SB880

CONTROLLING OFFICER'S REPLY

(Question Serial No. 4897)

Head: (169) Secretariat, Commissioner On Interception of

Communications and Surveillance

Subhead (No. & title): ()

<u>Programme</u>: Not Specified

Controlling Officer: Secretary, Secretariat, Commissioner on Interception of

Communications and Surveillance (Flemy YIP)

Director of Bureau: Secretary for Security

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 Secretariat, Commissioner On Interception of Communications and Surveillance 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 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 of how the requests have been handled eventually.

From October to December 2018

| (i) Content of | (ii) Reasons | (iii) Whether the | (iv) Whether the decision | |
|----------------|---------------|-----------------------|-----------------------------|--|
| the requests | for providing | decision on | on withholding some of | |
| for which only | some of the | withholding some of | the information was made | |
| some of the | information | the information was | subject to a "harm or | |
| required | only | made at the | prejudice test", i.e. | |
| information | | directorate (D1 or | whether the public interest | |
| was provided | | D2) level (according | in disclosure of such | |
| | | to paragraph 1.8.2 of | information outweighs any | |
| | | the Guidelines on | harm or prejudice that | |
| | | Interpretation and | could result from | |

| | Application) | disclosure (according to paragraph 2.1.1 of the Guidelines on Interpretation and Application). If yes, please |
|--|--------------|---|
| | | provide the details. |
| | | |

2019

| (i) Content of | (ii) Reasons | (iii) Whether the | (iv) Whether the decision | |
|------------------|---------------|-----------------------|------------------------------|--|
| the requests for | for providing | decision on | on withholding some of | |
| which only | some of the | withholding some of | the information was made | |
| some of the | information | the information was | subject to a "harm or | |
| required | only | made at the | prejudice test", i.e. | |
| information | | directorate (D1 or | whether the public interest | |
| was provided | | D2) level (according | in disclosure of such | |
| | | to paragraph 1.8.2 of | information outweighs any | |
| | | the Guidelines on | harm or prejudice that | |
| | | Interpretation and | could result from | |
| | | Application) | 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 Secretariat, Commissioner On Interception of Communications and Surveillance 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 on withholding 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 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 | (ii) Reasons | (iii) Whether the | (iv) Whether the decision |
|----------------|--------------|--------------------------------------|-----------------------------|
| the requests | for refusal | decision on on withholding the | |
| refused | | withholding the information was made | |
| | | information was | subject to a "harm or |
| | | made at the prejudice test", i.e. | |
| | | directorate (D1 or | whether the public interest |
| | | D2) level (according | in disclosure of such |

| | to paragraph 1.8.2 of the Guidelines on Interpretation and Application) | 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) Content of | (ii) Reasons | (iii) Whether the | (iv) Whether the decision |
|----------------|--------------|-----------------------|------------------------------|
| the requests | for refusal | decision on | on withholding the |
| refused | | withholding the | information was made |
| | | information was | subject to a "harm or |
| | | made at the | prejudice test", i.e. |
| | | directorate (D1 or | whether the public interest |
| | | D2) level (according | in disclosure of such |
| | | to paragraph 1.8.2 of | information outweighs any |
| | | the Guidelines on | harm or prejudice that |
| | | Interpretation and | could result from |
| | | Application) | disclosure (according to |
| | | | paragraph 2.1.1 of the |
| | | | Guidelines on |
| | | | Interpretation and |
| | | | Application). If yes, please |
| | | | provide the details. |
| | | | |

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 | (i) Number of | (ii) Number of | (iii) Whether the decisions |
|---------------|---------------|-----------------------|-----------------------------|
| review cases | review cases | cases, among the | on review were made at |
| were received | received | review cases | the directorate (D1 or D2) |
| | | received in the year, | level |
| | | in which further | |
| | | information was | |
| | | disclosed after | |
| | | review | |
| 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 the 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 | Number of | Number of | Number of | Number of |
|------|--------------|-------------|--------------|--------------|--------------|
| | | | | | |
| | requests for | requests | requests for | requests for | applications |
| | which the | involving | which the | information | which the |
| | information | third party | information | which were | applicants |
| | requested | information | requested | refused | indicated |
| | was | for which | could not | under the | that they |
| | provided | the | be provided | exemption | did not |
| | | information | since the | provisions | wish to |
| | | requested | requests | in Part 2 of | proceed |
| | | could not | had to be | the Code on | with and |
| | | be provided | transferred | Access to | withdrew |
| | | | to another | Information | the |
| | | | department | | applications |
| | | | which held | | since they |
| | | | the | | did not |
| | | | information | | accept the |
| | | | under | | charge |
| | | | request | | _ |
| 2020 | | | | | |
| 2019 | | | | | |
| 2018 | | | | | |
| 2017 | | | | | |
| 2016 | | | | | |

Within 10 to 21 days from date of receipt of a written request:

| Number of | Number of | Number of | Number of | Number of |
|--------------|-------------|--------------|--------------|--------------|
| requests for | requests | requests for | requests for | applications |
| which the | involving | which the | information | which the |
| information | third party | information | which were | applicants |
| requested | information | requested | refused | indicated |
| was | for which | could not | under the | that they |
| provided | the | be provided | exemption | did not |
| | information | since the | provisions | wish to |
| | requested | requests | in Part 2 of | proceed |
| | could not | had to be | the Code on | with and |
| | be provided | transferred | Access to | withdrew |
| | | to another | Information | the |
| | | department | | applications |
| | | which held | | since they |
| | | the | | did not |

| | | information under request | accept the charge |
|------|--|---------------------------------|-------------------|
| 2020 | | 1 | |
| 2019 | | | |
| 2018 | | | |
| 2017 | | | |
| 2016 | | | |

Within 21 to 51 days from date of receipt of a written request:

| *************************************** | | | VI 1 C | | NT 1 C |
|---|--------------|-------------|--------------|--------------|---------------|
| | Number of | Number of | Number of | Number of | Number of |
| | requests for | requests | requests for | requests for | applications |
| | which the | involving | which the | information | which the |
| | information | third party | information | which were | applicants |
| | requested | information | requested | refused | indicated |
| | was | for which | could not | under the | that they |
| | provided | the | be provided | exemption | did not |
| | | information | since the | provisions | wish to |
| | | requested | requests | in Part 2 of | proceed |
| | | could not | had to be | the Code on | with and |
| | | be provided | transferred | Access to | withdrew |
| | | | to another | Information | the |
| | | | department | | applications |
| | | | which held | | since they |
| | | | the | | did not |
| | | | information | | accept the |
| | | | under | | charge |
| | | | request | | |
| 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 cases, among which the 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 | Whether the | Reasons for |
|------|---------|---------------|----------------|----------------|
| | | exemption | advice of the | refusing to |
| | | provision in | Privacy | accept or only |
| | | Part 2 of the | Commissioner | partially |
| | | Code on | for Personal | accepting the |
| | | Access to | Data was fully | advice of the |
| | | Information | accepted | Privacy |
| | | under which | _ | Commissioner |
| | | requests for | | for Personal |
| | | information | | Data |
| | | were refused | | |
| | | | | |

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 467)

Reply:

As of September 2019, the Secretariat, Commissioner on Interception of Communications and Surveillance had not received any application for access to information under the "Code on Access to Information" in the years mentioned.

CONTROLLING OFFICER'S REPLY

SB881

(Question Serial No. 6089)

Head: (169) Secretariat, Commissioner on Interception of

Communications and Surveillance

Subhead (No. & title): ()

<u>Programme</u>: Not Specified

Controlling Officer: Secretary, Secretariat, Commissioner on Interception of

Communications and Surveillance (Flemy YIP)

<u>Director of Bureau</u>: Secretary for Security

Question:

a. Please set out the quantity, value and stock of surgical masks produced by the Correctional Services Department (CSI masks) that the Secretariat, Commissioner on Interception of Communications and Surveillance (SCIOCS) obtained from the Government Logistics Department (GLD) each month in the past 3 years in the following table:

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

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

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

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

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

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

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

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

| Month/Year | No. of protective coverall suits procured (value) | Consumption |
|------------|---|-------------|
| | | |

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

| Month/Year | No. | of | face | Value | of | face | Stock | of | face | Consumption |
|------------|---------|--------|------|---------|------|-------|---------|----|------|-------------|
| | shields | s proc | ured | shields | proc | cured | shields | , | | _ |
| | | | | | | | | | | |

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

| Month/Year | No. of goggles | Value of goggles | Stock of Consumption | on |
|------------|----------------|------------------|----------------------|----|
| | procured | procured | goggles | |
| | | | | |

h. Did the SCIOCS 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/Yea | ar | Name | of | Manner | Surgical | N95 | Face | Goggles | Gowns | Protective |
|-----------|----|----------|-------|------------|----------|-------|---------|---------|-------|------------|
| | | organisa | tions | of | masks | masks | shields | | | coverall |
| | | | | provision | | | | | | suits |
| | | | | (e.g. sold | | | | | | |
| | | | | or | | | | | | |
| | | | | supplied | | | | | | |
| | | | | for free) | | | | | | |
| | | | | | | | | | | |

i. If the SCIOCS 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.: 178)

Reply:

The Secretariat, Commissioner on Interception of Communications and Surveillance (SCIOCS) has acquired masks (produced by the Correctional Services Department) from the Government Logistics Department (GLD, while also purchased masks from the market for distribution to staff. The SCIOCS has not consolidated data in respect of the masks distributed to individual personnel.

Due to surging global demand for PPE, the SAR Government is facing keen competition in the procurement. The SAR Government does not consider it appropriate to disclose at this stage more specific information about the PPE, such as the stock, procured quantity, value and consumption, of individual departments in the past few years and in recent times, so as not to undermine the bargaining power of the GLD and other departments in procuring PPE.

The SCIOCS did not supply or sell surgical masks, N95 respirators, face shields, goggles, gowns and protective coverall suits to other organisations in the past three years.