

# **Public Service Commission Annual Report 2013**



# Contents

Foreword	5
Chapter 1	The Public Service Commission – An Overview ..... 7
Chapter 2	Civil Service Recruitment : Reviews and Observations ..... 15
Chapter 3	Civil Service Promotion : Reviews and Observations ..... 21
Chapter 4	Performance Management and Staff Development ..... 31
Chapter 5	Other Civil Service Appointment Matters ..... 39
Chapter 6	Civil Service Discipline : Reviews and Observations ..... 46
Chapter 7	Visits ..... 53
Chapter 8	Acknowledgements ..... 54
Appendix I	Curricula Vitae of the Chairman and Members of the Public Service Commission ..... 55
Appendix II	Organisation Chart of the Public Service Commission Secretariat ..... 59
Appendix III	Submissions Advised by the Commission ..... 60
Appendix IV	Recruitment Cases Advised by the Commission ..... 51
Appendix V	Promotion Cases Advised by the Commission ..... 52
Appendix VI	Other Civil Service Appointment Matters Advised by the Commission ..... 63
Appendix VII	Disciplinary Cases Advised by the Commission ..... 64



# Foreword



This is my ninth year at the helm of the Public Service Commission. Looking back, I am proud to say that the Commission has continued to actively and steadfastly discharge its responsibilities in the past decade to safeguard the

integrity and fairness of the appointment, promotion and disciplinary systems in the civil service.

The Commission celebrated its 60th anniversary not long ago in 2010. Over these years, its fundamental role in advising the Chief Executive on civil service appointments, promotions and discipline has remained unchanged. Apart from the day-to-day examination of individual cases submitted for advice by bureaux and departments, the Commission has devoted considerable effort in the past decade in reviewing and streamlining procedures, rationalising rules and practices as well as developing and reviewing policies together with the Administration. The objective is to help strengthen the efficiency, effectiveness and fairness of existing systems. The Commission will undoubtedly continue to perform these functions vigorously in the coming year and also the many years to come.

2013 was a busy year in terms of workload. The total number of cases advised by the Commission exceeded 1 000 two years in a row. This report gives an account of the Commission's work in the year. Some significant and problematic cases handled were discussed in different chapters after anonymising the identity of the concerned bureaux/departments. The purpose was to share the Commission's observations with bureaux and departments so that they could avoid similar pitfalls when handling appointments and disciplinary cases. A summary of the major policy reviews undertaken by the Commission in the past few years has also been included. As for those

on-going issues, the Administration has undertaken to follow up on them and the Commission will no doubt continue to monitor the development.

During the year, Professor Chan Yuk-shee retired from the Commission after six years' dedicated service. I must pay my warm tribute to him for his sterling support and wise counsel. I also extend my warm welcome to Professor Timothy Tong, who joined the Commission in December 2013.

It has been a great honour to be Chairman of the Commission for the past nine years. My experience has reaffirmed my conviction that fair and impartial appointment, performance management and disciplinary mechanisms are vital for the maintenance of a quality and healthy civil service. The checks and balances provided by the Commission are important in safeguarding and inspiring confidence in the integrity and fairness of these mechanisms as well as their relevant processes. Taking this opportunity, I wish to record my sincere appreciation of the wise counsel and contribution made by existing and retired Members to the Commission's work, which has called heavily upon their time and energy. I would also like to express my heartfelt gratitude to the Secretary for the Civil Service and his senior staff as well as to Heads of Bureau/Department and their colleagues for their co-operation, understanding and support in their dealings with the Commission. Finally, I must pay tribute to the dedication and commitment of the Commission Secretariat staff; their strong support has been invaluable.

A handwritten signature in black ink, which appears to read 'Nicholas Ng Wing-fui'. The signature is stylized and fluid, with a long horizontal stroke at the end.

Nicholas Ng Wing-fui  
Chairman



# Chapter 1 The Public Service Commission - An Overview

**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. 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.

## Membership of the Commission

**1.2** Under the PSCO, the Commission comprises a Chairman and not less than two or more than eight members. All of them 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.



Chairman and Members of the Public Service Commission

# Chapter 1 The Public Service Commission - An Overview

1.3 The membership of the Commission during 2013 was as follows:

## Chairman :

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

## Members :

Prof CHAN Yuk-shee, SBS, JP	December 2007 to November 2013
-----------------------------	--------------------------------

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

Mr Joseph PANG Yuk-wing, BBS, JP	since February 2010
----------------------------------	---------------------

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

Mrs Lucia LI LI Ka-lai, SBS	since February 2012
-----------------------------	---------------------

Ms Virginia CHOI Wai-kam, JP	since February 2012
------------------------------	---------------------

Mr Thomas CHAN Chi-sun, IDS	since February 2012
-----------------------------	---------------------

Mrs Paula KO WONG Chau-mui	since July 2012
----------------------------	-----------------

Prof Timothy TONG Wai-cheung, JP	since December 2013
----------------------------------	---------------------

## Secretary :

Ms Candice HO Sau-ling	since June 2012
------------------------	-----------------

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



The Public Service Commission at a meeting



## Secretariat of the Commission

- 1.4** The Commission is served by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. At the end of 2013, the number of established posts in the Commission Secretariat was 27. An organisation chart of the Commission Secretariat is at Appendix II.

## Role and Functions of the Commission

- 1.5** The fundamental role of the Commission is to advise the CE on civil service appointments, promotions and discipline. With a few exceptions<sup>1</sup>, the Commission's advice on appointments and promotions relates only to the middle and senior ranks of the civil service. This covers posts with a maximum monthly salary at Master Pay Scale Point 26 (currently at \$41,195) or more, up to and including Permanent Secretaries, Heads of Department and officers of similar status. At the end of 2013, the number of established civil service posts under the Commission's purview was 39 350 out of a total of 168 546.
- 1.6** 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 the Hong Kong Police Force fall outside the Commission's purview. Besides, the appointment of Directors of Bureau, Deputy Directors of Bureau and Political Assistants under the Political Appointment System are not referred to the Commission.

- 1.7** As regards disciplinary cases, the Commission's purview covers all Category A officers with the exception of exclusions specified in the PSCO. "Category A officers" refers to those who are appointed to and confirmed in an established office or are members of the Civil Service Provident Fund Scheme. They 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 2013, the number of Category A officers under the Commission's purview for disciplinary matters was about 111 800.
- 1.8** In examining submissions from bureaux and departments ("B/Ds"), the Commission may raise questions where necessary to ensure that the recommendations are sound and the related process is carried

<sup>1</sup> The following types of case, irrespective of the rank of the officer concerned, 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 section 12 of the Public Service (Administration) Order.

# Chapter 1 The Public Service Commission - An Overview

out fairly and thoroughly. The queries and observations made by the Commission are the end products of a meticulously devised vetting process. B/Ds are required to clarify or justify their recommendations in response to the Commission's observations and queries. In some cases, they have modified their recommendations following comments from the Commission. In other cases, 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 performance management problems identified during the processing of submissions and, where appropriate, recommends measures to tackle these problems. In addition, the Commission handles representations from officers on matters falling within its statutory purview and in which the officers have a direct and definable interest.

- 1.9** 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 advises 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 resources management.

- 1.10** 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 the Civil Service Bureau ("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.

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

- 1.11** 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 Targets**

**1.12** 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 has, starting from 2011, shortened the target time for completing the processing of recruitment cases from within six weeks to within four weeks.

## **An Overview of the Commission's work**

**1.13** In 2013, the Commission advised on 1 028 submissions covering recruitment, promotion and disciplinary cases as well as other appointment-related subjects. Altogether 673 submissions were queried, resulting in 156 re-submissions (23%) with recommendations revised by B/Ds after taking into account the Commission's observations. All submissions in 2013

were dealt with within the pledged processing time. A statistical breakdown of these cases and a comparison with those in the past four years are provided in Appendix III.

**1.14** The Commission completed the scrutiny of 13 representations relating to appointment and discipline issues in the year. After careful and thorough examination, the Commission was satisfied that the grounds for representations in all these cases were unsubstantiated. There were also six other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.

**1.15** Alongside the processing of individual cases, the Commission has also directed much effort into reviewing and streamlining procedures, rationalising rules and practices as well as developing and reviewing existing policies. The Commission's effort over the past few years have culminated in the Administration's review and study of different policy issues as well as promulgation of various guidelines, circulars and training packages. A brief summary of these initiatives is provided in the ensuing paragraphs.

# Chapter 1 The Public Service Commission - An Overview

## *Recruitment*

**1.16** In 2007-2008, the Commission worked together with CSB to pursue a study on the attractiveness of civil service jobs. As it is important that civil service jobs remain competitive in attracting new recruits and retaining talents, CSB has since continued to keep track of the attractiveness of civil service jobs, retention of new recruits as well as resignation and premature retirement of senior officers through periodic surveys.

**1.17** Under the concerted effort of the Commission and CSB, a series of streamlined measures and improvement initiatives for civil service recruitment have been implemented since 2007. With substantial input from the Commission, the chapter on “Recruitment” in the “Guidebook on Appointments” (“Guidebook”) was revised and promulgated in March 2010 for reference by B/Ds. In response to the observations made by the Commission in the course of examining recruitment submissions, the Administration has also reviewed and issued revised or supplementary guidelines on such matters as the employment of people with disabilities in the Government in October 2007 (further revised in June 2010) and the adoption of shortlisting criteria in recruitment exercises in January 2012.

**1.18** In 2013, the Administration reviewed and refined the standard application form (GF340) and the on-line application system on the Commission’s suggestion with a view to reducing the number of unqualified applications for civil service posts. At the Commission’s request, the Administration has also started a review of the existing system of awarding incremental credit for experience to new appointees and a review of grades with a combined establishment. More details can be found in Chapter 2. The Administration is expected to report the findings and recommendations to the Commission in the coming year. The Commission will also continue to keep track of the review of the Basic Law assessment in the recruitment process being conducted by the Administration.

## *Promotion*

**1.19** In the past few years, the Administration has completed two major reviews at the Commission’s request, namely, the review of the grade structure of all civil service grades in response to the Commission’s concern about the succession problems in grades with an inverted shape structure; and the arrangement for filling multi-disciplinary professional posts. The latest development of these two issues are set out in Chapter 3.

**1.20** The Commission has also worked with the Administration to develop new guidelines and identify good practices in conducting promotion exercises leading to the promulgation of a revised chapter on “Promotion” in the Guidebook in February 2010; the launch of a web training package on conducting promotion exercises in June 2010; and the issue of a “Compliance Checklist for Promotion/Selection Exercise” in December 2011 to assist subject officers in reviewing and ensuring the procedural propriety of promotion exercises conducted. On the suggestion of the Commission, the Administration issued new guidelines to B/Ds on the handling of promotion cases involving on-going criminal or disciplinary cases in February 2010 and the counting of promotable vacancies in December 2012. In 2013, the Commission has suggested the Administration to review and clarify the principles for determining the effective date of promotion over a promotion step under the combined establishment. Details can be found in Chapter 3.

### *Performance management and staff development*

**1.21** The Commission has joined hands with the Administration to strengthen the performance management system and promote a holistic approach to staff

development and succession planning. The effort made by the Commission in this regard has resulted in the Administration’s promulgation of a revamped “Performance Management Guide” in November 2009; a new booklet entitled “Succession Management Guide” in December 2010; a new set of “Guidance Notes on the Enhanced Measures for Timely Completion of Performance Appraisals” in January 2011; and a new “Guide on a Holistic Approach to Staff Development” in March 2011. These reference materials, which cover the major and important areas in human resources management, provide handy and useful reference for human resources practitioners at all levels.

**1.22** At the Commission’s request, the Administration conducted a survey on “Performance Management Practices in the Civil Service” in 2011. Taking into account the findings of the survey as well as the comments and suggestions of the Commission, the Administration has strengthened the “Performance Management Guide” and promulgated an updated version in June 2013. The continued efforts of the Commission and the Administration in bringing about the implementation of measures to further promote good performance management practices in the civil service are set out in Chapter 4.

# Chapter 1 The Public Service Commission - An Overview

## *Discipline*

**1.23** With the Commission's effort and the Administration's positive response, civil service disciplinary policy and mechanism have been rationalised and improved over the past few years. In 2006, the Commission agreed with the Administration on the broad principles in handling integrity-related disciplinary cases. In subsequent years, the Administration has, in response to the comments and requests made by the Commission, reviewed and revised the benchmarks of punishment for the offence of "theft (shoplifting)" and sex-related misconduct/offence; put in place a new punishment mechanism under which duty-related traffic offences committed a long time ago and of a relatively minor nature could be disregarded when considering the punishment for an officer's current duty-related traffic offence; adopted a set of revised arrangements for administering a caution for removal from the civil service to a defaulting officer in a misconduct or offence case; and implemented a new arrangement to exempt officers from reporting criminal proceedings and conviction of a minor non-duty-related traffic offence which satisfies all the prescribed conditions.

**1.24** In 2013, on the suggestion of the Commission, the Administration issued guidelines for handling substandard

performance or misconduct cases involving civil servants with disabilities. In addition, the Commission joined hands with the Administration in drawing up guidelines on the proper handling of criminal conviction cases with custodial sentence and reviewing the debarring effect of summary disciplinary punishment on passage of probation bar. The details of these issues are set out in Chapter 6.

## **Homepage on the Internet**

**1.25** 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.

**1.26** An Index of the advice and observations of the Commission on civil service recruitment, appointment, discipline and other human resources management issues cited in the Commission's Annual Reports since 2001 is also provided in the homepage. It is intended to provide human resources management practitioners in B/Ds and general readers with a ready guide for a quick search of the required information.

## Chapter 2 Civil Service Recruitment: Reviews and Observations

**2.1** Recruitment in the civil service is undertaken by the Civil Service Bureau and individual bureaux/departments (“B/Ds”). It may take the form of an open or in-service recruitment. The Commission oversees the procedural aspects, examines the shortlisting criteria and advises on recommendations for filling of vacancies in middle and senior ranks<sup>2</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 Government on 1 July 1997, new appointees to the civil service are subject to Article 99 of the Basic Law which provides that *“public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law”*. Their terms of appointment have also undergone changes. Prior to June 2000, new recruits to the civil service were normally employed on probationary terms for two years before they would be considered for appointment

on permanent terms. A new entry system was introduced on 1 June 2000 under which new recruits joining the civil service at the basic ranks were normally required to complete an observation period of a 3-year probation plus a 3-year agreement (“3+3 system”) before being considered for confirmation to permanent terms. In 2008, the Commission raised concerns about the exceedingly long period of testing under the “3+3 system” which was not conducive to attracting and retaining talents in the civil service. After a review, the Administration implemented a modified entry system with effect from 1 July 2010 under which the 3-year agreement period following the 3-year probation was removed. Since then, new recruits to a basic rank will normally be considered for appointment on permanent terms subject to satisfactory completion of the required probationary period as well as full compliance with the relevant requirements and service need.

### Recruitment Cases Advised in 2013

**2.3** In 2013, the Commission advised on 126 recruitment exercises involving the filling of 1 092 posts, of which 1 017 posts (or 116 exercises) were through open recruitment and 75 posts (or ten exercises) by in-service appointment. A statistical breakdown of

2 They refer, for recruitment purpose, to ranks attracting a maximum monthly salary not less than the amount specified at Master Pay Scale Point 26 (currently \$41,195) or equivalent, but exclude (i) the basic ranks of non-degree entry and non-professional grades; 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.



## Chapter 2 Civil Service Recruitment: Reviews and Observations

these appointments and a comparison of the number of recommendees in 2013 with that in the past four years are provided at Appendix IV.

### Improvement to Recruitment System

**2.4** The Commission has been working together with the Administration to streamline and refine the civil service recruitment process and rationalise the relevant rules and procedures. A brief summary of the major improvement initiatives and streamlining measures implemented in the past few years is provided in paragraph 1.17 of Chapter 1. More details can be found in previous Annual Reports. In 2013, the Commission continued to work closely with the Administration on those outstanding issues relating to the refinement and enhancement of the civil service recruitment process. The observations and suggestions made by the Commission as well as the improvement measures implemented by the Administration during the year are summarised in the ensuing paragraphs.

#### *Measures to reduce unqualified applications for civil service posts*

**2.5** As mentioned in the previous two annual reports, the Commission noticed that the number of unqualified applications

received by B/Ds in recruitment exercises since the full-scale resumption of open recruitment in the civil service in March 2008 was significant. The handling of these unqualified applications had drained on the precious resources of recruiting B/Ds and also lengthened the recruitment process. As an on-going effort to enhance the civil service recruitment system and expedite the recruitment process, the Commission has suggested the Administration to add a reminder “checklist” of essential information in the standard application form (GF340) and to build sufficient checkpoints into the on-line application system with a view to better ensuring proper completion of the application forms by applicants and deterring incomplete or incorrect information.

**2.6** Based on the Commission’s advice, the Administration has revised the standard application form and the on-line application system by building in some checkboxes to require an applicant to confirm that he meets the entry requirements of the job(s) selected and has attached/will submit the supporting documents as stipulated in the relevant recruitment advertisement(s). The revised form and system have been in use since 20 March 2013. The Commission, in collaboration with the Administration, will keep in view the effectiveness of the measures taken and continue to look for



further scope to enhance the effectiveness of the civil service recruitment system.

### *Granting of incremental credit for experience*

**2.7** 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 –

- (a) when the rank is faced with serious recruitment difficulties because candidates with the stipulated minimum experience are unavailable, in short supply or of poor quality; and
- (b) 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 suitable candidates who are willing to join at the normal entry salary point, priority will be given to appointing these candidates and no ICE will be granted in this particular exercise. As the grant 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 rank.

**2.8** The Commission is concerned that the current system of granting ICE, which is dependent on whether there is an adequate number of suitable candidates who would join the service without ICE, is not easy to understand and would give rise to the question of equity as different arrangements might be adopted for the same rank in different recruitment exercises. The Commission has therefore requested the Administration to conduct a comprehensive review of the existing system of awarding ICE and draw up objective and tangible yardsticks for determining whether a particular rank is faced with serious recruitment difficulty to justify the award of ICE to attract suitable candidates. The Administration is working on the detailed arrangements along the line as advised by the Commission and will report to the Commission its proposed arrangements after consulting B/Ds. The Commission will keep in view the progress of the Administration’s review.

### **Grades with a Combined Establishment**

**2.9** There is no specific limit to the number of posts in each constituent rank for grades which have a combined establishment.

## Chapter 2 Civil Service Recruitment: Reviews and Observations

The appointment authority may approve the advancement of an officer in the lower rank to the upper rank through a promotion step subject to any prevailing arrangements, criteria and requirements.

**2.10** As recorded in the 2012 Annual Report, the Commission noticed with concern that a department had not conducted any recruitment exercise for the lower ranks of some of its combined-establishment grades for over ten years and there was no officer serving in the lower ranks of those grades. According to the department, it was because there were sufficient candidates with the relevant experience and knowledge in the job market for the respective upper ranks. The Commission understands that in some professional grades with a combined establishment, the lower ranks are intended to be a training rank to provide opportunities for suitable candidates to acquire the necessary professional qualifications and experience to become fully qualified professionals through further training, study and working experience in the respective discipline. However, the combined establishment for those grades in the concerned department is not for such a purpose as there are no

prescribed professional qualifications that the lower rank officers must acquire for advancement to the upper rank. The absence of any lower rank officers in those grades for such a prolonged period of time begs the question as to whether there are functional needs to keep those lower ranks. The Commission has therefore requested the Administration to review the rationale behind maintaining a combined establishment in those grades of the department concerned.

**2.11** In examining recruitment cases during the year, the Commission noticed that there were some other departments which had not conducted any recruitment exercises for the lower ranks of their combined-establishment grades for a prolonged period. Instead of confining the review to a particular department, the Commission has requested the Administration to conduct a comprehensive study of the subject of combined establishment in the civil service, including, but not limited to, the following –

- (a) to conduct a research into the background leading to the formation of the combined establishment and to ascertain the policy intentions behind such formation;

- (b) to ascertain whether the combined establishment arrangement, as originally intended, is still necessary and relevant; and if in the affirmative, whether its implementation has adhered to the original intentions and management structure;
- (c) to review the need for maintaining a combined establishment for grades which have not conducted recruitment exercises for the lower rank for a prolonged period;
- (d) to ascertain the exact mechanism that should be adopted for promoting officers at the lower rank to the upper rank through a promotion step, and whether all the grades with a combined establishment adopt a consistent approach in the promotion mechanism;
- (e) to look into the rationale behind and justifications for probationers serving at the lower rank being promoted to the upper rank of a combined establishment during the probationary period; and
- (f) to review the appointment requirements of grades with a combined establishment to ascertain whether it is necessary to bring the criteria for promotion from the lower rank to the upper rank on a par with the direct entry requirements to the upper rank.

In response, the Administration has started a comprehensive review of combined establishment in the civil service and is aiming at making a progress report to the Commission in early 2014.

## Observations on Recruitment Case

### *Counting of vacancies for recruitment exercises*

**2.12** In accordance with the established practice, a recruitment board may draw up a waiting list for future appointment if the number of suitable candidates exceeds that of vacancies immediately available. A waiting list is normally valid for one year from the date when the recommendation of the recruitment board report is approved or until the commencement of the next recruitment exercise, whichever is the earlier. The relevant appointment authority may approve an extension of the validity period of the waiting list prior to its expiry, provided that a fresh round of recruitment exercise has not commenced.

**2.13** In a recruitment exercise conducted during the year, a department counted anticipated vacancies as far as two years ahead as vacancies to be filled in that exercise. The Commission also

## Chapter 2 Civil Service Recruitment: Reviews and Observations

noticed that a number of those vacancies would only arise after the normal validity period of the waiting list (i.e. one year) drawn up by the recruitment board. It is noted that there is no hard and fast rule as to how far ahead vacancies can be counted for the purpose of a recruitment exercise and the validity period of a waiting list may be extended with the approval of the appointment authority. Nonetheless, the Commission has advised the department concerned

to critically review whether it would be appropriate to extend the validity period of the waiting list to cater for those anticipated vacancies arising after its expiry. Such an extension would deprive the department of the opportunity to recruit other candidates who might be of better quality than those candidates on the waiting list and, at the same time, deprive potential candidates who were going to be qualified for the post of the chance to apply for the job.

## Chapter 3 Civil Service Promotion: Reviews and Observations

**3.1** A major function of the Commission is to advise the Administration on promotions to middle and senior ranks<sup>3</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 deserving officers are selected on the basis of merits 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 the related performance management practices to help bring about improvements. In addition, the Commission works in partnership with the Civil Service Bureau to safeguard the integrity and enhance the quality of the civil service promotion system.

### Promotion Cases Advised in 2013

**3.2** In 2013, the Commission advised on 669 promotion cases involving 6 702 officers. A breakdown of the promotion recommendations in 2013 and a comparison with those in the past four years are provided at Appendix V.

### Reviews Initiated by the Commission

**3.3** The Commission makes observations on the proper conduct of promotion exercises and works closely with the Administration to better ensure fairness and quality in the existing promotion mechanism. The improvement initiatives and measures implemented in the past few years as a result of observations made by the Commission are summarised in paragraphs 1.19 and 1.20 of Chapter 1. In 2013, 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.

### *Review of grades with an inverted shape structure*

**3.4** The Commission considers that an inverted shape structure of a grade (i.e. the number of posts in the first promotion rank is larger than that in the basic rank) could not be viable in the long run as there

3 They refer, for promotion purpose, to those middle and senior ranks under the normal appointment purview of the Commission (i.e. those attracting a maximum monthly salary not less than the amount specified at Master Pay Scale Point 26 (currently \$41,195) 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.

## Chapter 3 Civil Service Promotion: Reviews and Observations

would unlikely be enough officers at the basic rank to meet the succession need of the next higher rank. Moreover, junior officers in the basic rank of some of these grades who are still on probation might have to be pushed up prematurely to act in the first promotion rank. At the request of the Commission, the Administration conducted a review of the grade structure of all civil service grades in 2007 and introduced a number of monitoring measures to control the grade structure of those grades with an inverted shape structure. These monitoring measures included exercising vigorous control on the number of posts to be created in the first promotion rank through the annual Resource Allocation Exercise ("RAE"); conducting annual reviews of these grades; and arranging triennial stocktaking exercises to monitor changes to the grade structure of all civil service grades.

**3.5** The first triennial review of all civil service grades conducted in 2011 showed that the number of grades with an inverted shape structure had reduced and the degree of invertedness had also improved for the majority of these grades. In concluding the review, the Administration undertook to: (a) continue to subject 26 grades with an inverted shape structure to critical scrutiny for any proposed creation of posts at the first promotion rank

in the annual RAE; (b) continue to conduct annual reviews of six of these 26 selected grades which had resorted to appointing probationers to act in the first promotion rank on a long-term basis; (c) ask the remaining 20 grades to submit annual progress reports to facilitate monitoring and timely follow-up; and (d) continue to conduct triennial grade structure reviews of all civil service grades.

**3.6** While considering the Administration's findings in the first triennial review generally positive, the Commission pointed out that the Administration should: (a) set a clearer timeframe to rectify the inverted shape structure of the grades concerned; (b) actively and regularly monitor these grades with regard to the justifications for the creation of a larger number of posts at the first promotion rank; and (c) take steps to prevent the invertedness from worsening even if such an inverted shape structure could be explained.

**3.7** The Administration agreed to brief the Commission on the progress on an annual basis. The first annual report setting out the progress of those 26 selected grades with an inverted shape structure and the Administration's recommended way forward was submitted to the Commission in early 2013. While most of these grades had shown gradual improvement in

their rank structure, only one of them had ceased to have an inverted shape structure and the situation of some grades was still unsatisfactory. These grades have, nonetheless, proposed remedial actions and tentative timeframes to rectify their inverted shape structure. The Administration has undertaken to continue to carry out the existing monitoring measures and to subject the grades concerned to critical scrutiny. The second triennial review involving all civil service grades will be carried out in 2014. The findings will be reported to the Commission in the year.

**3.8** Separately, in the course of examining promotion submissions, the Commission noticed that the grade managements of some of those grades with an inverted shape structure, after failing to identify enough officers at the basic rank for promotion or acting in the next higher rank, had created supernumerary posts at the basic rank by holding against vacancies at the first promotion rank on a long-term basis and appointed new recruits to fill these supernumerary posts. The Commission considers that supernumerary posts are meant to be temporary and should not be used for offering permanent appointments. The appointment of new recruits on 3-year probationary terms to fill supernumerary posts, which are normally due to lapse after a specified period of 12 months, has pre-empted the appointment authority's

subsequent review of the continued need of these supernumerary posts. The Commission has therefore requested the Administration to work with the grade managements concerned to cease the arrangement and to rectify their rank structure.

**3.9** In response, the Administration has looked into the matter and concurs with the Commission's view that it is undesirable and inappropriate for the grade managements concerned to continue with the practice of creating supernumerary posts at the basic rank by holding against vacancies at the higher rank(s) for offering appointments. As a result, one grade management has already stopped this practice and all its supernumerary posts so created have lapsed. The other grade managements concerned have also worked out a timeframe for phasing-out such practice. The Commission has requested the Administration to closely monitor the progress of the phasing-out of the relevant supernumerary posts and urge the grade managements concerned to take more determined steps to rectify the inverted shape structure of their grades. The Administration has also undertaken to introduce a monitoring mechanism to guard against the possibility of other grades with an inverted shape structure adopting a similar practice. The Commission will keep in view the implementation of the mechanism.

## Chapter 3 Civil Service Promotion: Reviews and Observations

### *Review of multi-disciplinary (including bi-disciplinary) professional posts*

**3.10** Multi-disciplinary (“MD”) professional posts in the Development Bureau (“DEVB”) and the Planning and Lands group and Works group of departments are posts that can be filled by professional officers in two or more disciplines. DEVB and the concerned departments had a long-standing practice of filling their MD professional posts in the first instance by posting of officers in the same substantive rank of the relevant grades. If lateral postings to fill these MD posts had proven futile, an in-service appointment (“ISA”) exercise<sup>4</sup> would be conducted whereby officers in the immediate lower ranks could apply for consideration for fast-track promotion after a 6-month acting-with-a-view (“AWAV”) <sup>5</sup> appointment if they were found suitable for the MD posts.

**3.11** The Commission was concerned about the fairness of the above arrangement, particularly in situations where the officer selected to fill an MD post was assessed

as too narrow in experience and not yet ready for higher responsibilities when being considered for promotion by his parent grade. Besides, after a normal tour of three years, the selected officer would return to his parent grade and the MD post would then be used and recycled every three years as an opening for out-of-turn promotion. This constituted an unfair advantage to the officers so selected. The Commission therefore requested the Administration to conduct a comprehensive review to rationalise the arrangement for filling MD posts. All ISA exercises to fill MD posts had since January 2008 been put on hold.

**3.12** The Administration completed a comprehensive review of all designated MD posts in 2011 and recommended that the number of MD posts should be pared down significantly from 116 to 22. The posts retaining the MD status are primarily involved in project management functions, which explained the desire to bring in professional officers from

4 In an ISA exercise for MD posts, professional officers of all appropriate grades one rank below will be invited to apply for consideration to fill the MD 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 Head of Grade (“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.

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



different disciplines. The review also recommended that an MD selection panel should be formed to select the most suitable officer to fill an MD post for a normal tour of three years and then rejoin the parent grade. The pool of officers to be considered by the MD selection panel include: (a) officers at the same rank as the MD post who are nominated by their relevant Heads of Grade (“HoGs”); and (b) officers at the immediate lower ranks who are on the approved promotion/acting list of the eligible grades and who are nominated by their respective HoGs as suitable and available for taking up the MD post for a three-year tour. ISA exercises would no longer be conducted to fill vacant MD posts.

**3.13** The Commission found the review recommendations, which were largely in line with the Commission’s views as conveyed to the Administration, generally acceptable. In the longer run, the Administration should consider whether the remaining 22 MD posts could be farmed out to the respective disciplines so that the need to have a special mechanism for filling these posts could cease.

**3.14** In December 2012 and then in August 2013, the Administration reported to the

Commission the progress of implementing the review recommendations. By June 2013, all those 94 MD posts recommended for declassification in the review have been reclassified as mainstream posts or excluded from the MD post scheme. The MD selection panel arrangement has been tried out and fine-tuned in the light of actual experience gained during the year. At the request of the Commission, the Administration has undertaken to report the further progress of the implementation of MD selection panels together with the findings of the review of the remaining 22 MD posts in 2014.

**3.15** Bi-disciplinary (“Bi-D”) professional posts, which are also a type of MD post, can be filled by professional officers in two disciplines. Noting cases of promotion to Bi-D posts during the year, the Commission considers that there is a need to also review the justifications for retaining Bi-D posts and has therefore requested the Administration to review the matter along the line of how the arrangements for MD posts are settled. The Administration has committed to conducting a review of Bi-D posts and reporting its findings to the Commission in 2014.

## Chapter 3 Civil Service Promotion: Reviews and Observations

### *Principles for determining the effective date of promotion over a promotion step under the combined establishment*

**3.16** In the civil service, there are the following two types of promotion –

- (a) Promotion step – it is a promotion between ranks that have no specific limit on the number of posts in each rank within the total approved combined establishment. The appointment authority may give approval for an officer to be promoted over a promotion step to the higher rank, subject to any prevailing arrangements, criteria, conditions and requirements as may be specified by the Government (including, inter alia, character, ability and any qualifications and/or experience prescribed for the higher rank); and
- (b) Promotion bar – it is a promotion from a lower rank to a higher rank, each of which has its own specific establishment. The appointment authority may give approval for an officer to be promoted over a promotion bar to the higher rank, subject to any prevailing arrangements, criteria, conditions and requirements as may be specified by the Government (including, inter alia, character, ability and any qualifications and/or experience prescribed for the higher rank) as well as the availability of a vacancy in the higher rank.

**3.17** In considering a couple of cases concerning the promotion over a promotion step of officers involved in possible criminal cases, the Commission noted that the Administration issued in 2010 supplementary guidelines on the handling of promotion exercises involving officers subject to on-going criminal/disciplinary cases, but it was not clear whether such guidelines were applicable to both promotion bar and promotion step. The Commission requested the Administration to review the matter.

**3.18** After a review, the Administration has confirmed that the supplementary guidelines promulgated by the Administration in 2010 should similarly be applicable to promotion over a promotion step, subject to suitable adaptations to cater for the different circumstances of cases of promotion bar and promotion step (e.g. acting appointment is not applicable in the context of promotion step). On the suggestion of the Commission, the Administration has reminded B/Ds of the guidelines and their application to both promotion bar and promotion step.

## Observations on Promotion Cases

**3.19** During the year, the Commission continued to draw the attention of B/Ds to issues of concern when tendering its advice on their promotion submissions. When irregularities were observed in the recommendations of a promotion board, the Commission would request the board and the appointment authority to review and, if necessary, revise the recommendations. Some common errors including inaccurate calculation of the number of promotable vacancies; cessation of an acting appointment recommended by the previous board without good reasons; and not reviewing acting appointments that have exceeded six months are still found. The concerned B/Ds have been duly advised of the proper practice and procedures and to avoid making similar mistakes in future exercises. Other more noteworthy observations made by the Commission are set out in the ensuing paragraphs.

### *Counting of promotable vacancies and alignment of appraisal end-dates for rank(s) considered in the same promotion exercise*

**3.20** During the year, the Commission noticed that a department had used the end-date of the appraisal cycle of the promotion rank, which is different from that of the eligible lower rank, as the cut-off date

for counting promotable vacancies in a promotion exercise. Although the Guidebook on Appointments (“the Guidebook”) has not spelt out clearly as to whether the appraisal end-date of the lower eligible rank(s) or that of the promotion rank should be used as the cut-off date for counting promotable vacancies in a promotion exercise, it has been the established practice that the promotion claims of eligible officers should be reviewed upon the availability of a fresh round of performance appraisals. In this regard, the Administration concurs that only promotable vacancies that are expected to arise within the current appraisal cycle of the eligible lower rank(s) should be counted in a promotion exercise.

**3.21** In examining the recommendations of another promotion exercise, the Commission noticed that three different appraisal end-dates were adopted for officers in the same eligible rank. To ensure a fair comparison of the relative merits of all eligible officers, the Commission is of the view that the appraisal cycles of eligible officers in the same rank or different ranks of the same grade to be considered in the same promotion exercise should end on the same date. In case eligible officers from a different grade are also considered in the same promotion exercise, the

## Chapter 3 Civil Service Promotion: Reviews and Observations

difference in appraisal end-dates should be synchronised as far as practicable and in any case, the difference should not be more than three months. The concerned departments have taken heed of the Commission's advice and synchronised the appraisal end-dates of all officers in the relevant ranks in the next appraisal cycle.

- 3.22** To avoid inconsistent practices among B/Ds and to ensure fairness in promotion exercises, the Commission has asked the Administration to spell out the above practices clearly in the Guidebook for reference by B/Ds.

### *Preparation and submission of promotion board reports*

- 3.23** Promotion boards should normally be held within six months from the end-date of the last appraisal cycle. B/Ds should submit promotion board reports to the Commission for advice within two months after the board meeting. In 2013, the Commission is disappointed to note that the number of late conduct of promotion exercises (14 or 2% out of a total of 669) was higher than that in 2012 (five or 1% out of a total of 623). Moreover, over 10% of the board reports still could not be submitted to the Commission for advice within two months.
- 3.24** It should be noted that late conduct of promotion boards and late submission

of promotion board reports would cause delays to the deliberation of eligible officers' suitability for advancement and hold up the implementation of promotion boards' recommendations. These are not in the interests of the staff and are not conducive to good staff management. In tendering its advice on these promotion cases, the Commission has reminded the B/Ds concerned to hold promotion exercises and submit board reports to the Commission expeditiously and within the target timeframe. The Commission has required, and will continue to require, B/Ds to account for the delay in the conduct of promotion boards and/or the submission of board reports. The Administration has also been requested to further impress upon B/Ds of the need to submit promotion board reports as soon as possible and in any case, not later than two months from the date the promotion board arrived at its recommendations.

### *Duration of promotion board meetings*

- 3.25** During the year, the Commission noticed that some promotion boards had taken an exceedingly long period of time in arriving at their recommendations. In one promotion exercise, the promotion board had taken eight weeks to come to its recommendations. The Commission has asked the department concerned to review and streamline the selection process of promotion exercises to ensure

that promotion boards could conclude their deliberations within a reasonable timeframe. After review, the department has shortened the duration of the promotion board meeting to three weeks in the subsequent promotion exercise. As a promotion board should normally be able to conclude its deliberations in one meeting, or at most two, the department has, in response to the Commission's request, undertaken to continue to explore scopes for further reducing the duration of its promotion board meetings in future.

### *Rotational acting appointment and non-compliance with Civil Service Regulations*

**3.26** The Commission noticed in a promotion exercise conducted in 2013 that a department had arranged for one vacancy to be taken up by two officers on a rotational acting basis since November 2011 and these two officers were not recommended for acting by any previous promotion boards. As the acting appointments would last, and had actually lasted, for more than six months, the department should have convened a promotion board to identify a suitable officer to fill the vacancy upon the availability of the relevant annual appraisal reports

ending 31 October 2011. The department concerned has been reminded to: (a) ensure compliance with the relevant Civil Service Regulations in selecting officers for acting appointments exceeding six months and to review such acting appointments by a selection/promotion board even if there is no promotable vacancy at the material time; and (b) avoid making rotational acting appointments unless there are overriding reasons for such an arrangement. If there is a genuine need for rotational acting appointments, the board should set out the justifications in its recommendation with an assessment of how the scenario of a "reversed" supervisor-subordinate relationship can be mitigated.

### *Use of wrong performance appraisal forms*

**3.27** In a promotion exercise conducted during the year, the department had wrongly used the appraisal form for a lower rank for assessing the performance of two eligible officers. As a result, the Commission had to ask the department to review the ratings given to these two officers in their appraisals, particularly those relating to their core competencies. After a

## Chapter 3 Civil Service Promotion: Reviews and Observations

review, the department advised that although the Appraising Officer (“AO”) had mistakenly printed his assessments of the two officers concerned on a report form designed for the lower rank, his assessments of these two officers were actually made at their substantive rank and therefore no amendment to the ratings or assessments was required. To ensure the use of correct performance appraisal forms by supervisors in completing appraisals of their subordinates, the department has undertaken to take various measures, including adding signs to clearly differentiate the performance appraisal forms of one rank from another, issuing reminders to AOs and Countersigning Officers, checking by assessment panels, etc.

### *Inaccurate information in promotion board reports*

**3.28** In examining the recommendations of a promotion exercise, the Commission detected discrepancies between the information included in the annexes of the board report and the entries in the relevant staff reports. Although the department concerned had confirmed that the promotion board had referred to the staff reports of the officers concerned rather than the annexes in examining their claims and making the recommendation, the department has been seriously reminded to ensure that any information, especially those relating to eligible candidates, provided to a promotion board for consideration and submitted to the Commission for advice must be accurate and up-to-date.

## Chapter 4 Performance Management and Staff Development

**4.1** One of the Commission's priority tasks is to work with the Administration to strengthen the performance management system in the civil service with a view to better realising civil servants' performance and development potential. Much emphasis has also been placed on advocating a holistic approach to staff development encompassing a structured career progression plan as well as suitable job exposure and training for civil servants at different levels. The major initiatives in these areas implemented over the past few years are set out in paragraphs 1.21 and 1.22 of Chapter 1. The Commission will continue to identify areas that call for improvement and make suggestions to the Administration on how the effectiveness of the existing systems and practices can be further enhanced.

### Performance Management in the Civil Service

**4.2** The continuous effort made by the Commission and the Administration to improve the performance management system has resulted in the promulgation of the revised "Performance Management Guide" ("PM Guide") in November 2009. Apart from providing comprehensive

information to help bureaux and departments ("B/Ds") understand the key principles and objectives of an effective staff performance management system, the PM Guide also illustrates the best practices that B/Ds can make reference to in designing and administering their own systems. At the request of the Commission, the Administration conducted a survey in December 2011, which covered about 400 grades and 1 100 ranks in the civil service, to review the effectiveness of the implementation of the performance management practices promulgated in the PM Guide ("the 2011 Survey").

**4.3** The Administration reported the 2011 Survey results to the Commission in August 2012. The findings indicated that B/Ds were generally implementing the performance management practices advocated by the Commission and the Civil Service Bureau ("CSB") effectively. The Commission noted that B/Ds had devoted considerable effort in implementing the good performance management practices of enhancing the effective operation of assessment panels ("APs"), adopting the competency-based approach in performance appraisal,



## Chapter 4 Performance Management and Staff Development

facilitating timely appraisal and promoting comprehensive reporting. To further strengthen the performance management system, the Administration undertook to implement various measures having regard to the 2011 Survey findings as well as the experience gained in handling performance management related matters in the past few years. In August and November 2013, the Administration reported to the Commission the progress of the implementation of these measures, which are summarised in the ensuing paragraphs.

### *Updated guidelines and good performance management practices*

**4.4** In June 2013, the Administration issued CSB Circular No. 6/2013 to promulgate the updated guidelines and good practices in performance management in the civil service and an updated PM Guide. The Circular and new PM Guide, which were the results of the 2011 Survey and had incorporated the advice and comments given by the Commission, have highlighted, among others, the importance of timely, comprehensive and well-substantiated appraisal; the responsibilities of Heads of Department (“HoDs”), Heads of Grade (“HoGs”) and appraisers in performance management; and the role and operation of APs.

### *Implementation of competency-based performance appraisal*

**4.5** The Administration also announced in June 2013 the amendments to the competency-based General Performance Appraisal Forms (GF 1 and GF 94) and the introduction of the Staff Appraisal Report Form (Memo Form) in CSB Circular Memorandum No. 9/2013. The General Performance Appraisal Forms are revised with a view to cultivating the spirit of comprehensive and substantiated appraisal; fine-tuning the descriptions of rating scales; and simplifying the forms to facilitate timely appraisal. The main features of the revised forms are as follows –

- (a) a designated section for Appraising Officers (“AOs”) to comment on areas where appraisees could continue to improve for the purpose of further career development has been included. It is also emphasised that the assessment made by AOs should be substantiated with facts;
- (b) the descriptions of the rating scales are revised to make them clearly defined to facilitate mutual understanding among the parties concerned;
- (c) the need for comprehensive and timely appraisals on subordinates is specified as one of the competency requirements; and



- (d) the Guidance Notes have been revised to state clearly that where an officer is acting in a higher rank, his performance should be assessed against the requirements at the acting rank while his competencies should be assessed against the requirements of his substantive rank.

### *Implementation of assessment panels*

**4.6** As stated in the PM Guide, the major function of APs is to ensure consistency in assessment standards and fairness in appraisal ratings (including ratings on performance, competencies and promotability) within a rank. Although all respondents in the 2011 Survey had rated AP as “Effective” or “Very Effective” in meeting its objectives, only 33% of the ranks surveyed had established APs. The Commission has therefore requested the Administration to examine: (a) if justified reasons had been given by those ranks for not implementing APs; and (b) if those ranks should be encouraged to implement or re-establish APs for moderating assessment standards.

**4.7** In response, the Administration conducted a survey in December 2012 on those ranks without an AP (“the 2012 Survey”). The focus was on ranks with an establishment

of 50 or more. As for those ranks which had an establishment of less than 50, the Administration considered that their relatively smaller establishment had made it easier for them to align the assessment standards without the need for setting up APs. The Administration reported the findings to the Commission in November 2013.

**4.8** According to the findings of the 2012 Survey, B/Ds have the following five major reasons for not implementing APs –

- (a) the rank is a one-rank grade with no promotion rank;
- (b) the work of the rank is relatively simple and it is easier to align the assessment standards;
- (c) the numbers of AOs and Countersigning Officers (“COs”) are small thus making it easier to align the assessment standards;
- (d) the duties of staff in the rank are similar and the same assessment standards or standards with little variations are applied; and
- (e) there are strong grade management functions to ensure consistency in assessment standards, especially for grades with a larger establishment.

## Chapter 4 Performance Management and Staff Development

**4.9** The 2012 Survey also revealed that the B/Ds concerned have put in place the following measures to ensure consistency in assessment standards –

- (a) briefing sessions on the best performance management practices are conducted on an annual basis for AOs and COs;
- (b) the assessment standards and any irregularities observed in performance appraisals are discussed with AOs and COs in regular management meetings;
- (c) the assessment standards are discussed and agreed among senior officers beforehand;
- (d) training, core competency tables, guidance notes and supplementary notes are provided to help AOs and COs align the assessment standards; and
- (e) AOs and COs are reminded regularly by the grade management of the need to adhere to the definitions of the rating scales.

**4.10** While considering that the implementation of the AP mechanism should be taken forward cautiously having regard to the specific circumstances of individual B/Ds, the Administration has undertaken to continue to monitor the situation and to provide advice and assistance to ranks for implementing APs should

their considerations or circumstances change. The Commission has asked the Administration to continue with the good work in promoting APs and to take a more active role in ensuring that those grades which have adopted the mechanism are implementing it properly.

### *Training*

**4.11** Training plays an important part in helping staff at all levels understand their roles and responsibilities in performance management. Following the advice of the Commission, the Administration had continued to provide more targeted training on appraisal-writing, conduct of appraisal interviews and handling of staff with performance problems, etc. for different users of the performance management system, including those who had to carry out grade management functions. The Administration has also undertaken to produce a web package with videos and interactive components on conducting performance appraisal to further assist B/Ds in understanding the key principles of performance management and implementing the relevant good practices. Phase 1 of the package, which includes three modules, viz. (a) Performance Management – An Overview; (b) Performance Appraisal System; and (c) Performance

Appraisal, was rolled out in November 2013. The Administration has undertaken to launch Phase 2 in 2014.

### *Way forward*

- 4.12** Refinements and improvements to the performance management system is a continuous process. The Commission notes that the Administration would conduct another review of the performance management system (including the operation of APs) and report its findings to the Commission in 2014. The Commission will keep in view the next review, and will give its comments and suggestions as and when required.

### **Observations on Performance Management Issues**

- 4.13** During the year, the Commission continued to make observations and give suggestions to B/Ds on good performance management practices when tendering the Commission's advice on their various submissions. The Chairman has also personally written to the HoGs/HoDs concerned urging them to take appropriate action on areas requiring improvement. Some noteworthy observations are set out in the succeeding paragraphs.

### *Polarised assessments made by AO and CO on appraisee's performance and suitability for promotion*

- 4.14** In examining a recommendation to extend an officer's acting-with-a-view to substantive promotion ("AWAV")<sup>6</sup> appointment, the Commission noticed that there was fundamental difference between the assessments made by the AO and the CO of the concerned officer's performance. To avoid recurrence of similar situations, the Commission considers that a list of clearly defined duties expected to be performed by the officer and objective yardsticks for assessing the officer's performance should be drawn up and agreed upon before the commencement of an AWAV appointment. In assessing staff performance, it is possible that the AO and CO may come up with different assessments. In such circumstances, they must substantiate their assessments with concrete evidence and detailed information.

### *Serious delay in completion of performance appraisals*

- 4.15** The Commission noticed when examining a promotion submission that the performance appraisals for the last few

6 See Note 5 in Chapter 3.

## Chapter 4 Performance Management and Staff Development

years in respect of most of the eligible candidates were completed by the AOs and/or COs in one go only shortly before the promotion board meeting. The completion of performance appraisals is not solely for assessing individual officers' claims for promotion, but also serves the important purpose of monitoring an officer's performance through timely assessment and feedback to him; and for identifying his training and development needs. Late reporting defeats this purpose. The Commission has urged the HoD concerned to clearly and seriously impress upon the AOs and COs of the importance of timely completion of performance appraisals after each appraisal cycle irrespective of whether or not a promotion board would be convened in that particular year to consider officers for promotion.

### *Promotion board's observations on officers' performance not borne out in performance appraisals*

**4.16** In a promotion exercise, the Promotion Board had identified areas for improvement in the performance of some officers, but such information had not been reflected in their performance appraisals. The Commission is of the view that promotion boards are tasked to assess eligible officers' performance and suitability for

promotion on the basis of the assessments made in their performance appraisals. Performance appraisals should therefore provide an objective, comprehensive and fair assessment of appraisees' performance with a view to providing the appraisees with frank and constructive feedback and facilitating the assessment of the appraisees' suitability for advancement by promotion boards. The Commission has reminded the department concerned to advise the supervising officers to be explicit in commenting on the performance of their subordinates and include not only their strengths but also specific aspects that can be enhanced in their performance appraisals. Board members' knowledge of an officer's performance is to supplement, not to override the assessments made in the performance appraisals.

### *Modifications to performance ratings*

**4.17** The Commission noticed when vetting the recommendation of a promotion board that in revising the overall performance rating of an officer, the Reviewing Officer only remarked that having regard to the assessment of the individual aspects of performance, the overall "Outstanding" assessment of the officer was overrated and should be revised as "Very Good" without giving other justifications.

However, the Commission noted that amongst those 15 aspects assessed, the officer scored “A” for 13 aspects and “B” for the remaining two. The reason for revising the officer's overall performance rating was unclear. The Commission has advised the department to remind the Reviewing Officer to provide clear and justified reasons in modifying the performance ratings given to appraisees.

### **Staff Development and Succession Planning**

**4.18** Staff development in the civil service is not only about grooming officers for promotion, it is also an essential and ongoing process to enhancing individual and departmental performance. The Commission considers it important for HoDs/HoGs to take ownership of the concept that they have the responsibility for the career development of their staff. The Commission has long advocated that HoDs/HoGs should take a holistic approach in drawing up staff development plans which should include a structured career exposure and posting policy as well as a systematic training plan. Grade managements should also interview their grade members regularly to discuss with them their career progression plans. The Commission considers that, even if a particular

officer is assessed to have reached his ceiling in career advancement, a caring management having a good staff development plan would still be able to motivate the officer to continue to make positive contributions. A good staff development plan together with a robust performance management and promotion system is also crucial to succession management. To provide practical pointers to B/Ds on how to map out staff development and succession plans, the Administration issued the “Succession Management Guide” and the “Guide on a Holistic Approach to Staff Development”, which had incorporated input from the Commission, in December 2010 and March 2011 respectively.

**4.19** The Commission noticed during the year that HoDs/HoGs had continued to identify junior officers with promising potential for succession grooming and take various measures to develop their staff, such as career postings, attachments to the Government Secretariat as well as appropriate training and development programmes. For those departments with temporary shortage of suitable officers for advancement, the Commission has asked them to step up efforts to ensure a smooth succession.

## Chapter 4 Performance Management and Staff Development

**4.20** A smooth succession hinges on a good staff development plan and also a predictable wastage of the staff. While the present situation of premature departure of senior officers is by no means alarming, HoDs/HoGs should monitor closely the number of such cases involving officers between the ages of 55 and 60. It will become a concern should this situation become a trend. The Commission has therefore urged the Administration to put in place a system to find out from senior officers within this age bracket their career

plan in the immediate future and take suitable measures to tackle any possible succession difficulties. The Commission is pleased to note that the Secretary for the Civil Service has at directorate succession planning meetings asked HoDs to ascertain as early as possible the retirement plans of their senior officers and take into account such information in drawing up their respective directorate succession plans. The Commission will keep in view the overall succession situation in the civil service.

## Chapter 5 Other Civil Service Appointment Matters

**5.1** The Commission also plays an important role in advising on appointment matters relating to the continuous employment or termination of service of civil servants. 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, early retirement of directorate officers under the Management Initiated Retirement Scheme<sup>7</sup> and retirement in the

public interest under section (“s.”) 12 of the Public Service (Administration) Order (“PS(A)O”)<sup>8</sup>. In addition, the Commission also advises on further employment (including extension of service and re-employment after retirement without a break in service), secondment<sup>9</sup>, opening-up arrangement<sup>10</sup>, award of Government Training Scholarship<sup>11</sup> and revision of terms of employment<sup>12</sup> of serving officers in the senior ranks of the civil service.

7 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.

The officers 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 (“CE”)) will consider each case following which the Commission’s advice will be sought on the recommendation to retire the concerned officers.

8 The PS(A)O is an executive order made by the 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.

9 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.

10 Under the opening-up arrangement, positions in promotion ranks occupied by agreement officers are open 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, and other agreement officers applying for a further agreement on existing terms.

11 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, Heads of Department/Heads of Grade 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.

12 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.

## Chapter 5 Other Civil Service Appointment Matters

A statistical breakdown of the cases advised by the Commission in 2013 by category of these appointment matters and a comparison with those in the past four years are provided at Appendix VI.

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

**5.2** Retirement under s.12 of 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 in accordance with the relevant scheme rules.

**5.3** During the year, a total of 19 officers from 15 bureaux/departments ("B/Ds") were put under close observation in the context of procedures under s.12 of PS(A)O. Upon the Commission's advice tendered in 2012 and 2013 respectively, the Administration retired two officers under s.12 in 2013 on the grounds of persistent substandard performance. Two officers were taken off the watch list after they had improved their performance to the required standard. As at the end of the year, 15 officers remained under close observation. Separately, upon the Commission's advice given in 2012, the Administration retired one officer on the grounds of loss of confidence in 2013.

**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 managements' readiness in pursuing such an administrative action.



## **Extension/Termination of Probationary Service**

**5.5** As pointed out in previous Annual Reports, Heads of Department/Heads of Grade (“HoDs/HoGs”) should apply stringent standards and attach importance to good conduct in determining the suitability of probationers to continue to hold office, in particular where a probationer will, under normal circumstances, be transferred to permanent terms immediately after the 3-year probationary period under the modified entry system. Extension of probationary period should not be made a substitute for termination of service. If there are obvious shortfalls in a probationer’s performance, conduct or attitude, the HoD/HoG concerned should seriously consider terminating his service at any time or at the end of the probationary period.

**5.6** To assist HoDs/HoGs in handling cases of termination or extension of probationary services, the Commission has developed and highlighted in paragraph 5.9 of the 2011 Annual Report some relevant criteria that should be fulfilled. The Commission’s observations and views on the reduction of an officer’s probationary period on the basis of his previous working experience in the Government have also been elaborated in paragraphs

5.10 and 5.11 of the 2011 Annual Report. Upon the Commission’s suggestion, the Administration has incorporated the aforesaid criteria and observations in its guidelines on the proper handling of probationers which were issued to HoDs/HoGs in January 2012.

**5.7** In 2013, the Commission advised on 72 cases involving extension of the service of probationers. Most of these cases were to allow time for the probationers concerned to demonstrate their suitability for permanent appointment on grounds of temporary setback in performance and/or conduct, or absence from duty for a prolonged period due to health conditions.

**5.8** Following an upsurge of termination of probationary service cases from three in 2011 to 13 in 2012, the number of such cases advised in 2013 dropped slightly to 11. Most of these cases were related to unsatisfactory performance and/or conduct of the probationers. The increase in the number of termination cases in the past two years has reflected the determination of HoDs/HoGs in taking a stringent approach in handling probationers who failed to measure up to the requirements and standards for passage of the probation bar. The Commission takes the view that if a

probationer has been afforded sufficient opportunity to prove his worth and given coaching and training but there are still deficiencies in his performance, his probation should be terminated. In respect of cases where there were conduct problems on the part of a probationer, and where little improvement has been seen notwithstanding appropriate advice and warning, prompt action should be taken to terminate the probationary service.

**5.9** During the year, the Commission noted room for improvement in some grade managements' handling of probationers with sub-standard performance. In one case, the performance of an officer had been rated as "4" (i.e. performance only meets the lowest acceptable standard with room for improvement) throughout his 3-year probationary period. Whilst his supervisor had counselled him about the deficiencies in his performance, no advisory letter had been issued to him to formally advise him of the need to make improvement in his identified areas of weakness. At the end of his probationary period, he was still recommended for passage of the probation bar by his supervisors. It was not until his performance was reviewed by the HoD concerned that he was considered not yet

suitable for passage over the probation bar and that his probationary period should be extended. The Commission considered that the department's handling of this case had left much to be desired. In particular, the standard of performance required of a probationer should have been agreed from the outset and made known to both the probationer and the departmental management (in its broadest sense from HoD/HoG to frontline supervisors). This is to ensure that prompt and appropriate actions, such as closer guidance, counselling and issue of advisory letters, could be taken by the supervisor and/or grade management as soon as they notice that a probationer has failed to measure up to the required standard of performance.

**5.10** In examining recommendations to extend the probationary period of two officers from the same grade, the Commission noticed with concern that the first four probationary appraisal reports of one officer and all the probationary appraisal reports of the other officer were only written towards the end of their 3-year probationary period. In the absence of duly completed appraisal reports, the Commission doubted how the HoG concerned could learn about the

sub-standard performance of probationers and take appropriate follow-up action to provide them with the necessary advice, counselling and support. The serious delay in the completion of appraisal reports might also deprive probationers of an early opportunity to strive for improvement on the identified areas of weakness. At the request of the Commission, the HoG concerned has stepped up effort to chase the outstanding appraisal reports of probationers from Appraising Officers (“AOs”) and Countersigning Officers (“COs”) direct as from the end of the probationers’ first year of service. Where habitual or serious delay in completing performance appraisals is observed, the HoG would personally issue advisory letters to the AOs or COs concerned. Such advisory letters would be put on the concerned officers’ staff report files for record.

## Further Employment beyond Retirement Age and Promotion during Further Employment

**5.11** In accordance with the prevailing policy as laid down in Civil Service Regulations (“CSRs”) 270(4)<sup>13</sup>, 275(3)(d)<sup>14</sup> and 277(4)(d)<sup>15</sup>, officers re-employed after retirement without a break in service or on extension of service after reaching the normal retirement age (hereinafter referred to as “further employed officers”) are normally eligible for consideration for promotion, provided that they have no less than 12 months to serve before going on leave prior to finally leaving the service.

**5.12** The Commission understands that the original consideration for allowing further employed officers to be eligible for consideration for promotion was to provide an incentive for able and experienced officers to remain in the

- 13 CSR 270(4), which is applicable to officers on the Old Pension Scheme (“OPS”), stipulates that, “an officer who is re-employed after retirement without a break in service is normally eligible for consideration for promotion provided that he has not less than 12 months to serve before going on leave prior to his finally leaving the service”. Officers on OPS are due to retire on reaching the age of 55.
- 14 CSR 275(3)(d), which is applicable to officers on the New Pension Scheme (“NPS”), stipulates that, “an officer serving on extension of service/re-employment after retirement without a break in service is normally eligible for consideration for promotion provided that he has not less than 12 months to serve before going on leave prior to finally leaving the service”. Civilian officers on NPS are due to retire on reaching the age of 60. But for those officers joining the service before 1.7.1987, they can opt to retire between the age of 55 and 60. For officers of the disciplined services, they are due to retire on reaching the age of 55 or 57 depending on their rank.
- 15 CSR 277(4)(d), which is applicable to officers on NPS who are re-employed after retirement without a break in service upon attaining maximum pension status before the normal retirement age, stipulates that “an officer on re-employment after retirement without a break in service is normally eligible for consideration for promotion provided that he has not less than 12 months to serve before going on leave prior to his finally leaving the service.”

## Chapter 5 Other Civil Service Appointment Matters

service beyond their normal retirement age of 55 in the face of a huge expansion of the civil service establishment on the one hand and an upsurge in emigration on the other in the early 1980s. However, this consideration is no longer valid nowadays when further employment beyond the normal retirement age is mainly for tiding over succession gaps or for retaining the expertise of the concerned officers for a specified short period for seeing through important projects at their critical stages. Indeed, one of the conditions on which further employment beyond retirement age may be approved as stipulated in CSR 268(1)(c) is that the retention of the officer's service would not cause any promotion blockage for officers in the lower ranks. If a further employed officer is promoted while on re-employment/extension, this creates the paradoxical situation that on the one hand, the retention of the officer's service is to allow time for grooming younger officers, but on the other hand, the officer is promoted at the expense of those younger officers' opportunity for trying out in the higher rank and preparing themselves for higher responsibilities.

**5.13** As a follow-up of the concerns about the eligibility for consideration for promotion of further employed officers, the Commission has suggested to the Administration that the following safeguards in processing applications for re-employment/extension of service of officers beyond the normal

retirement age should be adopted on top of the usual requirements of strong succession and/or operational needs, no promotion blockage, good performance, etc. –

- (a) the term of re-employment/extension should not exceed 12 months, save in very exceptional circumstances. If an application for a longer period is required, the appointment authority should consider offering a 12-month term first and reviewing the case only when an application for a further term comes up; and
- (b) the department/grade management concerned should provide a specific succession plan setting out clearly the potential officer(s) identified together with a concrete training and development plan for grooming the potential successor(s) within the relevant period of time.

**5.14** The Administration concurs with the Commission's suggested principle as set out in paragraph 5.13(a) above and has undertaken to continue to adopt a stringent approach in vetting applications for further employment so as to ensure that such approval would only be granted for fully justified cases. The Administration has also implemented the requirement as mentioned in paragraph 5.13(b) above for B/Ds to provide concrete succession plans for grooming potential successors when submitting applications for further employment.

**5.15** The Administration has taken full note of the Commission's view that there is a need to review the eligibility of further employed officers for promotion and the relevant CSRs as the general situation of the civil service in the early 1980s was different from that of nowadays. In this connection, the Commission notes that the Administration is conducting a study to assess the manpower and retirement situation in the civil service and to look at possible options for extending the service of civil servants beyond retirement age, against the backdrop of an ageing population in Hong Kong

and the higher-than-usual natural wastage of the civil service in the coming decade. As the findings of the study would have a bearing on the policy on further employment, the Administration considers it appropriate to review the relevant CSRs concerning the eligibility of further employed officers for promotion in the context of that study. The Administration has undertaken to keep the Commission posted of the progress of the study in general and the review of the eligibility of further employed officers for promotion in particular.

## Chapter 6 Civil Service Discipline: Reviews and Observations

**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, 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 misconduct will be promptly investigated and disciplinary sanction will be strictly administered upon finding a civil servant culpable of misconduct after 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 meted out 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, minor breach of government regulations, etc.) committed by civil servants, the relevant bureaux/

departments (“B/Ds”) may, after completing departmental investigation, issue verbal or written warnings to the civil servants concerned without the need to conduct formal disciplinary hearings. A verbal or written warning normally debars an officer from promotion and appointment for one year. Such summary disciplinary action allows B/Ds to tackle and deter isolated acts of minor misconduct expeditiously. The Commission’s advice is not required in such cases.

### Formal Disciplinary Action

**6.3** For repeated minor misconduct or more serious misconduct allegedly committed by civil servants, the relevant B/Ds may institute formal disciplinary proceedings against the civil servants concerned. For civil servants who are convicted of criminal offences, the disciplinary authorities may, upon consideration of the relevant court proceedings, inflict punishments on the civil servants without any further proceedings. Generally speaking, formal disciplinary action against civil servants in civilian grades or senior ranks of disciplined services grades<sup>16</sup> is taken according to the provisions under the Public Service

<sup>16</sup> These refer generally to civil servants at a rank equivalent to superintendent/assistant superintendent or 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 the 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.

(Administration) Order (“PS(AO”). In respect of civil servants in the middle and junior ranks of disciplined services grades, formal disciplinary action is taken according to the provisions under the respective disciplined services legislation.

## Disciplinary Punishment

**6.4** The range of punishments that may be imposed by a disciplinary authority on a civil servant convicted of a criminal offence or found guilty of misconduct after formal disciplinary proceedings includes reprimand<sup>17</sup>, severe reprimand<sup>18</sup>, reduction in rank<sup>19</sup>, compulsory retirement<sup>20</sup> and

dismissal<sup>21</sup>. A financial penalty<sup>22</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 Role in 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

- 17 Reprimand is the least severe form of punishment under formal disciplinary action. It will normally debar an officer from promotion or appointment for a period of two to three years. This punishment is usually imposed where the misconduct/criminal offence is fairly minor and isolated.
- 18 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 misconduct/criminal offence or for repeated minor misconduct/criminal offences.
- 19 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 that he would have received had his service been continued in that lower rank.
- 20 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.
- 21 Dismissal is the most severe form of punishment as the officer forfeits his claims to retirement benefits (except the accrued benefits attributed to Government’s mandatory contribution under the Mandatory Provident Fund scheme or the Civil Service Provident Fund Scheme).
- 22 Currently there are three types of financial penalty, namely “fine”, “reduction in salary” and “stoppage or deferment of increments”.

Ordinance<sup>23</sup> (“PSCO”), the Administration is required under section (“s.”) 18 of the PS(A)O<sup>24</sup> to consult the Commission before inflicting any punishment under s.9, s.10 or s.11 of the PS(A)O upon a Category A officer. This covers virtually all officers except those on probation, agreement and some who are remunerated on the Model Scale 1 Pay Scale. At the end of 2013, 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 criminal offence in question are always the primary considerations 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 records of the civil servant concerned, etc.

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

### Disciplinary Cases Advised in 2013

**6.8** The Commission advised on the punishment of 44 disciplinary cases in 2013, representing about 0.04% of the 111 800 Category A officers under the Commission’s purview. A breakdown of these cases by category of criminal offence/misconduct and salary group is at Appendix VII.

**6.9** Although there was a slight increase as compared to 38 cases in 2012, it remains a very small percentage of all Category A officers and indicates that the vast majority of our civil servants are able to measure up to the very high standards expected of them in terms of conduct and discipline. This should be attributed

23 See paragraph 1.6 of Chapter 1.

24 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.



to the Administration's sustained effort to promote good standards of conduct and integrity at all levels through training, seminars as well as the promulgation and updating of rules and guidelines to enhance the understanding and awareness of the standard of probity required of civil servants. The Commission will, as always, remain vigilant and collaborate with the Administration to ensure equity, fairness and maintenance of broad consistency in disciplinary punishment throughout the service.

## **Reviews and Observations of Major Disciplinary Issues**

**6.10** Apart from deliberating on the appropriate level of punishment to be meted out in each disciplinary case submitted to it for advice, the Commission also oversees the operation of the disciplinary mechanism. In vetting submissions from the Administration, the Commission makes observations on areas that call for improvement and initiates reviews and discussions with the Administration with a view to rationalising existing disciplinary policies and procedures as well as formulating up-to-date benchmarks of punishment. The major issues reviewed in 2013, together with the observations

and recommendations made by the Commission, are set out in the ensuing paragraphs.

### *Handling of substandard performance or misconduct cases involving civil servants with disabilities*

**6.11** As mentioned in previous Annual Reports, the Commission raised concern in 2008 about the prolonged processing time of disciplinary cases involving officers with mental illness or suspected mental illness. The Commission considered that the Administration should provide B/Ds with suitable and updated guidelines on how such cases should be handled having regard to the requirements of the Disability Discrimination Ordinance, Cap. 487 and the Personal Data (Privacy) Ordinance, Cap. 486.

**6.12** In response to the Commission's comments and observations, the Administration has reviewed the subject and worked out a set of updated principles and guidelines for handling substandard performance or misconduct cases involving civil servants with all types of disabilities, not only mental illness. After consulting the Commission and the staff

side, the Administration promulgated the updated principles and guidelines in the form of a Civil Service Bureau circular in March 2013. A seminar on the circular for B/Ds with the presence of a representative from the Equal Opportunities Commission to explain the legal requirements and key legal concepts under the Disability Discrimination Ordinance, Cap. 487 was organised in June 2013. As the effectiveness of the updated guidelines is yet to be seen, the Commission has asked the Administration to conduct a review in two years' time in the light of experience gained. In the meantime, the Administration has undertaken to collect and keep the Commission informed of feedback from B/Ds.

### *Debarring effect of summary disciplinary punishment on passage of probation bar*

**6.13** Under the prevailing civil service entry system, new recruits to basic ranks are normally appointed on probationary terms for three years. On satisfactory completion of the probationary period, an officer may be considered for passage of the probation bar and further appointment on permanent terms. If a probationer is given a verbal or written warning for

a minor misconduct or offence, he will normally be debarred from promotion and appointment for one year from the date of the warning in accordance with the current practice. If he is considered suitable to continue to hold office at the end of his probationary period but the debarring effect of the warning has not yet lapsed, his passage of the probation bar will be deferred and his probationary period will be extended up to the lapse of the debarring effect.

**6.14** In considering a recommendation for deferring the passage of probation bar of a probationer who committed a minor offence towards the end of his probationary period, the Commission noted that the officer's probationary period had already been extended for six months pending the completion of the disciplinary action. After issuing a warning to the concerned officer, the department proposed to further extend his probationary period for one more year to tie in with the one-year debarring period of the warning. In effect, the probationary period of the concerned probationer was proposed to be extended for nearly 1½ years for one single minor offence.

Apart from the fact that such a long extension does not appear to be fair to the probationer concerned, the case has also brought out the issue of discrepancy in treatment of probationers arising from the different timings of warning. If a warning is issued in the early part of a probationary period, the debarring effect will have lapsed before the officer is due to pass the probation bar. However, in cases where a warning is issued near the end of the probationary period, the officer's passage of the probation bar will have to be deferred. The Commission considers that such a discrepancy in treatment should be addressed.

- 6.15** For cases where a probationer is given a warning for minor misconduct/offence and the B/D concerned considers it appropriate to give him a chance to remain in the service, the Commission considers it fair and reasonable to extend his probationary period for a fixed period, irrespective of when the warning was issued, for further observation of his suitability for confirmation to the permanent establishment. The Administration is actively working out an appropriate arrangement in consultation

with B/Ds with a view to standardising the extension of probationary period in such cases. The Administration would consult the Commission before promulgating the new arrangement.

*Proper action in handling criminal conviction cases with custodial sentence*

- 6.16** As mentioned in the 2007 Annual Report, the Commission takes a very serious view of criminal conviction cases with custodial sentence and considers that a long imprisonment of three months or more should trigger the Administration's serious consideration of the worthiness of retaining the officer concerned in the service. In the year, the Commission reminded the Administration that, apart from administering appropriate punishment to the officers concerned, B/Ds should also take proper follow-up action during the officers' imprisonment. The Commission considers it logical that an officer who is in prison should be interdicted from duty during the imprisonment period, no matter how short it is. The emolument of an imprisoned officer should also be withheld in full and the period of his imprisonment should not be counted as qualifying period

## Chapter 6 Civil Service Discipline: Reviews and Observations

for retirement benefits. While there are provisions in the PS(A)O and the Public Service (Disciplinary) Regulation for interdicting an officer and withholding his salary, there are no clear guidelines on how such cases should be followed up. At the request of the Commission, the

Administration is drawing up guidelines to help B/Ds take proper actions in such imprisonment cases. The Commission will keep in view the development and give its comments and advice as and when required.

## Chapter 7 Visits

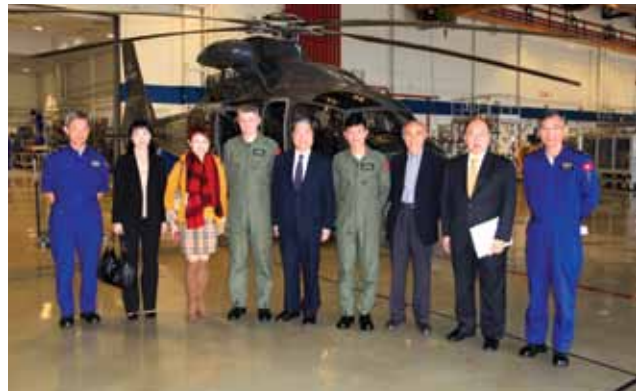
**7.1** In 2013, the Chairman and Members of the Commission visited the Innovation and Technology Commission (“ITC”), the Environmental Protection Department (“EPD”) and the Government Flying Service (“GFS”) to exchange views with the top management of these departments on issues of mutual interest concerning recruitment, promotion, performance management, discipline, etc. The visit to ITC and its Standards and Calibration Laboratory has also greatly enhanced the Commission’s understanding of ITC’s role and operation, in particular its very important service in maintaining the reference standards of physical measurements for Hong Kong. The visit to EPD’s Island West Transfer Station allowed the Commission a chance to see a refuse transfer station in operation and to gain a better insight into the waste management strategy in Hong Kong. The Commission also learned more about the work of GFS and its valuable services to the public from the comprehensive briefing given by its senior staff and the visit to its hanger.



Mr Nicholas NG (second right), Chairman of the Public Service Commission, Mrs Paula KO (third right) and Professor CHAN Yuk-shee (fourth right), Members of the Commission, accompanied by Miss Janet WONG (second left), Commissioner for Innovation and Technology, visited the Standards and Calibration Laboratory of the Innovation and Technology Commission



Mr Nicholas NG (fifth right), Chairman of the Public Service Commission, Mr Vincent LO (second right), Ms Virginia CHOI (third left), Mr Herbert TSOI (fourth left) and Mrs Lucia LI (fifth left), Members of the Commission, accompanied by Ms Anissa WONG (sixth left), Permanent Secretary for the Environment, visited the Island West Transfer Station of the Environmental Protection Department.



Mr Nicholas NG (middle), Chairman of the Public Service Commission, Mr Herbert TSOI (second right), Mr Vincent LO (third right) and Ms Virginia CHOI (third left), Members of the Commission, accompanied by Mr Michael CHAN (fourth right), Controller, Government Flying Service, visited the hanger of the Government Flying Service.

## Chapter 8 Acknowledgements

**8.1** The Commission would like to express its sincere gratitude to Mr Paul TANG, the Secretary for the Civil Service, and his staff for their continued support and assistance in all areas of its work 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 2013.

**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 appreciation to the Secretary of the Commission and her team for their valuable support and contribution.

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



### **Mr Nicholas NG Wing-fui, GBS, JP**

*BSocSc (Hons) (HKU), MEd (HKU), FCIS, FCS*

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

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).



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

*BBA (CUHK), MBA (UC at Berkeley), MA(Econ) (UC at Berkeley),*

*PhD (Business Administration – Finance) (UC at Berkeley)*

*Member, Public Service Commission (appointed from 1 December 2007 to 30 November 2013)*

Prof Chan is a Member of 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 Judicial Salaries and Conditions of Service. He is also an Independent Non-Executive Director of Sa Sa International Holdings Limited.



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

*BA (Hons) (HKU), Solicitor of Supreme Court of Hong Kong,*

*Notary Public, PRC Appointed Attesting Officer and Arbitrator*

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

Mr Lo is a Consultant of Gallant Y.T. Ho & Co. He is the Chairman of the Art Museum Advisory Panel, the Social Welfare Advisory Committee and the Hong Kong Red Cross. He is also a National Council Member of Red Cross Society of China and a Member of the Advisory Committee on Arts Development. He also serves as a Member of the Advisory Committee on Post-service Employment of Civil Servants.



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



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

*BSSc (Hons) (CUHK), MBA (CUHK), ACIB, FHKIB*

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

Mr Pang is a Senior Advisor of the Bank of East Asia Limited. He is a Trustee of the Staff Terminal Benefits Scheme (1988), the Terms of Service III Staff Retirement Scheme and the Staff Provident Fund of the University of Hong Kong. For the Chinese University of Hong Kong, he serves as the Chairman of the Committee of Overseers of Wu Yee Sun College, Member of the Chung Chi College Board of Trustees and Member of the Advisory Board of Continuing and Professional Studies. He is the Treasurer and Member of the Council and Court of the City University of Hong Kong. In addition, he serves as a Governor of Tung Wah College; the Treasurer and Director of Hong Kong Nang Yan College of Higher Education Limited; and a Trustee of Lingnan (University) College Sun Yat-Sen University, Guangzhou.



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

*LLM (London), Solicitor of Supreme Court of Hong Kong,*

*Notary Public, PRC Appointed Attesting Officer*

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

Mr Tsoi is Partner (Solicitor) of Herbert Tsoi & Partners. He is a Member of the Court of the University of Hong Kong and a Member of the Council of the City University of Hong Kong.



### **Mrs Lucia LI LI Ka-lai, SBS**

*MA (Hist) (CUHK), HKICPA*

*Member, Public Service Commission (appointed on 1 February 2012)*

Mrs Li was a veteran civil servant. She joined the civil service as Accounting Officer II in December 1976. She retired from the post of Director of Accounting Services in January 2009. She is now a Member of the Communications Authority.





**Ms Virginia CHOI Wai-kam, JP**

*BSW (HKPU), FIHRM (HK)*

*Member, Public Service Commission (appointed on 1 February 2012)*

Ms Choi is Managing Consultant and Country Manager of Tamty McGill Consultants International Limited. She was the President of the Hong Kong Institute of Human Resource Management from 2001 to 2005 and is now its Executive Council Member. She acts as the Chairman of the Human Resources Committee and a Member of the Executive Council of the Open University of Hong Kong. She is the Chairperson of Continuing Professional Development Alliance. She also serves as Member of the Hong Kong Housing Authority, the Legal Aid Services Council and the Equal Opportunities Commission. She had been Chairman of the Pay Trend Survey Committee and Member of the Standing Commission on Civil Service Salaries and Conditions of Service, the Central Policy Unit, the Employees Retraining Board and the Personal Data (Privacy) Advisory Committee.



**Mr Thomas CHAN Chi-sun, IDS**

*BA (Hons) (HKU), JD (CUHK)*

*Member, Public Service Commission (appointed on 10 February 2012)*

Mr Chan joined the Independent Commission Against Corruption ("ICAC") in 1974. Before he took up the post of Director of Community Relations, ICAC, in 2007, he had been the Director of Corruption Prevention, ICAC for 11 years. He retired from ICAC in 2008. Mr Chan is a Member of the Executive Committee of the Hong Kong Youth Hostels Association.

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



### **Mrs Paula KO WONG Chau-mui**

*BSocSc (Hons) (HKU)*

*Member, Public Service Commission (appointed on 6 July 2012)*

Mrs Ko served as a Member of the Public Service Commission from 1 June 2005 to 30 September 2006. Before her retirement in 2011, she was the Head of Human Resources, Standard Chartered Bank (China) Limited. Mrs Ko also sits on the Staff Panel of the Scout Association of Hong Kong.



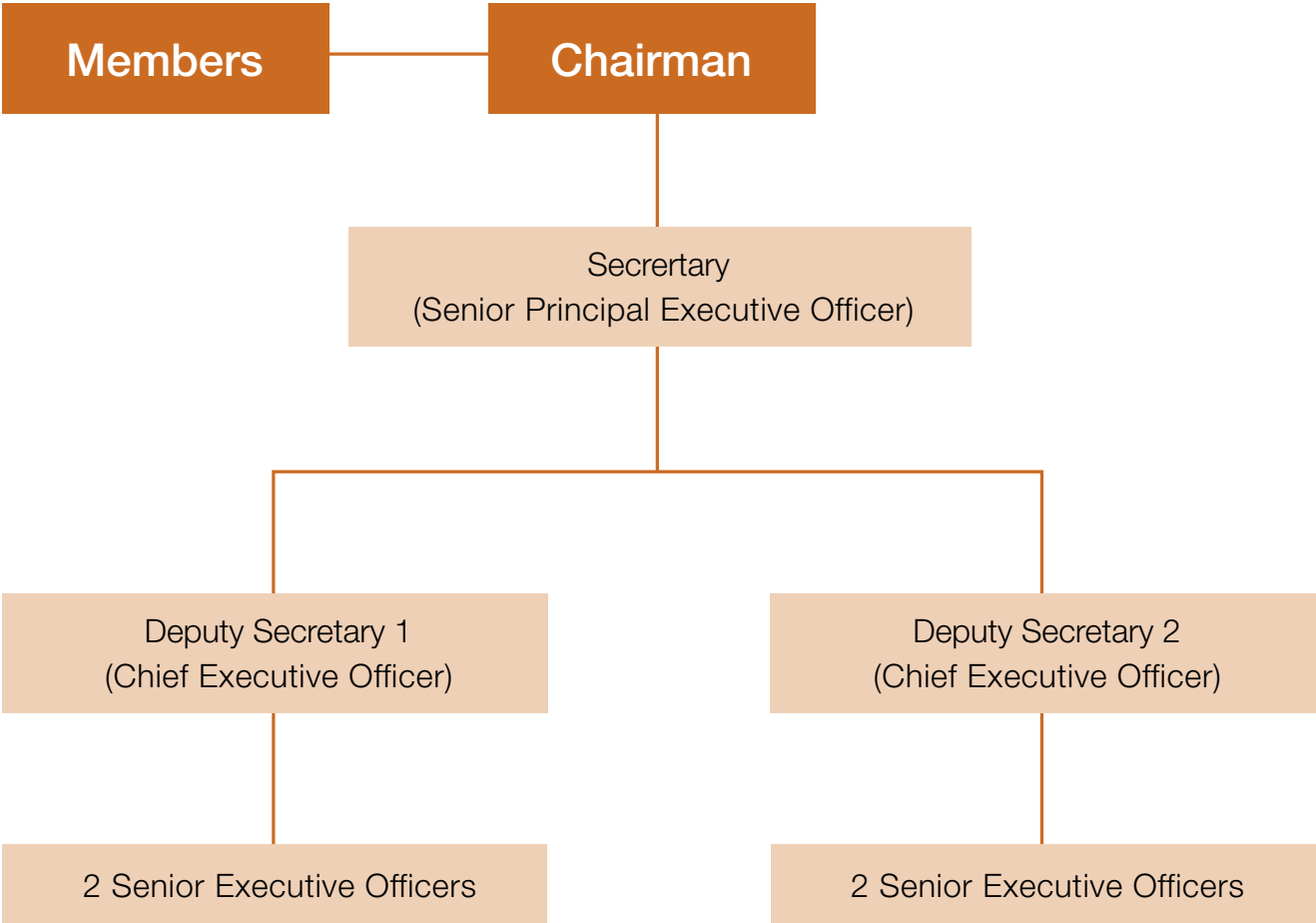
### **Prof Timothy TONG Wai-cheung, JP**

*BSc (OSU), MSc (UC at Berkeley), PhD (UC at Berkeley), FASME, FHKEng*

*Member, Public Service Commission (appointed on 1 December 2013)*

Prof Tong is the President of the Hong Kong Polytechnic University. He is the Chairman of the Steering Commission of Pilot Green Transport Fund, a member of the Advisory Committee on Corruption of the Independent Commission Against Corruption, a member of the Steering Committee on Innovation and Technology and a member of the Steering Committee on the Promotion of Electric Vehicles.

Appendix II    Organisation Chart of  
the Public Service Commission Secretariat



**Establishment**

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

27

## Appendix III Submissions Advised by the Commission

Category	Number of Submissions Advised				
	2009	2010	2011	2012	2013
<b>Recruitment</b>	126	93	106	121	<b>126</b>
<b>Promotion/Acting Appointment</b>	568	585	595	623	<b>669</b>
<b>Other Civil Service Appointment Matters</b>	178	138	184	276	<b>189</b>
<b>Discipline</b>	69	50	51	38	<b>44</b>
<b>Total number of submissions advised</b>	941	866	936	1 058	<b>1 028</b>
<i>(a) Number of submissions queried</i>	446	512	565	669	<b>673</b>
<i>(b) Number of submissions with revised recommendations following queries</i>	122	122	99	99	<b>156</b>
<i>(b) / (a)</i>	27%	24%	18%	15%	<b>23%</b>

## Appendix IV Recruitment Cases Advised by the Commission

Terms of Appointment	Number of Recommended Candidates in 2013	
	Open Recruitment	In-service Appointment
Probation	929	3
Agreement	49	1
Trial	39	71
Subtotal	1 017	75
Total	1 092	

	Comparison with Previous Years				
	2009	2010	2011	2012	2013
Number of recruitment exercises involved	126	93	106	121	126
Number of candidates recommended	1 116	878	1 004	1 030	1 092
Number of local candidates recommended	1 115	877	996	1 029	1 092
Number of non-permanent residents recommended	1	1	8	1	0

## Appendix V Promotion Cases Advised by the Commission

Category	Number of Recommended Officers				
	2009	2010	2011	2012	2013
Promotion	1 631	1 459	1 489	1 542	<b>2 154</b>
Waitlisted for promotion	84	64	41	69	<b>108</b>
Acting with a view to substantive promotion (“AWAV”) or waitlisted for AWAV	270	273	352	304	<b>361</b>
Acting for administrative convenience (“AFAC”) or waitlisted for AFAC	3 124	2 892	3 386	3 203	<b>4 079</b>
<b>Total</b>	<b>5 109</b>	<b>4 688</b>	<b>5 268</b>	<b>5 118</b>	<b>6 702</b>

	2009	2010	2011	2012	2013
Number of promotion exercises involved	568	585	595	623	<b>669</b>
Number of ranks involved	354	351	339	353	<b>393</b>

## Appendix VI Other Civil Service Appointment Matters Advised by the Commission

Category	Number of Submissions Advised				
	2009	2010	2011	2012	2013
<b>Non-renewal of agreement</b>	0	2	0	2	<b>1</b>
<b>Offer of shorter-than-normal agreements</b>	0	2	7	1	<b>0</b>
• <i>on performance or conduct grounds</i>	0	0	0	0	<b>0</b>
• <i>to tie in with the 60<sup>th</sup> birthday of the officers concerned</i>	0	2	4	1	<b>0</b>
• <i>to meet service need</i>	0	0	3	0	<b>0</b>
<b>Renewal or extension of agreement</b>	24	21	20	27	<b>13</b>
<b>Refusal of passage of trial bar</b>	6	4	1	1	<b>0</b>
<b>Refusal of passage of probation bar</b>	3	4	3	13	<b>11</b>
<b>Deferment of passage of trial bar</b>	32	14	12	9	<b>8</b>
<b>Deferment of passage of probation bar</b>	20	43	72	152*	<b>72</b>
<b>Early retirement of directorate officers under the Management Initiated Retirement Scheme</b>	1	0	0	0	<b>0</b>
<b>Retirement under section 12 of Public Service (Administration) Order</b>	4	1	1	4	<b>1</b>
<b>Extension of service or re-employment after retirement</b>	11	12	13	13	<b>8</b>
• <i>Directorate officers</i>	5	6	5	7	<b>3</b>
• <i>Non-directorate officers</i>	6	6	8	6	<b>5</b>
<b>Secondment</b>	4	3	4	4	<b>7</b>
<b>Opening-up arrangement</b>	6	1	2	0	<b>2</b>
<b>Review of acting appointment</b>	10	7	2	3	<b>6</b>
<b>Updating of Guide to Appointment</b>	56	21	40	47	<b>60</b>
<b>Revision of terms of employment</b>	0	3	7	0	<b>0</b>
<b>Government Training Scholarship</b>	1	0	0	0	<b>0</b>
<b>Total</b>	<b>178</b>	<b>138</b>	<b>184</b>	<b>276</b>	<b>189</b>

\* Including 100 cases involving probationers of the same grade who failed to obtain the requisite qualification for the passage of probation bar within the 3-year probationary period.

## Appendix VII Disciplinary Cases Advised by the Commission

### Breakdown of Cases in 2013 by Salary Group

Punishment	Number of Cases Advised			
	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	0	5	3	8
Compulsory Retirement + Fine	0	0	0	0
Compulsory Retirement	2	3	0	5
Reduction in Rank	0	0	0	0
Severe Reprimand + Reduction in Salary	0	1	0	1
Severe Reprimand + Fine	6	10	0	16
Severe Reprimand	2	5	0	7
Reprimand + Fine	3	0	0	3
Reprimand	3	0	1	4
Total	16	24	4	44



## Appendix VII Disciplinary Cases Advised by the Commission

### Breakdown of Cases in 2013 by Category of Criminal Offence/Misconduct

Punishment	Number of Cases Advised						
	Criminal Offence			Misconduct			Total
	Traffic related	Theft	Others <sup>25</sup>	Negligence, failure to perform duties or follow instruction, supervisory accountability and insubordination	Unpunctuality, unauthorised absence and abscondment	Others <sup>26</sup>	
<b>Dismissal</b>	0	1	5	0	2	0	<b>8</b>
<b>Compulsory Retirement</b>	0	0	4	0	0	1	<b>5</b>
<b>Lesser Punishment</b>	3	6	12	1	1	8	<b>31</b>
<b>Total</b>	<b>3</b>	<b>7</b>	<b>21</b>	<b>1</b>	<b>3</b>	<b>9</b>	<b>44</b>

### Comparison with Previous Years

Punishment	2009	2010	2011	2012	2013
<b>Dismissal</b>	2	6	3	2	<b>8</b>
<b>Compulsory Retirement</b>	12	11	9	8	<b>5</b>
<b>Lesser Punishment</b>	55	33	39	28	<b>31</b>
<b>Total</b>	<b>69</b>	<b>50</b>	<b>51</b>	<b>38</b>	<b>44</b>

<sup>25</sup> Including fraud, deception, making a false statement, common assault, indecent assault, soliciting and accepting advantages, gambling and others.

<sup>26</sup> Including using forged documents, soliciting and accepting unauthorised loan, undertaking unauthorised outside work, fighting in a workplace, etc.