

Identification of a uniform procedure for following up cases

Channels of complaint

Complaints may be lodged with the Complaints Division of the LegCo Secretariat by phone, post, fax, E-mail or in person. There are also cases referred to the Complaints Division by individual LegCo Members and Members of the Municipal Councils and District Boards.

Processing of individual cases

2. Individual cases are handled by staff of the Complaints Division at the Assistant Secretary level on behalf of Members, under the supervision of a Senior Assistant Secretary. In studying the complaint, the case officer will categorise whether the case is within the jurisdiction of the LegCo Redress System. For complaints which are outside the jurisdiction of the system, the complainant will be informed right away if the complaint is made by phone or in person. If the complaint is made by post or E-mail, the complainant will be informed so in writing. In giving the complainant the reason of declining investigation into such matters, the Secretariat would also provide, where appropriate, the complainants with as much information as possible about the available avenues for them to further pursue their complaints or offer referrals where necessary. For those cases within the jurisdiction of the system, the case officer will refer the complaints to the relevant government bureaux/departments for comments raising some specific queries on the cases. The case officer will then examine the response from the Administration in the light of the existing Government policies and procedures. The evidence and comments of both sides will be assessed before decisions are made. If a complaint is found to be justified, the government bureaux/departments will be asked to reconsider the decision or to re-examine the procedures that have given rise to the complaint. If the case officer, in consultation with her senior officer, considers the response reasonable and acceptable and the complaint is unjustified, the complainant will be informed accordingly with the reasons for the decision. In some cases, the complainants may come back with or without additional evidence. If new evidence is provided, the Administration's comments will be further sought. Some complaints are justified and satisfactorily resolved; and the complainants will also be so advised.

3. There are occasions when complainants persistently refuse to accept the explanation given by the Administration that their complaints are unjustified. A Duty Roster Member will be consulted on such cases with a report on the cases. The outcome of those cases referred to the Complaints Division by individual LegCo Members will be reported to those Members.

Processing of Group Cases

4. Most group cases are requests to meet Members. These cases are handled by staff of the Complaints Division at the Senior Assistant Secretary level.

5. The case officer will gather information from the deputation on their grievances and seek the Administration's response. A written brief with this information is prepared for the DRMs and other Members attending the interview. A short verbal briefing is also given to Members before the interview during which Members can have a short discussion on the case. (This briefing is particularly useful on occasions when the deputation might have approached individual Members before.) After the interview with the deputation, Members will briefly discuss on how to deal with the representation and instruct the case officer to take the necessary action to follow up on the case.

6. Strictly speaking, there is no uniform procedure for follow-up actions. Different groups of Members, possibly with different political affiliation, may decide on different follow-up actions. However, Members usually reach a consensus on how to follow up the case. The usual follow-up actions on group cases include:

- (a) Letter to the Administration requesting them to take remedial action as Members deem fit.
- (b) Case conference with the Administration on more complicated issues for the purpose of speeding up the process with the avoidance of exchange of correspondence. (This is now a common phenomenon.)
- (c) Site visit before or after the case conference.
- (d) Referral to the relevant LegCo Panel if the issues raised have policy implications.
- (e) Referral to the relevant Bills Committee if the issues raised involve a bill being or to be studied by a bills committee.
- (f) A report on the case to all other Members if the Members interviewing the deputation consider it necessary. (This action is seldomly taken.)

For Members' consideration

7. Members may wish to consider other follow up actions and how to set up a uniform procedure for these actions.