

For information

**Legislative Council Panel on
Administration of Justice and Legal Services**

Statute Law (Miscellaneous Provisions) Bill 2026

Purpose

This paper briefs Members on the Government’s proposal to introduce a Statute Law (Miscellaneous Provisions) Bill 2026 (“**Bill**”) to effect a number of miscellaneous amendments to various enactments.

General Background

2. The Government has been using statute law (miscellaneous provisions) bills (i.e. “omnibus bills”) in appropriate cases as an efficient way of effecting miscellaneous amendments to update or improve existing legislation from time to time. The amendments included are largely minor, technical and non-controversial in nature but are important for the purpose of updating or improving existing legislation. This avoids the need to make bids for separate legislative slots relating to each enactment, the amendments to which typically involve only a few clauses.

3. The last Statute Law (Miscellaneous Provisions) Ordinance was enacted in 2025. It has since become necessary to introduce another omnibus bill to make miscellaneous amendments to various enactments. The opportunity is also taken to make straightforward adaptation or amendment of provisions of, or references in, various enactments which are inconsistent with the constitutional status of the Hong Kong Special Administrative Region; and to repeal obsolete provisions or references in various enactments.

Outline of the Proposed Amendments

4. The proposed amendments in the Bill can be broadly categorised into two groups – (I) amendments not arising from the Systematic Review of Statutory Laws of Hong Kong; and (II) amendments arising from the Systematic Review of Statutory Laws of Hong Kong. The key features of the proposed

amendments in the Bill are highlighted in Annex.

5. With regard to the second category of proposed amendments, in 2022, the Law Reform Commission (“**LRC**”) Secretariat spearheaded the Systematic Review of Statutory Laws of Hong Kong which consists of work mainly in three aspects, i.e. (a) adaptation of laws; (b) consolidation of laws; and (c) repeal of obsolete laws. The adaptation of laws refers to the process of (i) 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 (ii) 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 and consolidation of laws are concerned, the relevant provisions are not necessarily adaptation-related and, when ready for legislative action, are also included in this Bill.

6. Since the resumption of the exercise of sovereignty over Hong Kong 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 without undue delay, the Government, in response to the Systematic Review of Statutory Laws of Hong Kong, has adopted the approach of “dealing with simple issues before the difficult ones”. The current target is, upon the responsible bureaux being able to resolutely have the drafting instructions issued as soon as practicable, to strive for the completion of the adaptation of laws exercise by the end of this term of Government (i.e. 30 June 2027). 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 attention, following the passage of the omnibus bills in 2024 and 2025, the opportunity is now taken again to introduce the present batch of legislative proposals in order to effect the necessary textual amendments.

7. Most of the proposed amendments are terminological or technical in

nature, having regard, where applicable, 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).

Way Forward

8. Given the technical and straightforward nature of the proposed amendments, it is the Government's intention to introduce the Bill into the Legislative Council as soon as practicable within this legislative session. Members are invited to take note of the proposals in this paper. Comments or requests for information may be directed to the Constitutional and Policy Affairs Division of the Department of Justice (e-mail: cpad@doj.gov.hk).

Department of Justice

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**Key features of the proposed amendments in
the Statute Law (Miscellaneous Provisions) Bill 2026**

**(I) AMENDMENTS NOT ARISING FROM THE SYSTEMATIC REVIEW OF
STATUTORY LAWS OF HONG KONG**

**(1) Legal Practitioners Ordinance (Cap. 159) (“Cap. 159”)
Summary Disposal of Complaints (Solicitors) Rules (Cap. 159 sub. leg. AD)
 (“Cap. 159 sub. leg. AD”)
Clubs (Safety of Premises) (Appeal Board) Regulations (Cap. 376 sub. leg.
A) (“Cap. 376 sub. leg. A”)**

1. The Chinese rendition of “solicitor” in section 2 of Cap. 159 is “律師”. To align with this provision, The Law Society of Hong Kong (“**Law Society**”) recently changed the Chinese title of the Hong Kong Solicitors’ Guide to Professional Conduct (“**Guide**”) from “香港事務律師專業操守指引” to “香港律師專業操守指引”. The Law Society proposes to amend the Chinese text of section 9A(1A)(c) of Cap. 159 and the Schedule to Cap. 159 sub. leg. AD to reflect the revised Chinese title of the Guide.

2. There are also references in Cap. 376 sub. leg. A which adopt “事務律師” as the Chinese rendition of the term “solicitor”, namely regulations 10 and 12 and Form 2 of the Schedule to Cap. 376 sub. leg. A. The Law Society proposes to take the opportunity to make an amendment to Cap. 376 sub. leg. A to replace all the references to “事務律師” with “律師” (which is the Chinese defined term in Cap. 159 for “solicitor”). Apart from the term “事務律師”, there is also the term “訟務律師” in the aforementioned provisions in Cap. 376 sub. leg. A. Having consulted the Hong Kong Bar Association, it is proposed to replace “訟務律師” in Cap. 376 sub. leg. A with “大律師” (which is the Chinese defined term in Cap. 159 for “barrister”).

**(2) Consequential amendments arising from the implementation of the regime
of solicitor corporations and foreign lawyer corporations**

3. The Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (“**1997 Amendment Ordinance**”) was enacted in June 1997 to amend Cap. 159 to include provisions regarding solicitor corporations (Part IIAA) and foreign lawyer corporations (Part IIIA). When the new provisions come into operation, solicitors will be able to practise in Hong Kong in the form of a limited company, which is another mode of practice for solicitors in addition to sole proprietorships and partnerships. Currently, the relevant provisions have not yet come into operation. Subsidiary legislation, namely Solicitor Corporation Rules, Foreign Lawyer Corporation Rules, and consequential amendments to 17 pieces of subsidiary legislation under Cap. 159, needs to be made by the Law Society,

subject to the Chief Justice of the Court of Final Appeal's approval, for implementing solicitor corporations and foreign lawyer corporations. The Law Society would also identify consequential amendments to the 1997 Amendment Ordinance and other legislation that are deemed necessary or considered preferable for clarity purpose, for the implementation of solicitor corporations and foreign lawyer corporations.

4. To prepare for the implementation of the solicitor corporation and foreign lawyer corporation regime, the Law Society proposes to make certain consequential amendments to the 1997 Amendment Ordinance (as amended by various Statute Law (Miscellaneous Provisions) Ordinances) and other non-Cap. 159 legislation, so that they would complement with the draft solicitor corporation and foreign lawyer corporation rules to be made by the Council of the Law Society.

5. Key proposed consequential amendments to the 1997 Amendment Ordinance include, replacing references to "roll of solicitor corporations" with "list of solicitor corporations" as there are no equivalent rolls for Hong Kong firms, foreign firms and limited liability partnerships; and adding "member or employee" or replacing terms with "legal practice entity", where appropriate, to clarify the coverage of the provisions.

6. As for consequential amendments to other legislation, it is noted that some pieces of legislation make references to "solicitor's firm" and "foreign firm" or words to the like effect. The Law Society proposes to add "solicitor corporation" or "foreign lawyer corporation" in the relevant legislation, where appropriate, to cover these new modes of practice.

7. All the proposed consequential amendments are proposed to come into operation together with the subsidiary legislation to be made by the Law Society and the provisions of the 1997 Amendment Ordinance relating to solicitor corporations and foreign lawyer corporations.

**(3) Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) ("Cap. 237")
Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) ("Cap. 240")
Road Traffic Ordinance (Cap. 374) ("Cap. 374")**

8. The Transport and Logistics Bureau ("TLB") proposes to replace the references to the "Government Chief Information Officer" with the "Commissioner for Digital Policy" appearing in Cap. 237, Cap. 240 and Cap. 374 to reflect the change of title since July 2024.

(4) Trade Marks Ordinance (Cap. 559) ("Cap. 559")

9. In order to better articulate the trade mark registration requirement under section 11(4)(a) of Cap. 559 in alignment with the international standards under the Paris Convention for the Protection of Industrial Property and also the counterpart enactments of several major common law and regional jurisdictions, the Commerce and Economic Development Bureau (“**CEDB**”) proposes to improve the existing statutory wording by clearly specifying that trade marks contrary to public policy are likewise not registrable under the provision.

(5) Construction Industry Security of Payment Ordinance (Cap. 652) (“Cap. 652”)

10. The Development Bureau (“**DEVB**”) proposes to replace “the High Court” in section 49(1) of Cap. 652 with “that Court” to more accurately reflect the policy intent that both the Court of First Instance and the District Court, which are defined as “Court” in section 22 and used in Part 3 (Adjudication of Payment Disputes) of Cap. 652, may enforce adjudication determinations within their respective jurisdictions under Cap. 652.

(6) Merchant Shipping (Safe and Environmentally Sound Recycling of Ships) Ordinance (Cap. 657) (“Cap. 657”)

11. Cap. 657 (not yet in operation) which aims to implement the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (“**Hong Kong Convention**”) was passed in May 2025 by the Legislative Council. To fully implement the provisions of the Hong Kong Convention in particular Article 11(2) which provides that “[w]hen a ship is unduly detained or delayed under Article 8, 9 or 10 of this Convention, it shall be entitled to compensation for any loss or damage suffered”, TLB proposes to add a new provision in Cap. 657 to provide for the liability for delay and detention of ships.

(7) Conversion of fine amounts into fine levels

12. It is proposed that fines expressed as an amount of money in certain enactments be replaced with their corresponding level of fines.

(8) Other miscellaneous amendments

13. Minor amendments are also proposed to be made to the Fourth and Fourteenth Schedules to the Public Health and Municipal Services Ordinance (Cap. 132) for update of certain headings and be made to the English-speaking Anglican Church Trust Ordinance (Cap. 1014).

(II) AMENDMENTS ARISING FROM THE SYSTEMATIC REVIEW OF STATUTORY LAWS OF HONG KONG

Items proposed by the Chief Secretary for Administration's Office ("CSO")

(9) Defamation Ordinance (Cap. 21) ("Cap. 21")

14. For adaptation of laws and related purposes, CSO proposes various amendments, including –

- (a) “立法局” be replaced with “立法會” in the Chinese text of sections 2, 10 and 28 of Cap. 21;
- (b) “the Commonwealth” be suitably amended in section 2 of and paragraphs 1, 4 and 5 of the Schedule to Cap. 21;
- (c) “Governor in Council” be replaced with “Chief Executive in Council” in section 2 of Cap. 21;
- (d) “Governor” be replaced with “Chief Executive” in paragraph 10(c) of the Schedule to Cap. 21;
- (e) “the Government of Hong Kong or Her Majesty’s Government in the United Kingdom” appearing in paragraph 2 of the Schedule to Cap. 21 be suitably amended;
- (f) to suitably amend references to “Letters Patent”, “Her Majesty”, “Act of Parliament” and “Royal Charter” in Cap. 21;
- (g) “政府” be replaced with “特區政府” where appropriate in Cap. 21.

(10) Foreign Judgments (Restriction on Recognition and Enforcement) Ordinance (Cap. 46) (“Cap. 46”)

Foreign Judgments (Reciprocal Enforcement) Ordinance (Cap. 319) (“Cap. 319”)

Foreign Judgments (Reciprocal Enforcement) Order (Cap. 319 sub. leg. A) (“Cap. 319 sub. leg. A”)

Foreign Judgments (Reciprocal Enforcement) (Application to the Commonwealth) Order (Cap. 319 sub. leg. B) (“Cap. 319 sub. leg. B”)

15. Cap. 46 was enacted in 1985 to amend the law relating to the recognition and enforcement of foreign judgments, and to bar the bringing of proceedings in Hong Kong as an alternative to the enforcement of a foreign judgment. Cap. 46 applies to judgments from any place outside Hong Kong. For adaptation of laws and related purposes, CSO

proposes various amendments to Cap. 46, including –

- (a) the definition of “overseas country” in section 2 be repealed, and the references to “overseas country” appearing variously be suitably replaced with “place outside Hong Kong”;
- (b) section 6 (transitional provision) be repealed for its obsolescence.

16. Cap. 319 was enacted in 1960 to make provision for the enforcement in Hong Kong of judgments given in parts of the Commonwealth and foreign countries which afford reciprocal treatment to judgments given in Hong Kong, and for facilitating the enforcement in such parts or countries of judgments given in Hong Kong.

17. Pursuant to sections 3(1) and 9(1) of Cap. 319, the then Governor in Council made Cap. 319 sub. leg. A and Cap. 319 sub. leg. B respectively. Drawing inference from relevant case law, the combined effect of these two pieces of subsidiary legislation was to extend the operation of Cap. 319 to the parts of the Commonwealth specified in the First Schedule to Cap. 319 sub. leg. A, as well as the foreign countries specified in the Second Schedule to Cap. 319 sub. leg. A.

18. For adaptation of laws and related purposes, CSO proposes various amendments to Cap. 319 and the subsidiary legislation under it, including –

- (a) to suitably amend references to “the Colony of Hong Kong”, “Governor in Council” and “Her Majesty” in Cap. 319;
- (b) to amend the definition of “foreign country” in section 2 of Cap. 319 to mean “a country, territory or place outside China”;¹
- (c) to repeal sections 9 and 13 of Cap. 319, to repeal the preamble to and paragraph 2 of Cap. 319 sub. leg. A, to combine the contents of the two Schedules to Cap. 319 sub. leg. A, and to repeal Cap. 319 sub. leg. B for their obsolescence and removal of references to the Commonwealth.

(11) Independent Commission Against Corruption Ordinance (Cap. 204)

¹ The recognition and enforcement of judgments with the Chinese Mainland are currently governed by separate pieces of legislation (e.g. the Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597), Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) and Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance (Cap. 645))

19. CSO proposes to replace the reference to “the commencement of the Independent Commission Against Corruption (Amendment) Ordinance 1980 (27 of 1980)”, the authenticated Chinese text of which contains the reference to “總督”, with “27 June 1980” (i.e. the commencement date referred to in the relevant reference).

Items proposed by CEDB

(12) Patents Ordinance (Cap. 514) (“Cap. 514”)

20. The majority of the provisions of Cap. 514 came into operation on 27 June 1997 (“**Cap. 514 commencement date**”). The Registration of Patents Ordinance (Cap. 42) (“**Cap. 42**”), which governed the patent regime before the Cap. 514 commencement date, was repealed pursuant to section 154 of Cap. 514.

21. For smooth transition to the new patent regime, a number of transitional provisions were included in Cap. 514 and its subsidiary legislation to address matters concerning the patents registered under Cap. 42, the circumstances under which such patents were deemed to be granted under Cap. 514, and the pending applications for registration of patents made before the Cap. 514 commencement date under Cap. 42.

22. Since those patents deemed to be granted under Cap. 514 and those granted pursuant to pending applications made before the Cap. 514 commencement date have long expired, a majority of the transitional provisions have become obsolete. By way of the Statute Law (Miscellaneous Provisions) Ordinance 2025 (“**Omnibus Ordinance 2025**”), various transitional provisions of Part 19 of Cap. 514 (which comprised sections 154 to 159) including, among other things, definitions in section 159(1) of the terms used in that Part, were repealed.

23. Despite the repeal of the definition of the term “commencement date” in section 159(1) of Cap. 514 by the Omnibus Ordinance 2025, a reference to “commencement date” was retained in section 159(2)(b). The meaning of the term in section 159(2)(b) may not be sufficiently clear after the definition has been repealed.

24. Thus, amendment is proposed to section 159(2)(b) so as to replace the reference to “commencement date” with “27 June 1997” (i.e. the date of commencement of Cap. 514).

(13) Copyright Ordinance (Cap. 528) (“Cap. 528”) Copyright (Libraries) Regulations (Cap. 528 sub. leg. B) (“Cap. 528 sub. leg. B”)

25. CEDB proposes –

- (a) to repeal Cap. 528 sub. leg. B, and paragraph 43 of Schedule 2 to Cap. 528;
- (b) to amend the Chinese text of section 121(4)(b) of Cap. 528 to rectify a technical inconsistency.

26. Cap. 528 sub. leg. B, containing regulations for specifying the classes of library and prescribing the conditions for certain copyright exceptions (also known as permitted acts), was made in June 1973 by virtue of the now repealed Copyright Act 1956 of the United Kingdom, as extended to Hong Kong by the now repealed Copyright (Hong Kong) Order 1972. Subsequent localisation of the copyright law led to enactment and commencement of Cap. 528 in 1997. Paragraph 43 of Schedule 2 to Cap. 528, as a transitional and saving provision, provides for the continuing application of Cap. 528 sub. leg. B after the commencement of Cap. 528 until new regulations are made by the Secretary for Commerce and Economic Development under section 46 of Cap. 528.

27. The Secretary for Commerce and Economic Development exercised his statutory power under section 46(1) of Cap. 528 in July 2025 by making two pieces of subsidiary legislation, namely (a) the Copyright (Libraries, Museums and Archives—Prescribed Conditions for Making Copy) Regulation (Cap. 528 sub. leg. F); and (b) the Copyright (Specified Libraries, Museums and Archives under Sections 47 to 53) Notice (Cap. 528 sub. leg. G) in place of Cap. 528 sub. leg. B. Both pieces of subsidiary legislation came into operation on 1 January 2026. Cap. 528 sub. leg. B and paragraph 43 of Schedule 2 to Cap. 528 no longer serve any useful purpose, and are proposed to be repealed.

28. CEDB also proposes to rectify a technical inconsistency in the Chinese text of section 121(4)(b) of Cap. 528. The first part of section 121(4)(b) states that “如該誓章是在律師、監誓員或公證人面前作出的，”。 The second part of the section refers to “該公證人或領事館官員” which does not correspond to the Chinese text of the first part of the section nor the English text. CEDB proposes to substitute “該公證人或領事館官員” in the Chinese text with “該律師、監誓員或公證人”.

Items proposed by the Department of Justice (“DoJ”)

(14) Evidence Ordinance (Cap. 8) (“Cap. 8”)

29. For adaptation of laws and related purposes, DoJ proposes various amendments, including –

- (a) all references to “Governor” be replaced with “Chief Executive” in the definition of “Government Chemist” in sections 2 and 19AA of Cap. 8;

- (b) “by charter or” and “Act of Parliament or” be repealed; and “any foreign banking company” be replaced with “any banking company formed or established outside Hong Kong” in the definition of “bank” in section 2 of Cap. 8;
- (c) all references to “立法局” be replaced with “立法會” in the Chinese text of sections 19 and 22A(13) of Cap. 8;
- (d) all references to “any foreign state or of [or in] any Commonwealth Country” be replaced with “a place outside Hong Kong”; and “foreign state or Commonwealth Country to which the original document belongs” be replaced with “place to which the original document belongs” in section 31 of Cap. 8;
- (e) section 32 of Cap. 8, which provides for an expedient means to prove the statutes of “Commonwealth countries”, be suitably amended;
- (f) sections 33 (regarding where (i.e. “in England, Scotland, or Northern Ireland, or the Channel Islands, or in any other colony or place under the dominion of Her Majesty”) and before whom sworn legal documents for the “High Court” can be validly administered) and 34 of Cap. 8 (regarding documents authenticated by British diplomatic or consular officers are automatically admissible in evidence without further proof) be repealed. This is to remove any privileges conferred on the United Kingdom or other Commonwealth countries without reciprocity. At present, reliance may be placed on existing court rules and legislation for the admissibility of affidavits sworn outside Hong Kong;
- (g) “and any Government Gazette of any Commonwealth Country” be repealed in section 35(a) of Cap. 8 regarding the proof of various matters in civil proceedings, to remove any privileges conferred on the United Kingdom or other Commonwealth countries without reciprocity;
- (h) “a foreign country” be replaced with “a place other than Hong Kong”; and “such country” and “such foreign country” be replaced with “the place” in section 35(d) of Cap. 8;
- (i) “foreign court of justice or consulate” and “foreign court or consulate” be replaced with “court of justice or consulate outside Hong Kong”; and “foreign court” be replaced with “court of justice outside Hong Kong” in section 37 of Cap. 8;
- (j) “Crown grants or” be repealed in section 52(2)(c) of Cap. 8;
- (k) “High Court” be replaced with “Court of First Instance” to better articulate

the reference and “or in the Supreme Court of England as constituted by section 1 of the Courts Act 1971 (1971 c. 23 U.K.)” be repealed in section 59(4)(a) of Cap. 8 which allows a decision of an English court specified therein to be admissible in evidence for the purpose of proving foreign law and apparently confers privilege on the United Kingdom without reciprocity;

- (l) section 59(4)(c) (i.e. in relation to “proceedings before the Court of Final Appeal”) be repealed. Section 59 allows Hong Kong courts, in civil cases, to admit findings or decisions about foreign law that were already determined in certain high-level court proceedings. It appears that appeals to the Court of Final Appeal arising otherwise than from first instance proceedings in the Court of First Instance have been inappropriately included in the first place. Section 59(4) is modelled on section 4 of the English Civil Evidence Act 1972. In the English equivalent of section 59(4), paragraphs (a) and (b) concern local proceedings whereas paragraph (c) concerns Privy Council proceedings originating from outside the United Kingdom which excludes all local appeals. Insofar as local proceedings are concerned, only proceedings at first instance in a superior court and appeals therefrom are included after due regard to the quality of expert evidence adduced at trial. In the pre-1 July 1997 version, section 59(4)(c) provides “proceedings before the Judicial Committee of the Privy Council on appeal [...] from any decision of any court of Hong Kong or of any other country or territory”. It is unclear why the pre-1 July 1997 version would include proceedings before the Privy Council on appeal from any local decision of any court of Hong Kong which does not seem to align with the English approach on which the provision was modelled on. The current section 59(4)(c), as amended in 1995 and came into operation on 1 July 1997, which refers to “proceedings before the Court of Final Appeal”, which may include appeals from the District Court, still does not align with the English approach that only proceedings at first instance in a superior court and appeals therefrom are included either. Thus, it is proposed to repeal section 59(4)(c);
- (m) “does not include a court-martial, and,” be repealed from the definition of “court” appearing in sections 60(2) and 68(2) of Cap. 8;
- (n) “Crown” be replaced with “HKSAR” in section 70; and all references to “Crown” be replaced with “Government” in section 77D of Cap. 8;
- (o) section 82 be repealed as it refers to the “Wills Act 1837 (1837 c. 26 U.K.)” which is no longer applicable to Hong Kong.

**(15) Law Amendment and Reform (Consolidation) Ordinance (Cap. 23)
 (“Cap. 23”)**

30. For adaptation of laws and related purposes, DoJ proposes various amendments, including –

- (a) “the Colony” be replaced with “Hong Kong” in the English text of sections 16(1) and 27 of Cap. 23;
- (b) “Crown” be replaced with “Government” in sections 17(2) and 22E of Cap. 23; and “subjects” be replaced with “private persons” in section 17(2) of Cap. 23;
- (c) “Article 21 of the Convention contained in the First Schedule to the Carriage by Air Act 1932” be suitably amended in section 21 of Cap. 23;
- (d) “section 1 of the Maritime Conventions Act 1911 (1911 c. 57 U.K.),” be replaced with “section 3 of the Merchant Shipping (Collision Damage Liability and Salvage) Ordinance (Cap. 508)” and “that Act” be replaced with “that Ordinance” in section 21(8) of Cap. 23;
- (e) “大法官” be suitably amended in the Chinese text of section 24 of Cap. 23;
- (f) “Governor in Council” be replaced with “Chief Executive in Council” in section 27 of Cap. 23.

**(16) Legal Practitioners Ordinance (Cap. 159)
Higher Rights of Audience Rules (Cap. 159 sub. leg. AK) (“Cap. 159 sub. leg. AK”)**

31. Section 31B of Cap. 159 provides that “[a] Queen’s Counsel of another jurisdiction who is appearing in legal proceedings before a court in Hong Kong is entitled to use the title, and to be accorded the status, of Senior Counsel for the purposes of those proceedings”. Upon the demise of Queen Elizabeth II and the accession of King Charles III of the United Kingdom, the title of Queen’s Counsel across many common law jurisdictions changed to King’s Counsel, e.g. the United Kingdom, Australia, and New Zealand. For the same reason, section 31B of Cap. 159 is proposed to be amended accordingly by adding references to “King’s Counsel” to reflect such change in the relevant jurisdictions. Apart from Queen’s or King’s Counsel, there are jurisdictions conferring the title of “Senior Counsel” to legal practitioners of equivalent standing. DoJ proposes that “Senior Counsel” be added to section 31B of Cap. 159 to reflect the same.

32. Consequent to the proposed amendment to section 31B of Cap. 159, rule 13(2)(b) of Cap. 159 sub. leg. AK, which concerns the competence of an applicant for higher rights of audience in the Hong Kong Special Administration Region, is proposed to be amended by adding the reference to “King’s Counsel”.

**(17) Criminal Procedure Ordinance (Cap. 221) (“Cap. 221”)
Criminal Appeal Rules (Cap. 221 sub. leg. A) (“Cap. 221 sub. leg. A”)**

33. For adaptation of laws and related purposes, DoJ proposes various amendments, including –

- (a) “be, as nearly as possible, the same as the practice and procedure from time to time and for the time being in force for similar cases in England” be suitably amended in section 9(3) of Cap. 221;
- (b) “any part of the Commonwealth” be replaced with “any common law jurisdiction other than Hong Kong” in section 63(5) of Cap. 221;
- (c) “High Court” be replaced with “Court of First Instance” in section 79E(3)(a)(i)(A) of and Form 4 in Schedule 1 to Cap. 221 to better articulate the reference;
- (d) “a judge of the High Court” be replaced with “a judge of the Court of First Instance” in section 81A(2A)(c) and (2B) of Cap. 221 to better articulate the reference;
- (e) “section 72, 73 or 84” be replaced with “section 73 or 84” in rule 23(1) of Cap. 221 sub. leg. A as “section 72” of Cap. 221 has already been repealed;
- (f) “10 days” be replaced with “28 days” in rules 21, 23, 28, 29, 31, 32 of and Form IV in the Schedule to Cap. 221 sub. leg. A. The 10-day period prescribed in the abovementioned rules and Form IV seeks to align with the general appeal period of 10 days prescribed under the old section 81(7) of Cap. 221 which has since been amended through the Criminal Procedure (Amendment) (No. 2) Ordinance 1972 (34 of 1972) to one of 28 days under the now section 83Q(2) of Cap. 221. It is proposed to rectify the inconsistency and align the 10-day period with the 28-day period;
- (g) “19 ” be deleted wherever appearing in the Forms of Schedule 1 to Cap. 221 and in the Forms of the Schedule to Cap 221 sub. leg. A.

(18) Crown Proceedings Ordinance (Cap. 300) (“Cap. 300”) (and certain related amendments)

34. For adaptation of laws and related purposes, DoJ proposes various amendments to bring Cap. 300 in line with the constitutional status of Hong Kong as a Special Administrative Region of the People’s Republic of China.

35. The term “Crown”, depending on the context, may mean the Sovereign of the United Kingdom personally, the United Kingdom Government and/or the Government of territories under the rule of the United Kingdom, including the Hong Kong Government prior to 1 July 1997. In its widest sense, the term “Crown” encompasses all of the above.

36. Prior to 1957, due to the common law principle that the Crown can do no wrong, the Crown in its widest sense enjoyed immunity from certain legal proceedings including actions in tort. While the Crown could be sued under contract, statute and in relation to property in the hands of the Crown in limited circumstances, prior consent had to be obtained from the Crown before the matter could be referred to the Courts. Crown immunity extended not just to the Sovereign of the United Kingdom, but also to the United Kingdom Government and the Hong Kong Government.

37. In 1957, the Legislative Council of Hong Kong enacted Cap. 300, which was modelled upon the Crown Proceedings Act 1947 of the United Kingdom. The purpose of Cap. 300 was to carve out exceptions to Crown immunity, so as to better accord with the principle of equality before the law.

38. Cap. 300 made the Hong Kong Government liable for torts, including being vicariously liable for torts committed by its employees. It enabled the citizens to sue the Hong Kong Government without obtaining the Governor’s consent. Cap. 300 also provided for special rules and procedures in civil proceedings by or against the Crown. Saving provisions were included in Cap. 300 to emphasise that Cap. 300 only enabled the Crown to be sued in respect of the Hong Kong Government, but not in respect of, for example, the United Kingdom Government or the Sovereign of the United Kingdom personally.

39. On 1 July 1997, the People’s Republic of China resumed the exercise of sovereignty over Hong Kong. Cap. 300 has been construed in accordance with the Interpretation and General Clauses Ordinance (Cap. 1) (“**Cap. 1**”) to enable the citizen of Hong Kong to sue the Government of the Hong Kong Special Administrative Region in certain civil proceedings, while the rest of the “State” as defined in section 3 of Cap. 1 continue to enjoy “Crown immunity” under the common law (see *Hua Tian Long (No 2)* [2010] 3 HKLRD 611).

40. The proposed amendments to Cap. 300 seek to adapt or repeal all related references over the administration of Hong Kong before the United Kingdom returned Hong Kong to the People’s Republic of China and they do not involve a change of the underlying policy which led to the enactment of Cap. 300. Cap. 300 will continue to only enable citizens to sue the Government of the Hong Kong Special Administrative Region in

certain civil proceedings, while the rest of the State will continue to enjoy immunity from suit as the Crown in right of the United Kingdom had enjoyed before 1 July 1997 under the common law.

41. Consequentially, certain pieces of legislation which make references to “Crown” and/or Cap. 300 the adaptation proposals for which are not already elaborated on under other sections of this briefing note are also proposed to be suitably amended.

(19) Limitation Ordinance (Cap. 347) (“Cap. 347”)

42. For adaptation of laws and related purposes, DoJ proposes various amendments, including –

- (a) “or imperial enactment” be repealed in sections 4, 22 and 27 of Cap. 347;
- (b) references to English Courts and the English Limitation Act 1980 be amended suitably in section 4(7) of Cap. 347 (limitation of actions of contract and tort, and certain other actions);
- (c) “Supreme Court Ordinance” be replaced with “High Court Ordinance” in section 35 of Cap. 347;
- (d) “Crown” be replaced with “Government” and “between subjects” be replaced with “between private persons” in section 37 of Cap. 347;
- (e) section 38(4)(b) of Cap. 347 be suitably amended. The effect of subsection (b) was to make clear that actions which were already time-barred right before the commencement of Cap. 347 (i.e. 11 June 1965) pursuant to the limitation periods under the English Acts, application of which is repealed by section 39, could not be revived after commencement of Cap. 347. As section 39 is also proposed to be repealed in the present exercise, section 38(4)(b) needs to be suitably amended to remove references to “section 39” and the English Acts referred to in the Schedule;
- (f) section 39 (cessations of application) of and the Schedule to Cap. 347 be repealed. The English Acts referred to in the Schedule to Cap. 347 had no application to Hong Kong since 1971 at the latest. Soon after Cap. 347 was passed in 1965, the Application of English Law Ordinance (Cap. 88) (“**Cap. 88**”) was enacted in 1966 and it set out and declared the English Acts having force in Hong Kong. Only two of the five English Acts in the Schedule were listed and they were later removed from Cap. 88 in 1971. According to the Decision of the Standing Committee of the National People’s Congress Concerning the Handling of the Laws Previously in Force in Hong Kong in accordance with Art. 160 of the Basic Law of the

Hong Kong Special Administrative Region of the People's Republic of China (Instrument A206), Cap. 88 ceased to apply to Hong Kong as from 1 July 1997 for inconsistency with the Basic Law;

- (g) "or any imperial enactment" be repealed, "between subjects" be replaced with "between private persons" and "enactment" be replaced with "Ordinance", and "Crown" be replaced with "Government" in section 40 of Cap. 347.

Items proposed by DEVB

**(20) Land (Miscellaneous Provisions) Ordinance (Cap. 28) ("Cap. 28")
Lands Resumption Ordinance (Cap. 124) ("Cap. 124")
Registration of Titles and Land (Miscellaneous Amendments) Ordinance
2025 (40 of 2025) ("Ordinance No. 40 of 2025")**

43. For adaptation of laws and related purposes, DEVB proposes various amendments, including –

- (a) "the date on which the Crown Land (Amendment) Ordinance 1979 (56 of 1979) came into operation" be replaced with "20 July 1979" (i.e. the actual date) in section 12(1)(b)(ii) of Cap. 28;
- (b) "the commencement of the Crown Lands Resumption (Amendment) Ordinance 1984 (5 of 1984)" be replaced with "13 January 1984" (i.e. the actual date) in sections 4A, 6(2A), 8(4), 10(2)(e) and 16A(1) of Cap. 124;
- (c) references to "Block Crown Lease (Cheung Chau) Ordinance" be replaced with "Government Lease (Cheung Chau) Ordinance" in paragraph (b)(vi) of the definition of "new land" in section 3(31) of Ordinance No. 40 of 2025 in light of the change in the short title of the Block Crown Lease (Cheung Chau) Ordinance (Cap. 488) effected by the Omnibus Ordinance 2025.

(21) Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice (Cap. 53 sub. leg. B) ("Cap. 53 sub. leg. B")

44. For adaptation of laws and related purposes, DEVB proposes various amendments, including –

- (a) replacing references to "Land Registry, Victoria", "Urban Land Registry" and "Tuen Mun New Territories Land Registry" with "Land Registry";

- (b) rephrasing certain entries as a result of (a) above to ensure that all information in the relevant paragraphs of Cap. 53 sub. leg. B is accurate;
- (c) adding the word “former” before certain monuments and historical buildings;
- (d) adding the word “old” before certain monuments and historical buildings;
- (e) replacing the word “old” with the word “former” for certain monuments and historical buildings. The word “former” is used when the original function of a building has changed and no new building serving the same purpose exists.

(22) Limitation Ordinance (Cap. 347)

45. For adaptation of laws and related purposes, DEVB proposes to replace “Crown” with “Government” in section 7 (Limitation of actions to recover land) and section 9(2) (accrual of right of action in case of future interests). The proposed amendments will not affect the existing law on limitation period, the computation of time and the accrual of right of action.

Items proposed by the Financial Services and the Treasury Bureau (“FSTB”)

- (23) Inland Revenue Ordinance (Cap. 112) (“Cap. 112”)**
Proclamation No. 1 of 1974 (Cap. 112 sub. leg. D) (“Cap. 112 sub. leg. D”)
Proclamation No. 3 of 1975 (Cap. 112 sub. leg. E)
Proclamation No. 3 of 1976 (Cap. 112 sub. leg. F)
Proclamation No. 2 of 1977 (Cap. 112 sub. leg. G)
Proclamation No. 3 of 1979 (Cap. 112 sub. leg. H)
Proclamation No. 1 of 1987 (Cap. 112 sub. leg. I) (“Cap. 112 sub. leg. I”)
Government Rent (Assessment and Collection) Ordinance (Cap. 515)
(“Cap. 515”)

46. For adaptation of laws and related purposes, FSTB proposes various amendments, including –

- (a) certain references to “government” in Cap. 112 be amended suitably so that the relevant provisions may cover the government or local authority of places like the Chinese Mainland, Macao or Taiwan;
- (b) to repeal six pieces of obsolete subsidiary legislation under Cap. 112, namely Cap. 112 sub. leg. D to Cap. 112 sub. leg. I. Section 5(1) of Cap. 112 provides the basis for charging property tax in respect of land and buildings in the New Territories and it is no longer necessary to rely on

Cap. 112 sub. leg. D to Cap. 112 sub. leg. I to charge the property tax. It is proposed to repeal the six pieces of subsidiary legislation which are already spent;

(c) references to “Governor” be repealed in Cap. 515.

(24) Foreign Corporations Ordinance (Cap. 437) (“Cap. 437”)

47. For adaptation of laws and related purposes, FSTB proposes amendments to Cap. 437, including to articulate the relevant provisions in an alternative way such that there is no longer any need to rely on a statutory term “a recognized State” which is currently defined to mean “a territory which is recognized by Her Majesty’s Government in the United Kingdom as a State” in section 2(2)(a) and replace references to “territory” with “place” in Cap. 437.

Items proposed by the Health Bureau (“HHB”)

**(25) Hong Kong Academy of Medicine Ordinance (Cap. 419) (“Cap. 419”)
Hong Kong Academy of Medicine (Designation of Colleges) Notice (Cap. 419 sub. leg. A) (“Cap. 419 sub. leg. A”)**

48. Cap. 419 was enacted to provide for the establishment and functions of the Hong Kong Academy of Medicine as a body corporate and matters incidental thereto. Until the full Council of the Hong Kong Academy of Medicine could be established in accordance with section 9 under Cap. 419, section 10 as a transitional provision provides for the constitution of the Council of the Hong Kong Academy of Medicine during an interim period as specified under section 10(2) for Government-appointed members and presidents of designated colleges to discharge various statutory functions under Cap. 419. The interim period began on the first date appointed under section 1, namely 1 August 1992, and ended when the first annual general meeting of the Hong Kong Academy of Medicine was convened on 19 July 1994.

49. As the interim period as specified under section 10(2) has long lapsed and section 10 is now considered obsolete in its entirety, HHB proposes to repeal section 10 as well as to make consequential amendments. Cap. 419 sub. leg. A which is made under section 10(4) of Cap. 419 is also proposed to be repealed.

Items proposed by the Home and Youth Affairs Bureau (“HYAB”)

**(26) Grantham Scholarships Fund Ordinance (Cap. 1076) (“Cap. 1076”)
Sir Robert Black Trust Fund Ordinance (Cap. 1101) (“Cap. 1101”)
Sir Murray MacLehose Trust Fund Ordinance (Cap. 1118) (“Cap. 1118”)**

50. For adaptation of laws and related purposes, HYAB, in consultation with the relevant private bodies, proposes various amendments, including –

- (a) to repeal paragraph (d) of the preamble to Cap. 1076 which contains references to “the Secretary for Home Affairs Incorporated” and “the Secretary for Home Affairs Incorporation Ordinance”;
- (b) to suitably replace “trustee” with “the Secretary for Home and Youth Affairs Incorporated” in section 3 of Cap. 1076;
- (c) consequential amendments to the repeal of paragraph (d) of the preamble to Cap. 1076;
- (d) to replace the words “the Governor” with “Sir Robert Black” in paragraph (b) of the preamble to Cap. 1101;
- (e) to repeal section 4(2) of Cap. 1118 for its obsolescence as this provision only governs the performance of acts by the trustee before 1 January 1985.

**(27) Chinese Permanent Cemeteries Ordinance (Cap. 1112) (“Cap. 1112”)
The Methodist Church, Hong Kong, Incorporation Ordinance (Cap. 1133)
 (“Cap. 1133”)**

51. For adaptation of laws and related purposes, HYAB, in consultation with the relevant private bodies, proposes various amendments, including –

- (a) to repeal “although the title to the said land remained vested in the Crown” in paragraph (a) of the preamble of Cap. 1112 as the “3 deeds of appropriation” referred to in the preamble of Cap. 1112 already specified how the title to the said land was to be vested, and the reference proposed to be deleted serves no actual legal function;
- (b) to repeal “situate lying and being at Victoria Hong Kong and known and” in item 26 in paragraph (A) of Part I of the Schedule to Cap. 1133; and to delete “, Victoria” in Item 1 in paragraph (B) of Part II of the Schedule to Cap. 1133 given that the location of the pieces of land could be identified without the references to “Victoria”.

52. Separately, amendments that do not arise from the Systematic Review of Statutory Laws of Hong Kong are proposed in Cap. 1133. The opportunity is taken by The Methodist Church, Hong Kong to amend section 4(f) of Cap. 1133 by replacing “to act as custodian trustee or manager of any property or fund for any charitable purpose;” with “to act as an executor or administrator of any deceased person, or as a trustee or manager of any property or fund;” to enable The Methodist Church, Hong Kong to better handle properties given or entrusted under wills or trust for specified purposes in accordance with

its constitutional documents.

Items proposed by the Judiciary

(28) High Court Ordinance (Cap. 4) (“Cap. 4”) District Court Ordinance (Cap. 336) (“Cap. 336”)

53. For adaptation of laws and related purposes, the Judiciary proposes the following categories of amendments, including –

Category 1: Repeal of section 59 of Cap. 4

- (a) section 59 of Cap. 4, which is a construction of words and expression clause to address the re-constitution of the “Supreme Court” when the Supreme Court Ordinance 1975 was enacted to replace its predecessor, is proposed to be repealed as it has become functionally obsolete;

Category 2: The jurisdiction of the Court of First Instance and certain powers of Judges and the Registrar

- (b) currently in Cap. 4, the jurisdiction of the Court of First Instance and certain powers of its Judges and the Registrar of the High Court make reference to particular courts of the United Kingdom. To remove references to the courts of the United Kingdom from the relevant provisions and ensure continuity, the Judiciary proposes to substitute these references, appearing in sections 12(2)(a), 12(3)(a), 33(1) and 38(1), with references to the jurisdiction of the Court of First Instance or with reference to the High Court immediately before the commencement of this Bill;

Category 3: Instrument of appointment

- (c) currently and in practice, the instrument of appointment for all judicial appointments at different levels of courts and tribunals is a warrant of appointment. In existing law, there is no uniform description on the instruments for judicial appointments at different levels of courts, for example, in Cap. 4, the instrument by which the appointment of the Judges of the High Court is made is specified as “Letters Patent under the Public Seal”; and in Cap. 336, District Judges shall be appointed by the Chief Executive “by instrument under the Public Seal”. For consistency, the Judiciary proposes to remove references to the use of a particular type of instrument in Cap. 4 and Cap. 336;

Category 4: Other adaptation-related and miscellaneous amendments

- (d) to replace references to “Governor” and “Secretary of State” with “Chief

Executive” in Cap. 4;

- (e) to repeal sections 6B, 8(3), 10(1A) and 10(1B) of Cap. 4 and section 4(3) and (4) of Cap. 336, regarding retrospective judicial appointments, as such provisions were intended to address the issue of pay, continuity of service and pension for appointment of judges who were on transfer to Hong Kong (for example, from one of the overseas territories of the United Kingdom) and are no longer required;
- (f) the reference to “employed in the service of the Crown in Hong Kong on judicial or legal work” in section 9(2A)(b) of Cap. 4 regarding professional qualifications of judges is proposed to be suitably amended;
- (g) various other adaptation and miscellaneous amendments are proposed to Cap. 4 and Cap. 336.

Items proposed by the Labour and Welfare Bureau (“LWB”)

- (29) Employees’ Compensation Ordinance (Cap. 282) (“Cap. 282”)**
Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360)
(“Cap. 360”)
Pneumoconiosis and Mesothelioma (Compensation) (Assessment of Levy)
Regulations (Cap. 360 sub. leg. A) (“Cap. 360 sub. leg. A”)
Occupational Deafness (Compensation) Ordinance (Cap. 469) (“Cap. 469”)

54. For adaptation of laws and related purposes, LWB proposes various amendments, including –

- (a) depending on the context, references such as “Crown”, “Her Majesty”, “Her Majesty ... in Her Government of Hong Kong”, “Her Majesty in right of the Government of Hong Kong” be suitably adapted to reflect Hong Kong’s status as a Special Administrative Region of the People’s Republic of China in section 4(1) of Cap. 282, sections 2, 3 and 4(3)(e) of and section 2 of the Third Schedule to Cap. 360, regulation 16(1) of Cap. 360 sub. leg. A and sections 2, 3 and 14(3)(b) of Cap. 469;
- (b) the definition of “employer” in section 3(1) of Cap. 282 be suitably adapted to reflect Hong Kong’s status as a Special Administrative Region of the People’s Republic of China;
- (c) “政府” be replaced with “特區政府” where appropriate;
- (d) where the context of the references to “Government” in various provisions should include the then Government of Hong Kong before 1 July 1997, it is proposed to suitably amend them to cover the then Government of Hong

Kong;

- (e) in sections 29(1)(c) and 30A(1) of Cap. 282, references to “justice or magistrate in Her Majesty’s dominions or in any place where Her Majesty exercises jurisdiction” and “British Consular Officer” be replaced with “a holder of a judicial office, a consular officer, or a person authorized by law to take the deposition”. It is also proposed to suitably localise the provisions of the United Kingdom legislation referred to in section 29(1)(c) of Cap. 282 (regarding the admissibility of depositions from witnesses outside Hong Kong when they cannot be found locally in relation to claims by persons employed on ships), without contravening the original policy intent of the current provisions.

Items proposed by the Security Bureau (“SB”)

(30) Deputy Director of Immigration (Powers and Duties) Notice (Cap. 1 sub. leg. D) (“Cap. 1 sub. leg. D”) Immigration Service Ordinance (Cap. 331) (“Cap. 331”)

55. SB proposes to repeal Cap. 1 sub. leg. D which provides that “[t]he Governor hereby directs that the Deputy Director of Immigration shall have all the powers and duties which are conferred or imposed upon an assistant director of immigration under any Ordinance”. Legislative amendments over the years have provided sufficiently precise enabling provisions in the laws of Hong Kong on the powers and duties of Immigration Service members at various ranks, including deputy director of immigration and assistant director of immigration. These have rendered Cap. 1 sub. leg. D obsolete and it is considered that any exception to this observation should be addressed by bespoke provisions to be introduced, if necessary, instead of by the continued reliance on the fallback position declared by Cap. 1 sub. leg. D. In the context of Cap. 331, to ensure that the deputy director of immigration’s power would not be affected and to preserve the deputy director of immigration’s powers and duties in determining disciplinary offences and imposing punishments after the intended repeal of Cap. 1 sub. leg. D, SB proposes to insert “deputy director of immigration” immediately before each reference to “assistant director of immigration” in section 8(1) to (3) of Cap. 331.

(31) Registration of Persons Regulations (Cap. 177 sub. leg. A) (“Cap. 177 sub. leg. A”)

56. For adaptation of laws and related purposes, SB proposes the following amendments –

- (a) “Her Majesty’s Government in the United Kingdom” be suitably adapted to reflect Hong Kong’s status as a Special Administrative Region of the People’s Republic of China in regulation 25(b)(ii) of Cap. 177 sub. leg. A;

- (b) “wives” be replaced with the gender-neutral reference “spouses” in regulation 25(b)(i) and (ii).

(32) Defences (Firing Areas) Ordinance (Cap. 196) (“Cap. 196”)

57. SB proposes to remove “Secretary, Royal Hong Kong Yacht Club” from Schedule 2 to Cap. 196. Schedule 2 provides for a list of persons to be supplied with provisional programme of firing from gun sites by the Commander of Hong Kong Garrison, to be circulated at the commencement of every quarter, relevant charts showing the firing areas and notices of intended practice firing. All persons included in Schedule 2 are government officials except for the Secretary, Royal Hong Kong Yacht Club (皇家香港遊艇會).

58. In addition to the statutory requirements under Cap. 196, the Hong Kong Garrison, with the assistance from SB, has been publishing a Notice of Firing Practice every quarter to all members of the public using a Gazette Notice; and information, such as the timetable relating to the firing practice, is regularly published via the Government’s press releases. It is therefore not necessary to specify in Schedule 2 to Cap. 196 the “Secretary, Royal Hong Kong Yacht Club” as one of the persons to be supplied with firing practice programmes, notices and charts.

(33) Essential Services Corps (General) Regulations (Cap. 197 sub. leg. A) (“Cap. 197 sub. leg. A”)

Essential Services (Auxiliary Fire Service) Corps Regulations (Cap. 197 sub. leg. C) (“Cap. 197 sub. leg. C”)

Auxiliary Forces Pay and Allowances Ordinance (Cap. 254) (“Cap. 254”)

Pay Classification (Auxiliary Fire Service Unit) Assignment Notice (Cap. 254 sub. leg. D) (“Cap. 254 sub. leg. D”)

Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (“Cap. 374 sub. leg. G”)

59. The Auxiliary Fire Service Unit (“AFSU”), established in the 20th century to assist the then Hong Kong Fire Brigade (now the Fire Services Department) in fire-fighting operations, was disbanded in 1975. It has no current members. Cap. 197 sub. leg. C and Cap. 254 sub. leg. D, which provide exclusively for the establishment, calling out and operations of the AFSU and the pay scale of AFSU members, are now considered obsolete. SB proposes to repeal Cap. 197 sub. leg. C and Cap. 254 sub. leg. D. References to the AFSU appearing in Cap. 197 sub. leg. A, Cap. 254, and Cap. 374 sub. leg. G are also considered obsolete and the relevant provisions or terms are proposed to be suitably amended or repealed. The proposed amendments include –

- (a) the definitions of “commander” and “limited call out” in section 2(1) and

section 8(2) of Cap. 254 be suitably amended;

- (b) regulation 5 of and Form III and Form IV of the Second Schedule to Cap. 197 sub. leg. A be repealed;
- (c) the definition of “person in the public service of the State” in regulation 2(1) of Cap. 374 sub. leg. G be suitably amended.

**(34) Crimes Ordinance (Cap. 200) (“Cap. 200”)
Criminal Procedure Ordinance (Cap. 221)
Criminal Appeal Rules (Cap. 221 sub. leg. A)
Fugitive Offenders Ordinance (Cap. 503) (“Cap. 503”)
Fugitive Offenders (Forms) Regulation (Cap. 503 sub. leg. M) (“Cap. 503 sub. leg. M”)**

60. For adaptation of laws and related purposes, SB proposes various amendments, including –

- (a) section 84 and section 85 of Cap. 200 are provisions safeguarding the integrity of financial and corporate records. Section 84 criminalises the making of false entries in contracts for sales of shares in relation to “any bank, body corporate, company or society, established by charter or by, under or by virtue of any Ordinance”. Section 85 criminalises the making of false entries in bank books, etc. in relation to “any bank in Hong Kong or ... any body corporate, company or society, established by charter or by, under, or by virtue of any Ordinance”. The term “charter” used in the context of incorporation of companies likely means or at least includes royal charter, as a corporation is created under the law of England and Wales by either (i) the royal charter of incorporation from the Crown or (ii) the authority of Parliament, and the phrase “royal charter of incorporation” means any grant made by virtue of the royal prerogative of the Crown, whether the instrument of grant is called a grant, a warrant or a charter. The term “charter” is proposed to be suitably adapted and replaced with “otherwise lawfully established in a place outside Hong Kong”;
- (b) section 83Q(6) of Cap. 221 deals with the appeal procedure when applied to “protected prisoners of wars” and “protected internees” which involves foreign affairs and defence. Foreign affairs and defence are the responsibilities of the Central People’s Government and fall outside Hong Kong’s high degree of autonomy. Therefore, section 83Q(6) is proposed to be repealed;
- (c) consequentially, reference to section 83Q(6) of Cap. 221 appearing in rule 23(1) of Cap. 221 sub. leg. A be repealed;

- (d) “any imperial enactment” in section 3(16)(b) of Cap. 503 be repealed for its obsolescence;
- (e) “Public Seal of Hong Kong” in Form 7 of the Schedule to Cap. 503 sub. leg. M be suitably amended as “public seal”, which is a defined term in Cap. 1;
- (f) “19 ” be deleted wherever appearing in the Forms of the Schedule to Cap. 503 sub. leg. M.

**(35) Hong Kong Auxiliary Police Force Ordinance (Cap. 233) (“Cap. 233”)
Hong Kong Auxiliary Police Force Regulations (Cap. 233 sub. leg. A)
 (“Cap. 233 sub. leg. A)”**

61. SB proposes to suitably amend provisions on or referring to the arrangements for calling up persons for service in the Hong Kong Auxiliary Police Force (“HKAPF”) pursuant to the Compulsory Service Ordinance (Cap. 246) (“Cap. 246”), which was repealed in 1997. Under Cap. 246, British citizens were liable to be called upon for compulsory service in, among others, the then Royal Hong Kong Auxiliary Police Force. Although Cap. 246 was repealed in 1997, there are provisions in Cap. 233 and Cap. 233 sub. leg. A which still make reference to or differentiate between members required under Cap. 246 to serve in the then Royal Hong Kong Auxiliary Police Force (conscript members) and HKAPF members who join voluntarily as “volunteers”. Upon the repeal of Cap. 246, there is no longer any such distinction. The proposed amendments include –

- (a) to repeal section 5(2) of Cap. 233 which provides that the Commissioner of Police shall enrol in the HKAPF any person upon whom a liability to enrol therein has been imposed by section 15 of Cap. 246, and shall appoint such person to the rank for which the Commissioner considers that person suitable. This provision is obsolete as no HKAPF member will be enrolled through this means;
- (b) the definition of “volunteer” in regulation 2 of Cap. 233 sub. leg. A be repealed. Cap. 233 sub. leg. A differentiates members who are volunteers from conscript members. A “volunteer” is defined as a member other than a person upon whom a liability to enrol therein has been imposed under the provisions of Cap. 246. This provision is obsolete as no HKAPF member is or will be enrolled under a liability imposed under Cap. 246;
- (c) to repeal regulation 7 of Cap. 233 sub. leg. A which provides that the resignation of a member other than a volunteer, i.e. conscript member, shall be subject to the provisions of Cap. 246. This provision is obsolete as no HKAPF member is a conscript member and required to resign, if such member so wishes, pursuant to this regulation;

- (d) references to “volunteers” or “volunteer” appearing in regulations 5, 6 and 9 of Cap. 233 sub. leg. A be suitably amended as “members” or “member” (which is defined in section 2 of Cap. 233 to mean a member of the HKAPF) as there is no longer a distinction between “volunteer” and “conscript member”.

(36) Drug Trafficking (Recovery of Proceeds) (Designated Countries and Territories) Order (Cap. 405 sub. leg. A) (“Cap. 405 sub. leg. A”)

62. SB proposes to suitably delete the honorific reference to “Her Majesty’s” appearing before three appropriate authorities in Schedule 1 to Cap. 405 sub. leg. A, namely “Attorney General for the Bailiwick of Guernsey”, “Attorney General for the Isle of Man” and “Attorney General for the Bailiwick of Jersey”, so as to bring the titles up-to-date to reflect the current state of affairs (as upon the death of the late Queen Elizabeth II of the United Kingdom in September 2022, King Charles III succeeded to the throne and accordingly became the head of state of those places) and minimise the need for future amendments in the event of subsequent changes to the British monarch who will be the head of state of the three appropriate authorities concerned.

**(37) Fugitive Offenders (Netherlands) Order (Cap. 503 sub. leg. A) (“Cap. 503 sub. leg. A”)
Fugitive Offenders (Canada) Order (Cap. 503 sub. leg. B) (“Cap. 503 sub. leg. B”)
Fugitive Offenders (Australia) Order (Cap. 503 sub. leg. C) (“Cap. 503 sub. leg. C”)
Fugitive Offenders (Malaysia) Order (Cap. 503 sub. leg. D) (“Cap. 503 sub. leg. D”)
Fugitive Offenders (United States of America) Order (Cap. 503 sub. leg. F) (“Cap. 503 sub. leg. F”)**

63. Before 1 July 1997, there were some English laws which extended to Hong Kong the arrangements between the United Kingdom and the respective foreign States concerned on extradition of fugitive offenders.

64. Section 3 of each of Cap. 503 sub. leg. A, Cap. 503 sub. leg. B, Cap. 503 sub. leg. C, Cap. 503 sub. leg. D and section 3 of and Schedule 2 to Cap. 503F, contain consequential amendments to specific English laws to cease their application to Hong Kong, since separate bilateral agreement between Hong Kong and the foreign States concerned were subsequently entered into. These references are proposed to be repealed as they have already served their purpose.

(38) Fugitive Offenders (Safety of Civil Aviation) Order (Cap. 503 sub. leg. G) (“Cap. 503 sub. leg. G”)

Fugitive Offenders (Internationally Protected Persons and Hostages) Order (Cap. 503 sub. leg. H) (“Cap. 503 sub. leg. H”)
Fugitive Offenders (Genocide) Order (Cap. 503 sub. leg. K) (“Cap. 503 sub. leg. K”)

65. Schedules 1 to 3 to Cap. 503 sub. leg. G recite or embody the Convention for the Suppression of Unlawful Seizure of Aircraft, Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, and Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Done at Montreal on 23 September 1971, respectively. Certain footnotes in the Schedules, which do not form part of the instruments, are either obsolete or require adaptation, and are proposed to be repealed –

- (a) references to “Treaty Series No. 67 (1946), Cmd. 7015.”, “Treaty Series No. 8 (1953), Cmd. 8742.” and “Treaty Series No. 10 (1974). Cmnd. 5524.”, which refer to the Command Paper numbers used by the United Kingdom as treaty identifiers when publishing international treaties that have entered into force for the United Kingdom, or ones that have been signed but not yet ratified by the United Kingdom etc.;
- (b) references to “, available through Agency Section, Her Majesty’s Stationery Office, PO Box 569, London SE1 9NY. Tel. 01-928 6977, ext. 410.”.

66. Schedule 2 to Cap. 503 sub. leg. H embodies or recites the International Convention against the Taking of Hostages. Certain footnotes in Schedule 2, which do not form part of the instruments, are either obsolete or require adaptation, and are proposed to be repealed –

- (a) references to “Treaty Series No. 67 (1946), Cmd. 7015.”, “United Nations No. 2 (1949), Cmd. 7662.”, “Treaty Series No. 6 (1977), Cmnd. 6702, p. 22.”, “Treaty Series No. 39 (1958), Cmnd. 550.” and “Miscellaneous No. 19 (1977), Cmnd. 6927.”, which refer to the Command Paper numbers used by the United Kingdom as treaty identifiers when publishing international treaties that have entered into force for the United Kingdom, or ones that have been signed but not yet ratified by the United Kingdom etc.;
- (b) references to “, available through Agency Section, Her Majesty’s Stationery Office, PO Box 569, London SE1 9NY—Tel. 01-928 6977, Ext. 410”.

67. Schedule to Cap. 503 sub. leg. K embodies or recites the Convention on the Prevention and Punishment of the Crime of Genocide. Certain footnotes in the Schedule,

which do not form part of the instruments, are either obsolete or require adaptation, and are proposed to be repealed –

- (a) references to “Treaty Series No. 67 (1946), Cmd. 7015.” which refers to the Command Paper numbers used by the United Kingdom as treaty identifiers when publishing international treaties that have entered into force for the United Kingdom, or ones that have been signed but not yet ratified by the United Kingdom etc.;
- (b) references to “The Convention entered into force for the United Kingdom on 30 April, 1970.”.

(39) Official Secrets Ordinance (Cap. 521) (“Cap. 521”)

68. For adaptation of laws and related purposes, SB proposes to replace “Acts done abroad” with “Acts done outside Hong Kong” in the heading of section 23 of Cap. 521.

(40) Long-term Prison Sentences Review Ordinance (Cap. 524) (“Cap. 524”)

69. SB proposes to suitably amend the definition of “Executive discretion” in section 4(1) of Cap. 524 which makes reference to “Her Majesty’s pleasure”, which is now obsolete.

70. Prior to the enactment of the Crimes (Amendment) Ordinance 1993, adults convicted of murder were subject to death penalty by virtue of section 2 of the Offences against the Person Ordinance (Cap. 212) even though no execution had been carried out since 1966 under the then prevailing policy. At that time, section 70 of Cap. 221 prohibited death sentences against persons convicted of murder who were under the age of 18 at the time of the offence, and provided that they should instead be detained “as the court thinks fit, until Her Majesty’s pleasure shall be known”. There has been no new prisoner sentenced by way of detention at Her Majesty’s pleasure since this form of sentence was abolished in 1993. Persons convicted of murder who were under the age of 18 at the time of the offence are now subject to discretionary life sentence. As for those prisoners originally subject to detention at Her Majesty’s pleasure, they were since 1 July 1997 treated as being detained at the discretion of the Chief Executive. Given that there are currently no serving prisoners originally subject to detention at Her Majesty’s pleasure or such ex-prisoners still subject to supervision and there will not be any new prisoners subject to detention at Her Majesty’s pleasure, the reference to the term is proposed to be removed, such that the provision reads, “*Executive discretion* (行政酌情決定) means the discretion of the Chief Executive” only.

Items proposed by TLB

(41) High Court Ordinance (Cap. 4)

71. For adaptation of laws and related purposes, TLB proposes various amendments to Cap. 4 in relation to the admiralty jurisdiction, including –

- (a) references to “Merchant Shipping Acts 1894 to 1979” in sub-sections (3)(a)(i), (3)(c)(i), and (8)(a) of section 12A be repealed;
- (b) “droits of Admiralty” in section 12A(2)(r) be repealed;
- (c) references to “British” and “British ship” in sections 12A(7)(a) and 12E(2)(a) be repealed;
- (d) references to “Her Majesty’s ships”, “Her Majesty’s aircraft”, “Her Majesty’s hovercraft” and “Governor” in section 12E(2)(c) and (4) be repealed;
- (e) “Governor” be replaced with “Chief Executive” in section 12D;
- (f) definition of “ship” in section 12E(1) be suitably amended ;
- (g) section 12E(2)(b), which contains the reference to “section 552 of the Merchant Shipping Act 1894 (1894 c. 60 U.K.)”, be repealed;
- (h) “Crown” be replaced with “State” in the saving provision of section 12E(2)(c);
- (i) section 12E(3) be repealed as it relates to defence for which the Central People’s Government is responsible.

(42) Marine-related legislation²

² The marine-related legislation includes –

- i. Pilotage (Disciplinary Procedure) Regulations (Cap. 84 sub. leg. B) (“**Cap. 84 sub. leg. B**”)
- ii. Merchant Shipping Ordinance (Cap. 281) (“**Cap. 281**”)
- iii. Shipping and Port Control Regulations (Cap. 313 sub. leg. A) (“**Cap. 313 sub. leg. A**”)
- iv. Merchant Shipping (Safety) Ordinance (Cap. 369) (“**Cap. 369**”)
- v. Merchant Shipping (Instructions to Surveyors) (Passenger Ships) Regulations (Cap. 369 sub. leg. C) (“**Cap. 369 sub. leg. C**”)
- vi. Merchant Shipping (Minimum Passenger Space) Regulations (Cap. 369 sub. leg. E) (“**Cap. 369 sub. leg. E**”)
- vii. Merchant Shipping (Safety) (Anchors and Chain Cables) Regulations (Cap. 369 sub. leg. Q) (“**Cap. 369 sub. leg. Q**”)
- viii. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. R) (“**Cap. 369 sub. leg. R**”)
- ix. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1

72. For adaptation of laws and related purposes, TLB proposes the following categories of amendments in various marine-related legislation –

Category 1: Repeal of obsolete local legislation and references to the United Kingdom legislation or related terms

- (a) Cap. 369 sub. leg. C and Cap. 369 sub. leg. E be repealed for their obsolescence. The requirements under Cap. 369 sub. leg. C have been replaced by Cap. 369 sub. leg. AL and Cap. 369 sub. leg. AM, as well as

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- September 1984) Regulations (Cap. 369 sub. leg. S) (“**Cap. 369 sub. leg. S**”)
- x. Merchant Shipping (Safety) (Closing of Openings in Hulls and in Watertight Bulkheads) Regulations (Cap. 369 sub. leg. U) (“**Cap. 369 sub. leg. U**”)
- xi. Merchant Shipping (Safety) (Fire Protection) (Ships Built Before 25 May 1980) Regulations (Cap. 369 sub. leg. W) (“**Cap. 369 sub. leg. W**”)
- xii. Merchant Shipping (Safety) (Fire Appliances) (Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369 sub. leg. X) (“**Cap. 369 sub. leg. X**”)
- xiii. Merchant Shipping (Safety) (Fire Protection) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. Y) (“**Cap. 369 sub. leg. Y**”)
- xiv. Merchant Shipping (Safety) (Means of Access) Regulations (Cap. 369 sub. leg. AH) (“**Cap. 369 sub. leg. AH**”)
- xv. Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) Regulations (Cap. 369 sub. leg. AL) (“**Cap. 369 sub. leg. AL**”)
- xvi. Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) (“**Cap. 369 sub. leg. AM**”)
- xvii. Merchant Shipping (Safety) (Protective Clothing and Equipment) Regulations (Cap. 369 sub. leg. AO) (“**Cap. 369 sub. leg. AO**”)
- xxviii. Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (Cap. 369 sub. leg. BA) (“**Cap. 369 sub. leg. BA**”)
- xix. Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance (Cap. 414) (“**Cap. 414**”)
- xx. Merchant Shipping (Registration) Ordinance (Cap. 415) (“**Cap. 415**”)
- xxi. Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434) (“**Cap. 434**”)
- xxii. Merchant Shipping (Liability of Shipowners and Others) (Calculation of Tonnage) (Hong Kong Order (Cap. 434 sub. leg. A) (“**Cap. 434 sub. leg. A**”)
- xxiii. Carriage of Goods by Sea Ordinance (Cap. 462) (“**Cap. 462**”)
- xxiv. Merchant Shipping (Seafarers) Ordinance (Cap. 478) (“**Cap. 478**”)
- xxv. Merchant Shipping (Seafarers) (Entry into Dangerous Spaces) Regulation (Cap. 478 sub. leg. B) (“**Cap. 478 sub. leg. B**”)
- xxvi. Merchant Shipping (Seafarers) (Safe Movement on Board Ship) Regulation (Cap. 478 sub. leg. G) (“**Cap. 478 sub. leg. G**”)
- xxvii. Merchant Shipping (Seafarers) (Crew Accommodation) Regulation (Cap. 478 sub. leg. I) (“**Cap. 478 sub. leg. I**”)
- xxviii. Merchant Shipping (Seafarers) (Code of Safe Working Practices) Regulation (Cap. 478 sub. leg. M) (“**Cap. 478 sub. leg. M**”)
- xxix. Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents, Dangerous Occurrences and Occupational Diseases) Regulation (Cap. 478 sub. leg. R) (“**Cap. 478 sub. leg. R**”)
- xxx. Merchant Shipping (Liner Conferences) Ordinance (Cap. 482) (“**Cap. 482**”)
- xxxi. Merchant Shipping (Collision Damage Liability and Salvage) Ordinance (Cap. 508) (“**Cap. 508**”)
- xxxii. Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F) (“**Cap. 548 sub. leg. F**”)
- xxxiii. Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) (“**Cap. 548 sub. leg. G**”)
- xxxiv. Bunker Oil Pollution (Liability and Compensation) Ordinance (Cap. 605) (“**Cap. 605**”)

Cap. 369 and its other subsidiary legislation. Cap. 369 sub. leg. E regulates a special trade that has been obsolete, and in case of necessity, the Director of Marine may exempt passenger ships employed in special trades by invoking the powers under the relevant subsidiary legislation under Cap. 369 depending on the circumstances;

- (b) to suitably repeal references to the United Kingdom legislation or related terms, such as “Merchant Shipping (Passenger Ship Construction) Rules 1965 (S.I. 1965/1103 U.K.)”, “Merchant Shipping (Construction) Rules 1952 (S.I. 1952/1948 U.K.)”, “Merchant Shipping (Fire Appliances) Rules 1952 (S.I. 1952/1950 U.K.)”, “Merchant Shipping Acts 1894 to 1979”, and “Merchant Shipping Notice” appearing in Cap. 369 sub. leg. R, Cap. 369 sub. leg. S, Cap. 369 sub. leg. W, Cap. 369 sub. leg. X, Cap. 369 sub. leg. Y, Cap. 369 sub. leg. AH, Cap. 369 sub. leg. AL, Cap. 369 sub. leg. AM, Cap. 369 sub. leg. BA, Cap. 414, Cap. 415, Cap. 434 sub. leg. A, Cap. 478 sub. leg. I and Cap. 508;

Category 2: References to British Standards and publications of the Government or Institutions of the United Kingdom

- (c) the opportunity is taken to suitably replace references to British Standards, British Codes or non-Hong Kong publications appearing in Cap. 369 sub. leg. Q, Cap. 369 sub. leg. R, Cap. 369 sub. leg. S, Cap. 369 sub. leg. U, Cap. 369 sub. leg. W, Cap. 369 sub. leg. X, Cap. 369 sub. leg. Y, Cap. 369 sub. leg. AH, Cap. 369 sub. leg. AL, Cap. 369 sub. leg. AM, Cap. 369 sub. leg. AO, Cap. 478 sub. leg. B, Cap. 478 sub. leg. G, Cap. 478 sub. leg. M, Cap. 478 sub. leg. R and Cap. 548 sub. leg. G. Such updates will not have any policy impact or affect industry operations as the replacement standards are primarily international standards developed by the International Maritime Organization (IMO), International Organization for Standardization (ISO), European Standards Organizations, or the International Electrotechnical Commission (IEC), all of which are readily applicable and well-recognised in the marine industry;

Category 3: Reference to “Crown”

- (d) “Crown” be replaced with “Government” in section 26 of Cap. 434;

Category 4: Other technical amendments

- (e) “the High Court in a civil proceeding” be replaced with “a court of justice” in regulation 5(3)(b) of Cap. 84 sub. leg. B to better reflect the policy intent and adopt the wording commonly used in similar context where there is no need to draw reference to any particular level of court;
- (f) to repeal provisions, in Cap. 414, Cap. 415, Cap. 434, Cap. 462, Cap. 478,

Cap. 482 and Cap. 508, which were enacted for the purpose of repealing or preserving other legislation. The said purpose has been served and the provisions are no longer required;

- (g) to suitably amend obsolete references, such as “warrant”, “seal of Hong Kong” and “naval court” appearing in Cap. 281 and Cap. 369; and “Queen’s Pier, Victoria” appearing in Cap. 313 sub. leg. A;
- (h) to suitably amend the cross references to certain provisions of Cap. 319, which are also proposed to be amended in this exercise, appearing in Cap. 414 and Cap. 605;
- (i) to suitably amend “country or territory” to “country, territory or place” as it covers the ports of the Chinese Mainland, Macao or Taiwan in Cap. 313 sub. leg. A and Cap. 548 sub leg. F.

**(43) Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) (“Cap. 448 sub. leg. C”)
Carriage by Air Ordinance (Cap. 500) (“Cap. 500”)**

73. For adaptation of laws and related purposes, TLB proposes various amendments, including –

- (a) Article 2(2) of Cap. 448 sub. leg. C be repealed for its obsolescence. As the then Governor’s power under Article 2(2)(d) of Cap. 448 sub. leg. C to defer commencement of certain Articles in Cap. 448 sub. leg. C was confined to the period up to but not after 30 November 1996, Article 2(2)(d) has become obsolete since 1 December 1996 the latest. Further, the remaining provisions in Article 2(2) of Cap. 448 sub. leg. C have also become obsolete as they provide for the deferred revocation of certain Articles of the Air Navigation (Overseas Territories) Order 1977 to not later than 1 December 1996;
- (b) consequentially, “Subject to paragraph (2), the” in Article 2(1) of Cap. 448 sub. leg. C be replaced with “The”;
- (c) “Crown” in section 19(1), 19(2) and 19(3) of Cap. 500 be replaced with “Government”;
- (d) “Governor” be replaced with “Chief Executive” in section 12(2) of Cap. 500.

(44) Sailors Home and Mission to Seafarers Incorporation Ordinance (Cap. 1042) (“Cap. 1042”)

74. For adaptation of laws and related purposes, TLB, in consultation with the Sailors Home and Mission to Seafarers, proposes to replace “overseas” with “outside Hong Kong” in section 4(2) of Cap. 1042.

Similar amendments proposed by various bureaux and departments

- (45) Interpretation and General Clauses Ordinance (Cap. 1)**
 - Capital Works Reserve Fund (Cap. 2 sub. leg A) (“Cap. 2 sub. leg A”)**
 - Privileges and Immunities (Joint Liaison Group) Ordinance (Cap. 36)**
(“Cap. 36”)
 - New Territories Leases (Extension) Ordinance (Cap. 150) (“Cap. 150”)**
 - Hong Kong St. John Ambulance Incorporation Ordinance (Cap. 1164)**
(“Cap. 1164”)

75. It is proposed to replace the references to the “Joint Declaration” appearing in paragraph 3 of Cap. 2 sub. leg. A, section 2 of Cap. 36, the preamble to Cap. 150 and paragraph (g) of the preamble to Cap. 1164 with the bilingual official full title of the document, namely the “Joint Declaration of the Government of the People’s Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong” and “《中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府關於香港問題的聯合聲明》”, in the respective English and Chinese texts. As the references to the “Joint Declaration” in the various enactments are proposed to be amended in the Bill by adopting the full title of the document, it is less likely that new provisions to be drafted in the future would require making reference to the definition of “Joint Declaration” in section 3 of Cap. 1. Thus, the definition of “Joint Declaration” in section 3 of Cap. 1 is proposed to be repealed.

76. HHB also proposes to amend the reference to “change of sovereignty” in paragraph (g) of the preamble to Cap. 1164 by replacing it with “resumption of the exercise of sovereignty over Hong Kong by the People’s Republic of China with effect from 1 July 1997” to accurately reflect what was declared in the “Joint Declaration”.

- (46) Interpretation and General Clauses Ordinance (Cap. 1)**
 - Probate and Administration Ordinance (Cap. 10) (“Cap. 10”)**
 - Port Control (Cargo Working Areas) Regulations (Cap. 81 sub. leg. A)**
(“Cap. 81 sub. leg. A”)
 - Dutiable Commodities Regulations (Cap. 109 sub. leg. A) (“Cap. 109 sub. leg. A”)**
 - Inland Revenue Ordinance (Cap. 112)**
 - Exemption from Profits Tax (Debt Instrument Issued by Mainland Local People’s Government at Any Level) Order (Cap. 112 sub. leg. DR) (“Cap. 112 sub. leg. DR”)**

Immigration (Unauthorized Entrants) Order (Cap. 115 sub. leg. D) (“Cap. 115 sub. leg. D”)
Registration of Persons Regulations (Cap. 177 sub. leg. A)
Frontier Closed Area (Permission to Enter) Notice (Cap. 245 sub. leg. H) (“Cap. 245 sub. leg. H”)
Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice (Cap. 245 sub. leg. K) (“Cap. 245 sub. leg. K”)
Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice (Cap. 245 sub. leg. M) (“Cap. 245 sub. leg. M”)
Heung Yuen Wai Boundary Control Point Closed Area (Permission to Enter) Notice (Cap. 245 sub. leg. O) (“Cap. 245 sub. leg. O”)
Kowloon-Canton Railway Corporation By-laws (Cap. 372 sub. leg. B) (“Cap. 372 sub. leg. B”)
Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434)
Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (“Cap. 548”)
Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F)
Accounting and Financial Reporting Council Ordinance (Cap. 588) (“Cap. 588”)
West Kowloon Cultural District Authority Ordinance (Cap. 601) (“Cap. 601”)

(i) “內地” *vis-à-vis* “大陸”

77. There are references in the enactments listed in this item that adopt the term “大陸” as the Chinese rendition of “Mainland” when the Chinese Mainland is mentioned in relation to Hong Kong. It is noted that the more appropriate usage³ is to adopt the term “內地” as the corresponding term when it is mentioned in relation to “Hong Kong”, and the term “大陸” should be reserved for contexts in which “Mainland” is mentioned in relation to “Taiwan”.

78. The term “大陸” appearing in Cap. 1 and Cap. 177 sub. leg. A are proposed to be amended suitably according to their respective contexts.

(ii) “Chinese Mainland” as the English rendition for “中國內地”

79. The opportunity is taken to adopt the term “Chinese Mainland” in Cap. 1, Cap.

³ See for example, a code 《新華社新聞信息報道中的禁用詞和慎用詞(2016年7月修訂)》 issued by the Xinhua News Agency, the official State news agency under the State Council, may be relevant. In particular, item 34 provides that ““台灣”與“祖國大陸(或‘大陸’)”為對應概念，“香港、澳門”與“內地”為對應概念...”

81 sub. leg. A, Cap. 109 sub. leg. A, Cap. 112, Cap. 115 sub. leg. D, Cap. 177 sub. leg. A, Cap. 245 sub. leg. H, Cap. 245 sub. leg. K, Cap. 245 sub. leg. M, Cap. 245 sub. leg. O, Cap. 372 sub. leg. B, Cap. 548, Cap. 548 sub. leg. F, Cap. 588 and Cap. 601, as the English rendition for “中國內地” to reflect a stylistic change in terminology.

(iii) “Macao” vis-a-vis “Macau”

80. The current reference to “Macau” in various enactments is a Portuguese rendition of “澳門” which is used in official Portuguese texts such as the Basic Law of the Macao Special Administrative Region. “Macao” appears to be more appropriate for use as the English rendition for “澳門” in such enactments as “Macao” is also commonly used by the Government of the Macao Special Administrative Region in their English publications.

81. References to “Macau” appearing in the English text of Cap. 1, Cap. 10, Cap. 112, Cap. 112 sub. leg. DR and Cap. 434 are proposed to be replaced with “Macao”.

(47) Other adaptation-related and miscellaneous amendments

82. For adaptation of laws and related purposes, other relevant provisions or references the amendment proposals for which are not already elaborated on under other sections of this briefing note are also proposed to be suitably amended.