

立法會

Legislative Council

LC Paper No. LS283/98-99

Paper for the House Committee Meeting of the Legislative Council on 24 September 1999

Legal Service Division Further Report on Adaptation of Laws (No. 5) Bill 1998

Members may recall that the Legal Service Division made a report to the House Committee on 13 November 1998 on the Bill (LegCo Paper No. LS43/98-99 refers). To recap, the Bill deals with the adaptation of 6 court-related Ordinances, i.e. Lands Tribunal Ordinance (Cap. 17), Labour Tribunal Ordinance (Cap. 25), Municipal Services Appeal Boards Ordinance (Cap. 220), Magistrates Ordinance (Cap. 227), Administrative Appeals Board Ordinance (Cap. 442) and Coroners Ordinance (Cap 504).

2. At the House Committee meeting, Members agreed that a Bills Committee on the Bill was not necessary. However, resumption of Second Reading debate on the Bill should not take place until other Bills Committees on Adaptation of Laws had completed their deliberations on the general principles of adaptation. During the last session, a number of Bills on Adaptation of Laws had been enacted.

3. On 13 September 1999, we received draft Committee Stage amendments (CSAs) of this Bill from the Administration. The CSAs which are attached at Annex A are in line with the agreed version endorsed by other Bills Committees on Adaptation of Laws. There are 4 CSAs.

- (a) The Administration has agreed that there is no need for "the Chief Executive" to be adapted to "the Chief Executive in Council" when referring to his regulation-making power. Schedule 1 is therefore to be deleted.
- (b) Schedule 4 relates to the Magistrates Ordinance (Cap. 227). The Bills Committee on the Adaptation of Laws (No. 12) Bill 1998 endorsed that criminal proceedings should be brought in the name of "HKSAR" and not the "Government". Similar references to this Ordinance are amended accordingly.

- (c) In section 1 of Schedule 4, the reference "of the Magistrates Ordinance (Cap. 227)" has to be deleted since this reference has already been mentioned in the newly added clause 1A of Schedule 4. This is only a technical CSA.
- (d) In section 5 of Schedule 4, the reference of "法院" is changed to "法庭". This is also a technical amendment.

4. With the proposed Committee Stage amendments, we are satisfied that the legal and drafting aspects of this Bill are in order. It is recommended that the Bill is ready for resumption of Second Reading debate.

Encl.

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20 September 1999

ADAPTATION OF LAWS (NO. 5) BILL 1998

COMMITTEE STAGE

Amendments to be moved by the Chief Secretary for Administration

| <u>Clause</u> | <u>Amendment Proposed</u> |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Schedule 1 | By deleting that Schedule. |
| Schedule 4 | By adding before section 1 - “1A. Section 2 of the Magistrates Ordinance (Cap. 227) is amended, in the definition of “party”, by repealing “Government” and substituting “HKSAR”. 1B. Section 15(1) is amended by repealing “Government” and substituting “HKSAR”.”. |
| Schedule 4, section 1 | By deleting “of the Magistrates Ordinance (Cap. 227)”. |
| Schedule 4, section 5 | By adding before paragraph (a) - “(aa) in Form 88, by repealing “上述法院” and substituting “上述法庭” ; (ab) in Form 89, by repealing “上述法院” and substituting “上述法庭” ; (ac) in Form 90, by repealing “上述法院” and substituting “上述法庭” ;” . |