

Panel on Commerce and Industry

List of outstanding items for discussion (position as at 5 May 2004)

Proposed timing for discussion*

1. Government Electronic Trading Services (GETS) market

Item raised by Mr SIN Chung-kai at the meeting on 13 April 2004.

June 2004

Having regard that there are currently two service providers, namely, the Tradelink Electronic Commerce Ltd and Global e-Trading Services Ltd for provision of GETS, Mr SIN has proposed to invite the Administration to brief the Panel on the latest development of and competition in the GETS market. He was concerned, inter alia, about the existing mechanism of dealing with complaints against any anti-competitive behaviour by the service providers. Mr SIN was also concerned what measures would be taken by the Administration to facilitate fair competition between the existing service providers. The Administration noted Mr SIN's concerns and will revert to the Panel on the subject in June 2004.

2. Draft Copyright (Prescription of Copyright Registers) Regulation

Item discussed at the meeting on 12 May 2003. Members noted the Administration's proposal of prescribing the copyright registers maintained by the United States, Canada and India with a view to simplifying the proof of copyright ownership in legal proceedings under section 121(2) of the Copyright Ordinance (Cap.528). Members asked the Administration to consider the setting up of a copyright register in Hong Kong. The Administration undertook to consider members' views and revert to the Panel in due course.

To be confirmed

3. Improving the business environment

Issues relating to improving the business environment were last discussed at the Panel meeting on 10 June 2002.

To be confirmed

The same subject has recently been covered in paragraphs 16 to 18 of the Chief Executive's 2004 Policy Address and raised by Mrs Sophie LEUNG at the Panel meeting on 14 January 2004. Mrs LEUNG expressed her view, inter alia, that the Government should strive to provide the business and industrial sectors with

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an "enabling environment".

With the establishment of the Economic and Employment Council (EEC) in January 2004, a comprehensive forum will be provided for the discussion of relevant issues. Members have been briefed on 13 April 2004 on a reorganization proposal involving the Commerce, Industry and Technology Bureau and Financial Services and the Treasury Bureau to provide support to the EEC. The proposal was subsequently endorsed by the Establishment Subcommittee on 28 April 2004.

4. Unauthorized downloading of copyright works from the Internet

Item raised at the special meeting of the Panel on Information Technology and Broadcasting (ITB Panel) on 25 March 2004 in connection with the discussion on "Measures to facilitate the development of film industry". Organizations attending the meeting pointed out that with the advancement in technology, there has been an increase in activities relating to making available movie products on the Internet for access and downloading through various means of transfer, in particular, the so called peer to peer transfer (P2P network) by users without the authorization of the copyright owners concerned. They considered that the act of making available infringing copies through the P2P network should be sanctioned, lest the well-being of the creative industries would be adversely affected.

To be confirmed

Since copyright issues relating to the unauthorized downloading of movie and musical products from the Internet fall within the purview of the Panel on Commerce and Industry (CI Panel). Members of the ITB Panel agreed that the CI Panel should be invited to explore the subject further in conjunction with the Administration and deputations.

The Administration is in the course of examining the possible criminal liabilities involved on the copyright side under the current law when there is the sharing of infringing materials through P2P networks. The Administration will report to the Panel on the findings in due course.

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**Proposed timing
for discussion***

5. Reports by Heads of Hong Kong Economic and Trade Offices

The Heads, ETOs will meet in Hong Kong in the week commencing 12 July 2004. They will attend the C&I Panel at its meeting on 12 July 2004.

July 2004

Council Business Division 1
Legislative Council Secretariat
5 May 2004

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