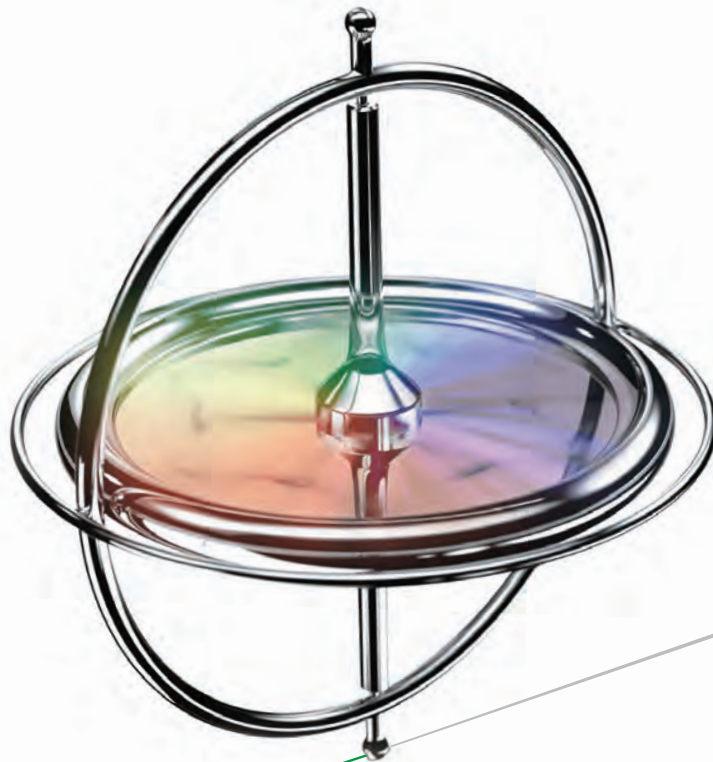


Maintaining Impartiality Without Fear or Favour



The Ombudsman, Hong Kong
Summary of Annual Report 2017

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Performance and Results



Enquiries and Complaints Processing

In 2016/17, we received 4,862 complaints, including 74 secondary cases in topical complaints, and 11,564 enquiries. The corresponding figures last year were 5,244, 213 and 12,159 respectively.

Table 1

Enquiries and Complaints Received			
Year	Enquiries	Complaints	
		Total	Excluding secondary cases
2012/13	12,255	5,501	5,263
2013/14	12,767	5,624	5,226
2014/15	12,940	5,339	4,911
2015/16	12,159	5,244	5,031
2016/17	11,564	4,862	4,788

Topical Complaints

We received fewer topical complaints this year, with 74 secondary cases compared to 213 last year. There were two relatively significant groups of topical complaints. The largest group (with 41 secondary cases) concerned the Transport Department's alleged unreasonable demand for a car manufacturer to remove some functionality from the visual display unit of the car. The other group (with 18 secondary cases) related to the alleged change of policy of the Agriculture, Fisheries and Conservation Department in approving applications for trail running events in country parks.

Complaints Handled

We completed processing 4,974 (86.8%) of all cases received during the year and those brought forward from last year. Among these, 2,907 (58.4%) were concluded by way of inquiry, full investigation or mediation. The rest (2,067, 41.6%) were closed after assessment for jurisdictional or legal restriction reasons.

While inquiry remained the chief mode of our complaint handling, comprising about 88% of all cases pursued and completed, a significant proportion of the cases were concluded by full investigation (7.5%) and mediation (4.6%). Among those assessed and closed, over half were due to the fact that there was insufficient ground to pursue the complaint.

Outcome of Investigations and Inquiries

We concluded 218 complaints by full investigation this year, including 24 secondary cases from three groups of topical complaints. Among the 2,556 inquiry cases concluded, inadequacies or deficiencies were found in 452 (17.7%).

Table 2

Substantiation Rates of Complaints Concluded by Full Investigation		
Classification	No. of Complaints	Percentage
Substantiated	24	11.0%
Partially substantiated	49	22.5%
Unsubstantiated but other inadequacies found	12	5.5%
Unsubstantiated	132	60.5%
Withdrawn/discontinued	1	0.5%
Total	218	100.0%

Direct Investigation

During the year we completed 11 direct investigations, three more than last year. The issues examined included tree management, mechanism for follow-up actions on marine incident investigation reports, regularisation of illegal occupation of Government land, temporary closure of public swimming pools and beaches due to shortage of lifeguards, regulation of kindergarten application fees, special transport services for persons with mobility difficulties, regulation relating to non-local higher

and professional education courses, provision of public columbarium niches, arrangements on display of publicity materials in public housing estates and mechanism for taking follow-up actions against unauthorised alterations by public housing tenants. Fifteen direct investigations were in progress at the end of the year.



Recommendations

We made 177 recommendations on completion of 218 full investigations and 77 recommendations in 11 direct investigations. Of the total 254 recommendations, 211 (83.1%) have been accepted by the organisations for implementation and 43 (16.9%) were under consideration as at 31 March 2017.

Our Pledge Performance

This year we were able to be fully compliant with our pledged time frames in arranging talks and answering all enquiries. On acknowledging receipt of complaints, we issued acknowledgement within five working days in 99.5% of all complaints received.

On complaint processing, we concluded 97.3% of the cases falling outside jurisdiction or under restriction within ten working days, as compared with the service pledge of not less than 70%. 99.9% were concluded within the target timeframe of 15 working days. For other cases we concluded 87.6% within three months, as compared to the service pledge of not less than 60%. We further lowered the percentage (to 0.2%) of cases not concluded within our pledge timeframe of six months for reasons such as case complexity, new developments of the case in the mid-stream of the process and delay of organisations under complaint in tendering their replies to us.

Table 3

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
2012/13	89.5%	8.7%	1.8%
2013/14	88.9%	9.7%	1.4%
2014/15	90.9%	8.6%	0.5%
2015/16	98.4%	1.6%	0.0%
2016/17	97.3%	2.6%	0.1%

Table 4

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
2012/13	86.3%	12.8%	0.9%
2013/14	81.7%	17.2%	1.1%
2014/15	86.3%	13.1%	0.6%
2015/16	84.8%	14.7%	0.5%
2016/17	87.6%	12.2%	0.2%

Reward and Challenge

Enhancing Quality Administration

On conclusion of our inquiries into complaints we always try to make recommendations to the public organisations concerned and monitor the implementation to assist them to improve their administration. Very often, this would result in clearer guidelines, new mechanisms or measures and strengthened staff training to achieve higher quality operation, better inter-departmental coordination, enhanced efficiency, improved client service, more effective regulation, more reasonable decisions, and clearer information to the public.

Mediating Disputes

We resolved almost the same number of cases by mediation as last year. Among the 2,907 cases pursued and concluded, we concluded 133 cases (4.6%) by mediation, compared to 134 cases (4.3%) last year. A total of 22 Government departments and public organisations (21 last year) participated in resolving complaints by mediation, with four newly participating Government departments/bureau. The subject matters under complaint covered a wide spectrum of livelihood issues, ranging from public housing estate management, water seepage/dripping, postal delivery services, park and tree management, booking and use of recreational facilities, stray dogs, noise nuisance and car registration.

Table 5

Successfully Mediated Cases by Nature of Complaint (2016/17)	
Nature of Complaint	No. of Cases
Delay/inaction	50
Error, wrong advice/decision	26
Ineffective control	23
Lack of response to complaint	22
Poor staff attitude (rudeness, unhelpfulness)	7
Faulty procedures	7
Others	14
Total	149

* One complaint case may have more than one nature of complaint

We significantly shortened the average processing time in handling a mediation case to 13.4 days (compared to 19 days last year), with 88.7% within a month. Questionnaires received from parties to mediation reflected that 91.7% of the complainants and all of the participating organisations considered the process to have achieved what they wanted, and 97.2% of the complainants and all of the organisations were satisfied with the work of our staff as mediator.



Apology in Complaint Resolution

We have continued to encourage public organisations to adopt a more open mind towards making of apologies. This year in the 248 concluded cases where apologies were given by the organisations under complaint, 92.7% were given in the course of or after intervention by our Office.

Transparent Government and Access to Information

During the year, we received 85 complaints about access to information which strikes a new record high of this category of complaints. We received 72 Code complaints against Government departments or agencies, compared to 60 last year. We concluded 72 cases, including 16 carried forward from last year. Failings were found in 32 (44.4%) of those concluded cases, with 16 cases involved unjustifiable refusal. One of the commonly but often inappropriately cited reasons for refusal to provide information was confidentiality of third party information.

In 2016/17, we received 13 complaints against eight organisations not covered by the Code. We concluded 13 cases, with failings found in four of them.

Challenges from Parties

Re-assessment and Review of Cases

This year we received 254 requests for re-assessment, with 152 subsequently re-opened for inquiry. We also received 67 requests for review, with 34 declined and 33 leading to a review. The original decision was varied in three cases after review and upheld for the remaining 30.

Summary of Annual Report 2017

The Ombudsman, Hong Kong

Challenging Complainant Behaviours

In the year we had complainants who kept pressing us for review of their cases despite that we had explained to them in detail multiple times the reasons for our findings and conclusion of their cases. Some of them would continuously send in voluminous materials, while others would engage our case officers in lengthy telephone conversations, or make complaints against all staff who have handled their cases. We deal with such demands according to laid down procedures. When we consider to have given sufficient response to these complainants, we have to cut our communication, lest we would not be able to dedicate the necessary staff time and resources to other complainants and our other duties.



Office Administration

Staffing

During the year, we appointed seven investigation staff (three at Investigation Officer level and four at Assistant level) through internal promotion and open recruitment. Our strategy of recruiting graduates at the entry rank of Assistant Investigation Officer, offering them a clear career path and early nurturing, had started to bear fruit. A healthy contingent of home grown investigation officers had gradually taken shape. As in previous years, we supplemented our regular staff with temporary investigation officers who had rich experience in public administration to meet the service demand for ad hoc projects.

Training

As an ongoing effort to equip our staff with the skills required for efficient and effective discharge of their duties, we continued to enrich our training programme. Apart from organising our own vocational training workshops, officers were supported to attend training programmes available in the market.

Publicity and External Relations

We have continued to attach great importance to our publicity efforts. To illustrate our work in a more palatable way, we re-created some representative cases in the form of drama stories. With the support of Radio Television Hong Kong, "The Ombudsman 5-minuter" was produced and broadcast in various media starting April 2016. The result was encouraging. Building on this momentum, another series of eight episodes of 30-minute drama was being produced for broadcast in April 2017.



The publicity campaign "Say NO to Maladministration" was continued. "Tai-Chi", a Chinese traditional physical exercise, was used as a metaphor to hammer home our message through TV and radio channels.

This year, we organised four press conferences to announce our investigation findings this year and attended a number of media interviews to elaborate our work and promote public understanding of our role and jurisdiction. We kept our stakeholders in communications through seminars, press conferences, media interviews and talks.

This year marked the 20th year of the The Ombudsman's Awards. The Grand Award went to the Legal Aid Department, whereas the Mandatory Provident Fund Schemes Authority and the Transport Department were the runners-up. Individual awards were presented to 37 public officers who showed exemplary performance in complaint handling and serving the public.

We participated actively in international events to stay in touch with development in the ombudsman arena worldwide. We took part in the Australasia and Pacific Ombudsman Region Conference and the Australian and New Zealand Ombudsman Association Conference in Melbourne in May 2016 as well as

the Asian Ombudsman Association Conference and its Board of Directors Meeting in Kazan, Tatarstan in August 2016. We also joined the International Ombudsman Institute Board of Directors Meeting, General Assembly and World Conference held in Bangkok in November 2016. There, I was elected the Regional President of the Australasia and Pacific Region of IOI.

Looking Ahead

The society is evolving at an unprecedented pace. New technologies and new modes of communication are constantly emerging. We will continue to be creative and flexible in our promotion work. We hope we could extend our reach as far as possible so that everyone can play a part in realising our vision and mission.

Table 6

Caseload					
	Reporting year ¹				
	12/13	13/14	14/15	15/16	16/17
Enquiries	12,255	12,767	12,940	12,159	11,564
Complaints					
(a) For processing	6,349	6,572	6,241	6,112	5,732
– Received	5,501[238]	5,624[398]	5,339[428]	5,244[213]	4,862[74]
– Brought forward	848	948	902	868	870
(b) Completed	5,401[235]	5,670[367]	5,373[472]	5,242[224]	4,974[74]
Pursued and concluded					
– By inquiry ²	2,383[196]	2,605[36]	2,573[78]	2,740[175]	2,556[16]
– By full investigation ³	169	321[12]	314[125]	226[30]	218[24]
– By mediation ⁴	22	38	138	134	133
Assessed and closed					
– Insufficient grounds to pursue ⁵	1,908[32]	1,432[192]	1,091[1]	1,187[4]	1,102
– legally bound ⁶	919[7]	1,274[127]	1,257[268]	955[15]	965[34]
(c) Percentage completed = (b)/(a)	85.1%	86.3%	86.1%	85.8%	86.8%
(d) Carried forward = (a) – (b)	948	902	868	870	758
Direct investigations completed	6	6	7	8	11

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.