

## **LEGISLATIVE COUNCIL BRIEF**

- New Territories Ordinance  
(Chapter 97)
- Gambling Ordinance  
(Chapter 148)
- Man Mo Temple Ordinance  
(Chapter 154)
- Marriage Reform Ordinance  
(Chapter 178)
- Registration of Local Newspapers Ordinance  
(Chapter 268)
- Building Management Ordinance  
(Chapter 344)
- Hotel and Guesthouse Accommodation Ordinance  
(Chapter 349)
- Clubs (Safety of Premises) Ordinance  
(Chapter 376)
- Hong Kong Bill of Rights Ordinance  
(Chapter 383)
- Bedspace Apartments Ordinance  
(Chapter 447)
- Personal Data (Privacy) Ordinance  
(Chapter 486)

### **ADAPTATION OF LAWS (NO. 14) 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. 14) Bill 1999, at the Annex, should be introduced into the Legislative Council.

## **BACKGROUND AND ARGUMENT**

2. There are provisions in the above-mentioned 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.17) Bill 1999 seeks to adapt these provisions with a view to bringing them into conformity with the Basic Law and Hong Kong's present status.

## **THE BILL**

3. The proposed amendments are mainly terminological changes, e.g. references to "the Colony", "立法局" and "行政局" are replaced by "Hong Kong", "立法會" and "行政會議" 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.

4. The second reference to the "Governor in Council" in section 10(1) of the New Territories Ordinance (Chapter. 97) is a historic reference and, as such, is a reference that would not normally be adapted. However in this case it is appropriate to delete the historic reference to maintain consistency with the adaptation of the first reference. References to the "Crown" (Item 1 of Schedule 2, Item 6 of Schedule 3, Items 2 and 4 of Schedule 7, Items 2 and 4 of Schedule 8 and Item 1 of Schedule 10) are all, on the basis of the context in which they occur, uniformly adapted to "Government" as being provisions affecting and being the sole responsibility of the Government of the Hong Kong Special Administrative Region.

## **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 follows -

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**

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

## **BINDING EFFECT OF THE LEGISLATION**

8. The amendments will 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.

## **PUBLICITY**

10. A press release will be issued on 7 May 1999 (date of Gazette). A spokesman will be available to handle media enquiries.

## **OTHERS**

11. Enquiries concerning the Bill and this brief can be directed to Edward Yu, Assistant Secretary for Home Affairs (tel no : 2835 1384).

Home Affairs Bureau

5 May 1999

File Ref. : S/F(24) to HAB/CR/1/19/45 Pt. 2



**ADAPTATION OF LAWS (NO. 14) 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. 14) 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]

NEW TERRITORIES ORDINANCE

1. Section 3 of the New Territories Ordinance (Cap. 97) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

2. Section 4 is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".
3. Section 7(2) and (3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
4. Section 8 is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 10(1) is amended -
  - (a) by repealing "Governor in Council" where it first appears and substituting "Chief Executive in Council";
  - (b) by repealing "of the Governor in Council".
6. Section 12 is amended, in the proviso, by repealing "the Colony" and substituting "Hong Kong".
7. Section 42 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 2

[s. 3]

GAMBLING ORDINANCE

1. Section 26 of the Gambling Ordinance (Cap. 148) is amended by repealing "Crown" and substituting "Government".
2. Section 28 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".



## SCHEDULE 3

[s. 3]

## MAN MO TEMPLE ORDINANCE

1. Section 3(f) of the Man Mo Temple Ordinance (Cap. 154) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 3A(a) and (d) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 4 is amended, in the proviso, by repealing "Governor in Council" and substituting "Chief Executive in Council".
4. Section 5(a) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
5. Section 6 is amended -
  - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
  - (b) by repealing "Governor, with the advice of the Legislative Council, by an Ordinance to be passed for that purpose to repeal" and substituting "Government to introduce a bill into the Legislative Council for the purpose of repealing";
  - (c) in the proviso, by repealing "Governor's intention to introduce such an Ordinance into" and substituting "Government's intention to introduce such a bill into the Legislative".

6. Section 7 is amended -
  - (a) by repealing "Crown" and substituting "Government";
  - (b) by repealing "Governor in Council" and substituting "Chief Executive in Council".
  
7. Section 8 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 4

[s. 3]

MARRIAGE REFORM ORDINANCE AND ITS SUBSIDIARY LEGISLATION

**Marriage Reform Ordinance**

1. Section 2 of the Marriage Reform Ordinance (Cap. 178) is amended -
  - (a) by repealing the definition "appointed day" and substituting -  
""appointed day" (指定日期) means 7 October 1971;";
  - (b) in the definition "Chinese law and custom" by repealing "the Colony" and substituting "Hong Kong";
  - (c) in the definition "designated public officer" by repealing "Governor" and substituting "Chief Executive".
  
2. Section 3 is repealed.

3. Section 22 is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 24 is amended by repealing "Governor" and substituting "Chief Executive".

### **Marriage Reform (Forms) Regulations**

5. The Schedule to the Marriage Reform (Forms) Regulations (Cap. 178 sub. leg.) is amended, in Forms 3 and 4, by repealing "地方法院" and substituting "區域法院".

### SCHEDULE 5

[s. 3]

## REGISTRATION OF LOCAL NEWSPAPERS ORDINANCE AND ITS SUBSIDIARY LEGISLATION

### **Registration of Local Newspapers Ordinance**

1. Section 2 of the Registration of Local Newspapers Ordinance (Cap. 268) is amended, in the definition "Registrar", by repealing "Governor" where it twice appears and substituting "Chief Executive".
2. Section 18 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
3. Section 21 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

### **News Agencies Registration Regulations**

4. Regulation 14(2) of the News Agencies Registration Regulations (Cap. 268 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

### **Newspapers Registration and Distribution Regulations**

5. Regulation 17(2) of the Newspapers Registration and Distribution Regulations (Cap. 268 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

### **Printed Documents (Control) Regulations**

6. Regulation 14(2) of the Printed Documents (Control) Regulations (Cap. 268 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

## **SCHEDULE 6**

[s. 3]

### **BUILDING MANAGEMENT ORDINANCE**

1. Section 41 of the Building Management Ordinance (Cap. 344) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
2. Section 42 is amended -
  - (a) in subsection (1), by repealing "Governor" and substituting "Chief Executive";

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

SCHEDULE 7

[s. 3]

HOTEL AND GUESTHOUSE ACCOMMODATION ORDINANCE

1. Section 14(2), (4) and (6) of the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 15(9) is amended by repealing "Crown" and substituting "Government".
3. Section 16(1) is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 20(2)(b) is amended by repealing "Crown" and substituting "Government".
5. Section 22(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 8

[s. 3]

CLUBS (SAFETY OF PREMISES) ORDINANCE

1. Section 14(2), (4) and (6) of the Clubs (Safety of Premises) Ordinance (Cap. 376) is amended by repealing "Governor" and substituting "Chief Executive".

2. Section 15(9) is amended by repealing "Crown" and substituting "Government".
3. Section 16(1) is amended by repealing "Governor" and substituting "Chief Executive".
4. Section 20(2)(b) is amended by repealing "Crown" and substituting "Government".
5. Section 22(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

SCHEDULE 9

[s. 3]

HONG KONG BILL OF RIGHTS ORDINANCE

1. Section 13 of the Hong Kong Bill of Rights Ordinance (Cap. 383) is amended -
  - (a) by repealing "行政局" and substituting "行政會議";
  - (b) by repealing "立法局" and substituting "立法會".

SCHEDULE 10

[s. 3]

BEDSPACE APARTMENTS ORDINANCE

1. Section 25(5) of the Bedspace Apartments Ordinance (Cap. 447) is amended by repealing "Crown" and substituting "Government".

2. Section 27(4), (6), (8) and (9) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

## SCHEDULE 11

[s. 3]

## PERSONAL DATA (PRIVACY) ORDINANCE

1. Section 2 of the Personal Data (Privacy) Ordinance (Cap. 486) is amended -
  - (a) in subsection (7), by repealing "Governor" and substituting "Chief Executive";
  - (b) in subsection (13), by repealing "Royal".
  
2. Section 5 is amended -
  - (a) in subsection (3), by repealing "Governor" and substituting "Chief Executive";
  - (b) in subsection (5) -
    - (i) in paragraph (a), by repealing "Governor" and substituting "Chief Executive";
    - (ii) in paragraph (b) -
      - (A) by repealing "Governor" and substituting "Chief Executive";
      - (B) by repealing "立法局" and substituting "立法會";
  - (c) in subsection (6), by repealing "Governor" and substituting "Chief Executive".
  
3. Section 6 is amended by repealing "Governor" and substituting "Chief Executive".

4. Section 7(1) is amended by repealing "Governor" and substituting "Chief Executive".
5. Section 8(2)(e) is amended by repealing "Governor" and substituting "Chief Executive".
6. Section 45(3) is amended -
  - (a) by repealing "Governor" and substituting "Chief Executive";
  - (b) by repealing "行政局" and substituting "行政會議".
7. Section 57(3), (4) and (5) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
8. Section 58(4) is amended by repealing "Governor" and substituting "Chief Executive".
9. Section 71 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
10. Schedule 2 is amended, in sections 1(1)(a)(i), 4(4) and 5(4), by repealing "立法局" and substituting "立法會".

#### Explanatory Memorandum

The purpose of this Bill is to adapt the Ordinances and their subsidiary legislation specified in Schedules 1 to 11 so as to ensure conformity of those Ordinances and subsidiary legislation 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 11).

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

to the Bill

Ordinance

1. New Territories Ordinance (Cap. 97)
2. Gambling Ordinance (Cap. 148)
3. Man Mo Temple Ordinance (Cap. 154)
4. Marriage Reform Ordinance (Cap. 178)
5. Registration of Local Newspapers Ordinance (Cap. 268)
6. Building Management Ordinance (Cap. 344)
7. Hotel and Guesthouse Accommodation Ordinance (Cap. 349)
8. Clubs (Safety of Premises) Ordinance (Cap. 376)
9. Hong Kong Bill of Rights Ordinance (Cap. 383)
10. Bedspace Apartments Ordinance (Cap. 447)
11. Personal Data (Privacy) Ordinance (Cap. 486)

3. The Bill also provides that, subject to Article 12 of the Hong Kong Bill of Rights, the adaptations when passed into law shall take effect retrospectively, as from the date of the establishment of the Hong Kong Special Administrative Region (clause 2).