

The Ombudsman, Hong Kong

POSITIVE

COMPLAINT CULTURE

FOR **BETTER**
ADMINISTRATION

Annual Report **2021/22**

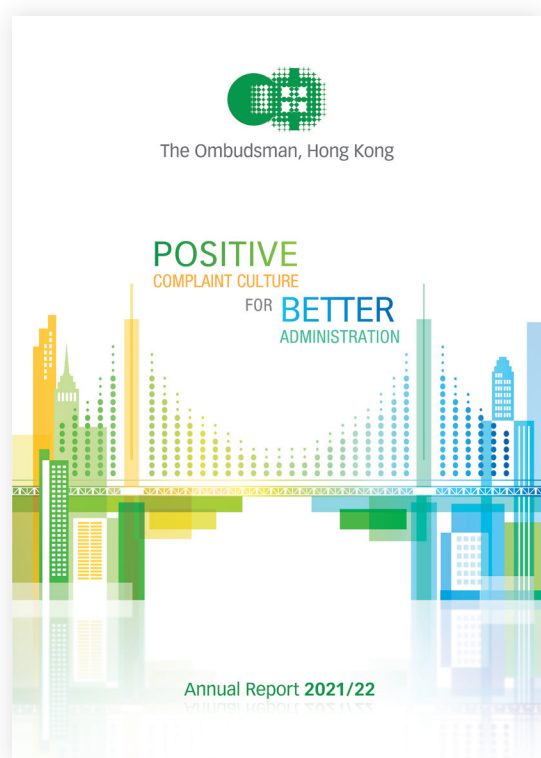
The Ombudsman, Hong Kong

Annual Report 2021/22

Design Concept – the Bridge

The bridge symbolises our role to facilitate communication between the complainants and the departments/organisations under complaint. The roadway, made up of numerous adjoining support frames, implies our function to reveal the truth by putting together the views and information provided by stakeholders. The symmetrical design highlights the equal status of all parties concerned and the impartiality of our investigations.

This is a “suspension bridge”. Structurally, the weight of the bridge deck is securely held by the tensile force of the suspension cables. The Office of The Ombudsman attaches great importance to the communication and collaboration between the departments/organisations and members of the public. Effective communication is likened to the structure of suspension bridge – the more the communication, the clearer the truth, and the more vibrant our society would be, as shown by the brisk colours of the cover.



Key Figures of the Year

Complaints received



4,934



73.3%
by email/fax



16.7%
by post



6.8%
in person



3.2%
by phone

Complaints completed



5,032



2,293
Closed after
assessment



2,432
Concluded by
inquiry



92
Concluded by
full investigation



215
Resolved by
mediation

Complaints closed within 15 working days after initial assessment due to jurisdictional restrictions

target: 99%

100%

Complaints concluded within 3 months

target: 80%

85%

Complaints concluded within 6 months

target: 99%

99.4%

8

Direct Investigations completed



93

Cases related to access to information completed



Recommendations given

139



Enquiries received

8,851



Vision

To ensure that Hong Kong is served by a fair and efficient public administration which is committed to accountability, openness and quality of service



Mission

Through independent, objective and impartial investigation, to redress grievances and address issues arising from maladministration in the public sector and bring about improvement in the quality and standard of and promote fairness in public administration



Values

- ▶ Maintaining impartiality and objectivity in our investigations
- ▶ Making ourselves accessible and accountable to the public and organisations under our jurisdiction
- ▶ According the public and organisations courtesy and respect
- ▶ Upholding professionalism in the performance of our functions



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History in Brief



First Commissioner
Mr Arthur Garcia, JP

1 February

- ▶ The COMAC Ordinance was enacted
- ▶ First Commissioner Mr Arthur Garcia, JP assumed office

1 March

The Office of COMAC became operational with staff seconded from Government

21 July

Legislative review completed, the COMAC (Amendment) Bill was introduced into LegCo

1989

1993

1988

20 July

The Commissioner for Administrative Complaints ("COMAC") Bill was passed by the Legislative Council ("LegCo")

1994

1 February

Second Commissioner Mr Andrew So, SBS, OBE, JP assumed office



Second Commissioner
Mr Andrew So, SBS, OBE, JP

History in Brief

1 March

Jurisdiction was extended to investigation into alleged breach of Code on Access to Information

1 April

Third Ombudsman Ms Alice Tai, GBS, OBE, JP assumed office

22 July

The Ombudsman's Awards were extended to acknowledge public officers' contribution towards better quality services



Third Ombudsman
Ms Alice Tai, GBS, OBE, JP

1996

1 March

Non-official Justices of the Peace ("JPs") were enlisted in a JPs Assistance Scheme

27 December

English titles were changed to "The Ombudsman" and "Office of The Ombudsman"

1995

1999

24 June

The COMAC Ordinance was amended:

- ▶ to enable the public to lodge complaints directly, instead of by referral from LegCo Members
- ▶ to extend the jurisdiction to some major statutory bodies
- ▶ to empower the Commissioner to publish anonymised investigation reports
- ▶ to empower the Commissioner to initiate direct investigation

30 June

Advisers were appointed to provide expert advice and professional opinion

1 July

Chinese title of the Commissioner was changed to 「申訴專員」 and the Office to 「申訴專員公署」

1997

1 April

Mediation service was launched as an alternative dispute resolution method

25 July

The Ombudsman's Awards were introduced to acknowledge public organisations handling complaints positively

History in Brief

28 March

Telephone complaint service was introduced

19 December

The Ombudsman (Amendment) Ordinance 2001 came into operation:

- ▶ to establish The Ombudsman as a corporation sole with full powers to conduct financial and administrative matters
- ▶ to empower The Ombudsman to set terms and conditions of appointment for staff
- ▶ to adopt systems and processes separate from Government

2001

24 October

A “Memorandum of Administrative Arrangements” (“MAA”) was signed between the Director of Administration and The Ombudsman to set out the general principles and guidelines governing the administrative arrangements for this Office and working relationship with Government



Signing of MAA

2005

2002

6 September

Office moved to permanent accommodation at Shun Tak Centre in Sheung Wan



2004

1 April

Ms Alice Tai, GBS, OBE, JP started her second term (2004–2009) as The Ombudsman



1 April

Fourth Ombudsman Mr Alan Lai, GBS, JP assumed office



*Fourth Ombudsman
Mr Alan Lai, GBS, JP*

2009



*Fifth Ombudsman
Ms Connie Lau, SBS, JP*

1 April

Fifth Ombudsman Ms Connie Lau, SBS, JP assumed office

2014

1 April

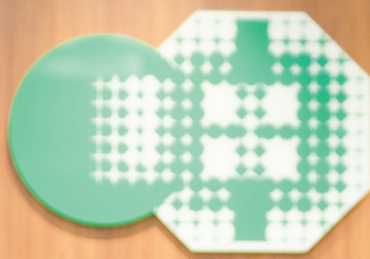
Sixth Ombudsman
Ms Winnie Chiu, PDSM, PMSM assumed office

2019



*Sixth Ombudsman
Ms Winnie Chiu, PDSM, PMSM*

The Ombudsman's Review



申訴專員公署 OFFICE OF THE OMBUDSMAN



This year began when the COVID-19 pandemic in Hong Kong was relatively under control. In the first three quarters of the year, many social and economic activities resumed subject to mild social distancing measures only. Our Office received 4,934 complaints this year after seeing an unprecedented number of topical complaints last year. The level was stable but still relatively high. There are several possible reasons for this. While the government tried hard to maintain the level of public service, some departments were still struggling with the backlog the earlier waves of the pandemic had bred when public service was interrupted. This has led to slower responses falling short of public expectation. Some public services resumed with newly added conditions and constraints for pandemic control purposes. Both the public and the government departments concerned needed time to adjust and adapt. Confusions and misunderstandings arose in the process. In addition, we still saw a significant number of complaints concerning the government's anti-epidemic measures where better planning, coordination and communication with the public were allegedly called for.

Despite the heavy caseload and disruptions caused by the pandemic, our Office strove to maintain service to the public as an independent and efficient avenue to redress grievances. We concluded 5,032 cases, including 135 topical complaints. In particular, we are pleased that more members of the public and government departments are willing to resolve complaints through mediation which rose to 215 cases this year. We are also glad to report that we are able to meet the targets of our various service standards in processing complaints. However, the pandemic has impacted on our work in direct investigation. We completed eight direct investigations and launched another eight, slightly fewer than last year. We are keeping up with the efforts in this regard.

The Ombudsman's Review

We can't overstate the importance of having an independent channel for complaints about maladministration in an open society, especially during difficult times. Our Office is proud to take on this role as a bridge between the public and government departments and public organisations. We listen to all parties to the complaint, and try to understand issues from their perspectives. In discharging our duties, we have always been mindful of upholding impartiality as investigator of complaints about maladministration. While we always remind ourselves to be empathetic, we do not act as an advocate for or champion the cause of anybody. The overarching goal has always been improving the public administration in Hong Kong through recommendations tendered after impartial investigations and objective analysis.

“ Our Office is proud to take on this role as a bridge between the public and government departments and public organisations. ”



During these difficult times, we would appeal to complainants for their due allowance to the departments deeply engaged in fighting the pandemic. We would also accept that normal rules and practices might have to give way during emergencies. Our decisions are not without challenge, though. In addition to requests from complainants for review of cases, our decisions have also been brought before the court where complainants initiated judicial reviews and claims for civil damages against us. I am pleased to note that our decisions have stood up to these challenges so far. But we would not be complacent. In addition to maintaining our impartiality and professionalism in conducting investigations, we will also continue to ensure that our decisions as well as reasons for such decisions are clearly communicated to the parties concerned, including government departments and public organisations.

Like all others in society, our Office continues to adapt our operation to the new normal under the impacts of COVID-19. To safeguard staff safety and contribute to the anti-epidemic efforts in society by minimising social contacts, we have implemented special work arrangements, such as work-from-home by rotation, sporadically this year. With enhanced IT capacity, we have mitigated the impact of special work arrangement on our output, maintaining our accessibility and responsiveness to the public. We have also expanded the use of social media in reaching out to the general public when traditional outreach activities have become unsustainable. We hope that the better and wider use of technology and social media could be one of the improvements outliving the pandemic and bringing long-term benefits to our work.

While the impact of COVID-19 remained up close in the year, we managed to hold a face-to-face Ombudsman Award Ceremony as opposed to last year's online event. The ceremony was scaled down for social distancing purposes. We nonetheless are happy to have this opportunity to meet in person public servants who share our belief in positive complaint culture, and celebrate with them their successes in handling complaints. We also held briefing and exchange sessions with government departments to further enhance mutual understanding. It is equally important to have exchanges with our international counterparts. While travels are still not practicable, we have maintained contacts with overseas ombudsman offices by attending online conferences and meetings.

The Ombudsman's Review

Our Five-year Strategic Plan, which was outlined and reported in my Review in the last two years, has been progressing despite the constraints of the pandemic. Whilst building organisational capacity to rise to future challenges, we will continue to enhance transparency and understanding of our work through our website and social media. We are now revamping our website to make it more user-friendly for public access to our service and information. We are also refreshing the corporate video to underpin our future publicity campaign.

This year ends at the height of the fifth wave of COVID-19 which is the worst moment of the pandemic in Hong Kong. Despite or maybe through this, I see the resilience and flexibility of my colleagues in embracing new challenges. I would like to thank them for their endeavours which enable our Office to continue serving the public during hard times. I am confident that with a dedicated staff and stakeholders' support, we can continue to be an independent complaint channel that serves the Hong Kong society well.

Winnie Chiu

The Ombudsman
31 March 2022



Directorate

Ms Sara Tse ▼
Assistant Ombudsman

▼ **Mr SH Chak**
Assistant Ombudsman



▲ **Ms Winnie Chiu**
The Ombudsman

Mr KS So ▲
Deputy Ombudsman



CHAPTERS

The Ombudsman, Hong Kong
Annual Report 2021/22



Chapter 1

Functions and Powers

Who we are



Established under The Ombudsman Ordinance (“the Ordinance”), Cap. 397 of the Laws of Hong Kong, we serve as the community’s independent watchdog of public administration.

We



investigate complaints of maladministration



identify administrative deficiencies



recommend remedial measures to redress grievances and improve public administration

What we do



Investigate **COMPLAINTS**

from aggrieved persons about maladministration (including non-compliance with the Code on Access to Information (“the Code”))



Conduct **DIRECT INVESTIGATIONS**

into areas of suspected maladministration involving systemic problems or issues of significant public interest

by Government departments and public organisations listed in Part 1 and Part 2 of Schedule 1 to the Ordinance.

(See **Appendix 1** for full list)



Chapter 1 Functions and Powers

What we cannot investigate



- complaints against organisations not listed in Schedule 1 to the Ordinance (e.g. Electoral Affairs Commission, Town Planning Board, District Councils, etc.)
- complaints against organisations listed in Part 2 of Schedule 1 to the Ordinance (e.g. Police, ICAC, etc.) about matters unrelated to the Code
- complaints relating to
 - legal proceedings or prosecution decisions
 - contractual or other commercial transactions
 - personnel matters
 - impositions or variations of conditions of land grant

(See **Appendix 2** for full list)

We cannot pursue a case if



- the complainant has had knowledge of the subject of complaint for over two years
- the complainant is anonymous, unidentifiable or untraceable
- the complaint is not made by the person aggrieved
- a statutory right of appeal or remedy by way of legal proceedings (except judicial review) is available to the complainant

(See **Appendix 2** for full list)

What about complaints involving professional judgement?



- Not pursuable if the action or decision is based purely on professional judgement
- Pursuable if the action or decision also involves administrative actions or decisions, in which case the administrative aspect can be investigated

Chapter 1 Functions and Powers

What about policy matters?

We usually do NOT investigate complaints about actions taken fully in line with a policy which is made with proper authority following a due process.

BUT if grave injustice appears to be involved in a policy, we may conduct an investigation and may urge the organisation concerned to conduct a review if the policy appears to be outdated.

The powers we have



INVESTIGATION

conduct inquiries, obtain information and documents, summon witnesses and inspect premises of organisations under complaint



CONCLUSION AND RECOMMENDATION

decide on complaints and make recommendations



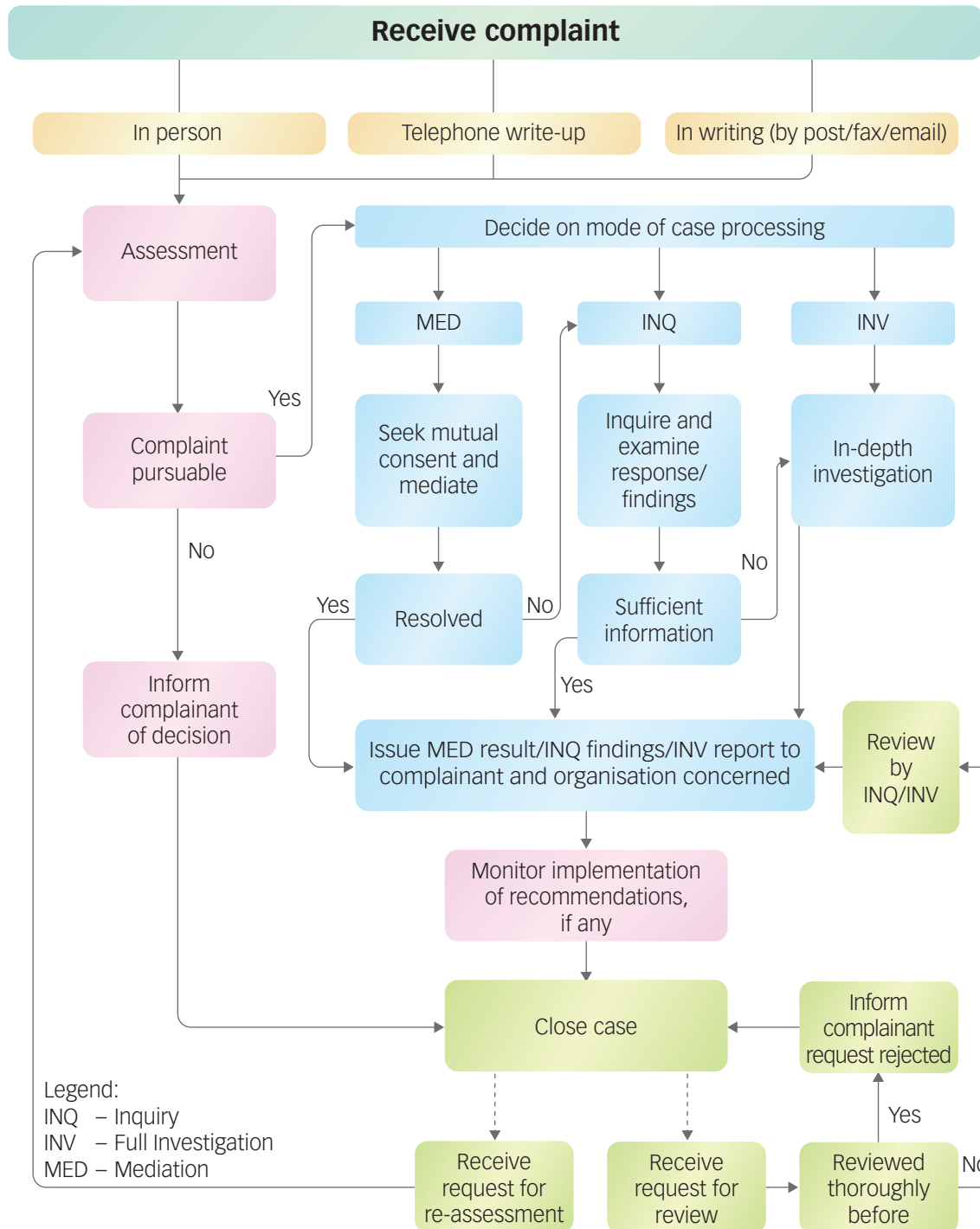
REPORT

report the results of investigation to the head of organisation concerned or, if appropriate, to the Chief Executive

How we maintain secrecy

- The Ombudsman and all her staff and advisers are bound by the Ordinance to maintain secrecy for all matters of any complaint and investigation, and are liable to a fine and imprisonment in case of non-compliance
- The Ombudsman may in the public interest publish a report on any of her investigations without disclosing the names of the persons involved

Flow Chart on Handling of a Complaint



Chapter 1 Functions and Powers

Glossary of Terms

Maladministration

This is defined in The Ombudsman Ordinance. It basically means inefficient, bad or improper administration including unreasonable conduct; abuse of power or authority; unreasonable, unjust, oppressive or improperly discriminatory procedures and delay; discourtesy and lack of consideration for a person.

Enquiry

An enquiry is a request for information or advice.

Complaint

A complaint is a specific allegation of wrong doing, unreasonable action or defective decision or procedure which affects and aggrieves the complainant.

Topical Complaints

These are complaints on a particular social or topical issue. They are essentially against the same action or decision by the organisation under complaint.

Outside Jurisdiction

This refers to the situation where the action or organisation subject to complaint is not within The Ombudsman's jurisdiction under The Ombudsman Ordinance.

Restrictions on Investigation

These are the restrictions on investigation under The Ombudsman Ordinance.

Withdrawal of Complaint

This is a complainant's voluntary withdrawal of a complaint. However, depending on the nature or gravity of the allegations, The Ombudsman may still pursue the case.

Consent from Complainant

To facilitate The Ombudsman's processing of a complaint, the complainant is required to give consent for: The Ombudsman to copy his/her complaint and any other information, including his/her personal data, to any party concerned; and any party concerned to provide the complainant's personal and other relevant information to The Ombudsman. The complainant may, by stating his/her wish clearly, withhold consent to the disclosure of his/her identity to the party under complaint. However, in this circumstance, The Ombudsman may not be able to process the complaint satisfactorily or at all.

Chapter 1 Functions and Powers

Mediation

This is a voluntary process carried out where the complainant and the organisation under complaint agree to discuss the complaint through the facilitation of our authorised mediator, who will help explore mutually acceptable solutions impartially.

Inquiry

This is the procedure we use to handle general complaint cases, with the aim to resolve complaints more speedily. We ask the organisation under complaint to respond to us and, if we see fit, to the complainant in parallel. We will examine such response, and the complainant's views on it where applicable, together with any other relevant information or evidence we have collected. We will, in conclusion, present our findings to the complainant and make suggestions to the organisation concerned for remedy or improvement where necessary. Where deeper and fuller probing is needed before we can conclude the case, we will launch a full investigation.

Full Investigation

This refers to an in-depth inquiry, usually into complex or serious complaints, with recommendations for improvement or remedy, where warranted, upon conclusion.

Substantiated, Partially Substantiated and Unsubstantiated

These are classifications of the outcome of our full investigations reflecting the varying degrees of culpability of an organisation under complaint.

Unsubstantiated but other Inadequacies Found

This is the classification of the outcome of our full investigation where a complainant's allegations are unsubstantiated but The Ombudsman discovers other aspects of significant maladministration.

Inconclusive

We classify the outcome of our full investigation into a complaint or allegation as inconclusive where, on completion of the investigation, The Ombudsman is not prepared to determine whether the complaint or allegation is substantiated or not, because the evidence is conflicting, irreconcilable, incomplete or uncorroborated.

Direct Investigation

This is an investigation initiated in the public interest even in the absence of complaint and generally on matters of a systemic nature or issues of community concern.

Chapter 2

Direct Investigation

The Ombudsman may, of her own volition, initiate direct investigation (“DI”) into areas of suspected maladministration usually involving systemic problems or issues of significant public interest. A DI may be prompted by significant topical issues of community concern or complaints indicative of issues involving serious maladministration.

Launching Direct Investigation



**Significant
Community
Concern**



**Repeated
Complaints of
Particular Matters**



Before deciding whether or not to launch a DI into an issue, we usually conduct a preliminary inquiry. If the inquiry points to the need for further study, we will formally notify the head of the organisation concerned of our launch of DI. Where the circumstances warrant, we may launch a DI without conducting a preliminary inquiry.

In general, we will publicly announce our commencement of DI and invite members of the public to provide information and views on the topic under investigation. Apart from seeking crucial information from the organisations concerned like we normally do for complaint investigation, we may, depending on the nature of the subject under study, invite views from relevant sectors and experts.

**Obtain information
from organisations
concerned**



**Seek Expert
Advice**



**Invite Views
from Public**



We often discuss our observations and views with senior officers of the organisation(s) under investigation, at the outset as well as before conclusion. Such exchanges are useful in clarifying points of doubt and furthering insight into the issues.

Chapter 2 Direct Investigation

Publication of Reports



As empowered by the Ordinance, if The Ombudsman considers it to be in the public interest to do so, she may announce at media conferences or on our website the findings of our DIs.

Naturally, DIs may not all come to a conclusion that there is serious maladministration on the part of the organisation(s) concerned, and some organisations may have taken remedial/improvement measures in the course of our investigation. Nevertheless, the public would wish to know what we have done and what we have found. Hence, all our DI reports are published in one way or another.

During the year we completed eight DIs, with six reports publicly announced at press conferences and the rest through press releases. The reports of all DIs were uploaded to our website. A full list of DIs completed during the year is in the table below.

We completed:

8 Direct Investigations



We made:

65 Recommendations



OMB/DI/431	Management and Repair of Public Toilets by Food and Environmental Hygiene Department and Architectural Services Department
OMB/DI/438	Regulatory Regime for Lifts and Escalators
OMB/DI/441	Effectiveness of Mosquito Prevention and Control by Food and Environmental Hygiene Department
OMB/DI/443	Government's Arrangements for Engaging Outside Interpretation Services
OMB/DI/445	Regulatory Work on Dog Keepers' Obligations by Agriculture, Fisheries and Conservation Department
OMB/DI/447	Government's Regulation of Boarding Facilities for Foreign Domestic Helpers
OMB/DI/448	Government's Control of Illicit Fuelling Activities
OMB/DI/450	Transport Department's Requirements for Physical Fitness Certification of Driving Licence Applicants/holders

Chapter 2 Direct Investigation

Case Synopsis

(Full reports of all DI cases are available at www.ombudsman.hk)

Food and Environmental Hygiene Department and Architectural Services Department



Case No. OMB/DI/431



Completed on 11 May 2021

Management and Repair of Public Toilets by Food and Environmental Hygiene Department and Architectural Services Department

Our findings

To keep public toilets clean and hygienic, not only should users be considerate, self-disciplined and observe relevant rules, but the Government should also endeavour to keep them clean and their facilities in good condition.



Our investigation has identified areas for improvement in the Government's management and maintenance of public toilets in respect of cleansing services, repair and refurbishment. Our key findings include inadequate definition for "high-utilisation public toilets", lack of analysis on defaults by contractors, unsatisfactory management system for directly managed toilets and failure to utilise complaint data for enhancing management effectiveness on the part of the Food and Environmental Hygiene Department ("FEHD"); and a need for improvement in the mechanism for monitoring contractors' performance of the Architectural Services Department ("ArchSD").



Our recommendations

The Ombudsman made a total of 11 recommendations to FEHD and ArchSD, including that FEHD should make better use of objective data to facilitate public toilet planning and management, analyse defaults by contractors, improve the management system for its self-managed toilets, make proper use of complaint data, and conduct studies and public consultations from time to time with reference to statistical data on utilisation rates for determining the priorities of toilets to be included in the refurbishment programme. We also recommended that ArchSD strengthen its mechanism for monitoring repair services provided by its contractors.

Chapter 2 Direct Investigation

Electrical and Mechanical Services Department



Case No. OMB/DI/438



Completed on 11 May 2021

Regulatory Regime for Lifts and Escalators

Our findings

Proper maintenance and periodic examinations of lifts and escalators are of paramount importance to ensure the safety of users. Our investigation has identified inadequacies in the Electrical and Mechanical Services Department (“EMSD”)’s regulation of lifts and escalators safety.

EMSD’s inspection strategy had not targeted monitoring of the quality of routine maintenance of lifts and escalators. EMSD’s current practices of inspections with prior appointments and on-site observations make it difficult for its staff to understand the actual practice of the registered contractors and their workers in conducting maintenance work. As to the periodic examinations of aged lifts and escalators and of those maintained by contractors with low performance rating, EMSD’s inspection should be stepped up in terms of frequency and scope. Moreover, there is room for improvement in EMSD’s follow-up action on suspected cases of non-compliance involving registered contractors and persons, monitoring of the maintenance work by registered workers against the maximum number of lifts/escalators to be handled in one day, release of information about incidents involving lifts and escalators, and work relating to modernisation of aged lifts and escalators.



Our recommendations

The Ombudsman made 11 recommendations to EMSD, including increasing the ratio of surprise inspections; exploring feasible inspection modes and strategies to achieve more effective monitoring of the quality of routine maintenance and periodic examinations of lifts and escalators; reviewing the prevailing internal guidelines to ensure that serious non-compliance cases will be referred to the Development Bureau for disciplinary hearings; strengthening regulation of cases involving “maintenance work beyond the maximum number”; releasing more details about lift and escalator incidents and cases subject to disciplinary hearings; and further promoting modernisation of aged lifts and escalators, etc.

Chapter 2 Direct Investigation

Food and Environmental Hygiene Department



Case No. OMB/DI/441



Completed on 20 July 2021

Effectiveness of Mosquito Prevention and Control by Food and Environmental Hygiene Department

Our findings

Mosquito infestation would not only be a nuisance to daily life, but also spread deadly diseases such as dengue fever and Japanese encephalitis.

The Food and Environmental Hygiene Department (“FEHD”) is responsible for mosquito prevention and control in public places all over Hong Kong. It also provides other Government departments and organisations with technical support and training for anti-mosquito work at venues and premises under their management.

Our investigation has identified various areas for improvement in FEHD’s anti-mosquito work, including the operation of the Dengue Vector Surveillance Programme, implementation of anti-mosquito measures, use of mosquito-related complaint data and supervision of the Pest Control Teams (“PCTs”).



Our recommendations

The Ombudsman made a total of eight recommendations to FEHD, including that it should consolidate the monthly released data appropriately, optimise the use of data for more accurate depiction of the actual condition of mosquito infestation in Hong Kong, categorise the Density Index into different levels and provide a descriptor for each level promptly, ensure proper recording of control actions, collate and analyse data of mosquito-related complaints, scrutinise and review the two operational manuals comprehensively to enhance the effectiveness of monitoring the PCTs, etc.

Chapter 2 Direct Investigation

Constitutional and Mainland Affairs Bureau



Case No. OMB/DI/443



Completed on 20 July 2021

Government's Arrangements for Engaging Outside Interpretation Services

Our findings

The Constitutional and Mainland Affairs Bureau ("CMAB") promulgated and implemented the Administrative Guidelines on Promotion of Racial Equality, requiring all Government bureaux and departments ("B/Ds") as well as related organisations under their purview to provide appropriate interpretation services to public service users where necessary. This will ensure that people who cannot communicate effectively in Chinese or English can enjoy equal access to public services.



Our investigation revealed that CMAB can further improve and enhance the Government's overall efficiency in engaging outside interpreters, including compiling information about outside interpreters for B/Ds and related organisations' service procurement; formulating procedures or measures to facilitate the selection, procurement and monitoring of outside interpretation services; exploring the feasibility of providing remote interpretation services; and understanding the needs of the public for interpretation services in other Chinese dialects (those other than Cantonese and Putonghua).



Our recommendations

The Ombudsman made five recommendations to CMAB, including coordinating the establishment of a central database of foreign-language interpreters; exploring measures for efficient selection of outside interpreters and service procurement; exploring documenting information about any violation of confidentiality requirement or code of practice by outside interpreters; reminding B/Ds to explore the feasibility of providing remote interpretation services; and collating data on public service users' needs for interpretation services in other Chinese dialects.

Chapter 2 Direct Investigation

Agriculture, Fisheries and Conservation Department



Case No. OMB/DI/445



Completed on 21 December 2021

Regulatory Work on Dog Keepers' Obligations by Agriculture, Fisheries and Conservation Department

Our findings

Licensing, microchipping and vaccination of dogs are no longer simply necessary preventive measures against a rabies outbreak, but also legal obligations for strict compliance imposed on dog keepers in order to protect dog welfare.



Our investigation identified areas for improvement with respect to the Agriculture, Fisheries and Conservation Department ("AFCD")'s regulatory work on dog keepers' obligations under the Rabies Ordinance and its subsidiary legislation. AFCD should initiate more proactive follow-up action on suspected violations of law by dog keepers and rigorously conduct investigation and collect evidence. Moreover, the Department should strictly require dog keepers to observe the legislative requirements to license, microchip and vaccinate their dogs, and to notify AFCD in a timely manner of any updates in their contact information and change of licensee. AFCD should also review and enhance its current administrative arrangements on setting a time frame for private veterinary clinics to submit dog licence applications, reclaiming of lost dogs and handling of applications for change of licensee. On the other hand, AFCD should consider implementing measures to prompt those dog keepers intending to give up their dogs to think twice before making the decision. The Department should also step up publicity and public education on dog licence renewal and updating of licensee information.



Our recommendations

The Ombudsman made 11 recommendations to AFCD, including strengthening investigation and evidence collection in cases involving suspected violation of law by dog keepers; conducting random dog licence inspections at public places where dogs gather; starting as soon as possible the development of an electronic platform for processing dog licence applications; specifying a time frame for veterinary clinics to submit dog licence applications; refining arrangements for handling and reclaiming lost dogs; and stepping up publicity and public education on dog keepers' responsibility to renew dog licence and notify AFCD of any change in information.

Labour Department, Home Affairs Department and Immigration Department



Case No. OMB/DI/447



Completed on 15 February 2022

Government's Regulation of Boarding Facilities for Foreign Domestic Helpers

Our findings

Our investigation revealed that boarding facilities for foreign domestic helpers ("FDHs") operated by employment agencies ("EAs"), depending on their mode of operation, may fall outside the ambit of the Hotel and Guesthouse Accommodation

Ordinance or the Bedspace Apartments Ordinance. Moreover, the demand for FDH boarding facilities is related to the time taken by the Immigration Department ("ImmD") to process applications for the FDH employment visa. The Government has no systematic data on the demand and supply of FDH boarding facilities, nor is there any dedicated legislation for regulating those facilities.



Our recommendations

The Ombudsman recommended that the Labour Department ("LD") first adopt short- and medium-term administrative measures, including creating a database of FDH boarding facilities operated by EAs, compiling and publishing a list of FDH boarding facilities operated by EAs, issuing more guidelines to the EA sector on the operation of FDH boarding facilities, optimising the licensing procedures, strengthening routine collaboration with relevant departments, etc. If the result is unsatisfactory, LD should explore the feasibility of introducing a statutory regulatory regime through legislative amendments in the long run. The Ombudsman made a total of ten recommendations to LD, the Home Affairs Department and ImmD.

Chapter 2 Direct Investigation

Fire Services Department and Security Bureau



Case No. OMB/DI/448



Completed on 21 December 2021

Government's Control of Illicit Fuelling Activities

Our findings

The prevalence of illicit fuelling activities has long been a matter of public concerns. While recognising the Fire Services Department ("FSD")'s conscientious endeavour to combat illicit fuelling activities, our investigation identified areas for improvement in its manpower resources, enforcement action, statutory penalties, and publicity and education. We also found that some oil companies sell diesel at wholesale prices to distributors for resale. However, neither FSD nor the oil companies know the identity of the clients purchasing diesel from the distributors. Moreover, the existing legislation enforced by FSD does not regulate the supply and sale of diesel, nor does it empower FSD to mandate oil companies or distributors to provide client information for tracking the flow of transactions.



Our recommendations

The Ombudsman made five recommendations to FSD and the Security Bureau ("SB"), including that FSD should review its staff establishment, consider increasing the frequency of surprise inspections and joint operations, continue to review the penalties and explore more diversified methods for publicity and education; if the improvement measures are ineffective, SB should explore the feasibility of introducing control-at-source improvement measures, so as to combat illicit fuelling activities at the source of supply.

Chapter 2 Direct Investigation

Transport Department



Case No. OMB/DI/450



Completed on 23 November 2021

Transport Department's Requirements for Physical Fitness Certification of Driving Licence Applicants/Holders

Our findings

The existing legislation provides that driving licence applicants/holders shall declare to the Transport Department ("TD") whether or not they are suffering from any specified disease or physical disability, or any other disease or physical disability which may cause their driving to be a source of danger to the public. Moreover, driving licence applicants aged 70 or above must provide a Medical Examination Certificate to TD at least every three years for the issue or renewal of their driving licence. Our investigation revealed that there is a gap between Hong Kong and other jurisdictions in terms of setting the medical examination items and standards and specifying requirements for drivers' physical fitness for different classes of vehicles, and therefore room for improvement.



Our recommendations

The Ombudsman made four recommendations to TD, including specifying examination items of physical fitness certification for obtaining a driving licence and providing medical professionals with guidelines in this regard; establishing a mechanism for medical examinations of commercial vehicle drivers (especially drivers of heavy vehicles) reaching a specified age and imposing more stringent requirements for their physical fitness; stepping up publicity and education to remind drivers to take care of their physical and mental health and to be alert to changes in their capability to drive; and exploring ways to facilitate medical examinations of professional drivers of commercial vehicles.

Chapter 3

Complaints

Overview



After receiving an unprecedented number of secondary cases in topical complaints last year, the total complaints in 2021/22 returned to a more stable level of 4,934 cases. There were 4,794 normal cases after discounting topical complaints, which was a slight increase as compared with previous year. Together with the cases brought forward from last year, we completed a total of 5,032 complaint cases in 2021/22.

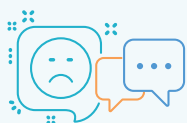
Among the complaints pursued and concluded, we still saw a considerable number of COVID-19 related cases indicating the continuing impact of the pandemic on public service delivery. About 60% (450) of the phone enquiries we received during the fifth wave of the pandemic in February and March 2022 were related to such cases.

Amidst the anti-epidemic measures, the Office strived to maintain our capacity to investigate complaints by streamlining our operation. We managed to continue taking hotline calls in person even when working from home, giving a personal touch that was well received by callers. Despite the challenges, we were able to meet all targets of our service standards in processing complaints and enquiries.

2021/22 Highlights



Total Complaints Received
4,934



Normal
4,794



Topical
140



Enquiries Received
8,851



Total Complaints Completed
5,032



Normal
4,897



Topical
135

Overall Complaints and Enquiries



Total Complaints
4,934



over last year
83.5%



Enquiries
8,851



over last year
17.9%

This year, we received 4,934 complaints, down 83.5% from 29,814 last year, during which we had an overwhelming number of topical complaints.

Together with 692 complaints brought forward from last year, we had a total of 5,626 complaints for processing this year as compared to 30,713 last year. We also received 8,851 enquiries.

Mode of Lodging Complaints

Complaint by email continued to be the most popular mode, recording 3,483 (70.6%) complaints. Complaint through post remained the second most popular mode.



By Email
70.6%



By Post
16.7%



In Person
6.8%



By Phone
3.2%



By Fax
2.7%

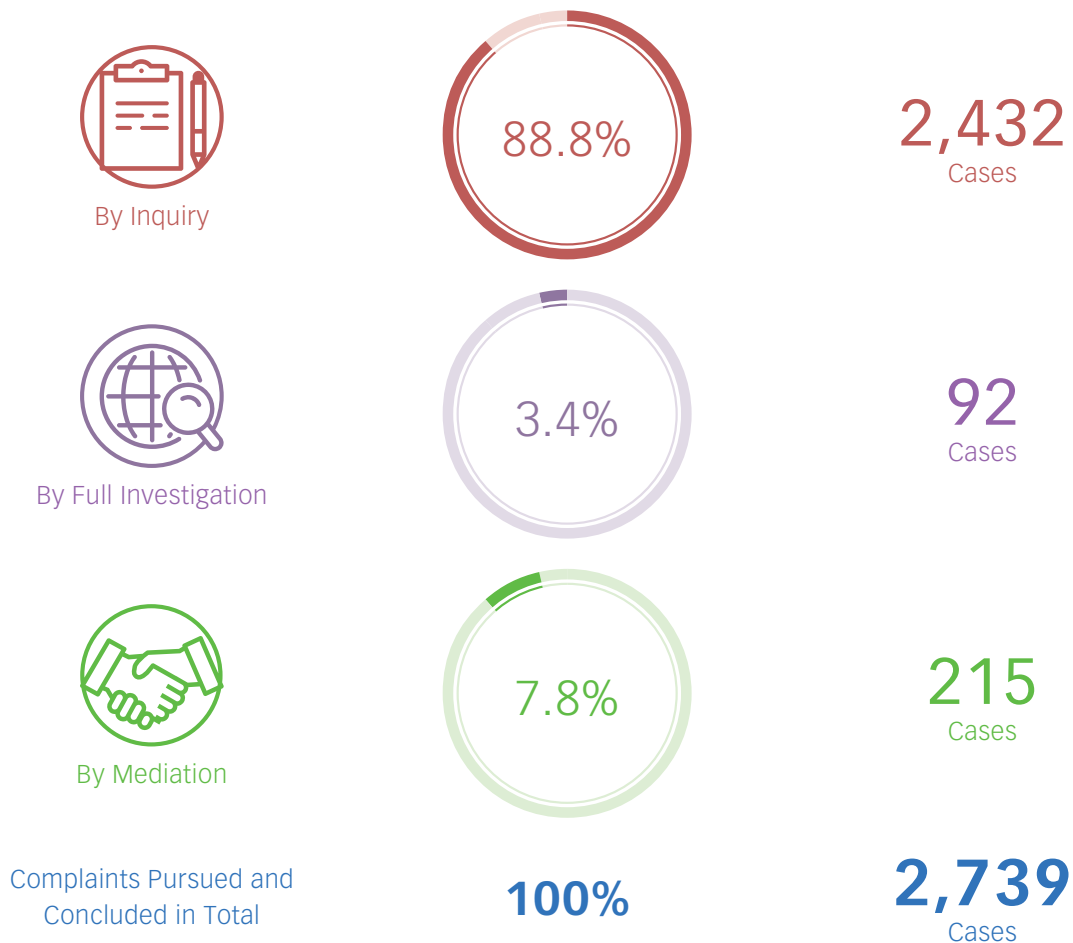
Complaints Handled

We completed processing 5,032 cases, i.e., 89.4% of all cases received during the year and those brought forward from last year. Among the cases processed, 2,739 were pursued and concluded and 2,293 were assessed and closed after assessment.

The number of cases pursued and concluded (2,739) was slightly fewer than last year (2,826). Among them, 206 (7.5%) were related to COVID-19, which was similar to 2020/21 (220 or 7.8%). Key matters under complaint in relation to COVID-19 included the granting of subsidies, quarantine arrangements and documents, disruptions to public services, etc.

Chapter 3 Complaints

The distribution of cases pursued and concluded by mode of handling was as follows:



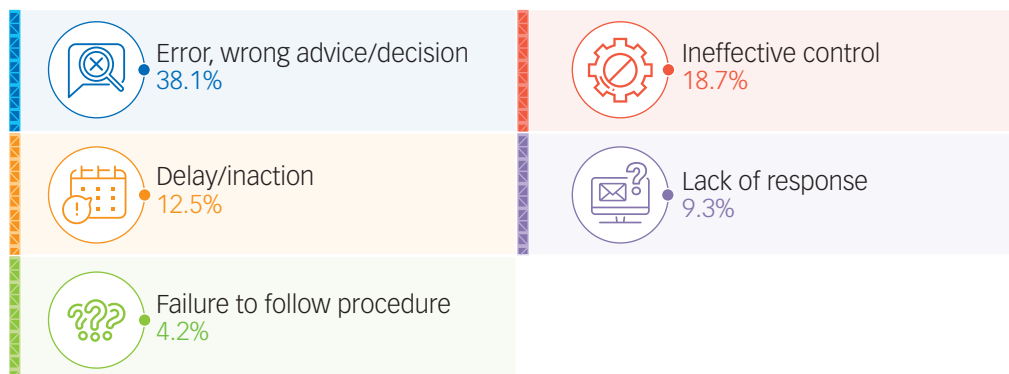
The rest of complaints handled (2,293) were closed after assessment due to insufficient grounds to pursue the complaint (1,171 or 51.1%) or jurisdictional or legal restrictions (1,122 or 48.9%).

Detailed caseload statistics are given in **Appendix 3**.

Chapter 3 Complaints

Major Causes of Complaints

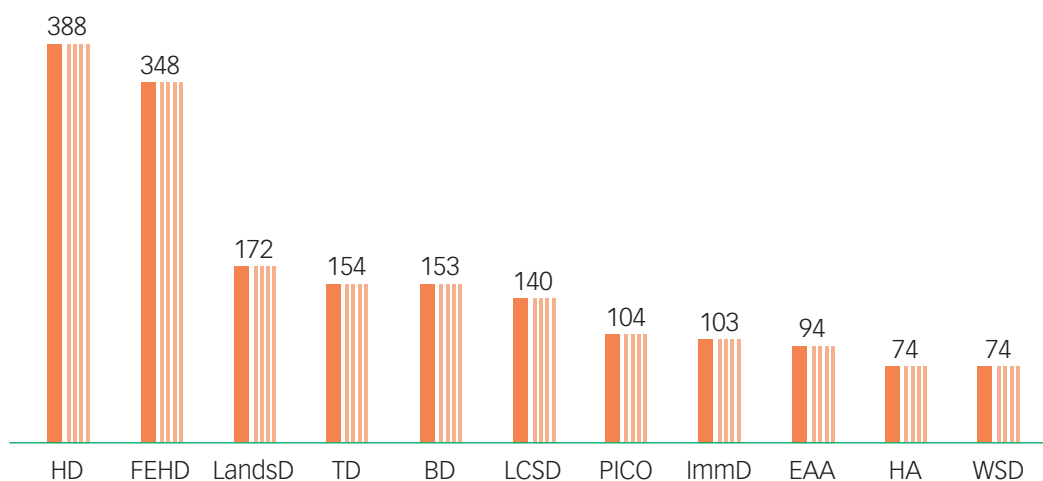
Based on the allegations made by complainants, the top five causes of complaints were:



“Error, wrong advice/decision” was the most common cause of complaint in 2021/22.

Major Targets of Complaints

The departments with the highest number of complaints pursued and concluded during the year were as follows:



A detailed breakdown of complaints pursued and concluded and complaints received is in **Appendix 4**.

Chapter 3 Complaints

Achievement of Performance Pledges 2021/22

Despite the lingering COVID-19 and the special work arrangements in place in the last quarter, we managed to meet all targets of our service standards in processing complaints.

Complaints	Service Standard	Target	Achievement
Acknowledge receipt of a complaint	within 5 working days	99%	99.9%
Close a complaint case after initial assessment due to jurisdictional restrictions	within 10 working days	90%	99%
	within 15 working days	99%	100%
Conclude a complaint case	within 3 months	80%	85%
	within 6 months	99%	99.4%

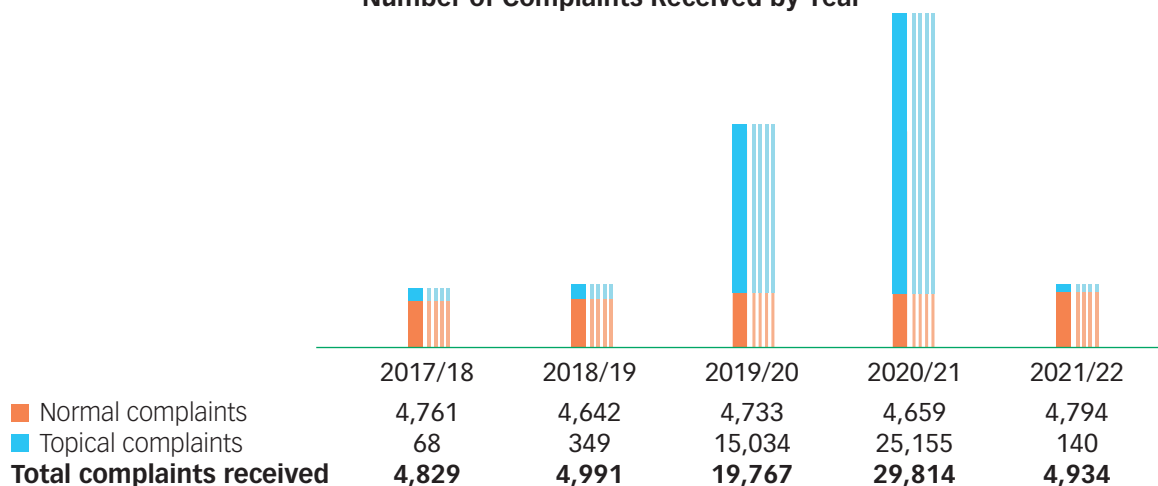
We were also able to meet the targets of our service standard in handling enquiries.

Enquiries	Service Standard	Target	Achievement
Reply to a written enquiry	Within 5 working days	95%	98.2%
	Within 10 working days	99%	100%

Normal Complaints and Topical Complaints

This year, we received 4,794 normal complaint cases (i.e. complaints received excluding secondary cases of topical nature). Among the normal complaints received and with complaints carried over from last year, the Office had completed 4,897 normal cases. Of them, 2,637 (53.8%) were pursued and concluded and 2,260 (46.2%) were assessed and closed due to insufficient grounds to pursue the complaint or jurisdictional or legal restrictions.

Number of Complaints Received by Year



Chapter 3 Complaints

As shown in the table preceding, we received 140 secondary cases of topical nature this year, representing a 99.4% decrease year-on-year. In 2021/22, unlike the previous two years, there were no major groups of topical complaints bringing in a substantial number of cases. The number of topical complaints was back to what we usually saw in the years before the previous two.

Year	Number of secondary complaints received	Key groups of topical complaints (number of secondary cases)
2017/18	68	Loss of a computer with personal information of voters by Registration and Electoral Office (25) A proposed footbridge in a housing estate (13)
2018/19	349	Delay in provision of HPV vaccine (155) An educational video concerning rebates offered by estate agents (150)
2019/20	15,034	Allowing domestic free television broadcasters to drop RTHK's programmes (3,808) RTHK's reporting in a news programme (2,566)
2020/21	25,155	Inaction against a tomb illegally located on Government land (24,340) Inaction against an allegedly collective investment scheme (208) RTHK's suspension and rescheduling of TV programmes (175)
2021/22	140	Inaction against allegedly false descriptions about the yield of a property development (31) Inaction on an alleged breach of conduct of estate agents (21)

Inquiry and Full Investigation

Inquiry

The Ordinance provides that for the purposes of determining whether to undertake a full investigation, The Ombudsman may conduct such "preliminary inquiries" as she considers appropriate. In the interest of complainants, we often use this procedure to resolve complaint cases of a general nature more quickly, without unnecessarily resorting to the more time-consuming action of full investigation. For simplicity, we call this "inquiry".

Among the 2,432 inquiry cases concluded, inadequacies were found in 399 (16.4%). Detailed statistics of complaints concluded by inquiry are given in **Appendix 5**.

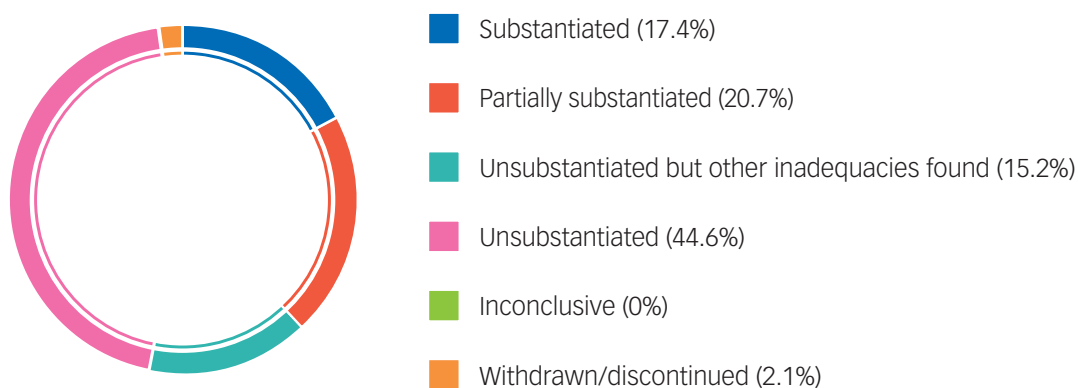
Chapter 3 Complaints

Full Investigation

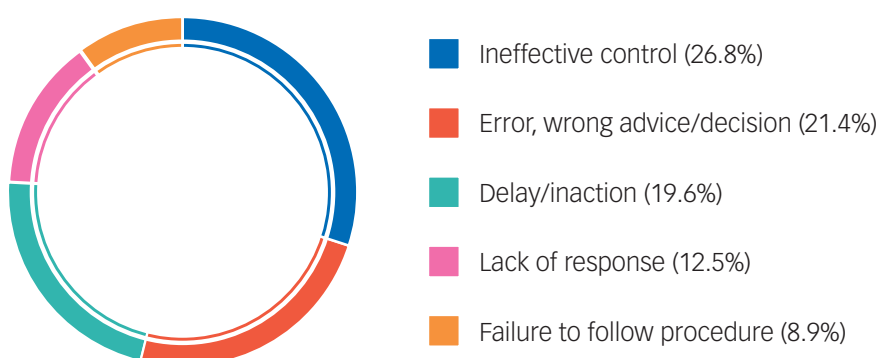
For complex cases which appear to involve issues of principle, serious maladministration, gross injustice, systemic flaws or procedural deficiencies, or simply require deeper and fuller probing, we will conduct full investigation.

In the year, we conducted 92 full investigations. 49 (53.3%) were substantiated, partially substantiated or unsubstantiated but with other inadequacies found. Various allegations were made in those complaints, including dissatisfaction about ineffective controls, departments' errors, wrong decisions, delays in handling cases or their procedural deficiencies.

Results of Complaints Concluded by Full Investigation



Forms of Maladministration Substantiated by Full Investigation



We made 74 recommendations on completion of full investigations. Among them, 66 had been accepted by the concerned departments/organisations for implementation and 8 were under consideration as at 31 March 2022.

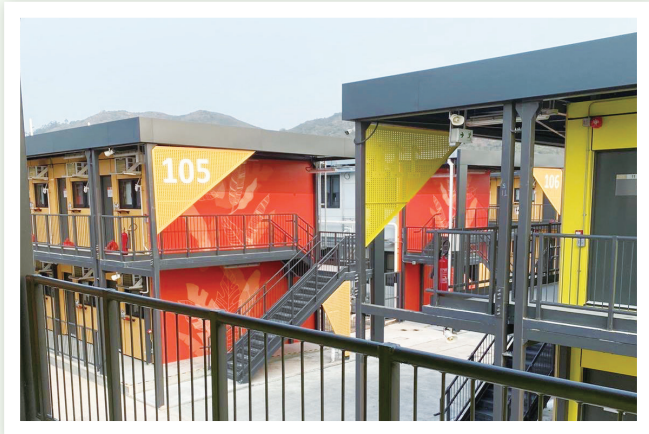
An index of cases concluded by full investigation is in **Appendix 6**.

Summaries of selected cases concluded by full investigation are as follows.

Department of Health and Civil Aid Service

Arrangement for large-scale compulsory quarantine exercise and management and operation of quarantine centre

The complainant alleged that a large-scale compulsory quarantine exercise was poorly organised with inadequate communication between the Department of Health (“DH”) and the Civil Aid Service (“CAS”) auxiliary force, resulting in the prolonged stay of complainant and some of his family members in a quarantine centre (“QC”). He also complained about the food quality and lack of WiFi access in the QC, and that people under quarantine had left their rooms without authorisation.



Our investigation revealed that during the isolation period, the complainant’s father had been admitted to hospital before returning to the QC, but the QC medical post’s filing procedures for updating the classification of people under quarantine could not cater for this special situation. CAS’s negligence in verifying details of live-in family members of people discharged from the QC and delay in referral of enquiries from people under quarantine contributed to the delay in discharging the complainant and his family members from the QC.

This Office is of the view that there was room for improvement on the part of DH and CAS regarding communication, data transmission, and communication with persons under quarantine in this exercise. Given that more than 2,000 people were discharged from the QC on that occasion, DH and CAS were pressed to complete the heavy workload urgently. It was understandable that the demanding time frame might have caused errors and delays in their service.

This Office is pleased to learn that the Food and Health Bureau has held an inter-departmental meeting with relevant departments to conduct a comprehensive review and adopt various improvement measures, including strengthening the communication among relevant departments, cross-checking of case information and ancillary facilities for case handling. DH and CAS have also separately followed up and improved the management and operation of QC.



DH
Partially substantiated

CAS
Partially substantiated

Chapter 3 Complaints

Education Bureau

Handling of a complaint about withdrawal from religious study

The complainant's request for her Muslim daughter to be excused from Christian Ethics classes was refused by her school ("the School"). He then complained to the Education Bureau ("EDB"), but considered the complaint improperly handled.



Our investigation revealed that EDB had reminded parents to fully consider different aspects of schools along with the abilities, inclinations and interests of their children and seek advice when necessary when choosing schools. EDB respects schools' autonomy to provide religious education; it also considers itself responsible to ensure the best interests of students and their religious freedom. Circulars and guidelines have been issued to advise schools to respect special needs of ethnic or religious minorities.

The matter had remained unresolved until EDB intervened and strongly advised the School to consider the student's well-being and religious needs, with reference to practices of similar schools and relevant legislation, conventions, guidelines and publications, and to accede to the request. EDB also stated that school transfer under the circumstances would be unacceptable. Eventually, the School and the complainant agreed to arrange a school-based pull-out programme for the student during the Christian Ethics lessons.

We consider EDB to have fulfilled its responsibilities of ensuring the best interest of and minimising the impact on the student. To further facilitate parents' selection of schools and schools' handling of similar situations, we have made some recommendations to EDB.



EDB Unsubstantiated

Recommendations to EDB

- ▶ Review its guidelines to provide clearer guidance to schools in respect of the morals in excusing students from religious education
- ▶ Include examples of previously adopted practices to schools
- ▶ Spell out more expressly the need to pay attention to the school's religious background when applying for a school

Food and Environmental Hygiene Department

Ineffective enforcement against illegal extension of shops and fixed hawker pitches and accumulation of polyfoam boxes

Allegedly, for many years, many shops in a street ("the Street") had habitually placed a large quantity of goods on their front pavements and under a nearby footbridge ("the Footbridge"), causing obstruction to pedestrians and poor environmental hygiene. The complainant complained to this Office that the Food and Environmental Hygiene Department ("FEHD") had failed to take effective enforcement against the said problems.



Our investigation revealed the following: the problem of shop front extensions ("SFEs") in the Street remained serious and FEHD's enforcement was ineffective or did not have sufficient deterrent effects; many fixed hawker pitches in the Street extended their business area to the extent of nearly occupying an entire traffic lane and danger might be caused to passers-by or customers when trams or other vehicles travelled along the adjacent lane, reflecting that FEHD's control over the extension of fixed hawker pitches might be too lenient; FEHD had taken enforcement actions against the placement of polyfoam boxes under the Footbridge, but the irregularities in the area had persisted and exceeded the reasonable scope and FEHD should review its existing enforcement strategies and strength.



FEHD Substantiated

Recommendations to FEHD

- ▶ Take enforcement actions resolutely against obstruction caused by SFEs to keep the pavements unobstructed
- ▶ Review the enforcement standards against the fixed hawker pitches concerned, draw up an implementation schedule and inform the pitch operators
- ▶ Continue to monitor the placement of polyfoam boxes in the area under the Footbridge, and enhance control measures where necessary to keep the road unobstructed and the environment clean
- ▶ Liaise with other policy bureaux/departments and stakeholders to formulate an effective solution for managing the placement of polyfoam boxes

Chapter 3 Complaints

Food and Environmental Hygiene Department

Failing to provide oath-taking or declaration services for hawker licensing matters

The complainant complained that the Food and Environmental Hygiene Department (“FEHD”) did not provide oath-taking services for hawker licensing matters, but instead asked him to make an oath at an Enquiry Centre of the Home Affairs Department.



Our investigation revealed that a guideline has been in place stipulating that Enquiry Centres are responsible for administering declarations or oaths for private use, whereas official declarations or oaths (i.e. declarations or oaths required of members of the public by Government departments) should be administered by the departments concerned. We considered FEHD to have narrowly interpreted the guideline. FEHD had not provided declaration or oath-taking services on the ground that it did not “require” applicants of hawker pitch and hawker licence to make an oath in the absence of documentary proof.

Our investigation also found that FEHD had issued an internal memo years ago reminding staff to provide declarations services for applicants concerning hawker licensing matters and not to instruct them to make declarations at Enquiry Centres. However, FEHD had long failed to formulate such guidelines for staff. FEHD has now issued an internal guideline that relevant staff may provide declaration services regarding hawker licensing matters.



FEHD
Partially substantiated

Recommendations to FEHD

Taking reference from this case, review different areas of work to assess the need for providing declaration or oath-taking services and make appropriate arrangements

Food and Environmental Hygiene Department

Ineffective enforcement against obstruction of passageways by a market stall

The complainant complained to the Food and Environmental Hygiene Department (“FEHD”) against a stall in a market, which had frequently placed goods at the passageways causing obstruction, but the irregularity persisted.



The tenancy agreement between FEHD and a market stall tenant stipulates that the latter shall not place any articles beyond the stall. If the tenant breaches the tenancy agreement, FEHD will first give a verbal warning. If the irregularity persists, a warning letter will follow. FEHD will consider terminating the tenancy agreement if the tenant fails to rectify the irregularity.

Our three site visits revealed that the subject stall placed a number of styrofoam boxes for displaying and offering goods for sale in an adjacent passageway, occupying at least eight feet of the passageway. However, the inspection records of the market management staff at around the same time of our site visits did not show the irregularity concerned.

Our investigation also revealed that FEHD had only repeatedly warned the proprietor verbally although warning letters should have been issued under the existing mechanism. FEHD stepped up enforcement actions after our intervention.



FEHD
Substantiated

Recommendations to FEHD

- ▶ Continue to closely monitor the subject stall and other stalls in the market concerned, and take rigorous enforcement actions against unauthorised obstruction of passageways by stalls with their goods
- ▶ Step up supervision and training of frontline market staff

Chapter 3 Complaints

Home Affairs Bureau

Failing to convene the NGO Forum on Community Development periodically

The complainant alleged that the Home Affairs Bureau (“HAB”) failed to convene the NGO Forum on Community Development (“the Forum”) on a quarterly basis as specified in the Policy Statement on Community Development (“the Policy Statement”) and then made changes to a neighbourhood project, stripping the social service sector of a platform to raise views/suggestions.



HAB explained that the Policy Statement was a general policy document outlining the overall direction of community development. Convening the Forum was merely an administrative arrangement. Hence, convening the Forum on a need basis would not breach the principles of policy direction in the Policy Statement. The Forum *per se* would in no way restrain or affect NGOs’ expression of views to the Government through other means.

Our investigation found that the contents (including administrative arrangements) of the Policy Statement were finalised after discussions between the social service sector and the Government. Therefore, HAB should not have ignored its undertaking in the Policy Statement and the sector’s legitimate expectation.



HAB
Substantiated

Recommendation to HAB

Either revisit the current arrangements for convening the Forum in order to comply with the Policy Statement, or re-examine the contents of the Policy Statement relating to convening the Forum and make appropriate amendments or additional remarks

Housing Department

Processing of applications for “Priority Scheme for Families with Elderly Members”

The complainant and his mother were respectively the registered family member and the tenant of a public rental housing (“PRH”) flat. The complainant moved out many years ago and applied to the Housing Department (“HD”) for another PRH flat in May 2020. HD cancelled his application on the grounds that he and his mother had purchased a flat jointly in July 2020 under the “Priority Scheme for Families with Elderly Members” (“FEP”) of the “Sale of Green Form Subsidised Home Ownership Scheme Flats (“GSH”) 2019” (“GSH 2019”).



The complainant claimed ignorance of the purchase. However, HD only asked him to report the case to the Police or for his mother’s agreement to the forfeiture of the preliminary deposit. Otherwise it would not reinstate his eligibility for PRH. The complainant considered HD unreasonable as it had failed to confirm with him his intention when processing the GSH 2019 application.

Our investigation revealed that an FEP applicant must live together with the elderly family member but HD had not asked the complainant to sign the requisite declaration as family member to that effect. Such arrangement reflected HD’s slipshod processing of the FEP application. HD was the executive authority of GSH 2019. When there were signs of untrue statements made in the declaration, it simply asked the complainant to report the case to the Police or his mother to agree to the forfeiture of the deposit, without looking into the problems and considering the interests of other applicants. All this indicated HD’s failure to handle the situation meticulously and properly.



HD Substantiated

Recommendations to HD

- ▶ Seek legal advice on the legitimacy and validity of the declaration and the agreement signed
- ▶ Review the administrative procedures to ensure that FEP declarations and declarations to cancel the relevant PRH application carry their true meanings

Chapter 3 Complaints

Housing Department

Assessment of an application for paying original rent

The complainant was required by the Housing Department (“HD”) to pay 1.5 times net rent starting from April 2021 on the grounds that her income for the year 2019/2020 had exceeded the prescribed limit under the “Well-off Tenants Policies”. As the complainant’s monthly income had dropped below the prescribed limit for three consecutive months since February 2021, she applied for paying the original rent to HD. However, HD rejected her application as her income shown on the salary slip for February 2021 exceeded the prescribed limit.



Our investigation revealed that the complainant had already explained to HD that her salary for February 2021 included the amount deductible for her furlough in the same month but her employer deducted that amount only in March. As such, her income in February did not exceed the prescribed limit. However, HD still requested her to ask her employer to complete an “Employer Certificate” to confirm her actual salary for February.

Afterwards, HD admitted that the salary slips produced by the complainant should have sufficed as proof that part of her salary for February was deducted by her employer in March. That said, her income in February had met the requirement for applying to pay the original rent. However, the staff concerned had made a misjudgement, and failed to seek their supervisors’ approval for the case as stipulated in the procedures, thus missing the opportunity to rectify the mistake. HD apologised to the complainant and agreed to implement improvement measures, including enhancing staff’s understanding of the policies and guidelines, strengthening internal communication, reminding staff to seek supervisors’ advice in special cases and instructing them to strictly adhere to the guidelines when handling applications.



HD
Substantiated

Lands Department

Unreasonably renewing a short-term tenancy of a Government land continuously



The complainant complained against the Lands Department (“LandsD”) for unreasonably renewing a short-term tenancy (“STT”) of a Government land (“the Site”) for dangerous goods storage for over 38 years.

Our investigation revealed that LandsD had failed to consistently follow its guidelines on renewal of STTs and its decisions on renewing the said STT over the past years might not be sound. We note that due to the special use of the Site (i.e. dangerous goods storage), an environmental impact assessment may have to be conducted before it was re-tendered. This assessment and the pertinent planning application process may also lead to the site being left idle for some time. And it was uncertain that planning permission would be given. However, we consider that LandsD should be fair to other potential tenants, and allowing the same tenant to occupy the Site through continual STT renewals for over 38 years based on such considerations not fully justified.



LandsD
Substantiated

Recommendation to LandsD

Adhere to its guidelines and consider future disposal of the Site thoroughly

Chapter 3 Complaints

Lands Department

Handling of the occupation of Government land by an arch canopy

The complainant discovered that Housing Estate A had built an arch canopy (“the Canopy”) at the main entrance of the estate many years ago, which occupied Government land. Although the Lands Department (“LandsD”) had requested Housing Estate A to remove the unauthorised structure, the latter failed to comply with the request. Instead, it applied to LandsD



for regularisation of the structure. LandsD subsequently approved the application on the condition that Housing Estate A would take up the relevant repair responsibility and take out the necessary insurance. As the Canopy was structurally unsafe, the complainant repeatedly requested LandsD to take enforcement action against it. However, LandsD repeatedly allowed the extension of the application’s deadline and did not take any action against the Canopy in the interim. Hence, the complainant complained against LandsD for failing to handle the issue of the Canopy’s occupation of Government land seriously.

The unauthorised structures included the Canopy, two walls and a metal gate. The housing estate next to Housing Estate A (“Housing Estate B”) was willing to remove the walls and the metal gate. But Housing Estate A denied having built the Canopy and hence, the responsibility for its removal.

Our investigation showed that Housing Estate B had four times requested to postpone the completion date of the removal works. Each time, LandsD failed to demand an explanation. We consider LandsD’s monitoring work as such improper. Besides, while LandsD’s handling of Housing Estate A’s regularisation application was not unreasonable, it had been aware of the Canopy’s occupation of Government land for many years but failed to handle the matter.



LandsD
Partially substantiated

Labour and Welfare Bureau and Transport Department

Publicity about minibus section fares under the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities

The complainant alleged that, because of insufficient publicity about minibus section fares under the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (“the Scheme”) by the Labour and Welfare Bureau (“LWB”) and the Transport Department (“TD”), many elderly paid full fare with their Octopus cards when travelling on green minibus (“GMB”) routes with section fares, resulting in the Government having to reimburse overpayment to the GMB operators and thus a waste of public funds.



Our investigation revealed that the Government reimburses specified public transport operators (“PTOs”) for the difference between the uniform flat rate of \$2 per trip paid by an eligible beneficiary and the adult fares charged by PTOs. If PTOs offer section fares, the Government’s expenditure on the Scheme will be reduced.

TD is mainly responsible for the publicity of the Scheme. TD had issued letters advising GMB operators to display notices and posters at termini and inside vehicle compartments, as well as urged the operators and their drivers to help and remind passengers to make use of section fares properly in the meetings with GMB operators. TD had also conducted site inspections to ensure that posters were displayed at termini and inside vehicle compartments. TD will launch new publicity and education campaigns in the second quarter of 2022.

As the eligible age under the Scheme will be lowered to 60 in late February 2022, the Government’s reimbursement of fare differential to GMB operators will increase. We expect that TD’s new publicity campaigns will convey the message to more elderly and eligible persons with disabilities, such that they will pay section fares properly and minimise any overpayment of fare differential by the Government.



LWB
Unsubstantiated

TD
Unsubstantiated

Chapter 3 Complaints

Transport Department

Handling of application for a Certificate of Particulars of Vehicle for news reporting purpose

The complainant applied to the Transport Department (“TD”) for a Certificate of Particulars of Vehicle (“Certificate”) for the news reporting purpose, and sought clarification on whether the news reporting purpose was covered by “Other traffic and transport related matters”, which is one of the options listed in the amended version of application form prescribed by TD. In its



reply, TD said the complainant should decide whether the purpose of application was related to “traffic and transport” matters by himself. The complainant was dissatisfied that TD had not provided a legitimate and proper method for the media to apply for Certificates, and that while applicants were required to choose one of the three options listed in the form and sign a declaration, TD refused to explain the coverage of those options, thereby imposing undue legal risks on applicants.

We considered that there is no impropriety, from an administrative perspective, on the part of TD in reviewing the application procedures for the Certificate in response to public views on protection of vehicle owners’ personal data, and deciding, after consulting the Department of Justice, the Privacy Commissioner for Personal Data, etc., that applicants are required to declare in the prescribed form that Certificates are obtained only for purposes related to traffic and transport matters. Nevertheless, TD fell short of good administrative standards in failing to explain clearly the reasons for revising the arrangement, its details and approving criteria upon implementation. TD has the responsibility to provide explicit guidelines to help the public avoid breaking the law inadvertently.



TD
Unsubstantiated but
other inadequacies
found

Recommendations to TD

- ▶ Provide more and clearer points to note for applicants
- ▶ Provide specific examples of “traffic and transport” related matters for reference

Reassessment of Cases and Review of Cases

During the year we re-assessed 326 cases, with 131 cases subsequently re-opened. Moreover, we reviewed 142 cases. Conclusions were upheld for all these cases.

Judicial Review and Litigation

A complainant not satisfied with our conclusion may, apart from requesting a review by this Office, seek a judicial review by the court. During the year, two litigation cases were heard by the court and both were dismissed.

Litigation cases concluded

Brief description of the litigation case	Judgement by the Court
<p>A complainant who had repeatedly complained against the Housing Department and the Social Welfare Department applied for leave to apply for judicial review against The Ombudsman's decisions on various complaint cases.</p>	<ul style="list-style-type: none"> The application was refused by the Court of First Instance in September 2019. Applicant's application for leave to appeal was dismissed by the Court of Appeal in May 2020. Applicant's further application for leave to appeal was dismissed by the Court of Final Appeal in September 2021.
<p>A complainant who had complained against the Hospital Authority and the Legal Aid Department applied for leave to apply for judicial review against The Ombudsman's handling of the complaint cases.</p>	<ul style="list-style-type: none"> The case was heard in September 2021 in the Court of First Instance and the application was refused. Applicant's application for leave to appeal against the Court's decision is under determination on paper by the Court of Appeal.

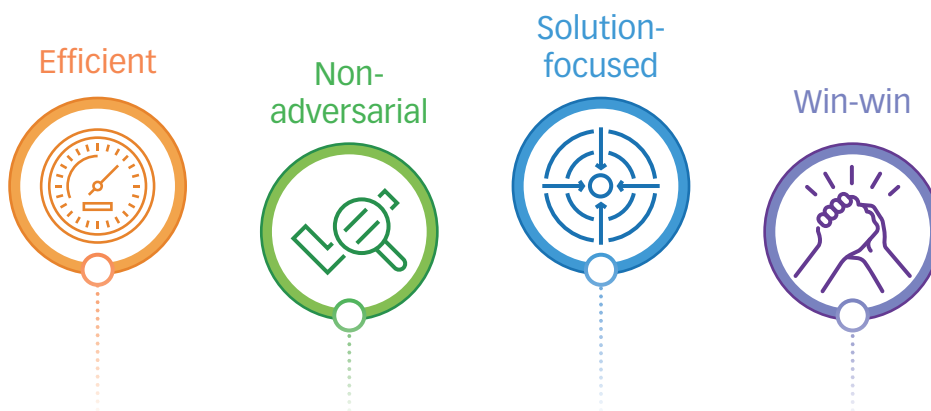
Chapter 4

Mediation

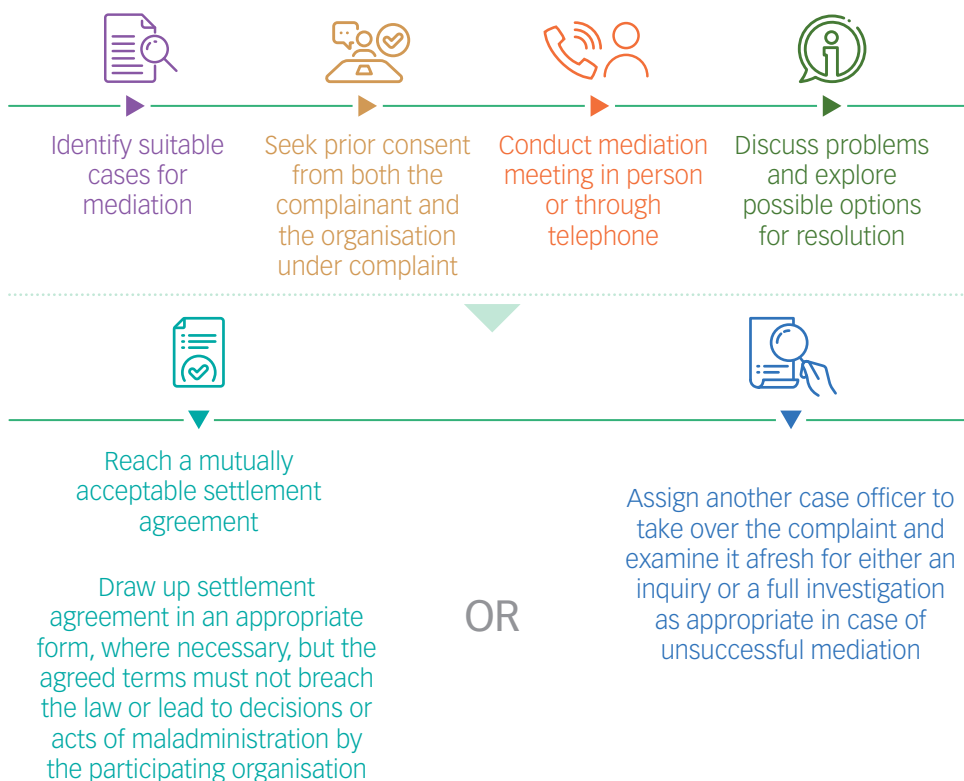
What is Mediation?

Mediation is an efficient means of alternative dispute resolution aiming at resolving complaints involving minor or no maladministration.

Advantages of Mediation



Procedures of Mediation



Our Performance

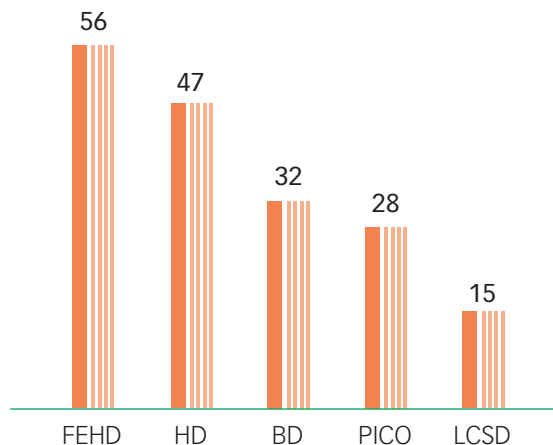
We have strived to resolve complaints by way of mediation, despite the intermittent disruptions to normal operation caused by COVID-19-related special work arrangements in the year. Through identifying suitable cases and bridging the gap between departments/bureaux and complainants proactively, we assisted them to disentangle what had caused the complaints and to focus on the solutions impartially. We have met with very encouraging feedback and logged altogether 217 mediation cases, of which 215 were successfully mediated. Apart from mediation meetings held in our office and over the telephone, we have also resorted to online mediation meetings for the first time.



Mediation

217 cases

Top Five Organisations with successfully mediated cases (2021/22)



Among the 23 Government departments and public organisations participating in mediation this year, the Efficiency Office, the Financial Services and the Treasury Bureau, the Home Affairs Bureau, the Hong Kong Sports Institute Limited and the Policy Innovation and Co-ordination Office (“PICO”) participated for the first time. We are pleased to see that more organisations are receptive to resolving complaints by mediation.

The top five organisations sharing most of the successfully mediated cases were the Food and Environmental Hygiene Department (“FEHD”) (56 cases, 26%), the Housing Department (“HD”) (47 cases, 21.9%), the Buildings Department (“BD”) (32 cases, 14.9%), PICO (28 cases, 13%) and the Leisure and Cultural Services Department (“LCSD”) (15 cases, 7%).

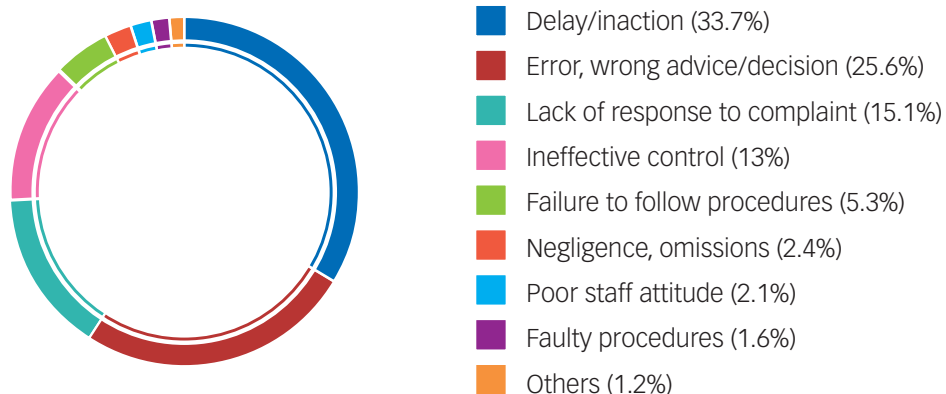
Chapter 4 Mediation

PICO, albeit new to our mediation service, ranked the fourth, recording 28 successfully mediated cases. Most of them involved complaints concerning applications for various schemes under the “Anti-epidemic Fund”. We are pleased to see PICO’s forthcoming attitude towards mediation and the quick resolution of complaints by joining hands with the complainants and our mediators. Once again, mediation has proven to be a powerful and amicable means of alternative dispute resolution.

FEHD, HD, BD and LCSD have contributed consistently plenty of successfully mediated cases in the past three years.

Compared with inquiry and full investigation, mediation is a much speedier way to resolve complaints. In the year, it took about 13.4 days on average to conclude a complaint by way of mediation; and over 54% and 92% were resolved within 10 days and less than one month respectively.

Successfully Mediated Cases by Nature of Complaint (2021/22)



Compliments



Upon successful conclusion of mediation, we further engaged the complainants and participating organisations to gauge their feedback with a questionnaire. Over 90% of the respondent complainants and almost all participating organisations positively received our mediation service and over 95% were satisfied with the performance of our mediators.

貴署推出調解服務實在造福投訴人以及公共服務機構，既能迅速替投訴人解決問題、排難解憂，亦能對公共服務機構減省行政手續及文件往來。對比一般調查處理來說，調解服務更能及早處理投訴人的訴求，希望貴署能廣泛推廣使用。

本人覺得貴署在時間及效率相當迅速，而在調解上亦充當了公證人的角色，令到整件事雙方可於一個平和的環境下說出雙方問題及以後解決的辦法，而我對貴署也沒甚麼可建議之處，因貴署已做到了給予市民對政府部門申訴機會及令市民明白政府部門在運作上所遇到客觀的問題。

貴署的調解服務是一個有效方式處理適合的投訴個案。

很快立案跟進、印象很好、沒有官僚作風。

調解員服務態度非常好，謝謝！

感謝調解員的努力，讓是次投訴可以迅速有效解決，並向投訴人釐清各部門職責分工。十分贊同貴署可以繼續以調解方式處理合適個案。

Mediation effectively helps the Complainants to resolve their complaints, especially when they failed to properly understand our scheme.

處理及時恰當，態度親切有禮。本人認為貴署能夠發揮應有職責，對投訴人有幫助，並解決問題。感謝！

公署調解員跟進此事件十分積極及貼身，令此事件很快及圓滿解決，謝謝！

欣賞調解員用心了解個案背景，以致透過調解，讓誤解可以得到釐清。

Chapter 4 Mediation

調解員說話清晰，清楚解說，耐心聽我的疑慮和擔心。反應十分迅速。

如果沒有貴署的幫忙，可能沒有這效果／充分聯絡，比我了解到事情的進展。

公署調解員細心聆聽投訴人申請，協助機構糾正缺失或作出改善；並保持中立去分析事件；非常有責任並多次協助投訴人與機構聯絡及反映事實的真確性。

非常滿意公署職員為我們跟進此個案，並詳細解釋各細節。感激公署職員為我們的奔波。公署職員每次與本人聯絡時，本人都感受到他的熱誠工作態度，及為我尋找最理想的調解方法。

Rapid response. Prompt actions, great communication skills, save time in handling complaint up to customer's satisfaction

非常感謝貴署職員以調解方式解決此宗簡單的個案，希望貴署日後多以此方式處理投訴，可減省不必要的文書工作。

Very responsive and prompt actions, very tactful in handling. Should extend to all cases to save manpower

我很感謝公署調解員的細心，真正去了解我的需要。因為妳的細心，亦因為貴署的處理迅速，我終於可放下心中大石，謝謝妳們。

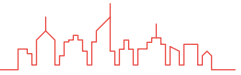
贊成以調解處理個案，專員監察香港的公共行政其中一有效方法。

貴署的調解服務確實能夠有效發揮其功能，以協助投訴人解決其投訴的事宜。

對申訴專員在短時間內以調解方式終結此案十分讚賞；希望所有香港市民能同樣獲得高效及負責任公務員服務。

我覺得貴署「申訴專員公署」及其職員是香港政府所有部門裏最有效率、最專業及最有人性化的部門。今次謝謝你們為我們小市民提供最專業的協助。

Award on Mediation



To acknowledge the participating organisations' commitment to and excellence in mediation, we have introduced an Award on Mediation in The Ombudsman's Awards since 2018.



2018 Housing Department

For proactive attitude towards our invitation to mediation.



2019 Food and Environmental Hygiene Department

For adopting a pragmatic approach in exploring win-win solutions by jointly resolving problems with the complainants.



2020 Working Family and Student Financial Assistance Agency

For swiftly responding to the complainants' concerns and providing pragmatic and constructive suggestions for complaint resolution in the face of a remarkable increase in complaint cases in the respective financial year (from only one case in 2018/19 to 25 in 2019/20).



2021 Buildings Department

For explaining to complainants in clear and plain terms its enforcement policies, procedures and even technicalities in respect of in-situ inspection techniques to eliminate misunderstandings and hence shift from disputes to solutions.

Chapter 5

Access to Information

One of our functions is to investigate complaints on non-compliance with the Code on Access to Information (“the Code”) by all Government departments and public bodies covered by the Code.

Transparent Government



The Code is a set of administrative guidelines adopted by the Government under which all Government departments and public bodies covered by the Code are required to make available to the public information they hold, unless there is a reason specified by the Code to withhold it. The Code aims at informing the public about the Government, its services and the basis for policies and decisions that affect individuals and the community as a whole.



Complaints on Access to Information



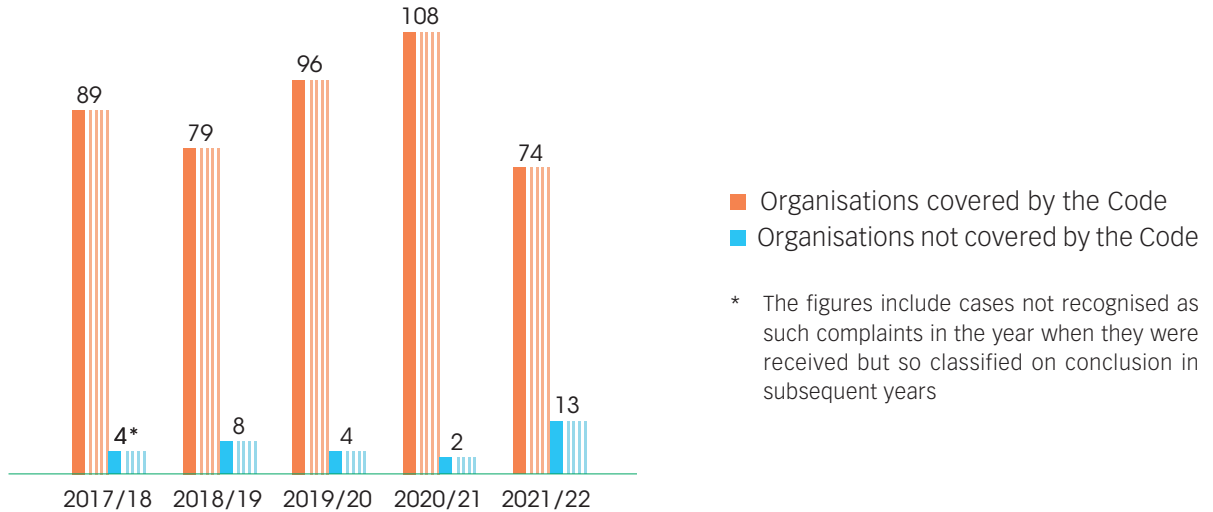
There are two types of complaint cases related to access to information (“ATI”):

- ▶ complaints against Government departments or public bodies covered by the Code
- ▶ complaints against public organisations not covered by the Code

During the year, we received a total of 87 complaints about ATI. Among the 93 ATI complaints concluded, inadequacies were found in 30 cases (32%).

Chapter 5 Access to Information

Number of ATI Complaints Received in the Past Five Years



ATI Complaints (statistics between 1 April 2021 and 31 March 2022)



Organisations covered by the Code: **74** complaints
Organisations not covered by the Code: **13** complaints

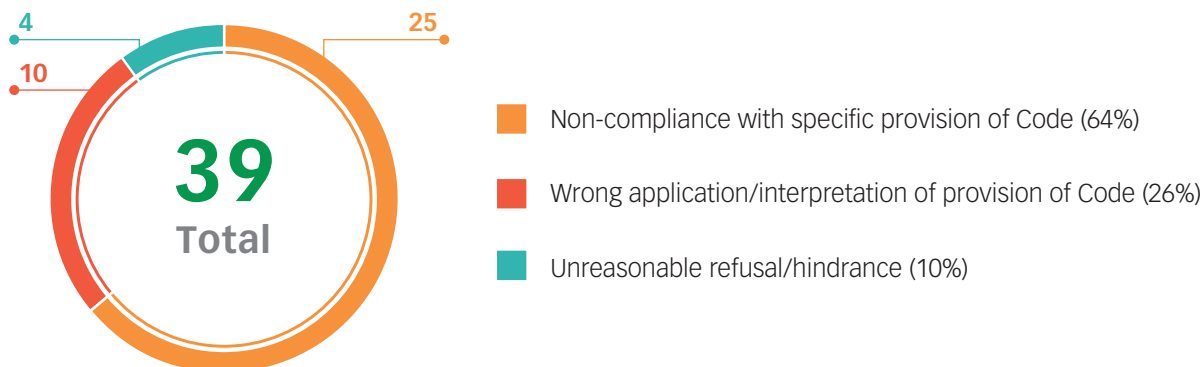


Organisations covered by the Code: **80** complaints
Organisations not covered by the Code: **13** complaints

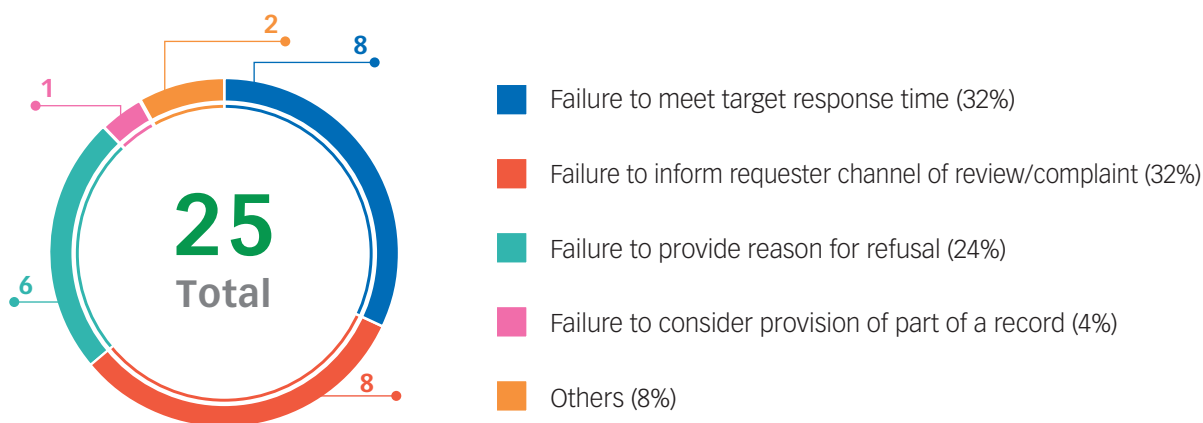
* Including those carried forward from last year

Chapter 5 Access to Information

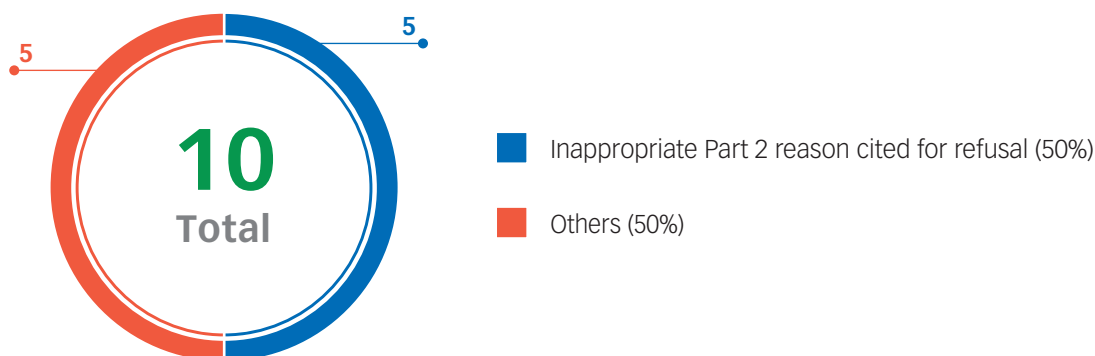
Number of Inadequacies Found in ATI Complaints



Non-compliance with Specific Provision of Code



Wrong Application/Interpretation of Provision of Code



Note: A complaint case may involve more than one inadequacy.

Summaries of selected ATI cases are as follows.

Chapter 5 Access to Information

Commerce and Economic Development Bureau

Refusing to provide information

The complainant requested the Commerce and Economic Development Bureau (“CEDB”) to provide the list of members of the dedicated team (“the Team”) for reviewing the governance and management of the Radio Television Hong Kong.



CEDB refused the complainant’s request by citing paragraph 2.9(c) of the Code that disclosure of the requested information would make it difficult to conduct other reviews in the future or have a negative effect on the ability of other departments to conduct similar operations. Instead, CEDB provided the names of directorate-level staff leading the Team and the staff grades of other members to facilitate the complainant’s understanding of the division of work within the Team. CEDB also briefly explained to the complainant the Team’s work and mode of operation.

Having considered CEDB’s explanation and justifications, including the macro environment of society at the moment, the difficulties in forming the Team, the work nature of the Team, the fact that the review report was made available for public viewing, etc., we did not consider CEDB to have violated the Code. It would be generally desirable for public officers to provide their names and post titles upon request, though.



Conclusion
Unsubstantiated

Chapter 5 Access to Information

Department of Health

Refusing to provide information

The complainant requested the Department of Health (“DH”) to disclose the advice given by the Scientific Committee on Emerging and Zoonotic Diseases, the Scientific Committee on Vaccine Preventable Diseases and the Government’s four-member Expert Advisory Panel (jointly referred to as “the expert group”) on each of the three vaccines against COVID-19 purchased by the Government



(including the number of votes that supported the procurement of each of the three vaccines). DH refused the request by citing paragraphs 2.10(b) (disclosure of the information would inhibit the frankness and candour of discussion within the Government), 2.14(a) (the information was third-party information) and 2.16 (the information included trade secrets) of the Code.

Given that the Government, upon obtaining information about the vaccines, had entered into confidential disclosure agreements with the vaccine developers/manufacturers, barring it from disclosing such information (that included the information requested by the complainant), and members of the expert group had also signed a confidentiality undertaking not to disclose the information, their advice and the matters they discussed, before scrutinising the information and discussing relevant issues, we accepted DH’s citing paragraphs 2.14(a) and 2.16 of the Code to refuse the complainant’s request. Moreover, we considered that the advice provided to the Government by the expert group fell within the category specified in paragraph 2.10(b) of the Code.



Conclusion
Unsubstantiated

Development Bureau

Refusing to disclose information about Antiquities and Monuments Office's grading of a structure

The complainant requested the Antiquities and Monuments Office ("AMO") of the Development Bureau ("DEVB") to provide minutes of any meetings of the Antiquities Advisory Board ("AAB") where AMO specified that "the Sham Shui Po fresh water break pressure tank at Bishop Hill fell outside the category of graded structures" and "no further action was considered required"



("Information (1)"), and any other AMO documents specifying the above matters ("Information (2)"). AMO refused the request by reason of impropriety to disclose internal documents about the incident.

Our investigation revealed that AMO had not consulted AAB on the above issues and therefore it did not have Information (1). However, we considered DEVB to have no valid justification for refusing to disclose to the complainant whether such information existed. On the other hand, Information (2) referred to emails exchanged between AMO and the Water Supplies Department. Considering that the work of a working group set up by the Government to review the incident about the damage of the Sham Shui Po fresh water break pressure tank at Bishop Hill was still in progress, we agreed that disclosure of that part of information was indeed likely to affect the working group's performance of its duties, inhibit the frankness and candour of discussion and advice given by public officers, and eventually prejudice the operations of departments. Hence, we accepted DEVB's citing paragraphs 2.9(c) and 2.10(b) of the Code to refuse the complainant's request for information.



Conclusion

Partially substantiated

Recommendation

To learn from this case and to strengthen its staff training on the Code and its Guidelines on Interpretation and Application

Chapter 5 Access to Information

Food and Environmental Hygiene Department

Refusing to disclose full report on Site Selection Feasibility Study of a public market

The complainant requested the Government's full report on the Site Selection Feasibility Study of the public market on Tin Fuk Road, Tin Shui Wai. The Food and Environmental Hygiene Department ("FEHD") refused the request by citing paragraph 2.10(b)(ii) of the Code (disclosure of the information would inhibit the frankness and candour of discussion within the Government). Upon our intervention, FEHD agreed to partial disclosure of the requested information. However, FEHD still refused disclosure of the remaining information by citing paragraphs 2.10(b)(ii) and 2.13(a) (the information was incomplete) of the Code as the reasons.



Our investigation revealed that the requested information was prepared some years ago and part of it might have become obsolete. Disclosure of the information might attract criticisms from some members of the public on the then site selection assessments. The Government officers who had participated in the discussion might have refrained from giving preliminary views at the planning stage should they know that the information would be disclosed. Besides, even with explanatory notes added, disclosure of the incomplete and outdated parts of the information might still lead to misunderstanding. As FEHD has explained the justifications for the site selection through the District Council and other channels, further disclosure of the requested information would not bring more benefit so that the public interest in disclosure would outweigh the harm or prejudice that might result.



Conclusion
Unsubstantiated

Hong Kong Police Force

Refusing to provide donation information

The complainant requested the Hong Kong Police Force (“HKPF”) to provide the donation information, including the dates of donations, names of the donors/donating organisations and donation amounts, of the Police Welfare Fund (“PWF”) (Case 1) and of the Police Children’s Education Trust and the Police Education and Welfare Trust (collectively called “the Trusts”) (Case 2) but the requests were refused.



For Case 1, HKPF explained that as required by a Government circular concerning staff welfare funds, it has maintained a register recording the donation information and made it available for public inspection. To HKPF’s understanding, “inspection” does not include making records of any form. Therefore, the complainant was not allowed to make record during inspection, nor was he provided a copy. HKPF also mentioned that donors’ privacy should be protected. As for Case 2, HKPF pointed out that the Trusts are established and managed according to the relevant legislation. There is no “donor register” for public inspection. Moreover, HKPF only maintains text files on donation information. To compile the donation information from more than 800 text files would unreasonably divert the Department’s resources. In the circumstances, HKPF refused the complainant’s information request pursuant to paragraph 2.9(d) of the Code.

We were of the view that, for Case 1, while HKPF’s current practice of allowing public inspection of the PWF register without making any record does not exactly constitute a refusal to information requests, the way the Department provides information does not fully comply with the Code and the Guidelines on Interpretation and Application of the Code. As for Case 2, we agreed that HKPF was justified in citing paragraph 2.9(d) to refuse the complainant’s information request.

Government staff welfare funds should be open and transparent to ensure that donations are perceived to be and actually made above board. The two cases show that HKPF had ample room for manoeuvre to satisfy requests for donation information made under the Code, without mobilising a lot of resources or infringing donors’ privacy, in order to enhance the transparency and accountability of the fund/trusts.



Conclusion

Case 1:

Partially substantiated

Case 2:

Unsubstantiated

Recommendation

Case 1: To review its arrangements for public inspection of the donation information of the PWF, including the feasibility of providing a copy of such information to requestors and allowing them to make records during the inspection, with a view to complying with the Code

Chapter 5 Access to Information

Hong Kong Police Force

Refusing to provide information

The complainant complained against the Hong Kong Police Force (“HKPF”) for refusing to provide the “offence details”, which includes the date, time and complete address of the location in question, as recorded on each of the fixed penalty notices (“Notices”) the Department had issued pursuant to the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation



(“PGG Regulation”) and the Prevention and Control of Disease (Wearing of Mask) Regulation (“WM Regulation”). HKPF said that since some Notices contained personal data, they first had to scrutinise the records on each Notice in order to delete privacy-related information before disclosing the information. This process would entail unreasonable diversion of resources. HKPF therefore refused to provide it by citing paragraph 2.9(d) of the Code.

Upon internal review, HKPF decided to disclose the information about the Notices issued under the WM Regulation as fewer Notices had been issued under that Regulation and those Notices did not involve privacy of individuals. As regards the Notices issued under the PGG Regulation, we accepted that HKPF had a reason to keep privacy-related information on the Notices confidential and to quote paragraph 2.9(d) of the Code as reasons for refusal.



Conclusion
Unsubstantiated

Chapter 5 Access to Information

Transport Department

Handling of application for Certificate of Particulars of Motor Vehicle

The complainant enquired of the Transport Department (“TD”) about how to apply for a Certificate of Particulars of Motor Vehicle (“Certificate”) for news reporting purpose. TD replied that applications submitted by means other than completing the prescribed form would be handled in accordance with the Code and relevant legislation/guidelines. The complainant subsequently made an information request under the Code for the details about a bus involved in a traffic accident. TD replied 51 days later that if the information requested by the complainant was to be used for “traffic and transport related matters”, he could apply through the Department’s fee-charging service (i.e. by completing the prescribed form).



We were of the view that TD might have given the complainant the false expectation that making a request under the Code is a viable means. TD’s final reply did not accede to nor refuse the request. It just reiterated that the complainant should judge by himself whether requesting the information for reporting a traffic accident was “traffic and transport related matters”. TD’s handling fell short of good administration. TD, as the department in charge of traffic and transport matters, should have both the responsibility and the capability to judge whether the said use was within its jurisdiction as “traffic and transport related matters”. TD has the responsibility to provide clear guidelines for the public’s reference such that they would not break the law inadvertently.



Conclusion

Partially substantiated

Recommendations

- ▶ Provide more comprehensive and clearer application notes
- ▶ Provide real examples to illustrate “traffic and transport related matters”
- ▶ Amend the prescribed application form to allow applicants to provide supplementary information
- ▶ Draw up procedures and guidelines for handling applications not involving personal data and those that may warrant fee waiver

Chapter 6

Improving Public Administration

Through impartial investigations, we aim to find out what have triggered complaints, redress grievances and address issues arising from maladministration in the public sector and bring about better public administrative practices.

Our recommendations are mainly categorised as follows:

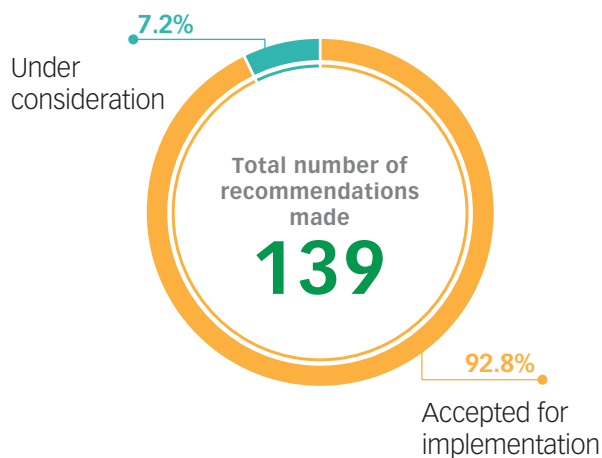


- (1) guidelines for clarity, consistency or efficiency in operation
- (2) better arrangements for inter-departmental co-ordination
- (3) measures for better public enquiry/complaint handling
- (4) measures for better client services
- (5) measures for more effective regulation or control
- (6) clearer/more reasonable rules and charges
- (7) clearer and more timely information to the public
- (8) training for staff
- (9) Others

To ensure practicability and effectiveness of our recommendations in bringing about better public administration, we often discuss our observations and views with senior officers of the organisations concerned in the course of investigation. Such exchanges conduce to clarifying doubts and a better understanding of the problems.

We expect the organisations concerned to take forward our recommendations and update us on any difficulties with their implementation. We will monitor progress. Where an organisation fails to take forward a recommendation, we may submit a report to the Chief Executive of the Hong Kong Special Administrative Region pursuant to The Ombudsman Ordinance, which requires a copy of the report to be laid before the Legislative Council within one month or such longer period as the Chief Executive may determine.

The figures of our concluded investigations and recommendations made for this financial year are set out below:



Full investigations concluded: **92**
Recommendations made: **74**



Direct investigations concluded: **8**
Recommendations made: **65**

Chapter 6 Improving Public Administration

As always, most of our recommendations were accepted. A small percentage of them were not accepted/implemented because the organisations concerned might have subsequently come up with other alternatives or our recommended measures were no longer needed as the action having caused a complaint would not be repeated due to, for instance, cease of relevant work of the organisation.

Major examples of the improvement measures implemented in this financial year are listed below.

Organisation (Case reference)	Improvement measures	Category
Buildings Department (2020/1946(I))	Staff training on the Code on Access to Information conducted	(8)
Buildings Department (DI/420)	<ul style="list-style-type: none"> Revising the guidelines for staff to record follow-up actions within specific time frame 	(1)
	<ul style="list-style-type: none"> Guidelines revised to adopt the rate of actual entry into premises to carry out site audit as its work benchmark 	(1)
	<ul style="list-style-type: none"> Establishing dedicated teams to clear backlog promptly and effectively 	(5)
	<ul style="list-style-type: none"> Enhancing the Building Condition Information System to remind staff to take enforcement action against owners who have failed to comply with the statutory notices issued under the Mandatory Window Inspection Scheme 	(5)
	<ul style="list-style-type: none"> Timely reviewing the work targets of the Mandatory Window Inspection Scheme and increased the number of target buildings in 2020 	(9)
	<ul style="list-style-type: none"> Employing consultants to conduct site audits during and beyond office hours and increasing the promotion of site audits among owners for a higher success rate of gaining entry into premises for conducting site audits 	(9)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Buildings Department ("BD") (DI/440)	<ul style="list-style-type: none"> Coordination and joint inspection mechanism with the Environmental Protection Department ("EPD") devised and a shared database of case records between BD and EPD established 	(2)
	<ul style="list-style-type: none"> Proactively referring cases involving "three-nil" buildings to District Offices of the Home Affairs Department, and assistance provided to needy owners by BD's social services teams 	(4)
	<ul style="list-style-type: none"> A schedule drawn up to clear outstanding statutory orders related to sewer misconnection cases 	(5)
	<ul style="list-style-type: none"> Manpower strengthened to address persistent resource constraints 	(5)
	<ul style="list-style-type: none"> Building Condition Information System enhanced to step up monitoring of the progress of sewer misconnection cases 	(5)
	<ul style="list-style-type: none"> Rectification works carried out after considering the circumstances of individual buildings 	(9)
Companies Registry (2020/2705(I))	<ul style="list-style-type: none"> A training session about the Code on Access to Information introduced in the regular training programmes for new recruits and in the refresher programmes about the Code for staff 	(8)
	<ul style="list-style-type: none"> Provided the requested information to the complainant 	(9)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Correctional Services Department ("CSD") & Government Logistics Department ("GLD") (DI/437)	CSD: <ul style="list-style-type: none"> Guidelines on making purchase orders and production arrangements of CSD's products and services reviewed and updated, stipulating: (i) the criteria and priorities for accepting purchase orders from different target clients; (ii) the arrangements for production of personal protective equipment in contingency circumstances, such as suspending acceptance of purchase orders for medical products and services from organisations other than government bureaux/departments and the Hospital Authority; and (iii) that no personal protective equipment (including CSI masks) would be sold to non-governmental organisations in any circumstances 	(1)
	GLD: <ul style="list-style-type: none"> Guidelines on the use of stores and storage and management of waste revised, covering the distribution and management of masks and other personal protective equipment in normal and contingency circumstances, the monitoring and recording of the quantity used, and procedures for disposal of expired equipment 	(1)
	<ul style="list-style-type: none"> Improvement measures on the procurement of protective equipment in contingency circumstances and assessment of bureaux/departments' demand for protective equipment drawn up upon review 	(2)
	<ul style="list-style-type: none"> Distribution of masks to six non-bureaux/departments in normal circumstances maintained upon review, with suitable arrangements to be made in special circumstances 	(4)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Department of Health (“DH”) & Transport and Housing Bureau (“THB”) (2021/0007)	DH/THB: <ul style="list-style-type: none"> Staff reminded to better understand enquiries and handle them proactively by providing accurate and timely information 	(3)
	THB: <ul style="list-style-type: none"> Proactively initiate discussion with other relevant department(s) to tackle special circumstances 	(2)
Department of Health (DI/411)	Proactively contact and follow up with the students or their parents if the students, who had been referred to specialists for assessment due to psychological health problems under the Student Health Service Programme, were found to have missed the next annual assessment of the Programme	(4)
Fire Services Department (2018/4329)	<ul style="list-style-type: none"> Uploaded on its website more information about mini-storage premises that have significant fire hazards 	(7)
	<ul style="list-style-type: none"> Officers reminded to adhere to the revised Law Enforcement Guidelines for such premises 	(9)
Fire Services Department (2020/2072(I))	Staff training on the Code on Access to Information conducted	(8)
Food and Environmental Hygiene Department (2019/3334A)	Proactively studied the feasibility of relocating two wall stalls and to consult the District Council when necessary	(5)
Food and Environmental Hygiene Department (2020/1788)	Step up enforcement actions against offenders causing street obstruction and illegal hawking in order to resolve the problem in a long-term manner	(5)
Food and Environmental Hygiene Department, Highways Department & Lands Department (2020/1833)	Set up an inter-departmental communication and cases escalation mechanism for identifying as soon as possible the responsible department(s) for a complaint in future when the departments have different views on which department(s) should be responsible	(2) & (3)
Food and Environmental Hygiene Department (2020/2017(I))	Staff training on the Code on Access to Information conducted	(8)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Food and Environmental Hygiene Department (2020/3222)	<ul style="list-style-type: none"> Expedited the process of seeking legal advice on obtaining a closure order against the barbeque site in question ("the Site") 	(5)
	<ul style="list-style-type: none"> Increased the frequencies of regular and surprise inspections on the Site and took enforcement actions decisively to combat the illegal activities 	(5)
	<ul style="list-style-type: none"> Examine the feasibility of publishing through the mass media and on the Department's website the information of the food premises which were persistently in breach of the regulations 	(5)
	<ul style="list-style-type: none"> Contact the Home Affairs Bureau as soon as possible to see whether it could help to solve the issue of the lack of managers of T'ongs to avoid adverse impacts on the taking of enforcement actions by the Department in the future 	(5)
Food and Environmental Hygiene Department (DI/416)	<ul style="list-style-type: none"> Market management staff at all levels instructed through internal meetings to continuously monitor the operation of market stalls and actively combat their irregularities, and take thorough enforcement actions against various irregularities detected 	(5)
	<ul style="list-style-type: none"> Feasibility study on the inclusion of minimum daily business hours of stalls in tenancy agreements completed, and new terms to such effect were added to the licence agreement of some newly completed markets 	(5)
	<ul style="list-style-type: none"> Operating environment of markets, management measures and enforcement actions enhanced to tackle the problem of prolonged close of business of market stalls 	(5)
	<ul style="list-style-type: none"> Review of the Registered Assistants system completed, with new terms added to the licence agreement of some newly completed markets 	(5)
	<ul style="list-style-type: none"> Requirement for different categories of market stall tenants to display business registration certificates at their stalls implemented 	(6)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Food and Environmental Hygiene Department (DI/430)	<ul style="list-style-type: none"> Complaints Management Information System enhanced, and complaint data compiled and analysed, to facilitate the monitoring of the performance of its contractors in their improvement of their services 	(3)
	<ul style="list-style-type: none"> Low-entry refuse collection vehicles introduced to enhance the efficiency of street cleansing service 	(4)
	<ul style="list-style-type: none"> Inspections on street cleansing service by Quality Assurance Section during non-office hours, weekends and holidays stepped up 	(5)
	<ul style="list-style-type: none"> Mechanism for deducting monthly service charges associated with default notices reviewed and revised, with a deterrent element included in calculating the amount of deduction, for more proactive enhancement of service performance by street cleansing contractors 	(5)
	<ul style="list-style-type: none"> Marking scheme for tender evaluation reviewed and revised, and scores for distinguishing good from bad "past performance" fully utilised, to increase the deterrent effect of default notices on street cleansing contractors 	(5)
	<ul style="list-style-type: none"> New measures implemented to encourage tenderers for outsourced street cleansing service contracts to make innovative proposals to enhance service quality 	(9)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Food and Environmental Hygiene Department ("FEHD") & Architectural Services Department ("ASD") (DI/431)	FEHD: <ul style="list-style-type: none"> Toilet Handbook to be regularly updated to provide reference to relevant departments on the latest standards and requirements for public toilet refurbishment works 	(1)
	<ul style="list-style-type: none"> Mechanism for the planning and management of public toilets reviewed for appropriate and flexible allocation of resources according to the actual situation to improve public toilet service 	(4)
	<ul style="list-style-type: none"> Toilet attendants deployed to "high utilisation" public toilets directly managed by the Department, and additional resources allocated and inspections stepped up to improve public toilet service 	(4)
	<ul style="list-style-type: none"> Publicity and education as well as communication with law enforcement departments continuously strengthened to address the problem of vandalism of public toilet facilities 	(4)
	<ul style="list-style-type: none"> Inspections at outsourced public toilets continuously stepped up 	(5)
	<ul style="list-style-type: none"> Reviews, public consultations, compilation of utilisation rates, collection of public views, etc. continuously and timely conducted with a view to setting priorities for the public toilet refurbishment programme 	(9)
	ASD: <ul style="list-style-type: none"> Mechanism for "minimum amount of liquidated damages" formulated for greater deterrent effect on contractors with delay in works completion 	(5)
	FEHD & ASD: <ul style="list-style-type: none"> Communication between FEHD and ASD strengthened for closer monitoring of the progress of public toilet repair works 	(2)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
GS-Development Bureau (2021/0598(I))	Staff training on the Code on Access to Information conducted	(8)
GS-Education Bureau (2020/4290)	<ul style="list-style-type: none"> Updated the guidelines on granting exemption to students from taking religious education in the School Administration Guide and included in the guidelines examples of practices adopted by similar schools for reference 	(1)
	<ul style="list-style-type: none"> Relevant materials (including information leaflets, videos, PowerPoints, Frequently Asked Questions) for the Primary One Admission System and the Secondary School Places Allocation System renewed as to pointing out clearly the need to note the religious background of a school when applying for a place in the school 	(7)
GS-Education Bureau (DI/421)	A database on other charges collected by private schools created to keep track of the overall situation	(5)
GS-Food and Health Bureau ("FHB"), Department of Health ("DH") & Hospital Authority ("HA") (DI/433)	FHB/DH:	
	<ul style="list-style-type: none"> Advised two private hospitals to use their low-charge beds to offer service packages so as to make those beds more attractive cost-wise 	(4)
	<ul style="list-style-type: none"> Suggestions made to two private hospitals to enhance the publicity of low-charge beds 	(7)
	HA:	
	<ul style="list-style-type: none"> The arrangements for referral of patients to use low-charge beds during peak periods of influenza epidemics reviewed and the existing referral procedures enhanced 	(1)
<ul style="list-style-type: none"> Relaxed the restrictions on the reservation of low-charge beds for patients to be referred during peak periods of influenza epidemics 	(1)	
<ul style="list-style-type: none"> Adopting the referral arrangements for patients to use low-charge beds irrespective of whether during influenza epidemics or not 	(4)	

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
GS- Labour and Welfare Bureau ("LWB") & Transport Department ("TD") (DI/360)	LWB/TD: <ul style="list-style-type: none"> Steered a non-government organisation to complete a consultancy study for the estimation of the future demand and supply of Rehabus service, and expanded the fleet of Rehabuses to meet the increasing demand 	(9)
	TD: <ul style="list-style-type: none"> A trial scheme launched to introduce low-floor wheelchair accessible public light buses to two green minibus routes serving hospitals 	(9)
Home Affairs Department (2020/2585(I))	Provided part of the requested information relating to a work project to complainants	(9)
Housing Department (2020/2812)	<ul style="list-style-type: none"> Instructed staff members to inform applicants who apply for allowance to display publicity materials in public rental housing estates the progress of their applications by giving them interim and regular replies 	(4)
	<ul style="list-style-type: none"> More information on the approving criteria of and guidelines for displaying publicity materials in public rental housing estates provided on the Department website 	(7)
Immigration Department (2021/0040(I))	<ul style="list-style-type: none"> Information circulated and training conducted to enhance staff's understanding of the Code on Access to Information 	(8)
	<ul style="list-style-type: none"> Maintaining and releasing to the public more statistics on the persons detained by the Department 	(9)
Immigration Department (2020/2286A)	<ul style="list-style-type: none"> Strengthened liaison with the Judiciary Administration to ensure that important messages regarding emergency incidents will be accurately conveyed 	(2)
	<ul style="list-style-type: none"> Reviewed its checking process to ensure the addresses provided by identity card applicants are accurate and complete 	(5)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Joint Office for Investigation of Water Seepage Complaints (2021/2468)	<ul style="list-style-type: none"> Reminded staff to timely inform complainants of the progress and results of investigations to avoid misunderstandings 	(4)
	<ul style="list-style-type: none"> Reviewed the handling of the case and reminded staff to take reference of the case and ensure the compliance checks of Nuisance Notices or Nuisance Orders are conducted according to the requirements of the Nuisance Notices or Nuisance Orders 	(5)
	<ul style="list-style-type: none"> To continue to closely follow up on the case and take appropriate actions in accordance with the confirmatory test result and established guidelines in order to solve the seepage problem sooner 	(9)
Joint Office for Investigation of Water Seepage Complaints ("JO") (DI/428)	<ul style="list-style-type: none"> Work procedures streamlined including aligning the testing procedures of colour water test, reducing the number of prior visits and standardising the documents for application of entry warrants 	(1)
	<ul style="list-style-type: none"> Regional Joint Offices established to strengthen the communication between the JO staff who are from Food and Environmental Hygiene Department and Buildings Department and to enhance operational efficiency 	(2)
	<ul style="list-style-type: none"> Arrangements for early referral of water seepage reports involving continuous dripping or visible leakage of water supply pipes to Water Supplies Department regularised 	(2)
	<ul style="list-style-type: none"> Water Seepage Complaint Management System enhanced to step up the monitoring of follow-up actions 	(3)
	<ul style="list-style-type: none"> Use of new testing technologies extended to more pilot districts to shorten the time for investigation 	(3)
	<ul style="list-style-type: none"> Manpower strengthened to speed up complaint handling 	(3)
	<ul style="list-style-type: none"> A clause added to new consultancy agreements to require that informants be updated of case progress regularly 	(3)
	<ul style="list-style-type: none"> A customer service team set up to introduce mediation service to owners for resolution of disputes over water seepage 	(4)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Judiciary Administration (2020/2286C)	Strengthened liaison with the Immigration Department to review the workflow of the processing of the information from the Department for compilation of the lists of jurors	(2)
Labour Department (2020/1174B)	• The “Guidance Notes on Prevention of Trapping Hazard of Tail Lifts” amended	(1)
	• Reviewed other guidelines on occupational safety to avoid inconsistencies or contradictions with the licensing conditions or requirements stipulated by other departments	(1)
Lands Department (2020/3514)	• Staff reminded to properly answer public enquiries in the future	(7)
	• Experience in investigating cases of suspected breach of Short Term Tenancy conditions shared with staff	(8)
Lands Department (DI/425)	• Guidelines updated to stipulate the time limits for issuing warning letters by District Lands Officer in respect of a breach of Government land lease and registering warning letters at the Lands Registry	(5)
	• Guidelines updated to strengthen enforcement action against breaches of lease conditions in public areas	(5)
	• The GeoInfo Map website optimised by uploading more information (including photographs) about public passages/atria in private malls to increase transparency	(7)
	• Information about public facilities provided in private developments as required under lease uploaded to the GeoInfo Map website about every six months	(7)
	• Conditions introduced to the leases of new private developments that owners must display layout plans showing the locations and routing of public passages/atria in malls	(9)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Leisure and Cultural Services Department (2018/2918)	<ul style="list-style-type: none"> New penalty to curb the abuse of concessionary rates for recreation and sports facilities: hirers concerned are liable to suspension of booking right; and all abuse cases will be duly recorded and reviewed 	(5)
	<ul style="list-style-type: none"> Improvement measures to curb touting activities: cancellation of booked sessions for fee-charging recreation and sports facilities must be made at least one day prior to the day of use and the vacant sessions will become available for public booking on the following day 	(5)
Leisure and Cultural Services Department (2021/2498)	<ul style="list-style-type: none"> To regularly review the effectiveness of the improvement measures implemented to ensure that staff members act in accordance with established procedures 	(1) & (3)
	<ul style="list-style-type: none"> To complete the optimisation of the appeal system and set out details of the appeal procedure as soon as possible 	(1)
Leisure and Cultural Services Department (DI/357)	“Community Book-sharing Scheme” launched to donate withdrawn library materials to non-profit-making organisations so as to better utilise those library materials	(9)
Leisure and Cultural Services Department (DI/434)	<ul style="list-style-type: none"> Guidelines revised to require District Leisure Services Offices to report to the headquarters regularly the progress of gazetting and depositing of layout plans of new venues of public pleasure grounds 	(1)
	<ul style="list-style-type: none"> Guidelines revised to set out the procedures and timeframe for gazetting and depositing layout plans of new venues of public pleasure grounds 	(1)
	<ul style="list-style-type: none"> Guidelines revised to require staff to deposit, where necessary, to the Land Registry a provisional plan showing the boundary of the major area of a public pleasure ground before the venue is opened to the public 	(1)
	<ul style="list-style-type: none"> Developing a new computerised system for maintaining electronic records of layout plans of public pleasure grounds so as to facilitate monitoring of the work 	(5)

Chapter 6 Improving Public Administration

Organisation (Case reference)	Improvement measures	Category
Radio Television Hong Kong (2020/0724(I))	Guidelines updated to list out the categories of information required for preservation and state clearly that information not covered by the archive policy is not required to be preserved	(1)
Radio Television Hong Kong (2020/2071(I))	Staff training on the Code on Access to Information conducted	(8)
Registration and Electoral Office (2020/2930)	Annual statistics of registered electors maintained constantly for reference by the Government and for public inspection	(7)
Social Welfare Department (2020/2070(I))	Staff training on the Code on Access to Information conducted	(8)
Social Welfare Department (2020/3394)	Reminded staff to follow up on reports from the public cautiously and reply to their enquiries properly	(3)
Social Welfare Department (DI/419)	The feasibility study of establishing a mandatory reporting mechanism for suspected child abuse cases by a cross-bureaux working group completed	(5)
Transport Department (2019/3334B)	Continued the study and review of the traffic facilities at the location concerned to alleviate the problem that passers-by were forced to walk on the carriageway	(5)
Transport Department (2021/0383(I))	<ul style="list-style-type: none"> Case reviewed and the requested information relating to the service endorsements of non-franchised buses provided to the complainant The Department's internal computer system upgraded to enhance the efficiency in handling similar information requests 	(3) (3)
Water Supplies Department (2020/1968(I))	Staff training to enhance their understanding on the Code on Access to Information conducted	(8)

Chapter 7

Spreading Our Message

COVID-19 brought challenges to our work but left our commitment to engaging the stakeholders in achieving our mission unscathed. The social distancing and other control measures inevitably impacted on our publicity activities but we mitigated the impact by adjusting our strategies and modes of communication with the public. Apart from concurrent online and face-to-face communication of our messages, we also conducted a public perception survey, revamped our website, produced new corporate videos and publicity leaflets to underpin our future publicity work.

Media Events and Press Releases

During the year, we organised three press conferences and issued two press releases to announce the results of eight direct investigations. We also declared the launch of eight direct investigations and invited public views.



Chapter 7 Spreading Our Message

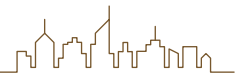
Corporate Videos



We were producing a new set of corporate videos to enhance the corporate image of the Office and provide informative messages lively to enhance public understanding of The Ombudsman's roles, jurisdiction and services. The new corporate videos which target the local and worldwide audiences are expected to be launched in 2022.



Website



Web browsing behaviour has changed tremendously in the recent decade. There is a need to revamp our website to enhance user experience. We have therefore engaged a website developer to craft a new website, which supports desktop, tablet and mobile devices, with more user-friendly interface and multimedia enriched content to improve usability and readability. We are looking forward to a refreshed official website in the coming year.



Chapter 7 Spreading Our Message

Engagement with Local Working Partners and Public Education



We continued to engage local stakeholders to enhance community awareness of the role and services of our Office and to inculcate a positive complaint culture.

This year, 14 engagement sessions were held to share our mission, scope of work and our experience in complaint handling with staff of different government departments and organisations.



We were grateful that this year we could gather with awardee departments and organisations at the Presentation Ceremony of the Ombudsman's Awards held on 4 November 2021, where we expressed our appreciation for these public service providers' exercise of agility and flexibility to overcome challenges under the new normal and to continue to provide quality public services.

This year's Grand Award went to the Water Supplies Department, whereas the Environmental Protection Department and Housing Department were the runners-up. The Buildings Department won the Organisation Award on Mediation. 64 public officers were given the individual awards for their exemplary performance in serving the public.

The list of Awardees can be found by scanning the QR code:



Chapter 7 Spreading Our Message

Survey

In early 2021, this Office engaged a local tertiary institution to conduct a survey for an up-to-date reading of community awareness of our Office, understanding of our functions and jurisdiction. It also helped find out the public perception of, and expectation on, the Office with regard to our core values: independence, objectivity and impartiality. The results told us how the community received our performance and efficacy. We subsequently devised an Action Plan to enhance our performance in respect of complainant service, investigation work as well as promotional strategies and plans.



Publication

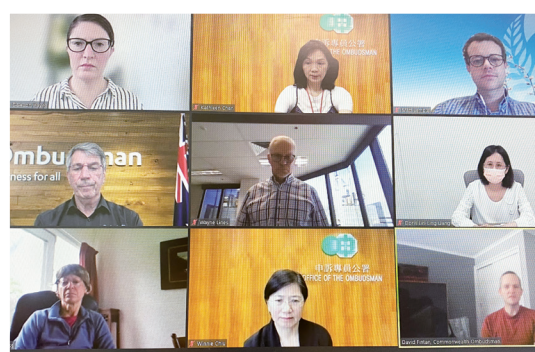
We have published a new set of leaflets in 2022 to better present to the public the role and functions of the Office. The Office adopted the theme of “Bridge” as the concept of design, which emphasises the Office’s role in the tripartite collaboration among the Office, members of the public and organisations under complaint on improving the quality and efficiency of public administration through resolving complaints.



Overseas Liaison

In April and May 2021, I attended the 33rd Australasian and Pacific Ombudsman Region Members Meeting and the 12th International Ombudsman Institute (IOI) General Assembly, Board Meeting and World Conference online with my colleagues.

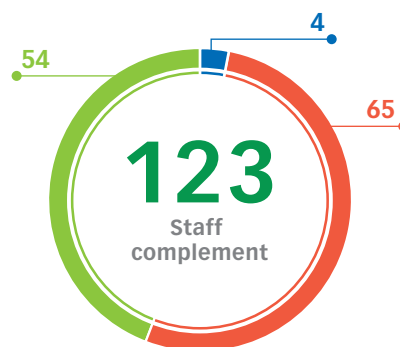
I also attended the Webinar on the Manchester Memorandum organised by the IOI in partnership with Parliamentary and Health Service Ombudsman UK with my Assistant Ombudsman in November 2021.



Chapter 8

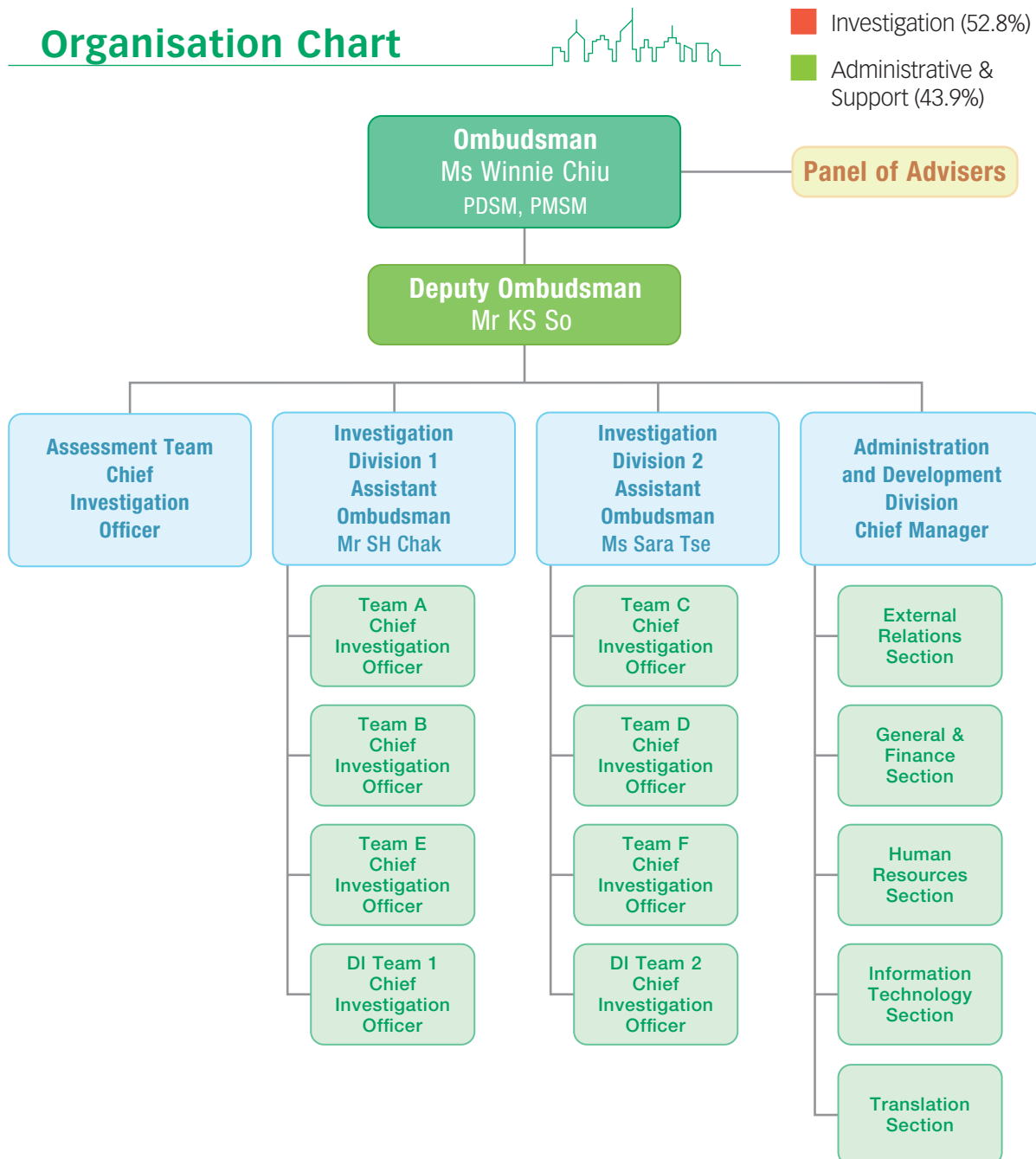
Our Office

Amid the mounting challenges posed by the COVID-19 pandemic in the year, we stood firmly in our commitment to building a dedicated workforce to serve the public. We continued to progress steadily in nurturing a solid base of home-grown talent and developing a healthy contingent of investigation officers. To cope with the changing work environment, we added three project-based IT manager posts to boost the support to our IT team so as to implement our long-term IT strategies. We also turned a time-limited assistant manager position into a regular post to sustain our reach by digital media and strengthen our external relations initiatives. As at 31 March 2022, we have a staff complement of 123.



- Directorate (3.3%)
- Investigation (52.8%)
- Administrative & Support (43.9%)

Organisation Chart



Training and Development



We strived to maintain a learning and sharing culture by organising interactive class on presentation skills, experience sharing workshops on writing skills and handling of judicial review and small claim cases. We also arranged staff to attend online/classroom management and vocational training to enhance their work knowledge and job skills.

We arranged staff to join virtual conferences and webinars organised by overseas ombudsman institutes, which provided a platform for officers to learn and exchange views on best practices for complaint handling in different jurisdictions.

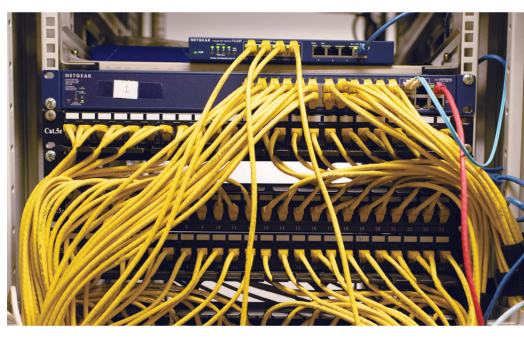
We continued to subscribe for our staff to an Employee Wellness Programme, which offered coaching and counselling to our staff to help them achieve personal and professional effectiveness. To echo the theme of our new programme titled "To Thrive in Times of Change", we organised staff wellness workshops when situation permitted, aiming to empower them with energy for positive living and enhance their understanding and utilisation of their character strengths in work and daily life.



Chapter 8 Our Office

Revamp of Information and Communications Technology Infrastructure

A five-year Strategic Plan was mapped out in 2019 which aimed at developing the Office by into a robust and sustainable setup that will serve Hong Kong well into the future. In meeting the objectives of the strategic directions, a five-year Information and Communications Technology Strategic Plan was drawn up in 2021 with a three-pronged approach (efficiency, effectiveness and essentiality) to drive the digital transformation of the Office. A series of projects was planned, which included upgrading of the network infrastructure, automation of complaint management workflow and revamp of other inhouse systems.



Occupational Health and Safety

We have continued in the year to attain the “Good” Class certification in the Indoor Air Quality Certification Scheme for Offices and Public Places.

During the fifth wave of COVID-19, we have implemented special work arrangements, such as work-from-home by rotation and suspension of face-to-face meetings to balance the need for business continuity and combating the pandemic. With enhanced IT infrastructure, we managed to maintain our services and upkeep the service quality. The public generally showed understanding for which we are thankful.



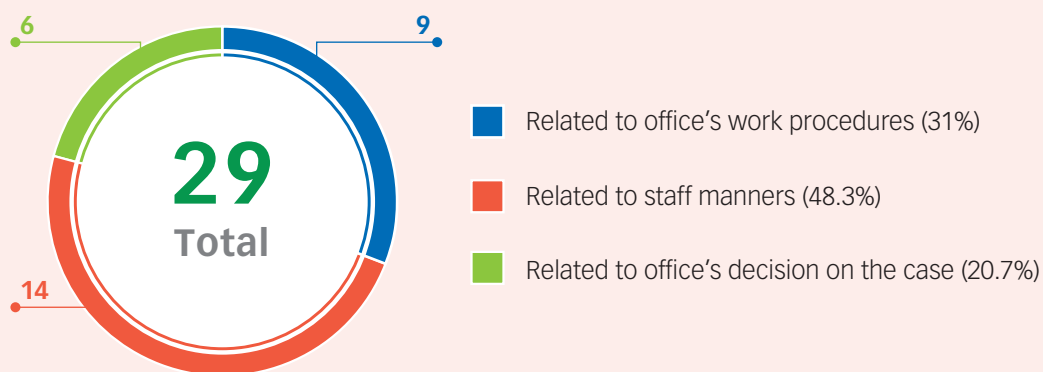
Feedback on our Service



We concluded altogether 23 complaints against the Office concerning staff manners and/or our work procedures in the year, each representing an individual's expectations on our services. We took these complaints seriously and investigate each of them carefully. Inadequacy on the part of our staff was found in one case, on which we followed up with counselling provided to the staff concerned. Although these expectations varied in degree, they offered much food for thought in reviewing and improving our services.



Nature of complaints against the Office



Note: One complaint case may have more than one nature.



APPENDICES

The Ombudsman, Hong Kong
Annual Report 2021/22



Appendix 1

List of Scheduled Organisations

Organisations Listed in Part 1 of Schedule 1, Cap. 397

A	Agriculture, Fisheries and Conservation Department	AFCD
	Airport Authority	AA
	All registries and administrative offices of courts and tribunals for which the Judiciary Administrator has responsibility	JA
	Architectural Services Department	ArchSD
	Audit Commission	Aud
	Auxiliary Medical Service	AMS
	Auxiliary Medical Service (Government department)	AMS
B	Buildings Department	BD
C	Census and Statistics Department	C&SD
	Civil Aid Service	CAS
	Civil Aid Service (Government department)	CAS
	Civil Aviation Department	CAD
	Civil Engineering and Development Department	CEDD
	Companies Registry	CR
	Competition Commission	ComC
	Consumer Council	CC
	Correctional Services Department	CSD
	Customs and Excise Department	C&ED
D	Department of Health	DH
	Department of Justice	DoJ
	Drainage Services Department	DSD
E	Electrical and Mechanical Services Department	EMSD
	Employees Retraining Board	ERB
	Environmental Protection Department	EPD
	Equal Opportunities Commission	EOC
	Estate Agents Authority	EAA

Appendix 1 List of Scheduled Organisations

F	Financial Reporting Council	FRC
	Fire Services Department	FSD
	Food and Environmental Hygiene Department	FEHD
G	General Office of the Chief Executive's Office	CEO
	Government Flying Service	GFS
	Government Laboratory	GovtLab
	Government Logistics Department	GLD
	Government Property Agency	GPA
	Government Secretariat	GS
	– Chief Secretary for Administration's Office	CSO
	– Chief Secretary for Administration's Private Office	CSPO
	– Civil Service Bureau	CSB
	– Commerce and Economic Development Bureau	CEDB
	– Constitutional and Mainland Affairs Bureau	CMAB
	– Development Bureau	DEVB
	– Education Bureau	EDB
	– Environment Bureau	ENB
	– Financial Secretary's Office	FSO
	– Financial Secretary's Private Office	FSPO
	– Financial Services and the Treasury Bureau	FSTB
	– Food and Health Bureau	FHB
	– Home Affairs Bureau	HAB
	– Innovation and Technology Bureau	ITB
	– Labour and Welfare Bureau	LWB
	– Policy Innovation and Co-ordination Office	PICO
– Secretary for Justice's Office	SJO	
– Security Bureau	SB	
– Transport and Housing Bureau	THB	

Appendix 1 List of Scheduled Organisations

H	Highways Department	HyD
	Home Affairs Department	HAD
	Hong Kong Arts Development Council	HKADC
	Hong Kong Housing Authority	HKHA
	Hong Kong Housing Society	HKHS
	Hong Kong Monetary Authority	HKMA
	Hong Kong Observatory	HKO
	Hong Kong Sports Institute Limited	HKSIL
	Hospital Authority	HA
	Housing Department	HD
I	Immigration Department	ImmD
	Information Services Department	ISD
	Inland Revenue Department	IRD
	Insurance Authority	IA
	Intellectual Property Department	IPD
	Invest Hong Kong	InvestHK
J	Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service	JSSCS
K	Kowloon-Canton Railway Corporation	KCRC
L	Labour Department	LD
	Land Registry	LR
	Lands Department	LandsD
	Legal Aid Department	LAD
	Legislative Council Secretariat	LCS
	Leisure and Cultural Services Department	LCSD
M	Mandatory Provident Fund Schemes Authority	MPFA
	Marine Department	MD
O	Office of the Communications Authority	OFCA
	Official Receiver's Office	ORO

Appendix 1 List of Scheduled Organisations

P	Planning Department	PlanD
	Post Office	PO
	Privacy Commissioner for Personal Data	PCPD
	Property Management Services Authority	PMSA
R	Radio Television Hong Kong	RTHK
	Rating and Valuation Department	RVD
	Registration and Electoral Office	REO
S	Securities and Futures Commission	SFC
	Social Welfare Department	SWD
T	The Hong Kong Examinations and Assessment Authority	HKEAA
	Trade and Industry Department	TID
	Transport Department	TD
	Travel Industry Authority	TIA
	Treasury	Try
U	University Grants Committee, Secretariat	UGC
	Urban Renewal Authority	URA
V	Vocational Training Council	VTC
W	Water Supplies Department	WSD
	West Kowloon Cultural District Authority	WKCDA
	Working Family and Student Financial Assistance Agency	WFSFAA

Organisations Listed in Part 2 of Schedule 1, Cap. 397

I	Independent Commission Against Corruption	ICAC
H	Hong Kong Auxiliary Police Force	HKAPF
	Hong Kong Police Force	HKPF
S	Secretariat of the Public Service Commission	PSC

Appendix 2

Circumstances where Complaints are not Followed up or Investigated



Actions not Subject to Investigation Schedule 2, Cap. 397

1. Security, defence or international relations
2. Legal proceedings or prosecution decisions
3. Exercise of power to pardon criminals
4. Contractual or other commercial transactions
5. Personnel matters
6. Grant of honours, awards or privileges by Government
7. Actions by the Chief Executive personally
8. Imposition or variation of conditions of land grant
9. Actions in relation to Hong Kong Codes on Takeovers and Mergers and Share Buy-backs
10. Crime prevention and investigation actions by Hong Kong Auxiliary Police Force, Hong Kong Police Force or Independent Commission Against Corruption



Restrictions on Investigation of Complaints Section 10(1), Cap. 397

1. Complainant having knowledge of subject of complaint for more than two years
2. Complaint made anonymously
3. Complainant not identifiable or traceable
4. Complaint not made by person aggrieved or suitable representative
5. Subject of complaint and complainant having no connection with Hong Kong
6. Statutory right of appeal or remedy by way of legal proceedings (except judicial review) being available to complainant



Circumstances where The Ombudsman may Decide not to Investigate Section 10(2), Cap. 397

1. Investigation of similar complaints before revealed no maladministration
2. Subject of complaint is trivial
3. Complaint is frivolous or vexatious or is not made in good faith
4. Investigation is, for any other reason, unnecessary

Appendix 3

Caseload

	Reporting year ¹				
	17/18	18/19	19/20	20/21	21/22
Enquiries	11,424	10,403	8,581	7,505	8,851
Complaints					
(a) For processing	5,587	5,808	20,737	30,713	5,626
– Received	4,829[68]	4,991[349]	19,767[15,034]	29,814[25,155]	4,934[140]
– Brought forward	758	817	970	899	692
(b) Completed	4,770[61]	4,838[353]	19,838[15,040]	30,021[25,155]	5,032[135]
Pursued and concluded	2,724[52]	2,912[344]	2,807[326]	2,826[249]	2,739[102]
– By inquiry ²	2,292[37]	2,502[326]	2,418[217]	2,480[246]	2,432[102]
– By full investigation ³	195[15]	205[18]	240[109]	167[3]	92
– By mediation ⁴	237	205	149	179	215
Assessed and closed	2,046[9]	1,926[9]	17,031[14,714]	27,195[24,906]	2,293[33]
– Insufficient grounds to pursue ⁵	1,099	1,037[9]	8,676[7,496]	1,295[203]	1,171[6]
– Legally bound ⁶	947[9]	889	8,355[7,218]	25,900[24,703]	1,122[27]
(c) Percentage completed = (b) / (a)	85.4%	83.3%	95.7%	97.7%	89.4%
(d) Carried forward = (a) – (b)	817	970	899	692	594
Direct investigations completed	12	12	10	9	8

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

Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.

Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.

Note 5. Not pursued but closed for reasons such as lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion.

Note 6. Outside the Office's jurisdiction or restricted by The Ombudsman Ordinance.

[] Number of topical complaints.

– See "Glossary of Terms" in Chapter 1 for detailed definitions of the above terms.

Appendix 4

Complaints Received and Complaints Pursued & Concluded

Organisation	No. of complaints received	No. of complaints pursued and concluded ¹
Agriculture, Fisheries and Conservation Department	38	18
Airport Authority	4	0
Architectural Services Department	7	1
Audit Commission	2	1
Auxiliary Medical Service	1	0
Buildings Department	208	153
Census and Statistics Department	7	2
Civil Aid Service	5	1
Civil Aviation Department	4	3
Civil Engineering and Development Department	18	9
Companies Registry	16	5
Consumer Council	15	9
Correctional Services Department	67	44
Customs and Excise Department	31	15
Department of Health	171	52
Department of Justice	14	6
Drainage Services Department	15	8
Electrical and Mechanical Services Department	28	17
Employees Retraining Board	4	3
Environmental Protection Department	52	26
Equal Opportunities Commission	7	1
Estate Agents Authority	156	94

Appendix 4 Complaints Received and Complaints Pursued & Concluded

Organisation	No. of complaints received	No. of complaints pursued and concluded ¹
Fire Services Department	47	15
Food and Environmental Hygiene Department	532	348
General Office of the Chief Executive's Office	17	12
Government Flying Service	3	0
Government Logistics Department	3	0
Government Property Agency	3	2
Government Secretariat		
– Chief Secretary for Administration's Office	7	3
– Chief Secretary for Administration's Private Office	0	2
– Civil Service Bureau	25	8
– Commerce and Economic Development Bureau	5	2
– Constitutional and Mainland Affairs Bureau	3	1
– Development Bureau	6	4
– Education Bureau	72	48
– Environment Bureau	1	0
– Financial Services and the Treasury Bureau	54	25
– Food and Health Bureau	38	12
– Home Affairs Bureau	28	21
– Innovation and Technology Bureau	57	35
– Labour and Welfare Bureau	10	1
– Policy Innovation and Co-ordination Office	83	104
– Security Bureau	8	3
– Transport and Housing Bureau	21	9

Appendix 4 Complaints Received and Complaints Pursued & Concluded

Organisation	No. of complaints received	No. of complaints pursued and concluded ¹
Highways Department	61	50
Home Affairs Department	110	63
Hong Kong Arts Development Council	4	1
Hong Kong Housing Authority	16	3
Hong Kong Housing Society	25	21
Hong Kong Monetary Authority	35	13
Hong Kong Observatory	3	0
Hong Kong Police Force	136	24
Hong Kong Sports Institute Limited	2	2
Hospital Authority	195	74
Housing Department	618	388
Immigration Department	128	103
Independent Commission Against Corruption	5	1
Information Services Department	1	0
Inland Revenue Department	38	19
Insurance Authority	10	6
Intellectual Property Department	1	0
Judiciary Administrator	14	9
Labour Department	56	35
Land Registry	5	3
Lands Department	231	172
Legal Aid Department	64	36
Legislative Council Secretariat	3	1
Leisure and Cultural Services Department	192	140
Mandatory Provident Fund Schemes Authority	13	8
Marine Department	18	10

Appendix 4 Complaints Received and Complaints Pursued & Concluded

Organisation	No. of complaints received	No. of complaints pursued and concluded ¹
Office of the Communications Authority	18	9
Official Receiver's Office	12	8
Other Organisations ²	344	7
Planning Department	28	14
Post Office	75	44
Privacy Commissioner for Personal Data	14	4
Property Management Services Authority	12	4
Radio Television Hong Kong	10	2
Rating and Valuation Department	10	5
Registration and Electoral Office	10	2
Securities and Futures Commission	22	12
Social Welfare Department	125	72
The Hong Kong Examinations and Assessment Authority	11	5
Trade and Industry Department	2	1
Transport Department	248	154
Treasury	2	0
University Grants Committee, Secretariat	2	2
Urban Renewal Authority	12	2
Vocational Training Council	5	4
Water Supplies Department	79	74
West Kowloon Cultural District Authority	1	1
Working Family and Student Financial Assistance Agency	15	8
Total	4,934	2,739

Note 1. Including the complaints received in the previous year but pursued and concluded in the prevailing year.

Note 2. "Other Organisations" are organisations falling outside Schedule 1 to The Ombudsman Ordinance.

Appendix 5

Results of Complaints Concluded by Inquiry

Organisation	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
Agriculture, Fisheries and Conservation Department	18	2
Architectural Services Department	1	0
Audit Commission	1	0
Buildings Department	117	35
Census and Statistics Department	2	0
Civil Aviation Department	3	0
Civil Engineering and Development Department	9	1
Companies Registry	4	1
Consumer Council	9	0
Correctional Services Department	44	0
Customs and Excise Department	14	0
Department of Health	48	9
Department of Justice	6	1
Drainage Services Department	8	1
Electrical and Mechanical Services Department	17	2
Employees Retraining Board	3	0
Environmental Protection Department	24	0
Equal Opportunities Commission	1	0
Estate Agents Authority	94	0
Fire Services Department	14	2
Food and Environmental Hygiene Department	279	76

Appendix 5 Results of Complaints Concluded by Inquiry

Organisation	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
General Office of the Chief Executive's Office	12	2
Government Property Agency	2	1
Government Secretariat		
– Chief Secretary for Administration's Office	3	0
– Chief Secretary for Administration's Private Office	2	0
– Civil Service Bureau	8	1
– Commerce and Economic Development Bureau	1	0
– Constitutional and Mainland Affairs Bureau	1	0
– Development Bureau	3	1
– Education Bureau	45	3
– Financial Services and the Treasury Bureau	23	5
– Food and Health Bureau	12	3
– Home Affairs Bureau	19	3
– Innovation and Technology Bureau	32	7
– Policy Innovation and Co-ordination Office	76	22
– Security Bureau	3	0
– Transport and Housing Bureau	7	0
Highways Department	48	5
Home Affairs Department	58	14
Hong Kong Arts Development Council	1	0
Hong Kong Housing Authority	3	0
Hong Kong Housing Society	20	1
Hong Kong Monetary Authority	13	0
Hong Kong Police Force	17	2
Hong Kong Sports Institute Limited	1	1
Hospital Authority	74	22
Housing Department	337	22

Appendix 5 Results of Complaints Concluded by Inquiry

Organisation	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
Immigration Department	98	1
Independent Commission Against Corruption	1	0
Inland Revenue Department	15	5
Insurance Authority	6	0
Judiciary Administrator	8	0
Labour Department	35	2
Land Registry	3	0
Lands Department	152	42
Legal Aid Department	35	2
Legislative Council Secretariat	1	0
Leisure and Cultural Services Department	123	19
Mandatory Provident Fund Schemes Authority	8	1
Marine Department	10	2
Office of the Communications Authority	9	1
Official Receiver's Office	8	2
Other Organisations ¹	7	0
Planning Department	8	1
Post Office	42	19
Privacy Commissioner for Personal Data	4	2
Property Management Services Authority	4	0
Radio Television Hong Kong	2	0
Rating and Valuation Department	4	0
Registration and Electoral Office	2	0

Appendix 5 Results of Complaints Concluded by Inquiry

Organisation	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
Securities and Futures Commission	12	0
Social Welfare Department	70	11
The Hong Kong Examinations and Assessment Authority	5	0
Transport Department	140	22
University Grants Committee Secretariat	2	0
Urban Renewal Authority	2	0
Vocational Training Council	4	2
Water Supplies Department	68	20
West Kowloon Cultural District Authority	1	0
Working Family and Student Financial Assistance Agency	6	0
Total	2,432	399

Note 1. "Other Organisations" are organisations falling outside Schedule 1 to The Ombudsman Ordinance.

Appendix 6

Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Buildings Department			
2020/0049A	(1) Improper handling of the restaurant licence application of a restaurant (unsubstantiated); and (2) Failing to take proper follow-up action against the allegedly unauthorised construction works of the restaurant (partially substantiated)	Partially substantiated	2
2020/3787	Failing to properly follow up complaints about obstruction of pavements and carriageways and occupation of Government land by shops and fixed-pitch hawker stalls	Unsubstantiated but other inadequacies found	0
2021/1516C	Failing to take effective enforcement action against prolonged occupation of the Government land outside a shop at a village house and the operation of a wet market thereon	Unsubstantiated but other inadequacies found	2
2021/2468B	Failing to properly follow up on a Nuisance Order issued to the owner of the flat above the complainant's flat	Partially substantiated	3
Civil Aid Service			
2021/1556B	(1) Improper arrangement for a large-scale compulsory quarantine exercise, resulting in the prolonged stay of the complainant and his family in a quarantine centre (partially substantiated); and (2) Ineffective management and operation of the quarantine centre (partially substantiated)	Partially substantiated	0
Companies Registry			
2020/2705(I)	(1) Perfunctory handling of a company's submission of a Notice of Change of Company Secretary and Director (unsubstantiated); and (2) Unreasonably refusing to provide the complainant with a copy of the minutes of directors' meetings of the company concerned (substantiated)	Partially substantiated	2

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Customs and Excise Department			
2020/4041B	Refusing to accept the complainant's complaint about a university's programmes allegedly in violation of the Trade Descriptions Ordinance	Unsubstantiated	0
Department of Health			
2021/0007A	Wrongly requiring the complainant to undergo compulsory quarantine and failing to provide clear information about quarantine arrangement for cross-border tow truck drivers prior to the complainant's compulsory quarantine	Partially substantiated	1
2021/0090(I)	Refusing to disclose the voting results of and opinions given by the two Scientific Committees under the Department of Health and expert advisers of the Government on COVID-19 vaccines purchased by the Government	Unsubstantiated	0
2021/1556A	(1) Improper arrangement for a large-scale compulsory quarantine exercise, resulting in the prolonged stay of the complainant and his family in a quarantine centre (partially substantiated); and (2) Ineffective management and operation of the quarantine centre (partially substantiated)	Partially substantiated	0
2021/2346A	Failing to tackle illegal smoking in a cooked food centre	Unsubstantiated	0
Environmental Protection Department			
2020/3632C	Taking no enforcement action against illegal dumping of construction waste in a Conservation Area	Unsubstantiated	0
Fire Services Department			
2021/1268(I)	Refusing to provide the complainant with the Department's duty visit report	Unsubstantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Food and Environmental Hygiene Department			
2020/0049B	(1) Improper handling of the restaurant licence application of a restaurant (unsubstantiated); (2) Failing to take proper follow-up action against the allegedly unauthorised construction works of the restaurant (partially substantiated); and (3) Failing to take proper follow-up action against the allegedly unauthorised extension of the restaurant and its hygiene problem (unsubstantiated)	Partially substantiated	3
2020/2764	Failing to properly follow up complaints about obstruction of pavements and carriageways and occupation of Government land by shops and fixed-pitch hawker stalls	Unsubstantiated	0
2020/2865	Ineffective control against the illegal dumping of refuse outside a refuse collection point	Unsubstantiated but other inadequacies found	2
2020/3780	Failing to take enforcement action against the goods placed in front of a shop and a large number of polyfoam boxes left on a pavement	Partially substantiated	3
2020/4144	Failing to take effective enforcement action against the polyfoam boxes placed in public places and street obstruction caused by the shops and the fixed hawker pitches in a street	Substantiated	4
2020/4210	Failing to properly follow up a complaint about the obstruction of public passageways in a market by the commodities placed by a stall	Substantiated	2
2021/1093	Failing to notice during an inspection that a shop in a shopping arcade sold meals for consumption on the premises without a Restaurant Licence	Unsubstantiated but other inadequacies found	0
2021/1396(I)	Refusing to disclose the full report on the site selection feasibility study of constructing a public market at Tin Fuk Road, Tin Shui Wan	Unsubstantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
2021/1498	Failing to provide oath-taking services for hawkers licensing matters	Partially substantiated	1
2021/1516B	Failing to take effective enforcement action against prolonged occupation of the Government land outside a shop at a village house and the operation of a wet market thereon	Unsubstantiated	1
2021/2346B	Failing to tackle illegal smoking in a cooked food centre	Unsubstantiated	0
2021/2468A	Failing to properly follow up on a Nuisance Order issued to the owner of the flat above the complainant's flat	Partially substantiated	3
Government Secretariat – Commerce and Economic Development Bureau			
2021/1012(I)	Unreasonably refusing to disclose the member list of a dedicated team	Unsubstantiated	0
Government Secretariat – Development Bureau			
2021/0598(I)	Refusing to provide information about the Antiquities and Monuments Office's grading of a structure	Partially substantiated	1
Government Secretariat – Education Bureau			
2020/4041A	Refusing to pay the complainant his salary as an Assistant Primary School Master and failing to provide information on the accreditation of teacher training courses in different institutions	Unsubstantiated	0
2020/4138	Failing to monitor the arrangements of Mandatory Provident Fund contribution by an aided school for its employees	Unsubstantiated	0
2020/4290	Unreasonably allowing a school to impose religious education on a student	Unsubstantiated	3

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Government Secretariat – Home Affairs Bureau			
2020/3518	Failing to act on the Policy Statement on Community Development and hold forums	Substantiated	1
Government Secretariat – Innovation and Technology Bureau			
2020/3788	Failing to properly follow up complaints about obstruction of pavements and carriageways and occupation of Government land by shops and fixed-pitch hawker stalls	Unsubstantiated	0
2021/0007B	Failing to reply to complaints	Unsubstantiated	0
Government Secretariat – Labour and Welfare Bureau			
2021/1737A	Insufficient publicity about minibus section fares, resulting in overpayment of government subsidy to minibus operators under the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities	Unsubstantiated	0
Government Secretariat – Transport and Housing Bureau			
2021/0007C	Failing to reply to complaints	Unsubstantiated but other inadequacies found	1
Highways Department			
2020/3786	Failing to properly follow up complaints about obstruction of pavements and carriageways and occupation of Government land by shops and fixed-pitch hawker stalls	Unsubstantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Home Affairs Department			
2020/1528	Improper handling of a complaint about anti-epidemic packs	Unsubstantiated	0
2020/3785	Failing to properly follow up complaints about obstruction of pavements and carriageways and occupation of Government land by shops and fixed-pitch hawker stalls	Unsubstantiated	0
2021/0295A	Failing to properly handle the complaint about a District Council member selling rice within a public rental housing estate	Unsubstantiated	0
Hong Kong Police Force			
2020/3876(I)	Refusing to provide information about the fixed penalty notices issued by the Hong Kong Police Force under two pieces of subsidiary legislation in the Prevention and Control of Disease Ordinance	Unsubstantiated	0
2021/0050(I)	Refusing to provide a breakdown of the "total number of arrests in other incidents" by date among certain statistics on incidents relating to objections to the proposed amendments to the Fugitive Offenders Ordinance	Unsubstantiated	0
2021/0335(I)	Refusing to provide a copy of the donation register of the Police Welfare Fund	Partially substantiated	1
2021/0336(I)	Refusing to disclose information about the cost of a promotional video	Unsubstantiated but other inadequacies found	0
2021/0475(I)	Refusing to disclose the details of donations received by the Police Children's Education Trust and Police Education and Welfare Trust	Unsubstantiated	0
2021/0826(I)	Refusing to provide police records pertaining to the arrest and extradition of a person	Unsubstantiated	0
2021/1045(I)	Refusing the complainant's request for the names of all classifications of cases	Unsubstantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Housing Department			
2021/0295B	(1) Failing to properly handle the complaint about a District Council member selling rice within a public rental housing estate (unsubstantiated); and (2) Failing to give a substantive reply to the complainant (unsubstantiated)	Unsubstantiated	0
2021/1231A	(1) Failing to confirm with the complainant his intention to join his mother in making an application for the "Priority Scheme for Families with Elderly Members" of the "Sale of Green Form Subsidised Home Ownership Scheme Flats 2019" (substantiated); and (2) Unreasonably disallowing him to withdraw from the above application unless he made a report to the police or the preliminary deposit paid by his mother be forfeited (substantiated)	Substantiated	2
2021/1661	Unreasonably rejecting the complainant's application for rent payment of a lower level despite that her income had fallen below the relevant prevailing income limit for three consecutive months	Substantiated	0
2021/2299	(1) Perfunctory handling of the complainant's case (unsubstantiated); (2) Unreasonably refusing to provide closed-circuit television footage to the complainant (unsubstantiated); (3) Failing to give a formal response to explain the reason for the accident concerned (unsubstantiated); and (4) Delay in processing the complainant's claim (substantiated)	Partially substantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Immigration Department			
2020/2286A	<p>(1) Perfunctory handling of an identity card application in that the applicant was not required to produce address proof for using the complainant's address (unsubstantiated);</p> <p>(2) Inadequate follow-up action on the complainant's complaint about receiving a letter wrongly sent to her premises by the Judiciary Administrator, such that she received another letter wrongly sent to her by the Inland Revenue Department ("IRD") (unsubstantiated); and</p> <p>(3) Failing to provide further assistance to the complainant and simply asking her to liaise with IRD herself regarding the letter wrongly sent to her premises by IRD (unsubstantiated)</p>	Unsubstantiated but other inadequacies found	2
2021/0040(I)	Failing to provide the statistics relating to individuals detained by the Department as requested by the complainant	Unsubstantiated but other inadequacies found	2
2021/0170(I)	Failing to provide the statistics relating to detainees of the Department with non-refoulement claims	Unsubstantiated but other inadequacies found	1

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Judiciary Administrator			
2020/2286C	<p>(1) Perfunctory handling by Immigration Department (“ImmD”) of an identity card application in that the applicant was not required to produce address proof for using the complainant’s address (unsubstantiated);</p> <p>(2) ImmD having failed to take adequate follow-up action on the complainant’s complaint about receiving a letter wrongly sent to her premises by the Judiciary Administrator, such that she received another letter wrongly sent to her by the Inland Revenue Department (“IRD”) (unsubstantiated); and</p> <p>(3) ImmD having failed to provide further assistance to the complainant and simply asking her to liaise with IRD herself regarding the letter wrongly sent to her premises by IRD (unsubstantiated)</p>	Unsubstantiated but other inadequacies found	1
Lands Department			
2020/3421	Unreasonably granting approval to a tenant for continual renewal of the short-term tenancy for a piece of Government land for dangerous goods storage	Substantiated	1
2020/3488B	Failing to reinstate and fence off the Government land that had been illegally entered and used	Substantiated	2
2020/3514	<p>(1) Perfunctory investigation into whether or not the use of a piece of land under a short-term tenancy was in compliance with tenancy terms (substantiated); and</p> <p>(2) Failing to reply to the complainant’s enquiry properly (substantiated)</p>	Substantiated	2
2020/3566A	Delay in handling the complainant’s application for exemption from payment of Government rent	Partially substantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
2020/3632B	(1) Taking no enforcement action against illegal entrance to a piece of Government land and the dumping on it of construction waste (unsubstantiated); and (2) Failing to discover that the Government land was being used illegally due to improper routine inspections (substantiated)	Partially substantiated	2
2020/3633B	Taking no enforcement action against unauthorised construction of a ramp on a piece of Government land	Substantiated	2
2020/3634	Ineffective inspections of a piece of Government land that was being used as parking spaces for lease	Unsubstantiated	0
2020/3636	Improperly following up on the excavation of Government land and tree felling and lack of coordination with other departments	Unsubstantiated	0
2020/3781	(1) Delay in handling the complainant's application for change of name on Government land licence (substantiated); and (2) Failing to reply to the complainant's enquiry about the progress of the application in a timely manner (substantiated)	Substantiated	2
2020/3784	Failing to properly follow up complaints about obstruction of pavements and carriageways and occupation of Government land by shops and fixed-pitch hawker stalls	Unsubstantiated	0
2021/1516A	Failing to take effective enforcement action against prolonged occupation of the Government land outside a shop at a village house and the operation of a wet market thereon	Unsubstantiated but other inadequacies found	2
2021/1599	Failing to properly handle the occupation of Government land by an arch canopy	Partially substantiated	0
2021/3317	Taking no prosecution action against unlawful occupier(s) of Government land	Unsubstantiated	0
2021/3318	Delay in restoring a piece of damaged Government land	Substantiated	1

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
2021/3320A	Failing to take follow-up action against removal of the plants on a piece of Government land	Unsubstantiated	0
2021/3321	Delay in replying to the enquiry about a small house	Substantiated	1
2021/3322A	Delay in taking enforcement action against the unauthorised building works of a squatter hut	Unsubstantiated	0
Leisure and Cultural Services Department			
2021/2498	Unreasonably accusing the complainant of abusing the concessionary rates and inconsistent handling of the complainant's case among different district offices	Partially substantiated	2
Planning Department			
2020/3488A	(1) Delay in taking enforcement action and instituting prosecution against unauthorised road construction within a Green Belt (unsubstantiated); (2) Failing to reinstate and fence off the land illegally entered and used within a Green Belt (unsubstantiated); and (3) Refusing to disclose the identity of the person being prosecuted and the lot number of the site concerned (unsubstantiated)	Unsubstantiated	2
2020/3632A	Taking no enforcement action against illegal entrance to a piece of land in a Conservation Area and dumping on it of construction waste	Unsubstantiated	1
2020/3633A	Taking no enforcement action against unauthorised construction of a ramp in a Coastal Protection Area	Unsubstantiated	1
2021/3319	Failing to take follow-up action against the unauthorised development within a Green Belt	Unsubstantiated	0
2021/3320B	Failing to take follow-up action against removal of the plants in a Conservation Area	Unsubstantiated	0
2021/3322B	Delay in taking enforcement action against a case about unauthorised commercial use of a site	Unsubstantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
Rating and Valuation Department			
2020/3566B	Unreasonably issuing a demand note for Government rent to the complainant	Unsubstantiated but other inadequacies found	0
Social Welfare Department			
2020/3394	(1) Failing to remind an elderly home in a timely manner to submit an incident report on a suspected elder abuse case (inconclusive); (2) Failing to take follow-up action on a report of suspected violation of the Residential Care Homes (Elderly Persons) Regulation (partially substantiated); and (3) Failing to reply to an enquiry about the report (substantiated)	Partially substantiated	1
Trade and Industry Department			
2020/3674	Unreasonably assessing the complainant as a company without a good track record	Unsubstantiated	0
Transport Department			
2020/4129	Failing to properly handle an application for a Certificate of Particulars of Vehicle for news reporting purpose	Unsubstantiated but other inadequacies found	2
2021/0239	Lack of public consultation for the extension of coverage for on-street parking spaces designated for the disabled to drivers who hold the Parking Certificate (for Drivers carrying people with mobility disabilities) starting from January 29	Substantiated	0
2021/0240	Lack of public consultation for the extension of coverage for on-street parking spaces designated for the disabled to drivers who hold the Parking Certificate (for Drivers carrying people with mobility disabilities) starting from January 29	Substantiated	0

Appendix 6 Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recommendations
2021/0383(l)	Refusing to provide information on service endorsements of licensed non-franchised buses and light buses	Substantiated	1
2021/0589	Unreasonably requiring the complainant to provide address proof within 72 hours of the change of address	Substantiated	0
2021/0987(l)	Refusing to disclose information in relation to the vehicle registration and Passenger Service Licences for public light buses	Unsubstantiated but other inadequacies found	1
2021/1737B	Insufficient publicity about minibus section fares, resulting in overpayment of government subsidy to minibus operators under the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities	Unsubstantiated	0
2021/1999(l)	(1) Improper handling of an enquiry about applications for a Certificate of Particulars of Vehicle for news reporting purpose, giving false expectation to the complainant that making a request under the Code on Access to Information is a viable means (unsubstantiated); and (2) Delay in processing the case, final reply given to the complainant did not accede to nor refuse the request (partially substantiated)	Partially substantiated	4
Working Family and Student Financial Assistance Agency			
2021/2029	Unreasonably asking the complainant to return the subsidy granted under the Working Family Allowance Scheme.	Unsubstantiated	0

Appendix 7

List of Advisers



Accountancy

Mr Tsai Wing Chung, Philip, BBS, JP



Architecture, Engineering and Surveying

Ir Chan Chi Chiu, SBS
 Sr Chan Yuk Ming, Raymond
 Dr Hung Wing Tat, MH
 Ir Leung Kwong Ho, Edmund, SBS, OBE, JP
 Professor Lim Wan Fung, Bernard Vincent, BBS, JP



Legal

Mr Cheung Tat Ming, Eric
 Dr Lo Pui Yin
 Dr Stephen Thomson
 Mr Wong Man Kit, Anson, SC



Medical and Nursing

Professor Lai Kam Yuk, Claudia
 Professor Lo Chung Mau, BBS, JP
 Dr Shum Ping Shiu, BBS, JP



Social Work and Rehabilitation Services

Professor Chan Lai Wan, Cecilia, JP
 Ms Fang Meng Sang, Christine, BBS, JP
 Professor Ma Lai Chong, Joyce, JP
 Mr Ng Wang Tsang, Andy

* in alphabetical order of surname



FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2022



The Ombudsman, Hong Kong
Annual Report 2021/22



Independent auditor's report to The Ombudsman

(Established in Hong Kong pursuant to the Ombudsman Ordinance)

Opinion

We have audited the financial statements of The Ombudsman set out on pages 123 to 139, which comprise the statement of financial position as at 31 March 2022, the statement of income and expenditure, the statement of comprehensive income, the statement of changes in funds and the cash flow statement for the year then ended and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of The Ombudsman as at 31 March 2022 and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards ("HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

Basis for opinion

We conducted our audit in accordance with Hong Kong Standards on Auditing ("HKSA") issued by the HKICPA. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of our report. We are independent of The Ombudsman in accordance with the HKICPA's *Code of Ethics for Professional Accountants* ("the Code") and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Information other than the financial statements and auditor's report thereon

The Ombudsman is responsible for the other information. The other information comprises all the information included in the annual report, other than the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Independent auditor's report to The Ombudsman (continued)
(Established in Hong Kong pursuant to the Ombudsman Ordinance)

Responsibilities of The Ombudsman for the financial statements

The Ombudsman is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA and for such internal control as The Ombudsman determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, The Ombudsman is responsible for assessing The Ombudsman's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless The Ombudsman either intend to liquidate The Ombudsman or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with our agreed terms of engagement, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with HKSAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with HKSAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of The Ombudsman's internal control.

Independent auditor's report to The Ombudsman (continued)

(Established in Hong Kong pursuant to the Ombudsman Ordinance)

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by The Ombudsman.
- Conclude on the appropriateness of The Ombudsman's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on The Ombudsman's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause The Ombudsman to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with The Ombudsman regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

KPMG

Certified Public Accountants

8th Floor, Prince's Building
10 Chater Road
Central, Hong Kong

18 May 2022

Statement of income and expenditure for the year ended 31 March 2022

(Expressed in Hong Kong dollars)

The Ombudsman
Financial Statements for the year ended 31 March 2022

	Note	2022	2021
Income			
Government subventions	3	\$ 128,035,000	\$ 127,856,000
Amortisation of deferred Government subventions	3	1,814,220	1,814,220
Interest income on bank deposits		2,682,607	7,879,805
Other income		3,852	260,576
		\$ 132,535,679	\$ 137,810,601
Expenditure			
Operating expenses	4	(130,972,378)	(129,220,929)
Surplus for the year		\$ 1,563,301	\$ 8,589,672

Statement of comprehensive income for the year ended 31 March 2022

The Ombudsman had no components of comprehensive income other than "surplus for the year" in either of the years presented. Accordingly, no separate statement of comprehensive income is presented as The Ombudsman's "total comprehensive income" was the same as the "surplus" in both years.

The notes on pages 127 to 139 form part of these financial statements.

Statement of financial position as at 31 March 2022

(Expressed in Hong Kong dollars)

	Note	2022	2021
ASSETS			
Non-current asset			
Property, plant and equipment	7	\$ 60,484,689	\$ 62,853,284
Current assets			
Deposits and prepayments		\$ 9,266,931	\$ 3,042,953
Interest receivable		450,902	2,536,003
Time deposits with original maturity over three months		372,312,000	382,433,000
Cash and cash equivalents	8	22,170,700	15,223,871
		\$ 404,200,533	\$ 403,235,827
Total assets		\$ 464,685,222	\$ 466,089,111
LIABILITIES			
Non-current liabilities			
Contract gratuity payable – non-current	9	\$ 5,704,107	\$ 6,670,032
Deferred Government subventions – non-current	3	53,457,778	55,271,998
		\$ 59,161,885	\$ 61,942,030
Current liabilities			
Other payables and accruals		\$ 5,928,327	\$ 5,872,803
Contract gratuity payable – current	9	8,996,957	9,239,526
Deferred Government subventions – current	3	1,814,220	1,814,220
		\$ 16,739,504	\$ 16,926,549
Total liabilities		\$ 75,901,389	\$ 78,868,579
FUNDS			
Accumulated funds		\$ 388,783,833	\$ 387,220,532
Total funds		\$ 388,783,833	\$ 387,220,532
Total funds and liabilities		\$ 464,685,222	\$ 466,089,111

Approved and authorised for issue by The Ombudsman on 18 May 2022.

Ms Winnie Chiu

The Ombudsman

The notes on pages 127 to 139 form part of these financial statements.

Statement of changes in funds for the year ended 31 March 2022

(Expressed in Hong Kong dollars)

The Ombudsman
Financial Statements for the year ended 31 March 2022

	Accumulated funds
Balance at 31 March 2020 and 1 April 2020	\$ 378,630,860
Change in funds for 2020/2021:	
Surplus and total comprehensive income for the year	8,589,672
Balance at 31 March 2021 and 1 April 2021	\$ 387,220,532
Change in funds for 2021/2022:	
Surplus and total comprehensive income for the year	1,563,301
Balance at 31 March 2022	\$ 388,783,833

The notes on pages 127 to 139 form part of these financial statements.

Cash flow statement for the year ended 31 March 2022

(Expressed in Hong Kong dollars)

	Note	2022	2021
Operating activities			
Surplus for the year		\$ 1,563,301	\$ 8,589,672
Adjustments for:			
Interest income		(2,682,607)	(7,879,805)
Depreciation	4	3,477,211	2,967,243
Amortisation of deferred Government subventions		(1,814,220)	(1,814,220)
Loss on disposal of property, plant and equipment	4	379	419
Operating surplus before changes in working capital		\$ 544,064	\$ 1,863,309
(Increase)/decrease in deposits and prepayments		(6,223,978)	416,855
Increase in other payables and accruals		55,524	2,551,060
(Decrease)/increase in contract gratuity payable		(1,208,494)	4,316,492
Net cash (used in)/generated from operating activities		\$ (6,832,884)	\$ 9,147,716
Investing activities			
Interest received		\$ 4,767,708	\$ 8,326,446
Payments for purchase of property, plant and equipment		(1,110,095)	(4,884,465)
Increase of time deposits with original maturity over three months		(372,312,000)	(382,433,000)
Proceeds from time deposits with original maturity over three months matured		382,433,000	380,136,000
Proceeds from sale of property, plant and equipment		1,100	774
Net cash generated from investing activities		\$ 13,779,713	\$ 1,145,755
Net increase in cash and cash equivalents		\$ 6,946,829	\$ 10,293,471
Cash and cash equivalents at beginning of the year	8	15,223,871	4,930,400
Cash and cash equivalents at end of the year	8	\$ 22,170,700	\$ 15,223,871

The notes on pages 127 to 139 form part of these financial statements.

Notes to the financial statements

(Expressed in Hong Kong dollars)

The Ombudsman

Financial Statements for the year ended 31 March 2022

1 Status of The Ombudsman

The Ombudsman was established as a corporation by statute on 19 December 2001. The functions of The Ombudsman are prescribed by the Ombudsman Ordinance.

The address of its registered office is 30/F, China Merchants Tower, Shun Tak Centre, 168–200 Connaught Road Central, Hong Kong.

2 Significant accounting policies

(a) Statement of compliance and changes in accounting policies

These financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (“HKFRSs”), which collective term includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards (“HKASs”) and Interpretations issued by the Hong Kong Institute of Certified Public Accountants (“HKICPA”) and accounting principles generally accepted in Hong Kong. Significant accounting policies adopted by The Ombudsman are disclosed below.

The HKICPA has issued certain amendments to HKFRSs that are first effective or available for early adoption for the current accounting period of The Ombudsman. Of these, the following developments are relevant to The Ombudsman’s financial statements:

Amendment to HKFRS 16, Covid-19-related rent concessions beyond 30 June 2021 (2021 amendment)

The Ombudsman previously applied the practical expedient in HKFRS 16 such that as lessee it was not required to assess whether rent concessions occurring as a direct consequence of the COVID-19 pandemic were lease modifications, if the eligibility conditions are met. One of these conditions requires the reduction in lease payments affect only payments originally due on or before a specified time limit. The 2021 amendment extends this time limit from 30 June 2021 to 30 June 2022.

The Ombudsman has elected to early adopt the 2021 amendments and applies the practical expedient to all qualifying COVID-19-related rent concessions granted to the Ombudsman during the year. Since, no right of use assets have been recorded in the financial statement. There is no impact on the opening balance of equity at 1 April 2021.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

2 Significant accounting policies (continued)

(b) Basis of preparation of the financial statements

The measurement basis used in the preparation of the financial statements is the historical cost basis.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

(c) Property, plant and equipment

Property, plant and equipment are stated at cost less accumulated depreciation and impairment losses.

Depreciation is calculated to write off the cost of items of property, plant and equipment, less their estimated residual value, if any, using the straight line method over their estimated useful lives as follows:

– Interest in leasehold land held for own use	Over unexpired term of lease
– Building	40 years
– Leasehold improvements	10 years
– Office furniture	5 years
– Office equipment	5 years
– Computer equipment	4 years
– Motor vehicles	5 years

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

The Ombudsman

Financial Statements for the year ended 31 March 2022

2 Significant accounting policies (continued)

(c) Property, plant and equipment (continued)

Both the useful life of an asset and its residual value, if any, are reviewed annually.

The carrying amounts of property, plant and equipment are reviewed for indications of impairment at the end of each reporting period. An impairment loss is recognised in the statement of income and expenditure if the carrying amount of an asset, or the cash-generating unit to which it belongs, exceeds its recoverable amount. The recoverable amount of an asset, or of the cash-generating unit to which it belongs, is the greater of its fair value less costs of disposal and value in use. In assessing value in use, the estimated future cash flows are discounted to their present values using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the assets. An impairment loss is reversed if there has been a favourable change in the estimates used to determine the recoverable amount.

Gains or losses arising from the retirement or disposal of an item of property, plant and equipment are determined as the difference between the net disposal proceeds and the carrying amount of the item and are recognised in the statement of income and expenditure on the date of retirement or disposal.

(d) Receivables

A receivable is recognised when The Ombudsman has an unconditional right to receive consideration. A right to receive consideration is unconditional if only the passage of time is required before payment of that consideration is due. If income has been recognised before The Ombudsman has an unconditional right to receive consideration, the amount is presented as a contract asset.

Receivables are subsequently stated at amortised cost using the effective interest method and including allowance for credit losses as determined below:

The loss allowance is measured at an amount equal to lifetime expected credit losses ("ECLs"), which are those losses that are expected to occur over the expected life of the receivables. For all financial instruments (including deposits and interest receivable), The Ombudsman recognises a loss allowance equal to 12-month ECLs unless there has been a significant increase in credit risk of the financial instrument since initial recognition, in which case the loss allowance is measured at an amount equal to lifetime ECLs.

ECLs are remeasured at each reporting date with any changes recognised as an impairment gain or loss in profit or loss. The Ombudsman recognises an impairment gain or loss with a corresponding adjustment to the carrying amount of receivables through a loss allowance account.

The gross carrying amount of receivable is written off (either partially or in full) to the extent that there is no realistic prospect of recovery. This is generally the case when The Ombudsman determines that the debtor does not have assets or sources of income that could generate sufficient cash flows to repay the amounts subject to the write-off.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

2 Significant accounting policies (continued)

(e) Payables

Payables are initially recognised at fair value. Subsequently to initial recognition, payables are subsequently stated at amortised cost unless the effect of discounting would be immaterial, in which case they are stated at invoice amounts.

(f) Cash and cash equivalents

Cash and cash equivalents comprise cash at bank and on hand, demand deposits with banks and other financial institutions, and short-term, highly liquid investments that are readily convertible into known amounts of cash and which are subject to an insignificant risk of changes in value, having been within three months of maturity at acquisition.

(g) Employee benefits

Salaries, gratuities, paid annual leave, leave passage and the cost to The Ombudsman of non-monetary employee benefits are accrued in the year in which the associated services are rendered by employees of The Ombudsman. Where payment or settlement is deferred and the effect would be material, these amounts are stated at their present values.

(h) Provisions and contingent liabilities

Provisions are recognised when The Ombudsman has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

The Ombudsman

Financial Statements for the year ended 31 March 2022

2 Significant accounting policies (continued)**(i) Income recognition****(i) Government subventions**

An unconditional Government subvention is recognised as income in the statement of income and expenditure when the grant becomes receivable. Other Government subventions are recognised in the statement of financial position initially when there is reasonable assurance that they will be received and that The Ombudsman will comply with the conditions attaching to them. Subventions that compensate The Ombudsman for expenses incurred are recognised as income in the statement of income and expenditure on a systematic basis in the same periods in which the expenses are incurred. Subventions that compensate The Ombudsman for the cost of an asset are included in the statement of financial position as deferred Government subventions and recognised in the statement of income and expenditure over the period of the lease term or useful life of the related asset on a basis consistent with the depreciation policy as set out in note 2(c).

(ii) Interest income

Interest income is recognised as it accrues using the effective interest method.

(j) Related parties

(a) A person, or a close member of that person's family, is related to The Ombudsman if that person:

- (i) has control or joint control over The Ombudsman;
- (ii) has significant influence over The Ombudsman; or
- (iii) is a member of the key management personnel of The Ombudsman.

(b) An entity is related to The Ombudsman if any of the following conditions applies:

- (i) The entity and The Ombudsman are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).
- (ii) One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).
- (iii) Both entities are joint ventures of the same third party.
- (iv) One entity is a joint venture of a third entity and the other entity is an associate of the third entity.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

2 Significant accounting policies (continued)

(j) Related parties (continued)

- (b) An entity is related to The Ombudsman if any of the following conditions applies: (continued)
- (v) The entity is a post-employment benefit plan for the benefit of employees of either The Ombudsman or an entity related to The Ombudsman.
 - (vi) The entity is controlled or jointly controlled by a person identified in note 2(j)(a).
 - (vii) A person identified in note 2(j)(a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).
 - (viii) The entity, or any member of a group of which it is a part, provides key management personnel services to The Ombudsman.

Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity.

3 Government subventions and deferred Government subventions

Government subventions represent the funds granted by the Government for daily operations of The Ombudsman.

Deferred Government subventions represent the funds granted by the Government for prepaid lease payments and the purchase of building. Amortisation of deferred Government subventions is recognised on a straight line basis over the period of the lease term of 54 years of interest in leasehold land held for own use for prepaid lease payments and the useful life of 40 years of building in accordance with the accounting policies set out in notes 2(c) and 2(i)(i).

At 31 March 2022, the deferred Government subventions are expected to be amortised as follows:

	2022	2021
Within one year and included in current liabilities	\$ 1,814,220	\$ 1,814,220
After one year and included in non-current liabilities	53,457,778	55,271,998
	\$ 55,271,998	\$ 57,086,218

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

The Ombudsman

Financial Statements for the year ended 31 March 2022

4 Operating expenses

	2022	2021
Employee benefit expenses (note 5)	\$ 118,118,700	\$ 118,435,343
Depreciation of property, plant and equipment (note 7)	3,477,211	2,967,243
Rates and management fee	3,811,819	3,278,682
Expense relating to short-term leases	100,800	100,800
Auditor's remuneration	98,000	95,000
Loss on disposal of property, plant and equipment	379	419
Other expenses	5,365,469	4,343,442
	\$ 130,972,378	\$ 129,220,929

5 Employee benefit expenses

	2022	2021
Salaries and allowances	\$ 101,186,857	\$ 101,191,667
Contract gratuity	10,684,893	10,638,607
Pension costs – MPF scheme	2,909,312	2,780,775
Unutilised annual leave	132,211	846,726
Other employee benefit expenses	3,205,427	2,977,568
	\$ 118,118,700	\$ 118,435,343

6 Key management compensation

	2022	2021
Short-term employee benefits	\$ 18,577,111	\$ 18,472,303
Post-employment benefits	4,103,914	2,751,059
	\$ 22,681,025	\$ 21,223,362

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

7 Property, plant and equipment

	Interest in leasehold land held for own use	Building	Leasehold improvements	Office furniture	Office equipment	Computer equipment	Motor vehicles	Total
Cost:								
At 1 April 2021	\$ 74,900,000	\$ 16,800,000	\$ 16,990,386	\$ 884,694	\$ 1,913,959	\$ 9,768,886	\$ 994,880	\$ 122,252,805
Additions	-	-	128,850	68,644	112,059	800,542	-	1,110,095
Disposals	-	-	(200)	(64,802)	(51,021)	(828,895)	-	(944,918)
At 31 March 2022	\$ 74,900,000	\$ 16,800,000	\$ 17,119,036	\$ 888,536	\$ 1,974,997	\$ 9,740,533	\$ 994,880	\$ 122,417,982
Accumulated depreciation:								
At 1 April 2021	\$ 26,611,344	\$ 8,002,438	\$ 15,316,653	\$ 768,953	\$ 1,591,344	\$ 6,363,343	\$ 745,446	\$ 59,399,521
Charge for the year	1,394,220	420,000	348,557	51,866	131,085	1,071,507	59,976	3,477,211
Written back on disposals	-	-	(200)	(64,802)	(49,921)	(828,516)	-	(943,439)
At 31 March 2022	\$ 28,005,564	\$ 8,422,438	\$ 15,665,010	\$ 756,017	\$ 1,672,508	\$ 6,606,334	\$ 805,422	\$ 61,933,293
Net book value:								
At 31 March 2022	\$ 46,894,436	\$ 8,377,562	\$ 1,454,026	\$ 132,518	\$ 302,489	\$ 3,134,199	\$ 189,459	\$ 60,484,689

	Interest in leasehold land held for own use	Building	Leasehold improvements	Office furniture	Office equipment	Computer equipment	Motor vehicles	Total
Cost:								
At 1 April 2020	\$ 74,900,000	\$ 16,800,000	\$ 16,225,950	\$ 873,498	\$ 1,785,073	\$ 6,302,896	\$ 695,001	\$ 117,582,418
Additions	-	-	764,436	39,849	173,080	3,607,221	299,879	4,884,465
Disposals	-	-	-	(28,653)	(44,194)	(141,231)	-	(214,078)
At 31 March 2021	\$ 74,900,000	\$ 16,800,000	\$ 16,990,386	\$ 884,694	\$ 1,913,959	\$ 9,768,886	\$ 994,880	\$ 122,252,805
Accumulated depreciation:								
At 1 April 2020	\$ 25,217,124	\$ 7,582,438	\$ 14,910,402	\$ 759,226	\$ 1,515,623	\$ 6,092,767	\$ 567,583	\$ 56,645,163
Charge for the year	1,394,220	420,000	407,952	38,379	119,626	409,203	177,863	2,967,243
Written back on disposals	-	-	(1,701)	(28,652)	(43,905)	(138,627)	-	(212,885)
At 31 March 2021	\$ 26,611,344	\$ 8,002,438	\$ 15,316,653	\$ 768,953	\$ 1,591,344	\$ 6,363,343	\$ 745,446	\$ 59,399,521
Net book value:								
At 31 March 2021	\$ 48,288,656	\$ 8,797,562	\$ 1,673,733	\$ 115,741	\$ 322,615	\$ 3,405,543	\$ 249,434	\$ 62,853,284

The Ombudsman's interest in leasehold land is held under long lease.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

The Ombudsman

Financial Statements for the year ended 31 March 2022

8 Cash and cash equivalents

	2022	2021
Cash at bank	\$ 22,165,700	\$ 15,218,871
Cash in hand	5,000	5,000
	\$ 22,170,700	\$ 15,223,871

9 Contract gratuity payable

The amount represents the gratuity payable to staff on expiry of their employment contracts. The amount of gratuity ranges from 10% to 25% (2021: 10% to 25%) of the basic salary less employer's contributions to MPF.

10 Taxation

The Ombudsman is exempt from taxation in respect of the Inland Revenue Ordinance in accordance with Schedule 1A Section 5(1) of the Ombudsman Ordinance.

11 Commitments

At 31 March 2022, the total future aggregate minimum lease payments under non-cancellable operating leases in respect of parking spaces are payable as follows:

	2022	2021
Within 1 year	\$ 8,400	\$ 8,400

The lease remain in force unless terminated by giving notice in writing of not less than one calendar month.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

12 Management of accumulated funds

The Ombudsman's primary objective when managing its accumulated funds is to safeguard The Ombudsman's ability to continue as a going concern. The Ombudsman is not subject to externally imposed requirements relating to its accumulated funds.

13 Financial risk management and fair values of financial instruments

Risk management is carried out by the General and Finance Section under policies approved by The Ombudsman. The General and Finance Section identifies and evaluates financial risks in close co-operation with the operating units. The Ombudsman's exposure to credit, liquidity, interest rate and currency risks are described below:

(a) Credit risk

Credit risk refers to the risk that a counter party will default on its contractual obligations resulting in a financial loss to The Ombudsman. The Ombudsman's credit risk is primarily attributable to time deposits and cash and cash equivalents. The Ombudsman has a credit policy in place and the exposure to this credit risk is monitored on an ongoing basis.

Cash is deposited with financial institutions with sound credit ratings to minimise credit exposure.

The maximum exposure to credit risk is represented by the carrying amount of each financial asset in the statement of financial position. The Ombudsman does not provide any guarantees which would expose The Ombudsman to credit risk.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

The Ombudsman

Financial Statements for the year ended 31 March 2022

13 Financial risk management and fair values of financial instruments (continued)

(b) Liquidity risk

The Ombudsman's policy is to regularly monitor its current and expected liquidity requirements and to ensure that it maintains sufficient reserves of cash to meet its liquidity requirements in the short and longer term.

The following table shows the remaining contractual maturities at the end of the reporting period of The Ombudsman's financial liabilities, which are based on contractual undiscounted cash flows and the earliest date The Ombudsman can be required to pay:

	2022					
	Contractual undiscounted cash outflow					Carrying amount
	Within 1 year or on demand	More than 1 year but less than 2 years	More than 2 years but less than 5 years	Total contractual undiscounted cash flows		
Contract gratuity payable	\$ 8,966,957	\$ 3,524,234	\$ 2,178,873	\$ 14,670,064	\$ 14,670,064	
Other payables and accruals	5,928,326	-	-	5,928,326	5,928,326	
	\$ 14,895,283	\$ 3,524,234	\$ 2,178,873	\$ 20,598,390	\$ 20,598,390	

	2021					
	Contractual undiscounted cash outflow					Carrying amount
	Within 1 year or on demand	More than 1 year but less than 2 years	More than 2 years but less than 5 years	Total contractual undiscounted cash flows		
Contract gratuity payable	\$ 9,239,526	\$ 5,779,880	\$ 890,152	\$ 15,909,558	\$ 15,909,558	
Other payables and accruals	5,872,803	-	-	5,872,803	5,872,803	
	\$ 15,112,329	\$ 5,779,880	\$ 890,152	\$ 21,782,361	\$ 21,782,361	

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

13 Financial risk management and fair values of financial instruments (continued)

(c) Interest rate risk

Interest rate risk is the risk that the value of a financial instrument will fluctuate due to changes in market interest rates. The Ombudsman's only exposure to interest rate risk is via its bank balances which bear interest at market rates.

Sensitivity analysis

At 31 March 2022, it is estimated that a general increase/decrease of 100 (2021: 100) basis points in interest rates, with all other variables held constant, would have increased The Ombudsman's surplus and accumulated funds by approximately \$222,000 (2021: \$152,000).

The sensitivity analysis above has been determined assuming that the change in interest rates had occurred at the end of the reporting period and had been applied to the financial instruments which expose The Ombudsman to interest rate risk at that date. The 100 basis points increase or decrease represents The Ombudsman's assessment of a reasonably possible change in interest rates over the period until the next annual reporting period. The analysis is performed on the same basis for 2021.

(d) Currency risk

The Ombudsman has no exposure to currency risk as all of The Ombudsman's transactions are denominated in Hong Kong dollars.

(e) Fair value measurement

The carrying amounts of The Ombudsman's financial instruments carried at cost or amortised cost were not materially different from their fair values at 31 March 2022 and 2021.

14 Material related party transactions

Transactions with key management personnel

Remuneration of all members of key management personnel is disclosed in note 6.

Notes to the financial statements (continued)

(Expressed in Hong Kong dollars)

The Ombudsman

Financial Statements for the year ended 31 March 2022

15 Possible impact of amendments, new standards and interpretations issued but not yet effective for the year ended 31 March 2022

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments and a new standard, HKFRS 17, *Insurance contracts*, which are not yet effective for the year ended 31 March 2022 and which have not been adopted in these financial statements. These developments include the following which may be relevant to The Ombudsman.

	Effective for accounting periods beginning on or after
Amendments to HKFRS 3, <i>Reference to the conceptual framework</i>	1 January 2022
Amendments to HKAS 16, <i>Property, plant and equipment: Proceeds before intended use</i>	1 January 2022
<i>Annual improvements to HKFRSs 2018–2020 cycle</i>	1 January 2022
Amendments to HKAS 1, <i>Classification of liabilities as current or non-current</i>	1 January 2023
Amendments to HKAS 1 and HKFRS Practice Statement 2, <i>Disclosure of accounting policies</i>	1 January 2023
Amendments to HKAS 8, <i>Definition of accounting estimates</i>	1 January 2023

The Ombudsman is in the process of making an assessment of what the impact of these developments is expected to be in the period of initial application. So far The Ombudsman has concluded that the adoption of them is unlikely to have a significant impact on the financial statements.

Complainants Charter

We endeavour to provide a high standard of service to the public. In fully discharging our duties, this Office has drawn up the following Charter:

Our Commitment

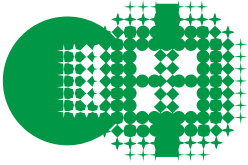
- ▶ Handle complaints in a professional, impartial and efficient manner
- ▶ Keep complainants informed of the progress and outcome of our inquiries
- ▶ Explain our decisions clearly
- ▶ Protect complainants' privacy
- ▶ Treat the public with courtesy and respect

Complainants not satisfied with our findings may write to this Office and state the grounds for a review of their cases. Any views on individual staff or our services may be directed to the Chief Manager of this Office. We will take follow-up action with professionalism and fairness.

Complainants' Responsibilities

- ▶ State clearly the issues of complaint
- ▶ Provide true and accurate information (including an account of events, the required information for verification of their identity and determination of their traceability, etc.) in a timely manner
- ▶ Cooperate in our inquiries
- ▶ Lodge complaints in a reasonable manner
- ▶ Treat the staff with courtesy and respect

If complainants are not cooperative, the progress and/or outcome of our inquiries may be affected. In such circumstances, we will take proper actions as appropriate, such as making our decision on the basis of available evidence or terminating the inquiry.



Office of The Ombudsman, Hong Kong

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Complaint email address	complaints@ombudsman.hk



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