CONTROLLING OFFICER'S REPLY

THB(H)063

(Question Serial No. 4880)

<u>Head</u>: (62) Housing Department

Subhead (No. & title): (-) Not Specified

<u>Programme</u>: (-) Not Specified

<u>Controlling Officer</u>: Permanent Secretary for Transport and Housing (Housing)

(Donald TONG)

<u>Director of Bureau</u>: Secretary for Transport and Housing

Question:

Regarding the work in relation to the Code on Access to Information (the Code), will the Administration advise this Committee on the following:

October 2018 to present for which only some of the required information was provided, please state in table form: (i) the content of the required information was provided, please state in table form: (i) the content of the requests for which only some of the required information was provided; (ii) the reasons for providing some of the information only; (iii) whether the decision on withholding some of the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application (the Guidelines)); and (iv) whether the decision on withholding some of the information was made subject to a "harm or prejudice test", i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the details.

From October 2018 to December 2018

(i) Content of the	(ii) Reasons for	(iii) Whether the	(iv) Whether the
requests for	providing	decision on	decision on
which only	some of the	withholding	withholding some
some of the	information	some of the	of the information
required	only	information	was made subject
information		was made at	to a "harm or
was provided		the directorate	prejudice test",
		(D1 or D2)	i.e. whether the
		level	public interest in
		(according to	disclosure of such
		paragraph	information
		1.8.2 of the	outweighs any
		Guidelines)	harm or prejudice
			that could result

	from disclosure
	(according to
	paragraph 2.1.1 of
	the Guidelines); if
	yes, please
	provide the
	details

2019

(i) Content of the	(ii) Reasons for	(iii) Whether the	(iv) Whether the
requests for	providing	decision on	decision on
which only	some of the	withholding	withholding some
some of the	information	some of the	of the information
required	only	information	was made subject
information		was made at	to a "harm or
was provided		the directorate	prejudice test",
		(D1 or D2)	i.e. whether the
		level	public interest in
		(according to	disclosure of such
		paragraph	information
		1.8.2 of the	outweighs any
		Guidelines)	harm or prejudice
			that could result
			from disclosure
			(according to
			paragraph 2.1.1 of
			the Guidelines); if
			yes, please
			provide the
			details

2) Concerning the requests for information under the Code received by the Housing Department from October 2018 to present for which the required information was not provided, please state in table form: (i) the content of the requests refused; (ii) the reasons for refusal; (iii) whether the decision on withholding the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines); and (iv) whether the decision on withholding the information was made subject to a "harm or prejudice test", i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the details.

From October 2018 to December 2018

(i) (Content of the	(ii) Reasons for	(iii) Whether the	(iv) Whether the
r	requests	refusal	decision on	decision on
r	refused		withholding	withholding the
			the	information was
			information	made subject to a
			was made at	"harm or
			the directorate	prejudice test",
			(D1 or D2)	i.e. whether the
			level	public interest in
			(according to	disclosure of such
			paragraph	information
			1.8.2 of the	outweighs any
			Guidelines)	harm or prejudice
				that could result
				from disclosure
				(according to
				paragraph 2.1.1
				of the
				Guidelines); if
				yes, please
				provide the
				details

2019

(ii) Content of the requests refused (iii) Reasons for refusal (iii) Whether the decision on withholding the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines) (iv) Whether the decision on withholding the information was made subject to a "harm or prejudice test", i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the details	201	<u> </u>			
refused withholding the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines) Guidelines) withholding the information was made subject to a "harm or prejudice test", i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the	(i)	Content of the	(ii) Reasons for	(iii) Whether the	(iv) Whether the
the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines) Guidelines) the information was made subject to a "harm or prejudice test", i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the		requests	refusal	decision on	decision on
information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines) made subject to a "harm or prejudice test", i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the		refused		withholding	withholding the
was made at the directorate (D1 or D2) i.e. whether the public interest in disclosure of such information 1.8.2 of the Guidelines) was made at the directorate (D1 or D2) i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				the	information was
the directorate (D1 or D2) level level (according to paragraph 1.8.2 of the Guidelines) the directorate (D1 or D2) i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				information	made subject to a
(D1 or D2) level (according to paragraph 1.8.2 of the Guidelines) (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				was made at	"harm or
level (according to paragraph 1.8.2 of the Guidelines) public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				the directorate	prejudice test",
(according to paragraph 1.8.2 of the Guidelines) (according to paragraph 1.8.2 of the Guidelines) (according to information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				(D1 or D2)	i.e. whether the
paragraph 1.8.2 of the Guidelines) information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				level	public interest in
1.8.2 of the Guidelines) 1.8.2 of the Guidelines) 1.8.2 of the outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				(according to	disclosure of such
Guidelines) harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				paragraph	information
that could result from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				1.8.2 of the	outweighs any
from disclosure (according to paragraph 2.1.1 of the Guidelines); if yes, please provide the				Guidelines)	harm or prejudice
(according to paragraph 2.1.1 of the Guidelines); if yes, please provide the					that could result
paragraph 2.1.1 of the Guidelines); if yes, please provide the					from disclosure
of the Guidelines); if yes, please provide the					(according to
Guidelines); if yes, please provide the					paragraph 2.1.1
yes, please provide the					of the
provide the					Guidelines); if
					yes, please
details					provide the
					details

3) Any person who believes that a department has failed to comply with any provision of the Code may ask the department to review the situation. Please advise this Committee on, in each of the past 5 years, (i) the number of review cases received; (ii) the number of cases, among the review cases received in the year, in which further information was disclosed after review; and (iii) whether the decision on review was made at the directorate (D1 or D2) level.

Year in which	(i) Number of	(ii) Number of cases,	(iii) Whether the
review cases were	review cases	among the review	decision on
received	received	cases received in	review was
		the year, in which	made at the
		further	directorate
		information was	(D1 or D2)
		disclosed after	level
		review	
2015			
2016			
2017			
2018			
2019			

4) With reference to the target response times set out in paragraphs 1.16.1 to 1.19.1 of the Guidelines of the Code, please provide the following information by year in table form (with text descriptions):

(a) within 10 days from date of receipt of a written request:

	Number of	Number of	Number of	Number of	Number of
	requests for	requests	requests for	requests for	applications
	which the	involving	which the	information	which the
	information	third party	information	which were	applicants
	requested	information	requested	refused	indicated
	was	for which the	could not be	under the	that they did
	provided	information	provided	exemption	not wish to
		requested	since the	provisions	proceed with
		could not be	requests had	in Part 2 of	and
		provided	to be	the Code	withdrew
			transferred to		since they
			another		did not
			department		accept the
			which held		charge
			the		
			information		
			under request		
2020					
2019					
2018					
2017					
2016					

within 10 to 21 days from date of receipt of a written request:

	Number of	Number of	Number of	Number of	Number of
	requests for	requests	requests for	requests for	applications
	which the	involving	which the	information	which the
	information	third party	information	which were	applicants
	requested	information	requested	refused	indicated
	was	for which the	could not be	under the	that they did
	provided	information	provided	exemption	not wish to
		requested	since the	provisions	proceed with
		could not be	requests had	in Part 2 of	and
		provided	to be	the Code	withdrew
			transferred to		since they
			another		did not
			department		accept the
			which held		charge
			the		
			information		
			under request		
2020					
2019					
2018					
2017					
2016					

within 21 to 51 days from date of receipt of a written request:

	Number of	Number of	Number of	Number of	Number of
	requests for	requests	requests for	requests for	applications
	which the	involving	which the	information	which the
	information	third party	information	which were	applicants
	requested	information	requested	refused	indicated
	was	for which the	could not be	under the	that they did
	provided	information	provided	exemption	not wish to
		requested	since the	provisions	proceed with
		could not be	requests had	in Part 2 of	and
		provided	to be	the Code	withdrew
			transferred to		since they
			another		did not
			department		accept the
			which held		charge
			the		
			information		
			under request		
2020					
2019					
2018					
2017					
2016					

(b) cases in which information could not be provided within 21 days from date of receipt of a request in the past 5 years:

Date	Subject of information requested	Specific reason

(c) cases in which information could not be provided within 51 days from date of receipt of a request in the past 5 years:

Date	Subject of information requested	Specific reason

5) Please state in table form the number of cases in which requests for information were refused under the exemption provisions in Part 2 of the Code, and the Privacy Commissioner for Personal Data had been consulted when they were being handled in the past 5 years. For cases on which advice had been sought, was it fully accepted in the end? For cases where the advice of the Privacy Commissioner for Personal Data was not accepted or was only partially accepted, what are the reasons?

Date	Subject	Particular	Whether the	Reasons for
		exemption	advice of the	refusing to accept
		provision in Part	Privacy	or only partially
		2 of the Code	Commissioner for	accepting the
		under which	Personal Data	advice of the
		requests for	was fully	Privacy
		information were	accepted	Commissioner for
		refused		Personal Data

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 449)

Reply:

Information of cases involving the Housing Department (HD) handling request of information under the Code on Access to Information (the Code) under Head 62 are as follows –

1) & 2)

From October 2018 to 2019, HD had not handled any case by only providing part of the required information or refusing to provide the required information.

- 3) In the past 5 years (i.e. from 2015 to 2019), HD had not received any case requesting for review.
- 4)(a) HD's response time in handling the relevant applications is as follows:

Within 10 days from date of receipt of a written request:

	Number of	Number of	Number of	Number of	Number of
	requests for	requests	requests for	requests for	applications
	which the	involving	which the	information	which the
	information	third party	information	which were	applicants
	requested	information	requested	refused	indicated
	was	for which the	could not be	under the	that they did
	provided	information	provided	exemption	not wish to
		requested	since the	provisions	proceed with
		could not be	requests had	in Part 2 of	and
		provided	to be	the Code	withdrew
			transferred to		since they
			another		did not
			department		accept the
			which held		charge
			the		
			information		
			under request		
2020	-	-	-	-	-
(as at 29					
February					
2020)					
2019	12	-	-	-	-
2018	13	-	-	-	-
2017	23	-	-	-	-
2016	17	-	-	_	-

Within 10 to 21 days from date of receipt of a written request:

	Number of	Number of	Number of	Number of	Number of
	requests for	requests	requests for	requests for	applications
	which the	involving	which the	information	which the
	information	third party	information	which were	applicants
	requested	information	requested	refused	indicated
	was	for which the	could not be	under the	that they did
	provided	information	provided	exemption	not wish to
		requested	since the	provisions	proceed with
		could not be	requests had	in Part 2 of	and
		provided	to be	the Code	withdrew
			transferred to		since they
			another		did not
			department		accept the
			which held		charge
			the		
			information		
			under request		
2020	-	-	-	-	-
(as at 29					
February					
2020)					
2019	-	-	-	-	-
2018	-	-	-	-	-
2017	1	-	-	-	-
2016	2	1	-	1	-

Within 21 to 51 days from date of receipt of a written request:

	· · · · · · · · · · · · · · · · · · ·		T		
	Number of	Number of	Number of	Number of	Number of
	requests for	requests	requests for	requests for	applications
	which the	involving	which the	information	which the
	information	third party	information	which were	applicants
	requested	information	requested	refused	indicated
	was	for which the	could not be	under the	that they did
	provided	information	provided	exemption	not wish to
		requested	since the	provisions	proceed with
		could not be	requests had	in Part 2 of	and
		provided	to be	the Code	withdrew
			transferred to		since they
			another		did not
			department		accept the
			which held		charge
			the		
			information		
			under request		
2020	-	-	-	-	-
(as at 29					
February					
2020)					
2019	-	-	-	-	-
2018	-	-	-	-	-
2017	-	-	-	-	-
2016	1	-	-	-	-

4)(b)

In the past 5 years (i.e. from 2016 to 29 February 2020), there was only 1 case in which a response could not be provided by HD within 21 days from the date of receipt of a request, details as follow:

Year	Subject of information	Reason	
2016	Public Housing	The latest Public Housing	
	Construction Programme	Construction Programme	
		was not yet published.	

4)(c)

In the past 5 years (i.e. from 2016 to 29 February 2020), HD had not failed to provide the requested information within 51 days from the date of receipt of a request.

5) In the past 5 years (i.e. from 2016 to 29 February 2020), HD had not refused any requests for information under the exemption provisions in Part 2 of the Code.