

**立法會**  
**Legislative Council**

LC Paper No. CB(2) 403/01-02  
(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 Friday, 7 September 2001 at 10:45 am  
in the Conference Room B of the Legislative Council Building**

**Members Present** : Hon Margaret NG (Chairman)  
Hon Emily LAU Wai-hing, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Hon Jasper TSANG Yok-sing, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo

**Public Officers Attending** : Ms Alice TAI  
The Ombudsman

Mr MOK Yun-chuen  
Chief Executive Officer  
Officer of The Ombudsman

Ms CHANG King-yiu  
Acting Director of Administration

Ms Maggie WONG  
Assistant Director of Administration

Mr Michael LAM  
Senior Government Counsel  
Department of Justice

**Clerk in Attendance** : Miss Betty MA  
Senior Assistant Secretary (2)1

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

Miss Irene MAN  
Senior Assistant Secretary (2)9

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Action

The 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 be re-appointed for not more than 1 further period of 5 years;
  - (b) to consider specifying in the new section 11B that mediation is incidental or ancillary to the investigation function of the Ombudsman, and the underlying principle for determining which complaint could be dealt with by mediation;
  - (c) to provide more detailed information on the criteria for classifying complaints as revived cases and the nature of the nine complaints against the staff of The Ombudsman received in 2000;
  - (d) to consider deploying designated staff to handle complaints against the result of investigation or staff of the Office, and
  - (e) to provide a paper on the criteria/considerations/circumstances for determining which investigation report should be published or submitted to the Chief Executive.
3. The Committee agreed to hold the next meeting on 26 September 2001.

4. There being no other business, the meeting ended at 12:55 p.m.

Legislative Council Secretariat  
15 November 2001

**Proceedings of the meeting of the Bills Committee on  
The Ombudsman (Amendment) Bill 2001  
on Friday, 7 September 2001, at 10:45 am  
in Conference Room B of the Legislative Council Building**

| <b>Time</b> | <b>Speaker</b> | <b>Subject(s)</b>   | <b>Action required</b> |
|-------------|----------------|---|------------------------|
| 0001-0247   | Chairman       | Administration's response at LC Paper No. CB(2)2236/00-01(02) |                        |
| 0248-0355   | Ms Emily LAU   | Tenure of office of the Ombudsman                             |                        |
| 0356-0439   | Admin          | Tenure of office of the Ombudsman                             |                        |
| 0440-0506   | Ms Emily LAU   | Tenure of office of the Ombudsman                             |                        |
| 0507-0530   | Admin          | Tenure of office of the Ombudsman                             |                        |
| 0531-0611   | Ms Emily LAU   | Tenure of office of the Ombudsman                             |                        |
| 0612-0745   | Admin          | Tenure of office of the Ombudsman                             |                        |
| 0746-0752   | Chairman       | Tenure of office of the Ombudsman                             |                        |
| 0753-0840   | Ms Audrey EU   | Tenure of office of the Ombudsman                             |                        |
| 0841-1400   | Chairman       | Tenure of office of the Ombudsman                             |                        |
| 1401-1502   | Ms Emily LAU   | Tenure of office of the Ombudsman                             |                        |
| 1503-1612   | Admin          | Tenure of office of the Ombudsman                             | √                      |
| 1613-1633   | Chairman       | Tenure of office of the Ombudsman                             |                        |
| 1634-1719   | Ms Emily LAU   | Tenure of office of the Ombudsman                             |                        |
| 1720-1725   | Chairman       | Tenure of office of the Ombudsman                             |                        |
| 1726-1742   | Admin          | Tenure of office of the Ombudsman                             |                        |
| 1743-1848   | Chairman       | Functions and powers of Ombudsman                             |                        |
| 1849-2001   | Admin          | Functions and powers of Ombudsman                             |                        |
| 2002-2047   | Chairman       | Functions and powers of Ombudsman                             |                        |
| 2048-2137   | Ms Emily LAU   | Fees  |                        |
| 2138-2247   | Admin          | Fees  |                        |
| 2248-2304   | Ms Emily LAU   | Fees  |                        |
| 2305-2342   | Admin          | Fees  |                        |
| 2343-2432   | Ms Emily LAU   | Fees  |                        |
| 2433-2617   | Admin          | Fees  |                        |
| 2618-2624   | Ms Emily LAU   | Fees  |                        |
| 2625-2640   | Admin          | Fees  |                        |
| 2641-2749   | Chairman       | Complaint against the Office of the Ombudsman                 |                        |
| 2750-2829   | Admin          | Complaint against the Office of the Ombudsman                 |                        |
| 2830-2852   | Chairman       | Complaint against the Office of the Ombudsman                 |                        |
| 2853-2916   | Admin          | Complaint against the Office of the Ombudsman                 |                        |

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|-----------|--------------|---|---|
| 2917-2951 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 2952-3024 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3025-3045 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 3046-3118 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3119-3143 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 3144-3209 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3210-3228 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 3229-3246 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3247-3303 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 3304-3325 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3326-3417 | Ms Emily LAU | Complaint against the Office of the Ombudsman |   |
| 3418-3547 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3548-3616 | Ms Emily LAU | Complaint against the Office of the Ombudsman |   |
| 3617-3638 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3639-3655 | Ms Emily LAU | Complaint against the Office of the Ombudsman |   |
| 3656-3731 | Admin        | Complaint against the Office of the Ombudsman |   |
| 3732-3900 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 3901-4007 | Admin        | Complaint against the Office of the Ombudsman |   |
| 4008-4019 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 4020-4045 | Admin        | Complaint against the Office of the Ombudsman |   |
| 4046-4101 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 4102-4107 | Admin        | Complaint against the Office of the Ombudsman |   |
| 4108-4204 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 4205-4227 | Admin        | Complaint against the Office of the Ombudsman |   |
| 4228-4303 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 4304-4357 | Admin        | Complaint against the Office of the Ombudsman |   |
| 4358-4531 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 4532-4641 | Admin        | Complaint against the Office of the Ombudsman |   |
| (Tape 2)  |              |   |   |
| 0206-0254 | Ms Audrey EU | Complaint against the Office of the Ombudsman |   |
| 0255-0439 | Admin        | Complaint against the Office of the Ombudsman |   |
| 0440-0449 | Ms Emily LAU | Complaint against the Office of the Ombudsman |   |
| 0450-0552 | Admin        | Complaint against the Office of the Ombudsman |   |
| 0553-0606 | Ms Emily LAU | Complaint against the Office of the Ombudsman |   |
| 0607-0653 | Admin        | Complaint against the Office of the Ombudsman |   |
| 0654-0701 | Ms Emily LAU | Complaint against the Office of the Ombudsman |   |
| 0702-0754 | Admin        | Complaint against the Office of the Ombudsman | √ |
| 0755-0758 | Chairman     | Complaint against the Office of the Ombudsman |   |
| 0759-0806 | Admin        | Complaint against the Office of the Ombudsman |   |

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|-----------|--------------|--|---|
| 0807-1025 | Chairman     | Complaint against the Office of the Ombudsman              |   |
| 1026-1054 | Admin        | Complaint against the Office of the Ombudsman              |   |
| 1055-1129 | Chairman     | Complaint against the Office of the Ombudsman              |   |
| 1130-1144 | Admin        | Complaint against the Office of the Ombudsman              |   |
| 1145-1224 | Chairman     | Complaint against the Office of the Ombudsman              |   |
| 1225-1243 | Admin        | Complaint against the Office of the Ombudsman              |   |
| 1244-1253 | Chairman     | Complaint against the Office of the Ombudsman              |   |
| 1254-1419 | Admin        | Complaint against the Office of the Ombudsman              |   |
| 1420-1443 | Ms Audrey EU | Complaint against the Office of the Ombudsman              |   |
| 1444-1518 | Chairman     | Complaint against the Office of the Ombudsman              |   |
| 1519-1546 | Ms Audrey EU | Complaint against the Office of the Ombudsman              |   |
| 1547-1650 | Ms Emily LAU | Complaint against the Office of the Ombudsman              |   |
| 1651-1754 | Admin        | Complaint against the Office of the Ombudsman              | √ |
| 1755-1842 | Chairman     | Complaint against the Office of the Ombudsman              |   |
| 1843-1856 | Ms Emily LAU | Complaint against the Office of the Ombudsman              |   |
| 1857-1913 | Admin        | Complaint against the Office of the Ombudsman              |   |
| 1914-1952 | Chairman     | Complaint against the Office of the Ombudsman              |   |
| 1953-2037 | Ms Emily LAU | Mediation arrangement                                      |   |
| 2038-2112 | Admin        | Mediation arrangement                                      |   |
| 2113-2134 | Ms Emily LAU | Mediation arrangement                                      |   |
| 2135-2139 | Admin        | Mediation arrangement                                      |   |
| 2140-2145 | Ms Emily LAU | Mediation arrangement                                      |   |
| 2146-2154 | Admin        | Mediation arrangement                                      |   |
| 2155-2206 | Ms Audrey EU | Mediation arrangement                                      |   |
| 2207-2226 | Admin        | Mediation arrangement                                      |   |
| 2227-2344 | Chairman     | Mediation vs investigation                                 |   |
| 2345-2350 | Ms Emily LAU | Mediation vs investigation                                 |   |
| 2351-2618 | Chairman     | Mediation vs investigation                                 |   |
| 2619-2833 | Ms Audrey EU | Mediation vs investigation and qualifications of mediators |   |
| 2834-2944 | Chairman     | Mediation vs investigation and qualifications of mediators |   |
| 2945-3031 | Admin        | Mediation vs investigation                                 |   |
| 3032-3216 | Chairman     | Mediation vs investigation                                 |   |
| 3217-3233 | Admin        | Mediation vs investigation                                 |   |
| 3234-3330 | Chairman     | Mediation vs investigation                                 |   |
| 3331-3344 | Admin        | Mediation vs investigation                                 |   |
| 3345-3354 | Chairman     | Mediation vs investigation                                 |   |
| 3355-3525 | Admin        | Mediation vs investigation                                 |   |

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| 3526-3349 | Ms Emily LAU | Mediation vs investigation    |   |
| 3350-3355 | Admin        | Mediation vs investigation    | √ |
| 3356-3634 | Chairman     | Mediation vs investigation    |   |
| 3635-3645 | Admin        | Mediation vs investigation    |   |
| 3646-3736 | Chairman     | Mediation vs investigation    |   |
| 3737-3741 | Admin        | Mediation vs investigation    |   |
| 3742-3807 | Ms Emily LAU | Mediation vs investigation    |   |
| 3808-3831 | SALA         | Mediation vs investigation    |   |
| 3832-3841 | Chairman     | Mediation vs investigation    |   |
| 3842-3859 | Ms Emily LAU | Mediation vs investigation    |   |
| 3900-3933 | Admin        | Mediation vs investigation    |   |
| 3934-4141 | Chairman     | Mediation vs investigation    |   |
| 4142-4226 | Admin        | Mediation vs investigation    |   |
| 4227-4236 | Chairman     | Mediation vs investigation    |   |
| 4237-4252 | Admin        | Mediation vs investigation    |   |
| 4253-4304 | Chairman     | Mediation vs investigation    |   |
| 4305-4318 | Admin        | Mediation vs investigation    |   |
| 4319-4328 | Chairman     | Mediation vs investigation    |   |
| 4329-4353 | Ms Emily LAU | Mediation vs investigation    |   |
| 4354-4517 | SALA         | Mediation vs investigation    |   |
| 4518-4605 | Chairman     | Mediation vs investigation    |   |
| 4606-4651 | Admin        | Mediation vs investigation    |   |
| (Tape 3)  |              |                               |   |
| 0034-0121 | Chairman     | Mediation vs investigation    |   |
| 0122-0208 | Admin        | Mediation vs investigation    |   |
| 0209-0354 | Chairman     | Mediation vs investigation    |   |
| 0355-0435 | Admin        | Mediation vs investigation    | √ |
| 0436-0445 | Ms Emily LAU | Mediation vs investigation    |   |
| 0446-0452 | Admin        | Mediation vs investigation    |   |
| 0453-0624 | Chairman     | Mediation vs investigation    |   |
| 0625-0642 | SALA         | Mediation vs investigation    |   |
| 0643-0656 | Admin        | Mediation vs investigation    |   |
| 0657-0718 | Chairman     | Pay and conditions of service |   |
| 0719-0813 | Ms Emily LAU | Pay and conditions of service |   |
| 0814-0941 | Admin        | Pay and conditions of service |   |
| 0942-1012 | Ms Emily LAU | Pay and conditions of service |   |
| 1013-1040 | Admin        | Pay and conditions of service |   |
| 1041-1054 | Ms Emily LAU | Pay and conditions of service |   |
| 1055-1125 | Admin        | Pay and conditions of service |   |

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| 1126-1147 | Ms Emily LAU | Pay and conditions of service                          |                                |
| 1148-1400 | Admin        | Pay and conditions of service                          |                                |
| 1401-1407 | Ms Emily LAU | Pay and conditions of service                          |                                |
| 1408-1417 | Chairman     | Pay and conditions of service                          |                                |
| 1418-1437 | Admin        | Pay and conditions of service                          |                                |
| 1438-1458 | Chairman     | Pay and conditions of service                          |                                |
| 1459-1529 | Admin        | Pay and conditions of service                          |                                |
| 1530-1537 | Chairman     | Pay and conditions of service                          |                                |
| 1538-1557 | Ms Emily LAU | Pay and conditions of service and management committee |                                |
| 1558-1634 | Admin        | Pay and conditions of service and management committee |                                |
| 1635-1643 | Ms Emily LAU | Pay and conditions of service and management committee |                                |
| 1644-1734 | Admin        | Pay and conditions of service and management committee |                                |
| 1735-1808 | Chairman     | Pay and conditions of service and management committee |                                |
| 1809-1855 | Admin        | Pay and conditions of service and management committee |                                |
| 1856-1911 | Chairman     | Monitoring of operation of the Ombudsman               |                                |
| 1912-2045 | Ms Emily LAU | Monitoring of operation of the Ombudsman               |                                |
| 2046-2111 | Ms Audrey EU | Publication of investigation report                    |                                |
| 2112-2214 | Admin        | Publication of investigation report                    |                                |
| 2215-2243 | Ms Audrey EU | Publication of investigation report                    |                                |
| 2244-2319 | Admin        | Publication of investigation report                    |                                |
| 2320-2347 | Ms Audrey EU | Publication of investigation report                    |                                |
| 2348-2526 | Admin        | Publication of investigation report                    |                                |
| 2527-2534 | Ms Audrey EU | Publication of investigation report                    |                                |
| 2535-2603 | Admin        | Publication of investigation report                    |                                |
| 2604-2619 | Chairman     | Publication of investigation report                    |                                |
| 2620-2719 | Ms Emily LAU | Publication of investigation report                    |                                |
| 2720-2749 | Chairman     | Publication of investigation report                    |                                |
| 2750-2800 | Ms Emily LAU | Publication of investigation report                    |                                |
| 2801-2822 | Ms Audrey EU | Publication of investigation report                    |                                |
| 2823-2906 | Chairman     | Publication of investigation report                    |                                |
| 2907-2926 | Ms Audrey EU | Publication of investigation report                    | √<br>Admin to provide response |



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|-----------|--------------|---|--|
| 2927-2959 | SALA         | Publication of investigation report                                 |  |
| 3000-3027 | Chairman     | Publication of investigation report                                 |  |
| 3028-3051 | Ms Audrey EU | Publication of investigation report                                 |  |
| 3052-3241 | Chairman     | Publication of investigation report and arrangement of next meeting |  |

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

Legislative Council Secretariat  
15 November 2001