

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE INFORMATION TECHNOLOGY AND BROADCASTING BUREAU
OF THE GOVERNMENT OF THE HONG KONG SPECIAL
ADMINISTRATIVE REGION
OF THE PEOPLE'S REPUBLIC OF CHINA
AND
FEDERAL MINISTRY OF ECONOMICS AND TECHNOLOGY
OF THE FEDERAL REPUBLIC OF GERMANY
ON
CO-OPERATION IN
INFORMATION AND COMMUNICATIONS TECHNOLOGY

The Information Technology and Broadcasting Bureau
of the Government of the Hong Kong Special Administrative Region
of the People's Republic of China
and
Federal Ministry of Economics and Technology of
the Federal Republic of Germany

recognising the interest of both the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Federal Republic of Germany in furthering the development of their respective information and communications technology industries, and in supporting the expansion of domestic, regional and international markets for their products, services and technology,

guided by the mutual interest and benefit of both Parties in encouraging and supporting partnerships, investment co-operation, commercial ventures, research and development, in the areas of information and communications technology

HAVE REACHED THE FOLLOWING UNDERSTANDING:

Article 1

Focus of Co-operation

Acting within the framework of their powers and responsibilities, the Parties will develop co-operation and conduct exchanges in the field of information and communications technology.

Article 2

Areas of Common Interest

Recognising the rapid change of technological development in the information and communications technology industry, the Parties have identified the following areas of common interest for co-operation:

- (a) information and communications infrastructure,
- (b) electronic and mobile commerce, in particular, but not limited to:
 - infrastructure and policy; and
 - applications, including those for small and medium sized enterprises;
- (c) delivery of government services on-line;
- (d) multi-media legislation, applications and products; and
- (e) other areas of mutual interest.

Article 3

Areas of Co-operation

Having agreed upon areas of mutual interest, this Memorandum of Understanding will focus on the following areas of co-operation:

- (a) encouraging investment and technology partnerships;
- (b) accelerating commercial and industrial exchanges;
- (c) fostering business partnerships between companies of the Hong Kong Special Administrative Region and the Federal Republic of Germany;
- (d) facilitating technology development efforts;
- (e) promoting educational and learning exchanges; and
- (f) encouraging the exchange of policy and regulatory information.

Article 4

Forms of Co-operation

Co-operation in the field of information and communications technology shall be in accordance with the prevailing legislation and may take the following forms:

- (a) exchange of information and materials on information and communications technology subjects of common interest, and establishment of channels for exchange of information as appropriate;
- (b) exchange of information and communications technology specialists, professionals and delegations;

- (c) encouragement of liaison with other agencies, industrial, academic, and professional organisations to promote the areas of interests and co-operation outlined in Article 2 and Article 3, and provision of expertise and support;
- (d) facilitation and organisation of joint programmes including investment and venture capital seminars, symposia, and missions;
- (e) facilitation and promotion of joint trade events, activities and opportunities to encourage commercial ventures;
- (f) provision of opportunities for each Party to become acquainted with the organisational structure, statutes, regulation methods and procedures of the other Party; and
- (g) other forms of co-operation arranged by the Parties.

Article 5

Non-governmental Co-operation

Co-operation within the framework of this Memorandum of Understanding can be carried out by the business enterprises, organisations, and institutions of both sides upon their own initiative.

The Information Technology and Broadcasting Bureau of the Hong Kong Special Administrative Region of the People's Republic of China and the Federal Ministry of Economics and Technology of the Federal Republic of Germany will monitor the implementation of this Memorandum of Understanding, discuss questions and problems that arise and give recommendation that can help to reach the goals of the Memorandum. If necessary and mutually agreed representatives of both sides may hold working meetings.

Article 6

Funding and Resources

The co-operative activities carried out under this Memorandum of Understanding will be subject to the availability of funds and resources of the Parties. For those activities carried out under this Memorandum of Understanding, unless otherwise decided, each Party will provide resources adequate to carry out its own responsibilities in relation to those activities.

Article 7

Scope of Co-operation

The Parties will promote co-operation in all spheres of activity defined by this Memorandum of Understanding in order to derive maximum technical, industrial and commercial benefits for both the Hong Kong Special Administrative Region of the People's Republic of China and the Federal Republic of Germany.

Article 8

Intellectual Property Rights

Should intellectual property rights arise out of co-operative activities under this Memorandum of Understanding, each Party will determine the allocation of these rights within its jurisdiction and the Parties will decide on the allocation of rights in third jurisdictions unless particular arrangements provide otherwise.

Article 9

Treatment of "Confidential" Material

Neither Party will disclose nor distribute any information that is supplied and marked, or stated to be "in confidence", by the originating Party, except as, and to the extent authorised, by the originating Party.

Article 10

Commencement and Duration

This Memorandum of Understanding shall come into effect on the date of its signature and shall remain effective for a period of five years. It shall be extended thereafter for successive periods of five years unless terminated in accordance with Article 11.

Article 11
Termination

Either Party may terminate this Memorandum of Understanding at any time by giving at least 90 days' previous notice to the other Party. The termination of this Memorandum of Understanding will not affect the terms of those activities which are in progress at the time of the notification of termination of the Memorandum of Understanding.

Article 12
Amendment

This Memorandum of Understanding may be amended at any time by written mutual agreement of both Parties.

DONE in Berlin, this 12 day of March 2002, in duplicate, in the English and German languages, each version being equally authentic.

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AND BROADCASTING BUREAU
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