



Code on access to information

Figure 1 – Number of requests for access to information

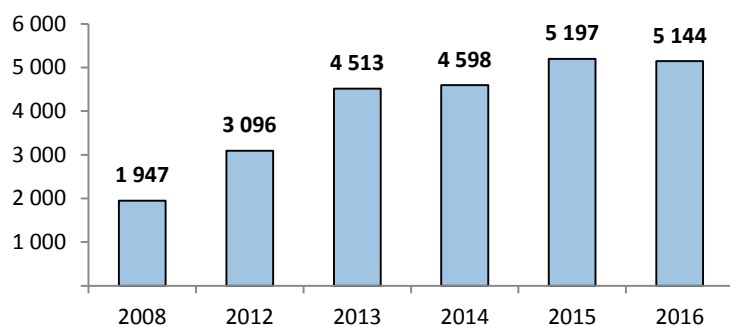


Figure 2 – Distribution of requests in 2016

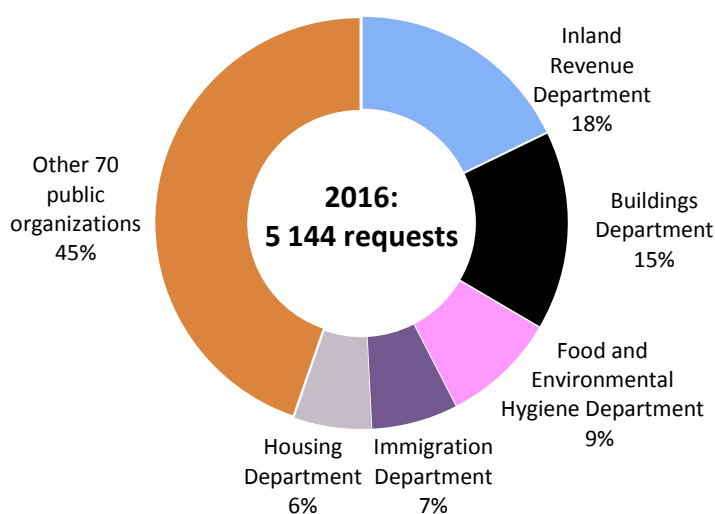


Figure 3 – Outcomes of the requests handled in each year

	Requests met		Requests withdrawn		No information		Requests refused		Total
2012	2 667	86%	176	6%	185	6%	63	2%	3 091
2013	3 942	88%	256	6%	213	5%	86	2%	4 497
2014	3 940	86%	275	6%	280	6%	92	2%	4 587
2015	4 432	86%	350	7%	258	5%	88	2%	5 128
2016	4 704	87%	305	6%	288	5%	118	2%	5 415

Note: The number of requests handled each year does not necessarily match the number of requests received from the public each year. The percentage may not add up to 100% due to round up of the figures.

Highlights

- With a view to enhancing transparency and accountability of the Government, the Code on Access to Information ("the Code") has been applied to all bureaux and departments since December 1996. The Code allows members of the public to request release of information under certain criteria. In line with increasing public awareness, the number of requests filed to the Government under the Code has surged by 164% in eight years to 5 144 in 2016 (**Figure 1**).
- Among the information requests in 2016, the Inland Revenue Department was the largest recipient department, with a share of 18% in the total. This was followed by Buildings Department (15%), Food and Environmental Hygiene Department (9%), Immigration Department (7%) and Housing Department (6%). While these top five departments accounted for 55% of the overall requests, most of the requests were information or complaint cases related to individuals and organizations (**Figure 2**).
- As regards the outcomes of these requests, the Government has maintained a largely stable performance in recent years. Between 2012 and 2016, the Government could meet the information requests in 86% to 88% of the cases, either fully or partially. While 11%-12% of the requests were withdrawn or could not proceed due to absence of such information, 2% of the requests were refused (**Figure 3**).

Code on access to information (cont'd)

Figure 4 – Major reasons for refusing information requests in 2016

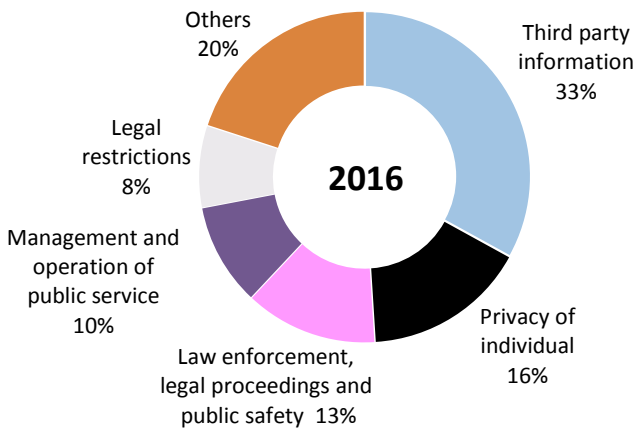


Figure 5 – Requests for internal departmental review of decisions

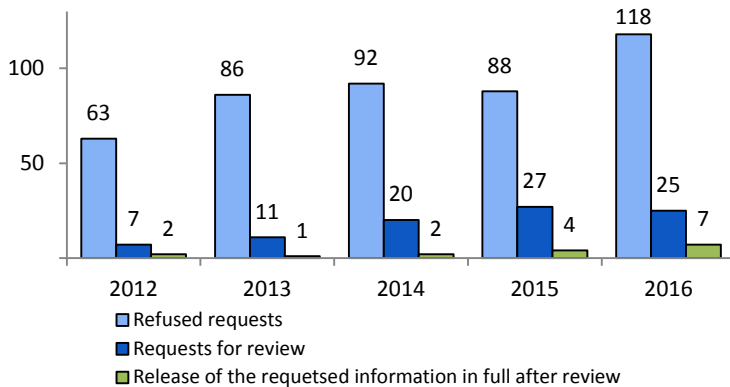
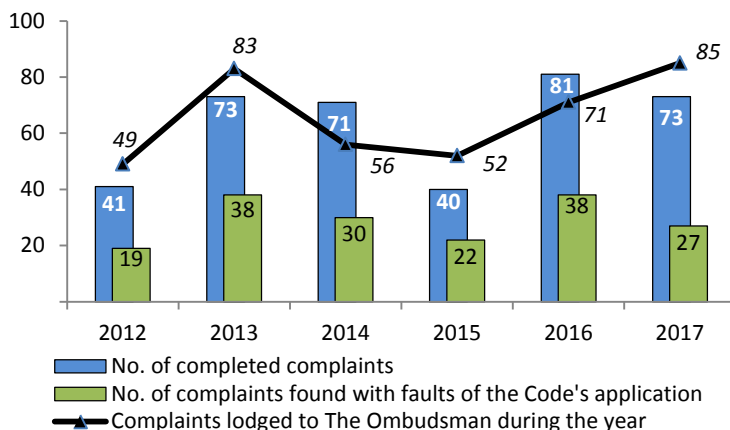


Figure 6 – Complaints received and concluded by The Ombudsman



Highlights

- Under the Code, government departments may refuse to disclose the requested information under 16 specified situations. In 2016, the most cited reason for refusal was that the request was related to third-party information (33%), followed by privacy of individual (16%) and concerns about law enforcement, legal proceedings and public safety (13%) (Figure 4).
- The Code allows the requesting parties to challenge departments' decisions on their requests through internal reviews. Between 2012 and 2016, the number of challenges increased by 257%, mostly related to refused disclosure. In 2016, only 7 cases succeeded in obtaining the requested information after review, the highest in the past five years (Figure 5).
- The requesting parties can also lodge to The Ombudsman complaints relating to but not limited to refusal on requests. In 2017, The Ombudsman received the highest number of complaints in six years. Of the concluded complaints, 37% were found at least one fault in relation to the Code's application (Figure 6). According to Office of The Ombudsman, the most common faults were unjustified refusal, and failure to provide a reason for refusal. During the year, there were 16 cases where the concerned department released the requested information after intervention by The Ombudsman.

Data sources: Latest figures from Constitutional and Mainland Affairs Bureau, and Office of The Ombudsman.

Research Office
Information Services Division
Legislative Council Secretariat
26 January 2018
Tel: 2871 2127

Statistical Highlights are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Statistical Highlights are subject to copyright owned by The Legislative Council Commission (The Commission). The Commission permits accurate reproduction of Statistical Highlights for non-commercial use in a manner not adversely affecting the Legislative Council, provided that acknowledgement is made stating the Research Office of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library. The paper number of this issue of Statistical Highlights is ISSH09/17-18.