

**An Information Note
for the Legislative Council Members' Meeting with The Ombudsman
on 17 September 1998**

MAIN POINTS

Introduction

The meeting of Members of the Legislative Council with The Ombudsman has provided a very good forum for The Ombudsman to brief Members on his work and new initiatives and to exchange views with Members on the various issues of concern. The continuation of this forum in this new Legislative Council has great significance in fostering greater mutual understanding between Members and The Ombudsman and his staff and is also taken as an encouraging indication of Members' support of the work of The Ombudsman.

2. Ombudsman nowadays have increasingly become an integral part of the good governance in most countries and provide a qualitative assurance and an independent scrutiny to underpin good public administration. The main role of ombudsman lies in finding out difficulties encountered by the people, investigate and analyze their complaints and then make suggestions. The big challenge facing ombudsman is how to nurture ombudsmanship and not marginalize it. This paper sets out some aspects of the work of The Ombudsman in contributing towards good governance outcome.

Direct Investigations/Studies

3. The Ombudsman is empowered to take a more proactive approach in conducting self-initiated direct investigations into problems of potentially wide public interest and concern. Conducting direct investigation is often lengthy and time-consuming due to the complexity of the problems involved. However as prevention is always better than cure, one direct investigation will benefit many persons and will also help to prevent recurrence of repeated complaints.

4. Since 1994, this Office has completed 18 direct investigations into a host of problems such as unauthorized building works in the urban areas and New Territories Exempted Houses, overcrowding relief in public housing estates, emergency vehicular access and fire service installations for public and private building developments, taxi licensing system, pollution of beaches caused by sewage discharges, closure of schools due to heavy persistent rain and dispensary services, etc. A list of the 18 direct investigations completed and 5 being conducted is at **Annex I**.

5. In parallel but quite distinct from direct investigations, this Office has also undertaken studies into the internal complaint systems of the Housing Department, the Hong Kong Housing Society and the Correctional Services Department. Whilst direct investigations work on legal coercion, studies work more on an advisory and persuasive basis. The studies aim at inculcating a positive complaint management culture and improving the organizations' internal complaint systems to make them more effective, accessible, transparent, simple-to-use and sufficiently flexible so as to benefit both the organizations and the public and foster co-operation and trust between them.

Whistleblower Legislation

6. Following the meeting with Members of the then Provisional Legislative Council on 26.3.98 during which the matter of whistleblower legislation was raised, The Ombudsman has examined the common object and protections available under whistleblowers protection legislation in two Australian states and held discussions on the subject with other ombudsman. The conclusion had already been sent to all Members through the Legislative Council Secretariat.

7. In short, The Ombudsman is of the view that overall objectives of such legislation are to prevent or detect abuses of power or position in the public sector and to ensure good public administration. As such, these legislation focus on the issue of ethics and integrity in public administration rather than providing protections to complainants against possible reprisals or victimization for making complaints by staff of complainee organizations. Since complainants lodging complaints with this Office and seeking redress must be the individually aggrieved persons who claim to have sustained injustice in consequence of maladministration in connection with that action, The Ombudsman considers that the existing provisions of The Ombudsman Ordinance are adequate to enable him to investigate into any allegation of victimization which is an act of maladministration. In addition, The Ombudsman Ordinance which

empowers him to make a statement of any recommendation or any remedy after investigation that he thinks fit is, in his view, sufficient in affording the necessary safeguards against possible victimization. The Ombudsman views allegations of victimization very seriously and would conduct investigation into such complaints if there is indeed prima facie evidence in support of such allegations.

Workload/Staffing & Finance

8. a) *Workload*

During the Reporting Year 1997-98, this Office received 7,578 enquiries and 3,073 complaints, which represented increases of 30% and 8% respectively over those received in the last Reporting Year. Compared to the five-year average prior to the introduction of the direct access system in June 1994, the enquiries and complaints had increased by 10 folds and 17 folds respectively.

A total of 3,010 complaints were concluded in the reporting year 1997-98, of which 78% were concluded in less than three months upon receipt while 18% were concluded between three and six months.

b) *Staffing & Finance*

In last year's Resource Allocation Exercise (RAE), additional staffing resources of 10 additional posts were sought by this Office to undertake more direct investigations and to expand the mediation service so that complaints could be resolved more speedily. Of the ten additional posts requested, only two posts were approved for creation in this financial year. This marginal increase is obviously inadequate to cope with the increasing workload of this Office and additional staffing resources is require.

In this year's RAE, this Office has continued to press for the outstanding eight posts to set up one additional direct investigation and one additional mediation team each. There has been a further surge of complaints and enquiries received by this Office in these few months (from a monthly average of 256 complaints and 674 enquiries in 1997-98 reporting year to a monthly average of 361 complaints (+40%) and 932 enquiries (+38%) in the past four months from May to August 1998). In view of this, this

Office has also requested the Administration to consider the 'loan' of eight staff from central reserve or other sources for eight months to tide over the difficult situation.

A chart comparing the increases in complaints and enquiries received and increases in staff of this Office is at **Annex II**.

New Initiatives

9. a) *Extension of The Ombudsman Awards Scheme*

In 1997, this Office introduced The Ombudsman Awards Scheme aiming to give formal recognition to the efforts of the public organizations in improving the quality of their services as well as their positive and supportive stance towards the work of this Office in promoting fairness in the public administration. To further develop the spirit of The Ombudsman Awards in fostering a positive complaint culture and a good standard of customer service, this Office has decided to extend this annual awards to individual officers who have made significant contributions towards a fair, open, accountable and efficient public administration through the performance of their duties.

The potential awardees will be nominated by the heads of scheduled organizations to this Office annually. Unlike the existing Awards, the awardees would not necessarily be complainers. The selection criteria will be based on the standards set out in The Ombudsman Guide to Good Standards of Customer Services for Public Officers issued by this Office to all public officers in March 1997.

b) *Furtherance of the Justices of the Peace (JPs) Assistance Scheme*

This Office has launched the JPs Assistance Scheme since March 1996. The objectives of the scheme are to solicit the support and assistance of the JPs in promoting The Ombudsman's redress system by referring complaints to this Office, drawing this Office's attention to areas of concerns or deficiencies in public administration and sharing their views on good governance. So far over 300 JPs have joined the scheme.

With JPs' vast experience and knowledge of public administration, the advice and opinion rendered have proved highly valuable to the work of this Office in promoting good governance. To further enhance this scheme, this Office is planning to invite the enlisted JPs to join our visits to government departments and public organizations; to participate in our investigators' discussion with visitors to this Office and to observe the mediation process conducted by this Office.

c) *The Ombudsman Certificates of Appreciation*

Members of the public have rising expectations to a high quality and efficient public service and are more aware than before of their rights, including their rights to complain against maladministration. Although the reasons and purposes for raising complaints may differ from case to case, this Office's investigation of many of these cases has not only resolved the disputes or addressed the grievances of the complainants but also improved on the quality of services and advanced administrative fairness through the implementation of the recommendations made.

As a token of appreciation to those complainants who have helped identify problems in administration, bring about improvements in the quality of public service and promote fairness in society, The Ombudsman has issued "The Ombudsman Certificates of Appreciation" to praiseworthy complainants of investigated complaints since July 1998.

d) *Youth Involvement, Educational and Training Programmes*

Instilling a sense of fairness, justice and good governance in young people has always been an important task of this Office. As a further step to educate school youth in the subject of ombudsmanship, this Office is producing a set of teaching kits with a view to promoting the concept of fair and efficient public administration. The set of teaching kits is matched with the syllabus of the General Studies for primary 4 to 6 and will be distributed to all primary schools in early October 1998. A seminar will be organized to introduce the kits to school administrators and teachers.

In addition to the teaching kits, this Office has also decided to strengthen its connection with various youth and community organizations by enhancing the ongoing outreaching visits to these organizations and arranging them to visit the Resource Centre, and subsidizing school activities to promote a fair and efficient public administration as part of this Office's Community Relations Strategy.

This Office has also worked closely with the Civil Service Training and Development Institute and Departmental Training Managers to develop training programmes on good customer service and complaint handling for new recruits as well as serving officers, particularly those front-line staff in public sector organizations.

e) *Homepage in the Internet*

With an estimated 100 million world-wide and 1 million local users, the Internet has become one of the most powerful and effective communication tools of this era. To utilize this information superhighway in promoting the work of this Office, improving accessibility and enhancing the communication between this Office and members of public, the homepage of the Office of The Ombudsman has been launched in the Internet on 7 September 1998. It is an independent website consisting of more than 30 webpages and has a mutual linkage to the website of the Hong Kong Special Administration Region Government. The main theme of the Homepage is "fostering a positive complaint culture". Through the Homepage, individual citizens and organizations can easily access and obtain updated information about this Office, such as The Ombudsman Ordinance, the procedures for handling of complaints, the complaint form, the latest newsletters and publications, the services provided and performance pledges. Furthermore, the Homepage serves as an effective and efficient channel to facilitate the exchange of information and views with ombudsman and kindred organizations worldwide.

The Homepage and the e-mail addresses of this Office are **<http://www.sar-ombudsman.gov.hk>** and **scr@sar-ombudsman.gov.hk** respectively. All members of public are welcome to access our Homepage and forward their enquiries to our e-mail address.

Annex I

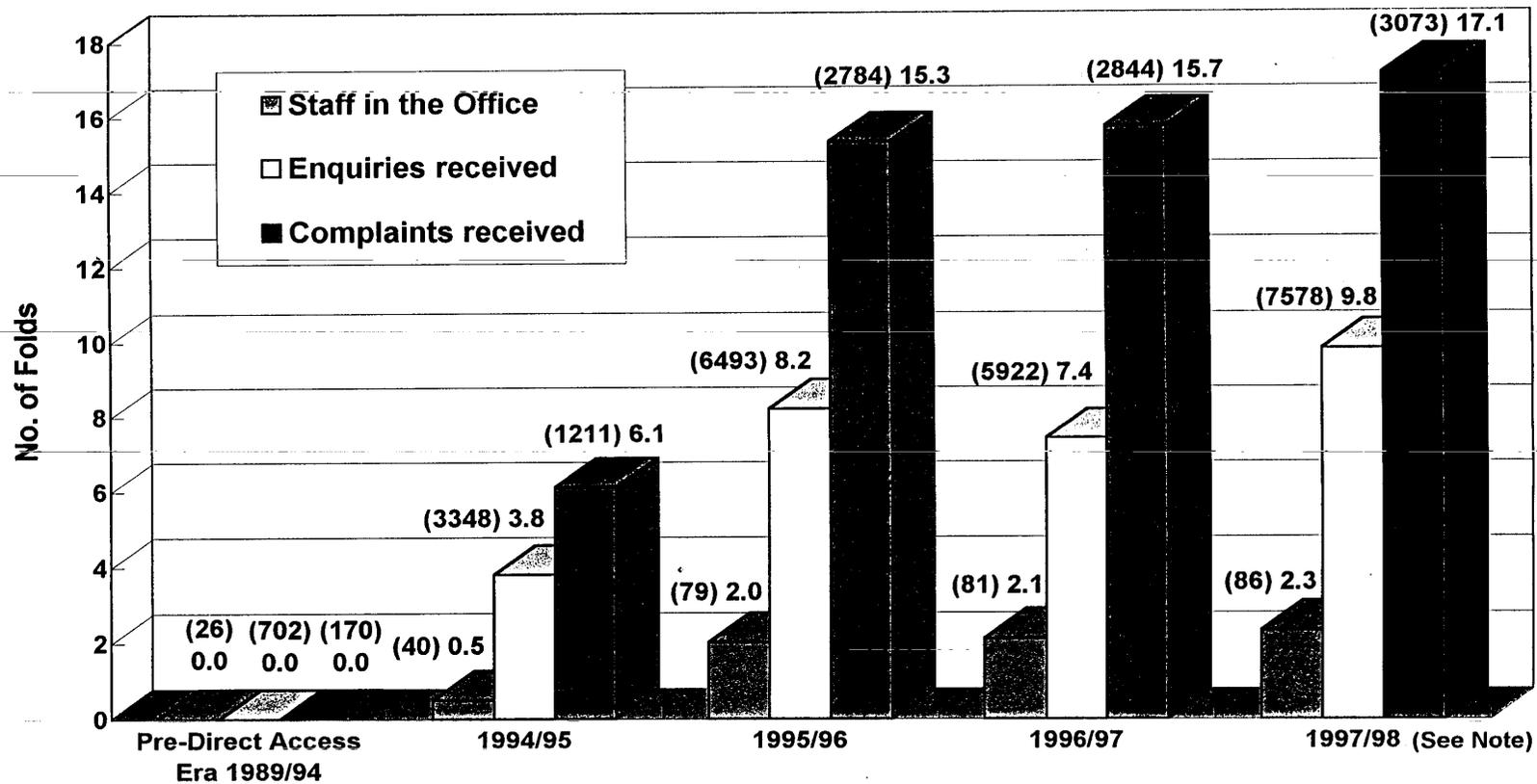
List of Direct Investigations completed by the Office of The Ombudsman

Subject	Completed in
(1) Unauthorized Building Works	April 1995
(2) Overcrowding Relief in Public Housing	August 1995
(3) Accommodation for Foreign Domestic Helpers	December 1995
(4) Unauthorized Building Works in New Territories Exempted Houses	February 1996
(5) Provision of Emergency Vehicular Access and Fire Service Installation for public and private building developments	July 1996
(6) The Problem of Water Main Bursts	September 1996
(7) Selected Issues on General Out-patient Service in Public Clinics and Hospitals	January 1997
(8) Co-ordination between Social Welfare Department and Housing Department in processing application for housing transfer on social grounds	January 1997
(9) Delay in processing an application for a suitable school place from a student with impaired hearing	February 1997
(10) Government Telephone Enquiry Hotline Services	June 1997
(11) The Fisheries Development Loan Fund	July 1997
(12) Closure of schools due to heavy persistent rain	August 1997
(13) Issue and Sale of Special Stamps and Philatelic Products	September 1997
(14) Taxi Licensing System	December 1997
(15) Co-ordination between the Drainage Services Department and Environmental Protection Department over the Protection of Public Beaches from being Polluted by Sewage Discharges	January 1998
(16) Charging of Management Fees in Home Ownership Scheme Estates Managed by the Housing Department	June 1998
(17) Dispensary Service of the Department of Health	July 1998
(18) Handling of Trade Documents by Trade Department	September 1998

Direct Investigations Being Conducted

- (1) Recovery of public housing flats under the Home Ownership Scheme, the Private Sector Participation Scheme and the Home Purchase Loan Scheme
- (2) Restaurant licensing system
- (3) Registration of tutorial schools
- (4) Issues pertaining to imported pharmaceutical products
- (5) Commissioning and operation of the new airport at Chek Lap Kok

Number of Received Complaints/Enquiries and Staff in Office of The Ombudsman by Fold over the Pre-Direct Access Era



No. of Staff in the Office/Enquiries/Complaints

Note : Actual figures are shown in brackets
 Figures for Pre-Direct Access Era are the averages for the period from 1989 to 1994