

LCQ15: False and anonymous complaints

Following is a question by the Hon Dominic Lee and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (June 14):

Question:

It is learnt that in recent years, some people have deliberately made false complaints to the Government (including the one-stop service hotline "1823" (1823) and the Hong Kong Fire Services Department (FSD)) against business operators and members of the public and, among them, many of the complaints are even anonymous, resulting in losses to the complainees. In this connection, will the Government inform this Council:

(1) of the total number of complaints received by 1823 and the FSD in each year since 2019 and, among them, the number of anonymous complaints; among the signed and anonymous complaints received, the respective ratios of complaints which were proved to be true to those proved to be false upon investigation by relevant government departments;

(2) whether 1823 and the FSD have set priorities for the handling of anonymous and signed complaints; whether the Government has taken measures to handle complaints suspected to be false, so as to reduce spending unnecessary expenses and time, and avoid lowering the work efficiency of the Government;

(3) whether 1823 and the FSD will consider introducing identity authentication methods such as "iAM Smart" to verify the identities of complainants, thereby reducing the number of anonymous and false complaints; if so, of the details; if not, the reasons for that;

(4) whether 1823 and the FSD have put in place mechanisms for avoiding and penalising malicious complainants who make repeated or false complaints; if so, of the details; if not, the reasons for that; and

(5) as it is learnt that many business operators need to deal with a number of government departments' investigations due to false complaints, whether the Government has put in place a mechanism for complainees to appeal and recover the losses arising from false complaints, and whether the Government will take full responsibility for anonymous complaints proved to be false; if it will, of the details; if not, the reasons for that?

Reply:

President,

The Government is always striving to improve its service to the public; complaints handling goes to the heart of this. Effective complaints handling should directly translate into better government. With regard to the Member's question, in consultation with relevant bureaux/departments (B/Ds), the

consolidated reply is as follows:

For handling complaints, the Government has issued internal guidelines on complaints handling mechanism. The guidelines set out the general procedures for reference by B/Ds on receipt of complaints from members of the public direct or through other B/Ds or agencies.

For anonymous complaints, according to the guidelines, depending on the gravity of the allegations made, B/Ds should treat certain anonymous complaints in the same way as signed complaints though it is not possible to acknowledge or reply to these complainants. B/Ds should exercise common sense when an anonymous complaint is too vague to be able to identify sufficient details for a meaningful investigation to be conducted. Where criminal allegations are implied, referrals should be made to relevant law enforcement agencies as appropriate.

While the relevant guidelines have not specifically mentioned the handling of complaints which are suspected to be false, according to the guidelines, B/Ds should put in place appropriate supervision arrangements to ensure that complaint cases are handled appropriately from start to finish. B/Ds should also analyse the statistics for trends which may identify systemic weaknesses and suggest the need for changes, and should regularly review their complaints handling systems to identify any improvement areas.

With regard other issues relating to the handling of complaints by 1823 and the Fire Services Department (FSD), relevant response is as follows:

1823 provides a one-stop platform for members of the public to make enquiries and complaints about government services. Apart from 1823, members of the public can also lodge complaints with relevant departments directly. 1823 will refer the received complaints to the appropriate departments for handling, and the relevant departments will decide how to follow up and respond. Therefore, 1823 does not have information on the ratio of complaints which were found to be true to those found to be false upon investigation by departments. From 2019 to the present (up to March 2023), 1823 has received an average of about 540 000 complaints per year, of which anonymous complaints accounted for about 11 per cent, with an average of about 61 000 per year.

1823 refers the signed and anonymous complaints received to the appropriate departments for handling in accordance with the Government's internal complaints handling guidelines. Separately, 1823 plans to adopt "iAM Smart" in its web form and mobile application to enable members of the public to choose to automatically fill in personal information when they make enquiries and complaints. However, the tool is not used for verifying the complainant's identity. If the complainant lodges an anonymous complaint, 1823 will handle it in accordance with the Government's internal guidelines. As mentioned above, 1823 provides a platform to receive public complaints, and relevant departments will decide how to follow up and respond after receiving referrals from 1823. 1823 does not have information on mechanisms adopted by departments for avoiding and penalising malicious complainants who

make repeated or false complaints.

For the FSD, from 2019 to the present (up to March 2023), the Department has received an average of about 9 460 complaints related to fire hazards per year. The FSD does not maintain statistics on the breakdown of signed and anonymous complaints, or information concerning the ratio of complaints found to be true to those found to be false.

Generally speaking, the prime consideration of the FSD when handling fire hazard complaints is to protect the lives and properties of the public. The Department will conduct an on-site investigation in accordance with the established mechanism and procedures, and take appropriate law enforcement actions should irregularities be found. If there is reasonable suspicion that other irregularities are involved in respect of the complaint, the Department will, having regard to the actual situation, refer such irregularities to relevant law enforcement agencies for follow-up. Therefore, whether the complaint is signed or not, if the complainant has provided specific details and an address which enable a follow-up on the case, the Department will conduct an investigation and there will not be any difference to the setting of its priority. That is to ensure the fire safety of the building or premises concerned. If the complainant has not provided sufficient information and cannot be contacted for further details, the Department will consider the case not actionable and terminate the investigation. In addition, as mentioned above, "iAM Smart" is not used for verifying the complainant's identity. The FSD will continue to receive complaints mainly via e-mail, mail, telephone and referral. Complaints and referrals received through any channel will be handled in accordance with established mechanism. Furthermore, generally speaking, it is difficult for the FSD to determine whether the motive of a complainant is based on fire safety concerns, misunderstanding, or with malicious intent. The FSD will deploy its resources rationally and handle complaints in accordance with the established mechanism prudently. For example, if a complaint only refers to buildings generally in a certain area, without specifying the location, etc., the Department will approach the complainant to understand the actual situation for obtaining more information and/or conduct reasonable sampling inspections according to the established mechanism.