CivicSight 公民透視

How to make an information request with accessinfo.hk

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Summary

What is the Code?

The Code on Access to Information ("the Code") allows you to request information regarding government departments in Hong Kong SAR.

By using the Code, you can:

1. Access official information that is not available publicly.
2. Check discrepancies in official sources showing the same information.
3. Confirm whether information is maintained at all, and as a result,
4. Have an official record of the response.

How to use the Code

You can file an access to information request by:

1. Orally requesting, emailing, or writing letters to the Access to Information Officer of the relevant department, or
2. Using the accessinfo.hk platform to send your message to departments directly, which automatically inputs the appropriate contact address for you.

Key tips

1. Knowing your topic and its contextual background well is vital – clear, well-written requests and follow-up exchanges are challenging without it.
2. Cite a relevant source where possible to make your requested information clear to the receiving department.
3. Follow-ups can drastically change the final outcome of your request. Knowing how to navigate an initial refusal of your request can be the difference between an unsubstantiated request and a full response with data provision.

1.0 What is the Code?

The Code on Access to Information ("the Code") is an administrative framework that allows people to request public data from the Government. It was established as a pilot framework in March 1995 and extended to the whole Government and selected public bodies in December 1996.[1]

The Code describes who you can ask information from, what information they can give you, when you should expect to receive a response, how they would give you this information, and how you can appeal or file a complaint if you have concerns regarding the response. Anyone can request information under the Code, regardless of whether they are or are not a resident of Hong Kong.[2]

The Code is a formal administrative framework, and not a law. This means the Government is not legally bound to give you the requested information.

1.1 Who can I request information from?

Under the Code, you can request information from all government bureaus and departments, and some quasi-governmental bodies. Quasi-governmental bodies such as the Mass Transit Railways Corporation (MTR) and public universities, and private bodies with public functions, such as bus companies, are not covered by the Code.

A complete list of organisations included under the Code can be found in **Annex A of the Code**.[3]

1.2 What does the Code cover?

You can request information about a government department's policies, services, and related matters, but requesting information does not guarantee that you will receive it. Government departments are not required to acquire information they do not have, create a record that does not exist, provide information that is already published, or provide information that is available through an existing fee-based service.[4]

The department can refuse to provide information under Part 1 of the Code and exemptions listed in "Part 2: Information which may be refused" of the Code.[5] These include some information held

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[1] https://www.access.gov.hk/en/faq/index.html#faq1

[2] https://www.access.gov.hk/en/faq/index.html#faq3

[3] https://www.access.gov.hk/filemanager/content/codeonacctoinfo/Annex_A_eng_July_2022.pdf

[4] Some departments have paid services for providing information. See this request for an example: https://accessinfo.hk/en/request/trip_attraction_parameters_for_l#incoming-4454

[5] https://www.access.gov.hk/en/codeonacctoinfo/part2.html

by courts, and reasons related to national security, the privacy of an individual, business matters, and improper gain or advantage. The exemptions can be interpreted and applied broadly. If your request is refused, departments may cite a section of the Code but may not explain how the section applies specifically to your request.

As the Code is a formal administrative framework and not a law, there is no independent appeal mechanism with enforcing power. The existing appeal mechanisms are requesting an internal review or filing a complaint with the Ombudsman (see **8.0 How to appeal**).

1.3 How long do requests take?

According to the Code, there should be an initial response within 10 days of the department receiving your request. If the department needs more time, they should inform you. If the processing time exceeds 21 days, they should give an explanation. The total processing time "should not normally exceed 51 days". [6]

In practice, the total timeline often depends on the type of request. Straightforward questions will likely receive responses faster compared to detailed requests that need additional follow-up clarifications. Each follow-up could be considered as refreshing the timeline (up to 51 days) and handled as a new request; this means that one email exchange with multiple follow-ups can last several months.

1.4 Do I need to pay?

You do not need to pay to file a request. You may be asked to pay a fee for some types of requests, such as "for the cost of reproducing the required documents".

In practice, requests made on accessinfo.hk have shown that provision of policy documents, budgets, and guidelines usually do not need a fee, whereas requests for engineering conditions[7] or existing manuals[8] may need a fee. The department will inform you if a fee is needed.

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[6] https://www.access.gov.hk/en/faq/index.html#faq8

[7] Example: https://accessinfo.hk/en/request/detailed_engineering_condition_o#incoming-3967

[8] Example: https://accessinfo.hk/en/request/trip_attraction_parameters_for_l#incoming-4454

2.0 Why you should use the Code

Using the Code allows you to:

1. **Access official information that is not otherwise public**: This is useful for research, official inquiries, or regulatory purposes.

2. **Check discrepancies between differing data sources**: The ability to cross-reference information from various sources is crucial for verifying data accuracy and consistency, which is essential in fields like journalism, research, and legal investigations.

3. **Check whether the information is maintained**: This aids compliance monitoring, archival integrity, and enhancing the transparency of governmental operations.

4. **Keep an official record of the response**: As a result of your query, you have an official response. This documentation is useful for maintaining accountability and providing potential legal evidence. It ensures a historical record of the government's responses, promoting a transparent administrative process. This record can then be referred to by researchers, journalists, or civically minded citizens.

3.0 How to file a request

You can file a request to the Access to Information Officer of the relevant department through post, email, or with **an application form**[9] (sent through post or email). The contact information of Access to Information Officers can be found on **the website of the Code**.[10]

Requests for information that "can be provided readily and simply" can be made orally, such as by phone call.[11]

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[9] https://www.access.gov.hk/filemanager/content/howtomakeinfo/ati.pdf
[10] https://www.access.gov.hk/en/howtomakeinfo/index.html
[11] https://www.access.gov.hk/en/codeonacctoinfo/part1.html

You can also file requests on **accessinfo.hk**.

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4.0 What is accessinfo.hk?

Accessinfo.hk is a website that uses open-source software to allow people to easily send freedom of information requests to the Hong Kong SAR Government. The open-source design has been used in several other countries, including the UK, Nepal, and Rwanda. [12]

Accessinfo.hk is managed by **CivicSight**, a 'think-and-do' tank that improves governance and helps communities shape their future by equipping researchers, advocates and broader civil society with access to reliable information and data, original research and policy analysis.

4.1 Why you should use accessinfo.hk

Ease of use: The platform has a convenient user interface and a catalogue of access to information officers' contact details that is automatically inputted when you make a request.

Receive updates: Email notifications update you on the status of your request, helping you keep track of the progress.

Search other requests: All requests sent through the accessinfo.hk platform are publicly searchable, so you can find inquiries on topics you are interested in or check if someone has already sent a request about your question.

Follow other requests: You can "follow" interesting requests that are ongoing and receive notifications when the original requestor receives responses from the department.

Annotate requests: You can add contextual information to your own requests so other viewers can better understand the background, outcome, and significance of the exchange.

Publicise files: The files attached to responses are automatically made public in the request thread and can be shared with the URL address.

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[12] https://alaveteli.org/deployments/

Leave a public record: Queries made on accessinfo.hk are indexed in search engines. The URL address of a request can then be easily cited in academic research, media articles, and even by other requestors who are requesting similar information.

Compare outcomes: You can indicate whether the response you received fully, partially, or did not respond to your query. The accessinfo.hk platform compiles statistics on how often and to what extent each department responds to queries. The Government also reports the outcomes of requests.[13] Researchers can use these statistics to evaluate the effectiveness of the current access to information system.

5.0 How to use accessinfo.hk
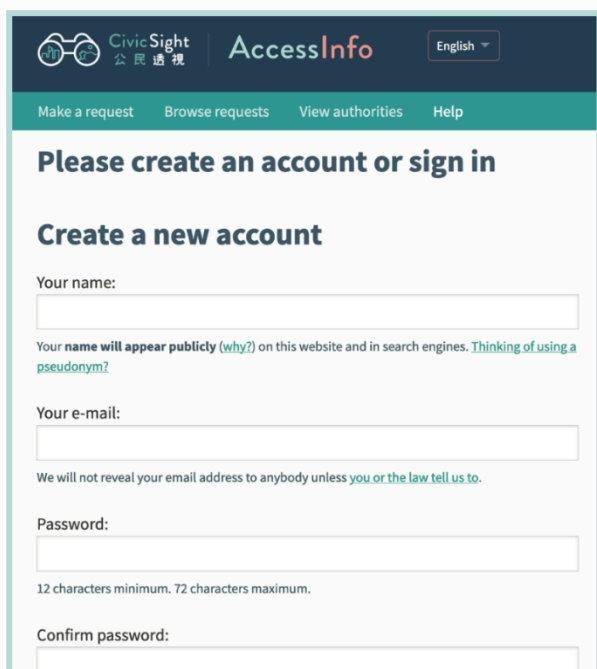
5.1 How to search requests

Before making your request, you can search accessinfo.hk to see if a similar request already exists that has been successful. If so, you can link to it within your own request as a reference.

For example, let's say you are interested in requesting statistics on the number of Comprehensive Social Security Assistance Scheme applications made to the Social Welfare Department in 2010 – 2012. On the accessinfo.hk platform, you find a similar request asking for the same information in 2018 – 2020. You can model your request on this and add the link to the existing request. Basing your request on existing requests and linking to them can improve efficiency of the exchange because it shows the department the exact type of information you are looking for.

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[13] "Code on Access to Information: Statistics," https://www.access.gov.hk/en/statistics/index.html

5.2 How to make an account

The name you use for your account will appear publicly on the accessinfo.hk site in association with your requests.

Your email address will not appear publicly on the website or in the request email to the receiving Access to Information Officer. When sending a request, the accessinfo.hk platform creates an anonymous email address @accessinfo.hk that is specific to your request.[14]

We will not disclose your email address to anyone unless we are obliged to by law, or you ask us to. CivicSight is not registered in Hong Kong SAR. If you send a message to another user on the site, your email address will be revealed to them. You will be told that this is going to happen.

If you are concerned about using your real name, here are some suggestions. Note that the Code does not mention pseudonyms and this advice comes from guidelines in the United Kingdom. In the past, people have used the advice below when contacting government departments in Hong Kong and have received responses to their requests.

- Use a different form of your name. For example, "Mr Joseph Chan" can make a request as "J. Chan", "Mr Chan", but not as "Joseph" or "J.C.".
- Women may use their maiden name.
- In most cases, you may use any name you are "widely known and/or is regularly used".
- Ask someone else to make a request on your behalf.

Please do not impersonate someone else.

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[14] The open-source software the platform is based on does this for the purposes of reducing spam.

5.3 How to send a request
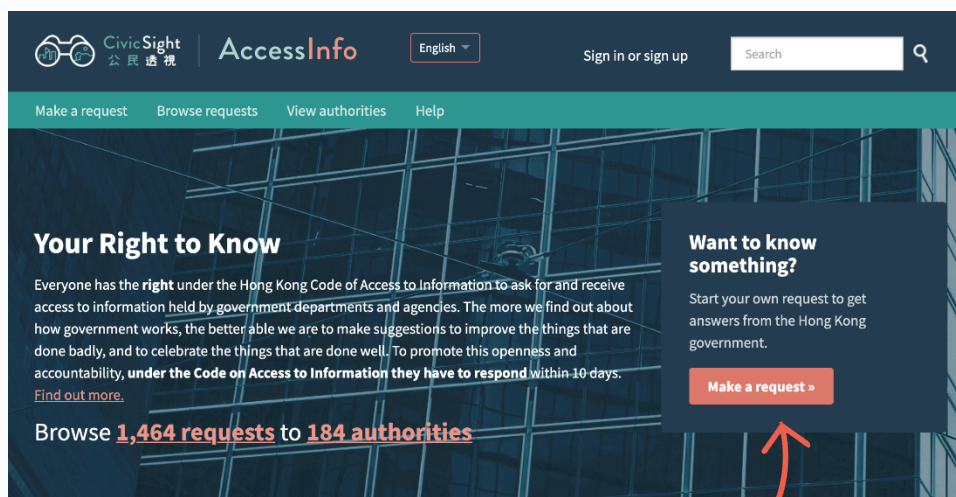
1. On the homepage, select "**Make a request**" at the top left.
2. Type in the department you plan to request information from.
3. Write your request.
4. Review your request.
5. Submit.

6.0 How to write an effective request

6.1 Types of requests

We can categorise most types of requested information into three groups.

Type of information	General format*[15]	Example
General information/clarification	Text within the response email. Could have documents or links included.	What evidence lies behind the closure of beaches during

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[15] * These are frequently seen formats, but there could be others too.

		COVID-19[16]
		What mints are used in the production of Hong Kong coins[17]
		Annual budget for the Employment Agencies Administration (EAA) for a given financial year[18]
Documents	PDFs, webpages, text within the response email.	Shapefiles of country parks for spatial analysis[19] Guidelines on handling cases of human trafficking[20]
Statistical data	Datasets in a table, such as Excel or CSV format. Can be sent as formatted text in an email or as a table within a PDF.	Number of new cases of cancer and registered deaths, broken down by the ten leading cancer disease groups between 2022 - 2023[21] Number of applicants to the Hong Kong Scholarship for Excellence Scheme[22]

One request can include more than one type of information. For example, in this request, the requestor inquires about dog attacks in South Lantau.

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[16] https://accessinfo.hk/en/request/evidence_for_closure_of_beaches

[17] https://accessinfo.hk/en/request/mints_used_for_the_production_of

[18] https://accessinfo.hk/en/request/employment_agencies_administrati#incoming-1296

[19] https://accessinfo.hk/en/request/i_am_writing_to_request_the_digi

[20] https://accessinfo.hk/en/request/actions_taken_by_the_trafficking

[21] https://accessinfo.hk/en/request/request_for_updated_information_4

[22] https://accessinfo.hk/en/request/20232024_hkses_statistics

> Dear Agriculture, Fisheries and Conservation Department,
>
> Please provide the following information:
>
> 1. How many dog attacks were registered with the AFCD on South Lantau in 2023
>
> 2. The location of these attacks
>
> 3. The outcome of these attacks (prosecution etc)
>
> 4. Whether there were reoccurrences of attacks by the same dog/group of dogs after an attack had been registered with the police / AFCD? If so, how many?
>
> 5. As a government department, do you believe that enough is being done to protect residents and visitors from dog attacks?
>
> 6. Do you believe that residents and visitors are aware of the dangers of dog attacks when hiking, running or visiting South Lantau? If so, please provide details of how this information is being made available.

The requestor asks for the number of dog attacks (statistical data) and how the department manages preventative measures (general information).[23]

6.2 Preparation

Before writing your request, background research on your topic is crucial. A well-researched request increases the chances of receiving the information and reduces follow-up exchanges.

You will need to identify:

1. Which department is relevant to your query
2. What bureaucratic terms are used to refer to your topic
3. What metrics and units you will be requesting
4. What breakdowns or categories you are asking for
5. What time period you are asking for

Department

Knowing the relevant department to your topic will reduce the processing time for your query. If the receiving department stated that they do not hold the information, you can also ask them to suggest the appropriate department if you believe another department should hold this information or to forward the request to the correct department on your behalf. This could look like:

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[23] https://accessinfo.hk/en/request/information_about_dog_attacks_on#incoming-4436

- "I understand that your department does not hold the requested information. May I know if there is another department that would hold this information?"
- "Could you please forward my request to the relevant department that holds this information?"

Remember that with each exchange, the timeline resets, and the subsequent response may take a week or two (see **1.3 How long do requests take?**).

Bureaucratic terms

Knowing the correct term used by the department to refer to your topic of interest is *critical*. If you use the incorrect term, some departments may correct you, but some will simply state that the information is not maintained or does not apply to their department.

Case study: Terms to describe asylum seekers and refugees

Refugees are not legally recognised in Hong Kong. Instead, asylum seekers in Hong Kong apply for *non-refoulement* status, which allows them to temporarily remain in Hong Kong if they face serious harm, torture, or death in their home countries.

The process of applying for and obtaining *non-refoulement* status has many steps. Depending on the department and stage of the process, refugees and asylum seekers are referred to as '*non-refoulement* claimants', 'Form 8 applicants', 'refugees', 'recognisance holders', or more.

So, when applying for information related to refugees and asylum seekers, you could:

- Choose a term and ask for a definition from the department to ensure their understanding is the same as yours, or
- Ask for the information broadly and include all terms.

Example 1

I am writing to ask for XX information about Form 8 applicants. May I know,

A) ‹ Insert main request here ›
B) The definition of 'Form 8 applicants' by your department

Example 2

I am writing to request XX information about refugees in Hong Kong (also known as *non-refoulement* claimants, Form 8 applicants, or recognisance holders).

A) ‹ Insert main request here › .
B) If the information requested differs for each group listed above (i.e. *non-refoulement* claimants, Form 8 applicants, etc.), please provide the requested information for each group.

Metrics

Specifying the metric you are interested in can improve accuracy and ensure consistency if you are requesting information to expand an existing dataset.

Case study: Metrics on population of immigration detainees

Different measurements are used for counting the number of people held in custody, including 'average daily detainee population', 'end-of-month/end-of-year population', and 'annual admittances'.

'Average daily detainee population' refers to the average number of detainees in one day over a specified time frame.

'End-of-month population' refers to the number of people detained on a given day. This can also be known as a 'snapshot date' or a 'snapshot figure'.

'Annual admittance' refers to the number of people who entered a detention centre in a given year.

Below is an example of measure types to understand how many people are detained at Castle Peak Bay Immigration Centre (CIC), an immigration detention centre in Hong Kong.[24]

Measurement type	Time frame	Number of detainees
Average daily detainee population *per year* at CIC	2022	261
Average daily detainee population *per month* at CIC	January 2022	281
End-of-month population at CIC	January 31, 2022	282
Annual admittances to CIC	2022	2793

Breakdowns / categories

If applicable to the type of information you are requesting, you can list the breakdowns or categories you wish to receive.

For example, if you are interested in the number of first vehicle registrations in the city, you can choose whether you would also like to request the breakdown of vehicle registrations by vehicle brand and fuel type (petrol or electric).

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[24] https://immigrationdetentionhk.net/en/data-viz/#cic

Time period

If the dataset you are requesting uses time periods, specify the time period you are interested in.

Example 1: Are you asking for a total or for each year?

    A) For the years 2014 – 2018
    B) For <u>each</u> year between 2014 – 2018

While A) and B) are similar, A) could be interpreted as a total sum for the five years, whereas B) clearly states that you would like information separated per year.

Example 2: Are you asking for calendar years or financial years?

A) For the years 2012 – 2013
B) For the financial year of 2012 – 2013

Asking for A) could mean either a sum or per year breakdown for the two years, whereas B) refers to the financial year of 2012 – 2013 (1 April 2012 – 31 March 2013).

6.3 Structure of a request

There is no formal structure to a request, but the following is a good one to follow:

1. **Title your request.**
2. **Address the department.**
3. **Introduce your topic.**
4. **State your request and include any specifics needed.**
5. **Thank them.**
6. **Open up the query if relevant.**

Title your request

For the department, other searchers, and your own future reference, making the topic clear in the title of your request is helpful; avoid using vague titles like "Request for information".

If applicable to your request, you can add the time period of information being requested in the title. This can help differentiate multiple requests asking for the same type of information but for different time periods. For example,

Your request: Number of ambulances dispatched (2002 – 2022)

A potential future request: Number of ambulances dispatched (2023 – 2025)

Content of request

See **6.1 Types of requests** for detailed guidance.

Open up the query

You can add that even if the specific items you requested are not maintained or cannot be shared, that you are interested in any relevant information. This could look like:

- "Any information or documentation related to [insert your topic here] would be of interest to me.", or
- "If there are documents similar to [the original document you requested], that would also be appreciated."

For example, a requestor wrote to the Hospital Authority regarding allocation of resources during the COVID-19 pandemic. Note how the last requested item opens up the query and specifies that the requestor wants statistical data ("quantifiable information") - "5. Any further quantifiable information about the HA's handling of surgical patients during the COVID-19 pandemic."

Dear Hospital Authority,

I am writing to request information on how the Hospital Authority (HA) has allocated resources during the COVID-19 pandemic. It has been widely reported that the HA has delayed, cancelled, or suspended surgical treatments. However, there is very little quantifiable information on this matter. I would like to know:

1.) The time period (start and end date) of any suspension of surgical operations.

2.) Any further breakdown of details such as: number of surgeries affected, average length of delay, name of hospitals affected, and the types of surgeries that are being delayed, cancelled, or suspended.

3.) Clarification over whether cancer patients or 'high priority' patients are also having their surgeries delayed, cancelled, or suspended along with the number of cancer related operations which have been delayed, cancelled, or suspended.

4.) Any information on whether the HA has suspended elective or non-urgent surgeries as compared to a blanket ban on all surgical operations.

5.) Any further quantifiable information about the HA's handling of surgical patients during the COVID-19 pandemic.

Example XX: Opening up the query[25]

Specify file format

If you are requesting documents or statistical data, you can specify the file format you would like to receive. For example, this could look like:

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[25] https://accessinfo.hk/en/request/healthcare_delays_due_to_covid_1#incoming-1460

- "I would like to receive the information in CSV format or as an Excel file."
- "Please send the requested information as a PDF document."

6.4 Guidance on writing an effective request

Cite a source

Citing a source can clarify the context of your request.

If you have a source with the exact name of the file, cite the source and state the file name.

> Dear Financial Services and the Treasury Bureau Treasury Branch,
>
> I would be grateful if you could provide a copy of Financial Circular No. 4/2012 "Requirements for Project Definition Statement and Technical Feasibility Statement for Capital Works Projects"

Example: Stating name of file [26]

You can also cite a source where you found your topic mentioned to specify the context of your request.

> Dear Security Bureau,
>
> With particular reference to the information herein (https://www.sb.gov.hk/eng/special/bound/...), I seek the following information in respect of the actions taken by the Trafficking-in-Persons Working Group ("Working Group") to combat cases regarding trafficking-in-persons and exploitation of Foreign Domestic Helpers:-
>
> 1. A copy of the Guideline on Inter-departmental Cooperation for the Handling of Suspected Cases of Trafficking in Persons issued by the Security Bureau in 2016, or where this information cannot be provided, an explanation of:
> (i) the procedures taken by the respective departments and bureaux of the Working Group to actively facilitate identification of vulnerable persons for screening under the TIP victim screening mechanism;
> (ii) the steps that vulnerable persons (or assisting civil society organizations) are required to take in order put forward such persons as potential TIP victims to the authorities; and
> (iii) information on the "established mechanisms for the inter-departmental co-operation".

Example: Stating file name and citing source [27]

It can also be useful to cite a source that holds equivalent data to what you are interested in, but for a different group or under a different department. See below, '**Ask if the information is**

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[26] https://accessinfo.hk/en/request/request_a_copy_of_financial_circ#incoming-1234
[27] https://accessinfo.hk/en/request/actions_taken_by_the_trafficking#incoming-1358

Ask if the information is maintained

There are times where there does not appear to be any relevant information available publicly.

In this case, you could ask the relevant department if they maintain this data at all. Citing a source with a similar dataset to what you are looking for can help clarify your request for the officials reviewing it. This could be a similar dataset maintained by another department or one maintained by the department for a different group.

Case study: Lengths of detention periods at Castle Peak Bay Immigration Centre

The Castle Peak Bay Immigration Centre (CIC) is an immigration detention centre run by the Immigration Department. Prior to 2010, CIC was managed by the Correctional Services Department (CSD). During that time, the CSD published data on detention periods. To investigate whether more recent information existed, the requestor used accessinfo.hk to file a request to the Immigration Department.

By asking an open-ended question with examples of specific metrics and citing an equivalent source from the CSD, the requestor increased the chance of a detailed answer.

> Dear Immigration Department,
>
> I am writing to make an information request regarding length of detention / duration of detention at Castle Peak Bay Immigration Centre ("CIC"). May I know,
>
> A) Whether the Immigration Department maintains statistical information on the lengths of detention / duration of detention at CIC?
>
> B) If yes, what type of data is kept (ex. Numbers, percentages) and in what categories (ex. 1 – 6 days, 7 – 13 days, etc)
>
> C) Similarly, does the Immigration Department keep data similar to that held by the Correctional Services Department prior to the transfer of management of CIC as seen in Annex A of this document? (https://www.legco.gov.hk/yr09-10/english...)
>
> Thank you for your help with this inquiry.

Example: Request on lengths of detention at CIC

The Immigration Department provided the data. After additional follow ups, the requestor was able to receive further breakdowns on top of the original categories in the initial response.

Update information on an existing source

There may be existing information on the topic you are interested in, but you would like to ask for additional information.

In the context of statistical data, this could look like requesting for:

A) a larger time range,
B) a wider range of categories, or
C) more specific information on the dataset.

For example, let's say you found a PDF of an Immigration Department press release containing the number of arrivals to Hong Kong broken down by the departure country of the arriving person in the period 2018 – 2020.*[28] The below examples will help you expand on what is available.

A) Requesting a larger time range

You can ask the Immigration Department to provide the same data for the time period 2020 – 2023 and link to the press release PDF.

By asking for the overlapping data in 2020, you can crosscheck whether you have indeed asked for the same dataset. This helps ensure your merged dataset is as accurate as possible.

B) Requesting a wider range of categories

For the South Asia region, you notice India, Pakistan, and Bangladesh on the list, followed by 'Other'.

Citing the existing PDF, you can ask the Immigration Department to break down the countries within 'Other'.

C) Requesting more specific information on the dataset

You notice that the term used in the PDF is 'country of departure'. You suspect this indicates the original airport the person departed from, regardless of layovers. However, to be certain, you can cite the existing PDF and ask the Immigration Department whether 'country of departure' in the press release refers to the place where the person originally flew from, their nationality, or any other definition.

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[28] * Note that this is a hypothetical example and does not reflect the actual data that the Immigration Department does or does not provide.

Check the discrepancy between existing public data

During your background research, you might find multiple sources providing the dataset you are interested in. However, what if two (or more) sources show different numbers? In this case, you can quote the sources in a request to ask about this difference.

Case study: Annual admissions to an immigration detention centre

In the Immigration Department's annual reports, researchers found data on the number of people admitted to Ma Tau Kok Detention Centre. They filed a request to obtain the most recent statistics and asked for the last few years provided in the annual reports to ensure overlap in the datasets.

However, the response from the Immigration Department showed different numbers in the overlapping years compared to the reports. The researchers asked for clarification on this difference.

The Immigration Department responded, admitting to publishing an inaccurate number for this statistic for the past decade. The updated statistic was later included in the subsequent annual report.[29]

As per your previous requests under CAI for the number of persons admitted to Ma Tau Kok Detention Centre (MTKDC) each year, we provided to you the number of new admissions to MTKDC over the specific year, which to our understanding was the information you were looking for.

The number published in our Annual Reports refers to a rolling number over the specific year of 1. the daily number of new admissions and 2. the daily number of detainees who had been admitted and still remained in MTKDC.

Thank you for enlightening us on the possible confusion that may be caused to the reader. We will take into account your input when preparing the figures for the upcoming Annual Report in order to enhance clarity.

Best regards,

CHAN, Tsz-ho
for Director of Immigration

Takeaways

1. Do background research to know the relevant department to apply to and what terms they use.

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[29]https://hongkongfp.com/2022/06/13/hong-kong-govt-should-proactively-disclose-info-on-immigration-detainees-legal-scholar-says/

2. Be specific with metrics and units.
3. Cite a relevant source.
4. When you are unsure what data exists, keep it open-ended with examples of what you are looking for.

6.5 General request template

Dear [DEPARTMENT],

I am writing to make an information request about [YOUR TOPIC HERE].

[REQUEST HERE – More detail in **6.4 Guidance on writing an effective request**]

[THANK THE DEPARTMENT] Thank you for your time.

[OPENING UP THE REQUEST] Any relevant information on this topic (such as [IF APPLICABLE, ADD POTENTIAL BREAKDOWNS OR METRICS]) would be of interest. If another department would be more appropriate for this request, please let me know.

[FILE FORMAT (if applicable)] Please send the requested information in CSV format.

Regards,
[YOUR NAME]

7.0 How to navigate follow-ups

7.1 Grounds for refusal

If the department refuses your request, or only provides some of the information requested, they will usually cite a section of the Code to explain the refusal. Between Oct 2022 and Sep 2023, the most frequently cited reason of refusal was section 2.9 of the Code. Other often cited sections were 2.15, 2.14, and 2.6.[30]

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[30] https://www.access.gov.hk/filemanager/content/statistic/Exemptions_to_withhold_info_2022Q4_en.pdf;
https://www.access.gov.hk/filemanager/content/statistic/Exemptions_to_withhold_info_2023Q1_en.pdf;

Top grounds of refusal (Oct 2022 – Sept 2023)：

- 2.9 Management and operation of the public service
- 2.15 Privacy of the individual
- 2.14 Third party information
- 2.6 Law enforcement, legal proceedings and public safety

Some sections have sub-items listed, including Section 2.9. If relevant, the department can quote the exact subitem(s) of the section their refusal is based on. In Section 2.9, subitem © and especially subitem (d) are often cited.

2.9 Management and operation of the public service
[…]

c) Information the disclosure of which would harm or prejudice the proper and efficient conduct of the operations of a department.

d) Information which could only be made available by unreasonable diversion of a department's resources.

2.9(c) often involves documents or information related to a department's internal operations. For example, an Internal Operating Procedures Manual of the Equal Opportunities Commission was refused under the equivalent of 2.9(c).[31]

One interpretation of 2.9(d) is that the department holds the information, but not in a readily compiled format. For example, while information on cases of child sexual abuse may exist in individual records under the Hospital Authority, if they have not yet been readily compiled into a shareable format, these would require staff to invest a significant amount of time to prepare it.[32]

Another frequently cited section of the code is section 1.14, specifically that the Code does not require departments to "create a record which does not exist". As Part I of the Code is not included in the reasons of refusal statistics collected by the Government, official statistics on how often it is cited do not appear to be available.

1.14 The Code does not oblige departments to -

- *acquire information not in their possession*
- *create a record which does not exist*
- *provide on request information which is already published, either free or at a charge, or*
- *provide information available through an existing charged service.*

In these circumstances, an applicant for information will, where possible, be directed to the appropriate source of the information.

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https://www.access.gov.hk/filemanager/content/statistic/Exemptions_to_withhold_info_2023Q2_en.pdf;
https://www.access.gov.hk/filemanager/content/statistic/Exemptions_to_withhold_info_2023Q3_en.pdf
[31] https://accessinfo.hk/en/request/internal_operating_procedures_ma#incoming-1307
[32] https://accessinfo.hk/en/request/ha_child_sexual_abuse_cases_stat

In other words, if the department does not keep this information, or if another department keeps this information, they may cite 1.14 as a reason for refusal.

There are a few routes you can consider if you choose to follow up your request after an initial refusal. You will find these are similar methods to writing an effective initial request, but in a follow-up response.

1. Ask for more information in general and open up the query
2. Cite a source and ask for equivalent information
3. Ask which section of the Code the refusal is based on (if not already provided)

7.2 Ask for more information

You may consider asking the department for additional information. This could look like:

1. Asking whether there is any relevant information at all (Opening up the query)
2. Asking for the same information with a similar term, or, adding a list of similar terms and asking for this term (see **6.2 Bureaucratic terms** › **Case study: Terms to describe asylum seekers and refugees**)

There are times where simply rephrasing the request, using another term to refer to the subject, or citing another source changes the outcome of the request.

Case study: Reasons behind detentions of immigration detainees

A requestor sent a broadly worded request asking for "reasons of detention" at immigration detention facilities, and examples of metrics the data could be in. The Immigration Department stated that "The Immigration Department does not maintain the requested statistics of reasons of detention at the CIC."

Several months later, the requestor attempted to obtain this information again, but asked for the specific sections of immigration law that detainees are held under.

> Dear Immigration Department,
>
> I am writing to make an information request regarding data on what sections of the Immigration Ordinance (Cap. 115) immigration detainees are held under. May I know,
>
> I) Whether any statistical information is maintained on what section of the Immigration Ordinance detainees are held under (for example, as a subcategory of end of month population, yearly admissions, etc)
> II) If so, whether a breakdown of this information by institution (ex. Castle Peak Bay Immigration Centre, Ma Tau Kok Detention Centre) is available?
> III) Would you be able to provide any of this data?
>
> Any relevant information would be greatly appreciated. Thank you for your help with this inquiry.

Example XX: Reasons for detention request (Feb 2022)

The Immigration Department replied that the data exists if specific dates were requested. The requestor chose dates and received grouped data.

The requestor followed up to obtain more detailed data listing the sections of the law and received the additional breakdowns.

Following up could be the difference between an unsubstantiated and a fully substantiated response. Widening the query while providing specific examples of what you are requesting, using different terminology, and asking for details can yield much more information.

The following year, the requestor wrote another request to update their dataset with more recent information. The request incorporated the language they found in the response they received previously.

> Dear Immigration Department,
>
> I am writing to make an information request regarding data on what sections of the Immigration Ordinance (Cap. 115) immigration detainees are held under. May I know, at the end of each month of 2022:
>
> I) End of month population at Castle Peak Bay Immigration Centre broken down by sections under the Immigration Ordinance detainees are held under (ie. Purpose of detention and detention authority)
>
> II) End of month population at Ma Tau Kok Detention Centre broken down by sections under the Immigration Ordinance detainees are held under (ie. Purpose of detention and detention authority)
>
> If the information could be provided in CSV format, I would greatly appreciate it. Thank you very much for your help.

Example XX: Reasons for detention request (Jan 2023)

7.3 Cite another accessinfo.hk information request

Some time may have passed since you initially submitted your request. Since then, you may have found another source with similar information to your query that is held by a different department, or, a similar information request that was successful.

If so, you could follow up on the refusal by citing the newly found source and asking whether the original department maintains equivalent information.

Case study: Length of detention periods at Ma Tau Kok Detention Centre

A requestor asked for data on length of detention periods at Ma Tau Kok Detention Centre. The Immigration Department responded saying that the information was not available. This was despite the requestor phrasing the request and using the same terminology and metrics as when they obtained equivalent information for another detention centre (see 6.4 › Ask if the information is maintained › Case study: Lengths of detention periods at CIC).

In a follow-up, the requestor referenced the accessinfo.hk URL link in their previous request asking for length of detention data at CIC. The Immigration Department responded that this information was available and provided the data in '1 to 6 days' and '7 days or above' categories. In the follow-ups, the team asked for further breakdowns and received more detailed data in '1 to 3 days', '4 to 6 days', '7 to 14 days', and '15 days or above' categories.

MTKDC is known to be a short-term detention centre.[33] The information from the request demonstrated that the COVID-19 pandemic correlated with increased lengths of detention at MTKDC.

Takeaways:

- If your request is refused and you have clear reasons to believe the data could likely be made available, you can try to follow up or file another request with different terminology or citing a different source.
- If you receive fewer breakdowns than expected in the response, it can be worth requesting further breakdowns in a follow up.

7.4 Ask which section the refusal is based on

If the department did not cite a ground for refusal from Part 2 of the Code, you can follow up to ask for this. This information may help you respond more effectively or know whether to drop your request. For example, requests refused under "2.3 Defence and security" or "2.15 Privacy of the individual" are often difficult to follow up on as grounds on public safety and the right to privacy can be interpreted broadly for safety and legal reasons.

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[33] https://www.legco.gov.hk/yr09-10/chinese/hc/papers/hccb2-1218-c.pdf

On the other hand, a citation of "2.9(d) Information which could only be made available by unreasonable diversion of a department's resources" may suggest the information you are interested in exists, but just not in a readily compiled manner or in the format you requested.

Case study: Number of people detained at border points[34]

Research indicates that a sizeable number of people are detained at the airport and other border points, but there are no official statistics publicly available. An information request was filed and the Immigration Department replied that it "does not maintain the requested statistics".[35]

Apart from detention population, another statistic that is maintained for detention facilities is the cost of the meals provided to detainees. A requestor filed an information request asking for the cost of meals provided to detainees at the airport and other border points and received a response. The resulting data was able to suggest how often border point detention facilities were used.

Where there was previously no official data at all, the cost of meals for detainees was an effective proxy datapoint to begin understanding the extent of immigration detention at the border.

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8.0 How to appeal

If you are unsatisfied with the response to your request, you can ask for an internal review or file a complaint with the Office of the Ombudsman.

8.1 File an internal review

If you believe the department failed to comply with the Code, you can consider filing an internal review.[36] The internal review is overseen by an officer at least one rank above the officer who refused your request initially. The internal review process may take time and there may be limited change in the outcome.

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[34] https://immigrationdetentionhk.net/en/data-viz-expenditures/#costs-other-meals
[35] https://accessinfo.hk/en/request/number_of_people_detained_at_the
[36] https://www.access.gov.hk/en/faq/index.html#faq9

Case study: Unsuccessful internal review[37]

A requestor asked for information on immigration detention. The Immigration Department provided some statistics and stated that the department "does not maintain statistics" on other items requested.

The requestor found the response unsatisfactory and initiated an internal review process by requesting it in the reply. The Immigration Department provided one of the requested items that was mentioned in the complaint. Other figures in the original request were not provided in the responses.

- Processing time of internal review: 9 days
- Outcome: Unsubstantiated

Case study: Unsuccessful internal review[38]

A requestor asked the Equal Opportunities Commission (EOC) for the full document they had published excerpts of in a report. The EOC refused the request stating that disclosure would "harm or prejudice or otherwise adversely affect the proper and efficient conduct of the operation of the EOC".

The requestor asked for an internal review arguing that because the EOC had previously published excerpts of the document, this shows that publication of the contents would not affect its operations. The EOC responded that while excerpts were used to illustrate points in their report, this could not be interpreted as publication of the document.

- *Processing time of internal review*: **21 days**
- *Outcome*: **Unsubstantiated**

Case study: Successful internal review

The requestor asked the Department of Health how much the Government spend on various COVID-19 preventative measures, such as provision of masks. The response from Oct 2021 stated that as the epidemic was still ongoing, conclusive figures were not available, and the "expenditure concerned are subsumed under the overall estimated establishment and expenditure of relevant Government bureaux/ departments and cannot be separately quantified."[39]

The requestor follows up and asks again for the costs spent on specific items with additional reasoning. Before the department had replied, the requestor files for an internal review and then receives the expenditure spent on procuring masks and constructing quarantine camps.

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[37] https://accessinfo.hk/en/request/immigration_detention_informatio
[38] https://accessinfo.hk/en/request/internal_operating_procedures_ma#incoming-1307
[39] https://accessinfo.hk/en/request/spending_on_covid_19_related_pro#incoming-2482

While this case could be seen as a case of successful internal review, note that as the requestor initiated an internal review before the department had responded, it could be possible that this reply would have been provided regardless.

- *Processing time of internal review*: **1 month**
- *Outcome*: **Substantiated**

8.2 File a complaint to the Ombudsman

If you filed an internal review that was not substantiated, you can consider filing a complaint with the Office of the Ombudsman if you believe the department has not abided by the Code.[40]

You can lodge a complaint via their online form, in-person at their office, by letter, or by telephone. You will need to input your full name, identity document details, contact details, and show that you are a suitable representative for your complaint (i.e. that you are affected by the contents of your complaint).[41]

The Ombudsman *cannot* investigate your complaint if:

- it has been over 24 months since your complaint
- your complaint is made anonymously
- you are not a suitable representative for your complaint
- the subject and complainant have no connection to Hong Kong
- there are legal proceedings (other than judicial review) that you would be able to pursue for appeal or resolution.

The **Ombudsman website** describes in detail what they will and will not review.[42]

The Code's website states that you do not need to file for an internal review before raising a complaint with the Ombudsman.[43] However, the Ombudsman may still ask you whether you had requested an internal review and, if not, your reason for not doing so. This is because the Ombudsman suggests filing a complaint through the relevant department's channels before filing one with the Ombudsman.[44]

The process with the Ombudsman will take months. The Ombudsman can provide concrete suggestions, but they do not have the legal power to enforce their recommendations.

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[40] " Alternatively, a complaint to The Ombudsman may be lodged. This may be done whether or not the case has been reviewed within the department.", https://www.access.gov.hk/en/faq/index.html#faq9

[41] https://www.ombudsman.hk/howtocomplain/?lang=en#tag_Lodge_a_Complaint

[42] https://www.ombudsman.hk/howtocomplain/?lang=en#tag_What_We_Oversee

[43] " Alternatively, a complaint to The Ombudsman may be lodged. This may be done whether or not the case has been reviewed within the department.", https://www.access.gov.hk/en/faq/index.html#faq9

[44] "Have you filed your complaint with the concerned organisation(s)? Public organisations usually have dedicated channels to handle complaints. You may approach them for assistance first.", https://www.ombudsman.hk/howtocomplain/?lang=en#tag_Lodge_a_Complaint

不 / About us

Our mission

CivicSight is a 'think-and-do' tank that improves governance and supports the public in shaping their future. We do this by equipping researchers, advocates and broader civil society with access to reliable information and data, original research, and policy analysis. This evidence base enables the civic-minded community to translate this knowledge to actionable impact at the local level.

Our vision

We envision a transparent and responsive governance where the public is empowered with the knowledge, tools, and information to ensure that access to justice and the rule of law remain the bedrock of an open, free, and thriving society.

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不 / Resources

Resources on the Code on Access to Information

- Accessinfo.hk (https://accessinfo.hk/)

- Code on Access to Information (https://www.access.gov.hk/en/)

Government-wide open data portal

- Data.gov.hk (https://data.gov.hk/en/)

Read more about the Code and how it may be changing

- 2018 Law Reform Commission Report on the Code
  (https://www.legco.gov.hk/yr18-19/english/panels/ajls/papers/ajlscb4-294-3-e.pdf)

- 2014 Ombudsman Report on the Code
  (https://www.ombudsman.hk/wp-content/uploads/2022/07/DI238_full_E-20_3_2014_with_Appendix_1.pdf)

Read more about the Government's open data policies

- 2018 Legislative Council Question
  (https://www.info.gov.hk/gia/general/201811/07/P2018110700469.htm)

- Smart City Blueprint (https://www.smartcity.gov.hk/index.html)

Read more about the case studies

- Several case studies come from the "Immigration Detention and Vulnerable Migrants in Hong Kong" research project (2020 – 2023, Hong Kong Research Grants Council [R4036-19]), which utilised access to information requests to obtain official data regarding the operations, legal framework, and policies of the immigration detention complex in Hong Kong. More information about the project can be found on their website. (https://immigrationdetentionhk.net/en/)

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