

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

Committee Stage Amendments to be moved by the Administration

Introduction

On the basis of discussions at the previous Bills Committee meetings, the Administration intends to make amendments to the Firearms and Ammunition (Amendment) Bill 1999, mainly to address Members' concerns raised at the meetings. A copy of the draft Committee Stage Amendments proposed to be moved by the Administration is at Annex.

The proposed Committee Stage Amendments (CSAs)

2. The proposals that we are going to implement through the CSAs are as follows -
 - (a) all application forms under the Firearms and Ammunition Ordinance (Cap.238) will be specified by the Commissioner of Police (CP) by publication in the Gazette;
 - (b) when processing an application for a licence/renewal of a licence or considering cancellation of a licence, CP will consider whether the applicant is a fit and proper person, whether he has a legitimate reason to hold the licence and whether there are any objections in terms of public safety and security. In the same way, when examining applications for appointment of an arms instructor, range officer or agent, CP will consider whether the applicant is a fit and proper person to take up the appointment and whether there are any objections in terms of public safety and security;.
 - (c) for the avoidance of doubt, it is expressly stipulated in the legislation that the major function of a range officer is to ensure the safe use of a shooting range;
 - (d) the requirement for a limited licence under section 30 of

Cap.238 would no longer be necessary for the transportation by a licensee or his approved agent of his arms or ammunition to a designated place for inspection or testing as required by CP;

- (e) the obligation to surrender the licence under section 34(2) will arise on the expiry of 28 days from the date of the revocation or after the appeal is disposed of if an appeal is brought within the 28 days;
- (f) a new permit system will be adopted for the use of modified firearms for TV/film shooting. Under the new system, CP will issue exemption permits to give a blanket approval to the holders (i.e. the actors) for the use of modified firearms (i.e. firearms which have been modified for TV/film shooting purpose as approved by CP) that are received from a licensed arms dealer for TV/film shooting during a specified period, say, 1 year (Clause 3A at Annex);
- (g) under section 8 of Cap.238, exemption from the need to hold a licence is given to the possession of arms or ammunition in transit if they are recorded as cargo in the vessel or aircraft on board which they are brought into Hong Kong and remain on board such vessel or aircraft at all times while they are in Hong Kong. It is proposed to extend the exemption to cover the scenario under which the cargo needs to be transferred from one vessel or aircraft to another vessel or aircraft in the course of transit in Hong Kong which is in fact quite common in practice (Clause 4A at Annex). Such transfer is allowed under the existing legislation because “export” is not included in the definition of “deal in” and hence is not regulated under Cap.238; and
- (h) exemption from the need to hold a licence will be given to a carrier, and his agent or employee, for the possession of arms or ammunition that they, in the ordinary course of business, are entrusted by a licensee or his approved agent to transport from one place to another in the presence of the licensee or the approved agent (Clause 4B at Annex). Such exemption is available under the existing legislation as a licensee can appoint a carrier, and his agent or employee, as his agent without the approval of CP.

3. Proposals at items (a) – (e) above have been discussed and

agreed at the previous Bills Committee meetings. Items (g) and (h) are only technical amendments aiming at providing exemptions to activities which are allowed under the existing legislation but would have otherwise become unlawful upon the enactment of the Firearms and Ammunition (Amendment) Bill 1999.

4. As regards item (f), the new permit system is in fact an improvement of the system under the existing Ordinance. Under the existing system, actors are required to apply for exemption permits for the use of modified firearms for each TV/film production. However, under the new system, a blanket approval for the use of modified firearms will be given for a specified period and hence actors are no longer required to apply for the permits for each production. It can save the need for a TV/film producer to confirm the full list of actors in advance in order to apply for exemption permits for the actors. An actor can apply for an exemption permit from CP at any time or only when he has been employed to take part in a TV/film production in which he needs to use modified firearms during the shooting.

5. As suggested by some Members at the meeting on 14 June 1999, we have drawn reference to section 12 of Cap.238 which allows possession of arms or ammunition for the purpose of being instructed in the use of the arms or ammunition in question. However, as the use of modified firearms for TV/film shooting is not confined to approved ranges and it is not possible for the authorized arms instructor to closely supervise the users, i.e. the actors, during the TV/film shooting, it is more prone to accidents. We therefore consider that for the sake of the safety of the users and other people in the vicinity, there is a genuine need to require the users to apply for exemption permits and to be held responsible for the actual use of the firearms.

6. We have consulted the film industry about the proposed licensing system through the Hon. MA Fung-kwok. Two alternatives were counter-proposed by the industry. One is to relax the control over these modified firearms by removing them from the definition of "arms" under Cap.238. The other is to allow the arms dealer who hire out the modified firearms to hold an exemption permit on behalf of all actors for using the modified firearms in a TV/film production. Both suggestions have in fact been discussed at the previous meetings. The Administration's reservation and concerns have been clearly stated in the "Administration's Response to Issues/Proposals Raised at Previous Bills Committee Meetings" issued in June 1999.

7. We believe that the proposed regulation over the modified

firearms is the bare minimum and the new licensing system should be able to strike a proper balance between the concern about public safety and the interests of the film industry.

Security Bureau
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