



31 March 2009

Submission from IT Voice to the Information Technology and Broadcasting Panel (ITBP) of the Legislative Council of Hong Kong regarding Changes to the Governance Structure of Hong Kong Internet Registration Corporation (HKIRC)

In our submission on November 26, 2008 to this panel, we have expressed our concerns with the reformation of the governance structure at HKIRC. In particular, the lack of openness and transparency of the process for the appointment of directors by the government, and the lack of participation by the government in international discussions related to domain names and internet governance.

We would like to reiterate some of the points raised in the previous paper and to offer observations and suggestions for the panel's consideration in monitoring the government on the matter:

1. We continue to express concern for the significant percentage (50%) of government appointed directors to HKIRC. The problem is amplified especially due to the lack of transparency on the criteria and process for such appointments, coupled with the lack of demonstrable expertise from the government regarding the operations of an Internet domain name registry. We believe that a vetting process engaging local and international expertise in the field, along with a clear set of objectives and criteria would be useful for easing the concerns for openness and transparency.
2. We understand that a Consultative & Advisory Panel (CAP) is anticipated to be created for HKIRC to augment the board on the governance and policy development. On the creation of the CAP, we again express our concern for the openness and transparency of the appointment process. In particular, we are anxious about the process for which candidates would be identified and whether they can represent and provide check and balance to the current board structure. Furthermore, we strongly advice for the CAP to include: i) industry expertise with international perspectives; ii) expertise with knowledge in ensuring the stability and security of the Internet; along with iii) a framework that would facilitate a diversity of voices from the public community at large.
3. We understand that the OGCIO is reviewing its MOU with HKIRC. We believe this would be a good opportunity for the OGCIO to implement measures to: i) introduce openness and transparency of the governance of HKIRC; ii) uphold a free and tolerant information society for Hong Kong; and, iii) ensure that policies and operations at HKIRC are developed with public interest as an overarching principle. These should include provisions for community input in the strategic plan of HKIRC, clear mandate for the use of surplus funds, guidelines regulating the maintenance of reserves, releasing of financial reports to the public, and the ability for directors (and CAP members for that matter) to consult with its constituencies as policies and plans are being developed.
4. We also continue to express concern for the lack of visible participation by the OGCIO in international conferences, forums and discussions around domain names and Internet governance in general. This lack of participation cannot be beneficial for the industry in



Hong Kong as critical global policies are being developed that could impact local enterprises and e-commerce development. In addition to increased participation, the establishment of a consultative or advisory panel for the OGCIO on Internet governance that could provide international perspectives and local expertise could be useful. This panel could also serve to assist the OGICO immediately in the development of the revised MOU with HKIRC.

In general, members at IT Voice continue to be concerned with the governance situation at HKIRC. We nevertheless remain hopeful that the critical issues of openness, transparency and good governance could be addressed over time by the inclusion of knowledge, expertise and international perspectives into the governance structure of HKIRC, and by the improvement of the OGCIO's competence in Internet governance issues through engaging with such expertise.