

立法會
Legislative Council

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Date : 2 June 2006

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 21 June 2006

**Proposed resolution under
the Copyright (Suspension of Amendments) Ordinance 2001**

I forward for Members' consideration a proposed resolution which the Secretary for Commerce, Industry and Technology will move at the Council meeting of 21 June 2006 under the Copyright (Suspension of Amendments) Ordinance 2001. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Commerce, Industry and Technology will deliver when moving the proposed resolution, is also attached.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

COPYRIGHT (SUSPENSION OF AMENDMENTS) ORDINANCE 2001

RESOLUTION

(Under section 3 of the Copyright (Suspension
of Amendments) Ordinance 2001 (Cap. 568))

RESOLVED that the Copyright (Suspension of Amendments) Ordinance
2001 (Amendment) Notice 2006, made by the Secretary for
Commerce, Industry and Technology on 30 May 2006, be approved.

**COPYRIGHT (SUSPENSION OF AMENDMENTS) ORDINANCE 2001
(AMENDMENT) NOTICE 2006**

(Made by the Secretary for Commerce, Industry and Technology
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 "2006" and
substituting "2007".

Secretary for Commerce, Industry and
Technology

30 May 2006

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 2006 to 31 July 2007.

**Speech by the Secretary for Commerce, Industry and Technology
in the Legislative Council on 21 June 2006
in moving the Resolution to approve
the Copyright (Suspension of Amendments) Ordinance 2001
(Amendment) Notice 2006
[Translation]**

Madam President,

I move that the motion, as printed on the Agenda, be passed. The motion approves the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2006 made by the Secretary for Commerce, Industry and Technology.

2. When the criminal liability provisions relating to the possession of infringing copies of copyright works in the course of business took effect in April 2001, there were widespread public concerns that the new provisions would hamper dissemination of information in enterprises and teaching in schools. The Copyright (Suspension of Amendments) Ordinance 2001 (“Suspension Ordinance”) was passed in June 2001 to suspend the implementation of the criminal liability provisions, but they still apply to computer programs, movies, television dramas and musical recordings.

3. The Suspension Ordinance will cease to have effect on 31 July 2006. Under Section 3 of the Suspension Ordinance, the Secretary for Commerce, Industry and Technology may, by notice published in the Gazette before the expiry of the Suspension Ordinance, amend the expiry date with the approval of the Legislative Council.

4. After the public consultation in early 2005 and extensive discussions with copyright owners and users, we introduced the Copyright (Amendment) Bill 2006 into the Legislative Council in March this year. The Bill contains a number of legislative proposals the main objectives of which are to enhance protection for copyright owners while taking into account the needs of users of copyright works. One of the legislative proposals is to incorporate into the Copyright Ordinance the existing scope of the business end-user possession offence as provided for under the Suspension Ordinance, i.e. the criminal liability concerned only applies to computer programs, movies, television dramas and musical recordings.

5. The Copyright (Amendment) Bill 2006 is now being examined by the Bills Committee of the Legislative Council which has received more than 60 submissions. In view of the complexity of the Bill which touches on a number of copyright-related issues, the Bills Committee considers that more time will be required to examine the Bill and that stakeholder groups should be given sufficient opportunity to air their views. The Administration therefore proposes to further extend the effective period of the Suspension Ordinance for 12 months until 31 July 2007, and the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2006 has been made for this purpose.

6. Thank you, Madam President.