



Summary of
Annual Report
The Ombudsman, Hong Kong

— | 2015 | —



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Performance and Results

Enquiries and Complaints Processing

In 2014/15, we received 5,339 complaints, including 428 secondary cases in topical complaints. The corresponding figures last year were 5,624 and 398 respectively. The number of enquiries received this year was the highest in the past five years, at 12,940.

Table 1

Enquiries and Complaints Received			
Year	Enquiries	Complaints	
		Total	Excluding topical complaints
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
2014/15	12,940	5,339	4,911

Topical complaints

The topical complaints received this year gave rise to 428 secondary cases. The largest group of topical complaints (with 118 secondary cases) was against the double parking of minibuses at a certain location. The next two largest groups (with 63 and 61 secondary cases respectively) related to a survey conducted by the Consumer Council on the satisfaction of out-bound tourists and a consultation exercise conducted by the Lands Department in respect of a development project in Tai Po.

Mode of Lodging Complaints

The preference for lodging complaints by email (which includes complaints by the e-complaint form through our official website) continued to grow, comprising 49.0% (2,617 cases) of all complaints received.



Table 2

Mode of Lodging Complaints					
Mode	2010/11	2011/12	2012/13	2013/14	2014/15
In person	634	573	769	633	527
In writing –					
by complaint form	544	518	621	332	361
by letter through post	882	947	752	1,066	918
by fax	766	657	540	467	485
by email	1,954	1,783	2,144	2,455	2,617
By telephone	559	551	675	671	431
Total	5,339	5,029	5,501	5,624	5,339

Outcome of Investigations and Inquiries

We concluded 314 complaints by full investigation this year, including 125 secondary cases of a topical complaint. Among them 79 (25.2%) were *substantiated*, *partially substantiated* or *unsubstantiated but other inadequacies found*.

Among the 2,573 inquiry cases concluded, inadequacies or deficiencies were found in 474 (18.4%).

Table 3

Substantiation Rates of Complaints Concluded by Full Investigation		
Classification	No. of Complaints	Percentage
Substantiated	25	8.0%
Partially substantiated	47	15.0%
Unsubstantiated but other inadequacies found	7	2.2%
Unsubstantiated	232	73.9%
Inconclusive	1	0.3%
Withdrawn/discontinued	2	0.6%
Total	314	100.0%

Direct Investigation

During the year we completed seven direct investigations. The issues examined included the management of patient records; enforcement actions against street obstruction by shops; regulation of guesthouses; monitoring of eligibility of existing public housing tenants; disclosure of teachers' registration status; recovery of debts under the non-means-tested loan scheme; and regulation of refrigerants.



We also completed 16 direct investigation assessments this year. The issues studied covered subjects such as records of underground utility facilities; arrangement for follow-up appointments for paramedical services during absence of the healthcare personnel; regulation of performing activities in public parks; and enforcement actions by various government departments against matters such as unauthorised building works, illegal occupation of government land, unlicensed restaurants and irregularities of licensed restaurants.

Recommendations

We made 178 recommendations on completion of 314 full investigations and 40 recommendations in seven direct investigations. Of the total 218 recommendations, 186 (85.3%) have been accepted by the organisations for implementation while 31 (14.2%) were still under consideration as at 31 March 2015.

Our Performance

As in previous years, we fully met our pledges in respect of arrangements of talks and answers to all enquiries by telephone and in person. For enquiries in writing, we answered 98.0% of them in five working days, our standard response time, and 2.0% in six to ten working days, our pledged response time for complicated enquiries.

On complaint processing, we concluded 90.9% of the cases falling outside jurisdiction or under restriction within ten working days, as compared with the service pledge of not less than 70%. For other cases we concluded 86.3% within three months, as compared to the service pledge of not less than 60%.

Table 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
2014/15	90.9%	8.6%	0.5%

(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
2014/15	86.3%	13.1%	0.6%

Reward and Challenge



Enhancing Quality Administration

To assist public organisations to improve their administration, we make recommendations to them upon conclusion of our inquiries into complaints and monitor their implementation. During the year we saw new measures introduced by public organisations, following our recommendations, resulting in more consistent and efficient operation, better inter-departmental coordination, better public enquiry and complaint handling, enhanced client services, more effective regulatory action, more reasonable rules and more timely information to the public.

Mediating Disputes

During the year under report, we heightened our effort to promote resolution of suitable complaint cases by way of mediation, with very encouraging results. A total of 25 organisations voluntarily participated in mediation of complaint cases and reached agreement with the complainants in 138 cases, as compared to the 38 case in the previous year. In terms of nature of complaint, most cases successfully mediated concerned complaints about delay in action, followed by complaints about errors or wrong advice/decisions and ineffective control.

Apology in Complaint Resolution

We encourage public organisations to adopt a more open mind towards making of apologies. Among the 3,025 complaint cases we handled, 275 (9.1%) had apologies tendered by the organisation under complaint. In 253 cases (92%) apologies were tendered after our cause of action on the complaint. It was also noted that, among the cases successfully resolved by mediation, apologies were tendered in 12.

Transparent Government and Access to Information

During the year, we received 45 Code complaints, compared to 78 last year. We concluded a total of 54 cases (including 15 cases carried forward from last year), with faults found in 22 of them. Twelve cases involved unjustifiable refusal, total or in part, or imposing unnecessary conditions for provision of the information requested. A notable misused reason for refusal to provide information was confidentiality of third party information.

Challenges from Parties

Re-assessment of Cases

Complainants disagreeing with our decision to screen out their complaints may request to have their cases re-assessed. During the year we received 326 requests for re-assessment, with 85 subsequently re-opened for inquiry.

Review of Cases

Complainants dissatisfied with our findings or conclusions after inquiry may seek a review. If the complainant provided material new facts or arguments, a review will be conducted. This year we received 72 requests for review. We declined 24 requests and conducted 48 reviews. Decision was varied in four cases after review and upheld for the remaining 44.

Judicial Review

A complainant not satisfied with my decision may, apart from requesting a review by me, seek a judicial review by the court. There was no application or action for judicial review against my decision during the year.

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Challenging Complainant Behaviours

While the majority of complainants are reasonable and come up with justifications for their complaints, challenging complainant behaviours are not uncommon in our daily work. Apart from verbal abuse and manipulation, some took the form of sending in voluminous materials in support of their complaints. A few complainants lodged repeated complaints against a specific organisation, picking on small defects or service gaps in its daily operations. Yet other complainants would air their dissatisfaction with our findings by lodging staff complaints against our officers. As in the past, we respond to the challenges with professionalism and provide adequate training to our staff.



Office Administration

Staffing

During the year, four investigation staff (one at Senior level and three at Assistant level) were appointed through internal promotion and open recruitment. We continued our effort in fortifying a solid base of homegrown investigation officers by recruiting graduates with relatively little working experience to the entry rank of the Investigation Officer grade, offering them a clear career path and early nurturing. A healthy contingent of investigation officers at entry level had gradually taken shape to reinforce the research and investigation support for each of our investigation teams.

Training

We conducted a complaint handling workshop, and further strengthened the sponsorship for our investigation staff to attend mediation training and apply for accreditation as mediator. Ten staff

participated in a training programme in Beijing organised by the Ministry of Supervision, China, and four investigation officers attended the International Seminar and 2nd Training Workshop co-organised by the International Ombudsman Institute and Asian Ombudsman Association in Bangkok and Pattaya, Thailand.

Employee Assistance Programme

We launched an Employee Assistance Programme to promote and offer necessary coaching and counselling to our staff in achieving personal and professional effectiveness as well as work-life balance. Under the Programme, we organised two wellness promotion workshops to equip our staff with techniques and health tips for managing stress and enhancing their general well-being.

Publicity and External Relations

We rolled out this year a brand new publicity campaign of "Say NO to Maladministration", which used the Chinese traditional physical exercise, Tai-Chi playing, as imagery for maladministration and educate the public on proper channels to lodge administrative complaints against Government departments and public organisations with justifications. Along with the launch of the publicity campaign, we staged a roving exhibition at 13 sites across the territory.

This year, The Ombudsman's Awards were presented to the Leisure and Cultural Services Department (Grand Award), the Agriculture, Fisheries and Conservation Department, the Hong Kong Examinations and Assessment Authority and 41 public officers to recognise their efforts in handling complaints proactively and fostering efficient administration.



We continued to engage stakeholders through talks, seminars, press conferences and media interviews. We also establish close relationship with many ombudsman institutions worldwide by taking part in the Asian Ombudsman Association Global Conference in Korea, the international Seminar in Thailand and the exchange programme with the Ministry of Supervision.

Looking Ahead

We will step up our efforts to reach out to the community and solicit public support. At the same time, we also value ideas and suggestions from our counterparts to strive for continuous improvement of our services.



Table 5

Caseload					
	Reporting year ¹				
	10/11	11/12	12/13	13/14	14/15
Enquiries	12,227	12,545	12,255	12,767	12,940
Complaints					
(a) For processing	6,467	6,085	6,349	6,572	6,241
– Received	5,339[627]	5,029[180]	5,501[238]	5,624[398]	5,339[428]
– Brought forward ²	1,128	1,056	848	948	902
(b) Completed	5,437[611]	5,237[210]	5,401[235]	5,670[367]	5,373[472]
Pursued and concluded					
– By inquiry ³	3,070[525]	2,731[7]	2,383[196]	2,605[36]	2,573[78]
– By full investigation ⁴	155[76]	163[61]	169	321[12]	314[125]
– By mediation ⁵	7	22[16]	22	38	138
Assessed and closed					
– Insufficient grounds to pursue ⁶	1,027	1,156[84]	1,908[32]	1,432[192]	1,091[1]
– Legally bound ⁷	1,178[10]	1,165[42]	919[7]	1,274[127]	1,257[268]
(c) Percentage completed = (b)/(a)	84.1%	86.1%	85.1%	86.3%	86.1%
(d) Carried forward = (a) – (b)	1,030	848	948	902	868
Direct investigations completed	6	5	6	6	7

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

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

Note 3. Pursued under section 11A of the Ordinance, for general cases.

Note 4. Pursued under section 12 of the Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 5. Pursued under section 11B of the Ordinance, for cases involving no, or only minor, maladministration.

Note 6. For example, lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion, withdrawn by or no consent from complainant. (section 10(2))

Note 7. Outside our jurisdiction (sections 7(1) and 8) or restricted by section 10(1) of the Ordinance.

[] Number of topical cases.