

PUBLIC SERVICE COMMISSION

ANNUAL REPORT 2014

Contents

Chairman's Foreword.....	1
Chapter 1 The Public Service Commission - An Overview.....	2
Chapter 2 Civil Service Recruitmant : Reviews and Observations.....	7
Chapter 3 Civil Service Promotion : Reviews and Observations	14
Chapter 4 Performance Management and Staff Development	23
Chapter 5 Other Civil Service Appointment Matters.....	28
Chapter 6 Civil Service Discipline : Reviews and Observations	35
Chapter 7 Visits.....	41
Chapter 8 Acknowledgements	42
Appendix I Curricula Vitae of the Chairman and Members of the Public Service Commission	43
Appendix II Organisation Chart of the Public Service Commission Secretariat	47
Appendix III Submissions Advised by the Commission	48
Appendix IV Recruitment Cases Advised by the Commission.....	49
Appendix V Promotion Cases Advised by the Commission	50
Appendix VI Other Civil Service Appointment Matters Advised by the Commission	51
Appendix VII Disciplinary Cases Advised by the Commission.....	52

Chairman's Foreword



Having been a member of the Hong Kong Civil Service for over 30 years myself, I know and stand witness to the vital role played by the Public Service Commission in safeguarding the fairness and impartiality of appointments, promotions and discipline in the Hong Kong Civil Service. Thus, it is both an honour and a call of duty when I was appointed to be the Chairman of the Commission.

My focus of work since I began my term has been to sustain and facilitate the smooth and proper operation of the appointment, promotion and disciplinary systems so as to ensure that the Civil Service is staffed by officers of ability, integrity and good conduct. In these processes, while the Commission never hesitates to point out areas of deficiency or practices falling short of the best with suggestions of improvement as appropriate, we also give recognition to good initiatives and effective practices adopted by bureaux and departments where they are due. In this regard, I am pleased to note that the Commission's advice is always taken seriously and acted upon by the Civil Service Bureau and departments.

For the Civil Service to be held in a high regard, civil servants not only have to give of their best, they are expected to maintain at all time a high standard of discipline and efficiency. This calls for prompt and timely action on the part of the management to reward the meritorious ones and tackle those who under-perform or have misconducted themselves. The Commission therefore attaches great importance to ensuring appointment and promotion exercises are conducted expeditiously and punishment meted out without delay.

The past year was a busy yet rewarding year for the Commission. A detailed account of our work is given in this Report. I would like to thank the Secretary for the Civil Service and his colleagues for their responsiveness in taking forward the Commission's advice. I must also thank my fellow Commission Members for their invaluable counsel during the year and the support of the Secretariat.

Going forward, I am confident that with our founding values and the trust bestowed on our being able to discharge our responsibilities without fear or favour, we will continue to play a critical role in the Hong Kong Civil Service.

A handwritten signature in black ink, appearing to be 'Rita Lau', written in a cursive style.

Mrs Rita Lau
Chairman

Chapter 1

The Public Service Commission - An Overview

1.1 The Public Service Commission is an independent statutory body which advises the Chief Executive (“CE”) on civil service appointments, promotions and discipline. 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. 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).

Membership

1.2 In accordance with the PSCO, the Commission comprises a Chairman and not less than two but not more than eight members. All of them are appointed by the CE and have a record of public or community service.



Chairman and Members of the Public Service Commission

1.3 The membership of the Commission during 2014 was as follows –

Chairman :

Mrs Rita LAU NG Wai-lan, GBS	since May 2014
Mr Nicholas NG Wing-fui, GBS, JP	May 2005 – April 2014

Members :

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



The Public Service Commission at a meeting

The Public Service Commission - An Overview

Secretariat

1.4 The Commission is supported by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. At the end of 2014, the number of established posts in the Commission Secretariat was 28. An organisation chart of the Commission Secretariat is at Appendix II.

Role and Functions

1.5 The Commission's role is advisory. With a few exceptions¹, 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 \$43,135) or more, up to and including Permanent Secretaries, Heads of Department and officers of similar status. At the end of 2014, the number of established civil service posts under the Commission's purview was 40 558 out of a total of 170 829.

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 as well as 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 2014, the number of Category A officers under the Commission's purview for disciplinary matters was about 112 800.

1.8 The Commission also handles representations from officers on matters falling within its statutory purview and in which the officers have a direct and definable interest. In addition, the Commission is required to advise on any matter relating to the Civil Service that may be referred to it by the CE. The Commission also advises the Secretary for the Civil Service on policy and procedural issues pertaining to appointments, promotions and discipline

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

as well as on a wide range of subjects relating to the review and development of human resources management.

- 1.9** 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 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 B/Ds’ attention to deviations from established procedures or practices and any performance management problems identified in the process of examining their submissions and, where appropriate, recommends measures to address those problems. The ultimate objective is to facilitate the smooth and proper operation of the civil service appointment, promotion and disciplinary systems on an impartial and fair basis.

Mode of Operation

- 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.

Confidentially and Impartiality

- 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. As for recruitment cases, the Commission’s target is to tender advice or respond within four weeks upon receipt of departmental submissions.

Work in 2014

1.13 In 2014, the Commission advised on 1 096 submissions covering recruitment, promotion and disciplinary cases as well as other appointment-related subjects. Altogether 720 submissions were queried, resulting in 133 re-submissions (18%) with recommendations revised by B/Ds after taking into account the Commission's observations. All submissions in 2014 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 dealt with 16 representations relating to appointment 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 three other complaints relating to matters outside the Commission's purview. They have been referred to the relevant departments for follow-up action.

1.15 The Commission has also continued to advise on policy and procedural issues pertaining to appointments, promotions and discipline. To help B/Ds better understand the requirements for making recruitment submissions to the Commission for advice, the Commission

Secretariat participated in an experience sharing session organised by the General Grades Office in 2014 for Executive Officers handling recruitment matters. The Commission Secretariat would continue to take part in similar sessions on other subject matters under the Commission's purview to share with B/Ds the relevant good practices.

Homepage on the Internet

1.16 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.

1.17 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 on the homepage. The objective is to provide human resources management practitioners in B/Ds and general readers with a ready guide for a quick search of the required information.

Civil Service Recruitment: Reviews and Observations

2.1 Recruitment in the Civil Service is undertaken by CSB and individual B/Ds. It may take the form of an open or in-service recruitment. The Commission oversees the procedural aspects, examines the shortlisting criteria (if applicable) and advises on recommendations for filling of vacancies in middle and senior ranks² of the Civil Service. It also advises B/Ds on improvement measures that can be taken to enhance the efficiency and effectiveness of the recruitment process.

Recruitment Cases Advised in 2014

2.2 In 2014, the Commission advised on 133 recruitment exercises involving the filling of 1 268 posts, of which 1 221 posts (in 122 exercises) were through open recruitment and 47 posts (in 11 exercises) by in-service appointment. A statistical breakdown of these appointments and a comparison of the number of recommendees in 2014 with that in the past four years are provided at Appendix IV.

Progress of Reviews Initiated by the Commission

2.3 In 2014, the Commission continued to work together with CSB to streamline and refine the civil service recruitment process and rationalise the relevant rules and

procedures. The progress of the relevant reviews initiated by the Commission is set out in the ensuing paragraphs.

Granting of incremental credit for experience

2.4 Under the prevailing policy, a recruiting department may grant incremental credit for experience (“ICE”) to new appointees with relevant previous experience in the following circumstances –

- (a) when the rank is faced with 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.

Under the existing mechanism, 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 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 \$43,135) or equivalent, but exclude (a) the basic ranks of non-degree entry and non-professional grades; and (b) the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force, which are specifically outside the purview of the Commission.

Civil Service Recruitment: Reviews and Observations

2.5 The Commission is concerned that the existing mechanism of granting ICE, which is dependent on whether there is an adequate number of suitable candidates willing to join the service without ICE, is not easy to understand and could 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 CSB to conduct a comprehensive review of the mechanism of granting ICE.

2.6 CSB's review has reaffirmed that the prevailing policy objectives of granting ICE, i.e. ICE is only granted where there are recruitment difficulty and specific need to attract people of relevant experience, should be maintained. However, to address the concerns of the Commission, including the need to draw up objective and tangible yardsticks for determining whether a particular rank is faced with recruitment difficulty to justify the grant of ICE, CSB agrees that suitable adjustments should be made to the mechanism. After consulting B/Ds, CSB has promulgated the revised arrangements and guidelines on granting ICE in early 2015.

Grades with a combined establishment

2.7 For grades which have a combined establishment, there is no specific limit on the number of posts in each of the constituent ranks. 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 specific arrangements, criteria and requirements prevailing at the material time.

2.8 While grade structure matters do not fall within the Commission's purview, the Commission has noticed with concern that some departments had not conducted any recruitment exercise for the lower ranks of their combined-establishment grades for a very long time with the longest being over ten years. As a result, there is no officer serving in the lower ranks of these grades and their upper ranks have become de facto lower ranks. It thus begs the question as to whether there are still any functional needs to keep the lower ranks in these grades. Besides, the Commission has also noticed some oddities in the promotion arrangements of some combined-establishment grades which need to be looked into and rationalised.

2.9 The Commission has therefore requested CSB to conduct a comprehensive review of the subject of combined establishment, 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 mechanism in conducting promotions;
 - (e) to look into the rationale behind and justifications for promoting probationers serving at the lower rank of a combined-establishment grade to the upper rank 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.
- 2.10** In response, CSB carried out a thorough review of all civil service grades with a combined establishment and reported its findings to the Commission in early 2014. Of those 47 civil service grades which have a combined establishment, 42 consist of an officer rank combining

with a student/trainee/assistant rank. For these grades, there is a conscious policy and practical need to attract people at an early stage with a view to retaining them when they have acquired the technical or professional qualifications to deliver the full range of duties at the higher level. In such cases, the lower rank is normally a transitional stage, and the officers' continued stay in the grade will hinge on their ability to pass/obtain the requisite training/qualifications. As for the remaining five grades without a student/trainee/assistant rank, the combined establishment arrangement was adopted to cater for their individual unique circumstances. CSB considers that, broadly speaking, the combined establishment in these grades continues to serve its original purpose of recruiting officers at the lower rank for retention and development for taking up the duties at the upper rank.

- 2.11** CSB's review also revealed that of those 47 civil service grades with a combined establishment, 23 have not conducted recruitment exercises at their respective lower ranks in the past ten years. Among these 23 grades, 11 have plans or will draw up plans to resume recruitment at the lower rank, three will abolish the combined-establishment arrangement and one is basically obsolete. The remaining eight grades require more time to ascertain the need to retain the lower rank. CSB has undertaken to report to the Commission the progress of these 23 combined-establishment grades and other related

Civil Service Recruitment: Reviews and Observations

appointment issues in 2015. The Commission appreciates CSB's effort in reviewing the matter and will keep in view the result of its further review.

Use of supernumerary posts for permanent appointments

2.12 In the course of examining promotion submissions, the Commission noticed that the grade managements of some of those grades with an inverted shape structure (i.e. the number of posts in the first promotion rank is larger than that in the basic rank), 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 CSB to work with the grade managements concerned to cease the arrangement and to rectify their grade structure.

2.13 CSB 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. 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 CSB to closely monitor the progress of the phasing-out of the relevant supernumerary posts for recruitment purpose in respect of the grades concerned. Besides, to guard against the possibility of other grades adopting a similar practice of using supernumerary posts for recruitment purpose, CSB has introduced the following measures in April 2014 –

- (a) setting out clearly in Chapter 2 "Recruitment" of the Guidebook on Appointments that B/Ds should not create supernumerary posts at the basic rank by holding against vacancies at the higher rank for the purpose of appointing new recruits; and
- (b) asking B/Ds to confirm in the "Compliance Checklist for Recruitment/In-service Appointment Exercise" (the "Compliance Checklist") that no such supernumerary posts have been/will be created for offering appointments to new recruits.

Measure to further streamline recruitment process

2.14 To further streamline the recruitment process, the Commission agreed with CSB in 2014 that the Commission's advice would not be required for the adoption of a shortlisting criterion in a recruitment exercise if the criterion is the same as that adopted in the past for the same rank and for which the Commission's advice had been sought. In September 2014, CSB announced, among others, the implementation of this streamlined measure through the promulgation of the revised Chapter 2 "Recruitment" of the Guidebook on Appointments.

Observations on Recruitment Cases

Involvement of senior management in recruitment exercises and pre-interview briefings

2.15 In examining the recommendation of a recruitment exercise conducted during the year, the Commission was pleased to note that the senior management of the concerned department had taken upon themselves to steer the conduct of the recruitment interviews and ensure the standards to be adopted by the different interviewing boards are aligned. The Commission considers that high level attention and early involvement of senior departmental managements in the recruitment of new staff is conducive to ensuring good quality outcome and timely

completion of those exercises. The Commission also encourages B/Ds to conduct pre-interview briefings for interviewing boards as the arrangement has proved to be useful in ensuring the proper conduct of the exercises and the maintenance of fair and consistent assessment standards, especially when there are more than one interviewing board.

Measure to reduce unqualified applications for civil service posts

2.16 In another recruitment exercise, the Commission noted that to assist applicants to fully understand the qualifications required, the department concerned took the extra step of listing the relevant subjects of the recognised degree on its website. This department's initiative has resulted in a significant reduction in the number of unqualified applications thereby reducing the time and efforts in screening. The Commission finds the department's effort commendable and welcomes any other measure which may help to shorten the lead time of recruitment exercises.

Reference to appraisal reports of serving officers or ex-officers

2.17 According to paragraph 2.34 of the Guidebook on Appointments, B/Ds should, before submitting a recruitment board report to the Commission, scrutinise the relevant records (including staff reports) of recommended candidates who are serving officers or ex-officers. In

a recruitment submission received by the Commission during the year, the department concerned had indicated in the Compliance Checklist that it had complied with the relevant provisions in the Guidebook on Appointments. However, in the course of conducting a full-scale check³ of the recruitment exercise, the Commission noticed that the department concerned only called for the performance records of a recommended candidate, who was a serving officer, after its submission of the board report to the Commission. While appreciating the department's urgent need to fill its vacancies, the Commission considers that the staff reports of the candidate concerned should be called earlier and scrutinised by the department before making a submission to the Commission. The proper completion of the Compliance Checklist is in the ultimate interest of the department as it helps ensure that only suitable candidates are appointed. The Commission has reminded the department concerned to observe and comply with the recruitment procedures and key requirements as stipulated in the Guidebook on Appointments.

Non-compliance with Civil Service Regulations

2.18 As set out in Annex 1.1 to the Civil Service Regulations ("CSRs"), if a

Head of Department/Head of Grade ("HoD/HoG") is of the view that direct appointment to a vacancy in a promotion rank is justified, he should explain in writing to officers below the promotion rank why direct appointment is necessary. The explanation should also state clearly that for the reasons given, they will not be considered in the recruitment exercise concerned.

2.19 In an open-cum-in-service recruitment to a promotion rank conducted by a department in 2014, the Commission had reminded the department concerned of the above provision in the CSRs when the department sought the Commission's support for conducting the recruitment exercise. However, when examining the recruitment board report, the Commission noted that one of the applicants was an officer serving in a rank immediately below the promotion rank concerned, i.e. he had already been considered for promotion in the previous promotion exercise. In response to the Commission's query, the department concerned explained that it had wanted to ascertain if that officer had made improvement in his capability and core competencies to take up higher responsibilities. The Commission does not consider the explanation acceptable and is concerned that accepting the application of the officer concerned and inviting him for a selection interview

3 For quality assurance purpose, the Commission has since 2007 set up a random-checking system whereby a full-scale check of the qualifications and experience of all recommended appointees and the performance records of serving officers or ex-officers would be conducted for every 15th departmental submission received.

would be unfair to other serving officers. Had the department concerned followed the relevant CSR and stated clearly in its letter to serving officers that they would not be eligible for

consideration in the direct recruitment exercise, the application would not have been made. The Commission has strongly reminded the department to observe the CSRs in future.

Civil Service Promotion: Reviews and Observations

3.1 A major function of the Commission is to advise the Government on promotions to middle and senior ranks⁴ in the Civil Service. The objective is to ensure the selection of the most suitable and meritorious officers to undertake higher rank duties through a fair and equitable promotion system. In examining promotion submissions from B/Ds, the Commission will need to be satisfied that proper procedures have been followed and that all eligible officers have been duly and fully considered on an equal basis against the criteria of ability, experience, performance, character and prescribed qualifications, if any. The Commission also makes observations on the conduct of promotion exercises and the related performance management practices with a view to bringing about improvements in individual B/Ds' handling of promotion cases and enhancing the quality of the civil service promotion system as a whole.

Promotion Cases Advised in 2014

3.2 In 2014, the Commission advised on 682 promotion cases involving 6 999 officers. A breakdown of the promotion recommendations in 2014 and a comparison with those in the past four years are provided at Appendix V.

Progress of Reviews Initiated by the Commission

3.3 The Commission continued to make observations in 2014 on the proper conduct of promotion exercises and work closely with CSB to better ensure fairness and quality in the existing promotion mechanism. The ensuing paragraphs give an overview of the progress of the relevant reviews.

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 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, CSB had reviewed the grade structure of all civil service grades 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

4 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 \$43,135) 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.

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 last triennial review of all civil service grades was conducted by CSB in 2014. The findings showed that the number of grades having an inverted shape structure had reduced from 52 in 2011 to 49 in 2014. Of these 49 grades, CSB considered that the situation of 30 acceptable on the basis of the following considerations –

- (a) eight grades are obsolete/phasing-out grades with no recruitment need in the ranks/grades concerned;
- (b) ten grades are having a training rank/heavy training elements and/or would conduct open recruitment at the first promotion rank to ensure that there would be sufficient qualified candidates to fill promotion rank vacancies;
- (c) eight grades are having a small establishment of less than 30 posts in total; and
- (d) the inverted shape structure of four grades can be justified on functional grounds.

3.6 As regards the remaining 19 grades, 11 had their degree of invertedness reduced and two remained unchanged in their grade structure as compared

with the position in the last annual review conducted in 2012/13. Only six grades were found to have a very slight deterioration in their degree of invertedness. Of these six grades, one would review its manpower requirement in 2018/19 and five expected improvement in their grade structure by 2017 after the implementation of their remedial plans and/or upon the lapse of the time-limited posts at the first promotion rank. On the issue of arranging probationers to act in the first promotion rank on a long-term basis, the 2014 triennial review found that no such premature acting appointment was made in these 19 grades in 2013.

3.7 The Commission was pleased to note the progress made and reckoned that a lot of work had been done by CSB in the past few years to address the Commission’s concerns about problems arising from the inverted shape structure of certain grades. Apart from continuing to work closely with the B/Ds concerned to impress upon them the imperative need to maintain a healthy and viable structure, CSB would also control the number of posts to be created at the promotion ranks of grades with an inverted shape structure in the context of the annual RAE. At the request of the Commission, CSB has also undertaken to continue to –

- (a) subject the 19 grades identified in the 2014 triennial review to annual reviews and monitor the progress of remedial actions/related reviews as undertaken by the grade managements concerned;

Civil Service Promotion: Reviews and Observations

- (b) conduct triennial reviews to monitor the changes in the grade structure of all civil service grades; and
- (c) report to the Commission the findings of the annual and triennial reviews as mentioned in (a) and (b) above.

CSB has agreed to report to the Commission its findings of the next annual review of the 19 selected grades in 2015.

Review of multi-disciplinary and bi-disciplinary professional posts

3.8 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. It used to be the practice of DEVB and the concerned departments to fill their MD professional posts by posting of officers in the same substantive rank of the relevant grades. If lateral postings to fill these MD posts had proven not practicable, an in-service appointment (“ISA”) exercise⁵ would be conducted

and officers in the immediate lower ranks of the relevant grades could apply for consideration for fast-track promotion after a 6-month acting-with-a-view (“AWAV”)⁶ appointment in the MD posts. The Commission was concerned about the fairness of such an arrangement and had asked CSB to conduct a comprehensive review of the MD post arrangement.

3.9 As a result of the review conducted by CSB and DEVB, 94 of the total of 116 MD posts had either been declassified as mainstream posts or excluded from the MD post scheme. An MD selection panel arrangement had also been adopted to replace the ISA exercise for selecting the most suitable officers to fill MD posts. At the request of the Commission, CSB had further reviewed the remaining 22 MD posts together with the relevant B/Ds. It reported to the Commission in November 2014 that 16 more posts would be declassified as mainstream posts. The remaining six posts would continue to maintain their MD status for grooming potential officers for higher responsibilities and meeting actual operational needs.

- 5 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 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 Head of Grade, the candidate will only act in the designated post during the normal 3-year tour before his return to the parent grade.
- 6 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.

3.10 Regarding bi-disciplinary (“Bi-D”) professional posts, which can be filled by officers in two professional disciplines and are also a type of MD post, the Commission considers that there is also a need to review the justifications for their retention. In response to the Commission’s request, CSB has undertaken to review the matter along the line of the arrangements pertaining to the MD posts. In November 2014, CSB reported to the Commission that out of the total of 27 Bi-D professional posts, nine would be declassified by 2015 and one would maintain its Bi-D status having regard to operational requirements and the non-permanent nature of the post concerned. As regards the remaining 17 Bi-D posts, the departments concerned have undertaken to further review their status in 2015 or 2017.

3.11 The Commission considers that CSB and the concerned B/Ds have made good progress in reviewing and declassifying both the MD and Bi-D professional posts. The Commission also finds the retention of those six MD posts referred to in paragraph 3.9 above justifiable. As the status of the remaining 17 Bi-D posts will be further reviewed in the coming years, the Commission will keep the progress in view.

Observations on Promotion Cases

3.12 In 2014, the Commission continued to draw the attention of B/Ds to issues of concern when tendering its advice on their promotion submissions. Some common inadequacies, e.g. inaccurate calculation of the number of promotable vacancies, cessation of an acting appointment recommended by the previous board without good reasons, lack of comparison of the relative merits of close contenders, etc. are still found. The concerned B/Ds have been duly advised of the proper practice and procedures to follow in future exercises. Besides, at the request of the Commission, CSB promulgated in April 2014 amendments to Chapter 3 “Promotion” of the Guidebook on Appointments to remind B/Ds of the following practices in conducting promotion exercises –

- (a) the end-date of the current appraisal cycle of the eligible lower rank(s), if different from that of the promotion rank, should be used as the cut-off date for counting promotable vacancies;
- (b) vacancies at promotion ranks arising from retirement or resignation should be counted as promotable vacancies, which can be substantively filled, once the concerned incumbents proceed on final leave/cease active service; and

Civil Service Promotion: Reviews and Observations

- (c) the appraisal cycle of all eligible officers in the lower rank(s) to be considered in a promotion exercise should end on the same date, save for exceptional circumstances in which eligible officers from a different grade are also considered in the same promotion exercise.

Other noteworthy observations made by the Commission in 2014 are set out in the ensuing paragraphs.

Conduct of promotion boards and submission of promotion board reports

3.13 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 2014, the Commission noted that the number of late conduct of promotion exercises without good reasons (9 or 1.3% out of a total of 682) was slightly lower than that in 2013 (14 or 2% out of a total of 669). The number of board reports that could not be submitted to the Commission for advice within two months had also reduced from 89 (13% of 669) in 2013 to 47 (6.9% of 682) in 2014.

3.14 While the Commission is pleased to note the improvement, it remains a concern that delay still exists and in

one department's case repeatedly. As 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, 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. At the Commission's request, CSB has also issued a reminder to further impress upon B/Ds 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.

3.15 During the year, the Commission noticed that a department had arranged for two new posts in a higher rank to be filled by two officers on an acting-for-administrative-convenience ("AFAC")⁷ basis on the grounds that they were waitlisted for AFAC in that higher rank by the 2012 Promotion Board. As the recommendation of the 2012 Promotion Board was made on the basis of the performance records of eligible officers up to August 2011 and a new round of annual appraisal had already become available before the two new posts were created in mid-2013, the Commission considered it neither appropriate nor

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

fair that the department should use the waiting list drawn up by the 2012 Board for making the acting appointments. A fresh promotion board should have been convened earlier to review the claims of all eligible candidates by taking into account their updated performance records and select the most suitable officers to fill the two new posts. The Commission has reminded the department concerned to conduct promotion boards timely when a fresh round of appraisals has become available and when there are existing/anticipated vacancies.

Individual assessments made by promotion/selection boards

3.16 In examining the recommendations of promotion/selection exercises during the year, the Commission noted that there was room for improvement in the quality of assessments written on individual officers by some promotion/selection boards. In a submission, the board's assessments of some candidates were unclear and appeared to be contradictory. It was only after seeking the board's further elaborations and clarifications that the Commission found it appropriate to support the board's recommendations. In another case, the board's assessments of those senior, but not recommended officers were identical. Similarly in two other cases, the boards' written assessments of individual officers were too brief and/or nearly-identical in respect of the non-recommended ones. The Commission considers that written assessment needs

not be lengthy but to serve its primary purpose, it should clearly and accurately spell out the board's assessment of the merits of individual officers and, where appropriate, highlight areas requiring improvement so as to justify the board's recommendations. The written assessment also serves as a record for future reference. The Commission has reminded the departments concerned to ensure that promotion/selection boards would give more evaluative comments in their submissions to help justify the boards' recommendations in future.

Prolonged AFAC appointments

3.17 It is prudent to arrange for an AFAC appointment if an officer's suitability for substantive promotion has yet to be proven. However, the Commission has noticed that some promotion boards had recommended officers, who had acted in the next higher rank for a prolonged period, and in one case, over five years, to continue AFAC even though there were sufficient promotable vacancies and their performance was meritorious as reflected in their acting reports. As stipulated in paragraph 3.29 of the Guidebook on Appointments, in general, an acting duration of three years should trigger the management's or promotion board's serious consideration of whether an officer should be promoted, continue to act or be asked to step down to give way to more deserving officers. Prolonged acting appointments not only raise false expectations for promotion of those officers who might

not be able to make the rank, but also deprive other more meritorious officers of an earlier acting opportunity which would otherwise be available to them. When there are permanent vacancies available for promotion, officers on prolonged acting appointment should be critically assessed as early as possible of their potential and suitability for promotion. At the request of the Commission, the relevant boards had reviewed the claims of the concerned officers and subsequently revised their recommendations for those officers to be substantively promoted.

Opt-out arrangement in promotion/selection exercises

3.18 The Commission noticed that some promotion boards had adopted the practice of drawing up exceedingly long waiting lists for acting appointment to cater for unforeseen vacancies that might arise due to, among others, refusal of acting appointment by the recommended officers. The Commission is of the view that B/Ds should be more forward-looking in this regard and consider adopting a more systematic arrangement of allowing officers who do not wish to be considered for promotion/acting appointment in a promotion/selection exercise to opt out of the consideration prior to the conduct of the board. This would facilitate the board's consideration and avoid abortive work. In order that the staff would fully understand the implications and considerations underlying the opt-out arrangement, departmental/grade

managements can consult the staff and clarify any doubts that they may have before actual implementation. Unlike an opt-in arrangement whereby eligible officers in the applicable lower rank(s) are required to apply for promotion, which may restrict the management's choice of candidates and should be avoided as stipulated in paragraph 3.5(b) of the Guidebook on Appointments, there is no need to ask eligible officers to confirm their wish to be considered for promotion/acting appointment under an opt-out arrangement.

3.19 Appreciating that the circumstances of individual grades can be very different, the Commission does not have in mind requesting CSB to introduce the opt-out arrangement as a service-wide practice or to impose it on all grade managements. However, should there be a recurrent need for a grade to draw up a long waiting list in promotion exercises to cater for possible refusal of acting appointment, the Commission would advise the grade management concerned to seriously consider adopting the opt-out arrangement.

3.20 Besides, the Commission noticed that it was the practice adopted by promotion boards of a department that an officer who had declined acting/requested to step down within one year before the board date would normally not be considered for promotion in a current promotion exercise. The Commission considers such an arrangement not entirely desirable as the concerned

officers may have compelling reasons outside their control for making such a decision. The Commission has therefore advised the department concerned to clearly indicate the possible consequence of declining an offer of acting appointment to officers to facilitate their decision and to seriously consider putting in place an opt-out arrangement.

Review of acting appointments

3.21 In accordance with CSR 160(1)(b)(ii), acting appointments lasting or expected to last for longer than six months should be reviewed on a regular basis in consultation with the Commission as appropriate. The approving authority should follow the same procedures as for substantive appointment (i.e. by conducting promotion or selection boards) to select the most suitable officer to take up the acting appointment as required under CSR 166(6).

3.22 In three promotion exercises processed during the year, the Commission noted that some officers, who were not recommended for AFAC by previous boards, had been acting in the higher rank for one year or more to meet operational needs. However, their acting appointments had not been reviewed in accordance with the relevant CSRs. Without going through a formal selection/review process to identify the most suitable officer to take up the long-term acting appointment, the departments concerned would run the risk of giving the selected officers an undue advantage over other candidates

for promotion. The Commission has reminded the departments concerned to observe the requirements as stipulated in the relevant CSRs in future.

Handling of AWAV appointments

3.23 In accordance with CSR 170(f), a recommendation on extension or cessation of an AWAV appointment should be made to the approving authority before the originally intended acting period is due to come to an end or, at the very latest, within two weeks after the acting period has come to an end. The approving authority should make a decision in consultation with the Commission if the filling of the acting office requires the advice of the Commission.

3.24 In 2014, two submissions involving an extension of AWAV appointment only reached the Commission two to three months after the two officers concerned had completed their original 6-month AWAV appointment. One department explained that the delay was due to an oversight of the requirement under the relevant CSR. The other department gave late completion of the performance appraisals of the officer concerned during the original 6-month AWAV period as a reason. The Commission found both explanations unacceptable. Besides, as extension of AWAV period should normally take effect from the end of the original AWAV period or a current date, whichever is the later, the delay in handling the cases would unnecessarily prolong the AWAV period of the concerned officers.

The Commission has reminded the two departments to keep track of the progress of AWAV cases more closely and observe the relevant CSR in future.

Avoidance of conflict of interest

3.25 In accordance with paragraph 3.14 of the Guidebook on Appointments, persons who sit on a promotion board should avoid any genuine or perceived conflict of interest. If a board member declares that there may be a conflict of interest in assessing the claim of an eligible candidate, the appointment authority should: (a) require a change in the composition of the board; or (b) ask the member to withdraw from the board temporarily or abstain from assessing the claim of the concerned officer.

3.26 During the year, the Commission noticed that the chairman of a promotion board and a member of another promotion board had declared that their respective spouses were among the eligible candidates in the relevant promotion exercises. Although both had withdrawn from the board temporarily when the

claims of their respective spouses were discussed and the Commission did not doubt their impartiality in assessing other candidates, there might still be the risk of perceived conflict of interest as all the other candidates were their spouses' "competitors" in the promotion exercise concerned. The Commission considers it a better and more prudent arrangement for the appointment authority to change the composition of the promotion boards in such cases, if practicable.

3.27 In another promotion exercise, a member of the promotion board declared that one of the eligible candidates was his friend whom he met frequently outside working hours. He indicated that he would remain neutral whilst sitting on the board. The Commission considers that the declaration in this case did not, in itself, absolve the chairman and the member concerned of the duty to take precautionary/remedial action. It would have been more prudent for the concerned board member to temporarily withdraw from the board when the claim of the concerned candidate was discussed.

Performance Management and Staff Development

4.1 The Commission attaches great importance to strengthening the performance management system and promoting good performance management practices in the Civil Service so as to better realise civil servants' performance and development potential. Emphasis has also been placed on advocating a holistic approach to staff development that encompasses a structured career progression plan as well as suitable job exposure and training for civil servants at various levels.

Performance Management in the Civil Service

4.2 The continuous effort of the Commission and CSB to improve the performance management system and practices in the Civil Service has resulted in the promulgation of the updated guidelines and good practices in performance management in the form of a CSB circular as well as an updated "Performance Management Guide" ("PM Guide"). Following the advice of the Commission, the Civil Service Training and Development Institute ("CSTDI") has 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 in 2014. CSTDI has also produced a web package with videos and interactive components to

assist B/Ds in understanding the key principles of performance management and implementing the relevant good practices. The web package, which includes a total of eight modules, viz. (a) Performance Management – An Overview; (b) Performance Appraisal System; (c) Performance Appraisal; (d) Competency-based Performance Appraisal; (e) Performance Management System: Principles and Good Practices; (f) Assessment Panel; (g) Career Development Interview; and (h) Case Studies and Useful References, was fully launched in March 2014.

4.3 Refinements and improvements to the performance management system is a continuous process. CSB has commenced another service-wide survey on the performance management system in July 2014 and will report its findings to the Commission in 2015. The Commission will keep the progress in view and give its comments and suggestions as and when required.

Observations on Performance Management Issues

4.4 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. Some noteworthy observations are set out in the ensuing paragraphs.

Timely completion of performance appraisals

4.5 The Commission has reiterated time and again the importance of timely completion of performance appraisals which serves not only for the purpose of promotion, but to provide a timely assessment on and feedback to the appraisees for development purpose as well. Late completion of performance appraisals undermines this purpose and deprives officers of an early opportunity of being apprised of their strengths and where weaknesses are identified for improvement to be made. Failure to complete appraisal reports in a timely manner also reflects adversely on the appraising officers (“AOs”) and/or countersigning officers (“COs”) concerned. Ultimately, HoDs/HoGs have to carry the responsibility of monitoring and ensuring that the performance appraisal system for their staff is properly administered.

4.6 In 2014, the Commission was disappointed to note that the problem of late appraisal still persisted and in some cases worsened. Apart from reminding the relevant B/Ds to seriously impress upon the supervisors concerned of the importance of timely appraisal, the Commission has found it necessary to draw the personal attention of the concerned HoDs/HoGs to the problem for intervention. The Commission would continue to urge for greater effort on the part of B/Ds to deal with this long-standing problem in the coming year.

Comprehensive appraisal

4.7 In scrutinising the recommendation of a promotion board, the Commission observed that there was room for improvement in the performance assessment provided by some supervising officers. Truthful and objective assessment requires supervising officers to provide comprehensive and evidence-based performance appraisals on the appraisees. The lack of it would make it difficult for promotion boards to make fair and accurate assessments on the claims of each and every officer being considered. The Commission had suggested the HoD concerned to examine the performance management system in his department by making reference to the best performance management practices in the PM Guide. In addition, the HoD was also invited to consider enlisting the assistance of CSTDI in arranging appropriate performance management training for supervising officers of all levels in the department.

4.8 The HoD has responded positively to the Commission’s observations and has implemented various measures to improve the department’s performance management practices, including providing guidelines and arranging briefing sessions for supervising officers to remind them of the principles and good practices in appraisal writing. Moreover, the department has also made arrangements with CSTDI to conduct tailor-made workshops on performance

management for its officers. The department has undertaken to review the effectiveness of these workshops so as to assess whether additional training/workshops should be arranged in future. The Commission finds the department's response encouraging and expects to see good improvement in its performance management work in the coming years.

Proper documentation of advice/guidance given in performance management

4.9 In examining a recommendation to cease an officer's acting appointment, the Commission noticed that while the officer concerned had been provided with advice and guidance in his daily work and during both mid-year performance review and cycle-end appraisal interview, the contents of the advice/guidance given and the interviews conducted had not been properly recorded. Documentation and written record are important in managing performance to both the management and the staff. On the part of the management, they facilitate the taking of necessary follow-up action, viz. posting or training for the staff. They also enable the relevant promotion board to have the full knowledge of the performance of that particular officer when assessing the officer's suitability for promotion. As for the staff, they will not be left in any doubt on how well they have performed. The Commission has reminded the department that apart from drawing the attention of an officer to the deficiencies in his acting performance

in a timely manner, the communications with the officer, covering the observed deficiencies with the reasons in support and the advice given to him including the officer's comment, if any, should all be properly documented.

Performance assessment standards

4.10 In a number of promotion exercises involving different ranks of a particular grade conducted by a department during the year, the Commission noted that the promotion boards concerned had made reference to the HoG's remarks that the performance ratings of some officers in their appraisal reports were "on the generous side", "a bit generous" or "somewhat inflated". As the HoG is most knowledgeable about the work and the standard of performance expected of the officers at various ranks, it is most appropriate and proper for the HoG to have made these remarks if they are found wanting. What concerned the Commission was whether such remarks had been communicated to both the AO/CO and the appraisee; and if so, whether any adjustment to the given assessment needed to be made. Such information was crucial to the promotion board as it assessed the claims and relative merits of all the officers being considered. A further concern of the Commission was the response given by the promotion board saying that it was difficult to make a direct comparison amongst the appraisal reports as the assessments made by different supervisors were based on different yardsticks.

Performance Management and Staff Development

4.11 The Commission conveyed these concerns to the HoD and HoG and was pleased to see them addressed positively. The grade management concerned has undertaken to implement various measures including: (a) to carry out more critical reviews of the performance appraisals of its grade members, make adjustments to the ratings where necessary and inform the officers concerned of the adjustments; (b) to remind all AOs, COs and reviewing officers of the assessment standard to be adopted in performance appraisals; and (c) to separately follow up with those AOs/COs who had been identified to have adopted overly loose/stringent assessment standards in performance appraisals. The grade management has also undertaken to monitor the effectiveness of these measures and report back to the Commission in due course.

In-between ratings

4.12 In the promotion exercises of another grade, the Commission noticed the use of in-between ratings in the appraisal reports of a large number of eligible officers. As stipulated in paragraph 3.4.1 of the PM Guide, in-between or split ratings should not be used as such practice undermines the aim of the pre-determined rating scale to achieve better objectivity, consistency and comparability in performance management. The Commission has reminded the HoG concerned to draw this requirement to the relevant supervisors' attention and ask them to

rectify the ratings before accepting the appraisal reports in future.

Skipping of performance appraisals

4.13 The Commission noticed in a promotion submission that the appraisal report of an eligible officer covered an extended period of two years. Arbitrarily prolonging the reporting period of performance appraisal without justifiable reasons is unfair to the appraisee and cannot be accepted. The Commission has asked the department to remind the AO concerned of the need to complete appraisal reports for an annual cycle so as to ensure timely assessment of the appraisee's performance and to provide early feedback on any deficiencies identified.

Staff Development and Succession Planning

4.14 Staff development is an integral part of human resources management. The Commission advocates a holistic approach in drawing up staff development plans that encompasses a structured career posting policy and a systematic training plan for staff at different levels. In performance management, supervisors should provide timely feedback to their subordinates and such feedback should include not only identified areas of weakness but also areas that the officers concerned could further develop for career advancement. A robust staff development plan could help enhance

the staff's capacity, prepare them for a wider range of responsibilities and build up a pool of talents for a smooth succession. The Commission considers that HoDs/HoGs should proactively look into the future of their grades and equip their staff with the skill sets required for advancement. It is in this process that B/Ds could show its care about their staff and inculcate a sense of partnership and trust in them. With the support of CSB and the principles it promulgates, B/Ds would be well placed to build and develop such partnership in harness with their staff.

4.15 During the year, the Commission noticed that the promotion prospect of certain officers in a particular rank of a departmental grade can be limited due to the requirement of skills and experience which they do not presently possess. The Commission is pleased to note that the department, with the assistance of CSTDI, has taken positive actions to arrange training and development courses for those officers

in the rank who have shown potential for advancement.

4.16 With more new recruits joining the Civil Service under the new entry system and more officers on the old or new pension schemes retiring from the service, officers on new terms have increasingly become a core part of the Civil Service. As these officers are not entitled to pension benefits, there is a possibility that the civil service workforce may become more volatile than it was a decade ago. The Commission considers that B/Ds should pay more attention to and put greater effort in staff development and succession planning in order to ensure the continued effective provision of their services. CSB has advised that there is so far no evidence to indicate officers on new terms are more prone to pre-mature departure but agreed to conduct regular surveys to gauge, among others, staff wastage in the Civil Service. The Commission will also continue to offer advice to CSB on staff development and succession issues as and when necessary.

Other Civil Service Appointment Matters

5.1 Another important role of the Commission is to advise on appointment matters relating to the continuous employment or termination of service of civil servants. These 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 Scheme⁸ and retirement in the public interest under s.12 of the Public Service (Administration) Order (“PS(AO)”⁹). In addition, the Commission also advises on further employment (including extension of service and re-employment after retirement without a break in service), secondment¹⁰, opening-up arrangement¹¹, award of Government

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

9 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.

10 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.

11 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.

Training Scholarship¹² and revision of terms of employment¹³ of serving officers in the senior ranks of the Civil Service. A statistical breakdown of the cases advised by the Commission in 2014 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 B/Ds were put under close observation in the context of procedures under s.12 of PS(A)O. After seeking the Commission's advice, the Government retired one officer under s.12 on the grounds of persistent substandard performance. Seven officers were taken off the watch list after six of them had improved their performance to the required standard and one officer had left the service through invaliding. As at the end of the year, 11 officers remained under close observation.

5.4 The Commission will continue to draw B/Ds' attention to potential s.12 cases for taking appropriate follow-up action in the course of vetting staff appraisal reports in connection with promotion exercises. It will also closely monitor

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

13 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.

departmental managements' readiness and timeliness in pursuing such an administrative action.

Extension/Termination of Probationary Service

5.5 As stipulated in CSR 180, a probationary period is to provide an opportunity for the appointee to demonstrate his suitability for further appointment in the office; for the appointment authority to observe the performance and conduct of the appointee; and to give the appointee the opportunity to acquire any additional qualifications or pass any tests prescribed for further appointment. Probationers should be given the necessary training, coaching and counselling to help them fit into their jobs. They should also be put under continual observation and assessment by their supervisors. Full advantage must also be taken of the probationary period to terminate the service of an officer if he is unlikely to become suitable for continued service or further appointment because of his conduct or performance. HoDs/HoGs should apply stringent suitability standards to probationers to ensure that only those who are suitable in all respects are allowed to pass the probation bar for appointment on permanent terms. If at any time during the probationary period a probationer has failed to measure up to the required standards of performance or conduct or has shown attitude problems and displayed little progress despite counselling and advice, the HoD/HoG

concerned should take early action to seriously consider terminating his service without the need to wait till the end of the probationary period.

5.6 Extension of probationary period should not be made a substitute for termination of service or solely for the purpose of giving an officer more time to prove his suitability. In accordance with CSR 183(5), a probationary period should normally only be extended when there has not been adequate opportunity to assess the probationer's suitability for passage of the probation bar because of his absence from duty on account of illness or study leave; or when there is a temporary setback on the part of the probationer in attaining the suitability standard or acquiring the prescribed qualifications for passage of the probation bar. It is only in very exceptional circumstances where the probationer, though not yet fully meeting the suitability standards, has shown strong indication to be able to achieve the standards within the extension period that an extension of his probationary period should be granted.

5.7 In 2014, the Commission observed that HoDs/HoGs had continued to adopt a stringent approach in handling probationers who failed to measure up to the requirements and standards for passage of the probation bar. The number of cases involving termination of probationary service advised by the Commission was 11, which was the same as the number of such cases advised in the

previous year. Most of these cases were related to unsatisfactory performance and/or conduct of the probationers. As for extension of probationary service, the Commission observed that the number of such cases had increased significantly by 75% from 72 in 2013 to 126 in 2014. Most of these extensions 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 In accordance with CSR 186(4), for any recommendation involving extension or termination of probationary service which is subject to the advice of the Commission, the B/D concerned should submit them to the Commission at least two months before the end of the probationary period, as far as practicable. However, the Commission has noticed with concern during the year that some B/Ds only submitted extension or termination cases to the Commission very close to or beyond the end of the probationary period of the probationers concerned. This had left the Commission with insufficient, or no time to consider and tender its advice on the recommendations before the end of the concerned officers' probationary period. The Commission considers it not conducive to good staff management if the officers concerned are not informed of the management's decision before the end of their probationary period. In response to the Commission's advice, apart from

impressing upon the B/Ds concerned the need to comply with CSR 186(4), CSB has reminded all B/Ds of the importance of making timely submission on extension or termination cases. Some specific observations made by the Commission during the year for improving the timeliness in processing extension/termination of probationary service cases are set out in the ensuing paragraphs.

Probationers who have taken prolonged sick leave or failed to obtain prescribed qualifications

5.9 During the year, the Commission noticed with concern that despite the technical or straight-forward nature of some extension cases in which the probationers concerned had failed to obtain the prescribed qualification for passage of the probation bar in time or had taken prolonged sick leave, the department concerned still failed to submit its proposals for the Commission's advice within the required timeframe. The Commission considered that should a systematic administrative arrangement be put in place to schedule the requisite training and track the probationers' service, it should be well within the departmental management's capability to act on such cases for a timely submission to be made. The matter was therefore drawn to the personal attention of the HoD concerned for taking appropriate improvement measures.

5.10 The HoD concerned has responded positively to the Commission's

observations and has undertaken to implement various measures to expedite the processing of these cases, including, for example, tightening the monitoring of probationers' progress in acquiring the requisite qualifications and reminding supervising officers of the importance of tracking the performance and conduct of probationers closely. The Commission is pleased to note that the department has since made notable improvement in the timeliness in handling extension cases enabling the determination of the employment status of the probationers concerned before the expiry of their probationary period.

Probationers of a general grade

5.11 A general grade is a grade common to several departments under the control of a central grade management. In examining a number of extension/termination cases involving probationers of a general grade, the Commission noticed that the relevant user departments had taken a long period of time to follow up on the acts of misconduct committed by the probationers concerned. Coupled with the considerable time required by the grade management to consider each case, the proposals to extend/terminate the probationary service of those probationers had not been submitted to the Commission within the required timeframe. The Commission observed that the major cause of delay in handling these cases was a lack of effective communications between the grade management and user departments.

Having regard to the Commission's observation, the grade management has implemented various measures to strengthen its communications with user departments with monitoring and early exchange of information on possible extension/termination cases.

Probationers who have committed minor acts of misconduct

5.12 The Commission noted that a department had taken exceedingly long periods of time to complete its investigations into the minor acts of misconduct committed by probationers resulting in the issue of overdue verbal or written warnings. Timely punishment not only serves as a deterrent, it is also a signal given to the concerned officers to repent and seek improvement. Delay in issuing verbal/written warnings which carry a debarring effect up to a year might unduly prolong their probationary period. The Commission has raised the above concerns with CSB. Details of the follow-up actions taken are given in paragraphs 6.8 to 6.11 of Chapter 6. Separately, the department concerned had also been advised to take appropriate measures to expedite its disciplinary actions.

5.13 The department acknowledged the problem identified by the Commission and has implemented various measures to improve its internal procedures. The measures taken include setting a clear timeframe for each milestone in the investigation process; building up an alert system to detect cases not meeting

the set timeframe; and reminding officers handling disciplinary cases of the importance to deal with these cases promptly. The department has also undertaken to review the improvement measures to enhance its effectiveness. The Commission appreciates the good effort made by the department and expects to see its timely submissions in the future.

Extension of the Service of Civil Servants

5.14 In April 2014, CSB issued a consultation paper on “Extension of the Service of Civil Servants” (the “Consultation Paper”) setting out the following four initiatives –

- (a) raise the retirement age of civil service new recruits from a future date;
- (b) adjust the existing mechanism on further employment to provide more flexibility to retain experienced civil servants who have reached retirement age so as to meet specific operational and succession needs;
- (c) introduce a new “Post-retirement Service Contract Scheme” to engage retired civil servants on contract terms to undertake ad hoc duties which require specific civil service expertise and/or experience; and
- (d) streamline the control regime on post-service outside employment for non-directorate civil servants at junior ranks to facilitate their taking up of outside work after retirement, if they so wish.

5.15 CSB briefed the Commission on the proposals in the Consultation Paper in June 2014. While the Commission is in support of the general directions proposed in the Consultation Paper, it has advised that in order to ensure fairness, CSB should draw up and promulgate implementation guidelines for HoDs/HoGs to follow in determining whether applications for further employment should be approved.

5.16 Having critically assessed the feedback received through the consultation which ended in August 2014 and following consultation with the Executive Council, the Government has decided to adopt the four initiatives proposed in the Consultation Paper with suitable refinements and/or appropriate mechanisms. As far as the further employment of civil servants beyond retirement age is concerned, the present mechanism will be adjusted by –

- (a) institutionalising the selection process by reference to the modus operandi for promotion and recruitment;
- (b) allowing a longer period of further employment (other than final extension of service) up to a maximum of five years beyond the normal/prescribed retirement age;
- (c) relaxing the approval criteria for further employment; and
- (d) extending the coverage of further employment to officers appointed on

Other Civil Service Appointment Matters

New Permanent Terms in the form of extension of the Civil Service Provident Fund service¹⁴.

5.17 The target of the Government is to raise the retirement age for new recruits joining the Civil Service from around mid-2015 and formulate

the implementation details for the remaining initiatives. CSB has undertaken to seek the Commission's views on the details of the adjusted mechanism on further employment before its implementation. The Commission will keep the development in view.

14 The Civil Service Provident Fund Scheme is the retirement benefits system for civil servants appointed on or after 1 June 2000 and on New Permanent Terms of appointment.

Civil Service Discipline: Reviews and Observations

- 6.1** Upholding the integrity of the Civil Service is another core responsibility of the Commission. The Commission works with CSB and B/Ds to ensure that officers conduct themselves honourably at all times. This entails not just a thorough understanding of the civil service disciplinary regulations, but an intrinsic appreciation of the core values of the Civil Service. In furtherance of this objective, the disciplinary system in which the Commission plays a key part helps to deal appropriately with the few who fall short and commit acts of misconduct.
- 6.2** With the exception of exclusions specified in the PSCO¹⁵, the Government is required under s.18 of the PS(A)O¹⁶ 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 or agreement and some who are remunerated on the Model Scale 1 Pay Scale. At the end of 2014, the number of Category A officers under the Commission's purview for disciplinary matters was about 112 800.
- 6.3** 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, service and disciplinary records of the civil servant concerned, etc.
- 6.4** 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 on the level of punishment between the B/D and SCSD, the views of both parties would be submitted to the Commission for consideration.

15 In accordance with 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. In addition, following the introduction of the Accountability System on 1 July 2002 and the further development of the Political Appointment System, the appointment of Directors of Bureau, Deputy Directors of Bureau as well as Political Assistants are not referred to the Commission.

16 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 CE (or his delegate), the Government 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.

Disciplinary Cases Advised in 2014

6.5 The number of misconduct cases has remained low. In 2014, the Commission advised on the punishment of 48 disciplinary cases, representing about 0.04% of the 112 800 Category A officers under the Commission's purview, a slight increase as compared to 44 cases in 2013. The vast majority of our civil servants continue to measure up to the very high standards of conduct and discipline expected of them. CSB has assured the Commission that it will sustain its efforts in promoting good standards of conduct and integrity at all levels through training, seminars as well as the promulgation and updating of rules and guidelines to remind all civil servants of the high standard of probity required of them. The Commission will continue to discharge

its role and tender advice to discipline errant officers without fear or favour, regardless of rank or seniority. In doing so, the Commission will make sure that the final decision taken is fair. Hence, it is important that officers accused of misconduct should be given a fair and reasonable chance to be heard.

6.6 A breakdown of the 48 cases advised by the Commission in 2014 by category of criminal offence/misconduct and salary group is at Appendix VII. Of these 48 cases, 13 (27%) had resulted in the removal of the civil servants concerned from the service by "compulsory retirement"¹⁷ or "dismissal"¹⁸. There were 18 (38%) cases resulting in "severe reprimand"¹⁹ plus financial penalty in the form of a "fine"²⁰ or "reduction in salary"²¹ which is the heaviest punishment

- 17 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.
- 18 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).
- 19 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.
- 20 A fine is the most common form of financial penalty in use. On the basis of the salary-based approach, which has become operative since 1 September 2009, the level of fine is capped at an amount equivalent to one month's substantive salary of the defaulting officer.
- 21 Reduction in salary is a form of financial penalty by reducing an officer's salary by one or two pay points. When an officer is punished by reduction in salary, salary-linked allowance or benefits originally enjoyed by the officer would be adjusted or suspended in the case where after the reduction in salary the officer is no longer on the required pay point for entitlement to such allowance or benefits. The defaulting officer can "earn back" the lost pay point(s) through satisfactory performance and conduct, which is to be assessed through the usual performance appraisal mechanism. In comparison with a "fine", reduction in salary offers a more substantive and punitive effect. It also contains a greater "corrective" capability in that it puts pressure on the officer to consistently perform and conduct himself up to the standard required of him in order to "earn back" his lost pay point(s).

next to removal from the service and “reduction in rank”²². These figures bear testimony to the resolute stance that the Government has taken against civil servants who have committed acts of misconduct or criminal offences.

Reviews of and Observations on Disciplinary Issues

6.7 Apart from deliberating and advising on the appropriate level of punishment to be meted out in each and every disciplinary case submitted to it for advice, the Commission also makes observations on areas that call for improvement and initiates reviews and discussions with CSB with a view to streamlining the disciplinary process and procedures as well as formulating up-to-date benchmarks of punishment. The major issues reviewed in 2014, together with the observations and recommendations made by the Commission, are set out in the ensuing paragraphs.

Debarring effect of summary disciplinary punishment

6.8 For minor misconduct (e.g. occasional unpunctuality, minor breach of government regulations, etc.) committed by civil servants, the relevant 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.

6.9 Under the prevailing policy, a probationer, on satisfactory completion of the probationary service, may normally be considered for passage of the probation bar and offer of further appointment on permanent terms. However, if a probationer commits a minor misconduct or offence during the probationary period and has been given a verbal or written warning under the summary disciplinary mechanism, the probationer will be debarred from passage of probation bar for one year from the date of warning. The Commission, however, noticed a discrepancy in treatment under this arrangement. 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 whereas if a warning is issued near the end of the probationary period, the officer’s passage of the probation bar may

22 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.

have to be deferred. The Commission considers that the timing of the issue of a warning should not be allowed to undermine the purpose and punitive effect of the punishment.

6.10 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 prove his suitability for confirmation, the Commission considers it fair and reasonable to extend his probation for a fixed period, irrespective of when the warning was issued. Furthermore, to reflect the gravity of the misconduct/offence, the Commission considers it more equitable to introduce a gradation on the punitive effects of verbal and written warnings.

6.11 After taking into consideration the views of the Commission, CSB has proposed that: (a) the one-year debarring effect of a written warning on promotion and appointment should remain unchanged; and (b) the debarring effect of a verbal warning should be shortened to six months to be followed by a six-month observation period.

During the six-month observation period, the officer would not be debarred from consideration for promotion/appointment due to the verbal warning. That said, in considering whether to approve promotion or appointment of the officer during the observation period, apart from taking into account relevant factors such as ability, experience, etc., the appointment authority should assess whether the verbal warning issued, including the nature and gravity of the misconduct/offence involved, would have any bearing on the officer's overall suitability for the promotion or appointment under consideration. Concerning the effect of verbal and written warnings on probationary periods, CSB has concluded that irrespective of when a warning is issued during the probationary period of an officer, his probationary period should be extended for six months if he has been given a verbal warning and for one year if he has been given a written warning subject to the requirements under CSR 186(3) and 186 (4)²³. CSB has consulted B/Ds on the proposal and is preparing a CSB circular to promulgate the new arrangement. The Commission

- 23 CSR 186(3) requires that before a decision is made to terminate the service or refuse/defer with financial loss the passage of probation bar of an officer on probationary terms, the officer should be –
- (a) informed in writing of the intention to terminate his service or refuse/defer his passage of probation bar;
 - (b) given the reasons or an outline of the individual shortcomings that have given rise to the intention; and
 - (c) given seven calendar days to submit any representations he may wish to make.

The appointment authority shall take into account the representations made and seek the advice of the Public Service Commission where appropriate, before making a decision.

For CSR 186(4), please refer to paragraph 5.8 of Chapter 5 for details.

is pleased with the prompt and positive actions taken by CSB.

Proper action in handling criminal conviction cases with custodial sentence

6.12 If an officer has been sentenced to imprisonment following his criminal conviction, the Commission considers it logical that the officer 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 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, no guidelines have been issued for B/Ds to follow. At the request of the Commission, CSB has drawn up and promulgated clear guidelines in August 2014 to help B/Ds take proper actions in dealing with such cases.

Traffic offences committed by government drivers

6.13 In the course of the year, the Commission has advised on a noticeable number of recommendations

for deferring the passage of probation bar of government drivers²⁴ who have been involved in blameworthy traffic accidents. The Commission considers that driving safety is of paramount importance and the ultimate test of suitability for remaining in the Civil Service. Sense of duty and driving manners apart, the Commission finds it difficult to support the retention of government drivers who have committed and been convicted of careless driving offences, especially repeated ones. As already clearly laid down in the CSRs, B/Ds should take full advantage of the probationary period to terminate the service of an officer if he is unlikely to prove suitable for continued service or further appointment either because of his conduct or because of his performance. The Commission has therefore suggested that a clear standard of not tolerating careless driving should be set and such standard should be clearly communicated to all newly recruited government drivers so that they know from the outset the standard of performance required of them. The Government Logistics Department (“GLD”), being the department responsible for managing government drivers, agrees with the Commission and has undertaken to monitor closely the performance of probationary government drivers in conjunction with departments concerned.

24 There are three grades in the Civil Service responsible for driving duties, viz. Motor Driver, Special Driver and Chauffeur grades.

6.14 In considering another disciplinary case involving a government driver who was convicted of the offence of careless driving and was disqualified from holding a driving licence for six months, the Commission noted that the driver was allowed to resume work but was assigned to perform supporting and minor clerical duties during the disqualification period. As the inherent duty of a government driver is to drive a government vehicle, the Government has been asked to review if it is justified and appropriate to pay a government driver who has not performed the major duty for which he is employed. GLD has undertaken to examine the matter in a holistic manner in consultation with CSB and report back to the Commission the outcome of

its review. The Commission will keep the progress of the matter in view.

Benchmark of punishment

6.15 As an honest and clean civil service is vital to maintaining the public's trust in the Government which in turn is the cornerstone of effective governance, the Commission has reminded CSB to keep under constant review whether the standard adopted in the civil service disciplinary system is in keeping with the expectation of the community and whether a more stringent benchmark of punishment is called for. The Commission will offer its advice to CSB in this regard as and when required and will continue to advise on the appropriate level of punishment in individual cases.

Chapter 7

Visits

7.1 In 2014, the Chairman and Members of the Commission visited the Office of the Communications Authority and the Immigration Department. These visits have facilitated useful exchanges on various issues concerning civil service appointments, staff development and performance management of the Departments concerned. The briefings on the work of the Departments and the guided tour to their various offices have greatly enhanced the Commission's understanding of the Departments' role and operation as well as the valuable services they provide to the public.

7.2 Separately, the Commission met Mr Eddie Teo, Chairman of the Singapore Public Service Commission and ten Commission members during their visit to Hong Kong in September 2014. The two Commissions had an extensive and fruitful exchange of views on subjects of common interest concerning the civil service in the two cities.



Visit to the Office of the Communications Authority.



Visit to the Immigration Department.



Meeting the Chairman and Members of the Singapore Public Service Commission.

Chapter 8

Acknowledgements

8.1 The Commission would like to express its gratitude to the Secretary for the Civil Service, who has been most forthcoming and responsive to the views of the Commission, and also his staff for their continued support and assistance in all areas of its work. 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 2014.

8.2 The Chairman and Members of the Commission also wish to place on record their appreciation to the Secretary of the Commission and her team for their hard work and dedicated support in the past year.



The Permanent Secretary for the Civil Service and his colleagues attending a meeting of the Public Service Commission.





Mrs Rita LAU NG Wai-lan, GBS

BA(Hons) (HKU)

Chairman, Public Service Commission (appointed on 1 May 2014)

Mrs Lau joined the Government as an Administrative Officer in October 1976 and had served in various policy bureaux and departments during her 34 years of service. Senior positions held by Mrs Lau included Director of Food and Environmental Hygiene (2000 - 2002), Permanent Secretary for the Environment, Transport and Works (Environment) (2002 - 2004), Permanent Secretary for Housing, Planning and Lands (Planning and Lands) (2004 - 2007) and Permanent Secretary for Commerce and Economic Development (Communications and Technology) (2007 - 2008). She was appointed as Secretary for Commerce and Economic Development in July 2008 and left the position in April 2011.



Mr Nicholas NG Wing-fui, GBS, JP

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

Chairman, Public Service Commission (from 1 May 2005 to 30 April 2014)

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).

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



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 and the M+ Interim Acquisition Committee of the West Kowloon Cultural District Authority. He also serves as a Member of the Advisory Committee on Post-service Employment of Civil Servants.



Mr Joseph PANG Yuk-wing, BBS, JP

BSocSc (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 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 of the Chinese University of Hong Kong. He is the Treasurer and Member of the Council and Court of the City University of Hong Kong. In addition, he serves as the Director of the Hong Kong Nang Yan College of Higher Education Limited and the Trustee of the 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, an Independent Non-executive Director of the MTR Corporation Limited and a Member of the Innovation and Technology Commission Task Force to follow up Director of Audit's Report in regard to the Small Entrepreneur Research Assistance Programme.



Ms Virginia CHOI, JP

BSW (HKPU), FIHRM (HK), FHKIoD

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 is 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 the Continuing Professional Development Alliance. She also serves as Member of the Hong Kong Housing Authority, the Careers Advisory Board of The University of Hong Kong and the Panel of Arbitrators of the Labour and Welfare Bureau.



Mr Thomas CHAN Chi-sun, IDS

BA (Hons) (HKU), JD (CU)

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.

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.



Prof Timothy TONG Wai-cheung, JP

BSc (OSU), MSc (UC at Berkeley), PhD (UC at Berkeley),

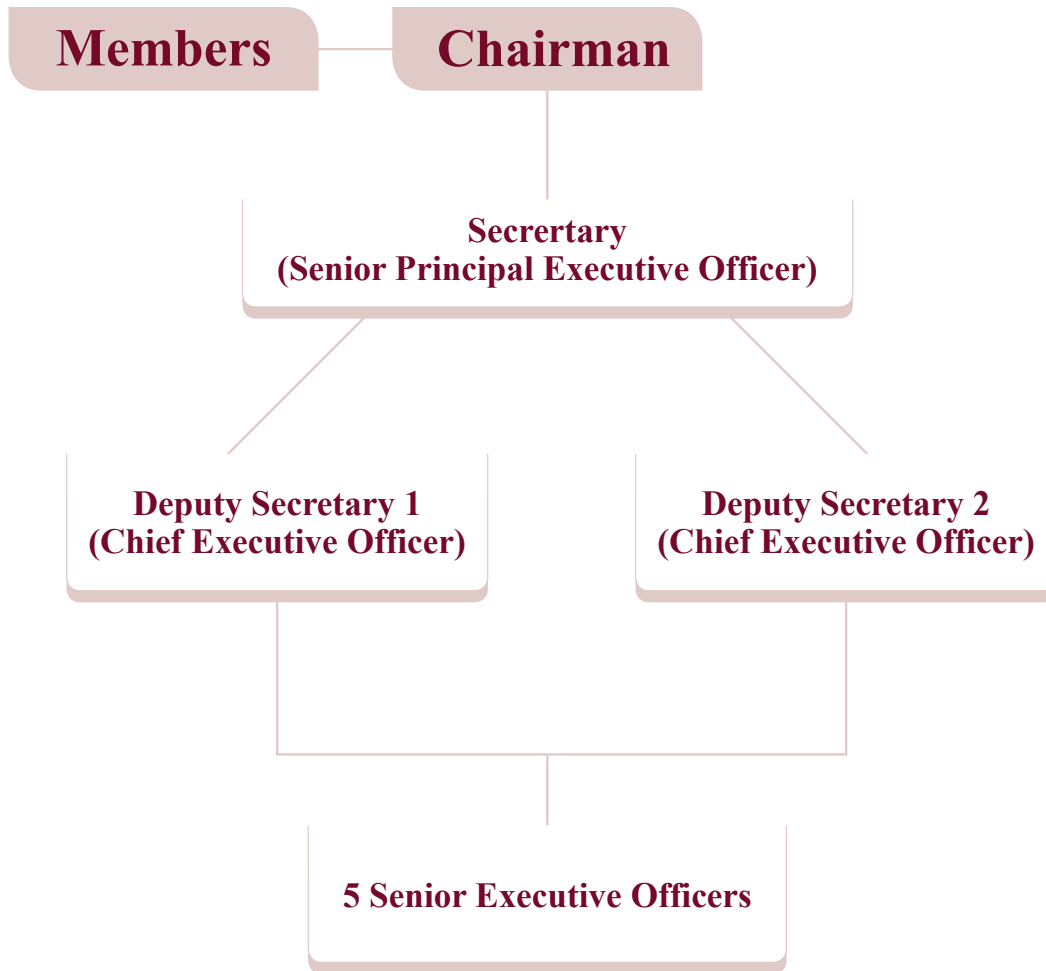
FASME, FHKEng

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 the 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	7
Clerical Grade	16
Secretarial Grade	3
Chauffeur Grade	1
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	28

Appendix III

Submissions Advised by the Commission

Category	Number of Submissions Advised				
	2010	2011	2012	2013	2014
Recruitment	93	106	121	126	133
Promotion/Acting Appointment	585	595	623	669	682
Other Civil Service Appointment Matters	138	184	276	189	233
Discipline	50	51	38	44	48
Total number of submissions advised	866	936	1 058	1 028	1 096
<i>(a) Number of submissions queried</i>	<i>512</i>	<i>565</i>	<i>669</i>	<i>673</i>	<i>720</i>
<i>(b) Number of submissions with revised recommendations following queries</i>	<i>122</i>	<i>99</i>	<i>99</i>	<i>156</i>	<i>133</i>
<i>(b) / (a)</i>	<i>24%</i>	<i>18%</i>	<i>15%</i>	<i>23%</i>	<i>18%</i>

Appendix IV

Recruitment Cases Advised by the Commission

Terms of Appointment	Number of Recommended Candidates in 2014	
	Open Recruitment	In-service Appointment
Probation	1 099	0
Agreement	65	0
Trial	57	47
Sub total	1 221	47
Total	1 268	

	Comparison with Previous Years				
	2010	2011	2012	2013	2014
Number of recruitment exercises involved	93	106	121	126	133
Number of candidates recommended	878	1 004	1 030	1 092	1 268
<i>Number of local candidates recommended</i>	877	996	1 029	1 092	1 268
<i>Number of non-permanent residents recommended</i>	1	8	1	0	0

Appendix V

Promotion Cases Advised by the Commission

Category	Number of Recommended Officers				
	2010	2011	2012	2013	2014
Promotion	1 459	1 489	1 542	2 154	2 264
Waitlisted for promotion	64	41	69	108	200
Acting with a view to substantive promotion (“AWAV”) or waitlisted for AWAV	273	352	304	361	436
Acting for administrative convenience (“AFAC”) or waitlisted for AFAC	2 892	3 386	3 203	4 079	4 099
Total	4 688	5 268	5 118	6 702	6 999

	2010	2011	2012	2013	2014
Number of promotion exercises involved	585	595	623	669	682
Number of ranks involved	351	339	353	393	403

Appendix VI

Other Civil Service Appointment Matters Advised by the Commission

Category	Number of Submissions Advised				
	2010	2011	2012	2013	2014
Non-renewal of agreement	2	0	2	1	0
Offer of shorter-than-normal agreements	2	7	1	0	1
• on performance or conduct grounds	0	0	0	0	0
• to tie in with the 60 th birthday of the officers concerned	2	4	1	0	0
• to meet service need	0	3	0	0	1
Renewal or extension of agreement	21	20	27	13	6
Refusal of passage of trial bar	4	1	1	0	1
Refusal of passage of probation bar	4	3	13	11	11
Deferment of passage of trial bar	14	12	9	8	3
Deferment of passage of probation bar	43	72	152*	72	126
Early retirement of directorate officers under the Management Initiated Retirement Scheme	0	0	0	0	0
Retirement under section 12 of Public Service (Administration) Order	1	1	4	1	1
Extension of service or re-employment after retirement	12	13	13	8	16
• Directorate officers	6	5	7	3	9
• Non-directorate officers	6	8	6	5	7
Secondment	3	4	4	7	0
Opening-up arrangement	1	2	0	2	1
Review of acting appointment	7	2	3	6	11
Updating of Guide to Appointment	21	40	47	60	56
Revision of terms of employment	3	7	0	0	0
Government Training Scholarship	0	0	0	0	0
Total	138	184	276	189	233

* 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

(a) Breakdown of Cases in 2014 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	0	1	1
Compulsory Retirement + Fine	0	0	0	0
Compulsory Retirement	5	7	0	12
Reduction in Rank	0	0	0	0
Severe Reprimand + Reduction in Salary	1	0	1	2
Severe Reprimand + Fine	5	10	1	16
Severe Reprimand	2	1	0	3
Reprimand + Fine	4	1	0	5
Reprimand	3	1	5	9
Total	20	20	8	48

(b) Breakdown of Cases in 2014 by Category of Criminal Offence/Misconduct

Punishment	Number of Cases Advised				
	Criminal Offence			Misconduct ²⁵	Total
	Traffic related	Theft	Others ²⁶		
Dismissal	0	0	1	0	1
Compulsory Retirement	0	1	9	2	12
Lesser Punishment	10	7	13	5	35
Total	10	8	23	7	48

(c) Comparison with Previous Years

Punishment	2010	2011	2012	2013	2014
Dismissal	6	3	2	8	1
Compulsory Retirement	11	9	8	5	12
Lesser Punishment	33	39	28	31	35
Total	50	51	38	44	48

25 Including making false representations, misuse of government transport, making unauthorised reservation of facilities, etc.

26 Including misconduct in public office, fraud, using a false instrument, obtaining access to computer with a view to dishonest gain for oneself or other, indecent assault, common assault, etc.