

Information Paper

for LegCo Members' Meeting with The Ombudsman

on 30 March 2021

I. Work of The Ombudsman's Office

(i) For the year 2018-2019

Enquiries and Complaints Processing

In the 2018-2019 reporting year, the Office received a total of 10 403 enquiries and 4 991 complaints, while 4 838 complaints were concluded.

2. Statistics on enquiries and complaints received for the reporting years from 2017-2018 to 2020-2021 (11 months up to February 2021) are tabulated below:

		Reporting year ¹			
		2017-18	2018-19	2019-20	2020-21 (up to Feb 2021)
(1)	Enquiries	11 424	10 403	8 581	6 605
(2)	Complaints				
	(a) For processing	5 587	5 808	20 737	29 994
	- Received	4 829[68]	4 991[349]	19 767[15 034]	29 095[24 838]
	- Brought forward	758	817	970	899
	(b) Completed	4 770[61]	4 838[353]	19 838[15 040]	29 165[24 743]
	Pursued and concluded	2 724[52]	2 912[344]	2 807[326]	2 459[140]
	- By inquiry ²	2 292[37]	2 502[326]	2 418[217]	2 146[137]
	- By full investigation ³	195[15]	205[18]	240[109]	156[3]
	- By mediation ⁴	237	205	149	157
	Assessed and closed ⁵	2 046[9]	1 926[9]	17 031[14 714]	26 706[24 603]
	(c) Percentage completed = (b) / (a)	85.4%	83.3%	95.7%	N.A.
	(d) Carried forward = (a) – (b)	817	970	899	N.A.

	Reporting year ¹			
	2017-18	2018-19	2019-20	2020-21 (up to Feb 2021)
(3) Direct investigations completed	12	12	10	7

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

Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.

Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.

Note 5. Restricted by The Ombudsman Ordinance, or not pursued but closed due to lack of grounds.

[] Number of topical cases.

N.A. Not applicable

3. Similar to 2017-2018, the top three causes for complaint in 2018-2019 based on the allegations made by the complainants were:

- error, wrong advice/decision (33.5%);
- delay/inaction (13.3%); and
- ineffective control (12.8%).

4. As in the past, the chief mode of complaint inquiry in 2018-2019 was inquiry, comprising about 85.9% of all cases pursued and concluded. Yet, a significant proportion of the cases were concluded by full investigation (7.0%) and mediation (7.0%).

5. Among the complaints concluded by full investigation and inquiry, inadequacies were found in 43.4% and 13.0% of the cases respectively.

Direct Investigation

6. The Ombudsman's power to conduct direct investigations in the absence of complaints enables her to probe systemic flaws or general deficiencies at a macro level rather than in individual cases. In 2018-2019, 12 direct investigations were completed as follows:

- (1) Immigration Department's Mechanism for Following up Cases of Unregistered Birth;
- (2) Social Welfare Department's Monitoring of Services of Residential Care Homes for the Elderly;
- (3) Government's Regulation of Proprietary Chinese Medicine;
- (4) Food and Environmental Hygiene Department's Rental Management of Market Stalls;
- (5) Government's Follow-up Mechanism Regarding Psychological Health Assessment of School Children;
- (6) Housing Department's Arrangement for Using Idle Spaces in Public Housing Estates;
- (7) Government Department's Handling of the Problem of Air-conditioner Dripping;
- (8) Food and Environmental Hygiene Department's Regulation of Market Stalls;
- (9) Regulation of Illegal Burials Outside Permitted Burial Grounds by the Home Affairs Department and the Lands Department;
- (10) Marine Department's Arrangements for Private Vessel Moorings;
- (11) Government's Support for Non-Chinese Speaking Students; and
- (12) Government's Handling of Two Trees in front of Tang Chi Ngong Building of University of Hong Kong.

Complaints Relating to Access to Information

7. In 2018-2019, this Office received a total of 87 complaints about access to information. We concluded 92 cases (including those carried forward from

previous year) and found inadequacies on the part of Government departments or public organisations in 55 cases (59.8%). The most common deficiencies were non-compliance with specific provisions of the Code on Access to Information (“the Code”), wrong application or interpretation of the Code, and unreasonable refusal. This showed that there was still a lack of thorough understanding of the spirit and principles of the Code.

Recommendations

8. In 2018-2019, the Office made 175 recommendations on completion of 205 full investigations and 78 recommendations in 12 direct investigations, giving a total of 253 recommendations. As at February 2021, 98.0% of the recommendations had been accepted by the departments and organisations for implementation.

Performance Pledges

9. As regards our performance pledges, 98.0% of the complaint cases falling outside our jurisdiction or under restriction were concluded within ten working days in 2018-2019, as compared to the performance pledge of not less than 70%, while no case exceeded the target timeframe of 15 working days. For other cases, we concluded 85.8% within three months, as compared to the performance pledge of not less than 60%. We had 0.6% of cases not concluded within our pledge timeframe of six months, for reasons such as case complexity.

(ii) For the year 2019-2020

Enquiries and Complaints Processing

10. Special circumstances in the 2019-2020 reporting year had brought to this Office an unprecedented number of complaints. With 8 581 enquiries and 19 767 complaints received, the number of complaints received in the year had more than tripled over 2018-2019. Among the complaints received, there were 15 034 topical complaints, many of which were related to the social unrest in the year and the outbreak of the Covid-19.

11. Based on the allegations made by the complainants, the top three causes for complaint in 2019-2020 were:

- Unclear allegation, general criticism/opinion (41.4%);
- error, wrong advice/decision (22.7%); and
- delay/inaction (21.8%).

Unlike in previous years where “error, wrong advice/decision” used to be the most common cause of complaint, “general criticism/opinion” came to the top in 2019-2020. Majority of the complaints under this cause category were topical complaints lodged in huge volume expressing disagreement to the department’s or organisation’s way of handling matters.

12. Of the 2 807 cases pursued and concluded in 2019-2020, inquiry remained our chief mode of complaint handling, with about 86.1% concluded by this mode, while 8.6% and 5.3% by full investigation and mediation respectively.

13. Of the 240 complaints concluded by full investigation, the complaints in 152 cases (63.3%) were substantiated, partially substantiated, or unsubstantiated but other inadequacies found. Among the 2 418 inquiry cases concluded, inadequacies or deficiencies were found on the part of the organisations concerned in 369 cases (15.3%).

14. 2019-2020 marked another rewarding year of our mediation work. A total of 149 cases were concluded by mediation with 25 participating departments/organisations.

15. Comparing to inquiry and full investigation, mediation provided a speedier way of complaint handling in the year, where the average processing time was 13.4 days and in most cases (89.3%) not exceeding one month. It was encouraging that over 32% of mediation cases were resolved within 5 days. Based on the responses to our survey questionnaires, over 91% of the complainants and all of the participating organisations had positive impression of our mediation service and most of them were satisfied with the performance of our mediators.

16. The rest of the complaints handled (17 031, 85.8%) were closed after assessment due to the fact that there was insufficient ground to pursue the complaint, or for jurisdictional or legal restriction reasons. Most of these complaints assessed and closed were topical complaints.

Direct Investigation

17. In 2019-2020, 10 direct investigations were completed and announced. The following subjects were covered:

- (1) Government's Planning and Arrangements for Ancillary Facilities for Electric Private Vehicles;
- (2) Mechanism for Identifying and Reporting Suspected Child Abuse Cases;
- (3) Buildings Department's Implementation of Mandatory Window Inspection Scheme;
- (4) Education Bureau's Mechanisms for Approving Applications for School Fee Revision by Direct Subsidy Scheme/Private Schools and Collection of Other Charges by Private Schools;
- (5) Lands Department's Enforcement against Commercial Use of Public Pedestrian Passages and Public Atria in Private Malls;
- (6) The Issue of Idle Flyovers and "Bridges to Nowhere";
- (7) Allocation Mechanism of Ward Offices under Housing Department;
- (8) Notification Mechanism and Arrangements of Housing Department and Social Welfare Department for Imprisoned Singleton Public Rental Housing Tenants;
- (9) Leisure and Cultural Services Department's Arrangements for Depositing Layout Plans of Public Pleasure Grounds in Land Registry; and

- (10) Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/Social Security Allowance Applicant and Recipients.

Complaints Relating to Access to Information

18. In 2019-2020, we received a total of 100 complaints about access to information, which is a record high. This shows that public expectation for an open and accountable Government is on the rise. Among the 84 complaints pursued and concluded, we found inadequacies on the part of Government departments or public organisations in 40 cases (47.6%). The common deficiencies were non-compliance with specific provision of the Code, unreasonable refusal/hindrance, and wrong application/interpretation of the provisions of the Code.

Recommendations

19. During 2019-2020, the Office made a total of 177 recommendations for improvement on various aspects of public administration. Of these, 128 were related to individual complaint cases and 49 resulted from direct investigations. As at February 2021, 98.9% of the recommendations had been accepted by the departments and organisations concerned for implementation.

Performance Pledges

20. The Office conducted a review of the time required to process complaints in 2019-2020, and the performance pledges had been revised upwards to enhance the Office's efficiency. The new targets of our service standard in processing of complaints were fully met:

Complaints	Service Standard	Target	Achievement
Acknowledge receipt of a complaint	Within 5 working days	99%	99.9%
Close a complaint case after initial assessment due to jurisdictional restrictions	Within 10 working days	90%	98.9%
	Within 15 working days	99%	99.4%
Conclude a complaint case	Within 3 months	80%	93.5%
	Within 6 months	99%	99.3%

21. As for enquiries, our processing time was affected in February and March 2020 when special work arrangement was in place due to the situation of the Covid-19. Overall, we replied within 10 working days in 96.4% of written enquiries received (our target is 99%).

(iii) For the first 11 months of 2020-2021 (up to February 2021)

Enquiries and Complaints Processing

22. During the period from April 2020 to February 2021, the Office received a total of 6 605 enquiries and 29 095 complaints. Similar to 2019-2020, a large portion of the complaints received belonged to topical complaints (24 838 cases).

Direct Investigation

23. During this period, seven direct investigations were completed and announced, while 10 are in progress. The completed direct investigations are:

- (1) Utilisation of Low-charge Hospital Beds in Private Hospitals;
- (2) Leisure and Cultural Services Department's Allocation of Swimming Lanes in Public Swimming Pools and Its Monitoring Mechanism;
- (3) Leisure and Cultural Services Department's Regulation of Public Coaching Activities at Public Swimming Pools;
- (4) Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by the Housing Department; and
- (5) Monitoring of Outsourced Street Cleansing Services by the Food and Environmental Hygiene Department.
- (6) Arrangements for Production, Distribution, Stocktaking and Use of CSI Masks

(7) Effectiveness of Joint Office for Investigation of Water Seepage Complaints in Handling Water Seepage Reports

24. The number of direct investigations to be completed in 2020-2021 is expected to be close to that of last year. As before, we will publish all our direct investigation reports on the Office's website, and select those reports of wide public interest or community concern for announcement at press conferences.

Strategic Plan 2019-2024

25. A four-point strategic plan has been mapped out for 2019 to 2024 aimed at developing the Office into a robust and sustainable setup that will serve Hong Kong well into the future.

26. First, we shall enhance community awareness of the role and services of The Ombudsman. Second, we shall foster improvement in the quality and fairness in public administration. Third, we shall enhance transparency, efficiency and quality of our work. Fourth, we shall build our professional capacity through enhanced staff development and knowledge management. Action Plans are drawn up to take forward the Strategic Plan in the years to come.

Concluding Remarks

27. As a public body entrusted with statutory powers to raise the standard of public administration in Hong Kong, it is important that this Office keeps sight of our vision, renews our faith in our mission and discharges our functions with utmost conviction. The continued support of our stakeholders, including the general public, the media, the legislators and public officers, is vital for us so that we can together contribute towards a better tomorrow.

II. Replies to Questions Raised by Members

Issues relating to the clearance of slogans and posters posted on walls

(to be raised by Hon Elizabeth QUAT)

1. *[Since disturbances arising from the proposed legislative amendments occurred in 2019, many “Lennon Walls” appeared in various districts across Hong Kong. The contents of many slogans and posters posted on the “Lennon Walls” contained proactive wordings and some of them were even untruthful and disseminated hatred. As some people even painted graffiti on the “Lennon Walls”, it has not only affected the cityscape, but has also caused environmental hygiene problems. Many members of the public are of the view that the Food and Environmental Hygiene Department (“FEHD”) is slow in cleaning up the “Lennon Walls”. However, FEHD indicates that publicity materials posted on the “Lennon Walls” are non-commercial and can only be removed upon verification by the Lands Department (“LandsD”), while LandsD claims that it has carried out regular joint operations with FEHD in respect of such matters. Given that the lack of coordination between the aforesaid two departments has led to inefficiency in the relevant clearance work, will The Ombudsman consider conducting a direct investigation into such matters?]*

Reply:

- (1) This Office has completed a full investigation regarding the so-called “Lennon Walls”, and the investigation report has been uploaded to the Office’s website. Main points of the report are as follows:
 - Apart from the “Lennon Walls” along footbridges and pedestrian subways, FEHD also organised clean-up operations to remove those “Lennon Walls” displayed on roadside railings (e.g. bills displayed or affixed on wooden boards attached to such railings without permission) after verifying that the railings were not roadside designated spots under the Management Scheme for the Display of Roadside Non-commercial Publicity Materials (“the Management Scheme”), or the displays had not been approved by LandsD.

- Section 104A(1)(b) of the Public Health and Municipal Services Ordinance confers powers on LandsD to vet and issue written permissions to applications by members of the Legislative Council and District Council, Government departments and eligible organisations to display non-commercial publicity materials at designated roadside spots. With those powers, LandsD implements the Management Scheme.
- LandsD had never issued any written permissions to the publicity materials affixed on the “Lennon Walls”. Nor was it responsible for cleaning up those materials posted without permission.
- Cleaning up bills displayed or affixed on the “Lennon Walls” without permission is largely FEHD’s duty.
- Our investigation found that FEHD’s strategy for clean-up operations was to give priority to the “Lennon Walls” causing serious environmental hygiene problems, with regard to a number of factors including possible confrontation at the scene, general social atmosphere, staff safety, the Police’s support and opinions, cooperation from the departments concerned, as well as manpower deployment. In our view, this strategy, though not uncontroversial, had its justifications, and was formulated after having weighed the pros and cons. FEHD did not turn a blind eye to the problem of the “Lennon Walls”.
- As at October 2019, FEHD and the departments concerned had taken a raft of joint actions against unauthorised displays of bills that might affect pedestrian safety or cause serious environmental hygiene problems at more than 120 spots across the territory, including pedestrian subways, footbridges and the public places near bus termini.
- In the second half of October 2019, FEHD formulated plans and liaised with the other departments concerned for joint operations and, starting from 21 October, stepped up late-night

clean-up operations. As at 5 January 2020, FEHD and the departments concerned had carried out a number of joint operations at different times of the day including early hours to remove unauthorised displays of bills at more than 270 spots in various districts in Hong Kong.

- On the allegation of lax enforcement on the part of FEHD, we agreed that FEHD staff could hardly handle the clashes that might arise during enforcement actions against offenders. This could be seen from the fact that some initial clean-up operations conducted by the Department had to be called off even with the Police's assistance.
 - We considered there to be no substantive evidence showing that FEHD had decided not to take enforcement actions for political reasons. Yet, the Department had failed to explain to the public clearly its strategy, and the rationale behind, in handling the "Lennon Walls". This might give the public a wrong impression.
 - Overall, The Ombudsman concluded the public complaints against FEHD and LandsD in respect of the "Lennon Walls" unsubstantiated.
- (2) This Office has received more than 1,600 complaints on similar topics and conducted a full investigation into 98 of them. The rest were screened out for reasons such as the complainants' failure to provide us with their names. For those cases screened in and pursued, we have informed the complainants of our investigation results.

Issues relating to the work efficiency and the work effectiveness of the Department of Justice

(to be raised by Hon Elizabeth QUAT)

2. *[The Department of Justice ("DoJ")'s work quality has been criticized in recent years. Examples of blunders made by DoJ include:*

- (i) *in November 2019, DoJ mistyped the name of and charges brought against one of the defendants in the consent to prosecution, thus resulting in the release of the defendant by the court; and*
- (ii) *in August 2020, as there was a defect in the substance of summons issued by DoJ, it was ordered by the magistrate to pay \$5,000 of legal costs to the defendant.*

The work efficiency and performance of DoJ have been under much public criticism and the aforesaid incidents are just the tip of an iceberg. In view of this, whether The Ombudsman will consider conducting a direct investigation into the performance and effectiveness of DoJ's work which is far from satisfactory in this regard?]

Reply:

- (1) The Ombudsman Ordinance stipulates that the commencement or conduct of any proceedings, whether civil or criminal, are actions not subject to investigation by The Ombudsman, as listed in Schedule 2 to the Ordinance.
- (2) As the matters involve the commencement or conduct of proceedings, they are not actions subject to investigation by The Ombudsman. This Office, therefore, has no plans to initiate any investigations into the matters.
- (3) For the complaints against DoJ, cases screened in for complaint investigation after assessment will, depending on their nature and complexity, be pursued by inquiry, mediation or full investigation. In 2018-2019 and 2019-20, this Office pursued and concluded 9 and 10 complaints against DoJ respectively by inquiry, mediation or full investigation.

Issues relating to hygiene blackspots and illegal dumping of waste

(to be raised by Hon CHAN Han-pan)

3. *[Given that the Administration's handling of issues relating to hygiene blackspots in the territory and illegal dumping of waste (such as domestic waste, construction waste or mixed waste as well as abandoned vehicles in rural areas) have been far from satisfactory, and supervision is also inadequate, thus resulting in serious environmental hygiene problems, whether The Ombudsman will consider conducting a direct investigation into such matters?]*

Reply:

- (1) The main considerations for launching a direct investigation include:

- whether the matter involved is of public interest and concern;
- whether a complaint will otherwise not be actionable, for example it is made anonymously or not by an aggrieved person, where the matter is nevertheless of significant concern to The Ombudsman because of the magnitude or seriousness of the maladministration that may be involved;
- whether the time is opportune, weighing against the consequences of not doing so and the public expectations of this Office; and
- whether there is duplication of the efforts of other organisations.

- (2) We understand that since 2018, the Food and Environmental Hygiene Department ("FEHD") has drawn up a list of "illegal refuse deposit blackspots" on the basis of the amount of refuse deposited daily at individual locations, as well as the number of past complaints and enforcement data, etc. Upon consultation with the District Councils, FEHD has installed Internet Protocol ("IP") cameras at those blackspots to combat illegal refuse deposit. At present, IP

cameras have been installed at more than 170 “illegal refuse deposit blackspots”.

- (3) Since 2009, the Environmental Protection Department (“EPD”) has installed surveillance cameras at a number of illegal waste disposal blackspots to facilitate enforcement action in accordance with the Waste Disposal Ordinance. At present, surveillance cameras have been installed at more than 140 locations in various districts to help crack down on illegal refuse disposal.
- (4) The Office of The Ombudsman has respectively published in February 2018 and October 2020 two direct investigation reports titled “Government’s Control over Fly-tipping of Construction Waste and Landfilling Activities on Private Land” (OMB/DI/410) and “Monitoring of Outsourced Street Cleansing Services by the Food and Environmental Hygiene Department” (OMB/DI/430). The contents of these two reports, which have already been uploaded to the Office’s website, are related to the concerns raised by Hon CHAN.
- (5) On the control over fly-tipping of construction waste and landfilling activities, the Office has recommended that EPD reallocate or augment resources to step up inspections and enforcement action outside office hours; draw up proactive inspection plans; coordinate with other Government departments for joint enforcement operations, expedite the study on the operational details of the mandatory use of GPS technology on construction waste collection vehicles, and push forward with the amendments to the relevant legislation.
- (6) For the Planning Department, we have recommended that it review the enforcement procedures; take resolute further enforcement actions against offenders; seek more severe penalties from the court in cases of a serious nature, and review the factors to be considered in drawing up Reinstatement Notices to achieve the purpose of conservation.

- (7) On the monitoring of outsourced street cleansing services for keeping streets clean, the main recommendations we made to FEHD include: review and refine the tendering mechanism; consider including “poor performance” in the Demerit Points System; include a deterrence element in the mechanism for deducting monthly service charge; step up the inspections outside office hours, and compile complaint information such that timely actions can be taken until the situation improved.
- (8) The Office is still following up on the implementation of the reports’ recommendations with the departments concerned. We shall keep a close watch on related developments.
- (9) The Office would welcome more detailed information on the topic from Hon CHAN so that we can further examine the issue.

Issues relating to the handling of complaints about non-compliant publicity materials

(to be raised by Hon Wilson OR Chong-shing)

4. *[Given that the Government is alleged of being unfair and having delayed in its handling of complaints about the hanging/posting of non-compliant publicity materials such as banners and posters at designated spots by Legislative Council (“LegCo”) Members and District Council members, and that its work efficiency in this regard is also far from satisfactory, will The Ombudsman consider conducting a direct investigation into such matters?]*

Reply:

- (1) The main considerations for launching a direct investigation include:
 - whether the matter involved is of public interest and concern;
 - whether a complaint will otherwise not be actionable, for example it is made anonymously or not by an aggrieved person, where the matter is nevertheless of significant concern to The

Ombudsman because of the magnitude or seriousness of the maladministration that may be involved;

- whether the time is opportune, weighing against the consequences of not doing so and the public expectations of this Office; and
- whether there is duplication of the efforts of other organisations.

- (2) We know that under the Management Scheme for the Display of Roadside Non-commercial Publicity Materials (“Management Scheme”) implemented by the Government, relevant staff from the Lands Department (“LandsD”) are authorised by the Director of Food and Environmental Hygiene (“FEHD”) to give permission to the display of non-commercial publicity materials (“NCPMs”) on the roadside pursuant to the Public Health and Municipal Services Ordinance (“PHMSO”).
- (3) Under the Management Scheme, FEHD and LandsD will organise joint operations where necessary. During the operations, FEHD will remove those NCPMs whose display has been confirmed by LandsD to be unauthorised or not in compliance with the guidelines, and institute prosecutions or recover the expenses of removing the NCPMs in accordance with PHMSO.
- (4) Hon Or is welcome to provide any useful information to this Office so that we can consider how we should follow up on his allegations about the unfairness and delays in the Government departments’ handling of complaints about hanging or affixing unauthorised publicity materials including banners and posters at designated spots by members of the Legislative Council and District Councils.
- (5) This Office will handle any related complaint in a fair, impartial, objective and professional manner.

Issues relating to the lease of ward offices

(to be raised by Hon Steven HO Chun-yin)

5. *[At the meeting held between LegCo Members and The Ombudsman on 5 December 2017, issues relating to the lease of ward offices were discussed. According to the information on the relevant issues provided at that time by the Office of The Ombudsman, six LegCo Members returned from functional constituencies (and belonging to the fourth priority group) have leased a total of 13 ward offices in the housing estates of the Housing Department (“HD”). In this connection, it is unreasonable that only six Members out of the 35 Members returned from functional constituencies have been able to lease ward offices in HD’s housing estates. Besides, the locations of HD’s remaining vacant premises have also rendered them not suitable for use as ward offices. As such, under HD’s current mechanism for allocating units in public housing estates as ward offices, not all applicants are treated equally and the relevant arrangement is unfair. Will The Ombudsman actively consider conducting a direct investigation into such matters?]*

Reply:

- (1) The Ombudsman initiated a direct investigation into the Allocation Mechanism of Ward Offices under the Housing Department (“HD”) (OMB/DI/427) in September 2018, and announced the investigation report on 12 December 2019. The full report is available on the Office’s website.
- (2) As at 31 December 2018, there were 334 ward offices in 189 public rental housing/residential estates under HD. As at 31 May 2019, the leasing rate of ward offices under HD exceeded 96%.
- (3) Under the current allocation mechanism, HD allocates ward offices according to the following order of priority: 1) elected District Council (“DC”) Member of the constituency concerned; 2) other DC Members of the district; 3) Legislative Council (“LegCo”) Members returned by the geographical constituency concerned; and 4) LegCo Members returned by functional constituencies.

- (4) This Office has received comments in the past from individual Council Members, criticising HD's current allocation mechanism as being unfair. Due to their higher priority status, some Council Members who were sitting tenants of HD's ward offices could lease additional premises, taking priority over those of lower priority categories but have not been allocated any ward offices. As a result, Council Members of lower priority categories could hardly be allocated a ward office.
- (5) Information from HD shows that in the last term of DC/current term of LegCo, the successful allocation rates for all the above four categories of DC or LegCo Members were as high as 80% or above. Even for LegCo Members of functional constituencies in the lowest priority category, the overall successful allocation rate was over 90%. This reflects that the current allocation mechanism has not kept LegCo Members of functional constituencies from leasing the ward offices under HD.
- (6) There were remarks from some Council Members that HD should consider giving higher priority to those Council Members who have not been allocated any ward office. On this proposal, HD had collected views separately from LegCo/DC Members of different political parties, but the views collected were unanimously against it. This shows a lack of consensus among Council Members on the proposal.
- (7) On the other hand, we received complaints in the past from Council Members about unfairness in the arrangements of joint tenancy, which allowed the sitting tenant of a ward office to circumvent HD's allocation mechanism by adding another Council Member as a joint tenant before terminating the tenancy, thus resulting in *de facto* "inheritance of tenancy". We are pleased that HD, in response to our recommendations, has plugged the loophole by revising the arrangements for leasing ward offices under joint tenancies.
- (8) In sum, we consider HD's existing allocation mechanism to have taken into account the needs and limitations of Council Members of different priority categories, and the allocation arrangements are, by

and large, appropriate. Nevertheless, HD should continue to review in a timely manner the arrangements for allocating ward offices and make revisions where necessary.

- (9) In the long run, HD should continue to study ways to increase the supply of ward offices as far as practicable so that more Council Members can set up service points in public housing estates.

The Office of The Ombudsman
March 2021