



Public Service Commission

公務員叙用委员会



Annual Report 2006
二零零六年年报



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Foreword 前言

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

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

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

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

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

自二零零五年五月出任公务员叙用委员会主席以来，这是我发表的第二份委员会年报。

年报主要汇报委员会二零零六年的工作。委员会对于大部份的局和部门都能够采取良好的人

力人力资源管理措施，感到满意。然而，委员会也一如以往，在工作中发现了一些尚待改善的地方和处理不当的个案。在年报内阐述这些情况，旨在说明各局和部门可以如何在其架构内进一步加强某些人力资源管理措施。各局和部门一直努力不懈，竭力维持公务员聘任、晋升和纪律制度公正无私，纵有少数的个别事件有违常规，也应客观衡量，不宜以偏概全。

委员会对部门的聘任和纪律事宜处理方法如有意见，会告知当局跟进。我们亦一直与当局紧密合作，检讨需要予以修订的政策和制订更清晰的规则与程序指引。委员会高兴得悉当局对相关政策和措施已作出了修订或考虑作出修订。我们会继续积极担当公务员事务局局长的“智囊团”，协助精简和合理调整公务员的聘任和纪律制度。

由于委员会提出的意见大多与聘任有关，在本年报内，我们把二零零五年年报中关于聘任事宜的一章分为四章，撮述所讨论的事项和当局采取的跟进行动。该四章是第三至第六章，分述招聘、晋升选拔、员工表现管理制度及其他聘任事宜。在纪律事宜方面，委员会的意见和相关的检讨，全都收录在第七章。

委员会除了监察聘任和纪律事宜外，也特别关注任何会影响公务员体制的发展。二零零六年七月，当局发表《进一步发展政治委任制度谘询文件》(谘询文件)，供公众讨论。委员会应公务员事务局局长的要求，详细讨论了谘询文件，其后在二零零六年十月二十六日，向政制事务局局长



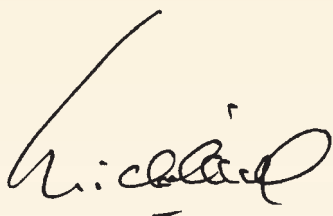
Foreword 前言

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

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

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

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



Nicholas NG Wing-fui
Chairman

提交意见，并在同日把意见另函送交公务员事务局局长。

概括而言，委员会认为现行问责制的成效应予认真检讨，而增设两个层级的政治任命官员的建议，如要落实，则应采取循序渐进方式。在落实有关建议的过程中，当增设层级的政治任命官员上任后，公务员不应担当任何政治角色。委员会认为，公务员事务局局长既负责公务员政策及管理事宜，应保持公务员身分，而不应纳入“旋转门”的适用范围内。为此，委员会提出了具体建议。

委员会最关注的事宜是，在扩大政治制度后，公务员可与新委任的政治官员携手合作，有效管治香港。委员会致函公务员事务局局长和政制事务局局长，就谘询文件提出了整体看法，提议和意见。这些资料载于年报的附录 I。

在二零零六年，委员会虽然工作繁重，但也取得了丰硕成果。我谨此衷心感谢各委员在年内提出不少精辟意见，贡献良多。我也要特别向年内离任的周永成先生、王英伟先生及柯黄秋梅女士致意，感谢他们为委员会尽心服务。同时，我在此欢迎罗家骏先生、简金港生女士及黄美春女士加入委员会。



吴荣奎
主席

CHAPTER 1 第一章

The Public Service Commission's Role and Functions 委员会的角色和职能

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

1.1 委员会是在一九五零年成立的独立法定机构，其职权范围在《公务员叙用委员会条例》及其附属规例（香港法例第93章）已有订明。委员会的主要职责，是就公务员的聘任、晋升及纪律事宜，向行政长官提供意见。委员会的使命，是要维护公务员聘任和晋升制度公平公正，以及确保公务员纪律处分机制公允持正，惩罚原则总体一致。

Functions

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

职能

1.2 除少数个别情况外¹，委员会就聘任及晋升事宜提供的意见，其范围仅限于高职级公务员，包括顶薪点达每月薪金31,860元（总薪级第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。截至二零零六年年底，在委员会职权范围内的设定公务员职位共有32 613个。

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

以下各类个案，不论所涉职级高低，必须徵询委员会的意见：
— 不获续约／提供任期较正常为短的合约；
— 延长／拒予通过试用／试任关限；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。

CHAPTER 1 第一章

- 1.3 The posts of Chief Secretary for Administration, Financial Secretary, Secretary for Justice, the Director of Audit as well as posts in the Judiciary, the Hong Kong Police Force and the Independent Commission Against Corruption fall outside the Commission's purview. In addition, following the introduction of the Accountability System on 1 July 2002, Ministers or Directors of Bureau are not civil servants and their appointments also need not be referred to the Commission.
- 1.4 As for disciplinary cases, the Commission's purview covers all Category A officers² with the exception of exclusions specified in the Public Service Commission Ordinance³. Category A officers cover virtually all officers except those on probation, agreement and those remunerated on the Model Scale I Pay Scale. At the end of 2006, the number of Category A officers under the Commission's purview was about 111 000.
- 1.3 政务司司长、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，都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，其聘任事宜也无须交由委员会处理。
- 1.4 至于纪律事宜，所有甲类人员²的纪律个案（《公务员叙用委员会条例》订明不适用的人员的个案除外³），都由委员会处理。甲类人员实际上包括试用人员、合约人员和按第一标准薪级表支薪的人员以外的所有公务员。截至二零零六年年底，在委员会职权范围内的甲类人员约有111 000人。

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

根据《退休金利益规例》(香港法例第99A章)，"甲类人员"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。

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

根据《公务员叙用委员会条例》(第93章)第6(2)条，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，均不在委员会的职权范围内。

CHAPTER 1 第一章

- 1.5 In examining submissions from the Administration, the Commission may raise questions where necessary to ensure that the recommendations are sound and the related process is carried out fairly, meticulously and thoroughly. The Administration is required to clarify or justify its recommendations in response to the Commission's observations and queries. On many occasions, the Administration has modified its recommendations following comments from the Commission whilst, in other instances, the Commission has been satisfied with the propriety of the recommendations after seeking further clarifications or additional justifications. The Commission also draws the Administration's attention to deviations from established procedures or practices and staff management problems identified during the processing of submissions and, where appropriate, recommends measures to tackle these problems.
- 1.6 The Commission also handles representations from officers on matters falling within the Commission's statutory responsibilities and in which the officers have a direct and definable interest. In 2006, the Commission dealt with 18 representations relating to appointment issues. After careful and thorough examination, the Commission was satisfied that the grounds for representations in all these cases were unsubstantiated. There were also 32 other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.
- 1.5 委员会在审研政府所提交的建议时，如有需要会提出问题，以确保建议合理及处理程序公平周密。当局须就委员会的意见和疑问，澄清或解释所提建议。在许多个案中，当局都因应委员会的意见修改建议；也有部分个案，经当局澄清或详加解释后，委员会认为建议恰当。委员会审阅建议时，如果发现偏离既定程序或做法的情况，又或发现有人事管理的问题，便会促请当局注意，并按情况建议改善方法。
- 1.6 委员会也处理在委员会的法定权限内公务员就本身有直接和实际利益关系的事宜提出的申述。年内，委员会处理了18宗与聘任事宜有关的申述个案。经详细审查后，委员会认为所有个案的理据均不成立。委员会另外收到32宗投诉，所涉事宜不属于委员会的职权范围，已全部转交有关部门跟进。

CHAPTER 1 第一章

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

Performance Target

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

1.7 此外，委员会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。委员会也充当公务员事务局局长的“智囊团”，就聘任、晋升和纪律方面的政策和程序，以及各式各类与人力资源管理相关的检讨和发展事宜，提供意见。

工作目标

- 1.8 年内，委员会就892项建议提供意见，涵盖招聘和晋升工作、纪律个案和其他与聘任有关的事宜。委员会对其中278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115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II。
- 1.9 在处理招聘、晋升及纪律个案方面，委员会的目标是在接获部门的建议后六个星期内，提供意见或作出正式回应。年内，所收到的建议全部在目标时间内获得处理。

CHAPTER 2

第二章

Membership and Secretariat of the Commission

委员会成员及秘书处

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

2.1 根据《公务员叙用委员会条例》，委员会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。

CHAPTER 2 第二章

Membership

成員

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

2.2 二零零六年委員會成員名單如下：

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

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

Curricula vitae of the Chairman and Members are at *Appendix III*.
主席及委員的簡介載于 *附录 III*

CHAPTER 2 第二章

Secretariat of the Commission

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

Method of Work

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

委员会秘书处

- 2.3 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。委员会秘书处所处理的个案工作，大部分为晋升选拔个案。附录IV载列晋升选拔个案审查程序流程图，以资说明。
- 2.4 截至二零零六年年底，秘书处有27个编制职位，最新的组织架构图见附录V。

工作方式

- 2.5 委员会的工作通常以传阅文件的方式进行。如须讨论重大政策、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，阐述有关事宜或个案的背景资料，由委员会作出独立的判断。

CHAPTER 2 第二章

Homepage on the Internet

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

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

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

Homepage on the Central Cyber Government Office (CCGO)

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

互联网的网页

- 2.6 委员会网页可透过政府资讯中心接达，也可直接登入下列网址：

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

委员会网页载有委员会的基本资料，包括角色和职能、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（由二零零二年起）可在网上浏览，也可从网页下载⁴。

数码政府合署的网页

- 2.7 委员会网页自二零零一年一月起上载至数码政府合署，为各局和各部门人员提供另一个快捷的途径，方便他们查阅委员会在聘任和纪律事宜的程序与政策方面的观点和最新意见，希望对他们的工作有所助益。

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

委员会年报的印行本也可在公共图书馆和各区民政事务处索阅。

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Civil Service Recruitment: Observations and Reviews 公务员招聘：意见及检讨

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

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

3.1 公务员的招聘工作由公务员事务局及政府各部门负责进行。对于基本职级、未能由内部擢升人员填补的晋升职级或有特别需要的职位，当局会进行公开招聘。而内部招聘的职位就只适合所有或某些组别的在职公务员申请。香港特别行政区(特区)政府在一九九七年七月一日成立后，新聘用的公务员必须是特区永久居民。然而，根据《基本法》第一百零一条，如永久居民当中没有合资格和合适人选，专业及技术职位可由非永久居民填补。

3.2 委员会负责监察高职级公务员⁵ 职位空缺的公开及内部招聘程序、审核有关甄选准则，以及就聘用建议提出意见。此外，如部门在招聘过程中遇到程序上的问题，委员会会经与公务员事务局商讨后向他们提供意见。

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

这是指属委员会正常职权范围内聘任的高职级人员(即顶薪点达总薪级第26点(现为31,860元)或以上或同等薪点的人员)，当中不包括：(i) 顶薪点达总薪级第26点或以上属于非学位及非专业职系的基本职级人员；以及(ii) 订明不在委员会职权范围内的司法机构人员、廉政公署人员，以及香港警务处纪律职系人员。

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An Overview of Recruitment Position in 2006

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

二零零六年招聘情况概要

3.3 没有纳入第二轮自愿退休计划的职系⁶由二零零三年四月一日起全面暂停公开招聘人员的规定，继续对公务员队伍，特别是基本职级的人手情况造成影响。在不影响公务员整体编制的前提下，进行内部招聘一般是容许的；如要进行公开招聘，则须经联席委员会（由政务司司长和财政司司长共同担任主席，并由公务员事务局局长担任委员）特别批准。年内，联席委员会特别批准进行公开招聘，以填补18个部门内40个职级约3 200个职位，当中包括社会福利署助理社会工作主任、康乐及文化事务署图书馆助理馆长、破产管理署律师，以及香港海关督察等。至于纳入第二轮自愿退休计划的职系，则须于二零零三年三月二十一日（即计划生效日期）起计五年内，

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

为达到政府在二零零六至零七年度或之前把公务员编制缩减至约16万个职位的目标，当局采取了多项措施，其中一项是在二零零三年三月二十一日推出第二轮自愿退休计划，让229个已确定或预计出现过剩人手的指定职系的人员自愿离职。结果，约有5 300宗根据该计划提出的申请获得批准。

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

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

暂停各职级的公开招聘工作，但不纳入计划内的入职职级，则不在此限。不过，为执行计划推出时未能预知的新措施，并纾缓因流失人数超出预期而出现的人手短缺问题，当局在二零零六年向联席委员会申请特别豁免，在确定不可能以其他服务模式解决人手问题的情况下，破例准许13个自愿退休职系⁷，进行公开招聘。

- 3.4 二零零六年的新聘公务员人数虽仍偏低，但与二零零四及二零零五年相比，已大幅增加。年内，委员会就396个由本地应徵者填补的职位提供意见，当中292个职位经由公开招聘，另外104个则由内部招聘。年内，当局并没有聘用非香港永久居民担任专业或技术职位。这些聘任的分项数字，以及二零零六年与之前三年聘任人数的比较，载于附录VI。

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

13个获准公开招聘人手的自愿退休职系包括：会计主任、空勤主任、评税主任、审计师、化验师、教育主任(行政)、行政主任、卫生督察、新闻主任、督学(学位)、政府化验所技术员、贸易主任和库务会计师。

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Observations and Reviews Initiated by the Commission

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

Common Recruitment Examination (CRE)

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

委员会提出的意见和促成的检讨

3.5 尽管招聘工作的步伐相对缓慢，但委员会仍密切监察当局在年内采用的招聘准则，并提出不少重要建议以期使现有的甄选机制更臻完善。委员会向当局所提意见和促成的检讨，详见下文各段。

综合招聘考试

3.6 为提高公务员的语文能力，当局规定，由二零零三年一月一日起，凡申请学位或专业程度公务员职位（包括首长级职位）的人士，必须在公务员事务局公务员考试组所举行的综合招聘考试的中文运用和英文运用两份语文试卷中，考获及格成绩。在二零零六年六月或之前举行的综合招聘考试中取得的及格成绩，由考试结果公布月份起计三年内有效。这项规定适用于公开和内部招聘，但当局则根据招聘工作的性质和要求，按个别情况准予豁免。此综合招聘考试的规定实施后不久，政府即由二零零三年四月起全面暂停公开招聘公务员。由于大部分职系都没有进行招聘工作，这项新规定是否切实可行和有何影响，也无从验证。

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

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

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

3.7 一如二零零五年年报所述，委员会质疑，就首长级职位的招聘工作实施这项规定是否切合实际。至于非首长级职位，特别是个别职系基本职级的招聘工作，委员会也在年内向当局表明，对综合招聘考试规定在甄选合格申请人方面的成效，感到关注。委员会认为，当局有必要在暂停公开招聘公务员的安排撤销前完成有关检讨。二零零六年年初，委员会向当局明确提出了下列意见：

(a) 综合招聘考试的规定对着重申请人的专业知识多于语文能力的职系或职级构成障碍

具备有关职位所需的学术或专业资格的申请人，可能只因未能在综合招聘考试的语文试卷取得有效的及格成绩，又或没有参加综合招聘考试，便在甄选过程中遭淘汰。举例来说，在某个专业职位的内部招聘中，有关部门因时间关系，在相关的综合招聘考试结果公布前，已进行了遴选面试。入选的申请人及候补第一名的申请人，在综合招聘考试其中一份语文试卷都不及格。部门最后只得聘用在该考试的中文运用和英文运用试卷取得及格的候补第二名申请人。委员会关注到，当某些职系或职级要求申请人具备有关范畴的专业知识和某些专长，而非卓越的语文能力时，综合招聘考试的规定可能成为择优录取的障碍。

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(b) Attainments in public examinations

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

(c) Content and format of CRE

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

(b) 公开考试的成绩

在综合招聘考试实施前，个别职系／职级所要求的语文水平由部门首长／职系首长订定，以申请人在公开考试（例如香港中學會考）语文试卷的成绩⁸作准。以公开考试成绩作为评定应徵者语文能力的准则，是公私营机构广泛采用的做法，因此，要以综合招聘考试成绩取代公开考试成绩，必须经充分讨论，以辩证其利。

(c) 综合招聘考试的内容与形式

试卷问题侧重语文结构和运用，致使合格考生每以语文和相关学系的毕业生居多。其他申请人，纵使所专所长合乎担任某些并不偏重语文能力的职系或职级的要求，却因僵化的程序而遭淘汰。

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

一般要求是在香港中學會考中国语文科及英国语文科取得及格。不过，语文水平要求较高的职系，则要求取得“C”级或以上成绩。

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

(a) Recruitment to directorate posts

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

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

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

3.8 因应委员会的关注，当局检讨了招聘公务员的语文能力要求，包括综合招聘考试的成效。经徵询委员会的意见后，当局对综合招聘考试的安排作出下列修订：

(a) 首长级职位的招聘

首长级职位的招聘无须进行综合招聘考试，而进行招聘的职系可在徵询公务员事务局意见后，订出与工作要求相符的语文能力要求。

(b) 学位／专业职系的双层及格机制

综合招聘考试的规定继续适用于学位／专业职系的入职人员，同时，由二零零六年十二月举行的综合招聘考试开始，语文试卷的成绩分为“二级”、“一级”或“不合格”，并以“二级”较佳。部门首长或职系首长可根据有关职系的工作要求，决定申请人须达到的语文水平。根据新安排，不同职系的语文能力要求不必完全一致，这样便可避免某些职系因语文能力要求订得过高，而把合适的申请人摒诸门外。

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(c) Validity period of the CRE results

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

(d) Acceptance of public examination results as CRE equivalent

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

(e) Content of CRE

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

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

(c) 综合招聘考试成绩的有效期

由二零零六年十二月举行的综合招聘考试开始，考获的“二级”及“一级”成绩永久有效。

(d) 公开考试成绩获接纳为等同综合招聘考试成绩

就二零零六年十月十八日后进行的招聘工作而言，香港高级程度会考(高考)成绩获接纳为等同综合招聘考试成绩。在高考的相关语文科目⁹取得“C”级或以上和“D”级成绩，或具备同等资格，会分别视作等同综合招聘考试英文运用／中文运用试卷的“二级”和“一级”成绩。申请人如在高考取得所需的成绩，便无须报考综合招聘考试的相关语文试卷。

(e) 综合招聘考试的内容

当局在徵询综合招聘考试谘询小组的意见后，会不时修订试卷的内容和形式，确保符合招聘公务员所需的水平。

3.9 委员会欣悉，当局采取了实事求是的态度，对有关综合招聘考试的规定作出修订。当局应继续密切监察修订后的规定对招聘工作的影响，并根据所得经验检讨其成效。

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

就综合招聘考试的英文运用试卷而言，对等的高考科目是“英文运用”。就综合招聘考试的中文运用试卷而言，高考的“中国语文及文化”或“中国语言文学”科成绩都可接受。

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Withdrawal of concessionary appointment requirements for in-service candidates

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

撤销内部应徵者在入职要求方面的宽免要求

3.10 委员会注意到，某些职级进行内部招聘时，入职资历或要求大大低于公开招聘时所订定者。这些为内部应徵者而设的宽免入职要求，始于数十年前。随着专上教育普及，公众对公务员提供优质服务的期望又日益提高，有关安排须认真检讨。正如二零零五年年报所述，委员会认为，内部聘用人员有必要具备与工作要求相符，而又与公开招聘时规定新入职人员的要求看齐的学历。多年来，委员会不断促请公务员事务局，劝说部门首长或职系首长检讨基本职级内部招聘时的宽免入职要求，使之提升至与公开招聘看齐。年内，有两个职级的职系首长撤销内部聘任人员在入职要求方面的宽免要求。另有两个职系首长收紧了内部聘任的入职要求，以缩窄与公开招聘的差距。公务员事务局承诺会持续不懈，提醒尚未撤销这种宽免入职要求的职系在更新《聘任指南》时，一并检讨是否适宜继续采用这种安排。

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

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

为持续有招聘困难的职级申请可续承的招聘批准

- 3.11 委员会致力提供协助，利便部门进行招聘程序，确保及时聘得所需人手。举例来说，委员会在探访某部门期间，得悉该部门某个培训职级出现人手短缺和招聘问题。由于该职级入职要求严格，加上相关行业普遍人手短缺，因此，部门在聘请所需人手方面一直遇到困难。虽然部门已获由政务司司长和财政司司长共同担任主席的联席委员会特别批准进行两次公开招聘，但由于批准属一次过的性质，部门如欲再进行招聘，仍须依循繁复的程序重新申请批准，耗费各方不少时间与精力。
- 3.12 委员会认同部门的看法，认为可以节省用于重覆申请特别批准的人力资源。由于该部门已确证需要有持续稳定和及时的人手供应，而每次的招聘工作均十分耗时和不容易，委员会认为，在暂停公开招聘公务员的安排撤销之前，部门有充分理据申请可续承的批准，在出现职位空缺时进行公开招聘。委员会已向当局提出此事，而当局承诺跟进有关建议。

CHAPTER 4 第四章

Civil Service Promotion: Observations and Reviews 公务员晋升选拔：意见及检讨

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

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

4.1 晋升选拔是公务员制度不可或缺的一环。对于所有符合资格的人员，当局均会公平考虑，选拔准则包括人员的品格、才干、经验、工作表现，以及晋升职位所要求的资格（如适用的话）。委员会就当局提出以晋升方式填补的高级公务员职位¹⁰的个案提供意见，不但会确保只擢升最优秀和实至名归的人员，还会观察个别晋升选拔程序是否恰当地执行。

4.2 委员会所处理的工作大部分为部门所提交的晋升建议。委员会在审研这些建议时，会同时检讨晋升选拔制度的程序、政策和做法。经检讨后提出的建议会转交公务员事务局，而该局会与委员会合作，一起精简有关程序、适当调整规则和做法，以及改善现行政策。另一方面，为促进晋升选拔委员会的完善运作，让晋升选拔工作得以按适当的程序和做法进行，委员会认为需要加强晋升选拔委员会主席和委员在这方面的培训。委员会已要求

10 See Note 5 on page 12.

请参阅第12页注5。

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

公务员事务局就如何妥善召开晋升选拔委员会会议的事宜，制作一套短片或相类的培训资料，供晋升选拔委员会主席和委员参考。此外，也需要为晋升选拔委员会的秘书提供特设培训课程，包括如何拟备晋升选拔委员会报告等。

An Overview of Promotion Cases Advised in 2006

二零零六年委员会就晋升个案提供意见的概要

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

4.3 二零零六年，委员会就1 107宗以晋升方式填补职位的个案提供意见。这些职位分属389个职级¹¹，其中132个是首长级空缺¹²。虽然实际晋升宗数由二零零五年的1 132宗，减至二零零六年的1 107宗，减幅达2%，但经委员会提供意见的晋升建议却由二零零五年的448宗，增至二零零六年的512宗，增幅达14%。年内，委员会亦就晋升相关的聘任个案提供意见。这些个案涉及2 008名人员，分项数字载于下表：

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

合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格人员超过100名。

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

按薪金组别列出的分项数字见附录VII。

CHAPTER 4 第四章

Promotion-related appointment cases advised in 2006

二零零六年获委员会提供意见的晋升相关聘任个案

	No. of officers 人员数目
Waitlisted for promotion 列入晋升候补名单	15
Acting with a view to substantive promotion (AWAV) ¹³ 署理以待实际升职 ¹³	236
Waitlisted for AWAV appointment 列入署理以待实际升职候补名单	19
Acting for administrative convenience (AFAC) ¹⁴ 署理职位以方便行政 ¹⁴	1 738
Total no. of officers 总数	2 008

Observations Made by the Commission on Departmental Promotion Submissions

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

委员会对各部门所提交的晋升建议的意见

4.4 普遍来说，所有部门都已妥为处理所提交的晋升建议，但委员会亦就个别部门所提交的晋升建议，提出应予特别留意并作进一步改善的地方。现把委员会所提出的一些较为重要的意见载述如下，供部门／职系首长及部门主任秘书参考。

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

人员如获当局认为大致在各方面均适合执行较高职级的职务，并已准备好接受进一步考验以证明能胜任较高职级，则会获安排署理较高职级以待实际升职。这类署任安排一般为期六个月，但亦可作改动。

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

人员如不宜即时晋升，但获评估为较其他人员更具执行较高职级职务的潜质，又或虽然被认为表现较优，但因无实职及长期空缺而未能获得晋升，则当局会作出署理职位以方便行政的安排。如属这类情况，必须根据《公务员事务规例》第166(6)条定期检讨有关的署任安排。

CHAPTER 4 第四章

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

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

缺乏职位调派机会对员工的晋升前景带来不良影响

- 4.5 委员会留意到，在一项晋升选拔工作中，超过10%合资格人员已在现有工作岗位任职超过15年。虽然他们当中有些人员的工作表现记录十分理想，但却因缺乏胜任较高职级所需具备的阅历而不入选。
- 4.6 委员会认为，阅历不足的问题，与人员本身无尤，其晋升或署任的机会不应因而受到影响。职系管理当局有责任为员工安排职位调派，让他们扩阔工作知识和阅历，从而提升他们各方面的才能。委员会明白，在运作上往往未必可以作出及时的职位调派安排，但负责职系的首长应顾及职系人员的职业前景，力求在个别员工的职业发展需要及部门有效运作之间取得平衡。委员会鼓励职系首长采用更积极的职位调派计划，并同时为各级员工提供恒常的多元化的职务。职系首长应明确提醒各主管人员履行员工管理的职责，包括促进员工发展和配合员工的职位调派安排。

CHAPTER 4 第四章

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

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

Long-term acting appointments not reviewed

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

没有执行晋升选拔委员会就人员署任职位或职位调派提出的建议

- 4.7 委员会留意到，在一项晋升选拔工作中，晋升选拔委员会以工作阅历有限为理由，没有选拔一名实力相若的人员。其实，先前的数个晋升选拔委员会曾推荐该名人员接受职位调派，而上次的晋升选拔委员会更把该名人员列入署理职位以方便行政的候补名单中。然而，有关部门却没有执行晋升选拔委员会的建议。
- 4.8 如不执行晋升选拔委员会的建议，会影响获推荐人员日后的晋升机会，这种情况实应避免。部门应确保会按照晋升选拔委员会的建议，尽快为有关人员安排职位调派或署任职位。如无充分的运作理据，未获推荐的人员不应先于获推荐人员署任职位，以免前者得享不应有的优势。

没有检讨长期署任安排

- 4.9 在另一次晋升选拔工作中，委员会发现多名人员署任累计长达两年，但因有关部门每六个月便安排他们终止署任一段短时间，晋升选拔委员会于是没有检讨其署任安排。《公务员事务规例》第166(6)条规定，如果有关署任预期或可能或已经达六个月以上，有关当局应定期作出检讨。如有需要，当局应徵询委员会的意见。

CHAPTER 4 第四章

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

4.10 就该宗个案而言，终止署任安排，主要是为了避免召开覆检委员会，以及就长期署任安排徵询委员会的意见。这显然不是良好的管理方法，不仅干扰部门的正常运作，而且有欠公平。在委任或重新委任有关人员署任前，没有适当地进行任何晋升选拔或遴选程序，以检讨所有合格人员的工作表现和相对优劣之处，对所有合格的人员可能构成不公平的情况，或使人有此误解。此外，对于那些连续署任几乎超逾六个月的人员亦不公平，原因是假如他们的署任安排事先经晋升选拔或遴选程序正式通过，便不会遭剥夺可取得全数署任薪酬¹⁵的机会。委员会建议有关部门召开遴选委员会，以选出最合适的人员接受适当考验，并根据《公务员事务规例》第166(6)条检讨他们的署任安排。

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

根据二零零四年七月一日起生效的修订规则，只有经由晋升选拔／遴选委员会选出的人员，才可在署任高级职位达180个日历日后，领取相等于署任职位的起薪与署任人员实任职位薪金差额的100%的署任津贴；否则，不论署任期限长短，他们在整段署任期间只能领取上述差额的90%。

CHAPTER 4 第四章

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

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

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

没有填写事业发展已达极限的人员的工作评核报告

4.11 委员会留意到，在一项晋升选拔工作中，有数宗个案为某一职系的受评人因被视为事业发展已达极限，评核人员便没有填写其工作评核报告。其实，拟备工作评核报告，不单是评核个别人员是否适宜晋升，同时亦有助监察员工的表现，促使其作出必要改善，并决定其应否继续留任。对于那些事业发展已达极限的员工来说，如欠缺工作评核报告，他们的培训发展需要便可能备受忽视。尤有甚者，就是当有关人员表现持续欠佳，以致职系管理当局须考虑采取行政措施，并拟根据《公务人员(管理)命令》第12条¹⁶基于公众利益着令其退休时，却因欠缺工作评核报告而无从入手。

4.12 有关的职系首长亦留意到委员会对此事非常重视，并积极回应委员会所关注的问题。为能有效管理职系和顾及职系人员的事业发展，该职系首长承诺采取积极措施，确保其管辖职系的所有工作评核报告都准时填写。

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

根据《公务人员(管理)命令》第12条，如当局认为有关人员表现欠佳，可基于公众利益着令该员退休。当局如质疑有关人员的操守而对其持续服务失去信心，亦可根据《公务人员(管理)命令》第12条着令该员退休。根据《公务人员(管理)命令》第12条而退休的人员，仍可取得退休金，但必须延至其正常退休年龄方可领取。

CHAPTER 4 第四章

Late submission of promotion board reports

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

Varying duration of past performance appraisal under review by promotion boards

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

晋升选拔委员会逾期提交报告

- 4.13 委员会留意到，一些部门所进行的晋升选拔工作虽然规模未算庞大，但向委员会提交晋升选拔报告却耗时甚久（接近三个月）。过迟提交报告，不但会令晋升选拔结果延迟公布外，还可能如其中一宗个案般招致员工投诉。
- 4.14 晋升选拔委员会逾期提交晋升建议，有损入选人员的事业前景。举例来说，获推荐署理以待实际升职的人员的晋升会受到阻延，因这类署任须待委员会就有关事宜提供意见后才会生效。至于委员会就事业发展计划及职位调派安排所作建议，亦会延迟执行。委员会希望这方面的问题能有重大改善。

晋升选拔委员会检讨的工作评核报告所涵盖的年期不尽相同

- 4.15 委员会注意到，不同部门的晋升选拔委员会检讨的工作评核报告，涵盖年期各有不同，由两年至五年不等。委员会认为，晋升选拔委员会所检讨的工作评核年期应予统一，例如涵盖所有合格人员过去三年的表现。不过，如合格的人员实力相若，晋升选拔委员会可参考有关人员更早前的往绩，以作比较。

CHAPTER 4 第四章

Reviews Initiated by the Commission on Promotion Matters

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

Rotational acting appointments

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

委员会就晋升事宜提出的检讨

4.16 有关委员会就公务员晋升事宜向公务员事务局提出的较重要政策问题及其检讨结果，载述于下文各段。

轮流署任职位

4.17 正如二零零五年的年报所述，部分部门所提出的轮流署任职位建议，不但欠缺充分理据，而且可能造成上司与下属角色“倒转”的尴尬局面，从员工管理角度来看，极不可取，弊多于利。二零零六年，委员会接获少数有关轮流署任职位的建议。其中有些个案所提出的理据为获推荐人员往绩相若，不相伯仲。委员会认为，当局如备有严谨的评核报告，且又能有效地监察评核准则，藉以全面评核同一职级合格人员的相对优劣之处，则可避免作出这种建议。如有两名或逾两名实力相若的人员共同竞争一个空缺，表现难分高下，以致有关当局难以取舍，则应以《公务员事务规例》第109(1)(a)条为依归，适当考虑有关人员的服务年资。

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- 4.18 In other cases seeking the Commission's advice in 2006, rotational acting appointments were recommended on the ground that two close contenders had performed equally well in their respective fields of work but they had not been tested in other fields or some key attributes required for the higher rank. The Commission considers that such a recommendation can also be avoided if the HoGs concerned have arranged regular career postings and appropriate training to broaden the exposure of their staff and prepare them for higher responsibilities.
- 4.18 在二零零六年徵询委员会意见的个案中，有晋升选拔委员会基于两名合资格人员实力相若，在各自的工作范畴表现同样出色，但都未经测试，未知能否胜任较高职级所需负责的其他工作范畴，或是否具备所需的某些基本素质，因而建议两人轮流署任职位。委员会认为，若有关职系首长为员工定期安排职位调派，并提供适当培训，以扩阔工作经验，栽培他们承担更重要的职责，便可避免作出这种建议。
- 4.19 The Commission takes the view that rotational acting should only be considered under exceptional circumstances. In response to the Commission's request, the CSB has agreed to include in its revised "Guide for Promotion Board" the exceptional circumstances under which rotational acting appointments may be considered. The Guide will also set out the related administrative arrangements for compliance by departments, including the avoidance of a "reversed" supervisor-subordinate relationship and the need for reviewing the performance of selected officers vis-a-vis that of non-selected officers upon availability of fresh rounds of appraisals.
- 4.19 委员会认为，只有在特殊情况下方可考虑轮流署任的安排。公务员事务局已应委员会的要求，同意在修订“晋升选拔委员会指引”时，订明在哪些特殊情况下才可考虑安排轮流署任，同时亦会订出部门须遵守的相关行政安排，包括避免上司与下属角色“倒转”，以及须在收到最新的评核报告后，覆检入选和未入选人员的表现。

Sounding-out exercise

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

意向调查

- 4.20 委员会注意到，有些部门长久以来在召开晋升选拔／遴选委员会前，要求所有合资格人员交回回条，申明是否愿意给纳入考虑晋升之列。在意向调查中没有提出申请或表明无意晋升的合资格人员，都不会获晋升选拔／遴选委员会考虑。

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

4.21 委员会对意向调查的安排有极大保留。根据人员的表现及优劣之处选出实至名归的擢升人选，管方责无旁贷。意向调查的安排对遴选程序并无助益，更局限了管方的人选；而在晋升选拔工作中用这安排把合格人选减至易于处理的数目，做法亦不恰当。在大型的晋升选拔工作中，采纳有关职级的最低服务年资作为筛选准则即可达到这个目的。至于个别人员的意愿及期望，可通过既定途径向管方表达。例如，有关人员可在工作评核报告或与上司进行的评核会见中表明他在工作或职位调派方面的意向。与晋升选拔工作有关的意向调查可导致出现违规或上司操控的情况。这当然亦会令员工对晋升机会作不必要的揣测。委员会认为应尽量避免进行意向调查。

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Promotion of an officer under debarring effect

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

受限制人员的晋升

- 4.22 非正式纪律处分，即口头及书面警告，通常会限制有关人员一年内不得晋升¹⁷。然而，在一些特殊情况下，如受限制人员有显著进步，表现良好，在各方面均适合晋升或聘任，则可考虑其晋升或聘任事宜，但须先徵询公务员事务局的意见后，才可决定是否提出有关建议。
- 4.23 委员会在审核晋升建议时注意到，那些因品行或纪律而遭口头或书面警告的人员，晋升受到限制，而公务员事务局在这类人员的晋升事宜方面所担当的谘询角色，自二零零二年该局重组后已局部淡出。部门／职系首长自该年起获授权决定某些类别的人员在各方面是否适宜获得晋升，即使有关警告的限制期仍然有效¹⁸。但这项新安排未经公布，只有个别部门就某些个案徵询公务员事务局意见时才知悉这项新安排。

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

非正式纪律处分所带来的限制，不单适用于晋升，还涵盖其他各类聘任事宜，例如署任安排、续聘、转职聘任，以及通过试用／试任关限。

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

根据新安排，个案如涉及因遭口头或书面警告而受到限制，但薪酬为总薪级表第34点以下的人员，公务员事务局不会就这类个案提供意见。然而，对于遭口头或书面警告而受限制，但涉及薪酬达到总薪级第34点或以上或同等薪点的人员或职位的个案，又或有关个案是因人员遭受正式处分而受到限制者，则公务员事务局会继续从品行或纪律角度就这类个案提供意见。

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

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

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

4.24 委员会向公务员事务局表示关注，指大部分部门并不知悉新安排。委员会亦认为，个别聘任当局在考虑撤销口头或书面警告的限制效力时，应维持划一及严格的标准。为回应委员会的要求，公务员事务局在二零零六年十二月一日发出通告，公布新的安排，并述明在作出有关决定时，一名不低于副部门首长／副职系首长级别的人员必须信纳有关人员已符合下列条件：

- (a) 有关人员的品行及纪律在限制期内完全令人满意；
- (b) 有关人员并没有遭受任何刑事调查或涉及任何刑事诉讼；以及
- (c) 有关人员并非廉政公署(廉署)¹⁹审查贪污举报咨询委员会转介个案的涉案人士。

就公务员事务局已发出通告跟进上述事宜，委员会感到满意。

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

廉署会就每宗被指称涉及贪污的个案进行调查并作出总结，调查过程中所发现的任何与纪律有关的事宜，将根据廉署审查贪污举报咨询委员会的意见，以报告的形式转介予各有关政策局／部门，以供考虑是否采取纪律处分或行政措施。

CHAPTER 5 第五章

Staff Performance Management System: Improvements and Further Reviews

员工表现管理制度：改善及进一步检讨

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

5.1 良好的员工表现管理制度有助选拔适当人员晋升，并可让员工充份发挥个人的工作能力及潜能，从而提升机构的整体效率和生产力。委员会在审核部门所提交有关晋升个案的建议时，会就良好的员工表现管理措施向部门提供意见。委员会亦继续促请公务员事务局率先检讨及强化政府各部门的员工表现管理制度。当局对委员会所提出有关员工表现管理的意见作出非常积极的回应，充份反映当局对致力维持一支优秀公务员队伍的决心。

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Improvements Observed in Staff Performance Management Practices

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

Timely conduct of promotion boards

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

委员会所观察到有关员工表现管理措施的改善

5.2 据委员会观察所得，在二零零六年，一些部门在处理委员会所指出的一些常见和存在已久的员工表现管理问题时已作出改善，详情如下。

适时召开晋升选拔委员会

5.3 委员会认为，晋升选拔委员会在评核合资格人选是否适合晋升或署任时，应考虑其最近的工作表现。为解决延期召开晋升选拔委员会的问题，委员会已首先取得公务员事务局同意，把以往要求个别部门在填补首长级薪级第2点及以下级别所产生的空缺时，须按由高至低的职级次序召开晋升选拔委员会的规定撤销。委员会亦已向各部门明确表示，除非有特殊情况（例如需要配合资格检定试的时间表），

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

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

否则部门应在上一个评核周期完结日起计六个月内召开晋升选拔委员会。如部门欲在第七至九个月才召开晋升选拔委员会，则必须提供充分理据供委员会考虑。另部门如欲在上一个评核周期完结日起计超过九个月才召开晋升选拔委员会，则只有在极其特殊的情况下才获考虑；而在该情况下，部门必须把当前的评核周期完结日提前，以提供最新的工作表现评核报告给晋升选拔委员会审阅；与此同时，下一个周年评核周期亦应调整至包括正常的周期及前一个周期的余下月份。如部门未能就延期召开晋升选拔委员会提供有力理据，委员会会要求部门押后召开晋升选拔委员会，待取得最新一轮的工作评核报告时才召开有关的晋升选拔委员会，这或会引致延迟擢升人员或检讨署任安排的后果。

- 5.4 在二零零六年，大部分部门已听从委员会的意见，适时召开晋升选拔委员会，情况令人鼓舞。在少数个案中，有部门拟在上一个评核周期完结日起计第十个月才召开晋升选拔委员会，但未能提供充份理据，最终按照委员会的建议，改为在收到最新一轮的员工工作评核报告后才召开有关晋升选拔委员会。凭着决心和共同努力，大部分部门都能够在上一个评核周期完结日起计六个月内召开晋升选拔委员会。

CHAPTER 5 第五章

Timely completion of performance appraisal reports

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

依时填写工作表现评核报告

- 5.5 逾期填写工作表现评核报告是多年来一直存在的问题。但令人鼓舞的是，我们观察到在二零零六年一些部门在依时填写工作表现评核报告方面渐见改善，逾期超过三个月才填写评核报告的个案数目，较往年大幅减少。虽然整体情况已有所改善，但仍未如理想。逾期填写或积压评核报告的情况依然存在。
- 5.6 逾期填写或积压员工评核报告显然不利于良好的员工管理。相隔长时间才填写评核报告，会令人质疑有关的工作表现评核是否准确可信，亦会导致员工不满。
- 5.7 为解决逾期填写评核报告的问题，委员会已请公务员事务局及部门管方留意，如发现习惯性逾期填写工作表现评核报告的情况，应清楚提醒有关督导人员注意下列各点：
- (a) "人事管理"涵盖员工管理属下队伍的能力，包括衡量该人员能否依时填写工作表现评核报告；以及
 - (b) 在评核督导人员是否适合晋升时，应考虑有关人员在管理员工表现的各方面能力，包括该员能否依时填写下属的工作表现评核报告。

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

遵从《公务员事务规例》第 231 (1)²⁰ 及 232 (2) 条²¹

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

5.8 自二零零四年十月起，委员会推行了一项措施，要求部门在呈交有关聘任首长级薪级第1点及以下人员²²的晋升选拔委员会报告时，一并就遵从上述《公务员事务规例》的良好个案提供统计数字。这项要求经证实奏效，而公务员事务局也应委员会的要求，对有关首长级薪级第2点及以上人员²³的聘任，采用类似措施。这项措施已实施超过两年，从二零零六年大幅减少的违规个案数目显示，是项措施对鼓励员工遵从《公务员事务规例》有关规定起正面作用。就符合《公务员事务规例》第232(2)条的规定，为作进一步改善，委员会已要求个别部门考虑委员会的建议，适当地修订评核报告表格的设计及编排，确保主管人员遵从有关规定。

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

《公务员事务规例》第231(1)条规定，如果评核人员与接受评核人员的实任职级相同(尽管前者署理较高职级)，则有两个可行方法：另由再高一级的官员担任评核人员，或由该署任人员就拟议的报告内容，与再高一级的官员磋商，并在正式填写报告之前，先把报告拟稿提交该名人员批示。

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

《公务员事务规例》第232(2)条规定，不论由谁(评核人员或加签人员)主持有关员工的评核会见，加签人员亦宜在进行会见前完成有关评核。

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

部门/职系首长是首长级薪级第1点及以下职系的聘任当局。这些级别的晋升选拔委员会报告由部门/职系首长直接呈交委员会。

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

公务员事务局是首长级薪级第2点及以上人员的聘任当局。这些级别的晋升选拔委员会报告由部门/职系首长经公务员事务局呈交委员会。

CHAPTER 5 第五章

Reviews on Staff Performance Management System

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

检讨员工表现管理制度

5.9 个别部门对各项员工表现管理措施作出了改善，委员会感到鼓舞之余，认为仍需对一些基本要素进行检讨，以强化公务员的工作表现管理制度。委员会尤其关注到，尽管采用了公务员事务局所公布的表现管理工具（见二零零零年六月七日发出的公务员事务局通告第10/2000号²⁴），但大部分部门在确保评核准则一致方面，均遇上不同程度的困难。由于这些管理工具使用至今已超过六年，委员会已要求公务员事务局检讨这些管理工具的成效。此外，公务员事务局亦应考虑为所有高级督导人员（包括现任及新近晋升的首长级人员）提供人力资源管理培训。

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

公务员事务局通告第10/2000号所公布的表现管理工具包括：采用“常”的评级作为整体表现的常规；通过评核委员会的运作，确保评核准则一致；在表现管理周期开始时订立表现指标；采用以才能为本的评核模式来评核工作表现；以及恰当地进行评核会见。

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

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

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

(b) Operation of assessment panels (AP)

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

5.10 为协助公务员事务局进行检讨，委员会提出了下列意见及建议：

(a) 采用“常”的评级作为整体工作表现的常规

一些部门在遵从上述通告所公布的常规而将评核报告内的评级向下调整时，遇到很多争议。委员会认为，把大部分人员的工作表现评级为“良”及“常”，并非不可接受。只有极少数表现优异的人员才可获评级为“优”，而这些表现优异的人员一般会是栽培以待快速或加速晋升的合适人选。

(b) 评核委员会的运作

从委员会过去数年收到的一些员工投诉显示，某些员工基本上并不信任评核委员会的运作。此外，从一些部门所反映的意见亦显示，他们在平衡或协调评核报告的评级，以及处理过程中出现的争议时，确实花了不少时间和精力。有见及此，当局应向那些成功推行协调机制的部门借鉴，将他们的经验转化为良好管理措施，以改善现行的评核委员会运作。

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

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

(d) *Appraisal interviews*

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

(e) *Career counselling*

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

(c) 采用以才能为本的工作表现评核模式

当局推广采用以才能为本的评核模式来评核员工的工作表现，以便更准确评核受评人的潜能和晋升能力，并可加强工作表现评核的客观性和透明度。委员会对此表示支持。委员会注意到，大部分适合采用这个评核模式的职系已实行了有关机制。当局应继续努力，推动其馀部门效法。

(d) 评核会见

现时，在大多数情况下受评人不一定知悉职系首长在对评核报告中对他所作的评核。为使评核制度的透明度更高，并让有关受评人可作出改善，当局应考虑在职系首长的评核与评核人员和加签人员不同的情况下，向受评人披露职系首长的评核。

(e) 提供工作辅导

部门应向那些在晋升选拔中被人超越或不获推荐的人员提供工作辅导。当局应就如何有系统地提供有关辅导制订指引，以供各部门参考。

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(f) Non-completion of staff appraisal reports

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

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

(f) 没有填写员工评核报告

上司没有填写下属的周年工作表现评核报告，原因可能是受评人并没有向上级呈交其评核报告表格。为防止出现这种情况，公务员事务局应考虑设定机制，提醒部门主任秘书和督导人员，必须确保所有人员在评核期开始时尽快备妥职责说明，并记录在案。如有需要，可在一两个职系试行这项建议安排，以评估成效。

5.11 委员会会密切留意上述检讨的结果，并致力与公务员事务局紧密合作，以进一步改善政府各部门的员工表现管理制度。

CHAPTER 6 第六章

Other Civil Service Appointment Matters and Observations

其他公务员聘任事宜及意见

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

6.1 委员会另一项重要职能，是就继续聘用或终止聘用公务员的聘任事宜提供意见。有关个案涵盖不获续约或终止合约、提供任期较正常为短的合约、因品行或表现问题而拒予或延长通过试用或试任关限、首长级人员根据补偿退休计划²⁵ 提早退休，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等情况。此外，委员会亦就退休后延任或重行受雇、借调²⁶、开放职位安排²⁷，以及提供

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

补偿退休计划在二零零零年首次推出。假如批核当局确信：(a) 有关人员从现任职位退休，有助所属部门或职系在组织上作出改善；或(b) 管理层难以把有关人员安置在其他政府工作岗位，便可根据管理理由，让首长级人员提早退休。

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

借调是暂时免除有关人员的实任职务，以有时限和非实任的方式，安排该员填补另一个不属于其本身职系的职位。一般而言，假如某部门在一段短时间内需要某些技能或专长来配合运作，而具备这些技能或专长的人员只能在另一个公务员职系中找到，该部门便会考虑借调有关人员填补辖下的职位。

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

开放职位安排是指把合约人所担任属于晋升职级的职位，开放给目前出任该职的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又希望按本地模式条款续约的海外合约人员，以及申请按现行条款续约的其他合约人员。

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

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

改订的聘用条款²⁸ 予高职级的在职公务员²⁹ 等其他与聘任有关的个案提供意见。委员会曾提供意见的个案按上述聘任事宜的类别划分的数字，载于附录VIII。

- 6.2 委员会就上述聘任事宜向当局提供意见前，已检讨与之相关的现行规则和部门措施。委员会在二零零六年向当局或部门管方提供的意见，有些较为值得参考，现把其中一些意见在下文阐述。

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

按本地合约条款或本地模式合约条款或划一合约条款受聘的人员，均有资格申请转为按本地或划一常额及可享退休金条款受聘，但须视乎下列各点而定：(a) 服务需要；(b) 申请人是否符合有关具有有效履行职务所需中文程度的规定；(c) 申请人的表现及品行；以及(d) 申请人的健康情况。

29 See Note 5 on page 12.

请参阅第12页注5。

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Deferment or Refusal of passage of probation or trial bar

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

延长或拒予通过试用或试任关限

6.3 根据新入职制度³⁰，试用人员的试用期通常为三年；试任人员的试任期则通常为一年，但可视乎有关系的要求而有所不同。委员会认为，管方有责任为试用或试任人员提供适当培训及足够指导，让他们可以证明工作能力足以胜任公务员工作。不过，这些人员不应“自动”获确实聘任为常额编制人员。对于表现有所改善的试用或试任人员，延长其试用或试任期虽然是合理和公平的做法，但应设定时限，让他在时限内证明是否适合该训系的工作。如发现人员明显不适宜继续留任或未能达到应有水准，管方无须待试用或试任期结束，便应及时采取果断的行动，终止其试用或试任。然而，如有充分理由，例如某人员的工作表现与其健康情况有关，须作进一步测试，则可安排延长试用或试任期，以确定该员是否适宜确实聘任为常额编制人员。

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

新入职制度在二零零零年六月一日开始实施。自该日起，新入职的基本职级人员一般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。至于从外界直接招聘担任监督／晋升级级的人员，最初会按合约条款受聘，特定合约期一般为三年。他们必须按合约条款受聘至少三年，然后方可获考虑转按现行长期聘用条款受聘。

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

6.4 在二零零六年，委员会审核部门所提交延长或拒予通过试用或试任关限有关的个案时，观察到在最少两宗个案中，部门长期姑息工作表现欠佳的人员，原因是有关人员的督导人员评核过于宽松，以及逾期填写评核报告。委员会促请有关部门制订严格制度，以监察试用或试任人员的表现。此外，所有督导人员务须如实和从速填写评核报告，并须及早采取行动，根据《公务员事务规例》第186(2)条或第200(2)条³¹(视何者适用而定)，终止未能符合职系要求者的聘用。

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

根据《公务人员(管理)命令》第12条为公众利益着想而退休

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

6.5 根据《公务人员(管理)命令》第12条退休，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) "persistent substandard performance" - when an officer fails to reach the requisite level of performance despite having been given an opportunity to demonstrate his worth; or

- (a) “工作表现持续欠佳”—— 尽管已给予有关人员证明工作能力的机会，但他的表现仍未能达到要求；或

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

根据《公务员事务规例》第186(2)条或第200(2)条(视何者适用而定)，聘任当局如认为按试用或试任条款聘用的人员因性情、品格欠佳，或行为不当，或办事效率欠佳，或其他原因而不应该继续留任(试用人员)或留任新职位(试任人员)，可徵询公务员叙用委员会的意见，终止他的聘用或试任，或拒绝批准他通过试用或试任关限。

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

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

- 6.6 The procedures for handling persistent substandard performers were streamlined by the Administration in October 2005 with the aim to improve further the timeliness in taking appropriate management action. Under the new arrangement, a total of 70 officers from 33 bureaux/departments were put under close observation in the context of s.12 procedures in 2006. Upon the Commission's advice, the Administration retired 11 officers³² under s.12 (ten on grounds of persistent substandard performance and one on loss of confidence). However, 31 officers remained under close observation as at the end of the year. Sixteen officers, on the other hand, were taken off the watch-list after their performance had improved to the required standard. The other 12 officers left the service for reasons including resignation and removal on disciplinary grounds.
- 6.7 The Commission will continue to draw attention to possible s.12 cases for departmental action in the course of vetting staff appraisal reports in connection with promotion exercises. The readiness of departmental management in pursuing such an administrative action will be closely watched.

- (b) “失去信心”—— 管方已对有关人员失去信心，不能再委派他执行公职。

为公众利益着想而退休的人员，其退休福利会延至他达到法定退休年龄当日才可享有。

- 6.6 二零零五年十月，当局简化处理工作表现持续欠佳人员的程序，目的是作出进一步改善，更适时地采取适当的管理行动。根据新安排，在二零零六年，33个局／部门辖下共70名人员根据第12条所订程序受到密切监察。当局在徵询委员会的意见后，根据第12条着令其中11名人员³² 退休（10人因为工作表现持续欠佳，1人则因为当局对其失去信心）。不过，截至年底为止，仍有31名人员受密切监察；另有16名人员因表现有所改善，达到应有水平，已从监察名单上除名；其余12名人员离职，原因包括辞职和基于纪律理由而遭免职。
- 6.7 委员会在审核与晋升选拔有关的评核报告时，会继续留意或须根据第12条采取行动的个案，提醒部门酌情处理。委员会亦会密切留意部门管方有否果断地采取有关的行政措施。

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

包括一名当局在二零零五年年底徵询委员会意见后而退休的人员。

CHAPTER 6 第六章

Extension of service or re-employment after retirement

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

在退休后延任或重行受雇

- 6.8 根据现行政策，当局只有在运作上有必要的特殊情况下，才会批准在退休后延任或重行受雇的申请。但有关人员须健康和品行良好，工作表现令人满意，而且该员留任也不会阻碍较低职级人员晋升。如申请在退休年龄后延长服务超过90天或重行受雇，而所担任职位又在委员会职权范围内，当局便须就该申请徵询委员会的意见。
- 6.9 在二零零六年，委员会就九宗有关退休后延任或重行受雇的个案提供意见，这些个案都有非常充分的运作理由，例如接任有极大困难，或需要有关人员继续执行个别或有时限的任务等。在这九宗个案中，四宗涉及首长级人员。尽管委员会同意这些个案的建议，但亦向当局指出，根据惯例，公务员一旦退休便应离职，只有在例外的情况下才可在退休后申请延任或重行受雇，而且任期需有时限。日后遇有同类申请，这些决定因素必须纳入考虑之列，让当局可以积极制订接任计划，既有利于部门运作效率，又可增加较低职级合格人员的晋升机会。

CHAPTER 6 第六章

- 6.10 The Civil Service Bureau (CSB) drew up, in response to the Commission's request as mentioned in the 2005 Annual Report, some initial guidelines setting out the parameters for exceptional consideration of these applications to ensure the consistent application across the service of those circumstances which are deemed as exceptional. The guidelines will be promulgated by the CSB after seeking feedback from major departments and further consultation with the Commission.
- 6.10 为回应委员会在二零零五年年报所提出的要求，公务员事务局制定初步指引，提供就这些申请作出特别考虑时适用的准则，以确保政府各部门在处理这些被视为在特殊情况下提出的申请时力求一致。有关指引经徵询各主要部门的意见和进一步谘询委员会后，会由公务员事务局公布。
- 6.11 Given that the period of extension of service or re-employment after retirement should be for a limited duration only, the Commission also invited the CSB to review whether the provision for the final 90-day extension after re-employment or extension of service after retirement currently permissible under the approving authority of Heads of Department or Heads of Grade under CSRs 268(3)³³ and 276(1)³⁴ is still necessary. In the meantime, the Commission has requested that all such applications which require the Commission's advice should include a clarification on whether they have allowed for the final 90-day extension. The Commission will keep in view the findings of the review.
- 6.11 现时，部门首长或职系首长可根据《公务员事务规例》第268(3)条³³及第276(1)条³⁴赋予的批核权力，批准重行受雇或在退休后延任的人员最后延长服务90天。鉴于退休后延任或重行受雇的任期应设定时限，对于该两项条文是否仍有需要，委员会也邀请公务员事务局作出检讨。此外，委员会已要求当局就有关人员退休后延任或重行受雇的申请徵询委员会意见时，须同时阐明是否已批准有关人员90天的最后延长服务期。委员会会留意检讨结果。

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

《公务员事务规例》第268(3)条规定，根据旧退休金计划，退休后重行受雇的公务员，可获准把重雇期作最后延长，但以不超过90天为限。

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

《公务员事务规例》第276(1)条规定，根据新退休金计划，公务员可基于运作需要或个人理由而获准在退休年龄后作最后延长服务，或如果他是延长服务或重行受雇的人员，则在现行延长服务或重行受雇期届满时获准作最后延长服务，但该最后延长服务期以不超过90天(其间赚取的假期不计在内)为限，而他亦须符合下列条件：(a)工作表现及品行一直令人满意；(b)健康良好；以及(c)在延长服务期内可全职受雇。

CHAPTER 7 第七章

Civil Service Discipline: Observations and Reviews 公务员纪律：意见及检讨

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

7.1 公务员须奉公守法，恪守各种有关公务员品行的规例和原则。大部分公务员都勤奋尽责，奉公守法。不过，与任何大机构一样，在公务员体系中难免亦有少数人员违规。公务员如触犯刑事罪行或行为不当，必须受到惩罚。为求惩治有方，政府设有纪律处分机制，既收惩前治后之效，亦予违规的公务员改过自新的机会。委员会除了就所有在其职权范围内的甲类人员³⁵的纪律个案，向行政长官提供独立公正的意见外，也参与监察纪律处分机制的运作。

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

根据《退休金利益规例》(香港法例第99A章)，"甲类人员"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、合约人员和按第一标准薪级表支薪的人员外，甲类人员实际上包括了所有公务员。截至二零零六年年底，甲类人员的总数约为136 000人，当中111 000人属于委员会职权范围内(以处理纪律事宜计)。

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- 7.2 For cases involving minor acts of misconduct, Heads of Department may issue warnings³⁶ to the officers concerned without recourse to formal disciplinary proceedings. Formal disciplinary action under section (s.) 9 or 10 of the Public Service (Administration) Order [PS(A)O]³⁷ would be taken in the event of repeated minor misconduct or an act of serious misconduct. In the case of a criminal conviction, action under s.11 of PS(A)O³⁸ would be considered. With the exception of exclusions specified in the Public Service Commission Ordinance³⁹ and save in cases of informal disciplinary action involving the issue of warnings, the Administration is required under s.18 of PS(A)O to consult the Commission before inflicting any punishment⁴⁰ under s.9 to s.11 of PS(A)O⁴¹ upon a Category A officer.
- 7.2 对于轻微的行为不当个案，部门首长可向涉案人员发出警告³⁶，而不诉诸正式纪律研讯。如有人屡犯轻微过失，或有严重的不当行为，当局便会根据《公务人员(管理)命令》第9或第10条³⁷采取正式纪律行动。如涉案人员被刑事定罪，当局则会考虑根据《公务人员(管理)命令》第11条³⁸采取行动。《公务人员(管理)命令》第18条规定，除《公务员叙用委员会条例》³⁹订明不适用的人员的个案，以及发出警告的非正式纪律行动个案外，当局在惩罚⁴⁰受《公务人员(管理)命令》⁴¹第9至第11条制裁的甲类人员前，必须徵询委员会的意见。

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

口头和书面警告均列作非正式纪律行动，被警告的人员通常在一年内不会获得晋升或委任。采取非正式纪律行动的个案，无须徵询委员会的意见。

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

假如干犯的不当行为并非严重至足以成为把该员免职的理由，便会根据《公务人员(管理)命令》第9条采取正式纪律行动。假如干犯的不当行为可引致该员被革职或迫令退休，则会根据《公务人员(管理)命令》第10条采取行动。

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

根据《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有关控罪进行的法律程序后，即可对该人员处以当局认为公正的惩罚，而无须进行其他纪律研讯程序。

39 See Note 3 on page 5.

请参阅第5页注3。

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

有关惩罚包括谴责、严厉谴责、降级、迫令退休、革职，以及上述各种惩罚另加罚款。请同时参阅有关罚款事宜的注44。

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

除某些纪律部队人员受有关纪律部队条例(即《监狱条例》、《消防条例》等)约束外，所有公务员一律受《公务人员(管理)命令》的纪律条文规管。

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

7.3 近年来，市民对公务员操守品格的期望日高。为确保公务员的操守符合市民的期望，当局在委员会支持下，采取果断态度处理纪律事宜。虽然如此，委员会就纪律个案提供意见时，毋忘公平公正的原则并会适当考虑每宗个案所涉不当行为或罪行的性质和严重程度、当事人的服务记录、从宽处理的理由、是否涉及法律诉讼，以及以往案例惩罚的轻重。此外，委员会也要确保在公务员体系中恪守总体一致的处分原则。

CHAPTER 7 第七章

An Overview of Disciplinary Cases Advised in 2006

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

二零零六年委员会提供意见的纪律个案概况

- 7.4 二零零六年，委员会就103宗纪律个案提供意见，与二零零五年的104宗相比，整体情况变化不大，在委员会职权范围内的111 000甲类人员中，亦只占不多于0.1%的极小比率。
- 7.5 这103宗个案按不当行为或罪行和惩罚方式划分的数字，载于*附录IX*。按薪金组别和惩罚方式作出的分析，载于*附录X*。在这103宗个案中，有36宗（占35%）所涉人员最终遭免职⁴²；而处以“严厉谴责⁴³ 另加罚款⁴⁴”的个案，同样有36宗。严厉谴责另加罚款，是免职与降级之外的最重惩罚。从这些数字可见，当局对行为不当的公务员绝不姑息。下表显示这103宗委员会在二零零六年提供意见的个案按惩罚方式划分的数字。

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

免职惩罚有多种形式，包括迫令退休、迫令退休另加罚款，以及革职，视乎违纪严重程度而定。遭迫令退休的人员，仍可获发退休金，但须延至正常退休年龄（即55岁或60岁，视乎有关退休金法例而定）才会获发退休金。革职是最严重的惩罚形式，因为有关人员会丧失所有退休金、酬金及福利。

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

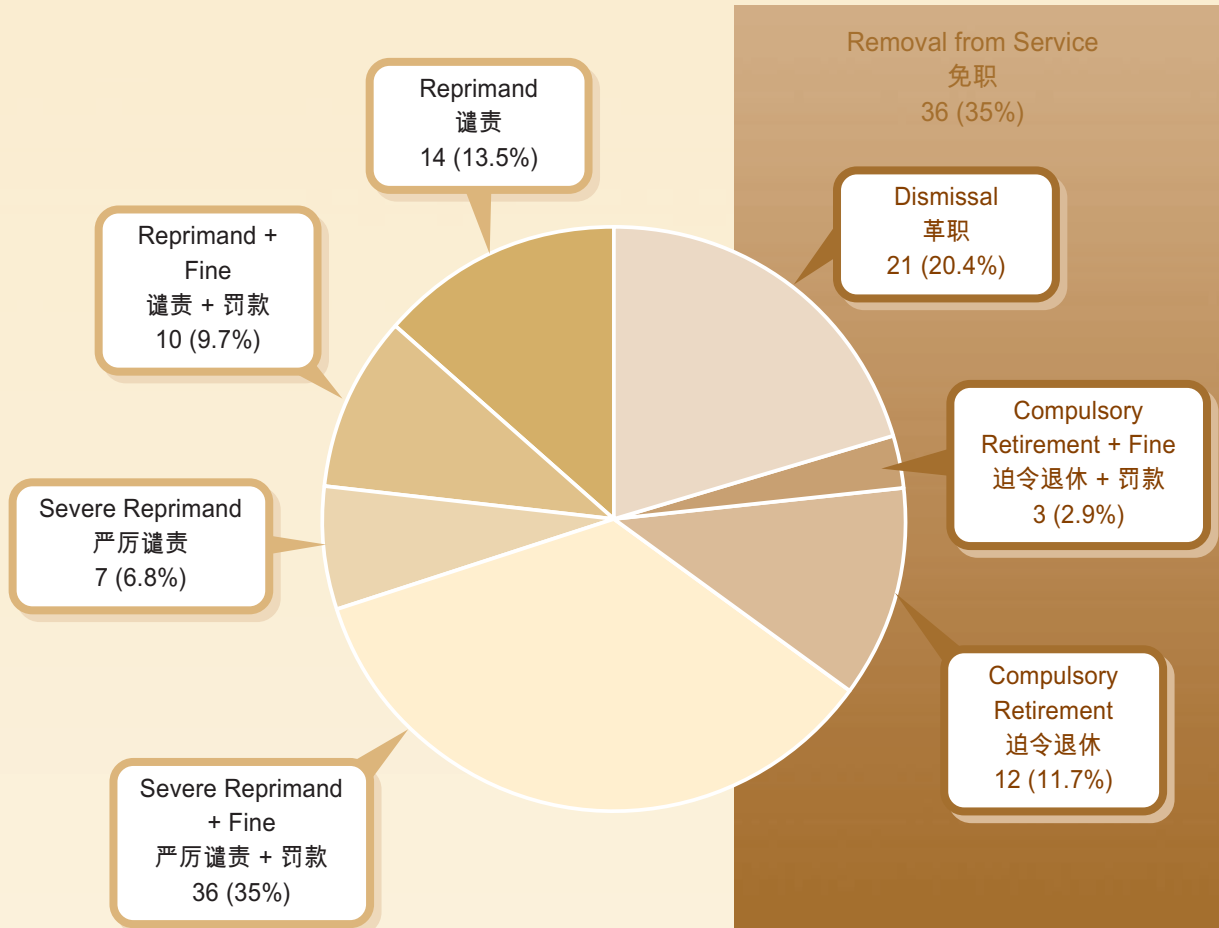
严厉谴责通常会令有关人员受到晋升和聘任方面的限制，为期三至五年。一般会建议向干犯较严重不当行为或屡犯轻微不当行为/罪行的人员施加这种惩罚。

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

假使单单某种惩罚并不足够，但较重惩罚并不适用或不合理，则会同时处以罚款。罚款不应超过相当于每月扣减一个增薪点（为期12个月）的数额。在特殊情况下，可最多每月扣减两个增薪点，为期12个月，或相等数额，作为罚款。

**Disciplinary Cases Advised in 2006
Breakdown by the Form of Punishment**

**二零零六年委员会提供意见的纪律个案
按惩处方式划分的数字**



Observations and Reviews of Major Discipline Issues

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

对主要纪律事宜的意见和相关的检讨

7.6 委员会除了考虑向其徵询意见的纪律个案所处惩罚的轻重是否恰当外，还会致力理顺惩罚尺度、就可予改善的地方提供意见，以及建议当局检讨有关纪律处分的政策和程序。下文各段载述在二零零六年检讨的惩罚尺度和主要事项，以及委员会的意见和建议。

CHAPTER 7 第七章

Broad principles in handling integrity-related disciplinary cases

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

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

Benchmark of punishment for "theft (shoplifting)"

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

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

处理涉及操守的纪律个案的主要原则

7.7 委员会注意到，公务员干犯涉及操守的罪行和不当行为，会损害政府形象。经讨论后，委员会与当局同意，处理这类个案时应依循以下主要原则：

- (a) 这类个案一律须严肃处理，并施以最严厉的惩罚；
- (b) 如涉及操守的罪行与公务有关（例如贪污或与公务有关的盗窃个案），通常应处以免职的惩罚；以及
- (c) 如刑事罪行或不当行为与公务无关，但反映出涉案人员操守有问题，则应视乎该员的工作性质等因素，按个别案情作出考虑。

“盗窃（店铺盗窃）”的惩罚尺度

7.8 公务员干犯“盗窃（店铺盗窃）”罪行，当局可根据《公务人员（管理）命令》第11条作出惩罚。鉴于近年公务员干犯这类罪行的个案数字没有显著下跌的迹象，委员会已吁请当局检讨惩罚尺度，以发挥应有的阻吓作用并维持公务员的崇高操守。

7.9 当局在检讨后发现，公务员干犯“盗窃（店铺盗窃）”的个案数字多年来保持稳定，但当中约有30%属屡犯个案，

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

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

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

所占比率颇大。因此，当局认为应加重对初犯者及屡犯者的惩罚，以加强阻吓。在委员会支持下，当局对惩罚尺度作出下列修订，由二零零六年八月起实施：

- (a) 视乎案情轻重，处以“谴责”⁴⁵或“严厉谴责”；
- (b) 在“谴责”或“严厉谴责”之外另加罚款；
- (c) 一般来说，如属以下类别的初犯者，惩罚的起点为“严厉谴责，另加罚款”：
 - (i) 涉案人员职级高，或因担任受人信赖的职位或工作性质关系而须有较高的操守水平；以及／或
 - (ii) 涉案人员有违纪记录，特别是近期违纪的记录；
- (d) 对于屡犯者，施加最重为免职的惩罚，应属恰当。

虽然这个惩罚尺度是为整个公务员体系而设，但有些部门由于工作性质关系，或会采取较严厉的惩罚方法。

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

谴责是正式纪律行动中最轻微的惩罚。遭谴责的人员在两至三年内不得晋升或委任。这项惩罚一般适用于干犯较轻微且属个别事件的不当行为／罪行的人员。

CHAPTER 7 第七章

Benchmark of punishment for sex-related misconduct/offence

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

Benchmark of punishment for misconduct of unauthorized absence from emergency duty

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

涉及色情的不当行为／罪行的惩罚尺度

- 7.10 对于涉及色情的严重不当行为或罪行，现行的惯常惩罚是以“革职”方式把涉案人员免职。在过去六年，其他个案中大部份的涉案人员亦受到“严厉谴责”至“免职”不等的严厉惩罚。经检讨后，当局认为现行的惩罚尺度整体而言实属恰当，应予沿用。
- 7.11 鉴于偷拍女性裙底的个案有所增多，当局已决定，这类个案的纪律处分起点为“严厉谴责，另加罚款”，以收惩前治后之效。如属以下情况，当局或会施加更严厉的惩罚，最重可予免职：
- (a) 涉案人员职级高，或因担任受人信赖的职位或工作性质关系而须有较高的操守水平；
 - (b) 涉案人员作出有关行为时，曾使用暴力或职权；或
 - (c) 涉案人员有违纪记录，特别是近期违纪的记录。

有关在执行紧急职务时擅离职守的不当行为的惩罚尺度

- 7.12 委员会认为，在执行紧急职务时擅离职守是非常严重的不当行为。有关这类严重失职的惩罚尺度，轻者至少须予以降级，重者则须予免职。此外，

CHAPTER 7 第七章

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

当局会根据《公务人员(管理)命令》第10条，就这类不当行为进行纪律研讯，以便在有需要时，可把有关人员免职。

Handling of performance-related acts of misconduct

处理与工作表现有关的不当行为

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

- 7.13 委员会虽然支持当局采取严厉态度，处理与工作表现有关的不当行为(例如不服从上级)，但认为对于再犯的非经常性轻微不当行为(例如不守时)，管理层有责任先多加规劝有关人员，并给予足够的改过机会，然后才提升惩罚级别。在适当的情况下，管理层亦可采取其他的管治措施(例如调职)，与纪律行动双管齐下，期使有关人员改变陋习。不过，假使屡次规劝和警告无效，则应迅速采取正式纪律行动。
- 7.14 在二零零六年委员会曾提供意见的一宗个案中，有关人员在长达三年的期间，屡犯不守时和不服从上级的不当行为，早应为当局所采取正式纪律行动。但部门过往一直以宽松的态度来处理这宗个案，拖延日久，及至情况变本加厉至不能接受时，部门才根据《公务人员(管理)命令》第10条采取正式纪律行动，把该员免职。委员会虽然同意有关人员完全不适合留任，但已就这宗个案处理上的延误，已要求该部门检讨并改善处理纪律个案的程序。

CHAPTER 7 第七章

Supervisory accountability

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

New punishment mechanism for duty-related traffic offences

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

监督责任

7.15 二零零六年，委员会就四宗“疏忽履行监督职责”，以致未能察觉或纵容下属行为不当的个案提供意见。涉案的四名督导人员都以工作繁重等理由作为解释，恳求从宽处理，但最终都被处以“谴责，另加罚款”或“严厉谴责，另加罚款”的惩罚。委员会认为，督导人员未尽监督职责，难辞其咎，因此，对于这类不当行为，会继续以严厉的态度来处理。

干犯与公务有关的交通违例事项的新惩罚机制

7.16 一如委员会二零零五年年报所述，我们建议当局制订新惩罚机制，在衡量公务员干犯与公务有关的交通违例事项的纪律处分时，不把该员多年前干犯且性质较为轻微的交通违例事项考虑在内。当局在进行检讨后，制订了“违法记录失效”机制。根据这个机制，若公务员干犯与公务有关的交通违例事项，当局在衡量纪律处分时，不会考虑该员在五年前或更早前所干犯而性质较为轻微的交通违例事项。当局所指的“性质较为轻微的交通违例事项”，是那些不涉及任何伤亡、酒后驾驶、该员干犯任何其他不当行为，或政府损失总额（包括肇事政府车辆的维修费和第三者申索）逾10万元的交通违例事项。在进行正式的员工谘询后，当局在二零零六年七月实施这个新机制。

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

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

上报与公务无关的“不小心驾驶”罪行

7.17 按照现行做法，公务员如果只触犯与公务无关的“不小心驾驶”罪行，而事件中无人伤亡，当局便不会根据《公务人员(管理)命令》第11条对该员施加惩罚。不过，根据《公务人员(纪律)规例》第13(1)条⁴⁶，该员仍须向所属部门首长上报有关的刑事法律程序，以供考虑是否根据《公务人员(管理)命令》第11条作出纪律处分。由于这类罪行与公务、操守或诚信无关，应不会损害政府形象，委员会认为，只要没有其他罪行牵涉在内，而有关人员在事发时又并非驾驶政府车辆，他们应可免除负担，无须上报有关程序和等候当局决定是否作出惩罚。因此，委员会要求当局考虑就这类个案给予划一豁免，无须根据《公务人员(纪律)规例》第13(1)条和《公务人员(管理)命令》第11条处理。换言之，有关人员如因触犯与公务无关的“不小心驾驶”罪行而被提起刑事法律程序，应获豁免向所属部门首长呈报；如该员被裁定“不小心驾驶”罪名成立，所属部门也无须采取任何跟进行动。当局已承诺考虑这项建议。

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

根据《公务人员(纪律)规例》第13(1)条，如有刑事法律程序针对任何人员提起，该人员须将该事实向其部门的首长报告。

CHAPTER 7 第七章

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

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

就在革职和迫令退休之间增加惩罚级别一事进行讨论后的发展

7.18 一如委员会二零零五年年报所述，当局已著手研究，为按公务员公积金计划⁴⁷条款受聘的人员设立一套厘定不同级别纪律处分的制度，并具体列明在什么情况下，公务员的公积金可基于纪律理由而被部分没收，以及没收的多寡。待有关制度拟定后，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。由于采取这项安排，退休金法例或须相应修订，当局需要较多时间详加研究此事。

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

公务员公积金计划适用于在二零零零年六月一日或之后按新入职制度受聘并已获实聘为常额编制的人员。

CHAPTER 8

第八章

Visits
访问

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

8.1 年内，委员会主席联同委员访问了康乐及文化事务署、社会福利署和民航处，与这些部门的高层管理人员就共同关注的课题交换意见，并藉此机会推广良好的人力资源管理方法。在访问期间，委员会得以亲睹这些部门的日常运作和提供服务情况。此外，委员会也先后参观了香港中央图书馆、西柴湾综合家庭服务中心，以及航空交通管制大楼及机场管制塔。



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

公务员叙用委员会主席吴荣奎先生(右二)与委员陈清霞小姐(左一)在康乐及文化事务署署长王倩仪(右三)陪同下参观康乐及文化事务署辖下的香港中央图书馆。

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

公务员叙用委员会主席吴荣奎先生(左二)与委员陈清霞小姐(左一)参观民航处机场管制塔。



CHAPTER 9 第九章

Acknowledgements 鸣谢

9.1 The Commission would like to express its sincere gratitude to the Secretary for the Civil Service and her staff for their continued support and assistance in all areas of its work. The Commission also warmly acknowledges the ready co-operation and understanding shown by Permanent Secretaries, Heads of Departments and their senior staff in responding to the Commission's enquiries and suggestions during 2006.

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

9.1 公务员事务局局长及属下人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，理解有加，委员会在这里也一并致谢。

9.2 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。

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Appendix I
附录 I

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

Appendix I(a)

公務員叙用委員會主席



CHAIRMAN
PUBLIC SERVICE COMMISSION

Our Ref. GEN/314/1

26 October 2006

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

Dear Denise,

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

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

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

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

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

Yours sincerely,
Nicholas

(Nicholas W.F. NG)

Appendix I (a) 附录 I (a)

公務員叙用委員會



PUBLIC SERVICE COMMISSION

附錄 I(a)

本函檔號：GEN/314/1

香港
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中區政府合署西座 10 樓
公務員事務局局長
俞宗怡女士

俞女士：

進一步發展政治委任制度諮詢文件

二零零六年七月二十六日來函敬悉。承蒙邀請就上述諮詢文件提出意見，謹覆如下：

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

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

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

公務員叙用委員會主席吳榮奎

二零零六年十月二十六日

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Appendix I (b) 附录 I (b)

Appendix I(b)

公務員敍用委員會主席

CHAIRMAN
PUBLIC SERVICE COMMISSION

Our Ref. : GEN/314/1

26 October 2006

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

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

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

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

(Nicholas W.F. NG)

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公務員叙用委員會



PUBLIC SERVICE COMMISSION

附錄 I(b)

本函檔號 GEN/314/1

香港
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政制事務局局長
林瑞麟先生

林先生

進一步發展政治委任制度諮詢文件

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

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

意見書會納入本委員會在二零零七年四月左右發表的二零零六年年報內，敬希亮察。

公務員叙用委員會主席吳榮奎

二零零六年十月二十六日

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INTRODUCTION

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

引言

1. 二零零六年七月，政府发表《进一步发展政治委任制度谘询文件》（《谘询文件》），徵询公众意见。公务员事务局局长于二零零六年七月二十六日致函公务员叙用委员会（委员会）主席，邀请委员会就《谘询文件》发表意见。委员会于是就本身相关职能，详细讨论《谘询文件》所载建议。委员会留意到，有关建议会对公务员队伍有重大影响。委员会考虑到本身职能是要确保公务员的聘任、晋升和纪律制度公平公正，认为应该而且必须评估在问责制下增设两个政治领导层级（方法是在每个决策局委任一名副局长和一名局长助理）这项主要建议，以了解该建议会否影响公务员队伍的运作和基本信念^{注1}。
2. 本意见书分为两部分。第一部分就进一步发展问责制对公务员队伍的影响，综述委员会的整体意见；第二部分则探讨具体的关注事宜。

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

注1 公务员队伍的基本信念是全体公务员须共同秉持的信念，包括：坚守法治；守正忘私；就决定及行动面对问责；政治中立；在执行公务时不偏不倚；以及全心全意、竭尽所能、专业勤奋地为市民服务（《谘询文件》第4.08段）。

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I. GENERAL OBSERVATIONS

Effectiveness of the existing Accountability System

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

I. 整体意见

现行问责制的成效

3. 《谘询文件》所载建议开宗明义，说明在二零零二年开始实施的问责制应予保留，而有关建议可就该制度的一些不足之处，裨补缺漏。委员会认为，在扩展问责制以进一步发展香港的管治架构之前，宜先审慎评估问责制的成效，并提出充分理据。当局应从公务员队伍的运作及士气角度进行评估，探讨有什么问题出现。并以此为基础，评估进一步扩展问责制的影响。任命副局长和局长助理会大大改变决策局的运作，假如实施有关安排，对香港未来的管治会有深远影响。

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The integrity of the civil service system and its core values

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

公务员体制的完整性及其基本信念

4. 委员会坚信，一直以来，公务员体制^{注2}及公务员的基本信念有助香港维持有效管治。任何企图摒弃该体制某一部分或削弱任何公务员基本信念的举措，都不利于香港的管治。因此，决不能因进一步发展政治委任制度而导致公务员政治化或动摇其基本信念。事实上，委员会留意到，建议在政府架构增设两个政治领导层级的论据之一，是此举有助进一步保障公务员体制的完整性和中立性（《谘询文件》第2.02 (b) 段）。此外，委员会也察悉，《谘询文件》第3.15段建议用以规管副局长和局长助理的表现和行为的守则，确也涵盖“他们须时时刻刻积极维护并推广一支常任、廉洁、用人唯才、专业和政治中立的公务员队伍”这项概括原则。要如实贯彻这项原则，有赖相关各方积极承担和衷诚合作。此外，清楚界定该两个新增

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

注2 公务员体制奉行任人唯才原则。所有公务员均以公开、公平的竞争原则，按相同程序委聘，并受相同的纪律守则约束。

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

政治领导层级的运作模式，特别是他们与公务员之间的工作关系，并将之制度化，也有助过程顺利推行。此举可减少误会。现有适用于主要官员的守则^{注3}，是一份重要的参考文件，开始时可加以检讨并作出适当修改，用以规管副局长和局长助理。

Incremental approach in implementing the expanded system

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

采取循序渐进方式推行扩展的制度

5. 除了要清楚界定增设政治领导层级的需要及其运作模式之外，委员会认为，扩展政治委任制度的建议是否可行，主要视乎能否物色和委任适当人选担任新的政治任命职位。为确保只有适当和合资格人士获得委任，应让扩展的制度在合适情况下以循序渐进的方式推行。身为两个新设层级政治任命官员的督导人员，各局长也应获赋予酌情权，决定何时引入这些额外支援。

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

注3 作为雇用条件的一部分，问责制主要官员须遵循有关守则。该守则载列规定，涉及事项包括有关主要官员与属下公务员的关系。该守则于二零零二年六月二十八日刊登宪报(第3845号公告)。

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

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

II. 有关建议对公务员队伍具体方面的影响

6. 在研究《谘询文件》时，委员会主要关注扩展的政治委任制度对公务员体制具体方面的影响。为此，委员会就公务员不断转变的职业前途、编制和士气，以及公务员队伍可能出现的人才流失，探讨公务员所担当的角色。为确保制度得以顺利推行，委员会建议，虽然政治任命官员与公务员的职责会有若干重迭，但当局应就他们各自的基本职责范围制订清晰的划分原则，订明政治游说工作最终只应由政治任命官员执行。此外，当局也应清楚划分有关职级的从属关系，以便进行工作表现管理，并订定适当程序以处理公务员的申诉。委员会亦已研究“旋转门”的安排，并尝试从公务员事务局局长的任命，以及在他辖下增设政治任命官员层级的需要这两方面来审视有关理据。下文各段载述上述各方面的主要考虑因素。

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Role of the civil service**Changing position of the civil service**

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

公务员的角色**转变中的公务员地位**

7. 在政治委任制度下，政府最高层是一个政治领导层级，其下有公务员队伍作为政府的骨干，提供支援（《谘询文件》第1.17段）。进一步发展政治委任制度，对公务员体制会有所影响，但不会削弱或改变公务员队伍的重要性（《谘询文件》第4.01段）。
8. 委员会认为，在问责制于二零零二年七月一日实施后获聘任的公务员，不应认为扩展政治委任制度会导致他们的职业前途受阻。他们加入公务员行列时，已知道政治领导层级是在公务员队伍之上。然而，在二零零二年七月一日之前入职的公务员，尤其是那些已晋升至首长级的政务主任职系人员，就潜质而言，他们假以时日是有机会进入公务员体系中最高层的。他们或会发现随着新的政府架构出现，他们全无优势可言。时光固然不能倒流，但政府理应妥善处理实际存在或只是被认为存在的公务员重要性和角色减轻的问题。因为在这方面出现的任何损害，都会对公务员的士气和期望造成负面影响，使政府运作效率下降。

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9. Care should therefore be taken to ensure that the further development of the Political Appointment System will not aggravate the situation. The Commission proposes the following measures -
- (a) the Government, while expanding the Political Appointment System, should also reiterate its determination to keep the civil service system intact, and quash any speculations that the further development of the System would undermine the effectiveness and morale of the civil servants, that the Government would not be able to attract capable and aspiring young people to join the civil service or that the quality of the civil service could not be sustained in the long run; and
- (b) the civil service, led by the SCS, should strive to work in effective partnership with the political appointees. Senior civil servants, particularly those of the AO Grade, should be encouraged to embrace and adjust to the changes positively. The opportunity should also be taken to review and reinforce the functions of the civil service, and to continue with the reforms to further improve public sector productivity and efficiency.
9. 为此，当局应审慎行事，确保进一步发展政治委任制度不会导致情况恶化。委员会建议采取下列措施：
- (a) 政府在扩展政治委任制度时，应重申其维持公务员体制完整的决心，避免有人揣测进一步发展政治委任制度会削弱公务员的工作成效或打击公务员的士气，而政府将无法吸引年青有为并有志加入政府的人士投身公务员行列，又或公务员的质素难以长远维持；以及
- (b) 由公务员事务局局长领导的公务员队伍，应致力与政治任命官员建立伙伴关系，合作无间。当局应鼓励高级公务员，特别是政务主任职系人员积极适应转变。当局也应藉此机会去检讨和加强公务员的职能，并继续推行改革，进一步改善公营部门的生产力和工作效率。

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Civil service establishment

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

公务员编制

10. 拟议增设两个层级的政治任命官员，其中一个目的是向主要官员提供更多支援以处理政治工作，从而更能符合以民为本的施政需要。开设这些政治任命职位，另一个目的是为有志参与公共事务的人士提供新的途径，让他们认识政府的实际运作，培养政治工作技巧，为香港的长远政制发展作出贡献（《谘询文件》第2.02段）。拟增设的政治领导层级不会导致削减公务员编制（《谘询文件》第2.05(c)段）。
11. 委员会深信，对于为增设政治任命官员职位而削减公务员职位的任何建议，当局必须力斥其非，否则便等同容许政治委任制度越界侵犯公务员制度。再者，新任命的政治官员除了处理涉及不同范畴的工作和培训外，也为公务员带来额外的工作需求。他们会要求公务员预备并提供资料及数据，包括进行内部分析和拟备文件，也会与公务员开会讨论向主要官员提交的意见（《谘询文件》第4.13段）。此外，那些并无公共行政背景的政治任命官员会要求公务员拨出更多时间，协助他们了解和熟习政府的运作。预期公务员的工作量在增设政治领导层级后会减少，是不切实际的想法。

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Civil service morale

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

公务员士气

12. 副局长和局长助理并非公务员。他们可以通过直接任命加入政府，并根据其合约条款离开政府。他们的合约条款与适用于公务员的条款不同（《谘询文件》第 3.03 段）。
13. 目前，在稳健的公务员制度下，聘任和晋升取决于表现优劣。副局长和局长助理的任命将无须通过那么严谨的程序，可直截了当地以有关人选的政治背景为取舍准则。面对直接任命这些高层职位的新猷，当局有必要审慎处理公务员的士气问题。委员会会继续确保公务员体制，包括其基本信念、用人唯才的聘任程序及公正无私的纪律处分机制，即使面对更广泛的政治发展，仍能维持完整。

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Possible drain of civil service talents

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

公务员队伍可能出现的人才流失

14. 进一步发展政治委任制度的建议，可让有志从政的公务员脱离公务员行列，从而参政（《谘询文件》第1.02段）。
15. 从过去四年的经验来看，可能有不少主要官员的职位仍会由前高级公务员担任，因为他们对香港的公共行政有深入认识，而且在这方面也具备丰富经验。假如这种趋势持续，而优秀公务员流失的情况随着增设两个层级的政治任命官员而扩大至较低层的职位，则流失的首长级公务员会日多。为未雨绸缪，委员会认为当局必须加快和有系统地培训公务员，以应付公务员架构中各个首长层级的职位接任问题。为尽量减低公务员人手流失的影响，政府应慎防最高层的公务员在同一时间全被吸纳。

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Duplication and division of responsibilities between the new political appointees and the civil service

新设政治任命官员与公务员的职责重迭及划分

Duplication of responsibilities

职责重迭

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

16. 如《谘询文件》所述，主要官员、副局长和局长助理组成政治班子，而公务员则负责政府的行政和执行任务（《谘询文件》第 3.03 段）。副局长负责从政治考虑角度为主要官员提供意见，以助订定政策目标和优先次序、制订政策和立法建议以达致所定的政策目标和优先次序、制订推行这些政策或法例的时间表，以及订定整体策略以取得公众对这些措施的支持。他们也就一些跨局的议题，与有关的局／部门进行协调（《谘询文件》第 3.07 段）。公务员协助主要官员制订政策和执行决定，以及管理所负责的公共服务（《谘询文件》第 4.11 段）。在制订政策方面，公务员应继续为政策措施制订建议，全面评估这些措施的影响，以及就各个政策方案提供坦诚而客观的意见和分析。他们应继续就实施各个政策方案的相关政治现实提出意见，并告知主要官员采取或不采取某项行动可能产生的政治后果（《谘询文件》第 4.16 段）。
17. 委员会留意到，政治领导层级和公务员队伍的工作看来有重迭之处。公务员和政治任命官员应否负责完全不同的工作范畴，这个问题确实会出现。

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

Clear division of basic lines of responsibilities

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

委员会认为，理想的做法，是把公务员和政治任命官员的职责划分开来。此外，委员会也留意到，出现一些职责重迭的情况，实际上在所难免，尤其是在政策制订及跨局协调方面。委员会建议，政府一开始便应承认这点，并应强调出现职责重迭是意料之中，原因是他们共同参与有关工作，分别履行公共行政人员和政治任命官员的职责，各司其事。

清晰划分基本职责范围

18. 为确保组织架构行之有效，并尽量减少政治任命官员与公务员之间产生误会，委员会认为，应订立清晰的规范，说明两者各有什么可以做，什么不可以做。当局应为副局长和局长助理拟订恰当的职责说明，使之与跟他们密切配合的高级公务员的职责有所区分。同时，应清晰划分双方各自的基本职责范围，并告诫他们切勿逾越界线。举例来说，应清楚订明公务员是政治中立的，有别于政治任命官员，不得参与政党政治或政治候选人的竞选活动，也不可为任何政治交易牵线。此外，也应强调公务员须担当公共行政人员的角色。因此，政治任命官员不应指令部门如何运作，也不应参与执行任何政策，因为这些都是公务员的基本职责。

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Political lobbying work

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

政治游说工作

19. 设立更多层级的政治任命官员，作用如下：处理各方面的政治工作，并就立法及其他政策事宜，与政党及其他有关方面联络和接洽；支援主要官员，并在有需要时以副手身分代理他们的职务；以及为有志从政以期在香港服务的人士提供更全面的事业发展途径（《谘询文件》第2.06 (b) 段）。
20. 委员会仔细审议过政治游说工作究竟应主要由政治任命官员负责，公务员从旁协助，抑或应由政治任命官员全权负责。委员会的结论是，政治任命官员须接手处理额外的政治工作以支援主要官员，这可以成为增设两个层级的政治任命官员的主要理据。政治任命官员获任命后，公务员应从政治纷争中抽身，恪守政治中立。公务员应继续担当传统的公共行政人员角色，并兼任新角色，肩负培训的职责以协助政治任命官员了解政府的运作。此外，他们应继续协助向立法会和市民解释政府政策，但争取票数以通过法案或支持政府政策，则应属政治任命官员的职责。

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

21. 然而，委员会认为，政治工作可否完全由政治班子负责，主要视乎政治任命官员的经验如何，以及他们是否准备就绪。政治任命官员未必全部有所准备，在首次获任命后即能完全承担其政治角色，这种情况在新制度实施初期尤为明显。为释除这方面的疑虑，在政治工作最终必须由政治任命官员全权负责的前提下，过渡初期容许公务员与政治任命官员的政治角色部分重叠，是可以接受的。

Line of command and related considerations

从属关系及相关考虑因素

Line of command

从属关系

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

22. 《谘询文件》预期，在委任副局长和局长助理后，公务员应继续经由常任秘书长直接向主要官员负责和请示。副局长和局长助理与常任秘书长不应有直接从属关系，而常任秘书长会继续就组织架构和工作表现评核事宜向主要官员负责。然而，政治任命官员可以：向公务员传达主要官员的看法和工作优先次序；要求公务员预备并提供资料及数据，包括进行内部分析和拟备文件；及与公务员开会讨论向主要官员提交的意见（《谘询文件》第4.13段）。

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

Performance management

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

23. 委员会留意到，副局长和局长助理在政府组织架构中与公务员并无任何关系，但却执行主要官员的权力，因此，增设层级的政治任命官员会为公务员队伍的传统从属关系带来挑战。分别适用于政治领导层级和公务员队伍的从属关系须予清晰界定，从而消减公务员的疑虑，让他们发表坦诚而客观的意见，以支援政治任命官员的工作。举例来说，当局应清晰订明常任秘书长可不受限制地向主要官员请示，并应只直接向主要官员负责。必须紧记的是，政治委任制度要行之有效，当局必须在政治领导层级与公务员队伍之间建立互信及团队精神。

工作表现管理

24. 副局长会在主要官员缺席期间代理其职务（《谘询文件》第3.07段）。预期政治领导层级不应参与影响公务员职业前途（例如聘任、晋升、纪律等）的事务，但有关方面会在适当情况下徵询他们的意见，作为评核公务员工作表现的参考。公务员叙用委员会将继续确保公务员队伍的管理公平公正（《谘询文件》第4.21段）。

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

Appeal channel

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

25. 委员会相信，现行的公务员工作表现管理制度必须维持，不可因政治领导层级扩大所带出的政治考虑因素而改变。为作出保障，主要官员不应要求副局长评论常任秘书长的表现，但有关方面徵询副局长和局长助理的意见，作为评核有关公务员（常任秘书长除外）工作表现的参考，则可予接受。不过，政治任命官员所提出有关公务员工作表现评核的参考意见，所占比重必须清楚界定，以免令人以为两者之间实际上有上司下属的关系。

申诉途径

26. 当局会为公务员提供途径，让他们在对副局长或局长助理的要求有疑虑时，可经由所属的常任秘书长把事情向主要官员或公务员事务局局长提出讨论，甚至最终向行政长官提出（《谘询文件》第 4.15 段）。
27. 委员会赞成设立申诉途径的建议。申诉途径应把公务员事务局局长包括在内，因为基于下文第 32 至 38 段阐述的理由和考虑因素，公务员事务局局长必须也是公务员。这样的安排，应能释除有关公务员利益受政治考虑因素影响的疑虑。因此，委员会认为无须另设独立于政府的监察组织负责处理公务员的关注或申诉。不过，适用于申诉机制的各项安排应清楚订明如下：

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- (a) when there are conflicts between the political appointees and the civil servants, they should firstly be resolved between the PO and the PS; and
- (b) failing (a) above, for those conflicts relating to human resource management and the core values of the civil service, they should be escalated and drawn to the attention of the SCS. For those conflicts relating to policy issues, they should be raised with the Chief Secretary for Administration and Financial Secretary at the appropriate policy group meeting.
28. The Commission presently receives direct representations from civil servants in relation to matters falling within its purview of appointment, promotion and discipline. If an individual civil servant chooses to submit representations to the Commission on such matters against a political appointee, the Commission, under Section 6(1)(c) of the Public Service Commission Ordinance^{Note 4}, is obliged to deal with such representations. This is an additional safeguard against any political interference in the appointment, promotion and discipline of the civil service.
- (a) 如政治任命官员与公务员发生冲突，应先交由主要官员与常任秘书长解决；以及
- (b) 如上文 (a) 段所述安排未能解决有关冲突，则凡涉及人力资源管理和公务员基本信念的冲突，应上呈公务员事务局局长；有关政策事宜的冲突，应在相关的政策小组会议上向政务司司长和财政司司长提出。
28. 目前，委员会就属于其职权范围内的聘任、晋升及纪律事宜受理公务员直接提交的申述。如个别公务员选择就该等事宜向委员会提交针对政治任命官员的申述，根据《公务员叙用委员会条例》第6(1)(c)条^{注4}，委员会须处理该等申述。这提供多一重保障，以防公务员的聘任、晋升及纪律事宜受到政治干预。

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

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

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

注4 《公务员叙用委员会条例》(第93章)第6(1)(c)条

(1) 委员会须就以下事项向行政长官提供意见 —

(c) 经由行政长官转介予委员会的某一人员提出的申述，或由某一人员按照政府规例向委员会提交的申述。

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"Revolving door"

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

"旋转门"

29. 《谘询文件》建议，有志从政的公务员，可离开公务员队伍，然后参政。假如他有意重投公务员行列，必须按照正常的途径，通过公开及公平竞争的招聘程序，才可获录用。这机制已作出适当平衡，一方面让有志从政的个别公务员能够参政，另一方面也能避免角色混淆或损及公务员队伍不偏不倚的特质（《谘询文件》第4.22段）。政府阐释，此举也可避免公务员在其政治任命职位任期届满后返回公务员队伍时，须为日后掌政而政治理念或有不同的政府效力。
30. 委员会察悉，部分公务员或认为不设"旋转门"的安排，便无法吸引他们转行从政。然而，委员会赞成不订立"旋转门"的安排，若非如此，则政治任命官员与公务员的区分会日渐模糊，长远来说，会影响公务员维持政治中立。再者，若给予政治任命官员灵活性，则对于因为政治任命官员重返政府而被要求腾出某些职位的公务员来说，或有欠公平，更何况有关安排会打乱公务员的接任策划工作。
31. 基于上述理据，对于建议继续实施现行特别为出任公务员事务局局长一职的人员提供“旋转门”的安排，委员会实在不明所以。委员会对此事的意见载于下文第32至38段。

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Position of the SCS

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

公务员事务局局长的角色

32. 《谘询文件》建议，公务员事务局局长应与其他主要官员一样，属政治领导层级的一员，为其政策范畴内的事务负责。他在接受该职位时，不一定要通过辞职或退休脱离公务员队伍。该人员可选择在担任公务员事务局局长期间脱离公务员队伍，如届时未达公务员的退休年龄，亦可选择在不再担任该局长职位或任期届满后随即返回公务员队伍。（《谘询文件》第4.23及4.25段）。
33. 委员会认为，建议的混合式公务员事务局局长聘用制会影响公众和全体公务员对公务员政治中立的看法。因此，对于有人批评这项适用于公务员事务局局长职位的特别安排不符合公务员政治中立的原则，当局不应轻视。虽然《谘询文件》指出担任公务员事务局局长的人员应谨慎行事，避免参与选举政治和其他竞选活动，但只要他仍然属政治任命官员，便无法免除公众对其政治中立性的质疑，特别是如果他在担任公务员事务局局长期间通过辞职或退休脱离公务员队伍后，仍可保留公务员事务局局长职位的话，便更加令人怀疑。

Appendix I (c) 附录 I (c)

34. The Commission believes that it is important to have a clearly identified head of the civil service to provide the "backbone of the Government" with the leadership and the continuity, as well as the focal point of interface between the civil service and the political tier in the Government structure. This position should be reserved for the civil service and selected from amongst serving top civil servants with known good track record and sufficient seniority to command the respect of the civil service. The SCS who retains his status as a civil servant will command the respect of the civil service, will be perceived as being able to help protect the integrity of the civil service system and to defend more adequately the interests of the civil service.
35. In keeping with the spirit of the Accountability System that the SCS should also be accountable for the success or failure of civil service-related policies and matters, the Commission suggests that his appointment should be made on the condition that it would be his last appointment in the civil service. His tenure will coincide with that of the CE. If he is due to retire on reaching his normal retirement age before the CE's term of office ends, his service should be extended in order that his appointment as SCS could tie in with the completion of the term of office of the CE. If the SCS has not yet reached his normal retirement age on completion of the usual term of office of the CE and if he is not re-appointed to serve as SCS for another term by the incoming CE, he should still be required to leave the service to satisfy the condition that his appointment as SCS should be his last civil service appointment. His pensionable service should be suitably compensated for the service forgone. But given the seniority expected of the selected officer, only a short gap of service forgone is anticipated and hence the compensation payable should not be significant.
34. 委员会认为必须有一名身分明确的公务员之首，负责领导被视为“政府骨干”的公务员队伍，既保持公务员队伍延续性，也作为政府架构中公务员队伍与政治领导层级之间的连系点。这职位应留给公务员，并从现职高层公务员中选出素有优良工作记录和足够年资而受公务员尊重者出任。公务员事务局局长如保留公务员身分，不但可受到公务员尊重，而且令人觉得会有助维护公务员体制完整，并更适当地捍卫公务员的权益。
35. 为贯彻问责制的精神，公务员事务局局长也应为涉及公务员的政策及事务的得失负责。委员会建议，任命公务员事务局局长时，须规定该项任命是有关人员在公务员队伍的最后一项任命。他的任期会与行政长官的任期同时届满。如公务员事务局局长在行政长官任期届满前已届正常退休年龄，则其任期应予延长，以便其公务员事务局局长的任命，可配合行政长官的任期。如在行政长官的正常任期届满时，公务员事务局局长尚未届正常退休年龄，而接任的行政长官也不再任命他担任下一届政府的公务员事务局局长，则该人员仍须离开公务员队伍，以符合出任公务员事务局局长是其在公务员队伍最后一项任命的条件。为此，当局应就其放弃的服务期，对其可供计算退休金的服务期作出适当补偿。然而，由于获任命的人员预期已有相当年资，估计有关人员须放弃的服务期不会太长，为此而支付的补偿应为数不大。

Appendix I (c) 附录 I (c)

36. The Commission considers it sensible to reserve the job of the SCS for the civil service and to make the appointment of SCS on the condition that it would be his last civil service appointment. The SCS is the head of the civil service and the PSs report to him on civil service management issues. It will be untenable to create a reversed supervisor-subordinate relationship if, when he steps down from the position of SCS, he is made a PS and report to a former subordinate who is escalated to the position of SCS.
37. Separately, to ensure that the SCS will have direct access to the CE and his status will be on a par with other POs, the Commission further suggests that the SCS should continue to be appointed as a PO, and like the other POs, a Member of the Executive Council.
38. Any civil servant appointed to be the SCS may of course be subsequently selected by the CE to hold a different PO position as a political appointee. His career in the civil service ceases with his SCS job.
36. 委员会认为，把公务员事务局局长一职留给公务员，并规定公务员事务局局长的任命必须是有关人员在公务员队伍的最后一项任命，实属明智之举。公务员事务局局长是公务员队伍之首，各常任秘书长须就公务员的管理事宜向公务员事务局局长汇报。假如公务员事务局局长卸任后调任常任秘书长，须向一名曾经是其下属，但已获委任为公务员事务局局长的汇报，便会导致先前的上司下属关系倒转，这种情况并不合理。
37. 另外，为确保公务员事务局局长可直接请示行政长官，并与其他主要官员地位相同，委员会进一步建议，公务员事务局局长应继续获任命为主要官员，并与其他主要官员一样，获委任为行政会议成员。
38. 当然，任何获任命为公务员事务局局长的公务员，日后或有可能获行政长官挑选，以政治任命官员身分担任另一个主要官员职位。该员离任公务员事务局局长一职之日，也是他离开公务员队伍之时。

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

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

任命公务员事务局副局长和局长助理

39. 副局长职位的任命由行政长官在局长的建议下作出，而局长助理职位的任命则由局长在取得行政长官同意下作出（《谘询文件》第 3.10 段）。

Appendix I (c) 附录 I (c)

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

40. 委员会认为，假如公务员事务局局长保留公务员身分而不属政治领导层级，便无须在他辖下增设由政治任命官员组成的中级领导层级。公务员事务局有少部分工作范畴有时或须进行政治游说，甚至政治交易。处理薪酬调整事宜或薪酬纠纷便是一例。假如这类涉及全体公务员的事宜须进行游说以争取政党支持，则为了香港的管治的整体利益着想，动员其他主要官员，包括政务司司长和财政司司长，以至行政长官（如有需要），一起争取所需的政界支持，这个做法并非不合理。不过，这种情况应甚少发生。

Conclusion

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

Public Service Commission
26 October 2006

结语

41. 委员会认为至关重要的，是公务员应与政治任命官员齐心协力，共同为香港提供有效管治。本意见书所载的意见及建议，目的是促使新设的政治任命官员与公务员建立和睦的工作关系，确保进一步发展政治委任制度时不会导致两者互不信任或产生冲突，因而影响为市民提供的服务。

公务员叙用委员会
二零零六年十月二十六日

Appendix II 附录 II

Submissions with Revised Recommendations after the Commission Secretariat's Observations 委员会秘书处提供意见后曾作出修订的建议

Category 类别数目	Open/ In-service Recruitment 公开/ 内部聘任	Promotions/ Acting Appointments 晋升/ 署任职位	Continuous Employment/ Termination of Service ¹ 延任/ 不予续聘 ¹	Other Appointment- related Submissions ² 其他聘任 相关个案 ²	Discipline 纪律	Total 总数
Number of submissions advised on 曾提供意见的建议	134	512	33	110	103	892
(a) Number of submissions queried 曾提出质疑的建议	14	222	8	24	10	278
(b) Number of submissions with revised recommendations following queries 在提出质疑后作出修订的 建议	2	102	2	1	8	115
(b) / (a)	14%	46%	25%	4%	80%	41%

Comparison with Previous Years 与过去数年的比较

Year 年份	2004	2005	2006
Total No. of submissions advised on 曾提供意见的建议总数	911	765	892
(a) submissions queried 曾提出质疑的建议	289	245	278
(b) submissions with revised recommendations following query 在提出质疑后作出修订的建议	119	117	115
(b) / (a)	41%	48%	41%

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

延任/不予续聘的个案包括不获续约、终止合约、提供任期较正常为短的合约、新聘人员因品行/表现问题而遭延长/拒予通过试用/试任关限、首长级人员根据补偿退休计划提早退休，以及根据《公务人员(管理)命令》第12条为公众利益着想而迫令退休。

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

其他聘任相关个案包括在新/旧入职制度下续约/延长合约期、退休后延任/重行受雇、覆检署任安排以符合运作需要、开放职位安排、借调、修订聘用条款和更新《聘任指南》。

Appendix III
附录 III

**Curricula Vitae of the Chairman and
Members of the Public Service Commission**
委员会主席及委员简介



Mr Nicholas NG Wing-fui, GBS, JP

*Chairman, Public Service Commission
(appointed on 1 May 2005)*

*Occupation : Chairman, Public Service
Commission*

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

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

吴荣奎先生, GBS, JP

*委员会主席
(二零零五年五月一日获委任)*

职业 : 公务员叙用委员会主席

*学历 : 香港大学荣誉社会科学学士、
英国特许秘书及行政人员公会
资深会员、香港特许秘书公会
资深会士*

吴荣奎先生是资深公务员。他在一九七一年加入政务职系，退休前担任的高级职位计有副銓叙司(人事管理)(一九八五至八七年)、公务员薪俸及服务条件常务委员会秘书长(一九八九至九一年)、布政司办公室辖下行政署长(一九九一至九四年)、宪制事务司(一九九四至九七年)及运输局局长(一九九七至二零零二年)。



Mr Vincent CHOW Wing-shing, BBS, JP

*Member, Public Service Commission
(appointed from 1 February 1998 to 31 January 2006)*

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

Qualification : B.Sc., M.Sc.

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

周永成先生, BBS, JP

*委员会委员
(任期由一九九八年二月一日至二零
零六年一月三十一日)*

*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、城市大学专上学院管理委员会主席、香港话剧团主席、康乐及文化事务署辖下演艺小组(戏剧)主席，以及香港管弦乐团名誉顾问。他也是香港会计师公会调查小组A组成员。

Appendix III 附录 III

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

Member, Public Service Commission

(appointed on 1 December 2001)

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

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

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

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

Member, Public Service Commission

(appointed from 1 February 2002 to 31 January 2006)

Occupation : Vice-Chairman of Shui On Land Ltd.

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

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

陈清霞女士, BBS, 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

陈女士是九龙医院和香港眼科医院的主席。她是中国人民政治协商会议天津市委员会常务委员、中国司法部委托公证人、中国国际经济贸易仲裁委员会的仲裁员、天津市人民政府对外经济法律顾问，以及香港中国企业协会的法律顾问。此外，她也是行政上诉委员会委员、香港会计师公会纪律小组委员、维多利亚大学基金会主席和香港加拿大商会董事。

王英伟先生, JP

委员会委员

(任期由二零零二年二月一日至二零零六年一月三十一日)

职业：瑞安房地产有限公司副董事长
学历：香港大学荣誉社会科学学士、香港中文大学管理学文凭、哈佛大学公共管理学硕士、牛津大学行政发展研究课程

王先生是社会福利谘询委员会主席、机场管理局董事会和香港旅游发展局成员、扶贫委员会委员、香港浸会大学谘议会及校董会主席、策略发展委员会委员，并担任香港国际电影节协会主席和香港工商专业联合会主席。王先生自一九九七年起出任全国人民代表大会代表。

Appendix III 附录 III



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



Mr Michael SZE Cho-cheung, GBS, JP

Member, Public Service Commission

(appointed on 1 February 2004)

Occupation : Independent Non-Executive

Director of Swire Pacific Ltd. and

Non-Executive Director of

Lee Kum Kee Co. Ltd.

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

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

叶锡安先生, 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，以及恒隆集团有限公司的独立非执行董事。他亦是退休公务员就业申请咨询委员会委员、外汇基金咨询委员会委员、伊利沙伯女皇弱智人士基金理事会成员、尤德爵士纪念基金信托委员会成员、恒生指数咨询委员会成员，以及香港爱滋病基金会顾问委员会的成员。此外，他也是香港科技大学顾问委员会荣誉委员、香港大学法律专业学系荣誉讲师、北京清华大学法学院研究顾问，以及医疗管理学会荣誉院士。

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。他终生为香港政府服务，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。

Appendix III 附录 III

**Mr Thomas Brian STEVENSON, SBS**

Member, Public Service Commission

(appointed on 1 February 2004)

Occupation : Businessman

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

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

施文信先生, SBS

委员会委员

(二零零四年二月一日获委任)

职业：商人

学历：特许会计师(苏格兰)、格拉斯哥大学和香港大学法学学位

施文信先生是香港上海汇丰银行有限公司和地铁有限公司的非执行董事，也是英国电讯亚太谘询委员会委员和香港赛马会董事。

**Mrs Paula KO WONG Chau-mui**

Member, Public Service Commission

(appointed from 1 June 2005 to 30 September 2006)

Occupation : Head, Organisation Learning,

China, Standard Chartered Bank

Qualification : B.Soc.Sc.(Hons) (HKU)

柯黄秋梅女士

委员会委员

(任期由二零零五年六月一日至二零零六年九月三十日)

职业：渣打银行中国区培训及发展总监

学历：香港大学荣誉社会科学学士

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

Member, Public Service Commission

(appointed on 1 February 2006)

Occupation : Businessman

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

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

罗家骏先生, JP

委员会委员

(二零零六年二月一日获委任)

职业：商人

学历：香港大学荣誉理学士

罗先生是联强国际(香港)有限公司总裁兼执行长。他也是公务员薪俸及服务条件常务委员会主席，以及首长级薪俸及服务条件常务委员会委员。

Appendix III 附录 III



**Mrs Mimi CUNNINGHAM KING
Kong-sang**

*Member, Public Service Commission
(appointed on 1 February 2006)*

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

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

简金港生女士

委员会委员

(二零零六年二月一日获委任)

职业：九广铁路公司人力资源总监

学历：香港大学荣誉文学士、
香港中文大学工商管理硕士、
伦敦大学文学硕士



Ms WONG Mee-chun, JP

*Member, Public Service Commission
(appointed on 1 July 2006)*

Occupation : Consultant

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

黄美春女士, JP

委员会委员

(二零零六年七月一日获委任)

职业：顾问

学历：伦敦大学伦敦政治经济学院理
学士(经济学)、英格兰及威尔
斯特许会计师公会会员

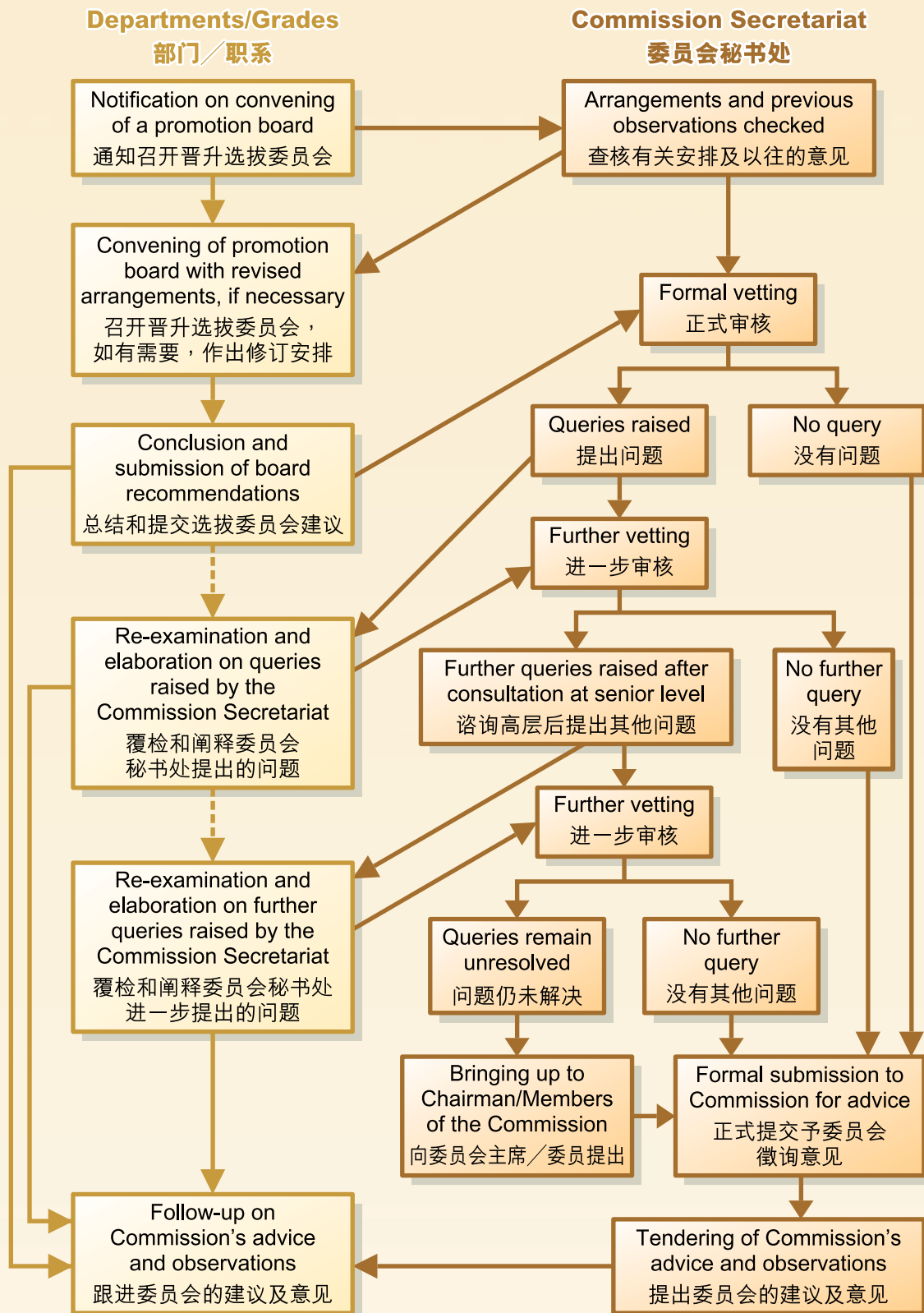
Ms Wong is a member of the ICAC Complaints Committee, Solicitors' Disciplinary Tribunal Panel, Administration Appeal Tribunal Panel and Standing Committee on Disciplined Services Salaries and Conditions of Service. She is also an Independent Non-Executive Director of Excel Technology International Holdings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

黄女士是廉政公署事宜投诉委员会、
律师纪律审裁团、行政上诉委员会及
纪律人员薪俸及服务条件常务委员会
成员，也是志鸿科技国际控股有限公司
的独立非执行董事。

Appendix IV
附录 IV

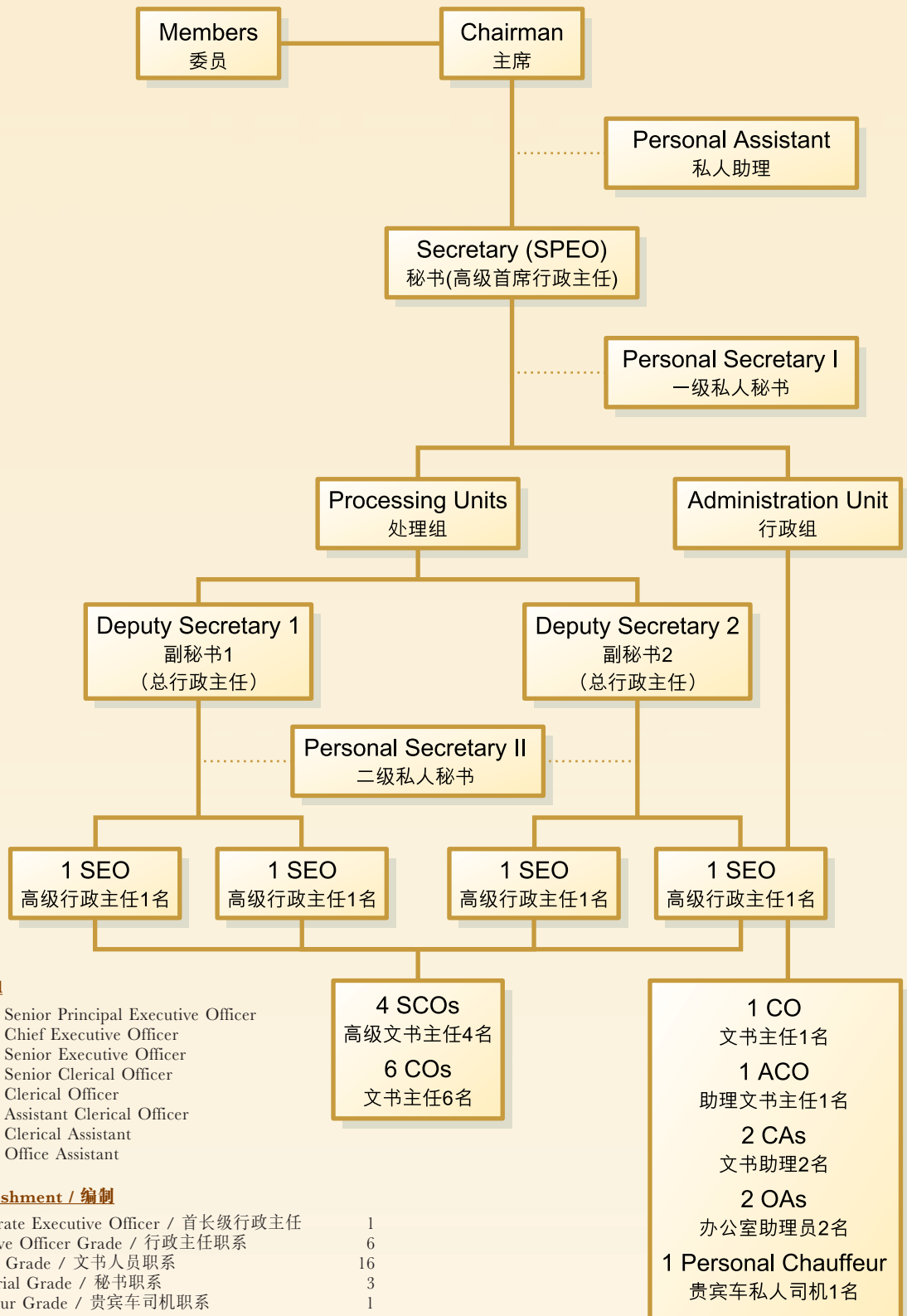
Flow Chart Illustrating the Vetting Process of Promotion Cases

晋升选拔个案审查程序流程图



Appendix V
附录 V

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



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 / 首长级行政主任	1
Executive Officer Grade / 行政主任职系	6
Clerical Grade / 文书人员职系	16
Secretarial Grade / 秘书职系	3
Chauffeur Grade / 贵宾车司机职系	1

Appendix VI 附录 VI

Number of Appointees (by Terms of Appointment) in the Open and In-service Recruitment Exercises in 2006 二零零六年公开和内部招聘人数(按聘用条款列出)

Open Recruitment 公开招聘	Number of appointees 受聘人数
• on probationary terms 按试用条款受聘	273
• on agreement terms 按合约条款受聘	2
• on transfer (between departments or grades) 转职 (部门或职系之间)	17
Sub-total 小计	292

In-service appointment 内部招聘	
• on trial terms 按试任条款受聘	82
• on probationary terms 按试用条款受聘	21
• on local agreement terms 按本地合约条款受聘	1
Sub-total 小计	104
Total 合计	396

Comparison with figures in previous years 与过去数年的数字比较

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

Appendix VII
附录 VII

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

**二零零六年徵询委员会意见填补的职位空缺
按薪金组别列出的数字**

Vacancies Filled by 填补空缺方式	Salary Group 薪金组别					Sub- total 小计
	Master Pay Scale Points 26-44 总薪级 第26-44点	Master Pay Scale Points 45-49 总薪级 第45-49点	Directorate 首长级		General Disciplined Services Pay Scale 一般纪律人员 薪级	
			D1-D2 首长级薪级 第1-2点	D3 and above 首长级薪级 第3点或以上		
Open recruitment 公开招聘	202	1	1	-	88	292
In-service recruitment 内部招聘	86	1	1	1	15	104
Promotion 晋升	680	160	100	32	135	1 107
Secondment 借调	-	-	-	2	-	2
Sub-total 小计	968	162	102	35	238	-
Total No. of Vacancies Involved 所涉及的职位空缺总数						1 505

Appendix VIII 附录 VIII

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

二零零六年徵詢委員會意見的 其他公務員聘任事宜（按類別划分）

Other Civil Service Appointment Matters 其他公務員聘任事宜	Number of submissions 个案数目
Non-renewal of agreement / 不获续约	3
Termination of agreement / 终止合约	1
Offer of shorter-than-normal agreements 提供任期较正常为短的合约 <ul style="list-style-type: none"> • on performance ground (4) 因工作表现问题 • to tie in with the 60th birthday of the officers concerned³ (3) 以配合有关人员的60岁生辰³ 	7
Renewal or extension of agreement / 续约或延长合约期	10
Refusal of passage of trial bar / 拒予通过试任关限	1
Refusal of passage of probation bar / 拒予通过试用关限	2
Deferment of passage of probation bar / 延长试用关限	9
Early retirement of directorate officers under the Management Initiated Retirement Scheme / 首长级人员根据补偿退休计划提早退休	0
Retirement under Section 12 of Public Service (Administration) Order 根据《公务人员(管理)命令》第12条退休 <ul style="list-style-type: none"> • on persistent substandard performance ground (9) 因工作表现持续欠佳 • on loss of confidence (1) 因当局对有关人员失去信心 	10
Extension of service or re-employment after retirement 退休后延任或重行受雇 <ul style="list-style-type: none"> • Directorate officers / 首长级人员 (4) • Non-directorate officers / 非首长级人员 (5) 	9
Secondment / 借调	2
Opening-up Arrangement / 开放职位安排	26
Revision of terms of employment / 修订聘用条款	1

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

根据《公务人员事务规例》第280及281条，除非在非常例外的情况下，否则，合约公务员在年满60岁后，不会获得考虑继续聘用。

Appendix IX
附录 IX

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

**二零零六年徵询委员会意见的纪律个案
按不当行为 / 刑事罪行类别和惩罚方式划分的数字**

Penalties 惩罚方式	Category of Misconduct / Offences 不当行为 / 刑事罪行类别						Total 合计
	Traffic related offences 违反交通规则 的个案	Theft 盗窃 罪行	Crimes conviction not under columns 1 and 2* 第一及第二栏 以外的刑事 定罪个案*	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**	
Dismissal 革职	-	2	10	-	9	-	21
Compulsory retirement + Fine 迫令退休 + 罚款	-	1	-	-	2	-	3
Compulsory Retirement 迫令退休	-	1	2	3	2	4	12
Lesser Penalty 较轻微的惩罚	13	10	9	10	9	16	67
Total 合计	13	14	21	13	22	20	103

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

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

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

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

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

注：(a) 委员会在二零零六年就 103 宗纪律个案提供意见。

(b) 在 103 宗纪律个案之中，有 48 宗是当事人被法庭裁定罪名成立后予以惩罚。

(c) 至于其余 55 宗纪律个案，有 6 宗所涉及的人员弃职潜逃。

* 包括殴打、担任公职时行为不当、非礼、管有危险药物以及欺诈 / 企图欺诈。

** 包括未经批准而从事外间工作、未经批准借贷、没有上报刑事法律程序、违反房屋福利规则，以及接受利益 / 过分丰厚的款待。

Appendix X 附录 X

Disciplinary Cases Advised by the Commission in 2006 Breakdown by Salary Group and Punishment 二零零六年徵询委员会意见的纪律个案 按薪金组别和惩罚方式划分的数字

Punishment 惩罚方式	Salary Group 薪金组别			Total 合计
	At or Below Master Pay Scale Pt.13 or equivalent 总薪级第13点或以下 或同等薪点	Master Pay Scale Pt.14 to 33 or equivalent 总薪级第14-33点或 同等薪点	Master Pay Scale Pt.34 and above or equivalent 总薪级第34点或以上 或同等薪点	
Dismissal 革职	5	11	5	21
Compulsory Retirement + Fine 迫令退休 + 罚款	3	0	0	3
Compulsory Retirement 迫令退休	9	2	1	12
Severe Reprimand + Fine 严厉谴责 + 罚款	15	18	3	36
Severe Reprimand 严厉谴责	3	4	0	7
Reprimand + Fine 谴责 + 罚款	7	3	0	10
Reprimand 谴责	9	3	2	14
Total 合计	51	41	11	103

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