

PUBLIC RECORDS (ACCESS) RULES 1996

- Citation 1. These Rules may be cited as the Public Records (Access) Rules 1996.
- Interpretation 2. (1) In these Rules unless the context otherwise requires -
- "Government Records Service" means the Government Records Service of Hong Kong.
- "Government Records Service Director" means the officer appointed from time to time to administer the Government Records Service.
- "Closed records" means any public records which are not available for public inspection by virtue of Rules 3 and 6.
- "Government Department" means any department, office or agency or instrument of any kind of the legislative or judicial or executive Government of Hong Kong administered by a Head of Department.
- "Head of Government Department" means an officer of the Civil Establishment who is designated as a head of department or as an officer occupying a post of equivalent status, or who is so designated as the administrative head of an independent office or organization.
- "Public records" means all record materials of any kind, nature or description which have been made, received or acquired in the course of legislative, judicial or executive transactions, together with all exhibits and other material evidence which form part of or are annexed to or are otherwise related to any record, which may be transferred to or be acquired by the Public Records Office of the Government Records Service.
- "Search Room" means the room designated as such within the Government Records Service in which public records may be inspected.
- (2) Where any public records are bound, sewn, stapled or otherwise attached to closed records so as to form a bound volume, file or other compilation, the whole of the records contained in such bound volume, file or compilation shall be deemed to be closed records.
- Records available for public inspection 3. Subject to the provisions of these Rules and the laws of Hong Kong, public records
- (a) which have been in existence for not less than thirty years; or
- (b) the contents of which have at any time been published or otherwise wholly disclosed to the public,
- shall be available for public inspection.
- Application 4. Nothing in these Rules shall apply to any public records drawn up, made, received, acquired or used in the course of proceedings of any court in Hong Kong.

Rules of conduct	5. All persons inspecting public records in the Government Records Service shall observe the rules of conduct prescribed in the Second Schedule to these Rules, and any person failing to observe such rules may be denied permission to continue his inspection.
Restriction of access to Public Records	<p>6. Without prejudice to the generality of Rule 3</p> <p>(a) if it appears to the Chief Secretary, upon advice to that effect by the Head of any Government Department which has deposited public records in the Public Records Office of the Government Records Service, that any such records contain information the disclosure of which would not be in the public interest, such records shall not be available in the Government Records Service for public inspection even after the expiration of the period determined under Rule 3;</p> <p>(b) if it appears to the Chief Secretary, upon advice to that effect by the Head of any Government Department which has deposited records in the Public Records Office of the Government Records Service that they contain information which was obtained from members of the public under such conditions that the opening of those records to the public after the period determined under Rule 3 would or might constitute a breach of good faith on the part of the Government or on the part of the persons who obtained the information, such records shall not be available in the Government Records Service for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Chief Secretary and the Government Records Service Director may approve, or, if the Chief Secretary and the Government Records Service Director think fit, after the expiration of such further period as they may approve.</p> <p>7. (1) The Government Records Service Director may, in his discretion and in accordance with general instructions given to him by the Chief Secretary, permit any person to inspect closed records which are held in the Government Records Service.</p>
Undertaking	(2) Persons permitted to inspect closed records may be required to sign an undertaking in the form prescribed in the First Schedule to these Rules.
Application to inspect records	8. (1) Subject to the provisions of Rule 8(4), any person wishing to inspect public records in the Government Records Service shall apply in writing to the Government Records Services Director stating the purpose for which he requires access and the general nature of the records which he wished to inspect.

(2) Each application made under the provisions of the last preceding paragraph shall be accompanied by a reference from the institution to which the applicant is attached, or, where the applicant is not attached to any institution, from a prominent and responsible person resident in Hong Kong.

(3) Every application accompanied by the reference referred to in the last preceding paragraph shall be submitted by the Government Records Service Director to the Chief Secretary for his consideration and the decision of the Chief Secretary thereon shall be final.

(4) Notwithstanding the provisions of the preceding paragraphs of these Rules, the Government Records Service Director may, in his discretion and in accordance with general instructions given to him by the Chief Secretary, permit access to public records without requiring the written application or the reference referred to in paragraph (1) and (2) of this Rule.

Search room

9. Such public records as are, under the provisions of these Rules, permitted to be inspected shall be made available to the public in a search room in the Government Records Service.

10. The Public Records (Access) Rules 1994 are hereby revoked.

FIRST SCHEDULE

**UNDERTAKING GIVEN IN ACCORDANCE WITH RULE 7(2)
OF PUBLIC RECORDS (ACCESS) RULES 1996**

1. I agree to submit for inspection by the Chief Secretary or Head of Department or Agency, as appropriate, any work based on closed records of the Government of Hong Kong held in the Government Records Service to which I may be granted access prior to publication or otherwise making it available to the public.

2. I further agree to make any amendments to the work that may be required in respect of information obtained from the closed records, the publication of which would not be in the public interest or might constitute a breach of faith on the part of the Government or person who obtained the information.

3. It is understood that these conditions do not apply to any conclusions or analysis I may draw from or make of such records.

Signature of Application

Date

Signature of Witness

Date

SECOND SCHEDULE

RULES TO BE OBSERVED BY PERSONS GRANTED ACCESS TO PUBLIC RECORDS

1. Personal belongings such as bags, umbrellas and other items not reasonably required during the inspection of records must be left at the entrance of the search room or in such other place as may be indicated by the officer in charge of the search room.
2. All persons must conduct themselves in an orderly and quiet manner in the search room.
3. Smoking, eating and drinking is not permitted in the search room.
4. No record is to be written on, marked, mutilated or textually or otherwise altered in any way.
5. No ink, paste or other substance which may damage records may be introduced into the search room.
6. Only pencils may be used for writing when using records in the search room.
7. Lap-top computers, typewriters dictaphones may be used for taking notes in the search room providing they do not cause any inconvenience or disturbance to others.
8. No object is to be placed upon any record produced for inspection in the search room.
9. Opened bound volumes must not be placed face downward on a desk or table and no object other than plain paper may be used as a bookmark.
10. Tracing of records is not permitted.
11. Records must be handled with care at all times.