

BY FAX AND BY POST
(2869 6794)

Our Ref.: C/EPLMG, M2853

25 April 2001

The Hon. Kenneth Ting Woo-shou,
Chairman,
LegCo Panel on Commerce and Industry
Legislative Council Secretariat,
3rd Floor, Citibank Tower,
3 Garden Road,
Central, Hong Kong.

Dear Mr. Ting,

Re: Bill to Amend the Copyright Ordinance

The Hong Kong Society of Accountants understands that a Bill to suspend the operation of certain amendments to the Copyright Ordinance is to be introduced urgently into the Legislative Council.

We are concerned that the Bill as drafted may not address one of the main issues that we referred to in our submission of 11 April 2001 to the Commerce and Industry Panel. This is the question of the copyright subsisting in public consultation papers, correspondence between, for example, industry bodies and the Government, ordinances and other related items.

If the aim is to ensure that certain infringing acts relating to copyright works such as computer programs, sound recordings and films do not benefit from the suspension, then it would seem to be more appropriate to specify that the Bill will not apply to these rather than to adopt the approach of specifying a positive list of copyright works to which the suspension will apply. The latter approach is likely to result in a piece of legislation that still leaves unresolved certain known problems caused inadvertently by the implementation of the Intellectual Property (Miscellaneous Amendments) Ordinance 2000.

I am copying this and the Society's original letter to the Secretary for Commerce and Industry in the hope that the Society's concerns may be taken on board during discussions on the Bill.

Yours sincerely,

PETER TISMAN
DEPUTY DIRECTOR
(PROFESSIONAL DEVELOPMENT)
HONG KONG SOCIETY OF ACCOUNTANTS

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c.c. Secretary for Commerce and Industry (Attn: Mr. Chau Tak Hay)
(with copy of letter of 11 April 2001)
The Hon. Eric Li

