

# **REPORT ON THE STUDY TOUR OF SOUTH KOREA (ACRC)**

(November 29 to December 5, 2009)

**By**

**Office of the Ombudsman, Hong Kong**

## **The Study Tour**

The five-day study tour was organized by the Asian Ombudsman Association (“AOA”) under the Regional Technical Assistance (“RETA”) Programme, hosted by the Anti Corruption and Civil Rights Commission (“ACRC”), South Korea. It focused on the synergistic use of information and communication technology (“ICT”), alternative dispute resolution (“ADR”) in resolving complaints and other preventive strategies in handling administrative complaints.

2. The tour comprised lectures and visits to ACRC and other Government or public organisations in Seoul. Participants of the tour had gained first-hand information about the operation of ACRC’s advanced on-line complaint handling system, “e-People”, in handling public complaints and resolving disputes. Moreover, ACRC had shared its experience in using ADRs to achieve prompt and satisfactory solutions to people’s grievances. Through active discussions with the lecturers, ACRC officials and others, tour participants had a better understanding about the essences of effective complaint handling and management.

3. Direct adoption of ACRC’s operational model by other ombudsman offices may not be practical as different territories have different social background, political systems, community needs and their ombudsman systems vary. Nevertheless, some practices or ideas in ACRC’s operational model may be applicable to other offices of Ombudsman for the improvement of their efficiency and effectiveness in handling and managing complaints.

## **Suggestions to The Ombudsman Hong Kong**

4. This part of the report highlights certain practices or ideas in the operational model of ACRC that I *suggest* the Office of The Ombudsman Hong Kong may bear consideration for.

## **I. e-People**

5. e-People is a single online portal system that unifies various functions such as complaints, proposal, policy discussion of 447 Central Government organisations, local Government bodies and public organisations in South Korea and Korean legations overseas. It channels all administrative complaints against the Korean Government to one single system for handling.

### ***Complaints to be handled by the relevant public agencies first***

6. When an administrative complaint is lodged on e-People, the system will automatically classify the complaint and send it to the most relevant organisation for handling. The responsible organization will reply to the complainant directly.

7. That real time online transfer of complaints expedites complaint filing and handling. In many cases, the direct replies from the agencies provide immediate solutions to the grievances. In this context, this direct referral serves as a simple and prompt avenue to get at the core of a problem and to secure resolution.

8. In Hong Kong, The Ombudsman has the Internal Complaint Handling (“INCH”) mechanism. With the complainant’s consent, a case may be referred to the organisation concerned for reply direct. The Ombudsman will examine the reply for follow-up action as necessary. If the matter is not satisfactorily resolved, or the reply not acceptable to The Ombudsman, our Office will intervene and consider investigation.

9. Cases for such treatment have to be simple in nature and involve only one organisation. Moreover, the complainant has not yet raised his dissatisfaction with the relevant agency.

10. Recently, our Office has just revised its complaint form with a view to encouraging complainant to consent for INCH. In parallel with this action, I *suggest* The Ombudsman examine the feasibility of extending INCH to a wider range of cases as long as the nature is appropriate.

### ***Seeking additional information and comments***

11. e-People provides a platform for the complainant to express his dissatisfaction with the agency's reply so that the agency can supplement its reply or replies on the complaint. This process also enables exchange of views between complainant and the agency. With this platform, a "dissatisfied" case may finally be turned into a "satisfied" one.

12. ACRC integrated the central administrative agencies' complaint, proposal and public participation functions into e-People in July 2006. After that, stage by stage, new functions and participating organisations had been added to the system. The whole project of e-People finally completed in February 2008. After launching e-People, ACRC had recorded an increase in complainant's satisfaction from 30% in 2005 to 51.2% in 2008. \*

13. Similarly, the Ombudsman office in Pakistan would arrange "hearing proceedings" after receiving a report from the Government or public agency. In the "hearing", investigation officer would meet the representative of the agency and the complainant to hear their justification. The "hearing" may be regarded as an informal mediation meeting, to assess the possibility of achieving agreement at an early stage. Sometimes, the two parties might work out a mutually acceptable resolution during the hearing.

14. The above practices demonstrate the merit of seeking further clarification and comments on the findings of inquiry from the parties involved. It gives a clearer picture to the investigation officers about the matters concerned. More importantly, it helps to clear misunderstanding, if any, between complainants and agencies, bridging the complainants' expectations and the agencies' services before concluding a case. Finally resolve the complaint or grievance.

15. In Hong Kong, according to The Ombudsman Ordinance, it shall not be necessary for The Ombudsman to hold any hearing in the course of an investigation. Nevertheless, whenever appropriate, our Office will seek clarification from Government or public organisations about their reports submitted to The Ombudsman. Information collected, however, is largely for The Ombudsman's reference only.

16. I suggest The Ombudsman Hong Kong take reference from the practices

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\* Source: P. 48 and P.51, *ACRC Korea, Ombudsman Annual Report 2008*

of “additional answers” and “hearing”, e.g. invite complainants’ comments on the agencies’ reports, or vice versa. Such view exchange should help Government better understand public needs and formulate public policies more effectively.

## **II. 110 Government Call Centre**

17. The 110 Government Call Centre operated by ACRC is a pan-Government call centre that answers incoming calls for all enquiries and complaints about administrative agencies’. All incoming calls are connected to officers, but not to an automatic reply system.

### ***Establishing liaison with Government and public organisations***

18. To help answer public enquiries, officers are backed up by around 600,000 database files about different policies, regulations, practices and services of over 300 Government and public organizations. Those organisations are bound by law to maintain up-to-date data files with the Call Centre to facilitate its answering public enquiries. Additionally, during the operating hours of the Call Centre, all administrative agencies have officers on stand-by for ready advice. The Call Centre will arrange a tripartite connection adding relevant administrative agency to the conversation if the officer finds it difficult to answer the enquiry. The close liaison and coordination between ACRC and the Government and public organisations enables the Call Centre to answer public queries effectively that prevents queries from developing into complaints.

19. In Hong Kong, many administrative complaints against Government or public organisations originate from complainants’ ignorance or misinterpretation to public policies or services. For those cases, up-to-date information about public policies or services would be sufficient to resolve most of the problems. To deal with this kind of complaints efficiently, which are usually simple but frequent, The Ombudsman may consider establishing liaison channels with the Government agencies or public organisations to obtain quick and up-to-date answers to simple questions or information about major policies conveniently. This quick access to information can expedite the complaint handling process. Resources can be, therefore, redeployed to handle more complex cases.

### **III. Mediation**

20. In 2008, among the 27,509 complaints handled by ACRC, 3,985 were handled by mediation or agreement. Comparing with the 2,929 cases in 2007, there was a 31.3% increase.<sup>†</sup>

#### ***Getting ready for successful mediation***

21. ACRC has promoted mediation as an ADR in all phases of complaint handling. Internally, ACRC has strengthened the mediation capacity of its officers through active studies of social issues and provision of regular training. Furthermore, ACRC reflects mediation results in the performance index of investigators and investigation teams in order to encourage officers to try for mediation.

22. Externally, ACRC announces actual cases of mediation to promote the art of mediation. It follows up on the solutions that worked out in mediation meetings, to ensure implementation and proper resolution of the problems.

23. The Ombudsman in Hong Kong has statutory power to deal with a complaint by mediation if he is of the opinion that the subject matter of the complaint involves no, or only minor, maladministration. An essential element is the voluntary consent of the parties concerned but this is often not forthcoming from one or the other.

24. It is hoped that with promotion by Government and local professional bodies, better understanding of mediation may persuade more people willing to be resort to mediation.

25. Meanwhile, to equip our officers with the professional skills for mediation, The Ombudsman, Hong Kong has been commissioning staff. The next round is scheduled about the middle of this year. A manual on mediation service for staff guidance is under review for ready reference.

26. Besides establishing a culture of mediation inside the Office, I suggest The Ombudsman allocate resources to promote mediation to external parties, including both Government and public agencies and complainants so as to remove the barrier to mediation.

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<sup>†</sup> Source: P.28, *ACRC Korea, Ombudsman Annual Report 2008*