

The Ombudsman and Stakeholder Engagement in Hong Kong : An Initial Assessment

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Abstract

This paper examines the practice of stakeholder engagement in the work of The Ombudsman Hong Kong since Ombudsman Alan Lai formally adopted it as an official policy. Specifically it focuses on the two major initiatives of topical seminars and direct investigation. It was found that topical seminars are organized to engage Justices of the Peace and his advisors with a view to cultivate among them a stronger sense of identity to serve as a bridge between The Ombudsman and the general public. As for direct investigation, it was re-invented to leverage individual stakeholders' expertise and secure their input in the process in an interactive manner with the objective of improving the validity of the findings, increasing the acceptance of the recommendations, and enhancing the legitimacy of the investigation report. These two initiatives have achieved initial success as evidenced by their ability to engage the targeted stakeholder groups and to impact the Office's operation and decisions. However, stakeholder engagement in the work of The Ombudsman is still at an early stage of development and awaiting institutionalization and internalization. An engagement strategy with strong institutional support is critical in order to maintain the momentum and to introduce more good practices for enabling individual stakeholders to engage in the work of the Office at both the operational and policy levels, thereby shaping its policy outcomes and service quality.

Introduction

What distinguishes Mr. Alan Lai, The Ombudsman of Hong Kong from his three predecessors is his official adoption of stakeholder engagement as a progressive approach to strengthening the institution of Ombudsman in the redress of grievances and the addressing of maladministration issues in the public sector (Lai, 2011). Indeed, there has been a growing trend of involving a wider range of stakeholders in the work of The Ombudsman, emerging under Ombudsman Andrew So and becoming increasingly visible under Ombudsman Alice Tai, with a view to improving the quality of service. Among these efforts were the introduction of the Justice of the Peace Assistance Scheme, the organization of outreach talks for government and public organizations, and meetings with legislative councilors. These initiatives and the growing influence of civil society in the process of democratization provided a proper strategic orientation and a solid institutional foundation for Ombudsman Alan Lai to take his Office formally out of the bureaucratic tradition of agency domination through the practice of stakeholder engagement.

"Stakeholder engagement" in the public sector has been strongly advocated under the notion of new governance (Bringham, Natatchi and O'Leary, 2005). It has increasingly been seen as a proactive mechanism to improve the quality and legitimacy of the work of government, including management, policy process, and service delivery. The concept has broadened the narrow horizon of citizen and community participation to allow the active involvement and interactions of a full range of stakeholders (Rowly, 2011; Thomas and Poister, 2009).

The progressive idea of stakeholder engagement as a service enhancement mechanism in public sector management has been recognized by Lai and his senior officers. Its limited practices owes much to the restriction of the secrecy provision in The Ombudsman Ordinance which has prevented him and his office from actively engaging stakeholders at both policy and operation levels. The propelling force for his determination to break this institutional barrier came from a recent study commissioned by the Asian Ombudsman Association (AOA) to explore the possible use of stakeholder engagement as an innovative policy instrument for building the capacity of Asian ombudsman institutions to "proactively redress administrative grievances of the general public, improve public services and management, and enhance the accountability of the government" (Lo *et al.*, 2011). This study has enabled him to understand the emerging consensus among members on the desirability of stakeholder engagement in the work of ombudsman institutions, learn some of the good practices of stakeholder engagement already undertaken, obtain empirical support for its effectiveness, and most important of all, realize the growing demands from local stakeholder groups for greater engagement in his work.

Noticing that stakeholder engagement has become increasingly popular in public sector management, he sees it as functionally important for the continuous improvement of the Office's efficiency and quality of services. From his perspective, regular communication with individual stakeholders would enable him to gauge the pulse of community, to understand their demands, and to properly incorporate their opinions into The Ombudsman's works. He was aware that engagement activities undertaken by The Ombudsman's Office in the past were barely adequate and mostly served public relations purposes. This approach was ineffective in terms of strengthening interactions between his Office and the various stakeholder groups, increasing their participation in Ombudsman activities for promoting mutual trust, and forging a close and constructive working relationship. His recognition of the merit of reaching out to stakeholders has convinced him that a stakeholder engagement approach has to be gradually phased in through the adoption of a more liberal interpretation of the confidentiality and privacy requirements.

This article examines and assesses the organized effort of The Ombudsman's Office with regard to stakeholder engagement for improving the service quality of redressing administrative complaints. It begins with a review of the concept of stakeholder engagement and its practice in the public sector. It then identifies major stakeholder engagement initiatives undertaken by The Ombudsman's Office in the last two decades

and summarizes individual stakeholders' critical opinions before analyzing two recent initiatives in stakeholder engagement. It will conclude by assessing the achievements and limitations of the Office's engagement effort.

A Stakeholder Perspective on Ombudsman Institutions

Originating in business management, stakeholder engagement has become increasingly important in governments and public organizations as they seek to improve their quality of decision making and services (Ansell and Gash, 2008; Bingham and Nabatchi, 2005; Edelenbos and Klijn, 2005; Bovaird, 2005). "Stakeholder" refers to "any group or individual who can affect or is affected by the achievement of the organization's objectives (Freeman 1984: 46)." In this study, "organizations" will refer to ombudsman institutions. Stakeholder engagement in ombudsman institutions can be defined as the active involvement of individual stakeholders in the work of the Ombudsman to deliver the core services of redressing administrative grievances and improving public administration that lead to an enhancement of government accountability. The objective of stakeholder engagement is to leverage the resources and expertise of individual stakeholders to improve the processes within and enhance the performance of ombudsman institutions.

The fundamental question is who or what are the major stakeholder groups of ombudsman institutions? Generally speaking, there are various ways to identify stakeholders, based on the agency, behavioral, institutional, resource dependence, and transaction cost theories (Mitchell 1997). In regard to the institution of ombudsman, its stakeholder map should be similar to that of a government and its functional authorities (Edelenbos and Klijn, 2005; Weible, 2007). Conceptually, stakeholders can be classified into two groups. The primary group consists of government and public organizations, the general public, and nongovernment organizations and community groups. These stakeholders are directly affected by the core functions of ombudsman institutions, acting either as complainants or as those about whom complaints are received. The secondary group consists of media, assembly representatives, and political parties. These stakeholders have a considerable interest in keeping a close eye on ombudsman institutions and in seeking improvement in these institutions, mostly on behalf of the primary group but also for the wider public interest in social justice. These two apparently distinct stakeholder groups are in fact interconnected via various types of relationships. A more sophisticated perspective should take contextual variations into consideration when figuring out the stakeholder map of an ombudsman institution, and should also assess the stakeholders' balance of power. Regime types, administrative ethos, and political cultures are among the most important institutional factors.

Following the principle of "Who or What Really Counts" is how to engage individual stakeholder groups in the work of an ombudsman. The impact and contribution of stakeholder engagement depends very much on the depth and quality of the engagement arrangements. The engagement approaches that are open to ombudsman institutions range from inactive, reactive, and proactive to interactive

(Crane and Matten, 2007). The inactive approach, which ignores and appears apathetic to stakeholder concerns, is now seldom practiced. The reactive approach, a passive way to act on stakeholder concerns under pressure, is the typical mode of reactive behavior in bureaucratic and public organizations. The proactive approach, which anticipates stakeholder concerns and takes actions to address them, is more commonly adopted today. Finally, the interactive approach, which actively engages with stakeholders in an ongoing relationship of mutual respect, openness, and trust, is the ideal form of the new public management. For instance, many local governments in the Netherlands have experimented with interactive decision making to improve public policy making by adopting the information and solutions offered by various stakeholders (Edelenbos and Klijn, 2006).

In addition, there are different levels of involvement for each approach, including the operational, policy, and systemic levels. The content of engagement ranges from words to deeds in terms of quality and depth; from publicity and community relations (mostly one-way), communication (two-way), and dialogue (interactive) to collaboration, partnership, and coproduction. In a nutshell, the conceptual purpose of engagement is to inform, involve, and empower individual stakeholders in the work of ombudsman institutions in order to build or enhance their administrative capacity for improving service delivery. The engagement concept in capacity building is summarized in Table 1:

Table 1 The Engagement Concept in Capacity Building

Act of engagement	Inform	Involve	Empower
Content of engagement	Communication	Participation	Action
Objective of engagement	Basis for engagement	Exchange of viewpoints	Problem-solving

The last but not the least issue in stakeholder engagement concerns the proper assessment of its effectiveness. Measuring the performance and outcomes of stakeholder engagement is challenging and daunting in both the public and business sectors. There are two theoretical perspectives on the effectiveness of public participation — one considers that there is a trade-off between democratic and administrative decision making and the other advocates the contribution of citizen engagement to more efficient and effective public programmes (Neshkova and Guo, 2012). The crux of the matter is the lack of a set of commonly accepted assessment criteria. A practical way to measure the impact is to assess the performance of key stakeholder programmes adopted or major actions taken. Based on the current literature on performance assessments in the public sector, assessments can be made of improvements in ombudsman-public communications, the promotion of ombudsman-public relations, The Ombudsman's image, the promotion of mutual trust, the degree of stakeholder involvement, and the ability to leverage stakeholder inputs (Lo and Cheuk,

2004).

Specific institutional arrangements should be adopted for effective stakeholder engagement. Nevertheless, research on proper engagement arrangements and on best practices at a generic level is still developing, and there is little relating specifically to ombudsman institutions. One may conceptualize engagement arrangements in terms of their degree of formality (formal or informal) and regularity (regular or ad hoc). In general, a formal arrangement organized on a regular basis is more desirable than, and superior to, an informal arrangement on an ad hoc basis.

Indeed, there has been a growing tendency of practicing stakeholder engagement among Ombudsman institutions in Asia. A recent study (Lo, et al., 2011) has revealed an emerging consensus among members of the Asian Ombudsman Association on the desirability of stakeholder engagement in the works of ombudsman institutions. It is increasingly being recognized as a policy instrument for capacity building for performance enhancement and service quality improvement. Common practices adopted include periodic meetings and conferences on administrative complaints, and involving stakeholders in the process of investigating administrative complaints. In the process; some best practices have already been developed to progressively engage both primary and secondary stakeholder groups. However a strong message was conveyed that there are no best forms of stakeholder engagement. Ombudsman institutions' shortage of resources and inadequate power, stakeholders' limited knowledge of engagement, and the lack of trust between the Ombudsman institution and individual stakeholder groups have been identified as the major institutional factors preventing them from actively pursuing stakeholder engagement (Lo et. al., 2011).

Accordingly, The Office of The Ombudsman Hong Kong should be in an advantageous position to employ stakeholder engagement for capacity enhancement, as it was found that an institutional environment with a higher degree of democracy and greater economic development is more conducive to the practice of stakeholder engagement (Lo et. al., 2011).

Ombudsman and Stakeholder Engagement in Hong Kong: Past Practices and Stakeholder Opinions

Although there was no clear policy statement making stakeholder engagement an orientation until 2011, The Office of The Ombudsman has in the last two decades increasingly acted in an unbureaucratic manner to connect itself with a variety of stakeholders (Cheung, 2009; Wong and Yuen, 2009). The amendment of the Commissioner for Administrative Complaints Ordinance in 1994, which replaced the referral system with a direct complaints arrangement for the public, and which empowered direct investigation, has opened the way for The Ombudsman's Office to be active in framing its relationship with different stakeholder groups.

Past Practices under Ombudsmen Andrew So and Alice Tai

Probably due to his political career as a legislative councilor, Andrew So displayed an unbureaucratic style of ombudsmanship from the beginning of his tenure. On the one hand, he endeavored to build a popular image for himself to make his Ombudsman's Office more approachable. Thus, the focus of the publicity effort at that time was on familiarizing the public with the role of The Ombudsman and the services provided by the Office. In addition, he extended his reach to society by including nonofficial justices of the peace in the Justices of the Peace Assistance Scheme. On the other hand, he adopted a cooperative approach when dealing with government departments subject to complaints, in order to secure their support for investigations and make them less resistant to his recommendations. The introduction of The Ombudsman Awards for acknowledging public organizations' positive handling of complaints was a friendly gesture that helped to achieve this purpose (Lo, et al., 2011).

In contrast, Alice Tai ran the office with an administrative style that emphasized the professional handling of complaints in terms of processing time and acceptance of recommended improvement measures, that is, the core value of "upholding professionalism in the performance of their functions" (Hong Kong Ombudsman). This results-oriented approach, built around the Performance Pledge adopted by The Office of The Ombudsman, made communication with various stakeholders a major effort of the Office. To promote a positive culture for processing complaints, the resource center was used and publications were prepared to enable the public to develop a proper understanding of the role and work of The Ombudsman. To cultivate a positive service culture, outreach talks were delivered to government departments and public organizations to clearly convey to them the key message that improvement in the quality of public services is the essence of redressing grievances concerning maladministration. As an encouragement, The Ombudsman Awards were extended in 2000 to acknowledge the contribution of individual public officers to better services, and then to the professional performance of those handling complaints. As for the secondary stakeholders, seminars about the mission of the office were conducted for district councilors, meetings were arranged with legislative councilors to obtain their views on the operations and the future development of The Ombudsman, and visits to government departments and public organizations were organized for justices of the peace to enable them to observe administrative realities at close quarters (Lo, et al., 2011).

We may consider that the involvement of all stakeholders in the work of The Ombudsman in these two periods was quite restricted in scope, as The Ombudsman-stakeholder relationship was mainly promoted under the bureaucratic mindset of publicity and external relations. Thus there remained much scope for The Ombudsman to be more aggressive in stakeholder engagement through the formulation of a coherent strategy for stakeholders and through the development of major programmes to

leverage the resources of individual stakeholders more effectively for the enhancement of The Ombudsman's work.

Opinions of Stakeholders on Engagement with the Work of The Ombudsman

How did individual stakeholder groups see these engagement practices? Our interviews of major stakeholders of The Ombudsman in 2010 indicated that there was a widespread impression of a lack of in-depth stakeholder engagement and a strong consensus on the desirability and the benefit of active stakeholder engagement in the work of The Ombudsman and his office. Interviewees in different stakeholder groups had indeed addressed their respective grievances. Citizens saw the limited contact between The Ombudsman and the general public. The community groups found the engagement to be a one-off without much continuity. Both the legal advisors and JPs were critical of the one-way engagement without a clear purpose; the media were unhappy with the limited reach to The Ombudsman and his leading officials. The legislative councilors complained that there were limited opportunities to conduct in-depth conversation with The Ombudsman. Finally the government departments and public organizations expressed that the predominance of case-based and formal approach may not be conducive to promoting mutual understanding.

Specifically, stakeholders were different in their purpose of engagement. The sense of purpose was particular strong and clear among the two primary stakeholders. The governments and public organizations endeavored to turn The Ombudsman from being biased against them in handling the complaints, to understanding their operational constraints, and co-producing the recommendations for improvement. As for the general public, they took the perspective of the complainants to obtain favorable verdicts in their cases and get their grievances addressed in the engagement process. All the stakeholders in the secondary groups saw their possible contribution to The Ombudsman in the engagement: the media can be a bridge for enabling The Ombudsman to engage the public; the community groups can expand their relationship network in a way that is helpful to achieve their causes; the Legislative Council can be the ally of The Ombudsman in monitoring the improvement of public management; and the legal advisors and JPs can provide their expertise to strengthen the capacity of The Ombudsman. In particular, they can all serve as a source of input for The Ombudsman in planning for direct investigation. All these suggest that there is no "one-size-fits all" for stakeholder engagement strategy and practice.

On the whole, the interviews showed that individual stakeholders were not aggressive in pushing for their engagement, indicating that stakeholder engagement was a relatively new concept to them at that time. Only the government departments and public organizations had a clearer idea of cooperative partnership and coproduction in stakeholder engagement, with remaining stakeholder groups taking communication and constructive working relations as the frame of reference.

Stakeholder Engagement under Ombudsman Lai

How far has Ombudsman Alan Lai gone beyond the narrow horizon of public relations to practice engagement in interacting with his stakeholders since his assumption of office in 2009? There was a noticeable continuation of the pragmatic strategic direction initially, as Ombudsman Alan Lai shared a similar career path and comparable administrative experiences with his immediate predecessor. As indicated by the Office, "stakeholder engagement practices have evolved over the years in the natural course of delivering" their service. With predominantly a get-things-done mindset, all the efforts of stakeholder engagement are geared to enabling them to "fulfill their role and mission in improving public administration". Major stakeholder engagement programmes and initiatives for individual stakeholder groups were listed as follows (Lo, et al., 2011):

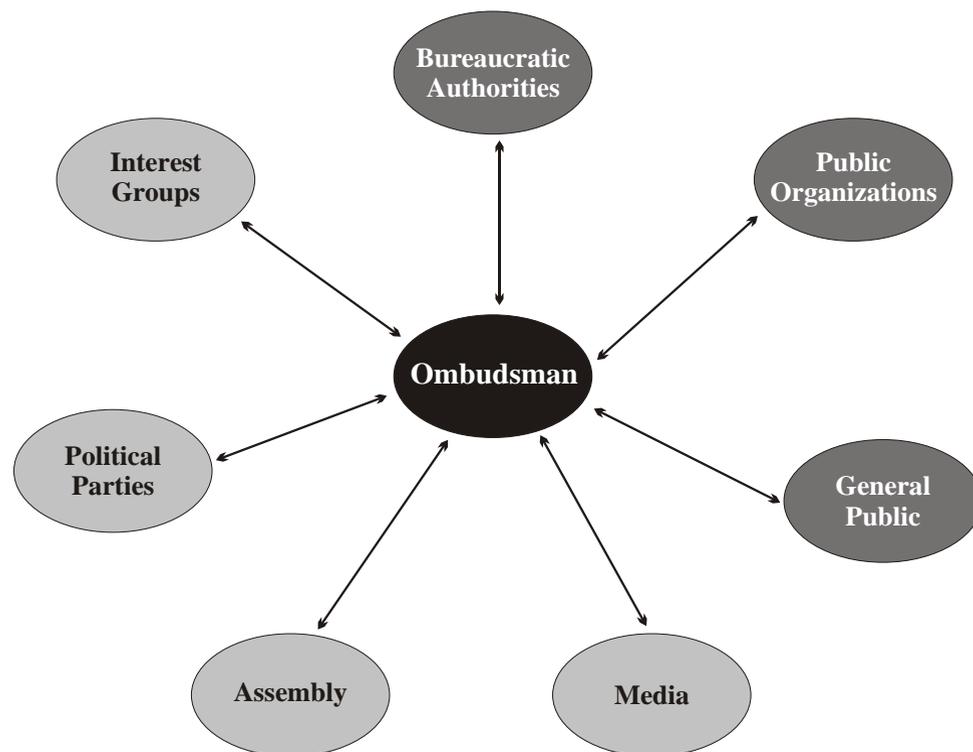
1. *General public*: The Client Opinion Survey (COS) has been periodically administered among citizens that have lodged complaints to The Ombudsman, in order to seek their views on the quality of services provided. The survey was first introduced in 1998, with the second and third rounds conducted in 2001 and 2004 respectively. The latest was completed in June 2010.
2. *Related Government departments / public bodies*: Meetings are held from time to time with their directorates on general issues rather than individual complaint cases to enhance their operations and handling of public complaints and to listen to their feedback on The Ombudsman's investigations.
3. *People / organizations in the same sector(s) as the complainants or related sectors*: Consultations with such people / organizations are conducted on an as-needed basis in order to help The Ombudsman understand cases under investigation.
4. *Concern groups*: Consultations with individual concern groups are conducted to seek their views and opinions on cases under investigation, allowing The Ombudsman to get a better understanding.
5. *Politicians and legislators*: Regular meetings are held with Legislative Councillors and Chairpersons of District Councils to exchange views on The Ombudsman's work and to gain input for possible improvements.
6. *Honorary professional advisers*: Consultations are organized where necessary to seek their advice for the improvement of the work of The Ombudsman or for a better understanding of specific cases under investigation, particularly those involving legal issues.
7. *Justices of the Peace*: Visits of government departments and public

organizations are arranged periodically to promote understanding of the work of such departments / organizations. Such occasions also allow The Ombudsman to listen to JP's feedback on his/her work.

8. *The media:* Press conferences, press releases, interviews and broadcasts are organized regularly to publish investigation reports and promote The Ombudsman's work.

On this basis, the stakeholder map of The Ombudsman Office can be presented as follows:

Figure 1 A stakeholder Map of Ombudsman



Accordingly, government departments, public organizations and the complainants are their principal stakeholders, with all others secondary.

New Initiatives of Stakeholder Engagement

Following the formal adoption of an explicit stakeholder engagement policy, two major new initiatives were introduced, namely, the use of topical seminars as a stakeholder engagement avenue and the adoption of a stakeholder approach to direct investigation.

Topical Seminars as an Avenue of Stakeholder Engagement

Seminars on topical issues were selected as The Ombudsman's initial proactive effort as an avenue to reach the stakeholders. They basically consist of private sessions with JPs and The Ombudsman's advisers selected as the major targeted stakeholder groups to engage in this first wave of engagement initiative. The topical seminar serves as a platform for The Ombudsman to bring representatives of government departments and public organizations concerned to brief the advisers and JPs on a specific topic of administrative complaint, which in turn forms the basis for all participants to exchange views and share ideas on how the problem could be effectively tackled. Specifically, since most JPs and advisers are opinion leaders, they can bring public opinions to these seminars and at the same time, feed the messages and standpoints of The Ombudsman and government departments/public organizations concerned back to the public. The topic selected for a seminar is usually a widespread, chronic, or complex administrative problem that has been a frequent subject of complaint and into which The Ombudsman's Office has already conducted investigation or inquiries. Professionals or technical experts will be invited to address the technicalities of the issue presented in order to enable the lay audience to get a clear understanding of the crux of the problem. Each seminar normally lasts for two and a half hours, with a 30-minute questions and answers session arranged to ensure ample time for stakeholder interactions. A lunch is usually organized after the seminar to allow participants to carry on the discussion in a less formal way, at the same time, The Ombudsman can establish closer contact with advisers and JPs to strengthen their sense of identity and engagement. Since its introduction in 2010, this topical seminar has become an annual stakeholder engagement practice of The Ombudsman.

Case One: Seminar on Water Seepage

The first of such stakeholder engagement seminars was held on 12 December 2010 from 9:30am to 12:00pm, signaling the launch of this progressive approach. The topic of water seepage was selected since it was a widespread problem that had been affecting many households in Hong Kong for a long time. Indeed it had been one of the hottest issues in administrative complaints and a relatively complex grievance to resolve. Over 60 participants from the stakeholder groups of JPs and advisers attended the seminar, which was chaired by an Assistant Ombudsman. The opening remark was delivered by The Ombudsman, who highlighted the Office's decision to shift from passive to active stakeholder engagement with the seminar as an arrangement for promoting stakeholder communications and interactions to enhance the quality of The Ombudsman's work.

The seminar started with a briefing by a Chief Investigation Officer of The Ombudsman's Office on the Office's findings concerning the causes of water seepage complaints, the complexity of identifying the sources of water seepage, and the reasons

for time-consuming actions by the FHD-BD Joint Office (JO), which was especially established in 2006 to handle these complaints. He ended his presentation by advancing The Ombudsman's judgement that it is JO's duty to employ a proper testing method to identify the source of water seepage and the party liable to fix the seepage problem concerned.

It was followed by the joint presentation from two Assistant Directors (ADs) of the FHD and BD. They began their part with an introduction to the JO, including the background for its establishment, functions, structure, operations, and power in handling water seepage complaints. The three stage investigation procedure for handling water seepage complaints was then described, followed by identifying difficulties that the JO has encountered that constituted the grounds for administrative grievances: the number of complaint cases had increased at a rate that had already exceeded JO's work capacity, the loss of JO's contracted workers had been quite serious, the monitoring of contractors for performing water seepage detection had not been properly conducted, and the source of water seepage had not been identified by current detection methods in a significant number of the cases handled. On this basis, they expressed their full understanding of public expectations of JO in handling the complaints, namely, the duration of the investigation should be reduced, high tech should be used for detecting water seepage, the repair order to stop the water seepage should be issued to the property owner in a timely fashion, the investigation report should be provided to the complainants, the origin of the water seepage should be identified even if the seepage has appeared to have stopped, the duty to identify the origin of water seepage rests with the government, and the investigation should be conveniently arranged. They concluded their presentation by sharing with the audience the JO's improvements in performance: the number of cases handled had consistently increased every year and the non-detection rate had been greatly reduced from 86% prior to JO's establishment to currently 15%.

The Ombudsman's Office invited two guest speakers among the JPs and advisers to supplement these official presentations. One was a surveyor who addressed the audience regarding the technical dimensions of water seepage and the proper methods for detecting its origin. The other was a lawyer who was the Chairman of a working committee of mediation under the Secretary of Justice, to talk about the possible use of mediation as an alternative but effective way to resolve conflicts of water seepage between parties concerned in order fix the problem more rapidly.

In the Q&A part, the participants showed their interest in the proper handling of the water seepage complaints by asking questions, expressing their concerns, and making suggestions, while the speakers, particularly the two ADs, endeavored to answer their questions, clarify their doubts, and assess the feasibility of all suggested actions. For example, one JP asked the JO to give complainants more information about the handling process by a better use of the progress monitoring system (PMS), and the two

ADs indicated that they would consider the greater use of mediation for conflict settlement in water seepage cases. This part overran its allotted time and the Assistant Ombudsman had to step in to close the enthusiastic discussion.

The seminar ended with a concluding remark from The Ombudsman who pointed out that the main purpose of this seminar was not for problem-solving, that is, the redress of water seepage grievances. It served more as a platform for representatives from the FEHD and BD to clarify doubts and answer questions, the professional and specialist to provide their expert opinions, and participants to raise questions and make suggestions. At the same time, he expressed his disappointment that the government has not accepted his suggestion to adopt the Singaporean model for solving water seepage conflicts. Finally, he summed up the seminar with a positive assessment of this stakeholder engagement session. A significant number of JPs and advisers stayed behind for lunch and continued their conversations with The Ombudsman and his officers, the government officials, and the two guest speakers concerning how grievances on water seepage could be effectively redressed.

Cases Two and Three: Seminars on "Street Obstruction by Shops and Food Establishments" and "Special Grounds for Public Rental Housing/Rehousing"

The second seminar was organized on November 25, 2011, while the third took place on October 2012, indicating the regularization of this practice as an annual event. The topics of "Street Obstruction by Shops and Food Establishments" and "Special Grounds for Public Rental Housing/Rehousing", were picked for the 2011 and 2012 events respectively. In the one on street obstruction, representatives from the Home Affairs Department (HAD), Food and Environmental Hygiene Department (FEHD), and Land Department (Lands D) were invited to update the progress of their work and share their experiences in handling this problem to redress related complaints with The Ombudsman's advisers and JPs. It was chaired by an Assistant Ombudsman. In his welcoming remarks, The Ombudsman reiterated the importance of engaging stakeholders in his Office's work, as well as the good value of the seminar in enabling JPs and advisers to gain a stronger sense of involvement and to seek their input on specific administrative complaints. In the latter seminar on rehousing, to enable participants to gain a sufficient understanding of the topic and its complexity involved, the Social Welfare Department, the Housing Department and the Hospital Authority were invited to send their representatives to clarify their individual roles, the division of work, and their operations in considering cases related to housing allocation. Chairing the seminar was an Assistant Ombudsman, who briefly introduced The Ombudsman's jurisdiction, investigation power and the process of handling complaints and redressing grievances before giving the audience an update of the work of The Office of The Ombudsman. Before that, The Ombudsman in his welcoming remarks stated that if the criteria and procedures were widely understood and with more community-level assistance, applications for housing and rehousing could be handled better. He also

found it worthwhile to provide a forum for JPs and advisers to exchange views with the relevant authorities.

These two seminars proceeded in similar fashion. The 2011 seminar began with a presentation on "Public Complaints on Street Obstruction by Shops and Food Establishments" by a Chief Investigation Officer of The Office of The Ombudsman. It was intended to provide the participants with an overview of the issue and communicate to them the findings of The Ombudsman's investigation. After the above background presentation a Deputy Director of HAD introduced the enforcement actions taken against street obstruction by shops and restaurants and the positive results achieved in the last few years, with the focus on HAD's leading role in the inter-agency approach adopted since 2009. Speaking for the FEHD, one of the two major enforcement departments, was an AD who confirmed the need for joint enforcement action. An AD of Lands D was the final speaker on this topic. She noted that Land D's major enforcement target in street obstruction was the unauthorized fixed structures built by shops and restaurants outside and linked to their premises for storage and display of their products.

The 2012 seminar began with a presentation by a Chief Investigation Officer of The Office of The Ombudsman on their investigation findings concerning administrative complaints related to applications for rehousing. A Chief Social Work Officer of SWD was the first invited speaker. He clarified the role of SWD in processing applications for compassionate rehousing and other housing assistance. A Chief Manager of HA then spoke and explained that HA doctors certify applicants' special need for housing purely on the basis of their medical condition. HA and HD were working to enhance their communication in this regards. In response to The Office's investigation report, Assistant Director of HD focused his presentation on clarifying the mechanism for the application of rehousing with special grounds and its successful factors. Another HD Assistant Director talked specifically about the handling of applications for public rented housing on special grounds, indicating how an applicant could get public rental housing allocated in a shorter period notwithstanding the long waiting list.

In the ensuing Q&A session of both seminars, participating JPs and advisers took an active part in dialogue with the speakers. Quite a few of the participants took advantage of the subsequent lunch to further exchange ideas with The Ombudsman and government officials.

Based on the opinions and feedback collected from the participants in the seminar on street obstruction, The Ombudsman decided to conduct a direct investigation into the Administration's regulatory measures and enforcement actions against unauthorized extension of business areas of restaurants in February 2012.

Stakeholder Engagement in Direct Investigation

The Ombudsman's Office has extensively used the practice of stakeholder engagement in its direct investigation of the conveyance of patients by ambulance to the accident and emergency departments of "area hospitals" for the first time, in the belief that the engagement of major stakeholder groups in the investigation process can reinforce the investigation, enhance the legitimacy of the ensuing report, and increase the acceptance of recommended administrative improvement measures. A more open and transparent operation will enable the leverage of the resources, expertise, and support of relevant stakeholder groups. Hence, it was the deliberate effort to engage various stakeholders in this investigation throughout the entire process.

The Case of Conveyance of Patients by Ambulance to "Area Hospitals"

Stakeholder engagement started after the completion of the preliminary round of information collection and data analysis to examine the inadequacies of current arrangements and practice of ambulance services to convey patients to a designated area hospital without due consideration for their critical condition. This routing of ambulances had neither been a topic widely reported by the media, nor a maladministration case attracting frequent complaints. Since the designated hospital in the patients "catchment area" under the current arrangement might not be the nearest hospital, the core puzzle here was the hypothetical scenario in which a patient in critical conditions could be saved or have a better chance of survival if he/she were sent to a hospital closer than the one prescribed in the guidelines but further from the patient's place. Consultation with medical experts and a local medical association enabled the investigation team to conclude that the distance from the designated hospital and the time of travel are crucial, causing possible delays and leading to serious consequences in cases where patients are in urgent need of immediate medical care. The opinions and viewpoints collected from the communication with patient groups, medical associations, and medical doctors helped the team to confirm that there was an issue of maladministration in the current conveyance arrangement that The Office of The Ombudsman should investigate and seek to improve. The inquiry with HA and the Fire Service Department confirmed that it was the joint duty of these two organizations to designate different area hospitals for organizing ambulance services and set the guidelines paramedics to follow with a view to providing "total care service" to affected patients. They came to understand that the scale, equipment and intake capacity of the hospitals carried greater weight than the travel distance and the travel time in this demarcation of catchment areas and the formulation of the procedure for taking patients to area hospitals.

In wrapping up their investigation, they shared their findings with all the stakeholder groups engaged in the earlier stage to seek their comments and support. At the same time, the team discussed with them possible measures for improving the

flexibility of the current standard operation procedure. In particular, they proactively fed their conclusions back to the HA and FSD that the current system needed to be revised in order to avoid delays and take patients in critical conditions to the nearest hospital. Once the leading officials of these two organizations became aware of the broad-based support and endorsement of the investigation team's observations and suggested improvement measures obtained from all major stakeholders, they became less defensive and counter-proposed a gradual step-by-step reform of the current rigid arrangement. In return, the team was convinced of the infeasibility of any radical changes by HA and FSD because of various institutional constraints, namely, resource availability, paramedic training, and the preparation of clear guidelines.

The investigation report, released by Mr. Alan Lai, The Ombudsman, in a press conference held on January 9, 2013, was received positively. In general, the media considered that the report had been able to raise an important administrative issue in the ambulance service, identify the root cause of the problem, and propose an appropriate course of action. Specifically, the HA and FSD acknowledged that the report was constructive and the recommendations helpful in enabling them to improve the existing ambulance system and give patients in critical condition due care in the provision of ambulance service.

In concluding the experience from this stakeholder engagement approach to direct investigation, The Ombudsman's Office and its investigation team envisages that it has helped to build trust with different stakeholder groups, reach consensus on controversial issues, enhance the legitimacy of the investigation, and improve the acceptance of its findings. In particular, their active and timely involvement has greatly moderated the hostility and anxiety of HA and FSD to the investigation, rendering them less resistant to and more cooperative with the investigation team and enabling The Ombudsman's Office to work out a mutually agreed problem-solving alternative. The special arrangement whereby patients in critical condition should be taken to the nearest hospital will start with cases of "cardiac arrest" and "respiratory arrest" which are more easily identifiable. It will be extended to include more types of critical conditions once the ambulance team has become better equipped, acquired adequate experience, and been provided with clear guidelines. In this way, The Ombudsman's investigation and stakeholder engagement have produced direct and immediate positive effects.

Analysis and Evaluation

In addition to the above two major initiatives, The Ombudsman and his leading officers have been receptive to opportunities provided by educational institutions to familiarize both university and secondary students with the work of his Office. In the last few months, these have included a visit to the STFA Leung Kau Kui College to speak to a group of students on the role and jurisdiction of The Ombudsman in relation to their career planning, the arrangement of a visit by students from St. Paul Co-

education College to The Ombudsman's Office, a talk on public accountability and to a group of MPA (Master of Public Administration) students at the University of Hong Kong, and a visit to the Alumni Association of the Arts Faculty at the University of Hong Kong to speak about The Ombudsman's work.

How should we analyze and evaluate these two major initiatives of stakeholder engagement undertaken by The Office of The Ombudsman? The following section examines the stakeholder groups being engaged, the level of engagement, the depth of engagement, the achievement of engagement, and the impact of engagement.

Stakeholder groups engaged. Given the different nature of topical seminars and direct investigation, they are targeted at different stakeholder groups in order to serve their respective engagement purposes. Topical seminars are organized exclusively for Justices of the Peace and their advisers with the objectives of promoting their closer touch with the work of The Ombudsman, cultivating a stronger sense of their identity in regard to their connection with The Ombudsman, and empowering them as ambassadors of The Ombudsman. Direct investigations allow the engagement of both primary and secondary stakeholder groups, namely, the government and public bodies concerned (FSD and HA), interest groups (medical associations and patient groups), professional advisers (medical doctors), and media, with the objectives of seeking advice and obtaining opinions from various stakeholder groups, working together with core stakeholder groups concerned to improve the legitimacy of the investigation, and improving the operational transparency of direct investigation from a stakeholder perspective. In combination, these two initiatives have significantly helped to lift The Ombudsman's stakeholder engagement profile and strengthen his engagement capacity by actively involving six out of the nine stakeholder groups in the activities of his Office. Further there remains much room for improving their engagement capability.

Mode of engagement. The topical seminar and direct investigation represent two different modes of engagement. On the one hand, the seminars are basically consultative and communicative in nature. In essence, the act of engagement is a mixture of informing and involving, the content is a combination of communication and participation, the objectives are to form the basis for engagement and provide an occasion for exchange of viewpoints, and the approach adopted is interactive. The direct investigation, on the other hand, is operational in nature. Accordingly, its mode of engagement is a mixture of involving and empowering, the content is a combination of participation and action, the objectives served are exchange of viewpoints and problem-solving, and the process is interactive. One may observe that the Office of Ombudsman can exercise greater control over the institutional arrangements for conducting topical seminars, the engagement process, and the outcomes. However, with problem-solving as the core of engagement, the Office has to be more flexible in its arrangements for stakeholder engagement in direct investigation, contingent on the maladministration issue involved, most notably in the selection of individual stakeholder groups to be

engaged as well as that of the format and the degree of involvement. On the whole, the adoption of these two different modes of engagement indicates the growing complexity of stakeholder engagement in the work of The Ombudsman's Office, which has to be aligned with the diverse purposes of engagement.

Achievement of engagement. The Ombudsman has achieved positive results from these two different types of engagement. The topical seminar provides an occasion for The Ombudsman and his officers to gather together the Justices of the Peace, their advisors, senior government officials, and representatives from public organizations to share ideas, exchange viewpoints, and promote mutual understanding on a particular administrative issue in an informal and relaxed setting. In the absence of a specific business agenda, The Ombudsman can personally reach these different stakeholder groups in an open and amicable way. The high attendance rate, the quality of the presentation, and the participants' enthusiastic participation in the Q&A session, as well as the constructive follow-up discussion during the lunch are good performance indicators of its receptivity and initial success. As for direct investigation, it provides a proper venue for the affected stakeholder groups to contribute and become involved, giving the investigation a collaborative outlook in coproducing the investigation report. Although much must be done to confirm its engagement effectiveness, the ability of the investigation team to consult patient groups and medical associations, seek advice from senior medical doctors, communicate with the media, interact with FSD and HA and obtain their feedback in the investigation process has reflected stakeholders' positive response to this participatory approach. Most important of all, The Ombudsman and his investigation officials have assessed the engagement experience in the ambulance investigation as positive and constructive, helping to build their confidence in the contribution of stakeholder engagement at the operational level. In short, these engagement practices have helped The Ombudsman to achieve the purposes of bringing individual stakeholder groups closer to the work of his Office and leveraging this social capital to improve the legitimacy of its services.

Impact of engagement. The impact of the engagement practices of the topical seminar and direct investigation on the work of The Ombudsman's Office is inevitably the core concern. In fact, the impact of engagement depends much on whether The Ombudsman and his leading officials take stakeholder engagement seriously. The topical seminars represent Ombudsman Lai's organized effort to engage the Justices of the Peace and advisors in a more constructive way, that is, from superficial to more substantive involvement in his work. Through the seminars, these two stakeholder groups are given opportunities to influence the work of The Ombudsman and his Office by conveying their opinions and concerns through personal and direct contact. Its impact tends to be more long-term and indirect at the policy level. However, the strong effect can be seen in The Ombudsman's decision on the direct investigation into restaurants' unauthorized extension of their business areas after considering the opinions collected from the seminar on street obstruction. In the direct investigation of

the ambulance case, the investigation team had aggressively engaged stakeholders in the investigation process and the preparation of the report, as evidenced by their disclosure of the topic, content and initial findings of the investigation to relevant stakeholder groups earlier than in the past; their active seeking of opinions and discussion with a wider range of stakeholder groups, including the media, on related sensitive issues and provocative questions; their invitation of advice and comments from vocal stakeholder groups (e.g. the patient groups and out-spoken medical doctors); the validation of their initial findings and suggestions with medical experts, patient groups, FSD, and HA; their working together with FSD and HA to find out an acceptable solution for administrative improvement; and most important of all, their incorporation of the opinions, viewpoints and suggestions of different stakeholder groups in the final report. The impact was immediate and direct, as reflected in stakeholders' warm acceptance of the investigation report. Most notably, in contrast with their hostile attitude to an earlier investigation, the FSD did not in this case contend with the investigation team's findings and recommendations on the improvement of ambulance services. This gives us an empirical basis to tentatively advance the view that these two stakeholder engagement initiatives gave the affected stakeholder a sense of participation and enabled them to observe the impact of their participation on the work of The Office of The Ombudsman.

However, the positive experiences initially achieved from these two initiatives do not conceal their limitations. For example, the topical seminars, with some modifications, may be able to open to a wider range of stakeholder groups, in particular, the media, in order to serve their relationship building, communication, and socialization purposes more effectively. In addition, a summary of each seminar with possible follow-up action should be provided to the stakeholder groups involved to convey a stronger sense of engagement. As for direct investigation, it is more desirable to institutionalize the engagement arrangements and make them known to individual stakeholders in order to facilitate effective engagement. Finally, a review mechanism should be designed in order to assess the performance and seek continuous improvement.

Conclusion

This paper examines the practice of stakeholder engagement in the work of Ombudsman Hong Kong since Ombudsman Alan Lai formally adopted it as an official policy. Although the Office under his two predecessors had been steadily increasing the engagement of individual stakeholder groups in its activities and operations, opinions were generally critical of its conservative approach and public relationship orientation. Inspired by a recent AOA report on service improvement through the greater practice of stakeholder engagement, Ombudsman Alan Lai has made a courageous and determined effort to break away from the bureaucratic mode and secrecy constraints by introducing two major initiatives. Topical seminars are organized to engage Justices of the Peaces

and their advisors with a view to cultivating among them a stronger sense of identity in serving as a bridge between The Ombudsman and the general public, while the format of direct investigation was re-invented to leverage individual stakeholders' expertise and secure their input in the process in an interactive manner with the objective of improving the validity of the findings, increasing the acceptance of the recommendations, and enhancing the legitimacy of the investigation report. These two initiatives have achieved initial success, as evidenced in their ability to engage the targeted stakeholder groups and to have an impact on the Office's operations and decisions.

However, stakeholder engagement in the work of The Ombudsman is still at an early stage of development and awaiting institution alization and internalization. Although there are signs that the topical seminar has now become a regular event, its closed-door format has constrained much of its engagement potential and effectiveness. As for direct investigation, the arrangement is informal and engagement practice is *ad hoc*, enabling it to be easily abridged and bypassed in subsequent operations. Ultimately, an engagement strategy with strong institutional support is desperately required to drive the effort forward and to introduce more good practices for facilitating individual stakeholders' engagement in the work of the Office at both the operational and policy levels with the effect of shaping its policy outcomes and service quality.

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