

Education Bureau Circular Memorandum No. 163/2023

From: Secretary for Education

Ref: EDB(EID/ITE)/IT/IP/4/2 (22)

Date: 31 August 2023

To: Heads of All Government and Aided Primary and Secondary Schools (including Caput Schools and Grant Schools) and Special Schools

New Licence Agreements on Photocopying, Scanning and Communication of Printed Copyright Materials

Summary

This Circular Memorandum informs schools of a new set of copyright licence agreements for schools effective from 1 September 2023 and for a period of five years. These licence agreements will grant schools a licence to make and communicate copies of printed copyright materials for educational purposes during the licence period.

Details

2. Since 2000, five Schools Councils, namely Subsidized Primary Schools Council, Hong Kong Subsidized Secondary Schools Council, Grant Schools Council, Caput Schools Council, and Hong Kong Special Schools Council, acting on behalf of their respective schools, as well as the Education Bureau (EDB) acting on behalf of government schools, have entered into licence agreements with the Hong Kong Reprographic Rights Licensing Society (HKRRLS), allowing schools to use the licensed photocopiers or scanning machines in their own premises to photocopy and scan printed copyright materials for educational purposes on a licence fee which is paid by EDB to the HKRRLS on a yearly basis. The current set of licence agreements will expire on 31 August 2023.

3. After negotiation, the five Schools Councils and EDB will enter into a new set of licence agreements with the HKRRLS for a period of five years with effect from 1 September 2023 (Licence Agreements). In addition to allowing schools to use the licensed photocopiers or scanning machines in their own premises to make copies of printed copyright materials for educational purposes, these agreements will also authorise schools to communicate certain copyright materials by electronic means for educational purposes. Summary and details of the new Licence Agreements are available at *Appendix 1* and the web link (<http://www.edb.gov.hk/ited/copyright-la>) respectively.

4. In order to benefit from the new Licence Agreements, in line with the existing practice, **schools other than government schools** have to complete and return a Letter of Authorisation to authorise their respective Schools Councils to act on their behalf to enter into Licence Agreements with the HKRRLS. The licence fees will be borne by EDB. Non-member schools may also benefit from the Licence Agreements via their respective Schools Councils. Schools are requested to follow the procedures as set out in *Appendix 2* and return the completed authorisation letters to Information Technology in Education Section of EDB **by EMAIL, POST or FAX on or before 16 October 2023 (Monday)**. Relevant documents can be downloaded at the above web link.

Copyright Protection

5. Copyright protection is a Government policy. In order to respect the rights of copyright material owners, as well as to ensure the prudent use of public funds and avoid unnecessary increase in licence fees, teachers should try their best to avoid photocopying or scanning of printed copyright materials if there are other means or resources available to achieve the same teaching effectiveness. If teachers do have genuine needs to make certain copies of printed copyright materials to achieve the teaching objectives, they should keep the number of copies to the minimum, especially when free e-learning resources are increasingly available on the Internet nowadays. For details of the guidelines on the use of copyright works in the course of learning and teaching, please refer to the EDB Circular Memorandum No. 137/2010 “Note for Non-profit Making Educational Establishments relating to the Use of Copyright Works in the Course of Teaching and Learning” and the EDB webpage at <http://www.edb.gov.hk/ited/copyright>.

Enquiries

6. For enquiries, please contact Mr KWAN Hoi-ching at 3698 3610 or Ms YEUNG Yuen-ting at 3698 3601 of the Information Technology in Education Section.

P W YAN
for Secretary for Education

c.c. Heads of Sections - for information

Summary of the Licence Agreements

A new set of Licence Agreements made between the five School Councils and the Education Bureau, and the Hong Kong Reprographic Rights Licensing Society will be effective from 1 September 2023 for a period of five years.

Under the Licence Agreements, schools are allowed to make copies of a licensed material to a reasonable extent, and in any case not more than 10% of pages of a licensed material and communicate them for educational purposes. If the licensed material concerned is a textbook, each school shall not, in any academic year, (i) copy from more than three textbooks in relation to the same course, and (ii) with respect to each textbook, copy more than 5% of the number of pages of the textbook. If schools intend to make copies of licensed materials exceeding this limit or do any act restricted by copyright in relation to the licensed materials outside the scope permitted under the Licence Agreements, they must apply in writing to the relevant copyright owners beforehand, who have the absolute discretion in deciding whether or not to grant permission as well as to collect an appropriate fee in granting the permission.

Photocopying, scanning and communication of workbooks, work cards, exercise books, worksheets, assignment sheets, tests, examination papers and teachers' resources including instructors' manuals, solutions manuals, test bank and teachers' guides are not covered by the Licence Agreements with HKRRLS. More information about the new Licence Agreements can be found at the relevant webpage (<http://www.edb.gov.hk/ited/copyright-la>). A list of printed copyright materials not covered by the new Licence Agreements is also provided for reference in Schedule II of the agreement documents.

Procedures for Schools to Sign the Licence Agreement

1. Please make reference to the sample Authorisation Letter attached and prepare a Letter of Authorisation with your school letterhead to your respective Schools Council.
2. Please fill in the particulars of your school (i.e. the Licensee) at the Schedule.
3. Please send the duly signed (with school chop) Authorisation Letter and the completed Schedule to the Information Technology in Education Section of EDB by email, fax or post on or before **16 October 2023 (Monday)**.
 - (i) By EMAIL
Email address: ite@edb.gov.hk (Subject: Authorisation Letter for Copyright Licence Agreement)
 - (ii) By FAX
Fax no.: 2382 4403 / 2382 6551
 - (iii) By POST
Post address:
Information Technology in Education Section
(Attn: Mr KWAN Hoi-ching)
Rm E420, 4/F, East Block
EDB Kowloon Tong Education Services Centre
19 Suffolk Road, Kowloon Tong, Kowloon
4. Please check if your school has been included in the Licensee list on the EDB webpage (<http://www.edb.gov.hk/ited/copyright-la>) on or after **30 November 2023**.

Information for Preparing an Authorisation Letter -

Chairpersons and Addresses of the Schools Councils

Schools Council	Chairperson and Address
Hong Kong Subsidized Secondary Schools Council	Ms LEE Yi-ying c/o Kowloon True Light School No.1 True Light Lane, Suffolk Road, Kowloon Tong, Kowloon
Subsidized Primary Schools Council	Ms VU Im-fan c/o Kowloon Bay St. John the Baptist Catholic Primary School 23 Kai Yip Road, Kwun Tong, Kowloon
Grant Schools Council	Mr YUEN Dick-yan c/o St. Paul's College 67-69 Bonham Road, Hong Kong
Caput Schools Council	Mr LAU Chun-wah c/o United Christian College 11 Tong Yam Street, Tai Hang Tung, Sham Shui Po, Kowloon
Hong Kong Special Schools Council	Dr LEUNG Wing-hung c/o Tung Wah Group of Hospitals Kwan Fong Kai Chi School 28 Nam Shan Chuen Road, Tai Hang Tung, Kowloon

****SAMPLE AUTHORISATION LETTER****

[USE SCHOOL LETTERHEAD]

[Date]

[Name of Chairperson]

Chairperson

[Name of Schools Council]

[Address of Schools Council]

Dear [Mr / Ms / Dr XXX],

As duly authorised by the [Incorporated Management Committee / School Management Committee]* by resolution, we hereby appoint you to act for us to enter into and sign the Licence Agreement (2023/24 – 2027/28 s.y.) with the Hong Kong Reprographic Rights Licensing Society Limited, a copy of which is attached hereto (the “Agreement”).

We confirm that we have reviewed and understand the Agreement and will comply with its terms.

Yours sincerely,

[Signature and School Chop]

[Name of Principal]

Principal

[Name of School]

Encl.: Schedule

* Delete as appropriate

SCHEDULE

PARTICULARS OF THE LICENSEE

Name of Licensee (School):							
Address:							
Tel:							
Fax:							
School code:	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>						
Contact person:							