

Major findings of Survey on Manpower in Intellectual Property Trading and Management

A wide range of industry groups in Hong Kong are engaged in intellectual property (IP) intermediary services and IP trading/management activities, according to the results of a survey released today (December 28) by the Intellectual Property Department (IPD).

The Survey on Manpower in IP Trading and Management (the Survey) was commissioned by the IPD in 2017 to collect information on the current landscape of the workforce engaged in IP intermediary services and IP trading/management activities in Hong Kong, the types of services engaged by the relevant industry groups, the job level spreads and the market demand for the personnel involved. A total of 2 424 establishments across 20 industry groups were successfully enumerated in the Survey.

The survey results confirm that legal services play a pivotal role in providing intermediary services for IP protection, management and trading activities. According to the results, as many as 54 per cent of the establishments providing solicitor services indicated that they had provided one or more types of IP intermediary services during the period before the Survey.

Apart from industry groups providing intermediary services, IP trading/management activities are also prevalent in a wide range of other selected industry groups, particularly those in the creative industries. The proportion of establishments which indicated that they were involved in IP trading/management activities reached 72 per cent for "TV programming and broadcasting", 54 per cent for "multimedia, visual and graphic design activities" and 51 per cent for "sound recording and music publishing".

Regarding the manpower situation, the findings indicated that over 3 300 persons were engaged in the provision of IP intermediary services in Hong Kong. About 42 per cent of the personnel were "professionals".

It is also estimated that over 21 600 persons were engaged by the other selected industry groups for IP trading/management work. Their job level spread varied across different industry groups due to different business focus. The industry group of "multimedia, visual and graphic design activities", for example, has the highest proportion (55 per cent) of "professionals", whereas the industry group of "retail sale of wearing apparel, luggage cases, handbags, similar articles of leather/leather substitutes, jewellery and precious metal accessories" has the highest proportion (69 per cent) of "managers and administrators", among staff engaged in IP trading/management work.

The survey results also revealed that the vast majority of personnel

engaged in providing IP intermediary services (at least 94 per cent for each of the different job levels) and staff engaged in IP trading/management work (at least 92 per cent for each of the different job levels) were recruited locally.

The Director of Intellectual Property, Ms Ada Leung, said, "Hong Kong is committed to promoting its development as an IP trading hub in the Asia-Pacific region. Like many businesses, manpower is an indispensable component for the business of IP trading and management to thrive and sharpen its advantages in the face of keen competition. The Survey commissioned by the IPD is the first study dedicated to IP manpower in Hong Kong. The findings of this survey will help identify the specific training needs of various industry groups for enhancing their IP manpower capacity so as to further promote the development of IP trading in Hong Kong."

The Survey aims to complement the host of measures which Hong Kong has been taking to enhance the manpower capacity of small and medium enterprises (SMEs) for developing IP trading and to strengthen its role as an IP trading hub in the Asia-Pacific Region. The Government, for example, has been jointly working with the Hong Kong Trade Development Council and the Hong Kong Design Centre in holding the "Business of IP Asia Forum" annually, with the latest forum just held on December 6 and 7. The IPD also launched the Free IP Consultation Service in December 2014 to provide free consultation to SMEs in IP protection, management and commercialisation, and over 320 consultation sessions had been completed up to November 2018. The IPD also launched in May 2015 the IP Manager Scheme, and over 1500 people have attended the IP Manager Training Programmes organised by IPD.

The summary of survey results is available on the dedicated website "Hong Kong – the IP Trading Hub" (www.ip.gov.hk/en/resources/survey.html).

[Hong Kong Customs seizes suspected illicit cigarettes \(with photo\)](#)

Hong Kong Customs yesterday (December 27) seized about 1.35 million suspected illicit cigarettes with an estimated market value of about \$3.6 million and a duty potential of about \$2.6 million at Shenzhen Bay Control Point.

Customs officers intercepted an incoming truck declared as carrying assorted goods at Shenzhen Bay Control Point yesterday. After inspection, the officers found the suspected illicit cigarettes in 71 carton boxes mix-loaded with other goods onboard the truck.

The 55-year-old male driver was arrested and the truck was detained. Investigation is ongoing.

Smuggling is a serious offence. Under the Import and Export Ordinance, any person found guilty of importing or exporting unmanifested cargo is liable to a maximum fine of \$2 million and imprisonment for seven years.

Members of the public may report any suspected illicit cigarette activities to the Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).



Nine immigration offenders arrested

The Immigration Department (ImmD) mounted a territory-wide anti-illegal worker operation codenamed "Twilight" yesterday (December 27). A total of six illegal workers and three suspected employers were arrested.

During the operation, ImmD Task Force officers raided 20 target locations including restaurants, hair salons, a recycling site, a warehouse and a roadside vendor. Six illegal workers and three employers were arrested. The illegal workers comprised three men and three women, aged 31 to 43. Among them, two men were holders of recognisance forms, which prohibit them from taking any employment. In addition, one woman was suspected of using and being in possession of a forged Hong Kong identity card, and one woman was suspected of using and being in possession of a Hong Kong identity card relating to another person. Meanwhile, two men and a woman, aged 51 to 55, were suspected of employing the illegal workers.

"Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction face a maximum fine of \$50,000 and up to two years' imprisonment. Aiders and abettors are also liable to prosecution and penalties," an ImmD spokesman said.

The spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied

in such cases. It is an offence to use or possess a forged Hong Kong identity card or a Hong Kong identity card related to another person. Offenders are liable to prosecution and a maximum penalty of a \$100,000 fine and up to 10 years' imprisonment.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.

Statistics on Code on Access to Information for second quarter of 2018

The Government received a total of 1 846 requests for information under the Code on Access to Information in the second quarter of 2018, a spokesman for the Constitutional and Mainland Affairs Bureau said today (December 28).

The total number of requests received since the introduction of the Code in March 1995 and up to the end of June 2018 amounted to 65 079. Of these, 3 875 requests were subsequently withdrawn by the requestors and 3 190 requests

covered cases in which the bureaux/departments concerned did not hold the requested information. As at June 30, 2018, 303 requests were still being processed by bureaux/departments.

Among the 57 711 requests which covered information held by bureaux/departments and which the bureaux/departments had responded to, 56 327 requests (97.6 per cent) were met, either in full (55 029 requests) or in part (1 298 requests), and 1 384 requests (2.4 per cent) were refused.

Any member of the public who is dissatisfied with the response of a bureau/department under the Code may request that the matter be reviewed. He or she may also lodge a complaint with the Ombudsman.

In the second quarter of 2018, the Ombudsman received 24 complaints relating to requests for information. In this quarter, the Ombudsman concluded 13 complaints, among which two were substantiated, one was partially substantiated, one was unsubstantiated, seven were settled after inquiries by the Ombudsman, and two were not pursued by the Ombudsman or outside the Ombudsman's jurisdiction. As at June 30, 2018, the Ombudsman's investigations on 41 complaints were ongoing.

"The Code has provided an effective framework for the public to seek access to information held by the Government," the spokesman said.

Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Friday, December 28, 2018 is 104.7 (down 0.4 against yesterday's index).