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### Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2016-17

**The Ombudsman**  
**Session No. : 3**  
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**CONTROLLING OFFICER'S REPLY**

**OMB001**

**(Question Serial No. 3920)**

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:

With regard to the complaint cases that the Office of The Ombudsman received from the public, will the Office inform this Committee:

1. The numbers of complaints received, complaints that were found substantiated/unsubstantiated after investigation, and complaints that were outside the Office's jurisdiction in the past three years; and
2. Will the Office allocate more resources on public education in 2016-17 to enhance public understanding of the Office's jurisdiction, follow-up actions on substantiated complaint cases, things to note when lodging complaints as well as the Office's complaint handling procedures in order to avoid unreasonable expectation from the public and increase the efficiency of complaint handling? If yes, what are the plans and estimated expenditure? If not, what are the reasons?

Asked by: Dr Hon Kenneth CHAN Ka-lok (Member Question No. 452)

Reply:

1. Following the reclassification of our complaint handling work in 2014-15, the caseload statistics of this Office in the past three years are given below:

		Year (Caseload)		
		2012-13	2013-14	2014-15
(a)	Complaints received	5 501	5 624	5 339
(b)	Complaints that were found substantiated/partially substantiated or where other inadequacies were found	765	762	553
(c)	Complaints that were found unsubstantiated or inconclusive	1 498	1 896	2 008
(d)	Complaints that were outside our jurisdiction or under restriction of The Ombudsman Ordinance	919	1 274	1 257

2. In 2016-17, this Office will allocate substantial resources (around HK\$7,000,000) on our publicity campaign and public education programme, which include announcements of public interest and print advertisements in various media, press conferences, promotional leaflets, seminars and outreach talks.

In addition, we are planning to launch a series of The Ombudsman five-minuter on television and to produce another television drama series in the next couple of years. We will use the most popular media and simple and easy ways to explain our work to the general public, so that people have a better understanding of our functions, powers and work procedures.

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**CONTROLLING OFFICER'S REPLY**

**OMB002**

**(Question Serial No. 3923)**

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 launched by the Office of The Ombudsman, will the Office inform this Committee:

1. 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 3 years; and 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;
2. Whether the Office will consider increasing the number of direct investigations in 2016-17; if yes, what are the details; if not, why not; and
3. Whether The Ombudsman will consider conducting 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: Dr Hon Kenneth CHAN Ka-lok (Member Question No. 455)

Reply:

1. Since 2014-15, this Office has formally started compiling statistics on the subjects of direct investigation ("DI") suggested by members of the public or groups. In 2014-15 and 2015-16, we received 13 and 34 suggestions respectively. We will consider whether the subjects suggested are suitable for DI, such as whether any issues of significant public interest or systemic deficiencies are involved.

The number of DIs completed in the past 3 years are given below:

	Year		
	2012-13	2013-14	2014-15
Number of DIs completed	6	6	7

In 2015-16, we have completed 8 DIs, which showed a slight increase compared with those over the past 3 years.

2. In 2016-17, we will continue to conduct DI work. Details of the DIs publicly announced and still in progress are listed in the Annex.

Before deciding whether or not to launch a DI against an organisation, we will generally conduct a preliminary inquiry. Where no significant maladministration is found in our inquiry or the organisation concerned has taken proactive action to make improvement, we used to conclude our study and offer our observations and recommendations for improvement to the organisation.

To enhance the transparency of our DI work, we shall develop this kind of inquiries into DIs as far as practicable. As before, we will publish all our DI reports on the Office's website, and select those reports of wide community concerns for announcement at press conferences.

3. This Office maintains close contact with the departments/organisations under investigation and monitors their progress in implementing our improvement recommendations. Where we find that an organisation has lagged behind in making improvement or a problem has appeared to be worsening, we will consider initiating a DI again. For example, we conducted further DIs into the departments concerned in relation to such issues as the 1823 hotline services, unauthorised building works in New Territories small houses, and access to information.

Furthermore, under 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.

**DIs Publicly Announced and Still in Progress in 2015-16**

	<b>Subject</b>
1.	Government's Tree Management Regime and Practices
2.	Government's Regulation of Rehabilitation Transport Services to Persons with Mobility Difficulties
3.	Lands Department's System of Regularisation of Illegal Occupation of Government Land and Breach of Lease Conditions
4.	Government's Handling of Stonewall Trees on Bonham Road
5.	Immigration Department's Mechanism for Following up on Unregistered Birth Cases
6.	Management of Markets by Food and Environmental Hygiene Department
7.	Leisure and Cultural Services Department's Criteria and Procedures for Procuring and Withdrawing Library Materials
8.	Arrangements on Display of Publicity Materials in Public Housing Estates
9.	Mechanism for Handling Smoking Offences

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**CONTROLLING OFFICER'S REPLY****OMB003****(Question Serial No. 4846)**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 of The Ombudsman to process a complaint case in the past 5 years.

Asked by: Dr Hon KWOK Ka-ki (Member Question No. 1)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 5 years are given in the tables below:

## (1) Processing time for cases outside our 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
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%
2014-15	90.9%	8.6%	0.5%

(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
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%
2014-15	86.3%	13.1%	0.6%

- End -



**CONTROLLING OFFICER'S REPLY****OMB004****(Question Serial No. 4847)**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:

For the year 2016-17, what is the estimated average time required by the Office of The Ombudsman to process a complaint case?

Asked by: Dr Hon KWOK Ka-ki (Member Question No. 2)Reply:

This Office has in place performance pledges for the time required to process complaint cases. In 2016-17, 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 our 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**

**OMB005**

**(Question Serial No. 4848)**

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 its complaint handling procedures in 2016-17 to speed up the processing of cases? If yes, please provide the details and estimated expenditure?

Asked by: Dr Hon KWOK Ka-ki (Member Question No. 3)

Reply:

This Office makes a constant effort to review and improve its complaint handling procedures. In 2016-17, we will continue to promote the use of mediation to handle cases involving no or minor maladministration to reach a speedier and more direct resolution. Resources thus saved can then be redeployed on direct investigations and full investigation of more complex complaint cases.

- End -

**CONTROLLING OFFICER'S REPLY**

**OMB006**

**(Question Serial No. 4849)**

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: Dr Hon KWOK Ka-ki (Member Question No. 4)

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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