

Session 4

China and Asia Pacific – Emerging AI & Data Governance Regimes.

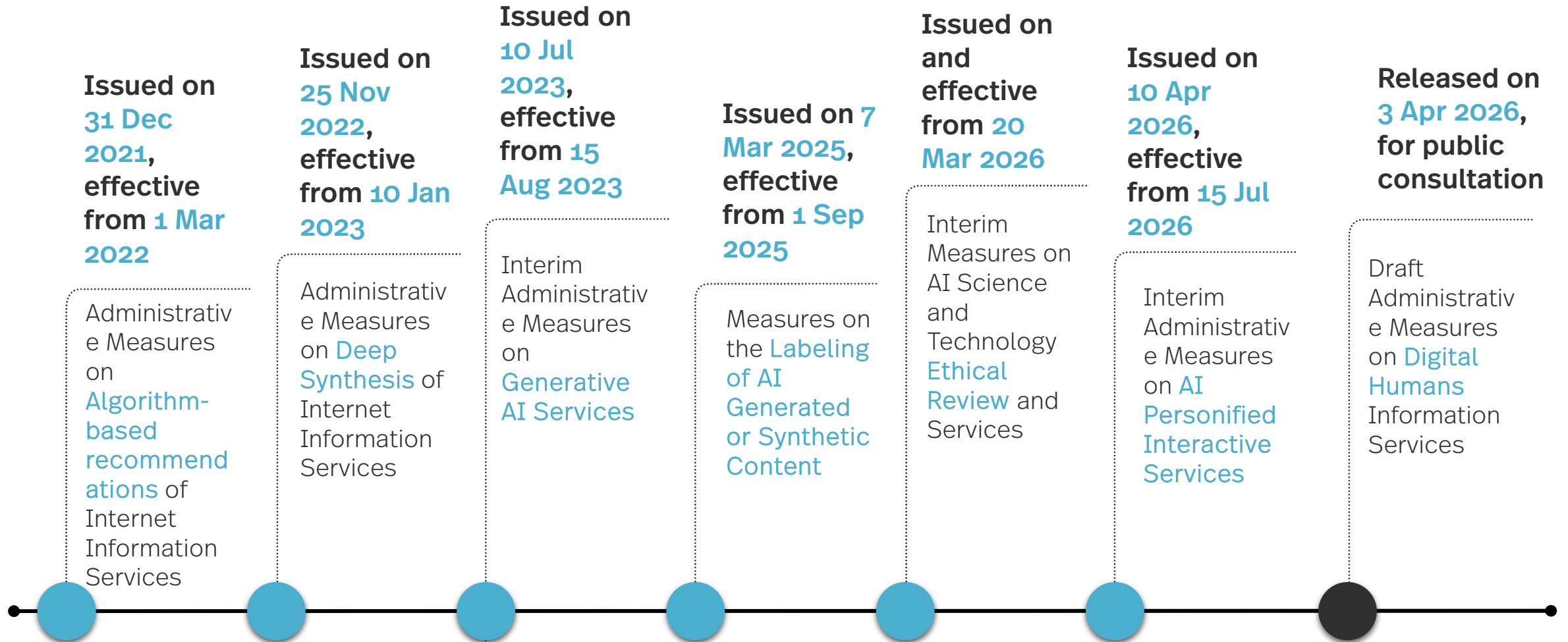


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China's AI-specific Regulations

Timeline and overview



Major Features of China's AI Regulatory Regime

Swift response to market advancement

- Quick formulation process: from public consultation, issuance to full implementation – usually shorter than one year
- Focus on specific and including pioneering services


Risk-based approach

- Ethical review for the R&D of certain high-risk technologies
- Content-focused filing regime for public services
- Special protection for vulnerable groups

Active enforcement

- Generally no grace period
- Focus areas: filing, illegal / harmful content, content labelling
- Interplay with other legal requirements: cybersecurity, data protection, unfair competition, etc

Implications for Multinational Companies



Purely internal use of AI is generally permissible, but mind the stringent data protection requirements (eg transparent and lawful processing of personal data, cross-border data transfer)

For R&D functions based in China, assess whether mandatory ethical review is triggered

For digital services offered to the public (including individual and corporate customers), identify the applicable regulations and obligations, and note the enforcement focuses

Continue to closely monitor the legislative and enforcement developments

Landscape of AI Regulation across Asia

South Korea

- Second comprehensive AI law in the world
- Balances AI promotion and regulatory baselines
- mandates transparency and safety duties, particularly for “high-impact” AI, but no categorical prohibition

Japan

- Soft-law approach
- AI Promotion Act sets out development strategies rather than binding obligations
- Risk management through guidelines and existing laws

Hong Kong / Singapore

- No overarching AI-specific law
- Voluntary model frameworks (cross-sector principles) and sector-specific guidelines (eg finance, health, etc)