

立法會
Legislative Council

LC Paper No. CB(1)2391/02-03
(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, 4 July 2003 at 9:00 am
in the Chamber 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
Hon YEUNG Yiu-chung, BBS
Hon Audrey EU Yuet-mee, SC, JP
- Members attending** : Hon James TO Kun-sun
- Members absent** : Hon Cyd HO Sau-lan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Dr Hon YEUNG Sum
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon LAW Chi-kwong, 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

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

Mr Sunny CHAN
Senior Government Counsel, Department of Justice

**Attendance by
Invitation**

: Mr S WONG
Vice Chairman
The Anglo-Chinese Textbook Publishers Organization

Mr Jeffrey BULLWINKEL
Vice President, Business Software Alliance

Ms Merle Linda WOLIN
Writer/Author, East West Production

Mr WAN Joy-tong
Vice Chairman
Educational Booksellers' Association Ltd

Mr Simon LI
Convenor (Hong Kong),
Hong Kong and International Publishers' Alliance

Mr Kevin LAU
Chairman
The Hong Kong Copyright Licensing Association Ltd

Mr Rodney CHUI
President, HK Educational Publishers' Association

Dr CHAN Man-hung
Press Spokesman/Convenor of Educational Affairs
Committee, Hong Kong Publishing Federation Ltd.

Miss Dillys YU
General Manager, Hong Kong Reprographic Rights
Licensing Society Limited

Mr Ricky FUNG
Chief Executive Officer, International Federation of the
Phonographic Industry (Hong Kong Group) Limited

Mr Jason HO
General Manager
McGraw-Hill International Enterprise, Inc.

Mr Mark DAY
Regional Legal Counsel - Asia/Pacific
Motion Picture Association

Mr Tony SHU
Executive Secretary, Movie Producers and Distributors
Association of Hong Kong Limited

Mr Timothy CHAN
Sales Manager, Pearson Education (Parent company of
Longman Hong Kong Education)

Mr CHIU Ping-kwan
Hong Kong Baptist University Representative
(Spokesperson), HUCOM Inter-Institutional Task
Force on Reprographic Rights Licensing

Dr Kevin PUN
The University of Hong Kong Representative
(Spokesperson), HUCOM Inter-Institutional Task
Force on Reprographic Rights Licensing

Ms Shirley LAM
City University of Hong Kong Representative,
HUCOM Inter-Institutional Task Force on
Reprographic Rights Licensing

Ms Jessie FONG
Hong Kong Institute of Education Representative,
HUCOM Inter-Institutional Task Force on
Reprographic Rights Licensing

Mr Tommy YEUNG
Lingnan University Representative, HUCOM Inter-
Institutional Task Force on Reprographic Rights
Licensing

Dr Colin STOREY
The Chinese University of Hong Kong Representative,
HUCOM Inter-Institutional Task Force on
Reprographic Rights Licensing

Mr Donald WASSINK
The Hong Kong University of Science and Technology
Representative, HUCOM Inter-Institutional Task Force
on Reprographic Rights Licensing

Mr Barry BURTON
University Librarian, The Hong Kong Polytechnic
University The Joint University Librarians Advisory
Committee

Mr Raymond SO
Working Committee Representative
Hong Kong News Clipping Industry Working
Committee

Mr Eric LAI
Members' Representative
The Newspaper Society of Hong Kong

Mr Anthony EVANS
Member, Law Society's Intellectual Property Law
Committee, The Law Society of Hong Kong

Mr SHI Kai-biu
President, The Chiu Chau Plastic Manufacturers
Association Co., Ltd

Mrs CHAN Wong-shui
Chief Executive, Consumer Council

Mr YUEN Kin-ming
Executive Committee Member (Spokesperson),
Hong Kong Blind Union

Mr Joseph LO
Director, Hong Kong Blind Union

Mr SO Shing-yit
General Secretary, Hong Kong Christian Council

Mr Addy CHEUNG
Executive Committee Member, Hong Kong Institute of
Professional Photographers

Dr Anthony FERGUSON
President, Hong Kong Library Association

Mr Roger LAM
Executive Committee Member
Hong Kong Public Relations Professionals' Association

Mr Jimmy WAN
Vice Chairman
Hong Kong Small and Medium Enterprises
Association Ltd.

Mr Philomuel NG
Information Technology Committee Chairman
Hong Kong Chamber of Small and Medium Business
Limited

Mr Woody TSUNG
Chief Executive, Hong Kong Kowloon & New
Territories Motion Picture Industry Association Ltd.

Clerk in attendance : Miss Polly YEUNG
Chief Assistant Secretary (1)3

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Mr S C TSANG
Senior Assistant Secretary (1)7

Action

I Meeting with deputations on the Copyright (Amendment) Bill 2003

Copyright owners associations

LC Paper No. CB(1) 2106/02-03(01) -- Submission dated 17 June 2003
from The Anglo-Chinese
Textbook Publishers
Organization

LC Paper No. CB(1) 2106/02-03(02) -- Submission dated 20 June 2003
from Business Software
Alliance

LC Paper No. CB(1) 2106/02-03(03) -- Submission dated 20 June 2003
from Hong Kong and
International Publishers'
Alliance

- LC Paper No. CB(1) 2106/02-03(04) -- Submission from The Hong Kong Copyright Licensing Association Ltd.
- LC Paper No. CB(1) 2106/02-03(05) -- Submission dated 20 June 2003 from Hong Kong Educational Publishers Association
- LC Paper No. CB(1) 2106/02-03(06) -- Submission dated 20 June 2003 from Hong Kong Publishing Federation Ltd.
- LC Paper No. CB(1) 2106/02-03(07) -- Submission dated 20 June 2003 from Hong Kong Reprographic Rights Licensing Society
- LC Paper No. CB(1) 2106/02-03(08) -- Submission dated 20 June 2003 from McGraw-Hill International Enterprise, Inc.
- LC Paper No. CB(1) 2106/02-03(09) -- Submission dated 19 June 2003 from Motion Picture Association
- LC Paper No. CB(1) 2106/02-03(10) -- Submission dated 27 June 2003 from Movie Producers and Distributors Association of Hong Kong Ltd.
- LC Paper No. CB(1) 2106/02-03(11) -- Submission dated 20 June 2003 from Pearson Education (Parent company of Longman Hong Kong Education)

Educational bodies

- LC Paper No. CB(1) 2106/02-03(12) -- Submission dated 17 June 2003 from HUCOM Inter-Institutional Task Force on Reprographic Rights Licensing
- LC Paper No. CB(1) 2106/02-03(13) -- Submission dated 18 June 2003 from The Joint University Librarians Advisory Committee

Newspapers and related organizations

LC Paper No. CB(1) 2106/02-03(14) -- Submission from Hong Kong News Clipping Industry Working Committee

LC Paper No. CB(1) 2106/02-03(15) -- Submission from The Newspaper Society of Hong Kong

Legal professional body

LC Paper No. CB(1) 2014/02-03(01) -- Submission dated 17 June 2003 from The Law Society of Hong Kong

Other organizations

LC Paper No. CB(1) 2106/02-03(16) -- Submission dated 4 July 2003 from Consumer Council

LC Paper No. CB(1) 2106/02-03(17) -- Submission dated 16 June 2003 from Hong Kong Library Association

LC Paper No. CB(1) 2150/02-03(01) -- Submission dated 30 June 2003 from Hong Kong Small and Medium Enterprises Association Ltd.

Submissions from parties not attending the meeting

Copyright owners associations

LC Paper No. CB(1) 2106/02-03(18) -- Submission dated 20 June 2003 from the Association of American Publishers, Inc.

LC Paper No. CB(1) 2106/02-03(19) -- Submission dated 17 June 2003 from the Canotta Publishing Co., Ltd.

- LC Paper No. CB(1) 2106/02-03(20) -- Submission dated 20 June 2003 from the Chung Tai Educational Press
- LC Paper No. CB(1) 2106/02-03(21) -- Submission dated 20 June 2003 from The Commercial Press (HK) Ltd.
- LC Paper No. CB(1) 2106/02-03(22) -- Submission dated 17 June 2003 from the Hon Wing Book Co., Ltd.
- LC Paper No. CB(1) 2106/02-03(23) -- Submission dated 17 June 2003 from the Hong Kong Educational Publishing Co.
- LC Paper No. CB(1) 2106/02-03(24) -- Submission dated 17 June 2003 from the Hong Kong Music Publisher
- LC Paper No. CB(1) 2106/02-03(25) -- Submission dated 20 June 2003 from the International Publishers Association
- LC Paper No. CB(1) 2106/02-03(26) -- Submission dated 20 June 2003 from the Modern Education Network Ltd.
- LC Paper No. CB(1) 2106/02-03(27) -- Submission dated 20 June 2003 from the Oxford University Press (China) Ltd.
- LC Paper No. CB(1) 2106/02-03(28) -- Submission dated 17 June 2003 from the Pilot Publishers Services Ltd.
- LC Paper No. CB(1) 2106/02-03(29) -- Submission dated 17 June 2003 from the Pilot Publishing Company Ltd.
- LC Paper No. CB(1) 2106/02-03(30) -- Submission dated 20 June 2003 from The Publishers Association
- LC Paper No. CB(1) 2106/02-03(31) -- Submission dated 17 June 2003 from the SNP Panpac (HK) Ltd.

LC Paper No. CB(1) 2106/02-03(32) -- Submission dated 20 June 2003 from the Witman Publishing Co. (HK) Ltd.

LC Paper No. CB(1) 2106/02-03(33) -- Submission dated 17 June 2003 from the Ying Lee Music Co., Ltd.

Educational body

LC Paper No. CB(1) 2106/02-03(34) -- Submission dated 19 June 2003 from The Hong Kong Academy For Performing Arts

Television, radio and broadcasting companies

LC Paper No. CB(1) 2106/02-03(35) -- Submission dated 20 June 2003 from the Asia Television Ltd.

LC Paper No. CB(1) 2106/02-03(36) -- Submission dated 20 June 2003 from the Hong Kong Commercial Broadcasting Co., Ltd.

LC Paper No. CB(1) 2106/02-03(37) -- Submission dated 20 June 2003 from the Television Broadcasts Ltd.

Trade associations

LC Paper No. CB(1) 2106/02-03(38) -- Submission dated 20 June 2003 from The Australian Chamber of Commerce in Hong Kong

LC Paper No. CB(1) 2106/02-03(39) -- Submission dated 21 June 2003 from The Chinese General Chamber of Commerce

LC Paper No. CB(1) 2106/02-03(40) -- Submission dated 20 June 2003 from The Chinese Manufacturers' Association of Hong Kong

LC Paper No. CB(1) 2150/02-03(02) -- Submission dated 30 June 2003 from Hong Kong General Chamber of Commerce

LC Paper No. CB(1) 2150/02-03(03) -- Submission dated 20 June 2003 from Federation of Hong Kong Industries

Legal professional bodies

LC Paper No. CB(1) 2106/02-03(41) -- Submission dated 17 June 2003 from the Hong Kong Bar Association

LC Paper No. CB(1) 2150/02-03(04) -- Submission dated 2 July 2003 from Hong Kong Group Asian Patent Attorneys Association

Other organizations

LC Paper No. CB(1) 2106/02-03(42) -- Submission dated 17 June 2003 from The Hong Kong Association of Banks

LC Paper No. CB(1) 2106/02-03(43) -- Submission dated 23 June 2003 from The Hong Kong Institute of Architects

LC Paper No. CB(1) 2106/02-03(44) -- Submission dated 16 June 2003 from the Vocational Training Council

LC Paper No. CB(1) 2150/02-03(05) -- Submission dated 28 June 2003 from Hong Kong Society of Accountants

Individual

LC Paper No. CB(1) 2106/02-03(45) -- Submission dated 17 June 2003 from a Sai Kung District Council member

II Meeting with the Administration on the Copyright (Amendment) Bill 2003

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

2. At members' request, the Administration undertook to take follow-up action as below:

Admin

- (a) to provide a detailed response to deputations' views, including the written submissions from parties which had not attended the meeting; and
- (b) to provide a marked-up copy of the 2003 Bill incorporating the changes effected by the 2001 Bill enacted by the Legislative Council at the meeting on 2 July 2003.

III Any other business

3. Members agreed to hold the next meeting on Monday, 8 September 2003 at 10:45 am.

4. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 1
Legislative Council Secretariat
29 August 2003

**Proceedings of the meeting of the
Bills Committee on Copyright (Amendment) Bill 2001
and Copyright (Amendment) Bill 2003
on Friday, 4 July 2003 at 9:00 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000540	Chairman	Introductory remarks	
000541 – 000940	The Anglo-Chinese Textbook Publishers Organization (ACTPO)	Presentation of views	
000941 – 001557	Business Software Alliance	Presentation of views	
001558 – 002354	East West Production	Presentation of views	
002355 – 002747	Educational Booksellers' Association Ltd.	Presentation of views	
002748 – 003330	Hong Kong and International Publishers' Alliance (HKIPA)	Presentation of views	
003331 – 003815	The Hong Kong Copyright Licensing Association Ltd.	Presentation of views	
003816 – 004339	HK Educational Publishers' Association	Presentation of views	
004340 – 004823	Hong Kong Publishing Federation Ltd.	Presentation of views	
004824 – 005203	Hong Kong Reprographic Rights Licensing Society Limited	Presentation of views	
005204 – 005659	International Federation of the Phonographic Industry (Hong Kong Group) Limited (IFPI)	Presentation of views	
005700 – 010119	McGraw-Hill International Enterprise, Inc. (MHIE)	Presentation of views	
010120 – 010827	Motion Picture Association	Presentation of views	
010828 – 011229	Movie Producers and Distributors Association of Hong Kong Ltd. (MPDA)	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
011230 – 011605	Pearson Education	Presentation of views	
011606 – 012921	HUCOM Inter-Institutional Task Force on Reprographic Rights Licensing (HUCOM)	Presentation of views	
012922 – 013000	The Joint University Librarians Advisory Committee	Presentation of views	
013001 – 013444	Hong Kong News Clipping Industry Working Committee (HKNCIWC)	Presentation of views	
013445 – 013642	The Newspaper Society of Hong Kong	Presentation of views	
013643 – 014505	The Law Society of Hong Kong	Presentation of views	
014506 – 014847	The Chiu Chau Plastic Manufacturers Association Co., Ltd.	Presentation of views	
014848 – 015230	Consumer Council	Presentation of views	
015231 – 015811	Hong Kong Blind Union	Presentation of views	
015812 – 020428	Hong Kong Christian Council (HKCC)	Presentation of views	
020429 – 020553	Hong Kong Institute of Professional Photographers	Presentation of views	
020554 – 021306	Hong Kong Library Association (HKLA)	Presentation of views	
021307 – 021425	Hong Kong Public Relations Professionals' Association	Presentation of views	
021426 – 021838	Hong Kong Small and Medium Enterprises Association Ltd.	Presentation of views	
021839 – 022116	Hong Kong Chamber of Small and Medium Business Ltd.	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
022117 – 022910	Hong Kong Kowloon & New Territories Motion Picture Industry Association Ltd.	Presentation of views	
022910 – 023141	Mr HUI Cheung-ching Administration	<p>Concern on the need to strike a balance between the interests of copyright owners and users and the feasibility of developing mutually agreed guidelines for authorized use of copyright works.</p> <p>Clarification that the Intellectual Property Department (IPD) had been providing assistance to the copyright owners and users in formulating relevant guidelines for compliance in the education sector.</p>	
023142 – 023324	HUCOM	Concern that the existing licensing schemes for photocopying newspapers, books, periodicals and printed materials were unable to address the needs of the educational sector given the fact that they were operated on commercial principle and without sufficient participation from the end-users.	
023325 – 023814	Chairman HUCOM ACTPO IFPI	<p>Effectiveness of the Copyright Tribunal established under the Copyright Ordinance (Cap. 528) (the Ordinance) in adjudicating disputes between licensing bodies and copyright users and the costs involved.</p> <p>The concept of "fair dealing" under the Ordinance on permitted acts in relation to copyright works.</p>	
023815 – 024315	HKCC HKIPA	Feasibility of granting exemptions on licence fees for educational and non-profit-making activities by the copyright licensing bodies.	

Time marker	Speaker	Subject(s)	Action required
024316 – 024855	Chairman HKNCIWC Administration	<p>Concern on the lack of end-users' bargaining power in negotiating with copyright licensing bodies on the fees charged for photocopying newspaper articles, books, periodicals and printed materials, etc.</p> <p>The Administration indicated its role as a facilitator by referring that apart from the "Guidelines for Photocopying of Printed Works by Not-for-profit Educational Establishments" issued in September 2002, IPD was now working closely with the copyright owners and users in developing similar non-statutory guidelines for copying and distribution of works in an electronic environment for compliance by not-for-profit educational institutions.</p>	
024856 – 025636	Chairman HUCOM MPDA	The scope of the end-user's criminal liability in relation to the use of copyright works for educational purposes.	
025637 – 030710	Mr CHAN Kam-lam HKLA MHIE HKIPA	The effectiveness of measures taken by the Administration in combating illicit reproduction of books by copy-shops and the enforcement difficulties encountered.	
030711 - 030800	Chairman Administration	<p>Request for the Administration to provide the following:</p> <p>(a) a detailed response to the deputations' views, including the written submissions from parties which had not attended the meeting; and</p> <p>(b) a marked-up copy of the 2003 Bill incorporating the changes effected by the 2001 Bill enacted by the Legislative Council at the meeting on 2 July 2003.</p>	Admin

Time marker	Speaker	Subject(s)	Action required
030801 - 030810	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
29 August 2003