

By Email: Protection_CI@sb.gov.hk

1 August, 2024

Security Bureau
10/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong

Dear Sir or Madam,

Feedback on Proposed Framework To Enhance Protection of Computer System of Critical Infrastructure (“Proposal”)

The Communications Association of Hong Kong (“CAHK”) is an association comprising of member from telecommunications, broadcasting and related equipment supply as well as related contents service industry. We welcome the Government’s Proposal to regulate the critical computer systems of the critical infrastructures. We understand the Proposal is intended to strengthen the security of critical computer systems of critical infrastructure so as to minimise the chance of essential services being disrupted or compromised due to cyberattacks. The Proposal would impose certain obligations on operators of critical infrastructure.

Based on our understanding of the Proposed shared by the Government, CAHK envisions that our members could fall within at least two service sectors namely: (a) Information Technology sector, and (b) Communications and Broadcasting sector. Hence, we would like to raise the following comments for the Government’s clarifications / considerations:

- 1) For Communications and Broadcasting sector, CAHK supports the Government’s proposal of designating the Communications Authority (“CA”) to monitor the discharging of organisational and preventive obligations under proposed legislation where the CA would:
 - a. establish sets of standards and requirements, on organisational and preventive obligations, under the existing and well-established regulatory regimes that are specific to the sector; and
 - b. be responsible for designating critical infrastructure operators (“CIOs”) and their critical computer systems (“CCSs”), monitoring and checking compliance as well as handling various reports submitted by CIOs accordingly.

CAHK supports the proposal as the CA is familiar with the sector and there are established guidelines and code of practices which could be updated to incorporate the requirements in the Proposal. This would be more efficient and effective.

- 2) CAHK believes that the Government should define the scope as precise as possible so as to avoid uncertainty and deter further investments. For instance, our members who are cloud service providers, data center operators and other IT service providers, it is unclear if they would be governed under the proposed legislation, and if so, how would they be categorized?
- 3) If we were to take cloud service provider as an example, if a particular infrastructure service provider were designed as a CI, providing out-sourced cloud service to deliver its service, it would be the obligation and responsibility of the CIO to satisfy the requirement of the proposed legislation instead of the cloud provider whilst the latter would deliver the required service levels or security performance as required by the CIO. As cloud service providers would not know what functions of different business / services it supports, it would be unfair to impose the requirement on them and creates unnecessary burden which could affect their service offerings to Hong Kong. Similar concerns would apply to data centers operators as they have no knowledge of what services their customers provide and how critical the services hosted in the data center would be. In any event the Government should further clarify if cloud service providers and data centers providers would be regulated under the Information Technology sector.
- 4) CAHK is concerned if there is only one code of practice (“CoP”) that applies to all the sectors under the Proposal since there are remarkable differences between different sectors. We believe there should be CoP specific to each sector rather than a “one-size-fits-all” CoP.
- 5) It was proposed that data leakage would be a reporting criteria of cybersecurity incident for Cat 2 CIOs, however, it is not mentioned for Cat 1 CIOs. In this regards, CAHK is of the view that data leakage without causing service outage / interruption should not be considered as a reporting criteria for Cat 1 CIOs, rather if the leakage were related to personal data, then it should be dealt with under the Personal Data (Privacy) Ordinance.
- 6) Lastly, the Government proposed not to disclose the list of CIOs for the purpose of minimizing chance of inducing cyberattacks. CAHK’s members consider there is a legitimate need for the designed CIOs in the same sector to share the experiences / concerns and proposals to the Commissioner’s Office or the relevant sector specific authority for any changes / enhancements. It is therefore suggested that the Government should at least advise the designed CIOs of the others CIOs in the same sector.

Whilst the Proposal is welcome, CAHK's members are nevertheless concerned with the Proposal as there are a lot of uncertainties around the Proposal and the proposed timeframe. CAHK welcomes the opportunity to share its views and concerns with the Bureau and look forward to further dialogue with the Bureau as appropriate. If there are any clarifications required, please do not hesitate to contact us.

Yours sincerely,

For and on Behalf of

COMMUNICATIONS ASSOCIATION OF HONG KONG (CAHK)



Kenneth LAU

Chairman

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About Communications Association of Hong Kong

CAHK is a non-profit making organisation incorporated in Hong Kong on 27 May 1983 following the announcement of deregulation of local communication products and services. It is the association for Hong Kong's communications industries, with responsibilities across broadcasting, wireline and wireless communications, and other sectors in information communications technology.

For more information, please visit: www.cahk.hk

This press release is distributed by Communications Association of Hong Kong.

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