

## Information Paper

### for LegCo Members' Meeting with The Ombudsman on 13 December 2011

#### Work of The Ombudsman's Office

#### (I) For the year 2010/2011

In the 2010/2011 reporting year, the Office received a total of 12,227 enquiries and 5,339 complaints; and 5,437 complaints were concluded. Of these, 80.1% were concluded within three months, 19.3% were concluded between three to six months and 0.6% took more than six months to conclude.

2. For easy reference, statistics on complaints and enquiries for the past three years and the first eight months of 2011/2012 (that is, April to November) are tabulated below:

		Reporting year <sup>1</sup>			
		08/09	09/10	10/11	11/12 (April – November)
<b>I</b>	<b>Enquiries</b>	14,005	13,789	12,227	8,970
<b>II</b>	<b>Complaints</b>				
	<b>(a) For processing</b>	6,671	5,869	6,467	4,686
	- Received	5,386[853]	4,803[393]	5,339[627]	3,628[100]
	- Brought forward <sup>2</sup>	1,285	1,066	1,128	1,058
	<b>(b) Processed</b>	5,701[1,225]	4,775[402]	5,437[611]	3,460[51]
	<b>Non-pursuable<sup>3</sup></b>	3,017[814]	2,560[100]	2,381[11]	1,722[41]
	<b>Pursued and concluded</b>	2,684[411]	2,215[302]	3,056[600]	1,738[10]
	- By inquiry <sup>4</sup>	2,437[224]	2,086[302]	2,894[524]	1,672[3]
	- By full investigation <sup>5</sup>	247[187]	126	155[76]	64[7]
	- By mediation <sup>6</sup>	0	3	7	2
	<b>(c) Percentage processed = (b) / (a)</b>	85.5%	81.4%	84.1%	73.8%
	<b>(d) Carried forward = (a) – (b)</b>	970	1,094	1,030	1,266
<b>III</b>	<b>Direct investigations completed</b>	6	7	6	2
<b>IV</b>	<b>Direct investigation assessments completed</b>	4	8	10	14

Note 1. From 1 April to 31 March of the next year.

Note 2. Including 96, 34 and 24 re-opened cases in 2009/10, 2010/11 and 2011/12 respectively.

Note 3. Outside The Ombudsman's jurisdiction or restricted by The Ombudsman Ordinance; withdrawn by complainant, discontinued or not undertaken by the Office, e.g. *subjudice* or lack of *prima facie* evidence.

Note 4. Pursued under section 11A of the Ordinance, for general cases.

Note 5. Pursued under section 12 of the Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 6. Pursued under section 11B of the Ordinance, for cases involving no, or only minor, maladministration.

[ ] Number of topical cases.

3. Most complainants lodged their complaints in writing and email continued to be the most popular channel, as shown in the table below:

Mode of lodging complaints	08/09		09/10		10/11		11/12 (April to November)	
	No.	%	No.	%	No.	%	No.	%
<b>In person</b>	<b>370</b>	6.9%	<b>413</b>	8.6%	<b>634</b>	11.9%	<b>415</b>	11.4%
<b>In writing:</b>	<b>4,641</b>	86.1%	<b>3,859</b>	80.3%	<b>4,146</b>	77.6%	<b>2,802</b>	77.2%
- by complaint form	1,300	24.1%	863	18.0%	544	10.2%	379	10.4%
- by letter through post	936	17.4%	870	18.1%	882	16.5%	656	18.1%
- by fax	890	16.5%	764	15.9%	766	14.3%	482	13.3%
- by online complaint form	156	2.9%	154	3.2%	170	3.2%	127	3.5%
- by email	1,359	25.2%	1,208	25.2%	1,784	33.4%	1,158	31.9%
<b>By telephone</b>	<b>375</b>	7.0%	<b>531</b>	11.1%	<b>559</b>	10.5%	<b>411</b>	11.3%
<b>Total</b>	<b>5,386</b>		<b>4,803</b>		<b>5,339</b>		<b>3,628</b>	

Notwithstanding this, an increasing number of people came to our office to lodge their complaints. Last year, 634 (11.9%) of the complaints were lodged in person, compared with 413 (8.6%) the year before.

4. Six direct investigations were completed on the following subjects:

- (1) Fire Safety Regulatory Measures
- (2) Allocation and Monitoring of Government Land
- (3) Driving-offence Points System
- (4) Management of Non-emergency Ambulance Transfer Service by Hospital Authority
- (5) Transport Department Actions for Safe Operation of Public Light Buses
- (6) Enforcement against Unauthorised Building Works in New Territories Exempted Houses

5. Apart from direct investigations, the Office also concluded the following ten direct investigation assessments:

- (1) Misidentification of Newborn Babies at a Hospital
- (2) Operation of Unlicensed Ferry Service with Speedboats
- (3) Provision of Information about Government Officers
- (4) Continuing Education Fund
- (5) Structural Safety of Units of Old Buildings with External Walls Replaced by Glass-walls
- (6) Illegal Operation of Guesthouses and Bedspace Apartments
- (7) Regulation of Karting Activities
- (8) Application of Marking Scheme in Public Rental Housing and Tenants Purchase Scheme Housing
- (9) Development of a Question Paper in the HKAL Examination
- (10) Handling of “Missing Patients”

6. For the year, a total of 182 recommendations were made to improve various aspects of public administration. Of these, 142 were related to complaints and 40 resulted from direct investigations. As at November 2011, 96% of the recommendations had been accepted for implementation.

**(II) For the first eight months (April to November) of 2011/2012**

7. From April 2011 to November 2011, the Office received a total of 8,970 enquiries and 3,628 complaints.

8. During the period, two direct investigations have been completed and five are still in progress.

**Completed**

- (1) Water Meter Reading and Billing System
- (2) Government Measures to Protect Country Park Enclaves

### **In progress**

- (1) Special Education Services for Students with Emotional and Behavioural Difficulties
  - (2) The Granting of Short Term Tenancies at Nominal Rent
  - (3) Monitoring of Residential Care Homes for the Elderly
  - (4) Booking and Use of Sports Facilities Managed by Leisure and Cultural Services Department
  - (5) Administration of Temporary Closure of Metered Car Parking Spaces during Road Works Carried out by Public Utilities
9. As regards direct investigation assessments, 14 have been completed. Some topics are highlighted below:
- (1) Maintenance of Water Mains by Water Supplies Department
  - (2) Consultation Process Involving Traffic Signs and Facilities
  - (3) Effectiveness of Lease Enforcement by Lands Department
  - (4) Processing of Public Rental Housing Application
  - (5) Handling of Stray Cats and Dogs by Agriculture, Fisheries and Conservation Department
  - (6) Handling Procedures by Immigration Department of Reports on Criminal Offences
  - (7) Advisory Service Provided by Home Affairs Department Staff about Matters Concerning Owners' Corporations and Building Management