

Department/Organisation: Education Bureau (“EDB”)

Case concluded in: May 2014

EDB refused to disclose to Ms A the days on which it had inspected the premises suspected to be used as an unlicensed tutorial centre

The Event

Ms A suspected that a unit in a factory building was being used as an unlicensed tutorial centre, which had resulted in the gathering of many students and parents in the common areas of the building on weekends. She, therefore, made a complaint to EDB. After investigation, EDB informed Ms A that it had not found any educational course being conducted on the premises concerned. Ms A then asked EDB on what days it had conducted its inspections. However, EDB said that disclosure of such information would compromise the effectiveness of its enforcement actions. Accordingly, EDB refused her request for the information by invoking paragraph 2.6(e) of the Code on Access to Information (“the Code”) (i.e. disclosure of such information would harm or prejudice the prevention, investigation and detection of crime and offences, and the apprehension or prosecution of offenders).

Our Findings

EDB refused to disclose to Ms A the days on which it had conducted its inspections,

and that was on the grounds that the disclosure of such information might affect its investigation. We considered EDB to be overcautious, since disclosure of such information would hardly have any adverse effect on its inspection or investigation work. Indeed, EDB had mistakenly invoked paragraph 2.6(e) of the Code.

Outcome

EDB accepted our view and provided the requested information to Ms A.