

20 June 2003

Clerk to Bills Committee
Legislative Council Secretariat
3rd floor Citibank Tower
3 Garden Road, Central
Hong Kong

Dear Sir

Re: Bills Committee on Copyright (Amendment) Bill 2001 and Copyright (Amendment) Bill 2003

Thank you for your letter of the 22nd May regarding the proposed amendments to the above bill.

After reviewing the bill in question and after careful consideration, we are concerned that the bill contains no specific protection for our intellectual property (radio programming).

Currently, clause 9 (2) which adds to section 198(1) provides definitions relevant to the four current categories of works mentioned in new section 118A(1). These four categories encompass "feature film", "musical sound recording", "musical visual recording" and "television drama."

There is no provision whatsoever for radio. While some of our radio programmes may contain works defined in the existing four categories ('musical sound recordings' for example) there is no definition which adequately protects our non-musical programming (talk shows, dramas etc.) or, indeed, the underlying rights included in our programming as a whole.

We are very concerned that we therefore will not receive adequate protection under the bill and that radio will remain a 'loophole' in the net that this bill strives to create. It should be borne in mind that, as a free-to-air provider of programmes, it is technically simple for someone to breach our copyright, and therefore solid protection in the law is vital.

May we suggest that a fifth definition is added to Clause 9(2) (and the necessary subsequent changes made to the rest of the bill), to encompass radio programming, perhaps as follows:

"radio sound recording" - a programme or portion of a programme originally transmitted by means of radio waves by a sound broadcasting corporation licensed in Hong Kong."

We would of course be happy to discuss this issue further and provide additional information should you require. In this case, please contact the undersigned,

Yours Sincerely,

Pearl Wong
General Manager