

THE GOVERNMENT MINUTE

in response to

THE EIGHTH ANNUAL REPORT OF
THE COMMISSIONER FOR ADMINISTRATIVE
COMPLAINTS

dated June 1996

Government Secretariat

9 October 1996



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Introduction

The Acting Chief Secretary presented the Eighth Annual Report of the Commissioner for Administrative Complaints (COMAC) to the Legislative Council at its meeting on 10 July 1996. The Administration undertook then to prepare a Government Minute in response to the Commissioner's report in three months' time.

2. This Minute sets out in the following paragraphs the actions that the Administration has taken or proposes to take in response to the Commissioner's recommendations in his investigation reports on the cases listed in Annexes 8 and 10 of his report.

Government Secretariat - Civil Service Branch

Case No. 488/95³ : Delay in replying to enquiries.

3. In line with COMAC's recommendation, the Secretary for Civil Service has issued an internal circular to remind his staff of the need to maintain an effective bring-up system in handling correspondence so as to avoid delay in replying to enquiries.

Government Secretariat - Health and Welfare Branch
(Complaint cases against Hospital Authority)

Case No. 194/94 : Failure to provide proper medical services to a deceased patient and give information on his condition to his family in a responsible manner.

4. In line with its commitment to providing patient-centered quality care service, the Hospital Authority (HA) will strive to implement improvements as pledged in the Patients' Charter. The HA will continue its efforts to promulgate its public complaint system and the work of the Public



Complaints Committee (PCC). An explanation of the work of the PCC is routinely given to appellants/complainants to ensure that they are aware of its function, composition and independent status. Such information has also been made available to the public through the Patient Relations Officer in all public hospitals. The HA has made it a practice since August 1996 to distribute a copy of an information sheet on the PCC when acknowledging complaints from complaints/appellants. The information sheet is also distributed at enquiry counters. Furthermore, posters and notices are also displayed at prominent places of the hospitals to promulgate the channels for lodging complaints.

Case No. 496/94 : Inappropriately placing another patient suffering from an infectious disease next to a patient and impoliteness of a doctor.

5. The Hospital concerned has renamed its "Isolation Wards" as "Side Wards" or "Observation Wards" depending on the nature of use so as to avoid any misunderstanding and to better reflect the nature and usage of the wards concerned.

Case No. 554/94 : Improprity in handling a complaint against the service of a specialist clinic.

6. The PCC was established by the HA Board to deal independently with all appeals and complaints referred to it directly. As PCC members are not employees of the HA, they are able to handle the complaints in an objective and impartial manner.

7. The composition of the Committee reflects a high degree of community participation and transparency. The HA has made continual efforts to promulgate the work of the Committee to enhance the public awareness of PCC as an independent appeal channel within the HA. Moreover, as mentioned in paragraph 4 above (Case no. 194/94), adequate explanation on the work of the PCC is routinely given to complainants to ensure that they are aware of the function and independent status of the PCC. Such information has also been made available to the public through the Patient Relations Officers of the respective hospitals. To further promote public awareness, the HA, with effect from August 1996, is distributing a copy of an information sheet on the function and composition of the PCC to complainants/appellants when acknowledging their complaints.

8. The PCC does not normally conduct hearings. COMAC's recommendation of defining criteria for conducting hearings was discussed at the last PCC meeting held in September 1996 but no conclusion was made. The PCC will re-visit the issue in six months.

Case No. 27/95 : Delay in issuing a medical report.

9. The Hospital concerned has taken measures to shorten the processing time for issue of medical reports. It has also promulgated and implemented a performance pledge to issue medical reports within six weeks upon receipt of the requests. Patients will not be asked to send in written reminders to speed up the issue of medical reports.

Case No. 29/95⁵ : Failure by a public hospital to return to her son the personal belongings of a deceased patient. (The complainant also complained about maladministration by the Urban Services Department in disposing the body of a deceased patient.)

10. The HA has subsequently written to the complainant informing him again of the proper procedures, i.e. to approach the Probate Office of the Supreme Court to claim back the properties of his deceased mother. The address of the Probate Office was also given. The HA will continue to conduct extensive training for hospital staff in the area of customer service and communication skills.

Case No. 144/95 : Failure to answer enquiry and delay in releasing the body of a deceased patient.

11. Staff of the Hospital concerned have been reminded that for all coroner's cases, the reasons for referral should be adequately explained to the relatives of the deceased. In normal circumstances, the supervisor of the Patient Relation Officer (PRO) will handle public enquiries and complaints during the absence of the PRO. The Hospital has designated a Senior Nursing Officer to handle public enquires and complaints in the event that both the PRO and the PRO's supervisor are absent from their offices.



Case No. 241/95 : Inappropriate examination by a nurse at the Accident & Emergency Department of a hospital and long waiting time for treatment.

12. The Hospital has posted a computer board inside the Accident & Emergency Department (AED) with the message "Triage nurse will assess your condition. Patients with urgent condition will be managed first. Patients with less urgent condition will be treated in order of their registration".

13. There is at least one doctor assigned to see patients grouped under less urgent cases during each shift, except the midnight shift. Additional doctors from other wards will be mobilized to the AED should there be a sudden surge in demand for A&E service.

Case No. 413/95 : Delay of psychiatric treatment and impropriety in handling a complaint.

14. Since the incident, Queen May Hospital (QMH) has established a performance pledge on the consultation response time. Three categories of consultation were defined whereby ultra-urgent cases will be responded to within half an hour, urgent cases within two hours and non-urgent cases within one working day. HA will consider recommending the system to other hospitals, subject to the system being monitored and reviewed. As doctors in AED have already been given a copy of the "Core Manual for AED doctors" which includes descriptions of the method of evaluation of psychiatric patients, management of psychiatric emergency and criteria for hospitalization, and as AED doctors know when to obtain specialist services, the present arrangements are considered to be adequate and a separate review on the system of specialists providing on-call service to the AED is not necessary.

15. Communication training has always been a priority area in HA's staff training and development programme with a view to providing quality patient care. During the period from August 1995 to January 1996, more than 250 AED staff attended communication skill training courses organized by the Authority on an on-going basis.

16. HA has an existing mechanism to review the provision and development of psychiatric services and all other clinical specialities on a regular basis.

17. The HA's standard procedures for handling complaints will be adhered to, subject to the application of legal requirements including the requirement that cases pending legal proceedings should not be prejudiced.

18. QMH has, since the incident, improved the design of the safety vests and provided an adequate stock of different sizes in the Department of Psychiatry of the Hospital.

Case No. 871/95 : Unreasonably charging a hospital maintenance fee even though admission to the hospital has been declined.

19. In line with COMAC's recommendation, HA has waived the hospital maintenance fee of \$54 for the complainant as there might have been miscommunication between the duty nurse and the patient at the AED when the latter requested admission to the private ward.

20. Consideration will be given to promulgating guidelines on the procedures and criteria for admission to private wards in HA hospitals.

**Government Secretariat -
Planning, Environment and Lands Branch**

Case No. 402/94⁴ : Unfairly granting a Short Term Tenancy without employing normal tender procedures.

21. The Planning, Environment and Lands Branch considers that in terms of policy, competitive tendering is the normal disposal method for Short Term Tenancies (STTs), while direct grant is only considered for exceptional cases which must have very strong justifications. All such cases will continue to be reviewed and considered carefully on their individual merit, taking into account possible ramifications with reference to the experience of this case. This is also agreed by the Director of Lands.

Cases No. 648-660/95, 667-673/95, 675-679/95, 683-694/95, 707-714/95, 727-730/95, 745-750/95, 763-764/95, 784/95 : Lack of adequate consultation with the restaurant trade and failure to provide sufficient details to restaurant operators before effecting the Trade Effluent Surcharge on them.

22. As announced on 21 May 1996, the Administration will engage consultants to review the Trade Effluent Surcharge (TES) Scheme. On 28 May 1996, letters were sent out to over 70 associations representing the 30 trades



and industries subject to the TES to invite their views on the review exercise; a press release was also issued on the same day. Meetings with representatives of trades, including the restaurant trade, and Legislative Council members on the objectives and scope of the review were held during the period from 18 July to 15 August 1996. Views collected have been incorporated in the study brief for the review. Consultation with the trades will be arranged at appropriate intervals of the review. When recommendations are available from the consultants, the trades will be consulted again before changes to the charging scheme are made. The above-mentioned arrangements have been discussed with and agreed at the meetings with the trade representatives.

23. The Branch provided its views on the effectiveness of grease traps to the municipal services departments last September. The Branch has also been liaising with the municipal services departments to try to synchronise the Municipal Councils' requirement for grease traps with the performance specification requirements under the Water Pollution Control Ordinance.

Government Secretariat - Transport Branch
(Complaint cases on Mass Transit Railway Corporation)

Case No. 56/95 : Delay of train service without proper warning or announcement.

24. The Mass Transit Railway Corporation (MTRC) has reviewed its guidelines and procedures for making announcements of train delays, taking into account COMAC's recommendation.

Case No. 74/95 : Ignoring passenger safety and failure to handle a complaint effectively.

25. In line with COMAC's recommendation, the MTRC has reviewed its procedures for handling complaints.

Buildings Department

Direct Investigation Case: Unauthorized building works in New Territories Exempted Houses.

26. Buildings Department agrees that there is merit in principle in conducting a sampling survey to assess the magnitude and seriousness of the unauthorised building works (UBW) problem in New Territories Exempted Houses (NTEH) in each district as recommended by COMAC. Buildings Department has offered to assist Lands Department in the survey. The Lands Department is bidding for funds in 1997/98 to employ consultants to carry out this task. When the survey findings are available, other recommendations by COMAC such as formulating appropriate policy and procedures to tackle the problem and seeking additional resources for enforcement action against UBW in NTEH, including action by government contractors.

27. As most of COMAC's recommendations in this case fall within the purview of the Lands Department, they will be discussed in greater details in the section for Lands Department on page 30. The Secretary for Planning, Environment and Lands is co-ordinating a response to COMAC's recommendations.

Case No. 261/94: Wrongly disapproving an application to convert a building from office to restaurant use.

28. The Buildings Department has implemented COMAC's recommendation. Following consultation with the professional institutions and the building industry, clear rules for assessing population density of buildings for all kinds of uses including restaurants have been incorporated into a revised Code of Practice for Means of Escape. The rules will take effect on 1 December 1996. Meanwhile, instructions have been issued to require all staff of the Department to use similar rules to ensure consistency in application.

Case No. 512/94 : Unreasonably demanding payment of a share of the emergency repair cost of a retaining wall.

29. COMAC's recommendation to post a notice on site to explain the reason for the repair and government's policy of recovering the cost from the owners has been implemented. It is the standard practice of the Buildings Department to send official notices to owners advising them of their responsibility for paying their shares of the cost of repair.



Case No. 615/94² : Failure to return the land to its owner after demolition of the dangerous building thereon and delay in the demolition process.

30. The dangerous building was demolished by Buildings Department's contractors in March 1992 while the illegal structures on the site were cleared by the owners themselves in March 1993 and June 1994 as legally required by Buildings Department. The site was repossessed by the owners and occupants when they cleared the illegal structures. They also provided a fence to protect the cleared site. The demolition charges were paid by the owners in March 1996. As they refused to pay the interest for late payment, legal action is in hand to recover this.

31. In line with COMAC's recommendation, staff of the Department have been reminded to ensure that cleared sites are promptly and formally returned to the owners in future cases. They will liaise closely with other departments involved so as to speed up the process of preparing the demand note for issuance to the owners.

Case No. 153/95 : Selective enforcement action against unauthorised building works in a building.

32. The case has been duly reviewed in the light of new documents submitted to COMAC's office by the complainant. As a result, it has been decided that the complainant's case should more appropriately be graded as low-priority and enforcement action against the unauthorized building works in question may therefore be deferred in accordance with existing Government policy. The complainant and COMAC were informed of this decision on 10 October 1995.

Case No. 167/95 : Failure to respond to a written complaint against unfair treatment in clearing unauthorised building works in a building.

33. As recommended in COMAC's report, a full explanation was given to the complainant on 18 April 1996. The position of the Buildings Department in regard to UBW in general and to the building in question in particular should be clear to the complainant. Furthermore, efforts are being made in publicising the Government policy for the control of unauthorized building works. A new information leaflet explaining the 1988 policy in laymen's language is under preparation and will be available for distribution to the general public in November 1996.



Case No. 348/95 : Failure to take follow-up actions on two repair orders issued by the department.

34. Publication of successful prosecutions has been adopted as a standard practice. In cases where a particularly heavy fine is imposed or where the nature of an offence is serious, consideration will be given to hold a press briefing.

Case No. 642/95 : Failure to follow-up on a complaint about water leakage in a new building and the discourteous and perfunctory attitude of the staff in handling the complaint.

35. The complainant has continued to refuse access by staff of the Buildings Department to make an inspection. She has also referred the matter to her lawyers. The Buildings Department issued an occupation permit on 1 February 1996 for the building in which the complainant's flat is accommodated, having made an inspection of the building and having been satisfied as to compliance with the Buildings Ordinance. Staff of the Department have been reminded and will be reminded from time to time to refrain from asking questions which might be sensitive to the complainant at the initial stage of investigating complaints.

Case No. 791/95 : Failure to take follow-up enforcement action against the unauthorised building works in a building after issuing the removal orders.

36. The Buildings Department served a new removal order on 29 June 1996 to the owner of the UBW in question after confirmation of the ownership. The Buildings Department will closely monitor progress, keeping in touch as necessary with the owner and the Owners' Corporation to ensure early removal of the UBW.

37. The Buildings Department has also reviewed the procedure of monitoring the progress of section 24 orders. Appropriate instructions will be issued on monitoring the progress of section 24 orders including cases where authorized persons are appointed.

38. Notification about registration and de-registration of section 24 orders with the Land Registry has been included in the revised standard letter accompanying section 24 orders so as to make the affected owners fully aware of the full consequences of non-compliance.

Case No. 1849/95 : Failure to demolish an unauthorised structure on the roof-top of a residential property.

39. A letter of apology was sent to the complainant on 9 August 1996. The complainant was also advised of the scheduled demolition date of the hut on the rooftop.

Companies Registry

Case No. 487/94 : Failure to put on sale at the Government Publications Sales Centre a complete range of standard forms required by the Companies Ordinance for filing company returns.

40. As there is no statutory requirement for the Registrar of Companies to make all statutory forms available for sale and since some of the forms are rarely used, the printing and sale of every single form is neither justified nor cost-effective. As such, the selective printing and sale of only eight most commonly-used statutory forms by the Government Publication Sales Centre will not be extended at this stage. Instead, the Companies Registry has made available since 31 July 1996 a full set of statutory forms for reference at the Companies Registry's General Office on the 14th Floor of the Queensway Government Offices. Photocopying service has also been provided at an appropriate rate.

Department of Health

Case No. 521/94 : Unreasonable recommendation on the rate of Disability Allowance.

41. In line with COMAC's recommendation, the Director of Health had written to the Director of Social Welfare requesting him to advise the complainant of the viability of an appeal to the Social Security Appeal Board. Moreover, she may approach the Social Security Field Unit whenever her condition deteriorates. If necessary, another medical assessment may be conducted to see if she is qualified for Higher Disability Allowance again.

Case No. 168/95 : Improper management of a vaccination centre and poor attitude of its staff.

42. The Department of Health has conducted a review on the manning arrangement of the Kowloon Vaccination Centre and actions are being taken to upgrade the Workman II post to Office Assistant. Meanwhile, a notice telling clients to approach the shroff office would be put up on the inoculator's desk whenever she has to leave the room. She would also notify the staff in the shroff office to pay special attention to any client who happens to enter the room when she is away.

43. All the staff of the Kowloon Vaccination Centre have been advised of the procedures for handling complaints. Guidance and training on how to receive members of the public have been given. Steps are also taken to ensure that all staff wear name badges.

Drainage Services Department

Case No. 820/95 : Delay in completing a drainage connection for a building

44. The Director of Drainage Services advises that a procedure for having contractors on its lists is already in place. The Drainage Services Department is presently focusing on the way it lets and manages term contract with a view to improving the quality of its term contractors.

45. The Works Branch has been reviewing the current provisions for reporting and monitoring contractors' performance and a revised contractors reporting format has just been issued which will allow a more detailed assessment of a contractors' performance.

46. In conjunction with the above change, the Works Branch will also shortly be issuing a revised Technical Circular on Guidance Notes for the Administration of Approved Contractors for Public Works and Regulating Actions for Poor Performance. This will outline the procedures for action to be taken in cases of repeated poor performance. Departments will then be asked to review their monitoring mechanisms and if necessary to effect the changes in order to enforce the provisions.



Education Department

Case No. 197/95 : Delay in processing an application for reassessment of teaching qualification.

47. The school involved has been requested to use the appropriate application form in future. Since the 1995-96 school year, aided schools have been requested to submit applications for the employment of unregistered teachers within two months after the teachers have reported for duty, unless with reasons acceptable to the Director of Education.

Case No. 288/95 : Delay in assessing an overseas academic qualification resulting in late payment of salary.

48. Circular letters providing guidelines on the appointment and payment of salary to supply teachers were issued to supervisors and heads of aided primary and secondary schools on 10 October 1995. In line with COMAC's recommendation, the District Education Officer has drawn the attention of the school principal concerned to the need for prompt submission and careful checking of documents, and to arrange partial salary payment to supply teachers pending confirmation of the appropriate rate.

Fire Services Department

Case No. 135/95 Negligence in ordering a break-in into a flat causing inconvenience and financial loss to its occupants.

49. The Director of Fire Services has accepted COMAC's recommendation and deleted inappropriate phrases or wordings in FS 357 since 1 November 1995 so as to avoid unnecessary misunderstanding.

Government Laboratory

Case No. 583/95 : Taking unreasonably long time in producing a test report on cause of death.

50. The Government Laboratory sent a letter of apology to the complainant on 18 January 1996. The Department has also taken a series of

administrative measures since the beginning of 1996 to improve communication with client departments. These include circulation of monthly updates on the status of all cases requiring longer than the average turnaround time to relevant client departments of the Analytical Toxicology Unit; introduction of a set of "Progress Codes" to indicate the prevailing status or cause of delay of individual cases; and circulation of a status list to all police districts and the Consultant-in-charge of Forensic Pathology. The client departments are now in a better position to handle public enquiries.

Home Affairs Department

Case No. 210/94 : Adopting different standards and procedures in processing applications for guesthouse licences.

51. In order to ensure fairness, starting from October 1995, all applicants for licences are made aware that scheduled conditional licences are alternatives, which may be considered by the Licensing Authority where circumstances warrant. The unauthorized building works at guesthouse H0036 and H1068 have now been demolished.

Case No. 344/94 : Complaint against a District Office for Impropriety and unfairness in handling the application for the sale of property belonging to a Wui.

52. In line with COMAC's recommendation, the District Office concerned posted notice on the proposed application for sale on 9 October 1995. In the absence of any objection, consent was subsequently given for the sale of land in question on 10 June 1996.

Case No. 468/94 : Impropriety and partiality in handling a Village Representative election.

53. All new village representative elections are held in accordance with the Heung Yee Kuk model rules. Where necessary, village constitutions have been amended to bring them in line with the model rules.



Case No. 644/94 : Failure to properly attend to irregularities found in the provisional voter registers of a Village Representative election.

54. The HAD has accepted COMAC's recommendations and has already implemented the new measures in compiling the new voter register for the Tsing Shan Tsuen village representative election.

Case No. 49/95 : Impropriety in handling the voter registration for a Village Representative election.

55. Recommendations accepted for implementation in all new village representative elections. To improve transparency, the reasons for objections to the registration of voters will be stated in the public notices.

Case No. 173/95 : Hindrance and delay in registering a voter for a Village Representative election.

56. HAD will implement new improved procedures in the next round of village representative elections.

Case No. 278/95 : Impropriety in handling an election and refusal to conduct a re-election of a Mutual Aid Committee.

57. COMAC's recommendations have already been implemented. Staff have been reminded to ensure that all Mutual Aid Committees (MACs) will strictly observe the MAC Model Rules in future. Staff have also been reminded to be fully aware of their supervisory responsibility in respect of MAC elections and execute this with diligence.

Case No. 303/95 : Inadequate time for registration of voters and disallowing some eligible villagers to register as voters in a Village Representative election.

58. In the light of experience and COMAC's recommendations, improved procedures will be implemented in the next round of village representative elections.

Housing Department

Direct Investigation Case : Overcrowding relief in public housing

59. The Housing Department (HD) has completed its review and come up with a new overcrowding relief scheme which has become effective since 1 July 1995. Priority lists of overcrowded families according to living density are drawn up for each estate. Overcrowded families will be invited to indicate whether they would accept transfer within the same estate, or any other estates within the district. Flats will be offered to the overcrowded families for relief according to a pre-determined priority on the lists. The flats for overcrowding relief are released on a district basis. When the target has been reached in an estate, surplus flats will be used for solving the problem of similarly overcrowded families in other estates within the district. Overcrowded families will be reallocated larger flats rather than an additional allocation of a small flat except in blocks due for redevelopment within the next three years, or under special circumstances.
60. HD agrees to give priority to the most overcrowded families. HD's assessment is that it would be able to provide relief to all families presently with living density below 4.5m² per person in three or four years' time. For 1995-96, the estimated number of allocations for transfer including transfer for overcrowding relief is 3 000, which is 20% of the vacated flats. The effect of the Comprehensive Redevelopment Programme and the Temporary Housing Area clearance programme has been taken into account in solving the overcrowding relief problem.
61. The Department is satisfied that the Application Section with the responsibility for allocation of housing resources is capable of assuming the overcrowding relief duties. The progress of overcrowding relief will be monitored by the Flat Allocation Monitoring Committee and the Flat Allocation Co-ordinating Committee.
62. The Working Group on refurbishment will continue its effort in the area of refurbishment of flats. To achieve a higher acceptance rate and early letting of flats available for overcrowding relief, HD has asked more eligible households to indicate their interests in taking up the flats being offered. Offers will then be made only to those households which have already indicated interest. The new approach has resulted in less abortive work and a higher acceptance rate. To maximize the use of vacant flats for overcrowded relief, flats which cannot be disposed by the estates at the end of three months will be returned to the Applications Section for allocation to other needy categories.

63. The Department will step up publicity on the new overcrowding relief arrangements. Newsletter and posters will be distributed. A register of overcrowded families by density will be kept on the estate office for reference by the tenants. To enhance transparency, the vacancy position and the intended use of vacant flats in individual estates will be publicized for the information of the tenants. Furthermore, the location of flats available and the results of each overcrowding relief exercise will also be posted on the notice board in the estate office.

64. The Department, however, considers the recommendation to draw up a territory-wide central list of overcrowded families not acceptable. The Housing Authority has an established policy to first meet the demand from the committed categories such as victims of natural disasters and compassionate housing etc. as these households may be living in conditions even worse than overcrowded families. Furthermore, overcrowded families have other avenues for overcrowding relief such as applying through the Waiting List for a larger flat under the existing allocation standard. The setting up of a separate territory-wide central list for overcrowded families may exacerbate the demand for public housing and the question of quota allocation between the two lists remains. As from experience overcrowded families prefer local rehousing, it would serve little purpose to have a territory-wide central list.

65. It is also not practicable to set a time frame for relieving all overcrowded households with a living density below 4.5m² per person. So long as families are allowed to add family members under the existing policy, new overcrowded families will arise. Besides, there are always families who are reluctant to accept overcrowding relief for various reasons. The Department will continue to monitor the situation closely. The number of overcrowded families with living density below 4.5 m² per person has dropped from 17 235 in March 1995 to 15 000 in August 1995. With a more proactive approach adopted from 1 July 1995, together with the continuous availability of additional venues for overcrowding relief, the Department expects to make at least one offer to all families with living density below 4.5 m² per person in three or four years' time.

66. The Application Section has overall responsibility in the allocation of housing resources. The Department considers it not appropriate to dedicate another unit to deal particularly with overcrowding relief as this would involve additional efforts of co-ordination.

Case No. 396/94 : Failure to attend to and take remedial action on repeated complaints about frequent incidents of suspension of water supply and power failure in a housing estate.

67. The HD will endeavour to speed up the improvement programme. The mains for the supplies to the commercial and domestic units have been separated since 15 November 1995.

Case No. 399/94⁶ : Irresponsible maintenance of water pipes at a rented stall in a public housing estate.

68. The HD issued a new instruction in August 1995 that all new tenants of commercial premises would be requested to sign an undertaking after they had inspected the premises during the handover stage, signifying for record purposes that all fixtures and fittings in the premises are problem free. HD staff had also been reminded to report cases of illegal use of unmetered water to the Water Supplies Department when their warnings have been ignored.

Case No. 443/94 : Unreasonably charging an Use and Occupation Fee for a shop premises in a housing estate after expiry of the tenancy.

69. There is no other case in a similar situation. The amount of fee for the complainant's holding-over of the premises was charged on a pro rata basis up to and including the day before his departure. The unpaid amount was deducted from the rent deposit and the balance was refunded on 7 March 1996.

70. There is no element of rent waiver in the case where the grace period of five days are all public holidays. The authority to write off estate rent is already laid down in Item 19 of Financial Instruction No. 17 of 1993-94.

71. The existing Appeal Panel only hears statutory complaints in respect of termination of tenancies and Notice to Quit as defined in Section 20 of the Housing Ordinance, whereas the Housing Authority Complaints Committee, an administrative channel of appeal for complaints, hears non-statutory complaints and tenancy disputes. Information on the Complaints Committee is contained in a booklet which is available free of charge at the counters of estate offices.

Case No. 482/94 : Delay in processing an application for a larger public housing unit, refusing to accept an application for transfer on compassionate ground and impolite attitude.

72. Departmental guidelines on handling applications for special transfer were issued on 9 April 1996. As there are various circumstances that may justify the need for special transfers on social, medical or compassionate grounds, broad guidelines have been provided to assist estate staff in assessing the merits of various applications. The Department would update estate staff on successful special transfer cases as and when necessary. Under the existing mechanism, special transfer cases have to be recommended by the estate Housing Manager and approved by the Senior Housing Manager and, where necessary, the Chief Housing Manager. It has proved to be effective in guarding against possible abuse cases.

Case No. 550/94 : Unnecessary repetitive building repair works causing undue disturbance to residents.

73. A Maintenance Circular has been issued to remind all maintenance staff to keep proper records during the condition survey of all repair works. A survey report is to be prepared prior to the issuance of the works order. On the control of noise generated by the use of mechanical equipment, all maintenance staff are reminded to ensure that all power mechanical equipment being used are fitted with noise emission labels issued by the Environment Protection Department. These labels signify that the noise level generated is within the permissible limit.

Case No. 551/94 : Delay in processing a refund of rental deposit upon termination of the tenancy in a public housing unit.

74. A Departmental Circular on refund of rental deposit has been issued to estate Housing Managers on 23 January 1996. The Financial Instruction on refund of non-domestic rental deposit is being updated.

Case No. 574/94 : Wrong issuance of a parking penalty ticket at a public housing estate carpark, mishandling of the subsequent complaint and improper carpark management through contract operator.

75. To strengthen carpark management, the entrance and exit of the carports will be controlled by a computerized system. Installation work started in August 1996 and will be completed by mid-October 1996. Appropriate signs

and/or lights have been put up for vehicles that are required to be parked on restricted roads for operational reasons.

Case No. 583/94 : Failure to allocate a neighbouring flat for relief of overcrowding.

76. The complainant had been advised of the external transfer exercises in July 1995, October 1995 and June 1996. However, he was not able to meet the eligibility criteria in all the exercises.

Case No. 626/94 : Not giving individual notice to existing carpark users of the date of application for the reallocation of the parking spaces and failure to give sufficient advance notice of the realignment of a parking space in a public housing estate.

77. An instruction circular on annual re-allocation of parking spaces was issued to all estate Housing Managers on 24 October 1995 requesting them to display layout plans and advise applicants to inspect the site before selecting the parking space.

Case No. 647/94 : Mishandling and delay in processing an application for rent reduction and losing the documents submitted in connection with the application.

78. Publicity on the Housing Subsidy Policy is an on-going exercise. Information on this issue is passed to Mutual Aid Committees through regular meetings, estate newsletters and daily contacts between estate staff and the tenants.

Case No. 20/95 : Selective enforcement of public housing estate carpark regulations and poor staff attitude.

79. With effect from 1 January 1996, notices have been posted up in guardhouses advising carpark tenants to notify the carpark management and park their vehicles as directed in the event that their designated parking spaces are occupied by unauthorized vehicles. Enforcement action will be taken against all illegally parked vehicles in accordance with the laid down procedure. Furthermore, a "Notice to Parking Pass Holders" has also been distributed to the successful carpark tenants upon allocation of parking spaces for 1996.

Case No. 99/95 : Unreasonable exclusion of a District Board member from a meeting regarding the carpark operation of a public housing estate within his constituency.

80. HD will remind estate staff of the need for tact and finesse in dealing with similar situations in future. As the incident was an isolated case, both HD and COMAC agreed that the issuance of guidelines is not necessary.

Case No. 128/95 : Unjustified disclosure to a third party of the tenancy details of a public housing tenant and failure to properly respond to complaint.

81. A formal letter of apology was sent to the complainant on 18 July 1996.

Case No. 166/95 : Delay in arranging rehousing for a household residing in a rental housing estate scheduled for redevelopment and failure to take into consideration the household's needs when making rehousing offers.

82. An internal circular incorporating COMAC's recommendations for handling tenancy requests upon redevelopment was issued on 11 July 1996.

Case No. 185/95 : Not consulting the residents before approving the installation of six air-cooled condensers underneath the balconies of two flats in a public housing estate and refusing to suspend the installation work and relocate the condensers.

83. HD estate staff have been reminded of the importance to pay due regard to the majority interests and views of the residents before arriving at any management decisions. The situation has been and will be closely monitored. Should any nuisances be reported or detected, the Urban Services Department and Environmental Protection Department will be brought in again to re-assess the situation. There is a general guideline on the vetting of commercial tenants' fitting out works. Close working relationship is also maintained between the estate management and maintenance staff.

Case No. 204/95 : Wrong advice about public housing application deadline resulting in disqualification.

84. The contents of all standard letters have been revised to stress the time frame for applicants to make request for reinstatement within the five year-period counting from the first cancellation date. The cancellation notice used for the second cancellation has also been revised to give exact information on the first cancellation date and on whether the subject application is eligible for further reinstatements.

85. The Department's previous computer system did not contain information on the first cancellation date. With the installation of a new computer system, first cancellation dates made after 1 January 1994 or later are now available on the system. As it is not practical to re-input the first cancellation date for applications cancelled before 1994 into the database due to tremendous staffing resources required, officers attending the Hotlines have been instructed to cross-check file records before providing crucial cancellation dates to enquirers.

Case No. 316/95 : Unreasonably declining an application for splitting of tenancy and failing to give a written reply.

86. A letter of explanation and apology was issued to the complainant on 20 September 1996. Subsequent to a review, approval for splitting tenancy was granted to the complainant on 13 December 1995.

Case No. 330/95 : Ill-manner of staff and failure to provide clear instructions to an applicant of the Home Ownership Scheme.

87. Since the auditors only check the entry of deductible items from the accounting point of view, it is necessary for the applicants to produce proof of the items in order to guard against possible abuse. The bilingual Supplementary Note is available to applicants with effect from Phase 18A in April 1996.

Case No. 373/95 : Failure to give a direct reply to a written submission in relation to the clearance of a temporary housing area and rehousing of the affected residents.

88. An internal circular providing guidelines for handling submissions from members of the public was issued on 31 May 1996.

Case No. 800/95⁷ : Misreading a water meter in a public housing estate unit.

89. An internal circular for implementation of COMAC's recommendations was issued on 31 August 1996.

Case No. 1052/95 : Failure to institute adequate emergency arrangements thus causing delay in rectifying a water pipe leakage.

90. To enhance the emergency-handling system to meet the ever rising aspirations of public housing tenants, HD has provided mobile phones to estate Housing Managers since July 1996 for effective and efficient communications. A two-phase programme for improving security measures is underway in all rental housing blocks, except those affected by redevelopment or with no lifts. Estates will be provided with 24-hour security guard service or patrol guard service from 20:00 to 08:00 the next day. The programme will be completed in mid-1997. As the security guards are also required to attend to emergency situations, this will help improve handling of emergencies within the above-mentioned hours.

Case No. 1203/95 : Delay in processing an application for public housing under the Families with Elderly Persons Priority Scheme.

91. A letter of explanation and apology was issued to the complainant on 18 July 1996. The acknowledgement letter HMB/APP(H)95 has been revised to take into account the various types of amendment requests from applicants. The computer system has also been enhanced to record Families with Elderly Persons Priority Scheme applications. All counter staff of the Application Section dealing with Waiting List applicants, including those outstationed at the Housing Information Centres, have been briefed on the above-mentioned arrangements.

Case No. 1558/95 : Misleading on the processing time of applications under the Mutual Exchange Scheme and failure to process applications according to a fixed schedule.

92. A feasibility study is being carried out on enhancing the computer so that the position of applicants on the priority list will not be affected as a result of any request for change by the applicant. With effect from 1 March 1996, HD will inform individual applicants for the Mutual Exchange

Scheme (MES) of the expiry dates of their current 2-year registration periods two months in advance.

93. Applicants for MES will be informed as far as possible that there is no fixed time frame for processing MES and that unauthorized mutual exchange may constitute a breach of tenancy conditions leading to termination of tenancies. HD staff have been informed of the arrangement for mutual exchange and the information leaflet will also be amended for the information of the applicants.

Case No. 1574/95 : Failure to exercise management over the market stalls in a housing estate.

94. The policy and strategy on the management of markets have been kept under constant review. Privatization of the management of markets is one of the strategies being implemented. Enforcement action against market stall operators for unauthorized stall extensions is being taken as long as staff resources permit in order to maintain a smooth pedestrian flow in markets. Action will be taken to ensure public safety in the market.

95. Where possible, spaces are identified in the market for leasing to market stall operators for storage purposes. The provision of storage spaces has already been one of the aspects to be considered in designing new estates.

96. In addition to frequent contacts with the market stall operators, their attention will also be drawn to the problem through newsletters issued at two or three month intervals.

Case No. 1715/95 : Delay in taking proper follow-up action on the repeated subsidence of the pavement in a housing estate and failure to respond to enquiries.

97. COMAC's recommendation have been incorporated in the HD's Maintenance Division's Works Requests Manual. The District Senior Housing Manager/Housing Managers concerned will notify the complainant in writing of the progress of the situation if the problem in question cannot be completed within a short period of time. The complainant was informed of the completion of the repairs on 5 January 1996.



Immigration Department

Direct Investigation Case : Accommodation for foreign domestic helpers

98. In line with COMAC's recommendation, clause 5(b) of the standard employment contract was redrafted. A proposal was made to introduce a Schedule of Accommodation requiring the foreign domestic helpers (FDH) employers to make a sketch plan and produce a photograph of the accommodation for FDH. Expected accommodation for FDHs and examples of unsuitable accommodation have been included in the draft Schedule of Accommodation. Security Branch is consulting relevant Branches/Departments on the proposal. The existing employment contract has been translated into Chinese. COMAC's recommendations of conducting more random record checks on FDH Visa applications and redefining interviewing criteria have been implemented since March and May 1996 respectively.

99. A review on the resource requirements of the Visa Control Division was conducted in February 1996 and acquisition of additional resources is underway. The recommendation of conducting more interviews by the Visa Control Division will be implemented upon acquisition of additional resources.

100. Security Branch is consulting relevant Branches/Departments on the proposal to introduce a new Supplementary Information Sheet requiring the FDH employers to report increases in the number of family households and the proposal to grant 2-year stay for FDHs so as to tie in with the period of their employment contracts.

101. Imported workers have all along been issued with W-prefix identity cards. The issue of such identity cards has been extended to FDH arrived after 13 December 1995. For FDHs holding non-W prefix identity cards, a 2 years replacement exercise is being considered.

102. Security Branch and the Immigration Department (ID) are considering proposals made by other organizations such as the HK Employers of Overseas Domestic Helpers and the Motor Transport Workers General Union.

Case No. 108/95 : Refusal to disclose the reasons for rejecting the grant of entry visa for a foreign domestic helper.

103. An instruction has been issued on 3 July 1996 to provide guidelines on the disclosure of reasons of refusal of applications for a Hong Kong visa or entry permit. A letter explaining the reasons for the refusal was sent to the complainant on 20 March 1996.

Case No. 274/95 : Failure to provide a prompt reply to an application for naturalisation as British Dependent Territories Citizen; failure to explain fully and clearly the requirements for naturalisation and to take appropriate measures to shorten the time required for processing such applications.

104. The ID reprinted the "Guide to applicants" on 8 February 1996 to take into account the recommendation of COMAC for improving the format. Appropriate action was taken on 1 March 1995 to remind staff of the need to include all relevant information in their replies to public enquiries. The staff were reminded of this again on 17 October 1995.

Case No. 313/95 : Rude manner of Immigration staff at two control points.

105. In line with COMAC's recommendation, a further letter of apology was sent to the complainant on 23 October 1995. On 26 October 1995, an instruction was issued by ID to remind all staff of the Airport Division of the importance of exercising greater tact in handling delicate and sensitive situations, particularly where children and elderly persons are involved. Instructions were issued in December 1995 by the Airport Division and the Border Division to remind staff of the need to keep records of the matters handled by them.

106. The recommendation that all staff should be reminded of the need to follow strictly ISSO 5.1 in keeping a record of the matters handled by them is, however, not really necessary if such information has been recorded in the secondary examination sheets, personal search registers and case files which are the official record of the Department. Nevertheless, to avoid ambiguity, ISSO 5.1 will be amended.



Case No. 412/95 : Delay in issuing a death certificate and refusal to provide an adequate explanation regarding the delay.

107. In line with COMAC's recommendation, a letter of apology was sent to the complainant on 25 October 1995. The "How to Apply for Death Registration" pamphlet was revised in October 1995 to include additional information on coroner's cases. The new versions were sent to various hospitals for distribution in December 1995.

Case No. 811/95 : Making repeated mistakes in the course of processing a British National (Overseas) Passport.

108. To prevent recurrence of similar cases, the ID has improved its monitoring system by requiring the case officer to report all cases of re-submission of photographs to the Senior Immigration Officer in charge of the Passport Production Unit. The latter will then make suitable arrangements for applicants concerned to hand in their new photographs. Furthermore, the Department will refund the cost incurred in the provision of additional photographs if it is caused by an error in the course of producing the passport.

109. To avoid photographs of minors from being wrongly affixed onto the space reserved for photographs of the principal passport holder, minors' photographs will be kept separately in a distinctively marked cover. Instructions would be issued regularly to staff of the Travel Documents (Passport) Section to remind them of the importance of accuracy in passport preparation. Supervisors are also required to conduct frequent spot checks at various stages of the workflow to control quality. The procedure for processing passport applications will be regularly reviewed to avoid similar mistakes.

Case No. 1017/95 : Unfair handling of an application for entry visa and refusal of the application without providing any reason.

110. In line with COMAC's recommendation, an explanation letter with reasons for refusal was sent to the complainant on 27 February 1996. An instruction has been issued on 3 July 1996 to provide guidelines on the disclosure of reasons of refusal of applications for a Hong Kong visa or entry permit.

Case No. 1357/95 : Failure to act according to the published procedure on collection of fees for search of birth record and refusing to reimburse the fee when no application had actually been submitted for record search.

111. A letter of explanation and apology was sent to the complainant on 28 June 1996 and he was also advised to contact the officer-in-charge of the Kowloon Births Registry if he still would like to ask for a refund. The ID has reviewed its procedures and found that there was no similar deficiency in other areas of work.

Case No. 1835/95 : Providing inconsistent advice on the procedure for collection of juvenile identity card by an authorised person and following an unreasonable authorisation procedure

112. In line with COMAC's recommendation, an apology letter was sent to the complainant on 26 July 1996. The content of the pamphlet "How to Apply - Identity Card" and ROP Acknowledgement Forms (ROP 140 & ROP 140 A) have been revised and they are now being reprinted.

113. The ID is aware of the inadequacy of its enquiry telephone service. They are seeking the assistance of the Management Services Agency to explore ways to enhance the Interactive Voice Response System. The Department will strengthen the training of new staff and provide more briefings to existing staff.

114. An instruction has been issued to remind staff of the Information Office to familiarise themselves with the procedures and to seek advice from their supervisors in case of doubt.

115. COMAC's recommendation to dispense with the request for the authorized person to produce proof of the applicant's signature is, however, not accepted. It takes a long time to check the applicant's signature from the original registration records which are not kept in the Issue Office in view of accommodation constraint. Furthermore, only a small percentage of applicants are unable to collect the cards personally. However, the ID is considering the feasibility of revising the existing procedure, taking account of the availability of resources.

Inland Revenue Department

Case No. 79/95 : Unfair tax assessment and failure to issue prior warning before initiating collection measures.

116. The Inland Revenue Department (IRD) will continue to monitor the Composite Tax Return (CTR) system in order that individual's addresses in the computer system will be promptly updated. Publicity campaigns in form of posters and calendar cards to educate taxpayers of their obligation to notify any change of address have been launched since early 1996. Meanwhile, specifically designed forms to facilitate taxpayers to notify a change of address are also available in IRD offices, various post offices and district offices throughout the territory. Furthermore a message requesting taxpayers to notify a change of address will also be printed on the envelopes to be sent to them.

117. IRD is of the view that the incident leading to the complaint could have been avoided if the complainant had advised IRD at the earliest possible opportunity of his future correspondence address.

Case No. 112/95 : Failure to response to tax enquiries and unreasonably requiring payment without first responding to the enquiries.

118. IRD has taken appropriate action to recover the outstanding tax. A letter of apology to the complainant has been issued.

Case No. 130/95 : Unreasonable delay in the issue of tax refund.

119. Since October 1995, IRD has arranged with its bank to reduce the time required for confirmation of stop-payment to less than 14 days. For some cases, IRD has also streamlined the procedures to dispense with the process of stop-payment confirmation from its bank. This improvement has further reduced the refund processing time by about two weeks.

Case No. 203/95 : Failure to respond to enquiries about tax return.

120. IRD has issued a circular in July 1995 to brief its staff on the proper way of handling enquiries on tax returns. The Department will reiterate the same in staff briefings.



Case No. 1060/95 : Unreasonable delay in processing tax allowance and an inaccessible enquiry telephone line.

121. IRD will continue to be more vigilant in supervising staff to carry out their duties. IRD has set up a reserve staff pool for the particular telephone enquiry number under complaint with a view to maintaining at least three telephone operators to man the service.

Case No. 1831/95 : Incorrect tax assessment and failure to utilise correct data provided.

122. IRD has introduced new improvement measures and procedures in processing incoming mail supplemental to returns submitted in order to minimize the possibility of incorrect assessment on income.

Labour Department

Case No. 1047/95 : Poor attitude of counter staff in answering enquiries and refusal to provide assistance to call for the police in an emergency situation.

123. In line with COMAC's recommendations, Labour Department has sent a letter of apology to the complainant. The Department has also issued guidelines to its staff on dealing with requests from members of the public to use office telephones, especially in case of emergency where ambulance service or police assistance is needed. Besides, the Department has conducted a review of the office practice as regards the revelation of staff identity at enquiry counters of the Labour Relations Service Office. A departmental order governing the display of name plates and the wearing of name badges has been in force since 1993. Staff will be reminded of the contents of the order at six-month intervals. The supervisors have also been reminded to strengthen their supervision in this area.



Lands Department

Direct Investigation Case : Unauthorized building works in New Territories Exempted Houses.

124. Lands Department (Lands D) is conducting a review of the enforcement against unauthorized building works (UBW) in the New Territories, taking into account the current circumstances, resource implications and COMAC's views. Proposals arising from this review will be submitted through Planning, Environment and Lands Branch to the Executive Council for policy approval, tentatively by the end of 1996. Meanwhile, Lands D is reviewing and strengthening the Land Instructions relating to enforcement work under Section 12 of the Crown Lands Ordinance with a view to providing District Lands Offices (DLOs) with more detailed procedural guidelines for a more uniform and consistent approach. The review will be completed by the end of 1996.

125. Lands D agrees that the sampling survey could help identify and quantify the extent of the present problem. Due to staff constraint in the Lands D, action is now in hand to employ consultants to carry out this task. It is estimated that the survey will cost \$4 million and take six months to complete. Pending the completion of the survey, appropriate policy and procedures will be formulated to tackle the problem. As for actions by Government contractors, Lands D has not been aware of any shortage of funds for term contractors to take enforcement action under section 12 of the Crown Lands Ordinance. Lands D has encouraged DLOs to utilize the funds as necessary, and will seek additional funds in the event of any shortage.

126. Lands D has explored the feasibility of introducing an equitable penalty system as recommended by COMAC and come to the conclusion that such a system is not practical. The proposed system will have significant resource implications, arising from the need to identify the ownership of the property concerned; check provisions in lease conditions; seek legal advice where necessary; to confirm a breach and enforcement of payment of penalty fines by offenders. Lands D considers that lease enforcement is already a very effective deterrent to UBW in New Territories Exempted Houses (NTEH), though inadequate resources are available for the lease enforcement action. Lands D would rather step up their re-entry action than introduce a new fixed penalty system should there be any additional resources allocated in due course.

127. The Administration agrees that publicity could be useful to help villagers appreciate Government's position on UBW in NTEH. Secretary for Planning, Environment and Lands is taking up the task through his quarterly liaison meeting with the Heung Yee Kuk. Pending the availability of additional

resources to deal expeditiously with UBW, consideration will be given to mount publicity campaigns and solicit support from the Heung Yee Kuk, Rural Committees and District Boards.

128. The proposal to register breaches against the titles of properties throughout the DLOs may have a deterrent effect. Lands D is exploring the possibility of adopting this as a general practice with the Land Registry and the Attorney General's Chambers.

Case No. 291/94 : Negligence of duties in handling enquiries regarding encroachment on private land and application for redevelopment of the land.

129. DLO (Yuen Long) has devised a checking system to ensure that correspondence and letters received from the public are properly acknowledged, and brought to the attention of the subject officer concerned in the first instance.

130. Staff of DLO (Yuen Long) have been reminded of the importance of giving timely and proper advice to members of public if approached. Standing Office Instructions have been issued by DLO (Yuen Long) to remind staff to make notes on the subject file when a verbal reply is to be given with the agreement of the member of the public concerned. The Instructions will be re-circulated from time to time.

131. The handling of applications for redevelopment of Old Schedule house lots is a rather complex task. A procedural guideline has recently been incorporated into the departmental Land Instructions to the effect that the lot owner/applicant would be advised to set out his lot properly prior to the commencement of building work. He may engage a professional surveyor or request the respective District Survey Office to do it on his behalf subject to payment of a standard fee.

132. Lease enforcement will only be taken by Lands D against building village houses if there is no prior approval given and regularisation cannot be made. Village houses that do not conform with the specifications laid down in Buildings Ordinance (Application to the N.T.) Ordinance (Cap. 121) will be referred to the Buildings Department for action.

133. As for the village house in question, although a great deal of effort had been made during the past few months to assist the complainant and his neighbour to resolve the problem, it has recently been confirmed that the complainant's neighbour would not apply for regularization of the new building by way of surrender and regrant and that he had also declined the offer made by

the complainant to swap house lots with the complainant. DLO (Yuen Long) is now seeking legal advice as to how enforcement action can be taken against the unauthorised encroachment.

Case No. 295/94⁸ : Wrong issuance of a Crown rent demand note and mishandling enquiries in respect of a sold property.

134. In "appeal" cases (i.e. cases where recipient queries liability to pay) the Legal Advisory and Conveyancing Office (LACO) of the Lands D will up-date ownership records and advise the Director of Accounting Services (DAS) to issue a fresh demand note to the current registered owner in case of change of ownership. LACO will then inform the appellant accordingly. LACO staff have been reminded of the practice of collecting rent arrears only from the current owner. The Law Society has also reminded solicitors of their obligation to protect the purchasers from rent arrears.

135. In the next bulk of demand notes for 5-yearly Crown rent, the DAS would send the original demand notes to the payers at their last known addresses. If the rent is not paid, reminders will be sent to the payer as shown in Treasury's records. Duplicate reminders will be sent to the address of the property addressing to the "owner c/o occupier".

136. If the reminders remain unpaid for 30 days, the cases will be referred to Lands D for follow-up action, at which point, reference to the Land Registry records will be made.

137. The Lands D will consult the Treasury to ensure that the procedures will work smoothly.

138. While the Treasury has direct access to the Land Registry's records, it would not be economical for them to conduct a search every time when a demand note needs to be sent in view of the huge number of crown rent payers involved.

139. The Lands D considers that it is a matter for the outgoing owner and the current owner to sort out any apportionment of rent between themselves. Solicitors should explain to their clients their obligation to pay Crown rent. Solicitors for the purchaser should retain an appropriate amount from the purchase money for settling any outstanding rent. LACO will take this up again with the Law Society.

Case No. 296/94 : Wrong issuance of a Crown Land Licence and mishandling of the cancellation of the Licence.

140. The Lands D is considering drawing up a timetable/target follow-up dates to complete Crown Land Licence (CLL) cancellation exercises. However, given the existing resources and priorities of work in DLOs, it will be extremely difficult to deal with re-issue of licences quickly.

141. A revised standard letter of cancellation has been drawn up. Revised Land Instructions were issued to notify DLO staff.

142. Since a rectification of the CLL is required and the cancellation letter was not sent in error, the Lands D considers that a formal apology letter is not required.

Case No. 402/94⁴ : Unfairly granting a Short Term Tenancy without employing the normal tender procedures.

143. The Lands D agrees with COMAC that restricted tender procedures should be used to select tenants for Short Term Tenancies (STTs) as far as possible. However, this should not preclude the use of direct grants under exceptional cases, such as the subject case.

144. As indicated in the Planning, Environment and Lands Branch's reply on page 5, the Branch considers that in terms of policy, competitive tendering is the normal disposal method for STTs while direct grant is only considered in exceptional cases which must have very strong justifications. All such cases will be reviewed and considered carefully on individual merit, taking into account possible ramifications with reference to the experience of this case.

Case No. 505/94 : Failure to rectify the recorded area and boundary of a private lot in the New Territories.

145. The area of Lot No. 599RP in DD 130 as shown in the Crown Rent Roll Volume TX14 Folio No. 920 has been amended to read 7 348.8 sq.ft instead of 4 299 sq.ft. in order to reflect that the area of Lot No. 599 in DD 130 should be 0.23 ac as recorded in the Block Crown Lease and not 0.16 ac as erroneously stated in the Crown Rent Rolls.

Case No. 530/94 : Maladministration in approving a small house development.

146. Staff of the DLO concerned have been reminded to exercise prudence in handling small house development and STT applications. The current procedures relating to follow-up action on the District Lands Conference decisions do not require a review since the problem stemmed from a new STT plan which had been prepared incorrectly. This complaint appears to be an isolated case and the current procedures appear sound and adequate.

Case No. 556/94 : Delay in processing an application for rebuilding a village house.

147. A waiting list system is in place and applications are dealt with according to the date of application. As at 29 September 1995, DLO (Yuen Long) was processing applications submitted in 1991. The matter was explained to the complainant's family in writing on 2 October 1995

148. The Lands D considers that due to the very limited staff resources and the large volume of work involved, it is not practical to provide a realistic time frame for processing rebuilding cases beyond existing dimensions. It is considered not appropriate to review resource allocations for processing rebuilding applications beyond existing dimensions. If the applicants wish to rebuild their houses speedily, they could take the option of rebuilding within existing dimensions which will be processed within 12 months in accordance with the department's Performance Pledge.

Case No. 607/94 : Failure to survey the boundary of a Tong's land in the New Territories.

149. The Lands D has reviewed the relevant procedure stipulated in the Land Instruction and a revised copy, Section D-7, has been issued. A copy was forwarded to COMAC on 31 July 1996.

Case No. 2/95 : Unfair treatment in demanding payment of new rents with interest for a renewed lease of a boatyard but not the lessees of adjacent boatyards.

150. Lands Administration Office Technical Circular No. 651 was issued on 5 June 1996 giving instructions for the wording of the revised demand note and requiring a covering letter to be issued where appropriate.

Case No. 28/95 : Delay in processing an application for the redevelopment of a deteriorated village house.

151. The DLO concerned has been diligently liaising with the District Officer (DO) over mediation with the parties concerned. The village representative of Sha Tin Wai Village convened a villagers' general meeting on 30 March 1996 to discuss the "fung shui" objection issue. However, despite the concerted efforts of the DLO and the DO, the mediation was not very fruitful. DLO (Shatin) found it difficult to entertain the complainant's request for redevelopment of three storeys under the current circumstances.

152. The case was discussed in District Lands Office Conference (DLOC) on 26 June 1996. In view of the strong local objections from villagers against three-storey development, the Conference considered it appropriate to approve only a two-storey redevelopment of not exceeding 17-feet in height on the subject site.

153. Legal advice is being sought on whether the DLO had the power to reject applications for rebuilding. If the legal advice confirms that the DLOC decision is in order, a formal reply will be sent to the complainant.

Case No. 114/95 : Delay in processing an application for a small house development.

154. The DO (Tai Po) convened a village elders' meeting on 12 April 1996 to discuss the "Fung Shui" objection raised by a villager. The DO (Tai Po) advised on 12 August 1996 that the meeting supported the "Fung Shui" objections. The DO (Tai Po) is awaiting the comments of the Tai Po Rural Committee on the issue.

155. The section of wall in question on government land has been demolished. The debris was found cleared during a site visit on 24 April 1996.

Case No. 161/95 : Poor efficiency in reprinting a countryside map.

156. The estimated publishing date of new editions of maps will be placed on the displayed map in the Sale Counter for customer's information. Counter staff will accept orders for map that are in stock in other map publication centres and the customer may obtain the map at a later date. Customers may fill in notification forms and they will be informed when the new maps are published. As the Countryside Map series is not required regularly for the operation of the Lands and other Departments, the time taken to reprint the map will be subject to resource constraints.

Case No. 252/95 : Failure to take action against a fence wall which had encroached on a septic tank.

157. Action in respect of this particular UBW case is being taken by DLO (Tuen Mun). As the fence wall was built straddling both government land and private land, DLO (Tuen Mun) will need to positively identify the land status of the respective sections on which the fence wall was built before taking necessary enforcement action.

158. The owner of the wall had once agreed to demolish the portion of the wall above the septic tank. However, only a small portion of the wall immediately above the septic tank was removed.

159. It now appears that the majority of the boundary wall and the septic tank are located on private land. As such, the case is now a dispute among local villagers on private land and it is therefore difficult for DLO (Tuen Mun) to interfere, although DLO (Tuen Mun) will continue his efforts as a mediator to try to settle the dispute between the parties concerned.

160. A directive has been issued to all DLOs regarding the setting up of a formal patrol programme. Detailed procedural guidelines relating to enforcement action under Section 12 of the Crown Land Ordinance have already been drawn up and will be implemented later this year.

161. COMAC's recommendations on UBWs have been covered in the replies in other cases.

Case No. 370/95 : Failure to respond promptly and take appropriate action against an unauthorised landfill work on government land.

162. DLO (Sai Kung) has resolved to regularize the unauthorized landfill work (ULW) - a terrace constructed by the complainant's neighbour. Regularization is conditional to the approval of a Slope Stability Report by the Geotechnical Engineering Office and the implementation of any strengthening work necessary. The complainant's neighbour has already submitted the report.

163. Director of Lands wrote to the complainant's solicitor on 25 June 1996, advising him of the course of action being taken by DLO (Sai Kung) in respect of the ULW, and forwarded to him a report prepared by the Police which concluded that the terrace created by the ULW does not unduly compromise the security of the complainant's premises. DLO (Sai Kung) is currently following this up with a view to ensuring full compliance by the complainant's neighbour.

Case No. 699/95⁹ : Delay in the resumption of a private street.

164. The Lands D has reviewed and will continue to monitor the filing system of its Acquisition Section so as to ensure its proper functioning. Bar-coding of files was also introduced in January 1996 to allow for fast tracking of file movement and avoiding misplacement and delay. There has not been any mishappening to the file movement since then.

165. All private streets resumption programmes are now reviewed at each Private Street Resumption Committee (PSRC) meeting and consolidated in its progress reports. So far no slippage has been caused by Lands D.

166. Prioritization of private street projects from 1996-97 onwards, including the Algar Court resumption programme, is subject to the approval of the Land Acquisition Coordination Committee.

Case No. 772/95 : Unreasonably disapproving applications for hanging of banners and adopting stricter approving standards.

167. All DLOs have been advised that applicants should be made aware of the minimum processing time for an application. Also, DLOs have been reminded to take a pragmatic approach to consider applications where the minimum time cannot be met.



168. DLOs have also been requested to liaise closely with each other in dealing with applications for events which will take place in more than one district so as to maintain consistency in the handling of applications for hanging of banners.

169. A pilot scheme for Display of Publicity Materials in Public Places is to be implemented in Wan Chai District in October 1996. This will standardize and further streamline the processing of such applications.

170. This pilot scheme is subject to a review in six months with a view to developing a comprehensive scheme to be implemented on a territory-wide basis.

Case No. 781/95 : Delay in processing an application for the redevelopment of a village house.

171. Staff concerned have been reminded of Land Instruction A-5 which lays down procedures on "Avoidance of Delay in Correspondence" as well as procedures on "Verbal Advice to the Public". The complainant was advised in writing on 22 November 1995 that his rebuilding application would be processed before October 1996. In fact, DLO (Tai Po) started processing his application on 19 June 1996 and the case is expected to be finalized in about six months.

Case No. 863/95 : Failure to respond to enquiries concerning unauthorised structures.

172. DLO (Yuen Long) has recently reviewed the internal procedures on handling of correspondence and written enquiries from members of the public. In circumstances where a verbal reply is to be given, a note will be made on file by the subject officer accordingly. Standing Office Instructions have been issued by DLO (Yuen Long) to that effect. They will be re-circulated to staff at 6-month intervals. The complainant is taking legal action against the adjoining landowner for the construction of the concrete wall encroaching upon his lot. The result is pending.

173. Concerning the unauthorised development on Lot 118 in D.D. 118, the building was rebuilt without approval and Certificates of Exemption issued by DLO (Yuen Long). This is in breach of the Building Ordinance (Application to the New Territories) Ordinance (Cap. 121). The case has been referred by DLO (Yuen Long) to the Buildings Department for enforcement

action. Regarding the unauthorized canopy constructed on Lot 118 in D.D. 118, Yuen Long Squatter Control Office has confirmed that appropriate control action including demolition will be taken against it under the provisions of the Crown Land Ordinance (Cap. 28).

174. DLO (Yuen Long) has sent a reply to the complainant.

Case No. 900/95 : Delay in processing an application for the redevelopment of a village house.

175. A letter was sent to the complainant on 21 December 1995. An investigation into the loss of the subject file has been conducted but it was not possible to identify any officer who should be held responsible. The officer-in-charge of the DLO (Tai Po) Registries has been reminded to maintain proper file movement records.

176. In respect to COMAC's recommendation to inform the applicant of the long waiting time in the first reply, Lands Department considers it not practical. Since the first interim reply is just an acknowledgement letter to be issued immediately upon receipt of the application letter, it is considered not appropriate to include the suggested information. Furthermore, the DLOs should only give consideration to applications submitted by the registered owner of the lot. As it would normally take about three weeks to obtain information from the Land Registry regarding ownership details, it is, therefore, not desirable to hold up the issue of the first interim reply. COMAC has agreed to this in its Final Results Report.

Legal Aid Department

Case No 354/94 : Failure to provide proper advice on the procedure in relation to the processing of a legal aid application.

177. Information leaflets are available in the reception area of the Application & Processing Sections in the Headquarters and Kowloon Branch Office of the Legal Aid Department. Since June 1996 a video explaining how applications are processed has also been shown continuously in the reception areas.

178. The department's computerised hotline also provides such information in the form of recorded messages. Legal Aid Department will

constantly review whether the current ways of providing the information are effective.

Case No. 633/94 : Undue delay in processing and settling a claim for compensation and refusal to grant interest.

179. A letter of apology was issued on 5 February 1996 for the delay in finalizing settlement payment to the complainant and for the misdelivery of the remittance advice. Staff have been reminded of Directive No. 114 on the proper procedure for handling damages or compensation received on behalf of legally aided persons. A working group was set up in March 1995 to review payment procedures and a number of improvement measures have since been introduced. In line with the recommendation made by COMAC, accounts staff have subsequently been advised to exercise greater care in delivering remittance notes to the recipients and to pay particular attention to their change of address. They are also advised that wrong doings should be admitted frankly and honestly.

Case No. 134/95 : Failure to ensure recovery of an appropriate amount of damages and to act on request to pursue over the inappropriate amount of damages so recovered.

180. The Director of Legal Aid has written in January 1996 to the solicitors to see if they were prepared to reimburse the complainant the amount alleged to be deducted. A reminder has also been in September 1996 but no response has been received to date.

Case No. 596/95 : Failure to ensure that a legally aided person's claim for damages was handled expeditiously.

181. The case has been reassigned to another law firm in August 1996. The Director of Legal Aid will continue to monitor the case.

Case No. 842/95 : Delay in claiming damages on behalf of a legally aided person.

182. The Legal Aid Department is taking action with a view to bring the case to an early completion.

Case No. 879/95 : Granting legal aid to an unqualified person without properly and thoroughly ascertaining her eligibility and failure to give a full reply to an enquiry concerning an allegation of maladministration and misuse of public funds.

183. A letter with a full explanation of the queries raised was issued to the complainant on 23 January 1996. A Departmental Circular was issued on 21 November 1995 reminding all staff to acknowledge receipt of correspondence from members of the public. The Department has since January 1996 introduced a system of random checking of means tests conducted on applications. A new Guidance Note to Solicitors Handling Legal Aid Cases was issued in January 1996 reminding them of the need to inform the Department of any changes in the financial circumstances of the aided persons which may affect their continued eligibility for legal aid.

Case No. 1058/95 : Failure to recover an outstanding compensation and delay in processing payment of compensation.

184. The Department has taken action to recover the damages due. The first instalment of the judgment sum was received in April 1996 with the balance to be paid by 12 monthly instalments commencing from 1 May 1996. A letter of apology was issued on 13 March 1996. Staff have been reminded of their duties to ensure that proper follow-up action is taken on outstanding cases. The Department has obtained additional resources in 1996-97 to improve the staffing situation.

Case No. 1375/95 : Delay in claiming damages for a legally aided person and failure to give a reply to his proposal to claim greater damages.

185. The Department has obtained Counsel's advice and taken action on the points raised. Subject to the Counsel's further advice on other pre-trial preparation, if any, the case will be fixed for check-list hearing.

Case No. 1806/95 : Delay in claiming damages on behalf of a legally aided person and failure to ensure that the damages so recovered would not be unreasonably deducted.

186. Action completed and legal aid certificate discharged on 2 July 1996.



Case No. 1875/95 : Delay in returning part of the damages payable to a legally aided person.

187. Action completed and legal aid certificate discharged on 2 July 1996.

Rating and Valuation Department

Case No. 793/95 : Unreasonable delay in the issue of a notice of rateable value for a leased property resulting in financial loss to the tenant.

188. The Commissioner of Rating and Valuation will attach a leaflet to the requisition form which is issued regularly to obtain particulars from ratepayers for the purpose of raising an assessment. The leaflet will advise ratepayers of the department's performance pledge and will invite them to make enquiries if they have not received the notice of interim valuation within the envisaged time frame. The proposed measure is considered by COMAC as adequate for the purpose and has been put into practice since June 1996.

Case No. 615/94² : Wrong issuance of a Notice of Interim Valuation and poor staff attitude.

189. On the advice of the Legal Department that Government may be deemed to be in control of the site during the period when the Closure Order was in force, the Commissioner of Rating and Valuation decided to waive the rates for the period concerned.

Case No. 869/95 : Unreasonable levy of rates after the property has been resumed by the Government.

190. The Rating and Valuation Department (R&VD) has established with Housing Department a system to ensure that prompt action will be taken to remove from the valuation list properties which cease to be rateable as a result of land clearance and resumption.

191. A publicity leaflet entitled "Rated Premises in Squatter Areas Being Cleared" is now available at Housing Department's Clearance Offices for distribution to ratepayers affected by squatter clearance. The leaflet advises the ratepayers to contact the R&VD so that prompt action will be taken to



remove from the valuation list properties affected by squatter clearance programmes.

Student Financial Assistance Agency

Case No. 448/95 : Delay in replying to a request to review two applications for financial assistance under the United Kingdom-Hong Kong Governments Joint Funding Scheme.

192. The Student Financial Assistance Agency (SFAA) sent a letter of apology to the complainant on 31 October 1995 explaining the circumstances surrounding the delay. In addition to the measures to improve the review mechanism which were introduced immediately following the complaint, the SFAA has also introduced a standard application form for appellants seeking a review of financial assistance. Applicants will only be allowed to request for review once for each application exercise. The SFAA has included in the guidance notes for completing applications the revised procedural arrangements and time frame allowed for each request for review. The SFAA has also issued revised internal guidelines to remind staff to escalate complex cases to senior staff. A brief explanation of the review result will also be included in the notices to the appellants.

193. Meanwhile, the Agency is preparing its next Performance Pledge and the opportunity is being taken to include in the Pledge the time frame set for handling correspondence with appellants.

Technical Education & Industrial Training Department

Case No. 488/95³ : Delay in replying to enquiries.

194. A review of the filing and bring up (BU) systems was conducted at the end of 1995. After the review, a new BU register was introduced in January 1996 to ensure that action will be taken on outstanding cases at suitable intervals. In addition, although the Technical Education & Industrial Training Department is not a functional department, and does not provide any services to the general public, they will endeavour to follow the spirit of serving the community and performance pledges in handling enquiries and complaints.

Transport Department

Case No. 184/94 : Unreasonable cancellation of instructors' driving tests and arbitrary exclusion of an industry association from the department's Liaison Group Meeting.

195. COMAC's recommendation to conduct Phase Two of the light bus driving instructor's test as originally planned has a direct bearing on the current policy of not issuing any additional driving instructors' licences. The Transport Department (TD) is reviewing this policy. COMAC's recommendation will be considered in the context of this review which is scheduled for completion at the end of the year. TD has extended an invitation to the Articulated & Commercial Vehicles Instructors' Union to attend the Driving Instructors Liaison Group meetings starting from July 1996.

Case No. 452/94 : Reneging on written commitment to issue a driving licence and failure to give a satisfactory explanation.

196. TD has revised its internal procedure for checking test results as recommended by COMAC. The form "Particulars of Driving Tests" which is given to a driving test candidate after the test now includes a footnote that the test results recorded in the form are subject to verification. A new coding system has also been implemented to avoid any error in recording driving test results.

Case No. 298/95 : Unfair and impolite treatment in a driving test.

197. TD has put up notices at conspicuous locations in all driving test centres informing candidates that Driving Examiners will advise candidates of the test route in the course of the driving test. The Driving Test Section Internal Instruction has also been revised to reaffirm the practice that Driving Examiners should not inform a candidate of the test route before a road test. Instead, they should give clear instructions to the candidates on the test route as the test progresses.

Case No. 779/95 : Unreasonable delay in the issue of a driving licence after committing in writing to an issue date well in advance.

198. A letter of apology has been sent to the complainant as recommended by COMAC.

Treasury

Case No. 295/94⁸ : Wrong issuance of a Crown rent demand note and mishandling enquiries in respect of a sold property.

199. The objective of keeping Crown rent payers' records up-to-date is to ensure that Crown rent demand notes and correspondences reach the Crown rent payers. All along the Treasury has a terminal linked to the computer of the Land Registry and can access its databank directly. The Treasury has already made effective use of this databank whenever applicable for search of updated owner's name. However, with more than 250 000 Crown rent payers, the Treasury must continue to rely primarily on notifications of changes of ownership and mailing address from the owners, or from their solicitors.

200. As indicated in the section on Lands Department on page 32, the Lands Department and the Treasury have taken some new measures to improve the issuance of Crown rent demand notes. Liaison meetings have been held between the Treasury and Lands Department and a number of measures for improvement of the enforcement action have been introduced. These include the preparation of additional management reports to analyse the outstanding Crown rent accounts by age and by amount of arrears to prioritise the recovery action; installation of on line Crown rent enquiry terminal in the Government Rent Collection Section of the Lands Department so that the Treasury and the Lands Department can use the same most up-to-date information; inserting a flyer in all Crown rent demand notes to explain, among others, the legal obligations of an owner to pay the Crown rent and the consequence of non-payment.

201. Out of the 250 000 Crown rent accounts kept under the Treasury's computer system, the leases of some 100 000 accounts will expire in mid 1997 and they will be automatically extended to 30 June 2047 subject to payment of an annual rent based on the current rateable value of the property. The rent for these accounts after mid 1997 will be billed by the Rating and Valuation Department together with the rates of the properties. With this arrangement to centralise the billing of rent function for most leases in one department, it should result in better co-ordination and greater efficiency for departments and be more convenient to members of the public.

Urban Services Department

Case No. 290/94 : Failure to contain illegal hawking activities and obstruction problem in a Hawker Permitted Place (HPP) and mishandling a complaint and unnecessary disclosure of complainant's identity.

202. The Urban Services Department (USD) issued operational instructions and guidelines to strengthen the supervision of the cleansing and hawker control staff in the HPP on 1 December 1995 and 27 February 1996 respectively.

203. A review on the feasibility of introducing a HPP-based permissible limit for the better control of the obstruction problem is being done by USD in conjunction with other relevant departments. As required, COMAC will be informed of the outcome of the review by the end of 1996.

204. In line with the recommendation by COMAC, a record-keeping system for the oral advice/warning administered by Hawker Control Team staff was introduced on 27 February 1996. A letter of apology was sent to the complainant on 13 December 1995.

Case No. 324/94 : Mishandling the ballot arrangement for selection of fixed hawker pitches in a Hawker Permitted Place and creating new fixed pitches unnecessarily.

205. Relevant staff have been reminded to provide accurate and complete information to balloters. A new fixed pitch hawker licence was re-issued to the complainant on 28 November 1995.

Case No. 455/94 : Using excessive force during a hawker raiding operation and unreasonably delaying a request for medical treatment.

206. Operational guidelines were issued on 23 October 1995 to hawker control officers on handling requests for medical treatment.

Case No. 567/94 : Poor and unhelpful attitude of the staff in the ticketing office of a civic centre.

207. Appropriate counselling and advice were given to the staff concerned and a letter of apology was sent to the complainant on 7 June 1995.

Case No. 29/95⁵ : Inappropriate disposal of the body of a deceased patient.

208. COMAC's recommendation has been implemented since 1 December 1995. Cremated ashes of unclaimed bodies are now individually kept for six months before final disposal.

Case No. 699/95⁹ : Unfair resiting arrangement affecting fixed pitch hawkers in a private street.

209. The implementation of COMAC's recommendation will depend on the progress of the land resumption and the feasibility of re-creating a hawker fixed pitch site in consultation with other departments. USD will implement the recommendation as soon as practicable.

210. Operational guidelines on handling similar resiting arrangement were issued on 7 February 1996.

Water Supplies Department

Case No. 399/94⁶ : Giving unclear instructions on the plumbing works required.

211. The Water Supplies Department (WSD) issued two internal instructions (S&D Branch Instruction No. 22/95 and 26/95) on 6 October 1995 and 19 October 1995 respectively to remind all staff concerned to ensure that the standard letters used are appropriate for transmitting the intended messages, and to promulgate the use of three revised standard letters for response to refixing applications in connection with defective inside service, corrosion in connecting pipes for meter installation and approval granted. Furthermore, another internal instruction was issued on 18 August 1995 to remind all staff concerned to closely observe procedure on those applications for which payment has been settled but the submission of forms (WWO 46, WWO 1036, or WWO 1037) remains outstanding, and to make sure that such cases are reviewed in good time within 2 months.



Case No. 543/94 : Unreasonably overcharging water bills.

212. Since a repair notice is to alert the consumer of the defects in his inside service, it is in the interest of the consumer that the notice is issued as soon as possible. Unless it is expected that a second defect will be identified soon, it is not justifiable to hold up the issue of the first repair notice. Therefore, COMAC's proposal to combine the repair notices into one would only be applicable to cases where two or more repairs were discovered at the same time. Furthermore, the implementation of COMAC's proposal requires the setting up of a cross-checking system which would invariably delay the issue of the bulk of the repair notices, and such a set up may not be justified.

213. Hitherto the meter testing procedures did not provide for the test results to be sent to the applicant who is not the registered consumer (RC) as only the RC was allowed to apply for meter testing. Since this old practice has now been modified in order to avoid the accusation that the department was bureaucratic and inflexible, the meter test results will be sent to the RC as well as to the applicant if he is not the RC.

214. It is the current practice of WSD to notify the consumers by a drop card or by mail of the obstruction to their water meters. If necessary, they will also advise the consumers to relocate the water meters at their own expense.

215. WSD has also revised its meter test procedures. If the meter in question cannot be removed due to defective plumbing one month after the applicant has been advised to take remedial action, then the application for meter test will be rejected and the applicant will be notified of the decision.

216. WSD considers that they have already given sufficient verbal and written advice to the complainant regarding the obstruction to the meter position and the possible existence of leakage. They therefore do not consider it justified to further adjust the account.

Case No. 1161/95 : Wrongly demanding payment of charges for water consumed at a premises which the consumer had moved out 24 years ago.

217. The complainant's final bill was revised based on trade rate and all surcharges incurred during the period were waived. In line with COMAC's recommendation, revision of the Departmental Instruction is in progress. The application forms for change of consumership and water bills have been amended in June and September 1996 respectively in line with COMAC's recommendation. With effect from 1 March 1996, counter staff of WSD will

verbally remind customers of their responsibilities when they apply for consumership. A new poster to remind the public of the necessity to terminate their accounts when vacating the premises has also been printed and posted in each of the Customer Enquiry Centres. The department is preparing a leaflet in this respect to be issued together with the water bills.

Case No.1573/95 : Impropriety in demanding payment of outstanding water charges incurred in a property sold eight years before.

218. As reported in Case no. 1161/95 above, the application forms for change of consumership and water bills were amended in June and September 1996 respectively in line with COMAC's recommendation. Some other steps are being taken by the department to publicise the importance of terminating their accounts when vacating the premises.



Judiciary Administration

Case No. 995/95 : Rudeness of staff at a reception counter of a Tribunal registry.

219. The staff concerned have been given guidance on the proper way of dealing with members of the public. A letter of apology was sent to the complainant on 10 February 1996. A circular was issued to staff of the Tribunal on 9 February 1996 to remind them of the importance of being courteous and the appropriate way to handle submission of documents from the public. The circular will be re-circulated once every six months. Notices on the proper way of filing documents with the Tribunal were displayed in the waiting area. Leaflets are being prepared to help the public to understand the operation and procedures of the Tribunal.

