

CONTROLLING OFFICER'S REPLY

THB(H)063

(Question Serial No. 4880)

Head: (62) Housing Department

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

Programme: (-) Not Specified

Controlling Officer: Permanent Secretary for Transport and Housing (Housing)
(Donald TONG)

Director of Bureau: 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:

- 1) Concerning the requests for information under the Code received by the Housing Department from October 2018 to present for which only some 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 requests for which only some of the required information was provided	(ii) 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)	(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

2019

(i) Content of the requests for which only some of the required information was provided	(ii) 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)	(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

- 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 requests refused	(ii) 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

2019

(i) Content of the requests refused	(ii) 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

- 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 review cases were received	(i) Number of review cases received	(ii) Number of cases, among the review cases received in the year, in which further information was disclosed after review	(iii) Whether the decision on review was made at the directorate (D1 or D2) level
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 requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the charge
2020					
2019					
2018					
2017					
2016					

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

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

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

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the charge
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 exemption provision in Part 2 of the Code under which requests for information were refused	Whether the advice of the Privacy Commissioner for Personal Data was fully accepted	Reasons for refusing to accept or only partially accepting the advice of the Privacy Commissioner for 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 requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the charge
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 requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the charge
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:

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the charge
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 Construction Programme	The latest Public Housing 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.

- End -