substituting “上訴法庭”.
7. Section 20(1)(g) is amended by repealing “外地” and substituting “香港以外地方”.
8. Section 23(3) is amended -
 - (a) by repealing “Supreme Court” and substituting “High Court”;
 - (b) in paragraph (b), by repealing “地方法院” and substituting “區域法院”.
9. Section 26(2) is amended by repealing “上訴法院” and substituting “上訴法庭”.
10. Section 28 is amended -
 - (a) in subsections (1) to (5), by repealing “上訴法院” wherever it appears and substituting “上訴法庭”;

- (b) in subsection (6), by repealing “Supreme Court” and substituting “High Court”;
- (c) in subsections (7) and (8), by repealing “上訴法院” and substituting “上訴法庭”.

SCHEDULE 7

[s. 3]

SURVEYORS REGISTRATION ORDINANCE

1. Section 3(2) of the Surveyors Registration Ordinance (Cap. 417) is amended by repealing “Governor” and substituting “Chief Executive”.
2. Section 4(3) is amended -
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “Governor’s pleasure” and substituting “discretion of the Chief Executive”.
3. Section 12(2)(a) is amended by repealing “外地” and substituting “香港以外地方”.
4. Section 16(2) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 19(3) is amended by repealing “上訴法院” and substituting “上訴法庭”.

6. Section 20(1)(g) is amended by repealing “外地” and substituting “香港以外地方”.

7. Section 23(3) is amended -
 - (a) by repealing “Supreme Court” and substituting “High Court”;
 - (b) in paragraph (b), by repealing “地方法院” and substituting “區域法院”.

8. Section 26(2) is amended by repealing “上訴法院” and substituting “上訴法庭”.

9. Section 28 is amended -
 - (a) in subsections (1) to (5), by repealing “上訴法院” wherever it appears and substituting “上訴法庭”;
 - (b) in subsection (6), by repealing “Supreme Court” and substituting “High Court”;
 - (c) in subsections (7) and (8), by repealing “上訴法院” and substituting “上訴法庭”.

SCHEDULE 8

[s. 3]

PLANNERS REGISTRATION ORDINANCE

1. Section 3(2) of the Planners Registration Ordinance (Cap. 418) is amended by repealing “Governor” and substituting “Chief Executive”.

2. Section 4(3) is amended -
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “Governor’s pleasure” and substituting “discretion of the Chief Executive”.
3. Section 12(2)(a) is amended by repealing “外地” and substituting “香港以外地方”.
4. Section 16(2) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 19(3) is amended by repealing “上訴法院” and substituting “上訴法庭”.
6. Section 20(1)(f) is amended by repealing “外地” and substituting “香港以外地方”.
7. Section 23(3) is amended -
 - (a) by repealing “Supreme Court” and substituting “High Court”;
 - (b) in paragraph (b), by repealing “地方法院” and substituting “區域法院”.
8. Section 26(2) is amended by repealing “上訴法院” and substituting

“上訴法庭”。

9. Section 28 is amended -

- (a) in subsections (1) to (5), by repealing “上訴法院” wherever it appears and substituting “上訴法庭”;
- (b) in subsection (6), by repealing “Supreme Court” and substituting “High Court”;
- (c) in subsections (7) and (8), by repealing “上訴法院” and substituting “上訴法庭”。

SCHEDULE 9

[s. 3]

BUILDERS' LIFTS AND TOWER WORKING
PLATFORMS (SAFETY) ORDINANCE

- 1. Section 33(3) of the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470) is amended by repealing “立法局” and substituting “立法會”。
- 2. Section 38(5) is amended by repealing “立法局” and substituting “立法會”。
- 3. Section 50(1) is amended by repealing “Governor in Council” and substituting “Chief Executive in Council”。

SCHEDULE 10

[s. 3]

LANDSCAPE ARCHITECTS REGISTRATION ORDINANCE

1. Section 3(2) and (3) of the Landscape Architects Registration Ordinance (Cap. 516) is amended by repealing “Governor” and substituting “Chief Executive”.
2. Section 4(3) is amended -
 - (a) by repealing “Governor” and substituting “Chief Executive”;
 - (b) by repealing “Governor’s pleasure” and substituting “discretion of the Chief Executive”.
3. Section 12(2)(a) is amended by repealing “外地” and substituting “香港以外地方”.
4. Section 16(2) is amended by repealing “Governor” and substituting “Chief Executive”.
5. Section 19(3) is amended by repealing “上訴法院” and substituting “上訴法庭”.
6. Section 20(1)(f) is amended by repealing “外地” and substituting “香港以外地方”.
7. Section 23(3) is amended -

- (a) by repealing “Supreme Court” and substituting “High Court”;
 - (b) in paragraph (b), by repealing “地方法院” and substituting “區域法院”.

- 8. Section 26(2) is amended by repealing “上訴法院” and substituting “上訴法庭”.

- 9. Section 28 is amended -
 - (a) in subsections (1) to (5), by repealing “上訴法院” wherever it appears and substituting “上訴法庭”;
 - (b) in subsection (6), by repealing “Supreme Court” and substituting “High Court”;
 - (c) in subsections (7) and (8), by repealing “上訴法院” and substituting “上訴法庭”.

- 10. Section 29(3) is amended by repealing “an overseas body or institute of landscape architects” and substituting “any body or institute of landscape architects formed outside Hong Kong”.

- 11. Section 30(2) is amended by repealing “an overseas body or institute of landscape architects” and substituting “any body or institute of landscape architects formed outside Hong Kong”.

- 12. Section 32 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]

THE HONG KONG INSTITUTION OF
ENGINEERS ORDINANCE

1. Section 12 of The Hong Kong Institution of Engineers Ordinance (Cap. 1105) 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]

THE HONG KONG INSTITUTE OF ARCHITECTS
INCORPORATION ORDINANCE

1. Section 12 of The Hong Kong Institute of Architects Incorporation Ordinance (Cap. 1147) 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 INSTITUTE OF
SURVEYORS ORDINANCE

1. Section 12 of The Hong Kong Institute of Surveyors Ordinance (Cap. 1148) 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]

THE HONG KONG INSTITUTE OF PLANNERS
INCORPORATION ORDINANCE

1. Section 12 of The Hong Kong Institute of Planners Incorporation Ordinance (Cap. 1153) 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 15

[s. 3]

THE HONG KONG INSTITUTE OF LANDSCAPE
ARCHITECTS INCORPORATION ORDINANCE

1. Section 12 of The Hong Kong Institute of Landscape Architects Incorporation Ordinance (Cap. 1162) 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 15).

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

Architects Registration Ordinance (Cap. 408)	Schedule 5
Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470)	Schedule 9
Engineers Registration Ordinance (Cap. 409)	Schedule 6
Landscape Architects Registration Ordinance (Cap. 516)	Schedule 10
Mining Ordinance (Cap. 285)	Schedule 4
Planners Registration Ordinance (Cap. 418)	Schedule 8
Public Lighting Ordinance (Cap. 105)	Schedule 2
Sand Ordinance (Cap. 147)	Schedule 3
Surveyors Registration Ordinance (Cap. 417)	Schedule 7
The Hong Kong Institute of Architects Incorporation Ordinance (Cap. 1147)	Schedule 12
The Hong Kong Institute of Landscape Architects Incorporation Ordinance (Cap. 1162)	Schedule 15
The Hong Kong Institute of Planners Incorporation Ordinance (Cap. 1153)	Schedule 14
The Hong Kong Institute of Surveyors Ordinance (Cap. 1148)	Schedule 13
The Hong Kong Institution of Engineers Ordinance (Cap. 1105)	Schedule 11
Waterworks Ordinance (Cap. 102)	Schedule 1

3. The Bill also provides that the adaptations (except those adaptations subject to clause 2(3)) 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)).

ANNEX B

Provisions	Reasons for adapting “Crown” to “Government”
Section 21(1), Waterworks Ordinance (Cap. 102)	This section provides that a charge for water or other fee that is not paid shall be a debt due to the Crown. This should now become recoverable as a debt due to the Government.
Section 43(c), Mining Ordinance (Cap. 285)	Under this section, the Superintendent of Mines shall take into his custody any minerals declared by a court to be forfeited to the Crown. The minerals should now be declared to be forfeited to the Government.
Section 59(1), Mining Ordinance (Cap. 285)	This section provides that a magistrate may order certain minerals to be forfeited to the Crown. The minerals should now be forfeited to the Government. This section further provides that upon the making of such an order, the minerals concerned shall be deemed to be “the property of the Crown free from all rights of any person”. That reference should be changed to “the property of the Government”.
Section 62, Mining Ordinance (Cap. 285)	This section provides that no person in the service of the Crown shall acquire or hold for his own benefit any right or interest under a prospecting or mining licence or mining lease. The reference to a person in the service of the Crown should be changed to one in the service of the Government.
Note (5) to Form IV of the First Schedule, Mining (General) Regulations (Cap. 285 sub. leg.)	This Note recites the definition of “private land” from section 2 of the principal Ordinance. In the Chinese text, there is a reference to “得自官方”. The English corresponding reference is title “from the Crown”, which has already been changed to title “from the Government” by the Adaptation of Laws (Crown Land) Ordinance (Ord. No. 29 of 1998) (one of the “essential” Adaptation of Laws Ordinances). The reference to “官方” in the Chinese text has not been adapted in the last exercise because of a clerical mistake, but is proposed to be changed to “政府” in the Bill.