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Legco Secretariat
Legislative Council Building
Chater Road, Hong Kong

Dear Sir/Ms.,

Re: Entertainment Special Effects Bill

I refer to the captioned bill which was gazetted on February 11, 2000. The following matters may be of interest to legislators considering the Bill at committee stage, and I request that this letter be forwarded to the relevant Honourable Members, please.

The main thrust of the bill is to regularize the use of pyrotechnics in the entertainment industry, with particular focus on film production. The consolidation of the various types of storage, transport and discharge licences and permits under one Authority is a welcome improvement over the previous licensing procedures which involved considerable duplication of effort in applying to various Government departments for up to 6 different types of permit.

However, pyrotechnics are not only used in film and television production, but are also used in live theatre for which, according to international best practice, there should be separate regulations, codes of conduct and a different class of operators' licence prescribing access to a narrower range of SFX materials. Honourable Members will appreciate that there is a considerable difference in techniques, materials and safety considerations between detonating an explosion on a deserted hillside, and discharging pyrotechnics on an indoor stage within metres of a close-seated audience.

While the Bill seems to be worded generally enough to provide the Authority scope to create various classes of licences and regulations to cover a variety of circumstances, the bias of the Bill towards the film industry to the exclusion of others is clear in the Schedules which set out the composition and membership of the Appeals Board Panel.

Schedule 1 to the Bill prescribes that, apart from the necessary engineering expertise, the Appeals Board Panel shall comprise:

- “(b) not more than 6 licensed special effects operators or persons who are experienced in the use of special effects materials; and
- (c) not more than 3 persons who are executive producers in film or television production, and
- (d) not more than 3 persons nominated by the Hong Kong Film Directors' Guild.”

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There is no specific requirement that the licensed operators should include some who are experienced in the use of pyrotechnics in live theatre, and the absence of representation from theatrical producers and venue managers will produce a panel that is less than adequately equipped to consider appeals arising in the context of theatrical performances.

I respectfully request that Schedules 1 and 2 be amended, please, to include appropriate representation from the theatre industry. The following alternative definitions are proposed for Honourable Members' consideration (amendments underlined):

SCHEDULE 1

- (b) not more than 6 licensed special effects operators or persons who are experienced in the use of special effects materials, of whom not more than 2 shall be nominated by the Hong Kong Association of Theatre Technicians and Scenographers; and
- (c) not more than 2 persons who are executive producers in film or television production, and
- (d) not more than 2 persons who are executive producers in stage production, and
- (e) not more than 2 persons nominated by the Hong Kong Film Directors' Guild, and
- (f) not more than 2 persons nominated by the Hong Kong Arts Administrators' Association.

SCHEDULE 2

An Appeal Board shall consist of –

- (a) the Chairman; and
- (b) 4 persons who are members of the panel, of whom -
 - (i) one shall be a licensed special effects operator or a person experienced in the use of special effects materials in the discipline under appeal; and
 - (ii) 2 shall be from amongst the nominees of The Hong Kong Institution of Engineers; and
 - (iii) one shall be an executive producer in film or stage or television production, or from amongst the nominees of the Hong Kong Film Directors' Guild, or from amongst the nominees of the Hong Kong Arts Administrators' Association as appropriate and relevant to the discipline under appeal.

Yours sincerely

Philip Soden
ASSOCIATE DIRECTOR (OPERATIONS)

- cc. Secretary for Information Technology and Broadcasting
Commissioner for Television and Entertainment Licensing
Principle Assistant Secretary (Culture), Home Affairs Bureau
Deputy Director (Culture), Leisure and Cultural Services Department
Chairman, Hong Kong Arts Administrators' Association
Chairman, Hong Kong Association of Theatre Technicians and Scenographers

