

## **LEGISLATIVE COUNCIL BRIEF**

- Money Changers Ordinance  
(Chapter 34)
- Weights and Measures Ordinance  
(Chapter 68)
- Control of Exemption Clauses Ordinance  
(Chapter 71)
- Hong Kong Industrial Estates Corporation Ordinance  
(Chapter 209)
- Metrication Ordinance  
(Chapter 214)
- Reserved Commodities Ordinance  
(Chapter 296)
- Federation of Hong Kong Industries Ordinance  
(Chapter 321)
- Protection of Non-Government Certificates of Origin Ordinance  
(Chapter 324)
- Trade Descriptions Ordinance  
(Chapter 362)
- Toys and Children's Products Safety Ordinance  
(Chapter 424)
- Hong Kong Industrial Technology Centre Corporation Ordinance  
(Chapter 431)
- Consumer Goods Safety Ordinance  
(Chapter 456)
- Supply of Services (Implied Terms) Ordinance  
(Chapter 457)
- Unconscionable Contracts Ordinance  
(Chapter 458)
- Weapons of Mass Destruction (Control of Provision of Services) Ordinance  
(Chapter 526)
- Hong Kong Productivity Council Ordinance  
(Chapter 1116)

## **ADAPTATION OF LAWS (NO. 12) BILL 1999**

### **INTRODUCTION**

At the meeting of the Executive Council on 27 April 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No.12) 1999, as set out at the Annex, should be introduced into the Legislative Council, to effect necessary adaptations to 16 Ordinances on matters relating to trade and industry and their subsidiary legislation.

### **BACKGROUND AND ARGUMENT**

2. Article 160 of the Basic Law states that -

“Upon the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong shall be adopted as laws of the Region except for those which the Standing Committee of the National People’s Congress declares to be in contravention of this Law. If any laws are later discovered to be in contravention of this Law, they shall be amended or cease to have force in accordance with the procedure as prescribed by this Law.”

Article 8 of the Basic Law states that -

“The laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravenes this Law, and subject to any amendment by the legislature of the Hong Kong Special Administrative Region.”

3. On 23 February 1997, the Standing Committee of the National People’s Congress published a decision on the treatment of laws previously in force in Hong Kong. It provides, among other things, that apart from parts or the whole of 24 Ordinances which are not adopted, 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 and are now incorporated as section 2A and Schedule 8 in the Interpretation and General Clauses Ordinance. However, 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 now need to introduce further legislation to effect the necessary textual amendments.

## **THE BILL**

4. Most of the proposed amendments are merely terminological changes, e.g. references to the “Governor in Council “ and “立法局” are replaced by the “Chief Executive in Council” and “立法會” respectively. Similarly, a reference to the “Governor” will be replaced by the “Chief Executive”. Where a provision previously conferred power on the “Governor” to make subsidiary legislation, the reference to the “Governor” will still be adapted to the “Chief Executive”. Although the requirement under Article 56 of the Basic Law that the Chief executive shall consult the Executive Council before making subordinate legislation is then not expressly set out, the Council will still have to be consulted if the Chief Executive is to exercise this legislative function.

5. Other amendments include -

(a) **Sections 2, 7, 14 and 27 of the Hong Kong Industrial Estates Corporation Ordinance**

References to the “Chief Executive”, meaning the person appointed under the Ordinance to be the chief executive of the Hong Kong Industrial Estates Corporation, are replaced by the “Chief Executive of the Corporation” to avoid any possible confusion with the Chief Executive of the Hong Kong Special Administrative Region (HKSAR).

(b) **Sections 7, 25, 27, 32 and 33 of the Hong Kong Industrial Estates Corporation Ordinance**

References to the “Governor” are replaced by the “Chief Executive of the Hong Kong Special Administrative Region”, instead of the

“Chief Executive”, to avoid any possible confusion with the Chief Executive of the Corporation under the Ordinance.

(c) **Section 31 of the Hong Kong Industrial Estates Corporation Ordinance and section 22 of the Hong Kong Industrial Technology Centre Corporation Ordinance**

References to the “Crown” are replaced by the “State” to avoid any possible argument that a person working in the two private bodies acts as a servant or agent of the “State” (which, under section 3 of the Interpretation and General Clauses Ordinance, includes the HKSAR Government) or enjoys any status, immunity or privilege of the “State”.

(d) **Section 29 of the Trade Descriptions Ordinance**

References to the “Crown” are replaced by the “Government” so that where any property has come into the possession of the HKSAR Government under the Ordinance, section 102 of the Criminal Procedure Ordinance, which provides for the disposal of property connected with offences, shall apply to such property as though such property had come into the possession of the Police.

(e) **Section 30(4)(a) of the Trade Descriptions Ordinance**

The reference to the “Crown” is replaced by the “Government” so that the court or magistrate, if satisfied that certain goods are liable to forfeiture, may order that the goods be forfeited to the HKSAR Government.

## **COMMENCEMENT**

6. 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**

7. The legislative timetable will be -
- |                                                                        |                |
|------------------------------------------------------------------------|----------------|
| Publication in the Gazette                                             | 7 May 1999     |
| First Reading and commencement of Second Reading debate                | 19 May 1999    |
| Resumption of Second Reading debate, committee stage and Third Reading | To be notified |

## **HUMAN RIGHTS IMPLICATIONS**

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

## **BINDING EFFECT**

9. The amendments will not affect the current binding effect of the existing provisions of the various Ordinances covered by the Bill.

## **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. Along with this Legislative Council brief, a press release will be issued on 5 May.

## **ENQUIRIES**

13. Any enquiries on this brief should be directed to Mr Nicholas C.T. Chan, Assistant Secretary for Trade and Industry at 2918 7472 or by facsimile at 2877 5650.

Trade and Industry Bureau

File Ref. : TIBCR 43/18/3

**ADAPTATION OF LAWS (NO. 12) 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. 12) 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]  
MONEY CHANGERS ORDINANCE

1. Section 3(2) of the Money Changers Ordinance (Cap. 34) is amended by repealing "Governor" and substituting "Chief Executive".



2. Section 9 is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 2  
WEIGHTS AND MEASURES ORDINANCE

[s. 3]

1. Section 2 of the Weights and Measures Ordinance (Cap. 68) is amended, in the definition of "Commissioner", by repealing "(總監)" and substituting "(關長)".
2. Section 4 is amended by repealing "總監" and substituting "關長".
3. Section 5 is amended -
  - (a) in subsection (1) -
    - (i) by repealing "Governor" and substituting "Chief Executive";
    - (ii) by repealing "總監" and substituting "關長";
  - (b) in subsection (2) -
    - (i) by repealing "Governor" and substituting "Chief Executive";
    - (ii) by repealing "總監" and substituting "關長".
4. Section 25(4) and (5) is amended by repealing "總監" wherever it appears and substituting "關長".

5. Section 27(1), (2), (4) and (5) is amended by repealing "總監" wherever it appears and substituting "關長".
6. Section 28(2), (3) and (5) is amended by repealing "總監" wherever it appears and substituting "關長".
7. Section 29 is amended by repealing "總監" where it twice appears and substituting "關長".
8. Section 30 is amended by repealing "總監" wherever it appears and substituting "關長".
9. Section 31(1) and (2) is amended by repealing "總監" wherever it appears and substituting "關長".
10. Section 37(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 3

[s. 3]

CONTROL OF EXEMPTION CLAUSES ORDINANCE

1. Section 2(1) of the Control of Exemption Clauses Ordinance (Cap. 71) is amended, in the definition of "business", by repealing "Governor" and substituting "Chief Executive".

2. Section 6 is amended by repealing "立法局" and substituting "立法會".
3. Section 16 is amended -
  - (a) in subsections (1) and (2), by repealing "international supply contract" and substituting "exempted supply contract";
  - (b) in subsection (3) -
    - (i) by repealing "international supply contract" and substituting "exempted supply contract";
    - (ii) in paragraph (b), by repealing "the territories of different States" and substituting "different countries or territories";
    - (iii) in paragraph (c) -
      - (A) in subparagraph (i), by repealing "the territory of one State to the territory of another" and substituting "one country or territory to another country or territory";
      - (B) in subparagraph (ii), by repealing "the territories of different States" and substituting "different countries or territories";
      - (C) in subparagraph (iii), by repealing "the territory of a State other than

that within whose territory" and substituting "a country or territory other than the country or territory where".

4. Section 17 is amended by repealing "some other country" where it twice appears and substituting "a jurisdiction other than Hong Kong".

SCHEDULE 4

[s. 3]

HONG KONG INDUSTRIAL ESTATES CORPORATION ORDINANCE

1. Section 2 of the Hong Kong Industrial Estates Corporation Ordinance (Cap. 209) is amended -

- (a) (i) by renumbering it as section 2(1);
- (ii) in subsection (1) -
  - (A) in the definition of "authorized officer", by adding "of the Corporation" after "Chief Executive";
  - (B) by repealing the definition of "Chief Executive" and substituting -
    - ""Chief Executive of the Corporation" (公司總裁) means the person appointed under section 27(1) to be the chief executive of the Corporation;"
- (b) by adding -

"(2) A reference in this Ordinance to the Chief Executive of the Hong Kong Special Administrative Region shall be construed to include a person for the time being assuming the duties of the Chief Executive according to the provisions of Article 53 of the Basic Law."

2. Section 7 is amended -

- (a) in subsection (1) -
  - (i) in paragraph (b), by adding "of the Corporation" after "Chief Executive";
  - (ii) in paragraph (c), by repealing "Governor" and substituting "Chief Executive of the Hong Kong Special Administrative Region";
- (b) in subsection (3), by repealing "Governor for such term as the Governor thinks fit" and substituting "Chief Executive of the Hong Kong Special Administrative Region for such term as he thinks fit";
- (c) in subsection (6), by repealing "Governor" wherever it appears and substituting "Chief Executive of the Hong Kong Special Administrative Region";
- (d) in subsection (7), by repealing "at the pleasure of the Governor" and substituting "at the discretion of the Chief Executive of the Hong Kong Special Administrative Region";
- (e) in subsection (8) -
  - (i) by adding "of the Corporation" after "Chief Executive";

- (ii) by repealing "Governor" where it twice appears and substituting "Chief Executive of the Hong Kong Special Administrative Region";
  - (f) in subsection (9), by adding "of the Corporation" after "Chief Executive".
- 3. Section 14 is amended -
  - (a) in subsection (1), by adding "of the Corporation" after "Chief Executive";
  - (b) in subsection (4) -
    - (i) by repealing "delegation to the Chief Executive by the Corporation" and substituting "delegation by the Corporation to the Chief Executive of the Corporation";
    - (ii) by repealing "by the Chief Executive" and substituting "by the Chief Executive of the Corporation".
- 4. Section 18 is amended by repealing "立法局" and substituting "立法會".
- 5. Section 23 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
- 6. Section 25(1) is amended by repealing "Governor" and substituting "Chief Executive of the Hong Kong Special Administrative Region".

7. Section 26(2) is amended by repealing "立法局" and substituting "立法會".
8. Section 27 is amended -
  - (a) in subsection (1), by repealing "Governor" and substituting "Chief Executive of the Hong Kong Special Administrative Region";
  - (b) in subsection (2) -
    - (i) by adding "of the Corporation" after "Chief Executive";
    - (ii) by repealing "Governor" and substituting "Chief Executive of the Hong Kong Special Administrative Region".
9. Section 31 is amended by repealing "Crown" where it twice appears and substituting "State".
10. Section 32 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive of the Hong Kong Special Administrative Region".
11. Section 33(1) is amended by repealing "Governor" and substituting "Chief Executive of the Hong Kong Special Administrative Region".
12. Section 36(2) is amended by repealing "立法局" and substituting "立法會".

SCHEDULE 5  
METRICATION ORDINANCE

[s. 3]

1. Section 3(1) and (2) of the Metrication Ordinance (Cap. 214) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 4 is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 6  
RESERVED COMMODITIES ORDINANCE AND ITS SUBSIDIARY LEGISLATION

[s. 3]

**Reserved Commodities Ordinance**

1. Section 2(1) of the Reserved Commodities Ordinance (Cap. 296) is amended -
  - (a) in the definition of "Commissioner", by repealing "(總監)" and substituting "(關長)";
  - (b) in the definition of "獲授權人員", by repealing "總監" and substituting "關長".
2. Section 3(1) is amended -
  - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) in paragraph (n) -



- (i) by repealing "Governor" and substituting "Chief Executive";
  - (ii) by repealing "總監" and substituting "關長".
- 3. Section 4 is amended by repealing "總監" where it twice appears and substituting "關長".
- 4. Section 5 is amended -
  - (a) by repealing "Governor" where it twice appears and substituting "Chief Executive";
  - (b) by repealing "總監" where it twice appears and substituting "關長".
- 5. Section 10(2) (b) and (4) is amended by repealing "總監" and substituting "關長".
- 6. Section 13 is amended -
  - (a) by repealing "Governor" where it twice appears and substituting "Chief Executive";
  - (b) by repealing "總監" and substituting "關長".

**Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations**

7. Regulation 7A(b) of the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg.) is amended by repealing "總監" and substituting "關長".
8. Regulation 9(2) is amended by repealing "總監" where it twice appears and substituting "關長".
9. Regulation 21 is amended by repealing "總監" where it twice appears and substituting "關長".

**Reserved Commodities (Control of Sales by Wholesale) Regulations**

10. Regulation 12 of the Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap. 296 sub. leg.) is amended by repealing "總監" where it twice appears and substituting "關長".
11. Regulation 16(4) is amended by repealing "總監" and substituting "關長".

## SCHEDULE 7

[s. 3]

## FEDERATION OF HONG KONG INDUSTRIES ORDINANCE

1. Section 6(e) and (ea) of the Federation of Hong Kong Industries Ordinance (Cap. 321) is amended by repealing "any other country" and substituting "elsewhere".
2. Section 34(1) (c), (4), (5) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
3. Section 35(3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
4. Section 56 is amended by repealing "Her Majesty the Queen, Her Heirs or Successors" and substituting "the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

## SCHEDULE 8

[s. 3]

## PROTECTION OF NON-GOVERNMENT CERTIFICATES OF ORIGIN ORDINANCE

1. Section 2 of the Protection of Non-Government Certificates of Origin Ordinance (Cap. 324) is amended -
  - (a) in the definition of "Commissioner", by repealing "總監" and substituting "關長";
  - (b) in the definition of "country of destination" -

- (i) by adding "or territory" after "country" where it twice appears;
    - (ii) by repealing "(目的國)" and substituting "(目的國家或地區)";
  - (c) in the definition of "獲授權人員", by repealing "總監" and substituting "關長".
2. Section 3 is amended -
- (a) in subsection (1), by repealing "any other country" and substituting "elsewhere";
  - (b) in subsection (2) (d) (ii) and (iii), by adding "or territory" after "country".
3. Section 12 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 13 is amended by repealing "Her Majesty the Queen, Her Heirs or Successors" and substituting "the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

## TRADE DESCRIPTIONS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

**Trade Descriptions Ordinance**

1. The long title to the Trade Descriptions Ordinance (Cap. 362) is amended by repealing "to prohibit the unauthorized use of devices or emblems signifying an award by the Queen or the Governor;".
2. Section 2 is amended -
  - (a) in subsection (1) -
    - (i) in the definition of "Commissioner", by repealing "(總監)" and substituting "(關長)";
    - (ii) in the definition of "trade mark" -
      - (A) by repealing paragraph (b);
      - (B) in paragraph (c) (i) and (iii), by repealing "or a Convention country" and substituting", in a Convention country or in China (other than in Hong Kong)";
  - (b) in subsection (2) (b), by repealing "總監" and substituting "關長".
3. Section 4(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 5(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

5. Section 10 is repealed.
6. Section 13 is amended by repealing "Governor" and substituting "Chief Executive".
7. Section 14 is amended by repealing "總監" where it twice appears and substituting "關長".
8. Section 16(1) (b) and (3) is amended by repealing "總監" and substituting "關長".
9. Section 16C is amended by repealing "總監" wherever it appears and substituting "關長".
10. Section 16D is amended by repealing "總監" and substituting "關長".
11. Section 18(1) is amended by repealing "10,".
12. Section 23(2) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
13. Section 24(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

14. Section 29 is amended by repealing "Crown" where it twice appears and substituting "Government".
15. Section 30 is amended -
  - (a) in subsections (2) and (3), by repealing "總監" and substituting "關長";
  - (b) in subsection (4) (a), by repealing "Crown" and substituting "Government";
  - (c) in subsection (5), by repealing "總監" where it twice appears and substituting "關長".
16. Section 30B(2) and (3) (d) is amended by repealing "總監" and substituting "關長".
17. Section 30C(1), (4), (5), (6) and (7) is amended by repealing "總監" and substituting "關長".
18. Section 30D(1), (2), (3), (4), (5), (6), (7) and (9) is amended by repealing "總監" wherever it appears and substituting "關長".
19. Section 30E(1) and (6) is amended by repealing "總監" wherever it appears and substituting "關長".
20. Section 30F is amended by repealing "總監" wherever it appears and substituting "關長".

21. Section 30G is amended by repealing "總監" wherever it appears and substituting "關長".
22. Section 30H(1) is amended by repealing "總監" and substituting "關長".
23. Section 30I is amended by repealing "總監" where it twice appears and substituting "關長".
24. Section 33 is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".

#### **Trade Descriptions (Marking) (Gold and Gold Alloy) Order**

25. The Second Schedule to the Trade Descriptions (Marking) (Gold and Gold Alloy) Order (Cap. 362 sub. leg.) is amended, in item 1, by repealing "any other territory" and substituting "elsewhere".

#### **Trade Descriptions (Definition Of Platinum) Regulations**

26. The Second Schedule to the Trade Descriptions (Definition of Platinum) Regulations (Cap. 362 sub. leg.) is amended, in item 1, by repealing "any other territory" and substituting "elsewhere".



### **Trade Descriptions (Marking) (Platinum) Order**

27. Schedule 2 to the Trade Descriptions (Marking) (Platinum) Order (Cap. 362 sub. leg.) is amended, in item 1, by repealing "any other territory" and substituting "elsewhere".

### **Trade Mark (Border Measures) Rules**

28. Rule 6(5) of the Trade Mark (Border Measures) Rules (Cap. 362 sub. leg.) is amended by repealing "總監" and substituting "關長".

29. Rule 7(2) is amended by repealing "總監" and substituting "關長".

30. Rule 8(2) (a) is amended by repealing "總監" and substituting "關長".

31. Rule 10 is amended by repealing "總監" and substituting "關長".

32. Rule 13(1) is amended by repealing "總監" where it twice appears and substituting "關長".

33. Rule 14 is amended by repealing "總監" where it twice appears and substituting "關長".

## SCHEDULE 10

[s. 3]

## TOYS AND CHILDREN'S PRODUCTS SAFETY ORDINANCE

1. Section 2 of the Toys and Children's Products Safety Ordinance (Cap. 424) is amended -
  - (a) in the definition of "Commissioner", by repealing "(總監)" and substituting "(關長)";
  - (b) in the definition of "獲授權人員", by repealing "總監" and substituting "關長".
2. Section 9(3) is amended by repealing "總監" and substituting "關長".
3. Section 10(1) is amended by repealing "總監" and substituting "關長".
4. Section 11(1) is amended by repealing "總監" where it twice appears and substituting "關長".
5. Section 12(1) is amended by repealing "總監" where it twice appears and substituting "關長".
6. Section 13 is amended by repealing "總監" wherever it appears and substituting "關長".

7. Section 14 is amended by repealing "總監" wherever it appears and substituting "關長".
8. Section 16 is amended -
  - (a) in subsection (1), by repealing "總監" and substituting "關長";
  - (b) in subsection (3), by repealing "立法局" and substituting "立法會".
9. Section 17(2) and (3) is amended by repealing "總監" and substituting "關長".
10. Section 18(2), (3) and (4) is amended by repealing "總監" wherever it appears and substituting "關長".
11. Section 19 is amended by repealing "總監" and substituting "關長".
12. Section 21(1) (b) and (3) is amended by repealing "總監" and substituting "關長".
13. Section 22(1) and (2) is amended by repealing "總監" wherever it appears and substituting "關長".

14. Section 24 is amended by repealing "總監" wherever it appears and substituting "關長".
15. Section 28 is amended by repealing "總監" wherever it appears and substituting "關長".

SCHEDULE 11

[s. 3]

HONG KONG INDUSTRIAL TECHNOLOGY CENTRE CORPORATION ORDINANCE

1. Section 12(1) of the Hong Kong Industrial Technology Centre Corporation Ordinance (Cap. 431) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 13 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
3. Section 20(5) is amended by repealing "立法局" and substituting "立法會".
4. Section 21(3) (b) is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 22 is amended by repealing "Crown" where it twice appears and substituting "State".
6. The Schedule is amended -

- (a) in section 1 -
  - (i) in subsection (1) (a), by repealing "Governor" where it twice appears and substituting "Chief Executive";
  - (ii) in subsection (2) (b), by repealing "at the will and pleasure of the Governor" and substituting "at the discretion of the Chief Executive";
  - (iii) in subsection (3) (a), by repealing "Governor" and substituting "Chief Executive";
  - (iv) in subsection (4) -
    - (A) by repealing "Governor" wherever it appears and substituting "Chief Executive";
    - (B) by repealing "Governor's" and substituting "Chief Executive's";
  - (v) in subsection (6), by repealing "Governor" and substituting "Chief Executive";
- (b) in section 2(1), (2) and (3), by repealing "Governor" wherever it appears and substituting "Chief Executive".

SCHEDULE 12  
CONSUMER GOODS SAFETY ORDINANCE

[s. 3]

1. Section 2 of the Consumer Goods Safety Ordinance (Cap. 456) is amended -

- (a) in the definition of "Commissioner", by repealing "(總監)" and substituting "(關長)";
  - (b) in the definition of "獲授權人員", by repealing "總監" and substituting "關長".
2. Section 7 is amended by repealing "總監" and substituting "關長".
  3. Section 8 is amended by repealing "總監" wherever it appears and substituting "關長".
  4. Section 9 is amended by repealing "總監" where it twice appears and substituting "關長".
  5. Section 10 is amended by repealing "總監" wherever it appears and substituting "關長".
  6. Section 12(2) is amended by repealing "總監" and substituting "關長".
  7. Section 13 is amended by repealing "總監" wherever it appears and substituting "關長".
  8. Section 15 is amended -

- (a) in subsection (1), by repealing "總監" and substituting "關長";
- (b) in subsection (3), by repealing "立法局" and substituting "立法會".

9. Section 16(3) and (4) is amended by repealing "總監" and substituting "關長".
10. Section 17(2), (3) and (4) is amended by repealing "總監" wherever it appears and substituting "關長".
11. Section 18 is amended by repealing "總監" and substituting "關長".
12. Section 20(1) (b) and (3) is amended by repealing "總監" and substituting "關長".
13. Section 21 is amended by repealing "總監" wherever it appears and substituting "關長".
14. Section 22(4) is amended by repealing "總監" and substituting "關長".

15. Section 31(2), (3), (4) and (5) is amended by repealing "總監" wherever it appears and substituting "關長".

16. Section 33 is amended by repealing "總監" wherever it appears and substituting "關長".

SCHEDULE 13 [s. 3]  
SUPPLY OF SERVICES (IMPLIED TERMS) ORDINANCE

1. Section 2 of the Supply of Services (Implied Terms) Ordinance (Cap. 457) is amended, in the definition of "business", in paragraph (c), by repealing "Governor" and substituting "Chief Executive".

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

SCHEDULE 14 [s. 3]  
UNCONSCIONABLE CONTRACTS ORDINANCE

1. Section 2(1) of the Unconscionable Contracts Ordinance (Cap. 458) is amended, in the definition of "business", in paragraph (c), by repealing "Governor" and substituting "Chief Executive".

2. Section 7 is amended by repealing "some other country" where it twice appears and substituting "a jurisdiction other than Hong Kong".



## SCHEDULE 15

[s. 3]

## WEAPONS OF MASS DESTRUCTION (CONTROL OF PROVISION OF SERVICES) ORDINANCE

1. Section 2(1) of the Weapons of Mass Destruction (Control of Provision of Services) Ordinance (Cap. 526) is amended -
  - (a) in the definition of "Commissioner", by repealing "(總監)" and substituting "(關長)";
  - (b) in the definition of "獲授權人員", by repealing "總監" and substituting "關長".
2. Section 3 is amended by repealing "總監" and substituting "關長".
3. Section 6(2) is amended by repealing "總監" where it twice appears and substituting "關長".
4. Section 7(4) is amended by repealing "總監" where it twice appears and substituting "關長".
5. Section 12(1) is amended by repealing "總監" and substituting "關長".

## SCHEDULE 16

[s. 3]

## HONG KONG PRODUCTIVITY COUNCIL ORDINANCE

1. Section 4(1) (c) of the Hong Kong Productivity Council Ordinance (Cap. 1116) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 5(1) (c), (1B), (1C), (1D) and (2) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
3. Section 5A(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 6 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
5. Section 9 is amended -
  - (a) in subsections (1) and (2), by repealing "Governor" wherever it appears 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 paragraph (b), by repealing "Governor" and substituting "Chief Executive";
  - (c) in subsections (4), (5) and (6), by repealing "Governor" and substituting "Chief Executive".

6. Section 16(1) and (4) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
7. Section 19 is amended -
  - (a) in subsection (1), by repealing "Governor" wherever it 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".
8. Section 22 is amended by repealing "Governor" 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 16).

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

Consumer Goods Safety Ordinance (Cap. 456)	Schedule 12
Control of Exemption Clauses Ordinance (Cap. 71)	Schedule 3

Federation of Hong Kong Industries Ordinance (Cap. 321)	Schedule 7
Hong Kong Industrial Estates Corporation Ordinance (Cap. 209)	Schedule 4
Hong Kong Industrial Technology Centre Corporation Ordinance (Cap. 431)	Schedule 11
Hong Kong Productivity Council Ordinance (Cap. 1116)	Schedule 16
Metrication Ordinance (Cap. 214)	Schedule 5
Money Changers Ordinance (Cap. 34)	Schedule 1
Protection of Non-Government Certificates of Origin Ordinance (Cap. 324)	Schedule 8
Reserved Commodities Ordinance (Cap. 296)	Schedule 6
Supply of Services (Implied Terms) Ordinance (Cap. 457)	Schedule 13
Toys and Children's Products Safety Ordinance (Cap. 424)	Schedule 10
Trade Descriptions Ordinance (Cap. 362)	Schedule 9
Unconscionable Contracts Ordinance (Cap. 458)	Schedule 14
Weapons of Mass Destruction (Control of Provision of Services) Ordinance (Cap. 526)	Schedule 15
Weights and Measures Ordinance (Cap. 68)	Schedule 2

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).