

LCQ2: Developing Hong Kong into smart city

Following is a question by the Hon Andrew Lam and a reply by the Secretary for Innovation, Technology and Industry, Professor Sun Dong, in the Legislative Council today (May 31):

Question:

The State Council Institutional Reform Plan, which was deliberated at the First Session of the Fourteenth National People's Congress, proposes the establishment of a National Data Bureau which shall be responsible for, among others, co-ordinating and advancing the construction of the basic system of data, co-ordinating the integration, sharing, development and utilisation of data resources, and advancing the planning and construction of digital China, digital economy and digital society. In addition, the Chief Executive proposed in the 2022 Policy Address the development of Hong Kong into a smart city, and indicated that the Government would explore with the Mainland the arrangements for the flow of data from the Mainland to Hong Kong, with a view to jointly promoting the co-ordinated development of smart cities in the Guangdong-Hong Kong-Macao Greater Bay Area. In this connection, will the Government inform this Council:

(1) in order to develop Hong Kong into a smart city, whether it will set up a "big data bureau" to be co-ordinated by the Government, or transform the Census and Statistics Department into a "big data bureau"; if so, of the details; if not, the reasons for that;

(2) of the current situation of data interchange between the Government and the relevant Mainland authorities, as well as the anticipated future situation; and

(3) given that the development of a smart city requires the collection, linkage, storage and analysis of data, some members of the public are worried that the Personal Data (Privacy) Ordinance cannot keep pace with the times, whether the Government will review the Ordinance, so as to tie in with the development of a smart city; if so, of the details; if not, the reasons for that?

Reply:

President,

Digitalisation is an inevitable trend in driving the economy towards high-quality development and constructing Hong Kong into a smart city. The Government has put in place various policies and measures under a data-driven approach to strengthen the consolidation, application, opening and sharing of data among different bureaux/ departments (B/Ds), and leverage the data infrastructure to facilitate the development of digital economy and smart

city in Hong Kong.

Having consulted the Constitutional and Mainland Affairs Bureau, my reply to the questions raised by the Hon Lam is as follows:

(1) Different regions would formulate appropriate measures to promote the consolidation, sharing, development, utilisation and interchange of data according to their own circumstances and development needs. We understand that the National Data Bureau established by our country would mainly carry four major functions: (i) development of digital government for co-ordinating management of government service data resources, opening up and sharing of data, and integration of information systems; (ii) planning of e-Government management; (iii) management of big data industry including artificial intelligence (AI); and (iv) government service infrastructure such as government cloud. The current work focus of the Office of the Government Chief Information Officer (OGCIO) is comparable to the above-mentioned functions of the National Data Bureau. The OGCIO has achieved some concrete results in this regard, for example,

(i) On the development of digital government and open data, B/Ds and public and private organisations have opened up over 5 160 datasets in the Open Data Portal (data.gov.hk) for free use by the public since the Government announced the Open Data Policy in 2018. The Next Generation Government Cloud Infrastructure enables regular and real-time data interchange among B/Ds' systems and databases by means of Application Programming Interface. The Government is also developing the Consented Data Exchange Gateway (CDEG) and the Common Spatial Data Infrastructure (CSDI) to provide data for smart city development;

(ii) On e-Government management, the Government has formulated a comprehensive government information security incident response mechanism and related measures to protect government systems and data security, while managing and approving e-Government projects;

(iii) On data industry management, we are implementing a number of measures, including developing Hong Kong as the preferred location for setting up high-end data centres in the region, and conducting a feasibility study on the development of an AI Supercomputing Centre; and

(iv) On government service infrastructure, the OGCIO has provided B/Ds with the Next Generation Government Cloud Infrastructure and the Shared Blockchain Platform to accelerate the development of e-Government.

We are taking forward our work in respect of the development of data infrastructure, data integration and sharing, and digital economy with a clear policy direction and work objectives in mind, which are broadly in line with that of the National Data Bureau. At this stage, we will press ahead with the development of digital economy and smart city in accordance with the above work directions, and continue to keep an open mind on ways to enhance our work in light of the changing circumstances.

(2) Hong Kong is the nexus that connects the international world and the

Mainland, where cross-boundary flow of data is definitely essential. We attach great importance in ensuring data security and protection of personal data privacy while promoting the development of the digital economy in the Greater Bay Area (GBA).

The Chief Executive's 2022 Policy Address has set out that the Hong Kong Special Administrative Region (HKSAR) Government would explore with the Mainland on the arrangements for the flow of data from the Mainland to Hong Kong, with a view to jointly promoting the co-ordinated development of smart cities in the GBA. We have since maintained a close communication with the relevant Mainland authorities and made positive progress. The Innovation, Technology and Industry Bureau and the Government Services and Data Management Bureau of Guangdong Province signed the Co-operation Agreement between Guangdong and the HKSAR on Co-developing a Smart City Cluster in March this year, with a view to expediting the development of digital economy and smart city, and jointly promoting the development of a Guangdong-Hong Kong smart city cluster. The HKSAR Government and the People's Government of Guangdong Province are also pressing ahead the interconnection of "iAM Smart" with the "Unified Identity Authentication Platform of Guangdong Province", so as to facilitate Hong Kong residents to login the Guangdong Government Service Network with "iAM Smart" for using the government services of Guangdong Province. As regards the promotion of the cross-border flow of data elements, both sides will explore the collaboration and connection between the open data platforms of the two governments including the data.gov.hk and CSDI in Hong Kong as well as "GData" in Guangdong.

In addition, a Sub-group on Cross-boundary Data Collaboration has been set up under the Digital Economy Development Committee (DEDC) chaired by the Financial Secretary. The Sub-group is looking into the promotion of cross-boundary data flow. The DEDC is expected to provide preliminary recommendations this year on promoting the development of Hong Kong's digital economy.

(3) The Personal Data (Privacy) Ordinance (PDPO) is a piece of legislation that is technology-neutral and principle-based. The provisions and principles on personal data protection therein do not discriminate in favour of or against any technical means of collecting, using, storing, retaining and transferring personal data.

PDPO's regulation covers six personal data protection principles, i.e. purpose and means of personal data collection; accuracy, storage and retention of data; use of data; data security; transparency of data policies; and data access and correction; so as to ensure that the entire process of the handling of personal data is subject to legal safeguards. These principles are in line with internationally-adopted standards.

The Office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD) has been keeping in view the Government's various measures to develop Hong Kong into a smart city. For instance, the "iAM Smart" launched by the Government allows users to customise and store their various personalised data through the application. This obviates the need for members of the public to fill in the same information for different applications, and

facilitates them to log in and gain access to over 260 online services provided by the Government as well as the public and private sectors. The "iAM Smart" application makes use of a personal information collection statement when or before collecting personal data to clearly inform data subjects of the purposes of data collection and the specific classes of persons or organisations to whom the data may be transferred. This basically complies with relevant requirements under the existing PDPO.

The PCPD also understands that the CDEG will provide personal data to different government departments under the prior consent of the data subjects to facilitate their application for government services. Such technology enables the collection and use of personal data necessary for the development of a smart city. It also meets the requirements on using personal data for new purposes under the existing PDPO.

As demonstrated by the examples above, there is no conflict between the development of a smart city and the protection of personal data under the PDPO. The Government and the PCPD appreciate that the PDPO needs to keep pace with the times so that it could provide appropriate protection for personal data while at the same time contributing to the development of innovation and technology. The Government and the PCPD will actively make reference to the experience of other jurisdictions in promoting innovation with regard to the handling of personal data, including the study of relevant legal provisions and administrative measures.