

Our ref. : CIB 07/09/5/2  
Your ref. :

Tel. no. : 2918 7482  
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28 March 2002

The Hong Kong Medical Association  
5/F, Duke of Windsor Social Service Building  
15 Hennessy Road  
Hong Kong

(Attn : Dr Li Siu Lung)

Dear Dr. Li,

**Review of Certain Provisions of the Copyright Ordinance**

I refer to your letter dated 28 February 2002 to Dr Hon Lo Wing Lok. The letter was referred to us by the Clerk to the Legislative Council Panel on Commerce and Industry (the Panel) on 26 March 2002.

As explained to your Ms Wong over the phone, we have carefully considered the views of the Hong Kong Medical Association and other parties received during the consultation before formulating the proposals after the review.

For Chapter 4 of the consultation document in relation to paying copyright royalties to owners of underlying works when playing free radio or television broadcasts in certain venues, having regard to overseas practices and our international obligations under the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights, we believe that there may be a case to provide limited but not across-the-board exemptions. Please see paragraphs 20 to 22 of the paper that we presented to the Panel at its meeting on 4 February for details (Annex A). The WTO ruling mentioned in paragraph 19 of the paper is at Annex B for your easy reference.

You may wish to note that the above proposals have been approved by the Chief Executive in Council on 12 March 2002 and I

understand that you have already have a copy of the relevant Legislative Council Brief.

( Laura Tsoi )  
for Secretary for Commerce and Industry

c.c.

Clerk to Panel (Attn : Ms Connie Szeto) )  
Hon Kenneth Ting Woo Shou, JP (Chairman) ) w/o encl.  
Dr. Hon Lo Wing Lok )