

**Information Note for
Legislative Council Members' Meeting with The Ombudsman
on 10 December 2002**

Abuse of The Ombudsman system

In the 2001/2002 Annual Report, The Ombudsman alluded to “some complainants have their own agenda and ‘use’ (her) Office to press for their desired outcome”. The Office does not specifically keep statistics of suspected abuse cases. Broadly speaking, such cases fell into the following types –

- (a) seeking to bypass normal administrative processes and to obtain from a department/agency certain personal gains to which, on the face of it, the complainant is not entitled;
- (b) seeking to stop enforcement actions or investigations by law enforcement agencies;
- (c) seeking to involve regulatory authority to intercede on his behalf with commercial service providers;
- (d) using departments/agencies as a tool in pursuing personal vendetta against third parties;
- (e) using the complaint procedure to delay departmental actions.

2. Although the situation is not serious and in most cases, the attempts had been foiled, The Ombudsman chose to highlight such attempts to –

- (a) acknowledge publicly that there had been attempts to abuse the complaint system and to state that she did not condone such practice;
- (b) make clear to public officers that they should faithfully discharge their duties in accordance with prevailing policies. Giving in to pressure or acceding to unjustified demand could in itself constitute an act of maladministration.

3. If attempts to abuse the complaint system are allowed to go unchecked, it could have the following undesirable consequences –

- (a) *creating unfairness for other citizens* – given that public resources are limited, allowing someone to “jump the queue” or obtain undeserved personal gains would necessarily mean that someone else is being deprived of his right;
- (b) *creating a new form of maladministration* – conventionally officials may be guilty of maladministration when they are unreasonably rigid, conversely flagrant disregard of policies even when there is no dissatisfied customer could amount to maladministration.
- (c) The nuisance caused by the persistence and unreasonableness of a small handful of complainants could seriously disrupt the operations of a department/agency.

4. The media gave this issue extensive coverage. While a handful of people expressed concern that this might be perceived as discouraging complaints, the great majority of news reports accurately portrayed The Ombudsman’s stance on the matter. This was further reinforced by two TV broadcasts featuring interviews of The Ombudsman on her work.

Office of The Ombudsman

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