

23 June 2003

Clerk to Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Attn: Ms Christina SHIU

Dear Ms SHIU

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

I refer to your letter dated 22 May 2003.

The Hong Kong Institute of Architects re-iterates its submission dated 18 December 2001. A copy of the submission is attached for easy reference. In addition, the Institute would like to draw the committee's attention to the following points:

- 1) After the approval of this Bill, architects may have to pay for the use of the copyright of other documents such as maps, survey plans etc. However, there is no mechanism to provide the copyright or charging system for others to use architect's design of their buildings.
- 2) We would also wish to request that credits should be given to the architects of building projects that are used for advertising in any graphic form or commercial use such as TV and movies.

We look forward to your reactions to our concerns.

Yours sincerely,

Rita Cheung (Mrs)
Registrar

c.c. Mr. John Wong, President
Dr. Ronald Lu, Chairman, Board of Practices
Prof. Patrick Lau, Immediate Past President

18 December, 2001

Secretary for Commerce and Industry
Commerce & Industry Bureau
Government of the Hong Kong
Special Administrative Region
Level 29, One Pacific Place
88 Queensway, Hong Kong
Attn: Ms Laura Tsoi

Your Ref.: CIB 07/09/5/2

Dear Ms Tsoi,

Review of Certain Provisions of Copyright Ordinance Consultation Document

With reference to the recent actions by the HKSAR government on the matters pertaining to copyright, the HKIA wishes to bring to your attention that with exception of a small number of government buildings, the copyright of the majority of Hong Kong Buildings resides with the architect / Authorized Person.

The Government has spent and is intending to spend an inordinate amount of public funds to preserve the copyright and associated private money-making processes for special interest groups particularly the movie, music, publishing, entertainment and computer software groups. We are writing separately on some of the gross inefficiencies that recent copyright legislation has caused in important industries that employ large numbers of Hong Kong people. Here the private good out-weights the public benefit.

What we intend to do is to, together with our fellow building professionals, enforce our copyright over our buildings.

This means that the image of every building that is used for commercial gain i.e. the making of a video film, TV documentary, photo shoot, advertising etc will be required to pay a fee dependent on the future distribution projections of the usage.

This fee will follow the precedents set by the film, music and television/entertainment industries.

If this proposal sound cynical then it is in line with the current government laws which should be applied across the community and not with partiality.

But.....

We wish to implement this proposal for the benefits of the Hong Kong Community not for the personal enrichment of the architects/authorized persons of Hong Kong. To achieve this we intend to do the following.

- (i) A blanket dispensation for all copyright of buildings will be granted to any photos and videos used by the public for their own personal use and for any requested charities that wish to use this copyright.
- (ii) All moneys raised from the use of the copyright will be placed in a general fund for the improvement of the built environment of the city of Hong Kong.

We look forward to your reactions on this proposal.

Yours sincerely,

Keith Griffiths
Chairman, Board of Practices
for The Hong Kong Institute of Architects

c.c. Mr Barry Will, Immediate Past President
Prof. Patrick Lau, President
HKIA Secretariat