

**For discussion on
15 April 2025**

**Legislative Council
Panel on Commerce, Industry, Innovation and Technology**

**Proposed Subsidiary Legislation for
Specification of Libraries, Museums and Archives and
Prescribed Conditions for Certain Permitted Acts
under the Copyright Ordinance**

PURPOSE

The Government conducted a public consultation earlier on the legislative proposals for specification of libraries, museums and archives and prescribed conditions for certain permitted acts under the Copyright Ordinance (Cap. 528) (“CO”). This paper briefs Members on the outcomes of the public consultation and sets out the Government’s legislative proposals for the relevant subsidiary legislation for further enhancement of Hong Kong’s copyright regime.

BACKGROUND

2. The Government is committed to ensuring that Hong Kong’s copyright regime is robust and competitive, safeguarding the legitimate interests of copyright owners while also serving the public interest. To strike a proper balance between the two, the CO contains over 60 provisions providing that users of copyright works may, under certain specific circumstances and subject to compliance with the relevant prescribed conditions, reasonably use copyright works without the copyright owners’ licence and without infringing copyright (such acts collectively referred to as “permitted acts”). In determining whether an act qualifies as a permitted act, the primary consideration is that the act does not conflict with a normal exploitation of the work by its copyright

owner and does not unreasonably prejudice the legitimate interests of the copyright owner.¹

3. Sections 47 to 53 of the CO provide for permitted acts² which specified libraries, museums and archives may do, under certain specific circumstances and subject to compliance with the relevant prescribed conditions (a summary is in **Annex I**).³ In this connection, section 46(1) of the CO empowers the Secretary for Commerce and Economic Development (“SCED”) to:

- (a) by regulations prescribe the relevant conditions for compliance for the purposes of the relevant permitted acts; and
- (b) by notice in the Gazette specify the libraries, museums or archives which may do the relevant permitted acts.

4. Pending the enactment of the above subsidiary legislation (comprising the regulations and notice made by the SCED), the Copyright (Libraries) Regulations (Cap. 528B) (“Libraries Regulations”) which are transitional provisions and savings remain applicable⁴. However, the prescribed conditions and specifications in the Libraries Regulations cannot fully cover the permitted acts currently provided for under sections

¹ Section 37(3) of the CO.

² The CO protects performers’ rights and at the same time serves the public interest by providing that specified libraries, museums and archives may, under certain specific circumstances and conditions, reasonably do acts without the performers’ consent and without infringing performers’ rights. These permitted acts correspond to the permitted acts in respect of copyright, e.g. section 245B (c.f. sections 51A and 52A) and section 246 (c.f. section 53).

³ The above permitted acts do not cover the acts of copying of copyright works by users of libraries, museums or archives themselves.

⁴ Pursuant to paragraph 43 of Schedule 2 to the CO, the Libraries Regulations, enacted in 1973, so far as they are not inconsistent with the CO, continue in force and have effect for all purposes as if made under the CO, subject to such necessary adaptations and modifications as may be necessary for their having effect under the CO, until regulations are made by SCED under section 46 of the CO.

47 to 53 of the CO, and the provisions in the Libraries Regulations are also outdated, creating inconvenience and uncertainty in actual application.⁵

5. In addition, the Copyright (Amendment) Ordinance 2022 (effective in May 2023) has strengthened copyright protection in the digital environment. At the same time, it has also extended the statutory application of certain permitted acts for specified libraries and archives to specified museums, and introduced and expanded certain permitted acts for specified libraries, museums and/or archives to facilitate their reasonable daily operations, thereby promoting research, private study as well as knowledge preservation and dissemination. In light of the above updated and new provisions for permitted acts, we need to formulate corresponding subsidiary legislation as soon as possible to ensure that the provisions can be effectively implemented.

6. For the aforesaid reasons, SCED proposes that, for the purposes of the permitted acts under the CO as referred to in paragraph 3, the following two pieces of subsidiary legislation be enacted by virtue of section 46(1) of the CO to replace the Libraries Regulations:

- (a) a set of regulations prescribing the conditions for compliance for the relevant permitted acts (“new Regulations”); and
- (b) a notice specifying the descriptions of the relevant libraries, museums and archives (“new Notice”).

PUBLIC CONSULTATION AND OUTCOMES

7. The Government conducted a public consultation from 15 February to 15 April 2024 on the specific proposals for the new Regulations and the new Notice. The consultation paper set out in detail the proposed prescribed conditions applicable to each relevant permitted act in the

⁵ The existing prescribed conditions and specifications under the Libraries Regulations, upon the necessary adaptations and modifications, are confined to certain libraries only for the purposes of the permitted acts under sections 47, 48 and 50 of the CO. In other words, the Libraries Regulations cannot, for the purposes of other permitted acts under sections 51, 51A, 52, 52A and 53, be adapted or modified to provide for the necessary specification of libraries, museums and archives, and the relevant prescribed conditions for their compliance.

proposed new Regulations (collectively referred to as “prescribed conditions”), as well as the proposed descriptions of specified libraries, museums and/or archives applicable to each relevant permitted act in the proposed new Notice (collectively referred to as “specification provisions”), for public comments.

8. As the proposed new Regulations and new Notice are subsidiary legislation, the relevant legislative proposals are all within the purview of the relevant enabling provisions of the CO. In formulating the relevant proposals, we have taken into account whether the proposals could effectively facilitate the doing of the relevant permitted acts by specified libraries, museums and archives in their daily operations, and also considered the provisions of the existing Libraries Regulations and the corresponding statutory provisions in certain overseas common law jurisdictions.

9. In summary, regarding the specification provisions, we proposed in the consultation paper that, save in certain special and exceptional circumstances⁶, only libraries, museums and archives which are “not conducted for profit” and whose collection of copyright works are generally accessible to the public would be eligible to be specified for doing the relevant permitted acts. As for the prescribed conditions, the proposals included conditions expressly required by the CO to be prescribed in the new Regulations, as well as proposed supplementary conditions to further reduce the risk of abuse of the relevant permitted acts⁷.

10. During the consultation period, we collected views from different stakeholders and the public through various channels, including holding two briefing sessions, one for copyright owners and intellectual property (“IP”) practitioners’ groups, and the other for stakeholders in the library, museum and archive sectors. We received a total of 14 written submissions, including:

⁶ For example, circumstances concerning unpublished copyright works or copyright works held in the permanent collections of specified libraries, museums or archives.

⁷ For instance, under sections 47 and 48 of the CO, a person requesting a specified library to provide a copy of a copyright work must satisfy the librarian that he/she has not previously been supplied with the same copy.

- (a) 3 submissions from copyright owners or their organisations;
- (b) 4 submissions from the library, museum and archive sectors (including the Joint University Librarians Advisory Committee of the Hong Kong Special Administrative Region);
- (c) 2 submissions from IP practitioners' groups (including the Law Society of Hong Kong and the Hong Kong Institute of Trade Mark Practitioners); and
- (d) 5 submissions from other professional or statutory bodies and individuals.

11. Respondents generally welcome the Government's proposal to specify libraries, museums and archives and prescribe conditions for certain permitted acts to facilitate the reasonable use of copyright works by eligible libraries, museums and archives in their daily operations. Overall, respondents basically support the Government's legislative proposals, while some respondents provide technical suggestions on issues for consultation. Written submissions received during the consultation period and with consent given for publication have been uploaded onto the website of the Commerce and Economic Development Bureau (www.cedb.gov.hk).

WAY FORWARD

12. After careful consideration of the views collected and the overall circumstances, as well as the practices in certain overseas common law jurisdictions, we have made technical amendments and refinements to the legislative proposals. Details are set out in **Annex II**.

13. In summary, regarding the proposed specification provisions, we recommend that save in some special and exceptional circumstances⁸, only libraries, museums and archives of the Government, the Legislative Council and the Judiciary, as well as libraries, museums and archives which are "not conducted for profit" and whose collection of copyright

⁸ See footnote 6.

works are generally accessible to the public or a section of the public⁹, would be eligible to do the relevant permitted acts. As for the proposed prescribed conditions, apart from the technical amendments and refinements set out in **Annex II**, our proposals are largely the same as the prescribed conditions set out in the consultation paper. A summary of the amended and refined legislative proposals is included in **Annex III**.

14. We are working with the Department of Justice to draft the new Regulations and the new Notice, and plan to table the relevant subsidiary legislation in the Legislative Council for negative vetting in the second quarter of this year as announced in the Chief Executive's 2024 Policy Address.

ADVICE SOUGHT

15. Members are invited to note the outcomes of the public consultation and the legislative proposals for the subsidiary legislation as set out in this paper, and offer views on the proposals.

Commerce and Economic Development Bureau
Intellectual Property Department
April 2025

⁹ For example, libraries, museums and archives which are "not conducted for profit" of statutory bodies and some educational establishments.

Annex I

Summary of Permitted Acts under Sections 47 to 53 of the Copyright Ordinance¹

Section No.	Summary of Permitted Acts
Section 47	Conditionally permits the making and the supply of copies of articles in periodicals by librarians of specified libraries for purposes of research or private study.
Section 48	Conditionally permits the making and the supply of copies of parts of published literary, dramatic, musical or artistic works (other than articles in periodicals), or of parts of published sound recordings or films, by librarians of specified libraries for purposes of research or private study.
Section 50	Conditionally permits the copying of (a) articles in periodicals; (b) the whole or parts of published literary, dramatic, musical or artistic works; or (c) sound recordings or films by librarians of specified libraries for supply to other specified libraries.
Section 51	Conditionally permits the copying by librarians, curators or archivists of specified libraries, museums or archives of items in the permanent collections of such libraries, museums or archives for the purposes of preservation or replacement of items in their own permanent collections, or replacement of items in the permanent collections of other specified libraries, museums or archives which have been lost, destroyed or damaged.
Section 51A	Conditionally permits librarians, curators or archivists of specified libraries, museums or archives to communicate a copy of an item in the permanent collections of such libraries, museums or archives made under section 51 to the users or staff of the libraries, museums or archives, by making the copy available online to be accessed through the use of a computer terminal installed within the premises of the libraries, museums or archives.

¹ Section 49 imposes restriction on the production of multiple copies of the same material for the purposes of the permitted acts under sections 47 and 48.

Section No.	Summary of Permitted Acts
Section 52	Conditionally permits the making and the supply by librarians, curators or archivists of specified libraries, museums or archives of copies of the whole or parts of unpublished literary, dramatic, musical or artistic works from a document (including a document in electronic form), or unpublished sound recordings or films, in the libraries, museums or archives for purposes of research or private study.
Section 52A	Conditionally permits librarians, curators or archivists of specified libraries, museums or archives to play or show sound recordings or films held in the permanent collections of such libraries, museums or archives to the public within the premises of the libraries, museums or archives.
Section 53	Permits the copying by librarians, curators or archivists of specified libraries, museums or archives of articles of cultural or historical importance or interest which are likely to be lost to Hong Kong through sale or export, for deposit at such libraries, museums or archives.

Major Amendments and Refinements to the Legislative Proposals

A. Proposed specification provisions

(a) “Conducted for profit”

In the consultation paper, we propose defining the term “conducted for profit”, in relation to a library, museum or archive, as a library, museum or archive that (a) is established or conducted for profit; or (b) **forms part of, or is administered by, a body established or conducted for profit.** The respondents generally support our proposal, but certain archives and individuals consider that the proposed definition would render the relevant permitted acts inapplicable to non-profit archives linked to commercial entities, undermining reasonable access to the collections of those libraries, museums or archives by the public.

2. Having considered the views of the respondents and balanced the legitimate interests of copyright owners and public interest, we propose to amend and refine the definition of “conducted for profit” by removing the wording “forms part of, or is administered by, a body established or conducted for profit” from the definition. At the same time, we will make it clear that a library, museum or archive will not be considered as established or conducted for profit solely because its owner is a profit-making entity. Instead, it will be determined based on the facts and circumstances of each case, in particular the basic nature and actual operation of the relevant library, museum or archive. This approach aligns with that of Australia and Singapore. We consider that the amended legislative proposal will strike a proper balance between the legitimate interests of copyright owners and the reasonable use as well as preservation of copyright works by the specified libraries, museums and archives.

(b) “Collection generally accessible to the public”

3. For the legislative proposal that copyright works in the collection of libraries, museums and archives which are not “conducted for profit” must be generally accessible to the public in order for such libraries, museums and archives to be eligible to be specified for being able to do the relevant permitted acts, some university libraries, statutory bodies and individuals are concerned that the requirement of “collection generally accessible to the public” may disqualify libraries, museums or archives

mainly serving their stakeholders or a certain sector of the public (such as Hospital Authority staff, university staff and students, etc.) from doing the relevant permitted acts.

4. Our policy intent is to allow libraries, museums and archives, which are not conducted for profit, of the following bodies or organisations to do the relevant permitted acts:

- (i) Statutory bodies;
- (ii) Educational establishments specified in Schedule 1 to the Copyright Ordinance (“CO”); and
- (iii) Professional or charitable bodies / organisations, etc.

The collections of these libraries, museums and archives are generally accessible to the general public or certain sectors of the public for facilitating, amongst others, research or private study. Having considered the aforementioned, we will amend the specification provisions in the legislative proposal to clarify that “generally accessible to the public” means “generally accessible to the public or a section of the public” such that it can better reflect the policy intent and dispel the concerns of individual stakeholders.

B. Proposed prescribed conditions

(a) Interpretation of “a reasonable proportion of a work”

5. Section 48 of the CO conditionally permits librarians of specified libraries to make copies of parts of certain copyright works for users for purposes of research or private study, and such copies must be no more than “a reasonable proportion of the work”. The term “a reasonable proportion of a work” is defined in the existing Libraries Regulations by reference to the number of words. As works kept in modern library collections may appear in various formats in addition to being in a printed version, we propose to abandon the word-counting approach and instead illustrate that not more than ten (10) per cent of a work will be regarded as “a reasonable proportion” of the work. Such proposed illustration gives a guideline on “a reasonable proportion” rather than a rigid definition. One needs to determine the issue by considering the specific circumstances of each case. This approach would provide greater flexibility to librarians of specified libraries in the application of the relevant permitted act,

enabling them to take into account the overall circumstances of each case (including the type and nature of the work, the proportion of copying, etc.).

6. The majority of the respondents agree with abandoning the word-counting approach, and adopting 10% as the reference value for “a reasonable proportion”. Some university libraries, archives and intellectual property (“IP”) practitioners’ groups view that there might be difficulties in the actual application of the relevant reference value to different types of copyright works and would like the Government to provide more guidance.

7. Having considered the views of the respondents, we will specify in the new Regulations that in determining “a reasonable proportion” of a copyright work, the overall circumstances of the case shall be taken into account. In particular, non-exhaustive factors such as the type and nature of the copyright work as well as the quantifiable content of the work (such as the total number of words, pages or duration (applicable to a sound recording or film)) shall be considered. This legislative proposal allows librarians of specified libraries to, depending on the specific nature of the copyright work and the particular circumstances of the case, make a copy of more than 10% of the copyright work but still meeting the requirement of “a reasonable proportion” of the work, provided that other prescribed conditions under section 48 of the CO are satisfied.

(b) Proposed definition of “permanent collection”

8. Section 51 of the CO requires the items being copied to be in the “permanent collections” of the specified libraries, museums or archives. While the CO does not define “permanent collection”, such term generally refers to works that are considered as unique, valuable or worthwhile to be preserved in the collection of a specified library, museum or archive on a permanent basis and are mainly or wholly kept for on-the-spot reference rather than for general lending to the public. To provide certainty to specified libraries, museums or archives, we propose to introduce a definition of “permanent collection” in the new Regulations, drawing on the approach of the United Kingdom (“UK”).¹

¹ With reference to the corresponding provision of section 42 in the UK Copyright, Designs and Patents Act 1988, we propose to introduce the following definition of “permanent collection” in the consultation paper:

- (a) Collection of cultural or historical significance or importance, and maintained by a specified library, museum or archive wholly or mainly for the purpose of reference on the premises of the library, museum or archive; or
- (b) Collection of cultural or historical significance or importance, of a specified library, museum or archive, which are available on loan only to other libraries, museums or archives.

9. Most of the university libraries consider that the proposed definition is too restrictive and narrow, and may not accommodate evolving collection management practices. They also point out that “permanent collection” in the relevant provisions have never been defined. Some university libraries, however, submit that they are open to amending the statutory definition to “works considered as unique, valuable, or worthwhile to be preserved in the collection on a permanent basis”. Certain archives also consider the proposed definition too narrow. Some deposit agreements and terms may not meet the “permanence” criterion. A copyright organisation, an individual and a professional body support the proposed definition of “permanent collection”.

10. To avoid abuse of the relevant provisions and to protect the legitimate interests of copyright owners, we find it necessary to provide for the definition of “permanent collection” in the new Regulations, in order to reasonably limit the scope of the permitted acts. In response to the views of the stakeholders, we will clarify in the proposed definition that “permanent collection” includes collection permanently owned or kept by a specified library, museum or archive, even if any item in the collection may be returned to the owner of that item temporarily. This definition aims at dispelling the stakeholders’ concerns about whether a collection on permanent loan to a library, museum or archive but not owned by that library, museum or archive is considered “permanent collection”.

(c) Declaration

11. We propose that the following persons make a declaration on matters such as the uses of copies:

- (i) Persons requesting specified libraries, museums or archives to supply copies of copyright works pursuant to section 47, 48 or 52 of the CO; or
- (ii) Librarians, curators or archivists of specified libraries, museums or archives being supplied with copies of copyright works pursuant to section 50 or 51 of the CO.

12. All IP practitioners’ groups submitting responses consider that the provision of a sample declaration would be extremely helpful to specified libraries, museums and archives. Having considered the views of the respondents, we will prescribe a declaration form similar to that in Schedule 3 to the Libraries Regulations in the new Regulations to assist

specified libraries, museums and archives in meeting the relevant requirement.

13. Further, an IP practitioners' group suggests adding additional content in the declaration, highlighting that any unauthorised reproduction, communication or dissemination which does not fall within any statutory provisions of permitted acts may constitute copyright infringement. We consider this suggestion helpful in providing greater clarity on the scope of copyright protection and legal consequences, and therefore will adopt this suggestion.

**Summary of Legislative Proposals for
Specification of Libraries, Museums and Archives and Prescribed Conditions
for Certain Permitted Acts under the Copyright Ordinance (Cap. 528)[#]**

Annex III

Section No. & Permitted Act (Libraries only)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the Copyright Ordinance (“CO”))
<p>Section 47</p> <p>Conditionally permits specified libraries to make & supply copies of articles in periodicals for purposes of research or private study</p>	<p>(a) Any library of the Government, the Legislative Council or the Judiciary;</p> <p>(b) Any of the following library that is not conducted for profit and whose collection of copyright works are generally accessible to the public:-</p> <ul style="list-style-type: none"> (i) Any library of a statutory body; (ii) Any library of an educational establishment specified in Schedule 1 to the CO; or (iii) Any other library, including library that is administered by a professional or charitable body or organisation, which is either— <ul style="list-style-type: none"> ● conducted for facilitating or encouraging the research or private study of any discipline; or ● administered by an entity that is established wholly or mainly for the same purpose (i.e. facilitating or encouraging the research or private study of any discipline). <p>Regarding the interpretation of “conducted for profit”, we will make it clear that a library, museum or archive</p>	<p>(a) Persons requesting for copies must make and sign a declaration to satisfy the librarian that:</p> <ul style="list-style-type: none"> (i) *** They require the copies for research or private study, and will not use them for any other purposes. (ii) *** Their requirements are not related to any similar requirements of other persons. (iii) They have not previously been supplied with the same copies. (iv) They understand that any unauthorised reproduction, communication or dissemination of the copies which does not fall within any permitted act may constitute copyright infringement. <p>(b) *** No person is furnished with more than one copy of the same article or with copies of more than one article contained in the same issue of a periodical.</p> <p>(c) *** Persons requesting for copies are required to pay for a sum not less than the cost attributable to the production of the copies.</p>

[#] Drafting of the new Regulations and new Notice are underway. The contents or wording of the proposals may be subject to changes. The draft subsidiary legislation shall prevail.

	<p>will not be considered as established or conducted for profit solely because its owner is a profit-making entity. It will be determined based on the facts and circumstances of each case, in particular the basic nature and actual operation of the library, museum or archive.</p> <p>For the avoidance of doubt, references to “generally accessible to the public” in sections 47, 48, 50, 51 and 53 mean generally accessible to the public or a section of the public.</p>	
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Section No. & Permitted Act (Libraries only)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
<p>Section 48</p> <p>Conditionally permits specified libraries to make & supply copies of parts of the following published works for purposes of research or private study</p> <p>(a) literary, dramatic, musical or artistic works (other than articles in periodicals); or</p> <p>(b) sound recordings or films</p>	<p>(a) Any library of the Government, the Legislative Council or the Judiciary;</p> <p>(b) Any of the following library that is not conducted for profit and whose collection of copyright works are generally accessible to the public:-</p> <p>(i) Any library of a statutory body;</p> <p>(ii) Any library of an educational establishment specified in Schedule 1 to CO; or</p> <p>(iii) Any other library, including library that is administered by a professional or charitable body or organisation, which is either—</p> <ul style="list-style-type: none"> ● conducted for facilitating or encouraging the research or private study of any discipline, or ● administered by an entity that is established wholly or mainly for the same purpose. 	<p>(a) Persons requesting for copies must make and sign a declaration to satisfy the librarian that:</p> <p>(i) *** They require the copies for research or private study, and will not use them for any other purposes.</p> <p>(ii) *** Their requirements are not related to any similar requirements of other persons.</p> <p>(iii) They have not previously been supplied with the same copies.</p> <p>(iv) They understand that any unauthorised reproduction, communication or dissemination of the copies which does not fall within any permitted act may constitute copyright infringement.</p> <p>(b) *** No person is furnished with more than one copy of the same material or with a copy of more than a reasonable proportion of any work.</p> <p>(c) *** Persons requesting for copies are required to pay for a sum not less than the cost attributable to the production of the copies.</p> <p>To determine whether a requested proportion of a work is a reasonable proportion of the work, all the circumstances of the case shall be taken into account, in particular—</p> <ul style="list-style-type: none"> ● the type and nature of the work; and

Section No. & Permitted Act (Libraries only)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
		<ul style="list-style-type: none"> ● the quantifiable content of the work (such as total number of words, pages or duration (applicable to a sound recording or film)). <p>To illustrate the term “a reasonable proportion” to the effect that not more than ten (10) per cent of the work in question will be taken as a reasonable proportion of the work.</p> <p>For the purpose of prescribed condition (b), poems, essays and other short literary works shall be regarded as whole works and not as parts of the volume in which they are published.</p>

Section No. & Permitted Act (Libraries only)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
<p>Section 50</p> <p>Conditionally permits specified libraries (“supplying libraries”) to make and supply copies of the following to other specified libraries (“recipient libraries”)</p> <p>(a) articles in periodicals;</p> <p>(b) whole or parts of published literary, dramatic, musical or artistic works; or</p> <p>(c) sound recordings or films</p>	<p><u>Supplying libraries</u></p> <p>All libraries (whether conducted for profit or not).</p> <p><u>Recipient libraries</u></p> <p>(a) Any library of the Government, the Legislative Council or the Judiciary;</p> <p>(b) Any library that is not conducted for profit and whose collection of copyright works are generally accessible to the public.</p>	<p>(a) A recipient library must make and sign a declaration to satisfy the supplying library that:-</p> <p>(i) It is a specified recipient library for the purpose of section 50.</p> <p>(ii) It has not previously been supplied with the same copy, or if it was previously supplied with the same copy, such copy has been lost, damaged or destroyed.</p> <p>(iii) After conducting reasonable enquiries, it cannot obtain the work within a reasonable time at an ordinary commercial price or it is not reasonably practicable to purchase a copy of the work.</p> <p>(iv) It understands that any unauthorised reproduction, communication or dissemination of the copies which does not fall within any permitted act may constitute copyright infringement.</p> <p>(b) The recipient library is not furnished with more than one copy of the same material, unless the supplying library is satisfied that the same copy previously supplied to the recipient library has been lost, damaged or destroyed.</p> <p>(c) If the supplying library elects to charge, the sum shall not be more than the cost attributable to the production of the copy.</p>

Section No. & Permitted Act (Libraries, museums and archives)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
<p>Section 51</p> <p>Conditionally permits specified libraries, museums or archives (“sourcing libraries, museums or archives”) to copy items in their permanent collections for</p> <p>(a) preservation or replacement of items in their permanent collections, or</p> <p>(b) replacement of items in the permanent collections of other specified libraries, museums or archives (“recipient libraries, museums or archives”) which have been lost,</p>	<p><u>Sourcing libraries, museums and archives</u></p> <p>All libraries, museums and archives (whether conducted for profit or not).</p> <p><u>Recipient libraries, museums and archives</u></p> <p>(a) Any library, museum or archive of the Government, the Legislative Council or the Judiciary;</p> <p>(b) Any library, museum or archive that is not conducted for profit and whose collection of copyright works are generally accessible to the public.</p>	<p>(a) *** It is not reasonably practicable for the specified libraries, museums or archives to purchase a copy of the item.</p> <p>(b) A recipient library, museum or archive must make and sign a declaration to satisfy the sourcing library, museum or archive that:</p> <p>(i) It is a specified recipient library, museum or archive for the purpose of section 51.</p> <p>(ii) The item in its permanent collection has been lost, destroyed or damaged.</p> <p>(iii) *** It is not reasonably practicable to purchase a copy of the item.</p> <p>(iv) The copy will only be used to replace the item in its permanent collection.</p> <p>(v) It understands that any unauthorised reproduction, communication or dissemination of the copies which does not fall within any permitted act may constitute copyright infringement.</p> <p>(c) If the sourcing library, museum or archive elects to charge, the sum shall not be more than the cost attributable to the production of the copy.</p>

Section No. & Permitted Act (Libraries, museums and archives)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
destroyed or damaged		<p>The term “permanent collection” is defined as:</p> <ul style="list-style-type: none"> (a) Collection of cultural or historical significance or importance, and maintained by a specified library, museum or archive wholly or mainly for the purpose of reference on the premises of the library, museum or archive; or (b) Collection of cultural or historical significance or importance of a specified library, museum or archive, which are available on loan only to other libraries, museums or archives. <p>“Permanent collection” includes any collection satisfying the condition in (a) or (b) above and owned by or kept by a specified library, museum or archive on a permanent basis, even if any item in the collection may be returned to the owner of that item temporarily.</p>

Section No. & Permitted Act (Libraries, museums and archives)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
<p>Section 51A</p> <p>Conditionally permits specified libraries, museums or archives to communicate a copy of an item in their permanent collections made under section 51 to their users or staff, by making the copy available online to be accessed through use of a computer terminal installed within their premises</p>	<p>All libraries, museums and archives (whether conducted for profit or not).</p>	<p>No supplementary conditions will be introduced.</p>

Section No. & Permitted Act (Libraries, museums and archives)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
<p>Section 52</p> <p>Conditionally permits specified libraries, museums or archives to make and supply copies of the whole or parts of unpublished literary, dramatic, musical or artistic works from a document (including a document in electronic form), or unpublished sound recordings or films, in the libraries, museums or archives for purposes of research or private study</p>	<p>All libraries, museums and archives (whether conducted for profit or not).</p>	<p>(a) Persons requesting for copies must make and sign a declaration to satisfy the librarian, curator or archivist that:</p> <ul style="list-style-type: none"> (i) *** They require the copies for purposes of research or private study and will not use them for any other purpose. (ii) They have not previously been supplied with the same copies. (iii) They understand that any unauthorised reproduction, communication or dissemination of the copies which does not fall within any permitted act may constitute copyright infringement. <p>(b) *** No person is furnished with more than one copy of the same material.</p> <p>(c) *** Persons requesting for copies are required to pay for a sum not less than the cost attributable to their production.</p>

Section No. & Permitted Act (Libraries, museums and archives)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by the CO)
<p>Section 52A</p> <p>Conditionally permits specified libraries, museums or archives to play or show sound recordings or films held in their permanent collections to the public within their premises</p>	<p>All libraries, museums and archives (whether conducted for profit or not).</p>	<p>No supplementary conditions will be introduced.</p>

Section No. & Permitted Act (Libraries, museums and archives)	Proposed Specification	Proposed Conditions (*** mandatory conditions required by CO)
<p>Section 53</p> <p>Permits specified libraries, museums or archives to copy articles of cultural or historical importance or interest which are likely to be lost to Hong Kong through sale or export, for deposit at such libraries, museums or archives</p>	<p>(a) Any library, museum or archive of the Government, the Legislative Council or the Judiciary;</p> <p>(b) Any library, museum or archive that is not conducted for profit and whose collection of copyright works are generally accessible to the public.</p>	<p>No supplementary conditions will be introduced.</p>