

**Mishandling query and request repeatedly by
The Joint Office for Investigation of Water Seepage Complaints
Investigation Report**

The Complaint

On 30 May 2019, a solicitors firm (“the Complainant”) complained to this Office against the Joint Office for Investigation of Water Seepage Complaints (“JO”), which is composed of staff from the Food and Environmental Hygiene Department (“FEHD”) and the Buildings Department.

Details of Complaint

2. On 5 November 2018, the Complainant wrote to JO on behalf of its clients, the registered owners of a property (“the Lower Flat”), enquiring whether any inspection had been conducted at the flat above its clients’ (“the Upper Flat”) - (“the Query”). The Complainant also asked JO for a copy of the inspection report if there was one (“the Request”). JO replied to the Complainant on 18 January 2019 that no inspection had been conducted at the Lower Flat on 26 October 2018. Despite repeated reminders from the Complainant, JO had yet to answer the Query and the Request.

3. After a preliminary inquiry, The Ombudsman decided to conduct a full investigation into the complaint.

Our Findings

Relevant Guidelines for Handling Enquires or Complaints

4. According to FEHD’s internal guidelines, if a substantive reply cannot be given within 10 calendar days upon receipt of an enquiry or a complaint, an interim reply should be issued.

5. If a substantive reply cannot be made within 30 calendar days upon receipt of the enquiry/complaint, the enquirer/complainant should be informed of progress.

6. The supervisor of a case officer is responsible for monitoring the case progress, ensuring the time frames are complied with and clearing any reply to be issued to the enquirer/complainant.

JO's Response

7. By letters respectively dated 5 November 2018, 26 November 2018, and 2 January 2019, the Complainant wrote to JO to put on record that no inspection had been conducted by JO at the Lower Flat on 26 October 2018. The Complainant also asked JO whether any inspection had been conducted at the Upper Flat and, if so, to let it have the details and findings of the inspection together with a copy of the inspection report. On 18 January 2019, the case officer, an Environmental Nuisance Investigator of FEHD, issued a reply letter to the Complainant, tendering an apology for the late reply and stating that no inspection had been conducted at the Lower Flat on 26 October 2018.

8. On 30 January 2019, the Complainant wrote to JO, reiterating the Query and the Request. On 6 March, the case officer issued a reply letter to the Complainant, reiterating that no inspection had been conducted at the Lower Flat on 26 October 2018 and apologising again for the late reply.

9. On 7 March and 2 April, the Complainant wrote to JO, complaining that four months had elapsed and JO had yet to respond to the Query and the Request, which were made in November 2018.

10. On 6 May, the case officer issued a reply letter to the Complainant, confirming that no inspection had been conducted at both flats on 26 October 2018. The case officer also further apologised for any inconvenience caused.

11. On 16 May, the Complainant wrote to JO, stating that it was given to understand from the solicitors for the owners of the Upper Flat that JO had carried out an inspection at the Upper Flat on 29 October 2018 but no known defects had been identified. The Complainant requested JO to confirm its understanding with details of inspection and findings and explain why no inspection was conducted at the Lower Flat on 29 October 2018.

12. On 31 May, the case officer issued a reply letter to the Complainant, confirming that JO had not conducted any inspection at both flats on 26 October 2018.

The case officer also explained that one of the owners of the Lower Flat, was too busy to arrange an inspection at the Lower Flat on 29 October 2018 when an inspection at the Upper Flat was to be conducted on the same day. During the inspection at the Upper Flat, signs of renovation were observed and payment receipt of renovation was provided for inspection.

13. On 11 June, JO wrote to the Complainant, providing information supplemental to the letter issued by the case officer issued on 31 May. JO also apologised to the Complainant for any inconvenience caused.

14. JO admitted that no interim reply had been issued to the Complainant upon receipt of its enquiry letter dated 5 November 2018 and the replies of 18 January, 6 March and 6 May 2019 to the Complainant had not been given within the time limits described in paragraphs 4 and 5 above. JO also found that the said replies had not properly addressed the queries raised by the Complainant.

15. JO's investigation revealed that the General Registry of the District Environmental Hygiene Office concerned ("DEHO") had handed all the incoming correspondence, including the letters from the Complainant, to the case officer direct instead of handing them first to his supervisor, a Senior Health Inspector, as required. Moreover, the case officer had failed to comply with the standard practice to have his reply letters cleared by his supervisor before they were issued to the Complainant. As a result, his supervisor was not aware of the letters from the Complainant and the reply letters issued by the case officer. FEHD was considering taking disciplinary action against the case officer.

16. To prevent recurrence of the same problem, JO has implemented the following improvement measures:

- (1) providing the case officer immediately with coaching on matters including complaints handling and seeking assistance and advice from supervisor when necessary;
- (2) reminding the staff of the General Office of DEHO to place all incoming correspondence into correct files which should be handed to the supervisors of case officers for their attention first;

- (3) ensuring the relevant internal guidelines are circulated to all officers of DEHO for their attention and re-circulated every six months; and
- (4) reminding case officers to input all key milestones in the course of investigation of water seepage complaints into the complaint management system so that their supervisors can monitor the case progress.

Our Comments

17. Clearly, the case officer's reply letters of 18 January and 6 March 2019 had failed to reply to the Query and the Request made in the Complainant's letter dated 5 November 2018. There was also inordinate delay on the part of the case officer to respond to the Complainant's letters issued to JO between 5 November 2018 and 2 April 2019.

18. JO has admitted fault in the case and tendered an apology to the Complainant.

Conclusion

19. In light of the above, The Ombudsman considered the complaint **substantiated**.

20. We urge JO to implement the improvement measures thoroughly and closely monitor the performance of its staff to prevent similar problems from recurrence.

**Office of The Ombudsman
November 2019**