

The Ombudsman's Review



The Reporting Year 2015/16 has been a rewarding one. Thanks to the cooperation of the organisations concerned as well as the hard work and dedication of my staff, our Office has again completed 5,000 plus complaint cases.

Our efforts to promote the use of mediation to efficiently resolve cases involving no or only minor maladministration have continued to bear fruits. The number of cases resolved is on a par with that of the previous Reporting Year, with the satisfaction levels of both complainants and complainee organisations reaching almost 100%.

There has also been an increase in the number of direct investigations (“DIs”) completed. This is partly attributable to a change that we have made in the way we treat the preliminary inquiries that we often conduct to assess the need for launching a DI. As some of these inquiries are quite substantial and may entail concrete suggestions to the organisations concerned for their improvement, I have decided that inquiries of such nature should be developed into DIs, which would then allow our Office to exercise our statutory power to publish the reports, on completion of the DIs. This would enhance the transparency and public understanding of our work. Naturally, some of

these reports may appear less weighty than the others. I hope, nevertheless, that the public will find them interesting and useful.

As can be noticed in this report, many of our completed DIs were on problems which had existed for years or even decades. In responding to our probing, the organisations concerned would typically defend their position by pointing to the existing legislation, policy and/or procedures as justifications for their action or inaction, while the public continue to suffer as the problems persist and proliferate.

My observation is that problems continue unchecked because of many reasons. The relevant legislation/policy/procedures may be outdated; the organisations concerned may not have been taking actions in a rigorous and timely manner; or they may not have bothered to set targets and sought meaningful results. It seems that they have merely been content with “being seen to have been doing something”. The attitude of such organisations is disappointing, and never works in appeasing aggrieved persons.

Another major reason for failure is their compartmentalisation mentality. This means that where solving a problem requires the input of more than one department, it is often left unattended and becomes nobody's problem as every department would say they do not have sufficient power to tackle it. And where more than one department can actually solve the problem without help from others, the responsibility for resolving the problem is seen as belonging to others who are in a better position to tackle it.

In these circumstances, public complaints would grow and problems become even more unwieldy. By the time the relevant organisations eventually decide to introduce major changes, or manage to work together, the slow pace of action means that huge costs would have been incurred, i.e. in terms of detriment to the organisations' image; and years of wasted resources from futile actions.

As a result, it cannot be denied that many problems we have identified call for timely changes by the organisations concerned. With our statutory power of recommending improvements, our Office is well poised as a catalyst for such changes.

Our complaint investigations have also shown some disappointing inclinations on the part of complainants. While the majority of complainants pursue their complaints in a reasonable manner, some would labour on a moot point or raise irrelevant issues on a concluded case despite repeated explanation by our Office. A few had lodged numerous complaints against certain organisations on a regular basis, picking on trivial defects or service gaps in their daily operations. The workload caused by such unreasonable behaviours not only poses a disproportionate burden on my Office but also deprives other complainants of a fair chance of getting the service they deserve in a timely manner. Understanding that this is a challenge faced by all organisations handling complaints, we shall respond to it with professionalism.

We have also noted that more and more people approach our Office to voice their demand for more/better facilities or services from Government department/public bodies. While it is of course legitimate for the public to state what they want, the non-provision of certain facilities/services requested does not necessarily mean maladministration on the part of the Government department/public body concerned. A potential problem of maladministration would only exist if the Government department/public body is aware of the inadequacy of the facilities/services currently provided and does have the resources, despite competing claims, to enhance them. Therefore, the public should be aware that we may not be able, within our jurisdiction to pursue all complaints of failure to provide facilities or services to the level that some would like.

In this connection, I am planning to make more use of the electronic media so that the public can better understand our role and jurisdiction.

Connie Lau

The Ombudsman

31 March 2016



Directorate

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