

Trends in Freedom of Expression Regulations: Hong Kong

- Global trend
 - Privacy and data protection
 - Misinformation and content control
 - Surveillance
 - Censorship and Internet shutdowns
- Hong Kong before 2019/2020 - Holding the line
 - First personal data (privacy) ordinance in Asia (1996)
 - Internet filtering via Control of Obscene and Indecent Articles Ordinance rejected after consultation (2008)
 - Copyright amendments 2014 - failed to pass legislation (2015)
 - Section 131 of Crime Ordinance “Access to computer with criminal or dishonest intent” - overly broad and abusive use of the law by the police and prosecution was overturned by Court of Final Appeals (2019)
- Hong Kong after 2019/2021 - Entering Mini Great Firewall Era?
 - Police successfully obtained power to remove certain Internet content (e.g. inciting violence) via blanket court injunction (2019) - bypassed legislation or regulations
 - Power to remove content and order ISP to filter under National Security Law (2020) - national law imposed from National People’s Congress
 - Amendment to Privacy Law only on anti-doxxing with fines to doxxers as well as service providers for non-compliance - just passed in legislature (Sep 2021)
 - New misinformation law and copyright amendments being proposed (2022?)
 - Liability to journalists, media, Internet platforms, ISPs, anyone
 - Media and civil society organisations disbanding
 - Self censorship, content deletion and erasure

Trends in Freedom of Expression Regulations: China | APAC

- China leading the world?
 - GFW (since 1990s)
 - Effective technocratic execution backed up by multifaceted and overlapping laws and regulations
 - Cyber Security Law (Since Nov 2016)
 - Data Security Law (in effect from Sep 1 2021)
 - Critical Information Infrastructure Security Protection Regulations (In effect from Sep 1 2021)
 - Personal Information Protection Law (in effect from November 1 2021)
 - Numerous regulatory and sectoral enforcement actions targeting corporate actions (M&As, IPOs, anti-trust) to time limits on gaming, banning cryptocurrency, etc. - From “Big Tech” to “Big Corps”
- Next big thing? - China’s CBDC (eCNY)
 - Monitoring all financial transactions of citizens and extension to outside China - Decentralised technology used for centralised control?
- APAC trends - more techno autocracy
 - Misinformation - a real issue, but based on loose references to national security, propaganda and terrorism with weak oversight and significant intermediary liabilities
 - Philippines: Anti-False Content Act (2017)
 - Malaysia: Anti Fake News Act (2018)
 - Vietnam: Cybersecurity Law (2018)
 - Singapore: Protection from Online Falsehood and Manipulation Act (2019)
 - Taiwan — amended many existing laws covering food supplies, pandemic and health information, elections, broadcasting, nuclear power, etc. (2019)
 - India: Information Technology Rules (2021)
 - Data and privacy protection
 - Lack of regional approach (like EU’s GDPR)
 - Possible bi-lateral data exchange agreements? (e.g. UK with Singapore, Malaysia etc.)
 - Some progressive attempts on AI data and regulations by Singapore
 - Internet shutdowns: India, Myanmar, Pakistan, Bangladesh, Vietnam, and many other Central Asian and Middle Eastern countries