

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

Concerns raised by members requiring the Administration's response

Concerns raised by members	Date of meeting	Administration's response
<p><i>Appointment and tenure of office</i></p> <p><u>Clause 3</u></p> <p>1. The Administration to explain the rationale for appointing 'a person', instead of the office holder, as 'a corporation sole with perpetual succession'.</p> <p>2. The Administration to advise whether the present drafting of the new section 3(2) and (3) could achieve the intended legal effect that the office holder, i.e. The Ombudsman, would be appointed as a corporation sole.</p> <p>3. The Administration to consider whether the Ombudsman should be re-appointed for not more than 1 further period of 5 years.</p>	<p>28.6.2001</p> <p>28.6.2001</p> <p>28.6.2001</p>	
<p><i>Pay and conditions of service</i></p> <p><u>Section 6 of The Ombudsman Ordinance</u></p> <p>4. The emoluments and terms of employment of the Ombudsman and his/her staff should be determined by a management committee instead of the Chief Executive. The broad principles of administrative arrangements, e.g. the remuneration of its employees should not be better than that of comparable ranks in the civil service, should be specified in the Bill.</p>	<p>28.6.2001</p>	

<p><i>Advisers</i></p> <p><u>Clause 6</u></p> <p>5. The functions of 'Advisers' were too wide, which gave the impression that the Ombudsman might also appoint advisers to assist/participate in investigation.</p>	<p>28.6.2001</p>	
<p><i>Dealing with complaints by mediation</i></p> <p><u>Clause 10</u></p> <p>6. The Law Society had expressed concern that there would be a potential conflict if the Ombudsman also conducted mediation and suggested deletion of the new section 11B(2)(a). The Bills Committee suggested that there should be express provisions in the Bill to prevent conflict of interest and to clearly reflect the segregation of the mediation and investigation functions.</p> <p>7. The Administration to consider whether the criteria for determining which complaint could be dealt with by mediation could be specified in the Bill.</p> <p>8. The qualifications of mediators should be specified in the Bill.</p> <p>9. The Administration to provide information on the current mechanism (together with past years' statistics) in dealing with appeals and complaints on the outcome of mediation/investigation conducted by staff of the Ombudsman.</p>	<p>28.6.2001</p> <p>28.6.2001</p> <p>28.6.2001</p> <p>28.6.2001</p>	