



公务员叙用委员会

**P**ublic **S**ervice **C**ommission

年 报 Annual Report 2004

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Statistical figures in this annual report are shown on a calendar year basis  
本年报内的统计数字以历年计算



## Foreword – A Tribute 序言 — 临别致意



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

I wish to pay tribute and record my appreciation to —

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

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

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

Haider Barma  
Chairman

这是本人任内第九份，也是最后一份的年报——二零零五年四月底，本人便正式离任了。

藉此机会，谨向下列人士衷心致谢：

- 委员会历任和现任委员。承蒙他们付出宝贵时间，在制订政策、精简程序及处理个别个案方面，提出不少真知灼见，贡献良多；
- 公务员事务局局长及其属下高级人员、各常任秘书长、部门首长及辖下人员。多蒙他们通力合作，提供协助；更要感谢他们乐于听取委员会的意见；
- 行政主任职系人员，尤其是各部门主任秘书及辖下人员，以及公务员纪律秘书处人员。在处理聘用和纪律事宜上，他们任重道远，功不可没；以及
- 委员会秘书处秘书及全体人员。全赖他们尽忠职守、专业干练，委员会才能发挥作用。

委员会的主要职责，是就高级公务员的聘用和晋升事宜，以及纪律个案，向当局提供意见。可以清心直说，委员会处事公正，无畏无惧，不辱使命。正因如此，委员会备受当局和公务员队伍推崇。

在过去八年零九个月里，本人能够出任委员会主席一职，实在不胜荣幸，至感欣慰。



鮑文  
主席



## The Public Service Commission Remit 委员会的职权范围

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

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

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

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

委员会于一九五零年成立，是一个独立法定机构，《公务员叙用委员会条例》及其附属规例(香港法例第93章)订明其职权范围。委员会的主要职责，是就公务员的聘用、晋升及纪律事宜，向行政长官提供意见。

委员会就聘用及晋升事宜提供的意见，其范围仅限于高级级公务员，包括顶薪点达每月薪金32,900元(总薪级表第26点)或以上的职位，至常任秘书长、部门首长和职位相若的人员。截至二零零四年年底，在委员会职权范围内的设定公务员职位共有33 514个。

政务司司长、财政司司长、律政司司长、审计署署长，以及司法机构、香港警务处和廉政公署人员等职位，不在委员会的职权范围内。此外，自二零零二年七月一日问责制推行之后，各局首长或局长已不是公务员，其聘任事宜亦无须交由委员会处理。

至于纪律事宜，除《公务员叙用委员会条例》订明的人员外，所有甲类公务员<sup>1</sup>的纪律个案都经委员会处理。



Mr Simon IP, D. Ed., JP  
Member, Public Service Commission  
叶锡安先生，教育学博士，JP  
公务员叙用委员会委员

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

“委员会审视其职权范围内与公务员有关的政策和程序，并酌情提出改善建议。委员会发挥积极作用，推动有关这些政策和程序的检讨工作，以及确保个别个案的处理公平公正，有效快速。”

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

根据《退休金利益规例》(香港法例第99A章)，“甲类公务员”指受聘担任设定职位，并在退休或辞职时实任设定职位的人员。除了试用人员、合约人员和第一标准薪级人员外，实际上包括了所有公务员。



## Other Functions

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

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

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

## 其他职责

委员会亦会就下列事项提供意见：

- 公务员在委员会法定权限内就本身有直接和实际利益的事宜提出的申述；
- 延长／中止试用／试任服务；
- 按合约条款聘任，而有关聘任：
  - 涉及海外合约；
  - 偏离新入职制度<sup>2</sup>下的一般进程；
  - 基于工作表现或品行方面的理由，任期较正常为短；
  - 须经甄选或量才录用。

此外，委员会亦须就任何由行政长官转介而与公务员有关的事宜，提供意见。

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

新入职制度由二零零零年六月一日起实施。由该日起，新入职的基本职级人员一般会先按新试用条款聘用三年，继而按新合约条款聘用三年，然后方会获考虑按新长期聘用条款聘用。

## Advisory Role

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

## Human Resource Management : Policy and Initiatives

The Commission continued to act as a "think tank" to the Secretary for the Civil Service. The Commission's views are sought on policy and procedural issues pertaining to appointments, promotions and discipline as well as on a wide range of subjects relating to the review and development of Human Resource Management subjects.

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

## 谘询角色

委员会担当谘询角色，就其职权范围内的事务向行政长官提供意见。委员会在审阅政府提交的建议时，时刻确保有关建议合理，而相关程序则公平、审慎及妥善地进行。政府须回应委员会的意见和疑问，澄清或解释所提建议。在许多个案中，政府都因应委员会的意见，修改建议；也有部分个案，经政府澄清或详加解释后，委员会同意支持有关建议。委员会审阅建议时，如果发现有关偏离既定程序／做法的情况或人事管理问题，便会促请政府注意，并建议改善的方法。

## 人力资源管理：政策和措施

委员会继续充当公务员事务局局长的“智囊团”，凡与聘用、晋升和纪律有关的政策和程序，以及与检讨和制定人力资源管理方法有关的事宜，政府都会徵询委员会的意见。

鉴于经费问题及／或服务需要有待确定，对于已完成三年试用期的人员，有关方面按新合约条款予以续聘时未必能够提供正常三年期合约。为此，公务员事务局年内建议授权部门／职系首长决定与有关人员续约的年期长短，并徵询委员会的意见。这项新安排已在二零零四年三月十日生效。委员会明白，若干部门碍于辖下职系的职位空缺情况经常有变，实际上难以按新合约条款与雇员签订三年的聘用合约。由于授予的权力只限于续订合共不超过三年的合约，委员会并不反对有关建议。





Mr Wilfred WONG, JP  
Member, Public Service Commission  
王英伟先生, JP  
公务员叙用委员会委员

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

“身为兼有公营与私营机构服务经验的委员会委员，我乐见委员会在进行商议时，经常借鉴私营机构的人力资源管理良方。这种乐于借镜攻错的开放态度，有助于确保公务员队伍继续与时俱进，提高效率。”

## Mission and Performance Target

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

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

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

## 使命和工作目标

委员会的使命，是确保公务员的聘用及晋升制度公平公正，并且是以工作表现为依据，不受政治背景或压力影响。

年内，委员会就911项建议提供意见，涵盖范围包括招聘和晋升工作、纪律个案和其他与聘用有关的事宜。委员会总共对其中289项建议提出疑问，公务员事务局和有关部门考虑委员会的意见后，修订其中119项(占41%)，并向委员会重新提交建议。有关个案的分项数字载于附录I。

在处理招聘、晋升及纪律个案时，委员会的目标是在接获建议后四至六个星期内，正式提供意见或作出回应。年内，在接获的911项建议中，有99.2%(二零零三年为98.1%)是在目标时间内处理。其馀几项涉及大量工作和较繁复的建议，则需要较长时间处理。

## Membership and Secretariat of the Commission 委员会成员及秘书处

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

根据《公务员叙用委员会条例》，委员会须有一名主席和不少于两名或不多于八名委员。成员全部由行政长官委任，并有担任公职或服务社会的经验。立法会议员、香港公务员和司法机构人员不得加入委员会，退休公务员则不在此限。

### Membership 成员

The membership of the Commission during 2004 was as follows :  
二零零四年委员会成员名单如下：

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

Curricula vitae of the Chairman and Members are at Appendix II.  
主席及委员的简介载于附录 II。



## Secretariat of the Commission

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

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

## Method of Work

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

## 委员会秘书处

委员会秘书处由行政主任、秘书和文书职系等公务员所组成的专责小组提供服务。公务员事务局和政府部门所提交的建议，秘书处会先行详细审议，如有需要，会要求有关方面进一步澄清和解释，然后向委员会徵询意见。现把晋升选拔个案审查程序流程图载于附录 III，以资说明。

年内，主席和委员会秘书处继续通过重新分配职务、精简工作程序和加强办公室自动化等措施，提高效率，节约开支。由于实行这些措施，继二零零零至二零零三年删减七个职位后，二零零四年再删减一个一级行政主任职位。个人电脑改善计划亦在二零零四年年底展开。秘书处的最新组织架构图见附录 IV。

## 工作方式

委员会的工作通常以传阅文件的方式进行。如须讨论政策事宜、复杂或涉及重要原则问题的个案，便会举行会议。公务员事务局和部门的高级管理人员会获邀出席会议，阐述委员会所关注的事宜，让委员会多了解部门面对的问题。

## Homepage on the Internet

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

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

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

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

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

## 互联网的网页

委员会网页可透过政府资讯中心或在下列网址浏览：

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

委员会网页载有委员会的基本资料，包括角色和职责、现有成员名单、委员会执行职务的方式，以及秘书处的组织架构。委员会年报(由二零零零年起)，可在网页上浏览和下载<sup>3</sup>。二零零四年，浏览委员会网页的总人次为94 846。

## 数码政府合署的网页

委员会网页自二零零一年一月起已上载至数码政府合署，为各部门和各局人员提供另一个方便快捷的途径，查阅委员会在聘用和纪律事宜的程序与政策方面的一般看法和最新意见，希望对他们的工作有所帮助。去年共有3 333人次浏览这网页，较二零零三年上升85%。

<sup>3</sup> Hard copies of the Annual Report are also available in public libraries and District Offices.

委员会年报的印行本亦可在公共图书馆和各区民政事务处索阅。



## Recruitment, Promotion and Discipline 招聘、晋升选拔和纪律

### Recruitment/In-service Appointment

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

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

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

### 招聘／内部聘任

招聘工作由公务员事务局及政府各部门进行。委员会的职责，是监察有关程序，以及就审查准则和聘用建议提供意见。

年内，当局继续全面暂停招聘公务员，受影响的主要为基本职级；又继续缩减几近全部职系及职级的公务员编制(由一九九九年年初的约198 000人减至二零零六至零七年度的约160 000人)。因此，年内新招聘人员数目依然偏低。由政务司司长与财政司司长共同担任主席及公务员事务局局长担任成员的联席委员会，只在有非常充分运作理由的情况下，才会批准进行公开招聘。获联席委员会破例准予进行招聘，并已委任人选填补的职位，包括属于基本职级的消防处消防队长(行动)和见习机师，以及某些高级职位(如政府资讯科技总监)。

二零零四年，委员会曾就92个新填补职位(90个由本地应徵者填补，另两个由海外应徵者填补)提供意见。在这些职位之中，以公开招聘方式填补的占56个，以内部聘任方式填补的则占36个。年内的招聘人数，与二零零三年比较增加74%，与二零零二年比较则减少77%。这些聘任的分项数字载于下表：



Mr Michael SZE, GBS, JP  
Member, Public Service Commission  
施祖祥先生, GBS, JP  
公务员叙用委员会委员

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

“现时各局长职位人选都以政治任命取代由公务员出任，而公务员队伍亦要面对不少挑战，委员会在维护和保持公正的聘用、晋升和纪律处分制度上，更见任重道远。”

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

	Number of appointees 受聘人数
<b>Open Recruitment</b> <b>公开招聘</b>	
• on probation • 试用	49
• on agreement • 合约	4*
• on transfer (between departments or grades) • 转职(部门或职系之间)	3
Sub-total 小计	56
<b>In-service appointment</b> <b>内部聘任</b>	
• on trial terms • 按试任条款受聘	33
• on probationary terms • 按试用条款受聘	3
Sub-total 小计	36
<b>Total</b> <b>合计</b>	<b>92</b>

\* Including two overseas candidates  
包括两名海外应徵者

**Comparison with figures for previous years:**  
**与过去数年的数字比较：**

Year 年份	No. of Local Candidates Appointed 聘用的本地应徵者数目	No. of Overseas Candidates Appointed 聘用的海外应徵者数目	Total 合计
2002	395	4	399
2003	53	—	53
2004	90	2	92



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

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

## Special Appointments

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

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

香港特别行政区(特区)政府于一九九七年成立后，新聘用人员必须是特区永久居民。然而，就专业及技术职位而言，假如永久居民当中没有合资格或合适人选，则可招聘非永久居民填补(《基本法》第一百零一条)。二零零四年，当局作出两项这类聘任，其一是为填补民航处高级民航事务主任空缺，该职位要求应徵者持有专业机师执照及丰富经验；另一是为填补工商及科技局的政府资讯科技总监职位。

目前在政府任职的海外合约公务员，主要是由于运作需要和他们的专业才能而得以留任。他们在取得永久居留身分并符合语文和其他规定后，可以申请转为按本地条款受聘，而当局对此也是加以鼓励的。

## 特别聘任

由于政府要执行的职务范围极为广泛，公务员未必具备所有专责职务所需的专门知识，因此有时需要特别聘任专才<sup>4</sup>。这些受聘者不会与公务员竞逐晋升，当局亦会定期检讨是否需要继续聘用他们。

二零零四年，委员会并没有收到任何特别聘任的建议书。

<sup>4</sup> Such appointments do not occupy an established post in the civil service.  
该等聘任并不占公务员的常额职位。

## Promotions

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

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

## 晋升

年内，由于人力计划已经敲定，常任秘书长／部门首长／职系首长遂重新展开晋升选拔／遴选工作。此外，署任津贴发放规则的修订，也促使常任秘书长／部门首长／职系首长及早进行晋升选拔／遴选工作。因此，委员会收到的有关建议有所增加，委员会秘书处已加快处理这些个案。年内，委员会就901宗以晋升方式填补职位的个案提供意见。这些职位分属337个职级<sup>5</sup>，其中124个是首长级空缺，包括38个高层首长级空缺(见附录V)。获委员会提供意见的实际晋升宗数，由二零零三年的342宗，增至二零零四年的901宗，增幅达163%。

一直以来，委员会最关注的，仍是评核准则的不一致不会导致那些不该得到擢升的人员获得晋升。委员会欣悉大多数部门在召开晋升选拔委员会前，仍会成立评核委员会研究评核报告，务求评核准则一致。

<sup>5</sup> The number of eligible officers far exceeded the number of promotees. In a number of promotion exercises, over 300 candidates were shortlisted for detailed consideration by the board.

合资格人员的数目远超晋升人员的数目，在一些晋升选拔中，经筛选后供晋升选拔委员会详加考虑的合资格人员超过300名。



## Complaints/Appeals

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

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

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

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

## 投诉／上诉

年内，委员会处理了五宗与晋升结果有关的申述／投诉。经详细审查后，委员会认为所有上诉的理据均不成立。

此外，委员会收到八宗投诉，涉及署任／职位调派安排、员工绩效评核制度、个别人员行为不当的指控，以及不获续约等方面。虽然这些投诉全不成立，但委员会已要求有关部门查找程序上是否有任何缺失，如有的话，应采取必要措施加以纠正。

有一宗涉及部门不批准人员通过升级点的投诉，查明属实。详情请参阅第六章“个案研究”个案四。

委员会另外收到两宗投诉，所涉事宜不属于委员会的职权范围，因此已转交相关的部门跟进。

## Renewal/Extension of Agreement

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

## 续约／延长合约

年内，委员会就31宗根据旧入职制度受聘人员的续约／延长合约个案提供意见，其中21名人员获得续约，八名人员的合约获得延长，另有两名人员不获续约。按合约条款类别列出的分项数字如下：

	Renewal 续约	Extension 延长合约	Non-renewal 不获续约	Total 总计
Local Terms <sup>6</sup> 本地条款 <sup>6</sup>	4	3	—	7
Locally Modelled Terms <sup>7</sup> 本地模式条款 <sup>7</sup>	3	—	1	4
Overseas Terms 海外条款	14	4	—	18
Common Terms <sup>8</sup> 划一聘用条款 <sup>8</sup>	—	1	1	2
Total 总计	21	8	2	31

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

“本地条款”适用于在一九九九年一月一日前受聘的本地公务员。

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

“本地模式条款”适用于在一九九九年一月一日前受聘，并在取得永久居民资格后申请转以本地模式条款受聘的海外公务员。

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

“划一聘用条款”适用于在一九九九年一月一日至二零零零年五月三十一日期间受聘的公务员。



## Further Appointment under the New Entry System

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

## Extension of Service/Re-employment after Retirement

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

## 根据新入职制度续聘

至于根据新入职制度<sup>9</sup>受聘的人员，委员会已批准按新合约条款续聘57名在试用期内表现良好的人员。不过，由于某些部门需要更多时间确定有关职位是否应长期设立，其中39名试用人员只获暂时续约一至两年，而非按个别职系的一般进程续约三年。为简化程序，以及让常任秘书长／部门首长／职系首长可因应财政紧绌的情况及／或尚未确定的服务需要，灵活处理变化不定的人手情况，常任秘书长／部门首长／职系首长已获整体批准，由二零零四年三月十日起，如因财政状况及／或服务需要不能确定，以致在按新合约条款续聘人员时，未能提供一般的三年合约，则可自行决定续约期的长短，但各段续约期合计不得超过三年。委员会会继续就有关个别人员的遴选、优劣比较或表现欠佳的个案，提供意见。

## 退休后延任／重行受雇

委员会秘书处曾处理13宗申请根据旧退休金计划在55岁退休后重行受雇的个案，所有这些个案都能证明确有运作需要。委员会也批准了两宗申请根据新退休金计划在60岁后延长服务期的个案。

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

新入职制度由二零零零年六月一日起实施。由该日起，新入职的基本职级人员一般会先按新试用条款聘用三年，继而按新合约条款聘用三年，然后方会获考虑按新长期聘用条款聘用。

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

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

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

## 拒予通过／延长试用／试任关限

委员会坚决认为试用／试任人员不应“自动”获确实聘任为常额编制人员，所以一向呼吁部门必须认真地评核试用／试任人员的工作表现。委员会乐见大部分部门已经这样做，并在试用／试任期内尽量观察这些人员的表现。如果有足够理由证明须进一步测试这些人员的表现，惯常的做法是把试用／试任期延长12个月，以便管方有充裕时间确定该名人员是否有进步及适宜确实聘任。委员会亦乐于看到，当部门认为试用／试任人员明显不称职时，也不再等试用／试任期届满，即主动中止其试用／试任。

二零零四年，共有28名人员须延长试用／试任，另有六名人员被中止聘用。分项统计数字如下：

Probationary/Trial Service 试用／试任	2002	2003	2004
* extended for six months or less * 延长6个月或以下	10	7	20 <sup>10</sup>
* extended for 12 months * 延长12个月	12	10	7
* extended for 18 months or more * 延长18个月或以上	1	—	1
* services terminated * 遭中止聘用	15	10	6
Total 总数	38	27	34

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

这些人员大部分因为放取病假或需要时间取得所需资格，所以需要延长试用／试任期，延长的时间亦因而较短。



## Opening-up Arrangement

During the year the Commission advised on 18 cases under the opening-up arrangements whereby positions in promotion ranks occupied by agreement officers were opened up for competition between the incumbent officer and eligible officers one rank below. This arrangement applies to both overseas officers who are permanent residents and are seeking a further agreement on locally modelled conditions, or other agreement officers applying for a further agreement on existing terms.

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

## Management Initiated Retirement (MIR) Scheme

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

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

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

## 开放职位安排

年内，委员会就18宗采用开放职位安排的个案提供意见。开放职位是指把合约人员所担任属于晋升职级的职位，开放给该名人员及其他低一级的合资格人员竞逐。这项安排适用于本身是永久居民而希望按本地模式条款续约的海外人员，以及申请按现行条款续约的其他合约人员。

在二零零四年内徵询委员会意见的聘用个案(按薪俸组别列出)及有关事宜的分项数字，载于附录 VI。

## 补偿退休计划

补偿退休计划在二零零零年首次推出，让属于常额编制的首长级人员提早退休，以便改善部门组织和维持首长级公务员应有的高水平表现。假如批核当局确信有下列情况出现，便可根据管理的理由，实行这项计划：

- (a) 有关人员从现任职位退休，有助所属部门或职系改善组织；以及
- (b) 管理层难以把有关人员安置在其他政府工作岗位。

有关人员事前均会接获通知及有机会申辩。一个由公务员事务局局长担任主席的委员会，先逐一审议每宗个案，然后请本委员会就着令有关人员退休的建议，提供意见。二零零四年，委员会没有接获要求提供意见的补偿退休计划个案。

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

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

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

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

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

## 根据《公务人员(管理)命令》第12条着令为公众利益着想而退休

根据《公务人员(管理)命令》第12条着令人员退休，**并非**纪律行动，也不是惩罚，而是为公众利益着想，基于下列原因而采取的行政措施：

- (a) “工作表现持续欠佳”—— 尽管已给予机会(一般为期12个月)让有关人员证明其工作能力，但他的表现仍未能达到要求；以及
- (b) “失去信心”—— 管方已对有关人员失去信心，不能委派他执行公职(通常该员会被停职，直至当局就其个案作出决定)。

年内，委员会就七宗有关《公务人员(管理)命令》第12条的个案提供意见。

自有关处理工作表现持续欠佳人员的修订程序在二零零三年三月公布后，委员会乐见部门更加认真地留意表现欠佳人员。委员会所处理的个案，由二零零三年的15宗减至二零零四年的7宗，究其原委，是经确定为表现欠佳的人员工作表现有所改善，当局无须采取迫令退休行动，而非各部门在根据第12条采取行动方面有所松懈。委员会在审核关乎晋升选拔的评核报告时，仍会倍加留意或可根据第12条采取行动的个案，以便部门酌情处理。



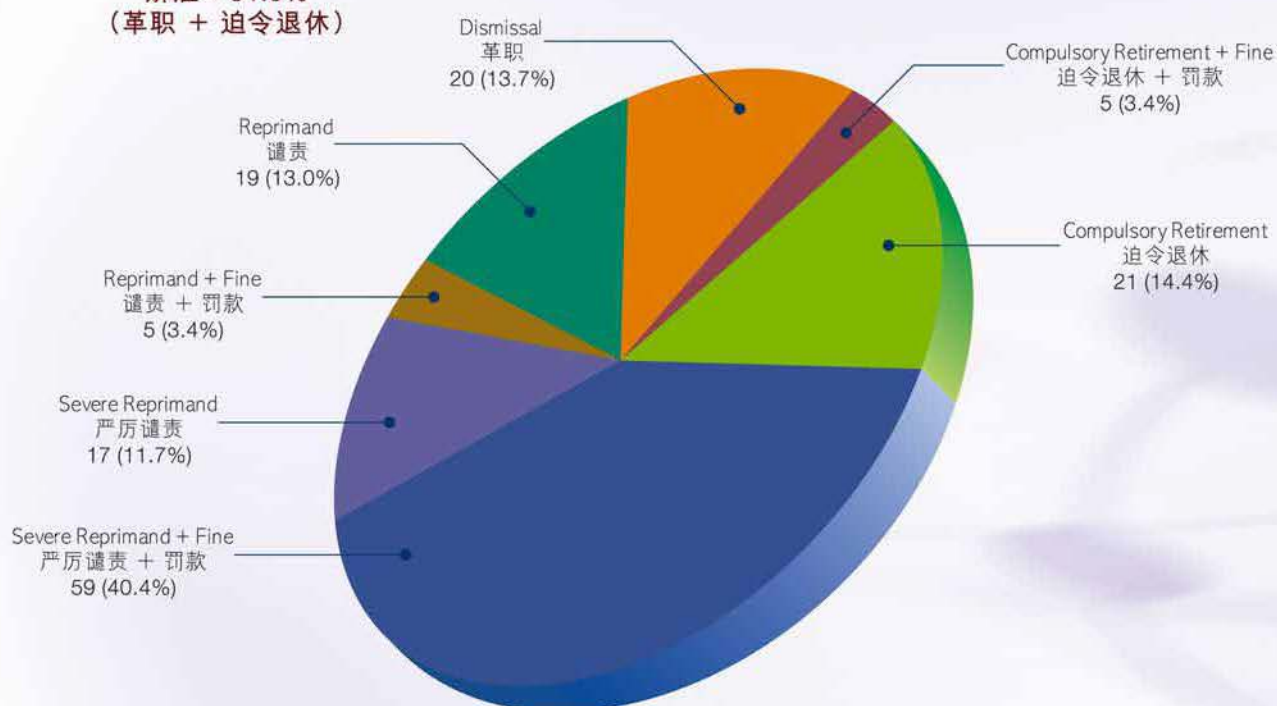
## Disciplinary Cases

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

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

### Removal from the Service: 31.5% (Dismissal + Compulsory Retirement)

解雇：31.5%  
(革职 + 迫令退休)



## 纪律个案

除《公务员叙用委员会条例》订明的少数人员外，涉及甲类公务员的纪律个案，均由委员会提供意见。委员会是按公平公正的原则提供意见，并会考虑每宗个案所涉不当行为的性质和严重程度、当事人的服务记录、惩罚加减的理由、是否涉及法律诉讼，以及以往案例惩罚的轻重。

当局向委员会徵询意见的纪律个案，数目由二零零三年的151宗，略减至二零零四年的146宗。这主要由于虚报津贴／发还款项及提供失实资料／作出失实陈述的个案有所减少。于此可见，当局对不当行为绝不姑息的态度已日益备受注意，情况令人鼓舞。根据委员会的意见，当局把其中46名人员解雇，并向余下100名人员处以较轻微的惩罚。上述146宗个案所涉惩罚分析如下：



Miss Eliza CHAN, JP  
Member, Public Service Commission  
陈清霞小姐, JP  
公务员叙用委员会委员

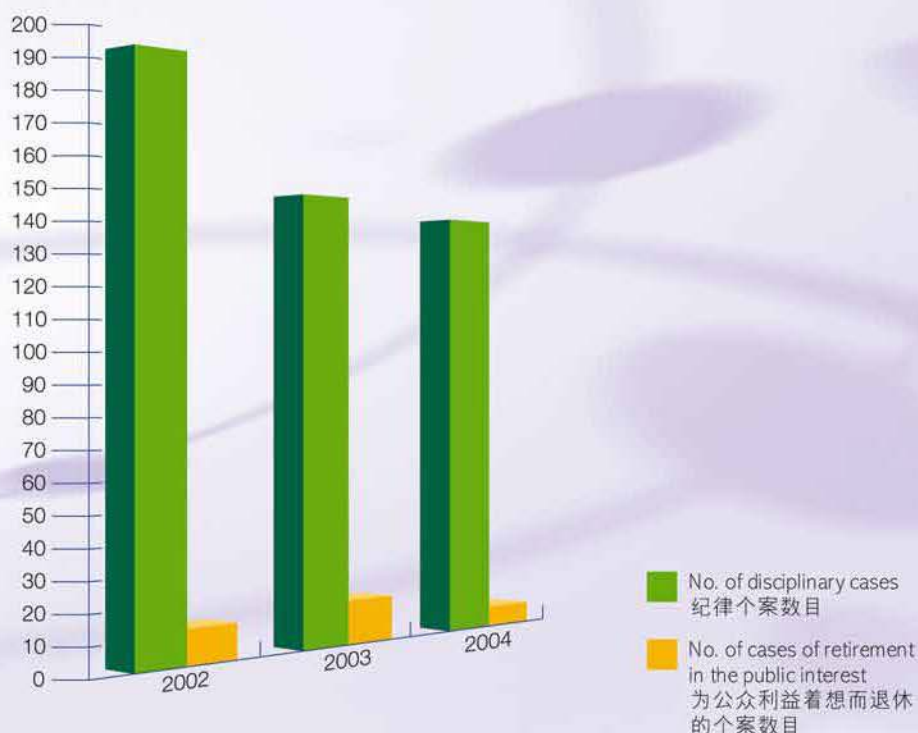
*"The Commission has long recognized and supported stiffer awards of punishment to deal with misconduct in disciplinary cases. We have suggested new benchmarks and emphasized the need for consistent application throughout the service. The Commission's role is to advise – the Administration must implement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

“委员会向来认同和支持加重罚则，惩处纪律个案中的不当行为。我们已建议新的基准，并强调须划一应用于整个公务员体系。委员会的职责在于提供意见和建议，而当局的责任则是及早付诸实行。”

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

以下三表载列纪律个案类别和数目分析，以及根据《公务人员（管理）命令》第12条为公众利益着想而退休的个案分析。

**Number of Disciplinary Cases and Cases of Retirement in the Public Interest  
Advised on from 2002 to 2004**  
二零零二至二零零四年度获提供意见的纪律个案及为公众利益着想而退休的个案数目





Disciplinary Cases and Cases of Retirement in the Public Interest Referred to the Commission for Advice during 2004  
二零零四年内曾徵询委员会意见的纪律个案及为公众利益着想而退休的个案

Category of Misconduct/Offences 不当行为／违纪个案类别							Cases of retirement in the public interest 为公众利益着想而退休的个案		
Penalties 惩罚	Traffic related offences 违反交通规则的个案	Theft 盗窃罪行	Crimes not under columns 1 and 2* 第一及第二栏以外的罪行*	Negligence, Failure to perform duties or follow instruction, Supervisory accountability and Insubordination 疏忽职责、不履行职责或不遵照指示、监督不力及不服从上级	Unpunctuality, unauthorised absence, abscondment 不守时、擅离职守、弃职潜逃	Other Misconducts** 其他不当行为**	Substandard performance 工作表现欠佳	Loss of confidence 失去信心	Total 合计
Dismissal 革职	1	3	8	2	5	1	—	—	20
Compulsory retirement + Fine 迫令退休 + 罚款	—	—	—	—	5	—	—	—	5
Compulsory retirement 迫令退休	1	—	4	2	8	6	7	—	28
Lesser Penalty 较轻微的惩罚	17	12	25	12	13	21	—	—	100
Total 合计	19	15	37	16	31	28	7	0	153 (Note)(注)

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

注：委员会在二零零四年就 146 宗纪律个案和 7 宗为公众利益着想而退休的个案提供意见。

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

在 146 宗纪律个案之中，有 71 宗是当事人被法庭裁定罪名成立后再予惩处。

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

至于其余 75 宗纪律个案，有 2 宗所涉及的人员已弃职潜逃。

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

在 146 宗纪律个案之中，有 6 宗涉及纪律人员的个案（包括 1 宗涉及警队的个案，由委员会非正式地提供意见。）

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

包括欺诈、殴打、在公众场所打架及串谋妨碍司法公正。

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

包括未经批准而从事外间工作、滥用职权、使用暴力/对上司/客户粗鲁无礼、性骚扰、违反房屋福利规则和接受/索取利益/过分丰厚的款待。

Penalties for Disciplinary Cases/Cases of Retirement in the Public Interest Advised on during 2004 Breakdown by Salary Group 二零零四年内就纪律个案建议的惩罚/为公众利益着想而退休个案按薪俸组别划分的分项数字				
		Salary Group 薪俸组别		
	Penalties 惩罚	At or Below Master Pay Scale 13 or equivalent 总薪级表第13点或以下 或同等薪点	Master Pay Scale 14 to 33 or equivalent 总薪级表第14至33点 或同等薪点	Master Pay Scale 34 and above or equivalent 总薪级表第34点或以上 或同等薪点
Disciplinary cases 纪律个案	Dismissal 革职	11	7	2
	Compulsory Retirement + Fine 迫令退休 + 罚款	1	4	—
	Compulsory Retirement 迫令退休	10	8	3
	Severe Reprimand + Fine 严厉谴责 + 罚款	20	36	3
	Severe Reprimand 严厉谴责	6	10	1
	Reprimand + Fine 谴责 + 罚款	4	1	—
	Reprimand 谴责	11	4	4
Cases of retirement in the public interest 为公众利益着想 而退休的个案	Compulsory Retirement 迫令退休	1	5	1
Total 合计		64	75	14



## Disciplinary Policy and Procedures 纪律处分政策和程序

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

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

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

就公职人员品行和纪律事宜向行政长官提供独立公正的意见，仍是委员会年内工作的重要一环。委员会在接获向其徵询意见的纪律个案后，会就每宗个案的惩罚轻重是否恰当，详加审查。此外，委员会继续与公务员事务局紧密合作，深入讨论和检讨有关纪律处分机制的政策和程序。

就个别个案提供意见时，委员会无时无刻，切记要确保在全体公务员中恪守普遍一致的处分原则。为此，委员会曾就多项政策事宜和各种不当行为的处分轻重，与公务员事务局展开检讨和讨论，目的是既要维持公务员崇高的操守，又要整体上保持纪律处分机制的公平公正。此外，委员会也促请当局公布所有新制定的基准和政策，俾使所有部门统一施行，也让员工明白到干犯不当行为的严重后果，知所警惕。

下文各段载述在二零零四年检讨和讨论的主要关注事项。



## Level of punishment in criminal conviction cases

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

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

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

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

## 刑事定罪个案的处分轻重

公务员事务局研究了现时对被刑事定罪人员处以的惩罚是否轻重恰当，切合现况。该局在检讨完成后建议：

- (a) 对屡犯轻微罪行者可予免职，以收更大的阻吓作用；以及
- (b) 如果有关人员没有呈报针对其本人的刑事法律程序，延误时日，致使当局无法根据《公务人员(管理)命令》第11条<sup>11</sup>向该员采取行动(或根据有关纪律部队法例采取相若行动)，纪律处分当局可基于“没有呈报刑事法律程序而妨碍当局根据《公务人员(管理)命令》第11条(或纪律部队法例的相若条文)采取行动”的指控，展开对该员的纪律处分程序。

委员会认同和支持当局有需要对涉及屡犯轻微罪行的个案采取更严厉的态度，因此赞成上述建议。为切合现今标准，也鉴于公众对公务员操守日渐提高的期望，这些个案均须严正处理。委员会虽然赞同上述建议，但设定一项条件，即就上文(b)项而言，提出更严重指控的做法，应适用于在一九九九年七月公务员事务局便笺(内容是要求部门首长提醒员工必须上报针对其本人的刑事法律程序)发出后才出现的个案。在该便笺发出前已出现的个案，则会按个别情况审研。公务员事务局已于二零零五年四月发出通函，公布新的安排，请各部门首长提醒属下员工注意触犯刑事罪行的严重后果。

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

根据《公务人员(管理)命令》第11条，任何人员如被裁定犯了刑事罪行，纪律处分当局在考虑法院就该项控罪进行的法律程序后，即可对该员处以当局认为公正的惩罚，而无须再进行其他纪律处分程序。



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

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

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

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

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

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

## 对因触犯与公职无关的刑事罪行而被定罪的人员处以罚款

对因触犯与公职无关的刑事罪行而被定罪的人员，除一般的惩罚外，是否应该再加处罚款一事，委员会再三研究了有关做法背后的原则和是否适宜推行。委员会赞同应当继续按个别情况考虑每宗个案，但同意作为一项概括指引，假如认为单单谴责／严厉谴责的处分不足，却又不宜或没有充分理由作出更重的处分，则可加处罚款。

## 在迫令退休和革职之间加入惩处级别

委员会多次提议在迫令退休和革职之间，增加惩处级别，为那些几可革职处分的个案定下扣减退休金的罚则。根据经验，在若干行为不当的个案中，革职处分太过严苛，令退休金福利尽失，但迫令退休又太宽大，有关人员的退休金福利分毫无损，待届正常退休年龄便可领取，因此有必要增加惩处级别。

公务员事务局研究过这项建议是否可行。退休金法例在一九八七年修订后（退休金获确认为一种权利），“迫令退休并扣减退休金”的实施范围，只限于贪污等某些类别的严重罪行。为寻求解决方法，使这种罚则不单适用于可享退休金人员，还适用于按公务员公积金计划<sup>12</sup>条款受聘的人员，公务员事务局同意继续跟进有关事宜，并向委员会汇报如下：

- (a) 当局认为，在迫令退休和革职之间增加惩处级别的建议，应适用于可享退休金人员，但按照建议的精神，建议的适用范围应扩大至包括按公务员公积金计划条款受聘的人员；

<sup>12</sup> Applicable to officers who joined the service on or after 1.6.2000 and have been confirmed to the permanent establishment.

公务员公积金计划适用于在二零零零年六月一日或之后受聘并已获实聘成为常额编制人员者。



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

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

### "Reference back" action

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

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

- (b) 当局已着手研究，为按公务员公积金计划条款受聘的人员建立一套制度，以厘定不同级别的惩处，并具体列明在什么情况下公务员的公积金福利可基于纪律理由而被部分没收，以及没收福利的多寡；以及

- (c) 待有关制度敲定后，当局会考虑把该制度的适用范围扩大至包括可享退休金人员(如有需要，相应修订退休金法例)。

委员会所关注的，是进行上文(b)段所提的研究，时间不宜过长。

### "发回案件"的做法

"发回案件"指当局根据《公务人员(纪律)规例》第9条，把研讯报告发还研讯人员或研讯委员会以便澄清疑点的做法。这个程序通常在律政司审阅研讯报告后始进行。根据现行安排，公务员纪律秘书处(纪律秘书处)必须首先取得有关部门首长的同意，否则不得就涉及总薪级表第34点以下人员的研讯报告，直接要求研讯人员／研讯委员会作出必要的澄清。

在大部分纪律个案中，涉案人员的薪点均在总薪级表第34点以下，假如遵照上述安排行事，但部门却没有从速处理“发回案件”，委员会担心会造成不必要的延误。因此，委员会要求当局检讨和改善现有程序。公务员事务局进行检讨后，同意简化有关程序，请行政长官批准授权纪律秘书处高级首席行政主任，可就所有根据《公务人员(管理)命令》处理的个案，下令进行“发回案件”的程序。有关授权由二零零五年四月起生效。



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

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

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

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

## 提醒人员屡次擅离职守／不守时的后果

对于屡次擅离职守／不守时的人员，当局采取严正处理的态度，做法相当正确。现时，这类个案的惩处是免职。对于涉及虚报出勤时间的个案，假如律政司认为有充分理据提出检控，则有关人员甚或会被控“代理人意图使用文件欺骗其主事人”这项刑事控罪。委员会注意到，公务员(尤以较初级的人员为然)未必知悉干犯这类不当行为的严重后果，因此，要求公务员事务局广为宣传，以众周知。

因应委员会的要求，公务员事务局辖下纪律秘书处在派员造访各部门时，已促请部门通力合作，向所有人员传达有关讯息。此外，公务员事务局亦已把不当行为的例子上载公务员诚信管理资讯中心。这个资讯中心是专为部门管理人员而设的内联网网站，提供诚信方面的参考资料，方便查阅。

除上述事宜外，委员会历年就纪律政策和程序提出了不少建议。下文各段撮述有关这些建议的最新情况。

## Re-opening completed disciplinary cases

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

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

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

## 重开已完结的纪律个案

委员会关注到，按严重程度而言，尽管某些不当行为应该以正式纪律行动来处理，但有些部门却为求从速处理，只采取非正式纪律行动了事。委员会认为有需要加入规定，让委员会和公务员事务局可重开已完结的纪律个案。然而，委员会注意到，公务员事务局认为重开纪律个案的安排，可能会有损纪律处分机制，特别是同一不当行为令有关人员遭受超过一次纪律制裁，并不可取。公务员事务局并已重申，会严正处理不当地采取非正式纪律行动的情况，追究有关部门管理人员的责任。

## 在纪律研讯期间或之后改为根据不同的《公务人员(管理)命令》条文采取行动

《公务人员(纪律)规例》第10条订明，在进行研讯的期间或之后，可从根据《公务人员(管理)命令》<sup>13</sup>第9条改为根据该命令第10条采取行动，但是这样的行动过往极为罕见。委员会认为，如在根据《公务人员(管理)命令》第9条进行研讯期间或之后，有新证据足以成为考虑把有关人员免职的理由，则应改为根据《公务人员(管理)命令》第10条采取行动。公务员事务局回应时重申，如案件涉及的不当行为严重，构成充分理由从根据《公务人员(管理)命令》第9条改为根据该命令第10条采取行动，便会这样处理。

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

假如涉嫌干犯的不当行为并非严重至足以成为将该员免职的理由，则可根据《公务人员(管理)命令》第9条采取正式纪律行动。否则，便应根据《公务人员(管理)命令》第10条采取行动，在不当行为查明属实的情况下，使纪律处分当局有权对该员处以当局认为公正的惩罚，包括革职和迫令退休。



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

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

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

## 就有关乙类人员的正式纪律个案徵询委员会的非正式意见

根据《公务人员(管理)命令》，委员会现时只就当局对惩处甲类人员<sup>14</sup>的建议提供意见。这并不包括乙类人员<sup>15</sup>。由于实施新的“三加三”入职制度，有关人员将按试用另加合约条款形式工作六年(以前则为试用两年)后，才可成为甲类人员，因此，乙类人员数目会大幅增加。委员会认为有需要把试用和合约人员也包括在其权限内，以确保作出划一和公平的处理。委员会乐于审核这类个案并提供意见。

然而，公务员事务局认为维持比较简单便捷的机制，用以处理涉及非常额人员的纪律事宜，利多于弊。就按“三加三”条款聘用的人员而言，公务员事务局认为，他们一旦圆满完成按试用另加合约条款受聘的工作期，成为常额人员后，即会纳入委员会的职权范围内。

<sup>14</sup> See Note 1 of Chapter 1 on page 3.  
见第3页第一章注1。

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

根据《香港法例》第99A章《退休金利益规例》，“乙类人员”指(a)在退休或辞职时是担任非设定职位的人员；或(b)在退休或辞职时是担任设定职位，但未获实聘担任设定职位的人员。这包括试用人员、按合约条款受聘的人员及按第一标准薪级表支薪的人员。

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

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

### 判处甲类人员定额罚款

委员会作出有关建议，是为了节省就初级人员干犯较轻微不当行为进行正式纪律处分程序所需的时间和资源。公务员纪律秘书处在二零零零年四月成立，负责根据《公务人员(管理)命令》统一处理正式纪律个案。委员会留意到，自秘书处成立以来，有关个案的处理日见迅速。由于现已设立更完备的机制，让纪律处分当局惩处经正式程序被裁定干犯轻微不当行为的甲类人员，而处理有关程序的时间也已缩短，委员会同意无须引入新机制，就判处甲类人员定额罚款作出规定。



## General Observations and Recommendations 委员会的综合意见及建议

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

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

年内，委员会与各局和部门保持紧密联络，维持伙伴关系，一起寻找、发展和推广行之有效的公务员人力资源管理方法。委员会主席参与了涉及高级人员及其他重要和复杂的遴选和晋升选拔工作，各委员也以观察员身分列席个别会议。此外，委员会主席和秘书处职员访问了多个部门，与有关的部门首长和部门主任秘书讨论纪律和聘任方面的具体问题，以及其他关注事项。

委员会在审研部门递交的建议时，藉机检讨与聘任、晋升和纪律有关的现行政策、规则和做法，务求精简程序。此举不但有助找出纰漏和不足之处，也有助公务员事务局和各部门改善人力资源管理方法。下文各段阐述委员会发现的问题，并载列建议的改善措施和新猷。委员会鼓励各部门首长和部门主任秘书从有关例子汲取经验，改善处理方法，以及留意公务员事务局正在检讨的政策事宜。



Mr Vincent CHOW, BBS, JP  
Member, Public Service Commission  
周永成先生, BBS, JP  
公务员叙用委员会委员

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

“委员会和委员会秘书处经常就管理层处理晋升、纪律及其他事务的方法提出意见。我必须重申，不论是部门首长、职系首长，还是人力资源管理人員，都有必要认真看待这些意见，因应情况推行改革——任由问题拖延，迟疑不决，只会继续窒碍整个制度。”



## Recruitment

### Selection interview

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

### Language proficiency requirement

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

## 招聘

### 遴选面试

在一项招聘工作中，一名面试落选的申请人投诉受到不公平的评核。事缘遴选委员会主席在面试席上暗示，由于申请人曾任职其他部门，遴选委员会对他有较高的期望。委员会虽然信纳遴选委员会并没有对投诉人订立较高的要求，而投诉人面试落选是因为他的一般知识和对有关职位的认识不足，但也关注到，遴选委员会不应令申请人感觉遭受不公平对待。因此，委员会要求该部门提醒那些会担任遴选委员会主席或成员的人员，在面试期间倍加小心，避免令申请人产生“不公平”的印象。

### 语文能力要求

由二零零三年一月一日开始，凡申请学位或专业类别公务员职位的人士，必须在公务员事务局公务员考试组举办的综合招聘考试的英文运用和中文运用两份试卷中，取得合格成绩。无论是公开招聘还是内部聘任，这项规定均适用，但当局可按个别招聘工作的性质和要求作出豁免。委员会注意到，由于特定的入职／工作要求及／或招聘困难，实际上迄今为止，首长级职位的招聘工作一直获豁免，无须符合这项综合招聘考试规定。委员会质疑，就高级职位而言，是否有必要订立以综合招聘考试成绩为准的语文能力要求，又或是否应把豁免定为政策，而无须逐次根据个别情况给予豁免。公务员事务局已承诺就此事作出检讨。



## Updating of the Guides to Appointment

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

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

## 更新《聘任指南》

各部门须就个别职级拟备《聘任指南》，具体说明该职级在招聘或晋升方面所需的资历、要求和聘用条款。委员会注意到，许多《聘任指南》仍只得草拟本，上述由二零零三年一月一日起实施的语文能力要求，以及根据新入职制度<sup>16</sup>聘用的基本职级人员的新聘用条款，均尚未纳入指南内。委员会也注意到，若干在内部进行招聘的基本职级，入职资历和要求大大低于在公开招聘时所订定者。随着专上教育扩展，以及公众对政府服务水准的期望日益提高，委员会认为，各部门应考虑提高有关职级内部聘任的入职资历／要求，使之与公开招聘入职条件看齐。

就各部门提交的晋升／署任建议提供意见时，委员会藉机提醒部门检讨／更新《聘任指南》，把因应新入职制度和政策改变而订定的最新要求纳入指南内，以及视乎情况，把内部聘任与公开招聘的入职资历和要求划一。

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

由二零零零年六月一日起，新入职的基本职级人员按试用条款聘用三年，继而以合约方式聘用三年，然后方会获得考虑按当时的长期聘用条款聘用。

## Promotion

### Consequential vacancy

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

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

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

## 晋升

### 因现职人员署理较高职位而产生的空缺

在处理一宗由公务员事务局提交的晋升个案时，委员会注意到，一位获安排署任六个月以待实际晋升的人员在完成署任期后，虽然工作表现良好，仍不获公务员事务局批准实际晋升，理由是一名高一职级的人员本获推荐署任六个月以待实际晋升，但被要求停止署任并恢复本身的实任职级，以致出现没有空缺这种情况。公务员事务局认为，除非已选出合适人员直接晋升较高职级的职位，否则，该名在低一职级署任的人员即使完成署任期且工作表现良好，也不可获得实际晋升，而须延长其署任期。公务员事务局其后要求有关部门就该个高一职级的职位安排召开新的晋升选拔委员会。

委员会明白公务员事务局顾虑到出现员额超出编制的情况，但却认为职位空缺数目应按职系而非职级作出实际计算。只要较高职级有职位空缺，而且不会由外间聘任或另一职系调派过来的人员填补，则低一职级的职位空缺便可以实际晋升的形式填补。

经商讨后，公务员事务局同意让该员实际晋升。



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

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

### **Cessation of acting appointment**

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

### **逾期提交晋升选拔委员会报告**

在晋升选拔委员会会议结束后三个月，某部门才向委员会提交晋升选拔委员会报告，原因是在晋升选拔委员会敲定其建议后，该部门才发现一名获推荐晋升的人员涉及一宗纪律个案。如果情况许可且有需要的話，其中一个可行的处理方法，是保留该职位空缺，以待该宗纪律个案得出结果。若然如此，有关部门便应向委员会提交晋升选拔委员会报告，徵询委员会的意见，整项晋升选拔工作便可免受阻。

### **停止署任职位**

在一项晋升选拔工作中，一名上一次获晋升选拔委员会推荐长期署任职位的人员，不再获推荐继续署任职位，原因是晋升选拔委员会主席在徵询该员的评核人员后，发现该员有一些缺点。委员会关注到，不但该员的评核报告没有陈述这些缺点，而且当委员会仍在考虑晋升选拔委员会的建议期间，部门管理层已终止该员的署任安排。虽然经部门澄清后，委员会信纳该员不适合继续署任职位，但委员会仍提醒部门，终止署任安排时，必须有充分理据及作出适当交代，这样才符合良好的工作表现管理之道。委员会也提醒部门应辅导该员，指出应予改善的地方，以及促请有关评核人员注意如实撰写评核报告。



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

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

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

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

### ***长期署任职位的晋升机会***

在一项选拔工作中，有一名署任较高职级七年的人员，被建议终止其署任，理由是他在署任职位期间的表现并不稳定，并且有某些地方尚待改善。事实上，在他署任期间，其他排名较后的人员已获晋升选拔委员会建议晋升，但他仅可继续署任。他得以获推荐署任是因为相对于其他人选，他的工作表现评分较高。最近一次晋升选拔委员会认为，该员已有足够机会证明其工作能力，但其表现始终未能达到较高职级的要求，应把机会让给其他较为合适的人员。委员会赞同晋升选拔委员会的建议，但认为部门应尽早对长期署任人员的潜质和是否适合晋升作出严格评估，并应果断地终止某些署任安排，免得有关人员因长期署任而对晋升抱有不切实际的期望。

### ***署任或停止署任的先后次序***

如有足够的职位空缺，便无须为获推荐署理职位以方便行政的人员排列先后次序。不过，有些部门会预先为人员排列先后次序，万一职位空缺取消，这些人员便会依次停止署任。委员会已提醒这些部门，在决定谁应停止署任时，应以署任人员在署任期间的表现为首要考虑因素。



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

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

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

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

## **Consistency in staff reporting**

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

## **没有实施晋升选拔委员会的建议**

过去一年，委员会得悉，由于部门人手情况变动及面对不明朗因素，有些晋升选拔委员会的建议没有落实执行。委员会关注到，有一个部门纯粹基于运作上的考虑，安排未获推荐的人员署理较高职级，而不是由获晋升选拔委员会推荐的人员出任这些较高职级的临时职位。这样的安排并不完全恰当。委员会已提醒该部门，应妥为平衡表现出色员工的前途利益及部门的运作需要，以免阻碍这些人员的事业发展。

## **表现评核制度 改善评核工作**

在审核部门所提出的长期署任或晋升建议时，委员会发现在某些个案中，评核人在连续两、三年的评核年度内，评语完全相同。鉴于评核报告是员工事业发展和晋升的依据，评核人应认真和具体地评述受评人在有关的评核期内的整体工作表现、强项和不足之处。

## **一致的评核**

某人员在试用期评核报告内被上司评为能够完全达到职位的要求，但在评语和个别职责／表现项目的评级上，却清楚显示该员的某些关键才能有改善的空间。部门认为该名试用人员仍未完全达到应有水平，建议延长试用期12个月，而该员须蒙受金钱损失。委员会尽管同意部门的建议，但认为部门应提醒督导人员，评核内容必须前后一致，并据实评核员工的表现。



### **Review of reporting practice**

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

### **Appraisals in acting rank**

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

### **检讨评核安排**

在一些部门，某评核周期内评核人员数度更换，最后一名评核人员须综合之前各评核人员的评核(通常为便笺形式)，撰写详尽的年度评核报告。委员会认为，这个做法会令受评人感到混乱和有所误解，而且对最后一名评核人员不必要地造成不当影响，有碍他对受评人的实际表现作出评核。根据《公务员事务规例》的有关规定，假使评核期较短(例如少过六个月)，评核人员在评核受评人的表现时，应尽可能徵询之前一名评核人员的意见，但没有硬性规定评核人员要把之前一名评核人员的评语纳入评核报告内，而是订明如果受评人以前担任不同职位，应就该员担任该职位时的表现另拟报告。事实上，公务员体系的惯常做法，是由不同的评核人员就所督导的人员分别撰写评核报告。对于现时指派最后评核人员拟备详尽年度报告的部门，委员会已促请它们改为采用公务员体系的惯常做法。

### **署任职级的评核**

在一项晋升工作中，某评核人员在评核辖下一名署任人员的工作表现时，依据其署任职级的要求来作出评核。可是，评核委员会却把有关人员的整体表现和个别表现项目的评级提高，以反映该员在实任职级的表现。这不是惯常的做法，与公务员体系凡获安排长期署任的人员都应按署任职级的标准来评核的既定做法并不一致。委员会已提醒部门要求评核委员会日后纠正有关做法。



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

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

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

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

### **部门的常见管理问题**

在审核部门的晋升或署任建议时，委员会注意到一些常见的表现管理问题，例如：评核过于宽松；逾期填写评核报告；评核人员与接受评核人员的实任职级相同，但没有按照《公务员事务规例》第231(1)条的规定，就评核拟稿的内容徵询加签人员的意见；以及加签人员尚未完成评核便进行评核会见（《公务员事务规例》第232(2)并不鼓励这样做）。

#### **评核过于宽松**

尽管不少部门已设法力行，确保上司如实评核下属，但在某些部门，给予过好评级的问题仍然严重。在某一个案中，所有同级人员在整体表现方面都同时获得“良”的评级，而评核人员只描述受评人的优点，对于缺点却只字不提。这样令管方难以深入比较各名受评人孰优孰劣。委员会认为部门应提醒督导人员必须如实评核，并采用“常”或同等评级作为评核的基准。

### Late completion of reports

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

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

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

### 逾期填写评核报告

委员会发现逾期填写报告的情况屡见不鲜。在最为过分的个案中，某人员二零零一至二零零三年的连续三个年度报告，竟然迟至二零零四年才由加签人员一次过加签，而另一名人员截至二零零二年的报告，则在二零零四年的晋升选拔委员会召开时仍未加签。这种延误，不但剥夺了有关人员知道加签人员对其表现有何评语的机会，而且令晋升选拔委员会迟迟未能召开，不当地拖延了有关工作。管方应提醒督导人员依时填写评核报告。事实上，未能依时填写报告，也反映他们督导及管理技巧欠佳。

在一宗押后通过试任关限而有关人员须蒙受金钱损失的个案中，委员会留意到，有关人员的首三个评核报告，是在评核期完结后超过一年才填写，而随后的评核也花了超过六个月的时间才完成。委员会虽然支持部门所提出的建议，但却认为应提醒评核人员，必须从速报告受评人表现欠佳的情况，尤以涉及试用或试任人员的个案为然，以便管方及早察觉有关员工须予改进的地方。

多年来，委员会不断就表现管理问题提出意见，并吁请各部门正视和解决这些问题。由二零零四年十月起，委员会推行一项新措施，要求部门在提交晋升选拔／遴选委员会报告时，须一并就最近评核期内出现的评核过于宽松／逾期填写报告，以及没有遵守《公务员事务规例》第231(1)及232(2)条规定等情况，提供统计数字。委员会希望透过要求部门在所提交的晋升选拔／遴选委员会报告中刊载这些统计数字，可促使部门／职系首长更加关注部门／职系内的表现管理问题，并着手推行相应的改善措施。



## Passage of probation bar

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

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

## 通过试用关限

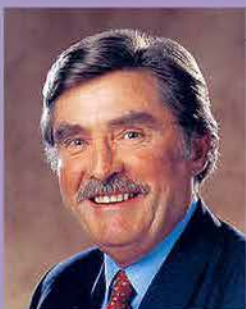
### **以试用方式委任第一标准薪级人员**

一名原属第一标准薪级人员的员工，以试用条款转为按总薪级表支薪的人员，但却在试用期内行为不当。部门提出押后让该员通过试用关限的建议。委员会在审研该项建议时，关注到当局并没有在该员转为按总薪级表支薪人员之前，向他指出并无规定可让他返回先前的职级，而假使他未能通过试用关限，则其服务会遭终止。在发给该员的聘书内，没有对此加以说明，而在该员触犯不当行为后向其发出的书面警告内，也没有提醒他有可能职位不保。委员会认为部门在日后作出类似的聘任时，应明确指出所涉及的问题，以便第一标准薪级人员按试用条款受聘时，清楚知道有关情况。

## Case Studies 个案研究

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

年内，委员会在审核部门的建议书时，发现一些个案在处理上有欠妥善。其中部分个案涉及试用人员，其余则属特定的聘用或纪律个案。委员会认为，采用其中一些个案作个案研究，有助部门从中汲取经验，从而改善人力资源管理方法。



Mr T B Stevenson, SBS  
Member, Public Service Commission  
施文信先生, SBS  
公务员叙用委员会委员

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

“我当上委员会委员的日子尚浅，但已察悉委员会在公务员纪律和晋升程序中担当了公正、独立和监察的角色，深感欣慰。”

### Case A

#### Refusal of passage of probation bar

##### Background

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

##### Problems identified

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

### 个案一

#### 拒绝批准通过试任关限

##### 背景

某部门基于属下一名人员表现欠理想，拒绝批准该员通过试任关限，其后在该员三年试用期届满后，终止其服务。

##### 问题所在

有关部门早在该员试任职位初期，已对其工作能力有所怀疑。虽然多次给予机会，并时加指导，但该员的表现未有任何重大改进。部门因此在十五个月后停止发放增薪予该员，但仍准其留任，直至三年试用期届满为止。期间该员获调派处理例行工作，以应付部门的运作需要。



## Observations

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

### Case B

#### Deferment of passage over probation bar

##### Background

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

## 意见

由于有关人员的表现持续未如理想，委员会同意应拒绝批准其通过试任关限。委员会提醒有关部门，在发现试用人员的表现持续低于所定的标准时，便应迅速采取行动，终止其服务，无须顾及其他运作上的考虑因素。假如有足够理由怀疑某试用人员不适宜通过试任关限，部门管方应立即终止其服务，而不应待至试用期届满后才采取行动。

### 个案二

#### 延长试任关限

##### 背景

一名根据新入职制度(即通常经三年试用期+三年合约期后才获考虑按长期条款续聘)受聘的试用人员行为失当，不止擅离职守，还在补假作偿记录表中作出虚报。该员所属的部门，经咨询公务员纪律秘书处(秘书处)后，决定根据《公务人员(管理)命令》第10条进行正式的纪律研讯。该员否认控罪，而部门亦安排纪律聆讯。由于该员的试用期行将届满，部门提请委员会批准该员在蒙受金钱损失的情况下，延长试用期三个月，以待聆讯结果。

### Problems identified

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

### Observations

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

### 问题所在

有关部门用了六个月的时间，才把个案提交秘书处，请其考虑对有关人员采取正式的纪律行动；之后，再过四个月，才通知该员有关的纪律研讯程序。该部门没有援引《公务员事务规例》第186条，终止有关试用人员的服务，反而诉诸纪律研讯程序以确立对该员的指控，是因为部门相信此举符合自然公正原则，从而避免该员兴讼反对。委员会并不接受此理据，理由是如部门认为试用人员根本不适宜担任职位，援引《公务员事务规例》第186条，是终止其服务的合法和适当途径。不过，由于这宗纪律聆讯个案已处于后期阶段，委员会也同意不宜由原来根据《公务人员(管理)命令》第10条采取纪律行动，改为根据《公务员事务规例》第186条终止该员的服务。

### 意见

委员会对该个案未获妥善处理表示关注。有关部门理应从速处理涉及试用人员的纪律个案。假如有真凭实证，即可决定根据《公务员事务规例》第186条，终止试用人员的聘用，无须采取纪律行动，免得费时失事。在这宗个案中，当局最终根据《公务人员(管理)命令》第10条把有关人员革职。公务员事务局已应委员会的要求，提醒各部门／职系首长注意《公务员事务规例》第186条的规定，在有需要时根据该条终止试用人员的聘用。



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

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

**Problems identified**

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

**个案三****试用期内的署任安排****背景**

某员三年试用期只过了一半，便获得安排署任高一职级。当局这样安排，是因为较高职级出现颇多职位空缺，而该员的工作表现也记录良好。然而，他在署任期间表现未如理想，当局于是要求他在署任十个月后停任并恢复原有职级。上司对他在署任期间的评语是工作态度和承担责任方面有待改善。其后他的表现虽然回复至令人满意的水平，上述在署任期内显现的缺点也不复见，但有关部门认为，鉴于他先前出现的缺点，令人对他是否适宜通过试用关限存疑。该部门打算在令该员蒙受金钱损失的情况下延长其试用期六个月，并为此徵询委员会的意见。在延长的试用期结束时，该员证明力能胜任，终获批准通过试用关限。

**问题所在**

根据首三份试用报告，该员的工作表现良好，因此，他仅仅在职一年半便获得推荐署任。但署任以来，他的表现一直未如理想，各方面都有待改善。当局于是发出劝诚信，着其改善工作表现，并按季填写报告，以监察其表现。该员表现未如理想，可能是因为经验不足，无法承担较高职级的责任，以致表现未能符合应有标准。要知道的是他仍只处于试用期，担任实任职级的经验尚浅，有关部门对他的署任表现或期望过高。再者，有关部门在作出署任安排时，理应考虑到他仍只是试用人员这点。



## Observations

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

### Case D

#### Passage of promotion step

##### Background

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

## 意见

就该宗个案而言，委员会赞同在该员蒙受金钱损失的情况下延长其试用期六个月。委员会在提供意见时向该部门强调，应给予试用人员足够机会，让其证明确实适合担当目前试任的职级。假如因运作需要而要求试用人员在试用期内署任较高职级，则应当给予适当辅导和指引，并加以监察。发现他们不适合继续署任较高职级时，管方便应适时采取行动，安排他们复任原来职级，以免妨碍他们通过试用关限。

### 个案四

#### 通过升级点

##### 背景

某人员在一九九九年四月行为不当，同年十一月遭严厉谴责。部门认为该员的不当行为严重，因此升级的限制期应予延长，于是决定不准该员在五年内通过升级点，由判罚当日起计，直至二零零四年十一月为止。该员向委员会提出上诉，理由是根据部门通告，严厉谴责对升级的限制期为三年，由触犯不当行为该日起计算。故此，限制期应在二零零二年四月初届满。



## Development

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

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

## 事情发展

在委员会秘书处接手处理该个案后，部门徵询法律意见，并决定在考虑该员可否通过升级点方面，遵循部门通告订明的升级限制期，即由触犯不当行为该日起计的三年。该员在一九九九年的年度考绩报告中被评为不适合晋升，部门认为，该员的工作表现从二零零零年评核周期(以十二月为年结)开始才达到可获考虑晋升要求，因此推荐该员通过升级点，生效日期追溯至二零零三年一月。

不过，委员会翻查过该员的表现记录后，发现他在一九九九年的整体工作表现被评为“常”，当年评估他不适合晋升，是基于他所犯不当行为，而不是因为其实际工作表现不足。假如情况属实，没有理由对他施以两度惩罚，把他的晋升日期押后至二零零三年一月。经讨论后，部门同意“不大适合晋升”的评级与其工作表现无关，不应据此阻止该员晋升。部门也同意让该员擢升，日期追溯至二零零二年五月，因为由该日期起该员已符合所有晋升条件，包括年资和学历方面要求。

### Issues of concern

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

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

### 关注事项

该部门最初不批准该员通过升级点，但却没有向委员会提交建议，徵询意见。委员会接获该员的投诉后才知悉此事。根据《公务员事务规例》的有关条文和指引，如果不打算批准人员(属委员会权限内职级)通过升级点，必须咨询委员会和公务员事务局局长。委员会关注到其他部门可能也不知道上述规定。公务员事务局已应委员会的要求，提醒各部门遵守上述规定。

此外，委员会也关注到，该部门的纪律处分方法，偏离《纪律处分程序指南》所载指引，而其他部门都是依循这些指引来处理的，详情如下：(a)在该部门作出的严厉谴责，对升级的限制期为三年，其他部门则根据《纪律处分程序指南》所定的指引，限制期为三至五年；以及(b)该部门对升级的限制期由干犯不当行为的日期起计，而非按《纪律处分程序指南》所定，由惩处日期起计。委员会欣悉该部门现正修订其部门通告，使之与《纪律处分程序指南》一致。



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

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

**Problems identified**

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

**个案五****管理表现未达标准的员工****背景**

一名员工的工作表现持续低于所属职级的应有水准(只得“可”的评级)。一九九七年六月，所属部门按委员会的建议向他发出劝诚信。自一九九九年以来，该员的表现每况愈下，表现评级下降至“劣”(最差的评级)。他的判断力、工作准确程度、自信和独立处理职务的能力，都有不足。尽管其直属上司再三给予辅导、指引和指导，但他的表现毫无改善。由于表现持续欠理想，他在二零零三年七月被部门停止发放增薪，其后在二零零四年三月的评核会见中，遭上司警告，指表现如再无改善，部门便会根据《公务人员(管理)命令》第12条，对他采取行动。

**问题所在**

这宗个案反映该部门的员工表现管理制度有严重不足之处。虽然该名人员的表现在一九九七年后一落千丈，工作表现评级由“可”跌至“劣”，但部门管方却一直未有及早采取果断行动。管方直至二零零三年七月才停止发放增薪予该员，并要到二零零四年三月进行评核会见时，才向他警告，指当局或会采取行动，要求他为公众利益着想而退休；二零零四年十一月，管方向他发出劝诚信，重申警告内容。此外，该员亦接获通知，管方要求其上司在六个月内提交两份特别的评核报告，以监察他的表现，从而决定是否根据有关命令第12条采取行动。

## Observations

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

## 意见

在过去四年，该部门对该员表现持续未达标准视若无睹，迟迟未有任何行动，直至二零零四年十一月才加以监察和有所行动，这是完全不可接受的。另一方面，加签人员迟迟未填写有关人员和与该员同一职级的其他人员的评核报告，完全违反良好表现管理之道。推行工作表现评核制度的目的，是及时评估受评人的表现并给予意见，藉以监察其工作表现。延误填写报告令评核制度失去其作用。委员会敦促该部门改善其表现管理制度；认真提醒监督人员必须依时填写属下人员评核报告，并向他们指出，延迟提交报告，反映出他们的监管技巧差劣；以及在有理有据的情况下，根据《公务人员(管理)命令》第12条，向表现未达标准的人员采取果断行动。



Dr Elizabeth Shing, JP  
Member, Public Service Commission  
成小澄博士, JP  
公务员叙用委员会委员

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

“我们的公务员被誉为全球其中一支最能干和效率超卓的队伍，成绩有目共睹，殊堪表扬。高级公务员和所有人员均须继续努力不懈，精益求精，齐心为社会提供一流服务，时刻准备迎接重重挑战，克服困境。对于表现欠佳的人员，绝不能加以容忍”



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

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

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

**个案六****《公务人员(管理)命令》第10条与第12条****背景**

某部门向公务员事务局建议，根据《公务人员(管理)命令》第12条，着令一名工作表现持续欠佳的人员为公众利益着想而退休。在考虑该个案后，公务员事务局支持建议，并向该员发出拟令退休通知书，着令他为公众利益着想而退休。该局其后就此事徵询委员会的意见。

在处理有关建议时，委员会注意到，除根据有关命令第12条展开的行动外，当局也考虑过就该员涉嫌行为不当，根据第10条采取正式纪律行动。该员涉嫌干犯的不当行为包括擅离职守和不服从上司，若证明属实，其严重程度足可使该员被免职。然而，由于其他控罪(如作出虚假报告等)事隔已久，难以求证，因此，在搜集证据方面，费耗不少时间，以致不必要地拖延纪律研讯程序。其间，该员的不当行为始终未见收敛，擅离职守的时间累计逾100小时，致使该部门须扣减其薪酬。尽管如此，公务员事务局当时仍同意终止根据第10条所采取的正式纪律行动，而只根据第12条采取行动。

### Issues of Concern

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

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

### 关注事项

该员根据新退休金计划受聘，年资不足十年。假如根据第12条着令他退休，他可根据新退休金计划获发延付的退休金福利。不过，鉴于其不当行为的性质和严重程度，如果根据第10条对他进行纪律研讯，则他极可能会被革职(即不获发延付退休金福利)处分。

委员会认为，假如根据第12条采取行动，该员所获得的待遇，会较其他服务年期不足十年、因辞职离开政府的人员为优，因为后者即使品行和表现良好，也不会享有任何退休金福利，这样对后者是不公平的。同时，委员会也关注到，该员自接获拟令退休通知书后，工作态度欠佳，尤有甚者，是他对办公室的运作不断造成干扰。有见及此，委员会向公务员事务局提出质疑，这宗个案应否根据第12条处理，因为必须注意的一项基本原则，就是如果不当行为的指控的严重程度足以令有关人员被免职，则应根据第10条而非第12条来处理。公务员事务局在其回应中重申该原则，并在覆核有关该员最近擅离职守的不当行为方面的证据后，同意改为根据第10条立即对该员采取行动。在得悉此事后，该员以缴付一个月薪金代替通知的方式辞职。由于该员为了逃避纪律研讯而辞职，有关部门会采取行动，使他丧失所有赚得的假期。



## Observations

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

## Case G

### Consistency of disciplinary awards

#### Background

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

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

## 意见

委员会十分关注该宗处理不善的个案。管方须不断展示坚定决心，绝不姑息不当行为，避免为求从速了事而根据第12条采取行动。日后当有涉及可同时根据第10和12条采取行动的个案出现时，公务员事务局与有关部门都应力求一致，只在根据第10条采取行动的做法并不可行时，才根据第12条采取行动。

## 个案七

### 纪律处分轻重一致

#### 背景

某部门多名人员被揭发没有履行基本职责，在正式文件内填报虚假资料，以及虚报津贴。其中四人遭起诉，被裁定“代理人意图使用文件欺骗其主事人”和“伪造假帐”两项罪名成立。其后当局根据《公务人员(管理)命令》第11条把四人革职。

另一名与该四人同级的涉案人员，同样遭受检控，但因技术理由被判无罪。当局其后根据《公务人员(管理)命令》第10条向他采取正式纪律行动。他承认有一次没有履行基本职责、两次擅离职守，以及两次填报虚假资料，最终被裁定指控成立。

### Issues of concern

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

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

### 关注事项

当局早于二零零零年十一月已取得法律意见，指其可以向该名刑事罪名并不成立的人员展开正式纪律行动，但该部门却决定暂不跟进，等待刑事法律程序结束，以及根据第11条向其馀四人采取行动后，再行定夺。该四名被定罪的人员在二零零二年被革职后，该部门考虑应否采取《公务人员(管理)命令》第12条的行动，以失去信心为由，着令该员退休，其间耗时之长，极不合理。采取第12条行动的建议被否决后，该部门认为以非正式处分形式向该员发出书面警告便足够。

公务员纪律秘书处与公务员事务局于是与该部门展开冗长的讨论，该部门最后同意根据第10条安排进行正式的纪律研讯。然而，在该员承认所有指控后，该部门却坚持只应处以严厉谴责，另加罚款，并提出告诫，如果他再度行为失当，即行撤职。不过，公务员事务局却建议应当迫令该员退休。



## Observations

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

## 意见

纪律处分必须按公平和划一原则来处理。虽然在这宗个案中有关人员并没有被刑事定罪，但他所干犯的不当行为，其性质与另外四名被定罪人员相若。既然有关部门基于员工应有崇高的操守而坚持把被定罪的四名人员革职(最终的确把他们革职)，那么让该员留任，便是给予该员特殊待遇，处理上既不公平，又不一致。委员会赞同公务员事务局有关该员应当遭受迫令退休处分的建议，并要求该局除了促请该部门注意，维持纪律处分轻重一致外，也应提醒其他部门／职系首长注意这项要求。

## Visits and Events 访问及其他活动

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

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

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

委员会继续与海外和内地的有关机构／委员会保持密切联系。

二零零四年八月十九日，内地监察部一名人员探访委员会秘书处。我们向他简介委员会的职能和运作。二零零四年九月七日，由越南政府公务员组成的代表团探访委员会秘书处。主席与他们就共同关注的课题，尤其有关评核和甄选高级人员的课题，交流意见。

二零零四年十一月二十二至二十六日，国际公共行政组织在英国伦敦举办“公务人员事务委员会：专业表现——卓越成就”会议，逾18个委员会派代表参加，主席代表委员会出席。与会者讨论了公务人员事务专员现今面对的重大事项。此外，会议也提供难得的机会，让参加者分享经验，一起探讨种种挑战。在英国逗留期间，主席趁机拜会首席公务员事务专员 Usha Prashar 勋爵，就公务员管理、培训和人力资源发展等多个课题进行讨论，交流意见，得益不浅。



## Acknowledgements 鸣谢

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

As always, the staff of the Commission Secretariat continued to provide unfailing support to the Commission by working most efficiently and maintaining a very high standard in vetting departmental submissions. The Chairman and Members of the Commission wish to place on record their appreciation to the Secretary and her team for their steadfast work and contribution.

公务员事务局局长及属下职员不断鼎力支持并协助委员会各方面的工作，委员会谨此衷心致谢。年内，各常任秘书长、部门首长及高层人员对于委员会的提问和建议给予衷诚合作和理解，委员会谨致谢忱。

一如以往，委员会秘书处职员继续向委员会提供全力支援，在审核部门建议方面，克尽厥职，全力以赴，主席及各委员谨此表扬他们的贡献。

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

### 委员会秘书处提供意见后曾作修订的建议

Submissions with Recommendations Revised following PSC Secretariat's Observations – 2004  
二零零四年委员会秘书处提供意见后曾作修订的建议

Number of 数目	Category 类别	Recruitment/ In-service Appointment 招聘/ 内部聘任	Promotions/ Acting Appointments 晋升/ 署任职位	Appointment on Agreement Terms/ Re-employment after Retirement 按合约条款聘用/ 退休后重行受雇	Discipline 纪律	Cases of retirement in the public interest 着令为公众 利益着想而 退休的个案	Others* 其他
	Submissions advised on 曾提供意见的建议	67	458	120	146	7	113
	(a) Submissions queried 曾提出质疑的建议	9	202	32	7	0	39
	(b) Submissions with revised recommendations following queries 在提出质疑后作修订的建议	2	104	2	4	0	7
	(b) / (a)	22%	51%	6%	57%	0%	18%

Comparison with Previous Years  
与过去数年的数字比较

Year 年份	2002	2003	2004
Total No. of submissions advised on 曾提供意见的建议总数	1262	932	911
(a) Submissions queried 曾提出质疑的建议	410	314	289
(b) Submissions with revised recommendations following query 在提出质疑后作修订的建议	189	89	119
(b) / (a)	46%	28%	41%

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

这个类别的建议包括因运作需要而署任职位的检讨、通过试用／试任期限、开放职位、修订聘用条款及聘任指南。



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

## 委员会主席及委员简介



### Mr Haider Barma, GBS, JP

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

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

### 鲍文先生, GBS, JP

委员会主席  
(一九九六年八月一日获委任)  
职业：公务员叙用委员会主席  
学历：香港大学文学士

鲍文先生终身为香港政府服务。他在一九六六年八月加入政务职系，退休前担任的高级职位计有副銓叙司（聘任）（一九八六至八八年）、区域市政总署署长（一九八八至九一年）、市政总署署长（一九九一至九三年）及运输司（一九九三至九六年）。



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

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

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

### 周永成先生, BBS, JP

委员会委员  
(一九九八年二月一日获委任)  
职业：周生生集团国际有限公司集团董事兼总经理  
学历：理学士、理学硕士

周先生是香港城市大学校董会成员，也是香港管弦乐团监察委员会委员，并担任香港话剧团有限公司主席。



### Mr Frank PONG Fai, JP

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

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

### 庞辉先生, JP

委员会委员  
(任期由一九九八年二月一日至二零零四年一月三十一日)  
职业：绍荣钢铁有限公司常务董事  
学历：理学士、香港工程师学会资深会员、香港运输学会资深会员

庞先生是香港理工大学顾问委员会和律师纪律审裁组的成员。



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

Member, Public Service Commission

(appointed on 1 June 1999)

Occupation : Director-General, Hong Kong Management Association

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

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

### **成小澄博士, JP**

委员会委员

(一九九九年六月一日获委任)

职业：香港管理专业协会总干事

学历：荣誉文学士、工商管理硕士、工商管理博士、英国特许管理学会会士

成博士是选举管理委员会、退休公务员就业申请咨询委员会、公众卫生及市政条例封闭令（对健康的即时危害）上诉委员会、消费者委员会及消费者诉讼基金管理委员会的成员。



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

Member, Public Service Commission

(appointed on 1 December 2001)

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

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

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

### **陈清霞女士, JP**

委员会委员

(二零零一年十二月一日获委任)

职业：祖伟仕律师行的高级合伙人、多家公司的董事

学历：法学士、理学士、中国法律文凭

陈女士是医院管理局成员兼其下的公众投诉委员会主席，也是九龙医院和香港眼科医院的主席。此外，她是中国司法部委托公证人，同时也是中国人民政治协商会议天津市委员会常务委员、天津市人民政府对外经济法律顾问、中国国际经济贸易仲裁委员会的仲裁员，以及香港会计师公会纪律小组会员，并担任香港中国企业协会的法律顾问。





### Mr Wilfred WONG Ying-wai, JP

Member, Public Service Commission

(appointed on 1 February 2002)

Occupation : Vice-Chairman of Shui On Holdings Ltd.

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

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



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

Member, Public Service Commission

(appointed on 23 May 2003)

Occupation : Businessman

Qualification: Solicitor of Supreme Court of Hong Kong

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

### 王英伟先生, JP

委员会委员

(二零零二年二月一日获委任)

职业：瑞安集团有限公司副主席

学历：社会科学学士（香港大学）、管理  
学文凭（香港中文大学）、公共管  
理学硕士（哈佛大学）、行政发展  
研究课程（牛津大学）

王先生是社会福利咨询委员会主席、扶贫委员会委员、香港浸会大学谘议会及校董会副主席、香港科技大学校董会成员、香港国际电影节协会主席，并担任香港工商专业联会的信托委员及长江开发沪港促进会副理事长。

### 叶锡安先生, 教育学博士, JP

委员会委员

(二零零三年五月二十三日获委任)

职业：商人

学历：香港最高法院律师

叶先生是香港赛马会董事，以及香港公益金执行委员会和董事会的成员。他亦是尤德爵士纪念基金信托委员会、伊利沙伯女皇弱智人士基金理事会，以及香港爱滋病基金会顾问委员会的成员。此外，他也是北京清华大学法学院研究顾问及医疗管理学会荣誉院士。



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

Member, Public Service Commission

(appointed on 1 February 2004)

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

Qualification: B.A.(Hon) HKU

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



### **Mr Thomas Brian STEVENSON, SBS**

Member, Public Service Commission

(appointed on 1 February 2004)

Occupation : Businessman

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

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

### **施祖祥先生, GBS, JP**

委员会委员

(二零零四年二月一日获委任)

职业：太古股份有限公司独立非执行董事、李锦记有限公司非执行董事

学历：香港大学荣誉文学士

施先生是廉政公署审查贪污举报咨询委员会的成员。他终身为香港政府服务，一九六九年加入政务职系，在约26年的公务员生涯中，曾任多个部门和决策科首长。他退休前担任公务员事务司，一九九六年退休后转任香港贸易发展局总裁，二零零四年五月离任。

### **施文信先生, SBS**

委员会委员

(二零零四年二月一日获委任)

职业：商人

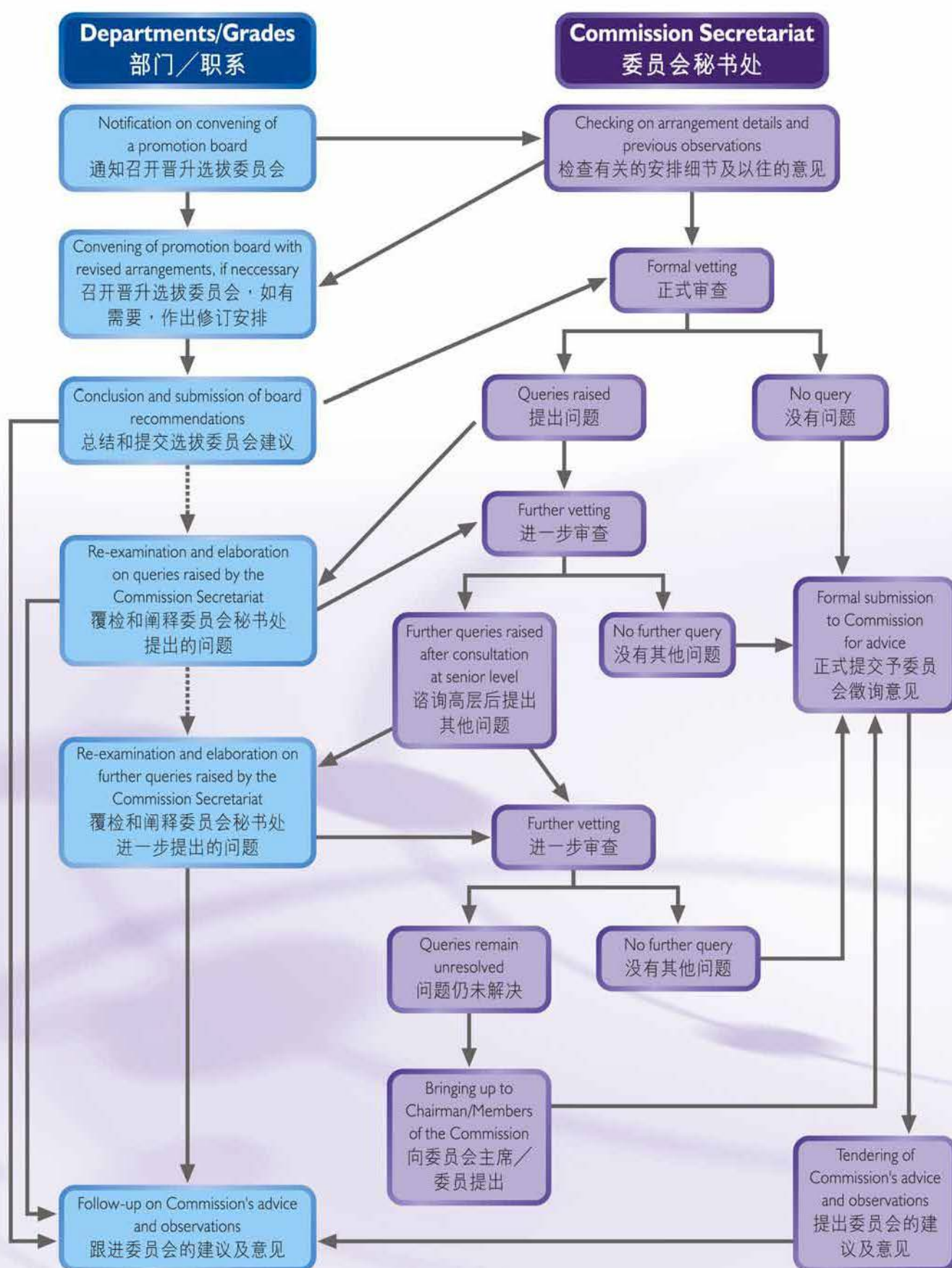
学历：特许会计师、格拉斯哥大学和香港大学法学士

施文信先生是香港上海滙丰银行有限公司和地铁有限公司的非执行董事，亦是香港赛马会董事。

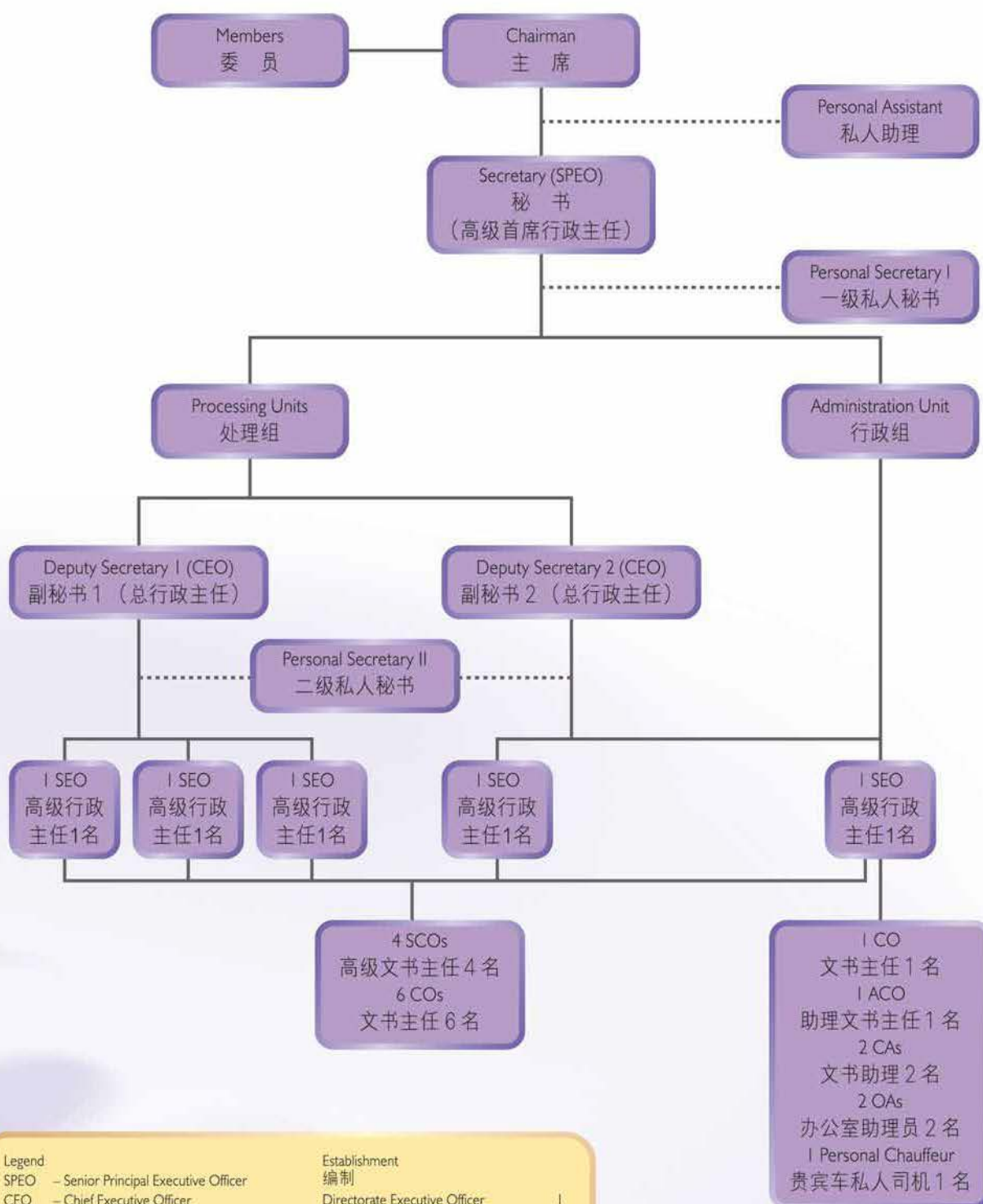


# Flow Chart Illustrating the Vetting Process of Promotion Cases

## 晋升选拔个案审查程序流程图



## Organisation of the Public Service Commission Secretariat 公务员叙用委员会秘书处组织架构



## 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

编制  
Directorate Executive Officer 1  
首长级行政主任  
Executive Officer Grade 7  
行政主任职系  
Clerical Grade 16  
文书人员职系  
Secretarial Grade 3  
秘书职系  
Chauffeur Grade 1  
贵宾车司机职系



# Appointments to the Senior Directorate (D3 & above) in 2004

## 二零零四年高层首长级人员 (D3或以上) 的任命

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

#### Breakdown by Pay Scale

徵詢委員會意見

填補的高層首長級職位空缺 (按薪級列出)

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

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

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

### Appointments to Heads of Departments

#### Advised by PSC

徵詢委員會意見任命的部門首長

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

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

#### Legend 注

C General Disciplined Services (Commander) Ranks 一般紀律人員 (指揮官級)

D Directorate Group 首長級人員

DL Directorate (Legal) Group 首長級 (律政人員)

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

## 二零零四年聘用（按薪俸组别列出）及有关事宜的分项统计数字

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



Other Appointment-related Matters in 2004  
二零零四年其他与聘用有关事项

Other appointment-related matters referred to the Commission for advice during 2004 are set out as follows :  
二零零四年内曾徵询委员会意见的其他与聘用有关事项如下：

		No. of ranks 职级数目
Guides to Appointment 聘任指引		25
		No. of cases 个案数目
Representations/complaints 申述书/投诉		16
		No. of officers 人员数目
Extension/Refusal of passage over 延长/不批准通过	Probation bar 试用关限	26
	Trial bar 试任关限	8
Revision of terms: 修订聘用条款：		
(Transfer from local agreement terms to pensionable terms) (由本地合约条款转为可享退休金条款)		—
(Transfer from locally modelled agreement terms to pensionable terms) (由本地模式合约条款转为可享退休金条款)		—
(Transfer from common agreement terms to pensionable terms) (由划一合约条款转为可享退休金条款)		—
Promotion waiting list 晋升候补名单		14
Acting for administrative convenience 为方便行政而署理职位		1965
Acting with a view to substantive promotion 署理以待实际升职		191
Acting with a view to substantive promotion waiting list 署理以待实际升职候补名单		12
Total no. of officers 合计人员数目		2 216