

**To Archives Law Sub-committee Secretary  
at [hklrc@hkreform.gov.hk](mailto:hklrc@hkreform.gov.hk)**

Chief Executive Carrie Lam has promised transparency and support for an Archives Law, subject to the recommendation of the Law Reform Commission (LRC). The Archives Law Sub-committee of LRC recently issued a public consultation document which provisionally supports legislation without suggesting the terms to be included. Consultation will end on 5 March 2019.

**WHY A Good Archives Law is Needed**

Proper management of public records and archives under a good archives law ensures effective governance, transparency and protection of documentary heritage and cultural identity. If the government wants people to trust and support its policies, it needs to be transparent, accountable and responsive. The problems of proper management of public records that the government fails to address are continuously found. Examples include the Lamma Ferry disaster, informal consultations without records in the Wang Chau public housing development plan, lead contamination in tap water of public housing estates, and recently the huge quantity of missing or late submission of documents by contractors in the construction of the Shatin-Central Link rail project and the Hong Kong link road of the Hong Kong-Zhuhai-Macao Bridge. All these have grave impact on human lives, public safety and use of public money!

**Response to the Consultation Paper on Archives Law**

I/WE \_\_\_\_\_ therefore submit that:

- A comprehensive Archives Law must be enacted without delay; and
- The Archives Law must include the following terms which establish:
  - Proper creation and management of complete, accurate, reliable and usable public records, including electronic records with appraisal and management performed by qualified professional staff.
  - An Archives and Records Authority under professional leadership with independent powers and clear responsibilities, and an independent and well represented Archives Council to oversee the operation of the Archives and Records Authority.
  - Transparent disposal of all public records with NO arbitrary records destruction.
  - Statutory rights to access public archives according to international best practice of 20 years with exceptions and exemptions to be clearly and narrowly defined.
  - A just, fair and transparent appeal mechanism against access denial with NO public archives to be closed to the public permanently.
  - Legal penalties for non-compliance.
  - Covering all government agencies as well as organisations that are substantially funded by public money or perform key public services with clear criteria in defining these organisations and a progressive implementation schedule.

I agree/disagree to disclose my name to the Consultation Report of Archives Law to be issued by the Law Reform Commission.

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Name/Chop and Date

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Contact Details