

Index Page

Replies to initial questions raised by Legislative Council Members in examining the Estimates of Expenditure 2024-25

The Ombudsman

Session No. : 4

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Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
OMB001	0053	KWOK Ling-lai, Lillian	114	(1) Complaints Administration
OMB002	0216	LEUNG Mei-fun, Priscilla	114	(1) Complaints Administration
OMB003	2113	KAN Wai-mun, Carmen	114	(1) Complaints Administration

OMB001

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0053)

Head: (114) Office of the Ombudsman

Subhead (No. & title): (000) Operational expenses

Programme: (1) Complaints Administration

Controlling Officer: Ombudsman (Jack CHAN)

Director of Bureau: The Ombudsman

Question:

It is set out in the Programme that the Office of The Ombudsman aims to redress grievances and address issues arising from maladministration in the public sector and to bring about improvement in the quality and standard of and promote fairness in public administration through independent and impartial investigation. In this regard, would you inform this Council:

1. in the past five years, what is the average time taken to handle a complaint case?
2. further to (1) above, has the Office set down a standard time for case handling? If yes, what are the details? If not, why not?
3. in the past five years, had the Office discovered any fraudulent complaint cases? If yes, what are the details?
4. further to (3) above, what measures has the Office put in place to prevent abuse of the complaint mechanism?

Asked by: Hon KWOK Ling-lai, Lillian (LegCo internal reference no.: 3)

Reply:

A consolidated reply to the above questions is as follows:

1. Our Office has set down performance pledges on the time taken to process complaints. Our performance concerning the time taken to handle complaint cases during the past 5 years (2019-20 to 2023-24) is tabulated below:

	Service Standard	Close a complaint case after initial assessment due to jurisdictional restrictions		Conclude a complaint case	
		Within 10 working days	Within 15 working days	Within 3 months	Within 6 months
Year	Target	90%	99%	80%	99%
2019-20	Achievement	98.9%	99.4%	93.5%	99.3%
2020-21	Achievement	99.4%	99.8%	82.2%	98.1%
2021-22	Achievement	99.0%	100%	85.0%	99.4%
2022-23	Achievement	99.7%	100%	86.8%	99.4%
2023-24 (As at February 2024)	Achievement	99.6%	100%	86.7%	99.0%

2. Except for the year 2020-21, we have been able to meet all the above targets of our service standards in processing complaint cases. In the year 2020-21, we fell short of achieving the target of concluding complaint cases within six months by 0.9 percent due to the impact of the COVID-19 pandemic but all other targets of our service standards were met.

3. We do not maintain data on the average processing time of a complaint case, except for cases resolved by mediation. From 2019-20 to 2022-23, the average lead-time taken to resolve a complaint through mediation were 13.4 days, 12 days, 13.4 days and 11.6 days respectively.

4. Upon receiving a complaint, we would first conduct a preliminary assessment. If the matter of complaint is outside our jurisdiction according to section 8 of the Ombudsman Ordinance, or is not subject to our investigation due to legal restrictions as set out in section 10(1) of the Ordinance, we will conclude the case. Besides, if after preliminary assessment we consider there to be insufficient grounds to pursue, the Ombudsman can exercise discretion and decide not to investigate and conclude the case in accordance with section 10(2) of the Ordinance.

5. Under the current complaint handling mechanism, we will ask complainants to provide their full names, copies of their identity documents and postal addresses for verifying their identities and ensuring that they are not untraceable. Furthermore, section 23 of the Ordinance stipulates that any person who knowingly makes a false statement or misleads the Ombudsman or any other person in the exercise of his powers commits an offence and is liable to a fine at level 3 and imprisonment for six months. When lodging a complaint, the complainant must sign to acknowledge their understanding of the points to note, including the content of section 23 of the Ordinance.

6. The above procedures can effectively prevent abuse of the complaint mechanism. If we consider that there is substantive evidence of a fraudulent complaint in possible violation of section 23, we may refer it to the Police. In the past five years, we did not have any such cases.

- End -

OMB002

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0216)

Head: (114) Office of the Ombudsman

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Complaints Administration

Controlling Officer: Ombudsman (Jack CHAN)

Director of Bureau: The Ombudsman

Question:

How many enquiries about and complaints against the Joint Office for Investigation of Water Seepage Complaints (“JO”) under the Buildings Department (“BD”) and the Food and Environmental Hygiene Department (“FEHD”) had the Office received in the past 3 years? Of those complaints received, how many were substantiated?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 3)

Reply:

1. JO, comprising staff from BD and FEHD, is responsible for handling complaints about hygiene nuisance caused by water seepage in buildings according to relevant provisions of the Public Health and Municipal Services Ordinance. Moreover, BD is responsible for investigating complaints about suspected contraventions of the Buildings Ordinance, some of which might be related to water seepage in buildings.
2. The Office’s caseload statistics are recorded on the basis of Government departments or public organisations under complaint, not on the basis of their subordinate offices. Hence, the Office does not have the statistics on the enquiries and complaints involving JO.
3. In the past 3 years (2021-22 to 2023-24), the statistics on complaints against BD ^{Note 1} and FEHD regarding water seepage are tabulated below:

Year	Departments under complaint	Number of complaints received	Number of complaints completed ^{Note 2}	Number of complaints with deficiencies or inadequacies found
2021-22	BD	87	91	15
	FEHD	132	141	25
2022-23	BD	65	70	18
	FEHD	102	106	16
2023-24 (as at February 2024)	BD	44	54	9
	FEHD	91	101	8

Note 1 *Including the complaints investigated by BD pursuant to the Buildings Ordinance.*

Note 2 *Including the complaints received in the previous year but pursued and concluded in the prevailing year.*

- End -

CONTROLLING OFFICER'S REPLY

OMB003

(Question Serial No. 2113)

Head: (114) Office of the Ombudsman

Subhead (No. & title): (000) Operational expenses

Programme: (1) Complaints Administration

Controlling Officer: Ombudsman (Jack CHAN)

Director of Bureau: The Ombudsman

Question:

1. How many direct investigations and recommendations had the Office conducted and made in the past five years (from 2019-20 to 2023-24) and how many of those recommendations were accepted (and what percentage such recommendations accounted for the total number of recommendations)?
2. Which Government departments had been the subjects of direct investigations in the past five years (from 2019-20 to 2023-24) and what are the relevant details?
3. Please advise on the expenditure on and staff establishment involved in direct investigations in the past five years (from 2019-20 to 2023-24).
4. What follow-up actions the Office will take on completed direct investigations?
5. How will the Office step up its work on direct investigations and whether it will allocate more resources in this area of work? If yes, please provide the details. If not, please state the reasons.

Asked by: Hon KAN Wai-mun, Carmen (LegCo internal reference no.: 34)

Reply:

1. The numbers of direct investigations completed and recommendations made by the Office and the numbers of recommendations accepted by the Government departments/organisations concerned in the past five years (from 2019-20 to 2023-24) are set out in the table below:

Year	Direct investigations completed	Recommendations made	Recommendations accepted	Of the total number of recommendations, percentage of recommendations accepted
2019-20	10	49	49	100%
2020-21	9	68	68	100%
2021-22	8	65	64 ^{Note 1}	98.5%
2022-23	9	86	86	100%
2023-24	10	106	102 ^{Note 2}	96.2%

^{Note 1} One recommendation is still under consideration by the department/organisation concerned.

^{Note 2} Four recommendations are still under consideration by the department(s)/organisation(s) concerned.

2. For details of the subject and the department(s)/organisation(s) concerned regarding the direct investigations completed in the past five years, please see the Schedule.

3. Currently, the Office has two direct investigation teams, and the officers of which also handle other complaint cases if necessary. The staff establishment of these teams is as follows:

Rank	Number of staff
Chief Investigation Officers	2
Senior Investigation Officers	4
Investigation Officers/ Assistant Investigation Officers	6
Administration Assistants	2
Total	14

The expenditure on direct investigations mainly relates to staff remuneration. The Office does not have the breakdown of staff remuneration relating to direct investigations.

4. Upon completion of a direct investigation, the Office will maintain close communication with the department/organisation concerned and regularly monitor the progress of implementation of our recommendations for improvement. In case of unsatisfactory progress of improvement measures by the department/organisation concerned or changes in the situation of the subject issue, the Office will consider conducting another direct investigation. For example, the Office has conducted more direct investigations against related departments/organisations to further examine issues such as regulation of street obstruction by shops, unauthorised building works in New Territories Exempted Houses and the effectiveness of water seepage handling. Moreover, the Ombudsman Ordinance stipulates that the Ombudsman may submit a report to the Chief Executive in case a

department/organisation does not adequately act upon our recommendation(s). Within a period of one month, or such longer period as the Chief Executive may determine, a copy of the report shall be laid before the Legislative Council.

5. The Ombudsman may, of his own volition, initiate direct investigations into areas where injustice may have been caused by maladministration. Direct investigations may be prompted by topical issues of community concern or significant public interest indicative of suspected systemic problems. While analysing public complaints and making reference to media reports, the Office has from time to time received views from members of the public and Legislative Council Members. Upon examining relevant topics and considering the priority, the Office will select suitable topics for direct investigation. In the past five years, the Office completed eight to ten direct investigations each year. The Office expects to complete a similar number of direct investigations in 2024-25 and allows flexibility in allocating necessary resources to this area of work.

Office of The Ombudsman
Direct investigations completed between 2019-20 and 2023-24

Year 2019-20

	Subject	Department(s)/ Organisation(s) concerned
(1)	Government's Planning and Arrangements for Ancillary Facilities for Electric Private Vehicles	<ul style="list-style-type: none"> ● Environment Bureau ● Environmental Protection Department
(2)	Mechanism for Identifying and Reporting Suspected Child Abuse Cases	<ul style="list-style-type: none"> ● Social Welfare Department ● Education Bureau
(3)	Buildings Department's Implementation of Mandatory Window Inspection Scheme	<ul style="list-style-type: none"> ● Buildings Department
(4)	Education Bureau's Mechanisms for Approving Applications for School Fee Revision by Direct Subsidy Scheme/Private Schools and Collection of Other Charges by Private Schools	<ul style="list-style-type: none"> ● Education Bureau
(5)	Lands Department's Enforcement against Commercial Use of Public Pedestrian Passages and Public Atria in Private Malls	<ul style="list-style-type: none"> ● Lands Department
(6)	The Issue of Idle Flyovers and "Bridges to Nowhere"	<ul style="list-style-type: none"> ● Transport Department ● Civil Engineering and Development Department ● Highways Department
(7)	Allocation Mechanism of Ward Offices under Housing Department	<ul style="list-style-type: none"> ● Housing Department
(8)	Notification Mechanism and Arrangements of Housing Department and Social Welfare Department for Imprisoned Singleton Public Rental Housing Tenants	<ul style="list-style-type: none"> ● Housing Department ● Social Welfare Department
(9)	Leisure and Cultural Services Department's Arrangements for Depositing Layout Plans of Public Pleasure Grounds in Land Registry	<ul style="list-style-type: none"> ● Leisure and Cultural Services Department
(10)	Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/Social Security Allowance Applicants and Recipients	<ul style="list-style-type: none"> ● Social Welfare Department

Year 2020-21

	Subject	Department(s)/ Organisation(s) concerned
(1)	Leisure and Cultural Services Department's Allocation of Swimming Lanes in Public Swimming Pools and its Monitoring Mechanism	<ul style="list-style-type: none"> Leisure and Cultural Services Department
(2)	Effectiveness of Joint Office for Investigation of Water Seepage Complaints in Handling Water Seepage Reports	<ul style="list-style-type: none"> Food and Environmental Hygiene Department Buildings Department
(3)	Monitoring of Outsourced Street Cleansing Services by Food and Environmental Hygiene Department	<ul style="list-style-type: none"> Food and Environmental Hygiene Department
(4)	Utilisation of Low-charge Hospital Beds in Private Hospitals	<ul style="list-style-type: none"> Food and Environmental Hygiene Department Department of Health Hospital Authority
(5)	Leisure and Cultural Services Department's Regulation of Public Coaching Activities at Public Swimming Pools	<ul style="list-style-type: none"> Leisure and Cultural Services Department
(6)	Arrangements for Production, Distribution, Stocktaking and Use of CSI Masks	<ul style="list-style-type: none"> Correctional Services Department Government Logistics Department
(7)	Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by Housing Department	<ul style="list-style-type: none"> Hong Kong Housing Authority Housing Department
(8)	Government's Handling of Misconnection of Private Building Sewers to Stormwater Collection System	<ul style="list-style-type: none"> Environmental Protection Department Buildings Department Drainage Services Department
(9)	Government's Mechanism for Monitoring Vaccines Provided by Private Healthcare Facilities	<ul style="list-style-type: none"> Food and Health Bureau Department of Health Customs and Excise Department

Year 2021-22

	Subject	Department(s)/ Organisation(s) concerned
(1)	Management and Repair of Public Toilets by Food and Environmental Hygiene Department and Architectural Services Department	<ul style="list-style-type: none"> ● Food and Environmental Hygiene Department ● Architectural Services Department
(2)	Regulatory Regime for Lifts and Escalators	<ul style="list-style-type: none"> ● Electrical and Mechanical Services Department
(3)	Effectiveness of Mosquito Prevention and Control by Food and Environmental Hygiene Department	<ul style="list-style-type: none"> ● Food and Environmental Hygiene Department
(4)	Government's Arrangements for Engaging Outside Interpretation Services	<ul style="list-style-type: none"> ● Constitutional and Mainland Affairs Bureau
(5)	Regulatory Work on Dog Keepers' Obligations by Agriculture, Fisheries and Conservation Department	<ul style="list-style-type: none"> ● Agriculture, Fisheries and Conservation Department
(6)	Government's Regulation of Boarding Facilities for Foreign Domestic Helpers	<ul style="list-style-type: none"> ● Labour Department ● Home Affairs Department ● Immigration Department
(7)	Government's Control of Illicit Fueling Activities	<ul style="list-style-type: none"> ● Fire Services Department ● Security Bureau
(8)	Transport Department's Requirements for Physical Fitness Certification of Driving Licence Applicants/holders	<ul style="list-style-type: none"> ● Transport Department

Year 2022-23

	Subject	Department(s)/ Organisation(s) concerned
(1)	Management and Effectiveness of Waste Separation Bins	<ul style="list-style-type: none"> • Environmental Protection Department
(2)	Effectiveness of Rodent Prevention and Control by Food and Environmental Hygiene Department	<ul style="list-style-type: none"> • Food and Environmental Hygiene Department
(3)	Civil Aviation Department's Regulation of Paragliding Activities	<ul style="list-style-type: none"> • Civil Aviation Department
(4)	Problem of Abandoned Vehicles on Government Land	<ul style="list-style-type: none"> • Transport Department • Lands Department • Home Affairs Department
(5)	Government's Enforcement against Unauthorised Building Works in New Territories Exempted Houses	<ul style="list-style-type: none"> • Buildings Department • Lands Department
(6)	Problem of Alleged Illegal Operation of Kaito Ferry Service	<ul style="list-style-type: none"> • Marine Department • Transport Department
(7)	Operational Arrangements for Statutory Visits under Justices of the Peace Visit Programme	<ul style="list-style-type: none"> • Administration Wing • Correctional Services Department • Immigration Department • Hospital Authority • Social Welfare Department
(8)	Government's Regulation of Illegal Occupation or Obstruction of Streets by Goods and Miscellaneous Articles	<ul style="list-style-type: none"> • Efficiency Office • Environmental Protection Department • Food and Environmental Hygiene Department • Highways Department • Home Affairs Department • Lands Department
(9)	E-book Lending Service of Public Libraries under Leisure and Cultural Services Department	<ul style="list-style-type: none"> • Leisure and Cultural Services Department

Year 2023-24

	Subject	Department(s)/ Organisation(s) concerned
(1)	Measures and Usage of On-Street Parking Spaces Designated for People with Disabilities	<ul style="list-style-type: none"> • Transport Department
(2)	Pilot Scheme on Community Care Service Voucher for the Elderly	<ul style="list-style-type: none"> • Social Welfare Department
(3)	Education Bureau's Monitoring of Boarding Sections of Schools for Children with Intellectual Disabilities	<ul style="list-style-type: none"> • Education Bureau
(4)	Government's Enforcement against Defective Sewage Works of New Territories Exempted Houses	<ul style="list-style-type: none"> • Environmental Protection Department • Food and Environmental Hygiene Department • Lands Department
(5)	Effectiveness of 1823 in Handling Complaints and Enquiries	<ul style="list-style-type: none"> • Efficiency Office
(6)	Housing Department's Arrangements for Housing for Senior Citizens and Converted One-person Units	<ul style="list-style-type: none"> • Housing Department
(7)	Handling of Complaints Involving Trees on Government Land	<ul style="list-style-type: none"> • Development Bureau
(8)	Repairs and Maintenance of Outdoor Recreational and Sports Facilities under Leisure and Cultural Services Department	<ul style="list-style-type: none"> • Leisure and Cultural Services Department
(9)	Regulation of Licensed Swimming Pools by Food and Environmental Hygiene Department	<ul style="list-style-type: none"> • Food and Environmental Hygiene Department
(10)	Food and Environmental Hygiene Department's Regulation over Sale of Food in Hot/Cold Holding and Non-prepackaged Beverages by Means of Vending Machine	<ul style="list-style-type: none"> • Food and Environmental Hygiene Department

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