

Public Service Commission

ANNUAL REPORT
2020

70th Anniversary
PUBLIC SERVICE COMMISSION
公務員敘用委員會



Public Service Commission

ANNUAL REPORT 2020

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Chairman's Foreword



The Public Service Commission publishes an annual report every year. The 2020 Annual Report is of particular significance as 2020 also marked the 70th Anniversary of the Public Service Commission – a Platinum milestone.

Established under the Public Service Commission Ordinance in 1950, the Commission has been playing the vital role of an independent advisor on Civil Service appointment, promotion and disciplinary matters. Through generations of past Chairmen and Members, the Commission with its unique role has established a special place in the Civil Service. I pay tribute to all our predecessors for the foundation they have laid and on which the Commission's role and repute has been built. That we are able to earn the trust and confidence of both the Government and civil servants is due to the long track record and the important work of the Commission. In appreciation, former Members since its inception is listed in Appendix I. It is a privilege to be recognized and the Commission is gratified that our advice is valued and accepted always. On our part, we remain committed and will continue to discharge our responsibilities independently, objectively and fairly without fear or favour.

2020 was also a difficult year as we witnessed the onslaught of a new coronavirus COVID-19 pandemic throwing people's daily lives and the world into disarray. The challenges it presented to our Government and community were unprecedented and overwhelming. At the time of writing, our fight to contain

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and prevent its spread was still continuing. While a great many activities and businesses had to be halted and social distancing observed as a daily routine, the work of the Commission has not stopped with our normal mode of operation keeping up well.

Being the backbone of the Government, the Civil Service has a key role in the upkeep of good governance of Hong Kong. Implicit in every appointment to the Civil Service, it is the intrinsic duty and obligation of every civil servant to support unreservedly the Chief Executive of the Hong Kong Special Administrative Region (HKSAR) in the governance of the HKSAR. It is thus appropriate and fitting to require all civil servants, serving or to be recruited, to undertake and swear to uphold the Basic Law of the HKSAR of the People's Republic of China, bear allegiance to the HKSAR and be dedicated to their duties and be responsible to the HKSAR Government under the Basic Law. The Commission is in full support of the manifestation encapsulated in the oath/declaration, the requirement of which was implemented in July 2020.

Despite some isolated disruptions, the work of recruitment and sustaining the Civil Service through promotion had proceeded as planned in 2020. Similar to the caseloads of the previous two years, the Commission has examined and advised on 1 159 submissions. Competition for appointment and promotion has remained keen if not more so. Our scrutiny of every submission has to be critical and thorough before we can lend support to the recommendations of the recruitment and promotion boards. In the process, we need to be satisfied that proper procedures have been followed and the claims of all eligible candidates have been duly and fairly considered. Our ultimate aim is to ensure only the most deserving and suitable ones are selected for promotion and appointment. We have sampled some significant cases in Chapters 2 to 4 to illustrate the standard we hold and expect.

Managing staff performance is the day-to-day responsibility of supervisors at all levels. Only by strictly ensuring that staff perform to the required standard and all acting in concert can the goals set by the organisation be met. Developing and grooming talents for succession must therefore be pursued as an on-going commitment with close oversight by the management from the very top. We have included in Chapter 5 some good examples and some other cases which require catching up work to do.

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Consistent with past trends, the number of disciplinary cases needed to be submitted to the Commission for advice remains low. This is within the expectation of the Commission as upholding a high standard of integrity and probity has always been a top priority and core value of the Civil Service. The small number of disciplinary submissions does not mean that the time and attention spent by the Commission on them can be less. There is no place for complacency. We call on management at all levels to remain vigilant and be on guard to tackle promptly and decisively any violations of the rule of conduct and breaches of the law. Chapter 6 gives an account of some noteworthy disciplinary cases the Commission has advised in the past year.

On completion of another year of productive work, I must extend to every Member of the Commission my heartfelt thanks for the wise counsel and unfailing support they have each rendered me. My gratitude also goes to the Secretary for the Civil Service and his colleagues for their support and assistance in all areas of our work. On behalf of the Commission, I would also like to record our appreciation to the Secretary and all staff of the Secretariat for their dedication and diligent work.



Mrs Rita Lau
Chairman

CHAPTER 1

An Overview of the Public Service Commission

- 1.1 The Public Service Commission is an independent statutory body which advises the Chief Executive (CE) on Civil Service appointments, promotions and discipline. Its mission is to safeguard the impartiality and integrity of the appointment and promotion systems in the Civil Service and to ensure a high standard of discipline is maintained. The Commission's remit is stipulated in the Public Service Commission Ordinance (PSCO) and its subsidiary regulations (Chapter 93 of the Laws of Hong Kong).

Membership

- 1.2 In accordance with the PSCO, the Commission comprises a Chairman and not less than two but not more than eight Members. All of them are appointed by the CE and have a record of public or community service. The membership of the Commission during 2020 was as follows –

| Chairman | |
|---------------------------------------|---------------------|
| Mrs Rita LAU NG Wai-lan, GBS, JP | since May 2014 |
| Members | |
| Mr Andrew MAK Yip-shing, BBS, JP | since May 2015 |
| Mrs Ayesha MACPHERSON LAU, JP | since February 2016 |
| Mr John LEE Luen-wai, BBS, JP | since May 2016 |
| Mr Lester Garson HUANG, SBS, JP | since February 2018 |
| Mrs Ava NG TSE Suk-ying, SBS | since February 2018 |
| Mrs Margaret LEUNG KO May-ye, SBS, JP | since July 2018 |
| Mr Tim LUI Tim-leung, SBS, JP | since July 2018 |
| Dr Clement CHEN Cheng-jen, GBS, JP | since December 2019 |
| Secretary | |
| Ms Fontaine CHENG Fung-ying | since October 2018 |

Curricula vitae of the Chairman and Members are at Appendix II.

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The Public Service Commission at a meeting.

Secretariat

1.3 The Commission is supported by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. At the end of 2020, the number of established posts in the Commission Secretariat was 32. An organisation chart of the Commission Secretariat is at Appendix III.

Role and Functions

1.4 The Commission's role is advisory. With a few exceptions specified in section (s.)6(2) of the PSCO¹, the Commission advises on the appointments and promotions of civil servants to posts with a maximum monthly salary at Master Pay Scale Point 26 (\$53,500 as at end of 2020) or above, up to and including Permanent Secretaries and Heads of Department (HoDs). The appointment of Directors of Bureau, Deputy Directors of Bureau and

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

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Political Assistants under the Political Appointment System is not referred to the Commission for advice. At the end of June 2020, the number of established Civil Service posts falling under the Commission's purview was 49 133 out of a total of 188 729. However, irrespective of rank, the following categories of cases must be submitted to the Commission for advice. They are –

- (a) cases involving termination (including non-renewal) of agreement and further appointment on agreement terms or new permanent terms under the circumstances as specified in Civil Service Bureau (CSB) Circular No. 8/2003 and the relevant supplementary guidelines issued by CSB;
- (b) termination or extension of probationary or trial service;
- (c) refusal of passage of probation or trial bar; and
- (d) retirement in the public interest under s.12 of the Public Service (Administration) Order (PS(A)O)².

1.5 As regards disciplinary cases, the Administration is required under s.18 of the PS(A)O³ to consult the Commission before inflicting any punishment under s.9, s.10 or s.11 of the PS(A)O upon Category A officers with the exception of the exclusions specified in the PSCO. Category A officers refer to those who are appointed to and confirmed in an established office or are members of the Civil Service Provident Fund (CSPF) Scheme⁴. They include virtually all officers except those on probation, agreement and some who are remunerated on the Model Scale 1 Pay Scale. At the end of June 2020, the number of Category A officers falling under the Commission's purview for disciplinary matters was about 118 000.

2 The PS(A)O is an executive order made by the CE under Article 48(4) of the Basic Law. It sets out the CE's authority in regard to the management of the Civil Service, including discipline matters.

3 Generally speaking, with the exception of middle-ranking officers or below in disciplined services grades who are subject to the respective disciplined services legislation, civil servants are governed by disciplinary provisions in the PS(A)O. For disciplinary cases processed under the respective disciplined services legislation of which the punishment authority is the CE (or his/her delegate), the Government will, subject to the exclusions specified in s.6(2) of the PSCO, consult the Commission on the disciplinary punishment under s.6(1)(d) of the PSCO.

4 The CSPF Scheme is the retirement benefits system for civil servants appointed on or after 1 June 2000 and on New Permanent Terms of appointment.

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- 1.6 The Commission also handles representations from officers on matters falling within its statutory purview and in which the officers have a direct and definable interest. In addition, the Commission is required to advise on any matter relating to the Civil Service that may be referred to it by the CE. The Commission also advises the Secretary for the Civil Service on policy and procedural issues pertaining to appointments, promotions and discipline as well as on a wide range of subjects relating to human resources management.

Mode of Operation

- 1.7 The business of the Commission is normally conducted through circulation of papers. Meetings are held to discuss major policy issues or cases which are complex or involve important points of principle. At such meetings, representatives of CSB and the senior management of departments may be invited to apprise the Commission of the background of the issue or case but the Commission forms its views independently.
- 1.8 In examining submissions from Bureaux and Departments (B/Ds), the Commission's primary aim is to ensure that the recommendations are well justified and are arrived at following the required procedures and stipulated guidelines. To achieve this, the Commission has devised a meticulous vetting system and in the process may require B/Ds to provide clarifications and supplementary information. In some cases, B/Ds would modify their recommendations after taking into account the Commission's observations. In other cases, the Commission is able to be satisfied with the propriety of the recommendations after examining the elaborations provided. The Commission also tenders suggestions or reminders to B/Ds on areas deserving management attention. The ultimate objective is to facilitate the pursuit of excellence in the administration of the appointment, promotion and disciplinary systems in the Civil Service.

Confidentiality and Impartiality

- 1.9 In accordance with s.12(1) of the PSCO, the Chairman or any member of the Commission or any other person is prohibited from publishing or disclosing to any unauthorised person any information which has come to his/her knowledge in respect of any matter referred to the Commission under the Ordinance. Under s.13 of the PSCO, every person is prohibited

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from influencing or attempting to influence any decision of the Commission or the Chairman or any member of the Commission. These provisions serve to provide a clear and firm legal basis for safeguarding the confidentiality and impartial conduct of the Commission's business.

Performance Targets

- 1.10 In dealing with promotion and disciplinary cases, the Commission's target is to tender its advice or respond formally within six weeks upon receipt of the submissions. As for recruitment cases, the Commission's target is to tender advice or respond within four weeks upon receipt of such submissions.

Work in 2020

- 1.11 In 2020, the Commission advised on 1 159 submissions covering recruitment, promotions and disciplinary cases as well as other appointment-related subjects. Queries were raised in respect of 853 submissions, resulting in 162 re-submissions (19%) with recommendations revised by B/Ds in the light of the Commission's comments. All submissions in 2020 were completed within the pledged processing time. A statistical breakdown of these cases and a comparison with those in the past four years are provided in Appendix IV.
- 1.12 The Commission deals with representations seriously. All representations under the Commission's purview are replied to following thorough examination. Should inadequacies or irregularities in B/Ds' work be identified in the process, the Commission would provide advice to B/Ds concerned for rectification.
- 1.13 The Commission dealt with six representations relating to appointment matters in the year. After careful and thorough examination, the Commission was satisfied that only one of the representations made was substantiated. The representation involved a serving officer who was originally waitlisted for appointment to another grade but was rejected by the recruiting department. Upon investigation, the Commission has found omissions in the approval process when the application was put up to the relevant appointment authority (AA) for consideration. The concerned department admitted the oversight and has undertaken to review its recruitment proceedings and provide adequate

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training and guidance to the staff handling recruitment matters.

- 1.14 In addition to representations, the Commission also receives complaints of various nature. Although some may fall outside our statutory purview, all complaints are dealt with seriously. After obtaining the facts and information from the relevant B/Ds, the Commission will deliberate on the substance of the complaints and reply to the complainants. Where the matters raised fall outside the Commission's purview, the Commission Secretariat will re-direct them to the relevant B/Ds for reply.
- 1.15 The Commission has a key role to play in ensuring compliance and consistency in the application of policies and procedures that pertain to appointments, promotions and discipline in the Civil Service. While staff training and development are the core responsibilities of departmental and grade managements (GMs), the Commission has been working with CSB to promote a total approach in developing a comprehensive Human Resource Management strategy for the Civil Service. Specifically, we would like to see B/Ds create and engender an optimum environment to manage, develop and motivate staff thus enabling them to perform to the best of their abilities to achieve the B/Ds' organisational goals and objectives. In 2020, the Commission continued the initiative of fielding officers from the Commission Secretariat to participate in training sessions and workshops organised for Executive Grade officers. Equipping them with the necessary knowledge and expertise to discharge their personnel management function is vital in ensuring the appointment and promotion systems are administered properly and in full accordance with Civil Service policies and rules. We were encouraged by the feedback that these forums have helped to nurture mutual understanding between the Commission and B/Ds. The forums have enabled officers responsible for preparing submissions to the Commission to become better aware of the Commission's standard and requirements. This in turn has helped to enhance our mutual efficiency. Separately, the Commission will continue to take advantage of our visits to B/Ds to discuss areas and matters of mutual interest.

Homepage on the Internet

- 1.16 The Commission's homepage can be accessed at the following address –

<https://www.psc.gov.hk>

The homepage provides information on the Commission's role and functions,

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its current membership, the way the Commission conducts its business and the organisation of the Commission Secretariat. Our Annual Reports (from 2001 onwards) can also be viewed on the homepage and can be downloaded.

- 1.17 An Index of the advice and observations of the Commission on Civil Service recruitment, appointment, discipline and other human resources management issues cited in the Commission's Annual Reports since 2001 is provided on the homepage. The objective is to provide human resources management practitioners in B/Ds and general readers with a ready guide for quick searches of the required information.

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- 2.1 The principle governing Civil Service appointments is to appoint “the best person for the job”. Ability and good conduct aside, the Commission has also to be assured that the selection process is fair and properly conducted and that the claims of all eligible candidates are duly and fully considered. In 2020, the Commission considered and tendered advice on 1 159 submissions. Of them, 1 130 were appointment-related and the remaining 29 were related to conduct and discipline. These submissions were the result of the hard work of B/Ds. Altogether, 140 recruitment and 704 promotion exercises were conducted by them. They involved hundreds and thousands of applicants and candidates whose applications for appointment and claims for promotion have to be meticulously assessed. In addition, the Commission advised on 22 submissions concerning extension of service or re-employment after retirement. Of these, 20 further employment cases were conducted under the adjusted mechanism promulgated by CSB in June 2017. Another 173 cases involved extensions or termination of officers appointed on probation or trial service. The remaining 91 were other appointment-related cases.
- 2.2 Apart from tendering advice and observations on case-specific submissions, the Commission also provides comments to CSB on its formulation of new appointment policy. The Commission also works with the Bureau to improve and streamline appointment procedures and where appropriate proposes subjects for review. An account of the Commission’s work is detailed in this Chapter.

Civil Service Recruitment

- 2.3 Recruitment to the Civil Service is undertaken by CSB and individual B/Ds. It may take the form of an open recruitment or in-service appointment or both. Where submissions are required to be made to the Commission⁵, we will check to see that objective selection standards and proper procedures are adopted in the process. Introduction of new shortlisting criteria for recruitment exercises requires the Commission’s advice in advance before they can be adopted. We will examine them to ensure that they are

5 They refer, for the purpose of recruitment, to ranks attracting a maximum monthly salary not less than the amount specified at Master Pay Scale Point 26 (\$53,500 as at end-2020) or equivalent, but exclude (a) the basic ranks of non-degree entry and non-professional grades; and (b) judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

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appropriate and fair. We also advise B/Ds on improvement measures that can be taken to shorten the processing time so that offers can be made to successful candidates as early as possible.

- 2.4 In 2020, the Commission advised on 140 recruitment exercises involving the filling of 1 471 posts, of which 1 397 posts (in 135 exercises) were through open recruitment and 74 posts (in five exercises) by in-service appointment. A statistical breakdown of these appointments and a comparison table showing the number of recommendees in 2020 and that of the past four years are provided at Appendix V. Some specific observations made by the Commission on the recruitment submissions advised in the year are provided in Chapter 3.

Recruitment board report template

- 2.5 In seeking the Commission's advice on the recommendations of recruitment boards, B/Ds are required to provide all necessary information clearly and accurately in the recruitment board reports. To obviate the need for the Commission Secretariat to seek supplementary information or clarification further to their submissions, the Commission invited CSB to consider devising a checklist on information required and a template to assist B/Ds to prepare the recruitment board report. The Commission's suggestion was welcomed and supported by CSB. Drawing from some good quality recruitment submissions sampled by the Commission, a CSB memorandum to give effect to the above advice was promulgated on 11 February 2021. The Commission believes that greater ease and efficiency will be gained on the part of B/Ds as well as the Secretariat of the Commission.

Civil Service Promotion

- 2.6 The role of the Commission in advising the Government on promotions⁶ in the Civil Service is to ensure that only the most suitable and meritorious officers are selected to undertake the higher rank duties through a fair and

6 Under the purview of the Commission, recommendations on promotion to middle and senior ranks, i.e. those attracting a maximum monthly salary not less than the amount specified at Master Pay Scale Point 26 or equivalent, are required to be submitted to the Commission for scrutiny and advice. The judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force are outside the purview of the Commission.

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equitable promotion system. In examining promotion submissions from B/Ds, the Commission will need to be satisfied that the proper procedures have been followed and that the claims of all eligible officers have been fairly and fully considered regardless of their terms of appointment against the criteria of ability, experience, performance, character and prescribed qualifications, if any. The Commission also makes observations on the proceedings of promotion exercises and matters relating to performance management with a view to bringing about improvements where shortfall is identified and enhancing the quality of the Civil Service promotion system as a whole.

- 2.7 In 2020, the Commission advised on 704 promotion exercises involving the recommendations of 8 881 officers for promotion or acting appointment. The competition is always keen and for some grades and ranks, a promotion may mean a once-in-a-lifetime opportunity in their Civil Service career. Thus, the Commission has to ensure that every aspect and detail of the promotion exercises, not least the determination of the eligibility of candidates, are fairly and objectively decided by the promotion boards. A numerical breakdown of these submissions and a comparison with those in the past four years are provided at Appendix VI. Some specific observations made by the Commission on these submissions are provided in Chapter 4.

Extension of Service of Civil Servants

- 2.8 Pursuant to the Government's policy decision announced in January 2015 on the adoption of a package of measures to extend the service of civil servants, further employment of civil servants for a longer duration than final extension of service (hereafter referred to as "FE") was fully implemented from June 2017 after consulting the Commission.

The FE scheme

- 2.9 Under the FE scheme, eligible officers may be considered for FE through a selection process, which has been institutionalised by making reference to the modus operandi of promotion and recruitment boards. The Commission's advice is required for FE if the posts concerned are under our purview. In 2020, the recommendations of 20 FE exercises involving extension of the service of 62 officers were submitted to the Commission for advice. A breakdown of the number of extension of service or re-employment after

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retirement cases, including FE submissions, in 2020 and a comparison with those in the past four years are provided at Appendix VII.

- 2.10 To ensure that all eligible and suitable FE candidates could be considered by a selection exercise and approval given in time before they cease active service⁷, B/Ds have to conduct FE exercises in a timely manner (i.e. no later than three months before the commencement of each FE selection cycle⁸). In examining an FE submission in the year, the Commission noted that the concerned FE selection board was conducted six months later than the time-frame stipulated in paragraph 6.19 of the Guidebook on Appointments. The department explained that it was unable to conduct the FE selection board earlier as it had to wait for the result of the promotion board of the next higher rank in determining the number of consequential vacancies to be filled at the FE rank. That being the case, the department should have made better forward planning with proper timelines worked out for the related boards to avoid the delay. The Commission noted that CSB had reminded the department to plan well ahead and strictly observe the action time-frame in conducting the related promotion and selection exercises in future.
- 2.11 Apart from the above case, the Commission is pleased that the FE scheme has been implemented smoothly and selection done in full accordance with the requirements set out in the Guidebook on Appointments. The Commission notes that as an on-going effort, CSB will review the implementation of the FE scheme. The Commission will continue to scrutinise the operation of the FE scheme and provide feedback to CSB as necessary.

The Option

- 2.12 CSB launched an Option Scheme for serving officers who joined the Government between 1 June 2000 and 31 May 2015 to seek extension of

7 FE, if approved, should commence immediately before the selected applicant would cease active service in the Government were it not for the FE.

8 The FE selection cycle should normally be a 12-month period that commences nine calendar months after the end of the reporting cycle applicable to the rank.

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retirement by five years on 27 July 2018. They have two years to exercise the option commencing 17 September 2018. At the end of the option period on 16 September 2020, about 47 000 eligible civil servants (out of 56 000, or 83%) had taken up the Option for implementation on 15 March 2021. Unlike the FE scheme, their applications do not require the advice of the Commission prior to approval being given. Their extended retirement will add strength to our labour force and provide continuity in their service to the community.

Management of officers on probation/trial

- 2.13 The purpose of requiring an officer to undergo a probationary/trial period is manifold. They include –
- (a) providing an opportunity for the appointee to demonstrate his/her suitability for further appointment in the Civil Service;
 - (b) allowing the AA to assess the performance and conduct of the appointee and be satisfied that he/she is fit for continuous employment; and
 - (c) giving the appointee time to acquire any additional qualifications or pass any tests prescribed for further appointment.

To uphold the proper administration of the probation/trial system, HoDs/Heads of Grade (HoGs) have the overall responsibility of overseeing the management of officers on probation/trial including the provision of necessary training, coaching and counselling to help them fit into their jobs. Continual monitoring and regular feedback on their performance are required in determining whether approval should be given for them to pass the probation/trial bar. They are also needed to enable the management to take appropriate action to address any problems that may surface during the probationary or trial period.

- 2.14 Full advantage must be taken of the probationary/trial period to terminate the probationary/trial service of an officer if he/she is unlikely to become suitable for continued service or further appointment because of his/her conduct and/or performance. To maintain a high quality workforce, HoDs/HoGs should apply stringent suitability standards in assessing the performance and conduct of probationers/officers on trial to ensure that only

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those who are suitable in all respects are allowed to pass the probation/trial bar. According to the guidelines promulgated by CSB and as provided for under Civil Service Regulations (CSRs), termination of an officer's probationary/trial service is not a punishment. If at any time during the probationary/trial period, an officer on probation/trial is found to have failed to measure up to the required standards of performance/conduct or has shown attitude problems and displayed little progress despite having been given guidance and advice, the HoD/HoG concerned should take early and resolute action to terminate his/her service under CSR 186/200 without the need to wait till the end of the probationary/trial period or recourse to disciplinary action.

- 2.15 Extension of probationary/trial period should not be used as a substitute for termination of service or solely for the purpose of giving an officer more time to prove his/her suitability. In accordance with CSR 183(5)/199(3), a probationary/trial period should normally be extended only when there have not been adequate opportunities to assess the officer's suitability for passage of the probation/trial bar because of his/her absence from duty on account of illness or study leave; or when there is a temporary setback on the part of the officer in attaining the suitability standards or acquiring the prescribed qualifications for passage of the probation/trial bar beyond his/her control. It is only in very exceptional circumstances where the officer, though not yet fully meeting the suitability standards, has shown strong indication to be able to achieve the standards within the extension period that an extension of his/her probationary/trial period should be granted.
- 2.16 In 2020, the Commission recorded a total of 26 cases requiring the termination of probationary/trial service of the officers concerned. These cases were all related to unsatisfactory performance and/or conduct. There were another 147 submissions recommending extension of probationary/trial service in the year. Most of these extensions were needed to allow time for the officers concerned to demonstrate their suitability for permanent appointment/passage of trial bar on grounds of temporary setback in performance, minor lapses in conduct or absence from duty for a prolonged period due to the officers' health conditions, or pending the acquisition of requisite qualifications prescribed for continued appointment. A statistical breakdown of these cases and a comparison with those in the past four years are provided at Appendix VIII.

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Standard of disciplinary punishment and assessment of suitability for passage of probation/trial bar

- 2.17 While B/Ds have in general been holding onto the suitability principle vigilantly for proper administration of the probation/trial system, the Commission is concerned about the lax standard adopted by some B/Ds in recommending extensions of the probationary/trial service of some officers who have misconducted themselves or whose performance has shown clear deficiencies. To cite a few examples, in a case of negligence at work, the management has failed to assess the consequential risk involved in determining the appropriate course to take. In another, only an advisory letter was issued to an officer who was habitually late for work. In yet another case where a heavier punishment should have been considered, the officer was only issued a verbal warning for insubordination and repeatedly flouting the departmental instruction requiring the wearing of proper uniform whilst on duty. The Commission considers that setting a more stringent standard is necessary especially when the department is keen to instill a consistent and strong sense of discipline among a large establishment of staff.
- 2.18 In cases involving more serious acts of misconduct, the department concerned should have reviewed the officers' general suitability for continuous employment instead of taking summary disciplinary actions⁹ alone. Furthermore, meting out timely sanctions is just as important as the punishment itself if it were to serve the deterrent effect. The Commission noted from the cases handled in the past year that a long time, ranging from eight to 16 months, was taken by the management of a department to come to the view that termination of the probationary/trial service of the officer concerned was warranted and justified. Delay in action not only undermined the credibility of the department in its resolve to uphold a high standard of conduct and discipline, it also reflected adversely on the efficiency of

9 Summary disciplinary action comprises verbal and written warnings. It is taken in cases of acts of minor misconduct (e.g. occasional unpunctuality) committed by civil servants and allows B/Ds to tackle and deter such misconduct expeditiously. The Commission's advice is not required in such cases. A verbal or written warning would debar an officer from promotion or appointment for a period of time. If a probationer is issued with a verbal or written warning, his/her probationary period should be considered for extension by six months or one year respectively with financial loss under CSR 186, irrespective of when the warning is issued during the probationary period. The probationer will receive no increment during the extension and his/her incremental date will be deferred for the same duration permanently. At the end of the period, the officer will be considered for confirmation to the rank subject to his/her satisfactory performance and the AA's satisfaction that he/she fully meets the requirements of the grade for confirmed appointment in the long term.

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the departmental management. In supporting the recommendations, the Commission has urged the department to conduct a comprehensive review on its system of operation with a view to improving the management of officers on probation/trial and the administration of the disciplinary system.

- 2.19 In addition and separately, the Commission has invited CSB to consider working with the departmental and grade management to reinforce the capability of supervisors in managing the performance and conduct of officers on probation/trial. Provision of enhanced training and experience sharing will be beneficial to assist them in the day-to-day management and supervision of these officers. The Commission will continue to collaborate with CSB in tightening the loose joints in the administration of the probation/trial system.

Timely completion of probationary/trial appraisals

- 2.20 Appraisal is an integral part of the performance management system. It is a tool with which staff performance is monitored and assessed. It is also a means to provide feedback for staff development. Over the years, the Commission has stressed time and again the importance of timely completion of staff appraisals. This is more so in the case of officers on probation/trial. Undue delay in completion of their probationary/trial appraisals misses early opportunities for staff to be made aware of how they have been performing and may deprive them of the chance to improve their shortcomings in time for passage of his/her probation/trial bar.
- 2.21 During the year, the Commission noted repeated delays in the completion of probationary appraisals in four cases. In these four extension cases, more than half of the probationary reports concerned were completed late for more than three months. The Commission has advised the relevant B/Ds to write and remind the supervising officers of their duty to complete staff appraisals in a timely manner. Cases of acute delay should, in our view, be recorded in the supervisors' own staff appraisal reports to underscore their role and performance in managing their subordinates.

Timely administration of verbal/written warning for probationers

- 2.22 Summary disciplinary action of verbal and written warnings are the first and second tiers of punishment in the Civil Service. It serves to enable

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frontline supervisors to correct and deter minor acts of misconduct in a swift and timely manner. While the prior advice of the Commission needs not be sought, extension and deferment of probationary period have to be submitted for our consideration. The Commission appreciates that the due process requires the management to establish clear evidence and allow the officer concerned to make representations and request for review. It remains our view that efficiency and promptness in action is just as important. Otherwise, the desired punitive and deterrent effect will be defeated. In two cases, the departmental management took over eight months to issue a verbal warning to the probationers. The Commission has reminded the concerned departments to expedite actions and not to be bogged down by minor details which are not germane to the case. Punishment should be proceeded with expeditiously.

Complete and accurate information on records of officers on probation/trial

2.23 Comprehensive records and up-to-date information are crucial in assessing the suitability of an officer on probation or trial for continuous appointment on permanent terms. In one case, the user department of the probationer had overlooked to report an incident to the GM for over 16 months. Had the omission not been discovered subsequently, the GM would have made a wrong decision on the suitability of the probationer for continued appointment in the absence of the information. As illustrated by this example, incomplete information and communication breakdown could prejudice the timeliness and propriety of the actions taken by the management. There is a need for the case officers to raise their level of alertness and vigilance in ensuring that concerted action is timely taken. The Commission has advised the department concerned to review and strengthen its reporting/monitoring mechanism so that comprehensive and up-to-date information could be gathered and communicated in good time for proper follow-up.

Timely submission

2.24 As required under CSR 186(4)/200(4), recommendations involving extension or termination of probationary/trial service which fall under the purview of the Commission should as far as practicable be submitted to the Commission at least two months before the end of the probationary/trial period. In a case seeking to further defer the passage of probation bar of an officer under

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on-going investigation by a law enforcement agency, the concerned department submitted its recommendation to the Commission more than a month after the expiry of the date for passage of the probation bar. The Commission considers that the delay is avoidable if the department had monitored the investigation progress more closely and exercised the necessary judgement in recommending a reasonable period for deferment. Late submissions were also found in three other cases by another department. The late submission was found to have been caused by internal communication problem in the processing team and the cases were overlooked. As all three cases were relatively straightforward involving extensions on account of sickness of the probationers, the Commission had managed to fast-track the scrutiny of these cases enabling our advice to reach the department before or shortly after the end-date of the probationary period. However, this was made possible only with the Commission Secretariat's manoeuvre of its already hectic schedule of work and priorities. The Commission has asked the department concerned to review its monitoring system and examine whether and to what extent the processing team should be held accountable for its oversight.

Supervision of staff performing outdoor duties

2.25 The establishment of an effective system to monitor and exercise supervision staff performing outdoor duties is both a must and a challenge. In an extension case involving an officer on trial due to the issue of a verbal warning arising from his/her unauthorised absence from outdoor duties, the Commission was pleased to note that the concerned department had, in the wake of an incident of unauthorised absence from duty by a team of staff, revamped its staff supervision and quality assurance system with the aid of information technology. Besides issuing clear instructions to specify the frequency and procedures for field inspections (including surprise checks and inspections of staff attendance records), senior officers of the department were tasked to conduct briefings on staff discipline at a regular interval. Fitting departmental vehicles used for performing outdoor duties with the Global Positioning System, vehicle camera and recording system has helped the department not only in service delivery but in planning the service as well. The department's initiative in exploring new and innovative measures for the enhancement of staff supervision is a good example other departments could follow.

CHAPTER 2

Civil Service Appointments

Other Civil Service Appointment Matters

2.26 Other appointment matters advised by the Commission cover cases of renewal, non-renewal or extension of agreement, retirement in the public interest under s.12 of the PS(A)O, secondment¹⁰, opening-up arrangement¹¹, review of acting appointment and updating of Guide to Appointment¹². In 2020, the Commission advised on 91 aforesaid cases. A statistical breakdown of these cases and a comparison with those in the past four years are provided at Appendix IX.

Retirement in the public interest under s.12 of the PS(A)O

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

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

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

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

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

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An officer who is required to retire in the public interest may be granted retirement benefits. In the case of a pensionable officer, a deferred pension may be granted when he/she reaches his/her statutory retirement age. In the case of an officer under the CSPF Scheme, the accrued benefits attributable to the Government's Voluntary Contributions will be payable in accordance with the rules of the relevant scheme.

- 2.28 During the year, a total of nine officers from seven B/Ds were put under close observation. After seeking the Commission's advice, the Government retired one officer under s.12 on the grounds of persistent substandard performance. Two officers had subsequently been taken off the watch list, one after compulsory retirement on disciplinary grounds and the other one with intended action under s.12 held up due to health grounds. As at the end of the year, six officers remained under close observation.
- 2.29 The Commission will continue to draw B/Ds' attention to potential s.12 cases in the course of vetting staff appraisal reports in connection with promotion exercises. We will also closely monitor departmental managements' readiness and timeliness in pursuing such administrative action.

CHAPTER 3

Observations on Recruitment Cases

- 3.1 Recruiting new talents and injecting new blood into the Civil Service is vital in sustaining a stable and robust workforce to provide the community with effective, efficient and high quality service. To meet service needs and Government manpower requirements, regular recruitment exercises are conducted by B/Ds. The process of selection is rigorous and competition keen. The Commission supports the conduct of recruitment based on merit and fair opportunities and selecting candidates who can best meet the requirements of the job. Apart from ensuring the proper conduct of the recruitment process, we also attach importance to administrative efficiency and promptness of action in order that the Government would not lag behind in competing with the market for talents.
- 3.2 During the year, the Commission was satisfied with B/Ds' overall compliance with the stipulated rules and procedures governing the recruitment process. Delays in submission to the Commission for advice were noted in some cases due to selection interviews having to be rescheduled or reorganised to observe the social distancing measures enforced by Government to control the spread of the COVID-19 epidemic. In a few cases, the work-from-home arrangements have imposed further constraints for staff to complete their tasks. The Commission appreciates that despite these extraordinary challenges, B/Ds have generally been able to proceed and complete recruitment exercises as planned.

Quality of Board Reports and Assessment Made by Recruitment Boards

- 3.3. In examining the recommendations of recruitment boards, the Commission not only needs to be satisfied that the required due process and procedural fairness have been observed, the individual assessments on candidates have to provide a solid basis for our support to be given. In the spirit of giving credits where they are due, the Commission will acknowledge and commend B/Ds for exemplary work done. During the year, the Commission was delighted to see the notable achievements of three departments. The Commission was particularly impressed by the quality of the reports. In each of the three cases, the board concerned has provided relevant information and cogent assessment on the performance of individual candidates. With a clear account of the board's considerations, the Commission's scrutiny of the recommendations was greatly facilitated and efficiency enhanced. The Commission has conveyed our appreciation to the B/Ds accordingly.

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Observations on Recruitment Cases

- 3.4 Recruitment boards are tasked to select the most suitable candidates for appointment by virtue of all relevant criteria including character, ability, potential and performance as well as qualifications and experience. Because the number of applicants usually far exceeds that of vacancies, recruitment boards have to assess candidates' performance critically. To this end, the Commission has advised B/Ds to draw up a clear and comprehensive marking scheme to help facilitate an all-round assessment of each candidate. When several selection panels are involved, the recruitment boards have to formulate objective assessment standards and criteria and take due measures to ensure consistency in the selection process.
- 3.5 Among the many good recruitment submissions examined during the year, the Commission was particularly impressed by the recruitment exercises conducted by five departments. The assessment forms were meticulously designed with the assessment criteria clearly set out and supported by well thought-out marking schemes. A rating guide describing the score of each assessment criterion to assess the levels of abilities/qualities of the candidates was prepared and given to each member of the recruitment boards. This has greatly facilitated the boards to align the standard of assessment and ensure consistency at the same time.

Assessment Criteria

- 3.6 Although not a mathematical science, the Commission has suggested to B/Ds to consider according weightings to the assessment criteria such that failure in specified ones will render a candidate's application unsuccessful. Together with a passing score set for those criteria that are crucial to the job requirements, the Commission is confident that only the most suitable candidates are selected and that those scoring lopsidedly high in non-crucial criteria are screened out.
- 3.7 In examining a number of recruitment submissions last year, the Commission noted that while there was an overall passing score, no passing mark was set for the individual assessment items or weightings determined to reflect their relative importance to the requirements of the job. The Commission has advised the departments concerned to review the assessment forms for the recruiting ranks in question and consider setting a passing score for each aspect of assessment as appropriate before launching the next exercise. In support

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of the Commission's views, CSB has reiterated the same considerations and, to assist B/Ds further in their recruitment work, included a sample marking scheme in the recruitment guidelines promulgated in February 2021.

CHAPTER 4

Observations on Promotion Cases

- 4.1 Appointing the best person for the job is the foundation of a meritorious civil service. In our case, character, ability, experience and together with any required qualification are prescribed as the criteria for promotion in the Civil Service. An officer has to demonstrate that he/she is suitable in all respects before he/she could be promoted. Promotion has to be earned: it is not an entitlement nor a reward for long service, but a recognition that the selected officer is capable and ready to perform the more demanding duties in a higher rank. The Commission assists the Government to ensure that only the most deserving officers with demonstrable ability and potential are promoted. Needless to say, the selection process has to be conducted fairly and objectively and that the claims of all eligible officers are duly and fully considered.
- 4.2 The Commission sets a very high standard for the staff of the Commission Secretariat to scrutinise each and every recommendation for promotion. We have to ensure that promotion exercises are conducted properly and are in full compliance with the CSRs and the rules and procedures governing them. The Commission is pleased to note the continued maintenance of a high level of compliance in 2020. In some cases, however, there was scope for further improvement. While specific observations and comments had been conveyed to the B/Ds concerned, we have chosen some noteworthy cases to illustrate and serve as a reminder for B/Ds.

Counting of Vacancies for Promotion and Acting Appointments

- 4.3 To realise the potential of capable and suitable officers to take up higher responsibilities in the delivery of services to the community, B/Ds should make maximum use of the available vacancies to promote deserving officers at the earliest possible opportunity. Paragraphs 3.5(a) and 3.42 of the Guidebook on Appointments set out the general principle and method in determining the number of promotable and acting vacancies in a promotion exercise as well as the effective date of promotion. Vacancies that are expected to arise within the current reporting cycle should be counted as promotable vacancies. Supernumerary or time-limited posts should also be counted as promotable vacancies if sufficient permanent vacancies will become available to absorb the promotees before the lapse of the supernumerary or time-limited post concerned. Once it is confirmed that a permanent vacancy will arise before the lapse of a supernumerary/time-limited post, it should be counted as a promotable vacancy in the upcoming promotion exercise.

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HoDs/HoGs have no discretion in choosing as to when or whether to count a post as promotable, and policy support from their Permanent Secretary (and also from CSB if the Bureau is the AA of the rank concerned) should be obtained prior to the conduct of a promotion exercise to fill all promotable vacancies. Whether the same number of candidates will be recommended is a matter to be deliberated by the promotion board. Other than vacancies occurring in the current reporting cycle, B/Ds should also ascertain the number of vacancies which are expected to arise in the first six months of the next reporting cycle so that filling them (e.g. by long-term acting for administrative convenience (AFAC)¹³ or short-term acting appointment) could be planned ahead.

- 4.4 Accurate calculation of vacancies in accordance with the above rules is the first and foremost requirement before any promotion exercise can be conducted. Miscalculations of vacancies have to be corrected up-front lest it should affect the recommendations of a promotion board. While supernumerary or time-limited posts should also be counted as promotable vacancies if sufficient permanent vacancies will become available to absorb the promotees before the lapse of the supernumerary or time-limited posts concerned, the Commission had found miscalculations in four submissions. After rectification upon the Commission Secretariat's query, the effective dates of promotion of a few promotees in two cases were advanced, and some more officers were recommended for promotion with policy support obtained afresh in another. Had the promotion boards been provided with the accurate vacancy position, the promotions of the recommended officers could have been effected earlier. In the latter case, the department had omitted to report some time-limited vacancies which could be used for acting by deserving officers to try out their capabilities at the higher rank. The Commission has reminded the concerned departments to observe the relevant guidelines closely and exercise due diligence in counting vacancies for promotion and/or acting.

13 An officer is appointed to AFAC if he/she is not yet ready for immediate promotion, but is assessed as having better potential than other officers to undertake the duties of the higher rank; or he/she is considered more meritorious but could not be so promoted because of the lack of substantive and long-term vacancies. In such cases, reviews on the acting appointment should be conducted regularly according to CSR 166(6).

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- 4.5 In other cases, there appeared to be confusion on the part of the concerned department in seeking the policy support for filling promotable vacancies. In a promotion exercise, the department had obtained policy support to fill one possible consequential vacancy for promotion but it was revealed that there should be two such vacancies available as at the Board date. In the case of another department, despite the Commission's advice previously given, a number of anticipated vacancies that could only be used for acting appointments was erroneously counted as promotable vacancies when policy support was sought. Although no candidate was recommended by the board to fill the aforesaid vacancies, the policy support obtained for an inflated number of vacancies could have resulted in promotions leading to over-establishment. The Commission has reminded the departmental management to be more vigilant in the future.
- 4.6 In another case, the number of candidates recommended or waitlisted for AFAC appointments was found to have far exceeded the number of vacancies reported in the promotion board report without any explanation. It was only upon the Commission Secretariat's enquiry that the board clarified that the recommended list was to cater for some possible vacancies. While it is in order for promotion boards to recommend a waiting list for promotions or acting, the boards should have set out the vacancy position clearly and comprehensively for the Commission's scrutiny. Time could have been saved and need for clarification could be obviated.

Conduct of Promotion Boards and Submission of Promotion Board Reports

- 4.7 Promotion boards should normally be held within six months from the end-date of the last appraisal cycle. B/Ds should submit promotion board reports to the Commission for advice within two months after the board meeting. Late conduct of promotion boards and late submission of promotion board reports were not conducive to maximizing staffing resources for the effective and efficient operations of B/Ds. It will also affect B/Ds' manpower development plans and posting arrangements for officers identified as fit for promotion/acting. During the year, the Commission was satisfied with B/Ds' overall adherence to the timelines in completing the promotion exercises. The Commission is gratified to note that despite the extraordinary challenges posed by the COVID-19 epidemic resulting in the implementation of social distancing measures and the work-from-home arrangements, the

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B/Ds had endeavoured to keep to the planned schedule of work. For the small number of late submissions, the Commission notes that the departments concerned were heavily engaged in the work relating to the control and combat of the COVID-19 epidemic.

4.8 For promotion exercises involving a large number of eligible candidates, it is not uncommon for such boards to convene more than one meeting to deliberate and conclude their recommendations. The time-gap between such meetings should be kept the shortest possible to ensure that the boards' recommendations could be reached within a reasonable time-frame with the integrity of the boards' proceedings kept intact. In one promotion exercise, the board meetings were organised in seven half-day sessions spanning over a span of two weeks. While recognizing that there might be practical difficulties involved in securing the availability of board members amid their busy work schedules, the Commission considers that appropriate and due priority should be given to the conduct of promotion exercises.

4.9 In a promotion exercise, the Commission had raised query on the appointment of a retiring officer to a promotion board tasked to identify a suitable officer to succeed the vacancy vacated by him. The appointment was problematic because the same officer was subsequently recommended for FE. The Commission noted that the concerned officer had not submitted any application for FE when the promotion board was held¹⁴. Nonetheless, the officer's appointment to the board might still give rise to a potential/perceived conflict of interest. Arising from this case and the Commission's concern, CSB had issued supplementary guidelines in March 2020 to advise B/Ds not to appoint any retiring officer to promotion, selection or recruitment boards unless it is confirmed that there is no foreseeable FE need for the rank concerned.

Eligibility of Candidates

4.10 The key task of a promotion board is to make fair assessment on the claims of all eligible candidates to identify the most meritorious officer(s) for advancement. It is incumbent upon the concerned boards to ascertain

14 In accordance with paragraph 6.20 of the Guidebook on Appointments, for the avoidance of conflict of interest, an officer who has submitted an application for FE in his present or lower rank should not be appointed as the chairman or a member of the promotion/selection board or recruitment board of the rank concerned.

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the pool of eligible candidates accurately. Including a candidate who is not eligible for consideration or omitting one who is otherwise eligible is a grave error. In one case, the Commission noted that a promotion board had included a candidate on pre-resignation leave for consideration. In another case, the department had mistakenly treated a written warning under appeal as an on-going disciplinary case such that the concerned officer was put forward for continued AFAC appointment. After examination, the Commission is satisfied that the former case was a sheer oversight and the latter a misunderstood interpretation of the relevant governing guideline on appointment. Although neither case had caused irreparable consequences to the boards' recommendations, the Commission has called on the departments concerned to be more vigilant in the future.

Shortlisting Criteria

- 4.11 According to paragraph 3.21 of the Guidebook on Appointments, where the pool of eligible candidates is large, a promotion board may devise shortlisting criteria relevant to the performance of duties in the promotion rank to reduce the number of eligible candidates to a more manageable size. Such shortlisting criteria, however, should not debar the board from considering exceptionally meritorious candidates who meet the eligibility criteria but not the shortlisting criteria. The Commission has long called on B/Ds to be critical in devising shortlisting criteria. In addition to consistency, due regard should also be given to the vacancy position and the practical effect of the adopted criteria.
- 4.12 Last year, the Commission was pleased to note that a promotion board took heed of our previous advice and introduced a new shortlisting criterion to reduce the pool of candidates to a more manageable size for detailed examination. Striking a balance between the number of vacancies available and the experience and exposure required for the higher rank responsibilities, the adoption of shortlisting criterion had enhanced the board's efficiency. Timeliness in the submission of the board report has also significantly improved. Another board also exercised its judgement appropriately in relaxing the shortlisting criterion previously adopted after considering the increased number of vacancies and the need to enlarge the pool of candidates for succession planning. In another case, however, the promotion board decided to continue to use the same shortlisting criteria with insufficient regard to changed circumstances in the year. As observed by the Commission, a substantial proportion of officers falling short of the

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service criterion were given exceptional consideration by the promotion board and were recommended for accelerated advancement on account of their meritorious performance. The result would seem to suggest that the adopted service criterion was redundant. Some other boards had, on top of a service criterion, adopted performance attained by an officer as an additional shortlisting criterion. As staff's ability is already an established selection criterion stipulated in the CSR, using a certain overall performance rating attained by an officer as an additional shortlisting criterion may not be appropriate. After all, the given rating has to be read in totality with the assessment in the entire performance report and only represents one of the factors for consideration by promotion boards. In a different case, the promotion board had chosen to introduce a shortlisting criterion notwithstanding that the pool of candidates was not unmanageably large. Shortlisting ten officers against six vacancies did not appear to be justified nor conducive to healthy competition. The Commission has advised the departments concerned to review the appropriateness of the shortlisting criteria in future exercises.

Appropriate Weighting to Acting Performance

- 4.13 Although not specified as a requirement, promotion boards usually follow the well-established principle of giving due weight to the recommendations of the last promotion board in recommending or prioritising AFAC appointments. Prolonged acting appointments have to be reviewed regularly every six months and on occasions of promotion exercises being conducted, their acting appointments have to be considered afresh. For officers who have been appointed for long-term acting through a selection process, their claim for promotion is normally higher than other eligible officers in the same exercise. While promotion boards have generally followed this principle in making their recommendations in the year, deviation from this norm was noted in a few cases. In these few cases, the promotion boards had recommended a common date for promotion for all selected candidates without regard to those who were acting on the recommendation of a previous board. Under the due weight principle, the latter group should be promoted at an earlier date than those newly recommended. Upon the Commission's request and after revisiting the matter, the boards had duly revised their recommendations. The Commission has advised the concerned departments to brief future promotion/selection boards of this guiding principle and its underlying rationale.

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Quality of Reports and Assessment Made by Promotion Boards

- 4.14 The Commission makes observations and gives advice and suggestions to B/Ds from time to time for improvement in the writing of board reports. In the past year, the Commission noted some improved quality ones and others which were maintained at a high and pleasing standard. Common to all the good quality reports, we have found the deliberations on the claims of individual candidates for advancement were detailed clearly with reference to the assessment given in the appraisal reports. Comparison of the relative merits of close contenders was clear, thorough and well-supported with elaborations which helped to strengthen the boards' justifications. In response to our earlier advice tendered in a previous exercise, a department has beefed up the summary of performance on individual candidates in the individual assessment forms. The Commission has written to convey our compliments to the departments concerned.
- 4.15 However, there were others where inadequacies were found. Very often, the summaries of performance as required to be provided in the candidates' individual assessment forms were found to be too brief and general without pinpointing what weakness had hampered the advancement of the officer concerned. In one board report, different formats were used to provide the summaries of performance on recommended candidates vis-à-vis non-recommended ones without any given reason. In one case, the summaries on certain candidates were found to have omitted the deficiencies or areas requiring improvement as recorded in their appraisal reports. We have reminded the B/Ds to ensure that both the strengths and weaknesses as portrayed in appraisal reports should be faithfully provided in the summaries and in a uniform format to facilitate the boards' fair deliberations on all candidates.
- 4.16 For non-recommended officers, the boards' assessment tended to be brief and to the same effect that they were not as meritorious as the recommended ones and/or competition was keen. The Commission Secretariat had to seek supplementary justifications which lengthened the time for our advice to be given. In one case, no close contender was identified by the board even though there was a vacancy left unfilled and some eligible candidates were observed to have put up meritorious performance during the review period. It was unclear as to why these officers could be not given a chance for testing at the higher rank when vacancies were available. In other

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cases, the comparison of relative merits of close contenders was no more than an arithmetic summation of the competencies ratings attained without giving any specific and evaluative assessment. Extra time was taken by the Commission Secretariat to seek further justifications from the boards. We have drawn these inadequacies to the concerned B/Ds and look forward to their improvement in the future.

Declaration of Interest

- 4.17 In accordance with the Guidebook on Appointments, if a board chairman or member declares that there may be a conflict of interest in assessing the claim of an eligible candidate, the AA should, after taking into account the degree of closeness of the relationship involved and the associated real/perceived conflict of interest, determine whether there is a need to change the composition of the board; and if not, whether a temporary withdrawal or abstention from making assessment on certain candidates will suffice.
- 4.18 The Commission has advised AAs that they should err on the conservative side in considering declarations of conflicts of interest. With advice and observations tendered by the Commission over the years, we are pleased to note that B/Ds have largely heightened their vigilance in handling declarations to guard against conflict of interest with appropriate decisions taken in conformity with the guidelines issued by CSB.
- 4.19 However, in one promotion exercise, the Commission noted that an officer originally appointed as a board member had to be replaced in two consecutive promotion exercises due to the same declaration of some close relationship with some candidates being considered. As the declared relationship remained a concern to the AA of the department, we have advised the department to consider if the officer would be suitable for appointment again in future exercises. In another case, noting the inconsistent handling of the same declaration of interest of a board member as reported in two consecutive promotion exercises, the Commission has asked the department to examine the declaration procedures and exercise prudence in future.

CHAPTER 5

Performance Management and Staff Development

- 5.1 Maintaining a high quality civil service is key to good governance and a progressive and motivated workforce pivotal to effective service delivery. The Commission supports the Government's human resource management strategy in staff development and through them achieving the organisational goals.

Performance Management in the Civil Service

- 5.2 The Civil Service performance management system seeks to maximize staff's performance and development potential. A good performance management system should facilitate an objective and fair assessment by management and enable staff to receive frank and constructive feedback. It is also a management tool used to identify staff training needs. It is thus fitting for the Commission to provide comments to HoDs and GMs on aspects of the staff appraisal process including the appraisal form itself to facilitate their work. For the sake of consistency, objectivity and comparability, rating scales are pre-determined for assessment with clear definitions adopted for each. The ratings should enable the appraising officer to indicate clearly whether the appraisee's performance has met, exceeded or fallen short of the performance norm. The same consideration applies to assessment scales for promotability. The rating should be consistent and when read together would provide a good basis for promotion boards to evaluate the promotability of an officer. Arising from some cases in the year where inconsistency in rating was noted, we have invited the Civil Service Training and Development Institute (CSTDI) to collaborate with five departments to review the design of and rating scales in the appraisal report forms. Training programmes were arranged for two other departments to help supervising officers and departmental management strengthen their performance management skills. Noting that officers at different ranks are appointed as grade managers in their professional or technical grades, the Commission has also asked CSTDI to formulate custom-made human resources training programmes to develop their expertise in the performance of their special roles. The Commission is pleased to note that the first seminar targeted at departmental grade managers was conducted in January 2021, where good practices of human resource management were shared. CSTDI has undertaken to continue to organise such seminars.
- 5.3 In parallel, CSTDI has continued to conduct performance management workshops on an on-going basis in 2020 and, adapting to the social distancing

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measures required, with some turned into webinars. As noted, CSTDI had organised over 20 training courses and launched two online learning platforms for various levels of officers to acquire or refresh their knowledge on performance management principles and performance appraisal writing skills. In addition, some 22 customised training/briefing sessions on performance management and 35 performance appraisal writing workshops in English and Chinese were organised for 23 B/Ds.

Observations on Performance Management Issues

- 5.4 The Commission will continue to identify areas that call for improvement as they come to our attention. Some noteworthy observations and advice we have tendered are set out in the ensuing paragraphs.

Timely completion of performance appraisals

- 5.5 Performance management is an integral part of a comprehensive human resource management (HRM) strategy and serves as the basis for HRM decisions. It is a formal and two-way process requiring supervisors to closely monitor their subordinates' performance and provide them with timely and constructive feedback. Thus, the performance appraisal system has to be adhered to closely in staff management. Late completion of performance appraisals undermines this very purpose and deprives officers of an early opportunity of being apprised of their strengths and where weaknesses are identified for improvement to be made. The Commission has always stressed that staff appraisal, as a performance management tool, should be timely completed. Late reporting compromises the legitimacy of warranted management actions and undermines the credibility of the whole performance management system. It also has a knock-on effect on the convening of promotion boards. Timely advancement of deserving officers and staff morale in general may also be affected as a result.
- 5.6 In 2020, because of the implementation of work-from-home arrangements, we have seen more reports which were completed late. Nevertheless, a majority could still be completed within the target completion time of three months from the end of the respective appraisal cycles. At the initiation of the Commission, CSB had promulgated new guidelines to allow an extra month for completion for ranks with the operation of assessment panels

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(APs). As observed, there was general improvement in the problem of late reporting for these ranks.

- 5.7 In a department, we noted the arrangement of an “Initialling Officer” (usually the division/section heads of the appraisees) being requested to comment on the performance of each and every grade member before the appraisal reports were passed to the APs for moderation. Such arrangement departs from the established three-tier structure stipulated in the Performance Management (PM) Guide (*viz.* the appraising officer, the countersigning officer and the reviewing officer) and as a result, lengthens the whole appraisal process. As the role of the Initialling Officer is unclear and unnecessary, the Commission has advised the concerned department to rectify the anomaly.

Performance assessment standards

- 5.8 Performance assessment requires frank and explicit reporting which is fair and objective. Over-generous appraisals especially given to a large number of staff will likely blur the differences among officers’ performance and make it very difficult for a promotion board to identify the real performer and justify its recommendations on the basis of the officers’ performance records. Ranking the performance of all or almost all officers at the same level is just as undesirable for the same reason. While it is encouraging to note the success of a department in addressing this perennial problem and gradually reducing the number of top-rated reports over the years having regard to the Commission’s advice, the problem has persisted in some other B/Ds. We have advised them that extra efforts are needed to impress upon supervising officers the virtue of candid reporting. Senior management can also play their due part to adjust the appraisal ratings as necessary.
- 5.9 In a few ranks with a relatively high percentage of top ratings without the establishment of APs, the reviewing officers can play a significant role. With their intimate knowledge of the responsibilities and job requirements of the rank, they are well-placed to set and maintain a performance standard against which the individual performance of an officer is measured and assessed. It is incumbent on them to adjust any unjustified rating. They should also inform the supervising officers of the adjustments made and advise them of the appropriate assessment standard to be adopted. In a

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promotion submission, the Commission noted that the reviewing officer, when faced with two different and seemingly opposite assessments on an appraisee, had made a perplexing remark that both were agreed. Such ambivalent assessment is unhelpful and reflects a total lack of understanding of the role of a reviewing officer. We have asked the HoD to appropriately advise the reviewing officer concerned.

- 5.10 In a number of promotion exercises conducted last year, the Commission observed some inconsistencies in the assessment of promotability of eligible officers given by their supervisors, the APs and/or the reviewing officers. We are not sure whether the different ratings given are due to the descriptions of the rating scale being not clearly defined or that there should be one or more tiers to be added to the scale. In either case, there is a need to take a closer look by the HoD or HoG so that inconsistency could be eradicated. In the meantime, we have asked these departments to advise the APs and/or reviewing officers to adjust the appraisal ratings if justified and review the assessment standard as necessary.
- 5.11 In another case, the Commission noted from the appraisal form adopted by a department that the performance of officers acting for less than six months was assessed against the acting rank whereas those acting for six months or more were measured against the substantive rank. In our view, the adoption of assessment standards solely based on the length of the acting period is arbitrary, confusing and the rationale unclear. The concerned department admitted that the ambiguities were caused by the design of the new appraisal form. To ensure proper and fair assessment, we urge B/Ds to be vigilant when introducing new features to their appraisal system. For the present case, the Commission has asked the department to rectify the anomaly in consultation with CSTDI.

Quality of report writing

- 5.12 Performance appraisal is a two-way process between the appraising officers and the appraisees. An appraisee needs to be made aware of areas requiring improvement and the appraising officer should be candid in making assessment. Apart from timeliness, objective and comprehensive reporting are equally important to allow the appraisees to get frank and constructive feedback promptly for improvement and development. However, time

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and again, the Commission has observed the tendency of some supervising officers repeating the same assessment or making largely identical written assessments on the same officer. During the year, the Commission noted that in two cases, different supervising officers had made almost identical written assessments on the same probationer in a series of appraisal reports. Such practices negate the very purpose of the performance appraisal system and reflect the inadequacies of the supervising officers concerned. The identical assessment fails to give a distinctive account of an appraisee's overall performance, strengths and weaknesses during the specified appraisal period. The Commission has requested the relevant departments to remind the concerned supervising officers of the pitfalls and to arrange appropriate refresher training to them.

Assessment Panel

- 5.13 APs are set up to ensure consistency in assessment standards and fairness in appraisal ratings within a rank. They are tasked to undertake levelling and modulating work among appraisal reports in circumstances where there are differences in assessment standards. B/Ds are encouraged to establish APs in circumstances where over-generous/stringent assessment standards are frequently observed. Once established, the APs should exercise due diligence in performing their role properly according to the PM Guide.
- 5.14 During the year, the Commission was glad to note that APs have largely been run smoothly and effectively. The APs in one department had taken heed of the Commission's previous advice by making actual adjustments to performance ratings of the appraisal reports with remarks clearly recorded to explain the adjustments. In some other cases however, we have found that the adjustments made by the APs had not been properly recorded. AP's comments should also be filed in the appraisees' staff report files which has not been done in a case of another department.
- 5.15 Another case concerning the AP assessment standard was found in a department's promotion exercise. With clearly substantiated evidence of failure in following the departmental guidelines in carrying out the assigned duties, the promotion board had found the concerned officer unfit to continue to perform the higher rank duties and therefore ceased the officer's acting appointment. Being aware of the incident, the AP should have adjusted the

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performance rating to indicate that the officer's standard of performance was way below the expected standard of the rank. The Commission has advised the department to review the assessment standard adopted by the AP and ensure its proper operation before launching the next promotion exercise. In another case, the AP did not make adjustment to the appraisal ratings despite knowledge of the officer's inadequacies because the officer's post was a new and non-mainstream one. Clear guidelines are provided in the PM Guide for an AP to discharge its moderation work based on the appraisal assessment standard and panel members' knowledge about the work requirements for the rank. The Commission has advised the concerned department to remind the AP of its role. If in doubt, the AP should seek advice from the HoG or HoD.

Expertise of grade management

- 5.16 While line managers are best placed to observe and assess the performance of their subordinates, the GM has an important role to play in overseeing the management and development of the grade as a whole. For grades with a large number of members being deployed to different B/Ds, the demand on GM to proactively liaise and coordinate actions with the departmental management, though challenging, cannot be overemphasized.
- 5.17 Equipping GMs with the knowledge and expertise to exercise their grade management functions is essential. The Commission has therefore requested CSTDI to conduct specific training for GMs. Conducting periodic career interviews enables GMs to understand the development needs of their grade members. Where management actions have to be taken to tackle non-performing staff, resolute decisions of the GM are required. In a case of termination, the Commission is pleased to note the proactive action of a GM in steering and working with a user department. In another case, the GM took early action to interview the officer when signs of deterioration in his/her performance were detected. The officer concerned was clearly notified and left in no doubt that improvements in the identified areas were required and expected. Forewarning was also given on possible termination. However, no improvement was observed despite the provision of intensified coaching. With a solid basis for management action, the GM was satisfied that the officer was unsuitable for continuous appointment and his/her service should be terminated. In both cases, early intervention of

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the respective GMs had proved to be pivotal in the prompt and resolute actions taken. With detailed consideration and action properly documented, the termination of service of the officers concerned was well justified. The Commission has conveyed our appreciation to the GMs and by including these two cases in this report, we hope they could serve as good examples for others.

Staff Development and Succession Planning

- 5.18 The Commission advocates a holistic approach in drawing up staff development plans that encompasses a structured career posting policy and a systematic training plan for staff at different levels. A robust staff development plan could help enhance staff's capacity, prepare them for a wider range of responsibilities and build up a pool of talents for smooth succession. The Commission considers that GMs should regularly review the training and development needs of their grade members and equip them with skill-sets that can meet changing service needs and new challenges.
- 5.19 While FE could be a stop-gap measure to deal with temporary manpower shortage, it should not be taken as a convenient way or measure to address succession problems. In the case of one department, it had to resort to FE for two consecutive years after failing to recruit sufficient officers to fill the vacancies through open recruitment or in-service appointment. The Commission has impressed upon the department to review its recruitment strategies and explore measures to attract suitable talents. In another department where succession problem in a grade was particularly acute, the Commission was sympathetic and had supported FE applications flexibly to tide over the manpower gap. We have urged the relevant policy bureau and CSB to consider in justified cases initiating grade structure reviews to enhance the competitiveness of the Civil Service grades. Providing junior officers with training opportunities and giving officers with potential an early opportunity to try out for greater responsibilities should also be pursued as part of succession planning.

CHAPTER 6

Civil Service Discipline

- 6.1 Accepting appointment as a civil servant carries a commitment to serve to the best of one's ability. In addition, all civil servants are expected to uphold the highest standard of conduct and discipline in discharging their public duties as well as in their private lives. Needless to say, they have to be law-abiding at all times. They are liable to disciplinary action if they fail to observe any government regulations or official instructions, misconduct themselves in any manner, commit a criminal offence (whether related to their public duties or not) or, by their actions, bring the Civil Service into disrepute. The SAR Government has put in place a well-established civil service disciplinary system whereby allegations of misconduct will be promptly investigated and disciplinary sanction strictly administered upon finding a civil servant culpable of misconduct after due process. All disciplinary investigations are conducted fairly and impartially with full regard to natural justice and in full compliance with the due process and procedural propriety prescribed.
- 6.2 The Commission collaborates with the Government to maintain the highest standard of conduct in the Civil Service. With the exception of exclusions specified in the PSCO¹⁵, the Administration is required under s.18 of the PS(A)O¹⁶ to consult the Commission before inflicting any punishment under s.9, s.10 or s.11 of the PS(A)O upon a Category A officer. This covers virtually all officers except those on probation or agreement and some who are remunerated on the Model Scale 1 Pay Scale. At the end of June 2020, the number of Category A officers falling within the Commission's purview for disciplinary matters was about 118 000.
- 6.3 In examining disciplinary cases, the Commission has always endeavoured to ensure that the level of punishment proposed is justified on the basis of the facts and evidence presented. While the nature and gravity of the misconduct or offence are our primary considerations, we are also mindful of the need to maintain, as far as possible, service-wide consistency and parity in treatment. We always take note and draw reference from past cases as they provide useful benchmarks in our consideration of appropriate levels of punishment. However, as each case is different and there may be other relevant factors to consider, the ultimate punishment we support may differ from the original recommendation of B/Ds. To move with changing times and to meet the expectations of the community, we have requested CSB to

15 Please refer to paragraph 1.4 of Chapter 1.

16 Please refer to paragraph 1.5 of Chapter 1.

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keep the punishment standard under regular review. Where appropriate, a more stringent and a higher level of punishment should be considered to underscore the Government's resolve to uphold the highest standard of conduct and integrity in the Civil Service.

- 6.4 At the management level of B/Ds, taking timely and expeditious actions is a prerequisite. Inordinate delays in meting out punishment not only work against the Government's disciplinary policy, the very purpose of achieving the punitive and deterrent effect will be defeated.

Disciplinary Cases Advised in 2020

- 6.5 In 2020, the Commission advised on 29 disciplinary cases which represents about 0.02% of the 118 000 Category A officers within the Commission's purview. This figure has remained consistently low indicating that the great majority of our civil servants have continued to measure up to the very high standard of conduct and discipline required of them. CSB has assured the Commission that it will sustain its efforts in promoting good standards of conduct and integrity at all levels through training, seminars as well as the promulgation and updating of rules and guidelines. The Commission will encourage CSB to continue to organise training and experience sharing sessions for serving officers to learn from the disciplinary cases so that they can become better aware. The Commission is pleased to note that the Bureau has arranged targeted sessions for frontline and junior/middle-ranking officers to alert them to vulnerable areas requiring extra care and attention and will continue to do so for other grades and ranks.

- 6.6 A breakdown of the 29 cases advised by the Commission in 2020 by category of criminal offence/misconduct and salary group is at Appendix X. Of these 29 cases, 12 had resulted in the removal of the civil servants concerned from the service by "compulsory retirement"¹⁷ or "dismissal"¹⁸. There were nine cases resulting in the punishment of "severe reprimand"¹⁹ plus

17 An officer who is compulsorily retired may be granted retirement benefits in full or in part, and in the case of a pensionable officer, a deferred pension when he/she reaches his/her statutory retirement age.

18 Dismissal is the most severe form of punishment as the officer forfeits his/her claims to retirement benefits (except the accrued benefits attributed to Government's mandatory contribution under the Mandatory Provident Fund Scheme or the Civil Service Provident Fund Scheme).

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

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financial penalty in the form of a “fine”²⁰ or “reduction in salary”²¹ which is the heaviest punishment next to removal from the service and “reduction in rank”²². The severe punishment meted out should serve as a warning for all.

Reviews and Observations on Disciplinary Issues

6.7 Apart from deliberating and advising on the appropriate level of punishment to be meted out in each and every disciplinary case submitted to us for advice, the Commission also makes observations on cases and initiates discussions with CSB to explore further scope to streamline the disciplinary process and procedures to achieve greater efficiency. Indeed, many of the changes already implemented and some of the proposals now being studied arise from the Commission’s initiatives. The main comments, observations and recommendations made by the Commission in the past year are set out in the ensuing paragraphs.

Punishment for disciplinary cases involving sex-related offences

6.8 The Commission takes a very serious view on civil servants breaching the law. Amongst the criminal offences convicted, the Commission was increasingly concerned about sex-related ones. With the prevalent use of handy mobile devices, we note an upward trend in the number of upskirt filming offences and convictions. The number of disciplinary cases involving upskirt filming may be small in number (from none in 2018 to two in 2019,

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

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

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

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three in 2020 and four in the first two months of 2021), the rising trend is a cause for concern. The Commission has read with interest the proposal by the Law Reform Commission to introduce new criminal offences of voyeurism, intimate prying and non-consensual photography of intimate parts among others. With strong public support and the Government's positive response, we look forward to their enactment.

- 6.9 Last year, CSB had reviewed the benchmark of punishment for offences of upskirt filming in response to the Commission's views and concurred that a heavier punishment for warranted cases should be recommended so as to send out a clear message that the Government would not tolerate such illicit acts. With the raised standard of punishment, the Commission had advised on one upskirt filming case with the infliction of removal punishment in 2020 having due regard to its gravity and circumstances. The Commission will continue to collaborate with CSB to impress upon the disciplinary authorities in B/Ds to take resolute actions against those who have committed the offences and brought harm to the victims and disrepute to the Government.

Processing of formal disciplinary cases

- 6.10 While the meting out of an appropriate level of disciplinary punishment is of utmost importance, taking prompt and timely action is just as vital in the administration of the disciplinary system. Delay in action not only weakens the credibility of the system and the punitive and deterrent effect of the punishment, it is also unfair to the involved parties concerned. The Government's credibility of not tolerating acts of misconduct and in upholding a high standard of probity in the Civil Service is also at stake.
- 6.11 Continuing our past efforts working with the Secretariat on Civil Service Discipline (SCSD), the Commission is pleased to note that SCSD had introduced a checklist of information/documents for inclusion in the submission of disciplinary cases. The checklist should assist B/Ds to ensure that no relevant information is missed out and progress monitored readily.
- 6.12 In three cases, however, the Commission noted with concern that it took the departments more than two years to conclude the investigations and decide on the recommendations for punishment. The concerned departments explained that time had to be taken to conduct investigation including the gathering of all relevant information and materials relating to the alleged acts of misconduct. Furthermore, time had to be allowed for the defaulting officers to make

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representations before holding the inquiry hearings. While time required for observance of procedural fairness is unavoidable, the Commission considers that there is scope to compress and fast-track the process, for example by escalating the case earlier to the senior management for direction. For cases involving time-bar considerations, such as impending retirement of the officers concerned, urgent action must be taken every step of the way.

- 6.13 In a case involving an officer convicted of a criminal offence, the department had delayed submitting its recommendation of punishment to SCSD for over a year. As explained, the department had to await the confirmation of the law enforcement agency that no further criminal proceedings would be instituted against the defaulting officer on another suspected criminal offence. Given that the officer's conviction had already been settled beyond doubt, the department should have proceeded with the disciplinary action as soon as the conviction came to light. In another case involving unauthorised absence of an absconding officer, the department could have proceeded to process summary dismissal under s.10(3) of PS(A)O after finding the officer's continuous absence from duty without leave or permission for a period exceeding 14 days. Had earlier action been launched by the department, it could have allowed sufficient time for obtaining legal advice on issues related to the officer's medical history before concluding and submitting the case to the Commission for advice. The Commission has conveyed our comments and observations to the departments concerned. We trust that lessons would be learnt for avoidance of future recurrence.

Re-instatement of officers on interdiction

- 6.14 Interdiction of an officer from duty as provided under s.13 of PS(A)O²³ is an administrative measure to be taken when the management deems it

- 23 Having regard to all relevant factors, an officer may be interdicted from duty –
- (a) under PS(A)O s.13(1)(a) if disciplinary proceedings under s.10 of the PS(A)O have been, or are to be, taken against him, which may lead to his/her removal from service. He/She shall be allowed to receive no less than 50% of the emoluments of his/her office as the interdiction authority thinks fit;
 - (b) under PS(A)O s.13(1)(b) if criminal proceedings have been, or are likely to be, instituted against him/her which may lead to his/her removal from service under s.11 of the PS(A)O if convicted. He/She shall be allowed to receive no less than 50% of the emoluments of his/her office as the interdiction authority thinks fit until such time he/she is convicted on a criminal charge serious enough to warrant his/her dismissal from the service whereupon he/she shall not receive any emoluments pending consideration of the case by the disciplinary authority; or
 - (c) under PS(A)O s. 13(1)(c) if inquiry of his/her conduct is being undertaken and it is contrary to the public interest for him/her to continue to exercise the powers and functions of his/her office. He/She should be allowed to receive the full amount of the emoluments of his/her office.

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essential that an officer should cease exercising the powers and functions of his/her public office in the public interest. While interdiction is not a punishment and there is no presumption of guilt implied in interdiction, the concerned B/D should take into account all relevant factors in totality in considering whether an officer should be interdicted from or re-instated to duty. An officer should not be re-instated if disciplinary action is to be taken with a view to removing him/her from the service.

- 6.15 In one case, an officer was found to have committed multiple acts of misconduct and was interdicted. While investigations were still on-going, the department re-instated the officer albeit to take up a post which was unrelated to the officer's previous work. In the meantime, removal disciplinary action under s.10 of PS(A)O was decided to be taken against the officer. The Commission considered that the department should have erred for prudence sake and not re-instate the officer given the serious nature and gravity of the alleged misconduct. In consideration of the adverse impact of the risk involved in allowing the officer to resume work by the department, public interest must prevail over the personal interest of the officer.
- 6.16 In another case, an officer was sentenced to five months' imprisonment upon his/her conviction of two counts of criminal offence and was interdicted from duty. The department re-instated the officer to duty on release from prison. The officer was allowed to work in the department for five months until removal from the service as a result of the disciplinary punishment. The department explained that the re-instatement was effected after making reference to some precedent cases. However, upon a closer look of the case, the Commission has found the department to have made reference to previous cases involving less serious criminal offences. In the present case, the officer's re-instatement could have caused misunderstanding or even raised doubts among staff of the department. The Commission has advised the department to consider the nature and gravity of the convicted offence in its decision of re-instatement in future.

CHAPTER 7

Visit

7.1 The Chairman and Members of the Commission visited the Housing Department in November 2020. The visit has facilitated useful exchanges on various issues concerning Civil Service appointments, performance management, staff development and succession planning of the Department. The briefings on the work of the Department as well as the presentation on the application of cutting-edge technology in its construction projects have greatly enhanced the Commission's understanding of the Department's role and operation as well as the valuable services that it provides to the public and other government departments.



Visit to the Housing Department on 4 November 2020

CHAPTER 8

Acknowledgements

- 8.1 The Commission would like to record our gratitude to Mr Joshua LAW, the former Secretary for the Civil Service, and extend the same to Mr Patrick NIP, the current Secretary for the Civil Service as well as their staff for their continued support and assistance in all areas of the Commission's work. The Commission also warmly acknowledges the ready cooperation and understanding shown by Permanent Secretaries, HoDs and their senior staff in responding to the Commission's enquiries and suggestions during 2020.

Appendix I

List of Chairmen and Members of the Commission (1950-2020)

| Chairmen | Period |
|-----------------------------------|------------------|
| Mr Thomas MEGARRY | 8/1950 – 3/1951 |
| Mr Justice Ernest Hillas WILLIAMS | 6/1952 – 5/1953 |
| Mr Justice Trevor Jack GOULD | 5/1953 – 11/1953 |
| Mr John Robert JONES | 11/1953 – 1/1959 |
| Mr R C LEE | 1/1959 – 7/1959 |
| Mr E R CHILDE | 7/1959 – 5/1965 |
| Mr M S CUMMING | 6/1965 – 5/1967 |
| Mr Charles HARTWELL | 5/1967 – 11/1971 |
| Mr D R HOLMES | 11/1971 – 5/1977 |
| Mr Donald LUDDINGTON | 5/1977 – 9/1978 |
| Mr I M LIGHTBODY | 9/1978 – 10/1980 |
| Mr LI Fook-kow | 10/1980 – 5/1987 |
| Mr E P HO | 5/1987 – 6/1991 |
| Mr Augustine CHUI Kam | 6/1991 – 7/1996 |
| Mr H H T BARMA | 8/1996 – 4/2005 |
| Mr Nicholas NG Wing-fui | 5/2005 – 4/2014 |
| Mrs Rita LAU NG Wai-lan | 5/2014 – now |

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List of Chairmen and Members of the Commission (1950-2020)

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

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

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List of Chairmen and Members of the Commission (1950-2020)

| Members | Period |
|-------------------------------|------------------------------------|
| Mr Philip WONG Kin-hang | 10/1986 – 9/1995 |
| Mr P J THOMPSON | 10/1987 – 9/1998 |
| Mr Steven POON Kwok-lim | 11/1990 – 9/1991 |
| Mrs Eleanor LING Ching-man | 2/1992 – 1/1996 |
| Mr D G JEAFFRESON | 2/1992 – 1/2002 |
| Mr James TIEN Pei-chun | 5/1992 – 6/1993 |
| Mr Christopher CHENG Wai-chee | 7/1993 – 7/2003 |
| Miss Eleanor WONG Bei-lee | 5/1994 – 12/1995 |
| Dr Thomas LEUNG Kwok-fai | 5/1994 – 4/2003 |
| Mrs NG YEOH Saw-kheng | 6/1995 – 5/2003 |
| Ms Bebe CHU Pui-ying | 12/1995 – 11/2001 |
| Mr Frank PONG Fai | 2/1998 – 1/2004 |
| Mr Vincent CHOW Wing-shing | 2/1998 – 1/2006 |
| Dr Elizabeth SHING Shiu-ching | 6/1999 – 5/2005 |
| Miss Eliza CHAN Ching-har | 12/2001 – 11/2007 |
| Mr Wilfred WONG Ying-wai | 2/2002 – 1/2006 |
| Mr Simon IP Sik-on | 5/2003 – 5/2009 |
| Mr Thomas Brian STEVENSON | 2/2004 – 1/2010 |
| Mr Michael SZE Cho-cheung | 2/2004 – 1/2010 |
| Mrs Paula KO WONG Chau-mui | 6/2005 – 9/2006 7/2012 – 6/2018 |

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List of Chairmen and Members of the Commission (1950-2020)

| Members | Period |
|---------------------------------------|-------------------|
| Mrs Mimi CUNNINGHAM KING Kong-sang | 2/2006 – 1/2012 |
| Mr Nicky LO Kar-chun | 2/2006 – 1/2012 |
| Ms WONG Mee-chun | 7/2006 – 6/2012 |
| Prof. CHAN Yuk-shee | 12/2007 – 11/2013 |
| Mr Vincent LO Wing-sang | 5/2009 – 5/2015 |
| Mr Joseph PANG Yuk-wing | 2/2010 – 1/2016 |
| Mr Herbert TSOI Hak-kong | 5/2010 – 4/2016 |
| Mr Thomas CHAN Chi-sun | 2/2012 – 1/2018 |
| Ms Virginia CHOI Wai-kam | 2/2012 - 1/2018 |
| Mrs Lucia LI LI Ka-lai | 2/2012 - 1/2018 |
| Prof. Timothy TONG Wai-cheung | 12/2013 – 11/2019 |
| Mr Andrew MAK Yip-shing | 5/2015 – now |
| Mrs Ayesha MACPHERSON LAU | 2/2016 – now |
| Mr John LEE Luen-wai | 5/2016 – now |
| Mr Lester Garson HUANG | 2/2018 – now |
| Mrs Ava NG TSE Suk-ying | 2/2018 – now |
| Mrs Margaret LEUNG KO May-yee | 7/2018 – now |
| Mr Tim LUI Tim-leung | 7/2018 – now |
| Dr Clement CHEN Cheng-jen | 12/2019 – now |

Appendix II

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



Mrs Rita LAU NG Wai-lan, GBS, JP
BA (Hons) (HKU)
Chairman, Public Service Commission
(appointed on 1 May 2014)

Mrs Lau joined the Government as an Administrative Officer in October 1976 and had served in various Policy Bureaux and Departments during her 34 years of service. Senior positions held by Mrs Lau included Director of Food and Environmental Hygiene (2000 – 2002), Permanent Secretary for the Environment, Transport and Works (Environment) (2002 – 2004), Permanent Secretary for Housing, Planning and Lands (Planning and Lands) (2004 – 2007) and Permanent Secretary for Commerce and Economic Development (Communications and Technology) (2007 – 2008). She was appointed as Secretary for Commerce and Economic Development in July 2008 and left the position in April 2011.



Mr Andrew MAK Yip-shing, BBS, JP
BSc (HKU), LLB (LondonU), MBA (CUHK),
LLM (LSE), CEDR Accredited Mediator, MCI Arb
Member, Public Service Commission
(appointed on 23 May 2015)

Mr Mak is a barrister-at-law and an accredited Mediator. He has been the Chairman of the Special Committee for Greater China Affairs of the Hong Kong Bar Association for over ten years. He is also the Chairman of Fishermen Claims Appeal Board, a Member of the Insurance Appeals Tribunal panel and a Member of the Process Review Panel for the Financial Reporting Council.

Appendix II

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



Mrs Ayesha MACPHERSON LAU, JP

CPA

Member, Public Service Commission

(appointed on 1 February 2016)

Mrs Lau is a partner of KPMG China. She is the Chairman of the Joint Committee on Student Finance, the Chairman of the Mandatory Provident Fund Schemes Authority, a Member of the Legal Aid Services Council and a Member of the Exchange Fund Advisory Committee.



Mr John LEE Luen-wai, BBS, JP

Honorary Fellow of CityU, Fellow of The Institute of Chartered Accountants in

England and Wales, FCCA and FCPA

Member, Public Service Commission

(appointed on 1 May 2016)

Mr Lee is the Managing Director and the Chief Executive Officer of Lippo Limited. He is an Executive Director and the Chief Executive Officer of Lippo China Resources Limited and Hongkong Chinese Limited. He also serves as an Independent Non-executive Director of New World Development Company Limited and UMP Healthcare Holdings Limited, all being listed public companies in Hong Kong. Over the years, he has served as a member or chairman of different government boards and committees covering the areas of healthcare, education, law, finance, accountancy, culture and entertainment, broadcasting, anti-corruption and food and environmental hygiene. He is currently the Chairman of the Hospital Governing Committee of Hong Kong Children's Hospital as well as a member of the Investment Committee of the Hospital Authority Provident Fund Scheme.

Appendix II

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



Mr Lester Garson HUANG, SBS, JP
LL.B. (HKU), M. Ed (CUHK), Solicitor,
Notary Public, China-Appointed Attesting Officer
Member, Public Service Commission
(appointed on 1 February 2018)

Mr Huang is a Partner and Co-Chairman of P C Woo & Co. Currently, he is the Chairman of the Council of the City University of Hong Kong, the Standing Committee on Language Education and Research and the Social Welfare Advisory Committee. He is also a Non-Executive Director of the Securities and Futures Commission, an Ex-Officio Member of The Hong Kong Federation of Youth Groups and the Education Commission. Previously, he was President of the Law Society of Hong Kong and a Non-Executive Director of the Urban Renewal Authority. He was also a member of the Hong Kong Monetary Authority's Exchange Fund Advisory Committee and the Standing Committee on Judicial Salaries and Conditions of Service.



Mrs Ava NG TSE Suk-ying, SBS
BSocSc (CUHK), LLB (LondonU),
MUP (McGill U), LLM (Arb & DR) (HKU),
FHKIP, MCIArb
Member, Public Service Commission
(appointed on 1 February 2018)

Mrs Ng joined the Civil Service as an Assistant Planning Officer (later retitled as Assistant Town Planner) in February 1977. She retired from the post of Director of Planning in June 2010. She is now a Member of the Advisory Committee on Post-service Employment of Civil Servants.

Appendix II

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



**Mrs Margaret LEUNG KO May-ye, SBS,
JP**

Honorary Fellow (HKU), BSocSc (HKU)
Member, Public Service Commission
(appointed on 1 July 2018)

Mrs Leung started her banking career in 1975. She had been a Director and General Manager of The Hongkong and Shanghai Banking Corporation, the Deputy Chairman and Chief Executive of Hang Seng Bank, and Deputy Chairman and Chief Executive of Chong Hing Bank. She retired in 2018. Currently she is an Independent Non-Executive Director of the Agricultural Bank of China Limited, First Pacific Company Limited and Sun Hung Kai Properties Limited. She is also a member of the Advisory Committee on Arts Development and the Advisory Committee on Post-office Employment for Former Chief Executives and Politically Appointed Officials, a Steward of the Hong Kong Jockey Club, the Treasurer and a member of the Council of the University of Hong Kong, and a member of the Business School Advisory Council of the Hong Kong University of Science and Technology.

Appendix II

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



Mr Tim LUI Tim-leung, SBS, JP

Fellow Member of The Hong Kong Institute of Certified Public Accountants,
Member of The Institute of Chartered Accountants in England and Wales
Member, Public Service Commission
(appointed on 1 July 2018)

Mr Lui joined PricewaterhouseCoopers (PwC) in London in 1978 and returned to Hong Kong in 1984. He retired as a Senior Advisor of PwC in 2018. He is a Past President of the Hong Kong Institute of Certified Public Accountants. Currently, he is the Chairman of the Securities and Futures Commission and the Education Commission. Over the years, he has served as the Chairman of the Committee on Self-financing Post-secondary Education, the Joint Committee on Student Finance, the Standing Commission on Directorate Salaries and Conditions of Service and the Employees' Compensation Insurance Levies Management Board.



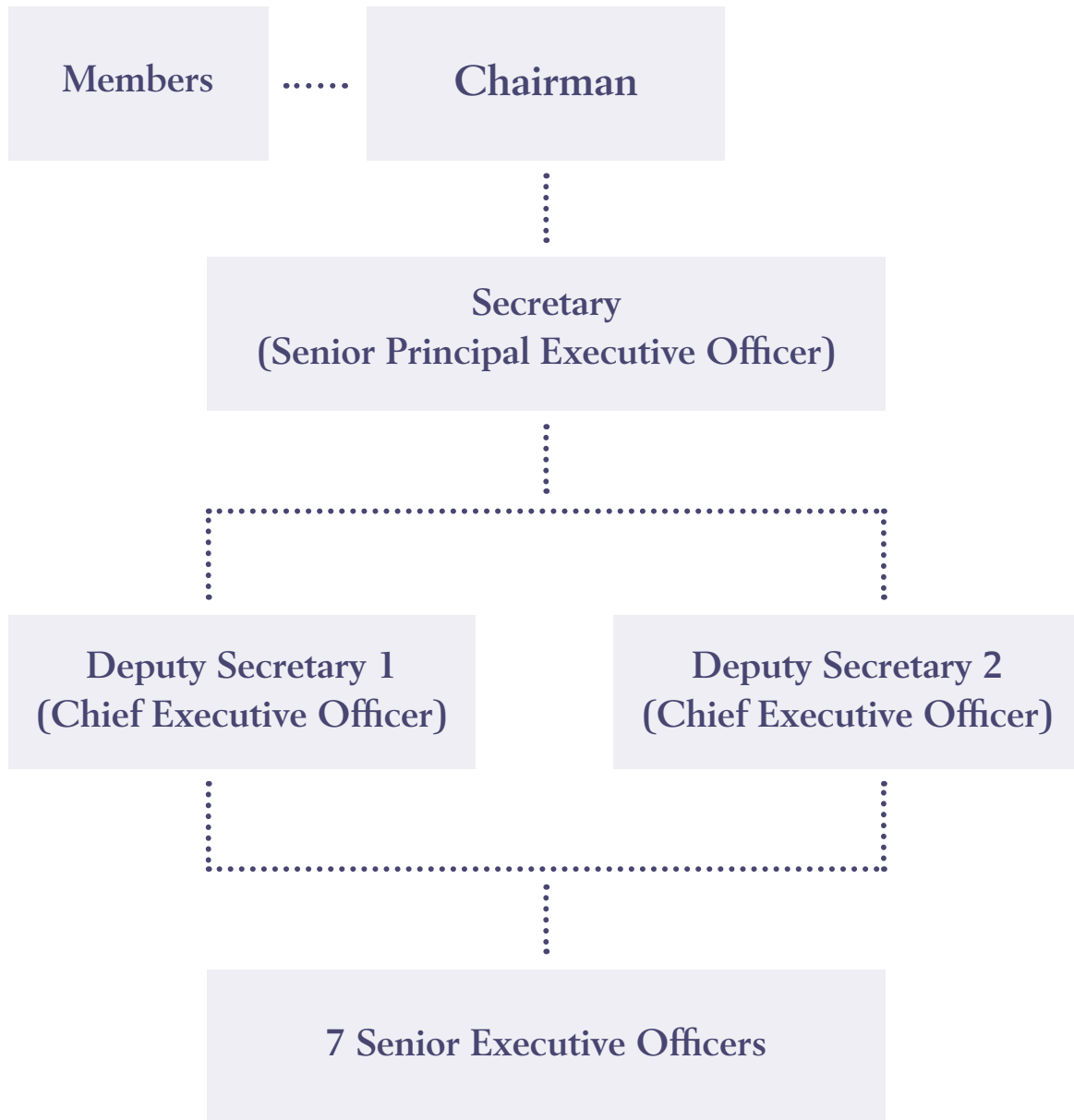
Dr Clement CHEN Cheng-jen, GBS, JP

Member, Public Service Commission
(appointed on 1 December 2019)

Dr Chen is the Executive Director of Tai Hing Cotton Mill Limited. Currently, he is the Chairman of the Council and the Court of the Hong Kong Baptist University, a Non-Executive Director of the Insurance Authority and Honorary President of the Federation of Hong Kong Industries. Previously, he was the Chairman of the Vocational Training Council, the Hong Kong Productivity Council, the Youth Education, Employment and Training Task Force. He had also served as an ex-officio member of the Education Commission and a member of the Council of the Open University of Hong Kong.

Appendix III

Organisation Chart of the Public Service Commission Secretariat



Establishment

| | |
|-------------------------------|----|
| Directorate Executive Officer | 1 |
| Executive Officer Grade | 9 |
| Clerical Grade | 18 |
| Secretarial Grade | 3 |
| Chauffeur Grade | 1 |

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Appendix IV

Submissions Advised by the Commission

| Category | Number of Submissions Advised | | | | |
|---|-------------------------------|-------|-------|-------|--------------|
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Recruitment | 161 | 169 | 165 | 197 | 140 |
| Promotion/Acting appointment | 701 | 672 | 724 | 715 | 704 |
| Extension of service or re-employment after retirement | 16 | 20 | 23 | 26 | 22 |
| Extension or termination of probationary/trial service | 134 | 163 | 140 | 148 | 173 |
| Other Civil Service appointment matters | 49 | 49 | 42 | 40 | 91 |
| Discipline | 47 | 36 | 40 | 36 | 29 |
| Total number of submissions advised | 1 108 | 1 109 | 1 134 | 1 162 | 1 159 |
| <i>(a) Number of submissions queried</i> | 796 | 788 | 795 | 887 | 853 |
| <i>(b) Number of submissions with revised recommendations following queries</i> | 113 | 135 | 142 | 156 | 162 |
| <i>(b) / (a)</i> | 14% | 17% | 18% | 18% | 19% |

Appendix V

Recruitment Cases Advised by the Commission

| Terms of Appointment | Number of Recommended Candidates in 2020 | |
|----------------------|--|------------------------|
| | Open Recruitment | In-service Appointment |
| Probation | 1 318 | 0 |
| Agreement | 13 | 0 |
| Trial | 66 | 74 |
| Sub total | 1 397 | 74 |
| Total | 1 471 | |

| | Comparison with Previous Years | | | | |
|--|--------------------------------|--------------|--------------|--------------|---------------------|
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Number of recruitment exercises involved | 161 | 169 | 165 | 197 | 140 |
| Number of candidates recommended | 1 398 | 1 601 | 1 873 | 1 944 | 1 471 |
| <i>Number of local candidates recommended</i> | <i>1 397</i> | <i>1 601</i> | <i>1 871</i> | <i>1 944</i> | <i>1 471</i> |
| <i>Number of non-permanent residents recommended</i> | <i>1</i> | <i>0</i> | <i>2</i> | <i>0</i> | <i>0</i> |

Appendix VI

Promotion Cases Advised by the Commission

| Category | Number of Recommended Officers | | | | |
|---|--------------------------------|--------------|--------------|--------------|--------------|
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Promotion | 2 224 | 2 169 | 2 752 | 2 830 | 2 601 |
| Waitlisted for promotion | 272 | 291 | 368 | 330 | 450 |
| Acting with a view to substantive promotion (AWAV) or waitlisted for AWAV | 397 | 478 | 393 | 412 | 322 |
| Acting for administrative convenience (AFAC) or waitlisted for AFAC | 4 636 | 4 417 | 5 568 | 5 628 | 5 508 |
| Total | 7 529 | 7 355 | 9 081 | 9 200 | 8 881 |

| | 2016 | 2017 | 2018 | 2019 | 2020 |
|--|------|------|------|------|------------|
| Number of promotion exercises involved | 701 | 672 | 724 | 715 | 704 |
| Number of ranks involved | 426 | 411 | 430 | 443 | 413 |

Appendix VII

Extension of Service and Re-employment after Retirement Cases Advised by the Commission

| Category | Number of Recommended Officers in 2020 | | |
|--|--|-----------------|-----------|
| | Directorate | Non-directorate | Total |
| Submissions under the adjusted mechanism for further employment beyond retirement age for a longer duration than final extension of service from 1 June 2017 | 14 | 48 | 62 |
| Submissions for final extension of service / re-employment beyond retirement age | 1 | 1 | 2 |
| Total | 15 | 49 | 64 |

| | Comparison with Previous Years | | | | |
|--|--------------------------------|------|------|------|------|
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Number of extension of service or re-employment after retirement submissions advised | 16 | 20 | 23 | 26 | 22 |
| <i>Number of submissions involving directorate ranks</i> | 11 | 9 | 11 | 9 | 10 |
| <i>Number of submissions involving non-directorate ranks</i> | 5 | 11 | 12 | 17 | 12 |

Appendix VIII

Extension/Termination of Probationary/Trial Service Cases Advised by the Commission

| Category | Number of Submissions Advised | | | | |
|-------------------------------------|-------------------------------|------------|------------|------------|------------|
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Termination of trial service | 0 | 0 | 2 | 4 | 1 |
| Termination of probationary service | 11 | 8 | 10 | 7 | 25 |
| <i>Sub total</i> | 11 | 8 | 12 | 11 | 26 |
| Extension of trial service | 11 | 12 | 10 | 17 | 11 |
| Extension of probationary service | 112 | 143 | 118 | 120 | 136 |
| <i>Sub total</i> | 123 | 155 | 128 | 137 | 147 |
| Total | 134 | 163 | 140 | 148 | 173 |

Appendix IX

Other Civil Service Appointment Matters Advised by the Commission

| Category | Number of Submissions Advised | | | | |
|--|-------------------------------|-----------|-----------|-----------|-----------|
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Non-renewal of agreement | 0 | 1 | 0 | 1 | 0 |
| Renewal or extension of agreement | 11 | 2 | 3 | 1 | 4 |
| Retirement under section 12 of the Public Service (Administration) Order | 0 | 1 | 0 | 0 | 1 |
| Secondment | 3 | 7 | 1 | 3 | 4 |
| Opening-up arrangement | 0 | 1 | 2 | 2 | 0 |
| Review of acting appointment | 12 | 12 | 5 | 5 | 8 |
| Updating of Guide to Appointment | 23 | 25 | 31 | 28 | 74 |
| Total | 49 | 49 | 42 | 40 | 91 |

Appendix X

Disciplinary Cases Advised by the Commission

(a) Breakdown of Cases in 2020 by Salary Group

| Punishment | Number of Cases Advised | | | |
|---|--|--|--|-----------|
| | Salary Group | | | Total |
| | Master Pay Scale Pt.13 and below or equivalent | Master Pay Scale Pt.14 to 33 or equivalent | Master Pay Scale Pt.34 and above or equivalent | |
| Dismissal | 4 | 0 | 0 | 4 |
| Compulsory Retirement + Reduced pension | 0 | 1 | 0 | 1 |
| Compulsory Retirement + Fine | 0 | 0 | 0 | 0 |
| Compulsory Retirement | 4 | 1 | 2 | 7 |
| Reduction in Rank | 0 | 0 | 0 | 0 |
| Severe Reprimand + Reduction in Salary | 2 | 0 | 0 | 2 |
| Severe Reprimand + Fine | 4 | 3 | 0 | 7 |
| Severe Reprimand | 0 | 0 | 0 | 0 |
| Reprimand + Fine | 5 | 1 | 1 | 7 |
| Reprimand | 0 | 1 | 0 | 1 |
| Total | 19 | 7 | 3 | 29 |

Appendix X

Disciplinary Cases Advised by the Commission

(b) Breakdown of Cases in 2020 by Category of Criminal Offence/Misconduct

| Punishment | Number of Cases Advised | | | | |
|-----------------------|-------------------------|----------|----------------------|--------------------------|-----------|
| | Criminal Offence | | | Misconduct ²⁴ | Total |
| | Traffic related | Theft | Others ²⁵ | | |
| Dismissal | 0 | 0 | 1 | 3 | 4 |
| Compulsory Retirement | 0 | 0 | 7 | 1 | 8 |
| Lesser Punishment | 5 | 4 | 6 | 2 | 17 |
| Total | 5 | 4 | 14 | 6 | 29 |

(c) Comparison with Previous Years

| Punishment | 2016 | 2017 | 2018 | 2019 | 2020 |
|-----------------------|-----------|-----------|-----------|-----------|-----------|
| Dismissal | 2 | 6 | 3 | 4 | 4 |
| Compulsory Retirement | 12 | 5 | 11 | 6 | 8 |
| Lesser Punishment | 33 | 25 | 26 | 26 | 17 |
| Total | 47 | 36 | 40 | 36 | 29 |

24 Including unpunctuality, unauthorised absence, unauthorised outside work, failure to follow instructions or perform duties, etc.

25 Including fraud, forgery, using false instrument, possession of dutiable goods, underskirt filming, soliciting or accepting advantages without permission, etc.