



Public Service Commission

公務員絀用委員會



Annual Report 2006
二零零六年年報



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Foreword 前言

This is the second annual report that I have prepared for the Commission after my assumption of office in May 2005.

The Report primarily serves to give an account of the Commission's work in 2006. The Commission is generally satisfied that most bureaux and departments are working in compliance with good Human Resource Management (HRM) practices. However, as in the past, some less than desirable practices and improperly handled cases were identified in the course of our work. Their inclusion is meant to illustrate how bureaux and departments can further strengthen within their own setting some HRM practices. The few isolated incidents of irregularities should be viewed in perspective against the very positive efforts made by bureaux and departments to uphold the integrity of the civil service appointment, promotion and discipline systems.

Our observations on departmental practices on appointment and discipline matters are channelled to the Administration for follow-up. We have also worked closely with the Administration on the review of policies which need adjustment and the development of clearer rules and procedures for guidance. We are glad to see that some changes in policy and practices have been introduced or are under consideration by the Administration. The Commission will continue to play actively our role as the "think tank" of the Secretary for the Civil Service (SCS) to help streamline and rationalise the appointment and discipline systems in the civil service.

As most of the subjects brought up by the Commission are on the appointment front, this issue of the annual report on appointment matters has been split from a single chapter as was the case with the 2005 report to four separate chapters summarising the issues discussed and the follow-up action taken by the Administration. They are Chapter 3 on recruitment, Chapter 4 on promotion, Chapter 5 on staff performance management system and Chapter 6 on other appointment matters. On the discipline front, all observations and reviews are grouped under Chapter 7.

Alongside its role in overseeing appointment and discipline matters, the Commission pays particular attention to any

自二零零五年五月出任公務員敘用委員會主席以來，這是我發表的第二份委員會年報。



年報主要匯報委員會二零零六年的工作。委員會對於大部份的局和部門都能夠採取良好的人

力資源管理措施，感到滿意。然而，委員會也一如以往，在工作中發現了一些尚待改善的地方和處理不當的個案。在年報內闡述這些情況，旨在說明各局和部門可以如何在其架構內進一步加強某些人力資源管理措施。各局和部門一直努力不懈，竭力維持公務員聘任、晉升和紀律制度公正無私，縱有少數的個別事件有違常規，也應客觀衡量，不宜以偏概全。

委員會對部門的聘任和紀律事宜處理方法如有意見，會告知當局跟進。我們亦一直與當局緊密合作，檢討需要予以修訂的政策和制訂更清晰的規則與程序指引。委員會高興得悉當局對相關政策和措施已作出了修訂或考慮作出修訂。我們會繼續積極擔當公務員事務局局長的“智囊團”，協助精簡和合理調整公務員的聘任和紀律制度。

由於委員會提出的意見大多與聘任有關，在本年報內，我們把二零零五年年報中關於聘任事宜的一章分為四章，撮述所討論的事項和當局採取的跟進行動。該四章是第三至第六章，分述招聘、晉升選拔、員工表現管理制度及其他聘任事宜。在紀律事宜方面，委員會的意見和相關的檢討，全都收錄在第七章。

委員會除了監察聘任和紀律事宜外，也特別關注任何會影響公務員體制的發展。二零零六年七月，當局發表《進一步發展政治委任制度諮詢文件》(諮詢文件)，供公眾討論。委員會應公務員事務局局長的要求，詳細討論了諮詢文件，其後在二零零六年十月二十六日，向政制事務局局長

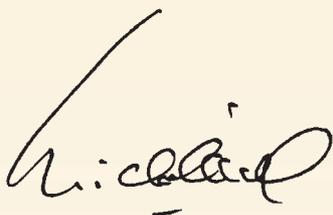
Foreword 前言

development which may impact on the civil service system. The Administration issued the Consultation Document on Further Development of the Political Appointment System (the Consultation Document) in July 2006 for public discussion. In response to the invitation of the SCS, the Commission discussed the Consultation Document in detail and submitted its views to the Secretary for Constitutional Affairs (SCA) on 26 October 2006, with a separate covering letter to the SCS on the same date.

In summary, the Commission considers that the effectiveness of the Accountability System should be critically reviewed and the proposal of appointing two additional layers of political appointees, if implemented, should be taken forth incrementally. In implementing the proposal, civil servants should not have any political role after the settling in of the additional tiers of political appointees. The Commission considers that the SCS, who is responsible for the policy and management of the civil service, should remain as a civil servant. The "revolving door" arrangement should not be applicable to the SCS and the Commission has suggested a way of achieving that.

The Commission's overriding concern is that, with the implementation of the expanded political system, civil servants would be able to work in concert with the new political appointees for the effective governance of Hong Kong. The Commission's letters to the SCS and SCA, together with its general observations, suggestions and comments on the Consultation Document, are included in Appendix I of the Report.

The year 2006 was a fruitful and busy year for the Commission. Taking the opportunity, I would like to thank Members for their wise counsel and contribution. In particular, I would like to pay tribute to Mr Vincent CHOW, Mr Wilfred WONG and Mrs Paula KO who served the Commission tirelessly and who left the Commission in 2006. I also extend my warm welcome to Mr Nicky LO, Mrs Mimi CUNNINGHAM and Ms WONG Mee-chun, our new Members.



Nicholas NG Wing-fui
Chairman

提交意見，並在同日把意見另函送交公務員事務局局長。

概括而言，委員會認為現行問責制的成效應予認真檢討，而增設兩個層級的政治任命官員的建議，如要落實，則應採取循序漸進方式。在落實有關建議的過程中，當增設層級的政治任命官員上任後，公務員不應擔當任何政治角色。委員會認為，公務員事務局局長既負責公務員政策及管理事宜，應保持公務員身分，而不應納入“旋轉門”的適用範圍內。為此，委員會提出了具體建議。

委員會最關注的事宜是，在擴大政治制度後，公務員可與新委任的政治官員攜手合作，有效管治香港。委員會致函公務員事務局局長和政制事務局局長，就諮詢文件提出了整體看法，提議和意見。這些資料載於年報的附錄 I。

在二零零六年，委員會雖然工作繁重，但也取得了豐碩成果。我謹此衷心感謝各委員在年內提出不少精闢意見，貢獻良多。我也要特別向年內離任的周永成先生、王英偉先生及柯黃秋梅女士致意，感謝他們為委員會盡心服務。同時，我在此歡迎羅家駿先生、簡金港生女士及黃美春女士加入委員會。



吳榮奎
主席

CHAPTER 1 第一章

The Public Service Commission's Role and Functions

委員會的角色和職能

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

1.1 委員會是在一九五零年成立的獨立法定機構，其職權範圍在《公務員絀用委員會條例》及其附屬規例(香港法例第93章)已有訂明。委員會的主要職責，是就公務員的聘任、晉升及紀律事宜，向行政長官提供意見。委員會的使命，是要維護公務員聘任和晉升制度公平公正，以及確保公務員紀律處分機制公允持正，懲罰原則總體一致。

Functions

1.2 With a few exceptions¹, the Commission's advice on appointments and promotions relate only to the senior ranks of the civil service. This covers posts with a maximum monthly salary of \$31,860 (Point 26 of the Master Pay Scale) or more, up to and including Permanent Secretaries, Heads of Department and officers of similar status. At the end of 2006, the number of established civil service posts under the Commission's purview was 32 613.

職能

1.2 除少數個別情況外¹，委員會就聘任及晉升事宜提供的意見，其範圍僅限於高職級公務員，包括頂薪點達每月薪金31,860元(總薪級第26點)或以上的職位，至常任秘書長、部門首長和職位相若的人員。截至二零零六年年底，在委員會職權範圍內的設定公務員職位共有32 613個。

1 The following types of cases, irrespective of rank, must be submitted to the Commission for advice -
- non-renewal/offer of shorter-than-normal agreements;
- deferment/refusal of passage of probation/trial bar; and
- retirement in the public interest under section 12 of the Public Service (Administration) Order [PS(A)O].

以下各類個案，不論所涉職級高低，必須徵詢委員會的意見：
- 不獲續約／提供任期較正常為短的合約；
- 延長／拒予通過試用／試任關限；以及
- 根據《公務人員(管理)命令》第12條為公眾利益着想而退休。

CHAPTER 1 第一章

- 1.3 The posts of Chief Secretary for Administration, Financial Secretary, Secretary for Justice, the Director of Audit as well as posts in the Judiciary, the Hong Kong Police Force and the Independent Commission Against Corruption fall outside the Commission's purview. In addition, following the introduction of the Accountability System on 1 July 2002, Ministers or Directors of Bureau are not civil servants and their appointments also need not be referred to the Commission.
- 1.4 As for disciplinary cases, the Commission's purview covers all Category A officers² with the exception of exclusions specified in the Public Service Commission Ordinance³. Category A officers cover virtually all officers except those on probation, agreement and those remunerated on the Model Scale I Pay Scale. At the end of 2006, the number of Category A officers under the Commission's purview was about 111 000.
- 1.3 政務司司長、財政司司長、律政司司長、審計署署長，以及司法機構、香港警務處和廉政公署人員等職位，都不在委員會的職權範圍內。此外，自二零零二年七月一日問責制推行之後，各局首長或局長已不是公務員，其聘任事宜也無須交由委員會處理。
- 1.4 至於紀律事宜，所有甲類人員²的紀律個案（《公務員敘用委員會條例》訂明不適用的人員的個案除外³），都由委員會處理。甲類人員實際上包括試用人員、合約人員和按第一標準薪級表支薪的人員以外的所有公務員。截至二零零六年年底，在委員會職權範圍內的甲類人員約有111 000人。

2 Under the Pension Benefits Regulations, Cap. 99A of the Laws of Hong Kong, a "Category A Officer" means an officer who is appointed to an established office and who occupied an established office at the time of his retirement or resignation from the service.

根據《退休金利益規例》(香港法例第99A章)，"甲類人員"指受聘擔任設定職位，並在退休或辭職時責任設定職位的人員。

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

根據《公務員敘用委員會條例》(第93章)第6(2)條，政務司司長、財政司司長、律政司司長、審計署署長，以及司法機構、香港警務處和廉政公署人員等職位，均不在委員會的職權範圍內。

CHAPTER 1 第一章

- 1.5 In examining submissions from the Administration, the Commission may raise questions where necessary to ensure that the recommendations are sound and the related process is carried out fairly, meticulously and thoroughly. The Administration is required to clarify or justify its recommendations in response to the Commission's observations and queries. On many occasions, the Administration has modified its recommendations following comments from the Commission whilst, in other instances, the Commission has been satisfied with the propriety of the recommendations after seeking further clarifications or additional justifications. The Commission also draws the Administration's attention to deviations from established procedures or practices and staff management problems identified during the processing of submissions and, where appropriate, recommends measures to tackle these problems.
- 1.6 The Commission also handles representations from officers on matters falling within the Commission's statutory responsibilities and in which the officers have a direct and definable interest. In 2006, the Commission dealt with 18 representations relating to appointment issues. After careful and thorough examination, the Commission was satisfied that the grounds for representations in all these cases were unsubstantiated. There were also 32 other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.
- 1.5 委員會在審研政府所提交的建議時，如有需要會提出問題，以確保建議合理及處理程序公平周密。當局須就委員會的意見和疑問，澄清或解釋所提建議。在許多個案中，當局都因應委員會的意見修改建議；也有部分個案，經當局澄清或詳加解釋後，委員會認為建議恰當。委員會審閱建議時，如果發現有偏離既定程序或做法的情況，又或發現有人事管理的問題，便會促請當局注意，並按情況建議改善方法。
- 1.6 委員會也處理在委員會的法定權限內公務員就本身有直接和實際利益關係的事宜提出的申述。年內，委員會處理了18宗與聘任事宜有關的申述個案。經詳細審查後，委員會認為所有個案的理據均不成立。委員會另外收到32宗投訴，所涉事宜不屬於委員會的職權範圍，已全部轉交有關部門跟進。

CHAPTER 1 第一章

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

Performance Target

- 1.8 In 2006, the Commission advised on 892 submissions covering recruitment and promotion exercises, disciplinary cases and other appointment-related subjects. Altogether 278 submissions were queried, resulting in 115 re-submissions (41%) with recommendations revised by the Civil Service Bureau and departments after taking into account the Commission's observations. A statistical breakdown of these cases is shown in *Appendix II*.
- 1.9 In dealing with recruitment, promotion and disciplinary cases, the Commission's target is to tender its advice or respond formally within six weeks upon receipt of departmental submissions. All submissions in 2006 were dealt with within the pledged processing time.

1.7 此外，委員會須就任何由行政長官轉介而與公務員有關的事宜，提供意見。委員會也充當公務員事務局局長的“智囊團”，就聘任、晉升和紀律方面的政策和程序，以及各式各類與人力資源管理相關的檢討和發展事宜，提供意見。

工作目標

- 1.8 年內，委員會就892項建議提供意見，涵蓋招聘和晉升工作、紀律個案和其他與聘任有關的事宜。委員會對其中278項建議提出疑問；公務員事務局和有關部門考慮委員會的意見後，修訂其中115項(佔41%)，並向委員會重新提交建議。有關個案的分項數字載於附錄II。
- 1.9 在處理招聘、晉升及紀律個案方面，委員會的目標是在接獲部門的建議後六個星期內，提供意見或作出正式回應。年內，所收到的建議全部在目標時間內獲得處理。

CHAPTER 2 第二章

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

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

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

CHAPTER 2 第二章

Membership

成員

2.2 The membership of the Commission during 2006 was as follows:

2.2 二零零六年委員會成員名單如下：

Membership of the Commission during 2006
二零零六年委員會成員

Chairman: 主席：	Mr Nicholas NG Wing-fui, GBS, JP 吳榮奎先生, GBS, JP	(since May 2005) (由二零零五年五月起)
Members : 委員：	Mr Vincent CHOW Wing-shing, BBS, JP 周永成先生, BBS, JP	(February 1998 to January 2006) (由一九九八年二月至二零零六年一月)
	Miss Eliza CHAN Ching-har, BBS, JP 陳清霞女士, BBS, JP	(since December 2001) (由二零零一年十二月起)
	Mr Wilfred WONG Ying-wai, JP 王英偉先生, JP	(February 2002 to January 2006) (由二零零二年二月至二零零六年一月)
	Mr Simon IP Sik-on, JP 葉錫安先生, JP	(since May 2003) (由二零零三年五月起)
	Mr Michael SZE Cho-cheung, GBS, JP 施祖祥先生, GBS, JP	(since February 2004) (由二零零四年二月起)
	Mr Thomas Brian STEVENSON, SBS 施文信先生, SBS	(since February 2004) (由二零零四年二月起)
	Mrs Paula KO WONG Chau-mui 柯黃秋梅女士	(June 2005 to September 2006) (由二零零五年六月至二零零六年九月)
	Mr Nicky LO Kar-chun, JP 羅家駿先生, JP	(since February 2006) (由二零零六年二月起)
	Mrs Mimi CUNNINGHAM KING Kong-sang 簡金港生女士	(since February 2006) (由二零零六年二月起)
	Ms WONG Mee-chun, JP 黃美春女士, JP	(since July 2006) (由二零零六年七月起)
Secretary: 秘書：	Mrs Stella AU-YEUNG KWAI Wai-mun 歐陽桂慧敏女士	(since November 2002) (由二零零二年十一月起)

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

CHAPTER 2 第二章

Secretariat of the Commission

- 2.3 The Commission is served by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. Submissions from the Civil Service Bureau (CSB) and government departments are meticulously vetted, with further clarifications and justifications obtained where necessary, before the advice of the Commission is sought. Promotion cases form the bulk of the work of the Commission Secretariat and a flow chart illustrating the vetting process of promotion cases is at *Appendix IV*.
- 2.4 At the end of 2006, the number of established posts in the Commission Secretariat is 27. The updated organisation chart of the Secretariat is at *Appendix V*.

Method of Work

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

委員會秘書處

- 2.3 委員會秘書處由行政主任、秘書和文書職系等公務員所組成的小組提供服務。公務員事務局和政府部門所提交的建議，秘書處會先行詳細審議，如有需要，會要求有關方面進一步澄清和解釋，然後向委員會徵詢意見。委員會秘書處所處理的個案工作，大部分為晉升選拔個案。附錄IV載列晉升選拔個案審查程序流程圖，以資說明。
- 2.4 截至二零零六年年底，秘書處有27個編制職位，最新的組織架構圖見附錄V。

工作方式

- 2.5 委員會的工作通常以傳閱文件的方式進行。如須討論重大政策、複雜或涉及重要原則問題的個案，便會舉行會議。公務員事務局和部門的高級管理人員會獲邀出席會議，闡述有關事宜或個案的背景資料，由委員會作出獨立的判斷。

CHAPTER 2 第二章

Homepage on the Internet

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

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

The homepage provides basic information on the Commission's role and functions, its current Membership, the way the Commission conducts its business and the organisation of the Commission Secretariat. Our Annual Reports (from 2002 onwards) can also be viewed on the homepage and can be downloaded⁴.

Homepage on the Central Cyber Government Office (CCGO)

- 2.7 The Commission's homepage has also been uploaded onto the CCGO since January 2001. It provides an easily accessible alternate route for officers in bureaux and departments to refer to the Commission's general views and latest advice on procedural and policy aspects of appointments and disciplinary matters. This, hopefully, will help them in their work.

互聯網的網頁

- 2.6 委員會網頁可透過政府資訊中心接達，也可直接登入下列網址：

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

委員會網頁載有委員會的基本資料，包括角色和職能、現有成員名單、委員會執行職務的方式，以及秘書處的組織架構。委員會年報(由二零零二年起)可在網上瀏覽，也可從網頁下載⁴。

數碼政府合署的網頁

- 2.7 委員會網頁自二零零一年一月起上載至數碼政府合署，為各局和各部門人員提供另一個快捷的途徑，方便他們查閱委員會在聘任和紀律事宜的程序與政策方面的觀點和最新意見，希望對他們的工作有所助益。

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

委員會年報的印行本也可在公共圖書館和各區民政事務處索閱。

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Civil Service Recruitment: Observations and Reviews 公務員招聘：意見及檢討

3.1 Recruitments in the civil service are undertaken by the Civil Service Bureau (CSB) and individual Government departments. Open recruitments are conducted for basic ranks, or a promotion rank when no one is found suitable in the lower rank, or where there is a special need. In-service recruitment exercises are arranged when the pool of candidates is restricted to all or selected groups of serving civil servants. Since the establishment of the Hong Kong Special Administrative Region (HKSAR) Government on 1 July 1997, new appointees to the civil service must be permanent residents of the HKSAR. However, professional and technical posts may be filled by non-permanent residents in accordance with Article 101 of the Basic Law if there are no qualified or suitable candidates with permanent resident status.

3.2 The Commission oversees the procedural aspects, examines the shortlisting criteria and advises on recommendations for filling of vacancies in the senior ranks⁵ of the civil service covering both open and in-service recruitments. It also advises departments on procedural problems they faced in the process in consultation with the CSB.

3.1 公務員的招聘工作由公務員事務局及政府各部門負責進行。對於基本職級、未能由內部擢升人員填補的晉升職級或有特別需要的職位，當局會進行公開招聘。而內部招聘的職位就只適合所有或某些組別的在職公務員申請。香港特別行政區(特區)政府在一九九七年七月一日成立後，新聘用的公務員必須是特區永久居民。然而，根據《基本法》第一百零一條，如永久居民當中沒有合資格和合適人選，專業及技術職位可由非永久居民填補。

3.2 委員會負責監察高職級公務員⁵ 職位空缺的公開及內部招聘程序、審核有關甄選準則，以及就聘用建議提出意見。此外，如部門在招聘過程中遇到程序上的問題，委員會會經與公務員事務局商討後向他們提供意見。

5 They refer to those senior ranks under the normal appointment purview of PSC (i.e. those attracting maximum monthly pay at MPS Pt. 26 (currently \$31,860) and above or equivalent). They exclude (i) the basic ranks of non-degree entry and non-professional grades with a maximum monthly salary at MPS Pt. 26 or above, and (ii) the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

這是指屬委員會正常職權範圍內聘任的高職級人員(即頂薪點達總薪級第26點(現為31,860元)或以上或同等薪點的人員)，當中不包括：(i) 頂薪點達總薪級第26點或以上屬於非學位及非專業職系的基本職級人員；以及(ii) 訂明不在委員會職權範圍內的司法機構人員、廉政公署人員，以及香港警務處紀律職系人員。

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An Overview of Recruitment Position in 2006

3.3 The service-wide open recruitment freeze imposed on grades not included in the Second Voluntary Retirement (VRII) Scheme⁶ by the Administration since 1 April 2003 has continued to have an impact on the manpower situation in the civil service, particularly for the basic ranks. While in-service recruitments, which do not affect the overall strength of the civil service, are generally permissible, exceptional approval by the Joint Panel (co-chaired by the Chief Secretary for Administration and the Financial Secretary and with the Secretary for the Civil Service as member) is required for the conduct of any open recruitment exercise. During 2006, exceptional approval was given by the Joint Panel to conduct open recruitment to fill about 3 200 posts in 40 ranks in 18 departments including, for instance, the posts of Assistant Social Work Officer in Social Welfare Department, Assistant Librarian in Leisure and Cultural Services Department, Solicitor in the Official Receiver's Office and Inspector in Customs and Excise Department. For grades included in the VRII Scheme, they are subject to a five-year open

二零零六年招聘情況概要

3.3 沒有納入第二輪自願退休計劃的職系⁶由二零零三年四月一日起全面暫停公開招聘人員的規定，繼續對公務員隊伍，特別是基本職級的人手情況造成影響。在不影響公務員整體編制的前提下，進行內部招聘一般是容許的；如要進行公開招聘，則須經聯席委員會（由政務司司長和財政司司長共同擔任主席，並由公務員事務局局長擔任委員）特別批准。年內，聯席委員會特別批准進行公開招聘，以填補18個部門內40個職級約3 200個職位，當中包括社會福利署助理社會工作主任、康樂及文化事務署圖書館助理館長、破產管理署律師，以及香港海關督察等。至於納入第二輪自願退休計劃的職系，則須於二零零三年三月二十一日（即計劃生效日期）起計五年內，

6 As one of the measures to achieve the Government's aim to reduce civil service establishment to around 160 000 by 2006-07, the second Voluntary Retirement Scheme was launched on 21 March 2003 to enable identified or potential surplus staff in 229 designated grades to leave the service voluntarily. About 5 300 applications were approved under the Scheme.

為達到政府在二零零六至零七年度或之前把公務員編制縮減至約16萬個職位的目標，當局採取了多項措施，其中一項是在二零零三年三月二十一日推出第二輪自願退休計劃，讓229個已確定或預計出現過剩人手的指定職系的人員自願離職。結果，約有5 300宗根據該計劃提出的申請獲得批准。

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recruitment freeze for the entire grade counting from 21 March 2003, i.e. the date the Scheme came into operation, except for entry ranks that were not included in the Scheme. However, to meet new initiatives that were not foreseen when the VRII Scheme was launched and also to alleviate manpower shortage due to unexpected wastage, the Administration introduced in 2006 a mechanism for seeking exemption from the above mentioned Joint Panel, which subsequently approved exceptionally the conduct of open recruitment exercises by 13 VR grades⁷ during 2006 after having been satisfied that alternative modes of service delivery were not feasible.

- 3.4 The number of new recruits in 2006, though remaining on the low side, was much higher than the 2004 and 2005 figures. Altogether the Commission advised on the filling of 396 posts by local candidates, of which 292 were through open recruitment and 104 by way of in-service appointment. No appointment of non-permanent resident to fill professional or technical posts was made in the year. A statistical breakdown of these appointments and a comparison of the number of appointees in 2006 with that in the previous three years are provided at *Appendix VI*.

暫停各職級的公開招聘工作，但不納入計劃內的入職職級，則不在此限。不過，為執行計劃推出時未能預知的新措施，並紓緩因流失人數超出預期而出現的人手短缺問題，當局在二零零六年向聯席委員會申請特別豁免，在確定不可能以其他服務模式解決人手問題的情況下，破例准許13個自願退休職系⁷，進行公開招聘。

- 3.4 二零零六年的新聘公務員人數雖仍偏低，但與二零零四及二零零五年相比，已大幅增加。年內，委員會就396個由本地應徵者填補的職位提供意見，當中292個職位經由公開招聘，另外104個則由內部招聘。年內，當局並沒有聘用非香港永久居民擔任專業或技術職位。這些聘任的分項數字，以及二零零六年與之前三年聘任人數的比較，載於附錄VI。

7 The 13 VR grades which were allowed to recruit are the grades of Accounting Officer, Air Crewman Officer, Assessor, Auditor, Chemist, Education Officer (Administration), Executive Officer, Health Inspector, Information Officer, Inspector (Graduate), Science Laboratory Technician, Trade Officer and Treasury Accountant.

13個獲准公開招聘人手的自願退休職系包括：會計主任、空勤主任、評稅主任、審計師、化驗師、教育主任(行政)、行政主任、衛生督察、新聞主任、督學(學位)、政府化驗所技術員、貿易主任和庫務會計師。

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Observations and Reviews Initiated by the Commission

3.5 Notwithstanding the relatively slow pace of activities on recruitment, the Commission continued to monitor closely the recruitment standard adopted by the Administration in 2006 and put forward a number of significant proposals for a more effective selection mechanism. The observations and reviews as initiated by the Commission with the Administration are elaborated in the ensuing paragraphs.

Common Recruitment Examination (CRE)

3.6 As a measure to enhance the language proficiency of its workforce, the Administration has imposed a requirement since 1 January 2003 that all applicants for civil service posts at degree and professional level, including those of the directorate, should obtain a pass in two language papers, i.e., Use of English (UE) and Use of Chinese (UC), in the CRE held by the Civil Service Examinations Unit of the CSB. A pass result obtained in CREs held in June 2006 or earlier was valid for three years from the month that the examination results were released to the candidate. This CRE requirement, applicable to both open recruitment and in-service appointment exercises, can be exempted on a case-by-case basis depending on the nature and demand of individual recruitment exercises. However, shortly after the introduction of the CRE requirement, a service-wide open recruitment freeze was imposed in April 2003. The practicability and impact of the new CRE requirements were therefore not tested by the majority of grades which had yet to launch any recruitment exercise.

委員會提出的意見和促成的檢討

3.5 儘管招聘工作的步伐相對緩慢，但委員會仍密切監察當局在年內採用的招聘準則，並提出不少重要建議以期使現有的甄選機制更臻完善。委員會向當局所提意見和促成的檢討，詳見下文各段。

綜合招聘考試

3.6 為提高公務員的語文能力，當局規定，由二零零三年一月一日起，凡申請學位或專業程度公務員職位（包括首長級職位）的人士，必須在公務員事務局公務員考試組所舉行的綜合招聘考試的中文運用和英文運用兩份語文試卷中，考獲及格成績。在二零零六年六月或之前舉行的綜合招聘考試中取得的及格成績，由考試結果公布月份起計三年內有效。這項規定適用於公開和內部招聘，但當局則根據招聘工作的性質和要求，按個別情況准予豁免。此綜合招聘考試的規定實施後不久，政府即由二零零三年四月起全面暫停公開招聘公務員。由於大部分職系都沒有進行招聘工作，這項新規定是否切實可行和有何影響，也無從驗證。

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3.7 As mentioned in its 2005 Annual Report, the Commission questioned the practicability of the CRE for recruitment to directorate posts. At the non-directorate level, and in particular in relation to recruitment to the basic ranks of individual grades, the Commission raised its concern with the Administration in 2006 regarding the effectiveness of the CRE in short-listing eligible applicants. The Commission considered it imperative for the Administration to complete its review before the open recruitment freeze is lifted. Early in 2006 the Commission specifically raised with the Administration the following observations -

(a) *CRE as a hurdle to grades or ranks requiring candidates' expertise knowledge other than language proficiency*

Candidates who possessed the academic or professional qualification required for the job could be screened out simply because they did not possess a valid pass in the language papers of the CRE or they had not attended the CRE examination. To cite an example, in one in-service recruitment exercise for a specialised field of candidates, the department had, in the interest of time, conducted a selection interview prior to the announcement of the relevant CRE result. It turned out that both the selected candidate and the candidate waitlisted at top priority had failed in one of the language papers of the CRE. The department could only appoint the second waitlisted candidate who had passed both the UC and UE papers in the CRE. The Commission was concerned that for those grades or ranks that required candidates' expertise knowledge in relevant fields as well as strong performance in attributes other than language proficiency, the CRE could become a hurdle in trawling the most suitable candidates for appointment.

3.7 一如二零零五年年報所述，委員會質疑，就首長級職位的招聘工作實施這項規定是否切合實際。至於非首長級職位，特別是個別職系基本職級的招聘工作，委員會也在年內向當局表明，對綜合招聘考試規定在甄選合格申請人方面的成效，感到關注。委員會認為，當局有必要在暫停公開招聘公務員的安排撤銷前完成有關檢討。二零零六年年初，委員會向當局明確提出了下列意見：

(a) *綜合招聘考試的規定對着重申請人的專業知識多於語文能力的職系或職級構成障礙*

具備有關職位所需的學術或專業資格的申請人，可能只因未能在綜合招聘考試的語文試卷取得有效的及格成績，又或沒有參加綜合招聘考試，便在甄選過程中遭淘汰。舉例來說，在某個專業職位的內部招聘中，有關部門因時間關係，在相關的綜合招聘考試結果公布前，已進行了遴選面試。入選的申請人及候補第一名的申請人，在綜合招聘考試其中一份語文試卷都不及格。部門最後只得聘用在該考試的中文運用和英文運用試卷取得及格的候補第二名申請人。委員會關注到，當某些職系或職級要求申請人具備有關範疇的專業知識和某些專長，而非卓越的語文能力時，綜合招聘考試的規定可能成為擇優錄取的障礙。

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(b) Attainments in public examinations

Before the inception of the CRE, the language proficiency standards of individual grades/ranks were set by Heads of Department/Heads of Grade (HoDs/HoGs) with reference to the candidates' attainments in the language papers of public examinations such as the Hong Kong Certificate of Education Examination (HKCEE)⁸. As it is a widely accepted practice in both the private and public sectors to make reference to attainments in public examinations in assessing the language proficiency of candidates, the merits of replacing attainments in the public examinations by the CRE results required over-riding considerations.

(c) Content and format of CRE

The focus on language structure and usage in the test papers could result in the trawl of a higher percentage of graduates in the language and related disciplines. Some potential candidates who possess other good attributes which are of equal, if not greater, importance for appointment to certain grades/ranks could, however, be mechanically screened out.

(b) 公開考試的成績

在綜合招聘考試實施前，個別職系／職級所要求的語文水平由部門首長／職系首長訂定，以申請人在公開考試（例如香港中學會考）語文試卷的成績⁸作準。以公開考試成績作為評定應徵者語文能力的準則，是公私營機構廣泛採用的做法，因此，要以綜合招聘考試成績取代公開考試成績，必須經充分討論，以辯証其利。

(c) 綜合招聘考試的內容與形式

試卷問題側重語文結構和運用，致使合格考生每以語文和相關學系的畢業生居多。其他申請人，縱使所專所長合乎擔任某些並不偏重語文能力的職系或職級的要求，卻因僵化的程序而遭淘汰。

8 The norm was a pass in the Chinese language and English language papers in the HKCEE. But Grade "C" or above was required for grades requiring a higher language proficiency standard.

一般要求是在香港中學會考中國語文科及英國語文科取得及格。不過，語文水平要求較高的職系，則要求取得“C”級或以上成績。

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3.8 In response to the concerns raised by the Commission, the Administration conducted a review on the language proficiency requirements (LPRs) for recruitment to the civil service, including the effectiveness of the CRE. After consultation with the Commission, the following modifications have been made to the CRE arrangement -

(a) *Recruitment to directorate posts*

The CRE requirement for recruitment to directorate posts is removed and the recruiting grades are allowed to specify the language proficiency requirements that are commensurate with the job requirements in consultation with the CSB.

(b) *Two-tier passing mechanism for degree/professional grades*

Whilst the CRE requirement would be maintained for entry to degree/professional grades, the results of the language papers are classified into "Level 2", "Level 1" or "Fail", with "Level 2" being the higher level, starting from the CRE conducted in December 2006. The HoDs/HoGs can determine the level of language proficiency required of the candidates having regard to the job requirements of the grades. This new arrangement allows for variation in language requirements amongst different grades and helps avoid screening out prospective candidates by setting unnecessarily high standards for language proficiency in respect of some grades.

3.8 因應委員會的關注，當局檢討了招聘公務員的語文能力要求，包括綜合招聘考試的成效。經徵詢委員會的意見後，當局對綜合招聘考試的安排作出下列修訂：

(a) *首長級職位的招聘*

首長級職位的招聘無須進行綜合招聘考試，而進行招聘的職系可在徵詢公務員事務局意見後，訂出與工作要求相符的語文能力要求。

(b) *學位／專業職系的雙層及格機制*

綜合招聘考試的規定繼續適用於學位／專業職系的入職人員，同時，由二零零六年十二月舉行的綜合招聘考試開始，語文試卷的成績分為“二級”、“一級”或“不合格”，並以“二級”較佳。部門首長或職系首長可根據有關職系的工作要求，決定申請人須達到的語文水平。根據新安排，不同職系的語文能力要求不必完全一致，這樣便可避免某些職系因語文能力要求訂得過高，而把合適的申請人摒諸門外。

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(c) Validity period of the CRE results

Starting from the CRE held in December 2006, the validity period of CRE "Level 2" and "Level 1" results has been made permanent.

(d) Acceptance of public examination results as CRE equivalent

Results of the Hong Kong Advanced Level Examination (HKALE) have been accepted as equivalent to the CRE results for recruitment exercises conducted after 18 October 2006. Grade "C" or above and Grade "D" in the relevant language papers⁹ of HKALE, or equivalent, would be regarded as comparable to "Level 2" and "Level 1" respectively in the UE/UC paper of CRE. Applicants with the requisite HKALE results are not required to sit for the respective language paper(s) of CRE.

(e) Content of CRE

The content and structure of the papers will be subject to regular reviews in consultation with the Advisory Panel on CRE to ensure that an appropriate standard is set for civil service recruitment purpose.

3.9 The Commission is pleased to note that the Administration has taken a pragmatic approach to modify the CRE requirements. The Administration should continue to closely monitor the impact of the revised CRE requirements on recruitment and to review their effectiveness in the light of experience.

(c) 綜合招聘考試成績的有效期

由二零零六年十二月舉行的綜合招聘考試開始，考獲的“二級”及“一級”成績永久有效。

(d) 公開考試成績獲接納為等同綜合招聘考試成績

就二零零六年十月十八日後進行的招聘工作而言，香港高級程度會考(高考)成績獲接納為等同綜合招聘考試成績。在高考的相關語文科目⁹取得“C”級或以上和“D”級成績，或具備同等資格，會分別視作等同綜合招聘考試英文運用／中文運用試卷的“二級”和“一級”成績。申請人如在高考取得所需的成績，便無須報考綜合招聘考試的相關語文試卷。

(e) 綜合招聘考試的內容

當局在徵詢綜合招聘考試諮詢小組的意見後，會不時修訂試卷的內容和形式，確保符合招聘公務員所需的水平。

3.9 委員會欣悉，當局採取了實事求是的態度，對有關綜合招聘考試的規定作出修訂。當局應繼續密切監察修訂後的規定對招聘工作的影響，並根據所得經驗檢討其成效。

9 For UE of CRE, the corresponding paper in HKALE is Use of English. For UC of CRE, attainments in HKALE Chinese Language and Culture or Chinese Language and Literature are acceptable.

就綜合招聘考試的英文運用試卷而言，對等的高考科目是“英文運用”。就綜合招聘考試的中文運用試卷而言，高考的“中國語文及文化”或“中國語言文學”科成績都可接受。

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Withdrawal of concessionary appointment requirements for in-service candidates

3.10 The Commission has observed that the entry qualifications or requirements for in-service recruitment exercises of some basic ranks have remained significantly lower than those adopted for open recruitments. The lower-than-norm standard was set for in-service candidates decades ago. In the face of the expansion of tertiary education and the rising expectations of the public for quality service delivery, the practice requires a critical review. As mentioned in its 2005 Annual Report, the Commission considers that there is a genuine need for in-service appointees to possess academic qualifications commensurate with the job demands and also equivalent to those required of new recruits from open recruitment. The CSB has been urged over the years to persuade relevant HoDs/HoGs to consider raising the in-service entry requirements to basic ranks, if they have not already done so, to bring them on a par with those for open recruitments. In 2006, the HoGs of two ranks withdrew the concessionary appointment requirements for in-service appointees and the HoGs of two others tightened the entry requirements for in-service appointment to narrow the gap with those for open recruitment. As an on-going commitment, the CSB has undertaken to alert those grades which have yet to remove such concessionary arrangements to review their appropriateness in the context of their updating of Guides to Appointment.

撤銷內部應徵者在入職要求方面的寬免要求

3.10 委員會注意到，某些職級進行內部招聘時，入職資歷或要求大大低於公開招聘時所訂定者。這些為內部應徵者而設的寬免入職要求，始於數十年前。隨着專上教育普及，公眾對公務員提供優質服務的期望又日益提高，有關安排須認真檢討。正如二零零五年年報所述，委員會認為，內部聘任人員有必要具備與工作要求相符，而又與公開招聘時規定新入職人員的要求看齊的學歷。多年來，委員會不斷促請公務員事務局，勸說部門首長或職系首長檢討基本職級內部招聘時的寬免入職要求，使之提昇至與公開招聘看齊。年內，有兩個職級的職系首長撤銷內部聘任人員在入職要求方面的寬免要求。另有兩個職系首長收緊了內部聘任的入職要求，以縮窄與公開招聘的差距。公務員事務局承諾會持續不懈，提醒尚未撤銷這種寬免入職要求的職系在更新《聘任指南》時，一併檢討是否適宜繼續採用這種安排。

CHAPTER 3 第三章

Rolled-over approval for recruitment of rank with persistent recruitment difficulties

- 3.11 The Commission strives to facilitate departments in their recruitment process to ensure the timely in-take of new recruits. To cite an example, the staff shortage problem and recruitment difficulties at a training rank were drawn to the Commission's attention during a departmental visit by the Commission. Given the stringent appointment requirements of the rank as well as the universal manpower shortage problem in the field, the difficulties faced by the department in meeting its manpower targets are perennial. Though the department had obtained exceptional approval of the Joint Panel co-chaired by the Chief Secretary and the Financial Secretary to conduct two open recruitment exercises, the approval was granted on a one-off basis and the department had to go through the tedious procedures to apply for fresh approval to conduct any new recruitment exercise, thus entailing a lot of time and efforts on all parties concerned.
- 3.12 The Commission shares the view of the department that there is room for saving the manpower resources used for repeating the same application process for exceptional approval. Having regard to the proven need of the department for a continuous, steady and timely supply of new recruits, the perennial difficulties faced by the department as well as the time taken for each recruitment exercise, the Commission considers that pending the lifting of the civil service open recruitment freeze, there are strong justifications for the department to seek a rolled-over exemption from the recruitment freeze to conduct regular open recruitment exercises whenever vacancies arise. The Commission has raised the issue with the Administration which has undertaken to pursue the proposed rolled-over exemption.

為持續有招聘困難的職級申請可續承的招聘批准

- 3.11 委員會致力提供協助，利便部門進行招聘程序，確保及時聘得所需人手。舉例來說，委員會在探訪某部門期間，得悉該部門某個培訓職級出現人手短缺和招聘問題。由於該職級入職要求嚴格，加上相關行業普遍人手短缺，因此，部門在聘請所需人手方面一直遇到困難。雖然部門已獲由政務司司長和財政司司長共同擔任主席的聯席委員會特別批准進行兩次公開招聘，但由於批准屬一次過的性質，部門如欲再進行招聘，仍須依循繁複的程序重新申請批准，耗費各方不少時間與精力。
- 3.12 委員會認同部門的看法，認為可以節省用於重覆申請特別批准的人力資源。由於該部門已確証需要有持續穩定和及時的人手供應，而每次的招聘工作均十分耗時和不容易，委員會認為，在暫停公開招聘公務員的安排撤銷之前，部門有充分理據申請可續承的批准，在出現職位空缺時進行公開招聘。委員會已向當局提出此事，而當局承諾跟進有關建議。

CHAPTER 4 第四章

Civil Service Promotion: Observations and Reviews 公務員晉升選拔：意見及檢討

4.1 Promotion is an integral part of the civil service system. All eligible officers are considered on an equal basis and they are promoted on the criteria of character, ability, experience, performance and prescribed qualifications, if applicable. In advising the Administration on promotions to senior ranks¹⁰ in the civil service, the Commission not only ensures the promotion of only those officers who are the most meritorious and deserving, but also makes observations on the proper conduct of individual exercises.

4.2 Promotion submissions from departments form the bulk of the work of the Commission. In the course of scrutinising these submissions, the Commission has taken the opportunity to review the procedures as well as the policies and practices governing the promotion system. Suggestions arising from such reviews are relayed to the Civil Service Bureau (CSB) which joins hands with the Commission to streamline procedures, rationalise rules and practices and improve on existing policies. Separately, to facilitate the proper conduct of promotion boards, the Commission considers it necessary to improve the training on proper procedures and good practices in conducting promotion exercises for board chairmen and members.

4.1 晉升選拔是公務員制度不可或缺的一環。對於所有符合資格的人員，當局均會公平考慮，選拔準則包括人員的品格、才幹、經驗、工作表現，以及晉升職位所要求的資格（如適用的話）。委員會就當局提出以晉升方式填補的高級公務員職位¹⁰的個案提供意見，不但會確保只擢升最優秀和實至名歸的人員，還會觀察個別晉升選拔程序是否恰當地執行。

4.2 委員會所處理的工作大部分為部門所提交的晉升建議。委員會在審研這些建議時，會同時檢討晉升選拔制度的程序、政策和做法。經檢討後提出的建議會轉交公務員事務局，而該局會與委員會合作，一起精簡有關程序、適當調整規則和做法，以及改善現行政策。另一方面，為促進晉升選拔委員會的完善運作，讓晉升選拔工作得以按適當的程序和做法進行，委員會認為需要加強晉升選拔委員會主席和委員在這方面的培訓。委員會已要求

10 See Note 5 on page 12.

請參閱第12頁註5。

CHAPTER 4 第四章

The Commission has requested CSB to produce a film or similar training materials on the proper conduct of promotion board meetings for reference by board chairmen and members. In addition, customised training programmes, such as the preparation of board reports, should be provided for board secretaries.

公務員事務局就如何妥善召開晉升選拔委員會會議的事宜，製作一套短片或相類的培訓資料，供晉升選拔委員會主席和委員參考。此外，也需要為晉升選拔委員會的秘書提供特設培訓課程，包括如何擬備晉升選拔委員會報告等。

An Overview of Promotion Cases Advised in 2006

4.3 The Commission advised on 1 107 promotions to fill vacancies in 389 ranks¹¹ in 2006. These included 132 promotions to directorate vacancies¹². Though the actual number of promotions decreased by 2% from 1 132 in 2005 to 1 107 in 2006, the number of promotion submissions as advised by the Commission increased by 14% from 448 in 2005 to 512 in 2006. The Commission also advised on promotion-related appointment cases involving 2 008 officers in 2006, broken down as follows -

二零零六年委員會就晉升個案提供意見的概要

4.3 二零零六年，委員會就1 107宗以晉升方式填補職位的個案提供意見。這些職位分屬389個職級¹¹，其中132個是首長級空缺¹²。雖然實際晉升宗數由二零零五年的1 132宗，減至二零零六年的1 107宗，減幅達2%，但經委員會提供意見的晉升建議卻由二零零五年的448宗，增至二零零六年的512宗，增幅達14%。年內，委員會亦就晉升相關的聘任個案提供意見。這些個案涉及2 008名人員，分項數字載於下表：

11 The number of eligible officers far exceeded the number of promotees. In a number of promotion exercises, over 100 candidates were shortlisted for detailed consideration by the board.

合資格人員的數目遠超晉升人員的數目。在一些晉升選拔中，經篩選後供晉升選拔委員會詳加考慮的合資格人員超過100名。

12 A statistical breakdown by salary group is provided at *Appendix VII*.

按薪金組別列出的分項數字見附錄VII。

CHAPTER 4 第四章

Promotion-related appointment cases advised in 2006 二零零六年獲委員會提供意見的晉升相關聘任個案

	No. of officers 人員數目
Waitlisted for promotion 列入晉升候補名單	15
Acting with a view to substantive promotion (AWAV) ¹³ 署理以待實際升職 ¹³	236
Waitlisted for AWAV appointment 列入署理以待實際升職候補名單	19
Acting for administrative convenience (AFAC) ¹⁴ 署理職位以方便行政 ¹⁴	1 738
Total no. of officers 總數	2 008

Observations Made by the Commission on Departmental Promotion Submissions

4.4 Whilst all departments generally dealt with their promotion submissions properly, further improvements warranting the attention of particular departments were highlighted when the Commission tendered its advice on their submissions. Some of the more noteworthy observations made by the Commission are cited in the ensuing paragraphs for general reference by Heads of Department/Heads of Grade (HoDs/HoGs) and Departmental Secretaries.

委員會對各部門所提交的晉升建議的意見

4.4 普遍來說，所有部門都已妥為處理所提交的晉升建議，但委員會亦就個別部門所提交的晉升建議，提出應予特別留意並作進一步改善的地方。現把委員會所提出的一些較為重要的意見載述如下，供部門／職系首長及部門主任秘書參考。

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

人員如獲當局認為大致在各方面均適合執行較高職級的職務，並已準備好接受進一步考驗以證明能勝任較高職級，則會獲安排署理較高職級以待實際升職。這類署任安排一般為期六個月，但亦可作改動。

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

人員如不宜即時晉升，但獲評估為較其他人員更具執行較高職級職務的潛質，又或雖然被認為表現較優，但因無實職及長期空缺而未能獲得晉升，則當局會作出署理職位以方便行政的安排。如屬這類情況，必須根據《公務員事務規例》第166(6)條定期檢討有關的署任安排。

CHAPTER 4 第四章

Lack of career posting opportunity affecting adversely an officer's promotability

- 4.5 The Commission noted that in a promotion exercise, over 10% of the eligible candidates had been staying in their present posts for more than 15 years. Although some of them had strong performance track record, they were not selected due to their lack of the requisite exposure required of the higher rank.
- 4.6 In the Commission's view, an officer's claim for promotion or acting appointment should not be unduly affected by insufficient exposure through no fault of his own. It is the grade management's responsibility to arrange career postings for its staff to broaden their job knowledge and exposure so as to enhance their versatility. While it is appreciated that there may be operational difficulties from time to time to prevent timely career postings, a responsible HoG should always have the career interest of his grade members in mind and strive to maintain a good balance between the career development needs of individual officers and the operational expediency of the department. The Commission encourages HoGs to adopt a more vigorous career posting plan, to be complemented by constant job enrichment at all levels. Supervisors should also be clearly reminded of their staff management role which embraces staff development and obligation to release staff for career posting.

缺乏職位調派機會對員工的晉升前景帶來不良影響

- 4.5 委員會留意到，在一項晉升選拔工作中，超過10%合資格人員已在現有工作崗位任職超過15年。雖然他們當中有些人員的工作表現記錄十分理想，但卻因缺乏勝任較高職級所需具備的閱歷而不入選。
- 4.6 委員會認為，閱歷不足的問題，與人員本身無尤，其晉升或署任的機會不應因而受到影響。職系管理當局有責任為員工安排職位調派，讓他們擴闊工作知識和閱歷，從而提升他們各方面的才能。委員會明白，在運作上往往未必可以作出及時的職位調派安排，但負責任的職系首長應顧及職系人員的職業前景，力求在個別員工的職業發展需要及部門有效運作之間取得平衡。委員會鼓勵職系首長採用更積極的職位調派計劃，並同時為各級員工提供恒常的多元化的職務。職系首長應明確提醒各主管人員履行員工管理的職責，包括促進員工發展和配合員工的職位調派安排。

CHAPTER 4 第四章

Non-implementation of promotion board's recommendation on acting appointment or career posting of officers

- 4.7 The Commission observed that in a promotion exercise, one strong contender who was not selected by the board because of his limited work exposure had in fact been recommended by previous boards for a career posting and had been waitlisted by the last board for acting appointment for administrative convenience. The department had, however, failed to implement the board's recommendations.
- 4.8 Non-implementation of a promotion board's recommendation may prejudice a recommendee's future promotion claim and should be guarded against. Departments should ensure that career postings or acting appointments are arranged promptly in accordance with promotion boards' recommendations, and non-recommended officers should not be appointed to act ahead of the recommendees without strong operational justifications to avoid undue advantage being conferred on the former.

Long-term acting appointments not reviewed

- 4.9 In another promotion exercise, the Commission noticed that many candidates had acted for an aggregate of two years but their acting appointments had not been reviewed by a board because the department had arranged for them to step down for a short period after every six months. CSR 166(6) requires acting appointments to be reviewed at regular intervals if they are expected or likely to last or have lasted for longer than six months, subject to the advice of the Commission as appropriate.

沒有執行晉升選拔委員會就人員署任職位或職位調派提出的建議

- 4.7 委員會留意到，在一項晉升選拔工作中，晉升選拔委員會以工作閱歷有限為理由，沒有選拔一名實力相若的人員。其實，先前的數個晉升選拔委員會曾推薦該名人員接受職位調派，而上次的晉升選拔委員會更把該名人員列入署理職位以方便行政的候補名單中。然而，有關部門卻沒有執行晉升選拔委員會的建議。
- 4.8 如不執行晉升選拔委員會的建議，會影響獲推薦人員日後的晉升機會，這種情況實應避免。部門應確保會按照晉升選拔委員會的建議，盡快為有關人員安排職位調派或署任職位。如無充分的運作理據，未獲推薦的人員不應先於獲推薦人員署任職位，以免前者得享不應有的優勢。

沒有檢討長期署任安排

- 4.9 在另一次晉升選拔工作中，委員會發現多名人員署任累計長達兩年，但因有關部門每六個月便安排他們終止署任一段短時間，晉升選拔委員會於是沒有檢討其署任安排。《公務員事務規例》第166(6)條規定，如果有關署任預期或可能或已經達六個月以上，有關當局應定期作出檢討。如有需要，當局應徵詢委員會的意見。

CHAPTER 4 第四章

4.10 Such a practice of cessation of acting appointments, which was adopted in that particular case mainly to avoid convening review boards and seeking the Commission's advice on the long-term acting appointments, is clearly not a good management practice. Apart from causing disruption to the normal operation of the department, the practice is also unfair. It is unfair to eligible officers at large, at least in perception, as there is no proper conduct of any promotion or selection exercise to review the performance and relative merits of all eligible officers before appointing or re-appointing the officers concerned to act. It is also unfair to those officers who have acted almost continuously for more than six months as they would not have suffered deprivation of the full acting pay¹⁵ if their acting appointments have been properly endorsed through the conduct of a promotion or selection exercise. The department concerned was advised to convene a selection board to select the most suitable officers for proper trying out and to review their acting appointments in accordance with CSR 166(6).

4.10 就該宗個案而言，終止署任安排，主要是為了避免召開覆檢委員會，以及就長期署任安排徵詢委員會的意見。這顯然不是良好的管理方法，不僅干擾部門的正常運作，而且有欠公平。在委任或重新委任有關人員署任前，沒有適當地進行任何晉升選拔或遴選程序，以檢討所有合資格人員的工作表現和相對優劣之處，對所有合資格的人員可能構成不公平的情況，或使人有此誤解。此外，對於那些連續署任幾乎超逾六個月的人員亦不公平，原因是假如他們的署任安排事先經晉升選拔或遴選程序正式通過，便不會遭剝奪可取得全數署任薪酬¹⁵的機會。委員會建議有關部門召開遴選委員會，以選出最合適的人員接受適當考驗，並根據《公務員事務規例》第166(6)條檢討他們的署任安排。

15 Under the revised rules implemented with effect from 1 July 2004, only officers identified by a promotion/selection board are entitled to 100% of the difference in pay between the minimum pay of the acting office and their substantive pay after having acted in the senior post for 180 calendar days. Otherwise, they will only receive 90% of the difference throughout the acting period regardless of its duration.

根據二零零四年七月一日起生效的修訂規則，只有經由晉升選拔／遴選委員會選出的人員，才可在署任高級職位達180個曆日後，領取相等於署任職位的起薪與署任人員實任職位薪金差額的100%的署任津貼；否則，不論署任期長短，他們在整段署任期間只能領取上述差額的90%。

CHAPTER 4 第四章

Non-completion of performance appraisal reports of officers having reached their career ceiling

4.11 The Commission noted in one promotion exercise several cases of performance appraisal reports in one particular grade not being completed where the appraisees had been deemed to have reached their career ceiling. Preparation of staff appraisals is not solely for assessing an officer's suitability for advancement. It also serves the purpose of monitoring an officer's performance for necessary improvements to be made and for determining his worthiness for further retention in the service. Without performance appraisal reports, the training and development needs of those officers who have reached their career ceiling may be left unattended. Worse still, the hands of the grade management will be tied when an officer's performance deteriorates to a sub-standard level warranting the consideration of administrative action to retire him in the public interest under section (s.) 12 of the Public Service (Administration) Order [PS(A)O]¹⁶.

4.12 The relevant HoG was alerted of the serious view taken by the Commission on the matter. The HoG concerned has responded positively to the Commission's concern, undertaking to ensure that active measures would be implemented for the timely completion of all performance appraisal reports of the particular grade in the interest of the career development of its members and the proper management of the grade.

沒有填寫事業發展已達極限的人員的工作評核報告

4.11 委員會留意到，在一項晉升選拔工作中，有數宗個案為某一職系的受評人因被視為事業發展已達極限，評核人員便沒有填寫其工作評核報告。其實，擬備工作評核報告，不單是評核個別人員是否適宜晉升，同時亦有助監察員工的表現，促使其作出必要改善，並決定其應否繼續留任。對於那些事業發展已達極限的員工來說，如欠缺工作評核報告，他們的培訓發展需要便可能備受忽視。尤有甚者，就是當有關人員表現持續欠佳，以致職系管理當局須考慮採取行政措施，並擬根據《公務人員(管理)命令》第12條¹⁶基於公眾利益着令其退休時，卻因欠缺工作評核報告而無從入手。

4.12 有關的職系首長亦留意到委員會對此事非常重視，並積極回應委員會所關注的問題。為能有效管理職系和顧及職系人員的事業發展，該職系首長承諾採取積極措施，確保其管轄職系的所有工作評核報告都準時填寫。

16 Under s.12 of the PS(A)O, an officer may be retired in the public interest if it is satisfied that he is a sub-standard performer. An officer may also be retired under s.12 if the Administration has lost confidence in his continuous service due to doubts on his integrity. An officer who retires under s.12 may be granted his pension but the payment will be deferred until he reaches his normal retirement age.

根據《公務人員(管理)命令》第12條，如當局認為有關人員表現欠佳，可基於公眾利益着令該員退休。當局如質疑有關人員的操守而對其持續服務失去信心，亦可根據《公務人員(管理)命令》第12條着令該員退休。根據《公務人員(管理)命令》第12條而退休的人員，仍可取得退休金，但必須延至其正常退休年齡方可領取。

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Late submission of promotion board reports

- 4.13 The Commission noted that in some promotion exercises, it took the departments an unduly long time (nearly three months) to submit the board reports to the Commission even though the scale of the exercises was not particularly large. The exceedingly late submission resulted in the late announcement of the promotion results and in one case gave rise to a staff complaint.
- 4.14 Late submission of promotion board recommendations runs counter to the career interests of the selected officers. For instance, the promotion of those officers recommended to AWAV will be delayed as such appointments would only take effect on a current date upon the Commission's favourable advice. It will also result in belated implementation of the board's recommendations on career development plans and posting arrangements. The Commission would like to see greater improvement in this area.

Varying duration of past performance appraisal under review by promotion boards

- 4.15 The Commission observed that departments had adopted varying duration of past performance appraisal to be reviewed by promotion boards ranging from two to five years. The Commission considers that the performance appraisal period reviewed by promotion boards should be standardised to cover all eligible officers' performance in, say, the past three years. But for close contenders, the boards can always make reference to a longer period of the candidates' track records for comparison.

晉升選拔委員會逾期提交報告

- 4.13 委員會留意到，一些部門所進行的晉升選拔工作雖然規模未算龐大，但向委員會提交晉升選拔報告卻耗時甚久（接近三個月）。過遲提交報告，不但會令晉升選拔結果延遲公布外，還可能如其中一宗個案般招致員工投訴。
- 4.14 晉升選拔委員會逾期提交晉升建議，有損入選人員的事業前景。舉例來說，獲推薦署理以待實際升職的人員的晉升會受到阻延，因這類署任須待委員會就有關事宜提供意見後才會生效。至於委員會就事業發展計劃及職位調派安排所作建議，亦會延遲執行。委員會希望這方面的問題能有重大改善。

晉升選拔委員會檢討的工作評核報告所涵蓋的年期不盡相同

- 4.15 委員會注意到，不同部門的晉升選拔委員會檢討的工作評核報告，涵蓋年期各有不同，由兩年至五年不等。委員會認為，晉升選拔委員會所檢討的工作評核年期應予統一，例如涵蓋所有合資格人員過去三年的表現。不過，如合資格的人員實力相若，晉升選拔委員會可參考有關人員更早前的往績，以作比較。

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Reviews Initiated by the Commission on Promotion Matters

4.16 The succeeding paragraphs provide an account of the more significant policy subjects raised with the CSB on civil service promotion and the outcome of these reviews.

Rotational acting appointments

4.17 As stated in the 2005 Annual Report, some recommendations put up by departments for rotational acting appointments did not seem to have good justifications and could give rise to an awkward scenario of a "reversed" supervisor-subordinate relationship which is highly undesirable and disruptive from the staff management point of view. In 2006, a small number of recommendations on rotational acting appointments were put up. In some of these cases, the recommendation was justified on the ground that the officers so recommended were close contenders with comparable track records. The Commission considers that such a recommendation can be avoided if critical reporting is in place and the reporting standard is under effective monitoring to allow for a balanced assessment of the relative merits of eligible officers in the same rank. Where there are genuine difficulties in differentiating the relative merits of two or more close contenders competing for one vacancy and none of them stands out distinctly from the others, CSR 109 (1)(a) should prevail in such cases, i.e. seniority should be given appropriate weight.

委員會就晉升事宜提出的檢討

4.16 有關委員會就公務員晉升事宜向公務員事務局提出的較重要政策問題及其檢討結果，載述於下文各段。

輪流署任職位

4.17 正如二零零五年的年報所述，部分部門所提出的輪流署任職位建議，不但欠缺充分理據，而且可能造成上司與下屬角色“倒轉”的尷尬局面，從員工管理角度來看，極不可取，弊多於利。二零零六年，委員會接獲少數有關輪流署任職位的建議。其中有些個案所提出的理據為獲推薦人員往績相若，不相伯仲。委員會認為，當局如備有嚴謹的評核報告，且又能有效地監察評核準則，藉以全面評核同一職級合資格人員的相對優劣之處，則可避免作出這種建議。如有兩名或逾兩名實力相若的人員共同競爭一個空缺，表現難分高下，以致有關當局難以取捨，則應以《公務員事務規例》第109(1)(a)條為依歸，適當考慮有關人員的服務年資。

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- 4.18 In other cases seeking the Commission's advice in 2006, rotational acting appointments were recommended on the ground that two close contenders had performed equally well in their respective fields of work but they had not been tested in other fields or some key attributes required for the higher rank. The Commission considers that such a recommendation can also be avoided if the HoGs concerned have arranged regular career postings and appropriate training to broaden the exposure of their staff and prepare them for higher responsibilities.
- 4.18 在二零零六年徵詢委員會意見的個案中，有晉升選拔委員會基於兩名合資格人員實力相若，在各自的工作範疇表現同樣出色，但都未經測試，未知能否勝任較高職級所須負責的其他工作範疇，或是否具備所需的某些基本質素，因而建議兩人輪流署任職位。委員會認為，若有關職系首長為員工定期安排職位調派，並提供適當培訓，以擴闊工作經驗，栽培他們承擔更重要的職責，便可避免作出這種建議。
- 4.19 The Commission takes the view that rotational acting should only be considered under exceptional circumstances. In response to the Commission's request, the CSB has agreed to include in its revised "Guide for Promotion Board" the exceptional circumstances under which rotational acting appointments may be considered. The Guide will also set out the related administrative arrangements for compliance by departments, including the avoidance of a "reversed" supervisor-subordinate relationship and the need for reviewing the performance of selected officers vis-a-vis that of non-selected officers upon availability of fresh rounds of appraisals.
- 4.19 委員會認為，只有在特殊情況下方可考慮輪流署任的安排。公務員事務局已應委員會的要求，同意在修訂“晉升選拔委員會指引”時，訂明在哪些特殊情況下才可考慮安排輪流署任，同時亦會訂出部門須遵守的相關行政安排，包括避免上司與下屬角色“倒轉”，以及須在收到最新的評核報告後，覆檢入選和不入選人員的表現。

Sounding-out exercise

- 4.20 The Commission observed in several promotion exercises the long-standing practice of inviting all eligible officers to return a reply slip to indicate their wish or otherwise to be considered for promotion before the conduct of promotion or selection boards. The claims of those eligible officers who had not applied or who had declined to be considered in the sounding-out exercise were not considered by the board.

意向調查

- 4.20 委員會注意到，有些部門長久以來在召開晉升選拔／遴選委員會前，要求所有合資格人員交回回條，申明是否願意給納入考慮晉升之列。在意向調查中沒有提出申請或表明無意晉升的合資格人員，都不會獲晉升選拔／遴選委員會考慮。

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4.21 The Commission has strong reservation about the sounding-out arrangement. Selecting the most deserving candidates for promotion on the basis of performance and merits is the prerogative of the management. The sounding-out arrangement does not add value to the selection process. It only serves to restrict the management's choice of candidates. It is not a proper measure to reduce the number of eligible candidates of a promotion exercise to a manageable size. In a large promotion exercise, the adoption of a shortlisting criterion of a minimum number of years of in-rank experience would have achieved this purpose. As regards the particular officer's wishes and aspirations, there are established channels for him to make his views known to the management. For instance, he can indicate his job or posting preferences in his appraisal report or through his staff appraisal interview with his supervisor. The sounding-out exercise in connection with a promotion exercise can give rise to irregularities or manipulation by supervisors. It certainly leads to unnecessary speculation on the chances of promotion in an exercise. The Commission is of the view that the sounding-out practice should be avoided as far as practicable.

4.21 委員會對意向調查的安排有極大保留。根據人員的表現及優劣之處選出實至名歸的擢升人選，管方責無旁貸。意向調查的安排對遴選程序並無助益，更局限了管方的人選；而在晉升選拔工作中用這安排把合資格人選減至易於處理的數目，做法亦不恰當。在大型的晉升選拔工作中，採納有關職級的最低服務年資作為篩選準則即可達到這個目的。至於個別人員的意願及期望，可通過既定途徑向管方表達。例如，有關人員可在工作評核報告或與上司進行的評核會見中表明他在工作或職位調派方面的意向。與晉升選拔工作有關的意向調查可導致出現違規或上司操控的情況。這當然亦會令員工對晉升機會作不必要的揣測。委員會認為應盡量避免進行意向調查。

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Promotion of an officer under debarring effect

- 4.22 Informal punishment, i.e. verbal or written warning, will normally debar an officer from promotion¹⁷ for one year. However, in exceptional circumstances when an officer who is subject to the debarring effect has demonstrated remarkable improvement and good service and is suitable for promotion or appointment in all respects, his promotion or appointment may be considered, subject to the advice of the CSB before such a recommendation is made.
- 4.23 The Commission noticed in vetting a promotion submission that the CSB's advisory role relating to an officer's promotability under the debarring effect of a verbal or written warning from the conduct and discipline perspective was partially withdrawn in 2002 following its re-organisation. For certain categories of officers, HoDs/HoGs have since been delegated the authority to decide whether an officer is suitable in all aspects for the intended promotion notwithstanding that the debarring period is still in force¹⁸. But the new arrangement was not promulgated and individual departments were informed of the new arrangement only when they approached the CSB for advice in respect of specific cases.

受限制人員的晉升

- 4.22 非正式紀律處分，即口頭及書面警告，通常會限制有關人員一年內不得晉升¹⁷。然而，在一些特殊情況下，如受限制人員有顯著進步，表現良好，在各方面均適合晉升或聘任，則可考慮其晉升或聘任事宜，但須先徵詢公務員事務局的意思後，才可決定是否提出有關建議。
- 4.23 委員會在審核晉升建議時注意到，那些因品行或紀律而遭口頭或書面警告的人員，晉升受到限制，而公務員事務局在這類人員的晉升事宜方面所擔當的諮詢角色，自二零零二年該局重組後已局部淡出。部門／職系首長自該年起獲授權決定某些類別的人員在各方面是否適宜獲得晉升，即使有關警告的限制期仍然有效¹⁸。但這項新安排未經公布，只有個別部門就某些個案徵詢公務員事務局意見時才知悉這項新安排。

17 Informal punishment will have a debarring effect on not only promotion but also other appointments covering acting appointment, further appointment, appointment on transfer and passage of probation/trial bar.

非正式紀律處分所帶來的限制，不單適用於晉升，還涵蓋其他各類聘任事宜，例如署任安排、續聘、轉職聘任，以及通過試用／試任關限。

18 Under the new arrangement, CSB has devolved advising on cases involving officers remunerated below Pt 34 of the Master Pay Scale ("MPS Pt 34") who are subject to the debarring effect of a verbal or written warning. However, for similar cases involving officers or posts remunerated on or above MPS Pt 34 or equivalent as well as cases where the bar stems from formal punishments, CSB will continue to offer case-specific comments from the conduct and discipline perspective.

根據新安排，個案如涉及因遭口頭或書面警告而受到限制，但薪酬為總薪級表第34點以下的人員，公務員事務局不會就這類個案提供意見。然而，對於遭口頭或書面警告而受限制，但涉及薪酬達到總薪級第34點或以上或同等薪點的人員或職位的個案，又或有關個案是因人員遭受正式處分而受到限制者，則公務員事務局會繼續從品行或紀律角度就這類個案提供意見。

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4.24 The Commission raised its concern with the CSB that departments at large had not been made aware of the new arrangement. The Commission also considered that a consistent and stringent standard across the service should be maintained in considering the lifting of the debarring effect of a verbal or written warning by individual appointment authorities. In response to the Commission's request, the CSB issued a circular on 1 December 2006 promulgating the new arrangement, specifying also that in making such a decision, an officer not below the level of Deputy HoD/Deputy HoG must be satisfied that the following considerations are met -

- (a) the conduct and discipline of the officer have remained entirely satisfactory during the debarring period;
- (b) the officer is not subject to any criminal investigation or proceedings; and
- (c) the officer is not the subject of any referral by the Operations Review Committee of the Independent Commission Against Corruption (ICAC)¹⁹.

The Commission is content that with the issue of the circular, the withdrawal of CSB's advisory role has been properly followed through.

4.24 委員會向公務員事務局表示關注，指大部分部門並不知悉新安排。委員會亦認為，個別聘任當局在考慮撤銷口頭或書面警告的限制效力時，應維持劃一及嚴格的標準。為回應委員會的要求，公務員事務局在二零零六年十二月一日發出通告，公布新的安排，並述明在作出有關決定時，一名不低於副部門首長／副職系首長級別的人員必須信納有關人員已符合下列條件：

- (a) 有關人員的品行及紀律在限制期內完全令人滿意；
- (b) 有關人員並沒有遭受任何刑事調查或涉及任何刑事訴訟；以及
- (c) 有關人員並非廉政公署(廉署)¹⁹ 審查貪污舉報諮詢委員會轉介個案的涉案人士。

就公務員事務局已發出通告跟進上述事宜，委員會感到滿意。

19 At the conclusion of an ICAC investigation into an allegation of corruption, any matters of discipline that may have revealed in the investigation will be referred, on the advice of the ICAC Operations Review Committee, to bureaux/ departments in a report for consideration of disciplinary or administrative action.

廉署會就每宗被指稱涉及貪污的個案進行調查並作出總結，調查過程中所發現的任何與紀律有關的事宜，將根據廉署審查貪污舉報諮詢委員會的意見，以報告的形式轉介予各有關政策局／部門，以供考慮是否採取紀律處分或行政措施。

CHAPTER 5 第五章

Staff Performance Management System: Improvements and Further Reviews

員工表現管理制度：改善及進一步檢討

5.1 A good staff performance management system helps select the right officers for promotion and maximises individual officers' performance and potential which in turn enhances the overall effectiveness and productivity of an organisation. In the course of examining departmental submissions on promotion cases, the Commission offers advice to departments on good staff performance management practices. The Commission also continues to urge the Civil Service Bureau (CSB) to take the lead to review and enhance the staff performance management system across the service. The Commission feels assured with the Administration's very positive response to its observations on staff performance management, showing its determination in maintaining a high quality civil service.

5.1 良好的員工表現管理制度有助選拔適當人員晉升，並可讓員工充份發揮個人的工作能力及潛能，從而提升機構的整體效率和生產力。委員會在審核部門所提交有關晉升個案的建議時，會就良好的員工表現管理措施向部門提供意見。委員會亦繼續促請公務員事務局率先檢討及強化政府各部門的員工表現管理制度。當局對委員會所提出有關員工表現管理的意見作出非常積極的回應，充份反映當局對致力維持一支優秀公務員隊伍的決心。

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Improvements Observed in Staff Performance Management Practices

5.2 During 2006 improvements, as elaborated in the succeeding paragraphs, were observed in a number of departments in addressing some common and long-standing staff performance management problems identified by the Commission.

Timely conduct of promotion boards

5.3 The Commission holds a firm view that promotion boards should be availed of the up-to-date performance of the eligible candidates when assessing their suitability for promotion or acting appointments. To address the problem of late convening of promotion boards, the Commission has firstly secured CSB's agreement to withdraw the requirement of conducting promotion boards in sequence of descending rank order for consequential vacancies at D2 level and below as previously required of individual departments. The Commission has also started to impress upon departments in unambiguous terms that save in exceptional circumstances (such as the need to tie in with the schedule of qualifying examinations),

委員會所觀察到有關員工表現管理措施的改善

5.2 據委員會觀察所得，在二零零六年，一些部門在處理委員會所指出的一些常見和存在已久的員工表現管理問題時已作出改善，詳情如下。

適時召開晉升選拔委員會

5.3 委員會認為，晉升選拔委員會在評核合資格人選是否適合晉升或署任時，應考慮其最近的工作表現。為解決延期召開晉升選拔委員會的問題，委員會已首先取得公務員事務局同意，把以往要求個別部門在填補首長級薪級第2點及以下級別所產生的空缺時，須按由高至低的職級次序召開晉升選拔委員會的規定撤銷。委員會亦已向各部門明確表示，除非有特殊情況（例如需要配合資格檢定試的時間表），

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promotion boards should be held within a period of six months from the end date of the last reporting cycle. In circumstances when such boards are to be convened in the 7th to 9th month, good justifications have to be provided for the Commission's consideration. Late convening of boards for more than nine months after the end date of the last reporting cycle would only be considered on very exceptional grounds and under the condition that up-to-date performance appraisal reports are called by advancing the end date of the current appraisal cycle; and the next annual appraisal cycle should be adjusted to cover the normal cycle plus the remaining months of the preceding cycle. If there are no strong justifications for the late conduct of promotion boards, departments would be asked to postpone the conduct of promotion boards to align with the availability of a fresh round of performance appraisal reports. Delays in effecting promotions or reviewing acting appointments may occur as a result.

- 5.4 In 2006, it is encouraging to note that most departments have taken heed of the Commission's advice and conducted their promotion boards in a much more timely manner. In a few cases where it was originally proposed that the promotion boards be held in the 10th month after the end date of the last reporting cycle but without justifiable causes, they were eventually rescheduled to take place as soon as the fresh round of staff appraisal reports became available as advised by the Commission. With determination and concerted efforts, most departments have demonstrated their capability of conducting promotion boards within six months from the end date of the last reporting cycle.

否則部門應在上一個評核周期完結日起計六個月內召開晉升選拔委員會。如部門欲在第七至九個月才召開晉升選拔委員會，則必須提供充分理據供委員會考慮。另部門如欲在上一個評核周期完結日起計超過九個月才召開晉升選拔委員會，則只有在極其特殊的情況下才獲考慮；而在該情況下，部門必須把當前的評核周期完結日提前，以提供最新的工作表現評核報告給晉升選拔委員會審閱；與此同時，下一個周年評核周期亦應調整至包括正常的周期及前一個周期的餘下月份。如部門未能就延期召開晉升選拔委員會提供有力理據，委員會會要求部門押後召開晉升選拔委員會，待取得最新一輪的工作評核報告時才召開有關的晉升選拔委員會，這或會引致延遲擢升人員或檢討署任安排的後果。

- 5.4 在二零零六年，大部分部門已聽從委員會的意見，適時召開晉升選拔委員會，情況令人鼓舞。在少數個案中，有部門擬在上一個評核周期完結日起計第十個月才召開晉升選拔委員會，但未能提供充份理據，最終按照委員會的建議，改為在收到最新一輪的員工工作評核報告後才召開有關晉升選拔委員會。憑着決心和共同努力，大部分部門都能夠在上一個評核周期完結日起計六個月內召開晉升選拔委員會。

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Timely completion of performance appraisal reports

- 5.5 Late completion of performance appraisal reports has been a persistent problem over the years. It is, however, encouraging to have observed in 2006 a gradual improvement in the timely completion of performance appraisal reports in some departments, reducing significantly the number of cases involving late reporting of over three months as compared to the figures in previous exercises. Overall, the situation, though improving, was far from satisfactory. Late or bunched completion of staff appraisals was still detected across the service.
- 5.6 Late or bunched completion of staff appraisal reports is clearly not conducive to good staff management. The long lapse of time will call into question the accuracy and hence credibility of the performance assessments made on the appraisees. It will also lead to staff grievance.
- 5.7 To address the problem of late reporting, the Commission has drawn to the attention of the CSB and departmental management that where habitual lateness in completing performance appraisal reports is observed, the relevant supervisory staff should be clearly reminded that -
- (a) "personnel management" covering an officer's competence in managing his team includes the measurement of his timeliness in completing performance appraisal reports; and
 - (b) when assessing a supervising officer's promotability, all relevant aspects of his staff performance management competence, including his timeliness in completing his subordinate staff's performance appraisal reports, should be taken into consideration.

依時填寫工作表現評核報告

- 5.5 逾期填寫工作表現評核報告是多年來一直存在的問題。但令人鼓舞的是，我們觀察到在二零零六年一些部門在依時填寫工作表現評核報告方面漸見改善，逾期超過三個月才填寫評核報告的個案數目，較往年大幅減少。雖然整體情況已有所改善，但仍未如理想。逾期填寫或積壓評核報告的情況依然存在。
- 5.6 逾期填寫或積壓員工評核報告顯然不利於良好的員工管理。相隔長時間才填寫評核報告，會令人質疑有關的工作表現評核是否準確可信，亦會導致員工不滿。
- 5.7 為解決逾期填寫評核報告的問題，委員會已請公務員事務局及部門管方留意，如發現有慣性逾期填寫工作表現評核報告的情況，應清楚提醒有關督導人員注意下列各點：
- (a) "人事管理"涵蓋員工管理屬下隊伍的能力，包括衡量該人員能否依時填寫工作表現評核報告；以及
 - (b) 在評核督導人員是否適合晉升時，應考慮有關人員在管理員工表現的各方面能力，包括該員能否依時填寫下屬的工作表現評核報告。

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Compliance with Civil Service Regulations (CSRs) 231(1)²⁰ and 232(2)²¹

5.8 The Commission has adopted since October 2004 an approach of requiring departments to provide compliance statistics on such good practices when submitting promotion board reports covering appointments at D1 level and below²². The requirement has proved to be effective and the CSB has adopted a similar approach for appointments at D2 level and above²³ upon the Commission's request. The requirement which has been in force for more than two years has encouraged compliance as evident in the significant drop in the number of cases of non-compliance in 2006. For further improvement insofar as the fulfilling of the requirement under CSR 232(2) is concerned, individual departments have been requested to consider the Commission's suggestion of revising the design and layout of their appraisal forms where appropriate, to facilitate compliance.

遵從《公務員事務規例》第 231 (1)²⁰ 及 232 (2) 條²¹

5.8 自二零零四年十月起，委員會推行了一項措施，要求部門在呈交有關聘任首長級薪級第1點及以下人員²²的晉升選拔委員會報告時，一併就遵從上述《公務員事務規例》的良好個案提供統計數字。這項要求經證實奏效，而公務員事務局也應委員會的要求，對有關首長級薪級第2點及以上人員²³的聘任，採用類似措施。這項措施已實施超過兩年，從二零零六年大幅減少的違規個案數目顯示，是項措施對鼓勵員工遵從《公務員事務規例》有關規定起正面作用。就符合《公務員事務規例》第232(2)條的規定，為作進一步改善，委員會已要求個別部門考慮委員會的建議，適當地修訂評核報告表格的設計及編排，確保主管人員遵從有關規定。

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

《公務員事務規例》第231(1)條規定，如果評核人員與接受評核人員的實任職級相同(儘管前者署理較高職級)，則有兩個可行方法：另由再高一級的人員擔任評核人員，或由該署任人員就擬議的報告內容，與再高一級的人員磋商，並在正式填寫報告之前，先把報告擬稿提交該名人員批示。

21 CSR 232(2) stipulates that no matter who (reporting officer or countersigning officer) conducts the staff appraisal interview, the countersigning officer is encouraged to complete his/her assessments before the interview.

《公務員事務規例》第232(2)條規定，不論由誰(評核人員或加簽人員)主持有關員工的評核會見，加簽人員亦宜在進行會見前完成有關評核。

22 Promotion board reports are submitted directly to the Commission by HoDs/HoGs as the appointment authority of grades at D1 level and below.

部門/職系首長是首長級薪級第1點及以下職系的聘任當局。這些級別的晉升選拔委員會報告由部門/職系首長直接呈交委員會。

23 The CSB is the appointment authority for appointments at D2 level and above. Promotion board reports at these levels are submitted by HoDs/HoGs to the Commission via the CSB.

公務員事務局是首長級薪級第2點及以上人員的聘任當局。這些級別的晉升選拔委員會報告由部門/職系首長經公務員事務局呈交委員會。

CHAPTER 5 第五章

Reviews on Staff Performance Management System

5.9 Whilst encouraged by the improvements made by individual departments on the various staff performance management practices, the Commission considers that there are still those basic elements that need to be reviewed to strengthen the staff performance management system in the civil service. In particular, the Commission has observed that most departments have encountered varying degrees of difficulty in ensuring consistency in assessment standards even with the application of the performance management tools promulgated by the CSB vide CSB Circular No. 10/2000 dated 7 June 2000²⁴. With the promulgation of the use of such tools for over six years, the Commission has requested the CSB to review their effectiveness, in addition to addressing the need for human resource management (HRM) training for officers at all senior supervisory levels to cover directorate officers, including those who are newly promoted.

檢討員工表現管理制度

5.9 個別部門對各項員工表現管理措施作出了改善，委員會感到鼓舞之餘，認為仍需對一些基本要素進行檢討，以強化公務員的工作表現管理制度。委員會尤其關注到，儘管採用了公務員事務局所公布的表現管理工具（見二零零零年六月七日發出的公務員事務局通告第10/2000號²⁴），但大部分部門在確保評核準則一致方面，均遇上不同程度的困難。由於這些管理工具使用至今已超過六年，委員會已要求公務員事務局檢討這些管理工具的成效。此外，公務員事務局亦應考慮為所有高級督導人員（包括現任及新近晉升的首長級人員）提供人力資源管理培訓。

24 The performance management tools promulgated vide CSB Circular No.10/2000 include the adoption of "effective" grading as the norm for overall performance, the operation of assessment panels (APs) to ensure consistency in assessment standards, the setting of performance targets at the beginning of the performance management cycle, the adoption of competency-based approach in performance appraisals and the proper conduct of appraisal interviews.

公務員事務局通告第10/2000號所公布的表現管理工具包括：採用“常”的評級作為整體表現的常規；通過評核委員會的運作，確保評核準則一致；在表現管理周期開始時訂立表現指標；採用以才能為本的評核模式來評核工作表現；以及恰當地進行評核會見。

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5.10 To facilitate CSB's review, the Commission has made the following observations and suggestions -

(a) Adoption of "effective" grading as the norm for overall performance

There have been a lot of arguments in some departments arising from downward adjustments of the gradings in the appraisal reports to follow the norm as promulgated in the circular. In the Commission's view, it would not be unacceptable for the performance of the majority of officers to be in the "very effective" and "effective" categories but with, by definition, only a very small number of top performers being assessed as having "outstanding" performance. It should also be made clear that such outstanding performers would normally be suitable candidates to be groomed for fast-track or accelerated promotion.

(b) Operation of assessment panels (AP)

A number of staff complaints submitted to the Commission in the past years have revealed a basic mistrust of the AP operation. Feedback from some departments has also revealed that much time and efforts have been spent on the levelling or moderating of performance appraisals and managing the arguments that have arisen in the process. The experience of those departments which have successfully run the moderation mechanism should be drawn and translated into best practices in improving the AP operation on the ground.

5.10 為協助公務員事務局進行檢討，委員會提出了下列意見及建議：

(a) 採用“常”的評級作為整體工作表現的常規

一些部門在遵從上述通告所公布的常規而將評核報告內的評級向下調整時，遇到很多爭議。委員會認為，把大部分人員的工作表現評級為“良”及“常”，並非不可接受。只有很少數表現優異的人員才可獲評級為“優”，而這些表現優異的人員一般會是被栽培以待快速或加速晉升的合適人選。

(b) 評核委員會的運作

從委員會過去數年收到的一些員工投訴顯示，某些員工基本上並不信任評核委員會的運作。此外，從一些部門所反映的意見亦顯示，他們在平衡或協調評核報告的評級，以及處理過程中出現的爭議時，確實花了不少時間和精力。有見及此，當局應向那些成功推行協調機制的部門借鑑，將他們的經驗轉化為良好管理措施，以改善現行的評核委員會運作。

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(c) *Adoption of a competency-based approach in performance appraisals*

The Commission supports the Administration's promotion of a competency-based approach in performance appraisals to facilitate a more accurate assessment of an appraisee's potential and promotability to the next higher rank, in addition to enhancing the objectivity and transparency of performance assessment. It is noted that majority of the grades suitable for the approach have already adopted the system. The Administration should continue to strive for its implementation in the remaining departments.

(d) *Appraisal interviews*

Currently the appraisee is not always informed of the HoG's assessments in most cases. To make the system even more transparent and to allow for improvements to be made by the appraisees concerned, the Administration should consider disclosing the assessments made by HoGs when they differ from those made by the appraising and countersigning officers.

(e) *Career counselling*

Officers who are passed over or not recommended in a promotion exercise should be career counselled. Guidelines on how to conduct such counselling systematically should be developed for departments' reference.

(c) 採用以才能為本的工作表現評核模式

當局推廣採用以才能為本的評核模式來評核員工的工作表現，以便更準確評核受評人的潛能和晉升能力，並可加強工作表現評核的客觀性和透明度。委員會對此表示支持。委員會注意到，大部分適合採用這個評核模式的職系已實行了有關機制。當局應繼續努力，推動其餘部門效法。

(d) 評核會見

現時，在大多數情況下受評人不一定知悉職系首長在評核報告中對他所作的評核。為使評核制度的透明度更高，並讓有關受評人可作出改善，當局應考慮在職系首長的評核與評核人員和加簽人員不同的情況下，向受評人披露職系首長的評核。

(e) 提供工作輔導

部門應向那些在晉升選拔中被人超越或不獲推薦的人員提供工作輔導。當局應就如何有系統地提供有關輔導制訂指引，以供各部門參考。

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(f) *Non-completion of staff appraisal reports*

An officer's failure to submit the appraisal report form to his supervisor could be a reason for the non-completion of his annual performance appraisal. To deter this, CSB should consider instituting a mechanism to remind Departmental Secretaries and supervisors to ensure that all officers prepare their job descriptions promptly at the beginning of the appraisal period and that such records should be kept. If necessary, a pilot scheme could be tried out by one or two grades to evaluate the effectiveness of this proposal.

5.11 The Commission will closely monitor the findings of the above reviews and seek to work closely with the CSB to further improve the staff performance management system across the service.

(f) 沒有填寫員工評核報告

上司沒有填寫下屬的周年工作表現評核報告，原因可能是受評人並沒有向上級呈交其評核報告表格。為防止出現這種情況，公務員事務局應考慮設定機制，提醒部門主任秘書和督導人員，必須確保所有人員在評核期開始時盡快備妥職責說明，並記錄在案。如有需要，可在一兩個職系試行這項建議安排，以評估成效。

5.11 委員會會密切留意上述檢討的結果，並致力與公務員事務局緊密合作，以進一步改善政府各部門的員工表現管理制度。

CHAPTER 6 第六章

Other Civil Service Appointment Matters and Observations

其他公務員聘任事宜及意見

6.1 Another important function of the Commission is to advise on appointment matters relating to an officer's continuous employment or termination of his service. They cover cases of non-renewal or termination of agreements, offer of shorter-than-normal agreements, refusal or deferment of passage of probation or trial bar on conduct or performance grounds, early retirement of directorate officers under the Management Initiated Retirement (MIR) Scheme²⁵ and retirement in the public interest under section (s.) 12 of the Public Service (Administration) Order [PS(A)O]. In addition, the Commission advises on other appointment-related cases including those of extension of service or re-employment after retirement, secondment²⁶, opening-up arrangement²⁷, and

6.1 委員會另一項重要職能，是就繼續聘用或終止聘用公務員的聘任事宜提供意見。有關個案涵蓋不獲續約或終止合約、提供任期較正常為短的合約、因品行或表現問題而拒予或延長通過試用或試任關限、首長級人員根據補償退休計劃²⁵ 提早退休，以及根據《公務人員(管理)命令》第12條為公眾利益着想而退休等情況。此外，委員會亦就退休後延任或重行受僱、借調²⁶、開放職位安排²⁷，以及提供

25 The MIR Scheme, first introduced in 2000, provides for the early retirement of directorate officers on management grounds if the approving authority has been fully satisfied that (a) the retirement of an officer from his present office is in the interest of the organisational improvement of a department or grade; or (b) there would be severe management difficulties in accommodating the officer elsewhere in the service.

補償退休計劃在二零零零年首次推出。假如批核當局確信：(a) 有關人員從現任職位退休，有助所屬部門或職系在組織上作出改善；或 (b) 管理層難以把有關人員安置在其他政府工作崗位，便可根據管理理由，讓首長級人員提早退休。

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

借調是暫時免除有關人員的實任職務，以有時限和非實任的方式，安排該員填補另一個不屬於其本身職系的職位。一般而言，假如某部門在一段短時間內需要某些技能或專長來配合運作，而具備這些技能或專長的人員只能在另一個公務員職系中找到，該部門便會考慮借調有關人員填補轄下的職位。

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

開放職位安排是指把合約人員所擔任屬於晉升職級的職位，開放給目前出任該職的人員及其他低一級的合資格人員競逐。這項安排適用於本身是永久居民而又希望按本地模式條款續約的海外合約人員，以及申請按現行條款續約的其他合約人員。

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revision of terms of employment²⁸ of serving officers in the senior ranks²⁹ of the civil service. A statistical breakdown of cases advised by the Commission by category of these appointment matters is provided at *Appendix VIII*.

6.2 In advising the Administration on these appointment matters, the Commission has reviewed the prevailing rules and departmental practices relevant to such matters. Some of the more noteworthy observations raised in 2006 by the Commission with the Administration or departmental management are cited in the ensuing paragraphs.

改訂的聘用條款²⁸ 予高職級的在職公務員²⁹ 等其他與聘任有關的個案提供意見。委員會曾提供意見的個案按上述聘任事宜的類別劃分的數字，載於附錄VIII。

6.2 委員會就上述聘任事宜向當局提供意見前，已檢討與之相關的現行規則和部門措施。委員會在二零零六年向當局或部門管方提供的意見，有些較為值得參考，現把其中一些意見在下文闡述。

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

按本地合約條款或本地模式合約條款或劃一合約條款受聘的人員，均有資格申請轉為按本地或劃一常額及可享退休金條款受聘，但須視乎下列各點而定：(a) 服務需要；(b) 申請人是否符合有關具有有效履行職務所需中文程度的規定；(c) 申請人的表現及品行；以及(d) 申請人的健康情況。

29 See Note 5 on page 12.

請參閱第12頁註5。

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Deferment or Refusal of passage of probation or trial bar

6.3 Under the new entry system³⁰, a probationer is normally given a three-year probationary period. Whereas for an officer on trial, the length of the trial period is normally one year but may vary depending on the requirements of the grades concerned. The Commission maintains the view that it is the management's responsibility to provide suitable training and sufficient guidance to probationers or officers on trial so that they can prove their worth in pursuing a successful career in the civil service. However, confirmation of an officer to the permanent establishment should not be "automatic". Whilst it is reasonable and fair to extend the probation or trial period of the officer who is showing positive signs of improvement in his performance, there should be a limit to the time to be allotted for him to prove his suitability for the grade. If he is found clearly unsuitable to continue to hold office or cannot measure up to the required standard, the management should take resolute and timely action to terminate his probationary or trial service without waiting till the end of the probation or trial period. If, however, there are adequate reasons to further test an officer's performance, such as those relating to an officer's health condition, an extension of his probationary or trial service can be arranged to ascertain his suitability for confirmation to permanent establishment.

延長或拒予通過試用或試任關限

6.3 根據新入職制度³⁰，試用人員的試用期通常為三年；試任人員的試任期則通常為一年，但可視乎有關職系的要求而有所不同。委員會認為，管方有責任為試用或試任人員提供適當培訓及足夠指導，讓他們可以證明工作能力足以勝任公務員工作。不過，這些人員不應“自動”獲確實聘任為常額編制人員。對於表現有所改善的試用或試任人員，延長其試用或試任期雖然是合理和公平的做法，但應設定時限，讓他在時限內證明是否適合該職系的工作。如發現人員明顯不適宜繼續留任或未能達到應有水準，管方無須待試用或試任期結束，便應及時採取果斷的行動，終止其試用或試任。然而，如有充分理由，例如某人員的工作表現與其健康情況有關，須作進一步測試，則可安排延長試用或試任期，以確定該員是否適宜確實聘任為常額編制人員。

30 The new entry system was introduced on 1 June 2000. With effect from this date, new recruits to the basic ranks will normally be appointed on three-year new probationary terms to be followed by three-year new agreement terms before they are considered for appointment on new permanent terms. For direct recruits to supervisory/promotional ranks, they will normally be appointed on agreement terms for a specified agreement period which as a norm would be three years. They are also required to serve on agreement terms for at least three years before they can be considered for appointment on the prevailing permanent terms.

新入職制度在二零零零年六月一日開始實施。自該日起，新入職的基本職級人員一般先按新試用條款聘用三年，繼而按新合約條款聘用三年，然後方會獲考慮按新長期聘用條款聘用。至於從外界直接招聘擔任監督／晉升職級的人員，最初會按合約條款受聘，特定合約期一般為三年。他們必須按合約條款受聘至少三年，然後方可獲考慮轉按現行長期聘用條款受聘。

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6.4 In examining the departmental submissions on cases relating to deferment or refusal of passage of probation or trial bar in 2006, the Commission observed that in at least two cases, substandard performers had been tolerated for too long because of their supervisors' over-generous assessment and delay in completion of staff appraisal reports. Departments are called upon to put in place a vigorous system for monitoring the performance of probationers or officers on trial. In addition, all supervisors should be reminded of the importance of honest and prompt staff reporting as well as the need to take early action to terminate the service of those who cannot survive the demands of the grade in accordance with Civil Service Regulations (CSRs) 186(2) or 200(2)³¹, as appropriate.

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

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

- (a) "persistent substandard performance" - when an officer fails to reach the requisite level of performance despite having been given an opportunity to demonstrate his worth; or

6.4 在二零零六年，委員會審核部門所提交延長或拒予通過試用或試任關限有關的個案時，觀察到在最少兩宗個案中，部門長期姑息工作表現欠佳的人員，原因是有關人員的督導人員評核過於寬鬆，以及逾期填寫評核報告。委員會促請有關部門制訂嚴格制度，以監察試用或試任人員的表現。此外，所有督導人員務須如實和從速填寫評核報告，並須及早採取行動，根據《公務員事務規例》第186(2)條或第200(2)條³¹(視何者適用而定)，終止未能符合職系要求者的聘用。

根據《公務人員(管理)命令》第12條為公眾利益着想而退休

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

- (a) “工作表現持續欠佳”——儘管已給予有關人員證明工作能力的機會，但他的表現仍未能達到要求；或

31 Under CSR 186(2) or CSR 200(2), as appropriate, the appointment authority may, subject to the advice of the Public Service Commission, terminate the service of an officer on probationary terms or terminate an officer's trial appointment or refuse the officer's passage of probation/trial bar if he considers that, for reasons of general unsuitability of temperament, personal characteristics, misconduct, or inefficient performance of duties or for other reasons, the officer should not continue to hold office (in the case of a probationer) or to hold office in the new office (in the case of an officer on trial).

根據《公務員事務規例》第186(2)條或第200(2)條(視何者適用而定)，聘任當局如認為按試用或試任條款聘用的人員因性情、品格欠佳，或行為不當，或辦事效率欠佳，或其他原因而不應繼續留任(試用人員)或留任新職位(試任人員)，可徵詢公務員敘用委員會的意見，終止他的聘用或試任，或拒絕批准他通過試用或試任關限。

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(b) "loss of confidence" - when the management has lost confidence in the officer and cannot entrust him with public duties.

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

6.6 The procedures for handling persistent substandard performers were streamlined by the Administration in October 2005 with the aim to improve further the timeliness in taking appropriate management action. Under the new arrangement, a total of 70 officers from 33 bureaux/departments were put under close observation in the context of s.12 procedures in 2006. Upon the Commission's advice, the Administration retired 11 officers³² under s.12 (ten on grounds of persistent substandard performance and one on loss of confidence). However, 31 officers remained under close observation as at the end of the year. Sixteen officers, on the other hand, were taken off the watch-list after their performance had improved to the required standard. The other 12 officers left the service for reasons including resignation and removal on disciplinary grounds.

6.7 The Commission will continue to draw attention to possible s.12 cases for departmental action in the course of vetting staff appraisal reports in connection with promotion exercises. The readiness of departmental management in pursuing such an administrative action will be closely watched.

(b) “失去信心”——管方已對有關人員失去信心，不能再委派他執行公職。

為公眾利益着想而退休的人員，其退休福利會延至他達到法定退休年齡當日才可享有。

6.6 二零零五年十月，當局簡化處理工作表現持續欠佳人員的程序，目的是作出進一步改善，更適時地採取適當的管理行動。根據新安排，在二零零六年，33個局／部門轄下共70名人員根據第12條所訂程序受到密切監察。當局在徵詢委員會的意見後，根據第12條着令其中11名人員³²退休（10人因為工作表現持續欠佳，1人則因為當局對其失去信心）。不過，截至年底為止，仍有31名人員受密切監察；另有16名人員因表現有所改善，達到應有水平，已從監察名單上除名；其餘12名人員離職，原因包括辭職和基於紀律理由而遭免職。

6.7 委員會在審核與晉升選拔有關的評核報告時，會繼續留意或須根據第12條採取行動的個案，提醒部門酌情處理。委員會亦會密切留意部門管方有否果斷地採取有關的行政措施。

32 Including one officer whose retirement was advised by the Commission in late 2005.

包括一名當局在二零零五年年底徵詢委員會意見後而退休的人員。

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Extension of service or re-employment after retirement

- 6.8 Under the existing policy, applications for extension of service or re-employment after retirement are only approved in special circumstances to meet strong operational needs, subject to the officer's physical fitness, good conduct and performance as well as the consideration that his retention would not cause any promotion blockage in the lower ranks. The Commission's advice is required for applications for extension of service lasting more than 90 days or re-employment beyond retirement age from officers occupying posts under the Commission's purview.
- 6.9 During 2006, the Commission advised favourably on nine cases of extension of service or re-employment after retirement, all of which were justified on exceptional operational grounds such as acute succession problem or the need for continuity of service required of project-based or time-limited assignments. Four out of the nine cases involved directorate officers. Notwithstanding the Commission's favourable advice on these cases, concerns were raised with the Administration that as a rule, officers should leave the service on retirement and applications for extension of service or re-employment after retirement should only be put up in exceptional circumstances and for a limited duration. Such qualifying considerations for similar applications in the future are necessary in order that vigorous succession plans can be worked out by the Administration in the interest of the operational efficiency of the departments and the promotion opportunity of those eligible officers in the lower rank.

在退休後延任或重行受僱

- 6.8 根據現行政策，當局只有在運作上有必要的特殊情況下，才會批准在退休後延任或重行受僱的申請。但有關人員須健康和品行良好，工作表現令人滿意，而且該員留任也不會阻礙較低職級人員晉升。如申請在退休年齡後延長服務超過90天或重行受僱，而所擔任職位又在委員會職權範圍內，當局便須就該申請徵詢委員會的意見。
- 6.9 在二零零六年，委員會就九宗有關退休後延任或重行受僱的個案提供意見，這些個案都有非常充分的運作理由，例如接任有極大困難，或需要有關人員繼續執行個別或有時限的任務等。在這九宗個案中，四宗涉及首長級人員。儘管委員會同意這些個案的建議，但亦向當局指出，根據慣例，公務員一旦退休便應離職，只有在例外的情況下才可在退休後申請延任或重行受僱，而且任期需有時限。日後遇有同類申請，這些決定因素必須納入考慮之列，讓當局可以積極制訂接任計劃，既有利於部門運作效率，又可增加較低職級合資格人員的晉升機會。

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- 6.10 The Civil Service Bureau (CSB) drew up, in response to the Commission's request as mentioned in the 2005 Annual Report, some initial guidelines setting out the parameters for exceptional consideration of these applications to ensure the consistent application across the service of those circumstances which are deemed as exceptional. The guidelines will be promulgated by the CSB after seeking feedback from major departments and further consultation with the Commission.
- 6.11 Given that the period of extension of service or re-employment after retirement should be for a limited duration only, the Commission also invited the CSB to review whether the provision for the final 90-day extension after re-employment or extension of service after retirement currently permissible under the approving authority of Heads of Department or Heads of Grade under CSRs 268(3)³³ and 276(1)³⁴ is still necessary. In the meantime, the Commission has requested that all such applications which require the Commission's advice should include a clarification on whether they have allowed for the final 90-day extension. The Commission will keep in view the findings of the review.
- 6.10 為回應委員會在二零零五年年報所提出的要求，公務員事務局制定初步指引，提供就這些申請作出特別考慮時適用的準則，以確保政府各部門在處理這些被視為在特殊情況下提出的申請時力求一致。有關指引經徵詢各主要部門的意見和進一步諮詢委員會後，會由公務員事務局公布。
- 6.11 現時，部門首長或職系首長可根據《公務員事務規例》第268(3)條³³及第276(1)條³⁴賦予的批核權力，批准重行受僱或在退休後延任的人員最後延長服務90天。鑑於退休後延任或重行受僱的任期應設定時限，對於該兩項條文是否仍有需要，委員會也邀請公務員事務局作出檢討。此外，委員會已要求當局就有關人員退休後延任或重行受僱的申請徵詢委員會意見時，須同時闡明是否已批准有關人員90天的最後延長服務期。委員會會留意檢討結果。

33 CSR 268(3) stipulates that an officer serving on re-employment after retirement under the Old Pension Scheme may be granted a final extension for a maximum period of 90 days.

《公務員事務規例》第268(3)條規定，根據舊退休金計劃，退休後重行受僱的公務員，可獲准把重僱期作最後延長，但以不超過90天為限。

34 CSR 276(1) stipulates that an officer under the New Pension Scheme may be granted a final extension of service for a maximum period of 90 days (exclusive of leave earned during the extension) on operational or personal grounds beyond retirement age or, if he is serving on extension of service/re-employment, the expiry date of his current extension/re-employment, provided that (a) his work and conduct have been satisfactory; (b) he is physically fit; and (c) he can be fully employed during the period of extension.

《公務員事務規例》第276(1)條規定，根據新退休金計劃，公務員可基於運作需要或個人理由而獲准在退休年齡後作最後延長服務，或如果他是延長服務或重行受僱的人員，則在現行延長服務或重行受僱期屆滿時獲准作最後延長服務，但該最後延長服務期以不超過90天(其間賺取的假期不計在內)為限，而他亦須符合下列條件：(a)工作表現及品行一直令人滿意；(b)健康良好；以及(c)在延長服務期內可全職受僱。

CHAPTER 7 第七章

Civil Service Discipline: Observations and Reviews 公務員紀律：意見及檢討

7.1 Civil servants must be law-abiding and they are also subject to rules and principles of conduct laid down in civil service regulations. The vast majority of civil servants are diligent and law abiding. Within the civil service, as in the case of any large organization, there are bound to be a minority number of transgressors. Officers who have committed criminal offences or acts of misconduct are subject to punishment. A disciplinary mechanism is in place to administer punishments to achieve a punitive, rehabilitative and deterrent effect. The Commission is involved in overseeing the operation of the disciplinary mechanism, in addition to providing independent and impartial advice to the Chief Executive on disciplinary cases of all Category A officers under its purview³⁵.

7.1 公務員須奉公守法，恪守各種有關公務員品行的規例和原則。大部分公務員都勤奮盡責，奉公守法。不過，與任何大機構一樣，在公務員體系中難免亦有少數人員違規。公務員如觸犯刑事罪行或行為不當，必須受到懲罰。為求懲治有方，政府設有紀律處分機制，既收懲前治後之效，亦予違規的公務員改過自新的機會。委員會除了就所有在其職權範圍內的甲類人員³⁵的紀律個案，向行政長官提供獨立公正的意見外，也參與監察紀律處分機制的運作。

35 Under the Pensions Regulations, Cap. 99A of the Laws of Hong Kong, a "Category A officer" means an officer who is appointed to an established office and who occupied an established office at the time of his retirement or resignation from the service. This covers virtually all officers except those on probation, agreement and those remunerated on the Model Scale I Pay Scale. At the end of 2006, the total number of Category A officers was about 136 000, of whom 111 000 were under the Commission's purview insofar as disciplinary cases are concerned.

根據《退休金利益規例》(香港法例第99A章)，"甲類人員"指受聘擔任設定職位，並在退休或辭職時實任設定職位的人員。除了試用人員、合約人員和按第一標準薪級表支薪的人員外，甲類人員實際上包括了所有公務員。截至二零零六年年底，甲類人員的總數約為136 000人，當中111 000人屬於委員會職權範圍內(以處理紀律事宜計)。

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7.2 For cases involving minor acts of misconduct, Heads of Department may issue warnings³⁶ to the officers concerned without recourse to formal disciplinary proceedings. Formal disciplinary action under section (s.) 9 or 10 of the Public Service (Administration) Order [PS(A)O]³⁷ would be taken in the event of repeated minor misconduct or an act of serious misconduct. In the case of a criminal conviction, action under s.11 of PS(A)O³⁸ would be considered. With the exception of exclusions specified in the Public Service Commission Ordinance³⁹ and save in cases of informal disciplinary action involving the issue of warnings, the Administration is required under s.18 of PS(A)O to consult the Commission before inflicting any punishment⁴⁰ under s.9 to s.11 of PS(A)O⁴¹ upon a Category A officer.

7.2 對於輕微的行為不當個案，部門首長可向涉案人員發出警告³⁶，而不訴諸正式紀律研訊。如有人屢犯輕微過失，或有嚴重的不當行為，當局便會根據《公務人員(管理)命令》第9或第10條³⁷採取正式紀律行動。如涉案人員被刑事定罪，當局則會考慮根據《公務人員(管理)命令》第11條³⁸採取行動。《公務人員(管理)命令》第18條規定，除《公務員敘用委員會條例》³⁹訂明不適用的人員的個案，以及發出警告的非正式紀律行動個案外，當局在懲罰⁴⁰受《公務人員(管理)命令》⁴¹第9至第11條制裁的甲類人員前，必須徵詢委員會的意見。

36 Verbal and written warnings are classified as informal disciplinary action which will normally debar an officer from promotion and appointment for one year. The Commission's advice is not required in informal disciplinary cases.

口頭和書面警告均列作非正式紀律行動，被警告的人員通常在一年內不會獲得晉升或委任。採取非正式紀律行動的個案，無須徵詢委員會的意見。

37 Formal disciplinary action is instituted under s.9 of PS(A)O if the alleged misconduct, when proven, is not serious enough to warrant removal of the officer from the service. Action under s.10 of PS(A)O is taken if the alleged misconduct, when proven, may result in dismissal or compulsory retirement of the officer.

假如干犯的不當行為並非嚴重至足以成為把該員免職的理由，便會根據《公務人員(管理)命令》第9條採取正式紀律行動。假如干犯的不當行為可引致該員被革職或迫令退休，則會根據《公務人員(管理)命令》第10條採取行動。

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

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

39 See Note 3 on page 5.

請參閱第5頁註3。

40 Such punishments include reprimand, severe reprimand, reduction in rank, compulsory retirement and dismissal. A fine may also be imposed concurrently with these punishments. See also Note 44 on fine.

有關懲罰包括譴責、嚴厲譴責、降級、迫令退休、革職，以及上述各種懲罰另加罰款。請同時參閱有關罰款事宜的註44。

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

除某些紀律部隊人員受有關紀律部隊條例(即《監獄條例》、《消防條例》等)約束外，所有公務員一律受《公務人員(管理)命令》的紀律條文規管。

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7.3 Over the years there have been rising public expectations about the conduct and probity of civil servants. To uphold a standard of conduct commensurate with those expectations, the Administration, backed by the Commission, has been taking a resolute stance on the discipline front. The resolute stance notwithstanding, the Commission is mindful that its advice on disciplinary cases must be based on the principles of equity and fairness, with due reference to the nature and gravity of the misconduct or offence involved in each case, the officer's service record, any mitigating factors, whether there have been court proceedings, and the level of punishment in precedent cases. Moreover, the Commission also ensures that the principle of broad consistency in punishment is maintained throughout the service.

7.3 近年來，市民對公務員操守品格的期望日高。為確保公務員的操守符合市民的期望，當局在委員會支持下，採取果斷態度處理紀律事宜。雖然如此，委員會就紀律個案提供意見時，毋忘公平公正的原則並會適當考慮每宗個案所涉不當行為或罪行的性質和嚴重程度、當事人的服務記錄、從寬處理的理由、是否涉及法律訴訟，以及以往案例懲罰的輕重。此外，委員會也要確保在公務員體系中恪守總體一致的處分原則。

CHAPTER 7 第七章

An Overview of Disciplinary Cases Advised in 2006

- 7.4 The Commission advised on the punishment of 103 disciplinary cases in 2006 which, when read together with the 104 cases in 2005, suggests a steady overall trend. It is also an extremely small number representing less than 0.1% of the 111 000 Category A officers under the Commission's purview.
- 7.5 A breakdown of these 103 cases by misconduct or offence and the form of punishment is at *Appendix IX*. An analysis by salary group and penalty is at *Appendix X*. Of these 103 cases, 36 (35%) had resulted in the removal of the officers concerned from the service⁴². The same number of cases had resulted in "severe reprimand⁴³ plus fine⁴⁴" which is the heaviest punishment next to removal from the service and reduction in rank. These figures bear testimony to the resolute stance that the Administration has taken against civil servants who have misconducted themselves. The chart below gives a breakdown of the 103 cases advised in 2006 by the punishment awarded.

二零零六年委員會提供意見的紀律個案概況

- 7.4 二零零六年，委員會就103宗紀律個案提供意見，與二零零五年的104宗相比，整體情況變化不大，在委員會職權範圍內的111 000甲類人員中，亦只佔不多於0.1%的極小比率。
- 7.5 這103宗個案按不當行為或罪行和懲罰方式劃分的數字，載於*附錄IX*。按薪金組別和懲罰方式作出的分析，載於*附錄X*。在這103宗個案中，有36宗（佔35%）所涉人員最終遭免職⁴²；而處以“嚴厲譴責⁴³ 另加罰款⁴⁴”的個案，同樣有36宗。嚴厲譴責另加罰款，是免職與降級之外的最重懲罰。從這些數字可見，當局對行為不當的公務員絕不姑息。下表顯示這103宗委員會在二零零六年提供意見的個案按懲罰方式劃分的數字。

42 The punishment of removal from the service can take the form of compulsory retirement, compulsory retirement plus fine, or dismissal, depending on the gravity of the case. An officer who is compulsorily retired may be granted a pension, but payment of the pension will be deferred until he reaches his normal retirement age, i.e., 55 or 60 under the relevant pensions legislation. Dismissal is the most severe form of punishment as the officer forfeits his claims to all pension, gratuity and benefits.

免職懲罰有多種形式，包括迫令退休、迫令退休另加罰款，以及革職，視乎違紀嚴重程度而定。遭迫令退休的人員，仍可獲發退休金，但須延至正常退休年齡（即55歲或60歲，視乎有關退休金法例而定）才會獲發退休金。革職是最嚴重的懲罰形式，因為有關人員會喪失所有退休金、酬金及福利。

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

嚴厲譴責通常會令有關人員受到晉升和聘任方面的限制，為期三至五年。一般會建議向干犯較嚴重不當行為或屢犯輕微不當行為／罪行的人員施加這種懲罰。

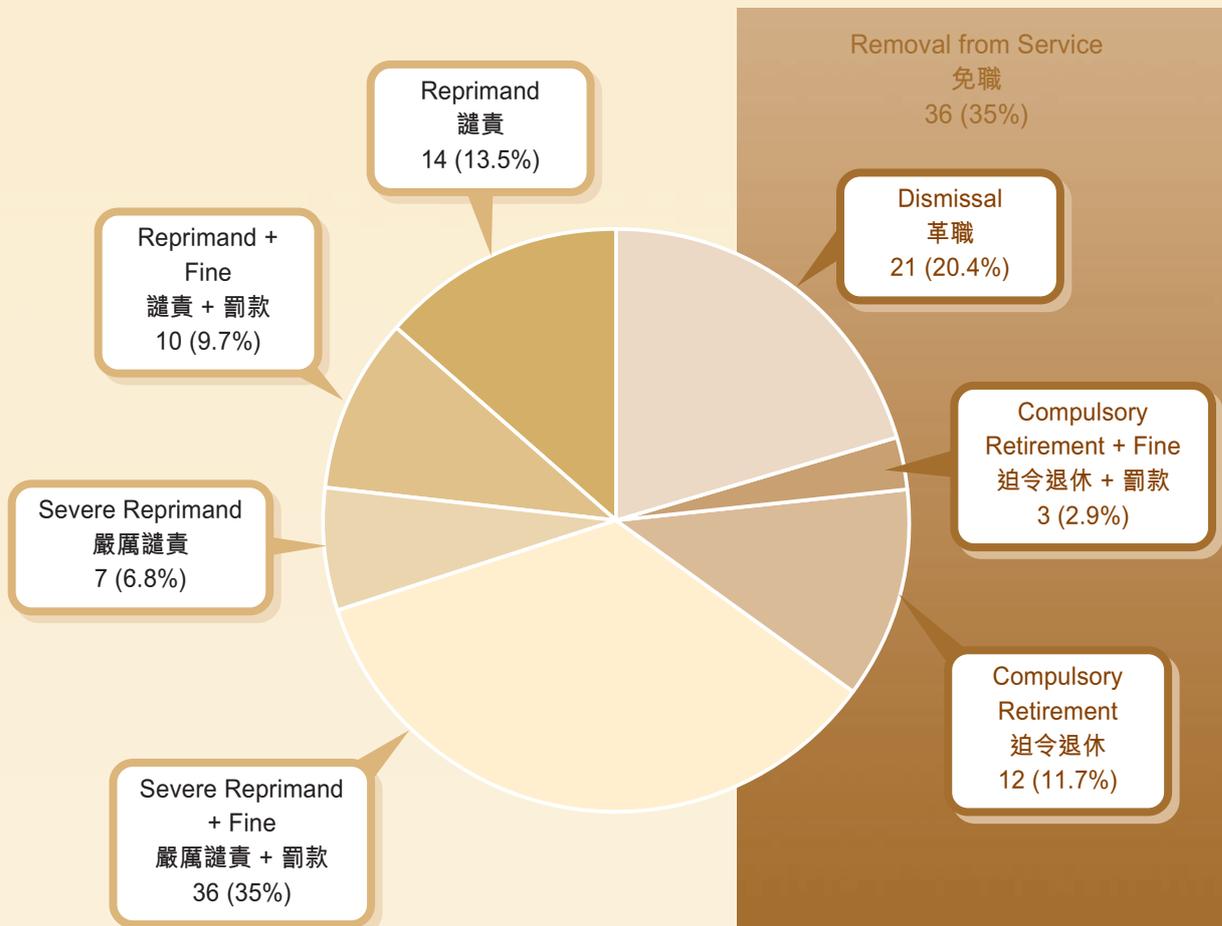
44 A fine may be imposed concurrently with other punishments when the punishment alone is inadequate but a higher level of punishment is not applicable or justified. A fine should normally not exceed one incremental point per month for 12 months, or its equivalent amount. Exceptionally, the penalty may be up to two incremental points per month for 12 months, or its equivalent amount.

假使單單某種懲罰並不足夠，但較重懲罰並不適用或不合理，則會同時處以罰款。罰款不應超過相當於每月扣減一個增薪點（為期12個月）的數額。在特殊情況下，可最多每月扣減兩個增薪點，為期12個月，或相等數額，作為罰款。

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Disciplinary Cases Advised in 2006 Breakdown by the Form of Punishment

二零零六年委員會提供意見的紀律個案
按懲處方式劃分的數字



Observations and Reviews of Major Discipline Issues

7.6 Apart from deliberating on the appropriate level of punishment to be awarded in each disciplinary case submitted to it for advice, the Commission also endeavours to rationalize the benchmark of punishment, makes observations on areas that call for improvement and initiates reviews with the Administration on policies and procedures relating to disciplinary matters. The punishment benchmark and major issues reviewed in 2006, together with the observations and recommendations made by the Commission, are set out in the ensuing paragraphs.

對主要紀律事宜的意見和相關的檢討

7.6 委員會除了考慮向其徵詢意見的紀律個案所處懲罰的輕重是否恰當外，還會致力理順懲罰尺度、就可予改善的地方提供意見，以及建議當局檢討有關紀律處分的政策和程序。下文各段載述在二零零六年檢討的懲罰尺度和主要事項，以及委員會的意見和建議。

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Broad principles in handling integrity-related disciplinary cases

7.7 The Commission is mindful that integrity-related offences and acts of misconduct committed by civil servants will adversely affect the image of the Government. As discussed and agreed with the Administration, the following broad principles should be followed in handling such cases -

- (a) all such cases should be treated seriously and the most stringent punishment standard should be adopted;
- (b) for integrity-related offences that are also duty-related, e.g., corruption or duty-related theft cases, the normal punishment should be removal from the service; and
- (c) for criminal offences or acts of misconduct that are non-duty-related but have reflected adversely the concerned officer's integrity, each case should be considered on its own merits having regard to, among other things, the job nature of the officer concerned.

Benchmark of punishment for "theft (shoplifting)"

7.8 The offence of "theft (shoplifting)" committed by civil servants is punishable under s.11 of PS(A)O. Noting no signs of any significant decrease in the number of such cases in the civil service in recent years, the Commission asked the Administration to review the benchmark of punishment with a view to achieving the desired deterrent effect and to upholding a high standard of probity in the civil service.

7.9 The Administration's review showed that the number of "theft (shoplifting)" cases in the civil service had remained steady over the years, but about 30%, which is a significant percentage,

處理涉及操守的紀律個案的主要原則

7.7 委員會注意到，公務員干犯涉及操守的罪行和不當行為，會損害政府形象。經討論後，委員會與當局同意，處理這類個案時應依循以下主要原則：

- (a) 這類個案一律須嚴肅處理，並施以最嚴厲的懲罰；
- (b) 如涉及操守的罪行與公務有關（例如貪污或與公務有關的盜竊個案），通常應處以免職的懲罰；以及
- (c) 如刑事罪行或不當行為與公務無關，但反映出涉案人員操守有問題，則應視乎該員的工作性質等因素，按個別案情作出考慮。

“盜竊（店鋪盜竊）”的懲罰尺度

7.8 公務員干犯“盜竊（店鋪盜竊）”罪行，當局可根據《公務人員（管理）命令》第11條作出懲罰。鑑於近年公務員干犯這類罪行的個案數字沒有顯著下跌的跡象，委員會已籲請當局檢討懲罰尺度，以發揮應有的阻嚇作用並維持公務員的崇高操守。

7.9 當局在檢討後發現，公務員干犯“盜竊（店鋪盜竊）”的個案數字數年來保持穩定，但當中約有30%屬屢犯個案，

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involved repeat offenders. The Administration therefore considered it appropriate to raise the level of punishment for first-time and repeat offenders in order to enhance the deterrence. With the Commission's support, the following revised benchmark of punishment has since August 2006 been adopted by the Administration:-

- (a) the award of a "reprimand"⁴⁵ or a "severe reprimand" where the circumstances of the case so warranted;
- (b) the imposition of a fine on top of a "reprimand" or "severe reprimand"; and
- (c) in general, a "severe reprimand with a fine" should be the starting point for a first-time offender where-
 - (i) the defaulting officer is senior in rank, or a higher level of probity is required of the officer due to his position of trust or the nature of his duty; and/or
 - (ii) the defaulting officer has a blemished disciplinary record, particularly if the record is recent.
- (d) for a repeat offender, a punishment of up to removal from the service will be appropriate.

Although this general benchmark is designed for service-wide adoption, some departments, because of the nature of their work, may adopt a more stringent approach.

所佔比率頗大。因此，當局認為應加重對初犯者及屢犯者的懲罰，以加強阻嚇。在委員會支持下，當局對懲罰尺度作出下列修訂，由二零零六年八月起實施：

- (a) 視乎案情輕重，處以“譴責”⁴⁵或“嚴厲譴責”；
- (b) 在“譴責”或“嚴厲譴責”之外另加罰款；
- (c) 一般來說，如屬以下類別的初犯者，懲罰的起點為“嚴厲譴責，另加罰款”：
 - (i) 涉案人員職級高，或因擔任受人信賴的職位或工作性質關係而須有較高的操守水平；以及／或
 - (ii) 涉案人員有違紀記錄，特別是近期違紀的記錄；
- (d) 對於屢犯者，施加最重為免職的懲罰，應屬恰當。

雖然這個懲罰尺度是為整個公務員體系而設，但有些部門由於工作性質關係，或會採取較嚴厲的懲罰方法。

45 Reprimand is the least severe form of punishment under formal disciplinary action. It will debar the officer from promotion or appointment for a period of two to three years. This punishment is usually imposed where the misconduct/offence is fairly minor and isolated.

譴責是正式紀律行動中最輕微的懲罰。遭譴責的人員在兩至三年內不得晉升或委任。這項懲罰一般適用於干犯較輕微且屬個別事件的不當行為／罪行的人員。

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Benchmark of punishment for sex-related misconduct/offence

- 7.10 The existing norm of punishment for serious sex-related misconduct or offences is removal from the service by "dismissal". Heavy punishments ranging from "severe reprimand" to removal from the service have also been awarded in the majority of other cases in the past six years. After a review, the Administration considers that this current benchmark is on the whole appropriate and should be maintained.
- 7.11 In view of the surge in those cases involving filming under the skirt of a female, the Administration has set the starting point of disciplinary punishment for such cases at the level of a "severe reprimand plus fine" in order to achieve the desired punitive and deterrent effect. Moreover, a heavier punishment of up to removal from the service might be warranted in any of such cases where -
- (a) the defaulting officer is senior in rank, or a higher level of probity is required of him due to his position of trust or the nature of his duty;
 - (b) the act involved the use of force or authority on the part of the defaulting officer; or
 - (c) the defaulting officer has a blemished disciplinary record, particularly if the record is recent.

Benchmark of punishment for misconduct of unauthorized absence from emergency duty

- 7.12 The Commission takes a very serious view on the misconduct of unauthorized absence from emergency duty. The benchmark of punishment for such a serious breach of duty ought to be

涉及色情的不當行為／罪行的懲罰尺度

- 7.10 對於涉及色情的嚴重不當行為或罪行，現行的慣常懲罰是以“革職”方式把涉案人員免職。在過去六年，其他個案中大部份的涉案人員亦受到“嚴厲譴責”至“免職”不等的嚴厲懲罰。經檢討後，當局認為現行的懲罰尺度整體而言實屬恰當，應予沿用。
- 7.11 鑑於偷拍女性裙底的個案有所增多，當局已決定，這類個案的紀律處分起點為“嚴厲譴責，另加罰款”，以收懲前治後之效。如屬以下情況，當局或會施加更嚴厲的懲罰，最重可予免職：
- (a) 涉案人員職級高，或因擔任受人信賴的職位或工作性質關係而須有較高的操守水平；
 - (b) 涉案人員作出有關行為時，曾使用暴力或職權；或
 - (c) 涉案人員有違紀記錄，特別是近期違紀的記錄。

有關在執行緊急職務時擅離職守的不當行為的懲罰尺度

- 7.12 委員會認為，在執行緊急職務時擅離職守是非常嚴重的不當行為。有關這類嚴重失職的懲罰尺度，輕者至少須予以降級，重者則須予免職。此外，

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no less than reduction in rank and removal from the service in more serious cases. The disciplinary inquiry for such acts of misconduct should also be conducted under s.10 of PS(A)O to allow for removal from the service as a punishment, if appropriate.

Handling of performance-related acts of misconduct

- 7.13 While backing the tough stance being taken by the Administration against performance-related acts of misconduct such as insubordination, the Commission considers that the management has a responsibility to ensure that for minor but infrequently repeated acts of misconduct such as unpunctuality, the officers concerned would be given sufficient advice and opportunities to correct their misbehaviour before escalating the level of punishment. Where appropriate, management actions, including postings, should be taken in parallel with the disciplinary action to achieve the desired corrective effect. However, failing repeated advice and warnings, prompt action should be taken to institute formal disciplinary action.
- 7.14 In one case advised by the Commission in 2006, the officer concerned had committed the misconduct of unpunctuality and insubordination repeatedly over a prolonged period of three years. Although formal disciplinary action should have been taken much earlier, the department had been too lenient for too long in handling the case. It was not until the situation had become intolerable that the department sought to remove the officer from the service by taking formal disciplinary action under s.10 of PS(A)O. Although the Commission agreed that the officer was totally unsuitable for remaining in the service, it had asked the department to review and improve the handling of disciplinary cases in view of the delays in taking this case forward.

當局會根據《公務人員(管理)命令》第10條，就這類不當行為進行紀律研訊，以便在有需要時，可把有關人員免職。

處理與工作表現有關的不當行為

- 7.13 委員會雖然支持當局採取嚴厲態度，處理與工作表現有關的不當行為(例如不服從上級)，但認為對於再犯的非經常性輕微不當行為(例如不守時)，管理層有責任先多加規勸有關人員，並給予足夠的改過機會，然後才提升懲罰級別。在適當的情況下，管理層亦可採取其他的管治措施(例如調職)，與紀律行動雙管齊下，期使有關人員改變陋習。不過，假使屢次規勸和警告無效，則應迅速採取正式紀律行動。
- 7.14 在二零零六年委員會曾提供意見的一宗個案中，有關人員在長達三年的期間，屢犯不守時和不服從上級的不當行為，早應為當局所採取正式紀律行動。但部門過往一直以寬鬆的態度來處理這宗個案，拖延日久，及至情況變本加厲至不能接受時，部門才根據《公務人員(管理)命令》第10條採取正式紀律行動，把該員免職。委員會雖然同意有關人員完全不適合留任，但已就這宗個案處理上的延誤，已要求該部門檢討並改善處理紀律個案的程序。

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Supervisory accountability

7.15 In 2006, the Commission advised on four cases of "negligence in performing supervisory duties" resulting in the misconduct of subordinates being undetected or connived at. Although the four supervisors involved all mitigated, amongst other things, that their misconduct was due to their heavy workload, they were punished by a reprimand plus fine or a severe reprimand plus fine. The Commission considers that there is no excuse for failing one's supervisory duties and a tough stance will continue to be taken against such acts of misconduct.

New punishment mechanism for duty-related traffic offences

7.16 As reported in the Commission's 2005 Annual Report, the Commission had called for a new punishment mechanism to be devised to allow for duty-related traffic offences committed a long time ago and of relatively minor nature to be disregarded when considering the disciplinary punishment for an officer's current duty-related traffic offence. After review, the Administration has devised a "spent-conviction" mechanism which allows for relatively minor traffic offences committed more than five years before an officer's current duty-related traffic offence, to be disregarded. By "relatively minor traffic offences", the Administration has referred to those that do not involve injury to or death of any person, drink driving, any other misconduct on the part of the officer, or an aggregate government loss (including repair cost for the government vehicle and third party claim) exceeding \$100,000. This new mechanism has been put to use after formal staff consultation in July 2006.

監督責任

7.15 二零零六年，委員會就四宗“疏忽履行監督職責”，以致未能察覺或縱容下屬行為不當的個案提供意見。涉案的四名督導人員都以工作繁重等理由作為解釋，懇求從寬處理，但最終都被處以“譴責，另加罰款”或“嚴厲譴責，另加罰款”的懲罰。委員會認為，督導人員未盡監督職責，難辭其咎，因此，對於這類不當行為，會繼續以嚴厲的態度來處理。

干犯與公務有關的交通違例事項的新懲罰機制

7.16 一如委員會二零零五年年報所述，我們建議當局制訂新懲罰機制，在衡量公務員干犯與公務有關的交通違例事項的紀律處分時，不把該員多年前干犯且性質較為輕微的交通違例事項考慮在內。當局在進行檢討後，制訂了“違法記錄失效”機制。根據這個機制，若公務員干犯與公務有關的交通違例事項，當局在衡量紀律處分時，不會考慮該員在五年前或更早前所干犯而性質較為輕微的交通違例事項。當局所指的“性質較為輕微的交通違例事項”，是那些不涉及任何傷亡、酒後駕駛、該員干犯任何其他不當行為，或政府損失總額（包括肇事政府車輛的維修費和第三者申索）逾10萬元的交通違例事項。在進行正式的員工諮詢後，當局在二零零六年七月實施這個新機制。

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Reporting of non-duty-related offence of "careless driving"

7.17 Under existing practice, so long as the non-duty-related offence committed by an officer relates to "careless driving" alone with no casualty involved, the officer would not be punished under s.11 of PS(A)O. However, the officer is still required under s.13(1) of the Public Service (Disciplinary) Regulation (PS(D)R)⁴⁶ to report the relevant criminal proceedings to his Head of Department (HoD) for consideration of disciplinary punishment under s.11 of PS(A)O. As such offences are not duty, conduct or integrity related and the image of government should not be adversely affected, the Commission is of the view that so long as no other offences are involved and the officers concerned are not driving government vehicles when committing the offence, they should be relieved of the psychological burden of having to report the related proceedings and to await the Administration's decision as to whether they should be punished. The Commission has therefore asked the Administration to consider blanket exemption of such cases from the application of s.13(1) of PS(D)R and s.11 of PS(A)O. In other words, an officer against whom criminal proceedings for non-duty-related "careless driving" have been instituted should be exempted from the filing of a report to his HoD; neither would conviction on "careless driving" require any follow-up action by departments. The Administration has undertaken to consider this suggestion.

上報與公務無關的“不小心駕駛”罪行

7.17 按照現行做法，公務員如果只觸犯與公務無關的“不小心駕駛”罪行，而事件中無人傷亡，當局便不會根據《公務人員(管理)命令》第11條對該員施加懲罰。不過，根據《公務人員(紀律)規例》第13(1)條⁴⁶，該員仍須向所屬部門首長上報有關的刑事法律程序，以供考慮是否根據《公務人員(管理)命令》第11條作出紀律處分。由於這類罪行與公務、操守或誠信無關，應不會損害政府形象，委員會認為，只要沒有其他罪行牽涉在內，而有關人員在事發時又並非駕駛政府車輛，他們應可免除負擔，無須上報有關程序和等候當局決定是否作出懲罰。因此，委員會要求當局考慮就這類個案給予劃一豁免，無須根據《公務人員(紀律)規例》第13(1)條和《公務人員(管理)命令》第11條處理。換言之，有關人員如因觸犯與公務無關的“不小心駕駛”罪行而被提起刑事法律程序，應獲豁免向所屬部門首長呈報；如該員被裁定“不小心駕駛”罪名成立，所屬部門也無須採取任何跟進行動。當局已承諾考慮這項建議。

46 Under s.13(1) of PS(D)R, an officer against whom criminal proceedings are being instituted is required to report the fact to the Head of his Department.

根據《公務人員(紀律)規例》第13(1)條，如有刑事法律程序針對任何人員提起，該人員須將該事實向其部門的首長報告。

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Development subsequent to discussions on the imposition of an additional tier of punishment between dismissal and compulsory retirement

7.18 As mentioned in the Commission's 2005 Annual Report, the Administration has started a study to develop a framework for determining different tiers of disciplinary punishment applicable to officers under the Civil Service Provident Fund (CSPF) Scheme⁴⁷ with specifications on the circumstances under which an officer's CSPF benefits may be partially forfeited on disciplinary grounds, and the extent of the partial forfeiture. Once the framework is worked out, the Administration would consider extending the forfeiture arrangement to pensionable officers. As such an arrangement may require amendments to the pension legislation, the Administration needs more time to thoroughly examine the matter.

就在革職和迫令退休之間增加懲罰級別一事進行討論後的發展

7.18 一如委員會二零零五年年報所述，當局已著手研究，為按公務員公積金計劃⁴⁷ 條款受聘的人員設立一套釐定不同級別紀律處分的制度，並具體列明在什麼情況下，公務員的公積金可基於紀律理由而被部分沒收，以及沒收的多寡。待有關制度擬定後，當局會考慮把該制度的適用範圍擴大至包括可享退休金人員。由於採取這項安排，退休金法例或須相應修訂，當局需要較多時間詳加研究此事。

47 Applicable to officers who joined the service under the new entry system on or after 1 June 2000 and have been confirmed to the permanent establishment.

公務員公積金計劃適用於在二零零零年六月一日或之後按新入職制度受聘並已獲實聘為常額編制的人員。

CHAPTER 8 第八章

Visits 訪問

8.1 In 2006, the Chairman and Members of the Commission visited the Leisure and Cultural Services Department, the Social Welfare Department and the Civil Aviation Department to exchange views with the top management of these departments on issues of mutual interest as well as to promote good practices in human resource management. These visits also provided the Commission with opportunities to observe the daily operation of these departments and the services provided by them. Facilities and offices including the Hong Kong Central Library, the Chai Wan (West) Integrated Family Service Centre and the Air Traffic Control Complex and the Aerodrome Control Tower were visited.



8.1 年內，委員會主席聯同委員訪問了康樂及文化事務署、社會福利署和民航處，與這些部門的高層管理人員就共同關注的課題交換意見，並藉此機會推廣良好的人力資源管理方法。在訪問期間，委員會得以親睹這些部門的日常運作和提供服務情況。此外，委員會也先後參觀了香港中央圖書館、西柴灣綜合家庭服務中心，以及航空交通管制大樓及機場管制塔。

Mr Nicholas NG (second right), Chairman of the Public Service Commission, and Miss Eliza CHAN (first left), Member of the Commission, accompanied by Ms Anissa WONG, Director of Leisure and Cultural Services (third right) visited the Hong Kong Central Library of the Leisure and Cultural Services Department.

公務員敘用委員會主席吳榮奎先生(右二)與委員陳清霞小姐(左一)在康樂及文化事務署署長王倩儀(右三)陪同下參觀康樂及文化事務署轄下的香港中央圖書館。

Mr Nicholas NG (second left), Chairman of the Public Service Commission, and Miss Eliza CHAN (first left), Member of the Commission, visited the Aerodrome Control Tower of the Civil Aviation Department.

公務員敘用委員會主席吳榮奎先生(左二)與委員陳清霞小姐(左一)參觀民航處機場管制塔。



CHAPTER 9 第九章

Acknowledgements

鳴謝

- 9.1 The Commission would like to express its sincere gratitude to the Secretary for the Civil Service and her staff for their continued support and assistance in all areas of its work. The Commission also warmly acknowledges the ready co-operation and understanding shown by Permanent Secretaries, Heads of Departments and their senior staff in responding to the Commission's enquiries and suggestions during 2006.
- 9.2 As always, the staff of the Commission Secretariat have continued to provide unfailing support to the Commission by working most efficiently and maintaining a very high standard in vetting departmental submissions. The Chairman and Members of the Commission wish to place on record their appreciation to the Secretary of the Commission and her team for their steadfast work and contribution.
- 9.1 公務員事務局局長及屬下人員不斷鼎力支持並協助委員會各方面的工作，委員會謹此衷心致謝。年內，各常任秘書長、部門首長及高層人員對於委員會的提問和建議給予衷誠合作，理解有加，委員會在這裏也一併致謝。
- 9.2 一如以往，委員會秘書處職員繼續向委員會提供全力支援，在審核部門建議方面，克盡厥職，全力以赴，主席及各委員謹此表揚他們的貢獻。

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Appendix I
附錄 I

Submission of the Public Service Commission in
response to the Consultation Document on Further
Development of the Political Appointment System
公務員敘用委員會
有關進一步發展政治委任制度諮詢文件的意見書

Appendix I(a)

公務員敘用委員會主席



CHAIRMAN
PUBLIC SERVICE COMMISSION

Our Ref. GEN/314/1

26 October 2006

Miss Denise YUE, GBS, JP
Secretary for the Civil Service
Civil Service Bureau
10th Floor West Wing
Central Government Offices
11 Ice House Street
Central
Hong Kong

Dear Denise,

**The Consultation Document on
Further Development of the Political Appointment System**

Thank you for your letter of 26 July 2006 inviting the Commission's views on the Consultation Document.

The Commission has discussed the Consultation Document in detail and has put together its views in a submission to the Constitutional Affairs Bureau. I enclose a copy for your information.

The Commission's submission covers some general observations, suggestions and comments on those proposals that will impact on the civil service. Your attention is specifically drawn to our observations on the possible drain of civil service talents under the proposed political appointment system (paragraphs 14-15), the position of the Secretary for the Civil Service (paragraphs 32-38) and the need for political appointees in the Civil Service Bureau (paragraphs 39-40).

For your information, Members have agreed that the submission be included in the Commission's 2006 Annual Report for publication next year.

Yours sincerely,
Nicholas

(Nicholas W.F. NG)

Appendix I (a) 附錄 I (a)

公務員敘用委員會



PUBLIC SERVICE COMMISSION

附錄 I(a)

本函檔號：GEN/314/1

香港
中環雪廠街 11 號
中區政府合署西座 10 樓
公務員事務局局長
俞宗怡女士

俞女士：

進一步發展政治委任制度諮詢文件

二零零六年七月二十六日來函敬悉。承蒙邀請就上述諮詢文件提出意見，謹覆如下：

委員會已詳細討論過諮詢文件，並綜合了各委員的看法，擬就意見書送交政制事務局。隨函附上意見書文本，以供參考。

意見書就諮詢文件所載建議中會影響公務員隊伍的項目，綜述委員會的整體看法、提議和意見。其中，我們特別對幾個問題提出意見，包括：建議的政治委任制度下可能出現公務員隊伍人才流失(第 14 至 15 段)、公務員事務局局長的角色(第 32 至 38 段)，以及在公務員事務局內設立政治任命官員的需要(第 39 至 40 段)。

本委員會各成員已同意把意見書納入明年發表的委員會二零零六年年報內，敬希亮察。

公務員敘用委員會主席吳榮奎

二零零六年十月二十六日

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Appendix I (b) 附錄 I (b)

公務員敍用委員會主席



Our Ref. : GEN/314/1

Appendix I(b)

CHAIRMAN
PUBLIC SERVICE COMMISSION

26 October 2006

Mr LAM Sui-lung, Stephen, JP
Secretary for Constitutional Affairs
Constitutional Affairs Bureau
3rd Floor, Main and East Wing
Central Government Offices
11 Ice House Street
Central, Hong Kong

**The Consultation Document on
Further Development of the Political Appointment System**

The Commission has studied the Consultation Document in response to the invitation of the Secretary for the Civil Service. I now forward a submission covering our general observations, suggestions and comments on those proposals that will impact on the civil service.

Briefly, the Commission considers that the effectiveness of the current Accountability System should be critically reviewed and the proposal of appointing two additional layers of political appointees, if implemented, should be taken forth incrementally. In implementing the proposal, civil servants should not have any political role after the settling in of the additional tiers of political appointees. The Commission considers that the Secretary for the Civil Service, as head of the civil service, should remain as a civil servant. The 'revolving door' arrangement should not be applicable to him and the Commission suggests a way of achieving that. The Commission's views and suggestions on these as well as other issues which may impact on specific aspects of the civil service system are detailed in the submission.

For your information, the submission will be included in the Commission's 2006 Annual Report to be released around April 2007.

(Nicholas W.F. NG)

Appendix I (b) 附錄 I (b)

公務員敘用委員會



PUBLIC SERVICE COMMISSION

附錄 I(b)

本函檔號 GEN/314/1

香港
中環雪廠街 11 號
中區政府合署
中座及東座 3 樓
政制事務局局長
林瑞麟先生

林先生

進一步發展政治委任制度諮詢文件

本委員會應公務員事務局局長邀請，研究上述諮詢文件。研究工作現已完成，隨函附上意見書，就諮詢文件所載建議中會影響公務員隊伍的項目，綜述我們的整體看法、提議和意見。

概括而言，委員會認為現行問責制的成效應予認真檢討，而增設兩個層級的政治任命官員的建議，如要落實，則應採取循序漸進方式。在落實有關建議的過程中，當增設的政治任命官員上任後，公務員不應擔當任何政治角色。委員會認為，公務員事務局局長作為公務員隊伍之首，應保持公務員身分，“旋轉門”的安排並不適用。為此，委員會提出了具體建議。委員會對於上述各項的看法和提議，以及其他可能在某些方面影響公務員體制的事宜詳載於意見書。

意見書會納入本委員會在二零零七年四月左右發表的二零零六年年報內，敬希亮察。

公務員敘用委員會主席吳榮奎

二零零六年十月二十六日

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Appendix I (c) 附錄 I (c)

INTRODUCTION

1. In July 2006, the Government published for public comment the Consultation Document on Further Development of the Political Appointment System (the Consultation Document). The Secretary for the Civil Service (SCS) wrote to the Chairman of the Public Service Commission (the Commission) on 26 July 2006 to invite the Commission's views on the Consultation Document. In response, the Commission has deliberated carefully on the relevance of the proposals in the Consultation Document to the Commission's role. It notes that the proposals will have a significant impact on the civil service. In particular, having regard to the Commission's role in ensuring the impartiality and integrity of the civil service appointment, promotion and disciplinary systems, the Commission considers it appropriate and important to assess whether the key proposal, under the Accountability System, to create two additional political tiers, by appointing in each Policy Bureau one Deputy Director of Bureau (DD of B) and one Assistant to Director of Bureau (A to D), will affect the operation and core values^{Note 1} of the civil service.
2. This submission is in two parts. The first part covers some general observations on the impact of the proposed further development of the Accountability System on the civil service. The second part goes into specific issues of concern.

引言

1. 二零零六年七月，政府發表《進一步發展政治委任制度諮詢文件》(《諮詢文件》)，徵詢公眾意見。公務員事務局局長於二零零六年七月二十六日致函公務員敍用委員會(委員會)主席，邀請委員會就《諮詢文件》發表意見。委員會於是就本身相關職能，詳細討論《諮詢文件》所載建議。委員會留意到，有關建議會對公務員隊伍有重大影響。委員會考慮到本身職能是要確保公務員的聘任、晉升和紀律制度公平公正，認為應該而且必須評估在問責制下增設兩個政治領導層級(方法是在每個決策局委任一名副局長和一名局長助理)這項主要建議，以了解該建議會否影響公務員隊伍的運作和基本信念^{註1}。
2. 本意見書分為兩部分。第一部分就進一步發展問責制對公務員隊伍的影響，綜述委員會的整體意見；第二部分則探討具體的關注事宜。

Note 1 The core values of the civil service, which all civil servants are expected to share and uphold include - commitment to the rule of law; honesty and integrity; accountability for decisions and actions; political neutrality; impartiality in the execution of public functions; and dedication, professionalism and diligence in serving the community (paragraph 4.08 of the Consultation Document).

註1 公務員隊伍的基本信念是全體公務員須共同秉持的信念，包括：堅守法治；守正忘私；就決定及行動面對問責；政治中立；在執行公務時不偏不倚；以及全心全意、竭盡所能、專業勤奮地為市民服務(《諮詢文件》)第4.08段)。

Appendix I (c) 附錄 I (c)

I. GENERAL OBSERVATIONS

Effectiveness of the existing Accountability System

3. The starting premise for the proposals in the Consultation Document is that the Accountability System introduced in 2002 is to stay and the proposals will address some of the gaps observed in the System. The Commission considers it appropriate that, before further inroad is made into Hong Kong's governance structure by the expansion of the Accountability System, its effectiveness should be critically assessed and justified. An assessment should be made, from the civil service operation and morale points of view, to see what problems have surfaced. This will be a meaningful platform against which an assessment of the impact of the further expansion of the Accountability System can be made. The appointment of DDs of B and As to D will cut deeply into the operations of the policy bureaux and, once introduced, will have far-reaching impact on Hong Kong's future governance.

I. 整體意見

現行問責制的成效

3. 《諮詢文件》所載建議開宗明義，說明在二零零二年開始實施的問責制應予保留，而有關建議可就該制度的一些不足之處，裨補缺漏。委員會認為，在擴展問責制以進一步發展香港的管治架構之前，宜先審慎評估問責制的成效，並提出充分理據。當局應從公務員隊伍的運作及士氣角度進行評估，探討有什麼問題出現。並以此為基礎，評估進一步擴展問責制的影響。任命副局長和局長助理會大大改變決策局的運作，假如實施有關安排，對香港未來的管治會有深遠影響。

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The integrity of the civil service system and its core values

4. The Commission believes firmly that the civil service system^{Note 2} and the core values of the civil service have been contributing to the effective governance of Hong Kong. Any attempt to disintegrate a single part of the system or a component of the core values will affect adversely the governance of Hong Kong. The further development of the Political Appointment System must not therefore result in the politicization of the civil service or the corruption of its core values. Indeed, it is noted that one of the arguments for the proposal to create two additional political tiers to the government structure is to further safeguard the integrity and neutrality of the civil service (paragraph 2.02(b) of the Consultation Document). It is also noted that the code on performance and behaviour to be applied to DDs of B and As to D as proposed in paragraph 3.15 of the Consultation Document does embrace the broad principle that "they shall at all times actively uphold and promote a permanent, honest, meritocratic, professional and politically neutral civil service". Faithful application of this principle requires the commitment and goodwill of all the parties.

公務員體制的完整性及其基本信念

4. 委員會堅信，一直以來，公務員體制^{註2}及公務員的基本信念有助香港維持有效管治。任何企圖摒棄該體制某一部分或削弱任何公務員基本信念的舉措，都不利於香港的管治。因此，決不能因進一步發展政治委任制度而導致公務員政治化或動搖其基本信念。事實上，委員會留意到，建議在政府架構增設兩個政治領導層級的論據之一，是此舉有助進一步保障公務員體制的完整性和中立性（《諮詢文件》第2.02(b)段）。此外，委員會也察悉，《諮詢文件》第3.15段建議用以規管副局長和局長助理的表現和行為的守則，確也涵蓋“他們須時刻積極維護並推廣一支常任、廉潔、用人唯才、專業和政治中立的公務員隊伍”這項概括原則。要如實貫徹這項原則，有賴相關各方積極承擔和衷誠合作。此外，清楚界定該兩個新增

Note 2 The civil service system is built on the principle of meritocracy, with all civil servants being subject to common appointment procedures based on open and fair competition, and similar disciplinary codes.

註2 公務員體制奉行任人唯才原則。所有公務員均以公開、公平的競爭原則，按相同程序委聘，並受相同的紀律守則約束。

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It would also help to smooth out the process if the modus operandi of the two new political tiers, particularly their interface with the civil service, is clearly defined and institutionalized. This will minimize misunderstanding. As a start, the existing code applicable to the Principal Officials (POs)^{Note 3} is an important reference document which should be reviewed and suitably adapted for application to the DDs of B and As to D.

Incremental approach in implementing the expanded system

5. Quite apart from a clear definition of the need and modus operandi of the new political tiers, the Commission holds the view that the viability of the proposed expansion of the Political Appointment System will depend largely on whether the right people can be identified and appointed to take up the new political positions. To ensure that only those who are suitable and qualified are appointed, the expanded system should be allowed to be implemented incrementally, if appropriate. The Directors of Bureau (Ds of B), who supervise the two additional tiers of political appointees, should also be given the discretion to decide when to take in additional support.

政治領導層級的運作模式，特別是他們與公務員之間的工作關係，並將之制度化，也有助過程順利推行。此舉可減少誤會。現有適用於主要官員的守則^{註3}，是一份重要的參考文件，開始時可加以檢討並作出適當修改，用以規管副局長和局長助理。

採取循序漸進方式推行擴展的制度

5. 除了要清楚界定增設政治領導層級的需要及其運作模式之外，委員會認為，擴展政治委任制度的建議是否可行，主要視乎能否物色和委任適當人選擔任新的政治任命職位。為確保只有適當和合資格人士獲得委任，應讓擴展的制度在合適情況下以循序漸進的方式推行。身為兩個新設層級政治任命官員的督導人員，各局長也應獲賦予酌情權，決定何時引入這些額外支援。

Note 3 Principal Officials under the Accountability System are required, as part of their condition of employment, to abide by a Code which includes provisions setting out their relationship with the civil servants working under them. The Code was published in the gazette on 28 June 2002 (GN No. 3845).

註3 作為僱用條件的一部分，問責制主要官員須遵循有關守則。該守則載列規定，涉及事項包括有關主要官員與屬下公務員的關係。該守則在二零零二年六月二十八日刊登憲報(第3845號公告)。

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II. IMPACT OF THE PROPOSALS ON SPECIFIC ASPECTS OF THE CIVIL SERVICE

6. The Commission's major concern in considering the Consultation Document relates to the impact of the expanded Political Appointment System on specific aspects of the civil service system. In this context, the Commission addresses the role of the civil service with reference to its changing career prospects, establishment and morale as well as the possible drain of civil service talents. To ensure a smooth implementation of the System, the Commission suggests that while some duplication of responsibilities between the political appointees and the civil service be acknowledged, clear parameters on their respective basic lines of responsibilities should be drawn up with political lobbying work eventually being confined to political appointees only. In addition, clear lines of command should be delineated for performance management and proper procedures for handling appeals from civil servants should be devised. The Commission also examines the "revolving door" arrangement and seeks to rationalize the concept with regard to the appointment of the SCS and to the need for the additional tiers of political appointees under him. The key considerations covering these areas are set out in succeeding paragraphs.

II. 有關建議對公務員隊伍具體方面的影響

6. 在研究《諮詢文件》時，委員會主要關注擴展的政治委任制度對公務員體制具體方面的影響。為此，委員會就公務員不斷轉變的職業前途、編制和士氣，以及公務員隊伍可能出現的人才流失，探討公務員所擔當的角色。為確保制度得以順利推行，委員會建議，雖然政治任命官員與公務員的職責會有若干重疊，但當局應就他們各自的基本職責範圍制訂清晰的劃分原則，訂明政治游說工作最終只應由政治任命官員執行。此外，當局也應清楚劃分有關職級的從屬關係，以便進行工作表現管理，並訂定適當程序以處理公務員的申訴。委員會亦已研究“旋轉門”的安排，並嘗試從公務員事務局局長的任命，以及在他轄下增設政治任命官員層級的需要這兩方面來審視有關理據。下文各段載述上述各方面的主要考慮因素。

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Role of the civil serviceChanging position of the civil service

7. Under the Political Appointment System, there is a political tier at the top underpinned by the civil service as the backbone of the Government (paragraph 1.17 of the Consultation Document). The further development of the Political Appointment System will have an effect on the civil service, but it will not diminish or change the fundamental importance of the civil service (paragraph 4.01 of the Consultation Document).
8. The Commission considers that civil servants appointed after the introduction of the Accountability System on 1 July 2002 should not expect to suffer any adverse career prospects as a result of the expansion of the Political Appointment System. They knew on joining the service that the political tier is above the civil service. However, civil servants joining the civil service prior to 1 July 2002, and in particular members of the Administrative Officer (AO) Grade who have climbed up the career ladder to become directorate AOs with longer term potential of reaching the top echelons of the civil service, may find themselves disadvantaged following the introduction of the new government structure. While the clock cannot be turned back, it behoves the Government to address properly the actual or even perceived diminution in the importance and role of the civil service. Any such erosion will affect adversely civil service morale and aspirations, leading to the less efficient operation of the Government.

公務員的角色轉變中的公務員地位

7. 在政治委任制度下，政府最高層是一個政治領導層級，其下有公務員隊伍作為政府的骨幹，提供支援（《諮詢文件》第 1.17 段）。進一步發展政治委任制度，對公務員體制會有所影響，但不會削弱或改變公務員隊伍的重要性（《諮詢文件》第 4.01 段）。
8. 委員會認為，在問責制於二零零二年七月一日實施後獲聘任的公務員，不應認為擴展政治委任制度會導致他們的職業前途受阻。他們加入公務員行列時，已知道政治領導層級是在公務員隊伍之上。然而，在二零零二年七月一日之前入職的公務員，尤其是那些已晉升至首長級的政務主任職系人員，就潛質而言，他們假以時日是有機會進入公務員體系中最高層的。他們或會發現隨着新的政府架構出現，他們全無優勢可言。時光固然不能倒流，但政府理應妥善處理實際存在或只是被認為存在的公務員重要性和角色減輕的問題。因為在這方面出現的任何損害，都會對公務員的士氣和期望造成負面影響，使政府運作效率下降。

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9. Care should therefore be taken to ensure that the further development of the Political Appointment System will not aggravate the situation. The Commission proposes the following measures -
- (a) the Government, while expanding the Political Appointment System, should also reiterate its determination to keep the civil service system intact, and quash any speculations that the further development of the System would undermine the effectiveness and morale of the civil servants, that the Government would not be able to attract capable and aspiring young people to join the civil service or that the quality of the civil service could not be sustained in the long run; and
 - (b) the civil service, led by the SCS, should strive to work in effective partnership with the political appointees. Senior civil servants, particularly those of the AO Grade, should be encouraged to embrace and adjust to the changes positively. The opportunity should also be taken to review and reinforce the functions of the civil service, and to continue with the reforms to further improve public sector productivity and efficiency.
9. 為此，當局應審慎行事，確保進一步發展政治委任制度不會導致情況惡化。委員會建議採取下列措施：
- (a) 政府在擴展政治委任制度時，應重申其維持公務員體制完整的決心，避免有人揣測進一步發展政治委任制度會削弱公務員的工作成效或打擊公務員的士氣，而政府將無法吸引年青有為並有志加入政府的人士投身公務員行列，又或公務員的質素難以長遠維持；以及
 - (b) 由公務員事務局局長領導的公務員隊伍，應致力與政治任命官員建立伙伴關係，合作無間。當局應鼓勵高級公務員，特別是政務主任職系人員積極適應轉變。當局也應藉此機會去檢討和加強公務員的職能，並繼續推行改革，進一步改善公營部門的生產力和工作效率。

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Civil service establishment

10. The proposed addition of two tiers of political appointees is intended partly to provide stronger support to the POs for carrying out political work, so that they will be in a better position to meet the demands of people-based governance. The creation of these political positions is also aimed at providing a new channel for public-spirited individuals to acquire practical knowledge of government operations and nurture their political skills in the interest of Hong Kong's long-term constitutional development (paragraph 2.02 of the Consultation Document). The proposed additional political layers will not be created at the expense of the civil service (paragraph 2.05 (c) of the Consultation Document).
11. The Commission holds the firm view that any suggestion of creating the additional political positions at the expense of civil service jobs must be strongly refuted, as otherwise it will be tantamount to inviting the political system to encroach on the civil service system. Furthermore, the new political appointees, apart from having a full portfolio of a mix of work and training, will generate extra demands on the civil service. They will request civil servants to prepare and provide information and data, including internal analyses and papers, and to attend meetings held by them to discuss the advice being put to POs (paragraph 4.13 of the Consultation Document). For those who have no background of public administration, they will also demand more time of the civil servants in coaching them on Government operations. It is not realistic to expect that the workload of the civil servants would be reduced following the creation of the additional political tiers.

公務員編制

10. 擬議增設兩個層級的政治任命官員，其中一個目的是向主要官員提供更多支援以處理政治工作，從而更能符合以民為本的施政需要。開設這些政治任命職位，另一個目的是為有志參與公共事務的人士提供新的途徑，讓他們認識政府的實際運作，培養政治工作技巧，為香港的長遠政制發展作出貢獻（《諮詢文件》第2.02段）。擬增設的政治領導層級不會導致削減公務員編制（《諮詢文件》第2.05(c)段）。
11. 委員會深信，對於為增設政治任命官員職位而削減公務員職位的任何建議，當局必須力斥其非，否則便等同容許政治委任制度越界侵犯公務員制度。再者，新任命的政治官員除了處理涉及不同範疇的工作和培訓外，也為公務員帶來額外的工作需求。他們會要求公務員預備並提供資料及數據，包括進行內部分分析和擬備文件，也會與公務員開會討論向主要官員提交的意見（《諮詢文件》第4.13段）。此外，那些並無公共行政背景的政治任命官員會要求公務員撥出更多時間，協助他們了解和熟習政府的運作。預期公務員的工作量在增設政治領導層級後會有所減少，是不切實際的想法。

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Civil service morale

12. The DDs of B and As to D are not civil servants. They can enter the Government by direct appointment, and will leave the Government in accordance with the terms in their contracts which are different from those applicable to civil servants (paragraph 3.03 of the Consultation Document).
13. There is currently a robust civil service system with appointments and promotions being made on the basis of merit. The appointment of the DDs of B and As to D will not be subject to such vigorous procedures and can be tied simply to the appointees' political affiliations. The morale of the civil service in the face of the direct appointment of such senior positions will need to be carefully managed. The Commission, on its part, will continue to ensure that the civil service system, including its core values, its merit-based appointment procedures and its impartial disciplinary mechanism, will remain intact despite the wider political developments.

公務員士氣

12. 副局長和局長助理並非公務員。他們可以通過直接任命加入政府，並根據其合約條款離開政府。他們的合約條款與適用於公務員的條款不同（《諮詢文件》第 3.03 段）。
13. 目前，在穩健的公務員制度下，聘任和晉升取決於表現優劣。副局長和局長助理的任命將無須通過那麼嚴謹的程序，可直截了當地以有關人選的政治背景為取捨準則。面對直接任命這些高層職位的新猷，當局有必要審慎處理公務員的士氣問題。委員會會繼續確保公務員體制，包括其基本信念、用人唯才的聘任程序及公正無私的紀律處分機制，即使面對更廣泛的政治發展，仍能維持完整。

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Possible drain of civil service talents

14. The proposal to further develop the Political Appointment System would allow civil servants aspiring to a political career to leave the civil service to take part in politics (paragraph 1.02 of the Consultation Document).
15. Judging from the experience of the past four years, it is possible that a substantial number of the PO positions will continue to be occupied by former top civil servants as they have intimate knowledge of and experience in Hong Kong's public administration. Should such a trend continue and the drain of quality civil servants be extended to the lower levels with the proposed two additional tiers of political appointees, a further thinning-out of the civil service at the directorate level would result. To prepare for such a development, the Commission considers that it will be necessary for the Administration to train up civil servants faster and in a structured manner to meet the succession problems at different directorate tiers of the civil service hierarchy. To minimize the thinning-out effect, the Government should be cautioned against trawling the top echelons of the civil service all at the same time.

公務員隊伍可能出現的人才流失

14. 進一步發展政治委任制度的建議，可讓有志從政的公務員脫離公務員行列，從而參政（《諮詢文件》第1.02段）。
15. 從過去四年的經驗來看，可能有不少主要官員的職位仍會由前高級公務員擔任，因為他們對香港的公共行政有深入認識，而且在這方面也具備豐富經驗。假如這種趨勢持續，而優秀公務員流失的情況隨着增設兩個層級的政治任命官員而擴大至較低層的職位，則流失的首長級公務員會日多。為未雨綢繆，委員會認為當局必須加快和有系統地培訓公務員，以應付公務員架構中各個首長層級的職位接任問題。為盡量減低公務員人手流失的影響，政府應慎防最高層的公務員在同一時間全被吸納。

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Duplication and division of responsibilities between the new political appointees and the civil service**新設政治任命官員與公務員的職責重疊及劃分**Duplication of responsibilities職責重疊

16. As set out in the Consultation Document, the POs, the DDs of B and As to D constitute the political team, while civil servants carry out the administrative and executive tasks of the Government (paragraph 3.03 of the Consultation Document). The DDs of B are responsible for providing political input to the POs in setting policy objectives and priorities, formulating policy and legislative initiatives to achieve agreed objectives and priorities, scheduling the roll-out of these policies and legislation, and mapping out overall strategies to secure public support of these initiatives. They also coordinate with other bureaux/departments on cross-bureau issues (paragraph 3.07 of the Consultation Document). Civil servants assist POs in formulating their policies, in carrying out their decisions and in administering public services for which they are responsible (paragraph 4.11 of the Consultation Document). In the area of policy formulation, civil servants should continue to develop proposals on policy initiatives, assess their full implication, and offer frank and objective advice and analysis on policy options. They should continue to comment on the political realities within which the policy options will operate and advise POs on the possible political consequences of adopting or not adopting a particular course of action (paragraph 4.16 of the Consultation Document).
17. The Commission notes the apparent overlap of work between the political tier and the civil service. The question of whether the civil servants and the political appointees should have completely different areas of work does arise.

16. 如《諮詢文件》所述，主要官員、副局長和局長助理組成政治班子，而公務員則負責政府的行政和執行任務（《諮詢文件》第 3.03 段）。副局長負責從政治考慮角度為主要官員提供意見，以助訂定政策目標和優先次序、制訂政策和立法建議以達致所定的政策目標和優先次序、制訂推行這些政策或法例的時間表，以及訂定整體策略以取得公眾對這些措施的支持。他們也就一些跨局的議題，與有關的局／部門進行協調（《諮詢文件》第 3.07 段）。公務員協助主要官員制訂政策和執行決定，以及管理所負責的公共服務（《諮詢文件》第 4.11 段）。在制訂政策方面，公務員應繼續為政策措施制訂建議，全面評估這些措施的影響，以及就各個政策方案提供坦誠而客觀的意見和分析。他們應繼續就實施各個政策方案的相關政治現實提出意見，並告知主要官員採取或不採取某項行動可能產生的政治後果（《諮詢文件》第 4.16 段）。
17. 委員會留意到，政治領導層級和公務員隊伍的工作看來有重疊之處。公務員和政治任命官員應否負責完全不同的工作範疇，這個問題確實會出現。

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The Commission considers that ideally the responsibilities of the civil servants and the political appointees should be compartmentalized. It also notes that in reality some overlap, particularly in the formulation of policies and cross-bureau coordination, is unavoidable. The Commission suggests that the Government should acknowledge this right from the start, emphasizing that such duplications are expected as their dual participation is meant to serve their respective roles as public administrators and political appointees.

Clear division of basic lines of responsibilities

18. To ensure organizational efficiency, and to minimize misunderstanding between the political appointees and the civil servants, the Commission considers that clear parameters should be set on what each team can and cannot do. Proper job descriptions of the DDs of B and As to D as against those of senior civil servants with whom they closely interact should be drawn up. There should be a clear delineation of their respective basic division of responsibilities and a caution that they must not cross over the dividing lines. For example, it should be clearly spelt out that unlike the political appointees, civil servants, who are politically neutral, must not be involved in party politics or electioneering for a political candidate, and they are also not expected to strike political deals. It should also be emphasized that civil servants are expected to play the role of public administrators and therefore the political appointees should neither direct the running of a department nor be involved in the execution of any policy as these are the primary responsibilities of the civil servants.

委員會認為，理想的做法，是把公務員和政治任命官員的職責劃分開來。此外，委員會也留意到，出現一些職責重疊的情況，實際上在所難免，尤其是在政策制訂及跨局協調方面。委員會建議，政府一開始便應承認這點，並應強調出現職責重疊是意料之中，原因是他們共同參與有關工作，分別履行公共行政人員和政治任命官員的職責，各司其事。

清晰劃分基本職責範圍

18. 為確保組織架構行之有效，並盡量減少政治任命官員與公務員之間產生誤會，委員會認為，應訂立清晰的規範，說明兩者各有什麼可以做，什麼不可以做。當局應為副局長和局長助理擬訂恰當的職責說明，使之與跟他們密切配合的高級公務員的職責有所區分。同時，應清晰劃分雙方各自的基本職責範圍，並告誡他們切勿逾越界線。舉例來說，應清楚訂明公務員是政治中立的，有別於政治任命官員，不得參與政黨政治或政治候選人的競選活動，也不可為任何政治交易牽線。此外，也應強調公務員須擔當公共行政人員的角色。因此，政治任命官員不應指令部門如何運作，也不應參與執行任何政策，因為這些都是公務員的基本職責。

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Political lobbying work

19. The additional layers of political appointees are required to undertake the full range of political work and to cover liaison and dealings with political parties and other stakeholders on legislative and other policy issues; to underpin POs and, where appropriate, deputise for them; and to present a more comprehensive career path to individuals who want to serve Hong Kong by entering politics (paragraph 2.06(b) of the Consultation Document).
20. The Commission has deliberated carefully whether the political appointees should be primarily responsible for political lobbying work but assisted by civil servants or the political appointees should be wholly responsible for such work. The Commission concludes that the appointment of the additional two tiers of political appointees can be justified mainly on the basis that such appointment is required to take up the extra political work required to support the POs. With such appointment, civil servants should retreat from the political fray and maintain an absolute degree of political neutrality. They should continue their traditional role as public administrators and take on the new role of training the political appointees in understanding the operations of the Government. They should also continue to help explain to the Legislative Council and the community Government policies, but the securing of votes for the passage of a bill or in support of a policy should be the responsibility of the political appointees.

政治游說工作

19. 設立更多層級的政治任命官員，作用如下：處理各方面的政治工作，並就立法及其他政策事宜，與政黨及其他有關方面聯絡和接洽；支援主要官員，並在有需要時以副手身分代理他們的職務；以及為有志從政以期為香港服務的人士提供更全面的事業發展途徑（《諮詢文件》第2.06 (b) 段）。
20. 委員會仔細審議過政治游說工作究竟應主要由政治任命官員負責，公務員從旁協助，抑或應由政治任命官員全權負責。委員會的結論是，政治任命官員須接手處理額外的政治工作以支援主要官員，這可以成為增設兩個層級的政治任命官員的主要理據。政治任命官員獲任命後，公務員應從政治紛爭中抽身，恪守政治中立。公務員應繼續擔當傳統的公共行政人員角色，並兼任新角色，肩負培訓的職責以協助政治任命官員了解政府的運作。此外，他們應繼續協助向立法會和市民解釋政府政策，但爭取票數以通過法案或支持政府政策，則應屬政治任命官員的職責。

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21. The Commission, however, considers that whether or not the political work could be taken up entirely by the political team would depend very much on the experience and readiness of the political appointees. It is possible that not all political appointees can readily undertake the entire political role on first appointment especially during the early stages of the new system. To address such a concern, some overlapping of the political role by the political appointees and civil servants in the early stages of the transition would be acceptable but only on the premise that such work should eventually be the sole responsibility of the political appointees.

Line of command and related considerations**Line of command**

22. The Consultation Document envisages that after the appointment of the DDs of B and As to D, civil servants should continue to report direct, and enjoy direct access, to POs through their Permanent Secretaries (PSs). DDs of B and As to D should have no direct line of command vis-a-vis PSs who will, for the purpose of organizational structure and performance appraisal, continue to report to POs. However, political appointees may convey to civil servants the views and work priorities of POs, request civil servants to prepare and provide information and data including internal analyses and papers and hold meetings with civil servants to discuss the advice being put to POs (paragraph 4.13 of the Consultation Document).

21. 然而，委員會認為，政治工作可否完全由政治班子負責，主要視乎政治任命官員的經驗如何，以及他們是否準備就緒。政治任命官員未必全部有所準備，在首次獲任命後即能完全承擔其政治角色，這種情況在新制度實施初期尤為明顯。為釋除這方面的疑慮，在政治工作最終必須由政治任命官員全權負責的前提下，過渡初期容許公務員與政治任命官員的政治角色部分重疊，是可以接受的。

從屬關係及相關考慮因素**從屬關係**

22. 《諮詢文件》預期，在委任副局長和局長助理後，公務員應繼續經由常任秘書長直接向主要官員負責和請示。副局長和局長助理與常任秘書長不應有直接從屬關係，而常任秘書長會繼續就組織架構和工作表現評核事宜向主要官員負責。然而，政治任命官員可以：向公務員傳達主要官員的看法和工作優先次序；要求公務員預備並提供資料及數據，包括進行內部分分析和擬備文件；及與公務員開會討論向主要官員提交的意見（《諮詢文件》第4.13段）。

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23. The Commission notes that the appointment of the additional tiers of political appointees will pose a challenge to the traditional line of command within the civil service, as DDs of B and As to D have no hierarchical relations with the civil servants, and yet carry the authority of the POs. Clear lines of command applicable to the political tier and the civil service must be drawn to ease the concern of the civil servants in giving their frank and objective opinions in support of the work of the political appointees. For example, it should be clearly stated that the PSs should have unrestricted access to the POs and should report directly only to the POs. It is important to remember that for the Political Appointment System to work, mutual trust and teamwork between the political tier and the civil service must be established.

Performance management

24. DDs of B will deputize for POs during the latter's temporary absence (paragraph 3.07 of the Consultation Document). It is envisaged that the political tier should not be involved in issues affecting civil servants' career such as appointment, promotion and discipline, though their views will be sought as an input to civil servants' performance appraisals where appropriate. The Public Service Commission will continue to ensure the impartiality and fairness in the management of the civil service (paragraph 4.21 of the Consultation Document).

23. 委員會留意到，副局長和局長助理在政府組織架構中與公務員並無任何關係，但卻執行主要官員的權力，因此，增設層級的政治任命官員會為公務員隊伍的傳統從屬關係帶來挑戰。分別適用於政治領導層級和公務員隊伍的從屬關係須予清晰界定，從而消滅公務員的疑慮，讓他們發表坦誠而客觀的意見，以支援政治任命官員的工作。舉例來說，當局應清晰訂明常任秘書長可不受限制地向主要官員請示，並應只直接向主要官員負責。必須緊記的是，政治委任制度要行之有效，當局必須在政治領導層級與公務員隊伍之間建立互信及團隊精神。

工作表現管理

24. 副局長會在主要官員缺席期間代理其職務（《諮詢文件》第 3.07 段）。預期政治領導層級不應參與影響公務員職業前途（例如聘任、晉升、紀律等）的事務，但有關方面會在適當情況下徵詢他們的意見，作為評核公務員工作表現的參考。公務員敍用委員會將繼續確保公務員隊伍的管理公平公正（《諮詢文件》第 4.21 段）。

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25. The Commission believes that the existing performance management system of the civil service must be preserved and not be modified for political considerations following the expansion of the political tier. As a safeguard, the DDs of B should not be asked by the POs to comment on the performance of PSs. It is, however, accepted that the views of the DDs of B and As to D may be sought as an input to the performance appraisals of the relevant civil servants other than PSs. But the weighting to be attached to the input from these political appointees on a civil servant's performance appraisal should be clearly defined to prevent the perception of a de-facto supervisor/subordinate relationship between the two parties.

Appeal channel

26. A channel is provided for a civil servant to discuss and escalate his concern about a request from a DD of B or A to D through his PS to the PO or the SCS, and finally up to the Chief Executive (CE) (paragraph 4.15 of the Consultation Document).
27. The Commission supports the proposed appeal channel. The avenue of redress which includes the SCS, who must also be a civil servant for reasons and considerations as elaborated in paragraphs 32 to 38 below, should address the concern that the interests of civil servants will not be affected by political considerations. A separate "watchdog" independent of the Government to assume the role of redressing any concerns/grievances from civil servants is therefore not considered necessary. It should, however, be made clear of the arrangements applicable to the redress mechanism as follows -

25. 委員會相信，現行的公務員工作表現管理制度必須維持，不可因政治領導層級擴大所帶出的政治考慮因素而改變。為作出保障，主要官員不應要求副局長評論常任秘書長的表現，但有關方面徵詢副局長和局長助理的意見，作為評核有關公務員（常任秘書長除外）工作表現的參考，則可予接受。不過，政治任命官員所提出有關公務員工作表現評核的參考意見，所佔比重必須清楚界定，以免令人以為兩者之間實際上有上司下屬的關係。

申訴途徑

26. 當局會為公務員提供途徑，讓他們在對副局長或局長助理的要求有疑慮時，可經由所屬的常任秘書長把事情向主要官員或公務員事務局局長提出討論，甚至最終向行政長官提出（《諮詢文件》第 4.15 段）。
27. 委員會贊成設立申訴途徑的建議。申訴途徑應把公務員事務局局長包括在內，因為基於下文第 32 至 38 段闡述的理由和考慮因素，公務員事務局局長必須也是公務員。這樣的安排，應能釋除有關公務員利益受政治考慮因素影響的疑慮。因此，委員會認為無須另設獨立於政府的監察組織負責處理公務員的關注或申訴。不過，適用於申訴機制的各項安排應清楚訂明如下：

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- (a) when there are conflicts between the political appointees and the civil servants, they should firstly be resolved between the PO and the PS; and
- (b) failing (a) above, for those conflicts relating to human resource management and the core values of the civil service, they should be escalated and drawn to the attention of the SCS. For those conflicts relating to policy issues, they should be raised with the Chief Secretary for Administration and Financial Secretary at the appropriate policy group meeting.
28. The Commission presently receives direct representations from civil servants in relation to matters falling within its purview of appointment, promotion and discipline. If an individual civil servant chooses to submit representations to the Commission on such matters against a political appointee, the Commission, under Section 6(1)(c) of the Public Service Commission Ordinance^{Note 4}, is obliged to deal with such representations. This is an additional safeguard against any political interference in the appointment, promotion and discipline of the civil service.
- (a) 如政治任命官員與公務員發生衝突，應先交由主要官員與常任秘書長解決；以及
- (b) 如上文 (a) 段所述安排未能解決有關衝突，則凡涉及人力資源管理和公務員基本信念的衝突，應上呈公務員事務局局長；有關政策事宜的衝突，應在相關的政策小組會議上向政務司司長和財政司司長提出。
28. 目前，委員會就屬於其職權範圍內的聘任、晉升及紀律事宜受理公務員直接提交的申述。如個別公務員選擇就該等事宜向委員會提交針對政治任命官員的申述，根據《公務員絀用委員會條例》第6(1)(c)條^{註4}，委員會須處理該等申述。這提供多一重保障，以防公務員的聘任、晉升及紀律事宜受到政治干預。

Note 4 Section 6(1)(c) of the Public Service Commission Ordinance (Cap 93)

(1) The Commission shall advise the Chief Executive regarding -

(c) such representations from an officer as may be referred to it by the Chief Executive or made to the Commission in accordance with government regulations.

註4 《公務員絀用委員會條例》(第93章)第6(1)(c)條

(1) 委員會須就以下事項向行政長官提供意見 —

(c) 經由行政長官轉介予委員會的某一人員提出的申述，或由某一人員按照政府規例向委員會提交的申述。

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"Revolving door"

29. The Consultation Document proposes that civil servants aspiring to a political career can leave the civil service to take part in politics. Should he wish to serve in the civil service again, he would have to go through an open and competitive recruitment process in the usual way. This mechanism strikes the right balance between developing political leadership for Hong Kong on the one hand, and safeguarding against the risk of confusion of roles and the undermining of the impartiality of the civil service (paragraph 4.22 of the Consultation Document). The Government explains that it also avoids the problems of a civil servant having to serve, upon returning to the civil service after a political appointment, a future government of perhaps a different political persuasion.
30. The Commission notes that some civil servants may find the absence of a "revolving door" provision unattractive to switch to a political career. However, the Commission supports the rejection of such a provision as otherwise the distinction between the political appointees and civil servants will become blurred over the years, and this will affect the political neutrality of the civil service in the longer run. Furthermore, the flexibility accorded to political appointees may not be fair to those civil servants who will be asked to vacate particular posts in order to allow for the political appointees' return, not to mention the disruption to succession planning in the civil service.
31. Following this rationale, the Commission finds it odd that the "revolving door" arrangement, which now exists exceptionally for the incumbent of the SCS position, is proposed to continue. The Commission's views on this subject are set out in paragraphs 32 to 38 below.

"旋轉門"

29. 《諮詢文件》建議，有志從政的公務員，可離開公務員隊伍，然後參政。假如他有意重投公務員行列，必須按照正常的途徑，通過公開及公平競爭的招聘程序，才可獲錄用。這機制已作出適當平衡，一方面讓有志從政的個別公務員能夠參政，另一方面也能避免角色混淆或損及公務員隊伍不偏不倚的特質（《諮詢文件》第4.22段）。政府闡釋，此舉也可避免公務員在其政治任命職位任期屆滿後返回公務員隊伍時，須為日後掌政而政治理念或有不同的政府效力。
30. 委員會察悉，部分公務員或認為不設"旋轉門"的安排，便無法吸引他們轉行從政。然而，委員會贊成不訂立"旋轉門"的安排，若非如此，則政治任命官員與公務員的區分會日漸模糊，長遠來說，會影響公務員維持政治中立。再者，若給予政治任命官員靈活性，則對於因為政治任命官員重返政府而被要求騰出某些職位的公務員來說，或有欠公平，更何況有關安排會打亂公務員的接任策劃工作。
31. 基於上述理據，對於建議繼續實施現行特別為出任公務員事務局局長一職的人員提供"旋轉門"的安排，委員會實在不明所以。委員會對此事的意見載於下文第32至38段。

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Position of the SCS

32. The Consultation Document proposes that the SCS should remain a member of the political tier, on par with other POs and be accountable for matters within his portfolio. He is not obligated to resign or retire from the civil service before taking up the position. He may choose to do so during his term as the SCS, or he may choose to revert to the civil service immediately upon termination or completion of his term of appointment as the SCS if he has not yet reached the retirement age specified for civil servants (paragraphs 4.23 and 4.25 in the Consultation Document).
33. The Commission considers that the public and service-wide perception of a politically impartial civil service will be tinted by the proposed hybrid term of appointment of the SCS. The criticism that the unique arrangement for the SCS position is not in keeping with the principle of a politically impartial civil service should not therefore be dismissed lightly. The caution in the Consultation Document that whoever filling the SCS position should refrain from taking part in election politics and other electioneering activities simply does not remove the doubts on his political impartiality so long as he remains a political appointee and, in particular, if he retains the SCS position on resignation/retirement from the civil service during his term of office.

公務員事務局局長的角色

32. 《諮詢文件》建議，公務員事務局局長應與其他主要官員一樣，屬政治領導層級的一員，為其政策範疇內的事務負責。他在接受該職位時，不一定要通過辭職或退休脫離公務員隊伍。該人員可選擇在擔任公務員事務局局長期間脫離公務員隊伍，如屆時未達公務員的退休年齡，亦可選擇在不再擔任該局長職位或任期屆滿後隨即返回公務員隊伍。（《諮詢文件》第4.23及4.25段）。
33. 委員會認為，建議的混合式公務員事務局局長聘用制會影響公眾和全體公務員對公務員政治中立的看法。因此，對於有人批評這項適用於公務員事務局局長職位的特別安排不符合公務員政治中立的原則，當局不應輕視。雖然《諮詢文件》指出擔任公務員事務局局長的人員應謹慎行事，避免參與選舉政治和其他競選活動，但只要他仍然屬政治任命官員，便無法免除公眾對其政治中立性的質疑，特別是如果他在擔任公務員事務局局長期間通過辭職或退休脫離公務員隊伍後，仍可保留公務員事務局局長職位的話，便更加令人懷疑。

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34. The Commission believes that it is important to have a clearly identified head of the civil service to provide the "backbone of the Government" with the leadership and the continuity, as well as the focal point of interface between the civil service and the political tier in the Government structure. This position should be reserved for the civil service and selected from amongst serving top civil servants with known good track record and sufficient seniority to command the respect of the civil service. The SCS who retains his status as a civil servant will command the respect of the civil service, will be perceived as being able to help protect the integrity of the civil service system and to defend more adequately the interests of the civil service.
35. In keeping with the spirit of the Accountability System that the SCS should also be accountable for the success or failure of civil service-related policies and matters, the Commission suggests that his appointment should be made on the condition that it would be his last appointment in the civil service. His tenure will coincide with that of the CE. If he is due to retire on reaching his normal retirement age before the CE's term of office ends, his service should be extended in order that his appointment as SCS could tie in with the completion of the term of office of the CE. If the SCS has not yet reached his normal retirement age on completion of the usual term of office of the CE and if he is not re-appointed to serve as SCS for another term by the incoming CE, he should still be required to leave the service to satisfy the condition that his appointment as SCS should be his last civil service appointment. His pensionable service should be suitably compensated for the service forgone. But given the seniority expected of the selected officer, only a short gap of service forgone is anticipated and hence the compensation payable should not be significant.
34. 委員會認為必須有一名身分明確的公務員之首，負責領導被視為“政府骨幹”的公務員隊伍，既保持公務員隊伍延續性，也作為政府架構中公務員隊伍與政治領導層級之間的連繫點。這職位應留給公務員，並從現職高層公務員中選出素有優良工作記錄和足夠年資而受公務員尊重者出任。公務員事務局局長如保留公務員身分，不但可受到公務員尊重，而且令人覺得會有助維護公務員體制完整，並更適當地捍衛公務員的權益。
35. 為貫徹問責制的精神，公務員事務局局長也應為涉及公務員的政策及事務的得失負責。委員會建議，任命公務員事務局局長時，須規定該項任命是有關人員在公務員隊伍的最後一項任命。他的任期會與行政長官的任期同時屆滿。如公務員事務局局長在行政長官任期屆滿前已屆正常退休年齡，則其任期應予延長，以便其公務員事務局局長的任命，可配合行政長官的任期。如在行政長官的正常任期屆滿時，公務員事務局局長尚未屆正常退休年齡，而接任的行政長官也不再任命他擔任下一屆政府的公務員事務局局長，則該人員仍須離開公務員隊伍，以符合出任公務員事務局局長是其在公務員隊伍最後一項任命的條件。為此，當局應就其放棄的服務期，對其可供計算退休金的服務期作出適當補償。然而，由於獲任命的人員預期已有相當年資，估計有關人員須放棄的服務期不會太長，為此而支付的補償應為數不大。

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36. The Commission considers it sensible to reserve the job of the SCS for the civil service and to make the appointment of SCS on the condition that it would be his last civil service appointment. The SCS is the head of the civil service and the PSs report to him on civil service management issues. It will be untenable to create a reversed supervisor-subordinate relationship if, when he steps down from the position of SCS, he is made a PS and report to a former subordinate who is escalated to the position of SCS.
37. Separately, to ensure that the SCS will have direct access to the CE and his status will be on a par with other POs, the Commission further suggests that the SCS should continue to be appointed as a PO, and like the other POs, a Member of the Executive Council.
38. Any civil servant appointed to be the SCS may of course be subsequently selected by the CE to hold a different PO position as a political appointee. His career in the civil service ceases with his SCS job.
36. 委員會認為，把公務員事務局局長一職留給公務員，並規定公務員事務局局長的任命必須是有關人員在公務員隊伍的最後一項任命，實屬明智之舉。公務員事務局局長是公務員隊伍之首，各常任秘書長須就公務員的管理事宜向公務員事務局局長匯報。假如公務員事務局局長卸任後調任常任秘書長，須向一名曾經是其下屬，但已獲委任為公務員事務局局長的人員匯報，便會導致先前的上司下屬關係倒轉，這種情況並不合理。
37. 另外，為確保公務員事務局局長可直接請示行政長官，並與其他主要官員地位相同，委員會進一步建議，公務員事務局局長應繼續獲任命為主要官員，並與其他主要官員一樣，獲委任為行政會議成員。
38. 當然，任何獲任命為公務員事務局局長的公務員，日後或有可能獲行政長官挑選，以政治任命官員身分擔任另一個主要官員職位。該員離任公務員事務局局長一職之日，也是他離開公務員隊伍之時。

Appointment of DD of B and A to D to the Civil Service Bureau (CSB)

39. The DDs of B will be appointed by the CE on the recommendation of Ds of B while As to D will be appointed by Ds of B with the consent of the CE (paragraph 3.10 of the Consultation Document).

任命公務員事務局副局長和局長助理

39. 副局長職位的任命由行政長官在局長的建議下作出，而局長助理職位的任命則由局長在取得行政長官同意下作出（《諮詢文件》第 3.10 段）。

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40. The Commission considers that if the SCS should remain a civil servant and be detached from the political tier, it would not be necessary for him to have the intermediate tiers of political appointees. A limited area of work of the CSB may on occasions demand political lobbying or even the striking of political deals. An example is the handling of pay adjustments or pay disputes. Should such service-wide issues require the lobbying for the support of political parties, it would not be unreasonable to involve the other POs, including the CS and the FS, and if necessary, the CE, in mobilising the requisite political support in the overall interest of Hong Kong's governance. Such occasions should be rare.

40. 委員會認為，假如公務員事務局局長保留公務員身分而不屬政治領導層級，便無須在他轄下增設由政治任命官員組成的中級領導層級。公務員事務局有少部分工作範疇有時或須進行政治游說，甚至政治交易。處理薪酬調整事宜或薪酬糾紛便是一例。假如這類涉及全體公務員的事宜須進行游說以爭取政黨支持，則為了香港的管治的整體利益着想，動員其他主要官員，包括政務司司長和財政司司長，以至行政長官（如有需要），一起爭取所需的政界支持，這個做法並非不合理。不過，這種情況應甚少發生。

Conclusion

41. The Commission's overriding concern is that civil servants should work in concert with political appointees for the effective governance of Hong Kong. The comments and suggestions in this submission are intended to achieve an amicable interface between the new political appointees and the civil servants so that the further development of the Political Appointment System would not generate mistrust or conflicts that will put services to the public at stake.

Public Service Commission
26 October 2006

結語

41. 委員會認為至關重要的，是公務員應與政治任命官員齊心協力，共同為香港提供有效管治。本意見書所載的意見及建議，目的是促使新設的政治任命官員與公務員建立和睦的工作關係，確保進一步發展政治委任制度時不會導致兩者互不信任或產生衝突，因而影響為市民提供的服務。

公務員敘用委員會
二零零六年十月二十六日

Appendix II 附錄 II

Submissions with Revised Recommendations after the Commission Secretariat's Observations 委員會秘書處提供意見後曾作出修訂的建議

Category 類別數目	Open/ In-service Recruitment 公開/ 內部聘任	Promotions/ Acting Appointments 晉升/ 署任職位	Continuous Employment/ Termination of Service ¹ 延任/ 不予續聘 ¹	Other Appointment- related Submissions ² 其他聘任 相關個案 ²	Discipline 紀律	Total 總數
Number of submissions advised on 曾提供意見的建議	134	512	33	110	103	892
(a) Number of submissions queried 曾提出質疑的建議	14	222	8	24	10	278
(b) Number of submissions with revised recommendations following queries 在提出質疑後作出修訂的 建議	2	102	2	1	8	115
(b) / (a)	14%	46%	25%	4%	80%	41%

Comparison with Previous Years 與過去數年的比較

Year 年份	2004	2005	2006
Total No. of submissions advised on 曾提供意見的建議總數	911	765	892
(a) submissions queried 曾提出質疑的建議	289	245	278
(b) submissions with revised recommendations following query 在提出質疑後作出修訂的建議	119	117	115
(b) / (a)	41%	48%	41%

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

延任／不予續聘的個案包括不獲續約、終止合約、提供任期較正常為短的合約、新聘人員因品行／表現問題而遭延長／拒予通過試用／試任關限、首長級人員根據補償退休計劃提早退休，以及根據《公務人員（管理）命令》第12條為公眾利益着想而迫令退休。

- 2 Other appointment-related submissions cover renewal/extension of agreements under the old/new entry system, extension of service/re-employment after retirement, review of acting appointments made to meet operational needs, opening-up, secondment, revision of terms of employment and updating of Guides to Appointment.

其他聘任相關個案包括在新／舊入職制度下續約／延長合約期、退休後延任／重行受僱、覆檢署任安排以符合運作需要、開放職位安排、借調、修訂聘用條款和更新《聘任指南》。

Appendix III 附錄 III

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



Mr Nicholas NG Wing-fui, GBS, JP

Chairman, Public Service Commission

(appointed on 1 Ma 2005)

*Occupation : Chairman, Public Service
Commission*

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

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



Mr Vincent CHOW Wing-shing, BBS, JP

Member, Public Service Commission

(appointed from 1 Februar 1998 to 31 Januar 2006)

*Occupation : Director and Group General
Manager, Chow Sang Sang Holdings
International Ltd.*

Qualification : B.Sc., M.Sc.

Mr Chow is a Member of the Council of the City University of Hong Kong, where he is also the Chairman of the Board of Management of the Community College of City University. He is the Chairman of the Hong Kong Repertory Theatre and the Chairman of the Art Form Panel (Theatre) of the Leisure and Cultural Services Department. He is an Honorary Advisor of the Hong Kong Philharmonic Orchestra. He has been appointed to the Investigation Panel A of the Hong Kong Institute of Certified Public Accountants.

吳榮奎先生, GBS, JP

委員會主席

(二零零五年五月一日獲委任)

職業：公務員敘用委員會主席

學歷：香港大學榮譽社會科學學士、
英國特許秘書及行政人員公會
資深會員、香港特許秘書公會
資深會士

吳榮奎先生是資深公務員。他在一九七一年加入政務職系，退休前擔任的高級職位計有副銓敘司(人事管理)(一九八五至八七年)、公務員薪俸及服務條件常務委員會秘書長(一九八九至九一年)、布政司辦公室轄下行政署長(一九九一至九四年)、憲制事務司(一九九四至九七年)及運輸局局長(一九九七至二零零二年)。

周永成先生, BBS, JP

委員會委員

(任期由一九九八年二月一日至二零零六年一月三十一日)

職業：周生生集團國際有限公司集團
董事兼總經理

學歷：理學士、理學碩士

周先生是香港城市大學校董會成員、城市大學專上學院管理委員會主席、香港話劇團主席、康樂及文化事務署轄下演藝小組(戲劇)主席，以及香港管弦樂團名譽顧問。他也是香港會計師公會調查小組A組成員。

Appendix III 附錄 III

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

*Member, Public Service Commission
(appointed on 1 December 2001)*

Occupation : Senior Partner of Jewkes Chan and Partners, solicitors and directorships in several companies

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

Miss Chan is the Chairman of the Kowloon Hospital and the Hong Kong Eye Hospital. She is a Standing Committee Member of the Tianjin Committee of the Chinese People's Political Consultative Conference, a China-Appointed Attesting Officer appointed by the Ministry of Justice of the People's Republic of China, an arbitrator of the China International Economic and Trade Commission, the Foreign Economic Affairs Legal Counsel for the Tianjin Municipal Government and the legal adviser to the Hong Kong Chinese Enterprises Association. She serves as a Member of the Administrative Appeals Board and a Disciplinary Panel Member of the Hong Kong Institute of Certified Public Accountants. She is also the Chairman of the University of Victoria (HK) Foundation Ltd. and Governor of the Canadian Chamber of Commerce in Hong Kong.

**Mr Wilfred WONG Ying-wai, JP**

*Member, Public Service Commission
(appointed from 1 Februar 2002 to 31 Januar 2006)*

*Occupation : Vice-Chairman of Shui On Land Ltd.
Qualification : B.Soc.Sc. (Hons) (HKU), Dip in M.S. (HKCU), MPA (Harvard), Post-graduate Studies in Admin. Dev. (Oxford)*

Mr Wong is the Chairman of the Social Welfare Advisory Committee, a Member of the Board of the Airport Authority and Hong Kong Tourism Board, a member of the Commission on Poverty, the Chairman of the Court and Council of the Hong Kong Baptist University, and a member of the Commission on Strategic Development. He is also the Chairman of the Hong Kong International Film Festival Society and Chairman of the Business and Professionals Federation of Hong Kong. Mr Wong has served as a Deputy to the National People's Congress since 1997.

陳清霞女士, BBS, JP

委員會委員
(二零零一年十二月一日獲委任)

職業：祖偉仕律師行的高級合夥人、
多家公司的董事

學歷：法學士、理學士、中國法律
文憑

陳女士是九龍醫院和香港眼科醫院的主席。她是中國人民政治協商會議天津市委員會常務委員、中國司法部委托公證人、中國國際經濟貿易仲裁委員會的仲裁員、天津市人民政府對外經濟法律顧問，以及香港中國企業協會的法律顧問。此外，她也是行政上訴委員會委員、香港會計師公會紀律小組委員、維多利亞大學基金會主席和香港加拿大商會董事。

王英偉先生, JP

委員會委員
(任期由二零零二年二月一日至二零零六年一月三十一日)

職業：瑞安房地產有限公司副董事長
學歷：香港大學榮譽社會科學學士、
香港中文大學管理學文憑、哈
佛大學公共管理學碩士、牛津
大學行政發展研究課程

王先生是社會福利諮詢委員會主席、機場管理局董事會和香港旅遊發展局成員、扶貧委員會委員、香港浸會大學諮議會及校董會主席、策略發展委員會委員，並擔任香港國際電影節協會主席和香港工商專業聯會主席。王先生自一九九七年起出任全國人民代表大會代表。

Appendix III 附錄 III

**Mr Simon IP Sik-on, JP**

Member, Public Service Commission

(appointed on 23 Ma 2003)

Occupation : Businessman

Qualification : Solicitor of Supreme Court of Hong Kong

Mr Ip is a Member of the Board of Stewards of the Hong Kong Jockey Club and an Independent Non-Executive Director of Hang Lung Group Limited. Mr Ip is also a member of the Advisory Committee on Post-retirement Employment, the Exchange Fund Advisory Committee, the Council of the Queen Elizabeth Foundation for the Mentally Handicapped, the Board of Trustees of Sir Edward Youde Memorial Fund, the Hang Seng Index Advisory Committee, and the AIDS Foundation Advisory Board. He also serves as an Honorary Court Member of the Hong Kong University of Science and Technology, an Honorary Lecturer in the Department of Professional Legal Education of the University of Hong Kong, an Honorary Research Fellow of the Faculty of Law of Tsinghua University, Beijing, and an Honorary Fellow of the Management Society for Healthcare Professionals.

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

Member, Public Service Commission

(appointed on 1 Februar 2004)

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

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

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

葉錫安先生, JP

委員會委員

(二零零三年五月二十三日獲委任)

職業：商人

學歷：香港最高法院律師

葉先生是香港賽馬會董事，以及恒隆集團有限公司的獨立非執行董事。他亦是退休公務員就業申請諮詢委員會委員、外匯基金諮詢委員會委員、伊利沙伯女皇弱智人士基金理事會成員、尤德爵士紀念基金信託委員會成員、恒生指數諮詢委員會成員，以及香港愛滋病基金會顧問委員會的成員。此外，他也是香港科技大學顧問委員會榮譽委員、香港大學法律專業學系榮譽講師、北京清華大學法學院研究顧問，以及醫療管理學會榮譽院士。

施祖祥先生, GBS, JP

委員會委員

(二零零四年二月一日獲委任)

職業：太古股份有限公司獨立非執行董事、李錦記有限公司非執行董事

學歷：香港大學榮譽文學士

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

Appendix III 附錄 III

**Mr Thomas Brian STEVENSON, SBS**

Member, Public Service Commission
(appointed on 1 Februar 2004)
Occupation : Businessman
Qualification : CA(Scotland), LL.B(Glasgow),
LL.M(HKU)

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

施文信先生, SBS

委員會委員
(二零零四年二月一日獲委任)
職業：商人
學歷：特許會計師(蘇格蘭)、格拉斯哥大學和香港大學法學學位

施文信先生是香港上海滙豐銀行有限公司和地鐵有限公司的非執行董事，也是英國電訊亞太諮詢委員會委員和香港賽馬會董事。

**Mrs Paula KO WONG Chau-mui**

Member, Public Service Commission
(appointed from 1 June 2005 to 30 September 2006)
Occupation : Head, Organisation Learning,
China, Standard Chartered Bank
Qualification : B.Soc.Sc.(Hons) (HKU)

柯黃秋梅女士

委員會委員
(任期由二零零五年六月一日至二零零六年九月三十日)
職業：渣打銀行中國區培訓及發展總監
學歷：香港大學榮譽社會科學學士

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

Member, Public Service Commission
(appointed on 1 Februar 2006)
Occupation : Businessman
Qualification : B.Sc.(Hons) (HKU)

Mr Lo is the President and Chief Executive Officer of Synnex Technology International (HK) Limited. He is also the Chairman of the Standing Commission on Civil Service Salaries and Conditions of Service, and a member of the Standing Committee on Directorate Salaries and Conditions of Service.

羅家駿先生, JP

委員會委員
(二零零六年二月一日獲委任)
職業：商人
學歷：香港大學榮譽理學士

羅先生是聯強國際(香港)有限公司總裁兼執行長。他也是公務員薪俸及服務條件常務委員會主席，以及首長級薪俸及服務條件常務委員會委員。

Appendix III 附錄 III



**Mrs Mimi CUNNINGHAM KING
Kong-sang**

Member, Public Service Commission

(appointed on 1 Februar 2006)

*Occupation : Director-Human Resource,
Kowloon Canton Railwa Corporation*

*Qualification : B.A. (Hons) (HKU), MBA (CUHK),
MA(London Universit)*

簡金港生女士

委員會委員

(二零零六年二月一日獲委任)

職業：九廣鐵路公司人力資源總監

學歷：香港大學榮譽文學士、
香港中文大學工商管理碩士、
倫敦大學文學碩士



Ms WONG Mee-chun, JP

Member, Public Service Commission

(appointed on 1 Jul 2006)

Occupation : Consultant

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

黃美春女士, JP

委員會委員

(二零零六年七月一日獲委任)

職業：顧問

學歷：倫敦大學倫敦政治經濟學院理
學士(經濟學)、英格蘭及威爾
斯特許會計師公會會員

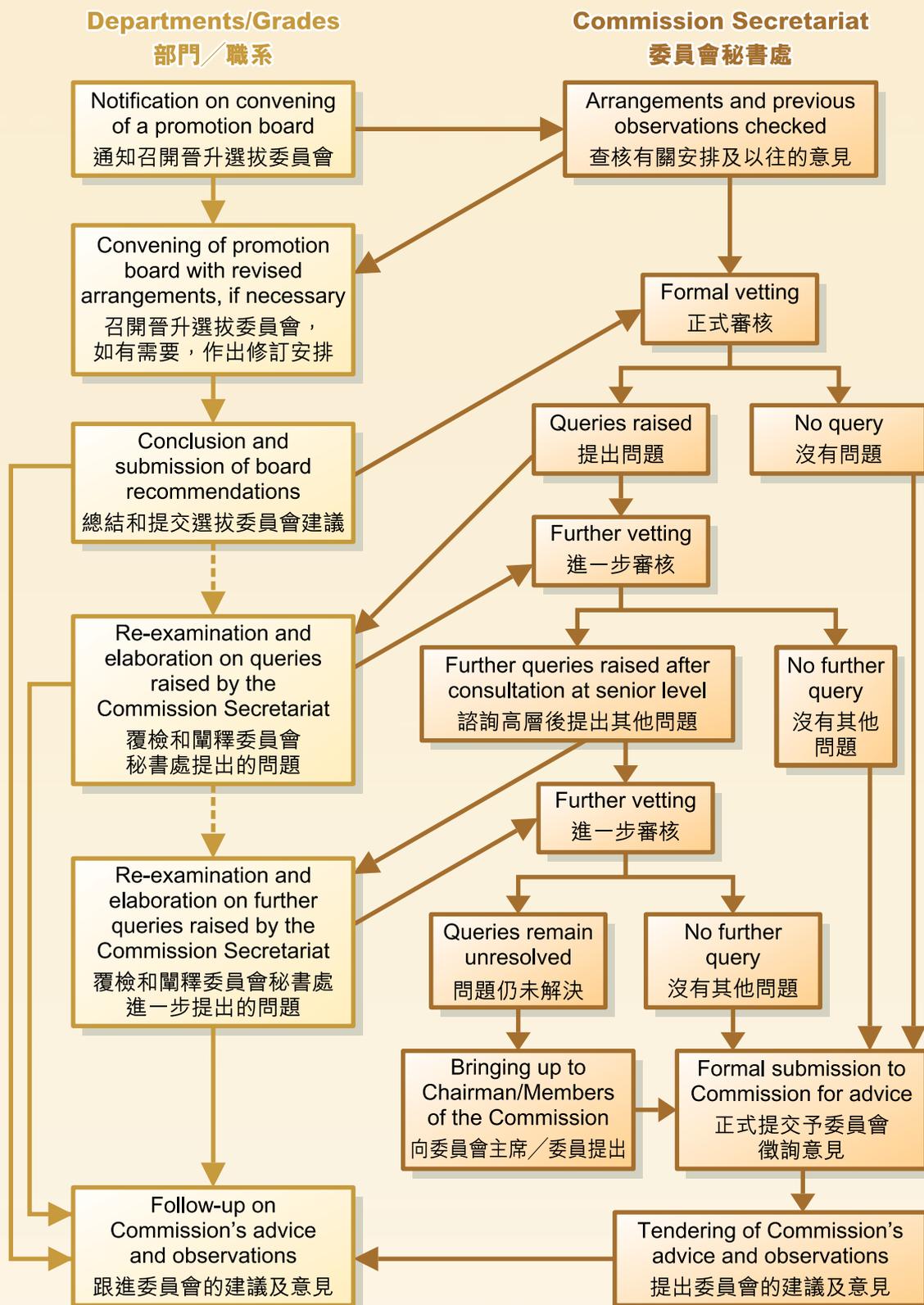
Ms Wong is a member of the ICAC Complaints Committee, Solicitors' Disciplinary Tribunal Panel, Administration Appeal Tribunal Panel and Standing Committee on Disciplined Services Salaries and Conditions of Service. She is also an Independent Non-Executive Director of Excel Technology International Holdings Limited.

黃女士是廉政公署事宜投訴委員會、律師紀律審裁團、行政上訴委員會及紀律人員薪俸及服務條件常務委員會成員，也是志鴻科技國際控股有限公司的獨立非執行董事。

Appendix IV 附錄 IV

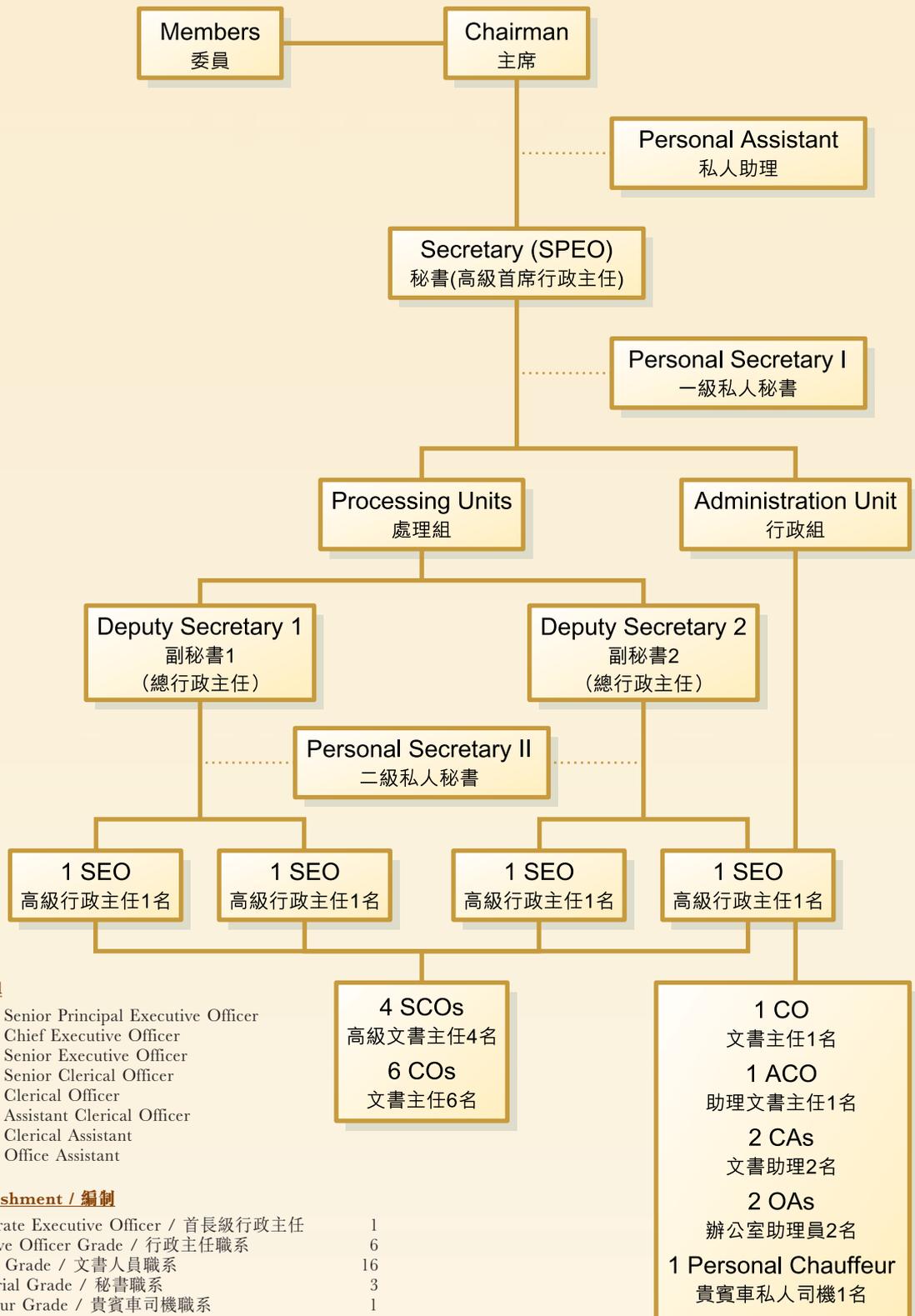
Flow Chart Illustrating the Vetting Process of Promotion Cases

晉升選拔個案審查程序流程圖



Appendix V
附錄 V

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



Legend

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

Establishment / 編制

Directorate Executive Officer / 首長級行政主任	1
Executive Officer Grade / 行政主任職系	6
Clerical Grade / 文書人員職系	16
Secretarial Grade / 秘書職系	3
Chauffeur Grade / 貴賓車司機職系	1

Appendix VI 附錄 VI

Number of Appointees (by Terms of Appointment) in the Open and In-service Recruitment Exercises in 2006 二零零六年公開和內部招聘人數(按聘用條款列出)

Open Recruitment 公開招聘	Number of appointees 受聘人數
• on probationary terms 按試用條款受聘	273
• on agreement terms 按合約條款受聘	2
• on transfer (between departments or grades) 轉職 (部門或職系之間)	17
Sub-total 小計	292

In-service appointment 內部招聘	
• on trial terms 按試任條款受聘	82
• on probationary terms 按試用條款受聘	21
• on local agreement terms 按本地合約條款受聘	1
Sub-total 小計	104
Total 合計	396

Comparison with figures in previous years 與過去數年的數字比較

Year 年份	No. of Local Candidates Appointed 聘用的本地應徵者人數	No. of Non-permanent Residents Appointed 聘用的非永久居民人數	Total 合計
2006	396	-	396
2005	223	-	223
2004	90	2	92
2003	53	-	53

Appendix VII
附錄 VII

Vacancies Filled in 2006 as Advised by the Commission
Breakdown by Salary Group

二零零六年徵詢委員會意見填補的職位空缺
按薪金組別列出的數字

Vacancies Filled by 填補空缺方式	Salary Group 薪金組別					Sub- total 小計
	Master Pay Scale Points 26-44 總薪級 第26-44點	Master Pay Scale Points 45-49 總薪級 第45-49點	Directorate 首長級		General Disciplined Services Pay Scale 一般紀律人員 薪級	
			D1-D2 首長級薪級 第1-2點	D3 and above 首長級薪級 第3點或以上		
Open recruitment 公開招聘	202	1	1	-	88	292
In-service recruitment 內部招聘	86	1	1	1	15	104
Promotion 晉升	680	160	100	32	135	1 107
Secondment 借調	-	-	-	2	-	2
Sub-total 小計	968	162	102	35	238	-
Total No. of Vacancies Involved 所涉及的職位空缺總數						1 505

Appendix VIII 附錄 VIII

Other Civil Service Appointment Matters Advised by the Commission in 2006 (Breakdown by Category)

二零零六年徵詢委員會意見的 其他公務員聘任事宜（按類別劃分）

Other Civil Service Appointment Matters 其他公務員聘任事宜	Number of submissions 個案數目
Non-renewal of agreement / 不獲續約	3
Termination of agreement / 終止合約	1
Offer of shorter-than-normal agreements 提供任期較正常為短的合約 <ul style="list-style-type: none"> • on performance ground (4) 因工作表現問題 • to tie in with the 60th birthday of the officers concerned³ (3) 以配合有關人員的60歲生辰³ 	7
Renewal or extension of agreement / 續約或延長合約期	10
Refusal of passage of trial bar / 拒予通過試任關限	1
Refusal of passage of probation bar / 拒予通過試用關限	2
Deferment of passage of probation bar / 延長試用關限	9
Early retirement of directorate officers under the Management Initiated Retirement Scheme / 首長級人員根據補償退休計劃提早退休	0
Retirement under Section 12 of Public Service (Administration) Order 根據《公務人員(管理)命令》第12條退休 <ul style="list-style-type: none"> • on persistent substandard performance ground (9) 因工作表現持續欠佳 • on loss of confidence (1) 因當局對有關人員失去信心 	10
Extension of service or re-employment after retirement 退休後延任或重行受僱 <ul style="list-style-type: none"> • Directorate officers / 首長級人員 (4) • Non-directorate officers / 非首長級人員 (5) 	9
Secondment / 借調	2
Opening-up Arrangement / 開放職位安排	26
Revision of terms of employment / 修訂聘用條款	1

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

根據《公務員事務規例》第280及281條，除非在非常例外的情況下，否則，合約公務員在年滿60歲後，不會獲得考慮繼續聘用。

Appendix IX 附錄 IX

Disciplinary Cases Advised by the Commission in 2006 Breakdown by Category of Misconduct/Offence and Punishment

二零零六年徵詢委員會意見的紀律個案 按不當行為 / 刑事罪行類別和懲罰方式劃分的數字

Penalties 懲罰方式	Category of Misconduct / Offences 不當行為 / 刑事罪行類別						Total 合計
	Traffic related offences 違反交通規則的個案	Theft 盜竊罪行	Crimes conviction not under columns 1 and 2* 第一及第二欄以外的刑事定罪個案*	Negligence, Failure to perform duties or follow instruction, Supervisory accountability and Insubordination 疏忽職責、不履行職責或不遵照指示、監督不力及不服從上級	Unpunctuality, unauthorised absence, abscondment 不守時、擅離職守、棄職潛逃	Other Misconducts** 其他不當行為**	
Dismissal 革職	-	2	10	-	9	-	21
Compulsory retirement + Fine 迫令退休 + 罰款	-	1	-	-	2	-	3
Compulsory Retirement 迫令退休	-	1	2	3	2	4	12
Lesser Penalty 較輕微的懲罰	13	10	9	10	9	16	67
Total 合計	13	14	21	13	22	20	103

Note: (a) The Commission advised on 103 disciplinary cases in 2006.

(b) 48 of the 103 disciplinary cases followed upon conviction.

(c) In 6 of the remaining 55 disciplinary cases, the officers concerned have absconded.

* Including assault, misconduct in public office, indecent assault, possession of dangerous drug and fraud/ attempted fraud.

** Including unauthorized outside work, unauthorized loans, failure to report criminal proceedings, breach of housing benefit rules and accepting an advantage/excessive entertainment.

註： (a) 委員會在二零零六年就 103 宗紀律個案提供意見。

(b) 在 103 宗紀律個案之中，有 48 宗是當事人被法庭裁定罪名成立後予以懲罰。

(c) 至於其餘 55 宗紀律個案，有 6 宗所涉及的人員棄職潛逃。

* 包括毆打、擔任公職時行為不當、非禮、管有危險藥物以及欺詐／企圖欺詐。

** 包括未經批准而從事外間工作、未經批准借貸、沒有上報刑事法律程序、違反房屋福利規則，以及接受利益／過分豐厚的款待。

Appendix X 附錄 X

Disciplinary Cases Advised by the Commission in 2006 Breakdown by Salary Group and Punishment

二零零六年徵詢委員會意見的紀律個案 按薪金組別和懲罰方式劃分的數字

Punishment 懲罰方式	Salary Group 薪金組別			Total 合計
	At or Below Master Pay Scale Pt.13 or equivalent 總薪級第13點或以下 或同等薪點	Master Pay Scale Pt.14 to 33 or equivalent 總薪級第14-33點或 同等薪點	Master Pay Scale Pt.34 and above or equivalent 總薪級第34點或以上 或同等薪點	
Dismissal 革職	5	11	5	21
Compulsory Retirement + Fine 迫令退休 + 罰款	3	0	0	3
Compulsory Retirement 迫令退休	9	2	1	12
Severe Reprimand + Fine 嚴厲譴責 + 罰款	15	18	3	36
Severe Reprimand 嚴厲譴責	3	4	0	7
Reprimand + Fine 譴責 + 罰款	7	3	0	10
Reprimand 譴責	9	3	2	14
Total 合計	51	41	11	103

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