

LCQ1: Combating false information

Following is a question by the Hon Michael Tien and a reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (May 11):

Question:

There are comments pointing out that in recent years, false information has been spreading extremely fast on the Internet, which has greatly affected public order and efforts for fighting the epidemic. In this connection, will the Government inform this Council:

- (1) of the existing legislation that can combat false information in a targeted manner; apart from making clarifications, what other means that the Government has employed to cope with false information;
- (2) apart from the false information disseminated openly on the Internet, how the Government combats false information disseminated on a one-to-one or group basis through the social media or mobile communication applications; and
- (3) of the plans put in place by the Government to improve the situation of proliferation of false information?

Reply:

President,

While the rapid development of information technology has brought convenience to the public, it has also led to or aggravated invasions of personal privacy or disruptions to social order. The Internet and social media are fraught with doxxing, hate speech, discriminatory remarks and false information. These inappropriate and untruthful information not only confuses the public, but also purposefully divides the society, incites hatred, provokes discontent, and compromises public order and national security. Therefore, we must address this problem seriously and squarely.

In consultation with the Home Affairs Bureau (HAB), our consolidated reply to the Member's questions is as follows:

Government policy bureaux and departments have been paying close attention to rumours and fake news on the Internet. On finding any erroneous information circulating widely, they will immediately come forth to clarify through various channels, with a view to stopping the spread of rumours and easing public concerns. Apart from using traditional media channels, including press conferences and press releases, Directors of Bureaux and Secretaries of Departments have been making use of different opportunities (e.g. attending television and radio programmes or meeting the press after attending public events) to elaborate on related policies and clarify untruthful reports in person.

Also, the Government has been actively making use of the Internet and social media, such as the Brand Hong Kong webpage, the Tamar Talk and the social media pages of different departments, to disseminate information to the public directly and make clarifications. As for unfounded information about Hong Kong circulating overseas, the Hong Kong Special Administrative Region Government will reach out to overseas media and foreign government agencies concerned to clarify, and arrange meetings with consuls-general, chambers of commerce and related bodies in Hong Kong to explain and respond when appropriate, so as to minimise the negative impact brought by such disinformation.

Apart from dealing with rumours proactively, the Government also seizes various opportunities and takes the initiative to disseminate the most up-to-date information to the public, such as by launching thematic short videos and contacting media organisations to arrange for featured interviews and follow-up reporting, so that the public can have the most accurate and comprehensive information. Since mid-February, Radio Television Hong Kong's TV 32 has also become the Government's dedicated channel and platform for disseminating the latest anti-epidemic information to the public.

The Internet is not an unreal world that is beyond the law. As far as the existing legislation in Hong Kong is concerned, most of the laws enacted to prevent crimes in the real world are in principle applicable to the online world, including social media and mobile communication softwares. Even though there is not yet any legislation against fake news in Hong Kong, various provisions are in place under the existing legal framework to deal with the dissemination of inappropriate information. Any acts that incite others to break the law, as long as they involve criminal offences, are regulated by the relevant laws regardless of whether they are committed online. For example, section 24 concerning criminal intimidation, sections 9 and 10 concerning offences relating to seditious intention of the Crimes Ordinance, as well as section 23 concerning blackmail, section 16A concerning fraud and section 17 concerning obtaining property by deception of the Theft Ordinance, are applicable to online acts too.

Making inappropriate speech online may also result in the commission of other offences, such as contravention of the data protection principles under the Personal Data (Privacy) Ordinance (PDPO), infringement of intellectual property rights, or libel. Application for injunction orders can also be made to the High Court as and where necessary.

During the fifth wave of the epidemic, some members of the public claimed to have tested positive for COVID-19 on social platforms. They flagrantly breached quarantine requirements and advocated COVID-19 confirmed patients to go around the city to spread the virus. Such inappropriate speech was made with an intention to undermine the Government's anti-epidemic work. The Police will not tolerate such acts and will surely take appropriate enforcement action. As at April 30, 2022, 19 persons were arrested for inciting others to violate anti-epidemic measures, inciting others to vandalise Government anti-epidemic facilities or disseminating false anti-epidemic messages.

Under the existing legal framework, there are also mechanisms for removing inappropriate messages. For instance, the PDPO empowers the Privacy Commissioner for Personal Data to demand cessation of disclosure of doxxing contents, while the Crimes Ordinance allows the court, having regard to the circumstances, to order the defendant or any other person to remove, delete or destroy an intimate image published without consent. On noticing the circulation of inappropriate messages on the Internet, the Police will actively investigate the matter and take enforcement action in a timely manner. They will also require service providers to remove the messages as appropriate.

For the reasons stated above, members of the public have to act legally and responsibly when using the Internet. The Government will take stringent enforcement action against any person making inappropriate speech online that involves criminal elements.

The HAB is considering the experience and methods of other countries and regions in tackling fake news and false information. The HAB has already commissioned a consultancy to study legislation enacted in overseas jurisdictions in recent years for regulating disinformation and provide recommendations regarding the ensuing legislative work.

The laws of different places vary in terms of their legislative intent, application and execution. The topic of false information covers a wide range of issues. Not an instance has been found around the world where issues from distribution of fake news, online false statements to false information for election manipulation can be collectively tackled by one single piece of legislation. In the above study, reference will be made to the legislation and enforcement experience of different countries and regions, with a view to working out a set of effective legal regulatory proposals appropriate to the local situations.

Thank you, President.