



EUROPEAN UNION
OFFICE TO HONG KONG AND MACAO

Ambassador / Head of Office

Hong Kong, 22 February 2022

Mr Edward Yau
Secretary for Commerce and Economic Development
Hong Kong Special Administrative Region
People's Republic of China
Email: edwardyau@cedb.gov.hk

Dear Secretary Yau,

Thank you for organising a public consultation on updating Hong Kong's copyright regime, in which you invite for our views by February 23, 2022.

We appreciate the fact that Hong Kong is modernising its copyrights law and commented on earlier drafts in 2014.

With regard to the questions raised in the consultation, we have two comments:

With regard to question (a) on an exhaustive approach to exceptions (Chapter 3), we support an exhaustive list of exceptions, as this creates more legal certainty.

We also would like to provide a comment related to the 2014 draft bill (which we understand is the basis for the new law and on which we commented before). In case Article 28 (related to communication to the public) is maintained (as proposed in the draft Bill of 2014), we recommend to also include guidance on paragraphs 5 and 6 of that Article. This is to provide for greater legal certainty, to be clear about the intentions of these provisions, and to avoid possible misinterpretations and a too wide application.

In case of any questions, please do not hesitate to contact my office (Walter van Hattum, Walter.van-hattum@eeas.europa.eu) directly.

Yours sincerely,

Thomas Gnocchi

c.c.
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