

Office of The Ombudsman announces results of direct investigation into regulation of licensed swimming pools by Food and Environmental Hygiene Department (with photo)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, announced at a press conference today (March 7) the completion of a direct investigation into the regulation of licensed swimming pools by the Food and Environmental Hygiene Department (FEHD) and made 12 recommendations for improvement.

Swimming pools in Hong Kong can largely be categorised into public swimming pools operated and managed by the Leisure and Cultural Services Department (LCSD) and private swimming pools licensed and regulated by the FEHD pursuant to the Swimming Pools Regulation subsidiary to the Public Health and Municipal Services Ordinance. At present, there are around 1 400 licensed swimming pools across the territory. As the licensing authority, the FEHD ensures licensees' compliance with the Regulation and licensing conditions mainly through regular inspections and complaint handling to protect swimmers' safety and maintain environmental hygiene.

The investigation by the Office of The Ombudsman revealed that swimming pools might be closed during the FEHD's surprise inspections. In one case, the FEHD managed to conduct only one successful inspection during the entire swimming season. Currently, no guidelines on how the FEHD staff should handle such situations are in place. Hence, it is difficult to ensure that the frequency of successful inspections would be on target. The Office had found from a site inspection that undesirably, the FEHD failed to identify irregularities (such as the abnormal test result of pH value of pool water) of the licensed swimming pool concerned from its inspection. In addition, there are different checking methods for some inspection items, which vary in rigorousness, and health inspectors may not always adopt the most reliable method during inspections. Meanwhile, owing to omission of important items in the previous inspection record form, the FEHD's inspections were unable to ensure full compliance of swimming pools. Certain items on the inspection record form were too generic and lacked specification, making it difficult to apprehend the actual circumstances of inspections through the form. Improprieties involving compilation of inspection records were also noticed; for example, the condition of an inspection item was recorded as satisfactory even though it had not been duly checked by the health inspectors, and the verbal warning given during an inspection was not logged by the health inspector.

The Office's investigation also found that licensees are not required

under the existing licensing conditions to maintain duty logs of life-saving attendants. In the absence of corroborative evidence, it is difficult for the FEHD to conduct targeted investigation to ascertain whether a licensee has violated the requirements when handling complaints about insufficient life-saving attendants. With basic equipment excluded, there are also inadequacies in the Department's requirements regarding life-saving and first-aid equipment for licensed swimming pools. On water quality, the FEHD does not regulate how licensees should tackle pollution sources found in pool water, nor are there any criteria for closing swimming pools of substandard water quality.

Moreover, in the absence of an accident notification mechanism for licensed swimming pools, the FEHD has no idea whether a serious accident has occurred in a licensed swimming pool and is hence unable to conduct investigation or take follow-up actions.

Ms Chiu said, "As the licensing authority, the FEHD is duty-bound to properly regulate licensed swimming pools to ensure public safety and hygiene. In light of our findings, it is necessary for the FEHD to make multipronged improvements to its inspection of licensed swimming pools, and to explore amendments to licensing conditions with the industry to further safeguard safety and hygiene. The FEHD should also explore ways to engage pool users in compliance monitoring. We are pleased to learn that in the course of our investigation, the FEHD has made progressive improvements. From a holistic perspective, given the respective strengths of the FEHD and the LCSD in regulating and managing swimming pools, a standing communication mechanism between the two departments should be set up for greater synergy. We hope that the FEHD can promptly implement our recommendations for more effective regulation of licensed swimming pools."

The recommendations made by The Ombudsman to the FEHD include:

- formulate operational guidelines for its staff specifying the follow-up arrangements in the event of closure of swimming pools during surprise inspections;
- strengthen the training for health inspectors regarding the inspection of licensed swimming pools, provide more guidelines on the circumstances under which different checking methods are applicable, and unify the checking standard of inspection items where feasible, with a view to enhancing the quality of inspections;
- implement measures to help health inspectors familiarise with the new inspection items on the inspection record form as soon as possible, while continuing to review other items on the form as necessary to improve the effectiveness of inspections;
- more proactively apply technology and explore the use of mobile apps/smart phones in recording the inspection results for licensed swimming pools;
- explore stipulating in the licensing conditions the requirement for licensees to maintain duty logs of life-saving attendants and produce such records upon the FEHD officers' request, to provide reference for complaint investigation or other enforcement actions;

- establish a notification mechanism for accidents in licensed swimming pools and require licensees to report cases involving casualties within a prescribed period;
- review the existing licensing conditions regarding the requirements for life-saving, first-aid and resuscitation equipment and explore the inclusion of basic equipment. The FEHD should also identify licensed swimming pools of higher risk (such as those of higher usage or used by high-risk groups including school children) and encourage licensees to upgrade relevant equipment;
- with reference to the LCSD's opinions, formulate and issue to licensees in due course guidelines on the handling of pollution sources in swimming pool water. The guidelines will serve as standards for licensees when handling different pollution sources;
- formulate internal guidelines on the handling of complaints about water quality of licensed swimming pools by health inspectors and continue to monitor their implementation;
- step up its enforcement against non-compliant licensed swimming pools;
- explore different ways to engage pool users in the monitoring of licensed swimming pools; and
- set up a standing communication mechanism with the LCSD on the regulation and management of swimming pools for greater synergy and exchanges.

The FEHD has accepted all of the Office's recommendations.

The full investigation report has been uploaded to the website of the Office of The Ombudsman at www.ombudsman.hk for public information.

