

**Adaptation of Laws (Military References) Bill 2010**

**Responses to concerns raised by the Bills Committee**

**Purpose**

This paper briefs the Bills Committee on the Administration's proposed amendments to the Adaptation of Laws (Military References) Bill 2010 ("Adaptation Bill") to address the concerns raised by the Bills Committee.

**Concerns raised by the Bills Committee**

2. The Administration introduced the Adaptation Bill to the Legislative Council ("LegCo") in July 2010 to adapt certain military-related references in the laws of Hong Kong with a view to bringing them into conformity with the Basic Laws and Hong Kong's status as a Special Administrative Region of the People's Republic of China ("PRC"). Although military-related provisions in the laws of Hong Kong previously in force have been construed in accordance with the interpretative principles set out in the Interpretation and General Clauses Ordinance (Cap. 1) since 1 July 1997, in the interest of legal certainty of the laws of Hong Kong, it is still necessary for the Hong Kong Special Administrative Region ("HKSAR") to adapt these military-related provisions.

3. Over the past year, the Bills Committee has held a total of nine meetings and completed the scrutiny of all 137 adaptation proposals set out in Schedule 1 and three consequential amendments set out in Schedule 2 to the Bill. The Bills Committee has also had comprehensive deliberation in respect of the scope of the Adaptation Bill, the principles of adaptation of laws, and individual adaptation proposals, and raised specific comments. Generally speaking, the Bills Committee agrees that the Adaptation Bill should only include straight forward and technical adaptation proposals, but not add other references that may involve law reform and non-military-related references. In fact, the proposals included in the Adaptation Bill are prepared in accordance with the guiding principles of adaptation of laws presented by the Department of Justice to LegCo back in 1998 and will not have any actual implication on the legal effect of the existing provisions.

4. In examining the individual adaptation proposals, some Members suggested comments on certain terms in the adaptation proposals for the Administration's consideration. Having due regard to the comments of the Bills Committee and legal advice, the Administration will put forward the following amendments during the Committee Stage.

**(i) The proposal to include four definitions in the Interpretation and General Clauses Ordinance  
(see Section 1 of Schedule 1 to the Bill)**

5. The Bills Committee repeatedly suggests that the Administration should take away the proposed four common military references, including "Commander of the Hong Kong Garrison", "Hong Kong Garrison", "member of the Hong Kong Garrison" and "military hospital", to be added to the Interpretation and General Clauses Ordinance (Cap. 1). As stated in detail in our paper presented to the Bills Committee in December 2010 and at the Bills Committee meetings, the proposal to include the four definitions can provide clarity of drafting to relevant adaptation proposals and the provisions concerned after adaptation. That said, considering Members' position and views, the Administration agrees that the existing rights or exemptions conferred on the Chinese People's Liberation Army or the Hong Kong Garrison will not be affected under the existing laws even if the four new definitions are not added to Cap. 1. Therefore, the Administration accepts the suggestion to take away the four proposed definitions from the Interpretation and General Clauses Ordinance.

**(ii) The proposal to adapt the reference "ships belonging to Her Majesty" to "ships belonging to the Central People's Government and used only on non-commercial service" in the Pilotage Ordinance (Cap. 84), Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) and Merchant Shipping (Seafarers) Ordinance (Cap. 478)  
(see Sections 8, 119 and 132 of Schedule 1 to the Bill)**

6. The Bills Committee has no objection to adapt the reference "ships belonging to Her Majesty" in certain shipping-related provisions to directly cover ships belonging to the Chinese People's Liberation Army ("CPLA") or the Central People's Government ("CPG"). Nevertheless, there is a view that given there is no such reference as "and used only on non-commercial service" in the original provisions, even though the purpose of adding the reference "and used only on non-commercial

service” is to further clarify the legislative intent and to accurately reflect the actual implementation of the provisions concerned before and after the Reunification, the current adaptation proposal might not be in full compliance with the principle of adaptation of laws. After careful consideration, the Administration accepts that taking away the reference will have no impact on the legal effect of the relevant provisions and will allow better compliance with the principles of strict adaptation. Therefore, the Administration proposes moving amendment to take away the reference “used only on non-commercial service” from the relevant provisions as mentioned in heading (ii) above.

**(iii) The adaptation proposal of “Secretary of State” (“國務大臣” / “工貿大臣”) in the Civil Aviation Ordinance (Cap. 448), Air Navigation (Hong Kong) Order 1995 (Cap. 448C), Aviation Security Ordinance (Cap. 494) and Registered Designs Ordinance (Cap. 522)**  
**(see Sections 120, 126, 127, 128, 135, 136 and 137 of Schedule 1 to the Bill)**

7. The Bills Committee suggests that adaptation proposals for the reference “Secretary of State” (“國務大臣” / “工貿大臣” in the Chinese text) in the Adaptation Bill should be uniformly adapted and puts forward the proposal to adapt such references as “the Central People’s Government” to replace existing references such as “the Central People’s Government”<sup>1</sup> / “by or on behalf of the Central People’s Government”<sup>2</sup> / “competent authority”<sup>3</sup> in the Bill. The Administration accepts the suggestion of the Bills Committee, i.e. the general reference of “the Central People’s Government” has already encompassed the meaning of “by or on behalf of the Central People’s Government” and “competent authority”. Having carefully considered the views of the Bills Committee, the Administration will uniformly adapt the reference “Secretary of State” (“國務大臣” / “工貿大臣” in the Chinese text) as “Central People’s Government” and take away references such as “by or on behalf of” as well as “competent authority” from the Bill.

8. Nevertheless, we have to specifically point out that the uniform approach to adapt the reference “Secretary of State” cannot apply to the reference of “Secretary of State” in Section 2A(8) of the Civil Aviation Ordinance (Cap. 448)<sup>4</sup>. The provision concerned involves the

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<sup>1</sup> Sections 120(1) and (2), 126, 127(4) and 136 of Schedule 1 to the Adaptation Bill

<sup>2</sup> Sections 128(3) and 135 of Schedule 1 to the Adaptation Bill

<sup>3</sup> Section 137 of Schedule 1 to the Adaptation Bill

<sup>4</sup> Section 120(3) of Schedule 1 to the Adaptation Bill

power to declare a state of emergency and such power is vested with the Standing Committee of the National People's Congress as clearly stipulated in Article 18(4) of the Basic Law<sup>5</sup>. It is therefore necessary to retain the proposal to adapt the reference "Secretary of State" to "the Standing Committee of the National People's Congress" to ensure the Adaptation Bill is in full compliance with the Basic Law.

- (iv) The proposal to adapt “服役” to “服務” in the Chinese texts of the Immigration Ordinance (Cap. 115), Registration of Persons Regulations (Cap. 177A) and Public Bus Services Regulations (Cap. 230A); the proposal to adapt “當值中” to “正在執行職務” in the Chinese text of the “Star” Ferry Company, Limited, By-laws (Cap. 104E)  
(see Sections 14, 20, 45 and 65 of Schedule 1 to the Bill)**

9. The Bills Committee considers that the reference “服役” in the Chinese version of the original provisions should be retained and it is not necessary to adapt it to “服務”. Similarly, the Bills Committee suggests retaining the reference “當值中” in the original provision and it is also not necessary to adapt it to “正在執行職務”. The Administration accepts Members' suggestion, and will put forward amendments to take away the reference “服務” in the Chinese text and to retain the reference “服役” in the original version of the relevant provisions. As for the reference “當值中”, the legal advice is that the legal protection conferred by the existing provision will not be affected even without adapting the reference “當值中” to “正在執行職務” in the Chinese text. Therefore, the Administration accepts the suggestion of the Bills Committee and proposes to retain the reference “當值中” in the original provision.

- (v) The proposal to adapt the reference “a member of Her Majesty's naval forces” to “a member of the Chinese People's Liberation Army” in Section 29(2) of the Summary Offences Ordinance (Cap. 228)  
(see Section 60 of Schedule 1 to the Bill)**

10. The Bills Committee suggests that the reference “a member of Her Majesty's naval forces” should be directly adapted as “a member of the Chinese People's Liberation Army's naval forces” for better

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<sup>5</sup> Article 18 of the Basic Law provides, “In the event that the Standing Committee of the National People's Congress decides to declare a state of war or, by reason of turmoil within the Hong Kong Special Administrative Region which endangers national unity or security and is beyond the control of the government of the Region, decides that the Region is in a state of emergency, the Central People's Government may issue an order applying the relevant national laws in the Region.”

compliance with the principle of adaptation of laws. The Administration accepts that the provision concerned only involve smoking in places such as the vicinity of a naval dock, and as such the legislative intent of the provision concerned should only affect members of the naval forces rather than the entire military force (the entire military force also includes members of the army and the air forces). From the implementation perspective, the Administrations agrees to further revise the adaptation proposal to include the reference “the naval forces” such that the adaptation proposal will read “a member of the naval forces of the Chinese People’s Liberation Army”.

**(vi) The adaptation proposal of “Army Department Pass” in the Public Order Ordinance (Cap. 245)**  
**(see Section 71 of Schedule 1 to the Bill)**

11. The Bills Committee suggests that it would not be necessary to include the reference of the Hong Kong Garrison in Section 31(6)(m) of the Public Order Ordinance. The Adaptation Bill proposes to adapt the reference “an employee of the Ministry of Defence in possession of a valid Army Department Pass” (“持有有效軍部通行證的國防部僱員” in the Chinese text) to “a member of the Ministry of National Defence in the Central People’s Government in possession of a valid pass of the Ministry of National Defence or the Hong Kong Garrison” (“持有有效的中央人民政府國防部通行證或香港駐軍通行證的國防部人員” in the Chinese text). The Bills Committee considers that the exemption enjoyed by the Hong Kong Garrison has already been included in the reference of “a member of the Chinese People’s Liberation Army” in Section 31(6)(f) of the Public Order Ordinance. It is therefore unnecessary to repeat the reference “the Hong Kong Garrison” in the adaptation proposal for members of the Ministry of Defence in Section 31(6)(m). Besides, the Bills Committee also suggests simplifying the adaptation proposal by adapting the reference “an employee of the Ministry of Defence in possession of a valid Army Department Pass” (“持有有效軍部通行證的國防部僱員” in the Chinese text) to “a member of the Ministry of National Defence in the Central People’s Government in possession of a valid pass of the Ministry of National Defence or the Hong Kong Garrison” (“持有有效的中央人民政府國防部通行證或香港駐軍通行證的國防部人員” in the Chinese text)”, which is rather lengthy, and consider that simplifying the terms in the adaptation proposal, making the drafting easier to understand.

12. Having carefully considered the views of the Bills Committee, the Administration accepts that the adaptation proposal can

be further refined and suggest to adapt the reference “Army Department” (i.e. “軍部” in the Chinese text) to “Ministry of National Defence in the Central People’s Government” (i.e. “中央人民政府國防部” in the Chinese text), and take away the reference “or the Hong Kong Garrison” (i.e. “或香港駐軍的通行證” in the Chinese text) from the original adaptation proposal. In short, the reference of “an employee of the Ministry of Defence in possession of a valid Army Department Pass” (“持有有效軍部通行證的國防部僱員” in the Chinese text) in Section 31(6)(m) is suggested to be adapted as “a member of the Ministry of National Defence in the Central People’s Government in possession of a valid pass of the Ministry of National Defence” (“持有有效中央人民政府國防部通行證的國防部人員” in the Chinese text).

13. The amendments proposed by the Administration are set out in **Annex** for Members’ reference. According to Article 10 of the Garrison Law (i.e. the HKSAR shall consult the Hong Kong Garrison when formulating any policy or drafting any legislation which concerns the Hong Kong Garrison), the Administration has consulted the Hong Kong Garrison on the proposed amendments as set out at the Annex and the Hong Kong Garrison agrees with these proposed amendments.

Security Bureau  
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## Adaptation of Laws (Military References) Bill 2010

Adaptation Proposals and Proposed Committee Stage Amendments (CSAs)  
in Marked-up Version

Sch 1 Section	Legislation	Adaptation proposals	Proposed CSAs
1	Interpretation and General Clauses Ordinance (Cap. 1), s.3	<p><b>Interpretation and General Clauses Ordinance</b></p> <p><b>Interpretation of words and expressions</b></p> <p>“Commander of the Hong Kong Garrison” (香港駐軍最高指揮官) means the officer for the time being in command of the Hong Kong Garrison;</p> <p>“Hong Kong Garrison” (香港駐軍) means the Hong Kong Garrison of the Chinese People’s Liberation Army as stipulated in Article 2 of the Law of the People’s Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (L.N. 386 of 1997)</p> <p>“member of the Hong Kong Garrison” (香港駐軍人員) means a member of the Hong Kong Garrison for the time being serving with the Hong Kong Garrison but does not include locally employed personnel, agents or servants of the Hong Kong Garrison;</p> <p>“military hospital” (軍方醫院) means a hospital of the Hong Kong Garrison;</p>	Delete all proposed provisions
8	Pilotage Ordinance (Cap. 84), s. 10D(1)(a)	<p><b>10D. Exemption from compulsory pilotage</b></p> <p>(1) The following ships shall be exempted from compulsory pilotage –</p>	<p><b>10D. Exemption from compulsory pilotage</b></p> <p>(1) The following ships shall be exempted from compulsory pilotage –</p> <p>(a) ships belonging to Her</p>

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		(a) ships belonging to <del>Her Majesty</del> the Chinese People's Liberation Army or ships belonging to the Central People's Government and used only on non-commercial service;	<del>Majesty</del> the Chinese People's Liberation Army or ships belonging to the Central People's Government <del>and used only on non-commercial service;</del>
14	"Star" Ferry Company, Limited, By-laws (Cap. 104 sub. leg. E), bylaw 13	No person other than a member of <del>Her Majesty's forces</del> the Chinese People's Liberation Army or a police or revenue officer on duty shall enter any of the Company's piers or travel on any of the Company's vessels with firearms.	CSAs to the Chinese text of the Bill only, i.e. deleting "正在執行職務" and substitute with "在當值中". No change to the English text.  No person other than a member of <del>Her Majesty's forces</del> the Chinese People's Liberation Army or a police or revenue officer on duty shall enter any of the Company's piers or travel on any of the Company's vessels with firearms.
20	Immigration Ordinance (Cap. 115), s. 17B(1)(e)	(1) Subject to subsection (2), in this Part – "proof of identity" (身分證明文件) in relation to any person means – (e) documentary proof of identity officially issued to him for the purpose of his service in <del>Her Majesty's regular naval, military or air forces</del> the Chinese People's Liberation Army; or	CSAs to the Chinese text of the Bill only, i.e. deleting "為在中國人民解放軍中服務" and substitute with "因服役於中國人民解放軍". No change to the English text.  (1) Subject to subsection (2), in this Part – "proof of identity" (身分證明文件) in relation to any person means – (e) documentary proof of identity officially issued to him for the purpose of his service in <del>Her Majesty's regular naval, military or air forces</del> the Chinese People's Liberation Army; or
45	Registration of Persons Regulations (Cap. 177 sub. leg. A), regulation 25(b)(i)	None of the persons mentioned hereunder so long as he retains the status and qualifications hereinafter mentioned shall be required to register or apply for the issue of an identity card or for the renewal of an identity card under the Ordinance and	CSAs to the Chinese text of the Bill only, i.e. deleting "中服務" and substitute with "服役". No change to the English text.  None of the persons mentioned hereunder so long as he retains the



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		<p>these regulations –</p> <p>(b) persons –</p> <p>(i) serving in <del>Her Majesty's regular naval, military or air force</del> the Chinese People's Liberation Army, other than those locally domiciled, in possession of the official identity card or document of identity normally issued to them, and their wives, and their sons and daughters under 18 years of age; or</p>	<p>status and qualifications hereinafter mentioned shall be required to register or apply for the issue of an identity card or for the renewal of an identity card under the Ordinance and these regulations –</p> <p>(b) persons –</p> <p>(i) serving in <del>Her Majesty's regular naval, military or air force</del> the Chinese People's Liberation Army, other than those locally domiciled, in possession of the official identity card or document of identity normally issued to them, and their wives, and their sons and daughters under 18 years of age; or</p>
60	Summary Offences Ordinance (Cap. 228), s. 29(2)	<p>(2) No person shall smoke on board any vessel whatsoever which is in any naval dock or naval dockyard or alongside any naval premises: Provided that –</p> <p>(a) this section shall not apply to any person who is a member of <del>Her Majesty's naval forces</del> the Chinese People's Liberation Army; and</p>	<p>(2) No person shall smoke on board any vessel whatsoever which is in any naval dock or naval dockyard or alongside any naval premises: Provided that –</p> <p>(a) this section shall not apply to any person who is a member of <del>Her Majesty's naval forces</del> the Chinese People's Liberation Army; and</p>
65	Public Bus Services Regulations (Cap. 230 sub. leg. A), regulation 13(5)(d)	<p>(5) In this regulation “proof of identity” (身分證明) in relation to any passenger means –</p> <p>(d) documentary proof of identity officially issued to him for the purpose of his service in <del>Her Majesty's regular naval, military or air force</del> the Chinese People's Liberation Army; or</p>	<p>CSAs to the Chinese text of the Bill only, i.e. deleting “為在中國人民解放軍中服務的目的” and substitute with “因服役於中國人民解放軍”. No change to the English text.</p> <p>(5) In this regulation “proof of identity” (身分證明) in relation to any passenger means –</p> <p>(d) documentary proof of identity officially issued to him for the</p>

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			purpose of his service in <del>Her Majesty's regular naval, military or air force</del> the Chinese People's Liberation Army; or
71(2)	Public Order Ordinance (Cap. 245), s. 31	<p><b>31. Curfew orders</b></p> <p>(6) The following persons shall, notwithstanding the provisions of this section, not be subject to or obliged to comply with any of the provisions of a curfew order when on duty or proceeding to or from duty –</p> <p>(f) a member of <del>Her Majesty's force</del>the Chinese People's Liberation Army;</p> <p>(m) <del>an employee of the Ministry of Defence in possession of a valid Army Department Pass</del>a member of the Ministry of National Defence in the Central People's Government in possession of a valid pass of the Ministry of National Defence or the Hong Kong Garrison;</p>	<p><b>31. Curfew orders</b></p> <p>(6) The following persons shall, notwithstanding the provisions of this section, not be subject to or obliged to comply with any of the provisions of a curfew order when on duty or proceeding to or from duty –</p> <p>(f) a member of <del>Her Majesty's force</del>the Chinese People's Liberation Army;</p> <p>(m) a member of the Ministry of National Defence in the Central People's Government in possession of a valid pass of the Ministry of National Defence <del>or the Hong Kong Garrison</del>;</p>
119	Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413), s. 5(3)	<p><del>(3) No direction under section 6(2) shall apply to any vessel of Her Majesty's navy or to any ship not forming part of Her Majesty's navy which belongs to Her Majesty or is held by any person on behalf of or for the benefit of the Crown in right of Her Majesty's Government in the United Kingdom or Her Majesty's Government in Hong Kong, and no action shall be taken under section 6(4) or (5) as respects any such vessel or ship</del></p> <p>(3) No direction under section 6(2) applies to –</p> <p>(a) any ship which is used by the Chinese People's</p>	<p><del>(3) No direction under section 6(2) shall apply to any vessel of Her Majesty's navy or to any ship not forming part of Her Majesty's navy which belongs to Her Majesty or is held by any person on behalf of or for the benefit of the Crown in right of Her Majesty's Government in the United Kingdom or Her Majesty's Government in Hong Kong, and no action shall be taken under section 6(4) or (5) as respects any such vessel or ship</del></p> <p>(3) No direction under section 6(2) applies to –</p> <p>(a) any ship which is used by the Chinese People's</p>

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		<p>Liberation Army;</p> <p>(b) any ship which belongs to the Central People's Government or the Government of the Hong Kong Special Administrative Region and is used only on non-commercial service,</p> <p>and no action may be taken under section 6(4) or (5) as respects any such ship.</p>	<p>Liberation Army;</p> <p>(b) any ship which belongs to the Central People's Government or the Government of the Hong Kong Special Administrative Region <del>and is used only on non-commercial service,</del></p> <p>and no action may be taken under section 6(4) or (5) as respects any such ship.</p>
128(3)	Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C), article 98(1)	<p>“Military aircraft” includes the naval, military or air force aircraft of any country and –</p> <p>(a) any aircraft being constructed for the naval, military or air forces of any country under a contract entered into <del>by the Secretary of State</del> <del>by</del> or on behalf of the Central People's Government; and</p> <p>(b) any aircraft in respect of which there is in force a certificate issued <del>by the Secretary of State</del> <del>by</del> or on behalf of the Central People's Government that the aircraft is to be treated for the purposes of this Order as a military aircraft;</p>	<p>“Military aircraft” includes the naval, military or air force aircraft of any country and –</p> <p>(a) any aircraft being constructed for the naval, military or air forces of any country under a contract entered into <del>by the Secretary of State</del> <del>by</del> <del>or on behalf of the</del> Central People's Government; and</p> <p>(b) any aircraft in respect of which there is in force a certificate issued <del>by the Secretary of State</del> <del>by</del> <del>or on behalf of</del> the Central People's Government that the aircraft is to be treated for the purposes of this Order as a military aircraft;</p>
132	Merchant Shipping (Seafarers) Ordinance (Cap. 478), s. 3(1)(a)	<p><b>3. Application</b></p> <p>(1) This Ordinance shall not apply to –</p> <p><del>(a) any of Her Majesty's ships or other ships of war except, subject to section 141, a Royal Fleet Auxiliary ship;</del></p> <p>(a) any ship of war of the Chinese People's Liberation Army, any other ship of war or any ship</p>	<p><b>3. Application</b></p> <p>(1) This Ordinance shall not apply to –</p> <p><del>(a) any of Her Majesty's ships or other ships of war except, subject to section 141, a Royal Fleet Auxiliary ship;</del></p> <p>(a) any ship of war of the Chinese People's Liberation Army, any other ship of war or any ship belonging to the Central People's</p>

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		belonging to the Central People's Government and used only on non-commercial service;	<del>Government and used only on non-commercial service;</del>
135	Aviation Security Ordinance (Cap. 494), s. 2	(4) In any proceedings, a certificate purporting to be signed <del>by the Secretary of State</del> by or on behalf of the Central People's Government that an aircraft is or is not a military aircraft for the purposes of this Ordinance shall be conclusive evidence of that fact.	(4) In any proceedings, a certificate purporting to be signed <del>by the Secretary of State</del> by or on behalf of the Central People's Government that an aircraft is or is not a military aircraft for the purposes of this Ordinance shall be conclusive evidence of that fact.
137(1)	Registered Designs Ordinance (Cap. 522), s. 77	<b>77. Designs relevant for defence purposes</b>  (1) Where, either before or after the commencement of this Ordinance, an application for registration of a design has been made and it appears to the Registrar that the design is one of a class notified to him by the <del>Secretary of State</del> <b>competent authority</b> as relevant for defence purposes, the Registrar may give directions for prohibiting or restricting the publication of information with respect to the design, or the communication of such information to any person or class of persons specified in the directions.	<b>77. Designs relevant for defence purposes</b>  (1) Where, either before or after the commencement of this Ordinance, an application for registration of a design has been made and it appears to the Registrar that the design is one of a class notified to him by the <del>Secretary of State</del> <b>competent authority</b> <del>Central People's Government</del> as relevant for defence purposes, the Registrar may give directions for prohibiting or restricting the publication of information with respect to the design, or the communication of such information to any person or class of persons specified in the directions.
137(2)	Registered Designs Ordinance (Cap. 522), s. 77	(3) Where the Registrar gives such directions, he shall give notice of the application of the <del>directions to the Secretary of State</del> <b>directions to the competent authority</b> , and thereupon the following provisions shall have effect –	(3) Where the Registrar gives such directions, he shall give notice of the application of the <del>directions to the Secretary of State</del> <b>directions to the competent authority</b> <del>Central People's Government</del> , and thereupon the following provisions shall have effect –
137 (3)(a)	Registered Designs Ordinance (Cap. 522), s. 77	(a) the <del>Secretary of State</del> <b>competent authority</b> shall consider whether the publication of the design would be prejudicial to the	(a) the <del>Secretary of State</del> <b>competent authority</b> <del>Central People's Government</del> shall consider whether the publication of the design would

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		defence of the <del>United Kingdom</del> or <del>Hong Kong</del> People's Republic of China;	be prejudicial to the defence of the <del>United Kingdom</del> or <del>Hong Kong</del> People's Republic of China;
137(4)	Registered Designs Ordinance (Cap. 522), s. 77	(b) the <del>Secretary of State</del> competent authority may at any time after the design has been registered or, with the consent of the applicant, at any time before the design has been registered, inspect the representation of the design, or any such evidence as to its registrability;	(b) the <del>Secretary of State</del> competent authority Central People's Government may at any time after the design has been registered or, with the consent of the applicant, at any time before the design has been registered, inspect the representation of the design, or any such evidence as to its registrability;
137 (5)(a)	Registered Designs Ordinance (Cap. 522), s. 77	(c) if upon the consideration of the design at any time it appears to the <del>Secretary of State</del> competent authority that the publication of the design would not, or would no longer, be prejudicial to the defence of the <del>United Kingdom</del> or <del>Hong Kong</del> People's Republic of China, notice may be given to the Registrar to that effect; and	(c) if upon the consideration of the design at any time it appears to the <del>Secretary of State</del> competent authority Central People's Government that the publication of the design would not, or would no longer, be prejudicial to the defence of the <del>United Kingdom</del> or <del>Hong Kong</del> People's Republic of China, notice may be given to the Registrar to that effect; and
137(6)	Registered Designs Ordinance (Cap. 522), s. 77	<del>(4) In this section, "Secretary of State" (王賢大臣) means the Secretary of State for Trade and Industry of the United Kingdom.</del>  (4) In this section, "competent authority" (主管當局) means an authority in the Central People's Government responsible for the matters to which this section applies.	<del>(4) In this section, "Secretary of State" (王賢大臣) means the Secretary of State for Trade and Industry of the United Kingdom.</del>  (4) In this section, "competent authority" (主管當局) means an authority in the Central People's Government responsible for the matters to which this section applies.