

LS/B/12/05-06

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Ms Priscilla TO
PAS (C&I) 3
Commerce, Industry & Technology Bureau
Level 29
One Pacific Place
88 Queensway
CGO

By Fax (2869 4420) and By Post

11 July 2006

Dear Ms TO,

Proposed Section 54A of the Copyright (Amendment) Bill 2006

I refer to the correspondence exchanged between you and my colleague, Miss Anita Ho, with regard to the drafting and legal aspects of the Copyright (Amendment) Bill 2006 (“the Bill”) in May and June. I also refer to the discussions about the proposed section 54A of the Bill at the Bills Committee meeting on 6 July 2006.

Section 54(1) of the Copyright Ordinance (Cap. 528) (“the Ordinance”) provides that copyright is not infringed by anything done for the purposes of the proceedings of the Legislative Council or judicial proceedings. Clause 16 of the Bill seeks to introduce a new section 54A to provide for permitted act in respect of the fair dealing with a work by the Government, the Executive Council, the Legislative Council, the Judiciary or any District Council for the purposes efficient administration of urgent business.

In its information paper no. CB(1)1913/05-06(01) (para. 15 and 16), the Administration has provided certain examples of fair dealing in the cases of the Government and the District Council for the purposes of public administration to which copyright exemption are sought be given.

Question 1

I wonder if you could advise the Bills Committee the precise nature and scope of the business, work or activities of the Legislative Council (with examples if possible) which are not within the scope of “proceedings of the Legislative Council”

under section 54(1) of the Ordinance and which are now sought to be covered by new section 54A.

Question 2

Under section 198(1) of the Ordinance, the term “judicial proceedings” mentioned in section 54(1) “includes proceedings before any court, tribunal or person having authority to decide any matter affecting a person’s legal rights or liabilities”. Please advise the Bills Committee the precise nature and scope of the business, work or activities of the Judiciary (with examples if possible) which are not within the scope of “judicial proceedings” under section 54(1) of the Ordinance and which are now sought to be covered by new section 54A.

I look forward to your reply in bilingual form on or before 14 July 2006.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

c.c. Legal Adviser
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