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### Reply to supplementary written question raised by Finance Committee Member in examining the Estimates of Expenditure 2023-24

Director of Bureau : Secretary for Commerce and Economic Development

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**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. S023)**

Head: (78) Intellectual Property Department

Subhead (No. & title): (-) -

Programme: (1) Statutory Functions

Controlling Officer: Director of Intellectual Property (David WONG Fuk-loi)

Director of Bureau: Secretary for Commerce and Economic Development

Question:

Regarding the examination capability under the “original grant patent” (OGP) system, the Policy Address announced to increase the number of patent examiners to 100. However, there are only 13 patent examiners at present and the goal of having 40 examiners by 2025 is far from reaching the target level of 100. Before having all examiners in place, does the Government have any means of processing examination of patent applications, especially those under specialised and specific categories? Will the China National Intellectual Property Administration (CNIPA) or other international patent experts be engaged to conduct patent examination for Hong Kong?

In addition, as the Lok Ma Chau Loop is the pilot zone for Shenzhen-Hong Kong innovation co-operation, has the Government considered inviting the CNIPA or setting up a joint institution to invite patent experts to conduct examination of OGP for Hong Kong?

Asked by: Hon KAN Wai-mun, Carmen

Reply:

The Intellectual Property Department (IPD) has all along been obtaining the necessary specialised technical support and assistance from the China National Intellectual Property Administration (CNIPA) in the process of establishing and implementing the “original grant patent” (OGP) system.

When the OGP system was launched in Hong Kong in December 2019, we had already established a collaborative mechanism with the CNIPA under which the IPD, during its examination of OGP applications, could first seek technical support from the CNIPA on search and substantive examination before deciding in accordance with the statutory requirements and procedures under the Hong Kong patent law on whether or not to grant the OGPs. Such collaborative mechanism has been operating smoothly. As at March 2023, the IPD granted 47 OGPs in accordance with the mechanism in a number of technical fields,

including medical technology, environmental technology, advanced materials, information technology, electrical and mechanical engineering, logistics technology, etc.

The IPD will continue to review the operation and progress of the OGP system, and adopt a step-by-step process of recruiting and nurturing more patent examiners so as to develop a talent pool, with a view to acquiring institutional autonomy in conducting substantive patent examination by 2030.

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