

## **LEGISLATIVE COUNCIL BRIEF**

Aviation Security Ordinance  
(Chapter 494)

### **AVIATION SECURITY ORDINANCE (REPLACEMENT OF SCHEDULE 1) ORDER 2002**

#### **INTRODUCTION**

At the meeting of the Executive Council on 22 October 2002, the Council ADVISED and the Acting Chief Executive ORDERED that the Aviation Security Ordinance (Replacement of Schedule 1) Order 2002, at Annex A, should be made under section 64 of the Aviation Security Ordinance to give effect to an updated list of countries or territories specified in Schedule 1 to the Ordinance and to which the “Convention on Offences and Certain Other Acts Committed on Board Aircraft” signed at Tokyo on 14 September 1963 applies.

#### **BACKGROUND AND ARGUMENT**

##### **General Background**

2. Enacted in 1996, one of the main purposes of the Ordinance is to make provisions to prohibit acts which pose threat to civil aviation security and to give effect to international conventions on aviation security. Section 4 of the Ordinance empowers commanders of aircraft to restrain any offenders on board who jeopardise or may jeopardise the safety of the aircraft. The commanders may disembark them in any place in which the aircraft may be and may also deliver them to relevant authorities of the countries or territories to which the Tokyo Convention applies. A list of these countries or territories is provided in Schedule 1 to the Ordinance at Annex B. As the list may need to be updated from time to time to reflect any changes, a provision was specifically made

under section 64 of the Ordinance to empower the Chief Executive in Council to amend the Schedule. The Schedule was last amended in 1998.

3. Having reviewed the existing Schedule and the updated list of the countries or territories to which the Tokyo Convention applies as published by the International Civil Aviation Organisation, it has been identified that a total of seven countries should be added to the Schedule. These include the Republic of Cuba, the Kyrghyz Republic, the Principality of Liechtenstein, the Republic of the Sudan, the Kingdom of Swaziland, the Kingdom of Tonga and Turkmenistan. It has also been identified that two places listed in the existing Schedule, namely the Holy See and Liberia, have signed but not ratified the Tokyo Convention and are therefore not parties to the Convention. These two places should be taken out from the Schedule. Moreover, as advised by the Office of the Commissioner of the Ministry of Foreign Affairs, we propose to take the opportunity to change the names of the countries or territories in the Schedule from short names to formal names. We therefore propose to repeal the existing Schedule 1 to the Ordinance and substitute a new one which incorporates the above amendments.

## **THE ORDER**

4. The Order repeals the existing Schedule 1 to the Ordinance (Annex B) and substitutes a new one to update the list of countries or territories specified in it and to which the Tokyo Convention applies.

## **LEGISLATIVE TIMETABLE**

5. The legislative timetable will be -

Publication in the Gazette	25 October 2002
Tabling of the Order in the Legislative Council	30 October 2002
Commencement date	18 December 2002

## **BASIC LAW IMPLICATIONS**

6. The Department of Justice advises that the Order does not conflict with those provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

7. The Department of Justice advises that the Order is consistent with the human rights provisions of the Basic Law.

## **BINDING EFFECT OF THE ORDER**

8. The Order which replaces Schedule 1 to the Ordinance does not affect the current binding effect of the Ordinance.

## **FINANCIAL AND STAFFING IMPLICATIONS**

9. There are no financial or staffing implications.

## **SUSTAINABILITY IMPLICATIONS**

10. The Order is technical in nature and does not have major sustainability implications.

## **PUBLIC CONSULTATION**

11. In view of the technical nature of the replacement, no public consultation is considered necessary.

## **ENQUIRIES**

12. Enquiries on this brief should be referred to Miss Katherine Jue,

Assistant Secretary for Security, on telephone number 2810 2641.

Security Bureau  
22 October 2002

**LEGISLATIVE COUNCIL BRIEF**

**AVIATION SECURITY ORDINANCE**  
**(Replacement of Schedule 1) Order 2002**

**ANNEXES**

- Annex A      Aviation Security Ordinance (Replacement of Schedule 1)  
Order 2002
- Annex B      Schedule 1 to the Aviation Security Ordinance

**AVIATION SECURITY ORDINANCE (REPLACEMENT  
OF SCHEDULE 1) ORDER 2002**

(Made by the Chief Executive in Council under section 64  
of the Aviation Security Ordinance (Cap. 494))

**1. Commencement**

This Order shall come into operation on 18 December 2002.

**2. Schedule 1 substituted**

Schedule 1 to the Aviation Security Ordinance (Cap. 494) is repealed and the following substituted -

“SCHEDULE 1

[ss. 2(1) & 64]

**COUNTRIES OR TERRITORIES TO WHICH  
THE TOKYO CONVENTION APPLIES**

1. The Islamic State of Afghanistan
2. The Republic of Albania
3. The Democratic People's Republic of Algeria
4. The Republic of Angola
5. Antigua and Barbuda
6. The Republic of Argentina
7. The Commonwealth of Australia

8. The Republic of Austria
9. The Commonwealth of the Bahamas
10. The State of Bahrain
11. The People's Republic of Bangladesh
12. Barbados
13. The Republic of Belarus
14. The Kingdom of Belgium
15. Belize
16. The Kingdom of Bhutan
17. The Republic of Bolivia
18. Bosnia and Herzegovina
19. The Republic of Botswana
20. The Federative Republic of Brazil
21. Brunei Darussalam
22. The Republic of Bulgaria
23. The Burkina Faso
24. The Republic of Burundi
25. The Kingdom of Cambodia
26. The Republic of Cameroon
27. Canada
28. The Republic of Cape Verde
29. The Central African Republic
30. The Republic of Chad
31. The Republic of Chile
32. The People's Republic of China
33. The Republic of Colombia
34. The Federal Islamic Republic of the Comoros
35. The Democratic Republic of Congo
36. The Republic of Congo
37. The Republic of Costa Rica
38. The Republic of Cote d'Ivoire
39. The Republic of Croatia
40. The Republic of Cuba
41. The Czech Republic
42. The Kingdom of Denmark
43. The Republic of Djibouti
44. The Dominican Republic
45. The Republic of Ecuador

46. The Arab Republic of Egypt
47. The Republic of El Salvador
48. The Republic of Equatorial Guinea
49. The Republic of Estonia
50. The Federal Democratic Republic of Ethiopia
51. The Republic of the Fiji Islands
52. The Republic of Finland
53. The Republic of France
54. The Gabonese Republic
55. The Republic of the Gambia
56. Georgia
57. The Federal Republic of Germany
58. The Republic of Ghana
59. Grenada
60. The Republic of Guatemala
61. The Republic of Guinea
62. The Cooperative Republic of Guyana
63. The Republic of Haiti
64. The Hellenic Republic (Greece)
65. The Republic of Honduras
66. The Republic of Hungary
67. The Republic of Iceland
68. The Republic of India
69. The Republic of Indonesia
70. The Islamic Republic of Iran
71. The Republic of Iraq
72. Ireland
73. The State of Israel
74. The Republic of Italy
75. Jamaica
76. Japan
77. The Hashemite Kingdom of Jordan
78. The Republic of Kazakhstan
79. The Republic of Kenya
80. The Democratic People's Republic of Korea
81. The Republic of Korea
82. The State of Kuwait
83. The Kyrgyz Republic



84. The Lao People's Democratic Republic
85. The Republic of Latvia
86. The Republic of Lebanon
87. The Kingdom of Lesotho
88. The Great Socialist People's Libyan Arab Jamahiriya
89. The Principality of Liechtenstein
90. The Republic of Lithuania
91. The Grand Duchy of Luxembourg
92. The Republic of Macedonia
93. The Republic of Madagascar
94. The Republic of Malawi
95. Malaysia
96. The Republic of Maldives
97. The Republic of Mali
98. The Republic of Malta
99. The Republic of the Marshall Islands
100. The Islamic Republic of Mauritania
101. The Republic of Mauritius
102. The Republic of Moldova
103. The Principality of Monaco
104. Mongolia
105. The Kingdom of Morocco
106. The Union of Myanmar
107. The Republic of Nauru
108. The Kingdom of Nepal
109. The Kingdom of the Netherlands
110. New Zealand
111. The Republic of Nicaragua
112. The Republic of Niger
113. The Federal Republic of Nigeria
114. The Kingdom of Norway
115. The Sultanate of Oman
116. The Islamic Republic of Pakistan
117. The Republic of Palau
118. The Republic of Panama
119. The Independent State of Papua New Guinea
120. The Republic of Paraguay
121. The Republic of Peru

122. The Republic of the Philippines
123. The Republic of Poland
124. The Portuguese Republic
125. The State of Qatar
126. Romania
127. The Russian Federation
128. The Republic of Rwanda
129. Saint Lucia
130. Saint Vincent and the Grenadines
131. The Independent State of Samoa
132. The Kingdom of Saudi Arabia
133. The Republic of Senegal
134. The Republic of Seychelles
135. The Republic of Sierra Leone
136. The Republic of Singapore
137. The Slovak Republic
138. The Republic of Slovenia
139. The Solomon Islands
140. The Republic of South Africa
141. Spain
142. The Democratic Socialist Republic of Sri Lanka
143. The Republic of the Sudan
144. The Republic of Suriname
145. The Kingdom of Swaziland
146. The Kingdom of Sweden
147. The Swiss Confederation
148. The Republic of Syprus (Cyprus)
149. The Syrian Arab Republic
150. The Republic of Tajikistan
151. The Kingdom of Thailand
152. The Republic of Togo
153. The Kingdom of Tonga
154. The Republic of Trinidad and Tobago
155. The Republic of Tunisia
156. The Republic of Turkey
157. Turkmenistan
158. The Republic of Uganda
159. Ukraine

160. The United Arab Emirates
161. The United Kingdom of Great Britain and Northern Ireland
162. The United Republic of Tanzania
163. The United States of America
164. The United States of Mexico
165. The Oriental Republic of Uruguay
166. The Republic of Uzbekistan
167. The Republic of Vanuatu
168. The Bolivar Republic of Venezuela
169. The Socialist Republic of Viet Nam
170. The Republic of Yemen
171. The Federal Republic of Yugoslavia
172. The Republic of Zambia
173. The Republic of Zimbabwe”.

Clerk to the Executive Council

COUNCIL CHAMBER

2002

### **Explanatory Note**

This Order repeals and replaces Schedule 1 to the Aviation Security Ordinance (Cap. 494) for the purpose of updating the list of countries or territories specified in that Schedule and in which the Convention on Offences and certain other Acts Committed on board Aircraft signed at Tokyo on 14 September 1963 is for the time being in force.

**Annex B**

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Chapter:	494	Title:	AVIATION SECURITY ORDINANCE	Gazette Number:	L.N. 319 of 1998
Schedule:	1	Heading:	<b>COUNTRIES OR TERRITORIES TO WHICH THE TOKYO CONVENTION APPLIES</b>	Version Date:	11/11/1998

[sections 2(1) & 64]

Afghanistan  
Albania  
Algeria  
Angola  
Antigua and Barbuda  
Argentina  
Australia  
Austria  
Bahamas  
Bahrain  
Bangladesh  
Barbados  
Belarus  
Belgium  
Belize  
Bhutan  
Bolivia  
Bosnia & Herzegovina  
Botswana  
Brazil  
Brunei Darussalam  
Bulgaria

Burkina Faso  
Burundi  
Cambodia  
Cameroon  
Canada  
Cape Verde  
Central African Republic  
Chad  
Chile  
China  
Colombia  
Comoros  
Congo  
Costa Rica  
Cote d' Ivoire  
Croatia  
Cyprus  
Czech Republic  
Democratic People's Republic of Korea  
Democratic Republic of the Congo  
Denmark  
Djibouti  
Dominican Republic  
Ecuador  
Egypt  
El Salvador  
Equatorial Guinea  
Estonia  
Ethiopia  
Fiji  
Finland  
France  
Gabon  
Gambia  
Georgia  
Germany  
Ghana  
Greece

Grenada  
Guatemala  
Guinea  
Guyana  
Haiti  
Holy See  
Honduras  
Hungary  
Iceland  
India  
Indonesia  
Iran, Islamic Republic of  
Iraq  
Ireland  
Israel  
Italy  
Jamaica  
Japan  
Jordan  
Kazakhstan  
Kenya  
Kuwait  
Lao People's Democratic Republic  
Latvia  
Lebanon  
Lesotho  
Liberia  
Libyan Arab Jamahiriya  
Lithuania  
Luxembourg  
Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Malta  
Marshall Islands  
Mauritania

Mauritius  
Mexico  
Monaco  
Mongolia  
Morocco  
Myanmar  
Nauru  
Nepal  
Netherlands, Kingdom of the  
New Zealand  
Nicaragua  
Niger  
Nigeria  
Norway  
Oman  
Pakistan  
Palau  
Panama  
Papua New Guinea  
Paraguay  
Peru  
Philippines  
Poland  
Portugal  
Qatar  
Republic of Korea  
Republic of Moldova  
Romania  
Russian Federation  
Rwanda  
Saint Lucia  
Saint Vincent and the Grenadines  
Saudi Arabia  
Senegal  
Seychelles  
Sierra Leone  
Singapore  
Slovakia



Slovenia  
Solomon Islands  
South Africa  
Spain  
Sri Lanka  
Suriname  
Sweden  
Switzerland  
Syrian Arab Republic  
Tajikistan  
Thailand  
The Former Yugoslav Republic of Macedonia  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Uganda  
Ukraine  
United Arab Emirates  
United Kingdom  
United Republic of Tanzania  
United States  
Uruguay  
Uzbekistan  
Vanuatu  
Venezuela  
Viet Nam  
Western Samoa  
Yemen  
Yugoslavia  
Zambia  
Zimbabwe

(Enacted 1996. Replaced L.N. 319 of 1998)