

立法會
Legislative Council

LC Paper No. LS168/99-00

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

**Legal Service Division Further Report on
Adaptation of Laws (No. 16) Bill 1998**

At the House Committee meeting on 8 January 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 Ocean Park Corporation and Hong Kong Sports Development Board 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.

In addition, consequential amendments to adaptation provisions which have been affected by the subsequent enactment of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552) are also proposed. A copy of the proposed CSA is attached.

3. Annexes A and B of our main report (LS 83/98-99) 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. 16) BILL 1998

COMMITTEE STAGE

Amendments to be moved by the Secretary for Home Affairs

Clause

Amendment Proposed

2

By deleting the clause and substituting -

"2. Commencement

(1) (a) This Ordinance, except as provided in paragraph (b), shall be deemed to have come into operation on 1 July 1997.

(b) Sections 33, 34, 39, 40, 41, 42 and 46 of Schedule 3 shall be deemed to have come into operation on 1 January 2000, which is the date appointed for the commencement of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552).

(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

- Schedule 3 (a) By deleting the subheading before section 36.
(b) By deleting sections 36 to 38.
- Schedule 3, section 39 (a) In the subheading before the section, by deleting "**(Urban Council) By-laws**" and substituting "**Regulation**".
(b) By deleting "By-law" and substituting "Section".
(c) By deleting "(Urban Council) By-laws" and substituting "Regulation".
- Schedule 3, sections 40 and 41 By deleting "By-law" and substituting "Section".
- Schedule 3, section 42 (a) In the subheading before the section, by deleting "**(Regional Council) Bylaws**" and substituting "**Regulation**".
(b) By deleting "Bylaw" and substituting "Section".
(c) By deleting "(Regional Council) Bylaws" and substituting "Regulation".
- Schedule 3, section 43 (a) By deleting the subheading before the section.
(b) By deleting the section.
- Schedule 3 (a) By deleting the subheading before section 44.
(b) By deleting sections 44 and 45.

Schedule 3,
section 46

- (a) In the subheading before the section, by deleting "**(Urban Council) Bylaws**" and substituting "**Regulation**".
- (b) By deleting "Bylaw" and substituting "Section".
- (c) By deleting "(Urban Council) Bylaws" and substituting "Regulation".

Schedule 4,
section 2

By deleting "in Council".

Schedule 6,
section 11

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 10

By deleting the section.

Schedule 11,
section 2(b)

By deleting "in Council".

Schedule 12,
section 7

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 14, By deleting "in Council".
section 1(b)

Schedule 14, By deleting paragraph (a).
Section 11

List of Ordinances affected by the Adaptation of Laws (No. 16) Bill 1998

1. Antiquities and Monuments Ordinance (Cap. 53)
2. Miscellaneous Licences Ordinance (Cap. 114) and Miscellaneous Licences Regulations (sub. leg.)
3. Public Health and Municipal Services Ordinance (Cap. 132), Abattoirs (Urban Council) Bylaws, Advertisements By-laws, Pleasure Grounds (Regional Council) Bylaws, Public Cleansing and Prevention of Nuisances (Regional Council) By-laws, Public Cleansing and Prevention of Nuisances (Urban Council) By-laws, Slaughterhouses (Regional Council) Bylaws, Slaughterhouses (Urban Council) Bylaws, Swimming Pools (Regional Council) Bylaws and Swimming Pools (Urban Council) Bylaws (sub. leg.)
4. Books Registration Ordinances (Cap. 142)
5. Places Of Public Entertainment Ordinance (Cap. 172) and Places of Public Entertainment Regulations (sub. leg.)
6. Hong Kong Arts Centre Ordinance (Cap. 304)
7. Ocean Park Corporation Ordinance (Cap. 388)
8. Lord Wilson Heritage Trust Ordinance (Cap. 425)
9. Amusement Game Centres Ordinance (Cap. 435)
10. Amusement Rides (Safety) Ordinance (Cap. 449) and Amusement Rides (Safety) (Operation and Maintenance) Regulation (sub. leg.)
11. Hong Kong Arts Development Council Ordinance (Cap. 472)
12. Sir David Trench Fund for Recreation Ordinance (Cap. 1128)
13. The Hong Kong Academy for Performance Arts Ordinance (Cap. 1135)
14. Hong Kong Sports Development Board Ordinance (Cap. 1149)

Adaptation of Laws (No. 16) Bill 1998

Summary of the proposed technical amendments and deletions

A. Amendments

Original Terms	Proposed Amendments
Governor/ Governor in Council 總督/總督會同行政局	Chief Executive/ Chief Executive in Council 行政長官/行政長官會同行政會議
Colony	Hong Kong
立法局	立法會
Crown lease 官契	Government lease 政府租契
Crown ⁽¹⁾ 官方	State/Government ⁽¹⁾ 國家/政府
Her Majesty the Queen, Her Heirs or Successors ⁽²⁾ 女皇陛下，其世襲 繼承人及繼位人	the Central People's Government or the Government of the Hong Kong Special Administration Region under the Basic Law or other laws ⁽²⁾ 中央人民政府或香港特別行政區根據《基 本法》或其他法律的規定所享有

B. Deletions

1. “Royal” from certain names.
2. References to imperial orders.
3. References to privileges such as that to the Crowns Agents.

Note

(1) Where a provision states that a corporation shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, “the Crown” is changed to “the State”. However, where a provision confers powers over matters for which the Government is solely responsible, the “the Crown” is changed to “the Government”.

(2) A provision saving the rights of Her Majesty the Queen etc. is amended to save the rights of the Central People’s Government or the Government of the HKSAR under the Basic Law or other laws.