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THE GOVERNMENT MINUTE

in response to

**THE SIXTH ANNUAL REPORT OF
THE COMMISSIONER FOR ADMINISTRATIVE
COMPLAINTS HONG KONG**

dated June 1994

**Government Secretariat
12 October 1994**

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SIXTH ANNUAL REPORT OF THE COMMISSIONER FOR
ADMINISTRATIVE COMPLAINTS HONG KONG
DATED JUNE 1994**

Introduction

In presenting the Sixth Annual Report of the Commissioner for Administrative Complaints to the Legislative Council at its meeting on 6 July 1994, the Chief Secretary undertook to prepare a Government Minute in response to the Commissioner's report in three months' time. This Minute sets out in the following paragraphs the action that the Government has taken or proposes to take in response to the Commissioner's recommendations in relation to the 37 complaints which were found to be substantiated or partially substantiated, as listed in Appendix E of his report.

AGRICULTURE AND FISHERIES DEPARTMENT

Case No. OCAC 35/93 - Having wrongly approved the construction of a golf course and a landfill inside Country Parks without suitable public consultation.

2. Please refer to Case No. OCAC 35/93 under Government Secretariat - Planning, Environment and Lands Branch.

BUILDINGS DEPARTMENT

Case No. OCAC 23/93 - Applying unnecessarily for a Closure Order for the whole building for carrying out reinstatement works of an illegally demolished staircase at ground floor and failure to inform complainant of the subsequent withdrawal of such application.

3. The Director of Buildings has put the recommendations of the Commissioner for Administrative Complaints (COMAC) into practice. These include -

(a) replies should be given to complainants in all cases;

- (b) prompt enforcement action should be taken against unauthorised building works which have been accorded high priority; and
- (c) notice should be immediately posted on site once it is decided to adjourn or cancel an application for a closure order.

Case No. OCAC 24/93 - Delay in enforcing a Removal Order in respect of an unauthorised building works at the complainant's building.

4. The Director of Buildings has implemented the following measures recommended by COMAC -

- (a) the unauthorised structure was removed by a government contractor in default of the co-owners;
- (b) the department will notify all banks and other lending institutions if owners fail to comply with a removal order to discourage the sale and purchase of premises; and
- (c) efforts in public education and public information will continue to be made on this subject.

5. Owing to the statutory time bar, action could not be taken to prosecute the co-owners as recommended.

6. The department prefers to rely also on persuasion, in addition to enforcement action, for compliance. The laying down of hard and fast rules is considered inappropriate, taking into account the difficulties in fixing timetables and in coping with the workload. The department proposed to monitor enforcement progress by regular checking of the list of outstanding removal orders. COMAC raised no objection to this approach and it is now being implemented.

Case No. OCAC 27/93 - Having wrongly demolished complainant's structure which the department alleged to be dangerous and occupying Crown land illegally, and offering him unreasonable compensation for the wrongful act.

7. The Director of Buildings has followed COMAC's recommended measures. Consultation with the Lands Department has taken place. The Buildings Department will alert the relevant District Land Officer immediately should disputes concerning land status arise, and will re-check the land status with the District Land Office and the Land Registry in cases of dispute.

Case No. OCAC 34/93 - Negligence in monitoring the demolition of two dangerous pre-war buildings, resulting in their collapse which affected the business of the shops in the vicinity.

8. In line with COMAC's recommendations, the Director of Buildings has taken the following measures -

- (a) a demolition management group has been set up to monitor the progress of the demolition of dangerous buildings;
- (b) internal procedures have been reviewed and instructions issued to staff for better and more efficient communication between sections;
- (c) specific instructions on the regular inspection of the dangerous buildings subject to closure orders have been issued; and
- (d) to ensure that the government contractor will carry out timely demolition, commencement and completion dates of demolition are now specified in Works Orders. Penalty for unreasonable delay may be imposed under the Conditions of Contract.

Case No. OCAC 47/93 - Issuing a Removal Order without prior warning and unreasonable procedures for its appeal.

9. As recommended, the Director of Buildings has sent a letter of apology to the complainant. The Appeal Tribunal has, as an interim measure, adopted a procedure whereby both the Building Authority and the appellant are invited to make submissions and to attend the Tribunal's preliminary hearings. To overhaul the entire appeal system and to make appeal provisions conform to the Hong Kong Bill of Rights Ordinance, amendments were introduced on 7 July 1994 in the Buildings (Amendment) Ordinance 1994. It is expected that these amendments will come into operation later in the year.

Case No. OCAC 54/93 - Delay in acting on a complaint of illegal roof-top structure, resulting in wrongly serving the Removal Order on the flat owners who themselves lodged the complaint.

10. COMAC did not recommend any specific action to be taken by the department over this complaint case. He accepted that this was an isolated incident.

Case No. OCAC 73/93 - Taking selective enforcement action against unauthorised building works at complainant's premises but not others' in the same building.

11. The Director of Buildings has accepted and implemented COMAC's recommendations, ie -

- (a) comprehensive replies are to be given in all cases;
- (b) reinstatement orders are to be issued expeditiously; and
- (c) enforced the Removal Order to demolish the unauthorised building works in the complainant's premises.

The actual launching of a clearance operation on the unauthorised building works in the building in question will be determined having regard to staff resources and work priorities.

Case No. OCAC 87/93 - Failure to properly supervise the Government contractor in carrying out an old building's repair works required by the department.

12. The Director of Buildings has implemented COMAC's recommended action. The repair works in question was completed in March this year. The department has improved its contract administration and will keep the situation under review. The department is considering the possibility of special contract arrangements for large scale repairs.

CITY AND NEW TERRITORIES ADMINISTRATION

Case No. OCAC 130/93 - Poor organisation in the sale of tickets for a vegetarian dinner and failure to address the problems arising thereof.

13. COMAC found that the remedial measures taken by the Wong Tai Sin District Officer positive and reasonable. The responsible Liaison Officer had been appropriately warned and advised. The District Office has prepared a "Guideline on Sale of Tickets" for functions funded by the District Board, and is undertaking a review of the ticket-selling arrangements for similar functions in future.

DEPARTMENT OF HEALTH

Case No. OCAC 104/93 - Allowing unauthorised access to the personal particulars of a patient to enable a staff member of a clinic, against whom the patient had complained, to make a counter complaint about the patient's behaviour to his employer.

14. The Director of Health has accepted COMAC's recommendations. Renovation of the dispensary has been included in a major improvement project for completion in 1995 to improve the clinic environment which was a contributing factor for the complaint. In the interim, the plastic sheet at the dispensary counter, which separated the dispenser from clients and impeded their communication, has been removed so that drugs may be dispensed to clients in a more customer-friendly manner. The departmental Standing Circular on Departmental Complaints Procedure has been recirculated to remind the frontline staff of the requirement to refer all such problems to the respective service head or the headquarters. The Standing Circular will be recirculated periodically. The frontline patients relation officers (PRO) have also been reminded regularly through a departmental newsletter for PRO.

EDUCATION DEPARTMENT

Case No. OCAC 123/93 - Failure to monitor the progress of the construction of the school premises for a secondary school, resulting in unnecessary delay in the provision of such facilities.

15. The project in question is the provision of new school premises for Ju Ching Chu English College, Tuen Mun (JCC). This is the only outstanding project handled by a private architect. All other projects, apart from prevocational school projects, are now built either by the Architectural Services Department or the Housing Department.

16. In line with COMAC's recommendation, the Education Department will continue its effort in monitoring the progress of the project closely. According to the contract awarded to the contractor on 23 March this year, the new school premises will be completed by February 1995. Regular meetings have been held with the sponsor to ensure timely completion of the project. Staff of the department have been attending meetings of the parent association of JCC to keep them informed of the progress.

17. As recommended, the Director of Education has requested the sponsor to deposit all its contributions with the Education Department. At present, what is outstanding is the \$400,000 contribution towards the furniture

and equipment of the project and this would only be expended a few months before JCC moves to the new premises. The department will continue to press the sponsor to settle this remaining contribution to the Government.

18. The Director of Education considers this to be an exceptional case where the co-operation and efficiency of the project architect and the sponsor were in doubt. The strict monitoring procedure adopted by the department at the later stages of the project is outside the normal schedule of a typical school building programme, and has caused considerable stress and extra work for the Building Section of the department. The department will continue to monitor the progress of the project closely.

ENVIRONMENTAL PROTECTION DEPARTMENT

Case No. OCAC 35/93 - Having wrongly approved the construction of a golf course and a landfill inside Country Parks without suitable public consultation.

19. Please refer to Case no. OCAC 35/93 under Government Secretariat - Planning, Environment and Lands Branch.

GOVERNMENT SECRETARIAT - PLANNING, ENVIRONMENT AND LANDS BRANCH

Case No. OCAC 35/93 - Having wrongly approved the construction of a golf course and a landfill inside Country Parks without suitable public consultation.

20. The Administration accepts that appropriate procedures should be adopted for all development proposals that encroach upon country parks, and that any necessary statutory requirements should be fulfilled. Under the current Environment Impact Assessment (EIA) system, all major development proposals have to go through an EIA process. They are subjected to a preliminary environmental review to determine if a detailed EIA study is required. For development proposals such as erection of telephone poles, laying of utility pipes, construction of small pump houses, erection of rain shelters and construction of TV transmission stations, a detailed EIA may not be necessary provided the environmental review establishes that there will be limited detrimental impact.

21. Under the proposed Environmental Impact Assessment Ordinance, the project proponent for a major development project will have to prepare an Initial Environmental Report (IER). Based on the IER, the Director of Environmental Protection will determine the project's environmental acceptability and the need for a detailed EIA study to define the control measures. The legislation currently being drafted, will also provide for detailed public consultation as part of the EIA process and for the public to have the right of access to EIA reports.

22. The two-stage EIA process enables a decision on a project's environmental acceptability to be taken earlier than otherwise would be the case and promotes early focus on environmental issues. The Administration agrees that in processing future development proposals which encroach upon country parks, public consultation should be conducted on whether the land involved should be excised. Full explanations, including any incompatible use of country park land, will be given once a decision is made. Approval-in-principle will be granted only after the EIA requirement is fulfilled and the Country Parks Authority and Country Parks Board have been consulted.

HOSPITAL AUTHORITY
(Former Hospital Services Department)

Case No. C109/65/92 - Mishandling a gynaecological case resulting in unnecessary removal of internal reproductive organs of a female patient.

23. The Hospital Authority sent an apology to the complainant for the inconvenience caused to his wife by the absence of her medical records in the two follow-up appointments at the Li Ka Shing Specialist Clinic of Prince of Wales Hospital.

24. In view of the problem of records retrieval highlighted in this case, the Hospital Authority has taken the following measures to improve the situation -

- (a) increased the manpower of the Central Records Office (CRO) and the Li Ka Shing Specialist Clinic;
- (b) computerised the patient index maintenance and file movement updating process;
- (c) increased the storage space of the CRO; and
- (d) set up a working group comprising a consultant from Australia, and managers of the Hospital Authority, to look into the system of medical records retrieval with a view to improving its efficiency.

25. As regards whether the excision of the patient's uterus, ovaries and tubes was necessary, the Administration considered this a matter of clinical judgement, which is outside COMAC's jurisdiction, and that the case should be dealt with by the Medical Council or through court proceedings. COMAC was informed of the Administration's view.

IMMIGRATION DEPARTMENT

Case No. OCAC 140/93 - Abuse of power, inefficiency and unreasonable procedures in processing an application for marriage registration and an application for a dependent visa.

26. The Director of Immigration has accepted COMAC's recommendations. A letter of apology was sent to the complainants on 23 May 1994. A circular memo alerting staff of the proper procedure in dealing with applicants who approach the wrong office for services has been issued and will be re-circulated at regular intervals. In requesting applicants to visit the office again, marriage registries now issue a form listing out the outstanding documents required of applicants.

INLAND REVENUE DEPARTMENT

Case No. OCAC 52/93 - Improper assessment of the amount of stamp duty to be paid in respect of a purchase of property.

27. The complaint arose from -

- (a) a lack of co-ordination with the Rating and Valuation Department in handling the complainant's case; and
- (b) a delay in the issue of the draft case stated which the complainant required for his appeal against the stamp duty assessment.

COMAC accepted that part of the delay in issuing the draft case stated was caused by the need to refer the property to the Rating and Valuation Department for revaluation and to send the draft case stated to the complainant, the Attorney General's Chambers and the Rating and Valuation Department for comment and agreement.

28. The Commissioner of Rating and Valuation has accepted COMAC's recommendations. The relevant Departmental Standing Instructions have been revised to improve the co-ordination between the Rating and Valuation

Department and the Inland Revenue Department and to ensure that senior professional staff are adequately involved in processing objections and appeals to valuations for stamp duty assessment purposes. Appropriate advice and guidance have been given to the officers concerned. The Commissioner of Inland Revenue also sent a letter of apology to the owners on 9 September 1993.

Case No. OCAC 64/93 - Delay in issuing Certificate of Receipt of estate duty and Schedule of Property and Joint Property, and improper handling of complainant's enquiries about its progress and subsequent complaint to the department.

29. As recommended by COMAC, the Commissioner of Inland Revenue -

- (a) sent a letter of apology to the complainant for the inconvenience caused to them on 8 November 1993;
- (b) issued to staff an instruction circular setting out detailed procedures for recording the movement of Estate Duty files and for handling written reminders from members of the public on 4 November 1993;
- (c) adopted new procedures for dealing with unlinked inward mail on 13 December 1993; and
- (d) will consider alternative leave arrangements should the need arise in future.

Case No. OCAC 133/93 - Failure to notify complainant's bank promptly of the withdrawal of a tax recovery notice issued after the complainant had settled the outstanding tax payments, resulting in her bank account being closed on the strength of the recovery notice.

30. The problem arose partly from the use of an old address in the complainant's re-activated file in correspondence with her. Following COMAC's recommendations, the Commissioner of Inland Revenue-

- (a) sent a letter of apology to the complainant on 10 December 1993; and
- (b) issued an instruction circular to the Enforcement staff on 26 November 1993, reminding them to use the taxpayer's up-to-date address in recovery actions.

Case No. OCAC 141/93 - Repeatedly asking complainant to complete a property tax return for a property he did not own.

31. The complainant was the lawful attorney of the non-resident property owner. COMAC accepted that the attorney should file the return and be more co-operative in supplying information to the Inland Revenue Department.

32. In line with COMAC's recommendations, the Commissioner of Inland Revenue issued a circular to staff of the Property Tax Group on 15 March 1994, reminding them to acquaint themselves with the provisions for obtaining full information under section 51 (4) and section 51 (4A) of the Inland Revenue Ordinance in regard to any matter which may affect any liability, responsibility or obligation of any person under the Ordinance, and to exercise such powers where appropriate and warranted. On 1 October 1994, the department has sought the approval of the Board of Inland Revenue to amend the declaration part of the Property Tax return form and the accompanying Notes to include the 'agent' of a non-resident owner as the person responsible for filing the return. The proposal is now under consideration by the Board.

Case No. OCAC 155/93 - Wrongly requiring complainant to pay tax for his pension derived from his previous overseas employment.

33. The problem was partly caused by the continued submission of employer's returns in respect of pensions paid to the complainant and a clerical oversight on the part of the Inland Revenue Department. The Commissioner of Inland Revenue accepted COMAC's recommendations.

34. On 10 January 1994, the Commissioner of Inland Revenue advised the paying agent of the complainant's employer to discontinue sending returns in respect of pensions paid to the complainant for his overseas services. A circular was also issued to Salaries Tax staff, reminding them that whenever they discover any reporting of non-taxable income by an employer, they should refer the case to the Assessor so that appropriate advice can be given to the employer. A letter of apology and a notice of refund of the surcharge paid on 26 March 1992 was sent to the complainant on 28 January 1994.

JUDICIARY

Case No. OCAC 25/93 - Delay in processing an application for a Grant of Probate.

35. As recommended, the Judiciary Administrator has conducted a review of the existing procedures for processing applications for the Grant of Probate to eliminate red tape and to ensure that new documents filed would not be overlooked and be processed within a reasonable period of time. Solicitors/applicants are asked to leave photocopies of the documents on the Court file.

Case No. OCAC 89/93 - Negligence in compiling the list of chattels in connection with a case of repossession of rented premises, resulting in the loss of complainant's property inside the premises.

36. The Judiciary Administrator has implemented all the measures recommended by COMAC. The standing procedure and practice with regard to the execution of writs of possession has been reviewed. The bailiffs are henceforth required to take photographs of the concerned premises and, where necessary, the inventory items so as to forestall possible disputes. The inventory lists are to be compiled with sufficient detail of the recorded chattels. Acknowledgement forms have been introduced as an aid to ensure that the landlord/ the tenant or their representatives fully understand the details of the inventory list as prepared by the bailiff before signing a receipt for the chattels.

LABOUR DEPARTMENT

Case No. OCAC 65/93 - Negligence and unhelpful attitude in handling a request from a Local Employment Service client for interview with prospective employers.

37. COMAC made two recommendations in this case. The Commissioner for Labour followed his suggestion that a letter of apology should be sent to the complainant.

38. As regards COMAC's other suggestion that the staff of the Local Employment Service should verify the employer's address when arranging job interviews, the Commissioner considers that this would cause much inconvenience to the employers if verification of the address had to be done in every case. A vacancy order placed by an employer with any Local Employment Service branch office would be transmitted by fax to all other branches, and referrals may be made by more than one branch around the same

time. As an alternative, the Commissioner has instructed the staff of the Local Employment Service to verify the address upon receipt of a vacancy order and to request the employer to notify the office of any subsequent changes in address. This arrangement has been in place since 19 November 1993.

Case No. OCAC 117/93 - Failure to advise complainant of the 24-month deadline for submitting application for employees' compensation, resulting in her loss of such right.

39. As recommended by COMAC, the Commissioner for Labour sent a letter of apology to the complainant. Rules governing employees' compensation claims, in particular the 24-month rule, have now been included in the department's correspondence with injured employees.

Case No. OCAC 6/94 - Delay in processing an application for registration as a Safety Officer and unreasonable rejection of the application.

40. COMAC's recommendations in this case have been implemented. A letter of apology was sent to the complainant. Applications for registration as a Safety Officer are now processed as and when they are received. Where there is a difficulty in convening a Safety Officer Advisory Committee meeting, members' view will be sought by circulation.

LANDS DEPARTMENT

Case No. OCAC 5/93 - Unreasonable procedure and abuse of power in making payment of land resumption compensation to complainant.

41. The Director of Lands has reminded staff to leave their name, office and telephone number for members of the public to call back. He has also advised his District Land Officers to make the payment schedule for crop compensation available at the Account Office for answering relevant enquiries from the recipients. His staff is, however, not in a position to answer enquiries relating to the methodology of assessing crop compensation, which is a responsibility of the Agriculture and Fisheries Department.

Case No. OCAC 13/93 - Having wrongly issued a Crown Land Licence covering private land, resulting in subsequent eviction of the licensee by the landowner concerned.

42. Following COMAC's recommendations, the Director of Lands sent a letter of apology to the complainant. The relevant Land Instruction has also been amended to the effect that all advice given to licensees by District Land Office staff should be in writing.

Case No. OCAC 35/93 - Having wrongly approved the construction of a golf course and a landfill inside Country Parks without suitable public consultation.

43. Please refer to Case No. OCAC 35/93 under Government Secretariat - Planning, Environment and Lands Branch.

Case No. OCAC 41/93 - Delay in processing complainant's application for redevelopment of his licensed structure in a rural area and imposing unreasonable conditions on the proposed redevelopment.

44. The Director of Lands has followed COMAC's recommendations. He has published performance pledges for the processing by the District Land Offices of various kinds of applications relating to the rebuilding of domestic structures and has instructed the District Land Officers to accord priority to those urgent cases where the affected structure is said to be dangerous and/or probably causing a threat to the public.

45. He has also sent a letter to the complainant on 24 August 1993, apologising for the delay in processing his application.

Case No. OCAC 63/93 - Delay and abuse of power in processing a claim for compensation following the resumption of two private lots.

46. The Director of Lands agreed with COMAC that the villagers should be given a rental allowance to cover the period between the resumption and the hand over of the resite houses, and has followed this up. In future resumption exercises, when a possible problem has been identified, owners will be given a rough indication as to when compensation/ resite houses may be available.

47. The Legal Advisory and Conveyancing Office (LACO) has undertaken to review the standard offer letter. District LACO offices have been instructed to avoid piecemeal requests for title deeds.

48. As a review of the Town Planning Ordinance is now underway, and it may lead to review of the Crown Lands Resumption (CLR) Ordinance, the Director of Lands has deferred action on COMAC's recommendation that the relevant provisions relating to compensation offers in the Roads (Works, Use

and Compensation) (RWUC) Ordinance and the CLR Ordinance should be reviewed. He also considers it inappropriate to review the RWUC Ordinance on its own.

Case No. OCAC 79/93 - Having wrongly approved the construction of a watchman's shed and storeroom inside a private residential development.

49. As recommended, the Director of Lands on 10 January 1994 sent an apology letter to the complainants for having disclosed their identities as the people who had reported the unauthorised building works.

Case No. OCAC 156/93 - Delay in processing applications for a Small House grant.

50. In this particular case, a submission to the Town Planning Board (TPB) for approval of the proposed small house grants is required under section 16 of the Town Planning Ordinance (TPO) as the sites are outside the "V" zone, ie a zone for village type development. The District Land Officer (DLO) had initially withheld the submission on the understanding that the new zoning plan, intended to be gazetted in mid 1994, would extend the "V" zone to cover the subject sites, in which case a section 16 application would not be necessary.

51. On COMAC's recommendation, the DLO submitted an application to the TPB on 28 March 1994, and the application was approved on 15 July subject to some conditions.

52. Since the permission given by TPB is usually valid for two years, the Director of Lands has agreed with COMAC that DLOs will seek planning permission under section 16 of the TPO for the proposed small house sites if the time for finalising the nomination list plus the processing time up to the execution of the land grant documents is estimated to be less than two years. The Director of Lands has also agreed that whenever a new nomination list needs to be drawn up, the Village Representative should be informed promptly

in writing of the requirement and the reason therefor. The above will be incorporated into the Land Administration Office Instructions of the department.

LEGAL AID DEPARTMENT

Case No. OCAC 93/93 - Delay in informing complainant of the judgement on a matrimonial case and providing him with incorrect information about his application for legal aid to appeal against the judgement.

53. As recommended, the Director of Legal Aid sent a letter of apology for the delay in conveying the judgement to the complainant. The solicitors acting for the complainant in respect of his claim for a share of the property were asked to contact the complainant and inform him of the situation.

54. The officer-in-charge of the Family Litigation Section has been instructed to monitor the current filing system, the distribution of cases and workload of the section. Immediate action will be taken to improve the systems when the need arises.

55. The department will closely monitor the current practice that every major step of the case should be recorded on file. All staff have been briefed and instructed accordingly, not only to keep the "handling" officer apprised of the maturity of the case, but also for the purposes of costing.

56. The department will also ask the client to call so that he may be informed in person of the contents of the judgement. All staff have been instructed to keep in view the development when judgement is reserved and to liaise with the Judicial Clerk when necessary.

Case No. OCAC 169/93 - Delay in processing complainant's divorce application.

57. The Director of Legal Aid has accepted COAMC's recommendations. A letter of apology was sent to the complainant on 9 March 1994. She was also informed of the progress of the case.

58. A decree nisi was granted on 11 August 1994. The department has on 4 October 1994 applied for a decree absolute.

Case No. OCAC 5/94 - Delay in notifying complainant of his right to appeal against the department's rejection of his legal aid application, resulting in his loss of such right.

59. As recommended, the Director of Legal Aid sent a letter of apology to the complainant on 18 February 1994 and has reviewed the despatch procedure to minimise any delay in sending notices to legal aid applicants. She has also made a proposal to amend section 26(2) of the Legal Aid Ordinance to extend the statutory limit of 7 days for appeals.

MARINE DEPARTMENT

Case No. OCAC 38/93 - Delay in conducting an investigation into a previous case of misconduct by a seaman, thereby depriving him of the opportunity to take up sea-going employment during his unnecessarily prolonged period of suspension of registration.

60. The Department has followed COMAC's recommended measures. The Director of Marine sent a letter of apology for the delay and the inconvenience caused to the complainant. Procedures for handing-over arrangements of duties and work have been tightened to ensure that there will be no omission of outstanding matters. The staff concerned in the Seamen's Recruiting Office have also been suitably instructed.

RATING AND VALUATION DEPARTMENT

Case No. OCAC 52/93 - Incorrect valuation of complainant's purchased property for stamp duty purposes.

61. Please refer to Case No. OCAC 52/93 under the Inland Revenue Department.

STUDENT FINANCIAL ASSISTANCE AGENCY

Case No. OCAC 111/93 - Delay in replying to a complaint lodged with the Agency and failure to advise the complainant of the progress of the investigation.

62. Prior to the conclusion of the complaint investigation, the Controller, Student Financial Assistance Agency had already issued a letter of apology to the complainant. COMAC also accepted the Controller's proposed improvements to the complaint handling system. These included -

- (a) the Agency is to circulate to staff the internal circular on handling of complaints by members of the public at quarterly intervals;
- (b) an Assistant Controller (Senior Executive Officer level) has been appointed to check the complaints register and to monitor the outstanding cases on a monthly basis; and
- (c) the Agency has published its performance pledge.

TRANSPORT DEPARTMENT

Case No. OCAC 129/93 - Mishandling of a driving test candidate's complaint about the result of his private car driving test.

63. The Commissioner for Transport has accepted COMAC's recommendations. The complaint handling procedure within the department as a whole has been improved. Measures taken in this case included -

- (a) a letter of apology was sent to the complainant;
- (b) name cards have been printed for all unit heads in the Driving Test Section for distribution to complainants/ members of the public;
- (c) the Departmental Instruction has been amended to indicate that, for complaints which cannot be answered within two weeks, an interim reply suggesting when a full reply can be given should be issued within 10 days of the complaint; and
- (d) a similar provision on the time limit for responding to complaints has been incorporated in the Driving Test Section Standing Instruction to ensure that all complaints on driving test results will be dealt with as expeditiously as possible.

URBAN SERVICES DEPARTMENT

Case No. OCAC 132/93 - Abuse of power by a staff member in parking his private car in the no-parking area of an indoor games hall.

64. The Director of Urban Services has accepted COMAC's recommendations.

65. In respect of the Harbour Road Indoor Games Hall, each eligible officer in the department is issued with only one permit for one car parking space, with the registration number of the vehicle clearly printed on the permit. Officers issued with car parking permits are advised that their use of the car park is restricted to official purposes and that no transfer of permits is permissible. Measures have been taken to prevent the unscrupulous use of the covered area at the entrance of the Harbour Road Indoor Games Hall so that the area may be properly reserved for its intended purpose.

66. An in-house Working Group is currently considering the implementation of COMAC's recommendations at other leisure venues managed by the Urban Council, and its recommendations are expected in late October 1994.