

<b>Doc Type</b>	HA
<b>Paper No</b>	73/95
<b>Title</b>	Code on Access to Information
<b>CONTENTS</b>	<p>HA 73/95</p> <p>THE HONG KONG HOUSING AUTHORITY</p> <p>Memorandum for the Housing Authority</p> <p>Code on Access to Information</p> <p>PURPOSE</p> <p>The purpose of this paper is to inform Members' of the Housing Department's plan to implement the Code on Access to Information in February 1996, and to seek Members' approval for delegating to the Department the authority to release committee papers under the Code.</p> <p>BACKGROUND</p> <p>2. At the Housing Authority meeting on 28 September 1995, Members agreed that, in line with Government's commitment to greater openness and accountability, the Department should adopt the Code on Access to Information. It has been agreed that Members should be further informed of how the Department would implement the Code. Over the past two months, the Department has worked with the Efficiency Unit to draw up a set of administration procedures in handling requests under the Code. The reparatory work has now been completed and the Department is now ready to come under the Code in February 1996.</p> <p>PURPOSE AND SPIRIT OF THE CODE</p> <p>3. On 23 February 1995, Government announced the introduction of the Code on Access to Information. Under the Code, all Government branches and departments are required to make available to the public as much information as possible to enhance understanding of formulation and interpretation of public policies, decisions and the services to the community. The Code sets out the types of information to be provided either routinely or on requests and it stipulates the procedures and timeframe within which requests for information should be handled. Under the Code, departments are requested to publish details of their organisations, services being provided and performance pledges for release to the public. Departments are also required to provide information relating to policies, services and decisions on request, unless there are good reasons for withholding such information. The reasons for withholding information are set out in Part 2 of the Code, copy of which is enclosed at Appendix I.</p>

## ADMINISTRATIVE PROCEDURES

4. As required under the Code, the Department will designate an officer as Access to Information Officer (AIO). The AIO will work under the Chief Executive Officer/Complaints and Enquiries in the Complaints and Enquiries Section and his role is to co-ordinate requests made under the Code and to ensure that the release of information is in accordance with the spirit and procedures under the Code.

5. Requests for information under the Code may be made orally or in writing. Oral requests will usually suffice where information is readily available and can be provided promptly, e.g. by giving out information leaflets or the relevant forms. Written requests received under the Code will be passed to the AIO who will release the information direct in straightforward cases.

6. If the information requested is not readily available to the AIO, or if the information in question is sensitive in nature, the AIO will consult the subject Division Head on the release. The Division Head or the subject officer he assigns will provide the information to the AIO for release, or help decide in what form the information should be released.

7. If the information requested falls within Part 2 of the Code, the concerned Division Head will assess the implications and decide whether or not the information should be released. The AIO will then reply to the requester based on the decisions of the Division Head. A flow chart showing the procedures of handling requests under the Code is at Appendix II.

## TARGET RESPONSE TIME

8. Where possible, information will be provided within ten calendar days following receipt of a request. If this is not possible due to factors such as the need for research or co-ordination among various offices, the timeframe may be extended to 21 days with an interim reply provided to the applicant. In case a request requires a third party's consent for release of information or involves a subject matter which is very complicated in nature, the timeframe may be extended by an additional 30 days.

## INTERNAL REVIEW/COMAC COMPLAINT

9. A requester whose request for information has been declined may seek a review of his case. The AIO will refer request for review to the subject Division Head who will re-examine the case and forward his view to the Branch Head, who will serve as the Reviewing Officer. The Reviewing Officer will exercise his best judgement in the light of the circumstances as to whether the request for review should be entertained. An applicant who believes that the Department has failed to comply with the Code in the process of handling his request may complain to COMAC.

## CHARGES

10. Other than records which are available free of charge, records reproduced in response to requests made under the Code should be charged, for example, photocopied records should be charged at the current standard rate which is \$5.6 per copy. If the request involves records which do not have any standard charge a proposed charge will be established in consultation with the Finance Division of the Department. The cost to be charged will be determined according to the general costing principle on cost-related bases having regard to factors such as staff cost, cost of materials consumed or services hired, etc.

## THIRD PARTY INFORMATION

11. Under the Code, the Housing Authority (HA) is regarded as a third party. All papers of the HA and its standing and ad hoc committees should not be released without the consent of the HA or the respective committees.

12. It is envisaged that there will be requests for release of HA or committee papers. For administrative convenience and to avoid the need to revert to HA or its committees every time when such requests are received, it is proposed that the authority for release of committees papers be delegated to the Branch Heads and the release should be governed by the following guidelines -

(i) All open HA and committee papers and minutes of open meetings which have been discussed, agreed and implemented can be released in full with decisions made at the meeting, provided that the contents of these papers fall outside Part 2 of the Code. Papers which have been considered by standing committees and recommended for HA's approval will be released after the proposal therein has been approved by HA and implemented; and

(ii) Restricted and Confidential papers which have ) been discussed, agreed and implemented can be released together with decisions made at the meeting, provided that the contents of these papers fall outside Part 2 of the Code. Similar to paragraph 12(i) above, papers which have been considered by standing committees and recommended for HA's approval will be released after the proposal therein has been approved by HA and implemented. If a paper contains information which falls within Part 2 of the Code, e.g. tenders and contracts, confidential reports by consultants, etc. the concerned Division or Branch Head will decide whether the paper should be released, and if so, whether it should be released in edited form or summary form.

## TRIAL RUN AND RESULT

13. In order to test the effectiveness of the proposed system and to gain experience, the administrative procedures have been tested in a number of divisions and estate offices in the Department since mid-November 1995. Up to mid-December 1995, more than ten cases had been tested. Most of the cases were from students and academics requesting a wide range of information. In most cases, we were able to provide

information to the requesters within the specified timeframe.

#### FORMAL IMPLEMENTATION OF THE CODE

14. The Department will formally implement the Code in February 1996, together with other Government departments which will be brought under the Code's ambit at the same time.

#### BRIEFING FOR STAFF

15. In order to ensure that staff will fully understand the spirit and operation of the Code, a series of briefing sessions will be arranged in January 1996. The AIO to be designated will also be responsible for answering enquiries from both staff and the public about the implementation of the Code in the Department.

#### PUBLIC READING AREA

16. To facilitate members of the public to gain access to the list of records and published information held by the Department, a reading area in the existing library on the ground floor of HAHQs will be opened to the public in February 1996. Papers discussed at open HA meetings and open papers of standing committee which fall outside Part 2 of the Code will also be displayed in the reading area. Interested parties may look up information on housing at the reading area or make further enquiries to the Department's AIO from there.

#### STAFFING IMPLICATIONS

17. The Efficiency Unit will be seconding to the Department a Senior Executive Officer to act as the AIO. The AIO will be supported by a Clerical Officer II and a Typist for the implementation of the Code. The Department will review the need for permanent staff when workload pattern is more established.

#### PUBLIC RELATIONS AND PUBLICITY

18. It is expected that the public and the media will welcome the implementation of the Code in the Department as it represents a move towards greater openness and transparency of the Department's operation. The implementation of the Code in the Department will be publicly announced through a press release. It will also be announced through the Efficiency Unit together with other Departments which will come under the Code at the same time.

## RECOMMENDATION

19. Members are requested to note the procedures to be adopted for the implementation of the Code and to approve the delegation of authority to Branch Heads on release of HA and committee papers as proposed in paragraph 12.

## PRESENTATION

20. This paper is presented to Members for discussion at the HA Meeting on 4 January 1996.

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File Ref. : HD(A) C&E 4/11

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[Back](#)