

**Legislative Council Members' meeting with The Ombudsman**

**on Wednesday, 14 December 2005, at 9:00 am  
in Conference Room A of the Legislative Council Building**

**Performance pledges of The Ombudsman's Office**

*(raised by Dr Hon Fernando CHEUNG Chiu-hung)*

One of the performance pledges made by The Ombudsman's Office is to conclude 60% of its cases within three months and the remaining 40% in three to six months. However, the figures under paragraph 5.3 and Annex 4 of the Office's Annual Report this year show that only 43.3% of its cases can be concluded within three months, falling far short of the 60% target. Although The Ombudsman has explained in paragraph 5.4 the general causes for the delay, The Ombudsman is requested to advise whether consideration will be given to adjusting this indicator of the Office's performance pledges; if not, whether improvement measures will be introduced in order to achieve the target.

(Copies of the relevant parts of the Annual Report are at **Annexes I to III.**)

**Performance pledges of The Ombudsman’s Office**

**Chapter 5**  
**Extract from the Annual Report of The Ombudsman,**  
**Hong Kong, issued in June 2005**

**Chapter 5 Caseload and Challenges**

5.3 Whatever the volume of complaints received, we endeavour to complete processing within our pledges. This year was no exception.

Fig. 5.3

(a) Response Time for Acknowledgement/Initial Assessment

| Year *                | Response Time         |                          |                           |
|-----------------------|-----------------------|--------------------------|---------------------------|
|                       | Within 5 working days | Within 6-10 working days | More than 10 working days |
| 2000/01               | 100.0%                | 0                        | 0                         |
| 2001/02 (10 ½ months) | 92.7%                 | 5.8%                     | 1.5%                      |
| 2002/03               | 77.6%                 | 11.8%                    | 10.6%                     |
| 2003/04               | 66.2%                 | 30.7%                    | 3.1%                      |
| 2004/05               | 94.0%                 | 4.2%                     | 1.8%                      |

(b) Processing Time for Cases Outside Jurisdiction or Under Restriction

| Year *                | Response Time          |                           |                           |
|-----------------------|------------------------|---------------------------|---------------------------|
|                       | Within 10 working days | Within 11-15 working days | More than 15 working days |
| 2000/01               | 80.8%                  | 18.6%                     | 0.6%                      |
| 2001/02 (10 ½ months) | 58.9%                  | 37.6%                     | 3.5%                      |
| 2002/03               | 60.7%                  | 37.1%                     | 2.2%                      |
| 2003/04               | 71.5%                  | 22.1%                     | 6.4%                      |
| 2004/05               | 62.6%                  | 34.4%                     | 3.0%                      |

(c) Processing Time for Other Cases Concluded

| Year *                | Response Time      |                   |                    |
|-----------------------|--------------------|-------------------|--------------------|
|                       | Less than 3 months | Within 3-6 months | More than 6 months |
| 2000/01               | 50.6%              | 44.0%             | 5.4%               |
| 2001/02 (10 ½ months) | 52.2%              | 38.5%             | 9.3%               |
| 2002/03               | 57.5%              | 39.7%             | 2.8%               |
| 2003/04               | 51.1 %             | 45.7%             | 3.2%               |
| 2004/05               | 43.3%              | 53.7%             | 3.0%               |

\* The period of Reporting Year has changed since 2001/02 (see footnote to Table 1).

**Performance pledges of The Ombudsman's Office**

**Annex 4**

**Extract from the Annual Report of The Ombudsman,  
Hong Kong, issued in June 2005**

**Annex 4 Achievement of Performance Pledges (1 April 2004 to 31 March 2005)**

**(A) Enquiries**

|                            | Response Time         |                          |                           |
|----------------------------|-----------------------|--------------------------|---------------------------|
|                            | Immediate             | Within 30 minutes        | More than 30 minutes      |
| By telephone or in person* | 11,792 (100%)         | 0                        | 0                         |
| In writing*                | Within 5 working days | Within 6-10 working days | More than 10 working days |
|                            | 39 (95.12%)           | 1 (2.44%)                | 1 (2.44%)                 |

\* Excluding enquiries on existing complaints

**(B) Complaints**

|                                       | Response Time                          |   |                           |
|---------------------------------------|--|---|---------------------------|
|                                       | Within 5 working days<br>(target: 80%) | Within 6-10 working days<br>(target: 20%) | More than 10 working days |
| Initial assessment / acknowledgement* | 2,905 (94.04%)                         | 128 (4.15%)                               | 56 (1.81%)                |

\* Excluding potential complaints and cases outside jurisdiction or under restriction

| Cases Concluded | Cases outside jurisdiction or under restriction |  |                           | Other cases                         |                                    |                    |
|-----------------|---|--|---------------------------|-------------------------------------|------------------------------------|--------------------|
|                 | Within 10 working days<br>(target: 70%)         | Within 11-15 working days<br>(target: 30%) | More than 15 working days | Less than 3 months<br>(target: 60%) | Within 3-6 months<br>(target: 40%) | More than 6 months |
|                 | 682<br>(62.63%)                                 | 374<br>(34.34%)                            | 33<br>(3.03%)             | 1,331<br>(43.29%)                   | 1,652<br>(53.72%)                  | 92<br>(2.99%)      |

**(C) Group visits and talks**

|                                  | Response Time          |                           |
|----------------------------------|------------------------|---------------------------|
|                                  | Within 5 working days  | More than 5 working days  |
| Requests for guided group visits | 44 (100%)              | 0                         |
| Requests for outreach talks      | Within 10 working days | More than 10 working days |
|                                  | 7 (100%)               | 0                         |

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**Chapter 5 Caseload and Challenges**

5.4 The number of completed cases not meeting the performance pledges during the reporting period was 92 (or 3.0%), compared to 78 (or 3.2%) for the previous reporting year. Factors contributing to longer processing time included one or more of the factors below:

- (a) highly complex cases necessitating more elaborate investigation process;
- (b) voluminous documents (e.g. some running into some hundreds of pages) requiring extra time to examine and distill for relevant information;
- (c) new developments or supply of further material emerging mid-stream; and
- (d) challenges, by complainants or organisations concerned.

**Challenges**

5.5 Organisations and complainants occasionally challenge our decisions or actions. While such challenges inevitably prolong the processing time of cases, they do help us keep our procedures and practices under critical scrutiny to ensure that they are proper and reasonable.

**Jurisdiction**

5.6 In my 2004 Annual Report, I raised the subject of personnel matters. We had a case where the Civil Service Bureau had been processing a discipline case for years with no prospect of concluding it, thus leaving the persons concerned in great anxiety. Aware that personnel matters are outside our jurisdiction, we considered it our duty to serve our clients and so questioned whether even straightforward omissions or delays in personnel matters were out of bounds to us. Legal advice has since confirmed that the Ordinance, as now worded, does preclude our handling any aspect

whatsoever, including even inordinate delay in action on personnel matters. This raises the question whether the Ordinance might be unduly restrictive in this respect.

5.7 However, I must abide by the law. Meanwhile, I will continue to explain to complainants who criticise me for not taking up their case of evidently gross maladministration.

5.8 With other cases which I screen out with specific reasons, some complainants just would not accept that their cases fall outside my jurisdiction. Wherever practicable, we redirect them to the appropriate authorities or channels for advice, assistance or redress.

**Revived Cases**

5.9 From time to time, complainants dissatisfied with our findings or my conclusion raise objections, particularly if their complaints are found to be unsubstantiated. In the reporting period, we received 334 requests for review, compared to 359 for the last year. The decision on the case was varied after review in eight cases, compared to 14 for the last year.

5.10 We treat each and every objection as an appeal. We faithfully review the case for fresh evidence or new angle. Where new information comes to light, we re-open investigation. We endeavour to address all their points in our response.

5.11 Special procedures apply in the handling of revived cases. Whilst an initial investigator will be required to comment on the complainant’s grounds for review, the actual review will be carried out by another investigator or by the Chief Investigation Officer. As a rule, draft replies to requests for review are scrutinised by my Deputy and, as with all initial cases, finally approved by me before issue.

**Fig. 5.4**

| Revived cases   |              |     |                 |    |                      |       |
|-----------------|--------------|-----|-----------------|----|----------------------|-------|
| Reason \ Result | New evidence |     | New perspective |    | Outside jurisdiction | Total |
|                 | Yes          | No  | Yes             | No |                      |       |
| Decision varied | 2            | –   | 6               | –  | –                    | 8     |
| Decision upheld | –            | 299 | –               | –  | 27                   | 326   |
|                 |              |     |                 |    |                      | 334   |