



January 19, 2006

The Honourable Sophie Leung Lau Yau-fun, SBS, JP
Panel Chairman
Panel on Commerce and Industry
Legislative Council
8 Jackson Road, Hong Kong

CB(1)798/05-06(01)

Dear Mrs. Leung,

Permitted Acts for Education

The Heads of Universities Committee (HUCOM) Task Force on Copyright in Education welcomes and supports the following proposal stated in the Government's *Proposals on Various Copyright-Related Issues* released in June 2005:

“... to remove the existing restriction that the permitted acts of recording of broadcasts and cable programmes and reprographic copying of passages from published works by educational establishments will not be permitted if there are relevant licencing schemes granting authorizations for the work concerned in order to further facilitate education”.

Sections 44 (2) and 45 (2) of the existing Copyright Ordinance permit recording of broadcasts and cable programmes and reprographic copying of reasonable extent of passages from published works by educational establishments only if licencing schemes are not available. Once any relevant licencing scheme is introduced, there is no copyright exemption for educational purposes in the use of either any published works or any broadcasts and cable programmes. Teachers and students cannot make a copy of any published works to whatever extent nor record any broadcasts and cable programmes for educational purposes. Copyright exemption for educational purposes is “switched-off” once licencing schemes are “switched-on”.

The presence of licencing schemes will negate the Government's *Proposals on Various Copyright-Related Issues* released in June 2005. The removal of the existing restriction on copyright exemption by the presence of licencing schemes is crucial to promote the use of information for teaching and learning in the information era. Copyright exemption should not be replaced by licencing schemes; exemption needs to be provided for educational establishments no matter whether licencing schemes exist or not.

Yours sincerely,

Colin Storey (Dr.)

Chairman of HUCOM Task Force on Copyright in Education

cc: Miss Polly Yeung (Clerk to Panel on Commerce and Industry, Legislative Council)

Appendix 1

About the HUCOM Task Force on Copyright in Education

The Heads of Universities Committee (HUCOM) is a body formed by the Presidents and Vice-Chancellors of the following University Grants Committee (UGC) funded institutions:

City University of Hong Kong;
The Hong Kong Baptist University;
Lingnan University;
The Chinese University of Hong Kong;
The Hong Kong Institute of Education;
The Hong Kong Polytechnic University;
The Hong Kong University of Science and Technology; and,
The University of Hong Kong.

This Task Force (formerly 'The HUCOM Inter-Institutional Task Force on Reprographic Rights Licensing') was formed in June 2000 and comprises one representative from each of the above institutions. It is advised by a legal consultant who specializes in intellectual property.

The Task Force was established with the following Terms of Reference:

- a) The Task Force will consist of one representative from each of the UGC institutions, one of which will be elected as Convenor upon endorsement from HUCOM;
- b) The Task Force will monitor developments in Reprographic Rights Licensing and Government proposed amendments to the *Copyright Ordinance*, with particular attention paid to their impact on the tertiary sector, including but not limited to issues concerning copying printed materials and using electronic/digital copyright materials for teaching and research purposes;
- c) The Task Force will represent the UGC institutions in liaison and negotiations with all interested parties, including local and international licensing bodies, concerned groups in the copyright arena, Hong Kong Government departments and LegCo, on issues raised in (b) above in order that the views of the UGC institutions are fully understood and taken into account;
- d) The Task Force will give reports to HUCOM on the progress of any such discussions and negotiations as and when necessary.

A list of the current members of the Task Force is on the following page.

Current Members of the HUCOM Task Force on Copyright in Education

Institution	Name of Representative	Post	Tel.	Fax	e-mail
City University of Hong Kong	Prof Steve CHING	University Librarian	3442 6030	2788 9425	hsching@cityu.edu.hk
The Hong Kong Baptist University	Mr CHIU Ping Kwan	Director of General Administration	3411 7951	2338 7644	pkchiu@hkbu.edu.hk
Lingnan University	Mr YEUNG Kai-yin, Tommy	Associate Librarian	2616 8566	2838 6231	tyeung@ln.edu.hk
The Chinese University of Hong Kong	Dr Colin STOREY (Convenor) Mrs. Shirley LEUNG (Secretary)	University Librarian Head of Public Services, Library	2609 7318 2609 7328	2603 6952 2603 6952	storey@cuhk.edu.hk shirleyleung@cuhk.edu.hk
The Hong Kong Institute of Education	Ms Connie WONG	Resources and Administrative Services Manager	2948 6215	2948 6306	ctmwong@ied.edu.hk
The Hong Kong Polytechnic University	Mr Barry BURTON	University Librarian	2766 6856	2765 8274	lbbarry@inet.polyu.edu.hk
The Hong Kong University of Science and Technology	Ms Victoria CAPLAN	Access Services Manager, Library	2358 6786	2358 1462	lbcaplan@ust.hk
The University of Hong Kong	Ms Alice LEE	Associate Professor, Dept of Law	2859 2921	2559 3543	alicelee@hkucc.hku.hk