



公務員敘用委員會  
**P**ublic **S**ervice **C**ommission  
年報 Annual Report 2004

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## Foreword – A Tribute 序言 – 臨別致意



This is my 9th and final Annual Report — I retired from the Commission at the end of April 2005.

I wish to pay tribute and record my appreciation to —

- Members of the Commission, past and present, for their time, wise counsel and immense contribution in establishing policy and streamlining procedures as well as dealing with individual cases;
- Secretary for the Civil Service and his senior staff as well as Permanent Secretaries, Heads of Departments and their colleagues for their ready cooperation and support; and equally important, their willingness to draw on the Commission's advice;
- Members of the Executive Grade, particularly Departmental Secretaries and their teams as well as colleagues in the Secretariat on Civil Service Discipline, who have been the lynchpin in dealing with the appointment and disciplinary matters; and
- The Secretary and all staff of the Commission Secretariat for their loyalty and dedication - without their expertise and input, the Commission simply would not have been able to function.

The Commission's key remit is to advise the Administration on appointments and promotions concerning the senior echelons of the civil service; as well as on disciplinary cases. I can state, quite candidly, that the Commission has discharged its responsibilities without favour or fear. Indeed, I dare say it is for this reason that the Commission is held in high regard by both the Administration and the civil servants at large.

It has been a distinct honour and privilege for me to have had the opportunity to serve as the Chairman of the Commission for the past 8 years and 9 months.

Haider Barma  
Chairman

這是本人任內第九份，也是最後一份的年報——二零零五年四月底，本人便正式離任了。

藉此機會，謹向下列人士衷心致謝：

- 委員會歷任和現任委員。承蒙他們付出寶貴時間，在制訂政策、精簡程序及處理個別個案方面，提出不少真知灼見，貢獻良多；
- 公務員事務局局長及其屬下高級人員、各常任秘書長、部門首長及轄下人員。多蒙他們通力合作，提供協助；更要感謝他們樂於聽取委員會的意見；
- 行政主任職系人員，尤其是各部門主任秘書及轄下人員，以及公務員紀律秘書處人員。在處理聘用和紀律事宜上，他們任重道遠，功不可沒；以及
- 委員會秘書處秘書及全體人員。全賴他們盡忠職守、專業幹練，委員會才能發揮作用。

委員會的主要職責，是就高級公務員的聘用和晉升事宜，以及紀律個案，向當局提供意見。可以清心直說，委員會處事公正，無畏無懼，不辱使命。正因如此，委員會備受當局和公務員隊伍推崇。

在過去八年零九個月裏，本人能夠出任委員會主席一職，實在不勝榮幸，至感欣慰。



鮑文  
主席

## The Public Service Commission Remit 委員會的職權範圍

The Commission was established in 1950 as an independent statutory body. The Public Service Commission Ordinance and its subsidiary regulations (Chapter 93 of the Laws of Hong Kong) stipulate our remit. Our fundamental role is to advise the Chief Executive on civil service appointments, promotions and discipline.

Our advice on appointments and promotions relate only to the senior ranks of the service. This covers posts with a maximum monthly salary of \$32,900 (Point 26 of the Master Pay Scale) or more, up to and including Permanent Secretaries, Heads of Departments (HoDs) and officers of similar status. At the end of 2004, the number of established civil service posts under the Commission's purview was 33 514.

The posts of Chief Secretary for Administration, Financial Secretary, Secretary for Justice, the Director of Audit as well as posts in the Judiciary, the Hong Kong Police Force and the Independent Commission Against Corruption fall outside the Commission's purview. In addition, following the introduction of the Accountability System on 1 July 2002, Ministers or Directors of Bureau are not civil servants and their appointments also need not be referred to the Commission.

As for disciplinary cases, this covers all Category A officers<sup>1</sup> with the exception of exclusions specified in the Public Service Commission Ordinance.

委員會於一九五零年成立，是一個獨立法定機構，《公務員敍用委員會條例》及其附屬規例(香港法例第93章)訂明其職權範圍。委員會的主要職責，是就公務員的聘用、晉升及紀律事宜，向行政長官提供意見。

委員會就聘用及晉升事宜提供的意見，其範圍僅限於高職級公務員，包括頂薪點達每月薪金32,900元(總薪級表第26點)或以上的職位，至常任秘書長、部門首長和職位相若的人員。截至二零零四年年底，在委員會職權範圍內的設定公務員職位共有33 514個。

政務司司長、財政司司長、律政司司長、審計署署長，以及司法機構、香港警務處和廉政公署人員等職位，不在委員會的職權範圍內。此外，自二零零二年七月一日問責制推行之後，各局首長或局長已不是公務員，其聘任事宜亦無須交由委員會處理。

至於紀律事宜，除《公務員敍用委員會條例》訂明的人員外，所有甲類公務員<sup>1</sup>的紀律個案都經委員會處理。



Mr Simon IP, D. Ed, JP  
Member, Public Service Commission  
葉錫安先生，教育學博士，JP  
公務員敍用委員會委員

*"The Commission scrutinizes the policies and procedures of the civil service in areas under its remit and makes suggestions for improvement as appropriate. It fulfils its role as a useful and effective forum for reviewing such policies and procedures and it ensures that individual cases are dealt with impartially, efficiently and fairly."*

“委員會審視其職權範圍內與公務員有關的政策和程序，並酌情提出改善建議。委員會發揮積極作用，推動有關這些政策和程序的檢討工作，以及確保個別個案的處理公平公正，有效快速。”

<sup>1</sup> Under the Pension Benefits Regulations, Cap. 99A of the Laws of Hong Kong, "Category A Officer" means an officer who is appointed to an established office and who occupied an established office at the time of his retirement or resignation from the service. This covers virtually all officers except those on probation, agreement and those remunerated on the Model Scale 1 Pay Scale.

根據《退休金利益規例》(香港法例第99A章)，“甲類公務員”指受聘擔任設定職位，並在退休或辭職時責任設定職位的人員。除了試用人員、合約人員和第一標準薪級人員外，實際上包括了所有公務員。

## Other Functions

The Commission's advice is also sought on the following matters :

- representations from officers on matters falling within the Commission's statutory responsibilities and in which the officers have a direct and definable interest;
- deferment/termination of probationary/trial service;
- employment on agreement terms which —
  - involves overseas agreements;
  - departs from the normal progression in the rank under the new entry system<sup>2</sup>;
  - offers a shorter than normal duration on performance or conduct grounds;
  - requires selection or comparison of merit.

In addition the Commission is required to advise on any matter relating to the civil service that may be referred to us by the Chief Executive.

## 其他職責

委員會亦會就下列事項提供意見：

- 公務員在委員會法定權限內就本身有直接和實際利益的事宜提出的申述；
- 延長／中止試用／試任服務；
- 按合約條款聘任，而有關聘任：
  - 涉及海外合約；
  - 偏離新入職制度<sup>2</sup>下的一般進程；
  - 基於工作表現或品行方面的理由，任期較正常為短；
  - 須經甄選或量才錄用。

此外，委員會亦須就任何由行政長官轉介而與公務員有關的事宜，提供意見。

<sup>2</sup> The new entry system was introduced on 1 June 2000. With effect from this date, new recruits to the basic ranks will normally be appointed on three-year new probationary terms to be followed by three-year new agreement terms before they are considered for appointment on new permanent terms.

新入職制度由二零零零年六月一日起實施。由該日起，新入職的基本職級人員一般會先按新試用條款聘用三年，繼而按新合約條款聘用三年，然後方會獲考慮按新長期聘用條款聘用。

## Advisory Role

The Commission's role is to advise the Chief Executive on matters falling within its remit. In examining submissions from the Administration, the Commission always ensures that the recommendations are sound and the related process is carried out fairly, meticulously and thoroughly. The Administration is required to clarify or justify its recommendations in response to the Commission's observations and queries. On many occasions, the Administration has changed its recommendations following feedback from the Commission whilst, in other instances, following clarification or additional justification, the Commission has been satisfied that the recommendations are in order. The Commission also draws the Administration's attention to deviations from established procedures/practices and staff management problems identified during the processing of submissions and, where appropriate, recommends measures to deal with these problems.

## Human Resource Management : Policy and Initiatives

The Commission continued to act as a "think tank" to the Secretary for the Civil Service. The Commission's views are sought 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 subjects.

During the year, the Civil Service Bureau (CSB) consulted the Commission on the proposal of delegating to HoDs/Heads of Grades the authority to decide the exact length of an officer's further appointment on New Agreement Terms (NAT) on completion of his three-year probationary service in case the normal three-year agreement cannot be offered due to funding constraints and/or uncertain service need. The new arrangements took effect on 10 March 2004. It was appreciated that some departments had practical difficulties in offering appointment on three-year agreements under NAT in view of the fluid vacancy position of the respective grades. As the delegation is subject to the condition that the aggregate duration of agreements would not exceed three years in total, the Commission indicated no objection to the proposal.

## 諮詢角色

委員會擔當諮詢角色，就其職權範圍內的事務向行政長官提供意見。委員會在審閱政府提交的建議時，時刻確保有關建議合理，而相關程序則公平、審慎及妥善地進行。政府須回應委員會的意見和疑問，澄清或解釋所提建議。在許多個案中，政府都因應委員會的意見，修改建議；也有部分個案，經政府澄清或詳加解釋後，委員會同意支持有關建議。委員會審閱建議時，如果發現有偏離既定程序／做法的情況或人事管理問題，便會促請政府注意，並建議改善的方法。

## 人力資源管理：政策和措施

委員會繼續充當公務員事務局局長的“智囊團”，凡與聘用、晉升和紀律有關的政策和程序，以及與檢討和制定人力資源管理方法有關的事宜，政府都會徵詢委員會的意見。

鑑於經費問題及／或服務需要有待確定，對於已完成三年試用期的人員，有關方面按新合約條款予以續聘時未必能夠提供正常三年期合約。為此，公務員事務局年內建議授權部門／職系首長決定與有關人員續約的年期長短，並徵詢委員會的意見。這項新安排已在二零零四年三月十日生效。委員會明白，若干部門礙於轄下職系的職位空缺情況經常有變，實際上難以按新合約條款與僱員簽訂三年的聘用合約。由於授予的權力只限於續訂合共不超過三年的合約，委員會並不反對有關建議。



Mr Wilfred WONG, JP  
Member, Public Service Commission  
王英偉先生, JP  
公務員敍用委員會委員

*"As a member of the Commission with both public and private sector experience, I am happy to see that the best human resource management practices in the private sector are often cited in the deliberations of the Commission. The willingness to benchmark against best practices elsewhere is an important approach that will help to maintain a modern and efficient civil service."*

“身為兼有公營與私營機構服務經驗的委員會委員，我樂見委員會在進行商議時，經常借鑑私營機構的人力資源管理良方。這種樂於借鏡攻錯的開放態度，有助於確保公務員隊伍繼續與時並進，提高效率。”

## Mission and Performance Target

The Commission's mission is to safeguard the impartiality and integrity of appointment and promotion systems in the civil service and to ensure that recommendations for appointment and promotion are based on merit and are free from political patronage or pressure.

In 2004, the Commission advised on 911 submissions covering recruitment and promotion exercises, disciplinary cases and other appointment-related subjects. Altogether 289 submissions were queried, resulting in 119 re-submissions (41%) with recommendations revised by the CSB and departments after taking into account the Commission's observations. A statistical breakdown of these cases is shown in Appendix I.

In dealing with recruitment, promotion and disciplinary cases, the Commission's target is to tender its advice or respond formally within four to six weeks upon receipt of departmental submissions. In 2004, 99.2% of the 911 submissions (compared with 98.1% in 2003) were dealt with within the pledged processing time. The remaining few submissions related to large and complicated exercises which necessitated a longer processing time.

## 使命和工作目標

委員會的使命，是確保公務員的聘用及晉升制度公平公正，並且是以工作表現為依據，不受政治背景或壓力影響。

年內，委員會就911項建議提供意見，涵蓋範圍包括招聘和晉升工作、紀律個案和其他與聘用有關的事宜。委員會總共對其中289項建議提出疑問，公務員事務局和有關部門考慮委員會的意見後，修訂其中119項(佔41%)，並向委員會重新提交建議。有關個案的分項數字載於附錄I。

在處理招聘、晉升及紀律個案時，委員會的目標是在接獲建議後四至六個星期內，正式提供意見或作出回應。年內，在接獲的911項建議中，有99.2%(二零零三年為98.1%)是在目標時間內處理。其餘幾項涉及大量工作和較繁複的建議，則需要較長時間處理。

## Membership and Secretariat of the Commission 委員會成員及秘書處

Under the Public Service Commission Ordinance, the Commission must comprise a Chairman and not less than two or more than eight members. All are appointed by the Chief Executive and have a record of public or community service. Members of the Legislative Council, the Hong Kong Civil Service and the Judiciary may not be appointed to the Commission. This restriction does not extend to retired officers.

根據《公務員敘用委員會條例》，委員會須有一名主席和不少於兩名或不多於八名委員。成員全部由行政長官委任，並有擔任公職或服務社會的經驗。立法會議員、香港公務員和司法機構人員不得加入委員會，退休公務員則不在此限。

### Membership 成員

The membership of the Commission during 2004 was as follows :  
二零零四年委員會成員名單如下：

Chairman 主席	Mr Haider BARMA, GBS, JP 鮑文先生，GBS，JP	(since August 1996) (由一九九六年八月起)
Members 委員	Mr Vincent CHOW Wing-shing, BBS, JP 周永成先生，BBS，JP	(since February 1998) (由一九九八年二月起)
	Mr Frank PONG Fai, JP 龐輝先生，JP	(February 1998 to January 2004) (一九九八年二月至二零零四年一月)
	Dr Elizabeth SHING Shiu-ching, JP 成小澄博士，JP	(since June 1999) (由一九九九年六月起)
	Miss Eliza CHAN Ching-har, JP 陳清霞女士，JP	(since December 2001) (由二零零一年十二月起)
	Mr Wilfred WONG Ying-wai, JP 王英偉先生，JP	(since February 2002) (由二零零二年二月起)
	Mr Simon IP Sik-on, JP 葉錫安先生，JP	(since May 2003) (由二零零三年五月起)
	Mr Michael SZE Cho-cheung, GBS, JP 施祖祥先生，GBS，JP	(since February 2004) (由二零零四年二月起)
	Mr Thomas Brian STEVENSON, SBS 施文信先生，SBS	(since February 2004) (由二零零四年二月起)
Secretary 秘書	Mrs Stella AU-YEUNG KWAI Wai-mun 歐陽桂慧敏女士	(since November 2002) (由二零零二年十一月起)

Curricula vitae of the Chairman and Members are at Appendix II.  
主席及委員的簡介載於附錄 II。



## Secretariat of the Commission

The Commission is served by a small and dedicated team of civil servants from the Executive Officer, Secretarial and Clerical grades. Submissions from the Civil Service Bureau (CSB) and Government departments are meticulously vetted, with further clarification and justification obtained where necessary, before the advice of the Commission is sought. A flow chart illustrating the vetting process of promotion cases is at Appendix III.

During the year, the Chairman and Commission Secretariat continued to carry out efficiency savings measures by redistributing duties, streamlining work procedures and enhancing office automation. Under the various initiatives, one Executive Officer I post was deleted in 2004, in addition to the seven posts deleted in 2000 - 2003. A desktop computers enhancement programme commenced in late 2004. The updated organization chart of the Secretariat is at Appendix IV.

## Method of Work

Business is normally conducted through the circulation of files. Meetings are held when policy issues or cases which are complex or involve important points of principle have to be discussed. The CSB and senior management from departments are invited to the meetings to appraise the Commission on matters of concern so that the Commission will have a better understanding of the problems faced by departments.

## 委員會秘書處

委員會秘書處由行政主任、秘書和文書職系等公務員所組成的專責小組提供服務。公務員事務局和政府部門所提交的建議，秘書處會先行詳細審議，如有需要，會要求有關方面進一步澄清和解釋，然後向委員會徵詢意見。現把晉升選拔個案審查程序流程圖載於附錄 III，以資說明。

年內，主席和委員會秘書處繼續通過重新分配職務、精簡工作程序和加強辦公室自動化等措施，提高效率，節約開支。由於實行這些措施，繼二零零零至二零零三年刪減七個職位後，二零零四年再刪減一個一級行政主任職位。個人電腦改善計劃亦在二零零四年年底展開。秘書處的最新組織架構圖見附錄 IV。

## 工作方式

委員會的工作通常以傳閱文件的方式進行。如須討論政策事宜、複雜或涉及重要原則問題的個案，便會舉行會議。公務員事務局和部門的高級管理人員會獲邀出席會議，闡述委員會所關注的事宜，讓委員會多了解部門面對的問題。

## Homepage on the Internet

The Commission's homepage can be accessed through the Government Information Centre or at the following address:

<http://www.csb.gov.hk/hkgcsb/psc>

The homepage provides basic information on the Commission's role and functions, its current Membership, the way the Commission conducts its business and the organization of the Commission Secretariat. Our Annual Reports (from 2000 onwards) can also be viewed on the homepage and can be downloaded.<sup>3</sup> The total number of recorded visits to our homepage in 2004 is 94 846.

## Homepage on the Central Cyber Government Office (CCGO)

Our homepage has also been uploaded onto the CCGO since January 2001. It provides an easily accessible alternate route for officers in departments and bureaux to grasp the Commission's general views and latest advice on procedural and policy aspects of appointment and disciplinary matters and thus, hopefully, help them in their work. This homepage attracted a total of 3 333 visits last year which represents an increase of 85% as compared with the figure in 2003.

## 互聯網的網頁

委員會網頁可透過政府資訊中心或在下列網址瀏覽：

<http://www.csb.gov.hk/hkgcsb/psc>

委員會網頁載有委員會的基本資料，包括角色和職責、現有成員名單、委員會執行職務的方式，以及秘書處的組織架構。委員會年報(由二零零零年起)，可在網頁上瀏覽和下載<sup>3</sup>。二零零四年，瀏覽委員會網頁的總人次為94 846。

## 數碼政府合署的網頁

委員會網頁自二零零一年一月起已上載至數碼政府合署，為各部門和各局人員提供另一個方便快捷的途徑，查閱委員會在聘用和紀律事宜的程序與政策方面的一般看法和最新意見，希望對他們的工作有所幫助。去年共有3 333人次瀏覽這網頁，較二零零三年上升85%。

<sup>3</sup> Hard copies of the Annual Report are also available in public libraries and District Offices.  
委員會年報的印行本亦可在公共圖書館和各區民政事務處索閱。

## Recruitment, Promotion and Discipline 招聘、晉升選拔和紀律

### Recruitment/In-service Appointment

Recruitment is undertaken by the Civil Service Bureau and Government departments. The Commission is involved in the process through overseeing the procedural aspects and advising on vetting criteria and on recommendations for appointment.

With the continuation of general civil service recruitment freeze affecting mostly the basic ranks as well as the down-sizing of the civil service establishment (from about 198 000 in early 1999 to around 160 000 by 2006/07) covering virtually all grades and ranks, the number of new recruits remained on the low side during the year. Where exceptionally justified on operational grounds, approval is given by the Joint Panel (co-chaired by the Chief Secretary and the Financial Secretary and with the Secretary for the Civil Service as member) to conduct open recruitment. The appointments made through recruitment exercises approved exceptionally by the Joint Panel included, for instance, the basic rank of Station Officers (Operational) in the Fire Services Department and Cadet Pilot and some senior positions such as Government Chief Information Officer.

In 2004, the Commission advised on the filling of 92 posts (90 by local candidates and two by overseas candidates) through open recruitment (56) and in-service appointment (36). This represented an increase of 74% in the number of recruits compared with 2003 and a decrease of 77% compared with 2002. A statistical breakdown of these appointments is provided below —

### 招聘／內部聘任

招聘工作由公務員事務局及政府各部門進行。委員會的職責，是監察有關程序，以及就審查準則和聘用建議提供意見。

年內，當局繼續全面暫停招聘公務員，受影響的主要為基本職級；又繼續縮減幾近全部職系及職級的公務員編制(由一九九九年初的約198 000人減至二零零六至零七年度的約160 000人)。因此，年內新招聘人員數目依然偏低。由政務司司長與財政司司長共同擔任主席及公務員事務局局長擔任成員的聯席委員會，只在有非常充分運作理由的情況下，才會批准進行公開招聘。獲聯席委員會破例准予進行招聘，並已委任人選填補的職位，包括屬於基本職級的消防處消防隊長(行動)和見習機師，以及某些高級職位(如政府資訊科技總監)。

二零零四年，委員會曾就92個新填補職位(90個由本地應徵者填補，另兩個由海外應徵者填補)提供意見。在這些職位之中，以公開招聘方式填補的佔56個，以內部聘任方式填補的則佔36個。年內的招聘人數，與二零零三年比較增加74%，與二零零二年比較則減少77%。這些聘任的分項數字載於下表：



Mr Michael SZE, GBS, JP  
Member, Public Service Commission  
施祖祥先生, GBS, JP  
公務員敍用委員會委員

*"With political appointees replacing civil servants in Secretary posts and given the current challenges faced by the civil service, the Commission's role of safeguarding and maintaining the integrity of the appointment, promotion and disciplinary system, has become all the more important."*

“現時各局長職位人選都以政治任命取代由公務員出任，而公務員隊伍亦要面對不少挑戰，委員會在維護和保持公正的聘用、晉升和紀律處分制度上，更見任重道遠。”

**Recruitment/In-service Appointment Exercises in 2004**  
**二零零四年的招聘／內部聘任人數**

	Number of appointees 受聘人數
<b>Open Recruitment</b> <b>公開招聘</b>	
• on probation • 試用	49
• on agreement • 合約	4*
• on transfer (between departments or grades) • 轉職(部門或職系之間)	3
Sub-total 小計	56
<b>In-service appointment</b> <b>內部聘任</b>	
• on trial terms • 按試任條款受聘	33
• on probationary terms • 按試用條款受聘	3
Sub-total 小計	36
<b>Total</b> <b>合計</b>	<b>92</b>

\* Including two overseas candidates  
包括兩名海外應徵者

**Comparison with figures for previous years:**  
**與過去數年的數字比較：**

Year 年份	No. of Local Candidates Appointed 聘用的本地應徵者數目	No. of Overseas Candidates Appointed 聘用的海外應徵者數目	Total 合計
2002	395	4	399
2003	53	–	53
2004	90	2	92

Since the establishment of the Hong Kong Special Administrative Region (HKSAR) Government in 1997, new appointees to the public service must be permanent residents of the HKSAR. However, professional and technical posts may be filled by non-permanent residents if there are no qualified or suitable candidates with permanent resident status (Article 101 of the Basic Law). Two such appointments were made in 2004, i.e. the filling of a Senior Operations Officer vacancy in the Civil Aviation Department with the requirement from the candidate of a professional pilot licence and substantial experience, and the filling of the Government Chief Information Officer post in the Commerce, Industry and Technology Bureau.

Serving overseas agreement officers in the civil service are retained primarily on operational and specialist grounds. They can, and have been encouraged to, apply for transfer to local terms subject to their obtaining permanent resident status and their satisfying language and other criteria.

## Special Appointments

The Government has an extremely diversified range of functions to perform. Civil servants do not always have the expertise to carry out specialised functions; hence special appointments<sup>4</sup> are sometimes necessary. These appointees do not compete with the civil servants for promotion and the continued need for their employment is reviewed regularly.

The Commission did not receive any submission recommending the offer of "special appointment" in 2004.

香港特別行政區(特區)政府於一九九七年成立後，新聘用人員必須是特區永久居民。然而，就專業及技術職位而言，假如永久居民當中沒有合資格或合適人選，則可招聘非永久居民填補(《基本法》第一百零一條)。二零零四年，當局作出兩項這類聘任，其一是為填補民航處高級民航事務主任空缺，該職位要求應徵者持有專業機師執照及豐富經驗；另一是為填補工商及科技局的政府資訊科技總監職位。

目前在政府任職的海外合約公務員，主要是由於運作需要和他們的專業才能而得以留任。他們在取得永久居留身分並符合語文和其他規定後，可以申請轉為按本地條款受聘，而當局對此也是加以鼓勵的。

## 特別聘任

由於政府要執行的職務範圍極為廣泛，公務員未必具備所有專責職務所需的專門知識，因此有時需要特別聘任專才<sup>4</sup>。這些受聘者不會與公務員競逐晉升，當局亦會定期檢討是否需要繼續聘用他們。

二零零四年，委員會並沒有收到任何特別聘任的建議書。

<sup>4</sup> Such appointments do not occupy an established post in the civil service.  
該等聘任並不佔公務員的常額職位。

## Promotions

With the finalisation of their manpower plans, Permanent Secretaries/Heads of Departments/Heads of Grades (PSs/HoDs/HoGs) reactivated promotion/selection exercises during the year. The revised rules for granting acting allowances have also prompted PSs/HoDs/HoGs to conduct promotion/selection exercises in a timely manner and have resulted in an increase in the number of submissions to the Commission. In turn, the Commission Secretariat has stepped up its efforts to expedite the processing of these cases. During the year, the Commission advised on 901 promotions to fill vacancies in 337 ranks<sup>5</sup>. These included 124 promotions to directorate vacancies, which included 38 to the senior directorate ranks (see Appendix V). The actual number of promotions advised on increased by 163% from 342 in 2003 to 901 in 2004.

The Commission has remained particularly concerned that inconsistencies in the standard of reporting do not result in an undeserving officer gaining promotion. The Commission is pleased to note that most departments continue to rely on assessment panels, preceding promotion boards, to comment on reports so as to achieve a consistent standard of reporting.

## 晉升

年內，由於人力計劃已經敲定，常任秘書長／部門首長／職系首長遂重新展開晉升選拔／遴選工作。此外，署任津貼發放規則的修訂，也促使常任秘書長／部門首長／職系首長及早進行晉升選拔／遴選工作。因此，委員會收到的有關建議有所增加，委員會秘書處已加快處理這些個案。年內，委員會就901宗以晉升方式填補職位的個案提供意見。這些職位分屬337個職級<sup>5</sup>，其中124個是首長級空缺，包括38個高層首長級空缺（見附錄V）。獲委員會提供意見的實際晉升宗數，由二零零三年的342宗，增至二零零四年的901宗，增幅達163%。

一直以來，委員會最關注的，仍是評核準則的不一致不會導致那些不該得到擢升的人員獲得晉升。委員會欣悉大多數部門在召開晉升選拔委員會前，仍會成立評核委員會研究評核報告，務求評核準則一致。

<sup>5</sup> 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.

合資格人員的數目遠超晉升人員的數目，在一些晉升選拔中，經篩選後供晉升選拔委員會詳加考慮的合資格人員超過300名。

## Complaints/Appeals

During the year, the Commission dealt with five representations/complaints relating to the result of promotion exercises. After careful and thorough examination, the Commission was satisfied that the grounds for the appeals in all these cases were unsubstantiated.

The Commission also received eight complaints relating to acting/posting arrangements, the staff appraisal system, alleged misconduct against individual officers and non-renewal of agreement. While all of these complaints were unfounded, the departments concerned had been asked to take necessary measures to address the procedural lapses where identified.

There was a substantiated complaint regarding the withholding of a passage of promotion step. Details of this complaint can be found in Case D in Chapter 6 "Case Studies".

There were also two other complaints related to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.

## 投訴／上訴

年內，委員會處理了五宗與晉升結果有關的申述／投訴。經詳細審查後，委員會認為所有上訴的理據均不成立。

此外，委員會收到八宗投訴，涉及署任／職位調派安排、員工績效評核制度、個別人員行為不當的指控，以及不獲續約等方面。雖然這些投訴全不成立，但委員會已要求有關部門查找程序上是否有任何缺失，如有的話，應採取必要措施加以糾正。

有一宗涉及部門不批准人員通過升級點的投訴，查明屬實。詳情請參閱第六章“個案研究”個案四。

委員會另外收到兩宗投訴，所涉事宜不屬於委員會的職權範圍，因此已轉交相關的部門跟進。

## Renewal/Extension of Agreement

In 2004, the Commission advised on 31 cases of renewal/extension of agreements for officers employed under the old entry system. Among them, 21 officers had their agreements renewed, eight had their agreements extended and two officers were not offered new agreements. A categorization of their terms of agreement is given below —

## 續約／延長合約

年內，委員會就31宗根據舊入職制度受聘人員的續約／延長合約個案提供意見，其中21名人員獲得續約，八名人員的合約獲得延長，另有兩名人員不獲續約。按合約條款類別列出的分項數字如下：

	Renewal 續約	Extension 延長合約	Non-renewal 不獲續約	Total 總計
Local Terms <sup>6</sup> 本地條款 <sup>6</sup>	4	3	—	7
Locally Modelled Terms <sup>7</sup> 本地模式條款 <sup>7</sup>	3	—	1	4
Overseas Terms 海外條款	14	4	—	18
Common Terms <sup>8</sup> 劃一聘用條款 <sup>8</sup>	—	1	1	2
Total 總計	21	8	2	31

<sup>6</sup> The set of terms offered to local officers appointed before 1 January 1999.

“本地條款”適用於在一九九九年一月一日前受聘的本地公務員。

<sup>7</sup> The set of terms offered to overseas officers appointed before 1 January 1999 who have applied to transfer to locally modelled conditions after becoming permanent residents.

“本地模式條款”適用於在一九九九年一月一日前受聘，並在取得永久居民資格後申請轉以本地模式條款受聘的海外公務員。

<sup>8</sup> The set of terms offered to officers appointed between 1 January 1999 and 31 May 2000.

“劃一聘用條款”適用於在一九九九年一月一日至二零零零年五月三十一日期間受聘的公務員。



## Further Appointment under the New Entry System

For officers employed under the new entry system<sup>9</sup>, the Commission favourably advised on the offer of further appointment on new agreement terms to 57 probationers who had performed satisfactorily during the probationary period. Nevertheless, 39 of them could only be offered, as an interim measure, an agreement ranging from one to two years instead of a three-year agreement under the normal progression of the grades because the departments concerned required more time to ascertain the permanency of these posts. With a view to streamlining procedures and to providing PSs/HoDs/HoGs sufficient flexibility to address the fluid manpower situation arising from financial constraints and/or uncertain service needs, PSs/HoDs/HoGs have been given blanket approval with effect from 10 March 2004 to determine the exact length of an officer's further appointment on new agreement terms in the event that the usual agreement for a full three-year period cannot be offered due to the uncertain financial position and/or service needs subject to the aggregate durations of the agreements so offered will not exceed three years in total. The Commission will continue to offer advice on variation cases involving selection or comparison of merits or substandard performance of individual officers.

## Extension of Service/Re-employment after Retirement

The Commission Secretariat processed 13 cases of re-employment after retirement over the age of 55 under the Old Pension Scheme, all of which were justified on operational grounds. The Commission also advised favourably on two cases of extension of service beyond the age of 60 under the New Pension Scheme.

## 根據新入職制度續聘

至於根據新入職制度<sup>9</sup>受聘的人員，委員會已批准按新合約條款續聘57名在試用期內表現良好的人員。不過，由於某些部門需要更多時間確定有關職位是否應長期設立，其中39名試用人員只獲暫時續約一至兩年，而非按個別職系的一般進程續約三年。為簡化程序，以及讓常任秘書長／部門首長／職系首長可因應財政緊絀的情況及／或尚未確定的服務需要，靈活處理變化不定的人手情況，常任秘書長／部門首長／職系首長已獲整體批准，由二零零四年三月十日起，如因財政狀況及／或服務需要不能確定，以致在按新合約條款續聘人員時，未能提供一般的三年合約，則可自行決定續約期的長短，但各段續約期合計不得超過三年。委員會會繼續就有關個別人員的遴選、優劣比較或表現欠佳的個案，提供意見。

## 退休後延任／重行受僱

委員會秘書處曾處理13宗申請根據舊退休金計劃在55歲退休後重行受僱的個案，所有這些個案都能證明確有運作需要。委員會也批准了兩宗申請根據新退休金計劃在60歲後延長服務期的個案。

<sup>9</sup> The new entry system was introduced on 1 June 2000. With effect from this date, new recruits to the basic ranks will normally be appointed on three-year new probationary terms to be followed by three-year new agreement terms before they are considered for appointment on new permanent terms.

新入職制度由二零零零年六月一日起實施。由該日起，新入職的基本職級人員一般會先按新試用條款聘用三年，繼而按新合約條款聘用三年，然後方會獲考慮按新長期聘用條款聘用。

## Refusal/Deferment of Passage of Probation/Trial Bar

The Commission remains of the firm view that confirmation to the permanent establishment should not be "automatic" and we therefore continue to advocate the need for a realistic assessment of the performance of probationers/officers on trial. It is reassuring that most departments have now adopted this approach and have made full use of the probationary/trial period to observe these officers' performance. Where there are adequate reasons to further test an officer on performance grounds, an extension period of 12 months has been widely adopted as the norm so as to allow sufficient time for the management to ascertain the progress made by the officer and his suitability for confirmation. The Commission has also been pleased to note that where the officers are clearly unsuitable, departments have taken the initiative to terminate the probationary/trial service without waiting till the full period is up.

In 2004, 28 officers were granted extension of probationary/trial service and six officers had their respective services terminated. A statistical breakdown is given below —

## 拒予通過／延長試用／試任關限

委員會堅決認為試用／試任人員不應“自動”獲確實聘任為常額編制人員，所以一向呼籲部門必須認真地評核試用／試任人員的工作表現。委員會樂見大部分部門已經這樣做，並在試用／試任期內盡量觀察這些人員的表現。如果有足夠理由證明須進一步測試這些人員的表現，慣常的做法是把試用／試任期延長12個月，以便管方有充裕時間確定該名人員是否有進步及適宜確實聘任。委員會亦樂於看到，當部門認為試用／試任人員明顯不稱職時，也不再等試用／試任期屆滿，即主動中止其試用／試任。

二零零四年，共有28名人員須延長試用／試任，另有六名人員被中止聘用。分項統計數字如下：

Probationary/Trial Service 試用／試任	2002	2003	2004
* extended for six months or less * 延長6個月或以下	10	7	20 <sup>10</sup>
* extended for 12 months * 延長12個月	12	10	7
* extended for 18 months or more * 延長18個月或以上	1	—	1
* services terminated * 遭中止聘用	15	10	6
<b>Total 總數</b>	<b>38</b>	<b>27</b>	<b>34</b>

<sup>10</sup> Most of these officers' probationary/trial service was extended to cover their period of sick leave or to allow the officers to obtain the requisite qualification. Hence the period of the extension was much shorter.

這些人員大部分因為放取病假或需要時間取得所需資格，所以需要延長試用／試任期，延長的時間亦因而較短。

## Opening-up Arrangement

During the year the Commission advised on 18 cases under the opening-up arrangements whereby positions in promotion ranks occupied by agreement officers were opened up for competition between the incumbent officer and eligible officers one rank below. This arrangement applies to both overseas 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.

Appendix VI shows a breakdown of appointments by salary group and related matters advised by the Commission in 2004.

## Management Initiated Retirement (MIR) Scheme

The MIR 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; and
- (b) there would be severe management difficulties in accommodating the officer elsewhere in the service.

The officer concerned will be notified beforehand and given the opportunity to make representations. A panel chaired by the Secretary for the Civil Service will consider each case following which the Commission's advice will be sought on the recommendation to retire these officers. In 2004, no case under the MIR Scheme was referred to the Commission for advice.

## 開放職位安排

年內，委員會就18宗採用開放職位安排的個案提供意見。開放職位是指把合約人員所擔任屬於晉升職級的職位，開放給該名人員及其他低一級的合資格人員競逐。這項安排適用於本身是永久居民而希望按本地模式條款續約的海外人員，以及申請按現行條款續約的其他合約人員。

在二零零四年內徵詢委員會意見的聘用個案(按薪俸組別列出)及有關事宜的分項數字，載於附錄 VI。

## 補償退休計劃

補償退休計劃在二零零零年首次推出，讓屬於常額編制的首長級人員提早退休，以便改善部門組織和維持首長級公務員應有的高水平表現。假如批核當局確信有下列情況出現，便可根據管理的理由，實行這項計劃：

- (a) 有關人員從現任職位退休，有助所屬部門或職系改善組織；以及
- (b) 管理層難以把有關人員安置在其他政府工作崗位。

有關人員事前均會接獲通知及有機會申辯。一個由公務員事務局局長擔任主席的委員會，先逐一審議每宗個案，然後請本委員會就着令有關人員退休的建議，提供意見。二零零四年，委員會沒有接獲要求提供意見的補償退休計劃個案。

## Compulsory Retirement in the Public Interest under Section (s.) 12 of the Public Service (Administration) Order (PS(A)O)

Compulsory 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 the officer fails to reach the requisite level of performance despite having been given an opportunity, normally for a period of 12 months, to demonstrate his worth; and
- (b) "loss of confidence" — when the management has lost confidence in the officer and cannot entrust him with public duties (in such cases the officer is normally interdicted from duty until a decision is made on his case).

During the year, the Commission advised on seven cases under s.12 of the PS(A)O.

Since the promulgation of the revised procedures in March 2003 in dealing with persistent substandard performance, the Commission is pleased to note that departments have become more conscientious in identifying non-performers. The drop in the number of cases handled from 15 in 2003 to seven in 2004 was more the result of improvement made by officers identified as sub-standard performers thus making removal action unwarranted, than a loss in the momentum of taking s.12 action. In this respect, in the course of vetting staff appraisal reports in connection with promotion exercises, the Commission has continued to draw attention to possible s.12 cases for departmental action.

## 根據《公務人員(管理)命令》第12條着令為公眾利益着想而退休

根據《公務人員(管理)命令》第12條着令人員退休，**並非**紀律行動，也不是懲罰，而是為公眾利益着想，基於下列原因而採取的行政措施：

- (a) “工作表現持續欠佳” — 儘管已給予機會(一般為期12個月)讓有關人員證明其工作能力，但他的表現仍未能達到要求；以及
- (b) “失去信心” — 管方已對有關人員失去信心，不能委派他執行公職(通常該員會被停職，直至當局就其個案作出決定)。

年內，委員會就七宗有關《公務人員(管理)命令》第12條的個案提供意見。

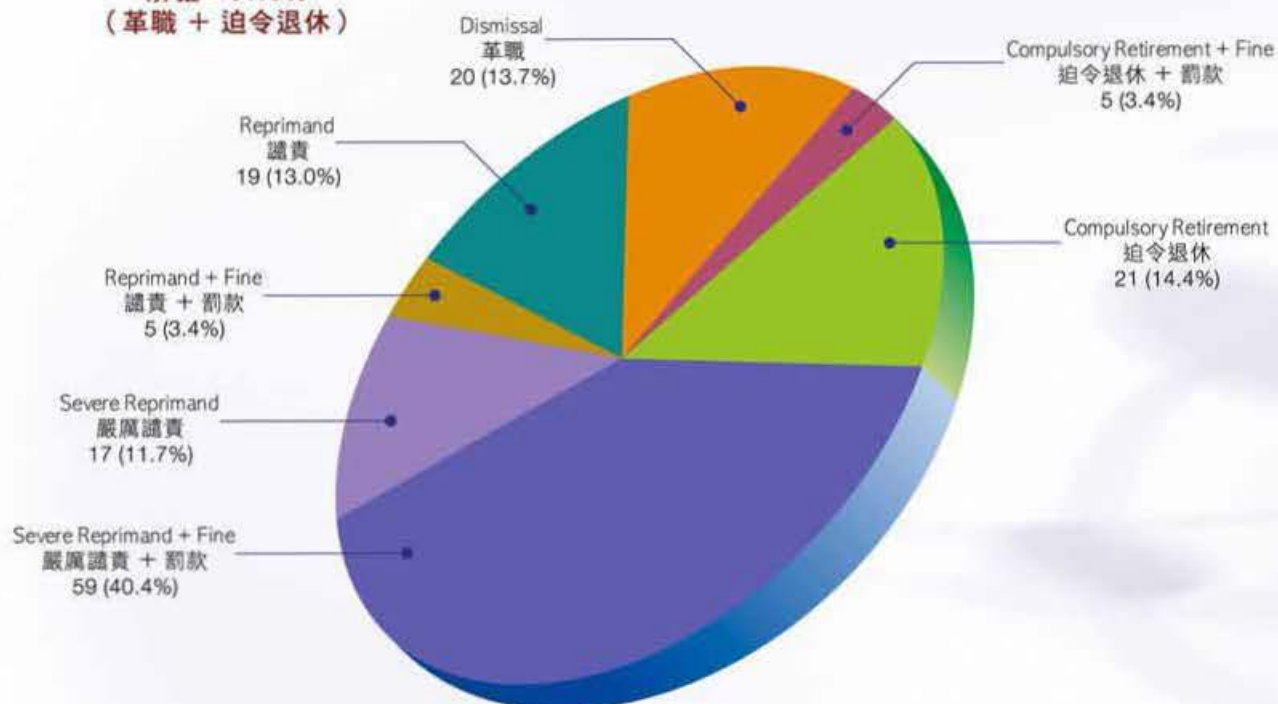
自有關處理工作表現持續欠佳人員的修訂程序在二零零三年三月公布後，委員會樂見部門更加認真地留意表現欠佳人員。委員會所處理的個案，由二零零三年的15宗減至二零零四年的7宗，究其原委，是經確定為表現欠佳的人員工作表現有所改善，當局無須採取迫令退休行動，而非各部門在根據第12條採取行動方面有所鬆懈。委員會在審核關乎晉升選拔的評核報告時，仍會倍加留意或可根據第12條採取行動的個案，以便部門酌情處理。

## Disciplinary Cases

The Commission is responsible for advising on disciplinary cases on all Category A officers in the public service with the exception of a small number of exclusions specified in the Public Service Commission Ordinance. The Commission's advice is based on the principles of equity and fairness, taking into account the nature and gravity of the misconduct involved in each case, the officer's service record, any mitigating or aggravating factors, whether there have been court proceedings, and the level of punishment in precedent cases.

The number of disciplinary cases received from the Administration and advised by the Commission has dropped slightly from 151 in 2003 to 146 in 2004. This is mainly attributable to the decrease in cases of falsifying claims of allowance/refund and providing false information/ statement. The signs of a rising awareness of the Administration's intolerance of acts of misconduct are encouraging. On the advice of the Commission, 46 officers were removed from their offices and the remaining 100 officers were punished by a lesser penalty. An analysis of the penalties awarded in these 146 cases is provided below —

**Removal from the Service: 31.5%**  
(Dismissal + Compulsory Retirement)  
解僱：31.5%  
(革職 + 迫令退休)



## 紀律個案

除《公務員敍用委員會條例》訂明的少數人員外，涉及甲類公務員的紀律個案，均由委員會提供意見。委員會是按公平公正的原則提供意見，並會考慮每宗個案所涉不當行為的性質和嚴重程度、當事人的服務記錄、懲罰加減的理由、是否涉及法律訴訟，以及以往案例懲罰的輕重。

當局向委員會徵詢意見的紀律個案，數目由二零零三年的151宗，略減至二零零四年的146宗。這主要由於虛報津貼／發還款項及提供失實資料／作出失實陳述的個案有所減少。於此可見，當局對不當行為絕不姑息的態度已日益備受注意，情況令人鼓舞。根據委員會的意見，當局把其中46名人員解僱，並向餘下100名人員處以較輕微的懲罰。上述146宗個案所涉懲罰分析如下：



Miss Eliza CHAN, JP  
Member, Public Service Commission  
陳清霞小姐, JP  
公務員敍用委員會委員

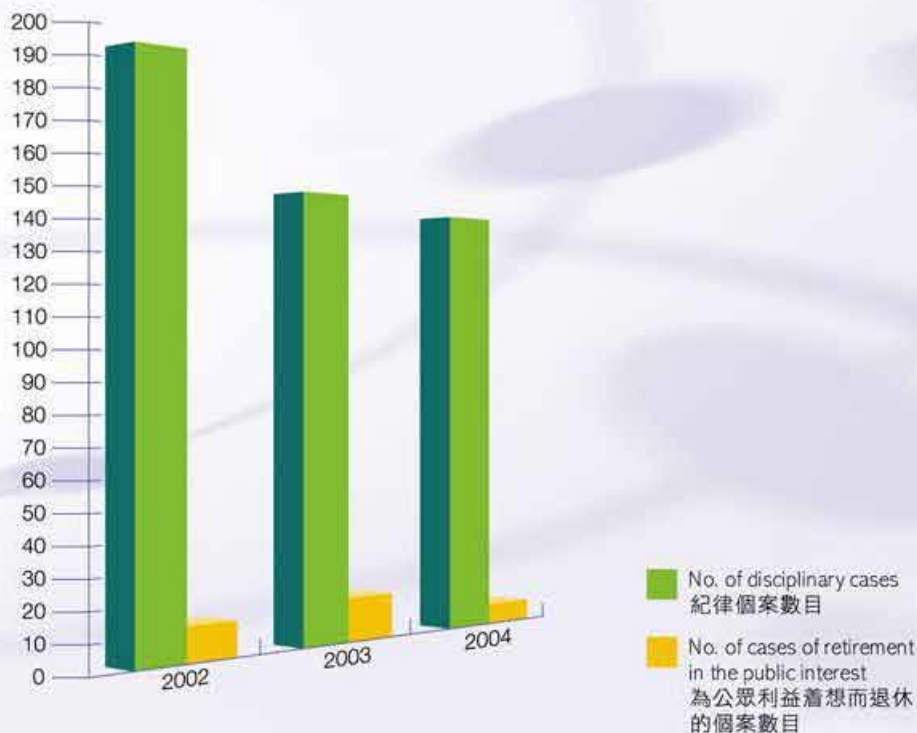
*"The Commission has long recognized and supported stiffer awards of punishment to deal with misconduct in disciplinary cases. We have suggested new benchmarks and emphasized the need for consistent application throughout the service. The Commission's role is to advise – the Administration must implement early."*

“委員會向來認同和支持加重罰則，懲處紀律個案中的不當行為。我們已建議新的基準，並強調須劃一應用於整個公務員體系。委員會的職責在於提供意見和建議，而當局的責任則是及早付諸實行。”

The following tables provide an analysis of the types and number of disciplinary cases and also cases of retirement in the public interest under s. 12 of the PS(A)O.

以下三表載列紀律個案類別和數目分析，以及根據《公務人員（管理）命令》第12條為公眾利益着想而退休的個案分析。

**Number of Disciplinary Cases and Cases of Retirement in the Public Interest Advised on from 2002 to 2004**  
二零零二至二零零四年度獲提供意見的紀律個案及為公眾利益着想而退休的個案數目



Disciplinary Cases and Cases of Retirement in the Public Interest Referred to the Commission for Advice during 2004  
二零零四年內曾徵詢委員會意見的紀律個案及為公眾利益着想而退休的個案

Penalties 懲罰	Category of Misconduct/Offences 不當行為/違紀個案類別						Cases of retirement in the public interest 為公眾利益着想而退休的個案		Total 合計
	Traffic related offences 違反交通規例的個案	Theft 盜竊罪行	Crimes not under columns 1 and 2* 第一及第二欄以外的罪行*	Negligence, Failure to perform duties or follow instruction, Supervisory accountability and Insubordination 疏忽職責、不履行職責或不遵照指示、監督不力及不服從上級	Unpunctuality, unauthorised absence, abscondment 不守時、擅離職守、棄職潛逃	Other Misconducts** 其他不當行為**	Substandard performance 工作表現欠佳	Loss of confidence 失去信心	
Dismissal 革職	1	3	8	2	5	1	-	-	20
Compulsory retirement + Fine 迫令退休 + 罰款	-	-	-	-	5	-	-	-	5
Compulsory retirement 迫令退休	1	-	4	2	8	6	7	-	28
Lesser Penalty 較輕微的懲罰	17	12	25	12	13	21	-	-	100
<b>Total 合計</b>	<b>19</b>	<b>15</b>	<b>37</b>	<b>16</b>	<b>31</b>	<b>28</b>	<b>7</b>	<b>0</b>	<b>153 (Note)(註)</b>

Note: (a) The Commission advised on 146 disciplinary cases and 7 cases of retirement in the public interest in 2004.

註：委員會在二零零四年就146宗紀律個案和7宗為公眾利益着想而退休的個案提供意見。

(b) 71 of the 146 disciplinary cases followed upon conviction.

在146宗紀律個案之中，有71宗是當事人被法庭裁定罪名成立後再予懲處。

(c) In 2 of the remaining 75 disciplinary cases, the officers have absconded.

至於其餘75宗紀律個案，有2宗所涉及的人員已棄職潛逃。

(d) The 146 disciplinary cases include 6 in the Disciplined Services (including 1 from the Police Force seeking the Commission's informal advice.)

在146宗紀律個案之中，有6宗涉及紀律人員的個案（包括1宗涉及警隊的個案，由委員會非正式地提供意見。）

\* Including deception, assault, fighting in a public place and conspiracy to pervert the course of public justice.

包括欺詐、毆打、在公眾場所打架及串謀妨礙司法公正。

\*\* Including unauthorised outside work, abuse of official position, using violence/being rude to supervisors/clients, sexual harassment, breach of housing benefit rules and accepting/soliciting advantage/excessive entertainment.

包括未經批准而從事外間工作、濫用職權、使用暴力/對上司/客戶粗魯無禮、性騷擾、違反房屋福利規則和接受/索取利益/過分豐厚的款待。

Penalties for Disciplinary Cases/Cases of Retirement in the Public Interest Advised on during 2004  
Breakdown by Salary Group  
二零零四年內就紀律個案建議的懲罰／為公眾利益着想而退休個案按薪俸組別劃分的分項數字

		Salary Group 薪俸組別		
	Penalties 懲罰	At or Below Master Pay Scale 13 or equivalent 總薪級表第13點或以下 或同等薪點	Master Pay Scale 14 to 33 or equivalent 總薪級表第14至33點 或同等薪點	Master Pay Scale 34 and above or equivalent 總薪級表第34點或以上 或同等薪點
Disciplinary cases 紀律個案	Dismissal 革職	11	7	2
	Compulsory Retirement + Fine 迫令退休 + 罰款	1	4	—
	Compulsory Retirement 迫令退休	10	8	3
	Severe Reprimand + Fine 嚴厲譴責 + 罰款	20	36	3
	Severe Reprimand 嚴厲譴責	6	10	1
	Reprimand + Fine 譴責 + 罰款	4	1	—
	Reprimand 譴責	11	4	4
	Cases of retirement in the public interest 為公眾利益着想 而退休的個案	Compulsory Retirement 迫令退休	1	5
Total 合計		64	75	14



## Disciplinary Policy and Procedures 紀律處分政策和程序

Providing independent and impartial advice to the Chief Executive on matters relating to the conduct and discipline of public officers continued to constitute an important part of the Commission's work in the year. Apart from deliberating on the appropriate level of punishment to be awarded in each and every case submitted to it for advice, the Commission has also continued to work closely with the Civil Service Bureau (CSB) in debating and reviewing policies and procedures relating to the disciplinary mechanism.

In tendering its advice on individual cases, the Commission has always been mindful of the need to ensure that the principle of broad consistency in punishment is maintained throughout the civil service. To achieve this, the Commission has initiated reviews and discussions with CSB on a number of policy issues as well as the appropriate level of punishment for various types of misconduct. The objective is, on the one hand, to uphold the highest standards of probity of civil servants and, on the other hand, to maintain the fairness of the disciplinary mechanism across the board. In addition, the Commission has impressed upon the Administration that any new benchmarks set and policies made should be promulgated and publicised not only to try to achieve uniform application by all departments, but also to alert staff of the serious consequences of misconduct.

The major issues of concern reviewed and discussed in 2004 are set out in the ensuing paragraphs.

就公職人員品行和紀律事宜向行政長官提供獨立公正的意見，仍是委員會年內工作的重要一環。委員會在接獲向其徵詢意見的紀律個案後，會就每宗個案的懲罰輕重是否恰當，詳加審查。此外，委員會繼續與公務員事務局緊密合作，深入討論和檢討有關紀律處分機制的政策和程序。

就個別個案提供意見時，委員會無時或忘，切記要確保在全體公務員中恪守普遍一致的處分原則。為此，委員會曾就多項政策事宜和各種不當行為的處分輕重，與公務員事務局展開檢討和討論，目的是既要維持公務員崇高的操守，又要整體上保持紀律處分機制的公平公正。此外，委員會也促請當局公布所有新制定的基準和政策，俾使所有部門統一施行，也讓員工明白到干犯不當行為的嚴重後果，知所警惕。

下文各段載述在二零零四年檢討和討論的主要關注事項。

## Level of punishment in criminal conviction cases

CSB has examined the appropriateness of the prevailing level of punishment in criminal conviction cases in present day circumstances. After review, CSB proposed that —

- (a) the range of punishment for repeated defaulters of minor offences should be widened to include removal from the service to allow for greater deterrence; and
- (b) in cases where section (s.) 11 action under the Public Service (Administration) Order (PS(A)O)<sup>11</sup> (or similar action under the relevant disciplined service legislation) could not be taken against the officer because of the passage of time and the officer's failure to report the criminal proceedings, it is open to the disciplinary authority to institute disciplinary proceedings on the basis of the charge of "failure to report criminal proceedings which resulted in action under s.11 of PS(A)O (or equivalent provisions in the disciplined services legislation) being barred".

The Commission endorsed the above proposals in recognition and support of the Administration's need to take a tougher stance on cases of repeated minor offences warranting a more severe punishment by present day standards and on account of the public expectation of a higher standard of integrity of civil servants. But the endorsement is subject to the rider in relation to (b) above that the taking of the more serious charges should apply generally to cases after the issue of the CSB memorandum in July 1999 which requested Heads of Departments (HoDs) to remind their staff of the requirement to report any criminal proceedings being instituted against them. Cases that took place before the issue of the CSB memorandum would be examined on their individual merits.

CSB has promulgated the new arrangements through the issue of a circular memorandum in April 2005, which invites HoDs to remind their staff of the serious consequence of committing criminal offences.

## 刑事定罪個案的處分輕重

公務員事務局研究了現時對被刑事定罪人員處以的懲罰是否輕重恰當，切合現況。該局在檢討完成後建議：

- (a) 對屢犯輕微罪行者可予免職，以收更大的阻嚇作用；以及
- (b) 如果有關人員沒有呈報針對其本人的刑事法律程序，延誤時日，致使當局無法根據《公務人員(管理)命令》第11條<sup>11</sup>向該員採取行動(或根據有關紀律部隊法例採取相若行動)，紀律處分當局可基於“沒有呈報刑事法律程序而妨礙當局根據《公務人員(管理)命令》第11條(或紀律部隊法例的相若條文)採取行動”的指控，展開對該員的紀律處分程序。

委員會認同和支持當局有需要對涉及屢犯輕微罪行的個案採取更嚴厲的態度，因此贊成上述建議。為切合現今標準，也鑒於公眾對公務員操守日漸提高的期望，這些個案均須嚴正處理。委員會雖然贊同上述建議，但設定一項條件，即就上文(b)項而言，提出更嚴重指控的做法，應適用於在一九九九年七月公務員事務局便箋(內容是要求部門首長提醒員工必須上報針對其本人的刑事法律程序)發出後才出現的個案。在該便箋發出前已出現的個案，則會按個別情況審研。公務員事務局已於二零零五年四月發出通函，公布新的安排，請各部門首長提醒屬下員工注意觸犯刑事罪行的嚴重後果。

<sup>11</sup> In accordance with s.11 of 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 on such charge, inflict such punishment upon the officer as may seem to him to be just, without any further proceedings.

根據《公務人員(管理)命令》第11條，任何人員如被裁定犯了刑事罪行，紀律處分當局在考慮法院就該項控罪進行的法律程序後，即可對該員處以當局認為公正的懲罰，而無須再進行其他紀律處分程序。

## Imposition of a financial penalty in non-duty-related criminal conviction cases

The Commission has re-visited the principles and appropriateness of imposing a financial penalty on top of other forms of punishment in non-duty-related criminal conviction cases. While agreeing that each case should continue to be considered on its own merits, the Commission has endorsed, as a broad guideline, that a financial penalty may be imposed if the punishment of a reprimand/severe reprimand alone is considered inadequate and yet a higher level of punishment is not appropriate or justified.

## An intermediate tier of punishment between compulsory retirement and dismissal

The Commission has raised time and again the suggestion of an additional tier of punishment between compulsory retirement and dismissal to provide for the imposition of a reduced pension in cases bordering on dismissal. This additional tier is considered necessary because experience shows that in certain misconduct cases it could either be too harsh to dismiss an officer, because he would lose all pension benefits, or too lenient to compulsorily retire an officer who would be entitled to retain his pension benefits on reaching normal retirement age.

CSB has examined the feasibility of the suggestion. It is noted that upon the amendment of the pension legislation in 1987 (with pension being recognized as a right), the scope of imposing "compulsory retirement plus reduced pension" has been limited to certain categories of serious crime such as corruption. In search for a solution that can be applied to officers on both the pensionable and the Civil Service Provident Fund<sup>12</sup> (CSPF) terms, CSB has agreed to further pursue the issue and reported the following to the Commission —

- (a) the Administration is of the view that while the suggestion of an additional tier of punishment between compulsory retirement and dismissal should be applied to officers on the pensionable terms, the spirit of its application should also be extended to those under the CSPF terms;

## 對因觸犯與公職無關的刑事罪行而被定罪的人員處以罰款

對因觸犯與公職無關的刑事罪行而被定罪的人員，除一般的懲罰外，是否應該再加處罰款一事，委員會再三研究了有關做法背後的原則和是否適宜推行。委員會贊同應當繼續按個別情況考慮每宗個案，但同意作為一項概括指引，假如認為單單譴責／嚴厲譴責的處分不足，卻又不宜或沒有充分理由作出更重的處分，則可加處罰款。

## 在迫令退休和革職之間加入懲處級別

委員會多次提議在迫令退休和革職之間，增加懲處級別，為那些幾可革職處分的個案定下扣減退休金的罰則。根據經驗，在若干行為不當的個案中，革職處分太過嚴苛，令退休金福利盡失，但迫令退休又太寬大，有關人員的退休金福利分毫無損，待屆正常退休年齡便可領取，因此有必要增加懲處級別。

公務員事務局研究過這項建議是否可行。退休金法例在一九八七年修訂後（退休金獲確認為一種權利），“迫令退休並扣減退休金”的實施範圍，只限於貪污等某些類別的嚴重罪行。為尋求解決方法，使這種罰則不單適用於可享退休金人員，還適用於按公務員公積金計劃<sup>12</sup>條款受聘的人員，公務員事務局同意繼續跟進有關事宜，並向委員會匯報如下：

- (a) 當局認為，在迫令退休和革職之間增加懲處級別的建議，應適用於可享退休金人員，但按照建議的精神，建議的適用範圍應擴大至包括按公務員公積金計劃條款受聘的人員；

<sup>12</sup> Applicable to officers who joined the service on or after 1.6.2000 and have been confirmed to the permanent establishment.  
公務員公積金計劃適用於在二零零零年六月一日或之後受聘並已獲實聘成為常額編制人員者。

- (b) the Administration has embarked on a study to develop a framework for determining different tiers of punishment under the CSPF with specifications on the circumstances under which an officer's CSPF benefits might be partially forfeited on disciplinary grounds, and the extent of the partial forfeiture; and
- (c) once the framework is worked out, the Administration would consider extending it to pensionable officers (by way of amendments to the pension legislation, if necessary).

The Commission's concern is that the study in (b) above should not take an unduly long period to complete.

### "Reference back" action

"Reference back" relates to the action taken by the Administration under s. 9 of the Public Service (Disciplinary) Regulation (PS(D)R) to refer an inquiry report back to the Inquiry Officer (IO) or Inquiry Committee (IC) for clarification on certain points of doubt. Such an action is often required following examination of an inquiry report by the Department of Justice (DoJ). Under the existing arrangement, the Secretariat on Civil Service Discipline (SCSD) is unable to seek the required clarification from the IO/IC direct in respect of inquiry reports involving officers below Master Pay Scale (MPS) Point (Pt.) 34 without first obtaining the relevant Head of Department's approval.

Given the fact that the majority of disciplinary cases involved officers below MPS Pt. 34, this arrangement has caused the Commission's concern because undue delay will result if departments do not take prompt "reference back" action. The Commission therefore requested the Administration to review and rationalize this procedure. After review, CSB has agreed to streamline the procedure by seeking the Chief Executive's approval to delegate to the Senior Principal Executive Officer of SCSD the requisite authority to order "reference back" action in respect of all cases processed under PS(A)O. The delegation is effected in April 2005.

(b) 當局已着手研究，為按公務員公積金計劃條款受聘的人員建立一套制度，以釐定不同級別的懲處，並具體列明在什麼情況下公務員的公積金福利可基於紀律理由而被部分沒收，以及沒收福利的多寡；以及

(c) 待有關制度敲定後，當局會考慮把該制度的適用範圍擴大至包括可享退休金人員(如有需要，相應修訂退休金法例)。

委員會所關注的，是進行上文(b)段所提的研究，時間不宜過長。

### "發回案件"的做法

"發回案件"指當局根據《公務人員(紀律)規例》第9條，把研訊報告發還研訊人員或研訊委員會以便澄清疑點的做法。這個程序通常在律政司審閱研訊報告後始進行。根據現行安排，公務員紀律秘書處(紀律秘書處)必須首先取得有關部門首長的同意，否則不得就涉及總薪級表第34點以下人員的研訊報告，直接要求研訊人員/研訊委員會作出必要的澄清。

在大部分紀律個案中，涉案人員的薪點均在總薪級表第34點以下，假如遵照上述安排行事，但部門卻沒有從速處理"發回案件"，委員會擔心會造成不必要的延誤。因此，委員會要求當局檢討和改善現有程序。公務員事務局進行檢討後，同意簡化有關程序，請行政長官批准授權紀律秘書處高級首席行政主任，可就所有根據《公務人員(管理)命令》處理的個案，下令進行"發回案件"的程序。有關授權由二零零五年四月起生效。

## Alerting staff of the consequence of repeated unauthorised absence/unpunctuality

The Administration, quite correctly, takes a serious view on repeated unauthorised absence/unpunctuality and the current level of punishment in such cases is removal from the service. In cases involving falsification of attendance records, the officer concerned may even have to face the criminal charge of "Agent using documents with intent to deceive his principal" should the DoJ consider prosecution action justified. The Commission is concerned that the staff, especially more junior ones, are not aware of the serious consequence of misconduct of this nature and has asked CSB to publicize such cases.

Responding to the Commission's request, CSB has, through SCSD's outreaching visits to departments, secured departments' co-operation in disseminating the message to all staff. Moreover, CSB has also uploaded examples of common acts of misconduct to the Resource Centre of Integrity Management, which is an Intranet website set up to provide departmental managers with handy reference on integrity-related issues.

Apart from the above issues, the Commission has also made other suggestions in previous years relating to disciplinary policy and procedures. The present position regarding these suggestions is summarized in the following paragraphs.

## 提醒人員屢次擅離職守／不守時的後果

對於屢次擅離職守／不守時的人員，當局採取嚴正處理的態度，做法相當正確。現時，這類個案的懲處是免職。對於涉及虛報出勤時間的個案，假如律政司認為有充分理據提出檢控，則有關人員甚或會被控“代理人意圖使用文件欺騙其主事人”這項刑事控罪。委員會注意到，公務員(尤以較初級的人員為然)未必知悉干犯這類不當行為的嚴重後果，因此，要求公務員事務局廣為宣傳，以眾周知。

因應委員會的要求，公務員事務局轄下紀律秘書處在派員造訪各部門時，已促請部門通力合作，向所有人員傳達有關訊息。此外，公務員事務局亦已把不當行為的例子上載公務員誠信管理資訊中心。這個資訊中心是專為部門管理人員而設的內聯網網站，提供誠信方面的參考資料，方便查閱。

除上述事宜外，委員會歷年就紀律政策和程序提出了不少建議。下文各段撮述有關這些建議的最新情況。

## Re-opening completed disciplinary cases

The need for a built-in provision to allow the Commission and CSB to re-open completed disciplinary cases was raised because the Commission noted with concern that some departments had resorted to informal disciplinary action for expediency even when the gravity of the misconduct was such that formal disciplinary action should have been taken. The Commission, however, noted CSB's view that the re-opening arrangement might undermine the integrity of the disciplinary mechanism particularly in a situation where, for the same act of misconduct, it results in the officer being subject to more than one disciplinary sanction. CSB has also reaffirmed that the inappropriateness of informal disciplinary action would be taken seriously and the departmental manager concerned would be held to account in such cases.

## Switching from one to another section of PS(A)O during or after a disciplinary inquiry

Section 10 of PS(D)R provides for a change of action from s.9 to s.10 of PS(A)O<sup>13</sup> during or after an inquiry. However, such an action has seldom been taken in the past. The Commission considered that if new evidence that warranted consideration of removing an officer from the service surfaced during or after an inquiry under s.9 of PS(A)O, a change of action to s.10 of PS(A)O should be pursued. In response, CSB has reaffirmed that potential cases involving switching of action from s.9 to s.10 of PS(A)O would be pursued where the misconduct is serious enough to justify this.

## 重開已完結的紀律個案

委員會關注到，按嚴重程度而言，儘管某些不當行為應該以正式紀律行動來處理，但有些部門卻為求從速處理，只採取非正式紀律行動了事。委員會認為有需要加入規定，讓委員會和公務員事務局可重開已完結的紀律個案。然而，委員會注意到，公務員事務局認為重開紀律個案的安排，可能會有損紀律處分機制，特別是同一不當行為令有關人員遭受超過一次紀律制裁，並不可取。公務員事務局並已重申，會嚴正處理不當地採取非正式紀律行動的情況，追究有關部門管理人員的責任。

## 在紀律研訊期間或之後改為根據不同的《公務人員(管理)命令》條文採取行動

《公務人員(紀律)規例》第10條訂明，在進行研訊的期間或之後，可從根據《公務人員(管理)命令》<sup>13</sup>第9條改為根據該命令第10條採取行動，但是這樣的行動過往極為罕見。委員會認為，如在根據《公務人員(管理)命令》第9條進行研訊期間或之後，有新證據足以成為考慮把有關人員免職的理由，則應改為根據《公務人員(管理)命令》第10條採取行動。公務員事務局回應時重申，如案件涉及的不當行為嚴重，構成充分理由從根據《公務人員(管理)命令》第9條改為根據該命令第10條採取行動，便會這樣處理。

<sup>13</sup> Formal disciplinary action under s.9 of PS(A)O is instituted where the alleged misconduct is not serious enough to warrant the removal of the officer from the service. Otherwise, action under s.10 of PS(A)O should be taken to allow the disciplinary authority the power to inflict such punishment, including dismissal and compulsory retirement, as may seem to him to be just upon the officer if the misconduct is proven.

假如涉嫌干犯的不當行為並非嚴重至足以成為將該員免職的理由，則可根據《公務人員(管理)命令》第9條採取正式紀律行動。否則，便應根據《公務人員(管理)命令》第10條採取行動，在不當行為查明屬實的情況下，使紀律處分當局有權對該員處以當局認為公正的懲罰，包括革職和迫令退休。

## Seeking the Commission's informal advice on formal disciplinary cases involving Category B officers

At present, as provided by PS(A)O, the Commission only advises on the Administration's recommendation for punishment of Category A officers<sup>14</sup>. This excluded Category B officers<sup>15</sup>. Having regard to the implementation of the "3+3" new entry system which means that an officer would spend six years on probation-cum-agreement terms before becoming a Category A officer (as opposed to the previous two-year probation), the size of Category B staff will grow significantly. The Commission believes there is a need to also cover probation and agreement officers with a view to ensuring consistency and parity in treatment, and would be happy to also examine and advise on these cases.

CSB is, however, of the view that there is merit in maintaining a relatively simple and speedy mechanism to deal with disciplinary matters involving non-permanent staff. For staff on "3+3" appointment terms, CSB is of the opinion that they would become permanent staff, and hence come under the purview of the Commission, upon satisfactory completion of the probation-cum-agreement service.

## 就有關乙類人員的正式紀律個案徵詢委員會的非正式意見

根據《公務人員(管理)命令》，委員會現時只就當局對懲處甲類人員<sup>14</sup>的建議提供意見。這並不包括乙類人員<sup>15</sup>。由於實施新的“三加三”入職制度，有關人員將按試用另加合約條款形式工作六年(以前則為試用兩年)後，才可成為甲類人員，因此，乙類人員數目會大幅增加。委員會認為有需要把試用和合約人員也包括在其權限內，以確保作出劃一和公平的處理。委員會樂於審核這類個案並提供意見。

然而，公務員事務局認為維持比較簡單便捷的機制，用以處理涉及非常額人員的紀律事宜，利多於弊。就按“三加三”條款聘用的人員而言，公務員事務局認為，他們一旦圓滿完成按試用另加合約條款受聘的工作期，成為常額人員後，即會納入委員會的職權範圍內。

14 See Note 1 of Chapter 1 on page 3.  
見第3頁第一章註1。

15 Under the Pension Benefits Regulations, Cap. 99A of the Laws of Hong Kong, "Category B Officer" means an officer who is (a) holding a non-established office at the time of his retirement or resignation from the service; or (b) holding an established office at the time of his retirement or resignation from the service and who is not confirmed in an established office. This covers officers on probation, and agreement terms as well as those remunerated on the Model Scale I Pay Scale.

根據《香港法例》第99A章《退休金利益規例》，“乙類人員”指(a)在退休或辭職時是擔任非設定職位的人員；或(b)在退休或辭職時是擔任設定職位，但未獲實聘擔任設定職位的人員。這包括試用人員、按合約條款受聘的人員及按第一標準薪級表支薪的人員。

### A fixed-amount fine on Category A officers

The suggestion was made with a view to saving the time and effort for going through formal disciplinary proceedings for relatively minor acts of misconduct committed by junior staff. Since the setting up of SCSD in April 2000 to centrally process formal disciplinary cases under PS(A)O, the Commission notes that the processing of such cases has been sped up steadily. As an improved mechanism has been put in place for the disciplinary authority to punish a Category A officer found guilty of minor acts of misconduct after formal proceedings and the time spent for such proceedings has been shortened, the Commission agrees that it is not necessary to introduce a new mechanism to provide for the imposition of a fixed-amount fine on Category A officers.

### 判處甲類人員定額罰款

委員會作出有關建議，是為了節省就初級人員干犯較輕微不當行為進行正式紀律處分程序所需的時間和資源。公務員紀律秘書處在二零零零年四月成立，負責根據《公務人員(管理)命令》統一處理正式紀律個案。委員會留意到，自秘書處成立以來，有關個案的處理日見迅速。由於現已設立更完備的機制，讓紀律處分當局懲處經正式程序被裁定干犯輕微不當行為的甲類人員，而處理有關程序的時間也已縮短，委員會同意無須引入新機制，就判處甲類人員定額罰款作出規定。



## General Observations and Recommendations 委員會的綜合意見及建議

Throughout the year, the Commission kept in close contact with departments and bureaux and worked in partnership with them to identify, develop and promote good human resource management practices in the civil service. The Chairman participated in senior as well as other major and difficult selection and promotion exercises whilst Members also attended such board meetings, on a selective basis, as observers. Furthermore, the Chairman and staff of the Commission Secretariat visited departments to discuss with the Heads of Departments (HoDs) and their Departmental Secretaries specific issues on discipline and appointments, and other subjects of concern.

In the course of scrutinizing submissions from departments, the Commission has taken the opportunity to review current policy as well as rules and practices pertaining to appointments, promotion and discipline with a view to streamlining procedures. This approach has facilitated the identification of irregularities and shortcomings, and should help the Civil Service Bureau (CSB) and departments to make improvements in their human resource management practices. The following paragraphs provide an account of the problematic areas identified, together with improvement measures and new initiatives suggested by the Commission. HoDs and their Departmental Secretaries are encouraged to draw on the examples highlighted to improve their practices and take note of policy issues currently under review by CSB.

年內，委員會與各局和部門保持緊密聯絡，維持伙伴關係，一起尋找、發展和推廣行之有效的公務員人力資源管理方法。委員會主席參與了涉及高級人員及其他重要和複雜的遴選和晉升選拔工作，各委員也以觀察員身分列席個別會議。此外，委員會主席和秘書處職員訪問了多個部門，與有關的部門首長和部門主任秘書討論紀律和聘任方面的具體問題，以及其他關注事項。

委員會在審研部門遞交的建議時，藉機檢討與聘任、晉升和紀律有關的現行政策、規則和做法，務求精簡程序。此舉不但有助找出紕漏和不足之處，也有助公務員事務局和各部門改善人力資源管理方法。下文各段闡述委員會發現的問題，並載列建議的改善措施和新猷。委員會鼓勵各部門首長和部門主任秘書從有關例子汲取經驗，改善處理方法，以及留意公務員事務局正在檢討的政策事宜。



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Member, Public Service Commission  
周永成先生, BBS, JP  
公務員敘用委員會委員

*"In tendering advice the Commission and its Secretariat have frequently made observations on the management's handling of promotion, discipline and other activities. I must reiterate the need for heads of departments, heads of grades and human resource managers to take these observations seriously and, where appropriate, initiate changes - otherwise problems and delays will continue to stall the system."*

“委員會和委員會秘書處經常就管理層處理晉升、紀律及其他事務的方法提出意見。我必須重申，不論是部門首長、職系首長，還是人力資源管理人員，都有必要認真看待這些意見，因應情況推行改革—任由問題拖延，遲疑不決，只會繼續窒礙整個制度。”

## Recruitment

### Selection interview

In a recruitment exercise, a candidate who had failed in the interview lodged a complaint alleging that he was unfairly assessed as the chairman of the recruitment board had intimated at the interview that the Board had a higher expectation of him because of his previous work experience in another department. Whilst the Commission is satisfied that the board had not set a higher standard for the complainant and that the complainant had failed in the interview because of his insufficient knowledge about general matters and the post, the Commission is concerned that candidates do not form a perception of being unfairly treated. The Commission has therefore asked the department to remind officers, who will serve as chairmen or members of recruitment boards, to take extra care, when conducting interviews, to avoid giving candidates an impression of "unfairness".

### Language proficiency requirement

Starting from 1 January 2003, applicants for civil service posts at degree or professional level are required to obtain a pass in two language papers, i.e. Use of English and Use of Chinese, in the Common Recruitment Examination (CRE) held by the Civil Service Examinations Unit of CSB. This requirement is applicable in both open recruitment and in-service appointment exercises, but exemptions would be allowed depending on the nature and demand of individual exercises. The Commission noted that, in practice, recruitment exercises in relation to directorate posts had so far been conducted with the waiver of this CRE requirement having regard to the specific entry/job requirements and/or difficulties in recruitment. The Commission questioned whether it was necessary to impose a language proficiency requirement in the form of CRE for such senior positions and whether it should be waived as a matter of policy rather than for exceptions to be sought on a case-by-case basis. CSB has undertaken to review the matter.

## 招聘 遴選面試

在一項招聘工作中，一名面試落選的申請人投訴受到不公平的評核。事緣遴選委員會主席在面試席上暗示，由於申請人曾任職其他部門，遴選委員會對他有較高的期望。委員會雖然信納遴選委員會並沒有對投訴人訂立較高的要求，而投訴人面試落選是因為他的一般知識和對有關職位的認識不足，但也關注到，遴選委員會不應令申請人感覺遭受不公平對待。因此，委員會要求該部門提醒那些會擔任遴選委員會主席或成員的人員，在面試期間倍加小心，避免令申請人產生“不公平”的印象。

## 語文能力要求

由二零零三年一月一日開始，凡申請學位或專業類別公務員職位的人士，必須在公務員事務局公務員考試組舉辦的綜合招聘考試的英文運用和中文運用兩份試卷中，取得合格成績。無論是公開招聘還是內部聘任，這項規定均適用，但當局可按個別招聘工作的性質和要求作出豁免。委員會注意到，由於特定的入職／工作要求及／或招聘困難，實際上迄今為止，首長級職位的招聘工作一直獲豁免，無須符合這項綜合招聘考試規定。委員會質疑，就高級職位而言，是否有必要訂立以綜合招聘考試成績為準的語文能力要求，又或是否應把豁免定為政策，而無須逐次根據個別情況給予豁免。公務員事務局已承諾就此事作出檢討。

## Updating of the Guides to Appointment

Departments are required to prepare Guides to Appointment (GA) for individual ranks which should specify, inter alia, the qualifications, requirements and the terms of appointment for recruitment or promotion to respective ranks. The Commission noted that many GAs are still in draft form and have not incorporated the new language proficiency requirement, introduced from 1 January 2003 as mentioned above, and also the new appointment terms for recruits to basic ranks under the new entry system<sup>16</sup>. The Commission also noted that the entry qualifications and requirements for in-service recruitment exercises of some basic ranks are significantly lower than those adopted for open recruitment. With the expansion of tertiary education and increasing expectations of the public for a higher standard of services provided by the government, the Commission is of the view that departments should consider raising the in-service entry qualifications/requirements of the ranks concerned to bring them on par with those for open recruitment.

In advising on departmental submissions on promotion/acting appointments, the Commission has taken the opportunity to remind departments to review/update the GAs by incorporating up-to-date requirements brought about by the new entry system as well as policy changes, and also to align, where appropriate, the entry qualifications and requirements for in-service recruitment exercises with those adopted for open recruitment.

## 更新《聘任指南》

各部門須就個別職級擬備《聘任指南》，具體說明該職級在招聘或晉升方面所需的資歷、要求和聘用條款。委員會注意到，許多《聘任指南》仍只得草擬本，上述由二零零三年一月一日起實施的語文能力要求，以及根據新入職制度<sup>16</sup>聘用的基本職級人員的新聘用條款，均尚未納入指南內。委員會也注意到，若干在內部進行招聘的基本職級，入職資歷和要求大大低於在公開招聘時所訂定者。隨着專上教育擴展，以及公眾對政府服務水準的期望日益提高，委員會認為，各部門應考慮提高有關職級內部聘任的入職資歷／要求，使之與公開招聘入職條件看齊。

就各部門提交的晉升／署任建議提供意見時，委員會藉機提醒部門檢討／更新《聘任指南》，把因應新入職制度和政策改變而訂定的最新要求納入指南內，以及視乎情況，把內部聘任與公開招聘的入職資歷和要求劃一。

<sup>16</sup> Starting from 1 June 2000, recruits to basic ranks are normally appointed on probationary terms for three years, to be followed by three-year agreement before they are considered for appointment on prevailing permanent terms

由二零零零年六月一日起，新入職的基本職級人員按試用條款聘用三年，繼而以合約方式聘用三年，然後方會獲得考慮按當時的長期聘用條款聘用。

## Promotion

### Consequential vacancy

In processing a promotion submission put forward by CSB, the Commission noted that an officer was appointed to act with a view (AWAV) to substantive promotion for six months. Upon the officer's satisfactory completion of AWAV appointment, CSB initially did not endorse his substantive promotion on the grounds of the lack of a consequential vacancy as the officer in the next higher rank, who had also been recommended for AWAV, had requested to cease acting and be reverted to his substantive rank. CSB was of the view that unless a suitable officer was selected for direct promotion to the higher rank, the officer who had satisfactorily completed the AWAV appointment at the lower rank could not be substantively promoted and would have to be put on an extended AWAV appointment. CSB therefore asked the department to hold a fresh promotion board for the next higher rank.

Whilst the Commission recognizes CSB's concern that care must be taken to avoid over-establishment, we nonetheless consider that vacancies should be calculated realistically on a grade rather than a rank specific basis. As long as there is a vacancy in the higher rank, the vacancy at the next lower rank could be filled by substantive promotion unless there is a possibility that the higher rank vacancy is to be filled through outside appointment or posting from another grade.

After discussion, CSB agreed to the substantive promotion of the officer concerned.

## 晉升 因現職人員署理較高職位而 產生的空缺

在處理一宗由公務員事務局提交的晉升個案時，委員會注意到，一位獲安排署任六個月以待實際晉升的人員在完成署任期後，雖然工作表現良好，仍不獲公務員事務局批准實際晉升，理由是一名高一職級的人員本獲推薦署任六個月以待實際晉升，但被要求停止署任並恢復本身的實任職級，以致出現沒有空缺這種情況。公務員事務局認為，除非已選出合適人員直接晉升較高職級的職位，否則，該名在低一職級署任的人員即使完成署任期且工作表現良好，也不可獲得實際晉升，而須延長其署任期。公務員事務局其後要求有關部門就該個高一職級的職位安排召開新的晉升選拔委員會。

委員會明白公務員事務局顧慮到出現員額超出編制的情況，但卻認為職位空缺數目應按職系而非職級作出實際計算。只要較高職級有職位空缺，而且不會由外間聘任或另一職系調派過來的人員填補，則低一職級的職位空缺便可以實際晉升的形式填補。

經商討後，公務員事務局同意讓該員實際晉升。

### **Late submission of board report**

A department submitted a promotion board report to the Commission three months after the board meeting because an officer recommended for promotion was found, after the board had finalized its recommendation, to be involved in a disciplinary case. If the situation permits and the case warrants, one of the possible solutions in such cases is for the vacancy to be held in abeyance pending the outcome of the disciplinary case. In such circumstances, the department should then submit the board report to the Commission for advice so as not to hold up the entire exercise.

### **Cessation of acting appointment**

In a promotion exercise, an officer who had taken up a long-term acting appointment on the recommendation of the last promotion board was not recommended for continuous acting because of some shortcomings identified by the board chairman after consulting the officer's appraising officer (AO). The Commission noted with concern that not only were those shortcomings not borne out in the write-up in the officer's staff reports, but the departmental management had also ceased his acting appointment whilst the Commission was still considering the board's recommendations. Although the Commission was satisfied, after clarification by the department, that the officer was not suitable for a continuous acting appointment, it drew to the attention of the department that as a good performance management practice, cessation of an officer's acting appointment should be fully justified and properly accounted for. The department was also reminded to counsel the officer on the areas requiring improvement and to advise the AO concerned of the importance of honest reporting.

### **逾期提交晉升選拔委員會報告**

在晉升選拔委員會會議結束後三個月，某部門才向委員會提交晉升選拔委員會報告，原因是在晉升選拔委員會敲定其建議後，該部門才發現一名獲推薦晉升的人員涉及一宗紀律個案。如果情況許可且有需要的話，其中一個可行的處理方法，是保留該職位空缺，以待該宗紀律個案得出結果。若然如此，有關部門便應向委員會提交晉升選拔委員會報告，徵詢委員會的意見，整項晉升選拔工作便可免受阻。

### **停止署任職位**

在一項晉升選拔工作中，一名上一次獲晉升選拔委員會推薦長期署任職位的人員，不再獲推薦繼續署任職位，原因是晉升選拔委員會主席在徵詢該員的評核人員後，發現該員有一些缺點。委員會關注到，不但該員的評核報告沒有陳述這些缺點，而且當委員會仍在考慮晉升選拔委員會的建議期間，部門管理層已終止該員的署任安排。雖然經部門澄清後，委員會信納該員不適合繼續署任職位，但委員會仍提醒部門，終止署任安排時，必須有充分理據及作出適當交代，這樣才符合良好的工作表現管理之道。委員會也提醒部門應輔導該員，指出應予改善的地方，以及促請有關評核人員注意如實撰寫評核報告。

### **Claims of officers for prolonged acting appointment**

In a selection exercise, an officer was recommended to cease acting after having acted in the higher rank for seven years. The officer's performance fluctuated during the period of his acting appointment with areas for improvement. He was passed over for promotion during that period but was allowed to continue acting on the recommendation of previous boards on the basis of his good performance ratings relative to the other candidates. The latest board considered that the officer had been given adequate opportunities to demonstrate his worth but still failed to measure up fully to the requirements of the higher rank, and as such, considered that he should give way to other more deserving officers. In agreeing with the Board's recommendation, the Commission observed that officers on prolonged acting appointment should be critically assessed at an early stage of their potential and suitability for promotion and that decisive action should be taken to cease the officers' acting appointment to avoid prolonging the acting appointment, thereby unnecessarily raising the officers' expectation for promotion.

### **Priorities for acting and stepping down**

When there are sufficient number of vacancies to accommodate all the officers recommended for acting for administrative convenience, it is not necessary to set priorities amongst them. However, some departments made such prioritising arrangements to prepare for the same order to be followed when individual officers were required to step down in case some of the vacancies ceased to exist. Those departments have been reminded that in determining which of the officers should cease acting, the prevailing acting performance of the officers should be the major consideration.

### **長期署任職位的晉升機會**

在一項選拔工作中，有一名署任較高職級七年的人員，被建議終止其署任，理由是他在署任職位期間的表現並不穩定，並且有某些地方尚待改善。事實上，在他署任期間，其他排名較後的人員已獲晉升選拔委員會建議晉升，但他僅可繼續署任。他得以獲推薦署任是因為相對於其他人選，他的工作表現評分較高。最近一次晉升選拔委員會認為，該員已有足夠機會證明其工作能力，但其表現始終未能達到較高職級的要求，應把機會讓給其他較為合適的人員。委員會贊同晉升選拔委員會的建議，但認為部門應盡早對長期署任人員的潛質和是否適合晉升作出嚴格評估，並應果斷地終止某些署任安排，免得有關人員因長期署任而對晉升抱有不切實際的期望。

### **署任或停止署任的先後次序**

如有足夠的職位空缺，便無須為獲推薦署理職位以方便行政的人員排列先後次序。不過，有些部門會預先為人員排列先後次序，萬一職位空缺取消，這些人員便會依次停止署任。委員會已提醒這些部門，在決定誰應停止署任時，應以署任人員在署任期間的表現為首要考慮因素。

### **Non-implementation of promotion board recommendations**

In the past year, the Commission had been invited to note the non-implementation of some promotion board's recommendations due to uncertainty and changes in the departmental manpower situation. The Commission noted with concern that a department, based purely on operational considerations, had arranged for some non-recommendees to act up instead of appointing those recommended by the board to fill the temporary higher rank posts. Such arrangements were not entirely appropriate. The department had been reminded that career interests of meritorious officers and operational expediency should be finely balanced in order not to jeopardize their career development.

### **Performance Appraisal System Improvement to appraising work**

In vetting departmental submissions relating to long-term acting appointments or promotions, the Commission noted that there were some cases in which the AO provided an identical word for word assessment on an appraisee in two or three consecutive reporting years. As staff appraisals form the basis of career advancement and development, there should be a distinctive account of an appraisee's overall performance, strengths and weaknesses in the relevant appraisal period.

### **Consistency in staff reporting**

In a probationary report, an officer was rated by his supervisors as meeting fully the requirements of the post whereas the write-ups and the ratings for individual duties/attributes clearly indicate room for improvement in certain core competencies. The department considered that the probationer had yet to fully meet the required standard and recommended extension of his probationary period with financial loss for 12 months. While agreeing with the department's recommendation, the Commission advised the department to remind supervisors of the need to be consistent in staff reporting and to give gradings in their assessments realistically.

### **沒有實施晉升選拔委員會的建議**

過去一年，委員會得悉，由於部門人手情況變動及面對不明朗因素，有些晉升選拔委員會的建議沒有落實執行。委員會關注到，有一個部門純粹基於運作上的考慮，安排未獲推薦的人員署理較高職級，而不是由獲晉升選拔委員會推薦的人員出任這些較高職級的臨時職位。這樣的安排並不完全恰當。委員會已提醒該部門，應妥為平衡表現出色員工的前途利益及部門的運作需要，以免阻礙這些人員的事業發展。

### **表現評核制度 改善評核工作**

在審核部門所提出的長期署任或晉升建議時，委員會發現在某些個案中，評核人在連續兩、三年的評核年度內，評語完全相同。鑒於評核報告是員工事業發展和晉升的依據，評核人應認真和具體地評述受評人在有關的評核期內的整體工作表現、強項和不足之處。

### **一致的評核**

某人員在試用期評核報告內被上司評為能夠完全達到職位的要求，但在評語和個別職責／表現項目的評級上，卻清楚顯示該員的某些關鍵才能有改善的空間。部門認為該名試用人員仍未完全達到應有水平，建議延長試用期12個月，而該員須蒙受金錢損失。委員會儘管同意部門的建議，但認為部門應提醒督導人員，評核內容必須前後一致，並據實評核員工的表現。

### **Review of reporting practice**

In a few departments, where there have been changes in AO in a particular reporting cycle, the last AO is tasked to incorporate the assessments of the previous AOs (in memo form) and produce an annual full report. The Commission considered that such a practice would give rise to confusion and misconception on the part of the appraisee and exert, quite unnecessarily, undue influence on the last AO's assessment of the true performance of the appraisee. In accordance with the relevant Civil Service Regulation, when the reporting period is short, say, less than six months, the AO could consult the previous AO whenever possible in making assessment on the appraisee. However, it does not mandate that AO to incorporate the write-ups of the previous AOs into his assessment. It spells out instead that in case the appraisee was previously in a different post, a separate report should be made on his performance in that post. Indeed, the common practice across the service is for different AOs to write separate reports on the appraisees under their supervision. Those departments which have tasked the last AO to compile an annual full report have been invited to align their practice with the rest of the service.

### **Appraisals in acting rank**

In a promotion exercise, an officer, who has been acting in the higher rank, was assessed by his AO in his acting rank. The Assessment Panel, however, upgraded the gradings on the officer's overall performance and individual attributes to reflect his level of performance at his substantive rank. This is unusual and inconsistent with the established service-wide practice that officers appointed for long-term acting should be appraised at their acting ranks. The department was reminded to request the Assessment Panel to put the practice right in future.

### **檢討評核安排**

在一些部門，某評核周期內評核人員數度更換，最後一名評核人員須綜合之前各評核人員的評核(通常為便箋形式)，撰寫詳盡的年度評核報告。委員會認為，這個做法會令受評人感到混亂和有所誤解，而且對最後一名評核人員不必要地造成不當影響，有礙他對受評人的實際表現作出評核。根據《公務員事務規例》的有關規定，假使評核期較短(例如少過六個月)，評核人員在評核受評人的表現時，應盡可能徵詢之前一名評核人員的意見，但沒有硬性規定評核人員要把之前一名評核人員的評語納入評核報告內，而是訂明如果受評人以前擔任不同職位，應就該員擔任該職位時的表現另擬報告。事實上，公務員體系的慣常做法，是由不同的評核人員就所督導的人員分別撰寫評核報告。對於現時指派最後評核人員擬備詳盡年度報告的部門，委員會已促請它們改為採用公務員體系的慣常做法。

### **署任職級的評核**

在一項晉升工作中，某評核人員在評核轄下一名署任人員的工作表現時，依據其署任職級的要求來作出評核。可是，評核委員會卻把有關人員的整體表現和個別表現項目的評級提高，以反映該員在實任職級的表現。這不是慣常的做法，與公務員體系凡獲安排長期署任的人員都應按署任職級的標準來評核的既定做法並不一致。委員會已提醒部門要求評核委員會日後糾正有關做法。



### **Common performance management problems found in departments**

In vetting departmental submissions on promotions or acting appointments, the Commission noted a number of common problems in relation to performance management covering, for example, over-generous assessment of staff reports, delay in completion of staff reports, failure on the part of the appraising officer (AO) to consult the countersigning officer (CO) on the draft appraisal when the AO is of the same substantive rank as the appraisee [as required under Civil Service Regulation (CSR) 231(1)], and conduct of the appraisal interview before the CO completes his assessment (as discouraged under CSR 232(2)).

#### **Over-Generous reporting**

Whilst determined efforts have been made by many departments to ensure honest reporting, over-assessment is still a serious problem in other departments. In one case, the overall performance of all officers in the same rank was assessed as 'Very Good'. Moreover, the appraisals only highlighted the merits of the appraisees but not their weaknesses. This made the comparison of merits of the appraisees much more difficult. The Commission advises that the department should remind supervisors of the importance of honest reporting and the adoption of 'Good' or equivalent as the norm in reporting.

### **部門的常見管理問題**

在審核部門的晉升或署任建議時，委員會注意到一些常見的表現管理問題，例如：評核過於寬鬆；逾期填寫評核報告；評核人員與接受評核人員的實任職級相同，但沒有按照《公務員事務規例》第231(1)條的規定，就評核擬稿的內容徵詢加簽人員的意見；以及加簽人員尚未完成評核便進行評核會見(《公務員事務規例》第232(2)並不鼓勵這樣做)。

#### **評核過於寬鬆**

儘管不少部門已設法力行，確保上司如實評核下屬，但在某些部門，給予過高評級的問題仍然嚴重。在某一個案中，所有同級人員在整體表現方面都同時獲得“良”的評級，而評核人員只描述受評人的優點，對於缺點卻隻字不提。這樣令管方難以深入比較各名受評人孰優孰劣。委員會認為部門應提醒督導人員必須如實評核，並採用“常”或同等評級作為評核的基準。

### Late completion of reports

Late completion of reports was noted in many cases. In one extreme case, an officer's annual report for three consecutive years from 2001 to 2003 were countersigned in one go only in 2004 and the report ending 2002 of another officer had yet to be countersigned even when the promotion board met in 2004. Such delays have deprived the officers concerned of the chance to know the countersigning officer's comments and assessments on their performance, and also have caused undue delay to the conduct of the promotion boards. Supervisors should be reminded to complete staff reports in time. Indeed, failure to do so reflects poorly on their supervisory and management skills.

In one case of deferment of passage of trial bar with financial loss, the Commission noted that the first three appraisals of the officer were completed more than one year after the reporting period and the subsequent appraisal also took more than six months to conclude. Although in support of the recommendation, the Commission considered that the appraising officers should be reminded of the importance of prompt reporting of substandard performance especially in the case of probationers or officers on trial to allow an early alert of any areas requiring improvement.

Over the years, the Commission has made observations and invited departments to make serious efforts to address these performance management problems. Starting from October 2004, the Commission has adopted a new approach by asking departments to provide statistics relating to over-generous/late reporting and non-compliance with CSR 231(1) and 232(2) in respect of the latest reporting period when submitting the reports of promotion/selection boards. With the requirement for including relevant statistics in submitting their board reports, it is hoped that HoDs/HoGs will show more concern about the performance management problems in their departments/grades and initiate improvement measures accordingly.

### 逾期填寫評核報告

委員會發現逾期填寫報告的情況屢見不鮮。在最為過分的個案中，某人員二零零一至二零零三年的連續三個年度報告，竟然遲至二零零四年才由加簽人員一次過加簽，而另一名人員截至二零零二年的報告，則在二零零四年的晉升選拔委員會召開時仍未加簽。這種延誤，不但剝奪了有關人員知道加簽人員對其表現有何評語的機會，而且令晉升選拔委員會遲遲未能召開，不當地拖延了有關工作。管方應提醒督導人員依時填寫評核報告。事實上，未能依時填寫報告，也反映他們督導及管理技巧欠佳。

在一宗押後通過試任關限而有關人員須蒙受金錢損失的個案中，委員會留意到，有關人員的首三個評核報告，是在評核期完結後超過一年才填寫，而隨後的評核也花了超過六個月的時間才完成。委員會雖然支持部門所提出的建議，但卻認為應提醒評核人員，必須從速報告受評人表現欠佳的情況，尤以涉及試用或試任人員的個案為然，以便管方及早察覺有關員工須予改進的地方。

多年來，委員會不斷就表現管理問題提出意見，並籲請各部門正視和解決這些問題。由二零零四年十月起，委員會推行一項新措施，要求部門在提交晉升選拔／遴選委員會報告時，須一併就最近評核期內出現的評核過於寬鬆／逾期填寫報告，以及沒有遵守《公務員事務規例》第231(1)及232(2)條規定等情況，提供統計數字。委員會希望透過要求部門在所提交的晉升選拔／遴選委員會報告中列載這些統計數字，可促使部門／職系首長更加關注部門／職系內的表現管理問題，並着手推行相應的改善措施。

## Passage of probation bar

### **Model Scale I officers appointed on probation**

A former Model Scale I officer who was appointed on probationary terms on the Master Pay Scale (MPS) had misconducted himself during the probationary period. In examining the department's submission to defer the officer's passage over probation bar, the Commission noted with concern that the officer was not made aware, prior to transfer to the MPS, that there was no provision for reversion to his former rank and that his service would be terminated if he failed to pass over the probation bar. This was neither made clear to him in the appointment letter nor was he cautioned of the possibility of losing his job when he was issued with a written warning for his act of misconduct. The Commission had advised the department to explain explicitly the implications in similar appointments in the future so that Model Scale I staff who are appointed on probationary terms know precisely where they stand.

## 通過試用關限

### **以試用方式委任第一標準薪級人員**

一名原屬第一標準薪級人員的員工，以試用條款轉為按總薪級表支薪的人員，但卻在試用期內行為不當。部門提出押後讓該員通過試用關限的建議。委員會在審研該項建議時，關注到當局並沒有在該員轉為按總薪級表支薪人員之前，向他指出並無規定可讓他返回先前的職級，而假使他未能通過試用關限，則其服務會遭終止。在發給該員的聘書內，沒有對此加以說明，而在該員觸犯不當行為後向其發出的書面警告內，也沒有提醒他有可能職位不保。委員會認為部門在日後作出類似的聘任時，應明確指出所涉及的問題，以便第一標準薪級人員按試用條款受聘時，清楚知道有關情況。

## Case Studies 個案研究

In the year the Commission had observed in vetting submissions from departments that a number of cases had not been dealt with properly. Some of them were in relation to the handling of probationers and others were related to the processing of specific appointments or disciplinary cases. We believe that the citation of some of them as cases studies should help share our experience with departments with a view to enhancing their human resource management practices.

年內，委員會在審核部門的建議書時，發現一些個案在處理上有欠妥善。其中部分個案涉及試用人員，其餘則屬特定的聘用或紀律個案。委員會認為，採用其中一些個案作個案研究，有助部門從中汲取經驗，從而改善人力資源管理方法。



Mr T B Stevenson, SBS  
Member, Public Service Commission  
施文信先生, SBS  
公務員敘用委員會委員

*"In the short time that I have been a member of the Commission I have already observed and been impressed by the impartial, independent and oversight role the Commission serves in relation to the disciplinary and promotion process of the Civil Service."*

“我當上委員會委員的日子尚淺，但已察悉委員會在公務員紀律和晉升程序中擔當了公正、獨立和監察的角色，深感欣慰。”

### Case A

#### Refusal of passage of probation bar

##### Background

A department refused an officer's passage of the probation bar due to his unsatisfactory performance. This officer's service was subsequently terminated upon the expiry of his three-year probation period.

##### Problems identified

The department questioned the capability of the officer at an early stage of his probation period. Despite ample opportunity and guidance given, he was not able to make any significant progress. The department, therefore, stopped his increment after fifteen months, but retained him till the end of his three-year probation period. To meet operational requirements, he was assigned routine work.

### 個案一

#### 拒絕批准通過試任關限

##### 背景

某部門基於屬下一名人員表現欠理想，拒絕批准該員通過試任關限，其後在該員三年試用期屆滿後，終止其服務。

##### 問題所在

有關部門早在該員試任職位初期，已對其工作能力有所懷疑。雖然多次給予機會，並時加指導，但該員的表現未有任何重大改進。部門因此在十五個月後停止發放增薪予該員，但仍准其留任，直至三年試用期屆滿為止。期間該員獲調派處理例行工作，以應付部門的運作需要。

## Observations

The Commission agreed that the officer's passage over the probation bar should be refused on the grounds of his persistent unsatisfactory performance. The department was reminded to take swift action to terminate the services of probationers whose performance has been persistently below the required standard irrespective of other operational considerations. If there are sufficient grounds to doubt the suitability of any probationer passing the probation bar, management should terminate his service immediately without waiting till the end of the probationary period.

### Case B

#### Deferment of passage over probation bar

##### Background

A probationer appointed under the new entry system (i.e. normally three-year probation + three-year agreement before being considered for further appointment on permanent terms), had misconducted himself by unauthorized absence from duties and making false entries in the time-off-in-lieu record form. The department, in consultation with the Secretariat on Civil Service Discipline (SCSD), decided to institute formal disciplinary inquiry under section (s.) 10 of the Public Service (Administration) Order (PS(A)O). He pleaded not guilty to the charges laid against him and a disciplinary hearing was arranged. As his probation was about to end, the Commission's endorsement was sought to extend his probation period for three months with financial loss, pending the outcome of the disciplinary hearing.

## 意見

由於有關人員的表現持續未如理想，委員會同意應拒絕批准其通過試任關限。委員會提醒有關部門，在發現試用人員的表現持續低於所定的標準時，便應迅速採取行動，終止其服務，無須顧及其他運作上的考慮因素。假如有足夠理由懷疑某試用人員不適宜通過試任關限，部門管方應立即終止其服務，而不應待至試用期屆滿後才採取行動。

### 個案二

#### 延長試任關限

##### 背景

一名根據新入職制度(即通常經三年試用期+三年合約期後才獲考慮按長期條款續聘)受聘的試用人員行為失當，不止擅離職守，還在補假作償記錄表中作出虛報。該員所屬的部門，經諮詢公務員紀律秘書處(秘書處)後，決定根據《公務人員(管理)命令》第10條進行正式的紀律研訊。該員否認控罪，而部門亦安排紀律聆訊。由於該員的試用期行將屆滿，部門提請委員會批准該員在蒙受金錢損失的情況下，延長試用期三個月，以待聆訊結果。

### Problems identified

The department had taken six months to refer the case to the SCSD for consideration of instituting formal disciplinary action against the officer and another four months before notifying the officer of the disciplinary proceedings. Instead of invoking Civil Service Regulations (CSR) 186 to terminate the probationer's service, the department had resorted to disciplinary proceedings to establish the officer's guilt in the belief that such a course of action would accord with the principles of natural justice and, hence, avoid legal challenge. The Commission did not find this acceptable, noting that CSR 186 provides a legitimate and proper channel to terminate the service of a probationer if the department considered him generally unsuitable to hold office. However, since the disciplinary case in question had already reached an advanced stage, the Commission accepted that it was not appropriate to switch from s.10 of PS(A)O to termination action under CSR 186.

### Observations

The Commission is concerned that the case has not been properly handled. The department should have expedited action on disciplinary cases involving probationers. Much time and efforts would have been saved under CSR 186 if, based on the evidence established, a decision was made to invoke CSR 186 to terminate the probationer's service instead of recourse to disciplinary action. The officer in this case was eventually dismissed under s.10 of PS(A)O. At the Commission's request, the Civil Service Bureau (CSB) has reminded Heads of Departments/Heads of Grades (HoDs/HoGs) of the provisions in CSR 186 for dealing with the termination of service of probationers.

### 問題所在

有關部門用了六個月的時間，才把個案提交秘書處，請其考慮對有關人員採取正式的紀律行動；之後，再過四個月，才通知該員有關的紀律研訊程序。該部門沒有援引《公務員事務規例》第186條，終止有關試用人員的服務，反而訴諸紀律研訊程序以確立對該員的指控，是因為部門相信此舉符合自然公正原則，從而避免該員興訟反對。委員會並不接受此理據，理由是如部門認為試用人員根本不適宜擔任職位，援引《公務員事務規例》第186條，是終止其服務的合法和適當途徑。不過，由於這宗紀律聆訊個案已處於後期階段，委員會也同意不宜由原來根據《公務人員(管理)命令》第10條採取紀律行動，改為根據《公務員事務規例》第186條終止該員的服務。

### 意見

委員會對該個案未獲妥善處理表示關注。有關部門理應從速處理涉及試用人員的紀律個案。假如有真憑實證，即可決定根據《公務員事務規例》第186條，終止試用人員的聘用，無須採取紀律行動，免得費時失事。在這宗個案中，當局最終根據《公務人員(管理)命令》第10條把有關人員革職。公務員事務局已應委員會的要求，提醒各部門／職系首長注意《公務員事務規例》第186條的規定，在有需要時根據該條終止試用人員的聘用。

**Case C****Acting appointment while on probation****Background**

An officer who had only served out half of his three-year probationary period was appointed to act in the next higher rank. The arrangement was made because of the availability of a considerable number of higher rank vacancies and in view of the officer's good performance record. His acting performance, however, turned out to be unsatisfactory and he was required to step down after acting for ten months. It was commented that his working attitude and acceptance of responsibilities required improvement during the acting period. Though the officer restored his performance to a satisfactory level and the shortcomings mentioned while acting no longer persisted, the department considered that the shortcomings identified had cast doubt on the officer's suitability for passage over the probation bar and sought the Commission's advice to extend his probationary period for six months with financial loss. The officer finally proved his suitability at the end of the extended probationary period and was allowed passage over the probation bar.

**Problems identified**

On the basis of the officer's good performance as reflected in his first three probationary reports, he was recommended for acting appointment after serving for only one and half years. Right from the start, his acting performance was not satisfactory and there was room for improvement in various aspects of his performance. Advisory letters were issued urging for improvement in performance and quarterly reports were written on him to monitor his performance. The officer's unsatisfactory performance was probably due to the fact that he was not experienced enough to shoulder the responsibilities of the higher rank and thus could not perform up to the standard required. Bearing in mind that he was only a probationer with limited experience in the substantive rank, too much might have been expected of him in the acting appointment. Besides, the department should have taken the officer's background as a probationer into consideration when arranging an acting post for him.

**個案三****試用期內的署任安排****背景**

某員三年試用期只過了一半，便獲得安排署任高一職級。當局這樣安排，是因為較高職級出現頗多職位空缺，而該員的工作表現也記錄良好。然而，他在署任期間表現未如理想，當局於是要求他在署任十個月後停任並恢復原有職級。上司對他在署任期間的評語是工作態度和承擔責任方面有待改善。其後他的表現雖然回復至令人滿意的水平，上述在署任期內顯現的缺點也不復見，但有關部門認為，鑑於他先前出現的缺點，令人對他是否適宜通過試用關限存疑。該部門打算在令該員蒙受金錢損失的情況下延長其試用期六個月，並為此徵詢委員會的意見。在延長的試用期結束時，該員證明力能勝任，終獲批准通過試用關限。

**問題所在**

根據首三份試用報告，該員的工作表現良好，因此，他僅僅在職一年半便獲得推薦署任。但署任以來，他的表現一直未如理想，各方面都有待改善。當局於是發出勸誠信，着其改善工作表現，並按季填寫報告，以監察其表現。該員表現未如理想，可能是因為經驗不足，無法承擔較高職級的責任，以致表現未能符合應有標準。要知道的是他仍只處於試用期，擔任實任職級的經驗尚淺，有關部門對他的署任表現或期望過高。再者，有關部門在作出署任安排時，理應考慮到他仍只是試用人員這點。

## Observations

Regarding the case in question, the Commission agreed to the extension of the officer's probationary period for six months with financial loss. In tendering its advice, the Commission emphasized to the department that probationers should be given ample opportunity to demonstrate their suitability for confirmation to the rank in which they are being tested. If they are required to act up in a higher rank during the probationary period, due to operational needs, they should be provided with appropriate coaching, guidance and monitoring. As soon as the officers are found not suitable to continue acting in the higher rank, management should take timely action to revert them to their previous rank in order not to jeopardize their passage over the probation bar.

### Case D

## Passage of promotion step

### Background

An officer committed an offence in April 1999 and was awarded a severe reprimand in November 1999. He was debarred from passage of a promotion step for five years because the department considered that the severity of the offence committed by him warranted a longer debarring effect, counting from the date of punishment, i.e. up to November 2004. The officer lodged an appeal to the Commission as the debarring period of a severe reprimand as specified in the departmental circular is three years, counting from the date of commitment of the offence. Accordingly, it should have lapsed in early April 2002.

## 意見

就該宗個案而言，委員會贊同在該員蒙受金錢損失的情況下延長其試用期六個月。委員會在提供意見時向該部門強調，應給予試用人員足夠機會，讓其證明確實適合擔當目前試任的職級。假如因運作需要而要求試用人員在試用期內署任較高職級，則應當給予適當輔導和指引，並加以監察。發現他們不適合繼續署任較高職級時，管方便應適時採取行動，安排他們復任原來職級，以免妨礙他們通過試用關限。

### 個案四

## 通過升級點

### 背景

某人員在一九九九年四月行為不當，同年十一月遭嚴厲譴責。部門認為該員的不當行為嚴重，因此升級的限制期應予延長，於是決定不准該員在五年內通過升級點，由判罰當日起計，直至二零零四年十一月為止。該員向委員會提出上訴，理由是根據部門通告，嚴厲譴責對升級的限制期為三年，由觸犯不當行為該日起計算。故此，限制期應在二零零二年四月初屆滿。



## Development

Upon the Commission Secretariat's follow-up on the case, the department sought legal advice and decided to abide by the debarring period as mentioned in the departmental circular, i.e. three years from the date of offence, when considering an officer's passage of promotion step. Since the officer was assessed to be unlikely fit for promotion in his 1999 annual report, the department was of the view that he could only be deemed to have met the performance criteria for consideration for promotion starting from the 2000 appraisal cycle (ending December) and hence recommended his passage of promotion step with retrospective effect from January 2003.

Having examined the officer's performance records, the Commission, however, noted that his overall performance in 1999 was rated "Effective" and that prima facie, the assessment that he was not suitable for promotion in the year was related to the misconduct committed by him rather than because of his actual performance. If this was indeed the case, there was no reason to punish him twice by withholding his promotion until January 2003. After discussion, the department accepted that the "Unlikely fit" grading, which was not performance-related, should not be held against the officer regarding his eligibility for promotion, and agreed to promote him with retrospective effect from May 2002 when he met all the criteria for promotion, including service and qualification requirements.

## 事情發展

在委員會秘書處接手處理該個案後，部門徵詢法律意見，並決定在考慮該員可否通過升級點方面，遵循部門通告訂明的升級限制期，即由觸犯不當行為該日起計的三年。該員在一九九九年的年度考績報告中被評為不適合晉升，部門認為，該員的工作表現從二零零零年評核周期(以十二月為年結)開始才達到可獲考慮晉升要求，因此推薦該員通過升級點，生效日期追溯至二零零三年一月。

不過，委員會翻查過該員的表現記錄後，發現他在一九九九年的整體工作表現被評為“常”，當年評估他不適合晉升，是基於他所犯不當行為，而不是因為其實際工作表現不足。假如情況屬實，沒有理由對他施以兩度懲罰，把他的晉升日期押後至二零零三年一月。經討論後，部門同意“不大適合晉升”的評級與其工作表現無關，不應據此阻止該員晉升。部門也同意讓該員擢升，日期追溯至二零零二年五月，因為由該日期起該員已符合所有晉升條件，包括年資和學歷方面要求。

### **Issues of concern**

The department originally withheld the officer's passage of promotion step, but did not submit the recommendation to the Commission for advice. The matter was only brought to the Commission's attention through the officer's complaint. In accordance with the relevant CSRs and guidelines, any intention to withhold passage of promotion step requires reference to the Commission (in respect of the ranks under the Commission's purview) and the Secretary for the Civil Service. The Commission is concerned that other departments may also not be aware of the above requirement. At the Commission's request, CSB has reminded departments to observe the above requirement.

In addition, the Commission has noted with concern the department's deviation of its disciplinary practices from the guidelines laid down in the Procedural Manual on Discipline (PMD) that are being followed by all other departments. That is, (a) the debarring period of a severe reprimand in the department is three years whereas that practised in other departments in accordance with the PMD is three to five years; and (b) the debarring period counts from the date of misconduct in the department as against the date of punishment as spelt out in the PMD. The Commission is pleased to note that the department is now revising its departmental circular with a view to bringing it in line with the PMD.

### **關注事項**

該部門最初不批准該員通過升級點，但卻沒有向委員會提交建議，徵詢意見。委員會接獲該員的投訴後才知悉此事。根據《公務員事務規例》的有關係文和指引，如果不打算批准人員(屬委員會權限內職級)通過升級點，必須諮詢委員會和公務員事務局局長。委員會關注到其他部門可能也不知道上述規定。公務員事務局已應委員會的要求，提醒各部門遵守上述規定。

此外，委員會也關注到，該部門的紀律處分方法，偏離《紀律處分程序指南》所載指引，而其他部門都是依循這些指引來處理的，詳情如下：(a)在該部門作出的嚴厲譴責，對升級的限制期為三年，其他部門則根據《紀律處分程序指南》所定的指引，限制期為三至五年；以及(b)該部門對升級的限制期由干犯不當行為的日期起計，而非按《紀律處分程序指南》所定，由懲處日期起計。委員會欣悉該部門現正修訂其部門通告，使之與《紀律處分程序指南》一致。

**Case E****Managing a sub-standard performer****Background**

An officer who had been performing persistently below the expected standard of his rank (rated as "Moderate") was issued with an advisory letter in June 1997 upon the advice of the Commission. His performance had deteriorated to an unsatisfactory level (lowest performance rating) since 1999. He was found deficient in judgement, accuracy of work, confidence and ability to work independently. Despite repeated counselling, guidance and coaching given by his immediate supervisor, he failed to make any improvements. In view of his persistent unsatisfactory performance, his increment was stopped in July 2003, and he was also warned during the appraisal interview in March 2004 that action under s.12 of the PS(A)O would be instituted against him if he showed no sign of improvement.

**Problems identified**

This case reflected some serious shortcomings in the performance management system of the department. Despite the significant drop in the officer's performance from 'Moderate' to 'Unsatisfactory' since 1997, the departmental management continued to fail to take prompt and decisive action. Stoppage of increment was only made in July 2003 and the officer was only forewarned of potential action to retire him in the public interest at the interview conducted in March 2004 and later reiterated through an advisory letter issued in November 2004. The officer was also notified that two special reports would be called in a six-month period to monitor his performance with a view to deciding whether s.12 action should be pursued.

**個案五****管理表現未達標準的員工****背景**

一名員工的工作表現持續低於所屬職級的應有水準(只得“可”的評級)。一九九七年六月，所屬部門按委員會的建議向他發出勸誡信。自一九九九年以來，該員的表現每況愈下，表現評級下降至“劣”(最差的評級)。他的判斷力、工作準確程度、自信和獨立處理職務的能力，都有不足。儘管其直屬上司再三給予輔導、指引和指導，但他的表現毫無改善。由於表現持續欠理想，他在二零零三年七月被部門停止發放增薪，其後在二零零四年三月的評核會見中，遭上司警告，指表現如再無改善，部門便會根據《公務人員(管理)命令》第12條，對他採取行動。

**問題所在**

這宗個案反映該部門的員工表現管理制度有嚴重不足之處。雖然該名人員的表現在一九九七年後一落千丈，工作表現評級由“可”跌至“劣”，但部門管方卻一直未有及早採取果斷行動。管方直至二零零三年七月才停止發放增薪予該員，並要到二零零四年三月進行評核會見時，才向他警告，指當局或會採取行動，要求他為公眾利益着想而退休；二零零四年十一月，管方向他發出勸誡信，重申警告內容。此外，該員亦接獲通知，管方要求其上司在六個月內提交兩份特別的評核報告，以監察他的表現，從而決定是否根據有關命令第12條採取行動。

## Observations

The inaction on the part of the department over the past four years, until November 2004 to monitor and take action against the officer's persistent sub-standard performance is totally unacceptable. Also, the serious delays in completing the staff report on this officer as well as other officers in the rank by the Countersigning Officer were entirely against the practice of good performance management. Such delays had defeated the objective of using performance appraisals to monitor the staff's performance by providing timely assessment and feedback to the appraisees. The department was urged to enhance its performance management system; to seriously remind supervising officers of the importance of timely completion of staff appraisals as failure on their part reflected badly on their own supervisory skills; and to take decisive action under s. 12 of the PS(A)O against sub-standard performers, where warranted.

## 意見

在過去四年，該部門對該員表現持續未達標準視若無睹，遲遲未有任何行動，直至二零零四年十一月才加以監察和有所行動，這是完全不可接受的。另一方面，加簽人員遲遲未填寫有關人員和與該員同一職級的其他人員的評核報告，完全違反良好表現管理之道。推行工作表現評核制度的目的，是及時評估受評人的表現並給予意見，藉以監察其工作表現。延誤填寫報告令評核制度失去其作用。委員會敦促該部門改善其表現管理制度；認真提醒監督人員必須依時填寫屬下人員評核報告，並向他們指出，延遲提交報告，反映出他們的監管技巧差劣；以及在有理可據的情況下，根據《公務人員(管理)命令》第12條，向表現未達標準的人員採取果斷行動。



Dr Elizabeth Shing, JP  
Member, Public Service Commission  
成小澄博士, JP  
公務員被用委員會委員

*"Our civil service is recognized, quite deservedly so, as one of the most effective and efficient in the world. It is thus crucial that senior officers and all staff retain the ability and mindset to provide a first-class service to the community and be ever-ready in responding to challenges and crises. Sub-standard performance simply cannot be tolerated."*

“我們的公務員被譽為全球其中一支最能幹和效率超卓的隊伍，成績有目共睹，殊堪表揚。高級公務員和所有人員均須繼續努力不懈，精益求精，齊心為社會提供一流服務，時刻準備迎接重重挑戰，克服困境。對於表現欠佳的人員，絕不能加以容忍”

**Case F****s.10 versus s.12 action under the PS(A)O****Background**

A department made a recommendation to the CSB to invoke s.12 of the PS(A)O to retire an officer in the public interest on the grounds of his persistent sub-standard performance. The CSB, after considering the case, supported the recommendation and issued to the officer a letter-of-intent to retire him in the public interest. The Commission's advice was sought accordingly.

In processing the submission, the Commission noted that in parallel with the initiation of s.12 action, formal disciplinary action under s.10 was contemplated against the officer for his alleged acts of misconduct which included unauthorized absence (UA) and insubordination, the seriousness of which, if substantiated, could lead to the officer's removal from the service. Much time, however, had been spent on gathering supporting evidence in respect of other charges, such as making false reports, that were difficult to substantiate particularly given the lapse of time, thus holding up unnecessarily the disciplinary proceedings. CSB agreed in the end to cease s.10 action in order that s.12 action could proceed, notwithstanding that the officer had throughout the period in question continued to misconduct himself with the accumulation of UA hours to over 100 hours, necessitating the reduction of his salary by the department.

**個案六****《公務人員(管理)命令》第10條與第12條****背景**

某部門向公務員事務局建議，根據《公務人員(管理)命令》第12條，着令一名工作表現持續欠佳的人員為公眾利益着想而退休。在考慮該個案後，公務員事務局支持建議，並向該員發出擬令退休通知書，着令他為公眾利益着想而退休。該局其後就此事徵詢委員會的意見。

在處理有關建議時，委員會注意到，除根據有關命令第12條展開的行動外，當局也考慮過就該員涉嫌行為不當，根據第10條採取正式紀律行動。該員涉嫌干犯的不當行為包括擅離職守和不服從上司，若證明屬實，其嚴重程度足可使該員被免職。然而，由於其他控罪(如作出虛假報告等)事隔已久，難以求證，因此，在搜集證據方面，費耗不少時間，以致不必要地拖延紀律研訊程序。其間，該員的不當行為始終未見收斂，擅離職守的時間累計逾100小時，致使該部門須扣減其薪酬。儘管如此，公務員事務局當時仍同意終止根據第10條所採取的正式紀律行動，而只根據第12條採取行動。

### Issues of Concern

The officer concerned had less than ten years of service and was employed under the New Pension Scheme (NPS). If he was retired under s.12, he would be eligible for deferred pension benefits under the NPS. However, given the nature and seriousness of his misconduct, the likely punishment would be dismissal (i.e. without deferred pension benefits) should disciplinary proceedings under s.10 be taken against him.

The Commission's view is that s.12 action would give the officer an unfair advantage over other officers who left the service on resignation without completion of ten years' service despite good conduct and performance as they would not be eligible for any pension benefits. At the same time, the Commission noted with concern the officer's poor working attitude and particularly the disruption he was causing to the office since the issue of the letter-of-intent to him. The Commission therefore questioned CSB regarding the appropriateness of taking s.12 action in this case, bearing in mind the continuous application of the fundamental principle that should there be alleged misconduct serious enough to warrant an officer's removal from the service, disciplinary action under s.10 should take precedence over s.12. In response, CSB reconfirmed the principle in question and, having reviewed the evidence available specifically for the officer's latest misconduct of UA, agreed to switch back to taking s.10 action immediately against the officer. On hearing this, the officer resigned by paying one month's salary in lieu of notice. As he had resigned to avoid disciplinary proceedings, the department would take action to forfeit all his earned leave.

### 關注事項

該員根據新退休金計劃受聘，年資不足十年。假如根據第12條着令他退休，他可根據新退休金計劃獲發延付的退休金福利。不過，鑒於其不當行為的性質和嚴重程度，如果根據第10條對他進行紀律研訊，則他極可能會被革職(即不獲發延付退休金福利)處分。

委員會認為，假如根據第12條採取行動，該員所獲得的待遇，會較其他服務年期不足十年、因辭職離開政府的人員為優，因為後者即使品行和表現良好，也不會享有任何退休金福利，這樣對後者是不公平的。同時，委員會也關注到，該員自接獲擬令退休通知書後，工作態度欠佳，尤有甚者，是他對辦公室的運作不斷造成干擾。有見及此，委員會向公務員事務局提出質疑，這宗個案應否根據第12條處理，因為必須注意的一項基本原則，就是如果不當行為的指控的嚴重程度足以令有關人員被免職，則應根據第10條而非第12條來處理。公務員事務局在其回應中重申該原則，並在覆核有關該員最近擅離職守的不當行為方面的證據後，同意改為根據第10條立即對該員採取行動。在得悉此事後，該員以繳付一個月薪金代替通知的方式辭職。由於該員為了逃避紀律研訊而辭職，有關部門會採取行動，使他喪失所有賺得的假期。

## Observations

The Commission is very concerned that the case has been poorly handled. Management must continuously strive to demonstrate its determination not to tolerate misconduct and avoid taking s.12 action simply for the sake of expediency. When cases involving parallel action under s.10 and 12 arise in the future, both the CSB and the departments concerned should make concerted efforts to ensure that the latter course of action is taken only when the former course of action is not viable.

### Case G

## Consistency of disciplinary awards

### Background

A number of officers in a department were found to have failed to perform their core duties, made false entries in official documents, and made false claims of allowances. Four of them were prosecuted and convicted of the charges of "Agent using document with intent to deceive his principal" and "False accounting". All of them were subsequently dismissed under s.11 of PS(A)O.

Another officer of the same rank as these four officers and was involved in the same incident, was also charged but acquitted on technical grounds. The Administration subsequently instituted formal disciplinary action under s.10 of PS(A)O against him. He was found guilty on his own plea of failure to perform his core duty on one occasion, unauthorized absence on two occasions, and making false entries in different official records on two occasions.

## 意見

委員會十分關注該宗處理不善的個案。管方須不斷展示堅定決心，絕不姑息不當行為，避免為求從速了事而根據第12條採取行動。日後當有涉及可同時根據第10和12條採取行動的個案出現時，公務員事務局與有關部門都應力求一致，只在根據第10條採取行動的做法並不可行時，才根據第12條採取行動。

### 個案七

## 紀律處分輕重一致

### 背景

某部門多名人員被揭發沒有履行基本職責、在正式文件內填報虛假資料，以及虛報津貼。其中四人遭起訴，被裁定“代理人意圖使用文件欺騙其主事人”和“偽造假帳”兩項罪名成立。其後當局根據《公務人員(管理)命令》第11條把四人革職。

另一名與該四人同級的涉案人員，同樣遭受檢控，但因技術理由被判無罪。當局其後根據《公務人員(管理)命令》第10條向他採取正式紀律行動。他承認有一次沒有履行基本職責、兩次擅離職守，以及兩次填報虛假資料，最終被裁定指控成立。

### **Issues of concern**

Although legal advice had been given as early as November 2000 that the Administration could proceed with formal disciplinary action against this officer who was acquitted of the criminal charges, the department decided to withhold action until the conclusion of the criminal proceedings and s.11 action against the other four officers. After those four convicted officers were dismissed in 2002, the department took an inexcusably long period of time to deliberate if s.12 action under PS(A)O to retire this officer on the grounds of loss of confidence should be pursued. When the possibility of taking s.12 action was finally ruled out, the department considered and argued that informal punishment in the form of a written warning would suffice.

It was only after lengthy discussions initiated by SCSD and CSB that the department finally agreed to order formal disciplinary inquiry under s.10. However, after the officer had pleaded guilty to all charges, the department maintained that only a severe reprimand plus fine and a caution of removal from the service in the event of further misconduct should be given. CSB, however, recommended that the officer should be compulsorily retired.

### **關注事項**

當局早於二零零零年十一月已取得法律意見，指其可以向該名刑事罪名並不成立的人員展開正式紀律行動，但該部門卻決定暫不跟進，等待刑事法律程序結束，以及根據第11條向其餘四人採取行動後，再行定奪。該四名被定罪的人員在二零零二年被革職後，該部門考慮應否採取《公務人員(管理)命令》第12條的行動，以失去信心為由，着令該員退休，其間耗時之長，極不合理。採取第12條行動的建議被否決後，該部門認為以非正式處分形式向該員發出書面警告便足夠。

公務員紀律秘書處與公務員事務局於是與該部門展開冗長的討論，該部門最後同意根據第10條安排進行正式的紀律研訊。然而，在該員承認所有指控後，該部門卻堅持只應處以嚴厲譴責，另加罰款，並提出告誡，如果他再度行為失當，即行撤職。不過，公務員事務局卻建議應當迫令該員退休。



## Observations

Parity of treatment and consistency in disciplinary awards must be observed. Although no criminal conviction was involved in this case, the nature of the misconduct was similar to that in the cases of those four convicted officers. Given the department's insistence that those four convicted officers should be dismissed (and they finally were) because the highest level of integrity was expected of them, it would be unfair and inconsistent to treat this officer differently by arguing for his retention in the service. In supporting CSB's recommendation that the officer should be punished by compulsory retirement, the Commission has also requested CSB to take up the question of consistency of disciplinary awards with the department and also to remind other HoDs/HoGs to be mindful of this requirement.

## 意見

紀律處分必須按公平和劃一原則來處理。雖然在這宗個案中有關人員並沒有被刑事定罪，但他所干犯的不當行為，其性質與另外四名被定罪人員相若。既然有關部門基於員工應有崇高的操守而堅持把被定罪的四名人員革職(最終的確把他們革職)，那麼讓該員留任，便是給予該員特殊待遇，處理上既不公平，又不一致。委員會贊同公務員事務局有關該員應當遭受迫令退休處分的建議，並要求該局除了促請該部門注意，維持紀律處分輕重一致外，也應提醒其他部門／職系首長注意這項要求。

## Visits and Events 訪問及其他活動

The Commission continued to maintain close ties with relevant organizations/commissions overseas and in the Mainland.

A staff member of the Ministry of Supervision from the Mainland visited the Commission Secretariat on 19 August 2004. He was briefed on the functions and operations of the Commission. On 7 September 2004, a delegation of civil servants from the Vietnamese Government also visited the Commission Secretariat. The Chairman exchanged views with them on topics of mutual interest, particularly on senior staff appraisal and selection.

The Chairman attended the conference "Public Service Commissions : Professionalism Performance - excellence" organized by the Public Administration International from 22 to 26 November 2004 in London, United Kingdom (UK). Over 18 Commissions were represented. Topical issues facing Public Service Commissioners today were discussed. The conference also provided a forum for the participants to share their experience and review their challenges. During his stay in the UK, the Chairman took the opportunity to visit the First Civil Service Commissioner, Ms Baroness Usha Prashar. A wide range of topics on civil service management, training and human resources development issues were discussed with insightful views exchanged.

委員會繼續與海外和內地的有關機構／委員會保持密切聯繫。

二零零四年八月十九日，內地監察部一名人員探訪委員會秘書處。我們向他簡介委員會的職能和運作。二零零四年九月七日，由越南政府公務員組成的代表團探訪委員會秘書處。主席與他們就共同關注的課題，尤其有關評核和甄選高級人員的課題，交流意見。

二零零四年十一月二十二至二十六日，國際公共行政組織在英國倫敦舉辦“公務人員事務委員會：專業表現 — 卓越成就”會議，逾18個委員會派代表參加，主席代表委員會出席。與會者討論了公務人員事務專員現今面對的重大事項。此外，會議也提供難得的機會，讓參加者分享經驗，一起探討種種挑戰。在英國逗留期間，主席趁機拜會首席公務員事務專員 Usha Prashar 勳爵，就公務員管理、培訓和人力資源發展等多個課題進行討論，交流意見，得益不淺。

## Acknowledgements 鳴謝

The Commission would like to express its sincere gratitude to the Secretary for the Civil Service and his staff for their continued support and assistance in all areas of our work. The Commission also warmly acknowledges the ready co-operation and understanding shown by Permanent Secretaries, Heads of Departments and their senior staff in responding to the Commission's queries and suggestions during the year.

As always, the staff of the Commission Secretariat 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 and her team for their steadfast work and contribution.

公務員事務局局長及屬下職員不斷鼎力支持並協助委員會各方面的工作，委員會謹此衷心致謝。年內，各常任秘書長、部門首長及高層人員對於委員會的提問和建議給予衷誠合作和理解，委員會謹致謝忱。

一如以往，委員會秘書處職員繼續向委員會提供全力支援，在審核部門建議方面，克盡厥職，全力以赴，主席及各委員謹此表揚他們的貢獻。

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

### 委員會秘書處提供意見後曾作修訂的建議

Submissions with Recommendations Revised following PSC Secretariat's Observations – 2004 二零零四年委員會秘書處提供意見後曾作修訂的建議							
Number of 數目	Category 類別	Recruitment/ In-service Appointment 招聘/ 內部聘任	Promotions/ Acting Appointments 晉升/ 署任職位	Appointment on Agreement Terms/ Re-employment after Retirement 按合約條款聘用/ 退休後重行受僱	Discipline 紀律	Cases of retirement in the public interest 着令為公眾 利益着想而 退休的個案	Others* 其他
	Submissions advised on 曾提供意見的建議	67	458	120	146	7	113
	(a) Submissions queried 曾提出質疑的建議	9	202	32	7	0	39
	(b) Submissions with revised recommendations following queries 在提出質疑後作修訂的建議	2	104	2	4	0	7
	(b) / (a)	22%	51%	6%	57%	0%	18%
Comparison with Previous Years 與過去數年的數字比較							
Year 年份		2002	2003	2004			
	Total No. of submissions advised on 曾提供意見的建議總數	1262	932	911			
	(a) Submissions queried 曾提出質疑的建議	410	314	289			
	(b) Submissions with revised recommendations following query 在提出質疑後作修訂的建議	189	89	119			
	(b) / (a)	46%	28%	41%			

\* Submissions on review of acting appointments made to meet operational needs, passage of probation/trial bar, opening-up and revision of terms and Guides to Appointment.

這個類別的建議包括因運作需要而署任職位的檢討、通過試用/試任關限、開放職位、修訂聘用條款及聘任指南。

## Curricula Vitae of the Chairman and Members of the Public Service Commission 委員會主席及委員簡介



### Mr Haider Barma, GBS, JP

Chairman, Public Service Commission  
(appointed on 1 August 1996)  
Occupation : Chairman, Public Service Commission  
Qualification: B.A., HKU

Mr Barma had been a career civil servant. He joined the Administrative Service in August 1966. Senior positions held prior to retirement include Deputy Secretary for the Civil Service (Appointments) (1986-1988), Director of Regional Services (1988-1991), Director of Urban Services (1991-1993) and Secretary for Transport (1993-1996).

### 鮑文先生, GBS, JP

委員會主席  
(一九九六年八月一日獲委任)  
職業：公務員敘用委員會主席  
學歷：香港大學文學士

鮑文先生終身為香港政府服務。他在一九六六年八月加入政務職系，退休前擔任的高級職位計有副銓敘司（聘任）（一九八六至八八年）、區域市政總署署長（一九八八至九一年）、市政總署署長（一九九一至九三年）及運輸司（一九九三至九六年）。



### Mr Vincent CHOW Wing-shing, BBS, JP

Member, Public Service Commission  
(appointed on 1 February 1998)  
Occupation : Director & Group General Manager, Chow Sang Sang Holdings International Ltd.  
Qualification: B.Sc., M.Sc.

Mr Chow is a Member of the Council of the City University of Hong Kong. He serves on the Board of Governors of the Hong Kong Philharmonic Orchestra and as the Chairman of the Hong Kong Repertory Theatre Ltd.

### 周永成先生, BBS, JP

委員會委員  
(一九九八年二月一日獲委任)  
職業：周生生集團國際有限公司集團董事兼總經理  
學歷：理學士、理學碩士

周先生是香港城市大學校董會成員，也是香港管弦樂團監察委員會委員，並擔任香港話劇團有限公司主席。



### Mr Frank PONG Fai, JP

Member, Public Service Commission  
(appointed from 1 February 1998 to 31 January 2004)  
Occupation : Executive Director, Shiu Wing Steel Ltd.  
Qualification: B.Sc., Fellow Member, HKIE, Fellow Member, the Chartered Institute of Transport in Hong Kong

Mr Pong was a Member of the Court of the Hong Kong Polytechnic University and the Solicitors Disciplinary Tribunal.

### 龐輝先生, JP

委員會委員  
(任期由一九九八年二月一日至二零零四年一月三十一日)  
職業：紹榮鋼鐵有限公司常務董事  
學歷：理學士、香港工程師學會資深會員、香港運輸學會資深會員

龐先生是香港理工大學顧問委員會和律師紀律審裁組的成員。



### **Dr Elizabeth SHING Shiu-ching, JP**

Member, Public Service Commission

(appointed on 1 June 1999)

Occupation : Director-General, Hong Kong  
Management Association

Qualification: BA(Hons), MBA, DBA(Hon), FCMI

Dr Shing is a Member of the Electoral Affairs Commission, the Advisory Committee on Post-retirement Employment, the Appeal Board on Closure Orders (Immediate Health Hazard) of the Public Health and Municipal Services Ordinance, the Consumer Council and the Management Committee of the Consumer Legal Action Fund.

### **成小澄博士, JP**

委員會委員

(一九九九年六月一日獲委任)

職業：香港管理專業協會總幹事

學歷：榮譽文學士、工商管理碩士、工商管理博士、英國特許管理學會會士

成博士是選舉管理委員會、退休公務員就業申請諮詢委員會、公眾衛生及市政條例封閉令（對健康的即時危害）上訴委員會、消費者委員會及消費者訴訟基金管理委員會的成員。



### **Miss Eliza CHAN Ching-har, JP**

Member, Public Service Commission

(appointed on 1 December 2001)

Occupation : Senior Partner of Jewkes Chan & Partners,  
Directorships in several companies

Qualification: LL.B., B.Sc., Diploma in PRC Law

Miss Chan is a Member of the Hospital Authority and the Chairman of its Public Complaints Committee, the Kowloon Hospital and the Hong Kong Eye Hospital. She is a China-Appointed Attesting Officer appointed by the Ministry of Justice of the People's Republic of China. She is a Standing Committee Member of the Tianjin Committee of the Chinese People's Political Consultative Conference, the Foreign Economic Affairs Legal Counsel for the Tianjin Municipal Government, an arbitrator of the China International Economic and Trade Commission and a Disciplinary Panel Member of the Hong Kong Institute of Certified Public Accountants. She is also the legal adviser to the Hong Kong Chinese Enterprises Association.

### **陳清霞女士, JP**

委員會委員

(二零零一年十二月一日獲委任)

職業：祖偉仕律師行的高級合伙人、多家公司的董事

學歷：法學士、理學士、中國法律文憑

陳女士是醫院管理局成員兼其下的公眾投訴委員會主席，也是九龍醫院和香港眼科醫院的主席。此外，她是中國司法部委托公證人，同時也是中國人民政治協商會議天津市委員會常務委員、天津市人民政府對外經濟法律顧問、中國國際經濟貿易仲裁委員會的仲裁員，以及香港會計師公會紀律小組會員，並擔任香港中國企業協會的法律顧問。



### Mr Wilfred WONG Ying-wai, JP

Member, Public Service Commission  
(appointed on 1 February 2002)

Occupation : Vice-Chairman of Shui On Holdings Ltd.

Qualification: B.Soc.Sc. (HKU), Dip in M.S. (HKCU),  
MPA (Harvard), Post-graduate Studies in  
Admin. Dev. (Oxford)

Mr Wong is the Chairman of the Social Welfare Advisory Committee, a member of the Commission on Poverty, the Deputy Chairman of the Court and Council of the Hong Kong Baptist University, and a Council Member of the Hong Kong University of Science and Technology. He is also the Chairman of the Hong Kong International Film Festival Society, a trustee of the Business and Professionals Federation of Hong Kong and the Vice-President of the Shanghai-Hong Kong Council for the promotion and development of the Yangtze.



### Mr Simon IP Sik-on, D. Ed, JP

Member, Public Service Commission  
(appointed on 23 May 2003)

Occupation : Businessman

Qualification: Solicitor of Supreme Court of Hong Kong

Mr Ip is a Member of the Board of Stewards of the Hong Kong Jockey Club, a Member of the Executive Committee and the Board of Directors of the Community Chest of Hong Kong, a Member of the Board of Trustees of the Sir Edward Youde Memorial Fund, the Council of the Queen Elizabeth Foundation for the Mentally Handicapped and the AIDS Foundation Advisory Board, Research Fellow of the Faculty of Law of Tsinghua University, Beijing, Honorary Fellow of the Management Society for Healthcare Professionals.

### 王英偉先生, JP

委員會委員

(二零零二年二月一日獲委任)

職業：瑞安集團有限公司副主席

學歷：社會科學學士（香港大學）、管理  
學文憑（香港中文大學）、公共管  
理學碩士（哈佛大學）、行政發展  
研究課程（牛津大學）

王先生是社會福利諮詢委員會主席、扶貧委員會委員、香港浸會大學諮議會及校董會副主席、香港科技大學校董會成員、香港國際電影節協會主席，並擔任香港工商專業聯會的信託委員及長江開發滬港促進會副理事長。

### 葉錫安先生, 教育學博士, JP

委員會委員

(二零零三年五月二十三日獲委任)

職業：商人

學歷：香港最高法院律師

葉先生是香港賽馬會董事，以及香港公益金執行委員會和董事會的成員。他亦是尤德爵士紀念基金信託委員會、伊利沙伯女皇弱智人士基金理事會，以及香港愛滋病基金會顧問委員會的成員。此外，他也是北京清華大學法學院研究顧問及醫療管理學會榮譽院士。



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

Member, Public Service Commission

(appointed on 1 February 2004)

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

Qualification: B.A.(Hon) HKU

Mr Sze is a Member of the ICAC Operations Review Committee. Mr Sze was a career civil servant. He 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**

Member, Public Service Commission

(appointed on 1 February 2004)

Occupation : Businessman

Qualification: A Chartered Accountant and holds Law Degrees from Glasgow and Hong Kong Universities

Mr Stevenson is a Non-Executive Director of the Hong Kong and Shanghai Banking Corporation Limited and the MTR Corporation Limited. He is also a Member of the Board of Stewards of the Hong Kong Jockey Club.

### **施祖祥先生, GBS, JP**

委員會委員

(二零零四年二月一日獲委任)

職業：太古股份有限公司獨立非執行董事、李錦記有限公司非執行董事

學歷：香港大學榮譽文學士

施先生是廉政公署審查貪污舉報諮詢委員會的成員。他終身為香港政府服務，一九六九年加入政務職系，在約26年的公務員生涯中，曾任多個部門和決策科首長。他退休前擔任公務員事務司，一九九六年退休後轉任香港貿易發展局總裁，二零零四年五月離任。

### **施文信先生, SBS**

委員會委員

(二零零四年二月一日獲委任)

職業：商人

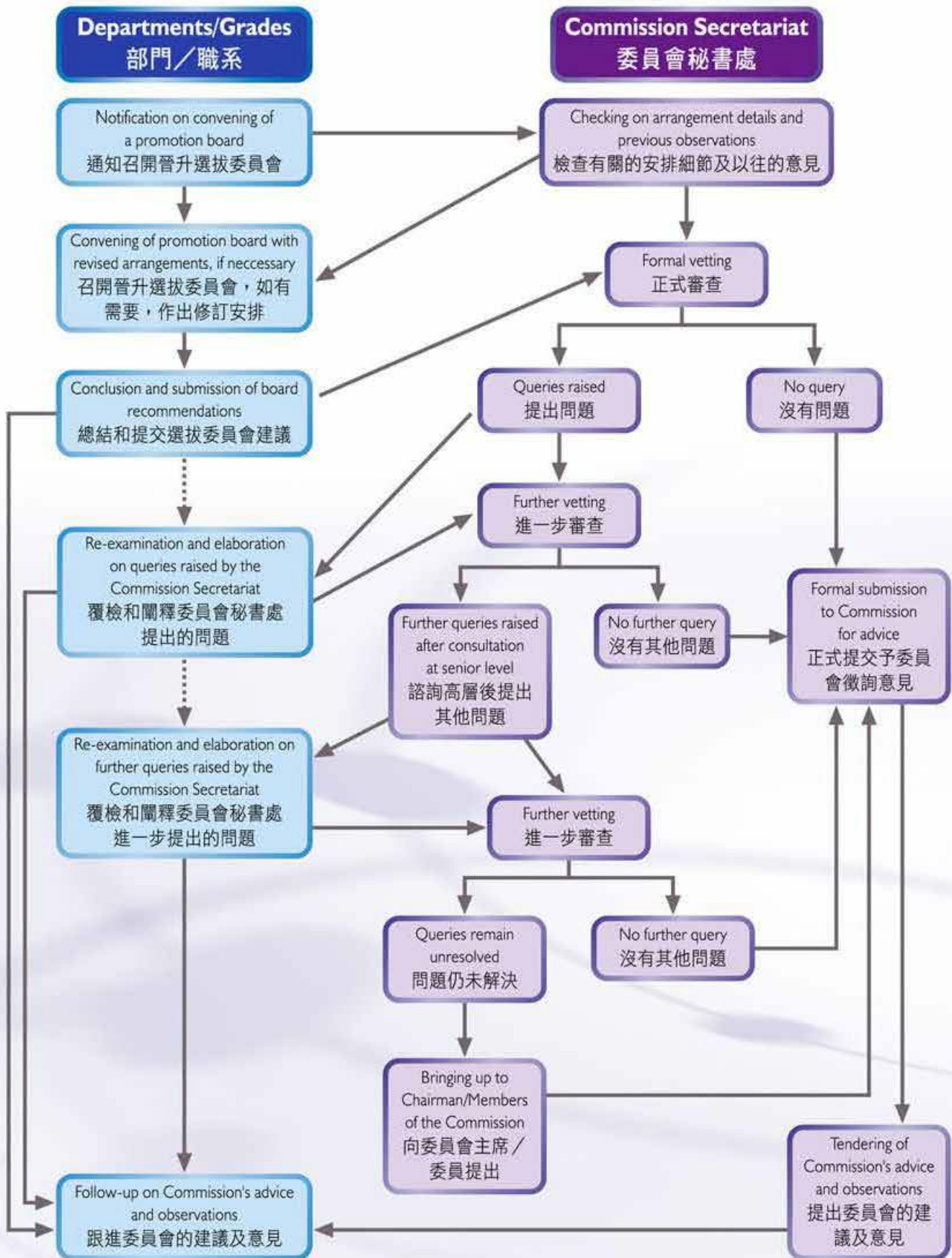
學歷：特許會計師、格拉斯哥大學和香港大學法學士

施文信先生是香港上海滙豐銀行有限公司和地鐵有限公司的非執行董事，亦是香港賽馬會董事。

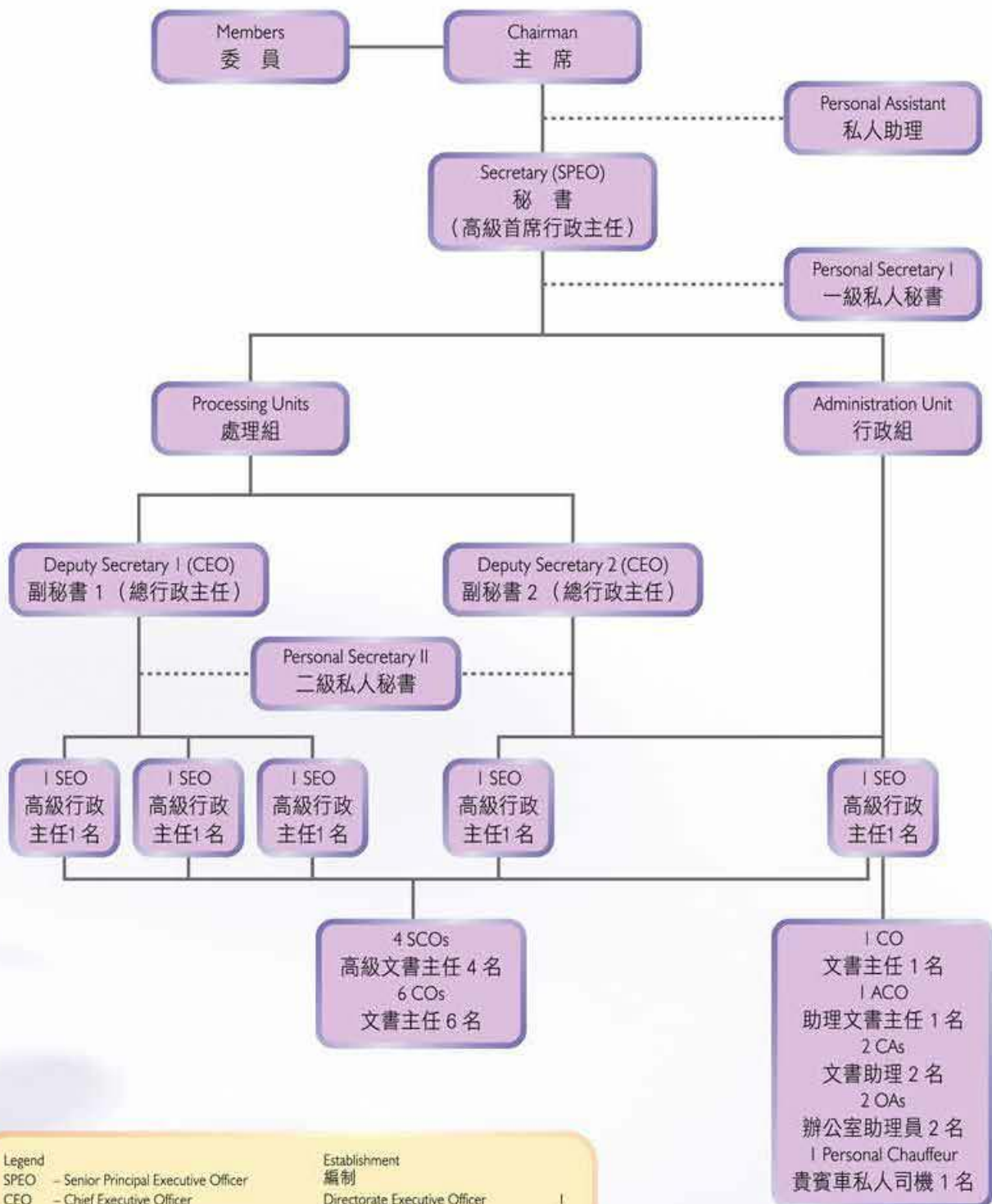


# Flow Chart Illustrating the Vetting Process of Promotion Cases

## 晉升選拔個案審查程序流程圖



## Organisation of the Public Service Commission Secretariat 公務員敘用委員會秘書處組織架構



## Legend

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

## Establishment

編制  
Directorate Executive Officer 1  
首長級行政主任  
Executive Officer Grade 7  
行政主任職系  
Clerical Grade 16  
文書人員職系  
Secretarial Grade 3  
秘書職系  
Chauffeur Grade 1  
貴賓車司機職系

28

## Appointments to the Senior Directorate (D3 & above) in 2004 二零零四年高層首長級人員 (D3或以上) 的任命

### Filling of Vacancies in Senior Directorate Advised by PSC

#### Breakdown by Pay Scale

徵詢委員會意見

填補的高層首長級職位空缺 (按薪級列出)

Directorate Ranking Pay Scale 首長級薪級表	No. of Vacancies 空缺數目
D8	7
D6/DL6	13
D5	2
D4/C4	10
D3/DL3/C3	24
Total	56 #

# Of the 56 vacancies, 38 were filled by promotion, 5 by acting appointment with a view to substantive promotion, 4 by acting for administrative convenience, 2 by recruitment, 1 by renewal of agreement, 4 by re-employment after retirement, 1 by extension of service and 1 by secondment.

在56個空缺之中，38個由晉升方式填補、5個由署理以待實際升職方式填補、4個由為方便行政而署理的方式填補、2個由招聘方式填補、1個由續約方式填補、4個由退休後重行受僱方式填補、1個由延長服務方式填補，以及1個由借調方式填補。

### Appointments to Heads of Departments

#### Advised by PSC

徵詢委員會意見任命的部門首長

Post Title 職位名稱	Directorate Ranking Pay Scale 首長級薪級表
Director-General of Civil Aviation 民航處處長	D6
Director-General of Telecommunications 電訊管理局總監	D6
Government Chief Information Officer* 政府資訊科技總監*	D6
Director of Legal Aid 法律援助署署長	DL6
Director of Architectural Services 建築署署長	D5
Director of Lands* 地政總署署長*	D5
Commissioner of Correctional Services 懲教署署長	C4
Government Economist* 政府經濟顧問*	D4
Head, Efficiency Unit* 效率促進組專員*	D4
Government Chemist 政府化驗師	D3

\* Appointments from outside the departmental grade  
任命部門職系以外人員擔任部門首長

#### Legend 註

- C General Disciplined Services (Commander) Ranks 一般紀律人員 (指揮官級)
- D Directorate Group 首長級人員
- DL Directorate (Legal) Group 首長級 (律政人員)

## Breakdown of Appointments (by Salary Group) and Related Matters in 2004

二零零四年聘用（按薪俸組別列出）及有關事宜的分項統計數字

Filing of Vacancies Advised by PSC Breakdown by Salary Group 徵詢委員會意見填補的職位空缺（按薪俸組別列出）						
Vacancies Filled by 填補空缺方式	Salary Group 薪俸組別					Sub-total 小計
	Master Pay Scale Below Points 26 總薪級表 第26點以下	Master Pay Scale Points 26-44 總薪級表 第26—44點	Master Pay Scale Points 45-49 總薪級表 第45—49點	Directorate 首長級薪級表	General Disciplined Services Pay Scale 一般紀律人員 薪級表	
Recruitment after local advertisement 在本港刊登廣告後聘用	—	30	1	1	22	54
In-service Appointments 內部聘任						
Overseas recruitment 海外招聘	—	—	1	1	—	2
Promotion 晉升	—	547	123	124	107	901
Renewal/Extension of agreement under old entry system 根據舊入職制度續約／延長合約	1	25	1	2	—	29
Further appointment under new entry system 根據新入職制度續聘	21	35	—	1	—	57
Extension of service/Re-employment after retirement 退休後延長服務／重行受僱	—	1	1	11	2	15
Opening-up arrangement 開放職位安排	—	10	6	2	—	18
Secondment 借調	—	—	—	1	—	1
Sub-total 小計	22	658	137	144	152	1113
Total No. of Vacancies Involved 所涉及的空缺總數						1113

Other Appointment-related Matters in 2004  
二零零四年其他與聘用有關事項

Other appointment-related matters referred to the Commission for advice during 2004 are set out as follows:  
二零零四年內曾徵詢委員會意見的其他與聘用有關事項如下：

	No. of ranks 職級數目
Guides to Appointment 聘任指引	25
	No. of cases 個案數目
Representations/complaints 申述書/投訴	16
	No. of officers 人員數目
Extension/Refusal of passage over 延長/不批准通過	26
Probation bar 試用關限 Trial bar 試任關限	8
Revision of terms: 修訂聘用條款:	
(Transfer from local agreement terms to pensionable terms) (由本地合約條款轉為可享退休金條款)	-
(Transfer from locally modelled agreement terms to pensionable terms) (由本地模式合約條款轉為可享退休金條款)	-
(Transfer from common agreement terms to pensionable terms) (由劃一合約條款轉為可享退休金條款)	-
Promotion waiting list 晉升候補名單	14
Acting for administrative convenience 為方便行政而署理職位	1965
Acting with a view to substantive promotion 署理以待實際升職	191
Acting with a view to substantive promotion waiting list 署理以待實際升職候補名單	12
<b>Total no. of officers 合計人員數目</b>	<b>2 216</b>