

香港特別行政區政府  
工商及科技局  
工商科



**COMMERCE AND INDUSTRY BRANCH**  
**COMMERCE, INDUSTRY AND**  
**TECHNOLOGY BUREAU**  
GOVERNMENT OF THE HONG KONG  
SPECIAL ADMINISTRATIVE REGION

LEVEL 29, ONE PACIFIC PLACE  
88 QUEENSWAY  
HONG KONG

香港金鐘道八十八號  
太古廣場第一期二十九樓

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Tel. no. : 2918 7418  
Fax no. : 2147 3065

21 December 2006

Secretary General  
Legislative Council Commission  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong  
(Attn : Mrs Anna Lo)

Dear Mrs Lo,

**Copyright (Amendment) Bill 2006**  
**Fair dealing for purposes of public administration**

Thank you for your letter dated 8 November 2006. We have carefully considered the views offered by the Legislative Council (LegCo) Commission on the proposed fair dealing provision for public administration, taking into account the extent of exemption already provided by section 54 of the Copyright Ordinance. This serves to set out, for the Commission's information, the Administration's response.

With the possible exception of complaints the processing of which does not end up in LegCo proceedings, we note that the current exemption provided under section 54 of the Copyright Ordinance by and large covers business done by LegCo for the purpose of exercising its functions and powers under the Basic Law. We acknowledge that when a complaint from the public is received, it may be difficult to determine at the outset whether further processing of the case would ultimately end up in LegCo proceedings. Moreover, as the subject matter of complaints may not always constitute urgent business, the proposed fair dealing provision for

public administration would not give LegCo the full assurance that it could legitimately ask for.

Having carefully considered the Commission's views, we consider it reasonable to expand the existing copyright exemption for LegCo under the Ordinance to cover any acts done by LegCo for the purpose of exercising its functions and powers pursuant to Article 73 of the Basic Law. With the expanded exemption for LegCo, the proposed fair dealing provision for public administration would not need to apply to LegCo business anymore.

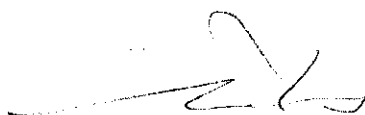
At its meeting on 20 November 2006, the Bills Committee of the Copyright (Amendment) Bill 2006 was informed of the Commission's views and our proposal to expand the copyright exemption for LegCo. Members of the Bills Committee were supportive of the proposal. We have also consulted the representatives of various copyright owners on the proposal. None of them have indicated objection.

We plan to provide the expanded copyright exemption for LegCo by way of introducing Committee Stage Amendments to the Bill.

I would like to take this opportunity to thank the Commission for the useful comments provided to us. We should also be most grateful if you could help convey, to the Commission, our apologies for not having consulted the Commission earlier on the proposed fair dealing provision for public administration.

Thank you very much for your attention.

Yours sincerely,



( Christopher K B Wong )  
for Secretary for Commerce, Industry and Technology

→ c.c. The Chairman,  
the Bills Committee for the Copyright (Amendment) Bill 2006