

LCQ14: Police's requests for removing postings on social platforms

Following is a question by the Hon Hui Chi-fung and a written reply by the Secretary for Innovation and Technology, Mr Nicholas W Yang, in the Legislative Council today (December 11):

Question:

It has been reported that in October this year, the Police issued letters to the operator of a social platform on two occasions, requesting that certain postings on its platform be removed on the grounds that such postings had violated the community standards of the platform concerned as they contained false news or hate speeches. Regarding the Police's requests for removing postings on social platforms, will the Government inform this Council:

(1) of the legal basis for the Police's making the aforesaid requests for removing postings; whether the Police sought the views of the Department of Justice and the relevant government departments prior to making such requests;

(2) whether it has assessed if the Police, by making the requests for removing postings, infringed upon the freedom of speech and freedom of communication enjoyed by Hong Kong residents under the Basic Law;

(3) of the criteria adopted by the Police for determining (i) whether a particular posting is related to police duties, and (ii) whether a request for removing a posting or revision of its contents should be made;

(4) whether it has monitored the postings on the various social platforms at present; if so, of the name(s) of the government department(s) responsible and the details of the relevant work; and

(5) of the respective numbers of occasions, in each of the past three years, on which the Police and other government departments requested the operators of social platforms and websites to (i) remove postings and (ii) revise the contents of postings (including news reports), as well as the respective numbers of requests which were complied with?

Reply:

President,

According to the information provided by relevant bureaux and departments, our reply is as follows:

(1) and (3) The Internet is not a virtual world that is beyond the law.

According to the existing legislation in Hong Kong, most of the crime-prevention laws in the real world are applicable to the Internet world. It is the statutory duty of police officers to maintain public safety and public order, as well as safeguard people's life and property. In the course of carrying out their duties, the Police will request information or co-operation from relevant persons or organisations (including information and communications technology companies), including requesting Internet platforms to remove postings. In doing so, the Police will make the requests in accordance with the laws, procedures or guidelines related to their duties, and such requests would only be made when necessary for performing their duties.

The circumstances of each case are unique. The Police will not comment on individual cases.

(2) Hong Kong residents enjoy freedom of speech as stipulated in the Basic Law, but such freedom is not absolute. According to the International Covenant on Civil and Political Rights as applied to Hong Kong and the Hong Kong Bill of Rights Ordinance (Cap. 383), the exercise by anyone of the right to freedom of expression carries with it special duties and responsibilities, and may therefore be subject to certain restrictions as provided for by law as necessary for (i) respecting the rights or reputations of others, or (ii) protection of national security or of public order, or of public health or morals. Any person exercising the abovementioned rights should respect the rights of others, and should not compromise public order and public safety while doing so.

The Police all along respect the public's freedoms of expression and speech. However, when the speech may be in violation of the law, such as speech that constitutes criminal intimidation, the Police have to conduct follow-up investigation based on the circumstances and complaints so as to maintain law and order and public safety. Based on the circumstances and evidence of each case, the Police will conduct investigation in a fair and just manner and take appropriate actions, including requesting Internet platforms to remove postings. The Police will take strict enforcement actions against illegal activities by any person in a fair and impartial manner.

Over the past few months, a lot of false information has been circulated online and in the social media, especially a vast amount of fake news and baseless accusations that targeted the Police. Most of these unsubstantiated messages twist the facts, create panic in the community, deepen confrontation and division in society, and disrupt police-community relations. The Government strongly condemn the wilful spread of these rumours online, and will endeavour to provide the relevant facts and information to dispel the false information. The Government call on the public to remain objective and rational, and not to hastily believe in fabricated online rumours.

(4) The Internet (including social media) is a public platform filled with a huge amount of information. As some people use it as a medium and tool for committing crimes, the Police have the responsibility to combat such crimes

and curb the public's contact with these criminal acts.

The Police conduct "cyber patrol" as necessary for the purpose of crime prevention and detection, that is, to search for relevant information via public platforms on the Internet. The Police will also, according to operational priorities, conduct targeted searches professionally on such platforms for pertinent criminal information (e.g. fraudulent bank websites, illegal football betting activities, dissemination of child pornography, trafficking of dangerous drugs, online criminal libel, etc.)

The Police will continue to closely monitor potential criminal activities online and take enforcement action. The Government will take stringent follow-up actions against any illegal or violent acts, or acts that prejudice public safety or public order.

(5) The numbers of occasions on which individual government departments requested the operators of social platforms and websites to remove postings and revise the contents of postings (including news reports) from 2017 to 2019, as well as the numbers of requests which were complied with, are set out at Appendix.