

Public Service Commission

Annual Report 2015

Public Service Commission

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Chairman's Foreword



The Public Service Commission's mission is to safeguard the fairness and integrity of the appointment, promotion and disciplinary systems in the Hong Kong Civil Service and where required, to strengthen these systems together with the Government. As the Chairman, it is my goal to ensure that we fulfil effectively the statutory responsibilities bestowed upon the Commission. In 2015, I am pleased to report that the Commission had remained steadfast and effective in performing these manifold functions for which it was established.

On Civil Service appointments and promotions, the Commission has continued to provide checks and balance by maintaining our requirement to be fully satisfied that eligible candidates are fairly considered and that only the most suitable/deserving ones are appointed/promoted in each exercise submitted to us for advice.

Apart from attaching great importance to impartiality and the due process of selection, we believe that taking prompt action is also vital in order that Government would not lag behind in competing with the market for talents and meritorious officers would be given due recognition by timely promotion. During the year, I am pleased to note the good efforts taken by Bureaux and Departments in shortening the lead time in recruitment exercises and conducting promotion exercises within the stipulated timeframes. Nonetheless, some inadequacies and practices falling short of the best are still noticed in some submissions. To tackle them, the Commission has provided observations and suggestions of improvement to the concerned Heads of Department for follow up. Some noteworthy cases are given in Chapters 2 and 3 of this Report. Our observations on some related performance management issues are detailed in Chapter 4.

Maintenance of a high standard of discipline is a core value of the Civil Service. I am encouraged that the number of disciplinary cases submitted to the Commission for advice in 2015 has remained low. This is an indication that the vast majority of our civil servants continue to measure up to the very high standard of conduct and probity required of them. In advising on the level of

punishment in those small number of transgression cases, we have, among the governing principles of due process and fairness, underlined the need for prompt and timely action so as to achieve the desired punitive and deterrent effects. Chapter 6 gives a detailed account of the Commission's work in this respect.

Alongside our role in advising on appointments and discipline matters, the Commission also pays much attention to developments that may impact on the Civil Service as a whole. During the year, the Government has implemented various initiatives to retain the service of civil servants for service needs. For the proposed offer of further employment to civil servants beyond retirement age, the Commission has offered advice to the Secretary for the Civil Service advocating and supporting the formulation of a transparent, objective and fair mechanism to meet the operational and succession needs of the Civil Service. More details are given in Chapter 5.

On completion of another fruitful year of work, I would like to thank my fellow Commission Members who have selflessly devoted many hours of their precious time to the work of the Commission. In

particular, I would like to pay tribute to Mr Vincent Lo who retired after serving for six years for his wise counsel throughout and extend a warm welcome to Mr Andrew Mak, our new Member. I would also like to thank the Secretary for the Civil Service and his colleagues for their ready cooperation and responsiveness in taking forward the Commission's advice. On behalf of the Commission, I would like to record our appreciation to the Secretariat for their support and dedication.

Working jointly with my fellow Members, we will continue to carry out the Commission's functions earnestly, independently and impartially, with a view to sustaining the confidence and trust placed on us.

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

Mrs Rita Lau
Chairman

Chapter 1

An Overview of the Public Service Commission

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. The membership of the Commission during 2015 was as follows –

| Chairman | |
|-----------------------------------|----------------------|
| Mrs Rita LAU NG Wai-lan, GBS | since May 2014 |
| Members | |
| Mr Vincent LO Wing-sang, BBS, JP | May 2009 to May 2015 |
| 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 |
| Mr Andrew MAK Yip-shing, BBS, JP | since May 2015 |
| Secretary | |
| Ms Candice HO Sau-ling | since June 2012 |

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

Secretariat

- 1.3** The Commission is supported by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. At the end of 2015, 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

- 1.4** The Commission's role is advisory. With a few exceptions¹, the Commission's advice on appointments and promotions relates principally to the middle and senior ranks of the Civil Service. This covers posts with a maximum monthly salary at Master Pay Scale Point 26 (\$45,130 as at end-2015) or more, up to and including Permanent Secretaries, Heads of Department (HoDs) and officers of similar status. At the end of 2015, the number of established Civil Service posts falling under the Commission's purview was 41 341 out of a total of 172 793.

- 1.5** 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 are outside the Commission's purview. Besides, the appointment of Directors of Bureau, Deputy Directors of Bureau and Political Assistants under the Political Appointment System is not referred to the Commission.

- 1.6** As regards disciplinary cases, the Commission's purview covers all Category A officers with the exception of the 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 Scheme². 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 2015, the number of Category A officers within the Commission's purview for disciplinary matters was about 113 400.

- 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.
- 2 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.

Chapter 1

An Overview of the Public Service Commission

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

Mode of Operation

1.8 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 apprise the Commission of the background of the issue or case but the Commission forms its views independently.

1.9 In examining submissions from bureaux and departments (B/Ds), the Commission's primary aim is to ensure that the recommendations are well justified and are arrived at following the laid down procedures and stipulated guidelines. To achieve this, the Commission has devised a meticulous vetting system and in the process may

require B/Ds to provide clarifications and additional information. In some cases, B/Ds would, acting on the Commission's comments, modify their recommendations. In other cases, the Commission is able to be satisfied with the propriety of the recommendations after examining the elaborations provided. 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.

Confidentiality and Impartiality

1.10 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. These legal provisions provide clear safeguards for the confidentiality and impartial conduct of the Commission's business.

Performance Targets

- 1.11** In dealing with promotion and disciplinary cases, the Commission's target is to tender its advice or respond formally within six weeks upon receipt of the submissions. As for recruitment cases, the Commission's target is to tender advice or respond within four weeks upon receipt of such submissions.

Work in 2015

- 1.12** In 2015, the Commission advised on 1 088 submissions covering recruitment, promotion and disciplinary cases as well as other appointment-related subjects. Altogether queries were raised in respect of 767 submissions, resulting in 105 re-submissions (14%) with recommendations revised by B/Ds after taking into account the Commission's observations. All submissions in 2015 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.

- 1.13** The Commission deals with representations seriously. All representations under the Commission's purview are replied to following thorough examination. The same level of attention is given to anonymous complaints except that no reply can be sent. The Commission dealt with 11 representations relating to appointment and discipline issues in the year. After careful and thorough examination, the Commission was

satisfied that the grounds for representations in all these cases were unsubstantiated. There were ten other complaints relating to matters outside the Commission's purview. They have been referred to the relevant B/Ds for necessary action.

- 1.14** The Commission has also continued to advise on policy and procedural issues pertaining to appointments, promotions and discipline. In November 2015, an officer of the Commission Secretariat was invited to attend and speak on the subject of promotion at a training session organised by the General Grades Office for Executive Officers. While staff training and development are the core responsibilities of departmental and grade managements, the Commission Secretariat will be pleased to take part and share with B/Ds the best practices governing submissions in the areas of the Commission's work in future. Such experience sharing not only helps B/Ds to better understand the requirements for making submissions to the Commission, it is also conducive to maintaining a consistent and high standard of work in the Civil Service. Comprehensive and well-prepared submissions obviate the need for re-submission, save time and in turn, help to speed up the consideration process. The Commission will continue to convey to the General Grades Office and the Civil Service Training and Development Institute (CSTDI) observations and comments which can be used for general training purposes as they arise.

Chapter 1

An Overview of the Public Service Commission

Homepage on the Internet

1.15 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.

1.16 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 quick searches of the required information.

Chapter 2

Civil Service Recruitment

2.1 Recruitment in the Civil Service is undertaken by CSB and individual B/Ds. It may take the form of an open recruitment or in-service appointment. The Commission checks to see proper procedures are adopted, examines the shortlisting criteria (if proposed) and advises on recommendations for filling of vacancies in the middle and senior ranks³ of the Civil Service. We also advise B/Ds on improvement measures that can be taken to enhance the efficiency and effectiveness of the recruitment process.

Recruitment Cases Advised in 2015

2.2 In 2015, the Commission advised on 151 recruitment exercises involving the filling of 1 100 posts, of which 1 048 posts (in 144 exercises) were through open recruitment and 52 posts (in seven exercises) by in-service appointment. A statistical breakdown of these appointments and a comparison of the number of recommendees in 2015 with that in the past four years are provided at Appendix IV.

Progress of Reviews

2.3 In 2015, the Commission continued to work with CSB to streamline Civil Service recruitment process and where appropriate propose subjects for review.

Grades with a combined establishment

2.4 Grades with a combined establishment are those which have no specific limit on the number of posts in each of their constituent ranks. The appointment authority (AA) 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.

2.5 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 is thus questionable 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.

3 They refer, for the purpose of recruitment, to ranks attracting a maximum monthly salary not less than the amount specified at Master Pay Scale Point 26 (\$45,130 as at end-2015) 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.

Chapter 2

Civil Service Recruitment

- 2.6** At the request of the Commission, CSB had conducted a comprehensive review of all Civil Service grades with a combined establishment (47 in total) and found that 23 of them had not conducted recruitment exercises at their respective lower ranks in the last ten years. In July 2015, CSB reported to the Commission the latest development.
- 2.7** As reported by CSB, nine of these 23 grades have resumed or have plans to resume recruitment at the lower rank, ten have plans to abolish the combined-establishment arrangement and one is basically obsolete. The remaining three grades require more time to ascertain the need to retain the lower rank and will conduct further reviews in 2016 and 2018. CSB has undertaken to continue to monitor the development and progress of the reviews of these 23 grades.
- 2.8** It has also come to the Commission's attention that for some combined-establishment grades that exist in more than one B/D, some had not conducted recruitment at the lower rank while others have continued to do so. In response to the Commission's enquiry about the different handling of these common combined-establishment grades, CSB has explained that as each of these grades is de facto a single grade with an identical structure across B/Ds, their grade structures cannot be considered in a segregated manner. It is not feasible to abolish the lower rank of these grades notwithstanding that no recruitment at this rank has been conducted and even though it may not be operationally necessary for those B/Ds to retain these lower ranks. Besides, given that it is the Government's established policy to avoid proliferation of new grades/ranks in order to uphold a streamlined Civil Service management structure, CSB also considers distinguishing these grades among different B/Ds by creating new grades/ranks specifically for each B/D not a viable alternative.
- 2.9** Noting that the appointment requirements for entry to the upper rank of some professional grades with a combined establishment through the direct recruitment route were different from those through the promotion route, the Commission had asked CSB to review with the concerned grade managements the relevant requirements with a view to aligning them. Among the 16 professional grades reviewed, the promotion and direct entry requirements for 12 grades have been aligned as a result. As for the remaining four grades, CSB has reported in July 2015 that the alignment will be completed and the Guides to Appointment revised in time before conducting the relevant recruitment exercises.
- 2.10** Other appointment issues raised by the Commission are related to the promotion arrangements for combined-establishment grades. CSB's relevant findings are set out in paragraphs 3.11 and 3.12 of Chapter 3 on Civil Service Promotion.

2.11 The Commission appreciates CSB's effort in reviewing the matters and will keep in view the progress and reviews of those 23 combined-establishment grades identified in the 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 next higher 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. Filling supernumerary posts by new recruits appointed on 3-year probationary terms would pre-empt the AA's subsequent review of the continued need of these supernumerary posts.

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. The

concerned grade managements have since stopped this practice and all the supernumerary posts so created have lapsed by the end of 2015.

Observations on Recruitment Cases

Processing time of recruitment exercises

2.14 The Commission attaches much importance to the timely completion of recruitment exercises and the offer of appointments to the selected candidates without delay. Exceedingly long processing time in recruitment exercises would, apart from hampering the operational efficiency of B/Ds with vacancies being left unfilled for a prolonged period of time, also hinder B/Ds from competing with the private sector for good candidates. With the implementation of various streamlining measures over the years and the Commission's repeated advice for B/Ds to expedite actions, the Commission is pleased to note the shortening of time taken for completion of recruitment exercises generally.

2.15 However, in a number of small scale recruitment exercises (involving less than 40 applications) conducted by a department during the year, the Commission has noticed with concern that the department had taken four to six months (counting from the date of the advertisements) to submit the recruitment boards' recommendations to the Commission for advice. According to the concerned department, as several

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of those exercises were conducted concurrently, there were clashes in the schedules of the board chairmen and members. As a result, more time had been taken to arrange for the selection interviews and to finalise the board reports. The Commission considers that such delays could have been avoided if there was better and earlier planning to space out the recruitment exercises. The department concerned has been reminded to monitor closely each step of the recruitment exercises with a view to speeding up the whole process in future.

Measures to reduce unqualified applications for Civil Service posts

2.16 In examining the recommendations of a recruitment exercise conducted in 2015, the Commission noticed that 60% of the applications were unqualified and among them, 95% were submitted by applicants who did not possess the required qualifications and/or experience. The vetting of these unqualified applications not only drained the resources of the recruiting department, but had also lengthened the recruitment process. The Commission considers that the department concerned should explore ways to set out more clearly in the advertisement the required qualifications/experience with a view to reducing the number of unqualified applications in future exercises. In this connection, the Commission has noticed that in order to assist applicants to ascertain whether the experience they possess is relevant to the post and to facilitate the vetting

process, another department has devised a prescribed form in a recruitment exercise and required applicants to set out in the form their working experience and job duties as well as the relevancy to the post. After adopting the new measure, the department noted that the percentage of unqualified applications dropped by about 6% in that recruitment exercise as compared with the previous one. Considering the new measure useful, the department has adopted it in other recruitment exercises. The Commission finds the department's efforts commendable and welcomes any other measures which may expedite the process of recruitment exercises.

Recruitment boards' written assessments of individual candidates

2.17 In scrutinising the recommendations of some recruitment exercises, the Commission observed that there was room for improvement in the quality of the written assessments made by some recruitment boards on individual candidates. While some assessments were too brief to fully justify the recommendations, the clarity of a few was impeded by the presentation skills or carelessness of the writers. We have drawn this to the attention of the concerned B/Ds and requested them to provide more specific comments in the written assessments to clearly reflect the performance of candidates during the selection interview so as to support the recruitment boards' recommendations. The concerned B/Ds have responded

positively to the Commission's observation and have since provided more evaluative and informative write-ups on candidates in their recruitment board reports.

Direct recruitment at promotion ranks

2.18 In accordance with paragraph 3.5(c) of the Guidebook on Appointments, where there is no suitable candidate from a lower rank for promotion to a higher rank, the B/D may consider filling the vacancies by recruitment. In making such decision, the B/D concerned should record the justifications to support widening the pool of candidates and seek the advice of the Commission prior to conducting the recruitment exercise.

2.19 In four recruitment exercises for filling promotion rank posts conducted by a department in 2015, the Commission noticed that the department either had not sought the advice of the Commission prior to the conduct of the recruitment exercises or had started the recruitment process before receiving the Commission's advice on the relevant promotion boards' recommendations. The department explained that as there were insufficient candidates to fill all vacancies in the promotion exercises and as there was a pressing need to fill the vacancies, the department took the liberty to launch the recruitment exercises without seeking or waiting for the Commission's advice. Similarly, another department advertised the vacancy in a promotion rank without

waiting for the Commission's advice on the proposed direct recruitment. In response to the Commission's query, the department withheld all actions until the Commission's favourable advice was obtained.

2.20 While appreciating that the departments concerned had pressing operational needs to fill those promotion-rank vacancies as soon as possible, the Commission considers that procedural propriety cannot be compromised for expediency. We have advised the concerned departments to familiarise themselves with the proper procedures as set out in the relevant Civil Service Regulations (CSRs) and the Guidebook on Appointments and to seek the Commission's advice prior to the conduct of direct recruitment to fill vacancies at a promotion rank in future.

Declaration of interest

2.21 In accordance with paragraph 2.20 of the Guidebook on Appointments, officers who sit on a recruitment board should avoid any actual and 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 AA should arrange a change in the composition of the board; ask the member who has so declared to withdraw from the board temporarily or abstain from putting questions to the candidate and making any assessment. During the year, the Commission noticed that a member of

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a recruitment board had declared that one of the candidates was his relative. Although the AA had arranged for the concerned candidate to be interviewed by another concurrent board without that member, there would still be the risk of perceived conflict of interest as

all other candidates were his relative's competitors in the recruitment exercise. The Commission considers it a better and more prudent arrangement for the AA to change the composition of the recruitment board in such cases, if practicable.

Chapter 3

Civil Service Promotion

3.1 The role of the Commission in advising the Government on promotions to the middle and senior ranks⁴ in the Civil Service 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 where shortfall is identified and enhancing the quality of the Civil Service promotion system as a whole.

Promotion Cases Advised in 2015

3.2 In 2015, the Commission advised on 710 promotion cases involving 6 747 officers. A breakdown of the promotion recommendations in 2015 and a comparison with those in the past four years are provided at Appendix V.

Progress of Reviews

Grades with an inverted shape structure

3.3 A Civil Service grade is considered to have an inverted shape structure if the number of posts in its first promotion rank is larger than that in its basic rank. The Commission considers that such a grade structure 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 vigorous control on the number of posts to be created in the first promotion rank through the annual Resource Allocation Exercise; conducting annual reviews of these grades; and arranging triennial stocktaking exercises to monitor changes to the grade structure of all Civil Service grades.

4 They refer, for the purpose of promotion, 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 (\$45,130 as at end-2015) 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.

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3.4 In 2015, CSB conducted a review of 19 inverted-shape-structured grades which are subject to annual reviews as identified in the 2014 triennial stocktaking exercise. As compared with the position in 2014, 13 of the 19 selected grades have their structure improved. While the structure of two grades has remained unchanged, their grade managements have plans to improve their structure through measures such as creating more posts at the basic rank or re-ranking posts at the first promotion rank to the basic rank. Regarding the remaining four grades, CSB's review had found a slight increase in the degree of invertedness in their structures. The grade managements of these four grades will, nonetheless, conduct manpower review/implement remedial plans in the coming few years.

3.5 While promotion/long-term acting appointment of probationers were found in two of those 13 grades having improvement in their structures, CSB had noted that all the probationers concerned had nearly three years' in-rank experience when those promotions/acting appointments were made. Besides, the arrangement for probationers to take up long-term acting appointments in one grade was only a temporary and transitional arrangement to meet urgent service needs. As more posts are planned to be created in its basic rank, the structure of this grade is expected to improve in the longer run.

3.6 CSB has undertaken to –

- (a) continue to work closely with the B/Ds concerned to sustain their concerted efforts in rectifying the inverted shape structure of grades;
- (b) continue with the existing monitoring measures as mentioned in paragraph 3.3 above; and
- (c) request those 19 selected grades subject to annual reviews to submit progress reports on the implementation of their remedial measures to facilitate monitoring and timely follow-up with the grade managements concerned where necessary.

3.7 The Commission appreciates CSB's effort made in reviewing and monitoring the development of the structure of the 19 grades concerned and will keep the progress in view.

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 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 After two rounds of comprehensive review conducted by CSB and DEVB, 103 of the total of 116 MD professional posts identified had either been declassified as mainstream posts or excluded from the MD post scheme by the end of 2015. Seven posts, which are all directorate posts, will be declassified pending the approval of the Legislative Council. The remaining six posts will continue to maintain their MD status for grooming potential officers for higher responsibilities and meeting actual operational needs. In order to select the most suitable officers to fill MD posts in a fair and equitable manner, an MD selection panel arrangement has

been adopted to replace the in-service appointment exercise.

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 considered that there was also a need to review the justifications for their retention. As a result of the review conducted by CSB and DEVB, nine of those 27 Bi-D professional posts identified had been declassified by early 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. The Commission will keep in view the report from CSB on the further review conducted by a department towards the end of 2015. Besides, it has come to the attention of the Commission during the year when examining the promotion recommendations from a department that some Bi-D professional posts had not been included in the

- 5 In an in-service appointment exercise for MD posts, professional officers of all appropriate grades one rank below in the Planning and Lands group and Works group of departments 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.

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Civil Service Promotion

review of Bi-D posts conducted by CSB and DEVB. CSB has been requested to look into the matter and report back to the Commission.

Promotion arrangements for combined-establishment grades

3.11 As set out in paragraphs 2.4 to 2.10 of Chapter 2, CSB has reviewed the promotion arrangements for combined-establishment grades at the request of the Commission. In its report submitted to the Commission in July 2015, CSB has confirmed that unlike cases of promotion over a promotion bar whereby eligible officers would compete on the basis of relative merits and only the most meritorious ones would be selected for promotion, officers in the lower rank of a combined-establishment grade would generally advance to the upper rank over a promotion step upon meeting the prescribed requirements of professional qualifications, passage of the required examinations and/or completion of a specified period of service/necessary training. Nonetheless, an AA is not precluded from withholding an officer from promotion over a promotion step on grounds of substandard performance. Concerning the Commission's observation that some B/Ds might have gone through a selection process before approving an officer's promotion over a promotion step, CSB has undertaken to remind B/Ds that promotion over a promotion step does not involve a competitive selection on the basis of relative merits as in the case of promotion over a promotion bar.

3.12 Regarding the Commission's other observation that some officers in the lower rank of a combined-establishment grade were promoted to the upper rank while still on probation upon meeting the stipulated experience requirements, CSB has confirmed that under normal circumstances, promotion of probationers is not envisaged given that these officers are still under observation for their suitability for further appointment. However, in the case of a combined-establishment grade, CSB considers it acceptable to allow probationers to be promoted over a promotion step upon meeting the prescribed requirements having regard to the following considerations –

- (a) the upper rank of a combined-establishment grade is not a separate functional rank with distinct establishment and functional duties;
- (b) the upper ranks may be filled by either promotion or direct entry and the appointment requirements of both routes have been aligned or will be aligned (please refer to paragraph 2.9 in Chapter 2 for details); and
- (c) one of the purposes of a combined establishment is to attract talents to join the Civil Service at an early stage of their professional pathway and retain them after they have acquired the professional qualifications.

CSB has nonetheless confirmed that the concerned officers should,

notwithstanding their promotion to the upper rank over a promotion step, continue to serve the remainder of the probationary period so as to allow a reasonable observation period for the management to assess their suitability, in such terms as character and conduct, for appointment in the grade in the long term.

Observations on Promotion Cases

3.13 In 2015, the Commission continued to draw the attention of B/Ds to issues of concern when tendering advice on their promotion submissions. Some common inadequacies, e.g. failure to review prolonged acting appointments in accordance with the requirements set out in CSR 166(6)⁷; providing inaccurate information in board reports; making assessments of individual candidates that were too brief or too general to support the promotion board's recommendations; lack of comparison of the relative merits of close contenders, etc. were still found. The concerned B/Ds have been duly advised of the proper practice and procedures to follow for future exercises. Some other noteworthy observations on promotion cases made by the Commission in the year are set out in the ensuing paragraphs.

Counting of promotable vacancies

3.14 In accordance with paragraph 3.5(a) of the Guidebook on Appointments, in calculating the number of promotable vacancies that can be substantively filled in a promotion exercise, only those vacancies that are expected to arise within the current appraisal cycle should be included. Moreover, vacancies should be calculated realistically on a grade rather than a rank specific basis. If it is the assessment of the concerned AA that there is little risk of over-establishment, vacancies arising from promotion/acting appointments in a higher rank (i.e. consequential vacancies) can be counted as promotable vacancies for the lower rank. As for vacancies arising from retirement or resignation, they should be counted as promotable vacancies for the same rank once the concerned incumbents proceed on final leave/cease active service. Prior to the conduct of a promotion exercise, the number of promotable vacancies has to be determined and HoDs/Heads of Grade (HoGs) should obtain policy support from their Permanent Secretary (and also from CSB if the exercise involves a rank at D2 level or above) to fill all of them. Whether the same number of candidates will be promoted

7 It is stipulated in CSR 166(6) that for an acting appointment that is expected or likely to last or has lasted for more than six months, the approving authority should follow the normal procedures for selection for substantive appointment to select an officer to take up the acting appointment, subject to the advice of the Public Service Commission as appropriate.

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is a matter to be deliberated by the promotion board.

3.15 During the year, the Commission noticed from a number of promotion submissions that additional promotable vacancies that emerged after the relevant policy bureau had given its support for the number of vacancies to be substantively filled were either not counted as promotable vacancies or counted as promotable vacancies without seeking the policy bureau's support before conducting the promotion board. While departments should not assume that the number of officers to be recommended by the relevant promotion boards would not exceed the previously approved number of promotable vacancies, it is also important to ensure procedural propriety and to make good use of all available vacancies to promote deserving officers at the earliest possible opportunity. The Commission has reminded the departments concerned to update the number of promotable vacancies and obtain policy support from their respective policy bureaux for filling any additional promotable vacancies that might arise before promotion board meetings in future.

3.16 In examining the recommendations of two promotion exercises involving the first and second promotion ranks of a grade, the Commission noticed that the consequential vacancies arising from the appointment of two officers in the third promotion rank to another grade on trial terms were counted as

promotable vacancies in those two promotion exercises even though the two officers had not yet been confirmed to the trial grade and the end dates of their trial periods were outside the current appraisal cycle. According to CSR 198(4), the trial period of an officer may be terminated if he is unlikely to prove suitable for continued service or further appointment in his new office either because of his conduct or performance. Moreover, an officer on trial may also terminate the trial at will on or before the completion of his trial period. As such, the consequential vacancies concerned could only be filled by acting appointments in those two promotion exercises in order to cater for the possible return of the two officers before their passage of the trial bar. The department concerned accepted the Commission's advice and revised their recommendations to reflect the adjusted number of promotable vacancies. The Commission has advised the department to remind its staff dealing with appointment matters to adhere to the Guidebook on Appointments and adopt a more prudent approach in counting promotable vacancies in future promotion exercises.

3.17 In another promotion exercise, the department concerned only decided not to count one consequential vacancy arising from the retirement of a higher rank officer as promotable vacancy after the conduct of the promotion board. Given the reduction in the number of promotable vacancies, the promotion

board had to revise its recommendations, which had at that time already been submitted to the Commission for advice. While the Commission sees no objection to B/Ds adopting a prudent approach in calculating the number of promotable vacancies in promotion exercises, such prudence should have been appropriately exercised before promotion board meetings. Altering the number of promotable vacancies after the relevant promotion board had concluded its recommendations is undesirable. The Commission has advised the department concerned to thoroughly assess the risk of over-establishment when counting consequential vacancies as promotable vacancies in the lower rank prior to the conduct of the relevant promotion board in future.

Conduct of promotion boards and submission of promotion board reports

3.18 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. 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. In 2015, the Commission noted that the number of late conduct of promotion exercises (six or 0.8% out of a total of 710) was slightly lower than that in 2014 (nine or 1.3%

out of a total of 682). The number of board reports that could not be submitted to the Commission for advice within two months had also been reduced from 47 (6.9% of 682) in 2014 to 41 (5.8% of 710) in 2015.

3.19 While the Commission is pleased to note the improvement, it remains a concern that prolonged delay still exists in some cases. In one case, it had taken a department six months to submit a promotion board report to the Commission for advice because the AA concerned did not agree with the promotion board's recommendations. Notwithstanding further elaborations made and justifications provided by the board on several occasions, the approval of the AA was still not obtained. It was not until the case was brought to the personal attention of the HoD that the board's recommendations were finally cleared for submission to the Commission. This long delay in finalising the board's recommendations was unfortunate and regrettable, reflecting gaps in communication within the senior management of the department. The Commission considers that the case could have been better handled and the delay avoided if the HoD could be alerted to the disagreement between the AA and the board earlier. The Commission has advised the department to remind its staff handling appointment matters to escalate similar matters to the senior management promptly in future so that the matter could be resolved earlier and the advancement of eligible officers would not be jeopardised or unnecessarily delayed.

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3.20 Another two departments had taken more than two months to respond to the Commission's queries raised in two promotion exercises despite repeated reminders. Whilst appreciating that the departments may have many competing priorities, the Commission considers that the late response will impede the deliberation process and ultimately result in delay in effecting the promotion/acting appointments which is neither in the interest of the departments nor that of the staff. The departments concerned have been advised to expedite their action in responding to the Commission's queries in future.

3.21 In two promotion exercises conducted during the year, the promotion boards had to meet twice before they could conclude their recommendations and a gap of more than two months between the two board meetings was observed in both cases. The Commission considers that should more than one promotion board meeting be absolutely necessary, the subsequent meeting(s) should be held as close to the first one as possible to avoid causing delay to the implementation of the board's recommendations. A gap of more than two months between two board meetings is too long.

Quality of reports and assessments made by promotion boards

3.22 While the format of promotion board reports has been standardised to facilitate B/Ds in their preparation and for the Commission's examination of the recommendations, it is the content of the reports which is of paramount importance. In examining the recommendations of a promotion board, the Commission noted that while the board had recorded in its report that its board members had different views on the recommendation concerning one candidate, no account was given on why there was a difference and how the board eventually arrived at its final recommendation. In the absence of such information, the Commission had difficulty in accepting the board's recommendation.

3.23 The Commission also found that there was room for improvement in the quality of the written assessments on individual officers given by some promotion boards. In a promotion exercise, the promotion board decided not to recommend a particular officer for acting for administrative convenience (AFAC)⁸ despite that he was so recommended by a previous board and has yet to be

8 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).

placed for acting. While it is in order for the board to consider afresh the claims of all candidates in light of their performance in the past year, the recommendation has to be supported with clear and detailed justification. Furthermore, the board should have provided a comparison of the relative merits between the officer concerned and the AFAC recommendee. In another case, although the promotion board considered that the appraising officer (AO) and countersigning officer (CO) had failed to give sufficient elaboration or concrete evidence to justify the good ratings given to an officer, it did not seek clarification with the AO and CO concerned before making its recommendation. It was only upon the Commission's query that the promotion board sought supplementary information from the relevant AO and CO and finally revised its recommendation on the officer concerned. This has reflected an inadequacy on the part of the board in making fair assessments on the claims of individual officers.

3.24 The Commission also observed in a number of cases that some relevant comments/assessments made in the appraisal reports of eligible candidates had not been included in the summaries of assessment prepared for the promotion boards' reference. Although the performance appraisal report files of all eligible candidates will invariably be made available for the boards' scrutiny before and at the board meeting, the summaries serve as a ready and handy

reference. They should thus be factual albeit concise and capture all essential information on individual officers' performance to facilitate the board's thorough deliberations.

3.25 According to the Guide to Appointment of a promotion rank of a department, officers are required to be in possession of a certain certificate, which can be obtained after completing the relevant training provided by the department, before they can be promoted. However, the promotion board convened in the year had not been informed of the completion of training of seven officers resulting in their being excluded from consideration in that promotion exercise. It was only upon the Commission's enquiry about their status that the board had found out the omission. Another board meeting had to be convened to consider the claims of the seven officers concerned. The department has been reminded to check and update officers' eligibility for promotion in future exercises so that the claims of all eligible officers are fully considered by the board.

Candidates involved in disciplinary/criminal investigations

3.26 In a promotion recommendation submitted to the Commission for advice during the year, no mention was made in respect of an AFAC recommendee who was under disciplinary investigation. The Commission subsequently learnt that the AA had asked that the board's

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recommendation on this officer should not be effected until all doubts on the officer's suitability have been cleared. The department only reported the matter to the Commission when it was about to arrange an AFAC appointment for the officer concerned having regard to the latest development. The Commission appreciates the prudent approach taken by the AA but considers that the report should have been made at the time when the board's recommendation was submitted to the Commission for advice. The Commission has reminded the department that if there is any integrity doubt on a recommended officer in future exercises, it should be drawn to the Commission's attention at the time when the submission is made. The AA's views and proposed way forward (i.e. whether and how the board's recommendation of the officer would be effected) before the integrity doubt on the officer is cleared should also be reported in the submission. The Commission's advice should be sought again in a timely manner if there is any change in the recommendation on the officer in the light of the progress of the relevant investigation or proceedings.

Effective date of promotion

3.27 The criteria for determining the effective date of substantive promotion of an officer over a promotion bar are set out in CSR 125. Normally, it should be the date on which a vacancy in the upper rank becomes available; or the officer takes up the duties of the higher

office; or the officer is considered capable of performing the full duties of the higher office (i.e. usually the board date), whichever is the latest. However, in cases where there are officers recommended by a promotion board held in a previous year to AWAV and have yet to be substantively promoted, the effective date of promotion for officers recommended by a current board should normally not be earlier than that of the former. Such an arrangement is well-accepted as fair as it helps to maintain the relative seniority of officers belonging to the same rank and who have been considered by the previous promotion board.

3.28 In a promotion exercise conducted by a department, the Commission noted that the effective date of promotion was wrongly determined due to a misinterpretation of the arrangement set out in paragraph 3.27 above. The case involved a grade which is streamed with promotions to a higher rank being confined only to officers within the same stream. Separate promotion boards are conducted for each stream by the department. In examining the recommendations of these promotion boards, the Commission noted that the boards had recommended that the promotion date for all streams be set at one day after the substantive promotion of an officer who was on an AWAV appointment as recommended by a promotion board held for one of the streams in the previous year. As the recommended promotees in the current

exercises are not in the same stream as that of the AWAV officer and their claims for promotion were considered separately by different boards, the effective dates of their promotion should be determined independently. Having taken the Commission's advice, the boards subsequently revised their recommendations for the officers in each stream to be promoted with effect from the board dates.

- 3.29** The Commission has advised the department to clearly brief promotion boards on the relevant appointment rules and practices before board meetings to enable them to make appropriate and fair recommendations in future promotion exercises. Should there be doubts about the application of any appointment regulations or policies, the department should consult CSB for advice.

Handling of AFAC appointment

- 3.30** In accordance with paragraph 3.35 of the Guidebook on Appointments, when an officer takes up a long-term acting appointment on the recommendation of a previous promotion board, he should be allowed sufficient opportunities to be tested in the higher rank and should not be made to give way to other officers without good reasons. Any decision to cease an AFAC appointment should be fully justified by a thorough assessment of his acting performance.
- 3.31** It came to the attention of the Commission when examining a

promotion board's recommendation that the concerned department had arranged for an officer to step down from his AFAC appointment to meet operational needs during the year. The cessation of the AFAC appointment of the officer without considering other feasible options and giving due regard to the officer's morale and career interest was unfortunate. The Commission has reminded the department that unless the officer has demonstrated obvious deficiency in his acting performance and failed to prove his suitability, his acting appointment should not be ceased lightly. The Commission has also asked the department to review the grade management operation and take appropriate measures to strengthen the management of the grade concerned.

Declaration of interest

- 3.32** In accordance with paragraph 3.14 of the Guidebook on Appointments, officers who sit on a promotion board should avoid any actual or perceived conflict of interest. Depending on the nature and extent of a declared interest, the AA should arrange a change in the composition of the board; ask the member who has so declared to withdraw from the board temporarily or abstain from assessing the claim of the concerned candidate(s). To facilitate the AA's consideration of the declarations and to enable him to determine the appropriate action to take in a timely manner, promotion/selection board chairmen and members should be required to make the

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declaration and report it to the AA before the board meetings.

3.33 In a selection exercise conducted to select officers for acting in a number of time-limited and temporary vacancies in the higher rank in a department, the Commission observed that while the AA was advised before the board meeting that the board chairman and members had been invited to declare any actual or perceived conflict of interest and no such declaration had been received, one member subsequently declared at the board meeting that one of the candidates was his relative. In response, the board chairman had directed him to abstain from assessing the claim of the concerned candidate. The AA was not aware of the concerned member's declaration until after the board meeting. Upon enquiry, the member explained that his late declaration was due to his misunderstanding that his relative was not eligible for consideration. Such misunderstanding and hence the late declaration could have been avoided if the chairman and members of the board had been provided with a list of eligible candidates when they were invited to make the declaration. In this case, after scrutinising the board's deliberation and recommendation, both the AA and the Commission were satisfied that there was no evidence that the member's late declaration or the board chairman's decision to allow the member to stay on the board had undermined the objectivity or impartiality of the board in its assessments of the claims of candidates.

The Commission has reminded the department concerned to take all necessary measures to facilitate board chairman and members in making timely and accurate declaration of interest before the conduct of a promotion/selection board meeting in future and that the AA should be informed of and as appropriate, consulted on the declarations of interest made by the chairman and members of a promotion/selection board once those are received.

3.34 In examining the recommendation of a promotion exercise, the Commission noted that the board chairman had declared before the board meeting that one of the eligible candidates was his relative and had abstained from the assessment of the candidate concerned. A closer look at the case revealed that this officer had served as the board chairman in promotion exercises for the same rank in the past six years and he had made the same declaration and arrangement each year. While having no doubt about the impartiality and integrity of this board chairman, who was also the AA of the grade in question, the Commission was concerned whether his abstaining from commenting on his close relative was sufficient to quell any perceived conflict of interest. The Commission considers that not only is it important to guard against genuine conflict of interest, perceived conflict also needs to be avoided at all times. In response, the department has reported that the concerned board chairman would not be appointed again as he

had already retired. The department has undertaken to remain vigilant in examining the declarations of interest made by promotion board chairmen and members and make appropriate arrangements as required in future.

3.35 In another two promotion exercises, the AAs made changes to the composition of the boards after receipt of some board members' declarations that certain candidates were their relatives. However, the declarations of interest and the change in board composition had not been recorded in the board reports. While the Commission considers it appropriate for the concerned AAs to

have taken such prudent measures, we have advised the concerned departments to properly record such declarations and change in board composition in the board reports in future.

3.36 In a number of other promotion cases, the Commission has noted that pure working relationship with no personal dealings with a candidate was also declared. For the avoidance of doubt and to save unnecessary administrative work, the Commission has requested CSB to review the need for such declarations and if necessary, promulgate guidelines for B/Ds' compliance.

Chapter 4

Performance Management and Staff Development

4.1 Managing staff performance and development of staff potential are key to maintaining a high standard and good quality workforce in the Civil Service. The Commission welcomes the initiatives taken by CSB to strengthen the performance management system and on the promotion of good performance management practices in the Civil Service. The Commission supports the adoption of a holistic approach to staff development that encompasses a structured career progression plan as well as suitable job exposure underpinned by appropriate training for civil servants at all levels.

Performance Management in the Civil Service

4.2 Further to the promulgation of updated guidelines and good practices in performance management and the issue of an updated “Performance Management Guide” (PM Guide) in 2013, CSB has conducted a service-wide survey on the performance management system to identify areas for further enhancement. The findings were reported to the Commission in March 2015.

4.3 The survey focussed on four areas: (a) distribution of ratings on overall performance and promotability; (b) performance management related appeal and complaint cases; (c) measures to support staff’s career development; and (d) assessment panel (AP) operation. Based on the survey findings,

CSB considers that the performance management system and practices in B/Ds are generally in line with the prevailing guidelines. The major findings of the survey are summarised below –

- (a) there was a reasonable distribution of the ratings on overall performance and promotability in appraisal reports with the top rating awarded sparingly;
- (b) many performance management related appeals and complaints concerned the appraisees’ disagreement with the assessments received and the APs’ downgrading of their appraisal reports, suggesting a difference in the understanding of the assessment standards adopted. There were also complaints about the process of handling appraisals and the supervisors’ management practices;
- (c) B/Ds have implemented various measures, including career development interviews, individual training and development plans, rank-based training, induction training and training for newly promoted officers, to support the career development of their staff as well as the overall development and succession of the grades concerned; and
- (d) APs are generally functioning properly in ensuring consistency in assessment standards through the moderation of appraisal reports. However, of the 352 ranks which had adopted APs, 38 (i.e. 11%) had the same officer

performing as the AP chairman, reviewing officer (RO) and HoD/HoG.

4.4 In the light of the survey findings, CSB has made recommendations covering two main directions: (a) strengthening the existing performance management guidelines to further facilitate the handling of enquiries/complaints; and (b) rendering training and advisory services to assist B/Ds to operate a more robust performance management system and help different levels of staff become better informed of the system.

4.5 On performance management, CSB would augment the guidelines as follows –

- (a) suggesting ways to facilitate more effective communication of the assessment standards;
- (b) drawing B/Ds' attention to the need to protect appraisees' privacy so that only sufficient but not excessive information is included in appraisal reports;
- (c) emphasising that disclosure of individual appraisal reports should be made on a strictly need-to-know basis;
- (d) advising that career development interviews should be conducted to help staff understand their career path; and
- (e) strongly encouraging B/Ds to have the three roles of AP chairman, RO and HoD/HoG assumed by at least two different officers so as to achieve more

objectivity in appraisal moderation and handling of complaints against AP's decisions.

4.6 As most B/Ds have indicated a need for training on performance appraisal writing and interviewing skills for their staff, CSTDI will –

- (a) continue to provide training to enhance appraisers' skills in writing well-substantiated appraisal reports and develop their communication skills for more fruitful discussions at appraisal interviews;
- (b) step up its training programmes on staff management skills, in particular on handling difficult situations such as motivating staff with mediocre performance or problematic attitude;
- (c) encourage B/Ds to include a training session on performance management in the induction training for new recruits with a view to cultivating in them an accurate understanding of the performance management system and principles at the start of their career in the Civil Service; and
- (d) provide customised training and advisory services to assist B/Ds to handle appraisees' disagreement and appeals. Desensitised real-life examples will also be included in the training programme to help supervisors better understand the application of performance management principles to actual case handling.

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4.7 The Commission considers the survey useful in gauging the implementation of the current performance management system and identifying areas for further enhancement. The constructive measures to be undertaken by CSTDI would further improve the performance management system and assist B/Ds in handling performance management related issues. CSTDI will continue to promulgate good performance management practices while allowing reasonable flexibility for different grades to meet their different needs. As refinements and improvements to the performance management system is a continuous process, CSTDI has undertaken to continue to strengthen the performance management guidelines and work in close partnership with B/Ds to assist in their building of a robust performance management system.

Observations on Performance Management Issues

4.8 During the year and as cases come to our attention, the Commission has continued to make observations and give suggestions to B/Ds on good performance management practices. Some noteworthy observations are set out in the ensuing paragraphs.

Timely completion of performance appraisals

4.9 The completion of performance appraisals is to provide a timely assessment on and feedback to

appraisees for their development. 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 staff management skills of the AOs and COs concerned. Ultimately, HoDs/HoGs have to bear the responsibility of monitoring and ensuring that the performance appraisal system for their staff is properly administered.

4.10 While the Commission has reiterated time and again the importance of timely completion of performance appraisals, it is noted that the problem of late appraisal still persisted in 2015 and in some cases aggravated. In particular, when examining the promotion submissions of several ranks of a grade in a department, the Commission noticed that nearly all the appraisal reports for the latest (2013/14) appraisal cycle were completed late, i.e. more than three months after the end of the appraisal cycle. Apart from reminding the department to seriously impress upon the supervisors concerned of the importance of timely appraisal, the Commission has found it necessary to draw the problem to the personal attention of the concerned HoD for intervention.

4.11 In another promotion exercise, the number of late completion of appraisal reports for more than three months

had increased from 26% in 2012/13 to 47% in 2013/14 despite the issue of repeated reminders to the officers concerned. To tackle the problem, the department has decided to implement a new measure whereby advisory letters would be issued to the concerned officers in cases of serious late completion to record the failings. Repeated failure in timely completion of subordinates' performance appraisal reflects adversely on the officers' organisation of work and competency in exercising their supervisory responsibilities. The Commission considers the department's determination and effort to tackle the late reporting problem commendable. The Commission will and has also asked the department to monitor the effectiveness of the measure.

Comprehensive appraisal

4.12 Apart from timeliness, objective and comprehensive reporting are equally, if not more important, in performance appraisals. This way, the officer being appraised will be able to get frank and constructive feedback in a timely manner for improvement and development. In scrutinising various submissions, the Commission observed that some supervising officers had the tendency to repeat the same assessment and in some cases with identical wordings in a series of appraisal reports. In an extension of probationary service case, the overall performance of the probationer concerned was reported to have progressed from "Very Effective"

in two earlier probationary reports to "Outstanding" in the last probationary report. However, the AO's written assessments in those three reports were nearly identical and no elaboration on the "Outstanding" rating was given. The Commission considers that such practice falls short of the required standard in staff appraisal. As performance appraisals form the basis for staff development and advancement, there should be distinctive accounts of an appraisee's overall performance, strengths and weaknesses and progress made over different appraisal periods. The Commission has advised the B/Ds concerned to remind the supervising officers to make improvement in the quality of their performance appraisal writing.

Performance assessment standards

4.13 In the course of examining the recommendations of different promotion boards submitted by a department, the Commission noticed that the percentage of appraisal reports being given an overall rating at the top level had, as in the previous year, remained on the high side in some ranks. Over-generous reports will likely blur the differences among officers' performance and make it very difficult for a promotion board to identify the real performer and to support its recommendation on the basis of the officers' performance records. The Commission believes more vigorous efforts need to be made and has advised the department to seek assistance from CSTDI if necessary.

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4.14 In a number of promotion exercises of another grade, the Commission noted that the ROs had remarked in the appraisal reports of some officers that there were inconsistencies between the performance ratings and pen-picture; that the performance ratings were on the high side or too generous and to the effect that the AO or CO was a loose marker, etc. While we have no doubt about the ROs being knowledgeable about the work and the standard of performance expected of the officers of the grade and it is appropriate for the ROs to have made those remarks if indeed it is the case, the Commission considers it advisable for the ROs to be more specific and to make the AOs/COs aware so that the assessment can be properly and fairly made. Given the recurrence of the problem, the Commission has urged the department to conduct staff briefing calling upon CSTDI's assistance if necessary. In response to the Commission's observations, the department concerned had arranged the relevant training for its staff by the end of 2015.

4.15 In another promotion exercise, the Commission noticed that a CO had downgraded the overall performance rating of an officer in the past three years without making any adjustments to the ratings in the individual performance aspects or other assessments in the appraisals. As a result, the downgraded overall performance rating appears not consistent with other assessments in the appraisal reports. The Commission has advised the department to remind

the CO concerned of the need to record the justifications for making any adjustments in appraisals and to ensure that the overall rating is consistent with the ratings of individual aspects of performance in the adjusted appraisals.

In-between ratings

4.16 As stipulated in paragraph 3.4.1 of the PM Guide, in-between or split ratings should not be used in giving assessment as such practice undermines the aim of the pre-determined rating scale to achieve better objectivity, consistency and comparability in performance management. In the promotion exercises of a grade conducted in 2015, the use of in-between ratings was still noted despite the Commission's advice in the preceding year. The Commission has asked the concerned HoG to remind the relevant supervisors again to observe the requirements in the PM Guide. Should such in-between ratings be given in future appraisal reports, the concerned HoG should ask the relevant supervisors to rectify them before accepting those appraisal reports.

Missing performance appraisal

4.17 In making preparations for a promotion exercise, a department found that one of the appraisal reports of an eligible officer was missing and likely to have been misplaced. The appraisal had to be re-constructed by using the personal copy provided by the appraisee. Although the promotion claim of the officer

concerned had not been jeopardised, the department's lax practice in handling staff appraisals is highly unsatisfactory. The Commission has reminded the department to properly and clearly brief officers responsible for handling performance appraisals on the necessary steps to take to forestall similar incidents from occurring again.

Assessment Panel

4.18 In examining the recommendations of a promotion exercise, the Commission was pleased to observe that the AP had made detailed observations and comments in individual officers' appraisal reports and provided useful recommendations on the overall performance assessment standard as well as on the quality of appraisal writing. The management of the concerned department had also relayed the AP's observations and recommendations to the relevant parties for information and necessary action. The Commission considers that the good work done by the AP should be duly recognised. The department is also encouraged to continue with the good practice in enhancing the consistency and transparency of performance appraisal.

4.19 The Commission noticed from another promotion exercise that the 2012/13 appraisal reports of the eligible rank were only examined by an AP in 2015. The department concerned explained that its practice was to convene AP every one or two years for the rank concerned in view of the straightforward job

nature and small establishment of the rank as well as the fact that promotion board was not conducted for the rank every year. The Commission did not find the department's current practice satisfactory. As set out in paragraph 5.2.10 of the PM Guide, an AP should meet when a performance appraisal cycle has completed and a fresh round of appraisal reports becomes available. The major role of an AP is to undertake moderating and levelling work for all appraisal reports within a rank in the current year. When an AP mechanism is implemented for a rank, the grade management should conduct an AP at the end of each appraisal cycle and inform the appraisees and supervising officers of the moderated ratings/assessments and/or observations made by the AP so that necessary actions can be timely taken. Only with such an arrangement will the appraisees know where they stand and to seek improvement in the next appraisal cycle. The Commission has reminded the department to adhere to the relevant provisions in the PM Guide in the conduct of APs in future.

4.20 As observed in another promotion exercise, in reviewing and moderating the performance ratings of the appraisals of a rank, the AP had adopted a reference benchmark that an officer who was assessed as "Suitable to be tested/further tested at the next higher level" should have at most a pre-determined number of his core competencies rated "1". The Commission considers such practice somewhat artificial and without adequate

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regard to the actual performance of individual officers. While there may be a need to set some guidelines on the assessment standard to ensure that a common yardstick is adopted by different APs for the same rank, these guidelines/reference benchmarks should be applied with suitable flexibility, catering for justified cases where necessary. The relevant HoG has undertaken to review the practice in consultation with CSB.

Staff Development and Succession Planning

4.21 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.

4.22 During the year, the Commission noticed that some departments had failed to identify sufficient suitable officers to fill all the vacancies in a number of promotion exercises. In scrutinising a promotion submission from a department, the Commission noted that the lack of a specific skill-set by officers in the lower ranks has led to succession problems in the grade's promotion ranks. The Commission has asked the department to step up its efforts in staff training with a view to equipping them with the skill-set for taking up the full range of duties in the higher ranks. The Commission noted the efforts being made by the department in this regard and has urged the department to sustain its efforts in achieving a sustainable succession plan for the grade.

4.23 In another department which also faces a succession problem, the Commission noted that the estimated number of qualified candidates in the next promotion exercise would still be insufficient to fill all the existing vacancies, not to mention any further vacancies that may arise from natural wastage. As the shortage of staff in this promotion rank has been a problem for quite some time and could have serious impact on the department's operation, the Commission has requested CSB to work with the B/D concerned to address the problem. CSB has reported that they are looking into the matter.

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Other Civil Service Appointment Matters

- 5.1** Another important function 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 Scheme⁹ and retirement in the public interest under s.12 of the Public Service (Administration) Order (PS(A)O)¹⁰. In addition, the Commission also advises on further employment (including extension of service and re-employment after retirement without a break in service), secondment¹¹, opening-up arrangement¹², award of Government

- 9 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.

- 10 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.
- 11 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.
- 12 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.

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Training Scholarship¹³ and revision of terms of employment¹⁴ of serving officers in the middle and senior ranks of the Civil Service. A statistical breakdown of these cases advised by the Commission in 2015 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 13 officers from nine B/Ds were put under close observation in the context of procedures under s.12 of PS(A)O. One of them had subsequently been taken off the watch list after the officer had improved her performance to the required standard and four officers left the service for reasons including resignation, invaliding and removal on disciplinary grounds. As at the end of the year, eight 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. We will also closely monitor departmental managements' readiness and timeliness in pursuing such an administrative action.

- 13 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.
- 14 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.

Extension/Termination of Probationary Service

5.5 A probationary period is to provide an opportunity for the appointee to demonstrate his suitability for further appointment in the office; for the AA 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 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 under CSR 186 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 have not been adequate opportunities 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 beyond his control. 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 The number of cases involving termination of probationary service advised by the Commission increased from 11 in 2014 to 16 in 2015. 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 dropped by 33% from 126 in 2014 to 84 in 2015. 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

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performance and/or conduct, or absence from duty for a prolonged period due to health conditions. Some specific observations made by the Commission during the year on extension/termination of probationary service are set out in the ensuing paragraphs.

Timely submission of extension and termination cases

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 it to the Commission at least two months before the end of the probationary period, as far as practicable. The Commission considers delays in processing such cases by B/Ds resulting in the probationers concerned not being informed of the management's decision before the end of their probationary periods most undesirable and not conducive to good staff management. To follow up on the Commission's observations, CSB had reminded all B/Ds of the importance of

making timely submissions on extension or termination cases. During the year, the Commission was pleased to note that positive steps had been taken by B/Ds to expedite action in handling extension/termination of probationary service cases and improvement had generally been seen in the timeliness in submitting such cases to the Commission for advice.

Probationer on injury-on-duty sick leave

5.9 In the year, the Commission noticed that a department had issued a letter-of-intent to a probationer informing him of the department's intention to terminate his probationary service¹⁵ while he was on injury-on-duty sick leave. The department's action was not in compliance with s.48 of the Employees' Compensation Ordinance (Chapter 282 of the Laws of Hong Kong)¹⁶. Upon enquiry, the department explained that the injury-on-duty sick leave of the probationer concerned had escaped the grade management's notice. The Commission considered such an explanation hardly acceptable as the

15 Under CSR 186(3), before a decision is made to terminate the service of an officer on probationary terms, the officer should be informed in writing of such intention and given seven calendar days to submit any representations he may wish to make.

16 S.48 of the Employees' Compensation Ordinance (Chapter 282 of the Laws of Hong Kong) prohibits termination of service during an employee's incapacity without the consent of the Commissioner for Labour. It provides that an employer shall not, without the Commissioner's consent, terminate or give notice to terminate the contract of service of an employee who has suffered incapacity in the course of employment in three situations, i.e. before the relevant assessment certificates are issued by the Commissioner or Assessment Boards or before the employer and employee have reached an agreement for compensation.

probationer had been on continuous and prolonged injury-on-duty sick leave before the issue of the letter-of-intent. The incident has reflected the failure on the part of the grade management in its grade management functions and also a lack of proper internal communications between different parties handling the case. The Commission has advised the department to remind the grade management to be vigilant in managing its grade members and to strengthen the department's internal communications between different offices.

Extension of the Service of Civil Servants

5.10 In 2015, the Government has made the following progress on its initiatives for extending the service of civil servants -

- (a) a higher retirement age, i.e. 65 for civilian grades and 60 for disciplined services grades, is applied to all new recruits appointed to the Civil Service on or after 1 June 2015;
- (b) the streamlined control regime on post-retirement outside work has been implemented with effect from 1 September 2015; and
- (c) the arrangements for the employment of retired civil servants and retiring civil servants on final leave under the "Post-retirement Service Contract Scheme" was promulgated in November 2015.

5.11 Regarding the further employment of civil servants beyond retirement age, the Government will adjust the present mechanism by –

- (a) institutionalising the selection process by reference to the modus operandi for promotion and recruitment;
- (b) allowing a longer period of further employment -
 - (i) in respect of final extension of service, up to 120 days from the current maximum period of 90 days; and
 - (ii) in respect of all further employment cases other than final extension, 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 New Permanent Terms in the form of extension of the Civil Service Provident Fund service.

5.12 CSB issued in May 2015 a refined draft implementation framework of the adjusted further employment mechanism, which has suitably incorporated the comments of the Commission and B/Ds, for comments by all staff. Given a broad consensus among stakeholders, CSB intended to roll out the revised arrangements for processing applications for final extension of service of civil

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servants beyond retirement age first. As the principles and spirits of the adjusted further employment mechanism will apply equally to agreement officers on fixed-term appointment, CSB will also put in place revised arrangements for processing short extensions of their agreements. Regarding further

employment of a longer period of up to five years, CSB is discussing with the relevant stakeholders with a view to making final preparations to apply the mechanism. CSB has undertaken to brief the Commission on the arrangements once finalised. The Commission will keep the development in view.

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- 6.1** The Commission works with CSB and B/Ds to ensure that civil servants 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 well-established Civil Service 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 or criminal offences.
- 6.2** With the exception of exclusions specified in the PSCO¹⁷, the Government is required under s.18 of the PS(A)O¹⁸ 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 2015, the number of Category A officers falling within the Commission's purview for disciplinary matters was about 113 400.
- 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 in 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.
- 6.5** The Commission advised on the punishment of 37 disciplinary cases in 2015 which represents about 0.03% of the 113 400 Category A officers within the Commission's purview. This figure has remained low in recent years, indicating that the vast majority of our

Disciplinary Cases Advised in 2015

17 Please refer to paragraph 1.5 of Chapter 1.

18 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.

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civil servants have continued to measure up to the very high standard of conduct and discipline required 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. The Commission will continue to perform its function and tender advice on disciplinary cases without fear or favour. 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 37 cases advised by the Commission in 2015 by category of criminal offence/misconduct and salary group is at Appendix VII. Of these 37 cases, 12 (32%) had resulted in the removal of the civil servants concerned from the service by “compulsory retirement”¹⁹ or “dismissal”²⁰. There were 11 (30%) cases resulting in “severe reprimand”²¹ plus financial penalty in the form of a “fine”²² or “reduction in salary”²³ which is the heaviest

- 19 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.
- 20 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).
- 21 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.
- 22 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.
- 23 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).

punishment next to removal from the service and “reduction in rank”²⁴. 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 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 2015, together with the observations and recommendations made by the Commission, are set out in the ensuing paragraphs.

Debarring effect of summary disciplinary punishment on probationers

6.8 For minor acts of misconduct (e.g. occasional unpunctuality) committed by civil servants, the relevant B/Ds may

issue verbal or written warnings to the civil servants concerned without the need to conduct formal disciplinary hearings. 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 A verbal or written warning would debar an officer from promotion or appointment for a period of time. For probationers, their passage of the probation bar would also be deferred taking into account the debarring period of the warnings they received. Prior to April 2015, the debarring period was normally one year counting from the date of the issue of the warning for both verbal and written warnings alike. As mentioned in the last Annual Report, the Commission noticed a discrepancy in the treatment of probationers 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 have to be deferred. The Commission considers that the

24 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.

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timing of the issue of a warning should not be allowed to undermine the purpose and punitive effect of the punishment. Besides, 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 the officer's 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.

6.10 Acting on the Commission's observations and advice, CSB has promulgated in the form of a CSB Circular in March 2015 a refined verbal

and written warning system, which is applicable to warnings issued on or after 13 April 2015. Under the refined system, the one-year debarring effect of a written warning on promotion and appointment remains unchanged. However, the debarring effect of a verbal warning has been shortened to six months to be followed by an observation period of another six months²⁵. As far as probationers are concerned, their probationary periods will be extended for six months with financial loss²⁶ where a verbal warning has been issued and for one year with financial loss in the case of a written warning, irrespective of when the warning is issued during the probationary period and subject to the requirements under CSRs 186(3) and 186(4)²⁷. The Commission appreciates the positive and prompt actions taken by CSB to address the Commission's concerns.

- 25 For the subsequent six-month observation period, the officer would not be debarred from consideration for promotion and appointment due to the verbal warning. Nonetheless, 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 AA should assess whether the verbal warning issued would have any bearing on the officer's suitability for the promotion or appointment under consideration.
- 26 If an officer's probationary period is extended with financial loss, the officer will receive no increment during the extension and his/her incremental date will be deferred for the same duration permanently. At the end of the period, the officer will be considered for confirmation to the rank subject to his/her satisfactory performance and the AA's satisfaction that he/she fully meets the requirements of the grade for confirmed appointment in the long term.
- 27 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 AA 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.

Handling of probationary government drivers involved in traffic accidents

6.11 The Commission considers that driving safety is of paramount importance and is the ultimate test of government drivers' 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 considers that a clear standard of not tolerating careless driving should be set and such standard should be communicated to all newly recruited government drivers without ambiguity so that they know from the outset the standard of performance required of them.

6.12 The Commission is pleased to note that the Government Logistics Department (GLD), which is responsible for managing government drivers, is receptive to the Commission's advice and has taken positive actions with user B/Ds to improve the handling of probationary government drivers involved in traffic accidents. Apart from the existing practice of seriously considering the suitability of a probationary driver's

passage of the probation bar if he is found blameworthy in a traffic accident that has resulted in casualty and/or serious damages to the vehicles concerned, GLD will also seriously consider a probationary driver's suitability for remaining in the service if he has accumulated more than nine driving-offence points or has been found blameworthy in more than one traffic accident during the probationary period.

6.13 GLD has also taken the following measures with a view to enhancing its communications with user B/Ds and improving its management of the driver grades, particularly probationary drivers –

- (a) requesting B/Ds to remind all their staff concerned at half-yearly intervals of the requirements to: (i) report to GLD immediately of any traffic offence/misconduct cases involving probationary drivers; and (ii) submit to GLD the performance and disciplinary records of a probationary driver four months before he is due for passage of the probation bar so as to facilitate necessary and timely management actions;
- (b) calling for half-yearly returns from B/Ds on traffic offence/misconduct records of probationary drivers serving in B/Ds so as to ensure that potential cases of refusal/deferral of passage of probation bar are brought to GLD's attention at an early stage;
- (c) seeking the Commission's advice on a short extension of the concerned

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driver's probationary service pending the result of investigation or disciplinary proceedings so as to avoid the concerned driver's appointment status being left in limbo after the expiry of his original probationary period;

- (d) asking all driver grades staff, including probationary drivers, to report to their respective B/Ds immediately upon receipt of an Obligatory Attendance of Driving Improvement Course Notice issued by the Transport Department as a result of their having incurred ten or more driving-offence points within a period of two years; and
- (e) drawing the attention of AOs to the need to take into account driver grades members' involvement in traffic offences/accidents, if any, when assessing their performance by introducing a revised performance appraisal form and a set of revised guidelines.

6.14 The Commission finds GLD's good efforts in improving its management of the driver grades, especially probationary drivers, commendable. The Commission has encouraged GLD to continue enhancing its communications with user B/Ds with a view to keeping track of the performance and conduct of outposted government drivers for taking proper and timely management actions as and when required.

Handling of government drivers disqualified from holding a driving licence

6.15 In accordance with the prevailing guidelines issued by GLD, if a government driver is disqualified from holding a driving licence temporarily, the relevant B/D may, in consultation with GLD, consider whether there are management and/or operational grounds to invoke CSR 1101(2)²⁸ to direct him to take earned leave, or no-pay leave if he has exhausted his earned leave, after giving due consideration to the practicality and relative merits of alternatives and any financial hardship that the driver may face. In practice, a government driver may be allowed to resume work and be assigned to perform supporting or minor clerical duties during the disqualification period. As the inherent duty of a government driver is to drive a government vehicle, the Commission has asked CSB and GLD 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 is examining the relevant arrangements in a holistic manner in consultation with CSB and will report back to the Commission the outcome of its review. Meanwhile, while cases of government drivers being disqualified from holding a driving licence should be few and far in between, the Commission has reminded

28 CSR 1101(2) stipulates that the leave approving authority may require an officer to take leave to meet management/operational requirements.

GLD to stay vigilant and ensure that such cases, if they should come up, would be appropriately and fairly dealt with.

Benchmark of punishment for sex-related misconduct/offences

- 6.16** Despite the adoption of a higher starting point of punishment at the level of “a severe reprimand with a fine” by the Government since 2006 for sex-related offences, the Commission has noted with concern that there has been an increase in such cases, underskirt filming in particular, in the Civil Service in recent years. It raises the question as to whether the punishment considerations set in 2006 remain effective in achieving the desired punitive and deterrent effect. Nevertheless, to put the matter in proper perspective, the Commission has no doubt that the standard of probity of the Civil Service in general has remained high as reflected in the small number of disciplinary cases submitted to it for advice in recent years. However, in view of the rising trend in underskirt filming cases, the Commission considers that appropriate action should be taken to make clear the Government’s grave view of such cases. CSB has therefore been invited to review the punishment benchmark for sex-related cases.
- 6.17** While appreciating that there may be different reasons leading to the increase in sex-related offences, underskirt filming in particular, CSB agrees that it is necessary to set a higher

punishment benchmark and tighten up the punishment considerations for such kind of offences having regard to their heinous, offensive and scandalous nature. After taking into consideration the views of the Commission, CSB has refined the benchmark of punishment for sex-related misconduct/offences during the year to specify that the starting level of punishment for indecent assault/underskirt filming cases is “a severe reprimand with a fine equivalent to one month’s substantive salary”. For other cases that are less serious than indecent assault/underskirt filming, the starting level of punishment is a severe reprimand. Besides, a financial penalty or a more severe punishment up to a removal punishment would be considered, taking into account other relevant factors including whether the defaulting officer is a repeat offender or he has blemished disciplinary records; whether the defaulting officer is senior in rank or a higher level of probity is expected of him; whether the act is duty-related, committed during duty hours and/or in the workplace; whether a long custodial sentence has been handed down by the court; whether the case casts doubt on the defaulting officer’s conduct and integrity as a civil servant, etc. Similarly, considerations would also be given as to whether the circumstances and other factors of the case justify a less severe punishment and/or a lower financial penalty. Notwithstanding the above benchmark, each case would be considered on its own merits.

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- 6.18** The Commission appreciates CSB's positive response and concrete action taken. Not barring heavier punishment as the case may so justify it, the Commission is in support of the setting of an objective and clear punishment benchmark for sex-related offences as discussed above and for other types of disciplinary cases where necessary.
- 6.19** 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.

Processing of formal disciplinary cases

- 6.20** During the year, the Commission noted with concern that a number of disciplinary cases had taken an exceedingly long period of time to conclude. Failure to take prompt action in processing disciplinary cases would inevitably cause delay in administering the punishment to the defaulting officers,

thus weaken the punitive and deterrent effect of the disciplinary punishment. More significantly, it will tarnish the Government's credibility in not tolerating acts of misconduct and in upholding a high standard of probity in the Civil Service. The Commission observed that the prolonged processing time taken in some cases was due to B/Ds' delay in handling those cases or the lack of experience of a few subject officers. For those cases involving delay in action on the part of B/Ds, the Commission has already reminded them of the importance of timely action and urged them to be more alert. In order to help improve the overall handling of formal disciplinary cases by B/Ds, SCSD has taken various measures, including visiting large B/Ds to discuss how action on their part could be expedited; conducting experience sharing workshops together with the General Grades Office for Executive Officers responsible for handling disciplinary cases; and providing more coaching and guidance for inexperienced officers. As an on-going effort, SCSD would keep track of the processing time of formal disciplinary cases and maintain communications with B/Ds to see if they need assistance in the process. The Commission is glad to note the positive actions taken by SCSD and expects to see more speedy and proper processing of disciplinary cases in the coming year.

Chapter 7

Visits

7.1 In 2015, the Chairman and Members of the Commission visited the Information Services Department, the Fire Services Department and the Hong Kong Observatory. 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 as well as the guided tours 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.



Visit to the Information Services Department



Visit to the Fire Services Department



Visit to the Hong Kong Observatory

Chapter 8

Acknowledgements

8.1 The Commission would like to express its gratitude to Mr Paul TANG, the former Secretary for the Civil Service, and Mr Clement CHEUNG, the current Secretary for the Civil Service as well as their staff for their continued support and assistance in all areas of the Commission's work. The Commission also warmly acknowledges the ready cooperation and understanding shown by Permanent Secretaries, HoDs and their senior staff in responding to the Commission's enquiries and suggestions during 2015.

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.

Appendix I

Curricula Vitae of the Chairman and Members 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 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 (from 23 May 2009 to 22 May 2015)

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, the M+ Board 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. He also serves as a Director of the Hong Kong Nang Yan College of Higher Education Limited.



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 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 (CUHK)

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

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



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 Citizens Advisory Committee and Community Relations of ICAC, the Chairman of the Steering Commission of the Pilot Green Transport Fund, a Member of the Steering Committee of the Promotion of Electric Vehicles, a Member of the Advisory Committee on Innovation and Technology and a Member of the Advisory Committee on Corruption of ICAC.



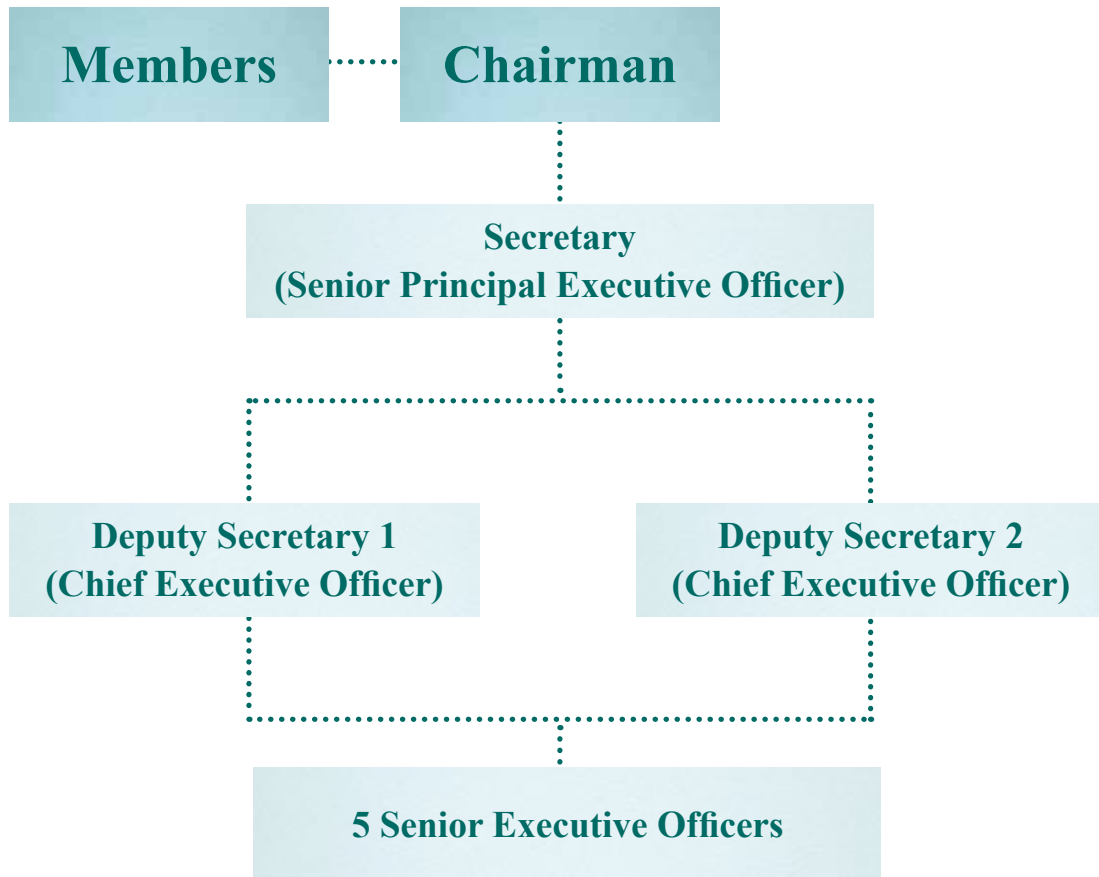
Mr Andrew MAK Yip-shing, BBS, JP

BSc (HKU), LLB (LondonU), MBA (CUHK), LLM (LSE), CEDR Accredited Mediator, MCI Arb, Chartered Secretary Member, Public Service Commission (appointed on 23 May 2015)

Mr Mak is a barrister-at-law and an accredited Mediator. He has been the Chairman of the Special Committee for Greater China Affairs of the Hong Kong Bar Association for over ten years. He is also the Chairman of the Licensing Appeals Board, the Chairman of Fishermen Claims Appeal Board, a Member of the Air Transport Licensing Authority and a Council Member of the Hong Kong Institute of Certified Public Accountants.

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 |
| <hr/> | |
| | 28 |

Appendix III

Submissions Advised by the Commission

| Category | Number of Submissions Advised | | | | |
|---|-------------------------------|-------|-------|-------|--------------|
| | 2011 | 2012 | 2013 | 2014 | 2015 |
| Recruitment | 106 | 121 | 126 | 133 | 151 |
| Promotion/Acting Appointment | 595 | 623 | 669 | 682 | 710 |
| Other Civil Service Appointment Matters | 184 | 276 | 189 | 233 | 190 |
| Discipline | 51 | 38 | 44 | 48 | 37 |
| Total number of submissions advised | 936 | 1 058 | 1 028 | 1 096 | 1 088 |
| <i>(a) Number of submissions queried</i> | 565 | 669 | 673 | 720 | 767 |
| <i>(b) Number of submissions with revised recommendations following queries</i> | 99 | 99 | 156 | 133 | 105 |
| <i>(b) / (a)</i> | 18% | 15% | 23% | 18% | 14% |

Appendix IV

Recruitment Cases Advised by the Commission

| Terms of Appointment | Number of Recommended Candidates in 2015 | |
|----------------------|--|------------------------|
| | Open Recruitment | In-service Appointment |
| Probation | 913 | 0 |
| Agreement | 87 | 0 |
| Trial | 48 | 52 |
| Sub total | 1 048 | 52 |
| Total | 1 100 | |

| | Comparison with Previous Years | | | | |
|--|--------------------------------|-------|-------|-------|--------------|
| | 2011 | 2012 | 2013 | 2014 | 2015 |
| Number of recruitment exercises involved | 106 | 121 | 126 | 133 | 151 |
| Number of candidates recommended | 1 004 | 1 030 | 1 092 | 1 268 | 1 100 |
| <i>Number of local candidates recommended</i> | 996 | 1 029 | 1 092 | 1 268 | 1 099 |
| <i>Number of non-permanent residents recommended</i> | 8 | 1 | 0 | 0 | 1 |

Appendix V

Promotion Cases Advised by the Commission

| Category | Number of Recommended Officers | | | | |
|---|--------------------------------|--------------|--------------|--------------|--------------|
| | 2011 | 2012 | 2013 | 2014 | 2015 |
| Promotion | 1 489 | 1 542 | 2 154 | 2 264 | 1 929 |
| Waitlisted for promotion | 41 | 69 | 108 | 200 | 216 |
| Acting with a view to substantive promotion (AWAV) or waitlisted for AWAV | 352 | 304 | 361 | 436 | 442 |
| Acting for administrative convenience (AFAC) or waitlisted for AFAC | 3 386 | 3 203 | 4 079 | 4 099 | 4 160 |
| Total | 5 268 | 5 118 | 6 702 | 6 999 | 6 747 |

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|------|------|------|------|------------|
| Number of promotion exercises involved | 595 | 623 | 669 | 682 | 710 |
| Number of ranks involved | 339 | 353 | 393 | 403 | 401 |

Appendix VI

Other Civil Service Appointment Matters Advised by the Commission

| Category | Number of Submissions Advised | | | | |
|--|-------------------------------|-------------|-------------|-------------|-------------|
| | 2011 | 2012 | 2013 | 2014 | 2015 |
| Non-renewal of agreement | 0 | 2 | 1 | 0 | 1 |
| Offer of shorter-than-normal agreements | 7 | 1 | 0 | 1 | 1 |
| <ul style="list-style-type: none"> • on performance or conduct grounds • to tie in with the 60th birthday of the officers concerned • to meet service need | 0 4 3 | 0 1 0 | 0 0 0 | 0 0 1 | 0 1 0 |
| Renewal or extension of agreement | 20 | 27 | 13 | 6 | 9 |
| Refusal of passage of trial bar | 1 | 1 | 0 | 1 | 1 |
| Refusal of passage of probation bar | 3 | 13 | 11 | 11 | 16 |
| Deferment of passage of trial bar | 12 | 9 | 8 | 3 | 13 |
| Deferment of passage of probation bar | 72 | 152* | 72 | 126 | 84 |
| 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 | 4 | 1 | 1 | 0 |
| Extension of service or re-employment after retirement | 13 | 13 | 8 | 16 | 17 |
| <ul style="list-style-type: none"> • Directorate officers • Non-directorate officers | 5 8 | 7 6 | 3 5 | 9 7 | 11 6 |
| Secondment | 4 | 4 | 7 | 0 | 6 |
| Opening-up arrangement | 2 | 0 | 2 | 1 | 3 |
| Review of acting appointment | 2 | 3 | 6 | 11 | 10 |
| Updating of Guide to Appointment | 40 | 47 | 60 | 56 | 29 |
| Revision of terms of employment | 7 | 0 | 0 | 0 | 0 |
| Government Training Scholarship | 0 | 0 | 0 | 0 | 0 |
| Total | 184 | 276 | 189 | 233 | 190 |

* 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 2015 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 | 2 | 2 | 1 | 5 |
| Compulsory Retirement + Fine | 1 | 0 | 0 | 1 |
| Compulsory Retirement | 3 | 1 | 2 | 6 |
| Reduction in Rank | 0 | 0 | 0 | 0 |
| Severe Reprimand + Reduction in Salary | 0 | 1 | 0 | 1 |
| Severe Reprimand + Fine | 6 | 3 | 1 | 10 |
| Severe Reprimand | 3 | 2 | 0 | 5 |
| Reprimand + Fine | 7 | 0 | 0 | 7 |
| Reprimand | 2 | 0 | 0 | 2 |
| Total | 24 | 9 | 4 | 37 |

(b) Breakdown of Cases in 2015 by Category of Criminal Offence/Misconduct

| Punishment | Number of Cases Advised | | | | |
|-----------------------|-------------------------|----------|----------------------|--------------------------|-----------|
| | Criminal Offence | | | Misconduct ²⁹ | Total |
| | Traffic related | Theft | Others ³⁰ | | |
| Dismissal | 0 | 0 | 4 | 1 | 5 |
| Compulsory Retirement | 0 | 1 | 6 | 0 | 7 |
| Lesser Punishment | 6 | 2 | 9 | 8 | 25 |
| Total | 6 | 3 | 19 | 9 | 37 |

(c) Comparison with Previous Years

| Punishment | 2011 | 2012 | 2013 | 2014 | 2015 |
|-----------------------|-----------|-----------|-----------|-----------|-----------|
| Dismissal | 3 | 2 | 8 | 1 | 5 |
| Compulsory Retirement | 9 | 8 | 5 | 12 | 7 |
| Lesser Punishment | 39 | 28 | 31 | 35 | 25 |
| Total | 51 | 38 | 44 | 48 | 37 |

29 Including unauthorised absence, failure to report criminal proceedings, disorderly behaviour at workplace causing disruption to office discipline and operation, misuse of contract transport service, making unauthorised reservation of facilities, etc.

30 Including common assault, indecent assault, underskirt filming, possession of offensive weapon in a public place, fraud, undischarged bankrupt obtaining credit, signing a false notice for the purpose of procuring a marriage, possession and failure to declare dutiable goods, obtaining access to computer with criminal or dishonest intent/gain for oneself or others, etc.