

立法會
Legislative Council

LC Paper No. CB(1)2314/02-03
(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 Friday, 9 May 2003 at 4:30 pm
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 HUI Cheung-ching, JP
Hon CHAN Kam-lam, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon LAW Chi-kwong, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Cyd HO Sau-lan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon MA Fung-kwok, 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 Alex LIU
Head, 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) 1503/02-03 -- Minutes of meeting on 4 March 2003)

The minutes of meeting held on 4 March 2003 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 1612/02-03(01) -- Information paper provided by the Administration explaining the updated draft Committee Stage Amendments to the Copyright (Amendment) Bill 2001

LC Paper No. CB(1) 1499/02-03(01) -- Updated marked-up copy of the draft Committee Stage Amendments to the Copyright (Amendment) Bill 2001

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

LC Paper No. CB(1) 2237/01-02(02) -- Marked-up copy of 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 an information paper explaining the latest proposal on the formulation to define the scope of liberalization of parallel importation of computer software under the 2001 Bill, the rationale for the proposal, a list of consultees whose views have been sought, a summary of their views and the number of meetings held with them; and

(b) To provide a complete set of draft Committee Stage Amendments (CSAs) after consultation with the concerned industries.

4. Members agreed to commence the scrutiny of the Copyright (Amendment) Bill 2003 and invite submissions from interested organizations.

*(Post-meeting note: With the concurrence of the Chairman, a meeting was tentatively scheduled for **Friday, 4 July 2003 from 9:00 am to 12:00 noon** to meet with deputations.)*

III Any other business

5. Members noted that the next meeting was scheduled for **Thursday, 22 May 2003 at 8:30 am**.

**Proceedings of the meeting of the
Bills Committee on Copyright (Amendment) Bill 2001
and Copyright (Amendment) Bill 2003
on Friday, 9 May 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000215	Chairman	Confirmation of minutes	
000215 - 000643	Administration	Briefing by the Administration on the latest proposal on the formulation to define the scope of liberalization of parallel importation of computer software under the Copyright (Amendment) Bill 2001 (2001 Bill) (LC Paper No. CB(1) 1653/02-03 tabled at the meeting and subsequently circulated for members' reference on 13 May 2003) and the updated Committee Stage Amendments to the 2001 Bill (LC Papers No. CB(1) 1612 & 1499/02-03)	
000643 - 001624	Ms Margaret NG	Concern that the revised formulation was a fundamental change from the original approach adopted by the Administration Concern on the test for determining whether a copy of work should be allowed for parallel importation	
001624 - 001900	Mr CHAN Kam-lam Ms Audrey EU Administration	Enquiry on the industries which had been consulted on the revised proposal Confirmation by the Administration that the proposed approach was acceptable to the representatives of the music, movie and publishing industries consulted	
001900 - 002235	Ms Margaret NG Mr HUI Cheung-ching Chairman	Request for the Administration to provide an information paper explaining the latest proposal, the rationale for the proposal, a list of consultees whose views had been sought, a summary of their views and the number of meetings held with them	Admin

Time marker	Speaker	Subject(s)	Action required
002235 - 002744	Ms Audrey EU Ms Margaret NG Dr YEUNG Sum Chairman	Emphasis on the need to further consult the industries on the latest proposal Request for the Administration to provide a complete set of draft CSAs after consultation with the industries concerned	Admin
002744 - 003038	Chairman Dr YEUNG Sum Administration	Scrutiny of the Copyright (Amendment) Bill 2003 (2003 Bill) and invitation for submissions from interested organizations Given that the Bills Committee could not complete scrutiny of the 2003 Bill within the current session, the Administration would move a resolution to extend the validity period of the Copyright (Suspension of Amendments) Ordinance 2001 for one year up to 31 July 2004.	

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

Council Business Division 1
Legislative Council Secretariat
31 July 2003