

## **"Hong Kong's Bureaucrats Rewrite History" by Philip Bowring**

Public records are being obliterated

The rewriting of Hong Kong's history has started early. Its government, for a mix of bureaucratic interests and political assumptions, is simply obliterating significant chunks of it from the public record.

The long term result will be that for future historians of China its existence will be much diminished rating along with Weihai (under British rule from 1898 to 1930) as a treaty port footnote. In the short to medium term it can only result in a decline in standards of government administration and the rule of law.

Despite years of urging, including by some official bodies, the government and its foot soldiers in the legislative council have declined to enact any laws requiring protection of official archives and provision of public access to them. Worse, it has presided over massive destruction of documents, most recently using the occasion of the move of key departments from the old central government offices to its new Tamar headquarters.

Meanwhile it has deliberately kept the public records office under-manned and mostly run by middle ranking executive officers with no training as archivists.

The abysmal state of public records has recently been highlighted in a report by the Ombudsman, an official whose job is to protect public interests against bureaucratic misdeeds. It urges the enactment of "legislation for effective enforcement of the records with a view to avoiding loss or unauthorized destruction of records and enabling the taking of sanctions against those who do not abide by the stipulations".

Such legislation was particularly necessary in the case of records relating to public services. Indeed, the report pointed out that a marine accident two years ago in which 36 ferry passengers died might well have been avoided had the marine department kept better records.

The report did not suggest a timetable for legislation but draft legislation has already been drawn up by the Archives Action Group (AAG) a body which has long been urging legislation as well as administrative action to organize and protest records. The AAG subsequently noted the low level of

professional leadership and training noting that of recent appointees to the records office “all are novices in the archives field.”

The Ombudsman’s report also noted the failure over a decade of the Public Records Office to implement any scheme for preservation of electronic records at a time when more and more government records were primarily or partly in such form.

The report was narrow in its scope and failed to mention the link between protecting archives and freedom of public access to them. If the public has access but the records are missing or incomplete they are of little value. Likewise if records are complete but access is denied they may be of use to future historians but they are of no use to citizens today.

The Ombudsman’s report said little new but its existence shows how deep opposition in government to protecting records has gone. Much the same criticism of government attitudes toward the archives was contained in a report by the Director of Audit in 2011. This pointed to the failings of the existing administrative system for maintaining archives. But nothing was done and the situation has continued to deteriorate.

This deliberate evasion of the issue is continuing. Last year the Law Reform Commission created a sub-committee on Archival Law. But this is mostly seen as a delaying tactic by the government. The Law Reform Commission takes years to come up with proposals and then more years are needed to draft laws, pass them and implement them. In other words reference to it guarantees that nothing will happen for a decade or more.

Two influences appear to be behind government attitudes. The first is clearly that bureaucrats dislike the idea that keeping of records – particularly those to which the public has access – threatens to expose them now, or in the future, to having their misdeeds revealed or the reasons for decisions subject to derision.

The senior ranks of the Hong Kong civil service have a very high opinion of their own abilities which they do not want undermined by bad news. They are like Catholic bishops who want to keep priestly sex scandals under wraps to protect either themselves or their institution.

Yet the rule of law can no more survive without access to reliable public records than Hong Kong can exist as a commercial and financial hub if the property ownership records in the Land Registry and corporate ones in the Companies Registry are not protected and accessible.

The second is the assumed link between the keeping of records and Hong Kong's sense of separate identity. It can be assumed that self-styled "patriots" in government have either been told by Beijing, or second guessed the collective thoughts of the Communist Party that anything which by its very nature focuses on Hong Kong's separate history encourages "two systems" attitude at the expense of "one country".

Records are thus doubly dangerous. They can be used to challenge the government, in practice strengthening the judiciary at the expense of executive authority. Party leaders are already unhappy about the fact that, unlike the mainland, executive authority is not supreme. Secondly, they are by their nature a reminder of colonial days and institutions at a time when Hong Kong identity has tended to focus on an idealized past.

In principle China should welcome record keeping. Hong Kong has a legacy from two countries which excelled in keeping records for over a thousand years – China and England. Such records have clearly contributed to the essential stability of those societies through the centuries.

But just as Communist revolutionaries, particularly during the Cultural Revolution, sought the destruction of all things old, not least records, so today it suits Beijing to see the gradual withering of Hong Kong's records. History and old documents are now back in favor on a mainland now focused on a revival of nationalism. But that also entails forgetting such uncomfortable facts as a Hong Kong which thrived with foreign-imposed institutions.