

立法會

Legislative Council

LC Paper No. LS92/99-00

Paper for the House Committee Meeting of the Legislative Council on 3 March 2000

Legal Service Division Second Further Report on Adaptation of Laws (No. 17) Bill 1999

Members may recall that the Legal Service Division made a first report and a further report to the House Committee on the Bill on 2 July 1999 and 24 September 1999 respectively (LegCo Paper Nos. LS216/98-99 and LS275/98-99 refer). The Bill adapts a number of Ordinances including the Midwives Registration Ordinance (Cap. 162) ("the principal Ordinance") and the Midwives Registration (Amendment) Ordinance 1997 (61 of 1997) ("the Amendment Ordinance"). The reason for adapting the Amendment Ordinance separately is that the Amendment Ordinance had not come into operation when the Bill was introduced into the Legislative Council.

2. At the House Committee meeting on 24 September 1999, Members agreed that the Second Reading debate of the Bill should resume. However, since the House Committee's decision, the Administration has brought the Amendment Ordinance into operation on 30 September 1999 by virtue of the Commencement Notice published in the Gazette on 30 September 1999 (L.N. 247 of 1999). Accordingly, adaptations proposed in the Bill in respect of the Amendment Ordinance should be made to the principal Ordinance.

3. This technical change needs to be achieved by Committee Stage amendments ("CSAs") which are being proposed by the Administration. The purpose of the CSAs is to delete the original proposed adaptations of the provisions of the Amendment Ordinance, which have come into operation on 30 September 1999 and to include those adaptations as part of the adaptations proposed for the principal Ordinance. The proposed adaptations of the provisions of the principal Ordinance, as amended by the Amendment Ordinance, shall be deemed to have come into operation on 30 September 1999 to tie in with the commencement date of those provisions while the proposed adaptations of those provisions of the principal Ordinance which have existed as at 1 July 1997 shall be deemed to have come into operation on 1 July 1997. The draft CSAs are at Annex A.

4. The legal and drafting aspects of the CSAs are in order. Subject to Members' views, the Bill is now ready for resumption of Second Reading debate.

Encl

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Annex A

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1st Draft:

19.1.2000

2nd Draft:

2.2.2000

3rd Draft:

17.2.2000

ADAPTATION OF LAWS (NO. 17) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Health and Welfare

Clause

Amendment Proposed

- 2 (a) In subclause (1), by adding "(other than sections 1A, 1B, 2A, 3A and 3 of Schedule 3)" after "Ordinance".
- (b) By adding -
- "(3) Sections 1A, 1B, 2A, 3A and 3 of Schedule 3 shall be deemed to have come into operation on 30 September 1999."
- Schedule 3 (a) In the heading, by deleting "AND RELATED ORDINANCE".
- (b) By deleting the subheading "**Midwives Registration Ordinance**".
- (c) By adding before section 1 -
- "1A. Section 2(1) of the Midwives

Registration Ordinance (Cap. 162) is amended in the definition of "appointed member" by repealing "Governor" and substituting "Chief Executive".

1B. Section 3(2), (4), (5) and (5B) is amended by repealing "Governor" wherever it appears and substituting "Chief Executive".

Schedule 3, section 1 By deleting the section and substituting -
"1. Section 3(7) is amended by repealing "Governor" and substituting "Chief Executive"."

Schedule 3 By adding before section 2 -
"2A. Section 10(6), (7) and (8) is amended by repealing "上訴法院" wherever it appears and substituting "上訴法庭"."

Schedule 3, section 2 By deleting "法庭" and substituting "上訴法庭".

Schedule 3 By adding before section 3 -
"3A. Section 15(4) is amended by repealing "上訴法院" and substituting "上訴法庭"."

Schedule 3, section 3 By adding "(1)" after "23".

Schedule 3 By deleting everything after section 3.