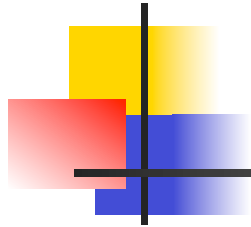


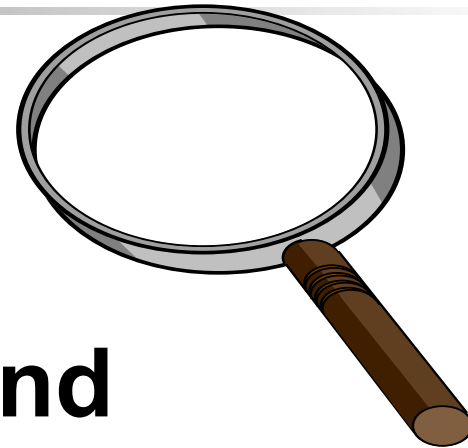
Today's Topic

Why Does Hong Kong Need an Archives Law?





Today's Topic

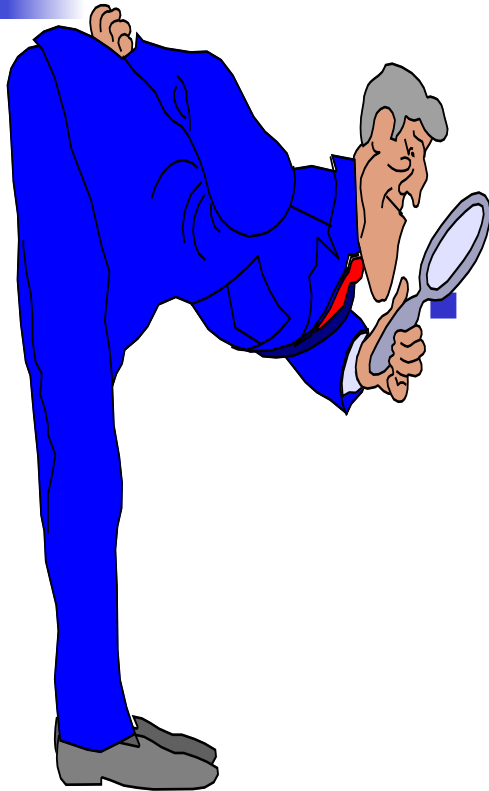


What are Records (and Archives)?

-



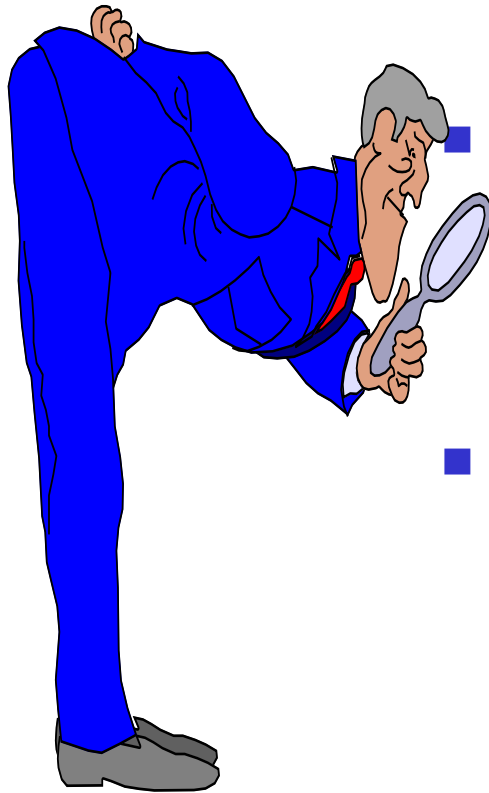
Things to Talk About:



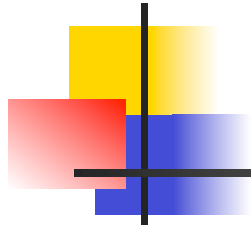
We will focus on **records** in the **public domain** (i.e. public or government records).



Things to Talk About:



- What constitutes a “**record**” and an “**archives**” ?
- How **Records** and **Archives** are defined by Archivists ?



Things to Talk about:

- Why do we have to care about records, archives and their management?
- What's so unique and special about records and archives?



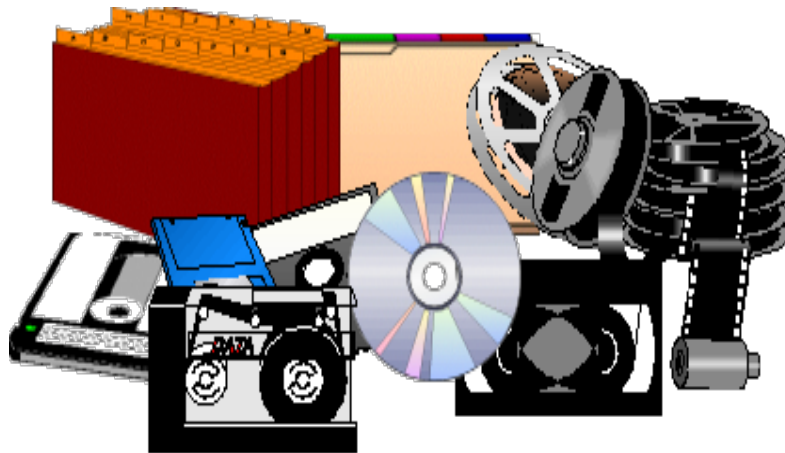
Things to talk about:

- How does our government deal with its records and archives currently?
- Does our government get its job done in this regard?

What are RECORDS? What are ARCHIVES ?

The two terms are very often used loosely to mean the same thing!

BUT, they are actually two **different** concepts.





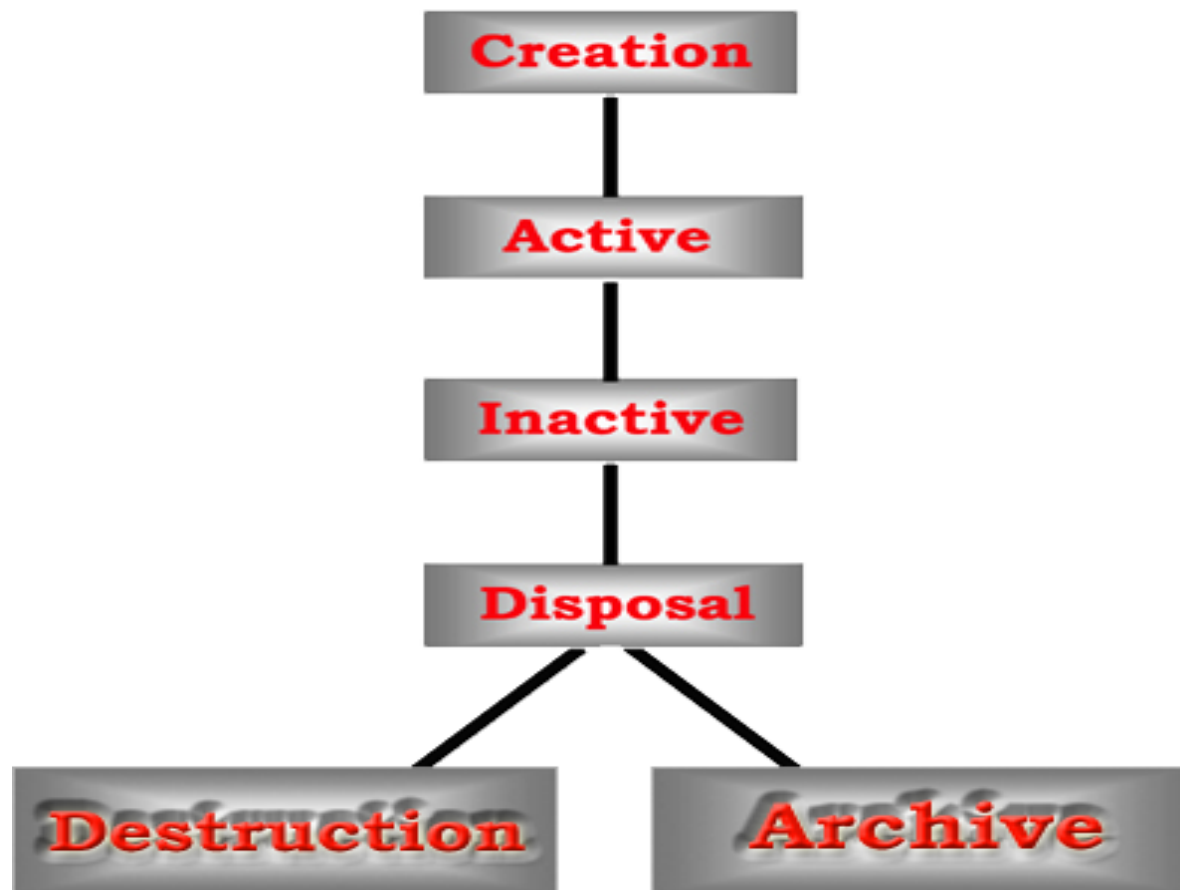
What are RECORDS? What are ARCHIVES

That brings us to what the archivists and records management professionals refer to as the :

“RECORDS LIFE CYCLE”



RECORDS LIFE CYCLE





ARCHIVES are basically RECORDS

They are those records which have been appraised to have continuing or historical value and **SELECTED** for **permanent retention** (usually by creating agencies in their own “archives”) for future reference.





What are Records then?

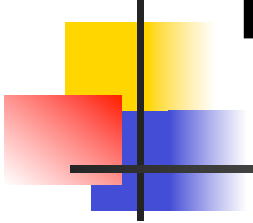
Records are **documents** in **whatever formats** (paper, microfilm, disc, tapes, electronic media, etc.) **created** and **received** by an organization or an individual **as a result of its business activities** which are then kept as **evidence** of those particular activities and for future reference by the organization and individual which created and received them.



What are Records then?

“Records” as defined in *ISO 15489 (International Standard: Information and Documentation – Records Management)*

“Information created, received, and maintained as evidence and information by an organization or person, in pursuance of legal obligations or in the transaction of business.”



Not all documents are records per se!

A document can become a proper record
if it has:

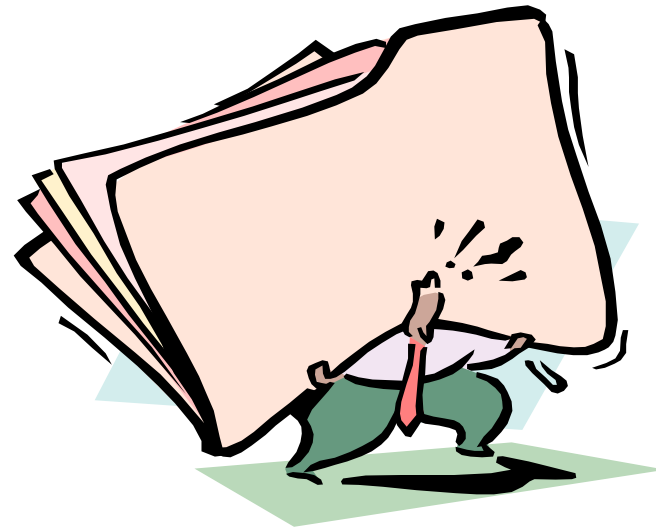
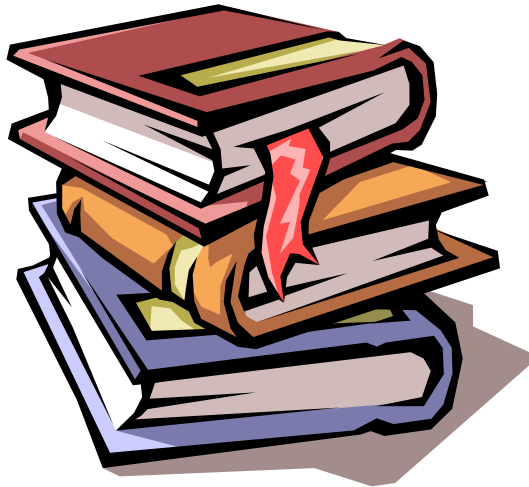
- **Context**
- **Content**
- **Structure**

And if it has been FILED properly together with
related documents (as evidence of the transaction
concerned).



LIBRARY MATERIALS v RECORDS/ARCHIVES

Any Difference?

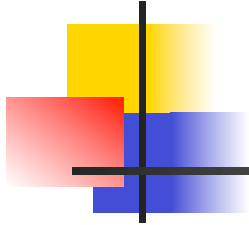




Qualities of Records

“authenticity” and “impartiality”

**unrivalled by any class of
documents**



How does our Government perceive and treat its “records”?





Our view first:

“Public records are **public property**, owned by the people....

As public property, public records may no more be altered, defaced, mutilated or removed from public custody than public funds may be embezzled or misappropriated.



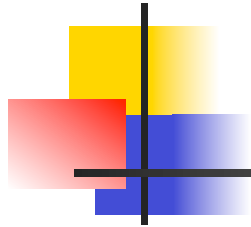
Our view first (cont'd):

Indeed, because **records document the conduct of the public's business** – including the protection of rights, privileges and property of individual citizens – they constitute **a piece of public property of a higher value** than buildings, equipment and even money, all of which usually can be replaced...



Our view first (Cont'd):

“It is the **unique** value and the **irreplaceable** nature of records that give them sanctity uncharacteristic of other kinds of property...”



What about the Government?

PEOPLE, MONEY and **RECORD** are the lifeblood/vital resources to any organization. Let's see how the government deals with each of ther





What about the Government?

MONEY:

Financial Services and the Treasury Bureau which handle money matters, are headed by a Bureau Secretary and regulated by law and mandatory administrative rules.



What about the Government?

■ PEOPLE:

Civil Service Bureau which handles civil servants is headed by a Bureau Secretary and regulated by law and mandatory administrative rules.



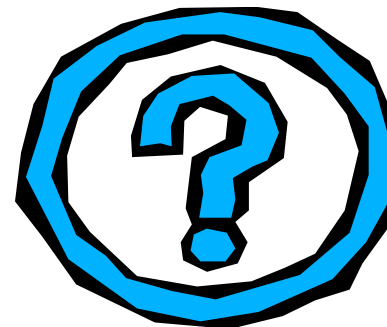


What about the Government?

RECORD / ARCHIVES :

Government Records Service (GRS), a small office headed by a D1 officer.

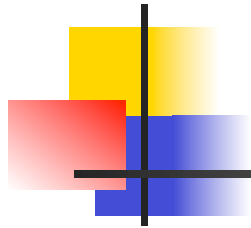
Law? Regulations? Mandatory Rules and Standards? NO.





What has the Government done over the years?

Established PRO by the **Order of the Governor-in-Council** in 1972 promising archives legislation.



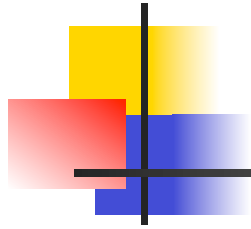
What has the Government done over the years?

Established GRS in 1989 to improve records management by creating a director post (D1) and an extra archivist post to develop a comprehensive records management program in the government.



What has the Government done over the years?

Relocated PRO to an industrial area surrounded by dangerous stores in Tuen Mun in 1994.



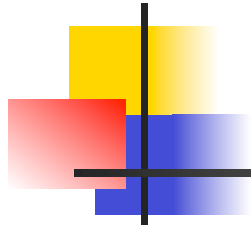
What has the Government done over the years?

Constructed the first purpose built archival building to house PRO and its invaluable holdings in 1997 due to public outcry.



What has the Government done over the years?

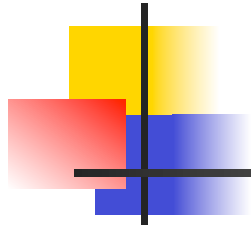
- Conducted on a service-wide **records management strategy** (1994-1999) namely to improve efficiency and cost-effectiveness with promise to consider archives legislation when the records management program was put in place.



What has the Government done over the years?

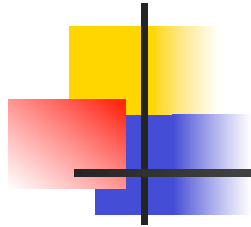
Removed the professionals from the senior posts and have them replaced with Executive Officers during 1994-2008.

.



What has the Government done over the years?

Nowadays, deny constantly the need for archives legislation claiming that the government is functioning effectively without problems or complaints.



RECORD / ARCHIVES – Problems:

a) Loss of records, inadequate records, & improper handling of records revealed by:

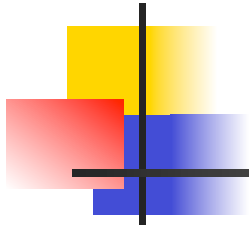
- Discovery Bay Incident,
- SARS,
- Inquiry relating the Hong Kong Education Institute
- Yin Chai Incident
- The Hong Kong Harbour Controversy, etc.

.



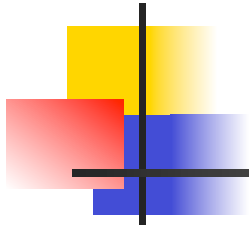
RECORD / ARCHIVES – Problems:

- b) Drying up of the archives: no transfer of valuable records from major bureaux and nothing from the Chief Executive Office
- c) Public access is tightening up



RECORD / ARCHIVES – Problems:

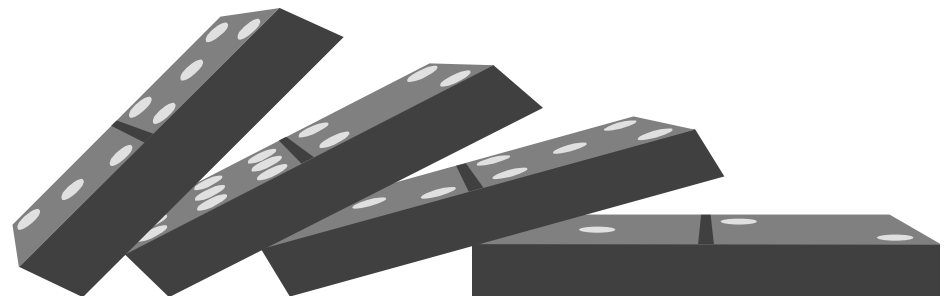
- d) Competing laws and regulations which stifle the operation of the archives. For example:
 - i) CAP 316 Census and Statistics Ordinance
 - ii) CAP 528 Copyright Ordinance
 - iii) CAP 486 Personal Data (Privacy) Ordinance

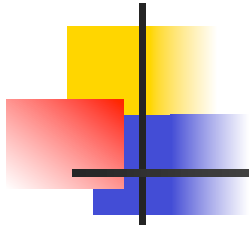


RECORD / ARCHIVES – Problems:

e) Dilution of professionalism

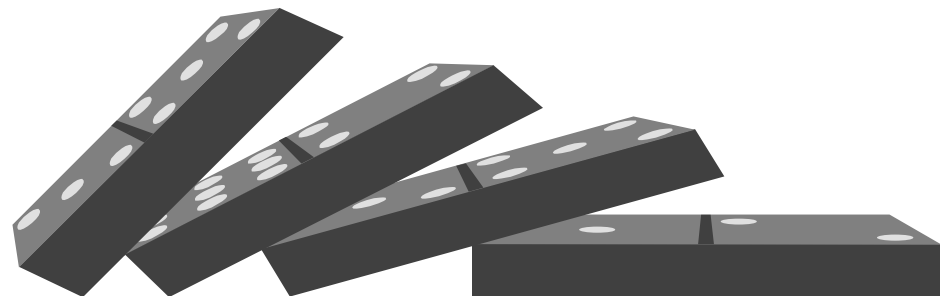
f) Waste of public resources





RECORD / ARCHIVES – Problems:

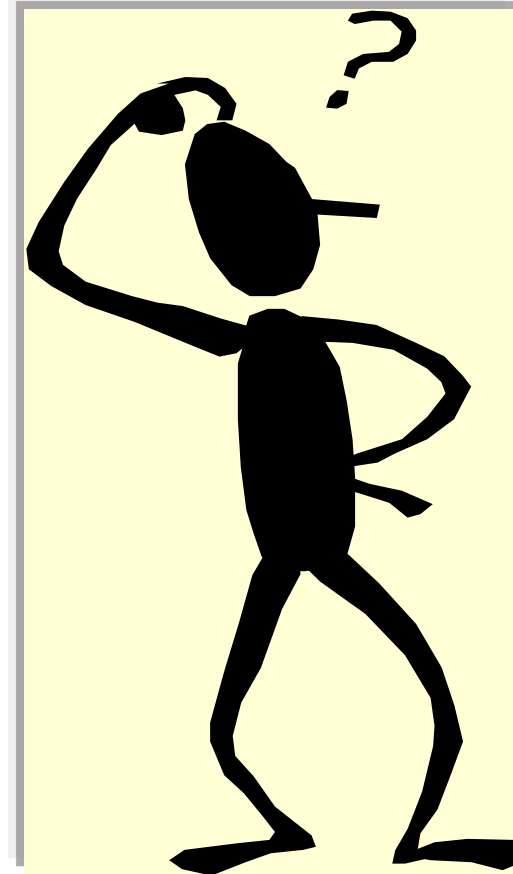
- g) Lack of Government transparency and accountability
- h) Loss of collective memory





So, what do you think?

- **Do you think something has to be done urgently?**





Archives Legislation is the way forward !

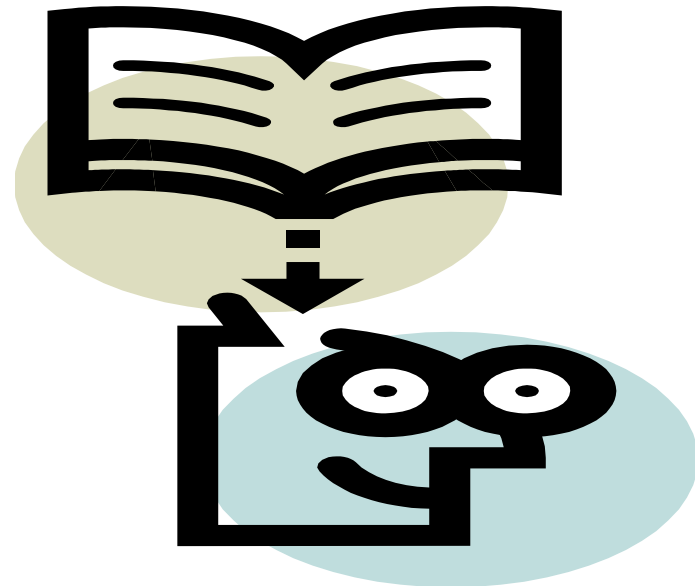
- In jurisdictions where archives law is in force, government officials are required by law to:





Archives Legislation is the way forward !

**i) Create records
for all their
official activities
and transactions**





Archives Legislation is the way forward !

ii) Have the records maintained and managed in compliance with relevant laws and regulations





Archives Legislation is the way forward !

iii) Have the records transferred to the Archival Authority for appraisal and/or permanent retention when the records are no longer needed for administrative use



Archives Legislation is the way forward !

Archives Law also provides “access right” to members of the public as regards records in the custody of the Archival Authority

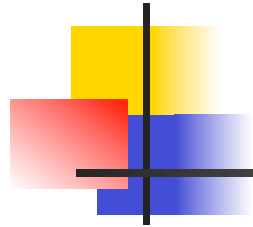


Archives Legislation is the way forward !

**“No good cause
shall lack a
champion;**

**Wrong shall not
thrive
unopposed!”**





Finally,

Thank You !

