

The Ombudsman, Hong Kong  
Summary of Annual Report  
2020/21



POSITIVE COMPLAINT CULTURE  
FOR BETTER ADMINISTRATION

# Summary of Annual Report 2020/21

## The Ombudsman, Hong Kong

### Complaints and Enquiries

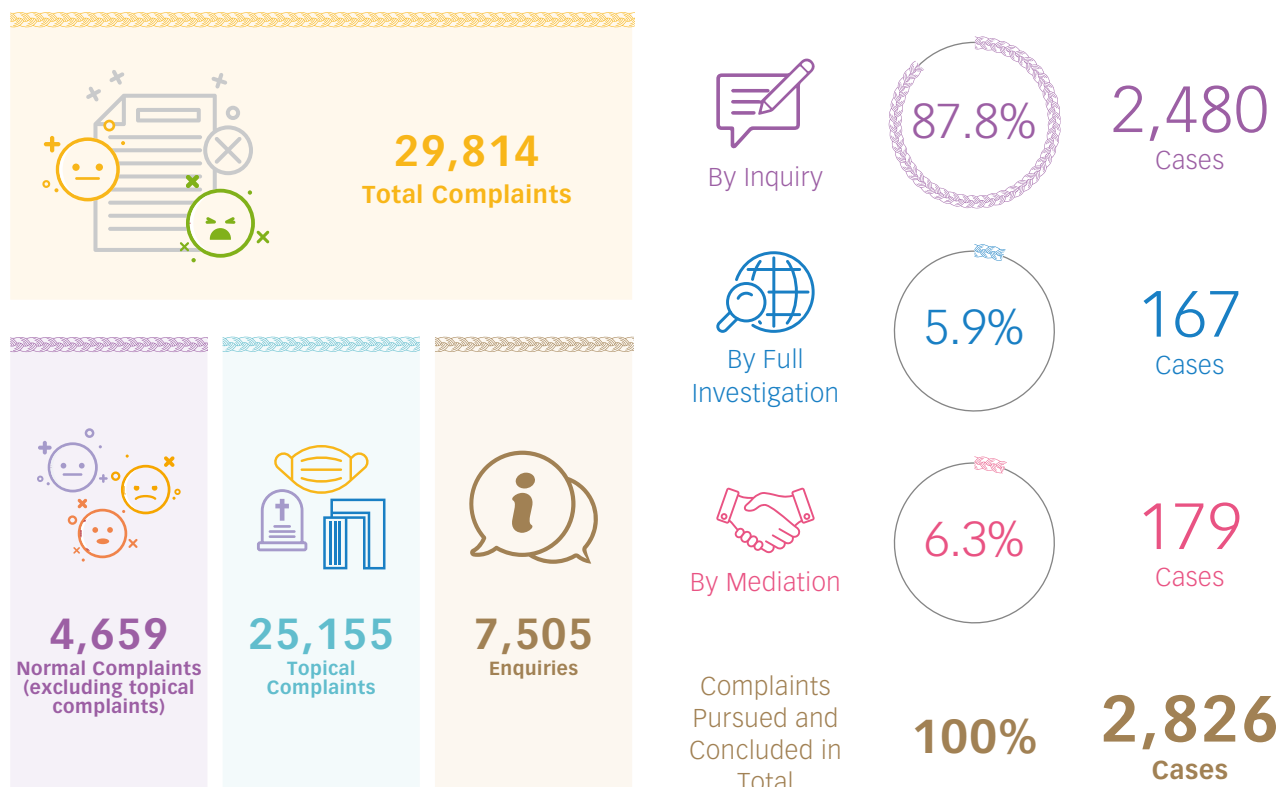
During the year under report, we received a record-breaking 29,814 complaints, up by 50.8% over the 19,767 last year. Together with 899 complaints brought forward from last year, we had a total of 30,713 complaints for processing this year as compared to 20,737 last year. We also received 7,505 enquiries during the year which was fewer than 8,581 enquiries received last year.

Among the 29,814 complaints, there were 25,155 secondary cases in topical complaints which was also the historic high. Issues bringing in considerable amount of complaints this year included Government's alleged inaction against a tomb on Government land, handling of the pandemic as well as public service disruptions under COVID-19. Setting aside topical complaints, the number of "normal complaints" (i.e. complaints received excluding secondary cases) received was actually on par with that of recent years.

Despite the challenges, we completed processing 30,021 complaints overall, including 27,195 cases closed after assessment and 2,826 cases pursued and concluded. Among these concluded cases, 220 (7.8%) were COVID-19-related, such as granting of subsidies, public services disruptions, refund of hire/admission charges, quarantine arrangement etc.

27,195 cases were closed after assessment due to the fact that there was insufficient ground to pursue the complaint (1,295, 4.8%), or for jurisdictional or legal restriction reasons (25,900, 95.2%). The number of complaints assessed and closed in 2020/21 was more than that in 2019/20 (17,031). An overwhelming majority of these complaints were topical complaints.

### 2020–21 Highlights



## Outcome of Investigations and Inquiries

This year, we conducted 167 complaints by full investigation and 79 (47.3%) cases were substantiated, partially substantiated or unsubstantiated but with other inadequacies found. Among the 2,480 inquiry cases concluded, inadequacies or deficiencies were found in 357 (14.4%).



- Substantiated (6.6%)
- Partially substantiated (33.5%)
- Unsubstantiated but other inadequacies found (7.2%)
- Unsubstantiated (49.7%)
- Inconclusive (1.2%)
- Withdrawn/discontinued (1.8%)

## Direct Investigations

During the year we completed nine direct investigations:

Leisure and Cultural Services Department's Allocation of Swimming Lanes in Public Swimming Pools and Its Monitoring Mechanism

Effectiveness of Joint Office for Investigation of Water Seepage Complaints in Handling Water Seepage Reports

Monitoring of Outsourced Street Cleansing Services by Food and Environmental Hygiene Department

Utilisation of Low-charge Hospital Beds in Private Hospitals

Leisure and Cultural Services Department's Regulation of Public Coaching Activities at Public Swimming Pools

Arrangements for Production, Distribution, Stocktaking and Use of CSI Masks

Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by Housing Department

Government's Handling of Misconnection of Private Building Sewers to Stormwater Collection System

Government's Mechanism for Monitoring Vaccines Provided by Private Healthcare Facilities

## Recommendations

Below are the figures on our investigations conducted and recommendations made for this financial year.



Full investigations conducted: **167**  
Recommendations made: **126**



Direct investigations conducted: **9**  
Recommendations made: **68**



Accepted for implementation: **168** (86.6%)

Under consideration: **26** (13.4%)

## Achievement of Performance Pledges

Under COVID-19, it took much longer for the organisations under complaint to respond to our investigations and inquiries. Our processing was also inevitably affected as special work arrangement was in place in our Office intermittently throughout the year. While we were able to meet most of the targets of our service standard in processing of complaints, we only managed to conclude 98.1% of complaint cases within six months, missing the target by 0.9%.

| 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%    | 99.4%       |
|                                                                                    | Within 15 working days | 99%    | 99.8%       |
| Conclude a complaint case                                                          | Within 3 months        | 80%    | 82.2%       |
|                                                                                    | Within 6 months        | 99%    | 98.1%       |

As for enquiries, our processing time was again affected by the special work arrangement. Overall, we were able to reply within 10 working days in 99% of written enquiries received.

## Mediation

With our tireless efforts, the number of cases concluded by mediation climbed from an annual average of 116 between 2011/12 and 2018/19 and from 149 in 2019/20 to 179 cases in 2020/21, representing 6.3% of the total number of cases pursued and concluded in the year. This year, the average processing time of mediation was around 12 days. Of the successfully mediated cases in the year, over 56% and 93% were resolved within 10 days and less than one month respectively. Of those complainants who responded to our questionnaires, over 88% had positive feedback on our mediation service.



## Complaints on Access to Information

During the year, we received a total of 110 complaints about access to information ("ATI"), which is a record high. This shows that public expectation for an open and accountable Government continues to rise. Among the 136 ATI complaints concluded, inadequacies were found in 58 cases (43%).

|            | Organisations covered by the Code | Organisations not covered by the Code |
|------------|-----------------------------------|---------------------------------------|
| Received   | 108                               | 2                                     |
| Concluded* | 133                               | 3                                     |

\* Including those carried forward from last year

## Re-assessment and Review of Cases

During the year, we re-assessed 277 cases, with 118 cases subsequently re-opened. Moreover, we conducted review for 220 cases. The original conclusion was varied in 1 case after review and upheld for the remaining 219 cases.

# Summary of Annual Report 2020/21

## The Ombudsman, Hong Kong

### Spreading Our Message

Our promotional efforts this year relied more on electronic and social media. We leveraged the use of information technology and online platforms to engage our stakeholders and reach out to the public.



During the reporting year, we organised three press conferences and issued two press releases to announce the results of nine direct investigations. For the first time, we broadcast our press conferences live through social media to expand our reach to the public direct other than through traditional means. More investigation reports were uploaded onto our website and Facebook page. Also, our repertoire of promotional videos was posted on our YouTube channel.

We delivered eight talks to departments/organisations either in their offices or through online platform to introduce the work of our Office and share our experience in complaint handling.



Instead of holding a full-scale event in a venue, we broadcast this year's Presentation Ceremony of The Ombudsman's Awards online on 4 December 2020 for the first time. The Grand Award went to the Transport Department, whereas the Department of Health and Water Supplies Department were the runners-up. The Working Family and Student Financial Assistance Agency was presented the Organisation Award on Mediation. 57 public officers were given Individual Awards.

We took the opportunities to exchange views with our counterparts around the world by joining virtual meetings and webinars. In November 2020, I attended the members' annual meeting hosted by the Australasia and Pacific Region of International Ombudsman Institute (IOI) and a Chief Investigation Officer of our Office shared how we adapted our work in changing times in the open part of the Virtual Conference. I also attended the IOI webinar on the topic of "Covid-19 and the Ombudsperson – Rising to the Challenge of a Pandemic" with my colleagues.

### We are Up for Challenges

We continued to progress steadily in nurturing a solid base of home-grown talent and developing a healthy contingent of investigation officers. We strived to maintain a learning culture by organising classes like induction training and vocational workshops to enhance work knowledge and job skills of staff.

Subscription to an Employee Wellness Programme allowed our staff to receive coaching and counselling when in need for personal and professional

effectiveness. To echo the theme of our programme titled "Building a Positive Organisation with PRIDE", we organised staff wellness workshops when situation permitted, aiming to empower them with energy for positive living and enhance effective communication at the workplace.

During the resurgence of COVID-19, we adopted various special measures to maintain services to the public while minimising social contact and maintaining hygiene at the office premises.

|                                               | Reporting year <sup>1</sup> |                  |                   |                       |                       |
|-----------------------------------------------|-----------------------------|------------------|-------------------|-----------------------|-----------------------|
|                                               | 16/17                       | 17/18            | 18/19             | 19/20                 | 20/21                 |
| <b>Enquiries</b>                              | <b>11,564</b>               | <b>11,424</b>    | <b>10,403</b>     | <b>8,581</b>          | <b>7,505</b>          |
| <b>Complaints</b>                             |                             |                  |                   |                       |                       |
| <b>(a) For processing</b>                     | <b>5,732</b>                | <b>5,587</b>     | <b>5,808</b>      | <b>20,737</b>         | <b>30,713</b>         |
| – Received                                    | 4,862[74]                   | 4,829[68]        | 4,991[349]        | 19,767[15,034]        | 29,814[25,155]        |
| – Brought forward                             | 870                         | 758              | 817               | 970                   | 899                   |
| <b>(b) Completed</b>                          | <b>4,974[74]</b>            | <b>4,770[61]</b> | <b>4,838[353]</b> | <b>19,838[15,040]</b> | <b>30,021[25,155]</b> |
| <b>Pursued and concluded</b>                  | <b>2,907[40]</b>            | <b>2,724[52]</b> | <b>2,912[344]</b> | <b>2,807[326]</b>     | <b>2,826[249]</b>     |
| – By inquiry <sup>2</sup>                     | 2,556[16]                   | 2,292[37]        | 2,502[326]        | 2,418[217]            | 2,480[246]            |
| – By full investigation <sup>3</sup>          | 218[24]                     | 195[15]          | 205[18]           | 240[109]              | 167[3]                |
| – By mediation <sup>4</sup>                   | 133                         | 237              | 205               | 149                   | 179                   |
| <b>Assessed and closed</b>                    | <b>2,067[34]</b>            | <b>2,046[9]</b>  | <b>1,926[9]</b>   | <b>17,031[14,714]</b> | <b>27,195[24,906]</b> |
| – Insufficient grounds to pursue <sup>5</sup> | 1,102                       | 1,099            | 1,037[9]          | 8,676[7,496]          | 1,295[203]            |
| – Legally bound <sup>6</sup>                  | 965[34]                     | 947[9]           | 889               | 8,355[7,218]          | 25,900[24,703]        |
| <b>(c) Percentage completed = (b) / (a)</b>   | <b>86.8%</b>                | <b>85.4%</b>     | <b>83.3%</b>      | <b>95.7%</b>          | <b>97.7%</b>          |
| <b>(d) Carried forward = (a) – (b)</b>        | <b>758</b>                  | <b>817</b>       | <b>970</b>        | <b>899</b>            | <b>692</b>            |
| <b>Direct investigations completed</b>        | <b>11</b>                   | <b>12</b>        | <b>12</b>         | <b>10</b>             | <b>9</b>              |

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.

