

(File Ref.: ESB CR 5/3231/91)

LEGISLATIVE COUNCIL BRIEF

Hotel Proprietors Ordinance (Cap. 158)
Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173)
Hong Kong Tourist Association Ordinance (Cap. 302)
Civil Aviation (Aircraft Noise) Ordinance (Cap. 312)
Dangerous Goods (Consignment by Air)(Safety) Ordinance (Cap. 384)
Civil Aviation Ordinance (Cap. 448)
Airport Authority Ordinance (Cap. 483)

ADAPTATION OF LAWS (NO. 15) BILL 1999

INTRODUCTION

At the meeting of the Executive Council on 25 May 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No.15) Bill 1999 (copy at the Annex) should be introduced into the Legislative Council to effect necessary adaptations to seven Ordinances relating to aviation and tourism 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.”

3. 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.”

4. On 23 February 1997, the Standing Committee of the National People’s Congress (NPCSC) published a decision which set out a number of principles for interpreting the laws which were adopted by the NPCSC to continue to remain in force as laws of the Hong Kong Special Administrative Region (HKSAR). These principles were included in the Hong Kong Reunification Ordinance and were subsequently incorporated as section 2A and Schedule 8 of the Interpretation and General Clauses Ordinance (Cap. 1).

5. Despite the guiding principles under the Interpretation and General Clauses Ordinance on construing terminology inconsistent with the Basic Law and Hong Kong’s status as a Special Administrative Region of the People’s Republic of China, it is considered unacceptable to retain such terminology in our statute books after the reunification. We need to introduce the Adaptation of Laws (No.15) Bill 1999 to bring necessary amendments to the texts of the Hotel Proprietors Ordinance, Civil Aviation (Births, Deaths and Missing Persons) Ordinance, Hong Kong Tourist Association Ordinance, Civil Aviation (Aircraft Noise) Ordinance, Dangerous Goods (Consignment by Air)(Safety) Ordinance, Civil Aviation Ordinance and Airport Authority Ordinance and their subsidiary legislation.

THE BILL

6. Most of the proposed amendments are merely terminological changes, e.g. references to "the Colony" and "立法局" will be replaced by "Hong Kong" and "立法會" respectively. Similarly, references 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 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 Executive Council will still have to be consulted if the Chief Executive is to exercise this legislative function. References to United Kingdom (UK) Acts, except for historical references, are proposed to be either deleted or replaced by references to local legislation.

7. Further, references to "Greenwich Mean Time" are proposed to be adapted to "Co-ordinated Universal Time" as the latter is used by the International Civil Aviation Organisation. The term "at the will and pleasure of the Governor", which has a colonial connotation, is adapted to "at the discretion of the Chief Executive".

8. Detailed explanations for some particular amendments are set out below -

(a) **Repeal of "or other Crown servant"** [Schedule 4, s. 1(b)]

The reference is found in section 2(1)(definitions of "air traffic manager" and "airport manager") of the Civil Aviation (Aircraft Noise) Ordinance. Under the Interpretation and General Clauses Ordinance, "public servant" has the same meaning as "public officer". Therefore, it is not necessary to adapt "public officer or other *Crown servant*" to "public officer or other *public servant*". Instead, the reference to "Crown servant" should be deleted. An alternative is to replace "Crown servant" by "servant of the Central People's Government". This is considered inappropriate because, under Article 130 of the Basic Law, "the Hong Kong Special Administrative Region shall be responsible *on its own* for matters of routine business and technical management of civil aviation, including the *management of airports*, the provision of *air traffic services...*".

(b) **Replacement of "Crown" by "State"** [Schedule 4, s. 3(b)]

Section 9(4) of the Civil Aviation (Aircraft Noise) Ordinance enables regulations made under the Ordinance to apply to aircraft in the service of the "Crown". Under section 7 of Schedule 9 to the Interpretation and General Clauses Ordinance, a reference to the "Crown" shall be construed as a reference to the "State" in a provision dealing with the scope of application of an Ordinance.

- (c) **Repeal of "of the United Kingdom Civil Aviation Authority"**
[Schedule 4, s. 4]

Regulation 2(2)(b) of the Civil Aviation (Aircraft Noise) (Certification) Regulations provides for delegation by the Director of Civil Aviation (DCA) of some of his functions under the Regulations to, among other officers, "Airworthiness Surveyor of the United Kingdom Civil Aviation Authority attached to the Civil Aviation Department". After the reunification, it is no longer appropriate to retain the reference to the "United Kingdom Civil Aviation Authority" and the DCA should have the flexibility to authorise airworthiness surveyors of any organisation as he sees fit.

- (d) **Removal of arrangements previously applicable to aircraft registered in UK colonies, etc.** [Schedule 6, s. 12(a)(ii)]

Regulation 3(1)(a) & (b) of the Air Transport (Licensing of Air Services) Regulations concerns the requirement for a person to hold a licence or permit before he can use his aircraft to provide scheduled journey to or from Hong Kong. The proposed amendment removes arrangements previously applicable to aircraft registered in any of the Channel Islands or the Isle of Man, UK colonies and places having specific relationship with the UK and gives equal treatment to all aircraft registered in a place outside Hong Kong.

- (e) **Repeal of Regulation 32 of the Air Transport (Licensing of Air Services) Regulations** [Schedule 6, s. 19]

Regulation 32 provides for transitional arrangements made in 1985 for UK aircraft and aircraft with an operating permit issued by UK authorities. These arrangements are no longer applicable and have lapsed.

- (f) **Repeal of "some part of the Commonwealth"** [Schedule 6, s. 33(a)]

Article 3(1)(a) of the Air Navigation (Hong Kong) Order 1995 concerns the right of aircraft registered in some part of the Commonwealth to overfly Hong Kong. After the reunification, it is no longer appropriate to continue this specific right.

- (g) **Replacement of "Her Majesty's Government in the United Kingdom" by "the Central People's Government or the Government of the Hong Kong Special Administrative Region" [Schedule 6, s. 33(b)]**

Article 3(1)(c) of Air Navigation (Hong Kong) Order 1995 concerns signing of agreement with another country to provide for rights of aircraft registered in that country to fly in or over Hong Kong. Such an agreement may be contained in an air services agreement. Under Article 132 of the Basic Law, all air services agreements providing air services between other parts of the PRC and other states and regions with stops at the HKSAR and air services between the HKSAR and other states and regions with stops at other parts of the PRC shall be concluded by the Central People's Government. Under Article 133 of the Basic Law, acting under specific authorizations from the Central People's Government, the HKSAR Government may negotiate and conclude new air services agreements to regulate scheduled air services to, from or through Hong Kong, which do not operate to, from or through the mainland of China. Accordingly, references to both the Central People's Government and the HKSAR Government are necessary.

- (h) **Repeal of Articles 9(3)(a)(iii) & 11(6)(a)(iii) & Reg. 13 in Schedule 15 of the Air Navigation (Hong Kong) Order 1995 [Schedule 6, ss.39 (b) (i), 41(b) & 105(b)]**

Articles 9(3)(a)(iii) and 11(6)(a)(iii) and Regulation 13 in Schedule 15 of the Air Navigation (Hong Kong) Order 1995 provide for automatic recognition of the professional qualifications of aircraft maintenance engineers granted by the UK for the purpose of issuing a certificate of maintenance review and a certificate of release to service. It is proposed that the provisions regarding such automatic recognition should be repealed. The proposed repeal is to come into operation on the day when the Ordinance to be enacted is published in the Gazette instead of retrospectively on 1 July 1997 as in the ordinary case. This is necessary because some aircraft operators or owners may have been using the services of UK engineers for the issue of the relevant certificates based on the existing laws. It would not be reasonable to render these certificates invalid retrospectively.

(i) **Bilingual Marking Requirements for "Exits" and "Emergency Exits"** [Schedule 6, s. 65(b), (c), (d) & (e) (ii)]

Article 46 of the Air Navigation (Hong Kong) Order 1995 requires marking of terms such as "Exits" and "Emergency Exits" in English only. The amendments require markings in Chinese as well to reflect the equal status of the Chinese and English languages. Such amendments are to come into operation on a day to be appointed by the DCA to allow time for compliance by aircraft operators or owners.

(j) **Repeal of "the United Kingdom"** [Schedule 6, s. 86(a)]

Article 84(1) of Air Navigation (Hong Kong) Order 1995 provides, among other things, that aircraft registered in a place other than "the United Kingdom or Hong Kong" cannot fly over Hong Kong to carry out aerial photography, aerial survey or other aerial work without the permission of the "Governor" (which is proposed to be adapted to the "Chief Executive"). The reference to "the United Kingdom" should be repealed as it is no longer appropriate to accord special treatment to the UK.

(k) **Repeal of Article 98(9) of the Air Navigation (Hong Kong) Order 1995** [Schedule 6, s. 94(c)]

Article 98(9) provides for interpretation of the Air Navigation (Hong Kong) Order 1995 in accordance with the Interpretation Act 1978 of the United Kingdom. Under section 15 of the Civil Aviation Ordinance, the Air Navigation (Hong Kong) Order 1995 shall continue in force under the Ordinance and shall be deemed for all purposes to have been made by the "Governor in Council" (which is proposed to be adapted to the "Chief Executive in Council") under that Ordinance. The Interpretation and General Clauses Ordinance, by virtue of its section 2, applies to the Air Navigation (Hong Kong) Order 1995. Therefore, the reference to the UK Interpretation Act 1978 is proposed to be repealed.

COMMENCEMENT

9. Except for the amendments referred to in paragraph 8(h) and (i), 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 HKSAR.

PUBLIC CONSULTATION

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

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT

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

FINANCIAL AND STAFFING IMPLICATIONS

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

LEGISLATIVE TIMETABLE

14. The legislative timetable for the Bill is as follows -

Publication in the Gazette	28 May 1999
First Reading and commencement of Second Reading debate	9 June 1999
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

PUBLICITY

15. A press release will be issued on 28 May.

ENQUIRIES

16. For enquiries on the brief, please contact Mr Howard LEE, Principal Assistant Secretary for Economic Services, at 2810 2517.

**Economic Services Bureau
26 May 1999
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ADAPTATION OF LAWS (NO. 15) 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. 15) Ordinance 1999.

2. Commencement

- (1) (a) This Ordinance, except as provided in subsection (2), shall be deemed to have come into operation on 1 July 1997.
- (b) Paragraph (a) 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).
- (2) (a) Sections 39(b) (i), 41(b) and 105(b) of Schedule 6 shall come into operation at the beginning of the day on which this Ordinance is published in the Gazette.

- (b) Section 65(b), (c), (d) and (e) (ii) of Schedule 6 shall come into operation on a day to be appointed by the Director of Civil Aviation by notice in the Gazette.

3. Amendment of Ordinances

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

SCHEDULE 1 [s. 3]
HOTEL PROPRIETORS ORDINANCE

1. Section 5(d) of the Hotel Proprietors Ordinance (Cap. 158) is amended by repealing "the Colony" and substituting "Hong Kong".

SCHEDULE 2 [s. 3]
CIVIL AVIATION (BIRTHS, DEATHS AND MISSING PERSONS) ORDINANCE

1. Section 2(1) and (8) of the Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 3 [s. 3]
HONG KONG TOURIST ASSOCIATION ORDINANCE

1. Section 4(f) of the Hong Kong Tourist Association Ordinance (Cap. 302) is amended by repealing "Governor" and substituting "Chief Executive".

2. Section 8(2) is amended, in the proviso, by repealing "Governor" and substituting "Chief Executive".
3. Section 9(1) (a), (b) and (c), (2), (3) (e), (f) and (g), (4), (5) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
4. Section 10 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
5. Section 14A is amended -
 - (a) by repealing "Governor's" and substituting "Chief Executive's";
 - (b) by repealing "Governor" and substituting "Chief Executive".
6. Section 15 is amended -
 - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) by repealing "Governor" and substituting "Chief Executive".
7. Section 16A(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
8. Section 17A is amended -

- (a) by repealing "Governor" and substituting "Chief Executive";
 - (b) by repealing "立法局" and substituting "立法會".
9. Section 17B(1), (3), (4), (5), (6) and (7) is amended by repealing "Governor" and substituting "Chief Executive".
10. Section 18 is amended -
- (a) in subsection (2), by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (3), by repealing "立法局" and substituting "立法會".
11. Section 19 is amended -
- (a) in subsection (1), by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (2), by repealing "立法局" and substituting "立法會".
12. Section 20 is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
13. Section 26 is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 4
CIVIL AVIATION (AIRCRAFT NOISE) ORDINANCE AND ITS
SUBSIDIARY LEGISLATION

[s. 3]

Civil Aviation (Aircraft Noise) Ordinance

1. Section 2(1) of the Civil Aviation (Aircraft Noise) Ordinance (Cap. 312) is amended -
 - (a) in the definition of "aerodrome", by repealing "Government of Hong Kong or in the Governor" and substituting "Government of the Hong Kong Special Administrative Region or in the Chief Executive";
 - (b) in the definitions of "air traffic manager" and "airport manager", by repealing "or other Crown servant";
 - (c) in the definition of "the Chicago Convention", by repealing everything after "Convention on International Civil Aviation" and substituting "which, on 7 December 1944, was opened for signature at the International Civil Aviation Conference held at Chicago;".

2. Section 3(1), (2) and (3) is amended by repealing "Governor" and substituting "Chief Executive".

3. Section 9 is amended -
 - (a) in subsection (1), by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council";
 - (b) in subsection (4), by repealing "Crown" and substituting "State".

Civil Aviation (Aircraft Noise) (Certification) Regulations

4. Regulation 2(2) (b) of the Civil Aviation (Aircraft Noise) (Certification) Regulations (Cap. 312 sub. leg.) is amended by repealing "of the United Kingdom Civil Aviation Authority".

SCHEDULE 5

[s. 3]

**DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY) ORDINANCE AND
ITS SUBSIDIARY LEGISLATION**

Dangerous Goods (Consignment by Air) (Safety) Ordinance

1. Section 2 of the Dangerous Goods (Consignment by Air) (Safety) Ordinance (Cap. 384) is amended, in the definition of "Annex", by repealing everything after "Aviation" and substituting "which, on 7 December 1944, was opened for signature at the International Civil Aviation Conference held at Chicago;".
2. Section 3(1) is amended -
 - (a) by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (b) in paragraph (b), by repealing "Governor" and substituting "Chief Executive".

Dangerous Goods (Consignment by Air) (Safety) Regulations

3. Regulation 8(1) of the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg.) is amended by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 6

[s. 3]

CIVIL AVIATION ORDINANCE AND ITS SUBSIDIARY LEGISLATION

Civil Aviation Ordinance

1. Section 2(1) of the Civil Aviation Ordinance (Cap. 448) is amended, in the definition of "aerodrome", in paragraph (b), by repealing "Governor" and substituting "Chief Executive".
2. Section 2A is amended -
 - (a) in subsection (1), by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council";
 - (b) in subsection (2) -
 - (i) by repealing "Governor in Council" wherever it appears and substituting "Chief Executive in Council";
 - (ii) in paragraphs (b), (g), (l), (s), (t), (v), (x) and (y), by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (c) in subsection (5), by repealing "Governor" and substituting "Chief Executive";

- (d) in subsection (8), in the definition of "state of emergency", by repealing "Government of Hong Kong" and substituting "Government of the Hong Kong Special Administrative Region".
- 3. Section 3(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 6(1) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
- 6. Section 9(2) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".
- 7. Section 10(4) is amended -
 - (a) in paragraph (a), by repealing "Her Majesty by Order in Council" and substituting "the Central People's Government";
 - (b) in paragraph (b), by repealing "Her Majesty may by Order in Council" and substituting "the Central People's Government may".
- 8. Section 12 is amended -

- (a) in subsection (1), by repealing "Governor in Council" and substituting "Chief Executive in Council";
- (b) in subsection (2) -
 - (i) by repealing "Governor" where it first, thirdly and last appears and substituting "Chief Executive";
 - (ii) by repealing "Governor in Council" and substituting "Chief Executive in Council".

9. Section 13(5) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

10. Section 15(4) is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".

Air Transport (Licensing of Air Services) Regulations

11. Regulation 1 of the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg.) is amended -

- (a) in the definition of "air services arrangements", by repealing "Government of Hong Kong and the Government of the United Kingdom;" and substituting "Government of the Hong Kong Special Administrative Region and the Central People's Government;";

- (b) by repealing the definitions of "Board of Trade" and "Colony";
- (c) in the definition of "Convention on International Civil Aviation" and "International Air Services Transit Agreement", by repealing everything after "styled" and substituting "which, on 7 December 1944, were opened for signature at the International Civil Aviation Conference held at Chicago;";
- (d) in the definition of "Director of Civil Aviation", by repealing "the Colony" and substituting "Hong Kong".

12. Regulation 3 is amended -

- (a) in paragraph (1) -
 - (i) by repealing "the Colony" where it twice appears and substituting "Hong Kong";
 - (ii) by repealing paragraphs (a) and (b) and substituting -
 - "(a) in the case of an aircraft registered in a country or place other than Hong Kong, an operating permit which has been granted to the operator of the aircraft;
 - (b) in the case of an aircraft registered in Hong Kong, a licence or provisional licence

granted by the Licensing Authority.";

- (b) in paragraph (3), by repealing "the Colony" where it twice appears and substituting "Hong Kong".
13. Regulation 4(1), (2), (3), (4), (5) and (6) (a), (b) and (c) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
 14. Regulation 8 is amended by repealing "Governor" and substituting "Chief Executive".
 15. Regulation 20 is amended by repealing "Governor" and substituting "Chief Executive".
 16. Regulation 22(1) and (3) is amended by repealing "the Colony" wherever it appears and substituting "Hong Kong".
 17. Regulation 23(1) is amended by repealing "the Colony" and substituting "Hong Kong".
 18. Regulation 26 is amended by repealing "the Colony" and substituting "Hong Kong".
 19. Regulation 32 is repealed.
 20. The Schedule is amended -
 - (a) in Form 1 -

- (i) in paragraph 3, by adding "or place" after "Country";
 - (ii) in paragraph 4(b), by repealing "the Colony" and substituting "Hong Kong";
 - (iii) in the Condition 2, by repealing "(based on the Air Registration Board's (U.K.) requirements)";
- (b) in Form 2, in the first paragraph, by repealing "the Colony" where it twice appears and substituting "Hong Kong";
 - (c) in Form 5, by repealing "the Colony" and substituting "Hong Kong";
 - (d) in Form 6, by repealing "the Colony" and substituting "Hong Kong".

Hong Kong Civil Aviation (Investigation of Accidents) Regulations

21. Regulation 5(2) (e) of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg.) is amended by repealing "Greenwich Mean Time" and substituting "Coordinated Universal Time".

22. Regulation 8(1) is amended by repealing "Governor" and substituting "Chief Executive".

23. Regulation 10(6) is amended by repealing "Governor" and substituting "Chief Executive".

24. Regulation 13(1) is amended by repealing "Governor" and substituting "Chief Executive".
25. Regulation 14(5) (c) and (9) is amended by repealing "Governor" and substituting "Chief Executive".
26. Regulation 15 is amended by repealing "Governor" and substituting "Chief Executive".
27. Regulation 16(1) and (2) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
28. Regulation 17(1) and (3) is amended by repealing "Governor" and substituting "Chief Executive".
29. Regulation 18(5) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
30. Regulation 19(1) and (2) is amended by repealing "Governor" and substituting "Chief Executive".
31. Regulation 20 is amended by repealing "country or territory" wherever it appears and substituting "country, territory or place".
32. Regulation 22(1) is amended by repealing "Governor" and substituting "Chief Executive".

Air Navigation (Hong Kong) Order 1995

33. Article 3(1) of the Air Navigation (Hong Kong) Order 1995 (L.N. 561 of 1995) is amended -
- (a) by repealing sub-paragraph (a);
 - (b) in sub-paragraph (c), by repealing "Her Majesty's Government in the United Kingdom" and substituting "the Central People's Government or the Government of the Hong Kong Special Administrative Region".
34. Article 4 is amended -
- (a) in paragraphs (1), (2), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (16), by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in paragraph (17) -
 - (i) by repealing "Governor" and substituting "Chief Executive";
 - (ii) by repealing "Civil Aviation Authority" and substituting "Central People's Government".
35. Article 5(3) (a) is amended by repealing "Governor" and substituting "Chief Executive".
36. Article 6(2) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

37. Article 7(1) is amended, in proviso (e), by repealing "Governor" and substituting "Chief Executive".

38. Article 8(1), (2), (3), (5), (6), (7) (a), (b) and (c) and (8) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

39. Article 9 is amended -

- (a) in paragraph (1) (a), by repealing "Governor" and substituting "Chief Executive";
- (b) in paragraph (3) -
 - (i) in sub-paragraph (a) -
 - (A) in sub-sub-paragraph (i), by adding "or" at the end;
 - (B) in sub-sub-paragraph (ii), by repealing "or" at the end;
 - (C) by repealing sub-sub-paragraph (iii);
 - (ii) in sub-paragraphs (b) and (c), by repealing "Governor" and substituting "Chief Executive";
 - (iii) in the proviso, by repealing "Governor" and substituting "Chief Executive";
- (c) in paragraph (4) (b) and (c), by repealing "Governor" and substituting "Chief Executive".

40. Article 10(1), (2), (4) and (5) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

41. Article 11 is amended -
 - (a) in paragraphs (1), (2), (3) and (5), by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in paragraph (6) -
 - (i) in sub-paragraph (a) -
 - (A) in sub-sub-paragraph (i), by adding "or" at the end;
 - (B) in sub-sub-paragraph (ii), by repealing "or" at the end;
 - (C) by repealing sub-sub-paragraph (iii);
 - (ii) in sub-paragraphs (c) and (d), by repealing "Governor" and substituting "Chief Executive".
42. Article 12(1), (3), (4) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
43. Article 13(2), (3), (5) (b) and (7) is amended by repealing "Governor" and substituting "Chief Executive".
44. Article 14(3) and (5) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
45. Article 15(1) is amended by repealing "Governor" and substituting "Chief Executive".

46. Article 16(1) and (2) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
47. Article 17 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
48. Article 18(3), (4) (b), (6), (7) and (8) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
49. Article 19 is amended -
 - (a) in paragraph (1), in proviso (a) (iv) and (b) (ii), by repealing "Governor" and substituting "Chief Executive";
 - (b) in paragraphs (2) (b), (3), (4) (a) and (9) (b), by repealing "Governor" and substituting "Chief Executive".
50. Article 20(1) (a) and (d), (2), (7) (b), (c) and (d), (8) (b), (9), (10) and (11) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
51. Article 21 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
52. Article 25(3) (a), (b) and (c) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

53. Article 26(3) (a), (b) and (c) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
54. Article 28(5) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
55. Article 29(5) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
56. Article 31(1) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
57. Article 34(2) (e) (ii) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
58. Article 36(b) and (c) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
59. Article 37(2), (4) (b) (ii) (bb), (5) and (6) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
60. Article 40(2) is amended, in proviso (f) and (g), by repealing "Governor" and substituting "Chief Executive".
61. Article 41(1), (4) and (5) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

62. Article 42(2) and (3) is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".
63. Article 43(1) (a) and (b) is amended by repealing "Governor" and substituting "Chief Executive".
64. Article 44(1) is amended, in the proviso, by repealing "Governor" where it twice appears and substituting "Chief Executive".
65. Article 46 is amended -
- (a) in paragraph (2), in proviso (a), by repealing "Governor" and substituting "Chief Executive";
 - (b) in paragraph (3), by repealing "in capital letters." and substituting "in English in capital letters and "出口" or "緊急出口" (as the case may be) in Chinese.";
 - (c) in paragraph (4) (a), by repealing "English" and substituting "English and Chinese";
 - (d) by repealing paragraph (5) (c) and substituting -
 - "(c) The words "Cut Here in Emergency" in English in capital letters and "緊急切破處" in Chinese shall be marked across the centre of each break-in area:";
 - (e) in paragraph (8), in the proviso -

- (i) in sub-paragraph (a), by repealing "Governor" and substituting "Chief Executive";
- (ii) in sub-paragraph (b) -
 - (A) by adding "and "出口"" after ""Exit"";
 - (B) by adding "and "緊急出口"" after ""Emergency Exit"";
 - (C) by adding "and "非供出口用" in red characters" after "letters".

66. Article 53(2) (b) is amended by repealing "Greenwich Mean Time" and substituting "Co-ordinated Universal Time".

67. Article 54(1) (b) is amended by repealing "Governor" and substituting "Chief Executive".

68. Article 56(b) (ii) is amended by repealing "Governor" and substituting "Chief Executive".

69. Article 62(1), (2) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

70. Article 64(1) and (4) is amended by repealing "Governor" and substituting "Chief Executive".

71. Article 64A(1), (2) (a) and (3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

72. Article 65 is amended -
- (a) in paragraph (1), by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (b) in paragraph (2) -
 - (i) by repealing "Governor's" and substituting "Chief Executive's";
 - (ii) by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (c) in paragraphs (6), (7), (8) and (9), by repealing "Governor" wherever it appears and substituting "Chief Executive".
73. Article 67(b) and (c) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
74. Article 68(1), (2) and (3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
75. Article 69(1) (a) is amended -
- (a) by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (b) in sub-sub-paragraph (bb), by repealing "Government of Hong Kong" and substituting "Government of the Hong Kong Special Administrative Region".
76. Article 70(1) is amended by repealing "Governor" and

substituting "Chief Executive".

77. Article 72 is amended by repealing "Governor" and substituting "Chief Executive".

78. Article 73(1), (2), (3), (7) (a) and (b) and (9) (a) and (b) is amended by repealing "Governor" and substituting "Chief Executive".

79. Article 74(1), (2)(a) and (b), (3) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

80. Article 75(1) (b), (3) (a) and (b), (6) and (8) is amended by repealing "Governor" and substituting "Chief Executive".

81. Article 76(1), (2) and (3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

82. Article 79 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

83. Article 80(2) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

84. Article 81 is amended by repealing "Governor" where it twice appears and substituting "Chief Executive".

85. Article 82(2) and (3) (b) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
86. Article 84(1) is amended -
 - (a) by repealing "the United Kingdom or";
 - (b) by repealing "Governor" and substituting "Chief Executive".
87. Article 86(1)(i) and (ii), (2), (3) and (5) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
88. Article 87(1), (2), (3) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
89. Article 88 is amended by repealing "Governor" and substituting "Chief Executive".
90. Article 93 is amended by repealing "Governor" and substituting "Chief Executive".
91. Article 95 is amended by repealing "Governor" and substituting "Chief Executive".
92. Article 96(1) and (3) is amended -
 - (a) by repealing "Governor" wherever it appears and substituting "Chief Executive";

(b) by repealing "Governor's" and substituting "Chief Executive's".

93. Article 97(1), (2) and (4) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

94. Article 98 is amended -

(a) in paragraph (1) -

- (i) by repealing the definitions of "The Act" and "The Civil Aviation Authority";
- (ii) in the definitions of "Aerodrome flight information unit", "Air traffic control unit", "Authorized person", "Competent authority", "Log Book", "Prescribed" and "Rules of the Air", by repealing "Governor" wherever it appears and substituting "Chief Executive";
- (iii) in the definition of "Beneficial interest", by repealing "section 57 of the Merchant Shipping Act 1894(a)" and substituting "section 53 of the Merchant Shipping (Registration) Ordinance (Cap. 415)";
- (iv) by repealing the definition of "Contracting State" and substituting -

""Contracting State" means any State (including the People's Republic of China and Hong

Kong, being a part thereof) which is a party to the Convention on International Civil Aviation which, on 7 December 1944, was opened for signature at the International Civil Aviation Conference held at Chicago;";

- (v) in the definition of "Country", by adding "or place," after "territory";
- (vi) in the definition of "Government aerodrome" -
 - (A) by repealing "Governor" and substituting "Chief Executive";
 - (B) by repealing "Government of Hong Kong" and substituting "Government of the Hong Kong Special Administrative Region";
- (vii) by repealing the definition of "Governor" and substituting -
 - ""Chief Executive" means -
 - (a) the Chief Executive of the Hong Kong Special Administrative Region;
 - (b) a person for the time being assuming the

duties of the Chief Executive according to the provisions of Article 53 of the Basic Law; and

- (c) in relation to any purpose of this Order, other than the purposes of Article 97 thereof, any person authorized by the Chief Executive for that purpose;"
- (viii) by repealing sub-paragraph (b) of the definition of "Hong Kong";
- (ix) by repealing the definition of "Legal personal representative" and substituting -
 - ""Legal personal representative" means the person constituted executor, administrator, or other representative, of a deceased person;"
- (b) in paragraph (6) (a)(ii), by repealing "Governor" and substituting "Chief Executive";
- (c) by repealing paragraph (9);
- (d) in paragraph (12), by repealing "Governor" where it twice appears and substituting "Chief Executive".

95. Article 99(2) is amended by repealing "Governor" and substituting "Chief Executive".
96. Article 101 is amended by repealing "Governor" and substituting "Chief Executive".
97. Schedule 2 is amended -
 - (a) in the "A Conditions", in paragraph (3), by repealing "Governor" and substituting "Chief Executive";
 - (b) in the "B Conditions", in paragraph (1), (2), (5) (c) and (6), by repealing "Governor" and substituting "Chief Executive".
98. Schedule 5 is amended -
 - (a) in paragraph 3, by repealing "Governor" and substituting "Chief Executive";
 - (b) in paragraph 4, in the table -
 - (i) in paragraph (2), in the second column, in sub-paragraph (b) (v) (aa) (bbb), by repealing "Governor" and substituting "Chief Executive";
 - (ii) in paragraph (10), in the first column, in sub-paragraphs (b) and (d), by repealing "Governor" and substituting "Chief Executive";
 - (iii) in paragraph (14), in the first column, in sub-paragraph (a), by repealing

"Governor" and substituting "Chief Executive";

- (c) in paragraph 5 -
 - (i) in Scale B, in paragraphs (i) (a) and (b) and (iii), by repealing "Governor" and substituting "Chief Executive";
 - (ii) in Scales P, S and SS, by repealing "Governor" wherever it appears and substituting "Chief Executive";
 - (iii) in Scale Z, in sub-paragraph (iii), in the proviso, by repealing "Governor" and substituting "Chief Executive".

99. Schedule 6 is amended, in paragraph 3, in Scale H, by repealing "Governor" and substituting "Chief Executive".

100. Schedule 9 is amended, in Part C, in paragraph 2, 3(a), (b), (c) and (d) and 5, by repealing "Governor" wherever it appears and substituting "Chief Executive".

101. Schedule 11 is amended -

- (a) in Part B, in paragraph 1(1)(b), (2) (a) (ii) and (c)(i) and (3), by repealing "Governor" wherever it appears and substituting "Chief Executive";
- (b) in Part C, in paragraph (vii), by repealing "Governor" and substituting "Chief Executive".

102. Schedule 12 is amended -

- (a) by repealing "international" wherever it appears and substituting "external";
- (b) in the definition of "B", in the proviso, by repealing "Governor" and substituting "Chief Executive";
- (c) in the definition of "International air navigation", by repealing "International" and substituting "External".

103. Schedule 13 is amended, in Part B, by repealing "the Territory" and substituting "Hong Kong".

104. Schedule 14 is amended, in rules 5(1) (c) and (d) (i) and 22A(1) and (2), by repealing "Governor" and substituting "Chief Executive".

105. Schedule 15 is amended -

- (a) in Regulations 1(4)(a) and 4(5), by repealing "Governor" and substituting "Chief Executive";
- (b) by repealing Regulation 13;
- (c) in Regulation 16 -
 - (i) in paragraph (3), by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (ii) in paragraph (4) (f) (i), by repealing "Greenwich Mean Time" and substituting "Co-ordinated Universal Time".

106. Schedule 16 is amended, in Regulations 3(1) (a) and 8(3), by repealing "Governor" wherever it appears and substituting "Chief Executive".

Hong Kong Air Navigation (Fees) Regulations

107. The Schedule to the Hong Kong Air Navigation (Fees) Regulations (App. I, p. N1) is amended -

- (a) in paragraph 3, by repealing "Governor" and substituting "Chief Executive";
- (b) in paragraph 4(1) (b) and (2) (b), by repealing "Governor" and substituting "Chief Executive";
- (c) in paragraph 5, by repealing "Governor" and substituting "Chief Executive";
- (d) in paragraph 8, by repealing "Governor" where it twice appears and substituting "Chief Executive";
- (e) in paragraph 9, by repealing "Governor" and substituting "Chief Executive";
- (f) in paragraph 10, by repealing "Governor" where it twice appears and substituting "Chief Executive";
- (g) in paragraph 12(2) (f) and (g), by repealing "Governor" and substituting "Chief Executive";
- (h) in paragraph 14, by repealing "Governor" and substituting "Chief Executive";
- (i) in paragraph 15, by repealing "Governor" and substituting "Chief Executive".

SCHEDULE 7
AIRPORT AUTHORITY ORDINANCE

[s. 3]

1. Section 3(3) (a), (b), (c) and (d), (4) (a) and (c) and (5) (a) and (b) of the Airport Authority Ordinance (Cap. 483) is amended by repealing "Governor" and substituting "Chief Executive".
2. Section 5(3) (a) is amended by repealing "Governor" and substituting "Chief Executive".
3. Section 11 is amended -
 - (a) in subsections (1) and (2), by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (3), by repealing "at the will and pleasure of the Governor" and substituting "at the discretion of the Chief Executive";
 - (c) in subsections (4) and (5), by repealing "Governor" and substituting "Chief Executive";
 - (d) in subsection (6) (a) -
 - (i) by repealing "Governor" and substituting "Chief Executive";
 - (ii) by repealing "Governor's" and substituting "Chief Executive's".
4. Section 12(1), (2) and (3) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".
5. Section 15 is amended -

- (a) in subsection (1) (a), by repealing "Governor's" and substituting "Chief Executive's";
- (b) in subsection (3), by repealing "Governor" and substituting "Chief Executive".

6. Section 18(1) and (2) (c) is amended by repealing "Governor in Council" and substituting "Chief Executive in Council".

7. Section 19 is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

8. Section 20(1) (a) and (c) and (4) is amended by repealing "Governor in Council" wherever it appears and substituting "Chief Executive in Council".

9. Section 28(4) (a) is amended by repealing "Governor" and substituting "Chief Executive".

10. Section 29(1) (a) and (b) and (4) is amended by repealing "立法局" where it twice appears and substituting "立法會".

11. Section 32 is amended -

- (a) in subsection (4) (a), by repealing "Governor's" and substituting "Chief Executive's";
- (b) in subsection (5), by repealing "立法局" and substituting "立法會".

12. Section 34(3) (a), (c), (e) (i), (ii) and (iii), (f), (g) and (h), (5) and (6) (a) is amended by repealing "Governor in Council" wherever it appears and substituting "Chief Executive in Council".
13. Section 35(11) is amended by repealing "立法局" and substituting "立法會".
14. Section 38 is amended -
 - (a) in subsection (1) (a) -
 - (i) by repealing "Governor in Council" and substituting "Chief Executive in Council";
 - (ii) by repealing "Governor" and substituting "Chief Executive";
 - (b) in subsection (2), by repealing "立法局" and substituting "立法會".
15. Section 47 is amended by repealing "Governor in Council" where it twice appears and substituting "Chief Executive in Council".

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 7).

2. The Ordinances adapted and their respective Schedule numbers under the Bill are -
- | | |
|--|------------|
| Hotel Proprietors Ordinance (Cap. 158) | Schedule 1 |
| Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Cap. 173) | Schedule 2 |
| Hong Kong Tourist Association Ordinance (Cap. 302) | Schedule 3 |
| Civil Aviation (Aircraft Noise) Ordinance (Cap. 312) | Schedule 4 |
| Dangerous Goods (Consignment by Air) (Safety) Ordinance (Cap. 384) | Schedule 5 |
| Civil Aviation Ordinance (Cap. 448) | Schedule 6 |
| Airport Authority Ordinance (Cap. 483) | Schedule 7 |

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