

**立法會**  
**Legislative Council**

LC Paper No. CB(2) 458/99-00  
(These minutes have been seen by  
the Administration)

Ref : CB2/BC/15/98

**Bills Committee on  
Firearms and Ammunition (Amendment) Bill 1999**

**Minutes of meeting  
held on Monday, 14 June 1999 at 8:30 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon MA Fung-kwok  
Hon Gary CHENG Kai-nam  
Hon Howard YOUNG, JP

**Members absent** : Hon James TIEN Pei-chun, JP  
Hon David CHU Yu-lin  
Hon CHOY So-yuk

**Public Officers attending** : Security Bureau  
Mr Philip CHAN  
Principal Assistant Secretary for Security E  
Ms Jessie WONG  
Assistant Secretary for Security  
Hong Kong Police Force  
Mr M B DOWIE  
Assistant Commissioner of Police (Support)

Mr FAN Sik-ming  
Superintendent (Licensing)

Department of Justice

Mrs N DISSANAYAKE  
Senior Assistant Law Draftsman

Ms Leonora IP  
Government Counsel

**Clerk in attendance** : Mrs Sharon TONG  
Chief Assistant Secretary (2)1

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Miss Betty MA  
Senior Assistant Secretary (2)1

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**I. Meeting with the Administration**

Matters arising  
(LC Paper No. CB(2) 2226/98-99(01))

Referring to paras. 6 and 7 of the information paper, the Chairman said that the Administration was requested at the last meeting to consider whether the arrangements for the use of firearms in a shooting club under the supervision of an authorized arms instructor could be extended to the use of modified firearms in a TV/film production. Principal Assistant Secretary for Security E (PAS(S)E) said that the Administration would revert back to the Bills Committee on this issue at the next meeting.

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*Inspection of modified firearms*

2. PAS(S)E said that the Administration maintained the view that there was a genuine need to inspect modified firearms regularly so as to ensure the safety of the users as well as other people in the vicinity.

3. To reduce the inconvenience caused to the trade, Mr Howard YOUNG

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asked whether the Administration would consider sending forensic experts from the Police's Forensic Firearms Examination Bureau (FFEB) to the arms dealers' shops to inspect modified firearms, in particular for those who owned a substantial number of modified firearms. Mr MA Fung-kwok added that as far as he was aware, there were only four arms dealers supplying modified firearms in Hong Kong. PAS(S)E said that there were practical difficulties in doing so because FFEB would have to carry out the inspections with the assistance of special equipment installed in its office. Superintendent (Licensing) (SP(Lic)) said that the Police would discuss with the arms dealers concerned to study the feasibility of delivering modified firearms to FFEB for inspection in batches. The Chairman requested the Administration to take note of members' suggestion.

Adm

4. Mr MA Fung-kwok said that the arms dealers had pointed out that the Administration had over simplified the complexity of reversing a modified firearm back to a genuine firearm. Should the prime objective of the regulation of modified firearms be ensuring no reversion be made to a modified firearm, the Administration might consider adopting other measures so as to reduce the inconvenience caused to the trade. The Chairman considered that a balance had to be struck between ensuring public safety and the degree of impact on to the trade.

5. SP(Lic) said that the proposal to inspect each modified firearm at an interval of two years was to ensure that the modification of a firearm would not become ineffective due to the normal wear and tear and no reversion was made to the modified firearm. During the inspection, FFEB would disassemble the modified firearm and check the parts against the record which was taken down when the modified firearm was submitted to FFEB for inspection before it was firstly used. In addition, FFEB would inspect the safety in the discharge of modified firearms in its range.

6. Mr MA Fung-kwok, however, pointed out that the Administration adopted an unfair policy in respect of the TV/film industry as most of the machines/equipment used in other industries were not subject to mandatory regular inspection. In response, SP(Lic) said that the safety in the use of equipment and tools in the industrial field was subject to the regulation of the Labour Department as they were equipped with safety device. Hence, the possibility of misuse due to negligence was rather low. Whilst for modified firearms, they were equipped with limited safety device. In addition, as the use of modified firearms for TV/film shooting was not confined to approved ranges, it was more prone to accidents.

7. To alleviate the concern that FFEB would take a very long period to inspect a modified firearm, PAS(S)E said that the Police would set a performance pledge to complete an inspection of a modified firearm within a week. Mr MA Fung-kowk expressed doubt about its effectiveness having regard to the fact that there were over 1 000 modified firearms possessed by the arms dealers, it would

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in effect take FFEB almost two years to inspect all the modified firearms currently in use.

8. PAS(S)E responded that experience showed that the modification of a firearm might become ineffective due to the normal wear and tear, improper use or lack of maintenance of the firearm. As regards the performance pledge, PAS(S)E assured members that FFEB would strengthen its manpower with a view to achieving the target set in the performance pledge. In response to the Chairman's enquiry on the manpower of FFEB, SP(Lic) said that an additional ballistic officer would be deployed to FFEB to deal with the additional inspection upon the enactment of the Bill. He was confident that the target set in the performance pledge could be met. SP(Lic) added that the performance target did not mean that FFEB could only complete an inspection of one modified firearm in total within a week. FFEB took on average about 60 minutes to complete an inspection of a modified firearm. The performance target was set with a view to completing the inspection of a batch of modified firearms submitted simultaneously.

9. Mr CHENG Kai-nam pointed out that it was misleading for the Police to specify in its performance pledge about the time taken for the inspection of a modified firearm if it intended to cover the inspection of a batch of modified firearms. Mr CHENG questioned whether FFEB could meet the performance target in the event that the arms dealers submitted a large quantities of modified firearms at the same time. Assistant Commissioner of Police (Support) (ACP(Sup)) said that it was unlikely that an arms dealer would submit a large number of modified firearms to FFEB for inspection at one go having regard to its operational need. He believed that only a relatively large amount of modified firearms would be submitted for inspection at the start.

10. The Chairman considered that the proposed arrangement for the inspection of modified firearms was reasonable. Mr MA Fung-kwok said that the Police should not neglect the possibility of submitting a large number of modified firearms by the arms dealers for inspection at the same time. It would incur additional operating cost for the arms dealers if they had to transport modified firearms to FFEB for inspection frequently. He considered that the Police should not request the arms dealers to deliver modified firearms for inspection according to the Police's schedule and manpower. He expressed doubt as to whether the inspection arrangement was necessary.

11. The Chairman asked whether the Police had any statistics on the number of cases in which problematic modified firearms were identified due to a lack of maintenance. ACP(Sup) said that the Police did not have such statistics given that modified firearms were not subject to inspection after they were submitted for inspection for the first time. As far as he could recall, there was one such case.

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12. The Chairman said that should cases of problematic modified firearms occurred owing to a lack of maintenance be uncommon, the Administration might further examine the need for the proposal of inspecting modified firearms regularly. ACP(Sup) said that from the public safety point of view, the Administration ought to adopt a proactive approach in safeguarding the safety of the public rather than wait until the occurrence of a serious accident arising from the mishandling or misuse of modified firearms.

13. While accepting the need for conducting regular inspection of modified firearms, Mr Howard YOUNG said that due regard should be given to the inspection arrangement so that it would cause minimum inconvenience to the trade.

14. Mr MA Fung-kwok asked about the rationale why genuine firearms were not subject to similar regular inspection as required for modified firearms. ACP(Sup) explained that the possession of genuine firearms was subject to a set of stringent licensing conditions. Whilst for modified firearms, they might be used by different users at different places. The Administration was therefore of the view that there was a genuine need to inspect modified firearms regularly so as to ensure the safety of the users and other people in the vicinity.

15. To further consider the issue, the Chairman suggested that the arms dealers might provide information to the Bills Committee on the additional operating cost incurred in relation to the proposed regular inspection of modified firearms. He also requested the Administration to consider other possible alternatives with a view to reducing the operating cost of the trade.

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*Power to specify application forms*

16. PAS(S)E said that to alleviate the possible concerns about the uncertainty arising from the proposed "specified forms", the Administration suggested to stipulate in Ordinance that the Commissioner of Police (the Commissioner) would consider whether the applicant was a fit and proper person, whether he had a legitimate need to hold the licence and whether there were any objections in terms of public safety and security. Should members agree with the criteria, the Administration would stipulate these consideration factors in the provisions concerning the renewal and cancellation of licences. The design of the proposed "specified forms" was revised with a view to enabling applicants to submit all required information at one go. PAS(S)E added that the Commissioner would be required to specify the forms by publication in the Gazette. In other words, the forms would not be subject to the scrutiny of the Legislative Council.

17. The Chairman considered that the proposal to empower the Commissioner to specify forms under the Firearms and Ammunition Ordinance (the Ordinance) (Cap.238) was acceptable.

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18. Referring to Annex A of the information paper which was tabled at the meeting, Superintendent (Licensing) (SP(Lic)) said that the application forms were revised having regard to the operational experience of the Police Licensing Office. The application forms were revised with a view to facilitating applicants to submit all required information at one go. Should an applicant be able to comply with the information note of an application form in completing the form, he would not required to submit additional information.

19. Referring to the revised form in respect of the licence of possession, the Chairman enquired about the need for asking the applicant about the frequency in practising shooting. SP(Lic) explained that the frequency in participating shooting activities was a major consideration for issuing a possession licence, in particular for a fresh applicant.

20. The Chairman said that Mr David CHU had expressed his reservations about this point at previous meetings. SP(Lic) responded that the Police Licensing Office would have to assess the applicant's continued need for the possession licence if he had not participated in shooting activities for a considerable period. The Chairman requested the Administration to reassess the continued need of a licensee for the possession of firearms only if the licensee had not participated in shooting activities for several years. SP(Lic) agreed with the Chairman's suggestion.

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*Limited licence issued under section 30 of Cap.238*

21. PAS(S)E said that under the existing legislation, an arms dealer, a licensee or a permit holder was required to apply for a limited licence under section 30 of Cap.238 if he was required by the Commissioner to submit the arms or ammunition to FFEB or a designated place for inspection. To waive these unnecessary licensing requirements, the Administration proposed to make an additional amendment to the Ordinance to allow such transport without obtaining a limited licence.

22. Members raised no question on the proposed amendment.

*Surrender of licences under section 34 of Cap.238*

23. PAS(S)E said that having regard to members' views expressed at previous meetings, the Administration proposed to make a technical amendment to section 35 of the Ordinance as laid down in para.19 of the information paper. At the invitation of the Chairman, Assistant Legal Adviser 4 said that the proposed amendment as laid down in para.19 of the information paper was in order.

*Required information about shooting clubs*

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24. Responding to the Chairman, SP(Lic) said that there were 20 licensed shooting clubs in Hong Kong. Ten of them had armouries located in the clubs. Apart from storing arms and ammunition in these armouries, some licensees kept their arms and ammunition in the armouries in dealers' shops.

25. The Chairman asked, on behalf of Mr James TIEN, whether a licensee had to apply to the Police Licensing Office in person for a change in address (LC Paper No. CB(2) 2278/98-99(01)). In response, SP(Lic) said that a licensee could apply in writing to the Police Licensing Office for a change in his address. When approved, the licensee could authorize a person to go to the Police Licensing Office to effect the amendment to his licence.

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26. In concluding the discussion, the Chairman requested the Administration -
- (a) to provide a written response to the views expressed at previous meetings concerning the regulation and inspection of modified firearms; and
  - (b) to provide the draft Committee Stage amendments to be moved by the Administration.

27. The meeting ended at 9:45 am.