

Bills Committee on Entertainment Special Effects Bill

Requirement for Pyrotechnic Special Effects Materials to be Properly Labelled and Packed

At the meeting held on 24 May 2000, when examining clause 20 of the Entertainment Special Effects Bill (the Bill), Members asked the Administration to -

- (a) clarify who should be held responsible for ensuring that pyrotechnic special effects materials (PSEM) are labelled and packed in the prescribed manner;
- (b) consider stipulating different penalty levels on first and subsequent breaches of the requirement that PSEM should be labelled and packed in the prescribed manner, with the penalties on first conviction lower than those currently proposed in clause 20(2); and
- (c) consider providing a defence to charges under this clause to persons who cannot be reasonably expected to have known that the PSEM in question had not been labelled or packed in the prescribed manner, such as the driver of the vehicle conveying the PSEM.

2. After careful examination of Members' views, we consider that the provision should apply to those who supply, convey or store PSEM. However, a defence provision can be provided, as in the case of clause 14(3) of the Bill, for those who did not know and could not with reasonable diligence have known that the material in question had not been labelled or packed in the prescribed manner.

3. In addition, we also propose to set the penalties on breaches of this provision as follows :

- (a) on a first conviction, a fine at level 5 and imprisonment for 3 months; and
- (b) on a second or subsequent conviction, a fine at level 6 and imprisonment for 6 months.

4. The proposed Committee Stage Amendments are set out in the Annex.

Information Technology and Broadcasting Bureau
24 May 2000

DRAFT

ENTERTAINMENT SPECIAL EFFECTS BILL

COMMITTEE STAGE

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

Clause

Amendment Proposed

20

By deleting subclauses (1) and (2) and substituting -

"(1) Subject to this Ordinance, no person shall supply, convey or store any pyrotechnic special effects materials in Hong Kong unless such materials have been labelled in the prescribed manner.

(2) Subject to this Ordinance, no person shall supply, convey or store any pyrotechnic special effects materials in Hong Kong unless such materials have been packed in the prescribed manner.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable -

(a) on a first conviction to a fine at level 5 and to imprisonment for 3 months; and

(b) on a second or subsequent conviction to a fine at level 6 and to imprisonment for 6 months.

(4) It shall be a defence to a charge under this section for the person charged to prove that he did not know and could not with reasonable diligence have known that the materials in question had not been labelled or packed in the prescribed manner, as the case may be."