

Bills Committee on Entertainment Special Effects Bill

Factors to be taken into account when considering whether an applicant is a “fit and proper” person

At the meeting on 12 May 2000, when examining clause 6(2)(b) of the Entertainment Special Effects Bill (the Bill), Members sought further information on the factors to be considered by the Entertainment Special Effects Licensing Authority (the Authority) in determining whether an applicant for a special effects operator licence is a “fit and proper” person. Clauses 19(1)(b) and (c) and 24(1)(b) and (c) of the Bill also provide that, before the Authority issues a pyrotechnic special effects materials supplier licence or store licence, he has to be satisfied that the applicant or the relevant individuals are fit and proper persons. Having consulted the Police, we now attach at Annex for Members’ information a note on the factors to be taken into account when considering whether an applicant is a fit and proper person.

Information Technology and Broadcasting Bureau
17 May 2000

Entertainment Special Effects Bill

Factors to be taken into account when considering whether an applicant is a “fit and proper” person

Under clauses 6(2)(b), 19(1)(b) and (c) and 24(1)(b) and (c) of the Entertainment Special Effects Bill (the Bill), the Entertainment Special Effects Licensing Authority (the Authority) has to be satisfied that the applicant or the relevant individuals are fit and proper persons before he issues a special effects operator licence, a pyrotechnic special effects materials supplier licence or a store licence, as the case may be.

2. Under clauses 6(3), 19(2) and 24(2) of the Bill, the Authority, in considering whether an individual is a fit and proper person, shall have regard to the character and conduct of the individual. On this, the Authority will consult the Commissioner of Police who will consider whether the individual has a criminal conviction record, together with other records or information known to the Police, when assessing if he is a fit and proper person. In considering the criminal conviction record of that individual, the Commissioner of Police may take into account the following matters :

- (i) whether the conviction is taken as ‘spent’ under the Rehabilitation of Offenders Ordinance (Cap. 297);
- (ii) the nature of the offence;
- (iii) the age of that individual at the time of committing the offence;
- (iv) the penalty awarded by the court; and
- (v) whether that individual has any other conviction records.