

TIGLION CONSULTANCY COMPANY LIMITED

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To: Legislative Council
Panel on Information Technology and Broadcasting
(Attn: Ms May Leung, Clerk to Panel)

Dear Ms May Leung,

Re. Review on administration of Internet domain names in Hong Kong

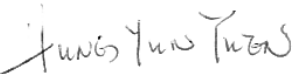
I refer to our telephone conversation earlier this afternoon and should be grateful if you could bring the enclosed paper dated 15 June 2007 submitted from Tiglion Consultancy Company Limited concerning the above subject to the Panel on Information Technology and Broadcasting.

It would be desirable for all parties particularly for the domain name users if the Panel Chairman and respectable members of the Panel could give a clear and positive opinion to the issue about "freedom of association" raised under Article 27 of the Basic Law of the Hong Kong Administrative Region of the People's Republic of China as stated at the aforesaid paper in 2007 from us.

For your easy reference, Article 160 of the Basic Law of the Hong Kong Administrative Region of the People's Republic of China stated that "If any laws are later discovered to be in contravention of this Law, they shall be amended or cease to have force in accordance with the procedure as prescribed by this Law".

Thank you for your kind attention to this matter.

Best regards.



Hung Yun Yuen
Tiglion Consultancy Company Limited
6 April 2009

Encl.

TIGLION CONSULTANCY COMPANY LIMITED

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Tel 852 25987660 Fax 852 25197296

Government Chief Information Officer
Commerce, Industry and Technology Bureau
15/F, Wanchai Tower
12 Harbour Road, Wan Chai, Hong Kong
Attn: Systems Manager (H) 41

15 June 2007

By Fax No. (852) 28024549

Dear Sir/Madam,

Response to Consultation Paper on
the Review on Administration of Internet Domain Names in Hong Kong

In response to the review on Administration of Internet Domain Names consultation document, we would like to put across to you our views in our role of an Internet Service Provider in Hong Kong.

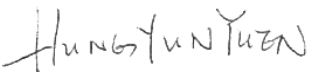
Referring to paragraph 18 of the consultation paper, the proposal that a domain name registrant will automatically be forced to be a member of Hong Kong Internet Registration Corporation Limited (HKIRC) will contravene Article 27 of the Basic Law of Hong Kong Special Administrative Region (HKSAR).

In accordance with Article 27 of the Basic Law of HKSAR, a Hong Kong resident shall have freedom of association and therefore forcing a domain name registrant to be a member of HKIRC without the express willingness and consent of the domain name registrant contravenes the right of Hong Kong residents under Article 27 of the Basic Law of HKSAR. Frankly speaking, it looks more likely to be a trap laid down for a domain name registrant because restraints of rights of a domain name registrant are highly likely and apparent as will be imposed by the Memorandum and Articles of Association of HKIRC.

We strongly object to the proposal that a domain name registrant will automatically become a member of HKIRC. We also make it clear that I myself, being a domain name registrant, and our associated companies are not prepared to become a member of HKIRC now and in the future.

Last but not the least, even if somebody chooses to contravene Article 27 of the Basic Law of HKSAR, your department is hereby reminded that Article 160 of the Basic Law of HKSAR states ".....If any laws are later discovered to be in contravention of this Law, they should be amended or ceased to have force in accordance with the procedure as prescribed by this Law." It follows that the proposal that a domain name registrant automatically becomes a member of HKIRC should be abandoned on the ground that it contravenes Article 27 of the Basic Law of HKSAR.

Yours faithfully,



Hung Yun Yuen, Peter
Tiglion Consultancy Company Limited

→ To: Panel on Information Technology and Broadcasting
(Attn: Ms May Leung Fax No. 21857845)