

## **Bills Committee on Entertainment Special Effects Bill**

### **Proposed Committee Stage Amendments to be moved by the Administration**

This paper briefs Members on the Committee Stage Amendments (CSAs) to the Entertainment Special Effects Bill (ESEB) that the Administration proposes to move.

#### **Clause 14 : Pyrotechnic Special Effects Materials to be Registered**

2. To facilitate the further development of Hong Kong into an international and regional air cargo hub, the Administration introduced into the Legislative Council earlier this year the Air Cargo Transshipment (Facilitation) Bill 2000 (ACTFB) to modify or exempt certain restrictions and controls over air transshipment cargoes. Under clause 14 of the ESEB, pyrotechnic special effects materials (PSEM) must be registered with the Entertainment Special Effects Licensing Authority (the Authority) before they can be supplied, conveyed, stored or used in Hong Kong.

3. In line with the ACTFB's aim to implement a liberal policy for air transshipment cargo services, it has been our intention to exempt PSEM that are air transshipment cargoes from the registration requirement under clause 14 of the ESEB. We were unable to include this exemption in the ESEB before its introduction into the Legislative Council because the drafting of the ACTFB was still at a preliminary stage then and the definition of "air transshipment cargo" had not been finalised. On 17 May 2000, the Legislative Council passed the ACTFB which will come into force on 26 May 2000. We intend to move a CSA to the ESEB to provide for exemption of PSEM that fall within the meaning of "air transshipment cargo" under the ACTFB from the registration requirement under clause 14 of the ESEB.

#### **Clause 19: Application for PSEM supplier licence**

4. As proposed by the Legal Service Division of the Legislative Council Secretariat in its letter of 30 March 2000 to us, we propose to add the word "and" after clause 19(1)(b). Similarly, the word "and" should be added after clause 24(1)(b).

## **Clause 47: General provisions as to licences and permits**

5. Clause 47(3) of the ESEB provides that where the Authority considers it necessary, it may, by notice in writing to the holder of a licence or permit, impose new or amended terms or conditions, or revoke or suspend the licence or permit. Clause 47(4) further provides that, in determining whether it is necessary to revoke or suspend a licence or permit, the Authority shall have regard to any contravention of any provision of the ESEB or any code of practice issued or approved under the ESEB, or the fact that the holder of the licence or permit no longer complies with any of the prescribed requirements subject to which the licence or permit was issued.

6. It is our intention to provide in the notice to the holder of a licence or permit the reasons for the revocation, suspension or variation of terms or conditions of the licence or permit. As suggested by the Legal Service Division of the Legislative Council Secretariat in its letter of 30 March 2000 to us, we propose to add the words “with reasons therefor” after “by notice in writing” in clause 47(3).

## **Schedules 1 and 2 : Members of Appeal Board Panel and Composition of Appeal Board**

7. As discussed at the meeting on 12 May 2000, to ensure appropriate representation of the theatre industry on the appeal board panel and the appeal board to be established under the ESEB, we propose to :

- (a) amend clause (c) of Schedule 1 to provide that the appeal board panel shall include not more than three persons who are executive producers in film, theatrical or television production; and
- (b) amend clause (b)(iii) of Schedule 2 to provide that one of the members of an appeal board shall be an executive producer in film, theatrical or television production, or from amongst the nominees of the Hong Kong Film Directors' Guild.

## **Other Amendments**

8. We also propose to make minor amendments to clauses 8(d) and 13(1)(d) of the Chinese version of the Bill to improve drafting.

## **Committee Stage Amendments**

9. The proposed CSAs (English version only) is set out in the Annex.

**Information Technology and Broadcasting Bureau**  
**22 May 2000**

# DRAFT

DMA No. #23593v2

1<sup>ST</sup> draft : 15.5.00

2<sup>nd</sup> draft : 16.5.00

## ENTERTAINMENT SPECIAL EFFECTS BILL

### COMMITTEE STAGE

#### Amendments to be moved by the Secretary for Information Technology and Broadcasting

<u>Clause</u>	<u>Amendment Proposed</u>
8	In paragraph (d), by deleting "適用".
13	In subclause (1)(d), by deleting "適用".
15	(a) In the heading, by adding ", <b>etc.</b> " after " <b>in transit</b> ".
	(b) In subclause (1), by deleting "in transit" and substituting - "- (a) in transit; (b) air transhipment cargoes within the meaning of section 2 of the Import and Export Ordinance (Cap. 60)".

# DRAFT

(c) In subclause (2), by deleting "(1)" and substituting "(1)(a)".

19 In subclause (1)(b), by adding "and" at the end.

24 In subclause (1)(b), by adding "and" at the end.

47 In subclause (3), by adding "with reasons therefor" after "in writing".

Schedule 1 In paragraph (c), by deleting "or television" and substituting ", television or stage".

Schedule 2 In paragraph (b)(iii), by deleting "or television" and substituting ", television or stage".