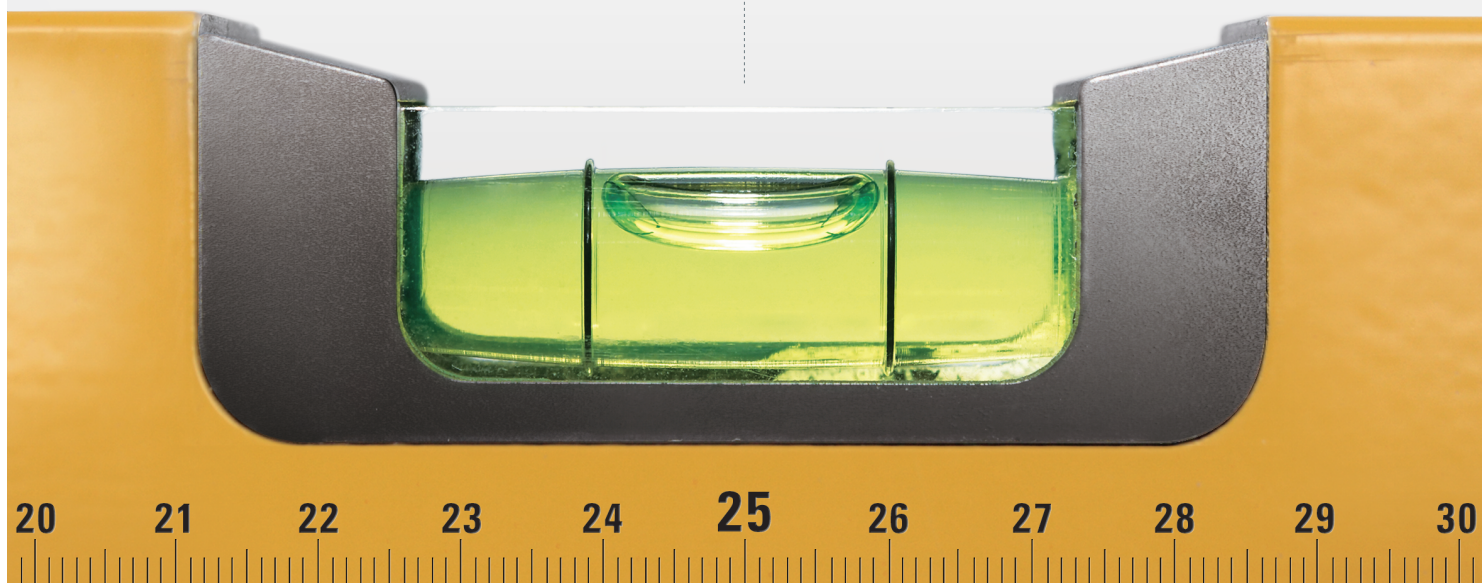


Summary of  
Annual Report  
The Ombudsman  
Hong Kong

2014



# Summary of Annual Report The Ombudsman Hong Kong

## Performance and Results

### Enquiries and Complaints Processing

In 2013/14, we received 5,624 complaints, compared to 5,501 last year. Discounting 398 secondary cases in topical complaints, the number was similar to that of last year. As for enquiries the number received increased by 4% over that of last year.

Fig. 1

Enquiries and Complaints Received			
Year	Enquiries	Complaints	
		Total	Excluding topical complaints
2009/10	13,789	4,803	4,410
2010/11	12,227	5,339	4,712
2011/12	12,545	5,029	4,849
2012/13	12,255	5,501	5,263
2013/14	12,767	5,624	5,226

### Topical Complaints

There are several groups of topical complaints this year, with 398 secondary cases. The largest group related to the issuance of domestic free television programme service licences. The second largest group stemmed from a learning project for a group of schoolchildren who complained about the lack of repair of their school playground located in a public housing estate.

### Mode of Lodging Complaints

Lodging complaints by email was still the most popular mode, accounting for 2,455 (43.7%) of all the complaints received.

Fig. 2

Mode of Lodging Complaints					
Mode	2009/10	2010/11	2011/12	2012/13	2013/14
In person	413	634	573	769	633
In writing –					
by complaint form	863	544	518	621	332
by letter through post	870	882	947	752	1,066
by fax	764	766	657	540	467
by email	1,362	1,954	1,783	2,144	2,455
By telephone	531	559	551	675	671
<b>TOTAL</b>	<b>4,803</b>	<b>5,339</b>	<b>5,029</b>	<b>5,501</b>	<b>5,624</b>

### Outcome of Investigations and Inquiries

We concluded more complaints by full investigation this year, numbering 321 cases. Amongst them, 135 (42.1%) were *substantiated, partially substantiated or substantiated other than alleged*.

Fig. 3

Substantiation Rates of Complaints Concluded by Full Investigation		
Classification	No. of Complaints	Percentage
Substantiated	39	12.1%
Partially substantiated	87	27.1%
Substantiated other than alleged	9	2.8%
Unsubstantiated	171	53.3%
Inconclusive	6	1.9%
Withdrawn	9	2.8%
Total	321	100.0%

Among the 2,346 inquiry cases concluded, inadequacies or deficiencies were found in 627 (26.7%).

### Direct Investigation

We completed six direct investigations during the year. The subjects studied covered the regulation of sale of chilled meat, the control of healthcare professions not subject to statutory regulation, the mechanism for monitoring the frequencies of franchised bus services, “special procedures” of the Buildings Department for handling unauthorised building works cases involving celebrities, public records management and the access to information regime in Hong Kong.



We also completed 31 direct investigation assessments, which covered a wide range of subjects, such as the regulation of Chinese medicine, the selection criteria for hiring of tutors and rental of cultural facilities by organisations, arrangements for release of hourly voter turnout figures at polling stations, the processing of applications for claims by public rental housing tenants.

### Recommendations

On completion of 321 full investigations we made 224 recommendations. We also made 59 recommendations after six direct investigations. Among this total of 283 recommendations, 248 (87.6%) have been accepted by the organisations for implementation and 35 (12.4%) were still under consideration as at 31 March 2014.

### Our Performance

We met our pledges fully in respect of answering enquiries by telephone and in person and in arranging talks, as in previous years. For enquiries in writing, we answered 85.0% of them in five working days and 12.5% in six to ten working days.

As regards acknowledging receipt of complaints, we issued acknowledgement within five working days in 99.2% of all complaints received. For processing cases outside jurisdiction or under restriction, 88.9% of the cases were concluded within ten working days. We concluded 81.7% of other cases within three months, against the service pledge of not less than 60%.

Fig. 4

(a) Processing Time for Cases Outside Jurisdiction or Under Restriction			
Year	Response Time		
	Within 10 working days (target: >70%)	Within 11-15 working days (target: <30%)	More than 15 working days
2013/14	88.9%	9.7%	1.4%

### (b) Processing Time for Other Cases Concluded |

Year	Response Time		
	Less than 3 months (target: >60%)	Within 3-6 months (target: <40%)	More than 6 months
2013/14	81.7%	17.2%	1.1%

## Reward and Challenge



### Enhancing Quality Administration

On conclusion of our inquiries into complaints we will make recommendations, where due, to the organisations under complaint irrespective of whether the complaint is substantiated or not. Most of our recommendations are accepted by the organisations. We monitor their implementation of our recommendations until action is completed.

### Mediating Disputes

We succeeded in helping complainants and organisations under complaint to resolve the complaint and reach an agreement in 38 cases. These cases covered a wide spectrum of issues, such as booking procedures for sports and cultural facilities, eligibility for Comprehensive Social Security Assistance, cremation procedures, public housing estate management and street lighting.

## Apology in Complaint Resolution

We encourage public organisations to adopt a more open mind towards making of apologies and monitored our complaint cases in which apologies were tendered. We noted that in over 80% of the cases apologies were tendered in the course of our action on the complaint. This showed that our intervention itself had the effect of prompting organisations to apologise for the faults they had committed or at least for the unpleasant experience the complainants had gone through.

## Transparent Government and Access to Information



The number of complaints received this year relating to the Code on Access to Information continued to rise, increasing to 78 from last year's 62. We concluded 81 Code cases during the year, with faults found in 39 of them. The most frequently misquoted reason for refusal to provide information was privacy of personal data or confidentiality of third party information when the information was not or should not be regarded as confidential.

## Challenges from Parties

### Re-assessment of Cases

Complainants disagreeing with our decision to screen out their cases may request to have their cases re-assessed. During the year we received 390 requests for re-assessment, with 85 subsequently re-opened for inquiry.



# Summary of Annual Report The Ombudsman Hong Kong

## *Review of Cases*

For cases concluded after we have examined the issues under complaint, complainants dissatisfied with our findings or conclusions may seek a review. This year we received 76 requests for review. We declined 31 requests and conducted 45 reviews. Decision was varied in four cases after review and upheld for the remaining 41.



## *Judicial Review and Litigation*

A complainant not satisfied with The Ombudsman's decision may, apart from requesting a review by the Office, seek a judicial review by the court. A complainant had applied, in 2010, for leave to apply for judicial review against The Ombudsman's decision. Leave was refused by the High Court in October 2010. The complainant applied subsequently for leave of the Court of Appeal to appeal against the High Court decision. The application was heard and refused in July 2013.

## *Challenging Complainant Behaviours*

We faced challenging complainant behaviours in the course of our work, including verbal abuse, threats to our officers and unreasonable demands. A particularly challenging situation we encountered this year was the repeated complaints by complainants against a specific organisation. The complainants would refuse to accept our findings and conclusion and made repeated requests for review, followed by staff complaints when we did not agree to their views. We handled these cases with professionalism and provide adequate training to our staff. At the same time we are mindful of the need for effective deployment of our resources for quality service for the public and responding to the challenges sensibly.

## **Office Administration**

### **Staffing**

During the year, we appointed six investigation staff through internal promotion and open recruitment. Our three-pronged strategy had worked well in fortifying a healthy contingent of investigation officers. This strategy comprises internal promotion, recruiting graduates at the entry rank of Assistant Investigation Officer and recruiting people with public sector experience directly to senior ranks.

### **Training**



We conducted two rounds of induction programmes for new recruits, interactive workshops on handling difficult situations in dealings with complainants, and a workshop on mediation. We also have a sponsorship scheme for investigation staff to attend more elaborate training and attain accreditation as mediators. Three officers participated in the international seminar and training course co-organised by the International Ombudsman Institute and Asian Ombudsman Association.

### **Human Resources Management Systems**

We have embarked on a project for the computerisation of human resources records, payroll and leave applications, as well as other human resources functions. This would help to increase efficiency in the administration of various human resources functions and enhance accessibility to employment-related data.

## Publicity and External Relations

We collaborated with Radio Television Hong Kong to produce the drama “Ombudsman Special” for the first time. Based on real life stories, the episodes allowed viewers to gain a three-dimensional understanding of our work.

We carried on with the publicity campaign of “We identify mistakes and urge for prompt correction” this year, with commercials covering various channels and roving exhibitions across the territory.

This year, The Ombudsman’s Awards were presented to the Drainage Services Department (Grand Award), the Highways Department, the Lands Department and 35 public officers as a recognition to their exemplary performance in complaint handling and serving the public.

We continued to make use of talks, seminars and press conferences to reach out to the public and different stakeholders. We took part in the Education and Careers Expo 2014 and organised seminars for our Advisors and Justices of the Peace (“JPs”) under the JPs Assistance Scheme and assistants of Legislative and District Council Members.

## Looking Ahead

We will continue to gauge public knowledge, perception and expectation on our services. Besides, we will continue to draw on the suggestions and experience of various stakeholders and counterparts around the world to improve and refine our services.

Fig. 5

Caseload					
	Reporting year <sup>1</sup>				
	09/10	10/11	11/12	12/13	13/14
<b>Enquiries</b>	<b>13,789</b>	<b>12,227</b>	<b>12,545</b>	<b>12,255</b>	<b>12,767</b>
<b>Complaints</b>					
<b>(a) For processing</b>	<b>5,869</b>	<b>6,467</b>	<b>6,085</b>	<b>6,349</b>	<b>6,572</b>
– Received	4,803[393]	5,339[627]	5,029[180]	5,501[238]	5,624[398]
– Brought forward <sup>2</sup>	1,066	1,128	1,056	848	948
<b>(b) Processed</b>	<b>4,775[402]</b>	<b>5,437[611]</b>	<b>5,237[210]</b>	<b>5,401[235]</b>	<b>5,670[367]</b>
<b>Non-pursuable<sup>3</sup></b>	<b>2,560[100]</b>	<b>2,381[11]</b>	<b>2,560[127]</b>	<b>3,116[102]</b>	<b>2,965[319]</b>
<b>Pursued and concluded</b>	<b>2,215[302]</b>	<b>3,056[600]</b>	<b>2,677[83]</b>	<b>2,285[133]</b>	<b>2,705[48]</b>
– By inquiry <sup>4</sup>	2,086[302]	2,894[524]	2,492[6]	2,094[133]	2,346[36]
– By full investigation <sup>5</sup>	126	155[76]	163[61]	169	321[12]
– By mediation <sup>6</sup>	3	7	22[16]	22	38
<b>(c) Percentage processed = (b)/(a)</b>	<b>81.4%</b>	<b>84.1%</b>	<b>86.1%</b>	<b>85.1%</b>	<b>86.3%</b>
<b>(d) Carried forward = (a) – (b)</b>	<b>1,094</b>	<b>1,030</b>	<b>848</b>	<b>948</b>	<b>902</b>
<b>Direct investigations completed</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>6</b>

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

Note 2. Including 96, 34 and 26 re-opened cases in 2009/10, 2010/11 and 2011/12 respectively.

Note 3. Outside our jurisdiction or restricted by The Ombudsman Ordinance; withdrawn by complainant, discontinued or not undertaken by the Office, e.g. *subjudice* or lack of *prima facie* evidence.

Note 4. Pursued under section 11A of the Ordinance, for general cases.

Note 5. Pursued under section 12 of the Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 6. Pursued under section 11B of the Ordinance, for cases involving no, or only minor, maladministration.

[ ] Number of topical cases.