

致： 立法會 1999 年火器及彈藥（修訂）條例草案委員會

由： 全港影／視製作用槍械經營人 1999 年 4 月 26 日

代表公司： 寶力道具有限公司

Hollywood Film Service Company

Film Tech Prop Services Ltd.

Combat Theatre Ltd.

事由： 就當局於 4 月 19 日會議討論內容的回應

1. 對電影／電視製作所使用的改裝槍械數目的限制

當局在影視製作中施行使用數量限制，並不適當，此舉不單妨礙影視界的創作自由，也沒有實質的意義，應加以取消。

據警方回覆，“牌照課”會按個別情況予以考慮及批准使用數量，在去年批准之 72 部影視製作申請中，其中 30 部使用數量超過 20 支。但此個別情況，並沒有公佈過一個準則和標準。當局是否根據審核故事劇本，還是視乎投資大小，才作出決定？此措施令投資者深感不公。若去年已有超過 40%之製作是需要使用多過 20 支改裝槍械。我們為何不全面簡化申請手續，取消不合理的使用數量限制，讓影視投資者可以使用所有曾受警方軍火專家安全檢驗合格的製作用槍械，而不需要再顧慮數量限制這問題。

在經濟上，使用數量與製作成本直接掛鉤，製作人絕對不會胡亂花費金錢及濫用。再者，無論拍攝場面如何浩大，使用數量多與寡，經營人公司及製作人公司都有詳細使用記錄，

拍攝時也祇是在指定的場地範圍內使用，每天拍攝完畢後，也立刻被送回合法槍械庫內存放，對公眾安全根本不構成任何威脅或危險。故數量限制一項，是完全不需要的。

為方便警方進行記錄及監察，我們同意有關電影公司必須申請使用豁免證及提交擬使用槍械經營人公司之全部合格道具槍械清單，以便警員巡查及在必要時提供協助。

2. “牌照課” 就使用改裝槍械簽發的書面豁免

自香港政府於八十年代批准使用影視製作用槍械以來，都由電影／電視製作執行人負責申請牌照及承擔責任，演員祇是聽從導演指示，在製作場地做出種種指定動作，道具槍械也一直由槍械技師或電影／電視公司之豁免證持牌人保管，直至拍攝時才會交予演員，完畢後也會立即收回，並不存在有不適當人仕參予使用。故並不需要每一名使用演員都申領豁免證，祇需要發出一張豁免證予影／視製作公司之製作負責人，批准他／她及授權其代表（即演員）可以就該部影／視製作而使用改裝槍械。而豁免證持牌人則必須清楚記錄使用演員名單，以供參考。

其實此方法與警方建議修訂草案之第 12 條雷同，該建議授權導師，代理人等監管一名沒有槍械管有牌照的人使用或管有槍械。既然政府同意射擊用真槍有此需要，而提出修訂建議。為何不可以為長遠香港經濟利益，匡扶電影製作工業而修訂法例，為影／視製作用槍械另闢類別？

3. 定期檢驗改裝槍械

警方高級軍械司在會議上所提出之示例及論據，是完全錯誤的，對委員會亦構成嚴重誤導。因此我們質疑現時警方之專業架構，能否再公平及公正的為政府提供其專業意見？

- (a) 軍械司在會議中以 1997 年美國荷李活一部電影製作時發生之意外，導致演員李國豪（李小龍之子）中槍死亡一案為例，向議員們解釋該支引致意外死亡之槍械為影視製作用改裝槍械，並稱該槍械曾接受過與香港同類型改裝工序。因此認為此類型製作用槍械相當危險，必須加強管制，這是嚴重的錯誤及誤導。

我們曾諮詢英美澳等國家對影視製作用槍械之條例指引及美國政府有關部門對李國豪之死因調查報告（附頁 A），報告清楚指出引致該意外事件之槍械，是一支完全沒有經過改裝及仍可作射擊用途之點 44 密林(.44Magnum)實彈左輪手槍，此槍械之槍管並沒有如香港般加裝障礙物以供純影視製作用途，該槍械又曾經使用發射有投射物（俗稱“子彈”）之實彈拍攝發射情況，意外事件首先是由於使用一支沒有經過改裝之實彈手槍，再加上一連串之人為錯誤，例如沒有槍械技師當值監管及曾使用實彈而成，與香港整個運作及使用模式完全不同。

歐美國家對槍械觀念比較著重經濟利益及收藏價值，如槍械經過徹底改裝作純影視製作用途，則不能再回復其發射實彈功能，其收藏性及經濟價值將會大大減低，故祇要機械動作能操作正常，外國製作用槍械都盡量不加以改裝，故常見地方政府或軍方借出其射擊用槍械協助拍攝。

但香港自 1987 年第一個經營人牌照批准以來，已朝正確方向發展。每一支欲使用作為影視製作用的槍械都必須經過永久性改裝，純作影視製作用途。並不會因害怕改裝後價值降低而有所保留，故並不會發生以上的錯誤。

香港警方軍械法証科專家一直與美國相關部門專家緊密聯系，交換工作心得，並以能加入該軍械法証聯會為榮。故對李國豪死因一事，必曾收到美國專家報告副本及作出深入了解，絕不可能在立法會中提供錯誤資料。我們對此甚難理解。

- (b) 軍械司又攜同一支據稱經過改裝的影視製作用手槍作展示，並認為此等槍械可以在 10 分鐘內還原。我們認為軍械司再次判斷錯誤及誤導委員會。該支改裝槍械相信屬於香港一間持牌經營人公司所擁有，於今年 1 月 8 日送交警方軍火專家作安全檢驗，迄今接近 4 個月仍未有回覆。我們暫且不研究該支槍械在未徵得物主同意而能否私自搬運及借用的法律問題，該支槍械已經過 4 個月的檢驗，究竟是否已改裝合格？若已檢驗合格，為何遲遲不發還予經營人公司，令其承受不必要的延誤及引致的經濟損失？

該支已改裝槍械為壹支 9 毫米 GLOCK 18 自動手槍，由奧地利製造。為符合警方及影視製作安全要求，經營人公司曾在其中 2 件主要組件作出永久性改裝，確保不可能再發射實彈，此 2 件主要組件之改裝位置及程序，令其絕對不能再回復其原有功能，任何一個對機械或金屬學有認識的人，祇要進行簡單的查驗就會明白。故我們對軍械司當日的意見，完全不能接受。而該槍械之改裝詳情及原因，詳列如下：

組件名稱	改裝位置	改裝原因
(1) 槍管一為發射投射物(子彈)之必須組件	<p>(1) 在槍管後段入彈位前，兩邊各鑽 1 個 3 毫米小孔，兩孔相對，插入 1 段不銹鋼枝並以燒焊牢固。</p> <p>(2) 從槍管前方往內旋以鑼絲齒，加裝鑼絲障礙物於槍管內。</p> <p>(3) 在槍管頂之固定閉鎖位置完全打磨掉。</p>	<p>(1) 一種攔阻型式，使子彈不能再通過。就算強行磨掉，在槍管上下方也有 2 個小孔，再加上整個環繞部份已經過燒焊加熱處理，絕不能再還原再用。</p> <p>(2) 方便每次使用前或後之檢查及保養。防止投射物或金屬碎片通過，就算不銹鋼枝有任何過度使用或金屬疲勞而斷裂，也可以提供保護。</p> <p>(3) 取消了專為安全發射實彈之閉鎖設計，整支槍械改變為純開鎖式氣壓推動動作，只可以發射無危險性的空包彈</p>
(2) 滑架— 即槍支上半身，裝嵌槍管及負責整個射擊動作	(1) 在連接槍管安全閉鎖位置，完全磨掉	(1) 取消了對槍管閉鎖功能之支援，令不可能再安全發射實彈

(c) 軍械司也提及香港曾有一日本人收藏有大批槍械為鑑，這案件大部份涉案的都祇是裝飾用槍械，並不能發射，在大部份國家訂明為非火器，即使嚴格如英國也是不受管制。而不需申領牌照，故使犯案人能夠擁有如此龐大數量，唯獨香港仍依據殖民地法律需要領取牌照，才觸犯刑法，我們從法庭對擁有如此大數量非法槍械但祇輕判罰款，便可知其輕重性。而整件事件都是從外國走私偷運到港，這是海關管制漏洞的問題，與影視製作槍械完全無關，不能

混為一談。

- (d) 委員會曾向警方查問每次檢驗大約所需時間，以衡量檢驗建議的可行性及影響，警方牌照課代表完全不能夠提供答案。只認為約需時 1 個多月。如根據這個理想時間表，全港現已擁有之 1,200 支影視製作用槍械將需要 100 年以上時間才可以完成一週次，惶論因市場需求而更新及添購之新產品。請問警方是否有必要擴充此倍數之軍火專家，而專家一職是憑經驗累積而來，並不是故亂的以人數濫竽充數。

在過去 12 年近百次的送檢記錄中，只有 2 次是在 2 個月內完成。最長的是 15 個月，部份設計比較特別而令雙方有爭議的，則常可花經年。就以前文提及之手槍為例，改裝已完全依從當局指示，至今已歷時 4 月，回覆無期。業界在 1996 年曾向當時保安科清楚指出每年重新檢驗是不合理及不可行，但意見完全沒有被考慮及接受。保安局於 1999 年又再重彈舊調，實乃擾民之舉。每年覆驗的建議在一個既沒有資源，又打擊影視製作工業，和不切實際需要的情況下，應予以取消。

4. 電視／電影製作用的槍械應否界定為槍械

現行法例雖已籠括大部份的“槍械”種類及釋義，闡明“槍械”為可產生槍口投射物能量超過 2 焦耳，或專門設計產生高伏特電壓，催淚氣等之傷人器械。立法的精神是保障市民大眾不受傷害。但舊法例製訂初期並未有影視製作用改裝槍械此類產品，致令其界定頗為爭議。

若我們從立法精神來看，此類型“器械”若經過改裝完成，不能再發射殺傷性彈藥，純粹作為影視製作用途，祇提供視覺

效果，而其使用的空包彈藥也被國際間及香港界定為非戰略性物品，不受進出口條例管制（附件 B）。其運作程序又已受嚴格管理，市民大眾並不受其影響，我們絕對應該把已改裝合格的影／視製作用改裝槍械界定為“非槍械”，並在法例內另開新類別以加管理。故條例草案中建議以“鳴響”代替“發射”也實不再需要，可以擱置。

我們希望保安局及警方能採取較開放及正面的態度，從多方面考慮其建議所帶來的影響及其可行性，才作出決定。更感謝委員會各議員能為業界向當局提取質詢，對整個影視製作工業施以援手，在此深表感激。

此致

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附件 A



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An Examination of the Firearms Evidence in the Brandon Lee Homicide

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Abstract

Examination and analysis of the firearms evidence in the Brandon Lee homicide investigation supports the theory that Lee died as a result of a series of mistakes rather than a murder conspiracy.

Case Information

During the first months of 1993, the movie "The Crow" was being filmed at the Carolco Studios in Wilmington, N.C. In the movie Brandon Lee's character is shot and killed but comes back to life to avenge his death. During the early morning hours of ~~March 1993~~ the scene in which Lee's character is shot and killed was being filmed (This was actually one of the first scenes in the movie but it was being filmed on the ~~60 minutes~~ shooting schedule). A revolver was loaded with a blank cartridge and handed to the actor playing the part of the thug who shoots Lee. When Lee entered the door during the scene, the actor pointed the gun at Lee and pulled the trigger. Lee slumped to the floor and when filming stopped it was discovered that Lee had an entrance wound in his abdomen. Lee was transported to the hospital where he later succumbed to his wounds. At the autopsy, a lead projectile was removed from Lee's L-5 vertebrae.

The Evidence:

The following evidence was submitted to the SBI Firearms Section on April 1, 1993:

One (1) Smith and Wesson caliber 44 Magnum revolver, Smith & Wesson Model 29-2.2 with tan canvas gun case by Koplin;

Four (4) Remington caliber 44 S&W Special fired cartridge cases each loaded with a lead round nose bullets (dummies);

One (1) Remington caliber 44 S&W Special fired cartridge case;

Thirty eight (38) Midway caliber 44 Rem Mag black powder blank cartridges;

One (1) caliber .44 fired, deformed lead bullet;

Two (2) Midway caliber 44 Rem Mag fired cartridge cases;

One (1) brown paper grocery bag containing assorted grocery items, a fired squib load and a trigger/activator with connecting wires and battery terminal.

The Gun

The Smith and Wesson Model 29-2 is a .44 Smith & Wesson caliber revolver with a 6 inch barrel and an overall length of 11.2 inches. There were flares around all chambers in the cylinder with one chamber exhibiting a slightly more prominent flare. There were no blackened or heavy flares. There was a light gray to whitish residue in the chamber with the prominent flare, at the forcing cone and in the barrel. There was also spot surface corrosion in that chamber and barrel. The S & W Model 29-2 functioned properly and had trigger pull well within industry standards. (See Figure 1)

The Dummies

The four "dummy cartridges consisted of a fired Remington caliber .44 S&W Special cartridge case and a Remington caliber .44, 246 grain lead round nose bullet. There was no gunpowder inside any of the four cartridge cases. The

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interior of these four cartridge cases exhibited a light gray fouling. This fouling was not present from the mouth of the cartridge down to the seating depth of the respective bullets. All four bullets were not tightly seated and could be manually rotated and pulled slightly out of the cases. Three of the four bullets had impressed tool marks on opposite sides of the noses of the bullets just above the highest cannelure. These tool marks were all consistent in size and shape with each other and were consistent with being made by a gripping or clamping tool with relatively smooth jaws. The fourth bullet had impressed tool marks consistent with being made by a gripping or clamping tool with teeth. All four cases exhibited tool marks consistent with being made by gripping or clamping tools with teeth. One of the four bullets had one unburned grain of smokeless powder adhering to its base. No other powder or soot residue was observed on any of the other bullets. (See Figure 2)

The fired Remington caliber 44 S&W Special cartridge case exhibited tool marks on the outside of the casing consistent with being made by a gripping or clamping tool with teeth. The interior surfaces of this casing exhibited a dark gray to black sooting resulting from the primer hole to the interior edge of the case mouth. This sooting was not consistent with the sooting present in the four "dummy" cartridge cases.



Figure 1. Smith & Wesson caliber 44 Remington Magnum Model 29-2 revolver.

The Blanks

The Midway caliber 44 Rem Mag blank cartridges each consisted of a 44 Rem Mag primed cartridge case with a heavy roll crimped mouth, approximately .005 inches of black powder, and a paper/fiber wad held in place with a clear lacquer sealant. (See Figure 3)

The Midway caliber 44 Rem Mag fired blank cartridge, reported to have been fired when Lee was shot, exhibited heavy black sooting and case darkening on the exterior of the case. This sooting was especially heavy around the rim. There was also dark soot on the exterior base of the cartridge. The primer exhibited a deep hemispherical firing pin impression and the primer was flattened around the firing pin impression. The primer was flush with the case base. (See Figure 4)

The Midway caliber 44 Rem Mag fired blank cartridge case, reported to have been fired as a test shot after Lee was shot, exhibited slight darkening of the exterior case with no soot present on the case rim or the base. The primer exhibited a deep hemispherical firing pin impression. The primer was flattened around the firing pin impression. The primer was backed out of the primer pocket approximately .013 inches. (See Figure 5)

The Bullet

The lead projectile removed from the victim at the autopsy was a caliber .44 lead round nose bullet. The size and design of this bullet was consistent with Remington caliber 44-246-grain lead round nose bullets (like those loaded in the four "dummy" cartridges). The fired bullet was approximately .795" long. This bullet exhibited general rifling characteristics of 5 lands and groove with a right hand twist with land impressions of .125" x .005" and groove impressions of .130" x .005". These land and groove impressions were shallow and the leading edges were indistinct. The bearing surface of this bullet was deeply marred with irregular deep and gross longitudinal striae from nose to base. There were two

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impressed tool marks on the opposite sides of the nose of this bullet just above the highest cannellure. These tool marks were consistent in size and shape with the tool marks on three of the bullets loaded in the "dummy" cartridges. (See Figure 6)



Figure 2. Remington caliber 44 Special A Dummy A cartridge case and bullet.

The nose of this bullet exhibited several areas of overlapping striated tool marks. The metal had been pushed back from nose toward base forming several overlapping ledges of metal. The measurement of the nose diameter at these tool marks was .455 inches. The land and groove structure at the tool marks was compressed and distorted. In this examiner's opinion these striated tool marks were most consistent with being made after the bullet was fired. The pathologist who conducted the autopsy advised that a hammer and chisel were used to free the bullet from the victim's spine but stated he did not take the bullet. He would not submit the chisel for a tool mark examination.

The base of this bullet was slightly deformed. There was a dark spot at the base of the bullet. A microscopic examination of the base area at 30X revealed numerous small green/yellow particles. An Infrared Spectroscopy analysis of these particles revealed them to be nitrocellulose (smokeless gunpowder).

The Grocery Bag

Examination of the brown paper grocery bag revealed a 13" long abrasion/tear with grayish residue/dicoloration along its length located near one corner of the bag. There was also a grayish color abrasion on the edge of a cat food box that aligned with the abrasion on the outside of the bag. A sodium rhodizonate test on both of these areas gave a positive reaction for lead. There was also a large stellate hole on the opposite side of the brown bag from the abrasion. There was dark sooty deposits on the inside of the bag at this hole. This hole aligned with a fired squib load that was attached to a carton of milk inside the bag.

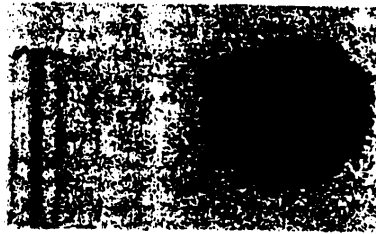


Figure 3. Midway caliber 44 Rem Mag blank cartridge component.

Laboratory Testing

Remington caliber 44 S&W Special 246 grain lead round nose cartridges were fired in the Model 29-2 revolver and test bullets and cartridge cases were recovered. The evidence bullet had the same class characteristics (rifling specifications) as the test bullets but was too deformed to conclusively determine if it was or was not fired from the Model 29-2 revolver. The two fired Midway caliber 44 Rem Mag cartridge cases were compared to test fired cartridge cases and it was determined that they were fired in the Model 29-2 revolver. It was also determined that the fired Remington caliber 44 Special cartridge case that was received without a "dummy" bullet was fired in the Model

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An examination of this bullet did reveal shallow lands and grooves with indistinct leading edges. However, the base of the bullet did not exhibit any nitrocellulose particles. An examination of the fired Midway blank cartridge revealed heavy sooting and case darkening with very heavy soot around and in the rim and some on the base. The primer was flattened and was flush with the base of the cartridge. This cartridge and all subsequent Midway caliber 44 Rem Mag cartridges that were fired when a bullet was lodged in the barrel were consistent in physical characteristics and trace evidence with the submitted blank cartridge reported to have been in the rifle in when Lee was shot.

The above test was repeated with the only modification being that a small amount of smokeless gunpowder (removed from the Remington caliber 44 Special cartridges) was put in the casings prior to the bullets being resealed. The bullets from these tests also lodged in the barrel and were fired out of the barrel with a Midway 44 Rem Mag blank cartridge. Upon examination it was observed that there were small particles imbedded in the base of these bullets. Again the land and groove structure on these bullets was shallow with indistinct leading edges. Infrared spectroscopic testing of particles imbedded in the base of these bullets revealed nitrocellulose. These bullets were most consistent with the physical characteristics and the trace evidence found on the evidence bullet that killed Bradford Lee.

Investigative Information

Investigation by the Wilmington Police Department and the State Bureau of Investigation revealed that on February 21, 1993 a box of Remington caliber 44 Special lead round nose cartridges was removed from a pawn shop set and placed in the trunk of the stunt coordinator's vehicle. Some days later it was determined that "quarter" load caliber 44 blanks were needed for several scenes. Only "full" load blanks were available. The box of cartridges was retrieved from the stunt coordinator's vehicle and in a bathroom at the studio two or more people pulled the bullets from the cartridges using two pairs

of pliers. The powder was ostensibly poured into a small container and the projectiles and primed cartridge cases were placed in separate plastic bags. The primed cartridge cases were fired during several scenes as "quarter" load blanks and then a projectile was forced back into the casing to make "dummy" ammunition. Approximately one dozen "dummy" rounds were made in this fashion.

On February 15, 1993 six "dummy" caliber 44 cartridges were loaded into the Model 29-2 for close-up shots of the weapon. During a break, the photo double for Lee was practicing pulling the trigger on the Model 29-2 when a "pop" sound came from the gun. This sound was also heard by the cameraman. Later, during this filming of the gun a cameraman noticed that the "tip" of a cartridge was missing and the cylinder had to be rotated to hide the empty chamber. This incident was never reported or investigated prior to Lee's death.

On March 30, 1993 at 7:45 pm, filming began on the scene in which Lee's character is shot. The Model 29-2 was used during rehearsals then returned to the property section. Prior to the actual filming of the scene, the revolver was retrieved. The property person retrieving the gun noticed that in the gun rug were four "dummy" cartridges and one cartridge case. A full load of caliber 44 Magnum blanks were to be used for this scene. During rehearsals the actor firing the gun was advised not to point the gun directly at Lee but to point it off to either side of Lee.

The Model 29-2 was loaded with a blank cartridge and handed to the actor. When Lee entered the set carrying a grocery bag rigged with a squib load, the actor swung around, pulled the gun and fired at Lee. Lee collapsed to the floor.

A property person removed the fired caliber 44 cartridge from the gun and then fired a second blank cartridge into some fiber board. He saw no holes in the fiber board. Lee was transported to the hospital where he died at 1:00 pm on March 31, 1993.

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Conclusions

The physical characteristics and the trace evidence found on the bullet that killed Brandon Lee were produced on test bullets that had been fired from prepared Remington caliber 44 Special, 246 grain lead round nose cartridges. These cartridges had the bullets pulled and had all but a small amount of powder removed from the casings and then the bullets were reinserted in the casing. These bullets lodged in the barrel of the Smith and Wesson Model 29-2 revolver and each was subsequently fired from the barrel by a Midway caliber 44 Rem Mag blank cartridge. The fired Midway blank cartridges used to propel the bullet from the barrel had physical characteristics and trace evidence consistent with the fired Midway blank cartridge reported to have been in the revolver at the time Lee was shot.

These results corroborated the investigative findings in this case. Brandon Lee was killed due to a series of mistakes, poor judgement and improper handling procedures. Brandon Lee was not killed due to a murder conspiracy.

附件 B



Trade Department
The Government of the Hong Kong Special Administrative Region
香港特別行政區政府 貿易署

Our Ref. : TL1/430

18 November 1998

Tel. No. : 2398 5582

Fax No. : 2396 3070

Props Co Ltd
Unit 7, Lower G/F
Full Wing Bldg
436-450 Chatham Road North
Hung Hom
Kowloon
(Attn : Mr. Ho Ying Hang, Eddie)

Dear Mr. Ho,

Classification of Firearms and Ammunitions

Thank you for your letter of 3 & 4 November 1998 enquiring about the licensing requirements of the above weapons.

According to the Import and Export (Strategic Commodities) Regulations (Amendment of Schedules 1 and 2) Order 1997, the weapons and ammunition you mentioned will be classified as below :

1. Smooth-Bore Shotguns are non-strategic if :
 - (a) they are proof tested at pressures not exceeding 1,300 bars;
 - (b) they operate normally and safely at pressures not exceeding 1,000 bars;
 - (c) they are not capable of accepting ammunition above 76.2 mm in length; or
 - (d) they are not fully automatic.
2. 22 Rimfire Weapons are non-strategic if :
 - (a) they are using non-centre fire cased ammunition; and
 - (b) they are not of the fully automatic firing type.
3. 12-Gauge shotshells are non-strategic if they do not exceed 76.2 mm in length.
4. 22 Rimfire Cartridges are non-strategic if they are designed for use with the weapons which are not of the fully automatic firing type.
5. Blank Cartridges crimped without a projectile are non-strategic.

Trade Department Tower, 700 Nathan Road, Kowloon, Hong Kong.
Cable: CANDIHONG Telex: 45126 CNDI HX Fax: 2789 2491
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- 2 -

Therefore, if the above weapons and ammunition satisfy the related conditions, they would be non-strategic and not subject to import/export licensing controls.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'H. L. Lee', written over a horizontal line.

(H. L. Lee)
for Director-General of Trade

HLL/ke