

Hong Kong Subsidized Secondary Schools Council
香港津貼中學議會

CHAIRMAN'S OFFICE:

c/o TWGHs Kap Yan Directors' College,
Choi Yuen Estate,
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Tel: 2672 7395 Fax: 2679 0330

HON. SECRETARY'S OFFICE:

c/o C & M A Sun Kei Secondary School,
6 Tong Chun Street,
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18 April 2007

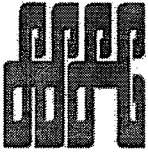
Secretary for Commerce, Industry and Technology
Commerce and Industry Branch
Commerce, Industry and Technology bureau
Level 29, One Pacific Place, 88 Queensway, Hong Kong
Fax: 2869 4420
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Dear Sir/Madam,

Views on Copyright Protection in the Digital Environment

On behalf of the Executive Committee (Exco) of the Hong Kong Subsidized Secondary Schools Council, I would like to forward our views on the captioned subject as follows:

1. We believe that the scope of criminal liability should be expanded to combat unauthorized uploading and downloading activities in Hong Kong with a provision of "fair dealing" for educational purposes which do not result in direct commercial advantage.
2. We agree that the government should introduce an all-embracing right to communicate copyright works to the public into the copyright law of Hong Kong to ensure that copyright works would be adequately protected. However, we think that infringement of this right should not be extended to attract any criminal sanctions unless it is proven to result in direct commercial advantage. We think that with the rapid advancement of the technology of "communicating to the public", a person may conduct an act of disseminating copyright works to others willfully.
3. We agree in principle that the Copyright Ordinance should be amended to impose liability on online service providers (OSPs) for the online piracy activities undertaken by their clients on their service platforms.
4. We agreed in principle that the Internet Access Service Providers (IASPs) should disclose the identity of those clients allegedly engaged in online infringing activities, but a balance must be kept to cater for the privacy right of the Internet users and the cost incurred in the proceedings of requesting for information by the copyright owners.



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5. We believe that a legislative route should be pursued to require IASPs to keep records of their clients' online communication without incurring the cost on the Internet users.
6. We propose to expand permitted acts for educational purposes which do not result in direct commercial advantage in the temporary reproduction of copyright works on digital devices.

Yours faithfully,

Ms. Wong She-lai, Shirley
Chairman