

**Issues Raised by
Members of Legislative Council for Discussion
at the Meeting with The Ombudsman on 17 September 1998**

- (a) *Investigation launched by The Ombudsman into the new airport fiasco (including the difficulties, if any, so encountered in the investigation and the Administration's manner in the probe)*

(Raised by Hon Cyd HO Sau-lan and Hon CHOY So-yuk)

The operational problems at the newly opened Hong Kong International Airport at Chek Lap Kok have attracted widespread public concern over the preparation work and management of the airport, particularly in its passenger and cargo operations and services. The issues involved include, inter alia, the central computer system(s), cargo handling services, airplane parking, flight information display system, baggage delivery, restaurant services, cleanliness and refuse collection, public telephones, air conditioning, escalators, direction signage, etc. This Office has also received complaints on the subject from members of the public.

2. The Ombudsman has therefore decided in the public interest to initiate a direct investigation under section 7(1)(a)(ii) of The Ombudsman Ordinance into the commissioning and operation of the new airport at Chek Lap Kok Airport. The Chairman of the Airport Authority has been informed of the investigation, and he has confirmed that the Airport Authority welcomes the investigation and will co-operate with this Office accordingly.

3. Like all the 18 direct investigations conducted by this Office in the past four years, the concern of this Office has always focused on the administrative aspects, the root cause of the problems, and the impact of the issues on the community.

4. There are always various degrees of difficulties encountered in every direct investigation conducted by this Office and the current investigation into the management and operation of the new airport at Chek Lap Kok is no exception. As the investigation is in progress, it is inappropriate to disclose details before the Investigation Report is issued.

(b) *Follow-up actions on the complaint lodged by the Aircraft Noise Concern Committee about the alleged maladministration of the Civil Aviation Department*

(Raised by Hon Andrew CHENG Kar-foo)

5. As information relating to any complaint received by this Office is confidential to the complainant, the complaine organization and this Office, it is inappropriate to disclose information relating to any complaint and the follow-up actions taken thereof. Generally speaking, this Office has pledged to initially screen and acknowledge complaints within 5 to 10 working days and to conclude the less complicated cases within our jurisdiction within 3 months and the more complicated ones within 3 to 6 months. Complainant will be informed verbally or in writing of the progress of this Office's handling of any complaint normally two months after receipt if it cannot be concluded by then. If there is special circumstances which affect the conclusion of complaints as pledged, the complainants will also be informed.

(c) *The Administration's attitude towards and co-operation with The Ombudsman*
(Raised by Hon CHOY So-yuk)

6. In view of the many aspects of the work of this Office, the independence of which is of paramount importance, it is not possible to generalize the Administration's attitude towards and co-operation with The Ombudsman. In some aspects, the Administration's attitude and co-operation have been generally positive. These include the acceptance and implementation of The Ombudsman's recommendations, more than 95% of which had been accepted by departments and organizations in the 1997/98 Reporting Year; providing support in areas such as provision of accommodation, allocating free Government air-time on the electronic media to screen The Ombudsman's Announcements in Public Interest; and participating in this Office's education and training programmes, etc. In some other aspects, such as the allocation of adequate resources and the readiness in supporting this Office's initiatives, the Administration could have been more positive and forthcoming.

(d) *Can The Ombudsman fulfill his mission?*

(Raised by Hon CHOY So-yuk)

7. The mission of The Ombudsman is to serve the community of Hong Kong by redressing grievances and addressing issues arising from maladministration in the public sector, and through independent, objective and impartial investigations, to bring about improvements in the quality and standard of and promote fairness in the public administration. In the past 4 years, this Office has effectively dealt with some 10,000 complaints and 23,000 enquiries and made more than 1,500 recommendations, most of which had been implemented to redress grievances, provide remedies and achieve good governance outcome. These compare with the totals of 849 complaints and 3,510 enquiries received in the five-year period from 1989 to 1994 prior to the direct access era.

8. In the 10th Annual Report of The Ombudsman tabled in LegCo on 22 July 1998, summaries of investigated cases are published to demonstrate and highlight the effectiveness of The Ombudsman, through investigation of these cases and making of recommendations, in fulfilling one or more of his following roles -

- Redressing individual grievances against maladministration in the public sector.
- Making bureaucracy more humane.
- Lessening the gap between the Government and the public.
- Acting as the people's watchdog.
- Preventing abuses.
- Righting individual wrongs.
- Indicating the facts when public officers are unjustly accused.
- Improving the efficiency and quality of service in the public sector.
- Protecting human rights.

9. Seen from this light, it can be said that The Ombudsman has fulfilled his mission to the best of his powers, jurisdiction and resources.

Office of The Ombudsman
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