

Department/Organisation: Food and Health Bureau (“FHB”)

Case concluded in: February 2015

FHB refused to provide Mr A with information pertaining to its meeting in Chengdu with the State General Administration of Quality Supervision, Inspection and Quarantine (“AQSIQ”) on updating the list of pesticide residues in food under Schedule 1 (“the Schedule”) of the Pesticide Residues in Food Regulation

The Event

Mr A asked FHB for details of its meeting in Chengdu with AQSIQ on updating the list of pesticide residues in food under the Schedule. The requested information included the meeting minutes and venue, the itinerary of the Hong Kong officials, the names of AQSIQ representatives who attended the meeting and the experts from relevant Mainland organisations, etc. However, FHB put off providing Mr A with such information without an explanation. It was not until our intervention that FHB provided this Office with some information about the officials’ itinerary.

Our Findings

The Code on Access to Information (“the Code”) provides that when a Government department refuses to release information it holds, it must give the information

requestor a valid reason under the Code. Generally, the Government has no grounds for keeping the itineraries of officials' duty visits confidential. FHB kept on dodging Mr A's enquiries without an explanation. Its approach was evasive and not in compliance with the Code. Such an evasive approach would not help clear information requestors' suspicions; it would only invite more speculations.

After our intervention, FHB insisted on withholding some of the information on the grounds of paragraphs 2.4(a) and 2.10(b) of the Code, i.e. disclosing such information "would harm the conduct of external affairs, or relations with other governments or with international organisations", and "would inhibit the frankness and candour of discussion within the Government". With reference to paragraph 2.4(a) of the Code, we accepted that FHB could not unilaterally breach its consensus with AQSIQ and disclose the information to the public. However, we did not see how paragraph 2.10(b) could be applied to the withholding of such information as the meeting venue and the names of the Mainland experts.

Outcome

In the absence of AQSIQ's consent, FHB still considered it inappropriate to disclose such information as the meeting venue and the names of AQSIQ representatives and the Mainland experts.

We, nevertheless, urged FHB to step up staff training to enhance their understanding of

the Code, so as to ensure that they can properly handle requests for information from members of the public.