

## ADMINISTRATION

### *FIRST FULL YEAR SINCE DELINKING*

1.1 Established in 1989, the Office of The Ombudsman had been operating like a Government department, staffed by civil servants on loan from the Administration and bound by all the Government's administrative and financial regulations. The year 2002/03 was the first full year of operation since the delinking of my Office on 19 December 2001 from Government systems, procedures and practices. We have established our own administrative systems and steadily reduced our reliance on services provided by Government departments save for those more cost-effective to continue using.

### *MEMORANDUM OF ADMINISTRATIVE ARRANGEMENTS (MAA)*

1.2 I have completed discussions with the Administration to arrive at a final draft MAA as a guide for the administrative arrangements for my Office and its working relationship with the Administration. However, the Administration has yet to effect the formal exchange, due probably to the introduction of new financial arrangements for Government departments and publicly funded organisations. I am awaiting word from the Administration. This delay has not affected the operations of my Office as an independent corporation sole.

### *FINANCIAL ARRANGEMENTS*

✧ 1.3 The Administration's measures to contain the growth of public expenditure have impacted on the operation of my Office. To cope with an anticipated reduction of resources for the next few years, I have

aborted the recruitment exercise for Chief Investigation Officers and redistributed the duties among the existing staff. With the increase in caseload in recent years, my staff are also expected to work under greater pressure in meeting our performance pledges, particularly when there is a sudden influx of complaints. As necessary, I will continue to engage temporary staff to supplement my regular force.

1.4 The salary component of my annual provision has been reduced in line with the civil service pay cut. As my staff are engaged on contract terms, I have given them an option to accept the revised salaries before effecting any pay reduction.

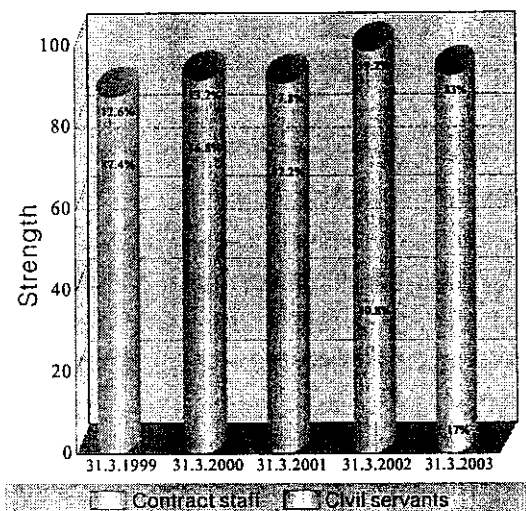
1.5 My aim is to maintain the current level of service by prudent use of available resources and regular review of our operations, staffing structure and work practices. Meanwhile, through building up a reserve from savings achieved, I hope to provide for development in the longer term.

### *STAFFING*

✧ 1.6 As at 31 March 2003, there were 76 staff members on contract (out of a total of 92), representing 83% of the entire workforce. About 75% of investigation officers have been replaced. The pace of replacement has had to be balanced against the need to maintain an adequate level of experience. I anticipate that the remaining 16 civil servants will be phased out completely within 2003/04 and my entire workforce will then be contract staff appointed under The Ombudsman Ordinance. I take this opportunity to record my appreciation for the dedication and

professionalism of all civil servants serving in our Office over the years.

Fig. 1.1 Contract staff in the Office



1.7 My two Assistant Ombudsmen, seconded from the civil service, are due to retire. I have successfully recruited through open competition two replacements, to report for duty in April and June 2003.

1.8 I have continued to employ temporary staff to deal with seasonal fluctuations of our caseload and to augment the shortfall in expertise resulting from the release of experienced civil servants. Such staff are remunerated either on a daily or case basis, depending on the operational requirements of the Office.

### REVIEW OF REMUNERATION OF SENIOR STAFF

1.9 In January 2002, Government initiated an internal review of the remuneration of senior executives of 20 selected publicly funded organisations, including my Office.

This resulted in Government deciding in February 2003 *inter alia* to maintain the structure, ranking, number and remuneration arrangements for the four top positions of my Office : i.e. my own post, my Deputy and the two Assistant Ombudsmen.

### STAFF TRAINING

1.10 Our training and development strategy aims to provide for the continuing development of my staff. With most of them being new recruits, considerable efforts are required to upgrade their expertise. To this end, the strategy has been drawn up, to include an induction for new entrants, refresher on recurrent subjects and special sessions on such matters as aspects of our law or certain requisite skills. The programmes will be carried out or co-ordinated essentially by my administrative team and by the more experienced investigation officers.

1.11 Apart from using the Civil Service Training and Development Institute as our training agent, we will continue to engage outside agencies. Other than job-related training, workshops or experience sharing sessions such as our annual Professional Development Conference, we also have regular gatherings dubbed as "Ombuds Hours" when lighter issues are discussed or shared by all staff.

1.12 I am determined to develop my staff to be a competent team committed to contributing towards fair and open, transparent and accountable public administration.

## CASELOAD AND CHALLENGES

5.1 For the year 2002/03, our reporting period was adjusted for the first time, to run from 1 April to 31 March to coincide with the financial year. This report, therefore, covers 12 months - not 10½ months for last year<sup>2</sup>.

### CASELOAD

★ 5.2 Caseload for the year is summarised below:

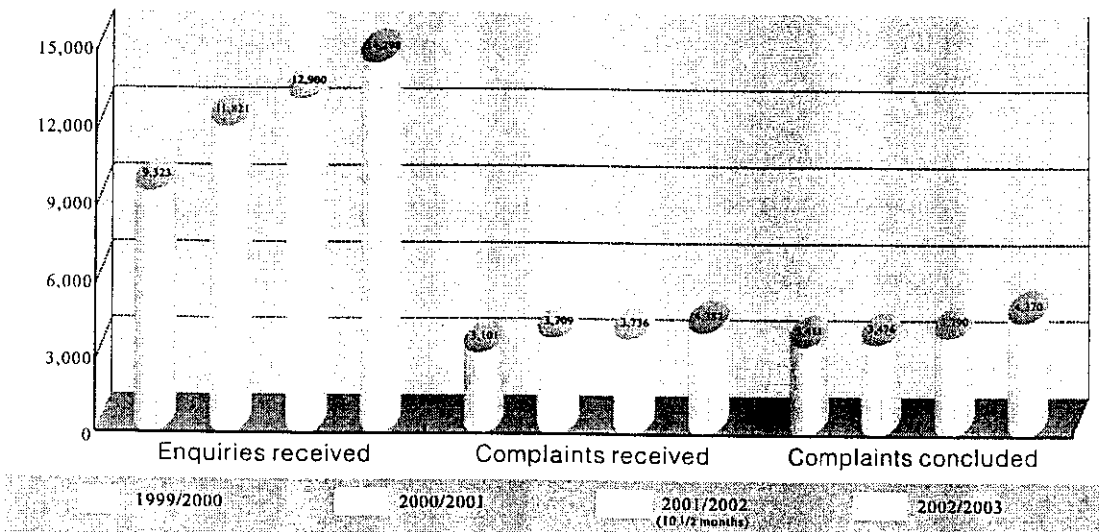
- 14,298 enquiries received;
- 4,382 complaints received; and
- 4,370 complaints concluded.

There was a slight increase in in-coming complaints for the year despite a decrease since February 2003. It is difficult to ascertain why there should be a drop but some contributing factors come to mind: the Lunar New Year festive period followed by community pre-occupation with "Severe Acute Respiratory Syndrome" (SARS).

5.3 There were 20 complaints outstanding with the Hospital Authority by 31 March 2003 and I have given them extension of time for response in recognition of the need for concentrating efforts on the combat against SARS. We have informed the complainants and they have generally shown understanding of this exceptional situation.

2 The last report was for 16 May 2001 to 31 March 2002 on re-alignment of reporting period due to delinking from Government systems and practices. Previously, the reporting period was from mid-May to mid-May of the following year.

Fig 5.1 Enquiries and complaints for the past four years



As our performance pledges have remained unchanged, the heavier caseload (particularly during the first half of the reporting year) has exerted greater pressure on my investigation teams. Notwithstanding this pressure, we have endeavoured to complete cases within the pledges and have made improvement. The number and percentage of completed cases not meeting the performance pledges during the reporting period are 75 (or 2.84%), compared to 206 (or 9.3%) respectively for the previous reporting year. The contributing features included:

- (a) highly complex cases necessitating more elaborate investigation process;
- (b) suspension of investigation as a result of court proceedings or law enforcement action;
- (c) emergence of new developments mid-stream; and
- (d) challenges, as described in the following paragraphs.

✱ 5.5 To overcome seasonal peaks, I have continued to engage temporary case officers. These are officers with extensive experience in public administration and are trawled from a continuous recruitment process. The flexibility afforded by such insures that I can draw from a pool of ready expertise for relief at times of particular pressure. Temporary case officers are remunerated on the basis of the number and complexity of their assignments. They are subject to the same code of ethics and the strict secrecy requirement as for my full-time staff.

## **CHALLENGES**

5.6 Organisations and complainants occasionally challenge our decisions or actions. Such challenges spread virtually across all stages of our operations, as outlined below.

### ***Jurisdiction***

5.7 Organisations at times challenge the propriety of our intervention, occasionally with legal arguments. This is particularly so where the issues stem from restrictions in Schedule 2 to The Ombudsman Ordinance, eg. personnel or contractual matters. We would examine only such administrative aspects as may be present in those cases. Organisations would then query why we take up the case at all. Invariably, we simply address aspects of procedures and practices. We are careful not to over-step our purview. By this prudent but liberal approach, I hope to maximise our contribution to open government and minimise injustice to the common citizen.

5.8 On the other hand, complainants sometimes question my decision to screen out their cases. Although we give specific reasons as to why we cannot pursue their cases, some complainants just would not accept that their issues fall outside our jurisdiction. Wherever practicable, we redirect them to the appropriate authorities or channels for advice, assistance or redress. All proposals to screen out complaints are approved by me personally.

### ***Evidence Collection***

5.9 In the course of our inquiries, organisations may refuse to provide material