

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 220/15-16

Ref : CB(3)/B/CED/2 (13-14)

Tel : 3919 3306

Date : 7 December 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 9 December 2015**

**Copyright (Amendment) Bill 2014**

**Committee stage amendments**

Members were informed vide LC Paper No. CB(3) 153/15-16 and CB(3) 219/15-16 issued respectively on 18 November and earlier today that the President had given permission for the Secretary for Commerce and Economic Development and Hon CHAN Kam-lam to move proposed amendments to the above Bill.

2. The President has also given permission for Hon WONG Yuk-man, subject to the Bill receiving a Second Reading, to move his proposed amendments.

3. As directed by the President, the proposed amendments are attached for Members' consideration.

(Boris LAM)  
for Clerk to the Legislative Council

Encl.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 4
- (1) By renumbering the clause as clause 4(2).
- (2) By adding before subclause (2)—
- “(1) Section 8(1), English text—
- Repeal**
- “thereof”
- Substitute**
- “of sounds or of visual images and sounds”.”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 9(4) In the proposed section 22(2A), by deleting “may take into account all the circumstances of the case” and substituting “must take into account all the circumstances of the case”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 9(4) In the proposed section 22(2A)(a), by deleting “that person’s power” and substituting “the power of the person alleged having made the authorization”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 9(4) In the proposed section 22(2A)(b) by deleting “that person” and substituting “the person alleged having made the authorization”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 9(4) In the proposed section 22(2A)(c), by deleting “that person” and substituting “the person alleged having made the authorization”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

9(4) In the proposed section 22(2A)(c), by deleting the full stop and substituting “; and”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

9(4)

In the proposed section 22(2A), by adding—

“(d) any other factors which the Court may consider relevant.”.



Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 13 In the proposed section 28A(3) and (6)(a), in the Chinese text, by deleting “接達” and substituting “觀看、收聽或接收”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 18 In the proposed section 39(1), by deleting “Fair dealing with a work (*the work*) for the purpose of criticism or review of the work or another work, or of a performance of a work” and substituting “Criticizing or reviewing a work or a performance of a work”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

18            In the proposed section 39(1)(a), by deleting “and”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 18 In the proposed section 39(1), by deleting paragraph (b) and substituting—  
“(b) the purpose of criticism or review is fair dealing with the work;”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 18            In the proposed section 39(1), by adding—  
                 “(c) (subject to subsection (6)) the dealing is accompanied by a sufficient  
                 acknowledgement.”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 18 In the proposed section 39(2), by deleting paragraph (c) and substituting—  
“(c) the extent of the quotation is no more than is required by the legitimate purpose for which it is used; and”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

24

By adding before subclause (2)—

“(2A) Section 41A(5), Chinese text—

**Repeal**

“取用該作品” (wherever appearing)

**Substitute**

“連接或取用該作品”.”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 26 In the proposed section 44(5), in the definition of *authorized recipient*, by deleting “teacher or pupil of the establishment” and substituting “teacher or pupil of the establishment (including the parent or guardian of the pupil if the pupil is a minor)”.



Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

27           By deleting subclause (2).

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

27           By deleting subclause (3).

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

27           By deleting subclause (4).

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 27 In the proposed section 45(1A), by deleting “of an artistic work, a passage from a published literary, dramatic or musical work, or an extract from a published sound recording or film,”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 33 In the proposed section 51A, in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接作查閱或瀏覽”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

42 In the proposed section 65A(1)(b), by deleting “automatic and”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 42 In the proposed section 65A(1), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 42 In the proposed section 65A(2), in the Chinese text, in the definition of *聯線服務*, by deleting “接達” (wherever appearing) and substituting “連接、儲存或存取”.



Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 48 In the proposed section 76A(1)(c), by deleting “owner” and substituting “owner or a member of the household in which the owner lives”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88A, in the Chinese text, in the definition of *服務平台*, by deleting “接達” and substituting “連接或使用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88B(2)(d), in the Chinese text, by deleting “接達” and substituting “連接或進入”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88B(3), by deleting “if the provider” and substituting “if the provider, as far and as soon as practicable,”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88B(4)(a)(ii), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88C(7), in the Chinese text, by deleting paragraph (c) and substituting—
- “(c) 移除關乎該項指稱侵犯的材料，或使關乎該項指稱侵犯的材料或活動不能被連接、接收或取用；及”。

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88D(a), in the Chinese text, by deleting “接達” and substituting “連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88E(1)(b), in the Chinese text, by deleting “接達” and substituting “連接、接收或取用”.



Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88E(3)(b)(i), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88E(3)(b)(ii), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “被連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88E(3)(c), in the Chinese text, by deleting “接達” and substituting “被連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88H(1), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88H(2), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88H(3), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88H(4), in the Chinese text, by deleting “接達” (wherever appearing) and substituting “連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88H(5), in the Chinese text, by deleting “接達” and substituting “連接、接收或取用”.



Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88H(6), in the Chinese text, by deleting “或停止接達材料或活動” and substituting “，或停止有關材料或活動被連接、接收或取用”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88I, by deleting “, in the absence of evidence to the contrary, that the provider has complied with that condition” and substituting “that the provider has complied with that condition, until the contrary is proved”.

Copyright (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable WONG Yuk-man

Clause

Amendment Proposed

- 50 In the proposed section 88J(2), by deleting “Without limiting subsection (1)” and substituting “Without limiting subsection (1) and subject to sections 88C and 88E”.