

Dear Daniel,

Regarding the Digital 21 Strategy, I wish to provide the following suggestions for Government's consideration.

1. In order to secure a sustainable economic growth for HK's eCommerce and creativity, a good awareness of IP right (IPR) is important among the IT practitioners and the society as a whole. HK Government can play an important role in providing relevant legal information and assistance to help individual IT practitioners or small IT firms to take necessary measurements to protect their IP, such as the following basic but essential concept:

- Software is usually protected by copyright rather than patent in HK
- Copyright does not require registration in HK, but can be different in other territories like China and USA (so as to secure full protection under law)
- Software can become patentable when it is integrated onto a hardware device like a controlling device or even a computer
- The implication of adopting Open Source codes

If without a sound legal system and sufficient IPR awareness, the digital creativity industry of an economy is having no chance of success and would simply become victim of cybercrime or IPR infringement. In parallel, the higher education programmes of IT should include appropriate IPR contents so that the IT students are trained not just on technical skill, but also the business sense and basic rights of legal protection.

2. In supporting point 1, Government can play a more proactive role in promoting IT security and best practices, especially for the SMEs which may not be able to afford the expenses of hiring IT security consultant or get certified under ISO27001. For SMEs, moving their data centres to a certified public cloud environment may be a reasonable alternative for stepping up the security protection of their company information and IP.

3. HK Government can help to further develop and turn HK to be a regional Online Dispute Resolution (ODR) Centre. With HKIAC, HK has been renowned of its Alternative Dispute Resolution function in the region. There is a growing trend of cross-border dispute resolution and especially involving China parties. Since 2009, CIETAC of China has promulgated the Online Arbitration Rules. HK is having a strategic role in providing legal services for bridging the East and West. The whole ODR process requires heavy IT support and security measures where

OGCIO can have a vital role to play.

4. Last but not least, OGCIO can help Government Departments to move into the era of virtual government services with a personal touch through technology of unified communications and collaboration, such as providing help-desk and government services by interacting with citizen through Skype or similar platforms.

Yours sincerely,

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