

立法會

*Legislative Council*

LC Paper No. LS80/05-06

**Paper for the House Committee Meeting  
on 9 June 2006**

**Legal Service Division Report on  
Proposed Resolution under section 3 of the  
Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568)**

The Secretary for Commerce, Industry and Technology has given notice to move a motion at the Legislative Council meeting of 21 June 2006. The motion seeks the Legislative Council's approval of the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2006. The Notice is to extend the expiry date of the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) ("the Suspension Ordinance") from 31 July 2006 to 31 July 2007.

2. Members may recall that the Suspension Ordinance was passed in June 2001 to suspend the implementation of the criminal liability provisions relating to the possession of infringing copies of copyright works in the course of business except as they apply to computer programs, movies, television dramas and musical recordings ("the suspension arrangements"). The effective period of the Suspension Ordinance has been extended and will expire on 31 July 2006.

3. The Administration introduced the Copyright (Amendment) Bill 2006 ("the Bill") into the Council on 29 March 2006. The Bill contains a number of legislative proposals to improve copyright protection and the copyright exemption regime. One of the proposals is to incorporate the suspension arrangements into the Copyright Ordinance.

4. The Bill is now being examined by a Bills Committee. Given the complexity of the Bill and the need to allow sufficient time for consultation with stakeholder groups, the Bills Committee has decided against committing itself to completing scrutiny for enactment of the Bill in July 2006, i.e. before expiry of the current suspension period on 31 July 2006. The Administration has provided an information note on its proposed extension of the validity of the Suspension Ordinance to the Bills Committee at its meeting on 8 June 2006 (LC Paper No. CB(1)1646/05-06(01)). The note has also been copied to the Commerce and Industry Panel and all other Members for information. The Bills Committee supported such extension.

5. No difficulties relating to the legal and drafting aspects of the proposed resolution have been identified.

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