

Copyright (Amendment) Bill 2022 gazetted

The intellectual property (IP) regime has all along been very important to Hong Kong as an international trade centre. Updating Hong Kong's copyright regime and strengthening copyright protection in the digital environment are important parts of the strategy to develop Hong Kong into a regional IP trading centre under the National 14th Five-Year Plan. Hong Kong's IP regime must keep abreast with the times and international norms, as well as meet its social and economic needs.

A spokesman for the Commerce and Economic Development Bureau said, "The Copyright (Amendment) Bill 2022 (the Bill) was gazetted today (May 27). The copyright system is an important part of the IP regime. On the one hand, it effectively protects private property rights arising from original works. On the other hand, it allows the public to make reasonable use of copyright works. This is crucial to encouraging creativity, technological development, as well as the dissemination and advancement of knowledge, underpinning the development of a knowledge-based economy.

"To strengthen copyright protection in the digital environment, the Government has introduced amendment bills twice, in 2011 and 2014 respectively, into the Legislative Council (LegCo). While the respective LegCo bills committees supported the passage of the amendment bills on both occasions, the corresponding legislative processes could not be completed before the expiry of the respective LegCo terms. After improving the electoral system, enabling the executive and the legislature to resume rational interaction, we consider that it is high time to revive the long overdue copyright legislative amendment exercise. We believe that LegCo will surely complete scrutinising the Bill in a serious, detailed and efficient manner for its early passage."

The key legislative proposals of the Bill, using the Copyright (Amendment) Bill 2014 as the basis, are the result of years of consultations and deliberations since 2006, representing the consensus and balance of interests of different stakeholders. The relevant legislative proposals cover the following five key areas:

1. To introduce an exclusive technology-neutral communication right for copyright owners in light of technological developments;
2. To introduce criminal sanctions against infringements relating to the new communication right;
3. To revise and expand the scope of copyright exceptions to allow use of copyright works in certain common Internet activities; facilitate online learning and operation of libraries, archives and museums; and allow media shifting of sound recordings, etc;

4. To introduce "safe harbour" provisions to provide incentives for online service providers to co-operate with copyright owners in combating online piracy and to provide reasonable protection for their acts; and

5. To introduce two additional statutory factors for the court to consider when assessing whether to award additional damages to copyright owners in civil cases involving copyright infringements.

The Government conducted a three-month public consultation on updating Hong Kong's copyright regime in November 2021. The majority of respondents agree that there is an imminent need for Hong Kong to update the copyright regime and generally support the Government's key legislative proposals. The LegCo Panel on Commerce and Industry also supports these proposals.

The spokesman said, "We will continue to engage stakeholders and solicit LegCo's support during the legislative amendment exercise to secure passage of the Bill as soon as possible. This will also demonstrate to society that after improving the electoral system, the executive and the legislature can effectively resolve issues which affect our long-term economic development, and work together to develop Hong Kong into a regional IP trading centre."

The Secretary for Commerce and Economic Development will introduce the Bill into LegCo for first and second readings on June 8.

United Nations Sanctions (Yemen) Regulation 2019 (Amendment) Regulation 2022 gazetted

The Government today (May 27) gazetted the United Nations Sanctions (Yemen) Regulation 2019 (Amendment) Regulation 2022 (the Amendment Regulation), which came into operation today.

"The Amendment Regulation amends the United Nations Sanctions (Yemen) Regulation 2019 to implement sanctions in respect of Yemen as imposed and renewed by the United Nations Security Council under Resolution 2624," a Government spokesman said.

The sanctions implemented under the United Nations Sanctions (Yemen) Regulation 2019 as amended by the Amendment Regulation include:

- prohibition against the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities;

- prohibition against the provision of certain technical assistance, training or financial or other assistance to certain persons or entities;
 - prohibition against making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
 - prohibition against dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
 - prohibition against entry into or transit through the Hong Kong Special Administrative Region by certain persons.
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Government announces latest situation of fresh food supply from Mainland

A Government spokesman announced today (May 27) that the supply of fresh food from the Mainland yesterday (May 26) was sufficient and stable.

According to the latest information, the quantity of vegetables supplied from the Mainland to Hong Kong yesterday (as of midnight) by land and water transportation was over 2 500 tonnes, comparable to the average daily supply from the Mainland on a normal day. The volume of vegetables sold through the wholesale markets of the Agriculture, Fisheries and Conservation Department (AFCD) and the Vegetable Marketing Organization was about 810 tonnes. The average wholesale prices of choi sum and pak choi stood at \$5.10 and \$5.50 per catty respectively yesterday, lower than their average daily wholesale prices last year. The supply of eggs to the wholesale market remained steady, with the average daily supply standing at about 3.5 million for the past week, comparable to the average daily supply on a normal day last year.

The total supply of chilled meat from the Mainland yesterday was about 45 tonnes. The supply of live pigs was plentiful.

The supply of chilled poultry from the Mainland was about 140 000 head yesterday, and about 9 000 live chickens were slaughtered locally. The supply was abundant.

Regarding the rice supply, in compliance with the requirement by the Government, stockholders of rice have to maintain the reserve stock of rice at a level sufficient for consumption by the local population for 15 days.

The trade generally stocks double the required amount, which is sufficient for one month's consumption by Hong Kong citizens. In recent years, the import and consumption of rice in Hong Kong has stood at a steady level of around 320 000 to 330 000 tonnes per year. The import quantity (including reserve stock) as of end-April 2022 was 28 800 tonnes. Suppliers also maintain a reserve for food that can be stored, such as frozen meat, for around three months' stock generally.

The Government will continue to maintain close liaison with the Mainland authorities and major food suppliers to ensure a stable food supply.

The AFCD updates and publishes the fresh food supply information daily. Members of the public may visit the AFCD website for updates on daily supplies and wholesale prices of fresh food (www.afcd.gov.hk/english/agriculture/agr_fresh/agr_fresh.html).

Government enforces “restriction-testing declaration” and compulsory testing notice in respect of specified “restricted area” in Wah Koon House, Wah Sum Estate, Fanling

The Government yesterday (May 26) exercised the power under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) to make a "restriction-testing declaration" effective from 4.30pm yesterday, under which people (hereafter referred to as "persons subject to compulsory testing") within the specified "restricted area" in Fanling (i.e. Wah Koon House, Wah Sum Estate, Fanling, excluding kindergarten on G/F) were required to stay in their premises and undergo compulsory testing. Persons subject to compulsory testing are required to stay in their premises until all such persons identified in the "restricted area" have undergone testing and the test results are mostly ascertained.

In addition, the Government issued a compulsory testing notice yesterday to any person who had been present at the above building for more than two hours from May 20 to 26, 2022 to undergo compulsory testing on or before May 28, 2022 even if they were not present in the "restricted area" at the time when the declaration took effect. The Government finished the compulsory testing exercise at around 8.45am today (May 27) and is now carrying out enforcement actions in the "restricted area" to verify that all people in the "restricted area" have undergone compulsory testing. The Government will further announce the revocation time of the declaration.

Starting from around 8.45am today, persons in the specified "restricted area" in Fanling who have undergone testing and are able to present SMS notifications with negative test results or wear wristbands as proof of having undergone testing may leave the "restricted area" through the designated exit after providing personal information to a prescribed officer.

The Government set up temporary specimen collection stations in the "restricted area" yesterday and requested persons subject to compulsory testing to collect combined nasal and throat swab samples at the stations to undergo a COVID-19 virus test before 11.30pm yesterday. Around 1 720 people within the area had undergone testing, among which three cases tested positive and one case tested indeterminate was found. The Centre for Health Protection of the Department of Health will arrange to follow up.

Regarding cases tested positive in the specified "restricted area", the Government has provided additional food packs, health advice for persons tested positive pending admission to hospitals or isolation facilities, disinfection products and surgical masks to these persons and their household members pending follow-up arrangement.

Moreover, the Government also assigned staff to visit around 680 households within the "restricted area", among which 85 households did not answer the door. The Government will take measures to follow up.

The Government reiterates that enforcement actions will be taken seriously. Any person who fails to present an SMS notification with a test result or wear a wristband as proof of having undergone testing breaches the compulsory testing notice and may be liable to a fine of \$10,000. The person will also be issued with a compulsory testing order, requiring him/her to undergo testing within a specified time frame. Failure to comply with the compulsory testing order or the "restriction-testing declaration" is an offence and the offender may be liable to a fine of level 5 (\$50,000) and imprisonment for six months.

Flag-raising ceremony cancelled

Owing to the thunderstorm warning, the flag-raising ceremony to be conducted at Golden Bauhinia Square, Wan Chai at 8am today (May 27) will be cancelled.