

立法會
Legislative Council

LC Paper No. CB(1)1720/02-03
(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 Monday, 7 April 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam, JP
Dr Hon YEUNG Sum
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP
- Members absent** : Hon Cyd HO Sau-lan
Hon YEUNG Yiu-chung, BBS
Dr Hon LAW Chi-kwong, JP
- Public officers attending** : Miss Mary CHOW
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 minutes
(LC Paper No. CB(1) 1298/02-03 -- Minutes of meeting on
14 February 2003)

The minutes of meeting held on 14 February 2003 were confirmed.

II Meeting with the Administration
(LC Paper No. CB(1) 1297/02-03(01) -- Administration's responses on
the effects of the proposed
amendments under the
Copyright (Amendment) Bill
2001 and Copyright
(Amendment) Bill 2003 in
relation to parallel importation

on different types of copyright works and the feasibility of combining the two Bills;

LC Paper No. CB(1) 1006/02-03(01) -- Information paper provided by the Administration on "Relationship between the Copyright (Amendment) Bill 2001 and Copyright (Amendment) Bill 2003"; and

LC Paper No. CB(1) 524/02-03(01) -- Outstanding issues relating to the Copyright (Amendment) Bill 2001)

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

Admin 3. The Administration undertook to take follow-up actions as below:

(a) to provide the updated draft Committee Stage Amendments (CSAs) to the Copyright (Amendment) Bill 2001 (2001 Bill) in the light of the provisions in the Copyright (Amendment) Bill 2003 (2003 Bill); and

(b) to report on the outcome of consultation with the publishing industry on the proposal of liberalization of parallel importation of electronic publications and to incorporate the industry's views into the CSAs.

4. Noting the Administration's view that the 2001 Bill and the 2003 Bill were not in conflict, members agreed that a recommendation be made to the House Committee for the two bills to be studied by separate Bills Committees.

(Post-meeting note : Subsequent to the meeting and with the advice of the Chairman of the House Committee, the Chairman concurred that the Bills Committee should continue to study the two bills in parallel. If members were satisfied that the 2001 Bill had been fully deliberated and the relevant scrutiny work completed, the Bills Committee might report on the deliberation of the 2001 Bill first.)

III Any other business

5. Members agreed to hold the next meeting on **Friday, 25 April 2003 at 4:30 pm.**

*(Post-meeting note : Due to rescheduling of the House Committee meeting to accommodate a special Finance Committee meeting, the next meeting of the Bills Committee was postponed to **Friday, 9 May 2003 at 4:30 pm.**)*

6. There being no other business, the meeting ended at 10:15 am.

Council Business Division 1
Legislative Council Secretariat
20 May 2003

**Proceedings of the meeting of the
Bills Committee on Copyright (Amendment) Bill 2001 and
Copyright (Amendment) Bill 2003
on Monday, 7 April 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000248	Chairman	Confirmation of minutes	
000248 - 001053	Administration ALA2 Mr Kenneth TING	Discussion on the consequences of combining the Copyright (Amendment) Bill 2001 (2001 Bill) and Copyright (Amendment) Bill 2003 (2003 Bill) The Assistant Legal Adviser of the Legislative Council (LegCo) advised that appropriate amendments had to be made to the 2003 Bill after the enactment of the 2001 Bill for consistency in drafting.	
001053 - 001690	Mrs Selina CHOW Administration	Concern on whether the combination of the 2001 Bill and the 2003 Bill would have any negative impact on the trade The Administration pointed out that combination of the two bills would slow down the liberalization of parallel importation of computer software and hence delay benefits to business.	
001690 - 001733	Ms Margaret NG	Suggestion for the two Bills to be scrutinized separately. The 2001 Bill should be enacted as soon as possible.	
001733 - 001954	Ms Audrey EU Mr CHAN Kam-lam Administration	Clarification that the Administration was currently awaiting response from the publishing industry regarding the Government's proposal on defining electronic publications for exclusion from parallel import liberalization.	
001954 - 002420	Mr HUI Cheung-ching Administration Chairman	Clarification on the effects of the proposed amendments under the 2001 Bill and 2003 Bill in relation to parallel importation on different types of copyright works, including computer	

Time marker	Speaker	Subject(s)	Action required
		software	
002420 - 002558	Dr YEUNG Sum Administration	Concern about the enforcement difficulties of amendments enshrined in the two Bills	
002558 - 002910	Mrs Selina CHOW Clerk Chairman	Clarification that the following issues were outstanding in relation to the 2001 Bill: (a) the parallel importation of electronic publications; and (b) the scope of proposed liberalization, in particular, inclusion of film and music clips as "associated works" in computer software allowed for parallel importation.	
002910 - 003411	Mrs Selina CHOW Mr Kenneth TING Mr HUI Cheung-ching Dr YEUNG Sum Ms Audrey EU Administration	Discussion on the propriety of having one Bills Committee to scrutinize both the 2001 Bill and the 2003 Bill Members were of the view that the two bills should be studied separately.	
003411 - 003750	Chairman Administration	Request for a report on the outcome of consultation with the publishing industry on parallel importation of electronic publications and incorporation of the industry's views into the Committee Stage Amendments (CSAs)	Admin
003750 - 004520	Ms Audrey EU Mrs Selina CHOW Mr CHAN Kam-lam Chairman Administration	Discussion on the exclusion of electronic publications from the proposed liberalization for parallel importation. Concern about the difficulties in distinguishing electronic publications from other interactive computer software such as educational software for parallel importation The Administration remarked that the distinction would base on the economic value of the associated works concerned.	

Time marker	Speaker	Subject(s)	Action required
004520 - 005050	Mrs Selina CHOW Chairman Administration	Clarification on the policy intent behind the Government's proposal of excluding electronic publications from the proposed liberalization	
005050 - 005248	Ms Audrey EU Mrs Selina CHOW Chairman Administration	Concern on the propriety of using economic value to determine whether an associated work should be allowed for parallel importation	
005248 - 011204	Ms Margaret NG Mr MA Fung-kwok Mr HUI Cheung-ching Chairman Administration	Concern about the need to define the term "associated works" for determining the scope of liberalization for parallel importation The Administration should take into account the development of multi-media and creative industries in determining the scope of liberalization.	
011204 - 011210	Chairman	Request for the updated draft CSAs to the 2001 Bill in the light of the provisions in 2003 Bill	Admin
011210 - 011644	Chairman	Dates of next meetings	

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

Council Business Division 1
Legislative Council Secretariat
 20 May 2003