

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 1 June 2001**

**Legal Service Division Report on
The Ombudsman (Amendment) Bill 2001**

Object(s) of the Bill

- (a) To make provisions to establish The Ombudsman as a corporation sole; and
- (b) To make miscellaneous amendments to The Ombudsman Ordinance (Cap. 397) ("the Ordinance").

LegCo Brief Reference

- 2. CSO/ADM CR 5/3231/00(01) dated 17 May 2001 issued by the Administration Wing, Chief Secretary for Administration's Office.

Date of First Reading

- 3. 30 May 2001.

Comments

- 4. According to the Administration, starting from April 2001, the Office of The Ombudsman is "delinked" from the Administration as a step forward in enhancing its independent status. Part of the proposed amendments in the Bill aim at making provisions to enable The Ombudsman to operate in a mode more independent of the Administration. The more notable change is to make The Ombudsman a corporation sole. This enables The Ombudsman to have the capacity to sue and be sued, to acquire and hold property for

accommodation of The Ombudsman and his staff, to dispose of property, to enter into contracts and to charge fees for service provided.

5. The proposed amendments also contain accounting and finance provisions. The resources of The Ombudsman shall consist of all money appropriated by the Legislative Council and other income received by The Ombudsman. The Ombudsman is required to furnish his accounts to the Chief Executive who shall cause them to be tabled in the Legislative Council. The Director of Audit is empowered to examine the economy, efficiency and effectiveness with which The Ombudsman has expended his resources, but such an examination shall not entitle the Director of Audit to question the merits of the policy objectives of The Ombudsman. The Director of Audit may report to the President of the Legislative Council the results of such an examination.

6. Apart from proposing provisions for the “delinking”, the Bill also proposes other amendments to the Ordinance such as adding provisions for preliminary inquiries, dealing with complaints by mediation, appointment of special advisers, and giving immunity against civil liabilities to persons performing functions or exercising powers under the Ordinance in good faith.

Consultation with Panel

7. The Administration briefed the Panel on Administration of Justice and Legal Services on the proposals in the Bill on 26 April 2001. The Panel supported the independence of The Ombudsman.

Conclusion

8. There are various points in the Bill in which the Legal Service Division has asked the Administration to provide further information. A further report will be issued in due course. Meanwhile, Members may wish to consider whether a Bills Committee is necessary to consider the policy aspects of the Bill.

Prepared by

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