

Public Service Commission

ANNUAL REPORT
2016

Public Service Commission

ANNUAL REPORT 2016

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Chairman's Foreword



The Public Service Commission publishes a report on its work every year. The 2016 Annual Report marks another year of productive work recording a figure of 1108 cases which is the highest in the past ten years.

The Commission's role and responsibilities as enshrined in the Public Service Commission Ordinance require us to examine each and every submission we receive objectively and independently. In the process, we expect the recommendations put forth by Bureaux and Departments are able to meet our standard of scrutiny and are fully justified on solid grounds. Adhering to stipulated timetables and compliance with laid down guidelines are only the basic requirements. Beyond them

and more importantly, we also look for the demonstrated efforts of the management to manage staff performance on an on-going basis.

Appointments to the Civil Service involve a vigorous process of fair selection. Internal promotion calls for an even higher threshold. Only by upholding meritocracy can the Civil Service excel and earn the confidence of the community it serves. The Commission therefore needs to be fully satisfied that only the most suitable are appointed. And only the most deserving officers who have the ability and potential are promoted with the due process fully observed.

We set out in this Report noteworthy cases where we have made comments and observations. While we expect them to be followed up and actioned upon by the Bureaux and Departments concerned, they also serve as a reference for others to be aware. The Commission is pleased to note that our comments and observations are read personally by the Heads of Department and supports their intervention where necessary to bring about changes and improvements. The responsive feedback we receive through-out

our work reinforces our conviction that perfection is attainable by all who are determined to always do better.

On conduct and discipline, the consistently low figure of disciplinary cases recorded in the year is again an indication of the generally high standard of integrity and probity of the Civil Service. However, there is no room for complacency. Although cases are few in number, we have nonetheless called upon the Civil Service Bureau to monitor the standard of punishment and be satisfied that the punishment meted out can achieve its intended punitive and deterrent effect. At a policy level, the Civil Service Bureau has agreed to keep the benchmarks of punishment under regular review in tune with changing time and community expectations.

On completion of another year of fruitful work, I would like to thank my fellow Commission Members for their sterling support and wise counsel. In particular, I would like to pay tribute to Mr Joseph Pang and Mr Herbert Tsoi, who retired from the Commission after having served as Members for six

years, and extend a warm welcome to Mrs Ayesha Lau and Mr John Lee, who joined the Commission during the year.

I am grateful to the Secretary for the Civil Service and his colleagues for the assistance they have rendered in taking forward our suggestions. And on behalf of the Commission, appreciation is due to the Secretary and her colleagues in the Commission Secretariat. That we are able to meet all of our performance targets are the results of their concerted effort.

A fair and accountable system of appointment, promotion and discipline is key to sustaining a robust workforce in the Civil Service. The Commission will continue to play the critical role both as its guardian and watch dog.

A handwritten signature in black ink, appearing to be 'Rita Lau', with a large, stylized loop at the end.

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 2016 was as follows –



Chairman and Members of the Public Service Commission

Chairman	
Mrs Rita LAU NG Wai-lan, GBS	since May 2014
Members	
Mr Joseph PANG Yuk-wing, BBS, JP	from February 2010 to January 2016
Mr Herbert TSOI Hak-kong, BBS, JP	from May 2010 to April 2016
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
Mrs Ayesha MACPHERSON LAU, JP	since February 2016
Mr John LEE Luen-wai, BBS, JP	since May 2016
Secretary	
Ms Candice HO Sau-ling	since June 2012

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



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

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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 2016, the number of established posts in the Commission Secretariat was 30. 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 exceptions specified in section (s.) 6(2) of the PSCO¹, the Commission advises on the appointments and promotions of civil servants to posts with a maximum monthly salary at Master Pay Scale Point 26 (\$47,240 as at end-2016) or above, up to and including Permanent Secretaries and Heads of Department (HoDs). The appointment of Directors of Bureau, Deputy Directors of Bureau and Political Assistants under the Political Appointment System is not referred to the Commission for advice. At the end of 2016, the number

of established Civil Service posts falling within the Commission's purview was 42 444 out of a total of 174 915. However, irrespective of rank, cases involving termination (including non-renewal) of agreement and further appointment on agreement terms or new permanent terms under the circumstances as specified in Civil Service Bureau (CSB) Circular No. 8/2003 and the relevant supplementary guidelines issued by CSB; termination or extension of probationary or trial service; refusal of passage of probation or trial bar; and retirement in the public interest under s.12 of the Public Service (Administration) Order (PS(A)O)², must be submitted to the Commission for advice.

- 1.5 As regards cases involving the conduct and discipline of individual civil servants, 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

1 In accordance with s.6(2) of the PSCO, the posts of the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice, the Director of Audit as well as posts in the judicial service of the Judiciary, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force are outside the Commission's purview.

2 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.

(CSPF) Scheme³. 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 2016, the number of Category A officers falling under the Commission's purview for disciplinary matters was about 114 600.

- 1.6 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

- 1.7 The business of the Commission is normally conducted through circulation of papers. Meetings are held to discuss major policy issues or cases which are complex or involve important points of principle. At such meetings, representatives of CSB and the senior management

of departments may be invited to apprise the Commission of the background of the issue or case but the Commission forms its views independently.

- 1.8 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 modify their recommendations in the light of the Commission's comments. 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 departure 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.

3 The CSPF Scheme is the retirement benefits system for civil servants appointed on or after 1 June 2000 and on New Permanent Terms of appointment.

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An Overview of the Public Service Commission

Confidentiality and Impartiality

- 1.9 In accordance with s.12(1) of the PSCO, the Chairman or any member of the Commission or any other person is prohibited from publishing or disclosing to any unauthorised person any information which has come to his knowledge in respect of any matters referred to the Commission under the Ordinance. Under s.13 of the PSCO, every person is prohibited from influencing or attempting to influence any decision of the Commission or the Chairman or any member of the Commission. These legal provisions provide a clear basis and safeguard for the confidentiality and impartial conduct of the Commission's business.

Performance Targets

- 1.10 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 2016

- 1.11 In 2016, the Commission advised on 1 108 submissions covering recruitment, promotion and disciplinary cases as well as other appointment-related subjects. Queries were raised in respect of 796 submissions, resulting in 113 re-submissions (14%) with recommendations revised by B/Ds after taking into account the Commission's observations. All submissions in 2016 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.
- 1.12 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 12 representations relating to appointment matters in the year. After careful and thorough scrutiny, the Commission was satisfied that the representations made were

unsubstantiated. There were nine other complaints relating to matters falling outside the Commission's purview. They have been referred to the relevant B/Ds for action as necessary.

1.13 During the year, the Commission has continued to advise on policy and implementation matters pertaining to appointments, promotions and discipline. While staff training and development are the core responsibilities of departmental and grade managements, the Commission Secretariat, with its objective and accumulated experience is well-placed to share with B/Ds the best practices in handling appointment, promotion and disciplinary cases. In August and November 2016, officers of the Commission Secretariat were invited by the General Grades Office (GGO) to speak on the subjects of promotion and recruitment in training sessions attended by officers of the Executive Officer Grade. In addition, a regular arrangement has been put in place whereby observations and comments made by the Commission are conveyed to GGO and the Civil Service Training and Development Institute

(CSTDI) for inclusion as materials for training purposes.

Homepage on the Internet

1.14 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.

1.15 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 that objective selection standards and proper procedures are adopted; examines the shortlisting criteria (if proposed) to ensure fairness; and advises on recommendations for filling of vacancies covering the middle to senior ranks⁴ 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 2016

2.2 In 2016, the Commission advised on 161 recruitment exercises involving the filling of 1 398 posts, of which 1 327 posts (in 152 exercises) were through open recruitment and 71 posts (in nine exercises) by in-service appointment. A statistical breakdown of these appointments and a comparison table showing the number of recommendees in 2016

and that of the past four years are provided at Appendix IV.

Avoidance of Conflict and Declaration of Interest Mechanism

2.3 To uphold fairness and guard against any conflict of interest whether real or perceived in Civil Service appointments, CSB has issued detailed guidelines to govern the conduct of recruitment and promotion exercises. As set out in the Guidebook on Appointments, officers who serve on a recruitment/promotion board as chairman or member should avoid any real or perceived conflict of interest. They are required to declare before the board meeting whether their relationship, which may include but is not limited to being relatives and close friends, with any of the eligible candidates may give rise to real or perceived conflict of interest. If any such declaration of interest was made, the appointment authority (AA) had to be informed and invited to determine whether any of the following actions should be taken –

4 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 (\$47,240 as at end-2016) 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.

- (a) changing the composition of the board; or
- (b) asking the chairman or member concerned to withdraw from the board temporarily when the candidate in question is assessed or to abstain from assessing the claim of the candidate.

In the case of recruitment exercises, if it is not possible for the board chairman and members to make the necessary declarations prior to the selection interview, the board chairman may decide on-the-spot the appropriate course of action to take according to the existing guidelines.

- 2.4 In examining the recommendations of recruitment and promotion boards submitted by B/Ds, the Commission pays particular attention to ascertaining whether the relevant instructions and guidelines issued by CSB have been complied with and that proper procedures have been followed. While the existing declaration of interest mechanism has been operating effectively and actions taken by B/Ds in the majority of cases found to be in order, the Commission has spotted a few cases where a little more prudence was called for while in some other cases the actions taken were over-cautious.

The Commission's observations and suggestions as noted and conveyed to CSB are detailed below –

- (a) in a few cases, a board chairman/member having declared that an eligible candidate is his relative/friend, decided to withdraw from the board temporarily or abstain from making assessment on the candidate concerned. This is generally in line with the CSB guidelines. However, had further consideration been given to the nature and extent of the relationship which might give rise to a perception of conflict, a more prudent arrangement could have been taken, for example by seeking the agreement of the AA to change the composition of the board so as to maintain the integrity of the recruitment/promotion board;
- (b) in some other cases, over-cautious actions were taken resulting in laborious and unnecessary administrative work noted to have been taken where a pure working relationship was declared and filed on each and every candidate. In promotion exercises, it is often the case that the board chairman/members are the supervisor or senior of the candidates being considered. Personal knowledge of the candidates and pure working relationship between them does not by itself

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constitute a conflict nor should it be construed as such. Declarations and appropriate actions need to be taken only if there exists close personal dealings between them; and

- (c) for good record keeping and to facilitate scrutiny by the Commission, recruitment/promotion boards should report in their submissions all information pertaining to the actions taken upon declaration of interest, including details of the relationship declared, decision of the AA/board chairman and whether there is any change in board composition.

2.5 Having regard to the Commission's comments and suggestions, CSB concurred and agreed that the existing guidelines should be reviewed and updated to keep up with the time. After deliberations and having taken the advice of the Independent Commission Against Corruption (ICAC) from the corruption prevention perspective, CSB has decided to refine the existing guidelines with a view to putting beyond doubt the rationale and need to make declarations, streamlining the requirements as appropriate to facilitate compliance by B/Ds –

- (a) to make it a prescribed arrangement for the AA to replace the chairman/board members of the concerned

recruitment/promotion board if the chairman/member(s) declares that any of the eligible candidates is his “direct relative”. For this purpose, CSB intends to provide a detailed definition of “direct relative” to facilitate the making of declarations by board chairmen/members. In case there are special circumstances which may justify a departure from the above requirement, B/Ds will be required to seek the prior advice of CSB before the AA decides on the alternative action to take;

- (b) for other declared relationships, e.g. relatives outside the definition of “direct relative” or friends, the prevailing arrangements should continue, i.e. the AA should, after taking into account the degree of closeness of the relationships involved and the associated real/perceived conflict of interest, decide whether a change of the board composition or other action is necessary;

- (c) the current guidelines will be fine-tuned to specify that pure working relationship with no personal dealings need not be declared. Also in the light of ICAC's advice, some illustrative examples of relationship which would be exempted from the declaration requirement will be provided to B/Ds with a view to

minimising ambiguity and enhancing consistency in implementation;

- (d) B/Ds should provide the chairman and members of promotion board with a full list of eligible candidates at a reasonable time before the board meeting to facilitate their making of timely and accurate declaration. For recruitment exercises, supplementary information in addition to the names of candidates, e.g. extracts of salient information from the application forms or copies of the application forms, should be provided to the board in advance with a view to reducing incidence of oversight in making declaration;
- (e) declarations should be submitted to the AA prior to the conduct of the recruitment interview/promotion board meeting for determination of appropriate action. In case there are exceptional circumstances whereby the board chairman/a member is only able to make on-the-spot declaration during the board meeting, the AA, or a higher authority if the AA serves on the board and is the one making the declaration, should be informed of the declaration immediately for consideration of appropriate action before the board proceeds further;
- (f) a sample declaration form will be provided for use by board chairmen/

members. Board chairmen/members having no interest to declare will also be required to complete the form for record purposes; and

- (g) the requirement to include information on declaration of interest in recruitment/promotion board reports will be set out clearly in the Guidebook on Appointments.

2.6 CSB consulted the Commission on the above proposed refinements in October 2016. The Commission welcomed CSB's refined proposals. The Commission is of the view that apart from ensuring fairness in the conduct of recruitment/promotion exercises, forestalling a perception of conflict of interest is of equal importance lest it should give rise to queries about the impartiality of the boards. Making the necessary declarations will not only protect the chairmen and members of recruitment/promotion boards against any unjustified accusations, the selected candidates/recommended officers would likewise be protected as deserving the recommendation. The Commission is pleased to note that the refined guidelines will be incorporated in the Guidebook on Appointments and CSB will promulgate them to B/Ds for implementation in early 2017.

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Observations on Recruitment Cases

Processing time of recruitment exercises

2.7 The Commission has all along advocated the need to conduct and complete recruitment exercises expeditiously and proceed with the offer of appointment to selected candidates without delay. Exceedingly long processing time in recruitment exercises not only hampers the operational efficiency of B/Ds by leaving vacancies unfilled, it also undermines Government's advantage in competing with the private sector for good candidates. In this regard, the Commission is pleased to note that GGO had arranged in May 2016 a meeting among Executive Officers who are mainly deployed to undertake recruitment duties to share their experience and to examine possible measures and scope to enhance efficiency. A gist of the considered thoughts was subsequently promulgated to all departmental secretaries for reference.

2.8 The Commission finds it encouraging that B/Ds had responded positively to the Commission's advice and is pleased to note that the time taken for completion of recruitment exercises had generally been shortened. However, there were still

instances during the year in which unduly long periods of time had been taken to complete a recruitment exercise. In the recruitment exercises conducted for six different streams of a rank, the first board report was submitted to the Commission some five months after the vacancies were advertised. For the remaining five streams, the department had taken 13 to 15 months to complete the recruitment exercises. In one case, the department only sought the Commission's advice on the adoption of a shortlisting criterion 14 months after the vacancies were advertised. While the Commission expects recruitment board reports to be submitted expeditiously, one report was submitted more than six months after the conclusion of selection interviews.

2.9 The Commission considers such exceedingly long processing time taken by the department wanting. It defeats the purpose of recruiting new human resources and is not conducive to meeting the operational needs of the department. The Commission appreciates that the six recruitment exercises were conducted concurrently and might have caused some strains on the department. Having been advised of the Commission's concerns, the department has formulated some improvement measures, including

spelling out more specifically the entry requirements in the recruitment advertisement, devising a tailor-made form for applicants to set out their experience, spacing out the recruitment exercises for different streams and strengthening the internal communication and monitoring mechanism in the recruitment process. The Commission agrees that these are appropriate measures which should be adopted for future recruitment exercises. In addition, the Commission has advised the department to make better forward planning with a view to shortening the processing time of recruitment exercises in future.

Vetting of information in recruitment exercises

2.10 Paragraph 2.8(a) of the Guidebook on Appointments stipulates that recruitment boards should not normally consider applications which were submitted after the deadline. During the year, the Commission noted in one case that while it was clearly stated in the vacancy circular and the advertisement of a recruitment exercise that late applications would not be accepted, six late applications received were inadvertently screened in and the applicants concerned were invited to attend the selection interview.

While eventually three of them did not turn up and the other three were found not suitable for appointment, the Commission considers that the oversight could be avoided if more vigilance could be applied in vetting applications and has so advised the concerned department.

2.11 In two separate recruitment exercises conducted in the year, the concerned department had proposed to reduce the probationary period of some recommended candidates after taking into account their previous service in the Government on non-civil service contract terms. However, upon the Commission's enquiry, the department discovered that one candidate whose probationary period had been proposed to be reduced was in fact not eligible for the reduction, whereas the cases of some recommended candidates who should be eligible for a reduction of their probationary periods had been overlooked. Besides, one of these two boards had input a wrong Basic Law Test score into the individual assessment forms of two waitlisted candidates thus resulting in errors in their appointment priorities. More than 1.5 months had consequently been taken by the department to respond to the Commission's queries and to revise the board's recommendation. The

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additional time taken to rectify the lapse had not only caused delay to the implementation of the recommendations of the recruitment exercises, extra work was generated to both the department and the Commission Secretariat. Though isolated, the Commission has reminded the department to exercise due care in vetting the information of candidates and to ensure accuracy in all recruitment exercises in future.

Shortlisting criteria

2.12 It is a long-established and accepted practice for B/Ds to adopt suitable shortlisting criteria in recruitment exercises in order to reduce the number of candidates to a reasonable and manageable size in face of large numbers of applications. Paragraph 2.12 of the Guidebook on Appointments provides that in recruitment exercises where scores in an examination are used as a shortlisting criterion, B/Ds are required to submit the proposed shortlisting criteria and shortlisting results to the Commission for advice if they are different from that used previously. This is so that consistency can be maintained.

2.13 In the course of examining a recruitment submission in the year, the Commission noted that the

department concerned had invited candidates scoring marks below the shortlisting criterion, albeit slightly, for interview. The department explained that it was done to make up some shortlisted candidates who had declined the invitation for interview. The Commission considers this arbitrary and is tantamount to a change of the shortlisting criterion. The department should have sought the Commission's advice before proceeding.

2.14 In another recruitment exercise, all qualified/pending verification candidates were invited to a written examination and only those who passed would be invited to attend a first round of interview. In examining the Board's recommendation, the Commission noted that a different passing score from that used in previous exercises was adopted so as to allow a greater number of candidates for selection at the interview. The Commission appreciates the wish of the department to trawl the net wider, but considers passing score of written examinations which is used as a criterion for shortlisting candidates for interview, should not be changed arbitrarily. Seeking the Commission's prior advice on such changes will ensure that there are good grounds for doing

so and that they are well-justified. The Commission has advised the department to closely observe the relevant guidelines in future exercises and consult CSB in case of doubt.

Quality of board reports and written assessment made by recruitment boards

2.15 In examining recruitment board reports, the Commission has found room for improvement in the quality of some. The aspect found most commonly wanting is the written assessment on individual candidates. In some cases, the written assessment given was almost identical and in others too brief. In a few cases, some essential information such as details of declarations made on conflict of interest, selection criteria, marking scheme, etc., had been missed out in the board report. The criteria to be used for prioritising candidates having the same total scores were often not fully accounted for in the board report and in a few cases were determined only afterwards. In one case, the recruitment board did not record in the board report its deliberations and grounds for recommending the appointment of a serving non-civil service contract staff of the department whose service record had not been entirely satisfactory. The Commission has

advised the concerned department to thoroughly check and be satisfied with the performance record of such candidates before offering them appointment. Should there be discrepancy between a candidate's quality as portrayed in his performance record and the views taken by the recruitment board, justifications for the board's recommendation should be given in the board report. Other information as required in the Compliance Checklist for the Recruitment/ In-service Appointment Exercise and advised by the Commission Secretariat should also be included in the recruitment board reports. Provision of all necessary information by B/Ds will obviate the need for the Commission to seek clarification and hence expedite the processing of the boards' recommendations.

Accordance of preference to disabled candidates

2.16 It is Government policy that in case a disabled candidate is found suitable for appointment in a recruitment exercise, an appropriate degree of preference will be accorded. A recruiting department should set a passing mark for interviews and split the marks above the passing mark into three groups for the purpose of determining the

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priorities for offer of appointment. The priority of an applicant with disability in a group will be advanced to the top of that group. The actual range of marks for each priority group are pre-determined and not disclosed to the recruitment board members to ensure fairness of the recruitment interviews.

- 2.17 In examining a recruitment submission in the year, the Commission noted that while the above arrangements had been followed, the board members were informed of the adjusted priority accorded to the disabled candidate after completion of the selection process. The Commission considered this a minor slip which had not affected the propriety of the recommendations. Nevertheless, to conform with the laid down guidelines, the Commission has advised the department that instead of informing the board and having the adjusted priorities included in the board report, the department could advise the Commission separately.

Declaration of interest

- 2.18 In examining a recruitment board report, the Commission has found that the chairman of the recruitment board had signed on each individual assessment form on his and all board members' behalf that there

was no conflict of interest to be declared. The Commission expects that declarations of interest should be made personally (i.e. each board chairman/member should make his own declaration separately) and it would not be appropriate for the board chairman to do it on others' behalf. The Commission has advised the department to suitably revise the individual assessment form and to ensure that each board chairman/member makes his own declaration which should be properly documented.

Appointment of retired/retiring officers

- 2.19 In a recruitment exercise conducted in the year, the recruitment board had recommended the appointment of a retired officer who was previously employed at the recruiting rank and waitlisted another candidate who was a serving officer one rank higher than the recruiting rank and who was about to retire soon. While no impropriety was discerned in the recruitment process, the Commission is concerned that the re-appointment of a retired/retiring member who could only serve for five years or less may not be conducive to the long-term needs and development of the grade. Besides, the re-appointment of a higher rank officer (i.e. the

waitlisted candidate) to a lower rank would result in creating a reversed supervisor-subordinate relationship and as such might give

rise to staff management problems. The Commission has advised the department to critically review its manpower planning for the grade.

CHAPTER 3

Civil Service Promotion

3.1 The role of the Commission in advising the Government on promotions to the middle and senior ranks⁵ 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 the fair claims of 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 2016

3.2 In 2016, the Commission advised on 701 promotion cases involving 7 529 officers. A numerical breakdown of the promotion recommendations in

2016 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

5 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 (\$47,240 as at end-2016) 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.

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.

3.4 In 2016, CSB conducted a second review of those 19 inverted-shape-structured grades which are subject to annual reviews as identified in the 2014 triennial stocktaking exercise and reported the progress to the Commission in August 2016. As compared with the position in the 2014/15 review, ten of the 19 selected grades have their structure improved. In particular, one grade has ceased to have an inverted shape structure after the creation of more posts at its basic rank. The structure of five grades remains unchanged. For the remaining four grades, there has been a slight increase in the degree of invertedness but their grade managements will soon conduct manpower review or implement plans to improve their grade structure in the coming year. CSB has also reported that the remedial actions/related reviews committed by the 19 selected grades have basically been taken or are being taken as scheduled.

3.5 Concerning the practice of arranging probationers to take up long-term acting appointments, the grade managements of 18 selected grades had confirmed that no such acting

appointment had been arranged any more. While the remaining grade had arranged some probationers to take up long-term acting appointments since the 2014/15 annual review to meet urgent and ad hoc service needs, improvement to the inverted shape structure of this grade is expected in the longer run with the phased creation of more posts at its basic rank.

3.6 CSB has undertaken to –

- (a) continue to request the 19 selected grades under annual review 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; and
- (b) sustain its concerted efforts with the B/Ds concerned in addressing the issue of inverted shape structure of grades through the existing monitoring measures as mentioned in paragraph 3.3 above.

3.7 Given the further improvement to the structure of the majority of the 19 selected grades as compared with the position in the 2014/15 review, the Commission considers that the progress of addressing the issue of grades with an inverted shape structure has been generally satisfactory and will keep the progress in view.

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Bi-disciplinary professional posts

3.8 Bi-disciplinary (Bi-D) 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 officers in two professional disciplines. As the filling arrangement may open to criticism of being arbitrary, the Commission has requested CSB to conduct a review to justify the retention of these posts. Of the 27 Bi-D professional posts reviewed by CSB and DEVB, nine had been declassified and one maintains its Bi-D status having regard to its non-permanent nature to meet operational requirements. As regards the remaining 17 Bi-D posts, CSB has reported its findings to the Commission in February 2016.

3.9 After a thorough review, the department concerned has concluded that there was a continued need to keep the Bi-D status of 15 posts for the purpose of grooming potential officers for succession and to meet actual operational needs. The department has further reviewed the posting mechanism for filling these Bi-D posts which has been put in place since mid-2013 in response to the Commission's concern that it has to be fair and transparent. The review findings have confirmed that the mechanism is effective in that it matches the prevailing

operational needs and grade structure of the department and has been well-received by staff. Both DEVB and CSB support the department's recommendation to maintain the Bi-D status of these 15 posts and to continue with the posting mechanism for filling them. Having examined the review findings, the Commission is content. As for the remaining two Bi-D posts, they will be reviewed in 2017.

3.10 Separately, another department has undertaken a review on the status and filling arrangement for its Bi-D directorate professional posts which were not included in the review conducted by CSB and DEVB. While the department has confirmed after the review of its operational needs to maintain the Bi-D status of the concerned posts, it has revised the selection process involving both single-disciplinary and Bi-D vacancies that may arise at different times within the same appraisal cycle in accordance with the advice of the Commission to ensure fairness and facilitate the selection of the most suitable and appropriate officers. The Commission finds the department's proposed retention of the Bi-D status of the concerned posts which has the support of both DEVB and CSB, acceptable on operational grounds. The Commission will keep in view the effectiveness of the revised selection process in the next round of promotion exercises.

Declaration of interest mechanism

3.11 As set out in paragraphs 2.3 to 2.6 of Chapter 2, CSB has reviewed and refined the existing declaration of interest mechanism for recruitment and promotion exercises having regard to the Commission's observations and suggestions. The Commission expects that the provision of clearer guidelines would facilitate the making of declarations by board chairmen and members and deliberations of AAs in future promotion exercises.

Observations on Promotion Cases

3.12 In 2016, the Commission continued to draw the attention of B/Ds to issues of concern when tendering advice on their promotion submissions. Some common inadequacies were still found. The Commission has reminded B/Ds to ensure fullness and accuracy of all information provided in the board reports. In supporting their recommendations, the Commission expects the summaries of performance appraisals to cover not only the candidates' strengths but their weaknesses as well. This is so that the candidates themselves are aware and can work to improve on them. The Commission continues to urge secretaries of promotion boards to refer to the Guidebook on Appointments in preparing their board reports. Some

noteworthy promotion cases which the Commission has considered in the year are set out in the ensuing paragraphs.

Counting of vacancies for promotion and acting appointments

3.13 Paragraph 3.5(a) of the Guidebook on Appointments sets out the calculation of promotable vacancies that can be substantively filled in a promotion exercise and specifies that 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 CSB is the appointment authority of the rank concerned) to fill all of

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them. Whether the same number of candidates will be recommended is a matter to be deliberated by the promotion board.

3.14 During the year, the Commission observed in a number of cases that the departments concerned had miscalculated the number of vacancies to be filled. As a result, time had to be taken to clarify the vacancy position causing unnecessary delay to the examination by the Commission. Implementation of the boards' recommendations was consequently affected which is not in the overall interest of the departments nor the career interest of the officers concerned. The Commission has reminded the departments concerned to exercise due care in ascertaining the number of vacancies for consideration and to ensure the factual accuracy of all information included in the board reports before submitting them to the Commission in future.

3.15 In a promotion exercise for the first promotion rank in one stream of a grade, the department originally counted one consequential vacancy as a promotable vacancy. The consequential vacancy arose from an officer serving in the same

stream on the second promotion rank being appointed to act in the third promotion rank with a view to substantive promotion (AWAV)⁶. The department has overlooked the fact that the third promotion rank is open also to another stream of officers in the second promotion rank and since the concerned vacancy in the third promotion rank had yet to be substantively filled, the consequential vacancy in the first promotion rank could not be used for promotion on a substantive basis on that occasion. It can only be used for acting purpose. The Commission Secretariat also noted that policy support for another promotable vacancy had not been sought as required. The department concerned accepted the Commission's advice in full and had revised its recommendations to reflect the adjusted number of promotable vacancies in that exercise. The Commission has advised the department to thoroughly assess the risk of over-establishment when counting consequential vacancies as promotable vacancies in a lower rank and to obtain the required policy support to fill any additional promotable vacancies before conducting a promotion board in the future.

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

3.16 In another promotion exercise, the Commission noted that the department concerned had, instead of including all promotable vacancies in that promotion exercise, reserved some of them for a proposed restricted in-service appointment exercise. According to paragraph 3.5(c) of the Guidebook on Appointments, HoD/HoG may consider recruiting serving officers from other departments/grades or outside candidates to fill vacancies at the promotion rank if suitable candidates from the lower rank cannot be identified. It is therefore inappropriate for the department to reserve some vacancies for in-service appointment before the claims of eligible candidates in the lower rank had been thoroughly assessed in that promotion exercise. Upon the Commission's query, the department had rectified the vacancy position and revised the promotion board's recommendations accordingly. Subsequently, in examining the recommendations of the restricted in-service appointment exercise for that promotion rank, the Commission found that five vacancies originally counted as promotable vacancies in the aforesaid promotion exercise were being filled by officers appointed on trial terms and could not be used for promotion in that promotion exercise. Eventually, the recommendations of the promotion

board were unaffected despite the reduction in the number of promotable vacancies as the number of recommended officers was smaller. This notwithstanding, calculation and counting of promotable vacancies should at all times be done properly and accurately. The department has been reminded to exercise due care in ascertaining the number of promotable vacancies and to thoroughly assess the risk of over-establishment in future promotion exercises.

3.17 In a number of other promotion exercises, some known anticipated vacancies which should have been included as vacancies for acting appointment in a previous promotion exercise had been omitted. In some cases, the omission was sheer oversight. In others, the previous board was actually aware of those vacancies and had attempted to identify suitable officers to fill them. It was only that the boards had failed to record the vacancies or the relevant deliberations of the board in the board reports. The Commission has reminded the departments concerned to set out clearly the vacancy position in any promotion exercise, including those vacancies arising before the conduct of the next board, and properly record in the board report the board's deliberations and considerations in future.

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Eligibility of candidates

3.18 In examining the promotion exercises for a grade with different work streams during the year, the Commission has observed some ambiguities over the criteria adopted by the board in determining the eligibility of candidates and the arrangement to “re-stream” posts among the different streams of the grade.

3.19 The Commission noted that except for the general stream for which officers in all streams were eligible for consideration, officers were required to be working in a particular stream or in possession of a relevant degree in order to be eligible for consideration of promotion to the next higher rank in the other streams. However, officers in the grade are subject to posting to different streams to meet operational needs as the grade management may consider necessary or appropriate. The existing policy of determining the eligibility of an officer for consideration of promotion in a particular stream by reference to his current posting, which is essentially a management decision, may give rise to suspicion of favouritism and/or concerns over manipulation. There may also be uncertainty and confusion among the concerned officers over their own eligibility if they had been previously posted

to work in a particular stream. Besides, there are also ambiguities in determining the standard of the language requirement in a particular stream and what academic qualifications would be considered as equivalent in meeting the requirement of a relevant stream.

3.20 As for the “re-streaming” arrangement, the Commission noted with concern that after the promotion board of one stream had failed to identify a suitable candidate to fill a vacancy, the department re-streamed it to the general stream for which officers in all streams were eligible for consideration. The “re-streamed” vacancy was subsequently filled by a recommended candidate of the general stream. The Commission finds such “re-streaming” arrangement arbitrary and may give rise to allegations of the manipulation of vacancies in favour of a particular group of officers.

3.21 The Commission has requested the department concerned to conduct a review in consultation with CSB and report the review result to the Commission before conducting the next round of promotion exercises for the grade.

3.22 In another promotion exercise conducted in the year, the department had relaxed the qualification requirement for officers

to be considered for acting for administrative convenience (AFAC)⁷ appointments. The Commission noted that the exceptional arrangement was also adopted in the 2014 promotion exercise (with 13 vacancies and 16 candidates meeting the qualification requirement) but not the 2015 exercise (with 11 vacancies and 20 candidates meeting the qualification requirement). In the 2016 exercise, there were 13 vacancies with 21 candidates being eligible for consideration if the qualification requirement was not relaxed. In order to widen the pool of candidates, the concerned HoG had again agreed to exceptionally relax the qualification requirement for that particular exercise. The department has undertaken to review the need for adopting the exceptional arrangement before the conduct of the next promotion exercise with due regard to the vacancy position and the number of qualified candidates. The Commission appreciates the department's intention to enlarge the pool of candidates. However, the lack of consistency in determining the eligibility of officers for consideration as highlighted in the three promotion exercises can be problematic as it may

give rise to perceptions of manipulation. Given the relatively small number of officers in the lower rank, the Commission has advised the department concerned to consider making the exceptional arrangement a standing one in future exercises rather than adopting it on an ad hoc basis so as to ensure fairness and equity in the selection process.

3.23 In accordance with Civil Service Regulation (CSR) 109(1)(a)(i), officers who have less than 12 months' active service to serve after the effective date of promotion are normally not considered for promotion. The Commission however noted from a promotion submission that four officers who still have about 14 to 15 months' active service to serve when the board was held in June 2016, were not considered in that exercise. As explained by the department concerned, it was the department's practice to substantively promote officers with effect from a common date when all of them have taken up the higher rank duties. Given that the last promotable vacancy for that exercise was expected to arise in December 2016, the four officers concerned would have less

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

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than 12 months' active service on the effective date of promotion. They were therefore not considered by the board. The Commission finds the criterion adopted by the department for determining the eligibility of officers for consideration of promotion disputable. The date on which an anticipated promotable vacancy would arise is subject to change. Besides, the number of officers recommended for substantive promotion in a promotion exercise and their effective dates of promotion are subject to the deliberations of the promotion board and should be determined in accordance with CSR 125⁸. The department should not have excluded those officers from consideration from the outset. The Commission has reminded the department to observe the relevant regulations and practice in future promotion exercises.

Conduct of promotion boards and submission of promotion board reports

3.24 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 2016, the Commission noted that the number of late conduct of promotion exercises (seven or 1% out of a total of 701) was more or less the same as that in 2015 (six or 0.8% out of a total of 710). The number of board reports that could not be submitted to the Commission for advice within two months had however increased from 41 (5.8% of 710) in 2015 to 51 (7.3% of 701) in 2016. The increase in terms of both number and percentage, albeit small, and in some cases involving particularly prolonged delay is of concern to the Commission.

3.25 In one promotion exercise, despite the Commission's repeated reminders, it had taken the department nearly six months from the date of the second board meeting, and nine months if counted from the first board meeting,

⁸ The criteria for determining the effective date of substantive promotion 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.

to submit the promotion board report to the Commission for advice. The cause of delay was multi-folded, including the board's late submission of its first report to the AA; the AA's disagreement with the board's recommendations; and the long time taken by the department to resolve the matter. As this was already the second time that similar problems had occurred in that department, it was an indication that those problems were not isolated or confined to one particular exercise. Irrespective of whether such problems were caused by systematic deficiency in the department or inadequacy of individual officers, they are regrettable and have reflected badly on the departmental management. The Commission has requested the HoD concerned to get to the crux of the problems and take appropriate and effective measures to prevent recurrence of similar delays in future promotion exercises.

3.26 In another promotion case, the board chairman adjourned the board meeting to allow him to seek a steer from the AA on the grounds that he might be involved in a potential complaint relating to that particular promotion exercise. A formal complaint was received by the department about a month later, but the board chairman was not a subject of the complaint. With the AA's agreement, the board with the

same composition was held again about 2.5 months after the first meeting. The department had then taken almost four months to submit the board report to the Commission for advice due to a board member's disagreement with and refusal to sign the board report. Another three months were taken to respond to the Commission's queries which, according to the department, was due to the time taken to complete the investigation into the complaint. The Commission considers the unduly long processing time in this case unacceptable. Instead of waiting for the complainant to make his formal complaint, the AA should have considered changing the composition of the board and reconvened the board promptly. The complications caused by a board member having a dissenting view should have been handled more promptly with suitable intervention by the AA as appropriate. The Commission also finds the department's explanation for the delay in responding to the Commission's queries unconvincing as the investigation was reported to be near completion when the department submitted the board report to the Commission. The department has been reminded to be more vigilant in ensuring the expeditious completion of future promotion exercises so that the fair interest of the officers concerned would not be jeopardised.

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3.27 Another department had taken more than four months after the promotion board to submit the board report to the Commission for advice. The department explained that more time had been taken to conduct integrity checks on the recommended officers and to seek its policy bureau's support for the adjusted number of promotable vacancies. Nevertheless, as set out in paragraph 3.46 of the Guidebook on Appointments, the final decision on which candidates should be promoted rests firmly with the AA. In coming to the final decision, the AA should consider all relevant factors, including the promotion board's recommendation, integrity checking results, any on-going criminal/disciplinary cases, etc. It is therefore not absolutely necessary for the department to complete the integrity checks before submitting the board's recommendations to the Commission for advice especially when delays were anticipated. Besides, the Commission Secretariat has noted that the relevant policy bureau's support had actually been given more than one month before the department submitted the board report to the Commission. The Commission has reminded the department to exert more vigorous efforts to timely complete future exercises as required.

Quality of reports and assessment made by promotion boards

3.28 In examining promotion boards' recommendations, the Commission will, apart from ensuring their compliance with the relevant regulations and procedures, also attach importance to the quality of the board reports. The submissions are a reflection of how well the relevant policies are executed at the B/D level and also of the efforts put in by the responsible officers at different levels of the B/Ds. During the year, the Commission found that there was room for some promotion boards to make improvement in the quality of their reports and written assessment on individual officers.

3.29 In one promotion exercise, the board originally recommended three officers for AWAV or continued AFAC appointments so as to further test certain aspects of their performance. However, in examining the appraisal reports of the officers concerned, the Commission noted that their supervisors had commented positively on their performance regarding those aspects. Given the discrepancy observed, the board was asked to revisit the claims of the three officers concerned. After review, the board decided to revise its recommendation

and recommended their substantive promotion instead. In another promotion exercise, the promotion board had originally recommended to cease the acting appointment of an officer after considering an incident that happened in the previous appraisal cycle. However, the board had neither provided a comprehensive account of the incident nor included any evidence to support its recommendation. It was only upon the Commission's enquiry that the board revealed that the investigation into the incident had found no concrete evidence against the conduct or professional integrity of the officer concerned. The board subsequently revisited the claim of the officer and revised the recommendation for him to continue AFAC. The Commission has advised the departments concerned to remind promotion boards to provide sufficient and clear justifications to support their comments and recommendations in future exercises. While promotion board members may supplement their knowledge of an officer's performance, their personal knowledge is not to replace or override the performance appraisals. Where there is doubt or discrepancy between the board's observations and the assessment made in performance appraisals, the board should elaborate in the board

report such discrepancies and the justifications for accepting them. Where shortcomings of particular officers were identified by the board, the department should inform the officers concerned so that they can strive to improve.

3.30 In another promotion exercise, the board noted that an officer who was recommended by the previous board for acting in a higher rank, had expressed difficulties in taking on the full range of responsibilities of the acting post for that time being. The Board therefore recommended the officer concerned for continued AFAC. However, the Commission noted that the officer's remark had not been recorded in his staff report file and there was no adverse comment on his acting performance in his appraisal report. While the Commission was content with the board's recommendation after receiving its further elaboration and justifications, the Commission has asked the department concerned to remind promotion boards to assess the claims of eligible officers, and record their assessment, in a more critical and comprehensive manner so as to justify their recommendations. Making a recommendation mainly on the basis of the concerned officer's own comments which had not been formally recorded and

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without elaboration or justification should be avoided.

Comparison of relative merits

3.31 The Commission noted from the recommendations of a promotion board that the department concerned had devised a new system to prioritise officers waitlisted for acting appointments. In gist, the board first prioritised them according to their ratings in overall performance and key responsibility areas, then their ratings in core competencies and finally their years of in-rank service. While appreciating the board's efforts in trying to achieve an objective comparison of merits among contenders, the Commission considers that such mechanical comparison and prioritisation of candidates may overlook important personal attributes which should be taken into consideration. Apart from failing to give due regard to the strengths, weaknesses, potential, etc. of individual officers as portrayed by their supervisors or as assessed by board members, the system, which involved rather tedious mathematical calculations, was time consuming and prone to human errors. As a matter of fact, the Commission had spotted mistakes in calculation leading to wrong prioritisation of some of the

waitlisters. The Commission has advised the department concerned to remind promotion boards to make specific comparisons of the strengths and weaknesses of individual candidates, instead of mechanically comparing their performance ratings in appraisal reports, in justifying the boards' recommendations in future exercises. Where the number of waitlisters is large and there are sufficient vacancies to accommodate all of them, the board may also consider waitlisting selected officers by batches, which is a more effective and practical approach in meeting actual operational needs.

AFAC appointments

3.32 In examining the recommendations of a promotion board, the Commission noted that two candidates who were waitlisted for AFAC by the previous board had not been arranged to act despite the fact that two vacancies were available. After clarification, the Commission found out that the non-arrangement of acting appointments was due to the department's misunderstanding of CSB Circular Memorandum No. 11/2004 which states that only two-tier acting is allowed⁹. As the acting appointments for the two officers concerned were at the third

9 According to paragraph 8 of CSB Circular Memorandum No. 11/2004, for an office where its substantive holder is temporarily absent and if an acting appointment is considered necessary and justified, acting appointments made should be limited to two tiers only (i.e. no more than two acting appointments should be made arising from the temporary absence of the substantive holder).

tier, the department had not effected the appointments.

3.33 The Commission notes that the guidelines for arranging acting appointments as stipulated in the said CSB Circular Memorandum are only applicable to cases where the substantive holder is “temporarily absent” and is not applicable to the above case as the consequential vacancies were due to the retirement of the incumbents. The Commission considers the non-arrangement of the acting appointments in this case a clear lapse and has reminded the department to avoid recurrence of similar incidents. Advice and clarification on prevailing policy and guidelines should be sought from CSB in cases of doubt.

Review of prolonged acting appointments

3.34 According to CSR 160(1)(b)(ii), for an acting appointment that is expected or likely to last or has lasted for more than six months, it should be approved by the appropriate authority for substantive appointment in consultation with the Commission as appropriate and should be subject to review at regular intervals, or such intervals as may be advised by the Commission. It is also stipulated in CSR 166(6) that the AA should follow the normal selection procedures for substantive appointment in selecting

an officer to take up the acting appointment, subject to the advice of the Commission as appropriate.

3.35 It has come to the attention of the Commission when examining a selection board’s recommendations that three candidates had taken up prolonged acting appointments on a rotational basis for more than three years to meet operational needs. While one of the candidates was waitlisted by the last (2012) selection board to AFAC, the other two were not recommended in that exercise. The Commission had not been consulted on their acting appointments and the acting appointments had not been reviewed by a selection board. As explained by the department, the section management had reviewed their acting appointments in 2013 and 2014. However, due to their misunderstanding that the requirements under CSRs 160(1)(b)(ii) and 166(6) were not applicable to rotational acting appointments, the Commission’s advice had not been sought. The Commission cannot accept the department’s explanations. In the first place, placing officers to act on a rotational basis is undesirable and inadvisable from both staff management and operational efficiency points of view. It also reflects a failure on the part of the management in monitoring acting appointments in the department.

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The Commission has advised the department to strictly observe the relevant CSRs in arranging and reviewing acting appointments in future. The department has also been reminded to brief officers handling appointment matters to familiarise themselves with the relevant CSRs and guidelines and ensure proper administration of acting appointments.

Declaration of interest

3.36 As noted from the report of a selection board conducted in the

year, the chairman and members of the board were only invited at the board meeting to declare any actual or perceived conflict of interest. While all of them confirmed that they did not have any declarable interest to make, the department concerned has been reminded that selection/promotion board chairmen and members should be invited to make declarations of interest before the conduct of the board in future so that the AA could be informed of the declarations made and determine the appropriate action to take, if any, in a timely manner.

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 As part of its continuous efforts to enhance the performance management system in the Civil Service, CSB conducted a service-wide survey in 2015 which focused 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 has further strengthened the guidelines on performance management and promulgated the updated "Performance Management Guide" (PM Guide) by a CSB Circular in

October 2016. The updated PM Guide has, inter alia, incorporated the recommendations of the survey report as follows –

- (a) suggesting ways to facilitate more effective communications of the assessment standards among the appraisees, appraising officers (AOs), countersigning officers (COs), reviewing officers (ROs) and AP members;
- (b) highlighting the need to protect appraisees' privacy so that only sufficient but not excessive information is included in appraisal reports;
- (c) emphasising that career development interviews should be conducted to help staff understand their career path; and
- (d) encouraging B/Ds to have the three roles of AP chairman, RO and HoD/HoG assumed by three different officers, and in the case of a small grade/establishment, by at least two different officers, so as to ensure fairness and objectivity in the moderation of performance appraisals and handling of complaints against APs' decisions.

4.3 Refinements and improvements to the performance management system is a continuous process. The Commission is pleased to note that CSB will continue to review

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Performance Management and Staff Development

and enhance the performance management system and practices in the Civil Service and work in close partnership with B/Ds to assist in their building of a robust performance management system.

Observations on Performance Management Issues

4.4 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

4.5 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. It will also cause delay in conducting promotion boards and in turn affect the implementation of the boards' recommendations which is not conducive to B/Ds' manpower deployment plans. The career interest of staff for timely advancement may also be

jeopardised. Failure to complete appraisal reports in a timely manner also reflects adversely on the staff management skills of the AOs and COs concerned and could lead to staff grievances. Ultimately, HoDs/HoGs have to bear the responsibility of monitoring and ensuring that the performance appraisal system for their staff is properly administered.

4.6 Despite the Commission's repeated advice on the importance of timely completion of performance appraisals, the problem of late reporting still persisted in 2016 and in some cases even aggravated. In particular, in a selection exercise conducted in the year, notwithstanding the Commission's observation made in 2015 on the high percentage (96%) of late completion of appraisal reports, all appraisal reports for the latest appraisal cycle were completed late for the 2016 exercise. Despite efforts reportedly taken, the high and repeated incidence rate of late reporting calls for even more vigorous efforts to be made. The Commission has drawn the case to the personal attention of the concerned HoD and expects to see improvement after his intervention.

4.7 When examining the recommendation of another selection exercise for acting appointment in the year, the Commission noted that the appraisal

reports for the previous appraisal cycle on the eligible candidates were still outstanding. Although there was no promotable vacancy in the concerned rank during the year, the holding of the selection exercise was still necessary to confirm or otherwise the suitability of the officers for acting. Completion of performance appraisals is not solely for the purpose of promotion. It is a tool to monitor staff performance and a means to identify individual officers' training and career development needs. The Commission has accordingly reminded the department to ensure timely completion of staff reports by all parties concerned irrespective of whether a promotion exercise has been scheduled for the year ahead.

- 4.8 In a case recommending an extension of probationary service, the Commission noted that among the six probationary reports completed on the concerned probationer, the first and second probationary reports were completed on the same day and so were the fifth and the sixth reports. This is a total disregard to the important purpose of having and requiring periodical performance assessment on an officer on probation. The Commission has advised the

department concerned to clearly and seriously impress upon the supervisors concerned the importance of adhering to the prescribed appraisal period and cycle.

- 4.9 Completion of appraisal reports is the responsibility of the AOs, COs and ROs. A report is not complete if any of the three parties has not done his part. ROs who complete their part more than three months after the end of the appraisal periods are not acting in compliance with Part 2D¹⁰ of the PM Guide. The Commission has advised the departments concerned to refer to and follow the PM Guide in monitoring the completion of appraisal reports and reporting late reports in future exercises.

Comprehensive appraisal

- 4.10 A good performance management system should facilitate an objective and fair assessment by the management and enable staff to receive frank and constructive feedback from the management for improvement and development. Apart from timeliness, objective and comprehensive reporting are equally, if not more important, in performance appraisals.

¹⁰ It is stated in Part 2D of the PM Guide that the AO, CO and RO are duty bound to complete appraisal reports on time and in any case not later than three months after the end of the appraisal period, or in the case of departing officers, before they vacate their office.

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4.11 During the year, the Commission has observed in a number of submissions that some supervising officers had repeated the same assessment, and in some cases even used identical wordings, in a series of appraisal reports on the same officer. In an acting appointment case, the Commission even noted two instances of two different AOs making largely identical written assessment on the same officer for different appraisal periods. In an extension of probationary service case, the AO of the concerned probationer had repeated the same assessment in the first two probationary reports. His written assessment in the fourth to sixth probationary reports was also identical, though slightly different from that he made in the first two reports. Performance appraisals form the basis for assessing staff development and advancement and there should be distinctive accounts of an appraisee's overall performance, strengths and weaknesses covering different appraisal periods. This is particularly relevant in assessing the performance of probationers. The Commission has asked the departments to advise the AOs concerned to improve the quality of their performance appraisal writing. Where necessary and if need be, the assistance of CSTDI could be sought to organise training on report writing for the AOs.

4.12 In another extension of probationary service case, the Commission noted that the AO had assessed the performance of the concerned probationer as "Moderate" in a memo-form report but did not provide any written comments on the probationer's performance or elaborate on the "Moderate" rating given. While the appraisal report concerned was a memo-form one and the probationer had taken sick leave for a considerable period during the appraisal period, the AO concerned should still have given comments/assessment on his performance to support the "Moderate" rating. The Commission has asked the department to advise the AO to provide comprehensive and evidence-based performance appraisals and to make improvement in the quality of his performance appraisal writing.

4.13 The Commission noted from a promotion case that the RO had commented in the appraisal reports of some officers that their exposure was insufficient to prove that they were all-round officers. However, in the absence of any elaboration by the RO, the basis on which the RO had made such comments was not clear, especially after regard to the fact that all those concerned officers had over 20 years' service in the rank. Job exposure through posting is primarily a management

responsibility. The Commission has advised the department to remind the RO concerned to be more specific in making assessment and provide justifications to support his comments. Grade management should arrange suitable postings for officers to gain new experience and exposure commensurate with the operational needs of the department.

Performance assessment standards

- 4.14 Performance assessment requires honest reporting which is fair and objective. Over-generous appraisals especially given to a large number of staff 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. Appraisers should be critical in giving the top rating and only to those who are genuinely deserving. The Commission encourages grade managements to keep in view the assessment standard and where necessary tighten it to achieve a fair basis for promotion boards to select the best officer for the job.
- 4.15 In the year, the Commission is pleased to note that a department has taken progressive action to address the Commission's concern about over-generous appraisals. For

several ranks of the same grade, the percentage of appraisal reports with an overall rating at the top level was found to have been on the high side over a period of time. In response to the Commission's request for a review of the assessment standards, the department had conducted briefing sessions for all AOs and COs to impress upon them the importance of objective and evidence-based reporting. The Commission appreciates that seeking a cultural change requires the determination and collaborative efforts of all staff working with the management.

- 4.16 Another department which faced with a similar problem explained to the Commission that having accumulated more than 15 years of in-rank experience and knowledge, the officers concerned deserved an assessment at the top rank. In the view of the Commission however, long in-rank experience alone is insufficient to justify a top overall-rating.
- 4.17 In another case, the Commission has found that in a particular rank of a grade, the same overall performance rating was given to almost all candidates under consideration for promotion albeit not at the top level. While performance ratings should not be taken and read in isolation but in totality with the detailed written

CHAPTER 4

Performance Management and Staff Development

assessment, the tendency to rank the performance of almost all officers at the same level may make it difficult to compare and differentiate the relative merits of individual officers. The Commission has drawn this phenomenon to the attention of the department concerned and asked that the practice be reviewed.

- 4.18 Inconsistency among the ratings for overall performance, promotability and core competencies in an officer's appraisal report was observed in another promotion exercise during the year. In this case, the AO, who was new to the post, had mistakenly assessed the core competencies of the officer concerned against the standard of a higher rank instead of the officer's substantive rank as stipulated in the guidelines on performance appraisal of the grade concerned. Neither the CO nor the grade management had detected this slip. Although the overall merit of the case was not affected, time had to be taken for clarifications. Had the AO been more careful in studying the guidelines before completing the appraisal and/or the CO and grade management been more vigilant in reviewing the appraisal report, time could have been saved and the process speeded up for earlier implementation of the promotion board's recommendations. The department has undertaken to remind all parties concerned

to familiarise themselves with the performance management guidelines for compliance.

- 4.19 Inconsistent assessment standards were also noted in some appraisal reports in another promotion exercise. Where a "Very Impressive"/"Outstanding" rating was given for overall performance, the board was only able to rate it as an "average performance". An officer who was assessed as "Fit for promotion" was considered by the board as "having limited potential for advancement". While such discrepancies in individual assessment could be rectified after clarification, the Commission believes that setting clear benchmarks for performance assessment should be pursued across all ranks and grades. The department concerned has been so advised.

Handling of complaints about performance appraisal

- 4.20 In examining the recommendations of a promotion exercise conducted in the year, the Commission noted a long and outstanding complaint/appeal by an officer has remained unresolved since 2012. As a result, none of the officer's subsequent appraisal reports was completed in full. As performance appraisal reports form the basis on which a promotion board considers the

merits of all eligible candidates, the lack of a complete set of reports will jeopardise the work of the board. The Commission has advised the department to deal with and resolve the matter as soon as possible and in any case before the next promotion exercise is conducted. Intervention by senior management and advice from CSB should be sought as appropriate.

No full appraisal report in an appraisal cycle

4.21 The Commission noted in a promotion exercise that only three memo-form appraisal reports had been written on an officer in one appraisal cycle. This is unsatisfactory as memo-form reports tend to be brief and do not provide comprehensive assessment on the appraisee's competencies and potential. The Commission has reminded the department concerned to arrange for at least one full appraisal report to be written for the purpose of any promotion exercise.

Assessment on promotability and long-term potential

4.22 Under the New Pension Scheme, the retirement age of non-directorate disciplined services staff in two disciplined services departments is 55 whilst that for officers on the General Disciplined Services

(Commander) Pay Scale is 57. In examining the recommendations of some promotion exercises of the disciplined services ranks from the two disciplined services departments, the Commission noted that no assessment on promotability/long-term potential was given in the performance appraisals of some officers who were approaching the retirement age of 55. As a different retirement age applies upon promotion to the next higher rank, promotability and long-term potential of these officers should not be overlooked and should continue to be assessed. The Commission has advised the departments concerned to remind COs and ROs of the need to do so for future promotion exercises.

Assessment Panel

4.23 APs are set up to ensure consistency in assessment standards and fairness in appraisal ratings within a rank. B/Ds are encouraged to establish APs to undertake levelling and moderating work among appraisal reports. The Commission is pleased to observe in some promotion submissions from a department that the APs have discharged their functions admirably. The detailed observations and comments they made on the appraisal reports not only reflected their deep knowledge of the work of the appraisees but

CHAPTER 4

Performance Management and Staff Development

more importantly the standard of performance expected of them. The Commission is encouraged to see the APs giving specific and useful recommendations on the assessment standard and quality of appraisal writing as well. In complimenting the department on the good work, the Commission has also reminded the department to take necessary action to follow up the APs' observations and recommendations and to monitor the effectiveness of the follow-up action.

Staff Development and Succession Planning

- 4.24 Staff development is an integral part of human resources management. The Commission supports B/Ds to adopt 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. Providing timely feedback on identified areas of weakness and areas that the officers concerned could further develop for career advancement is core in managing
- performance. A robust staff development plan could help enhance staff's capacity, prepare them for a wider range of responsibilities and build up a pool of talents for a smooth succession.
- 4.25 During the year, the Commission observed in a direct recruitment exercise conducted for a promotion rank to fill 24 vacancies that only two candidates were found suitable for appointment. The Commission noted with concern that the same recruitment difficulty had persisted in the past four years resulting in a substantial number of Civil Service posts being left unfilled. While the department has managed to employ contract staff as a stopgap measure, it is not sustainable in terms of meeting service needs nor is it conducive to good staff management and development. Given the consistent short supply of candidates who need to possess a minimum years of experience, the Commission has urged the department to review and formulate a long-term manpower plan for the grade.

CHAPTER 5

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 termination, non-renewal or offer of shorter-than-normal agreements that depart from the normal progression or involve selection or comparison of merits; refusal or deferment of passage of probation or trial bar;

early retirement of directorate officers under the Management Initiated Retirement Scheme¹¹; and retirement in the public interest under s.12 of the PS(A)O. In addition, the Commission also advises on further employment (including extension of service and re-employment after retirement without a break in service), secondment¹², opening-up arrangement¹³, award of Government Training Scholarship¹⁴ and revision

- 11 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.

- 12 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.
- 13 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.
- 14 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.

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of terms of employment¹⁵ of serving officers in the middle and senior ranks of the Civil Service. A statistical breakdown of these cases advised by the Commission in 2016 and a comparison with those in the past four years are provided at Appendix VI.

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

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

- (a) persistent substandard performance when an officer fails to reach the requisite level of performance despite having been given an opportunity to demonstrate his worth; or
- (b) loss of confidence when the management has lost confidence in an officer and cannot entrust him with public duties.

An officer who is required to retire in the public interest may be granted retirement benefits. In the case of a pensionable officer, a

deferred pension may be granted when he reaches his statutory retirement age. In the case of an officer under the CSPF 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 11 officers from nine B/Ds were put under close observation in the context of procedures under s.12 of the PS(A)O. Two of them had subsequently been taken off the watch list after the officers had improved their performance to the required standard and two officers left the service for reasons including retirement and invaliding. As at the end of the year, seven 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.

15 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 in assessing the performance and conduct of 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 used as 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 had dropped from 16 in 2015 to 11 in 2016. Most of these cases were related to unsatisfactory performance and/or conduct of the probationers.

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Other Civil Service Appointment Matters

As for extension of probationary service, the Commission observed that the number of such cases had increased by 33% from 84 in 2015 to 112 in 2016. Most of these extensions were to allow time for the probationers concerned to demonstrate their suitability for permanent appointment on grounds of temporary setback in performance and/or conduct, or absence from duty for a prolonged period due to health conditions. 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 As required under CSR 186(4), recommendations involving extension or termination of probationary service which fall under the purview of the Commission, should as far as practicable be submitted to the Commission at least two months before the end of the probationary period. The Commission considers it most undesirable if such cases could not be processed in time for the probationers concerned to be informed of the management's decision before the end of their probationary periods. In view of the Commission's observations, CSB had reminded all B/Ds of the

importance of handling extension/termination of probationary service cases in a timely manner. The Commission was pleased to note that most B/Ds had responded positively and had made improvement in this respect. However, there were individual B/Ds which still fell short of the requirement during the year.

5.9 In an extension of probationary period case, the department submitted the first deferment proposal on performance grounds to the Commission less than one month before the end of the probationary period. The second deferment proposal concerning the same probationer was submitted five days before the end of the extended probationary period. The department has explained that the delay was caused by the concerned probationer being on sick leave during the material time and that the performance appraisal report could only be completed after he had resumed duty. The Commission considers that keeping track of the performance of a probationer especially those already on extension requires more vigilance not only on the part of the direct supervisor but management at a higher level as well. The Commission has advised the department to remind all concerned staff to adhere to the stipulated time line for compliance and to seek the Commission's advice

well before the end of the further extended probationary period if further extension/termination is deemed necessary.

Performance management and handling of probationers

5.10 In a case in which the probationary period of a general grade officer¹⁶ with unsatisfactory performance was proposed to be extended, the Commission noted that the AO had made nearly identical assessment on the officer concerned in the third, fourth and fifth probationary reports. Besides, the fourth probationary report was completed more than four months after the end of the appraisal period. While the AO and CO had completed on time the sixth probationary report, which was also the last probationary report within the original probationary period, the grade management has found it necessary on review to seek clarifications on the assessment

made in the report. As a result, the grade management could only submit the case to the Commission for advice one week before the end of the probationary period of the officer concerned. The Commission also noted that while the supervisors and the grade management had given the concerned officer coaching and counselling on his performance, the grade management only issued an advisory letter regarding his unsatisfactory performance towards the end of his original probationary period. The case highlighted the need for the grade management to exercise closer monitoring of officers on probation especially those posted to B/Ds. It also reflected the deficiencies on the part of both the grade management and the concerned AO and CO in managing the performance of probationers. The Commission has advised the grade management to step up its training efforts for supervisors of probationary officers.

16 A general grade is a grade common to several departments under the control of a central grade management.

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Extension of Service of Civil Servants

5.11 In February 2016, CSB promulgated the revised arrangements for processing applications for final extension of service beyond retirement age. In brief, the maximum period of final extension of service was raised from 90 days to 120 days and the approval criteria were suitably relaxed. In keeping with the previous arrangement, in granting approval for final extension of service, the relevant approving authority is not required to seek the advice of the Commission.

5.12 The principles and spirit of the adjusted further employment mechanism for pensionable and CSPF officers will equally apply to agreement officers on fixed-term appointment. Revised arrangements for handling short extension of agreements were also promulgated in February 2016 in tandem with those for final extension of service of pensionable and CSPF officers. In gist –

- (a) the maximum period of short extension of agreements was raised from 90 days to 120 days;
- (b) the approval criteria were suitably relaxed for short extension of

agreements that will carry the officer's employment beyond the age of 55/57, 60 or 65, as applicable (i.e. the same age as the retirement age applicable to his contemporaries on permanent terms); and

- (c) the advice of the Commission was dispensed with for cases under (b) above.

As the above revised arrangements are to bring the arrangement in line with that for final extension of service of pensionable and CSPF officers, the Commission considers them fair and reasonable.

5.13 Regarding the adjusted mechanism for further employment of civil servants for a longer period than final extension of service, CSB worked out a set of draft implementation guidelines in August 2016 and sought the views of grade/departmental management. Having considered the feedback from grade/departmental management, CSB is revising the draft implementation guidelines and will consult the staff sides in early 2017. CSB has also undertaken to brief the Commission on the arrangements once finalised. The Commission will keep in view the development.

CHAPTER 6

Civil Service Discipline

- 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 2016, the number of Category A officers falling within the Commission's purview for disciplinary matters was about 114 600.
- 6.3 The Commission's advice on disciplinary cases is based on facts and objective evidence. 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. The Commission also seeks to ensure fairness in the process and broad consistency in the punishment meted out at the service-wide level.
- 6.4 Before tendering its advice, the Commission will examine the views and arguments advanced by the B/D concerned and that of the Secretariat on Civil Service Discipline (SCSD). The Commission will consider the grounds of their respective recommendations separately and come to a view independently. In supporting a recommended punishment, the Commission is always mindful of the underlying purpose that the intended punitive and deterrent effect is served.

17 Please refer to paragraph 1.4 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 Service Discipline

Disciplinary Cases Advised in 2016

6.5 The Commission advised on the punishment of 47 disciplinary cases in 2016 which represents about 0.04% of the 114 600 Category A officers within the Commission's purview. This figure has remained low in recent years, indicating that the vast majority of our 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 47 cases advised by the Commission in 2016 by category of criminal offence/misconduct and salary group is at Appendix VII. Of these 47 cases, 14 (30%) had resulted in the removal of the civil servants concerned from the service by "compulsory retirement"¹⁹ or "dismissal"²⁰. There were 19 (40%) cases resulting in "severe reprimand"²¹ plus financial penalty in the form of a "fine"²² or "reduction in salary"²³ and

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 CSPF 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).

one (2%) case in “reduction in rank”²⁴ which is the heaviest punishment next to removal from the service. 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. It also demonstrates and reinforces the Government’s determination to safeguard the credibility and reputation of the Civil Service.

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 cases and initiates discussions with CSB to explore further scope to streamline the disciplinary process and procedures to achieve greater efficiency. We also call on CSB to review the benchmarks of punishment periodically in order to keep up with the time and expectations of the community. The major issues reviewed in 2016, together

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

Handling of government drivers disqualified from holding a driving licence

6.8 The Commission noted that while there are existing guidelines issued by the Government Logistics Department (GLD) to deal with a government driver who is disqualified by a law court from holding a driving licence as a result of the traffic offences committed, it is unclear whether he should continue to be called upon to report for duties and if so what duties should be assigned. As the inherent duty of a government driver is to drive a government vehicle, it is doubtful whether he should be re-deployed to perform other non-driving duties. Although cases of government drivers being disqualified from holding a driving licence are few and far in between, the Commission has nonetheless invited GLD, in consultation with CSB, to review the relevant arrangements.

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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Civil Service Discipline

- 6.9 GLD is completing its work on the review and will report to the Commission the outcome and its recommendations in 2017.

Handling of disciplinary cases involving probationers

- 6.10 As explained in paragraph 1.5 of Chapter 1, disciplinary cases involving probationers are outside the Commission's purview, i.e. the Commission's advice is not required before a punishment is administered to a probationer. During the year, the Commission noted that a department proceeded to issue a verbal warning instead of a written warning as advised by SCSD to a probationer for the criminal offence he committed during the probationary period but without consulting the concerned HoG on the level of punishment. On review, the grade management considered a heavier punishment was called for. As a result, time had to be taken to resolve the difference which did not reflect well on the communication between the HoG and the user department.
- 6.11 The case came to the attention of the Commission as the probationary service of the officer concerned was recommended to be extended as a result of the warning issued to him. The Commission considered that had the grade management

issued clear guidelines requiring user departments to seek its views on the punishment standard to be applied, the delay in processing the case could have been avoided. It will also facilitate the upholding and maintenance of broad consistency in the level of punishment applicable to all grade members working in different departments. The Commission has advised the grade management concerned to critically review its disciplinary procedures with a view to enhancing communications with departments.

Prolonged processing time of formal disciplinary cases

- 6.12 Taking prompt and timely action is a core business of an efficient government. The administration of the disciplinary system is no exception. Delays weaken the effectiveness of the system and undermine the Government's credibility in seeking to uphold a high standard of probity in the Civil Service.
- 6.13 During the year, the Commission noted with concern that a number of disciplinary cases had taken an exceedingly long period of time to conclude. One department had taken about four years to conclude the case while another department had taken about three years. In both cases, the departments concerned

had explained that time had to be taken to conduct investigation into the alleged acts of misconduct of the defaulting officer, including the gathering of all relevant information and materials relating to the case and allowing time for the defaulting officer to prepare and attend the disciplinary hearing. The Commission accepted that time is required to observe and comply with the due process. To this end, the concerned departments have been asked to collaborate with CSB to explore ways and means to expedite the process.

Submission of disciplinary case

6.14 In another case, the department originally sought the Commission's advice on the recommendation to punish an officer by summary dismissal under s.10(3) of the PS(A)O for his continuous absence from duty without leave or permission for a period exceeding 14 days from a date (the specified date). Despite the fact that the officer had been absent from duty without permission earlier than the specified date and there were outstanding sick leave applications submitted by the officer, the case was submitted to the Commission for advice as it was considered that the officer's unauthorised absence from the specified date or the earlier date would make no difference to the recommended punishment, i.e.

summary dismissal. It was only upon the Commission's enquiry over the status of the officer's absence before the specified date that the department decided not to approve his outstanding leave applications and revised its recommendation that the officer's misconduct of having been absent without leave or permission should be counted from the first day of his unauthorised absence, instead of the specified date.

6.15 The Commission considers that the date since which the officer had been absent from duty without leave or permission is a material fact in establishing the misconduct committed by him. It constitutes the basis on which the department submitted its recommendation to the Commission for advice on the appropriate punishment to be meted out. Notwithstanding the fact that summary dismissal takes effect from a current date and counting the officer's unauthorised absence from the specified date or the earlier date makes no difference to the recommended punishment per se, the Commission considers it necessary that action on a disciplinary case should have been properly and appropriately completed by the concerned department before it is submitted to the Commission for advice. The submission should include full and accurate details of the

CHAPTER 6

Civil Service Discipline

established misconduct. In this case, the Commission sees no reason why the department should not have made a decision on the outstanding leave applications in question before submitting the case to the Commission through SCSD. If the Commission supported the department's original recommendation that the officer's unauthorised absence had only started from the specified date, the status of the officer's absence during the period from the earlier date to the specified date would be called into question. The Commission considers that the case could have been handled better and the processing time could be shortened if appropriate and timely action had been taken by the department.

Measures to help improve the processing of formal disciplinary cases

6.16 The Commission is pleased to note that in order to assist B/Ds in handling formal disciplinary cases, SCSD has taken the initiative to visit B/Ds to share experience and focus discussions on issues of particular relevance to them. Training and experience sharing sessions had also been organised with GGO for Executive Officers responsible for handling disciplinary cases. Given its policy and supervisory responsibilities, the Commission has invited CSB to keep track of the processing time of formal disciplinary cases and maintain communications with B/Ds and render them assistance as necessary.

CHAPTER 7

Visits

7.1 In 2016, the Chairman and Members of the Commission visited the Lands Department and the Correctional Services Department. These visits have facilitated useful exchanges on various issues concerning Civil Service appointments, staff development and performance management of the

two Departments. The briefings on the work of the Departments and the guided tours to their various operational units have greatly enhanced the Commission's understanding of the Departments' role and operation as well as the valuable services that they provide to the public.

Visit to the
Lands
Department



2016

Visit to the
Correctional
Services
Department



2016

CHAPTER 8

Acknowledgements

8.1 The Commission would like to express its gratitude to Mr Clement CHEUNG, the Secretary for the Civil Service as well as his 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 2016.

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 Joseph PANG Yuk-wing, BBS, JP

BSocSc (Hons) (CUHK), MBA (CUHK), ACIB, FHKIB

Member, Public Service Commission

(from 1 February 2010 to 31 January 2016)

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.



Mr Herbert TSOI Hak-kong, BBS, JP

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

Notary Public, China Appointed Attesting Officer

Member, Public Service Commission

(from 1 May 2010 to 30 April 2016)

Mr Tsoi is the Senior Partner (Solicitor) of Herbert Tsoi & Partners. He is a Member of the Council of the City University of Hong Kong and a Member of the Advisory Committee on Post-service Employment of Civil Servants.

Appendix I

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



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 actively participates in various boards, committees and councils including the Government's Pay Trend Survey Committee, the Hong Kong Housing Authority, the Careers Advisory Board of The University of Hong Kong, the Panel of Arbitrators of the Labour and Welfare Bureau, etc.



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 (OUS), 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 on Community Relations of ICAC, the Chairman of the Steering Committee of the Pilot Green Transport Fund, a Member of the Steering Committee on 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 I

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



Mrs Ayesha MACPHERSON LAU, JP

CPA

Member, Public Service Commission (appointed on 1 February 2016)

Mrs LAU is a Partner of KPMG China. She is a Member of the Policy Research Committee of the Financial Services Development Council, a Member of the Joint Committee on Student Finance, a Member of the Legal Aid Services Council and a Member of the Standing Committee on Judicial Salaries and Conditions Service.



Mr John LEE Luen-wai, BBS, JP

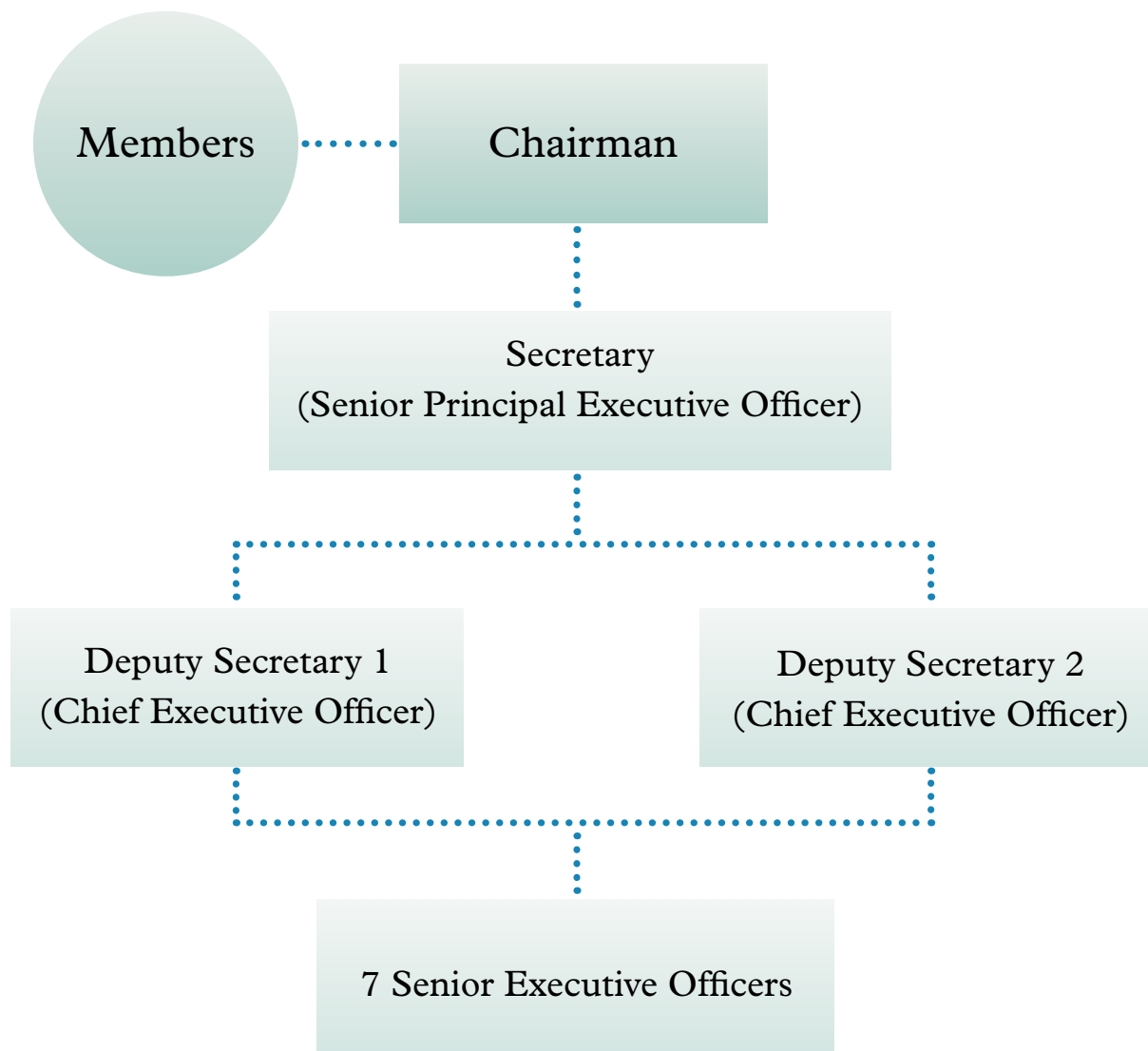
Honorary Fellow of CityU, Fellow of The Institute of Chartered Accountants in England and Wales, ACCA and HKICPA

Member, Public Service Commission (appointed on 1 May 2016)

Mr LEE is the Managing Director and the Chief Executive Officer of Lippo Limited. He is an Executive Director and the Chief Executive Officer of Lippo China Resources Limited and Hongkong Chinese Limited. He also serves as an independent non-executive director of New World Development Company Limited and UMP Healthcare Holdings Limited, both public listed companies in Hong Kong. Over the years, he has served as a member or chairman of different government boards and committees covering the areas of healthcare, education, law, finance, accountancy, culture and entertainment, broadcasting, anti-corruption and food and environmental hygiene. He is currently a Trustee of the Board of the Hospital Authority Provident Fund Scheme and a Member of the Appeal Boards Panel (Education).

Appendix II

Organisation Chart of the Public Service Commission Secretariat



Establishment

Directorate Executive Officer	1
Executive Officer Grade	9
Clerical Grade	16
Secretarial Grade	3
Chauffeur Grade	1
	30

Appendix III

Submissions Advised by the Commission

Category	Number of Submissions Advised				
	2012	2013	2014	2015	2016
Recruitment	121	126	133	151	161
Promotion/Acting Appointment	623	669	682	710	701
Other Civil Service Appointment Matters	276	189	233	190	199
Discipline	38	44	48	37	47
Total number of submissions advised	1 058	1 028	1 096	1 088	1 108
<i>(a) Number of submissions queried</i>	669	673	720	767	796
<i>(b) Number of submissions with revised recommendations following queries</i>	99	156	133	105	113
<i>(b) / (a)</i>	15%	23%	18%	14%	14%

Appendix IV

Recruitment Cases Advised by the Commission

Terms of Appointment	Number of Recommended Candidates in 2016	
	Open Recruitment	In-service Appointment
Probation	1 224	0
Agreement	33	3
Trial	70	68
Sub total	1 327	71
Total	1 398	

	Comparison with Previous Years				
	2012	2013	2014	2015	2016
Number of recruitment exercises involved	121	126	133	151	161
Number of candidates recommended	1 030	1 092	1 268	1 100	1 398
<i>Number of local candidates recommended</i>	<i>1 029</i>	<i>1 092</i>	<i>1 268</i>	<i>1 099</i>	<i>1 397</i>
<i>Number of non-permanent residents recommended</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>1</i>

Appendix V

Promotion Cases Advised by the Commission

Category	Number of Recommended Officers				
	2012	2013	2014	2015	2016
Promotion	1 542	2 154	2 264	1 929	2 224
Waitlisted for promotion	69	108	200	216	272
Acting with a view to substantive promotion (AWAV) or waitlisted for AWAV	304	361	436	442	397
Acting for administrative convenience (AFAC) or waitlisted for AFAC	3 203	4 079	4 099	4 160	4 636
Total	5 118	6 702	6 999	6 747	7 529

	2012	2013	2014	2015	2016
Number of promotion exercises involved	623	669	682	710	701
Number of ranks involved	353	393	403	401	426

Appendix VI

Other Civil Service Appointment Matters Advised by the Commission

Category	Number of Submissions Advised				
	2012	2013	2014	2015	2016
Non-renewal of agreement	2	1	0	1	0
Renewal or extension of agreement	28	13	7	10	11
Refusal of passage of trial bar	1	0	1	1	0
Refusal of passage of probation bar	13	11	11	16	11
Deferment of passage of trial bar	9	8	3	13	11
Deferment of passage of probation bar	152*	72	126	84	112
Retirement under section 12 of the Public Service (Administration) Order	4	1	1	0	0
Extension of service or re-employment after retirement	13	8	16	17	16
• <i>Directorate officers</i>	7	3	9	11	11
• <i>Non-directorate officers</i>	6	5	7	6	5
Secondment	4	7	0	6	3
Opening-up arrangement	0	2	1	3	0
Review of acting appointment	3	6	11	10	12
Updating of Guide to Appointment	47	60	56	29	23
Total	276	189	233	190	199

* 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 2016 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	1	0	1	2
Compulsory Retirement + Fine	0	1	1	2
Compulsory Retirement	4	5	1	10
Reduction in Rank	0	1	0	1
Severe Reprimand + Reduction in Salary	1	0	1	2
Severe Reprimand + Fine	9	6	2	17
Severe Reprimand	0	0	0	0
Reprimand + Fine	5	4	0	9
Reprimand	2	1	1	4
Total	22	18	7	47

(b) Breakdown of Cases in 2016 by Category of Criminal Offence/Misconduct

Punishment	Number of Cases Advised				
	Criminal Offence			Misconduct ²⁵	Total
	Traffic related	Theft	Others ²⁶		
Dismissal	0	0	1	1	2
Compulsory Retirement	0	2	9	1	12
Lesser Punishment	8	7	12	6	33
Total	8	9	22	8	47

(c) Comparison with Previous Years

Punishment	2012	2013	2014	2015	2016
Dismissal	2	8	1	5	2
Compulsory Retirement	8	5	12	7	12
Lesser Punishment	28	31	35	25	33
Total	38	44	48	37	47

25 Including undertaking unauthorised paid outside work, unauthorised absence, negligence of duty, making unauthorised reservation of facilities, etc.

26 Including fraud, underskirt filming, possession of and failure to declare dutiable goods, misconduct in public office, assault occasioning actual bodily harm, etc.