

CONTROLLING OFFICER'S REPLY

(Question Serial No. 4905)

Head: (42) Electrical and Mechanical Services Department

Subhead (No. & title): Not specified

Programme: (4) Centralised Services and Special Support

Controlling Officer: Director of Electrical and Mechanical Services (Alfred W H SIT)

Director of Bureau: Secretary for Development

Question:

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

1) Concerning the requests for information under the Code on Access to Information received by the Electrical and Mechanical Services Department (EMSD) 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 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 of how the requests have been handled eventually.

From October 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 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 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)

			Application). 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 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 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.

2) Concerning the requests for information under the Code on Access to Information received by the EMSD 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 and Application). If yes, please provide the details of how the requests have been handled eventually.

From October to December 2018

(i) Content of the requests refused	(ii) 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 and Application).
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			Application). If yes, please provide the details.

2019

(i) Content of the requests refused	(ii) 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 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 of, in each of the past five 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 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 decisions on review were made at the directorate (D1 or D2) level
2015			
2016			
2017			
2018			
2019			

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 475)

Reply:

Concerning the requests for information under the Code on Access to Information (the Code) received by the Electrical and Mechanical Services Department (EMSD) during the period from October 2018 to September 2019, there were two cases for which only part of the

required information was provided and three cases for which the required information was not provided.

2. On the above-mentioned two cases for which only part of the required information was provided, the EMSD refused to provide part of the information on lifts and government contracts as requested in accordance with paragraph 2.9 “Management and operation of the public service” and paragraph 2.14 “Third party information” of the Code respectively. The decisions were made by an officer at point two of the Directorate Pay Scale after conducting a “harm or prejudice” test which ascertains that the harm or prejudice that could result from disclosure of the information would outweigh the public interest in disclosure of the information in these cases.

3. As for the three refusal cases mentioned above, the EMSD refused to provide information on lifts (two cases) and the Mass Transit Railway Corporation (one case) as requested in accordance with paragraph 2.14 “Third party information” of the Code. The decisions were made by an officer at point two of the Directorate Pay Scale after conducting a “harm or prejudice” test which ascertains that the harm or prejudice that could result from disclosure of the information would outweigh the public interest in disclosure of the information in these cases.

4. Regarding the requests for information under the Code received by the EMSD during the period from 2015 to September 2019, there was no review case.

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