

# The Ombudsman's Review



**In this reporting year, resulting from our complaint investigations and direct investigations, we made altogether 209 recommendations to the Government departments and public bodies concerned for remedy and improvement, to which we attach great importance as it is the primary role of this Office to promote good public administration for responsive and responsible, fair and open governance.**

Since I took office in 2014, I have made it a point to conduct more direct investigations into topics of significant public concern and issues that bear signs of systemic failure. I believe that by going to the root of the problems, we can make long-lasting improvements and help reduce recurring complaints. During the year under report, we have completed 12 direct investigations. The number of direct investigation over the past four years saw a steady increase from 7 in 2015 to 12 in 2018. We have done this through process streamlining and redeployment of our limited resources. Apart from searching media reports for suitable topics, we receive every now and then suggestions from members of the public and of the Legislative Council. We will take on subjects after assessing their extent, gravity and urgency.

While we increased our efforts on direct investigations, we have not taken our foot off the gas pedal for resolving complaints lodged by individuals. My Office completed 4,770 complaint cases, as compared with 4,974 in 2016/17. Our experience showed that many complainants came to our Office only when they found the injustice they suffered unbearable. They felt genuinely aggrieved. While this might not be sufficient proof of maladministration, it evidenced that complainants trusted my Office to find out the truth, right a wrong and prevent recurrence of mishaps. We treasure this trust and will do our utmost without fear or favour. We handle each and every complaint professionally and seriously.

On the other hand, organisations under our investigation expect us to carry out our task fairly, impartially and sensibly. This, too, we are obliged to observe. As statistics in this Report show, we did screen out a sizable number of complaints which we found devoid of substance. Nonetheless, we have to strike the right balance. Government departments and public organisations, entrusted with substantial power, hold vast information and public resources. Where their actions and decisions are called into question, the onus is clearly on them to give a full account of the matter.

Apart from the conventional or more confrontational approach to resolving dispute between citizens and public bodies, we have adopted mediation as a speedy and convenient alternative for settling complaints involving no, or only minor maladministration. In this reporting year, we concluded 237 complaint cases by mediation, which hits a record high since the inception of the Office. Mediation represented a more effective use of resources and enabled my Office to free up manpower for other priorities such as direct investigation. It also led to more amicable and satisfactory outcomes for all parties involved. I strongly encourage Government departments and public organisations to embrace this mode of dispute resolution.

We regularly announce our investigation reports and recommendations through press conferences, our website and our Annual Report. The Government Minute which the Administration presents to the Legislative Council annually also gives a comprehensive account of our investigations and recommendations. However, not every case and every detail are widely publicised.

Hence, although some of our recommendations may have in fact made a great impact, spurring significant changes in the operations of the Government, they may not be fully known to the public. This may sometimes even lead to doubts about the efficacy of our work.

Throughout the years, Government departments and public bodies have consistently accepted over 90% of our recommendations for implementation. For this, I am gratified, and I must commend departments which effect changes right away, or even before our investigations are concluded. Nevertheless, changes may take time – some initiatives require meticulous planning, extensive consultation, redeployment of resources and even legislative amendments. It is possible that by the time the improvements materialise, people may not associate them with our work.



Let me give some examples of recent improvements that could be traced to our recommendations: Information Services Department opened up Government press conferences and media events for coverage by eligible online-only media (2016 investigations); Lands Department tightened its system of regularisation of illegal occupation of government land and breach of lease conditions (2016 direct investigation report); Food and Health Bureau proposed setting a time limit and renewal requirement on the use of public columbarium niches (2016 report); Housing Department and Hong Kong Housing Society tightened their policy on well-off tenants (2015 report); Leisure and Cultural Services Department curbed illicit activities in booking of venues and improved e-booking system (2012 report); Home Affairs Bureau reviewed the policy on private recreational leases (2012 report); Lands Department released rental information of short-term tenancies (2013 investigation); and enactment of the Apology Legislation (2012 and 2013 Annual Reports), just to name a few. We are eagerly waiting for other efforts to come to fruition: I hope that legislation for access to information and public records management (2014 reports) will be next on the list.

This is not me saying that the Office of The Ombudsman should claim credit for these achievements. Far from it. We are only "one voice, a catalyst, a change agent". To raise the standard of public administration, we need contributions from all stakeholders including the public and the media reporting maladministration, my Office doing our job and the organisations responding to our inquiries and recommendations. I see it as a multipartite effort, a joint venture. When conditions are ripe, success will come.

Before ending, I must thank the public, Government departments and public bodies as well as the media for their staunch support. Coupled with the dedication and diligence of my staff, it has made my work so much easier and satisfying.

**Connie Lau**

The Ombudsman  
31 March 2018



## Directorate

Ms Connie Lau, The Ombudsman (Second from left)

Mr K S So, Deputy Ombudsman (Second from right)

Mr Tony Ma, Assistant Ombudsman (Right)

Mr Frederick Tong, Assistant Ombudsman (Left)