

**“PERSONAL DATA (PRIVACY LAW) IN HONG KONG” (3rd EDITION): BOOK LAUNCH: TWO CHINACHEM CENTRAL, 26 DES VOEUX ROAD, CENTRAL: 9 SEPTEMBER 2024 (6pm-7pm)
Opening remarks by Grenville Cross SC**

Good evening, ladies and gentlemen.

I am very grateful to the Privacy Commissioner for Personal Data, Ada Chung Lai-ling, for having invited me to join you tonight. An important work of scholarship is being launched, and it will hopefully open new perspectives. The publication of the 3rd edition of the text, “*Personal Data (Privacy) Law in Hong Kong: A Practical Guide on Compliance*” is undoubtedly significant for privacy protection, and should be applauded.

It is definitive, and sheds light on various aspects of the Commissioner’s work. It is also educative, and explains areas that deserve to be better understood. It helpfully reviews the latest judgments of the Administrative Appeals Board and the Judiciary, and thereby makes them more accessible.

It is all too easy to take privacy rights for granted, but it is dangerous to do so. Constant vigilance is required, and it is better to be safe than sorry. As Morgan Freeman once explained, “You don’t know how much you appreciate your privacy until you don’t have it.” Indeed, threats to personal privacy can come from almost any quarter these days, which is why the work of the Office of the Privacy Commissioner for Personal Data (PCPD) has become so important.

I understand the Commissioner has invested a considerable amount of time and energy in the project, to which Professor Zhu Guobin, a distinguished

scholar from the City University of Hong Kong, has also made an important contribution. The two editors are to be commended for producing a text that is not only enlightening, but also the last word on the subject. It will be invaluable to everybody needing to know more about privacy rights, whether judicial officers, practitioners, academics or private organizations.

Although I must confess that personal data privacy is not an area in which I have any great expertise, I can tell you I learned a lot when I read the proofs. And we should, of course, never forget that privacy rights are a vital aspect of the human rights by which we set such great store in Hong Kong. Indeed, the right to privacy is recognized in the Basic Law (Art.30), as well as in the Hong Kong Bill of Rights Ordinance (Art.14), and it falls to the PCPD to turn this aspiration into an everyday reality.

Since its enactment in 1996, the Personal Data (Privacy) Ordinance has had a profound impact on privacy protection. In this, the role of the PCPD has been pivotal. It has encouraged the proper use of personal data, sometimes by education, sometimes by guidance, and sometimes by enforcement action. Its vision has always been of a society that cherishes personal data privacy, and its outreach program has borne fruit. Although not always easy, higher levels of public awareness of the importance of privacy rights have been promoted, and the policy of community engagement and transparency has paid dividends.

However, the task of protecting personal data has become ever more challenging with technological advances, and the pace of digitalization has exacerbated the dangers people face. Such phenomena as artificial intelligence, doxxing and data collection during a public health crisis have considerable implications for privacy rights, and have generated

understandable concerns. In 2023, for example, the PCPD received 157 data breach notifications, with 48 from the public sector and 109 from the private sector. This was an increase of 50 percent over the previous year, and I would not be surprised if the figures rose again in 2024. Thus, the need for vigilance has never been greater.

It is fortunate, therefore, that the Commissioner is determined to step up to the plate. She was appointed in 2020, after distinguished careers in both the Department of Justice and the Companies Registry, and was able to draw on her rich experiences in her new role. She has since become an agent of change, recognizing that new challenges require fresh approaches. She understands the importance of a legal framework that is relevant and effective, and has never shied away from advocating change or expanding horizons.

One of the Commissioner's most notable roles has been in overseeing the successful implementation of the anti-doxxing law, which filled a huge gap in the city's legal defences. Since 2021, the PCPD has been able to initiate criminal investigations and prosecutions, and this has increased its credibility and effectiveness. This has meant that important levels of protection are now in place that were sorely lacking in the recent past. This was highlighted during the insurrection of 2019, when judges, officials and police officers were targeted online by fanatics, sometimes causing distress and worse. But no longer.

As you will see, the 3rd edition has built on the foundations laid by its predecessors, and is the most thorough to date. It discusses ethical issues as well as data security measures and the handling of data breaches, and explains how just outcomes can be achieved. Updating apart, it has

undergone considerable expansion, with new chapters having been incorporated. They explain the two-tier doxxing offences, the Commissioner's newly-acquired investigative and prosecutorial capabilities, and the cross-boundary transfer of personal data from Hong Kong.

It is a real bonus that the book also provides some helpful insights into how personal information is protected in the Chinese mainland. This, moreover, is complemented by a comparative (and illuminating) study of the regulatory arrangements in the two jurisdictions. This will benefit anybody involved in enterprises in the Guangdong-Hong Kong-Macao Greater Bay Area, and will also hopefully promote best practice within it.

Everybody, of course, has privacy rights of one sort or another, and the book will help to ensure they are better understood. It will provide enlightenment upon how these rights can be best protected in an ever-changing environment. I strongly suggest that everybody should try to get their hands on a copy, while stocks last.

Thank you.

I Grenville Cross SC

September 9, 2024