

**Replies to supplementary written questions raised by Finance Committee Members in  
examining the Estimates of Expenditure 2013-14**

**Controlling Officer : The Ombudsman  
Session No. : 5**

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
<a href="#">S-OMB001</a>	S055	LEUNG, Kenneth	114	(1) Complaints Administration

**CONTROLLING OFFICER'S REPLY TO  
SUPPLEMENTARY QUESTION**

S-OMB001

Question Serial No.

S055

Head: (114) Office of The Ombudsman

Subhead: (000) Operating Expenses

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman

Director of Bureau: --

Question:

According to LC Paper No. CB(2)2132/11-12(02), during the scrutiny of the Independent Police Complaints Council ("IPCC") Bill introduced into the Legislative Council in July 2007, the relevant Bills Committee had raised the issue of whether the statutory IPCC as proposed in the Bill should be subject to The Ombudsman's jurisdiction. The Bills Committee had invited The Ombudsman's views on this issue. In her reply, The Ombudsman advised that she had no objection in principle to bringing the statutory IPCC within her purview. In this connection, will you inform us:

(1) Whether there is any plan to include IPCC under The Ombudsman's purview? If yes, what are the details, timetable and procedures?

Asked by: Hon. LEUNG Kenneth

Reply:

When the Bills Committee of the Legislative Council scrutinised the Independent Police Complaints Council ("IPCC") Bill in 2008, it sought the views of The Ombudsman on whether IPCC should be subject to the jurisdiction of The Ombudsman.

At that time, The Ombudsman gave her views to the Bills Committee in writing, noting that all Government departments and statutory bodies within The Ombudsman's purview would have the following common features:

- (a) substantially funded by General Revenue or statutory fees or charges;
- (b) performing administrative functions, and not being solely advisory, adjudicative or appellate in nature; and
- (c) having interface with or impact on the public in the course of discharging their functions.

As IPCC also shared the above features, The Ombudsman had no objection in principle to bringing the statutory IPCC within her purview. Eventually, the Administration did not put IPCC within The Ombudsman's purview.

In November 2010, the Legislative Council Panel on Administration of Justice and Legal Services consulted The Ombudsman again on the issue of whether IPCC should be brought under The Ombudsman's ambit. The Ombudsman considered the afore-mentioned observations regarding IPCC still applicable after it had incorporated as a statutory body and come into operation. He had no objection in principle to having the IPCC put within his purview.

Whether IPCC should be subject to the jurisdiction of The Ombudsman is the decision of the Administration. The Ombudsman does not have any plan to raise the issue.

Name in block letters: Alan N LAI

Post Title: The Ombudsman

Date: 15.4.2013