

*Issue No. 2 of Reporting Year 2017/18
(12 September 2017)
Office of The Ombudsman*



*Direct Investigation Report
Lands Department's Enforcement against
a Village House with Irregularities*

An investigation by the Office of The Ombudsman has found serious delay in enforcement actions by the Lands Department (“Lands D”) against irregularities in respect of a New Territories Exempted House (“the House”). Such delay has allowed the House owner to breach the lease conditions of the agricultural land in question and occupy illegally a large part of the adjoining Government land for more than 20 years. The persistence of the irregularities in respect of the House was mainly attributable to Lands D’s inappropriate strategy of “straightforward cases first, thorny cases last” and “last-in-first-out” for handling cases involving irregularities, its lack of timeframe for enforcement actions, and its indecisiveness in re-entering the agricultural land in question.



The Ombudsman recommends that Lands D set a target completion date for processing each case and step up its enforcement efforts for this case so that the problem can be completely resolved.

The executive summary of the investigation report is at **Annex 1**.

*Direct Investigation Report
Leisure and Cultural Services Department's Criteria and
Procedures for Procuring and Withdrawing Library Materials*

The Ombudsman has completed a direct investigation into the criteria and procedures adopted by the Leisure and Cultural Services Department (“LCSD”) for procuring and withdrawing library materials.

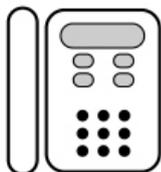


The collections of public libraries are precious public resources. Every year the Government spends nearly \$100 million of public money on the acquisition of library materials, and LCSD has a duty to ensure that these resources are utilised properly. Our investigation finds that although LCSD has established policies and operational procedures for procuring and withdrawing library materials, inadequacies are found in relevant mechanism which fails to keep up with the times. As a result, the Department's ability to effectively manage such enormous public resources of library collections is impeded.

In the procurement of library materials, LCSD has adopted for years a procurement target of "acquiring at least 700,000 items annually". However, it has never clearly explained the rationale behind this target. It also has no specific procedural guidelines that can show the workflow for drawing up its annual procurement plans, nor has it maintained any records of the justification for its procurement decisions.

As regards the withdrawal of library materials, LCSD had no records of the reasons of withdrawal for individual library materials before mid-2015. Despite that LCSD has subsequently amended its guidelines which required its staff to record the specific reasons for withdrawing each and every item, there is still no mechanism to use the data of withdrawn materials for management analysis in order to monitor and minimise any unnecessary depletion of library materials. Moreover, LCSD's rigid and wasteful practice of recycling withdrawn library materials as solid waste should be reviewed. LCSD should also strengthen the coordination between "procurement" and "withdrawal" of library materials, so that senior management can make more appropriate procurement decisions.

The Ombudsman has made eight improvement recommendations to LCSD to address the inadequacies identified. The executive summary of the investigation report is at **Annex 2**.



Enquiries

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Executive Summary

Direct Investigation into Lands Department's Enforcement against a Village House with Irregularities

Background

This Office received earlier a complaint in which the complainant alleged that the owner of a piece of agricultural land in the New Territories ("the Agricultural Land") had enclosed the adjoining Government land ("the Government Land"), blocking neighbouring villagers' access. Our inquiry revealed that the case involved irregularities that had persisted for more than 20 years:

- (1) breach of the conditions of the Short Term Waiver ("Waiver") granted to New Territories Exempted Houses ("NTEHs");
- (2) erection of unauthorised structures on private agricultural land; and
- (3) illegal occupation of Government land.

2. In this light, The Ombudsman initiated an in-depth investigation against the **Lands Department** ("Lands D") to probe into the underlying causes of its delay in taking enforcement actions against the irregularities.

Relevant Legislation and Enforcement Policy

3. By virtue of the Buildings Ordinance (Application to the New Territories) Ordinance, Lands D is empowered to issue a Waiver to an NTEH, which normally carries restrictive conditions on the height, area and use of the NTEH. Any breach of those conditions may lead to cancellation of the Waiver. An NTEH having had its Waiver cancelled by Lands D would be regarded as being in breach of the land lease conditions ("lease conditions") and subject to Lands D's lease enforcement actions in accordance with established procedures.

4. Erecting unauthorised structures on private agricultural land also constitutes a breach of the lease conditions. Lands D may take lease enforcement actions against the land owner, including: (1) issue warning letter demanding the owner to rectify the irregularity by a specified date; and (2) registration of the warning letter at the Land Registry if the irregularity persists.

5. In the past, lease enforcement actions usually would not go beyond registration of warning letter. Since April 2014, Lands D has implemented a new policy such that with regard to unauthorised structures on agricultural land that have already been

constructed and remain unpurged despite registration of warning letter, Lands D will proceed to re-enter the agricultural land pursuant to section 7 of the Government Rights (Re-entry and Vesting Remedies) Ordinance (“the Re-entry Provision”).

6. Where illegal occupation of Government land is found, Lands D is empowered to post a notice under section 6 of the Land (Miscellaneous Provisions) Ordinance (“the Occupation of Government Land Provision”) demanding the occupier to cease occupation of the land by a specified date. If the notice is not complied with, Lands D may take possession of the property or structure(s) on the land and institute prosecution against the occupier. Lands D may also remove the structure(s) and recover the costs incurred from the convicted occupier.

7. Since February 2015, “the Occupation of Government Land Provision” has imposed heavier penalty on the occupier. Among other things, the maximum fine has been drastically raised from \$10,000 to \$500,000 for first-time conviction; and to \$1 million for each subsequent conviction.

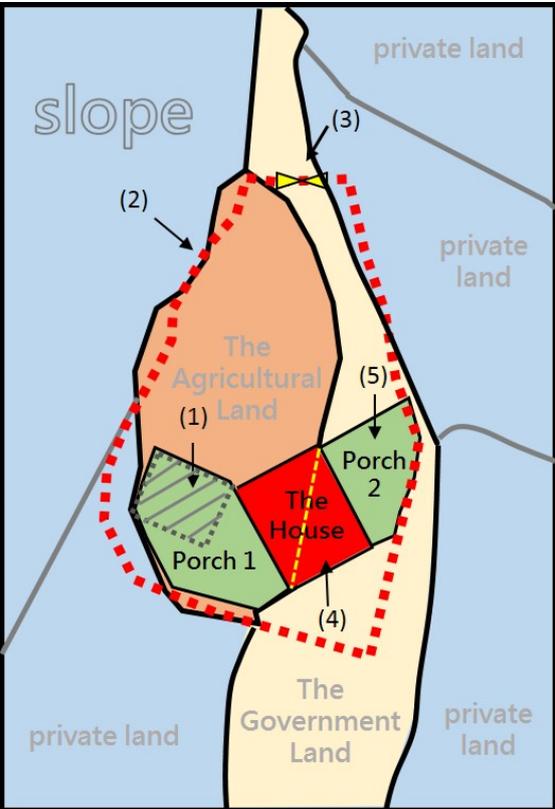
Our Findings

Details of the Case

8. The case which is the subject of this investigation could be traced back to **1994** when the local District Lands Office (“DLO”) of Lands D issued a Waiver to the then owner (“Owner A”) of the Agricultural Land, granting him approval to construct an NTEH (“the House”), which was subsequently completed in **1995**. The House, however, breached a number of conditions of the Waiver, as set out below:

	Conditions of the Waiver	What Actually Happened
(1)	The NTEH should not exceed 5.18 metres in height.	The House exceeded 5.18 metres in height.
(2)	The NTEH should not have any additional structures.	The House had additional structures, namely, a balcony, a canopy and a stairhood.
(3)	The NTEH should be built within the perimeter of the Agricultural Land.	The House straddled the Agricultural Land and the Government Land.
(4)	The NTEH should only be used for self-residence of Owner A and should not be transferred or leased out.	Upon completion of the House, Owner A sold the Agricultural Land (together with the House).

9. Between 1999 and 2003, the subsequent owner of the Agricultural Land (“Owner B”) carried out a number of unauthorised extension works, as listed in items (1) to (5) below:



- (1) Constructed Porch 1
- (2) Constructed enclosing walls
- (3) Erected a steel gate
- (4) Constructed a roofed structure on the rooftop of the House
- (5) Constructed Porch 2

	Steel gate
	Enclosing walls
	Demarcation line between the Agricultural Land and the Government Land
	The area initially covered by Porch 1 (which was then extended about 2.5 times in 2015 to cover the whole green area)

Lands D’s Follow-up Actions and Response

10. The case was followed up first by **DLO** and then the **New Territories Action Team** (“the Action Team”). The whole process can be divided into four phases. Actions in Phases I and II were taken by DLO, and those in Phases III and IV by the Action Team.

DLO	
Phase I (October 1995 - March 2004)	
1995	Discovered irregularities in respect of the House for the first time, wrote to Owner A demanding rectification.
1996	Wrote to Owner A again demanding rectification of the irregularities.
1996 - 2003	Conducted nine inspections, during which DLO found in 1999 that Owner A had already sold the Agricultural Land, and discovered in 2002 that part of the House was on the Government Land.

2004	Cancelled the Waiver.
Phase II (April 2004 - September 2007)	
2004 - 2007	After two inspections (in 2004 and 2005), referred the case to the Action Team (in 2007).

11. Lands D gave the following explanation for DLO’s slow progress in handling the case:

- (1) **Phase I:** In accordance with the then prevailing guidelines of Lands D, breach of conditions of a Waiver was not accorded “high priority”, so DLO just handled such cases one by one.
- (2) **Phase II:** Under Lands D’s guidelines, a case of an NTEH having had its Waiver cancelled by the Department is of “medium priority”. DLO had to handle such cases one by one. Lands D’s guidelines set no timeframes for handling cases of high, medium or low priorities.

12. The Action Team took over the case in 2007. It has since taken the following actions:

Action Team	
Phase III (October 2007 - February 2014)	
2007 - 2014	Took no action.
Phase IV (March 2014 - July 2017)	
<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></div> Enforcement actions taken regarding the Agricultural Land </div> <div style="display: flex; align-items: center; margin-top: 5px;"> <div style="width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></div> Enforcement actions taken regarding the Government Land </div>	
2014	Commenced enforcement actions.
2015	Issued a warning letter/posted a notice on three occasions (in July, August and November), requiring the then owner (“Owner C”) to rectify the unauthorised structures on the Agricultural Land by a specified date.
	Posted a notice (in July), requiring Owner C to cease occupation of the Government Land by a specified date.
2016	Registered a warning letter in respect of the Agricultural Land (in January).
	Posted a notice again (in February), requiring Owner C to cease occupation of the Government Land, and later started the prosecution procedures (in April). Though convicted (in July),

	Owner C continued to occupy the Government Land. The Action Team then posted another notice and issued a letter (in October and November), requiring Owner C to cease occupation of the Government Land by a specified date.
2017	Instituted another prosecution against Owner C, who was subsequently convicted (in June). Owner C indicated that demolition of the unauthorised structures on the Government Land was in progress.
	Issued a fourth warning letter (in July), requiring Owner C to rectify the unauthorised structures by a specified date or else the Agricultural Land would be re-entered.

13. Lands D gave the following explanation for the Action Team’s slow progress in taking enforcement actions:

- (1) **Phase III:** When the Action Team was set up, it adopted a strategy of “straightforward cases first, thorny cases last” (i.e. to handle simple cases first) and “last-in-first-out” (i.e. to handle the most recent cases first) for outstanding cases that did not pose a threat to public safety or require urgent action. Since the House did not pose any threat to public safety or require urgent action, and the problem was “difficult” and long standing, the case was accorded almost the lowest priority.
- (2) **Phase IV:** As the House straddled the Agricultural Land and Government Land, demolition of the structures on the two pieces of land had to be carried out concurrently. The Action Team had already registered a warning letter in respect of **the Agricultural Land** for the irregularities concerned. If Owner C failed to comply with the fourth warning letter, the Action Team would then re-enter the Agricultural Land in accordance with “the Re-entry Provision”. As regards the irregularities on **the Government Land**, the Action Team intended to repeat prosecutions against Owner C, hoping that the heavier fines thus imposed could compel that offender to demolish the unauthorised structures.

Our Comments

Laxity and Delay in Cancelling the Waiver

14. When **DLO** conducted its first inspection of the House in 1995, it failed to notice that a significant part of the House had encroached on the Government Land and that Owner A had already sold the Agricultural Land. That inspection was far from thorough. Besides, DLO had taken more than eight years in Phase I before deciding to cancel the Waiver, and the nine inspections conducted were totally ineffective. DLO

simply turned a blind eye to the continual unauthorised extension of the House, and such toleration of the irregularities resulted in a waste of manpower, resources and time.

Inappropriate Strategy for Prioritising Cases and Delay in Tackling Problem

15. For many years, Lands D had not reviewed **the Action Team**'s strategy of "straightforward cases first, thorny cases last" and "last-in-first-out". As a result, a number of serious and complicated cases (including this case) had remained outstanding for years. This case had been put aside for more than six years in Phase III, and there was serious delay. The saving grace is that the Action Team has recently remedied the situation by revising its strategy to give priority to long standing cases.

Indecisiveness in Enforcement Actions

16. **The Action Team** initiated enforcement actions against the House in Phase IV. Nevertheless, during the subsequent three years, it had failed to demolish, or compel Owner C to demolish, the unauthorised structures on the Agricultural Land and the Government Land. This shows the indecisiveness of the Action Team in taking enforcement actions. Moreover, the Action Team had also failed to handle the case in accordance with Lands D's new policy. Though a registration of warning letter had already been executed, the irregularities on the Agricultural Land persisted, and yet the Action Team did not proceed to activate the procedures to re-enter the Agricultural Land. Besides, we do not consider it cost-effective for the Action Team to repeatedly prosecute Owner C without exercising its statutory power under "the Occupation of Government Land Provision" to demolish the unauthorised structures on the Government Land. In fact, had the Action Team invoked "the Re-entry Provision" and "the Occupation of Government Land Provision" to respectively re-enter the Agricultural Land and take possession of the Government Land, it would have been able to demolish the structures that straddled the two pieces of land at the same time.

"Order of Priority" to account for "Inaction"

17. In defending the failure of DLO and the Action Team to take concrete enforcement actions against the irregularities of the House, **Lands D** gave such reasons as "not accorded high priority", "accorded only medium priority", "posing no hazard" or "not urgent". We find those reasons hardly acceptable. Worse still, Lands D had for years turned a blind eye to the fact that enclosure of the Government Land adjoining the House had been hindering villagers' access. Lands D has never set a timeframe for enforcement actions, and that is tantamount to connivance at persistent offence.

Recommendations

18. In the light of the above, The Ombudsman urges Lands D:
- (1) to set a target completion date for processing each case for enforcement staff to follow (staff can review progress against the prescribed timeframe and, where necessary, make minor adjustments according to the actual situation); and
 - (2) to step up its enforcement efforts in this case; in case the irregularities persist, to demolish the unauthorised structures and re-enter the land, so as to eradicate the problem once and for all.

**Office of The Ombudsman
September 2017**

Executive Summary

Direct Investigation into Leisure and Cultural Services Department's Criteria and Procedures for Procuring and Withdrawing Library Materials

Background

In January 2014, the media reported that a large quantity of books withdrawn from public libraries were found disposed of on a pavement, among which some appeared to be brand new with barely any check-out records. In July 2014, another media report alleged that the Leisure and Cultural Services Department ("LCSD") was being wasteful, as its public libraries would dispose of the duplicate copies of documents published by listed companies after registration by the Books Registration Office and sell them as waste paper. In November 2015, there was a further media report that LCSD had withdrawn more than 1.6 million books between 2012 and 2014, calling into question whether it was a waste of public money.

2. In the light of public concerns raised by the above media reports, The Ombudsman initiated a preliminary enquiry in May 2014 to scrutinise LCSD's criteria and procedures for procuring and withdrawing library materials. On 4 January 2016, a direct investigation is declared on this subject. We completed this direct investigation on 31 August 2017.

Our Findings

3. Our investigation reveals ten inadequacies on the part of LCSD in the procurement and withdrawal of library materials, as well as coordination between these two processes.

Part One: Procurement of Materials

(I) Obscure Rationale behind Procurement Target

4. Taking reference of the relevant policy formulated by the former Urban Council in the 1990s, LCSD has adopted for years an annual procurement target of acquiring "at least 700,000 items" for its library collections. However, LCSD has so far failed to explain the specific rationale for this target. LCSD stressed that the above target only served as a general reference, and it would take into account various factors, such as resource constraints, in determining the quantity of library materials to be acquired each year. LCSD also cited the standard item per capita and procurement guidelines proposed by the International Federation of Library Associations and Institutions ("IFLA") as one of the reference targets for procurement of library materials, but we

find that the figures of collections and items acquired in the past few years are at variance with IFLA’s recommended benchmarks.

5. We appreciate that LCSD might need to maintain flexibility in the procurement of library materials, so that it could adapt to many factors and constraints encountered during the procurement process. Nevertheless, without a clear rationale for its procurement target all these years, it would be difficult for the public to monitor whether the quantity of library materials acquired was appropriate. In fact, for many years acquisition has exceeded the target by more than 100,000 items, which shows that the target has failed to keep up with the times. Given the enormous expenditure of nearly \$100 million annually¹ on procurement of library materials, we consider it essential for LCSD to thoroughly examine the objectives and criteria of procurement in order to set a pragmatic target in keeping with the times. LCSD should also clearly explain the rationale for the procurement target and conduct regular review to ensure that the target remains up to date and appropriate. It will provide a basis for LCSD’s procurement target and exercise, thereby facilitating monitoring by the public.

(II) Continued Increase in Library Stock despite Drop in Number of Loans

6. LCSD statistics show that the total stock of its public libraries has increased by 16.8% in the past eight years, but the number of items lent by public libraries has dropped by 18.2% over the same period. While LCSD contended that fluctuation in the number of loans was caused by multiple factors and not directly comparable with new acquisition, we consider it necessary for LCSD to conduct more robust analysis into the reasons behind the dropping of loans. This will provide useful parameters for LCSD to review whether the quantity and the types of library materials to be acquired every year need to be adjusted, so as to ensure that library collections better meet the community demands. Moreover, LCSD should include the relevant justification in the minutes of the Collection Development Meeting to enhance transparency and accountability in the utilisation of resources.

(III) Lack of Records on Consolidation and Compilation Procedures and Justification of Master Procurement Plan for Verification

7. According to current procedures, the librarians in charge of libraries at various levels are required to prepare a Collection Development Plan (“the Plan”) every year for

¹ LCSD’s annual expenditures on procuring library materials (including printed books, newspapers, periodicals and electronic resources) are as follows:

Year	Total Expenditure (\$ million)
2012/13	88.47
2013/14	87.49
2014/15	90.16
2015/16	97.34
2016/17	98.47

their own libraries, indicating the quantity of library materials that need to be acquired and the categories of library collections to be strengthened. These Plans are submitted to the Technical Processing Unit (“TPU”) for consolidation and compilation of an annual Master Procurement Plan (“the Master Plan”), which is then submitted to the Collection Development Meeting for vetting and approval.

8. However, the librarians are only required to suggest in the standard form of the Plan the total number of Chinese/English materials to be acquired. They do not need to provide the categories and titles of materials, nor the reasons for acquiring such quantity of materials. While each library is required to specify in the form the subjects to be strengthened, it is not necessary to explain the reason or specify the quantity to be purchased. Moreover, the TPU will only follow certain general principles and take into account the available resources when consolidating and compiling the Master Plan. There are no clear procedural guidelines on how the TPU would compile the Master Plan based on the Plans from individual libraries, nor are there any records documenting the justification of the procurement decisions made in the Master Plan. Without documentary records, there is no way to verify how the TPU-coordinated Master Plan has embodied the collection development principles laid down by the Collection Development Meeting, how it has considered the public opinions collected, or how it has catered to the needs of libraries at different levels.

(IV) No Means to Ascertain Whether the Plans Suggested by Various Libraries are Implemented

9. On receipt of the newly acquired library materials allocated to them each year, the libraries are not required to check against their original procurement suggestions in the Plans submitted to the TPU to ascertain whether they have been implemented. Although the TPU provides the libraries with quarterly statistics on the change in library stock, it is difficult for individual libraries to discern from those statistics which parts of their procurement suggestions are rejected, and the reasons for that. Also, the libraries can hardly evaluate whether the books and quantity of materials allocated by the TPU can properly meet their needs.

10. In our view, LCSd should enhance its compilation of the Plan and the Master Plan in order to ensure that materials to be procured will meet the procurement objectives and needs of individual libraries. To achieve this, libraries should specify the quantity of materials they plan to acquire and the justification to do so, while the TPU should establish a detailed workflow for coordinating and consolidating the Plans from all libraries and set out the justification for major procurement decisions in the Master Plan for the Collection Development Meeting’s deliberation. Moreover, the TPU should consider setting up a standing mechanism for getting feedbacks from libraries on the materials allocated to them.

11. On receipt of our draft investigation report and in response to our comments, LCSd has reviewed and revised the form for the 2018/19 Plan, requiring the librarians of individual libraries to specify the quantity of each category of materials suggested to

acquire, the justification and the suggested titles of materials when submitting the form. We consider that LCSD should continue to monitor the effectiveness of the revised Plan and make timely review and revision.

Part Two: Withdrawal of Materials

(V) Reasons for Withdrawal of Individual Library Materials Unknown Prior to Mid-2015

12. According to LCSD's procedural guidelines on withdrawal of library materials, those withdrawn must be worn out/damaged or outdated library materials. Nevertheless, LCSD has all along maintained only lists of withdrawn materials without requiring its staff to record the reasons of withdrawal for individual items (i.e. whether they are "worn out/damaged" or "outdated"). It was not until we had initiated an inquiry that LCSD revised its guidelines in mid-2015, instructing its staff to record also the reasons for withdrawing individual library materials. Therefore, the reasons of withdrawal for individual materials prior to mid-2015 are unknown, and no statistics could be compiled for management analysis. This is far from satisfactory from a management perspective.

(VI) Management Information Regarding Withdrawals Still Inadequate After Mid-2015

13. Despite LCSD's revision of internal guidelines in mid-2015 to require its staff to record the reasons of withdrawal for library materials, the data collected did not help much in enhancing the standards of management of library collections. For instance, LCSD has not carried out any in-depth analysis as to which categories of materials show higher rates of withdrawals for being "damaged" or "outdated", how many years have these materials been used, or how withdrawn materials of libraries in different districts vary. We consider it necessary for LCSD to analyse more carefully the status of library materials withdrawn, such as checking the utilisation and depletion of various categories/subjects of books, in order to introduce appropriate measures for collection management, storage, promotion of collection, readers' education, etc. This should help to reduce the chance that library materials have to be withdrawn unnecessarily for being "damaged" or "outdated" and ensure that library materials are fully utilised.

(VII) Disposal of Withdrawn Library Materials by Means of Paper Recycling Should be Reviewed

14. Each year, LCSD withdraws hundreds of thousands of library materials and disposes of them as waste paper for recycling or as refuse in accordance with the Government's Stores and Procurement Regulations. Library materials are sources of knowledge and cultural information. Although some materials may be "damaged" or "outdated", their value is definitely higher than waste paper and refuse. It is a great pity that throughout these years, LCSD has been disposing of those materials as waste

paper or refuse. In fact, there has been demand from society that LCSD should consider using other methods to dispose of withdrawn library materials, such as working together with charitable organisations to hold book sale campaigns. This would not only promote reading but also better utilise those library materials. In the past two years, LCSD had launched some pilot projects to donate “surplus” books to some community organisations. However, it subsequently considered the projects not cost-effective and so would not promote them further.

15. We consider it necessary for LCSD to conduct a comprehensive review of the long-established policy of withdrawal of library materials so that they can be put to the best use. LCSD should consider extending the coverage of donation of “surplus” books to community organisations or adopting other proposals to promote reading. Meanwhile, LCSD should join forces with the policy bureaux and departments concerned to identify new modes and methods to dispose of the withdrawn library materials rather than rigidly adhering to the Stores and Procurement Regulations and continuing to dispose of withdrawn materials by selling them as waste paper.

(VIII) Indecisiveness in Handling Publications of Listed Companies

16. Under the Books Registration Ordinance, all listed companies have to submit to LCSD’s Books Registration Office five copies/sets of their publication for registration. The current procedures provide that after registration, two sets of those publications will be sent to university libraries and one set to the Hong Kong Central Library for permanent retention, while the remaining two will be sent to public libraries, other educational bodies or non-profit-making organisations, or disposed of in other appropriate manner.

17. In 2009, the former Collection Development Board (currently the Collection Development Meeting) decided after deliberation that the CD-ROMs containing information on listed companies donated by the Hong Kong Exchanges and Clearing Limited (“HKEx”) every month are sufficient for readers’ use, and so the remaining two sets of listed companies’ publications will not be put in the library collections but disposed of by means of paper recycling. In 2014, some newspapers commentaries criticised such practice. The Board then reviewed the practice. As records showed that there was still public demand for printed copies of listed companies’ publications in the Hong Kong Exchanges Collection² in public libraries, the Board finally retracted its previous decision and resumed the practice of placing the two copies in the Reference Libraries of the Hong Kong Central Library and City Hall Public Library for public use.

18. We consider LCSD was indecisive on whether to include the two sets of publications of listed companies into its library collections. Its decision in 2009 not to include the two remaining sets of the publications into its collections was obviously made without thorough consideration of the check-out rates of such materials. As a result, those publications were treated as waste paper. The decision was later retracted

² There is a Hong Kong Exchanges Collection in Hong Kong public libraries, accommodating annual reports of and information on listed companies, which are donated by HKEx each month for public reference.

in the face of public criticism. Nevertheless, the cost-effectiveness of the current practice is still open to question. This Office considers that the utilisation rate of the publications of listed companies under the Hong Kong Exchanges Collection does not necessarily reflect the public's demand for those two sets of publications of listed companies. LCSD should, therefore, gather the check-out data and information of those publications in order to devise an appropriate disposal method. To avoid waste, it should consider amending the Books Registration Ordinance where necessary, so that listed companies can either be exempted from submitting their publications to LCSD, or submit fewer copies.

Part Three: Coordination between Procurement and Withdrawal

(IX) Procurement and Withdrawal Should Complement Each Other

19. LCSD indicated that procurement and withdrawal of library materials are based on different objectives and visions. It also stated that, while the two processes are not directly related, they do complement each other and could naturally adjust themselves to achieve a balanced mix of library collections that would meet the public's needs in a cost-effective manner. Nevertheless, our investigation revealed that acquiring library materials is the sole responsibility of the Collection Development Meeting while withdrawing materials, the Departmental Disposal Committee. There is no whatsoever arrangement for communication between the two under the current mechanism. The TPU would provide quarterly data to different libraries on the changes of library stock as a result of new additions and withdrawals of library materials. The librarians of all libraries would also regularly review their own library stocks and exercise expert judgement in making suggestions on which library materials to be withdrawn before giving the number of proposed withdrawals in the Plan, as well as compare that number with their suggested procurements. Yet, the librarians could not ascertain that the number of withdrawals and the categories of materials withdrawn from their own libraries would match those of the new acquisitions to be allocated to them by the TPU. Simply put, LCSD could not explain how procurement and withdrawal of library materials could complement each other and naturally adjust themselves to achieve a balanced mix of library collections.

20. We consider that "procurement" and "withdrawal" of library collections are actually directly related and should not be left to "naturally adjust themselves". Instead, LCSD should analyse the reasons for withdrawing the various categories of library materials, and adjust accordingly the number and categories of library materials to be acquired so that "procurement" and "withdrawal" can be truly complementary. Meanwhile, LCSD should establish a mechanism to assess and analyse whether post-withdrawal acquisitions can effectively complement the existing library stock to form an overall collection that follows the direction of development determined by the Collection Development Meeting and the principles stated in the Collection Development Policy. The results of analysis should also be kept for records. The withdrawal data of the previous year should be taken into account as well when the

Collection Development Meeting deliberates and vets the Master Plan.

(X) Information System on Library Materials Should Be Enhanced

21. Given the enormous collections of public libraries, a sound computer information system must be put in place for their proper management. The tremendous amount of data on library materials stored in the computer information systems of public libraries, however, have not been integrated to become a useful management database for understanding the public's utilisation of library materials and related trends, or for timely adjustment of management strategies and measures. This points to the need for LCSD to enhance its computer information system for management.

22. Upon commencement of our direct investigation into the issue, LCSD set up a working group in 2016 on the enhancement of its library information systems to facilitate consolidation and comprehensive analysis of the overall status of its library collections. We consider that LCSD should expedite the enhancement process, especially the incorporation of data on withdrawals of library materials into the management information system for effective monitoring of withdrawals. In particular, LCSD should examine the reasons for withdrawal of relatively new items in the collections (e.g. those withdrawn in less than two years) and formulate corresponding strategies to avoid waste of resources.

Recommendations

23. In view of the above inadequacies, The Ombudsman makes the following eight improvement recommendations to **LCSD**:

- (1) review the annual target of “procuring not less than 700,000 library items” and consider setting a clearer procurement target with good justification;
- (2) continue to examine the effectiveness of the revised Plan submitted by the libraries and make timely review and revision;
- (3) maintain records of the workflow of consolidating, adjusting and devising the Master Plan, as well as the justifications for procurement decisions. LCSD should also consider setting up a mechanism for the libraries in all districts to give feedbacks upon receipt of their allocation of newly acquired materials;
- (4) record and make good use of the data on withdrawal of materials by conducting analysis for more effective monitoring of the withdrawal process and timely revision of management principles;

- (5) study with the policy bureaux/departments concerned to review and consider revising the current practice of disposing of withdrawn library materials as waste paper and refuse;
- (6) gather and analyse the check-out records of printed copies of publications of listed companies and related data for careful review of the disposal method of such publications;
- (7) consider setting up a mechanism for assessing whether library collections are in line with existing policies, coordinate procurement and withdrawal of library materials to achieve a balanced mix of library collections; and
- (8) expedite the enhancement of computer information systems of public libraries for more effective management of library collections.

**Office of The Ombudsman
September 2017**