

DRAFT

(Please check against final delivery)

LEGCO QUESTION NO. 4

(Oral Reply)

Asked by: Hon Charles Peter MOK

Date of meeting: 23 November 2016

Replied by: The Chief Secretary for
Administration

Question:

It is learnt that at present, quite a number of advanced countries have enacted archives laws to set out the requirements in respect of matters such as the preservation and management of and access to important public records on social policies and policies relating to people's livelihood, so as to ensure the integrity of public records and safeguard people's right to know. On the other hand, the Hong Kong Government has all along been using merely administrative directives and guidelines with no legal effect to regulate the management of public records. Regarding the management of public records, will the Government inform this Council:

- (1) given that the Law Reform Commission formed subcommittees in May 2013 to conduct studies on archives law and access to information respectively, of the latest progress and outcome of the studies conducted by these two subcommittees;
- (2) given that the Government Records Service collaborated with the Office of the Government Chief Information Officer last year to conduct a study to gauge the implementation of electronic records management by various policy bureaux and government departments ("B/Ds"), of the latest progress and timetable of such study; and
- (3) of the B/Ds that are using the Electronic Recordkeeping System ("ERKS") on a trial basis at present or have formally adopted ERKS; whether the authorities have assessed and reviewed the use of ERKS; if they have assessed, of the relevant criteria; when the authorities will expand ERKS to cover all B/Ds, and of the estimated expenditure concerned?

Reply:

President,

The Government fully recognises the importance of records management and is committed to identifying and preserving government records having archival value.

The Government has put in place administrative arrangements to comprehensively regulate the management of government records. The Government Records Service (GRS) is tasked to oversee the overall management of government records and ensure that government records are properly managed and those with archival value are preserved for public access. Although Hong Kong has not implemented an archives law at present, the essential principles of records management adopted internationally have been implemented in Hong Kong through administrative arrangements. These principles include promulgation of recordkeeping standards; designation of obligations and responsibilities of government agencies relating to creating, keeping, maintaining and protecting government records; destruction of records to be subject to prior authorisation of archival authority; setting out responsibility for safe custody and conservation of archival materials; and provision for public access to public records. In the past few years, GRS has also implemented a number of new measures and strengthened its manpower support, with a view to further improving the present records management system within the Government. These measures include enhancing the arrangements in respect of records creation, disposal, transfer and public access, provision of more training courses, enhancement of the monitoring mechanism to oversee the records management practices of bureaux and departments and provision of relevant advice, and release of more information relating to the records management in the Government so as to enhance transparency. We believe that formulating and implementing an effective framework of administrative arrangements is essential to the refinement of the records management in the Government. When developing our present records management system, we have made reference to those of different countries and regions such as the United Kingdom, the United States and Australia, etc., as well as adopted internationally recognised standards and practices. We have also sent our staff for overseas visits and exchange so as to keep abreast of the latest information and trend on records and archives management abroad. As an on-going effort, the Government keeps the current administrative arrangements under review and will improve on them as and when appropriate.

The reply to the question raised by Hon Charles Peter Mok is as follows:

- (1) The Law Reform Commission (LRC) set up two Sub-Committees in 2013 under the chairmanship of The Hon Andrew Liao, SC, and Mr Russell Coleman, SC, respectively, to study the subjects of archives law and access to information. The two Sub-Committees are studying the existing systems and the laws of other jurisdictions, and will conduct public consultation at a later stage, with a view to making appropriate recommendations on possible options for reform if need be. The Government will examine carefully the recommendations to be made by the LRC, before mapping out the way forward.
- (2) With the support of the Office of the Government Chief Information Officer (OGCIO), GRS issued questionnaires to all Government bureaux and departments (B/Ds) in February 2015 to gauge their electronic records management situations. GRS also subsequently conducted random checks and carried out on-site inspections to the B/Ds concerned to verify the information gathered from the questionnaires. The study was completed in September 2015. The results showed that B/Ds had no major problems in electronic records management. B/Ds had strictly followed the Government's mandatory "print-and-file" requirement for handling electronic

mails. “Print-and-file” means that if a B/D has not yet implemented an electronic recordkeeping system (ERKS), after it has sent or received an electronic mail record, it should print the electronic mail record and file it in a paper-based recordkeeping system. As regards the deployment of shared drive facilities, B/Ds used them to store non-records or copies of electronic records only in order to facilitate internal sharing of knowledge and information rather than to replace the official recordkeeping system.

The study results also revealed that three B/Ds had to take some improvement measures of which one department needed to ensure those electronic records stored in the shared drive facilities would be filed in the department’s recordkeeping system as soon as possible, while another two departments needed to regularly circulate the guidelines on “print-and file” in order to remind their staff to understand the mandatory requirement. The B/Ds concerned have taken immediate improvement measures after receiving GRS’ advice.

- (3) The Efficiency Unit (EU), GRS, Communications and Creative Industries Branch of the Commerce and Economic Development Bureau, Rating and Valuation Department and Drainage Services Department are the early adopters of ERKS. The Electronic Information Management Steering Group (EIMSG) of the Government conducted an initial assessment and review on the ERKS implementation in the above-mentioned five departments in 2014. The review criteria included the implementation experience, as well as costs incurred and benefits, such as savings in manpower, paper, rental for file storage space, etc. The results showed that all the five departments had successfully implemented their ERKS, effectively minimising the problem of duplicate filing in different units of the department and gradually reducing paper consumption and file storage space. EIMSG later decided to recruit B/Ds with more complex recordkeeping requirements for the second phase of implementation so that a comprehensive review could be conducted before a full-scale implementation of ERKS across the Government.

The second phase of implementation started from late 2015 with the participation of six B/Ds and a budget of over \$100 million. Among them, the Intellectual Property Department and OGCI have successfully launched their ERKS. For the remaining four departments, namely the Administration Wing, Civil Engineering and Development Department, Architectural Services Department and Marine Department, the ERKS will be implemented by phases starting from the end of 2016. EU, together with OGCI and GRS, will conduct an assessment and review in 2017-18 when the system implementation work in the six departments of the second phase of implementation has been completed initially with a view to formulating the long-term strategy and expenditure estimates for full extension of ERKS across the Government.

Thank you, President.

