

Public Service Commission

ANNUAL REPORT
2018

Public Service Commission

ANNUAL REPORT 2018

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Chairman's Foreword



For years, the Commission has been publishing both a printed and an electronic version of the annual report in parallel. To fulfil our due diligence in moving to a greener environment, the 2018 Annual Report marks the beginning of digital reporting. With the prevalent use of network computers and advent of mobile communication technology, reach to our readers will be farther and wider and access to our annual reports, past and present, will be quicker and easier.

2018 represents another busy and productive year of work for the Commission. In terms of caseload, we advised on a total of 1 134

submissions. Behind this figure is a far greater number of candidates competing for promotions and appointments in response to the promotion and recruitment exercises mounted by Bureaux and Departments in the past year to fill existing and new vacancies. For a long time, the Civil Service has not seen a 3% growth in its establishment. Increased work arising from promotions and appointments is thus not unexpected for the Commission. As the details in Chapters 3 and 4 show, meticulous and laborious efforts have gone into the scrutiny of the submissions from Bureaux and Departments who themselves have put in painstaking efforts in arriving at their recommendations. In the selection of the most suitable and deserving ones, it remains our mutual and single aim to uphold meritocracy and ensure that the Civil Service is staffed by an efficient and professional workforce with a high standard of conduct and discipline.

The Commission puts forward observations and suggestions in the course of examining the submissions. Some noteworthy cases are highlighted at Chapters 2 to 5. The Commission's

approach is not to find fault with the work of Bureaux and Departments. Rather, they are intended and offered as constructive advice to seek improvements on policies, procedures and practices where irregularities and shortcomings had been identified. The case studies also serve as reference for Bureaux and Departments.

As for disciplinary cases, the Commission has been pleased to note the consistently low number of officers who have been found to have misconducted themselves and crossed the line of probity. Among them, those who have broken the law and committed criminal offences were more regrettable. The disciplinary action taken and punishment meted out should therefore send a loud and clear signal to reflect the Administration's determination to maintain the highest standard of conduct in the Civil Service. The Commission has called on Bureaux and Departments to remind their staff to remain alert at all times and to ensure that the disciplinary system is operated effectively. Only by maintaining a trusted Civil Service will Hong Kong be able to live up to its good reputation.

I continue to remain indebted to all Members of the Commission for their many years of dedication, sterling support and advice. In particular, I would like to pay tribute to Mrs Paula Ko who retired from the Commission after having served as Member for six years. I would also like to extend a warm welcome to Mr Lester Huang, Mrs Ava Ng, Mrs Margaret Leung and Mr Tim Lui, who joined the Commission during the year.

My heartfelt gratitude also goes to the Secretary for the Civil Service and his colleagues for their positive response and relentless efforts in taking forward the Commission's suggestions. Last but not least, I would like to convey my appreciation to the Commission Secretariat, including Ms Phyllis Leung, the outgoing Secretary, for their dedicated and unfailing support in the past year.

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

Mrs Rita Lau
Chairman

CHAPTER 1

An Overview of the Public Service Commission

1.1 The Public Service Commission is an independent statutory body which advises the Chief Executive (CE) on Civil Service appointments, promotions and discipline. Its mission is to safeguard the impartiality and integrity of the appointment and promotion systems in the Civil Service and to ensure a high standard of discipline is maintained. 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 2018 was as follows –



Chairman and Members of the Public Service Commission

Chairman	
Mrs Rita LAU NG Wai-lan, GBS, JP	since May 2014
Members	
Mrs Lucia LI LI Ka-lai, SBS	February 2012 to January 2018
Ms Virginia CHOI Wai-kam, JP	February 2012 to January 2018
Mr Thomas CHAN Chi-sun, IDS	February 2012 to January 2018
Mrs Paula KO WONG Chau-mui	July 2012 to June 2018
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
Mr Lester Garson HUANG, SBS, JP	since February 2018
Mrs Ava NG TSE Suk-ying, SBS	since February 2018
Mrs Margaret LEUNG KO May-ye, SBS, JP	since July 2018
Mr Tim LUI Tim-leung, SBS, JP	since July 2018
Secretary	
Ms Phyllis LEUNG Mun-ye	September 2017 to October 2018
Ms Fontaine CHENG Fung-ying	since October 2018

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



The Public Service Commission at a meeting.

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An Overview of the Public Service Commission

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 2018, the number of established posts in the Commission Secretariat was 32. 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 (\$50,825 as at end of 2018) 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 2018, the number of established Civil Service posts falling under the Commission's purview was 45 975 out of a total of 183 480. However, irrespective of rank, the following categories of cases must be submitted to the Commission for advice. They are –

- (a) 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;
- (b) termination or extension of probationary or trial service;
- (c) refusal of passage of probation or trial bar; and
- (d) retirement in the public interest under s.12 of the Public Service (Administration) Order (PS(A)O)².

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.

1.5 As regards disciplinary cases, the Administration is required under s.18 of the PS(A)O³ to consult the Commission before inflicting any punishment under s.9, s.10 or s.11 of the PS(A)O upon Category A officers with the exception of the exclusions specified in the PSCO. Category A officers refer to those who are appointed to and confirmed in an established office or are members of the Civil Service Provident Fund (CSPF) Scheme⁴. 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 2018, the number of Category A officers falling under the Commission's purview for disciplinary matters was about 115 700.

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 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

3 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/her 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.

4 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

to ensure that the recommendations are well justified and are arrived at following the required 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 supplementary information. In some cases, B/Ds would modify their recommendations after taking into account the Commission's observations. In other cases, the Commission is able to be satisfied with the propriety of the recommendations after examining the elaborations provided. The Commission also tenders suggestions or reminders to B/Ds on areas deserving management attention. The ultimate objective is to facilitate the pursuit of excellence in the administration of the appointment, promotion and disciplinary systems in the Civil Service.

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/her knowledge in respect of any matter 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 provisions serve to provide a clear and firm legal basis for safeguarding 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 2018

1.11 In 2018, the Commission advised on 1 134 submissions covering recruitment, promotions and disciplinary cases as well as other appointment-related subjects. Queries were raised in respect of 795 submissions, resulting in 142 re-submissions (18%) with recommendations revised by B/Ds in the light of the Commission's comments. All submissions in 2018 were completed 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 examination, the Commission was satisfied that the representations made were unsubstantiated. There were also three complaints relating to matters falling outside the Commission's purview. They have been referred to the relevant B/Ds for necessary actions.

1.13 The Commission has a key role to ensure uniformity and consistency in the application of policies and procedures that pertain to appointments, promotions and discipline in the Civil Service. While staff training and development are the core responsibilities of departmental and grade managements (GMs), the Commission is committed to promoting practices which best serve the interest of the Civil Service. In addition to drawing B/D's attention to deviations from established procedures/practices and staff management issues identified during the processing of submissions, the Commission also recommends measures to deal with these problems. In 2018, the Commission continued the initiative of fielding officers from the Commission Secretariat to participate at training

sessions/workshops organised for Executive Officers. These forums have helped to enhance communications between the Commission and B/Ds. Officers responsible for preparing submissions to the Commission are better acquainted with the Commission's standard and requirements which in turn has helped to increase our mutual efficiency.

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 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 Appointments

2.1 The principle governing Civil Service appointments is to appoint “the best person for the job”. Ability and good conduct aside, the Commission has also to be assured that the selection process is fairly and properly conducted and that the claims of all eligible candidates are duly and fully considered. In 2018, the Commission considered and tendered advice on 1 134 submissions. Of them, 1 094 were appointment-related and the remaining 40 were related to conduct and discipline. These submissions were the result of the work of B/Ds. Altogether, 165 recruitment and 724 promotion exercises were conducted by them. It is often overlooked that the actual numbers of appointees and promotees do not reflect the vast number of candidates whose claims have to be meticulously assessed. In addition, the Commission advised on 23 submissions concerning extension of service or re-employment after retirement. Among them, 21 were further employment cases conducted under the adjusted mechanism promulgated by CSB in June 2017. Another 140 cases involved extensions or termination of officers appointed on probation or trial service. The remaining 42 cases were other appointment-related cases.

2.2 Apart from advising on case-specific submissions, the Commission also works with CSB to improve and streamline appointment procedures and where appropriate proposes subjects for review. An account of the Commission’s work is detailed in this Chapter.

Civil Service Recruitment

2.3 Recruitment to the Civil Service is undertaken by CSB and individual B/Ds. It may take the form of an open recruitment or in-service appointment or both. Where submissions are required to be made to the Commission⁵, we will check to see that objective selection standards and proper procedures are adopted in the process. Shortlisting criteria (if proposed) are examined to ensure fairness and consistency. We also advise B/Ds on improvement measures that can be taken to enhance the efficiency and effectiveness of the recruitment process.

2.4 In 2018, the Commission advised on 165 recruitment exercises involving the filling of 1 873 posts, of which 1 763 posts (in 156 exercises) were through open recruitment and 110 posts (in nine exercises) by

5 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 (\$50,825 as at end-2018) or equivalent, but exclude (a) the basic ranks of non-degree entry and non-professional grades; and (b) 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.

in-service appointment. A statistical breakdown of these appointments and a comparison table showing the number of recommendees in 2018 and that of the past four years are provided at Appendix IV. Some specific observations made by the Commission on the recruitment submissions advised in the year are provided in Chapter 3.

Civil Service Promotion

2.5 The role of the Commission in advising the Government on promotions to the middle and senior ranks⁶ in the Civil Service is to ensure that only the most suitable and meritorious officers are selected 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 claims of all eligible officers have been fairly and fully considered regardless of their terms of appointment 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 issues

relating to performance management with a view to bringing about improvements where shortfall is identified and enhancing the quality of the Civil Service promotion system as a whole.

2.6 In 2018, the Commission advised on 724 promotion exercises involving 9 081 officers. A numerical breakdown of these submissions and a comparison with those in the past four years are provided at Appendix V. Some specific observations made by the Commission on these submissions are provided in Chapter 4.

Extension of Service of Civil Servants

2.7 To address the demographic challenges arising from an ageing population and the anticipated wastage of civil servants in the coming years, the Government announced in January 2015 the adoption of a package of measures for extending the service of civil servants. They include raising the retirement age of new recruits, streamlining the control regime on post-retirement outside work, promulgating the Post-retirement Service Contract Scheme to engage

6 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 or equivalent). They exclude the judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

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Civil Service Appointments

retired civil servants, revising the arrangements for final extension of service and implementing an adjusted mechanism for further employment of civil servants for a longer duration than final extension of service (hereafter referred to as “FE”).

- 2.8 Furthermore, to tie in with the goal of expanding the labour force and to respond to the aspirations of serving colleagues in the Civil Service, the CE announced in the 2017 Policy Address that serving civil servants who joined the Government between 1 June 2000 and 31 May 2015 would be given an option to retire at 65 (for civilian grades) or 60 (for disciplined services grades) on a voluntary basis (hereafter referred to as “the Option”).

The FE scheme

- 2.9 Under the FE scheme, eligible officers may be considered for FE through a selection process, which has been institutionalised by making reference to the modus operandi of promotion and recruitment boards. The Commission’s advice is required for FE if the posts concerned are under our purview. In 2018, the Commission had advised on 21 submissions on the recommendations of FE selection boards involving the extension of

service of 65 officers. A breakdown of the number of extension of service or re-employment after retirement cases, including FE submissions, in 2018 and a comparison with those in the past four years are provided at Appendix VI.

- 2.10 In scrutinising the FE submissions, apart from having to be satisfied that B/Ds had adhered to the laid down procedures, the Commission also needed to be convinced of the justifications of the recommendations. To ensure that the FE of the applicants could take effect before they cease active service, it is necessary for B/Ds to plan well ahead and timely conduct the related promotion and FE selection exercises. According to paragraphs 6.19 and 6.32 of the Guidebook on Appointments, FE selection boards should be convened no later than three months before the commencement of the selection cycle and that the selection board reports should be submitted to CSB for comments within three weeks after the board meeting. However, in some FE selection exercises conducted by a department, the department concerned had failed to convene the selection boards three months before the commencement of the relevant selection cycles. In one case, the department took more

than three months to complete and submit the FE board report to CSB. In another case, the Commission was only given about two weeks to examine and assess the FE board's recommendations. The delay could have been avoided if the department had made better forward planning with proper time-lines worked out well in advance. The Commission had requested CSB to work with the department concerned for improvement. Apart from these few cases, the Commission is pleased that the FE scheme had been implemented smoothly and selection done in full accordance with the requirements set out in the Guidebook on Appointments.

2.11 To meet the specific manpower needs and circumstances of individual B/Ds, CSB, with the support of the Commission, had given approval for B/Ds to make some special FE arrangements on justifiable grounds. In the light of experience, CSB had issued supplementary notes in June and October 2018 to B/Ds to clarify the intent and interpretation of two implementational aspects of the FE scheme. One aspect is advising B/Ds that CSB's agreement is required prior to inviting officers at a higher rank to apply for FE in a lower rank of the same grade. The other is to remind B/Ds that FE should not normally be considered for officers

who had been granted final extension of service. At the invitation of the Commission, CSB management attended the Commission meeting held in December 2018 to apprise Members of the progress of the FE scheme. The Commission took note of CSB's on-going efforts to keep the implementation of the FE scheme in view. The Commission will continue to scrutinise the operation of the FE scheme and provide feedback to CSB as necessary.

The Option

2.12 After seeking the advice of the Commission in January 2018, CSB conducted a service-wide consultation from February to April 2018 on the Option. Consequent upon obtaining the approval of the CE-in-Council, CSB launched the Option on 27 July 2018 with the provision of a two-year option period commencing 17 September 2018. A special one-off extension of service was granted to some civil servants who would otherwise be rendered ineligible for the Option. As reported to the Commission, about 23% of the eligible civil servants had taken the Option by mid-December 2018. Following a progress report given in December 2018, the Commission has requested CSB a further update prior to the close of the option period.

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Extension/Termination of Probationary/Trial Service

2.13 The purpose of requiring an officer to undergo a probationary/trial period is manifold. They include –

- (a) providing an opportunity for the appointee to demonstrate his/her suitability for further appointment in the office;
- (b) allowing the appointment authority (AA) to assess the performance and conduct of the appointee and be satisfied that he/she is fit for continuous employment; and
- (c) giving the appointee time to acquire any additional qualifications or pass any tests prescribed for further appointment.

Probationers/Officers on trial 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/trial period to terminate the service of an officer if he/she is unlikely to become suitable for continued service or further appointment because of his/her conduct and/or performance. To maintain a robust workforce,

HoDs/Heads of Grade (HoGs) should apply stringent suitability standards in assessing the performance and conduct of probationers/officers on trial to ensure that only those who are suitable in all respects are allowed to pass the probation/trial bar. If at any time during the probationary/trial period, a probationer/officer on trial 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/her service under Civil Service Regulation (CSR) 186/200 without the need to wait till the end of the probationary/trial period.

2.14 Extension of probationary/trial 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/her suitability. In accordance with CSR183(5)/199(3), a probationary/trial period should normally be extended only when there have not been adequate opportunities to assess the officer's suitability for passage of the probation/trial bar because of his/her absence from duty on account

of illness or study leave; or when there is a temporary setback on the part of the officer in attaining the suitability standards or acquiring the prescribed qualifications for passage of the probation/trial bar beyond his/her control. It is only in very exceptional circumstances where the officer, 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/her probationary/trial period should be granted.

2.15 The number of cases involving termination of probationary/trial service advised by the Commission had increased from eight in 2017 to 12 in 2018. These cases were all related to unsatisfactory performance and/or conduct of the officers concerned. Submissions recommending extension of probationary/trial service had decreased from 155 in 2017 to 128 in 2018. Most of these extensions were needed to allow time for the officers concerned to demonstrate their suitability for permanent appointment/passage of trial bar on grounds of temporary setback in performance, minor lapses in conduct or absence from duty for a prolonged period due to the officers' health conditions. A statistical breakdown of these cases and a comparison with those

in the past four years are provided at Appendix VII.

Timely submission of extension cases

2.16 As required under CSR 186(4)/200(4), recommendations involving extension or termination of probationary/trial 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/trial period. The Commission considers it most undesirable if such cases could not be processed in time for the officers concerned to be informed of the management's decision before the end of their probationary/trial periods.

2.17 During the year, the Commission noticed with grave concern that an extension proposal was submitted to the Commission for advice after the trial period had expired. The delay was found to be partly due to the time taken to handle the performance assessment of the officer concerned but more because the original submission was misplaced and not sent to the Commission Secretariat. It was only upon the GM's enquiry about progress three months later that the lapse was discovered. Arising from

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this case, the relevant HoG has, upon the Commission's advice, taken immediate measures to improve its record keeping system covering the issue and dispatch of documents and recording file movements for tracing and tracking progress. The HoG has since introduced an electronic register to monitor the progress of all outstanding cases. The Commission noted the improvement measures taken and has asked the HoG to review their effectiveness and ensure that there will not be recurrence of similar incidents again in the future.

Taking timely action for extension of probationary period after award of verbal/written warning

2.18 According to CSB Circular No. 5/2015, a probationer who has been issued with a verbal or written warning⁷ will have his/her probationary period extended for six months or one year respectively with financial loss⁸, irrespective of when the warning is issued during the probationary period and subject to the requirements under CSR 186(3)⁹ and 186(4)¹⁰. Upon

7 A verbal or written warning is a form of summary disciplinary action which is taken in cases of minor acts of misconduct (e.g. occasional unpunctuality) committed by a civil servant. Such summary disciplinary action allows B/Ds to tackle and deter isolated acts of minor misconduct expeditiously. The Commission's advice is not required in such cases. A verbal or written warning would debar an officer from promotion or appointment for a period of time.

8 If an officer's probationary period is extended with financial loss, the officer will receive no increment during the extension and his/her incremental date will be deferred for the same duration permanently. At the end of the period, the officer will be considered for confirmation to the rank subject to his/her satisfactory performance and the AA's satisfaction that he/she fully meets the requirements of the grade for confirmed appointment in the long term.

9 CSR 186(3) requires that before a decision is made to terminate the service or refuse/defer with financial loss the passage of probation bar of an officer on probationary terms, the officer should be –

- (a) informed in writing of the intention to terminate his/her service or refuse/defer his/her passage of probation bar;
- (b) given the reasons or an outline of the individual shortcomings that have given rise to the intention; and
- (c) given seven calendar days to submit any representations he/she may wish to make.

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

10 For CSR 186(4), please refer to paragraph 2.16 above.

the Commission's request, CSB has reminded B/Ds again in January 2018 to take prompt and timely action in seeking extension of the probationary period as a result of warnings issued and not to wait until the end of the probationary period.

2.19 In a number of extension cases, the Commission noted a time gap of one or two years between the issuance of warnings and the submissions to the Commission. The departments explained that they had wanted to further observe the performance of the probationers pursuant to the warning issued so as to ascertain their suitability to remain in service. The Commission considers that in order to achieve the punitive and deterrent effect of the warning system, immediate follow-up action should be taken to effect the extension of probationary period. Early action taken in this regard would enable the officers concerned to correct and strive for improvement. The Commission has reminded the concerned departments/GMs to closely follow CSB's guidelines in handling extension cases in future.

Enhanced communication between the GM and user departments

2.20 As noted in paragraph 2.13 above, an officer on probation/trial should be given the necessary training,

coaching and counselling to help him/her master his/her job. Although supervisors are best placed to observe and assess the performance of their subordinates, the Commission considers that GMs also have an important role to play in monitoring the performance and conduct of their grade members on probation/trial such that early remedial action could be taken to address inadequacies in performance and/or lapses in conduct or behaviour. Close communication should also be maintained with user departments throughout the probation/trial period for the early identification and rectification of any problematic cases.

2.21 In examining a GM's recommendation to refuse passage of trial bar of an officer, while noting the complications involved, the Commission believed that with appropriate and timely intervention by the GM in monitoring the development of the problematic case, an earlier decision could be reached on the case. In turn, an earlier rather than a delayed submission could be made to the Commission.

Other Civil Service Appointment Matters

2.22 Other appointment matters advised by the Commission cover cases of non-renewal or offer of shorter-than-normal agreements that

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depart from the normal progression or involve selection or comparison of merits; and retirement in the public interest under s.12 of the PS(A)O. In addition, the Commission also advised on secondment¹¹, opening-up arrangement¹², review of acting appointment and updating of Guide to Appointment¹³. In 2018, the Commission advised on 42 aforesaid cases. A statistical breakdown of these cases and a comparison with those in the past four years are provided at Appendix VIII.

Retirement in the public interest under s.12 of the PS(A)O

2.23 Retirement in the public interest 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/her worth; or
- (b) loss of confidence when the management has lost confidence in an officer and cannot entrust him/her 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/she reaches his/her 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 rules of the relevant scheme.

- 11 Secondment is an arrangement to temporarily relieve an officer from the duties of his/her substantive appointment and appoint him/her to fill another office not in his/her grade on a time-limited and non-substantive basis. Normally, a department will consider a secondment to fill an office under its charge if it needs skills or expertise for a short period of time and such skills or expertise are only available from another Civil Service grade.
- 12 Under the opening-up arrangement, positions in promotion ranks occupied by agreement officers are open up for competition between the incumbent officers and eligible officers one rank below. This arrangement applies to both overseas agreement officers who are permanent residents and are seeking a further agreement on locally modelled conditions, and other agreement officers applying for a further agreement on existing terms.
- 13 The Guide to Appointment (G/A) is an official document prepared by departments for individual ranks to specify the qualification, requirements and the terms of appointment for recruitment or promotion to respective ranks. The B/Ds are required to update the entry requirements, terms of appointment, and job description of grades under their purview in the respective G/As on an ongoing basis for Civil Service Bureau's approval.

2.24 During the year, a total of nine officers from eight B/Ds were put under close observation. One of them had subsequently been taken off the watch list after the officer had improved his/her performance to the required standard. As at the end of the year, eight officers remained under close observation.

2.25 The Commission will continue to draw B/Ds' attention to potential s.12 cases 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.

Progress of Reviews Initiated by the Commission

Grades with an inverted shape structure

2.26 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. Such a grade structure could not be viable in the long run as there would unlikely be enough officers in 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 rigorous control on the number of posts to be created in the first promotion rank through annual Resource Allocation Exercises (RAEs); conducting annual reviews of these grades; and arranging triennial stocktaking exercises to monitor changes to the grade structure of all Civil Service grades.

2.27 In 2018, CSB submitted a progress report to the Commission on the 15 grades which were identified for detailed study in the 2017 triennial review of Civil Service grades with an inverted shape structure. As compared with the position in the 2017 triennial review, ten of the 15 selected grades had their structure improved. In particular, one grade successfully rectified its inverted shape structure through the creation of more posts at the basic rank. The structure of another grade remained unchanged. As for the remaining four grades, there was slight deterioration in the degree of invertedness but the GMs of three grades expected improvement in their grade structure by end 2018. The

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remaining one of the four grades had earlier completed an establishment review and CSB was satisfied that there were functional justifications for the inverted shape structure of this grade given the demanding and complicated job nature of the grade. Regarding the practice of arranging probationers to take up long-term acting appointments, there was only one such case where the probationer concerned had almost three years' in-rank experience when granted with long-term acting appointment. The grade concerned was expected to rectify its inverted shape structure by end 2018.

- 2.28 CSB has undertaken to keep monitoring closely all Civil Service grades by –
- (a) reviewing their rank structure on a triennial basis; and
 - (b) controlling the number of posts to be created at promotional ranks of those grades with an inverted shape structure in the context of the annual RAEs.
- 2.29 Given the further improvement made by the majority of the 15 grades concerned as reported by CSB, the Commission considers that the progress of addressing the issue of grades with an inverted shape structure has been generally satisfactory. CSB has undertaken to conduct a triennial review in 2020

and report to the Commission of the review results. The Commission will keep the progress in view.

Bi-disciplinary professional posts

- 2.30 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 had 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 maintained its Bi-D status having regard to its non-permanent nature to meet operational requirements. As regards the remaining 17 Bi-D posts, one department concerned had further reviewed its 15 Bi-D posts in 2016 and confirmed that there was a need to maintain their Bi-D status as well as to continue with the posting mechanism for filling them. As for the two Bi-D posts in another department, CSB reported its findings to the Commission in March 2018.
- 2.31 In the latest review, the department concerned had re-examined the feasibility of declassifying its two Bi-Ds posts and concluded that it was necessary to maintain their

Bi-D status after taking into account the prevailing operational needs and succession planning. As regards the filling arrangement, these two Bi-D posts had all along been filled by conducting one single promotion board which would consider the claims of both disciplines in one go. The department considered that the current filling mechanism was fair to members of both grades and had been implemented effectively and well-received by staff. The

department would also arrange job rotation for the two post-holders to meet operational requirements and to increase job exposure for their future career development. Both DEVB and CSB supported the department's recommendation to maintain the Bi-D status of these two posts and to continue with the current filling mechanism. Having examined the review findings, the Commission finds the recommendation acceptable.

CHAPTER 3

Observations on Recruitment Cases

- 3.1 Recruiting new talents and injecting new blood to the Civil Service is vital for sustaining a stable and robust workforce to provide the public with an effective, efficient and high quality service. Recruitment should be a rigorous process for selecting candidates who are best fitted for the job. To this end, the Commission supports the conduct of open recruitment based on the principle of fair competition.
- 3.2 In examining recruitment recommendations, the Commission not only looks for compliance with stipulated rules and laid down procedures, but also attaches importance to the quality of the submissions. As a measure of encouragement, the Commission would give acknowledgment to B/Ds for good work done and commend them for their notable achievements. In examining the recommendations of two recruitment exercises, the Commission was impressed by the boards' cogent and informative assessment. The specific comments on the performance of individual candidates during the selection interviews had helped to provide a solid basis to support the board's recommendations. The board report in one of the recruitment exercises was particularly noteworthy. Apart from providing clearly the basic information relating to the recruitment exercise (including the vacancy position, composition of the

selection board and declarations of interest made by board chairman and members), the board report provided a detailed and comprehensive account of the recruitment process and the board's deliberations on its recommendations. The Commission is pleased with the boards' good work which has obviated the need for the Commission to seek clarification and hence expedited the processing of the boards' recommendations. In other exercises, there was still room for shortening the processing time. Some inadequacies and pitfalls were found during the year. In this Chapter, some specific observations made by the Commission on the recruitment submissions are provided as a reference for B/Ds.

Processing Time of Recruitment Exercises

- 3.3 The Commission considers that time is of the essence in the competition for talents. It is particularly important for B/Ds to prepare well and make adequate plans for their recruitment exercises so that vacancies can be filled at the earliest opportunity. During the year, the Commission was pleased to find that the time taken by B/Ds to complete most recruitment exercises was generally shorter, possibly due to B/Ds' implementation of various streamlining measures that had taken into account the Commission's advice over the years. In two cases,

the Commission considers that B/Ds could have exercised more flexibility to speed up the processing time. In both of these cases, the Commission noted that while the board reports had been compiled, they could not be submitted to the Commission earlier as the departments had to wait for the board chairman or one of its board members to return from vacation leave to sign the board report. Instead of holding up the submissions, the Commission will accept the board reports in draft for initial vetting subject to the AA's agreement for their submissions. The signing of the board reports could follow as soon as possible thereby saving the idling time. The Commission has advised the departments concerned to ascertain and be satisfied of the availability of board chairman/members in planning the schedule of future exercises. Their absence after the conduct of the board should also be taken into consideration by the management in deciding on the composition of the board.

Assessment Criteria

3.4 As civil service jobs generally offer a life-long career after an initial observation period, it is crucial to ensure that only candidates of the suitable calibre are appointed. As such, assessment forms with appropriate and sufficiently comprehensive assessment criteria

should be drawn up for recruitment interview to enable an all-round assessment of a candidate's suitability for meeting the job requirements. During the year, the Commission observed that there was room for improvement in the design of the assessment form in some recruitment exercises. In one particular case, the Commission noted that while relevant working experience was not an appointment requirement of the recruiting post, attainment of a passing score was included in the assessment form as a selection requirement. It follows that candidates without the relevant working experience would unlikely be considered suitable for appointment. Although all candidates who attended the interview in that exercise had different degrees of working experience and no candidate was screened out purely on this ground, the Commission has advised the department concerned to review the assessment form to reflect its selection objective and appointment requirement before mounting the next recruitment exercise.

3.5 Arising and in response to observations made by the Commission in the year, CSB had issued additional guidelines to facilitate B/Ds in setting the assessment standards to be adopted in recruitment interviews and in the design of interview assessment forms. Some tips for expediting the

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Observations on Recruitment Cases

recruitment process were also offered to facilitate B/Ds in the planning and organisation of recruitment exercises. The Commission welcomed CSB's positive action and trust that B/Ds would find them helpful.

Logistics Arrangements of Recruitment Interview

- 3.6 Procedural fairness and observance of the due process are cornerstones of Civil Service recruitment. Equal opportunities and strict compliance with allocated time are basic requirements expected by all candidates attending recruitment interviews.
- 3.7 In one recruitment exercise, candidates were required to give an oral presentation on an assigned topic at the beginning of the interview. While each candidate should be given 15 minutes to prepare for the presentation before commencement of the interview, the actual preparation time allowed for some candidates was inadvertently extended due to the overrun of the interview sessions of candidates preceding them. To ensure that all candidates were treated fairly and to avoid any inadvertent advantage given to some candidates over the others, the department decided to conduct a fresh round of interviews for all candidates. At the new round of interviews, with meticulous co-ordination and

execution, the uniform preparation time of 15 minutes was given and maintained for each and every candidate. The conduct of a new round of interviews had prolonged the recruitment process by about four months and additional resources were deployed internally to complete the process. Though unsatisfactory, the Commission believed and supported the department's decision in ensuring that all candidates were treated fairly and equitably in competing for the same job opportunity. The department concerned had been reminded to plan and conduct future recruitment exercises without losing sight of the logistical arrangement. The Commission had also advised the department concerned to deploy adequate supporting staff for the conduct of the interviews.

Declaration of Interest

- 3.8 Having regard to the Commission's observations and comments, CSB promulgated refined guidelines governing declaration of interest for recruitment and promotion exercises in April 2017 and had incorporated them in the Guidebook on Appointments. The Commission is pleased to note that chairmen and members appointed to serve on recruitment/promotion boards have generally become more alert to the declaration requirements. However, in one recruitment case processed

in 2018, the Commission noted that one board member only made verbal declaration that two candidates to be interviewed on the day were his/her friends. Verbal approval was sought from the AA to swap the two concerned candidates with another board. According to the relevant guidelines, declaration of interest should be reported in writing prior to the conduct of interviews to enable the AA to decide on the most appropriate action to take in respect of the board member making the declaration¹⁴. The AA's decision should then be recorded for compliance.

3.9 The department admitted that there had been a procedural slip in handling the declaration of interest in this case and remedial action was taken by the board member to declare in writing with covering approval sought from the AA. Given

that the board member's relationship with the two candidates was not close and that the AA had verbally agreed to re-arrange interviews of the two candidates by a different board not served by the concerned board member, the Commission was satisfied that the procedural slip had not affected the integrity of the recruitment process. Nonetheless, the Commission has strongly advised the department to exercise due care in ensuring full compliance with the guidelines and procedures governing declarations of interest as set out in the Guidebook on Appointments in future. Particularly, it should ensure that staff responsible for overseeing recruitment exercises are familiar with the rules and procedures in arranging and recording declarations of interest and that board chairmen/members are clearly briefed of the relevant guidelines to facilitate their declarations.

14 Depending on the closeness of the declared relationship, the AA may decide to change the membership of the concerned board or direct the member to withdraw from the board temporarily or abstain from assessing the claim of the concerned officer. If the relationship declared falls under the category of "direct relatives" (e.g. an officer's spouse), the AA should replace the chairman/members concerned.

CHAPTER 4

Observations on Promotion Cases

4.1 Promotion in the Civil Service has to be earned and does not come by automatically. It is not an entitlement nor a reward for long service. The Commission needs to be assured that only the most deserving officers with demonstrable ability and potential are promoted and that the selection process is fair and equitable.

4.2 In 2018, the Commission continued to examine recommendations for promotion critically and meticulously. Compliance with stipulated rules and laid down procedures was a minimum requirement the Commission expects of B/Ds. The Commission is pleased to note that compliance by B/Ds was maintained generally at a high level in 2018. However, there were some cases where there was scope for further improvement. The Commission has conveyed specific observations and comments to the B/Ds concerned. Some noteworthy cases are set out in the ensuing paragraphs for illustration purpose. The Commission hopes that they could serve as a ready reference and a useful reminder for B/Ds.

Counting of Vacancies for Promotion and Acting Appointments

4.3 To realise the potential of capable and suitable officers to take up higher responsibilities in the delivery of services to the community, B/Ds should make the maximum use of available vacancies. Paragraph 3.5(a) of the Guidebook on Appointments sets out the general principle and method in calculating promotable and acting vacancies in a promotion exercise. Vacancies that are expected to arise within the current appraisal cycle should be counted as promotable vacancies. Other than vacancies in the current reporting cycle, B/Ds should also ascertain the number of vacancies which are expected to arise in the first six months of the next reporting cycle so that filling them (e.g. by long-term acting for administrative convenience (AFAC)¹⁵ or short-term acting appointment) could be planned ahead. Supernumerary or time-limited posts should also be counted as promotable vacancies if sufficient permanent vacancies will become available to absorb the

15 An officer is appointed to AFAC if he/she 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/she 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).

promotees before the lapse of the supernumerary or time-limited post concerned. After establishing the number of promotable vacancies and with policy approval having been sought and given, B/Ds may then proceed to conduct the promotion exercise. Whether the same number of candidates will be promoted is a matter to be deliberated by the promotion board. In line with Government's promotion policy, a promotion board should consider all eligible candidates objectively and fairly. Only the most suitable and meritorious officers should be recommended for promotion.

4.4 While the rules of calculating promotable and acting vacancies have been clearly set out in the Guidebook on Appointments, miscalculations by some B/Ds were noted in their submissions to the Commission in 2018. In one case, the department was found to have miscalculated the number of promotable and acting vacancies again despite the Commission's repeated advice given in the last two years. Although the miscalculation had not rendered the recommendations of the board inadmissible, it had taken the Commission Secretariat considerable time to straighten it out with the department concerned. In the end, examination by the Commission took longer and so were the eventual implementation of the board's recommendations. This

is clearly not in the operational interest of the department nor the career interest of the officers concerned. The Commission had asked the department to draw the problem to attention of the HoG and to remind subject officers to fully familiarise themselves with the relevant provisions in the Guidebook on Appointments in preparation for future exercises.

4.5 In a number of other promotion exercises conducted by another department, the Commission noted that some known vacancies had not been counted and included in previous promotion exercises because information on the retirement date of retiring officers or the scheduled creation of new posts were not updated before the relevant promotion boards were held. As a result, the otherwise available vacancies could not be filled earlier. In a promotion exercise of another department, the deferment of the commencement date of an officer's pre-retirement leave had led to a reduction of promotable vacancies. The discrepancy only came into light after the board had been held. As observed from some of these cases, the failings could be attributed to the highly compartmentalised organisation structure of the departments and reflected ineffective communication between the relevant sections. Clearly, there is a need to enhance information exchange and

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updating. The Commission had advised the departments concerned to this effect. In another case, the Commission Secretariat only learnt upon enquiries that the promotion board was well aware of the availability of some anticipated vacancies. It did not include them in the current exercise because their emergence was closer to the planned timing of the next promotion exercise. Had such consideration been recorded and explained in the board report, much time would have been saved in ascertaining the vacancy position with the department concerned.

- 4.6 In another case, the department did not count several time-limited posts as promotable vacancies even though some permanent vacancies were known to arise before the lapse of the time-limited posts and could be used to absorb promotees. The reason given by the department was that there might be a possibility of curtailment of the time-limited posts and counting these posts as promotable vacancies might lead to over-establishment. While risk of over-establishment should be avoided, the continued need of the time-limited posts should be realistically assessed. As the circumstances of the case revealed, the time-limited posts in question would unlikely lapse before the permanent vacancies arose. The

department should have counted the posts so that all available vacancies could be put to good use for promoting deserving officers at the earliest possible opportunity. In another promotion exercise, the department concerned had understated the vacancy position by wrongly using the number of officers having acquired the requisite qualification for promotion as the number of promotable vacancies. In fact, the former only affects the number of eligible officers to be considered in a promotion exercise but not the number of vacancies. In both of the above cases, the Commission has advised the departments to refer to the guideline stipulated in the Guidebook on Appointments in counting promotable vacancies and seek clarifications with CSB if necessary.

Conduct of Promotion Boards and Submission of Promotion Board Reports

- 4.7 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 were not conducive to maximising staffing resources for the operations of B/Ds.

It will also affect B/Ds' manpower development plans and posting arrangements for officers identified as fit for promotion.

4.8 The number of promotion exercises conducted late was small, reflecting general adherence by B/Ds. In 2018, only three such cases were recorded. These three boards were convened in the seventh or eighth month after the end date of the last reporting cycle. As explained by the departments, the delay was mainly due to the time required to review the manpower situation, confirm the board composition and members' availability, and await completion of appraisal reports. The Commission considers that some delays could be minimised if the departments had started the preparation work for promotion exercises earlier. But more importantly, a promotion board could not proceed if the appraisal reports of all eligible candidates had not been fully completed. Late completion of performance appraisals remains a concern of the Commission.

4.9 In 2018, the number of board reports that could not be submitted to the Commission for advice within two months had increased from 35 in 2017 (or 5% out of a total of 672) to 62 in 2018 (or 9% of 724). While most of the submissions were late for less than one month, 20%

of the 62 submissions were late for one to two months. In the case of one department, five out of its eight promotion board reports were submitted late ranging from ten days to one and a half months. The deterioration in late submission is of concern to the Commission. The main reason given by B/Ds for the late submissions was due to other competing priorities, such as busy work schedule of board members and clustering of other exercises on promotions, recruitment and FE applications. While appreciating the heavy commitments of the relevant officers in departments, late submission of promotion board recommendations is not in compliance with stated guidelines. It may also affect time-tables for staff postings and/or career development plans. The Commission has strongly advised concerned B/Ds to make better work plans and deploy adequate resources to achieve timely submission.

Non-conduct of Promotion Board

4.10 In examining the recommendations of a promotion exercise in the year, the Commission noticed that despite the availability of promotable vacancies, no promotion board was convened in 2017. The reason given by the department was that some eligible candidates were away

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on attachment to the Government Secretariat¹⁶ and were not available for taking up departmental duties, no promotion exercise was thus conducted. As a result, some officers were arranged to act in the vacancies concerned to meet operational needs without going through a selection process. The Commission considers the department's explanation a gross misunderstanding of the purpose of a promotion exercise. The fact that an officer is away on training/attachment should not affect his/her eligibility for consideration for promotion or acting appointment. Whether and which officers would be selected is a matter for the promotion board to deliberate in accordance with the policy and guidelines stipulated in the CSRs and the Guidebook on Appointments. The department should have conducted a promotion board in 2017 so that the claims of all eligible candidates (including those on secretariat attachments) could have been examined and suitable officers identified to fill the vacancies through a proper selection process.

Shortlisting Criteria

4.11 According to paragraph 3.21 of the Guidebook on Appointments, a promotion board should consider

the claim of each eligible candidate. Where the pool of eligible candidates is large, a promotion board may devise shortlisting criteria which are relevant to the performance of duties in the promotion rank. The Commission has long advocated that B/Ds should be reasonable and flexible in applying shortlisting criteria in promotion exercises. While consistency in the adoption of shortlisting criteria was important, they should not be considered and adopted mechanically without regard to the prevailing vacancy position or the size of the pool of candidates. Last year, the practice of continuing with previously adopted shortlisting criteria with insufficient regard to changed circumstances was still observed in a number of promotion submissions. In one particular promotion exercise, by applying the shortlisting criterion adopted in previous exercises, all 30 eligible officers were "shortlisted" for consideration. Such shortlisting not only served no practical purpose, it would suggest that the promotion board might not fully understand the rationale behind. In some other cases, in addition to the shortlisted officers, the promotion boards went further and identified a substantial number of officers who did not meet the shortlisting criteria for

16 Under the Secretariat Attachment Scheme, promising departmental officers are given the opportunity to take up responsibilities at assistant secretary level (Master Pay Scale Pt. 45 – 49) and above (or the equivalents) in a policy bureau. Through projects or assignments which may be outside the attachees' professional scope, the Scheme helps broaden their horizons and stretch their limits.

serious consideration. While it is proper for the promotion boards to do so, it calls into question the appropriateness of the adopted shortlisting criteria and whether it should be adopted in the first place. The Commission has advised the departments concerned to critically review if it would be necessary and justified to continue adopting the same shortlisting criteria in future.

Incomplete Information to the Commission

4.12 With the benefit of handling enquiries from B/Ds generally and their enquiries on guidelines issued from time to time, CSB issued in May 2018 an updated version of the Guidebook on Appointments and provided in it a revised template of promotion board report for B/Ds' reference. With clearer guidelines and references, the Commission is pleased to note that there has been a general enhancement in the content and quality of reports submitted by promotion boards. In a few cases, omission and/or inaccurate information were noted. They were noteworthy and should serve as a useful reminder for B/Ds and their staff. In the submission of one department, the board recommended the promotion of a number of officers

with effect from the board date. These recommendees were reported to be acting in the promotion rank at the time but the commencement dates of their respective acting appointment were not given in the board report. After enquiry, the Commission found that some of the recommended officers were arranged to take up acting appointments shortly after the board meeting was held. Recommending them for their substantive promotions to take effect on the board date contravened CSR 125¹⁷. Upon the Commission's request, the board revisited the claims for advancement of all the recommended promotees and revised its recommendation for the promotions of these officers to take effect from a common date when all of them took up the duties of the higher office. With the revision made, the Commission supported the board's recommendation. As revealed in this case, the missing information was crucial in determining the effective date of promotion.

4.13 The Commission has advised the department concerned to provide details of acting appointments of eligible officers in the board reports in future. In addition, we had stressed the importance for officers

17 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.

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serving on the board and those supporting the board to familiarise themselves with the principles, rules and regulations governing civil service promotions as set out in the Guidebook on Appointments.

Board's Considerations in Recommending Officers to AFAC

4.14 According to CSR 166(2), acting appointments should be made only when it is necessary and justified to try out the performance of an officer in a higher rank such that his/her performance may be observed for the purpose of assessing his/her suitability for substantive promotion; or to appoint an officer to perform in the capacity of an office and undertake its duties and responsibilities in the temporary absence of a substantive holder to meet management or operational needs. During the year, the Commission observed that some promotion boards had recommended waitlisting some officers for AFAC despite their having only a few months of active service when they commenced acting upon emergence of the anticipated vacancies. The Commission considered that the promotion boards were amiss to have overlooked when the anticipated vacancy would arise. This was particularly problematic as they were able to identify sufficient eligible candidates for filling all

the anticipated vacancies in the promotion exercises concerned. The Commission has advised the departments to remind future promotion boards to be more mindful in considering the claims of eligible candidates and that all relevant factors should be taken into account in recommending suitable candidates for promotion/acting appointment.

Handling of Officers on AFAC Appointment

4.15 In examining a promotion board's recommendations, the Commission noted that an officer on AFAC appointment was found to have persistent behavioural problems despite repeated coaching and counselling by his/her supervisor and the GM. Instead of taking appropriate management action to review the AFAC appointment, the GM took the decision to defer the case to the promotion board to be convened. In the end, the promotion board recommended ceasing the officer's AFAC appointment. The Commission agreed that the board's recommendation was justified in view of the officer's deficient acting performance and problematic character traits. The Commission was also satisfied that ample time and opportunities had been given for the officer to make improvement. Nevertheless, the Commission considered that the GM should

have taken resolute action earlier to address the problem without waiting for the conduct of the promotion board. The Commission has advised the GM to take a more proactive approach in handling problematic staff in future.

Declaration of Interest

4.16 As mentioned in paragraph 3.8 of Chapter 3, CSB promulgated the refined guidelines on the declaration of interest mechanism in April 2017 which had been incorporated in the Guidebook on Appointments. In accordance with paragraph 3.16 of the Guidebook on Appointments, if a board chairman or member declares that there may be a conflict of interest in assessing the claim of an eligible candidate, the AA should, after taking into account the degree of closeness of the relationship involved and the associated real/perceived conflict of interest, determine whether there is a need to change the composition of the board; and if not, whether a temporary withdrawal or abstention from making assessment on certain candidates will suffice. The Commission considers that the AA should always err on the conservative side in dealing with declared conflicts of interest. In examining a promotion submission by a department, the Commission noted that one board member had declared that he/she was a friend of an eligible candidate. As claimed by

the department, that board member was the grade manager and not appointing him/her to the promotion board might give rise to speculation among grade members. Hence, the AA only decided to direct that the board member to withdraw from the board meeting temporarily when the claim of the candidate concerned was discussed. As revealed in the declarations, that board member had been a frequent travel companion of the “declared” candidate and such relationship might be perceived as giving rise to a conflict of interest. In view of their continued close relationship, the Commission has advised the AA to consider how best to address staff concern on the one hand and any perceived or genuine conflict that might arise with the GM’s involvement in future exercises.

4.17 In another promotion exercise, while one board member had declared that a candidate was his/her “close friend”, the AA after considering all relevant factors, including the declared frequency of their gatherings, decided that the board member should abstain from assessing the claim of the candidate concerned. To this end, as frequency of gatherings is only an indirect indicator of a relationship, the AA should have sought further information about their relationship in determining whether a real or perceived conflict

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of interest exists. The Commission has reminded the department to be more prudent in considering a board member's declaration of interest in future.

4.18 When examining a promotion case, the Commission noted that two assessment panel members had declared their friendship with two candidates and decided to abstain from moderating their appraisal reports at the panel meeting. Upon being appointed to serve on the subsequent promotion board, they made the same declarations. The AA's decision was that they could continue to serve on the promotion board and it was in order for them to assess the claims of all eligible officers, including the two "declared" candidates. Given the declared relationships,

the Commission considered that it would be more prudent for the AA to, similar to the arrangement for the assessment panel, direct both board members to abstain from assessing the "declared" candidates so as to avoid a perceived conflict of interest. The Commission has reminded the department to be more prudent and consistent in considering a board member's declaration of interest in future.

4.19 In spite of the above observations, the Commission was satisfied that the neutrality and judgement of the board members concerned had not been compromised in the deliberations of the boards. After scrutinising the board reports, the Commission was content that the recommendations were justified and fairly made.

CHAPTER 5

Performance Management and Staff Development

5.1 Management of staff performance and development of staff potential are key to maintaining a high standard and good quality workforce 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

5.2 Over the years, the Commission has been joining hands with CSB to strengthen the performance management system in the Civil Service with a view to better realising civil servants' performance and development potential. In cases where the Commission has observed that there is room for improvement in the performance management practices of specific B/Ds, we would advise B/Ds to solicit the assistance from the Civil Service Training and Development Institute (CSTDI) to address them. During the year, pursuant to the Commission's advice, CSTDI had collaborated with a number of departments to enhance their performance management practices. The appraisal report forms of certain departmental grades were reviewed and revised as necessary. Training for grade members were

also organised to enhance their understanding of human resource management (HRM) and good practices. CSTDI also conducted briefing sessions on newly adopted competency-based appraisal forms to enable grade members to perform staff performance appraisal duties using the new forms.

5.3 The Commission is pleased to note CSTDI's continued efforts in conducting performance management workshops for B/Ds on an on-going basis in 2018. As noted, some 115 performance appraisal writing workshops in English and Chinese were conducted for various levels of officers including frontline supervisors in junior ranks, and 41 customised training/briefing sessions were arranged upon the request of 18 B/Ds.

Observations on Performance Management Issues

5.4 The Commission will continue to identify areas that call for improvement as they come to our attention. Some noteworthy observations are set out in the ensuing paragraphs.

Timely completion of performance appraisals

5.5 Performance management is an integral part of a comprehensive HRM strategy and serves as the basis

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for HRM decisions. Throughout the process, it is important for supervisors to closely monitor their subordinates' performance and provide the latter with timely and constructive feedback. To this end, performance appraisal is an essential tool to support and assist in staff development. Late completion of performance appraisals undermines this very purpose and deprives officers of an early opportunity of being apprised of their strengths and where weaknesses are identified for improvement to be made. The Commission has always stressed that staff appraisal, as a performance management tool, should be completed promptly. Late reporting is not conducive to staff morale and also has a knock-on effect on the convening of promotion boards. Timely advancement of deserving officers may also be affected as a result.

5.6 While the Commission has reiterated the importance of timely completion of performance appraisals time and again, we are disappointed that the problem of late appraisals still persisted in 2018. In not a small number of promotion submissions, while B/Ds had reported that all appraisal reports were completed timely in the "Compliance Checklist for Promotion/Selection Exercise", the Commission had found that

completion by the Reviewing Officer (RO) was done more than three months after the end of the appraisal periods. As stipulated in the Performance Management Guide (PM Guide), apart from Appraising Officers (AOs) and Countersigning Officers (COs), ROs are also duty bound to complete appraisal reports on time. The Commission has reminded the B/Ds concerned to follow the PM Guide in monitoring completion of appraisal reports and counting late reports in future exercises. B/Ds should remind AOs, COs and ROs to complete staff reports on time and that failure on their parts reflects poorly on their supervisory and management skills and hence, their own claims for advancement.

5.7 In one of the promotion submissions, the Commission noted that many of the appraisal reports were completed late for two consecutive years as the RO concerned only completed his/her part in one go shortly before the conduct of the promotion board in the subsequent year. Although no promotion exercise was held for the concerned rank in the preceding year, the RO should set a good personal example and take timely action to complete appraisal reports in due time. Completion of performance appraisals is not solely for the purpose of promotion. The Commission

has reminded the department to clearly and seriously impress upon the supervisors concerned of the importance of timely completion of performance appraisals irrespective of whether a promotion exercise has been scheduled for the year ahead. We would also continue to urge for greater efforts on the part of B/D management to deal with the late reporting problem.

5.8 Timely completion of appraisals is also crucial for officers on probation/trial given the nature of their appointment. In an extension of probationary service case, the Commission noted that it took the AO, CO and RO almost 18 months to complete an appraisal for a probationer. In another case involving a probationer with deteriorating performance, the Commission noted that the AO and CO took more than one month to complete the appraisal with the RO taking another two months to complete the review of that appraisal. As a result, an advisory letter setting out the management's concerns could only be issued to the probationer four months after the end of the appraisal period and by that time, the subsequent three-month special report, which was called to monitor his/her performance, had already been due. The delay in completing appraisal

reports not only affected the taking of management actions, the purpose of monitoring a probationer's performance as well as providing the probationer an early opportunity to strive for improvement and prove his/her suitability for passage of the probation bar would also be frustrated. The Commission has advised the departments to clearly and seriously impress upon the supervising officers concerned the importance of keeping to the schedule of staff appraisals for effective performance management. Departmental management should also take appropriate measures to ensure the completion of appraisals of probationers in a prompt manner.

Performance management of officers on probation/trial

5.9 In examining a recommendation to refuse passage of trial bar of an officer, the Commission noted that despite the detection of the officer's substandard performance with no improvement shown in the first ten months of his/her 12-month trial period, the officer was only interviewed and issued with an advisory letter very close to the end of the trial period. Prompt and decisive management action should have been taken as soon as an officer has shown signs of inadequacy. The Commission had

CHAPTER 5

Performance Management and Staff Development

advised both the department and GM to follow CSR233¹⁸ in dealing with non-performing staff.

Performance assessment standards

5.10 In the course of examining the promotion board submissions of a few grades during the year, the Commission noted the tendency of the reporting officers to rate the performance of their appraisees as “Very Effective” or the second tier of a rating scale throughout the three-year review period. In one case, all eligible officers were given the “Very Effective” rating. Although performance ratings should not be taken and read in isolation but in totality with the detailed written assessment, ranking the performance of all or almost all eligible officers at the same level will make it difficult to compare and differentiate the relative merits of individual officers. On top of inviting the departments concerned to review the assessment standard, the Commission had asked the GM to impress upon all supervising officers the virtue of candid reporting and that they should be more critical to differentiate officers of different abilities so that

the relevant promotion boards could have a more solid basis to assess individual appraisees’ suitability for advancement. We had also called upon the ROs to exercise due diligence in moderating appraisal reports having regard to the yardstick and standard of performance expected of a particular rank.

5.11 In examining recommendations for promotions, the Commission will scrutinise the performance appraisals of all eligible officers and need to be satisfied that the assessment given can provide a solid basis to support the recommendations. During the year, the Commission noted in some appraisal reports that there were inconsistencies between the assessment on overall performance and the rating on core competencies. In two cases, while the appraising officers had written comments on the deficiencies of the performance of the appraisees and given relatively low ratings on several of their core competencies, the overall performance were rated as “Very Effective”. In another case, an officer on trial to a new rank was given an “Effective” overall rating in two consecutive trial appraisal reports, denoting a performance

18 According to CSR 233, if an officer is less than fully efficient or productive for any reason, e.g. because of his/her general conduct, ability, temperament or attitude to work, this should normally be dealt with as soon as the shortcoming is observed either by speaking to him/her or writing to him/her, without waiting for the annual performance appraisal.

meeting the standard expected and occasionally exceeding it. However, in the written assessment of the same reports, the officer was portrayed as showing serious performance inadequacies and considered unable to meet the core requirements of the rank. Such cases of inconsistencies, though not commonly found, should serve to remind all supervisors and appraising officers of the pitfall. In respect of the concerned appraising officers, the Commission has asked the departments to clearly advise them to acquaint themselves with the appraisal system and standard. The relevant GMs and/or ROs had also been reminded to moderate appraisal reports as necessary.

Assessment Panel

5.12 Assessment Panels (APs) are set up to ensure consistency in assessment standards and fairness in appraisal ratings (including ratings on performance, core competencies and promotability) within a rank. They are tasked to undertake levelling and moderating work among appraisal reports in circumstances where there are differences in assessment standards. According to the PM Guide, an AP should adopt a holistic approach to moderation work and should avoid the rigid use of a formula to work out the overall rating based on individual ratings.

5.13 When scrutinising a promotion submission in 2017, the Commission noted that the AP had adopted an arithmetic approach where the rating distribution was adjusted statistically for meeting a fixed rating distribution framework. The Commission had then advised the department concerned to review the mode of the AP to ensure that the operation of AP followed the principles and guidelines as stated in the PM Guide. However, in examining the promotion submission in respect of the same rank in 2018, the Commission noted that there were still a substantial number of officers being given the same ratings in overall performance and individual competencies. Pitching the performance of officers at the same level makes it difficult to compare and differentiate the relative merits of eligible officers. Similar problem was also found when the Commission examined the department's other promotion submissions during the year. To address the Commission's concern, the department has undertaken to review the operation of APs following the introduction of the competency-based appraisal forms for the grades concerned in the 2018/19 reporting cycle. The Commission supports the department's initiative and looks forward to the result of the review.

CHAPTER 5

Performance Management and Staff Development

Staff Development and Succession Planning

- 5.14 Staff development is an integral part of HRM. 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 smooth succession. To achieve this, providing training and exposure through career postings are some key measures management could take.
- 5.15 The Commission is encouraged to note in examining a promotion submission that the GM had introduced a fair and transparent staff posting and development plan for officers at both the basic and the next higher ranks. Under

this plan, officers at the basic rank were rotated, irrespective of seniority, to take up a posting with supervisory responsibilities (i.e. as the second officer-in-charge of a functional unit) so that they could have exposure to management and administrative work at an early stage of their career. As for the officers at the next higher rank, the rotation system required them to take turn in leading different functional units for a specified period with a view to broadening their knowledge as well as leadership and management skills. The Commission commends the GM for the well considered staff development plan through which all staff in the ranks concerned are given equal opportunities to try out their abilities in different job settings.

CHAPTER 6

Civil Service Discipline

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

6.2 The Commission plays a key role in collaboration with the Administration to maintain the highest standard of conduct in the

Civil Service. With the exception of exclusions specified in the PSCO¹⁹, the Administration is required under s.18 of the PS(A)O²⁰ 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 2018, the number of Category A officers falling within the Commission's purview for disciplinary matters was about 115 700.

6.3 The Commission's advice on disciplinary cases is based on facts and objective evidence. The nature and gravity of the misconduct or offence are undoubtedly the primary considerations in determining the level of punishment. In our consideration of the appropriate level of punishment, we are also mindful of the need to ensure fairness and there is service-wide consistency. While precedent cases provide useful benchmarks on the appropriate levels of punishment, the circumstances of each case may warrant different considerations.

19 Please refer to paragraph 1.4 of Chapter 1.

20 Please refer to paragraph 1.5 of Chapter 1.

CHAPTER 6

Civil Service Discipline

6.4 To achieve the intended purpose, it is important for prompt and timely actions to be taken and that punishment is meted out without delay.

Disciplinary Cases Advised in 2018

6.5 In 2018, the Commission advised on the punishment of 40 disciplinary cases which represents about 0.03% of the 115 700 Category A officers within the Commission's purview. This figure has remained consistently low 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 is pleased to note CSB's continued efforts in organising various training and experience sharing sessions where interesting cases were shared and the disciplinary system explained. Targeted sessions were also arranged for frontline and junior/middle-ranking officers to alert them to vulnerable areas requiring extra care and attention.

6.6 A breakdown of the 40 cases advised by the Commission in 2018 by category of criminal offence/misconduct and salary group is at Appendix IX. Of these 40 cases, 14 had resulted in the removal of the civil servants concerned from the service by "compulsory retirement"²¹ or "dismissal"²². There were 12 cases resulting in the punishment of "severe reprimand"²³ plus

21 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/she reaches his/her statutory retirement age.

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

23 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.

financial penalty in the form of a “fine”²⁴ or “reduction in salary”²⁵ which is the heaviest punishment next to removal from the service and “reduction in rank”²⁶. These figures bear testimony to the resolute stance the Administration has taken against civil servants who have misbehaved and misconducted themselves. It also underscores the Administration’s determination to uphold and safeguard the highest discipline standard in the Civil Service. The Commission will continue to discharge its function and tender advice on disciplinary cases without fear or favour.

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 to reflect present day circumstances and expectations of the community. The major issues reviewed in 2018, together with the observations and recommendations made by the Commission, are set out in the ensuing paragraphs.

Reviews and Observations on Disciplinary Issues

Guidelines on consideration of disciplinary action for breaches of civil service housing benefits rules

6.7 Apart from deliberating and advising on the appropriate level of punishment to be meted out in each and every

6.8 Summary disciplinary actions taken by B/Ds are outside the purview of the Commission, i.e. the

24 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.

25 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/herself up to the standard required of him/her in order to “earn back” his/her lost pay point(s).

26 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/she would normally be paid at the pay point that he/she would have received had his/her service been continued in that lower rank.

CHAPTER 6

Civil Service Discipline

Commission's advice is not required before a verbal or written warning is administered. However, as verbal and/or written warnings have a corresponding punitive impact on an officer's appointment and promotion claims, the Commission may request details for closer examination. In one case, the Commission noted that a department issued a verbal warning to an officer for breaching a rule governing civil service housing benefits. Although it was a technical breach, the Commission was concerned that the punishment of a verbal warning might not be consistent with other cases of similar nature. Upon discussions, CSB agreed with the Commission that additional guidelines would be useful to align B/Ds in achieving broad consistency in the level of punishment, particularly in taking summary disciplinary action for the case concerned. Accordingly, CSB had reviewed the relevant guidelines and promulgated a set of revised guidelines in 2018. We are pleased to note that the revised guidelines have provided more clearly the considerations for different levels of punishment to be meted out and should assist B/Ds in determining the appropriate actions to take.

Handling of officers on trial under consideration for summary disciplinary action

6.9 Summary disciplinary action comprises verbal and written warnings which would debar an officer from promotion or appointment for six months and one year respectively. The probationary period of probationers issued with a verbal or written warning will also be extended. For officers on trial, however, while passage of the trial bar would be similarly deferred, the application of debarring effect is not as clear. Arising from a case and upon the Commission's request, CSB had reviewed the existing procedures in handling officers on trial under consideration for summary disciplinary action. To ensure consistency, HoDs/HoGs had from December 2018 been requested to consult CSB on the application of the debarring effect before issuing verbal or written warnings to officers on trial. In the light of experience, the Commission believed that with the aid of clear guidelines, HoDs/HoGs could be entrusted to administer the warning system for officers on trial in the same way as officers on probation.

Formal disciplinary cases involving traffic related offences

- 6.10 During the year, the Commission noted an increase in the number of disciplinary cases involving officers convicted of traffic offences, whether duty or non-duty related. The number of such cases increased from six in 2017 to 16 in 2018. Among the 16 cases advised in 2018, nine were duty-related where officers had committed the traffic offences while performing driving duties. Eight cases involved convictions of “careless driving” and the ninth one of “dangerous driving”.
- 6.11 The remaining seven cases were non-duty related, of which six officers had committed the offence

of “drink-driving”. “Drink-driving” is a serious offence as it endangers the safety of pedestrians and other road users and can have dire consequences. Notwithstanding that these acts were committed outside duty hours, they were most unbecoming and had cast grave doubts on the officers’ sense of responsibility and suitability as a driver. The Commission takes a serious view of these offences and believes that they can be avoided if officers (whether performing driving duties or not) could remain vigilant at all times and drive with utmost care. The punishment to be meted out should therefore serve to reinforce the determination of the management to maintain a high standard of driving safety.

CHAPTER 7

Visits

7.1 In 2018, the Chairman and Members of the Commission visited the Government Laboratory and the Hongkong Post. These visits have facilitated useful exchanges on various issues concerning Civil Service appointments, performance management, staff development and succession planning of the Departments concerned. The

briefings on the work of the Departments as well as 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 and other government departments. Another visit was conducted to the new Fire



Visit to the Central Mail Centre



Visit to the Fire and Ambulance Services Academy

and Ambulance Services Academy. Through various simulated demonstrations, the Commission was apprised of the training and development efforts made by the Fire Services Department to equip its staff members for coping with challenging rescue and emergency operations.

7.2 Separately, the Chairman of the Commission met Mr Dante LA Jimenez, Chairman of the Presidential Anti-Corruption Commission (PACC) of the Philippines in December 2018 and his delegates during their visit to Hong Kong. There was a fruitful exchange of views on subjects of common interests.



Visit to the Government Laboratory



Visit by the PACC of the Philippines

CHAPTER 8

Acknowledgements

8.1 The Commission would like to express its gratitude to Mr Joshua LAW, 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 2018.

8.2 As always, the staff of the Commission Secretariat have continued to provide dedicated support to the Commission. In particular, the Chairman and Members of the Commission wish to place on record their appreciation to the outgoing Secretary of the Commission, Ms Phyllis LEUNG, for her hard work and contribution to the efficient operation of the Commission in the past year.

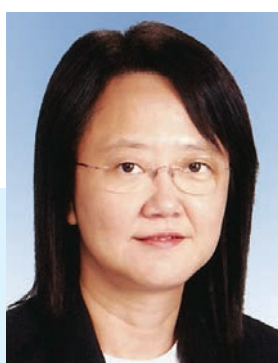
Appendix I

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



Mrs Rita LAU NG Wai-lan, GBS, JP
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.



Mrs Lucia LI LI Ka-lai, SBS
MA (Hist) (CUHK), HKICPA
Member, Public Service Commission
(from 1 February 2012 to 31 January 2018)

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 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.

Appendix I

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



Ms Virginia CHOI, JP
BSW (HKPU), FIHRM (HK), FHKIoD
Member, Public Service Commission
(from 1 February 2012 to 31 January 2018)

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 was the Chairman of the Human Resources Committee and a Member of the 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 Hong Kong Polytechnic University and 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
(from 10 February 2012 to 31 January 2018)

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
(from 6 July 2012 to 30 June 2018)**

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



Prof Timothy TONG Wai-cheung, JP

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

PhD (UC at Berkeley), FASME, FHKEng

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

Prof Tong was the President of The Hong Kong Polytechnic University (2009 – 2018). 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 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

**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 Fishermen Claims Appeal Board, a Member of the Air Transport Licensing Authority and a Member of the Insurance Appeal Tribunal panel.

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 the Chairman of the Joint Committee on Student Finance and a Non-executive Director of the Mandatory Provident Fund Schemes Authority, a Member of the Legal Aid Services Council, the Financial Infrastructure and Market Development Sub-Committee of the Exchange Fund Advisory Committee and the Policy Research Committee of the Financial Services Development Council.



Mr John LEE Luen-wai, BBS, JP

Honorary Fellow of CityU, Fellow of The Institute of Chartered Accountants in England and Wales, FCCA and FCPA

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, all being listed public 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 the Chairman of the Hospital Governing Committee of Hong Kong Children's Hospital as well as the Chairman of the Investment Committee of the Hospital Authority Provident Fund Scheme.



Mr Lester Garson HUANG, SBS, JP
LL.B. (HKU), M. Ed (CUHK), Solicitor,
Notary Public, China-Appointed Attesting Officer
Member, Public Service Commission
(appointed on 1 February 2018)

Mr Huang is a Partner and Co-Chairman of P C Woo & Co. Currently, he is the Chairman of the Council of the City University of Hong Kong, the Standing Committee on Language Education and Research and the Social Welfare Advisory Committee. He is also a Non-Executive Director of the Securities and Futures Commission, an Ex-Officio Member of The Hong Kong Federation of Youth Groups and the Education Commission. Previously, he was President of the Law Society of Hong Kong and a Non-Executive Director of the Urban Renewal Authority. He was also a member of the Hong Kong Monetary Authority's Exchange Fund Advisory Committee and the Standing Committee on Judicial Salaries and Conditions of Service.



Mrs Ava NG TSE Suk-ying, SBS
BSocSc (CUHK), LLB (LondonU), MUP (McGill U),
LLM (Arb & DR) (HKU), FHKIP, MCIArb
Member, Public Service Commission
(appointed on 1 February 2018)

Mrs Ng joined the Civil Service as an Assistant Planning Officer (later retitled as Assistant Town Planner) in February 1977. She retired from the post of Director of Planning in June 2010. She is now a Member of the Advisory Committee on Post-service Employment of Civil Servants and the Antiquities Advisory Board.

Appendix I

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



Mrs Margaret LEUNG KO May-ye, SBS, JP
Honorary Fellow (HKU), BSocSc (HKU)
Member, Public Service Commission
(appointed on 1 July 2018)

Mrs Leung started her banking career in 1975. She had been a Director and General Manager of The Hongkong and Shanghai Banking Corporation, the Deputy Chairman and Chief Executive of Hang Seng Bank, and Deputy Chairman and Chief Executive of Chong Hing Bank. She retired in 2018. Currently she is an Independent Non-Executive Director of the Hong Kong Exchanges and Clearance Limited, First Pacific Company Limited, Li & Fung Limited and Sun Hung Kai Properties Limited. She is also a member of the Advisory Committee on Arts Development, a Steward of the Hong Kong Jockey Club, the Treasurer and a member of the Council of the University of Hong Kong, and a member of the Business School Advisory Council of the Hong Kong University of Science and Technology.

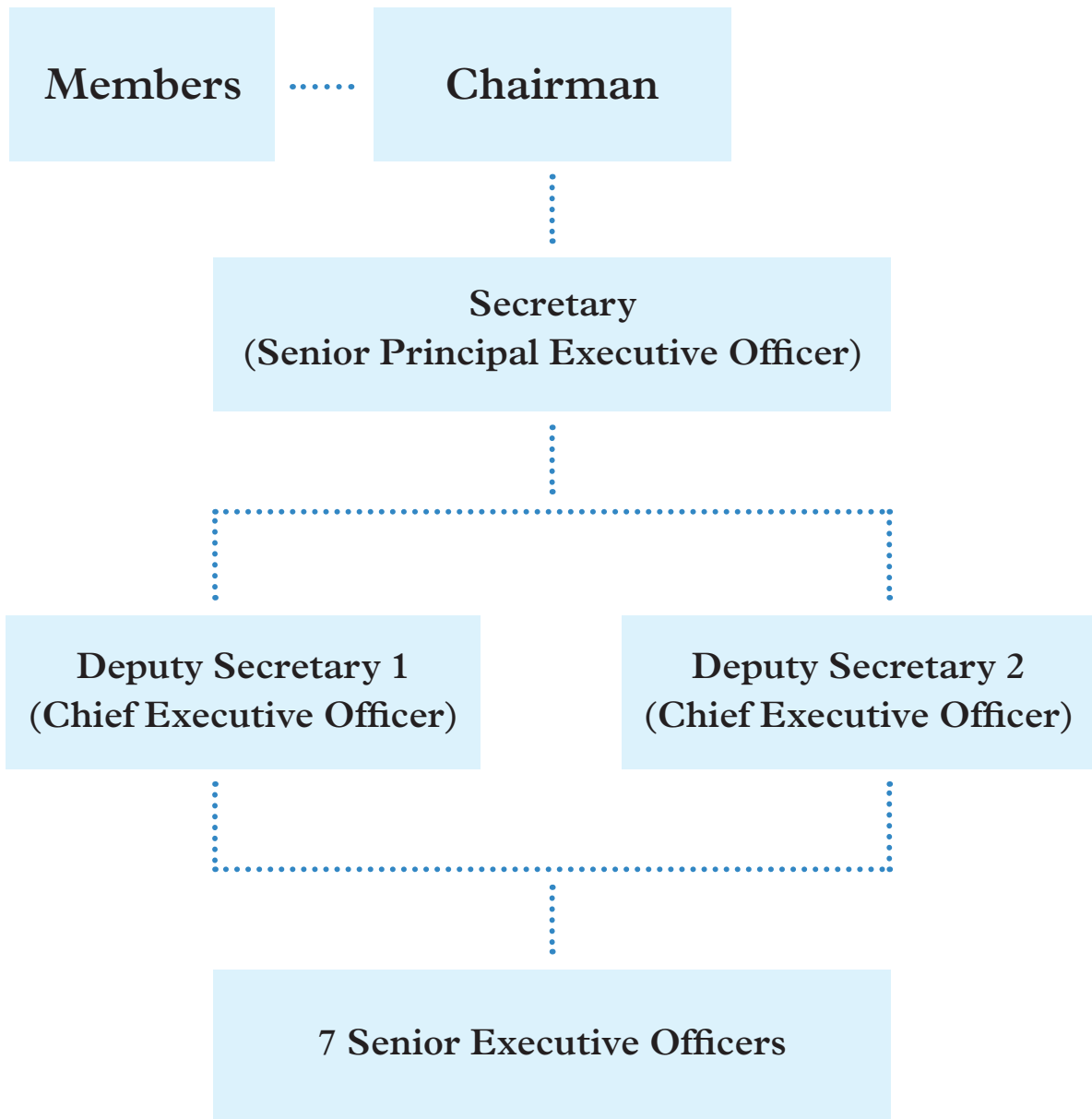


Mr Tim LUI Tim-leung, SBS, JP
Fellow Member of The Hong Kong Institute of Certified
Public Accountants, Member of The Institute of
Chartered Accountants in England and Wales
Member, Public Service Commission
(appointed on 1 July 2018)

Mr Lui joined PricewaterhouseCoopers (PwC) in London in 1978 and returned to Hong Kong in 1984. He retired as a Senior Advisor of PwC in 2018. He is a Past President of the Hong Kong Institute of Certified Public Accountants. Currently, he is the Chairman of the Securities and Futures Commission and the Education Commission and a member of the University Grants Committee. Over the years, he has served as the Chairman of the Committee on Self-financing Post-secondary Education, the Joint Committee on Student Finance, the Standing Commission on Directorate Salaries and Conditions of Service and the Employees' Compensation Insurance Levies Management Board.

Appendix II

Organisation Chart of the Public Service Commission Secretariat



Establishment

Directorate Executive Officer	1
Executive Officer Grade	9
Clerical Grade	18
Secretarial Grade	3
Chauffeur Grade	1

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Appendix III

Submissions Advised by the Commission

Category	Number of Submissions Advised				
	2014	2015	2016	2017	2018
Recruitment	133	151	161	169	165
Promotion/Acting appointment	682	710	701	672	724
Extension of service or re-employment after retirement	16	17	16	20	23
Extension or termination of probationary/trial service	141	114	134	163	140
Other Civil Service appointment matters	76	59	49	49	42
Discipline	48	37	47	36	40
Total number of submissions advised	1 096	1 088	1 108	1 109	1 134
<i>(a) Number of submissions queried</i>	720	767	796	788	795
<i>(b) Number of submissions with revised recommendations following queries</i>	133	105	113	135	142
<i>(b) / (a)</i>	18%	14%	14%	17%	18%

Appendix IV

Recruitment Cases Advised by the Commission

Terms of Appointment	Number of Recommended Candidates in 2018	
	Open Recruitment	In-service Appointment
Probation	1 606	0
Agreement	49	0
Trial	108	110
Sub total	1 763	110
Total	1 873	

	Comparison with Previous Years				
	2014	2015	2016	2017	2018
Number of recruitment exercises involved	133	151	161	169	165
Number of candidates recommended	1 268	1 100	1 398	1 601	1 873
<i>Number of local candidates recommended</i>	<i>1 268</i>	<i>1 099</i>	<i>1 397</i>	<i>1 601</i>	<i>1 871</i>
<i>Number of non-permanent residents recommended</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>2</i>

Appendix V

Promotion Cases Advised by the Commission

Category	Number of Recommended Officers				
	2014	2015	2016	2017	2018
Promotion	2 264	1 929	2 224	2 169	2 752
Waitlisted for promotion	200	216	272	291	368
Acting with a view to substantive promotion (AWAV) or waitlisted for AWAV	436	442	397	478	393
Acting for administrative convenience (AFAC) or waitlisted for AFAC	4 099	4 160	4 636	4 417	5 568
Total	6 999	6 747	7 529	7 355	9 081

	2014	2015	2016	2017	2018
Number of promotion exercises involved	682	710	701	672	724
Number of ranks involved	403	401	426	411	430

Appendix VI

Extension of Service and Re-employment after Retirement Cases Advised by the Commission

Category	Number of Recommended Officers in 2018		
	Directorate	Non-directorate	Total
Submissions under the adjusted mechanism for further employment beyond retirement age for a longer duration than final extension of service from 1 June 2017	12	53	65
Submissions for final extension of service / re-employment beyond retirement age	2	0	2
Total	14	53	67

	Comparison with Previous Years				
	2014	2015	2016	2017	2018
Number of extension of service or re-employment after retirement submissions advised	16	17	16	20	23
<i>Number of submissions involving directorate ranks</i>	9	11	11	9	11
<i>Number of submissions involving non-directorate ranks</i>	7	6	5	11	12

Appendix VII

Extension/ Termination of Probationary/ Trial Service Cases Advised by the Commission

Category	Number of Submissions Advised				
	2014	2015	2016	2017	2018
Termination of trial service	1	1	0	0	2
Termination of probationary service	11	16	11	8	10
Sub total	12	17	11	8	12
Extension of trial service	3	13	11	12	10
Extension of probationary service	126	84	112	143	118
Sub total	129	97	123	155	128
Total	141	114	134	163	140

Appendix VIII

Other Civil Service Appointment Matters Advised by the Commission

Category	Number of Submissions Advised				
	2014	2015	2016	2017	2018
Non-renewal of agreement	0	1	0	1	0
Renewal or extension of agreement	7	10	11	2	3
Retirement under section 12 of the Public Service (Administration) Order	1	0	0	1	0
Secondment	0	6	3	7	1
Opening-up arrangement	1	3	0	1	2
Review of acting appointment	11	10	12	12	5
Updating of Guide to Appointment	56	29	23	25	31
Total	76	59	49	49	42

Appendix IX

Disciplinary Cases Advised by the Commission

(a) Breakdown of Cases in 2018 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	3	0	0	3
Compulsory Retirement + Fine	1	1	1	3
Compulsory Retirement	3	5	0	8
Reduction in Rank	0	0	0	0
Severe Reprimand + Reduction in Salary	0	1	0	1
Severe Reprimand + Fine	6	3	1	10
Severe Reprimand	0	1	0	1
Reprimand + Fine	8	1	0	9
Reprimand	0	3	2	5
Total	21	15	4	40

(b) Breakdown of Cases in 2018 by Category of Criminal Offence/Misconduct

Punishment	Number of Cases Advised				
	Criminal Offence			Misconduct ²⁷	Total
	Traffic related	Theft	Others ²⁸		
Dismissal	0	0	2	1	3
Compulsory Retirement	0	0	8	3	11
Lesser Punishment	16	2	2	6	26
Total	16	2	12	10	40

(c) Comparison with Previous Years

Punishment	2014	2015	2016	2017	2018
Dismissal	1	5	2	6	3
Compulsory Retirement	12	7	12	5	11
Lesser Punishment	35	25	33	25	26
Total	48	37	47	36	40

²⁷ Including unauthorised absence, failure to follow instructions or perform duties, abuse of official position, etc.

²⁸ Including fraud, misconduct in public office, forgery, using false instrument, etc.