

Promotions 晉升

Appointments 聘任

Annual Report 2005

二零零五年年報

Discipline 紀律

Promotions 晉升
Appointments 聘任



Public Service Commission

公務員絀用委員會



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Having retired from the civil service for three years, I feel especially honoured and privileged to be appointed as the Chairman of the Public Service Commission. The Commission has a vital role to play in safeguarding the impartiality of the recruitment and promotion systems as well as the integrity of the disciplinary mechanism in the civil service. I am infused

with a sense of mission in taking up this job.

Since my assumption of office in May 2005, I have maintained close dialogues with the Secretary for the Civil Service and the Permanent Secretary for the Civil Service as well as their deputies on the Commission's concerns of important human resources management (HRM) issues affecting the civil service. This close working relationship has resulted in a number of policy reviews and new initiatives being introduced or under consideration. Chapters 3 (on Civil Service Appointment Matters) and 4 (on Civil Service Discipline Issues) of this Report give a detailed account of those policy issues and initiatives raised by the Commission for the Administration's consideration. We shall continue to actively play our "think tank" role to contribute to improving HRM practices and procedures in the service.

In upholding its core values of being clean, impartial and efficient, the civil service must be staffed by officers of merit, ability and integrity. In providing checks and balances to the processing of recruitment, promotion and disciplinary cases put up by the Administration, the Commission ensures that the most suitable candidates are recruited, the most deserving officers are promoted, and those who have misconducted themselves are appropriately punished. But over-generous reporting and tolerance of sub-standard performers or officers who have misconducted themselves could cloud one's judgement. To address this concern, I have, on behalf of the Commission, urged the Administration to take more vigorous measures to strengthen the performance management of civil

退休以來，已有三年。我十分榮幸，獲委任為公務員敘用委員會主席。委員會致力維護公務員聘任和晉升制度公平公正，確保紀律處分機制公允持正，任重道遠。因此，今次出任委員會主席一職，我有着強烈的使命感。

自二零零五年五月上任以來，我一直與公務員事務局局長和公務員事務局常任秘書長保持密切聯繫，並與他們的副手定期會面，商討委員會所關注有關公務員人力資源管理的重要事宜。透過彼此緊密合作，我們推動政策檢討，和促使一些新的措施得以落實或被考慮。本報告第三章（公務員聘任事宜）和第四章（公務員紀律事宜）詳述委員會提議政府考慮的政策事宜和措施。我們會繼續積極發揮“智囊團”的作用，協助改善公務員隊伍的人力資源管理方法和程序。

為秉持公務員隊伍廉潔守正、不偏不倚、效率超卓的基本信念，擔任公務員者必須才德兼備，恪守誠信。在審議政府所提交的招聘、晉升和紀律個案時，委員會作出監察與制衡，以確保選賢與能，量才擢升，和違者究治，罰得其所。然而，評核過於寬鬆，和姑息表現欠佳或行為失當的人員，都會礙窒管治時的判斷。有見及此，我已代表委員會敦促當局採取更強效的措施，改善公務員的工作表現管理。我們會繼續監察當局為改善有關機制而推行的措施。

servants. We shall continue to monitor the improvement measures made by the Administration in enhancing the system.

Another issue which the Commission has proactively taken up with the Administration is the problem of directorate succession faced by a number of departments. We see the need for more strategic planning and to address the problem at the fundamental level. We have strongly advocated, through attendance at promotion board meetings and good will visits to departments, the need to identify young and bright officers with exceptional potential for early grooming for directorate responsibilities.

It has been a busy year for the Commission. I am indebted to my predecessor, Mr Haider Barma, for the solid foundations he has laid down for me to carry on the work of the Commission, and to Members for their wise counsel and contributions. In particular, I pay tribute to Dr. Elizabeth SHING who retired from the Commission during the year and extend my warm welcome to Mrs Paula KO, our new Member.



Nicholas NG Wing-fui

Chairman

委員會主動與當局研究的另一課題，是部分部門面對的首長級人員接任問題。委員會認為解決問題，應由根本着手，規劃未來要高瞻遠矚。透過旁席晉升選拔委員會會議，以及前往部門進行親善訪問，委員會倡請當局須及早挑選潛質非凡、才智過人的年青人員，栽培他們成為首長級人員的接班人。

年內，委員會工作繁忙。前任主席鮑文先生為委員會奠下穩固基礎，讓我得以繼續順利推展工作，謹此深表謝忱。此外，我也衷心感謝各委員提供精闢意見，貢獻良多。我更特別向年內離任的成小澄博士致意，和歡迎柯黃秋梅女士加入委員會。



吳榮奎

主席

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 Commission's fundamental role is to advise the Chief Executive (CE) on civil service appointments, promotions and discipline.

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

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 Departments and officers of similar status. At the end of 2005, the number of established civil service posts under the Commission's purview was 32 610.

職責

1.2 除少數個別情況外¹，委員會就聘用及晉升事宜提供的意見，其範圍僅限於高職級公務員，包括頂薪點達每月薪金31,860元（總薪級表第26點）或以上的職位，至常任秘書長、部門首長和職位相若的人員。截至二零零五年年底，在委員會職權範圍內的設定公務員職位共有32 610個。

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 Bureaux are not civil servants and their appointments also need not be referred to the Commission.

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

1 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].
 See paragraphs 3.9 to 3.18 of Chapter 3 on pages 15 to 20.

以下各類個案，不論所涉職級高低，必須徵詢委員會的意見：
 — 不獲續約／提供任期較正常為短的合約；
 — 延長／拒予通過試用／試任關限；以及
 — 根據《公務人員(管理)命令》第12條為公眾利益着想而退休。
 見第15至20頁第三章第3.9至3.18段。

- 1.4 As for disciplinary cases, this covers all Category A officers² with the exception of exclusions specified in the Public Service Commission Ordinance³. This covers virtually all officers except those on probation, agreement and those remunerated on the Model Scale I Pay Scale. At the end of 2005, the number of Category A officer was about 138 000.
- 1.5 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. During the year, the Commission dealt with 12 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 four other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.
- 1.4 至於紀律事宜，所有甲類公務員²的紀律個案（不包括《公務員敘用委員會條例》訂明豁除的人員的個案³），都經委員會處理。甲類公務員實際上包括除試用人員、合約人員和第一標準薪級人員以外的所有公務員。截至二零零五年年底，甲類公務員約有 138 000 人。
- 1.5 委員會也處理公務員在委員會法定權限內就本身有直接和實際利益關係的事宜提出的申述。年內，委員會處理了 12 宗與聘任事宜有關的申述個案。經詳細審查後，委員會認為所有個案的理據均不成立。委員會另外收到四宗投訴，所涉事宜不屬於委員會的職權範圍，已全部轉交有關部門跟進。

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

根據《退休金利益規例》（香港法例第 99A 章），「甲類公務員」指受聘擔任設定職位，並在退休或辭職時實任設定職位的人員。

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

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

- 1.6 In examining submissions from the Administration, the Commission always ensures that the recommendations are sound and the related process is carried out fairly, meticulously and thoroughly. The Administration is required to clarify or justify its recommendations in response to the Commission's observations and queries. On many occasions, the Administration has changed its recommendations following comment 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.
- 1.7 In addition, the Commission is required to advise on any matter relating to the civil service that may be referred to it by the CE. The Commission also acts as a "think tank" to the Secretary for the Civil Service. The Commission's views are sought on policy and procedural issues pertaining to appointments, promotions and discipline as well as on a wide range of subjects relating to the review and development of Human Resources Management subjects.
- 1.6 委員會在審閱政府所提交的建議時，會確保建議合理，及處理程序公平、審慎和妥善。政府須就委員會的意見和疑問，澄清或解釋所提建議。在許多個案中，政府都因應委員會的意見，修改建議；也有部分個案，經政府澄清或詳加解釋後，委員會認為建議恰當。委員會審閱建議時，如果發現有偏離既定程序／做法的情況或人事管理問題，便會促請政府注意，並建議改善方法。
- 1.7 此外，委員會須就任何由行政長官轉介而與公務員有關的事宜，提供意見。委員會也充當公務員事務局局長的“智囊團”，凡與聘用、晉升和紀律有關的政策和程序，以及與人力資源管理相關的檢討和發展事宜，當局都會徵詢委員會的意見。

■ Mission and Performance Target

- 1.8 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 the principle of broad consistency in punishment is maintained throughout the service.
- 1.9 In 2005, the Commission advised on 765 submissions covering recruitment and promotion exercises, disciplinary cases and other appointment-related subjects. Altogether 245 submissions were queried, resulting in 117 re-submissions (48%) 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 I*.
- 1.10 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. In 2005, 99.9% of the 765 submissions (compared with 99.2% in 2004) were dealt with within the pledged processing time. The only submission not meeting the pledge related to a very complicated exercise which necessitated a longer processing time.

■ 使命和工作目標

- 1.8 委員會的使命，是確保公務員的聘用及晉升制度公平公正，以及在公務員體系中恪守普遍一致的處分原則。
- 1.9 年內，委員會就 765 項建議提供意見，涵蓋範圍包括招聘和晉升工作、紀律個案和其他與聘用有關的事宜。委員會對其中 245 項建議提出疑問，公務員事務局和有關部門考慮委員會的意見後，修訂其中 117 項（佔 48%），並向委員會重新提交建議。有關個案的分項數字載於 *附錄 I*。
- 1.10 在處理招聘、晉升及紀律個案方面，委員會的目標是在接獲建議後六個星期內，正式提供意見或作出回應。年內，在接獲的 765 項建議中，有 99.9%（二零零四年為 99.2%）是在目標時間內處理。只有一項建議涉及極為繁複的個案，需要較長時間處理，未能達標。

Membership and Secretariat of the Commission

委員會成員及秘書處

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

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

Membership

2.2 The membership of the Commission during 2005 was as follows:

成員

2.2 二零零五年委員會成員名單如下：

Membership of the Commission during 2005

二零零五年委員會成員

Chairman: 主席：	Mr Nicholas W. F. NG, GBS, JP 吳榮奎先生, GBS, JP	(since May 2005) (由二零零五年五月起)
	Mr Haider BARMA, GBS, JP 鮑文先生, GBS, JP	(August 1996 to April 2005) (一九九六年八月至二零零五年四月)
Members : 委員：	Mr Vincent CHOW Wing-shing, BBS, JP 周永成先生, BBS, JP	(since February 1998) (由一九九八年二月起)
	Dr Elizabeth SHING Shiu-ching, JP 成小澄博士, JP	(June 1999 to May 2005) (一九九九年六月至二零零五年五月)
	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	(since February 2002) (由二零零二年二月起)
	Mr Simon IP Sik-on, JP 葉錫安先生, JP	(since May 2003) (由二零零三年五月起)
	Mr Michael SZE Cho-cheung, GBS, JP 施祖祥先生, GBS, JP	(since February 2004) (由二零零四年二月起)
	Mr Thomas Brian STEVENSON, SBS 施文信先生, SBS	(since February 2004) (由二零零四年二月起)
	Mrs Paula KO WONG Chau-mui 柯黃秋梅女士	(since June 2005) (由二零零五年六月起)
Secretary: 秘書：	Mrs Stella AU-YEUNG KWAI Wai-mun 歐陽桂慧敏女士	(since November 2002) (由二零零二年十一月起)

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

主席及委員的簡介載於 *附錄 II*。

Secretariat of the Commission

- 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 III*.
- 2.4 During the year, the Chairman and Commission Secretariat continued to carry out efficiency savings measures by redistributing duties and streamlining work procedures. Under the various initiatives, one Chief Executive Officer post was deleted in 2005, in addition to eight other posts deleted in 2000 - 2004. The updated organisation chart of the Secretariat is at *Appendix IV*.

Method of Work

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

委員會秘書處

- 2.3 委員會秘書處由行政主任、秘書和文書職系等公務員所組成的小組提供服務。公務員事務局和政府部門所提交的建議，秘書處會先行詳細審議，如有需要，會要求有關方面進一步澄清和解釋，然後向委員會徵詢意見。委員會秘書處所處理的個案工作，大部分為晉升選拔個案，有關的審查程序流程圖載於附錄 III，以資說明。
- 2.4 年內，主席和委員會秘書處繼續通過重新分配職務和簡化工序等措施，提高效率，節約開支。這些措施卓見成效，繼二零零零至二零零四年刪減八個職位後，二零零五年再刪減一個總行政主任職位。秘書處的最新組織架構圖見附錄 IV。

工作方式

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

■ 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 2000 onwards) can also be viewed on the homepage and can be downloaded⁴. The total number of recorded visits to our homepage increased from 94 846 in 2004 to 114 775 in 2005.

■ 互聯網的網頁

2.6 委員會網頁可透過政府資訊中心或在下列網址瀏覽：

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

委員會網頁載有委員會的基本資料，包括角色和職責、現有成員名單、委員會執行職務的方式，以及秘書處的組織架構。委員會年報（由二零零零年起）可在網頁上瀏覽和下載⁴。瀏覽委員會網頁的人次，由二零零四年的 94 846 增至二零零五年的 114 775。

■ 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 departments and bureaux to grasp the Commission's general views and latest advice on procedural and policy aspects of appointments and disciplinary matters and thus, hopefully, help them in their work. This homepage attracted a total of 20 198 visits last year which represents an increase of about 500% as compared with the figure in 2004.

■ 數碼政府合署的網頁

2.7 委員會網頁自二零零一年一月起已上載至數碼政府合署，為各部門和各局人員提供一個方便快捷的途徑，查閱委員會在聘用和紀律事宜的程序與政策方面的觀點和最新意見，從而幫助他們的工作。去年瀏覽這網頁的人次總數達 20 198，較二零零四年約多五倍。

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

委員會年報的印行本也可在公共圖書館和各區民政事務處索閱。

3.1 The Commission's fundamental role is to advise on appointment matters relating to the filling of vacancies in the senior ranks⁵ of the civil service covering cases of open/in-service recruitment, promotion and secondment. The Commission also advises on other appointment matters relating to an officer's continued employment or termination of his service. They cover non-renewal of agreements/offer of shorter-than-normal agreements and deferment/refusal of passage of probation/trial bar of new appointees on conduct/performance grounds, early retirement of directorate officers under the Management Initiated Retirement (MIR) Scheme and compulsory retirement under section (s.) 12 of the Public Service (Administration) Order [PS(A)O]. In addition, the Commission advises on extension of service/re-employment after retirement, opening-up arrangement and revision of terms of employment of serving officers in the senior ranks⁵ of the civil service. In vetting the related departmental submissions, the Commission also offers advice to departments on good performance management practices with a view to further enhancing the staff performance management systems in departments.

3.1 委員會的主要職責，是就填補高職級公務員⁵職位空缺的聘任事宜（涵蓋公開／內部招聘、晉升和借調等個案）提供意見。委員會也就繼續聘用或終止聘用公務員的其他聘任事宜提供意見，有關個案涵蓋不獲續約／提供任期較正常為短的合約、新聘用人員因品行／表現問題而遭延長／拒絕通過試用／試任關限、首長級人員根據補償退休計劃提早退休，以及根據《公務人員（管理）命令》第12條迫令退休等情況。此外，委員會也就退休後延任／重行受僱、開放職位安排、修訂高職級的在職公務員⁵聘用條款等提供意見。委員會在審核部門所提交的有關建議時，還會就良好的工作表現管理方法向部門提供意見，以期進一步改善其員工表現管理制度。

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 and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

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

■ An Overview of Vacancies Filled in 2005 as Advised by the Commission

3.2 The Commission advised on the filling of 1 356 vacancies during the year, a breakdown of which by salary group is at *Appendix V*.

■ Open/in-service recruitment

3.3 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, in accordance with Article 101 of the Basic Law, professional and technical posts may be filled by non-permanent residents if there are no qualified and suitable candidates with permanent resident status. While recruitment is to be undertaken by the Civil Service Bureau (CSB) and Government departments, the Commission is involved in the recruitment process through overseeing the procedural aspects and advising on vetting criteria and recommendations for appointment.

3.4 With the continuation of general civil service recruitment freeze affecting mostly the basic ranks as well as the down-sizing of the civil service establishment (from about 198 000 in early 1999/2000 to around 160 000 by 2006/07) covering virtually all grades and ranks, the number of new recruits remained on the low side during the year. Where exceptionally justified on operational grounds, approval was given by the Joint Panel (co-chaired by the Chief Secretary for Administration and the Financial Secretary and with the Secretary for the Civil Service (SCS) as member) to conduct open recruitment in the year. The

■ 二零零五年徵詢委員會意見填補的職位空缺概況

3.2 年內，委員會就填補1 356個職位空缺事宜提供意見，這些職位空缺按薪俸組別列出的數字載於附錄V。

■ 公開／內部招聘

3.3 香港特別行政區(特區)政府於一九九七年七月一日成立後，新聘用的公務員必須是特區永久居民。然而，根據《基本法》第一百零一條，就專業及技術職位而言，假如永久居民當中沒有合資格和合適人選，則可招聘非永久居民填補。招聘工作由公務員事務局及政府各部門進行。委員會的職責，是監察有關程序，並就審查準則和聘用建議提出意見。

3.4 年內，當局繼續全面暫停招聘公務員，受影響的主要為基本職級；又繼續縮減幾近全部職系及職級的公務員編制(由一九九九至二零零零年度初期的約198 000人減至二零零六至零七年度的約160 000人)，因此，新招聘人員數目依然偏低。年內，由政務司司長與財政司司長共同擔任主席及公務員事務局局長擔任成員的聯席委員會，只在有非常充分運作理由的情況下，才批准進行公開招聘。獲

appointments made through recruitment exercises approved exceptionally by the Joint Panel included, for instance, Forestry Officer in the Agriculture, Fisheries and Conservation Department, Station Officer in the Fire Services Department and some senior positions such as Assistant Postmaster General in the Post Office .

3.5 In 2005, the Commission advised on the filling of 223 posts by local candidates, of which 152 were through open recruitment and 71 by way of in-service appointment. This represents an increase of 142% in the number of recruits compared with 2004 and an increase of 321% compared with 2003. No appointment of non-permanent residents to fill professional or technical posts was made in 2005. A statistical breakdown of these appointments and a comparison of the number of appointees in 2005 with that in the previous two years are provided at *Appendix VI*.

■ Promotion

3.6 During the year, the Commission advised on 1 132 promotions to fill vacancies in 359 ranks⁶. These included 118 promotions to directorate vacancies⁷. The actual number of promotions has increased by 26% from 901 in 2004 to 1 132 in 2005. The Commission also advised on promotion-related appointment cases involving 1 999 officers in 2005, broken down as follows -

聯席委員會破例准予進行招聘，並已委任人選填補的職位，包括漁農自然護理署的林務主任、消防處的消防隊長，以及某些高級職位（如香港郵政助理署長）等。

3.5 二零零五年，委員會曾就 223 個由本地應徵者填補的職位（152 個以公開招聘方式填補，另外 71 個以內部聘任方式填補）提供意見。年內的招聘人數，與二零零四年比較，增加了 142%，與二零零三年比較，則增加了 321%。年內，當局並沒有聘用非永久居民填補專業或技術職位。這些聘任的分項數字，以及二零零五年和之前兩年聘任人數的比較，見附錄 VI。

■ 晉升

3.6 年內，委員會就 1 132 宗以晉升方式填補職位的個案提供意見。這些職位分屬 359 個職級⁶，其中 118 個是首長級空缺⁷。實際晉升宗數由二零零四年的 901 宗，增至二零零五年的 1 132 宗，增幅達 26%。年內，委員會也就晉升相關個案提供意見。這些個案涉及 1 999 名人員，分項數字載於下表：

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

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

7 A statistical breakdown is included in *Appendix V*.

分項數字載於附錄 V。

Promotion-related appointment cases in 2005 as advised by the Commission
二零零五年徵詢委員會意見的晉升相關個案

	No. of officers 人員數目
Waitlisted for promotion 列入晉升候補名單	16
Acting with a view to substantive promotion (AWAV) 署理以待實際升職	131
Waitlisted for AWAV appointment 列入署理以待實際升職候補名單	9
Acting for administrative convenience (AFAC) 署理職位以方便行政	1 843
Total no. of officers 總數	1 999

3.7 The Commission remains particularly vigilant that inconsistencies in the standard of reporting do not result in an undeserving officer gaining promotion. The Commission is pleased to note that most departments continue to count on assessment panels, preceding promotion boards, to moderate and comment on appraisal reports so as to achieve consistency in the reporting standard.

3.7 委員會最關注的，仍是評核準則的不一致並不會導致那些不該得到擢升的人員獲得晉升。委員會欣悉，大多數部門在召開晉升選拔委員會前，會成立評核委員會評議和調節評核報告，務求評核準則一致。

Secondment

3.8 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/expertise for a short period of time and such skills/expertise are only available from another civil service grade. In the past year, the Commission advised favourably on one secondment case which involved a directorate post.

借調

3.8 借調是暫時免除有關人員的實任職務，以有時限和非實任的方式，安排該員填補另一個不屬於其本身職系的職位。一般而言，假如某部門一段短時間內需要某些技能／專長來配合運作，而具備這些技能／專長的人員只能在另一個公務員職系中找到，該部門便會考慮借調有關人員填補轄下的職位。年內，委員會就一宗涉及首長級職位的借調個案提供意見。

■ An Overview of Cases of Continuous Employment Versus Termination of Service in 2005 as Advised by the Commission

Non-renewal/Offer of shorter-than-normal agreements

3.9 In 2005, the Commission advised on 39 cases involving officers on agreement terms. Among them, the agreements of two officers were not renewed and the agreement of another officer was offered for a shorter-than-normal duration, all on performance grounds.

Deferment/Refusal of passage of probation/trial bar

3.10 The Commission remains of the firm view that confirmation to the permanent establishment should not be "automatic" and that departments should make full use of the probationary/trial period to observe the performance of probationers/officers on trial before confirming their appointment on permanent terms. If an officer is found clearly unsuitable or cannot measure up to the required standard, the department should take the initiative to terminate the probationary/trial service, particularly when under the new entry system, a probationer is normally given three years to prove his worth. If, however, there are adequate reasons to further test an officer's performance which could, for example, relate to an officer's health condition, an extension of his probationary/trial service could be arranged to ascertain his suitability for confirmation.

■ 二零零五年徵詢委員會意見繼續聘用或終止聘用個案的概況

不獲續約／提供任期較正常為短的合約

3.9 二零零五年，委員會就 39 宗涉及按合約條款聘用人員的個案提供意見。其中有兩名人員不獲續約，一名人員獲提供任期較正常為短的合約，都是與他們的工作表現有關。

延長／拒予通過試用／試任關限

3.10 委員會仍堅決認為，試用／試任人員不應“自動”獲確實聘任為常額編制人員，因此，各部門應在試用／試任期內盡量觀察這些人員的表現，然後才決定是否予以確實聘任。尤其是在新入職制度下，試用人員通常已有三年時間證明其工作能力。如發現有試用／試任人員明顯不稱職或未能達到應有水準，部門應主動中止其試用／試任。然而，部門如有充分理由，例如某人員的工作表現與其健康情況有關，須作進一步測試，則可安排延長試用／試任期，以確定該員是否適宜確實聘任。

3.11 In 2005, the Commission advised on one case of termination of trial service with reversion of the officer back to his former office and 15 cases of deferment of passage of probationary/trial service. Of these 15 deferment cases, ten were necessitated to cover sick leave ranging from one to nine months taken by the officers concerned so as to allow for a full assessment of their performance before confirmation of their passage of probation/trial bar. The remaining five cases involved officers who had demonstrated that they were very close to meeting the standard for the grade/rank in all respects and the respective Head of Department (HoD) considered that they should exceptionally be given more time to prove themselves.

MIR Scheme

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

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

3.11 二零零五年，委員會就一宗終止試任個案及15宗延長試用／試任關限個案提供意見。在終止試任個案中，有關人員重返原先的職位。在該15宗延長試用／試任關限的個案中，有十宗是因有關人員放取一至九個月不等的病假而須延長關限，讓部門有充裕時間全面評核其表現，然後才確定是否准予通過試用／試任關限。其餘五宗個案所涉人員在各方面的表現均十分接近所屬職系／職級的應有水準，有關部門首長認為應破例給予較長限期，讓他們證明本身的能力。

補償退休計劃

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

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

The officer concerned will be notified in advance and given the opportunity to make representations. A panel chaired by the SCS will consider each case following which the Commission's advice will be sought on the recommendation to retire these officers. In 2005, two cases under the MIR Scheme were referred to the Commission for advice.

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

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

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

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.

有關人員事前均會接獲通知並有機會申辯。一個由公務員事務局局長擔任主席的委員會，先逐一審議每宗個案，然後請委員會就着令有關人員退休的建議，提供意見。二零零五年，委員會接獲兩宗要求提供意見的補償退休計劃個案。

根據《公務人員(管理)命令》第12條為公眾利益着想而退休

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

- (a) “工作表現持續欠佳”——儘管已給予有關人員證明工作能力的機會，但他的表現仍未能達到要求；或
- (b) “失去信心”——管方已對有關人員失去信心，不能再委派他執行公職（通常會把該員停職，直至就其個案作出決定）。

為公眾利益着想而退休的人員，其退休福利金會延至他達到法定退休年齡當日才予發放。

3.14 During the year, a total of 68 officers from 30 bureaux/ departments were put under close observation in the context of the s.12 procedures. Whilst the Commission advised on the retirement of four officers under s.12 on grounds of persistent substandard performance, 42 officers remain under close observation as at the end of the year. Nine officers were taken off the watch-list after their performance had improved to the required standard. The other 13 officers left the service for reasons including resignation and removal on disciplinary grounds.

3.15 In the course of vetting staff appraisal reports in connection with promotion exercises, the Commission has continued to draw attention to possible s.12 cases for departmental action. The Commission has also impressed upon CSB the importance of strengthening the performance management system across the service to drive for honest reporting and determination to pursue s. 12 action where warranted.

3.16 The procedures for handling persistent sub-standard performers, which were last revised in March 2003, were further streamlined by CSB this year. Under the new arrangement, where an officer's performance is dropping/ has deteriorated close to "unsatisfactory" level or below, the supervisor should immediately write a special full appraisal report on the officer **without waiting for the next annual appraisal** as was practised by most supervisors in the past. More importantly, the threshold for invoking s.12 action has been reduced from 12 to six months of unsatisfactory performance. In addition, when an officer is forewarned of potential s.12 action, the Head of Department/Head of Grade (HoD/HoG) will consider the representations made, if any, and decide whether or not to withdraw the notification **without** having to consult,

3.14 年內，30個局／部門轄下共68名人員根據第12條所訂程序受到密切監察。其中四名人員因工作表現持續欠佳，被當局着令根據第12條退休，委員會已就有關個案提供了意見。截至年底為止，有42名人員仍受密切監察；9名人員因表現有所改善，達到應有水平，已從監察名單上除名；其餘13名人員離開政府，原因包括辭職及基於紀律理由而遭免職。

3.15 委員會在審核與晉升選拔有關的評核報告時，繼續留意或須根據第12條採取行動的個案，提醒部門酌情處理。委員會也敦請公務員事務局，必須強化政府各部門的工作表現管理制度，以倡行如實評核，和果斷地在必要時根據第12條採取行動。

3.16 有關處理工作表現持續欠佳人員的程序，公務員事務局曾於二零零三年三月作出修訂，在年內又進一步加以簡化。根據新安排，如某人員的表現持續退步或已轉壞至接近“欠佳”甚或更差的水平，主管人員應立即就該員的工作表現撰寫一份詳盡的特別評核報告，**無須**一如以往大部分主管人員般，**留待撰寫周年評核報告**之時才處理。更重要的是，根據第12條採取行動的準則已放寬，由持續12個月減至持續六個月工作表現欠佳。此外，當局預先通知有關人員可能採取第12條行動後，該員可提出任何申述，而部門／職系首長在予以考慮並決定是否撤回通知書時，**無須**一如以往所規定，

as previously required, an independent panel. In the interest of maintaining impartiality and consistency, a potential s.12 case will continue to be put before an independent panel at the end of the specified observation period for advice on the way forward, as was the practice in the past, irrespective of whether or not the officer makes representations.

3.17 The Commission, when consulted by the Administration, supported the proposed changes which aim to improve further the timeliness in taking management action on persistent sub-standard performers. The Commission also offered observations to CSB on the caution arrangement against relapse of unsatisfactory performance. Under CSB's original proposal, if an officer's performance within the observation period was found satisfactory and the independent panel so recommended, the HoD/HoG might decide not to take s.12 action and the officer be so advised in a letter with the caution that should his performance subsequently deteriorate with another unsatisfactory staff appraisal covering a consecutive period of six months, the HoD/HoG might consider initiating s.12 action without going through the notification process. In other words, an officer would be subject to s.12 action for an indefinite period of time without further warning which, in the Commission's view, was slightly harsh. The Commission considered that the caution should remain valid for a specified period and should an officer's performance relapse to an unsatisfactory level after the expiry of the validity period, the notification process should be reinstated and he should be suitably warned before s.12 action was initiated against him. After discussion, CSB modified the caution statement with the imposition of a time bar whereby the warning against relapse will be **valid for three years** from the date of the notification or until the officer is promoted, whichever is earlier.

徵詢獨立委員會的意見。但為確保處事公正無私和準則一致，凡屬可能採取第12條行動的個案，在訂明的觀察期完結時，無論涉案人員曾否提出申述，都需按常提交獨立委員會，請其就進一步行動提供意見。

3.17 在當局徵詢意見時，委員會贊成作出上述擬議修訂，俾能對工作表現持續欠佳人員採取更適時的管理行動。委員會也就告誡有關人員不得再度表現欠佳的安排，向公務員事務局提出意見。根據該局原來的建議，如發現某人員在觀察期內表現令人滿意，而獨立委員會也建議不採取第12條行動，則部門／職系首長可決定不採取有關行動，並發信通知該員，同時在信內作出告誡，倘若該員工工作表現每況愈下，再次在為期六個月的評核報告內獲得“欠佳”的整體評級，部門／職系首長或會考慮採取第12條行動，無須給予通知。換言之，當局可在不限定的期間內，在不再預先警告的情況下隨時對該員採取第12條行動。委員會覺得這安排略為嚴苛。委員會認為，告誡應訂明有效期，在有效期完結後，倘該員的表現倒退回“欠佳”的水平，部門／職系首長應再啟動通知程序，先向該員提出適當警告，然後才採取第12條行動。經討論後，公務員事務局修訂了旨在提醒有關人員不得故態復萌的告誡字詞，訂明告誡的**有效期為三年**，由發出通知當日起計，或直至該員獲擢升為止（以日期較早者為準）。

3.18 The revised procedures for handling sub-standard performers were promulgated by CSB vide Civil Service Bureau Circular No. 9/2005 in October 2005. The Administration considers that it would take about six to nine months for the effect of the further streamlined procedures to be assessed. The Commission will keep a watchful eye on the readiness of departmental management in pursuing s.12 action under the new arrangement.

■ An Overview of Other Appointment-related Cases in 2005 as Advised by the Commission

Extension of service/re-employment after retirement

3.19 The Commission advised favourably on nine cases of extension of service/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. All cases, except one, involved directorate officers.

Opening-up arrangement

3.20 During the year, the Commission advised on 12 cases under the opening-up arrangements whereby positions in promotion ranks occupied by agreement officers were opened up for competition between the incumbent officer and eligible officers one rank below. This arrangement applies to both overseas 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.

3.18 公務員事務局在二零零五年十月發出公務員事務局通告第9/2005號，公布處理工作表現欠佳人員的修訂程序。當局認為，進一步簡化程序的成效，須在約六至九個月後才可評定。委員會會留意在新安排下，部門管方是否果斷地採取第12條行動。

■ 二零零五年徵詢委員會意見的其他聘任相關個案概況

退休後延任／重行受僱

3.19 委員會就九宗退休後延任／重行受僱的個案提供意見，這些個案都有非常充分的運作理由，例如接任有嚴重困難，或需要有關人員繼續執行個別或有時限的任務等。除一宗個案外，有關個案都涉及首長級人員。

開放職位安排

3.20 年內，委員會就12宗採用開放職位安排的個案提供意見。開放職位指把合約人員所擔任屬於晉升職級的職位，開放給目前出任該職的人員及其他低一級的合資格人員競逐。這項安排適用於本身是永久居民而又希望按本地模式條款續約的海外合約人員，以及申請按現行條款續約的其他合約人員。

Revision of terms of employment

3.21 In the past years, consecutive offers of Local Agreement Terms/Common Agreement Terms had been made by some departments, notwithstanding that the officers concerned would have been considered for transfer to Local/Common Permanent and Pensionable terms if not for the uncertainties in manpower requirements arising from the efficiency savings exercise and the two Voluntary Retirement (VR) Schemes. As the manpower situation has become much clearer with the finalisation of the efficiency savings plans and the completion of the VR Schemes, CSB reviewed and lifted in July 2005 the restriction whereby departments should not offer further appointment on permanent terms to agreement officers in VR grades, so that such officers may be offered permanent terms subject to there being long-term service needs and availability of posts. Some departments concerned have since reviewed their service needs and invited officers serving on agreement terms to transfer to permanent terms. In 2005, the Commission advised favourably on 18 cases of this nature.

Observations

3.22 In the course of scrutinising submissions from departments, the Commission has taken the opportunity to review current policy as well as rules and practices pertaining to appointments matters with a view to streamlining procedures. This approach has facilitated the identification of irregularities, and should help the Administration to make improvements in their human resources management practices. The succeeding paragraphs provide an account of the appointment issues raised with CSB, together with the improvement measures and new initiatives suggested by the Commission. HoDs and their Departmental Secretaries are encouraged to draw on the examples highlighted to improve their practices and take note of policy issues currently under review by CSB.

更改聘用條款

3.21 過去數年，一些部門接連地按本地／劃一合約條款與合約人員續約。這些人員如非因政府推行節約措施和兩次自願退休計劃而致人手需求情況不明朗，或會獲考慮轉為按本地／劃一常額及可享退休金條款受聘。隨着節約計劃的落實和自願退休計劃的完成，人手情況較為明朗，公務員事務局經檢討後，於二零零五年七月撤銷了部門不可按常額條款續聘自願退休職系的合約人員的限制，讓部門可因應長期服務所需和職位的多寡，按常額條款續聘該等人員。部分部門其後檢討了服務需求，並邀請按合約條款受聘的人員轉為按常額條款受聘。在二零零五年，委員會已為18宗這類個案提供了意見。

意見

3.22 委員會在審研部門所提交的建議時，會同時檢討與聘任有關的現行政策、規則和做法，以期精簡程序。此舉有助找出紕漏，以便當局改善人力資源管理方法。下文各段闡述委員會向公務員事務局提出與聘任有關的事宜，及所建議的改善措施和新猷。委員會鼓勵各部門首長和部門主任秘書從中借鏡，改善他們的工作安排，和留意公務員事務局正在檢討的政策事宜。

3.23 Vetting of disabled candidates in recruitment exercises

3.23 Under existing practice, an applicant for a civil service post can indicate in the application form whether he is a candidate with a disability and request special arrangements to take the written examination and/or attend an interview. If he meets the basic entry requirements for the post, he will be invited to a selection interview without being subject to shortlisting criteria which are drawn up with a view to reducing the number of candidates for interview. Departments are advised to request proof of a candidate's disability in case of doubt. It is only when he is found suitable for appointment that he has to undergo a detailed medical check, including the assessment of the nature and degree of his disability.

3.24 The Commission is concerned about the situation. The existing practice may bring about the embarrassment of recommending a candidate who has claimed the status of being disabled but is not accorded such a status after medical checking. The Commission has requested CSB to conduct a review on the existing practice and to consider including the requisite provision of documentary evidence certifying the disability of the candidate by an approved authority before the interview.

3.25 CSB is preparing an additional set of guidelines with a view to giving practical pointers on making arrangements for people with disabilities who apply for government vacancies. On the requirement for disabled applicants to provide documentary evidence to certify their disability, taking account of the provisions in the Disability Discrimination Ordinance, the policy objective to promote employment of people with disabilities in the Government, possible burden on people with disabilities, CSB considers it appropriate to more prominently remind departments to request medical proof in case of doubt.

在招聘工作中審核應徵職位的殘疾人士資料

3.23 根據現行安排，公務員職位應徵者可在申請表內書明是否殘疾人士，並可要求當局在筆試及／或面試方面作出特別安排。應徵者如符合有關職位的基本入職條件，可不經為減少接受面試人數而擬訂的篩選程序，直接獲邀參加遴選面試。各部門如有疑問，可要求應徵者提交殘疾證明，但卻只會在該名應徵者被遴選為適宜予以聘用時，才要求他接受詳細體格檢驗，包括他的殘疾性質和程度的評核。

3.24 委員會對這情況表示關注。現行安排可能會引起以下的尷尬情況：當局推薦某名自稱殘疾的應徵者，但該人接受體格檢驗後，卻未獲評定為殘疾人士。委員會已要求公務員事務局檢討現行安排，並考慮增設一項規定，要求應徵者在參加面試前，必須提交由認可機構發出的證明文件，證明確為殘疾人士。

3.25 公務員事務局現正擬訂一套準則，就有關申請政府職位的殘疾人士的安排，提供切合實際的指引。至於要求申請政府職位的殘疾人士提交證明文件，以證明確為殘疾人士的規定，公務員事務局考慮過《殘疾歧視條例》的條文、政府推動聘用殘疾人士的政策目標、殘疾人士可能承受的壓力等因素後，認為應更明確地提醒各部門，在有疑問時便要求應徵的殘疾人士提交醫生證明書。

Handling of probationers

- 3.26 Over the years the Commission has noted with concern a number of cases involving probationers which had not been handled properly by departments through either tolerance of unsatisfactory performance of a probationer until the end of the probationary period or resorting to disciplinary proceedings instead of invoking CSR 186 to terminate the service of a probationer who had committed misconduct. The Commission considers that cases of this kind should have been dealt with more efficiently by the departmental management.
- 3.27 If at any time during the probationary period, the continued service of a probationer is considered undesirable for reasons of general unsuitability of temperament, personal characteristics, misconduct, or inefficient performance of duties or for other reasons, the department concerned should take early action to terminate his service, without awaiting the end of the probationary period, in accordance with CSR 186. In taking such action, it is important for the department concerned to properly record the advice, counselling, early warning or other actions taken by the management or supervisors. It is also important that supervisors should reflect truly any shortcomings or unsatisfactory performance or conduct of the probationer in the probationer's appraisal reports.
- 3.28 If there is evidence that a probationer has misconducted himself and it is undesirable for him to continue to hold office, the department should terminate the probationer's service in accordance with CSR 186, without recourse to disciplinary action in respect of the misconduct. On the other hand, if the department concerned has come to a view that the probationer is still generally suitable to remain in service taking into account the alleged misconduct, appropriate disciplinary action should be taken in respect of the misconduct. Since a probationer's service cannot be terminated subsequently for the same misconduct for which punishment has been awarded, departments are reminded of the importance of making a critical assessment on the suitability of a probationer with a possible blemished record of conduct to remain in the service before taking disciplinary action.

處理試用人員個案

- 3.26 多年來，委員會關注到有若干宗涉及試用人員的個案，部門沒有妥為處理。有關部門不是姑息表現欠佳的試用人員，讓其留任至試用期結束為止，就是只對行為不當的試用人員進行紀律研訊，而不是引用《公務員事務規例》第186條終止其服務。委員會認為，有關部門的管方應採用更有效方法來處理這類個案。
- 3.27 有關部門如在試用人員的試用期內發現，基於性情、品格欠佳，或行為不當，或辦事效率欠佳或其他原因，該員不適宜留任，則應根據《公務員事務規例》第186條及早採取行動，終止該員的服務，而不應待試用期結束才處理。在採取有關行動時，部門必須把管方或主管人員向該員作出的勸諭、輔導、預早警告或其他行動，妥為記錄在案。此外，主管人員亦須在該員的評核報告內，如實反映該員的缺點或工作表現或操守欠佳之處。
- 3.28 如有證據證明某試用人員的確行為不當，不宜讓他留任，部門便應根據《公務員事務規例》第186條終止該員的服務，而無須就其不當行為採取紀律行動。另一方面，有關部門如在考慮過該名試用人員被指稱的不當行為後，認為他大致上仍適宜留任，則應就他的不當行為採取適當的紀律行動。但當部門已就試用人員的不當行為對其作出懲處，其後便不可再以同一理由終止其服務。因此，部門應緊記在採取紀律行動前，必須審慎衡量是否適宜讓試用人員在可能有違紀記錄的情況下繼續留任。

Review of the practicability of imposing the Common Recruitment Examination (CRE) on directorate posts

3.29 With effect from 1 January 2003, applicants for civil service posts at degree or professional level are required to obtain a pass in two language papers, i.e. Use of Chinese and Use of English, in the CRE arranged by the Civil Service Examinations Unit of the CSB. This requirement is applicable in both open recruitment and in-service appointment exercises, but exemptions would be allowed depending on the nature and demand of individual exercises. In practice, recruitment exercises in relation to directorate posts have so far been conducted with the waiver of this CRE requirement having regard to the specific entry/job requirements and/or difficulties in recruitment. As reflected in the 2004 Annual report, the Commission questioned the practicability of imposing a language proficiency requirement in the form of CRE for such senior positions and invited CSB to review the matter.

3.30 The Commission considers that the waiving of the CRE requirement for directorate recruitments, in practice, points to the need for reviewing if the CRE should target more appropriately at candidates seeking entry to professional or degree grades at the basic ranks only. Besides, the requirement to sit for the CRE held only once or twice a year together with undergraduates and applicants for mostly basic rank positions, albeit at degree and professional level, might become a disincentive for potential candidates to apply for directorate openings. The Commission has requested CSB to consider a substitute of CRE in testing language proficiency of candidates in directorate recruitment exercises. In response, CSB has agreed to review the CRE requirement in respect of the recruitment exercises for directorate ranks.

檢討就首長級職位實施綜合招聘考試規定的可行性

3.29 由二零零三年一月一日起，凡申請學位或專業類別公務員職位的人士，必須在公務員事務局公務員考試組所舉辦的綜合招聘考試的中文運用和英文運用兩份試卷中，取得及格成績。無論是公開招聘還是內部聘任，這項規定均適用，但當局可根據個別招聘工作的性質和要求准予豁免。由於特定的入職／工作要求及／或招聘困難，迄今為止，首長級職位的招聘工作實際上一直獲豁免，無須符合這項綜合招聘考試規定。正如二零零四年年報所述，委員會曾質疑，就高級職位而言，訂立以綜合招聘考試成績為準的語文能力要求是否切合實際。委員會並邀請公務員事務局就此事作出檢討。

3.30 委員會認為，讓首長級職位的招聘工作獲得豁免，無須符合有關綜合招聘考試的規定，實際上已反映出，當局有需要作出檢討，這項規定是否應只向專業或學位職系的基本職級職位申請人實施。此外，規定首長級職位申請人須與大學生或主要為基本職級職位（雖然屬學位或專業類別）的申請人，一起參加每年只舉行一兩次的綜合招聘考試，可能會令有意申請首長級職位者卻步。委員會已要求公務員事務局考慮在首長級職位招聘工作中，捨棄以綜合招聘考試成績為準的做法，改用其他方法去測試應徵者的語文能力。因應委員會的要求，公務員事務局同意就首長級職位的招聘工作，檢討綜合招聘考試的規定。

Updating of Guides to Appointment (G/As)

- 3.31 Departments are required to prepare G/As as a reference document for individual ranks in each grade to specify, inter-alia, the qualifications, requirements and terms of appointment for recruitment/promotion to respective ranks, and to obtain endorsement from CSB when changes are introduced. During the year, G/As for 31 ranks were submitted to the Commission for noting by the CSB after their updating by departments.
- 3.32 In vetting departmental submissions on recruitments and promotions, the Commission has noticed that many G/As are still in the draft form or have not been updated to reflect changes in the starting salaries, the appointment terms under the new entry system⁸ and the language proficiency requirement. It is also noted that the entry qualifications/requirements for in-service recruitment exercises of some basic ranks are significantly lower than those adopted for open recruitment. This phenomenon does not meet present day standard, particularly in the light of the expansion of tertiary education and rising expectations of the public for quality service delivery. The Commission considers that there is a genuine need for in-service appointees to possess academic qualifications commensurate with the job demands and equivalent to those required of the new recruits from open recruitment.

更新《聘任指南》

- 3.31 各部門須就各職系個別職級擬備《聘任指南》，具體說明該職級在招聘／晉升方面所需的資歷、要求和聘用條款等，以供參考；如修改有關資料，也須公務員事務局同意。年內，有31個職級的《聘任指南》經部門更新後，由公務員事務局提交委員會省覽。
- 3.32 委員會審議各部門所提交的招聘及晉升建議時注意到，許多《聘任指南》仍只得草擬本，或未曾作出更新以顯示入職薪酬的更改、在新入職制度⁸下的聘用條款，以及語文能力的要求。委員會也注意到，若干在內部進行招聘的基本職級，入職資歷／要求大大低於在公開招聘時所訂定者。這現象與現今標準相違，尤其是目前專上教育普及，而公眾對政府提供優質服務的期望又日益提高。委員會認為確有必要規定，內部聘任人員須具備與工作要求相符的學歷，並且與公開招聘時規定新入職人員須持有的學歷等同。

⁸ The new entry system was introduced on 1 June 2000. With effect from this date, new recruits to the basic ranks will normally be appointed on three-year new probationary terms to be followed by three-year new agreement terms before they are considered for appointment on new permanent terms.

新入職制度在二零零零年六月一日開始實施。自該日起，新入職的基本職級人員一般先按新試用條款聘用三年，繼而按新合約條款聘用三年，然後方會獲考慮按新長期聘用條款聘用。

3.33 Throughout the past years, the Commission has reminded departments to review/update the G/As by incorporating up-to-date requirements brought about by new policy changes, and also to align, as appropriate, the entry qualifications and requirements for in-service recruitment exercises with those adopted for open recruitment. As at close of the year, G/As involving 57 ranks as updated by departments were noted by the Commission. As there are some 1 100 civil service ranks, the Commission has expressed concern over the slow progress in completing the updating work.

3.34 Upon the Commission's request, CSB has agreed to expedite the updating of the G/As for ranks which will not be affected by the pay level survey/grade structure reviews, with priority being given to those ranks for which recruitment, in-service appointment or promotion exercises will be conducted in the coming year. The updating of G/As for the remaining ranks will be taken forward upon completion of the pay level survey and grade structure reviews.

Strengthening of performance management system

3.35 Over the years, the Commission has made observations and invited departments to make serious efforts to address the following common performance management problems -

- (a) over-generous reporting;
- (b) late/bunched completion of staff reports;
- (c) non-compliance of CSR 231(1), i.e. failure on the part of the appraising officer (AO) to consult the countersigning officer (CO) on the draft appraisal when the AO is of the same substantive rank as the appraisee; and

3.33 過去多年，委員會已提醒部門檢討／更新《聘任指南》，把因應新政策改變而訂定的最新要求納入指南內，並視乎情況，把內部聘任與公開招聘的入職資歷和要求劃一。截至今年年底為止，委員會省覽了各部門所更新的57個職級的《聘任指南》。鑑於公務員職級約有1 100個，委員會對更新工作進展緩慢表示關注。

3.34 應委員會的要求，公務員事務局同意加快為不受薪酬水平調查／職系結構檢討影響的職級更新《聘任指南》，並會先行處理在來年展開招聘、內部聘任或晉升選拔工作的職級。待薪酬水平調查及職系結構檢討完成後，便會更新其餘職級的《聘任指南》。

加強表現管理制度

3.35 多年來，委員會不斷就下述常見的表現管理問題提出意見，並籲請各部門正視和解決這些問題：

- (a) 評核過於寬鬆；
- (b) 逾期填寫／積壓評核報告；
- (c) 沒有遵守《公務員事務規例》第231(1)條的規定，即評核人員與受評人實任職級相同，但沒有就評核擬稿徵詢加簽人員的意見；以及

(d) non-compliance of CSR 232(2), i.e. conduct of the appraisal interview before the CO completes his assessment.

3.36 Since October 2004, the Commission has adopted a new approach of asking departments to provide statistics relating to the above performance management problems in respect of the latest reporting period. It is pleasing to note that many departments have responded positively to the Commission's request and have made some improvements in their performance management, particularly in ensuring compliance with CSRs 231(1) and 232(2) on completion of staff appraisals. However, the problems of over-generous reporting and late/bunched completion of staff appraisals, though improved as compared to the record in the previous year, have still been observed in many departments.

3.37 Honest reporting and timely completion of staff appraisals are imperative for maintaining genuine recording and trustworthy assessments of an officer's performance. Failure to do so will defeat the objective of using performance appraisals to monitor staff performance for timely feedback to the appraisees to make improvements. In cases of late completion of staff appraisals, they could lead to complaints against the departmental management which, in turn, has to spend additional time and efforts in handling these complaints. More importantly habitual delay in staff reporting could impede the management's identification of sub-standard performers in good time for any decisive action to be taken against them under s. 12 of the PS(A)O.

(d) 沒有遵守《公務員事務規例》第 232 (2) 條的規定，即未待加簽人員完成評核便進行評核會見。

3.36 自二零零四年十月起，委員會推行一項新措施，要求部門就最近評核期內出現的上述表現管理問題，提供統計數字。委員會欣悉，許多部門已按照要求，在工作表現管理，特別是確保主管人員遵循《公務員事務規例》第 231 (1) 及 232 (2) 條的規定填寫評核報告方面，作出若干改善。不過，評核過於寬鬆和逾期填寫／積壓評核報告的問題，雖然已較上年有所改善，但在不少部門依然存在。

3.37 為求據實反映和公正評核各人員的表現，主管人員須如實進行評核，並依時填寫評核報告，否則評核制度便會失去監察員工表現的作用，主管人員也無法及時向受評人提出意見，着其改善。逾期填寫評核報告，也可引致部門管方遭投訴，結果管方須另花時間和精力處理有關投訴，費時失事。更重要的是，慣性逾期填寫評核報告，會令管方無法及時識別表現欠佳的人員，以致未能根據《公務人員(管理)命令》第 12 條，果斷地對他們採取行動。

3.38 To address the common performance management problems and upon the Commission's request, the CSB has since 1 September 2005 requested departments to provide statistics relating to these problems in respect of the latest reporting period for promotion exercises at D2 level and above with the SCS as the appointment authority. Noting the Commission's concern of the need for further improvement work to be done on timely and honest reporting, the Civil Service Training and Development Division under the CSB would enhance its efforts in driving home the important messages of honest reporting and timely completion of staff reports. Furthermore, the CSB would consider the Commission's proposals to include the measurement of an officer's timeliness in completion of staff reports as one of the indicators to assess his staff/performance management competence, in the interest of ensuring that due weight is given to all relevant aspects of staff/performance management in assessing his promotability.

Candidates to fill HoD posts

3.39 In attending two promotion board meetings as observers in May 2005, the Commission Chairman and Members observed that some of the officers recommended for taking up HoD posts had only a short period of two years to serve. Given the important role played by HoDs in developing strategies for and taking up overall management of the departments under their supervision, the Commission is concerned about the need for HoDs to remain in post for a sufficiently long period of time to ensure sustainability of departmental initiatives and long-term planning of service delivery.

3.38 為解決常見的表演管理問題和回應委員會的要求，公務員事務局規定，由二零零五年九月一日起，各部門須就與首長級薪級第2點或以上人員有關，而聘任當局為公務員事務局局長的晉升選拔工作，提交最近評核期內出現的表演管理問題統計數字。委員會關注到，在依時和如實評核員工表現方面仍有改善餘地。為此，公務員事務局轄下公務員培訓處會加倍努力，廣為宣揚如實評核和依時填寫評核報告的重要訊息。此外，公務員事務局會考慮按照委員會的建議，把主管人員是否依時填寫評核報告，列作衡量其員工／表現管理才能的其中一項準則，以確保在評審該員是否適宜晉升時，能充份地從多方面考慮其員工／表現管理的能力。

擔任部門首長職位的人選

3.39 二零零五年五月，委員會主席和委員以觀察員的身分，列席兩個晉升選拔委員會的會議。據他們觀察所得，一些獲推薦出任部門首長職位的人選，服務期只餘短短的兩年。鑑於部門首長責任重大，要為所管轄的部門制定策略，又要肩負部門的整體管理工作，委員會關注到，他們需要在任一定的時間，以確保部門的措施得以持續，以及就服務的提供作長遠規劃。

3.40 Following up its concern, the Commission has suggested to the Administration that officers recommended for promotion to HoD posts should have preferably at least three years active service to serve counting from the date of their assumption of HoD posts. To achieve this, the Commission has requested the Administration to make complementary efforts in identifying more vigorously promising officers at the non-directorate level at an early stage for further grooming in the context of directorate succession so that those who have exceptional potential will have at least three years to serve when taking up the HoD posts. The Administration has responded positively to the proposal and will provide guidelines for promotion board members in this regard.

Review of existing pool of eligible candidates for HoD posts in the works group of departments

3.41 Promotion to the HoD posts under the Environment, Transport and Works Bureau (ETWB) and Housing, Planning and Lands Bureau (HPLB) has been subject to the "open directorate" arrangement. Under this arrangement, professional officers with relevant administrative experience at the substantive ranks of D5 and D3 in these Bureaux and their group of departments are eligible candidates. The existing pool of eligible candidates includes engineers, architects, building surveyors, town planners, solicitors, government counsel and environmental protection officers.

3.40 委員會就其關注的問題向當局建議，凡獲推薦升任部門首長的人選，由接任部門首長職位當日起計，最好至少有三年實際服務期。為此，委員會要求當局多花點工夫，及早在非首長級人員中物色有魄力、具潛質的人員，加以栽培，使他們可成為首長級職位的接任人。這樣，這些極具潛質的人員出任部門首長職位後，至少會有三年的服務期。對於委員會的建議，當局積極回應，並會為晉升選拔委員會委員提供有關指引。

檢討工務部門內符合資格晉升部門首長職位的現有人選組合

3.41 環境運輸及工務局和房屋及規劃地政局轄下部門首長職位的晉升事宜，向來按“開放首長級職位”的安排處理。根據這項安排，該兩個局及轄下各部門內具有相關行政經驗，而實任職級為首長級薪級第5點或第3點的專業人員，均符合晉升資格。符合資格的現有人選包括工程師、建築師、屋宇測量師、城市規劃師、律師、政府律師及環境保護主任。

3.42 The Commission has noted that some eligible officers, though included for historical reasons, do not possess the relevant professional experience and/or knowledge in engineering, architect, surveying or planning to make them realistic contenders. The Commission has suggested to the Administration that the eligibility of the existing pool of candidates be re-examined, drawing reference to the job requirements for the HoD posts in question. In response, the CSB has undertaken to jointly review with ETWB and HPLB the appropriate constitution of candidature for the senior directorate posts in the works group of departments. The Commission will keep in view the outcome of the review.

Dual track system in promotion exercises

3.43 Some departments have a practice of inviting candidates to express interest to be considered in a promotion exercise through submitting an application. Such an arrangement is different from the normal practice in that it will shift the initiative to consider the claims of eligible officers for promotion from the management onto the staff. It may also discourage some eligible officers from applying for the vacancy because of the hassle involved or the speculation about the chance of success.

3.44 The Commission has suggested that a dual track system be adopted whereby the management can take the initiative to consider eligible candidates in a relevant field while continuing to open up the vacancies for application by other staff concerned.

3.42 委員會注意到，部分人員雖然歷來都列作符合資格人選，但在工程、建築、測量或規劃方面卻缺乏專業經驗及／或知識，實際上難與他人競爭。委員會已建議當局根據有關部門首長職位的工作要求，重新審研現有人選的資格。公務員事務局在回應時承諾，會聯同環境運輸及工務局和房屋及規劃地政局檢討工務部門內高層首長級職位的晉升人選適當組合。委員會會留意檢討的結果。

在晉升選拔工作中引進雙軌制度

3.43 在晉升選拔工作方面，一些部門的做法是邀請候選人員提交申請書，表明願意給納入考慮之列。這樣的安排有別於一般做法，使管方從可以自主考慮合資格晉升人選，變為受牽引於員方的意願。而一些合資格的人員或會因為怕煞費周章或瞎猜成數而沒有提出申請。

3.44 委員會建議採用雙軌制度，管方可一方面主動考慮在有關範疇工作的合適人選，另一方面繼續把職位空缺開放給其他合資格人員申請。

3.45 The Commission has started advising the relevant departments to switch to the dual track system. For those departments which have a long-standing practice of conducting a sounding-out exercise before convening a promotion board to determine the number of eligible officers to be considered in a particular exercise, they have also been advised to adopt the practice of asking all eligible officers to indicate their wish or otherwise to be considered in the sounding-out forms; or requiring only those candidates who decline to be considered for promotion to return the reply slips so that the promotion board will consider the claims of all remaining eligible candidates.

Rotational acting appointments

3.46 Rotational acting is practised in a few ranks in professional departments. Given the highly specialised nature of the work of these ranks, there is a practical need for these departments to try out the abilities of the prospective recommendees and to compare their acting performance in the higher rank in order to identify those suitable for promotion.

3.47 The Commission has noted that some recommendations for rotational acting do not seem to have good justifications and may even give rise to various management problems. In a promotion exercise to consider the filling of a Deputy HoD post in a department, the board recommended two candidates of comparable track records for rotational acting, each for an equal period of more than six months, on the grounds that they did not have a clear edge over each other. The Commission considers that rotational acting for directorate vacancies should not be necessary because under normal circumstances, directorate succession plans should have been drawn up for the intended purpose of grooming promising officers to fill such vacancies. In

3.45 委員會已着手提議有關部門轉用雙軌制度。有些部門長久以來都是在召開晉升選拔委員會前先進行意向調查，以確定某次晉升選拔工作須予考慮的合資格人選的數目。委員會也建議這些部門應要求所有合資格人員在意向調查表上表明是否願意給納入考慮之列，又或只要求無意晉升的人員交回回條，以便晉升選拔委員會考慮其餘合資格的人選。

輪流署任職位

3.46 有些專業部門在少數職級實施輪流署任安排。由於這些職級的工作十分專門，部門確實有需要考驗各個可能獲推薦的人員的能力，並比較他們署任較高職級時的工作表現，從而物色適合晉升的人選。

3.47 委員會注意到，部分輪流署任職位的建議欠缺充分理據，更可能引發管理問題。某部門曾就一個副部門首長職位進行晉升選拔工作，當時晉升選拔委員會有見兩名往績相若的人員不相伯仲，遂推薦他們輪流署任該職位，每人的署任期為六個月。委員會認為首長級職位不應輪流署任，因為在正常情況下，部門應訂有首長級職位的接任計劃，以栽培有潛

some situations where there is only one senior directorate post, the arrangement of rotational acting appointment will also 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.

3.48 The Commission takes the view that rotational acting should be a very exceptional arrangement, rather than an ordinary option, to be recommended by promotion boards. The Commission has requested the Administration to draw up some guiding principles on the circumstances under which rotational acting appointments may be exceptionally considered and to devise the related administrative arrangements, including the need for reviewing the performance of selected officers vis-a-vis that of non-selected officers when fresh rounds of appraisals become available.

Filling of consequential vacancies in promotion exercise

3.49 Concern had been expressed by the CSB in the past regarding the substantive filling of consequential vacancies by promotion in circumstances when the vacancy at the higher rank was filled on an AWAV/AFAC basis. The Commission, however, holds the view that vacancies should be calculated realistically on a grade rather than a rank specific basis and that as long as there is a vacancy in the higher rank, the vacancy at the next lower rank can be filled by substantive promotion unless there is a possibility that the higher rank vacancy is to be filled through outside appointment or posting from another grade. The stance of the Commission was published in its 2004 Annual Report.

質的人員填補有關職位。此外，如果只有一個高層首長級職位，輪流署任會造成上司與下屬角色"倒轉"的尷尬局面，從員工管理角度來看，極不可取，弊多於利。

3.48 委員會認為，晉升選拔委員會建議有關人員輪流署任，應該是在十分特殊而不是一般情況下作出的安排。委員會已要求當局訂定一套指導原則，訂明在哪些情況下才可破例考慮輪流署任的做法，同時也擬訂有關的行政安排，例如規定部門須在收到最新的評核報告後，重新審視在入選之列和不在入選之列的人員的表現。

以晉升形式填補因現職人員署理較高職位而產生的空缺

3.49 對於在現職人員署理較高職級以待實際升職／為方便行政而署理較高職級的情況下，以實際晉升形式填補因而產生的空缺的安排，公務員事務局以往曾表示關注。然而，委員會認為，職位空缺數目應按職系而非職級作出實際計算。只要較高職級有職位空缺，而且不會由外間聘任或另一職系調派過來的人員填補，則低一級的職位便可以實際晉升的形式填補。委員會的立場，見於委員會二零零四年年報。

3.50 Commencing October 2004, the Administration has required all departmental grade officers who are recommended for promotion to HoD posts to go through a minimum six-month AWAV appointment before substantive promotion, save for special cases which deserve exceptional arrangement, such as in the case of an officer who has acted up continuously in the HoD post for a sufficiently long period or there are very special operational requirements which call for an officer's immediate substantive promotion to the HoD post. Following this new requirement, the question of how consequential vacancies should be filled has cropped up again. After thorough discussion with the CSB, it has been agreed that -

- (a) for the consequential vacancy at the Deputy HoD level, it should only be filled on an acting basis (i.e. either an AWAV or AFAC appointment). If there is an extension of the AWAV appointment of the officer acting in the HoD post, there should be a corresponding extension of the AWAV appointment at the Deputy HoD level; and
- (b) as regards consequential vacancies at the Assistant HoD level and below, a promotion board could recommend the filling of these consequential vacancies by substantive promotion.

On (b), in relation to recommended promotions at the Assistant HoD level, CSB, as the authority for appointment at D2 level and above, will assess carefully if the Board's recommendation should be supported taking into account the risk of over-establishment at the Assistant HoD level with due reference to the AWAV/AFAC appointments at the Deputy HoD level.

3.50 當局規定由二零零四年十月起，所有獲推薦晉升部門首長職位的部門職系人員，必須在實際升職前署理較高職級最少六個月，除非有須予破例處理的特殊情況，例如有關人員已連續署任部門首長一段相當長時間，或運作上有非常特殊的要求，需要讓有關人員立即實際晉升部門首長職位，始作別論。在新規定實行後，因現職人員署理較高職位而產生的空缺如何填補的問題，又再度出現。委員會與公務員事務局詳細討論後，議定了下列安排：

- (a) 在副部門首長級別所產生的空缺，應只限以署任方式填補（即署理以待實際升職，或為方便行政而署理職位）。倘若署理部門首長職位以待實際升職的人員署任期延長，副部門首長級別職位的署任期也應相應延長；以及
- (b) 在助理部門首長或以下級別所產生的空缺，可由晉升選拔委員會建議以實際晉升方式填補。

至於(b)項有關晉升助理部門首長級別職位的建議，公務員事務局作為首長級薪級第2點或以上人員的聘任當局，會根據在副部門首長級別署理以待實際升職／為方便行政而署理職位的個案，審慎衡量助理部門首長級別會否出現員額超出編制的情況，然後考慮應否支持晉升選拔委員會的建議。

Prolonged acting appointments

3.51 The Commission has time and again advised departments to guard against prolonging acting appointments without good reasons. The same advice was highlighted in the Commission's 2004 Annual Report. In processing the recommendations of a promotion exercise in the year, the Commission noted again that in one department some officers had been acting for prolonged periods ranging from three to eight years. Amongst them, the one who had acted for over eight years was recommended by the board to step down as his performance fell short of the management's expectation.

3.52 The Commission remains of the view that prolonged acting appointments are not conducive to good staff management and that departments should be critical in reviewing an officer's acting performance. If an officer's acting performance has not measured up to the expected standard despite suitable coaching and guidance, the department should take decisive action to cease his acting appointment. Prolonged acting appointments not only raise false expectations for promotion of those officers who cannot make the rank, but also deprive other more meritorious officers of the chance of an earlier acting opportunity which would otherwise be available to them. The department concerned has been advised accordingly.

長期署任職位

3.51 委員會一再勸諭各部門，如沒有充分理由，應避免讓屬下人員長期署任職位。這項意見已在委員會二零零四年年報內特別提及。年內，委員會在審議晉升選拔建議時再次注意到，某部門有部分人員署任職位的年期，長達三至八年不等。其中一名署任職位逾八年的人員因工作表現未能達到管方要求，最近被晉升選拔委員會建議停止署任。

3.52 委員會仍認為，讓屬下人員長期署任職位並非員工管理之道，而各部門也須審慎覆檢有關人員在署任期間的表現。如某人員在署任期間雖然曾接受適當輔導及指導，但表現仍未達應有水準，部門應果斷地終止該員的署任安排。任由有關人員長期署任職位，不僅令那些力有不逮的人員對晉升抱有不切實際的期望，也剝奪了其他表現更勝一籌的人員應有的機會，使他們無法較早署任職位。委員會已向有關部門提出意見。

Applications for extension of service and re-employment after retirement, including re-employment after retirement on attaining maximum pension status

3.53 Under existing policy, applications for extension of service or re-employment after retirement, including re-employment on agreement terms on attaining maximum pension status before normal retirement age and extension of service/re-employment beyond normal retirement age, 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. Amongst these applications, the Commission's advice is required for applications for extension of service lasting for more than 90 days/re-employment beyond retirement age from officers occupying posts under the Commission's purview.

3.54 The Commission remains of the view that applications for extension of service/re-employment after retirement should be vetted most stringently and should be approved as the exception rather than the rule. While the approved precedent cases indicate that the exceptional grounds accepted include acute succession problem or need for continuity required of project-based or time-limited assignments, no guiding principles have been promulgated on what constitutes an "exception". To ensure consistency of standards across the service in processing these applications, the Commission has requested CSB to identify rational parameters for exceptional consideration of future applications. Noting that the rigour in vetting such applications by HoD/HoG may vary from case to case, CSB has agreed to the Commission's proposal to draw up guidelines setting out the parameters. The proposed guidelines will be promulgated by CSB after re-affirming their practicability with departmental management.

申請在退休後延任或重行受僱，包括在取得可享最高退休金資格後退休並重行受僱

3.53 根據現行政策，申請在退休後延任或重行受僱，包括在正常退休年齡前取得可享最高退休金資格後按合約條款重行受僱，以及在正常退休年齡後延任／重行受僱，只限在運作上有必要的特殊情況下，當局才會批准，惟有關人員須健康和品行良好，工作表現令人滿意，而且該員留任也不會阻礙較低級人員晉升。如申請在退休年齡後延任超過90天／重行受僱擔任在委員會職權範圍內的職位，當局便須就其申請徵詢委員會意見。

3.54 委員會仍認為，在退休後延任／重行受僱的申請務須嚴加審核，給予批准屬例外而不是常規的做法。根據以往獲批准的個案，當局所接納的特殊理由包括接任有嚴重困難、需要有關人員繼續執行個別或有時限的任務等，但何謂“特殊”，則並沒有公布任何指導原則。為確保政府各部門按劃一標準處理這些申請，委員會已要求公務員事務局訂立合理準則，以便日後考慮有關申請的特殊理由時，有所依循。公務員事務局注意到，部門／職系首長審核有關申請時寬嚴各異，因此同意委員會的建議，制訂指引，提供適用準則。擬議指引經部門管方覆實可行後，便會由公務員事務局公布。

3.55 The Commission has also observed an anomaly of different approving authorities in respect of applications for re-employment after retirement on attaining maximum pension status. Under existing arrangement, applications from directorate officers other than HoDs under the New Pension Scheme (NPS) and all non-directorate officers are approved by HoDs/HoGs or their delegated officers while those from directorate officers under the Old Pension Scheme and HoDs under the NPS by the SCS. To ensure consistency, the Commission has requested CSB to align the different approving authorities. In response, CSB has agreed to tidy up the anomaly. All applications for re-employment after retirement involving directorate officers, irrespective of the pension status, will in future be subject to SCS's approval. Correspondingly for applications involving non-directorate officers, HoDs/HoGs will be required to personally approve such applications on the basis of those guidelines to be promulgated by the CSB to ensure consistency.

3.55 委員會也察覺，對於在取得可享最高退休金資格後退休並重行受僱的申請，負責批核的人員級別高低不一，有違常規。根據現行安排，新退休金計劃所涵蓋的除部門首長以外的首長級人員，以及所有非首長級人員所提交的申請，由部門／職系首長或其授權的人員批核；舊退休金計劃所涵蓋的首長級人員，以及新退休金計劃所涵蓋的部門首長所提交的申請，由公務員事務局局長批核。為確保一致，委員會已要求公務員事務局劃一批核人員的級別。該局在回應時同意糾正這個不合常規的情況。日後，首長級人員在退休後重行受僱的申請，無論涉及何種退休金計劃，一律由公務員事務局局長批核。至於非首長級人員的申請，則須由部門／職系首長按照公務員事務局所公布的指引親自批核，以確保一致。

4

Chapter 章

Civil Service Discipline Issues

公務員紀律事宜

- 4.1 Another important function of the Commission is to provide independent and impartial advice to the Chief Executive (CE) on matters affecting the conduct and discipline of all Category A officers⁹ in the civil service. With the exception of a small number of exclusions specified in the Public Service Commission Ordinance, the Administration is required under section (s.) 18 of the Public Service (Administration) Order [PS(A)O] to consult the Commission before inflicting any punishment upon a Category A officer in the civil service.
- 4.2 The Commission's advice is based on the principles of equity and fairness, taking into account the nature and gravity of the misconduct/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 has always been mindful of the need to ensure that the principle of broad consistency in punishment is maintained throughout the service.
- 4.1 委員會另一項重要職能，是就甲類公務員⁹的品行和紀律事宜，向行政長官提供獨立公正的意見。除《公務員敍用委員會條例》訂明豁除的少數人員外，當局在懲處任何甲類公務員前，必須根據《公務人員（管理）命令》第18條，徵詢委員會的意見。
- 4.2 委員會是按公平公正的原則提供意見，並會考慮每宗個案所涉不當行為／罪行的性質和嚴重程度、當事人的服務記錄、從寬處理的理由、是否涉及法律訴訟，以及以往案例懲罰的輕重。此外，委員會無時或忘，切記要確保在公務員體系中恪守普遍一致的處分原則。

⁹ 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. This covers virtually all officers except those on probation, agreement and those remunerated on the Model Scale I Pay Scale. At the end of 2005, the total number of Category A officers in the civil service was about 138 000.

根據《退休金利益規例》（香港法例第99A章），“甲類公務員”指受聘擔任設定職位，並在退休或辭職時實任設定職位的人員。除了試用人員、合約人員和第一標準薪級人員外，實際上包括了所有公務員。截至二零零五年年底，甲類公務員的總數約為138 000人。

■ An Overview of Disciplinary Cases Advised by the Commission in 2005

4.3 The Commission advised on the punishment of 104 disciplinary cases in 2005, which represents a decrease of 28.8% from 146 cases in 2004. This downward trend is an encouraging sign of increased staff awareness of the Administration's intolerance of acts of misconduct and also of the consequence of transgressions. In this regard, the Administration's continued efforts in promulgating its policy of widening the range of punishment for repeat defaulters of "minor criminal offence" to include removal from the service, uploading examples of acts of misconduct/criminal offences to the Intranet website of the Resource Centre on Civil Service Integrity Management and securing departments' co-operation in drawing the staff's attention to these examples, are indeed commendable. Apart from having raised the staff's general awareness of the consequence of misconduct/criminal offences, such initiatives have also helped ensure broad consistency in determining the level of punishment by different Heads of Department.

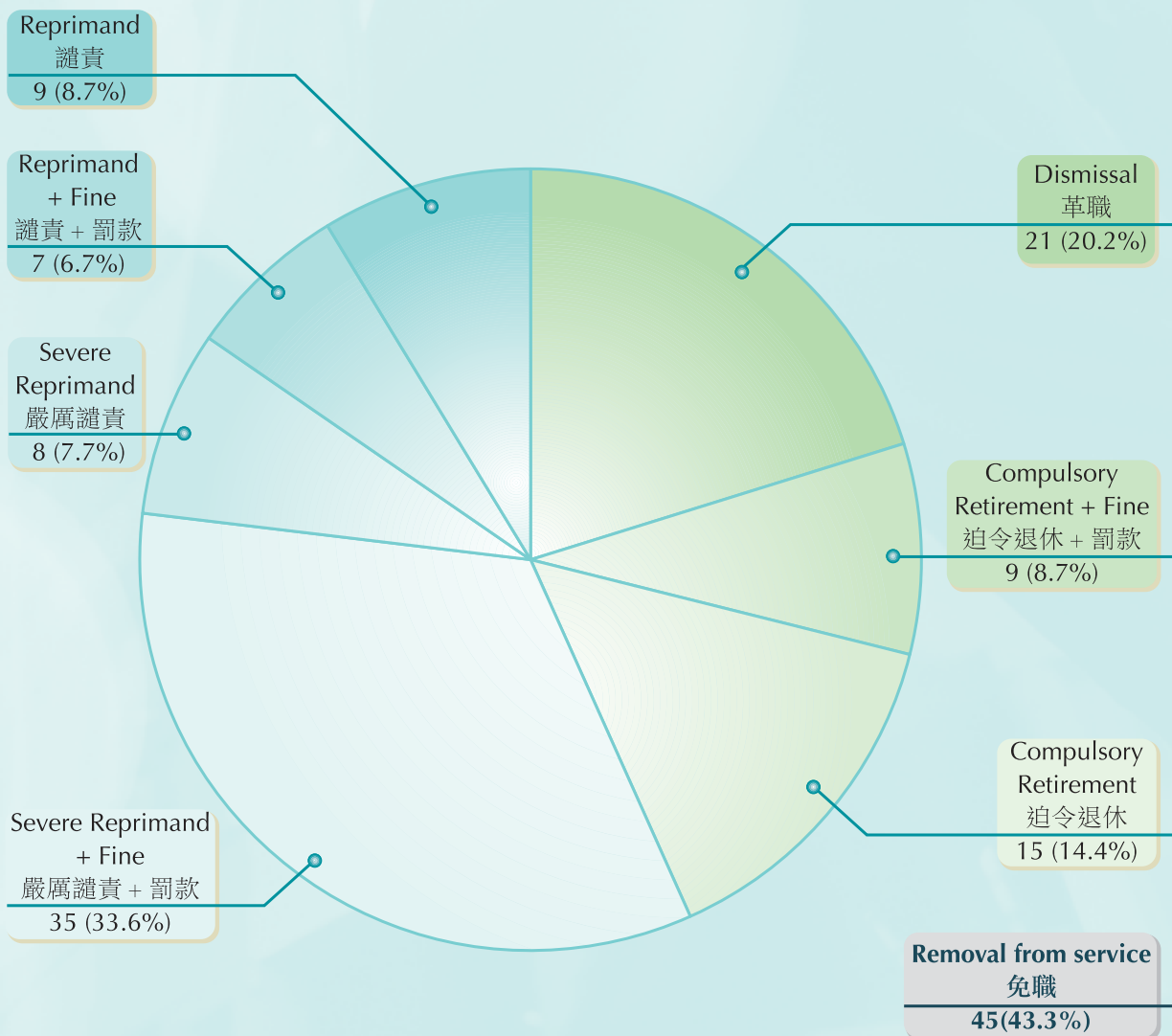
4.4 A breakdown of the 104 cases advised by the Commission in 2005 by misconduct/offence and the form of punishment is at *Appendix VII*. An analysis by salary group and penalty is at *Appendix VIII*. Of these 104 cases, 45 (43.3%) have resulted in the removal of the officers concerned from the service. Severe reprimand plus fine (35 cases or 33.6%) is the next most common form of punishment. The chart on the opposite page gives a breakdown of the cases advised in 2005 by the punishment awarded.

■ 二零零五年委員會提供意見的紀律個案概況

4.3 二零零五年，委員會就104宗紀律個案提供意見，與二零零四年的146宗相比，減少28.8%。紀律個案宗數下降是令人鼓舞的現象，因為顯示員工不但日漸意識到當局對不當行為絕不姑息，而且也更清楚違規的後果。這全賴當局持續宣傳有關政策，申明對屢犯“輕微刑事罪行”者的懲處方式加重為可致免職；把不當行為／刑事罪行的例子上載公務員誠信管理資源中心的內聯網網頁，並得到部門通力合作，提醒員工注意該等案例。這些措施不僅令員工普遍知道干犯不當行為／刑事罪行的後果，也可確保各部門首長在決定作出何種懲處時，都能恪守普遍一致的原則。

4.4 委員會在二零零五年提供意見的104宗個案，按不當行為／刑事罪行類別和懲處方式劃分的數字載於附錄VII。按薪俸組別和懲處方式作出的分析，載於附錄VIII。在上述104宗個案中，有45宗（佔43.3%）所涉人員最終遭免職。第二種最常用的懲處方式，是嚴厲譴責另加罰款（有35宗，佔33.6%）。委員會在二零零五年提供意見的個案按懲處方式劃分的數字，載列於右頁。

Disciplinary Cases Advised by the Commission in 2005
Breakdown by the Form of Punishment
 二零零五年委員會提供意見的紀律個案
 按懲處方式劃分的數字



Observations

4.5 Apart from deliberating on the appropriate level of punishment to be awarded in each disciplinary case submitted to it for advice, the Commission also makes observations on areas that call for improvement and initiates reviews and discussions with the Administration on policies and procedures relating to disciplinary matters. The major issues of concern reviewed/discussed in 2005 together with the observations and recommendations made by the Commission are set out in the ensuing paragraphs.

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

4.6 The Administration has embarked on a study to develop a framework for determining different tiers of disciplinary punishment applicable to officers employed under the Civil Service Provident Fund (CSPF) Scheme¹⁰ 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. This study is targeted for completion in 2006. Once the framework is worked out and endorsed by the Commission, the Administration would consider extending the forfeiture arrangement to pensionable officers, which may require amendments to the pension legislation.

意見

4.5 委員會除了考慮向其徵詢意見的紀律個案，所處懲罰的輕重是否恰當外，還會就可予改善的地方提出意見，以及向當局提出檢討和討論有關紀律處分的政策和程序。下文各段載述在二零零五年檢討／討論的主要關注事項，以及委員會的意見和建議。

就在革職和迫令退休之間增加懲處級別一事進行討論後的發展

4.6 當局已着手研究，為按公務員公積金計劃條款¹⁰ 受聘的人員建立一套釐定不同級別懲罰的制度，並具體列明在什麼情況下，公務員的公積金可基於紀律理由而被部分沒收，以及沒收的幅度。這項研究預計於二零零六年完成。待有關制度敲定並獲委員會同意後，當局會考慮把該制度的適用範圍擴大至包括可享退休金人員，此舉或須對退休金法例作出相應修訂。

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

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

Informal versus formal disciplinary action

4.7 Informal disciplinary action in the form of a verbal or written warning¹¹ is normally taken for less serious acts of misconduct which do not warrant the conduct of formal disciplinary proceedings. The Commission is concerned that there are incidents where some departments have resorted to informal disciplinary action so as to save time and effort, even when the gravity of the misconduct warrants a heavier punishment through the conduct of formal disciplinary action under s.9 or 10 of PS(A)O¹². The Commission considers this unacceptable and has asked the Administration to remind departments to exercise care in determining whether informal or formal disciplinary action should be taken. In cases of doubt, the Secretariat on Civil Service Discipline should be consulted. The Administration shares the Commission's view and the Secretary for the Civil Service personally relayed the message to departments at a Heads of Department's meeting held in the year.

正式或非正式紀律行動

4.7 假如有關人員干犯的不當行為不太嚴重，無須進行正式紀律研訊，部門一般會採取非正式紀律行動，向他作出口頭或書面警告¹¹。委員會關注到，儘管某些不當行為相當嚴重，理應根據《公務人員（管理）命令》第9或10條¹²採取正式紀律行動，處以較重的懲罰，但有些部門為求省時省力，只採取非正式紀律行動了事。委員會認為這做法難以接受，並已要求當局提醒各部門必須深思熟慮，才決定應採取非正式還是正式紀律行動。部門如有疑問，應徵詢公務員紀律秘書處的意見。當局同意委員會的意見。年內，公務員事務局局長與部門首長舉行會議時，已親自向各部門轉達這個訊息。

11 Verbal warning is used for minor and isolated cases of misconduct where the officer has not been warned previously. Written warning is used for cases of minor misconduct where an officer commits the same misconduct repeatedly or several different acts of misconduct over a short period of time. It is used where the misconduct is not serious enough to warrant formal disciplinary action, but where counselling or verbal warning appears insufficient to deter the officer from repeating the misconduct. The debarring effect of a warning for promotion and appointment purposes will lapse after one year.

如果有關的不當行為性質輕微和屬於個別事件，而有關人員從未被警告，則當局會作出口頭警告。如果有關的不當行為性質輕微，但涉案人屬於屢犯不改，或在短時間內干犯多項不同的不當行為，當局會發出書面警告。如果有關的不當行為並非嚴重至足以成為採取正式紀律行動的理由，但作出輔導或口頭警告看來不足以阻嚇重犯行為，則當局也會作出書面警告。警告會帶來晉升和聘任方面的限制，為期一年。

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

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

Review of the benchmark of punishment for duty-related "careless driving" offences

4.8 "Careless driving" is a minor criminal offence punishable under s.11 of PS(A)O¹³. Under normal circumstances, punishment would not be awarded if the offence is non-duty-related and the officer involved is not a government driver. For duty-related "careless driving" cases, administrative or informal disciplinary action, i.e., an advice or a warning, was taken in almost all cases prior to 2001. In late 2001, the level of punishment in duty-related "careless driving" cases was raised. Depending on the circumstances of individual cases, the punishment for a duty-related offence of "careless driving" ranged from administrative action (i.e., advice) to formal disciplinary action leading to a punishment of up to a severe reprimand plus fine. Removal from the service in the form of compulsory retirement had also been meted out on a few occasions in very serious cases where the government drivers concerned had committed the same duty-related offence on many occasions despite repeated warnings and punishments.

4.9 As reported in the Commission's 2004 Annual Report, the Administration had examined in that year the appropriateness of the level of punishment prevailing then in criminal conviction cases. With the Commission's support of a tougher stance on cases of repeated "minor criminal offences", the Administration promulgated in March 2005 guidelines widening the range of punishment for such cases to include removal from the service. Following this the Administration recommended in two duty-related "careless driving" cases punishments that

檢討與公務有關的“不小心駕駛”罪行的懲處尺度

4.8 “不小心駕駛”屬於輕微的刑事罪行，可根據《公務人員（管理）命令》第11條¹³作出懲處。在一般情況下，如果罪行與公務無關，而涉案人員又不是政府司機，當局通常不會處以懲罰。至於與公務有關的“不小心駕駛”個案，當局在二零零一年以前，幾乎一律只採取行政或非正式紀律處分（即作出勸誡或警告）；二零零一年年底，當局加重與公務有關的“不小心駕駛”個案的懲罰，視乎個別案情，輕則作出行政處分（即勸誡），重則採取正式紀律處分，懲罰可重至嚴厲譴責另加罰款。當局亦曾有數次就十分嚴重的個案，作出以迫令退休方式免職的懲處，涉案的政府司機儘管已遭多次警告和處分，仍重蹈覆轍，一再干犯與公務有關的相同罪行。

4.9 一如委員會於二零零四年年報所載，當局在該年就當時對被刑事定罪人員處以的懲罰是否輕重得宜，作出了檢討。有見於委員會支持對涉及屢犯“輕微刑事罪行”的個案採取更嚴厲的態度，當局在二零零五年三月公布指引，把對該等犯事人員的懲罰加重至可予免職。為了遵循此新政策，當局其後對兩宗與公務有關的“不小心駕駛”個案建議的懲處，比慣常的處分嚴厲。在其中一宗個案，一名

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

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

were stiffer than the norm on the grounds of compliance with the new policy. In the first case, a severe reprimand plus a fine equivalent to reduction in salary by one increment for 12 months was recommended for the government driver's third conviction of duty-related "careless driving" within a span of five years when the norm was a reprimand plus a fine of one increment for three months. In the second case, a reprimand plus a fine of one increment for six months was recommended for the government driver's fourth conviction of duty-related "careless driving" within a span of 19 years when the customary level of punishment in comparable cases was a reprimand plus a fine of one increment for three months.

4.10 The inclusion of traffic offences as "minor criminal offences" warranting stiffer punishment was not explicitly mentioned when the Administration consulted the Commission of its new punishment benchmark for repeat defaulters of "minor criminal offences". On re-visiting the subject, the Commission considered that the target cases should be those that were integrity related. The imposition of a stiffer level of punishment for repeat defaulters of duty-related "careless driving" offences across the board was therefore unwarranted. The Commission took the view that offences of "careless driving" were committed purely due to carelessness instead of the lack of integrity. If the carelessness was caused by bad driving habits or skill, the officer's poor performance as a professional driver should be reflected in his performance appraisals. Remedial training, instead of stiffer punishment, would be more appropriate in such cases. The view of the Commission was accepted by the Administration and the two government drivers concerned were subsequently punished in accordance with the customary level of punishment.

政府司機在五年內三度因干犯與公務有關的“不小心駕駛”行為而被定罪。按照一貫的做法，該名司機應遭譴責，另加罰款，數額相等於扣減一個增薪點，為期三個月。但當局卻建議予以嚴厲譴責，另加罰款，數額相等於扣減一個增薪點，為期12個月。至於另一宗個案，當局建議對一名在19年內四度因干犯與公務有關的“不小心駕駛”行為而被定罪政府司機予以譴責，另加罰款，數額相等於扣減一個增薪點，為期六個月。然而，同類個案的當事人一般只會遭譴責，另加罰款，數額相等於扣減一個增薪點，為期三個月。

4.10 當局就針對屢犯“輕微刑事罪行”人員而制定的新懲處尺度諮詢委員會時，並沒有明確表示會把交通違例事項也列作“輕微刑事罪行”，予以更嚴厲的懲處。委員會再研究這問題時，認為當局的新懲處尺度應針對涉及員工操守的個案，並無需要對屢犯與公務有關的“不小心駕駛”行為的人員也一律加重懲罰。委員會認為，有關人員干犯“不小心駕駛”，純粹是因為疏忽大意，而非缺乏操守。假如疏忽大意是因駕駛習慣或技術欠佳所致，這些人員身為專業司機，差劣的表現應在工作表現評核中反映出來。就這些個案來說，矯正訓練會比嚴懲更為適當。當局接納委員會的意見，其後對有關的兩名政府司機處以慣常的懲罰。

4.11 Alongside its stance that a stiffer punishment is not warranted for duty-related "careless driving" offences, the Commission has called for a new punishment benchmark to be devised to allow for duty-related traffic offences of a long time span and relatively minor nature to be disregarded. The Administration, in consultation with the Director of Government Logistics, as the Head of the Driver Grade, and also big user departments such as the Food and Environmental Hygiene Department and Water Supplies Department, is in the process of devising this new punishment benchmark. The Commission's view would be sought by the Administration before the new benchmark is promulgated.

Guidelines for punishment in cases involving failure to report criminal proceedings

4.12 Under existing regulations, it is incumbent upon an officer to report to his Head of Department if he is subject to criminal proceedings. The Civil Service Bureau (CSB) Circular Memorandum on "Disciplinary Punishment for Criminal Offences" issued in March 2005 also serves to remind disciplinary authorities to take disciplinary action against officers who have failed to report criminal proceedings.

4.13 Upon receipt of the first case involving an officer's failure to report criminal proceedings in the year, the Commission requested the Administration to draw up punishment guidelines so as to ensure that the right benchmark was set for consistent application across the service. In response, the Administration proposed that the punishment imposed should usually be no more severe than that which was awarded or warranted for the criminal offence itself under s.11 of PS(A)O. The only exception was where the failure to report criminal proceedings had resulted in action under s.11 being barred. In such cases, the disciplinary authority could consider inflicting a punishment which reflected the cumulative effect of the failure to report and also the

4.11 委員會除認為沒有須要對干犯與公務有關的“不小心駕駛”行為的人員作出比慣常更嚴厲的懲處外，還建議當局應釐訂新的懲處尺度，以便在衡量懲罰時不把該人員多年前干犯或性質較為輕微的交通違例事項也考慮在內。當局和作為司機職系首長的政府物流服務署署長，以及食物環境衛生署和水務署等大型用戶部門磋商後，現正擬訂新的懲處尺度。當局會先徵詢委員會的意見，然後才公布新的尺度。

關於沒有上報刑事法律程序的懲處指引

4.12 根據現行規例，如有公務員正受刑事法律程序起訴提起，該員有責任向部門首長報告。二零零五年三月，公務員事務局發出“刑事罪行的紀律處分”通函，其中也提醒紀律處分當局須對沒有上報刑事法律程序的公務員採取紀律處分。

4.13 年內，委員會接獲首宗有關公務員沒有上報刑事法律程序的個案後，要求當局擬訂懲處指引，確保有適用基準可供各部門劃一採用。政府在回應時建議，所作出的懲處，一般不應比當局根據《公務人員(管理)命令》第11條，就有關刑事罪行所施加或有理由施加的懲罰更重。唯一的例外情況是：沒有上報刑事法律程序一事，已引致當局無法根據第11條採取行動。在這種情況下，紀律處分當局可就有關人員沒有上報法律程序連帶他所犯的刑事罪行一併考慮，才作出相

criminal offence itself. Besides, the Administration also spelt out the factors relevant to the imposition of a fine which included the consideration of whether the officer concerned was a repeat defaulter. The Commission has accepted these general principles.

Criminal convictions outside Hong Kong

4.14 Apart from criminal convictions in Hong Kong, civil servants should also be mindful of the need to report convictions outside Hong Kong because such convictions may also be subject to disciplinary action under s.11 of PS(A)O. A case submitted to the Commission for advice in the year was related to an officer's criminal conviction of multiple charges by a court in a foreign country when he was on vacation leave outside Hong Kong. As advised by the Department of Justice, s.11 of PS(A)O is applicable in that case because the offences involved are also illegal in Hong Kong and the records relevant to the convictions are available. That officer was subsequently punished by a severe reprimand under s.11 for his criminal conviction in a foreign country.

Review of the application of a "caution" statement of removal from the service in the event of further misconduct

4.15 In awarding disciplinary punishment of a non-removal nature, the Administration may add a "caution" statement of removal from the service in the event of further misconduct in order to enhance the deterrent effect. However, Members of the Commission have noticed with concern that the "caution" statement had in recent years been added to punishments nearly as a matter of course. As such indiscriminate use of the "caution" statement may jeopardise its desired impact and deterrent effect, the Commission has asked the Administration to review the need for a more stringent application.

應的懲罰。此外，在處以罰款方面，政府也清楚說明相關考慮因素，包括有關人員是否屢犯不改等。委員會已接納這些一般原則。

香港以外地方的刑事定罪個案

4.14 除在香港被刑事定罪的個案外，公務員也應注意上報在香港以外地方被判罪的個案，因為他們可能因這些判罪而被當局根據《公務人員（管理）命令》第11條予以紀律處分。在年內徵詢委員會意見的個案中，有一宗涉及有人員在放取例假期間，在香港以外地方被外國法庭裁定多項刑事罪名成立。根據律政司的意見，《公務人員（管理）命令》第11條適用於該個案，因為該員所涉及的多項犯罪行為在香港同屬違法，而該等判罪也有記錄可循。當局其後就該員在外國被刑事定罪，根據第11條處以嚴厲譴責的懲罰。

申明在再度行為失當時即行免職的“告誡”字句應用範圍檢討

4.15 為加強阻嚇效果，當局對被裁定干犯不當行為或刑事罪行的人員作出紀律懲處時，或會在有關信件內加入“告誡”字句，申明如該員再度行為失當，即行免職。然而，委員會成員關注到，當局近年作出懲處時，幾乎例必加入“告誡”字句。由於濫用這些字句會破壞原意，失卻“告誡”的作用和阻嚇效果，委員會已籲請當局研究是否須收緊其應用範圍。

4.16 After reviewing the existing practice, the Administration has come to the view that "caution" statements should be used selectively for warranted cases only. Specifically, cases warranting a "caution" statement would be those attracting the severest punishment short of removal (e.g., severe reprimand plus a heavy fine) and the caution is meant to seriously remind the officer concerned that it is the last chance for him to prove his worthiness of remaining in the service. The Administration has since June 2005 started a more stringent application to require the imposition of a "caution" statement only in cases of a serious nature that render the officers concerned liable to being removed from the service should further misconduct be committed.

Acceptance of excessive/lavish entertainment

4.17 As defined in s.2 of the Prevention of Bribery Ordinance (POBO), "entertainment" means the provision of food or drink for immediate consumption and of any other entertainment provided at the same time. Although entertainment is an acceptable business practice and social behaviour and not considered an advantage¹⁴ under the POBO, civil servants are not free to accept invitations to meals or entertainment that are excessive in nature or frequency, or are inappropriate (e.g., from persons with whom they have direct official dealings), or are undesirable (taking into account the character of the host), so as to avoid being placed in a position of obligation or giving rise to the perception that their impartiality might be compromised. Inappropriate acceptance of entertainment by an officer may bring his department and the government into disrepute and render him liable to disciplinary action leading to his removal from the service.

4.16 當局檢討現行做法後認為，“告誡”字句應只限在有必要的情況下使用。具體來說，有必要使用“告誡”字句的情況，是那些受到幾可免職的最嚴厲懲處的個案（例如嚴厲譴責，另加高額罰款）。提出告誡旨在向有關人員嚴正申明，這是最後的一次機會，讓他留任證明自己仍是可用之材。自二零零五年六月起，當局已收緊了“告誡”字句的應用範圍，規定只在有關人員干犯性質嚴重的不當行為，如再度干犯，便有可能被免職的情況下才使用。

接受過分豐厚／奢華的款待

4.17 《防止賄賂條例》第2條界定，“款待”指供應在當場享用的食物或飲品，以及任何同時提供的其他款待。儘管根據該條例，款待是可以接受的商業慣例和社交活動，不視作利益¹⁴，但公務員不可隨意接受過分豐厚、過分頻密、不恰當（例如與對方有直接公務往來）或不適宜（因對方的品格關係）的宴請或款待，以免欠下他人人情或在履行公職時令人覺得他有所偏私。公務員接受不恰當的款待，可能會損害所屬部門及政府的聲譽，使該員可受紀律處分，以致有被革職之虞。

14 Advantage as stipulated in the POBO refers to anything which is of value such as gift, money, commission, loan, employment, service, favour, but does not include entertainment.

根據《防止賄賂條例》，利益指任何有價值的東西，包括饋贈、金錢、佣金、貸款、受僱工作、服務、優待，但不包括款待。

4.18 In 2005, two officers were punished by compulsory retirement and another two by severe reprimand plus fine for accepting excessive entertainment in the forms of free meals, karaoke nightclub entertainment, cruise trips, etc. from persons with whom they had official dealings. Noting that these four officers were amongst a group of officers of the same department who had committed similar acts of misconduct, the Commission has expressed concern about the general lack of alertness on the part of the staff of the need to avoid perceived or real conflicts of interests in work situations. To address the problem, the Administration is developing an integrity management manual with comprehensive guidelines to deter improper practice for observance by the relevant staff. Moreover, theme-based workshops on integrity management would also be arranged for the staff in 2006.

Supervisory accountability

4.19 While officers who have misconducted themselves must be appropriately punished, their supervisors should also be subject to disciplinary action if it is found that they are accountable for their subordinates' misconduct. The Commission has from time to time reminded the Administration to look into the issue of supervisory accountability, particularly in duty-related misconduct/offence cases.

4.20 In the acceptance of excessive entertainment case mentioned above, the department concerned had conducted a review of the accountability of all the concerned supervisors. Except for those who clearly had no knowledge of their subordinates' close social contacts with people who had official dealings with them, the department had issued advisory letters to remind the other supervisors of their supervisory role over their subordinates in observing the relevant guidelines on real

4.18 二零零五年，四名同屬一個部門的人員因接受與他們有公務往來的人士過分慷慨的款待（包括免費宴請、卡拉OK夜總會玩樂、郵輪旅行等）而遭處分，兩人被迫令退休，另外兩人遭嚴厲譴責另加罰款。委員會關注到，除這四人外，同一部門還有其他人員干犯類似的不當行為，這反映了員方普遍欠缺警覺性，不懂得在工作環境中，避免涉及可能引起實際或表面上的利益衝突。針對這問題，當局正編製誠信管理手冊，詳細訂明指引，列明必須遏止的不當行為供有關人員遵循。此外，當局也會在二零零六年為員工舉辦有關誠信管理的專題工作坊。

監督責任

4.19 行為不當的人員固然須受到適當懲處，但其上司如被証實須為下屬的不當行為負責，同樣應受到紀律處分。委員會不時提醒當局注意主管人員的監督責任問題，特別是在出現與公職有關的行為不當／刑事罪行時，更應倍加注意。

4.20 在上述接受過分豐厚款待的個案中，有關部門審研了各有關主管人員的監督責任。除了那些對其下屬與有公務往來人士過從甚密一事顯然毫不知情的主管人員外，該部門已向其餘主管人員發出勸諭信，提醒他們執行監督職責，確保下屬遵守當局就實際或表面上的利益衝突所頒布的指引。在另一宗個案中，有關

or perceived conflicts of interests. In another case involving an officer who was dismissed for committing a duty-related offence of "theft" by embezzling payments from members of the public, his supervisor was given a verbal warning for failure to perform his supervisory duty vigilantly in ensuring the proper functioning of the shroff office.

Delay in taking disciplinary action

4.21 Disciplinary action should always be taken and punishment imposed in a timely manner to demonstrate that misconduct will not be tolerated by the management. However, in considering the punishment of compulsory retirement plus fine proposed by the Administration in a disciplinary case, the Commission noted that although the investigation into the officer's misconduct of failure to follow government regulations in handling money collected from members of the public and in the procurement of books had already been completed, his supervisors had failed to report the case to the departmental management for taking disciplinary action until more than two years later. Having considered the circumstances of the case and the concerned officers' explanation, the department subsequently issued a verbal warning to each of these supervisors. This failure to take prompt action which would inevitably have a damaging effect on management credibility and staff morale, must be guarded against. The Commission has already reminded the department concerned to brief its line managers of the importance of handling disciplinary cases in a timely and proper manner.

人員盜用市民的繳款，干犯與公職相關的“盜竊”罪行，結果被革職。該員的上司因為監督不力，未能確保繳費處妥善運作，也遭口頭警告。

延誤採取紀律行動

4.21 無論何時，管方都應適時採取紀律行動並作出懲處，以示對不當行為絕不姑息。當局曾就某宗紀律個案建議作出迫令退休另加罰款的懲處，委員會在審議這項懲處建議時注意到，雖然該員的上司，早已完成調查，知悉該員未有遵照政府規例處理市民的繳款和採購書籍，行為失當，但卻拖延至兩年以後才把該個案上報，予部門管方採取紀律行動。有關部門考慮過案情和有關人員的解釋後，向其上司逐一發出口頭警告。主管人員沒有從速採取行動，難免有損管方的管治和員工士氣，必須加以防範。委員會已提醒該部門向前線管理人員闡明，必須及時和適當地處理紀律個案。

Requirement under CSR 551 to seek permission before engaging in outside work for remuneration

4.22 The Commission noted with concern of staff being punished for failing to seek permission for performing paid outside work due to their ignorance of the rule. The officers involved in three such cases submitted to the Commission for advice in the year were punished by a severe reprimand plus fine. As observed from these cases, had the officers concerned applied, permission would have been given as the outside work involved should not pose any conflict to their full-time work as civil servants. The Administration has been requested to consider issuing reminders to civil servants of the requirement under CSR 551 to seek the Head of Department's permission before engaging in outside work for remuneration of any sort, and also the consequence of failure to comply.

Publicity on Examples of Acts of Misconduct

4.23 Responding to the Commission's request that misconduct cases should be promulgated to raise staff awareness of the consequence, the Administration has uploaded onto the website of the Resource Centre on Civil Service Integrity Management a new web page on "Examples of Acts of Misconduct". Apart from serving to remind civil servants of the basic principles to be observed to avoid committing acts of misconduct, these examples also serve as a reference for departmental managers and supervisors responsible for staff management matters. The examples of misconduct cases that have been uploaded to the web page cover areas on unauthorised absence, falsification of attendance records, violation of rules governing the granting of sick leave, supervisory responsibility, conflict of interest and misconduct in public office. At the request of the Commission, the Administration has also uploaded new examples of criminal conviction cases involving

根據《公務員事務規例》第 551 條獲得批准後才可擔任有報酬外間工作的規定

4.22 委員會關注到，部分人員不知道有這項規定存在，沒有獲得批准便擔任有薪外間工作，因而遭受懲處。年內，有三宗相關個案徵詢委員會的意見，所涉人員全都受到嚴厲譴責，另加罰款。據這些個案顯示，涉案人員擔任的外間工作與他們身為公務員的全職工作應沒有衝突，若他們當初提出申請，相信可獲批准。委員會已要求當局考慮發出文件，提醒各公務員必須先根據《公務員事務規例》第 551 條獲得部門首長批准，然後才可擔任有報酬的外間工作，同時一併說明沒有遵守規定的後果。

公布不當行為案例以收警惕之效

4.23 委員會曾要求當局公布不當行為案例，使公務員更清楚有關後果。為此，當局已在公務員誠信管理資源中心網址增設“不當行為的例子”網頁。有關案例不但提醒公務員須遵守的基本原則，以免干犯不當行為，而且可供部門管理人員和負責員工管理的主管人員參考。上載至該網頁的不當行為案例，涵蓋擅離職守、虛報出勤時間、違反批予放取病假的規則、上司的督導責任、利益衝突及公職人員行為失當等方面。當局又應委員會的要求，把涉及欺詐／偽造、盜竊、毆打的刑事判罪案例上載至該網頁，作為公務員事務局通函第 7/2005 號“刑事罪行

fraud/forgery, theft and assault as a supplement to CSB Circular Memorandum No. 7/2005 on "Disciplinary Punishment for Criminal Offences" to demonstrate the raising of the benchmark in punishment for criminal offences.

4.24 Apart from inviting all civil servants to read those sample cases on the web page, the Administration has also enlisted the assistance of departments and bureaux to publicise the examples of misconduct as widely as possible through various channels including circulation by departmental memo, putting the sample cases on departmental intranet, using the sample cases in training courses and publishing the sample cases through departmental newsletters. The Commission appreciates the continuous efforts made by the Administration in arranging publicity to promote staff awareness of the serious consequence of acts of misconduct/offences.

的紀律處分”的補充資料，以顯示刑事罪行的懲處尺度已予收緊。

4.24 除了籲請各公務員閱覽網頁上的不當行為案例之外，當局也請各部門及各局協助，透過各種途徑讓這些案例得以廣傳，包括把案例登載於部門便箋、內聯網和通訊，以及用作培訓教材等。當局努力不懈地安排提高公務員的意識，讓他們警覺不當行為／刑事罪行的嚴重後果，對此委員會深感欣慰。

- 5.1 In the past year, the Commission continued to maintain close ties with relevant organisations/commissions overseas and in the Mainland.
- 5.2 On 2 June 2005, the First Civil Service Commissioner of the United Kingdom, Baroness Usha Prasha, visited the Commission Secretariat. During the visit, she was briefed on the role and functions of the Commission. The Chairman exchanged views with her on topics of mutual interest, particularly on recruitment to the civil service.
- 5.3 The Chairman attended the conference "Public Service Commissions: Professionalism performance - excellence" organised by the Public Administration International from 21 to 25 November 2005 in London, United Kingdom. Nine Commissions from various places were represented. A wide range of topics including the role and functions of Civil and Public Service Commissioners, and modernising the civil service and improving its effectiveness were discussed with insightful views exchanged. The conference also provided a forum for participants to share their experience and review their own challenges.
- 5.4 A delegation of civil servants from the Xiamen city of the Fujian province visited the Commission Secretariat on 22 December 2005. They were briefed on the work of the Commission. Topics on civil service recruitments and promotions were discussed and views exchanged.
- 5.1 年內，委員會繼續與海外和內地的有關機構／委員會保持密切聯繫。
- 5.2 二零零五年六月二日，英國首席公務員事務專員 Usha Prasha 勳爵造訪委員會秘書處，其間，我們向她簡介委員會的角色和職能。主席與她就共同關注的課題，特別是有關招聘公務員的事項，交流意見。
- 5.3 二零零五年十一月二十一至二十五日，國際公共行政組織在英國倫敦舉辦"公務人員事務委員會：專業表現——卓越成就"會議，主席代表委員會出席，與會的尚有九個來自不同各地的委員會。與會者就公務員及公務人員事務專員的角色和職能、公務員體系現代化、提高公務員體系的效率等多個議題進行討論，交流意見，互相啟迪。與會人士亦藉此難得的機會，分享經驗，一起探討種種挑戰。
- 5.4 二零零五年十二月二十二日，由福建省廈門市公務員組成的代表團造訪委員會秘書處。我們向代表團簡介委員會的工作，雙方也就公務員招聘和晉升的課題進行討論，交流意見。

6

Chapter 章

Acknowledgements

鳴謝

- 6.1 The Commission would like to express its sincere gratitude to the Secretary for the Civil Service and his staff for their continued support and assistance in all areas of 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 queries and suggestions during the year.
- 6.2 As always, the staff of the Commission Secretariat continued to provide unfailing support to the Commission by working most efficiently and maintaining a very high standard in vetting departmental submissions. The Chairman and Members of the Commission wish to place on record their appreciation to the Secretary and her team for their steadfast work and contribution.

- 6.1 公務員事務局局長及屬下職員不斷鼎力支持並協助委員會各方面的工作，委員會謹此衷心致謝。年內，各常任秘書長、部門首長及高層人員對於委員會的提問和建議給予衷誠合作，理解有加，委員會在這裏也一併致謝。
- 6.2 一如以往，委員會秘書處職員繼續向委員會提供全力支援，在審核部門建議方面，克盡厥職，全力以赴，主席及各委員謹此表揚他們的貢獻。

Category 類別數目	Open/ In-service Recruitment 招聘/ 內部聘任	Promotions/ Acting Appointments 晉升/ 署任職位	Continuous Employment/ Termination of Service ¹ 延任/ 不予續聘 ¹	Other Appointment- related Submissions ² 其他 聘任相關個案 ²	Discipline 紀律	Total 總數
Number of submissions advised on 曾提供意見的建議	70	448	25	118	104	765
(a) Number of submissions queried 曾提出質疑的建議	9	202	3	22	9	245
(b) Number of submissions with revised recommendations following queries 在提出質疑後作修訂 的建議	1	102	0	7	7	117
(b) / (a)	11%	51%	0%	32%	78%	48%

Comparison with Previous Years 與過去數年的數字比較

Year 年份	2003	2004	2005
Total No. of submissions advised on 曾提供意見的建議總數	932	911	765
(a) Submissions queried 曾提出質疑的建議	314	289	245
(b) Submissions with revised recommendations following query 在提出質疑後作修訂的建議	89	119	117
(b) / (a)	28%	41%	48%

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

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

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

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



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).

吳榮奎先生, GBS, JP

委員會主席

(二零零五年五月一日獲委任)

職業：公務員敍用委員會主席

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

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



Mr Haider BARMA, GBS, JP

Chairman, Public Service Commission

(appointed from 1 August 1996 to 30 April 2005)

Occupation : Chairman, Public Service Commission

Qualification : B.A (Hons) (HKU)

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

鮑文先生, GBS, JP

委員會主席

(任期由一九九六年八月一日至二零零五年四月三十日)

職業：公務員敍用委員會主席

學歷：（榮譽）文學士（香港大學）

鮑文先生是資深公務員。他在一九六六年加入政務職系，退休前擔任的高級職位計有副銓敍司（聘任）（一九八六至八八年）、區域市政總署署長（一九八八至九一年）、市政總署署長（一九九一至九三年）及運輸司（一九九三至九六年）。



Mr Vincent CHOW Wing-shing, BBS, JP

Member, Public Service Commission

(appointed on 1 February 1998)

Occupation : Director 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. He serves on the Board of Governors of the Hong Kong Philharmonic Orchestra and as the Chairman of the Hong Kong Repertory Theatre Ltd.

周永成先生, BBS, JP

委員會委員（一九九八年二月一日獲委任）

職業：周生生集團國際有限公司集團董事兼總經理

學歷：理學士、理學碩士

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



Dr Elizabeth SHING Shiu-ching, JP

Member, Public Service Commission

(appointed from 1 June 1999 to 31 May 2005)

Occupation : Director-General, Hong Kong
Management Association

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

Dr Shing is a Member of the Advisory Committee on Post-retirement Employment, the Consumer Council and the Management Committee of the Consumer Legal Action Fund.

成小澄博士, JP

委員會委員

（任期由一九九九年六月一日至二零零五年五月三十一日）

職業：香港管理專業協會總幹事

學歷：（榮譽）文學士、工商管理碩士、工商管理（榮譽）博士、英國特許管理學會會士

成博士是退休公務員就業申請諮詢委員會、消費者委員會及消費者訴訟基金管理委員會的成員。



Miss Eliza CHAN Ching-har, 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 China-Appointed Attesting Officer appointed by the Ministry of Justice of the People's Republic of China. She is a Standing Committee Member of the Tianjin Committee of the Chinese People's Political Consultative Conference, the Foreign Economic Affairs Legal Counsel for the Tianjin Municipal Government, an arbitrator of the China International Economic and Trade Commission and a Disciplinary Panel Member of the Hong Kong Institute of Certified Public Accountants. She is also the legal adviser to the Hong Kong Chinese Enterprises Association, Vice-chairman of the University of Victoria Foundation and Governor of the Canadian Chamber of Commerce in Hong Kong.



Mr Wilfred WONG Ying-wai, JP

Member, Public Service Commission

(appointed on 1 February 2002)

Occupation : Vice-Chairman of Shui On Holdings Ltd.

Qualification : B.Soc.Sc.(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, a member of the Commission on Poverty, the Deputy 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, a trustee of the Business and Professionals Federation of Hong Kong and the Vice-President of the Shanghai-Hong Kong Council for the promotion and development of the Yangtze.

陳清霞女士, BBS, JP

委員會委員

(二零零一年十二月一日獲委任)

職業：祖偉仕律師行的高級合夥人、多家公司的董事

學歷：法學士、理學士、中國法律文憑

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

王英偉先生, JP

委員會委員

(二零零二年二月一日獲委任)

職業：瑞安集團有限公司副主席

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

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



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

葉錫安先生, JP

委員會委員

(二零零三年五月二十三日獲委任)

職業：商人

學歷：香港最高法院律師

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

施祖祥先生, GBS, JP

委員會委員

(二零零四年二月一日獲委任)

職業：太古股份有限公司獨立非執行董事、李錦記有限公司非執行董事

學歷：（榮譽）文學士（香港大學）

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



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

委員會委員

(二零零四年二月一日獲委任)

職業：商人

學歷：特許會計師、格拉斯哥大學和香港大學法學學位

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



Mrs Paula KO WONG Chau-mui

Member, Public Service Commission

(appointed on 1 June 2005)

Occupation : Head of Human Resources, Special Projects, Human Resources-Asia, Standard Chartered Bank (HK) Ltd.

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

柯黃秋梅女士

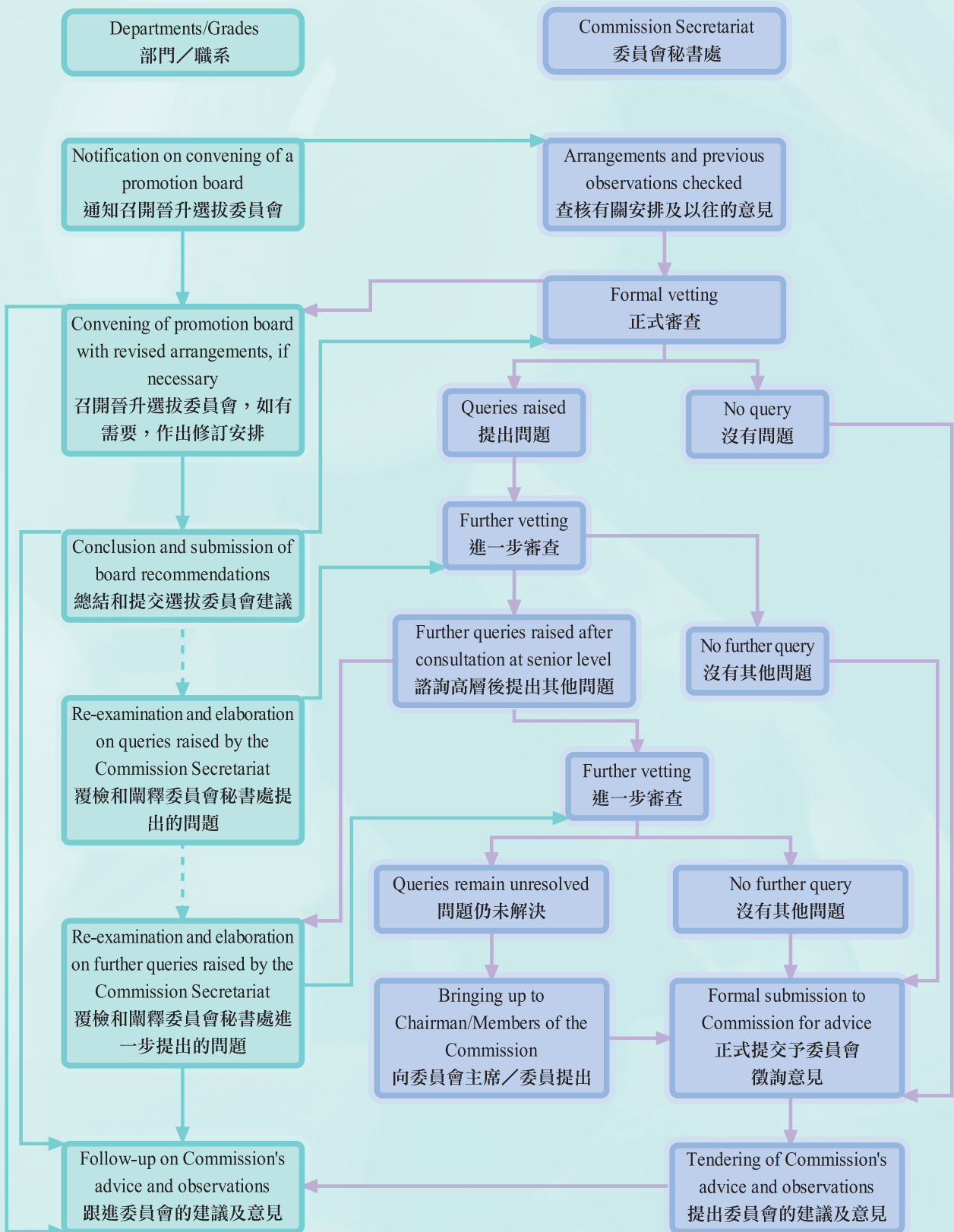
委員會委員

(二零零五年六月一日獲委任)

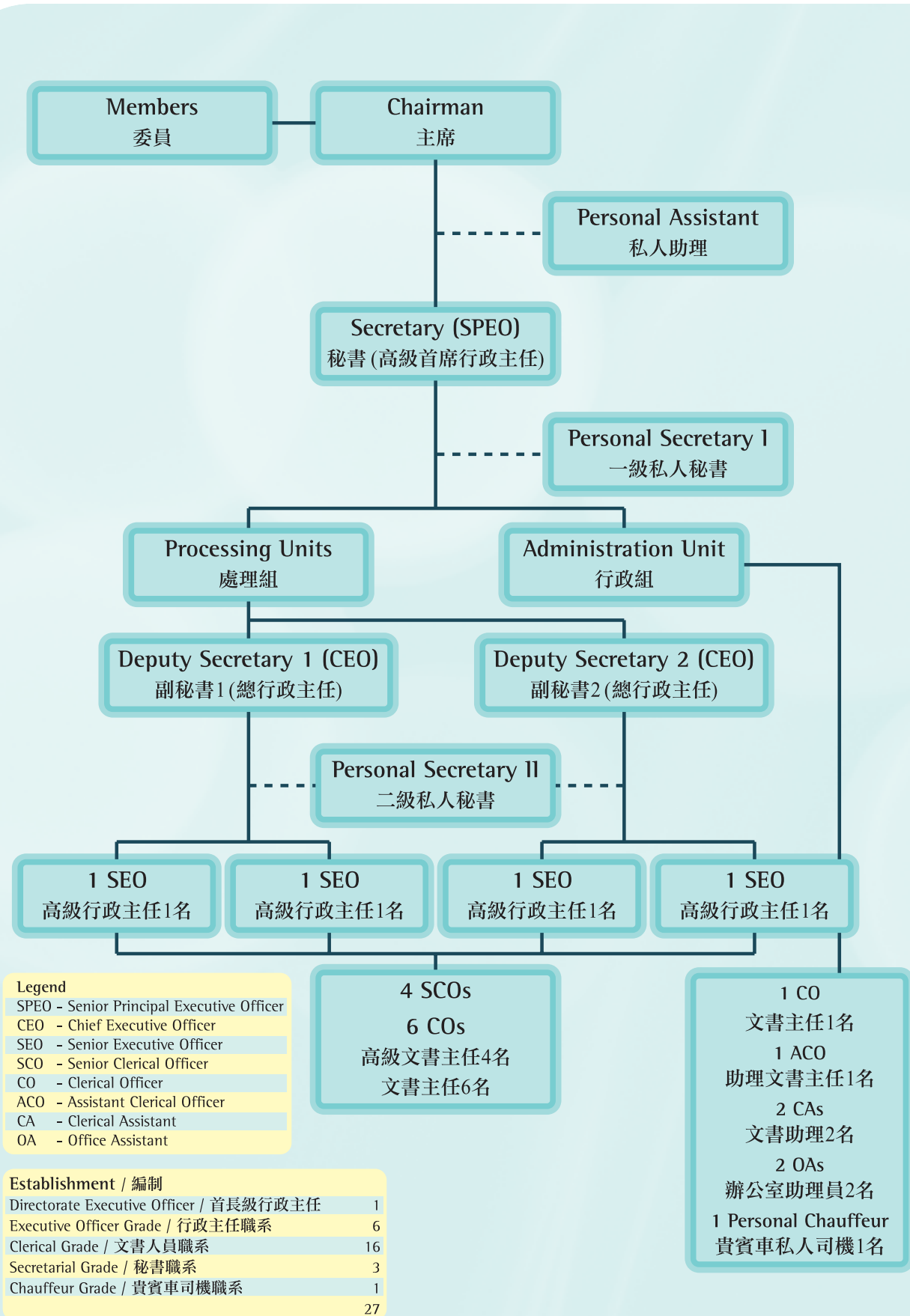
職業：渣打銀行（香港）有限公司人力資源特別項目—亞洲人力資源部主管

學歷：社會科學（榮譽）學士（香港大學）

晉升選拔個案審查程序流程圖



公務員敘用委員會秘書處組織架構圖



Legend

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

Establishment / 編制

Directorate Executive Officer / 首長級行政主任	1
Executive Officer Grade / 行政主任職系	6
Clerical Grade / 文書人員職系	16
Secretarial Grade / 秘書職系	3
Chauffeur Grade / 貴賓車司機職系	1
Total	27

Vacancies Filled in 2005 as Advised by the Commission Breakdown by Salary Group

二零零五年徵詢委員會意見填補的職位空缺 按薪俸組別列出的數字

Vacancies Filled by 填補空缺方式	Salary Group 薪俸組別					Sub- total 小計
	Master Pay Scale Points 26-44 總薪級表第 26-44 點	Master Pay Scale Points 45-49 總薪級表第 45-49 點	Directorate 首長級		General Disciplined Services Pay Scale 一般紀律 人員 薪級表	
			D1- D2 首長級薪 級第 1-2 點	D3 and above 首長級薪 級第 3 點 或以上		
Open recruitment 公開招聘	32	3	1	-	116	152
In-service recruitment 內部招聘	27	-	-	1	43	71
Promotion 晉升	664	177	87	31	173	1 132
Secondment 借調	-	-	-	1	-	1
Sub-total 小計	723	180	88	33	332	-
Total No. of Vacancies Involved 所涉及的空缺總數						1 356

Number of Appointees by Terms of Appointment in the Open and In-service Recruitment Exercises in 2005

二零零五年公開和內部招聘人數（按聘用條款列出）

Open Recruitment 公開招聘	Number of appointees 受聘人數
• on probationary terms 按試用條款受聘	142
• on agreement terms 按合約條款受聘	3
• on transfer (between departments or grades) 轉職（部門或職系之間）	7
Sub-total 小計	152
In-service appointment 內部聘任	
• on trial terms 按試任條款受聘	50
• on probationary terms 按試用條款受聘	20
• secondment on pensionable terms 按可享退休金條款借調	1
Sub-total 小計	71
Total 合計	223

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

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

Disciplinary Cases Advised by the Commission in 2005

Breakdown by Category of Misconduct/Offence and Punishment

二零零五年徵詢委員會意見的紀律個案

按不當行為／刑事罪行類別和懲處方式劃分的數字

Punishment 懲處方式	Category of Misconduct/Offence 不當行為／刑事罪行類別						Total 合計
	Traffic related offences 違反交通規例的個案	Theft 盜竊罪行	Criminal conviction not under columns 1 and 2* 第一及第二欄以外的刑事定罪個案*	Negligence, Failure to perform duties or follow instruction, Supervisory accountability and Insubordination 疏忽職責、不履行職責或不遵照指示、監督不力及不服從上級	Unpunctuality, Unauthorised absence, Abscondment 不守時、擅離職守、棄職潛逃	Other Misconduct** 其他不當行為**	
Dismissal 革職	-	3	10	-	4	4	21
Compulsory Retirement + Fine 迫令退休 + 罰款	-	-	5	2	2	-	9
Compulsory Retirement 迫令退休	-	5	1	1	5	3	15
Lesser Penalty 較輕微的懲罰	14	4	6	8	11	16	59
Total 合計	14	12	22	11	22	23	104

Note: (a) The Commission advised on 104 disciplinary cases in 2005.

(b) 48 of the 104 disciplinary cases followed upon conviction.

(c) In 4 of the remaining 56 disciplinary cases, the officers concerned have absconded.

(d) The 104 disciplinary cases include 8 in the Disciplined Services (including 1 from the Police Force and 4 from the Correctional Services Department seeking the Commission's informal advice).

* Including assault, misconduct in public office, undischarged bankrupt obtaining credits, agent using a document to deceive his principal and acceptance of advantage.

** Including unauthorised outside work, breach of housing benefit rules and accepting excessive entertainment.

註：(a) 委員會在二零零五年就104宗紀律個案提供意見。

(b) 在104宗紀律個案之中，有48宗是當事人被法庭裁定罪名成立後予以懲處。

(c) 至於其餘56宗紀律個案，有4宗所涉及的人員已棄職潛逃。

(d) 在104宗紀律個案之中，有8宗涉及紀律人員的個案（包括1宗涉及警隊和4宗涉及懲教署人員的個案，由委員會非正式地提供意見）。

* 包括毆打、在擔任公職時行為不當、未獲解除破產的破產人獲取信貸、代理人使用文件欺騙其主事人，以及接受利益。

** 包括未經批准而從事外間工作、違反房屋福利規則，以及接受過分豐厚的款待。



Disciplinary Cases Advised by the Commission in 2005
Breakdown by Salary Group and Punishment
二零零五年徵詢委員會意見的紀律個案
按薪俸組別和懲處方式劃分的數字

Punishment 懲處方式	Salary Group 薪俸組別			Total 合計
	At or Below Master Pay Scale Pt.13 or equivalent 總薪級表 第13點或以下 或同等薪點	Master Pay Scale Pt.14 to 33 or equivalent 總薪級表 第14-33點 或同等薪點	Master Pay Scale Pt.34 and above or equivalent 總薪級表 第34點或以上 或同等薪點	
Dismissal 革職	6	12	3	21
Compulsory Retirement + Fine 迫令退休+罰款	1	5	3	9
Compulsory Retirement 迫令退休	5	9	1	15
Severe Reprimand + Fine 嚴厲譴責+罰款	16	17	2	35
Severe Reprimand 嚴厲譴責	3	4	1	8
Reprimand + Fine 譴責+罰款	7	0	0	7
Reprimand 譴責	9	0	0	9
Total 合計	47	47	10	104

