

**Merits of the New Regulatory Regime
over the Existing Regime**

Existing Regime	New Regulatory Regime
Responsible Departments	
The conveyance, storage, use and discharge of pyrotechnic materials and other dangerous goods are under the jurisdiction of five different departments.	A one-stop licensing authority, the Entertainment Special Effects Licensing Authority (the Authority), will be set up. The Authority will be the Commissioner for Television and Entertainment Licensing, who will be responsible for regulating the use of special effects materials.
Licensing of Special Effects Operators	
A special effects operator has to register with the Commissioner of Mines for each discharge of pyrotechnic materials.	A licensing system for special effects operators will be set up. Once licensed, a special effects operator will be permitted to use the special effects materials specified in his licence and will not be required to separately register for each discharge of pyrotechnic materials.
A local operator wishing to register with the Commissioner of Mines must have been trained under the supervision of special effects operators with overseas qualifications.	To facilitate migration to the new licensing system, the Television and Entertainment Licensing Authority (TELA) has conducted training courses for local special effects operators from October 1998 to January this year and has issued provisional recognition to those who passed the assessment at the completion of the training course. A special effects operator who has been provisionally recognized may, within 90 days after the new legislation enters into force, apply for a special effects operator licence in the same stream and class of licence as provisionally recognized and will be exempted from separate assessment. For the benefit of those operators who have

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	<p>been unable to attend the training courses organised by TELA or who have failed in the assessment conducted at the completion of TELA's training courses, TELA will conduct training courses again from June to November this year. In addition, operators may get trained under the supervision of licensed special effects operators and apply for a special effects operator licence after gaining sufficient experience.</p>
<p>Discharge of Special Effects Materials</p>	
<p>The use (including discharge) of pyrotechnic materials and other dangerous goods are under the jurisdiction of five different departments.</p>	<p>The Authority will be the central body responsible for processing all discharge permit applications regardless of the type and quantity of special effects materials involved.</p>
<p>A permit is required for each and every discharge of pyrotechnic materials. Multiple permits are required to cover rehearsals, re-shooting as well as serial discharge in the same scene.</p>	<p>A single discharge permit can cover multiple discharges of special effects materials (including rehearsals, re-shooting and serial discharge) at the same location for a designated period of time.</p>
<p>The issue of permits takes 12 working days.</p>	<p>Simple applications (e.g. simple gunfight or small-scale explosion scenes) will be processed within 3 working days while more complicated applications (e.g. large-scale special effects scenes, medium-scale explosion scenes or the production of special effects scenes which require the Authority to conduct site visits) will be processed within 6 working days. As the Authority may have to consult other departments on applications that involve more complicated special effects scenes, the processing of such applications will take 12 working days.</p>

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<p>At present, the use of pyrotechnic special effects materials of a higher hazard level (such as detonators, detonating cords and shaped charges) is prohibited.</p>	<p>The entertainment industry will be permitted to use these materials subject to certain safeguards to protect public safety.</p>
<p>The regulatory authorities have set stringent permit conditions for the combined use of pyrotechnic materials and other dangerous goods.</p>	<p>The Authority will draw up appropriate measures to regulate the combined use of these materials having regard to the needs of the entertainment industry and the protection of public safety.</p>
<p>Registration of Pyrotechnic Special Effects Materials</p>	
<p>There is no registration system for pyrotechnic special effects materials at present. Special effects operators are required to demonstrate to the relevant departments in respect of each discharge permit application that all the pyrotechnic special effects materials to be used for producing special effects can be safely discharged.</p>	<p>With the setting up of the registration system, special effects operators will no longer be required to demonstrate to the Authority on the safe discharge of pyrotechnic special effects materials in respect of each discharge permit application. The register of pyrotechnic special effects materials to be maintained by the Authority will facilitate the sourcing by local suppliers and special effects operators of those materials from overseas suppliers/manufacturers and local suppliers. Pyrotechnic materials commonly used by local special effects operators for the production of special effects scenes will be included in the register at the outset.</p>
<p>Supply of Pyrotechnic Special Effects Materials</p>	
<p>At present, there is no licensing system for suppliers of pyrotechnic special effects materials to ensure public safety.</p>	<p>To ensure proper control over the import and supply of pyrotechnic special effects materials, suppliers of such materials will be required to take out a licence. But, a licensed special effects operator does not need to obtain a supplier licence if he imports such materials for his own use.</p>

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Storage of Pyrotechnic Special Effects Materials	
<p>Under the Dangerous Goods Ordinance, storage of any quantity of detonators, detonating cords, shaped charges and other explosives as well as large quantities of fireworks and pyrotechnic materials requires a Mode A storage licence.</p> <p>A Mode A store must be a single-storeyed detached structure, properly fenced off from other structures or buildings. The store must be guarded by at least two watchmen round the clock.</p> <p>A Mode B store is only allowed to store a small quantity of fireworks and safety cartridges.</p>	<p><u>Movable stores</u></p> <ul style="list-style-type: none"> ● Only a movable store licence is required for a special effects operator to store and carry small amounts of pyrotechnic special effects materials (including detonators, detonating cords and shaped charges) to the set or studio for filming. ● When not in use, a movable store containing pyrotechnic special effects materials is only required to be kept at a designated location in non-residential premises approved by the Authority. <p><u>Non-movable stores</u></p> <ul style="list-style-type: none"> ● Pyrotechnic special effects materials in large quantities are required to be kept in a non-movable store, which must be located in safe and secure non-residential premises approved by the Authority. The store need not be guarded by watchmen round the clock if it is equipped with an electronic alarm system approved by the police. ● If the pyrotechnic special effects materials kept in a non-movable store do not exceed the exempted quantities¹, the store does not have to be a single-storeyed detached structure.

¹ The exempted quantities for storage and conveyance of pyrotechnic special effects materials are :

- pyrotechnic materials of aggregate net explosive quantity not exceeding 5kg (except detonators, detonating cords and shaped charges);
- Not exceeding 50 detonators;
- detonating cords and shaped charges of aggregate net explosive quantity not exceeding 200g, or
- any of the above combinations

The exempted quantities above are sufficient for a typical entertainment special effects scene.

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Conveyance of Pyrotechnic Special Effects Materials	
<p>The conveyance of pyrotechnic materials on land requires a removal permit from the Commissioner of Mines, whereas the conveyance of pyrotechnic materials by sea requires a removal permit from the Director of Marine. A separate removal permit is required for the conveyance of leftover pyrotechnic materials from the set to the store.</p>	<p>Only one conveyance permit is required for the conveyance of pyrotechnic special effects materials by land and by sea as well as the conveyance of leftover materials to designated areas upon the completion of filming.</p> <p>A conveyance permit is not required in cases where the pyrotechnic special effects materials being conveyed to the location of discharge do not exceed the exempted quantities¹ and that such conveyance is supervised by an approved special effects operator.</p> <p>Pyrotechnic special effects materials that do not exceed the exempted quantities¹ are not required to be carried by dangerous goods vessels under a permit issued by the Director of Marine provided that they are carried by a vessel of a type specified by the Director of Marine and such conveyance is supervised by a special effects operator of the relevant type.</p>