**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**Hong Kong**

# Weapons Act

*1.1 Which knives are considered weapons under your local law?*

Under the Hong Kong law, it is strictly prohibited to possess “prohibited weapons”. It is also illegal for any person to has with him in any public place any “offensive weapon” without lawful authority or reasonable excuse.

In accordance with s.4 of the Weapons Ordinance (Cap 217):

*“Any person who has possession of any prohibited weapon commits an offence and is liable to a fine of $10,000 and to imprisonment for 3 year.”*

The Weapons Ordinance also defines “prohibited weapons” to include, among other things:

* Gravity knife
* Any knife the blade of which is exposed by a spring or other mechanical or electric device

In accordance with S.33(1) of the Public Order Ordinance (Cap. 245):

*“any person who, without lawful authority or reasonable excuse, has with him in any public place any offensive weapon shall be guilty of an offence and shall be sentenced, on summary conviction or conviction on indictment (…)”.*

S.2 of the Public Order Ordinance defines “offensive weapon” to mean:

*“any article made, or adapted for use, or suitable, for causing injury to the person, or intended by the person having it in his possession or under his control for such use by him or by some other person.”*

*1.2 Is there a legal requirement to have a legitimate/justifiable reason for carrying and/or transporting a knife in the public? If so, for what kind of knives (lock knife, folding knife (depending on a special blade length or not?), fixed knife or any knife)?*

Knives that fall within the definition of “prohibited weapons” (ie, gravity knife and any knife the blade of which is exposed by a spring or other mechanical or electric device) are strictly prohibited in Hong Kong. In relation to knives that fall with in the scope of “offensive weapons”, it is a legal requirement to have a reasonable excuse for the carrying in public place.

Offensive weapon is very broadly defined in the Public Order Ordinance to mean “any article made, or adapted for use, or suitable, for causing injury to the person, or intended by the person having it in his possession or under his control for such use by him or by some other person”.

Although a knife (eg, fruit knife etc) might not be made or adapted for causing injury to the person, it is arguably “suitable, for causing injury to the person”. We would therefore consider knives in general (except for those falls within the scope of “prohibited weapons”) could be regarded as “offensive weapons”. Accordingly, it is a legal requirement to have a “reasonable excuse” to carry a knife in the public place.

*1.3 How must these concerned knives of point 1.2 be carried or transported in the public (e.g. in a closed or locked container)?*

Further to the restrictions and regulations set out in point 1.1 and 1.2 above, there are no specific guidelines as to how knives should be carried or transported in Hong Kong. We enquired the HK Police Hotline +852 28606536 as well as the HK Customs Excise Department Hotline +852 28157711 and were confirmed this is the case.

*1.4 Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. railway station, airport, market places, football stadium, event halls etc.)?*

The term “public place” is generally defined in S.2 of the Public Order Ordinance:

*“any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place”.*

It is an offence for anyone who, without lawful authority or reasonable excuse, has with him in any public place any offensive weapon, according to S.33 of the Public Order Ordinance. Under this section, public place further “includes a common part of any premises notwithstanding that the public or a section of the public are not entitled or permitted to have access to such common part or such premises”.

*1.5 How is the blade length measured (only the cutting blade or including the blade shank)?*



Whether or not a knife will be considered as “prohibited weapon” or “offensive weapon” generally does not depend on the length of the blade. We have also searched reported cases, it appeared that the court generally distinguish between blades and handles, as opposed to blade, cutting blade and blade shank that is illustrated in the above figure. We set out below two cases for your reference:

HKSAR v. LEE SHING PO (HCMA 64/2005) before the Court of First Instance:

*“The officer searched the Appellant and found a knife, with a 3 inch blade and 4.5 inch handle, in his right front trouser pocket. The blade was inserted into a piece of hose, 4 inches in length. The handle and the sheath together measured 8.5 inches.”*

HKSAR v. SINGH GURSEVAK ((2019) HKCA 179) before Court of Appeal:

*“The judge noted that the knives used in the robbery were heavy and lethal with the blades alone being at least 12 inches long and with the handles they became about 16 and 18 inches long.”*

*1.6 Are there any further dangerous objects which also fall under the Weapons Act?*

The full list of Prohibited Weapons provided in the Schedule of the Weapons Ordinance is set out below:

* Chinese-style throwing dart
* Gravity knife
* Gravity-operated steel baton
* Knuckleduster whether spiked or not and with or without blade
* Chinese-style fighting iron
* Spring-loaded steel baton
* Any knife the blade of which is exposed by a spring or other mechanical or electric device
* Any bladed or pointed weapon designed to be used in a fashion whereby the handle

*1.7 Are there any exceptions?*

The Weapons Ordinance does not provide any exceptions to the “prohibited weapons”.

*1.8 What are the consequences for a legal offense?*

S.4 of the Weapons Ordinance provides that *“any person who has possession of any prohibited weapon commits an offence and is liable to a fine of $10,000 and to imprisonment for 3 years.”* S.33 (1) of the Public Order Ordinance provides that *“any person who, without lawful authority or reasonable excuse, has with him in any public place any offensive weapon shall be guilty of an offence and shall be sentenced, on summary conviction or conviction on indictment (…)”*. Depending on his age, the offender shall be sentenced to imprisonment for not more than 3 years, a dention order or otherwise be dealt with in accordance with the provisions of the Juvenile Offenders Ordinance.

*1.9 Are there any legislative developments? If so what do they concern?*

We are not aware of any legislative developments contemplated at the moment in relation to the Weapons Ordinance or the Public Order Ordinance.

However, it is our understanding that given the current social movements in Hong Kong, certain items of goods including knives as well as laser pointers, umbrellas, masks, helmets, etc., are restricted from exporting from Mainland China to Hong Kong. We note Victorinox knives are not manufactured in China so this may not be a concern for Victorinox but in case you would like to know more, please do let us know.

# Airports

* 1. *According to the Official Journal of the European Union laying down detailed measures for the implementation of the common basic standards in aviation security, any pointed or sharp objects which may cause serious injury, including a knife with a blade more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.* 
     1. *Are there any further national regulations to be considered in this respect?*

N/A

* + 1. *If your country is outside the EU, what are the corresponding local regulations?*

The relevant regulations in Hong Kong is the Aviation Security Ordinance (Cap. 494) (“ASO”). In accordance with the ASO, the Aviation Security Authority shall draw up an Aviation Security Programme to provide for the protection and safeguarding of aircraft including passengers and crew operating in and through Hong Kong, of the facilities of aerodromes serving international civil aviation and of the ground personnel and the general public within such aerodromes against interferences which constitute an offence under the ASO or any other law (s.27 of the ASO).

Details of the Aviation Security Programme however are not public document. We made a telephone enquire (+852 29106914) with the Civil Aviation Department and spoke with a Ms. Yang. According to Ms. Yang, it is for security reasons that many details of the Aviation Security Programme is not made public. That said, the public should be aware of certain regulations/restrictions and those information is available on the official website of the department www.cad.gov.hk. Turning to the current question regarding knives, we found the following information in the link <https://www.cad.gov.hk/english/for_travellers.html#packing>: In essence, among other things, objects with sharp points or sharp edges should be placed in check in baggage (instead of hold baggage).

Objects with a sharp point or sharp edge capable of being used to cause serious injury, including:

* items designed for chopping, such as axes, hatchets and cleavers
* ice axes and ice picks
* ice skates
* razor blades, open razors (except safety or disposable razors with blades enclosed in
* cartridge), utility knives and box cutters
* lockable or flick knives with blades of any length
* knives, with blades of any length, made of metal or any other material strong enough
* to be used as a potential weapon (except knives with round ended blunt tip)
* scissors with blades of more than 6cm as measured from the fulcrum
* martial arts equipment with sharp points or sharp edges
* swords and sabres
* darts and
* ski poles.
  1. *May the airports/airlines in your country issue any further (stricter) regulations for forbidden items?*

According to s.28 of the ASO, the Aviation Security Authority may, for the purpose of implementation of the Aviation Security Programme, issue a security direction to any person including Hong Kong Airport Authority and any operator of an aircraft registered or operating in Hong Kong requiring them to take such measures as are specified in the direction. Any person who without reasonable excuse fails to comply with the requirements of a security direction issued to him commits an offence. Ms. Yang of the Civil Aviation Department also stated that the airport and relevant airlines may further issue stricter (but not losser) policies.

For example, Cathay Pacific, the flag carrier of Hong Kong, publishes their own policy, please see the link https://www.cathaypacific.com/cx/en\_BD/travel-information/baggage/controlled-and-banned-items/controlled-items.html:

*“The following items are not allowed in your cabin baggage but you may pack them in your check in baggage, provided you meet the requirements.*

*(…).*

*Objects with a sharp point or sharp edge capable of being used to cause serious injury, including:*

* *items designed for chopping, such as axes, hatchets and cleavers*
* *ice axes and ice picks*
* *razor blades*
* *box cutters*
* *Knives with blade of any length (except knives with round-ended blunt tip)*
* *scissors with blades of more than 6cm as measured from the fulcrum*
* *martial arts equipment with a sharp point or sharp edge*
* *swords and sabres*
* *Umbrellas*

*(…).”*

* 1. *May a pair of scissors or a saw be included in a pocket knife with a blade of max. 6cm? If so, is the size of the pair of scissors or the length of the saw of relevance?*

We consider reference should be made to point 2.1.2 above which provide “knives, with blades of any length, made of metal or any other material strong” and our initial view is therefore that:

1. A pair of scissors or a saw may be included in a pocket knife (other than gravity knife or knife the blade of which is exposed by a spring or other mechanical or electric device) with a blade of max 6 cm and such article should be placed in check in baggage
2. The size of the pair of scissors or the length of the saw appears to be irrelevant and such article should be placed in check in baggage in any event.
   1. *What is considered as a sharp object besides knives?*

Please refer to point 2.1.2 above.

* 1. *Are there any further aviation security regulations with respect to the Victorinox (pocket) knives to be observed?*

We are not aware of such regulations at the moment or please provide further information.

* 1. *Are there any changes intended in the near future? If so what do they concern?*

We are not aware of any legislative developments contemplated at the moment.

Ibach, Switzerland, 12 December 2019

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