

香港特別行政區政府
商務及經濟發展局
工商及旅遊科

香港金鐘添美道二號
政府總部西翼二十三樓



COMMERCE, INDUSTRY AND TOURISM BRANCH
**COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU**

GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION

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19 August 2013

Ms Annette Lam
Clerk to Panel
Panel on Commerce and Industry
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Fax: 2978 7569)

Dear Ms Lam,

**Legislative Council Panel on Commerce and Industry
Meeting on 21 May 2013**

At the meeting of the Panel on 21 May, Members requested the Administration to provide (i) background information of members of the Working Group on Intellectual Property Trading; and (ii) information on Government's support for the Hong Kong International Arbitration Centre. The relevant information is now provided at Annexes A and B for Members' reference.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Amor Wong", with a stylized flourish at the end.

(Amor WONG)

for Secretary for Commerce and Economic Development

Working Group on Intellectual Property Trading
Membership List
 知識產權貿易工作小組成員名單

| Name 姓名 | Professional Background^(Note) 專業背景^(註) |
|---|--|
| Chairman 主席 | |
| Mr Gregory SO 蘇錦樑先生 | - Government 政府 |
| Vice-chairman 副主席 | |
| The Hon Andrew LIAO Cheung-sing 廖長城議員 | - Senior Counsel 資深大律師 |
| Members 成員 | |
| Mr. Charles Nicholas BROOKE 蒲祿祺先生 | - Chartered Surveyor and Valuer 特許測量師及估值師 |
| Dr. Jackson CHAN Chik-sum 陳植森博士 | - Research and Development 研究及發展 |
| Dr. Toby CHAN Lap-man 陳立邁博士 | - Brand owner and Licensing services 品牌擁有人及特許服務 |
| Professor Paul CHEUNG Ying-sheung 張英相教授 | - Academia 學術界 |
| Professor Raymond CHOY Hon-sing 蔡漢成教授 | - Creative Industries 創意產業 |
| Ms. Yvonne CHUA 蔡映媚女士 | - Legal services/IP practitioner 法律服務／知識產權從業員 |
| Dr. Roy CHUNG Chi-ping 鍾志平博士 | - Manufacturing 製造業 |
| Mr. Peter KUNG 龔永德先生 | - Accounting and Tax services 會計及稅務 |
| Mr. KWONG Chi-keung 鄭志強先生 | - Legal services/Chartered Arbitrator and Accredited Mediator 法律服務／特許仲裁員及認可調 解員 |
| Mr. Alfred KWOK Chan-fai 郭燦輝先生 | - High-tech social entrepreneur 高科技社會企業家 |

| Name 姓名 | Professional Background^(Note) 專業背景^(註) |
|--|--|
| Mr. Anson KWOK 郭炬廷先生 | - Financial services 金融服務 |
| Mr. Ronald LAI Chi-shing 黎志誠先生 | - Risk management and Insurance services 風險管理及保險服務 |
| Dr. Terence LAU Lok-ting 劉樂庭博士 | - Research and Development 研究及發展 |
| Mr. Jong LEE 李宗哲先生 | - Private equity and strategic consulting 私人股本及策略性諮詢 |
| Mr. Sunny LEE Wai-kwong 李惠光先生 | - University administration 大學行政 |
| Dr. Lewis LUK Tei 陸地博士 | - IP lawyer/IP practitioner 知識產權律師／知識產權從業員 |
| Mr. WONG Ming-yam 王明鑫先生 | - Manufacturing 製造業 |
| Dr. Po Chi WU 吳葆之博士 | - Educator/Venture capitalist/Entrepreneur (US & Asia)/Scientist 教育工作者／企業資本家／企業家(美國及亞洲)／科學家 |
| Director of Intellectual Property (or representative) 知識產權署署長或其代表 | - Government 政府 |
| Commissioner for Innovation and Technology (or representative) 創新科技署署長或其代表 | - Government 政府 |
| Head of Create Hong Kong (or representative) 創意香港總監或其代表 | - Government 政府 |
| Executive Director, Hong Kong Trade Development Council (or representative) 香港貿易發展局總裁或其代表 | - Trade promotion organisation 貿易推廣機構 |

Note: Information is provided by members of the Working Group on IP Trading on a voluntary basis.

註：上述資料由知識產權貿易工作小組成員以自願形式提供。

Government's Support for
The Hong Kong International Arbitration Centre (HKIAC)

At the meeting of the Legislative Council Panel on Commerce and Industry on 21 May 2013, Members requested further information relating to Government's support for HKIAC in promoting Hong Kong as an arbitration and mediation centre overseas, including through the Professional Services Development Assistance Scheme (PSDAS). This note provides Members with the relevant information.

Support for the setting up of HKIAC

2. HKIAC was set up with the intended purpose of enhancing Hong Kong's reputation as a major international financial and business centre and to attract more arbitration business to Hong Kong.

3. In 1984, the Government provided a grant of \$1.2 million to provide financial assistance towards the cost of setting up and running HKIAC. When HKIAC was set up in 1985, the Hong Kong Government made available premises at the old Central Magistracy Building on Arbutnot Road to HKIAC at a nominal rent for its provision of dispute resolution facilities and services for local and international cases. In 1989, a capital grant of \$19.1 million was provided by the Government to HKIAC to cover its running expenses. Since 1994, premises at Two Exchange Square have been made available to HKIAC by the Government at nominal rent¹.

4. In March 2012, the Government provided additional floor space at Two Exchange Square (doubling the total floor space to about 1 470 sq. metre) for HKIAC to expand its hearing and office facilities.

5. The provision of a capital grant and nominal rent to HKIAC is to enable it to operate with the objective of establishing and maintaining in Hong Kong an international arbitration centre for the settling of disputes or differences between parties. HKIAC will at all times aim to carry out its business with a view to becoming financially autonomous as soon as practicable. The arrangement for HKIAC to occupy the premises at a nominal rent will remain as long as it is considered necessary having regard to its financial position.

¹ HKIAC's 2012 Annual Report showed that it obtained an income of about \$4.7 million from room hire for arbitration hearings and meetings in 2011.

Other support

6. HKIAC also sought ad hoc support under various funding schemes of the Government for individual projects, which were granted on individual merits. For example, an amount of \$840,000 was approved in 2012 under PSDAS for HKIAC's project to promote to the business and legal communities of Latin America and Europe the advantages of Hong Kong for the arbitration of disputes. HKIAC received a total amount of about \$370,000 from 2009 to 2012 from the then Office of the Telecommunications Authority in association with a project of information communication technologies.

Enhancement in the arbitration regime to meet with development in the arbitration sector

7. After a major re-vamp of the new Arbitration Ordinance (Cap 609) which came into effect in June 2011, the Department of Justice (DoJ) has been working closely with the arbitration sector to improve the arbitration regime in Hong Kong.

8. HKIAC has finalised a set of amendments to its Arbitration Rules to include a procedure for the appointment of an "emergency arbitrator" to deal with applications for emergency relief before the constitution of an arbitral tribunal. The amended Rules shall take effect on 1 November 2013. To complement these developments, DoJ introduced the Arbitration (Amendment) Bill 2013 in April 2013 to include amendments to Cap 609 to make it clear that emergency relief granted by an emergency arbitrator is enforceable in accordance with the new provisions under the Ordinance. Other miscellaneous amendments proposed by HKIAC were also included in the Bill.

9. Amendments are also included in the Bill to implement the Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards concluded between Hong Kong and the Macao in January 2013. The Bill was passed on 10 July 2013.

Support to the HKIAC in promoting Hong Kong as an arbitration centre overseas

10. DoJ has been joining hands with HKIAC in promoting Hong Kong as an arbitration centre in the Mainland and other countries:

- (a) To promote greater use of the Hong Kong legal and arbitration services in the Mainland, jointly with HKIAC (as well as other Hong Kong legal professional bodies and arbitration organizations), DoJ organised two “Hong Kong Legal Services Forum” respectively in Shanghai (July 2010) and Guangzhou (September 2012). The two events were primarily funded by the HKSAR Government;
- (b) In April 2013, DoJ and the Hong Kong Economic and Trade Office in Guangdong jointly held a seminar during the Fujian Xiamen Hong Kong Week 2013 to introduce Hong Kong’s legal and arbitration services to Mainland enterprises. The two events were primarily funded by the HKSAR Government. Representatives of HKIAC attended and spoke at the seminar; and
- (c) In February 2013, DoJ joined forces with HKIAC and Hong Kong Bar Association to promote the use of arbitration services of Hong Kong in a road show in India. The Solicitor General of DoJ attended and spoke at the road show.

Department of Justice
Commerce and Economic Development Bureau
August 2013