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Over the past few years, the Commission has devoted considerable effort to the review of major policy issues concerning civil service recruitment, promotion and performance management. The reviews initiated by the Commission were aimed at streamlining procedures, rationalising rules and practices, and developing existing policies. A lot of these efforts have come to fruition in 2009. With the collaborative effort of the Administration, quite a number of the reviews have been completed and results are emerging in the form of new principles and guidelines, advisory circulars as well as training and promotion packages. The revised chapters on “Recruitment” and “Promotion” in the “Guidebook on Appointments” have been promulgated, setting the scene for an improved system and procedures in civil service appointment matters. A totally revamped “Performance Management Guide” has also been issued, highlighting the best practices for managers and staff to follow. The Commission notes with pleasure the results achieved, which are summarised in Chapters 3, 4, 5 and 7.

With the completion of the major reviews on promotion and performance management, the Commission has considered it opportune to advocate a total and systematic approach in linking the talent development system to a much strengthened succession planning mechanism. The Commission has in the past drawn attention to the need for the civil service to retain talents from amongst the pool of younger officers aged between 25 and 34 to meet succession needs at the top levels of the civil service. This has been made all the more pressing in view of the ageing profile of the civil service. These observations

point to the need to place renewed emphasis on career development and training. To this end, the Commission has been working closely with the Administration to steer bureaux and departments towards a total approach in staff development, talent retention and succession planning. An account of the work involved is given in Chapter 6.

The Commission continues to channel its observations on disciplinary matters to the Administration for follow-up. The Commission is encouraged to see a 25% decrease in the number of disciplinary cases in the year. Aside from the enhanced efficiency of the civil service disciplinary system, the drop is a testimony to the growing awareness in the civil service of the rising expectations of the public in the standard of probity required of them. The extremely small number of serious disciplinary cases reaffirms the Commission’s view that the civil service at large measure up to the very high standards expected of them in terms of conduct and discipline. An overview of disciplinary cases advised in the year and the related observations and reviews completed are given in Chapter 8.

The past year has been as usual a busy yet fruitful year for the Commission. I would like to thank Members for their advice and contributions. During the year Mr Simon IP, JP, retired from the Commission after six years of dedicated service. I pay my warm tribute to him for his many years of sterling support and wise counsel. I also extend my warm welcome to Mr Vincent LO Wing-sang, BBS, JP, our new Member.

A handwritten signature in black ink, which appears to read "Nicholas Ng Wing-fui". The signature is fluid and cursive, written in a professional style.

**Nicholas Ng Wing-fui**  
*Chairman*

**1.1** The Commission was established in 1950 as an independent statutory body and its remit is stipulated in the Public Service Commission Ordinance<sup>1</sup> (PSCO) and its subsidiary regulations (Chapter 93 of the Laws of Hong Kong). The fundamental role of the Commission is to advise the Chief Executive (CE) on civil service appointments, promotions and discipline. The Commission's mission is to safeguard the impartiality and integrity of the appointment and promotion systems in the civil service and to ensure that fairness and broad consistency in disciplinary punishment are maintained throughout the service.

## Functions

**1.2** With a few exceptions<sup>2</sup>, the Commission's advice on appointments and promotions relates only to the senior ranks of the civil service. This covers posts with a maximum monthly salary at Master Pay Scale Point 26 (currently at \$35,095) or more, up to and including Permanent Secretaries, Heads of Department and officers of similar status. At the end of 2009, the number of established civil service posts under the Commission's purview was 36 543.

**1.3** The posts of Chief Secretary for Administration, Financial Secretary, Secretary for Justice, the Director of Audit as well as posts in the Judiciary, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force fall outside the Commission's purview. In addition, following the introduction of the Accountability System on 1 July 2002 and the further development of the Political Appointment System, the appointment of Directors of Bureau, Deputy Directors of Bureau as well as Political Assistants (which are non-civil service positions) need not be referred to the Commission.

**1.4** As regards disciplinary cases, the Commission's purview covers all Category A officers<sup>3</sup> with the exception of exclusions specified in the PSCO. Category A officers include virtually all officers except those on probation, agreement and some who are remunerated on the Model Scale 1 Pay Scale<sup>4</sup>. At the end of 2009, the number of Category A officers under the Commission's purview for disciplinary matters was about 110 959.

1 In accordance with section (s.) 6(2) of the PSCO, Cap. 93 of the Laws of Hong Kong, the posts of Chief Secretary for Administration, Financial Secretary, Secretary for Justice, the Director of Audit as well as posts in the Judiciary, the Independent Commission Against Corruption and the disciplined ranks of Hong Kong Police Force fall outside the Commission's purview.

2 The following types of case, irrespective of rank, must be submitted to the Commission for advice –  
 - non-renewal and offer of shorter-than-normal agreement;  
 - deferment and refusal of passage of probation or trial bar; and  
 - retirement in the public interest under s.12 of the Public Service (Administration) Order (PS(A)O).

3 According to the PS(A)O, officers appointed to and confirmed in established offices are classified as Category A officers.

4 According to the PS(A)O, an officer who holds a non-established office, or an established office on month-to-month or probationary terms, or an officer on agreement terms, is classified as a Category B officer. Prior to 1 October 2008 all Model Scale 1 (MOD 1) grades were non-established offices and hence all MOD 1 staff were Category B officers outside the Commission's purview. Having regard to the long-term service needs for a core workforce of MOD 1 staff, the Administration announced via Civil Service Bureau Circular No. 5/2008 dated 14 July 2008 that MOD 1 offices have been declared as established offices by the CE with effect from 1 October 2008. Around 10 200 serving MOD 1 staff are allowed an irrevocable option to convert from Category B to Category A status during the specified option period from 14 July 2008 to 31 December 2008.

The Commission advises on cases involving officers who are subject to formal disciplinary proceedings as provided for under the Public Service (Administration) Order (PS(A)O) sections(s.) 9<sup>5</sup>, 10<sup>6</sup> and 11<sup>7</sup>. Minor misconduct cases which are punished by summary disciplinary action in the forms of verbal or written warning do not require submission to the Commission for advice.

**1.5** In examining submissions from the Administration, the Commission may raise questions where necessary to ensure that the recommendations are sound and the related process is carried out fairly, meticulously and thoroughly. The Administration is required to clarify or justify its recommendations in response to the Commission's observations and queries. On many occasions, the Administration has modified its recommendations following comments from the Commission whilst, in other instances, the Commission has been satisfied with the propriety of the recommendations after

seeking further clarifications or additional justifications. The Commission also draws the Administration's attention to deviations from established procedures or practices and staff management problems identified during the processing of submissions and, where appropriate, recommends measures to tackle these problems.

**1.6** The Commission also handles representations from officers on matters falling within the Commission's statutory responsibilities and in which the officers have a direct and definable interest. In 2009, the Commission dealt with 22 representations relating to appointment issues. After careful and thorough examination, the Commission was satisfied that the grounds for representations in 21 of these cases were unsubstantiated and the remaining one partially substantiated<sup>8</sup>. There were also seven other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.

5 Formal disciplinary action is instituted under s.9 of the PS(A)O if the alleged misconduct, when proven, is not serious enough to warrant removal of the officer from the service.

6 Action under s.10 of the PS(A)O is taken if the alleged misconduct, when proven, may result in dismissal or compulsory retirement of the officer.

7 In accordance with s.11 of the PS(A)O, if an officer has been convicted of a criminal charge, the disciplinary authority may, upon consideration of the proceedings of the court of such charge, inflict such punishment upon the officer as may seem to him to be just, without any proceedings.

8 In this partially substantiated case, the Commission was satisfied that there was no unfairness as alleged in the promotion exercise in question but the board chairman was found to have made enquiries on the performance of individual candidates in private before the conduct of the promotion board meeting. Such an act was undesirable as it would expose the board to suspicions or perception of unfair selection. The Commission advised the department that where there were doubtful points in an officer's performance as reflected in his appraisal report, it would be more appropriate for the board to deliberate the issue formally at the board meeting and clarify it with the officer's supervisors concerned.

**1.7** Separately, the Commission is required to advise on any matter relating to the civil service that may be referred to it by the CE. The Commission also acts as a “think tank” to the Secretary for the Civil Service on policy and procedural issues pertaining to appointments, promotions and discipline as well as on a wide range of subjects relating to the review and development of human resource management.

### **Provisions under the Law Relevant to Conduct of Commission’s Business**

**1.8** In accordance with s.12(1) of the PSCO<sup>9</sup>, the Chairman or any member of the Commission or any other person is prohibited from publishing or disclosing to any unauthorised person any information which has come to his knowledge in respect of any matters referred to the Commission under the Ordinance. Under s.13 of the PSCO<sup>10</sup>, every person is prohibited from influencing or attempting to influence any decision of the Commission or the Chairman or any member of the Commission.

The provisions under the law are clear safe guards for the confidentiality and impartial conduct of the Commission’s business.

### **Performance Target**

**1.9** In 2009, the Commission advised on 941 submissions covering recruitment and promotion exercises, disciplinary cases and other appointment-related subjects. Altogether 446 submissions were queried, resulting in 122 re-submissions (27%) with recommendations revised by the Civil Service Bureau and departments after taking into account the Commission’s observations. A statistical breakdown of these cases is shown in Appendix I.

**1.10** In dealing with recruitment, promotion and disciplinary cases, the Commission’s target is to tender its advice or respond formally within six weeks upon receipt of departmental submissions. All submissions in 2009 were dealt with within the pledged processing time.

9 In accordance with s.12(1) of the PSCO, it is an offence for the Chairman or any member of the Commission or any person, without the written permission of the CE under the hand of the Chief Secretary for Administration, to publish or disclose to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under the Ordinance or under any regulation made thereunder in respect of any matters referred to the Commission under the Ordinance or under any regulation made thereunder. Any person who knowingly acts in contravention of the above provisions shall be guilty of an offence and shall be liable to a fine of \$2,000 and imprisonment for one year.

10 According to s.13 of the PSCO, every person who otherwise than in the course of his duty directly or indirectly influences or attempts to influence any decision of the Commission or the Chairman or any member thereof shall be guilty of an offence and shall be liable to a fine of \$4,000 and imprisonment for two years.

**2.1** Under the Public Service Commission Ordinance, the Commission comprises a Chairman and not less than two or more than eight members. All are appointed by the Chief Executive and have a record of public or

community service. Serving members of the Legislative Council, the Hong Kong Civil Service and the Judiciary may not be appointed to the Commission.

## Membership

**2.2** The membership of the Commission during 2009 was as follows –

### Chairman

Mr Nicholas NG Wing-fui, GBS, JP	since May 2005
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### Members

Mr Simon IP Sik-on, JP	May 2003 to May 2009
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Mr Michael SZE Cho-cheung, GBS, JP	since February 2004
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Mr Thomas Brian STEVENSON, SBS, JP	since February 2004
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Mr Nicky LO Kar-chun, JP	since February 2006
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Mrs Mimi CUNNINGHAM KING Kong-sang	since February 2006
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Ms WONG Mee-chun, JP	since July 2006
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Prof. CHAN Yuk-shee, BBS, JP	since December 2007
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Mr Vincent LO Wing-sang, BBS, JP	since May 2009
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### Secretary

Mrs Stella AU-YEUNG KWAI Wai-mun, BBS	November 2002 to September 2009
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Mrs Margaret CHAN CHENG Wan-yuk, JP	since September 2009
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Curricula vitae of the Chairman and Members are at Appendix II.

## Secretariat of the Commission

**2.3** The Commission is served by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. At the end of 2009, the number of established posts in the Commission Secretariat is 27. An organisation chart of the Commission Secretariat is at Appendix III.

## Method of Work

**2.4** Submissions from the Civil Service Bureau (CSB) and government bureaux/departments are meticulously examined by the Commission Secretariat, with further clarifications and justifications obtained where necessary, before the advice of the Commission is sought. Promotion cases form the bulk of the work of the Commission Secretariat and a flow chart illustrating the vetting process of such cases is at Appendix IV.

**2.5** The business of the Commission is normally conducted through circulation of files. Meetings are held to discuss major policy issues or cases which are complex or involve important points of principle. At such meetings, representatives from CSB and senior management from departments are invited to attend to apprise the Commission of the background of the issue or case but the Commission forms its views independently.

## Homepage on the Internet

**2.6** The Commission's homepage can be accessed at the following address:

***<http://www.psc.gov.hk>***

The homepage provides information on the Commission's role and functions, its current membership, the way the Commission conducts its business and the organisation of the Commission Secretariat. Our Annual Reports (from 2003 onwards) can also be viewed on the homepage and can be downloaded<sup>11</sup>.

## New Office

**2.7** In January 2009, the Commission moved from its leased premises in St. John's Building to government owned premises in Fairmont House in Central.

11 Hard copies of the Annual Report are also available in public libraries and District Offices.

**3.1** Since the establishment of the Hong Kong Special Administrative Region (HKSAR) Government on 1 July 1997, new appointees to the civil service must be permanent residents of the HKSAR. However, under Article 101 of the Basic Law, professional and technical posts may be filled by non-permanent residents if there are no qualified or suitable candidates with permanent resident status.

**3.2** Recruitment in the civil service is basically a function of the Civil Service Bureau (CSB) and individual bureaux/departments (B/Ds). The Commission is involved in the process through overseeing the procedural aspects, examining the short-listing criteria and advising on recommendations for filling of vacancies in the senior ranks<sup>12</sup> of the civil service covering both open<sup>13</sup> and in-service<sup>14</sup> recruitment. It also advises B/Ds on procedural problems that they may encounter in the recruitment process.

### An Overview of Recruitment Position in 2009

**3.3** Following the lifting of the service-wide open recruitment freeze<sup>15</sup> with effect from 1 April

2007 for those grades not included in the second Voluntary Retirement (VR) Scheme<sup>16</sup>, the expiry of the 5-year open recruitment freeze for the VR grades on 21 March 2008, and the speeding up of the recruitment process to fill 7 700 civil service vacancies in support of the launch of a series of measures to create job opportunities as announced by the Chief Executive (CE) in December 2008<sup>17</sup>, civil service open recruitment continued at a fast pace in 2009.

**3.4** The full-scale resumption of open recruitment in the civil service has seen a rise in the number of recruitment cases in 2009. During the year, the Commission advised on 126 cases involving the filling of 1 116 posts, of which 894 were through open recruitment and 222 by in-service appointment. One new recruit was a non-permanent resident and was appointed due to the lack of suitable local candidates. A statistical breakdown of these appointments and a comparison of the number of appointees in 2009 with that in the past three years are provided at Appendix V.

12 They refer, for recruitment purpose, to those senior ranks under the normal appointment purview of the Commission (i.e. those attracting maximum monthly pay at Master Pay Scale (MPS) Point 26 (currently \$35,095) or above or equivalent). They exclude a) the basic ranks of non-degree entry and non-professional grades with a maximum monthly salary at MPS Point 26 or above, and b) the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

13 Open recruitment is conducted for basic ranks, or a promotion rank when no one is found suitable in the lower rank, or where there is a special need.

14 In-service recruitment exercises are arranged when the pool of candidates is restricted to all or selected groups of serving civil servants.

15 Under the service-wide open recruitment freeze imposed from 1 April 2003 to 1 April 2007, while in-service recruitment, which did not affect the overall strength of the civil service, was generally permissible, exceptional approval by the Joint Panel (co-chaired by the Chief Secretary for Administration and the Financial Secretary and with the Secretary for the Civil Service as member) was required for the conduct of any open recruitment exercise.

16 As one of the measures to achieve the Government's aim to reduce civil service establishment to around 160 000 by 2006-07, the second VR Scheme was launched in March 2003 to enable identified or potential surplus staff in 229 designated grades to leave the service voluntarily. About 5 300 officers retired under the Scheme.

17 To shore up the economy in the wake of the global financial turmoil and alleviate the unemployment situation, the CE announced in December 2008 that the Government would launch a series of measures, including the creation of job opportunities. In this regard, the Government would speed up the recruitment process to fill about 7 700 civil service vacancies by open recruitment from December 2008 to March 2010.

## **I. Reviews Initiated by the Commission in 2009**

**3.5** During 2009, the Commission monitored closely the effectiveness of the arrangements introduced since December 2007 to streamline the civil service recruitment process. It has continued to work jointly with CSB to identify areas for further streamlining and rationalisation of existing procedures and practices. The reviews initiated and the observations made by the Commission in 2009 are summarised in the succeeding paragraphs.

### ***a) Further streamlining of the recruitment process***

**3.6** As stated in the 2008 Annual Report, to address the Commission's concern about the lengthy process involved in the recruitment of civil servants, a number of improvement initiatives have been implemented together with CSB since December 2007 under Phase I of the streamlining process. As a result, the recruitment process was observed to have been shortened by about four weeks in 2008 with 95% of the cases completed within 2.5 to eight months. The Commission considered that a duration of eight months was still long for completing a recruitment exercise. There was scope for recruiting B/Ds to expedite the recruitment procedures that were under their sole control to achieve further saving in time. The Commission initiated Phase II of the streamlining exercise and requested CSB to identify and share with B/Ds those common areas where further improvements

were required. CSB responded positively and promulgated in December 2008 a list of streamlining initiatives for B/Ds to follow to further shorten the recruitment process.

**3.7** Furthermore, the Commission has examined specific tasks in the recruitment process where further streamlining and improvement might be made. The newly introduced measures are described in the following paragraphs –

### ***i) Scrutiny of staff reports by recruitment boards***

**3.8** It is a common practice of recruitment boards to scrutinise, if available, staff reports of candidates who are serving officers or ex-officers on civil service or non-civil service terms of appointment. The Commission has observed that the unduly long time taken by some departments to complete their recruitment exercises is due in part to the time spent on checking the performance records of such candidates and the time wasted in competing for such reports with other recruiting departments in respect of candidates who have applied for more than one job. The Commission has also received complaints from individual serving officers questioning the practice of calling staff appraisals from their current supervisors, thus creating unnecessary speculation of their intention to join another grade when their job application has not been proven successful.

**3.9** The long processing time taken in some recruitment exercises and the expressed dissatisfaction have pointed to the need for rationalising the requirement for recruitment boards to make reference to the performance records of serving officers or ex-officers on civil service or non-civil service terms of appointment. The Commission holds the view that while in general a candidate's past performance record is a relevant factor to be taken into account in considering any offer of appointment, it would seem more sensible for such a reference to be made only after the candidate has been selected for offer of appointment. The selected candidate's past performance record in the civil service may then be treated as an additional reference in determining his suitability for the post under application. Apart from being more equitable in the selection process, this approach of making reference to past civil service performance records only after the selection interviews may also help reduce the time required for calling and checking the staff reports of those candidates who are not selected for appointment, thus expediting the recruitment process to a certain extent. Upon review, CSB has agreed to revise the arrangement for the scrutiny of the staff reports to be confined to those candidates who have been selected for offer of appointment.

#### *ii) Waivers*

**3.10** Under the streamlined recruitment process, preparatory arrangements for any recruitment

exercise need not be submitted to the Commission unless there are deviations from the established appointment rules, procedures and practices or approved Guides to Appointment (G/A)<sup>18</sup>. It has been decided that recruitment exercises involving the waiver of language proficiency requirement, permanent resident status and common recruitment examination need not be submitted to the Commission at the preparatory stage so long as such waivers have already been approved by CSB. The Commission should be notified of such waivers only when submissions on the recommended appointees are made.

**3.11** To bolster the efforts to expedite the recruitment process, CSB conducted an experience-sharing workshop with the participation of Commission Secretariat representatives in mid 2009 to brief subject officers involved in recruitment duties in B/Ds on the streamlined arrangements, including the above mentioned new measures. As a result of all the concerted efforts made by the Commission, CSB and B/Ds, it was observed that 96% of the 107 open recruitment cases processed by the Commission in 2009 were completed within two to seven months, indicating a further shortening of the process by about four weeks. The Commission is pleased to note that the various improvement initiatives implemented have proven to be effective in shortening the civil service recruitment process.

<sup>18</sup> The G/A is an official document prepared by departments for individual ranks to specify the qualification, requirements and the terms of appointment for recruitment or promotion to respective ranks. The B/Ds are required to update the entry requirements, terms of appointment, and job description of grades under their purview in the respective G/As on an ongoing basis for CSB's approval.

**3.12** Notwithstanding the continuous improvements made in the past two years, the Commission will continue to closely observe the civil service recruitment system with a view to identifying further scope to enhance its effectiveness and to expedite the process.

**b) Guidelines on reduction of probationary period**

**3.13** All recruits to the civil service since June 2000 are put on New Terms<sup>19</sup> and are normally appointed on 3-year probationary terms to be followed by 3-year agreement terms before they are considered for appointment on permanent terms. In the case of a new recruit who has served in a B/D on non-civil service contract (NCSC)<sup>20</sup> terms performing similar or comparable duties to those of the civil service rank to which he has been selected for appointment and the B/D has his prior performance records, the appointment authority is allowed to exercise the discretion to reduce, where justified and appropriate, the probationary period required of that new recruit. To qualify for the reduction, the stipulated criteria, which include the relevancy of job duties, clear service and appraisal records, as well as satisfactory performance and conduct, have to be fully met. The reduction in probationary period should be no more than the period of the new recruit's past service in the B/D, and in any case no more than half of the normally required probationary period.

**3.14** As stated in the 2008 Annual Report, the Commission has pursued with CSB the need to codify the arrangement for exercising discretion in the reduction of the probationary period if the new recruits concerned have served on NCSC terms with "possibly a short break" in service before appointment on civil service terms. The Commission considers that officers who have left the service within six months by the time the offer of appointment is made should be regarded as falling well within the spirit of a "short break". Separately, as observed by the Commission in a recruitment exercise, CSB has given advice to the department that the appointment authority may consider reducing the probationary period of an appointee who has served in another department on NCSC terms with duties similar or comparable to those required of the new civil service job provided that the department is vigilant in assessing the relevancy of that experience and ensuring that the Head of Department/Head of Grade concerned of the civil service job of similar or comparable duties is consulted.

**3.15** The Commission is pleased to note that CSB has decided to codify the above practices and in April 2009 promulgated supplementary guidelines on the reduction of probationary period to ensure that a consistent approach is followed by B/Ds.

19 Officers on New Terms are those who joined the civil service on or after 1 June 2000 who are not eligible for pensions and medical and dental benefits after retirement, and their leave earning rate is also lower than those on Local and Common Terms.

20 The engagement of NCSC staff has been introduced for more than nine years since January 1999 to meet service needs which are short-term, part-time, or where the mode of service delivery is under review or likely to be changed. CSB Circular No.2/2001 sets out the arrangements for Heads of Department/Heads of Grade to employ NCSC staff.

*c) Appropriateness of using recruitment examination as a short-listing criterion*

**3.16** As stated in the 2008 Annual Report, the Commission is concerned about the different status accorded by different B/Ds to recruitment examination in the appointment process, which in turn has given rise to different treatment<sup>21</sup> to people with disabilities in recruitment exercises. The Commission considers that in general, recruitment examinations should be part of the selection process to screen out candidates who do not meet the job requirements if the need to conduct recruitment examination is established. In response to the Commission's observation, two grades that used to adopt the recruitment examination as a short-listing tool have decided to stipulate the recruitment examination as a prerequisite for appointment starting from the recruitment exercises launched in 2009. While results of the recruitment examination may still be used for short-listing purpose if there is an overwhelming number of candidates who pass the examination, candidates (including people with disabilities) who fail to attend or pass the examination would no longer

be invited for interview. The Commission supports the revised arrangement which ensures that all candidates screened in for interview have met the basic job requirements.

**II. Revised Chapter on "Recruitment" in CSB's "Guidebook on Appointments"<sup>22</sup>**

**3.17** As detailed in the 2008 Annual Report and in paragraphs 3.6 to 3.12 above, a series of streamlined measures and improvement initiatives for civil service recruitment have been implemented under the concerted efforts of the Commission and CSB since 2007, necessitating an overhaul of the existing recruitment guidelines. In the year, CSB conducted a comprehensive review of the existing chapter on "Recruitment" in the "Guidebook on Appointments" with substantial input from the Commission Secretariat. The opportunity was also taken to align various existing practices adopted by different B/Ds in the recruitment process to ensure consistency across the service. The revised chapter incorporates the following issues or observations raised by the Commission and accepted by CSB in the past two years –

21 The different treatment of people with disabilities as a result of the different status accorded to recruitment examination is that where the recruitment examination is treated as a job requirement, people with disabilities who have not sat or passed the written examination would be automatically screened out. However, where the recruitment examination is treated as a short-listing tool, then people with disabilities who are not subject to any short-listing criteria would be invited for interview even if they have not attended or passed the recruitment examination.

22 The Guidebook on Appointments is produced by CSB as a handy reference for departmental managers who need to handle appointment-related matters on a daily basis. It sets out the principles, major rules and regulations, and key steps to take in making civil service appointments. Subjects on "Recruitment", "Promotion", "Expiry of Appointment and Further Appointment" and "Acting appointment and Secondment" are covered under separate chapters in the Guidebook.

- a)** Adoption of work experience as a short-listing criterion – This should be used only where necessary (particularly for posts which do not specify work experience as an entry requirement), and B/Ds should fully justify the need for doing so.
- b)** Exceedingly long waiting list – There is a need to draw up a realistic waiting list for appointment having regard to the number of vacancies available and the expected decline rate, and B/Ds should account for the reason for maintaining an excessively long waiting list.
- c)** Submission of staff reports of serving and ex-officers to the Commission for scrutiny – This is only required when the assessment as portrayed in the staff reports does not support a candidate’s appointment or a decision is made not to offer appointment to an otherwise suitable candidate after reference is made to the staff reports.
- d)** Submission of supporting documents certifying academic and/or professional qualifications – B/Ds are reminded that this is required only for applicants possessing such qualifications from outside Hong Kong for an advance assessment of the said qualifications. Applicants obtaining such qualifications locally are not required to attach copies of the supporting documents on submission of their applications, and the documents would be required for checking only if the applicants are invited to interviews.
- e)** Incomplete applications due to non-submission of supporting documents – B/Ds are reminded to include in the advertisements a cautionary note to the effect that if the applicants fail to provide all the information as requested, their applications will not be considered. Accordingly, incomplete applications need not be processed by B/Ds in general.
- f)** Further streamlined measures, reduction of probationary period and status of recruitment examination – as detailed in paragraphs 3.13 to 3.16 above.

### III. Other Observations of the Commission

#### *a) Consideration of Basic Law (BL ) test result*

**3.18** As mentioned in the 2008 Annual Report, assessment on BL knowledge has been incorporated into the recruitment of all civil service jobs with effect from 1 September 2008, including open, open-cum-in-service and in-service recruitment exercises. While BL test result would not affect a candidate's eligibility for applying for a civil service job, it would be one of the considerations to assess the suitability of a candidate for appointment.

**3.19** In one recruitment exercise, the recruiting department has failed to take into account the candidates' BL test results in considering their overall suitability for appointment. Upon the Commission's enquiry, the department added back the candidates' BL test results to their overall assessment scores. Although the final selection result was not affected by the BL test result in that exercise, the department was reminded to observe and comply with the prevailing recruitment policy and procedures when conducting future exercises. On the other hand, in processing certain in-service appointment (ISA) exercises of a department, the Commission has invited the Administration

to review the need for imposing the BL test requirement in assessing the suitability of qualified serving officers for appointment when these ISA exercises are one-off in nature and restricted to qualified applicants who are serving officers of specific grades in the same department.

#### *b) Reopening of recruitment without a valid ground*

**3.20** In examining the recommendations of a recruitment exercise, the Commission observed that the recruiting department had re-advertised the recruitment exercise two months after the lapse of the application deadline without a good reason. The Commission considered this arrangement unnecessary given that a sufficient number of qualified applications had been received for selection in the first round of application and the reopening arrangement would only prolong the recruitment process unnecessarily. The department was subsequently advised that if an exception had to be made to reopen a recruitment exercise, the advice of CSB and the Commission should be sought.

## IV. Attractiveness of Civil Service Jobs

**3.21** In 2007 – 2008, the Commission joined hands with CSB to pursue a study on the attractiveness of civil service jobs. The study comprised two parts: a quantitative survey and a qualitative survey. The former focused on the recruitment outcome and turnover of eight selected grades<sup>23</sup>, and the latter on the views of their grade members at the basic and the immediate higher ranks on whether their aspiration of a civil service career in general and their expectation of the promotion prospects of their respective grades in particular were met. The findings of the study concluded that the civil service remained a meritocracy and continued to attract quality candidates. In 2009, the Commission noted that civil service recruitment exercises invariably attracted an overwhelming number of applications which suggested that civil service jobs were still highly sought after in the job market. This should however be seen against the background of the economic crisis and the general decrease in job vacancies in the private sector. The Commission considered that CSB should continue to monitor developments and conduct periodic surveys to keep track of the attractiveness of civil service jobs.

**3.22** In 2009, at the invitation of the Administration, the Commission provided a response to the consultation document on “Review of Post-Service Outside Work for Directorate Civil Servants” issued in February 2009. The Commission supported striking a balance between the two underlying principles behind the existing post-service outside work control regime for directorate civil servants, viz. protection of the public interest vis-à-vis protection of an individual’s right to work. There was no need to shift the existing equilibrium to either end of the two principles. The Commission cautioned against any overly stringent restrictions on post-service employment at the directorate level which might render a civil service career less appealing and result in a drain of talents in their mid-careers in good times. This would have a detrimental impact on succession to the top levels of the civil service in the long run. The Commission’s response to the Committee on Review of Post-Service Outside Work for Directorate Civil Servants is included in Appendix VI of this Report.

23 The eight selected grades are Administrative Officer, Executive Officer, Information Officer (General), Labour Officer, Maintenance Surveyor (Architectural Services Department), Solicitor (Intellectual Property Department), Trade Officer and Treasury Accountant.

**3.23** The Commission has noted with some concern the premature departures of some officers at the senior level in 2009. Further work would need to be done to understand the reasons for such a phenomenon. For instance, it needs to be examined whether the additional constraints on post-service employment at the directorate level were impacting on staff retention and even the attractiveness of civil service jobs. Furthermore, in providing its response to the “Consultation Document on Further Development of the Political Appointment System” in 2006, the Commission had observed that the expansion of the political appointment system might result in a drain of quality civil servants at the lower level and hence, a further thinning out of the civil service at the directorate level. The question of whether the implementation of the expanded political appointment system was a relevant factor in the premature departures of officers at the senior level would need to be assessed. The Commission would continue to pay attention to the subject.

**3.24** The service-wide open recruitment freeze from 1 April 2003 to 1 April 2007 and the 5-year open recruitment freeze for grades included in the second VR Scheme which expired on 21 March 2008 have not only impacted on the manpower position of the civil service but also given rise to practical difficulties in filling vacancies in the first tier of promotion ranks in some grades. This prolonged period of an absence of injection of new blood into the civil service will have longer-term effects on succession planning at the senior levels, notwithstanding the resumption of civil service open recruitment upon the lifting of the recruitment freeze. This subject is worthy of further evaluation. The Commission would join hands with the Administration to study this issue.

**4.1** Promotion is an integral part of the civil service system and the Commission assumes a key role in advising on promotions to senior ranks<sup>24</sup> in the civil service. The objective is to ensure the selection of the most suitable and meritorious persons to undertake the duties of posts in the higher ranks through a fair and equitable promotion system. In the course of scrutinising promotion submissions

from departments, the Commission not only ensures that all eligible officers are considered on an equal basis against the criteria of ability, experience, performance, character and prescribed qualifications, if applicable, but also makes observations on whether proper procedures are followed in conducting promotion exercises.

### An Overview of Promotion Cases Advised in 2009

**4.2** In 2009, the Commission advised on 568 submissions on promotion, compared with 581 in 2008 and 526 in 2007. They involved 5 109 officers, broken down as follows –

#### Promotion-related appointment cases advised in 2009

- a) 1 631 promotees\*
- b) 84 officers waitlisted for promotion
- c) 258 officers appointed for acting with a view to substantive promotion (AWAV)<sup>25</sup>
- d) 12 officers waitlisted to AWAV
- e) 3 124 officers appointed for acting for administrative convenience (AFAC)<sup>26</sup>

Total 5 109 officers

\* Promotees to fill vacancies in 354 ranks<sup>27</sup>, including 54 promotions to directorate positions.

24 They refer, for promotion purpose, to those senior ranks under the normal appointment purview of the Commission (i.e. those attracting maximum monthly pay at Master Pay Scale Point 26 (currently \$35,095) and above or equivalent). They exclude the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

25 An officer is appointed to AWAV before substantive promotion if he is considered suitable in nearly all respects for undertaking the duties in the higher rank and he is ready to be further tested on the minor doubtful aspects in the higher rank. The norm for this type of acting appointment is six months but may vary.

26 An officer is appointed to AFAC if he is not yet ready for immediate promotion, but is assessed as having better potential than other officers to undertake the duties of the higher rank; or he is considered more meritorious but could not be so promoted because of the lack of substantive and long-term vacancies.

27 The number of eligible officers far exceeded the number of promotees. In a number of promotion exercises, over 300 candidates were shortlisted for detailed consideration by the board.

### I. Reviews Initiated by the Commission

**4.3** As mentioned in the 2008 Annual Report, the new guiding principles and arrangements implemented in response to the reviews initiated and observations raised by the Commission in the last few years to enhance the quality of the civil service promotion system would be incorporated into the revised “Guidebook on Appointments<sup>28</sup>” to be promulgated by the Civil Service Bureau (CSB). A web training package on promotion issues would also be produced by CSB. These were achieved in 2009.

### Revised chapter on “Promotion” in CSB’s “Guidebook on Appointments”

**4.4** The good practices for the proper conduct of promotion exercises are now contained in an updated chapter on “Promotion” in the “Guidebook on Appointments”, which have been extensively revised with substantial input from the Commission Secretariat. The revised chapter provides clear pointers and guidelines in an organised and systematic format to bureaux/departments (B/Ds) on the following promotion-related issues –

#### *Preparation for the conduct of promotion exercise*

**a)** Designation of a promotion board – Unless all the vacancies in question are temporary, time-limited or subject-to-review vacancies that can only be filled by AFAC appointments, a board should be designated as a “promotion board” instead of a “selection board” in order not to give the impression of any attempt to pre-empt the board’s deliberations on the candidates’ suitability for promotion.

**b)** Timing of promotion board vis-à-vis reporting cycle – Save in exceptional circumstances, promotion boards should be held within a period of six months from the end date of the last reporting cycle. In cases when boards are to be convened in the 7th to 9th month, good justifications have to be provided for the consideration of the Commission for ranks under its purview. Late convening of boards for more than nine months after the end date of the last reporting cycle would only be allowed on very exceptional grounds and on the condition that up-to-date performance appraisals are called by advancing the end date of the current appraisal cycle.

**c)** Filling of consequential vacancies – Vacancies at D2 level and below should be calculated realistically on a grade rather than a rank specific basis. Vacancies arising from promotion or acting appointments in a higher rank (i.e. consequential vacancies) can be counted in the lower rank where there is little risk of over-establishment as assessed and confirmed by the appointment authority.

**d)** Sounding-out arrangement – Selecting the most deserving candidates for promotion on the basis of performance and merits is the prerogative of the management. Departments should therefore avoid posing any hurdle to officers who are eligible for consideration for promotion by requiring them to apply for consideration. A sounding-out arrangement would restrict the management’s choice of candidates.

28 See Note 22 under Chapter 3 on page 12.

**e)** Avoidance of conflict of interest in promotion exercises – For a promotion board where the chairmanship involves directorate officers in the department and a change in the chairmanship is deemed necessary as his relationship with any of the officers under consideration may be perceived as having a conflict of interest, the appointment of another departmental directorate officer or a bureau representative of a higher or comparable ranking to chair the promotion board should be explored. A CSB representative may be appointed to chair the board if all options have been exhausted.

#### ***Selection criteria for promotion***

**f)** Use of “promotability” or “potential” or “performance grading” as a short-listing criterion – Promotion boards can refer to an officer’s “promotability” or “potential” in appraisal reports for reference purpose but they should avoid using such assessment as a criterion for short-listing officers for promotion. They should also carefully balance the weight to be accorded to the “promotability” assessment as entered by the appraising officer, countersigning officer and Head of Grade (HoG) in examining the eligible officers’ claims. Where rating of “overall performance” is used as an additional criterion, the promotion board should set the threshold at a reasonable level.

**g)** Work exposure – Career posting is a management responsibility. The lack of appropriate or varied experience of an officer

should not be the only reason for not recommending an officer for promotion or acting appointment, if he is found suitable in all other respects. B/Ds should always take into account the career interest of their staff and strive to maintain a good balance between the career development needs of individual officers and the operational expediency of the B/Ds.

**h)** Promotion interest of officers selected to fill non-mainstream posts – Selection of suitable officers to fill non-mainstream posts should be carefully made after balancing the career interest of the officer against the operational requirement of the department. The officer so selected should not be confined to the post for an unduly long duration nor prejudiced in his career advancement if he is not temperamentally or technically suited to such specialised work.

**i)** Smooth succession planning – Officers recommended for promotion to Head of Department (HoD) posts should have preferably three years’ active service on assumption of the HoD post to allow sufficient time and continuity for the office holder to steer the department.

#### ***Reference materials for promotion board***

**j)** Duration of past performance appraisals under review – Promotion boards should primarily make reference to the candidates’ performance appraisals over a period of time (normally the last three years). For close contenders with comparable performance track records during the 3-year review period, the board may make reference to their earlier reports.

- k)** Board members' personal knowledge – Board members' personal knowledge is to supplement, not to replace or override, the performance appraisals. Where there is discrepancy between the board's observations on an officer's performance and those made in the appraisal reports, the board should elaborate on such discrepancies with justifications for accepting them in the board report.
- l)** Hearsay allegation deliberated by promotion boards – It is not appropriate for a board to make reference to hearsay allegations and to draw its recommendations on this basis. Unless the allegation is substantiated with investigation by the departmental management, the board should neither discredit an officer's performance or integrity nor discard his claim on the basis of hearsay remarks.
- m)** Promotion interview – A promotion board may, only where absolutely necessary, conduct promotion interviews with a view to supplementing the assessments based on performance appraisals due to the specific requirements of the higher rank. The promotion interview results however should not be given undue weight to the extent that they would override the assessments based on an officer's sustained performance throughout the years.
- n)** Marking scheme adopted by promotion board – The use of a marking scheme to calculate arithmetically eligible officers' suitability for promotion should be avoided as far as practicable to prevent possible distortions in assessment.
- Steer for promotion board to accord appropriate weight to acting performance**
- o)** As detailed in the Commission's 2007 and 2008 Annual Reports, the Administration has adopted the following guiding principles governing acting arrangements to provide a clear steer for promotion boards in considering the claims of an AFAC recommendee of the last board –
- i)** While individual HoG may demand an acting appointment to test an officer's suitability for the higher rank before confirming his substantive promotion, the lack of acting experience should not be the sole reason for not recommending an officer for promotion.
- ii)** It is inappropriate to make direct comparison of an officer's acting performance with the performance of those at the substantive rank given their different levels of responsibilities.
- iii)** When an officer takes up a long-term acting appointment on the recommendation of a previous promotion board, a separate appraisal report covering the acting period with his performance assessed at the acting rank should be prepared so that it would be easier for the current board to assess his promotion claim. The officer should be allowed every opportunity to be tested in the higher rank, and should not be made to give way to other officers without good reasons. Slight variations in his performance gradings over a short period of time should not be allowed

to excessively influence the assessment of his performance covering a longer period of time. Any decision to cease his AFAC appointment should be fully justified by a thorough assessment on his acting performance and any deficiency identified should be made known to the officer or duly reflected in his performance appraisals.

- iv) Where deficiencies are detected in an officer who commenced to act outside the period under review by the promotion board, the supervisor should interview the officer concerned, bringing such deficiencies to his attention without having to wait until the annual appraisal cycle is due. The communications with the officer, covering the observed deficiencies in his performance, the reasons behind such observations and the advice given to him and his feedback, should be properly recorded. These records, which fall outside the period of appraisal reports under review by a promotion board, would facilitate a more thorough review of the officer's suitability to continue to act and provide a basis, with the support of evidence, to recommend the cessation of the officer's acting appointment if the situation warrants.
- v) For an officer who has been recommended for an AFAC appointment by a previous promotion board but has yet to start acting, if such recommendation is to be withdrawn by the current board,

the decision should be made after a thorough assessment on his relative merits as compared to other contenders or be supported by a written record of a deterioration in performance in his substantive rank after the last promotion board meeting.

- vi) If an officer has been appointed to act temporarily to meet management or operational needs, while his acting performance should be taken into account when assessing his claim, the promotion board should guard against giving any undue advantage when comparing his claim against other close contenders.

#### ***Recommendation of promotion board***

- p) Validity of waiting list for promotion and AWAV versus AFAC – An officer may be placed on a waiting list for promotion or AWAV appointment, as appropriate, if the vacancy is expected to arise later within the current appraisal cycle. The waiting list for promotion or AWAV appointment should lapse on expiry of the current appraisal cycle. Separately, a waiting list for AFAC appointment may be drawn up to cater for possible vacancies to arise. This AFAC waiting list should remain valid until the conduct of the next promotion or selection board when the claims of all eligible officers are reviewed upon the availability of a fresh round of appraisal reports.

- q) Validity of AWAV period for consequential deputy HoD posts – The validity of the AWAV period for the selected deputy HoD incumbent must not be shorter than that of the HoD incumbent. Any possible extension incurred by the latter officer should correspondingly be extended to the former officer. Moreover, the AWAV appointment of the selected deputy HoD incumbent will lapse if the selected HoD fails the AWAV test and is required to revert to his substantive rank on stepping down, rendering a consequential vacancy no longer available. Exceptionally the selected deputy HoD incumbent may get promoted on satisfactory completion of the AWAV appointment if the HoD incumbent, on stepping down, can be accommodated in a post within or outside the department at the deputy HoD level, subject to there being little risk of over-establishment as assessed by the appointment authority.
- r) Rotational acting appointments – A promotion board should avoid recommending rotational acting appointments. If there is an overriding need for such an arrangement, the board should set out the justifications in its recommendation with a projection on how the scenario of a “reversed” supervisor-subordinate relationship can be mitigated.

#### *Monitoring of AWAV appointment*

- s) Extension of AWAV period for officers on prolonged period of study or vacation or sick leave – To thoroughly test an officer’s competence in the higher rank during the AWAV appointment which normally lasts for six months only, an officer attending studies or training whilst on an AWAV appointment for a month or more may be subject to an extension

of the AWAV appointment. The same applies to long continuous vacation leave taken by the officer during the AWAV period. As for sick leave, each case should be considered on its own merits.

#### **Strengthening supervisory staff’s knowledge of the proper conduct of promotion exercises**

- 4.5 To reinforce the good practices for conducting promotion exercises, the Commission considers it useful to beef up training for supervisory staff. In support of the Commission’s view, CSB has in the year developed a web training package on promotion issues in modular format, covering the proper conduct of a promotion board in video format as well as the rules and regulations to note, the do’s and don’ts, etc. The Commission is pleased to see the launching of this new training package. The chairman and members of a promotion board would be supplied with a flyer on the link to the web training package on each occasion a promotion exercise is conducted. The availability of the web training package is also promoted through different channels including the Cyber Learning Centre and the E-learning Portal.

#### **II. Other Observations of the Commission**

- 4.6 During the year, the Commission continued to draw to the attention of specific departments issues of concern when tendering its advice on their promotion submissions. The more noteworthy observations made by the Commission are cited in the ensuing paragraphs.

**a) Undue advantage given to officers acting on operational grounds**

**4.7** As mentioned in paragraph 4.4(o)(vi) above, an acting appointment made to meet management or operational needs should not constitute an undue advantage to the officer when his claim is assessed by a promotion board against other close contenders. During the year, the Commission observed further cases which did not align with this principle. In one promotion exercise, the board recommended, without good reasons, an officer who was not selected by the previous board but had taken up an acting appointment on operational grounds outside the review period for promotion. On the other hand, another officer who was waitlisted to AFAC in the previous exercise but did not have an acting chance was not given any recommendation despite his impressive performance sustained in the last year. The Commission was not convinced that the first officer should have a higher claim for promotion if the recommendation was based merely on the assessment of his performance in the acting post which was arranged solely out of operational reasons. Upon clarification from the board that the first officer, who only marginally lost out in the previous exercise, had displayed exceptionally remarkable progress in performance at the substantive

rank in the last reporting cycle and his overall track record during the review period was slightly more meritorious than those of the other close contenders, the Commission accepted the board's revised recommendation for the first officer to be appointed to AWAV for six months instead of promotion. As for the second officer, although his improvement made was not as significant as that of the first officer, he was recommended to AFAC given his impressive performance sustained in the last year.

**4.8** In another promotion exercise, two of the three recommended promotees were recommended for promotion with effect from a current date as they had not commenced acting in the higher rank when the board met<sup>29</sup>. The third recommended officer who had taken up an acting appointment for operational exigencies before the conduct of the board, was recommended for promotion with effect from the board date. Given the highly comparable performance track records of these three officers, the Commission considered that the third officer's recommended promotion with effect from the board date ahead of the other two promotees would constitute an unfair advantage over them. Upon review, the board revised its recommendation for the three officers to be promoted together on a common current date.

<sup>29</sup> The criteria for determining the effective date of substantive promotion are set out in CSR 125. Normally, it should be the date on which a vacancy in the upper rank becomes available, or the officer takes up the duties of the higher office, or the officer is considered capable of performing the full duties of the higher office (i.e. usually the board date), whichever is the latest.

*b) Promotion of officers on extension of service or re-employment beyond retirement age only in exceptional circumstances*

**4.9** In two promotion exercises conducted by a department, the Commission observed that two officers recommended for promotion had been granted a final extension of service for 90 days on operational grounds by the department under CSR 276(1)<sup>30</sup>. They would not have met the requirement of 12 months' active service for promotion under CSR 109(1)(a)(i)<sup>31</sup> if not for the 90-day final extension of service. While noting that the extension of their service beyond the stipulated retirement age was granted exceptionally to meet strong operational requirements, the Commission was concerned that their recommended promotion was not in the best interest of the department from the staff succession point of view. However, having regard to the special circumstances of the two cases which were caused mainly by the administrative delay in the conduct of the promotion boards, the recommended promotion of the two officers was favourably advised by the Commission on exceptional grounds. This notwithstanding, the Chairman had personally reminded the HoD concerned that as a good management practice, the department should always demonstrate a keen interest in the career advancement opportunities of its staff, including those officers with long service and consistently meritorious performance whose chance of advancement should not be denied because of an administrative delay in convening promotion boards.

**4.10** The Commission always holds the view that an officer should not be promoted to a higher rank shortly before he is due to retire. Such promotion cannot be in the public interest, particularly when there are equally meritorious officers who have a longer period of active service to give after they attain promotion. When an officer who is able to meet the 12-month requirement only with a 90-day final extension of service is recommended for promotion, the board should provide detailed justifications in the board report to explain why the case warrants exceptional consideration.

**4.11** Separately, the Commission considers that the Administration should guard against any artificial extension of service beyond the statutory retirement age to make up the 12 months' active service requirement under CSR 109(1)(a)(i). To address this concern, CSB promulgated in September 2009 amendments to CSRs which include, inter alia, the requirement of applications for final extension of service of 90 days to be submitted no more than six months before the final extension of service is to commence. Under the new arrangement, the approval given within the time frame set would not result in the officer having an extended period of service of 12 months or more to qualify him for promotion. [See also paragraphs 7.8 and 7.9 in Chapter 7]

30 CSR 276(1) stipulates that an officer may be granted a final extension of service for a maximum period of 90 days (exclusive of leave earned during the extension) on operational or personal grounds beyond his retirement age.

31 In accordance with CSR 109(1)(a)(i), officers who have less than 12 months' active service to serve after the effective date of promotion are normally not considered for promotion.

***c) Promotion or acting appointment of junior officers who have yet to complete the probationary period***

**4.12** In a number of promotion exercises, the number of vacancies in the first tier of a promotion rank outnumbers the officers who have been confirmed to the establishment of the basic rank. In one extreme case, there were 32 existing and anticipated vacancies in the first tier of a promotion rank contested by 80 officers serving in the basic rank of whom 76 had less than three years' in-rank experience. In another case, the number of vacancies in the first tier of a promotion rank outnumbered the officers who had been confirmed to the establishment of the basic rank. To meet operational needs, a number of officers who were still on probation (some having barely one year's in-rank experience at the basic rank) were arranged to take up long-term acting appointments. Noting that this arrangement, though not entirely satisfactory, was necessary in bridging the succession gap that had resulted from the open recruitment freeze in the past few years, the Commission has reminded the relevant HoGs to ensure that these very junior officers are equipped with the necessary job skills to perform the acting duties. The HoGs concerned are also requested to work out a vigorous training and development plan for them and to closely monitor their acting performance to address any problem if observed.

***d) Extension of AWAV period for officer on prolonged sick leave***

**4.13** As mentioned in paragraph 4.4(s) above, an officer may be subject to an extension of AWAV period if he is on prolonged period of study or

vacation leave in order to allow a thorough test of the officer's competence in the higher rank. As for sick leave, each case should be considered on its own merits. In seeking the Commission's advice on its recommendation to extend the normal 6-month AWAV period of an officer by four months, a department explained that the officer concerned was on prolonged sick leave followed by maternity-cum-vacation leave after this officer had taken up her AWAV appointment for only two months. Before that, the officer had taken up an AFAC appointment for a year. Based on the consideration that the taking of prolonged sick or maternity leave was beyond the officer's control and noting that when counting also her AFAC experience immediately prior to the AWAV appointment, the officer concerned had continuously acted in the higher rank for more than one and a half years before her prolonged leave and there should have been sufficient opportunities for the department to assess the officer's suitability for the higher rank, the Commission considered that this case might merit special treatment. The officer could be promoted without the need to go through a 4-month extension of the AWAV appointment if the department could ascertain that she already possessed the qualities required of the higher rank and was ready in all respects for promotion. The Commission subsequently raised no objection to the recommended extension of the officer's AWAV appointment as the department re-affirmed that taking into account also her acting performance during the AFAC appointment, the officer had yet to prove her suitability for promotion to the higher rank.

**5.1** The Commission attaches great importance to developing a good staff performance management system in the civil service. As detailed in the 2008 Annual Report, the Commission's efforts in promoting good performance management practices in the past three years have yielded pleasing results. In 2009, the Commission continued to review and develop further guidelines and performance management principles to help perfect the performance management system. The Commission closely engaged the Civil Service Bureau (CSB) in the process and the collaborative efforts culminated in the revamping of the "Performance Management Guide" (the Guide) and the promulgation of a revised Guide on 13 November 2009 under CSB Circular No. 10/2009. This chapter gives an account of the continuous efforts made by Heads of Department/Heads of Grade (HoDs/HoGs) in response to the sustained appeal of the Commission as well as the progress made in strengthening the staff performance management system under the joint efforts of the Commission and CSB in the year.

### **I. Continuous Improvements on Performance Management Made by HoDs/HoGs**

**5.2** Over the years, the Commission has offered observations and suggestions to bureaux/departments (B/Ds) concerned on good staff performance management practices when tendering the Commission's advice and the Chairman has also personally written to the HoDs/HoGs concerned to urge them to take prompt action on areas requiring improvement. The Commission is pleased to note that many B/Ds have shown a keen interest in the subject and have expressed a strong commitment to instituting appropriate measures to strengthen

their performance management systems as illustrated in the succeeding paragraphs.

#### ***a) Timely completion of performance appraisals by supervisors***

**5.3** As reiterated in the Commission's 2008 Annual Report, performance management is a key supervisory function and failure to complete staff appraisals in a timely manner reflects negatively on the staff management skill of the officer concerned, which should be an aspect of competency to be taken into consideration in assessing the officer's own performance. In recognition of the importance of the timely completion of performance appraisals in performance management, HoDs/HoGs have taken positive steps to ensure more timely completion of performance appraisals. In one department, the HoD has put in place a system of administrative measures including issue of early reminders, escalation of the case to the senior directorate and recording of incidents of late reporting in the personnel files of the concerned supervisors. Noticeable improvement has been observed since the adoption of these administrative measures.

**5.4** In another department, a three-pronged approach has been adopted to overcome the problem of late reporting: first, a designated unit to issue written reminders to the officers concerned, urging them individually to complete the appraisal reports immediately; second, the respective Assistant Directors to remind the appraising officers (AOs) concerned to complete the appraisal reports; and third, the HoD to issue personal letters to the supervisory officers concerned to impress upon them the importance of timely completion of appraisal reports. These measures have achieved positive results and improvement.

**5.5** In one department, a personal message from the HoD on timely reporting has been included in all relevant memoranda calling for completion of performance appraisals. Cases which have been outstanding for more than six weeks would first be drawn to the attention of the Departmental Secretary who would then further bring up cases outstanding for more than two months to the personal attention of the senior management for further action. In another department, the schedule for completion of appraisal reports has been revised to shorten the time of report completion with a view to overcoming the problem of late reporting.

**5.6** In yet another department, the HoD, upon receipt of the Commission's advice, had vigorously stepped up efforts to rectify the problem of late completion of appraisal reports. As a result, all appraisal reports in the last reporting cycle for two ranks were completed within two months upon expiry of the reporting cycle as opposed to 45% and 39% of late cases in the previous reporting cycle.

***b) Timely conduct of promotion boards***

**5.7** Persistent departmental efforts in meeting the Commission's advocated target of conducting promotion or selection exercises within a period of six months from the end date of the last reporting cycle were observed in

2009. To demonstrate its determination in promoting this good management practice, one department has set the performance targets of convening promotion boards within six months upon expiry of the last reporting cycle and submitting promotion board report to the Commission within four weeks after the board meeting. Another department staggered the promotion exercises in the year in such a way that all promotion boards were conducted timely within six months from the close of the relevant reporting cycles. A few departments have pledged support to expedite the conduct of their promotion exercises.

***c) Non-compliance with CSR 232(2)<sup>32</sup>***

**5.8** To ensure that the countersigning officer (CO) would comply with CSR 232(2), the Administration has introduced an amendment to CSR 232(2) to spell out clearly that the CO should (instead of "is encouraged to") complete his assessment before the conduct of the appraisal interview. Noting that the non-compliance with CSR 232(2) might have been caused by the design of their departmental performance appraisal forms, a HoD has rearranged the part on CO's assessment to appear before the part on performance appraisal interview to reflect the right sequence of completion of the appraisal report. Besides, a statement confirming compliance with the CSR has been incorporated in the record of performance appraisal interview.

<sup>32</sup> CSR 232(2) stipulates that no matter who (reporting officer or CO) conducts the staff appraisal interview, the CO should complete his assessment before the interview.

### *d) Honest reporting*

- 5.9** Honest reporting is imperative for maintaining genuine recording and trustworthy assessment of an officer's performance. To cascade this important message, one department has arranged, with assistance from the Civil Service Training and Development Institute (CSTDI), to organise customised training courses on staff report writing for its departmental staff. In addition, the department has made it mandatory to conduct career development interviews with officers who are passed over in promotion exercises. The promotion board's comments on their performance, particularly those which are not borne out in their staff reports, would be conveyed to them and recorded in the notes of interview.
- 5.10** To promote honest reporting, a HoG has introduced a newly revised appraisal form for a departmental rank, setting out in clearer terms the criteria for assessment. The department plans to extend this revised form to lower ranks in the grade and briefings or seminars will be organised to help staff understand and comply with the assessment criteria.
- 5.11** One department envisaged that it would require time and effort to deal with the staff expectation problem and to change the reporting habit. Nonetheless it has given an undertaking to address the problem of over-generous reporting to demonstrate its determination.

### *e) Ensuring consistency in the reporting standard*

- 5.12** To ensure consistency in the reporting standard, a department has set up an assessment panel (AP)<sup>33</sup> for reviewing the performance appraisals of its professional officers at the Directorate Pay Scale Point D1 of various grades and extended the competency-based performance appraisal system to non-directorate officers of its various grades/ranks.

### *f) Timely feedback and follow-up on substandard performers*

- 5.13** In one department, the HoD has reminded the HoGs and supervisors of the need to interview and counsel substandard performers promptly as soon as signs of under-performance are observed.

## II. Latest Developments in Strengthening the Performance Management System

- 5.14** During the year, the Commission continued to devote effort to reviewing practices on performance management and work in partnership with the Administration to further strengthen the system. The latest developments on this front are highlighted in the succeeding paragraphs.

### *a) Proper role and function of Assessment Panels*

- 5.15** The Commission considers it desirable to set out clearly the proper role and function of APs with a practical set of guidelines on the modus operandi of APs for reference by B/Ds.

<sup>33</sup> Under CSB Circular No. 10/2009, B/Ds are encouraged to establish APs on a rank basis to undertake levelling and moderating work among performance appraisals, monitor performance and identify under-performers or outstanding performers for appropriate action.

In the year, the Commission has given further advice on the subject which is set out in the following paragraphs.

#### Role and function of an AP

**5.16** The Commission considers that the primary function of an AP is to ensure consistency in assessment standards and fairness in performance ratings within the grade/rank. An AP should not be asked to assess the promotability of an officer, which should be the function of a promotion board. In performing its major function, an AP can also provide its observations on the following aspects –

- i)** to draw management’s attention to those outstanding reports and substandard cases to ensure that only the right talents are selected for grooming and under-performers are identified for guidance and counselling;
- ii)** to alert the management to cases of poor reporting standard (where the appraising officer is either too generous or too stringent) for coaching of supervisors on appraising standards; and
- iii)** to provide observations on differences in appraising standards for those officers who are assigned with special projects or more taxing duties than their peers, seconded to other departments or posted to outstations and appraised by officers

of another grade and have stayed in their present posts for prolonged periods. Such observations will serve as useful pointers for the promotion board when deliberating the claims of individual officers.

#### Operation of an AP

**5.17** An AP should operate in the following manner –

- i)** to agree on assessment standards and to align the appraising standards within the grade/rank. The principles and standards adopted by an AP may vary slightly every year but broad consistency over the years should be maintained;
- ii)** to inform all staff concerned of the assessment standards to be adopted and the membership of the AP;
- iii)** when a fresh round of appraisal reports becomes available, to undertake moderating and levelling work among all appraisal reports (full, part and memo form) within the grade/rank in accordance with the agreed assessment standards with special attention on those cases where the CO disagrees with the AO’s assessment on an appraisee;
- iv)** to identify glaring cases of overly harsh or loose marking that might lead to unfair assessments of individual officers;

- v) to focus on reviewing the outstanding reports and substandard cases. Where the “Outstanding” or “Poor” ratings given by the supervisors are not supported by their write-up, the AP should seek clarifications and supplementary information;
- vi) to avoid rigid adherence to a quota system or forced rating distribution which entails re-evaluating and downgrading “Very Effective” ratings to “Effective” ratings; and
- vii) to avoid applying mechanically an arithmetic formula relating to the ratings of an officer’s score in core competencies in examining an officer’s appraisal ratings.

**5.18** These suggestions are intended to address the concerns raised about the operation of APs and the perceived manipulation of APs in influencing the promotion claim of individual officers. CSB has highlighted in the revised Guide the best practices for enhancing the transparency of the AP operation, keeping appraisees informed of adjustments and putting in place a mechanism to handle complaints involving AP’s decisions. Also, the previous practice of forming an AP to consider the appraisals in draft form before they are written is no longer encouraged.

**5.19** With the assistance of the additional guidelines on the operation of an AP, B/Ds are now better equipped to work at improving levelling and moderating work among appraisal reports. The Commission has requested CSB to review in two years’ time the effectiveness of the AP operation after

promulgation of the Guide. In the meantime, the CSTDI under CSB would organise for B/Ds experience-sharing workshops on AP operation.

### *b) Adoption of competency-based approach in performance appraisals*

**5.20** The Commission has advocated over the years the adoption of a competency-based approach in performance appraisals to facilitate a more accurate assessment of an appraisee’s potential and promotability to the next higher rank, whilst also enhancing the objectivity and transparency of performance assessment. As mentioned in the 2008 Annual Report, about 80% of the 650 ranks or 230 grades suitable for competency-based approach of appraising staff performance have already adopted either the new General Performance Appraisal Form GF 1 [for officers with salaries on Master Pay Scale (MPS) Point 45 and above] introduced in September 2008 or appraisal forms specifically designed for such an approach. To assist the remaining grades or ranks to develop and switch to the competency approach, CSB has further introduced a new set of competency-based general forms (GF 94A to GF 94D) designed for use by officers at MPS Point 10 – 44 in September 2009. The use of the competency-based approach in staff appraisal is promoted as a good practice in the revised Guide. Whilst appreciating CSB’s efforts, the Commission encourages its CSTDI to take the lead and share the good practices among departments for continuous enhancement of the performance management system.

**c) Appropriate assessment of an officer's "Promotability"**

**5.21** Under the existing 3-tier appraisal system, all three levels of appraisers [the AO, CO and reviewing officer (RO)] have a role in assessing the promotability of an appraisee. In processing departmental submissions on promotion, the Commission has observed that the form of assessing the promotability of an appraisee varies widely across B/Ds. The rating scales and descriptions for assessing an officer's promotability in appraisal forms also vary from one grade to another. Promotion boards nonetheless accord a heavy weight to the assessment in considering the claims of eligible officers and those who are selected generally obtain high ratings on promotability in their appraisal reports.

**5.22** In the year, the Commission has deliberated further the question of the appropriate assessment of an officer's "promotability". The Commission sees no objection to making an assessment of an officer's suitability for promotion to the next higher rank on the basis of his actual performance and competencies as demonstrated in the appraisal period. But the assessment should be used for reference only and should not be mechanically applied in determining an officer's fitness for promotion. Assessment ratings on promotability are but one of the factors for consideration by promotion boards. The Commission also considers that there is a lack of clarity over the role of appraisers at different levels in assessing the promotability of an appraisee.

The assessment scale(s) or guidelines adopted for assessing an officer's promotability should enable supervisors at different levels to give their respective assessment from different perspectives, instead of the universal adoption of some such wording as "well-fitted for promotion" or "fit for promotion" for all levels of assessment.

**5.23** CSB shares the Commission's views and has incorporated in the revised Guide suitable guidelines on the assessment of promotability and the roles of different levels of appraiser in the assessment. With regard to the Commission's observation on the lack of uniformity of rating scales for assessment of promotability amongst B/Ds or different grades/ranks, CSB has given a pointer in the revised Guide that the assessment scale should not be tightly defined to compare appraisees in terms of different levels of fitness for promotion. It should be descriptive and indicative of appraisees' demonstrated readiness for responsibility at the next higher rank. The 4-tier rating scale for measuring promotability<sup>34</sup>, which is adopted in the General Appraisal Forms (GF 1 and GF 94) as mentioned in paragraph 5.20 above, is also highlighted in the revised Guide for reference. CSB believes that with the introduction of the General Appraisal Forms, many departments will develop or suitably revise their departmental forms, drawing reference also to the proposed 4-tier rating scale for measuring promotability. The Commission will continue to give attention to this subject in the coming year and keep in view the progress.

34 The 4-tier rating scale for measuring promotability is as follows –  
1. Strong candidate for promotion  
2. Suitable to be tested or further tested at next higher level  
3. Needs consolidating at current rank  
4. Not applicable as there is no promotion rank for the rank

### *d) Writing of full report in a reporting cycle*

**5.24** Under CSR 236(2), when staff changes take place, a report in memo form should be completed by or for an officer before he vacates his post if the posting occurs three to six months after the previous report; and a full scale report should be made if the period since the last report is more than six months. However, as observed in a promotion exercise, owing to frequent changes of postings or appraising officers, some officers did not receive a full report in a reporting cycle and their performance for the entire year was covered by memo form reports. The Commission considers it undesirable as memo form reporting usually does not provide a full assessment on the appraisees' core competencies or potential for advancement to the next higher rank. As a good management practice and to facilitate assessment by the promotion board, the HoD/HoG should arrange for at least one of the reports to be made on a full scale report form. Sharing the Commission's view, CSB has incorporated this requirement in the revised Guide.

### *e) Quality of staff report writing*

**5.25** In scrutinising the performance appraisal reports of eligible officers in one promotion exercise, the Commission noticed that the assessments given by some AOs on their subordinates' performance were rather sketchy with only one to two sentences. In another promotion exercise, identical word-for-word assessment on a candidate was provided in two consecutive years. Such practices defeat

the purpose of the staff appraisal system. As performance appraisals form the basis of career advancement and development, there should be a distinctive account of an appraisee's overall performance, strengths and weaknesses in the relevant appraisal period. The Commission has reminded the AOs concerned to improve on the quality of their staff report writing. CSB has also included in the revised Guide the requirement for the AOs to provide a clear account of the appraisee's overall performance, strengths and weaknesses in the relevant appraisal period and to refrain from repeating word-for-word previous assessments on the appraisee in the next reporting period.

### *f) Promulgation of the revised "Guide on Performance Management"*

**5.26** As mentioned at the beginning of this chapter, CSB has, in consultation with the Commission, reviewed and developed further guidelines and performance management principles in light of the concerns and observations raised by the Commission. The revised Guide, which was promulgated in November 2009, covered the following main areas of concern raised by the Commission in the past three years –

- i)** performance appraisal – providing broad guidelines to assist departments in setting clear benchmarks for performance rating and reminding supervisors not to provide identical word-for-word assessment on an appraisee in different appraisal years and give in-between or split ratings in appraisal reports;

- ii) career interviews – providing guidelines on how to conduct career interviews systematically for officers covering those who are passed over or not recommended in a promotion exercise;
  - iii) honest reporting with improved transparency – advocating the importance of honest reporting in performance management and encouraging the disclosure of HoGs’ remarks to appraisees if the comments are significantly different from those made by the AOs and COs;
  - iv) timely appraisal – reminding supervising officers of the importance of timely staff reporting which will be reflected as an aspect in their staff management competency;
  - v) appraisee’s failure in submitting job descriptions for completion of appraisal report – advising supervisors to proceed with completion of the appraisal report by referring to the updated job descriptions kept by departmental or grade management;
  - vi) if most officers’ performance exceeds the performance norm (which is set at “Effective” level ) and is worthy of “Very Effective” ratings – it would be acceptable for the majority of officers to be in “Very Effective” and “Effective” categories and only a small number of performers who are genuinely deserving should be assessed as “Outstanding”;
  - vii) separate appraisal report to cover acting period – when an officer takes up a long-term acting appointment on the recommendation of a promotion board, an appraisal report covering the acting period with his performance assessed at the acting rank should be prepared so that it would be easier for a promotion board to assess his promotion claim;
  - viii) proper role and function of APs and their operation as detailed in paragraphs 5.15 to 5.19 above; and
  - ix) appropriate assessment of an officer’s “Promotability” as detailed in paragraphs 5.21 to 5.23 above.
- 5.27** The Commission appreciates the Administration’s effort in revamping and promulgating the revised Guide. This provides a comprehensive and handy document to help B/Ds understand the key principles and objectives of an effective staff performance management system, with illustrations of the best practices that they can make reference to in designing and administering their own systems.

**6.1** In its 2008 Report, the Commission highlighted the importance of staff development in the context of succession planning and retention of talents in the service. To take forward a total approach in staff development for succession and development purposes, the Commission has requested the Civil Service Bureau (CSB) to devise a schematic approach in linking talent development plans to a much strengthened succession planning mechanism. This in turn should be tied to a robust performance management system covering honest reporting, merit-based selection of officers for further career advancement and, where appropriate, regular career postings to broaden their job knowledge and exposure as well as to further develop their leadership talent. In this connection, CSB has developed an information pack covering the framework and best practices for talent development and succession planning to assist departmental management to take a holistic approach which should include exposure training, career posting, job attachment where there is the opportunity, and also honest reporting to identify weaknesses for early intervention. CSB is separately developing a user-friendly guide to accompany the dissemination of the information pack. Where necessary, CSB will work in tandem with departmental management to assist them in drawing up staff development plans and to

alert Heads of Department (HoDs)/Heads of Grade (HoGs) to address specific succession needs. It is expected that the information pack together with the guide will be issued in 2010.

### **Devising a Robust Staff Development System to Embrace Career Postings and Training and Development Plans**

**6.2** Much work has been done on strengthening the performance management system through the development of guiding principles and practices over the last few years, culminating in the promulgation of the revised “Guide on Performance Management” as reported in Chapter 5. The Commission considers it important to foster in departmental management the concept that as an employer, they have the responsibility for the career development of their staff at different levels. The Commission suggests that it is timely for the Administration to urge HoDs/HoGs to draw up vigorous staff development plans and to entrust the Civil Service Training and Development Institute to provide support to bureaux/departments (B/Ds) in the following areas –

- a)** to promulgate broad guidelines on how to map out the plans and to suggest for inclusion in the plans, for example, relevant management courses for officers in the middle ranking and senior positions;

- b) to offer assistance, if requested, to go through the plans with B/Ds concerned and to advise them of areas that require beefing up to achieve staff development, talent grooming and succession planning targets; and
- c) to monitor progress of those plans prepared for officers to be advanced to directorate level and inform the Commission of general findings on the exercise.

**6.3** The Commission will keep in view the progress made by CSB and B/Ds in following through such an important task of developing staff to provide quality service to the community.

### **Positive Response from HoDs/HoGs in Taking Forward Staff Development Planning**

**6.4** With a view to grooming and retaining talents to meet succession needs in senior ranks of the civil service, the Commission has separately urged all HoDs/HoGs to place a renewed emphasis on staff development by adopting more vigorous, transparent and structured career development and posting plans for individual grades under their

management. Following the Commission's appeal, some HoDs/HoGs have responded positively by stepping up their efforts in staff training, career development and posting arrangements. In one department, structured induction training spreading over a 6-month period has been put in place for all officers at the basic rank of a departmental grade with training for officers at the higher ranks being provided on an individual and ad hoc basis to suit identified needs. Realising the need to formulate robust career development plans for officers at different ranks to develop their all-round abilities for further career progression, the HoD has taken a personal interest in the posting, training and development of departmental officers with salaries on Master Pay Scale Point 45 and above. The department is also contemplating arranging career development interviews for all departmental grade officers on a regular basis.

**6.5** In another department, the management has adopted more vigorous career posting and development plans for the junior professionals by arranging more rotational postings to widen their exposure and providing more intensive and structured training to develop their potential. The department has further included nurturing young professionals in the formulation of its Vision, Mission and Value Strategic Plan for 2010 to 2015 to reflect the emphasis placed on this important subject.

**6.6** In one grade, all new recruits at the basic entry rank are provided with a structured basic training programme during the first two years of appointment to equip them with the basic knowledge and skills required for performing their duties effectively. The HoG has promulgated the plan to grade members and solicited continuous support from the supervisors for releasing the officers to attend the programme.

**6.8** To meet succession needs at senior directorate and HoD levels, the Commission considers it imperative for the HoDs to explore means of preparing suitable officers to advance to the upper echelon in their departments. If it is the management's intention to fill senior directorate positions by promotion from within departmental grades in the longer term, it is necessary for the HoDs concerned to conduct a thorough review to ensure that the existing grade structure and/or prescribed qualifications for the grades would not make succession to the senior directorate level difficult, if not impossible. The management should also give serious thought to the setting of a career path for junior directorate officers to advance to senior directorate level, and to prepare them for challenges in the higher office.

### **Directorate Succession Needs and Planning**

**6.7** The Commission shares the Administration's view that as a general principle, officers at directorate rank should be multi-skilled and possess strong leadership attribute to embrace challenges from all fronts. This would also have the benefit of allowing for flexible deployment of human resources at directorate level. It is therefore essential to widen the exposure of directorate officers so that they can acquire experience of handling duties of different nature.

**7.1** Another important role of the Commission is to advise on appointment matters relating to an officer's continuous employment or termination of his service. They cover cases of non-renewal or termination of agreements, offer of shorter-than-normal agreements, refusal or deferment of passage of probation or trial bar on conduct or performance grounds, early retirement of directorate officers under the Management Initiated Retirement Scheme<sup>35</sup> and retirement in the public interest under section (s.) 12 of the Public Service (Administration) Order (PS(A)O). In addition, the Commission advises on other appointment-related cases including those of extension of service or re-employment after retirement, secondment<sup>36</sup>, opening-up arrangement<sup>37</sup>, award of Government Training Scholarship<sup>38</sup> and revision of terms of employment<sup>39</sup> of serving officers in the senior ranks<sup>40</sup> of the civil service. A statistical breakdown of cases advised by the

Commission in 2009 by category of these appointment matters is provided at Appendix VII.

### Retirement in the Public Interest under s.12 of the PS(A)O

**7.2** Retirement under s.12 of the PS(A)O is not a form of disciplinary action or punishment but pursued as an administrative measure in the public interest on the grounds of –

- a)** “persistent substandard performance” – when an officer fails to reach the requisite level of performance despite having been given an opportunity to demonstrate his worth; or
- b)** “loss of confidence” – when the management has lost confidence in the officer and cannot entrust him with public duties.

35 The Management Initiated Retirement Scheme, first introduced in 2000, provides for the retirement of directorate officers on the permanent establishment to facilitate organisational improvement and to maintain the high standards expected of the directorate. It can be invoked on management grounds if the approving authority has been fully satisfied that –

- a) the retirement of an officer from his present office is in the interest of the organisational improvement of a department or grade; or
- b) there would be severe management difficulties in accommodating the officer elsewhere in the service.

The officer concerned will be notified in advance and given the opportunity to make representations. A panel chaired by the Permanent Secretary for the Civil Service (or the Secretary for the Civil Service in cases of directorate civil servants at the rank of D8 or equivalent, excluding those appointed as principal officials unless as directed by the Chief Executive) will consider each case following which the Commission's advice will be sought on the recommendation to retire these officers.

36 Secondment is an arrangement to temporarily relieve an officer from the duties of his substantive appointment and appoint him to fill another office not in his grade on a time-limited and non-substantive basis. Normally, a department will consider a secondment to fill an office under its charge if it needs skills or expertise for a short period of time and such skills or expertise are only available from another civil service grade.

37 Under the opening-up arrangement, positions in promotion ranks occupied by agreement officers are opened up for competition between the incumbent officer and eligible officers one rank below. This arrangement applies to both overseas agreement officers who are permanent residents and are seeking a further agreement on locally modelled conditions, or other agreement officers applying for a further agreement on existing terms.

38 The Government Training Scholarship (GTS) enables local candidates to obtain the necessary qualifications for appointment to grades where there are difficulties in recruiting qualified candidates in Hong Kong. Upon successful completion of the training, the scholars will be offered appointment to designated posts subject to satisfactory completion of recruitment formalities. As in other recruitment exercises, HoDs/HoGs have to seek the Commission's advice on their recommendations of the selection exercises for the award of GTS which would lead to eventual appointment in the civil service.

39 Officers serving on Local Agreement Terms or Locally Modelled Agreement Terms or Common Agreement Terms are eligible to apply for transfer to Local or Common Permanent and Pensionable Terms subject to a) service need; b) a Chinese language proficiency requirement if that is required for the efficient discharge of duties; c) performance and conduct; and d) physical fitness.

40 They refer, for recruitment purpose, to those senior ranks under the normal appointment purview of Commission [i.e. those attracting maximum monthly pay at Master Pay Scale (MPS) Point 26 (currently \$35,095) and above or equivalent]. They exclude a) the basic ranks of non-degree entry and non-professional grades with a maximum monthly salary at MPS Point 26 and above, and b) the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

A pensionable officer who is required to retire in the public interest will have his pension benefits deferred until the date he reaches his statutory retirement age.

**7.3** During the year, a total of 26 officers from 18 bureaux/departments (B/Ds) were put under close observation in the context of the s.12 procedures. Upon the Commission's advice, the Administration retired three officers under s.12 on the grounds of persistent substandard performance (excluding one officer who was retired on the grounds of loss of confidence). While 16 officers remained under close observation as at the end of the year, two officers were, on the other hand, taken off the watch list after their performance had improved to the required standard. The other five officers left or will leave the service for reasons including resignation, invaliding and removal on disciplinary grounds. The Commission notes there is a decrease in the number of completed s.12 cases in 2009.

**7.4** The Commission will continue to draw attention to potential s.12 cases for departmental action in the course of vetting staff appraisal reports in connection with promotion exercises. It will also monitor closely departmental management's readiness in pursuing such an administrative action.

### Review on the Effectiveness of the Streamlined s.12 Procedures

**7.5** As reported in previous Annual Reports, the

Civil Service Bureau (CSB), in consultation with the Commission, has implemented streamlined procedures for handling persistent substandard performers under s.12 of the PS(A)O since October 2005. Under the new arrangement, the Administration has, among other things, lowered the threshold for invoking s.12 action from 12 to six months of unsatisfactory performance, hence improving the timeliness in taking appropriate management action. As a result of the implementation of the streamlined procedures, the average length of time taken by a B/D to follow through a s.12 case from the forewarning of the civil servant concerned up to the submission of the case to CSB has been significantly shortened from the previous average of about 15 months to the current average of about ten months.

**7.6** While noting the above-mentioned reduction in the lead time required to process a s.12 case, the Commission has suggested to the Administration that a review be conducted to assess the effectiveness of the streamlined s.12 procedures after their implementation for four years. The Administration has responded positively by conducting a review with B/Ds in the year. CSB's review findings and recommendations will be reported in the next issue of the Commission's Annual Report.

### Conversion of Model Scale 1 (MOD 1) Staff from Category B<sup>41</sup> to Category A<sup>42</sup>

**7.7** MOD 1 grades<sup>43</sup> originally occupied non-established offices and thus all MOD 1

<sup>41</sup> See Note 4 under Chapter 1 on page 3.

<sup>42</sup> See Note 3 under Chapter 1 on page 3.

<sup>43</sup> There are 11 MOD 1 grades, comprising six common grades (i.e. Car Park Attendant II, Ganger, Property Attendant, Ward Attendant, Workman I and Workman II), four departmental grades (i.e. Explosives Depot Attendant, Gardener, Workshop Attendant and Barber) and one general grade of Supplies Attendant.

staff were Category B officers, and their appointment and disciplinary matters were outside the Commission's purview. As mentioned in the 2008 Annual Report, MOD 1 offices were declared as established offices by the Chief Executive under the Pensions Ordinance (Cap 89) and the Pension Benefits Ordinance (Cap 99) with effect from 1 October 2008. Following the conversion of certain MOD 1 staff from Category B to Category A status with effect from the same date, the Commission's advice has to be sought under the established procedures on relevant appointment matters and all disciplinary and s.12 cases relating to Category A MOD 1 staff. In the year, the Commission has advised on four disciplinary cases involving MOD 1 staff in 2009.

### **Extension of Service or Re-employment after Retirement**

**7.8** To complement the efforts made by the Administration to strengthen succession planning as reported in Chapter 6 above, the Commission has been advocating the adoption of a stringent standard in considering applications for extension of service or re-employment after retirement. The Commission has advised the Administration that as a rule, officers should leave the service on retirement and applications for extension of service or re-employment after retirement should only be considered in exceptional circumstances to meet strong operational needs, subject to the officer's physical fitness, good conduct

and performance as well as the condition that his retention would not cause any promotion blockage in the lower ranks. Where the extension or re-employment is approved, it should be for a limited duration. Such qualifying considerations are necessary if vigorous succession plans are to be pursued across the service. As observed, the number of such applications has come down significantly in the year.

**7.9** In response to the Commission's concerns, CSB has completed a review and implemented appropriate measures to improve the administration of the policy on further employment of officers beyond their retirement age in the civil service. The measures, including the arrangement for the Secretary for the Civil Service to be the approving authority for all applications for re-employment after retirement (except final extension of service for a maximum of 90 days) from directorate officers, were implemented on 9 September 2009 with the necessary amendments to the related Civil Service Regulations. As for those cases for which the Heads of Department remain to be the approving authorities, including final extension of service for a maximum of 90 days, CSB drew up a set of guidelines to assist them in their consideration of applications for further employment. The supplementary guidelines were promulgated on 22 September 2009 for service-wide adoption.

## Civil Service Code

**7.10** Upon implementation of the political appointment system on 1 July 2002, the role and responsibilities of civil servants in relation to principal officials were explained in a Civil Service Bureau Circular issued in 2002 and those of the principal officials were set out in the “Code for Principal Officials under the Accountability System”. With the expansion of the political appointment system as detailed in the “Report on Further Development of the Political Appointment System” published in October 2007, a new “Code for Officials under the Political Appointment System” (“Code for Politically Appointed Officials”) was issued to reflect the broader coverage of politically appointed officials governed by the Code for Politically Appointed Officials. Separately, the Administration promulgated in 2009 a Civil Service Code (the Code) to set out in greater detail the core values of the civil service, the standards of conduct which civil servants are expected to uphold, and the framework within which civil servants are expected to work with politically appointed officials.

**7.11** The Code has incorporated much of what the Commission had pointed out in its submission in response to the invitation of the Secretary for the Civil Service to comment on the “Consultation Document on Further Development of the Political Appointment” in October 2006. (The Commission’s full submission is carried in Appendix I (C) of its 2006 Annual Report.) The Code has also incorporated the Commission’s views expressed during the draft Code’s

3-month consultation period which ended in February 2009. The Code stresses the importance for civil servants to work in concert with the politically appointed officials for the effective governance of Hong Kong. Clearer lines of command for performance management purpose are stated in the Code to ensure that the politically appointed officials are generally not involved in issues relating to civil servants’ career, with the exception of the Secretary for the Civil Service and the Secretary for Justice given their respective roles as the principal officials responsible for the management of the civil service and the head of the Government Counsel grade. The redress mechanism involving the Commission on matters within its purview as mentioned in paragraph 7.10 of the Code<sup>44</sup>, which is built in upon the Commission’s suggestion, would act as an additional safeguard against any political interference in the appointment, promotion and discipline of the civil service.

**7.12** The Commission expects that the promulgation of the Code would set the scene for an amicable working relationship to be evolved between the political tiers and the civil service team. It would also be conducive to maintaining the political neutrality of the civil service which is the Government’s policy and which is valued by the community of Hong Kong.

**7.13** The Commission will continue to monitor the development of the political appointment system and its impact on the civil service.

<sup>44</sup> The Chief Executive may refer representations to the Public Service Commission on matters which fall under its purview and the Commission shall tender its advice to the Chief Executive.

**8.1** Civil servants should always uphold a high standard of probity and integrity, and be honest and impartial in all dealings with members of the public and with other civil servants. They are liable to disciplinary action if they fail to observe any government regulations or official instructions, misconduct themselves in any manner, commit a criminal offence (whether related to his public duty or not) or, by their actions, bring the civil service into disrepute. There is a well established system in the civil service whereby allegations of all misconduct cases will be promptly investigated and disciplinary sanction will be strictly administered upon finding a civil servant guilty of misconduct after fair proceedings. Subject to the requirements for due process and procedural propriety and adherence to the principle of natural justice, all disciplinary cases are processed expeditiously so that appropriate punishment may be awarded in proven misconduct cases to achieve the required punitive and deterrent effect.

**8.2** The Commission plays a key role in the civil service disciplinary system. It provides independent and impartial advice to the Chief Executive (CE) on civil service discipline cases of all Category A<sup>45</sup> officers under its purview. With the exception of exclusions specified in the Public Service Commission Ordinance (PSCO)<sup>46</sup> and save in cases of summary disciplinary action involving the issue of warnings<sup>47</sup>, the Administration is required under section(s.) 18 of the Public Service (Administration) Order (PS(A)O) to consult the Commission before inflicting any punishment<sup>48</sup> under s.9, s.10 and s.11<sup>49</sup> of the PS(A)O<sup>50</sup> upon a Category A officer.

45 As explained under Note 3 under Chapter 1 on page 3, officers appointed to and confirmed in established offices are classified as Category A officers according to the Public Service (Administration) Order. This covers virtually all officers except those on probation, agreement and those remunerated on the Model Scale 1 Pay Scale who were serving as at 1 October 2008 but are not converted to Category A status in accordance with Civil Service Bureau Circular No. 5/2008 issued on 14 July 2008. At the end of 2009, the total number of Category A officers in the civil service was about 134 036, of whom 110 959 were under the Commission's purview insofar as disciplinary cases are concerned.

46 See Note 1 under Chapter 1 on page 3.

47 Summary disciplinary action includes verbal and written warnings. This action is taken for less serious acts of misconduct that do not warrant formal disciplinary proceedings. A verbal or written warning will normally debar an officer from promotion and appointment for one year. The Commission's advice is not required in summary disciplinary cases.

48 Such punishments include reprimand, severe reprimand, reduction in rank, compulsory retirement and dismissal. A financial penalty may also be imposed concurrently with these punishments (except in the case of dismissal and reduction in rank) when the other punishment alone is inadequate to reflect the gravity of the misconduct or offence, or to achieve the desired punitive and deterrent effect, but a higher level of punishment is not applicable or justified. See also Notes 53 and 54 on financial penalty of fine and reduction in salary.

49 See Notes 5, 6 and 7 under Chapter 1 on page 4.

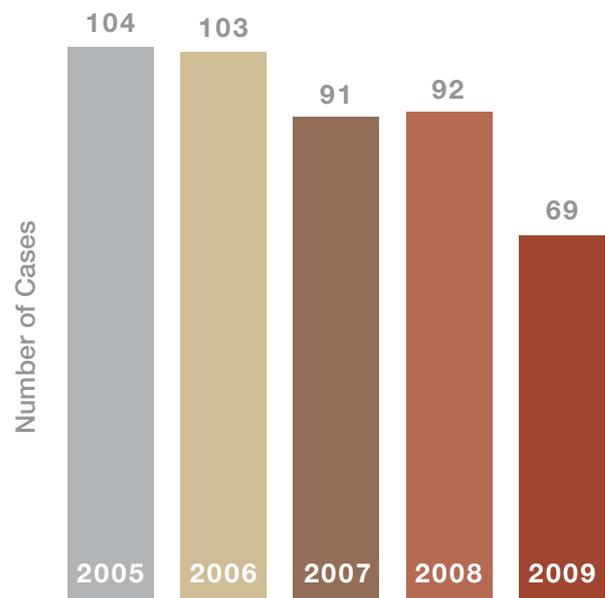
50 With the exception of certain members of disciplined services departments who are subject to the respective disciplined service legislations (i.e. Prisons Ordinance, Fire Services Ordinance, etc.), all civil servants are governed by disciplinary provisions in the PS(A)O.

**8.3** The Commission’s advice on disciplinary cases is based on the principles of equity, fairness and maintenance of broad consistency in punishment throughout the service, with due reference to the nature and gravity of the misconduct or offence involved in each case, the officer’s disciplinary and service record, any mitigating factors, and the customary level of punishment. The Commission supports the Administration’s firm commitment to upholding a high standard of integrity and conduct within the civil service that is commensurate with rising public expectations and taking of expeditious action against any civil servant alleged of misconduct in order to achieve the desired punitive and deterrent effect. Within the limits of broad consistency in punishment, the Commission is prepared to support a tougher stance on misconduct committed by staff of whom a higher level of probity is required due to his position of trust or the nature of his duty.

**8.4** Before tendering its advice, the Commission will seriously consider the views and arguments put forth by both the department concerned and the Secretariat on Civil Service Discipline (SCSD). In cases where there is a difference of opinion on the level of punishment between the department and SCSD, the views of both parties would be submitted to the Commission for consideration.

**An Overview of Disciplinary Cases Advised in 2009**

**8.5** The Commission advised on the punishment of 69 disciplinary cases in 2009, which is an extremely small number representing less than 0.1% of the 110 959 Category A officers under the Commission’s purview. It indicates that the vast majority of our civil servants measure up to the very high standards expected of them in terms of conduct and discipline. In comparison with the 91 and 92 cases in 2007 and 2008 respectively, a decrease of about 25% is noted in the number of disciplinary cases advised in 2009. The decrease should be attributed to the Administration’s sustained efforts over the years to promote good standard of conduct and integrity at all levels in the civil service, which included training, seminars, and the promulgation of rules and guidebooks to enhance understanding and awareness of the high standard of probity required of civil servants. A comparison of the number of disciplinary cases advised by the Commission over the past five years is appended below –

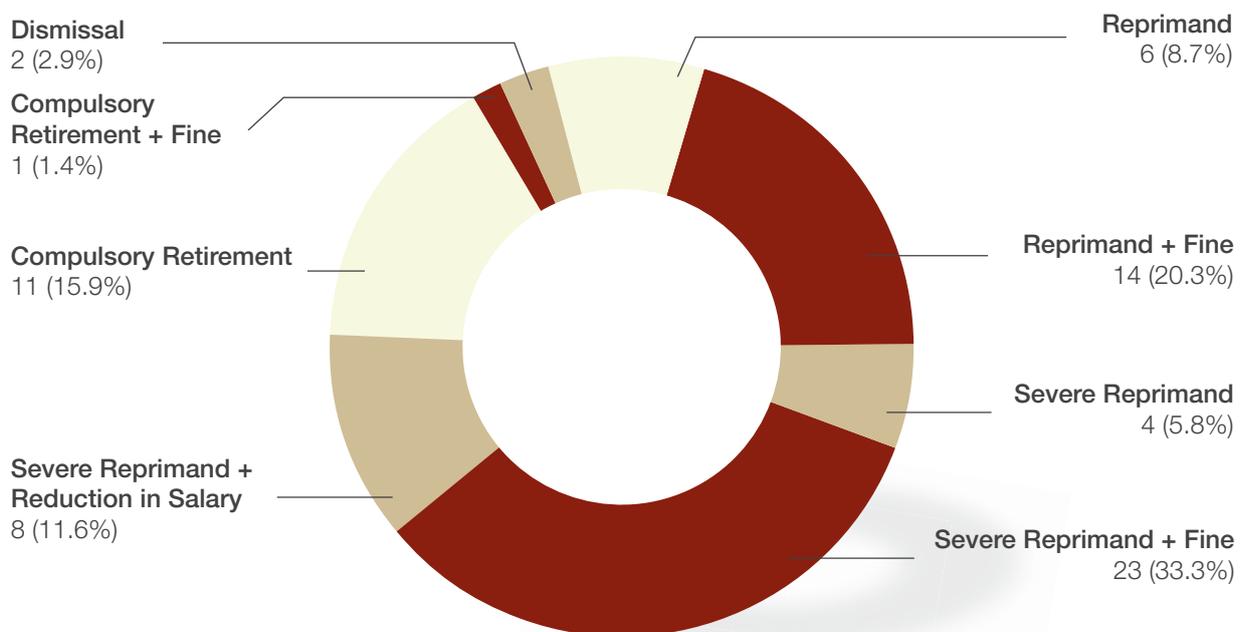


**8.6** A breakdown of these 69 cases by misconduct or offence and the form of punishment is at Appendix VIII. An analysis by salary group and punishment is at Appendix IX. Of these 69 cases, 14 (20.3%) had resulted in the removal of the officers concerned from the service<sup>51</sup>. There were 31 (44.9%) cases resulting in “severe reprimand<sup>52</sup> plus financial penalty in the form of a fine<sup>53</sup>

or reduction in salary<sup>54</sup>” which is the heaviest punishment next to removal from the service and “reduction in rank<sup>55</sup>”. These figures bear testimony to the resolute stance that the Administration has taken against civil servants committing acts of misconduct or offences. The chart below gives a breakdown of the 69 cases advised in 2009 by the punishment awarded.

## Disciplinary Cases Advised in 2009

### Breakdown by the Form of Punishment



51 The punishment of removal from the service can take the form of compulsory retirement, compulsory retirement plus fine, or dismissal, depending on the gravity of the case. A pensionable officer who is compulsorily retired may be granted a pension, but payment of the pension will be deferred until he reaches his statutory retirement age. Dismissal is the most severe form of punishment as the officer forfeits his claims to all pension, gratuity and benefits (except the Government’s mandatory contribution under the Mandatory Provident Fund or the Civil Service Provident Fund Scheme).

52 A severe reprimand will normally debar an officer from promotion or appointment for three to five years. This punishment is normally recommended for more serious misconduct or for repeated minor misconduct or offences.

53 A fine is the most common form of financial penalty in use. On the basis of the newly adopted salary-based approach, which has become operative on 1 September 2009, the level of fine is capped at an amount equivalent to the defaulting officer’s one month’s substantive salary.

54 Reduction in salary is a form of financial penalty by reducing an officer’s salary by one or two pay points. When an officer is punished by reduction in salary, salary-linked allowance or benefits originally enjoyed by the officer would be adjusted or suspended in case after the reduction in salary the officer is no longer on the required pay point for entitlement to such allowance or benefits. The defaulting officer can “earn back” the lost pay point(s) through satisfactory performance and conduct, which is to be assessed through the usual performance appraisal mechanism. In comparison with a “fine”, reduction in salary offers a more substantive and punitive effect. It also contains a greater “corrective” capability in that it puts pressure on the officer to consistently perform and conduct himself up to the standard required of him in order to “earn back” his lost pay point(s).

55 Reduction in rank, or demotion, is a severe punishment. It carries the debarring effect of a severe reprimand, i.e. the officer will normally be debarred from promotion or appointment for three to five years, and results in loss of status and heavy financial loss. The pension payable in the case of a pensionable officer punished by demotion is calculated on the basis of the salary at his demoted rank. An officer’s salary and seniority after reduction in rank will be determined by the Secretary for the Civil Service. He would normally be demoted to the lower rank at the pay point that he would have received had his service been continuous in the rank.

## Reviews and Observations of Major Disciplinary Issues

**8.7** Apart from deliberating on the appropriate level of punishment to be awarded in each disciplinary case submitted to it for advice, the Commission also oversees the operation of the disciplinary mechanism. In vetting departmental submissions, the Commission makes observations on areas that call for improvement and initiates reviews and discussions with the Administration with a view to rationalising existing disciplinary policies or procedures and formulating new policies or procedures and benchmarks of punishment. The major issues reviewed in 2009, together with the observations and recommendations made by the Commission, are set out in the ensuing paragraphs.

### Review of the Policy and Application of a “Caution”

**8.8** To add to the deterrent effect of a disciplinary punishment, the Administration would in the past issue a caution for removal from the civil service (“caution”) to a defaulting officer in a misconduct or offence case of a serious nature as a stern warning that further misconduct might cause the officer concerned to be removed from the service. A “caution” was usually attached to the disciplinary punishment and took the form of a “caution” statement in the punishment letter issued to the officer.

**8.9** In the course of vetting a disciplinary case involving an officer who had a blemished disciplinary record and was cautioned twice before, the Commission noted the recommendation of the disciplinary authority to issue a “caution” to the officer for the third time. The Commission raised concern

about the purported effect of “caution” as in practice a cautioned officer might not be removed from the service in the event of further misconduct, given the natural justice concerns that due weight must be given to other factors such as the gravity of the subsequent misconduct. In response to the Commission’s request, Civil Service Bureau (CSB) has reviewed the policy and application of “caution” and agreed to adopt a set of revised arrangements for administering “caution”. The main features of the revised arrangements are as follows –

- a) “caution” is retained as an instrument in the civil service disciplinary system. However, given its nature as an administrative warning, it is now delinked from the disciplinary punishment and no longer features in the punishment letter issued to the officer concerned;
- b) “caution” should be conveyed to the officer concerned in person at an interview to be conducted by a senior officer, preferably a directorate officer, of the bureau or department in which the officer is serving. The purpose and implications of a “caution” should be clearly explained to the officer at the interview; and
- c) the content of the caution should be tailored to suit individual cases. Generally, it should express the serious view that management has taken towards the officer’s misconduct or offence; that the officer must seize the chance to prove his worth in the service; and that in case of further misconduct or offence, management will seriously consider removing him from the service.

**8.10** The Commission supported the revised arrangements, which have become effective on 1 September 2009.

## **Legal Representation at Disciplinary Hearings**

**8.11** For civilian grades staff and generally senior ranking officers in the disciplined services grades<sup>56</sup> of the disciplined services departments<sup>57</sup> who are subject to the PS(A)O and the related Public Service (Disciplinary) Regulation (PS(D)R)<sup>58</sup>, their requests to be legally represented at disciplinary hearings are permissible, subject to approval of the relevant authority. But with regard to generally middle and junior ranking officers in the disciplined services grades<sup>59</sup>, previously some respective disciplinary instruments such as disciplined services legislation (DSL)<sup>60</sup> of individual disciplined services departments and their internal orders or instructions had provisions that explicitly prohibited legal representation at disciplinary hearings.

**8.12** Whilst disciplinary cases should be processed expeditiously to achieve the desired punitive and deterrent effect, they are subject to the requirements for due process and procedural propriety and adherence to the principle of natural justice. Arising from a judgement handed down by the Court of Final Appeal in March 2009 concerning the denial of legal representation for a civil servant in the disciplined services grades at the disciplinary hearing conducted under the DSL<sup>61</sup>, the Administration has recently reviewed the relevant disciplinary instruments to ascertain whether they continue to meet the needs under present day circumstances. After the review, relevant departmental internal orders or instructions either have been or are being amended to allow for legal representation at disciplinary hearings conducted under the DSL. The outdated provisions in the DSL will also be amended.

56 Senior ranking officers in the disciplined services grades refer to officers at a rank equivalent to Superintendent of Police, Superintendent of Correctional Services, Assistant Superintendent of Customs and Excise, Divisional Officer or Superintendent (Ambulance) of Fire Services Department, etc. and above in the disciplined services grades.

57 Disciplined services departments refer to the Hong Kong Police Force, Fire Services Department, Correctional Services Department, Customs and Excise Department, Immigration Department and Government Flying Service.

58 The PS(D)R is made under the PS(A)O to provide details on disciplinary proceedings for officers under the purview of the PS(A)O.

59 Middle ranking officers in the disciplined services grades generally refer to officers at inspectorate or equivalent ranks (e.g. Inspector of Police, Officer in Correctional Services Department, Inspector of Customs and Excise, Assistant Divisional Officer of Fire Services Department) and junior ranking officers in the disciplined services grades refer to rank and file officers (e.g. Police Constable, Customs Officer and Fireman) of the disciplined services departments.

60 DSL refers to the main ordinances and subsidiary legislation that are applicable to officers of specific disciplined services grades or ranks of disciplined services departments.

61 Lam Siu Po v. Commissioner of Police (FACV No.9 of 2008).

**8.13** The Commission observed that with the coming into place of the new arrangement of allowing legal representation where appropriate, longer processing time and delays in completion of the concerned disciplinary cases were anticipated. Yet these were considered unavoidable in order to maintain a fair and equitable civil service disciplinary system. The Commission would stay alert to such delays and comment on a case-by-case basis with a view to assisting the Administration in overcoming the problem.

### **Punishment Framework for Civil Servants under the Civil Service Provident Fund (CSPF) Scheme**

**8.14** As mentioned in the 2007 and 2008 Annual Reports, the Administration had consulted the Commission on the proposed framework to provide for removal punishments applicable to civil servants under the CSPF Scheme<sup>62</sup> (CSPF civil servants). Under the CSPF Scheme, the retirement benefits provided by the Government consist of the Government's Mandatory Contribution (GMC) and the

Government's Voluntary Contribution (GVC)<sup>63</sup>. The accrued benefits attributable to the GMC cannot, by law, be tampered with under any circumstances. The accrued benefits attributable to the GVC (GVC benefits), on the other hand, are by contract fully vested in and paid to a CSPF civil servant when he leaves the service upon completion of at least ten years of continuous service or under other specified circumstances (namely retirement, death or permanent incapacity). The GVC benefits may also by contract be forfeited – in whole or in part – as punishment for a CSPF civil servant found guilty of misconduct or an offence.

62 The CSPF Scheme provides retirement benefits for civil servants appointed on or after 1 June 2000 on new entry terms and when they are appointed on permanent terms of appointment upon completion of their probation and/or agreement.

63 For a member of the CSPF Scheme who is a disciplined services grade officer, the Government will, in addition to the GMC and GVC, make an additional monthly contribution of 2.5% of his basic salary as the Special Disciplined Services Contribution (SDSC) for him. The accrued benefits attributable to the SDSC will only be vested in and payable to the officer upon his retirement on or after reaching the prescribed retirement age, death or permanent incapacity.

**8.15** The Commission generally supported the framework on the basis that it was broadly comparable to that currently applicable to pensionable staff. The punishment framework for civil servants under the CSPF Scheme is as follows –

Level of punishment	For CSPF civil servants	For pensionable civil servants <sup>64</sup>
<b>Formal disciplinary action</b>		
<b>Removal punishment<sup>65</sup></b>		
Level 1	Dismissal with forfeiture of full GVC benefits	Dismissal with 100% forfeiture of pension
Level 2	Compulsory retirement (CR) with reduction of up to 25% of GVC benefits	CR with reduction of up to 25% of deferred pension <sup>66</sup>
Level 3	CR with full GVC benefits	CR with deferred pension
<b>Non-removal punishment</b>		
Level 4		Reduction in rank
Level 5		Severe reprimand
Level 6		Reprimand
<b>Summary disciplinary action</b>		
Level 7		Written warning
Level 8		Verbal warning
<b>Financial penalty</b>		
1		Reduction in salary
2		Stoppage or deferment of increments
3		Fine

64 There is no change to the existing punishment framework for pensionable civil servants. It is indicated purely for reference purpose.

65 All three levels of removal punishment are applicable to serving CSPF civil servants who have completed ten or more years of continuous service. For those who have completed less than ten years of continuous service, they are not entitled to any GVC benefits upon being removed from the service, regardless of the level of removal punishment meted out to them having regard to the gravity and circumstances of their cases.

66 Pursuant to s.15(1)(b) of the Pensions Ordinance and s.29(3) of the Pension Benefits Ordinance, where a serving officer on pension is punished by compulsory retirement, the deferred pension which may be granted to him may be cancelled, suspended or reduced, or he may not be granted a deferred pension on grounds of three categories of serious criminal conviction as set out below –

- a) any offence in connection with the public service under the Government, which is certified by the CE to have been gravely injurious to Hong Kong or to be liable to lead to serious loss of confidence in the public service;
- b) any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201), which is related to the person's previous public service under the Government; or
- c) treason under s.2 of the Crimes Ordinance (Cap. 200).

**8.16** Staff consultation and the requisite legislative amendments to the relevant provisions in the DSL have now been completed. The Administration will proceed to amend other relevant instruments (e.g. the PS(A)O, Procedural Guide on Discipline, etc) to incorporate the punishment framework for CSPF civil servants and prepare for the establishment of a non-statutory appeal panel to advise the CE on representations against forfeiture or reduction of the GVC benefits. It is the Administration's target to issue a circular to promulgate the punishment framework for CSPF civil servants and all the related arrangements before mid 2010 to tie in with the first batch of CSPF civil servants meeting the eligibility for the GVC benefits after completion of ten years of continuous service<sup>67</sup>.

### Conversion of Increment-pegged Fine to Salary-pegged Fine

**8.17** Financial penalty is used concurrently with the other punishment (except in the case of reduction in rank and dismissal) when the other punishment alone is inadequate to reflect the gravity of the misconduct or offence, or to achieve the desired punitive and deterrent effect, but where a higher level of punishment is not applicable or justified. Fine is the most common form of financial penalty in use. It was previously calculated on the basis of an officer's salary increment and capped at an amount equivalent to two increments for 12 months. The Administration

has replaced the increment-pegged fine by a salary-based approach starting from 1 September 2009. The new approach aims to remove the disparity caused by the previous increment-pegged fine, which can translate into different percentages of the monthly salary of individual officers at different ranks. In response to the Commission's request, the Administration has worked out the equivalent levels of the previous three tiers of increment-pegged fine, namely one increment for six months, one increment for 12 months and the ceiling fine of two increments for 12 months, which are now respectively pitched at  $\frac{1}{4}$ ,  $\frac{1}{2}$  and one month's substantive salary of the defaulting officer.

### Inclusion of Conduct-related Reminders in Salary Statement

**8.18** There are certain rules and regulations (such as the requirements to report criminal proceedings<sup>68</sup> under the PS(D)R and to seek permission to perform outside work<sup>69</sup> under the Civil Service Regulations), which all civil servants have to comply with. The Commission has suggested to CSB to consider requesting the Treasury to include in the monthly salary statements issued to all civil servants a short note on more commonly applied rules and regulations as a reminder for compliance purpose and also as a piece of evidence of their awareness of the reporting requirements, if applicable. In so far as the latter purpose is concerned, in the handling of "omission to report criminal proceedings" cases, the time

67 As the first batch of CSPF civil servants were appointed shortly after 1 June 2000, they will complete ten years of continuous service by mid 2010 and become eligible for the vesting of their GVC benefits upon leaving the civil service.

68 Under s.13(1) of the PS(D)R, an officer against whom criminal proceedings are being instituted is required to report the fact forthwith to his Head of Department (HoD), irrespective of whether such proceedings would lead to criminal conviction. Failure to do so constitutes a disciplinary offence.

69 In accordance with CSR 551(1), an officer must obtain his HoD's consent before he engages on his own account in outside work for remuneration of any sort; or accepts paid employment of any sort, outside of his normal working hours.

currently spent by a department in tracing evidence of defaulting officers' awareness of such reporting requirements from departmental records can be saved, thus expediting the processing of the related disciplinary proceedings<sup>70</sup>. The Administration has, in response to the Commission's suggestion, approached and secured the Treasury's agreement to arrange for such an inclusion. The requirement for officers to report criminal proceedings was highlighted in the salary statements issued by the Treasury in January and February 2009.

### **Wider Use of "Reduction in Rank" and "Reduction in Salary"**

**8.19** In disciplinary cases where the concurrent imposition of a financial penalty<sup>71</sup> is considered necessary, but a fine is considered not suitable or the maximum fine of one month's salary is considered too low to reflect the punitive effect of disciplinary punishment, the Commission has urged the Administration to consider, where appropriate, the use of the punishment of reduction in rank or salary, which was rarely used before, to achieve a longer-term punitive effect<sup>72</sup>. While it was not easy to inflict the punishment of reduction in rank for management reasons and in situations where the defaulter was at the basic rank, the Commission observed an

increasing number of cases in 2008 (five cases) and 2009 (eight cases)<sup>73</sup> where reduction in salary was inflicted, demonstrating the Administration's positive response to the Commission's advice on the matter.

### **The Commission's Purview to Advise on Disciplinary Cases of Civilian Grade Civil Servants in the Hong Kong Police Force**

**8.20** As mentioned in the 2008 Annual Report, the Commission has raised with the Administration the concern that the function of the Independent Police Complaints Council (IPCC) may seem to duplicate the role of the Commission in respect of disciplinary actions taken or to be taken against civilian grade civil servants of the Hong Kong Police Force (the Force). In response, the Administration has assured the Commission that the Commission remains the Government's principal statutory advisory body on matters relating to disciplinary actions on civilian grade civil servants in the Force (as with civilian grade civil servants in other parts of the Government) as provided for under the PSCO. It has also reaffirmed that the Commissioner of Police can only exercise his power to inflict formal punishment on a Category A<sup>74</sup> civilian grade civil servant in the Force after seeking the advice of the Commission.

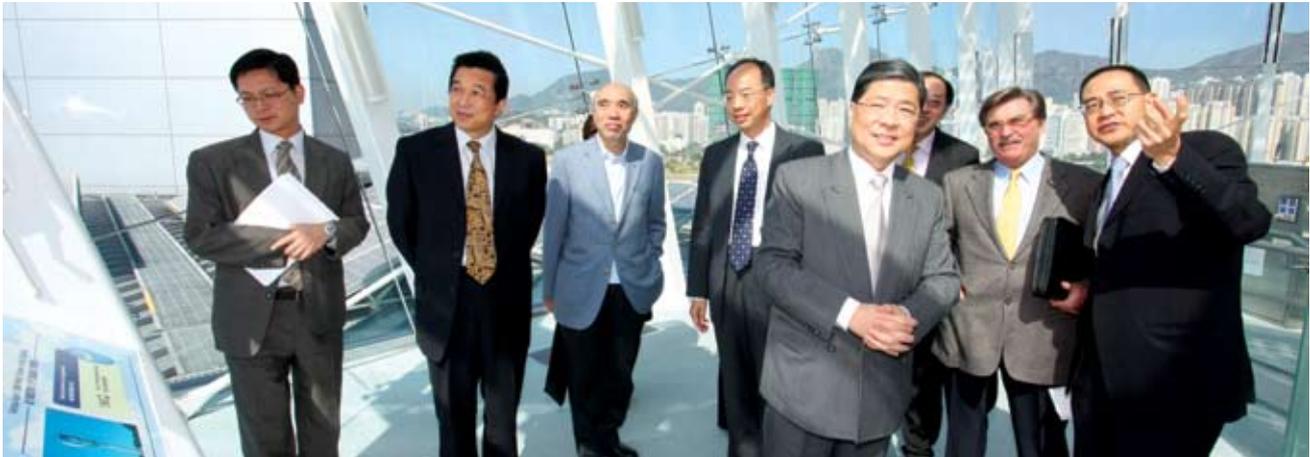
70 Evidence of an officer's knowledge of the requirement to report criminal proceedings under s.13(1) of the PS(D)R is required before formal disciplinary action can proceed. As such in handling "omission to report criminal proceedings" cases the departments concerned are required to provide evidence that the relevant memorandum on the reporting requirement has been brought to the attention of the officer. The collection of evidence in this regard would take varying time depending on how soon the department concerned is able to trace its records to provide the proof.

71 Financial penalty is used concurrently with other punishments (except in the case of reduction in rank and dismissal) when the other punishment alone is inadequate to reflect the gravity of the misconduct or offence, or to achieve the desired punitive and deterrent effect, but a higher level of punishment is not applicable or justified. Currently there are three types of financial penalty, namely "fine", "reduction in salary" and "stoppage or deferment of increment".

72 See Notes 53 and 54 under Chapter 8 on page 43.

73 Over the years from 2000 to 2007, the Commission had no record of advising on disciplinary cases with concurrent imposition of a financial penalty in the form of reduction in salary.

74 See Note 3 under Chapter 1 on page 3.



Mr Nicholas NG (fifth left), Chairman of the Public Service Commission, Mr Brian STEVENSON (second right) and Mr Vincent LO (third left), Members of the Commission, accompanied by Mr Stephen CHAN (second left), Director of Electrical and Mechanical Services visited the Electrical and Mechanical Services Department.

**9.1** In 2009, the Chairman and Members of the Commission visited the Customs & Excise Department (C&ED), the Labour Department (LD) and the Electrical and Mechanical Services Department (EMSD) to exchange views with the top management of these departments on issues of mutual interest as well as to promote good Human Resource Management practices. Through the visit to the Lok Ma Chau and Shenzhen Bay Control Points of the C&ED, the Commission has a better understanding of the department's law enforcement activities relating to anti-narcotics, anti-smuggling and customs

clearance. As for LD, the Chairman and the Members were apprised of its achievement in facilitating effective matching of manpower resources in the labour market and providing employment assistance to job seekers through the department's presentation on its specialised employment programmes and personalised employment assistance offered by its job centres. During the visit to EMSD, the Chairman and the Members participating in the visit toured around the department's rooftop gallery, the various workshops and the Data Centre to get first hand information on the range of E&M services provided to clients.



Mr Nicholas Ng (second right), Chairman of the Public Service Commission, Mrs Mimi CUNNINGHAM (second left), and Ms WONG Mee-chun (first right), Members of the Commission, accompanied by Mrs Cherry TSE (third left), Commissioner for Labour, visited the job centre of the Labour Department.



Mr Nicholas NG (second right), Chairman of the Public Service Commission, and Mr Brian STEVENSON (third right), Member of the Commission, accompanied by the Commissioner of Customs and Excise, Mr Richard YUEN (first right) visited the Lok Ma Chau Control Point.

**10.1** The Commission would like to express its sincere gratitude to Miss Denise YUE, the Secretary for the Civil Service, who has been most forthcoming and responsive to the views of the Commission. It is only with her steer and effort that it has been possible to bring to completion most of the major policy and procedural reviews in the year. The Commission appreciates very much the level of support and assistance rendered by her staff in all its areas of work. The Commission also warmly acknowledges the ready cooperation and understanding shown by Permanent Secretaries, Heads of Department and their senior staff in responding to the Commission's enquiries and suggestions during 2009.

**10.2** As always, the staff of the Commission Secretariat have continued to provide unfailing support to the Commission by working most efficiently and maintaining a very high standard in vetting departmental submissions. In particular, the Chairman and Members of the Commission wish to place on record their appreciation to the outgoing Secretary of the Commission, Mrs Stella AU-YEUNG, for her valuable support and contribution to the efficient operation of the Commission in her almost seven years of service.

## Submissions with Revised Recommendations after the Commission Secretariat's Observations

Category	Open/ In-service Recruitment	Promotions/ Acting Appointments	Continuous Employment/ Termination of Service <sup>75</sup>	Other Appointment- related Submissions <sup>76</sup>	Discipline	Total
Number of submissions advised on	126	568	66	112	69	941
a) Number of submissions queried	52	343	23	12	16	446
b) Number of submissions with revised recommendations following queries	7	108	2	2	3	122
b) / a)	13%	31%	9%	17%	19%	27%
Comparison with Previous Years						
Year	2007		2008		2009	
Total number of submissions advised on	895		970		941	
a) Submissions queried	321		417		446	
b) Submissions with revised recommendations following query	121		143		122	
b) / a)	<b>38%</b>		<b>34%</b>		<b>27%</b>	

<sup>75</sup> Continuous employment and termination of service cases cover non-renewal, offer of shorter-than-normal agreements, deferment and refusal of passage of probation or trial bar on conduct or performance grounds, early retirement of directorate officers under the Management Initiated Retirement Scheme and compulsory retirement under section 12 of the Public Service (Administration) Order.

<sup>76</sup> Other appointment-related submissions cover renewal and extension of agreements, extension of service or re-employment after retirement, review of acting appointments made to meet operational needs, opening-up, secondment, revision of terms of employment, award of government scholarship and updating of Guides to Appointment.



### Mr Nicholas NG Wing-fui, GBS, JP

Chairman, Public Service Commission (appointed on 1 May 2005)

Occupation : Chairman, Public Service Commission

Qualification : B.Soc.Sc. (Hons) (HKU), MEd (HKU), F.C.I.S., F.C.S.

Mr Ng was a veteran civil servant. He joined the Administrative Service in 1971. Senior positions he held prior to his retirement include Deputy Secretary for the Civil Service (Staff Management) (1985 - 1987), Secretary-General of the Standing Commission on Civil Service Salaries and Conditions of Service (1989 - 1991), Director of Administration of the Chief Secretary's Office (1991 - 1994), Secretary for Constitutional Affairs (1994 - 1997) and Secretary for Transport (1997 - 2002).



### Mr Simon IP Sik-on, JP

Member, Public Service Commission (appointed from 23 May 2003 to 22 May 2009)

Occupation : Businessman

Qualification : Solicitor of Supreme Court of Hong Kong

Mr Ip is a Member of the Board of Stewards of the Hong Kong Jockey Club and an Independent Non-Executive Director of Hang Lung Group Limited. Mr Ip is also a Member of the Advisory Committee on Post-service Employment of Civil Servants and the Exchange Fund Advisory Committee. He also serves as an Honorary Court Member of the Hong Kong University of Science and Technology, an Honorary Lecturer in the Department of Professional Legal Education of the University of Hong Kong, an Honorary Research Fellow of the Faculty of Law of Tsinghua University, Beijing and an Honorary Fellow of the Management Society for Healthcare Professionals.



### Mr Michael SZE Cho-cheung, GBS, JP

Member, Public Service Commission (appointed on 1 February 2004)

Occupation : Independent Non-Executive Director of Swire Pacific Ltd. and  
Non-Executive Director of Lee Kum Kee Co. Ltd.

Qualification : B.A.(Hons) (HKU)

Mr Sze is the Chairman of the Operations Review Committee of the Independent Commission Against Corruption. He was a career civil servant and joined the Administrative Service in 1969. In a career of some 26 years, he headed a number of Departments and Policy Branches. He retired from the post of Secretary for the Civil Service in 1996 to be Executive Director of Hong Kong Trade Development Council. He retired from this position in May 2004.

## Curricula Vitae of the Chairman and Members of the Public Service Commission



**Mr Thomas Brian STEVENSON, SBS, JP**

Member, Public Service Commission (appointed on 1 February 2004)

Occupation : Businessman

Qualification : CA(Scotland), LL.B(Glasgow), LL.M(HKU)

Mr Stevenson is the Deputy Chairman of the Hong Kong Jockey Club, a Non-Executive Director of the Hong Kong and Shanghai Banking Corporation Limited and the MTR Corporation Limited and an Advisor to British Telecom Asia Pacific.



**Mr Nicky LO Kar-chun, JP**

Member, Public Service Commission (appointed on 1 February 2006)

Occupation : Businessman

Qualification : B.Sc.(Hons) (HKU)

Mr Nicky Lo is the President and Chief Executive Officer of Synnex Technology International (HK) Limited. He is also the Chairman of the Standing Commission on Civil Service Salaries and Conditions of Service, a Member of the Standing Committee on Directorate Salaries and Conditions of Service, and a Member of the Advisory Committee on Post-service Employment of Civil Servants.



**Mrs Mimi CUNNINGHAM KING Kong-sang**

Member, Public Service Commission (appointed on 1 February 2006)

Occupation : Director of Human Resources and Sustainability,  
The Hong Kong Jockey Club

Qualification : B.A.(Hons) (HKU), MBA (CUHK), MA (University of London)



**Ms WONG Mee-chun, JP**

Member, Public Service Commission (appointed on 1 July 2006)

Occupation : Chief Financial Officer of JV Fitness Limited

Qualification : B.Sc.(Econ)(LSE, London), ACA (England and Wales)

Ms Wong is the Chairman of General Disciplined Services Sub-committee of the Standing Committee on Disciplined Services Salaries and Conditions of Service. She is also an Independent Non-Executive Director of Excel Technology International Holdings Limited.



**Prof CHAN Yuk-shee, BBS, JP**

Member, Public Service Commission (appointed on 1 December 2007)

Occupation : President of the Lingnan University

Qualification : BBA (CUHK), MBA (UC at Berkeley), MA(Econ) (UC at Berkeley),  
PhD (Business Administration – Finance) (UC at Berkeley)

Prof Chan is the Chairman of the Social Welfare Advisory Committee and a Member of the Process Review Panel for the Securities and Futures Commission, the Exchange Fund Advisory Committee and the Standing Committee on Judicial Salaries and Conditions of Service. He is also an Independent Non-Executive Director of Sa Sa International Holdings Limited.



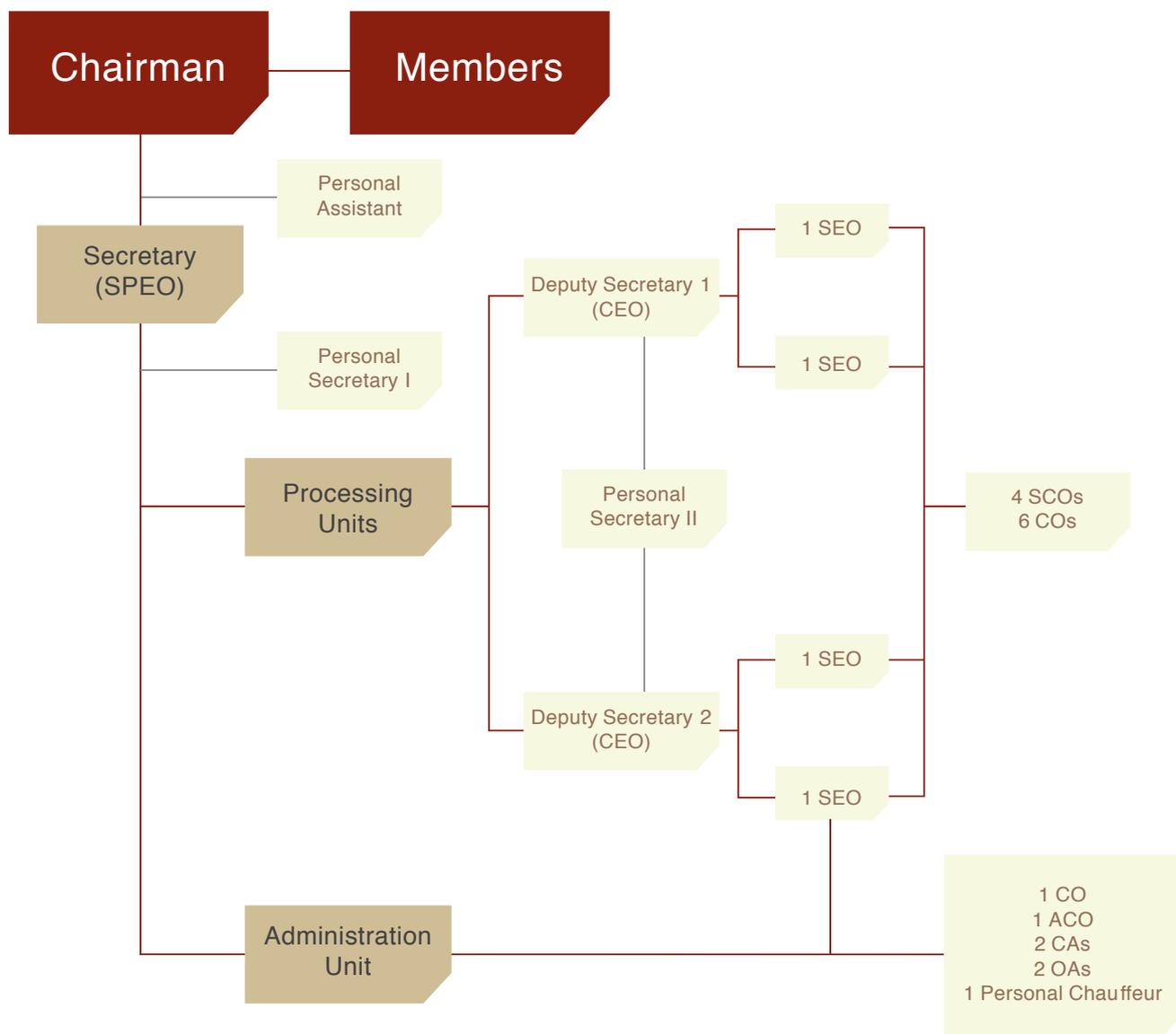
**Mr Vincent LO Wing-sang, BBS, JP**

Member, Public Service Commission (appointed on 23 May 2009)

Occupation : Consultant of Gallant Y.T. Ho & Co.

Qualification : B.A. (Hons) (HKU), Solicitor of Supreme Court of Hong Kong,  
Notary Public, PRC Appointed Attesting Officer and Arbitrator

Mr Vincent Lo is a Consultant of Gallant Y. T. HO & Co. He is the Deputy Chairman of Hong Kong Red Cross, a National Council Member of Red Cross Society of China, and a member of Hospital Authority's Blood Transfusion Service Governing Committee. He also serves as a Member of the Social Welfare Advisory Committee and the Board of Governors of the Hong Kong Sinfonietta Limited.



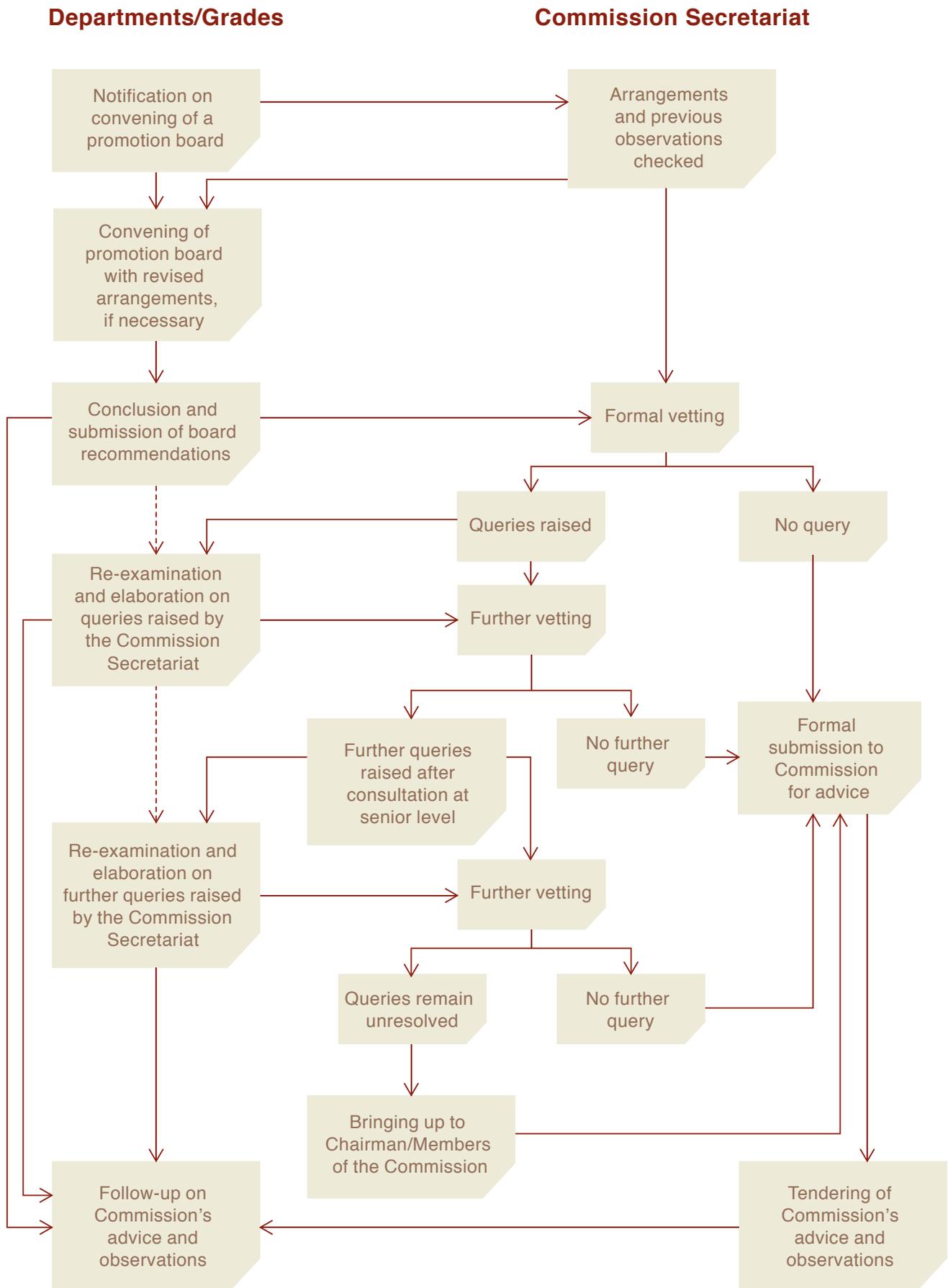
**Legend**

SPEO	Senior Principal Executive Officer
CEO	Chief Executive Officer
SEO	Senior Executive Officer
SCO	Senior Clerical Officer
CO	Clerical Officer
ACO	Assistant Clerical Officer
CA	Clerical Assistant
OA	Office Assistant

**Establishment**

Directorate Executive Officer	1
Executive Officer Grade	6
Clerical Grade	16
Secretarial Grade	3
Chauffeur Grade	1
	<hr/>
	27

## Flow Chart Illustrating the Vetting Process of Promotion Cases



**Number of Appointees (by Terms of Appointment) in the Open and In-service Recruitment Exercises in 2009**

Open Recruitment		Number of Appointees
• on probationary terms		831
• on agreement terms		27
• on transfer (between departments or grades)		36
	<b>Sub total</b>	894
In-service Appointment		
• on trial terms		212
• on probationary terms		9
• on local agreement terms		1
	<b>Sub total</b>	222
	<b>Total</b>	1 116

Comparison with figures in previous years				
Year	No. of Recruitment Cases	No. of Local Candidates Appointed	No. of Non-permanent Residents Appointed	Total
2009	126	1 115	1	1 116
2008	116	1 934	1	1 935
2007	155	674	2	676
2006	134	396	0	396

## The Commission's Response to the Consultation Document on "Review of Post-service Outside Work for Directorate Civil Servants"

公務員敍用委員會主席

CHAIRMAN  
PUBLIC SERVICE COMMISSION

Our Ref. : (11) in PER/104/1

17 April 2009

The Honourable Ronald Arculli, GBS, JP  
Chairman, Committee on Review of Post-service  
Outside Work for Directorate Civil Servants  
10/F, West Wing  
Central Government Offices  
11 Ice House Street  
Hong Kong

*Dear Ron,*

### Public Consultation on Review of Post-service Outside Work for Directorate Civil Servants

Thank you for your letter of 20 February 2009.

The Commission has studied the consultation document and formulated a Response, as attached. In the deliberation process, two Members of the Commission have declared their respective interests, one as a Member of the Advisory Committee on Post-service Employment of Civil Servants and the other as a Member of your Review Committee. The declarations in question have been properly put on the official record of the Commission.

The Commission's views, as detailed in the Response, are confined to its interest in safeguarding the integrity of the civil service and the attractiveness of civil service jobs. Briefly the Commission supports striking a balance between the two underlying principles behind the existing control regime, viz. protection of the public interest vis-à-vis protection of an individual's right to work. It holds the view that some sensible measures in regulating senior officers' post-retirement employment are necessary, but it cautions against any excessively stringent control regime, which would be at the expense of the optimum

網站 Web Site : <http://www.psc.gov.hk>電郵地址 E-mail address : [psc@psc.gov.hk](mailto:psc@psc.gov.hk)

香港紅棉路八號東昌大廈二十六樓 26/F, Fairmont House, 8 Cotton Tree Drive, Hong Kong  
電話 : (852) 2523 4393 圖文傳真 : (852) 2869 0100 Tel : (852) 2523 4393 Fax : (852) 2869 0100

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use of valuable human resources in Hong Kong. The Commission suggests that to address public suspicion or perception of any element of 'deferred reward' for past favour, the former directorate civil servant, in submitting his application for post-service employment, may be required under the current process to make a self- assessment that no real or perceived conflict of interest is involved to the best of his knowledge dating back to a reasonable period.

I hope you will find the Commission's response useful in firming up the recommendations of the Review Committee on this very important subject.

*Yours sincerely,*  


(Nicholas W.F. NG)

c.c. Secretary for the Civil Service

**Response of the Public Service Commission  
to the Consultation Document on  
“Post-service Outside Work for Directorate Civil Servants”**

The Commission supports measures to enhance the public’s confidence in the post-service outside work control regime for directorate civil servants. The Commission, however, considers that the lack of thoroughness in handling one isolated case [i.e. the case of Mr LEUNG Chin-man (LEUNG)] as admitted by the Administration should not lead to any conclusion for an excessively stringent control regime. The Commission’s views, confining to its interest in safeguarding the integrity of the civil service and the attractiveness of civil service jobs, are set out in the ensuing paragraphs.

**Policy objective of current control regime and underlying principles**

2. The Commission endorses striking a balance between the two underlying principles behind the existing control regime, viz. protection of the public interest vis-à-vis protection of an individual’s right to work. There is strong expectation from the public that retired civil servants should, in undertaking post-retirement employment, avoid any real or potential conflict of interest that could be associated with their former government duties, or cause negative public perception which would adversely affect good governance and the integrity and impartiality of the civil service. It should therefore be accepted that some sensible measures in regulating senior officers’ post-retirement employment are necessary. The Commission embraces this interest in safeguarding the integrity of the civil service and in upholding a standard of conduct across the service that is commensurate with the expectation of the public. However, the Commission is of the view that the existing control regime, based on the fine balance between the protection of the public interest and the individual’s right to work, has so far worked generally well. There is no need to shift the existing equilibrium to either end of the two principles. Changing this balance to an excessively stringent control regime will deter the flow of skills, experience and information between the civil service and other sectors and would be at the expense of the optimum use of valuable human resources. It will also lead to a further dilution of the attractiveness of civil service jobs.

**Impact on the attractiveness of civil service jobs**

3. The ability to attract and retain quality people in the civil service is vital to the good governance of Hong Kong. As mentioned in paragraph 5.22 of the consultation document, the institution and implementation of a reasonable, fair and even-handed post-service outside work control regime for former directorate civil servants may be one of the many factors affecting the attractiveness of the civil service as a career. The Commission has observed in its joint study with the Civil Service Bureau in 2008 the possible dilution of the inherent attractiveness of civil service jobs as a result of the changes in the appointment terms and fringe benefits over the years, as well as the recent developments on the social, constitutional and political fronts. An excessively stringent control regime over post-service employment of directorate civil servants could work further against the objective of recruiting and retaining quality staff in the civil service.

4. Civil servants appointed on or after 1 June 2000 under the New Terms<sup>Note</sup> are only eligible for retirement benefits under the Civil Service Provident Fund (CSPF) Scheme. As opposed to those appointed before 1 June 2000 who are eligible for monthly pension benefits on retirement, these officers on New Terms are only entitled to the accrued benefits in lump sum payment and may still need to seek paid employment after a career with the civil service. Any excessive restrictions on post-service employment at the directorate level might render a civil service career less appealing. Moreover, with the New Terms, there is less attraction to commit oneself to a life long career in the civil service, as the accrued benefits are portable and the Government's voluntary contributions would be payable immediately after completion of a continuous service of ten years. Any excessive restrictions on post-retirement employment could expedite this exit process and even deter people's aspirations for advancement to directorate positions.

5. Some members of the public may take the view that civil servants are privileged to serve the community and their employment is more secure than others. Hence any further control measures to be imposed on their post-service employment at the directorate level should not have a bearing on the attractiveness of civil service jobs. The Commission, however, considers that realistically an individual's right to deliberate his

<sup>Note</sup> Officers on New Terms are those who joined the civil service on or after 1 June 2000 who are not eligible for pensions and medical and dental benefits after retirement.

career prospects, whilst still being competitive as compared to employees in other sectors, and his exercising of a choice of his future employment, should be respected. The Review Committee should be mindful that a switch of the equilibrium to the extreme end of protecting public interest by imposing further control measures could result in a drain of talents in their mid-careers in good times. This will have a detrimental impact on succession to the top levels of the civil service in the long run. This clearly is not in the public interest.

#### **Other considerations**

6. The Commission considers that before finalising its recommendations, the Review Committee should also take into account the following considerations –

- (a) The public's concern that a directorate civil servant may use his official position to benefit a particular entity or individual in return for lucrative post-service employment (i.e. a form of "deferred reward") is also valid in the case of political appointees. There is expectation that any change of the existing control regime for directorate civil servants should also be applicable to political appointees from an equity point of view.
- (b) Directorate officers on agreement terms or appointed under the New Terms do not have monthly pension benefits. If their right to seek post-service employment is overly restrictive, they may question the justifications for such restrictions.

#### **Conclusion**

7. The public concerns as expressed in LEUNG's case that have prompted the current review centred on whether there was 'deferred reward' for past favour. But as pointed out in paragraph 5.16' of the consultation document, 'deferred reward', if substantiated, would constitute a form of corruption and the parties involved would be liable to criminal prosecution under the Prevention of Bribery Ordinance (Chapter 201 of the Laws of Hong Kong). If it is considered that public suspicion or perception in this regard must be addressed in this review exercise, the Commission takes the view that the former directorate civil servant, in submitting his application for

**The Commission's Response to the Consultation Document on "Review of Post-service Outside Work for Directorate Civil Servants"**

post-service employment, be required under the current process to assess that no real or perceived conflict of interest is involved to the best of his knowledge dating back to a reasonable period. With such a self-assessment mechanism, any further tightening of the existing control regime may not then be warranted.

Public Service Commission  
April 2009

## Other Civil Service Appointment Matters Advised by the Commission in 2009 (Breakdown by Category)

Other Civil Service Appointment Matters	Number of Submissions
Non-renewal of agreement	0
Offer of shorter-than-normal agreements <ul style="list-style-type: none"> <li>• on performance or conduct grounds</li> <li>• to tie in with the 60<sup>th</sup> birthday of the officers concerned<sup>77</sup></li> </ul>	0
Renewal or extension of agreement	24
Refusal of passage of trial bar	6
Refusal of passage of probation bar	3
Deferment of passage of trial bar	32
Deferment of passage of probation bar	20
Early retirement of directorate officers under the Management Initiated Retirement Scheme	1
Retirement under section 12 of Public Service (Administration) Order <sup>78</sup>	4
Extension of service or re-employment after retirement <ul style="list-style-type: none"> <li>• Directorate officers (5)</li> <li>• Non-directorate officers (6)</li> </ul>	11
Secondment	4
Opening-up arrangement	6
Revision of terms of employment	0
Government Training Scholarship (GTS) <sup>79</sup>	1

77 Under Civil Service Regulations 280 and 281, the further employment of an agreement officer beyond the age of 60 will not be considered other than in very exceptional circumstances.

78 Retirement under section 12 of Public Service (Administration) Order is not a form of disciplinary action or punishment but pursued as an administrative measure in the public interest on grounds of persistent substandard performance or loss of confidence.

79 The GTS scheme enables local candidates to obtain the necessary qualifications for appointment to grades where there are difficulties in recruiting qualified candidates in Hong Kong. Upon successful completion of the training, the scholars will be offered appointment to designated posts subject to satisfactory completion of recruitment formalities. As in other recruitment exercises, Heads of Department/Heads of Grade have to seek the Commission's advice on their recommendations of the selection exercises for the award of GTS which would lead to eventual appointment in the civil service.

## Disciplinary Cases Advised by the Commission in 2009 (Breakdown by Category of Misconduct or Offence and Punishment)

Punishment	Category of Misconduct or Offence						Total
	Traffic related offences	Theft	Crimes conviction not under columns 1 and 2*	Negligence, failure to perform duties or follow instructions, supervisory accountability and insubordination	Unpunctuality, unauthorised absence, abscondment	Other misconduct**	
Dismissal	0	0	1	0	1	0	<b>2</b>
Compulsory Retirement	0	0	6	3	2	1	<b>12</b>
Lesser Punishment	8	8	8	9	5	17	<b>55</b>
<b>Total</b>	<b>8</b>	<b>8</b>	<b>15</b>	<b>12</b>	<b>8</b>	<b>18</b>	<b>69</b>

Note: a) The Commission advised on 69 disciplinary cases in 2009.  
 b) 31 of the 69 disciplinary cases followed upon conviction.  
 c) In one of the remaining 38 disciplinary cases, the officer concerned has absconded.

\* Including common assault, soliciting advantages, fraud, indecent assault, using a false instrument and others.

\*\* Including unauthorised outside work, unauthorised loan, being rude to supervisor or client, providing false information, falsifying attendance or work records, and breaching housing benefits rules etc.

## Disciplinary Cases Advised by the Commission in 2009 (Breakdown by Salary Group and Punishment)

Punishment	Salary Group			Total
	Master Pay Scale Pt.13 and below or equivalent	Master Pay Scale Pt.14 to 33 or equivalent	Master Pay Scale Pt.34 and above or equivalent	
Dismissal	2	0	0	<b>2</b>
Compulsory Retirement + Fine	0	1	0	<b>1</b>
Compulsory Retirement	2	9	0	<b>11</b>
Reduction in Rank	0	0	0	<b>0</b>
Severe Reprimand + Reduction in Salary	6	2	0	<b>8</b>
Severe Reprimand + Fine	13	9	1	<b>23</b>
Severe Reprimand	2	1	1	<b>4</b>
Reprimand + Fine	9	4	1	<b>14</b>
Reprimand	2	3	1	<b>6</b>
<b>Total</b>	<b>36</b>	<b>29</b>	<b>4</b>	<b>69</b>