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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2020-21

Controlling Officer : Director of Audit

Session No. : 6

Consolidated e-file name : AUD-1-e1.docx

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CONTROLLING OFFICER'S REPLY

AUD001

(Question Serial No. 4873)

Head: (24) Audit Commission

Subhead (No. & title): -

Programme: Not specified

Controlling Officer: Director of Audit (John CHU)

Director of Bureau: Not specified

Question:

Regarding the work on the Code on Access to Information, would the Administration inform this Committee of the following:

1) For the requests for information under the Code on Access to Information received by the Audit Commission from October 2018 to present, please tabulate (i) details of the partially met requests; (ii) the reasons for partially meeting the requests; (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); 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 on Interpretation and Application)? If yes, please provide the details.

From October to December 2018

(i) Details of the partially met requests	(ii) Reasons for partially meeting the requests	(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)	(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 on Interpretation and Application). If yes, please

			provide the details.

2019

(i) Details of the partially met requests	(ii) Reasons for partially meeting the requests	(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)	(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 on Interpretation and Application). If yes, please provide the details.

2) For the requests for information under the Code on Access to Information received and refused by the Audit Commission from October 2018 to present, please tabulate (i) the details of the requests refused; (ii) the reasons for refusal; (iii) whether the decision on refusing the requests was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application); and (iv) whether the decision on refusing the requests 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.

From October to December 2018

(i) Details of the requests refused	(ii) Reasons for refusal	(iii) Whether the decision on refusing the requests 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 on refusing the requests 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) Details of the requests refused	(ii) Reasons for refusal	(iii) Whether the decision on refusing the requests 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 on refusing the requests 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 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 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			

4) With reference to the target response times set out in paragraphs 1.16.1 to 1.19.1 of 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).

(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 on Access to Information	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 on Access to Information	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 on Access to Information	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 those, among the cases in which requests for information were refused under the exemption provisions in Part 2 of the Code on Access to Information, on which the Privacy Commissioner for Personal Data was 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	Whether the advice of the	Reasons for refusing to

		provision in Part 2 of the Code on Access to Information under which requests for information were refused	Privacy Commissioner for Personal Data was fully accepted	accept or only partially accepting the advice of the Privacy Commissioner for Personal Data

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 441)

Reply:

1) & 2) From October 2018 to March 2020, there was no request for information under the Code on Access to Information (the Code) received and partially met by the Audit Commission, nor was there any request for access to information under the Code received and refused.

3) During the 5 years from 2015 to 2019, there was no review cases under the Code received by the Audit Commission.

4) From 2016 to 2020, the response time for all of the cases received by the Audit Commission were within 21 days from the date of receipt of a request. The details are provided as follows:

Response time within 10 days from the 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 on Access to Information	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	1	-	-	-	-
2019	3	-	-	-	-
2018	6	-	1	-	-

2017	8	-	2	-	1
2016	3	-	1	-	-

Response time within 10 to 21 days from the 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 on Access to Information	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	-	-	1	-	-
2016	1	-	-	-	-

5) During the 5 years from 2015 to 2019, there was no request for information under the Code received and refused under the exemption provisions in Part 2 of the Code, on which the Privacy Commissioner for Personal Data was consulted.

- End -

CONTROLLING OFFICER'S REPLY

AUD002

(Question Serial No. 6030)

Head: (24) Audit Commission

Subhead (No. & title): -

Programme: Not specified

Controlling Officer: Director of Audit (John CHU)

Director of Bureau: Not specified

Question:

- a. Please set out the quantity, value and stock of surgical masks produced by the Correctional Services Department (CSI masks) that the Audit Commission (Audit) obtained from the Government Logistics Department (GLD) each month in the past 3 years in the following table:

Month/Year	No. of CSI masks obtained	Value of CSI masks obtained	Stock of CSI masks

- b. Please set out the quantity, value, stock and consumption of surgical masks that Audit obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of surgical masks obtained from GLD (value)	No. of surgical masks procured (value)	Stock	Consumption

- c. Please set out the quantity, value, stock and consumption of N95 masks that Audit obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of N95 masks obtained from GLD (value)	No. of N95 masks procured (value)	Stock	Consumption

- d. Please set out the quantity, value, stock and consumption of gowns that Audit obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of gowns obtained from GLD (value)	No. of gowns procured (value)	Stock	Consumption

- e. Please set out the quantity, value, stock and consumption of protective coverall suits that Audit obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of protective coverall suits obtained from GLD (value)	No. of protective coverall suits procured (value)	Stock	Consumption

- f. Please set out the quantity, value, stock and consumption of face shields that Audit obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of face shields procured	Value of face shields procured	Stock of face shields	Consumption

- g. Please set out the quantity, value, stock and consumption of goggles that Audit obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of goggles procured	Value of goggles procured	Stock of goggles	Consumption

- h. Did Audit supply or sell surgical masks, N95 masks, face shields, goggles, gowns and protective coverall suits to other organisations in the past 3 years? If yes, please provide the relevant information, including the quantity, consumption and stock, in the following table:

Month/Year	Name of organisations	Manner of provision (e.g. sold or supplied for free)	Surgical masks	N95 masks	Face shields	Goggles	Gowns	Protective coverall suits

- i. If Audit is to supply or sell surgical masks, N95 masks, face shields, goggles, gowns and protective coverall suits to other organisations, what are the departments and the ranks of the officers responsible for making such decisions? Please provide the ranks of the officers involved in each decision, the date they made the decision and other relevant information.

Asked by: Hon MO Claudia (LegCo internal reference no.: 182)

Reply:

In light of the rapidly evolving situation regarding the epidemic, the demand for personal protective equipments (PPEs) (including masks) by Government departments will need to be adjusted to tie in with our work to combat the virus. The Government Logistics Department (GLD) and other Government departments are now endeavouring to procure PPEs through various sources and channels, and will continue to review the level of stock and the demand for PPEs.

Given the upsurge in the demand for PPEs worldwide, the Government of the Hong Kong Special Administrative Region (HKSAR) faces stiff competition in the procurement of the same. In order not to jeopardise the bargaining power of GLD and other Government departments in the procurement of PPEs, the Government of HKSAR considers that it is not desirable at this stage to divulge further information on the level of stock, sources of supply, identity of suppliers, quantity procured and value, delivery time, consumption, etc. of individual departments in the past few years and recently.

The Audit Commission has not supplied or sold any PPEs to any parties.

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