

立法會
Legislative Council

LC Paper No. CB(2) 221/01-02
(These minutes have been seen by the
Administration)

Ref : CB2/BC/17/00

**Bills Committee on
The Ombudsman (Amendment) Bill 2001**

**Minutes of meeting
held on Monday, 16 July 2001 at 2:30 pm
in the Conference Room B of the Legislative Council Building**

Members Present : Hon Margaret NG (Chairman)
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Jasper TSANG Yok-sing, JP
Hon CHOY So-yuk

Public Officers Attending : Ms CHANG King-yiu
Deputy Director of Administration

Ms Maggie WONG
Assistant Director of Administration

Mr WAN Suet-ming
Assistant Ombudsman

Mr MOK Yun-chuen
Principal Executive Officer (Ag)
Office of The Ombudsman

Mr Michael LAM
Senior Government Counsel
Department of Justice

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser

Miss Irene MAN
Senior Assistant Secretary (2)9

Action

The Bills Committee deliberated (Index of proceedings attached at **Annex**).

2. The Administration was requested to provide response on the following:
- (a) to re-consider whether the Ombudsman should not be re-appointed beyond a specified period;
 - (b) to explain the scope and restraints of the Ombudsman's powers and the legal effect to be achieved by the new section 7A;
 - (c) to provide a paper on the fees to be charged by the Ombudsman;
 - (d) to consider assigning an Assistant Ombudsman who was not involved previously in the deliberation and decision of the case to handle complaints on the outcome of mediation/investigation of that case;
 - (e) to provide a paper on the criteria/considerations/circumstances for determining which complaint could be dealt with by mediation, the number and nature of cases which were recommended for mediation in the past 4 years, and the time taken to settle a case;
 - (f) to include in the Ombudsman's annual report the qualifications of, and training received by mediators;

Action

- (g) to provide more detailed information on the questionnaire survey to collect complainants' feedback on the outcome of mediation;
 - (h) to provide a flowchart and explain the procedures for reviewing an investigation;
 - (i) to provide information on the monitoring/advisory mechanisms to oversee the work/management of Ombudsman's Offices in overseas countries; and
 - (j) to consider including the number and nature of complaints received and the outcome of such complaints in the annual report of the Ombudsman.
3. The Bills Committee agreed to hold the next meeting on 7 September 2001.
 4. There being no other business, the meeting ended at 4:30 p.m.

Legislative Council Secretariat

23 October 2001

**Proceedings of the meeting of the Bills Committee on
The Ombudsman (Amendment) Bill 2001
on Monday, 16 July 2001, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0142	Chairman	Briefing on Admin's written response at LC Paper No.CB(2)2095/00-01(04)	
0143 - 1946	Admin	Briefing on Admin's written response at LC Paper No.CB(2)2095/00-01(04)	
1947 - 2031	Chairman	Briefing on Admin's written response at LC Paper No.CB(2)2095/00-01(04)	
2032 - 2037	SALA	Briefing on Admin's written response at LC Paper No.CB(2)2095/00-01(04)	
2038 - 2045	Chairman	Tenure of office of the Ombudsman	
2046 - 2223	Ms Emily LAU	Tenure of office of the Ombudsman	
2224 - 2315	Admin	Tenure of office of the Ombudsman	
2316 - 2356	Ms Emily LAU	Tenure of office of the Ombudsman	
2357 - 2527	Admin	Tenure of office of the Ombudsman	√
2528 - 2623	Ms Audrey EU	Appointment and tenure of office of the Ombudsman	
2624 - 2635	Admin	Appointment and tenure of office of the Ombudsman	
2636 - 2734	Ms Audrey EU	Appointment and tenure of office of the Ombudsman	
2735 - 2857	Admin	Appointment and tenure of office of the Ombudsman	
2858 - 3012	Chairman	Appointment and tenure of office of the Ombudsman	
3013 - 3031	Ms Emily LAU	Management committee	
3032 - 3052	Clerk	Management committee	
3053 - 3206	Ms Emily LAU	Management committee	
3207 - 3218	Chairman	Management committee	
3219 - 3549	Admin	Management committee	
3550 - 3600	Ms Emily LAU	Management committee	
3601 - 3636	Admin	Management committee	
3637 - 3759	SALA	Management committee	
3800 - 4136	Mr Andrew CHENG	Management committee	
4137 - 4337	Admin	Management committee	

4338 - 4529	Chairman	Management committee	
4530 - 4610	SALA	Management committee	
(Tape 2)			
0141 - 0436	Mr Andrew CHENG	Management committee	
0437 - 0451	Chairman	Management committee	
0452 - 0528	Mr Andrew CHENG	Management committee	
0529 - 0732	Admin	Management committee	
0733 - 0740	Mr Andrew CHENG	Management committee	
0741 - 0946	Chairman	Management committee	
0947 - 1002	Admin	Management committee	√
1003 - 1015	Chairman	Management committee	
1016 - 1246	Ms Emily LAU	Management committee	
1247 - 1313	Chairman	Management committee	
1314 - 1347	Ms Emily LAU	Pay and conditions of service	
1348 - 1400	Chairman	Advisers	
1401 - 1413	Ms Audrey EU	Advisers	
1414 - 1445	Chairman	Mediation arrangement	
1446 - 1550	Ms Emily LAU	Mediation arrangement	
1551 - 1637	Admin	Mediation arrangement	
1638 - 1645	Ms Emily LAU	Mediation arrangement	
1646 - 1656	Chairman	Mediation arrangement	
1657 - 1718	Ms Emily LAU	Mediation arrangement	
1719 - 1804	Admin	Mediation arrangement	√
1805 - 1817	Chairman	Mediation arrangement	
1818 - 1917	Ms Audrey EU	Mediation arrangement	
1918 - 1954	Chairman	Mediation arrangement	
1955 - 2111	Mr Andrew CHENG	Advisers	
2112 - 2117	Chairman	Advisers	
2118 - 2208	Admin	Advisers	
2209 - 2457	Chairman	Advisers and qualifications of mediators	
2458 - 2542	Admin	Qualifications of mediators	
2543 - 2552	Chairman	Qualifications of mediators	
2553 - 2746	Admin	Qualifications of mediators	
2747 - 2830	Chairman	Qualifications of mediators	
2831 - 3016	Ms Audrey EU	Qualifications of mediators	
3017 - 3039	SALA	Qualifications of mediators	
3040 - 3101	Chairman	Qualifications of mediators	
3102 - 3349	Mr Andrew CHENG	Mediation vs investigation	
3350 - 3549	Admin	Mediation vs investigation	
3550 - 3720	Chairman	Mediation vs investigation	

3721 - 3803	Ms Emily LAU	Mediation vs investigation	
3804 - 3812	Admin	Mediation vs investigation	
3813 - 3838	Ms Emily LAU	Mediation vs investigation	
3839 - 3849	Admin	Mediation vs investigation	√
3850 - 3908	Ms Emily LAU	Mediation vs investigation	
3909 - 4023	Admin	Mediation vs investigation	
4024 - 4050	Ms Emily LAU	Mediation vs investigation	
4051 - 4159	Admin	Mediation vs investigation	√
4200 - 4225	Ms Emily LAU	Mediation vs investigation	
4226 - 4417	Admin	Mediation vs investigation	
4418 - 4428	Ms Emily LAU	Mediation vs investigation	
4429 - 4521	Chairman	Mediation vs investigation	√ Admin to provide response
4522 - 4631	Ms Audrey EU	Mediation vs investigation	
(Tape 3)			
0202 -0326	Admin	Mediation vs investigation	
0327 - 0355	Chairman	Mediation vs investigation	
0356 - 0442	Ms Emily LAU	Complaint against the Office of the Ombudsman	
0443 - 0535	Admin	Complaint against the Office of the Ombudsman	
0536 - 0613	Ms Emily LAU	Complaint against the Office of the Ombudsman	
0614 - 0757	Admin	Complaint against the Office of the Ombudsman	
0758 - 0825	Ms Emily LAU	Complaint against the Office of the Ombudsman	
0826 - 0829	Admin	Complaint against the Office of the Ombudsman	√
0830 - 0843	Ms Emily LAU	Complaint against the Office of the Ombudsman	
0844 - 0852	Admin	Complaint against the Office of the Ombudsman	
0853 - 0916	Chairman	Complaint against the Office of the Ombudsman	
0917 - 1108	Mr Andrew CHENG	Complaint against the Office of the Ombudsman	√ Admin to provide response
1109 - 1153	Chairman	Complaint against the Office of the Ombudsman	
1154 - 1244	Ms Emily LAU	Complaint against the Office of the Ombudsman	
1245 - 1257	Admin	Complaint against the Office of the Ombudsman	
1258 - 1312	Chairman	Complaint against the Office of the Ombudsman	
1313 - 1417	Admin	Complaint against the Office of the Ombudsman	
1418 - 1425	Ms Emily LAU	Complaint against the Office of the Ombudsman	
1426 - 1439	Admin	Complaint against the Office of the Ombudsman	
1440 - 1449	Ms Emily LAU	Complaint against the Office of the Ombudsman	

1450 - 1504	Admin	Complaint against the Office of the Ombudsman	
1505 - 1514	Ms Emily LAU	Complaint against the Office of the Ombudsman	
1515 - 1539	Admin	Complaint against the Office of the Ombudsman	
1540 - 1550	Ms Emily LAU	Complaint against the Office of the Ombudsman	
1551 - 1653	Admin	Complaint against the Office of the Ombudsman	
1654 - 1709	Ms Emily LAU	Complaint against the Office of the Ombudsman	
1710 - 1756	Chairman	Complaint against the Office of the Ombudsman	
1757 - 1817	Admin	Complaint against the Office of the Ombudsman	
1818 - 1850	Chairman	Complaint against the Office of the Ombudsman	
1851 - 1856	Admin	Complaint against the Office of the Ombudsman	√
1857 - 2158	Chairman	Transitional arrangement in section 20 and amendments made in the Bill	
2159 - 2311	Mr Andrew CHENG	Functions and powers of the Ombudsman	
2312 - 2414	Admin	Functions and powers of the Ombudsman	
2415 - 2514	Mr Andrew CHENG	Functions and powers of the Ombudsman	
2515 - 2701	Chairman	Functions and powers of the Ombudsman	
2702 - 2706	Admin	Functions and powers of the Ombudsman	
2707 - 2747	Chairman	Functions and powers of the Ombudsman	√ Admin to provide response
2748 - 2824	Mr Andrew CHENG	Functions and powers of the Ombudsman	
2825 -2838	Chairman	Fees	
2839 - 2924	SALA	Fees	
2925 - 3022	Chairman	Fees	√ Admin to provide response
3023 - 3048	SALA	Maintenance of secrecy	
3049 - 3216	Chairman	Annual report and arrangement of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
23 October 2001