

Information Paper
for LegCo Members' meeting with The Ombudsman
on 14 December 2010

(A) Work of The Ombudsman's Office**(i) For the year 2009/2010**

In the 2009/2010 reporting year, the Office received a total of 13,789 enquiries and 4,803 complaints; and 4,775 complaints were concluded. Of these, 65.3% were concluded within three months, 33.1% were concluded between three to six months and 1.6% took more than 6 months to conclude.

For easy reference, statistics on complaints and enquiries for the past three years and the first seven months of 2010/2011 (that is, April to October) are tabulated below:

	Reporting year			
	07/08	08/09	09/10	10/11 (April – October)
(A) Enquiries received	12,169	14,005	13,789	7,270
(B) Complaints received	4,987	5,386[853]	4,803[393]	3,369[477]
(C) Complaints brought forward	942	1,285	970	1,094
(D) Re-opened cases †	-	-	96	39
(E) Complaints for processing = (B) + (C) + (D)	5,929	6,671	5,869	4,502
(F) Complaints handled and concluded	4,644	5,701[1,225]	4,775[402]	3,306[485]
(i) Complaints pursued	1,977	2,684[411]	2,215[302]	1,866[478]
<i>By preliminary inquiries</i>	1,938	2,437[224]	2,086[302]	1,816[478]
<i>By full investigation</i>	38	247[187]	126	46[2]
<i>By mediation</i>	1(3*)	0(0*)	3(1*)	4
(ii) Complaints screened out	1,246	1,108[100]	1,114[45]	739[7]
(iii) Complaints not pursued	1,421	1,909[714]	1,446[55]	701
(G) Percentage of complaints concluded = (F) ÷ (E)	78.3%	85.5%	81.4%	73.4%
(H) Total cases carried forward = (E) - (F)	1,285	970	1,094	1,196
(I) Number of direct investigations completed	4	6	7	3
(J) Direct investigation assessments completed	2	4	8	6

† Including cases which had been closed for being unpursuable in previous year but subsequently became pursuable and re-opened for inquiry in current year and cases reviewed by full investigation(not available before 2009/10).

* Number of cases attempted for mediation but not accepted by party(ies) concerned

[] Number of topical cases(not available before 2008/09).

Seven direct investigations were completed on the following subjects:

1. System for development of question papers in public examinations
2. Procedures for processing chained-transactions involving transfer/retention of vehicle registration marks
3. Housing Department's handling of complaints involving claims
4. Regulatory system of lifts
5. Granting of disability allowance and processing of appeals by Social Welfare Department
6. Checking of eligibility for subsidised public hospital and health Services
7. Effectiveness of administration of Code on Access to Information

Apart from direct investigations, the Office also concluded the following eight direct investigation assessments:

1. Emergency handling of patients near HA Hospitals
2. Administration of Community Investment and Inclusion Fund
3. Floor numbering of buildings
4. Support for discharged mental patients
5. Payment of care home fees
6. Appointment arrangements and waiting times at specialist clinics
7. Installation, maintenance and repairs of metal gates of Government buildings under the purview of Architectural Services Department

8. Government injection into MPF and ORSO accounts

For the year, a total of 203 recommendations were made to improve various aspects of public administration. Of these, 141 were related to complaints and 62 resulted from direct investigations. About 97% of the recommendations had been accepted for implementation.

(ii) For the first seven months (April to October) of 2010/2011

From April 2010 to October 2010, the Office received a total of 7,270 enquiries and 3,369 complaints.

During the period, three direct investigations have been completed and five are still in progress.

Completed

1. Fire Safety Regulatory Measures
2. Allocation and Monitoring of Use of Government Land
3. Driving-offence Points System

In progress

1. Special education services for students with emotional and behavioural difficulties
2. Unauthorised building works in New Territories Exempted Houses
3. Management of non-emergency ambulance transfer service by Hospital Authority
4. Issues relating to Tai Long Sai Wan
5. Safe operation of public light buses

As regards direct investigation assessments, six have been completed and fifteen are in progress.

Completed

1. Misidentification of newborn babies at Queen Elizabeth Hospital
2. Monitoring of Continuing Education Fund by Student Financial Assistance Agency
3. Structural safety of units of old buildings with external walls replaced by glass walls
4. Illegal operation of guesthouses and bedspace apartments
5. Illegal “Kaito” (small passenger carrying vessel) service operated with speedboat
6. Provision of information about government officers

In progress

1. Handling of stray animals by Agricultural, Fisheries and Conservation Department
2. Short-term tenancy granted at nominal rent
3. Development of a question paper in the Hong Kong Advanced Level Examination 2010
4. Effectiveness of lease enforcement by Lands Department
5. Maintenance of water mains by Water Supplies Department
6. Apparent disparity of treatment in applying the marking scheme for estate management enforcement in respect of tenants living in public rental housing and those living in mixed mode estates.
7. Monitoring of residential care homes for the elderly
8. Booking and use of land-based sports facilities and swimming pools managed by the Leisure and Cultural Services

Department

9. Regulation of karting activities
10. Control of Chinese Medicine
11. Administration of temporary closure of metered car parking spaces during works carried out by public utilities companies
12. Processing of public rental housing applications
13. Consultation process involving traffic signs and facilities
14. HA's handling of "disappeared patients"
15. Government coordination and maintenance during break-down of traffic lights

(B) Questions raised by Hon Cyd HO Sau-lan

- (i) Will The Ombudsman actively initiate any investigation into the ways adopted by the Education Bureau to monitor textbook publishers to see if they have launched excessive promotion which may have pushed up the prices of textbooks?**

Some textbook publishers provide free teaching materials and/or give donations to schools. These may take the form of free provision of teaching and learning facilities and resources, sponsorship of school activities, flowers or hampers, scholarship and prizes. Such benefits and gifts are in fact not free, as their costs are reflected in the price of the textbooks and ultimately borne by students or their parents.

To help lower the price of textbooks, the Administration has set up a working group¹ to make recommendations for improving the school textbook system. The Working Group submitted a report in 2009. Pursuant to its recommendations, the Education Bureau (“EDB”) issued guidelines to all schools in May 2010, setting out principles and guidelines on selection of textbooks by schools, particularly that schools should not solicit or receive any free teaching or learning materials from textbook publishers. The report also introduced other measures pertaining to the revision, review and transparency of textbook pricing, as well as sources of development of textbooks, which, if implemented and monitored closely, may help to address public concerns and alleviate parents’ financial burden.

Only a few recommendations have been implemented as of today. Implementation of a key recommendation, namely, the debundling of pricing of textbooks, teaching and learning materials², has been postponed to the year 2011/12. We also notice that the report is silent on the Administration’s role in monitoring schools’ compliance with the principles and guidelines devised by EDB. We are seeking EDB’s clarification and will decide what to do next after receiving its reply.

¹ The Working Group on Textbooks and e-Learning Resources Development

² This measure aims to change the current practice of bundled sale and purchase of textbooks and teaching materials, so as to allow the market to operate on a “user-pays basis”, with teachers and parents free to buy only the resources that fit their needs.

- (ii) As a follow-up to the proposal put forward by Hon Cyd HO Sau-lan at the Legislative Council Members' meeting with The Ombudsman held last year, will The Ombudsman actively initiate an investigation into support services required by students with specific learning difficulties in finding other school places after they have missed education?**

We understand from the last meeting with Members in December 2009 and our subsequent discussion with Hon Cyd HO and her office that she is basically concerned about the problem that some students, referred by mainstream schools to Schools for Social Development (“SSDs”) for remedial education, have difficulties in gaining re-admission to mainstream schools after completing SSD schooling.

According to the Education Bureau (“EDB”), students who are unable to continue their education in mainstream schools due to moderate to severe emotional or behavioural difficulties are referred to SSDs for follow-up. SSDs are run by voluntary organisations with Government subvention. In addition to the regular school curriculum, SSDs provide tailored counselling services to students to help them tide over their difficulties. The objective is to re-integrate them with mainstream students after they have mended their ways.

Our preliminary inquiries have established that students eligible for SSD service often have to wait long for admission to such schools. Despite the objective of reintegration, some SSD students have also encountered difficulties returning to mainstream schools after completing SSD schooling. These findings cast doubt on whether EDB has done enough for SSD students.

In light of the above, we have initiated in September 2010 a Direct Investigation to examine the system for admission of students to SSDs and subsequent reintegration of SSD students with mainstream students.

We have already conducted public consultation and received views from different stakeholders, including teachers and students. We plan to complete this Direct Investigation and announce the results in mid-2011.