

LEGISLATIVE COUNCIL BRIEF

Copyright Ordinance
(Chapter 528)

COPYRIGHT (LIBRARIES, MUSEUMS AND ARCHIVES— PRESCRIBED CONDITIONS FOR MAKING COPY) REGULATION

COPYRIGHT (SPECIFIED LIBRARIES, MUSEUMS AND ARCHIVES UNDER SECTIONS 47 TO 53) NOTICE

INTRODUCTION

The Secretary for Commerce and Economic Development (“SCED”) has made –

(a) the Copyright (Libraries, Museums and Archives—Prescribed Conditions for Making Copy) Regulation (“new Regulation”) (at **Annex A**) pursuant to section 46(1)(a) of the Copyright Ordinance (Cap. 528) (“CO”) to prescribe the statutory conditions for compliance for the purposes of the permitted acts under sections 47 to 53 of the CO; and

(b) the Copyright (Specified Libraries, Museums and Archives under Sections 47 to 53) Notice (“new Notice”) (at **Annex B**) pursuant to section 46(1)(b) of the CO to specify the libraries, museums or archives the librarians, curators or archivists of which may do the above permitted acts.

JUSTIFICATIONS

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 different permitted acts which the librarians, curators or archivists of 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 C).² In this connection, section 46(1) of the CO empowers SCED to:

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

4. Pending the enactment of the above regulations made by SCED, the Copyright (Libraries) Regulations (Cap. 528B) which are saved by the provisions of the current CO as transitional measures remain in force³. However, the prescribed conditions and specification provisions in the Copyright (Libraries) Regulations cannot fully cover the permitted acts currently provided for under sections 47 to 53 of the CO, and the provisions

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 Pursuant to section 191 of and paragraph 43 of Schedule 2 to the CO, the Copyright (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.

in the Copyright (Libraries) Regulations are also outdated, creating inconvenience and uncertainty in actual application.⁴

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 applied and implemented.

LEGISLATIVE PROPOSAL

6. For the aforesaid reasons, SCED has now exercised the power conferred on him under section 46(1) of the CO and made the new Regulation and the new Notice respectively for the purposes of the permitted acts under the CO as referred to in paragraph 3 to replace the Copyright (Libraries) Regulations⁵.

New Regulation

7. The new Regulation prescribes the conditions for compliance for the purposes of the relevant permitted acts. The prescribed conditions include those required by the CO to be prescribed in the new Regulation, as well as other additional conditions to further reduce the risk of abuse of the relevant permitted acts⁶. Details are set out in **Annex A**.

⁴ The existing prescribed conditions and specifications under the Copyright (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 Copyright (Libraries) Regulations cannot, for the purposes of the permitted acts under sections 51, 51A, 52, 52A and 53 of the CO, be adapted or modified to provide for the necessary specification of libraries, museums and archives and the relevant prescribed conditions for their compliance.

⁵ The Copyright (Libraries) Regulations will cease to have effect when the new Regulation comes into operation and will be repealed separately.

⁶ For instance, under sections 47 and 48 of the CO, a person requesting a specified library to provide a copy of the relevant copyright work must satisfy the librarian that he/she has never had the same copy.

New Notice

8. The new Notice sets out the specified libraries under sections 47, 48 and 50 of the CO, and the specified libraries, museums and archives under sections 51, 51A, 52, 52A and 53 of the CO. In general, save in certain special and exceptional circumstances⁷, only libraries, museums and archives of the Government, the Legislative Council and the Judiciary, as well as libraries, museums and archives which are not established or conducted for profit and the collections of which include copyright works and are generally accessible to the public or a section of the public, would be eligible to do the relevant permitted acts. Details are set out in **Annex B**.

LEGISLATIVE TIMETABLE

9. The new Regulation and the new Notice will be published in the Gazette on 11 July 2025 and tabled before the Legislative Council for negative vetting on 16 July 2025, and will come into operation on 1 January 2026.

IMPLICATIONS OF THE PROPOSAL

D

10. The new Regulation and the new Notice have economic implications as set out in **Annex D**. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal will not affect the current binding effect of the CO, and has no financial, civil service, productivity, environmental, family or gender implications. Apart from the economic implications, the proposal will not affect sustainability.

PUBLIC CONSULTATION

11. The Government conducted a public consultation on the legislative proposals from 15 February to 15 April 2024, collecting views from various stakeholders and the public through different channels, including holding two briefing sessions—one for copyright owners and intellectual property practitioners' groups, and the other for stakeholders in

⁷ For example, circumstances concerning unpublished copyright works or copyright works held in the permanent collections of specified libraries, museums or archives.

the library, museum and archive sectors. 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 supported the Government's legislative proposals, while some respondents provided technical suggestions on issues for consultation. We have carefully considered these views in finalising the new Regulation and the new Notice.

12. We briefed the Legislative Council Panel on Commerce, Industry, Innovation and Technology on the legislative proposals on 15 April 2025, and had the support of the Panel.

PUBLICITY

13. The Government will issue a press release on 11 July 2025 and a spokesperson will be available to answer media enquiries. Prior to the implementation of the new Regulation and the new Notice, the Intellectual Property Department will publish reference materials and guidelines, and organise briefing sessions for the industry and relevant stakeholders, to facilitate their understanding of and compliance with the relevant statutory requirements.

ENQUIRIES

14. Enquiries on this brief may be addressed to Ms Joanna CHEUNG, Principal Assistant Secretary for Commerce and Economic Development at telephone number 2810 2862.

Commerce and Economic Development Bureau
9 July 2025

Copyright (Libraries, Museums and Archives—Prescribed Conditions for Making Copy) Regulation

Contents

Section	Page
1. Commencement	1
2. Prescribed conditions for section 47 of Ordinance.....	1
3. Prescribed conditions for section 48 of Ordinance.....	2
4. Prescribed conditions for section 50 of Ordinance.....	4
5. Prescribed conditions for section 51 of Ordinance.....	6
6. Prescribed conditions for section 52 of Ordinance.....	8
7. Supplementary provisions for declaration.....	9
Schedule Prescribed Forms of Declaration	11

Copyright (Libraries, Museums and Archives—Prescribed Conditions for Making Copy) Regulation

(Made by the Secretary for Commerce and Economic Development under section 46(1)(a) of the Copyright Ordinance (Cap. 528))

1. Commencement

This Regulation comes into operation on 1 January 2026.

2. Prescribed conditions for section 47 of Ordinance

(1) For the purposes of section 47 of the Ordinance, if a librarian is to make a copy of an article in a periodical and supply it to a person (*recipient*) without infringing any copyright as mentioned in that section, the following conditions must be complied with—

- (a) the librarian is satisfied on a declaration by the recipient that—
 - (i) the recipient requires the copy for the purposes of research or private study and will not use the copy for any other purpose;
 - (ii) the requirement of the recipient is not related to any similar requirement of another person; and
 - (iii) the recipient—
 - (A) has never had a copy of the article; or
 - (B) had had a copy of the article but the copy has been lost, destroyed or damaged;

- (b) the recipient may not be supplied with more than one copy of the article, or with copies of more than one article contained in the same issue of the periodical; and
 - (c) the recipient is required to pay for the copy of the article a sum not less than the cost (including a contribution to the general expenses of the library) attributable to the production of the copy.
- (2) For the purposes of the requirement of the recipient under subsection (1)(a)(ii)—
- (a) requirements are to be regarded as similar if they are made at substantially the same time for substantially the same purpose for copies of substantially the same article; and
 - (b) requirements made by different persons are to be regarded as related if the persons receive instruction to which the article is relevant at the same time and place.

3. Prescribed conditions for section 48 of Ordinance

- (1) For the purposes of section 48 of the Ordinance, if a librarian is to make a copy of part of any published work and supply it to a person (*recipient*) without infringing any copyright as mentioned in that section, the following conditions must be complied with—
- (a) the librarian is satisfied on a declaration by the recipient that—
 - (i) the recipient requires the copy for the purposes of research or private study and will not use the copy for any other purpose;
 - (ii) the requirement of the recipient is not related to any similar requirement of another person; and
 - (iii) the recipient—

- (A) has never had a copy of the same part of the published work; or
 - (B) had had a copy of the same part of the published work but the copy has been lost, destroyed or damaged;
- (b) the recipient may not be supplied with more than one copy of the same part of the published work, or with a copy of more than a reasonable proportion of the published work; and
- (c) the recipient is required to pay for the copy of the part of the published work a sum not less than the cost (including a contribution to the general expenses of the library) attributable to the production of the copy.
- (2) For the purposes of the requirement of the recipient under subsection (1)(a)(ii)—
- (a) requirements are to be regarded as similar if they are made at substantially the same time for substantially the same purpose for copies of substantially the same part of any published work; and
 - (b) requirements made by different persons are to be regarded as related if the persons receive instruction to which the same part of any published work is relevant at the same time and place.
- (3) For the purposes of subsection (1)(b)—
- (a) to avoid doubt, a published work in an anthology, compilation or collection is to be regarded as the whole work and not as a part of the anthology, compilation or collection in which it is published;
- Example—**

A poem published in an anthology is to be regarded as the whole work and not as a part of the anthology.

- (b) in determining whether a copy of part of any published work is more than a reasonable proportion of the work, all circumstances of the case are to be taken into account, in particular—
- (i) the type and nature of the work; and
 - (ii) the volume of the work; and

Example—

- (a) for work in written form—the number of words or pages of the work;
 - (b) for work in audio or video form—the duration of the work; or
 - (c) for work in electronic form—the number of bytes of the work.
- (c) if a copy consists of not more than 10% of any published work by reference to duration or number of words, pages or bytes or otherwise, the copy is to be regarded as a reasonable proportion of the work.

- (4) In this section—

published work (已發表作品) means—

- (a) a published literary, dramatic, musical or artistic work (other than an article in a periodical); or
- (b) a published sound recording or film.

4. Prescribed conditions for section 50 of Ordinance

- (1) For the purposes of section 50 of the Ordinance, if the librarian of a source library is to make a copy of any specified material and supply it to a receiving library without infringing any

copyright as mentioned in that section, the following conditions must be complied with—

- (a) the librarian of the source library is satisfied on a declaration by the librarian of the receiving library that—
 - (i) the receiving library is a specified library to which a copy of any specified material may be supplied as mentioned in that section;
 - (ii) the receiving library—
 - (A) has never had a copy of the specified material; or
 - (B) had had a copy of the specified material but the copy has been lost, destroyed or damaged; and
 - (iii) it is not reasonably practicable for the receiving library to purchase a copy of the specified material;
- (b) the receiving library may not be supplied with more than one copy of the specified material; and
- (c) the sum (if any) charged by the source library on the receiving library for making and supplying the copy of the specified material must not exceed the cost (including a contribution to the general expenses of the source library) attributable to the production and supply of the copy.

- (2) In this section—

receiving library (收件圖書館) means a library to which a copy of a specified material is supplied as mentioned in section 50 of the Ordinance by another library (**source library**);

source library (製件圖書館)—see the definition of **receiving library**;

specified material (指明材料) means any item mentioned in section 50(1)(a), (b) or (c) of the Ordinance.

5. Prescribed conditions for section 51 of Ordinance

- (1) For the purposes of section 51 of the Ordinance, if the head of an establishment is to make a copy from an item in the permanent collection of the establishment (*subject item*) without infringing any copyright as mentioned in that section, the following conditions must be complied with—
 - (a) the copy of the subject item must not be made as mentioned in that section unless it is not reasonably practicable to purchase a copy of the subject item to fulfill the purpose specified in subsection (1)(a) or (b) of that section;
 - (b) the head of the establishment must ensure that the permanent collection the copy of the subject item in which is made as mentioned in that section is—
 - (i) a collection of cultural or historical significance or importance that is maintained by the establishment with a view to its being used by any person wholly or primarily for reference on the premises of the establishment; or
 - (ii) a collection of cultural or historical significance or importance of the establishment available on loan only to any other establishment;
 - (c) the head of a source establishment must not make the copy from the subject item for a receiving establishment to fulfill the purpose specified in subsection (1)(b) of that section unless the head is satisfied on a declaration by the head of the receiving establishment that—
 - (i) the receiving establishment is a specified library, museum or archive mentioned in subsection (1)(b) of that section;

- (ii) the permanent collection of the receiving establishment is—
 - (A) a collection of cultural or historical significance or importance that is maintained by the receiving establishment with a view to its being used by any person wholly or primarily for reference on the premises of the receiving establishment; or
 - (B) a collection of cultural or historical significance or importance of the receiving establishment available on loan only to any other establishment;
 - (iii) there is an item in the permanent collection of the receiving establishment that has become an unavailable item;
 - (iv) it is not reasonably practicable for the receiving establishment to purchase a copy of the unavailable item; and
 - (v) if the copy of the subject item is supplied, it will only be used to replace the unavailable item; and
 - (d) the sum (if any) charged by the source establishment on the receiving establishment for making the copy from the subject item must not exceed the cost (including a contribution to the general expenses of the source establishment) attributable to the production of the copy.
- (2) To avoid doubt, the permanent collection of an establishment referred to in subsection (1) includes any collection that is kept by the establishment on a permanent basis, regardless of whether an item in the collection may be returned to the owner of that item temporarily, so long as the collection falls within the description of—

- (a) for the collection kept by an establishment that is to make a copy from an item as mentioned in section 51 of the Ordinance—subsection (1)(b)(i) or (ii); or
 - (b) for the collection kept by a receiving establishment—subsection (1)(c)(ii)(A) or (B).
- (3) In this section—
- establishment** (機構) means a library, museum or archive;
- head** (主管), in relation to an establishment, means—
- (a) for a library—the librarian of the library;
 - (b) for a museum—the curator of the museum; and
 - (c) for an archive—the archivist of the archive;
- receiving establishment** (收件機構) means an establishment (*former*) that is to receive a copy of an item in the permanent collection of another establishment (*source establishment*) that is made by the source establishment to replace an item in the former's permanent collection that is an unavailable item as mentioned in section 51(1)(b) of the Ordinance;
- source establishment** (製件機構)—see the definition of *receiving establishment*;
- unavailable item** (折損項目) means an item that has been lost, destroyed or damaged.

6. Prescribed conditions for section 52 of Ordinance

- (1) For the purposes of section 52 of the Ordinance, if a librarian, curator or archivist is to make a copy of any unpublished work and supply it to a person (*recipient*) without infringing any copyright as mentioned in that section, the following conditions must be complied with—

- (a) the librarian, curator or archivist is satisfied on a declaration by the recipient that—
 - (i) the recipient requires the copy for the purposes of research or private study and will not use the copy for any other purpose; and
 - (ii) the recipient—
 - (A) has never had a copy of the unpublished work; or
 - (B) had had a copy of the unpublished work but the copy has been lost, destroyed or damaged;
 - (b) the recipient may not be supplied with more than one copy of the unpublished work; and
 - (c) the recipient is required to pay for the copy of the unpublished work a sum not less than the cost (including a contribution to the general expenses of the library, museum or archive) attributable to the production of the copy.
- (2) In this section—
- unpublished work** (未發表作品) means the whole or part of any copyright work mentioned in section 52(1)(a) or (b) of the Ordinance.

7. Supplementary provisions for declaration

For the purposes of this Regulation, if a person (*person A*) is required to be satisfied on a declaration by another person (*person B*) as to any matter before making or supplying a copy of any article, work, material or item—

- (a) the declaration must be—
 - (i) made in—

- (A) for a declaration mentioned in section 2 or 3—Form 1 prescribed in the Schedule;
 - (B) for a declaration mentioned in section 4—Form 2 prescribed in the Schedule;
 - (C) for a declaration mentioned in section 5—Form 3 prescribed in the Schedule; and
 - (D) for a declaration mentioned in section 6—Form 4 prescribed in the Schedule;
- (ii) signed by person B; and
 - (iii) delivered to person A;
- (b) person A may rely on the declaration as to the matter unless person A is aware that the declaration is false in a material particular; and
 - (c) person A must not make or supply to person B a copy of the article, work, material or item under this Regulation in the absence of the declaration.
- _____

Schedule

[s. 7]

Prescribed Forms of Declaration

Form 1

(For the purposes of section 47 or 48 of the Copyright Ordinance (Cap. 528))

To: The Librarian of the

_____ (*name of the library*) of
_____ (*address*)

1. I, _____ (*name*) of _____ (*address*),
request you to make a copy of *[_____ (*particulars of article*)] *[_____ (*particulars of work of which a part is required to be supplied and particulars of that part*)] and supply the copy to me. I require the copy for the purposes of research or private study.
2. *[I have never had a copy of *[the article] *[the part of the work].]
*[I had had a copy of *[the article] *[the part of the work] but the copy has been lost, destroyed or damaged.]

3. To the best of my knowledge, my requirement for a copy of *[the article] *[the part of the work] is not related to any similar requirement for the copy of any other person.
4. I undertake that if the copy is supplied to me in compliance with the request made above, I will not use it except only for the purposes of research or private study.
5. I undertake that if the copy is supplied to me in compliance with the request made above, I will not reproduce, communicate or otherwise disseminate the copy without a licence of the copyright owner or beyond the scope of a permitted act under the Copyright Ordinance (Cap. 528).
6. I understand that a reproduction, communication or dissemination of the copy (if supplied) in breach of the undertaking made under paragraph 5 may constitute copyright infringement and incur legal liability.

Signature _____

Date _____

* Delete whichever is inappropriate.

Form 2

(For the purposes of section 50 of the Copyright Ordinance (Cap. 528))

To: The Librarian of the

_____ (*name of the library*) of

_____ (*address*)

1. I, _____ (*name*) of _____ (*address*), am
*[the librarian of the _____ (*name of the library*) (*our library*)] *[acting on behalf of the librarian of the _____ (*name of the library*) (*our library*)].
2. Our library is a specified library to which a copy of *[an article in a periodical] *[the whole or part of a published literary, dramatic, musical or artistic work] *[a sound recording or film] may be supplied as mentioned in section 50 of the Copyright Ordinance (Cap. 528).
3. I request you to make a copy of *[_____ (*particulars of the article*)] *[_____ (*particulars of the published work of which the whole or a part is required to be supplied and particulars of the whole work or that part*)] *[_____ (*particulars of the sound recording or film*)] and supply the copy to our library.
4. *[Our library has never had a copy of *[the article] *[the whole or part of the work] *[the sound recording or film].] *[Our library had had a copy of *[the article] *[the whole or part of the work] *[the sound recording or film] but the copy has been lost, destroyed or damaged.]

5. It is not reasonably practicable for our library to purchase a copy of
*[the article] *[the whole or part of the work] *[the sound recording
or film].
6. I undertake that if the copy is supplied to our library in compliance
with the request made above, our library will not reproduce,
communicate or otherwise disseminate the copy without a licence of
the copyright owner or beyond the scope of a permitted act under the
Copyright Ordinance (Cap. 528).
7. I understand that a reproduction, communication or dissemination of
the copy (if supplied) in breach of the undertaking made under
paragraph 6 may constitute copyright infringement and incur legal
liability.

Signature _____

Date _____

* Delete whichever is inappropriate.

Form 3

(For the purposes of section 51 of the Copyright Ordinance (Cap. 528))

To: The *[Librarian] *[Curator] *[Archivist] of the
_____ (name of the library, museum or archive) of

- _____ (address)
1. I, _____ (name) of _____ (address), am
*[the *[librarian] *[curator] *[archivist] of the _____
(name of the library, museum or archive) *[(our library)] *[(our
museum)] *[(our archive)]]] *[acting on behalf of the *[librarian]
*[curator] *[archivist] of the _____ (name of the
library, museum or archive) *[(our library)] *[(our museum)]
*[(our archive)]]].
 2. *[Our library] *[Our museum] *[Our archive] is a specified library,
museum or archive an item in the permanent collection of which may
be replaced as mentioned in section 51(1)(b) of the Copyright
Ordinance (Cap. 528).
 3. The permanent collection of *[our library] *[our museum] *[our
archive] is *[a collection of cultural or historical significance or
importance that is maintained by *[our library] *[our museum] *[our
archive] with a view to its being used by any person wholly or
primarily for reference on the premises of *[our library] *[our
museum] *[our archive]] *[a collection of cultural or historical
significance or importance of *[our library] *[our museum] *[our
archive] available on loan only to any other library, museum or
archive].
 4. An item in the permanent collection of *[our library] *[our museum]
*[our archive] has been lost, destroyed or damaged.

5. It is not reasonably practicable for *[our library] *[our museum] *[our archive] to purchase a copy of the item.
6. I request you to make a copy from _____ (*particulars of item in the permanent collection of your library, museum or archive*) and supply the copy to *[our library] *[our museum] *[our archive]. *[Our library] *[Our museum] *[Our archive] requires the copy for the purpose of replacing the item.
7. I undertake that if the copy is supplied to *[our library] *[our museum] *[our archive] in compliance with the request made above, *[our library] *[our museum] *[our archive] will not use it except only for the purpose of replacing the item.
8. I undertake that if the copy is supplied to *[our library] *[our museum] *[our archive] in compliance with the request made above, *[our library] *[our museum] *[our archive] will not reproduce, communicate or otherwise disseminate the copy without a licence of the copyright owner or beyond the scope of a permitted act under the Copyright Ordinance (Cap. 528).
9. I understand that a reproduction, communication or dissemination of the copy (if supplied) in breach of the undertaking made under paragraph 8 may constitute copyright infringement and incur legal liability.

Signature _____

Date _____

* Delete whichever is inappropriate.

Form 4

(For the purposes of section 52 of the Copyright Ordinance (Cap. 528))

To: The *[Librarian] *[Curator] *[Archivist] of the

_____ (*name of the library, museum or archive*) of
_____ (*address*)

1. I, _____ (*name*) of _____ (*address*), request you to make a copy of _____ (*particulars of unpublished work of which the whole or a part is required to be supplied and particulars of the whole work or that part*) and supply the copy to me. I require the copy for the purposes of research or private study.
2. *[I have never had a copy of the whole or part of the work.] *[I had had a copy of the whole or part of the work but the copy has been lost, destroyed or damaged.]
3. I undertake that if the copy is supplied to me in compliance with the request made above, I will not use it except only for the purposes of research or private study.

4. I undertake that if the copy is supplied to me in compliance with the request made above, I will not reproduce, communicate or otherwise disseminate the copy without a licence of the copyright owner or beyond the scope of a permitted act under the Copyright Ordinance (Cap. 528).
5. I understand that a reproduction, communication or dissemination of the copy (if supplied) in breach of the undertaking made under paragraph 4 may constitute copyright infringement and incur legal liability.

Signature _____

Date _____

* Delete whichever is inappropriate.



Secretary for Commerce and
Economic Development

8 July 2025

Explanatory Note

Under section 46(1)(a) of the Copyright Ordinance (Cap. 528) (**Ordinance**), the Secretary for Commerce and Economic Development may, by regulations, prescribe conditions for the purposes of any provision in sections 47 to 53 (copying and communication by librarians, curators and archivists) of the Ordinance.

2. This Regulation provides for the conditions for the purposes of sections 47, 48, 50, 51 and 52 of the Ordinance.

Copyright (Specified Libraries, Museums and Archives under Sections 47 to 53) Notice

Contents

Section	Page
1. Commencement	1
2. Interpretation	1
3. Determination of whether library, museum or archive is for profit.....	2
4. Specified library under section 47 of Ordinance.....	2
5. Specified library under section 48 of Ordinance.....	3
6. Specified library under section 50 of Ordinance.....	3
7. Specified library, museum and archive under section 51 of Ordinance	4
8. Specified library, museum and archive under section 51A of Ordinance.....	4
9. Specified library, museum and archive under section 52 of Ordinance	4
10. Specified library, museum and archive under section 52A of Ordinance	5
11. Specified library, museum and archive under section 53 of Ordinance	5

Copyright (Specified Libraries, Museums and Archives under Sections 47 to 53) Notice

(Made by the Secretary for Commerce and Economic Development under
section 46(1)(b) of the Copyright Ordinance (Cap. 528))

1. Commencement

This Notice comes into operation on 1 January 2026.

2. Interpretation

In this Notice—

entity (實體)—

- (a) means a body of persons (incorporated or unincorporated)
or a legal arrangement; and
- (b) includes—
 - (i) a corporation;
 - (ii) a partnership;
 - (iii) a sole proprietorship; and
 - (iv) a trust;

specified educational establishment (指明教育機構) means an
educational establishment specified in Schedule 1 to the
Ordinance;

statutory body (法定團體) means a body established or constituted
by, or under the authority of, an Ordinance.

3. Determination of whether library, museum or archive is for profit

In determining whether a library, museum or archive is, for the purposes of this Notice, established or conducted for profit—

- (a) all circumstances of the case are to be taken into account, in particular the nature and operation of the library, museum or archive;
- (b) the library, museum or archive is not to be determined as being established or conducted for profit solely because it is owned by a person carrying on a business for profit; and
- (c) the library, museum or archive is not to be determined as being established or conducted for profit solely because there is revenue in the form of rental income, admission fee, membership fee or other administrative fee or charge.

4. Specified library under section 47 of Ordinance

For the purposes of section 47 of the Ordinance, any of the following libraries is a specified library—

- (a) a library of the Government, the Legislative Council or the Judiciary;
- (b) any of the following libraries that is not established or conducted for profit and the collection of which includes copyright works and is generally accessible to the public or a section of the public—
 - (i) a library of a statutory body;
 - (ii) a library of a specified educational establishment;
 - (iii) a library of an entity that is conducted wholly or primarily for facilitating or promoting the research or private study of any discipline;

- (iv) a library conducted for facilitating or promoting the research or private study of any discipline.

5. Specified library under section 48 of Ordinance

For the purposes of section 48 of the Ordinance, any of the following libraries is a specified library—

- (a) a library of the Government, the Legislative Council or the Judiciary;
- (b) any of the following libraries that is not established or conducted for profit and the collection of which includes copyright works and is generally accessible to the public or a section of the public—
 - (i) a library of a statutory body;
 - (ii) a library of a specified educational establishment;
 - (iii) a library of an entity that is conducted wholly or primarily for facilitating or promoting the research or private study of any discipline;
 - (iv) a library conducted for facilitating or promoting the research or private study of any discipline.

6. Specified library under section 50 of Ordinance

- (1) For the purposes of section 50 of the Ordinance, any library is a specified library the librarian of which may make and supply a copy without infringing any copyright as mentioned in subsection (1) of that section.
- (2) For the purposes of section 50 of the Ordinance, any of the following libraries is a specified library to which a copy may be supplied under subsection (1) of that section—
 - (a) a library of the Government, the Legislative Council or the Judiciary;

- (b) a library—
 - (i) that is not established or conducted for profit; and
 - (ii) the collection of which includes copyright works and is generally accessible to the public or a section of the public.

7. Specified library, museum and archive under section 51 of Ordinance

- (1) For the purposes of section 51 of the Ordinance, any library, museum or archive is a specified library, museum or archive the librarian, curator or archivist of which may make a copy without infringing any copyright as mentioned in subsection (1) of that section.
- (2) For the purposes of section 51(1)(b) of the Ordinance, any of the following libraries, museums or archives is a specified library, museum or archive—
 - (a) a library, museum or archive of the Government, the Legislative Council or the Judiciary;
 - (b) a library, museum or archive that is not established or conducted for profit.

8. Specified library, museum and archive under section 51A of Ordinance

For the purposes of section 51A of the Ordinance, any library, museum or archive is a specified library, museum or archive.

9. Specified library, museum and archive under section 52 of Ordinance

For the purposes of section 52 of the Ordinance, any library, museum or archive is a specified library, museum or archive.

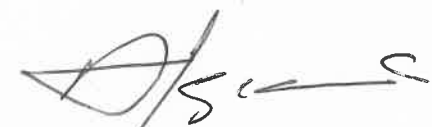
10. Specified library, museum and archive under section 52A of Ordinance

For the purposes of section 52A of the Ordinance, any library, museum or archive is a specified library, museum or archive.

11. Specified library, museum and archive under section 53 of Ordinance

For the purposes of section 53 of the Ordinance, any of the following libraries, museums or archives is a specified library, museum or archive—

- (a) a library, museum or archive of the Government, the Legislative Council or the Judiciary;
- (b) a library, museum or archive—
 - (i) that is not established or conducted for profit; and
 - (ii) the collection of which includes copyright works and is generally accessible to the public or a section of the public.



Secretary for Commerce and
Economic Development

8 July 2025

Explanatory Note

Under section 46(1)(b) of the Copyright Ordinance (Cap. 528) (*Ordinance*), the Secretary for Commerce and Economic Development may, by notice in the Gazette, specify libraries, museums or archives for the purposes of any provision in sections 47 to 53 (copying and communication by librarians, curators and archivists) of the Ordinance.

2. This Notice sets out the specified libraries for the purposes of sections 47, 48 and 50 of the Ordinance, and the specified libraries, museums and archives for the purposes of sections 51, 51A, 52, 52A and 53 of the Ordinance.

**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.

IMPLICATIONS OF THE PROPOSAL

Economic Implications

The new Regulation and the new Notice provide a clear legal framework for specified libraries, museums and archives to do the relevant permitted acts in accordance with the CO in their daily operations. This will facilitate the reasonable use of copyright works by these institutions and their users and further enhance the copyright regime of Hong Kong, thereby promoting research and study, as well as the sustainable development of the cultural and creative industries and the knowledge-based economy. This will help drive and enhance the overall competitiveness and economic development of Hong Kong.