

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 19 December, 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:

- 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 23 major statutory organisations – the Airport Authority, Auxiliary Medical Service, Civil Aid Service, 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 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/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 email or by telephone. Post-free complaint forms are obtainable at the Office of The Ombudsman and District Offices of the Home Affairs Department. Complainants can visit the Office of The Ombudsman in person to seek assistance. The Office also accepts complaints lodged by telephone when the complaints 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. He will ask the organisation under complaint to respond to him and, if he thinks fit, the complainant in parallel. He will examine such response, the complainant's view on it, if applicable, together with any other relevant information or evidence collected. He will, in conclusion, present his 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, he 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 2010/11 are 6,467 and 5,437 respectively. On completion of full investigation of 155 cases and six direct investigations, 142 and 40 recommendations respectively were made, that is a total of 182. As of 31 March, 2011, 161 (88.5%) of them have been accepted by the organisations for implementation and the remaining 21 (11.5%) 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, briefings and talks to Government departments, major statutory organisations, universities, schools, social services organisations, etc.;
- enlisting the assistance of the Justices of the Peace to promote ombudsmanship;
- organising seminars on topical complaints;
- organising The Ombudsman's Awards to recognise professionalism in complaint handling and to foster a positive culture in public sector;
- opening the Resource Centre to the public; and
- announcing news and developments of the Office through the website.

Liaison with Other Ombudsman Institutions

The Ombudsman of Hong Kong has been elected as the Treasurer of the International Ombudsman Institute ("IOI") and the Secretary of the Asian Ombudsman Association ("AOA"). He maintains close contact and cooperative interface with ombudsman institutions worldwide.