

立法會
Legislative Council

LC Paper No. LS159/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 16 June 2000**

**Legal Service Division Further Report on
Adaptation of Laws (No. 34) Bill 1999**

This Bill deals with the adaptation of 12 ordinances mainly in relation to public utilities, marine, agriculture and certain private bodies. Section 2 of Schedule 8 relates to section 12 of the Hong Kong and Kowloon Wharf and Godown Company Limited By-laws (Cap. 1023 sub. leg.) which is a saving provision. The Administration proposes to adapt the word "Crown" to "State". Similar issue appeared in the Adaptation of Laws (No. 9) Bill 1999 and a Bills Committee was formed to study that issue as well.

2. At the House Committee meeting on 24 September 1999, Members agreed to defer consideration on this Bill until the above-mentioned issue had been resolved by that Bills Committee. That Bills Committee could not come to an agreement with the Administration and Second Reading debate of that Bill is not to be resumed.

3. In order not to delay the enactment of this Bill, the Administration proposes to take away section 2 of Schedule 8 by way of Committee Stage amendments (CSAs) for further review and resume the Second Reading debate of this Bill within this legislative session. A copy of the proposed CSAs is attached. We are satisfied that the legal and drafting aspects of the CSAs are in order.

4. Annexes A and B of our main report (LC Paper No. LS268/98-99) 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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12 June 2000

ADAPTATION OF LAWS (NO. 34) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for Economic Services

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 8	(a) In the heading, by deleting "AND ITS SUBSIDIARY LEGISLATION".
	(b) By deleting the subheading " Hongkong and Kowloon Wharf and Godown Company Limited (By-laws) Ordinance ".
	(c) By deleting the subheading " Hong Kong and Kowloon Wharf and Godown Company Limited By-laws ".
	(d) By deleting section 2.

List of Ordinances affected by the Adaptation of Laws (No. 34) Bill 1999

1. Co-operative Societies Ordinance (Cap. 33)
Co-operative Societies Rules (Cap. 33 sub. leg.)
2. Gas Safety Ordinance (Cap. 51)
3. Credit Unions Ordinance (Cap. 119)
4. Oil (Conservation and Control) Ordinance (Cap. 264)
5. Electricity Ordinance (Cap. 406)
Electricity Supply Regulations (Cap. 406 sub. leg.)
6. Mercantile Marine Assistance Fund Ordinance (Cap. 1001)
Mercantile Marine Assistance Fund Regulations (Cap. 1001 sub. leg.)
7. The Hong Kong and China Gas Company (Transfer of Incorporation)
Ordinance (Cap. 1022)
8. Hongkong and Kowloon Wharf and Godown Company Limited (By-laws)
Ordinance (Cap. 1023)
Hongkong and Kowloon Wharf and Godown Company Limited By-laws
(Cap. 1023 sub. leg.)
9. North Point Wharves Limited Ordinance (Cap. 1038)
10. J. E. Joseph Trust Fund Ordinance (Cap. 1067)
11. Kadoorie Agricultural Aid Loan Fund Ordinance (Cap. 1080)
12. Kadoorie Farm and Botanic Garden Corporation Ordinance (Cap. 1156)

Adaptation of Laws (No. 34) Bill 1999
Summary of the proposed amendments

Original Terms	Proposed Amendments
Governor 總督	Chief Executive 行政長官
Governor in Council 總督會同行政局	Chief Executive in Council 行政長官會同行政會議
the Colony	Hong Kong
Crown ¹ 官方	Government 政府
Crown ² 官方	State 國家
Her Majesty the Queen, Her Heirs or Successors 女皇陛下、其世襲繼承人或其他繼承人	the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws 中央或香港特別行政區政府根據《基本法》 和其他法律的規定所享有
Greenwich Mean Time 格林尼治平時	Universal Standard Time 國際標準時間
皇家香港警察隊	香港警務處
地方法院	區域法院
立法局	立法會

Notes:

1

The term "Crown" is adapted to "Government" in section 14 of Co-operative Societies Ordinance (Cap. 33), section 36(2) of the Gas Safety Ordinance (Cap. 51) and clause 3(C) of the Schedule to the Hong Kong and China Gas Company (Transfer of Incorporation) Ordinance (Cap. 1022).

Section 14 of Cap. 33 deals with creation of charges in favour of registered societies. It states that though the registered society has a first charge on its members' properties (including their agricultural and marine produce), this first charge has to be subject to any prior claim of the "Crown". Such claim should only concern the SAR Government.

Section 36(2) of the Gas Safety Ordinance (Cap. 51) relates to the liability of the "Crown" in tort for the act or omission of public officers. This matter is under the sole responsibility of the Government.

Clause 3(C) of the Schedule to Cap. 1022 prescribes disposing of and surrendering the Company's land to the "Crown" as one of the Company's objects in its memorandum. Relying on section 6 of the Interpretation and General Clauses Ordinance (Cap. 1), "Crown" is adapted to the "Government" and is to be construed in accordance with Article 7 of the Basic Law, which means land within the HKSAR is State property and the HKSAR Government is responsible for their management and use.

- ² The term "Crown" is adapted to the "State" in By-law 12 of the Hong Kong and Kowloon Wharf and Godown Company Limited By-laws (Cap. 1023 sub. leg.). This is a saving clause which provides that nothing in this set of by-laws is taken to restrict, derogate from or otherwise interfere with any power upon any person in the service of the "Crown". This reference is adapted to the "State" in accordance with section 7 of Schedule 9 to the Interpretation and General Clauses Ordinance (Cap. 1).