

**香港特別行政區
立法會
查閱立法機關文件及紀錄事宜委員會
Committee on Access to the Legislature's
Documents and Records
of the Legislative Council
of the Hong Kong Special Administrative Region**

**2014 年 4 月至 2016 年 7 月的工作進度報告
Progress Report for the period
April 2014 to July 2016**

**2016 年 7 月 13 日
13 July 2016**

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1. Introduction

1.1 The Legislative Council adopted at its meeting of 19 March 2014 the Policy on Access to the Legislature's Documents and Records ("the Policy") at Schedule 2 to the Rules of Procedure. The Council also approved the establishment of the Committee on Access to Legislature's Documents and Records ("the Committee") to carry out the functions as set out in the new Rule 74A of the Rules of Procedure, including determining whether a document or record of the Legislature or its committee should be made available for access earlier than the expiry of the closure period; setting guidelines for implementing the Policy; considering any objection against the denial of access to such a document or record by the Clerk to the Legislative Council; and considering any other matter relating to or arising from the Policy.

1.2 The Committee consists of the President, who shall be the chairman of the Committee, the chairman of the House Committee, who shall be the deputy chairman of the Committee, the deputy chairman of the House Committee and not more than 10 other members who shall be elected at a House Committee meeting in such manner as the House Committee may determine. The membership lists are in **Appendix I**.

1.3 This report covers the period from April 2014 to July 2016, during which five meetings were held to deliberate the following issues –

- (a) Exempted categories of the documents and records of the Legislature;
- (b) Access to unclassified documents and records of the Legislature;
- (c) Practice and procedure of the Committee; and
- (d) Consideration of access requests for documents and records of the Legislature.

2. Exempted categories of the documents and records of the Legislature

2.1 The Legislative Council Secretariat conducted in 2013 two separate consultation exercises with Members and the public to seek views on the proposed list of exempted categories of documents and records of the Legislative Council Secretariat to which an access request might be refused. Members and public were in general supportive of the proposed list which was subsequently adopted by The Legislative Council Commission ("the Commission") in relation to access to its own documents and records.

2.2 At the meeting on 20 May 2014, the Committee has made reference to the list of exempted categories adopted by the Commission and adopted its own list of exempted categories. The Committee also agreed that the exempted categories would be applied in the conduct of review under the Policy and the consideration of any access request in respect of closed documents and records. The list of exempted categories adopted by the Committee has been uploaded onto the Website of the Legislative Council.

3. Access to unclassified documents and records of the Legislature

3.1 Under the Policy, the 50-year maximum closure period applies to documents and records of closed meetings of the Legislature which contain classified and unclassified documents and records not meant for public access at the time of their creation or receipt by the Legislature. They are mainly documents and records of the former In-house of Legislative Council, panels of Unofficial Members of the Executive and Legislative Councils, Office of the Members of the Executive and Legislative Councils and Office of the Members of the Legislative Council, Ad Hoc Groups, working groups, expert group and steering groups¹, bills committees and panels, as well as documents and records in relation to Members' meetings with District Boards, Provisional District Boards and District Councils. Although many of the above

¹ Prior to 1993, various Ad Hoc Groups, working groups, expert groups and steering groups were formed to study bills, subsidiary legislation, particular policy issues or other Council-related issues.

committees met behind closed doors before 1993, they performed functions similar to those of the present committees which hold open meetings. The nature and contents of these older unclassified documents and records are also substantially the same as those of the present committees.

3.2 In view of the above, the Committee decided at its meeting on 20 May 2014 that the unclassified documents and records of the committees mentioned above which are kept by the Secretariat should be made available for access when they have been in existence for 20 years, subject to a review conducted by the Clerk to the Legislative Council.

4. Practice and procedure of the Committee

4.1 Rule 74A(11) of the Rules of Procedure provides that subject to the Rules of Procedure, the Committee may determine its own practice and procedure for the handling of access requests. In drawing up its own practice and procedure, the Committee has considered various principles, including transparency, efficiency and consistency regarding how it should consider an access request in order to ensure that the public's right to access information of the Legislature would not be unduly undermined. The Committee endorsed its practice and procedure at the meeting on 27 November 2014.

4.2 To streamline the procedure for handling access requests and to facilitate the work of Members, the Committee subsequently revised its practice and procedure by adding new provisions for the handling of access requests from Members. Under the new arrangement, a Member, subject to some conditions, will be allowed to access the confidential or closed documents or records of a committee if he is a former member of the committee and the requested documents or records are those that had been provided or issued to him in his capacity as member of that committee before the committee was dissolved or became defunct. Similar arrangement is also applied to access requests from government bureaux and departments. The revised practice and procedure, which was endorsed by the Committee in March 2016 has been uploaded onto the Website of the Legislative Council.

5. Consideration of access requests for documents and records of the Legislature

5.1 In handling an access request, the Secretariat follows the practice and procedure to conduct a review to determine whether such documents or records fall within any of the exempted categories. For confidential documents or records, the Committee's approval will be sought on whether the access should be granted or granted with conditions. The Committee's approval is also required for access to closed documents and records prior to the expiry of their closure period. Under the delegated authority, the Clerk to the Legislative Council may also approve access requests for closed documents or records the closure period of which has expired. To enhance transparency, the Committee has published the updated lists of approved and denied access requests onto the Legislative Council Website.

5.2 A total of 39 access requests, including seven requests with partial disclosure, were approved and one access request was denied during the period covered by this report. Details of these access requests are in **Appendix II**.

6. Acknowledgement

6.1 The Committee wishes to record their appreciation of Members of the Council for their support for the work of the Committee.

Appendix I

Membership list (2013-2014)

Committee on Access to the Legislature's Documents and Records

Chairman Hon Jasper TSANG Yok-sing, GBM, GBS, JP

Deputy Chairman Hon Andrew LEUNG Kwan-yuen, GBS, JP

Members Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan, JP
Hon CHAN Kin-por, BBS, JP
Hon IP Kwok-him, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Charles Peter MOK, JP
Dr Hon Kenneth CHAN Ka-lok

(Total : 13 Members)

Clerk Ms Anita SIT

Legal Adviser Mr KAU Kin-wah

**Membership list
(2014-2015)**

Committee on Access to the Legislature's Documents and Records

Chairman Hon Jasper TSANG Yok-sing, GBM, GBS, JP

Deputy Chairman Hon Andrew LEUNG Kwan-yuen, GBS, JP

Members Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan, JP
Hon CHAN Kin-por, BBS, JP
Hon IP Kwok-him, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Charles Peter MOK, JP
Dr Hon Kenneth CHAN Ka-lok

(Total : 13 Members)

Clerk Mr Matthew LOO

Legal Adviser Mr KAU Kin-wah

**Membership list
(2015-2016)**

Committee on Access to the Legislature's Documents and Records

Chairman Hon Jasper TSANG Yok-sing, GBM, GBS, JP

Deputy Chairman Hon Andrew LEUNG Kwan-yuen, GBS, JP

Members Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Vincent FANG Kang, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon CHAN Kin-por, BBS, JP
Hon IP Kwok-him, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Dr Hon Kenneth CHAN Ka-lok

(Total : 13 Members)

Clerk Mr Matthew LOO

Legal Adviser Mr Kelvin LEE

Appendix II

List of approval cases and denial cases (as at 11 July 2016)

List of approved cases

No.	Summary of request: Names of files	Remarks
1, 2, 3, 4	Ad Hoc Group to Study the Drug Trafficking (Recovery of Proceeds) Bill 1989 (Files: LAS40/2/381, LAS40/2/382)	Access to the files has been approved with the exception of a classified document which falls under exempted categories (a) and (c) of the documents and records of the Legislature.
5, 6, 7	Bills Committee to Study the Drug Trafficking (Recovery of Proceeds) (Amendment) Bill 1995 and the Organized & Serious Crimes (Amendment) Bill 1995 (Files: LAS33/1/297, LAS33/1/298)	--
8	Ad Hoc Group to Study the Securities (Insider Dealing) Bill 1989 (Files: LAS40/1/79, LAS40/2/398)	--
9	Bills Committee to Study the Tai Lam Tunnel and Yuen Long Approach Road, in particular information on Route 3 (Country Park Section) (Files: LAS33/1/283, LAS33/1/284)	--

10	Securities (Clearing Houses) (Amendment) Bill 1995 and Securities (Amendment) Bill 1995 (File: LAS33/1/206)	--
11	LegCo Ad Hoc Group to Study the Securities (Clearing Houses) Bill (Files: LAS40/1/133, LAS40/1/134, LAS40/1/135, LAS40/1/136)	--
12	Occupational Retirement Schemes Ordinance (Files: LAS37/1/228–229, LAS40/1/116, LAS40/1/154, LAS40/1/155, LAS40/1/156, LAS40/1/157, LAS40/1/158, LAS40/1/159, LAS40/1/160, LAS40/2/444, LAS40/2/473)	--
13	Subcommittee on the Study of the Police Management Review (Files: LAS29/3/27, LAS29/3/28, LAS29/3/29, LAS29/3/30, LAS29/3/31)	--
14	Expert Group on the Basic Law (File: LAS34/2/12)	Access to the file has been approved with the exception of two enclosures to the file. The two enclosures are newspaper articles owned by the newspaper publisher concerned and the copyright, which is for 50 years, is still subsisting.

15	Bills Committee to Study the Western Harbour Crossing Bill (Files: LAS33/1/142, LAS33/1/143, LAS33/1/144)	--
16	Bills Committee on Banking (Amendment) Bill 1996 (Files: LAS33/1/521, LAS33/1/522, LAS33/1/523, LAS33/1/524, LAS33/1/525, LAS33/1/526)	--
17, 18, 19	Sino British Liaison Group (File: LAS44/1/71)	--
20	Stamp Duty (Amendment) (No.2) Bill 1994 and Inland Revenue (Amendment) (No.2) Bill 1994 File: LAS33/1/39)	--
21, 22, 23	LegCo Subcommittee to study the Computer Crimes Bill 1992 (Files: LAS40/1/264, LAS40/1/265)	--
24, 25	LegCo Subcommittee on Financing of Airport Core Programme (Files: LAS38/1/1, LAS38/1/2, LAS38/1/3, LAS38/1/4, LAS38/1/5, LAS38/1/6)	--
26, 27	Related Finance Committee Papers on Financing of ACP (Files: LAS38/1/7, LAS38/1/8)	--

28, 29	<p>LegCo Ad Hoc Group on financing of ACP (Files: LAS32/1/54, LAS32/1/55, LAS32/1/56, LAS32/1/57, LAS32/1/58)</p>	<p>Access to the file has been approved. Personal data in respect of HKID numbers and addresses contained in the documents are redacted before disclosure in accordance with Personal Data (Privacy) Ordinance (Cap.486).</p>
30	<p>Bills Committee to Study the Mandatory Provident Fund Schemes Bill (File: LAS33/1/307)</p>	--
31, 32	<p>Bills Committee to study the Road Traffic (Amendment) (No.4) Bill 1992 (File: LAS33/1/120)</p>	--
33	<p>LegCo Ad Hoc Group to study the Crimes (Amendment) Bill 1991 (File: LAS40/2/438)</p>	--
34	<p>Bills Committee to study the Water Pollution Control (Amendment) Bill 1992 (File: LAS33/1/119)</p>	--
35	<p>Legislative Council Ad Hoc Group to study the Gas Safety Bill 1990 (Files: LAS40/1/96, LAS/2/405)</p>	--

36, 37	Discussion papers for and records of In-house meetings of the Office of the Members of the Executive and Legislative Councils (Files: Enclosures (4), (6) and (36) of LAS12/1/27 and Enclosures (19)-(22), (26), (34), (35A), (35) and (36) of LAS12/1/29)	--
38	LegCo Panel on Security Special Meeting on 3 November 1998 (File: Enclosures (6) and (13) of LAS29/11/8)	--
39	Bills Committee on Land (Compulsory Sale for Redevelopment) Bill - Agenda and Discussion Paper (Files: LAS33/1/661, LAS33/1/662)	--

List of denied cases

No.	Summary of request	Reason for access denial
1	Joint Working Group on British Nationality (File: LAS34/2/1)	The file contains documents and records which fall under exempted categories (a) and (c) of the documents and records of the Legislature.