

***National Information Infrastructure:  
Overseas Legislative Initiatives***

*June 1997*

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# **NATIONAL INFORMATION INFRASTRUCTURE: OVERSEAS LEGISLATIVE INITIATIVES**

## **PART 1 - INTRODUCTION**

### **1. Background**

1.1 The Legislative Council Panel on Information Policy has requested the Research and Library Services Division (RLS) to provide supplementary information on National Information Infrastructure (NII) policies. The request was made subsequent to the Panel meeting held on 27 April 1997.

### **2. Objective**

2.1 This information note aims to examine the latest legislative initiatives introduced to facilitate the development of NII. Information of the Hong Kong legislation relating to electronic networks are given in Appendix I for easy reference.

### **3. Methodology**

3.1 Requests on information were sent to governments and NII-related organizations of Canada, Finland, Germany, Japan, Korea, Singapore, Thailand, the United Kingdom (UK) and the United States (US). While Canada, Finland, Germany, Korea, Singapore and the UK have responded, they did not provide information on the specific questions posed by RLS. As a result, most of the information in this paper is that available on the Internet.

## **PART 2 - THE LEGISLATURE**

### **4. Overseas Legislative Initiatives**

4.1 This section aims to examine how the legislative and regulatory frameworks are put in place in various countries to facilitate the development of NII. Most of the legislative initiatives in this section are introduced in the current legislative year or session. However, a few legislation enacted in earlier sessions are included since they are relevant to the discussion.

#### Legislative Initiatives on the Development of Physical Information Infrastructure

##### *Physical Information Infrastructure*

4.2 There are legislative initiatives in various countries to create an environment which would facilitate competition and private sector investment. Different countries use different legislative measures to create a competitive market depending on their respective level of technological development. The UK aims at privatizing the monopoly operators; Korea, Germany and Japan work at deregulating the telecommunications industry. The US has already enacted legislation to deregulate the telecommunications industry and to promote competition. Please see Table 1 for details.

4.3 Various communications networks involving voice, data and video would converge as NII develops. There is a need to eliminate the regulatory barriers to accommodate the convergence of media on NII. Canada and Germany have introduced legislative amendments to cater for such convergence. Please see Table 1 for details.

**Table 1 - Legislation and Bills on the Development of Physical Information Infrastructure**

Country	Title	Purposes	Status
Canada	Amendment to the Bell Canada Act	- to remove the prohibition on Bell Canada and its subsidiaries from holding broadcasting licences	Introduced in 1996-97 session
Germany	Telecommunications Act	- to liberalise telecommunications network	Introduced in 1996
Germany	Multimedia Act	- to introduce legal framework for new information and telecommunication services	Under discussion
Japan	Telecommunications Business Law	- to deregulate telecommunications network	Under revision since 1996
Korea	Basic Telecommunications Law	- to introduce full-blown competition - to introduce further deregulation in telecommunications - to accelerate the construction of KII	Under revision since 1996
Korea	Telecommunications Business Law	- to encourage greater private sector participation - to ensure a fair competitive market structure	Under revision since 1996
UK	Telecommunications Act 1984	- to privatize former public monopoly telecommunications operators - to introduce competition into the telecommunications market	Enacted in 1984
US	Telecommunications Act of 1996	- to provide for a pro-competitive, deregulatory national policy framework - to accelerate private sector deployment of advanced telecommunications and information technologies and services to all Americans	Enacted on 8 February 1996

Sources:

1. <http://thomas.loc.gov>
2. <http://www.mpt.go.jp/telecom/Deregulation.html>
3. <http://www.mic.go.kr/MIC/paper.html>
4. <http://www.parl.ga.ca>
5. UK Department of Trade and Industry
6. The German Ministry of Economics

*Education and Research*

4.4 In the US, there are legislative initiatives to provide IT training to teachers and to encourage teachers to use the latest technology in giving lessons. In addition, there are proposals to ensure equipment such as computers are available for IT education to children by giving incentives such as tax exemption to businesses to encourage donations to schools. Details of the bills are given in Table 2.

4.5 There were efforts to bring in legislative measures to ensure support for research and development such as the proposed National Competitiveness Act of 1993 and Technology for Education Act of 1993 in the US. However, such bills did not become legislation.

**Table 2 - Bills on IT Education**

Country	Title	Purposes	Status
US	The Teacher Technology Training Act of 1997	<ul style="list-style-type: none"> <li>- to require schools to give attention to professional development that incorporates technology used to improve teaching and learning</li> <li>- to require professional development activities to include instruction in the use of technology</li> </ul>	Referred to the House Committee on Labour and Human Resources
US	21st Century Classrooms Act of Private Technology Investment	<ul style="list-style-type: none"> <li>- to enhance incentive for contributions of computer technology and equipment for elementary schools or secondary school purposes</li> </ul>	Referred to the House Committee on Ways and Means
US	An amendment to the Legislative Branch Appropriations Act of 1987	<ul style="list-style-type: none"> <li>- to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members</li> </ul>	Referred to the House Committee on House Oversight

Sources:

1. <http://thomas.loc.gov>
2. <http://www.parl.ga.ca>

## Legislative Initiatives on the Use of Electronic Communication Networks

### *Electronic Dissemination of Information*

4.6 To encourage the public to use the electronic networks for communication, the government usually acts as a model user. Major efforts to enact legislation to ensure the government taking such a role are summarized in Table 3. Electronic networks such as the Internet can be used for dissemination of government information as well as communication with the public such as receiving complaints.

**Table 3 - Legislation and Bills on Electronic Information Dissemination**

Country	Title	Purposes	Status
Canada	An Act to amend the Criminal Code (Internet lotteries)	- to enable the government to conduct and manage a lottery scheme on the Internet; - to enable the government to license an Internet service provider or other person to operate and manage a lottery scheme on the Internet	Introduced in 1996-97 session
US	Paperwork Elimination Act of 1997	- to reduce Federal paperwork - to encourage electronic information	Referred to Senate Committee on Government Affairs
US	Electronic Freedom of Information Act of 1996	- to amend the Freedom of Information Act to provide for public access to information in an electronic format	Enacted on 2 October 1996
US	Parent's Voice in Television Act of 1997	- to establish a computer network site for the collection of complaints concerning violence and patently offensive material on broadcast and cable television	Referred to House Committee on Commerce
US	HR1440*	- to require the Department of Education to provide links to databases of information concerning scholarships, fellowships and other financial aids	Referred to the House Committee on Education and Workforce
US	Internet Election Information Act of 1997	- to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices for the purposes of disseminating campaign information and enhancing public debate	Referred to the House Committee on House Oversight

Sources:

1. <http://thomas.loc.gov>

2. <http://www.parl.ga.ca>

\* Remark: HR stands for House of Representatives

### *Universal Access*

4.7 In encouraging popular use of the electronic networks, ground rules have to be laid down to ensure universal access and to prevent abuse of the system. Efforts to bring in legislative measures to ensure universal access are shown in Table 4.

**Table 4 - Bills on Universal Access**

Country	Title	Purposes	Status
US	Native Americans Telecommunications Act of 1997	<ul style="list-style-type: none"> <li>- to promote greater telecommunications and information services to Native Americans</li> <li>- to require the Federal Communications Commission to take necessary actions to deliver universal telecommunications services to Native Americans at just, reasonable , and affordable rates</li> </ul>	Referred to the House Committee on Commerce
US	Federal Electronic and Information Technology Accessibility Compliance Act of 1997	<ul style="list-style-type: none"> <li>- to require information technology purchased by Federal agencies to be accessible to their employees with disabilities *</li> </ul>	Referred to the House Committee on Education and Workforce
US	A bill to implement the recommendations of the Federal-State Joint Board	<ul style="list-style-type: none"> <li>- to require the Federal Communications Commission to establish universal service support mechanism for the provision of advanced telecommunications and information services to schools and libraries</li> </ul>	Referred to the House Committee on Commerce

Sources:

1. <http://thomas.loc.gov>
2. <http://www.parl.ga.ca>

\* Remark: In the US, a substantial number of employees with disabilities such as blindness or visual impairment use computers to write. The bill aims to require Federal agencies to purchase information technology that gives these people a chance to do their jobs instead of cutting them off from full participation in the work force.

*Data Security and Privacy*

4.8 Rules to prevent abuse of the electronic networks include those relating to data security and privacy, intellectual property and content control. Information is not available on legislative initiatives introduced in the 1997-98 session which aim to protect intellectual property over electronic networks. In the US, the National Information Infrastructure Copyright Protection Act of 1995 was introduced to grant exclusive rights to the owner of a copyrighted work to provide distribution. However, the bill was not passed in that session and has not been raised in the subsequent session.

4.9 Legislative initiatives aimed to encourage the use of encryption technology to protect confidentiality of communication between parties and to promote electronic commerce are summarized in Table 5. There are also efforts to bring in legislation to protect the confidentiality of personal information available to network providers.

**Table 5 - Bills on Data Security and Privacy**

Country	Title	Purposes	Status
Germany	Digital Signature Law (SigG) and Digital Signature Ordinance (SigV)	- to create general conditions for digital signatures to be deemed secure	Referred to the Lower House of the Federal Parliament
Germany	Federal Data Protection Act	- to reinforce data protection on telecommunications network	Under discussion
US	Encrypted Communications Privacy Act of 1997	- to ensure maximum possible choice in encryption methods - to establish privacy standards for key holders - to establish procedures by which investigative or law enforcement officers may obtain assistance in decrypting such communications and information	Referred to the House Committee on Judiciary
US	Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1997	- to promote electronic commerce by facilitating the use of strong encryption	Referred to the House Committee on Commerce

**(Cont'd) Table 5 - Bills on Data Security and Privacy**

Country	Title	Purposes	Status
US	Consumer Internet Privacy Protection Act of 1997	- to prohibit an interactive computer service from disclosing to a third party any personally identifiable information provided by a subscriber without the subscriber's informed written consent	Referred to the House Committee on Telecommunications, Trade and Consumer Protection
US	Federal Internet Privacy Protection Act of 1997	- to prohibit Federal agencies from making available through the Internet certain confidential records with respect to individuals	Referred to the House Committee on Government Reform and Oversight

## Sources:

1. <http://thomas.loc.gov>
2. <http://www.parl.gc.ca>
3. <http://ourworld.compuserve.com/homespages/ckuner/digsig3.htm>
4. <http://ourworld.compuserve.com/homespages/ckuner/verord03.htm>
5. The German Federal Ministry of Economics

*Content Control*

4.10 Various countries have legislative initiatives to protect children from obscene and offensive materials on the Internet. While Canada and Germany try to put part of the responsibility on service providers in restricting access to child pornography, there are legislative initiatives in the US to give parents control over information within the family. Major legislative initiatives on content control are summarized in Table 6.

**Table 6 - Legislation and Bills on Content Control**

Country	Title	Purposes	Status
Canada	Internet Child Pornography Restriction Act	<ul style="list-style-type: none"> <li>- to minimize the use of Internet for the publication or proliferation of child pornography</li> <li>- to refuse licence to persons with a record of an offence related to child pornography</li> <li>- to require service providers to block access to identified portions of the Internet that carry child pornography</li> </ul>	Introduced in 1996-97 Session
Canada	An Act to amend the Criminal Code (penalties for sexual offences involving children)	<ul style="list-style-type: none"> <li>- to define "publications" to include publication by electronic means</li> </ul>	Introduced in 1996-97 Session
Germany	Information and Communications Law	<ul style="list-style-type: none"> <li>- to make service providers responsible for third party content</li> </ul>	Introduced in December 1996
US	Communications Decency Act of 1996	<ul style="list-style-type: none"> <li>- to prohibit the use of a telecommunications device to make or initiate transmission of an obscene or offensive communication to a minor;</li> </ul>	Enacted on 8 February 1996
US	Internet Freedom and Child Protection Act of 1997	<ul style="list-style-type: none"> <li>- to require an Internet access provider to offer such customer screening software designed to permit the customer to limit access to material that is unsuitable for children</li> </ul>	Referred to the House Committee on Commerce

Sources:

1. <http://thomas.loc.gov>
2. <http://www.parl.ga.ca>

## Appendix I

Table I - Major Legislative Initiatives on Electronic Networks in Hong Kong

Area	Legislative Initiatives	Title	Purpose	Status
Physical Information Infrastructure	✓	- Telephone Ordinance - Telecommunication Ordinance - Television Ordinance	- to liberalize telecommunications and broadcasting networks	Enacted
Education and Research	X	n.a.	n.a.	n.a.
Electronic Information Dissemination	X	n.a.	n.a.	n.a.
Universal Access	X	n.a.	n.a.	n.a.
Data Security and Privacy	✓	Personal Data (Privacy) Bill	- to require data users, including business holding personal data, to allow access and correction of personal data held by them	Enacted
Content Control	✓	Control of Obscene and Indecent Articles Ordinance	- to provide a self regulatory framework	Under discussion
Intellectual Property	✓	Copyright Bill	- to require users of Internet in Hong Kong, or users world-wide of an Internet service from Hong Kong, to respect a copyright owner's exclusive right to make available to the public by digital telecommunication	Introduced on 26 February 1997

Sources:

1. Laws of Hong Kong
2. Legislative Council Brief on Copyright Bill
3. Legislative Council Brief on Personal Data (Privacy) Bill
4. Office of the Telecommunications Authority

Remark: n.a. means not applicable

**References**

1. <http://vn.fi/vm/suomi/muuta/tyk/english.htm>
2. <http://www.nic.go.kr/MIC>
3. <http://thomas.loc.gov>
4. <http://www.mpt.go.jp/telecom/Deregulation.html>
5. <http://www.parl.ga.ca>
6. <http://ofta.gov.hk/>
7. <http://ourworld.compuserve.com/homespages/ckuner>
8. Laws of Hong Kong.
9. The German Parliament
10. UK Department of Trade and Industry