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2010 marked the 60th anniversary of the establishment of the Commission. The fundamental role of the Commission is to advise the Chief Executive on civil service appointments, promotions and discipline. Over the past sixty years, the Commission has steadfastly discharged its responsibility for safeguarding the impartiality and integrity of the appointment and promotion systems in the civil service, as well as ensuring that fairness and broad consistency in disciplinary punishment are maintained throughout the service. It has contributed in a significant way in upholding the quality and stability of the civil service. I would like to pay special tribute to all former Chairmen and Members who served the Commission tirelessly and helped lay a solid foundation for the Commission. The respect and credibility that the Commission commands both inside and outside the Government owes in no small measure to their effort. I have no doubt that in the years to come the Commission will continue to uphold the principles of impartiality, integrity and fairness in civil service appointment, promotion and discipline.

To mark the Commission's Diamond Jubilee, Chapter 2 of the Report retraces the history and development of the Commission over the past six decades. An account of the more notable events and changes to the remit of the Commission since its establishment is given in the chapter.

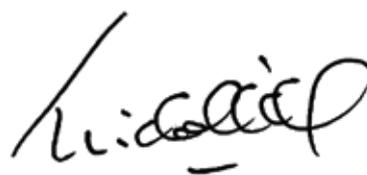
Alongside the processing of individual cases, which forms the bulk of the Commission's work, the Commission gives objective and impartial advice on human resources management policies and practices in the civil service. Over the past four years, the Commission has devoted considerable effort to the review of major policy and procedural issues concerning civil service recruitment, promotion, performance management and succession planning. With the collaboration of the Administration, many of the reviews are reaping harvest and the resultant changes lead to the promulgation of new principles and guidelines. There are now new guidelines on "Succession Management" and "A Holistic Approach to Staff Development", providing guiding principles for the development of an effective succession planning system as well as practical pointers for staff development, talent grooming and succession planning. The Commission is pleased to note the results achieved, which

are summarised in Chapters 3 to 7. In the coming year, the Commission will further pursue the outstanding reviews and focus on the finer aspects of existing policies and practices with a view to perfecting the system.

The Commission is also encouraged to see the continuous decrease in the number of disciplinary cases. The very small number of serious disciplinary cases reaffirms the Commission's view that the vast majority of the civil service measure up to the very high standards expected of them in terms of conduct and discipline. Nonetheless, there is no room for complacency in the concerted efforts to uphold a civil service of high integrity and probity. The Commission will, as always, remain vigilant and collaborate with the Administration to ensure equity, fairness and maintenance of broad consistency in staff discipline throughout the service. An overview of the disciplinary cases advised in the year and the related observations and reviews 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 Michael SZE, GBS, JP, and Mr Thomas Brian

STEVENSON, SBS, JP, retired from the Commission after six years of dedicated service. I pay my warm tribute to them for their many years of sterling support and wise counsel. I also extend my warm welcome to Mr Joseph PANG, JP, and Mr Herbert TSOI, BBS, JP, our new Members.



(Nicholas Ng Wing-fui)
Chairman

1.1 Established in 1950, the Commission is the principal statutory advisory body to the Chief Executive (CE) on civil service appointments, promotions and discipline.

Role and Functions

1.2 The Commission's remit is stipulated in the Public Service Commission Ordinance¹ (PSCO) and its subsidiary regulations (Chapter 93 of the Laws of Hong Kong). Its 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.

1.3 With a few exceptions², the Commission's advice on appointments and promotions relate 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 \$35,290) or more, up to and including Permanent Secretaries, Heads of Department and officers of similar status. At the end of 2010, the number of established civil service posts under the Commission's purview was 37 188.

1.4 As regards disciplinary cases, the Commission's purview covers all Category A officers³ 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 Scale⁴. At the end of 2010, the number of Category A officers under the Commission's purview for disciplinary matters was about 111 700. The Commission advises on cases involving officers who are subject to formal disciplinary proceedings as provided for

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. 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.

2 The following types of case, irrespective of rank, must be submitted to the Commission for advice –
– termination, non-renewal and offer of shorter-than-normal agreement;
– termination and extension of probationary or trial service 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(AO)).

3 According to the PS(AO), an officer who is appointed to and confirmed in an established office or is a member of the Civil Service Provident Fund Scheme is classified as a Category A officer.

4 According to the PS(AO), an officer who holds a non-established office, an established office on month-to-month terms, or an office on probationary or agreement term, 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 vide 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.

under the Public Service (Administration) Order (PS(A)O) sections (s.) 9⁵, 10⁶ and 11⁷. 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 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 2010, the Commission dealt with ten representations relating to appointment issues. After careful and thorough examination, the Commission was satisfied that the grounds for representations in all these cases were unsubstantiated. There were also 15 other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.

1.6 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

1.7 In accordance with s.12(1) of the PSCO⁸, 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 PSCO⁹,

- 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 further proceedings.
- 8 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.
- 9 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.

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 safeguards for the confidentiality and impartial conduct of the Commission's business.

Performance Target

1.8 In 2010, the Commission advised on 866 submissions covering recruitment and promotion exercises, disciplinary cases and other appointment-related subjects. Altogether 512 submissions were queried, resulting in 122 re-submissions (24%) 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.

1.9 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 2010 were dealt with within the pledged processing time. Taking into account the experience since the implementation of various streamlining measures in 2008 for recruitment exercises, the Commission, starting from 2011, will shorten the target time for completing the processing of recruitment cases to within four weeks.

Membership of the Commission

1.10 Under the PSCO, the Commission comprises a Chairman and not less than two or more than eight members. All are appointed by the CE 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 of the Public Service Commission

1.11 The membership of the Commission during 2010 was as follows:

Chairman :	
Mr Nicholas NG Wing-fui, GBS, JP	(since May 2005)
Members :	
Mr Michael SZE Cho-cheung, GBS, JP	(February 2004 to January 2010)
Mr Thomas Brian STEVENSON, SBS, JP	(February 2004 to January 2010)
Mr Nicky LO Kar-chun, SBS, JP	(since February 2006)
Mrs Mimi CUNNINGHAM KING Kong-sang	(since February 2006)
Ms WONG Mee-chun, JP	(since July 2006)
Prof. CHAN Yuk-shee, BBS, JP	(since December 2007)
Mr Vincent LO Wing-sang, BBS, JP	(since May 2009)
Mr Joseph PANG Yuk-wing, JP	(since February 2010)
Mr Herbert TSOI Hak-kong, BBS, JP	(since May 2010)
Secretary :	
Mrs Margaret CHAN CHENG Wan-yuk, JP	(since September 2009)
Curricula vitae of the Chairman and Members are at Appendix II.	

Homepage on the Internet

1.12 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 2004 onwards) can also be viewed on the homepage and can be downloaded¹⁰.

¹⁰ Hard copies of the Annual Report are also available in public libraries and District Offices.

2.1 The year 2010 marks the 60th anniversary of the setting up of the Public Service Commission (PSC). In the traditional Chinese calendar system, sixty years form a sexagenary cycle which has a special meaning of a full lifespan. It is an opportune time to reflect on how the Commission has over the years firmly established itself as a guardian of the civil service management system.

I. Origin

2.2 The Commission has its origin in a recommendation in the White Paper Colonial 197¹¹ in 1946 that “such Commissions should be established in the Colonies to advise the Governor on the selection and appointment of candidates to posts in the local service, and should be so composed as to command the confidence of the Service and the public”. This recommendation was later endorsed by the 1947 Salaries Commission and adopted by the Government. On 30 June 1950, the Public Service Commission Ordinance (PSCO), enacted as Ordinance No. 14 of 1950 (now Chapter 93 of the Laws of Hong Kong), came

into force, and the first Chairman of the Commission was appointed in August 1950. It is interesting to note that when the Commission was first set up, it was called the Public Services Commission. To reflect more accurately the point that the Commission does not provide “services” per se but, rather, is a Commission dealing with the Public Service, the name of the Commission as well as the title of the Ordinance were changed to “Public Service Commission” through an amendment bill in 1979.

II. Mission

2.3 It has been the mission of the Commission ever since its establishment to safeguard the impartiality and integrity of the civil service so as to command the trust and confidence of the public. Its primary role is to advise the Chief Executive (CE) on civil service appointments, promotions and discipline, which are fundamental human resource management (HRM) functions. It is true for the Government as for any organisation that it depends on staff at all levels to deliver its tasks, hence the effective management and development of human

11 The White Paper Colonial 197 issued in 1946 set out measures which were proposed to improve the quality and efficiency of the Colonial Service of the British Administration. The setting up of Public Service Commission was proposed in its paragraph 21(xi) which mentioned that “Public Service Commissions should be established in the Colonies. Subject to the general overriding powers of the Secretary of State, the selection and appointment of candidates in the Colonies to posts in the local service will lie with the Governor of the Colony. It is desirable that the Governor should be advised in these matters by a Public Service Commission appointed by him and so composed as to command the confidence of the Service and the public.”

resources is of paramount importance. The Commission, though not directly engaged in the execution of these HRM functions, has an indispensable advisory role to play.

2.4 The ensuing paragraphs give an account of the Commission's advisory role and the mandate for the Commission to serve as the principal statutory advisory body to the Government on civil service appointment, promotion and disciplinary matters. There is also a brief description of the history and development of its mode of operation, composition and supporting organisation that have enabled the Commission to achieve its mission in the past sixty years.

III. Advisory Role

2.5 When the Commission was first set up in 1950, section (s.) 6(1) of the PSCO stipulated its functions to advise the then Governor (now CE) on the following issues –

- (a) the filling of such vacancies in the public service as may be prescribed;
- (b) the promotion of an officer from such grades and classes of the public service to another grade and class as may be prescribed;

(c) such representations from an officer or officers concerning conditions of service as may be referred to it by the Governor; and

(d) any matter affecting the public service as may be prescribed by regulation or referred to it by the Governor.

2.6 There has not been much change to the advisory functions of the Commission as listed in (a) to (c) above throughout the years although its remit, as time passes, has undergone some adjustments to keep pace with the growth of the civil service and to meet the needs of a modern public service. A brief account of the more significant adjustments made in this regard is given in paragraphs 2.13 to 2.25 below.

2.7 The Commission's advisory role on HRM policies dates back to its inception in the 1950s with its remit clearly laid down in s.6(1) of the PSCO. In the very early years of the Commission's establishment, examples of matters referred to it for advice included expatriation pay and salary scales, standards of educational and other qualifications for appointment, creation of new posts,

age limits for appointment to the pensionable establishment, training of local candidates, and reorganisation of departments. As the civil service grew in size and complexity over the years and with the setting up of other dedicated advisory bodies to deal with specific subjects of the civil service system, matters referred to the Commission for advice were subsequently refined to include basically appointment and disciplinary policies that fall within its statutory remit or major HRM policies which would have significant and wide impact on the civil service.

2.8 The Commission's advisory role on HRM policies was further recognised in 1992 when the Commission, at the request of the then Secretary for the Civil Service (SCS), agreed to take on the role as a "think tank" to SCS. The Commission was expected, with its Members' expertise and knowledge in their respective fields, to give advice to SCS on policy issues and general civil service matters which fall outside the purview of other advisory bodies on civil service matters. SCS, where appropriate, would channel PSC's contributions into the Civil Service Policy Group chaired by the then Chief Secretary for discussion at a policy formulation level. Since then, the Commission has been frequently consulted by SCS on policy issues before they are finalised and put into practice. Recent examples of issues that were referred to the Commission for advice included the

opening-up arrangement for agreement officers' positions, the language proficiency requirements for appointment to the civil service, the consultation document on further development of the political appointment system, the punishment framework for officers under the Civil Service Provident Fund Scheme, and the review of post-service outside work for directorate civil servants.

2.9 However, to merely describe the Commission as a "think tank" may have belittled its advisory role. The Commission is well placed to advise the Administration on HRM issues because its Members' expertise in different sectors and their experience in the vetting of cases enable it to readily appreciate or detect problematic trends or developments. It therefore advises not only in response to the invitation of the Administration, but also as and when it sees the need.

2.10 The 1959 Salaries Commission described the advisory role of the Commission quite accurately in saying: "The Commission is a purely advisory body but it has never hesitated to give its advice as far as it has bearing upon its functions with a view to maintaining and improving the standards of the service". Over the years, the Commission has directed a great deal of effort into the study of major policy issues with a view to improving the service's HRM system to

greater efficiency. Very often, the advice of the Commission was taken seriously by the Administration and resulted in policy changes. To name a few recent issues, the efficiency bar¹² was abolished in 2000 at the suggestion of the Commission and, in 2007, the Common Recruitment Examination system was revamped on the advice of the Commission.

2.11 Moreover, the Commission's observations on appointment and disciplinary policies have culminated in the issue of various new principles and guidelines, advisory circulars as well as training and promotion packages over the years. As early as in 1956-57, the Administration had "at the suggestion of the Commission, compiled a Procedural Guide to appointments in the Public Service which is an unofficial collection with explanations of the relevant instructions in the Colonial Regulations, the General Orders, and the Ordinance and regulations of the Commission"¹³. The issue of the revised chapters on "Recruitment" and "Promotion" in the "Guidebook on Appointments", and the promulgation of a revised "Performance Management Guide" in 2009 and 2010 are the more recent examples.

2.12 In this Report, for the first time, an Index of the advice and observations of the Commission on civil service recruitment, appointment, discipline and other HRM issues cited in the Commission's Annual Reports since 2001 is included at Appendix XI. It is intended to provide HRM practitioners in bureaux/departments and general readers with a ready guide for a quick search of the required information. The Index can also be accessed on the Commission's homepage on the Internet¹⁴.

IV. Remit

2.13 To individual bureaux and departments, the Commission's advisory role is perhaps more visible when it performs its core function of vetting and advising on appointment, promotion and disciplinary cases. Since assuming the responsibility for processing submissions direct from bureaux and departments in 1990¹⁵, the Commission has become a convenient point of reference on appointment principles, procedures and practices. The wide coverage of its purview enables it to act as a conduit for the sharing

12 Efficiency bars are designated intermediate pay points on the pay scales of certain ranks, mainly those with long pay scales. A conscious decision had to be taken by the management to certify an officer as performing capably and efficiently before allowing him to pass an efficiency bar and progress further on the pay scale. Noting that there were already the requirements in the Civil Service Regulations that each incremental jump on salary should be granted on the basis of a conscious assessment of performance, not just at the point of the efficiency bar, the continued use of efficiency bars as performance and efficiency management tool appeared to be obsolete. On the Commission's request, the Administration had reviewed the issue and abolished the efficiency bar in 2000.

13 Page 21 of 1956-57 PSC report.

14 The Commission's homepage can be accessed at the following address: <http://www.psc.gov.hk>.

15 In March 1990, Heads of Department were delegated the authority to approve substantive appointments and promotions to non-directorate PSC posts hitherto resting with the SCS. Thereafter, the Commission dealt with submissions from the departments directly.

of experience among different bureaux and departments, thus helping to maintain consistency of practice and uniformity in policy application, whilst making due allowance for exceptional circumstances or special considerations warranting special treatment or solutions.

2.14 However, not all offices fall within the purview of the Commission. The few exceptions can be broadly divided into two groups – posts in the higher echelons of the service that are specifically laid down in the exclusion list at s.6(2) of the PSCO, and the lower ranks which are excluded generically for practical reasons.

(a) The exclusion list

2.15 When the Commission was first set up in 1950, the exclusion list at s.6(2) of the PSCO was much longer than it is today. It covered posts like Chief Justice, judges of the Supreme Court, offices of the naval, military, air forces and the police force, as well as a First Schedule that specified a number of senior posts to be excluded from the Commission's purview¹⁶.

2.16 Over the years, the exclusion list has evolved to its present form through various

additions and deletions made by legislative amendments. The most obvious change was made in 1968 when the First Schedule was removed with only the Director of Audit retained as an excluded post. Also, a collective term of “judicial officer” was adopted in 1974 to put all judges, district judges, magistrates, presidents/presiding officers of tribunal, and the Registrar of the Supreme Court outside the purview of the Commission so as to preserve the independence of the judicial system in Hong Kong and to avoid the situation where a Member of the Commission, who might be a practising barrister or solicitor, to pronounce on the appointment of a judicial officer before whom he might appear in a professional capacity. The Independent Commission Against Corruption was added to the exclusion list since its inception in 1974.

2.17 The introduction of the Accountability System on 1 July 2002 has resulted in the appointment of Directors of Bureau, and subsequently the Deputy Directors of Bureau and Political Assistants at the upper echelons of the Government. As they are occupying non-civil service positions, their appointments are not referred to the Commission.

¹⁶ Posts listed in the First Schedule were Cadet Officers Class I (now Administrative Officer Staff Grade A), Director of Medical and Health Services, Director of Public Works, Chairman, Urban Council, Director of Education, Director of Marine, and Director of Audit. These posts were classified under classes I and II in the then British colonial system. For appointment to these posts, the Governor was bound under Colonial Regulation 24 to consult the Secretary of State who should consider candidates throughout the colonial services. PSC therefore could not be in a position to know the field of suitable candidates and advise on the filling of such vacancies.

(b) *The threshold of Master Pay Scale (MPS)
Pt. 26*

2.18 When the Commission was first established, it was responsible for advising the Governor on **all** appointments and promotions, including passage of probation and efficiency bars, in the pensionable establishment or on contract other than on monthly terms¹⁷.

2.19 In 1959, the Salaries Commission recommended in its report that as principles became established and experience grew, “the area of advice asked of the Commission should be narrowed by steps to what is recognised to be the irreducible minimum”. After deliberations, the Commission agreed at its meeting held on 19 January 1960 that the Commission’s purview should be redefined to cover senior appointments only with the benchmark set at salary scales or segments starting in the region of \$1,000 per month. Subsequently, the PSC Regulations were amended in June 1961 for PSC posts to be confined to those with **starting salary** at no less than \$930 per month for male officers and \$690 for female officers. For posts below this prescribed salary level, all appointment matters were thereafter dealt with by the Establishment Officer (now SCS) independently but the advice of the

Commission was still required if offer of expatriate terms, or departure from normal procedures or standards of qualification was involved. The number of posts subject to the Commission’s purview was reduced from 16 985 at the end of 1960 to 5 104 at the end of 1961. In the following decade, the salary threshold (based on monetary amount) for PSC posts was revised from time to time to conform with the general increase in civil service pay.

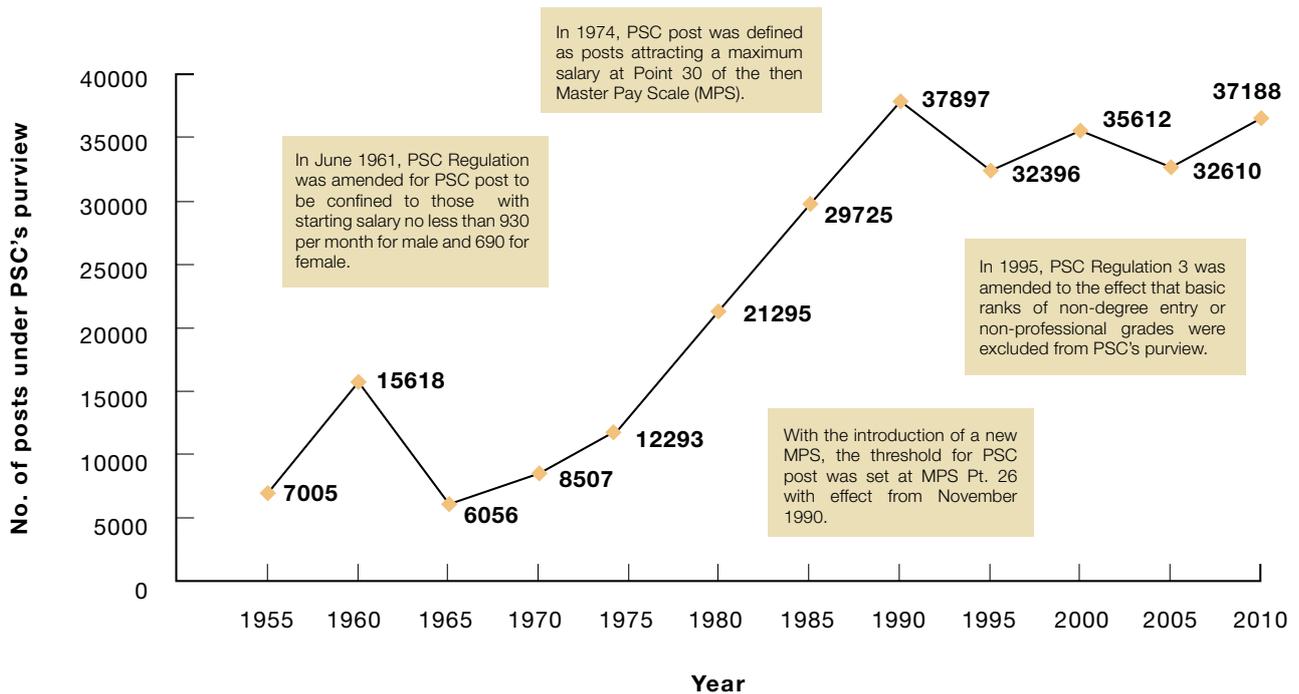
2.20 In 1971, the introduction of the MPS entailed a review of the definition of PSC posts and subsequently the adoption of a specific salary point as the dividing line for advice by the Commission. The Commission’s advice was required on all appointments to fill posts attracting a **maximum** monthly salary which was not less than the amount specified at MPS Point 30 (i.e. \$3,380 as at 31 December 1974). About 36 grades which were originally within the PSC’s purview were excluded, and six others formerly excluded were included. The corresponding legislative amendment was made in 1974. This formulation, pegged to a salary point rather than a specific monetary amount, avoided an amendment to the PSC Regulations arising from any general adjustment in civil service pay.

¹⁷ Excluding the offices as specified in s.6(2) of the PSCO.

2.21 Then in 1989, a new MPS containing 49 points instead of 51 as in the old MPS was introduced. By amendment to the PSC Regulations in November 1990, Point 26 on the new MPS (equivalent to Point 30 on the previous MPS) has since been adopted as the cut-off point.

2.22 The cut-off point of MPS Point 26 is still in force today but in 1994, there was a supplementary arrangement under which PSC's advice for recruitment cases was required for degree entry and professional grades/ranks only. Such an arrangement

was aimed at speeding up the recruitment process by empowering the respective Heads of Department/Grade to approve recruitment to all basic ranks with lower entry qualifications without seeking the Commission's advice. Following the necessary legislative amendment to effect such an arrangement in 1995, the number of posts under the Commission's purview was reduced by over 4 500 or 13%. The following graph shows the changes in the number of posts falling within the Commission's purview since the 1950s.



(c) *Advisory responsibility on disciplinary cases*

2.23 The threshold of MPS Point 26 applies to appointment cases only. The Commission's advisory responsibility for disciplinary cases covers all Category A officers comprising both pensionable officers and officers under the Civil Service Provident Fund Scheme. Prior to May 1971, the Colonial Regulations (now the Public Service (Administration) Order) required the Governor (now CE) to consult the Executive Council before ordering the dismissal of any pensionable officer above certain seniority¹⁸. By subsequent amendment to the Colonial Regulations and the related regulations, the advisory function was transferred to the Commission and was extended to cover all pensionable officers regardless of seniority (with the exception of the exclusions specified in s.6(2) of the PSCO). It was extended to cover also lesser penalties than dismissal, and retirement of officers in the public interest. The new regulations came into force in May 1971, and cases arising from misconduct committed after this date started to come before the Commission in August 1971. With the introduction of the Civil Service Provident Fund Scheme in 2003, the Commission also advised on the disciplinary cases for officers who are appointed on new permanent terms and become eligible for joining the Scheme.

(d) *Advisory responsibility on other matters*

2.24 As mentioned in paragraph 2.18 above, the Commission originally advised on **all** cases concerning passage of probation and efficiency bars. In 1974, a new PSC Regulation 4 was added to the effect that the Commission should be consulted only on cases involving the refusal or deferment of passage over probation or efficiency bar, or promotion step, and the officer concerned would then suffer financial loss. In other words, routine cases of passage of bars were no longer required to be submitted to the Commission for advice. This arrangement is still in force nowadays except that there have been no more cases of passage of efficiency bar following its abolition in October 2000, and that the Commission's advice is required for all cases of refusal of passage of probation or trial bar and termination or extension of probationary or trial service, irrespective of whether the posts fall within the purview of the Commission and whether there would be financial loss to the officers concerned¹⁹.

2.25 The legislative amendment in 1974 also saw changes to the Commission's advisory responsibility over representations from civil servants. Originally, the Commission

¹⁸ An officer with a certain seniority generally referred to one who held an appointment which was subject to the approval of the Secretary of State, or was selected for appointment by the Secretary of State, or whose pensionable emoluments exceeded \$1,000 per month.

¹⁹ The requirement was stipulated in the Secretary for the Civil Service's memo dated 1.9.2006 of reference (29) in AP/P81/1 Pt. 6.

advised on representations concerning “conditions of service as may be referred to it by the Governor”. However, according to experience, most individual grievances received by the Commission then were not related to conditions of service, as these matters were not of direct concern of the Commission and for which separate consultative machinery existed. The Commission now advises only on representations which are made directly to it and are related to matters falling within its statutory purview.

V. Mode of Operation

2.26 Notwithstanding the above-mentioned changes to the remit of the Commission, the number of posts falling within the Commission’s purview, as shown in the diagram in paragraph 2.22 above, has been increasing substantially with the growth of the civil service. To cope with the corresponding increase of its caseload, the Commission has suitably adjusted its mode of operation over the years, but basically it still conducts its business by both discussions at meetings and circulation of papers.

(a) *Commission meetings*

2.27 At the initial years of the setting up of the Commission, it was not uncommon for individual cases to be discussed at the meeting and the Commission conducted meetings more frequently at an average of ten meetings per year. With the crystallisation of the operating principles as a result of experience, routine cases were normally handled by circulation of files and the number of formal meetings held has dropped significantly since 1970. Nowadays, Members meet only when necessary to deal with important business or discuss controversial issues requiring a decision or carrying major policy implications.

(b) *Circulation of cases*

2.28 In the very early years, all cases were circulated to the full Commission for advice. The year 1974 saw the amendment of s.3 of the PSCO which provided for the Chairman and one member of the Commission to form a quorum at a meeting and to carry out all the duties of the Commission. Also, the Commission may by instrument of delegation, authorise the Chairman to exercise and perform specific functions.

2.29 Then in December 1978, with the addition of a third member to the Commission, a panel circulation system started to operate on a trial basis so as to avoid overburdening the Members on the one hand, and to reduce circulation time on the other hand. There were two panels then, each having one experienced Member and both including the newly joined Member. The circulation files were divided up between the two panels on a simple alternate basis. This two-panel circulation system ceased in July 1980 when there was only one experienced Member at that time, and resumed in 1983 after a review. In 1992, the panel circulation system was further refined and each panel was assigned to handle all general submissions from a specified group of bureaux and departments, while policy issues and controversial cases would continue to be circulated to all Members for advice. With the expansion of the membership of the Commission from six to seven since 1 May 1994, the number of panels was increased from two to three in order to achieve a better spread of workload amongst Members and to further reduce circulation time for the routine cases. This three-panel circulation mode prevails to date.

(c) Processing of promotion cases

2.30 The bulk of cases circulated to the Commission for advice are promotion submissions. The Commission's way of dealing with promotion cases has remained more or less the same throughout the years. The Commission would critically examine the recommendations of promotion exercises to ensure that only the most deserving officers are selected for filling available vacancies, and that the selection process is fairly and properly administered in accordance with the relevant policies and procedures. The Chairman or Members would attend individual promotion board meetings as observers as part of their regular commitment.

(d) Processing of recruitment cases

2.31 As for recruitment cases, over the years the Commission has been gradually simplifying its involvement in the process to facilitate speedier offer of appointment to selected candidates. When the Commission was first set up in 1950, the Commission examined and approved all recruitment advertisements before they appeared in the name of the Commission in the local press. All applications were addressed to the

office of the Commission for classification according to qualifications before they were forwarded to the departments concerned for arrangement of selection boards. The Commission then considered the full reports of the selection boards and the views of the Establishment Branch (now Civil Service Bureau [CSB]) before advising on whether the recommendations should be approved or amended.

2.32 From the 1960s to the 1980s, although the Commission had gradually withdrawn itself from handling the logistic arrangements for placement of advertisements and vetting of applications, the advertisements for PSC ranks still appeared in the name of the Commission and the Commission was responsible for acknowledging receipt of applications before passing them to the CSB or departments as appropriate for sorting and follow-up. Upon completion of a recruitment exercise, the Commission would also write to all unsuccessful candidates who had been interviewed informing them of the outcome of their applications.

2.33 In 1994, the recruitment procedures were streamlined so that the number of checkpoints where the Commission's advice had to be sought in each recruitment exercise was greatly reduced. Under the revised procedures then, recruiting departments received applications direct from candidates, and notified all candidates of the recruitment results direct.

The recruitment process was further streamlined in December 2007 when the Commission further withdrew its involvement in steps that would not add value to but only lengthen the recruitment process by duplicating the efforts made by the recruiting departments such as checking the sorting results of applications. The Commission has since then retained only its vetting role in the key steps involving deviations from the established appointment rules, procedures and practices or approved Guides to Appointments, adoption of shortlisting criteria, and the final recommendation on offer of appointment to selected candidates. For quality control purpose, the streamlined arrangement was implemented alongside the introduction of a compliance checklist and a random-checking system so that the Commission can continue to keep a close watch on the proper and fair conduct of all recruitment exercises.

(e) Processing of disciplinary cases

2.34 Since the expansion of the Commission's ambit in 1971 to include disciplinary cases, the provision of independent and impartial advice to the CE on matters relating to the conduct and discipline of the civil service has become an important part of the Commission's work. In examining disciplinary cases, the Commission not only deliberates on the appropriate level of punishment to be awarded in each case, but also looks beyond the cases to make observations on

the operation of the disciplinary system. The ultimate objective is to ensure that fairness and broad consistency in disciplinary punishment are maintained throughout the service. The Commission has also worked closely with CSB in deliberating on and reviewing policies and procedures relating to the disciplinary system with a view to upholding the highest standard of probity of civil servants. With the steer of the Commission, the Administration has rationalised the benchmark of punishments for some common misconduct such as shoplifting and unauthorised absence from duty for application across the service to achieve the desired deterrent effect.

(f) *Queries raised by the Commission*

2.35 In examining submissions from bureaux and departments, 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 queries and observations made by the Commission are the end products of a meticulously devised vetting process. 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 following table shows the number of cases advised and queried by the Commission in the past ten years –

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
(A) No. of submissions advised	1,209	1,262	932	911	765	892	895	970	941	866
(B) No. of submissions queried	380	410	314	289	245	278	321	417	446	512
(B) / (A) (%)	31%	32%	34%	32%	32%	31%	36%	43%	47%	59%
(C) No. of submissions with revised recommendations following queries	211	189	89	119	117	115	121	143	122	122
(C) / (B) (%)	56%	46%	28%	41%	48%	41%	38%	34%	27%	24%

2.36 It is extremely rare that the view of the bureau or department concerned differs from the advice of the Commission. If that happens, the case will have to be put to the CE for a decision. On record there was only one occasion in 2002 where the department concerned opted not to take the advice of the Commission in handling two related disciplinary cases and the CE subsequently upheld the department's decision.

VI. Composition

2.37 The Commission consists of a Chairman and a maximum of eight members as specified under s.3(1) of the PSCO.

2.38 When the Commission was first set up, it consisted of a Chairman and two members whose normal tenure of office was three years and two years respectively, and was renewable. Appointments to the Commission were made by the Governor (now CE). In order to ensure its independence and impartiality, the Ordinance has incorporated the provision²⁰, which still remains in force, that no member of the Legislative Council and no serving officer in the civil service²¹ may be appointed.

2.39 The first Chairman, Mr Thomas Megarry was appointed on 3 August 1950, and the first two members of the Commission were Mr John Robert Jones and the Hon. Sir Man Kam LO. They were formerly members of the 1947 Salaries Commission. In January 1967, the PSC Ordinance was amended to expand the membership of the Commission to not less than two and more than eight. Notwithstanding the provision for an expanded membership, the composition of the Commission had been kept small in practice during 1960s and 1970s – normally two although there were brief periods when the number was three. It was not until 1980 that another two members were added to the Commission, making a total of four. The membership of the Commission was further expanded to six in 1992, seven in 1994 and its full strength at eight for brief periods in 1995, 1998 and 2006²² and from June 1999 to April 2003. Since its establishment, a total of 16 Chairmen and 50 Members²³ have been appointed to the Commission. All of them are renowned figures in the community and have contributed tirelessly to the Commission's continuous pursuit of its mission, and have been steering the Commission to its present pre-eminence. The membership of the Commission since 1950 is tabulated at Appendix III.

²⁰ Section 4 of the PSC Ordinance stipulates the ineligibility of persons holding certain offices for appointment as Members of the Commission.

²¹ Excluding officers who are on leave prior to retirement.

²² The brief periods covered June to September 1995, December 1995 to January 1996, February to September 1998, and July to September 2006.

²³ Including four Chairmen who had been appointed as Members before taking up the chairmanship of the Commission, i.e. Mr J R Jones (appointed as Member during the period from 8/1950 – 11/1953), Mr R C Lee (11/1952 – 1/1959), Mr E R Childe (1/1957 – 7/1959), and Mr M S Cumming (3/1963 – 6/1965).

VII. Commission Secretariat

2.40 The Commission has all along been supported by a small secretariat staffed by civil servants. In the initial years, it was only staffed by one Private Secretary to the Chairman who also acted as Secretary of the Commission, a Woman Confidential Assistant and one Messenger. To cope with the increasing workload of the Commission, the Commission Secretariat had gradually expanded in subsequent years and by 1974, it had an establishment of ten officers comprising one Secretary at the rank of Senior Executive Officer.

2.41 Before 1990, the Commission was able to operate with the support of a small secretariat because it was not required to vet and process raw submissions from bureaux and departments. It was the then Establishment Branch (now CSB) which examined and prepared all papers for presentation to the Commission. CSB scrutinised the submissions, raised queries or clarified doubts on the recommendations as necessary, and submitted the recommendations to the Commission for advice. The Commission Secretariat would then arrange circulation of the recommendations to the Chairman and Members for consideration. Under these arrangements, CSB acted as the primary processing agent of the departments' submissions and the Commission Secretariat was not involved in the vetting and examination of the raw submissions.

2.42 In March 1990, Heads of Department were delegated with the authority to approve substantive appointments and promotions to non-directorate PSC posts hitherto resting with the SCS. As a result, the Commission dealt with submissions from the departments directly and the Commission Secretariat took over from CSB the responsibilities for scrutinising departmental submissions on substantive appointments and promotions to non-directorate PSC posts. The direct experience in the vetting of cases had greatly assisted the Commission in performing its advisory role on HRM policies, as set out in paragraphs 2.7 to 2.10 above. The Commission Secretariat's workload had hence increased substantially, not only in the number of cases handled, but also in respect of the degree of attention required. Consequently, 24 officers previously engaged in examining departmental submissions in the then CSB were redeployed to the Commission Secretariat. The post of Secretary to the Commission was also upgraded to Principal Executive Officer in 1990 and later to Senior Principal Executive Officer in 1996. Since then, the Commission Secretariat had been staffed by over 30 officers until the early 2000s when a number of posts were deleted in response to the Administration's call for a reduction of the civil service establishment. As at the end of 2010, the Commission Secretariat has a staff of 27 officers. An organisation chart of the Commission Secretariat is at Appendix IV.

Promotion cases consistently form the bulk of the work of the Commission Secretariat and a flow chart illustrating the vetting process of such cases is at Appendix V.

VIII. The Road Ahead

2.43 Over the past sixty years, the Commission has been upholding the same belief and principles in performing its advisory duties, alongside the evolution of its remit, functions, composition and supporting organisation. In dealing with departmental submissions, the Commission has taken great pains to ensure that the persons best able to fill the posts are chosen only after careful and impartial consideration of all the competing claims, and those behaving improperly are appropriately dealt with.

2.44 The Commission firmly believes that the civil service system has all along been a mainstay of the effective governance of Hong Kong. The system is built on a set of core values including open and fair competition in the appointment and promotion mechanism and the principles of equity and broad consistency in disciplinary punishment. These core values need to be judiciously guarded. In the years to come, the Commission will continue with its mission of upholding the principles of impartiality, integrity and fairness governing civil service appointments, promotions and discipline. The objective is to nurture a motivated workforce performing to the best of their abilities to support the continuous stability and prosperity of the Hong Kong Special Administrative Region.

3.1 Recruitment in the civil service is undertaken by the Civil Service Bureau (CSB) and individual bureaux/departments (B/Ds). It may take the form of an open²⁴ or in-service²⁵ recruitment exercise. The Commission oversees the procedural aspects, examines the shortlisting criteria in these exercises and advises on recommendations for filling of vacancies in the senior ranks²⁶ of the civil service. It also advises B/Ds on procedural problems that they may encounter in the recruitment process.

3.2 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, as provided under Article 101 of the Basic Law, professional and technical posts may be filled by qualified candidates

without permanent resident status if there are no qualified or suitable candidates with permanent resident status.

An Overview of Recruitment Position in 2010

3.3 Following the lifting of the service-wide open recruitment freeze²⁷ with effect from 1 April 2007 for those grades not included in the second Voluntary Retirement (VR) Scheme²⁸, 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 between December 2008 and March 2010 in support of the launch of a series of measures to create job opportunities as announced by the Chief Executive (CE) in late 2008²⁹, civil service open recruitment of varying scales has resumed in the past three years.

24 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.

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

26 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 \$35,290) and above or equivalent). They exclude (i) the basic ranks of non-degree entry and non-professional grades with a maximum monthly salary at MPS Point 26 or above, and (ii) 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.

27 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.

28 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.

29 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.

3.4 During the year, the Commission advised on 93 recruitment cases involving the filling of 878 posts, of which 814 were through open recruitment and 64 by in-service appointment. One new recruit was a non-permanent resident who 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 2010 with that in the past three years are provided at Appendix VI.

I. Reviews Initiated by the Commission in 2010

(a) *Consideration of the assessment of Basic Law knowledge*

3.5 As mentioned in the Commission's Annual Reports in 2008 and 2009, the Administration has since 1 September 2008 incorporated the assessment of Basic Law (BL) knowledge³⁰ into the recruitment of all civil service jobs, including open, open-cum-in-service and in-service recruitment

exercises. While the BL test result would not affect a candidate's eligibility for civil service jobs, it would be one of the considerations for assessing the suitability of a candidate for appointment. For civil service posts with BL knowledge assessed through written tests, the BL test result constitutes a weighting of the overall assessment of the candidate.

3.6 The Commission has expressed concern that in a recruitment exercise, some good candidates might have missed the BL test and could result in their non-selection if their total scores fell marginally short of the line drawn for the list of recommended candidates. Further, there appeared no need to impose the BL test requirement in assessing the suitability of qualified serving civil servants for in-service appointment (ISA), particularly when these ISA exercises were one-off in nature and restricted to qualified applicants who would be performing effectively the same duties after appointment.

30 BL knowledge is assessed according to the academic qualifications stipulated for different types of civil service posts –

- (a) candidates for civil service posts requiring degree or professional qualifications will take a written test administered by CSB;
- (b) for civil service posts requiring non-degree or non-professional qualifications at Form 5 level or above, the recruiting B/D will incorporate the assessment of BL knowledge in a written test (where there is one for the recruitment exercise) or conduct a specific BL test immediately before or after the recruitment interview; or
- (c) candidates for civil service posts requiring academic qualifications below Form 5 level (including post with no specified academic qualifications) will be tested orally on their BL knowledge during the recruitment interview. The assessment result of the oral test will be taken into account only if two candidates are considered equal in all other aspects.

3.7 During the year, CSB has completed a review on the subject. On the basis of the number of applicants assessed and their performance³¹ in the tests, CSB considers the current arrangement effective in raising public awareness of the constitutional framework and promoting a culture of learning BL in the community. With regard to the assessment of a candidate's BL knowledge in an ISA, CSB considers it in keeping with the long-established appointment policy to fill civil service vacancies through an open, fair and competitive process by requiring serving officers to be subject to the same entry requirements and recruitment arrangements as outside candidates. CSB also considers it necessary to continue to assign an appropriate weighting to the BL test component in the overall assessment of a candidate so as to encourage more candidates to strive for good performance in this aspect.

3.8 The Commission appreciates that the BL knowledge assessment in the civil service recruitment process is intended to achieve the policy objective of promoting the learning of the BL in the community. The Commission's primary concern is the non-selection of good candidates who miss the BL test. The Commission considers that as more job applicants sit the test and obtain the test results, which are of permanent validity, and as more school leavers would have learned the BL as part of their school curriculum, a significant pool of candidates with BL knowledge would be built up in time. It is worthwhile for the Administration to review the continuous need for the BL test when the incorporation of BL assessment in the recruitment process has been implemented for some time.

31 CSB's review shows that amongst the 120 000 candidates who took the BL test (BLT) for posts requiring degree or professional qualifications, 72% attained a score of 51 or above (out of a full mark of 100). As for the 34 000 candidates who took the BLT for non-degree or non-professional posts, 91% attained a score of 51 or above (out of a full mark of 100).

(b) *Revision to the “3+3” civil service entry system*

3.9 Prior to June 2000, new recruits to the civil service, irrespective of rank, were normally employed on probationary terms for two years. Subject to their satisfactory performance and conduct during the 2-year probationary period, they were considered for appointment on permanent terms. With the implementation of a new entry system in 2000, recruits joining the civil service at the basic ranks on or after 1 June 2000 were normally required to complete a longer observation period of a 3-year probation plus a 3-year agreement (“3+3” entry system) before confirmation on permanent terms. In the context of the 2008 survey jointly conducted by the Administration and the Commission on “attractiveness of civil service jobs³²”, the Commission has raised concern that the exceedingly long period of testing under the “3+3” system was a disincentive to attracting and retaining talents in the civil service. CSB has been keeping

the “3+3” entry system under regular review. The findings of its review³³ indicated that from the perspective of weeding out poor performers, there was little practical need for a 3-year agreement period on top of a 3-year probationary period. On the basis of such findings and upon consultation with the concerned parties on the implementation details, the Administration proposed a modified entry system which took effect on 1 July 2010.

3.10 Under the modified entry system, the 3-year agreement period previously required of a new recruit to a basic rank (i.e. the second limb of the “3+3” system) before he could be considered for appointment to the civil service on permanent terms is removed. New recruits appointed on or after 1 July 2010 will normally be considered for appointment on permanent terms upon satisfactory completion of the 3-year probationary period.

³² See separate item on “Attractiveness of Civil Service Jobs” in paragraph 3.14.

³³ According to CSB’s review findings, out of the total 20 612 civil servants who have been appointed under the “3+3” system between June 2000 and March 2009, only five (or 0.02%) left the service during or upon completion of the 3-year agreement period (i.e. the second limb of the “3+3” system) due to unsatisfactory performance or conduct; and another 35 (or 0.17%) left during the initial 3-year probationary period.

3.11 The Commission supports the Administration's revision to the "3+3" system as it ties in with the Commission's view that the exceedingly long period of testing is a disincentive to attracting and retaining talents in the civil service and should be set aside. The accelerated confirmation to permanent status under the modified entry system will be welcomed by the new recruits as it offers earlier assurance of certainty of employment and is recognition of good performance and conduct during the probationary period. This should help keep the officers motivated, thereby enhancing their level of commitment which is crucial to their retention in the service. For better quality control of manpower under the modified system, CSB has reminded Heads of Department and Heads of Grade to be vigilant in monitoring the performance of new recruits and assessing their abilities and potential during the 3-year probationary period. It is important to ensure that new recruits are suitable in all respects before they are considered for appointment on permanent terms. In addition, there is the existing safeguard that persistent non-performers can be removed from the

service under section(s.) 12 of the Public Service (Administration) Order³⁴. [See also paragraphs 7.5 to 7.7 in Chapter 7 on the review of the effectiveness of the streamlined s.12 procedures.]

(c) *Review on the recruitment of assistant professionals*

3.12 Since the full-scale resumption of open recruitment in the civil service in 2008, the Commission noted the inconsistent practices of departments in their recruitment exercises of assistant professionals. In one recruitment exercise for an assistant professional rank, the department screened out those applicants who were professionally qualified but did not indicate in the recruitment advertisements that they would not be considered. Another department specified clearly in its advertisements for recruitment of assistant professionals that those who were professionally qualified in the respective fields would not be considered. Yet another department held a different view and insisted that a candidate who was overqualified should not be precluded from being considered for appointment as an assistant professional.

34 Under section 12 of the Public Service (Administration) Order, an officer may be required to retire in the public interest if it is satisfied that he is a sub-standard performer or if the Administration has lost confidence in his continuous service due to doubts on his integrity. Retirement in the public interest is not a form of disciplinary action or punishment but is pursued as an administrative measure. An officer who is required to retire in the public interest may be granted retirement benefits.

3.13 The Commission recognises that the assistant professional rank is intended to be a training rank for the purpose of providing opportunities for suitable candidates to acquire the necessary professional qualification and experience to become full professionals through further training, study and experience in the respective discipline. Given the training purpose of the assistant professional rank, the Commission is of the view that those candidates who are already fully qualified for the professional rank are apparently not the target candidates for the assistant professional rank and should be screened out in the recruitment process. To align the different recruitment practices among departments and to ensure that a consistent approach in recruiting assistant professionals is adopted across the service, the Commission has requested CSB to revisit the matter with the concerned policy bureau. Upon review, the policy bureau has

decided to cease the recruitment of qualified professionals to fill assistant professional posts. The recruiting departments will make it clear in the recruitment advertisements for assistant professional posts that candidates meeting the entry requirements of the professional ranks will not be considered for appointment to the assistant professional posts.

II. Attractiveness of Civil Service Jobs

3.14 As mentioned in paragraph 3.21 of the Commission's 2009 Annual Report, the Commission and CSB joined hands to pursue a study in 2007 – 2008 on the attractiveness of civil service jobs. The findings of the study concluded that the civil service remained a meritocracy and continued to attract quality candidates. Civil service jobs were still highly sought after in the job market as evidenced by the overwhelming number of applications received in most of the civil service recruitment exercises in 2009 and 2010. Nonetheless, the Commission

considers that CSB should continue to monitor developments and conduct periodic surveys to keep track of the attractiveness of civil service jobs and to expand the scope of the study to cover wastage at the senior levels, and other related matters as appropriate. In essence the study should cover the following aspects :

- (a) attractiveness of civil service jobs – it is necessary to find out whether the civil service is attractive in terms of pay and conditions of service, the nature of work and the career it offers;
- (b) retention of new recruits – data should be gathered on the reasons for the wastage of new recruits;
- (c) resignations of senior officers – statistics should be obtained on the unexpected resignations of senior officers to assess whether there is an increasing trend and the reasons. Exit interviews should be arranged as far as possible; and

- (d) premature retirement of senior officers – information should be collected on the number of premature retirement cases (i.e. officers retiring between the ages of 55 and 60³⁵), as such cases might upset the succession plan of some grades and create succession gaps. It is important to find out the possible causes for the premature departures of senior officers.

CSB has promulgated arrangements for conducting a study to look into the above matters. The findings of the study will be reported in the Commission's 2011 Annual Report.

35 Officers on the New Pension Scheme are due to retire on reaching the age of 60. But for those officers joining the service before 1 July 1987, they can opt to retire between the ages of 55 and 60.

4.1 A major function of the Commission is to advise the Administration on promotions to senior ranks³⁶ in the civil service. In scrutinising the promotion submissions from departments, the Commission ensures that the claims of all eligible officers are equitably considered and that the most meritorious and deserving persons are selected on the basis of merit and performance. In addition, the Commission also checks whether the promotion exercises have been properly and fairly conducted in accordance with the established practices and procedures

in the civil service. Alongside the processing of individual cases, the Commission also works closely with the Civil Service Bureau (CSB) in streamlining procedures, rationalising rules and practices as well as developing existing policies.

An Overview of Promotion Cases Advised in 2010

4.2 In 2010, the Commission advised on 585 submissions on promotion, compared with 568 in 2009 and 581 in 2008. They involved 4 688 officers, broken down as follows –

Promotion-related appointment cases advised in 2010

(a)	1 459 promotees*
(b)	64 officers waitlisted for promotion
(c)	248 officers appointed for acting with a view to substantive promotion (AWAV) ³⁷
(d)	25 officers waitlisted to AWAV
(e)	1 757 officers appointed for acting for administrative convenience (AFAC) ³⁸
(f)	1 135 officers waitlisted to AFAC ³⁹

Total 4 688 officers

* Promotees to fill vacancies in 351 ranks⁴⁰, including 72 promotions to directorate positions.

36 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 \$35,290) 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.

37 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.

38 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.

39 The number of officers waitlisted to AFAC included those waitlisted to fill anticipated vacancies as well as unexpected vacancies that may arise before the next promotion exercise.

40 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 The Commission observes closely the effectiveness of the civil service promotion system and works in close collaboration with the Administration to enhance the quality of the system. The Commission is pleased to note that a number of reviews initiated by the Commission in relation to the proper conduct of promotion exercises were either completed by the Administration or moving forward in 2010. The ensuing paragraphs provide a summary of the reviews conducted and the observations made by the Commission as well as the latest position of the issues.

(a) *Supplementary guidelines on handling of promotion exercises involving officers with ongoing criminal or disciplinary cases*

4.4 As a general rule, promotion should not take effect any time earlier than the time when an officer is considered suitable for promotion in all respects, including integrity and conduct. Since 2007, the Commission has raised concern that some departments had recommended officers who were involved in ongoing disciplinary investigations for promotion or long-term acting appointment without justifications. At the Commission's request, the Administration has incorporated some basic principles on the subject in the revised "Guide for Officers Nominated to Serve as Chairman, Member, Secretary of a Promotion Board" promulgated in June 2007. The revised guide sets out clearly that where an officer recommended for promotion

is involved in an ongoing disciplinary investigation, the promotion should take effect only after all integrity doubts on the officer have been cleared. The appointment authority should carefully balance between fairness to an individual officer and the need to maintain the integrity of the public service before making a conscious decision as to whether the promotion board's recommendation on the officer should be supported. The gist of the basic principles was carried in paragraphs 4.9 and 4.10 of the Commission's 2007 Annual Report.

4.5 In order to provide a clearer steer for promotion boards as well as the appointment authorities on the proper handling of promotion exercises involving officers who are subject to ongoing criminal or disciplinary proceedings, the Commission has since then requested the Administration to draw up detailed guidelines on the subject. With substantial input from the Commission, the Administration finalised a set of supplementary guidelines to define clearly the respective roles of the promotion board and the appointment authority in handling promotion cases of this kind. The guidelines also clarify the effective date of promotion of a recommended officer upon clearance of his integrity doubts. They reinforce the important message that the final decision on whether a candidate should be promoted should rest firmly with the appointment authority who should consider all relevant factors, including the promotion board's recommendation, the severity of the ongoing criminal or disciplinary case,

and the relevance of the case to the duties of the officer. CSB's advice is to be sought in all doubtful cases. The supplementary guidelines were issued by CSB in February 2010 for reference and use by all bureaux and departments (B/Ds). The Commission welcomes the promulgation of these supplementary guidelines which provide clear directions for B/Ds to handle promotion exercises involving officers with ongoing criminal or disciplinary cases.

(b) *Review on grades with an inverted diamond shape structure*

4.6 In vetting some promotion boards' recommendations in 2007, the Commission observed that some grades had an inverted diamond shape structure⁴¹ at the lowest two levels. The Commission was concerned that such a peculiar rank structure would pose problems in finding a sufficient number of officers at the basic rank to meet the succession need of the next higher rank, resulting in some officers with inadequate experience at the basic rank or even still on probation being given acting appointments to fill vacancies at the first promotion rank. It also called into question the role of such a small number of posts at the basic rank. In response to the Commission's observations,

the Administration conducted a review of the rank structures of all civil service grades (around 390) in 2007 and identified ten grades⁴² as having a relatively greater degree of invertedness⁴³. The Administration introduced a number of monitoring measures to control the rank structures of the grades concerned namely exercising rigorous control of the number of posts to be created at the first promotion rank through the annual Resource Allocation Exercises, conducting annual reviews of the ten shortlisted grades, requesting the Heads of Grade (HoGs) of two grades⁴⁴ with an acute degree of invertedness to conduct a review and examine the scope for re-ranking some posts at the promotion rank. CSB would also conduct triennial stocktaking exercises to monitor changes to the rank structures of all civil service grades. Meanwhile, all HoGs have been reminded of the need to maintain a healthy and viable rank structure for a grade when creating new posts under delegated authority and to conduct regular establishment reviews of grade(s) under their purview. Details of this issue were carried in the Commission's 2007 and 2008 Annual Reports.

41 An inverted diamond shape structure means that the number of posts in the first promotion rank outnumbers those in the basic rank.

42 The ten shortlisted grades comprised the Analyst/Programmer, Dental Technician, Immigration Assistant, Inspector (Graduate), Labour Inspector, Labour Officer, Management Services Officer, Radio Mechanic, Solicitor and Trade Officer grades.

43 The degree of invertedness was measured by the ratio of the number of posts at the first promotion rank to the number of posts at the basic rank.

44 The two targeted grades have an acute inverted diamond grade structure, resulting in the arrangement for officers with less than three years of experience at the basic rank to fill vacancies at the first promotion rank by acting appointment.

4.7 In 2010, the Administration completed an annual review on the rank structure of the ten shortlisted grades. The review findings revealed that five of the ten identified grades had shown general improvements in their rank structure. The two targeted grades have also moderated their degree of invertedness. With regard to the other three grades⁴⁵ showing a greater degree of invertedness, this can be accounted for by the change in the operational requirement or the mode of service delivery. The Administration has undertaken to closely monitor the rank structures of these grades and keep under view the need for direct recruitment at the first promotion rank. Furthermore, a triennial review of the rank structures of all civil service grades will commence before the end of the year for completion by mid-2011.

4.8 The Commission has taken note of the findings of the Administration's 2010 review and its monitoring measures. The Commission however believes that apart from working at incremental adjustments to the ratio of posts, the Administration should more importantly undertake a critical assessment of the justifications and management implications of the inverted diamond shape of grades.

Unless an inverted diamond shape structure can be justified on operational grounds, or is a temporary and transitional situation due to the open recruitment freeze in recent years, such a structure cannot logically be viable in the long run. It is suggested that in its triennial review, the Administration should compare the rank structures of any grades with invertedness before and after the recruitment freeze to rationalise the cause for such a phenomenon and to assess what, if any, additional remedial measures may be needed. The Administration should also look into such aspects as the supply of suitable candidates to the basic rank, the functions and ranking of the basic tier vis-à-vis the first promotion tier, and the operational justifications and supply of candidates for direct recruitment to the first promotion rank. The advisability of appointing probationers to act in the higher rank and the vibrancy and development of the grades in the longer term should also be examined. In the meantime, the Administration should keep reminding HoGs of the importance of maintaining a healthy and viable rank structure for grades under their purview and, where appropriate, assist them to take concrete action to further address the inverted diamond shape of the grades concerned.

⁴⁵ Of the three grades concerned, two grades have deleted posts at the basic rank due to operational requirements. The remaining one grade is expected to have its rank structure improved by 2011 following the creation of additional posts at the basic rank to meet service needs.

(c) *Processing of promotion cases by B/Ds*

4.9 In vetting the recommendations of promotion boards, the Commission has observed that in some departments, staff engaged in promotion board duties and appointment matters do not seem to be conversant with the basic principles governing promotion and have conceptual problems in assessing the promotion claims of eligible officers. Despite the Commission's advice to them to rectify or clarify the irregularities⁴⁶, similar problems or omissions are repeated in subsequent exercises, necessitating a further round of questioning or clarification of the same issues with the same departments. This has caused undue delay to the processing of the recommendations.

4.10 With the promulgation of the revised chapter on "Promotion" in the CSB's "Guidebook on Appointments" and the launch of the web training package⁴⁷ on conducting promotion exercises, the Commission considers it necessary for CSB to develop promotional and publicity plans to heighten B/Ds' awareness of the good practices. For those B/Ds with persistent problems or irregularities, CSB should give priority to

arranging training programmes for their staff to strengthen their knowledge and concepts in promotion matters. In this connection, the Commission has provided CSB with the information on those departments that repeatedly made mistakes in promotion submissions for targeted training. Information on some good practices as instituted by some Heads of Department (HoDs)/HoGs was also given to CSB for developing its promotional plan. CSB has promulgated these good practices and encouraged B/Ds to consider adopting them as appropriate.

4.11 To complement the efforts of CSB in heightening B/Ds' awareness of the good practices in handling promotion cases, the Commission Secretariat has separately reviewed the procedures in processing promotion submissions at departmental level. It has come up with some initiatives to facilitate the work of B/Ds as follows –

(i) The Commission Secretariat has devised a compliance checklist for completion by B/Ds when seeking the Commission's advice on their promotion submissions.

⁴⁶ The more frequently found irregularities include inaccurate assessment of vacancy position; inappropriate effective date of promotion; board recommendations not supported by performance track records or well-based justifications; cessation of acting appointment of an officer recommended by the previous board without good reasons; over-reliance on the arithmetical comparison of performance gradings in appraisal reports in determining claims for promotion and no evaluative information is provided in the comparison of relative merits of close contenders; and direct comparison of an officer's acting performance with the performance of those at the substantive rank, etc.

⁴⁷ To further enhance the quality of the civil service promotion system, the Commission considered it necessary to strengthen supervisory staff's knowledge of the proper conduct of promotion exercises through a more focused training programme. The Commission has urged CSB to develop a web training package on promotion issues in modular format. The first phase of the web training package, which illustrated the proper conduct of a promotion board through a video, has been made available for access by intranet within government departments since December 2009. The second phase, which consisted of 12 modules, was launched in June 2010.

The checklist is comprehensive and easy to complete. It aims at helping subject officers in B/Ds to review and ensure the procedural propriety of the exercises conducted, the accuracy of information provided in the board reports, and the reasonableness of their recommendations, thus streamlining processing of promotion cases by B/Ds.

- (ii) The Commission Secretariat has built up an index of the Commission's observations in its previous issues of Annual Reports. (See Appendix XI and also paragraph 2.12 under Chapter 2) The index aims to provide a convenient search tool for human resource practitioners in B/Ds to look up the Commission's advice and observations that cover interpretation of policies, suggestions of good practices of human resource management, and lessons to learn in poorly handled cases.

The Commission will monitor closely the implementation of these new initiatives to assess the effectiveness of the improved arrangement in handling promotion cases by B/Ds. The Commission Secretariat has codified separately its existing procedures and the points-to-note for reference by its staff to facilitate their continuous effective vetting of the promotion submissions.

II. Other Observations of the Commission

- 4.12** During the year, the Commission continued to play a vigorous role in examining the procedures and practices to ensure the proper conduct of promotion exercises and

deliberations of promotion boards. It also made observations on specific issues of concern and helped departments rationalise their practices adopted in promotion boards. The following paragraphs summarise the more noteworthy observations made by the Commission.

- (a) *Sounding-out arrangement for promotion purpose*

- 4.13** In paragraph 4.21 of its 2006 Annual Report, the Commission expressed strong reservation about the long-standing sounding-out practice adopted by some departments for promotion purpose i.e. candidates were invited to express their wish or otherwise to be considered for promotion before convening a promotion board. The claims of those eligible officers who had not applied in the sounding-out exercise were not considered by the board. The Commission holds the view that selecting the most deserving candidates for promotion on the basis of performance and merit should be the prerogative of the management. The sounding-out arrangement does not add value to the selection process but restricts the management's choice of candidates and poses a hurdle to the eligible officers. As regards a particular officer's wish or aspiration for career advancement, there are existing channels (e.g. staff appraisal form or appraisal interview) for him to make his views known to the management. In tendering its advice on promotion board recommendations over the past few years, the Commission has requested the

concerned departmental management to review the continued need for the sounding-out arrangement and to cease this practice if there was no strong operational reason for it. The Commission has also asked for an inclusion of this reminder in the revised chapter on “Promotion” in the CSB’s “Guidebook on Appointments” issued in February 2010.

4.14 In the light of the Commission’s repeated advice, most identified departments have ceased such a practice. During the year, the Commission was pleased to observe that one disciplined service department, which had been taking incremental steps since 2007 to phase out the practice, finally put an end to its long-standing sounding-out arrangement for all Officer ranks under the Commission’s purview in the 2010 round of promotion exercises. Another disciplined service department also made a positive move by discontinuing its sounding-out arrangement in the promotion exercise of a senior rank. The same department undertook to critically review the sounding-out arrangement for the middle and junior officer ranks with a view to its abolition in the next round of promotion exercises. The Commission is appreciative of the positive response made by the departments concerned in removing the unnecessary hurdle that restricts the pool of eligible candidates in promotion exercises.

(b) Use of shortlisting criteria in promotion exercises

4.15 Where the pool of eligible candidates is large, the promotion board might devise shortlisting criteria having regard to the number of vacancies available vis-à-vis the number of officers under consideration. As stated in paragraphs 4.26 to 4.28 of the Commission’s 2007 Annual Report, promotion boards should avoid using the assessment on an officer’s “promotability” or “potential” in appraisal reports as a criterion for shortlisting of candidates. The Commission is of the view that such an assessment is only one of the relevant factors for comparing the competing officers’ merits for advancement. Its indiscriminate use as a shortlisting criterion needs caution as it could usurp the functions of a promotion board and could well lead to abuses, particularly where the assessment is made by a single officer. For a promotion exercise involving a large number of officers, there is always the option of using a more suitable and objective criterion such as “minimum length of in-rank experience” or “performance rating during the review period” to shortlist candidates for consideration of promotion. The latter criterion is acceptable on the condition that the reporting standard has been properly reviewed and that the threshold is set at a reasonable level.

4.16 In the course of vetting promotion submissions from B/Ds, the Commission has been examining whether the shortlisting criterion adopted, if any, has departed from the previous practices of the ranks concerned and if so, whether reasonable justifications have been provided. As observed in the year, there were occasional variations from a year to another in the benchmarks set by some promotion boards, particularly in adopting the minimum service requirement, to shortlist candidates for consideration. The Commission considers it important that the shortlisting criterion should be consistent as far as practicable to avoid potential challenge against the management for manipulation of promotion exercises by deliberately adjusting the shortlisting criterion for each individual exercise to screen out or screen in particular officers. As for the commonly adopted shortlisting criterion of minimum length of in-rank experience, it should be objectively set by reference to the experience level required for an officer to become ready to undertake duties of the next higher rank, rather than the experience profile of the existing pool of candidates. Moreover, a promotion board should also be sensible in setting the shortlisting criteria. In cases where only a small number of eligible officers are involved, the board should consider all the candidates rather than shortlisting only a handful of candidates.

III. Case Studies

4.17 In vetting submissions from departments in the year, the Commission had observed that a number of promotion cases had not been dealt with properly. We believe that the citation of some of them as case studies should help share our experience with departments with a view to strengthening their concept and knowledge of the proper conduct of promotion exercises.

(a) *Priority order for waitlisted AFAC appointment*

4.18 It is common in promotion exercises to put officers on a waiting list for AFAC appointment to cater for possible vacancies to arise. These officers are often placed in the order of priority for acting on the basis of their relative merits. The Commission observed that in some cases, due to operational reasons, the appointment authority was unable to arrange acting appointments for the waitlisted officers according to the recommended acting priority order. In one case, a department arranged an officer with lower acting priority to start the AFAC appointment ahead of those who were accorded higher acting priority. Owing to his satisfactory acting performance, the officer was recommended in the subsequent promotion exercise to AWAV for six months.

The other waitlisted AFAC recommendees of the last board who had higher acting priority were however recommended to waitlist for AFAC as they had yet to commence their acting appointment to demonstrate their capabilities for the higher rank.

4.19 From an equity point of view, a waitlisted officer who was given an early acting opportunity on operational grounds should not have a higher claim for promotion if the recommendation was based merely on the assessment of his performance in the acting post. Otherwise it would be unfair to those waitlisted officers with higher acting priority but were passed over when an acting opportunity arose for operational reasons. On review, the department revised the board's recommendation so that the officer concerned was required to continue his AFAC appointment. His claim for promotion would be considered by the next board alongside those who were accorded higher acting priority than him in the last exercise.

4.20 The Commission considers that B/Ds should as far as feasible adhere to the acting priority set by the promotion boards in arranging acting appointment for the recommended officers. For B/Ds which anticipate or

have repeatedly encountered difficulties in previous exercises to follow the priority order, they should consider not setting an acting priority in the first place. If a priority list is considered absolutely necessary, they may choose to set the priority order in batches so as to allow more flexibility in the placement of particular officers in the same priority batch to act having regard to operational requirements.

(b) Creation of supernumerary posts

4.21 B/Ds may from time to time create supernumerary posts to accommodate replacement for officers on no-pay or pre-retirement leave or to be held against vacant permanent posts in the higher ranks. These supernumerary posts are temporary in nature (lasting for not more than 12 months) and their continuous availability is subject to annual review. The Commission observed in a promotion exercise that the department had created supernumerary posts on a longer-term basis to accommodate officers over and above the establishment of the basic recruitment rank. In that case the number of established posts in the first tier of the promotion rank significantly outnumbered that of the basic rank (i.e. with an inverted-diamond shape structure in the

basic recruitment rank and the first tier of the promotion rank). Despite the route of direct recruitment to fill vacancies at the first tier of the promotion rank, the department resorted to the recruitment of an excess number of officers against the number of established posts at the basic rank for the purpose of grooming and succession to the higher ranks. The department decided therefore to freeze some of the vacancies at the higher ranks and create the corresponding number of supernumerary posts at the basic rank for accommodating new recruits who were appointed on 3-year probationary terms. The Commission doubted the appropriateness of creating supernumerary posts for the purpose. Besides, the offer of 3-year probationary terms implied that the supernumerary posts would be further extended for at least two more years, thus pre-empting the appointment authority's subsequent review of the posts when they were due to lapse after the specified maximum period of 12 months. The Commission had drawn the above anomaly to the attention of CSB and asked the latter to review the issue with the department.

(c) *Arrangement of acting appointment*

4.22 In a promotion case, two officers were waitlisted to AFAC by the last board in order of priority. About two months before the conduct of a new round of promotion exercise, a vacancy at the next higher rank arose. The department arranged the waitlisted AFAC recommendee of the last board with a higher acting priority (i.e. Officer A) to start acting in the post. But when the current promotion board met, the board considered that the other officer (i.e. Officer B), who was waitlisted by the last board to AFAC at a lower priority, was more meritorious in the last reporting cycle and should be appointed to act up in the post concerned. As there was only one vacancy available for acting, the board recommended Officer A to step down from the acting post to make way for the recommended acting appointment of Officer B. On the other hand, the board noted Officer A's continued good performance in the last reporting cycle and recommended Officer A to be waitlisted to AFAC. While awaiting the Commission's advice on the board's recommendations, the department had arranged for Officer A to step down from acting and for Officer B to act up in the post vacated by Officer A.

4.23 The Commission was greatly concerned that the department had failed to observe some fundamental principles in its handling of this case. The board's recommendation for Officer A to step down from the acting post for the purpose of vacating the post for another officer to act was inappropriate and unfair to Officer A. Officer A had already started acting on the recommendation of the last board and he should be allowed every opportunity to be tested in the higher rank. Unless he had demonstrated obvious deficiency in his acting performance and failed to prove his worth, there was no basis to ask him to step down from the acting post to give way to another officer. It was also illogical that on the one hand the board recommended to cease Officer A's acting appointment but on the other hand acknowledged his good performance and recommended him to be waitlisted to AFAC again in the same exercise. Upon review as requested by the Commission, the board revised its recommendation to the effect that Officer A should continue to

AFAC in the higher rank and Officer B should be waitlisted for AFAC. It was also noted that despite the obvious anomalies in the board's recommendations on Officer A and Officer B, the department had proceeded to effect the board's recommendations without awaiting receipt of the Commission's advice. The Commission took exception to seeing its advice pre-empted by the department's hasty arrangement in this case.

4.24 The Chairman of the Commission wrote to the HoD concerned to draw attention to the seriousness of the matter. The case also revealed that departmental staff engaged in promotion board duties and appointment matters were not entirely conversant with the fundamental principles governing promotion and had problems in assessing the promotion claims of eligible officers. The department was requested to remind those officers involved in the conduct of promotion exercises and the chairmen and members of promotion boards to refresh themselves about the proper procedures and practices.

- 5.1** In the past few years, the Commission has made relentless efforts in enhancing the staff performance management system in the civil service. Apart from advising relevant bureaux and departments (B/Ds) of the good performance management practices when tendering the Commission's advice on their promotion cases, the Chairman of the Commission has also personally written to Heads of Department/Heads of Grade (HoDs/HoGs) to urge them to address the problems identified. The Commission has also collaborated with the Civil Service Bureau (CSB) in developing performance management principles and guidelines. A revised "Performance Management Guide" was promulgated by CSB in November 2009. It 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. As observed, many HoDs/HoGs have shown ready cooperation and positive responses in following up the Commission's observations and some of them have taken further steps to refine their performance management systems. This chapter highlights the continuous improvements made by HoDs/HoGs and the Commission's latest efforts in perfecting the staff performance management system in the year.
- I. Continuous Improvements on Strengthening Performance Management made by HoDs/HoGs**
- (a) *Timely completion of performance appraisals by supervisors*
- 5.2** The Commission places a lot of emphasis on the timely completion of performance appraisals. It also takes the view that an officer's due diligence in completing staff appraisals in a timely manner should be taken into consideration in assessing his own staff management performance. It is noted that quite a number of departments have taken heed of the Commission's advice and adopted more proactive measures to tackle the late reporting problem. Some good practices already implemented by the HoDs/HoGs, as highlighted in the Commission's 2008 and 2009 Annual Reports, are listed at Appendix VII.
- 5.3** In the year, the Commission is pleased to note that an increasing number of departments have undertaken to put in train specific action plans to promote timely reporting. In one department, the HoG has adopted a more structured approach in monitoring the completion of performance appraisals. Apart from making it a practice to remind appraising officers (AOs) and countersigning officers (COs) to complete the performance appraisals on time, arrangements have been made to issue reminders,

including personal reminders by the respective Heads of Division, once there are signs of late completion. The Commission's advice made on the subject and relevant CSB Circulars are also circulated to staff from time to time as a regular reminder. Another HoG has introduced procedures to tighten the reminder system and trigger early intervention at the directorate level as well as the HoG's personal attention to any undue delay.

5.4 Apart from drawing the personal attention of the grade manager and senior directorate officers to any undue delay in the completion of reports, one department has incorporated "honest and prompt reporting" as a factor in measuring an appraiser's competency in performance management in its newly revised appraisal form, achieving good progress in timely reporting. In another department, the HoD has stepped up measures to monitor the completion of performance appraisals in certain ranks of a grade. As a result, all performance appraisals in the last reporting cycle for the grade were completed on time.

5.5 To address the problem of late reporting involving outstationed grade members under the supervision of other grades in various B/Ds, one HoG has adopted more vigorous measures by setting specific target dates for the completion of appraisals,

issuing repeated and frequent reminders to the AOs and COs concerned and reminding the grade members of the importance of timely reporting through various regular meetings. The non-observance cases are to be escalated to the HoG for issue of personal reminders to the AOs or COs concerned with copies to their supervisors. Similar efforts are also made by another department where an improved monitoring mechanism for calling of performance appraisals and issuing of reminders has been worked out to address the problem of late reporting.

(b) *Timely conduct of promotion boards*

5.6 As highlighted in the Commission's 2009 Report, quite a number of departments have pledged support or introduced measures to expedite the conduct of their promotion exercises. The sustained departmental efforts in achieving the target advocated by the Commission of conducting promotion or selection exercises within a period of six months from the end date of the last reporting cycle are encouraging. In the year, one more department has put in place a monitoring system under which target dates for all critical procedural steps are set. Noticeable improvement has been observed since the introduction of this measure and the department has been able to conduct all promotion exercises within the 6-month target period.

(c) *Honest reporting*⁴⁸

5.7 In response to the Commission's persistent appeal for "honest" reporting as well as a clear account of the appraisee's overall performance, strengths and weaknesses in the relevant appraisal period, one department plans to organise training courses on appraisal writing for its departmental staff to sharpen their skills in this respect. Another department has revised its departmental guidelines to enhance the operation of its assessment panels (AP)⁴⁹ to ensure fair and objective performance appraisals. Briefing sessions on the revised guidelines have also been conducted for the appraisers to impress upon them the importance of accurate reporting. One department has taken a step-by-step approach to promote comprehensive reporting with a new appraisal form which sets out in clearer terms the criteria for assessment. Regular training sessions on performance management and special briefing sessions on honest and timely reporting have also been arranged for staff members to help them understand and comply with the good practices.

(d) *Compliance with Civil Service Regulations (CSRs) 231(1)⁵⁰ and 232(2)⁵¹*

5.8 To ensure compliance with the relevant CSRs in completing performance appraisals, one department has set out clearly the requirement of CSR 231(1) for the attention of supervisors and incorporated a statement confirming compliance with CSR 232(2) in the relevant parts of its new appraisal form.

5.9 The Commission is appreciative of the determined and conscious efforts made by some HoDs/HoGs in strengthening their performance management system by implementing added initiatives and measures.

48 The Commission considers that the term "honest" reporting seems to suggest that appraisal reports have been "dishonest" and is not an accurate description. Please see the Commission's latest thinking on the subject in Part II(c) of this Chapter.

49 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.

50 CSR 231(1) stipulates that when the reporting officer is of the same substantive rank (although acting in a higher rank) as the officer to be reported upon, there are two alternatives. Either the next most senior officer should instead be the reporting officer, or the officer who is acting should discuss the report which he proposes to make with the next most senior officer and should submit the report in draft for approval before it is entered on the report form.

51 CSR 232(2) stipulates that no matter who (AO or CO) conducts the staff appraisal interview, the CO should complete his assessments before the interview.

II. Latest Developments in Strengthening the Performance Management System in the Civil Service

(a) *Performance management issues of grades involved in organisational reviews*

5.10 In examining the promotion exercises for certain ranks of a grade which is involved in an organisational review, the Commission has observed a number of performance management problems, namely –

- (i) non-review of long-term acting appointments of officers recommended by previous selection boards and the prolonged acting appointments of officers appointed to act in a higher rank to meet operational needs. These contravened the requirements of CSR 166(6)⁵² by conducting regular reviews or selection boards as appropriate;
- (ii) late and bunched completion of performance appraisals of almost all officers in a rank in the last two reporting cycles as well as adoption of a combined appraisal covering the performance of two reporting cycles for all officers in another rank. Such irregularities would defeat the objective of using performance appraisals to monitor staff performance for timely feedback to the appraisees to make improvements.

Besides, a long lapse of time would call into question the accuracy and credibility of the performance assessment made on an appraisee; and

- (iii) late conduct of the promotion board after six months from the end date of the last reporting cycle.

5.11 The less desirable practices highlighted above are clearly not conducive to good staff management and staff morale. Whilst noting that a decision is still pending on the future arrangements for the grade as a result of a related organisational review, the Commission considered that the concerned HoG should not forgo proper performance management practices. The Chairman of the Commission wrote to the HoG concerned, pointing out those areas requiring attention for improvement. Separately, the Commission also requested CSB to impress upon HoDs/HoGs the need to observe and comply with the good practices on performance management for those grades that are or will be involved in any organisational reviews, irrespective of the uncertainty over the manpower position. CSB responded positively by issuing a memo highlighting the concerns raised by the Commission for the attention of all HoDs/HoGs.

⁵² CSR 166(6) stipulates that the approving authority should, as far as practicable having regard to management considerations and operational circumstances, appoint officers to act on a fair basis. For an acting appointment that is expected or likely to last or has lasted for more than six months, the approving authority should follow the normal procedures for selection for substantive appointment to select an officer to take up the acting appointment, subject to the advice of the Public Service Commission as appropriate.

(b) *Enhanced measures to ensure timely reporting*

5.12 While improvements in the timely completion of performance appraisals have been observed in quite a number of promotion exercises last year, the problem of delay in completing appraisal reports was recurring in 2010. In tendering the Commission's advice on promotion board submissions, the observation on late completion of appraisal reports remained a constant feature. While the measures introduced by some HoGs/HoDs as spelt out in paragraphs 5.3 to 5.5 above are considered useful, the Commission sees the need for a more resolute stance to be taken to sustain the habit of timely reporting. As a first step, the Commission has introduced the following measures which aim to expedite and facilitate compliance by B/Ds –

(i) *Compliance checklist for promotion exercises*

As already mentioned in paragraph 4.11(i) of Chapter 4, the Commission Secretariat has designed a compliance checklist for completion by B/Ds when submitting their promotion board reports for the Commission's advice. B/Ds are required to report via the checklist, among other things,

the number of cases involving late reporting and whether the number of late reporting cases has increased as compared with the previous promotion exercise (and if so the reasons). The draft compliance checklist has been sent to some B/Ds for trial use. It will be sent to CSB for consideration of use service-wide.

(ii) *Codification of good practices into a guidance note*

To further promote timely reporting across the service, the Commission has invited CSB to look into the feasibility of codifying the examples of good practices and enhanced measures as spelt out in paragraphs 5.3 to 5.5 above into a guidance note for sharing with all HoDs/HoGs and adoption where appropriate. CSB is supportive of this proposal and has issued a note on the timely completion of performance appraisal with an e-flyer that included good practices adopted by some B/Ds to ensure timely appraisal. B/Ds are encouraged to make use of the information and consider adopting the good practices as appropriate. The Civil Service Training & Development Institute (CSTDI) will also arrange promotional activities to raise the awareness of timely reporting through its Cyber Learning Centre Plus Website.

5.13 Furthermore, the Commission has developed an “enhanced reminder and tracking system of monitoring the completion of performance appraisals (enhanced monitoring system)” as a more targeted measure to strengthen timely reporting at departmental level. The main features of the system include setting of early and clear deadlines for completion of performance appraisals by the appraisee, AO and CO; specifying the point at which the AO can proceed with the completion of an appraisee’s performance appraisal without waiting for his submission of duty list; close monitoring of overdue performance appraisals by the grade management after the targeted deadlines; escalating the late reporting cases to the Deputy HoD level and to the HoD if the problem persists; and recording habitual non-observance cases in the personnel files of the concerned supervisors for reference by their promotion boards. To ensure effectiveness of this monitoring system, the Commission has also designed a “Schedule for Completion of Performance Appraisal (the Schedule)” which will be affixed to each appraisal report to be completed. The “Schedule” will specify the completion deadlines for relevant parties with a requirement for them to signify their actual completion dates for monitoring purpose. The parties concerned will also be reminded that any late completion on their part may be reflected in their own performance appraisals for the attention of the promotion boards. The enhanced

monitoring system and the “Schedule” as devised by the Commission have been included in the flyer on timely completion of performance appraisal issued by the CSTDI.

(c) *Comprehensive appraisal*

5.14 The Commission finds that the term “honest” reporting may not be entirely appropriate as it seems to suggest that appraisals have been or can be dishonest. A good performance management system should facilitate an objective and fair assessment by management and enable staff to receive frank and constructive feedback from his supervisors. To achieve this, supervising officers should be explicit in commenting on the performance of their subordinates to include not only their strengths but also specific aspects for enhancement in their appraisal reports. This comprehensive appraisal is intended to be constructive and aims to encourage appraisees to strive for continuous improvement in their competency areas for career development purpose. To facilitate comprehensive reporting, consideration may be given to requiring supervising officers to give their views on the specific areas that the appraisees should focus and work on for continuous development. The Commission has requested the Administration to explore the feasibility of this proposal.

6.1 As detailed in its 2009 Report, the Commission has, over the past few years, joined hands with the Administration to review policies and practices on civil service appointment, performance management, staff development and succession planning. It also raised for the attention of Heads of Department (HoDs)/Heads of Grade (HoGs) the importance of taking forward a total approach in staff development for succession and development purposes. The continuous efforts made to refine and improve on the systems of civil service recruitment, promotion and performance management have culminated in the development of separate guidelines for each of these elements, namely the revised “Performance Management Guide” promulgated in late 2009, and the updated chapters on ‘Recruitment’ and “Promotion” in the “Guidebook on Appointments” issued in early 2010. Separately, the Administration undertakes to continue to run programmes on succession planning for departmental directorate officers.

I. Devising a Comprehensive Human Resource Management Strategy

6.2 Human Resource Management (HRM) is about creating the optimum environment to manage, develop and motivate staff thus enabling them to perform to the best of their abilities to achieve organisational objectives. The Commission has observed that while bureaux and departments (B/Ds) are seen to be making conscious efforts to follow relevant principles and guidelines jointly developed by the Commission and the Administration, their approach could be very much compartmentalised. They tend to focus narrowly on individual aspects such as enhancing induction training but not formulating policies on career posting and job exposure; or ensuring the proper conduct of promotion boards but not following through with career counselling and performance feedback for the continuous growth of staff. The Commission considers it important to advocate a total approach in developing a comprehensive HRM strategy for the civil service which should

recognise the interrelationship among the key elements of HRM, i.e. manpower and succession planning, appointment, performance management, staff relations and staff development. The Commission has therefore made this subject one of its work targets in 2010 and called on the assistance of the Civil Service Bureau (CSB) to develop a guide to assist B/Ds to map out staff development plans to link the various key elements of HRM, with the ultimate objective of achieving departmental goals and fulfilling the aspirations of staff for career progression and job satisfaction. In the year, the Commission has provided input to CSB in pursuing the preparation of guidelines on “Succession Management” and “A Holistic Approach to Staff Development”, the contents of which are summarised in the ensuing paragraphs.

(a) *Succession Management Guide*

6.3 As mentioned in its 2008 and 2009 Reports, the Commission has been pushing for a more transparent directorate succession mechanism and for succession planning to be linked to an effective talent development system. In response to the Commission’s

call on the Administration to step up efforts in assisting departments to take forward succession planning in a more focused manner, CSB has drawn up a “Succession Management Guide” which would provide guiding principles for HoDs/HoGs to develop and formulate succession management strategies for their departments and grades. It also highlights the importance of talent identification through an effective performance management system covering comprehensive reporting, merit-based selection of officers for further career advancement, an active career development plan to broaden their job knowledge and exposure as well as to further develop their leadership talent. The “Succession Management Guide” was promulgated by CSB in December 2010 for the reference of HoDs/HoGs.

(b) *Guide on a Holistic Approach to Staff Development*

6.4 Staff development plays a vital role in facilitating various HRM functions from induction of new recruits to grooming of officers with high potential for succession. The Commission considers it necessary for

HoDs/HoGs to embrace their responsibility for the development of their staff at different levels and draw up more vigorous staff development plans in a holistic manner. To this end, CSB has developed a “Guide on a Holistic Approach to Staff Development” covering career postings, exposure training, job attachment and development arrangements for officers at different levels. It would also provide practical pointers to HoDs/HoGs on how to map out the development plans to achieve staff development, talent grooming and succession planning targets with the training and development support provided by the Civil Service Training and Development Institute.

6.5 The Commission will follow through their eventual promulgation to HoDs/HoGs.

II. Positive Response from HoDs/HoGs in Taking Forward Staff Development Planning

6.6 Following up the Commission’s advice for a renewed emphasis on staff development, some HoDs/HoGs have adopted more vigorous and structured career development and posting plans for individual grades under

their management. In one department, its internal Human Resources Management Committee, which is chaired personally by the HoD, has been revamped to facilitate better interface between staff management and staff training and development. In one grade, more vigorous staff development plans for its grade members have been adopted by arranging more focused training and development programmes at various ranks. For better succession planning to the directorate ranks of the grade, intensive coaching for potential middle managers of the grade is also provided.

6.7 In another department, the management has embarked on a number of human resources development initiatives for different levels of staff from professionals to the frontline operational workforce. The initiatives include arranging broad spectrum and structured training programmes, strengthening the career posting mechanism, enriching staff exposure through internal sharing, learning good practices and experience from non-government organisations, and identifying officers with good potential for grooming to meet succession needs.

7.1 The Commission also plays an important role in advising 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 Scheme⁵³ and retirement in the public interest under section (s.) 12 of the Public Service (Administration) Order (PS(AO)).

In addition, the Commission advises on other appointment-related cases including extension of service or re-employment after retirement, secondment⁵⁴, opening-up arrangement⁵⁵, award of Government Training Scholarship⁵⁶ and revision of terms of employment⁵⁷ of serving officers in the senior ranks⁵⁸ of the civil service. A statistical breakdown of cases advised by the Commission in 2010 by category of these appointment matters is provided at Appendix VIII.

53 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.

54 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.

55 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.

56 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.

57 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.

58 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 \$35,290) 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 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.

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.

An officer who is required to retire in the public interest may be granted retirement benefits. In case of a pensionable officer, a deferred pension may be granted when he reaches his statutory retirement age. In case of an officer under the Civil Service Provident Fund Scheme, the accrued benefits attributable to Government’s Voluntary Contributions will be payable upon his leaving the service provided that the relevant scheme rules are met.

7.3 During the year, a total of 27 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 one officer under s.12 on the ground of persistent substandard performance. While 17 officers remained under close observation as at the end of the year, three officers were taken off the watch list after their performance had improved to the required standard. The other six officers left or will leave the service for reasons including resignation, invaliding and removal on disciplinary grounds. The Commission notes that there is a decrease in the number of completed s.12 cases in 2010.

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 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. The Commission has also suggested to the Administration that a review be conducted to assess the effectiveness of the streamlined s.12 procedures after their implementation for five years.

7.6 The Administration has responded positively by conducting a review with B/Ds in the year which concluded that the streamlined procedures were generally effective.

Under the streamlined s.12 procedures, the average processing time⁵⁹ for normal cases has been shortened by 5.7 months from 18.1 months to 12.4 months, and that for complex cases⁶⁰ by 9.3 months from 35.1 months to 25.8 months. As an improvement to the s.12 procedures, the Administration will invite further and final representations (the so-called “last word”) from the officer concerned after the Commission has tendered its advice, where applicable⁶¹, and before the case is put before the decision authority for a decision⁶².

7.7 The Commission notes the above review findings and supports the Administration’s conclusion that the streamlined s.12 procedures are generally effective. The Commission supports the procedural improvement involving invitation of “last word”, which falls in line with the existing practice for disciplinary cases⁶³. While the Commission accepts that the prevailing s.12 procedures are generally effective,

59 The processing time counts from the date on which the officer concerned is notified in writing that he would be put under close observation under the s.12 procedures to the date on which he is informed of the decision to retire him in the public interest.

60 Complex cases generally refer to cases involving misconduct, health complications, repeated representations or complaints, etc.

61 Except as may be provided by regulations made by the Chief Executive and except in the case of an officer who is one of the officers designated in section 6(2) of the Public Service Commission Ordinance, the Administration is required to consult the Commission before retiring a Category A officer in the public interest under s.12 of the PS(A)O. According to the PS(A)O, an officer who is appointed to and confirmed in an established office or is a member of the Civil Service Provident Fund Scheme is classified as a Category A officer.

62 Under the then prevailing s.12 procedures, an officer subject to s.12 procedures was invited to make representations at three stages, namely when – (i) he was served with a notification letter forewarning him of possible s.12 action; (ii) he was informed in writing that the advice of an independent panel will be sought as to whether s.12 action should be invoked against him upon completing the appraisal(s) for the observation period as specified in the notification letter; and (iii) he was issued a letter-of-intent upon completing an examination of the case by CSB. CSB would then seek the Commission’s advice, where applicable, and submit the case to the decision authority without inviting further and final representations from the officer.

63 The “last word” procedure originated from a judicial review judgement in a disciplinary case in which the Judge considered that procedural propriety dictated that the accused officer should have been given an opportunity to comment on the punishment recommended to be imposed on him and the reasons or considerations behind, so that he could make a worthwhile representation in mitigation of punishment. The Administration subsequently introduced in September 2005 a new step of seeking further and final representations in mitigation of punishment (i.e. “last word”) from the accused officer after the Commission has tendered its advice and before the disciplinary authority is invited to decide on the punishment to be awarded. When inviting the “last word”, the accused officer will be notified not only of the proposed punishment but also in detail the relevant considerations behind that proposal, which the disciplinary authority will take into account in arriving at his own decision on punishment.

the Administration is reminded to guard against the situation where B/Ds would unduly tolerate substandard performers to avoid strife, notwithstanding the streamlined procedures. The Administration has been requested to continue to monitor the effectiveness of s.12 procedures, and render B/Ds with assistance in the process.

Other Observations of the Commission

7.8 As mentioned in paragraph 3.11 in Chapter 3, HoDs/HoGs should remain vigilant in assessing the readiness and suitability of probationers for confirmation to permanent terms. This is particularly important under the modified entry system⁶⁴ as the probationers will under normal circumstances be transferred to permanent terms immediately after the 3-year probationary period without the possibility of HoDs/HoGs deferring a decision for another three years under the previous “3+3” system. The appointment authority should afford every opportunity to train up and support officers on probation, providing them with feedback on performance on a regular basis, and also arranging the necessary training, coaching and mentoring

to help them fit into the system in general and the organisation in particular. On the other hand, it is important for HoDs/HoGs to ensure that only those officers who have proven competence and suitability to make the grade would be confirmed to the permanent establishment.

(a) *Termination of officers on probation*

7.9 In a case, a newly recruited officer was found not performing well during the probationary period. The department concerned put the officer’s performance under close monitoring by calling quarterly performance appraisal reports. As recorded in the appraisal reports, the grade management had given suitable training to the officer and advised him of the areas requiring improvement. All his deficiencies were also clearly stated in the appraisal reports. Noting that his performance was unsatisfactory and that he showed no likelihood of reaching the standard required of the rank, the department recommended termination of his probationary service about ten months after his appointment. The Commission appreciated the department’s decisive and expeditious action in removing the poor performer.

64 Please see paragraphs 3.9 to 3.11 in Chapter 3.

7.10 In another case, an officer who was previously appointed on contract terms was subsequently appointed through an open recruitment exercise to an equivalent civil service rank in the same department. He remained in the same post throughout his contract and the civil service appointment. His performance dropped drastically to an unsatisfactory level in the first nine months of his civil service appointment and the department recommended to terminate his probationary service. The Commission, while having no objection to the recommended termination of the officer's probationary service, noted that the officer's performance actually deteriorated during his previous employment as a contract officer. His appraising officer remarked in the report covering the seven months' period immediately prior to the officer's appointment on civil service terms that the officer could only handle simple and straightforward cases independently. Having the various weaknesses identified in his last report as a contract officer,

he should not have been offered appointment in the first instance on civil service terms. The undesirable circumstances could have been avoided if the department had, before offer of civil service appointment to the officer, taken a step further to check on his updated performance. The Commission had reminded the department of the need to be more vigilant in processing other similar cases in the future.

(b) Extension of probationary period

7.11 An officer was appointed on probationary terms with a reduced probationary period⁶⁵ of two years. His performance had all along been very satisfactory but in the later half of his probationary period, he took three months' sick leave. Upon resumption of duty, he was observed to have displayed less enthusiasm at work. While his overall performance could generally be maintained at "Effective" level, he had a tendency of avoiding some duties and there were occasions that he made careless mistakes in discharging his routine duties.

⁶⁵ Under CSR 183(3), when an officer who is not on the permanent establishment is appointed on transfer to another office, the appointment authority may, having regard to the nature of the duties or other management considerations, reduce the probationary period in the new office by no more than the probationary period or period of service the officer has served in the former office, and in any case by no more than half of the probationary period required for the new office.

The departmental management had grave concerns about the setback in this officer's performance and considered it prudent to observe his performance for a longer period before a conclusive view on his suitability for permanent appointment was made. The department therefore proposed to extend his probationary period for six months without financial loss⁶⁶.

7.12 In examining the case, the Commission had the following observations –

(a) if the proposed extension stemmed from insufficient time to observe the officer's suitability for confirmation as a result of his prolonged sick leave, the extension period should normally tally with the period of his absence from duty and no financial loss would be involved;

(b) if it was the officer's substandard performance that cast doubt on his suitability for confirmation, the extension should normally be with financial loss and the extension period should be no less than six months to ensure that there would be sufficient time for the officer to make and the management to observe his improvement; and

(c) overall speaking, this officer's performance was very satisfactory. The drop in performance rating as well as the adverse remarks in his latest appraisal report appeared to relate to his "long absence from work due to frequent medical appointments". It was questionable if such inadequacy could constitute a valid ground for extending his probationary service with financial loss.

Upon review as requested by the Commission, the departmental management revised its recommendation for the officer's probationary period to be extended for three months without financial loss.

⁶⁶ Under CSR 183(6), the appointment authority may, subject to the advice of the Public Service Commission, extend an officer's probationary period without financial loss for a stipulated period of time. If so extended, the officer will continue to receive an increment on his/her original incremental date as if his/her probationary period has not been extended. Besides, his/her future incremental date will not be affected by the extension of his/her probationary period in this case. At the end of the period, the officer will be considered for confirmation to the rank subject to his/her satisfactory performance and the appointment authority's satisfaction that he/she fully meets the requirements of the grade for confirmed appointment in the long term.

8.1 Civil servants should always uphold the highest standards of honesty and probity in discharging their public duties as well as in their private lives. 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 culpable of misconduct after fair proceedings. Subject to the requirements of 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 a timely manner in proven misconduct cases to achieve the required punitive and deterrent effect.

8.2 Since taking on the advisory function on disciplinary matters in 1971⁶⁷, the Commission has been playing a key role in the civil service disciplinary system. With the exception of exclusions specified in the Public Service Commission Ordinance (PSCO)⁶⁸ and save in cases of summary disciplinary action involving the issue of warnings⁶⁹, the Administration is required under section (s.) 18 of the Public Service (Administration) Order (PS(A)O) to consult the Commission before inflicting any punishment⁷⁰ under s.9, s.10 and s.11⁷¹

67 See paragraph 2.23 under Chapter 2.

68 See Note 1 under Chapter 1.

69 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.

70 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 78 and 79 on financial penalty of fine and reduction in salary.

71 See Notes 5, 6 and 7 under Chapter 1.

of the PS(A)O⁷² upon Category A officers⁷³ which include virtually all officers except those on probation, agreement and some who are remunerated on the Model Scale 1 Pay Scale⁷⁴. At the end of 2010, the number of Category A officers under the Commission's purview for disciplinary matters was about 111 700.

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. Due reference is made 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.

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 2010

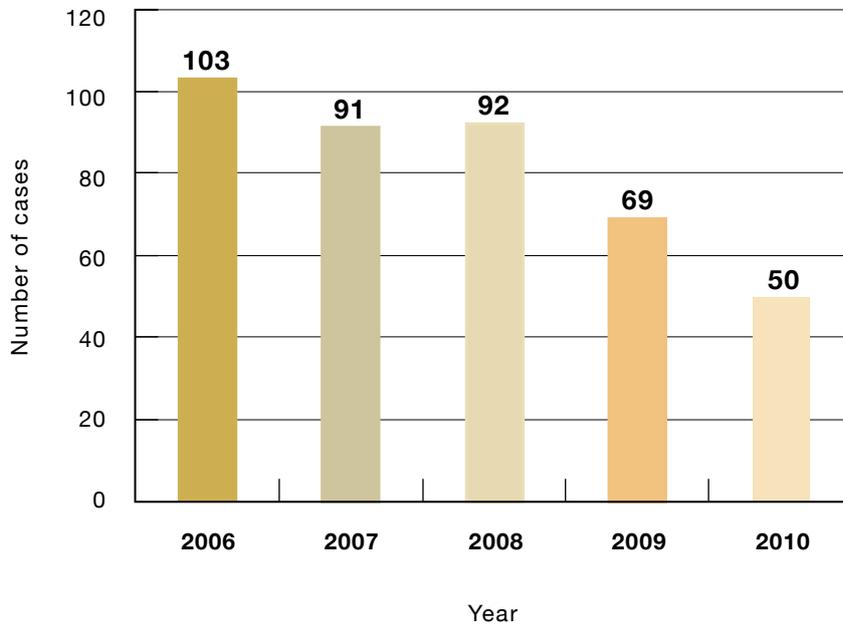
8.5 The Commission advised on the punishment of 50 disciplinary cases in 2010, representing a decrease by 19 cases (28%) compared to the 69 cases in 2009 and a decrease of 39 cases (44%) compared to the annual average of 89 cases over the past four years from 2006 to 2009.

72 With the exception of certain members of disciplined services departments who are subject to the respective disciplined services legislation (i.e. Prisons Ordinance, Fire Services Ordinance, etc.), all civil servants are governed by disciplinary provisions in the PS(A)O. For disciplinary cases processed under the respective disciplined services legislation of which the punishment authority is the Chief Executive (or his delegate), the Administration will, subject to s.6(2) of the PSCO, consult the Commission on the disciplinary punishment under s.6(1)(d) of the PSCO.

73 According to the PS(A)O, an officer who is appointed to and confirmed in an established office or is a member of the Civil Service Provident Fund Scheme is classified as a Category A officer.

74 According to the PS(A)O, an officer who holds a non-established office, an established office on month-to-month terms, or an office on probationary or 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 vide 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.

A comparison of the number of disciplinary cases advised by the Commission over the past five years is appended below –



The Commission is encouraged to note the continuous decrease in the number of disciplinary cases. It should be attributed to the Administration’s sustained efforts over the years to promote good standards of conduct and integrity at all levels in the civil service, which included training, seminars, and the promulgation and updating of rules and guidebooks to enhance understanding

and awareness of the standard of probity required of civil servants. Nonetheless, there is no room for complacency in the concerted efforts to uphold a civil service of high integrity and probity. The Commission will, as always, remain vigilant and collaborate with the Administration to ensure equity, fairness and maintenance of broad consistency in punishment throughout the service.

8.6 The small number of 50 disciplinary cases recorded in 2010 represents less than 0.05% of the 111 700 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. A breakdown of these 50 cases by misconduct or offence and the form of punishment is at Appendix IX. An analysis by salary group and punishment is at Appendix X. Of these 50 cases, 17 (34%) had resulted in the removal of the officers concerned from the service⁷⁵.

There were 18 (36%) cases resulting in "severe reprimand"⁷⁶ plus financial penalty⁷⁷ in the form of a "fine"⁷⁸ or "reduction in salary"⁷⁹ which is the heaviest punishment next to removal from the service and "reduction in rank"⁸⁰. 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 50 cases advised in 2010 by the punishment awarded.

75 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. An officer who is compulsorily retired may be granted retirement benefits in full or in part, and in the case of a pensionable officer, a deferred pension when he reaches his statutory retirement age. Dismissal is the most severe form of punishment as the officer forfeits his claims to retirement benefits (except the accrued benefits attributable to Government's mandatory contribution under the Mandatory Provident Fund or the Civil Service Provident Fund Scheme).

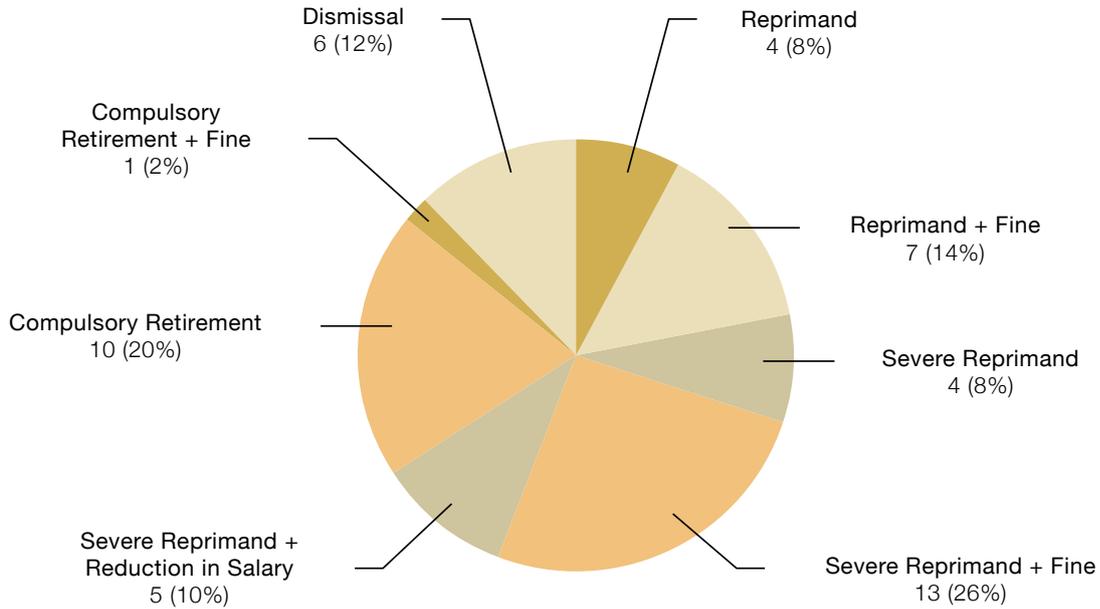
76 A severe reprimand will normally debar an officer from promotion or appointment for three to five years. This punishment is normally recommended for more serious misconduct or for repeated minor misconduct or offences.

77 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 increments".

78 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 since 1 September 2009, the level of fine is capped at an amount equivalent to one month's substantive salary of the defaulting officer.

79 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).

80 Reduction in rank 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 reduction in rank is calculated on the basis of the salary at the lower 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 reduced 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 in 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 2010, together with the observations and recommendations made by the Commission, are set out in the ensuing paragraphs.

Legal Representation at Disciplinary Hearings

8.8 Whilst disciplinary cases should be processed expeditiously to achieve the desired punitive and deterrent effect, they are subject to the requirements of due process and procedural propriety and adherence to the principle of natural justice. As mentioned in the 2009 Annual Report, arising from a judgement handed down by the Court of Final Appeal in March 2009 concerning the denial of legal representation⁸¹ to a police officer at disciplinary hearing conducted under the Police (Discipline) Regulations, the Administration had completed a review on the disciplined services legislation (DSL)⁸² and relevant disciplinary instruments to ascertain whether they continued to meet the needs under present day circumstances. After the review, the Administration has amended the relevant departmental internal orders or

instructions to allow for legal representation at disciplinary hearings conducted under the DSL. The Administration has also issued interim guidelines to facilitate consideration of applications for legal representation by the disciplinary authority and the conduct of disciplinary hearings with legal representation. Meanwhile, the Administration has initiated action for the necessary legislative amendments to the relevant provisions in the DSL. Subject to the progress of law drafting, the Administration aims to introduce the amendment regulations into the Legislative Council in mid-2011.

8.9 The Commission's only concern with the implementation of the new arrangement to allow legal representation where

81 Legal representation at disciplinary hearing is explicitly prohibited in some of the disciplined services legislation (and previously in related internal orders or instructions issued by individual disciplined services departments). This is not the case for disciplinary cases processed under the PS(A)O which does not contain similar prohibition provision.

82 DSL refers to the main ordinances and subsidiary legislation that are applicable to generally middle and junior ranking officers in the disciplined services grades of disciplined services departments, i.e. Hong Kong Police Force, Fire Services Department, Correctional Services Department, Customs and Excise Department, Immigration Department and Government Flying Service. 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. For the purpose of the review, DSL also covers the Traffic Wardens (Discipline) Regulations.

appropriate is that it may lead to delays in the disciplinary proceedings and affect the smooth operation of the disciplinary process and system. Yet this is an unavoidable inconvenience in order to maintain a fair and equitable civil service disciplinary system. By 2010, the Administration had completed three disciplinary cases processed under the PS(A)O and three cases under the DSL involving legal representation. While there was no undue delay in the completion of these cases as a result of the necessary arrangements to accommodate legal representation at the relevant disciplinary hearings, the Commission would stay alert to the possibility of any impact, and comment on a case-by-case basis for the purpose of assisting the Administration to overcome the problem as it arises.

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

8.10 As mentioned in the last three Annual Reports, the Administration had consulted the Commission on the framework to provide for removal punishments and forfeiture of retirement benefits applicable to CSPF civil servants⁸³. The Commission gave support to the framework on the basis that it was broadly comparable to that currently applicable to pensionable civil servants. The removal punishments and forfeiture of retirement benefits for CSPF civil servants were promulgated vide a Civil Service Bureau Circular on 28 June 2010 to tie in with the first batch of CSPF civil servants meeting the general eligibility for accrued benefits after completion of ten years of

⁸³ 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.

continuous service. Corresponding changes were made to the relevant instruments including the PS(A)O and Procedural Guide on Discipline. The Administration has set up an independent appeal panel to advise the Chief Executive, when so required by him, on representations made by officers on cases of forfeiture or recovery of retirement benefit under the CSPF scheme.

Wider Use of “Reduction in Rank” and “Reduction in Salary”

8.11 In disciplinary cases where the concurrent imposition of a financial penalty 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 effect⁸⁴. 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 a substantial number of cases in 2008 (five cases), 2009 (eight cases) and 2010 (five cases)⁸⁵ where reduction in salary was inflicted, demonstrating the Administration's determination to take on board the Commission's advice on the matter.

Handling of Disciplinary Cases involving Officers with Suspected Mental Illness

8.12 As mentioned in the 2008 Annual Report, the Commission raised concern about the prolonged processing time of a disciplinary case which involved an officer with a known history of mental illness. While appreciating the difficulties and sensitivities linked to

84 See Notes 79 and 80 under Chapter 8.

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

disciplinary cases involving mentally ill officers, for example, the need to require the officer to attend a medical board to assess his or her general mental state⁸⁶ which can only be convened with the consent of the officer concerned, the Commission considered that the prolonged processing of the case could unnecessarily put the officer, who had a history of mental illness, under lingering stress. In response to the Commission's advice, the Administration has followed up with the department on areas where in general the investigation process can be expedited. The Administration would also continue to explore with the Hospital Authority to streamline arrangements for the convening of medical boards.

8.13 The Commission considers that bureaux and departments (B/Ds) should be provided with suitable guidelines on how to deal with disciplinary cases involving officers suspected or claiming to be mentally ill, given concerns about the impact of the Disability Discrimination Ordinance and Personal Data (Privacy) Ordinance. In particular B/Ds should be reminded to watch out for the conduct problems of staff suspected to be mentally ill and ensure that cases were properly documented to enable speedy follow-up action to be taken. Upon conclusion of its review on the subject, the Administration will update the relevant circular on the processing of cases involving officers suspected to be mentally ill to take into account the Commission's observations.

⁸⁶ According to Civil Service Bureau Circular No. 20/80, as soon as it comes to notice that an officer has misconducted himself and it is suspected that he may be suffering from mental illness, the officer should be required to attend a medical board to assess the officer's general mental state and comment on whether the officer's mental state exculpates him from his misconduct or provides a mitigating factor and whether the officer is fit to attend a disciplinary investigation.

9.1 In 2010, the Chairman and Members of the Commission visited the Water Supplies Department (WSD), the Government Logistics Department (GLD) and the Information Services Department (ISD) 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. The visit to a work site in Shamshuipo of the WSD had greatly enhanced the understanding of the Chairman and Members on the method for rehabilitating a fresh water main and the use of Noise Logger and Leak Noise Correlator for leakage detection of water mains. During the visit to GLD, the Chairman and the Members visited the printing workshop and had a good understanding of the services and operations of the GLD through its presentation. As for ISD, the Chairman and the Members were impressed by the many new and challenging tasks that ISD was handling in keeping the public informed of Government's role and work.

9.2 The Commission continued to maintain close ties with overseas relevant organisations. The Chairman visited the Singapore Public Service Commission and exchanged views on the work of the two offices. A delegation from Bangladesh Public Service Commission also visited the Commission Secretariat. The delegates were briefed on the role, functions and work of the Commission. A wide range of topics on civil service appointment and discipline were discussed and views exchanged.



Mr Nicholas NG (fifth right), Chairman of the Public Service Commission, Mr Nicky LO (fourth right) and Mr Vincent LO (first right), Members of the Commission, accompanied by Miss CHEUNG Siu-hing (second left), Director of Government Logistics, visited the printing workshop of the Government Logistics Department.



Mr Nicholas NG (second left), Chairman of the Public Service Commission, Mr Nicky LO (first right) and Mr Vincent LO (third right), Members of the Commission, accompanied by Mr MA Lee-tak (second right), Director of Water Supplies, visited a work site in Shamshuipo of the Water Supplies Department.



Mr Nicholas NG (third right), Chairman of the Public Service Commission, and Ms WONG Mee-chun, (third left), Member of the Commission, accompanied by Mr Michael WONG (fourth right), Director of Information Services, visited the Information Services Department.

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. The Commission appreciates very much the level of support and assistance rendered by her and 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 2010.

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. The Chairman and Members of the Commission wish to place on record their appreciation to the Secretary of the Commission and her team for their valuable support and contribution.

Category	Open/ In-service Recruitment	Promotions/ Acting Appointments	Continuous Employment/ Termination of Service ⁸⁷	Other Appointment- related Submissions ⁸⁸	Discipline	Total
Number of submissions advised on	93	585	70	68	50	866
(a) Number of submissions queried	41	391	40	31	9	512
(b) Number of submissions with revised recommendations following queries	4	109	5	0	4	122
(b) / (a)	10%	28%	13%	0%	44%	24%

Comparison with Previous Years

Year	2008	2009	2010
Total number of submissions advised on	970	941	866
(a) Submissions queried	417	446	512
(b) Submissions with revised recommendations following query	143	122	122
(b) / (a)	34%	27%	24%

87 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.

88 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).



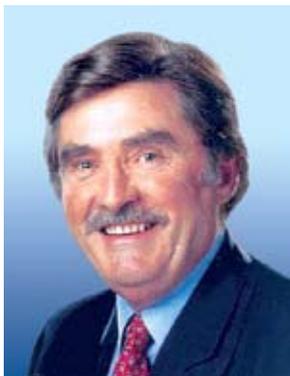
Mr Michael SZE Cho-cheung, GBS, JP

Member, Public Service Commission (appointed from 1 February 2004 to 31 January 2010)

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.



Mr Thomas Brian STEVENSON, SBS, JP

Member, Public Service Commission (appointed from 1 February 2004 to 31 January 2010)

Occupation: Businessman

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

Mr Stevenson is the 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, SBS, 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)

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

Ms Wong is a Member of the Fight Crime Committee. 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 Exchange Fund Advisory Committee, the Standing Committee on Judicial Salaries and Conditions of Service and the Steering Committee on the Community Care Fund. 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 the Chairman of the Art Museum Advisory Panel, 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.



Mr Joseph PANG Yuk-wing, JP

Member, Public Service Commission (appointed on 1 February 2010)

Occupation: Senior Advisor, the Bank of East Asia Limited

Qualification: B.S.Sc. (Hons) (CUHK), M.B.A. (CUHK), A.C.I.B., F.H.K.I.B.

Mr Joseph PANG is a member of the Board of Directors of the Hong Kong Science and Technology Parks Corporation, the Council of City University of Hong Kong, the Process Review Panel for the Financial Reporting Council, the Securities and Futures Appeals Tribunal, the Financial Services Advisory Committee of the Hong Kong Trade Development Council and the Chung Chi College Board of Trustees of the Chinese University of Hong Kong. He also serves as the Governor cum Treasurer of Tung Wah College.



Mr Herbert TSOI Hak-kong, BBS, JP

Member, Public Service Commission (appointed on 1 May 2010)

Occupation: Partner (Solicitor), Herbert Tsoi & Partners

*Qualification: LLM (London), Solicitor of Supreme Court of Hong Kong,
Notary Public, PRC Appointed Attesting Officer*

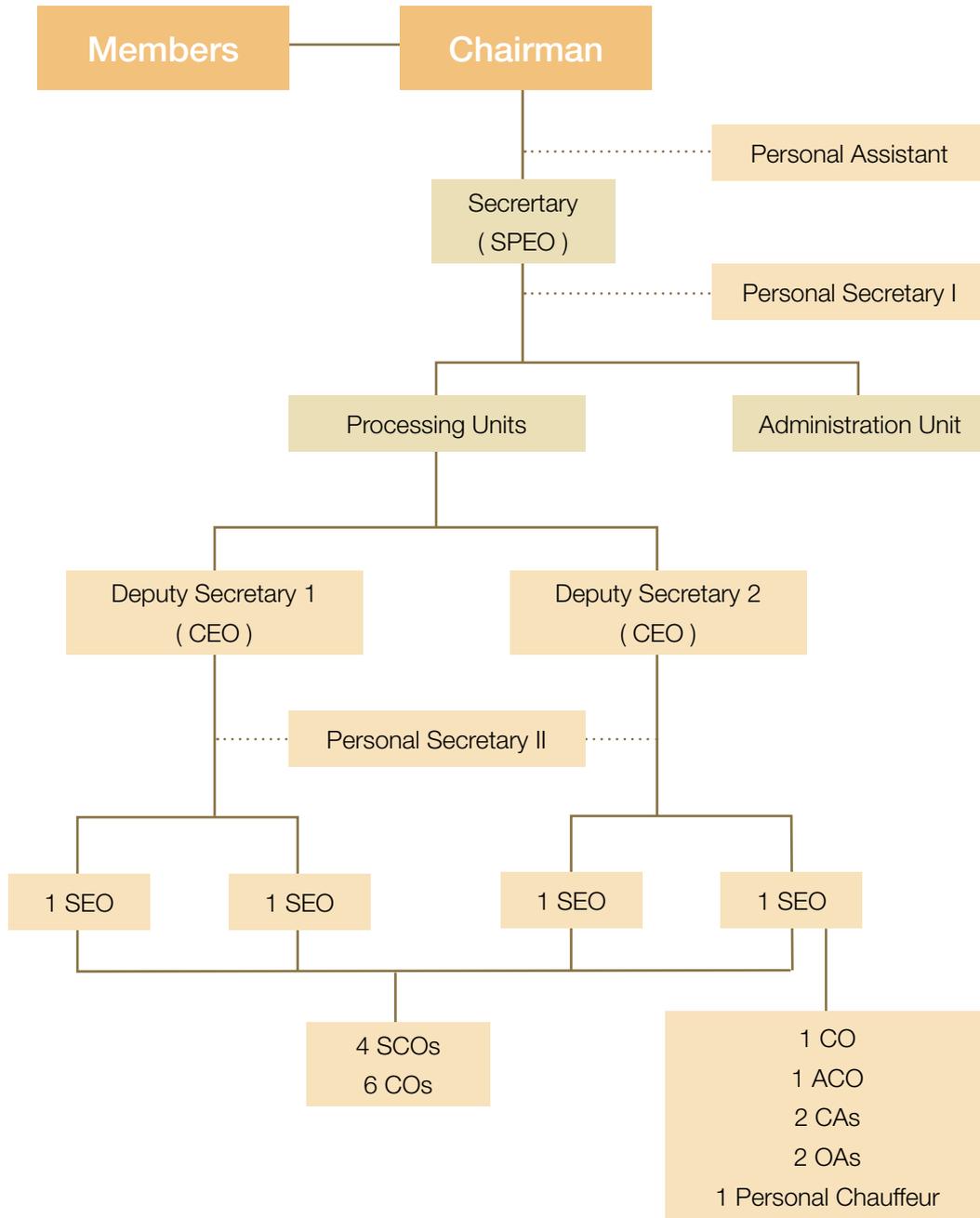
Mr Herbert TSOI is a Co-opted Member of the Federation of Hong Kong Industries General Committee and a Member of the Court of the University of Hong Kong.

Chairmen	Period
Mr Thomas MEGARRY	8/1950 – 3/1951
Mr Justice Ernest Hillas WILLIAMS	6/1952 – 5/1953
Mr Justice Trevor Jack GOULD	5/1953 – 11/1953
Mr John Robert JONES	11/1953 – 1/1959
Mr R C LEE	1/1959 – 7/1959
Mr E R CHILDE	7/1959 – 5/1965
Mr M S CUMMING	6/1965 – 5/1967
Mr Charles HARTWELL	5/1967 – 11/1971
Mr D R HOLMES	11/1971 – 5/1977
Mr Donald LUDDINGTON	5/1977 – 9/1978
Mr I M LIGHTBODY	9/1978 – 10/1980
Mr LI Fook-kow	10/1980 – 5/1987
Mr E P HO	5/1987 – 6/1991
Mr Augustine CHUI Kam	6/1991 – 7/1996
Mr H H T BARMA	8/1996 – 4/2005
Mr Nicholas NG Wing-fui	5/2005 – now

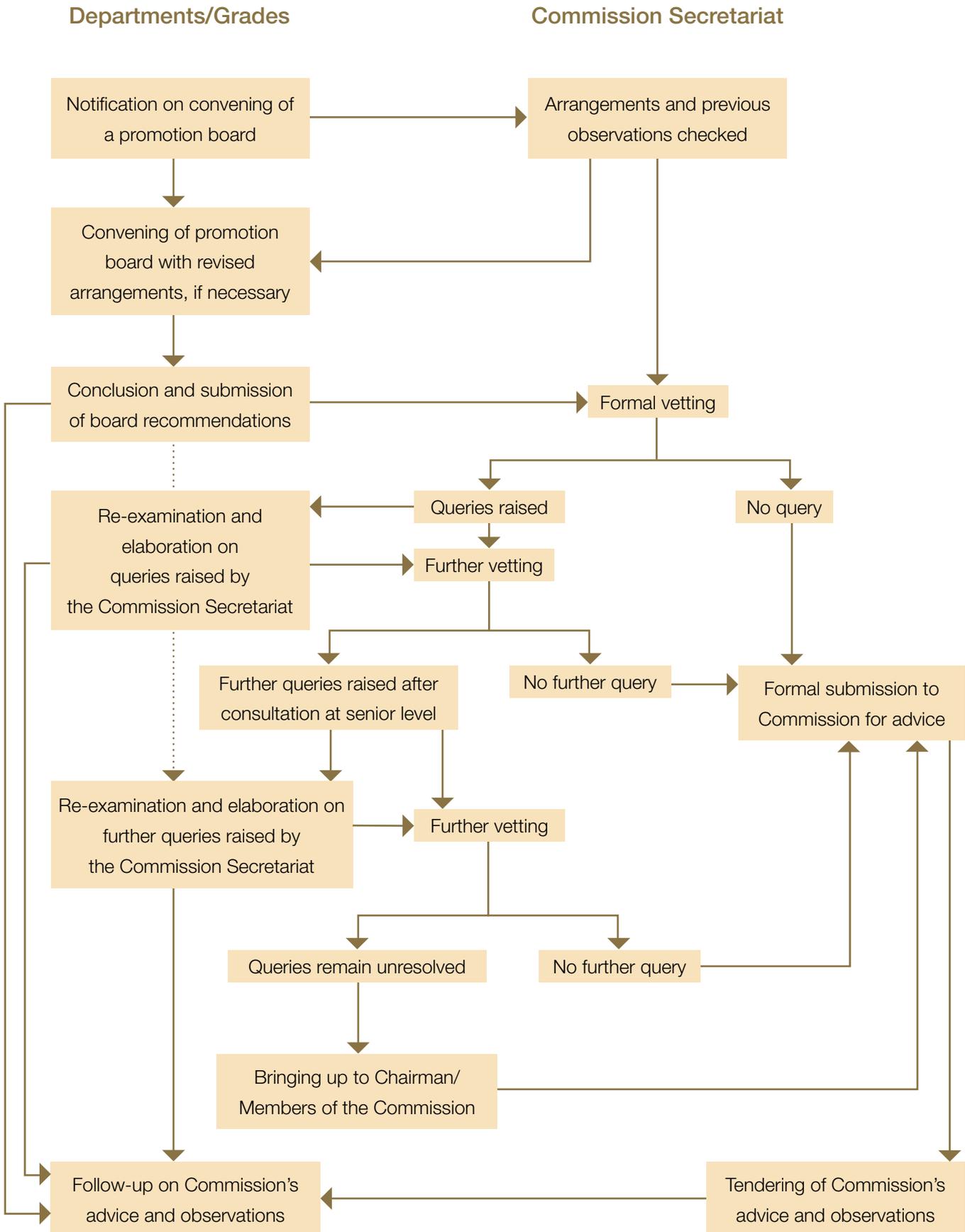
Members	Period
Mr LO Man-kam*	8/1950 – 11/1952
Mr A V FARMER	5/1953 – 4/1954
Mr L B STONE	10/1954 – 1/1957
Mr J Dickson LEACH	12/1958 – 4/1963
Mr KAN Yuet-keung	7/1959 – 6/1961
Dr WOO Pak-chuen	6/1961 – 8/1964
Mr LI Fook-wo	8/1964 – 3/1970
Mr J B H LECKIE	6/1965 – 3/1966
Mr H J C BROWNE	3/1966 – 5/1968
Mr K I COULLIE	5/1968 – 5/1972
Mr LO Tak-sing	10/1969 – 7/1974
Mr J H BREMRIDGE	2/1972 – 7/1974
Mr J J SWAINE	7/1974 – 9/1980
Mr Paul TSUI Ka-cheung	7/1974 – 7/1980
Mr Leslie Lothian SUNG	12/1978 – 12/1986
Dr Victor FUNG Kwok-king	7/1980 – 7/1993
Mr P A L VINE	10/1980 – 9/1987
Mr Graham CHENG Cheng-hsun	11/1980 – 11/1984
Mr Robert KWOK Chin-kung	11/1984 – 10/1990
Mr Philip WONG Kin-hang	10/1986 – 9/1995
Mr P J THOMPSON	10/1987 – 9/1998
Mr Steven POON Kwok-lim	11/1990 – 9/1991
Mrs Eleanor LING Ching-man	2/1992 – 1/1996
Mr D G JEAFFRESON	2/1992 – 1/2002

* Mr LO Man-kam served as acting Chairman during the period 3/1951 – 4/1951

Members	Period
Mr James TIEN Pei-chun	5/1992 – 6/1993
Mr Christopher CHENG Wai-chee	7/1993 – 7/2003
Miss Eleanor WONG Bei-lee	5/1994 – 12/1995
Dr Thomas LEUNG Kwok-fai	5/1994 – 4/2003
Mrs NG YEOH Saw-kheng	6/1995 – 5/2003
Ms Bebe CHU Pui-ying	12/1995 – 11/2001
Mr Frank PONG Fai	2/1998 – 1/2004
Mr Vincent CHOW Wing-shing	2/1998 – 1/2006
Dr Elizabeth SHING Shiu-ching	6/1999 – 5/2005
Miss Eliza CHAN Ching-har	12/2001 – 11/2007
Mr Wilfred WONG Ying-wai	2/2002 – 1/2006
Mrs Paula KO WONG Chau-mui	6/2005 – 9/2006
Mr Simon IP Sik-on	5/2003 – 5/2009
Mr Michael SZE Cho-cheung	2/2004 – 1/2010
Mr Thomas Brian STEVENSON	2/2004 – 1/2010
Mr Nicky LO Kar-chun	2/2006 – now
Mrs Mimi CUNNINGHAM KING Kong-sang	2/2006 – now
Ms WONG Mee-chun	7/2006 – now
Prof. CHAN Yuk-shee	12/2007 – now
Mr Vincent LO Wing-sang	5/2009 – now
Mr PANG Yuk-wing, Joseph	2/2010 – now
Mr Herbert TSOI Hak-kong	5/2010 – now



Legend		Establishment	
SPEO	– Senior Principal Executive Officer	Directorate Executive Officer	1
CEO	– Chief Executive Officer	Executive Officer Grade	6
SEO	– Senior Executive Officer	Clerical Grade	16
SCO	– Senior Clerical Officer	Secretarial Grade	3
CO	– Clerical Officer	Chauffeur Grade	1
ACO	– Assistant Clerical Officer		27
CA	– Clerical Assistant		
OA	– Office Assistant		



Number of Appointees (by Terms of Appointment) in the Open and In-service Recruitment Exercises in 2010

		Number of Appointees
Open Recruitment		
•	on probationary terms	776
•	on agreement terms	9
•	on transfer (between departments or grades)	29
Sub total		814
In-service Appointment		
•	on trial terms	64
•	on probationary terms	0
•	on local agreement terms	0
Sub total		64
Total		878

Comparison with figures in previous years				
Year	No. of Recruitment Cases	No. of Local Candidates Appointed	No. of Non-permanent Residents Appointed	Total
2010	93	877	1	878
2009	126	1 115	1	1 116
2008	116	1 934	1	1 935
2007	155	674	2	676

1. Personal appeal made by HoGs/HoDs in reminding supervisors to ensure timely completion of performance appraisals through letters or memoranda.
2. Improving the reminder and tracking system –
 - a. Piloting an enhanced reminder and tracking system through electronic means in place of the current manual practice.
 - b. Tightening the reminder and tracking system of monitoring the completion of appraisals, including –
 - (i) issuing early reminders;
 - (ii) designating a unit to issue written reminders to officers concerned, urging them individually to complete appraisal reports immediately; and
 - (iii) escalating non-observance of the report submission deadlines to the personal attention of senior directorate or HoG/HoD.
3. Building in a competency aspect of “timely completion of performance appraisals” in the appraisal form of the grade concerned.
4. Recording cases of late reporting in the supervisors’ own staff report file or personal file.
5. Requiring supervisors concerned to explain in writing the reasons for the delay in the completion of performance appraisals.
6. Requesting supervisors to proceed with completion of performance appraisals based on their understanding of the appraisees’ duties in cases where the delay is caused by the appraisees’ failure to submit their job descriptions.
7. Tightening the schedule for completion of appraisals or conduct of Assessment Panels after the end date of the last reporting cycle.
8. Providing training on the best practices in performance management and appraisal writing.

Other Civil Service Appointment Matters Advised by the Commission in 2010 (Breakdown by Category)

Other Civil Service Appointment Matters	Number of Submissions
Non-renewal of agreement	2
Offer of shorter-than-normal agreements	
<ul style="list-style-type: none"> • on performance or conduct ground (0) • to tie in with the 60th birthday of the officers concerned⁸⁹ (2) 	2
Renewal or extension of agreement	21
Refusal of passage of trial bar	4
Refusal of passage of probation bar	4
Deferment of passage of trial bar	14
Deferment of passage of probation bar	43
Early retirement of directorate officers under the Management Initiated Retirement Scheme	0
Retirement under section 12 of Public Service (Administration) Order ⁹⁰	1
Extension of service or re-employment after retirement	
<ul style="list-style-type: none"> • Directorate officers (6) • Non-directorate officers (6) 	12
Secondment	3
Opening-up arrangement	1
Revision of terms of employment	3

89 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.

90 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.

Disciplinary Cases Advised by the Commission in 2010 (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 instruction, supervisory accountability and insubordination	Unpunctuality, unauthorised absence, abscondment	Other misconducts**	
Dismissal	0	1	0	0	4	1	6
Compulsory Retirement	0	1	6	3	1	0	11
Lesser Punishment	1	10	9	4	0	9	33
Total	1	12	15	7	5	10	50

Note:

(a) *The Commission advised on 50 disciplinary cases in 2010.*

(b) *28 of the 50 disciplinary cases followed upon conviction.*

(c) *In four of the remaining 22 disciplinary cases, the officers concerned have absconded.*

* *Including soliciting or accepting advantages, fraud, indecency in public, misconduct in public office, using a false instrument and others.*

** *Including unauthorised outside work, unauthorised loan, being rude to supervisor or client, providing false information, misuse of government transport and breaching housing benefits rules etc.*

Disciplinary Cases Advised by the Commission in 2010 (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	3	3	0	6
Compulsory Retirement + Fine	0	1	0	1
Compulsory Retirement	1	5	4	10
Reduction in Rank	0	0	0	0
Severe Reprimand + Reduction in Salary	3	1	1	5
Severe Reprimand + Fine	5	7	1	13
Severe Reprimand	2	0	2	4
Reprimand + Fine	6	1	0	7
Reprimand	1	3	0	4
Total	21	21	8	50

Recruitment

(A)	Timing for conducting recruitment boards	
•	Staggering individual recruitment exercises	2008 (paras 3.11 & 3.21)
(B)	Key considerations before establishing recruitment boards	
•	Pool of candidates	
	– review of outdated entry requirements	2003 (page 41)
	– aligning appointment requirements for in-service and open recruitment exercises	2004 (page 34) 2005 (paras 3.31 – 3.34) 2006 (para 3.10)
•	Information required in advertisements	
	– caution note for incomplete application	2009 (para 3.17(e))
•	Prior approval	
	– updating of Guide to Appointment	2004 (page 34) 2005 (paras 3.31 – 3.34) 2007 (para 3.38)
	– language proficiency requirement for directorate posts	2004 (page 33) 2005 (paras 3.29 – 3.30) 2006 (para 3.8(a))
	– rolled-over exemption from recruitment freeze	2006 (paras 3.11 – 3.12)
	– reopening of recruitment after the lapse of application deadline	2009 (para 3.20)
	– waiver of language proficiency requirement, permanent resident status and common recruitment examination	2009 (para 3.10)
•	Composition of recruitment board	
	– realistic number of selection boards in recruitment exercise	2002 (page 32)
•	Recruitment timeframe	
	– streamlining of recruitment process	2007 (paras 3.7 – 3.15) 2008 (paras 3.7 – 3.12) 2009 (paras 3.6 – 3.12)

(C) Criteria for appointment		
•	Verification of disability	2005 (paras 3.23 – 3.25) 2007 (paras 3.16 – 3.20)
•	Comparability and acceptance of public examination results for civil service appointment purpose	2006 (para 3.8(d)) 2007 (paras 3.34 – 3.35)
•	Care in vetting applications	2008 (paras 3.17 – 3.18)
•	Declaration of conviction record	2008 (paras 3.22 – 3.23)
•	Submission of supporting documents certifying academic and/or professional qualifications	2009 (para 3.17(d))
(D) Shortlisting		
•	Adoption of work experience as a shortlisting criterion	2007 (paras 3.24 – 3.27) 2008 (para 3.15) 2009 (para 3.17(a))
•	Using results of recruitment examination for shortlisting purpose	2007 (para 3.23) 2008 (para 3.16) 2009 (para 3.16)
•	Other considerations :	
	– avoid mechanical approach	2003 (pages 57 – 58)
	– avoid unrealistically high benchmark	2008 (para 3.19)
(E) Recruitment examination		
•	Common Recruitment Examination	2006 (paras 3.6 – 3.9) 2007 (paras 3.32 – 3.33)
•	Recruitment examination as part of recruitment process	2007 (paras 3.21 – 3.24) 2009 (para 3.16)
•	Planning ahead of recruitment examination	2008 (para 3.11)
•	Centrally coordinated written examinations for selected grades	2008 (para 3.20)
(F) Basic Law knowledge assessment		
		2008 (paras 3.2 – 3.3) 2009 (paras 3.18 – 3.19) 2010 (paras 3.5 – 3.8)

(G) Selection interview		
•	Avoidance of a mechanical selection of candidates with reference to the interview scores which are not commensurate with the write-up	2001 (page 17)
•	Avoidance of disconcerting situations	
	– intimation that might give candidate an impression of “unfairness”	2004 (page 33)
•	Scrutiny of staff reports	2009 (paras 3.8 – 3.9)
(H) Recommendations of recruitment board		
•	Avoidance of separate priority lists for appointments in different divisions	2001 (page 17)
•	Care in recommending officer with unimpressive performance record	2002 (page 35)
•	Inappropriate preference to candidates with higher qualifications	2007 (paras 3.36 – 3.37)
•	Realistic waiting list	2008 (para 3.10) 2009 (para 3.17(b))
•	Submission of staff reports of serving and ex-officers to the Commission	2008 (para 3.10) 2009 (para 3.17(c))
•	Random checking system	2008 (para 3.8)
(I) Action by appointment authority		
•	Reduction of probationary period under the new entry system	2002 (page 32) 2003 (page 51) 2008 (paras 3.13 – 3.14) 2009 (paras 3.13 – 3.15)
•	Employment of people with disabilities	2007 (paras 3.16 – 3.20)
•	Review of “3 + 3” system	2008 (paras 4.11 & 4.19) 2010 (paras 3.9 – 3.11)
(J) Attractiveness of civil service jobs		
		2007 (paras 3.28 – 3.31) 2008 (Chapter 4) 2009 (paras 3.21 – 3.24) 2010 (para 3.14)
(K) Recruitment of assistant professionals		
		2010 (paras 3.12 – 3.13)

Promotion

(A) Key considerations before conducting promotion exercise		
•	Availability of promotable vacancies	
	– filling of consequential vacancies	2002 (page 30) 2004 (page 35) 2005 (paras 3.49 – 3.50) 2007 (paras 4.23 – 4.25) 2009 (para 4.4(c))
•	Pool of candidates	
	– filling of surplus vacancies by direct recruitment	2002 (page 30)
	– candidates for appointment to Head of Department (HoD) posts in departments under the Development Bureau	2005 (paras 3.41 – 3.42) 2008 (paras 5.11 – 5.13)
	– dual track system	2005 (paras 3.43 – 3.45)
	– sounding-out arrangement	2006 (paras 4.20 – 4.21) 2009 (para 4.4(d)) 2010 (paras 4.13 – 4.14)
	– filling of one-rank HoD posts and HoD posts with no suitable eligible officers identified	2007 (paras 4.4 – 4.6)
(B) Timing for conducting promotion exercise		
•	Timely conduct of promotion board	2001 (pages 19 – 20) 2006 (paras 5.3 – 5.4) 2007 (para 4.7(ii)) 2008 (para 6.8) 2009 (paras 4.4(b) & 5.7) 2010 (para 5.6)
•	Sequence of conducting promotion board	2006 (para 5.3)
(C) Arrangement of promotion board		
•	Avoidance of prolonged board meetings	2002 (page 30)
•	Designation of a promotion board	2007 (para 4.7(i)) 2009 (paras 4.4(a))
•	Avoidance of conflict of interest	2008 (para 5.25) 2009 (para 4.4(e))

(D) Selection criteria for promotion		
•	Shortlisting criteria	
	– excessively stringent experience requirement	2003 (pages 42 – 43)
	– experience requirement	2010 (para 4.16)
	– performance grading as a shortlisting criterion	2009 (para 4.4(f)) 2010 (para 4.15)
	– promotability or potential as a shortlisting criterion	2001 (page 15) 2007 (paras 4.26 – 4.28) 2009 (para 4.4(f))
	– ratio of shortlisting candidates to vacancies	2002 (page 31)
•	Work exposure	
	– lack of varied experience should not be the sole reason for not recommending an officer	2006 (paras 4.5 – 4.6) 2007 (para 4.7(v)) 2009 (para 4.4(g))
	– officers filling non-mainstream posts should not be unduly prejudiced	2008 (paras 5.26 – 5.27) 2009 (para 4.4(h))
•	Performance	
	– undue emphasis on recent performance	2001 (page 16)
	– avoidance of arithmetical calculation	2007 (para 4.7 (viii)) 2009 (para 4.4 (n))
•	Assessment ratings on promotability	2009 (paras 5.21 – 5.22)
•	Smooth succession planning – consideration for promotion to HoD posts	2005 (paras 3.39 – 3.40) 2007 (paras 4.7(xi) & 6.2 – 6.5) 2008 (paras 7.2 – 7.3) 2009 (para 4.4(i))
•	Acting performance	
	– accord appropriate weight to acting performance	2007 (paras 4.17 – 4.21) 2008 (paras 5.4 – 5.5) 2009 (para 4.4(o))
	– guard against giving undue advantage to officer acting on operational grounds	2007 (para 4.20(c)) 2009 (paras 4.4(o) (vi) & 4.7 – 4.8)
	– avoid direct comparison of acting officers' performance with the performance of those at the substantive rank	2008 (para 5.5(iii))

(D) Selection criteria for promotion (Continued)		
•	Claim of officer	
	– who is under debarring effect	2006 (paras 4.22 – 4.24)
	– who has stepped down from an unsuccessful acting appointment	2008 (para 5.20)
	– who is due to retire or on extension of service or re-employment beyond retirement age	2009 (paras 4.9 – 4.11)
	– who has yet to complete the probationary period	2009 (para 4.12)
(E) Reference materials for promotion board		
•	Promotion interview	2001 (page 16) 2003 (page 43) 2007 (para 4.7(vii)) 2009 (para 4.4(m))
•	Performance appraisals	
	– availability of performance appraisals	2006 (paras 4.11 – 4.12) 2008 (para 5.23)
	– duration of past performance appraisals under review	2006 (para 4.15) 2007 (para 4.7(iii)) 2009 (para 4.4(j))
•	Board members' personal knowledge	2007 (para 4.22) 2008 (para 5.4) 2009 (para 4.4(k))
•	Hearsay allegation	2007 (para 4.7(vi)) 2009 (para 4.4 (l))
(F) Recommendations of promotion board		
•	Validity of waiting list	2001 (page 17) 2003 (pages 43 – 44) 2007 (para 4.7(ix)) 2009 (para 4.4(p))

(F) Recommendations of promotion board (Continued)		
•	Effective date of promotion	2001 (pages 17 & 20) 2002 (page 30)
•	Acting with a view to substantive promotion (AWAV)	
	– applicable only when the slight residual doubt for promotion of an officer can be cleared within a short period of time	2003 (pages 44 – 45)
	– AWAV period for consequential deputy HoD post	2007 (para 4.24) 2008 (para 5.21) 2009 (para 4.4(q))
•	Acting for administrative convenience	
	– rotational acting appointment	2005 (paras 3.46 – 3.48) 2006 (paras 4.17 – 4.19) 2007 (para 4.7(iv)) 2009 (para 4.4 (r))
	– avoidance of prolonged acting appointment	2004 (page 37) 2005 (paras 3.51 – 3.52) 2007 (para 4.16)
	– improper reference to slight variations in performance gradings	2007 (paras 4.17 & 4.20(b))
	– withdrawing recommendation on an AFAC recommendee in the previous exercise	2008 (para 5.5) 2009 (para 4.4(o)(iv))
	– priority order for waitlisted AFAC appointment	2010 (paras 4.18 – 4.20)
	– arrangement of acting appointment	2010 (paras 4.22 – 4.24)
•	Cessation of acting appointment	
	– deciding factor for order of cessation of acting appointment	2001 (page 17) 2004 (page 37)
	– to be justified by a thorough assessment on acting performance	2004 (page 36) 2008 (para 5.5(iv)) 2009 (para 4.4(o)(iii))
	– to be supported by record of feedback to officer on his deficiency in performance	2008 (paras 5.4 & 5.5(v)) 2009 (para 4.4(o)(iv))
•	Confidentiality of board's recommendation	2001 (pages 8 & 16)

(G) Promotion board report		
•	Accuracy	
	– accurate information on vacancy position	2001 (page 15)
	– accurate summaries of performance records	2002 (page 31)
	– updated information on arrangement of acting appointments	2007 (paras 4.29 – 4.31)
•	Timely submission of board report	2001 (pages 19 – 20) 2004 (page 36) 2006 (paras 4.13 – 4.14)
•	Provision of information on performance management	2004 (page 41) 2005 (paras 3.35 – 3.36) 2007 (para 4.7(x))
(H) Action by appointment authority		
•	Revision of recommendation in the light of observations from Commission	2001 (page 21)
•	Handling cases involving ongoing disciplinary investigations or proceedings	2004 (page 36) 2007 (paras 4.9 – 4.10) 2008 (para 5.7) 2010 (paras 4.4 – 4.5)
•	Implementation of board recommendation	
	– career interview for passed-over officers	2001 (page 16) 2006 (para 5.10(e)) 2009 (para 5.9)
	– acting officer be given every opportunity for testing	2002 (page 31) 2008 (para 5.5(ii))
	– delay or non-implementation of board recommendation	2003 (page 42) 2004 (page 38) 2006 (paras 4.7 – 4.8) 2008 (para 6.10)
	– arranging career posting recommended by the board	2007 (paras 5.12 & 6.8) 2008 (para 6.10)

(H) Action by appointment authority <i>(Continued)</i>		
•	Administration of AWAV appointment	
	– consideration of recent performance and conduct before AWAV appointment is effected	2003 (pages 66 – 67)
	– monitoring of AWAV appointment	2003 (page 45) 2003 (pages 67 – 70)
	– extension of AWAV appointment for officer on prolonged leave	2008 (para 5.24) 2009 (paras 4.4(s) & 4.13)
	– converting AWAV appointment to AFAC appointment due to unavailability of vacancy	2003 (pages 44 – 45)
•	Proper review and administration of acting appointment	2001 (page 17) 2003 (pages 43 – 44) 2006 (paras 4.9 – 4.10) 2007 (paras 4.12 – 4.15) 2008 (paras 5.9 – 5.10)
(I) Others		
•	Grade with inverted grade structure	2007 (para 4.11) 2008 (para 5.8) 2010 (paras 4.6 – 4.8)
•	In-service appointment scheme for multidisciplinary posts	2008 (paras 5.14 – 5.18)
•	Reinforcing the good practices for conducting promotion exercises	2008 (para 5.19) 2009 (paras 4.3 – 4.5)
•	Compliance checklist for promotion/selection exercise	2010 (para 4.11)
•	Index of subject discussed in annual reports	2010 (para 4.11)
•	Creation of supernumerary posts	2010 (para 4.21)

Other Appointment Issues

(A)	Probation and trial Bar	
	<ul style="list-style-type: none"> • Passage of probation bar <ul style="list-style-type: none"> – passage of probation bar should not be automatic 	2001 (page 8) 2004 (page 17) 2005 (para 3.10) 2006 (paras 6.3 – 6.4) 2007 (para 7.5)
	<ul style="list-style-type: none"> – early termination of service of substandard performer without waiting till the end of the probationary period 	2001 (pages 21 – 22) 2002 (page 37) 2004 (pages 43 – 44) 2005 (para 3.27)
	<ul style="list-style-type: none"> – handling of probationer whose performance is affected by health/physical condition 	2001 (page 19) 2003 (pages 60 – 62)
	<ul style="list-style-type: none"> – handling of probationer whose acting performance is not up to par 	2004 (pages 46 – 47)
	<ul style="list-style-type: none"> – handling of probationer who fails to attain the requisite qualification 	2001 (page 19)
	<ul style="list-style-type: none"> – handling of probationer who is being investigated on a complaint 	2001 (page 14)
	<ul style="list-style-type: none"> – handling of probationer who is involved in an ICAC investigation 	2003 (pages 62 – 64)
	<ul style="list-style-type: none"> – handling of probationer who has committed misconduct act 	2004 (pages 44 – 45) 2005 (para 3.28)
	<ul style="list-style-type: none"> – handling of probationer who is being charged with a criminal offence 	2001 (page 22)
	<ul style="list-style-type: none"> – norm of extension period for the purpose of further observing an officer's performance 	2001 (page 8) 2002 (page 17) 2003 (page 20) 2004 (page 17) 2010 (paras 7.11 – 7.12)
	<ul style="list-style-type: none"> – termination of officers on probation 	2010 (paras 7.9 – 7.10)
	<ul style="list-style-type: none"> • Passage of trial bar <ul style="list-style-type: none"> – standard for passage of trial bar – granting back of increment for extension of trial bar with financial loss 	2003 (page 50) 2002 (page 35)

(A) Probation and trial Bar (Continued)		
•	Others	
	– no invitation of representations from probationers/officers on trial of termination of service due to insufficient vacancies	2003 (page 49)
	– reduction of probation period for serving officer on in-service transfer under the new entry system	2003 (page 51)
	– further appointment to permanent establishment of officer appointed before the implementation of new entry system	2003 (pages 58 – 59)
	– Model Scale I officers appointed on probation	2004 (page 42)
•	Promotion step	
	– passage of promotion step	2004 (pages 47 – 49)
(B) Extension of service or re-employment after retirement		
		2002 (page 36)
		2005 (paras 3.53 – 3.55)
		2006 (paras 6.8 – 6.11)
		2007 (para 6.10)
		2008 (para 7.7)
		2009 (paras 4.11, 7.8 – 7.9)
(C) Further appointment of agreement officer		
•	Transfer to permanent establishment of officer with mediocre track record	2002 (page 38)
•	No 90 days' extension of agreement under CSR 280(1) for officer with inefficient performance	2002 (page 39)
•	Renewal/extension of agreement for officers with misconduct	2003 (pages 50 – 51, 64 – 65)
•	Requirement to seek the Commission's advice on termination or non-renewal of agreement or non-transfer to permanent terms on performance and conduct grounds	2003 (page 52)

(D)	Appointment on new agreement terms	
	<ul style="list-style-type: none"> Further appointment on 1-year agreement upon completion of probation 	2003 (pages 52 – 53) 2004 (pages 5 & 16)
	<ul style="list-style-type: none"> Extension of agreement for officers appointed on new agreement terms 	2008 (paras 8.8 – 8.11)
(E)	Retirement in the public interest under s.12 of the PS(A)O	
	<ul style="list-style-type: none"> Streamlined procedures 	2005 (paras 3.16 – 3.18) 2007 (para 7.6) 2008 (paras 8.6 – 8.7) 2009 (paras 7.5 – 7.6) 2010 (paras 7.5 – 7.7)
	<ul style="list-style-type: none"> Role of Head of Grade in handling potential s.12 cases 	2008 (para 8.4)
(F)	Miscellaneous	
	<ul style="list-style-type: none"> Conversion of Model Scale I staff from Category B to Category A 	2008 (paras 8.12 – 8.14) 2009 (para 7.7)
	<ul style="list-style-type: none"> Ranking requirement of officers authorised to seek the Commission's advice under the Public Service Commission Regulations 	2003 (page 40)
(G)	Commission's advice on other civil service matters	
	<ul style="list-style-type: none"> Political Appointment System 	2006 (App I) 2009 (para 3.23)
	<ul style="list-style-type: none"> Review of Post-service Outside Work for Directorate Civil Servants 	2009 (para 3.22 & App VI)
	<ul style="list-style-type: none"> Civil Service Code 	2009 (paras 7.10 – 7.13)

Performance Management and Succession Planning

(A)	Performance management system	
	• Role of countersigning and reviewing officers	2001 (page 18) 2002 (page 34)
	• Assessment panel	
	– role and function	2002 (page 33) 2003 (pages 47 – 48) 2006 (para 5.10(b)) 2007 (para 5.3) 2008 (paras 6.14(i) & 6.15 – 6.17) 2009 (paras 5.12 & 5.15 – 5.19)
	– size of assessment panel	2003 (page 48)
	• Appraisal form	
	– detailed duty description	2003 (page 47)
	– a separate section to assess performance in responsibilities and targets	2003 (page 47)
	– consolidated items of core competencies	2003 (page 47)
	– adoption of competency-based approach	2006 (para 5.10(c)) 2007 (para 5.4) 2008 (para 6.18) 2009 (para 5.20)
	– description on “staff management” to reflect the requirement for timely reporting	2007 (para 5.12) 2008 (paras 6.2 & 6.6)
	– assessment on promotability or readiness to perform duties at the next higher rank	2007 (para 5.17) 2008 (paras 6.12 – 6.13) 2009 (paras 5.21 – 5.23)
	– re-design of layout of appraisal forms to ensure compliance with CSR 232(2)	2009 (para 5.8)
	– setting out the criteria for assessment in clearer terms to promote honest reporting	2009 (para 5.10)

(A) Performance management system (Continued)		
•	Calling of appraisal reports	
	– if appraisal period covers one to two months	2003 (page 46)
	– if there are changes of appraising officers in a reporting cycle	2004 (page 39)
	– if frequent changes of postings or appraising officers may result in no full report in a reporting cycle	2001 (page 18) 2009 (para 5.24)
	– if the appraisee is acting in a higher rank	2003 (pages 46 & 48) 2004 (page 39) 2008 (paras 5.4 & 5.5(i)) 2009 (paras 4.4(o)(iii) & 5.26 (vii))
•	Timely reporting	
	– no late reporting	2001 (page 18) 2002 (page 32) 2004 (page 41) 2005 (paras 3.37 – 3.38) 2006 (paras 5.5 – 5.7)
	– no skipping of performance appraisal	2001 (page 18) 2006 (para 5.10(f)) 2007 (para 5.8)
	– handling of appraisee's failure in submitting job description for completion of appraisal report	2008 (para 6.4) 2009 (para 5.26(v))
	– measures to promote timely reporting	2008 (paras 6.2 – 6.7) 2009 (paras 5.3 – 5.6 & 5.26 (iv)) 2010 (paras 5.2 – 5.5 & 5.12 – 5.13)
	– an assessment factor of a supervising officer's staff management competency	2002 (page 32) 2005 (para 3.38) 2006 (para 5.7) 2007 (para 5.7) 2008 (paras 6.2, 6.4 & 6.14(v))

(A) Performance management system (Continued)		
•	Quality reporting	
	– honest and accurate reporting	2007 (para 6.6) 2009 (paras 5.9 – 5.11 & 5.26(iii)) 2010 (paras 5.7 & 5.14)
	– no inconsistent assessment	2001 (page 19) 2004 (page 38)
	– no sketchy assessment	2009 (para 5.25)
	– no identical assessment	2004 (page 38) 2007 (para 5.18) 2009 (paras 5.25 & 5.26 (i))
	– no in-between grading	2007 (para 5.19) 2009 (para 5.26(i))
	– tailor-made workshops to enhance supervisors' competence in appraisal writing	2007 (para 5.12)
•	Reporting standard	
	– adoption of "effective" grading as the norm	2006 (para 5.10(a)) 2007 (para 5.2) 2009 (para 5.26 (vi))
	– no overgenerous reporting	2001 (page 18) 2004 (page 40) 2008 (para 6.11)
	– setting clear benchmark for performance rating	2008 (para 6.14(ii)) 2009 (para 5.26(i))
•	Compliance with CSR 231(1)	2008 (para 6.9(i) & (ii)) 2010 (paras 5.8 & 5.9)
•	Compliance with CSR 232(2)	2006 (para 5.8) 2008 (para 6.9(ii) & (iii)) 2009 (para 5.8) 2010 (paras 5.8 & 5.9)

(A) Performance management system (Continued)		
•	Feedback to appraisee	
	– mid-year review	2002 (page 33)
	– disclosure of remarks made by the Head of Grade	2006 (para 5.10(d)) 2007 (para 5.5) 2008 (para 6.14(iv)) 2009 (para 5.26(iii))
•	Review of performance appraisal	
	– avoid inappropriate downgrading of assessments upon review of disagreement raised by the appraisee	2001 (page 18)
	– identify inconsistencies of assessments in reports	2007 (para 5.12)
	– avoid rigid adherence to a quota system or forced rating distribution	2009 (para 5.17 (vi))
	– avoid arithmetic formula in mechanically relating an officer's score in core competencies to the appraisal ratings	2009 (para 5.17 (vii))
(B) Career interview		
		2001 (page 16) 2002 (page 16) 2006 (para 5.10(e)) 2007 (para 5.6) 2008 (para 6.14(iii)) 2009 (paras 5.9 & 5.26(ii))
(C) Managing substandard performer		
•	Close monitoring of performance and timely feedback	2002 (page 35) 2004 (pages 50 – 51) 2007 (paras 5.14 – 5.15) 2008 (para 8.4) 2009 (para 5.13)
•	Handling of substandard performer with suspected mental illness	2002 (pages 40 – 41)
•	Handling of substandard performer with misconduct acts	2002 (pages 40 – 41) 2004 (pages 52 – 54)
•	Grant of increment to substandard performer	2003 (page 49)

(D)	Managing performance of an officer on AWAV or AFAC appointment	2007 (para 5.16) 2009 (para 4.4(o)(iv))
(E)	Career development and posting plan	
•	Total approach in staff development	2008 (para 7.1) 2009 (paras 6.1 – 6.2) 2010 (paras 6.4 – 6.5)
•	A vigorous career development plan	
–	transparent and structured posting policy	2007 (paras 6.7 – 6.8) 2008 (paras 7.2(d) & 7.5) 2009 (para 6.5)
–	prompt and determined action in posting arrangement	2007 (paras 5.12 & 6.8)
–	balance between the career development needs of individual officer and operational expediency of department	2006 (para 4.6) 2007 (para 6.8) 2008 (para 7.5)
–	supervisor's obligation to release staff for career posting and training	2006 (para 4.6) 2007 (para 6.9) 2008 (para 7.2(d))
–	Head of Grade's personal involvement	2008 (para 6.10) 2009 (para 6.4) 2010 (paras 6.6 – 6.7)
•	Secretariat attachments for departmental grade officer	2007 (para 6.11)
•	Structured induction training	2009 (paras 6.4 & 6.6)

(F)	Succession Planning	
	• Early identification of talents for grooming	2007 (paras 6.3 & 6.9) 2008 (para 7.4)
	• Fast-track career advancement of promising officer	2008 (paras 7.2(a))
	• Claim of senior officer	2007 (paras 6.2(a) & 6.4) 2008 (para 7.2(b))
	• Consideration of age and potential	2007 (paras 6.2(b) & (c) & 6.5) 2008 (paras 7.2(b) & (c))
	• Widening of the exposure of directorate officers	2009 (para 6.7)
	• Setting of career path for junior directorate officer to advance to senior directorate level	2009 (para 6.8)
	• Impact of recruitment freeze on succession planning	2009 (para 3.24)
	• Succession Management Guide	2010 (para 6.3)
(G)	Training in Human Resource Management	
		2007 (paras 5.9 – 5.11)

Discipline

(A) Purview of the Commission's advisory responsibility on disciplinary cases		
•	Involving Category B officers	2001 (page 13) 2002 (pages 26 – 27) 2003 (page 35) 2004 (page 30)
•	Involving civilian grade civil servants in the Hong Kong Police Force	2008 (para 9.16) 2009 (para 8.20)
•	Involving Model Scale I staff	2001 (page 13) 2003 (page 35) 2008 (paras 1.4, 8.14 & 9.2, footnotes 4 & 70) 2009 (paras 1.4 & 8.2, footnotes 4 & 45)
(B) Punishment framework		
•	Informal versus formal disciplinary action	2005 (para 4.7)
•	Proposed imposition of fixed amount fine on Category A officers for certain types of minor misconduct	2001 (page 13) 2003 (page 35) 2004 (page 31)
•	Proposed intermediate tier of punishment between dismissal and compulsory retirement	2001 (page 13) 2002 (page 25) 2003 (page 35) 2004 (pages 26 – 27) 2005 (para 4.6) 2006 (para 7.18) 2007 (para 8.13)
•	Punishment framework for officers under the Civil Service Provident Fund Scheme	2007 (para 8.14) 2008 (paras 9.22 – 9.24) 2009 (paras 8.14 – 8.16) 2010 (para 8.10)

(C)	General guidelines on handling disciplinary cases	
•	No leniency in handling misconduct cases	2002 (page 36)
•	Consistency of punishment	2004 (pages 54 – 56)
•	Speeding up the processing of disciplinary cases	2002 (page 27) 2005 (para 4.21)
•	Supervisory accountability in misconduct cases	2003 (page 36) 2005 (paras 4.19 – 4.20) 2006 (para 7.15)
(D)	Factors for consideration of punishment	
•	Gravity of misconduct as the primary consideration	2002 (page 27) 2003 (pages 54 – 56)
•	Punitive effect on individual	2001 (page 14)
•	Performance of officer after the incident of misconduct	2003 (pages 37 – 38)
(E)	Points to note in handling –	
•	Non-corruption related offences under the Prevention of Bribery Ordinance	2001 (page 14)
•	Cases of breaching of housing benefits	2003 (page 36)
•	Abscondment of officer who has tendered resignation notice	2003 (page 71)
•	Repeated defaulter of minor offences	2004 (page 25)
•	Disciplinary cases involving substandard performer who was being monitored under section 12 of Public Service (Administration) Order	2004 (pages 52 – 54)
•	Performance-related acts of misconduct	2006 (paras 7.13 – 7.14)
•	Duty-related traffic offences	
	– “spent-conviction” mechanism	2006 (para 7.16)
•	Integrity-related cases	2006 (para 7.7)
•	Disciplinary cases involving officer with suspected mental illness	2008 (paras 9.14 – 9.15) 2010 (paras 8.12 – 8.13)
•	Criminal conviction	
	– which has been lapsed due to the officer's failure to report the criminal proceedings	2004 (page 25)
	– which was committed outside Hong Kong	2005 (para 4.14)
	– which involved long custodial sentence	2007 (paras 8.7 – 8.8)

(F)	Benchmark of punishment for misconduct act of –	
	• Traffic offences	
	– duty-related traffic offences	2003 (page 36) 2005 (paras 4.8 – 4.11)
	– non-duty-related traffic offences	2002 (page 28) 2003 (page 36)
	• Failure to report criminal proceedings	2005 (paras 4.12 – 4.13)
	• Criminal conviction of “theft (shoplifting)”	2006 (paras 7.8 – 7.9)
	• Sex-related misconduct or offence	2006 (paras 7.10 – 7.11)
	• Unauthorised absence from emergency duty	2006 (para 7.12)
(G)	Procedural matters	
	• Policy on interdiction	2002 (page 28)
	• Reopening completed misconduct cases	2003 (page 35) 2004 (page 29)
	• Switching from one to another section of PS(A)O during or after a disciplinary inquiry	2003 (page 35) 2004 (page 29)
	• “Reference back” action in respect of all cases processed under PS(A)O	2004 (page 27)
	• Streamlining of disciplinary procedures in processing of a s.9 case as a follow-up to a s.11 case under the PS(A)O	2008 (paras 9.9 – 9.12)
	• Legal representation at disciplinary hearings	2009 (paras 8.11 – 8.13) 2010 (paras 8.8 – 8.9)

(H) Punishment		
•	Removal punishment – Dismissal vs Compulsory Retirement	2001 (page 12) 2002 (pages 24 – 25)
•	Debarring effect	2003 (page 53) 2004 (pages 47 – 49)
•	Financial penalty	
	– imposition of financial penalty in non-duty-related criminal conviction cases	2004 (page 26)
	– conversion of increment-pegged fine to salary-pegged fine	2009 (para 8.17)
•	Caution statement	2005 (paras 4.15 – 4.16) 2007 (para 8.9) 2009 (paras 8.8 – 8.10)
•	Wider use of “reduction in rank” and “reduction in salary”	2008 (para 9.13) 2009 (para 8.19) 2010 (para 8.11)
(I) Integrity management		
•	Alerting staff of –	
	– the consequence of repeated unauthorised absence/unpunctuality	2004 (page 28)
	– reporting requirement of criminal proceedings	2004 (page 25)
	– the need to avoid acceptance of excessive/lavish entertainment	2005 (paras 4.17 – 4.18)
	– the need to seek permission before undertaking paid outside work	2005 (para 4.22)
	– reporting requirement of non-duty-related traffic offence	2006 (para 7.17) 2007 (paras 8.10 – 8.12) 2008 (paras 9.17 – 9.21)
•	Publicity on examples of acts of misconducts	2005 (paras 4.3 & 4.23 – 4.24)
•	Inclusion of conduct-related reminders in salary statement	2009 (para 8.18)