

立法會
Legislative Council

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Tel : 2869 9205

Date : 12 June 2003

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 2 July 2003

**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 2 July 2003 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 2003, made by the Secretary for Commerce,
Industry and Technology on 11 June 2003, be approved.

**COPYRIGHT (SUSPENSION OF AMENDMENTS)
ORDINANCE 2001 (AMENDMENT)
NOTICE 2003**

(Made 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 “2003” and substituting “2004”.

Secretary for Commerce, Industry and
Technology

11 June 2003

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 2003 to 31 July 2004.

(Translation)
Speech by the Secretary for Commerce, Industry and Technology
in the Legislative Council on 2 July 2003
in moving the Resolution to approve
the Copyright (Suspension of Amendments) Ordinance 2001
(Amendment) Notice 2003

Madam President,

I move that the Motion set out in the Order Paper be passed. The Motion approves the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2003 made by the Secretary for Commerce, Industry and Technology.

2. In April 2001, the coming into effect of criminal liabilities for possessing pirated articles in the course of business aroused wide public concerns about possible adverse impact on the dissemination of information in enterprises and teaching in schools. The Copyright (Suspension of Amendments) Ordinance 2001 (“the Suspension Ordinance”) was then passed in June 2001 to suspend the new criminal provisions except as they applied to computer programs, movies, television dramas and musical recordings.

3. The relevant provisions under the Suspension Ordinance originally expired on 31 July 2002. Under section 3 of the Suspension Ordinance, the Secretary for Commerce, Industry and Technology may by notice published in the Gazette before the expiry date amend that date. Such a notice is subject to the approval of the Legislative Council. The Government proposed and the Legislative Council approved in July last year the extension of the effective period of the Suspension Ordinance for one year until 31 July this year. This is to facilitate the preparation of legislative proposals by the Government on the long term solution for the suspension arrangements.

4. After wide consultation, we introduced the Copyright (Amendment) Bill 2003 to the Legislative Council in February this year. The Bill proposes, among other things, to continue with the current arrangements under the Suspension Ordinance. It is now being

scrutinized by the Bills Committee. To ensure that the Legislative Council has sufficient time to scrutinize the Bill, the Government proposes to extend further the effective period of the Suspension Ordinance for one more year until 31 July 2004 and the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2003 is made for this purpose.

5. Thank you, Madam President.