

**LEGISLATIVE COUNCIL BRIEF**  
**THE OMBUDSMAN ORDINANCE**  
**(AMENDMENT OF SCHEDULE 1) ORDER 2006**

**INTRODUCTION**

At the meeting of the Executive Council on 4 July 2006, the Council ADVISED and the Chief Executive ORDERED that The Ombudsman Ordinance (Amendment of Schedule 1) Order 2006 at Annex should be made under section 24 of The Ombudsman Ordinance (Cap.397) (the Ordinance), to add a reference to “Student Financial Assistance Agency” (SFAA) and a cross-reference of section 7 of the Ordinance, to delete seven public bodies and to amend the name of two bodies in Schedule 1 to the Ordinance (Schedule 1).

**JUSTIFICATIONS**

2. The Ordinance empowers the Ombudsman to investigate any action taken by or on behalf of an organisation specified in Part 1 of Schedule 1 in the exercise of its administrative functions. At present, the Ombudsman has jurisdiction over nearly all government departments and agencies, except those organisations set out in Part II of Schedule 1 over which the Ombudsman only has jurisdiction on matters relating to the exercise of their administrative functions in relation to the Code on Access to Information.

3. Owing to organizational changes, the following seven government departments no longer exist –

- (a) Civil Service Training and Development Institute;
- (b) Hospital Services Department;
- (c) Information Technology Services Department;
- (d) Management Services Agency;
- (e) Official Languages Agency;
- (f) Registry of Trade Unions; and
- (g) Technical Education and Industrial Training Department.

The references to these departments and agencies should therefore be removed from Schedule 1.

4. In Schedule 1, “Hong Kong Observatory” and “香港房屋委員會” are named as “Observatory” and “香港房屋事務委員會”. These two names should be rectified.

5. The “Student Financial Assistance Agency” is currently not included in Schedule 1 as it was considered that SFAA was part of EMB (i.e. Government

Secretariat), thereby already covered by the Ombudsman's jurisdiction. However, legal advice reveals that SFAA must be expressly included in Part I of Schedule 1 to the Ordinance before the Ombudsman can investigate a complaint made against it. SFAA should therefore be added to Schedule 1. Notwithstanding the omission of SFAA under the Ordinance, SFAA has been maintaining a good working relationship with the Ombudsman and has been responding to her referrals in a most proactive manner. Basically all referral cases had been satisfactorily dealt with.

6. Section 7 of the Ordinance refers to Schedule 1 but not vice versa. We propose to make a cross-reference of section 7 in Schedule 1.

### **THE ORDER**

7. The Order makes the necessary update and amendments to Schedule 1 as set out in paragraphs 3 to 6 above.

### **LEGISLATIVE TIMETABLE**

8. The legislative timetable will be –

Publication in the Gazette	7 July 2006
Tabling at the Legislative Council	12 July 2006

### **IMPLICATIONS OF THE PROPOSAL**

9. The Order is in conformity with the Basic Law, including the provisions concerning human rights. The Order does not affect the current binding effect of the Ordinance. There is no economic, financial, civil service, productivity, environmental or sustainability implication.

### **PUBLIC CONSULTATION**

10. As the proposed amendments are minor and technical in nature, no public consultation has been conducted.

### **PUBLICITY**

11. A press release and a Legislative Council Brief will be issued. A spokesman will be available for answering media enquiries.

### **ENQUIRIES**

12. Enquiries to this Legislative Council Brief may be directed to Miss Shirley Yung, Assistant Director of Administration at telephone number 2810 3503.

**Administration Wing**  
**Chief Secretary for Administration's Office**  
6 July 2006

## **THE OMBUDSMAN ORDINANCE (AMENDMENT OF SCHEDULE 1) ORDER 2006**

(Made by the Chief Executive in Council under section 24 of The  
Ombudsman Ordinance (Cap. 397))

### **1. Organizations to which this Ordinance applies**

(1) Schedule 1 to The Ombudsman Ordinance (Cap. 397) is amended by repealing “[ss. 2 & 24]” and substituting “[ss. 2(1), 7(1) & 24]”.

(2) Part I of Schedule 1 is amended by repealing “Civil Service Training and Development Institute.”.

(3) Part I of Schedule 1 is amended by repealing “Hospital Services Department.”.

(4) Part I of Schedule 1 is amended by repealing “Information Technology Services Department.”.

(5) Part I of Schedule 1 is amended by repealing “Management Services Agency.”.

(6) Part I of Schedule 1 is amended, in the English text, by adding “Hong Kong” before “Observatory”.

(7) Part I of Schedule 1 is amended by repealing “Official Languages Agency.”.

(8) Part I of Schedule 1 is amended by repealing “Registry of Trade Unions.”.

(9) Part I of Schedule 1 is amended by repealing “Technical Education and Industrial Training Department.”.

(10) Part I of Schedule 1 is amended, in the Chinese text, by repealing “香港房屋事務委員會” and substituting “香港房屋委員會”.

(11) Part I of Schedule 1 is amended by adding “Student Financial Assistance Agency.”.

LAM Chik-ting, Tony

Clerk to the Executive Council

COUNCIL CHAMBER

4 July 2006

**Explanatory Note**

This Order amends Schedule 1 to The Ombudsman Ordinance (Cap. 397)  
by –

- (a) deleting the following organizations, which no longer exist or had been merged with or incorporated into other Government departments, from the Schedule –
  - (i) Civil Service Training and Development Institute;
  - (ii) Hospital Services Department;
  - (iii) Information Technology Services Department;
  - (iv) Management Services Agency;
  - (v) Official Languages Agency;
  - (vi) Registry of Trade Unions; and
  - (vii) Technical Education and Industrial Training Department;
- (b) updating the titles of the Hong Kong Observatory and Hong Kong Housing Authority;
- (c) adding the Student Financial Assistance Agency to the Schedule; and
- (d) correcting the section references listed in the top right-hand corner of the Schedule.