

CMAB responds to proposed amendments to PDPO

The Constitutional and Mainland Affairs Bureau (CMAB) noticed that an overseas media published a report on July 5, alleging that a number of Internet companies expressed concerns over the proposed amendments to the Personal Data (Privacy) Ordinance (PDPO) and wrote to the Hong Kong Special Administrative Region (HKSAR) Government to warn it that they might refrain from offering their services in Hong Kong in order to avoid holding their subsidiary employees liable for contents generated by their users. The Asia Internet Coalition (AIC) also wrote to the Office of the Privacy Commissioner for Personal Data (the Commissioner) earlier to express their views on the proposed amendments to the PDPO.

The CMAB noted that the AIC has uploaded on their website its letter to the PCPD. The letter made no mention of the stance of individual company members nor are there companies planning to retreat from Hong Kong, an issue already clarified by the AIC. The Government spokesman strongly opposed to the reports that took matters out of context to mislead and confuse the public.

A government spokesman said, "In recent years, doxxing acts which intrude into personal data privacy have been rampant in the society. The general public has strongly requested the criminalisation of doxxing acts as an offence and the stepping up of enforcement by the CMAB. Based on the actual investigation and prosecution experience in handling past doxxing cases, the CMAB and the PCPD will propose amendments to the PDPO, so as to effectively handle and regulate doxxing-related acts. In the process, the CMAB has taken reference to relevant laws in other legal jurisdictions, in order to propose reasonably practicable legislative amendment proposals on areas such as the definition of doxxing offence, penalties, evidential threshold, Privacy Commissioner for Personal Data's statutory criminal investigation and prosecution powers."

The Government spokesman reiterated that the legislative amendments only concern doxxing acts and the Commissioner's law-enforcement powers. The scope of the doxxing offence is clear, focused and target-specific, and has achieved a right balance between protecting privacy and freedom of speech. The CMAB aims at submitting the Amendment Bill in relation to doxxing acts to the Legislative Council within this legislative year.

The CMAB, the PCPD has all along maintained good communications with relevant stakeholders. Prior to the reporting by overseas media, the PCPD has already arranged a meeting with the AIC to understand their concerns over the proposed amendments to the PDPO. We are willing to listen to the views of the AIC and other relevant stakeholders, and will strive to submit the Amendment Bill in relation to doxxing acts to the Legislative Council within this legislative year.