

0001

Committee Stage Amendments to be moved by
Secretary for Security
(as at 2011.12.8)

Adaptation of Laws (Military References) Bill 2010

~~5. Savings and transitional~~

For the avoidance of doubt—

- (a) the amendment made to the Defamation Ordinance (Cap. 21) by section 4 of Schedule 1 does not affect any action or proceeding commenced before the date on which that section comes into operation;
- (b) the amendments made to the Pensions Regulations (Cap. 89 sub. leg. A), the Pension Benefits Regulations (Cap. 99 sub. leg. A) and the Pension Benefits (Judicial Officers) Regulations (Cap. 401 sub. leg. A) by section 9, 10, 12, 13 or 118 of Schedule 1 do not affect any right accrued or accruing to any person before the date on which that section comes into operation; and
- (c) the repeal of rule 29(d) of the Adoption Rules (Cap. 290 sub. leg. A) effected by section 90(b) of Schedule 1 does not affect the validity of any document or declaration executed or made by any person outside Hong Kong that is attested in accordance with that rule 29(d) before the date on which that section comes into operation.

CAP. 1
Interpretation and General Clauses Ordinance

3. Interpretation of words and expressions

“act” (作為), when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;
“Administrative Appeals Board” (行政上訴委員會) means the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442); (*Added 6 of 1994 s. 32*)

“subsidiary legislation” and “subordinate legislation” (附屬法例、附屬法規、附屬立法) mean any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any Ordinance and having legislative effect; (*Added 26 of 1998 s. 4*)

“summary conviction” (簡易程序定罪) means a summary conviction by a magistrate in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

“surname” (姓、姓氏) includes a clan or family name;

“treaty” (條約) means a treaty, convention or agreement made between states, and any protocol or declaration attached thereto or independent thereof but referring thereto; (*Added 26 of 1998 s. 4*)

“triable summarily” (可循簡易程序審訊) means triable by a magistrate, in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

“vessel” (船隻) means any ship or boat and any description of vessel used in navigation;

“waters of Hong Kong” and “Hong Kong waters” (香港水域) mean all waters, whether navigable or not, included in the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

“weekday” and “week-day” (周日) mean any day other than a Sunday; (*Added 68 of 1995 s. 15*)

“words” (字、文字、語言文字) includes figures and symbols;

“writing” (書寫) and “printing” (印刷) include writing, printing, lithography, photography, typewriting and any other mode of representing words in a visible form;

“year” (年) means a year according to the Gregorian calendar;

“years of age” (歲、年歲、年齡) and words of like meaning, when used in reference to the age of any person, means years of age calculated from the date of birth. (*Added 26 of 1998 s. 4*)

(*Amended 89 of 1993 s. 3; 26 of 1998 s. 4; 78 of 1999 s. 7*)

0002
Adaptation of Laws (Military References) Bill 2010

SCHEDULE 1

[ss. 3 & 5]

ADAPTATION OF LAWS

~~Interpretation and General Clauses Ordinance~~

3. Interpretation of words and expressions

“act” (作為), when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;
“Administrative Appeals Board” (行政上訴委員會) means the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442); (*Added 6 of 1994 s. 32*)

“subsidiary legislation” and “subordinate legislation” (附屬法例、附屬法規、附屬立法) mean any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any Ordinance and having legislative effect; (*Added 26 of 1998 s. 4*)

“summary conviction” (簡易程序定罪) means a summary conviction by a magistrate in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

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“treaty” (條約) means a treaty, convention or agreement made between states, and any protocol or declaration attached thereto or independent thereof but referring thereto; (*Added 26 of 1998 s. 4*)

“triable summarily” (可循簡易程序審訊) means triable by a magistrate, in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

“vessel” (船隻) means any ship or boat and any description of vessel used in navigation;

“waters of Hong Kong” and “Hong Kong waters” (香港水域) mean all waters, whether navigable or not, included in the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

“weekday” and “week-day” (周日) mean any day other than a Sunday; (*Added 68 of 1995 s. 15*)

“words” (字、文字、語言文字) includes figures and symbols;

“writing” (書寫) and “printing” (印刷) include writing, printing, lithography, photography, typewriting and any other mode of representing words in a visible form;

“year” (年) means a year according to the Gregorian calendar;

||△ “years of age” (歲、年歲、年齡) and words of like meaning, when used in reference to the age of any person, means years of age calculated from the date of birth. (*Added 26 of 1998 s. 4*)

(*Amended 89 of 1993 s. 3; 26 of 1998 s. 4; 78 of 1999 s. 7*)

△ “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;

“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 in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997);

“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;

“military hospital” (軍方醫院) means a hospital of the Hong Kong Garrison;

Committee Stage Amendments to be moved by
Secretary for Security
(as at 2011.12.8)

↑ [s. 3]

10D. Exemption from compulsory pilotage

- (1) The following ships shall be exempted from compulsory pilotage—
- (a) ships belonging to Her Majesty;
 - (b) ships for the time being used by the Government;
 - (c) local vessels within the meaning of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) other than—
 - (i) vessels regularly employed in trading to or from Hong Kong;
 - (ii) any vessel referred to in paragraph (e) of the definition of “local vessel” in section 2 of that Ordinance. *(Replaced 43 of 1999 s. 91)*
- (2) The following ships, whether individually or as a class, may be exempted from compulsory pilotage by the Authority on application in writing to him—
- (a) vessels and dynamically supported craft engaged on ferry services for the conveyance of passengers (whether or not goods are also conveyed) between Hong Kong, Macau and other Chinese ports within river trade limits; and *(Amended 64 of 1999 s. 3)*
 - (b) ships engaged in salvage or cable laying operations.
- (3) The Authority may exempt a ship from compulsory pilotage if he is satisfied—
- (a) that no licensed pilot is available to pilot the ship; or
 - (b) that compliance with the requirement of compulsory pilotage is unnecessary in the circumstances of the case.
- (4) Notwithstanding subsections (1), (2) and (3), an exempted ship under this section other than one referred to in subsection (2)(a) or to which the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) applies, shall be subject to compulsory pilotage if it is a ship specified in item 5 of Schedule 1. *(Amended 42 of 1987 s. 6; 43 of 1999 s. 91)*

10D. Exemption from compulsory pilotage

- || (1) The following ships shall be exempted from compulsory pilotage—
- (a) ships belonging to ~~Her Majesty~~ ^{the Chinese People's Liberation Army or ships belonging to the Central People's Government and used only on non-commercial service};
 - (b) ships for the time being used by the Government;
 - (c) local vessels within the meaning of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) other than—
 - (i) vessels regularly employed in trading to or from Hong Kong;
 - (ii) any vessel referred to in paragraph (e) of the definition of “local vessel” in section 2 of that Ordinance. *(Replaced 43 of 1999 s. 91)*
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↑
the Chinese People's Liberation Army or ships belonging to the Central
People's Government and used only on non-commercial service

29. Prohibition of smoking in certain places

- (1) No person shall smoke—
- (a) in any storehouse, workshop or building attached to the naval establishments in Hong Kong, not appropriated as a residence; or (*Amended 33 of 1989 s. 5*)
- (b) in any naval or military ordnance magazine, military ordnance building or workshop and the inclosures to such premises.
- (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—
- (a) this section shall not apply to any person who is a member of Her Majesty's naval forces; and
- (b) it shall be lawful for the Senior Naval Officer in Hong Kong to grant such exemptions from the provisions of this subsection as he may think fit.
- (3) Any person who contravenes any of the provisions of this section shall be liable to a fine of \$500. (*Amended 22 of 1950 Schedule*)
(31 of 1900 ss. 2, 3 & 4 incorporated)

29. Prohibition of smoking in certain places

- (1) No person shall smoke—
- (a) in any storehouse, workshop or building attached to the naval establishments in Hong Kong, not appropriated as a residence; or (*Amended 33 of 1989 s. 5*)
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□ senior naval commander of the Hong Kong Garrison

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(31 of 1900 ss. 2, 3 & 4 incorporated)

↑ the naval forces of the Chinese People's Liberation Army

□ senior naval commander of the Hong Kong Garrison

31. Curfew orders

(1) The Chief Executive may, if he is satisfied that it is necessary in the interests of public order so to do, by order (hereinafter referred to as a curfew order) direct that, within such area and during such hours as may be specified in the curfew order, every person, or, as the case may be, every member of any class of persons specified in the curfew order, shall, save under and in accordance with a permit issued by the Commissioner of Police under subsection (2), remain indoors.

- (2) (a) The Commissioner of Police may issue to any person a permit for the purposes of subsection (1).
 (b) A permit issued under this subsection shall be subject to such conditions as the Commissioner of Police thinks fit, and may be cancelled by the Commissioner of Police at any time.
 (c) Upon cancellation of a permit under paragraph (b), the Commissioner of Police shall serve on the permit holder, either personally or by registered post, notice in writing of the cancellation, and upon receipt of the notice the permit holder shall forthwith surrender his permit. *(Added 31 of 1970 s. 20)*

(2A) The Commissioner of Police may delegate to any public officer or the person for the time being holding any office designated by him to exercise the powers conferred by subsection (2); and the reference in subsection (1) to a permit issued by the Commissioner of Police shall be construed accordingly. *(Added 67 of 1980 s. 5)*

(3) A curfew order shall—

- (a) come into force at such time as may be specified therein or, if no time is so specified, immediately upon the making thereof by the Chief Executive;
 (b) be published in the Gazette as soon as may be reasonably practicable after the making thereof; and
 (c) remain in force for the period specified therein or until earlier cancelled by the Chief Executive in accordance with subsection (4).

(4) The Chief Executive may vary or cancel a curfew order by order which shall come into force and be published in like manner as that provided in subsection (3) for a curfew order.

(5) Any person who contravenes—

- (a) any of the provisions of a curfew order; or
 (b) any condition to which a permit issued under subsection (2) is subject,

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

(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—

- (a) a police officer;
 (b) a member of the Hong Kong Auxiliary Police Force when the Force, or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Hong Kong Auxiliary Police Force Ordinance (Cap. 233); *(Amended 29 of 1969 s. 2; L.N. 362 of 1997; 76 of 1999 s. 3)*
 (c) a member of the Fire Services Department;
 (d) a member of the Correctional Services Department; *(Amended L.N. 30 of 1982)*

31. Curfew orders

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- (2) (a) The Commissioner of Police may issue to any person a permit for the purposes of subsection (1).
 (b) A permit issued under this subsection shall be subject to such conditions as the Commissioner of Police thinks fit, and may be cancelled by the Commissioner of Police at any time.
 (c) Upon cancellation of a permit under paragraph (b), the Commissioner of Police shall serve on the permit holder, either personally or by registered post, notice in writing of the cancellation, and upon receipt of the notice the permit holder shall forthwith surrender his permit. *(Added 31 of 1970 s. 20)*

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(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—

- (a) a police officer;
 (b) a member of the Hong Kong Auxiliary Police Force when the Force, or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Hong Kong Auxiliary Police Force Ordinance (Cap. 233); *(Amended 29 of 1969 s. 2; L.N. 362 of 1997; 76 of 1999 s. 3)*
 (c) a member of the Fire Services Department;
 (d) a member of the Correctional Services Department; *(Amended L.N. 30 of 1982)*

- (e) a member of the Customs and Excise Service; (*Amended 46 of 1977 s. 18*)
- (f) a member of Her Majesty's forces;
- (g) (*Repealed 20 of 1997 s. 25*)
- (h) a member of the Government Flying Service; (*Replaced 54 of 1992 s. 19*)
- (i) any person in possession of a valid warrant signed by the Secretary for Security and certifying that such person is engaged on essential duties; (*Amended 24 of 1972 s. 4; L.N. 147 of 1977*)
- (j) any servant of the Government, other than a public officer, in possession of a permit issued by the Commissioner of Police for the purposes of this paragraph;
- (k) a member of the Essential Services Corps in possession of an identity card issued under the Essential Services Corps (Identity Cards) Regulations (Cap. 197 sub. leg.); (*Added 24 of 1972 s. 4*)
- (l) a member of the Immigration Service; (*Added 24 of 1972 s. 4. Amended 57 of 1997 s. 34*)
- (m) an employee of the Ministry of Defence in possession of a valid Army Department Pass; (*Added 24 of 1972 s. 4. Amended 57 of 1997 s. 34; 58 of 1997 s. 34*)
- (n) a member of the Auxiliary Medical Service under the Auxiliary Medical Service Ordinance (Cap. 517) who is in possession of a document of identity issued by the Commissioner, Auxiliary Medical Service; and (*Added 57 of 1997 s. 34. Amended 58 of 1997 s. 34*)
- (o) a member of the Civil Aid Service under the Civil Aid Service Ordinance (Cap. 518) who is in possession of a document of identity issued by the Commissioner, Civil Aid Service. (*Added 58 of 1997 s. 34*)

(7) Whenever the Chief Executive considers it necessary, a curfew order may provide that subsection (6) shall not apply in the case of that curfew order with respect to such of the persons specified in that subsection as may be prescribed by the curfew order.

(*Amended 13 of 1999 s. 3*)

- (e) a member of the Customs and Excise Service; (*Amended 46 of 1977 s. 18*)
- (f) a member of ~~Her Majesty's forces~~ ^{the Chinese People's Liberation Army};
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- (i) any person in possession of a valid warrant signed by the Secretary for Security and certifying that such person is engaged on essential duties; (*Amended 24 of 1972 s. 4; L.N. 147 of 1977*)
- (j) any servant of the Government, other than a public officer, in possession of a permit issued by the Commissioner of Police for the purposes of this paragraph;
- (k) a member of the Essential Services Corps in possession of an identity card issued under the Essential Services Corps (Identity Cards) Regulations (Cap. 197 sub. leg.); (*Added 24 of 1972 s. 4*)
- (l) a member of the Immigration Service; (*Added 24 of 1972 s. 4. Amended 57 of 1997 s. 34*)
- (m) ~~an employee of the Ministry of Defence in possession of a valid Army Department Pass~~;
- (n) a member of the Auxiliary Medical Service under the Auxiliary Medical Service Ordinance (Cap. 517) who is in possession of a document of identity issued by the Commissioner, Auxiliary Medical Service; and (*Added 57 of 1997 s. 34. Amended 58 of 1997 s. 34*)
- (o) a member of the Civil Aid Service under the Civil Aid Service Ordinance (Cap. 518) who is in possession of a document of identity issued by the Commissioner, Civil Aid Service. (*Added 58 of 1997 s. 34*)

(7) Whenever the Chief Executive considers it necessary, a curfew order may provide that subsection (6) shall not apply in the case of that curfew order with respect to such of the persons specified in that subsection as may be prescribed by the curfew order.

(*Amended 13 of 1999 s. 3*)

↑ the Chinese People's Liberation Army

□ 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

**Merchant Shipping (Prevention
and Control of Pollution) Ordinance**

5. Application of Part III

(1) Subject to subsections (2) and (3), this Part shall apply in relation to all ships whether within or outside the waters of Hong Kong.

(2) As respects a ship which—

(a) is not a Hong Kong ship; and

(b) is for the time being outside the waters of Hong Kong,

the power conferred on the Director by section 6(2) to give directions may only be exercised in relation to— (*Amended 16 of 1999 s. 5*)

(i) an individual who is a permanent resident of the Hong Kong Special Administrative Region; or (*Amended 28 of 1998 s. 2*)

(ii) a body corporate which is established under the laws of Hong Kong,

and section 8(2) shall apply to such an individual or body corporate only.

(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.

Adaptation of Laws (Military References) Bill 2010

5. Application of Part III

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(2) As respects a ship which—

(a) is not a Hong Kong ship; and

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(i) an individual who is a permanent resident of the Hong Kong Special Administrative Region; or (*Amended 28 of 1998 s. 2*)

(ii) a body corporate which is established under the laws of Hong Kong,

and section 8(2) shall apply to such an individual or body corporate only.

~~(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.~~

△ (3) No direction under section 6(2) applies to—

(a) any ship which is used by the Chinese People's Liberation Army; or

(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,~~

and no action may be taken under section 6(4) or (5) as respects any such ship.

98. Interpretation

(1) In this Order, unless the context otherwise requires—
“Aerial work” means any purpose (other than public transport) for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

“Country” includes a territory or place, except in paragraph (2) of this Article;
(36 of 1999 s. 3)

“Government aerodrome” means any aerodrome in Hong Kong which is under the control of the Chief Executive or is in the occupation of any department of the Government of the Hong Kong Special Administrative Region, or of Her Majesty’s naval, military or air forces, or of any visiting force; (36 of 1999 s. 3)

“Military aircraft” includes the naval, military or air force aircraft of any country and—
(a) any aircraft being constructed for the naval, military or air forces of any country under a contract entered into by the Secretary of State; and
(b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.
(66 of 1997 s. 15; 28 of 1998 s. 2; 36 of 1999 s. 3; L.N. 77 of 2008)

(2) In relation to Hong Kong the expression “visiting force” in this Order means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952^(a), which extend to that territory, in respect of that country, by virtue of any Order in Council made under subsection (2) of section 1 or under section 15 of that Act.

(12) The Chief Executive may delegate any person or body or the person holding any office designated by him to exercise or perform on his behalf any of his powers or duties under this Order other than the power to make regulations under Article 97 and thereupon, or from the date specified by the Chief Executive, the person so delegated shall have and may exercise such powers and shall perform such duties, other than the power to make regulations under Article 97. (36 of 1999 s. 3)

98. Interpretation

(1) In this Order, unless the context otherwise requires—
“Aerial work” means any purpose (other than public transport) for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

“Country” includes a territory or place, except in paragraph (2) of this Article;
(36 of 1999 s. 3)

“Government aerodrome” means any aerodrome in Hong Kong which is under the control of the Chief Executive or is in the occupation of any department of the Government of the Hong Kong Special Administrative Region, or of Her Majesty’s naval, military or air forces, or of any visiting force; (36 of 1999 s. 3)

“Military aircraft” includes the naval, military or air force aircraft of any country and—

- (a) any aircraft being constructed for the naval, military or air forces of any country under a contract entered into by the Secretary of State; and
- (b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.
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(2) In relation to Hong Kong the expression “visiting force” in this Order means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952^(a), which extend to that territory, in respect of that country, by virtue of any Order in Council made under subsection (2) of section 1 or under section 15 of that Act.

(12) The Chief Executive may delegate any person or body or the person holding any office designated by him to exercise or perform on his behalf any of his powers or duties under this Order other than the power to make regulations under Article 97 and thereupon, or from the date specified by the Chief Executive, the person so delegated shall have and may exercise such powers and shall perform such duties, other than the power to make regulations under Article 97. (36 of 1999 s. 3)

↑ the Chinese People’s Liberation Army

□ by or on behalf of the Central People’s Government |

3. Application

- (1) This Ordinance shall not apply to—
- (a) any of Her Majesty's ships or other ships of war except, subject to section 141, a Royal Fleet Auxiliary ship;
- (b) any vessel required to be certificated under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) except a pleasure vessel carrying fare-paying guests or passengers outside the waters of Hong Kong. (*Amended 43 of 1999 s. 91*)
- (2) (*Repealed 43 of 1999 s. 91*)

3. Application

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- (2) (*Repealed 43 of 1999 s. 91*)

- Δ (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 Government ~~and used only on non-commercial service;~~

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—
“act of violence” (暴力行為) means—

- (a) any act done in Hong Kong which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence under section 17, 19, 20, 21, 22, 23, 28 or 29 of the Offences against the Person Ordinance (Cap. 212) or under section 53 or 54 of the Crimes Ordinance (Cap. 200); and
- (b) any act done outside Hong Kong which, if done in Hong Kong, would constitute an offence mentioned in paragraph (a);

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(3) For the purposes of this Ordinance—

- (a) in the case of an air navigation installation provided by, or used wholly or mainly by the Civil Aviation Department, the Director; and
- (b) in the case of any other air navigation installation, the manager of an aerodrome by whom it is provided, or by whom it is wholly or mainly used,

shall be taken to be the authority responsible for that air navigation installation.

(4) In any proceedings, a certificate purporting to be signed by the Secretary of State that an aircraft is or is not a military aircraft for the purposes of this Ordinance shall be conclusive evidence of that fact.

(5) References in this Ordinance to any country or territory or the territorial limits of any country or territory shall be construed as including a reference to the waters, if any, under the jurisdiction of that country or territory, as the case may be.

(6) If the Authority by order published in the Gazette declares—

- (a) that any 2 or more countries or territories specified in the order have established an organization or agency which operates aircraft; and
- (b) that one of those countries or territories has been designated as exercising for aircraft so operated, the powers of the country or territory of registration,

the state declared to have been so designated shall be deemed for the purpose of this Ordinance to be the country or territory in which any aircraft so operated is registered.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—
“act of violence” (暴力行為) means—

- (a) any act done in Hong Kong which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence under section 17, 19, 20, 21, 22, 23, 28 or 29 of the Offences against the Person Ordinance (Cap. 212) or under section 53 or 54 of the Crimes Ordinance (Cap. 200); and
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the state declared to have been so designated shall be deemed for the purpose of this Ordinance to be the country or territory in which any aircraft so operated is registered.

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by ~~or on behalf of~~ the Central People's Government |

77. Designs relevant for defence purposes

(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 Secretary of State 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.

(2) Rules may be made for securing that where such directions are given—

- (a) the representation of the design; and
- (b) any evidence filed in support of the applicant's application for registration that the design is registrable,

shall not be open to public inspection in the Registry during the continuance in force of the directions.

(3) Where the Registrar gives such directions, he shall give notice of the application of the directions to the Secretary of State, and thereupon the following provisions shall have effect—

- (a) the Secretary of State shall consider whether the publication of the design would be prejudicial to the defence of the United Kingdom or Hong Kong;
- (b) the Secretary of State 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;
- (c) if upon the consideration of the design at any time it appears to the Secretary of State that the publication of the design would not, or would no longer, be prejudicial to the defence of the United Kingdom or Hong Kong, notice may be given to the Registrar to that effect; and
- (d) on the receipt of any such notice the Registrar shall revoke the directions and may, subject to such conditions, if any, as he thinks fit, extend the time for doing anything required or authorized to be done by or under this Ordinance in connection with the application for registration, whether or not that time has previously expired.

(4) In this section, "Secretary of State" (工貿大臣) means the Secretary of State for Trade and Industry of the United Kingdom.

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↑ competent authority

□ directions to the competent authority

∟ People's Republic of China

△ (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.

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