Reply Serial No.

CONTROLLING OFFICER'S REPLY

CEDB(CIT)266

(Question Serial No. 4876)

Head:	(168) Hong Kong Observatory
Subhead (No. & title):	(-) -
Programme:	(-) -
Controlling Officer:	Director of the Hong Kong Observatory (Dr. CHENG Cho-ming)
Director of Bureau:	Secretary for Commerce and Economic Development

Question:

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

1) Concerning the requests for information under the Code on Access to Information received by the Hong Kong Observatory from October 2018 to present for which only some of the required information has been provided, please state in table form: (i) the content of the requests for which only some of the required information has been provided; (ii) the reasons for providing some of the information only; (iii) whether the decision to withhold 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); (iv) whether the decision to withhold some of the information 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 on Interpretation and Application)? If yes, please provide the details.

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

From October	to December	2018	

2019

2019			
(i) Content	(ii) Reasons	(iii) Whether the	(iv) Whether the decision to
of the	for	decision to withhold	withhold some of the information
requests for	providing	some of the	was made subject to a "harm or
which only	some of the	information was	prejudice test", i.e. whether the
some of the	information	made at the	public interest in disclosure of
required	only	directorate (D1 or	such information outweighs any
information		D2) level (according	harm or prejudice that could
was		to paragraph 1.8.2 of	result from disclosure (according
provided		the Guidelines on	to paragraph 2.1.1 of the
		Interpretation and	Guidelines on Interpretation and
		Application)	Application). If yes, please
			provide the details.

2) Concerning the requests for information under the Code on Access to Information received by the Hong Kong Observatory from October 2018 to present for which the required information has not been provided, please state in table form: (i) the content of the requests refused; (ii) the reasons for refusal; (iii) whether the decision to withhold the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application); (iv) whether the decision to withhold 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 on Interpretation)? If yes, please provide the details.

From October to December 2018

		2010	
(i) Content	(ii) Reasons	(iii) Whether the	(iv) Whether the decision to
of the	for refusal	decision to withhold	withhold the information was
requests		the information was	made subject to a "harm or
refused		made at the	prejudice test", i.e. whether the
		directorate (D1 or	public interest in disclosure of
		D2) level (according	such information outweighs any
		to paragraph 1.8.2 of	harm or prejudice that could
		the Guidelines on	result from disclosure (according
		Interpretation and	to paragraph 2.1.1 of the
		Application)	Guidelines on Interpretation and
			Application). If yes, please
			provide the details.

2019

2019			
(i) Content	(ii) Reasons	(iii) Whether the	(iv) Whether the decision to
of the	for refusal	decision to withhold	withhold the information was
requests		the information was	made subject to a "harm or
refused		made at the	prejudice test", i.e. whether the
		directorate (D1 or	public interest in disclosure of
		D2) level (according	such information outweighs any
		to paragraph 1.8.2 of	harm or prejudice that could
		the Guidelines on	result from disclosure (according
		Interpretation and	to paragraph 2.1.1 of the
		Application)	Guidelines on Interpretation and
			Application). If yes, please
			provide the details.

3) Any person who believes that a department has failed to comply with any provision of the Code on Access to Information may ask the department to review the situation. Please advise this Committee 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; (iii) whether the decisions on review were made at the directorate (D1 or D2) level.

Year in	(i) Number of	(ii) Number of cases,	(iii) Whether the
which	review cases	among the review cases	decisions on review
review	received	received in the year, in	were made at the
cases were		which further information	directorate (D1 or D2)
received		was disclosed after review	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 on Interpretation and Application of the Code on Access to Information, please advise this Committee on the following information by year in table form (with text descriptions).

		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 could	refused under	indicated that
	was	for which	not be provided	the exemption	they did not
	provided	the	since the	provisions in	wish to
		information	requests had to	Part 2 of the	proceed with
		requested	be transferred to	Code on	and withdrew
		could not	another	Access to	since they did
		be provided	department	Information	not accept the
		_	which held the		charge
			information		-
			under request		
2020					
2019					
2018					
2017					
2016					

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

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

	2		Number of		Number of
	requests for	requests	requests for		
	which the	involving	which the	information	which the
	information	third party	information	which were	applicants
	requested	information	requested could	refused under	indicated that
	was	for which	not be provided	the exemption	they did not
	provided	the	since the	provisions in	
		information	requests had to	Part 2 of the	proceed with
		requested	be transferred to	Code on	
		could not		Access to	5
		be provided	department	Information	not accept the
			which held the		charge
			information		
			under request		
2020					
2019					
2018					
2017					
2016					

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

	2	Number of	Number of	Number of	Number of
	requests for		requests for		
	which the	involving	which the	information	which the
	information	third party		which were	applicants
		· ·			* *
	requested		1		
	was	for which	not be provided	-	•
	provided	the	since the	1	wish to
		information	requests had to		proceed with
		requested	be transferred to	Code on	and withdrew
		could not	another	Access to	since they did
		be provided	department	Information	not accept the
			which held the		charge
			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) Among the requests for information which were refused under the exemption provisions in Part 2 of the Code on Access to Information in the past 5 years, please state in table form the number of those on which the Privacy Commissioner for Personal Data was consulted when they were being processed. 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 refusing
		exemption	advice of the	to accept or only
		provision in Part 2	Privacy	partially accepting
		of the Code on	Commissioner	the advice of the
		Access to	for Personal	Privacy
		Information under	Data was fully	Commissioner for
		which requests for	accepted	Personal Data
		information were	-	
		refused		

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 444)

Reply:

During the period from October 2018 to September 2019, the Hong Kong Observatory (HKO) did not receive any request for which only part of the required information was provided or the required information was not provided under the Code on Access to Information (the Code).

During the period from 2015 to September 2019, no review case was received by HKO.

During the period from 2016 to September 2019, the number of written requests for which the information requested was provided within 10 days, 11 to 21 days and 22 to 51 days from the date of receipt of a request were 22, 2 and 3 respectively. During the period, there was 1 request for which the information requested could not be provided since the request had to be transferred to another department which held the information under request; and 1 application in which the applicant indicated that he or she did not wish to proceed and withdrew the application since he or she did not accept the charge.

During the period from 2016 to September 2019, the main reason for not providing the information requested within 21 days from the date of receipt was that longer time was required to prepare the information which was complex and detailed.

During the period from 2016 to September 2019, there was no case where the information could not be provided within 51 days from the date of receipt of a request.

During the period from 2016 to September 2019, HKO did not receive any case where the information requested was refused in accordance with the exemption provisions in Part 2 of the Code.

- End -