



# HONG KONG : THE FACTS



## The Ombudsman

The Office of The Ombudsman, Hong Kong (formerly known as The Office of The Commissioner for Administrative Complaints) was established in 1989. The Office was formally delinked from the Government after The Ombudsman (Amendment) Ordinance came into operation on December 19, 2001. The Ombudsman is appointed by the Chief Executive of the Hong Kong Special Administrative Region Government. She serves as the community's watchdog to ensure that:

- bureaucratic constraints do not interfere with administrative fairness
- public authorities are readily accessible to the public
- abuse of power is prevented
- wrongs are righted
- facts are pointed out when public officers are unjustly accused
- human rights are protected
- the public sector continues to improve quality and efficiency

**Powers and Jurisdictions:** The powers and jurisdictions of The Ombudsman include investigation of complaints of maladministration against all Government departments/agencies (except the Hong Kong Auxiliary Police Force, the Hong Kong Police Force, the Independent Commission Against Corruption and the Secretariat of the Public Service Commission) and 24 major statutory organisations – the Airport Authority, Auxiliary Medical Service, Civil Aid Service, Competition Commission, Consumer Council, Employees Retraining Board, Equal Opportunities Commission, Estate Agents Authority, Financial Reporting Council, Hong Kong Arts Development Council, Hong Kong Examinations and Assessment Authority, Hong Kong Housing Authority, Hong Kong Housing Society, Hong Kong Monetary Authority, Hong Kong Sports Institute Limited, Hospital Authority, Kowloon-Canton Railway Corporation, Legislative Council Secretariat, Mandatory Provident Fund Schemes Authority, Office of the Privacy Commissioner for Personal Data, Securities and Futures Commission, Urban Renewal Authority, Vocational Training Council and West Kowloon Cultural District Authority.

Investigations can also be initiated on The Ombudsman's own volition, without any complaint received, and she can publish anonymised investigation reports of public interest at any time.

The Ombudsman has the power to investigate complaints of non-compliance with the Code on Access to Information by Government departments/agencies.

However, there are some restrictions to The Ombudsman's powers under the Ordinance. For instance, she will not normally investigate complaints which have a statutory channel for appeal or objection, or where a similar complaint has been investigated and no maladministration has been found, or complaints which are trivial, frivolous, vexatious or made in bad faith.

**Mode of Lodging Complaints:** Complaints can be lodged in writing, by post, fax or email. Postage-free complaint forms are obtainable at the Office of The Ombudsman and District Offices of the Home Affairs Department. In addition, complainants can visit the Office of The Ombudsman in person to seek assistance. The Office also accepts complaints lodged by telephone when the complainants are simple or when the complainants have difficulty to express themselves in writing. All complaints lodged with the Office are treated in the strictest confidence.

**Handling of Complaints:** The Office of The Ombudsman adopts the following methods to deal with complaints received:

- a. Inquiry – The Ombudsman may conduct an inquiry to resolve general complaints more speedily. She will ask the organisation under complaint to respond to her and, if she thinks fit, the complainant in parallel. She will examine such response, the complainant's view on it, if applicable, together with any other relevant information or evidence collected. She will, in conclusion, present her findings to the complainant and make suggestions to the organisation for remedy or improvement where necessary. Where deeper and fuller probing is needed before the case can be concluded, she will start a full investigation.
- b. Mediation – For cases involving only minor or no maladministration, The Ombudsman may resolve them by mediation after obtaining the consent of both the complainant and the organisation under complaint. The two parties will meet to explore a mutually acceptable solution, with an investigator trained in mediation from the Office acting as impartial mediator.
- c. Full Investigation – Where a complaint involves issues of principle, systemic flaws or serious maladministration, The Ombudsman will conduct a full investigation, with prior notice to the head of the organisation under complaint. A full investigation is an in-depth inquiry and usually involves the making of recommendations upon conclusion to the head of the organisation for improvement or remedy.

**Performance Results:** The numbers of complaints handled and concluded during the reporting year of 2014/15 are 6 241 and 5 373 respectively. On completion of full investigation of 314 cases and seven direct investigations, 178 and 40 recommendations respectively were made, that is a total of 218. As of March 31, 2015, 186 (85.3 per cent) of them have been accepted by the organisations for implementation and the remaining 31 (14.2 per cent) are still under consideration.

**Education and Publicity:** The Office of The Ombudsman undertakes a wide variety of activities in educating the public on their rights to a responsible, fair, open and efficient public administration. These include:

- distributing publicity leaflets and posters;
- broadcasting publicity messages on local television, radio and local transports;
- producing publicity video on the purview, functions and powers of the Office;
- organising press conference and publishing regular newsletter, the *OmbudsNews*;
- conducting visits, and talks to Government departments, major statutory organisations, universities, schools, etc.;
- enlisting the assistance of the Justices of the Peace to promote ombudsmanship;

- organising seminars;
- organising The Ombudsman's Awards to recognise professionalism in complaint handling and to foster a positive culture in public sector; and
- announcing news and developments of the Office through the website.

**Liaison with Other Ombudsman Institutions:** The Ombudsman of Hong Kong maintains close contact with ombudsman institutions worldwide, namely the International Ombudsman Institute (“IOI”) and the Asian Ombudsman Association (“AOA”).