

**THE GOVERNMENT MINUTE**

**IN RESPONSE TO**

**THE NINTH ANNUAL REPORT OF  
THE OMBUDSMAN**

**ISSUED IN JUNE 1997**

**Government Secretariat**

**15 October 1997**

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**Introduction**

The Chief Secretary presented the Ninth Annual Report of the Ombudsman to the Legislative Council at its sitting on 23 June 1997. The Administration undertook then to prepare a Government Minute in response to the Ombudsman's report.

2. This Minute sets out the actions that the Administration has taken or proposes to take in response to the Ombudsman's recommendations in his investigation reports on the cases listed in Annexes 7 and 11 of the Annual Report.

**Government Secretariat - Economic Services Bureau**

**Case No. 2176/96(I) : Withholding two consultancy study reports without a valid reason under the Code on Access to Information.**

3. Negotiations with the power companies are in progress over the implementation of demand side management programmes in relation to electricity consumption. After conclusion of the negotiations, the Economic Services Bureau will prepare a report for release.

**Government Secretariat - Health and Welfare Bureau**

**Cases No. 1966/95 and 953/96 : Insufficient consultation on the building of a primary health care centre and nursing home at close proximity to existing residential developments.**

4. The Director of Administration has issued a General Circular on Public Opinion in January 1997 which sets out the principles of public consultation and the importance of keeping the public informed of the results of any consultation. The circular also covers other aspects of public consultation,

including the timing, method and organization of a consultation exercise. The Health and Welfare Bureau and the Department of Health will follow the guidelines laid down in the circular in future consultation exercises for health services related projects.

**(Complaint cases against the Hospital Authority)**

**Case No. 656/94 : Bad manners of a doctor in the Accident & Emergency Department of a hospital and inappropriate recommendation for X-ray examination.**

5. More than 830 doctors, of whom 110 were from the Accident & Emergency (A&E) Department, received training on communication skills from August 1995 to June 1996. The Hospital Authority (HA) will continue to make efforts to enhance the communication skills of its staff.

6. There is a need to strike a sensible balance between enhancing patients' privacy on the one hand, and maintaining the operational efficiency of A&E services on the other. The HA considers that a reasonable degree of privacy is provided to patients.

**Case No. 500/95 : Failure to keep a patient informed of her conditions after the natural delivery of her baby was unsuccessful, and improper use of sucking equipment for delivery.**

7. The Ombudsman's recommendations are being considered by the HA in the context of the standardization of various consent forms for use in public hospitals.

**Case No. 612/95 : Negligence in caring for a patient resulting in injury.**

8. Actions are in hand (a) to ascertain from hospitals whether health care personnel are properly trained to handle the transfer of patients, and (b) to incorporate, where necessary, training instructions for concerned staff to ensure compliance with proper procedures in transferring bed-bound patients.

9. The HA will ensure that established procedures are implemented and professional standards are adhered to. The provision of training, monitoring and supervision systems will be enhanced to maintain a high quality of service. The disciplinary mechanism will be reviewed and

strengthened appropriately so that avoidable medical incidents could be kept to a minimum.

**Case No. 682/95 : Failure to keep the family of a patient informed of her conditions, unsatisfactory medical service and impropriety in handling a complaint.**

10. The HA will strive to implement the pledges made in the Patients' Charter with a view to improving its communication with the family members of patients.

11. The HA will continue its efforts to publicize its complaint handling system and the work of the Public Complaints Committee (PCC). Information regarding the function, composition and independent status of the PCC is made available to the public through the patient relations officers of HA hospitals. With effect from August 1996, the HA has adopted the practice of copying an information sheet on the PCC to complainants when acknowledging their petitions.

12. The hospital concerned has been reminded to ensure that all complainants' letters are replied.

**Case No. 715/95 : Failure of the Outpatient Department of a hospital to provide proper medical attention to a patient and mishandling a complaint.**

13. In order to improve the blood test appointment system, the hospital concerned will have special blood tests carried out in its day ward. Patients failing to turn up for the appointment will be reminded immediately. Measures will be implemented to draw their attention to the importance of pre-appointment blood or other tests to the treatment process. Separate reminders will be given for specific cases.

14. The hospital issued a letter of apology, together with its investigation findings, to the complainant on 4 January 1997. The HA will continue to work closely with the hospital concerned to ensure that the complaints handling procedures are adhered to.

**Case No. 1291/95 : Inefficient and ineffective system of retrieving patient records in the General Outpatient Department of a hospital.**

15. The hospital concerned will consider the need for an index system for all patients of the General Out-patient Clinic in the context of a review on medical record management.

16. The hospital has worked out measures to help pharmacy staff differentiate HA staff from non-HA staff for the purpose of deciding the category of "Formulary" without asking the patients themselves.

17. A letter of apology to the patient concerned was issued by the hospital on 4 November 1996.

**Case No. 1588/95 : Unhelpful and threatening attitude of a doctor of a psychiatric centre.**

18. The HA will provide further training on clinical expertise and communication skills to hospital staff on a regular basis. However, the HA considers that rigid guidelines on the handling of psychiatric patients will not be helpful because the handling of psychiatric patients calls for flexibility, versatility, sensitivity, clinical acumen and judgement on the part of the medical staff.

**Case No. 1908/95 : Delay in transferring a patient to another hospital for urgent treatment.**

19. Since the Ombudsman's recommendation involves the Fire Services Department (FSD) and affects the operation of the ambulance deployment system, the HA will follow up this issue with the FSD in the context of the regular review on the ambulance service.

**Case No. 1909/95 : Delay in giving medical attention and treatment to a patient.**

20. A letter of apology was issued to the complainant on 17 January 1997. Referral letters of new patients are now reviewed by senior clinicians of relevant speciality teams in the first instance. Patients requiring urgent attention are given an appointment as early as practicable.

21. The HA has initiated a review of the existing mechanism of clinical monitoring and professional accountability. The review covers clinical

procedures and guidelines, clinical audits as well as staff training and supervision. Recommendations of the review will be made known to the public after submission to a special committee comprising members from the HA Board. The committee will also monitor the implementation of the recommendations.

22. The HA will implement a two-tier clinical supervision system in all units of public hospitals to ensure effective clinical care and a better delineation of roles and responsibilities of senior and trainee doctors. The system will facilitate direct clinical supervision and training of junior doctors by senior doctors or Consultants, so as to ensure that junior doctors will ask for assistance and advice from senior doctors when they encounter problems or difficulties in the treatment procedures.

23. The HA will consider deploying more administrative support to clinicians so that they could spend more of their time and effort on clinical management, supervision and patient service. The targets are to enable Chiefs of Service and Ward Managers to spend not less than 75% of their time, and Consultants and Nursing Officers not less than 90% of theirs in clinical duties and patient service.

**Case No. 1984/95 : Restrictive policies and unreasonably refusing a patient's request to release her X-rays records to a private hospital.**

24. The HA has reviewed the procedures for the loan/transfer of X-ray films. Following the review, a new operational circular was promulgated on 18 October 1996. This guideline, together with the implementation of the Personal Data (Privacy) Ordinance, should be able to prevent the recurrence of similar cases in future. Moreover, the hospital concerned has already reminded all front-line staff of the policy on the handling of X-ray films and special records.

25. A letter of apology was issued to the patient in February 1997.

**Case No. 29/96 : Delay in issuing a medical report.**

26. A performance benchmark on processing time for the issue of medical reports has been included in the 1997/98 Annual Plan of individual hospitals.

**Case No. 80/96 : Delay of the Radiotherapy and Oncology Department of a hospital in giving medical attention to a patient and delay in providing a pain-killing drug to this terminally ill patient.**

27. All staff of the ward concerned have been reminded to accord high priority to urgent drug requests. To ensure timely delivery of drugs, a ward staff will be deployed to despatch the prescription and collect drugs from the pharmacy direct.

28. Proper management of medical records during office removal has been incorporated as part of the HA's regular training programme for hospital staff on medical record management.

**Case No. 363/96 : Impropriety in transferring a patient to a psychiatric hospital for involuntary admission.**

29. The HA has issued guidelines requesting hospital staff to check and update the personal data of patients when they seek medical services at HA hospitals/institutions.

**Case No. 1034/96 : Acting in a misleading, irresponsible and dishonest manner in publishing The Ombudsman's draft investigation report without authority.**

30. A letter of apology for releasing the Ombudsman's investigation findings was sent to the complainant. The HA will continue to adhere to the rules and regulations governing the handling of classified documents.

**Case No. 1089/96 : Poor co-ordination between the Department of Surgery and the Intensive Care Unit of a hospital, resulting in repeated postponements of an operation for a patient.**

31. A review on inter-departmental co-ordination is being undertaken by the hospital concerned.

32. Pending the review, public hospitals have already implemented a series of measures to improve clinical management. These include daily reviews of emergency admissions, operations and consultations by Chiefs of Service.

**Case No. 1106/96 : Failure to inform complainant of the outcome of a tender exercise.**

33. Prior to the Ombudsman's investigation, the HA has promulgated a set of revised tendering guidelines advising all HA hospitals to notify unsuccessful tenderers of the tender results for bids over a cost of \$1 million.

**Case No. 1182/96 : Long waiting time for treatment at the Accident & Emergency Department of a hospital.**

34. In line with its commitment to promote a patient-centred culture, the HA has arranged for all medical staff, including the doctor concerned, to attend a training programme on communication skills.

**Government Secretariat - Home Affairs Bureau**

**Cases No. 1260/96, 1563/96, 1818/96, 2150/96 : Impropriety in handling the revision of fees for the renewal of permit for exhumable lot.**

35. The Board of Management of the Chinese Permanent Cemeteries is vested with the powers to determine the revised fees and the effective date for the renewal of permits for exhumable lots. The recommendation that the revised fees should be introduced six months after announcement will be put forward to the Board in the next fee revision exercise to be conducted probably in 1998. In case the Board accepted the recommendation, it would also be invited to consider whether the present six months' notice to the permit holders to renew exhumable lots should be reduced.

36. Pending the outcome of the recommendation mentioned above, the practice of giving six months' notice should continue. This is because except where a fee revision is involved, advance notice should be welcomed by a permit holder and would have no adverse effect on him or the Board.



## **Government Secretariat - Planning, Environment and Lands Bureau**

**Case No. 68/94 : Undervaluation of the land of the Tai Lam Country Park and failure to conduct adequate public consultation in regard to environmental impact of four development projects encroaching upon the Park.**

37. All key green groups are already members of the Environmental Impact Assessment (EIA) Sub-committee of the Advisory Council on the Environment. Under the existing EIA system, all major development projects need to carry out an EIA study which would be scrutinized by the EIA Sub-committee. Green groups are, therefore, consulted on environmental issues.

38. The EIA Ordinance, enacted on 29 January 1997, includes provisions requiring project proponents to advertise, in a format set out by the Director of Environmental Protection, project profiles and EIA reports for the public to comment on. This will be implemented when the Ordinance comes into operation. The Planning, Environment and Lands Bureau (PELB) will publicize the statutory public consultation arrangements widely before its commencement.

**Case No. 210/95 : Inadequate consultation with local residents on the construction of a high voltage overhead transmission system.**

39. In December 1996, the Provision of Power Line Policy Review Working Group chaired by the then Planning, Environment and Lands Branch started the power line policy review exercise with a view to improving, amongst other things, the current procedures for public consultation in the erection of power lines. The Working Group has reviewed the provisions in the Electricity Networks (Statutory Easements) Ordinance and concluded that there should be a better mechanism for airing and considering public views before an overhead power line scheme is authorized by the Executive Council. The mechanism could also specify the area of land or lots which are affected by and qualified for compensation under a proposed scheme. The PELB may consider amending the Electricity Networks (Statutory Easements) Ordinance upon completion of the review exercise.

40. The Administrative Fairness Checklist formulated in 1995 provides only one of the many bases for assessment of the Administration's handling of the development proposal in question. The Administration also refers to existing legislation, such as the Town Planning Ordinance, the Foreshore and Seabed (Reclamations) Ordinance and the Roads (Works, Use

and Compensation) Ordinance when dealing with major development proposals.

### **Government Secretariat - Security Bureau**

**Cases No. 680/96, 1115/96, 1116/96 & 1532/96 : Delay in processing a notice of objection filed pursuant to Section 53 of the Immigration Ordinance.**

41. The Security Bureau (SB) carried out a full review in January 1997 on all Section 53 objections in hand and subsequently took suitable measures to clear long outstanding objections.

42. In the acknowledgement letters of Section 53 objections, the objectors are advised that the processing of objections would take time and the objectors should consider returning to their place of domicile to wait for the outcome of their objections. The SB has also set up a monitoring system whereby the progress of petitions is reviewed regularly. The objectors are advised of the up-to-date position of their objections, so that they can plan their own arrangements.

**Case No. 2226/96 : Giving insufficient notice in inviting applications for funding support, failing to duly and thoroughly assess a funding application, and refusing to answer related enquires.**

43. The SB sees the need for full documentation and a more structured analysis of the applications. It has implemented improvement measures in handling all funding applications since 1995.

44. The SB has also consulted the Home Affairs Bureau on the Ombudsman's recommendation to formalize and regularize the procedure for the assessment of applications to the Sir Murray MacLehose Trust Fund. Given the broad objective of the Fund and the fact that the grants are approved at the sole discretion of the Chief Executive, the Home Affairs Bureau considers that the approach previously adopted in considering applications to the Fund is already sufficiently structured and systematic. Nevertheless, as and when funding applications are invited again in future, account will be taken of the Ombudsman's recommendation to see how the procedures and assessments can be further improved.

## **Government Secretariat - Transport Bureau**

### **(Complaint case against the Mass Transit Railway Corporation)**

**Case No. 536/96 : Unsatisfactory tendering method in arranging building insurance coverage for a Mass Transit Railway Corporation (MTRC) managed housing estate.**

45. The MTRC is studying the impact of having separate insurance policy on the premium rates. Should the Owners' Corporation of the housing estate concerned be established and then decide to adopt a separate insurance policy, the MTRC will consider adopting such an arrangement for the housing estate.

## **Agriculture and Fisheries Department**

**Case No. 1515/95 : Recommending an incorrect amount of ex-gratia crop compensation for a cultivator.**

46. The Lands Department has interviewed and written to the complainant concerning his claim for a water pump. The complainant has however not responded to the letter by providing evidence to support his claim.

47. In line with the Ombudsman's recommendations, a standing instruction has been issued to all Crop Assessors to advise them to furnish a full explanation to affected cultivators of the procedures involved and the entries in field records. Affected cultivators will be issued with duplicate copies of field records in Chinese to avoid any misunderstanding on the entries.

**Case No. 1569/95 : Delay in taking enforcement action against unauthorized developments of a recreational resort on government land in a country park in the New Territories.**

48. Officers of the Agriculture and Fisheries Department have constantly patrolled the country park concerned. No new unauthorized developments were discovered in the area.

49. The guidelines setting out the role and responsibility of concerned departments in taking enforcement action against unauthorized use of land inside country parks are being prepared by the Secretary for Planning,

Environment and Lands (SPEL). Moreover, the SPEL has proposed to give the Country and Marine Parks Authority full power to take enforcement action against unauthorized development on government land inside country park by a legislative amendment. A Bill to amend the Country Parks Ordinance is under preparation.

**Case No. 1020/96 : Failure to monitor and control the disbursements to and repayments from borrowers under a loan fund scheme.**

50. A review on the monitoring and controlling mechanism for the disbursement and repayment of loans under the Fisheries Development Loan Fund was conducted and improvement proposals have been drawn up with a view to tightening up the mechanism. Taking into consideration the views of Members of the Fisheries Development Loan Fund Advisory Committee, the Fish Marketing Advisory Board and fishermen groups, the improvement proposals are being transformed into loan handling procedures. Legal advice will be sought before the revised procedures are put into effect.

### **Architectural Services Department**

**Case No. 137/96 : Failure to recognize an error in the installation of sockets, failure to rectify the error timely, and the insolent manner of an officer during the development of a hospital block.**

51. The Architectural Services Department reaffirms that the present system and procedures are effective in preventing any potential conflict of building services at an early stage and that vigilance will be exercised to prevent recurrence of similar incidents. The incident in this case arose from the Main Contractor's failure to carry out the works in accordance with the contract drawings and was an isolated instance.

### **Buildings Department**

**Case No. 920/95 : Failure to resolve a problem of water leakage in a shop unit caused by unauthorized building works on the floor above.**

52. A letter of apology was sent to the complainant on 27 June 1996. To facilitate inspections, the Buildings Department (BD) has adopted an effective practice whereby BD staff will leave a contact slip in the premises

which are not accessible during their inspection. The system has worked well. Where necessary, BD staff will also carry out inspections after normal office hours.

**Case No. 1581/95 : Delay in removing an unauthorized cage.**

53. A letter of apology was sent to the complainant on 19 July 1996. Inspection by BD staff on 9 July 1996 revealed that the unauthorized cage had been demolished. The order issued under section 24 of the Buildings Ordinance (s.24 order) was accordingly withdrawn on 12 July 1996. The owner and the Land Registry (LR) were notified of this action.

54. To assist in the monitoring of actions, an Action Programme sheet setting out the critical path of follow-up actions in respect of a complaint has been devised and implemented since September 1996. This monitoring system has been reviewed periodically and is found to be effective.

**Case No. 1830/95 : Delay in registering a Letter of Compliance with the Land Registry despite the compliance of a removal order issued by the Department.**

55. A letter of apology was sent to the complainant on 16 July 1996.

56. A circular was issued on 24 July 1996 to remind staff to promptly carry out inspections upon expiry of s.24 orders, and to promptly issue letters of compliance to the owners with copies dispatched to the LR for timely de-registration of these orders. The instruction has proved to be effective in handling outstanding cases.

57. Upon completion of a review, it has been decided that computer printouts of outstanding orders containing only the essential information will be distributed to individual team leaders on a monthly basis. The computer printout contains full and timely information to enable officers to plan compliance inspections and enforcement actions effectively. Recent review confirms that the computer system is effective.

58. Furthermore, the BD is developing a Building Condition Information System. The feasibility study is scheduled for completion by October 1997. The system aims to incorporate all relevant information and actions relating to existing buildings (including details of statutory orders). It will enhance the performance of the existing computer system and will facilitate staff in carrying out their work.

59. The letter accompanying s.24 orders has been revised by incorporating a paragraph advising owners to notify the BD's case officer by phone when they have completed the required works specified in the order. The revised letter has been put in use since August 1996. General feedback confirms that this measure is effective.

**Case No. 1840/95 : Unreasonably requiring the complainant to pay for the cost of demolition of squatter huts situated within his land lot.**

60. The BD considers it inappropriate to waive the supervision charge as it has taken reasonable steps to notify the complainant at the address recorded in the LR. This case is no different from other cases in which supervision charges were levied upon the affected owners. It would therefore be unfair to other owners if an exception is made in this case.

**Case No. 1887/95 : Perfunctory manner in handling a complaint about damages and water leakage caused by demolition works in an adjacent building.**

61. The Ombudsman's recommendation has been overtaken by event. A final agreement was reached between the demolition contractor and the complainant. Remedial works had been carried out in addition to compensation being paid to the complainant as part of the agreement.

**Case No. 1944/95 : Delay in approving an application for a restaurant licence.**

62. The problem of "scattered" requirements has been resolved since the implementation of the 3-tier system for processing food business applications on 1 August 1996.

**Case No. 1948/95 : Failure to take action in response to a report of subsidence of a terrace.**

63. Unallocated government land is outside the responsibilities of the BD. However, the Planning, Environment and Lands Bureau and the Works Bureau are looking into the Ombudsman's recommendations. For further details, please refer to Case No. 1948/95 under the Civil Engineering Department.

**Case No. 58/96 : Failing to take follow-up action on unauthorized building works on a flat roof.**

64. A letter of apology was sent to the complainant on 23 September 1996. He was informed by a letter dated 31 October 1996 that a s.24 order was served to effect the removal of some of the unauthorized building works (UBW), while no immediate enforcement would be taken on other UBW in accordance with the Control and Enforcement policy.

**Case No. 341/96 : Delay in completing slope stabilization works.**

65. A letter of apology was sent to the complainant on 18 April 1997 informing him of the completion of the remedial works.

66. To ensure that the contractors would complete their works without delays, the BD has employed slope upgrading works term contractors, in lieu of general building contractors, for the provision of dedicated and specialist services since April 1997.

67. Procedures for the assessment of contractors' performance have been recently examined. Guidance notes are now provided to staff so as to enhance the objectivity of the assessment procedures promulgated in Works Branch Technical Circular No. 12/96. A Working Group was set up to make recommendations on the central administration system for works contracts and other consultancies.

**Case No. 834/96 : Delay in the registration of a memorial of certificate (MC) in connection with an outstanding payment for slope works carried out by the department on behalf of the owners of a building, and unreasonably refusing to withdraw the MC.**

68. According to a High Court decision, the cost of works is recoverable under section 33(9)(a) of the Buildings Ordinance from a bona fide purchaser. Thus the complainant should also be responsible for the cost. However, in view of the fact that a letter, which may be argued to amount to a waiver of the liability, was sent to the complainant, legal advice is being sought on the case. The BD will advise the complainant of the outcome when legal advice is received.

69. The BD will consult the Department of Justice on the feasibility of rectifying the situation through legislative amendments.

**Case No. 870/96 : Unreasonably allowing the developer to build part of a commercial complex inaccessible to the disabled.**

70. The existing policy has been revised to rectify irregularities. BD staff have already been reminded to ensure full compliance with the relevant regulations. A letter of apology was issued to the complainant.

### **Civil Engineering Department**

**Case No. 1948/95 : Failure to take action in response to a report of subsidence of a terrace.**

71. The Standing Committee on Slope Safety, set up in 1996, is dealing with the deficiency identified in this case. The Works Bureau (WB), the Planning, Environment and Lands Bureau (PELB), and various departments are represented on this Committee.

72. The WB and the PELB have agreed on the role and extent of responsibility of the Lands Department and other works departments on the maintenance of slopes on unallocated Government land, and are seeking the necessary endorsement on the agreed arrangements and resources for implementation.

73. The WB is reviewing the guidelines contained in the Lands & Works Branch Technical Circular No. 9/87, taking into account the recommendations of a consultancy study to identify the maintenance responsibility of each sizeable man-made slope in Hong Kong.

### **Correctional Services Department**

**Case No. 1300/95 : Failure to return to a prisoner all of his personal letters.**

74. A set of revised procedures relating to the handling of prisoners' correspondence took effect on 26 March 1997. Under the revised procedures, all types of correspondence will be recorded to facilitate easy identification of



the whereabouts of the mail items and to provide a better mechanism for ensuring that proper action is taken in respect of each mail item. The management of individual penal institutions can introduce further measures to suit their specific needs.

**Case No. 374/96 : Unfair imposition of disciplinary punishment on a prisoner and disparity in the allocation of food seasonings.**

75. In response to the Ombudsman's recommendations, a departmental instruction was issued stipulating that with effect from 18 October 1996, the practice of segregating a prisoner on the authority of the head of a penal institution pending an investigation into suspected offences or illicit activities should cease. If circumstances warrant the removal of a prisoner from normal association pending an investigation into suspected offences or illicit activities, the only rule to be invoked is Prison Rule 68B which authorizes the removal of any prisoner from association where it is desirable for the maintenance of prison discipline or where it is in the interest of the prisoner.

**Case No. 531/96 : Unreasonably taking disciplinary action against a prisoner, and unjustifiably administering injections of psychotropic substances on him in the absence of any prescription by an authorized medical doctor.**

76. This case concerns taking disciplinary action against a prisoner who failed to comply with the instructions given by staff. The management of Lai Chi Kok Reception Centre has issued a notice reminding all prisoners of the prohibition on bringing oranges back to their cells/dormitories. Copies of the notice are displayed prominently at the institution, such as the dining hall, dormitories and entrances to cell blocks. The Commissioner of Correctional Services (C of CS) is satisfied that there will be no misconception that oranges could normally be brought and consumed in the cells and dormitories, and therefore considers it unnecessary to make any amendments to the taped announcement.

77. As the taped announcements of individual institutions are made to suit their own specific operational needs and have never caused any misunderstanding by prisoners, the C of CS found it unnecessary to review their contents.

**Case No. 629/96 : Subjecting a prisoner to unpleasant and poor sanitary arrangements.**

78. To improve the sanitary arrangements for prisoners kept in shared accommodation in the Special Unit of Stanley Prison (SP), the management of SP has taken every effort to reduce the number of prisoners being put into associated cell. Prisoners put in associated cells are advised to make use of the communal toilet during meal times or exercise hours. They have also been educated to be more considerate and to empty their night soil buckets before meal times.

79. Improvements to the sanitary conditions in the cell blocks of SP are being made. With effect from 27 March 1997, all cells in E Hall have been provided with sanitary facilities. It has also begun functioning as a temporary Special Unit in place of F Hall.

80. As regards the sanitary conditions in Victoria Prison (VP), the Government has practical difficulties in carrying out the proposed improvement works which would require changing the internal layout of the building, since VP is a listed structure under the Antiquities and Monuments Ordinance. Furthermore, the proposed provision of toilet facilities to cells in VP would reduce the number of cells by one third. This would have an adverse impact on its function as a medium security prison.

81. The management of VP has introduced alleviating measures to improve the sanitary conditions. In fact, cells without toilet facilities are still acceptable world-wide in accordance with the United Nations standard on the treatment of offenders. Such cells are still being used to accommodate offenders in advanced countries. As VP only functions as a transit centre, where persons are detained for a very short period of time, it is therefore considered that the existing arrangements remain acceptable.

**Case No. 1771/96 : Unreasonably declining a prisoner's request for making a report to the police in relation to his being assaulted in a penal institution, and improperly handling his request for protection and his subsequent appeal.**

82. On 12 December 1996, a departmental instruction was issued to all heads of institutions requiring them to document their justifications for not reporting an offence committed by prisoners involving the use of violence to the police.

## **Customs and Excise Department**

**Case No. 997/95 : Failure to take expeditious action in relation to the forfeiture or otherwise of a seized vehicle.**

83. In line with the Ombudsman's recommendations, the Customs and Excise Department has amended the Prosecutor's Work Manual. The head of the Seizure Disposal Unit is required to closely monitor the progress of each case. Officers taking charge of all forfeiture and miscellaneous proceedings are required to closely monitor each case assigned to them, and those who are currently in charge of such proceedings have been reminded to monitor the forfeiture processing of each claim to avoid delays.

## **Drainage Services Department**

**Case No. 1832/95 : Delay in completing drainage works at the front of a shop.**

84. Review of the work practices would be undertaken by the Drainage Services Department in collaboration with the Works Bureau (WB) and other works departments as part of their continuing efforts to meet public expectations and to improve work practices. Measures are being implemented to encourage contractors to complete their road works on time.

85. More stringent criteria have been adopted since August 1996 to monitor the performance of contractors. For instance, a contractor who is given a "poor" rating on "progress of works" alone will get an overall "adverse" reports. Any contractor who is given three consecutive "adverse" reports under any one contract will be suspended from tendering for further works until his performance improves satisfactorily. Furthermore, the WB is considering a scoring system which places more weight on contractors' performance when assessing their bids for tender.

86. The Highways Department has also proposed to set up a system to impose extra charges on a contractor who requests to extend his road opening permit because of the failure to complete the road work on time. The proposal requires approval from the legislature.

## **Education Department**

**Case No. 1969/95 : Impropriety and delay in handling an application for fee increase and poor attitude of an officer.**

87. The procedure on vetting the annual fee increase applications for kindergartens joining the Kindergarten Subsidy Scheme has been reviewed. Clear guidelines have been issued to kindergartens intending to join the Scheme that strict compliance with the recommended salary scale for kindergarten teachers should be duly reflected in the annual fee increase exercise.

**Case No. 378/96 : Singling out the complainant twice for internal investigations and for treating him unfairly by refusing to inform him of the findings thus depriving him the chance to prove himself innocent.**

88. To ensure fairness to those being interviewed in an investigation, the Investigation Procedures in Chapter 9 of the "Schools Division Administration Manual" has been revised as recommended by the Ombudsman.

**Case No. 776/96 : Impropriety in the recovery of over-paid salary and impolite remarks made by an officer.**

89. A letter of apology has been sent to the complainant. To avoid recurrence of similar incidents, the Education Department has implemented measures to enhance the communication with schools and teachers, to strengthen co-ordination in cross-district matters, and to handle recovery of overpayments flexibly, sympathetically and with full consultation to avoid undue hardship on both schools and teachers.

**Case No. 1281/96 : Failure to take positive actions against the operation of unregistered tutorial schools.**

90. The Education Department is most concerned about the increasing number of unregistered school cases. Actions have been stepped up against the operators of these unregistered schools.

91. A circular memorandum was sent to heads of Sections and Divisions on 14 February 1997 to request them to remind their staff to strictly observe the procedures in handling complaints as laid-down in Administration

Circular No. 41/95 on Public Complaints Procedure. The respective circular will be circulated every six months.

### **Environmental Protection Department**

**Case No. 1801/95 : Failure to acknowledge receipt of a complaint and to contact the complainant to clarify information.**

92. To give the public a better idea of the required information they are expected to provide when lodging a complaint on smoky vehicles, the Environmental Protection Department (EPD) published an information leaflet in late November 1996 and has distributed it to the public at its local control offices. The leaflet will be sent along with the acknowledgement letter or reply to persons who have lodged complaints on smoky vehicles.

**Case No. 1821/95 : Failure to provide sufficient and timely information on the progress and impact of a refuse transfer station project to a resident in the vicinity.**

93. The Director of Environmental Protection incorporated detailed information, such as the contractor's/publisher's name and address, the department responsible for the project and its enquiry telephone number, in the subsequent newsletter which was issued on 25 April 1997. The EPD will continue to include such information in any future newsletter or similar publication.

### **Highways Department**

**Case No. 1948/95 : Failure to take action in response to a report of subsidence of a terrace.**

94. The Works Bureau and the Planning, Environment and Lands Bureau are considering the Ombudsman's recommendation in respect of maintenance and repair works on unallocated Government land. For further details, please refer to Case No. 1948/95 under the Civil Engineering Department.

## **Home Affairs Department**

**Case No. 195/95 : Impropriety and unfairness in handling a Village Representative election.**

**Case No. 567/95 : Failing to advise villagers of a new election system, and arranging the Village Representative election in haste.**

95. The Director of Home Affairs (DHA) will review electoral arrangements in the light of experience and the Ombudsman's recommendations, including better publicity on the election rules, eligibility criteria and voting procedures, in consultation with the Heung Yee Kuk closer to the time of the next round of village representative elections in 1999.

**Case No. 218/95 : Impropriety in handling a Village Representative election.**

96. The DHA will work closely with the Heung Yee Kuk and the villages concerned to adhere more strictly to the election time-table at the next round of elections.

**Case No. 454/95 : Impropriety in handling the Village Representative elections of a village and the Rural Committee elections, and failure to rectify the inappropriate actions taken by a District Office.**

97. The DHA will take on board the Ombudsman's recommendations, including better publicity on the election rules, eligibility criteria and voting procedures, in the review of village representative elections before the next round of elections in 1999.

**Case No. 459/95 : Mishandling the election of the Executive Committee of a Rural Committee.**

98. The District Office (DO) concerned has written to the Rural Committee in question, asking it to consider amending its constitution in the light of the Ombudsman's recommendations and to keep the DO informed of the outcome.

**Case No. 472/95 : Mishandling a Rural Committee election.**

99. The DO has requested the Rural Committee in question to consider amending its constitution in order to avoid any possible confusion and misunderstanding that it may cause.

**Case No. 1045/95 : Failing to give the complainants a written reply to their applications for rates exemptions, and poor attitude of an officer.**

100. The Administration has formulated revised procedures to speed up the processing of applications for rates exemption from indigenous villagers. A working group has been formed with representatives from the Heung Yee Kuk to work out the implementation arrangements. It is envisaged that the processing of an application can be completed within 12 month under the new procedures. The applicants will be so advised when their applications are acknowledged.

101. The revised procedures would require applicants to make a non-statutory declaration or provide a professional certificate that the property under application for rates exemption do not contain illegal structures. District Lands Offices (DLO) would only conduct random checks on the properties for illegal structures after exemption has been granted. Pending implementation of the revised procedures, action is in hand to identify the cases not supported by the Rating and Valuation Department. These cases will be rejected without waiting for the DLO's inspection report on existence of illegal structures.

**Case No. 1948/95 : Failure to take action in response to a report of subsidence of a terrace.**

102. Discussions have been held between the Planning, Environment and Lands Bureau and the Works Bureau to take on board the Ombudsman's recommendations. The revised Technical Circular is being finalized. For further details, please refer to Case No. 1948/95 under the Civil Engineering Department.

**Cases No. 1950/95 and 1925/96 : Delay in repairing a footpath and failure to repair certain sections which are in dangerous and dilapidated conditions.**

103. The legal advice regarding maintenance and repair of the footpath in question is that neither the villagers nor the Government has the right to

effect repairs to the private sections and consent should first be obtained from the owners of the private lots. There is no general obligation on the part of the lot owners to repair the way over which a right of way has been granted. But if there is a disturbance of the right of way, the lot owners would be under a common law duty to abate the nuisance. The DO could request them to abate the nuisance by either granting the DO consent to carry out the repair works or repairing the footpath themselves.

104. On the basis of the legal advice, the District Office (Tai Po) (DO(TP)) considers it unwarranted to require the owners of the sections of the footpath in private lots to take any nuisance abatement action. The footpath is still accessible to the villagers and the condition of the sections in private lots does not constitute a disturbance of the right of way. The DO(TP) will continue to monitor the situation, and will try to ask for the owner's consent if and when a situation of a disturbance of the right of way arises.

105. As the proposed land exchange in question would not be finalized within a year, the DO(TP) will arrange repair works to be carried out in respect of other sections of the footpath including the small section at its west end within the next two months.

106. The DO(TP) will inform the villagers of the latest developments in writing.

**Case No. 1013/96 : Impropriety in granting licences to operate guesthouses in a building in contravention of the Deed of Mutual Covenant.**

107. The Building Management Co-ordination Team (BMCT) of the Wan Chai District Office has inspected the building and, together with representatives from the Police Crime Prevention Unit and Community Relations Office, met the complainant to discuss and offer advice on security problems. Complaints about alterations to pipelines and sewers had been referred to the Buildings Department for detailed investigation. The BMCT is also in close touch with the Owners' Corporation to offer further assistance when needed.

108. Since the Hotel and Guesthouse Accommodation Ordinance (HAGAO) does not provide for the Licensing Authority to reject applications on the grounds of non-compliance with the Deed of Mutual Covenant or grounds other than those relating to building and fire safety, it would be inappropriate to heighten residents' expectations that licence applications will be determined on the basis of consultations with the Owners' Corporations. The Home Affairs Department is prepared to consider any proposal to amend



the Ordinance to enable such consultations with Owners' Corporation, if such proposal is raised in the context of the HAGAO Amendment Bill.

**Case No. 1149/96 : Failure to take action on complaints against illegal car parking activities.**

109. The District Officer (Kowloon City) referred the case to the Police for action as appropriate upon receiving the Ombudsman's recommendations.

110. A further site visit was conducted by the DO in mid-May 1997. No traffic hazards or serious noise/ environmental nuisances were detected.

**Case No. 1251/96 : Unreasonably requiring the resiting of a grave.**

111. As recommended, the burial certificate has been revised in consultation with the Department of Justice.

**Case No. 2382/96 : Failure to conduct proper consultation with the residents of a village prior to the closure of a public car park.**

112. The proposal to construct a lay-by is being considered by the departments concerned. The village representative has been kept informed of developments. The DO will continue to liaise with the village representative and the government departments concerned with a view to resolving the issue.

## **Housing Department**

**Case No. 301/95 : Refusal to grant ex-gratia allowance to a street trader affected by a clearance programme.**

113. The Housing Department (HD) has issued internal guidelines for handling ex-gratia allowance (EGA) claims from squatter clearances operating business undertakings. The guidelines give specific emphasis on the types of acceptable evidence required from the claimants.

114. The complainant's wife, together with ten other unsuccessful claimants involved in the same clearance operation, have been advised of the types of acceptable evidence required to support their EGA claims.

**Cases No. 1051/95 and 1151/95 : Failure to provide proper slope maintenance in a Cottage Area.**

115. It is the policy of the HD to explain to residents affected by clearances in cottage or squatter areas the reasons why such exercises are necessary at the time of the announcement of clearance programmes. To prevent impostors claiming rehousing rights by moving into these areas, details of any clearance programme will not be revealed prior to its announcement.

116. The HD will, where resources permit, consider according priority to clearing those cottages on slopes which do not meet geotechnical standards. The Ombudsman's view regarding the clearance programmes for squatter huts has been relayed to the Housing Bureau for consideration.

**Case No. 1168/95 : Failure to act in accordance with the terms of a Deed of Mutual Covenant.**

117. A meeting has been held with the Management Committee of the housing estate in question to explain in detail the operation of the fixed penalty tickets (FPT) system, in particular its financial arrangements. Members of the Committee are fully satisfied with the arrangements and they support the continued implementation of the FPT system to enforce road control.

118. A large number of traffic signs have already been displayed at prominent locations in the housing estate concerned to warn motorists against illegal parking. The Management Committee considers that the existing traffic signs are adequate and there is no need to put up additional ones.

119. Legal advice has been sought and the view is that Clauses 21 and 22 of the Deed of Mutual Covenant are not ambiguous and hence amendments are not deemed necessary.

**Case No. 1388/95 : Unreasonable handling of an application for public housing in requiring the applicant and his wife to attend an unnecessary interview.**

120. The procedures for inviting applicants to vetting interviews have been reviewed and are considered fair and effective in screening out applicants who are not qualified or are no longer interested.

121. The notification letter for the interview has been revised to clarify that the interview is for the verification of the eligibility of the applicant and does not mean that the application is successful. The list of documents required for verification during the vetting interview has been revised by specifying which items are required on a need basis. Applicants can seek clarification through the Departmental hotline, if they have queries.

122. The HD shares a deep concern about the housing need of the underprivileged and will take this into account when reviewing future housing policies. Meanwhile, families facing genuine hardship in finding a shelter may seek the assistance of the Social Welfare Department for rehousing under the Quota for Compassionate Rehousing.

**Case No. 1471/95 : Failure to accede to a request for compensation for property damaged by a burst pipe.**

123. According to the Tenancy Agreement (TA), the HD is not legally responsible for the complainant's losses due to the bursting of the flush water pipe. Nevertheless, the HD has replaced the floor tiles of the unit immediately after the bursting of the water pipe to relieve the complainant's burden.

124. Inspection of all water pipes, particularly the concealed ones, has been included in the condition survey of the Condition-Appraisal-Repair-Examination (CARE) programme.

125. The HD does not consider it appropriate to make any further amendment to Clause 4(d) of TA which is commonly adopted in the private sector.

126. The HD maintains the view that the existing public liability insurance policy can reasonably look after the tenant's rights and interests. It is not considered equitable for the HD, as the landlord, to take on an additional responsibility to safeguard tenants' property against any damage or loss not caused by its negligence. Given the high additional premium for uncertainty and unlimited damage claims, the HD doubts whether it is cost-effectiveness to adopt a no-fault insurance coverage.

**Case No. 1808/95 : Inadequate consultation with the residents of a housing estate in giving approval to convert some premises into restaurant use thus giving rise to environmental nuisances.**

127. Additional staff responsible for shopping centre improvements have been deployed to assess implications of the major conversion of commercial premises. One of their major duties is to give due consideration to the interest of estate residents and conduct adequate consultation on the changes. The Estate Management Advisory Committee of the estate concerned (established in January 1997) will be consulted on all major improvement/conversion proposals in the estate before the works start.

128. The HD will refer major conversion works that are likely to cause nuisances to estate tenants to the relevant authorities for assessment of the environmental implications.

129. Close liaison is being maintained among the HD, the Environmental Protection Department and the Urban Services Department to monitor the situation to ensure that the air-conditioning and ventilation systems will not cause any nuisance to the residents. The HD has flexibly handled applications for transfer from residents of the housing block in question. A location plan indicating all escape routes of the housing block has been prominently displayed at the notice board on the ground floor of the block for tenants' information.

**Case No. 1825/95 : Failure to adhere to the publicly announced discount rate in the selling of a flat under the Home Ownership Scheme.**

130. Since the Home Ownership Scheme (HOS) Phase 17B sales exercise in November 1995, the HD has worked closely with the Rating and Valuation Department to minimize the level of discrepancies in the assessment of the full market value prior to each sale.

131. Improvement has also been made to disclose the Initial Market Value (IMV) at the time of flat selection to allow the purchaser sufficient time to consider the IMV prior to the signing of the Agreement. Since then, no complaint has been received from the purchasers and the sales procedures have worked smoothly and satisfactorily.

132. Strict adherence to the publicly announced discount rate would not be possible given the fluctuations in market conditions between the date of approval by the Home Ownership Committee (HOC) of the Housing Authority and the date of flat selection for an individual purchase. The HOC only

approves the average prices and the discount rate may vary to reflect the fluctuations. It has already been stated in the application forms for the purchase of a HOS flat that the IMV is determined at the date of signing the Agreement. To avoid misunderstanding and confusion, notices are put up in the sales centre to inform purchasers that the actual discount rate may vary and that it can be calculated with reference to the IMV stated in the Agreement.

**Case No. 1883/95 : Unhelpful attitude of housing staff in handling the blockage of a car by another car.**

133. Instructions and guidelines on handling emergencies outside office hours have been given to front-line staff of all estate offices for strict compliance. To facilitate communication outside office hours, the Housing Manager of each estate management office is equipped with a departmental mobile phone.

134. Estate staff have been reminded during staff meetings and training sessions to adopt a customer-focused approach in handling requests and enquiries from the public. Training courses on interviewing techniques and writing skills have been organized periodically for all staff.

**Cases No. 1900/95, 1928/95, 548/96, 549/96 : Failure to adequately consult the owners of a Home Ownership Scheme court before deciding to carry out main soil and waterpipes replacement project.**

135. A working group has been set up to formulate a set of specific guidelines and procedures for conducting public consultation on estate management matters. The first edition of the guidelines is expected to be completed in October 1997.

**Case No. 1965/95 : Mistakenly demolished a squatter hut.**

136. A letter of apology was issued to the complainant on 4 March 1997. An instruction setting out the detailed procedures to be taken prior to demolition of squatter structures has been issued.

137. A newly printed booklet has been distributed to the squatter occupants. It states clearly that occupants have to fulfil certain criteria other than having been recorded on the 1984/85 Squatter Control Survey in order to be eligible for rehousing in public housing at the time of land clearance. The

two notices to the occupiers have also been amended to highlight this requirement.

**Case No. 1970/95 : Incorrect measurement of the area of a cottage and delay in rehousing a family.**

138. A circular has been issued to staff of the clearance units reminding them of the need for caution, accuracy and compliance with the departmental guidelines when taking measurements of structures involved in clearance operations. A revised departmental circular on procedures in handling public complaints has been issued. It states that all section heads should supervise and closely monitor the operation of the complaints system in their respective sections to ensure that all complaint cases are dealt with promptly and within the performance pledge timeframe.

**Case No. 184/96 : Permitting the selling of commercial commodity in a Home Ownership Scheme court and inaction on a complaint about unauthorized display of posters.**

139. An instruction incorporating the Ombudsman's recommendations in respect of the handling of applications for the display of commercial or personal publicity materials in housing estates has been issued to estate staff.

**Case No. 347/96 : Unreasonable cancellation of an application for flat under the Home Ownership Scheme.**

140. A clause has been incorporated into the HOS application form stipulating that any person who is under 18 years old must apply together with his/her parents or legal guardian. Legal advice is that this provision is sufficient to address situations similar to the complainant's case, in which the father/mother of the child has to be included in the application even though the parents are not legally married.

**Case No. 509/96 : Delay in handling a request for housing transfer and failure to advise applicant of the full situation of her application.**

141. Departmental guidelines on handling applications for special transfers and on informing tenants of the progress of their applications have been issued for reference and strict compliance by the estate staff.

142. The system for keeping house files in the estate offices has been reviewed and is considered effective in terms of storage, custody, movement and bring-up for action. Housing Officers are considered the appropriate rank of officers for keeping house files since they are familiar with the issues arising from the estate blocks under their charge.

**Case No. 558/96 : Failure to carry out a thorough check on the cause of an electrical fault and wrongly assigning an Estate Assistant to attend to the problem.**

143. Guidelines on attendance to minor electricity breakdowns in housing estates have been issued for reference and compliance by estate staff.

144. It is stipulated in the contract that the Term Maintenance Contractor is required to attend to technical faults within a reasonable response time as stated in HD's performance pledge.

**Case No. 737/96 : Delay in processing an application for public housing.**

145. A letter of apology was sent to the complainant. The Applications Section of the HD has worked out a set of guidelines and procedures relating to the issue of offer letters to applicants for compliance by the staff. The Section has already assigned staff to contact elderly applicants by telephone upon their failure to turn up for signing the relevant documents, with a view to understanding the reasons and hence protecting the interest of the applicants, as well as providing better service to the public.

**Case No. 972/96 : Delay in handling a complaint.**

146. To ensure that all complaints will be properly and efficiently handled, the HD has issued relevant guidelines for reference and compliance of all estate staff. The carpark operators have been advised accordingly.

**Cases No. 1542/96 (Complaint case against the Hong Kong Housing Authority) and 1543/96 : Miscalculation of ex-gratia allowance for commercial tenants affected by redevelopment of public housing estate.**

147. The HD is concerned that notifying the commercial tenants of their leased shop areas in future rent increase notices or at any other time will arouse speculation or create misunderstanding on the part of the commercial

tenants. After thorough consideration, the HD has decided to maintain the existing arrangement of informing the commercial tenants of their shop areas at the time of the announcement of the redevelopment of the public housing estate concerned.

**Case No. 1730/96 : Unreasonably collecting and retaining the original receipt for payment of the land premium of a flat under the Home Ownership Scheme, and impolite manner of an officer.**

148. A new payment method has already been adopted by the Housing Authority with effect from November 1996. A duplicate of the receipt will be forwarded to the Home Ownership Section directly from the Payment Office upon receipt of payment of the premium, and hence the need to produce the original receipt is waived.

### **Immigration Department**

**Case No. 681/96 : Delay in processing a notice of objection filed pursuant to Section 53 of the Immigration Ordinance.**

149. Actions have been taken by the Secretary for Security to implement the Ombudsman's recommendations on conducting a full review of Section 53 objections in hand which are outstanding for some time and on notifying Section 53 objectors whose cases are likely to take longer processing time than normally required.

**Cases No. 1115/96 and 1116/96 : Delay in processing a notice of objection filed pursuant to Section 53 of the Immigration Ordinance.**

150. Actions have been taken by the Secretary for Security. For further details, please refer to Cases No. 1115/96 and 1116/96 under the Security Bureau.



## **Inland Revenue Department**

### **Case No. 453/95 : Inadequate guidelines provided to taxpayers resulting in over-payment of salaries tax and inequity in the refunding arrangement.**

151. The Inland Revenue Department (IRD) made an ex-gratia payment of \$350 to the complainant with a letter issued on 27 September 1996 explaining the position to the complainant.

152. The IRD has completed a review on existing concessions and acceptance practices. A recommendation will be made to the Board of Inland Revenue to incorporate updated items of concessions in the "Notes on How to Complete Tax Returns" for the 1997/98 tax return which will be issued in May 1998.

153. The IRD has conducted a review on the guidelines for preparing and endorsing assessments. A paper entitled "Assessment Procedures to Ensure Accuracy" was circulated to all officers in November 1996. The paper specifies, inter alia, guidelines and procedures for regular checking of tax assessments for quality and accuracy of work.

154. The IRD has completed a review on the procedures and system of control over the handling of objections lodged by individuals. A circular was issued to all professional staff in late October 1996 to remind them of the need to give proper attention to the objection cases and of the control procedures to monitor the progress of these cases.

### **Case No. 1354/95 : Unfair treatment in allocation of salaries tax payment due dates.**

### **Case No. 1955/95 : Unfair treatment in the allocation of due dates for paying salaries tax and lacking transparency in the due date allocation system.**

155. After a thorough review on the Ombudsman's recommendation and having sought the views of the Finance Bureau, the IRD decided that the existing system should continue in the public interest. The IRD will make efforts to publicize the present due date allocation system. An additional note has been added on the form IR1243 to draw the attention of all salaries taxpayers that January is the time to expect payment of tax and that the high income earners may get an early January due date.

156. The Pay-As-You-Earn (PAYE) system is a complex issue involving fundamental changes to the assessment and collection system for

salaries tax. The IRD has for many years considered whether it should be introduced in Hong Kong. It was considered that it would not be acceptable to the general public. There were also concerns over the likely increase in the overall administrative cost to the society and doubts on the capability of the small businesses to handle the deductions efficiently. The IRD will nevertheless monitor the response to the Tax Reserve Certificate Scheme for civil servants, and the operation of the Mandatory Provident Fund Scheme to be introduced later before revisiting the issue.

**Case No. 1532/95 : Failing to jointly assess salaries tax of a married couple.**

157. At present, the returns of married couples are already highlighted and identified for priority assessment action. A computer enhancement has been implemented in June 1997 to print a code on the return to be issued to the other spouse denoting that one of the spouses has elected joint assessment and priority assessment action is required.

158. New improvement measures have been introduced such that all taxation officers are required to report weekly to the heads of service sections any unlinked returns which are required for early attention. All unlinked returns would be subject to weekly scrutiny by Group/Section leaders.

159. The IRD will propose to the Board of Inland Revenue that a new note on the importance of making a correct choice between joint assessment and separate assessment be included in the "Notes on how to Complete Tax Returns - Individual" in the coming Board of Inland Revenue Forms respecification exercise.

160. A computer enhancement programme giving notification on cases where joint/personal assessment would be disadvantageous to the taxpayers was implemented in October 1996. Taxpayers who have elected for joint assessments will be informed when the IRD finds that their choice will not be to their advantage.

**Case No. 1576/95 : Incorrect tax assessment and unreasonably requiring the keeping of accounting records for an unnecessarily long period.**

161. The IRD conducted a close examination of the existing methods of disseminating instructions to staff in June 1996. Various measures (including the issue of departmental/unit technical newsletters, the holding of seminars and technical briefing for staff, the updating of work manual, etc.)

have been introduced to ensure that all staff are adequately briefed and updated on all the matters relating to their work.

**Case No. 1828/95 : Raising without valid reasons an additional assessment by withdrawing the Dependent Parent Allowance granted, and delay and impropriety in handling an objection against the Department's ruling.**

162. The IRD issued a circular to its staff on 24 January 1997 announcing the various measures introduced to improve the existing procedures relating to the suspension of enforcement action and the extension for submission of return/reply.

**Case No. 380/96 : Mishandling an objection to tax assessment.**

163. A working group was set up in January 1997 to review the department's practice on the facsimile transmission of information, forms and documents. In the light of legal advice, it has drawn up a proposed revised list of documents not acceptable by fax and is considering how the revised list should be publicised. Inclusion of the list in the "Notes on How to Complete Tax Return" is considered not appropriate as this would make the Notes unduly lengthy. The Working Group has also implemented standard working procedures to ensure that fax documents received are properly handled.

164. All Section leaders have been reminded to give clear instructions to temporary staff. A circular was issued on 30 December 1996 to remind supervising officers of the need to provide guidance to subordinates and to closely supervise their performance.

**Case No. 500/96 : Errors in tax assessment regarding the relating back of gratuity, lack of response to written enquiries and poor staff manner.**

165. The IRD has given serious thoughts to the proposal of installing a voice mail line dedicated to receiving incoming calls only for each assessing section. Taking into account that the existing system of having 5 to 6 hunting lines for a phantom number might provide earlier access to the public, and that the Enquiry Hotline already provides a leave and call back feature, the IRD considers the proposal not viable. However, the IRD will still continue to explore other ways and means to improve the enquiry service to the public.

166. A circular on "Courtesy to the Public" is circulated among all staff at three-monthly intervals.

**Case No. 2784/96 : Unreasonably advancing the due dates of tax payments.**

167. The IRD issued another letter to the complainant on 4 March 1997 to explain the case and to apologize for the incorrect explanations previously provided in the letter of 16 January 1997.

**Department of Justice**

**Case No. 1862/95 : Delay in reaching a decision regarding a claim for damages over an accident of car being damaged by an uncovered manhole in a road.**

168. In order to ensure that no cases handled by the trainees are left unattended for an unduly long time, the trainees have been required, since October 1995, to make returns on the progress of their cases. This measure is found to be effective. A circular was issued to remind all trainees to make returns on the progress to their mentors.

**Lands Department**

**Case No. 616/95 : Delay in processing applications for small house development.**

169. The District Lands Office/North (DLO/N) wrote to the Village Council on 12 June 1997 requesting it to hold another village meeting to determine an allocation method or selection criteria for the purpose of granting the small house sites to the eligible villagers.

170. The DLO/N has already drawn up a programme for processing various Village Expansion Area (VEA) sites in North District. This programme will form a general guide for processing applications for VEA small house sites. The DLO/N will endeavour to adhere to the proposed target completion dates as far as practicable.

171. Delay in processing the applications for VEA small house sites are sometimes unavoidable because the DLO/N and other concerned Government offices, such as the District Planning Office of Sha Tin, North and the Project Manager of New Territories North, have continued to experience

staff resource constraints and cannot accord high priority to VEA cases. Besides, the villagers may have difficulty in forming a village council and agreeing on an allocation method.

**Case No. 723/95 : Unfairly withholding the issue of Certificates of Compliance for newly built small houses.**

172. The revised set of Land Instructions has taken on board the Ombudsman's recommendation.

**Case No. 829/95 : Improper issue of a Crown Land Licence.**

173. The Lands Department (Lands D) on 22 November 1996 carried out demolition of the dilapidated former licence structures on site which were previously used for pigsty purposes. With the clearance of the structures, the complainant was able to develop his lot.

**Case No. 926/95 : Delay in taking enforcement action against unauthorized use and occupation of government land.**

174. The Lands D is preparing guidelines and standards to deal with complaints of this category. The Lands D has conducted a full scale study and has identified the magnitude of the problem and the districts which are affected most by staff shortage.

**Case No. 954/95 : Delay in processing an application for small house grant.**

175. On 26 June 1996, the District Lands Office Conference agreed to grant a building licence to the complainant. The building licence documents were finally executed on 27 January 1997.

**Case No. 1038/95 : Delay in recovering the government rent payable from the former owners of a property.**

176. A dedicated team, known as Government Rent Collection Section was set up in the Legal Advisory and Conveyancing Office (LACO) in April 1997 to expedite Government rent recovery action. Procedures for recovery action have also been further streamlined after consultation with the Treasury. Computers are now being used to maintain a register of records of all active

cases to facilitate faster and easier searches of the action taken and progress of such cases for follow-up action. As a result, the number of warning letters issued has increased from 100 to 450 per month (as at the end of May 1997).

177. The Lands D has issued a circular memorandum to solicitors in September 1996 reminding them to ensure that all outstanding Government rent of the property to be acquired is paid before completion of transaction. A pamphlet on payment of Government rent was published in March 1997. Copies of the pamphlet are available in all district LACOs as well as the DLOs, and are sent along with the warning letters for lease enforcement action for information of the defaulting owners. Posters will be displayed to arouse public awareness on the need to request vendors to settle all outstanding Government rent before completion of transaction.

178. The complainant is legally liable to pay all arrears of rent after he purchased the property. As at 7 July 1997, there is a total of 163 139 Government rent arrears cases amounting to \$47,695,496. It is not appropriate to set a precedent which will have serious implications on Government revenue by rebating any part of the Government rent of this property to the complainant.

**Case No. 1040/95 : Irresponsibility and delay in processing applications for small house grants.**

**Case No. 1041/95 : Irresponsibility and delay in processing applications for small house grants and failure to respond to request for a meeting.**

179. The Shatin District Lands Office Conference held on 20 November 1996 confirmed the validity of the complainants' applications. The grant plans for the small house sites are under preparation. The execution of all small house grants for the area concerned is expected to be finalized in November 1997.

**Case No. 1066/95 : Delay in processing an application for the re-issue of a Crown Land Licence.**

180. Site inspection by the staff of the DLO/N on 27 November 1996 revealed that the complainant had failed to comply with the requirement by reducing the domestic area and by the removal of the structures formerly permitted for livestock keeping purpose. The DLO/N issued a letter to the complainant on 29 January 1997 to reject his application for re-issue of the Crown Land Licence.

**Case No. 1166/95 : Unreasonable underestimation of an ex-gratia compensation and failure to provide a written explanation of the detailed calculation of the compensation.**

181. The DLO/N sent a written explanation to the complainant as to how the ex-gratia payment was calculated.

**Case No. 1201/95 : Delay in processing an application for small house development.**

182. The DLO/N issued a letter to the complainant and the other two villagers explaining to them the present position of their applications. The position was further explained to them in a meeting.

183. The case will shortly be submitted to the District Lands Office Conference for approval. As the number of applications exceeds the number of sites available, the Village Council will in due course be requested to suggest a suitable allocation method for the disposal of the available sites.

**Case No. 1299/95 : Failure to issue a “no objection to occupy” letter and the Certificates of Exemption in respect of a house redevelopment.**

184. A letter with full explanation was sent to the complainant on 18 June 1996.

**Case No. 1320/95 : Delay in processing an application for a Short Term Tenancy and unreasonable requirement for the clearance of structures on government land.**

185. Taking into account the unusual circumstances of the case, the District Lands Office/Sai Kung (DLO/SK) has agreed to limit the period of back-dating the rental to one year from the date of regularization. The policy review on back-dating the rental on tenancies for garden areas was completed. An updated departmental instruction was issued in April 1997.

**Case No. 1362/95 : Mishandling an objection against a small house development and giving differential treatment in processing small house development objections.**

186. New Land Instructions were issued to implement the Ombudsman's recommendations.

**Case No. 1439/95 : Delay in issuing the Certificates of Exemption for small house developments and perfunctory manner in handling the application for the certificates.**

187. Staff handling small house applications in both the District Lands Office/Yuen Long (DLO/YL) and the Legal Advisory and Conveyancing Office, Yuen Long (LACO/YL) had been advised of the proper procedures in handling correspondence with applicants.

188. Meetings are held regularly with staff in the DLO/YL and with District Survey Office to discuss various matters, including monitoring of small house grants and the handling of exchange cases and Certificates of Exemption, with a view to streamlining procedures and securing better co-ordination among the concerned officers.

189. Members of the Land Administration Meeting considered that at the time when the complainant settled the original demand note, the circumstances had changed. Hence, Members agreed that it would be reasonable to demand the required amount due to Government at that time. The complainant has indicated his willingness to settle the balance.

**Case No. 1441/95 : Delay in making compensation payment for the resumption of land.**

190. Improvement measures between the DLO/YL and the LACO/YL have now been implemented in order to ensure better co-ordination and general efficiency between the two offices.

**Case No. 1515/95 : Impropropriety and disparity treatment in processing ex-gratia crop compensation for a cultivator.**

191. The complainant was advised as to how his compensation had been assessed and was asked to provide the necessary evidence to substantiate



his claim. Since he has not provided such information, no further action has been taken by the Lands D in respect of this claim.

**Case No. 1569/95 : Delay in taking enforcement action against unauthorized developments on government land.**

192. The Secretary for Planning, Environment and Lands has drafted a set of guidelines setting out more clearly the role and responsibility of concerned departments in taking enforcement action against unauthorized use of land inside country parks. Land Instructions will be issued shortly by the Lands D subject to the agreement on the guidelines by the departments concerned.

193. Owing to staff constraint, the DLO/YL could not step up patrol of Government land outside the boundaries of the country park.

**Case No. 1698/95 : Lack of response to an enquiry on the land status of a road and impropriety in permitting storage of a crane and containers on agricultural land.**

194. The Highways Department (HyD) has now agreed to take over the long term maintenance responsibility of the road in question subject to the finalization of traffic aids and road marking between the Transport Department and the DLO/YL. The Lands D does not have the resource nor the expertise in taking up the maintenance responsibility before the road in question is handed over to the HyD.

**Case No. 1717/95 : Delay in processing applications for small house redevelopment.**

195. The DLO/SK has already expedited the processing of the complainant's applications since early September 1996 and rendered the necessary assistance.

**Case No. 1856/95 : Impropriety in the closure of a public parking lot.**

196. The grants in the VEA were held up because the eligibility of three of the proposed grantees was in question. This has now been resolved, and the processing of small house grants is now in progress.

**Case No. 1897/95 : Irresponsibility in reserving land lots owned by indigenous villagers for emergency vehicular access without provision of alternative sites for them to build small houses.**

197. The two lots in question are found not suitable for small house development because the sites are proposed for emergency vehicular access in the village layout plan. Besides, according to a search of records in the Sha Tin District Land Registry, it is found that the complainants have assigned the two lots on 10 September 1996 to a company. They were informed that if they still wish to pursue their small house applications, they have to look for alternative sites and apply to the District Lands Office/Shu Tin again.

**Case No. 1948/95 : Failure to take action in response to a report of subsidence of a terrace.**

198. The Secretary for Works has agreed with the Planning, Environment and Lands Bureau on the role and extent of responsibility of the Lands D on the maintenance of slopes on unallocated Government land and is reviewing the guidelines. For further details, please refer to Case No. 1948/95 under the Civil Engineering Department.

**Case No. 23/96 : Impropriety in handling an application for small house grant, resulting in a loss of points and therefore priority.**

199. The Lands Administration Office Instructions will be amended to require staff to inform applicants individually of the endorsed allocation criteria and their individual points under the points system. The latter is under review.

200. If the revised "points" system is to be adopted in selecting applicants for VEA small house sites, Village Councils, Village Representatives and the applicants should be consulted whether a cut-off date should be imposed to check public housing benefits already received by the applicants. The cut-off date should be set nearest to the date of allocation of house sites.

**Case No. 493/96 : Inefficiency in allocating a roadside verge and failure to exercise proper control over it.**

201. The Ombudsman's recommendation has been reflected in the standing Land Instructions. The area of responsibility in respect of cleaning

and maintenance of unfenced and unallocated government land is clearly defined between the Lands D and the Regional Services Department.

**Case No. 627/96 : Irresponsibility and unhelpful manner in handling an enquiry.**

202. A consultancy has been let to study how to promote a more customer-oriented culture among the staff. The DLO/N has been chosen as the subject of the pilot study.

**Case No. 721/96 : Delay in processing an application for a “no objection to occupy” letter after completion of a house redevelopment.**

203. A letter of apology to the complainant was issued on 19 February 1997. Staff of the DLO/SK are reminded of the requirements to prevent the recurrence of similar delays in future.

**Cases No. 995/96, 996/96 and 997/96 : Mishandling cross-village applications for building small houses.**

204. Upon the request of the DLO/N, the District Office/North (DO/N) has requested the Village Representative several times to arrange another village meeting to discuss the issue, but to no avail. The DO/N is not optimistic that a village meeting could be convened successfully in the near future.

**Case No. 1849/96 : Erroneous grant of a private land to a third party.**

205. The Director of Lands agreed to render assistance to the applicant in accordance with the existing policies and procedures.

**Case No. 2381/96 : Failure to consider alternative car parks or government land for use as a works area and inadequate notification of the closure of the public car park for the purpose.**

206. The Land Administration Office Instruction in respect of the posting of notices for allocation cases will be revised to take into account of the Ombudsman’s recommendation.

## **Legal Aid Department**

### **Case No. 1315/95 : Failure to ensure expeditious recovery of employees' compensation due to a legally aided person.**

207. The employees' compensation has been successfully recovered. The complainant received the revised compensation with interest in early 1997.

### **Case No. 1882/95 : Refusal of a legally aided person's request for release of his medical reports and a medical expert report.**

208. Guidelines on handling requests for disclosure and supply of medical reports to the subject party are being considered with reference to the Personal Data (Privacy) Ordinance. The guidelines will be issued to all professional officers to ensure a consistent approach.

209. Since May 1997, it is the practice of the department to explain to all unsuccessful applicants the reasons for refusal of legal aid. In the event that an applicant is not satisfied with the Director of Legal Aid's decision, he would be assisted to fill in the necessary form for further appeal. It is the practice of the department to submit a written Reason for Refusal in English to the Master of the High Court. Starting from May 1997, a copy of this submission is also sent to the applicant for his information before the hearing. However, owing to the very tight time schedule and the limited resources of the department, a Chinese translation could not be made available at the same time. Applicants who have difficulties may seek assistance from the department.

### **Case No. 72/96 : Unreasonably declining a request for appeal against the department's decision to reject two legal aid applications.**

210. With effect from June 1996, general permission has been given for an extra grace period of 14 days in addition to the normal 14 days time limit for legal aid applications.

211. The appeal against the refusal of legal aid for the complainant was heard before the Registrar of Supreme Court on 18 September 1996 and it was dismissed.

**Case No. 388/96 : Failure to process an application for legal aid for the purpose of initiating divorce action expeditiously.**

212. Following a review of the procedure for requesting means investigation, a new system, whereby all active applications from the same applicant should be handled by one professional officer, irrespective of whether the applications are made in the same office or in different offices, has been introduced since June 1996. This practice is to avoid duplication of means testing. If there are good reasons that the applications should be handled by different officers, the handling lawyers should liaise with each other closely and agree amongst themselves that only one means testing is done.

### **Official Receiver's Office**

**Case No. 1851/95 : Undue delay in gazetting an order to rescind a Receiving Order, and unreasonably expecting payment for the gazetting expenses.**

213. The Official Receiver's Office has reminded all staff to gazette Orders for rescission of Receiving Orders in a timely manner.

214. The Official Receiver did not agree that the department was unreasonable to expect the complainant to pay for the costs of gazetting the notice of rescission of the receiving order. This is because according to Bankruptcy Rule 186, the complainant should pay the fee and the delay in gazetting the notice should not have been an excuse for not paying the gazette fees.

### **Planning Department**

**Case No. 622/95 : Lack of consultation with a Rural Committee on a draft Development Permission Area Plan and failure to respond to an enquiry.**

**Case No. 1897/95 : Irresponsibility in reserving land lots owned by indigenous villagers for emergency vehicular access without provision of alternative sites for them to build small houses.**

215. To effectively implement the Ombudsman's recommendations, the Planning Department issued a Technical Circular No. 4/97 on Public Consultation on Town Plans to all officers in the department in March 1997.

The Circular highlighted the need for and the various steps of public consultation in the preparation and revision of town plans.

### **Post Office**

#### **Case No. 146/96 : Failure to perform mail redirection service.**

216. The Post Office issued a letter of apology to the complainant on 14 June 1996 and arranged to extend the redirection service to the complainant for four months until 1 March 1997.

#### **Case No. 633/96 : Malpractice of a staff member offering priority counter service to a personal acquaintance.**

217. To avoid possible misunderstanding as revealed in this case, the Post Office has already arranged for a notice to be displayed at its post offices to advise customers that they would not be required to queue up twice for any single transaction.

#### **Case No. 1363/96 : Unreasonably requiring a postal franking machine licensee to pay for the cost of changing the die of the franking machine.**

218. The Post Office considers that it is fair and reasonable for the cost of changing the die of franking machines to be met by licensees. This is because the franking machines are purchased by the licensees to improve and facilitate their postal operations.

219. The Post Office has agreed to review the conditions of franking machine licences. The review is expected to be completed by December 1997. It has also formally promulgated the need to change the franking marks under regulation 28 of the Post Office Regulations. However, it does not think special procedural arrangements are required for similar matters in future.

## **Radio Television Hong Kong**

**Case No. 664/96 : Failure to give a timely and adequate reply to a complaint against a television programme.**

220. Following the Ombudsman's recommendations, Radio Television Hong Kong has reviewed and improved the procedures for handling incoming mail. Staff in the Receipt and Despatch Unit are reminded of the importance of proper mail handling. A detailed reply letter was issued to the complainants on 16 December 1996, answering specifically the allegations made by the complainants.

## **Rating and Valuation Department**

**Case No. 1045/95 : Supplying incorrect information to the Home Affairs Department, causing delay in the processing of applications for rates exemption.**

221. The wordings of correspondence to the Director of Home Affairs regarding rates exemption applications had since been reviewed and improved so that the reasons for approval or rejection can be readily understood by the Home Affairs Department staff concerned.

**Case No. 1858/95 : Delay in a property valuation.**

222. Staff of the Rating and Valuation Department (RVD) dealing with Interim Valuation (IV) are well aware of the provisions of section 29(1) of the Rating Ordinance, which are clearly set out in the Departmental Standing Technical Instructions (DSTIs) on IVs.

223. The RVD has maintained a set of DSTIs which, among other things, provide guidelines and set out procedures as to how to carry out IVs. The RVD has also issued Departmental Temporary Instructions from time to time to supplement DSTIs, and has prepared a set of guidance notes for implementing the Rating Valuation System (RVS).

224. IVs have been under much tighter control under RVS. The management reports generated by RVS contain, among other things, a full list of properties requiring an IV and the estimated effective dates of the IVs. The

full operation of RVS and the additional checking of all Short Term Tenancies (STTs) executed would prevent omission of cases requiring IVs in the future.

225. For 1995/96 and 1996/97, the RVD achieved a target rate of 85% in fulfilling its performance standard of being able to notify the ratepayer of the rateable value of a new property within 12 months from the date when rates first became payable. The RVD has raised the target rate to 90% for 1997/98. Notwithstanding that there are factors which are beyond the department's control, such as cyclical fluctuation in workload, the RVD will continue to try its best to meet the stated target in the future.

226. The Commissioner of Rating and Valuation was of the view that the delay in IV action had resulted in a loss of public revenue because of the limitation on backdating. To waive the surcharge would set a bad precedent and would be unfair to other ratepayers who settled their rates payments on time. The complainant should know his rates liability according to the terms of the tenancy agreement he entered into in March 1993 and as such should have made appropriate arrangement to ensure that sufficient funds were available to cover the rates payment. In the circumstances, the RVD considered that there was no justification to waive the surcharge.

227. It has been the practice that if a ratepayer could provide proof of financial difficulties, his/her application for payment by instalments would normally be granted.

**Case No. 399/96 : Wrongful cancellation of an autopay arrangement for payment of rates and perfunctory manner in handling the complaint.**

228. The RVD has conducted an overall review and issued new procedures on the subject of autopayment of rates. Staff are particularly reminded to pay attention to the handling of cancellation of autopay instruction.

229. A revised Departmental Standing General Instruction No. 9 was issued. Besides reminding staff to give prompt and proper attention to complaints lodged with the Ombudsman, the Instruction spelt out clearly the need to keep the Office of the Ombudsman fully informed of any development of the complaints under the Internal Handling Programme.



## **Regional Services Department**

### **Case No. 1311/95 : Unfair treatment in the clearance of unlicensed tradesman hawker stalls.**

230. A review on the control of unlicensed tradesman hawkers in the Provisional Regional Council area is still in progress. With a view to phasing out these unlicensed hawkers eventually, the Regional Services Department (RSD) is considering different proposals, having regard to the number of hawkers involved and the possible resistance from them.

231. In line with the Ombudsman's recommendation, a review has been conducted. It is found that the assessment criteria for the creation of new "Hawker Restricted Areas" have already been set out in the RSD's policy manual. The creation of such areas is subject to the clearance of all relevant departments and endorsement by the respective District Committee of the Provisional Regional Council. As regards the assessment of the obstruction problem caused by unlicensed hawker stalls in the Provisional Regional Council area, it is very difficult, if not impossible, to draw up the decision/assessment criteria because the extent of the problem will depend very much on a number of factors such as the number of hawkers trading at the location, the pedestrian flow and the width of the street in question.

232. A proposal is being worked out to ensure that the affected unlicensed tradesman hawkers will be informed of the rationale and the implementation plan of a clearance exercise in advance.

233. The operational guidelines regarding the record keeping of the contents of discussion with the affected parties in future clearance exercises have been introduced.

### **Case No. 1399/95 : Impropriety in the management of urn burial sites in a cemetery.**

234. A letter of apology was sent to the complainant on 7 January 1997. Operational guidelines for removal of illegal structures/extensions at Wo Hop Shek Cemetery were issued in January 1997.

**Case No. 1822/95 : Failure to follow departmental guidelines set down for shroffs' offices and failure to provide proper training and supervision for staff of shroffs' offices.**

235. A notice specifying the available payment methods has been put up in all shroffs' offices of the Cemeteries and Crematoria Section. The RSD is examining the practicability of putting up such a notice in other shroffs' offices such as those at swimming pools where coin-operated turnstiles are installed.

236. All relevant memoranda in connection with the operation of shroffs' offices will be re-circulated quarterly to all staff working in the shroffs' offices.

**Case No. 1896/95 : Failure to give a written reply to a letter.**

237. The RSD has circulated an Administrative Circular on "Departmental Complaints Procedures" to all staff of the Environmental Health Services Division responsible for office management for their strict observance. A copy of the circular is also displayed by all section heads in their offices.

**Case No. 494/96 : Failing to clear rubbish at roadside verge.**

238. It is decided that the land in question is to be treated as a roadside verge rather than part of a hillslope. The RSD has undertaken to provide cleansing services to the area. Both the RSD and the Director of Lands are of the view that the management responsibilities of unfenced and unallocated government land are so clear that liaison between the two departments in this respect is unnecessary.

### **Social Welfare Department**

**Case No. 938/96 : Delay in releasing the second payment of criminal injuries compensation.**

239. The long time gap between the first and last payment was mainly due to the unusually long time taken to pursue claims for Employees' Compensation (EC) and Common Law Damages (CLD). The case was handled properly according to the rules and procedures then in force. The

Social Welfare Department (SWD) staff explained to the complainant the arrangement of half-compensation and obtained his agreement to await the outcome of his claims for EC and CLD before arranging the subsequent payments for criminal injuries compensation. Having received the Ombudsman's recommendations, the SWD issued a letter to the complainant to explain the details.

240. In a recent overall review of the Criminal and Law Enforcement Injuries Compensation (CLEIC) Scheme, it has been decided that in order to streamline procedures and to avoid causing financial hardship to applicants, CLEIC compensation will be granted to all applicants in the first instance without waiting for the outcome of their claims for CLD and/or EC. Refund of payment, in accordance with the no-double-compensation principle, will be arranged where appropriate. Furthermore, the SWD will amend the Administrative Document and the Manual of Procedures to spell out the meaning of the term "assessed total award" which should constitute all types of grants including Injury Grant, Interim Maintenance Grant, Disability Grant, Burial Grant or Death Grant which an applicant may be entitled to under the Scheme. The revised arrangements arising from the overall review were put into effect on 24 May 1997.

**Case No. 1207/96 : Delay in processing an application for reimbursement of funeral expenses in respect of a social security case.**

241. Guidelines setting out the procedure for handling applications for burial grants in cases shared between the social security field units and other units of the SWD have been issued and implemented since April 1997.

242. An information sheet setting out the eligibility criteria, documents required and the payment methods of application for the burial grant under the Comprehensive Social Security Assistance Scheme has been prepared and distributed to the applicants concerned since April 1997.

## **Trade Department**

**Case No. 964/95 : Inequitable import licensing system, pedantic adherence to licensing formalities and failing to provide adequate guidance to applicants.**

243. The Trade Department has introduced a notice to applicants for a textile import/export licence explaining the reason(s) for rejecting their applications. The measure has been well received by traders.

**Case No. 1437/95 : Discourteous staff manner and loss of document in the course of processing a request to amend an export licence, and apathetic attitude in handling a complaint.**

244. As a result of the case and prior to the publication of the Ombudsman's recommendations, the Department had introduced improved procedures for monitoring the movements of documents, and stepped up staff counselling and supervision. A written apology was sent to the complainant in 1996.

## **Transport Department**

**Cases No. 1373/95 & 1975/95 : Unfair decision to relocate a public light bus stop.**

245. The Transport Department had already in place a forewarning system which involved consultation with the relevant District Offices, with a view to obtaining local feedback prior to implementing proposals to relocate or erect public light bus stands. Views of affected parties including local residents/shop owners will be sought. Local District Boards/Traffic and Transport Committees will also be consulted on these proposals.

**Case No. 1728/95 : Unreasonably refusing to grant exemption for the payment of First Registration Tax on a motor vehicle.**

246. The Ombudsman's recommendations were passed to the Secretary for the Treasury in October 1996 for policy comments. It was concluded that there was no justification for extending the First Registration

Tax exemption to cover disabled persons with a mobility problem, but who are not fit to drive.

247. The Finance Bureau considers that the current exemption arrangement accurately reflects the policy intent of the Government and the legislative intent as endorsed by the legislature when the Motor Vehicles (First Registration Tax) Ordinance was amended to grant the tax exemption to disabled persons with a mobility problem and who are fit to drive. This allows the disabled persons concerned to benefit directly from the tax exemption so as to enhance their mobility. The extension of the exemption to cover disabled persons with a mobility problem, but who are not fit to drive is, however, likely to cause abuse and there is no guarantee that the disabled persons concerned would benefit from the tax exemption. The suggestion of policing the use of the vehicles concerned after tax exemption has been granted is not realistic. The proposed extension is not considered an appropriate or efficient use of resources to help disabled persons with a mobility problem, but who are not fit to drive.

248. Not extending the exemption by no means implies that disabled persons not fit to drive are neglected or discriminated against. In fact, the Government has provided various forms of support to enhance their mobility, such as through subvention in full or in part for special child care centres, sheltered workshops, day activity centres, skill centres and residential centres to provide special transport services to them. Disabled persons may also make use of the territory-wide Rehabus service, or the dial-a-ride service, a non-scheduled special personalized transport service taking them to clinics, shops, sport and leisure activities.

**Case No. 868/96 : Undue delay in readjusting road markings.**

249. In line with the Ombudsman's recommendation, instructions have been issued to the staff concerned advising them to conduct site checks upon satisfactory completion of works before making any public announcements or comment.

## **Urban Services Department**

### **Case No. 613/95 : Failing to provide electricity for two refreshment kiosks at an Urban Council venue.**

250. For all new projects where refreshment outlets are planned, the existing practice to provide both electricity and water supply as standard provision will remain. For sites where refreshment outlets are planned to be "added on", the Urban Services Department (USD) will assess and ascertain the feasibility of providing basic utilities before inviting bids for each site.

251. The USD has already included in the guidance notes for inviting bids the facilities and utilities that successful bidders might expect to be provided with, together with an indication as to when such facilities and utilities would be provided.

### **Case No. 1397/95 : Refusal to refund the cost of tickets of a cancelled performance.**

252. A public announcement on the refund arrangements was made in two newspapers on 3 December 1996. Refund was made to the complainant on 19 December 1996.

253. The USD has reviewed and laid down a set of guidelines for the requirement of a banker's guarantee and the provision of authorization undertaking from individual hirers.

### **Case No. 1608/95 : Disclosing a complaint lodged with the department to unrelated third parties.**

254. In line with the Ombudsman's recommendations, the USD has revised its Standing Instructions No. 68 and issued them to staff in late February 1997. It has requested the officers concerned to arrange for re-circulation of the relevant circulars and instructions every six months to all staff who deal with complaints and other correspondence from the public. A letter of apology was sent to the complainant on 25 February 1997.

## Water Supplies Department

**Case No. 870/95 : Incorrectly issuing reminders for the payment of a water account deposit despite the fact that the amount had been settled twice, and rude manner of a staff member.**

255. A letter of apology was issued to the complainant.

**Case No. 903/95 : Unreasonably demanding the payment of a fee for carrying out valve operation work.**

256. The Water Supplies Department (WSD) has issued an internal instruction requiring the staff to advise the customers on the likely cost of the services requested. A bilingual note containing such information will be attached to the request form for services (Form WWO3) for the applicant's information.

**Case No. 1312/95 : Debiting a consumer's bank account through autopay after advising him that he need not settle the water charge under dispute while the dispute was being investigated, and inefficient handling of his complaint on the excessive water charge.**

257. The reimbursement of the bank charges to the complainant had been effected and a letter of apology was issued to him.

**Case No. 1553/95 : Failing to take effective measures to gain access to the water meter and unreasonably requesting for relocation of a water meter.**

258. With much effort, the WSD was eventually able to contact the owner of the shop concerned to gain access for water meter reading through advance telephone appointment.

259. The legal advice on this case is that it is the responsibility of the consumer to relocate the meter to an accessible location and the cost may be borne by the consumer. The WSD has written to the concerned consumers of the building again requesting them to employ a licensed plumber to relocate the water meters to a new position outside the shop to resolve the access problem completely. But no response has been received. The WSD is seeking the assistance of the Kowloon City District Office in explaining the situation to the concerned consumers and seeking their co-operation.

**Case No. 155/96 : Impropriety in handling a complaint on water seepage and perfunctory manner of a staff member in conducting a site inspection without prior preparation.**

260. WSD Departmental Instructions No. 936 on procedures for handling complaints of water seepage in buildings was reviewed and revised to give clear guidelines to the staff. Staff making the inspection are required to explain to the complainant/or his representative the tests procedures, the limitation of the procedures, and the stance of the WSD when the tests cannot produce any conclusive result and no immediate solution to the seepage problem can be identified. Standard letters for replying to complainants and for referral to the Urban Services Department/ Regional Services Department were also revised to clarify the limitations of the tests and the need for further investigation by the owner/occupier of the affected flat and his neighbours.

261. The WSD considers that “visual inspection” and “flow check” are useful methods of checking leakage from inside service pipes in buildings. Other non-standard tests such as pressure test are considered not suitable.

**Case No. 688/96 : Erroneously overcharging a water bill, delay in handling a related complaint and unreasonably withholding the overcharged amount to set off future water charges.**

262. A letter of apology was issued to the complainant. However, there is no Government policy to refund overcharges with interest. The WSD has therefore no authority to do so. Furthermore, the WSD considered it not appropriate to pay interest in this case since the complainant had every chance to dispute the water charges before the due date.

**Case No. 846/96 : Erroneously overcharging an institution through autopay and handling the subsequent complaint in an irresponsible and impudent manner.**

263. A letter of apology was issued to the complainant.

264. To further strengthen the control over autopay transactions, the WSD has enhanced its system to the effect that all autopay transactions of more than \$40,000 (the level of which will be subjected to periodical review) in the autopay tape to the bank will be singled out for screening independently by the staff before the due date. Whenever an anomaly is spotted, the bank concerned will be requested to stop the autopay transaction.



265. All the staff concerned have been reminded to observe the proper procedures in making adjustments to autopay accounts.

**Case No. 862/96 : Failure to take regular water meter readings and adopting an unhelpful attitude in handling a consumer's flushing problem.**

266. There has been no access problem to the water meter for meter reading since the investigation of this complaint. No further monitoring or follow-up action is necessary.

267. The WSD has issued an internal instruction requiring Consumer Services Inspectors to be helpful in providing positive advice to consumers, and if necessary to direct the consumers' enquiries to the appropriate telephone enquiry number or report the case to their supervisors.

## Judiciary

**Case No. 1032/95 : Mistakenly served a Notice to Quit and Writ of Possession and locked up a house, and unhelpful manner in handling a request for an investigation into the matter.**

268. A letter was issued to the complainant on 16 September 1996 to explain that the Bailiff had not locked up his house and the Judiciary was not in a position to offer any legal advice on how to regain access to the house. The complainant was advised to seek legal advice on the possible redress if he felt aggrieved. The Judiciary would apologize if the complainant felt that staff had not been as helpful as the complainant would like them to be.

269. The procedure and system of executing the Writ of Possession is designed to ensure that justice is done in the enforcement of court orders. Any persons aggrieved have the right and channel to lodge their grievances and appeal. The procedures have been functioning well. It would be inappropriate to make them so cumbersome as to be virtually unworkable. Bailiffs have been reminded that it is the primary responsibility for the solicitor and/or the plaintiff to identify the property in question. However, if they had serious doubt as to that identity, they should refer the matter back to their superior for consideration and advice if circumstances permit.

**Case No. 1803/95 : Failure to properly notify a party in a divorce case of the venue for hearing of the case.**

270. A letter of apology was issued to the complainant on 21 June 1996. The complainant was informed of the channel to apply to the Court to vary the order of custody and maintenance. The then Registrar, Supreme Court had indicated that he was prepared to waive all court fees in respect of the complainant if he proceeded with an appeal.

271. The Training Officer of the Judicial Clerks had been instructed to circulate the relevant memorandum to Judges' Clerks half-yearly to remind them of the procedure of calling out names of the parties concerned both inside and outside the courtroom. The memorandum is also distributed together with other training materials to all new recruits of the Judicial Clerk grade. Spot check to ensure that the standard practices are adhered to had been conducted.

272. Bilingual cause list was introduced in August 1996. Bilingual notices were put up on all floors of the High Court Building to direct members of the public to approach the staff at the information counter on the ground floor should they need any assistance.

**Case No. 1378/96 : Failure to give proper advice, and unsatisfactory arrangement adopted by the Probate Registry in allocating priority for processing applications by the disc rationing.**

273. In line with the Ombudsman's recommendations, two fans had been installed in the waiting area to improve ventilation and additional signs had been put up along the corridor to remind members of the public to refrain from smoking in that area.

## **Direct Investigation Cases**

### **Fire Services Department**

#### **Provision of emergency vehicular access (EVAs) and fire service installations (FSIs) for public and private building developments**

##### Introduction of Legislative Amendments on Provision of EVAs

274. The Buildings Department (BD) is preparing the drafting instructions on "Provision of Emergency Vehicular Access" to amend the Buildings Ordinance for the EVA requirement.

##### Enforcement of the Provision of and Inspections to EVAs

275. The legal advice is that the fire hazard abatement actions issued under Section 9 of the Fire Services Ordinance may be applicable to fixed or floating obstructions to EVA, e.g. erecting of rail/fence, parking of cars, etc. The Fire Services Department (FSD) has issued detailed instructions to its officers and prepared a standard Fire Hazard Abatement Notice to facilitate enforcement action when obstructions to EVAs are encountered. The FSD will continue to review the arrangement.

276. As at 30 June 1997, the FSD conducted 22 surveys to pre-1964 buildings in the territory. The FSD will continue with the survey and take appropriate actions to advise owners and occupiers of affected premises on how to enhance fire safety. The Hong Kong Housing Society has engaged consultants to carry out a feasibility study on the upgrading of existing FSIs and equipment in pre-1964 buildings.

277. Most public roads are taken as EVAs for private buildings in the event of fire. Other than emergency situations, the need to maintain free flow of traffic along these roads/streets is governed by the provisions of the Road Traffic Ordinance. The FSD will, during site visits, advise persons responsible for roads other than public roads to maintain existing passageways free from obstructions. Under the circumstances, the FSD does not see the need to draw up a separate regular programme for inspecting EVAs for private buildings.

278. EVA requirements of different types of buildings are regularly reviewed by the FSD. Appropriate requirements have been incorporated in the Hong Kong Planning Standards and Guidelines and are updated as and when necessary.

279. EVA signs have been finalized and are being placed in different EVAs. About 15 000 EVA signs will be erected in public housing estates (PHEs), covering 262 rental/Home Ownership Scheme/factory estates and Temporary Housing Areas (THAs). Installation work will be completed shortly.

280. To resume a multi-ownership private street to provide an EVA is likely to attract excessive compensation claims and will not be cost-effective. The FSD will regularly monitor the situation in private streets and will draw up specific contingency measures for specific streets if necessary.

281. The Building Management Co-ordination Teams (BMCTs) have surveyed target buildings and provided a comprehensive report on the fire safety conditions of these buildings and recommendations for improvement. Departments concerned are requested to take actions to rectify any irregularities. BMCT staff conduct regular visits and inspections to ensure improvements are carried out according to an improvement schedule. The channels of communication with owners of target buildings have been streamlined. The BMCTs are required to step up communication with owners, owners' corporations (OCs) or management agents of target buildings during routine visits or building inspections. The BMCTs would also write to OCs annually to remind owners of the improvements still outstanding.

282. The FSD and the Planning Department (Plan D) have reviewed the guidelines on delineating "large" developments of New Territories Exempted Houses for implementing the EVA requirements. The Planning, Environment and Lands Bureau approved the guidelines drawn up by the Plan D in January 1997.

283. The FSD has inspected all those enhancement works reported complete by the Housing Department (HD). The HD will continue to inform the FSD of cases so that inspection of the improvement works immediately after the completion of work can be carried out.

284. The requirement of providing the building management concerned with detailed information showing the locations of the EVAs has been included under the Architectural Services Department's (Arch SD) Local Manual for Contract Administration and the EVAs will be physically delineated whenever appropriate.

### Enforcement of the Provision and Inspections of FSIs and Equipment

285. The Fire Safety (Commercial Premises) Ordinance (the Ordinance) came into operation on 2 May 1997. The Ordinance requires owners/occupiers of prescribed commercial premises (such as banks and shopping arcades) to upgrade the FSIs of their premises. The Administration is studying the possibility of extending the scope of the Ordinance to cover old commercial buildings. A consultation exercise on the legislative proposal was conducted. Based on the views and ideas collected, the Administration will introduce legislative amendments to improve fire safety of old commercial buildings.

286. The review of the BD reveals that as regards commercial/residential composite buildings, the commercial elements will be covered by the Ordinance and most of the commercial elements are located at lower levels which can be accessed easily.

287. A Commercial Premises Section was established in the FSD in October 1996 to implement the Ordinance. The Section, together with the FSI Division, carries out random checks on FSIs and equipment in different types of buildings. The FSD will continue to step up inspections on FSIs and is seeking additional resources to strengthen inspections.

### Reinforcing FSIs and Equipment in PHEs and HD-Managed Facilities and Training for Estate Staff

288. An improved design for the hose reel nozzle enclosure has been worked out to give better protection for the nozzle. Replacement of the existing enclosures will be carried out under HD's planned maintenance programmes. Patrols to prevent vandalism have been stepped up and enforcement actions would be taken against offenders.

289. The Inter-departmental Working Group on Fire Safety in PHEs has formed a sub-group to study HD-managed commercial properties. The sub-group has completed its study in July 1997. Improvement areas will be identified in the light of the Ordinance. The Working Group has completed its review of the EVAs and FSIs in the thirteen THAs to be retained. The fire safety measures are found to be generally adequate. All necessary modifications have been completed. The HD will continue to monitor the fire safety situation in THAs.

290. The property management agents managing HD's properties have all arranged appropriate training for newly recruited staff. Some have provided regular refresher courses for their existing staff.

#### FSI Contractors

291. FSI contractors are working satisfactorily on a self-regulatory system. Nevertheless the FSI Division has strengthened the number of random checks per month on the performance of the contractors.

292. A review on the existing level of penalties imposed on FSI contractors in respect of offences under the Fire Service (Installation Contractors) Regulations has been completed. The Administration is considering legislative amendments to revise the level of penalties under the Fire Service (Installation Contractors) Regulations and the Fire Service (Installations and Equipment) Regulations.

#### Code of Practice on Inspections and Testing of Installations and Equipment

293. The FSD has developed a revised draft Code of Practice for Minimum FSI and Equipment, and Inspection and Testing of Installations and Equipment (FSI Codes). Views obtained from consultation with concerned professional bodies and Government departments will be incorporated into the revised draft code before issue.

#### Public Education

294. "Fire Safety in Buildings" will be included as a major publicity campaign in 1998/99.

295. In order to promote fire safety in industrial undertakings, the FSD has made "Fire Safety in Industrial Premises" the theme of the Fire Prevention Campaign 1996/97. In 1995 and 1996, joint visits with the Labour Department were made to some 470 industrial buildings (about 7 000 units) which did not have sprinklers installed. Letters were sent to each factory proprietor to advise them to enhance the fire protection measure in their units.

296. The HA has conducted a comprehensive survey on the conditions of all smoke doors in its properties. Repair works were carried out at full speed immediately after the survey. About 80% of the repair works were completed. Warning notices were posted to all smoke doors reminding the residents not to

wedge open the smoke doors. Patrol staff were instructed to ensure that all smoke doors are closed.

297. Publicity materials on fire safety are regularly displayed in PHEs. Close liaison is maintained among the FSD, the HD and the Home Affairs Department to step up publicity amongst the residents in both public and private buildings to arouse their general awareness on fire safety. The HD launched a publicity programme on fire safety, the main theme of which was to disseminate messages on fire safety and anti-vandalism of fire fighting equipment in public housing estates.

298. Relevant Industrial and Trade Organizations are requested to convey the fire safety message regarding the importance in the maintenance of FSIs and equipment to their members. Fire prevention talks, exhibitions, training courses and seminars have been organized to arouse the owners' and the building management companies' awareness of fire prevention and to step up their fire prevention knowledge.

299. Other publicity programmes including radio talk shows and the distribution of video tapes and publications, were also launched. New Announcements of Public Interest on "Maintenance of FSIs" and "Keeping smoke lobby doors closed" have been broadcast on television recently. Fire safety is also promoted through the BMCC educational activities, including a chapter on fire prevention and management of FSI in the BM Handbook, promotion video, and seminars organized at the district level.

300. Regular meetings are being held with professionals of the building industry to exchange views on fire safety matters (including the provision of EVAs) through liaison committees, such as the FSD/Authorized Persons Liaison Committee, the FSD/Association of Registered FSI Contractors Liaison Committee and the FSD/Arch SD Liaison Committee.



## **Water Supplies Department**

### **The problem of water main bursts**

301. The Water Supplies Department (WSD) will continue to critically monitor and assess the conditions of problematic mains and consider the need for replacement.

302. The WSD will strengthen its efforts in educating roadworks contractors in following proper work practices to avoid damage to water mains. The Roadworks Inspection Teams were reminded to issue the Guidelines and pamphlets to the site representatives and general foremen of roadworks contractors before the start of the works. New publicity materials and a revised booklet on "Guidelines for Excavation near Water Mains" will be produced for circulation to the concerned parties. A symposium for contractors on prevention of damage to underground services was held in September 1997.

303. The WSD will continue to keep in view the manpower in the Roadworks Inspection Teams to cope with the ever increasing volume of roadworks activities. Action is being taken to re-deploy inspection staff to the Operational Regions where there are increasing roadworks activities in progress.

304. The WSD will step up prosecution actions against offenders, in particular repeated offenders, causing damage to water mains. Between March 1996 and May 1997, the WSD handled nine prosecution cases in which the offenders were fined. Other four cases will be heard in court later. The WSD will continue to take civil actions against offenders who fail to pay for damage to water mains.

305. The WSD is now seeking to revise the maximum fine for damage to waterworks installations under Section 35(1) of the Waterworks Ordinance from \$5,000 to \$25,000 on Level 4 of the standard scale of fines.

306. The recommendation of requiring contractors to place a deposit against damage is considered not feasible. The WSD can recover the cost of repairs from most contractors who admit liability for the damage. For those refusing to admit liability, the WSD has to prove (sometimes in court) their liability before a deduction from the deposit can be made. Besides, a lot of administrative and accounting work would be involved.

307. Since the WSD can make an urgent request to the Highways Department (HyD) to stop any work which may cause damage to the water mains, the HyD does not consider it appropriate to provide the WSD, which

itself is a utility service provider, with the power to stop roadworks in the excavation permit.

308. The Department of Justice is of the view that recklessness and gross negligence will not suffice as ground to prosecute offenders under Section 31 of the Waterworks Ordinance. It is not a strict liability offence and hence it is necessary to prove the intention of the alleged offender. Separately, without having proved the alleged offender had malice intent, the Department of Justice does not think the WSD can bring prosecution for the offence of criminal damage under Section 60 of the Criminal Ordinance.

## **Health and Welfare Bureau, Department of Health and Hospital Authority**

### **Selected issues on general out-patient service in public clinics and hospitals**

309. The Health and Welfare Bureau (HWB) will continue to work closely with the Hospital Authority (HA) to address the issues raised by the Ombudsman. The formulation of a long term strategy on general out-patient services (GOPs) will be followed up at Quarterly Progress Review meetings chaired by the Secretary for Health and Welfare.

310. The HWB is monitoring the progress of implementation of improvement measures by the Department of Health (DH) and the HA. The HWB will suggest the DH/ HA Liaison Group to consider including "Review of the General Out-patient (GOP) and Accident & Emergency (A&E) Services" as a regular agenda item to ensure regular monitoring of the issue.

311. The HA has made much effort to educate the general public on the proper use of A&E services and primary health care services. The HA has launched a publicity campaign about proper use of A&E services through lightboxes, posters and distribution of pamphlets.

312. The public are reminded of the availability of the General Out-patient Clinics (GOPCs) of the DH and of the HA on public holidays and their opening hours by means of notices in public hospitals and GOPCs, prominent sign boards outside GOPCs, a multi-media enquiry system in A&E departments and press releases prior to long holidays. In addition, information on GOPCs opening on public holidays is provided by the Hong Kong Medical Association's MediLink hotline. The message is also announced through eight major paging companies just before the holidays. Leaflets containing detailed information, including location maps, of the GOPCs are available at GOPCs and A&E Departments of the hospitals. A home page with information on GOPCs services has also been arranged on the Internet.

313. The HA has developed a long term strategy for its 10 GOPCs. Standardization of GOPCs' patient records is now under way. As one of HA's share care initiatives, the GOPC information systems will progressively be integrated with the Specialist out-patient clinic (SOPC) information systems.

314. While the DH supports computerization of the operation system for its GOPCs, there is yet no appropriate software available in the existing market. The DH will continue to explore other means and ways to improve the system within the existing resources.

315. The HA will consider opening selected SOPCs during long holidays to relieve the pressure on its A&E Departments.

316. A regular operation timetable for GOPCs opening on public holidays has been drawn up by the DH. With the addition of two new GOPCs opening on public holidays in Sha Tin and Tuen Mun, there are a total of 10 GOPCs opening on public holidays. These clinics will be open on the morning of every public holiday except the first day of Chinese New Year.

317. The DH has all along followed the Hong Kong Planning Standards and Guidelines in the planning and opening of new clinics to meet the different needs of regions and districts. The DH will continue to monitor the public demand for GOPC services.

318. The HA is considering the Ombudsman's recommendation on the issue of consultation discs in the morning for the afternoon session in its GOPCs.

319. The proportion of priority discs for the elderly has been and will continue to be monitored and adjusted to meet the demand in the individual GOPCs of the DH. The priority discs for the elderly have been increased from about 10% of the total quota in 1995 to 21% in June 1997. Advanced distribution of afternoon discs has been extended to those GOPCs where many patients came in the morning for the afternoon discs. The situation will be closely monitored and adjusted to cater for changing needs.

320. The HA is actively pursuing the extension of Out-patient Appointment System (OPAS) to its GOPCs. Tentatively, the 10 GOPCs will progressively be equipped with computerized OPAS starting from 1998/99.

321. To promote utilization of the advance appointment system by patients with chronic disease, flexible time allocation for such appointments has been arranged. Appointments are available as early as 9:30 a.m. and 2:30 p.m. in individual GOPCs of the DH. Subsequent changes of the appointment is allowed in all GOPCs. In some clinics such arrangement is also available through the telephone. Telephone booking will be considered at a later stage since there is significant manpower and resources implications.