

立法會
Legislative Council

LC Paper No. CB(1) 673/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/4/01/2

Bills Committee on Copyright (Amendment) Bill 2001

Minutes of meeting
held on Tuesday, 10 December 2002 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 Cyd HO Sau-lan
Hon Margaret NG
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon MA Fung-kwok, JP
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Audrey EU Yuet-mee, SC, 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)
- 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 F H FONG
Senior Superintendent (Ag), 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) 427/02-03 -- Minutes of the meeting on
8 October 2002)

The minutes of meeting held on 8 October 2002 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 441/02-03(01) -- Information paper provided by the
Administration on Impact of proposed
liberalization by reference to industries
and/or products likely to be affected

LC Paper No. CB(1) 441/02-03(02) -- Information paper provided by the
Administration on Consultation with
Publishing Industry, Music Industry
and Consumer Council

LC Paper No. CB(1) 441/02-03(03) -- Information paper provided by the
Administration on Draft Committee
Stage Amendments

LC Paper No. CB(1) 424/02-03 -- Third submission from the
International Federation of the
Phonographic Industry (Hong Kong
Group) Limited dated 28 November
2002

LC Paper No. CB(1) 481/02-03(01) -- Marked-up copy of the Committee Stage amendments proposed by the Administration)

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

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

Geographical restriction on the use of computer software

To consider members' views and propose measures to address their concerns about civil liability relating to violation of geographical restriction on the use of parallel imported computer software.

Drafting issues

To improve drafting on Committee Stage amendments proposed for new sections 35A(3), (3A) and 118A(1)(a) in the light of comments made by members and the Assistant Legal Adviser of the Legislative Council.

III Date of next meeting

4. Members agreed to hold the next meeting on Wednesday, 15 January 2003 at 8:30 am.

5. There being no other business, the meeting ended at 6:10 pm.

Council Business Division 1
Legislative Council Secretariat
10 January 2003

**Proceedings of the meeting of the
Bills Committee on Copyright (Amendment) Bill 2001
on Tuesday, 10 December 2002 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000313	Chairman	Opening remarks; Confirmation of minutes	
000313 - 000629	Administration	Briefing on the following issues: (a) impact of proposed liberalization by reference to industries and /or products likely to be affected (LC Paper No. CB(1) 441/02-03(01)); and (b) further consultation with publishing industry, music industry and Consumer Council (LC Paper No. CB(1) 441/02-03(02))	
000629 - 001317	Chairman Mr MA Fung-kwok Mr CHAN Kam-lam Administration	Noting that the publishing industry opposed the inclusion of electronic publications for parallel importation under the Bill, members expressed concern on the propriety of the proposed liberalization. Electronic publications containing computer programs (e.g. dictionaries, encyclopedia and magazines) could generally be parallel imported as long as they were lawfully made in their place of manufacture.	
001317 - 003422	Hon MA Fung-kwok Mr CHAN Kam-lam Administration	Concern that the proposed liberalization of parallel importation would prevent the adoption of differential pricing on products, especially audio-visual products, for different markets	

Time marker	Speaker	Subject(s)	Action required
003422 - 004218	Mr HUI Cheung-ching Chairman Administration	Impact of parallel importation of electronic publications on local publishers	
004218 - 004850	Mr YEUNG Yiu-chung Administration	Concern that the proposed liberalization of parallel importation would increase copyright piracy No concrete evidence was found to substantiate member's concern.	
004850 - 005344	Administration	Draft Committee Stage amendments proposed by the Administration (LC Paper No. CB(1) 441/02-03(03))	
005344 - 010907	Miss Margaret NG Mr CHAN Kam-lam ALA2 Administration	Clarification on the new section 118A(1)(a) concerning the words "shall be substituted the passage" and "in Hong Kong (including in a limited part of Hong Kong)"	
010907 - 012521	Chairman Mr Kenneth TING Miss Margaret NG Mr MA Fung-kwok Mr CHAN Kam-lam Administration	Clarification on the civil liability relating to violation of geographical restriction on the use of parallel imported computer software. Concern on whether the Government would make any law to override the contractual rights of the copyright owners and users on liberalization of parallel importation of computer software. Suggestion on measures to be taken to address members' concern on the matter	Admin
012521 - 012819	ALA2 Miss Margaret NG Administration Chairman	Clarification on the new section 35A(3) & (3A) concerning the meaning of the words "is a copy of a part of the movie (not being a part to which paragraph (a) applies)" Suggestion to improve the drafting on Committee Stage amendments	Admin

Time marker	Speaker	Subject(s)	Action required
		proposed for the new sections 35A(3), (3A) and 118A(1)(a)	
012819 - 013224	Chairman	Outstanding issues to be discussed at the next meeting; Date of next meeting	

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

Council Business Division 1
Legislative Council Secretariat
10 January 2003