

PUBLIC SERVICE COMMISSION

ANNUAL REPORT 2022

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CONTENTS

Chairman's Foreword		1
Chapter 1	An Overview of the Public Service Commission	4
Chapter 2	Civil Service Appointments	12
Chapter 3	Recruitment	22
Chapter 4	Promotion	26
Chapter 5	Performance Management and Staff Development	32
Chapter 6	Civil Service Discipline	40
Chapter 7	Visit	49
Chapter 8	Acknowledgements	50
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Appendix I	Curricula Vitae of the Chairman and Members of the Public Service Commission	51
Appendix II	Organisation Chart of the Public Service Commission Secretariat	59
Appendix III	Submissions Advised by the Commission	60
Appendix IV	Recruitment Cases Advised by the Commission	61
Appendix V	Promotion Cases Advised by the Commission	62
Appendix VI	Extension of Service and Re-employment after Retirement Cases Advised by the Commission	63
Appendix VII	Extension/Termination of Probationary/Trial Service Cases Advised by the Commission	64
Appendix VIII	Other Civil Service Appointment Matters Advised by the Commission	65
Appendix IX	Disciplinary Cases Advised by the Commission	66

CHAIRMAN'S FOREWORD



Each and every year, the Public Service Commission publishes an annual report to give an account of the work done in the past year. The 2022 Annual Report is the ninth published under my Chairmanship and my last.

Two years back in 2020, the Commission celebrated without any fanfare its 70th Anniversary. Hong Kong then was still under the overcast of the COVID pandemic with stringent anti-epidemic measures imposed on almost all social aspects of life. After three years of tremendous forbearance, Hong Kong has finally bounced back to normalcy with the last restriction on face mask removed on 1 March 2023. In the intervening period, the work of the Commission has not stopped and we have continued to discharge our responsibilities as steadfastly as ever before in full accordance with the statutory power and the mandate bestowed on the Commission under the Public Service Commission Ordinance.

Since its establishment in 1950, the Commission has been held in high regard by the Administration and civil servants at large for its role as a vital, impartial and independent advisor with resolute commitment in safeguarding the integrity and fairness of the appointment, promotion and disciplinary systems in the Hong Kong Civil Service. The Commission also serves as a “think tank” and collaborates with the Administration in reviewing and formulating Civil Service policies and procedures contributing to the maintenance of a meritorious Civil Service which can stay ahead and be among the best in the world.

The mission of the Commission to ensure that only the most qualified get appointed and promotion is awarded only to the best suited with exemplary performance with good conduct and integrity. For the sub-standard performers and ones who misconducted themselves or have broken the law, they have no place in the Civil Service and cannot escape with impunity. The Commission is thus in resounding support of the Chief Executive (CE)'s policy initiatives to provide enhanced training and advancement opportunities to officers with good potential and outstanding ability and to strengthen the management of sub-standard performers.

The CE has tasked the Civil Service Bureau (CSB) to review and enhance the disciplinary mechanism so that disciplinary lapses can be dealt with decisively and expeditiously. We look forward to contributing to these important initiatives and working with CSB for their early implementation. In the meantime, we shall, as always, examine each and every recommendation submitted to the Commission thoroughly, objectively and fairly without fear or favour.

2022 is a busy year for the Commission. In terms of workload, the number of cases advised by the Commission has grown from 1 096 in 2014 when I began my term to 1 265 in 2022. In between, a record high of 1 379 cases was recorded in 2021. From these submissions, we are able to see the extent and how well Bureaux and Departments are able to comply and observe the laid down rules and regulations to ensure fairness in the selection process and procedural propriety in their work. We have included in various chapters of this Report some noteworthy cases where there is scope to do better. We hope that our observations can serve as a reminder and pointers for both management and staff in the pursuit of excellence. They also have the added value of offering real life experience for use as case studies in staff training.

We are gratified that our annual reports are read and shared widely within the Civil Service and often used as ready reference by personnel responsible for human resource management. And we are even more heartened to see increased readership among the general public as reflected in the sixfold rise in the browsing rate on the Commission website since we began digital reporting in 2018. To enhance efficiency and for the better administration of the performance management system, the Commission has suggested the development of a comprehensive digital database of all civil servants to the Secretary for the Civil Service. This is in line with the CE's policy initiative of building a smart government as announced in the CE's 2022 Policy Address. We much look forward to the formulation of a concrete roll-out plan and to be consulted in the year ahead.

During the year, Mr John Lee retired from the Commission after six years' dedicated service to whom I owe a debt of gratitude. It also gives me great pleasure to extend a warm welcome to Ms Agnes Chan and Mrs Ann Kung, who joined the Commission in 2022.

It has been a great honour and privilege for me to have had the opportunity to serve as the Chairman for the past nine years. The time and experience I have had is truly rewarding. The role of the Public Service Commission is an enduring one and as a long and well-established institution, it shall continue to offer checks and balances the Civil Service needs. Taking this opportunity, I must pay tribute to all my fellow Commission Members, past and present, for their wise counsel and the contributions they have made. The work of the Commission has called heavily upon their time and energy. For the unfailing support each of them has rendered me, I wish to place on record my heartfelt appreciation. I would also like to extend my gratitude to all former and present Secretary for the Civil Service and their senior staff as well as to Heads of Bureau/Department and their colleagues for their cooperation, understanding and support in their dealings with the Commission. Their readiness and responsiveness in taking forward the advice and suggestions the Commission has given is most appreciated. Finally, I would like to record my special thanks to the Secretary of the Commission and all the staff of the Commission Secretariat for their dedication and commitment and for the indispensable support each of them has rendered.



Mrs Rita Lau
Chairman

CHAPTER 1

AN OVERVIEW OF THE PUBLIC SERVICE COMMISSION

1.1 The Public Service Commission is an independent statutory body which advises the Chief Executive (CE) on Civil Service appointments, promotions and discipline. Its mission is to safeguard the impartiality and integrity of the appointment and promotion systems in the Civil Service and to ensure that 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 2022 was as follows –



The Public Service Commission at a meeting.



The Public Service Commission at a meeting.

Chairman	
Mrs Rita LAU NG Wai-lan, GBS, JP	since May 2014
Members	
Mr John LEE Luen-wai, BBS, JP	May 2016 to April 2022
Mr Lester Garson HUANG, SBS, JP	since February 2018
Mrs Ava NG TSE Suk-ying, SBS	since February 2018
The Honourable Mrs Margaret LEUNG KO May-yee, SBS, JP	since July 2018
Mr Tim LUI Tim-leung, SBS, JP	since July 2018
Dr Clement CHEN Cheng-jen, GBS, JP	since December 2019
Prof Francis LUI Ting-ming, BBS, JP	since June 2021
Ms Agnes CHAN Sui-kuen	since May 2022
Mrs Ann KUNG YEUNG Yun-chi, BBS, JP	since May 2022
Secretary	
Ms Fontaine CHENG Fung-ying, JP	since October 2018

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

Secretariat

- 1.3 The Commission is supported by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. At the end of 2022, the number of established posts in the Commission Secretariat was 33. 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 (\$54,840 as at end of 2022) or above, up to and including Permanent Secretaries and Heads of Department (HoDs). The appointment of the Principal Officials of the executive authorities of the Hong Kong Special Administrative Region (HKSAR) as stipulated under the Basic Law of the HKSAR of the People's Republic of China does not fall under the purview of the Commission. At the end of June 2022, the number of established Civil Service posts falling under the Commission's purview was 54 842 out of a total of 192 579. However, irrespective of rank, the following categories of cases are required to be referred 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 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 June 2022, the number of Category A officers falling under the Commission's purview for disciplinary matters was about 123 000.
- 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 resource 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 senior managements of Bureaux/Departments (B/Ds) 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 B/Ds, the Commission's primary aim is to ensure that the recommendations are well justified and are arrived at following the laid down procedures and stipulated guidelines. To achieve this, the Commission has devised a meticulous vetting system and in the process may require B/Ds to provide clarifications and supplementary information. In some cases, B/Ds would revise their recommendations after taking into account the Commission's observations.

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 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.

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 worthy of 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 unauthorized person any information which has come to his 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 2022

- 1.11 In 2022, the Commission advised on 1 265 submissions covering recruitment, promotions and disciplinary cases as well as other appointment-related subjects. Queries were raised in respect of 812 submissions, resulting in 161 re-submissions (20%) with recommendations revised by B/Ds in the light of the Commission's comments. All submissions in 2022 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. Should inadequacies or irregularities in B/Ds' work be identified in the process, the Commission would provide advice to B/Ds concerned for rectification.
- 1.13 In 2022, the Commission dealt with two representations. After careful and thorough examination, the Commission was satisfied that the representations made were unsubstantiated.
- 1.14 In addition to representations, the Commission also receives complaints of various nature. Although some may fall outside our statutory purview, all complaints are handled diligently. After obtaining the facts and information from the relevant B/Ds, the Commission will deliberate on the substance of the complaints and give replies after careful examination. Where the matters raised fall outside the Commission's purview, the Commission Secretariat will re-direct them to the relevant B/Ds for reply.
- 1.15 The Commission has a key role to ensure compliance and uniformity in the application of policies and procedures pertaining to appointments, promotions and discipline in the Civil Service. While staff training and development are the fundamental responsibilities of departmental and grade managements (GMs), the Commission has been working with CSB to promote a holistic approach in developing a comprehensive Human Resource Management strategy which best serves the interest of the Civil Service. Specifically, we would like to see B/Ds create and engender an optimum environment to manage, develop and motivate staff thus enabling them to embrace the opportunities and challenges of developing Hong Kong and upkeeping our good governance. In 2022, the Commission continued to field officers from the Commission Secretariat to participate in training sessions and workshops organised for officers of the Executive Grade and GMs. Equipping them with the necessary knowledge and expertise to discharge their human resource management function is imperative in ensuring that the recruitment, management of probationers, promotion and performance management systems are administered properly and in full compliance with Civil Service policies and rules. We were delighted with the positive feedback gauged. These forums have also 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 enhance our mutual efficiency. Separately, the Commission will continue to take advantage of our visits to B/Ds to discuss areas and matters of mutual interest.

Homepage on the Internet

1.16 The Commission's homepage can be accessed at the following address –

<https://www.psc.gov.hk>

The homepage provides information on the Commission's role and functions, its current membership, the way the Commission conducts its business and the organisation of the Commission Secretariat. Our Annual Reports (from 2001 onwards) can also be viewed on the homepage and can be downloaded.

1.17 An Index of the advice and observations of the Commission on Civil Service recruitment, appointment, discipline and other human resource management issues cited in the Commission's Annual Reports since 2001 is provided on the homepage. The objective is to provide human resource 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 To lead Hong Kong to meet challenges ahead and embrace changes for advancement, we need a capable government that can deliver and achieve results. Maintaining a workforce of civil servants who are committed to their duties, dedicated to serving the public and be ready to take up responsibilities is instrumental to developing and sustaining a capable government. It is therefore imperative to uphold the fundamental principle of Civil Service appointment of appointing and recruiting the most suitable and meritorious into the Civil Service.
- 2.2 In 2022, the Commission considered and tendered advice on 1 265 submissions. Of them, 1 193 were appointment-related and the remaining 72 were related to conduct and discipline. These submissions were the result of the hard work of B/Ds. Altogether, 132 recruitment and 746 promotion exercises were conducted to fill new vacancies and replenish the manpower needs of B/Ds. Behind these two figures are hundreds and thousands of applicants and candidates whose applications for appointment and claims for promotion have to be meticulously assessed. In addition, the Commission advised on 23 submissions concerning extension of service in the form of further employment conducted under the adjusted mechanism promulgated by CSB in June 2017. Another 196 submissions involved extension or termination of officers appointed on probation or trial service. The remaining 96 were other appointment-related cases.
- 2.3 Apart from tendering advice and observations on case-specific submissions, the Commission also works closely with CSB to provide views on new appointment policy, to improve and streamline appointment procedures and to propose subjects for review where appropriate for a better and more efficient appointment system. An account of the Commission's work is detailed in this Chapter.

Civil Service Recruitment

- 2.4 Recruitment to the Civil Service is undertaken by CSB and individual B/Ds which 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 need to be satisfied that objective selection standards and proper procedures are adopted in the process. B/Ds are required to consult the Commission in advance on the introduction of any new shortlisting criteria in a recruitment exercise to ensure that they are appropriate and fair. We also advise B/Ds on measures to enhance the efficiency and effectiveness of the recruitment process so that offers can be made to successful candidates as early as possible.
- 2.5 In 2022, the Commission advised on 132 recruitment submissions involving the filling of 1 606 posts, of which 1 551 posts (in 127 submissions) were through open recruitment and 55 posts (in five submissions) by in-service appointment. A statistical breakdown of these appointments and a comparison table showing the number of recommendees in 2022 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.

Basic Law and National Security Law Test

- 2.6 As the backbone of the HKSAR Government, the Civil Service is duty-bound to observe and implement “One Country, Two Systems” and to support the HKSAR Government in its governance. Civil servants should also have strong awareness of and be responsible in safeguarding national security. As reported in the last Annual Report, CSB undertook to review and update the assessment content of the former Basic Law Test to include the Law of the People’s Republic of China on Safeguarding National Security in the HKSAR (the National Security Law) in the scope of assessment. The Commission fully supports the initiative which is aimed to ensure that new recruits are well-suited for Civil Service employment and able to meet the requirements of the applied posts. In June 2022, CSB promulgated the introduction of a new Basic Law and National Security Law Test (BLNST). Under the new requirement, all applicants for Civil Service posts have to sit for the BLNST and a pass has become an entry requirement for all Civil Service recruitment exercises advertised from July 2022 onwards. In scrutinizing recruitment submissions, the Commission is pleased to note that B/Ds have ensured full compliance with the new requirement in the recruitment process.

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 (\$54,840 as at end-2022) 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.

Selection and appointment mechanism for senior levels of the Civil Service

- 2.7 Maintaining effective governance counts on the collective and concerted efforts of civil servants at all levels. Directorate civil servants at the core and highest echelons of the Government play an additional leading role in fostering effective governance. The Commission will continue to scrutinize the appointment submissions involving directorate ranks critically and meticulously and see to it that the principle of meritocracy is upheld and procedural propriety is observed.

Civil Service Promotion

- 2.8 The role of the Commission in advising the Government on promotions⁶ in the Civil Service is to ensure that only the most suitable and meritorious officers are selected to undertake the higher rank responsibilities through a fair and equitable promotion system. In examining promotion submissions from B/Ds, the Commission will need to be satisfied that proper procedures have been followed and that the fair claims of all eligible officers have been duly and fully considered on an equal basis regardless of their terms of appointment against the objective criteria of ability, experience, performance, character and prescribed qualifications, if any. The Commission also makes observations on the conduct of promotion exercises and matters relating to performance management with a view to bringing about improvements where inadequacies are identified and enhancing the quality of the overall Civil Service promotion system as a whole.
- 2.9 In 2022, the Commission advised on 746 promotion submissions involving the recommendations of 9 512 officers for promotion or acting appointment. Promotions have to be earned and based on merits. In a great majority of cases, competition is keen. The recommendations of a promotion board have therefore to stand up to scrutiny and the relevant board has to answer the queries raised by the Commission and provide justifications and objective evidence to support them. 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.

6 Under the purview of the Commission, recommendations on promotion to middle and senior ranks, i.e. those attracting a maximum monthly salary not less than the amount specified at Master Pay Scale Point 26 or equivalent, are required to be submitted to the Commission for scrutiny and advice. The judicial service, the Independent Commission Against Corruption and the disciplined ranks of the Hong Kong Police Force are outside the purview of the Commission.

Extension of Service of Civil Servants

- 2.10 Pursuant to the Government's policy decision announced in January 2015 to extend the service of civil servants, an adjusted mechanism for further employment beyond retirement age for a longer duration than final extension of service (hereafter referred to as "FE") was fully implemented from June 2017 after consulting the Commission.

The FE scheme

- 2.11 Under the FE scheme, eligible officers may be considered for FE through a selection process, which has been institutionalized 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 2022, the Commission considered 23 FE exercises and supported the extension of service of 80 officers for a period ranging from four months to five years in aggregate. A breakdown of the number of cases involving extension of service or re-employment after retirement advised by the Commission in 2022 and a comparison with those in the past four years are provided at Appendix VI.

Management of Officers on Probation/Trial

- 2.12 Requiring an appointee to undergo a probationary/trial period serves manifold purposes. It provides an opportunity for the officer to demonstrate his suitability for further appointment in the Civil Service. It also enables the appointment authority (AA) to assess the performance and conduct of the appointee and be satisfied that he/she is fit for continuous employment. For some specific Civil Service jobs, a probationary/trial period also gives the appointee time to acquire the necessary qualifications or pass the prescribed tests for further appointment. To uphold the proper administration of the probation/trial system, HoDs/Heads of Grade (HoGs) have the overall responsibility of overseeing the management of officers on probation/trial including the provision of necessary training, coaching and counselling to help them fit into their jobs. Continual monitoring and regular feedback on their performance aside, B/Ds have to be mindful and be prepared to take decisive action to address any problems that may surface during the probationary or trial period.

- 2.13 To maintain a high quality Civil Service, it is vital for HoDs/HoGs to adopt stringent suitability standards in assessing the performance and conduct of officers on probation/trial to ensure that only those who are suitable in all respects are allowed to pass the probation/trial bar for continued appointment. According to the guidelines promulgated by CSB and as provided for under Civil Service Regulations (CSRs), termination of an officer's probationary/trial service is not a punishment. If at any time during the probationary/trial period, an officer on probation/trial is found to have failed to measure up to the required standards of performance/conduct or has shown attitude problems and displayed little progress despite having been given guidance and advice by their supervising officers and/or GMs, the HoD/HoG concerned should take early and resolute action to terminate his service under CSR 186/200 without the need to wait until the end of the probationary/trial period or recourse to disciplinary proceedings.
- 2.14 While fair opportunities should be given to new appointees to pursue a long-term career in the Government, extension of probationary/trial period should not be used as a substitute for termination of service or solely for the purpose of giving an appointee more time to prove his suitability. In accordance with CSR 183(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 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 control. It is only in very exceptional circumstances where the officer, though not yet fully meeting the suitability standards, has shown positive and strong indication to be able to achieve the standards within the extension period that an extension of his probationary/trial period should be granted. Besides, the period of an extension should not be decided arbitrarily. Rather, B/Ds should fully consider the circumstances and merits of each case and assess the time required by the management to come to a view on whether the officer concerned should be allowed to pass the probation/trial bar.

- 2.15 In 2022, the Commission recorded a total of 46 cases requiring the termination of probationary/trial service of the officers concerned. Most of these cases were related to unsatisfactory performance and/or conduct. There were another 150 submissions involving extension of probationary/trial service in the year. 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 a temporary setback in performance, minor lapses in conduct or absence from duty for a prolonged period due to the officers' health conditions, or pending the acquisition of requisite qualifications prescribed for continued appointment. A statistical breakdown of these cases and a comparison with those in the past four years are provided at Appendix VII.

Taking prompt and decisive action on sub-standard performers on probation

- 2.16 While B/Ds have followed closely the general guidelines in administering the probation/trial system and prudence is called for in deciding on what to do with problematic ones, deferring a decision until close to the end of the probationary period is not conducive to the maintenance of service standard in the Civil Service. In examining two termination submissions, the Commission noted that the unsatisfactory performance of the two probationers had begun to come to light soon after their appointments. Despite intensive guidance and coaching, they continued to perform poorly and tremendous time and efforts had to be taken by their supervisors to manage their sub-standard performance and not letting them affect or disrupt the smooth operation of the office. By the time the recommendation to terminate their probationary service reached the Commission for advice, almost three years had lapsed. Considering their persistent poor performance and the long length of time given for them to improve to no avail, the supervisors should have escalated the case to a higher authority for determination. Accommodating non-performers is unfair to the other colleagues and can be demoralizing if management is perceived as tolerating incompetence. In full support of the termination recommendations after scrutiny, the Commission had advised the two Departments concerned to be more alert to the management of probationers at different levels and offices of the organisations.

Expeditious administration of verbal/written warnings on probationers

- 2.17 Summary disciplinary action of verbal and written warnings are the first and second tiers of punishment in the Civil Service. It allows B/Ds to tackle and deter isolated acts of minor misconduct expeditiously. While the Commission's prior advice of instituting summary disciplinary action is not required, extension of probationary period has to be submitted for our consideration⁷. In the past year, the Commission continued to observe in some cases the long time taken by the management to mete out the punishment defeating its very purpose. In one case, the verbal warning was only issued some nine months after the officer was held to account for having misconducted himself. In two other cases, the time taken was even longer with a time lapse of eight and 12 months respectively. In our view, the long delay not only undermined the deterrent effect of the warning, the necessary extension of the probationary service would likewise be delayed. Consequently, the punitive effect of extension would also be weakened. The Commission has reminded the Departments concerned to expedite actions in tackling similar cases in future.

Performance management of officers on probation/trial

- 2.18 Performance appraisal is a two-way process between the appraising officers (AOs) and the appraisees. An appraisee needs to be made aware of any aspects requiring improvement and the AOs should be candid in making performance assessment. For officers on probation/trial, comprehensive and timely reporting is all the more important as they need to have feedback on how they are performing for improvement and development. To achieve comprehensive reporting for effective assessment work, the AOs should give a distinctive and objective account of an appraisee's actual performance and progress, including strengths and weaknesses, during a specified appraisal period based on the assessment standard adopted for the rank. However, in an extension case, the AO had repeated the same assessment on a probationer in his two consecutive reports. In another case, two different

7 According to CSB Circular No. 5/2015, the probationary period of an officer issued with a verbal or written warning should be extended for six months and one year respectively with financial loss, i.e. the officer will receive no increment during the extension and his 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 satisfactory performance and the AA's satisfaction that he fully meets the requirements of the grade for confirmed appointment in the long term.

AOs had given almost identical written assessment on a probationer in a series of his appraisal reports. In yet another case, the probationer who had received a written warning due to negligence at work was still given an assessment that was almost identical to his previous three appraisal reports. Giving identical or nearly the same assessment on work performance over different periods of time totally defeats the purpose of the performance appraisal system and is not conducive to the career development of probationers. May it be due to the AO's report writing skills or the AO's ignorance, the Commission considers that they should be directed to attend training programmes run by the Civil Service College to improve the quality of their performance appraisal writing.

- 2.19 Quality of appraisal writing aside, timely reporting is also imperative especially for officers on probation/trial so that they could work to improve any identified inadequacies. In two extension cases, the Commission noted that their first probationary reports were completed late for more than six months. In another case, the AO was found to have completed the first two appraisal reports of a probationer in one go resulting in a delay of completion for about one year. Completing staff appraisals in a timely manner is the responsibility of all AOs. Failure or acute delay does not reflect well on the supervisors' own management capability. The Commission appreciates that delays in the completion of appraisal could be caused by the appraisees themselves. The Commission has therefore urged GMs to maintain close oversight of the schedule of completion and take all necessary steps to ensure their timely completion.

Timely submission

- 2.20 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 as early as possible but in any event before the end of their probationary/trial periods.

2.21 In some cases, B/Ds were not able to meet the deadline if the incidents leading to the extension/termination of probationary/trial service occurred towards the end of the probation/trial period for which the Commission had expressed understanding. Other late submissions due to inadequate forward planning or communication gaps within the organisation, however, cannot be accepted as justification. On the advice of the Commission, the Department concerned had immediately taken remedial action and introduced a bring-up system for close monitoring of similar cases and to forestall recurrence. Another Department withheld the submission of an extension case until an issue on increment had been sorted out, which though related, was not germane to the recommendation of the extension. We have advised the departmental management to impress upon all responsible personnel not to lose sight of the prime purpose of seeking the extension and should prioritize the associated administrative work with common sense.

Other Civil Service Appointment Matters

2.22 In 2022, the Commission advised on 96 other appointment cases. They cover cases of non-renewal or extension of agreement; secondment⁸; opening-up arrangement⁹; review of acting appointment and updating of Guide to Appointment (G/A)¹⁰. A statistical breakdown of these cases and a comparison with those in the past four years are provided at Appendix VIII.

8 Secondment is an arrangement to temporarily relieve an officer from the duties of his substantive appointment and appoint him to fill another office not in his grade on a time-limited and non-substantive basis. Normally, a department will consider a secondment to fill an office under its charge if it needs skills or expertise for a short period of time and such skills or expertise are only available from another Civil Service grade.

9 Under the opening-up arrangement, positions in promotion ranks occupied by agreement officers are opened 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.

10 The 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. 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 on-going basis for CSB's approval.

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

An officer who is required to retire in the public interest may be granted retirement benefits. In the case of a pensionable officer, a deferred pension may be granted when he reaches his statutory retirement age. In the case of an officer under the CSPF Scheme, the accrued benefits attributable to the Government's Voluntary Contributions will be payable in accordance with the rules of the relevant scheme.

- 2.24 During the year, a total of nine officers from nine B/Ds were put under close observation due to their sub-standard performance. Four officers had subsequently been taken off the watch list, as two had been dismissed on disciplinary grounds, one had resigned out of his own accord, and one had made improvement in performance. As at the end of 2022, three officers remained under close observation, and the cases of two officers were being processed by CSB.
- 2.25 The Commission will continue to draw B/Ds' attention to potential s.12 cases in the course of scrutinizing staff appraisal reports in connection with promotion submissions. We will also closely monitor the readiness and timeliness of departmental managements in pursuing such administrative action.

CHAPTER 3

RECRUITMENT

- 3.1 Recruitment is the process of selecting new talents and filling manpower gaps to achieve corporate goals. The process of selection in the Civil Service recruitment is rigorous and competition keen. The Commission supports the launching of recruitment exercises based on merit and fair competition so as to select the best-suited candidates. Ensuring the proper conduct of the recruitment process aside, we also attach importance to administrative efficiency in order that the Government can compete with the private sector for talents and good candidates.
- 3.2 Clear rules and guidelines governing the proper conduct of recruitment exercises are provided in the Guidebook on Appointments (the Guidebook) with a template and checklist to facilitate B/Ds in their work. With accumulated experience and vigilant adherence to the guidelines, recruitment exercises have been conducted smoothly. During the year, the Commission is pleased to note the continued efforts taken by B/Ds in ensuring compliance and expediting the recruitment process. Despite the grave impact of the fifth wave of COVID-19, B/Ds have tried to keep to the planned recruitment schedules as far as possible with appropriate measures taken to enable the selection interviews to proceed. The Commission appreciates that longer time is unavoidable as a result of the social distancing measures that were put in place for prevention and control of the infectious virus. The Commission is therefore gratified to see recruitment exercises not lagging far too behind schedule and the recruitment targets largely achieved.

Quality of Recruitment Board Reports and Assessment Made by Recruitment Boards

- 3.3 As observed, the quality of the reports submitted by recruitment boards is well-maintained. The Commission was particularly impressed by the work of three Departments where we found the exercises to be well-organised and the assessment on the candidates well-written with cogent and informative narratives to support the recommendations. They had obviated the need for the Commission to seek clarification thereby expediting the recruitment process such that offers for appointment could be made at the earliest time. The Commission has conveyed our compliments to the recruitment boards concerned for their good work done.

Recruitment Template and Accuracy of Information

- 3.4 Following the introduction of a more comprehensive checklist, the scrutiny work of the Commission Secretariat had been made easier with faster turn-around time. Accuracy of the information provided in the recruitment board reports was also much assured. Among the essential items to be provided, the recruitment template also requires B/Ds to report the percentage of unqualified applications as compared with past exercises. The Commission wishes to explain the rationale of this requirement as some have taken the view that it adds to the work of the recruitment board. First and foremost, applications made in response to recruitment advertisements have to be vetted before they can be accepted for further consideration. Verification of the applicants' qualifications can be labourious and can take up a great deal of staff's time. If unqualified applications remained successively high, the Commission would invite the concerned B/Ds to review the content of the advertisements to see if greater clarity could be provided on the qualification requirements. If less unqualified applications are received, more time can be saved. On the part of the Commission, we have established a random-checking system with full scale checking on the qualifications conducted from time to time. On accuracy, the following two cases best serve to illustrate its importance. In one case, the Department had mistakenly adopted an assessment parameter different from that pre-determined by the board when prioritizing candidates who had attained equal overall scores. Fortunately, the Department came to realize the discrepancy shortly after submitting the board's recommendations to the Commission and remedied the priority order of a number of candidates on the waiting list for appointment. The Commission accepted that the mistake was inadvertent and the integrity of the recruitment exercise had not been compromised. In the other case, the Department had miscalculated the overall score of a non-recommended candidate. Although the overall recommendations of the recruitment exercise remained intact, we have advised the Department to remind officers assigned with recruitment responsibilities to remain vigilant and check thoroughly the accuracy of all information contained in the board reports before submitting them to the Commission for advice.

Assessment Criteria

- 3.5 Recruitment is not only about filling an immediate vacancy but a long-term investment on the human capital of the Civil Service. To select candidates who are best fitted for the job, comprehensive and objective assessment criteria with appropriate weightings accorded to the required attributes appropriately is the key task of all recruitment boards. In examining a recruitment submission last year, the Commission noted that some highly related attributes which could be grouped under one assessment criterion were divided into two and separately assessed. Also, no passing score was set individually with the overall total score serving as the sole determinant for recommended appointment. The Commission wishes to reiterate our view that according weightings among the items of assessment is advisable. We consider that failing a passing score in a crucial attribute should render a candidate's application unsuccessful. Upon receipt of the Commission's advice, the Department proceeded earnestly with a review and adopted a new assessment form with a new marking scheme. Another Department also took steps to revamp the assessment form. The Commission commends the positive response of both Departments, and is confident that with the clearer and appropriately weighted assessment criteria, the recruitment board can distinguish and select candidates who can best meet the requirements of the job.
- 3.6 While the suitability of each candidate has to be carefully assessed against the criteria to ensure that the new recruits will have the necessary skill-set and knowledge to do the job, the soft skills of a candidate is also an important attribute. To meet changing service needs, it is incumbent upon all civil servants to keep abreast of new developments and adopt a customer friendly approach in doing things. It is therefore encouraging to see one Department taking the initiative to adapt the methodology of assessment and adjust the assessment criteria for a rank to cater for new service needs. As noted in the latest recruitment exercise, the Department introduced a new criterion to assess the candidates' motivation by adjusting the relative weighting of an existing criterion that could continue to be duly assessed with the complement of trade test. The Commission appreciated the importance the Department attached to the recruitment exercise.

Recruitment Examination

- 3.7 As part of the selection process, it is not uncommon for B/Ds to adopt recruitment examination as an additional tool to test the skills or attributes required of the grade¹¹. The Commission considers this most fitting in particular when some specific skills, knowledge or language proficiency are key and fundamental requirements for the recruiting grades. One Department has a long-established practice of conducting written examination in its recruitment exercises for the basic rank of a professional grade. The examination is designed to test the candidates' writing skills and professional knowledge and requires a pass before a candidate is invited to attend a selection interview. The written examination was, however, dispensed with in the recruitment exercise conducted in 2022 to enlarge the pool of candidates for interview. The Commission is concerned that in the absence of the written examination and without any substituting measures, the recruitment board would have difficulty in evaluating the language proficiency of the candidates. In response, the Department has assured the Commission that it would critically review the need to reinstate the written examination in the light of the experience gained in the current exercise. It had also undertaken to remind the recruitment board to build in language proficiency in the selection process.

11 According to paragraph 2.15 of the Guidebook, B/Ds may decide on whether and how to make use of recruitment examinations to assist in shortlisting candidates for interviews or selecting suitable ones for appointment. Sufficient and uniform notice of an examination (with a notice period of 14 calendar days in general) should be given to all candidates to facilitate their preparation. If a pass of an examination is a prerequisite for appointment, it should be made clear in the recruitment advertisement, vacancy circular and invitation for the examination.

CHAPTER 4

PROMOTION

- 4.1 Promotion is a well-established mechanism for filling vacancies at the higher ranks in the Civil Service. It also provides opportunities for civil servants to develop their career and make advancement. Promotion in the Civil Service is premised on the principles of meritocracy and fair competition. The selection process is based on the objective criteria of ability, experience, performance, character and prescribed qualifications, if any. Promotion has to be earned and is not an entitlement nor a reward for long service. It is a recognition given to deserving officers who have demonstrated their capability and suitability in all respects for assuming the more demanding responsibilities at the higher ranks. Needless to say, the selection process has to be conducted properly and objectively and that the fair claims of all eligible officers are duly and fully considered.
- 4.2 Maintaining a credible and equitable promotion system is crucial to the attraction and retention of talents in the Civil Service. The Commission advises and assists the Government to ensure that only those best suited to the job are promoted through a transparent and fair selection process. The Commission Secretariat is bound by the PSCO in its work and has to follow the rules and standards set by the Commission. In scrutinizing each and every recommendation for promotion, the Commission needs to be satisfied that the promotion exercise has been properly conducted, and that all applicable CSRs and guidelines have been complied with. To uphold the integrity of the promotion system, the Commission has suggested to CSB to require the availability of completed performance appraisal reports on all eligible candidates before the conduct of promotion boards. In the past year, the Commission is encouraged by the continued and generally high level of compliance by B/Ds. In a number of cases where slight anomalies were spotted, we have conveyed our advice and suggestions to the B/Ds concerned. In this Chapter, we have included them and some other noteworthy ones for general reference and in particular for officers responsible for promotion matters and/or sitting on the promotion board to take note.

Conduct of Promotion/Selection Boards

- 4.3 Promotion/selection boards should normally be convened within six months from the end date of the last appraisal cycle on completion of the annual performance appraisals. In face of the on-set of the fifth wave of COVID-19 pandemic requiring the implementation of various anti-epidemic measures affecting the community and the Civil Service alike, the Commission had agreed with CSB to provide some flexibility for B/Ds to schedule or re-schedule planned promotion exercises. While the work-from-home arrangements had posed constraints to the conduct of promotion board meetings, the Commission is pleased to note that with the aid of computer technology and the secure arrangement of virtual meetings, no promotion exercise had to be aborted and work on all promotion exercises were carried out as planned.
- 4.4 To realize the potential of capable and suitable officers to take up higher responsibilities, B/Ds are encouraged to utilize all available openings and promotable vacancies to promote deserving officers at the earliest opportunity. All eligible officers at the lower rank should be considered irrespective of the terms of their appointment. If a vacancy cannot be used for substantive promotion, a selection exercise should be held to identify a suitable officer to fill the vacancy by acting appointment. This also applies to time-limited vacancies and others likely to last over six months. Permanent vacancies arising in the first six months of the next appraisal cycle should also be included. Counting of vacancies has to be done accurately lest it should run the risk of over-establishment. In examining the recommendations of promotion exercises conducted in 2022, we found two Departments to have omitted conducting selection exercises in the previous year despite the availability of vacancies arising from the retirement of the incumbents which could be used for acting. The explanation given by one of the Departments was that the selection exercise could be deferred as the anticipated vacancy would arise very close to the end of the six-month period. In the other case, the management of the Department decided not to conduct a selection exercise as it took the view that some eligible officers' short in-rank experience would render them unsuitable for advancement. The Commission has advised the Departments to bear in mind that whether and which officers would be selected for advancement is a matter for the selection/promotion boards to deliberate and the management should follow the Guidebook and have suitable officers selected in time to fill the vacancies as they arise. This will also serve to facilitate planning on staff succession and early identification of any officers with potential for trying out.

Quality of Promotion Board Reports

- 4.5 Apart from general compliance, the Commission also attaches importance to the quality of promotion board reports. In coming across submissions which stand out and can serve as examples, the Commission will, as a measure of encouragement, give recognition to the B/Ds concerned for the good work done. Common to all good quality reports, we have found the deliberations on the claims of candidates detailed clearly with reference to the assessment given in the appraisal reports. Comparison of the relative merits of close contenders was clear, thorough and well-supported with elaborations.
- 4.6 Although promotion boards are facilitated with access to the appraisal reports of all eligible candidates during their deliberations, summaries of performance prepared by board secretaries on each candidate can serve as handy reference. They should thus be prepared meticulously and faithfully capturing the officers' performance in the immediate past three years. Among the 746 promotion board reports we examined in 2022, we have noted some pitfalls in the summaries of performance for illustration. Some summaries of performance were too brief and general while others were copied word-for-word from appraisal reports. Inadequacies that might have hampered the advancement of candidates were either not reported or left out. The Commission was thus pleased to see the report of a promotion board providing succinct summaries of performance covering both the strengths and weaknesses of the candidates. The Commission was also encouraged by the marked improvement in the quality of the promotion board reports submitted by a number of Departments reflecting well their responsiveness to the advice we have tendered to them previously. We have forwarded some typical cases to CSB for incorporation as training materials and were advised that they had been used for experience sharing at training workshops.

Counting of Vacancies

- 4.7 The foremost task of a promotion/selection board before proceeding is to ascertain the total number of vacancies and determine whether they could be used for substantive promotion or long-term acting appointment in accordance with the governing principles laid down in paragraph 3.5(a) of the Guidebook. As advocated over the years by the Commission, it is incumbent upon the management of B/Ds to seek prior policy approval for the conduct of the promotion exercise and to accurately report the number of vacancies to be filled. Miscalculation or under-counting is not conducive to meeting service and operational needs nor is it in the interest of staff development.

- 4.8 Last year, one Department was found to have failed to seek the approval from the policy Bureau to fill a promotable vacancy arising from an officer's resignation before the conduct of the board. Another Department had, due to oversight, omitted an existing acting vacancy consequential to an opening at the higher rank. Two other Departments had under-calculated the number of vacancies available for long-term acting appointment. In the end, with corrections timely made, no adverse impact was caused to the recommendations of the promotion exercises. Nonetheless, it is imperative for both the management and personnel charged with the responsibility to acquaint themselves fully with the guidelines in counting vacancies for promotion and/or acting.

Shortlisting Criteria

- 4.9 According to paragraph 3.21 of the Guidebook, where the pool of eligible candidates in a promotion exercise is large, a promotion board may devise shortlisting criteria relevant to the performance of duties in the promotion rank to reduce the number of eligible candidates to a more manageable size. It also enables the board to focus its deliberations and expedite the proceeding of the promotion board to achieve administrative efficiency. Observing consistency with previously adopted shortlisting criteria aside, the Commission has advised promotion boards to be prudent and critical in devising them to avoid using an artificial ratio of the number of vacancies vis-à-vis the size of the pool of candidates as a consideration. Also, promotion boards have to be mindful not to exclude exceptionally meritorious candidates who meet the eligibility criteria but not the shortlisting criteria. Rather, promotion boards should review the need for shortlisting afresh in each exercise after regard to all relevant factors, not least the need to allow reasonable competition to select the best suited.
- 4.10 In earlier years, we had advised some promotion boards to refrain from using overall performance ratings to shortlist candidates for detailed examination. In the first place, the ability of a candidate as reflected in the performance appraisal report is already a well-established selection criterion stipulated in the CSRs. It follows that regardless of the rating given, it has to be given serious consideration by the promotion board. Second, assessment of a candidate's ability and suitability for advancement should not be based solely on a single rating as the rating has to be read in totality with the evaluative comments provided in the appraisal report. Third, predetermining a rating level for advancement might distort fair and objective appraisal and bring pressure on AOs when making the assessment. In 2022, we still observed such usage by some promotion boards although they were fully aware and mindful not to leave out the non-shortlisted but exceptional ones. In view of such recurrences, we have written to the concerned Departments to remind them again of the Commission's views above.

Accuracy of Information

4.11 To prepare for the conduct of promotion boards, board secretaries are responsible for compiling a list of eligible candidates as well as providing their appointment details, staff report files and summaries of performance for the board's scrutiny. Such data and information are crucial in facilitating the work of promotion boards and have to be accurate and up-to-date. On our part, the Commission has tasked the Commission Secretariat to cross-check and seek clarification if in doubt. The time and efforts so spent had proven to be necessary as illustrated in the following cases. In one case, although an officer had already been confirmed to the higher rank after completing his acting appointment with a view to substantive promotion, he was still listed as an eligible candidate in the 2022 promotion exercise. A manual error was spotted in another case where the promotability rating in respect of a candidate was wrongly inputted in the board report. In some other cases, errors such as wrong age, performance ratings, appointment terms and retirement schemes of candidates were spotted in the board reports of the related promotion exercises. These were human errors made out of sheer carelessness. However mundane or trivial, sloppy work does not sit well with the professionalism expected of staff assigned with the task. They are embarrassing or may undermine the credibility of the promotion boards. Subsequent to the Commission Secretariat's queries, the errors were rectified and in the end the Commission was able to lend support to the recommendations made by the boards after receiving and considering their explanations and elaborations. Obviously, the extra time taken could have been saved. The Commission has reminded the Departments concerned to be more vigilant in ensuring the accuracy of all data and information provided to the boards and to the Commission to uphold the propriety of promotion exercises.

Promotion Board's Observations on Officers' Performance not Borne Out in Performance Appraisals

4.12 As set out in paragraphs 3.27 and 3.30 of the Guidebook, a promotion board should base its deliberations primarily on the track records of officers as portrayed in their appraisal reports. While hearsay or unsubstantiated comments should not be given any weight, it is not uncommon to see some board members who have personal knowledge of the candidates supplement and offer views on the candidates during the board deliberations. Such supplementary information is acceptable provided it is clear to the board that they do not override the appraisal reports which are transparent to the appraisees.

- 4.13 Last year, the Commission noted from several promotion board reports that certain comments made about the inadequacies of some candidates were not borne out in the appraisal reports. The Commission was concerned about the credibility of the performance management system and had requested the management to conduct post-promotion interviews to provide feedback and clear advice to the officers concerned so that they were made aware and could work to improve. In our view, the shortcomings of an officer, if any, should have been captured in the appraisal reports. The relevant supervisory officers should thus be reminded to be candid and comprehensive in appraisal writing to truly reflect and fully apprise the boards of the performance of their subordinates. Where necessary, the boards should seek clarifications with the relevant appraising or countersigning officers to clear any doubts with a view to making an informed decision.

Candidates involved in On-going Investigation

- 4.14 It is a stipulated rule that promotion should not take effect anytime earlier than when an officer is considered suitable for promotion in all respects, including integrity and conduct. The final decision on which candidates should be promoted is vested in the AA. In considering the promotability of an officer who is recommended by the promotion board for promotion or acting appointment but is subject to on-going investigation of a complaint/disciplinary/criminal case, the AA should carefully balance the need to be fair to the concerned officer and the need to uphold the integrity of the Civil Service before making the final decision. There are stipulated guidelines promulgated by CSB for B/Ds to observe in handling promotion exercises involving officers with on-going complaint/disciplinary/criminal cases.
- 4.15 In processing one promotion submission, the board report only showed a remark against an officer recommended for substantive promotion to the effect that an investigation into a complaint was being undertaken. There was no indication of whether the AA had reviewed the recommended promotion. It was only upon the Commission Secretariat's query that it was then done. The AA ultimately decided not to implement the board's recommendation in respect of the officer under complaint. The Commission has reminded the Department concerned to be vigilant in processing promotion submissions and follow closely the CSB guideline. As a rule, promotion boards are not apprised of complaints against a candidate nor the investigation actions being undertaken. This is so that promotion boards can assess the performance and promotion claims of all eligible officers objectively without prejudice. However, by the time the promotion board report is submitted, the Commission will expect to be informed of any complaint and a clear decision by the AA on whether the board's recommendation is accepted or set aside pending the outcome of the investigation.

CHAPTER 5

PERFORMANCE MANAGEMENT AND STAFF DEVELOPMENT

- 5.1 In any organisation, talent development is a propelling engine for corporate growth and performance management a quality assurance tool for sustainability. Managing staff performance is an on-going concern and particularly so in the Civil Service as public interest and accountability are at stake. With the Civil Service being the backbone of the Government in implementing government policies and providing services to the public, an effective performance management system is all the more important in the present day in creating an impetus for the fleet to move with the times and strive for continuous improvement in governance and public service delivered.

Performance Management in the Civil Service

- 5.2 To implement a robust performance management system effectively, departmental and grade managements have the duty to set appropriate appraisal standards for fair, objective and comprehensive assessment of their staff. It is also the responsibility of supervising officers at all levels to carry out timely appraisals according to the set standards and monitor staff performance closely. In scrutinizing B/Ds' promotion submissions accompanied by the candidates' appraisal reports, the Commission has the regular opportunity to observe how well the performance appraisal system is run and whether there is scope for further improvement. With greater emphasis being placed on staff training, we have suggested to CSB to review whether staff found to be deficient in managing their subordinates and in appraising their performance should be mandated to attend specific training courses designed for these purposes.

- 5.3 As an integral part of managing performance, the Commission has also suggested some Departments to review outdated performance appraisal forms and better define the descriptions of the performance ratings to facilitate fair and objective assessment by the AOs. Last year, five Departments had revised the promotability rating scale in their performance appraisal forms, while seven more Departments were reviewing the design of or rating scales in the appraisal report forms to better reflect the nature and requirements of the duties concerned.
- 5.4 In 2022, the Civil Service College conducted some 160 training courses on performance management principles and performance appraisal writing skills for some 6 600 officers. Of these, 48 were customized training/briefing sessions arranged for 21 Departments with the focus of helping supervising officers to strengthen their performance management skills. More than 50 of the courses were conducted as webinars in view of the need to maintain social distancing during the epidemic while the effectiveness in interacting with participants was retained. The content of online learning resources launched in 2020 and 2021 was enriched continuously. Moreover, a training course first introduced in 2021 to facilitate various grade managers to acquire or refresh their performance management knowledge was conducted again in 2022 as an on-going endeavour. The training courses targetting at grade managers are in accord with the advice the Commission has given, and we are pleased to receive feedback that they are found to be useful and well-received.

Observations on Performance Management Issues

- 5.5 The Commission has continued to provide feedback to B/Ds on areas identified to have room for improvement as they come to our attention. Some noteworthy observations and advice we tendered in 2022 are set out in the ensuing paragraphs.

Calling of appraisal reports

- 5.6 Performance management is an on-going process requiring comprehensive reporting on appraisees' performance and potential to support effective staff development and selection of the most deserving officers for advancement. In this connection, requirements were laid down in CSR 236 to ensure that all appraisees are duly appraised throughout a reporting cycle amid staff changes¹². However, in scrutinizing a Department's promotion submissions, the Commission noted that the previous supervisor had not written a report on an officer's performance as required before the officer's transfer to take up an acting appointment while the new supervisor had only covered the officer's acting performance in writing his report, thus leaving a gap of over five months not assessed in the latest reporting cycle. In another grade of the same Department, no reports were written on two officers before the departure of their former supervisors whose views were eventually consulted when the successors tried to cover the gap period of over six months when completing the annual reports. The absence of assessment for a prolonged period is not conducive to comprehensive performance appraisal. While the related promotion boards were able ultimately to make a considered judgement on the advancement claims of the respective officers by comparing their track records and latest performance as supplemented by the personal knowledge of board members, such gaps in report writing had added difficulty to the boards' deliberations. Given the recurrence of similar problems, the Commission had advised the Department to take appropriate steps to review its practice and requirements on AOs to complete appraisal reports before leaving their posts.

12 CSR 236(2) stipulates that the form of report to be completed should be as follows: (a) if staff changes take place within three months of the previous report, no report need be submitted; (b) if the posting occurs three to six months after the previous report, a report in memo form should be made; (c) if the period since the last report is more than six months a full scale report should be made.

Quality of staff report writing

- 5.7 Staff reporting is vital and instrumental to effective performance management as a means to provide feedback and direction to appraisees for continuous improvement and development. By gauging staff achievement and development at different stages and identifying their strengths, weaknesses and potential, it also serves as a basis for selecting suitable officers to take up different jobs. Unfortunately, many supervising officers are not sufficiently trained with the report writing skills, and in some cases, almost identical ratings and written assessment were given to an appraisee over different periods of time. We have heard arguments that with no changes in the appraisee's principal duties in the past year, the AOs have little new comments to make. The Commission considers that aside from general comments, AOs could cite examples and include evidence of the extent to which the appraisee had carried out the assigned tasks to support the assessment. The appraisee's character and motivation and whether he/she could engender team work are also key aspects not to be overlooked. It follows that the more senior the positions, the more is required to substantiate a given assessment. Without a distinctive account of the appraisee's performance, it will make it difficult to justify a recommendation for advancement. In one appraisal report, an officer's overall performance was rated to have progressed from "Very effective" to "Outstanding" but the narrative was exactly the same as that given in the last two reporting cycles. There was no elaboration on what led to the top rating and in what way the officer had progressed. The Commission was especially disappointed to find in another case that the same AO whom we had asked the concerned HoG to follow up had continued to make largely identical narratives in two officers' reports last year.

Performance assessment standard

- 5.8 HoDs / HoGs have the overall responsibility to set appraisal standards and apply them consistently in making, countersigning or reviewing performance assessment as given in the appraisal reports. The three-tier appraisal system places responsibilities on the Countersigning Officers (COs) and Reviewing Officers (ROs) to make candid and independent assessment based on facts. The Commission therefore naturally expects that they would exercise their judgement to make adjustments when they come across over- or under-assessed appraisals and, as required under the Performance Management Guide, state the reasons for making the adjustment and have them conveyed to the AOs and appraisees. Only in this way could the management deliver the mandate of fair and objective reporting on staff performance. The promotion boards could then have a solid basis to assess the relative merits of all eligible candidates and select the best and the most suitable for promotion adding credibility to the Civil Service promotion system.

- 5.9 As observed over the past years, over-generous reporting remains and continues to be a concern to the Commission. Very often, we have found high incidence rates of top-tier overall rating in various grades/ranks of B/Ds. Some “Outstanding” reports were given as a recognition of the good service rendered rather than an objective appraisal of performance. In other cases, weaknesses or deficiencies of the considered candidates were not reported or they only came to the attention of the promotion boards when supplemented by members of the boards or in some cases by the Chairmen who had personal knowledge of the performance of the candidates concerned. AOs being direct supervisors have the duty to acquaint themselves with the performance standard of the rank and in making assessment. In one case, the AO had wrongly adopted the assessment standard for the lower substantive rank in assessing the acting performance of an officer. In many other cases, the narratives were found to be inconsistent with the overall performance ratings. We have drawn these to the attention of the relevant HoDs and HoGs and invited them to review whether these were due to the personal assessment standard of the AOs or the ratings in the performance forms that have affected their ratings. If the latter, joint efforts should be undertaken with CSB to review and update the forms to reflect the present day job requirements. In proposing any changes, we appreciate that staff consultations are an indispensable part before implementation.
- 5.10 Apart from ROs, Departments are encouraged to set up Assessment Panels (APs) to ensure consistency in assessment standards and fairness in appraisal ratings within a rank. APs are particularly useful for large B/Ds or grades where many different AOs and COs are involved in the appraisal of staff performance. APs are also advisable if appraisees are seconded/posted to other B/Ds and are appraised by officers of another grade, who may not be familiar with the assessment standards adopted by the parent grade of the appraisees. Even within the same Department, because appraisees of the same rank are involved in a wide variety of work responsibilities and there are variations in assessment standards applied to these responsibilities, APs can help level and moderate the appraisal reports.

- 5.11 In the year, the Commission noted in one case that despite noting the CO's comment that the officer needed to improve on one important aspect of competency, the AP had not levelled the assessment or adjusted the top rating. While promotion boards are generally required to take into account the observations/comments made by the AP, the promotion board in the present case went along with the CO and decided that more time was required to further observe the performance of the officer and did not recommend the officer for substantive promotion. In another case, while the RO considered that the overall rating of an officer should be adjusted downward and that the assessment had been communicated to the AO, CO and appraisee as affirmed by the Department, the adjustment was not recorded in the appraisal report, nor was there any documentation of such communication in the staff report file. As a good practice and for avoidance of any subsequent dispute, the Commission had advised the Department concerned to take remedial actions to document and place the action taken for record. In comparison, the Commission is pleased with the work of an AP of another Department. We are particularly impressed by the methodical approach it has adopted and the specific comments/observations it gave on the appraisal assessments.

Staff Development and Succession Planning

- 5.12 Staff development is an integral human resource management process for an organisation to improve employees' existing skills and competencies and develop new ones to support its goals, such that it could remain competitive in its niche and stay on the cutting edge. The same goes for the Civil Service. Developing a workforce of civil servants well-informed on business trends and best practices is important for B/Ds to achieve the corporate goals. With an adaptable and professional workforce possessing global/regional outlook, they can improvise solutions to handle ever-evolving circumstances effectively and meet the challenges ahead. A good staff development prospective not only enables B/Ds to attract the best talents, but also cultivates a strong sense of staff commitment and self-motivation. In the end, a solid pool of talents can be built for smooth succession.

- 5.13 The Commission has been advocating a holistic approach to staff development that encompasses a structured career posting policy and a systematic training plan for staff at all levels. While directorate succession planning is personally steered by the Secretary for the Civil Service in conjunction with all Permanent Secretaries and HoDs on a regular basis, the Commission will see to it that no like efforts are spared in respect of other ranks. We have advised departmental and grade managements to identify promising officers for early grooming and to widen their exposure through postings and dedicated training. In some cases, taking bolder steps may be necessary such as pulling up officers with good potential for testing.
- 5.14 The Commission is pleased to note that our advice is well heeded and is gratified to see dividends of these efforts in achieving a breakthrough. The following example is a case in point. To address the lack of qualified officers for consideration for advancement four years in a row, the Department formulated a tailor-made training programme and re-shuffled some duties to create a pathway for officers to obtain the pre-requisite qualification. As a result of the vigorous efforts sustained over these years, there is now a pool of eligible candidates ready to be deployed to take up the higher rank duties. The Commission wishes to commend the measures undertaken by the GM in developing the expertise of its grade members. The well-designed on-the-job training and cross-stream posting arrangement were key to the successful outcome. Another Department also responded positively to our advice on the aging problem of a grade as seen in the marked drop in the percentage of eligible officers approaching their retirement age in the last promotion exercise. The improved age profile was attributed to the Department's implementation of more vigorous measures, such as arranging additional career postings to broaden the knowledge and experience of its staff. In the case of another Department which has been suffering from acute aging and succession problems in two of its departmental grades and needs to resort to FE as a means to sustain its operations and service, the Commission was pleased to see it easing with continuous improvement. With intensified recruitment exercises launched, the roll-out of a robust grooming strategy and career development plan featuring the provision of training in Hong Kong, the Mainland and other places, the Department is able to enlarge its pool of talents steadily in recent promotion exercises. Last year, the Department had managed finally to identify a sufficient number of officers to take up all vacancies in various promotion ranks of the grades and only one more FE exercise needs to be conducted at the top two ranks signifying the fruitful outcome of the efforts employed.

- 5.15 For other grades/ranks that were noted to have been facing succession issues, the Commission had continued to tender advice and invited the early attention of the Departments. In the course of scrutinizing a number of promotion submissions from one Department, we noted with concern that a significant number of vacancies were left unfilled. The Department has offered two reasons. One was that officers at the lower ranks were reluctant to undergo further training to attain the requisite professional/technical qualifications for advancement, while the other was due to some qualified ones opting out for consideration of advancement. The Commission has advised the GM to proactively ascertain the reasons behind their lack of aspiration and consider enriching the job content to motivate them for personal and career progression. More guidance and assistance may help those who had suffered a setback with some unsuccessful attempts in getting the qualifications in the past. The Department assured the Commission that efforts were being made to arrange departmental training courses more frequently and time them when staff had accumulated sufficient in-rank experience. We have encouraged the Department to keep in view the effectiveness of the measures undertaken and explore more innovative ways to motivate its staff to pursue career advancement.
- 5.16 Another Department faces the same problem of not having enough qualified candidates to fill all vacancies. In this case, the Department is limited by the training capacity offered by the accredited training agency. To address this, we have suggested to CSB to work with the Department and its policy Bureau to explore other alternatives and avenues.
- 5.17 In the case of another grade, we noted that over one-third of the more experienced officers had indicated the wish to remain at their present rank in the last exercise. In a grade of another Department, the percentage of eligible officers opting out for consideration of advancement at two promotion ranks had even surged to 40% and 50% respectively last year. High opt-out rate impedes the management's manpower and staff deployment plans and is not conducive to maintenance of quality service delivery. The Commission had requested the Departments concerned to focus attention and explore more effective means to motivate its officers for progression and fast track those with potential for development with heightened training and posting.

CHAPTER 6

CIVIL SERVICE DISCIPLINE

- 6.1 It is the intrinsic duty of all civil servants to work with dedication and diligence, and spare no effort in delivering quality service to the community. To maintain the integrity and efficiency of the public service, and sustain the community's trust in the Government, civil servants have to observe and uphold the highest standard of conduct and discipline at all times. To this end, the Government has put in place a well-established disciplinary system ensuring any civil servant who violates Government rules and regulations is disciplined and those breaking the law are brought to justice.
- 6.2 The Commission collaborates with the Government to maintain the highest standard of conduct in the Civil Service. With the exception of exclusions specified in the PSCO¹³, the Administration is required under s.18 of the PS(A)O¹⁴ 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 June 2022, the number of Category A officers falling within the Commission's purview for disciplinary matters was about 123 000.

13 Please refer to paragraph 1.4 of Chapter 1.

14 Please refer to paragraph 1.5 of Chapter 1.

Disciplinary Cases Advised in 2022

- 6.3 In considering the submissions of disciplinary cases from B/Ds including their recommendations on the punishment to be meted out, the Commission has to be satisfied of the facts and evidence of the misconduct supported by a full and unbiased investigation while protecting the right to make representations by the accused. The Commission deliberates on the level of punishment judiciously and is on guard constantly to uphold a disciplinary standard that is broadly consistent within the Civil Service but can also respond to changing times and public expectations.
- 6.4 In 2022, the Commission advised on 72 disciplinary cases which had gone through the formal disciplinary procedures prescribed under the PS(A)O. As compared with 2021, there was an increase of 43 disciplinary cases, a large part (17 cases) of which was attributed to the offenders' non-compliance with the Vaccine Pass arrangement implemented in the year¹⁵. All cases added, the 72 offenders represent only about 0.06% of the 123 000 Category A officers within the Commission's purview. The percentage has remained low indicating that the great majority of our civil servants have continued to measure up to the very high standard of conduct and discipline required of them. As small as the number may be, individual officers becoming lawbreakers is hardly something we should tolerate. They sit oddly with the claim that our Civil Service is among the best in the world.

15 Under the Vaccine Pass arrangement effective from 16.2.2022, all Government employees were required to receive COVID-19 vaccine according to the prevailing vaccination requirement before they were allowed to enter Government premises for work-related purposes, save for those who were unfit for vaccination due to medical conditions as supported by a valid Medical Exemption Certificate. Civil servants failing to enter their offices for work due to non-compliance with the arrangement were treated as committing unauthorised absence subject to summary dismissal under s.10(3) of PS(A)O. The arrangement was removed by the Government with effect from 29.12.2022 in light of the continuous receding of the epidemic.

6.5 A breakdown of the 72 cases advised by the Commission in 2022 by category of criminal offence/misconduct and salary group is at Appendix IX. About half (i.e. 37) of the cases had resulted in the removal of the civil servants concerned from the service by “compulsory retirement”¹⁶ or “dismissal”¹⁷, while more than a quarter (i.e. 20 cases) had resulted in the officers receiving the punishment of “severe reprimand”¹⁸. In 17 cases, a financial penalty was added in the form of a “fine”¹⁹ while seven defaulting officers faced a “reduction in salary”²⁰. In the view of the Commission, these punishments are justified in reflecting the severity of the wrongdoings and underscore the Government’s strong disapproval of the acts. They also signal a loud and clear message to all civil servants of the discipline standard expected of them. The Commission will continue to discharge its function impartially and without fear or favour.

6.6 CSB has assured the Commission that it will sustain its efforts in promoting good standards of conduct and integrity at different levels through training, seminars as well as the promulgation and updating of rules and guidelines. As noted, the Bureau has continued to organise targeted experience sharing sessions for officers to learn and become better aware of possible pitfalls encountered in their daily work. The Secretariat on Civil Service Discipline (SCSD) has maintained its out-reach visits to departments for exchanges with departmental managements to explore further scope to speed up and enhance mutual efficiency in processing disciplinary cases. The Commission encourages and supports the continuation of these much needed concerted efforts so that all disciplinary cases can be concluded as expeditiously as possible.

16 An officer who is compulsorily retired may be granted retirement benefits in full or in part, and in the case of a pensionable officer, a deferred pension when he reaches his statutory retirement age.

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

18 A severe reprimand will normally debar an officer from promotion or appointment for three to five years. This punishment is usually recommended for more serious misconduct/criminal offence or for repeated minor misconduct/criminal offences.

19 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.

20 Reduction in salary is a form of financial penalty by reducing an officer’s salary by one or two pay points. When an officer is punished by reduction in salary, salary-linked allowance or benefits originally enjoyed by the officer would be adjusted or suspended in the case where after the reduction in salary the officer is no longer on the required pay point for entitlement to such allowance or benefits. The defaulting officer can “earn back” the lost pay point(s) through satisfactory performance and conduct, which is to be assessed through the usual performance appraisal mechanism. In comparison with a “fine”, reduction in salary offers a more substantive and punitive effect. It also contains a greater “corrective” capability in that it puts pressure on the officer to consistently perform and conduct himself up to the standard required of him in order to “earn back” his lost pay point(s).

- 6.7 Under the current disciplinary mechanism, summary disciplinary actions in the form of verbal or written warnings²¹ are taken to quickly tackle and correct isolated minor misbehaviour or misdoings. In our observations over the years, some HoDs and HoGs have made effective use of these measures for staff management purpose. However, some others have appeared to over rely and use them as a replacement for tougher actions despite not seeing them achieve the intended effect. In this regard, the Commission has been advocating a more vigorous administration of the summary disciplinary mechanism so that minor misconduct issues can be nipped in the bud with a view to enhancing the good conduct and discipline in the Civil Service as a whole. Instilling and entrenching a service-wide disciplinary standard is thus required to sustain it over time.

Reviews and Observations on Disciplinary Issues

- 6.8 The Commission has been working in close partnership with the Government to identify, develop and promote good practices in the management of the Civil Service. The management of staff conduct and discipline is undoubtedly an integral part. Accordingly, the Commission not only deliberates and advises on the appropriate level of punishment on the cases submitted, we are also on the lookout to seek for a better and quicker way of doing things. Our advice covers aspects on the rules, policies and practices in disciplinary management at the systemic level. Personnel assigned and the expertise they possess in investigations and evidence gathering are pivotal to the successful conclusion of disciplinary cases. In the ensuing paragraphs, we will highlight some of the observations and recommendations we have tendered for illustration.

Punishment for disciplinary cases involving traffic-related offences

- 6.9 Safe driving is essential for road safety and protection of road users. The Government has been putting much effort to promote road safety through legislation, law enforcement and publicity. Although not a stated requirement, civil servants are expected to set themselves as good examples and act as considerate drivers to the public by complying with traffic regulations and exercising vigilance at all times, whether driving privately or in performing driving duties. The standard of requirements for Government drivers, in particular, has to be set high. As the employer of a large number of drivers, the Government has the added responsibility of managing well the conduct and performance of all driving staff.

21 The Commission's advice is not required in summary disciplinary cases.

- 6.10 While there are stipulated guidelines and benchmarks of punishment in dealing with traffic-related offences/misconduct committed by Government drivers, insufficient regard to timeliness of the management action may undermine the punitive and deterrent effect of the punishment. In one case, a verbal warning was issued to a driver some six months after the conviction of his duty-related traffic offence, and three weeks later he committed another traffic offence. Had the warning been administered close to his offence, the driver would have known earlier the consequence and adverse impact on his career and driven more cautiously.
- 6.11 In three other traffic-related cases of another Department, the Commission noted similar delays in the issuance of warnings and advice²² to drivers ranging from four to six months and in a case one year after the report of the traffic offence. As observed, the Department appeared to have adopted a mechanical “one warning per offence” approach with insufficient regard to the short interval and repeated offences committed by the same driver (four in a year in two cases, and ten in four years in the other). It begs the question as to whether the deterrent purpose of the punishment had been served and whether the drivers had learnt any lessons at all. The Commission had urged the management of the Department concerned to be more alert to repeated offences in deliberating the form and level of punishment to be imposed. Timely and well-considered management decisions will help offending officers understand clearly the standard expected of them and put them on guard.

Timely processing of disciplinary cases

- 6.12 The Commission accepts that more time is required to consider cases with complications, especially those involving many parties each having a share of responsibilities. However, out-of-time actions and long gaps in between do not speak well about efficiency and may open the Government to legal challenge. The Commission believes streamlining workflow and closer collaborations should help to speed up the processing of cases as shown in the following examples.

22 Verbal advice and written advice are administrative measures to remind the officer concerned to correct the shortcomings in performance. They are not a form of disciplinary action.

- 6.13 In two cases, it took the two Departments six months after obtaining the relevant court documents to submit the straightforward traffic convicted cases to CSB for onward processing on grounds of other competing commitments and stringent staffing resources. In another case, the Department spent months to check and verify the necessary leave and medical record to prepare for the commencement of the formal disciplinary proceedings. Inordinate time was also taken to obtain the statement and explanations from the defaulter. While proper documentation and fair proceedings have to be fully observed, excessive and duplicated procedures run the risk of hampering the efficiency required to uphold the Civil Service disciplinary system.
- 6.14 There are some other cases which by the time they were submitted to the Commission for advice, some two years had lapsed since the commission of the offence. While satisfied that the long time taken involves no dereliction nor evasion of duties on the part of the responsible personnel, the Commission considers that escalations to a higher authority for appropriate intervention and steer should facilitate the early conclusion of these cases. In the long run, CSB should take the lead to review and identify measures to improve the efficiency and effectiveness of handling disciplinary cases.
- 6.15 In the meantime, we are pleased to note that more is being done by SCSD to promote greater participation by different levels of staff for experience sharing. More targeted training to equip them not only with the knowledge but also the skills required are also being organised. The Commission is encouraged by the positive response to our suggestion of inviting a representative of a law enforcement agency to speak on investigative techniques in a workshop co-organised with the General Grades Office in January 2023. The Commission will continue to collaborate with CSB and provide feedback and suggestions to facilitate its pursuit of the training initiatives.

Interdiction

- 6.16 Pending criminal and disciplinary investigation/proceedings, management is empowered to invoke s.13 of PS(A)O²³ to interdict an officer from duties and exercising the powers and functions of his public office. While interdiction carries no presumption of guilt and is not a punishment per se, the management should take into account all relevant factors in totality to evaluate the risk involved in allowing an officer to continue to work. An officer should not be re-instated if disciplinary action is likely to be taken with a view to removing him from the service.
- 6.17 In the past two Annual Reports, we have cited a few cases to illustrate the important parameters the management should consider in making the decision. Any possible conflict between the offence/misconduct and the officer's duties, the nature and gravity of the alleged offence/misconduct laid against the officer, as well as the likely harm/risk to the general public are especially key considerations. As noted, there were still a number of cases in 2022 in which the Departments concerned had not given sufficient weight on these factors whilst deciding on staff interdiction or re-instatement. In one case, a Department had allowed two officers being alleged to have abused their supervisory roles to continue to perform supervisory duties without interdicting them. Instead of interdicting them, the Department only transferred one defaulter to another supervisory post while keeping the other in the same post. The Commission was concerned that the Department's management measures were insufficient to mitigate the serious conflict of their alleged misconduct with their official duties. The Commission had advised the Department concerned to be more critical in deciding whether or not the defaulting officers should be allowed to continue to perform duties in their occupied posts pending investigation of their misconduct.

23 Having regard to all relevant factors, an officer may be interdicted from duty –
(a) under PS(A)O s.13(1)(a) if disciplinary proceedings under s.10 of the PS(A)O have been, or are to be, taken against him, which may lead to his removal from service;
(b) under PS(A)O s.13(1)(b) if criminal proceedings have been, or are likely to be, instituted against him which may lead to his removal from service under s.11 of the PS(A)O if convicted; or
(c) under PS(A)O s.13(1)(c) if inquiry of his conduct is being undertaken and it is contrary to the public interest for him to continue to exercise the powers and functions of his office.

- 6.18 In another case, an officer arrested for attacking and wounding his colleague with his work tool at the workplace was re-instated after release from remand by the court. In its assessment, the Department had put weight on the non-custodial court sentence and underestimated the possibility of his reoffending and the physical risk posed to his colleagues. While the defaulting officer was eventually dismissed, any re-instatement in the interim might be mis-interpreted as no disciplinary action would be taken against his violent act. The Department should have considered the seriousness of the offence comprehensively with due regard to the safety of his co-workers. In yet another case involving indecent acts committed in the workplace, the defaulting officer was allowed to continue to work in the same office after the report of his misdeeds to the management. In our view, the management had not duly considered the serious embarrassment and disturbance that such work arrangement might cause to his colleagues and the victims in particular. It also gave staff in the office the wrong impression that he would not be subject to any disciplinary action. The management has the responsibility to look after staff's well-being and assess any psychological stress the victim had been caused by the indecent behavior of the offender. Upon the Commission's advice, the Department had quickly arranged for the interdiction of the defaulting officer.

Staff management and improvement measures

- 6.19 Defaulting officers are personally responsible and have to be held accountable for their misconduct. If the misbehaviour or offences happened in the workplace and are job-related, supervising officers and the management have the duty to identify any breeding grounds or circumstantial factors and to take immediate remedial action to address them in order to prevent similar occurrence in the future.

- 6.20 The case of an officer defrauding the Government and taking possession of the public money payable to a client he served best illustrates why management has to be on constant alert to ensure the robustness of the payment system. It was a reminder to the management that despite the existence of an internal audit/cross-checking mechanism, regular reviews and surprise spot-checks were necessary to ensure that it remains effective. In another case, while the offence was committed in one branch office of the Department, we have advised the management to consider extending the improvement measure introduced as the result of the case to all branches, as the same working procedure and system of control were used by them as well.
- 6.21 Effective daily staff management is key to the maintenance of a high standard of performance and clearly more constructive than taking punishment action after the occurrence of misconduct. The Commission was struck by a case where the supervisors/divisional management of a Department appeared to be oblivious of an officer's misconduct of being habitually late over a long period of nine months. It was not until the officer had called in sick without any medical proof on more than 20 occasions that the Department finally decided to initiate disciplinary action against the officer. While the defaulting officer was eventually dismissed, by then the problem had already deteriorated and persisted for more than two years. Such wilful disregard of discipline and blatant breaches of the rules governing leave taking reflect poorly not only on the officer concerned but the management capability of her supervisors as well. We appreciate the diverse and geographical distance between the office and the Headquarters of the Department. However, it is not a reason for not managing its staff properly. The Commission had drawn the case to the personal attention to the HoD and invited the Department to conduct a critical and comprehensive review on its staff and performance management system, with a view to upholding the standard of discipline among all staff.

CHAPTER 7

VISIT

7.1 The Chairman and Members of the Commission visited the Marine Department in November 2022. The visit has facilitated useful exchanges on various issues concerning Civil Service appointments, performance management, staff development and succession planning of the Department. The briefing on the work of the Department and the guided tour to the Vessel Traffic Centre, the Maritime Rescue Co-ordination Centre, the Government Dockyard including the Marine Department Training Centre have greatly enhanced the Commission's understanding of the Department's work and operation as well as the vital role it plays in ensuring safe operation of the port and all Hong Kong waters as well as safeguarding the quality of the Hong Kong registered ships.



Visit to the Marine Department in November 2022

CHAPTER 8

ACKNOWLEDGEMENTS

- 8.1 The Commission would like to convey our sincere gratitude to Mr Patrick NIP, the former Secretary for the Civil Service, and extend the same to Mrs Ingrid YEUNG, the current Secretary for the Civil Service as well as their colleagues for their positive response and continued support in all areas of the Commission's work. The Commission is also grateful for the ready cooperation and understanding shown by Permanent Secretaries, HoDs and their senior staff in responding to the Commission's enquiries and suggestions during 2022.

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.



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 from 1 May 2016 to 30 April 2022)

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 a member 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 and the Social Welfare Advisory Committee. He is also a Council Member of the Hong Kong Federation of Youth Groups and a Steward of the Hong Kong Jockey Club. Previously, he was President of the Law Society of Hong Kong and the Chairman of the Standing Committee on Language Education and Research, a Non-Executive Director of the Urban Renewal Authority and the Securities and Futures Commission. 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 and an ex-officio member of the Education Commission.



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.



**The Honourable Mrs Margaret LEUNG KO
May-yee, 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 a member of the National Committee of the Chinese People's Political Consultative Conference and a non-official member of the Executive Council. Besides, she is an Independent Non-Executive Director of the Agricultural Bank of China Limited, China Mobile Limited, First Pacific Company Limited and Sun Hung Kai Properties Limited. She is also the vice-chairman of the Advisory Committee on Arts Development, a member of the Advisory Committee on Post-office Employment for Former Chief Executives and Politically Appointed Officials, an Honorary Steward of the Hong Kong Jockey Club, the Treasurer and a member of the Council of the University of Hong Kong, a member of the Business School Advisory Council of the Hong Kong University of Science and Technology and a non ex-officio member of the Law Reform Commission of Hong Kong.



Mr Tim LUI Tim-leung, SBS, JP

Fellow Member of The Hong Kong Institute of Certified Public Accountants
Member, Public Service Commission
(appointed on 1 July 2018)

Mr Lui joined PricewaterhouseCoopers in 1978 and retired as a Senior Advisor 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 University Grants Committee. Over the years, he has served as the Chairman of the Education Commission, 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. Mr Lui is a Deputy of the National People's Congress of the People's Republic of China.



Dr Clement CHEN Cheng-jen, GBS, JP

Member, Public Service Commission
(appointed on 1 December 2019)

Dr Chen is the Managing Director of Tai Hing Cotton Mill Limited. Currently, he is the Chairman of the Council and the Court of the Hong Kong Baptist University, the Chairman of Standing Committee on Judicial Salaries and Conditions of Service, a Non-Executive Director of the Insurance Authority, the Chairman of Standing Committee on Youth Skills Competition of Hong Kong and Honorary President of the Federation of Hong Kong Industries. Previously, he was the Chairman of the Vocational Training Council and the Hong Kong Productivity Council.



Prof Francis LUI Ting-ming, BBS, JP

Bachelor of Arts (Economics), University of Chicago
Doctor of Philosophy (Economics),
University of Minnesota
Member, Public Service Commission
(appointed on 1 June 2021)

Prof Lui is Professor Emeritus, Adjunct Professor and Honorary Fellow of the Hong Kong University of Science and Technology. Currently, he is a non-official member of the Board of Governors of the Hong Kong Arts Centre. Over the years, he has served as a member of different government boards and committees covering the areas of education, employment, housing strategy, land supply, population policy and fiscal planning, poverty alleviation and retirement protection.



Ms Agnes CHAN Sui-kuen

Bachelor of Economics, University of Sydney
Fellow Member of The Hong Kong Institute of Certified
Public Accountants
Member, Public Service Commission
(appointed on 1 May 2022)

Ms Chan is the Senior Advisor of Chairman’s Office of Ernst & Young Greater China (EY). Prior to this position, she was the Managing Partner for EY Hong Kong and Macau. Currently, she is a member of the National Committee of the Chinese People’s Political Consultative Conference and a member of the Exchange Fund Advisory Committee of the Hong Kong Monetary Authority. She is also a Non-Executive Director of the Securities and Futures Commission, a member of the Users’ Committee of the Inland Revenue Department and a member of the HKSAR Government’s Advisory Panel on Base Erosion and Profit Shifting 2.0. Previously, she was a member of the Competition Commission of Hong Kong, the Mandatory Provident Fund Schemes Appeal Board, the Environment and Conservation Fund Committee of Hong Kong, and the Telecommunications Users and Consumers Advisory Committee of the Office of the Communications Authority.

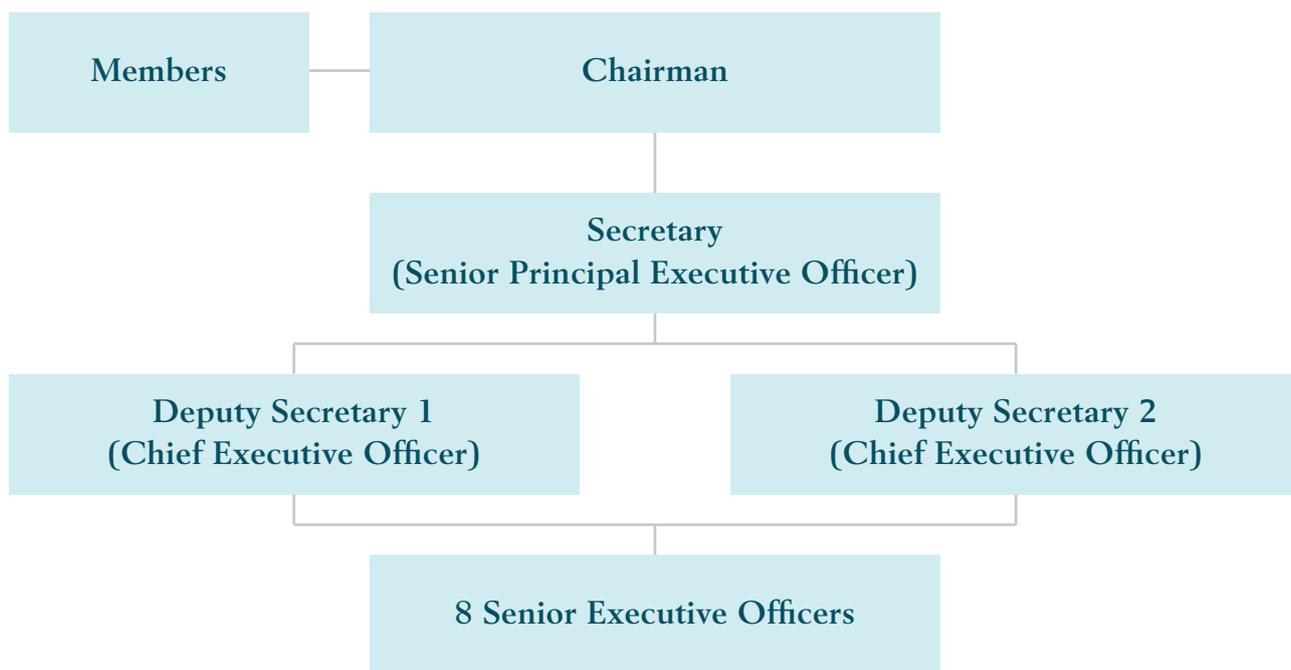


Mrs Ann KUNG YEUNG Yun-chi, BBS, JP
Bachelor of Sciences in Business Administration
(Accounting), University of Southern California
Member, Public Service Commission
(appointed on 1 May 2022)

Mrs Kung served as Deputy Chief Executive of Bank of China (Hong Kong) Limited (BOC and BOCHK) from March 2015 to July 2022, and was appointed as an Advisor as at August 2022. She is also a Director of BOCHK Charitable Foundation, and a Vice Patron of the Community Chest. She is currently the Chairman of the HKSAR Government Standing Committee on Directorate Salaries and Conditions of Service; and a member of the Hong Kong Tourism Board, the Hospital Governing Committee of Hong Kong Children's Hospital, the Hospital Authority GBA Advisory Committee, the Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal; and a Steward of the Hong Kong Jockey Club. In the financial sector, she is Chairman of the Banking and Finance Group of the Employers' Federation of Hong Kong; and is a member of the Advisory Committee of the Securities and Futures Commission, and the Financial Infrastructure and Market Development Sub-Committee of the Exchange Fund Advisory Committee under the Hong Kong Monetary Authority.

APPENDIX II

Organisation Chart of the Public Service Commission Secretariat



Establishment	
Directorate Executive Officer	1
Executive Officer Grade	10
Clerical Grade	18
Secretarial Grade	3
Chauffeur Grade	1
	33

APPENDIX III

Submissions Advised by the Commission

Category	Number of Submissions Advised				
	2018	2019	2020	2021	2022
Recruitment	165	197	140	157	132
Promotion/Acting appointment	724	715	704	742	746
Extension of service or re-employment after retirement	23	26	22	26	23
Extension or termination of probationary/trial service	140	148	173	247	196
Other Civil Service appointment matters	42	40	91	178	96
Discipline	40	36	29	29	72
Total number of submissions advised	1 134	1 162	1 159	1 379	1 265
<i>(a) Number of submissions queried</i>	795	887	853	886	812
<i>(b) Number of submissions with revised recommendations following queries</i>	142	156	162	158	162
<i>(b) / (a)</i>	18%	18%	19%	18%	20%

APPENDIX IV

Recruitment Cases Advised by the Commission

Terms of Appointment	Number of Recommended Candidates in 2022	
	Open Recruitment	In-service Appointment
Probation	1 405	0
Agreement	18	0
Trial	128	55
Sub total	1 551	55
Total	1 606	

	Comparison with Previous Years				
	2018	2019	2020	2021	2022
Number of recruitment exercises involved	165	197	140	157	132
Number of candidates recommended	1 873	1 944	1 471	1 597	1 606
<i>Number of local candidates recommended</i>	<i>1 871</i>	<i>1 944</i>	<i>1 471</i>	<i>1 597</i>	<i>1 606</i>
<i>Number of non-permanent residents recommended</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>

APPENDIX V

Promotion Cases Advised by the Commission

Category	Number of Recommended Officers				
	2018	2019	2020	2021	2022
Promotion	2 752	2 830	2 601	3 178	2 968
Waitlisted for promotion	368	330	450	272	381
Acting with a view to substantive promotion (AWAV) or waitlisted for AWAV	393	412	322	325	313
Acting for administrative convenience (AFAC) or waitlisted for AFAC	5 568	5 628	5 508	5 859	5 850
Total	9 081	9 200	8 881	9 634	9 512

	2018	2019	2020	2021	2022
Number of promotion exercises involved	724	715	704	742	746
Number of ranks involved	430	443	413	439	456

APPENDIX VI

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

Category	Number of Recommended Officers in 2022		
	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	10	70	80
Submissions for final extension of service / re-employment beyond retirement age	0	0	0
Total	10	70	80

	Comparison with Previous Years				
	2018	2019	2020	2021	2022
Number of extension of service or re-employment after retirement submissions advised	23	26	22	26	23
<i>Number of submissions involving directorate ranks</i>	11	9	10	9	10
<i>Number of submissions involving non-directorate ranks</i>	12	17	12	17	13

APPENDIX VII

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

Category	Number of Submissions Advised				
	2018	2019	2020	2021	2022
Termination of trial service	2	4	1	3	6
Termination of probationary service	10	7	25	66	40
<i>Sub total</i>	12	11	26	69	46
Extension of trial service	10	17	11	10	7
Extension of probationary service	118	120	136	168	143
<i>Sub total</i>	128	137	147	178	150
Total	140	148	173	247	196

APPENDIX VIII

Other Civil Service Appointment Matters Advised by the Commission

Category	Number of Submissions Advised				
	2018	2019	2020	2021	2022
Non-renewal of agreement	0	1	0	3	2
Renewal or extension of agreement	3	1	4	3	1
Retirement under section 12 of the Public Service (Administration) Order	0	0	1	73	0
Secondment	1	3	4	2	1
Opening-up arrangement	2	2	0	0	0
Review of acting appointment	5	5	8	5	4
Updating of Guide to Appointment	31	28	74	92	88
Total	42	40	91	178	96

APPENDIX IX

Disciplinary Cases Advised by the Commission

(a) Breakdown of Cases in 2022 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	22	10	0	32
Compulsory Retirement + Reduced Pension	0	0	0	0
Compulsory Retirement + Fine	0	0	0	0
Compulsory Retirement	3	2	0	5
Reduction in Rank	0	0	0	0
Severe Reprimand + Reduction in Salary	6	1	0	7
Severe Reprimand + Fine	5	3	3	11
Severe Reprimand	1	1	0	2
Reprimand + Fine	5	1	0	6
Reprimand	5	3	1	9
Total	47	21	4	72

(b) Breakdown of Cases in 2022 by Category of Criminal Offence/Misconduct

Punishment	Number of Cases Advised				
	Criminal Offence			Misconduct ²⁴	Total
	Traffic related	Theft	Others ²⁵		
Dismissal	0	2	9	21	32
Compulsory Retirement	0	0	2	3	5
Lesser Punishment	12	6	7	10	35
Total	12	8	18	34	72

(c) Comparison with Previous Years

Punishment	2018	2019	2020	2021	2022
Dismissal	3	4	4	9	32
Compulsory Retirement	11	6	8	6	5
Lesser Punishment	26	26	17	14	35
Total	40	36	29	29	72

24 Including unauthorised absence, obtaining unauthorised loans, failure to perform duties, etc.

25 Including assault, fraud, sex-related offences, etc.