

**Examples of provision which provide that exceptions may be made
to the application of certain provisions in the principal Ordinances
by notice published in the Gazette**

Companies Ordinance (Cap. 32)

**Section 38A Exemption of certain persons and prospectuses from compliance
with certain requirements**

...

(2) Whether or not a request referred to in subsection (1)¹ has been made, the Commission may, by notice published in the Gazette, and subject to such conditions (if any) as the Commission thinks fit and specified in the notice, exempt-

- (a) any class of companies; or
- (b) any class of prospectuses issued by companies,

from any or all of the requirements of the relevant provisions if, having regard to the circumstances, the Commission considers that the exemption will not prejudice the interest of the investing public and compliance with any or all of those requirements, in the case of that class of companies or prospectuses, as the case may be-

- (c) would be irrelevant or unduly burdensome; or
- (d) is otherwise unnecessary or inappropriate.

Inland Revenue Ordinance (Cap. 112)

Section 87 General power of Chief Executive in Council to exempt

The Chief Executive in Council may by order exempt any person, office or institution from payment of the whole or any portion of any tax chargeable under this Ordinance.

Education Ordinance (Cap. 279)

Section 9 Exemption of schools from Ordinance

...

(3) The Chief Executive in Council may, by order published in the Gazette, exempt from all or any of the provisions of this Ordinance-
(Amended 55 of 2000 s. 3)

- (a) any school or class or description of school; and
 - (b) the interested persons of such school or class or description of school,
- on such conditions, if any, as he thinks fit.

¹ Subsection (1) provides that "where it is proposed to offer any shares in or debentures of a company to the public by a prospectus or class of prospectuses issued generally, there may, on the request of the applicant, and subject to such conditions (if any) as the Commission thinks fit, be issued by the Commission a certificate of exemption from compliance with any or all of the requirements of the relevant provisions if, having regard to the circumstances, the Commission considers that the exemption will not prejudice the interest of the investing public and compliance with any or all of those requirements-

- (a) would be irrelevant or unduly burdensome; or
- (b) is otherwise unnecessary or inappropriate."

Examples of provisions in other jurisdictions
(English version only)

Extract from section 1201 of the Copyright Act of USA

- (a) Violations Regarding Circumvention of Technological Measures—
- (1) (A) No person shall circumvent a technological measure that effectively controls access to a work protected under this title. The prohibition contained in the preceding sentence shall take effect at the end of the 2-year period beginning on the date of the enactment of this chapter.
- (B) The prohibition contained in subparagraph (A) shall not apply to persons who are users of a copyrighted work which is in a particular class of works, if such persons are, or are likely to be in the succeeding 3-year period, adversely affected by virtue of such prohibition in their ability to make noninfringing uses of that particular class of works under this title, as determined under subparagraph (C).
- (C) During the 2-year period described in subparagraph (A), and during each succeeding 3-year period, the Librarian of Congress, upon the recommendation of the Register of Copyrights, who shall consult with the Assistant Secretary for Communications and Information of the Department of Commerce and report and comment on his or her views in making such recommendation, shall make the determination in a rulemaking proceeding for purposes of subparagraph (B) of whether persons who are users of a copyrighted work are, or are likely to be in the succeeding 3-year period, adversely affected by the prohibition under subparagraph (A) in their ability to make noninfringing uses under this title of a particular class of copyrighted works. In conducting such rulemaking, the Librarian shall examine—
- (i) the availability for use of copyrighted works;
 - (ii) the availability for use of works for nonprofit archival, preservation, and educational purposes;
 - (iii) the impact that the prohibition on the circumvention of technological measures applied to copyrighted works has on criticism, comment, news reporting, teaching, scholarship, or research;
 - (iv) the effect of circumvention of technological measures on the market for or value of copyrighted works; and
 - (v) such other factors as the Librarian considers appropriate.
- (D) The Librarian shall publish any class of copyrighted works for which the Librarian has determined, pursuant to the rulemaking conducted under subparagraph (C), that noninfringing uses by persons who are users of a copyrighted work are, or are likely to be, adversely affected, and the prohibition contained in subparagraph (A) shall not apply to such users with respect to such class of works for the ensuing 3-year period.
- (E) Neither the exception under subparagraph (B) from the applicability of the prohibition contained in subparagraph (A), nor any determination made in a rulemaking conducted under subparagraph (C), may be used as a defense in any action to enforce any provision of this title other than this paragraph.

Extract from section 261D(2) of the Copyright Act of Singapore

- (2) The Minister may, by order published in the *Gazette*, exclude the operation of section 261C(1)(a)² in relation to a specified work or other subject-matter or performance, or a specified class of works or other subject-matters or performances, if he is satisfied that any dealing with the work, subject-matter or performance or with the class of works, subject-matters or performances, being a dealing which does not amount to an infringement of copyright therein or an unauthorised use thereof (as the case may be), has been adversely impaired or affected as a result of the operation of this section.

² Section 261C(1)(a) states that where a technological measure is applied to a copy of a work or other subject-matter by or with the authorisation of the owner of the copyright in the work or subject-matter in connection with the exercise of the copyright, or to a copy of a performance by or with the authorisation of the performer of the performance in connection with the exercise of any right in the performance, no person shall, without the authorisation of the owner of the copyright or the performer of the performance, as the case may be if the technological measure is a technological access control measure, do any act which he knows or ought reasonably to know circumvents the technological measure.