

Panel on Commerce and Industry

List of outstanding items for discussion (position as at 8 April 2004)

Proposed timing for discussion*

1. Policy and role of the Trade Development Council (TDC) in organizing trade fairs

Item discussed at the meeting on 8 December 2003.

April 2004
(Special meeting)

Further to its letters dated 8 October and 20 November 2003 which were addressed to the Panel Chairman and copied to other Panel members, Kenfair International (Holdings) Ltd. (Kenfair) has written to the Secretariat on 29 December 2003 stating its wish to present to the Panel its views on the matter. The Panel has agreed to discuss the matter at a special meeting in April 2004. Kenfair as well as other organizations which have earlier on provided submissions to the Panel have been invited to attend the special meeting and present views. A general notice for inviting submissions from interested parties has been posted on the website of the Council on the Internet. The Administration and TDC have also been invited to attend the special Panel meeting. Members may recall that Kenfair's letter dated 20 November 2003 addressed to the Panel Chairman and copied to all other Panel members and the Secretariat's reply thereto have been circulated vide LC Paper CB(1)630/03-04 on 22 December 2003.

2. Transition before implementation of electronic submission of cargo manifest (EMAN)

Item referred by the Bills Committee on Import and Export (Electronic Transaction) Bill 2001. The Bill, which was passed by the Legislative Council in July 2002, is to provide the legal framework for processing electronic submission of cargo manifest (EMAN).

April 2004
(Special meeting)

In scrutinizing the Bill, the Bills Committee considered that the transitional period during which both paper and electronic submission of cargo manifest were allowed should be extended to ensure the industry would have ample time to adapt to the new system. The Administration was requested to review the take-up rate by users of the EMAN and to brief the Panel in

* The meeting where the item will be discussed will be subject to confirmation nearer the time.

**Proposed timing
for discussion***

due course before deciding on the end date of the transitional period.

The Import and Export (Electronic Transactions) Ordinance 2002 and the EMAN have come into operation on 11 April 2003. The Administration has reviewed the take-up rate by users and will brief the Panel before deciding on the end date of the transitional period and submitting relevant subsidiary legislation to the Legislative Council for negative vetting.

3. DesignSmart Initiative

On 10 March 2004, the Financial Secretary announced in his Budget Speech the Government's plan to launch a \$250 million "DesignSmart Initiative" (the "Initiative") to promote innovation and design. The Administration is drawing up the details of the Initiative and consulting stakeholders. The Administration would like to brief the Commerce and Industry Panel on the details of the Initiative in May 2004, before submission of the funding proposal to the Finance Committee for consideration and approval within the current session.

May 2004

4. Draft Copyright (Prescription of Copyright Registers) Regulation

Item discussed at the meeting on 12 May 2003. Members noted the Administration's proposal of prescribing the copyright registers maintained by the United States, Canada and India with a view to simplifying the proof of copyright ownership in legal proceedings under section 121(2) of the Copyright Ordinance (Cap.528). Members asked the Administration to consider the setting up of a copyright register in Hong Kong. The Administration undertook to consider members' views and revert to the Panel in due course.

To be confirmed

5. Implementation of Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)

The Panel has been briefed on CEPA on 30 June and 13 October 2003. The Administration will brief the Panel on further progress of implementation of CEPA.

May / June 2004

* The meeting where the item will be discussed will be subject to confirmation nearer the time.

**Proposed timing
for discussion***

6. Review of the Trade Descriptions Ordinance (TDO) and related subsidiary legislation in the light of the development of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)

A Subcommittee was formed at the House Committee meeting on 31 October 2003 to study the Trade Descriptions (Country of Origin) (Watches) (Amendment) Order 2003 (the Amendment Order) and the Trade Descriptions (Place of Manufacture) (Piece-Knitted Garments) Notice (the Notice).

While scrutinizing the Amendment Order, members questioned whether the current approach of making an Amendment Order to dis-apply the existing Order to certain products was the best approach to provide for the origin of the products in question. While members did not seek to amend the Amendment Order, they urged the Administration to critically review the relevant provisions in TDO and related subsidiary legislation with a view to devising a better approach to deal with necessary legislative amendments arising from CEPA origin rules. The Administration noted members' concern and undertook to look into the issue. The Panel will keep in view the Administration's review and follow up where appropriate.

To be confirmed

7. Improving the business environment

Issues relating to improving the business environment were last discussed at the Panel meeting on 10 June 2002.

To be confirmed

The same subject has recently been covered in paragraphs 16 to 18 of the Chief Executive's 2004 Policy Address and raised by Mrs Sophie LEUNG at the Panel meeting on 14 January 2004. Mrs LEUNG expressed her view, inter alia, that the Government should strive to provide the business and industrial sectors with an "enabling environment".

With the establishment of the Economic and Employment Council (EEC) in January 2004, a comprehensive forum will be provided for the discussion of relevant issues. Members are to be briefed on 13 April 2004 on a reorganization proposal involving the Commerce, Industry and Technology Bureau and Financial Services and the Treasury Bureau to provide support to the EEC.

* The meeting where the item will be discussed will be subject to confirmation nearer the time.

**Proposed timing
for discussion***

8. Unauthorized downloading of copyright works from the Internet

Item raised at the special meeting of the Panel on Information Technology and Broadcasting (ITB Panel) on 25 March 2004 in connection with the discussion on "Measures to facilitate the development of film industry". Organizations attending the meeting pointed out that with the advancement in technology, there has been an increase in activities relating to making available movie products on the Internet for access and downloading through various means of transfer, in particular, the so called peer to peer transfer (P2P network) by users without the authorization of the copyright owners concerned. They considered that the act of making available infringing copies through the P2P network should be sanctioned, lest the well-being of the creative industries would be adversely affected.

To be confirmed

Since copyright issues relating to the unauthorized downloading of movie and musical products from the Internet fall within the purview of the Panel on Commerce and Industry (CI Panel). Members of the ITB Panel agreed that the CI Panel should be invited to explore the subject further in conjunction with the Administration and deputations.

The Administration is in the course of examining the possible criminal liabilities involved on the copyright side under the current law when there is the sharing of infringing materials through P2P networks. The Administration will report to the Panel on the findings in due course.

Council Business Division 1
Legislative Council Secretariat
8 April 2004

* The meeting where the item will be discussed will be subject to confirmation nearer the time.