

Speech by Secretary for Justice at opening ceremony of  
39th International Conference of Data Protection and  
Privacy Commissioners (English only)

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Following is a speech by the Secretary for Justice, Mr Rimsky Yuen, SC, at the opening ceremony of the 39th International Conference of Data Protection and Privacy Commissioners today (September 28):

Mr John Edwards (Chairman of the International Conference of Data Protection and Privacy Commissioners), Mr Stephen Wong (Privacy Commissioner for Personal Data of the HKSAR), representatives of Data Protection Authorities, distinguished guests, ladies and gentlemen,

On behalf of the Government of the Hong Kong Special Administrative Region (HKSAR), may I extend our warmest welcome to all of you here, especially to those who came from other jurisdictions to participate in this Conference. The International Conference of Data Protection and Privacy Commissioners was first convened in 1979, and has since been the annual premier global forum for data protection authorities and stakeholders in the private sector for almost four decades.

We are very glad to see the return of this Conference to

the HKSAR 18 years after we first hosted it in 1999. Hong Kong is an international city. We always welcome exchanges with the international community on issues of common interest. Data and privacy protection of course fall within this category.

What makes the return of this Conference to the HKSAR even more delightful is that it coincides with the 20th anniversary of the establishment of the HKSAR. An array of celebration activities has been staged, and the holding of this Conference is one of them. Besides, the holding of this Conference in the HKSAR also gives us an opportunity to demonstrate our steadfast commitment to personal data privacy protection, as well as our willingness and readiness to co-operate with the international community in enhancing such protection.

### Importance of Personal Data Privacy Protection

The theme of this year's Conference is "Connecting West with East in protecting and respecting data privacy". Allow me to say that this is a very well chosen theme.

The connection of the West with the East is a natural consequence of globalisation as well as the advance of technology. Social media, e-commerce and other forms of

Internet connection have greatly facilitated communication and cross-boundary activities between the West and the East. In the past, people said, "Who controls petroleum controls the world". Nowadays, people say, "Who controls data controls the world". This change vividly reflects the growing importance of data.

As a matter of fact, data do play an increasingly important role in improving our life and in the information economy, whether in the context of Big Data, the Internet of Things or Artificial Intelligence. However, the more data is used in our everyday life, the higher the risk of abuse, whether intentional or otherwise, and hence the more important it is to ensure and enhance data and privacy protection.

The importance of personal data privacy protection does not depend on one's race, nationality or ethnic origin. People in the East deserve personal data privacy protection as much as people in the West, although of course we need to recognise and respect the unique circumstances of every jurisdiction. Nonetheless, we have a lot to learn from each other, and this also explains why this Conference is such a valuable opportunity for us to share our experience.

The HKSAR – an example of East meets West

The HKSAR is a classic example of East meets West. As an international and cosmopolitan city, Western and Eastern cultures mix well here.

One unique feature of the HKSAR is that under the "one country, two systems" policy, the HKSAR is the only jurisdiction in China which adopts a common law legal system, as guaranteed under the Basic Law, which is our constitutional document.

The Basic Law lays the legal foundation and constitutional bedrock for the rule of law, including the continuation of the protection of human rights in the HKSAR, which is a core value of our community. Fundamental human rights are well preserved under the Basic Law. Of particular relevance is Article 30 of the Basic Law, which provides that, "The freedom and privacy of communication of Hong Kong residents shall be protected by law. No department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents, except that the relevant authorities may inspect communication in accordance with legal procedures to meet the needs of public security or of investigation into criminal offences."

Further, Article 39 provides that, "The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force ... [and] the rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of ... the said covenants and conventions as applied to Hong Kong."

As important as the Basic Law and our human rights legislation such as the Bills of Rights Ordinance, an independent judiciary is also guaranteed under the Basic Law. Our Court of Final Appeal has been vested with the power of final adjudication by the Basic Law. This final appellate court comprises not only the best judicial brains within Hong Kong, but also top and leading jurists from other common law jurisdictions, including the United Kingdom and Australia, sitting as non-permanent judges.

## The Belt and Road Initiative

The theme of this Conference emphasises connections and collaborations. To a great extent, it coincides with the Belt and Road Initiative, which was first proposed by President Xi in 2013.

The Belt and Road refers to the Silk Road Economic Belt and the 21st Century Maritime Silk Road. The routes cover more than 60 jurisdictions from Asia to the Middle East, and to Europe. The Belt and Road Initiative provides a visionary blueprint for global economic development, and offers a modern-day solution that fosters inclusive growth and development in the 21st century. It will also act as a catalyst for connectivity, convergence and collaboration.

Under the "one country, two systems" policy, and with other unique attributes that help make the HKSAR an international commercial and financial centre, the HKSAR is best positioned to play the role of facilitator and promotor for trade and investment between the Mainland and the rest of the world under the Belt and Road Initiative. Our comprehensive and robust legal system that guarantees individuals' rights, including data privacy protection, also provides the appropriate infrastructure that facilitates free flow of information and cross border transfer of data amongst different jurisdictions in the midst of the data-driven economy boom.

Internationally, data privacy protection is a fast growing area of the law. Any enterprise intending to tap the opportunities generated by the Belt and Road Initiative

must take proactive steps to prepare for the challenges ahead. I can give two examples. One is online dispute resolution, which is getting more and more popular but which raises, among others, complex issues such as data privacy protection. Another example is the General Data Protection Regulation of the European Union (EU), which will be effective in May 2018. It introduces significant changes to European Union member states and beyond on strengthening individuals' fundamental rights in the digital age and facilitating business, by simplifying rules for companies in the Digital Single Market. I am sure those who are present today, especially the representatives from the EU data protection authorities and the privacy experts, will provide us with more insights on this.

### Concluding remarks

Ladies and gentlemen, the HKSAR has a key role to play in connecting the West and the East. Data privacy protection and free flow of data will continue to be the core values in taking forward such a policy initiative. Hong Kong has been the most popular data centre in the region and is ready to serve as a data hub for the Belt and Road Initiative, facilitating transfer and storage of data, connecting and converging ideas and information between the Mainland and the rest of the world.

As is now often said, data is the key to the future. I would venture to say that as professionals, experts, academics and other interested parties in this field, you all play a pivotal role in shaping development in this area of the law.

Before I conclude, may I express my gratitude to the Privacy Commissioner, Mr Stephen Wong, and his colleagues for organising this event in the HKSAR which provides an excellent platform for exchanging ideas on how the topical and most sticky issues in this area can be addressed.

On this note, it remains for me to wish this Conference every success. For those who have come from the Mainland or overseas jurisdictions to attend this event, may I also wish you an enjoyable stay in the HKSAR. In this regard, I can guarantee there will be absolute free flow of data regarding good restaurants, good shopping places and good sightseeing spots, showing how the West mixes well with the East.

Thank you.



Ends/Thursday, September 28, 2017