

**LEGISLATIVE COUNCIL BRIEF**

Aviation Security Ordinance (Chapter 494)

**AVIATION SECURITY ORDINANCE  
(AMENDMENT OF SCHEDULE 1) ORDER 1998**

**INTRODUCTION**

At the meeting of the Executive Council on 15 September 1998, the Council ADVISED and the Chief Executive ORDERED that the Aviation Security Ordinance (Amendment of Schedule 1) Order (“the Order”) 1998, at

Annex Annex, should be made.

**BACKGROUND AND ARGUMENT**

2. Enacted in July 1996, one of the main purposes of the Aviation Security Ordinance (Cap. 494) (“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 “Convention on Offences and certain other Acts Committed on board Aircraft” signed at Tokyo on 14 September 1963 (“the

Tokyo Convention”) applies. A list of these countries or territories is provided in Schedule 1 to the Ordinance. 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.

3. Having reviewed the existing Schedule with the updated list of the countries or territories to which the Tokyo Convention applies, it has been identified that a total of 17 countries need to be added to the Schedule. They include Albania, Algeria, Angola, Belize, Cambodia, Croatia, Guyana, Iceland, Kazakhstan, Latvia, Lithuania, Myanmar, Palau, Republic of Moldova, Tajikistan, Uzbekistan and Western Samoa. A few changes to the names of some countries are also noted. We therefore propose to amend the Schedule to reflect these changes.

## **THE ORDER**

4. The Order amends Schedule 1 to the Ordinance to include all countries or territories to which the Tokyo Convention applies.

## **LEGISLATIVE TIMETABLE**

5. The legislative timetable is as follows -

Publication in the Gazette	25
September	
Tabling of the Order in the Legislative Council	30 September
Commencement date	11 November

## **HUMAN RIGHTS IMPLICATIONS**

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

## **BINDING EFFECT**

7. The content of Schedule 1 to the Ordinance which is amended by the Order does not bind the State by express provision. However, the Government will strictly enforce any provision concerning aviation security.

## **FINANCIAL AND STAFFING IMPLICATIONS**

8. There are no financial and staffing implications.

## **PUBLIC CONSULTATION**

9. The proposed amendment is straightforward. No public consultation is considered necessary.

## **PUBLICITY**

10. The Order will be published in the Gazette on 25 September 1998.

## **ENQUIRIES**

11. Enquiries can be directed to Mr. Donald NG, Assistant Secretary for Security at 2810 2641.

**Security Bureau**

**23 September 1998**

**AVIATION SECURITY ORDINANCE (AMENDMENT  
OF SCHEDULE 1) ORDER 1998**

(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 11 November 1998.

**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**

Afghanistan

Albania

Algeria

Angola

Antigua and Barbuda

Argentina

Australia

Austria

Bahamas

Bahrain

Bangladesh

Barbados

Belarus

Belgium

Belize

Bhutan

Bolivia

Bosnia and 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".

Clerk to the Executive Council

COUNCIL CHAMBER

1998

Explanatory Note

This Order amends Schedule 1 to the Aviation Security Ordinance (Cap. 494) in order to update the list of countries or territories to which the Tokyo Convention applies.