

## Chapters

Foreword	.....	2-3
Chapter 1	The Public Service Commission – An Overview .....	4-9
Chapter 2	Civil Service Recruitment : Reviews and Observations .....	10-20
Chapter 3	Civil Service Promotion : Reviews and Observations .....	21-27
Chapter 4	Strengthening of Staff Performance Management System and a Total Approach in Staff Development .....	28-33
Chapter 5	Other Civil Service Appointment Matters .....	34-39
Chapter 6	Civil Service Discipline : Reviews and Observations .....	40-50
Chapter 7	Visits .....	51
Chapter 8	Acknowledgements .....	52

## Appendices

Appendix I	Submissions with Revised Recommendations after the Commission Secretariat's Observations .....	53
Appendix II	Curricula Vitae of the Chairman and Members of the Public Service Commission .....	54-56
Appendix III	Organisation Chart of the Public Service Commission Secretariat .....	57
Appendix IV	Flow Chart Illustrating the Vetting Process of Promotion Cases .....	58
Appendix V	On-line Search of Subjects Discussed in the Commission's Annual Reports .....	59-61
Appendix VI	Number of Recommended Appointees (by Terms of Appointment) in Open and In-service Recruitment Exercises in 2011 .....	62
Appendix VII	Other Civil Service Appointment Matters Advised by the Commission in 2011 .....	63
	(Breakdown by Category)	
Appendix VIII	Disciplinary Cases Advised by the Commission in 2011 .....	64
	(Breakdown by Category of Misconduct or Offence and Punishment)	
Appendix IX	Disciplinary Cases Advised by the Commission in 2011 .....	65
	(Breakdown by Salary Group and Punishment)	



2011 saw a steady flow of work for the Commission. Advice on appointment, promotion and disciplinary cases continued to make up the bulk of the

Commission's case work. We also pursued with the Administration those outstanding reviews on civil service management issues pertinent to our purview.

In recent years, the Commission has urged the Administration to monitor closely the attractiveness of civil service jobs and the trend of wastage at different stages of a civil service career. This is to ensure the civil service will continue to attract and retain the best talents. The results of the latest study on this subject are summarised in paragraphs 2.14 to 2.25 of Chapter 2.

Good progress has also been achieved in the review of the guidelines on the extension of probationary period of new recruits (Chapter 5), structure of grades with an

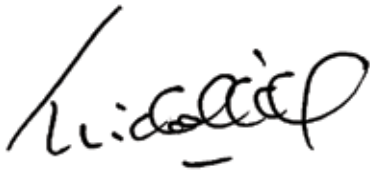
inverted shape (Chapter 3), and the filling of multi-disciplinary posts (Chapter 3).

The Commission attaches importance to the adoption of a comprehensive and integrated Human Resources Management strategy for the civil service. Such a strategy should encompass the key elements of HRM, i.e. manpower and succession planning, appointment, performance management, staff relations and career development to better achieve succession planning and staff development targets. The Commission is pleased to see encouraging progress in this area, as highlighted in Chapter 4.

With the objective of upholding a high standard of probity and proper conduct among civil servants, the Commission supports the Administration's resolute stance on maintaining good discipline and the taking of effective action against any disciplinary lapses. The Commission believes that the very small number of disciplinary cases over the past few years bears testimony to the integrity of our civil servants. The Commission shall continue

to oversee the operation of the disciplinary mechanism and ensure that its advice on disciplinary cases is based on principles of equity, fairness and broad consistency throughout the civil service. An account of the Commission's work in this area is given in Chapter 6.

It has been as usual a busy yet fruitful year for the Commission. I would like to thank Members for their wise counsel and contributions.

A handwritten signature in black ink, appearing to read 'Nicholas Ng Wing-fui', written in a cursive style.

(Nicholas Ng Wing-fui)  
Chairman

**1.1** Established in 1950, the Commission is the principal statutory advisory body to the Chief Executive (CE) on civil service appointments, promotions and discipline.

## Role and Functions

**1.2** The Commission's remit is stipulated in the Public Service Commission Ordinance (PSCO) and its subsidiary regulations (Chapter 93 of the Laws of Hong Kong). Its mission is to safeguard the impartiality and integrity of the appointment and promotion systems in the civil service and to ensure that fairness and broad consistency in disciplinary punishment are maintained throughout the service.

**1.3** With a few exceptions<sup>1</sup>, 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 at Master Pay Scale Point 26 (currently at \$37,465) or more, up to and

including Permanent Secretaries, Heads of Department and officers of similar status. At the end of 2011, the number of established civil service posts under the Commission's purview was 37 918.

**1.4** In accordance with section (s.) 6(2) of the PSCO, the posts of the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice, the Director of Audit as well as posts in the judicial service of the Judiciary, the Independent Commission Against Corruption and the disciplined ranks of Hong Kong Police Force fall outside the Commission's purview. In addition, following the introduction of the Accountability System on 1 July 2002 and the further development of the Political Appointment System, the appointment of Directors of Bureau, Deputy Directors of Bureau as well as Political Assistants (which are non-civil service positions) are not referred to the Commission.

<sup>1</sup> The following types of case, irrespective of rank, must be submitted to the Commission for advice –  
– termination, non-renewal and offer of shorter-than-normal agreement;  
– termination and extension of probationary or trial service and refusal of passage of probation or trial bar; and  
– retirement in the public interest under s.12 of the Public Service (Administration) Order (PS(AO)).

- 1.5** As regards disciplinary cases, the Commission's purview covers all Category A officers<sup>2</sup> with the exception of exclusions specified in the PSCO. Category A officers include virtually all officers except those on probation, agreement and some who are remunerated on the Model Scale 1 Pay Scale. At the end of 2011, the number of Category A officers under the Commission's purview for disciplinary matters was about 111 800. The Commission advises on cases involving officers who are subject to formal disciplinary proceedings as provided for under s.9<sup>3</sup>, 10<sup>4</sup> and 11<sup>5</sup> of the Public Service (Administration) Order (PS(A)O). Minor misconduct cases which are punished by summary disciplinary action in the form of verbal or written warning do not require submission to the Commission for advice.
- 1.6** In examining submissions from bureaux and departments, the Commission may raise questions where necessary to ensure that the

recommendations are sound and the related process is carried out fairly, meticulously and thoroughly. The queries and observations made by the Commission are the end products of a meticulously devised vetting process. The Administration is required to clarify or justify its recommendations in response to the Commission's observations and queries. On many occasions, the Administration has modified its recommendations following comments from the Commission whilst, in other instances, the Commission has been satisfied with the propriety of the recommendations after seeking further clarifications or additional justifications. The Commission also draws the Administration's attention to deviations from established procedures or practices and staff management problems identified during the processing of submissions and, where appropriate, recommends measures to tackle these problems.

2 According to the PS(A)O, an officer who is appointed to and confirmed in an established office or is a member of the Civil Service Provident Fund Scheme is classified as a Category A officer.

3 Formal disciplinary action is instituted under s.9 of the PS(A)O if the alleged misconduct, when proven, is not serious enough to warrant removal of the officer from the service.

4 Action under s.10 of the PS(A)O is taken if the alleged misconduct, when proven, may result in dismissal or compulsory retirement of the officer.

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

**1.7** The Commission also handles representations from officers on matters falling within the Commission's statutory responsibilities and in which the officers have a direct and definable interest. In 2011, the Commission dealt with six 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 17 other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.

**1.8** Separately, the Commission is required to advise on any matter relating to the civil service that may be referred to it by the CE. The Commission also acts as a "think

tank" to the Secretary for the Civil Service on policy and procedural issues pertaining to appointments, promotions and discipline as well as on a wide range of subjects relating to the review and development of human resource management.

## **Confidentiality and Impartiality of Commission's Business**

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

member of the Commission. The provisions under the law are clear safeguards for the confidentiality and impartial conduct of the Commission's business.

### Performance Target

- 1.10** In 2011, the Commission advised on 936 submissions covering recruitment and promotion exercises, disciplinary cases and other appointment-related subjects. Altogether 565 submissions were queried, resulting in 99 re-submissions (18%) with recommendations revised by the Civil Service Bureau (CSB) and departments after taking into account the Commission's observations. A statistical breakdown of these cases is shown in Appendix I.
- 1.11** In dealing with promotion and disciplinary cases, the Commission's target is to tender its advice or respond formally within six weeks

upon receipt of departmental submissions. Taking into account the experience since the implementation of various streamlining measures in 2008 for recruitment exercises, the Commission, starting from 2011, has shortened the target time for completing the processing of recruitment cases from within six weeks to within four weeks. All submissions in 2011 were dealt with within the pledged processing time.

### Membership of the Commission

- 1.12** Under the PSCO, the Commission comprises a Chairman and not less than two or more than eight members. All are appointed by the CE and have a record of public or community service. Serving members of the Legislative Council, the Hong Kong Civil Service and the Judiciary may not be appointed to the Commission.



Membership of the Public Service Commission

1.13 The membership of the Commission during 2011 was as follows:

**Chairman :**

Mr Nicholas NG Wing-fui, GBS, JP (since May 2005)

**Members :**

Mr Nicky LO Kar-chun, SBS, JP (since February 2006)

Mrs Mimi CUNNINGHAM KING Kong-sang (since February 2006)

Ms WONG Mee-chun, JP (since July 2006)

Prof. CHAN Yuk-shee, BBS, JP (since December 2007)

Mr Vincent LO Wing-sang, BBS, JP (since May 2009)

Mr Joseph PANG Yuk-wing, JP (since February 2010)

Mr Herbert TSOI Hak-kong, BBS, JP (since May 2010)

**Secretary :**

Mrs Margaret CHAN CHENG Wan-yuk, JP (since September 2009)

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

### Secretariat of the Commission

1.14 The Commission is served by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. At the end of 2011, the number of established posts in the Commission Secretariat is 27. An organisation chart of the Commission Secretariat is at Appendix III.

1.15 Submissions from the CSB and government bureaux/departments are meticulously examined by the Commission Secretariat, 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 such cases is at Appendix IV.



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

### Homepage on the Internet

**1.17** The Commission's homepage can be accessed at the following address:

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

The homepage provides 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 2001 onwards) can also be viewed on the homepage and can be downloaded<sup>6</sup>.

**1.18** An Index of the advice and observations of the Commission on civil service recruitment, appointment, discipline and other HRM issues cited in the Commission's Annual Reports since 2001 is also provided in the homepage. It is intended to provide HRM practitioners in bureaux/departments and general readers with a ready guide for a quick search of the required information. A step-by-step guideline to demonstrate the use of the on-line 'search' function for gaining speedy and direct access to the required information in the relevant Annual Reports is at Appendix V.

<sup>6</sup> Hard copies of the Annual Report are also available in public libraries and District Offices.

**2.1** Recruitment in the civil service is undertaken by the Civil Service Bureau (CSB) and individual bureaux/departments (B/Ds). It may take the form of an open<sup>7</sup> or in-service<sup>8</sup> recruitment. The role of the Commission is to oversee the procedural aspects, examine the shortlisting criteria and advise on recommendations for filling of vacancies in the senior ranks<sup>9</sup> of the civil service. It also advises B/Ds on procedural problems that they may encounter in the recruitment process.

**2.2** With the establishment of the Hong Kong Special Administrative Region (HKSAR) Government on 1 July 1997, new appointees to the civil service are required to be permanent residents of the HKSAR. In the case of professional and technical posts where there are no qualified or suitable candidates with permanent resident status, they may be filled by qualified candidates without permanent resident status in accordance with Article 101 of the Basic Law.

**2.3** Over the past decade, civil service appointment terms have gone through some changes. Prior to June 2000, new recruits to the civil service, irrespective

of rank, were normally employed on probationary terms for two years before they were considered for appointment on permanent terms. A new entry system was put in place on 1 June 2000, under which recruits joining the civil service at the basic ranks on or after that day were normally required to complete an observation period of a 3-year probation plus a 3-year agreement (“3+3” entry system) before being considered for confirmation to permanent terms. In 2008, the Commission raised concerns with the Administration that the exceedingly long period of testing under the “3+3” system was a disincentive to attracting and retaining talents in the civil service. Following a review conducted by CSB and after consultation with concerned parties, the Administration implemented a modified entry system in 2010. Under the modified entry system, the 3-year agreement period following the 3-year probation under the former “3+3” system was removed. New recruits to a basic rank appointed from 1 July 2010 will normally be considered for appointment on permanent terms upon satisfactory completion of the 3-year probationary period, and full compliance with the requirements of the grades concerned and service need.

<sup>7</sup> Open recruitment is conducted for basic ranks, or a promotional rank when no one is found suitable in the lower rank, or where there is a special need.

<sup>8</sup> In-service recruitment exercises are arranged when the pool of candidates is restricted to all or selected groups of serving civil servants.

<sup>9</sup> They refer, for recruitment purpose, to those senior ranks under the normal appointment purview of the Commission (i.e. those attracting maximum monthly pay at Master Pay Scale (MPS) Point 26 (currently \$37,465) 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 Point 26 or above, and (ii) the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

### An Overview of the Recruitment Position in 2011

**2.4** Following the lifting of the service-wide open recruitment freeze<sup>10</sup> effective from April 2007 for those grades not included in the second Voluntary Retirement (VR) Scheme<sup>11</sup>, the expiry of the 5-year open recruitment freeze for the VR grades in March 2008, and the speeding up of the recruitment process to fill 7 700 civil service vacancies between December 2008 and March 2010 in support of the launch of a series of measures to create job opportunities as announced by the Chief Executive (CE) in late 2008<sup>12</sup>, civil service open recruitment resumed in full swing. After the surge from 2007 to 2009, the number of recruitment cases had stabilised in the last two years (although the number of new recruits in 2011 was still slightly higher than the 2010 figure).

**2.5** During the year, the Commission advised on 106 recruitment cases involving the filling of 1 004 posts, of which 91 were through open recruitment and 15 by in-service appointment. Eight successful candidates were non-permanent residents who were

recommended for appointment because of the lack of suitable local candidates. A statistical breakdown of these appointments and a comparison of the number of recommended appointees in 2011 with that in the past three years are provided at Appendix VI.

### I. Refinements of Existing Rules and Procedures Proposed by the Commission in 2011

**2.6** In the past few years, the Commission joined hands with the Administration to implement a number of improvement measures to streamline the recruitment process in the civil service with a view to shortening the processing time involved. Details of the improvement initiatives and streamlining measures were set out in the 2008 and 2009 Annual Reports. In 2011, the Commission continued to identify further scope to enhance the effectiveness of the recruitment practices adopted by B/Ds. It has put forward a number of proposals to the Administration for refinement and rationalisation of the existing rules and procedures. The following paragraphs provide a summary of the observations

10 Under the service-wide open recruitment freeze imposed from 1 April 2003 to 1 April 2007, while in-service recruitment, which did not affect the overall strength of the civil service, was generally permissible, exceptional approval by the Joint Panel (co-chaired by the Chief Secretary for Administration and the Financial Secretary and with the Secretary for the Civil Service as member) was required for the conduct of any open recruitment exercise.

11 As one of the measures to achieve the Government's aim to reduce civil service establishment to around 160 000 by 2006-07, the second VR Scheme was launched in March 2003 to enable identified or potential surplus staff in 229 designated grades to leave the service voluntarily. About 5 300 officers retired under the Scheme.

12 To shore up the economy in the wake of the global financial turmoil and alleviate the unemployment situation, the CE announced in December 2008 that the Government would launch a series of measures, including the creation of job opportunities. In this regard, the Government would speed up the recruitment process to fill about 7 700 civil service vacancies by open recruitment from December 2008 to March 2010.

and proposed refinements made by the Commission during the year.

(a) *Measures to reduce unqualified applications for civil service posts*

**2.7** Since the full-scale resumption of open recruitment in the civil service in March 2008, many B/Ds have found themselves overwhelmed by the number of applications in their recruitment exercises. In advising on recommendations for filling of civil service vacancies in some B/Ds in 2011, the Commission noted that the number of unqualified applications for the recruiting posts was significant. The Commission considered this phenomenon unsatisfactory as the resources that had gone into handling the unqualified applications were wasted and the recruitment process was inevitably lengthened.

**2.8** The Commission considers that the following factors might have contributed to the high percentage of unqualified applications –

(i) The entry requirements as spelt out in the recruitment advertisements are not specific enough (e.g. requiring “relevant” working experience without specifying the actual

fields/areas of work that are considered “relevant” to the recruiting posts). Some applicants might have therefore mistaken that they have met the job requirements for the civil service posts under application.

(ii) For cases requiring provision of supporting documents at the application stage<sup>13</sup> as stipulated in the recruitment advertisements, the applicants concerned might have overlooked such a requirement or misunderstood the specific types of documents required for submission and hence the disqualification of their applications (i.e. not being considered).

(iii) Job seekers who try to cast their net wide and put in applications to all advertised posts, resulting in the indiscriminate or abusive use of the existing application procedures, in particular given the convenience of the on-line application system for civil service posts.

**2.9** As an on-going effort to identify further scope to enhance the effectiveness of the civil service recruitment system and expedite the recruitment process, the Commission has invited the Administration to consider adding a reminder

13 Under the existing guidelines, applicants holding qualifications obtained from institutions outside Hong Kong are required to send copies of their qualification documents (e.g. diplomas or certificates, transcripts of studies) to the recruiting B/D at the application stage to facilitate qualifications assessment. For qualifications awarded by local institutions, the recruiting B/D should not require applicants to submit copies of qualification documents with job application unless it is operationally necessary to do so, e.g. the collection of such is essential for the recruiting B/D to determine whether to send invitations for candidates to take recruitment examinations or attend selection interviews. Instead, it may check the accuracy and authentication of transcripts and diplomas against those data provided in the job application form when candidates attend recruitment examinations/selection interviews.

'checklist' of essential information in the standard application form to facilitate counterchecking by the applicants before they submit their applications to the recruiting B/Ds. This proposed 'checklist' will remind the applicants to ensure that they meet the qualifications stipulated for the recruiting posts and that all the required information and documents are included in their applications. As far as the on-line application system is concerned, the Administration has also been invited to look at its design to consider the scope for building in sufficient checkpoints to better ensure proper completion by applicants and deter incomplete or incorrect information. The Commission will keep in view the progress on this issue. In the meantime, the Commission will draw to the attention of the Heads of Department (HoDs)/Heads of Grade (HoGs) concerned if a substantial number of unqualified applications is observed in individual recruitment exercises so that more targeted action may be taken to address the situation.

(b) *In-service appointment versus open recruitment*

**2.10** In examining a recruitment board's recommendations to fill two vacancies in the

basic rank of a Degree and Related grade<sup>14</sup>, the Commission noticed that the recruiting department had opted to conduct only an in-service appointment (ISA) exercise for the reason that the number of vacancies was small and an exceedingly large number of applicants was anticipated if an open recruitment exercise were launched. The Commission considers that as a norm, open recruitment should be conducted for the basic entry rank irrespective of the number of vacancies. Recruitment to a basic rank through ISA alone is inappropriate for the following reasons. First, it will much reduce the pool and mix of candidates, thus putting the recruiting B/Ds in a disadvantageous position in drawing talents. Second, ISA will not reduce the vacancy level of the Government as a whole because it will only create a corresponding number of vacancies in the serving B/Ds of the successful candidates, and further recruitment exercise(s) may have to be launched to fill the posts vacated by the officers on transfer. This is a wasteful use of manpower and resources. Third, an ISA will deprive members of the public of a fair chance to join the rank, which will impact on the infusion of new people and new ideas. In the Commission's view, ISA should only be considered when there are

<sup>14</sup> To qualify for appointment to the rank concerned, candidates are required to attain, inter alia, a bachelor degree from a Hong Kong university or equivalent.

potential surplus staff in the service, such as during the service-wide recruitment freeze, or when there are other special reasons that suit the needs or special circumstances of certain grades. Noting the Commission's concern, the recruiting department had withdrawn the ISA and conducted a fresh in-service cum open recruitment exercise for filling the vacancies. Upon the Commission's suggestion, CSB has reminded B/Ds that open recruitment is the norm for filling a civil service vacancy at the basic entry rank and advised them of the relevant considerations in determining the target pool of candidates for an individual recruitment exercise.

(c) *Use of shortlisting criteria in recruitment exercises*

**2.11** In some recruitment exercises involving a large pool of qualified applicants, it is not uncommon for recruiting B/Ds to seek the Commission's advice to adopt shortlisting criteria to bring down the number of candidates to be interviewed to a manageable size. In vetting recruitment submissions from B/Ds in 2011, the Commission observed that the shortlisting criteria proposed by B/Ds varied, ranging from length of work experience, academic or professional qualifications above the requisite minimum requirements, to scores

attained in recruitment examinations. There did not appear to be specific parameters within which shortlisting criteria for recruitment were devised.

**2.12** The Commission is of the view that as a general rule, there ought to be consistency in the application of the shortlisting criteria from one year to another unless special circumstances have arisen. This is to avoid creating the impression that recruiting B/Ds have manipulated the shortlisting criteria in favour of any group of candidates. As regards the status of the recruitment examinations, if the objective is to assess basic language proficiency and other important qualities for the job, it should be made a basic requirement. The score attained in the examinations can then be adopted as a shortlisting tool for selection interview. On academic qualifications and experience, it would not be appropriate to raise them beyond desirable levels. It is not necessarily the case that candidates with better or higher qualifications are more suitable as they might not possess the attributes or qualities required of the post. Also, the use of work experience as a shortlisting criterion might deprive good candidates, in particular fresh graduates who have the interest in and the commitment to pursuing a civil service career, of a fair chance of competition.

**2.13** The Commission considers the subject important given that the shortlisting tool adopted in a recruitment exercise would have a significant impact on the mix of the candidates selected for appointment and on the quality of the service in the long run. Upon the Commission's suggestion, CSB has reminded HoDs and HoGs of the appropriate considerations in drawing up shortlisting criteria.

## II. Attractiveness and Retention Capability of Civil Service Jobs

**2.14** It is important that civil service jobs remain competitive in attracting new recruits and retaining staff of high calibre. The Commission and CSB joined hands to pursue a study in 2007 – 2008 on the attractiveness of civil service jobs. The findings of the study concluded that the civil service remained a meritocracy and continued to attract quality candidates. Whilst CSB undertook to continue to monitor developments and conduct periodic surveys to keep track of the attractiveness of civil service jobs, the Commission considered that the scope of the study should be expanded to cover wastage at the senior levels, and other related matters as appropriate. In essence the study should cover the following aspects –

- (a) attractiveness of joining the civil service : it is necessary to find out whether the civil service is attractive in terms of pay and conditions of service, the nature of work and the career it offers;
- (b) retention of new recruits : data should be gathered on the reasons for the wastage of new recruits;
- (c) resignations of senior officers : statistics should be obtained on the unexpected resignations of senior officers to assess whether there is an increasing trend and the reasons; and
- (d) premature retirement of senior officers : information should be collected on the number of premature retirement cases (i.e. officers retiring between the ages of 55 and 60<sup>15</sup>), as such cases might upset the succession plan of some grades and create succession gaps. It is important to find out the possible causes for the premature departures of senior officers.

**2.15** In pursuance of the study, CSB had requested B/Ds to provide relevant recruitment statistics covering the full 12-month period from April 2010 to March 2011 (2010/11) and to collate the reasons,

<sup>15</sup> Officers on the New Pension Scheme are due to retire on reaching the age of 60. But for those officers joining the service before 1 July 1987 and are on the New Pension Scheme, they can opt to retire between the ages of 55 and 60.

through voluntary and anonymous surveys, on non-acceptance of appointments by candidates as well as resignations and premature retirement of serving officers. The statistical and survey findings of the study are summarised in the following paragraphs.

### *Recruitment*

**2.16** According to the recruitment statistics provided by B/Ds, a total of 8 374 appointments were offered in 2010-11<sup>16</sup>, of which 1 103 were declined, representing an average decline rate of 13%. This involved 309 recruitment exercises, which were conducted during or before the survey period. In these exercises, a total of 793 547 applications were received, of which 498 123 (63%) met the stipulated entry requirements.

**2.17** The majority of the recruitment exercises (189 or 61%) were related to positions of the 'Middle' salary band<sup>17</sup>. This group also had the highest decline rate of appointment offers (880 of 6 150 offers in this salary band or 14%) which was slightly higher than the average decline rate of 13% of the civil service as a whole.

**2.18** According to the information provided by 286 candidates who responded to the question on the most important factor for their non-acceptance of the offer of appointment, more than half of the respondents had declined the offer because they decided to take up another civil service job or remain in the current job. Only about one-tenth of the respondents rejected the offer as they had taken up a job in the private sector.

### *Resignations*

**2.19** There were 624 resignations of serving civil servants in 2010/11, representing an annual resignation rate of 0.4%<sup>18</sup>. This rate was comparable to the average annual resignation rate of 0.43% in the past 15 years since 1996-97. Over half of the resignees (341 or 55%) had less than three years of service in the Government and most of them were still going through their probationary period. The resignation rate for officers of directorate rank was 0.55% (7 resignees out of 1 262 directorate officers), which was also comparable to the average annual resignation rate of 0.48% for directorate officers since 1996/97.

16 This figure included "re-offers" after some original appointment offers were declined.

17 The salary band is drawn according to the pay scales of civil service ranks: (1) Directorate: From D1 to D8 on the Directorate Pay Scale (DPS) or equivalent, i.e. currently from \$106,600 and above; (2) Upper: From Master Pay Scale (MPS) 34 or equivalent to just below the DPS or equivalent, i.e. currently from \$53,060 to \$95,595; (3) Middle: From MPS 10 to 33 or equivalent, i.e. currently from \$16,855 to \$51,670; and (4) Lower: Below MPS 10 or equivalent, i.e. currently below \$16,855.

18 The resignation rate is calculated by dividing the total number of resignees (624) by the civil service strength as at 31 March 2010 (i.e. 156 573).



**2.20** According to the information from 201 resignees, 58 (29%) resigned because they had taken up a job in the private sector; 39 (19%) cited marriage or family reasons for their resignations and 30 (15%) wanted to pursue further studies. Some resignees remarked that improvement to the promotion prospects, salary, job satisfaction or fringe benefits of civil service jobs would have most encouraged them to remain in Government. Notwithstanding their decision to resign, some resignees acknowledged the job security offered by civil service jobs. Some also expressed pride in having been able to serve the community.

#### *Early retirement*

**2.21** In this study, early retirement is defined to cover the following two types of retirement–

**Type A:** Officers retiring at various ages as provided in Civil Service Regulation 332 and relevant pensions legislation<sup>19</sup>; and

**Type B:** Officers appointed before 1 July 1987 and opted to join the New Pension Scheme and retiring between the age of 55 and 60 as provided in the Pension Benefits Ordinance.

**2.22** In 2010/11 there were 861 early retirement cases (327 Type A and 534 Type B), which was lower than the annual average of 987 early retirement cases over the past 15 years. Nonetheless, the 534 Type B retirement cases in 2010/11 were higher than the annual average of 366 Type B cases recorded since 1999/00. The increase in Type B retirement cases was observed across different salary bands including the “Directorate”. There were three Type A and 19 Type B early retirement cases of the directorate in 2010/11. While the Type A figure (3) of the directorate was less than the annual average of 7 since 1999/00, the Type B figure (19) was higher than the annual average of 16.

**2.23** The most quoted factors for early departure from the service were “early retirement” (146 of 255 respondents, or 57%), “medical reasons” (40 or 16%) and “marriage or family reasons” (24 or 9%). Most of the respondents indicated that “salary”, “stress at work”, “job satisfaction” and “promotion prospect”, if improved, would have most encouraged them to remain in the service.

<sup>19</sup> Type A retirement included (a) officers other than Rank and File of the disciplined services under the Old Pension Scheme (OPS) who retired (i) between the age of 45 and 50 on grounds of ill health or on adequate compassionate or personal grounds; and (ii) between the age of 50 and 55; (b) Rank and File officers of the disciplined services who retired (i) between the age of 45 and 55 under OPS; and (ii) between the age of 50 and 55 under New Pension Scheme (NPS); and (c) officers in senior/directorate ranks of the disciplined services under the NPS who retired between the age of 55 and 57.

*Observations from the survey*

**2.24** The survey findings again affirm that civil service jobs remain attractive to job seekers, as evident from the large number of qualified applications received (an average of more than 50 qualified applications competing for one vacancy), the low decline rate (13%) and within this rate the fact that a substantial number of candidates declined the offer as they were successful in securing other civil service jobs. The resignation rate of civil servants including senior officers has remained low over the past 15 years. Whilst the number of early retirees under Type B was higher than its annual average, this may be due to the fact that there was a significant growth of the civil service in the 1980s and those recruited and opted to join the New Pension Scheme during this period had now entered into the age group of 55 to 60.

**2.25** The Commission noted that the findings of the current survey echoed those of the 2007/08 study that the civil service remains attractive to people. It is further believed that with the growing turmoil in the international financial situation which may likely bring about much uncertainty in the job market in the private sector, the security offered by civil service jobs should help to attract and retain people,

in particular those serving at the middle and lower salary bands. Nonetheless, there was still concern about the apparent increase in the drain of talents at the senior level during their mid-career through resignation and early retirement. This may upset the succession plan of some grades and create succession gaps. The Commission has asked the Administration to continue to closely monitor the situation. In case there is any sign of a persistent upsurge in the premature departure of senior officers, the Administration should take proactive actions to address the problem.

**III. Case Study**

(a) *Refusal of an application without a valid reason*

**2.26** Under the existing guidelines governing civil service recruitment, for recruitment exercises requiring submission of supporting documents at the application stage, the recruitment advertisements should specify clearly the types of documents required, and state clearly that if the applicants fail to provide all information as requested (including supporting documents), their job applications will not be considered. In examining the recommendations of a

recruitment exercise, the Commission observed that the recruiting department had refused an application on grounds of the applicant's non-submission of a supporting document which however was not specified in the recruitment advertisement. Besides, there was no cautionary note in the advertisement stating that if applicants failed to provide all the information as requested, their applications would not be considered. This might lead to complaint and even delay in the recruitment process. The department was subsequently advised to observe closely the prevailing guidelines on the conduct of recruitment exercises and to consult CSB early on any procedural doubts during the recruitment process.

(b) *Recruitment of assistant professionals*

**2.27** As mentioned in the 2010 Annual Report, the Commission has observed the inconsistent practices of departments in their recruitment exercises for assistant professionals. Some departments did not include for consideration those applicants who were professionally qualified while some maintained that candidates who were overqualified should not be precluded from being considered for appointment as assistant professionals. The Commission notes that the assistant

professional rank is intended to be a training rank to provide opportunities for suitable candidates to acquire the necessary professional qualification and experience to become fully qualified professionals through further training, study and working experience in the respective discipline. Given the training purpose of the assistant professional rank, the Commission is of the view that those candidates who are already fully qualified for the professional rank are obviously not the target candidates for the assistant professional rank and should be screened out in the recruitment process. Upon a review as requested by the Commission, the concerned policy bureau has decided to cease the recruitment of qualified professionals to fill assistant professional posts. Recruiting departments are required to make it clear in the recruitment advertisements for assistant professional posts that candidates meeting the entry requirements of the professional ranks will not be considered for appointment to the assistant professional posts.

**2.28** It has however come to the Commission's notice a subsequent case in which the recruiting department did not specify in the recruitment advertisement for an

assistant professional rank that fully qualified professionals would not be considered. When the department was made aware of the Commission's views as set out above, the department had to call off the recruitment exercise and launch a fresh one with a clear statement in the recruitment advertisement that applicants who were qualified professionals would not be considered. Upon the Commission's suggestion, CSB has reminded the relevant B/Ds to adopt a consistent approach in recruiting assistant professionals by making it clear in the recruitment advertisement for assistant professional ranks that fully qualified professionals would not be considered.

(c) *Granting of Incremental Credit for Experience for appointment*

**2.29** Under the prevailing policy, a recruiting department may grant an Incremental Credit for Experience (ICE) to new appointees with relevant previous experience in the following circumstances –

(i) when a rank is faced with serious recruitment difficulties because candidates with the stipulated minimum experience are unavailable, in short supply or of poor quality; and

(ii) where for operational reasons there is a specific need (not merely desirable) to recruit staff whose relevant experience is particularly valuable.

In case there is a sufficient number of candidates who are willing to join at the normal entry salary, priority will be given to appointing these candidates and no ICE will be granted in this particular exercise. As the granting of ICE hinges on the circumstances of each recruitment exercise, it does happen that ICE is granted in one exercise but not in another for the same recruiting rank.

**2.30** In vetting a submission from a recruiting department, the Commission observed that a civil service probationer who was serving at the recruiting rank had applied for the same rank again when his department conducted a fresh round of recruitment exercise. It was obvious that the officer intended to maximise ICE in the new exercise. The Commission considered it a wasteful use of the department's manpower and resources as his application had to be dealt with and arrangement made to interview him, though the whole process would not bring in new blood to reduce the vacancy level of the rank. The Commission sees the need to deter such kind of applications and has requested CSB to examine the matter.

**3.1** Promotion is an integral part of the civil service system. A major function of the Commission is to advise the Administration on promotions to senior ranks<sup>20</sup> in the civil service. The objective is to ensure that the claims of all eligible officers are fully considered on an equal basis and that the most meritorious and deserving officers are selected on the basis of merit and performance. In the course of scrutinising promotion submissions from bureaux/ departments (B/Ds), the Commission not only examines whether proper procedures have been followed, but also makes observations

on the conduct of promotion exercises and performance management practices to help bring about improvements. In addition, the Commission works in partnership with the Civil Service Bureau (CSB) to enhance the quality of the civil service promotion system.

### An Overview of Promotion Cases Advised in 2011

**3.2** In 2011, the Commission advised on 595 submissions on promotion, compared with 585 in 2010 and 568 in 2009. They involved 5 268 officers, broken down as follows –

#### Promotion-related appointment cases advised in 2011

(a)	1 489 promotees*
(b)	41 officers waitlisted for promotion
(c)	340 officers appointed for acting with a view to substantive promotion (AWAV) <sup>21</sup>
(d)	12 officers waitlisted to AWAV
(e)	2 224 officers appointed for acting for administrative convenience (AFAC) <sup>22</sup>
(f)	1 162 officers waitlisted to AFAC <sup>23</sup>

Total 5 268 officers

\* *Promotees to fill vacancies in 339 ranks<sup>24</sup>, including 60 promotions to directorate positions.*

20 They refer, for promotion purpose, to those senior ranks under the normal appointment purview of the Commission (i.e. those attracting maximum monthly pay at Master Pay Scale Point 26 (currently \$37,465) and above or equivalent). They exclude the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

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

22 An officer is appointed to acting for administrative convenience if he is not yet ready for immediate promotion, but is assessed as having better potential than other officers to undertake the duties of the higher rank; or he is considered more meritorious but could not be so promoted because of the lack of substantive and long-term vacancies.

23 The number of officers waitlisted to acting for administrative convenience included those waitlisted to fill anticipated vacancies as well as unexpected vacancies that may arise before the next promotion exercise.

24 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.

## I. Reviews Initiated by the Commission

**3.3** The Commission continued to make observations on the proper conduct of individual promotion exercises and worked closely with the Administration to better ensure fairness and quality in the existing promotion mechanism. During the year, the Administration has completed a number of reviews initiated by the Commission to further enhance the effectiveness of the civil service promotion system. The succeeding paragraphs give an overview of the observations made by the Commission, the conduct of the relevant reviews and the latest development of the issues.

(a) *Review on grades with an inverted shape structure*

**3.4** The Commission raised concerns, as mentioned in the 2007 Annual Report, that some grades had taken on an inverted shape structure<sup>25</sup> at the lowest two levels. As a result of such a peculiar rank structure, the grades identified might not have a sufficient number of officers at the basic rank to meet the succession need of the next higher rank, with the consequence that junior officers

who were still on probation were pushed up to act to fill vacancies at the first promotional rank. It also called into question the role of such a small number of posts at the basic rank. In response to the Commission's observations, the Administration conducted a review of the rank structures of all civil service grades (about 390) in 2007 and identified ten grades<sup>26</sup> as having a relatively greater degree of invertedness<sup>27</sup>. The Administration also introduced a number of monitoring measures to control the rank structures of the grades concerned, namely exercising rigorous control on the number of posts to be created at the first promotional rank through the annual Resource Allocation Exercises (RAE), conducting annual reviews of the ten shortlisted grades, and arranging triennial stocktaking exercises to monitor changes to the rank structures of all civil service grades.

**3.5** The Administration's 2010 annual review on the rank structure of the ten shortlisted grades revealed that five of them had shown general improvements in their rank structure. The two targeted grades<sup>28</sup> had also moderated their degree of invertedness. The

25 An inverted shape structure means the number of posts in the first promotional rank outnumbers those in the basic rank.

26 The ten shortlisted grades comprised the Analyst/Programmer, Dental Technician, Immigration Assistant, Inspector (Graduate), Labour Inspector, Labour Officer, Management Services Officer, Radio Mechanic, Solicitor and Trade Officer grades.

27 The degree of invertedness was measured by the ratio of the number of posts at the first promotional rank to the number of posts at the basic rank.

28 The two targeted grades had an acute degree of invertedness in their grade structure, resulting in the arrangement for officers with less than three years of experience at the basic rank to fill vacancies at the first promotional rank by acting appointment.

Administration undertook to closely monitor the rank structures of these grades, keep on reminding the Heads of Grade (HoGs) of the importance of maintaining a healthy and viable rank structure for grades under their purview and, where appropriate, assist them to rationalise the shape of the grades concerned. Details of the 2010 annual review were given in the Commission's 2010 Annual Report.

**3.6** The Commission considered that unless an inverted shape structure could be justified on functional grounds or was a temporary and transitional situation due to problems created in the past years, such a structure could not logically be viable in the long run. The Commission therefore requested the Administration to undertake a more critical assessment of the justifications and management implications of an inverted grade structure in the context of its 2011 triennial review of all civil service grades. The Commission had asked that the review should look at various aspects, such as the need to create more posts at the basic rank, the scope for re-ranking some of the posts at the first promotional tier, the advisability of appointing probationers to act in the higher rank and the case for direct recruitment at the first promotional rank.

**3.7** In 2011, the Administration completed a triennial review of the rank structures of all the 391 civil service grades. As revealed

from the review findings, the number of grades with an inverted shape structure had reduced and the degree of invertedness had improved for the majority of these grades. It was established that the main cause of the invertedness of the structure of most of the grades was the recruitment freeze from 2003 to 2008, and other reasons such as the creation of posts at the first promotional tier as necessitated by operational needs; the deletion of posts at the basic rank due to the containment of the size of the civil service; and the deletion of posts at the basic tier due to the Voluntary Retirement Scheme. The Administration indicated that an inverted shape structure was not a desirable structure for grades in general. In concluding the review, the Administration undertook to –

- (i) subject the relevant grades to critical scrutiny with regard to the proposed creation of posts at promotional ranks in the context of the annual RAE;
- (ii) continue to conduct annual review on the selected grades which have resorted to appointing probationers to act in the relevant first promotional rank on a long-term basis;
- (iii) request the other concerned grades to submit annual progress reports, including progress on the implementation of remedial measures to facilitate monitoring and timely follow-up; and

(iv) continue to conduct triennial rank structure reviews of all civil service grades.

**3.8** The Commission considers the findings of the Administration's triennial review generally positive. While noting that there have been improvements to the ratio of the posts of those grades with an inverted shape in general, the Commission also points out the following areas for further work to be done by the Administration. It should set out a clearer time-frame to rectify the inverted structure of grades. It should ascertain whether the inverted structure is justifiable in cases where direct recruitment is made to the first promotional tier. It should in such cases take steps to actively and regularly monitor these grades with regard to the justifications for the creation of a larger number of posts at the first promotional rank to ensure that they are in order and that probationers are not put up for premature acting appointments to tide over any vacancy gap. Even when such an inverted structure can be explained, steps must be taken to avoid the invertedness from worsening. The Administration has agreed to brief the Commission on progress on an annual basis.

(b) *Fairness of recyclable fast-track promotion through in-service appointment (ISA) to fill multi-disciplinary posts*

**3.9** As observed by the Commission in previous years, some departments had a long-standing practice of filling certain professional posts, particularly those of a multi-disciplinary (MD) nature, in the first instance by posting of those officers in the substantive rank of the relevant parent grades. When any lateral posting to fill these designated professional posts had proven futile, an ISA<sup>29</sup> exercise would be conducted whereby officers in the immediate lower rank could apply for consideration of filling those posts for fast-track promotion after a 6-month AWAV<sup>see 21</sup> appointment. In 2008, the Commission raised concerns with the Administration on the fairness of such an arrangement, particularly in situations when the incumbent selected to fill a MD post was assessed as too narrow in exposure and not yet ready for higher responsibilities when being considered for promotion by his parent grade. Besides, this system in effect also allowed such designated MD posts to be used and recycled every three years as openings for out-of-turn promotion for the officers concerned. This constituted an unfair advantage to the officers so selected.

<sup>29</sup> Under the ISA channel, professional officers of all appropriate grades, including those in the relevant parent grade, in the relevant departments one rank below will be invited to apply for consideration to fill the post concerned. The successful candidate will be appointed to AWAV in the post in the first instance normally for a period of not less than six months. If the officer's performance during the period of acting appointment is satisfactory and subject to confirmation from his parent HoG that he will be accommodated in the higher rank after a normal tour of three years, his promotion in his parent grade will be effected. If such a confirmation is not received from his parent HoG, the candidate will only act in the designated post during the normal 3-year tour before his return to the parent grade.



The Commission therefore requested CSB and the relevant policy bureau to conduct a review to rationalise the arrangement for filling these MD posts. In the meantime, all ISA exercises to fill MD posts have been put on hold since January 2008.

**3.10** The Administration completed a comprehensive review of all designated MD posts in 2011. The findings concluded that there was a continued need to designate certain professional posts as MD posts in the light of the predominant requirement for multiple skills outside the concerned individual grades' core expertise. This notwithstanding, upon a critical review of all the designated posts, the number of MD posts would be pared down significantly. For those posts remaining as MD posts, their number was small and they were primarily involved in project management functions, which explained the desire to bring in professional officers from different disciplines. These MD posts could be filled either by an officer of the same rank by lateral posting or by an officer at the next lower rank recommended by a MD Selection Panel for promotion, AWAV or AFAC in strict accordance with the recommendations of the promotion/selection board of his parent grade as favourably advised by the Commission. The duration of a MD posting would be confined to three years as a norm.

**3.11** The Commission considers the Administration's proposals generally acceptable. They are largely in line with

the Commission's views as conveyed to the Administration in the past two years, including the reduction of the number of MD posts by rationalising the designation of unstreamed directorate posts as MD posts and re-classifying the MD posts as mainstream posts under the relevant ranks/grades; putting in place a due process of selection for the MD posts; the cessation of the previous arrangement of inviting applications from officers one rank below through the ISA channel; the duration of a MD posting to be fixed as a general rule; and the recognition of the experience acquired by the officer during his service in the MD post as mainstream experience for promotion purpose in his parent grade. On the other hand, the Commission is of the view that in the long run, it should be possible for the Administration to farm out the remaining MD posts to the respective disciplines. The need to adopt the special mechanism to fill these posts should cease. The Administration has been invited to consider the Commission's observations.

(c) *Processing of promotion cases by bureaux/ departments*

**3.12** The Commission recognises that some B/Ds have been making good efforts to improve on their practices in conducting promotion exercises. Many of these good practices in the civil service were expounded in the Commission's Annual Reports for reference by B/Ds, or incorporated in the revised chapter on "Promotion" in the

CSB's Guidebook on Appointments and the launch of the web training package<sup>30</sup> on conducting promotion exercises. However, as mentioned in the 2010 Annual Report, the Commission noted that in some departments, staff engaged in promotion board duties and appointment matters did not seem to be conversant with the basic principles governing promotion. Some of them had conceptual problems in assessing the promotion claims of eligible officers and some were repeating similar errors<sup>31</sup> in conducting promotion exercises within the same B/Ds despite the clarifications given by the Commission in previous exercises. This had caused undue delay to the processing of the promotion cases at departmental level.

**3.13** To help further expedite the processing of promotion cases by B/Ds, the Commission Secretariat has separately devised a "Compliance Checklist for Promotion/Selection Exercise" (the compliance checklist) for completion by B/Ds when seeking the Commission's advice on their promotion submissions. The checklist aims

at facilitating subject officers in B/Ds to review and ensure the procedural propriety of the promotion or selection exercises conducted, the accuracy and adequacy of information contained in the board reports and the reasonableness of their recommendations. It also requests B/Ds to provide relevant performance management data in each promotion exercise, as well as information on measures to strengthen the monitoring of late reporting cases. The draft compliance checklist, which has been sent to some major departments for trial use, has proven to be useful. With reference to this compliance checklist, the Administration has updated the current standard GF 131 form accordingly. The compliance checklist was promulgated for service-wide use by CSB in December 2011.

## II. Other Observations of the Commission

### (a) *Late submission of promotion board reports*

**3.14** During the year, the Commission observed that some B/Ds had taken more than three months to submit promotion board recommendations. The Commission

30 To further enhance the quality of the civil service promotion system, the Commission considered it necessary to strengthen supervisory staff's knowledge of the proper conduct of promotion exercises through a more focused training programme. The Commission urged CSB to develop a web training package on promotion issues in modular format. The first phase of the web training package, which illustrated the proper conduct of a promotion board through a video, has been made available for access by intranet within government departments since December 2009. The second phase, which consisted of 12 modules, was launched in June 2010.

31 The more frequently found errors include inaccurate assessment of vacancy position; inappropriate effective date of promotion; board recommendations not supported by performance track records or well-based justifications; cessation of acting appointment of an officer recommended by the previous board without good reasons; over-reliance on the arithmetical comparison of performance gradings in appraisal reports in determining claims for promotion and no evaluative information is provided in the comparison of relative merits of close contenders; and direct comparison of an officer's acting performance with the performance of those assessed at the substantive rank, etc.

considers that unless the scale of a promotion exercise is particularly large, B/Ds are normally expected to submit the promotion board recommendations to the Commission within two months after the board meetings. Late submission of promotion board recommendations runs counter to the career interests of the recommended officers. For instance, it will cause delay to the promotion of those officers recommended to AWAV as such appointments would only take effect on a current date upon the Commission's favourable advice. It will also lead to belated implementation of the board's recommendations on career development plans and posting arrangements for those identified officers. The Commission appeals to B/Ds for their attention and efforts in expediting the preparation and submission of promotion board reports.

*(b) Updating of Guides to Appointment*

**3.15** The Guide to Appointment (G/A) is a checklist for individual ranks of different grades for the guidance of officers dealing with personnel matters. B/Ds are required to prepare G/A as an official reference document for individual

ranks in each grade to specify, inter alia, the qualifications, appointment requirements and terms of appointment for recruitment or promotion to respective ranks. Under the existing practice, B/Ds need to update the G/As for grades under their purview on an on-going basis and obtain endorsement from CSB when changes are introduced. In vetting departmental submissions in 2011, the Commission observed that many G/As, in particular those of promotional ranks, have not been updated for ten years or more. The Commission holds the view that if G/As are required, they should be kept up-to-date to reflect changes in the entry qualifications or requirements. In this regard, the Commission has requested CSB to consider whether G/As are still required and if so, to remind B/Ds to exert greater efforts to complete the updating of G/As before the conduct of the next round of promotion exercises. In the meantime, the Commission Secretariat will remind the B/Ds concerned to update G/As before the conduct of the next promotion exercise whenever any promotional ranks with outdated G/As are spotted in the course of processing departmental submissions.

4.1 In the past few years, the Commission has made it one of its priority tasks to work with the Administration to enhance the staff performance management system in the civil service to better realise staff potential and productivity. The Commission places great emphasis on advocating a total approach in developing a comprehensive human resource management (HRM) strategy for succession and staff development purposes. The Commission's determined efforts have culminated in the promulgation of guidelines and good practices by the Administration for the reference of bureaux/departments (B/Ds). They include a revamped "Performance Management Guide" promulgated in November 2009, a new booklet titled "Succession Management Guide" in December 2010, a whole new set of "Guidance Notes on the Enhanced Measures for Timely Completion of Performance Appraisals" issued in January 2011, and the publication of the new "Guide on a Holistic Approach to Staff Development" in March 2011. Details of the Commission's work in the areas of staff performance management and staff development were elaborated in Chapters 5 and 6 of the 2009 and 2010 Annual Reports. This chapter highlights the encouraging progress made by Heads of Department/ Heads of Grade (HoDs/HoGs) to strengthen their staff development and performance management systems and the continuous efforts of the Commission on these fronts.

## **I. Strengthening of Staff Performance Management System**

4.2 Much has been done by the Commission to assist B/Ds in strengthening their staff performance management systems in the past years. These include the dissemination of good performance management practices to B/Ds when tendering the Commission's advice on their promotion exercises, and the issue of personal letters by the Chairman of the Commission to HoDs/HoGs in some cases, to urge them to take remedial actions to address the problems identified. The revised "Performance Management Guide" which has incorporated substantial input from the Commission also serves as a comprehensive document to help B/Ds understand the key principles and objectives of an effective staff performance management system. It also illustrates the best practices that they can make reference to in designing and administering their own systems.

4.3 In the year, the Commission is pleased to note that HoDs/HoGs have shown heightened awareness of the importance of putting in place an effective staff performance management system in their departments. As observed, some of them have made deliberate efforts to devise measures to improve their systems by drawing on the good performance management practices expounded in the Commission's Annual

Reports and the revised “Performance Management Guide”. The ensuing paragraphs give a brief account of the continuous progress and achievements made by some of these HoDs/HoGs in 2011.

- (a) *Continuous improvements on strengthening performance management made by HoDs/HoGs*
- (i) *Timely completion of performance appraisals by supervisors*

**4.4** In pursuance of the Commission’s advice, some B/Ds have introduced improvement measures to tackle the late reporting problem of their grade members. In one department, the number of cases involving delays in the completion of staff reports for one of its ranks with over 1 100 officers had shown a significant and continuous drop between 2009 and 2011. Such improvement was attributed to the measure introduced by the department to require the supervisors concerned to explain in writing the reasons for the delay in completion of staff reports. This has proven an effective deterrent. In another department, with the intervention of the senior directorate, late reporting cases dropped drastically from 78% in 2010 to 39% in 2011 in one of its ranks comprising some 1 600 officers. Some other ranks of the department also showed noticeable improvement in the aspect of timely reporting.

**4.5** To address the problem of late reporting of a departmental grade, one HoD has introduced a set of improvement measures for adoption in the 2010/11 appraisal cycle. These include the affixation of a “Schedule for completion of performance appraisal” similar to the one as devised by the Commission Secretariat to each appraisal report to ensure compliance with the target completion dates at different levels, the requirement of the reporting officers to explain in writing the reasons for late completion and the arrangement to escalate cases of non-observance of the submission deadlines to the personal attention of the HoD. As a result, late reporting cases for the two ranks of this grade had reduced substantially from 74% and 43 % in 2009/10 to 23.8% and 2.9% respectively in 2010/11. Another department has also stepped up its efforts in ensuring timely reporting by making personal appeals to supervisors and the adoption of a “report tracking form”. It was reported that some improvements had been observed.

**4.6** In another department, all grade members posted to different B/Ds were encouraged to work in partnership with the HoD in owning the problem of late reporting and showing determination to tackle it. One other HoG has undertaken to step up efforts in ensuring timely reporting of a grade by adopting more stringent measures to compel appraising

officers to adhere to the requirements of the relevant circulars and the latest guidelines on timely reporting.

(ii) *Timely conduct of promotion boards*

**4.7** As observed, most B/Ds have introduced measures to expedite the conduct of their promotion exercises. They have succeeded in meeting the target timeline as advocated by the Commission, i.e. to conduct promotion or selection exercises within a period of six months from the end date of the last reporting cycle. In the year, a HoD has taken heed of the Commission's advice by critically examining the problem of late conduct of promotion and selection boards. Upon review, the HoD has given his personal assurance that resolute steps will be taken to enhance the staff reporting mechanism of the various ranks and grades with a view to conducting future promotion and selection boards earlier.

(iii) *Ensuring consistency in the reporting standard*

**4.8** To ensure consistency in the reporting standard, one department has followed the Commission's advice to remind the relevant Reviewing Officers (ROs) of their role in monitoring the standard of appraisals and the assessment quality. In the year, some

ROs have adopted the good practice of informing the relevant appraising officers and/or appraisees as appropriate of adjustments made to the ratings in the performance appraisals.

(b) *Refinement of existing policies and practices of the performance management system*

(i) *Targeted measures to tackle late reporting*

**4.9** The Commission holds the view that an officer's due diligence in completing staff appraisals in a timely manner should be taken into consideration in assessing his staff management performance. As a result of the Commission's persistent efforts in promoting the timely completion of performance appraisals across the service in the past few years, there were noticeable improvements in 2008 and 2009. The improvements however did not appear to have been sustained in 2010. Some departments have relapsed into the old habit of late reporting. The Commission considers it necessary for a more resolute stance to be taken to sustain the culture of timely reporting. In the new "Guidance Notes on the Enhanced Measures for Timely Completion of Performance Appraisals" promulgated by CSB in January 2011, the Commission has asked that consideration should be given to affixing a note to the

appraisal form to emphasise the importance of timely reporting and the responsibilities of the various parties, viz. the appraisee, the appraising officer and the countersigning officer to ensure the timely completion of reports. The note should include the advice that the appraisee who does not hand in his report form would still have his report written on the basis of the supervisor's knowledge of his duties and that any inordinate delay on the part of the appraising officer or countersigning officer in completing reports should be duly recorded in the respective officer's own appraisal. The Commission also believes that tougher actions should not be ruled out in achieving timeliness in completing staff appraisals. CSB has been requested to consider adopting more targeted measures, against individual officers who are repeatedly late in writing staff appraisals.

(ii) *Advocating a culture of comprehensive reporting*

**4.10** The Commission endorses the Administration's view that a good performance management system should facilitate an objective and fair assessment by management and enable staff to receive frank and constructive feedback from his supervisors. To achieve this, supervising officers should be explicit in commenting

on the performance of their subordinates and include not only their strengths but also specific aspects that can still be enhanced in their appraisal reports. Comprehensive appraisal is intended to be constructive and aims to encourage appraisees to strive for continuous improvement in their competency areas for career development purpose. To facilitate comprehensive reporting, consideration may be given to requiring supervising officers to give their views on the specific areas that the appraisees should focus and work on for continuous development. In this connection, the Commission has requested the Administration to review the staff appraisal forms to see whether there is room to make them more user-friendly for completion and to provide suitable space for the supervising officers to make an assessment on those areas where appraisees should work on or pay attention to for further development. The emphasis should be on "development and encouragement" with a positive connotation and not criticism of an appraisee for not doing well. CSB has undertaken to follow up the issue in its review of the implementation of the competency-based performance appraisals and the General Performance Appraisal Forms in early 2012 to identify room for refinement as well as simplification.

(iii) *Review on the effectiveness of the operation of assessment panels (APs)<sup>32</sup>*

**4.11** The revised “Performance Management Guide” issued in November 2009 sets out clearly the proper role and function of APs and their operation. (For details, please refer to pages 28 to 30 in Chapter 5 of the Commission’s 2009 Annual Report.) The Commission has requested CSB to review in two years’ time the effectiveness of the AP operation after the promulgation of the Guide. To this end, a survey on the effectiveness of the operation of APs was sent out by the Civil Service Training and Development Institute (CSTDI) towards the end of 2011. Details of the review will be reported in the next issue of the Commission’s Annual Report.

(iv) *Adoption of the competency-based approach in performance appraisals*

**4.12** The Commission has advocated over the years the adoption of a competency-based approach in performance appraisals to facilitate a more accurate assessment of an appraisee’s potential and promotability to the next higher rank. The use of the competency-based approach in staff appraisal has also been promoted as a good practice

in the revised “Performance Management Guide” as it will enhance the objectivity and transparency of performance assessment. To assist ranks or grades suitable for the competency-based approach of appraising staff performance to develop and switch to the competency approach, CSB introduced a new set of competency-based General Performance Appraisal Forms in 2008 and 2009 for officers with different salary scales. It is noted that in 2011, of the 650 ranks or 230 grades suitable for adopting competency-based approach in their appraisal forms, over 90% had already adopted competency-based performance appraisal. The remaining suitable ranks would be able to adopt the competency approach in 2012/2013 and the CSTDI has been providing assistance, where required, to departments to effect the change. Upon the Commission’s request, the CSTDI has sent out a survey to take stock of the latest progress in implementing the competency approach. The opportunity is also taken to review the rating scales adopted in departmental appraisal forms for assessing the overall performance and promotability of the appraisees. The review results will be reported in the next issue of the Commission’s Annual Report.

<sup>32</sup> Under CSB Circular No. 10/2009, B/Ds are encouraged to establish APs on a rank basis to undertake levelling and moderating work among performance appraisals, monitor performance and identify under-performers or outstanding performers for appropriate action.



**II. Total Approach in Staff Development for Succession and Development**

**4.13** With substantial input from the Commission, the Administration published a new booklet on the “Succession Management Guide” in December 2010 and the Guide on “A Holistic Approach to Staff Development” in March 2011 which illustrates the interrelationships among the five key HRM elements of “Manpower and Succession Planning”, “Appointment”, “Performance Management”, “Staff Relations” and “Staff Development”. With the availability of these guides, it is expected that B/Ds should be better equipped to map out staff development plans to encompass a structured career posting policy and plan as well as job exposure and training for their grades at different levels. Towards this end, the Commission is pleased to note that one department has made great strides

towards the continuous development of its manpower resources. Apart from the training and development initiatives for its staff in different grades/ranks, the department has fostered partnerships with local and overseas universities in the exploration and development of the latest technologies in one of its core business areas. Such partnership programmes have broadened the horizon and perspective of its staff members. In addition, the department has set up an internal training group comprising staff from different grades and operations in the department. The objective is to preserve and expand the expertise among staff, whilst building up a comprehensive knowledge base in a specific operation area to enhance future planning of the relevant service. The department’s proactiveness in mapping out a structured staff development plan is appreciated by the Commission.

**5.1** The Commission also plays an important role in advising on appointment matters relating to an officer's continuous employment or termination of his service. They cover cases of non-renewal or termination of agreements, offer of shorter-than-normal agreements, refusal or deferment of passage of probation or trial bar on conduct or performance grounds, early retirement of directorate officers under the Management Initiated Retirement Scheme<sup>33</sup> and retirement in the public interest under section (s.) 12 of the Public Service (Administration) Order

(PS(A)O). In addition, the Commission advises on other appointment-related cases including extension of service or re-employment after retirement, secondment<sup>34</sup>, opening-up arrangement<sup>35</sup>, award of Government Training Scholarship<sup>36</sup> and revision of terms of employment<sup>37</sup> of serving officers in the senior ranks<sup>38</sup> of the civil service. A statistical breakdown of the cases advised by the Commission in 2011 by category of these appointment matters is provided at Appendix VII.

33 The Management Initiated Retirement 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.

Officer concerned will be notified in advance and given the opportunity to make representations. A panel chaired by the Permanent Secretary for the Civil Service (or the Secretary for the Civil Service in cases of directorate civil servants at the rank of D8 or equivalent, excluding those appointed as principal officials unless as directed by the Chief Executive) will consider each case following which the Commission's advice will be sought on the recommendation to retire the concerned officers.

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

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

36 The Government Training Scholarship (GTS) enables local candidates to obtain the necessary qualifications for appointment to grades where there are difficulties in recruiting qualified candidates in Hong Kong. Upon successful completion of the training, the scholars will be offered appointment to designated posts subject to satisfactory completion of recruitment formalities. As in other recruitment exercises, HoDs/HoGs have to seek the Commission's advice on their recommendations of the selection exercises for the award of GTS which would lead to eventual appointment in the civil service.

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

38 They refer, for recruitment purpose, to those senior ranks under the normal appointment purview of the Commission [i.e. those attracting maximum monthly pay at Master Pay Scale (MPS) Point 26 (currently \$37,465) and above or equivalent]. They exclude (a) the basic ranks of non-degree entry and non-professional grades with a maximum monthly salary at MPS Point 26 or above, and (b) the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

## I. Retirement in the Public Interest under s.12 of the PS(A)O

**5.2** 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 an officer and cannot entrust him with public duties.

An officer who is required to retire in the public interest may be granted retirement benefits. In the case of a pensionable officer, a deferred pension may be granted when he reaches his statutory retirement age. In the case of an officer under the Civil Service Provident Fund Scheme, the accrued benefits attributable to the Government’s Voluntary Contributions will be payable upon his leaving the service provided that the relevant scheme rules are met.

**5.3** During the year, a total of 24 officers from 15 bureaux/departments (B/Ds) were put under close observation in the context of

s.12 procedures. Upon the Commission’s advice, the Administration retired one officer under s.12 on the ground of persistent substandard performance. While 17 officers remained under close observation as at the end of the year, two officers were taken off the watch list after their performance had improved to the required standard. The other four officers left or will leave the service for reasons including resignation, invaliding and removal on disciplinary grounds.

**5.4** The Commission will continue to draw attention to potential s.12 cases for departmental action in the course of vetting staff appraisal reports in connection with promotion exercises. It will also monitor closely departmental management’s readiness in pursuing such an administrative action.

## II. Extension of Probationary Period

**5.5** As pointed out in the Commission’s 2010 Annual Report, Heads of Department/Heads of Grade (HoDs/HoGs) should remain vigilant in assessing the readiness and suitability of probationers for confirmation to permanent terms. The Commission’s view is that probationers who clearly do not measure up to the required standard of performance or conduct should not be allowed further time to facilitate their passage of the probation bar.

Their probation should be terminated. The underlying philosophy is that there is a fair and open recruitment process in place and stringent standards are applied in selecting the best candidates for appointment. Once selected, the expectation is that the appointees are the right choices. On the one hand, the employer should afford the optimum opportunity through training, feedback, coaching, guidance and counselling for the probationers to integrate into the job and the organisation. On the other hand, the probationers should perform to the best of their abilities to prove their suitability for the job. A 3-year probation is an adequate period of time for the employer to make an assessment and for the probationers to show their worth for long-term employment.

**5.6** In the year, the Commission has observed an increase in the number of submissions from B/Ds seeking to extend the service of probationers. This could be due to two factors. The first was the discontinuation of the 3+3 appointment system following the implementation of the modified entry system<sup>39</sup> in mid 2010. HoDs/HoGs appeared

to have found the reduced time frame inadequate for assessing the suitability of some probationers for confirmation to the permanent establishment and were inclined to resort to extension of the probationary period. The problem could also have been exacerbated by the discretionary authority vested in HoDs/HoGs to reduce the probationary period of individual appointees who had served in the Government by no more than half of the normal requirement in recognition of previous experience. The reduced length could have been too short for a probationer to demonstrate his worth. The second was the inadequate understanding displayed by HoDs/HoGs about the basic principles for considering the extension of probationary service as enshrined in the Civil Service Regulations (CSRs).

**5.7** The Commission considers it imperative for the Administration to codify the prevailing rules and requirements to assist HoDs/HoGs in handling cases of extension of probationary periods. In this connection, the Commission has developed some criteria which are highlighted in the ensuing paragraphs.

<sup>39</sup> Under the Modified Entry System, the 3-year agreement period previously required of a new recruit to a basic rank (i.e. the second limb of the “3+3” system) before he could be considered for appointment to the civil service on permanent terms is removed. New recruits appointed on or after 1 July 2010 will normally be considered for appointment on permanent terms upon satisfactory completion of the 3-year probationary period.

*Proposed Criteria**(a) Termination of probation service*

**5.8** The Commission considers that HoDs/HoGs should apply stringent standards and attach importance to good conduct in determining the suitability of probationers to continue to hold office. Extension of probationary period should not be made a substitute for termination of service. If there are obvious shortfalls in performance, conduct or attitude, the HoDs/HoGs should seriously consider terminating the service of the probationer concerned at any time or at the end of the probationary period without recourse to disciplinary procedure. The basis for taking such action is provided for under CSR 186(1) and (2)<sup>40</sup>.

*(b) Extension of probationary period*

**5.9** As observed, there may be a tendency for some B/Ds to recommend extension of probationary period for the purpose of giving the probationer a further opportunity to demonstrate his suitability. As clearly stipulated in CSR 183(5)<sup>41</sup>, it is only the exception rather than the rule that extension of probationary period should be considered by the appointment authority. In deliberating

on future extension cases, the Commission will ask the concerned HoDs/HoGs the following –

- (i)* whether the grade management has made known to the probationer the requirement and standard of performance for passage of probation bar;
- (ii)* whether the supervisor concerned has made the best effort in providing training, coaching, counselling or feedback to the probationer in relation to his standard of performance, conduct, diligence or other relevant work aspects in day-to-day supervision;
- (iii)* whether the departmental management has given the probationer the necessary assistance or guidance during the probationary period to allow him to improve on any identified weaknesses;
- (iv)* the rationale of setting the proposed length of extension period for the probationer. If the proposed extension is for a more thorough assessment of a probationer's suitability for passage of the probation bar, the specific targets or tasks to be attained by the probationer; and

40 As stipulated in CSR 186(1), the appointment authority may, subject to the advice of the Public Service Commission, terminate the service of an officer on probationary terms without recourse to disciplinary procedure. Under CSR 186(2), the appointment authority may terminate the probationary service of an officer if he considers that, for reasons of general unsuitability of temperament, personal characteristics, misconduct, or inefficient performance of duties or for other reasons, the officer should not continue to hold office.

41 CSR 183(5) stipulates that the probationary period, once set, will normally be extended only when there has not been adequate opportunity by the officer to demonstrate his suitability for passage of the probation bar, for example, because of absence from duty on account of illness or study leave or when there is a temporary setback in acquiring prescribed qualifications beyond the control of the officer. The probationary period should not be extended solely to give an officer more time to prove his suitability.

(v) the specific level or areas(s) of improvement required of the probationer to demonstrate during the extended period of probation and whether it is realistic for the probationer to achieve the expected standard within the extension period.

(c) *Reduction of probationary period*

**5.10** According to CSR 183(3)<sup>42</sup>, the appointment authority may exercise discretion to reduce, where justified and appropriate, the probationary period required of an individual appointee who has served in the Government on non-civil service terms and who is subsequently selected for appointment on probationary terms to civil service ranks with similar or comparable duties. With the discontinuation of the 3+3 appointment system, HoDs/HoGs seem to have tightened the process for confirmation to permanent establishment. The Commission considers that the reduction in probationary period may also be a factor. As observed in 2011, there were quite a number of cases of deferment of offer of new permanent terms under the transitional arrangements for the modified entry system involving new recruits whose probationary period had been reduced by

1.5 years (i.e. half of the 3-year probationary period). It is questionable whether a reduced probationary period of 1.5 years is adequate to assess the suitability of a probationer for confirmation to permanent terms.

**5.11** The Commission's view is that the reduction in probationary period is a discretionary arrangement and not an automatic offer under the CSR. It should not be mechanically applied. The appointment authority should be more prudent in exercising the authority to reduce an officer's probationary period on the basis of his previous working experience in the Government. Due consideration should be given to the comparability between the civil service post and the "equivalent" contract post in terms of job requirements, level of performance expected, level of responsibility, etc. In exercising its discretion under CSR 183(3) to reduce the probationary period of an individual appointee, the appointment authority should ensure that there is sufficient time for observing the performance and conduct of the probationer and for assessing his suitability for further appointment in the civil service post after the probation.

<sup>42</sup> CSR 183(3) stipulates that when an officer who is not on the permanent establishment is appointed on transfer to another office, the appointment authority may, having regard to the nature of the duties or other management considerations, reduce the probationary period in the new office by no more than the probationary period or period of service the officer has served in the former office, and in any case by no more than half of the probationary period required for the new office.

**5.12** Upon the Commission's suggestion, the Civil Service Bureau (CSB) has reminded HoDs/HoGs of the proper approach in handling cases on extension of probationary period with reference to the observations and comments made by the Commission.

### III. Case Study

*(a) Timely completion of performance appraisals on probationers*

**5.13** In processing a case of extension of the probationary period of an officer, the Commission has noted that all the three appraisal reports covering the officer's service in his first 1.5 years' probationary service were completed at about the end of his 3-year probationary period. The Commission considers this unacceptable and has taken the opportunity to remind the relevant HoG that the importance of preparing performance appraisals is not only for promotion purpose, but also serves the objective of monitoring the appraisee's performance through timely assessment and feedback to him, and for identifying his training and development needs. Late reporting in this case is particularly serious as it may deprive the probationer of an early opportunity to strive for improvement on the identified areas of weaknesses. It is noted that the grade management has eventually issued an advisory note to the relevant Appraising Officer reminding him of the importance of timely completion of performance appraisals of a probationer.

*(b) Termination of service of a probationer*

**5.14** In one case, a probationer had worked as a contract officer for about two years and was then offered civil service appointment in an equivalent civil service post on reduced probationary terms for 1.5 years. His Appraising and Countersigning Officers considered his work performance had barely reached the required standard. There was also room for improvement in his work attitude as demonstrated by his reluctance to work irregular hours which was a condition stipulated in his offer of appointment and his failure to alert his supervisor to urgent matters before going on leave. Notwithstanding that the officer's performance and work attitude were far from satisfactory, the department still recommended an extension of his probationary period. On further review, the department was satisfied that there was insufficient justification to keep the officer and subsequently revised its recommendation to terminate the officer's service. The Commission is of the view that B/Ds should adopt a stringent approach in monitoring and assessing the performance of probationers, including their conduct and attitude. If a probationer has been afforded sufficient opportunity and given necessary and timely coaching and training to prove his worth and there are still deficiencies in his performance or conduct, his probation should be terminated.

**6.1** Civil servants should always uphold the highest standards of honesty and probity in discharging their public duties as well as in their private lives. They are liable to disciplinary action if they fail to observe any government regulations or official instructions, misconduct themselves in any manner, commit a criminal offence (whether related to his public duty or not) or, by their actions, bring the civil service into disrepute. There is a well-established system in the civil service whereby allegations of all misconduct cases will be promptly investigated and disciplinary sanction will be strictly administered upon finding a civil servant culpable of misconduct after the conduct of fair proceedings. Subject to the requirements of due process and procedural propriety and adherence to the principle of natural justice, all disciplinary cases are processed expeditiously so that appropriate punishment may be awarded in a timely manner in proven misconduct cases to achieve the required punitive and deterrent effect.

### Summary Disciplinary Action

**6.2** For minor misconduct (e.g. occasional unpunctuality, breach of government regulations of a minor nature, etc.) committed by civil servants, the relevant bureaux or departments (B/Ds) may, after completing departmental investigation, issue verbal or written warnings<sup>43</sup> to the civil servants concerned without the need to conduct formal disciplinary hearings. Such summary disciplinary action allows management to tackle and deter isolated acts of minor misconduct expeditiously.

### Formal Disciplinary Action

**6.3** For repeated minor misconduct or more serious misconduct (e.g. repeated absence from duty, abuse of official position, wilful neglect of official instructions, etc.) allegedly committed by civil servants, or for civil servants who are convicted of criminal offences, the relevant B/Ds may institute formal disciplinary proceedings against the civil servants concerned. Generally speaking, formal disciplinary action in respect of civil servants in civilian grades and the senior ranks of disciplined services grades<sup>44</sup> is

<sup>43</sup> A verbal or written warning will normally debar an officer from promotion and appointment for one year. The Commission's advice is not required in summary disciplinary cases.

<sup>44</sup> These refer generally to civil servants at a rank equivalent to superintendent/assistant superintendent and above of the Correctional Services Department, the Customs and Excise Department, the Fire Services Department, and the Hong Kong Police Force. Senior members of the Government Flying Service are subject to punishments under the PS(A)O for criminal convictions and under the Government Flying Service (Discipline) Regulation for disciplinary offences. For Immigration Department, all disciplined services grades are subject to the PS(A)O, with members of the Immigration Assistant grade also subject to the Immigration Service Ordinance in respect of specified disciplinary offences.



taken according to the provisions under the Public Service (Administration) Order (PS(A)O)<sup>45</sup>. In respect of civil servants in the middle and junior ranks of disciplined services grades<sup>46</sup>, formal disciplinary action is taken according to the provisions under the respective disciplined services legislation<sup>47</sup>.

## Disciplinary Punishment

**6.4** The range of punishments that may be imposed by the disciplinary authority on a civil servant found guilty of misconduct or convicted of criminal offence after formal disciplinary proceedings includes reprimand<sup>48</sup>, severe reprimand<sup>49</sup>, reduction in rank<sup>50</sup>, compulsory retirement<sup>51</sup> and dismissal<sup>52</sup>. A financial penalty<sup>53</sup> may also be imposed concurrently with these punishments (except in the case of dismissal

and reduction in rank) when the other punishment alone is inadequate to reflect the gravity of the misconduct or offence, or to achieve the desired punitive and deterrent effect, but a higher level of punishment is not applicable or justified.

## Commission's Advisory Responsibility on Disciplinary Cases

**6.5** The Commission plays a key role in the civil service disciplinary system. With the exception of exclusions specified in the Public Service Commission Ordinance (PSCO)<sup>54</sup> and save in cases of summary disciplinary action involving the issue of warnings, the Administration is required under section (s.) 18 of the PS(A)O to consult the Commission before inflicting any punishment under s.9, s.10 and s.11 of the

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

46 The Traffic Warden grade, which is a civilian grade in the Hong Kong Police Force, is subject to the Traffic Wardens (Discipline) Regulations (Cap. 374J) in respect of disciplinary offence and the PS(A)O in respect of criminal conviction.

47 The disciplined services legislation refers to the Customs and Excise Service Ordinance (Cap. 342), the Fire Services Ordinance (Cap. 95), the Government Flying Service Ordinance (Cap. 322), the Immigration Service Ordinance (Cap. 331), the Police Force Ordinance (Cap. 232) and the Prisons Ordinance (Cap. 234). For the purposes of this chapter, the disciplined services legislation also includes the Traffic Wardens (Discipline) Regulations (Cap. 374J).

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

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

50 Reduction in rank is a severe punishment. It carries the debarring effect of a severe reprimand, i.e., the officer will normally be debarred from promotion or appointment for three to five years, and results in loss of status and heavy financial loss. The pension payable in the case of a pensionable officer punished by reduction in rank is calculated on the basis of the salary at the lower rank. An officer's salary and seniority after reduction in rank will be determined by the Secretary for the Civil Service. He would normally be paid at the pay point he would have received as if he had not been promoted/appointed to the higher rank and had continued his service in the lower rank.

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

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

53 Currently there are three types of financial penalty, namely "fine", "reduction in salary" and "stoppage or deferment of increments".

54 See paragraph 1.4 of Chapter 1.

PS(A)O<sup>55</sup> upon Category A officers<sup>56</sup> which include virtually all officers except those on probation, agreement and some who are remunerated on the Model Scale 1 Pay Scale. At the end of 2011, the number of Category A officers under the Commission's purview for disciplinary matters was about 111 800.

**6.6** The Commission's advice on disciplinary cases is based on the principles of equity, fairness and maintenance of broad consistency in punishment throughout the service. The nature and gravity of the misconduct or offence in question is always the primary consideration in determining the level of punishment. Other pertinent considerations include the customary level of punishment for similar misconduct or criminal offences, existence of any mitigating

factors, the rank and service and disciplinary record of the civil servant concerned, etc.

**6.7** Before tendering its advice, the Commission will seriously consider the views and arguments put forth by both the B/D concerned and the Secretariat on Civil Service Discipline (SCSD). In cases where there is a difference of opinion on the level of punishment between the B/D and SCSD, the views of both parties would be submitted to the Commission for consideration.

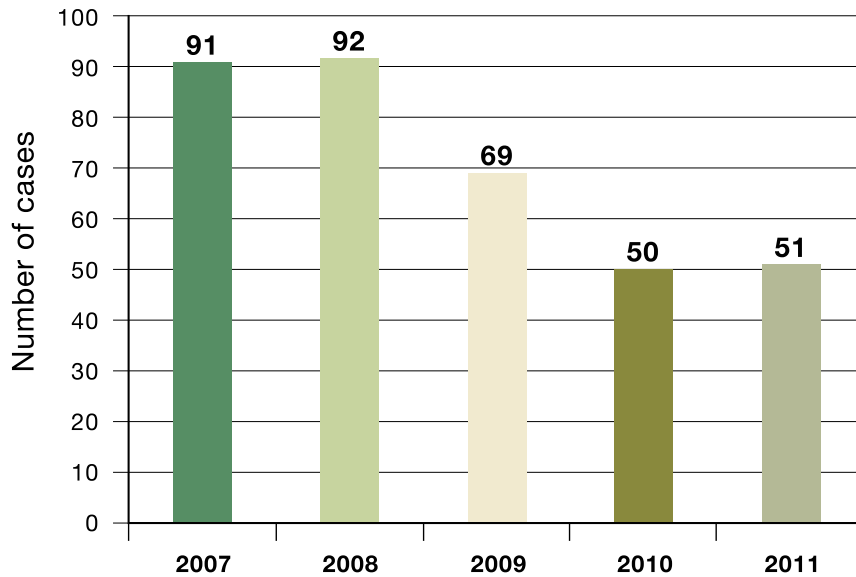
### **An Overview of Disciplinary Cases Advised in 2011**

**6.8** The Commission advised on the punishment of 51 disciplinary cases in 2011, representing less than 0.05% of the 111 800 Category A officers under the Commission's purview. When read together with the 69 and 50 cases in 2009 and 2010 respectively, it suggests a steady overall trend.

<sup>55</sup> Generally speaking, with the exception of middle-ranking officers or below in disciplined services grades who are subject to the respective disciplined services legislation, civil servants are governed by disciplinary provisions in the PS(A)O. For disciplinary cases processed under the respective disciplined services legislation of which the punishment authority is the Chief Executive (or his delegate), the Administration will, subject to the exclusions specified in s.6(2) of the PSCO, consult the Commission on the disciplinary punishment under s.6(1)(d) of the PSCO.

<sup>56</sup> According to the PS(A)O, an officer who is appointed to and confirmed in an established office or is a member of the Civil Service Provident Fund Scheme is classified as a Category A officer.

A comparison of the number of disciplinary cases advised by the Commission over the past five years is appended below –



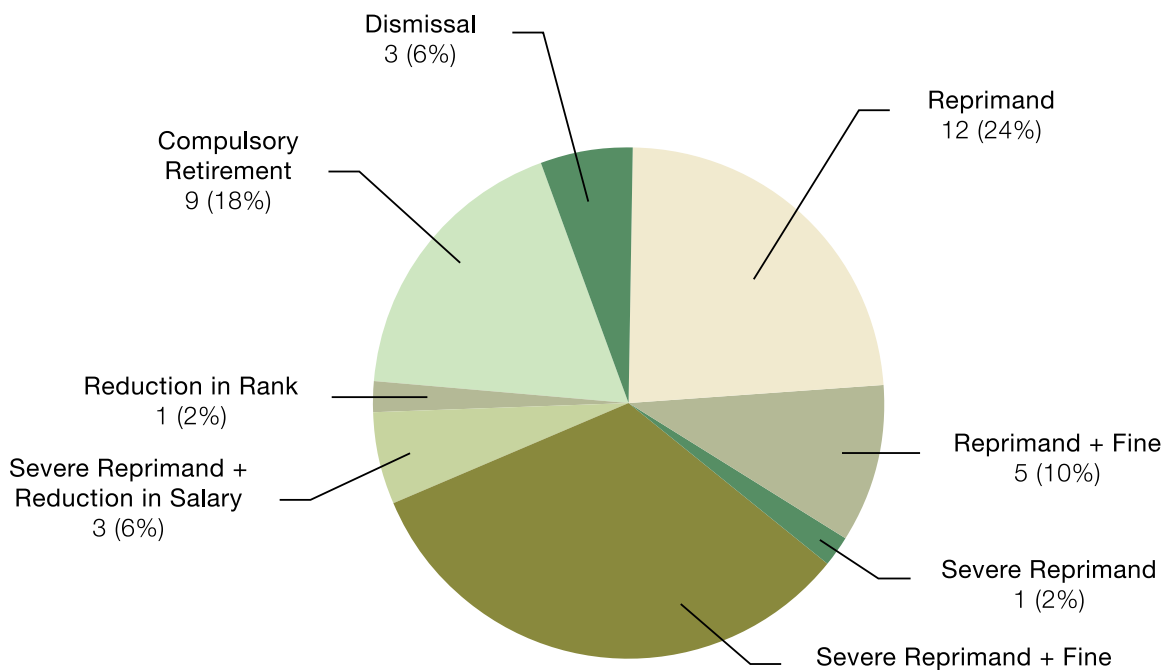
**6.9** The Commission is encouraged to note the extremely small number of disciplinary cases over the past few years which indicate that the vast majority of our civil servants measure up to the very high standards expected of them in terms of conduct and discipline. This should be attributed to the Administration’s sustained efforts over the years to promote good standards of conduct and integrity at all levels in the civil service, which include training, seminars, and the promulgation

and updating of rules and guidebooks to enhance understanding and awareness of the standard of probity required of civil servants. Nonetheless, there is no room for complacency in the concerted efforts to uphold a civil service of high integrity and probity. The Commission will, as always, remain vigilant and collaborate with the Administration to ensure equity, fairness and maintenance of broad consistency in punishment throughout the service.

**6.10** A breakdown of the 51 disciplinary cases advised by the Commission in 2011 by misconduct or offence and the form of punishment is at Appendix VIII. An analysis by salary group and punishment is at Appendix IX. Of these 51 cases, 12 (23.5%) had resulted in the removal of the civil servants concerned from the service by “compulsory retirement” or “dismissal” and in one (2%) case the civil servant was punished by “reduction in rank”. There

were 20 (39.2%) cases resulting in “severe reprimand” plus financial penalty in the form of a “fine<sup>57</sup>” or “reduction in salary<sup>58</sup>” which is the heaviest punishment next to removal from the service and “reduction in rank”. These figures bear testimony to the resolute stance that the Administration has taken against civil servants committing acts of misconduct or offences. The chart below gives a breakdown of the 51 cases advised in 2011 by the punishment awarded.

*Breakdown by the Form of Punishment*



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

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

### Reviews and Observations of Major Disciplinary Issues

**6.11** Apart from deliberating on the appropriate level of punishment to be awarded in each disciplinary case submitted to it for advice, the Commission also oversees the operation of the disciplinary mechanism. In vetting departmental submissions, the Commission makes observations in areas that call for improvement and initiates reviews and discussions with the Administration with a view to rationalising existing disciplinary policies or procedures and formulating new policies or procedures and benchmarks of punishment. The major issues reviewed in 2011, together with the observations and recommendations made by the Commission, are set out in the ensuing paragraphs.

### Handling of Disciplinary Cases Involving Officers with Suspected Mental Illness

**6.12** As mentioned in the 2008 and 2010 Annual Reports, the Commission raised concern about the prolonged processing time of disciplinary cases which involved officers with a known history of mental illness. While

appreciating the difficulties and sensitivities linked to such cases (e.g. the need to require an officer to attend a medical board to assess his general mental state<sup>59</sup> which can only be convened with his consent), the Commission considered that the prolonged processing of the case could unnecessarily put an officer with a history of mental illness under lingering stress. In response to the Commission's advice, the Administration has followed up with B/Ds on areas where in general the investigation process and arrangements for convening medical board can be expedited.

**6.13** The Commission also raised the concern that given the constraints in handling misconduct cases involving officers suspected to be suffering from mental illness, B/Ds had become too cautious about dealing with such cases to the extent that they failed to act. It would not be reasonable that B/Ds as an employer could not even require an employee suspected to be mentally ill and had misconducted himself to attend a medical board to establish his illness. The tendency was for B/Ds to tolerate

<sup>59</sup> According to Civil Service Bureau Circular No. 20/80, as soon as it comes to notice that an officer has misconducted himself and it is suspected that he may be suffering from mental illness, the officer should be required to attend a medical board to assess the officer's general mental state and comment on whether the officer's mental state exculpates him from his misconduct or provides a mitigating factor and whether the officer is fit to attend a disciplinary investigation.

such an officer at the workplace, with the consequence that the peace and efficiency of the office were affected. The Commission considers that B/Ds should be provided with suitable guidelines on how to deal with disciplinary cases involving officers suspected or claiming to be mentally ill, given concerns about the requirements of the Disability Discrimination Ordinance and Personal Data (Privacy) Ordinance. In particular B/Ds should be reminded to watch out for the conduct problems of staff suspected to be mentally ill and ensure that cases are properly documented to enable speedy follow-up action to be taken. Taking into account the Commission's observations, the Administration is revising the relevant circular and developing some guidelines for B/Ds in handling cases involving officers with mental illness and other disabilities. The revised circular and guidelines will be issued in 2012 after consulting B/Ds and other relevant organisations.

### **Wider Use of “Reduction in Rank” and “Reduction in Salary”**

**6.14** In disciplinary cases where the concurrent imposition of a financial penalty is considered

necessary, but a fine is considered not suitable or the maximum fine of one month's salary is considered too low to reflect the punitive effect of disciplinary punishment, the Commission has urged the Administration to consider, where appropriate, the use of the punishment of reduction in rank or salary, which was rarely used before, to achieve a longer-term punitive effect. While it was not easy to inflict the punishment of “reduction in rank” for management reasons and not possible in situations where the defaulter was at the basic rank, the Commission noted one case each in 2008 and 2011 where the punishment of “reduction in rank” was imposed. Whilst the Commission had no record of advising on disciplinary cases with imposition of a financial penalty in the form of “reduction in salary” over the years from 2000 to 2007, there were 21 cases between 2008 and 2011 where “reduction in salary” was inflicted. These figures demonstrate the Administration's determination to take on board the Commission's advice on the matter.

**Forfeiture of Pension for Ex-Civil Servants on Disciplinary Grounds**

**6.15** The grant of pension benefits to officers under the Old Pension Scheme (OPS) and New Pension Scheme (NPS) is respectively governed by the Pensions Ordinance (PO), Cap. 89 and the Pension Benefits Ordinance (PBO), Cap. 99. Pursuant to s.14(2) of the PO and s.27(2) of the PBO, the Administration may “refuse to grant a pension” or “cancel or reduce a pension granted” to an officer if it be shown to the Administration that –

- (a) an officer retired during any disciplinary proceedings brought against him by the Government, or resigned from the service to avoid such disciplinary proceedings<sup>60</sup>; and
- (b) had such proceedings been completed or taken place, they would, in the opinion of the Public Service Commission, have led to the dismissal of the officer from the service or compulsory retirement in the exercise of disciplinary powers of punishment by the

Government with a reduction of the pension benefits granted to him.

**6.16** Before making the decision to “refuse to grant a pension” or “cancel or reduce a pension granted” to an officer, the Administration is required to take into consideration the Commission’s advice.

**6.17** The Commission notes with concern that there have been a few cases in which the Administration could not proceed further with the intended action to refuse to grant a pension to the officers under the relevant pensions legislation owing to legal concerns about the propriety of the disciplinary action taken by the Administration against the officers concerned before they left the service. These cases seem to suggest that there is room for improvements in the disciplinary mechanism. The Commission considers that the Administration should carefully study the ramifications observed in these cases and review the need for further enhancement of the relevant disciplinary

<sup>60</sup> There is no stipulation of the condition of “*resigned from the service to avoid such disciplinary proceedings*” under s.14(a) of the PO as this is not applicable in the case of an officer under OPS who will forfeit all his pension benefits if he is to resign from the service.

procedures to enable early initiation of disciplinary proceedings. The aim is to ensure that even if the defaulters seek to avoid disciplinary punishment or sanctions by means of resignation or retirement from the service, their pensions are still subject to forfeiture under the relevant pension legislation where the case so warrants. The Administration has undertaken to follow up the Commission's concerns.

### Acceptance of Advantage by Prescribed Officer on behalf of Staff Associations or Other Organisations

**6.18** Under s.3 of the Prevention of Bribery Ordinance (POBO), any prescribed officer<sup>61</sup> who, without the general or special permission of the Chief Executive (CE), solicits or accepts any advantage shall be guilty of an offence. To help cushion the impact of POBO s.3 on the private lives of prescribed officers as ordinary citizens, the Administration has issued the Acceptance of Advantages (CE's Permission) Notice (AAN) to set out the circumstances under which general permission has been given by the

CE for prescribed officers to solicit or accept certain advantages in their private capacity. Outside of these prescribed circumstances, they have to seek special permission for their solicitation and acceptance of the advantage. Under s.4 of the AAN, an officer may solicit or accept any "restricted" advantages<sup>62</sup> offered to him in his private capacity by a tradesman, firm, company, organisation or association in specified circumstances, provided that –

- (a) the advantage is equally available on equal terms to persons who are not prescribed officers; and
- (b) the donor has no official dealings with the officer.

**6.19** An officer soliciting or accepting advantages on behalf of his staff association or other non-civil service association or club, e.g. professional institutions, sports clubs, etc. in his capacity as a member or office-bearer of the association or club concerned should ensure that he has the necessary permission

<sup>61</sup> As defined in POBO s.2, a "prescribed officer" includes any person holding an office of emolument, whether permanent or temporary, under the Government. All officers, including civil servants and those employed on non-civil service terms in the Government, are prescribed officers.

<sup>62</sup> The four specified types of "restricted" advantages include (a) gifts, both of money and in kind; (b) discounts; (c) loans of money; and (d) air, sea and overland passages.



to do so in accordance with the AAN in the same way as he is soliciting or accepting the advantage for his own benefit. He may solicit or accept advantages such as sponsorship for social events and discounts, etc. provided that the provisions of the AAN are observed as appropriate, including the requirement that the officer does not have official dealings with the entity offering the advantage. An officer may be liable to disciplinary action if he solicits or accepts any advantage (even one permitted under the AAN) if this has led, or could have led, to an actual or perceived conflict between his private interest and his official duty or position, or if this brings the Government into disrepute.

**6.20** The Commission observed that civil servants of works-related grades, given their job nature which involves frequent official dealings with contractors, are vulnerable to violation of the provisions of the POBO when they seek and accept advantages from contractors on behalf of their professional institutions in their capacity as members or office-bearers of the institutions. The Commission has asked the Development Bureau (Works Branch), in

consultation with Civil Service Bureau (CSB), to ensure that, there are adequate and comprehensive instructions and guidelines on the subject to draw the attention of staff concerned, particularly members of works-related professional grades, to the relevant provisions in the POBO and AAN against the solicitation and acceptance of advantages without permission. Staff should be reminded that under no circumstances should they seek and accept advantages which will put them in an obligatory position in the discharge of their duties; put them or the public service into disrepute or give rise to any potential or real conflict of interest.

### **Processing of Disciplinary Case when the Defaulter Has Applied for Invalidating on Medical Grounds**

**6.21** In advising on a disciplinary case to punish an officer by compulsory retirement, the Commission noted that the officer had during the course of disciplinary proceedings submitted an application for invalidating<sup>63</sup> on medical grounds under Civil Service Regulation (CSR) 365. Having consulted CSB, the department decided that the

<sup>63</sup> According to CSR 365, if medical evidence is provided to the satisfaction of the approving authority that an officer who is appointed on terms which attract pension benefits is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent, he may be retired from the public service. Upon invalidating, the officer will be granted immediate pension benefits in accordance with the relevant pension legislation.

officer's application for invaliding should be held in abeyance until the conclusion of the prevailing disciplinary proceedings against the officer. The department would resume processing of the officer's application for invaliding if a non-removal punishment was eventually imposed in the officer's current disciplinary case.

**6.22** There were also a few cases over the past few years where the defaulting officers had applied for invaliding during disciplinary proceedings against them. The Commission notes the standing practice that departments concerned would be advised to consult the Conduct and Discipline Division of CSB on a case-by-case basis to determine whether disciplinary action should take precedence over invaliding, or vice versa. The factors generally taken into account are –

- (a) the gravity of the misconduct/offence;
- (b) the relationship (if any) between the officer's illness (basis for invaliding) and his misconduct/offence; and
- (c) the stage of processing of disciplinary proceedings.

As a normal rule, disciplinary action will take precedence if the offence/misconduct is serious enough to warrant a removal punishment, there is no causation between the officer's illness and his misconduct/offence and the disciplinary proceedings are at an advanced stage. The Commission supports the above normal rule and considers that it should be made known to B/Ds for general reference.

**7.1** In 2011, the Chairman and Members of the Commission visited the Fire Services Department (FSD), the Food and Environmental Hygiene Department (FEHD) and the Department of Health (DH) to exchange views with the top management of these departments on issues of mutual interest. The visit to the Fire Services Communication Centre and the West Kowloon Rescue Training Centre of FSD had greatly enriched the understanding of the Commission on FSD's work as well as the valuable services to the public. Through the visit to FEHD's Man Kam To Food Control Office, the Commission had a better understanding of the radiation contamination surveillance and other types of food safety-related operations of the department. The visit to the facilities of the Centre for Health Protection had enhanced the Commission's understanding of the very important services provided by DH in the prevention and control of communicable diseases in Hong Kong.



Mr Nicholas NG (second right), Chairman of the Public Service Commission, Mr Herbert TSOI (fourth right), Mr Vincent LO (second left) and Mrs Mimi CUNNINGHAM (third left), Members of the Commission, accompanied by Mr LO Chun-hung (third right), Director of Fire Services, visited the West Kowloon Rescue Training Centre of the Fire Services Department.



Mr Nicholas NG (second right), Chairman of the Public Service Commission, Ms WONG Mee-chun (first left) and Mr Nicky LO (second left), Members of the Commission, accompanied by Mr Clement LEUNG (third left), Director of Food and Environmental Hygiene, visited the Man Kam To Food Control Office of the Food and Environmental Hygiene Department.



Mr Nicholas NG (first left), Chairman of the Public Service Commission, Prof CHAN Yuk-shee (second left), Mr Herbert TSOI (third left) and Ms WONG Mee-chun (fourth left), Members of the Commission, accompanied by Dr P Y LAM (second right), Director of Health, visited the Centre for Health Protection of the Department of Health.

**8.1** The Commission would like to express its sincere gratitude to Miss Denise YUE, the Secretary for the Civil Service, who has been most forthcoming and responsive to the views of the Commission. The Commission appreciates very much the level of support and assistance rendered by her and her staff in all its work. With her steer and effort, a number of outstanding reviews and studies have been completed in the year. The Commission also warmly acknowledges the ready cooperation and understanding shown by Permanent Secretaries, Heads of Department and their senior staff in responding to the Commission's enquiries and suggestions during 2011.

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

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

Category	Open/ In-service Recruitment	Promotions/ Acting Appointments	Continuous Employment/ Termination of Service <sup>64</sup>	Other Appointment- related Submissions <sup>65</sup>	Discipline	Total
Number of submissions advised on	106	595	96	88	51	936
(a) Number of submissions queried	40	408	73	30	14	565
(b) Number of submissions with revised recommendations following queries	2	83	12	0	2	99
(b) / (a)	5%	20%	16%	0%	14%	18%

### Comparison with Previous Years

Year	2009	2010	2011
Total number of submissions advised on	941	866	936
(a) Submissions queried	446	512	565
(b) Submissions with revised recommendations following query	122	122	99
(b) / (a)	27%	24%	18%

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

65 Other appointment-related submissions cover renewal and extension of agreements, extension of service or re-employment after retirement, review of acting appointments made to meet operational needs, opening-up, secondment, revision of terms of employment, award of government scholarship and updating of Guides to Appointment.



**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), MEd (HKU), F.C.I.S., F.C.S.*

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



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

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

*Occupation: Businessman*

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

Mr Nicky Lo is the President and Chief Executive Officer of Synnex Technology International (HK) Limited. He is also the Chairman of the Standing Commission on Civil Service Salaries and Conditions of Service and a Member of the Advisory Committee on Post-service Employment of Civil Servants, the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the HKSAR and the Standing Committee on Directorate Salaries and Conditions of Service.



### **Mrs Mimi CUNNINGHAM KING Kong-sang**

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

*Occupation: Director of Human Resources and Sustainability,  
The Hong Kong Jockey Club*

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

Mrs Mimi Cunningham is a Member of the Employees Retraining Board and the Standing Committee on Language Education and Research.



### **Ms WONG Mee-chun, JP**

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

*Occupation: Consultant*

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

Ms Wong is a Member of the Fight Crime Committee. She is also an Independent Non-Executive Director of Excel Technology International Holdings Limited.



### **Prof CHAN Yuk-shee, BBS, JP**

*Member, Public Service Commission (appointed on 1 December 2007)*

*Occupation: President of the Lingnan University*

*Qualification: BBA (CUHK), MBA (UC at Berkeley), MA(Econ) (UC at Berkeley),  
PhD (Business Administration – Finance) (UC at Berkeley)*

Prof Chan is the Chairman of the Social Welfare Advisory Committee and the Education Sub-committee of the Steering Committee on the Community Care Fund. He is a Member of the Exchange Fund Advisory Committee, the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the HKSAR, the Standing Committee on Judicial Salaries and Conditions of Service and the Steering Committee on the Community Care Fund. He is also an Independent Non-Executive Director of Sa Sa International Holdings Limited.



### **Mr Vincent LO Wing-sang, BBS, JP**

*Member, Public Service Commission (appointed on 23 May 2009)*

*Occupation: Consultant of Gallant Y.T. Ho & Co.*

*Qualification: B.A. (Hons) (HKU), Solicitor of Supreme Court of Hong Kong,  
Notary Public, PRC Appointed Attesting Officer and Arbitrator*

Mr Vincent Lo is the Chairman of the Art Museum Advisory Panel, the Deputy Chairman of Hong Kong Red Cross, a National Council Member of Red Cross Society of China, and a member of Hospital Authority's Blood Transfusion Service Governing Committee. He also serves as a Member of the Advisory Committee on Post-service employment of Civil Servants.



### **Mr Joseph PANG Yuk-wing, JP**

*Member, Public Service Commission (appointed on 1 February 2010)*

*Occupation: Senior Advisor, the Bank of East Asia Limited*

*Qualification: B.S.Sc. (Hons) (CUHK), M.B.A. (CUHK), A.C.I.B., F.H.K.I.B.*

Mr Joseph Pang is a member of the Board of Directors of the Hong Kong Science and Technology Parks Corporation, the Council of City University of Hong Kong, the Process Review Panel for the Financial Reporting Council, the Financial Services Advisory Committee of the Hong Kong Trade Development Council and the Chung Chi College Board of Trustees of the Chinese University of Hong Kong. He also serves as the Governor cum Treasurer of Tung Wah College.



### **Mr Herbert TSOI Hak-kong, BBS, JP**

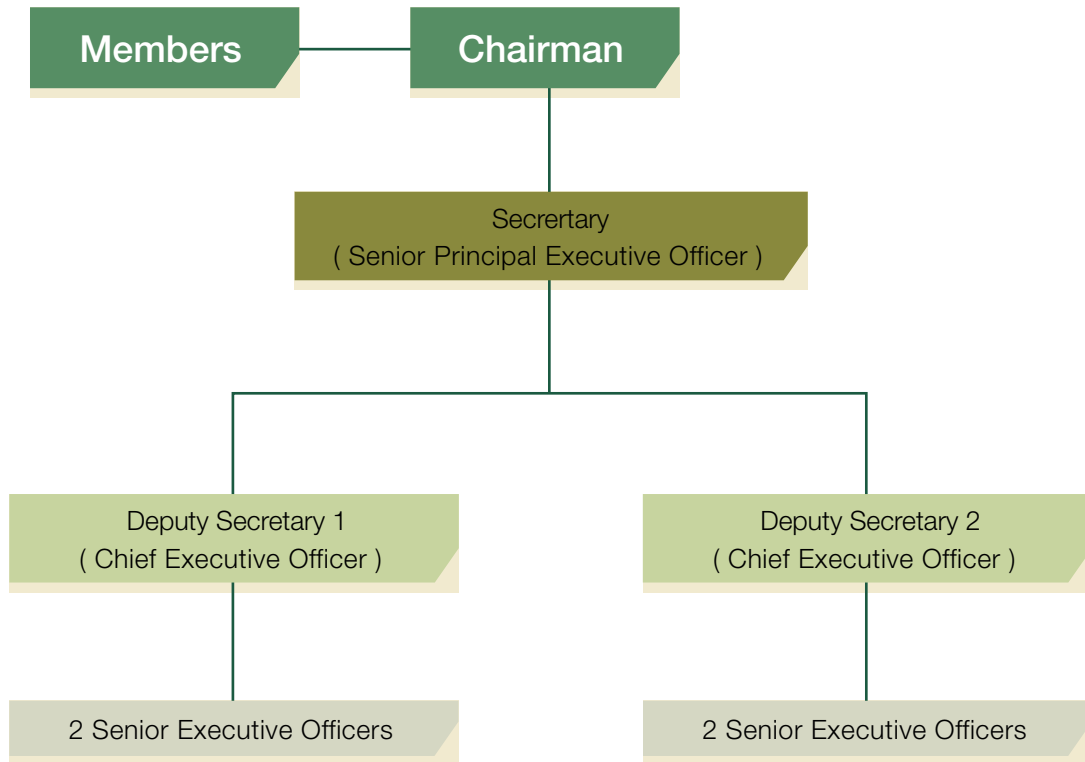
*Member, Public Service Commission (appointed on 1 May 2010)*

*Occupation: Partner (Solicitor), Herbert Tsoi & Partners*

*Qualification: LLM (London), Solicitor of Supreme Court of Hong Kong,  
Notary Public, PRC Appointed Attesting Officer*

Mr Herbert Tsoi is a Co-opted Member of the Federation of Hong Kong Industries General Committee and a Member of the Court of the University of Hong Kong.



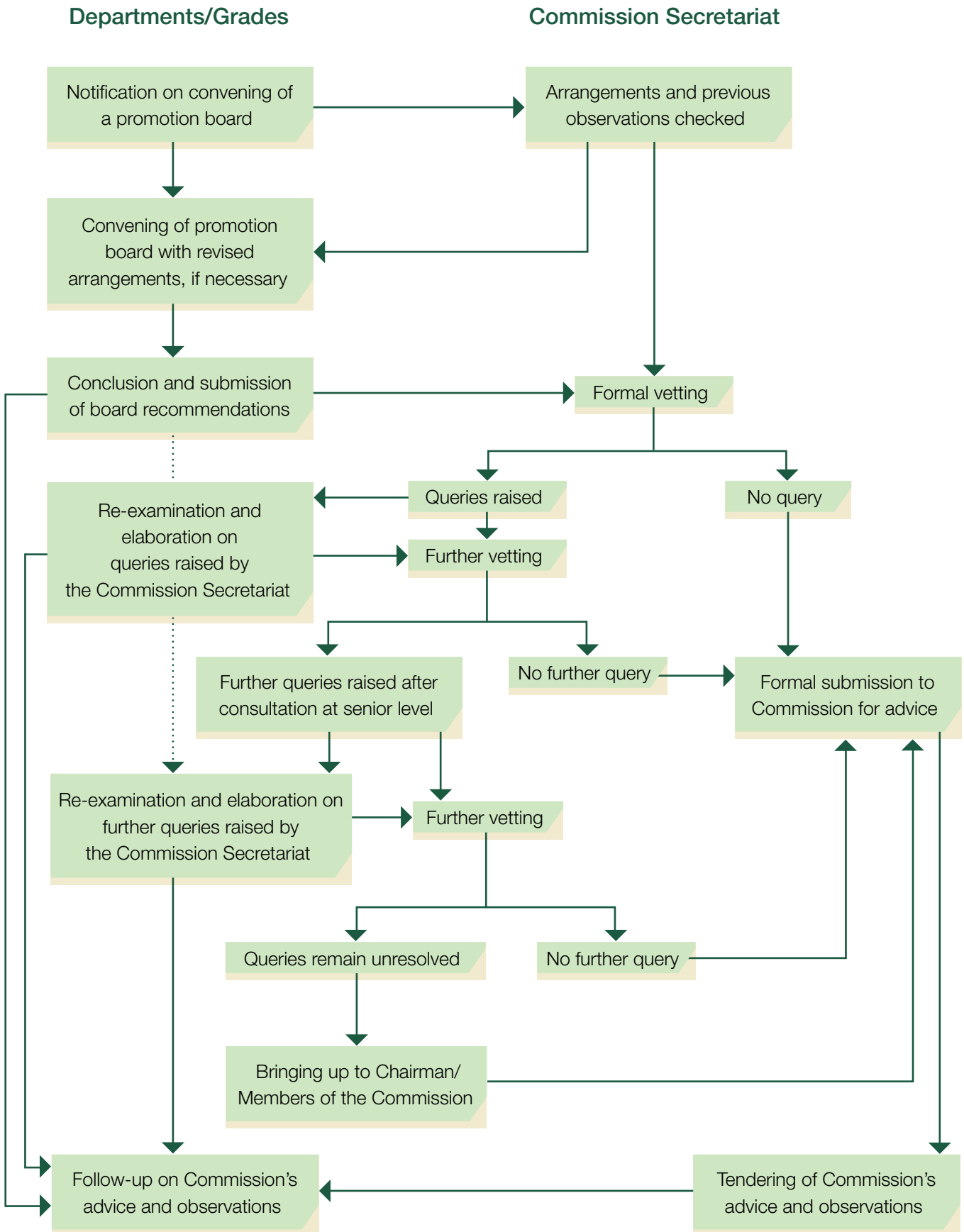


**Establishment**

Directorate Executive Officer	1
Executive Officer Grade	6
Clerical Grade	16
Secretarial Grade	3
Chauffeur Grade	1

27

# Flow Chart Illustrating the Vetting Process of Promotion Cases



On-line access to the Commission's Annual Reports since 2001 is available through the Commission's homepage <http://www.psc.gov.hk>. Below is a step-by-step illustration on how one can conduct on-line search of specific subjects discussed in the Annual Reports.

There are two ways to conduct on-line search of specific subjects discussed in the Annual Reports, namely (A) Search by Category and (B) Search by Keyword.

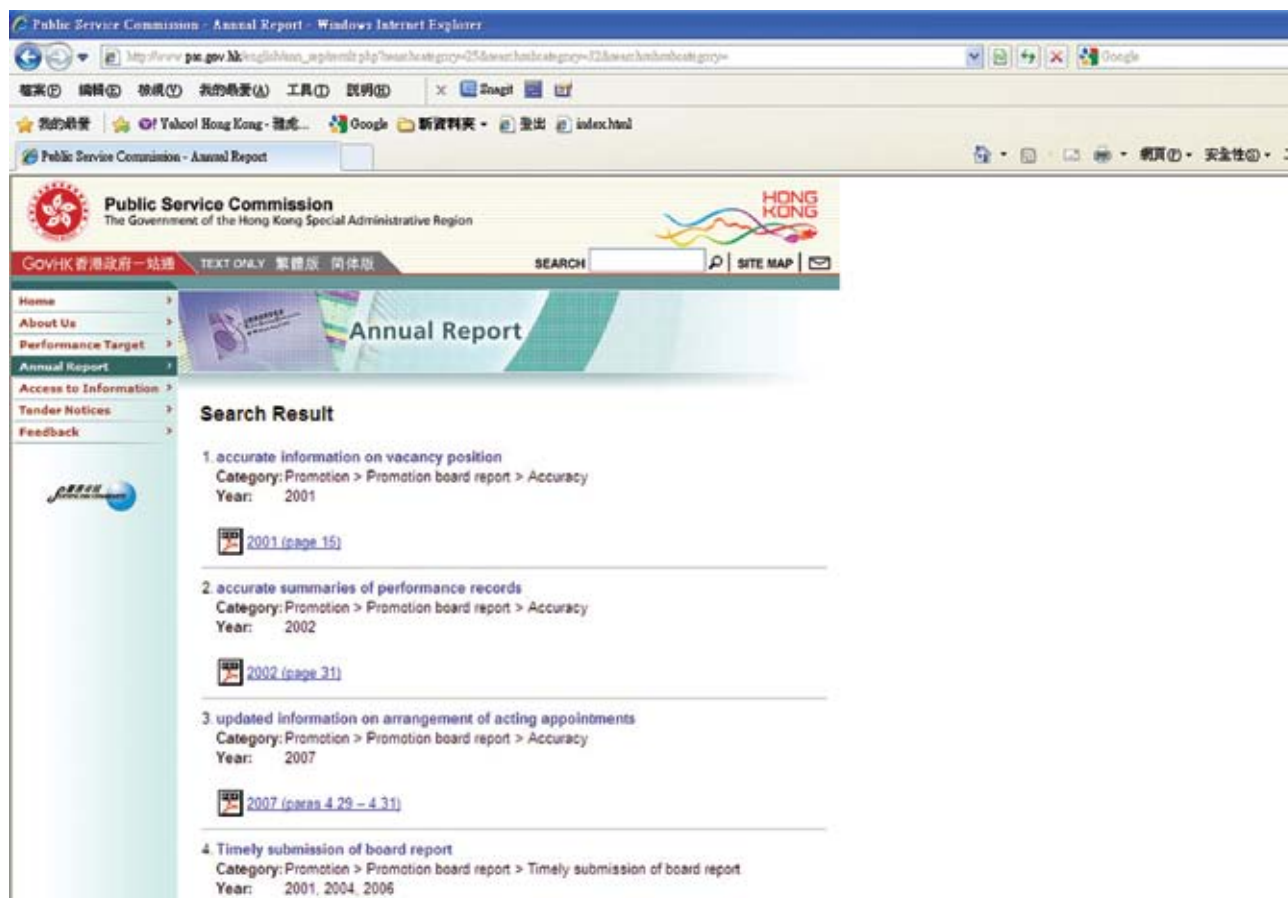
### (A) Search by Category

For example, to search for the Commission's previous advices and observations regarding "promotion board reports", please follow the steps below -

- Step ① : Click "Annual Report" at the vertical bar on the left-hand side of the homepage
- Step ② : Select "Promotion" from the Category pull-down menu
- Step ③ : Select "Promotion board report" from the Sub-category pull-down menu
- Step ④ : Click "Search"

The screenshot shows the Public Service Commission website in Internet Explorer. The browser address bar shows [http://www.psc.gov.hk/eng/directen\\_english.asp.php](http://www.psc.gov.hk/eng/directen_english.asp.php). The website header includes the logo of the Public Service Commission and the text "Public Service Commission The Government of the Hong Kong Special Administrative Region". A navigation menu on the left has "Annual Report" highlighted with a red circle ①. Below the menu, there is a section titled "Annual Reports" with a link to "Annual Reports". Underneath, it says "The Commission's past discussions on different subjects can be searched from the following index -". A search box titled "Index of Subjects Discussed in the Commission's Annual Report (2001 - 2010)" is shown. It has two dropdown menus: "Category:" with "Promotion" selected (circled ②) and "Sub-category:" with "Promotion board report" selected (circled ③). Below these is a "Search" button (circled ④). There is also a "Keywords:" dropdown menu with "-- Please select keyword --" and another "Search" button. At the bottom, a note says: "Please note that you may be required to install Adobe Acrobat Reader and Asian Fonts Packs to view the 'PDF format' file. The software can be downloaded from Adobe's website at :".

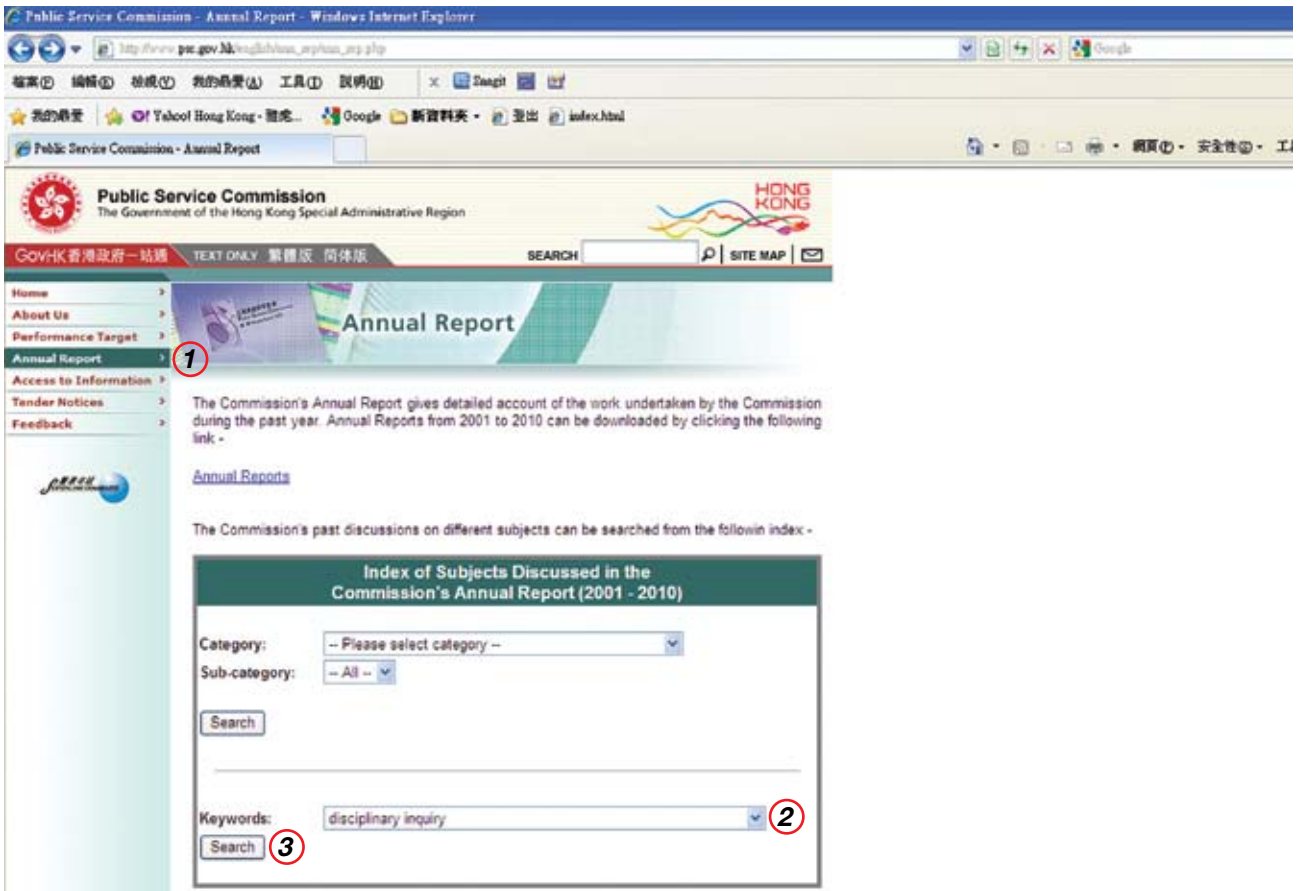
The search results will be displayed. Then click the files to read the required information.



## (B) Search by Keyword

For example, to search for the Commission's previous advices and observations regarding "disciplinary inquiry", please follow the steps below -

- Step ① : Click "Annual Report" at the vertical bar on the left-hand side of the homepage
- Step ② : Select "disciplinary inquiry" from the Keywords pull-down menu
- Step ③ : Click "Search"



The search results will be displayed. Then click the files to read the required information.



## Number of Recommended Appointees (by Terms of Appointment) in Open and In-service Recruitment Exercises in 2011

		Number of Recommended Appointees
<b>Open Recruitment</b>		
•	on probationary terms	890
•	on agreement terms	28
•	on trial terms	31
Sub total		949
<b>In-service Appointment</b>		
•	on probationary terms	1
•	on agreement terms	1
•	on trial terms	53
Sub total		55
Total		1 004

Comparison with figures in previous years				
Year	No. of Recruitment Cases	No. of Local Candidates Recommended	No. of Non-permanent Residents Recommended	Total
2011	106	996	8	1 004
2010	93	877	1	878
2009	126	1 115	1	1 116
2008	116	1 934	1	1 935

## Other Civil Service Appointment Matters Advised by the Commission in 2011 (Breakdown by Category)

Other Civil Service Appointment Matters	Number of Submissions
Non-renewal of agreement	0
Offer of shorter-than-normal agreements	
<ul style="list-style-type: none"> <li>• on performance or conduct ground (0)</li> <li>• to tie in with the 60<sup>th</sup> birthday of the officers concerned<sup>66</sup> (4)</li> <li>• to meet service need (3)</li> </ul>	7
Renewal or extension of agreement	20
Refusal of passage of trial bar	1
Refusal of passage of probation bar	3
Deferment of passage of trial bar	12
Deferment of passage of probation bar	72
Early retirement of directorate officers under the Management Initiated Retirement Scheme	0
Retirement under section 12 of Public Service (Administration) Order <sup>67</sup>	1
Extension of service or re-employment after retirement	
<ul style="list-style-type: none"> <li>• Directorate officers (5)</li> <li>• Non-directorate officers (8)</li> </ul>	13
Secondment	4
Opening-up arrangement	2
Revision of terms of employment	7

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

67 Retirement under section 12 of Public Service (Administration) Order is not a form of disciplinary action or punishment but pursued as an administrative measure in the public interest on grounds of persistent substandard performance or loss of confidence.

## Disciplinary Cases Advised by the Commission in 2011 (Breakdown by Category of Misconduct or Offence and Punishment)

Punishment	Category of Misconduct or Offence						Total
	Traffic related offences	Theft	Crimes conviction not under columns 1 and 2*	Negligence, failure to perform duties or follow instruction, supervisory accountability and insubordination	Unpunctuality, unauthorised absence, abscondment	Other misconducts**	
Dismissal	0	1	1	0	1	0	3
Compulsory Retirement	0	1	8	0	0	0	9
Lesser Punishment	6	4	15	7	1	6	39
Total	6	6	24	7	2	6	51

*Note:*

(a) The Commission advised on 51 disciplinary cases in 2011.

(b) 36 of the 51 disciplinary cases were processed following criminal conviction.

(c) In one of the remaining 15 disciplinary cases, the officers concerned have absconded.

\* Including soliciting or accepting advantages, fraud, indecency in public, misconduct in public office, using a false instrument and others.

\*\* Including unauthorised loan, providing false information and failing to report promptly the criminal proceedings against the officer.



## Disciplinary Cases Advised by the Commission in 2011 (Breakdown by Salary Group and Punishment)

Punishment	Salary Group			Total
	Master Pay Scale Pt.13 and below or equivalent	Master Pay Scale Pt.14 to 33 or equivalent	Master Pay Scale Pt. 34 and above or equivalent	
Dismissal	1	2	0	3
Compulsory Retirement + Fine	0	0	0	0
Compulsory Retirement	3	1	5	9
Reduction in Rank	0	0	1	1
Severe Reprimand + Reduction in Salary	1	2	0	3
Severe Reprimand + Fine	5	12	0	17
Severe Reprimand	1	0	0	1
Reprimand + Fine	5	0	0	5
Reprimand	6	5	1	12
<b>Total</b>	<b>22</b>	<b>22</b>	<b>7</b>	<b>51</b>