

The Hong Kong
Institute of
Trade Mark
Practitioners
香港商標師公會

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BY HAND

Financial Services Branch
Financial Services and the Treasury Bureau
18/F, Tower I, Admiralty Centre
18 Harcourt Road
Hong Kong

Attn.: Mr. Frederick Ma Si-hang
Secretary for Financial Services

Dear Mr. Ma,

Proposal for Amendment of Section 22 of the Companies Ordinance

I am writing to you in my capacity as President of the above organization, the membership of which consists of solicitors, barristers, trade mark agents and patent agents, who are principally engaged in trade mark and other intellectual property practice. The Institute's aim is to protect the interests of trade mark owners, for which purpose we are active in regular liaison with the Intellectual Property Department and other relevant industry bodies.

I am attaching a formal Proposal for amendment to Section 22 of the Companies Ordinance, and which arises out of, and is intended to overcome, the current prolific registration of "shadow companies" in Hong Kong, and which are used to facilitate counterfeiting activities in the PRC.

The proposed amendment is very simple, but its implications for Hong Kong are significant.

Our Proposal has been reviewed and approved by the Honorable Ms. Margaret Ng, who has indicated her support for the Proposal. Please also note that the Proposal is supported by other industry organizations affected by the "shadow companies" problem, and we are also expecting to receive active support for the Proposal at international Governmental level.

I look forward to hearing from you as regards the Government's intentions following a review of the Proposal.

Yours sincerely

Steven Birt

President

The Hong Kong Institute of Trade Mark Practitioners

Encl.

c.c. Mr. Gordon Jones, Companies Registry

Ms. Erin Tsang, Clerk to the LegCo's Panel on Commerce and Industry

Honorable Ms. Margaret Ng