

Synopsis of Cases under Formal Investigation by The Ombudsman

I. Cases brought forward from the 1st quarter of 96

Payments for fixed penalty ticket to government for cars illegally parked
at Hong Lee Court
(L/M (418) in HD(CR) 1/125 - OCAC 1168/95)

The Ombudsman has initially concluded the case as unsubstantiated in his Draft Results Report. The Department has commented on it in September 1996. Final Results Report is awaited.

Failure to accede to requests for compensation due to burst pipe and
for transfer to another unit
(L/M (425) in HD(CR) 1/125 - OCAC 1471/95)

The case has been concluded as partially substantiated in The Ombudsman's Final Results Report issued in December 1996. Positive action has been taken in pursuing the recommendations contained in the report, though the Department maintains its view that the existing public liability insurance policy can reasonably serve the purpose of protecting the tenants' rights and interests. It is not considered fair and equitable for the Department, as the landlord, to take on additional responsibility to safeguard the tenants' property against any damage or loss not caused by the negligence of the Department.

Delay in arranging for rehousing and incorrect measurement of the
structure affected by the clearance of Tiu Keng Leng
(L/M (433) in HD(CR) 1/125 - OCAC 1970/95)

In the Final Results Report issued by The Ombudsman in December 1996, the case has been concluded as partially substantiated. Re-measurement of the cottage affected by the clearance operation has been arranged and positive action has been taken in pursuance of the recommendations made by The Ombudsman.

Unauthorized trading and display of posters at Siu Shan Court
(L/M (434) in HD(CR) 1/125 - OCAC 184/96)

In the Draft Results Report issued in November 1996, The Ombudsman has initially concluded the case as partially substantiated. The Department has commented on it and the Final Results Report is awaited.

II. Cases brought forward from the 2nd quarter of 96

Delay in handling application for transfer on compassionate ground
(L/M (448) in HD(CR) 1/125 - OCAC 509/96)

The case has been concluded as substantiated in the Final Results Report issued in October 1996. Pursuant to the recommendations of the Report, relevant circular and Management Instruction Manual have been issued for reference and compliance by the staff in handling similar applications.

Lack of explanation and consultation on replacement and relocation of main soil and waste pipes at Yuet Lai Court
(L/M (461) in HD(CR) 1/125 - OCAC 1900/95, 1928/95, 548/96 & 549/96)

The case has been concluded as unsubstantiated in the Final Results Report issued in February 1997. Notwithstanding this, the Department has taken the initiative of drawing up a set of guidelines and procedures in conducting public consultation on estate and court management matters to better serve the public.

Delay in processing application for public housing
(L/M (483) in HD(CR) 1/125 - OCAC 737/96)

Final Results Report has been issued in January 1997 which concluded the case as substantiated. Positive action has been taken by the Department to improve the existing mechanism, including drawing up a set of guidelines on the issue of offer letters to applicants and assigning a staff to contact the elderly applicants by telephone if they fail to turn up for signing-up formalities.

III. Cases brought forward from the 3rd quarter of 96

Mishandling of electrical fault at Hong Shui House, Shui Bin Wai Estate
(L/M (518) in HD(CR) 1/125 - OCAC 558/96)

Unreasonably requiring declaration of income or assets before 30.6.1996 under the Housing Subsidy Policy
(L/M (564) in HD(CR) 1/125 - OCAC 1061-1063/96 & 1287-

1352/96)

Unreasonably collecting the original receipt of land premium and refusing to return; and rude manner of HD' s staff in handling the case (L/M (598) in HD(CR) 1/125 - OCAC 1730/96

Final Results Reports on the three complaint cases have been issued by The Ombudsman in January 1997. The three complaints have been concluded as unsubstantiated.

IV. New cases in the quarter

Failure to disclose construction of a funeral parlour near Tin Yau Court when the sale of it was advertised
(L/M (639) in HD(CR) 1/125 - OCAC 1161/96

The complainant owns a flat in Tin Yau Court. He claimed that when he purchased his flat in 1992, the sales brochure contained no information on the planned construction of a funeral parlour in the vicinity of the Court. Neither was the planned use mentioned in the pamphlet introducing the development of Tin Shui Wai New Town to the prospective purchasers. It was not until early 1993 that he learnt about the plan from the newspapers. The complainant felt aggrieved because he had not been provided with the information when he purchased the flat in 1992.

The Department has furnished relevant information to The Ombudsman in February 1997 and the latter' s findings are awaited.