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Panel on Information Technology and Broadcasting

Meeting on 11 May 2026

Background brief on facilitating cross-boundary data flow within the Guangdong-Hong Kong-Macao Greater Bay Area

Purpose

This paper provides background information on measures relating to the cross-boundary data flow within the Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”). It also summarizes the major views and concerns raised by Members on relevant issues.

Background

2. According to the Administration, Hong Kong has the potential to become **an international data hub**, thereby propelling the development of a data-driven smart city and digital economy. The **“Policy Statement on Facilitating Data Flow and Safeguarding Data Security in Hong Kong”** (“the Policy Statement”) and the **“Principles of Data Governance”** were published in December 2023 and December 2024 respectively, setting out the Government’s strategies and initiatives on data flow, data security and data governance. The Administration has indicated that **facilitating data flow within GBA** is an important initiative for promoting the integrated and high-quality development of the Guangdong-Hong Kong-Macao region. This will not only bring convenience to the public and businesses, but will also help **accelerate economic integration and scientific research development in GBA**.

GBA Standard Contract

3. Since 2017, the country has enacted several pieces of national legislation related to cross-border data flow, including the Cybersecurity Law,¹ the Data Security Law² and the Personal Information Protection Law.³ With a view to fostering cross-boundary data flow between Hong Kong and the Mainland, the Administration and the Cyberspace Administration of China (“CAC”) entered into the “Memorandum of Understanding on Facilitating Cross-boundary Data Flow within the Guangdong-Hong Kong-Macao Greater Bay Area” in June 2023, and jointly announced the facilitation measure of **“Standard Contract for the Cross-boundary Flow of Personal Information within the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)”** (“GBA Standard Contract”)⁴ in December of the same year, to **facilitate** and streamline the arrangements for the **cross-boundary flow of personal information from the Mainland cities in GBA to Hong Kong**. Currently, all industries in Hong Kong can take part in the facilitation measure and voluntarily adopt the GBA Standard Contract. As at the end of February 2026, the Digital Policy Office (“DPO”) has processed more than 140 filing applications, involving sectors including healthcare, banking and securities, insurance, credit referencing and information technology.

Facilitating the cross-boundary flow of innovative elements

4. Following the official opening and operation of the Hong Kong Park of the Hetao Shenzhen-Hong Kong Science and Technology Innovation Co-operation Zone (**“Hetao Hong Kong Park”**) in December 2025, the Administration is in close liaison with the Shenzhen Municipal Government and relevant national authorities to strive for the early pilot of various facilitation measures, on the premise of complying with the relevant national

¹ The country’s Cybersecurity Law, which came into effect in June 2017, mainly stipulates that critical information infrastructure operators should store personal information and important data gathered or produced during operations within the Mainland domestically. If such data are to be transferred overseas, a security assessment must be conducted in accordance with the relevant regulations.

² The country’s Data Security Law, which came into effect in September 2021, mainly regulates the processing and security surveillance of important data and personal information.

³ The country’s Personal Information Protection Law, which came into effect in November 2021, stipulates the management requirements for the cross-border flow of personal information.

⁴ The early and pilot implementation arrangement for the facilitation measure of the GBA Standard Contract for the banking, credit referencing and healthcare sectors had been operating smoothly and well received by the industry. The facilitation measure was subsequently extended to all sectors and became a standing arrangement in November 2024.

security laws and regulations and where risks are under control. Based on current discussions, the cross-boundary flow will adopt **mechanisms such as “green lane”, “white list”** of participating enterprises, as well as **data and material manifests**, with a view to **streamlining the clearance and approval procedures for entering and leaving the parks on both sides**. Technological and information-based means for end-to-end monitoring of sampling, transport, storage, use and disposal will be deployed throughout the process. The Administration has worked with Shenzhen to prepare a concrete implementation proposal in respect of the cross-boundary flow of biosamples and data between the two parks, covering the requirements for application, transportation and storage, etc., and is liaising closely with the relevant Mainland authorities in a bid to put in place groundbreaking policy measures.

5. At the same time, the Government is **enacting dedicated legislation to expedite the development of the Northern Metropolis (“NM”) to provide a more solid legal foundation for facilitating the cross-boundary flow of elements**. One of the policy areas covered by this dedicated legislation is the establishment of an institutional framework for facilitating and managing the cross-boundary flow of elements for the Hetao Hong Kong Park and other designated areas in NM. According to the current plan, the first batch of subsidiary legislation will address personnel flow arrangements for the Hetao Hong Kong Park, providing the legal basis for the future implementation of the “white list” clearance model. Meanwhile, construction of the **Sandy Ridge Data Facility Cluster** project commenced in March 2026 and is expected to commence operation in 2029. The facility cluster will provide infrastructure for data flow and **serve as a data hub connecting the Mainland and the international community**.

6. For the thorough implementation of the country’s “Outline of the 15th Five-Year Plan for National Economic and Social Development of the People’s Republic of China”, the Administration signed the **“Memorandum of Understanding on Co-operation in Innovation and Technology Development”** with CAC in April 2026, covering key areas including the promotion of artificial intelligence (“AI”), cross-boundary data flow and blockchain, with a view to further **promoting cross-boundary data flow in GBA** and jointly contributing to building a technologically advanced nation.

Members' views and concerns

Operational mechanism of the GBA Standard Contract

7. Members asked how the Administration would **ensure that the flow of personal information** under the GBA Standard Contract **complied with its terms**. The Administration pointed out that enterprises entering into contracts were required to fulfil the terms set out in the relevant undertakings and that they were subject to oversight by the local regulatory authorities (i.e. DPO and the Cyberspace Administration of Guangdong Province ("CAGP")). DPO would liaise with CAGP regarding the filing of records by enterprises, and make regular reports to CAC. DPO would also conduct audits and reviews of cross-boundary data flow involving information processors and recipients as and when necessary.

8. Some Members were concerned as to **whether the facilitation measure** under the GBA Standard Contract **would make it easier for Hong Kong residents to apply for or gain access to various support measures in the Mainland**. The Administration advised that the main objective of the facilitation measure was to assist businesses in providing cross-boundary services, and Hong Kong residents in Guangdong Province could access government services of Guangdong and Hong Kong through the Cross-boundary Public Services initiative.

9. Members suggested that the Administration should **cooperate** with specific organizations and the Mainland authorities **on a pilot basis to streamline future arrangements for the flow of personal data from the Mainland to Hong Kong**. The Administration advised that the filing of records by enterprises in the Mainland cities in GBA was coordinated through CAGP to ensure that vetting and approval of applications were processed with uniform standards across the cities in GBA. The Administration had plans to extend the facilitation measure to other provinces and cities in the Mainland in the future to enable the provision of more cross-boundary services.

Facilitating cross-boundary data flow

10. Members were of the view that the Administration should set clear **overall targets, development plans and implementation timetables** for the management and application of public and private sectors' data (e.g. cross-boundary data interchange), and **establish a central databank and a big data management authority** to enhance data integration efficiency and coordinate relevant work. Members also expressed concern as to whether the Administration would **formulate special arrangements for cross-boundary data flow at the Sandy Ridge Data Facility Cluster**, and

urged the Administration to actively **strive for more convenient and free data flow mechanisms to facilitate research and development (“R&D”) collaborations among frontier industries, such as embodied AI.** This could include considering the establishment of a “Cross-boundary Embodied AI Data and Scenario Co-operation Zone” in NM to assist local R&D teams and enterprises in establishing connections with industrial production lines in Mainland cities in GBA and accelerate the transformation and realization of R&D outcomes, subject to compliance with regulations on cross-boundary data flow.

11. The Administration advised that in recent years, it had been committed to promoting the integration, application, opening and sharing of data through the implementation of a series of policies and measures, such as the Commercial Data Interchange. Regarding cross-boundary collaboration, the SAR Government had been currently working together with the People’s Government of Guangdong Province to coordinate and promote the development and collaboration of information and communications technologies between Guangdong and Hong Kong as well as in GBA through the “Hong Kong/Guangdong Expert Group on Co-operation in Informatisation”, including exploring ways to consolidate open data resources (such as cross-boundary transport data) of both places and leveraging advanced digital technologies to establish convenient cross-boundary flow mechanisms. As for the Hetao Hong Kong Park, the SAR Government had worked with Shenzhen to prepare a concrete implementation proposal in respect of the cross-boundary flow of biosamples and data between the two parks, covering the requirements for application, transportation, storage, etc., and was liaising closely with the relevant Mainland authorities. The Administration would also closely monitor the actual arrangement of operation of the Sandy Ridge Data Facility Cluster, and would consider corresponding policy measures when necessary.

Protection of privacy in the cross-boundary flow of personal data

12. Members were concerned about how the Administration would **protect personal data privacy in cross-boundary data flow**, particularly how it would monitor the proper management of personal information from Hong Kong by individuals and enterprises in the Mainland. The Administration pointed out that in implementing the cross-boundary flow of personal data under the GBA Standard Contract, both contracting parties were required to ensure that the arrangements complied with the relevant laws and regulations of the respective jurisdictions, including the requirement to obtain the consent of the personal information subject prior to the flow of personal data from GBA to Hong Kong. Furthermore, to avoid occurrences of personal data leakage incidents, DPO and CAGP established a cooperation mechanism to oversee the fulfilment of contracts

by enterprises. The processing (including export) of personal information from Hong Kong would be regulated in accordance with the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”), and the Office of the Privacy Commissioner for Personal Data (“PCPD”) could also proactively conduct compliance checks on organizations adopting the GBA Standard Contract in accordance with PDPO. Some Members considered that **PCPD should be more proactive in taking measures and formulating rules**, including reviewing PDPO and introducing amendments as appropriate, to **promote the proper protection of personal data privacy among enterprises**.

13. Members suggested that the Administration should draw reference from the Cybersecurity Law, the Data Security Law and the Personal Information Protection Law in the Mainland and **enact laws similar to the Data Security Law**, so as to ensure alignment of the laws and regulations between Hong Kong and the Mainland. According to the Administration, the Policy Statement was published in December 2023 to set out the Government’s key strategies and action plans on data flow and data security. At the same time, personal information processors and recipients could enter into the GBA Standard Contract on a voluntary basis using a standardized template, which would bind both contractual parties to their responsibilities and obligations in respect of the cross-boundary flow of personal data. As such, the Administration did not consider it necessary for comprehensive alignment of the relevant laws of the two places.

14. Pointing out that following the active development of the data trading market in the Mainland, more legal disputes relating to cross-boundary data trading might arise constantly, Members suggested that the Administration should **establish a cross-boundary data trading dispute resolution mechanism**, thereby **developing a robust data trading ecosystem**. The Administration advised that resolving legal issues and disputes that might arise from cross-boundary data flow (including through the voluntary adoption of the GBA Standard Contract) would depend on the arrangements agreed upon by the parties to the contract and other applicable laws and regulations. The Administration believed that by leveraging its strengths as an international legal services and dispute resolution hub, Hong Kong could continue to enhance its dispute resolution mechanisms. This would help to build a more robust ecosystem for resolving cross-boundary commercial disputes, including those arising from cross-boundary data flow.

Relevant papers

15. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Divisions
Legislative Council Secretariat
4 May 2026

**Facilitating cross-boundary data flow within
the Guangdong-Hong Kong-Macao Greater Bay Area**

List of relevant papers

Committee	Date of meeting	Paper
Panel on Information Technology and Broadcasting	5 February 2024	Agenda Item III: Facilitating cross-boundary data flow within the Guangdong-Hong Kong-Macao Greater Bay Area Minutes of meeting
	12 May 2025	Agenda Item III: Update on digital government and smart city development Minutes of meeting Follow-up paper
Finance Committee	17 April 2026	Administration's written replies to Members' initial questions on the Estimates of Expenditure 2026-2027 (Reply Serial Nos.: ITIB026, 064, 077, 095, 255 and 260)

Council meeting	Paper
17 January 2024	Members' motion : Strengthening the joint development of the Guangdong-Hong Kong-Macao Greater Bay Area Progress report
30 October 2024	Question 20 : Promoting the development of cross-boundary financial services between Hong Kong and the Mainland
26 March 2025	Members' motion : Accelerating the development of a smart government to better assist the public in integrating into the life in the Greater Bay Area Progress report
10 September 2025	Question 14 : Building a data trading ecosystem

Council meeting	Paper
25 September 2025	Question 2 : Alignment with country's efforts in promoting artificial intelligence development

Issued date	Research publication
26 January 2024	Information Note on “Cross-border data regulations in the European Union and South Korea”
24 April 2026	Research Task on “Measures to promote data trading in the Mainland”