

## **Information Note for the Panel on Commerce and Industry**

### **Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2003**

#### **Purpose**

This paper informs Members of our proposal to extend the expiry date of the Copyright (Suspension of Amendments) Ordinance 2001 (Cap.568) (“Suspension Ordinance”) from 31 July 2003 to 31 July 2004 through making the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2003 (“2003 Notice”). A copy of the Notice is at Annex.

#### **Background**

2. We amended the Copyright Ordinance with effect from 1 April 2001 to introduce criminal liability for the use of pirated copies of copyright works in business. Following the commencement of the criminal provision, the public was concerned that the provision would hamper the dissemination of information in enterprises and teaching in schools. To address such concerns, we introduced the Suspension Ordinance which was passed in June 2001 by the Legislative Council to suspend the criminal provision except as it applied to computer programs, movies, television dramas and musical recordings.

3. The relevant provisions under the Suspension Ordinance originally expired on 31 July 2002. However, under section 3(2) of the Suspension Ordinance, the Secretary for Commerce, Industry and Technology may, by notice published in the Gazette before the expiry date, amend that date. Such a notice is subject to the approval of the Legislative Council. In July 2002, the Administration proposed and the Legislative Council approved the extension of the effective period of the Suspension Ordinance for one year until 31 July this year. This extension is aimed at facilitating the preparation of legislative proposals by the Administration for a long term solution for the suspension arrangements.

4. After wide consultation, we introduced the Copyright (Amendment) Bill 2003 to the Legislative Council in February this year. The Bill proposes, among other things, to continue with the existing arrangements under the Suspension Ordinance as far as criminal liability

for the use of pirated copies of copyright works in business is concerned. The Bill is now being scrutinized by the Bills Committee. To ensure that the Committee has sufficient time to examine the Bill, we propose to further extend the expiry date of the Suspension Ordinance for another year until 31 July 2004.

### **The 2003 Notice**

5. The 2003 Notice is made under section 3(2) of the Suspension Ordinance and seeks to change the expiry date of the Suspension Ordinance from 31 July 2003 to 31 July 2004. Under section 3(3) of the Suspension Ordinance, the notice will have to be approved by the Legislative Council. The Secretary for Commerce, Industry and Technology will move a motion on 2 July 2003 to seek the approval of the Legislative Council for the passage of the 2003 Notice. Subject to the approval of the Legislative Council, the Notice will be published in the gazette on 4 July 2003.

### **Conclusion**

6. Members are invited to note the proposal to extend the expiry date of the Suspension Ordinance and the legislative timetable in paragraph 5 above.

Commerce & Industry Branch  
Commerce, Industry & Technology Bureau  
June 2003

**COPYRIGHT (SUSPENSION OF AMENDMENTS)  
ORDINANCE 2001 (AMENDMENT)  
NOTICE 2003**

(Made under section 3 of the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) subject to the approval of the Legislative Council)

**1. Lifting of suspension**

Section 3(1) of the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) is amended by repealing "2003" and substituting "2004".



Secretary for Commerce, Industry and  
Technology

11 June 2003

**Explanatory Note**

This Notice amends the expiry date under section 3(1) of the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) from 31 July 2003 to 31 July 2004.