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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16

The Ombudsman
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CONTROLLING OFFICER'S REPLY

OMB001

(Question Serial No. 6456)

Head: (114) Office of The Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Connie Y H Lau)

Director of Bureau: The Ombudsman

Question:

In relation to the complaint cases that the Office of The Ombudsman received, will the Office inform this Committee:

a) The numbers of complaints received, cases where the complaint was found substantiated/unsubstantiated after investigation, and cases which were outside the jurisdiction of the Office in the past three years; and

b) Will the Office allocate more resources on public education in 2015-2016 to increase public understanding of the Office's jurisdiction, follow-up actions on substantiated complaint cases, things to note when lodging complaints as well as the complaint handling procedures in order to avoid unreasonable expectation from the public and enhance the efficiency of complaint handling? If yes, what are the plans and estimated expenditure? If not, what are the reasons?

Asked by: Hon CHAN Ka-lok, Kenneth (Member Question No. 266)

Reply:

a) The caseload statistics of the Office of The Ombudsman in the past three years are given below:

		Year		
		2011-12	2012-13	2013-14
(1)	Complaints received	5 029	5 501	5 624
(2)	Cases where the complaint was found substantiated/partially substantiated or where other inadequacies were found	747	765	762
(3)	Cases where the complaint was found unsubstantiated or inconclusive	1 908	1 498	1 653
(4)	Cases where the complaint was outside our jurisdiction	1 096	878	1 250

b) In 2015-16, this Office will allocate substantial resources (around HK\$8,300,000) for our publicity campaign and public education programme, which include announcements of public interest and print advertisements in various media, press conferences, promotional leaflets, roving exhibitions in various districts, seminars and outreach talks. In addition, we will be producing a television drama series in the coming year. We plan to use the most popular media and simple and easy ways to explain our work to the public, so that people have a better understanding of the Office's functions, powers and work procedures.

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CONTROLLING OFFICER'S REPLY

OMB002

(Question Serial No. 6457)

Head: (114) Office of The Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Connie Y H Lau)

Director of Bureau: The Ombudsman

Question:

Regarding the direct investigations conducted by the Office of The Ombudsman, will the Office inform this Committee:

- a) The number of suggestions received by the Office each year from members of the public or groups for the Office to conduct direct investigations into specific issues in the past three years; when selecting subjects for direct investigations, whether the Office will take into account the suggestions of those members of the public or groups; if not, why not;
- b) Whether the Office will increase the number of direct investigations in 2015-2016; if yes, what are the details; if not, why not; and
- c) Whether The Ombudsman will conduct follow-up investigations on subjects of past direct investigations to ensure that the departments or organisations under investigation have implemented the recommendations made by The Ombudsman; if yes, what are the details; if not, why not?

Asked by: Hon CHAN Ka-lok, Kenneth (Member Question No. 267)

Reply:

- a) In the current year (2014-15), this Office has formally started compiling statistics on the subjects of direct investigation ("DI") suggested by members of the public or groups. A total of 13 suggestions have been received. We will consider whether the subjects suggested by them are suitable for DI.

b) Before deciding to initiate a DI, this Office may first conduct a preliminary assessment (called “DI assessment”) to examine information available and/or obtained from the departments/organisations concerned. After DI assessment, we will decide whether or not to launch a DI, depending on whether there is a need for deeper and fuller probing into the subject matter. Even if we decide not to launch a DI, where any room for improvement is identified, we will offer our comments to the departments/organisations concerned and make suggestions for improvement.

The number of DIs and DI assessments completed in the years 2011-12 to 2013-14 are given below:

	Year		
	2011-12	2012-13	2013-14
Number of DIs completed	5	6	6
Number of DI assessments completed	23	47	30

In 2014-15, we expect to complete 7 DIs and 14 DI assessments. The number of DIs is similar to those in the past three years. In 2015-16, we will step up our efforts in DIs, and there are a number of investigations in progress or in the pipeline. As to whether we can increase the number of DIs completed during the year, it will depend on the findings of our DI assessments and the complexity of the DIs already started.

c) This Office will keep in close touch with the departments/organisations under investigation to monitor their progress in implementing our recommendations for improvement. Where we find that a department/organisation has lagged behind in making improvement or a problem has appeared to be worsening, we will consider initiating a DI again. For instance, we conducted further DIs into the departments concerned in relation to such issues as the 1823 hotline services, the unauthorised building works in New Territories small houses, and access to information. Furthermore, pursuant to The Ombudsman Ordinance, if a department/organisation does not adequately act upon our recommendations, The Ombudsman may submit a report to the Chief Executive. In such event, the Ordinance requires that a copy of the report be laid before the Legislative Council within one month or such longer period as the Chief Executive may determine.

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CONTROLLING OFFICER'S REPLY

OMB003

(Question Serial No. 6186)

Head: (114) Office of The Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Connie Y H Lau)

Director of Bureau: The Ombudsman

Question:

Please provide details about strategic publicity programmes, publicity methods, estimated additional staff requirements, expenses for venues and related items and staff salaries.

Asked by: Hon KWOK Ka-ki (Member Question No. 290)

Reply:

In 2015-16, the Office of The Ombudsman will allocate substantial resources (around HK\$8,300,000) for our publicity campaign and public education programme, which include announcements of public interest and print advertisements in various media, press conferences, promotional leaflets, roving exhibitions in various districts, seminars and outreach talks. In addition, we will be producing a television drama series in the coming year. We plan to use the most popular media and simple and easy ways to explain our work to the public, so that people have a better understanding of the Office's functions, powers and work procedures. We do not need to recruit additional staff for the time being.

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CONTROLLING OFFICER'S REPLY**OMB004****(Question Serial No. 6520)**Head: (114) Office of The OmbudsmanSubhead (No. & title): (000) Operational ExpensesProgramme: (1) Complaints AdministrationControlling Officer: The Ombudsman (Connie Y H Lau)Director of Bureau: The OmbudsmanQuestion:

Please provide the average time required by the Office to process a complaint case in the past five years.

Asked by: Hon KWOK Ka-ki (Member Question No. 331)Reply:

This Office has in place performance pledges for the time required to process complaint cases. Our processing time for complaint cases in the past five years are given in the table below:

(1) Processing time for cases outside jurisdiction or under restriction:

Year	Response Time		
	Within 10 working days (Target: >70%)	Within 11-15 working days (Target: <30%)	More than 15 working days
2009-10	78.9%	16.3%	4.8%
2010-11	83.4%	14.5%	2.1%
2011-12	89.2%	9.3%	1.5%
2012-13	89.5%	8.7%	1.8%
2013-14	88.9%	9.7%	1.4%

(2) Processing time for other cases concluded:

Year	Response Time		
	Less than 3 months (Target: >60%)	Within 3-6 months (Target: <40%)	More than 6 months
2009-10	54.7%	43.2%	2.1%
2010-11	74.5%	24.6%	0.9%
2011-12	79.3%	19.8%	0.9%
2012-13	86.3%	12.8%	0.9%
2013-14	81.7%	17.2%	1.1%

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CONTROLLING OFFICER'S REPLY

OMB005

(Question Serial No. 6523)

Head: (114) Office of The Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Connie Y H Lau)

Director of Bureau: The Ombudsman

Question:

For the year 2015-2016, what is the estimated average time required by the Office to process a complaint case?

Asked by: Hon KWOK Ka-ki (Member Question No. 335)

Reply:

This Office has in place performance pledges for the time required to process complaint cases. In 2015-16, we will endeavour to complete processing different categories of cases within our pledged targets:

Category of Complaint Cases	Standard Response Time	Maximum Response Time
(1) Cases outside jurisdiction or under restriction	Within 10 working days (Target: not less than 70%)	Within 11-15 working days (Target: not more than 30%)
(2) Other cases	Less than 3 months (Target: not less than 60%)	Within 3-6 months (Target: not more than 40%)

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CONTROLLING OFFICER'S REPLY

OMB006

(Question Serial No. 6525)

Head: (114) Office of The Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Connie Y H Lau)

Director of Bureau: The Ombudsman

Question:

Will the Office of The Ombudsman review and reform the complaint handling procedures to speed up the processing of cases in 2015-2016? If yes, please provide the details and estimated expenditure?

Asked by: Hon KWOK Ka-ki (Member Question No. 337)

Reply:

This Office makes a constant effort to review and improve its complaint handling procedures. In 2015-16, we will continue to promote the use of mediation to handle cases involving no or minor maladministration to achieve a speedier and more direct resolution so that the resources thus saved can be deployed on direct investigations and full investigations of more complex complaint cases.

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CONTROLLING OFFICER'S REPLY

OMB007

(Question Serial No. 6529)

Head: (114) Office of The Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Connie Y H Lau)

Director of Bureau: The Ombudsman

Question:

Will the Office of The Ombudsman consider recruiting more accredited mediators to strengthen its capacity in handling complaint cases? If yes, what are the details and the estimated expenditure?

Asked by: Hon Kwok Ka-ki (Member Question No. 341)

Reply:

This Office has in place a sponsorship scheme to encourage our investigation officers to attend more advanced mediation training and attain accreditation as mediators. We also organise from time to time related workshops to enhance the skills of our officers in dispute resolution.

This Office has no need to recruit more accredited mediators for the time being.

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CONTROLLING OFFICER'S REPLY

OMB008

(Question Serial No. 3464)

Head: (114) Office of The Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Connie Y H Lau)

Director of Bureau: The Ombudsman

Question:

In 2015-2016, the Office of The Ombudsman will strengthen its ties with other ombudsman institutions and related organisations through liaison and exchange programmes. In terms of the cost effectiveness of complaint handling, will the Office inform this Committee:

- a) How much staff and expenditure will be involved in strengthening the ties between the Office of The Ombudsman and other ombudsman institutions in the coming year?
- b) Has the Office reviewed its methods of following up on complaints so as to reduce the rate of non-pursuable cases or delay in follow-up actions? If yes, what are the review measures?

Asked by: Hon TONG Ka-wah, Ronny (Member Question No. 89)

Reply:

a) This Office has maintained close contacts with our overseas and Mainland counterparts in order to keep ourselves abreast of the latest developments and practices in different ombudsman jurisdictions, as well as to learn from their experience. As Secretary of the Asian Ombudsman Association, The Ombudsman will, in the coming year, attend personally or send delegates to the Association's regular Board Meeting and Conference. Meanwhile, this Office maintains good communication with the International Ombudsman Institute, providing our reports and obtaining other members' information via the Internet. This allows us to share on the development and trends in other ombudsman institutions worldwide.

This Office also organises exchange programmes with our counterpart in the mainland, the Ministry of Supervision, to better understand each other's systems in handling complaints and improving administrative efficiency.

Liaison work essentially involves the Management as well as our administrative and external relations staff. Expenses are mainly on travelling and boarding for attending various meetings and conferences. Estimated expenses in this regard for the coming year should not exceed HK\$240,000.

b) "Non-pursuable" complaint cases include cases that are outside our jurisdiction or restricted by The Ombudsman Ordinance, or those discontinued by the Office due to reasons such as lack of *prima facie* evidence, or those withdrawn by the complainants. Whether a case is "non-pursuable", therefore, depends on its substantive content. The number of such cases has nothing to do with our complaint handling procedures.

Regarding the time needed for processing screened-in cases, over 80% of these cases were concluded within three months in 2013-14. This was higher than our performance pledge of not less than 60%. Nevertheless, for reasons such as case complexity, new developments mid-stream of the case, or longer response time of organisations under complaint, about 1% of the cases were not concluded within our pledged timeframe of six months. Those special circumstances were not because of problems in our follow-up measures. Notwithstanding this, the Office will continue to review its case-handling procedures and look for work methods conducive to improving efficiency. In 2015-16, the Office will continue to promote the use of mediation to handle complaints that involve no or minor maladministration for speedier and more direct resolution of these cases.

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