

Answers to Items Raised by LegCo Members

(a) Progress of the employment of non-civil servants by the Office of The Ombudsman (raised by Hon Fred LI Wah-ming)

Since our last meeting in December, we had formulated our delinking proposals, which involved establishing separate administrative and financial systems for the Office as well as remuneration packages for contract staff at all levels. Consultation within the Office took place in early March. After some modification of the original proposals in view of staff comments, the finalized proposals were sent to the Administration in late May.

(b) Achievement of performance pledges of the Office of The Ombudsman (raised by Hon Fred LI Wah-ming)

Our performance pledges provide that 70% of cases outside our jurisdiction or under restriction will be dealt with within 10 working days and the remaining 30% within 10 to 15 working days. For cases within jurisdiction, our target is to conclude the relatively simple ones (estimated to be about 60%) within 3 months and to conclude the more complicated ones within 3 to 6 months. In the current Reporting Year, about 2.32% of complaint cases outside jurisdiction could not be concluded within 15 days, either because information provided by the complainants were insufficient to facilitate a quick decision or that subsequent developments such as court action had affected our original decision to handle the case. As regards complaints within jurisdiction, 9.6% of the cases could not be concluded within 6 months due to unforeseen developments, other complications or the complexity of cases.

(c) How The Ombudsman would follow-up on a case concerning the bursting of an exposed communal salt water pipe inside the flats of a certain Home Ownership Scheme estate, and where the Housing Department did not implement all the recommendations in The Ombudsman's investigation report (raised by Hon LAU Kong-wah)

Section 15(1) of The Ombudsman Ordinance precludes The Ombudsman and her staff from disclosing information relating to any complaint lodged with this Office or any investigation arising therefrom.

As a general rule, implementation of recommendations made by this Office after investigation is left to the departments or organisations concerned. For monitoring purpose, the departments or organisations are asked to provide this Office with reports on the progress of implementation on a quarterly basis until the recommendations have been satisfactorily implemented.

Where the recommendations have not been adequately or satisfactorily implemented within the time specified in the report or within a reasonable period of time, The Ombudsman may act in accordance with Section 16 of The Ombudsman Ordinance and submit to the Chief Executive the investigation report, together with the recommendations and such further observations as she thinks fit, together with a copy of any comments made by the head of the organisations concerned. When this happens, the Chief Executive is obliged by Section 16(6) of the Ordinance to lay the report before the Legislative Council.