

*Issue No. 5 of Reporting Year 2015/16
(28 January 2016)
Office of The Ombudsman*



Brief Report for Calendar Year 2015

The Ombudsman has prepared a brief report on the work of the Office for the year of 2015 (January to December) at **Annex 1**.



Enquiries

For press enquiries, please contact Ms Kathleen Chan, Senior Manager (External Relations) at 2629 0565 or by email kathleenchan@ombudsman.hk.

**Office of The Ombudsman
28 January 2016**

Office of The Ombudsman

Brief Report 2015

The Office of The Ombudsman received a total of 12,991 enquiries and 5,346 complaints in 2015. The figures were similar to those in the previous year.

2. Based on the allegations made by the complainants, the top three causes for complaints against Government departments/public organisations were as follows:

- Errors, wrong advice/decision (31.8%)
- Ineffective control (16.1%)
- Delay/inaction (15.5%)

These were the same major causes as in the previous year, with only slight variations in their percentages.

3. Depending on their nature and complexity, cases pursued will be handled by way of inquiry, mediation or full investigation.

4. In early 2015, we reviewed and revised our classification of complaint handling methods. In the past, we named as “non-pursuable” all cases falling outside our jurisdiction, restricted by The Ombudsman Ordinance (“the Ordinance”) from handling, withdrawn by the complainant, discontinued or not undertaken by this Office for reasons such as *sub judice* or if there are other statutory appeal channels for the complainant. Since all these were concluded only after our careful assessment, we have now classified such cases as “assessed and closed”. Besides, some cases which are not undertaken by us for the reason of lacking in *prima facie* evidence are actually complaints in which we have fully examined the complainant’s case with our conclusions and justification explained to the complainant. We have indeed pursued and concluded such cases by way of inquiry and, therefore, they should be so classified as “concluded by inquiry”.

5. Based on the new classification, statistics on complaints and enquiries handled in 2014 and 2015 are listed in the attached **Table**.

6. In 2015, of the 3,166 cases pursued and concluded, 88.1% were concluded by inquiry, 7.5% by full investigation, and 4.3% by mediation. The figures were similar to those in the previous year.

7. For complaints that involve no or only minor maladministration by the departments/organisations concerned, we will continue to actively promote the use of mediation in handling complaints to facilitate quicker and more direct dispute resolution. For complaints involving significant maladministration, we will uphold our principle and conduct full investigation to identify any inadequacies on the part of the departments/organisations concerned and make recommendations for improvement.

8. Apart from handling complaints by members of the public, we often initiate direct investigations into social issues of public concerns. In 2015, nine direct investigations were completed and announced on the following subjects:

- (1) Mechanisms Used to Review and Monitor Eligibility of Existing Tenants in Subsidised Public Housing
- (2) Procedures for Approval of Loan Applications and Recovery of Debts under the Non-means-tested Loan Scheme
- (3) Education Bureau's Non-disclosure of Teachers' Registration Status
- (4) Safety Regulation of Eco-friendly Refrigerants
- (5) Rating and Valuation Department's Regulation of Display of Building Numbers
- (6) Regulation of Fire Safety Measures for New Territories Exempted Houses
- (7) Water Supplies Department's Mechanism for Handling Leaks of Private Water Pipes
- (8) Management of Permitted Burial Grounds
- (9) Method of Calculation of Waiting Time for Public Rental Housing and Release of Information

9. As before, we will publish summaries of our direct investigation reports on the Office's website, and select those reports of wide community concerns for announcement at press conferences. We will continue to pay attention to worthy topics to determine the direction of our investigation.

Office of The Ombudsman
January 2016

Table

Caseload

	2014 ¹	2015 ¹
Enquiries	12,290	12,991
Complaints		
(a) For processing	6,525	6,471
- Received	5,367	5,346
- Brought forward	1,158	1,125
(b) Completed	5,400	5,453
Pursued and concluded	2,978	3,166
- By inquiry ²	2,507	2,789
- By full investigation ³	345	238
- By mediation ⁴	126	139
Assessed and closed⁵	2,422	2,287
(c) Percentage completed = (b) / (a)	82.8%	84.3%
(d) Carried forward = (a)–(b)	1,125	1,018
Direct investigations completed	7	9

Note 1. From 1 January to 31 December.

Note 2. Pursued under section 11A of the Ordinance, for general cases.

Note 3. Pursued under section 12 of the Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 4. Pursued under section 11B of the Ordinance, for cases involving no, or only minor, maladministration.

Note 5. Outside the Office's jurisdiction, restricted by the Ordinance or mere expression of opinion, etc.