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(English version only)

Response from Internet Society Hong Kong (ISOC HK) on the Progress Update of the Review of the Administration of Internet Domain Names in Hong Kong – LC Paper No. CB(1)1191/08-09(07)

Internet Society Hong Kong (ISOC HK) welcomes the opportunity to address the Legislative Council Panel on Information Technology and Broadcasting (ITBP), regarding the progress of implementing the recommendations arising from the review of the administration of Internet domain names in Hong Kong.

First and foremost, ISOC HK shares some of the concerns expressed by members of the Legco and others including: 1) the overweighting of government appointed directors; 2) the lack of evidential expertise from the OGCIo in the operations of an Internet top-level-domain registry warranting such overweighting; 3) the lack of openness and transparency of such appointments and other current governance processes; and, 4) the lack of accountability for public interest at large in the development of policies and other operatives, such as budget review, surplus management, reserves management, and strategic planning.

It is unclear from the Progress Update what measures have been implemented by the OGCIo to alleviate or improve the situation. The overweighting of government appointed directors, causing concern for the maintenance of freedom of expression among other governance issues has not been rectified. The proposal for the already out-of-balance board to create the Consultative and Advisory Panel (CAP) would seem more likely to aggravate the situation than to mitigate it. There is no visible increase in the government's participation in international discussions on the subject of domain names to improve the government's knowledge on the subject matter.

In response generally to the proposed formation of the CAP for HKIRC (Hong Kong Internet Registration Corporation) and the new MOU between the OGCIo and HKIRC, ISOC HK believes that:

1. The consideration for the inclusion of input from the public community at-large is absent. Neither the CAP nor the MOU specified inclusion of at-large participation in policy development and other governance processes. The inclusion of the Consumer Council may be the closest in this regard, however, there are significant differences between interests of consumers (which can essentially be considered to be more akin to registrants in the context of a registry) than general internet user community at-large. At ICANN (Internet Corporation for Assigned Names and Numbers) for example, the ALAC (At Large Advisory Committee) provides input to policy development processes through liaisons at different councils as well as at the Board.
2. The simple requirement for HKIRC to “uphold the rights in accordance with the laws in force in Hong Kong of freedom of speech, of publication, of communication and of religious belief” is insufficient to mitigate against the worries expressed by the community. Principles of maintaining content neutrality to ensure: open, unencumbered, beneficial use of the Internet; that freedom of expression online is not restricted by other indirect means such as censorship or filtering; and no discrimination in use of Internet domains on the basis of race, color, gender, disability, language, religion, political or other opinion, should be introduced.
3. Besides the lack of representation from the Internet user community at-large, the current governance processes does not explicitly describe the objective of public interest as an overarching principle.
4. The maintenance of the security and stability of “.HK” and its impact on the Internet environment as a whole is important. Such security and stability is not only a matter of technical operation. Registration and other registry policies can play an important role in the maintenance of security and stability. The consideration for knowledge and expertise on security and stability is absent from the board, and the

CAP. At ICANN, for example, an SSAC (Security and Stability Advisory Council) informs policy development processes and has a representative on the board.

ISOC HK believes that it is important for the government to understand the inherent imbalance of the current reformed governance structure at HKIRC. Without appropriate adjustments to the current board structure, or the establishment of a potent body (independent of the HKIRC) to check against its activities, it is difficult to relieve the anxiety from the public at-large. A possible suggestion may be the creation of an advisory panel at the OGCIO, comprising of knowledgeable individuals with international perspectives and expertise in the subject to advise the government on Internet governance. This or another panel/committee can be convened also to vet candidates for appointment to the board of HKIRC (and the CAP). At ICANN for example, a Nomination Committee is established to make appointments to the board and other councils and committees within ICANN.

The governance of “.HK” as a public resource and critical infrastructure for Hong Kong should be of great importance for the government and the public. Such Internet governance requires multi-stakeholder participation, including Internet users at-large (not just consumers or registrants) as well as expertise with international experience and knowledge in the security and stability of the Internet to ensure that policies developed are interoperable, consistent and forward-looking in the global Internet environment.

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