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CO Consultation CITB/CITB

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主旨: Feedback on Copyright Ordinance/Public Consultation
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To Whom It May Concern-

I am one of the few registered, professional teachers (local, aided school) who has a legal background. The Copyright Ordinance needs an urgent revamp re: how it interacts *with the type of schools in Hong Kong that would be called 'public schools'* in the United States and Canada.

As you know, we have no exact equivalent of a public school here in Hong Kong (free, open to all / neighbourhood catchment). **Therefore, the Copyright Ordinance just did not make any exemptions or build in any freedoms for Hong Kong local teachers....at all.** Right now (2021), almost every single teacher in Hong Kong local GOV'T, AIDED or CAPUT schools is breaching the CO without being aware of it...or even if they are aware of it (as I am) because there is no way to abide by it.

There are lots of rumours going around about 'you can copy newspapers freely', etc. This is not true. I would also urge legal analysts to compare the current ordinance with what it says and what every teacher in Hong Kong actually does....actually HAS to do.....in a day.

The main problem is the current CO does not allow teachers to photocopy more than 3 pages at onceand to a maximum of around 35 pages per year....per class (if anything on the page is under Copyright, including a j-peg / clipart / excerpt). ****Did you know that some teachers in GOV'T, AIDED, AND CAPUT SCHOOLS in Hong Kong are actually tasked with writing booklets for their schools?** Gathering text, readings, resources from different places and putting them into a booklet? These are called course booklets and they are totally illegal here. **They are permitted in India, China....the list goes on.** Therefore, we face a strategic disadvantage in publically-funded Education. The teachers who have to do the illegal thing are feeling bad about it. They hide their booklets, photocopy at night, lock them in a locker during the day, etc.

We are not allowed materials. It is not always possible to BUY an individual textbook for each different student for each different reading that you want. Even if you do buy the textbooks, and students forget them at home....you cannot photocopy 1 page for more than 3 different students in a class. By law. We have to photocopy, even if our students have mountains of current textbooks. It cannot be avoided.

The rules surrounding showing VIDEOS and movies, even short passages, to one's class in a GOV'T, AIDED or CAPUT school are murky, and impossible to follow. We have to sneak around like criminals, even the librarian cannot advise us...she does not know. If the advice is to contact the production company or distribution company to ask permission to show something to a small class, most teachers do not even know how to do that or have the time to wait. **Is it really so horrible to exempt teachers in SUBSIDISED, CAPUT and GOV'T schools from the over-arching CO? This is efficiency.**

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Lastly, and most importantly, the rules for using HKEAA past papers in local GOV'T, AIDED and CAPUT schools must be clarified. Again, everyone is sneaking around like criminals for using past papers. There is some sort of 'membership fee' you need to pay to join their use of papers (local, aided school) but even those papers are not enough....and then you need to task a secretary with COUNTING how many past papers were used by all teachers (I am not making this up). So the result is that everyone is in breach of the ordinance all of the time. Schools who are brave enough to ignore the ordinance re: past exam papers have a strategic advantage.

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We do not want ordinary teachers, who are funded by the taxpayer, to spend a large portion of their time reading and interpreting the CO. We want them to **teach.**

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At the very least, we need to make the CO more accessible. It is currently a massive roadblock in all Hong Kong schools. No one knows how to read it, how to apply it, what to ignore, what to heed. It's a real mess, and it is causing Hong Kong a competitive disadvantage. If you ask certain gov't officials about this quagmire, they respond that 'there is a Copyright Officer in each school' and apparently a fund was provided for this person to respond to queries? No. There is no such person.

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No such person.

People pretend not to care about the way the CO interacts with local schools and hampers teachers from doing freely what they are tasked with doing by the public. However, I know that the CO is troubling and causes both stress and needless WASTE in Hong Kong's local GOV'T, AIDED, and CAPUT Schools.

My recommendation is to do this: exempt us completely from the CO except in the case where we 'sell' material (we cannot sell material) or at least increase the number of pages we can copy to 80 per class....allow us to staple at the seam....and allow us access to past papers without having to pay a FEE and COUNT how many pages the school has used.

All this needless bureaucracy has a kick-back effect on the taxpayers and gov't who come up with all these impossible-to-follow rules. **Streamline, simplify, align, and then specifically name which types of schools in Hong Kong are to be considered equivalent to public schools.**

Thank you and I hope we can be allowed out of this conundrum.
-Eleanor Jones