

LEGISLATIVE COUNCIL BRIEF

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2024

INTRODUCTION

At the meeting of the Executive Council on 30 April 2024, the Council ADVISED and the Chief Executive ORDERED that the Statute Law (Miscellaneous Provisions) Bill 2024 (“**Bill**”), at Annex, should be introduced into the Legislative Council.

JUSTIFICATIONS

2. The last Statute Law (Miscellaneous Provisions) Ordinance was enacted in 2020. It has since become necessary to introduce another omnibus bill to make miscellaneous amendments to various ordinances. The proposed amendments are largely minor, technical and non-controversial but are useful for the purpose of updating or improving the relevant legislation.

3. Opportunity is also taken to make straightforward adaptation of references which are inconsistent with the constitutional status of the Hong Kong Special Administrative Region and repeal obsolete provisions in various ordinances in a consolidated manner. Time is now ready to introduce another omnibus bill to cater for these proposed amendments.

4. The proposed amendments in the Bill can be broadly categorised into two groups – (1) amendments without adaptation of laws elements; and (2) amendments with adaptation of laws elements.

(1) Amendments without adaptation of laws elements

5. The proposed amendments in this category are largely minor, technical and non-controversial amendments that do not involve adaptation of laws elements. The key proposed amendments are highlighted in the ensuing paragraphs.

(a) Evidence Ordinance (Cap. 8)

6. The Government Microfilm Centre, which is operated under the Preservation Service Office of the Government Records Service (“**GRS**”), Administration Wing of the Chief Secretary for Administration’s Office (“**CSO**”), accepts requests from bureaux and departments to microfilm inactive records which have to be retained for not less than seven years. Those original paper records without archival value will be destroyed as approved by the GRS Director upon completion of microfilm production.

7. Due to the imminent obsolescence of traditional microfilming equipment and the fading out of its maintenance service, the GRS has a pressing need to digitalise its microfilming production by implementing Computer Output Microfilm (“**COM**”). However, sections 39 and 40 of the Evidence Ordinance (Cap. 8), which provide for the admissibility of prints made from “film” as evidence in civil and criminal proceedings, may not apply to COM.

8. CSO proposes to amend the definition of “film” in section 41 of the Evidence Ordinance (Cap. 8) so as to include a microfilm the production of which involves digital means. The definition will cover microfilm produced through digital workflow to accommodate the evolution of the microfilming technology in future.

(b) Contracts for Employment Outside Hong Kong Ordinance (Cap. 78)

9. Arising from the abrogation of three International Labour Conventions (ILCs) by the International Labour Organization on 5 June 2018, namely, Recruiting of Indigenous Workers Convention, 1936 (ILC No. 50), Contracts of Employment (Indigenous Workers) Convention, 1939 (ILC No. 64) and Contracts of Employment (Indigenous Workers) Convention, 1947 (ILC No. 86), the Labour and Welfare Bureau (“**LWB**”) proposes to repeal section 11(1)(h) of the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78), which makes a direct reference to the abrogated ILC No. 64.

(c) Post Office Ordinance (Cap. 98) and its subsidiary legislation

10. The Post Office Ordinance (Cap. 98) (“**Cap. 98**”) contains various provisions in relation to certain obsolete services and functions of the Hongkong Post (“**HKP**”) that have either never been provided by the HKP or have already ceased. These services and functions include money orders, telegraph money orders, postal orders and postal notes (referred to in, for example, section 3(h) and (k) of Cap. 98), private travelling letter boxes (referred to in, for example, section 3(m) of Cap. 98) and the issuing of licences to any persons “to collect letters for transmission to China through the Post Office, and to receive

clubbed packets from China through the Post Office” (section 6(2) of Cap. 98). The Commerce and Economic Development Bureau (“**CEDB**”) proposes to repeal the relevant provisions in Cap. 98 and to make consequential amendments, including those concerning the related offences, while providing for the saving provisions to the effect that the existing exemptions from liability provided under section 7(3) and (4) of Cap. 98 continue to apply to the Government as if those subsections had not been repealed. It is also proposed to consequentially repeal regulation 19 of the Post Office Regulations (Cap. 98 sub. leg. A), which concerns the operational details of money orders. CEDB also proposes to amend an obsolete reference (i.e. “Postal Department”) in section 2(1) of Cap. 98.

(d) Immigration Ordinance (Cap. 115)

11. The Security Bureau (“**SB**”) and the Immigration Department (“**ImmD**”) propose to repeal paragraph 3(1)(c) of Schedule 1 to the Immigration Ordinance (Cap. 115) (“**Cap. 115**”) following the ruling of the Court of Final Appeal in *Prem Singh v. Director of Immigration* [2003] 1 HKLRD 550 (“**CFA Judgment**”).

12. According to Article 24(2)(4) of the Basic Law, a person not of Chinese nationality is a Hong Kong permanent resident on the condition that the person has entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than seven years and has taken Hong Kong as the person’s place of permanent residence. The detailed arrangements for implementing Article 24(2)(4) of the Basic Law are set out in paragraphs 2(d) and 3 of Schedule 1 to Cap. 115.

13. Before the CFA Judgment, it was provided in paragraph 3(1)(c) of Schedule 1 that a person not of Chinese nationality had to be “settled” in Hong Kong when the person made a declaration to the Director of Immigration that he or she had taken Hong Kong as his or her place of permanent residence in accordance with paragraph 3(1)(b) of Schedule 1. It is further provided in paragraph 1(5) of Schedule 1 that a person is “settled” in Hong Kong if the person is ordinarily resident in Hong Kong and is not subject to any limit of stay (i.e. on unconditional stay status). In other words, before the CFA Judgment, non-Chinese nationals had to obtain unconditional stay status before they were eligible to apply for Hong Kong permanent resident status.

14. The Court of Final Appeal held that the “settled” requirement in paragraph 3(1)(c) of Schedule 1 to Cap. 115 contravenes Article 24(2)(4) of the Basic Law. As a result of and in line with the CFA Judgment, non-Chinese persons applying for Hong Kong permanent resident status are no longer required to obtain unconditional stay status beforehand. This has come into effect since 16 June 2003 and the Legislative Council Panel on Security was briefed in the same year.

15. In view of the CFA Judgment, SB and ImmD propose to repeal paragraph 3(1)(c) of Schedule 1 to Cap. 115.

(e) Criminal Procedure Ordinance (Cap. 221)

16. Section 113C of the Criminal Procedure Ordinance (Cap. 221) is proposed to be amended by refining the meaning of *excluded fine* to also cover a fine or penalty that is calculated by reference to a unit of time, a unit of measurement or a specified number of persons or objects. The enactments listed in section 113C(1)(c) are also to be removed for simplicity and updatedness.

(f) Hong Kong Auxiliary Police Force Ordinance (Cap. 233)

17. SB and the Hong Kong Police Force (“HKPF”) propose to amend sections 14(m), 15(1) and (2) and 26 of the Hong Kong Auxiliary Police Force Ordinance (Cap. 233) (“Cap. 233”) to align the discipline system of the Hong Kong Auxiliary Police Force with that of the HKPF as provided under the Police (Discipline) Regulations (Cap. 232 sub. leg. A) (“Cap. 232A”).

18. There is a disciplinary offence in relation to the HKPF similar to that of “conduct calculated to bring the Force into disrepute” provided under section 14(m) of Cap. 233. The Court of Appeal ruled in *Chiu Hoi Po v. Commissioner of Police* [2008] 4 HKLRD 67 that, in the context of Cap. 232A, the English word “calculated” in the said offence did not require a subjective intention on the part of the defaulter to bring the public service into disrepute. As a result, the word “calculated” in the said offence in Cap. 232A was replaced with the word “likely” to make this clear. It is proposed to align the wording of the relevant disciplinary offence in Cap. 233 with that in Cap. 232A by replacing the word “calculated” with “likely”. The proposed amendment would not apply in relation to a defaulter who is notified of the conduct of proceedings for the offence concerned before the commencement date of the amendment.

19. Further, it is proposed to amend section 15(1) and (2) of Cap. 233 to clarify that appeals from the Boards of Discipline are to be made by way of petition in writing to the Commissioner (i.e. the Commissioner of Police or a deputy commissioner) or the Chief Executive (as the case requires), and to amend section 26 of Cap. 233 to clarify that appeals from any decision of the Commissioner upon any complaint by a member of the Hong Kong Auxiliary Police Force are to be made by way of petition in writing to the Chief Executive.

(g) District Court Ordinance (Cap. 336)

20. The prosecution is entitled to appeal against an acquittal in the District Court by way of case stated. No procedural rules are made under the District Court Ordinance (Cap. 336) (“**Cap. 336**”) for such appeals. Instead, the procedural arrangements on “the preparation, amendment and setting down of such case stated” are governed by sections 106 to 109 of the Magistrates Ordinance (Cap. 227) (“**Cap. 227**”), with the necessary modifications, in accordance with section 84(a) of Cap. 336. However, the provisions on service under section 115 of Cap. 227 is not expressly referred to in Cap. 336. There is an uncertainty as to whether section 115 of Cap. 227 applies to case stated appeals from District Court cases. Significantly, the Court of Appeal recently recommended in *律政司司長 對 張浩輝及另四人* [2023] HKCA 877, CACC 277 & 278/2021 that consideration should be given to amending the relevant provisions.

21. It is proposed to amend section 84(a) of Cap. 336 by clearly stating that section 115 of Cap. 227 applies in relation to case stated appeals from District Court cases lodged by the prosecution.

(h) Water Pollution Control (Mirs Bay Water Control Zone) Order (Cap. 358 sub. leg. S)

22. The reference to the maps of the Mirs Bay Water Control Zone in the Water Pollution Control (Mirs Bay Water Control Zone) Order (Cap. 358 sub. leg. S) (“**Cap. 358S**”) is proposed to be updated by the Environment and Ecology Bureau (“**EEB**”). The proposed amendment to the Schedule to Cap. 358S to refer to a new series of maps seeks to reflect the changes made to the Statement of Water Quality Objectives (Mirs Bay Water Control Zone) (Cap. 358 sub. leg. U) and the Fish Culture Zone (Designation) Order (Cap. 353 sub. leg. B) in late 2023.

(i) Legislation Publication Ordinance (Cap. 614)

23. With a view to maintaining the consistency of style and formatting of the statute book more efficiently, the Legislation Publication Ordinance (Cap. 614) is to be amended by introducing powers to make formatting amendments to database instruments and to amend the square-bracketed cross-references in Schedules etc.

(j) Private Healthcare Facilities Ordinance (Cap. 633)

24. Under section 82(1)(c) of the Private Healthcare Facilities Ordinance (Cap. 633) (“**Cap. 633**”), a substitute decision maker of the patient of a private healthcare facility for which a licence is in force may make a complaint against the facility to the Committee on Complaints against Private Healthcare Facilities, which is a statutory committee established

under section 71 of Cap. 633 to handle complaints against licensed private healthcare facilities. The interpretation of the term “substitute decision maker” is originally provided for under section 2(5) of Cap. 633 by reference to section 3 of the Electronic Health Record Sharing System Ordinance (Cap. 625) (“**Cap. 625**”). Section 3 of Cap. 625, which specifically caters for the Electronic Health Record Sharing System (eHRSS), may impose unnecessary technical barriers on the rights of the patients to make complaints under Cap. 633. For instance, section 3(2)(b) of Cap. 625 requires that for a guardian of the healthcare recipient to be a substitute decision maker for a minor, the guardian has to “accompany the healthcare recipient at the relevant time”, and yet section 2(5) of Cap. 633 does not explain what “the relevant time” is in relation to a complaint made under Cap. 633. The Health Bureau proposes to amend Cap. 633 to provide for the interpretation of “substitute decision maker” in Cap. 633 that is suitable to its own context and for its purposes.

(k) Patents Ordinance (Cap. 514) and its subsidiary legislation

25. CEDB proposes amendments to the Patents Ordinance (Cap. 514) and its subsidiary legislation, namely, the Patents (Designation of Patent Offices) Notice (Cap. 514 sub. leg. A) and the Patents (General) Rules (Cap. 514 sub. leg. C). The proposed amendments are to update the English title of “國家知識產權局” from “State Intellectual Property Office” to “China National Intellectual Property Administration”, so as to reflect the change made by the Mainland authority concerned on 28 August 2018.

(l) Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597) and Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) (including its subsidiary legislation)

26. It is proposed to align the English equivalent of “高級人民法院” (namely, “Higher People’s Court”) appearing in the Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597), the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) and the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (Cap. 639 sub. leg. A) with the translation provided in the Supreme People’s Court’s Notice, 《最高人民法院關於印發〈人民法院組織機構、職務名稱、工作場所英譯文〉的通知》(法〔2021〕184號), issued in July 2021 (namely, “High People’s Court”).

(m) Other miscellaneous amendments

27. Minor and technical amendments are also to be made to various enactments to rectify incorrect cross-references and to ensure the consistency between the bilingual texts etc.

(2) Amendments with adaptation of laws elements

28. The proposed amendments in this category involve adaptation of laws elements.

29. In 2022, the Law Reform Commission (“**LRC**”) Secretariat spearheaded an exercise to conduct a systematic review of statutory laws of Hong Kong which consists of work mainly in three aspects, i.e. (i) adaptation of laws; (ii) consolidation of laws; and (iii) repeal of obsolete laws. The adaptation of laws refers to the process of (a) first identifying provisions or references in statute books that were in force in Hong Kong before 1 July 1997 but must, for the time being, be construed with such modifications, adaptations, limitations and exceptions as may be necessary in compliance with the Basic Law and the status of Hong Kong as a Special Administrative Region of the People’s Republic of China (“**PRC**”), and (b) thereafter amending them as necessary to properly reflect the policy intent of the relevant policy bureaux in the light of the resumption of the exercise of sovereignty over Hong Kong by the PRC. As far as the repeal of obsolete laws is concerned, the relevant provisions are not necessarily adaptation-related and, when ready for legislative action, are also included in this Bill.

30. Since the resumption of the exercise of sovereignty by the PRC, responsible policy bureaux have been identifying provisions or references as requiring adaptation with relevant legislative amendments introduced from time to time by the Government. In pushing ahead with the continuing exercise to complete the adaptation of laws, the approach of “dealing with simple issues before the difficult ones” has now been adopted. With further policy input or confirmation, as the case may be, from the responsible policy bureaux in relation to the outstanding provisions or references as well as additional provisions or references more recently identified as requiring adaptation, the opportunity is now taken to propose the present batch of legislative amendments in order to effect the necessary textual amendments.

31. Most of the proposed amendments are terminological or technical in nature, having regard to the interpretative principles published by the Standing Committee of the National People’s Congress in its decision on 23 February 1997, which are included in the Hong Kong Reunification Ordinance (110 of 1997) and are incorporated as section 2A of, and Schedule 8 to, the Interpretation and General Clauses Ordinance (Cap. 1) (“**Cap. 1**”). Examples of terminological or technical amendments include –

- (i) replacing “Her Majesty the Queen, Her Heirs or Successors” by “the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws”, “Governor” by “Chief Executive”, “Governor in Council” by “Chief Executive in Council”, “the Colony” by “Hong Kong”, “立法局” by “立法會”, “行政局秘書” by “行政

會議秘書”, etc.;

- (ii) adapting or repealing incompatible terminologies and references such as “the Crown”, “the Government of the United Kingdom”, “Secretary of State”, “Victoria”, “territorial waters”, etc. according to the context in which they are used; and
- (iii) repealing those pieces of obsolete subsidiary legislation that were empowered by the laws of the United Kingdom (“UK”), or those in relation to the laws of the UK, or used to exempt certain requirements under the laws of the UK that are no longer applicable to Hong Kong in light of Hong Kong’s status as a Special Administrative Region of the PRC.

32. Some proposed amendments are highlighted in the ensuing paragraphs.

(a) Bankruptcy Ordinance (Cap. 6) and its subsidiary legislation

33. The Financial Services and the Treasury Bureau proposes to amend the Chinese text of sections 36, 113 and 114 of the Bankruptcy Ordinance (Cap. 6) by replacing the term “立法局” with “立法會”. It is also proposed to repeal the definition of “court of appeal” (上訴法院) in rule 2 of the Bankruptcy Rules (Cap. 6 sub. leg. A) as the definition is not used in any part of the said rules and has become obsolete.

(b) Probate and Administration Ordinance (Cap. 10)

34. Section 8 of the Probate and Administration Ordinance (Cap. 10) (“**Cap. 10**”) empowers the court to summon any person named as executor in a will to prove or renounce probate and “to do such other things concerning the will as the High Court in England may do with regard to such matters”. The power with reference to the High Court in England appears to be a residual power that the court may invoke in the absence of a relevant power provided for in Cap. 10.

35. In light of the resumption of the exercise of sovereignty over Hong Kong by the PRC and the status of Hong Kong as a Special Administrative Region of the PRC since 1 July 1997, section 8, which continues to draw dependence on the practice of the High Court in England, needs to be amended. Considering the desirability of retaining some flexibility on actions that may be taken by the courts to cover unforeseen situations, and that the court will only order what it considers just in the case, the Home and Youth Affairs Bureau (“**HYAB**”) proposes to replace other things as the High Court in England may do, in section 8, with other things as the justice of the case requires. The Judiciary has expressed no in-principle objection to the proposed amendment.

36. Under section 72(2) of Cap. 10, the practice and procedure of the “Probate Registry in England” is deemed to be in force where no provision is made by probate rules and orders. The Judiciary has advised that the probate rules and orders in Hong Kong are largely premised on those in England in around 1971, but amendments and changes made thereafter have not been necessarily followed. Furthermore, since 1997, the courts in Hong Kong have been continuing to develop their own practices, including Practice Directions 20.2 and 20.3 promulgated by the Judiciary in July 2012 and December 2013 respectively, and the “Guide to Non-Contentious Probate Practice” published in January 2013 and the subsequent Supplements issued in June 2015, August 2018 and April 2021. The Judiciary has advised that section 72(2) would no longer be necessary for the operation of the courts in Hong Kong and believes that the repeal of this section would not affect its operation in a significant way. For the time being, the Judiciary does not see that the proposed adaptation would bring about any legal vacuum that would necessitate the making of reference to the English practice. The Judiciary has also advised that there appears to be no reason why the courts in Hong Kong cannot further or continue to further their own practice and procedure on repeal of section 72(2). As such, HYAB proposes that section 72(2) be repealed.

(c) Wills (Amendment) Ordinance 1995 (56 of 1995) and Wills Ordinance (Cap. 30)

37. HYAB proposes to amend section 8 (by repealing the new Part IIA to be added to the Wills Ordinance (Cap. 30)) and repeal section 10 of the Wills (Amendment) Ordinance 1995 (56 of 1995), and to amend the Wills Ordinance (Cap. 30), as part of the adaptation of laws exercise.

38. The LRC Report on Law of Wills, Intestate Succession and Provision for Deceased Persons’ Families and Dependents published in 1990 recommended, among other things, that Hong Kong incorporate the Annex to the Convention providing a Uniform Law on the Form of an International Will (“**Convention**”) concluded at Washington, D.C. on 26 October 1973, in order to facilitate the granting of probate of the wills of Hong Kong inhabitants with assets in different jurisdictions, noting that the UK had become a signatory party to the Convention.

39. The Wills (Amendment) Ordinance 1995 was a legislative exercise in 1995 to amend the Wills Ordinance (Cap. 30). Sections 8 and 10 of the Wills (Amendment) Ordinance 1995 would respectively add a new Part IIA (covering new sections 23D and 23E) and the corresponding new Schedule to the Wills Ordinance (Cap. 30), with the provisions of the Convention incorporated, when these provisions do come into operation. Since the UK had signed the Convention but had yet to ratify or bring the provisions of the Convention

into force, the relevant provisions of the Wills (Amendment) Ordinance 1995 has not been brought into operation either.

40. The PRC has not acceded to the Convention. Accordingly, the Convention is not legally binding on the PRC as a matter of international law. Since the PRC is not a party to the Convention and in the light of the resumption of the exercise of sovereignty over Hong Kong by the PRC in July 1997, the original purpose for introducing the relevant provisions of the Wills (Amendment) Ordinance 1995—to maintain consistency with the UK’s practice regarding international wills—is no longer relevant or compatible with the new constitutional order, and the relevant provisions should be repealed.

(d) Surviving Spouses’ and Children’s Pensions Ordinance (Cap. 79) and Widows and Orphans Pension Ordinance (Cap. 94)

41. With regard to the Surviving Spouses’ and Children’s Pensions Ordinance (Cap. 79), the Civil Service Bureau (“CSB”) proposes the following amendments –

- (i) the existing defined meaning of “appointed day” in section 2(1), namely, “the day appointed under section 2A”, be replaced with “1 February 1993” (i.e. the actual date appointed for the purposes of Cap. 79), and section 2A, which provides that “[t]he Governor may by notice published in the Gazette appoint a day for the purposes of this Ordinance”, be repealed;
- (ii) “or such greater period as the Governor may by order under subsection (4) prescribe for the purpose of this subparagraph,” in section 3(1)(a)(i) be repealed as no order had been made under section 3(4) by the then Governor; and
- (iii) to repeal section 3(4), which provides that “[t]he Governor may by order prescribe a period of not less than 12 months nor more than 2 years for the purpose of subsection (1)(a)(i), generally or in respect of any group of officers”. This power granted by section 3(4) to the Governor is limited to prescribing a period of not less than 12 months and up to two years following the commencement date of Cap. 79 (i.e. 1 January 1978). The power is no longer exercisable by the relevant authority today.

42. With regard to the Widows and Orphans Pension Ordinance (Cap. 94), apart from some terminological and technical amendments, CSB also proposes to add a new definition of “Crown Agents” in section 8(5) of that ordinance, and to repeal the same definition in section 1 of Schedule 9 to Cap. 1. Further, it is proposed to replace “a day

appointed by the Governor for the purposes of this subsection” in section 15A(1)(a) with “1 February 1993”, to replace “the day appointed under that subsection” in section 15A(2)(a) with “1 February 1993”, and to repeal section 15A(3).

(e) Post Office Ordinance (Cap. 98)

43. CEDB proposes to amend Cap. 98 by repealing the reference to “Her Majesty’s Postmaster General” in section 2(1) and the references to “on Her Majesty’s service” in sections 22, 31(1) and 32(1)(m). Amendments are also proposed to replace the term “Governor in Council” with “Chief Executive in Council” (in the introductory words of section 3, sections 3(r) and (s), 4(1) and (2), 4A(1), 6(5) and 21(3)), the term “Governor” with “Chief Executive” (in sections 5, 14(a), (b), (c) and (d) and 32(5)), and the term “Crown” with “Government” in section 32(5).

(f) Tramway Ordinance (Cap. 107)

44. The Transport and Logistics Bureau (“TLB”) proposes to amend section 50(2) of the Tramway Ordinance (Cap. 107) to align with the general principle laid down by Article 9 of the Basic Law that both Chinese and English may be used as official languages by the executive authorities, legislature and judiciary of the Hong Kong Special Administrative Region.

(g) Immigration Ordinance (Cap. 115) and its subsidiary legislation

45. Apart from some terminological and technical amendments, in consultation with TLB, SB also proposes to replace the expression “an International Convention for the Safety of Life at Sea which has been acceded to by the United Kingdom and extended to Hong Kong” in section 37I(3)(a) of Cap. 115 with the expression “the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, or any convention that replaces that Convention or any successor convention, as amended from time to time and as applicable to Hong Kong”, with a view to ensuring that the International Convention for the Safety of Life at Sea, which is updated from time to time, is being referred to in Cap. 115; and to replace the expression “acceded to by the United Kingdom and extended to Hong Kong” in section 37I(3)(b) with the expression “as applicable to Hong Kong”.

(h) Wild Animals Protection Ordinance (Cap. 170), Air Pollution Control Ordinance (Cap. 311), Waste Disposal Ordinance (Cap. 354), Water Pollution Control Ordinance (Cap. 358), Noise Control Ordinance (Cap. 400) (including their subsidiary legislation) and Electricity (Registration) Regulations (Cap. 406 sub. leg. D)

46. Apart from some terminological and technical amendments, EEB proposes to

amend section 44 of the Air Pollution Control Ordinance (Cap. 311), section 36 of the Waste Disposal Ordinance (Cap. 354), section 47 of the Water Pollution Control Ordinance (Cap. 358), and section 38 of the Noise Control Ordinance (Cap. 400) by replacing “Crown” with “Government” to bring them into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the PRC for the purposes of these ordinances.

(i) Criminal Procedure Ordinance (Cap. 221)

47. Form 4 in Schedule 1 to the Criminal Procedure Ordinance (Cap. 221) initially contained a reference to the “Supreme Court, Victoria”. The first part of the reference, “Supreme Court”, was later adapted as the “High Court”. The second part of the reference, “Victoria”, is now proposed to be repealed.

(j) Misrepresentation Ordinance (Cap. 284)

48. CSO proposes to amend section 7 of the Misrepresentation Ordinance (Cap. 284) by replacing the term “Crown” with “Government” to bring it into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the PRC for the purpose of this ordinance.

(k) Various pieces of subsidiary legislation under Merchant Shipping (Safety) Ordinance (Cap. 369) and Merchant Shipping (Registration) Ordinance (Cap. 415)

49. Apart from some terminological or technical amendments, TLB also proposes the following amendments –

- (i) the definition of “commencement date” under section 2(1) of the Merchant Shipping (Registration) Ordinance (Cap. 415) refers to the date appointed by the “Governor” for the commencement of the ordinance, which was an act that preceded 1 July 1997. It is not suitable to replace it with the “Chief Executive” as there was no “Chief Executive” on that relevant date. Therefore, it is proposed to amend the definition of “commencement date” in section 2(1) to mean the actual date, namely, 3 December 1990;
- (ii) it is proposed to replace the reference to “Secretary of State” with “Director” under regulation 31(2)(b) of the Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369 sub. leg. W) as the power concerned under that regulation is always exercised by the Director of Marine. The amendment could reflect

the reality and align with the existing operational arrangement;

(iii) it is proposed to replace “China” with “the Mainland” in regulation 40(2) of the Merchant Shipping (Minimum Passenger Space) Regulations (Cap. 369 sub. leg. E), which contains the phrase “Hong Kong, the coast of China, Taiwan”, to avoid any implication of sovereignty;

(iv) in the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R), the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S), and the Merchant Shipping (Safety) (Grain) Regulations (Cap. 369 sub. leg. AA), the meaning of “surveyor” is defined to include “a marine surveyor of the United Kingdom Department of Transport”. As the surveying job is no longer carried out by a surveyor of the United Kingdom Department of Transport after the resumption of the exercise of sovereignty by the PRC, it is proposed to delete the reference to “a marine surveyor of the United Kingdom Department of Transport”; and

(v) the Examination of Hull, Ship-side Fittings and Boilers (Exemption) (Consolidation) Notice (Cap. 369 sub. leg. I), the Corridor Bulkheads Serving Accommodation Spaces and Control Stations (Cap. 369 sub. leg. J), and the Merchant Shipping (Safety) Ordinance (Exemption) Notice (Cap. 369 sub. leg. P) are pieces of obsolete subsidiary legislation since the exemptions of certain merchant shipping requirements were empowered by the laws of the UK, which are no longer applicable now. The existing provisions of the Merchant Shipping (Safety) Ordinance (Cap. 369) already empower the Director of Marine to grant exemptions from any requirements of that ordinance and any regulations made under that ordinance. Therefore, these pieces of subsidiary legislation are no longer required and are proposed to be repealed.

(l) Kowloon-Canton Railway Corporation Ordinance (Cap. 372), Road Traffic Ordinance (Cap. 374), Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474), Tsing Ma Control Area Ordinance (Cap. 498) and Discovery Bay Tunnel Link Ordinance (Cap. 520)

50. Apart from some terminological and technical amendments to the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) (“**Cap. 372**”), the Road Traffic

Ordinance (Cap. 374) (“**Cap. 374**”), the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474), the Tsing Ma Control Area Ordinance (Cap. 498), and the Discovery Bay Tunnel Link Ordinance (Cap. 520), amendments are also proposed in relation to the definition of “appointed day” in section 2(1) of Cap. 372. That definition refers to the day appointed by “the Governor” under section 7(1). The actual day appointed fell on 1 February 1983, which preceded the resumption of the exercise of sovereignty by the PRC. TLB therefore proposes to define “appointed day” in section 2(1) to mean “1 February 1983”. TLB further proposes to repeal the reference to the appointment of a day by “the Governor” in section 7(1) and replace it with “the appointed day”.

(m) Airport Authority Ordinance (Cap. 483) and its subsidiary legislation

51. Section 8(b) of the Airport Authority Ordinance (Cap. 483), among other things, excludes the making of air service agreements or arrangements (“**ASAs**”) with other governments, etc. from the functions and powers of the Airport Authority. The scope of the existing limitation is that the Airport Authority may not make any ASAs with “the government of any country or territory outside Hong Kong”, “a department or branch of any such government”, “any government agency or undertaking in such a country or territory” or “any other person”. In accordance with the Basic Law, Hong Kong has entered into separate ASAs with the Mainland, Macao and Taiwan. These three places, which are all part of the PRC, are not “any country or territory outside Hong Kong”, as both “country” and “territory” may have the implication of sovereignty. TLB proposes to adapt the phrase as “country, territory or place outside Hong Kong” to cover Mainland China and jurisdictions within the PRC.

52. The Airport Authority Bylaw (Cap. 483 sub. leg. A) (“**Cap. 483A**”) was made under sections 35 and 36 of the Airport Authority Ordinance (Cap. 483) to, among others, regulate the use and operation of the Hong Kong International Airport (“**HKIA**”). To govern the use of vehicles at HKIA, Cap. 483A makes extensive references to Cap. 374 and its subsidiary legislation, which used to carry references which are inconsistent with the constitutional status of the Hong Kong Special Administrative Region such as “Crown land”.¹ Such references in Cap. 374 and its subsidiary legislation have already been adapted as part of the amendments under the Adaptation of Laws (Crown Land) Ordinance (29 of 1998) with effect from 1 July 1997.² It follows that the relevant provisions in Schedule 2 to Cap. 483A need to be updated to reflect the present wording of the adapted subsidiary legislation of Cap. 374 for them to remain pertinent.

¹ When referring to relevant clauses of Cap. 374 and its subsidiary legislation in Schedule 2 to Cap 483A, some of the terms have been quoted for modification, such as in Parts II and V.

² For instance, “Crown land” and “unleased Crown land” have been replaced with “Government land” and “unleased Government land”.

(n) Patents Ordinance (Cap. 514) and Trade Marks Ordinance (Cap. 559)

53. CEDB proposes to replace the term “territorial waters” in section 75(d) and (f) of the Patents Ordinance (Cap. 514) with “waters”; and replace the term “competent authorities in foreign jurisdictions” in section 1(2)(e) and (6) of Schedule 2 to the Trade Marks Ordinance (Cap. 559) with “competent authorities in non-Hong Kong jurisdictions”.

(o) Masonic Benevolence Fund Incorporation Ordinance (Cap. 1034) and Zetland Hall Trustees Incorporation Ordinance (Cap. 1055)

54. HYAB proposes to amend section 9 of the Masonic Benevolence Fund Incorporation Ordinance (Cap. 1034) (“**Cap. 1034**”) and section 10 of the Zetland Hall Trustees Incorporation Ordinance (Cap. 1055) (“**Cap. 1055**”) by replacing “Her Majesty the Queen, Her Heirs or Successors” with “the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws” in respect of the saving provisions of these ordinances.

55. Since section 9 of Cap. 1034 and section 10 of Cap. 1055 are the only statutory provisions that still have to rely on the construction principle under section 21 of Schedule 8 to Cap. 1, section 21 is proposed to be repealed as a consequential amendment to the adaptation of the said provisions.

OTHER OPTIONS

56. The proposed changes can only be effected by legislative means. There is no other option.

THE BILL

57. The Bill is divided into 15 Parts –

- (a) Part 1 sets out the short title and commencement arrangement.
- (b) Part 2 amends the Evidence Ordinance (Cap. 8) for the purposes described in paragraphs 6 to 8.
- (c) Part 3 amends the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) for the purposes described in paragraph 9.
- (d) Part 4 amends Cap. 98 and the Post Office Regulations (Cap. 98 sub. leg. A) for the purposes described in paragraph 10.

- (e) Part 5 amends Cap. 115 for the purposes described in paragraphs 11 to 15.
- (f) Part 6 amends the Criminal Procedure Ordinance (Cap. 221) for the purposes described in paragraph 16.
- (g) Part 7 amends Cap. 233 for the purposes described in paragraphs 17 to 19.
- (h) Part 8 amends Cap. 336 for the purposes described in paragraphs 20 to 21.
- (i) Part 9 amends Cap. 358S for the purposes described in paragraph 22.
- (j) Part 10 amends the Legislation Publication Ordinance (Cap. 614) for the purposes described in paragraph 23.
- (k) Part 11 amends Cap. 633 for the purposes described in paragraph 24.
- (l) Part 12 amends the Patents Ordinance (Cap. 514), the Patents (Designation of Patent Offices) Notice (Cap. 514 sub. leg. A) and the Patents (General) Rules (Cap. 514 sub. leg. C) for the purposes described in paragraph 25.
- (m) Part 13 amends the Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597), the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) and the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (Cap. 639 sub. leg. A) for the purposes described in paragraph 26.
- (n) Part 14 amends various enactments for adaptation of laws and related purposes as described in paragraphs 28 to 55.
- (o) Part 15 makes miscellaneous amendments of a minor or technical nature to various enactments for the purposes described in paragraph 27.

LEGISLATIVE TIMETABLE

58. The legislative timetable is as follows –

- (a) Publication in the Gazette 10 May 2024
- (b) First Reading and commencement of Second Reading debate 22 May 2024

- (c) Resumption of Second Reading debate, committee stage and Third Reading To be notified

IMPLICATIONS OF THE PROPOSAL

59. The legislative proposals in the Bill are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the respective ordinances being amended. They have no economic, productivity, environmental, sustainability, financial, civil service, family or gender implications.

CONSULTATION

60. Relevant policy bureaux have consulted stakeholders on their respective proposals –

- (a) with regard to LWB’s proposed amendments to the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78), the Labour Advisory Board Committee on the Implementation of International Labour Standards was briefed in March 2021. No comment was received from the members.
- (b) regarding the Department of Justice’s proposed amendments to Cap. 336, the Judiciary, The Law Society of Hong Kong and the Hong Kong Bar Association have been consulted on 6 September 2023 and are being kept informed of the legislative exercise. The Law Society of Hong Kong and the Hong Kong Bar Association expressed support to the proposed amendments.
- (c) the Judiciary has expressed no in-principle objection to the proposed amendments to Cap. 10, the Wills (Amendment) Ordinance 1995 and Cap. 30.
- (d) the Zetland Hall and the Masonry have been consulted on the proposed amendments to Cap. 1034 and Cap. 1055, and they expressed no in-principle objection to the proposed amendments.

61. The Department of Justice issued an information paper to the Legislative Council Panel on Administration of Justice and Legal Services (“**AJLS Panel**”) in February 2024, briefing Members of the AJLS Panel on the major legislative proposals to be included in the Bill.

PUBLICITY

62. A press release will be issued, and a spokesperson will be available for media enquiries.

ENQUIRY

63. Any enquiry on this brief can be addressed to Miss Jenny Hui, Senior Government Counsel at tel. no. 3918 4021 or Mr Aaron Chan, Government Counsel at tel. no. 3918 4587.

Department of Justice
May 2024

Statute Law (Miscellaneous Provisions) Bill 2024

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A BILL
To

Make miscellaneous amendments to various Ordinances.

Enacted by the Legislative Council.

Part 1
Preliminary

1. **Short title and commencement**
- (1) This Ordinance may be cited as the Statute Law (Miscellaneous Provisions) Ordinance 2024.
 - (2) Subject to subsections (3) and (4), this Ordinance comes into operation on the expiry of 30 days beginning on the day on which it is published in the Gazette.
 - (3) Part 6 comes into operation on the later of the following dates—
 - (a) the date on which this Ordinance is published in the Gazette; or
 - (b) 2 August 2024.
 - (4) Part 10 comes into operation on the day on which this Ordinance is published in the Gazette.

Part 2
Amendments to Evidence Ordinance relating to
Microfilms

2. **Evidence Ordinance amended**
The Evidence Ordinance (Cap. 8) is amended as set out in this Part.
3. **Section 41 amended (interpretation)**
- (1) Section 41, after “In”—
Add
“this section and”.
 - (2) Section 41, definition of *film*, after “microfilm”—
Add
“(including one the production of which involves digital means)”.

Part 3**Amendments to Contracts for Employment Outside
Hong Kong Ordinance relating to Abrogation of
Certain International Convention****4. Contracts for Employment Outside Hong Kong Ordinance
amended**

The Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) is amended as set out in this Part.

5. Section 11 amended (attestation of contracts)

- (1) Section 11(1)(f)—
Repeal the semicolon
Substitute
“; and”.

- (2) Section 11(1)(g)—
Repeal
“; and”
Substitute a full stop.

- (3) Section 11(1)—
Repeal paragraph (h).
-

Part 4**Amendments to Post Office Ordinance relating to
Certain Obsolete Services of Post Office etc.****Division 1—Post Office Ordinance****6. Post Office Ordinance amended**

The Post Office Ordinance (Cap. 98) is amended as set out in this Division.

7. Section 2 amended (interpretation)

- (1) Section 2(1), English text, definition of *officer of the Post Office*—

Repeal

“Postal Department” (wherever appearing)

Substitute

“Post Office”.

- (2) Section 2(1)—

Repeal the definitions of *clubbed packet* and *Post Office*.

- (3) After section 2(1)—

Add

“(1A) A reference to the Post Office in this Ordinance (not including this subsection) includes every house, building, room, vessel, carriage and place used for the purposes of the Post Office, and every post office letter box.”.

8. Section 3 amended (regulations)

Section 3—

Repeal paragraphs (h), (k) and (m).

9. Section 6 amended (exclusive privilege of Postmaster General)

- (1) Section 6—
Repeal subsection (2).
- (2) Section 6(3)—
Repeal
“subsections (1) and (2)”
Substitute
“subsection (1)”.

10. Section 7 amended (exemption from liability)

- Section 7—
Repeal subsections (3) and (4).

11. Section 7A added

- After section 7—
Add

“7A. Saving provisions relating to Statute Law (Miscellaneous Provisions) Ordinance 2024

- (1) Section 7(3) of the pre-amended Ordinance continues to apply in relation to an act or default mentioned in that section as if that section had not been repealed by the amending Ordinance so long as the act was done, or the default occurred, before the commencement date.
- (2) Section 7(4) of the pre-amended Ordinance continues to apply in relation to a money order, telegraph money order, postal order or postal note that has been paid as mentioned in that section as if that section had not been repealed by

the amending Ordinance so long as the payment was made before the commencement date.

- (3) In this section—
amending Ordinance (《修訂條例》) means the Statute Law (Miscellaneous Provisions) Ordinance 2024 (of 2024);
commencement date (生效日期) means the date on which section 10 of the amending Ordinance comes into operation;
pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement date.”.

12. Section 33 amended (offences by officers of the Post Office)

- Section 33(1)—
Repeal paragraphs (b), (c) and (d).

Division 2—Post Office Regulations

13. Post Office Regulations amended

The Post Office Regulations (Cap. 98 sub. leg. A) are amended as set out in this Division.

14. Regulation 19 repealed

- Regulation 19—
Repeal the regulation.

Part 5**Amendments to Immigration Ordinance relating to
Establishing of Permanent Residence****15. Immigration Ordinance amended**

The Immigration Ordinance (Cap. 115) is amended as set out in this Part.

16. Schedule 1 amended (permanent residents of the Hong Kong Special Administrative Region)

(1) Schedule 1, paragraph 3(1)(a)(iv)—

Repeal the semicolon

Substitute

“; and”.

(2) Schedule 1, paragraph 3(1)(b)—

Repeal

“; and”

Substitute a full stop.

(3) Schedule 1, paragraph 3(1)—

Repeal sub-subparagraph (c).

Part 6**Amendments to Criminal Procedure Ordinance relating
to Interpretation of *Excluded Fine*****17. Criminal Procedure Ordinance amended**

The Criminal Procedure Ordinance (Cap. 221) is amended as set out in this Part.

18. Section 113C amended (provision for fines for offences)

(1) Section 113C(1)(b)—

Repeal

“and”.

(2) After section 113C(1)(b)—

Add

“(ba) a fine or penalty calculated by reference to—

(i) a unit of time;

(ii) a unit of measurement (as defined by section 2 of the Weights and Measures Ordinance (Cap. 68)); or

(iii) a specified number of persons or objects; or”.

(3) Section 113C(1)(c)—

Repeal

everything after “meaning of”

Substitute

“an Ordinance.”.

Part 7**Amendments to Hong Kong Auxiliary Police Force Ordinance relating to Certain Disciplinary Offence and Appeal****19. Hong Kong Auxiliary Police Force Ordinance amended**

The Hong Kong Auxiliary Police Force Ordinance (Cap. 233) is amended as set out in this Part.

20. Section 14 amended (disciplinary offences and penalties)

Section 14(m)—

Repeal

“calculated”

Substitute

“likely”.

21. Section 15 amended (appeal from Boards of Discipline)

Section 15(1) and (2), after “petition”—

Add

“in writing”.

22. Section 23 amended (unlawful possession, manufacture or sale of badges and equipment, etc.)

Section 23(1)(b) and (2), Chinese text—

Repeal

“很可能”

Substitute

“相當可能”.

23. Section 26 amended (complaints)

(1) Section 26—

Repeal

“any such petition”

Substitute

“the complaint”.

(2) Section 26, after “of petition”—

Add

“in writing”.

24. Section 30 added

After section 29—

Add**“30. Transitional provisions relating to Statute Law (Miscellaneous Provisions) Ordinance 2024**

(1) Section 14 of the pre-amended Ordinance continues to apply as if the amending Ordinance had not been enacted, in relation to a member’s committing of a disciplinary offence if the member is notified of the conduct of proceedings for the offence under this Ordinance before the commencement date.

(2) In this section—

amending Ordinance (《修訂條例》) means the Statute Law (Miscellaneous Provisions) Ordinance 2024 (of 2024);

commencement date (生效日期) means the date on which section 20 of the amending Ordinance comes into operation;

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement date.”.

Part 8

Amendment to District Court Ordinance relating to Appeal by Way of Case Stated

25. District Court Ordinance amended

The District Court Ordinance (Cap. 336) is amended as set out in this Part.

26. Section 84 amended (appeal by way of case stated)

Section 84(a)—

Repeal

“the provisions of sections 106 to 109 inclusive”

Substitute

“sections 106, 107, 108, 109 and 115”.

Part 9

Amendment to Water Pollution Control (Mirs Bay Water Control Zone) Order to Update Reference to Certain Maps

27. Water Pollution Control (Mirs Bay Water Control Zone) Order amended

The Water Pollution Control (Mirs Bay Water Control Zone) Order (Cap. 358 sub. leg. S) is amended as set out in this Part.

28. Schedule amended

The Schedule—

Repeal

everything after “maps”

Substitute

“marked MBWCZ 1A, MBWCZ 2A, MBWCZ 3A, MBWCZ 4A and MBWCZ 5A and described as “Mirs Bay Water Control Zone”, signed by the Secretary for Environment and Ecology on 12 October 2023 and deposited in the Land Registry.”.

Part 10

Amendments to Legislation Publication Ordinance to Provide for Formatting Amendments etc.

29. Legislation Publication Ordinance amended

The Legislation Publication Ordinance (Cap. 614) is amended as set out in this Part.

30. Long title amended

The long title, after “Ordinances”—

Add

“and formatting amendments to database instruments (other than Ordinances)”.

31. Section 2 amended (interpretation)

Section 2(1)—

Add in alphabetical order

“*formatting amendment* (格式修訂) means an amendment to a database instrument (other than an Ordinance) made under section 14A(1);”.

32. Section 4 amended (contents of database)

Section 4(1)(e), after “amendments”—

Add

“and formatting amendments”.

33. Part 4 heading amended (editorial amendments and record)

Part 4, heading, after “Amendments”—

Add“, **Formatting Amendments**”.**34. Part 4, Division 1 heading amended (editorial powers)**Part 4, Division 1, heading, after “**Powers**”—**Add**

“etc.”.

35. Section 12 amended (powers to make editorial amendments)

(1) Section 12(aa), Chinese text—

Repeal

“某”

Substitute

“該”.

(2) Section 12(ab)—

Repeal

“another Ordinance”

Substitute“any Ordinance (*referenced Ordinance*)”.

(3) Section 12(ab)(i) and (ii)—

Repeal

“that other Ordinance” (wherever appearing)

Substitute

“the referenced Ordinance”.

(4) After section 12(ga)—

Add

“(gb) amend a cross-reference number contained in square brackets in a Schedule to the Ordinance (including the square brackets and any letters, characters and symbols contained in the square brackets);”.

36. Section 14A added

Part 4, Division 1, after section 14—

Add**“14A. Powers to make formatting amendments**

- (1) The Secretary for Justice may change the format, layout, printing style or any other presentational aspect of a database instrument (other than an Ordinance).
- (2) The effective date of a formatting amendment—
 - (a) must not be a date earlier than the date on which the record containing a description of the amendment is first published under section 15; and
 - (b) must be specified in the record.
- (3) A copy of the amended database instrument, as published on an approved website, must indicate in a suitable place the fact that it has been amended under subsection (1).”.

37. Part 4, Division 2 heading amended (record of editorial amendments)Part 4, Division 2, heading, after “**Amendments**”—**Add**

“etc.”.

38. Section 15 amended (Secretary for Justice to compile record of editorial amendments)(1) Section 15, heading, after “**amendments**”—

Add

“etc.”.

- (2) Section 15(1)(a)—

Repeal

“and”.

- (3) After section 15(1)(a)—

Add

“(ab) descriptions of formatting amendments made; and”.

Part 11**Amendments to Private Healthcare Facilities Ordinance
relating to Interpretation of *Substitute Decision Maker*****39. Private Healthcare Facilities Ordinance amended**

The Private Healthcare Facilities Ordinance (Cap. 633) is amended as set out in this Part.

40. Section 2 amended (interpretation)

- (1) Section 2(1), English text, definition of *specified authority*, paragraph (d)—

Repeal

“Hospital.”

Substitute

“Hospital;”.

- (2) Section 2(1)—

Add in alphabetical order“*substitute decision maker* (代決人)—see section 8A.”.

- (3) Section 2—

Repeal subsection (5).**41. Section 8A added**

After section 8—

Add**“8A. Meaning of *substitute decision maker***

- (1) A person is a substitute decision maker of a patient if the person is an eligible person under subsection (2) or (3).

- (2) For a patient who is aged below 16, the following are eligible persons for the purposes of subsection (1)—
- (a) a guardian of the patient appointed under or acting by virtue of the Guardianship of Minors Ordinance (Cap. 13) or otherwise appointed by the court;
 - (b) a person appointed by the court to manage the affairs of the patient;
 - (c) in the absence of the persons mentioned in paragraphs (a) and (b)—a family member of the patient, or a person residing with the patient in the same household;
 - (d) in the absence of the persons mentioned in paragraphs (a), (b) and (c)—the prescribed medical service provider that provides, or is about to provide, a medical service to the patient.
- (3) For a patient who is aged 16 or above and who is of any of the following descriptions, the persons specified in subsection (4) are eligible persons for the purposes of subsection (1)—
- (a) being mentally incapacitated as defined by section 2(1) of the Mental Health Ordinance (Cap. 136) (*Cap. 136*);
 - (b) being incapable of managing his or her own affairs.
- (4) The following are persons specified for the purposes of subsection (3)—
- (a) a person appointed under Cap. 136 to be the guardian of the patient;
 - (b) if the patient is placed under the guardianship of the Director of Social Welfare or any other person under section 44A(1)(i) of Cap. 136—the Director of Social Welfare or that other person;

- (c) if the guardianship of the patient is vested in the Director of Social Welfare under section 44B(2A) or 59T(1) of Cap. 136—the Director of Social Welfare;
 - (d) if the functions of guardian of the patient are to be performed by the Director of Social Welfare or any other person under section 44B(2B) or 59T(2) of Cap. 136—the Director of Social Welfare or that other person;
 - (e) a person appointed by the court to manage the affairs of the patient;
 - (f) in the absence of the persons mentioned in paragraphs (a), (b), (c), (d) and (e)—a family member of the patient, or a person residing with the patient in the same household;
 - (g) in the absence of the persons mentioned in paragraphs (a), (b), (c), (d), (e) and (f)—the prescribed medical service provider that provides, or is about to provide, a medical service to the patient.
- (5) In this section—
- prescribed medical service provider*** (訂明醫療服務提供者) means—
- (a) the Department of Health;
 - (b) the Hospital Authority; or
 - (c) the operator of a permitted facility.”.

Part 12

Amendments to References to “State Intellectual Property Office”

Division 1—Patents Ordinance

42. Patents Ordinance amended

The Patents Ordinance (Cap. 514) is amended as set out in this Division.

43. Section 125 amended (short-term patent application based on international application)

(1) Section 125(3)(d) and (e), English text—

Repeal

“State Intellectual Property Office”

Substitute

“China National Intellectual Property Administration”.

(2) Section 125—

Repeal subsection (6)

Substitute

“(6) In this section—

China National Intellectual Property Administration (國家知識產權局) means the China National Intellectual Property Administration established under the laws of the People’s Republic of China the functions of which include the granting of patents for inventions and patents for utility models.”.

Division 2—Patents (Designation of Patent Offices) Notice

44. Patents (Designation of Patent Offices) Notice amended

The Patents (Designation of Patent Offices) Notice (Cap. 514 sub. leg. A) is amended as set out in this Division.

45. Section 2 amended (interpretation)

(1) Section 2—

Repeal the definition of *State Intellectual Property Office*.

(2) Section 2—

Add in alphabetical order

“*China National Intellectual Property Administration* (國家知識產權局) means the China National Intellectual Property Administration established under the laws of the People’s Republic of China the functions of which include the granting of patents for inventions;”.

46. Section 3 amended (designation of patent offices)

Section 3, English text—

Repeal

“European Patent Office, in respect of patents granted under the European Patent Convention designating the United Kingdom

State Intellectual Property Office”

Substitute

“China National Intellectual Property Administration

European Patent Office, in respect of patents granted under the European Patent Convention designating the United Kingdom”.

Division 3—Patents (General) Rules

47. Patents (General) Rules amended

The Patents (General) Rules (Cap. 514 sub. leg. C) are amended as set out in this Division.

48. Section 2 amended (interpretation)

(1) Section 2(1)—

Repeal the definition of *State Intellectual Property Office*.

(2) Section 2(1)—

Add in alphabetical order

“*China National Intellectual Property Administration* (國家知識產權局) means the China National Intellectual Property Administration established under the laws of the People’s Republic of China the functions of which include the granting of patents for inventions;”.

49. Section 15 amended (date of publication of designated patent application based on international application under section 16 of Ordinance)

Section 15, English text—

Repeal

“State Intellectual Property Office” (wherever appearing)

Substitute

“China National Intellectual Property Administration”.

50. Section 78 amended (short-term patent application based on international application under section 125 of Ordinance)

Section 78, English text—

Repeal

“State Intellectual Property Office” (wherever appearing)

Substitute

“China National Intellectual Property Administration”.

Part 13

Amendments to References to “Higher People’s Court”

Division 1—Mainland Judgments (Reciprocal Enforcement) Ordinance

51. Mainland Judgments (Reciprocal Enforcement) Ordinance amended

The Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597) is amended as set out in this Division.

52. Section 6 amended (finality of Mainland judgments)

Section 6(1)(b), English text—

Repeal

“Higher”

Substitute

“High”.

53. Schedule 1 amended (designated courts)

Schedule 1, English text, item 2—

Repeal

“Higher”

Substitute

“High”.

Division 2—Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance

54. Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance amended

The Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) is amended as set out in this Division.

55. Section 5 amended (effective Mainland Judgments)

Section 5(1)(b)(ii) and (iii), English text—

Repeal

“Higher”

Substitute

“High”.

Division 3—Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules

56. Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules amended

The Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (Cap. 639 sub. leg. A) are amended as set out in this Division.

57. Rule 5 amended (affidavits in support of registration applications: general)

Rule 5(4)(b)(ii) and (iii), English text—

Repeal

“Higher”

Substitute

“High”.

Part 14

Amendments for Adaptation of Laws and Related Amendments

Division 1—Interpretation and General Clauses Ordinance

58. Interpretation and General Clauses Ordinance amended

The Interpretation and General Clauses Ordinance (Cap. 1) is amended as set out in this Division.

59. Schedule 8 amended (construction on and after 1 July 1997 of words and expressions in laws previously in force)

Schedule 8—

Repeal section 21.

60. Schedule 9 amended (temporary provisions)

Schedule 9, section 1—

Repeal the definition of *Crown Agents*.

Division 2—Bankruptcy Rules

61. Bankruptcy Rules amended

The Bankruptcy Rules (Cap. 6 sub. leg. A) are amended as set out in this Division.

62. Rule 2 amended (interpretation)

Rule 2—

Repeal the definition of *court of appeal*.

Division 3—Probate and Administration Ordinance**63. Probate and Administration Ordinance amended**

- (1) The Probate and Administration Ordinance (Cap. 10) is amended as set out in this Division.
- (2) In addition, the provision of that Ordinance set out in column 2 of Part 2 of the Schedule is amended by repealing the words and characters set out in column 3 of that Part and substituting the words and characters set out in column 4 of that Part.

64. Section 72 amended (probate rules and orders)

Section 72—

Repeal subsection (2).**Division 4—Surviving Spouses' and Children's Pensions Ordinance****65. Surviving Spouses' and Children's Pensions Ordinance amended**

- (1) The Surviving Spouses' and Children's Pensions Ordinance (Cap. 79) is amended as set out in this Division.
- (2) In addition, the provision of that Ordinance set out in column 2 of Part 4 of the Schedule is amended by repealing the words and characters set out in column 3 of that Part and substituting the words and characters set out in column 4 of that Part.

66. Section 2A repealed (appointed day)

Section 2A—

Repeal the section.**67. Section 3 amended (application of Ordinance)**

- (1) Section 3(1)(a)(i)—

Repeal

“or such greater period as the Governor may by order under subsection (4) prescribe for the purpose of this subparagraph.”.

- (2) Section 3—

Repeal subsection (4).**Division 5—Widows and Orphans Pension Ordinance****68. Widows and Orphans Pension Ordinance amended**

- (1) The Widows and Orphans Pension Ordinance (Cap. 94) is amended as set out in this Division.
- (2) In addition, the provisions of that Ordinance set out in column 2 of Part 5 of the Schedule are amended by repealing the words and characters set out in column 3 of that Part and substituting the words and characters set out in column 4 of that Part.

69. Section 8 amended (abatements from salaries and pensions)

After section 8(4)—

Add

“(5) In this section—

Crown Agents (英聯邦代辦) means the persons or body for the time being acting as Crown Agents for Oversea Governments and Administrations.”.

70. Section 15A amended (cessation of contribution)

Section 15A—

Repeal subsection (3).

Division 6—Tramway Ordinance**71. Tramway Ordinance amended**

The Tramway Ordinance (Cap. 107) is amended as set out in this Division.

72. Section 50 amended (fares for passengers)

Section 50(2)—

Repeal

everything after “upon the”

Substitute

“tramway.”.

Division 7—Air Pollution Control (Fuel Restriction) Regulations**73. Air Pollution Control (Fuel Restriction) Regulations amended**

The Air Pollution Control (Fuel Restriction) Regulations (Cap. 311 sub. leg. I) are amended as set out in this Division.

74. Regulation 2 amended (interpretation)

Regulation 2, definition of *Sha Tin fuel restriction area*—

Repeal

“, Victoria”.

Division 8—Wills (Amendment) Ordinance 1995**75. Wills (Amendment) Ordinance 1995 amended**

The Wills (Amendment) Ordinance 1995 (56 of 1995) is amended as set out in this Division.

76. Section 8 amended (sections and Part added)

Section 8—

Repeal new Part IIA.

77. Section 10 repealed (Schedule added)

Section 10—

Repeal the section.

Division 9—Other Enactments**78. Enactments repealed**

The following enactments are repealed—

- (a) the Examination of Hull, Ship-side Fittings and Boilers (Exemption) (Consolidation) Notice (Cap. 369 sub. leg. I);
- (b) the Corridor Bulkheads Serving Accommodation Spaces and Control Stations (Cap. 369 sub. leg. J);
- (c) the Merchant Shipping (Safety) Ordinance (Exemption) Notice (Cap. 369 sub. leg. P).

79. Enactments amended

The provisions of the enactments set out in column 2 of Parts 1, 3 and 6 to 65 of the Schedule are amended by repealing the words and characters set out in column 3 of those Parts and substituting the words and characters set out in column 4 of those Parts.

Part 15

Miscellaneous Amendments

Division 1—Companies (Winding-up) Rules

80. Companies (Winding-up) Rules amended

The Companies (Winding-up) Rules (Cap. 32 sub. leg. H) are amended as set out in this Division.

81. Rule 139 amended (lodgment of proxies)

Rule 139(4), English text—

Repeal

“the paragraph”

Substitute

“paragraph”.

Division 2—Radiation Ordinance

82. Radiation Ordinance amended

The Radiation Ordinance (Cap. 303) is amended as set out in this Division.

83. Long title amended

The long title—

Repeal

“import, export.”.

Division 3—Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations

84. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations amended

The Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S) are amended as set out in this Division.

85. Regulation 28 amended (protection against noise)

Regulation 28(2), (3) and (4), Chinese text—

Repeal

“dB(A)”

Substitute

“分貝(A)”.

Division 4—Land Survey Ordinance

86. Land Survey Ordinance amended

The Land Survey Ordinance (Cap. 473) is amended as set out in this Division.

87. Section 35 amended (offences and penalties)

Section 35(1)(d), Chinese text, before “行使”—

Add

“根據本條例”.

88. “第 59 號命令” substituted for “第 59 令”

The following provisions, Chinese text—

- (a) section 18(1);
- (b) section 27(1)—

Repeal

“第 59 令”

Substitute

“第 59 號命令”.

Division 5—Merchant Shipping (Seafarers) (Entry into Dangerous Spaces) Regulation

89. Merchant Shipping (Seafarers) (Entry into Dangerous Spaces) Regulation amended

The Merchant Shipping (Seafarers) (Entry into Dangerous Spaces) Regulation (Cap. 478 sub. leg. B) is amended as set out in this Division.

90. Section 2 amended (interpretation)

Section 2, Chinese text, definition of 噸 and 噸位, paragraph (a)—

Repeal

“Merchant Shipping (Registration) (Tonnage) Regulations”

Substitute

“商船(註冊)(噸位)規例”.

Division 6—Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation

91. Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation amended

The Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation (Cap. 478 sub. leg. L) is amended as set out in this Division.

92. Section 2 amended (interpretation)

Section 2(1), Chinese text, definition of 噸 and 噸位—

Repeal

“Merchant Shipping (Registration) (Tonnage) Regulations”

Substitute

“商船(註冊)(噸位)規例”.

Division 7—Merchant Shipping (Seafarers) (Official Log Books) Regulation

93. Merchant Shipping (Seafarers) (Official Log Books) Regulation amended

The Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478 sub. leg. P) is amended as set out in this Division.

94. Section 2 amended (interpretation)

(1) Section 2(1), Chinese text, definition of 噸 and 噸位—

Repeal

“Merchant Shipping (Registration) (Tonnage) Regulations”

Substitute

“商船(註冊)(噸位)規例”。

- (2) Section 2(1), Chinese text, definition of 《關閉孔口規例》—

Repeal

“Merchant Shipping (Safety) (Closing of Openings in Hulls and in Watertight Bulkheads) Regulations”

Substitute

“商船(安全)(船體開口及水密艙壁開口的關閉)規例”。

Division 8—Sex Discrimination Ordinance

95. Sex Discrimination Ordinance amended

The Sex Discrimination Ordinance (Cap. 480) is amended as set out in this Division.

96. Section 2 amended (interpretation)

Section 2(9)(b)(ii), English text—

Repeal

“before, on or after this Ordinance was enacted”

Substitute

“before, on or after the enactment of this Ordinance”.

97. Section 46 amended (liability of employers and principals)

Section 46(3), Chinese text—

Repeal

“該作為，”

Substitute

“該類別的作為，”。

Division 9—Disability Discrimination Ordinance

98. Disability Discrimination Ordinance amended

The Disability Discrimination Ordinance (Cap. 487) is amended as set out in this Division.

99. Section 2 amended (interpretation)

Section 2(9)(b)(ii), English text—

Repeal

“before, on or after this Ordinance was enacted”

Substitute

“before, on or after the enactment of this Ordinance”.

100. Section 48 amended (liability of employers and principals)

Section 48(3), Chinese text—

Repeal

“該作為，”

Substitute

“該類別的作為，”。

Division 10—Fire Safety (Commercial Premises) Ordinance

101. Fire Safety (Commercial Premises) Ordinance amended

The Fire Safety (Commercial Premises) Ordinance (Cap. 502) is amended as set out in this Division.

102. Schedule 5 amended (fire safety measures to be complied with by owners of specified commercial buildings)

Schedule 5, English text, paragraph (a)(iv)—

Repeal

“hosereel”

Substitute

“hose reel”.

Division 11—Patents Ordinance

103. Patents Ordinance amended

The Patents Ordinance (Cap. 514) is amended as set out in this Division.

104. Section 84 amended (certificate of contested validity of patent)

(1) Section 84, Chinese text, heading—

Repeal

“抗辯”

Substitute

“爭議”.

(2) Section 84(1), Chinese text—

Repeal

“抗辯” (wherever appearing)

Substitute

“爭議”.

Division 12—Registered Designs Rules

105. Registered Designs Rules amended

The Registered Designs Rules (Cap. 522 sub. leg. A) are amended as set out in this Division.

106. Section 20 amended (transactions affecting rights in applications)

Section 20(2), Chinese text—

Repeal

“第 34 條”

Substitute

“第 33 條”.

Division 13—Family Status Discrimination Ordinance

107. Family Status Discrimination Ordinance amended

The Family Status Discrimination Ordinance (Cap. 527) is amended as set out in this Division.

108. Section 2 amended (interpretation)

Section 2(5)(b)(ii), English text—

Repeal

“before, on or after this Ordinance was enacted”

Substitute

“before, on or after the enactment of this Ordinance”.

109. Section 34 amended (liability of employees and principals)

(1) Section 34, English text, heading—

Repeal

“employees”

Substitute

“employers”.

(2) Section 34(3), Chinese text—

Repeal
“該作為，”
Substitute
“該類別的作為，”.

Division 14—Copyright Ordinance

110. **Copyright Ordinance amended**
The Copyright Ordinance (Cap. 528) is amended as set out in this Division.
111. **Section 189 amended (folklore, etc.: anonymous unpublished works)**
Section 189(3), after “country”—
Add
“, territory or area”.

Division 15—Trade Marks Rules

112. **Trade Marks Rules amended**
The Trade Marks Rules (Cap. 559 sub. leg. A) are amended as set out in this Division.
113. **Rule 101 amended (application for registration of certification mark)**
Rule 101(3), Chinese text—
Repeal
“充份”
Substitute
“充分”.

Division 16—Fire Safety (Buildings) Ordinance

114. **Fire Safety (Buildings) Ordinance amended**
The Fire Safety (Buildings) Ordinance (Cap. 572) is amended as set out in this Division.
115. **Schedule 1 amended (fire safety measures to be complied with by owners of composite buildings in respect of parts intended for non-domestic purposes)**
Schedule 1, English text, section 1(b)—
Repeal
“hosereel”
Substitute
“hose reel”.
116. **Schedule 2 amended (fire safety measures to be complied with by owners of composite buildings in respect of parts intended for domestic purposes and by owners of domestic buildings)**
Schedule 2, English text, section 1(a)—
Repeal
“hosereel”
Substitute
“hose reel”.

Schedule

[ss. 63(2), 65(2), 68(2) & 79]

Amendments for Adaptation of Laws and Related Amendments

Part 1

Bankruptcy Ordinance (Cap. 6)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|------------------------------|----------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 36, Chinese text | “立法局” | “立法會” |
| 2. | Section 113, Chinese text | “立法局” | “立法會” |
| 3. | Section 114(1), Chinese text | “立法局” | “立法會” |

Part 2

Probate and Administration Ordinance (Cap. 10)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------|--|--------------------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 8 | “High Court in England may do with regard to such matters” | “justice of the case requires” |

Part 3

Wills Ordinance (Cap. 30)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 5(1) | “sections 6 and 23D” | “section 6” |

Part 4

Surviving Spouses’ and Children’s Pensions Ordinance (Cap. 79)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|--------------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(1), definition of <i>appointed day</i> | “the day appointed under section 2A” | “1 February 1993” |

Part 5

Widows and Orphans Pension Ordinance (Cap. 94)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------------|---|---|
| Item | Provision | Repeal | Substitution |
| 1. | Section 4(2) | “British colony or protectorate or in British India or in any territory in respect of which a mandate is being exercised by the government of any part of a British dominion, which prior to 1 July 1997, is” | “place outside Hong Kong, which prior to 1 July 1997, has been” |
| 2. | Section 11(4) | “other office under the Crown” | “office outside Hong Kong that is under the administration of the United Kingdom” |
| 3. | Section 15, heading | “other employment under the Crown” | “employment outside Hong Kong that is under administration |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|----------------------------------|---|--|
| Item | Provision | Repeal | Substitution |
| | | | of United Kingdom” |
| 4. | Section 15 | “other office under the Crown” | “office outside Hong Kong that is under the administration of the United Kingdom” |
| 5. | Section 15A(1)(a) | “a day appointed by the Governor for the purposes of this subsection” | “1 February 1993” |
| 6. | Section 15A(2)(a) | “the day appointed under that subsection” | “1 February 1993” |
| 7. | Section 20 | “pensions, or cause them to be paid by the Crown Agents,” | “pensions” |
| 8. | The Schedule, Part II, Section E | “another colony” | “an office outside Hong Kong that is under the administration of the United Kingdom” |

Part 6

Post Office Ordinance (Cap. 98)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(1), definition of <i>Postmaster General</i> | “, unless Her Majesty’s Postmaster General is indicated, the” | “the” |
| 2. | Section 3 | “Governor” (wherever appearing) | “Chief Executive” |
| 3. | Section 4(1) and (2) | “Governor” | “Chief Executive” |
| 4. | Section 4A(1) | “Governor” | “Chief Executive” |
| 5. | Section 5 | “Governor” | “Chief Executive” |
| 6. | Section 6(5) | “Governor” (wherever appearing) | “Chief Executive” |
| 7. | Section 7(1), Chinese text | “政府” | “特區政府” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------------------------------|-------------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 8. | Section 14(a), (b), (c) and (d) | “Governor” | “Chief Executive” |
| 9. | Section 19(1), Chinese text | “政府” | “特區政府” |
| 10. | Section 21(3) | “Governor” | “Chief Executive” |
| 11. | Section 22 | “on Her Majesty’s service or on” | “on” |
| 12. | Section 31(1) | “on Her Majesty’s service or on” | “on” |
| 13. | Section 32(1)(m) | “on Her Majesty’s service or on” | “on” |
| 14. | Section 32(5) | “Crown” | “Government” |
| 15. | Section 32(5) | “Governor” | “Chief Executive” |
| 16. | Section 32C, Chinese text | “政府” | “特區政府” |
| 17. | Section 33(1)(j), Chinese text | “政府” | “特區政府” |

Part 7**Immigration Ordinance (Cap. 115)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|----------------------------------|---------------------------------|---|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(4)(a)(v), Chinese text | “政府” | “特區政府” |
| 2. | Section 11(6) and (7) | “Governor” | “Chief Executive” |
| 3. | Section 13D(1AA)(b)(i) | “Hong Kong” | “the Hong Kong Special Administrative Region” |
| 4. | Section 13G(1) and (2) | “Governor” (wherever appearing) | “Chief Executive” |
| 5. | Section 13G(3), Chinese text | “立法局” | “立法會” |
| 6. | Section 17A(1) | “Governor” | “Chief Executive” |
| 7. | Section 17B(2), Chinese text | “立法局” | “立法會” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---------------------------------|-----------------------------------|
| Item | Provision | Repeal | Substitution |
| 8. | Section 17C(2)(c) and (5) | “Governor” | “Chief Executive” |
| 9. | Section 17F(1) | “Governor” | “Chief Executive” |
| 10. | Section 17G(1), definition of <i>approved document</i> | “Governor” | “Chief Executive” |
| 11. | Section 17G(2)(c)(v) | “Governor” | “Chief Executive” |
| 12. | Section 19(1)(a) | “Governor” | “Chief Executive” |
| 13. | Section 20(1) | “Governor” (wherever appearing) | “Chief Executive” |
| 14. | Section 24(5), Chinese text | “立法局” | “立法會” |
| 15. | Section 25(5), Chinese text | “立法局” | “立法會” |
| 16. | Section 25(5A), Chinese text | “立法局撥款支付的第(5)款或第24(5)條所訂費用 | “立法會撥款支付的第(5)款或第24(5)條所訂費用或其部分，均可 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------------------------------|---------------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| | | 或其部分，均可 作為拖欠政府” | 作為拖欠特區政 府” |
| 17. | Section 31 | “Governor” (wherever appearing) | “Chief Executive” |
| 18. | Section 32(2)(a) and (b) | “Governor” | “Chief Executive” |
| 19. | Section 32(3B)(b), Chinese text | “政府” | “特區政府” |
| 20. | Section 34(b) | “Governor” | “Chief Executive” |
| 21. | Section 35(1) | “Governor” | “Chief Executive” |
| 22. | Section 37, Chinese text | “政府” (wherever appearing) | “特區政府” |
| 23. | Section 37B(1) | “Governor” | “Chief Executive” |
| 24. | Section 37E(8) | “Crown” | “Government” |
| 25. | Section 37F(5) and (6) | “Crown” (wherever appearing) | “Government” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------------------------------|---|--|
| Item | Provision | Repeal | Substitution |
| 26. | Section 37F(7)(a), Chinese text | “政府” | “特區政府” |
| 27. | Section 37F(8) | “Crown” | “Government” |
| 28. | Section 37F(8), Chinese text | “政府” | “特區政府” |
| 29. | Section 37H(1), Chinese text | “政府” | “特區政府” |
| 30. | Section 37I(1)(a) | “Governor” | “Chief Executive” |
| 31. | Section 37I(3)(a) | “an International Convention for the Safety of Life at Sea which has been acceded to by the United Kingdom and extended” | “the International Convention for the Safety of Life at Sea signed in London on 1 November 1974, or any convention that replaces that Convention or any successor convention, as amended from time to time and as applicable” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------------------------|---|-----------------------|
| Item | Provision | Repeal | Substitution |
| 32. | Section 37I(3)(b) | “acceded to by the United Kingdom and extended” | “as applicable” |
| 33. | Section 37Z(2)(c), Chinese text | “政府” | “特區政府” |
| 34. | Section 38(3) | “Governor” | “Chief Executive” |
| 35. | Section 47(7) | “Crown” | “Government” |
| 36. | Section 48(3) and (4)(i) | “Crown” | “Government” |
| 37. | Section 49(2) | “Crown” (wherever appearing) | “Government” |
| 38. | Section 50(1) | “Crown” (wherever appearing) | “Government” |
| 39. | Section 50(1) | “Governor” | “Chief Executive” |
| 40. | Section 50(2) | “Governor by” | “Chief Executive by” |
| 41. | Section 50(2) | “Governor may” | “Chief Executive may” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------------------|---|---|
| Item | Provision | Repeal | Substitution |
| 42. | Section 50(2)(b) and (3) | “Governor in Council” | “Chief Executive in Council” |
| 43. | Section 51, heading | “ Governor’s ” | “ Chief Executive’s ” |
| 44. | Section 51(1) and (2) | “Governor” | “Chief Executive” |
| 45. | Section 52(2) and (3) | “Governor” | “Chief Executive” |
| 46. | Section 53(3) | “Governor;” | “Chief Executive;” |
| 47. | Section 53(3) | “Governor in Council” | “Chief Executive in Council” |
| 48. | Section 53(4) | “Governor or the Governor” | “Chief Executive or the Chief Executive” |
| 49. | Section 53(5) | “Governor” | “Chief Executive” |
| 50. | Section 53(6) | “Governor, the Governor in Council or any court or entitles the Governor” | “Chief Executive, the Chief Executive in Council or any court or entitles |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|------------------------------|------------------------------------|--|
| Item | Provision | Repeal | Substitution |
| | | | the Chief Executive” |
| 51. | Section 53(7) | “Governor or the Governor” | “Chief Executive or the Chief Executive” |
| 52. | Section 53F(2) and (3) | “Governor” | “Chief Executive” |
| 53. | Section 54(1) and (2) | “Governor” | “Chief Executive” |
| 54. | Section 55(1) and (2) | “Governor” (wherever appearing) | “Chief Executive” |
| 55. | Section 56A(4) and (5) | “Governor” | “Chief Executive” |
| 56. | Section 57(4) and (5) | “Governor” | “Chief Executive” |
| 57. | Section 59 | “Governor” | “Chief Executive” |
| 58. | Section 59A, Chinese text | “立法局” | “立法會” |
| 59. | Section 63(1)(a) | “Governor” | “Chief Executive” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|----------|--------------|
| Item | Provision | Repeal | Substitution |
| 60. | Section 63(1)(a) and (b), Chinese text | “行政局” | “行政會議” |
| 61. | Section 65 | “Crown” | “Government” |

Part 8

Immigration Regulations (Cap. 115 sub. leg. A)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 11(4) | “Governor” | “Chief Executive” |
| 2. | Schedule 1, Form No. 2 | “Crown” | “Government” |
| 3. | Schedule 1, Form No. 6 | “Governor” | “Chief Executive” |
| 4. | Schedule 1, Form No. 7 | “Governor” | “Chief Executive” |
| 5. | Schedule 1, Chinese text, Form No. 8 | “政府” | “特區政府” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|----------------------------|---------------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 6. | Schedule 1, Form No. 8A | “Crown” | “Government” |
| 7. | Schedule 1, Form No. 11 | “Governor” (wherever appearing) | “Chief Executive” |
| 8. | Schedule 1, Form No. 11 | “Crown” | “Government” |

Part 9**Immigration (Treatment of Detainees) Order (Cap. 115
sub. leg. E)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|----------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 1, Chinese text, rule 1, definition of 中 心人員 | “政府” | “特區政府” |

Part 10**Immigration (Vietnamese Migrants) (Detention
Centres) Rules (Cap. 115 sub. leg. M)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Rule 3(1), definition of <i>visiting justices</i> | “Governor” | “Chief Executive” |
| 2. | Rule 6(3)(i) and (j) | “Governor” | “Chief Executive” |

Part 11**Wild Animals Protection Ordinance (Cap. 170)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------|--|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 22(2) | “Registry, Victoria” (wherever appearing) | “Registry” |
| 2. | Schedule 6 | “Registry, Victoria” (wherever appearing) | “Registry” |

Part 12

Criminal Procedure Ordinance (Cap. 221)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------------------|-------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 1, Form 4 | “Court, Victoria” | “Court” |

Part 13

Misrepresentation Ordinance (Cap. 284)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------------------|------------------|-----------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 7, heading | “ Crown ” | “ Government ” |
| 2. | Section 7 | “Crown” | “Government” |

Part 14

Air Pollution Control Ordinance (Cap. 311)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------------------------|---------------------------------------|--------------------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 4(1) | “Governor” | “Chief Executive” |
| 2. | Section 6(1) | “Governor” | “Chief Executive” |
| 3. | Section 6(2)(a) | “Registry at Victoria” | “Registry” |
| 4. | Section 11, Chinese text | “立法局” | “立法會” |
| 5. | Section 17(2) | “Governor” | “Chief Executive” |
| 6. | Section 22(2) and (3) | “Governor” (wherever appearing) | “Chief Executive” |
| 7. | Section 24(i) | “Governor” | “Chief Executive” |
| 8. | Section 25, heading | “ Governor ” | “ Chief Executive ” |
| 9. | Section 25 | “Governor” | “Chief Executive” |
| 10. | Section 31(4) | “Governor” | “Chief Executive” |
| 11. | Section 32(2), (4) and (4B) | “Governor” | “Chief Executive” |
| 12. | Section 34(1) and (3) | “Governor” | “Chief Executive” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|----------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 13. | Section 37B(1), Chinese text | “立法局會議席上 提交該局” | “立法會會議席 上提交該會” |
| 14. | Section 37B(2), (3) and (5), Chinese text | “立法局” (wherever appearing) | “立法會” |
| 15. | Section 37B(7), English text | “立法局” | “立法會” |
| 16. | Section 37B(7), Chinese text | “立法局” | “立法會” |
| 17. | Section 37B(7), Chinese text | “立法局” (wherever appearing) | “立法會” |
| 18. | Section 37C(a) and (b), Chinese text | “立法局” | “立法會” |
| 19. | Section 44, heading | “Crown” | “Government” |
| 20. | Section 44(1), (2), (3), (5), (6) and (7) | “Crown” (wherever appearing) | “Government” |
| 21. | Schedule 4, paragraph 2(2) | “Governor” | “Chief Executive” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-------------------------------|---|---|
| Item | Provision | Repeal | Substitution |
| 22. | Schedule 4, paragraph 2(4) | “Governor may extend the period within which particulars of a claim must be submitted to the Authority if he considers that the delay in submitting such particulars was occasioned by mistake of fact or mistake of any matter of law (other than the matters contained in sub-paragraph (1)) or by any other reasonable cause or that the Crown” | “Chief Executive may extend the period within which particulars of a claim must be submitted to the Authority if the Chief Executive considers that the delay in submitting the particulars was occasioned by mistake of fact or mistake of any matter of law (other than the matters contained in subparagraph (1)) or by any other reasonable cause or that the Government” |
| 23. | Schedule 4, paragraph 2(5) | “Governor under sub-paragraph (4) with or without conditions for | “Chief Executive under subparagraph (4) with or without conditions for |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|--------------------|-------------------------------------|
| Item | Provision | Repeal | Substitution |
| | | such period as he” | such period as the Chief Executive” |
| 24. | Schedule 4, Chinese text, paragraph 8(1) | “立法局” | “立法會” |

Part 15

Air Pollution Control (Smoke) Regulations (Cap. 311 sub. leg. C)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 4 | “Governor” | “Chief Executive” |

Part 16

Air Pollution Control (Air Control Zones) (Declaration) (Consolidation) Order (Cap. 311 sub. leg. E)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-------------|------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 1 | “Registry at Victoria” | “Registry” |
| 2. | Schedule 2 | “Registry at Victoria” | “Registry” |
| 3. | Schedule 3 | “Registry at Victoria” | “Registry” |
| 4. | Schedule 4 | “Registry at Victoria” | “Registry” |
| 5. | Schedule 5 | “Registry at Victoria” | “Registry” |
| 6. | Schedule 6 | “Registry at Victoria” | “Registry” |
| 7. | Schedule 7 | “Registry at Victoria” | “Registry” |
| 8. | Schedule 8 | “Registry at Victoria” | “Registry” |
| 9. | Schedule 9 | “Registry at Victoria” | “Registry” |
| 10. | Schedule 10 | “Registry at Victoria” | “Registry” |

Part 17

Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg. F)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------|------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 16 | “Governor” | “Chief Executive” |

Part 18

Waste Disposal Ordinance (Cap. 354)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---------------------|--------------------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(1), definition of <i>analyst</i> | “Governor” | “Chief Executive” |
| 2. | Section 5, heading | “ Governor ” | “ Chief Executive ” |
| 3. | Section 5 | “Governor” | “Chief Executive” |
| 4. | Section 6, heading | “ Governor ” | “ Chief Executive ” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------------------|---------------------|--------------------------------|
| Item | Provision | Repeal | Substitution |
| 5. | Section 6(1) and (2) | “Governor” | “Chief Executive” |
| 6. | Section 23E(5) | “Governor” | “Chief Executive” |
| 7. | Section 25(2) and (4) | “Governor” | “Chief Executive” |
| 8. | Section 27(1) and (3) | “Governor” | “Chief Executive” |
| 9. | Section 30, heading | “ Governor ” | “ Chief Executive ” |
| 10. | Section 30(1) and (2) | “Governor” | “Chief Executive” |
| 11. | Section 32, heading | “ Crown ” | “ Government ” |
| 12. | Section 32(1) and (3) | “Crown” | “Government” |
| 13. | Section 33(1) | “Governor” | “Chief Executive” |
| 14. | Section 33(1)(j) | “Crown” | “Government” |
| 15. | Section 36, heading | “ Crown ” | “ Government ” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|------------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 16. | Section 36(1), (2), (3), (5), (6) and (7) | “Crown” (wherever appearing) | “Government” |

Part 19

Water Pollution Control Ordinance (Cap. 358)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|---|---|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(1), definition of <i>existing deposit</i> , paragraph (b) | “Governor” | “Chief Executive” |
| 2. | Section 2(1), definition of <i>existing discharge</i> | “Governor” | “Chief Executive” |
| 3. | Section 2(1), definition of <i>inland waters</i> , paragraph (a) | “territorial waters or tidal waters of” | “sea within the boundary of, or the tidal waters of,” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|--|--|
| Item | Provision | Repeal | Substitution |
| 4. | Section 2(1), definition of <i>waters of Hong Kong</i> | “, territorial waters and tidal waters of Hong Kong” | “and tidal waters of Hong Kong, and all the sea within the boundary of Hong Kong,” |
| 5. | Section 3, heading | “Governor” | “Chief Executive” |
| 6. | Section 3(1) and (2) | “Governor” | “Chief Executive” |
| 7. | Section 4(1) | “Governor” | “Chief Executive” |
| 8. | Section 4(4)(a) | “Registry at Victoria” | “Registry” |
| 9. | Section 7(1), (2) and (3) | “Governor” (wherever appearing) | “Chief Executive” |
| 10. | Section 13(3) | “Crown” | “Government” |
| 11. | Section 21(4), Chinese text | “立法局會議席上提交該局” | “立法會會議席上提交該會” |
| 12. | Section 21(5) and (6), Chinese text | “立法局” (wherever appearing) | “立法會” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---------------------------------------|--------------------------------|
| Item | Provision | Repeal | Substitution |
| 13. | Section 21(8) | “Governor” | “Chief Executive” |
| 14. | Section 21(8), Chinese text | “立法局” | “立法會” |
| 15. | Section 21(9)(a) and (b), Chinese text | “立法局” | “立法會” |
| 16. | Section 21(10), English text | “立法局” | “立法會” |
| 17. | Section 21(10), Chinese text | “立法局” | “立法會” |
| 18. | Section 21(10), Chinese text | “立法局” (wherever appearing) | “立法會” |
| 19. | Section 24(2) and (4) | “Governor” (wherever appearing) | “Chief Executive” |
| 20. | Section 26, heading | “ Governor ” | “ Chief Executive ” |
| 21. | Section 29(2) | “Governor” | “Chief Executive” |
| 22. | Section 30(2) and (4) | “Governor” | “Chief Executive” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|------------------------------------|--------------------------------|
| Item | Provision | Repeal | Substitution |
| 23. | Section 32(1) and (3) | “Governor” | “Chief Executive” |
| 24. | Section 33, heading | “ Governor ” | “ Chief Executive ” |
| 25. | Section 33(2), (3) and (4) | “Governor” | “Chief Executive” |
| 26. | Section 39(5) and (6) | “Governor” | “Chief Executive” |
| 27. | Section 40B(6) and (7) | “Crown” | “Government” |
| 28. | Section 45, heading | “ Crown ” | “ Government ” |
| 29. | Section 45(1) and (3) | “Crown” | “Government” |
| 30. | Section 46(1) and (2) | “Governor” | “Chief Executive” |
| 31. | Section 47, heading | “ Crown ” | “ Government ” |
| 32. | Section 47(1), (2), (3), (5), (6), (7) and (8) | “Crown” (wherever appearing) | “Government” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------------------------|--|---|
| Item | Provision | Repeal | Substitution |
| 33. | Second Schedule, paragraph 2(2) | “Governor” | “Chief Executive” |
| 34. | Second Schedule, paragraph 2(4) | “Governor may extend the period within which particulars of a claim must be submitted to the Authority if he considers that the delay in submitting such particulars was occasioned by mistake of fact or mistake of any matter of law (other than the matters contained in sub-paragraph (1)) or by any other reasonable cause or that the Crown” | “Chief Executive may extend the period within which particulars of a claim must be submitted to the Authority if the Chief Executive considers that the delay in submitting the particulars was occasioned by mistake of fact or mistake of any matter of law (other than the matters contained in subparagraph (1)) or by any other reasonable cause or that the Government” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---|--|
| Item | Provision | Repeal | Substitution |
| 35. | Second Schedule, paragraph 2(5) | “Governor under sub-paragraph (4) with or without conditions for such period as he” | “Chief Executive under subparagraph (4) with or without conditions for such period as the Chief Executive” |
| 36. | Second Schedule, Chinese text, paragraph 8(1) | “立法局” | “立法會” |
| 37. | Fourth Schedule, entry relating to the Summary Offences Ordinance (Cap. 228) | “the words “, or into the waters of the Colony”, the” | “the” |

Part 20

Water Pollution Control (Tolo Harbour and Channel Water Control Zone) Order (Cap. 358 sub. leg. A)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 21**Water Pollution Control (Southern Water Control Zone) Order (Cap. 358 sub. leg. G)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 22**Southern Water Control Zone Statement of Water Quality Objectives (Cap. 358 sub. leg. I)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 2, definition of <i>bathing beach</i> | “Registry, Victoria” | “Registry” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|----------------------------------|----------|--------------|
| Item | Provision | Repeal | Substitution |
| | <i>subzone,</i> paragraph (b) | | |

| | | | |
|----|--|-------------------------|------------|
| 2. | Schedule 2, definition of <i>Map</i> | “Registry, Victoria” | “Registry” |
|----|--|-------------------------|------------|

Part 23**Water Pollution Control (Junk Bay Water Control Zone) Order (Cap. 358 sub. leg. J)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 24**Junk Bay Water Control Zone Statement of Water Quality Objectives (Cap. 358 sub. leg. L)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 2, definition of <i>Map</i> | “Registry, Victoria” | “Registry” |

Part 25**Water Pollution Control (Port Shelter Water Control Zone) Order (Cap. 358 sub. leg. M)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 26**Port Shelter Water Control Zone Statement of Water Quality Objectives (Cap. 358 sub. leg. O)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 2, definition of <i>Map</i> | “Registry, Victoria” | “Registry” |

Part 27**Water Pollution Control (Deep Bay Water Control Zone) Order (Cap. 358 sub. leg. P)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|--|--|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “territorial waters appertaining thereto marked on a series of maps of the scale of 1:20 000 numbered DBWCZ 1, DBWCZ 2, DBWCZ 3, DBWCZ 4 and DBWCZ 5 described as “Deep Bay Water Control Zone” signed by the Secretary for Planning, Environment and Lands on 23 November 1990, and deposited in the Land Registry, Victoria” | “sea within the boundary of Hong Kong appertaining to that area, marked on a series of maps of the scale of 1:20 000 numbered DBWCZ 1, DBWCZ 2, DBWCZ 3, DBWCZ 4 and DBWCZ 5 described as “Deep Bay Water Control Zone” signed by the Secretary for Planning, Environment and Lands on 23 November 1990, and deposited in |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------|----------|--------------------|
| Item | Provision | Repeal | Substitution |
| | | | the Land Registry” |

Part 28

Statement of Water Quality Objectives (Deep Bay Water Control Zone) (Cap. 358 sub. leg. R)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|----------------------|--|
| Item | Provision | Repeal | Substitution |
| 1. | Paragraph 2, definition of <i>Inner Marine Subzone</i> | “territorial waters” | “the sea within the boundary of Hong Kong” |
| 2. | Paragraph 2, definition of <i>map DBWCZ 1, map DBWCZ 2, map DBWCZ 3, map DBWCZ 4 and map DBWCZ 5</i> | “Registry, Victoria” | “Registry” |
| 3. | Paragraph 2, definition of | “territorial waters” | “the sea within the boundary of Hong Kong” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------------------------|----------|--------------|
| Item | Provision | Repeal | Substitution |
| | <i>Outer Marine Subzone</i> | | |

Part 29

Water Pollution Control (Mirs Bay Water Control Zone) Order (Cap. 358 sub. leg. S)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|---|---|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “territorial waters appertaining thereto” | “sea within the boundary of Hong Kong appertaining to that area,” |

Part 30

Water Pollution Control (North Western Water Control Zone) Order (Cap. 358 sub. leg. V)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 31

Statement of Water Quality Objectives (North Western Water Control Zone) (Cap. 358 sub. leg. X)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2, definition of <i>Bathing Beach Subzone</i> , paragraph (b) | “Registry, Victoria” | “Registry” |
| 2. | Section 2, definition of <i>Map</i> | “Registry, Victoria” | “Registry” |

Part 32

Water Pollution Control (Eastern Buffer Water Control Zone) Order (Cap. 358 sub. leg. Y)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 33

Statement of Water Quality Objectives (Eastern Buffer Water Control Zone) (Cap. 358 sub. leg. AA)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-------------------------------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2, definition of <i>Map</i> | “Registry, Victoria” | “Registry” |

Part 34

Water Pollution Control (Western Buffer Water Control Zone) Order (Cap. 358 sub. leg. AB)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 35

Statement of Water Quality Objectives (Western Buffer Water Control Zone) (Cap. 358 sub. leg. AD)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2, definition of <i>Map</i> | “Registry, Victoria” | “Registry” |

Part 36

Water Pollution Control (Southern Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AE)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 37

Water Pollution Control (Tolo Harbour Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AH)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|-------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 38

Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 8(8) | “Crown” | “Government” |
| 2. | Section 10 | “Crown” | “Government” |
| 3. | Section 11(3) | “Governor” | “Chief Executive” |
| 4. | Section 12(4) | “Crown” | “Government” |
| 5. | Section 17(2)(a) | “Crown” | “Government” |
| 6. | Section 23(b) | “Crown” | “Government” |
| 7. | Schedule 1, Part I, item 2, columns 3 and 4 | “Crown Lands” | “Lands” |
| 8. | Schedule 1, Part I, item 6, column 2, paragraph (a) | “Crown” | “Government” |
| 9. | Schedule 1, Part I, item 8, column 2, | “Crown” | “Government” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|----------|--------------|
| Item | Provision | Repeal | Substitution |
| | paragraphs (a) and (c) | | |
| 10. | Schedule 1, Part II, section 14, heading | “Crown” | “Government” |
| 11. | Schedule 1, Part II, section 14 | “Crown” | “Government” |

Part 39

Water Pollution Control (Victoria Harbour (Phase One) Water Control Zone) Order (Cap. 358 sub. leg. AM)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 40

Water Pollution Control (Victoria Harbour (Phase Two) Water Control Zone) Order (Cap. 358 sub. leg. AP)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 41

Water Pollution Control (Victoria Harbour (Phase Three) Water Control Zone) Order (Cap. 358 sub. leg. AS)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry, Victoria” | “Registry” |

Part 42

Water Pollution Control (North Western Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AV)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry at Victoria” | “Registry” |

Part 43

Water Pollution Control (Second Southern Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AW)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|---------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | The Schedule | “Registry at Victoria” | “Registry” |

Part 44

Statement of Water Quality Objectives (North Western Supplementary Water Control Zone) (Cap. 358 sub. leg. AZ)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|---------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2, definition of <i>Map</i> | “Registry at Victoria” | “Registry” |

Part 45

Statement of Water Quality Objectives (Second Southern Supplementary Water Control Zone) (Cap. 358 sub. leg. BA)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|---------------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2, definition of <i>Map</i> | “Registry at Victoria” | “Registry” |

Part 46

Merchant Shipping (Instructions to Surveyors) (Passenger Ships) Regulations (Cap. 369 sub. leg. C)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-------------------------------------|---------------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Preliminary, section I | “Governor” (wherever appearing) | “Chief Executive” |
| 2. | Paragraph 98(a), English text | “the Colony” | “Hong Kong” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|--------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 3. | Paragraph 100(6), English text | “the Colony” | “Hong Kong” |
| 4. | Paragraph 118(c) | “Governor” | “Chief Executive” |
| 5. | Paragraph 129(d) and (e), English text | “the Colony” | “Hong Kong” |
| 6. | Appendix II, Index, entry relating to Authority of Governor to modify bilge pumping arrangements | “Governor” | “Chief Executive” |

Part 47

Merchant Shipping (Minimum Passenger Space) Regulations (Cap. 369 sub. leg. E)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|------------------|----------|----------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 40(2) | “China” | “the Mainland” |

Part 48

Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 1(2), definition of <i>surveyor</i> | “, a marine surveyor of the United Kingdom Department of Transport and” | “or” |

Part 49

Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|---|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 1(2), definition of <i>surveyor</i> | “, a marine surveyor of the United Kingdom Department of Transport and” | “or” |

Part 50

Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369 sub. leg. W)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 31(2)(b) | “Secretary of State” | “Director” |

Part 51

Merchant Shipping (Safety) (Grain) Regulations (Cap. 369 sub. leg. AA)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|---|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 2, definition of <i>surveyor</i> | “(Cap. 369) or a marine surveyor of the United Kingdom Department of Transport” | “(Cap. 369)” |

Part 52

Kowloon-Canton Railway Corporation Ordinance (Cap. 372)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--|--|---------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(1), definition of <i>appointed day</i> | “the day appointed under section 7(1)” | “1 February 1983” |
| 2. | Section 7(1) | “a day to be appointed by the Governor by notice in the Gazette” | “the appointed day” |
| 3. | Second Schedule, paragraph 1 | “Registry, Victoria” | “Registry” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-------------------------------|---|--|
| Item | Provision | Repeal | Substitution |
| 4. | Second Schedule, paragraph 14 | “or to the Government of the United Kingdom entitling the Mass Transit Railway Corporation or the Government of the United Kingdom” | “entitling the Mass Transit Railway Corporation” |
| 5. | Second Schedule, paragraph 18 | “Crown” | “Government” |
| 6. | Second Schedule, paragraph 20 | “Crown” | “Government” |

Part 53**Road Traffic Ordinance (Cap. 374)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|----------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 123(4) | “Registry, Victoria” | “Registry” |

Part 54**Noise Control Ordinance (Cap. 400)**

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-------------------------------------|----------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 1(2) | “Governor” | “Chief Executive” |
| 2. | Section 3(1) | “Governor” | “Chief Executive” |
| 3. | Section 11(1), Chinese text | “立法局會議席上提交該局” | “立法會會議席上提交該會” |
| 4. | Section 11(2) and (3), Chinese text | “立法局” (wherever appearing) | “立法會” |
| 5. | Section 11(5) | “Governor” | “Chief Executive” |
| 6. | Section 11(5), Chinese text | “立法局” | “立法會” |
| 7. | Section 11(6), English text | “立法局” | “立法會” |
| 8. | Section 11(6), Chinese text | “立法局” | “立法會” |
| 9. | Section 11(6), Chinese text | “立法局” (wherever appearing) | “立法會” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|---------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 10. | Section 12(a) and (b), Chinese text | “立法局” | “立法會” |
| 11. | Section 20(2), (4) and (6) | “Governor” | “Chief Executive” |
| 12. | Section 22(1) | “Governor” | “Chief Executive” |
| 13. | Section 27(4), Chinese text | “立法局” | “立法會” |
| 14. | Section 29, heading | “Crown” | “Government” |
| 15. | Section 29(2) | “Crown” | “Government” |
| 16. | Section 35(1) | “Governor” | “Chief Executive” |
| 17. | Section 38, heading | “Crown” | “Government” |
| 18. | Section 38(1), (1A), (2), (3), (5), (6) and (7) | “Crown” (wherever appearing) | “Government” |

Part 55

Electricity (Registration) Regulations (Cap. 406 sub. leg. D)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|----------------------|--|----------------|
| Item | Provision | Repeal | Substitution |
| 1. | Regulation 18(1) | “the date of commencement of sections 31 and 34” | “1 June 1992” |
| 2. | Regulation 18(1)(i) | “the commencement of section 31” | “that date” |
| 3. | Regulation 18(1)(ii) | “the commencement of section 34” | “that date” |
| 4. | Regulation 18(2) | “the Governor appoints a day for the commencement of sections 31 and 34” | “9 April 1992” |

Part 56

Merchant Shipping (Registration) Ordinance (Cap. 415)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|---|----------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(1), definition of <i>commencement date</i> | “the date appointed by the Governor under section 1(2) for the coming into operation of this Ordinance” | “3 December 1990” |

Part 57

Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------------------------------|---------------------------------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 2(3) | “Governor” (wherever appearing) | “Chief Executive” |
| 2. | Section 6 | “Governor” (wherever appearing) | “Chief Executive” |
| 3. | Section 7(1), (2), (3) and (5) | “Governor” (wherever appearing) | “Chief Executive” |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---|---------------------------------------|--------------------------------|
| Item | Provision | Repeal | Substitution |
| 4. | Section 8(2) | “Governor” | “Chief Executive” |
| 5. | Section 22(1) | “Governor” (wherever appearing) | “Chief Executive” |
| 6. | Section 26(4), Chinese text | “立法局” | “立法會” |
| 7. | Section 34(4) | “Governor” | “Chief Executive” |
| 8. | Section 34(4), Chinese text | “立法局” | “立法會” |
| 9. | Section 52(1), (4), (5), (6), (7) and (9) | “Governor” (wherever appearing) | “Chief Executive” |
| 10. | Section 59, heading | “ Governor ” | “ Chief Executive ” |
| 11. | Section 59(1) and (2) | “Governor” (wherever appearing) | “Chief Executive” |
| 12. | Section 60(1), (6) and (9) | “Governor” | “Chief Executive” |

Part 58

Airport Authority Ordinance (Cap. 483)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|--------------|---|---------------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 8(b) | “or territory” (wherever appearing) | “, territory or place” |

Part 59

Airport Authority Bylaw (Cap. 483 sub. leg. A)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------------------------------|-------------------------------|-----------------------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 2, Part II, section 1(1)(b) | “all references to “Crown” | “the reference to “Government” |
| 2. | Schedule 2, Part V, section 9 | “Crown” | “Government” |
| 3. | Schedule 2, Part V, section 11(b)(ii) | “Crown” | “Government” |

Part 60

Tsing Ma Control Area Ordinance (Cap. 498)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------------------|------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 27(1) | “Governor” | “Chief Executive” |
| 2. | Section 28(1) and (5) | “Governor” | “Chief Executive” |
| 3. | Section 30 | “Governor” | “Chief Executive” |

Part 61

Patents Ordinance (Cap. 514)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------|----------------------|--------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 75(d) | “territorial waters” | “waters” |
| 2. | Section 75(f) | “territorial waters” | “waters” |

Part 62

Discovery Bay Tunnel Link Ordinance (Cap. 520)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------------------------|------------|-------------------|
| Item | Provision | Repeal | Substitution |
| 1. | Section 11(1) and (2) | “Governor” | “Chief Executive” |
| 2. | Section 12(2), (4) and (5) | “Governor” | “Chief Executive” |
| 3. | Section 26(1), (2) and (4) | “Governor” | “Chief Executive” |
| 4. | Section 30(2), Chinese text | “立法局” | “立法會” |
| 5. | Section 35(1) and (5) | “Governor” | “Chief Executive” |

Part 63

Trade Marks Ordinance (Cap. 559)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------------------------|--------------------------------------|---|
| Item | Provision | Repeal | Substitution |
| 1. | Schedule 2, section 1(2)(e) | “foreign” | “non-Hong Kong” |
| 2. | Schedule 2, section 1(6) | “ <i>foreign jurisdictions</i> (外地)” | “ <i>non-Hong Kong jurisdictions</i> (非香港司法管轄區的)” |

Part 64

Masonic Benevolence Fund Incorporation Ordinance (Cap. 1034)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------|--|---|
| Item | Provision | Repeal | Substitution |
| 1. | Section 9 | “Her Majesty the Queen, Her Heirs or Successors” | “the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws” |

Part 65

Zetland Hall Trustees Incorporation Ordinance (Cap. 1055)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|------------|--|---|
| Item | Provision | Repeal | Substitution |
| 1. | Section 10 | “Her Majesty the Queen, Her Heirs or Successors” | “the Central Authorities or the Government of the Hong Kong Special |

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|-----------|----------|---|
| Item | Provision | Repeal | Substitution |
| | | | Administrative Region under the Basic Law and other laws” |

Explanatory Memorandum

- The purpose of this Bill is to make miscellaneous amendments to various Ordinances.
2. The Bill is divided into 15 Parts and contains a Schedule.
- Part 1**
3. Part 1 sets out the short title and provides for commencement.
- Part 2**
4. Sections 39 and 40 of the Evidence Ordinance (Cap. 8) respectively provide for the admission of prints made from films of—
- (a) public documents; or

(b) other documents in the possession of the Government or authorized persons,
- where *film* is defined under section 41 of that Ordinance to include, among others, a microfilm. Part 2 amends that section 41 so that the definition includes a microfilm the production of which involves digital means.
- Part 3**
5. In view of the abrogation of the Contracts of Employment (Indigenous Workers) Convention 1939 of the International Labour Organization on 5 June 2018, Part 3 repeals section 11(1)(h) of the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) which makes a reference to that Convention.
- Part 4**
6. Part 4 amends the Post Office Ordinance (Cap. 98) and the Post Office Regulations (Cap. 98 sub. leg. A) to—

- (a) amend an obsolete reference to “Postal Department”;
- (b) repeal the provisions in respect of certain services of the Post Office, and in respect of clubbed packets etc., which have become obsolete; and
- (c) provide for the saving arrangements.

Part 5

7. Paragraph 3(1)(c) of Schedule 1 to the Immigration Ordinance (Cap. 115), as read in combination with paragraph 1(5)(b) of that Schedule, was held to be in contravention of Article 24(2)(4) of the Basic Law by the Court of Final Appeal in *Prem Singh v Director of Immigration* [2003] 1 HKLRD 550. Part 5 repeals that paragraph 3(1)(c) in view of that ruling.

Part 6

8. Part 6 amends section 113C of the Criminal Procedure Ordinance (Cap. 221) to refine the meaning of *excluded fine* so as to cover—
- (a) a fine or penalty that is calculated by reference to a unit of time, a unit of measurement, or a specified number of persons or objects; and
 - (b) a fixed penalty within the meaning of any Ordinance instead of only those that are listed in the existing subsection (1)(c) of that section.

Part 7

9. Part 7 amends the Hong Kong Auxiliary Police Force Ordinance (Cap. 233) mainly to—
- (a) align the provisions of that Ordinance with certain similar provisions in the Police (Discipline) Regulations (Cap. 232 sub. leg. A); and
 - (b) provide for the transitional arrangements.

Part 8

10. Part 8 amends section 84(a) of the District Court Ordinance (Cap. 336) so that section 115 of the Magistrates Ordinance (Cap. 227) applies in relation to an appeal to the Court of Appeal against a verdict or order of acquittal of the District Court by way of case stated.

Part 9

11. Part 9 amends the Schedule to the Water Pollution Control (Mirs Bay Water Control Zone) Order (Cap. 358 sub. leg. S) to refer to a new series of maps.

Part 10

12. Part 10 amends the Legislation Publication Ordinance (Cap. 614) to empower the Secretary for Justice to—
- (a) make formatting amendments to database instruments; and
 - (b) amend a cross-reference number in square brackets in a Schedule to an Ordinance etc.

Part 11

13. Under section 82(1)(c) of the Private Healthcare Facilities Ordinance (Cap. 633) (**Cap. 633**), a substitute decision maker of the patient of a private healthcare facility may make a complaint against the facility. The interpretation of the term **substitute decision maker** is provided for under section 2(5) of Cap. 633 by reference to section 3 of the Electronic Health Record Sharing System Ordinance (Cap. 625).
14. Part 11 amends Cap. 633 to provide for the interpretation of that term in Cap. 633.

Part 12

15. Part 12 amends the references to the English title of “國家知識產權局” in the following enactments because of the change of that English title on 28 August 2018—

- (a) the Patents Ordinance (Cap. 514);
- (b) the Patents (Designation of Patent Offices) Notice (Cap. 514 sub. leg. A);
- (c) the Patents (General) Rules (Cap. 514 sub. leg. C).

Part 13

16. Part 13 amends the provisions of the following enactments to change the English equivalent of “高級人民法院” to “High People’s Court”, in order to be consistent with the English translation adopted by the Supreme People’s Court—

- (a) the Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597);
- (b) the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639);
- (c) the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (Cap. 639 sub. leg. A).

Part 14

17. Part 14 amends various enactments to bring certain references in, or provisions of, them into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People’s Republic of China. The enactments so amended are—

- (a) the Bankruptcy Ordinance (Cap. 6);
- (b) the Bankruptcy Rules (Cap. 6 sub. leg. A);

- (c) the Probate and Administration Ordinance (Cap. 10);
- (d) the Wills Ordinance (Cap. 30);
- (e) the Surviving Spouses’ and Children’s Pensions Ordinance (Cap. 79);
- (f) the Widows and Orphans Pension Ordinance (Cap. 94);
- (g) the Post Office Ordinance (Cap. 98);
- (h) the Tramway Ordinance (Cap. 107);
- (i) the Immigration Ordinance (Cap. 115);
- (j) the Immigration Regulations (Cap. 115 sub. leg. A);
- (k) the Immigration (Treatment of Detainees) Order (Cap. 115 sub. leg. E);
- (l) the Immigration (Vietnamese Migrants) (Detention Centres) Rules (Cap. 115 sub. leg. M);
- (m) the Wild Animals Protection Ordinance (Cap. 170);
- (n) the Criminal Procedure Ordinance (Cap. 221);
- (o) the Misrepresentation Ordinance (Cap. 284);
- (p) the Air Pollution Control Ordinance (Cap. 311);
- (q) the Air Pollution Control (Smoke) Regulations (Cap. 311 sub. leg. C);
- (r) the Air Pollution Control (Air Control Zones) (Declaration) (Consolidation) Order (Cap. 311 sub. leg. E);
- (s) the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg. F);
- (t) the Air Pollution Control (Fuel Restriction) Regulations (Cap. 311 sub. leg. I);
- (u) the Waste Disposal Ordinance (Cap. 354);
- (v) the Water Pollution Control Ordinance (Cap. 358);

- (w) the Water Pollution Control (Tolo Harbour and Channel Water Control Zone) Order (Cap. 358 sub. leg. A);
- (x) the Water Pollution Control (Southern Water Control Zone) Order (Cap. 358 sub. leg. G);
- (y) the Southern Water Control Zone Statement of Water Quality Objectives (Cap. 358 sub. leg. I);
- (z) the Water Pollution Control (Junk Bay Water Control Zone) Order (Cap. 358 sub. leg. J);
- (za) the Junk Bay Water Control Zone Statement of Water Quality Objectives (Cap. 358 sub. leg. L);
- (zb) the Water Pollution Control (Port Shelter Water Control Zone) Order (Cap. 358 sub. leg. M);
- (zc) the Port Shelter Water Control Zone Statement of Water Quality Objectives (Cap. 358 sub. leg. O);
- (zd) the Water Pollution Control (Deep Bay Water Control Zone) Order (Cap. 358 sub. leg. P);
- (ze) the Statement of Water Quality Objectives (Deep Bay Water Control Zone) (Cap. 358 sub. leg. R);
- (zf) the Water Pollution Control (Mirs Bay Water Control Zone) Order (Cap. 358 sub. leg. S);
- (zg) the Water Pollution Control (North Western Water Control Zone) Order (Cap. 358 sub. leg. V);
- (zh) the Statement of Water Quality Objectives (North Western Water Control Zone) (Cap. 358 sub. leg. X);
- (zi) the Water Pollution Control (Eastern Buffer Water Control Zone) Order (Cap. 358 sub. leg. Y);
- (zj) the Statement of Water Quality Objectives (Eastern Buffer Water Control Zone) (Cap. 358 sub. leg. AA);
- (zk) the Water Pollution Control (Western Buffer Water Control Zone) Order (Cap. 358 sub. leg. AB);

- (zl) the Statement of Water Quality Objectives (Western Buffer Water Control Zone) (Cap. 358 sub. leg. AD);
- (zm) the Water Pollution Control (Southern Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AE);
- (zn) the Water Pollution Control (Tolo Harbour Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AH);
- (zo) the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL);
- (zp) the Water Pollution Control (Victoria Harbour (Phase One) Water Control Zone) Order (Cap. 358 sub. leg. AM);
- (zq) the Water Pollution Control (Victoria Harbour (Phase Two) Water Control Zone) Order (Cap. 358 sub. leg. AP);
- (zr) the Water Pollution Control (Victoria Harbour (Phase Three) Water Control Zone) Order (Cap. 358 sub. leg. AS);
- (zs) the Water Pollution Control (North Western Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AV);
- (zt) the Water Pollution Control (Second Southern Supplementary Water Control Zone) Order (Cap. 358 sub. leg. AW);
- (zu) the Statement of Water Quality Objectives (North Western Supplementary Water Control Zone) (Cap. 358 sub. leg. AZ);
- (zv) the Statement of Water Quality Objectives (Second Southern Supplementary Water Control Zone) (Cap. 358 sub. leg. BA);

- (zw) the Merchant Shipping (Instructions to Surveyors) (Passenger Ships) Regulations (Cap. 369 sub. leg. C);
- (zx) the Merchant Shipping (Minimum Passenger Space) Regulations (Cap. 369 sub. leg. E);
- (zy) the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R);
- (zz) the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S);
- (zza) the Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369 sub. leg. W);
- (zzb) the Merchant Shipping (Safety) (Grain) Regulations (Cap. 369 sub. leg. AA);
- (zzc) the Kowloon-Canton Railway Corporation Ordinance (Cap. 372);
- (zzd) the Road Traffic Ordinance (Cap. 374);
- (zze) the Noise Control Ordinance (Cap. 400);
- (zzf) the Electricity (Registration) Regulations (Cap. 406 sub. leg. D);
- (zzg) the Merchant Shipping (Registration) Ordinance (Cap. 415);
- (zzh) the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474);
- (zzi) the Airport Authority Ordinance (Cap. 483);
- (zzj) the Airport Authority Bylaw (Cap. 483 sub. leg. A);
- (zzk) the Tsing Ma Control Area Ordinance (Cap. 498);
- (zzl) the Patents Ordinance (Cap. 514);

- (zzm) the Discovery Bay Tunnel Link Ordinance (Cap. 520);
 - (zzn) the Trade Marks Ordinance (Cap. 559);
 - (zzo) the Masonic Benevolence Fund Incorporation Ordinance (Cap. 1034);
 - (zzp) the Zetland Hall Trustees Incorporation Ordinance (Cap. 1055); and
 - (zzq) the Wills (Amendment) Ordinance 1995 (56 of 1995).
18. In addition, Part 14 repeals the following enactments for conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China—
- (a) the Examination of Hull, Ship-side Fittings and Boilers (Exemption) (Consolidation) Notice (Cap. 369 sub. leg. I);
 - (b) the Corridor Bulkheads Serving Accommodation Spaces and Control Stations (Cap. 369 sub. leg. J);
 - (c) the Merchant Shipping (Safety) Ordinance (Exemption) Notice (Cap. 369 sub. leg. P).
19. Part 14 also repeals a provision in Schedule 8 to the Interpretation and General Clauses Ordinance (Cap. 1), and a definition in Schedule 9 to that Ordinance, as a consequence of the amendments referred to in paragraph 17.
20. Some of the amendments under Part 14 are listed in the Schedule.

Part 15

21. Part 15 makes miscellaneous amendments of a minor or technical nature to the following enactments—
- (a) the Companies (Winding-up) Rules (Cap. 32 sub. leg. H);
 - (b) the Radiation Ordinance (Cap. 303);

- (c) the Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. S);
- (d) the Land Survey Ordinance (Cap. 473);
- (e) the Merchant Shipping (Seafarers) (Entry into Dangerous Spaces) Regulation (Cap. 478 sub. leg. B);
- (f) the Merchant Shipping (Seafarers) (Crew Agreements, Lists of Crew and Discharge of Seafarers) Regulation (Cap. 478 sub. leg. L);
- (g) the Merchant Shipping (Seafarers) (Official Log Books) Regulation (Cap. 478 sub. leg. P);
- (h) the Sex Discrimination Ordinance (Cap. 480);
- (i) the Disability Discrimination Ordinance (Cap. 487);
- (j) the Fire Safety (Commercial Premises) Ordinance (Cap. 502);
- (k) the Patents Ordinance (Cap. 514);
- (l) the Registered Designs Rules (Cap. 522 sub. leg. A);
- (m) the Family Status Discrimination Ordinance (Cap. 527);
- (n) the Copyright Ordinance (Cap. 528);
- (o) the Trade Marks Rules (Cap. 559 sub. leg. A);
- (p) the Fire Safety (Buildings) Ordinance (Cap. 572).