

About turn on ombudsman issue

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by
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THE introduction of indirectly elected members to the Legislative Council has resulted in a major about turn by many appointed members on the need for an ombudsman in Hongkong.

Many of the appointed members had supported the idea when it was looked upon fairly kindly by the Government.

But now that the Government has effectively given the thumbs down, saying that "fundamental changes are not required" to the grievance redress system, they have changed their minds too.

Ironically, indirectly elected Legislative Councillors were not consulted on the issue, though their presence in the council is the main reason for the change of heart by the appointed members.

And some of 24 indirectly-elected members even see this as the best excuse for the Government to go back on its plan to introduce an ombudsman.

Appointed member Mr Chan Ying-lun, who was a member of the Umelco ad hoc group on the review of the redress system, told the *Sunday Standard* that he would not oppose the idea of introducing a Commissioner for Administration in the era of appointed members.

The work of the ad hoc group came to an end last September soon before the first batch of indirectly elected members joined Legco.

Umelco had reached a consensus to support the idea of introducing a Commissioner for Administration. "But now with the introduction of an elected element in Legco, I would oppose the idea," Mr Chan said.

"The power of the Legco members are already very limited, it should not be further taken away and reduced," he added.

Another Legco member Mrs Selina Chow who was also on the ad hoc group has changed her mind, citing her experience during the past one year as a reason.

"In the last year, the number of elected representatives increased and many of them, mostly District Board members, but including some Legco members, have opened their offices," said Mrs Chow.

"This increased tremendously the number of channels for Hongkong people to redress their grievances.

"District Board members, whose offices operate at a district level, can have close and direct contact with local people.

"The introduction of one more channel could cause confusion. People would not

know where to go if they have problems," she said.

For these reasons, Mrs Chow said, she felt it unnecessary to create a Commissioner for Administration.

She went on to explain why Umelco supported the idea last year. "During last year's review, we concentrated only on Umelco and its historical role in handling complaints and we aimed at lessening the burden of the Umelco.

"We did not foresee and take into account these new developments.

"Moreover, more people have petitioned Umelco since the signing of the Joint Declaration," she said.

She interpreted this as an indication that Umelco is more widely accepted as a channel for those seeking to redress grievances.

"Unless it is proved that Umelco is not effective in handling complaints, additional channels have to be thought of. But so far the comments are good and the petitioners are largely satisfied customers," she said.

As for the workload of Umelco, Mrs Chow said it can be solved with more staff. And Mr Chan considered the burden on individual members is not great either.

Most of the work is done by Umelco staff who have tried hard to create an independent image, and Legco members only read the reports, he said.

Another appointed member pointed out that during the last Legco session, none of the indirectly elected members had raised this issue which indicates that they do not consider it important.

Several indirectly elected Legco members confirmed that the issue had not been raised, not even in their weekly in-house meetings.

They did not even have access to the report prepared by the ad hoc group. Only one of them had obtained a copy and that was at special request.

Among the indirectly elected members, Mr Martin Lee declined comment on the consultative document saying he was too pre-occupied with the issues of Daya Bay and Basic Law.

The same reason was put forward by another councillor, Tam Yiu-chung.

Dr Richard Lai, elected to the Legco through the electoral college, disagreed with the premise that failure to raise the issue meant that indirectly elected members are not concerned about it.

"There have been too many issues to deal with in the last session and it would be too exhausting for new members to dig into matters which have been dealt with in the previous session," he said.

And Dr Lai took issue with the statement that Umelco was effective.

"Under the present roster system, members listen to the complaints submit-



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— MRS Selina Chow (above), a Legco member

ted to the Umelco and refer these to the various departments to be dealt with.

"It is less effective than an ombudsman.

"Moreover, as an elected member investigating into complaints, we do not know where our limits of power lie. There is no guideline. It is different with an ombudsman," he said.

Dr Lai pointed out that the consultative document indicated the Government has changed its mind on introducing a Commissioner for Administration.

Suggestions that a commissioner would curtail the power of elected members, he said, was calculated to scuttle the idea. It might alarm the elected members at the district level who would then oppose the creation of ombudsman.

Dr Lai added that if the Government is really keen on an ombudsman it need not publish a consultative paper.

The cases of Daya Bay and the Light Rail System, on which opinion is varied, is a good illustration. Why does not the Government published consultative documents on these, he asked.