

**Motion debate on  
“Enacting an archives law”  
to be held at the Council meeting  
of 16 November 2011**

**1. Dr Hon Margaret NG’s original motion**

That, in order to properly manage and preserve valuable public records, and provide channels for the public to access such records, this Council urges the Government to immediately launch public consultation on the formulation of an archives law and expeditiously proceed with its enactment.

**2. Motion as amended by Hon Paul TSE**

That, in order to properly manage and preserve valuable public records, and ~~provide channels for the public to access~~ *facilitate the public to access* such records, this Council urges the Government to ~~immediately launch public~~ consultation on the formulation of an archives law and expeditiously proceed with its enactment *expeditiously review the existing management of government records, and having regard to the outcome of the review, to consider adopting appropriate measures to enhance the management of government records and related services for the public.*

Note: Hon Paul TSE’s amendment is marked in *bold and italic type* or with deletion line.

**3. Motion as amended by Hon Cyd HO**

That, in order to properly manage and preserve valuable public records, and provide channels for the public to access such records, this Council urges the Government to immediately launch public consultation on the formulation of an archives law and expeditiously proceed with its enactment, *and to:*

*(a) establish a standing committee to review the existing situation of records management and put forward improvement proposals;*

*(b) create a professional grade comprising all records management posts in the Government Records Service, and stipulate professional qualifications in records management as mandatory requirements; and*

*(c) extend the mandatory requirements that are currently applicable only to the Government’s internal records management to all publicly-funded statutory bodies.*

Note: Hon Cyd HO’s amendment is marked in *bold and italic type*

-----  
**STATUTORY DECLARATION**  
-----

I, **BRECH, Donald Charles**, Principal Consultant, Records Management International Limited of 806 Capitol Centre, 5-6 Jardine's Bazaar Causeway Bay, Hong Kong do solemnly and sincerely declare and say as follows :-

1. In records and archives management, records appraisal is critical to the process of determining the destruction of records or their preservation for future use. It involves a thorough analysis and evaluation of the context in which the records were generated, including the business functions of the records creators; the extent to which the records provide sufficient evidence of key functions and programs, significant issues and their impact on the community; also whether they enrich society's knowledge and understanding of its history; and whether their preservation meets the business needs of the creators, the requirements of organizational accountability and community expectations. Records appraisal should be conducted with great prudence and measured against objective criteria. It is a process that should be developed and managed by records and archives professionals, and by a group with relevant training, skills and practical experience rather than by an individual. The appraisal of records of bodies responsible for policies and decisions require particular care as even their most routine records may be significant in understanding and assessing their functions and role, as well as the impact of the policies, services and events for which they are accountable and that affect the community at large.

2. Based on my experience of over 40 years as a practicing archivist in Australia, the United Kingdom and Hong Kong, during which I also served as the first Director of the

Government Records Service of the Hong Kong Government, I would find it less than credible that 1,181.71 linear metres of records from policy making bodies such as the Office of the Chief Executive, the Office of the Chief Secretary for Administration and other policy bureaux could be appraised within a period of 6 months if the standards and methods described above were applied, and given the current professional capacity of the Government Records Service.

3. In respect of the records of the Office of the Chief Executive, I would expect most records, even those relating to apparently routine matters, such as presentations by officers, visits and invitations to ceremonies, office management, or working papers documenting advice given to the Chief Executive to be appraised as worthy of permanent preservation as in the government archives of other jurisdictions, especially given the importance of the role of that Office during the first years of the history of the Special Administrative Region of Hong Kong and its place in the history of China.

4. The written reply by the Chief Secretary to a question by the Hon Emily Lau given on 19 October 2011 states that 66.56 linear metres of records from the Chief Executive's Office were endorsed for destruction, while no indication was given as to the quantity of records appraised as having archival value. In view of the pivotal role of the Office of the Chief Executive, particularly in relation to the making and implementation of government policy, the quantity of records approved for destruction out of the totality of records created during the first 14 years of the Office's existence must be seen as excessive for an agency with central policy and executive functions. Accordingly I would conclude that the present system for the management and preservation of government records has failed, not only in a procedural sense, but also has failed to meet the Administration's obligations and the expectations of the people of Hong Kong with regard to the preservation of their documentary heritage.

5. It is my professional view that such travesties of records and archives management will continue under the present administrative arrangements and guidelines and will only be prevented by the enactment of an archives law that places statutory obligations and

responsibilities on all government officials and agencies with respect to the creation, management and preservation of government records.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance, Chapter 11 of the Laws of Hong Kong Special Administrative Region.

DECLARED at Unit 2303, 23<sup>rd</sup> Floor, Golden )  
Centre, 188 Des Voeux Road Central, Hong Kong )  
on this 14<sup>th</sup> day of November 2011 )

By me before



-----  
**STATUTORY DECLARATION**  
-----

I, Chu Fook Keung, Adjunct Associate Professor, Department of History of the Chinese University of Hong Kong and Special Advisor to the Asia/Pacific Regional Committee of the Memory of the World Program, UNESCO, of 5-6 Jardine's Bazaar, Causeway Bay, Hong Kong do solemnly and sincerely declare and say as follows :-

1. In archives and records administration, records appraisal is regarded as the most time and intellectually demanding task. It is the process where the different values of records are closely examined and a decision is then made to destroy or permanently preserve them for continuous access and use. Records appraisal involves studying the provenance and content of records, assessing their administrative, legal, fiscal, informational and intrinsic values, confirming their authenticity and integrity, and ascertaining their relations with other records as well as their physical conditions and the costs of preservation. Records appraisal needs to be conducted with great prudence and objectivity and should involve decisions of a group of experts rather than that of an individual. This is **particularly important when appraising records of policy decision bodies** given that even their most routine records may provide important information and clues in understanding and analyzing the impact of public policies, services and events that affect the whole community, as well as tracing accountability.

2. According to my decades' experience in working for the government archives of Hong Kong where I have served as the Government Records Service Director and the Archivist of the Public Records office , and knowing their professional capacity, I would find it **impossible for the officers there to finish appraising and approve destruction of**

**1,181.71 linear metres of records from policy making bodies** such as the Chief Executive Office, the Central Policy Unit and 12 policy bureaux **in 6 months** if the above mentioned standard and method were applied.

3. Although decision for records destruction could be made easier where comprehensive **disposal schedules** were prepared ahead of time, offering details of the nature, content and retention requirements of different types of records, (thus not every file or document would need to be carefully examined), this applies mainly to **routine (or housekeeping) records** and definitely not those involving policy initiations, deliberations, decisions and actions. I would like to point out in particular that in the case of the Chief Executive's Office, even the seemingly most routine records, such as those relating to visits, speeches, press releases or building management, deserve to be scrutinized closely for permanent preservation. It should be noted that most presidential records of the United States are taken over by the National Archivist and subsequently made available for public access in designated presidential libraries. I would also say that while the National Archivist of the US is authorized to dispose of such presidential records which he/she has appraised and determined not to have sufficient values to warrant preservation, notice of disposal is required to be published in the Federal Register for public inspection at least 60 days in advance of the proposed disposal date.

4. Noting the professional capacity of the Government Records Service and its recent approval for destroying 66.56 linear metres of records (estimated to be over 260,000 pages of documents) from the Chief Executive's Office among some 1181.71 linear meters of policy bureaux records without reporting anything of archival value, I have the greatest concern about:

- a. Whether the records appraising officers have exercised any informed judgment;
- b. Whether the records appraising officers have adequate professional expertise, knowledge and understanding in records appraisal or if there is any awareness, sensitivity or care on their part regarding the needs of researchers and stakeholders; and

c. Whether there is genuine interest of the Administration in the identification and preservation of archival heritage for the community of Hong Kong.

5. In this circumstance, I would consider that something must have gone wrong not only with the procedures and/or methods used in the records appraisal process, but also with those officers deployed to conduct the records appraisal work as well as the context in which they were asked to handle the appraisal task. This massive destruction of records from the Chief Executive's Office, the Central Policy Unit and 12 policy bureaux has left an irreversible blank in documenting the public administration, governance and history of Hong Kong. This demonstrates clearly the urgent need for reviewing the current way of managing public records and the enactment of an archives law that will place statutory obligations on government officials and agencies in proper recordkeeping, disposal and preservation of those records of enduring value for the present and future generations. It is my opinion that archives legislation is the only viable solution to address the current devastating records problems of the Administration.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance, Chapter 11 of the Laws of Hong Kong Special Administrative Region.

DECLARED at Hong Kong )  
 )  
On this 13<sup>th</sup> day of November 2011 )

Before me,



