

BRIEF FOR THE LEGISLATIVE COUNCIL

Private Bills Ordinance (Cap. 69)
Legislative Council (Powers and Privileges) Ordinance (Cap. 382)
Legislative Council Commission Ordinance (Cap. 443)

ADAPTATION OF LAWS (NO. 27) BILL 1999

INTRODUCTION

At the meeting of the Executive Council on 6 July 1999, the Council ADVISED and the Chief Executive ORDERED that the Adaptation of Laws (No. 27) Bill (copy at the Annex) should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

2. Article 160 of the Basic Law states that -

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

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. The Standing Committee of the National People's Congress, on 23 February 1997, 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 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 (Chapter 1).

5. Despite the guiding principles under the Interpretation and General Clauses Ordinance on construing terminology inconsistent with the Basic Law and the status of Hong Kong as a Special Administrative Region of the People's Republic of China, it is considered unacceptable to retain these terminology in our Statute Book after the Reunification. We, therefore, need to introduce the Adaptation of Laws (No. 27) Bill 1999 to bring necessary textual amendments to the Private Bills Ordinance, the Legislative Council (Powers and Privileges) Ordinance and the Legislative Council Commission Ordinance.

THE BILL

6. Most of the proposed amendments are merely terminological changes, e.g. references to "the Standing Order" and "立法局" are replaced by "the Rules of Procedure" and "立法會" respectively. Similarly, a reference to "the Governor" will, in the usual case, be replaced by "the Chief Executive".

COMMENCEMENT

7. 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

8. The legislative timetable is as follows -

Publication in the Gazette	9 July 1999
First Reading and commencement of Second Reading debate	14 July 1999

Resumption of Second Reading To be notified
debate, committee stage and Third
Reading

HUMAN RIGHTS IMPLICATIONS

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

BINDING EFFECT

10. The amendments in the Bill do not affect the current binding effect of the existing provisions of the various Ordinances covered by the Bill.

FINANCIAL AND STAFFING IMPLICATIONS

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

PUBLIC CONSULTATION

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

ENQUIRIES

13. For enquiries on the brief, please contact Mr Jacky Lum, Assistant Director of Administration (3) on 2810 3946.

Administration Wing
Chief Secretary for Administration's Office
8 July 1999

ADAPTATION OF LAWS (NO. 27) 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. 27) 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]

PRIVATE BILLS ORDINANCE

1. Section 3(1) and (3) of the Private Bills Ordinance (Cap. 69) is amended by repealing "立法局" and substituting "立法會".

SCHEDULE 2

[s. 3]

LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE AND ITS
SUBSIDIARY LEGISLATION**Legislative Council (Powers and Privileges) Ordinance**

1. The long title to the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) is amended -
 - (a) by repealing "Governor" and substituting "Chief Executive";
 - (b) by repealing "立法局" wherever it appears and substituting "立法會".

2. Section 1 is amended by repealing "《立法局（權力及特權）條例》" and substituting "《立法會（權力及特權）條例》".

3. Section 2 is amended -
 - (a) in subsection (1) -
 - (i) in the definition of "officer of the Council", by repealing "(立法局)" and substituting "(立法會)";
 - (ii) by repealing the definition of "Standing Orders" and substituting -
""Rules of Procedure" (議事規則) means the Rules of Procedure of the Council for the time being in force.";
 - (iii) in the definition of "主席", by repealing "立法局" wherever it appears and substituting "立法會";

- (iv) in the definition of "委員會", in paragraph (a), by repealing "立法局" and substituting "立法會";
 - (v) in the definition of "秘書", by repealing "立法局" and substituting "立法會";
 - (vi) in the definition of "會議廳", by repealing "立法局" where it twice appears and substituting "立法局";
 - (vii) in the definition of "會議廳範圍", by repealing "立法局" wherever it appears and substituting "立法會";
 - (viii) in the definition of "議事錄", by repealing "立法局" where it twice appears and substituting "立法會";
 - (ix) in the definition of "議員", by repealing "立法局" and substituting "立法會";
- (b) in subsection (1A), by repealing "立法局" and substituting "立法會".

4. Section 3 is amended by repealing "立法局" where it twice appears and substituting "立法會".

5. Section 4 is amended -

- (a) by repealing "立法局" and substituting "立法會";
- (b) by repealing "該局" and substituting "立法會".

6. Section 5 is amended by repealing "立法局" where it twice appears and substituting "立法會".

7. Section 6 is amended -

- (a) in subsection (1), by repealing "立法局" where it twice appears and substituting "立法會";
- (b) in subsection (2) -
 - (i) by repealing "Standing Orders" and substituting "Rules of Procedure";
 - (ii) by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (iii) by repealing "立法局" wherever it appears and substituting "立法會".

8. Section 7 is amended -

- (a) in subsection (1), by repealing "立法局" wherever it appears and substituting "立法會";
- (b) in subsection (2) -
 - (i) by repealing "Standing Orders" and substituting "Rules of Procedure";
 - (ii) by repealing "立法局" and substituting "立法會".

9. Section 8 is amended -

- (a) in subsection (1), by repealing "立法局" and substituting "立法會";
- (b) in subsection (2) -
 - (i) by repealing "Standing Orders" and substituting "Rules of Procedure";
 - (ii) by repealing "立法局" where it twice appears and substituting "立法會";
- (c) in subsection (3), by repealing "立法局" and substituting "立法會".

10. Section 8A(2) is amended -
 - (a) by repealing "Governor" where it twice appears and substituting "Chief Executive";
 - (b) by repealing "立法局" where it twice appears and substituting "立法會".
11. Section 9 is amended by repealing "立法局" wherever it appears and substituting "立法會".
12. Section 10(1) and (3) is amended by repealing "立法局" and substituting "立法會".
13. Section 11 is amended by repealing "立法局" wherever it appears and substituting "立法會".
14. Section 12 is amended -
 - (a) in subsections (1) and (2), by repealing "立法局" wherever it appears and substituting "立法會";
 - (b) in subsection (6), by repealing "Governor" and substituting "Chief Executive".
15. Section 13 is amended by repealing "立法局" wherever it appears and substituting "立法會".
16. Section 14 is amended -
 - (a) in subsection (1), by repealing "立法局" and substituting "立法會";
 - (b) in subsection (2) -

- (i) by repealing "Governor" and substituting "Chief Executive";
- (ii) in paragraph (ii), by repealing "Her Majesty's Government in the United Kingdom" and substituting "the Central People's Government";
- (iii) by repealing "立法局" wherever it appears and substituting "立法會".

17. Section 15 is amended by repealing "立法局" wherever it appears (except "於立法局") and substituting "立法會".

18. Section 16(1) is amended by repealing "立法局" where it twice appears and substituting "立法會".

19. Section 17(a), (b) and (c) is amended by repealing "立法局" wherever it appears and substituting "立法會".

20. Section 18 is amended by repealing "立法局" wherever it appears and substituting "立法會".

21. Section 19(a), (b), (c) and (d) is amended by repealing "立法局" wherever it appears and substituting "立法會".

22. Section 20 is amended -

- (a) in paragraph (a), by repealing "Standing Orders" and substituting "Rules of Procedure";
- (b) by repealing "立法局" and substituting "立法會".

23. Section 21 is amended by repealing "立法局" and substituting "立法會".
24. Section 22 is amended by repealing "Letters Patent or Royal Instructions" and substituting "the Basic Law".
25. Section 23 is amended -
 - (a) by repealing "Standing Orders" and substituting "Rules of Procedure";
 - (b) by repealing "立法局" wherever it appears and substituting "立法會".
26. Section 24 is amended by repealing "立法局" and substituting "立法會".
27. Section 25 is amended by repealing "立法局" and substituting "立法會".

**Administrative Instructions for Regulating Admittance
and Conduct of Persons**

28. The title to the Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382 sub. leg.) is amended by repealing "立法局" and substituting "立法會".
29. The long title is amended by repealing "立法局" and substituting "立法會".
30. Section 1 is amended -
 - (a) in the definition of "office of the Council", by repealing "(立法局" and substituting "(立法會";

- (b) in the definition of "officer of the Council", by repealing "(立法局" and substituting "(立法會";
- (c) in the definition of "大樓", by repealing "立法局" and substituting "立法會";
- (d) in the definition of "主席", by repealing "立法局" wherever it appears and substituting "立法會";
- (e) in the definition of "委員會", in paragraph (a), by repealing "立法局" and substituting "立法會";
- (f) in the definition of "秘書", by repealing "立法局" and substituting "立法會";
- (g) in the definition of "會議廳", by repealing "立法局" where it twice appears and substituting "立法會";
- (h) in the definition of "會議廳範圍", by repealing "立法局" where it twice appears and substituting "立法會";
- (i) in the definition of "議員", by repealing "立法局" and substituting "立法會".

31. Section 2 is amended by repealing "立法局" and substituting "立法會".

32. Section 3 is amended by repealing "立法局" where it twice appears and substituting "立法會".

33. Section 4 is amended by repealing "立法局" where it twice appears and substituting "立法會".

34. Section 6 is amended by repealing "立法局" wherever it appears and substituting "立法會".

35. Section 7 is amended by repealing "立法局" and substituting "立法會".
36. Section 8 is amended by repealing "立法局" where it twice appears and substituting "立法會".
37. Section 9 is amended by repealing "立法局" wherever it appears and substituting "立法會".
38. Section 10(3) (a) is amended by repealing "立法局" and substituting "立法會".
39. Section 11 is amended by repealing "立法局" and substituting "立法會".
40. Section 12 (3) and (4) is amended by repealing "立法局" wherever it appears and substituting "立法會".
41. Section 13 is amended by repealing "立法局" where it twice appears and substituting "立法會".
42. Section 14 is amended by repealing "立法局" and substituting "立法會".
43. Section 15 is amended by repealing "立法局" and substituting "立法會".

SCHEDULE 3

[s. 3]

LEGISLATIVE COUNCIL COMMISSION ORDINANCE

1. Section 14(3) of the Legislative Council Commission Ordinance (Cap. 443) 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 the status of Hong Kong as a Special Administrative Region of the People's Republic of China (clause 3, Schedules 1 to 3).

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

Private Bills Ordinance (Cap. 69) Schedule 1

Legislative Council (Powers and Privileges) Ordinance (Cap. 382) Schedule 2

Legislative Council Commission Ordinance (Cap. 443) Schedule 3

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).