

(Translation)

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Legislative Council

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**Minutes of meeting between Legislative Council Members
and The Ombudsman, Ms Connie LAU Yin-hing, JP,
on Tuesday 9 December 2014 at 11:00 am
in Conference Room 1, 2/F, Legislative Council Complex**

Members present : Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Emily LAU Wai-hing, JP
Hon WONG Kwok-hing, BBS, MH
Hon Cyd HO Sau-lan, JP
Hon IP Kwok-him, GBS, JP
Hon YIU Si-wing
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon Martin LIAO Cheung-kong, SBS, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kiwok, BBS, MH, JP
Hon CHUNG Kwok-pan

Attendance by invitation : Ms Connie LAU Yin-hing, JP
The Ombudsman

Mr SO Kam-shing
Deputy Ombudsman

Mr Tony MA Kai-loong
Assistant Ombudsman 1

Mr Frederick TONG Kin-sang
Assistant Ombudsman 2

Staff in attendance : Ms Dora WAI
Principal Council Secretary 1

Miss Erin TSANG
Chief Council Secretary (Complaints)

Miss Erica WONG
Senior Council Secretary (Complaints and Resources
Management) 1

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The Chairman welcomed Ms Connie LAU, The Ombudsman, Mr SO Kam-shing, Deputy Ombudsman, Mr Tony MA, Assistant Ombudsman 1, and Mr Frederick TONG, Assistant Ombudsman 2, to the meeting. He said that the purposes of the meeting were for The Ombudsman to brief Members on the work of The Ombudsman's Office ("the Office"), and for both parties to exchange views on issues of mutual concern. The Chairman reminded Members that the meeting was not covered by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and individual cases would not be discussed.

I. Briefing by The Ombudsman on the work of the Office in the previous year (LC Paper No. CRM 260/14-15)

Briefing by The Ombudsman

2. The Ombudsman briefed Members on the work of the Office in the previous year. She highlighted that the number of enquiries and complaint cases received by the Office had

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remained steady in the past few years. On average, about 1 000 enquiries and about 450 complaint cases were received each month. Of those cases, about 86% were concluded within three months and about 13% within three to six months, while the remaining cases (less than 1%) took more than six months to conclude. In 2013-2014, the Office received 12 767 enquiries and 5 624 complaints. In the first seven months of 2014-2015, the Office received 6 746 enquiries and 3 005 complaints. As to the mode of lodging complaints, 77% of the complaints received in 2013-2014 were lodged in writing, and lodging complaints by e-mail (including those via online complaint form of the Office) remained the most popular mode, accounting for 44% of the total number of complaints received.

Mediation

3. The Ombudsman advised that upon receipt of pursuable complaints, the Office would handle the cases by way of inquiry, full investigation or mediation depending on their nature and complexity. In 2013-2014, the number of cases concluded by mediation and by full investigation had increased to 38 and 321 respectively. For complaint cases involving no or only minor maladministration, the Office would resolve them by mediation with a view to resolving them expeditiously. In the first seven months of 2014-2015, 76 cases were concluded by mediation, which doubled the figure in 2013-2014. Among those mediation cases, some of them which were related to disputes lasting for 10 to 12 months were satisfactorily resolved within several days to several weeks upon mediation by the Office. All complainants and organizations which had participated in mediation and responded to the Office's opinion survey gave very positive feedback on the Office's mediation work. For complaint cases which involved major maladministration, the Office would uphold its established principle to conduct full investigation to identify inadequacies of Government departments/public organizations and make recommendations for improvement.

Direct investigation and direct investigation assessment

4. The Ombudsman said that the Office would from time to time initiate direct investigations into issues of wide public concern or significant public interest with a view to examining from a macro level the deficiencies, if any, in administrative

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systems. The Office might conduct an initial assessment before deciding whether or not to launch a direct investigation. In 2013-2014, the Office completed six direct investigations and 30 direct investigation assessments. A number of improvement recommendations for various aspects of public administration had been made, among which 90% were adopted and implemented by the concerned Government departments/public organizations. In the first seven months of 2014-2015, three direct investigations were completed and seven were in progress. As regards direct investigation assessments, nine were completed and 10 were in progress. The Ombudsman stressed that the Office would continue to take note of issues worthy of concern to ascertain whether direct investigations were warranted.

Discussion

Disability allowance for persons with loss of one limb

5. Mr WONG Kwok-hing commended on the Office's work performance. He referred to paragraphs 14 and 15 of the minutes of the last meeting, which mentioned that the Office had completed a direct investigation on the granting of disability allowance and processing of appeals by the Social Welfare Department. However, he was concerned that issues relating to the granting of disability allowance to persons with loss of one limb were still under study by the Administration. He hoped that The Ombudsman would continue to follow up the matter and write to the Chief Executive to enquire about the time frame for providing disability allowance to persons with loss of one limb.

6. The Ombudsman responded that the Office had pointed out the problems in its direct investigation report published in October 2009. She noted that the Legislative Council Panel on Welfare Services had also discussed the subject of "Review of Disability Allowance" at its meeting on 8 July 2013. The Office would continue to follow up on the Administration's progress in implementing the Office's recommendations.

Mobile phone base stations

7. Mr WONG Kwok-hing was concerned that in spite of the impact of mobile phone base stations on residents as

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mentioned in paragraphs 23 and 24 of the minutes of the last meeting, the Administration had not conducted any review on the issue. Since there were more than 32 000 mobile phone base stations in Hong Kong, representing an increase of 50%, and many residents had expressed their worry, he urged the Office to actively consider initiating a direct investigation into the matter.

8. The Ombudsman responded that the Office would consider conducting a direct investigation assessment before deciding whether or not to launch a direct investigation. She welcomed Members to provide further information on the subject to facilitate a deeper understanding of the issue by the Office.

Access to information regime and public records management

9. Dr Kenneth CHAN noted that last year the Office completed two direct investigations concerning the regime for access to information and the management of public records in Hong Kong. However, he expressed concern about the Administration's slow progress in making improvements which fell short of public expectation. He enquired whether the Office would request the Administration to allocate more resources to improve the access to information regime and the public records management system as well as enhancing their transparency.

10. The Ombudsman advised that in the related direct investigation report, the Office had pointed out in detail the problems of Government departments and had made a number of improvement recommendations for follow-up by those departments. She would, in accordance with the power vested in her by law, follow up closely on whether the improvement recommendations made by the Office had been implemented by the departments and the progress made so far.

Direct investigation relating to guesthouse accommodation

11. Mr YIU Si-wing noted that the Office had completed a direct investigation on the Government's regulation of guesthouses. The Home Affairs Department ("HAD") had also conducted a public consultation on the review of as well as the proposed amendments to the Hotel and Guesthouse Accommodation Ordinance (Cap. 349). He expressed concern as to whether there was duplication of work between the Office

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and HAD as both of them took follow-up actions on issues relating to guesthouse accommodation.

12. The Ombudsman explained that the Office was responsible for monitoring the effectiveness of HAD in regulating the operation of guesthouses and enforcing the said Ordinance. In its direct investigation report on the Government's regulation of guesthouses published in October 2014, the Office made a number of improvement recommendations, such as the need for HAD to amend the outdated legislation and to conduct more decoy operations to obtain evidence in order to enhance the effectiveness of its enforcement actions. The Office would monitor whether HAD had made improvements as recommended. As regards the public consultation conducted by HAD in July 2014, the purpose was to gauge public views on the improvement proposals for enhancing the licensing regime and stepping up enforcement against unlicensed guesthouses. As such, there was no duplication of work.

Mechanism for monitoring the frequencies of franchised bus services and recommendations which had not been implemented

13. Mr TANG Ka-piu commended the Office on its remarkable efforts in conducting direct investigations into issues of public interest and wide community concern, as well as the improvement recommendations put forth by it which were widely accepted by different sectors of the community. He praised the Office, in particular, for initiating a direct investigation into the mechanism of the Transport Department for monitoring the frequencies of franchised bus services. He noted that the Transport and Housing Bureau would follow up on the improvement recommendations made by the Office. In this connection, Mr TANG noted that the Office had made a total of 283 recommendations on the work of the Administration in 2013-2014, 10% of which were not implemented. He enquired which recommendations had not been implemented and the reasons involved. He also asked whether The Ombudsman would consider listing out in her Annual Report the recommendations which had not been implemented for public reference.

14. The Ombudsman responded that over 90% of the Office's recommendations had been adopted by the Administration. As regards the remaining recommendations,

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their non-implementation for the time being might be due to the co-ordination required among departments and changes in the respective policies. The Office would explore the feasibility of listing out the recommendations which had not been implemented in the Annual Report of The Ombudsman.

Administration of numbering of buildings

15. Mr TANG Ka-piu enquired whether the Office's direct investigation into the administration of the numbering of buildings by the Rating and Valuation Department ("RVD") would enable the Administration to have a better picture of the total number of sub-divided units in Hong Kong and the proceeds gained by owners of those units.

16. The Ombudsman advised that quite a number of buildings in Hong Kong did not display their numbers. Apart from causing inconvenience to citizens and tourists, this might cause delay in rescue operations in case of fire or other accidents. The Office therefore decided to launch a direct investigation into the matter to identify the deficiencies of RVD in its system of allocating building numbers and its control over the display of building numbers. As regards issues relating to sub-divided units raised by Mr TANG, Assistant Ombudsman 1 remarked that as the aforesaid direct investigation aimed at examining RVD's administration of building numbers on streets, the scope of the investigation would not cover sub-divided units inside buildings.

Fire and ambulance services

17. Mr CHAN Han-pan noted that the Office had completed the direct investigation assessment on the manpower deployment and enforcement procedures of the Fire Services Department ("FSD") for handling complaints about dangerous goods. In this respect, he expressed concern about the resources and manpower available for ambulance services which were far less than those provided for fire services, despite the fact that the number of service calls attended by ambulancemen was no less than those attended by firemen. As such, Mr CHAN enquired whether the Office would consider conducting a direct investigation into the fire and ambulance services in Hong Kong and examining the need for managing the two services separately.

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18. The Ombudsman responded that the Office would gauge information on this subject to facilitate its study.

Complaints against the Police

19. Dr Helena WONG remarked that the improper use of force by the Police in handling the "Occupy Movement" and in conducting clearance operations had aroused wide public concern. The Independent Police Complaints Council had received more than 30 000 complaints. She enquired whether the Office would initiate direct investigation into the matter.

20. In response, The Ombudsman explained that in accordance with The Ombudsman Ordinance (Cap. 397), The Ombudsman could only investigate cases involving the alleged non-compliance with the Code on Access to Information by the Hong Kong Police Force. As regards problems relating to the maladministration of the Police Force, The Ombudsman had no power to conduct investigation.

Food safety

21. Dr Helena WONG said that a number of food safety incidents happened in Hong Kong last year, including the importation of problematic food products from a Mainland manufacturer, Husi Food Company Limited, by McDonald's Restaurants (Hong Kong) Limited and the importation of Taiwan substandard lard into the Hong Kong market. The Administration had issued three Food Safety Orders. Following its issuance of the first Order, the Administration released to the public a detailed list of traders who might have distributed or used the lard/lard products. However, it did not release the list of concerned traders after the issuance of the second and third Orders, which deprived the public of the right to know which traders had used the problematic edible oil. She enquired whether the Office would consider following up the matter.

22. In addition, Dr Helena WONG expressed concern about smuggled vegetables, some of which were found to have contained pesticide residues at levels of a few dozen times higher than the maximum residue limits and were hazardous to health. Since the Administration had failed to trace the source of those vegetables, she urged the Office to actively consider

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following up issues relating to smuggled vegetables, as well as examining the effectiveness of the Government's food surveillance and tracing mechanism.

23. The Ombudsman concurred that food safety was of paramount importance to public health and that an effective food surveillance and tracing mechanism could protect public health. She welcomed Members to provide more concrete information on the matter to enable the Office to examine whether there was maladministration on the part of the departments concerned.

Government departments with the highest number of complaints

24. Dr Fernando CHEUNG commended the Office on its work performance. He pointed out that according to the Annual Report of The Ombudsman 2014, the Food and Environmental Hygiene Department ("FEHD") attracted the largest number of complaints and the percentage of cases which were found to be substantiated or have inadequacies/deficiencies was high. He enquired about the major problems of FEHD. He also noted that the Housing Department ("HD") ranked the second in the number of complaints lodged with the Office. Yet, the Office only made one improvement recommendation for HD.

25. In response, The Ombudsman said that some Government departments had more frequent and extensive contact with members of the public, which might entail more complaints on their services. As such, the performance of a department should not be assessed purely by the number of complaints lodged against it. That said, if there was a large number of substantiated complaints, it might reflect that the department had certain problems and the Office would follow up the matter. As far as FEHD was concerned, she said that the Office was highly concerned about its service standard and had initiated a number of direct investigations and full investigations on its work.

26. As regards HD, Deputy Ombudsman advised that the complaints were mainly related to the day-to-day management of public housing estates. Since improvement recommendations made by the Office primarily focused on systemic issues, it would not normally make recommendations on matters relating to the day-to-day estate management of HD. Nevertheless, the Office had made an improvement recommendation on HD's

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procedures for handling the left-behind of ex-tenants and formulation of guidelines.

II. Discussion items raised by Members

(a) Issues relating to the screening of the contents of posters put up by Members' offices in public housing estates of HD

27. Ms Cyd HO said that to her understanding, staff of estate offices would permit the putting up of posters as long as the posters did not contain libellous contents or contents which advocated unlawful activities. However, she was concerned that in recent years whenever there was growing political tension, staff of estate offices would request District Council ("DC") members to remove their posters which appealed to the public for participation in processions or those which criticized MTR for fare increase. In her opinion, the practices adopted by staff of estate offices for permitting the display of posters by DC members were different from those in a few years ago. This might have stemmed from their different interpretation of the guidelines issued by HD, as a result of which DC members were not allowed to put up their posters, thereby jeopardizing their communication with residents. In this regard, she noted that pursuant to the guidelines promulgated by HD, estate offices should refer publicity materials with controversial contents to the respective Housing Manager of the Estate Management Division for consideration and approval before the applications for displaying such materials were accepted or rejected. She enquired whether the Office had ascertained the definition of "controversial contents" with HD.

28. The Ombudsman advised that the Office had occasionally received complaints from members of the public on HD's screening of the contents of publicity materials (e.g. posters) for display in public housing estates. The Office noted that HD had formulated guidelines for staff to follow in handling applications for display and delivery of publicity materials made by Legislative Council Members and DC members in public housing estates and interim housing estates. Routine applications were processed at the estate level. For publicity materials with controversial contents, estate offices should refer them to the respective Housing Manager of the Estate Management Division of HD for consideration and

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approval before the applications were accepted and rejected. The Office would examine whether the definition of "controversial" was provided in the guidelines. Should there be maladministration in the processing of applications (such as failing to process applications in accordance with the guidelines) by HD, the Office would take follow-up action.

29. In this connection, Mr CHAN Han-pan remarked that HD had allowed a local DC member to put up his posters on the whole notice board of a housing estate but disallowed him to display his posters. HD had explained in its reply to him that due to limited display area of the notice board, permission for display of posters had to be granted on a first-come-first served basis. However, he was rejected again to put up his posters despite his early submission of the posters to HD. It was not until he lodged another complaint that he was allowed to put up two posters. Yet, the local DC member was still allowed to display his posters on the whole notice board. In this regard, Mr CHAN said that he would forward details of this case (including a copy of HD's reply letter) to The Ombudsman for further follow-up. The Ombudsman welcomed Mr CHAN's intended course of action.

(b) Issues relating to The Ombudsman's direct investigation into the Government's tree management regime and practices

30. Dr Kenneth CHAN was pleased to note that The Ombudsman had decided to conduct a direct investigation into the Government's tree management regime and practices. He expressed concern about the limited resources earmarked by the Government for tree management and the absence of tree laws. As a result, some private residential estates only undertook limited gardening work according to their budgets with no comprehensive records kept. As regards the proposed reprovisioning of the Harcourt Road water pumping station to the Hong Kong Park which would entail the felling of many trees, he was told by the Government departments concerned that most of the trees could be felled due to their poor health conditions. To this end, he felt that the attitude of Government departments towards tree management was far from positive and proactive. He hoped that in conducting its aforesaid direct investigation, the Office would also examine the culture and attitude of Government departments towards tree management

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and also urge the Development Bureau to provide a concrete timetable for enacting tree laws.

31. Mr Martin LIAO was concerned that while the Tree Management Office ("TMO") had been established for four years, which should be the central authority for steering the tree management policy and co-ordinating the tree management work of various Government departments and at the same time rendering expert advice on arboriculture, there was still a shortage of certified arborists. Furthermore, qualified and well-experienced persons for conducting tests on trees were also lacking. As a result, there were incidents of tree collapse from time to time causing casualties even after tests had been conducted which suggested that there was no danger of tree collapse.

32. In response, The Ombudsman said that she announced on 23 September 2014 that a direct investigation into the Government's tree management regime and practices would be initiated. The purpose was to examine, from a macro level, the tree management regime and practices of TMO and other relevant Government departments and to identify the problems in this respect. The Office would focus on examining:

- (a) the Government's tree management regime and the relevant legal framework, as well as their effectiveness in ensuring public safety;
- (b) TMO's practices in overseeing and co-ordinating departments in their tree management work and the effectiveness of such practices; and
- (c) the room for improvement, if any, in respect of the above regime, legal framework and practices.

33. In this regard, Mr CHAN Han-pan shared with the meeting that a tree species known as *Leucaena leucocephala* had been growing quickly along roadsides of highways and carriageways in recent years. Those trees were easily blown down by strong winds. However, the departments concerned did not remove the fallen trees immediately which might cause hazards to road users.

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34. The Ombudsman thanked Mr CHAN for sharing the information and welcomed Members to provide for reference by the Office information on other tree species which were not suitable for planting in Hong Kong.

(c) Issues relating to the operation of the EcoPark

35. Dr Kenneth CHAN pointed out that a number of sites in the EcoPark had been leased. However, some of the tenants who had rented the sites for over two to three years had failed to operate properly. In his view, given the serious problem of municipal solid waste in Hong Kong, the Administration should ensure that tenants who were provided with sites for operation in the EcoPark at low rentals would operate in a manner conducive to the development of the environmental and recycling industries in Hong Kong while at the same time ensuring the optimal use of the land and facilities of the EcoPark. He hoped that The Ombudsman would continue to keep in view matters relating to the utilization rate and operation of the EcoPark and initiate direct investigation whenever necessary.

36. The Ombudsman welcomed Members and any affected persons to provide further information on the subject for follow-up by the Office.

(d) Issues relating to the supply of kindergarten places and allocation of kindergarten premises

37. Dr Kenneth CHAN said that although it was the intention of the Administration to extend free education to 15 years to include kindergarten education, at present many kindergartens had to close down due to the expiry of their tenancy agreements or soaring rents of their school premises. For example, the well-operated Topkids Anglo-Chinese Kindergarten had to close down due to its inability to afford the high rents and the refusal of the Education Bureau ("EDB") to offer appropriate assistance by allocating vacant school premises for its temporary use as a transitional arrangement. This had cast great impact on the students and their parents.

38. The Ombudsman responded that the Committee on Free Kindergarten Education ("the Committee"), which was set up by EDB in 2013, planned to submit a final report in mid-2015 with specific recommendations on the practicable ways to

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provide free kindergarten education to facilitate EDB's formulation of a long-term policy on free kindergarten education. According to a press release issued by the Committee in December 2013, the Committee would study various issues in detail, including ways to stabilize the supply of kindergarten premises as raised by Dr CHAN, as well as the provision of subsidy, etc. The Ombudsman undertook to closely monitor the development of the issue.

- (e) Issues relating to The Ombudsman's direct investigation into the Government's regulation of the fire safety measures for New Territories Exempted Houses ("NTEHs")

39. The Chairman said that as Dr KWOK Ka-ki was unable to attend the meeting, Dr Kenneth CHAN would raise questions on the above subject on his behalf.

40. Dr Kenneth CHAN expressed concern about whether the fire safety measures for NTEHs were implemented effectively as their efficacy had direct bearing on the lives and safety of residents. Moreover, he noted that the management companies of some residential estates which were composed of a number of NTEHs might not be conversant with the legislative requirements/administrative guidelines, and hence were unable to provide appropriate assistance to the residents regarding the installation of fire services equipment. He hoped that The Ombudsman would take note of the situation.

41. The Ombudsman responded that she had announced in May 2014 the launching of a direct investigation into the Administration's regulation of the fire safety measures for NTEHs. The ambit of the investigation included:

- (a) the Government's assessment of the fire risk of NTEHs;
- (b) the current system and procedures for regulating the fire safety measures for NTEHs; and
- (c) the enforcement of the relevant systems and procedures by the Lands Department and the Fire Services Department ("FSD").

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The Ombudsman added that the scope of the direct investigation would also cover issues relating to the Government's promotion efforts in public education to enhance public awareness on fire safety.

(f) Issues relating to the enforcement of the Fire Safety (Buildings) Ordinance (Cap. 572)

42. Mr CHAN Han-pan said that since the enactment of the Fire Safety (Buildings) Ordinance in 2007, FSD had issued 130 000 Fire Safety Directions ("FS Directions"), among which 98 000 Directions could not be fully complied with and applications for extension of compliance deadlines had to be made. This was because there were only some 700 registered fire service companies in Hong Kong. Due to the limited supply of registered fire service installation contractors, building owners had encountered great difficulties in engaging contractors to undertake the prescribed installation works for compliance with the FS Directions. In addition, among some 4 000 six-storey old buildings in Hong Kong, 1 200 were "three-nil" buildings (i.e. buildings for which owners' corporations or residents' organizations could not be formed due to multiple ownership, or without property management companies). Owing to the lack of effective co-ordination, it was difficult for "three-nil" old buildings to comply with the FS Directions. Owners were prosecuted for their non-compliance and many elderly owners were distressful. He hoped that The Ombudsman would consider conducting a direct investigation into the matter.

43. Mr IP Kwok-him was also concerned that some owners of old buildings found it difficult to install fire service water tanks at suitable locations of their buildings for compliance with the FS Directions issued by FSD. He hoped that The Ombudsman would take note of the situation and render possible assistance to help those owners overcome their difficulties.

44. Mr CHAN Han-pan added that since many owners had difficulties in installing fire service water tanks in their buildings, he had written to the Administration to enquire about the feasibility of connecting fire hoses directly to town mains as a source of water supply for fire fighting. Although FSD indicated in its reply that his suggestion was feasible, the Water Supplies Department refused to adopt it on the grounds of the

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restrictions under the Waterworks Ordinance (Cap. 102). He opined that in case of fire, residents should escape immediately instead of making their own attempts to put out the fire by using fire service installations (such as fire hydrants and hose reel systems) inside their buildings. As such, he queried the need for mandating owners of old buildings to install fire services equipment which might not serve any practical purpose.

45. Ms Cyd HO commented that the crux of the problem lay in the contradiction of the requirements stipulated in the Fire Safety (Buildings) Ordinance and the Buildings Ordinance (Cap. 123). Moreover, FSD and the Buildings Department ("BD") just followed their own rules in enforcing the respective Ordinances without proper communication. As a result, fire service water tanks installed in buildings as requested by FSD were regarded by BD as unauthorized structures under the Buildings Ordinance which should be removed. This had made owners confused. Since it would take time to amend the two Ordinances, she considered that FSD and BD should strengthen their communication and assist owners to comply with the statutory requirements in the light of their actual circumstances before amendments were made to the two Ordinances.

46. The Ombudsman thanked Members for providing the information. She said that the Office would take note of the complaints received on fire safety equipment in old buildings and examine the root of the problem. It might initiate a direct investigation if considered necessary.

(g) Issues relating to enforcement actions against street obstruction caused by food premises

47. Mr CHAN Han-pan noted that in response to the Office's direct investigation into the regulatory measures and enforcement actions against illegal extension of business area by restaurants which was completed in March 2013, FEHD had set up a special task force to combat the problem of street obstruction caused by food premises in certain districts and the situation had improved. However, according to his recent observation, some restaurants had illegally extended the business area again and the problem of street obstruction recurred. He called on the Office to review the effectiveness of the special task force.

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48. The Ombudsman indicated that the Office would closely monitor the progress and the effectiveness of FEHD in implementing the Office's recommendations.

III. Any other business

Co-ordination among Government departments

49. Miss CHAN Yuen-han expressed concern over the lack of co-ordination among Government departments which often impeded the smooth implementation of measures and gave rise to public grievances. For instance, in implementing the Universal Accessibility Programme, the shirking of responsibilities among Government departments/organizations had made it difficult to complete the construction works. Moreover, the Administration was oblivious to residents' request for setting up an accident and emergency department in Wong Tai Sin District, which had also aggravated public discontent. She hoped that The Ombudsman would take note of the irresponsible attitude of Government departments and their lack of co-operation, and put forth improvement recommendations.

50. The Ombudsman said that in the direct investigations conducted in the past, the Office attached great importance to the co-ordination among Government departments and endeavoured to identify the root of the problems. Wherever necessary, it would recommend the Administration to revise the policies. As regards the situation mentioned by Miss CHAN, she welcomed the aggrieved persons to lodge their complaints with the Office for follow-up.

Cheung Sha Wan Temporary Wholesale Poultry Market and Yau Ma Tei Wholesale Fruit Market

51. Dr Helena WONG was concerned that in spite of the temporary nature of the Cheung Sha Wan Temporary Wholesale Poultry Market ("the Poultry Market"), it had been located at the present site for more than 40 years and caused nuisances to residents and students nearby. Although the Legislative Council Panel on Food Safety and Environmental Hygiene had passed a motion on 29 January 2014 urging for the relocation of the Poultry Market, the Secretary for Food and Health failed to provide a concrete timetable for relocation. This apart, the occupation of road for loading and unloading goods by operators

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of the Yau Ma Tei Wholesale Fruit Market ("the Fruit Market") also caused inconvenience to road users. Although the Administration had identified a site for reprovisioning the Fruit Market, the site was subsequently used for residential development. In this regard, she hoped that The Ombudsman would follow up with the Administration on its delay in relocating the above markets to ascertain if the problem was due to inappropriate planning.

52. The Ombudsman welcomed Members to provide the Office with more information for follow-up.

Provision of public columbarium facilities

53. Dr Helena WONG said that as advised by the Secretary for Food and Health, the Administration had already identified various potential sites in different districts for provision of public columbarium facilities. However, as support could not be solicited from some District Councils, such facilities could only be provided in a few sites. In view of the acute demand for public columbarium facilities, she asked whether the Office would consider initiating a direct investigation into the matter to see if the severe shortage of public columbarium facilities was associated with the ineffective implementation of the related policies and measures by the Administration.

54. The Ombudsman concurred that the shortage of public columbarium facilities indeed aroused great public concern. In its full investigation on the provision of public columbarium facilities, the Office had called for the Administration's early release of unoccupied public niches for application by the public to address the great demand. She also suggested that Members might consider following up at the relevant Legislative Council Panel the consultation exercise conducted by the Administration and its progress of identifying sites for providing the facilities.

55. Dr Helena WONG asked whether the Office would consider investigating into issues relating to the Administration's consultation with District Councils to see if there was any problem. The Ombudsman responded that the Office could approach the Food and Health Bureau for a preliminary understanding of the consultation procedures and principles as well as how the conclusion was reached.

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56. The meeting ended at 12:10 pm.

Complaints and Resources Management Division
Legislative Council Secretariat
26 March 2015