

Head 114 — OFFICE OF THE OMBUDSMAN

Controlling officer: The Ombudsman will account for expenditure under this Head.

| | |
|---------------------------------|----------------|
| Estimate 2005–06 | \$81.4m |
| Commitment balance | \$0.3m |

Controlling Officer's Report

Programme

Complaints Administration

This programme contributes to Policy Area 30: Complaints Against Maladministration (The Ombudsman).

Detail

| | 2003–04 (Actual) | 2004–05 (Original) | 2004–05 (Revised) | 2005–06 (Estimate) |
|---------------------------|---------------------|-----------------------|----------------------|-----------------------------------|
| Financial provision (\$m) | 93.3 | 87.0 | 87.0 (—) | 81.4 (–6.4%) |
| | | | | (or –6.4% on 2004–05 Original) |

Aim

2 The aim is to redress grievances and address issues arising from maladministration in the public sector and to bring about improvements in the quality and standard of and promote fairness in the public administration, through independent and impartial investigations.

Brief Description

3 The Ombudsman is directly responsible to the Chief Executive for resolving any complaints of maladministration lodged by the public with her through informal resolution, investigations, mediation and other forms of assistance. The Office generally met its objectives and targets in 2004.

4 The key performance measures in respect of complaints administration are:

Targets

The performance of the Office of The Ombudsman can be measured by the extent of public awareness and acceptance of the Office, the thoroughness of investigations, the efficiency with which complaints are resolved, and the degree of acceptance and recognition of the effectiveness of recommendations made for the redress of grievances.

Indicators

Key indicators of performance are the number of complaint cases and enquiries received; the number of complaint cases investigated or resolved through alternative resolution methods which include rendering clarification and assistance, referral under the Internal Complaint Handling Programme (INCH) and mediation; the number of direct investigations completed; and the number of recommendations accepted by the Administration either directly or after discussion in the legislature. The reporting year of the Office ends on 31 March. The performance figures for the last three reporting years are:

| | <i>Reporting Year</i> | | |
|--|-----------------------|---------------------|---------------------|
| | 2001–02 (Actual) | 2002–03 (Actual) | 2003–04 (Actual) |
| enquiries received | 12 900 | 14 298 | 12 552 |
| complaints received | 3 736 | 4 382 | 4 661 |
| complaints carried forward from the previous reporting year | 814 | 760 | 772 |
| total cases of complaints for processing | 4 550 | 5 142 | 5 433 |
| complaints investigated | | | |
| substantiated | 18 | 15 | 14 |
| partially substantiated | 263 | 39 | 24 |
| unsubstantiated | 42 | 68 | 236 |
| incapable of determination | 2 | — | 1 |
| substantiated other than alleged# | — | — | 3 |
| withdrawn/discontinued | 6 | 2 | 6 |

Head 114 — OFFICE OF THE OMBUDSMAN

| | <i>Reporting Year</i> | | |
|--|-----------------------|---------------------|---------------------|
| | 2001–02 (Actual) | 2002–03 (Actual) | 2003–04 (Actual) |
| complaints concluded after rendering clarification and assistance..... | 1 214 | 1 996 | 1 631 |
| complaints concluded after referral under INCH programme | 353 | 176 | 203 |
| complaints concluded after mediation | 19 | 6 | 7 |
| complaints not investigated | | | |
| restriction on investigation..... | 685 | 971 | 1 259 |
| outside jurisdiction..... | 878 | 758 | 633 |
| withdrawn/discontinued | 310 | 339 | 328 |
| total no. of cases concluded | | | |
| cases..... | 3 790 | 4 370 | 4 345 |
| percentage over the total no. of cases for processing..... | 83 | 85 | 80 |
| cases carried forward to the next reporting year | 760 | 772 | 1 088 |
| no. of direct investigations completed | 4 | 6 | 5 |
| no. of recommendations made§ | 236 | 245 | 209 |
| no. of recommendations accepted§ | 236 | 240 | 197 |

New indicator as from 2003–04. This refers to the situation where The Ombudsman finds the allegations to be unsubstantiated but, in the course of investigation, discovers other aspects of significant maladministration.

§ Modified indicators to provide separate figures of recommendations made and accepted.

Matters Requiring Special Attention in 2005–06

5 During 2005–06, the Office will continue to:

- monitor the administrative actions of the public sector and institute direct investigations;
- encourage the use of mediation to settle complaints involving no or minor maladministration;
- develop community programmes to arouse public awareness and understanding of the work of the Office;
- enhance professionalism and the quality of complaint management in the Office and the public sector; and
- strengthen relationship with other ombudsman jurisdictions and kindred institutions through liaison and exchange programmes.

Head 114 — OFFICE OF THE OMBUDSMAN

ANALYSIS OF FINANCIAL PROVISION

| Programme | 2003–04 (Actual) (\$m) | 2004–05 (Original) (\$m) | 2004–05 (Revised) (\$m) | 2005–06 (Estimate) (\$m) |
|---------------------------------|------------------------------|--------------------------------|-------------------------------|-----------------------------------|
| Complaints Administration | 93.3 | 87.0 | 87.0 (—) | 81.4 (–6.4%) |
| | | | | (or –6.4% on 2004–05 Original) |

Analysis of Financial and Staffing Provision

Provision for 2005–06 is \$5.6 million (6.4%) lower than the revised estimate for 2004–05. This is mainly due to salary adjustment in line with the 2005 civil service pay cut and reduction in other operating expenses.

Head 114 — OFFICE OF THE OMBUDSMAN

| Sub-head (Code) | Actual expenditure 2003–04 | Approved estimate 2004–05 | Revised estimate 2004–05 | Estimate 2005–06 |
|---------------------------------|----------------------------------|---------------------------------|--------------------------------|---------------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Operating Account | | | | |
| Recurrent | | | | |
| 000 Operational expenses | 92,777 | 86,778 | 86,778 | 81,222 |
| Total, Recurrent | 92,777 | 86,778 | 86,778 | 81,222 |
| Non-Recurrent | | | | |
| 700 General non-recurrent | — | 200 | 200 | 200 |
| Total, Non-Recurrent | — | 200 | 200 | 200 |
| Total, Operating Account | 92,777 | 86,978 | 86,978 | 81,422 |
| Capital Account | | | | |
| Subventions | | | | |
| Office of The Ombudsman | 492 | — | — | — |
| Total, Subventions | 492 | — | — | — |
| Total, Capital Account | 492 | — | — | — |
| Total Expenditure | | | | |
| | 93,269 | 86,978 | 86,978 | 81,422 |

Head 114 — OFFICE OF THE OMBUDSMAN

Details of Expenditure by Subhead

The estimate of the amount required in 2005–06 for the salaries and expenses of the Office of The Ombudsman is \$81,422,000. This represents a decrease of \$5,556,000 against the revised estimate for 2004–05 and of \$11,847,000 against actual expenditure in 2003–04.

Operating Account

Recurrent

2 Provision of \$81,222,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Office of The Ombudsman. The decrease of \$5,556,000 (6.4%) against the revised estimate for 2004–05 is mainly due to salary adjustment in line with the 2005 civil service pay cut and reduction in other operating expenses.

Head 114 — OFFICE OF THE OMBUDSMAN

Commitments

| Sub-head (Code) | Item (Code) | Ambit | Approved commitment | Accumulated expenditure to 31.3.2004 | Revised estimated expenditure for 2004–05 | Balance |
|---------------------------------|----------------|--|------------------------|--|--|---------|
| | | | \$'000 | \$'000 | \$'000 | \$'000 |
| <i>Operating Account</i> | | | | | | |
| 700 | | <i>General non-recurrent</i> | | | | |
| | 002 | Exchange development scheme with the Mainland | 1,800 | 1,289 | 200 | 311 |
| | | Total | 1,800 | 1,289 | 200 | 311 |