

Book Review

Smart Cities in Asia: Regulations, Problems, and Development

Thanh Phan and Daniela Damian (eds)

Springer Nature (2022)

124 pp., ISBN: 9789811917011

Reviewed by *Benjamin Ivry**

This concise open access book follows in a line of comparative investigations of how laws impact the development of smart cities.¹ Conventionally, smart cities are distinguished by smart telecom, energy, living, industry and retail, mobility, environmental and healthcare elements.

The book was preceded by a half-day online conference on 27 January 2021, *The Legal Aspects of Smart Cities in Asia*, presented by the Centre for Asia-Pacific Initiatives University of Victoria.² Like the ensuing book, the conference was wide-ranging in themes, with panels on technology and governance as well as privacy and data protection.

For some time, legal reform has received honorable mention in discussions of planned smart cities in Thailand. A September 2017 presentation, “Thailand Smart Cities” by Dr. Supakorn Siddhichai, Executive Vice President of the Digital Technology

* Benjamin Ivry, BA (Yale University); MA (The Johns Hopkins University); University Expert in English Language and International Exchange, Thammasat University Library; ibenjamin@tu.ac.th.

¹ See Yu-Min Joo and Teck-Boon Tan (eds), *Smart Cities in Asia: Governing Development in the Era of Hyper-Connectivity* (Edward Elgar 2020); Seok Yong Yoon, Hong Soo Lee, et al., *Smart City Pathways for Developing Asia: An Analytical Framework and Guidance* (ADB Sustainable Development Working Paper Series No. 71, December 2020

<<https://www.adb.org/sites/default/files/publication/673441/sdwp-071-smart-city-pathways-developing-asia.pdf>>; and Ministry of Land, Infrastructure, Transport and Tourism (MLIT) in Japan in Consultation with the ASEAN Smart Cities Network (ASCN) and the ASEAN Secretariat (ASEC), ASEAN Smart City Planning Guidebook (Ministry of Land, Infrastructure, Transport and Tourism, March 2022) <https://asean.org/wp-content/uploads/2022/06/ASEAN_SmartCityPlanningGuidebook_en_WEBSITE.pdf>.

² See “The Legal Aspects of Smart Cities in Asia” *University of Victoria* (2021) <<https://www.uvic.ca/research/centres/capi/research/home/projects/regulating-globalization-s-se-asia/the-legal-aspects-of-smart-cities-in-asia-2021.php>>.

and Innovation Development Unit at the Digital Economy Promotion Agency (DEPA), included mention of an intent to “[r]evis[e] laws, regulations, and standards.”³

By 2018, some observers optimistically foresaw a proposed personal data protection law as resolving the new challenges.⁴ Yet by 2021, after promulgation of Thailand’s Personal Data Protection Act B.E. 2562 (2019; PDPA), others were already weighing if revisions might be needed.⁵

In 2023, *The Nation* reported that increasing numbers of smart cities in Thailand meant that government reform of “law to facilitate smart city development” was among its related governmental goals.⁶

A planned Thailand Smart City Expo, to be held at the Queen Sirikit National Convention Centre from 22 to 24 November 2023, further highlights pertinent issues, making the subject of continued urgency and relevance.

Smart Cities in Asia is divided into two sections: 1) chapters collectively describing smart cities and subsequent problems, such as privacy and data protection, with the roles of public and private sectors in developing and governing smart cities; and 2) chapters on individual nations, to evaluate smart city projects.

In addition, urban development and sustainable development are addressed for Thailand, Vietnam, Hong Kong, Indonesia, Malaysia, and Singapore, with law inevitably interacting with technology and governmental planning. Of specific pertinence to the law of Thailand is “The Promise and Challenges of Privacy in Smart Cities: The Case of Phuket,” a chapter by Dr. Visakha Phusamruat of the Graduate School of Law, National Institute of Development Administration (NIDA), Bangkok.

In December 2022, the Thai Cabinet approved an operational plan for a 1.35-trillion-baht business hub and smart city project in the Eastern Economic Corridor (EEC).⁷ The goal was to promote investment in cities along the EEC. Among four investment areas focused on was new town development through smart city planning.

Across Southeast Asia, the ASEAN Smart City Network (ASCN) was originated in 2018 by Singapore when it chaired the ASEAN community. Twenty-six pilot cities from all 10 ASEAN member states were intended to collaborate in sustainable, smart urban development. Network projects included smart manufacturing and logistics in Chonburi. Accompanying these and other civic advances, Dr. Visakha suggests, legal challenges arise from technological advancements.

³ See “Thailand Smart Cities” *International Telecommunication Union* (2017) <<https://www.itu.int/en/ITU-D/Regional-Presence/AsiaPacific/Documents/Events/2017/Sep-SCEG2017/SESSION-3-Smart%20Cities-Dr-Supakorn.pdf>>.

⁴ See “Smart Cities to Support Thailand’s Transition to a Knowledge-Based Economy” *Oxford Business Group* (2018) <<https://oxfordbusinessgroup.com/reports/thailand/2018-report/economy/grand-designs-smart-cities-to-bolster-key-industries-and-support-the-transition-to-a-knowledge-based-economy>>.

⁵ See “Smart City Initiatives in Thailand: Key Concepts and Methods” *Hitachi* (2021) <https://www.hitachi.com/rev/archive/2021/r2021_01/pdf/extra.pdf>.

⁶ “Thailand Now Has 36 Smart Cities in 25 Provinces” *The Nation* (21 August 2023) <<https://www.nationthailand.com/thailand/economy/40030379>>.

⁷ “Cabinet Approves Operational Plan for Trillion-Baht EEC Smart City Project” *The Nation* (21 December 2022) <<https://www.nationthailand.com/thailand/policies/40023297>>.

Privacy and personal data are among the subjects requiring updating due to smart city development. For example, from 2015 to 2020, the municipal Phuket Smart City campaign developed a network of closed-circuit television (CCTV) and digital tracking wristbands worn by visitors.⁸

Dr. Visakha argues that perceptions of privacy and data processing practices fail to meet standards set by Thailand's Personal Data Protection Act B.E. 2562 (2019; PDPA). Indeed, she concludes that current relevant Thai laws, including the Electronic Transactions Act, B.E. 2544. (2001), the Cybersecurity Act B.E. 2562 (2019), the Official Information Act, B.E. 2540 (1997), and the Computer-related Crime Act B.E. 2550 (2007) contain "no specific regulations for technology and data processing in smart city initiatives."⁹

This absence of legal guidelines is made more critical by the status of Phuket as a popular tourist destination. A confrontation seems inevitable between local regulations and sensibilities of transients from nations with more robust legal protection of privacy.

It is a watchword that tourists must obey the laws of any country they visit, but it is almost as well understood that, correspondingly, certain international human rights laws and standards apply to visitors even in foreign realms.

In Phuket, over 1,000 municipal CCTVs are linked with those of private businesses to monitor parking lots, piers, and public boats for crime prevention. Additional cameras feature facial recognition and automated license tracking. Resulting data gathered from CCTVs and electronic wristbands are then used to facilitate the monitoring of tourist activities and inform businesspeople about service demands.

The smart city promotion government agency working on a City Data Platform Development Guideline Draft focuses on technical issues, but "necessary legal safeguards against the abuse of technology and personal data are missing," notes Dr. Visakha.¹⁰ Nevertheless, the Office of Smart City Thailand has asserted that a key to smart city success is data security and privacy.

Data gathering in Phuket applies not just to tourists, but also to residents, who are scrutinized, classified, and labeled based on personal behavior, relationships and interests. Data collected may be used as evidence against the citizenry in court, justifying different pricing for goods, or boosting insurance premiums.

Dr. Visakha inquires if the PDPA is really adequate for legally protecting rights to personal data. International trends are moving towards banning excessive surveillance technology to protect personal privacy, when cities in Thailand are

⁸ See the official Phuket government website: <https://www.phuket.go.th/webpk/file_data/smartcity/01.pdf>. Also, the Smart City Thailand Office at the Digital Economy Promotion Agency website: <<https://www.depa.or.th/en/digitalservice/smartcity/thailand%20smart%20city%20unit>>.

⁹ Thanh Phan and Daniela Damian (eds), *Smart Cities in Asia: Regulations, Problems, and Development* (Springer Nature 2022) 66 <<https://doi.org/10.1007/978-981-19-1701-1>>.

¹⁰ *ibid* 68.

simultaneously augmenting these elements to gather biometric data for economic and security motives.

Whether data gathering should, and will, be done with the knowledge and consent of the parties involved, there may be a risk of non-compliance and negative impressions from tourists who cherish their privacy.

Among common practices cited by Dr. Visakha as potentially “unreasonable” to their targets include “photographing and sharing a photo of people on the beach without their knowledge, public area surveillance by CCTVs, or private surveillance by a car owner’s onboard camera device that records a view on the street and from a passenger’s seat for accidental insurance claims.”¹¹

While smart wristbands worn by boat passengers collect personal data required to preserve their safety from accidents, continuous tracking and data gathering for sea trips with no limits to access may seem excessive.

Current passenger registration data potentially exceeds basic elements needed to prevent overcrowding on tourist boats. Instead, Dr. Visakha argues, less “intrusive” methods revealing “fewer personal facts” when a passenger gets onboard should be made available.¹²

Likewise, coronavirus disease 2019 (COVID-19) prevention measures justify collecting and sharing reports of body temperature and COVID-like symptoms with officials. Yet, round-the-clock temperature and heart rate monitoring over two weeks, as currently proposed, would be superfluous for tourists not needing such thorough health supervision.

Ultimately, this insightful book suggests that a future clash between international expectations and proposed use of smart wristbands and other surveillance technology in Phuket may necessitate legal provisions to cope with the disconnect from foreign laws protecting private data. Updating legislation to meet contemporary needs would be welcome for protecting personal data and privacy in Thailand’s smart cities.

¹¹ *ibid* 72.

¹² *ibid* 73.