

**Replies to initial written questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2012-13**

**Controlling Officer: The Ombudsman
Session No. : 8**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
OMB001	1619	WONG Ting-kwong	114	Complaints Administration
OMB002	1862	NG Margaret	114	Complaints Administration
OMB003	1863	NG Margaret	114	Complaints Administration
OMB004	3481	CHAN Tanya	114	Complaints Administration
OMB005	3482	CHAN Tanya	114	Complaints Administration

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

OMB001

Question Serial No.

1619

Head: 114 – Office of The Ombudsman

Subhead (No. & title): 000 Operational Expenses

Programme: Complaints Administration

Controlling Officer: The Ombudsman

Director of Bureau: --

Question:

Under the performance indicators, there were totally 106 complaints unsubstantiated after full investigation in 2010-11, doubling the figure of 2009-10. What were the main subjects of these complaints? Why were they unsubstantiated?

Asked by: Hon. WONG Ting-kwong

Reply:

In 2009-10, this Office concluded a total of 126 complaints by full investigation and 51 of them were unsubstantiated, accounting for about 40.5% of the overall caseload.

In 2010-11, a total of 155 complaints were concluded by full investigation and 106 of them were found unsubstantiated, representing about 68.4% of the overall caseload. Among these 106 complaints, 76 were topical complaints (i.e. similar complaints on a particular social or topical issue and essentially against the same action or decision by an organisation under complaint). After deducting the topical complaints, the total number of complaints concluded by full investigation in 2010-11 was actually 79, of which only 30 complaints were found unsubstantiated, representing about 38% of the overall caseload, similar to the figure in 2009-10.

In general, complaints were found unsubstantiated after investigation because of insufficient evidence of maladministration.

Signature: _____
Name in block letters: Alan N LAI
Post Title: The Ombudsman
Date: 2.3.2012

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

OMB002

Question Serial No.

1862

Head: 114 – Office of The Ombudsman

Subhead (No. & title): 000 Operational Expenses

Programme: Complaints Administration

Controlling Officer: The Ombudsman

Director of Bureau: --

Question:

Over the past five years, how many cases each year were handled by the Office of The Ombudsman through direct investigation? How many were handled by investigations prompted by complaints received?

Asked by: Hon. NG Margaret

Reply:

Apart from handling complaints received, The Ombudsman has the power to conduct direct investigations in the absence of complaints.

The number of complaints handled and the number of direct investigations completed over the past five years are given below:

	Reporting Year*				
	06-07	07-08	08-09	09-10	10-11
Complaints processed (i.e. inquiries into complaints received)	5 340	4 644	5 701 [1 225]	4 775 [402]	5 437 [611]
Direct investigations completed	4	4	6	7	6

* From 1 April to 31 March of the next year.

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

Signature: _____
 Name in block letters: Alan N LAI
 Post Title: The Ombudsman
 Date: 2.3.2012

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

OMB003

Question Serial No.

1863

Head: 114 – Office of The Ombudsman

Subhead (No. & title): 000 Operational Expenses

Programme: Complaints Administration

Controlling Officer: The Ombudsman

Director of Bureau: --

Question:

Over the past five years, how many cases were handled by mediation each year? What was the percentage to the overall caseload? What was the success rate?

Asked by: Hon. NG Margaret

Reply:

Under The Ombudsman Ordinance, this Office may handle a complaint by mediation if the complaint involves no or only minor maladministration.

The number of complaints we handled by mediation and the percentage figures over the past five years are given below:

		Reporting Year*				
		06-07	07-08	08-09	09-10	10-11
(a)	Complaints processed	5 340	4 644	5 701 [1 225]	4 775 [402]	5 437 [611]
(b)	Complaints attempted for mediation	8	4	0	4	7
(c)	Complaints successfully processed by mediation	2	1	--	3	7
(d)	Percentage of complaints attempted for mediation = (b) / (a)	0.15%	0.09%	--	0.08%	0.13%
(e)	Percentage of complaints successfully processed by mediation = (c) / (b)	25%	25%	--	75%	100%

* From 1 April to 31 March of the next year.

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

In the first 11 months of this reporting year, we have attempted to resolve 11 complaints by mediation and 5 of them were successfully resolved. We will continue to actively adopt this alternative dispute resolution method in handling complaints.

Signature: _____
Name in block letters: Alan N LAI
Post Title: The Ombudsman
Date: 2.3.2012

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

OMB004

Question Serial No.

3481

Head: 114 – Office of The Ombudsman

Subhead (No. & title): 000 Operational Expenses

Programme: Complaints Administration

Controlling Officer: The Ombudsman

Director of Bureau: --

Question:

Will the Office of The Ombudsman consider increasing the resources in 2012-13 for initiating more direct investigations and publishing reports on public maladministration in which wide public interest is involved? If so, what are the details? If not, why not?

Asked by: Hon. CHAN Tanya

Reply:

The Ombudsman's power to conduct direct investigations ("DIs") in the absence of complaints enables him to review matters at a macro level. All along, this Office has allocated resources based on actual needs for handling complaint cases and initiating DIs on issues of wide public concern.

Before deciding whether or not to initiate a DI against an organisation or on a particular subject, we may conduct an initial assessment ("called DI assessment").

The numbers of DIs and DI assessments completed by this Office in the past five years are given below:

	Reporting Year *					
	06-07	07-08	08-09	09-10	10-11	11-12 (First 11 months)
DIs completed	4	4	6	7	6	3 (5)
DI assessments completed	5	2	4	8	10	22 (33)

* From 1 April to 31 March of the next year.

() Number of cases still in progress.

In the first 11 months of this reporting year, 25 DIs and DI assessments have been completed, while 38 are still in progress. The number has increased compared with the past five years.

We have no plan to allocate more resources for DIs in 2012-13.

Signature:	_____
Name in block letters:	Alan N LAI
Post Title:	The Ombudsman
Date:	2.3.2012

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

OMB005

Question Serial No.

3482

Head: 114 – Office of The Ombudsman

Subhead (No. & title): 000 Operational Expenses

Programme: Complaints Administration

Controlling Officer: The Ombudsman

Director of Bureau: --

Question:

Since many members of the public may not fully understand the jurisdiction of the Office of The Ombudsman, will the Office consider allocating resources for public education programmes in 2012-13 and explain to the public in what circumstances The Ombudsman may pursue their complaints? If so, what are the details? If not, why not?

Asked by: Hon. CHAN Tanya

Reply:

It has always been part of our work to explain and publicise the functions of the Office of The Ombudsman.

In 2012-13, this Office will continue to allocate resources for publicity campaigns to help the public correctly understand our functions and roles. Apart from broadcasting or advertising through the media, distributing promotional materials and organising outreach talks and press conferences, we will make use of other channels to strengthen public education, such as holding roving exhibitions in various districts and enhancing the information on our website. In addition, we are discussing with a television station about the production of a programme to give a clear and succinct introduction to the public about the functions of this Office.

Signature: _____
Name in block letters: Alan N LAI
Post Title: The Ombudsman
Date: 2.3.2012