

CONTENTS

INTRODUCTION

(1) SCOPE

Employees Retraining Board

(2) PROVISION OF INFORMATION

Information to be published or made available routinely
Information to be provided on request
Legal obligations and restrictions

(3) PROCEDURES

Access to Information Officer
Requests for information
Responses to requests for information
Target response times

(4) THIRD PARTY INFORMATION

(5) CHARGES

(6) REVIEW

(7) FURTHER INFORMATION

(8) INFORMATION WHICH MAY BE REFUSED

APPENDICES

Appendix A — List of information published or made available to the public

Appendix B — Application For Access To Information

INTRODUCTION

The main function of the Employees Retraining Board (ERB) is to provide training to displaced workers who experienced difficulties in finding alternative employment as a result of economic restructuring. The ERB also provides employment assistance to employers in recruiting suitable graduate trainees.

This Code defines the scope of information that will be provided to the general public, sets out how the information will be made available either routinely or in response to a request, and lays down procedures governing its prompt release.

The Code authorizes and requires ERB staff, routinely or on request, to provide information unless there are specific reasons for not doing so. These reasons are set out in Part 8 and will normally be referred to if a request for information is refused.

Requests for information will be handled as promptly and helpfully as possible and, if necessary, members of the public will be assisted to clarify their requests or directed to the most appropriate government department/body. Procedures will be kept as simple as possible.

The Code also sets out procedures for review or complaint if a member of the public considers that the provisions of the Code have not been properly applied.

(1) SCOPE

Employees Retraining Board

1.1 The Code applies to all divisions/sections of the ERB.

(2) PROVISION OF INFORMATION

Information to be published or made available routinely

2.1 Information that the ERB will publish, or make available for inspection at its offices and/or its website are listed at Appendix A.

2.2 Whenever a service for the public is introduced or changed, the ERB will publish sufficient information to explain the nature of the service or change, and who will be affected by it.

Information to be provided on request

2.3 ERB will also, on request, provide additional information relating to its policies, services, decisions and other matters falling within its area of responsibility, except that requests for information in the areas listed in Part 8 may be refused.

Legal obligations and restrictions

2.4 The Code is administrative in nature and does not affect statutory rights of access to information. Equally the Code does not affect legal restrictions on access to information whether these are statutory prohibitions, or obligations arising under common law or international agreements which apply to Hong Kong. If there is any inconsistency between the Code and a statutory provision, or between the Code and an obligation arising under common law or an international agreement, the latter shall prevail.

(3) PROCEDURES

Access to Information Officer

3.1 The ERB has designated Manager (Customer Services) as its Access to Information Officer who will be responsible for promoting and overseeing the application of the Code.

Requests for information

3.2 Requests for information may be made orally or in writing. For general enquiries, please contact the ERB's hotline at 182 182.

3.3 Oral requests will usually suffice where the information sought can be provided readily and simply, for example by oral replies or provision of leaflets or standard forms. ERB staff may, however, ask for an oral request to be confirmed in writing where necessary and appropriate.

3.4 Written requests may be made by letter or email or by the application form at Appendix B, and should be addressed to the Access to Information Officer of the ERB.

Mailing Address : 43/F, Hopewell Centre
183 Queen's Road East
Wan Chai, Hong Kong
Access to Information Officer

Fax : 2369 8322

Email : erbhk@erb.org

Responses to requests for information

3.5 Responses to requests for information will be given as quickly as possible.

3.6 Where a request, whether written or oral, cannot adequately be met by an oral reply or provision of a standard leaflet, form, etc., the information may be given by -

- providing a copy of the relevant record or part thereof
- providing a transcript of the relevant record or part thereof
- affording a reasonable opportunity to inspect, hear or view the relevant record or part thereof, or
- providing a summary of the relevant record or part thereof.

So far as possible information will be provided in the form in which it exists. Where disclosure of certain information in a record is to be refused, access will normally be provided to the remaining part of the record.

- 3.7 The Code does not oblige the ERB to -
- acquire information not in its possession, or
 - create a record which does not exist.

Where there is a request for information not in the ERB's possession or record which does not exist, the applicant for information will, where possible, be directed to the appropriate source of the information.

Target response times

- 3.8 Where possible, information will be made available within ten days* of receipt of a request. If that is not possible, the applicant will be so advised by an interim reply within ten days of receipt of the request. The target response time will then be twenty-one days from receipt of the request.

* Whenever the term "days" is used in the Code, this means "working days".

- 3.9 If a request is to be refused, the applicant will be so informed within the timeframe set out in paragraph 3.8 above.

- 3.10 Responses may be deferred beyond twenty-one days only in exceptional circumstances, which should be explained to the applicant. Any deferral should not normally exceed a further thirty days.
- 3.11 These targets may be extended, if necessary, to accommodate the third party procedures set out in paragraphs 4.1 - 4.4, or where the applicant fails to pay any charges levied in accordance with paragraphs 5.1 & 5.2.

(4) THIRD PARTY INFORMATION

Procedures and timeframe

- 4.1 Where information requested is held for, or was provided by, a third party under an explicit or implicit understanding that it would not be further disclosed, but the ERB considers that the public interest may require disclosure, the ERB will so advise the third party and invite him to consent to, or make representations against disclosure. The third party will be asked to respond within thirty days or such reasonable longer period as he may be granted on request.
- 4.2 On receipt of consent from the third party, the information may be disclosed.

- 4.3 If the third party makes representations against disclosure, or fails to respond within the stipulated time, a decision will be taken as to whether the information should be disclosed on the ground that the public interest in disclosure outweighs any harm or prejudice that would result. The third party will be advised of the decision.
- 4.4 If the decision is that the information should be disclosed, the third party will be notified that disclosure will be made at the expiry of thirty days from the date of the notification.

(5) CHARGES

- 5.1 Processing requests for information uses resources and the ERB may, therefore, require payment for this service. Any charges levied will reflect the cost of providing the information, and the information will not be released until the requisite payment has been made.
- 5.2 Other than publications which are available free of charge, or at the cost specified, the following photocopying charge will be levied -

Photocopying black and white on A3 or A4 size paper (single-sided or double-sided)	HK\$1.00 per photocopy
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(6) REVIEW

- 6.1 Any person who believes that the ERB has failed to comply with any provision of the Code may ask the ERB to review the situation. The target response times set out in paragraphs 3.8 to 3.11 above also apply to requests for review.
- 6.2 Any person who believes that the ERB has failed properly to apply any provision of the Code may also complain to The Ombudsman. The Ombudsman's address is -

30/F, China Merchants Tower
Shun Tak Centre
168-200 Connaught Road Central
Hong Kong

Telephone : (852) 2629 0555

Fax : (852) 2882 8149

(7) FURTHER INFORMATION

- 7.1 This Code has been developed in conformity with the principles of the Government's Code on Access to Information. Members of the public may wish to refer to the Government's Code (<http://www.access.gov.hk/en/code.htm>) and the Government's Guidelines on Interpretation and Application of the Code (<http://www.access.gov.hk/guidelines.pdf>) as reference.

(8) INFORMATION WHICH MAY BE REFUSED

- 8.1 The ERB may refuse to disclose information, or may refuse to confirm or deny the existence of information, in the categories and for the reasons set out below, which will normally be referred to if a request is refused.
- 8.2 References in this Part to "harm" and "prejudice" include both actual harm and prejudice and the risk or reasonable expectation of harm and prejudice. In such cases the ERB will consider whether the public interest in disclosure of the information outweighs any harm or prejudice that could result.

Defence and Security

- 8.3 (a) Information the disclosure of which would harm or prejudice Hong Kong's defence.
- (b) Information the disclosure of which would harm or prejudice Hong Kong's security.

External affairs

- 8.4 (a) Information the disclosure of which would harm or prejudice the conduct of external affairs, or relations with other governments or with international organizations.
- (b) Information received in confidence from and conveyed in confidence to other governments, courts in other jurisdictions, and international organizations.

Law enforcement, legal proceedings and public safety

- 8.5 (a) Information the disclosure of which would harm or prejudice the administration of justice, including the conduct of any trial and the enforcement or administration of the law.
- (b) Information the disclosure of which would harm or prejudice the conduct or impartial adjudication of legal proceedings or any proceedings conducted or likely to be conducted by a tribunal or inquiry, whether or not such inquiry is public or the disclosure of the information has been or may be considered in any such proceedings.
- (c) Information which relates to proceedings which have been completed, terminated or stayed, or which relates to investigations which resulted in or may have resulted in proceedings, whether any such proceedings are criminal or civil.
- (d) Information which would be privileged from production in legal proceedings on the ground of legal professional privilege.
- (e) Information the disclosure of which would harm or prejudice the prevention, investigation and detection of crime and offences, the apprehension or prosecution of offenders, or the security of any detention facility or prison.
- (f) Information the disclosure of which would harm or prejudice the preservation of the peace, public safety or order, or the preservation of property.

- (g) Information the disclosure of which might endanger the life or physical safety of any person (whether or not such person is in Hong Kong), or identify the source of information or assistance given in confidence for security purposes, or for the enforcement or administration of the law.

Management and operation of the ERB

- 8.6 (a) Information the disclosure of which would harm or prejudice negotiations, commercial or contractual activities.
- (b) Information the disclosure of which would harm or prejudice the competitive or financial position or the property interests of the ERB.
- (c) Information the disclosure of which would harm or prejudice the proper and efficient conduct of the operations of the ERB.
- (d) Information which could only be made available by unreasonable diversion of the ERB's resources.

Internal discussion and advice

- 8.7 Information the disclosure of which would inhibit the frankness and candour of discussion within the ERB, and advice given to the ERB. Such information may include -
- (a) papers for and records of discussion at any internal ERB meeting, or at any meeting of a government advisory body;
- (b) opinions, advice, recommendations, consultations and deliberations by ERB staff or advisors to the ERB.

Staff employment and public appointments

8.8 Information which would harm or prejudice the management of ERB staff or the appointments to statutory / advisory boards / committees.

Improper gain or advantage

8.9 Information the disclosure of which could lead to improper gain or advantage.

Research, statistics and analysis

8.10(a) Information relating to incomplete analysis, research or statistics, where disclosure could be misleading or deprive the ERB or any other person of priority of publication or commercial value.

(b) Information held only for preparing statistics or carrying out research, and which relates to individuals, companies or products which will not be identified in reports of that research, or in published statistics.

Third party information

8.11(a) Information held for, or provided by, a third party under an explicit or implicit understanding that it would not be further disclosed. However, such information may be disclosed with the third party's consent, or if the public interest in disclosure outweighs any harm or prejudice that would result.

- (b) Information provided in confidence by a third party if disclosure to the subject of the information would harm the physical or mental health of the subject or any other individual, or disclosure should only be made to the subject by an appropriate third party.

Privacy of the individual

8.12 Information about any person (including a deceased person) other than to the subject of the information, or other appropriate person, unless -

- (a) such disclosure is consistent with the purposes for which the information was collected, or
- (b) the subject of the information, or other appropriate person, has given consent to its disclosure, or
- (c) disclosure is authorised by law, or
- (d) the public interest in disclosure outweighs any harm or prejudice that would result.

Business affairs

8.13 Information including commercial, financial, scientific or technical confidences, trade secrets or intellectual property the disclosure of which would harm the competitive or financial position of any person.

Premature requests

8.14 Information which will soon be published, or the disclosure of which would be premature in relation to a planned announcement or publication.

Legal restrictions

8.15 Information the disclosure of which would constitute -

- (a) a contravention of any law which applies in Hong Kong, or
- (b) breach of any obligation arising under the common law or under any international agreement which applies to Hong Kong.

Appendix A

Access to Information – List of Available Information

1. Employees Retraining Board and The Board

- | | | |
|-----|--|-----------------------------|
| 1.1 | ERB Structure | Available on ERB's homepage |
| 1.2 | Functions and Membership of ERB | Available on ERB's homepage |
| 1.3 | Date and Agenda of Board Meetings | Available on ERB's homepage |
| 1.4 | Executive Office Organization Chart and Major Executives | Available on ERB's homepage |
| 1.5 | List of Technical Advisors | Available on ERB's homepage |
| 1.6 | Code on Access to Information | Available on ERB's homepage |
| 1.7 | ERB Personal Data Privacy Policy | Available on ERB's homepage |
| 1.8 | ERB Policy on Equal Opportunities | Available on ERB's homepage |

2. Appointed Training Bodies of ERB

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|-----|---|-----------------------------|
| 2.1 | List of Training Bodies | Available on ERB's homepage |
| 2.2 | Application Guidelines and Forms to Become an Appointed Training Body | Available on ERB's homepage |

Appendix A (cont'd)

3. Course Prospectus & Publications

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|-----|--|---|
| 3.1 | Course Prospectus
(Chinese version only) | Available on ERB's
homepage |
| 3.2 | ERB Training Courses
Conducted in English
(English version only) | Available on ERB's
homepage |
| 3.3 | Course Application Form | Available on ERB's
homepage
Can be obtained vide ERB
Hotline - Fax Service |

4. Consultative Document

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|--|---|--------------------------------|
| | Consultative Document on the
Future Directions for the
Employees Retraining Board | Available on ERB's
homepage |
|--|---|--------------------------------|

5. Annual Reports

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|--|---|--------------------------------|
| | Annual Reports starting from
1999-00 | Available on ERB's
homepage |
|--|---|--------------------------------|

6. Videos

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|-----|----------------------------------|--------------------------------|
| 6.1 | ERB TV Programmes | Available on ERB's
homepage |
| 6.2 | ERB TV Advertisements | Available on ERB's
homepage |
| 6.3 | Smart Living TV
Advertisement | Available on ERB's
homepage |
| 6.4 | SUS Plus TV Advertisement | Available on ERB's
homepage |

Appendix A (cont'd)

6.5 Videos of ERB's Events Available on ERB's homepage

7. Promotional Materials and Advertisements

7.1 Leaflets for Course Promotion Available on ERB's homepage

7.2 "Services for Employers" Leaflet Available on ERB's homepage

7.3 "Smart Living" Leaflet Available on ERB's homepage

7.4 "SUS Plus" Leaflet Available on ERB's homepage

7.5 "ERB Service Centres" Leaflet Available on ERB's homepage

7.6 Leaflets for ERB's Events Available on ERB's homepage

7.7 Advertisements from July 2008 onwards Available on ERB's homepage

8. Major Statistics

8.1 Progress of Training Programs by Course Mode Available on ERB's homepage

8.2 Trainee Profile - By Sex Available on ERB's homepage

8.3 Trainee Profile - By Age Available on ERB's homepage

8.4 Trainee Profile - By Education Level Available on ERB's homepage

Appendix A (cont'd)

9. Forms

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|------|--|---|
| 9.1 | Services for Employers -
General Vacancies
Registration Form | Available on ERB's
homepage |
| 9.2 | Smart Living - Home • Care
Service Registration Form | Available on ERB's
homepage
Can be obtained vide ERB
Hotline - Fax Service |
| 9.3 | Smart Living - Home-based
Healthcare Massage Service
Registration Form | Available on ERB's
homepage
Can be obtained vide ERB
Hotline - Fax Service |
| 9.4 | Smart Living - Home • Care
Service Smart Helper
Application form | Available on ERB's
homepage |
| 9.5 | Smart Living - Home-based
Healthcare Massage Service
Smart Helper Application form
(Chinese version only) | Available on ERB's
homepage |
| 9.6 | Application Form for
“Manpower Developer” | Available on ERB's
homepage |
| 9.7 | Application Form for
“Manpower Developer(SME)” | Available on ERB's
homepage |
| 9.8 | Application Form for
Appointment | Available on ERB's
homepage |
| 9.9 | Opinion / Complaint Form
(Chinese version only) | Available on ERB's
homepage |
| 9.10 | Application for Access to
Information | Available on ERB's
homepage |

Appendix B

APPLICATION FOR ACCESS TO INFORMATION

申請索取資料表格

(This form can be completed either in English or Chinese. Please read the notes below before writing.)

這份表格可用英文或中文填寫，填寫前請細閱表格下面的備註。

Applicant's Particulars 申請人個人資料

*Mr. / Ms. *先生/女士	First Name: 名字:	Last Name: 姓氏:	Chinese Name: 中文姓名:
Correspondence Address 通訊地址			
Tel. No. 電話		Fax No. 傳真	

* Please delete as appropriate 請刪去不適用者

Information Requested 要求索取的資料

To : Access to Information Officer Employees Retraining Board 43/F, Hopewell Centre 183 Queen's Road East Wan Chai, Hong Kong Fax No. : 2369 8322	致：香港灣仔 皇后大道東 183 號 合和中心 43 樓 僱員再培訓局公開資料主任 傳真號碼：2369 8322
Details (Please be as specific as possible. Use a separate sheet if necessary.) 詳情 (請盡量具體說明，如有需要請另頁書寫。)	

Signature

簽署

Date

日期

Appendix B (cont'd)

Notes 備註

1. Other than publications which are available free of charge, or at the cost specified, the following photocopying charge will be levied. This Office will advise you in advance of any such charge. Fees are charged as follow :

Photocopying black and white on A3 or A4 size paper (single-sided or double-sided)	HK\$1.00 per photocopy
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除可免費索閱或指定費用提供的印刷品/資料外，影印服務將收取以下費用，本辦事處會預先告知你所需繳付的費用。收費計算如下：

A3 或 A4 黑白影印（單面或雙面）	每張收費港幣 1 元
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2. You may be asked to provide additional information to help us meet your request. This Office may not be able to process your application if you do not provide sufficient information.
你或需提供更多資料，以協助我們回應你的申請。如你未能提供足夠資料，本辦事處可能無法處理你的申請。
3. The information provided will be used for processing your application for access to information. It may be divulged to other departments/agencies for the same purpose.
你所提供的資料，將用於處理有關你申請索取資料的事宜上。有關資料可能會送交其他部門/機構，作同樣用途。