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24 December 2001

**Hong Kong Special Administrative Region
of the People's Republic of China**

Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear sir,

**Review of Certain Provision of Copyright Ordinance
Consultant Document**

The Hong Kong Society for the Blind was founded in 1956 and has become the principal organisation in Hong Kong that provides comprehensive services for the 75,000 blind and visually impaired population, including rehabilitation, braille and talking book production, library, adaptive technology, children, elderly, ophthalmology and career support and development services.

Subsidised by the Education and Social Welfare departments, our Centralised Braille Production Centre and Communication Department are responsible for transcribing braille and recording talking books for the visually impaired respectively. As the blind and visually impaired persons cannot take advantage of the print material, our production of books suitable for them is vitally important in education, employment and daily living.

In recent years, the Society sends approximately 350 and 120 applications per year to publishers for permission to produce their works in braille and talking book respectively. On the average, only 47% would, and 53% would not, be answered. Just a few among those who have responded would refuse granting permission for different reasons.

In view of the fact that there were big percentage of copyright owners not responding to copyright permission requests, which hindered our work seriously, thus adversely deprived the right of access to information of the visually impaired, we strongly urge the Government to take effective measures, such as those outlined in the Copyright Ordinance Consultation Document, to ensure the right of the blind and visually impaired in access to the print media, including:

- (a) Provide a new permitted act for the transcribing of works in the printed format into braille, large-print, talking or other specialised formats by non-profit-making bodies for the exclusive use of visually impaired persons where no such transcriptions are commercially available in Hong Kong within a reasonable time or at a reasonable price; and
- (b) The acts mentioned in paragraphs 3.1 and 3.2 in the Document mentioned above should be permitted no matter a licensing scheme is available or not for authorising those acts.

Thank you for your attention.

Yours sincerely,

Grace Chan (Mrs.)
Director

GC/FL/fm

Encl. Chinese translation of our comments

cc. Commerce and Industry Bureau

DH(R)

S(CBPC)

S(CD)

香港盲人輔導會成立於 1956 年，為政府資助之志願福利團體，有員工四百餘人，是主要的視障人士服務機構，為全港七萬五千視障人士提供復康、點字及錄音圖書製作、圖書館、適用科技、兒童、安老、眼科、職業支援及發展等服務。

多年來，在教育署和社會福利署資助下，本會的中央點字製作中心和傳達部，分別負責把書本翻譯成點字或錄製成錄音圖書，供視障人士使用。因失明和視障人士不能閱讀印刷書籍，故需倚賴我們的轉譯，以滿足他們求學、工作和日常生活中的閱讀需要。近年來，本會每年分別寄出約 350 和 120 封申請信，徵求出版商容許把書本翻成點字和錄製成錄音圖書。一般而言，只有百分之 47 左右收到回信，其餘的百分之 53 則遭石沉大海的命運。幸而，所收到的回信中，絕少數是不予以批准的。由於實際尚有不少版權擁有人沒有對我們的需要作出回應的原故，以致視障人士可用書籍的出版工作受到阻礙，令他們的閱讀權利受到不良的影響，故我們速請當局竭盡所能，採取有效措施，如：登載於《檢討版權條例》的《若干條文諮詢文件》內的，已保障失明及視障人士閱讀印刷書本的權益，包括下列兩點：A】立法豁免非牟利機構，准許把具有版權的印刷品以點字、特大字體、錄音或其他合適的形式製作，以供視障人士使用。B】無論是否有特許計劃提供授權與否，一律准許該文件第 3.1 及 3.2 段所列的行為。