

立法會
Legislative Council

LC Paper No. LS153/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 9 June 2000**

**Legal Service Division Further Report on
Adaptation of Laws (No. 3) Bill 1999**

At the House Committee meeting on 26 February 1999, Members agreed to defer consideration on the Bill until certain issues common to other adaptation bills have been resolved by the Bills Committees on those adaptation bills.

2. In the light of the resolution of these issues by the other Bills Committees, the Administration has now proposed in similar terms the following Committee Stage amendments (CSA) to the Bill :-

- (a) where the power to make subsidiary legislation was granted to the Governor, to substitute "Chief Executive" (instead of "Chief Executive in Council" as originally proposed in the Bill) for "Governor";
- (b) to re-word the clause on the saving of the rights of the Crown, upon adaptation, as "... the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws" (instead of "... the rights of the Central People's Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or other laws" as originally proposed in the Bill); and
- (c) to withhold the adaptation of "Crown" where the Estate Agents Authority is expressed as not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

A copy of the proposed CSA is attached.

3. Annexes A and B of our main report (LS 104/98-99) are reproduced for ease of reference. Subject to Members' views, the Bill is ready for resumption of Second Reading debate.

Encls.

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ADAPTATION OF LAWS (NO. 3) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for Housing

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 1, sections 1, 6(b) and 13	By deleting "in Council".
Schedule 3, section 1	By deleting "People's Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and".
Schedule 4, section 4	By deleting paragraph (a).
Schedule 5, section 3	By deleting "People's Government or the Government of the Hong Kong Special Administrative Region under the Basic Law or" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and".

List of Ordinances affected by the Adaptation of Laws (No. 3) Bill 1999

1. Landlord and Tenant (Consolidation) Ordinance (Cap. 7)
2. Housing Ordinance (Cap. 283), including the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw
3. The Hong Kong Institute of Housing Ordinance (Cap. 507)
4. Estate Agents Ordinance (Cap. 511)
5. Hong Kong Housing Society Incorporation Ordinance (Cap. 1059)

Adaptation of Laws (No. 3) Bill 1999

Summary of the proposed amendments

A. Terms

Original Terms	Proposed Amendments
立法局	立法會
Colony	Hong Kong
Crown 官方	Government/State ¹ 政府/國家
Governor 總督	Chief Executive/ Chief Executive in Council 行政長官/行政長官會同行政會議
Her Majesty the Queen, Her Heirs or Successors 女皇陛下，其世襲 繼承人及其他繼任(繼承)人	the Central People's Government or the Government of the Hong Kong Special Administration Region ² 中央人民政府或香港特別行政區政府

B. Other proposed amendments -

References implying superior status of the English language are amended to remove any such implication.

Notes:

1. References to “Crown” are adapted to refer to “Government” in the case of forfeiture of a sum of money to the Crown as penalty and in “Crown suits” in the Landlord and Tenant (Consolidation) Ordinance. In provisions expressed to cover vehicles owned by the Crown and persons in the public service of the Crown in the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw and where the Estate Agents Authority is expressed as not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, the references to “Crown” are adapted to refer to the “State”.
2. These terms are so amended where they appear in clauses saving the rights of the Queen etc.