

The Office of The Ombudsman, Hong Kong, China (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. He serves as the community's watchdog to ensure that Hong Kong is served by a fair and efficient public administration which is committed to accountability, openness and quality of service. Through independent, objective and impartial investigation, to redress grievances and address issues arising from maladministration in government department and the public sector and bring about improvement in the quality and standard of and promote fairness in public administration.

The Office upholds the following values, which include:

- Maintaining impartiality and objectivity in the investigations
- Making the Office accessible and accountable to the public, government departments and public organisations under the Office's jurisdiction
- According the public, government departments and public organisations courtesy and respect
- Upholding professionalism in the performance of the Office's functions

Powers and Jurisdictions: The powers and jurisdictions of The Ombudsman include investigation of complaints of maladministration against all government departments or 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 27 major statutory organisations – the Accounting and Financial Reporting Council, Airport Authority, Auxiliary Medical Service, Civil Aid Service, Competition Commission, Consumer Council, Employees Retraining Board, Equal Opportunities Commission, Estate Agents Authority, 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, Insurance Authority, Kowloon-Canton Railway Corporation, Legislative Council Secretariat, Mandatory Provident Fund Schemes Authority, Privacy Commissioner for Personal Data, Property Management Services Authority, Securities and Futures Commission, Travel Industry Authority, 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 he 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 or agencies.

However, there are some restrictions to The Ombudsman's powers under the Ordinance. For instance, he 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, or by online complaint form. 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. 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 – This is the procedure the Office uses to process general complaint cases, with the aim to resolve complaints more speedily. The Office asks the department or public organisation under complaint to respond to the Office and, if the Office sees fit, to the complainant in parallel. The Office will examine such response, and the complainant's views on it where applicable, together with any other relevant information or evidence the Office has collected. The Office will, in conclusion, present the findings to the complainant and make suggestions to the department or public organisation concerned for remedy or improvement where necessary. Where deeper and fuller probing is needed before the Office can conclude the case, the Office will launch a full investigation.
- b. Mediation – For cases involving only minor or no maladministration, where the complainant and the department or public organization under complaint agree to discuss the complaint through the facilitation of the Office's authorised mediation staff, who will help explore mutually acceptable solutions impartially.
- c. Full Investigation – refers to an in-depth inquiry, usually into complex or serious complaints, with recommendations for improvement or remedy, where warranted, upon conclusion.

Performance Results: During the reporting year of 2023/24, the Office of The Ombudsman received 4,351 cases of complaints and completed processing 4,397 cases. Among the complaints processed, 2,053 were pursued and concluded by either inquiry (1,771), mediation (187) or full investigation (95); while 2,344 were closed after assessment. The Office also completed 10 direct investigation operations. A total of 186 recommendations were made upon completion of the full investigations and direct investigation operations. As of June 30, 2024, 169 (90.9 per cent) were fully accepted by the government departments and public organisations for implementation, while 17 (9.1%) remained under consideration as of 30 June 2024, with no rejection expected.

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 television, radio, transports and social media;
- producing publicity video on the purview, functions and powers of the Office;
- organising press conference;
- conducting visits, and talks to government departments, major statutory organisations, universities, schools, etc.;
- 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 and social media.

Liaison with Other Ombudsman Institutions: The Ombudsman of Hong Kong, China maintains close contact with ombudsman

institutions worldwide, namely the International Ombudsman Institute (“IOI”) and the Asian Ombudsman Association (“AOA”).