

立法會
Legislative Council

LC Paper No. CB(1)1503/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/4/01/2

**Bills Committee on Copyright (Amendment) Bill 2001
and Copyright (Amendment) Bill 2003**

**Minutes of meeting
held on Tuesday, 4 March 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon HUI Cheung-ching, JP
Dr Hon LAW Chi-kwong, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Cyd HO Sau-lan
Hon Margaret NG
Hon CHAN Kam-lam, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon Timothy FOK Tsun-ting, SBS, JP
Hon MA Fung-kwok, JP
- Public officers attending** : Mr Kenneth MAK
Deputy Secretary for Commerce, Industry and
Technology (Commerce and Industry)
- Mr Donald CHEN
Principal Assistant Secretary for Commerce,
Industry and Technology (Commerce and Industry)

Mr Jeffrey CHAN
Assistant Secretary for Commerce, Industry and
Technology (Commerce and Industry)

Ms Pancy FUNG
Assistant Director of Intellectual Property

Ms Maria NG
Senior Solicitor, Intellectual Property Department

Mr Jonothan ABBOTT
Senior Assistant Law Draftsman, Department of
Justice

Mr Sunny CHAN
Senior Government Counsel, Department of Justice

Mr Y K TAM
Senior Superintendent, Intellectual Property
Investigation Bureau, Customs and Excise
Department

Clerk in attendance : Ms Connie SZETO
Chief Assistant Secretary (1)4

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Mr S C TSANG
Senior Assistant Secretary (1)7

Action

I Confirmation of Chairmanship

The Chairman said that pursuant to the House Committee's decision at the meeting on 14 February 2003 that the Bills Committee should study the Copyright (Amendment) Bill 2003 (2003 Bill), membership of the Committee had been re-opened. Two new members, i.e. Mr Timothy FOK and Dr LAW Chi-kwong had joined the Committee.

2. Members confirmed the name of the Committee as "Bills Committee on Copyright (Amendment) Bill 2001 (2001 Bill) and Copyright (Amendment) Bill 2003", and that Mr SIN Chung-kai be the Chairman of the Bills Committee.

II Meeting with the Administration

- (LC Paper No. CB(1) 1006/02-03(01) -- Information paper provided by the Administration on "Relationship between the Copyright (Amendment) Bill 2001 (2001 Bill) and Copyright (Amendment) Bill 2003 (2003 Bill)"
- LC Paper No. CB(1) 1006/02-03(02) -- Information paper provided by the Administration on the legal concept of "economic value"
- LC Paper No. CB(1) 906/02-03(01) -- Marked-up copy of draft Committee Stage amendments provided by the Administration
- LC Paper No. CB(1) 906/02-03(02) -- Information paper provided by the Administration on "Excluding electronic publications from the scope of liberalisation"
- LC Paper No. CB(1) 524/02-03(01) -- Outstanding issues relating to the Copyright (Amendment) Bill 2001
- LC Paper No. CB(1) 1006/02-03(03) -- Marked-up copy of the Copyright (Amendment) Bill 2003
- LC Paper No. CB(1) 1006/02-03(04) -- Background brief on the Copyright (Amendment) Bill 2003 prepared by the Clerk
- LC Paper No. CB(1) 1006/02-03(05) -- Submission from a citizen on the 2003 Bill referred by Hon Emily LAU)

3. The Bills Committee deliberated (Index of proceedings attached at the **Annex**).

Admin

4. The Administration undertook to take follow-up actions as below:

- (a) To provide a table to illustrate the effects of the proposed amendments under the 2001 Bill and 2003 Bill in relation to parallel importation on different types of copyright works; the legal liabilities on uses of parallel-imported copies of copyright works for private, commercial purposes or in the course of doing business; the intention or acts to be considered in prosecution of the offences.

- (b) To consider the feasibility of combining the two Bills to facilitate members' scrutiny. Members suggested that the legislative proposals in the 2001 Bill be incorporated as Committee Stage amendments (CSAs) to the 2003 Bill.

- (c) If the proposal in (b) was acceptable, to advise on the necessary action to effect the proposal, and to provide the revised draft CSAs for members' consideration.

III Any other business

- 5. Members agreed to hold the next meeting on **Monday, 7 April 2003 at 8:30 am.**

- 6. There being no other business, the meeting ended at 9:45 am.

Council Business Division 1
Legislative Council Secretariat
23 April 2003

**Proceedings of the meeting of the
Bills Committee on Copyright (Amendment) Bill 2001 and
Copyright (Amendment) Bill 2003
on Tuesday, 4 March 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000248	Chairman	Opening remarks; Confirmation of the name and Chairmanship of the Bills Committee	
000248 - 001104	Administration	Briefing by the Administration on the relationship between the Copyright (Amendment) Bill 2001 (2001 Bill) and Copyright (Amendment) Bill 2003 (2003 Bill) (LC Paper No. CB(1) 1006/02-03(01))	
001104 - 001916	Mrs Selina CHOW ALA2	Concern on the propriety and possible confusion to the public for dealing with issues related to parallel importation under two separate Bills	
001916 - 002647	Mrs Selina CHOW Mr Kenneth TING ALA2	Concern about enforcement difficulties of amendments enshrined in the two Bills	
002647 - 003334	Ms Audrey EU Administration	Clarification on the policy intent behind the two Bills, particularly on liability in relation to parallel imports	
003334 - 003946	Ms Audrey EU Administration	Enquiry on the reasons for only removing civil and criminal liability relating to non-commercial dealings of parallel imported copyright works on end-users under the 2003 Bill The Administration clarified that industries concerned, e.g. film, music, publishing industries had strongly requested to maintain existing restrictions on commercial dealings of parallel imported copyright works.	
003946 - 005938	Mr HUI Cheung-ching Mrs Selina CHOW	Stress on the need to clarify the legal liabilities involved under the two Bills to	

Time marker	Speaker	Subject(s)	Action required
	Dr LAW Chi-kwong Mr Kenneth TING Administration Chairman	facilitate understanding by the public Clarification on the intention or acts to be considered in prosecution of the offences under the two Bills Suggestion to provide a table to illustrate the effects of the proposed amendments under the 2001 Bill and 2003 Bill in relation to parallel importation on different types of copyright works; the legal liabilities on uses of parallel-imported copies of copyright works for private, commercial purposes or in the course of doing business; the intention or acts to be considered in prosecution of the offences	Admin
005938 - 010526	Chairman Dr LAW Chi-kwong Mrs Selina CHOW ALA2 Administration	Suggestion to consider the feasibility of combining the two Bills to facilitate members' scrutiny. Members suggested that the legislative proposals in the 2001 Bill be incorporated as Committee Stage amendments (CSAs) to the 2003 Bill. If the above proposal was acceptable, the Administration would advise on the necessary action to effect the proposal, and to provide the revised draft CSAs for members' consideration.	Admin Admin
010526 - 010804	Chairman	Date of next meeting	

Note: The audio records of the above proceedings are kept at the Legislative Council Library.