

立法會
Legislative Council

LC Paper No. LS164/99-00

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

**Legal Service Division Further Report on
Adaptation of Laws (No. 2) 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) to re-word the clauses 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
- (b) to withhold the adaptation of "Crown" where the Hong Kong Examinations 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.

In addition, the proposed adaptation of the Lingnan College Ordinance is removed as a consequence of the repeal of that Ordinance and the enactment of the Lingnan University Ordinance (54 of 1999). A copy of the proposed CSA is attached.

3. Annexes A and B of our main report (LS 103/98-99) 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. 2) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for Education and
Manpower

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 1, section 7	By deleting the section.
Schedule 3	By deleting the Schedule.
Schedule 5, section 4	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 6, section 4	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 7, section 3	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

Schedule 8,
section 3

By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

Schedule 9,
section 3

By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

Schedule 11,
section 3

By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

List of Ordinances affected by the Adaptation of Laws (No. 2) Bill 1999

1. Hong Kong Examinations Authority Ordinance (Cap. 261)
2. Post Secondary Colleges Ordinance (Cap. 320), including the Post Secondary Colleges Regulations
3. Lingnan College Ordinance (Cap. 422)
4. The Hong Kong Institute of Education Ordinance (Cap. 444)
5. University of Hong Kong Ordinance (Cap. 1053)
6. The Hong Kong Polytechnic University Ordinance (Cap. 1075)
7. St. John's College Ordinance (Cap. 1089)
8. The Chinese University of Hong Kong Ordinance (Cap. 1109)
9. Hong Kong Baptist University Ordinance (Cap. 1126)
10. City University of Hong Kong Ordinance (Cap. 1132)
11. The Hong Kong University of Science and Technology Ordinance (Cap. 1141) and The Hong Kong University of Science and Technology (Amendment) Ordinance 1995 (27 of 1995)
12. The Open University of Hong Kong Ordinance (Cap. 1145)

Adaptation of Laws (No. 2) Bill 1999

Summary of the proposed amendments

A. Terms

Original Terms	Proposed Amendments
Colony	Hong Kong
Crown ¹ 官方	Government/State ¹ 政府/國家
Governor 總督	Chief Executive 行政長官
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 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
立法局	立法會

Notes :

1. References to “Crown” are adapted to “Government” or “State” depending on context. For example, such a reference in the Hong Kong Examinations Authority Ordinance is amended to refer to the “State” where it is provided that the Hong Kong Examinations Authority is not the servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown. In the Chinese University of Hong Kong Ordinance, such a reference is amended to refer to the “Government” where the provision is about payment of rent to the Crown in respect of land granted to the University.

2. These terms are so amended where they appear in clauses saving the rights of the Queen etc.