

Firearms and Ammunition (Amendment) Bill 2025

Contents

Clause	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1.	Short title and commencement ..... C2017
2.	Enactments amended ..... C2019
<b>Part 2</b>	
<b>Amendments to Firearms and Ammunition Ordinance (Cap. 238)</b>	
3.	Section 2 amended (interpretation) ..... C2021
4.	Part III heading amended (offences) ..... C2023
5.	Section 14 amended (dealing in arms or ammunition without a licence) ..... C2023
6.	Section 14A added ..... C2025
14A.	Manufacture or assembly of firearms from illicit component parts ..... C2027
7.	Section 21 amended (converting imitation firearm into a firearm) ..... C2027
8.	Section 23 amended (failure to comply with terms and conditions of licence, etc.) ..... C2027
9.	Part IIIA added ..... C2029

Clause	Page
--------	------

**Part IIIA**

**Offences relating to Marking of Firearms**

26A.	Obligation of manufacturers to mark firearms ....	C2029
26B.	Obligation of importers to mark firearms .....	C2029
26C.	Exemption from section 26B .....	C2031
26D.	Falsifying, altering, obliterating or removing markings on firearms .....	C2033
10.	Section 34 amended (applicant or licensee to be notified of decision of Commissioner) .....	C2035
11.	Section 35 amended (appeals) .....	C2035
12.	Section 44 amended (seizure and forfeiture) .....	C2035
13.	Section 47 amended (false statements) .....	C2037
14.	Section 48 amended (interference with serial numbers or licences) .....	C2037
15.	Section 52 amended (regulations) .....	C2037

**Part 3**

**Related Amendments**

**Division 1—Amendments to Firearms and Ammunition Regulations (Cap. 238  
sub. leg. A)**

16.	Regulation 3 amended (application for an exemption under section 4(3) or a licence under section 30) .....	C2043
17.	Schedule 2 amended (fees) .....	C2043

Clause	Page
<b>Division 2—Amendment to Administrative Appeals Board Ordinance (Cap. 442)</b>	
18. Schedule amended .....	C2043
<b>Division 3—Amendment to Organized and Serious Crimes Ordinance (Cap. 455)</b>	
19. Schedule 1 amended (offences relevant to definitions of <i>organized crime</i> and <i>specified offence</i> ) .....	C2045
<b>Division 4—Amendments to Fugitive Offenders (Transnational Organized Crime) Order (Cap. 503 sub. leg. AE)</b>	
20. Section 2 amended (procedures in Ordinance to apply between Hong Kong and certain places outside Hong Kong) .....	C2045
21. Schedule renumbered (United Nations Convention against Transnational Organized Crime) .....	C2045
22. Schedule 2 added .....	C2045
Schedule 2 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime .....	C2047
<b>Division 5—Amendments to Mutual Legal Assistance in Criminal Matters (Transnational Organized Crime) Order (Cap. 525 sub. leg. X)</b>	
23. Section 2 amended (Ordinance to apply between Hong Kong and certain places outside Hong Kong) .....	C2087

---

Clause	Page
24.	Schedule 1A added ..... C2087
	Schedule 1A Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime ..... C2087

# A BILL

## To

Amend the Firearms and Ammunition Ordinance to implement the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 31 May 2001 in New York; and to provide for related matters.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

1. **Short title and commencement**
  - (1) This Ordinance may be cited as the Firearms and Ammunition (Amendment) Ordinance 2025.
  - (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.

- (3) Sections 8, 9, 10(1), 11, 13, 14, 15(1), (2) and (3), 16, 17 and 18 come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

**2. Enactments amended**

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

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## Part 2

### Amendments to Firearms and Ammunition Ordinance (Cap. 238)

#### 3. Section 2 amended (interpretation)

- (1) Section 2(1), definition of *deal in*, paragraph (a), after “manufacture,”—

**Add**

“assemble,”.

- (2) Section 2(1)—

**Add in alphabetical order**

***“firearm ammunition (火器彈藥)”—***

- (a) means an article that—
  - (i) comes within paragraph (a), (c), (ea) or (f) of the definition of *ammunition*; and
  - (ii) is used, or designed to be used, as ammunition for a firearm; but
- (b) does not include such an article that is used only as an article of personal, household or office adornment;

***firearm component part (火器元件) means—***

- (a) an article that comes within item 3 of Part 1 of the Schedule to the Firearms and Ammunition (Declaration of Arms) Regulations (Cap. 238 sub. leg. D); or
- (b) an accessory to a firearm designed or adapted to diminish the noise caused by firing the firearm;

*specified firearm item* (指明火器物品) means—

- (a) a firearm;
- (b) a firearm component part; or
- (c) a firearm ammunition;”.

(3) After section 2(5)—

**Add**

“(6) For the purposes of this Ordinance, a person is not to be regarded as assembling any arms or ammunition if—

- (a) the person assembles the arms or ammunition in the course of repairing, testing, proving or otherwise handling the arms or ammunition; and
- (b) the possession by the person of the arms or ammunition is not prohibited under section 13.”.

**4. Part III heading amended (offences)**

Part III, heading, after “**Offences**”—

**Add**

“**relating to Possession of Arms or Ammunition etc.**”.

**5. Section 14 amended (dealing in arms or ammunition without a licence)**

(1) Section 14—

**Repeal subsection (1)**

**Substitute**

“(1) A person must not, by way of trade or business, deal in any arms or ammunition other than



manufacturing, assembling, importing or exporting a specified firearm item, unless the person is authorized to do so by a dealer's licence held by the person.”.

(2) After section 14(1)—

**Add**

“(1A) A person must not, whether or not by way of trade or business, manufacture, assemble, import or export a specified firearm item, unless the person is authorized to do so by a dealer's licence held by the person.

(1B) Subsection (1A) does not apply in relation to the manufacture, assembly, import or export of a specified firearm item by a person if—

- (a) the person manufactures, assembles, imports or exports the specified firearm item other than by way of trade or business; and
- (b) the possession by the person of the specified firearm item so manufactured, assembled, imported or exported is not prohibited under section 13 because of the operation of section 5 or 7.”.

(3) After section 14(2)—

**Add**

“(3) A person who contravenes subsection (1A) commits an offence and is liable on conviction on indictment to a fine of \$200,000 and to imprisonment for 20 years.”.

**6. Section 14A added**

After section 14—

**Add**

**“14A. Manufacture or assembly of firearms from illicit component parts**

- (1) A person, whether or not holding a dealer’s licence, must not manufacture or assemble a firearm from a firearm component part that the person knows, or ought reasonably to know, has been imported in contravention of section 14(1A).
- (2) Subsection (1) does not apply in relation to the manufacture or assembly of a firearm by a person if the possession by the person of the firearm so manufactured or assembled is not prohibited under section 13 because of the operation of section 3 or 7.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine of \$200,000 and to imprisonment for 20 years.”.

**7. Section 21 amended (converting imitation firearm into a firearm)**

Section 21(2)—

**Repeal**

“imprisonment for 14 years”

**Substitute**

“a fine of \$200,000 and to imprisonment for 20 years”.

**8. Section 23 amended (failure to comply with terms and conditions of licence, etc.)**

Section 23(2), after “section 4(3)” —

**Add**

“or 26C”.

**9. Part IIIA added**

After Part III—

**Add****“Part IIIA****Offences relating to Marking of Firearms****26A. Obligation of manufacturers to mark firearms**

- (1) A person who manufactures a firearm (*manufacturer*) must make on the firearm a marking that indicates all of the following matters regarding the firearm, in compliance with the requirements, and within the time limit, prescribed in regulations made under section 52(1B)—
  - (a) the name of the manufacturer;
  - (b) the serial number assigned by the manufacturer;
  - (c) the place of manufacture.
- (2) Subsection (1) does not apply in relation to a firearm manufactured by a person if the manufacture of the firearm by the person is not prohibited under section 14(1A) because of the operation of Part II or section 14(1B).
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for 2 years.

**26B. Obligation of importers to mark firearms**

- (1) Subject to section 26C, if a person imports a firearm that is not properly marked at the time when it is imported, the person must mark the firearm, or

cause the firearm to be marked, in compliance with the requirements, and within the time limit, prescribed in regulations made under section 52(1B).

- (2) For the purposes of subsection (1), a firearm is properly marked if the firearm bears a marking that indicates all of the following matters regarding the firearm—
  - (a) the name of the manufacturer;
  - (b) the serial number assigned by the manufacturer;
  - (c) the place of manufacture;
  - (d) the place into which the firearm is imported;
  - (e) the year of import.
- (3) Subsection (1) does not apply in relation to a firearm imported by a person if the import of the firearm by the person is not prohibited under section 14(1A) because of the operation of Part II or section 14(1B).
- (4) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for 2 years.

## **26C. Exemption from section 26B**

- (1) The Commissioner may, on application under subsection (4), exempt in writing a person from compliance with section 26B(1) in respect of a firearm.
- (2) The exemption may be granted—
  - (a) for an indefinite period or for a period specified by the Commissioner; and
  - (b) on any terms and conditions the Commissioner considers appropriate.

- (3) The Commissioner may, by notice in writing, vary or revoke the exemption.
- (4) An application for an exemption under subsection (1) must be—
  - (a) made in the specified form; and
  - (b) accompanied by the prescribed fee.
- (5) The Commissioner may waive the payment of the prescribed fee mentioned in subsection (4)(b).

**26D. Falsifying, altering, obliterating or removing markings on firearms**

- (1) A person who makes any marking on a firearm in purported compliance with section 26A or 26B commits an offence if—
  - (a) the marking is false or misleading; and
  - (b) the person knows that, or is reckless as to whether, the marking is false or misleading.
- (2) A person who, without lawful authority, alters, obliterates or removes a specified marking on a firearm commits an offence.
- (3) For the purposes of subsection (2), a specified marking on a firearm is a marking on the firearm that purports to indicate any of the following matters regarding the firearm—
  - (a) the name of the manufacturer;
  - (b) the serial number assigned by the manufacturer;
  - (c) the place of manufacture;
  - (d) the place into which the firearm is imported;
  - (e) the year of import;

- (f) the fact that the firearm was transferred from government stock to permanent civilian use, and the government concerned.
- (4) A person who commits an offence under subsection (1) or (2) is liable on conviction to imprisonment for 2 years.”.

**10. Section 34 amended (applicant or licensee to be notified of decision of Commissioner)**

- (1) Section 34(1AA)(a), after “4(3)”—

**Add**

“or 26C”.

- (2) Section 34(3)—

**Repeal**

“13(1) or section 14(1)”

**Substitute**

“13(1) or 14(1) or (1A)”.

**11. Section 35 amended (appeals)**

- Section 35(1)(c), after “12A(3),”—

**Add**

“26C(2)(b),”.

**12. Section 44 amended (seizure and forfeiture)**

- Section 44(2)—

**Repeal**

“sections 13 or 14 or 16 to 23 (both inclusive)”

**Substitute**

“section 13, 14, 14A, 16, 17, 18, 19, 20, 21, 22 or 23”.

**13. Section 47 amended (false statements)**

Section 47(b), after “4(3)” —

**Add**

“or 26C”.

**14. Section 48 amended (interference with serial numbers or licences)**

(1) Section 48(a), after “ammunition” —

**Add**

“(other than a firearm)”.

(2) Section 48(b), after “4(3)” —

**Add**

“or 26C”.

**15. Section 52 amended (regulations)**

(1) Section 52(1)(a)(ii), after “4(3)” —

**Add**

“or 26C”.

(2) Section 52(1)(a)(iv), after “4(3)” —

**Add**

“or 26C”.

(3) Section 52(1)(c), after “4” —

**Add**

“or 26C”.

(4) After section 52(1A) —

**Add**

“(1B) The Commissioner of Police may make regulations—

(a) to provide for matters relating to the marking of firearms, including—

(i) the content, form, type and size of the markings to be made on the firearms;

(ii) the place on the firearms where the markings are to be made;

(iii) the manner of marking the firearms;

(iv) the time limit within which the firearms are to be marked, including the extension of such a time limit;

(v) the making and determination of applications made for the purposes of the regulations made under this subsection; and

(vi) decisions in relation to which appeals may be made to the Administrative Appeals Board (including consequentially amending the Schedule to the Administrative Appeals Board Ordinance (Cap. 442)); and

(b) to provide for the better carrying out of the purposes and provisions of Part IIIA.”.

(5) Section 52(2)—

**Repeal**

“Regulations”

**Substitute**

“Subject to subsection (3), regulations”.



(6) After section 52(2)—

**Add**

“(3) Regulations made under this section may prescribe offences for making a false or misleading statement in connection with a matter under the regulations punishable by imprisonment, and the maximum imprisonment that may be prescribed for such offences is 2 years.”.

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## **Part 3**

### **Related Amendments**

#### **Division 1—Amendments to Firearms and Ammunition Regulations (Cap. 238 sub. leg. A)**

**16. Regulation 3 amended (application for an exemption under section 4(3) or a licence under section 30)**

(1) Regulation 3, heading, after “4(3)”—

**Add**

**“or 26C”.**

(2) Regulation 3, after “4(3)”—

**Add**

**“or 26C”.**

**17. Schedule 2 amended (fees)**

Schedule 2, item 1, after “4(3)”—

**Add**

**“or 26C”.**

#### **Division 2—Amendment to Administrative Appeals Board Ordinance (Cap. 442)**

**18. Schedule amended**

The Schedule, item 14, column 3, paragraph (e), after “12A(3),”—

**Add**

**“26C(2)(b),”.**

### **Division 3—Amendment to Organized and Serious Crimes Ordinance (Cap. 455)**

- 19. Schedule 1 amended (offences relevant to definitions of *organized crime* and *specified offence*)**

Schedule 1, paragraph 14—

**Add**

“section 14A      manufacture or assembly of firearms  
                         from illicit component parts”.

### **Division 4—Amendments to Fugitive Offenders (Transnational Organized Crime) Order (Cap. 503 sub. leg. AE)**

- 20. Section 2 amended (procedures in Ordinance to apply between Hong Kong and certain places outside Hong Kong)**

Section 2—

**Repeal**

“the Schedule”

**Substitute**

“Schedules 1 and 2”.

- 21. Schedule renumbered (United Nations Convention against Transnational Organized Crime)**

The Schedule—

**Renumber the Schedule as Schedule 1.**

- 22. Schedule 2 added**

After Schedule 1—

**Add**

## “Schedule 2

[s. 2]

### **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime**

#### **Preamble**

*The States Parties to this Protocol,*

*Aware* of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

*Convinced*, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

*Recalling* General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international

instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Bearing in mind* the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Convinced* that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

*Have agreed as follows:*

## **I. General provisions**

### *Article 1*

#### *Relation with the United Nations Convention against Transnational Organized Crime*

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

### *Article 2*

#### *Statement of purpose*

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

### *Article 3*

#### *Use of terms*

For the purposes of this Protocol:

(a) “Firearm” shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;

(b) “Parts and components” shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;

(c) “Ammunition” shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;

(d) “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

(i) From parts and components illicitly trafficked;

(ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or

(iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;

Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;

(e) “Illicit trafficking” shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

(f) “Tracing” shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in

detecting, investigating and analysing illicit manufacturing and illicit trafficking.

#### *Article 4*

##### *Scope of application*

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.

2. This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

#### *Article 5*

##### *Criminalization*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

(a) Illicit manufacturing of firearms, their parts and components and ammunition;

(b) Illicit trafficking in firearms, their parts and components and ammunition;



(c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:

(a) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

### *Article 6*

#### *Confiscation, seizure and disposal*

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.

2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been

officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

## **II. Prevention**

### *Article 7*

#### *Record-keeping*

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(a) The appropriate markings required by article 8 of this Protocol;

(b) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

*Article 8*

*Marking of firearms*

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(c) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

*Article 9**Deactivation of firearms*

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

*Article 10*

*General requirements for export, import and transit licensing or authorization systems*

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(a) That the importing States have issued import licences or authorizations; and

(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

### *Article 11*

#### *Security and preventive measures*

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures:

(a) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(b) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

*Article 12**Information*

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(b) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(c) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

(d) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.



*Article 13*

*Cooperation*

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

*Article 14*

*Training and technical assistance*

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

*Article 15**Brokers and brokering*

1. With a view to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as:

(a) Requiring registration of brokers operating within their territory;

(b) Requiring licensing or authorization of brokering; or

(c) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

### **III. Final provisions**

#### *Article 16*

##### *Settlement of disputes*

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

*Article 17**Signature, ratification, acceptance, approval and accession*

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol.

Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

### *Article 18*

#### *Entry into force*

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

### *Article 19*

#### *Amendment*

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the

Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

*Article 20*

*Denunciation*

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

*Article 21*

*Depositary and languages*

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.”.

**Division 5—Amendments to Mutual Legal Assistance in Criminal Matters (Transnational Organized Crime) Order (Cap. 525 sub. leg. X)**

- 23. Section 2 amended (Ordinance to apply between Hong Kong and certain places outside Hong Kong)**

Section 2—

**Repeal**

“Schedule 1”

**Substitute**

“Schedules 1 and 1A”.

- 24. Schedule 1A added**

After Schedule 1—

**Add**

**“Schedule 1A**

[s. 2]

**Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime**

**Preamble**

*The States Parties to this Protocol,*



*Aware* of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

*Convinced*, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

*Recalling* General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Bearing in mind* the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Convinced* that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

*Have agreed as follows:*

## **I. General provisions**

### *Article 1*

#### *Relation with the United Nations Convention against Transnational Organized Crime*

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

*Article 2**Statement of purpose*

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

*Article 3**Use of terms*

For the purposes of this Protocol:

(a) “Firearm” shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;

(b) “Parts and components” shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;

(c) “Ammunition” shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;

(d) “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

(i) From parts and components illicitly trafficked;

(ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or

(iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;

Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;

(e) “Illicit trafficking” shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

(f) “Tracing” shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in

detecting, investigating and analysing illicit manufacturing and illicit trafficking.

#### *Article 4*

##### *Scope of application*

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.

2. This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

#### *Article 5*

##### *Criminalization*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

(a) Illicit manufacturing of firearms, their parts and components and ammunition;

(b) Illicit trafficking in firearms, their parts and components and ammunition;

(c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:

(a) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

### *Article 6*

#### *Confiscation, seizure and disposal*

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.

2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been

officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

## **II. Prevention**

### *Article 7*

#### *Record-keeping*

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(a) The appropriate markings required by article 8 of this Protocol;

(b) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

*Article 8**Marking of firearms*

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(c) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.



*Article 9**Deactivation of firearms*

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

*Article 10*

*General requirements for export, import and transit licensing or authorization systems*

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(a) That the importing States have issued import licences or authorizations; and

(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

### *Article 11*

#### *Security and preventive measures*

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures:

(a) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(b) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

*Article 12**Information*

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(b) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(c) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

(d) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

*Article 13*

*Cooperation*

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

*Article 14*

*Training and technical assistance*

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

*Article 15**Brokers and brokering*

1. With a view to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as:

(a) Requiring registration of brokers operating within their territory;

(b) Requiring licensing or authorization of brokering; or

(c) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

### **III. Final provisions**

#### *Article 16*

##### *Settlement of disputes*

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

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*Article 17**Signature, ratification, acceptance, approval and accession*

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

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Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

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1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

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1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the

Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

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2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

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1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.”.

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## Explanatory Memorandum

The main purpose of this Bill is to amend the Firearms and Ammunition Ordinance (Cap. 238) (*Ordinance*) to implement the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 31 May 2001 in New York.

2. The Bill consists of 3 Parts.

### Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

### Part 2—Amendments to Ordinance

4. Part 2 amends the Ordinance. The main provisions in that Part are clauses 3, 5, 6, 7, 9 and 15.
5. Clause 3 amends section 2 of the Ordinance—
  - (a) to amend the definition of *deal in* in that section;
  - (b) to add the new definitions of *firearm ammunition*, *firearm component part* and *specified firearm item* to that section; and
  - (c) to add a new subsection (6) to that section to clarify that a person is not to be regarded as assembling any arms or ammunition under certain circumstances.

6. Clause 5 amends section 14 of the Ordinance and clause 6 adds a new section 14A to the Ordinance to provide for the offences relating to the manufacture, assembly, import and export of specified firearm items and the maximum penalty for such offences is a fine of \$200,000 and imprisonment for 20 years.
7. Clause 7 amends section 21 of the Ordinance to increase the maximum penalty for the offence of converting an imitation firearm into a firearm from imprisonment for 14 years to a fine of \$200,000 and imprisonment for 20 years.
8. Clause 9 adds a new Part IIIA (new sections 26A to 26D) to the Ordinance to provide for the marking of firearms. More specifically—
  - (a) the new section 26A provides for the obligation of manufacturers to mark firearms;
  - (b) the new section 26B provides for the obligation of importers to mark firearms;
  - (c) the new section 26C provides for the exemption from complying with the new section 26B; and
  - (d) the new section 26D provides for the offences of falsifying, altering, obliterating and removing markings on firearms.
9. Clause 15(4) adds a new section 52(1B) to the Ordinance to empower the Commissioner of Police to make subsidiary legislation to provide for matters relating to the marking of firearms under the new Part IIIA.

10. Other provisions in Part 2 include the following—
- (a) clauses 8, 10(1), 11, 13, 14(2) and 15(1), (2) and (3) respectively amend sections 23, 34, 35, 47, 48 and 52 of the Ordinance and the amendments relate to the exemption under the new section 26C;
  - (b) clauses 10(2) and 12 respectively amend sections 34 and 44 of the Ordinance and the amendments relate to the new sections 14(1A) and 14A of the Ordinance;
  - (c) clause 14(1) amends section 48(a) of the Ordinance in view of the addition of the offence under the new section 26D(2) to the Ordinance; and
  - (d) clause 15(6) adds a new section 52(3) to the Ordinance to provide that regulations made under section 52 of the Ordinance may prescribe a maximum penalty of 2 years' imprisonment for offences that involve the making of false or misleading statements.

### **Part 3—Related Amendments**

11. Part 3 makes related amendments to—
- (a) the Firearms and Ammunition Regulations (Cap. 238 sub. leg. A);
  - (b) the Administrative Appeals Board Ordinance (Cap. 442);
  - (c) the Organized and Serious Crimes Ordinance (Cap. 455);
  - (d) the Fugitive Offenders (Transnational Organized Crime) Order (Cap. 503 sub. leg. AE); and

- (e) the Mutual Legal Assistance in Criminal Matters (Transnational Organized Crime) Order (Cap. 525 sub. leg. X).