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Replies to supplementary questions raised by Finance Committee Members in examining the Estimates of Expenditure 2020-21

The Ombudsman

Session No. : 6

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Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-OMB001	S006	SHIU Ka-chun	114	(1) Complaints Administration

CONTROLLING OFFICER'S REPLY

S-OMB001

(Question Serial No. S006)

Head: (114) Office of The Ombudsman

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

Programme: (1) Complaints Administration

Controlling Officer: The Ombudsman (Winnie Chiu)

Director of Bureau: The Ombudsman

Question:

On the written replies of the Finance Committee dated 6 Apr 2020 (Reply Serial No. OMB001) regarding The Office of The Ombudsman (hereafter referred to as "the Office"), please answer my follow-up questions:

1. For the past five years and as at 6 Mar 2020, how many of the cases handled by the Office were direct investigations? What were the topics covered, the investigation manpower required, the expenses incurred, as well as the processing time of each of those direct investigation?
2. On Question 3 (Reply Serial No. OMB001), regarding the review and reform of complaint handling procedures, the Office indicated that it would promote the use of mediation to save and release more current resources for direct investigations. In this connection, will the Office augment its manpower for handling direct investigations? If yes, please provide the number of new recruits, their ranks, tenures of service, dates of assuming office and the yearly expenses incurred. If no, why?
3. In the past five years, how many of the cases handled by the Office required a review? If there had been review cases, please provide related details.
4. The Office has been providing limited services since 23 March 2020 due to the COVID-19 pandemic. Had complaint handling and direct investigation work been affected as a result? If yes, what were the adjustments made to case processing time and related details? If no, please elaborate.

Asked by: Hon SHIU Ka-chun

Reply:

1. For the five years between 2015-16 and 2019-20, the direct investigations completed by the Office and the time needed are tabulated below:

2015-16

Topic	Declared on	Completed on
(1) Rating and Valuation Department's Regulation of Display of Building Numbers	7 August 2014	22 May 2015
(2) Regulation of Fire Safety Measures for New Territories Exempted Houses	5 May 2014	13 August 2015
(3) Water Supplies Department's Mechanism for Handling Leaks of Private Water Pipes	18 December 2014	18 August 2015
(4) Management of Permitted Burial Grounds	14 January 2014	13 November 2015
(5) Method of Calculation of Waiting Time for Public Rental Housing and Release of Information	24 July 2015	7 December 2015
(6) Government's Implementation of Strengthened Control of Exhaust Emissions from Petrol and LPG Vehicles	14 April 2015	22 January 2016
(7) Problems Relating to Enforcement of Fire Safety (Buildings) Ordinance	10 August 2015	21 March 2016
(8) Home Affairs Department's Management of Booking and Use of Facilities of Community Halls and Community Centres	25 August 2015	21 March 2016

2016-17

Topic	Declared on	Completed on
(1) Marine Department's Follow-up Mechanism on Recommendations Made in Marine Incident Investigation Reports	2 November 2015	8 June 2016
(2) Government's Handling of Four Stonewall Trees along Bonham Road	4 September 2015	10 June 2016
(3) Government's Tree Management Regime and Practices	23 September 2014	10 June 2016
(4) Government's Follow-up Actions Regarding Insufficient Provision of Public Columbarium Niches	27 October 2015	24 June 2016
(5) Lands Department's System of Regularisation of Illegal Occupation of Government Land and Breach of	5 May 2015	8 September 2016

Lease Conditions		
(6) Temporary Closure of Public Swimming Pools/Beaches under Leisure and Cultural Services Department Due to Shortage of Lifeguards	22 July 2015	9 September 2016
(7) Education Bureau's Regulation of Kindergarten Application Fees	12 May 2016	14 December 2016
(8) Arrangements on Display of Publicity Materials in Public Housing Estates	7 December 2015	18 January 2017
(9) Government Regulation of Special Transport Services to Persons with Mobility Difficulties	20 November 2014	3 March 2017
(10) Education Bureau's Regulation of Institutions Offering Non-local Higher and Professional Education Courses	23 May 2016	3 March 2017
(11) Housing Department's Mechanism for Follow-up Action against Unauthorised Alterations by Public Housing Tenants	27 May 2016	31 March 2017

2017-18

Topic	Declared on	Completed on
(1) Hong Kong Airport Authority's Mechanism for Issuing Airport Restricted Area Permits	23 September 2016	20 April 2017
(2) Government's Regulation of Factory Canteens	25 April 2016	9 May 2017
(3) Food and Environmental Hygiene Department's Criteria for Publicising List of Traders Involved after Issuing Food Safety Order	14 March 2017	26 June 2017
(4) The Arrangement between Housing Department and Water Supplies Department Regarding Payment of Water Charges for Common Areas and Vacant Units in Public Housing Estates	16 August 2016	26 June 2017
(5) Leisure and Cultural Services Department's Criteria and Procedures for Procuring and Withdrawing Library Materials	12 January 2016	31 August 2017
(6) Lands Department's Enforcement against a Village House with Irregularities	4 May 2016	31 August 2017

(7) Transport Department's Handling of a Road Section Enclosed and Left Idle for Prolonged Period	21 March 2017	27 October 2017
(8) Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables	12 October 2016	7 November 2017
(9) Social Welfare Department's Support Services for Persons with or Suspected to Have Mental Health Problems and Their Families/Carers and Neighbours	1 August 2016	29 December 2017
(10) The Mechanism of the Food and Health Bureau and the Department of Health for Handling Smoking Offences	10 March 2016	26 January 2018
(11) Government's Control over Fly-tipping of Construction Waste and Landfilling Activities on Private Land	11 November 2016	30 January 2018
(12) Water Supplies Department's Maintenance of Government Water Mains and Risk Management	2 October 2015	29 March 2018

2018-19

Topic	Declared on	Completed on
(1) Government Departments' Handling of the Problem of Air-conditioner Dripping	15 September 2017	11 April 2018
(2) Immigration Department's Mechanism for Following Up Cases of Unregistered Birth	24 August 2015	7 June 2018
(3) Food and Environmental Hygiene Department's Rental Management of Market Stalls	7 January 2016	24 August 2018
(4) Food and Environmental Hygiene Department's Regulation of Market Stalls	7 January 2016	24 August 2018
(5) Housing Department's Arrangement for Using Idle Spaces in Public Housing Estates	26 July 2017	15 October 2018
(6) Regulation of Illegal Burials outside Permitted Burial Grounds by the Home Affairs Department and the Lands Department	19 January 2018	12 November 2018
(7) Social Welfare Department's Monitoring of Services of	18 October 2016	10 December 2018

Residential Care Homes for the Elderly		
(8) Government's Regulation of Proprietary Chinese Medicine	8 June 2017	10 December 2018
(9) Government's Support for Non-Chinese Speaking Students	9 May 2018	15 February 2019
(10) Government's Handling of Two Trees in front of Tang Chi Ngong Building of University of Hong Kong	1 June 2018	15 February 2019
(11) Marine Department's Arrangements for Private Vessel Moorings	15 February 2018	8 March 2019
(12) Government's Follow-up Mechanism Regarding Psychological Health Assessment of School Children	3 April 2017	8 March 2019

2019-20

Topic	Declared on	Completed on
(1) Buildings Department's Implementation of Mandatory Window Inspection Scheme	27 April 2018	12 August 2019
(2) Government's Planning and Arrangements for Ancillary Facilities for Electric Private Vehicles	28 September 2017	17 October 2019
(3) Mechanism for Identifying and Reporting Suspected Child Abuse Cases	30 January 2018	17 October 2019
(4) Notification Mechanism and Arrangements of Housing Department and Social Welfare Department for Imprisoned Singleton Public Rental Housing Tenants	5 March 2019	12 November 2019
(5) Allocation Mechanism of Ward Offices under Housing Department	7 September 2018	10 December 2019
(6) Leisure and Cultural Services Department's Arrangements for Depositing Layout Plans of Public Pleasure Grounds in Land Registry	2 August 2019	10 December 2019
(7) 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	9 April 2018	9 January 2020

(8) Lands Department's Enforcement against Commercial Use of Public Pedestrian Passages and Public Atria in Private Malls	25 July 2018	9 January 2020
(9) Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/Social Security Allowance Applicants and Recipients	20 September 2019	17 January 2020
(10) The Issue of Idle Flyovers and "Bridges to Nowhere"	30 July 2018	3 March 2020

For the past five years, the processing time of direct investigations varied between four to 33 months, with an average of 15 months. The variation in processing time was due to the different nature of and scale of inquiry efforts required in each investigation.

Throughout the past five years, there had been two direct investigation teams at the Office with an establishment of 13 investigation officers. They are responsible for all direct investigation work and complaint cases relating to breaches of the Code on Access to Information. The expenses needed for direct investigation work is largely the payroll cost for investigation officers. For the year 2019-20, the payroll cost for the staff of the two direct investigation teams was around \$11.23 million.

2. The Office will continue to promote the use of mediation to handle cases involving no or minor maladministration so that cases can be resolved in a speedier and more direct manner. More current resources can thus be saved and released for conducting direct investigations and full investigation for more complicated complaint cases. We do not need to recruit more staff for the time being.
3. Statistics on review cases conducted by the Office during the five years between 2015-16 and 2019-20 are given below:

Year	Review Request	Result of Review			
		Request rejected	Review conducted	Decision upheld	Decision varied
2015/16	69	34	35	33	2
2016/17	67	34	33	30	3
2017/18	49	8	41	39	2
2018/19	63	8	55	53	2
2019/20	251	6	245	242	3

Starting from the year 2019-20, we have simplified the review procedures. If a complainant expresses discontent with our investigation result or conclusion for the first time and provides justifications and/or supplementary information, we will conduct a review right away to obviate the assessment process for determining whether the view received amounts to a request for review. Besides, there was a sharp increase in complaints we received in 2019-20. The number of complaints almost quadrupled compared to the past. Consequently, the numbers of both review requests and reviews conducted in 2019-20 were higher than in previous years.

4. In view of the development of the COVID-19 pandemic, the Office has again adjusted the public services it provided and made special work arrangements since 23 March 2020. These included the suspension of reception counter service to the public, arrangements for staff to work on roster at the office to reduce social contacts for greater protection of their health, and lower the risk of spreading the coronavirus in the community. During the period with special work arrangements, members of the public can still lodge enquiries or complaints with us via email, fax, telephone or our online form. The Office will regularly monitor the situation and resume our public services gradually in an orderly manner. We will strive to conclude cases within our pledged target time. The overall impact of the temporary special work arrangements on the time needed to handle complaints is expected to be minor.

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