

Dissanayake DMA #9854v6

1st draft: 06.09.1999

FIREARMS AND AMMUNITION (AMENDMENT) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the [_____]

Clause

Amendment Proposed

New

By adding -

“3A. Possession by exempted person

Section 4 is amended -

(a) in subsection (1) by adding “or (4)” after

“subsection (3)”;

(b) in subsection (3) -

(i) in paragraph (a) by adding “and” at
the end;

(ii) in paragraph (b) by repealing the
semicolon and substituting a full stop;

(iii) by repealing paragraphs (c) and (d);

(c) by adding -

“(4) The Commissioner may in writing exempt any person from the prohibition in section 13 in respect of the possession of arms or ammunition of a specified description, for a specified purpose and a specified period, and on such terms and conditions as the Commissioner thinks fit.

(5) Without limiting subsection (4), the Commissioner may under that subsection include a condition that the exempted person ensures that any arms or ammunition he is in possession of under the exemption is received from a licensed dealer.

(6) The Commissioner may, by

notice in writing, vary or revoke an exemption granted under this section.

(7) The Commissioner may waive the payment of any fee prescribed in respect of an exemption under this section. :”.”.

New

By adding -

“4A. Possession of arms and ammunition in transit

Section 8 (b) is amended by adding -

“(ia) transferred from the vessel or aircraft on board which they are brought into Hong Kong (“the first vessel or aircraft”) to another vessel or aircraft (“the second vessel or aircraft”) and remain on board the second vessel or aircraft at all times while it is in Hong Kong, if -

(A) the arms or ammunition is recorded as cargo in the manifest of the first vessel

or aircraft and that of the second vessel or aircraft; and

- (B) the Commissioner is given notice before the transfer, of the particulars of the arms or ammunition and the date, time and place of arrival in Hong Kong of the first vessel or aircraft and the date, time and place of departure from Hong Kong of the second vessel or aircraft; or”.

4B. Section added

The following is added -

“9A. Possession by carriers, their agents or employees

Sections 13 and 14 do not apply to the possession or transport of arms or ammunition by a carrier or an agent or employee of a carrier if the possession or transport is in the presence of the licensee of the arms or ammunition concerned or the approved agent of that licensee and the arms or ammunition was received in the ordinary course of business by the carrier or the agent or

employee of the carrier from that licensee or approved agent.”.”.

6(c) By adding -

“(5A) In exercising the powers under subsection (2) or under subsection (5) to revoke an authorization, the Commissioner shall, in addition to any other matter that he may reasonably take into consideration, have regard to -

- (a) whether the person concerned is a fit and proper person to be an authorized arms instructor; and
- (b) whether it is objectionable, for reasons of public safety and security, for that person to be an authorized arms instructor.”.

7 (a) In the proposed section 12A by adding -

“(5A) In exercising the powers under subsection (2) or under subsection (5) to revoke an approval, the Commissioner shall, in addition to any other matter that he may reasonably take into consideration, have regard to -

- (a) whether the person concerned is a fit and proper person to be an approved agent; and
- (b) whether it is objectionable, for reasons of public safety and security, for that person to be an approved agent.”.

(b) By deleting the proposed section 12B and substituting -

“12B. Possession for being tested on application for licence, testing or inspection of arms or ammunition

(1) Section 13 does not apply to the possession by a person, in the course of taking a test conducted by the Commissioner on the use or handling of arms or ammunition, of the arms or ammunition with which the test is conducted.

(2) Sections 13 and 14 do not apply to the possession by a licensee or his approved agent of arms or ammunition to which the licence relates, in the course of transporting the arms

or ammunition, for the purpose of testing or inspection by the Commissioner, to and from the place at which the testing or inspection is to take place.”.

New

By adding -

“9A. Failure to comply with terms and conditions of licence, etc.

Section 23(2) is amended by adding “or (4)” after “4(3)”.

11

By adding -

“(aa) by adding -

“(3A) In exercising the powers under subsection (2) or (3), the Commissioner shall, in addition to any other matter that he may reasonably take into consideration, have regard to -

- (a) whether the applicant is a fit and proper person to hold a licence;
 - (b) whether there is good reason for that applicant to hold a licence;
- and

- (c) whether it is objectionable, for reasons of public safety and security, to grant the licence to that applicant.”;”.

16(c) By adding -

“(3) In exercising the powers under subsection (1), the Commissioner shall, in addition to any other matter that he may reasonably take into consideration, have regard to -

- (a) whether the person concerned is a fit and proper person to hold a licence;
- (b) whether there is good reason for that person to hold a licence; and
- (c) whether it is objectionable, for reasons of public safety and security, for that person to hold a licence.”.

17 (a) In paragraph (b) by repealing the full stop and substituting a semicolon.

(b) By adding -

“(c) by adding -

“(3) In exercising the powers under subsection (1) to cancel a licence, the Commissioner shall, in addition to any other matter that he may reasonably take into consideration, have regard to -

- (a) whether the person concerned is a fit and proper person to hold a licence;
- (b) whether there is good reason for that person to hold a licence; and
- (c) whether it is objectionable, for reasons of public safety and security, for that person to hold a licence.”.

18 By deleting paragraph (c) and substituting -

“(c) by repealing subsection (2) and substituting -

“(2) Subject to subsection (2A), a licensee to whom notice is given under subsection (1) shall, within 28 days

after the notice is given, surrender the licence to the Commissioner or deliver it to him for amendment, as the case may require.

(2A) If a licensee referred to in subsection (1) appeals under section 35 against the decision, he shall surrender or deliver the licence, as the case may require, as soon as practicable after the appeal is disposed of (except where the decision is in his favour), withdrawn or abandoned.”.”.

19 By deleting paragraph (b) and substituting -

“(b) by repealing subsection (2).”.

23 In the proposed section 46C -

(a) in subsection (1) by deleting “in writing the applicant, in relation to a particular type of shooting range,” and substituting “the person as a range officer with the function of ensuring the safe use of a shooting range, and in particular,”;

(b) by adding -

“(1A) An approval under subsection (1) must be in writing and relate to a particular type of shooting range.”;

(c) by adding -

“(4A) In exercising the powers under subsection (1) or under subsection (4) to revoke an approval, the Commissioner shall, in addition to any other matter that he may reasonably take into consideration, have regard to -

- (a) whether the person concerned is a fit and proper person to be a range officer; and
- (b) whether it is objectionable, for reasons of public safety and security, for that person to be a range officer.”.

24 By adding “or (4)” after “4(3)”.

New By adding -

“24A. Interference with serial numbers or licences

Section 48(b) is amended by adding “or (4)” after “4(3)”.”.

25

(a) By adding before paragraph (a) -

“(aa) in subsection (1) (a) (ii) by adding
“or (4)” after “4(3)”;

(b) By adding -

“(ba) in subsection (1) (a) (iv) by adding
“or (4)” after “4(3)”;

27

In the proposed section 58 by adding -

“(3) The Commissioner shall publish in the Gazette forms
specified under this section.

(4) Forms specified under this section are not subsidiary
legislation.

(5) Section 37 of the Interpretation and General Clauses
Ordinance (Cap. 1) applies to forms specified under this section.”.