

立法會
Legislative Council

LC Paper No. LS166/99-00

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

**Legal Service Division Further Report on
Adaptation of Laws (No. 33) Bill 1999**

At the House Committee meeting on 24 September 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 under section 6(1)(f) of the Vocational Training Council Ordinance (Cap. 1130), to substitute "Chief Executive" (instead of "Chief Executive, or any public officer delegated with the function, duty or power under section 5(2A) of the Apprenticeship Ordinance (Cap. 47)" as originally proposed in the Bill) for "Governor"; and
- (b) to withhold the adaptation of "Crown" where the Employees Compensation Assistance Fund Board, Employees' Compensation Insurance Levies Board, Employees Retraining Board and Vocational Training Council are 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 248/98-99) are reproduced for ease of reference. Subject to Members' views, the Bill is ready for resumption of Second Reading debate.

Encls.

Prepared by

CHEUNG Ping-Kam, Arthur
Assistant Legal Adviser
Legislative Council Secretariat
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ADAPTATION OF LAWS (NO. 33) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for Education and Manpower

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 7, section 1	By deleting paragraph (c).
Schedule 8, section 9	By deleting paragraph (a).
Schedule 9, section 9	By deleting paragraph (a).
Schedule 10	(a) In section 2(b), by deleting everything after "repealing" and substituting "Governor" and substituting "Chief Executive". (b) By deleting section 11.

List of Ordinance affected by the Adaptation of Laws (No. 33) Bill 1999

1. Labour Relations Ordinance (Cap. 55)
2. Employment Ordinance (Cap. 57) and Employment of Children Regulations (Cap. 57 sub. leg.)
3. Contracts for Employment Outside Hong Kong Ordinance (Cap. 78), Labour Tribunal Ordinance (Cap. 25), Employment Ordinance (Cap. 57) and Minor Employment Claims Adjudication Board Ordinance (Cap. 453)
4. Employees' Compensation Ordinance (Cap. 282) and Employees' Compensation (Rules of Court) Rules (Cap 282 sub. leg.)
5. Industrial Training (Clothing Industry) Ordinance (Cap. 318)
6. Trade Unions Ordinance (Cap. 332)
7. Employees Compensation Assistance Ordinance (Cap. 365)
8. Employees' Compensation Insurance Levies Ordinance (Cap. 411)
9. Employees Retraining Ordinance (Cap. 423)
10. Vocational Training Council Ordinance (Cap. 1130)

Adaptation of Laws (No. 33) Bill 1999

Summary of the proposed amendments

Original Terms	Proposed Amendments
Governor in Council 總督會同行政局	Chief Executive in Council 行政長官會同行政會議
Crown 官方	Government/State* 政府/國家
立法局	立法會
so long as the United Kingdom adheres to it 在聯合王國仍然依循暫准進口海關公約的範圍內	so long as it applies to Hong Kong* 在《暫准進口海關公約》仍然適用於香港時
Governor 總督	Chief Executive 行政長官
country/territory 國家/地區/區	place* 地方
外地	香港以外地方
Colony	Hong Kong
總監	關長
at the pleasure of the Governor 總督可隨時	at the discretion of the Chief Executive 行政長官可酌情

* Reasons for the adaptation of these items are explained in Annex B to the LegCo Brief.