

First of all, I must thank the public for their continued support and trust, Government departments and public bodies for their cooperation and my dedicated staff for their hard work. Together they have helped maintain the forward momentum and output level of the Office.



This year, we have completed 4,974 complaint cases and 11 direct investigations (as compared with 5,242 complaint cases and 8 direct investigations in the year 2015/16). Our complaint investigations and direct investigations together have resulted in 254 recommendations made to Government departments/public bodies, with an acceptance rate of over 80% at the time we compile this Report.

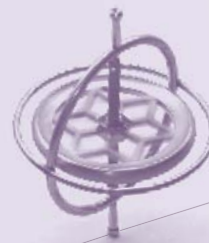
Over the years, we have made hundreds of recommendations covering a wide range of issues to Government departments and public bodies to improve their administration. As in previous years, this Report gives plenty of such examples. My Office monitors the implementation of the recommendations until action is completed and where slippage or default is identified, we demand justifications and supporting evidence from relevant departments. It must be emphasised that we need support from the public, the media, legislators, and from the Government departments/public bodies themselves. And it is precisely for this reason that we publish our direct investigation reports and the reports on major complaint investigations for public knowledge.

I am indeed grateful to our stakeholders for the wide recognition and staunch support given to the work of my Office. Nevertheless, on occasions, people have asked: why do problems we have previously tackled still persist and as such, are we a “toothless tiger” that is not given enough powers to bite?

In the first place, the Ombudsman Office was never meant to be a “tiger”. It functions as an independent watchdog of public administration. The Ombudsman Ordinance empowers it to investigate and report on maladministration of Government departments and public bodies and to make recommendations for remedy or improvement based on the findings of the investigations. Like most of its counterparts in other jurisdictions, it does not have the power of sanctions over Government departments and public bodies. We discover and discern. We instigate changes by laying bare the inadequacies and putting forward persuasive arguments for improvement. The acceptance rate figure stated above shows that most Government departments and public bodies are receptive to my Office’s recommendations. We have never had to resort to reporting non-acceptance or non-compliance to the Chief Executive for subsequent reporting to the Legislative Council as provided for by the Ordinance.

While my Office always strives to offer assistance to aggrieved persons and recommend remedial action by the organisation under complaint, the outcome may not always meet the expectations of the complainant fully. The Ombudsman has to maintain impartiality without fear or favour. We do not take sides. We make comments and recommendations on the basis of solid evidence and objective analysis.

We act as a catalyst for change. Indeed, in some cases, our investigations incite the Government department/public body concerned to make improvements, even before we conclude the investigation and make our recommendations. Two examples of this were our direct investigation on temporary closure of public swimming pools and beaches and our full investigation into a complaint relating to unauthorised alterations of public rental housing units. Better still, in some cases, mere preliminary inquiries by my Office will kick start reviews and reforms. These are unreported and may have gone unnoticed by the public.



It has to be acknowledged, of course, that notwithstanding the actions that have been taken following our recommendations, some problems cannot be eradicated overnight. Notable examples include: complaints regarding street-sleeping, unsolicited telephone calls and unauthorised building works. Many require substantial additional funding, policy change, government re-structuring even, and legislation. These take time. We also have to accept that in the case of some perennial problems, Government departments are in a cat-and-mouse game with the offenders, who constantly devise new ploys to circumvent the enhanced enforcement measures. New circumstances or new technologies will also present new challenges. The once eradicated problems will most likely resurface in a new form or in a new place. Eventually, given our persistence and the collaboration of the Government departments/public bodies concerned, positive results will come about, as in the case of the enactment of the fixed penalty legislation this year, which has helped significantly in tackling the longstanding problem of illegal shop-front extension.

In other instances, proposals for change are bogged down in the political process. I have to express my disappointment over the Government's slow progress in implementing our recommendations made in 2014 for legislation regarding freedom of information and public records. The public has already been waiting too long for a legal safeguard of what amounts to their basic right of access to information held by Government departments/public bodies.

On a happier note, I am pleased that the Government has agreed to introduce an apology legislation, which our Office has strongly advocated and which we believe will encourage Government departments/public bodies to be more forthcoming in extending apologies where due. This will help soothe the sentiments of aggrieved citizens and facilitate settlement of disputes.

Connie Lau

The Ombudsman

31 March 2017



Directorate

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