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I am pleased to be here today to represent the Hong Kong Library Association. Our association applauds the decriminalization of the provisions of the copyright bill and we thank the writers of the bill for making this possible.

Allow me to begin by saying that the words I use today are my own. Hong Kong has hundreds of librarians and they all have their own opinions. I do believe, however, that all librarians share my desire to support laws which encourage reading and the use of information.

Let me also clarify that my comments today do not relate to textbooks, software, music recordings and other non book/journal formats. Hong Kong's librarians support strong efforts to prevent the commercial piracy of these materials.

I think everyone has heard the story of the man who discovered he had a goose that laid golden eggs. For a while he was patient and benefited from the goose's steady production. But eventually he became greedy and killed the goose in order to gather all the golden eggs at once. The result was a dead goose and no golden eggs.

I refer to this story because I believe it is parallel to our current situation with regard to information and the formal educational context. It is said that in Hong Kong we live in an information society, which can be defined as one "in which the creation, distribution, and manipulation of information has become the most significant economic and cultural activity". Yet, one of the most common complaints I hear about students in Hong Kong is they do not read much, if anything. While I don't agree totally with this complaint, I have often wondered what there might be in our society that discourages students from reading more than just their textbooks. I believe there are several reasons, but I will focus on a pair of factors – the concept of Fair Dealing and the follow on use of licensing societies to collect extra fees from schools and universities. These factors, I believe, discourage teachers from readily sharing information with their students and this in turn fails to encourage students to be avid researchers.

Now allow me to go back to the goose and the golden eggs story. Schools and universities are the geese that produce golden eggs. The students of these schools and universities are the golden eggs. And some, but not all, publishers and vendors of information are like the man in the story who in his impatience to gather the gold, contribute to the killing of the goose and the loss of the golden eggs.

Part of Hong Kong's colonial heritage is its employment of the concept of Fair Dealing and the mandate for educational institutions to pay additional fees, on top of those already paid by their libraries, for the information used to train our future information consumers. The proposed law is silent on the alternate concept of Fair Use and therefore suggests we continue Fair Dealing. Not all societies operate this way. In North America, for example, the concept of Fair Use is employed. Fair Use encourages teachers and students to share the information their libraries have purchased and does not require the payment of fees to licensing societies. For example, under Fair Use as a student I can make a photocopy of an article in a journal found in the library and share it with others while under the cloud of Fair Dealing I can't – unless my school pays a fee to cover all such uses of information. Imbedded in Fair Use is a belief that by training up readers everyone wins: authors, publishers, vendors, libraries, teachers and of course students.

The chair of the then G7 nations noted in 1995 that:

Progress in information technologies and communication is changing the way we live: how we work and do business, how we educate our children, study and do research, train ourselves, and how we are entertained. The information society is not only affecting the way people interact but it is also requiring the traditional organisational structures to be more flexible, more participatory and more decentralised. (Chair's conclusions from the G-7 Ministerial Conference on the Information Society, February 1995.)

In behalf of the Hong Kong Library Association I would like to encourage this body to change the way in which it governs the use of information and rewrite the current bill to employ the concept of fair use and not fair dealing. Again I note my comments do not related to the piracy of textbooks, computer

programs, etc. If Hong Kong is to be an information society, if Hong Kong's students are to successfully compete with those in North America, Hong Kong's educational institutions should not be saddled with a system that discourages the ready distribution of information already paid for once by their libraries. Moreover, while licensing societies would free the government from intervening when there are disagreements over what constitutes the fair use of information, in the long run they needlessly increase the cost of education – an increase that our economic situation can ill afford.

Finally I would like to note that while we sit here debating the decriminalization of these copyright provisions related to physical information objects, our students are skipping these materials altogether and moving to the Web. We need to keep in mind that unless printed forms of information are easy to use and access, we risk being marginalized by the growth of the free information of the Web.