

Ombudsman publishes latest issue of Annual Report (with photo)

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

The Ombudsman, Ms Connie Lau, today (July 17) released to the public her Annual Report 2018. During the year covered by the report, the Office of The Ombudsman saw record highs in the numbers of direct investigations completed, mediation cases handled and complaints relating to access to information lodged with the Office. Around 90 per cent of the recommendations made by the Office have been accepted by government departments and public bodies for implementation.

Direct investigation

In the reporting year, the Office completed 12 direct investigations, an all-time record high. Through streamlining work processes and redeployment of limited resources, the Office has steadily increased the number of direct investigations over the past four years – from seven in 2014-15 to 12 in 2017-18. The Office can help make long-lasting improvements and reduce recurrence of similar complaints by conducting direct investigations into the root of the problems.

An 80 per cent increase in mediation cases

The Office handled 237 complaint cases by mediation, which represented an increase of nearly 80 per cent over the previous year, and it was a record high since the Office's inception. A total of 28 government departments and public bodies participated in resolving complaints by mediation, six more than the number in the previous year. In terms of the nature of complaint, most of the successfully mediated cases were complaints about delay/inaction, followed by errors or wrong advice/decision, and ineffective control. The average processing time in handling a mediation case was about 15.7 days, with 86.5 per cent of the cases completed within one month. Around 90 per cent of the complainants and departments/organisations responding to the Office's questionnaire survey considered the mediation process to have achieved what they wanted.

Ms Lau said, "We had a fruitful year in resolving disputes by means of mediation. The use of mediation to settle complaints involving no, or only minor, maladministration allows more effective deployment of resources, enabling us to free up manpower for other priorities such as direct investigation. It also leads to more amicable and satisfactory outcomes for all the parties involved."

To encourage more government departments and public bodies to participate in the Office's mediation service, a new award for mediation will be introduced under The Ombudsman's Awards in 2018. It is hoped that the departments or public bodies concerned can have more direct communication

with the complainants, and find mutually acceptable ways to resolve their disputes quickly.

Record high number of complaints related to access to information

The Office received 91 complaints about access to information, which again exceeded the previous year's record high of 85 complaints in this category. Together with the cases brought forward from last year, the Office concluded 75 such cases and found deficiencies on the part of the departments/organisations in 33 cases. One of the common problems was their unreasonable refusal of information requests from the public.

Ms Lau said, "Among the cases concluded this year, there were a number of cases in which the departments/organisations failed to give sufficient justification when refusing to disclose information. It reflected that there was still reluctance among some government departments and public bodies to provide information, or a lack of full understanding of the spirit and principles of the Code on Access to Information. With the steady increase in recent years of such cases, the Office will continue to take note of the Government's progress in legislating for access to information."

Around 90 per cent of recommendations accepted by departments/organisations for implementation

During the year, the Office completed processing for 4 770 complaint cases in total, with 195 cases pursued by full investigation. The Office made a total of 209 recommendations upon completion of all the full investigations and direct investigations. As at July 5, 2018, 186 recommendations (89 per cent) had been accepted by the government departments and public bodies concerned for implementation, while 23 (11 per cent) were still under consideration.

Enactment of Apology Ordinance welcomed

For years, The Ombudsman has been encouraging government departments and public bodies to adopt a more open attitude towards making apologies to the public. The Office is pleased to note that the Apology Ordinance became effective in December 2017. Among the complaints handled during the year, it is noted that of the 190 concluded cases in which apologies were tendered by the departments/organisations under complaint, in 166 cases (87.4 per cent) apologies were made to the complainants in the course of or after intervention by the Office.

Looking ahead

On the work of her Office in the year ahead, Ms Lau said, "We envisage that the Office's investigation work will continue to yield positive results. We will endeavour to increase public awareness of our work through different media channels and publicity activities. The Office will work closely with government departments, public organisations and members of the public, and promote good public administration through fair, open and responsible governance."

The full text of the Annual Report can be viewed or downloaded from the Office of The Ombudsman website at www.ombudsman.hk.

