

立法會
Legislative Council

LC Paper No. CP 1315/99-00
(These minutes have been
seen by The Ombudsman)

Ref.: CP/G06/4(IV)

**Legislative Council Members' Meeting
with Ms Alice TAI, The Ombudsman,
held on Tuesday, 13 June 2000, at 11:00 am
in Conference Room A of the Legislative Council Building**

- Members Present** : Dr Hon LEONG Che-hung, JP (Chairman)
Hon David CHU Yu-lin
Hon Martin LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Hon NG Leung-sing
Prof Hon NG Ching-fai
Hon CHAN Yuen-han
Hon Jasper TSANG Yok-sing, JP
Dr Hon YEUNG Sum
- Attendance by Invitation** : Office of The Ombudsman

Ms Alice TAI, JP
The Ombudsman

Mr MOK Yun-chuen
Chief Executive Officer
- Clerk in Attendance** : Mrs Vivian KAM
Chief Assistant Secretary (Complaints)
- Staff in Attendance** : Miss Erica WONG
Senior Assistant Secretary (Complaints)1
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I. Chairman's opening remarks

As the Chairman would join the meeting at a later stage due to another commitment, Dr YEUNG Sum welcomed Ms Alice TAI, The Ombudsman, and Mr MOK Yun-chuen, the Chief Executive Officer, to the meeting. He reminded Members that the meeting was not covered by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

II. Matters arising from the last meeting
(LC Papers No. CP 1101/99-00(01)-(02))

Notification mechanism on complaint cases

2. Dr YEUNG Sum advised that the Legislative Council (LegCo) Secretariat had circulated a paper to Members setting out the recommendations on the proposed notification mechanism on complaint cases vide LC Paper No. CP 1101/99-00(02). He then invited Members and The Ombudsman to discuss the issue.

3. Chief Assistant Secretary (Complaints), LegCo Secretariat briefed the meeting on the background and content of LC Paper No. CP 1101/99-00(02). At a meeting with The Ombudsman on 14 December 1999, Members expressed concern on a duplication of investigation efforts as a result of some complainants lodging the same complaints to different redress channels such as Members' Offices, the Complaints Division of the LegCo Secretariat and the Office of The Ombudsman. At Members' request, the Complaints Division of the LegCo Secretariat and The Ombudsman's Office jointly examined the proposal for a notification mechanism on complaint cases with a view to avoiding possible duplication of efforts and resources by different channels in redressing complaints. Members had suggested that the Complaints Division of the LegCo Secretariat and Members' Offices might consider withholding action on cases which were examined by the Office of The Ombudsman. However, as the staff of the Office of The Ombudsman were bound by the secrecy provisions of The Ombudsman Ordinance (Cap. 397) which inhibited the disclosure of information on any cases to a third party, they were precluded from informing the Secretariat of the Office's decision on whether or not the referred cases would be taken up and the investigation findings. In view of such a restriction, the Office of The Ombudsman and the LegCo Secretariat recommended that the staff of the Complaints Division and Members' Offices could obtain information from clients and Government departments to ascertain whether the Office of The Ombudsman was taking action on the complaints. Besides, upon receiving complaints which might be related to the maladministration of Government departments,

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Members might consider referring such cases to The Ombudsman. A standard referral letter together with an undertaking containing the complainants' consent for referral was at CP 1101/99-00(02).

4. The Ombudsman added that the primary objective of her Office was to investigate into complaints against maladministration. The Ombudsman Ordinance prohibited The Ombudsman and her staff from divulging any information concerning complaints lodged with the Office. In view of such statutory restriction, the Office of The Ombudsman had prepared a paper jointly with the LegCo Secretariat on the notification mechanism on complaint cases to facilitate coordination between the two organizations. (The Chairman joined the meeting at this juncture.)

5. The Chairman recapitulated that, at the meeting with the Ombudsman on 14 December 1999, Members had expressed concern on a duplication of efforts by the Office of The Ombudsman, Members' Offices and the Complaints Division of the LegCo Secretariat in redressing cases and hence a waste of resources. In response, The Ombudsman said that her Office was also mindful of the problem. Accordingly, when approaching Government departments concerned which might have followed up on the complaints, her Office would suggest to the departments that the relevant information could be passed to The Ombudsman for reference. The Office would then decide on the need for more details after examining the information. The Ombudsman hoped that this would avoid duplication of resources by departments in responding to the same complaints received through various redress channels.

6. Mr Jasper TSANG enquired if the LegCo Secretariat could inform The Ombudsman on its own initiative of the complaint cases which it was handling. The Ombudsman pointed out that the operation of the LegCo Secretariat and Members' Offices was different from that of the Office of The Ombudsman. Although the former was not bound by any secrecy provisions such as those in The Ombudsman Ordinance, she believed that the LegCo Secretariat would act in compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and seek the complainants' consent before divulging information on complaint cases to The Ombudsman. It was stated clearly in the referral letter prepared by the Complaints Division of the LegCo Secretariat to The Ombudsman that referral would be made with the consent of the client.

7. Mr Jasper TSANG said that, according to the paper on the notification mechanism on complaint cases, staff of the Complaints Division of the LegCo Secretariat would ascertain from clients when they approached the Division as to whether or not the complaints had

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been lodged with the Office of The Ombudsman. Mr TSANG asked whether the Office of The Ombudsman would also check with complainants to find out if they had lodged the same complaints with the LegCo Secretariat. In response, The Ombudsman advised that her staff would request the complainants to indicate in the complaint form whether they had lodged the same complaints with other redress channels in order to save resources.

8. Mr Jasper TSANG further enquired how The Ombudsman's Office would deal with cases which had been lodged with the Complaints Division of the LegCo Secretariat. The Ombudsman responded that her Office would only deal with cases related to maladministration, and would liaise with the departments concerned for follow up actions. Given the binding effect of the secrecy provisions of The Ombudsman Ordinance, her staff could not contact the LegCo Secretariat on cases even though they were aware that the same complaints had been lodged with the Complaints Division of the Secretariat.

9. The Chairman remarked that, if Members were in the process of handling some cases but considered it more appropriate for The Ombudsman to take these up, they could suggest to the complainants for the cases to be referred to The Ombudsman. The Ombudsman supplemented that if the complaints received were related to policy issues or outside the jurisdiction of her Office, the complainants would be advised to approach the LegCo Secretariat or the departments concerned for expressing their views.

10. While appreciating a possible wastage of resources if complaints were handled by different redress channels at the same time, Mr Martin LEE was of the view that it was important for complainants to have the right to seek redress from various channels. The Chairman explained that the notification mechanism was aimed at enhancing communication between the LegCo Secretariat and the Office of The Ombudsman so as to avoid possible duplication of efforts by various channels in redressing complaints. Nevertheless, complainants still had the right to seek redress from various channels. The decision on the follow up actions to be taken on particular complaints rested with Members who would take into account the clients' wish and the circumstances of the complaints.

11. The Ombudsman concurred with Members that complainants had the right to seek redress from different channels. She pointed out that in some places, the ombudsman was the last resort for redressing grievances whereas there was no such provision in the laws of Hong Kong. In fact, the Office of The Ombudsman received more than 3 000 complaints each year. If each complaint was lodged with different redress channels, there would certainly be an increase in the

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caseload of the Office of The Ombudsman and this would create a backlog. Hence, from the angle of resource utilization, the lodging of a complaint with an appropriate redress channel could avoid wastage of resources as a result of duplication of efforts by various channels in redressing complaints. Mr Martin LEE reiterated that it could be the case that a client chose to lodge a complaint with the Complaints Division of the LegCo Secretariat and the Office of The Ombudsman at the same time. The Office of The Ombudsman should process cases according to the order in which they were received, and should not turn down cases on the ground of limited resources. The Ombudsman clarified that her Office would not refuse to take up cases on the ground that the cases had been lodged with the Complaints Division of the LegCo Secretariat.

III. Discussion items raised by Members
(LC Paper CP 1101/99-00(03))

12. The Chairman said that since The Ombudsman had yet to submit the annual report of her Office for the year 1999-2000 to the Chief Executive, the meeting would only focus on items raised by Members. The work of the Office of The Ombudsman to be covered by the report would not be discussed at the meeting.

Progress of the employment of non-civil service staff by the Office of The Ombudsman

13. Mr Fred LI recalled that The Ombudsman informed Members at the last meeting on 14 December 1999 that she was actively planning for an eventual delinking of her Office from the civil service. Mr LI enquired about the progress of the matter, and hoped that The Ombudsman would employ more non-civil service staff as soon as possible to build up an independent image of the Office. In response, The Ombudsman said that the delinking of her Office would cover three aspects, namely, administration, finance and staff recruitment. In fact, one-line-vote arrangements had been in place in her Office as from the current year. As for staffing, one-third of the 30 odd investigators in her Office was on contract terms, and she hoped that her Office could recruit directly contract staff at all levels in the long run. The delinking proposals had been submitted to the Administration in late May, and she hoped to discuss the issue with the Administration shortly.

14. Mr Fred LI considered two-third of the investigators being civil service secondees still a large proportion given that the Office of The Ombudsman had been established for years. As these civil service secondees were responsible for conducting investigations for the Office, this had given rise to a phenomenon where civil servants

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were investigated by civil servants. As such, Mr LI called for an expeditious recruitment of non-civil service staff by the Office of The Ombudsman, and enquired about the time schedule. In response, The Ombudsman said that all investigators, whether on secondment or contract terms, handled complaint cases in a consistent manner. Each investigation team comprised a mix of civil service secondees and non-civil service staff, and an internal checking mechanism was in place to monitor the work of the staff of the Office. On this basis, she asked Members not to be unduly worried. As regards the employment of non-civil service staff, she intended to continue to recruit non-civil service staff in the 2001-02 financial year to replace existing civil service secondees. However, The Ombudsman emphasized that the plan for delinking, recruitment of non-civil service staff and posting of experienced civil service staff back to Government departments should not proceed in a hasty manner so that the operation of the Office would not be impeded. She would aim for delinking in a progressive manner. At present, one-third of the investigators was non-civil service staff, and her preliminary objective was to retain one-third of civil service secondees. The timetable for replacing the remaining one-third of investigators on secondment by non-civil service staff would depend on the recruitment results and the performance of the new recruits, but the ultimate goal remained to be direct recruitment of staff of all ranks by the Office. The Ombudsman reiterated that she would not set a rigid timetable for the independence of her Office to avoid impact on her Office's operation.

15. Dr YEUNG Sum stressed the importance for the Office of The Ombudsman to become independent, and quoted the example of the LegCo Secretariat. Before the Secretariat became independent, it was staffed by civil servants who assisted LegCo Members in monitoring the work of the Government. However, Secretariat staff would be put under pressure when they were posted to other departments where their supervisors might be public officers once monitored by LegCo Members. Against this background, the then LegCo Secretariat was re-structured as an independent body. Based on such experience, Dr YEUNG was of the view that while it was reasonable for the Office of The Ombudsman to gain independence in a progressive manner, there was still a need to draw up a timetable for the delinking arrangements, and this should include the employment of investigators outside the public service so as to eliminate the long-standing problem of civil servants under investigation by civil servants. Dr YEUNG added that the incumbent investigators of the Office might be concerned about their future posting to Government departments which had once been the subject of their investigations. Besides, it was the public's expectation for the Office of The Ombudsman to become an independent body in future. The Ombudsman undertook to give careful consideration to Members' views. On account of the administrative, financial and staffing

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considerations, she was unwilling to set a time-frame hastily of say three or five years for the delinking of her Office from the civil service without anticipating the difficulties involved.

16. Mr Martin LEE opined that if a complaint was lodged with the Office of The Ombudsman and the investigation findings showed that the complaint was unsubstantiated, the complainant might query whether the staff of the Office had done their best in the investigation. It was therefore very important for the Office of The Ombudsman to gain credibility and build up an image of impartiality and independence. Mr LEE was disappointed at the Office's failure to draw up a timetable for implementing the delinking proposals. He considered a target of even five years excessively long and unacceptable. Mr LEE also did not agree with the progressive approach of The Ombudsman. He believed that it was of paramount importance for the Office of The Ombudsman to become independent as soon as possible, while the experience of its staff was only a secondary question. In fact, he had stressed the importance for the Office of The Ombudsman to become independent even before it came into existence, but felt very disappointed that the Office had not functioned as such since its establishment over the years.

17. The Ombudsman reiterated that she had put forward the proposal on the independence of her Office six months after she assumed the post in April 1999; she had submitted the delinking proposals of her Office to the Administration in late May 2000. The Ombudsman said that when a complaint was lodged with her Office, her staff had to act within the legal framework and also to base on the facts obtained from investigation for deciding whether the case should be substantiated. Upon completion of investigation, the officers concerned would prepare an investigation report. A written reply would also be issued to the complainant stating whether the complaint was substantiated, the reasons for the conclusions, and if there was a need for the Government departments to take follow up actions. The Ombudsman was of the view that the public perception of her Office hinged on the ability of her staff to make impartial decisions and provide assistance to those who were genuinely aggrieved rather than on the independent status of her Office. The Ombudsman further said that her role was like a judge. Not only would she decide on the merits of each case, but she would also give justifications for such decisions to the complainants and be accountable to the public. It was therefore necessary for her staff to be highly experienced and familiar with the functions and practices of various Government departments to avoid making the incorrect decisions. In view of the importance of this learning process, plans for the employment of non-civil service staff had to be implemented step by step.

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18. Mr Martin LEE did not agree with the analogy drawn between The Ombudsman and a judge. In his view, courts were an independent authority where appeal channels were available for redressing the grievances of persons aggrieved. The independence of the Office of The Ombudsman was of equal importance as the provision of reports to complainants on the investigation findings and the reasons therefor. He reiterated his dissatisfaction with the procrastination of the independence, and suggested that any inadequacy in staff experience could be made up through the provision of training for newly recruited non-civil service staff. The Ombudsman responded that her Office would become an independent body in any event, but the quality of its service would not be compromised by a hasty move.

19. Mr NG Leung-sing considered that clear guidelines, procedures and an independent investigation mechanism for the Office of the Ombudsman to address complaints was more important than the independence of staff of the Office. As in the case of the Audit Commission, the staff of the Office of The Ombudsman were required to investigate into each case impartially in accordance with relevant guidelines in order to build up the public's confidence in the Office's work. In response, The Ombudsman advised that her Office had compiled an operational manual on handling of complaints, which set out the detailed procedures and codes of practice for handling complaints. It would be updated as and when necessary. Since civil servants in general were subject to posting once every three years, this might result in the handling of cases in different manners by different officers. In view of this, her Office was compiling a reference guide on precedent cases to ensure consistency in the handling of cases by officers. Besides, an internal checking mechanism had been established within the Office under which the Assistant Ombudsmen would make a preliminary scrutiny of cases handled by investigation teams before these were submitted to The Ombudsman for further examination.

20. Mr NG Leung-sing asked The Ombudsman whether her staff were ever inhibited from completing investigation into complaints involving policy issues due to a limitation of statutory power, and whether investigators of various ranks were vested with sufficient power to conduct investigation into Government departments. In reply, The Ombudsman said that she and her staff act on different levels of power conferred by The Ombudsman Ordinance. In fact, investigators of different ranks exercised their powers in the name of The Ombudsman. If she had an views on cases under investigation, she would liaise with the department heads concerned through the investigators.

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21. Mr Martin LEE referred to paragraph 15 of the minutes of the meeting with The Ombudsman held on 14 December 1999 when the Deputy Ombudsman reported that a complaint case directed at the Transport Department was expected to be concluded in January 2000 and that the report would be made public if The Ombudsman so decided in the public interest. Mr LEE asked The Ombudsman if a decision had been taken on the matter. In response, The Ombudsman said that her Office had already made public the findings of the investigation concerned, and asked the LegCo Secretariat to provide the details to Mr LEE.

(Post-meeting note: A summary on the case with the relevant newspaper clippings were forwarded to Mr LEE for reference on 14 June 2000.)

Achievement of performance pledges of the Office of the Ombudsman

22. Mr Fred LI expressed concern on the achievement of performance pledges of the Office of The Ombudsman as this reflected the level of independence and credibility of the Office to a considerable extent. He quoted The Ombudsman's remarks in the minutes of the last meeting on 14 December 1999 that her target was for 60% of cases to be completed within three months. He then asked The Ombudsman if the target could be achieved within her tenure and, if not, the percentage of cases not completed within three months and the number of months needed for completing the remaining 40% of cases. Mr LI added that he had received complaints about the excessive time taken by the Office of The Ombudsman for processing complaint cases, or its inability to provide appropriate assistance to the complainants. In response, The Ombudsman said that the achievement of performance pledges of the Office would be set out in detail in the annual report for 1999-2000. In brief, staff of the Office had managed to conclude over 90% of cases within six months. Among these, only 45% were concluded within three months. The remaining cases of about 9% took more than six months to complete; only a few cases took more than one year for processing. The Ombudsman explained that most cases which had taken a longer processing time were either due to factors beyond the Office's control or pending the outcome of internal investigations of Governments departments.

23. Mr Fred LI asked for the reasons for the Office of The Ombudsman to have only managed to conclude about 45% of cases within three months. In reply, The Ombudsman explained that this was caused by many factors. For example, an investigation officer might find in the course of his investigation that an apparently simple

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case might in fact be a complicated one involving a number of departments. In such case, the officer would have to extend the scope of his investigation. For cases being dealt with by Government departments, the staff of the Office would have to wait for the findings of the departments in order to gain comprehensive information on the case. In addition, there might be cases where senior staff of the Office took the view that further investigation was necessary upon scrutinizing the case reports submitted by investigators, and a longer processing time was thus needed.

24. Mr Fred LI then enquired whether any mechanism had been established within the Office of The Ombudsman to ensure that the senior management was informed of cases which were not concluded in three months' time and that the complainants were notified of the progress of cases. In response, The Ombudsman said that she met with the investigation teams every month to discuss the development of cases and provide guidelines for the investigators, while the Assistant Ombudsmen followed up on the work of the investigation teams on a weekly basis.

25. Mr NG Leung-sing enquired about the percentage of cases which were delayed as a result of the Office having to make numerous requests for information from Government departments concerned because relevant and specific information was not sought at the outset. In response, The Ombudsman said that currently, her Office would only take up complaints lodged with her Office in writing or in the form of a letter drafted by her staff and confirmed by the complainants. There was, therefore, no question of cases being delayed for the reason suggested by Mr NG. Conversely, some cases required longer processing time as a result of some complainants' requests for making corrections to the details of their complaints. The Ombudsman advised that, as a general practice, complaints lodged by telephone were not accepted in order to avoid disputes arising from different apprehension of the issues between her staff and the complainants. Nevertheless, a pilot scheme was launched in April 2000 under which complaints lodged by telephone were accepted. The effectiveness of the scheme, in particular the accuracy of the information collected on the complaints, was being reviewed. If complaints lodged by telephone were to be taken up in future, this would be in accordance with the principle of avoiding wastage of resources, and the Office would have to ensure that its staff and the complainants would agree on the details of the complaints.

26. Mr NG Leung-sing enquired if there were provisions in The Ombudsman Ordinance to guard against intentional procrastination on the part of departments in providing information on complaint cases to the Office of The Ombudsman, and how The Ombudsman would deal with the matter. In response, The Ombudsman said that departments

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would usually provide information within the specified time. If the information required by her Office was voluminous and complex in nature, the departments concerned would request more time for preparation, and the Office would decide whether it would accede to the requests on individual merits. She said that there was no such provision in The Ombudsman Ordinance nor did she consider it necessary to propose amendments to this effect.

27. Mr Martin LEE enquired about the longest time for the Office to complete investigations and whether there were cases which took two to three years to complete. The Ombudsman affirmed that there was no such case. While there might be backlog of cases due to staff vacancies, the Chief Investigation Officers had been asked to assign cases to investigators having regard to their respective workload to ensure effective processing of cases. At Mr LEE's request, The Ombudsman agreed to provide statistics to the Secretariat on cases that had taken more than one year for investigation.

The
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(Post-meeting note: In her letter dated 20 June 2000 to the Secretariat, The Ombudsman revealed that four complaints had been processed for over one year and were not yet concluded. Of these, three were serial cases involving substantially the same complaint issues. Longer processing time was required as these were complicated cases involving three Government departments.)

28. The Chairman asked The Ombudsman whether surveys had been conducted to ascertain the number of complainants who were satisfied with the investigation findings and replies from her Office. In response, The Ombudsman said that her Office did not have such analysis but some complainants had written to express their gratitude upon receipt of replies from her Office. In reply to the Chairman on the number of complainants who lodged further complaints after receiving the Office's replies, The Ombudsman advised that her Office had just started collating data in this regard. However, since some were habitual complainants or were not directly affected by the complaints, the statistics in this respect might not be indicative of the problem.

29. Mr Fred LI asked if The Ombudsman had conducted opinion surveys on a regular basis to gauge the public's opinion and knowledge of her Office. In response, The Ombudsman pointed out that such opinion surveys had been conducted, and this included the public's knowledge of her Office and the organizations which had received most complaints from the public. The details of the surveys would be included in the annual report for 1999-2000.

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How The Ombudsman would follow up on a case concerning the bursting of an exposed communal salt water pipe inside the flats of a Home Ownership Scheme (HOS) estate, and where the Housing Department (HD) did not implement all the recommendations in The Ombudsman's investigation report

30. The Chairman said that Miss CHAN Yuen-han would raise discussion on the captioned issue on behalf of Mr LAU Kong-wah. The Chairman reminded Members that discussion should be focused on the principles for handling the issue rather than the individual case. Miss CHAN Yuen-han then asked The Ombudsman how the case would be followed up. In response, The Ombudsman advised that she was precluded from making comments on individual complaint cases on account of provisions in the Ombudsman Ordinance. As a general rule, implementation of recommendations made by the Office after investigation was left to the departments or organizations concerned. For monitoring purpose, the departments or organizations were asked to provide the Office with reports on the progress of implementation on a quarterly basis until the recommendations had been satisfactorily implemented. The adoption of alternative effective measures to prevent the recurrence of problems was also acceptable to the Office. However, where the recommendations had not been appropriately implemented within the time specified in the report or a reasonable period of time, The Ombudsman might act in accordance with Section 16 of The Ombudsman Ordinance by submitting to the Chief Executive (CE) the investigation report, together with the recommendations and such further observations as deemed fit, as well as a copy of the comments made by the head of the organizations concerned. When this happened, the CE was obliged by Section 16(6) of the Ordinance to table the report before LegCo.

31. The Chairman enquired about the procedures for submitting such reports to the CE, such as the number of occasions on which The Ombudsman would make recommendations to the departments or organizations before taking such a step. The Ombudsman replied that she had not laid down any procedures or specified the number of occasions in this respect. Submission of reports to the CE was a matter which depended largely on whether the departments or organizations concerned were active in taking remedial actions.

32. Miss CHAN Yuen-han asked if any reports had been submitted to the CE and laid before LegCo. In reply, The Ombudsman said that a report on the subject of unauthorized building works had been submitted to CE. She explained that the objective of the ombudsman system was to monitor departments and organizations independently but not to replace the Administration and departments in making policy decisions or taking follow up actions. According to

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administrative law, the Office of The Ombudsman was an independent body responsible for making recommendations on complaint cases; it would ultimately be up to the Administration to make decisions on follow up actions. As for follow up on policy matters, The Ombudsman suggested that LegCo Members could raise questions in LegCo meetings or pursue the matters in panels. She was of the view that these various channels could complement each other and were all important components of the framework of democracy.

33. Miss CHAN Yuen-han asked if the Office of The Ombudsman would inform the complainants of the latest development of their complaints when the departments concerned adopted measures as alternatives to those recommended by The Ombudsman and which were acceptable to The Ombudsman. In response, The Ombudsman said that a reply containing recommendations made by her Office to the departments concerned would be issued to the complainants. However, the quarterly reports submitted by the departments would only be used for internal monitoring purpose and the contents of these reports would not be disclosed to the complainants.

34. Miss CHAN Yuen-han asked if The Ombudsman had worked out, by way of analysis of the respective percentages, the reasons for the Administration's non-compliance with The Ombudsman's recommendations. The Ombudsman replied that more than 95% of the recommendations made by the Office in respect of complaint cases and direct investigations had been accepted by the Administration. On account of a heavy workload, the Office had not compiled the statistics required by Miss CHAN. The reasons of not being able to implement recommendations on some occasions might be attributable to resource, legislative and policy constraints. Miss CHAN expressed concern that LegCo Members, who did not have knowledge of the cases, were unable to follow up on cases handled by the Office of The Ombudsman even though they might not be satisfied with the departments' explanation on constraints which accounted for the non-compliance with The Ombudsman's recommendations. In this connection, Miss CHAN asked if The Ombudsman could keep LegCo Members informed of such non-compliance by departments on grounds of policy implications. In response, The Ombudsman said that for complaints which involved public interests or for direct investigations, her Office would disclose relevant information to the media and the public. Besides, a summary of significant or inspiring cases would be included in the annual reports of the Office with a brief account of the issues involved, the conclusions reached and the recommendations made by the Office, together with the reply of the departments concerned. After the tabling of an annual report before LegCo, Government departments would respond to points raised in the report within a specified time frame. LegCo Members might consider following up the issues through this channel where

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necessary.

35. Mr Fred LI suggested and The Ombudsman agreed that, upon receipt of complaints which involved policy issues, the Office should encourage the complainants to approach the LegCo Secretariat. The Ombudsman supplemented that her Office had already advised complainants to approach the LegCo Secretariat for lodging complaints which involved policy issues. She shared the view that the complainants should be informed of the channels for redressing grievances from different perspectives. In fact, although recommendations on policy aspects were outside the scope of The Ombudsman Ordinance, it was at times inevitable for The Ombudsman to make comments or recommendations on policy aspects in direct investigations.

IV. Any other business

36. The Chairman advised that as The Ombudsman did not consider it an appropriate time for her to meet with Members before the tabling of her Office's annual report in LegCo, she had suggested changing the frequency of her meeting with Members to a yearly basis; special meetings could be arranged as and when necessary at the request of either side. The Ombudsman added that such meetings could be held towards the end of each year. In this way, Members would be able to obtain information on the work of the Office from the annual report published in the middle of each year, and be informed of further progress by the end of the year. Members agreed with the proposal. The Chairman then advised that the next meeting would be held towards the end of 2000, and the exact date would be fixed by Members in the next LegCo term.

37. The Chairman concluded by thanking The Ombudsman and the Chief Executive Officer for attending the meeting.

38. The meeting ended at 12:40 pm.

Legislative Council Secretariat
24 August 2000