

Adaptation of Laws (Military References) Bill 2010  
Adaptation Proposals

Schedule 1

Section	Legislation	Proposed Adaptation	Justifications
68(1) 68(2)	Firearms and Ammunition Ordinance (Cap. 238), Section 3	<p><b>Possession on behalf of the <del>Crown</del> <u>Government</u> etc.</b></p> <p>Section 13 and 14 do not apply to the possession of, or dealing in, arms or ammunition by any person –</p> <p><del>(a) on behalf of Her Majesty’s Government, including possession by an officer or member of any of Her Majesty’s Forces who is in possession of or deals in the arms or ammunition in his capacity as such; or</del></p> <p><u>(a) on behalf of the Central People’s Government, including possession by an officer or member of the Chinese People’s Liberation Army who is in possession of or deals in the arms or ammunition in his capacity as such; or</u></p>	<p>The Ordinance makes provision for the possession of firearms and ammunition. Before the Reunification, any officer or member of any of Her Majesty’s Forces acting on behalf of Her Majesty’s Government enjoyed exemption from the possession of arms or ammunition without a licence under the conditions stipulated in the Ordinance.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”. It is therefore proposed to adapt the reference “an officer or member of any of Her Majesty’s Forces” to “an officer or member of the Chinese People’s Liberation Army”. At the same time, it is proposed to adapt the term “Her Majesty’s Government” to “the Central People’s Government”.</p> <p>The proposal to adapt the term “Crown” to “Government” is a consequential amendment to the heading as subsection (b) of the provision stipulates the condition of then Hong Kong Government in the</p>

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			<p>possession of arms or ammunition before the Reunification.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and section 1 of Schedule 8 to Cap. 1.</p>
69	Public Order Ordinance (Cap. 245), Section 5(1)(a)	<p>If the members or adherents of any society are –</p> <p>(a) organized or trained or equipped for the purpose of enabling them to be employed in such a manner that such employment usurps, may usurp, tends to usurp or appears to usurp the functions of the police or the <del>armed forces of the Crown</del><u>Chinese People’s Liberation Army</u>; or... then –</p> <p>(i) any person who is a member or adherent of such society shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5000 and to imprisonment for 3 years; and</p> <p>(ii) any person who takes part in the control or management of such society, or in organizing or training or equipping as aforesaid any members or adherents of the society, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 10 years and on summary conviction to a fine of \$5000 and to imprisonment for 5 years.</p>	<p>The Ordinance makes provisions relating to matters such as the maintenance of public order. The provision concerned prohibits members or adherents of any society to be organized, trained, or equipped for the purpose of enabling them to be employed to usurp the police and the armed forces of the Crown before the Reunification.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”. It is therefore proposed to adapt the term “armed forces of the Crown” to “Chinese People’s Liberation Army”.</p> <p>The adaptation proposal is prepared by making reference to section 1 of Schedule 8 to Cap. 1.</p>
70	Public Order Ordinance	For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority	The provision provides exemption for members of Her Majesty’s forces from the prohibition of possession of

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	(Cap. 245), Section 17C(2)(e)	unless he is on duty as – (e) a member of <del>Her Majesty's forces</del> — <u>the Chinese People's Liberation Army</u> ;	offensive weapons before the Reunification.  In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”. It is therefore proposed to adapt the term “Her Majesty’s forces” to “the Chinese People’s Liberation Army”.  The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and section 1 of Schedule 8 to Cap. 1.
71(1) 71(2)	Public Order Ordinance (Cap. 245), Section 31(6)(f) and Section 31(6)(m)	The following persons shall, notwithstanding the provisions of this section, not be subject to or obliged to comply with any of the provisions of a curfew order when on duty or proceeding to or from duty – (f) a member of <del>Her Majesty's forces</del> <u>the Chinese People's Liberation Army</u> ; (m) <del>an employee of the Ministry of Defence in possession of a valid Army Department Pass</del> <u>member of the Ministry of National Defence in the Central People's Government in possession of a valid pass of the Ministry of National Defence or the Hong Kong Garrison</u> ;	Sections 31(6)(f) and (m) provide exemption for the member of the then Her Majesty’s forces and employees of the Ministry of Defence in possession of a valid Army Department Pass from the need to comply with a curfew order.  In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”. It is therefore proposed to adapt the term “Her Majesty’s forces” to “the Chinese People’s Liberation Army”.

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			<p>As the “Pass” mentioned in the provision concerned refers to the pass issued by the Army Department of the then Government of the United Kingdom whereas the Ministry of National Defence in the Central People’s Government is the relevant department for issuing a similar “pass”, and that members of the Ministry of National Defence in the Central People’s Government are required to obtain such passes before they could handle any defence duties, it is therefore proposed to adapt the reference “in possession of a valid Army Department Pass” to “in possession of a valid pass of the Ministry of National Defence or the Hong Kong Garrison”. The proposal to adapt the term “employee” to “member” is to comply with the actual establishment situation of the Chinese People’s Liberation Army.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and section 1 of Schedule 8 to Cap. 1.</p>
72	Public Order Ordinance (Cap. 245), Section 37	<p><del>(1) In the case of a closed area which is an area or place occupied by Her Majesty's forces or for other purposes of the Crown in right of Her Majesty's government in the United Kingdom, the Commander British Forces or any commissioned officer in Her Majesty's forces authorized by him for the purposes of this subsection may issue to any person a permit allowing such person to enter and leave the closed area.</del></p> <p>(1) In the case of a closed area which is an area or place occupied by the Hong Kong Garrison or for other purposes</p>	<p>Before the Reunification, the provision allows the Commander British Forces or any commissioned officer in Her Majesty’s forces authorized by the Commander British Forces to issue to any person a permit allowing such person to enter and leave a closed area.</p> <p>As the term “Her Majesty’s forces” refers to circumstances involving land occupied by the former British Forces stationed in Hong Kong, it is therefore</p>

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		<p><u>of the Central People’s Government, the Commander of the Hong Kong Garrison or any member of the Chinese People’s Liberation Army authorized by him for the purposes of this subsection may issue to any person a permit allowing such person to enter or leave the closed area.</u></p>	<p>proposed to adapt the relevant term to “the Hong Kong Garrison”. Meanwhile, it is suggested to adapt the term “Crown in right of Her Majesty’s Government in the United Kingdom” to “the Central People’s Government”, to adapt the term “the Commander British Forces” to “the Commander of the Hong Kong Garrison”, and to adapt the term “any commissioned officer in Her Majesty’s forces” to “any member of the Chinese People’s Liberation Army” to reflect the actual operation of the Hong Kong Garrison.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and section 1 of Schedule 8 to Cap. 1.</p>
73	Public Order Ordinance (Cap. 245), Section 38(2)(a)(iii)	<p>In the case of a closed area other than a closed area referred to in section 37(1), subsection (1)(a) shall not apply –</p> <p>(a) to the following persons when on duty or proceeding to or from duty –</p> <p>(iii) a member of <u>Her Majesty’s forces the Chinese People’s Liberation Army;</u></p>	<p>The provision provides exemption for members of Her Majesty’s forces on duty or proceeding to or from duty from the prohibition on entering or leaving closed area without permit.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”. It is therefore proposed to adapt the term “Her Majesty’s forces” to “the Chinese People’s Liberation Army”.</p> <p>The adaptation proposal is prepared by making</p>

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			reference to section 2A(2)(c) of Cap. 1 and section 1 of Schedule 8 to Cap. 1.
74(1)	Public Order Ordinance (Cap. 245), Section 39(1)	<p>Without prejudice to the provisions of this Ordinance or of any other law, <del>any member of Her Majesty's forces, or any guard,</del>any guard may arrest –</p> <p>(a) any person whom he finds in a closed area if he has reason to suspect that such person has committed or is about to commit any offence;</p> <p>(b) any person whom he finds committing any offence in a closed area;</p> <p>(c) any person whom he finds attempting to enter a closed area if he has reason to suspect that such person is not permitted or authorized under this Part to so enter,</p> <p>and may use such force as may be necessary for the purpose.</p>	Section 39(1) provides the power of arrest to members of Her Majesty's forces in closed area before the Reunification. According to the Basic Law, the maintenance of public order is the responsibility of the Government of the Hong Kong Special Administrative Region. The Hong Kong Garrison would not carry out such duty and exercise such power. It is therefore proposed to take away the reference of "any member of Her Majesty's forces".
74(2) 74(3)	Public Order Ordinance (Cap. 245), Section 39(4)	<p>In this section, "guard" (守衛員) means –</p> <p>(b) any person appointed to guard a closed area by the <del>Governor or the Commander British Forces</del> <u>Chief Executive;</u></p> <p><u>(ba) in the case of a closed area which is an area or place occupied by the Hong Kong Garrison or for other purposes of the Central People's Government, any member of the Chinese People's Liberation Army;</u></p>	<p>The provision provides definition on persons guarding a closed area. Before the Reunification, the then Governor or the Commander British Forces could appoint any person to guard a closed area.</p> <p>Regarding the term "Governor", as the right conferred by the provision concerned is exercised by the Chief Executive after the Reunification, it is therefore proposed to adapt the term to "Chief Executive".</p> <p>As for the term "the Commander British Forces", as the closed area which is occupied by the Hong Kong Garrison or for the Central People's Government would</p>

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			<p>only guarded by members of the Chinese People's Liberation Army after the Reunification (such as military closed area), it is therefore proposed to add subsection (ba) to reflect the legislative intent and the application scope of the provision.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and sections 1 and 11 of Schedule 8 to Cap. 1.</p>
75	Public Order Ordinance (Cap. 245), Section 49(1)	<p>Where <del>a member of Her Majesty's forces acting in the course of his duty or</del> a police officer reasonably believes that it is necessary for the purpose of preventing, detecting or investigating any offence for which the sentence is fixed by law or for which a person may (on a first conviction for that offence) be sentenced to imprisonment, <del>the member or</del> officer may require any person to produce proof of his identity for inspection, and any person who fails to comply with any such requirement commits an offence and is liable on summary conviction to a fine of \$10000 and to imprisonment for 6 months.</p>	<p>The provision provides the power for members of Her Majesty's forces acting in the course of duty to require any person to produce proof of identity for inspection for the purpose of preventing, detecting or investigating any offence before the Reunification. According to the Basic Law, the maintenance of public order is the responsibility of the Government of the Hong Kong Special Administrative Region. The Hong Kong Garrison would not carry out such duty nor exercise such power. It is therefore proposed to take away the reference of "any member of Her Majesty's forces".</p>
76(1)	Public Order Ordinance (Cap. 245), Section 50	<p><b>Powers of members of certain auxiliary services and <u>Her Majesty's forces the Chinese People's Liberation Army</u></b></p>	<p>The proposed heading amendment is consequential to the adaptation proposals to Sections 50(3) and (4) of Cap. 245.</p>
76(2) 76(3)	Public Order Ordinance (Cap. 245), Section 50	<p>(3) Without prejudice to the provisions of this Ordinance or of any other law, any member of <del>Her Majesty's forces acting in aid of the civil power the Chinese People's Liberation Army acting under Article 14 of the Law of the</del></p>	<p>The provision provides that members of Her Majesty's forces, when aiding the then Hong Kong Government, should have the same powers, protection and immunities as any other police officers before the</p>

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		<p><a href="#">People Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)</a> shall have the same powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer.</p> <p>(4) Without prejudice to the provisions of this Ordinance or of any other law, any <del>commissioned officer in Her Majesty's forces acting in aid of the civil power</del> <a href="#">member of the Chinese People's Liberation Army of or above the rank of second lieutenant (or ensign) acting under Article 14 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)</a> shall have the powers conferred by section 17(2), (3) and (4) on a police officer of or above the rank of inspector.</p>	<p>Reunification.</p> <p>According to Article 14 of the Basic Law, the Government of the Hong Kong Special Administrative Region shall be responsible for the maintenance of public order in the Region. The Government may, when necessary, ask the Central People's Government for assistance in the maintenance of public order and in disaster relief. According to one of the conditions stipulated in Article 14 of the Garrison Law, member of the Hong Kong Garrison may exercise the powers conferred by the law of the Hong Kong Special Administrative Region in the course of rendering assistance in the maintenance of public order or in disaster relief. The adaptation proposal is prepared in accordance with the Garrison Law and reflects the situation after the Reunification appropriately.</p> <p>In general, according to the principles of adaptation of laws, the term "Her Majesty's forces" is proposed to be adapted to "the Chinese People's Liberation Army", except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to "the Hong Kong Garrison". It is therefore proposed to adapt the reference "an officer or member of any of Her Majesty's forces" to "the Chinese People's Liberation Army".</p> <p>As "commissioned officer in Her Majesty's forces" is equivalent to members of the Chinese People's</p>



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			<p>Liberation Army of or above the rank of second lieutenant, it is therefore proposed to adapt the relevant term to “member of the Chinese People’s Liberation Army of or above the rank of second lieutenant”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and section 1 of Schedule 8 to Cap.1.</p>
76(4)	Public Order Ordinance (Cap. 245), Section 50(5)	<p>A certificate purporting to be signed by the Chief Secretary for Administration and stating that a member of <del>Her Majesty’s forces</del> <u>the Chinese People’s Liberation Army</u> was, at the time specified therein, acting <del>in aid of the civil power</del> <u>under Article 14 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997)</u> shall be conclusive evidence thereof in all proceedings and for all purposes.</p>	<p>The provision makes provision for matters such as the signing of certificates by the then Chief Secretary for Administration for verifying the assistance provided by members of Her Majesty’s forces to the then Hong Kong Government.</p> <p>According to one of the conditions stipulated in Article 14 of the Garrison Law, members of the Hong Kong Garrison may exercise the powers conferred by the law of the Hong Kong Special Administrative Region in the course of rendering assistance in the maintenance of public order or in disaster relief. The adaptation proposal is prepared in accordance with the Garrison Law and reflects the situation after the Reunification appropriately.</p>
77	Public Order Ordinance (Cap. 245), Section 50A(a)	<p>Any person who obstructs –</p> <p>(a) any member of <del>Her Majesty’s forces</del> <u>the Chinese People’s Liberation Army</u>;</p> <p>exercising any powers or performing any duties conferred or imposed on him by this Ordinance or by any orders, directions, requirements or notices made thereunder shall</p>	<p>According to the provision, it is an offence for any person who obstructs any member of Her Majesty’s forces exercising any powers or performing any duties conferred on the member of Her Majesty’s forces by this Ordinance or by any orders, directions, requirements or notices made thereunder before the</p>

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		<p>be guilty of an offence and shall be liable on summary conviction to a fine of \$1000 and to imprisonment for 6 months.</p>	<p>Reunification.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”, it is therefore proposed to adapt the term “Her Majesty’s forces” to “the Chinese People’s Liberation Army”.</p> <p>The adaptation proposal is prepared by making reference to section 1 of Schedule 8 to Cap. 1.</p>
78	Public Order Ordinance (Cap. 245), Section 53	<p>Without prejudice to the provisions of section 46, no person acting in good faith under the provisions of this Ordinance shall be liable in damages or otherwise for any act done by him in pursuance or exercise of any obligation, duty or power imposed or conferred, or reasonably supposed to be imposed or conferred, on him by this Ordinance, if done in good faith, and done or purported to be done in the execution of his duty or for the public safety or for the defence of Hong Kong or for the enforcement of discipline or otherwise in the public interest, if such person be a person holding office under or employed in the service of the <del>Crown in any capacity, whether naval, military, air force or civil</del> <u>Government in any capacity, or be a member of the Chinese People’s Liberation Army</u>, or be an officer or member of the Government Flying Service or a member of the Hong Kong Auxiliary Police Force</p>	<p>The provision provides exemption for members of the then naval, military, air force, Government Flying Service, Hong Kong Auxiliary Police Force from being held legally liable for paying compensation for damages.</p> <p>As the Chinese People’s Liberation Army already includes naval, military and air elements, it is therefore proposed to adapt the relevant references as “the Chinese People’s Liberation Army”.</p> <p>As the term “Crown” in the provision covered the then Hong Kong Government, it should have been adapted as “特區政府” in the Chinese version in accordance with the definition in Part II of Cap.1, i.e. “Government (特區政府) means the Government of the Hong Kong</p>

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		<p>acting as such or be a person acting under the authority of a person so holding office or so employed or such an officer or member.</p>	<p>Special Administrative Region”. Considering that the term “政府” has been used in other existing provisions for references relating to the Government of the Hong Kong Special Administrative Region in the Ordinance in the Chinese version, it is therefore proposed to adapt the relevant term to “政府” to ensure consistency of the relevant provisions in the Ordinance.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Sections 1 and 2 of Schedule 8 to Cap. 1.</p>
79	Protected Places (Safety) Ordinance (Cap. 260), Section 3(2)	<p>(1) It shall be lawful for the Chief Executive by order to authorize any person to act as an authorized guard.</p> <p>(2) Such authority may be given in general terms to any member of <del>Her Majesty's armed forces the Hong Kong Garrison</del> or to any class of persons.</p>	<p>The Ordinance makes provisions for matters relating to the safety of places declared as protected places. Under Section 3(2) of Cap. 260, the Chief Executive may authorize in general terms members of the Garrison as authorized guards as military protected places.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”. As the reference of “Her Majesty’s armed forces” referred to circumstances involving land used by the then British Forces, it is therefore proposed to adapt the reference to “the Hong Kong Garrison”.</p> <p>The adaptation proposal is prepared by making</p>

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			reference to section 2A(2)(c) of Cap. 1 and Section 1 of Schedule 8 to Cap.1.
80	Protected Places (Safety) (Authorized Guards) Order (Cap. 260 sub. leg. C), Paragraph 2	<p><del>2. Authorized guards in respect of protected places under control of Senior Military Officer</del></p> <p><del>In respect of any protected place under the control of the Senior Military Officer in command of Her Majesty's regular troops in the Colony, the following persons, that is to say-</del></p> <p><del>(a) any member of Her Majesty's armed forces; and</del></p> <p><del>(b) any person employed by The Ministry of Defence (The Army Department) as a member of its Police Force,</del></p> <p><del>are hereby authorized to act as authorized guards.</del></p> <p><u>2. Authorized guards in respect of protected places under control of Senior Army Officer of Hong Kong Garrison</u></p> <p><u>In respect of any protected place under the control of the Senior Army Officer of the Hong Kong Garrison, a member of the Hong Kong Garrison is authorized to act as an authorized guard.</u></p>	<p>The Ordinance makes provisions for matters relating to the safety of places declared as protected places. Paragraph 2 stipulated the conditions that in respect of any protected places under the control of Senior Military Officer in command of Her Majesty's regular troops in the Colony, any member of Her Majesty's armed forces could be authorized as authorized guards before the Reunification.</p> <p>In general, according to the principles of adaptation of laws, the term "Her Majesty's forces" is proposed to be adapted to "the Chinese People's Liberation Army", except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to "the Hong Kong Garrison". As the references of "Her Majesty's regular troops in the Colony" and "any member of Her Majesty's armed forces" referred to circumstances involving land used by the then British Forces, it is therefore proposed to adapt the relevant references to "Senior Army Officer of Hong Kong Garrison" and "member of the Hong Kong Garrison" respectively.</p> <p>Meanwhile, as the Chinese People's Liberation Army/Ministry of National Defence do not employ similar persons as in subsection (b), it is therefore proposed to take away subsection (b) which is obsolete.</p>

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			<p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Section 1 of Schedule 8 to Cap. 1.</p>
80	<p>Protected Places (Safety) (Authorized Guards) Order (Cap. 260 sub. leg. C), Paragraph 3</p>	<p><del>3. Authorized guards in respect of protected places under control of Captain, Hong Kong</del></p> <p><del>In respect of any protected place under the control of the Captain-in-Charge, Hong Kong, or any officer of the Royal Navy discharging the duties of the Captain-in-Charge, Hong Kong, the following persons, that is to say—</del></p> <p><del>(a) any member of Her Majesty's armed forces; and</del></p> <p><del>(b) any person employed by The Ministry of Defence (The Navy Department) as a member of its Police Force, are hereby authorized to act as authorized guards.</del></p> <p><u>3. Authorized guards in respect of protected places under control of Senior Navy Officer of Hong Kong Garrison</u></p> <p><u>In respect of any protected place under the control of the Senior Navy Officer of the Hong Kong Garrison, a member of the Hong Kong Garrison is authorized to act as an authorized guard.</u></p>	<p>The Ordinance makes provisions for matters relating to the safety of places declared as protected places. Paragraph 3 stipulated the conditions that in respect of any protected places under the control of Captain-in-Charge Hong Kong of the Royal Navy, any member of Her Majesty's armed forces could be authorized as authorized guards before the Reunification.</p> <p>In general, according to the principles of adaptation of laws, the term "Her Majesty's forces" is proposed to be adapted to "the Chinese People's Liberation Army", except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to "the Hong Kong Garrison". As the references of "the Captain-in-Charge, Hong Kong, or any officer of the Royal Navy discharging the duties of the Captain-in-Charge, Hong Kong" and "any member of Her Majesty's armed forces" referred to circumstances involving land used by the then British Forces, it is therefore proposed to adapt the relevant references to "Senior Navy Officer of Hong Kong Garrison" and "member of the Hong Kong Garrison" respectively.</p> <p>Meanwhile, as the Chinese People's Liberation Army/Ministry of National Defence do not employ</p>

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			<p>similar persons as in subsection (b), it is therefore proposed to take away subsection (b) which is obsolete.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Section 1 of Schedule 8 to Cap. 1.</p>
80	Protected Places (Safety) (Authorized Guards) Order (Cap. 260 sub. leg. C), Paragraph 4	<p><del>4. Authorized guards in respect of protected places under control of Air Officer Commanding, Hong Kong</del></p> <p><del>In respect of any protected place under the control of the Air Officer Commanding, Hong Kong, or any officer of the Royal Air Force discharging the duties of the Air Officer Commanding, Hong Kong, the following persons, that is to say-</del></p> <p><del>(a) any member of Her Majesty's armed forces; and</del></p> <p><del>(b) any person employed by The Ministry of Defence (The Air Force Department) as a member of its Police Force, are hereby authorized to act as authorized guards.</del></p> <p><u>4. Authorized guards in respect of protected places under control of Senior Air Officer of Hong Kong Garrison</u></p> <p><u>In respect of any protected place under the control of the Senior Air Officer of the Hong Kong Garrison, a member of the Hong Kong Garrison is authorized to act as an authorized guard.</u></p>	<p>The Ordinance makes provisions for matters relating to the safety of places declared as protected places. Paragraph 4 stipulated the conditions that in respect of any protected places under the control of Air Officer Commanding, Hong Kong, any member of Her Majesty's armed forces could be authorized as authorized guards before the Reunification.</p> <p>In general, according to the principles of adaptation of laws, the term "Her Majesty's forces" is proposed to be adapted to "the Chinese People's Liberation Army", except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to "the Hong Kong Garrison". As the references of "Air Officer Commanding, Hong Kong" and "any officer of the Royal Air Force discharging the duties of the Air Officer Commanding, Hong Kong" referred to circumstances involving land used by the then British Forces, it is therefore proposed to adapt the relevant references to "Senior Air Officer of Hong Kong Garrison" and "member of the Hong Kong Garrison" respectively.</p>

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			<p>Meanwhile, as the Chinese People’s Liberation Army/Ministry of National Defence do not employ similar persons as in subsection (b), it is therefore proposed to take away subsection (b) which is obsolete.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Section 1 of Schedule 8 to Cap. 1.</p>
81	Peak Tramway By-laws (Cap. 265 sub. leg. B), By-law 25	No person not being a member of <del>Her Majesty's forces</del> <u>the Chinese People’s Liberation Army</u> , a police officer, a member of the Customs and Excise Service or an officer of the Independent Commission against Corruption shall carry or have with him any firearms or ammunition on any part of the premises.	<p>Cap. 265 sub. leg. B makes provisions for the regulation of the conduct of passengers, issue of tickets, carriage of firearms and dangerous substances, etc. By-law 25 provides exemption for members of the Her Majesty’s forces from the prohibition to carry firearms or ammunition before the Reunification.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”, it is therefore proposed to adapt the term “Her Majesty’s forces” to “the Chinese People’s Liberation Army”. As the relevant references to other disciplinary forces contain the term “member”, it is therefore proposed to add the term “member” after “the Chinese People’s Liberation Army” in the Chinese version to ensure consistency in the provision. The proposed amendment would not change the legal effect of the provision.</p>

Section	Legislation	Proposed Adaptation	Justifications
			<p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Section 1 of Schedule 8 to Cap. 1.</p>
<p>82(1) 82(2)</p>	<p>Massage Establishments Ordinance (Cap. 266), Section 3</p>	<p>This Ordinance shall not apply to –</p> <p>(a) a hospital or maternity home maintained by the <del>Crown</del> <u>Government</u> or registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165);</p> <p><u>(aa) a military hospital or a maternity home of the Hong Kong Garrison;</u></p>	<p>Cap. 266 makes provisions for the regulation and licensing of massage establishments. The provision concerned provided exemption to the then hospitals or maternity homes maintained by the Crown before the Reunification.</p> <p>As the reference “Crown” in the provision covered the then Hong Kong Government and the former British Forces stationed in Hong Kong, it is therefore proposed to adapt the relevant references to include the Government of the Hong Kong Special Administrative Region, and the hospital or maternity homes of the Hong Kong Garrison. Considering that the hospital of the Hong Kong Garrison is called “military hospital”, which does not cover maternity home, it is therefore proposed to adapt the relevant reference as “a military hospital or a maternity home of the Hong Kong Garrison”. The proposal to adapt the term “Crown” to “特區政府” in the Chinese version is prepared in accordance with the definition in Part II of Cap.1, i.e. “Government (特區政府) means the Government of the Hong Kong Special Administrative Region”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Sections 1 and 2 of Schedule 8 to Cap. 1.</p>



Section	Legislation	Proposed Adaptation	Justifications
83	Merchant Shipping Ordinance (Cap. 281), Section 118(2)	This Ordinance shall not, except where otherwise specially provided, apply to <del>Her Majesty's ships of war</del> <u>the ships of war of the Chinese People's Liberation Army</u> or to the ships of war of any foreign state.	<p>Cap. 281 makes provisions for matters such as the regulation of merchant ships. In accordance with Section 118(2), Her Majesty's ships of war were exempt from the application of the provision before the Reunification.</p> <p>Considering that only the Chinese People's Liberation Army have "ships of war", it is therefore proposed to adapt the reference "Her Majesty's ships of war" to "the ships of war of the Chinese People's Liberation Army".</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Section 1 of Schedule 8 to Cap. 1.</p>
84	Employees' Compensation Ordinance (Cap. 282), Section 3(1)	"hospital" (醫院) means any hospital registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165) <del>or maintained by the Crown or which is a</del> <u>any hospital maintained by the Government, any military hospital or any public hospital</u> within the meaning of the Hospital Authority Ordinance (Cap. 113);	<p>Section 3(1) provides the definition of "hospital".</p> <p>As the reference "maintained by the Crown" referred to the then Hong Kong Government and the former British Forces stationed in Hong Kong, it is therefore proposed to adapt the relevant references to cover "any hospital maintained by the Government" and "military hospital" of the Hong Kong Garrison. The term "Crown" should have been adapted as "特區政府" in the Chinese version in accordance with the definition in Part II of Cap.1, i.e. "Government (特區政府) means the Government of the Hong Kong Special Administrative Region". Considering that the term "政府" has been used in other existing provisions for</p>

Section	Legislation	Proposed Adaptation	Justifications
			<p>references relating to the Government of the Hong Kong Special Administrative Region in the Ordinance in the Chinese version, it is therefore proposed to adapt the relevant term to “政府” to ensure consistency of the relevant provisions in the Ordinance.</p> <p>The adaptation proposal is prepared by making reference to sections 1 and 2 of Schedule 8 to Cap. 1.</p>
85	Employees’ Compensation Ordinance (Cap. 282), Section 4(1)(a)	<p>This Ordinance shall apply to employees employed by or under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of –</p> <p>(a) members of the <del>armed forces of the Crown</del> <u>Chinese People’s Liberation Army</u>; and</p>	<p>This provision provides exemption to members of the armed forces of the Crown in making employees’ compensation under the Ordinance before the Reunification.</p> <p>In general, according to the principles of adaptation of laws, the term “Her Majesty’s forces” is proposed to be adapted to “the Chinese People’s Liberation Army”, except for circumstances involving land vested in or occupied by the former British Forces stationed in Hong Kong, where the term is to be adapted to “the Hong Kong Garrison”. It is therefore proposed to adapt the term “armed forces of the Crown” to “the Chinese People’s Liberation Army”.</p> <p>The adaptation proposal is prepared by making reference to section 2A(2)(c) of Cap. 1 and Section 1 of Schedule 8 to Cap. 1.</p>