

**Information Note
for Legco Members' meeting with The Ombudsman
on 7 December 2004**

How to maintain the service quality of the Office of The Ombudsman?

(i) Measures to cope with budgetary constraints

First of all, I wish to clarify that the reduction from 98 staff as at 31 March 2002 to 88 staff as at 31 March 2004, referred to in the Hon. Yeung Sum's question, has nothing to do with budgetary considerations. That period witnessed the replacement of civil servants seconded to this Office by contract officers appointed by The Ombudsman. A transition period was provided for each new appointee, and this accounts for the over-establishment of the Office for the handing-over period before the secondees returned to the civil service. In fact, the number of staff was down to 91 by the second half of 2002.

We have consistently maintained a team of about 40 investigation officers. The slight drop in the overall establishment to 88 in 2004 resulted from streamlining administrative and supporting services.

To cope with the anticipated budgetary constraints in recent years, we have taken the following measures to ensure the financial well-being of the Office and to provide continued career development opportunities for our staff:

- (a) Review of our pay structure by replacing automatic annual increments by performance increments upon contract renewal.
- (b) Keeping our working procedures under constant review to ensure quick management response to perceived logjams in workflow and to maximize cost-effectiveness.
- (c) Flexible deployment of manpower resources. Since delinking in 2001, we have been using internal redeployment and employment of experienced temporary or part-time staff to handle sudden fluctuations in workload. This arrangement provides flexibility to cope with the peaks and troughs in the Office's work and is working well.
- (d) Offer stable employment and career development opportunities. Since delinking, the Office has put in place highly effective, responsive and cost-effective operational and administrative strategies to cope with our work. With a good measure of financial well-being, the Office is able to recruit and retain staff of the right caliber. Serving officers are assured of stable career and opportunities for professional development and in due course, career advancement for deserving officers. Although our remuneration package is less

favourable than other subvented organizations which follow the civil service pay structure, the healthy reserve we have built up allows us to offer job security for our officers that other subvented organizations are unable to offer.

With the above measures, we are confident that we can maintain a devoted and effective work force for delivery of quality services to the public.

(ii) Telephone complaint service

Telephone complaint was introduced in late March 2001 to facilitate the lodging of complaints by members of the public. This service is not suitable for all types of complaints. Telephone complaints are suitable for the following types of complaints:

- (a) the subject matters of the complaint are straightforward and can be explained in not more than 15 minutes (otherwise this can jam the complaint hotline and attract complaint against this Office when other complainants cannot get through within a reasonable time);
- (b) it involves not more than two organisations; and
- (c) it needs not be supported by the provision of massive documentation or other forms of evidence.

To ensure accuracy of complaint details, our staff will reduce the complaint into writing and post it back to the complainant for signature to confirm the complaint points and to consent to this Office's processing of his complaint.

Given the overall trend of rising complaints, we do not read particular significance into the drop in the number of telephone complaints from year to year. This may reflect complainants' preferred method of complaints for a particular period, or it may reflect the more complex nature of complaint cases being lodged.

Office of The Ombudsman
November 2004

Chapter 1

Administration

Staffing

1.1 This is the third year since our delinking from Government systems and procedures. The last reporting year ended with our Office being staffed by 76 or 83% contract officers appointed under The Ombudsman Ordinance. We have since maintained our momentum in recruitment. By 31 March 2004, only five or 5.7% of my entire workforce of 88 were civil servants. They will all return to Government within 2004.

Fig. 1.1

Contract Staff in the Office
(as at 31 March)

	2000	2001	2002	2003	2004
Contract Staff	11 (13.2%)	16 (17.8%)	58 (59.2%)	76 (83.0%)	83 (94.3%)
Civil Servants	80 (86.8%)	74 (82.2%)	40 (40.8%)	16 (17.0%)	5 (5.7%)
Total	91	90	98	92	88

1.2 Meanwhile, we provide for continuity in the Office by maintaining a team of about 40 contract investigation officers with experience and expertise. We also offer opportunities to staff for career development. For example, in February 2004, two Complaints Assistants, hitherto deployed only on enquiries and telephone complaints, were transferred to investigation teams to assist in processing complaints. The aim is to provide training to the Complaints Assistants so that they could be able to take up investigation duties in future. It also helps broaden their outlook and enhance their exposure to prepare them for a career in the Office. Such arrangements would allow this Office to groom officers with potential.

1.3 To cater for seasonal fluctuation of caseload and for specific projects, we continued to employ temporary and part-time staff to supplement the regular task force. For example, we have engaged one such officer to review our procedures, practices and operational guidelines. Others have helped to process individual cases or direct investigations.

Staff Training

1.4 Since early 2003, we have recruited ten more contract investigation staff, bringing the strength of such staff to 36 in the reporting year. New recruits undergo induction and on-the-job training to help them settle in and to make for quality assurance in investigative functions. Staff training is particularly important to maintain an adequate level of expertise and experience at a time when the only assurance from the Administration is steady reduction of resources in the years ahead.

1.5 For induction, we attach new entrants to different units to familiarise them with the different aspects of our services: e.g. screening of complaints and deciding on modes of processing. For on-the-job training, senior officers guide and advise them in their day-to-day performance. In time, we will rotate them to different jobs to sharpen their skills and develop their potential.

1.6 Weekly team meetings are instructive in sharing experience and exchanging ideas. Where specific issues warrant special sessions, we organise open forum for airing of problems or queries and for dissemination of ideas and information. The Ombudsman attends these occasions from time to time

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to have direct dialogue with staff, to impart her philosophy and to clarify her stance on various issues.

1.7 To enhance professionalism and to acquire new skills, we invite experts to address our staff or to design and tailor-make courses. This year, we commissioned the Hong Kong Mediation Council for techniques in mediation and the Whole Person Development Institute for skills in communication with complainants requiring special attention.

1.8 To optimise training opportunities and to facilitate mutual understanding, we made places available on the mediation course to a number of departments particularly prone to public complaints. These were Food and Environmental Hygiene Department, Post Office, Home Affairs Department, Housing Department and Transport Department. Our aim is to encourage departments to make greater use of mediation in resolving disputes and handling complaints. Feedback on this from the departments was generally favourable.

Maximising Resources

1.9 Since delinking, we operate on a lump-sum grant for meeting staffing and day-to-day expenses. In keeping with the Administration's determination to cut public expenditure, our provision for 2004/05 will be reduced by 6.8%.

1.10 To ensure the financial viability of the Office, we have implemented firm measures to economise and to contain expenditure. These include continuing review of the organisation and staffing structure, introduction of multi-tasking and combined grades, award of increments only

on merit and employment of temporary or part-time staff for seasonal or sudden rise in caseload. Every effort is made to ensure efficient staffing for quality output.

1.11 As staffing expenses account for over 80% of our overall expenditure, we had initiated a review of our existing pay structure for maximum cost-effectiveness in the years ahead. Key elements for examination were the levels of cash allowance and the award of increments on renewal of contract. The ultimate aim is to ensure adequate resources for the future, maintain continuity of service, stability of staffing and reasonable career opportunities for staff, even in the face of financial stringencies.

Complaints against the Office

1.12 This year, we received and concluded 11 complaints against staff or against our procedures, three more than last year. To some extent, this may be a measure of growing awareness of our services and rising expectations of our community. Whether or not such complaints suggest defects or deficiencies in the performance of our Office, we take them most seriously. We value each and every one as an opportunity to review our judgment and procedures, and where necessary, revise practices to improve our operations.

1.13 At times, complaints against our staff stem from dissatisfaction with the outcome or simply disappointment over The Ombudsman's decision of a case. This is inevitable: we investigate to establish facts about fair administration but at times, complainants seek recompense, or even retribution, and these are beyond our purview.

Chapter 4

Complaint Handling

Lodging of Complaints

4.1 Most complaints come in by post. Some complainants come to our Office and are received by counter staff. Our investigation officers serve in rotation as duty officers to interview complainants in person. Where complainants have difficulty in putting their case in writing, our duty officers will take down the details for their verification later by post. We also accept complaints via e-mail, though subsequent correspondence in further processing will be by post to ensure security of the information. For simple initial cases, we have arrangements for complaints by telephone¹. Generally, such cases should be capable of being explained in less than 15 minutes, involve two organisations or less and not a great deal of documentary evidence.

Fig. 4.1

Complaints Received in
2001/02 - 2003/04

Mode	2001/02	2002/03	2003/04
In person	260	425	324
In writing -			
by letter	1,116	682	1,634
by complaint form	828	1,270	722
by fax	664	978	972
by e-mail*	360	613	742
By telephone*	508	414	267
TOTAL	3,736	4,382	4,661

introduced in January 2000

* introduced in March 2001

Regardless of the mode, complainants must identify themselves and we are required to be satisfied that they are the aggrieved parties.

Assessment

4.2 My counter staff, duty officers and Assessment Team form the front-line of my Office. Members of the team scrutinise all in-coming complaints and enquiries. Where it is evident from the outset that a matter falls outside my purview (Fig. 2.3), is subject to restrictions (Fig. 2.4) or is not to be investigated by discretion exercised by The Ombudsman (Fig. 2.5), we aim to notify complainants within 15 working days. Where possible, we try to help and advise where and how they may seek assistance or redress. (See Fig. 5.2 for our performance pledges.)

4.3 Complaints within my purview are "screened in" for examination by one of four investigation teams. Each team is headed by a Chief Investigation Officer working to one of two Assistant Ombudsmen.

Preliminary Inquiries

4.4 To determine whether a full investigation is necessary, we conduct preliminary inquiries for facts and information under section 11A of the Ordinance. Preliminary inquiries may take the form of Internal Complaint Handling Programme (INCH) or Rendering Assistance / Clarification (RAC). Often, they result in the matters under complaint being resolved or clarified.

1 The conversation is recorded on tape and then written up for verification with complainant by post.

Chapter 7

Public Education and External Relations

Exchanges with the Mainland

7.21 We maintain regular exchange with the China Supervision Institute. Members of the Institute visited Hong Kong in December 2002 and The Ombudsman led a delegation to the Mainland in November 2003 for a week. We shared knowledge and experience about our respective systems and practices in monitoring public administration with our counterparts in Beijing, Guilin and Chengdu.



Fig. 7.9

The Ombudsman meeting Mr. Huang Shuxian, Vice-Minister of Supervision, Ministry of Supervision

7.22 From time to time, groups of Mainland officials and academics attend training courses in Hong Kong, which invariably include a half-day visit to this Office. We are also pleased to receive groups from local government departments and public organisations. Our directorate officers give talks to these visiting groups. During the reporting period, we received and delivered talks to 21 groups comprising 378 members.

7.23 In January 2004, The Ombudsman was invited in the capacity as an Ombudsman in Asia-Pacific Region to

speak in an international conference organised by Swedish International Development Cooperation Agency (Sida) in Ulaanbaatar, Mongolia on "Good Governance". The Ombudsman shared knowledge with, and offered professional advice on establishing ombudsman system to, the legislative and administrative bodies of the country.

7.24 Lists of visits to the Office and overseas conferences are at **Annex 15 & 16** respectively.

Thematic Household Survey

7.25 From time to time, our Office samples community feedback on our services through the Thematic Household Surveys organised by the Census and Statistics Department. The surveys serve to collect data on public awareness and perception of the work of the Office. The findings also enable us to gauge public expectations and to meet their aspirations for quality public administration. The reports also guide us in our public information and education strategies.

7.26 The latest survey was carried out during March to May 2003, three years after the previous completed in early 2000. Some 8,000 households were interviewed. About 72% of the respondents indicated that they were aware of the work of this Office, representing a 7% increase compared to the result of the previous survey. This survey also indicated that this Office was one of the main complaint channels of the public. The results of the survey were encouraging as they endorsed our public information and community relations strategies over the years.

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7.27 They have also highlighted pointers for review of our strategy: those more educated and economically active tend to approach this Office; telephone is the preferred channel for lodging complaints; livelihood issues are most complainants' concern; many are not aware of our power to conduct direct investigation. We shall tailor the strategy for our coming publicity and operation plan accordingly.

7.28 The summary of findings is at **Annex 13**.

7.29 Meanwhile, a survey on the "State of Cohesion in Hong Kong" conducted by The University of Hong Kong (HKU) interviewed 1,054 respondents aged 18 or above from mid-August to October 2003. The findings from this study of public confidence in various institutions of governance and monitoring agencies were quite encouraging. Our Office ranked only after the Independent Commission Against Corruption (ICAC).

7.30 In the coming year, we plan to conduct a client opinion survey to enable us to target our services better. We will continue to enhance the awareness of our presence among different sectors and information on access to our services.



Fig. 7.10

Mean Scores of Confidence in
Institutions of Governance and
Monitoring Agencies from HKU Survey

	Mean*
ICAC	8.15
The Ombudsman	7.47
Police	7.08
Judicial System	6.75

* From a range of 1 to 10: 1 indicating lack of confidence and 10 full confidence

Annex 13

Summary of Findings from Thematic Household Survey

Q7. If you want to lodge a complaint through the Office of The Ombudsman, through which of the following means would you lodge the complaint?

- The findings are –
 - Telephone contact (69.8%)
 - Face-to-face interview / personal visit to the Office of The Ombudsman (10.3%)
 - Mailing letter (8.0%)
 - E-mail (5.0%)
 - Other people (4.2%)
 - Mailing complaint form (1.5%)
 - Fax (1.1%)
- The younger generation tended to choose complaint by e-mail.
- Those with higher educational attainment would choose written form such as sending letter, e-mail, complaint form and fax.

Q8. If you want to lodge a complaint through the Office of The Ombudsman, through which of the following means do you prefer the Office to reply to you? (* Multiple answers were allowed.)

- The findings are –
 - Telephone contact (57.9%)
 - Written reply (41.2%)
 - Face-to-face discussion (16.3%)
 - E-mail (7.4%)

Q9. If you want to lodge a complaint through the Office of The Ombudsman, what do you expect the Office to do for you? (* Multiple answers were allowed.)

- Key findings are –
 - Preventing recurrence of similar problems (61.4%)
 - Improving the efficiency and quality of service in the public sector (38.2%)
 - Investigating the complaint, and finding out whether or not it was substantiated (30.8%)
 - Recommending specific remedial actions to the department / public body concerned (30.1%)
 - Requesting apologies from the department / public body concerned (10.5%)
 - Recommending monetary compensation to the department / public body concerned (8.7%)