

立法會
Legislative Council

LC Paper No. CB(1)103/03-04 [revised]
(These minutes have been seen by the
Administration)

Ref: CB1/BC/11/02

**Bills Committee on
Broadcasting (Amendment) Bill 2003**

**Minutes of meeting
held on Tuesday, 7 October 2003, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Hon NG Leung-sing, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP
- Members absent** : Dr Hon David CHU Yu-lin, JP
Hon CHAN Kwok-keung, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
- Public officers attending** : Mrs Marion LAI, JP
Deputy Secretary for Commerce, Industry and
Technology (Communications and Technology)
- Mr Eddie CHEUNG
Principal Assistant Secretary for Commerce, Industry
and Technology (Communications and Technology)
- Mr Danny LAU
Assistant Director of Office of the
Telecommunications Authority (Operations)
- Mr Vidy CHEUNG
Senior Government Counsel

Clerk in attendance : Miss Polly YEUNG
Chief Assistant Secretary (1)3

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Assistant Secretary (1)1

I Confirmation of minutes

LC Paper No. CB(1)2530/02-03 - Minutes of 2nd meeting on
10 September 2003

The minutes of second meeting on 10 September 2003 were confirmed.

II Meeting with the Administration

LC Paper No. CB(1)2525/02-03(01) - Summary of deputations' views on
major proposals in the Bill and the
Administration's response

LC Paper No. CB(1)2525/02-03(02) - Administration's response to issues
raised by Members at the Bills
Committee meeting on
10 September 2003

LC Paper No. CB(1)2525/02-03(03) - Letter dated 16 August 2003 from
the Assistant Legal Adviser (ALA)
to the Administration

LC Paper No. CB(1)2525/02-03(04) - Reply dated 29 September 2003
from the Administration to ALA's
letter of 16 August 2003

LC Paper No. CB(3)602/02-03 - The Bill

ITBB(CR)9/19/1(03)Pt.19 - The Legislative Council Brief
issued by the Commerce, Industry
and Technology Bureau on
29 April 2003

LC Paper No. LS104/02-03 - The Legal Service Division Report
on the Bill

LC Paper No. CB(1)2070/02-03(01) - Marked-up copy of the Bill

2. The Bills Committee deliberated (Index of proceedings attached at Appendix)

Issues which required follow-up actions/consideration

3. At the request of the Bills Committee, the Administration would provide the following information:

- (a) The details of enforcement actions taken against the supply of unauthorized decoders, including the number of prosecution and penalties imposed, in the past few years; and
- (b) The extent of the problem of domestic pirated viewing in member states of the European Union.

4. Some members were concerned about the effectiveness of technology and digitization in containing the problem of domestic pirated viewing and would like to seek further information, if any, from parties concerned.

(post-meeting note: The Secretariat has written to all deputations which have previously submitted views to the Bills Committee inviting them to provide further information on this aspect, in particular the industry's efforts on improving technology, the effectiveness of such measures and overseas experience.)

Date of next meetings

5. The Bills Committee agreed to commence clause-by-clause examination of the Bill starting from next meeting and that the fourth and fifth meetings be held as follows:

| <u>Date</u> | <u>Time</u> |
|------------------------------|-------------|
| 31 October 2003 (Thursday) | 8:30 am |
| 19 November 2003 (Wednesday) | 8:30 am |

6. The Chairman also advised that individual members who would like to propose Committee Stage Amendments (CSAs) to the Bill should provide the proposed CSAs early so that the Bills Committee could have the opportunity to consider them not later than the meeting on 19 November 2003.

III Any other business

7. There being no other business, the meeting ended at 4:00 pm.

**Proceedings of the meeting of the
Bills Committee on Broadcasting (Amendment) Bill 2003
on Tuesday, 7 October 2003, at 2:30 pm
in Conference Room A of the Legislative Council Building**

| Time Marker | Speaker | Subject(s) | Action Required |
|--------------------|--|---|---|
| 000000 - 000018 | Chairman | Introductory remarks and confirmation of minutes of meeting on 10 September 2003. | |
| 000019 - 004234 | Chairman Mrs Selina CHOW Ms Audrey EU Administration Mr MA Fung-kwok | <u>LC Paper No. CB(1)2525/02-03(01):</u> (a) Whether decoders lawfully obtained to receive encrypted signals in overseas territories but subsequently used without authorization to receive these signals in Hong Kong should be covered by the statutory definition of "unauthorized decoder" under clause 2 of the Bill. (b) Whether the use of those decoders mentioned in (a) should be treated as a subject relating to parallel imports or as one relating to intellectual property rights. (c) Overseas practice of sanctioning the use of decoders mentioned in (a) by domestic end-users. (d) Implications on public resources if decoders mentioned in (a) were sanctioned. | |
| 004235 - 010338 | Mrs Selina CHOW Administration Mr MA Fung-kwok | (a) Enforcement actions against the sale of unauthorized decoders in Hong Kong. (b) Whether digitization could contain the problem. (c) Practical difficulty in proving an offence of domestic pirated viewing of subscription television programmes. | The Administration to provide the information as per paragraph 3(a) of the minutes. |
| 010339 - 011514 | Chairman | <u>LC Paper No. CB(1)2525/02-03(02):</u> (a) Extent of the problem of domestic pirated viewing in Canada and European Union. (b) Member states of European Union which had prohibited the personal use and/or private possession of illicit devices. | The Administration to provide the information as per paragraph 3(b) of the minutes. |

| Time Marker | Speaker | Subject(s) | Action Required |
|--------------------|--|--|---|
| 011515 - 012636 | Chairman Mr Howard YOUNG Administration Mrs Selina CHOW | (a) The effectiveness of digitization in containing the problem. (b) The need to step up enforcement actions against the sale of unauthorized decoders. (c) The deterrent effect of penalties imposed against offences in relation to supply of unauthorized decoders. | Members to take note of the action taken for (a) as per paragraph 4 of the minutes. |
| 012637 - 013044 | Chairman Assistant Legal Adviser Members | (a) Members agreed to consider LC Paper No. CB(1)2525/02-03 (03) and (04) during clause-by-clause examination of the Bill. (b) Scheduling of fourth and fifth meetings. | Members to take note of paragraph - 6 of the minutes. |

Council Business Division 1
Legislative Council Secretariat
22 October 2003