

Public Service Commission

Annual Report 2001

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I. Review for the Year

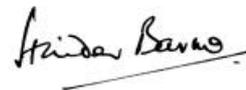
2001 was a busy year for both the Commission and our Secretariat. This resulted from the lifting of the recruitment freeze on appointments, the increasingly keen competition for limited vacancies in promotion exercises and the focus on issues pertaining to discipline.

On appointments and promotions, it is often overlooked that the actual numbers of appointees and promotees do not reflect the vast numbers of candidates whose claims have to be meticulously assessed. It is only through the painstaking efforts on the part of both the Departments and the Commission that the most deserving officers are selected.

Discipline continues to be a subject that requires a constant review of policy and procedures. The Commission wholeheartedly endorses the Administration's view that it is essential to maintain the highest standard of conduct in the Civil Service. Whilst precedent cases provide useful benchmarks on the appropriate levels of punishment, these need adjustment to take into account present day circumstances. Moreover, it is important to ensure that there is service-wide consistency. The Civil Service Bureau (CSB) and the Commission continue to brainstorm on this subject.

The Commission's observations and comments on submissions from departments and CSB have a single aim: to streamline and improve policies, procedures and practices. Indeed, my round of visits to Heads of Department have provided another forum for a useful exchange of views and suggestions to achieve this. The Commission acknowledges the positive response.

David Jeaffreson, senior Member, and Bebe Chu, retired from the Commission. I pay tribute to them for their many years of dedication, sterling support and advice. I also welcome our new Members – Eliza Chan and Wilfred Wong.



(Haider Barma)
Chairman

II. The Public Service Commission Remit

The Commission was established in 1950 as an independent statutory body. The Public Service Commission Ordinance and its subsidiary regulations (Chapter 93 of the Laws of Hong Kong) stipulates our remit.

Our fundamental role is to advise the Chief Executive on appointments and promotions to the senior ranks of the public service. This covers posts with a maximum salary of \$34,505 (point 26 of the Master Pay Scale) a month or more, up to and including Directors of Bureau, Heads of Department and officers of similar status. At the end of 2001, the number of established civil service posts under the Commission's purview was 35 718.

As stipulated in the Public Service Commission Ordinance, appointments to the posts of Chief Secretary for Administration, Financial Secretary, Secretary for Justice, the Director of Audit as well as posts in the Judiciary, the Hong Kong Police Force and the Independent Commission Against Corruption (ICAC) fall outside the purview of the Commission.

Other Functions

The Commission's advice is also sought on the following matters :

- representations from officers on matters falling within the Commission's statutory responsibilities and in which the officers have a direct and definable interest;
- deferment/termination of probationary/trial service;
- employment on agreement terms;
- disciplinary cases on all Category A officers (*Note 1*) with the exception of exclusions specified in the Public Service Commission Ordinance. Notwithstanding this, the Commission has indicated its readiness to advise on disciplinary cases concerning probationers and agreement officers under the mechanism of the Public Service (Administration) Order (PS(A)O).

In addition the Commission is required to advise on any matter relating to the public service that may be referred to us by the Chief Executive.

Note 1 : Under the Pension Benefits Regulations, Cap. 99A of the Laws of Hong Kong, "Category A Officer" means an officer who is appointed to an established office and who occupied an established office at the time of his retirement or resignation from the service. This covers virtually all officers except those on probation, agreement and those remunerated on the Model Scale I Pay Scale.

Advisory Role

The Commission's role is **advisory**. It has no executive powers. CSB and government departments are responsible for conducting recruitment and promotion exercises as well as interviews and for putting their recommendations to the Commission for advice. The Commission however maintains a watching brief to ensure that the selection process is carried out fairly, meticulously and thoroughly. Departments are required to clarify or justify their recommendations in response to the Commission's observations. The Commission also draws departments' attention to deviations from established procedures/practices and staff management issues identified during the processing of submissions and, where appropriate, recommends measures to deal with these problems.

Human Resource Management : Policy and Initiatives

The Commission continued to act as a "think tank" to the Secretary for the Civil Service. The Commission's views are sought on policy and procedural issues pertaining to appointments, promotions and discipline as well as on a wide range of subjects relating to the review and development of Human Resource Management subjects.

In particular, the Commission had been briefed by the Administration on the proposed Civil Service Provident Fund Scheme. Members indicated the Commission's interest related to the proposed procedures to withhold, forfeit and recover benefits attributable to Government's voluntary contributions on disciplinary grounds, and noted that the Commission would be consulted later on these aspects.

Mission and Performance Target

The Commission's remit is to safeguard the impartiality and integrity of appointment and promotion systems in the civil service and to ensure that recommendations for appointment and promotion are based on merit and are free from political patronage or pressure.

In 2001 the Commission advised on 1 209 submissions covering recruitment and promotion exercises, discipline cases and other appointment-related subjects. 380 submissions were queried, resulting in 211 re-submissions (56%) with recommendations revised by CSB and departments after taking into account the Commission Secretariat's observations. A statistical breakdown of these cases is given in *Appendix 1*.

In dealing with recruitment, promotion and disciplinary cases, the Commission's target is to tender its advice or respond formally within four to six weeks upon receipt of departmental submissions. In 2001, 93.9% of the 1 209 submissions were dealt with within the pledged processing time. The other submissions related to large and complicated exercises which necessitated a longer processing time.

III. Membership and Secretariat of the Commission

The Commission by law must comprise a Chairman and not less than two or more than eight members. All are appointed by the Chief Executive and have a record of public or community service. Members of the Legislative Council, the Hong Kong Civil Service and the Judiciary may not be appointed to the Commission. This restriction does not extend to retired officers.

Membership

The membership of the Commission during the year 2001 was as follows :

Chairman	Mr Haider Barma, JP	(since August 1996)
Members	Mr David Gregory Jeaffreson, JP	(from February 1992 to January 2002)
	Mr Christopher CHENG Wai-chee, JP	(since July 1993)
	Dr Thomas LEUNG Kwok-fai, BBS, JP	(since May 1994)
	Mrs NG YEOH Saw-kheng, JP	(since June 1995)
	Ms Bebe CHU Pui-ying, JP	(from December 1995 to November 2001)
	Mr Vincent CHOW Wing-shing, JP	(since February 1998)
	Mr Frank PONG Fai, JP	(since February 1998)
	Dr Elizabeth SHING Shiu-ching, JP	(since June 1999)
	Miss Eliza CHAN Ching-har, JP	(since December 2001)
Secretary	Mrs Lena CHAN CHIU Gin-may	(since December 1995)

Biographies of the Chairman and Members are at *Appendix 2*.

Secretariat of the Commission

The Commission is served by a small and dedicated team of civil servants from the Executive Officer, Secretarial and Clerical grades. Submissions from CSB and government departments are meticulously vetted, with further clarification and justification sought where necessary, before the advice of the Commission is sought.

During the year, the Commission Secretariat continued to respond positively to the government's Enhanced Productivity Programme by hiring commercial vehicles as and when required instead of maintaining a departmental car. As a result, one Motor Driver post was deleted and the departmental car was returned to the Government Land Transport Agency. The updated organisation chart of the Secretariat is at *Appendix 3*.

Method of Work

Business is normally conducted through circulation of files. Meetings are held when policy issues or cases which are complex or involve important points of principle have to be discussed. Senior management from departments may also be invited to the meetings to appraise the Commission on matters of concern so that the Commission will have a better understanding of the problems faced by departments.

During the year, the Judiciary Administrator and the Director of Food and Environmental Hygiene were invited to attend Commission meetings to discuss controversial disciplinary cases.

Homepage of the Commission

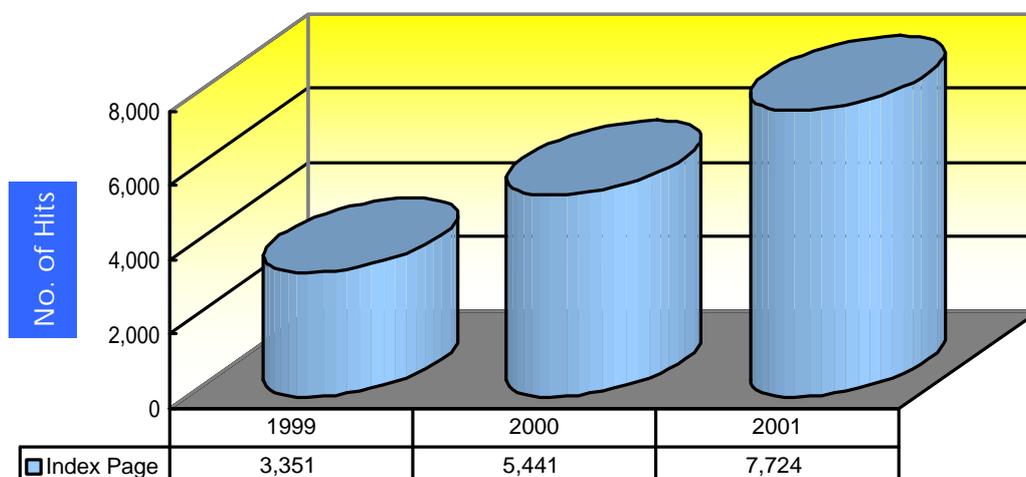
The Commission's homepage can be accessed through the Government Information Centre or at the following address :

<http://www.csb.gov.hk/hkgcsb/psc>

The homepage provides basic 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 1996 onwards) can also be viewed on the homepage and can be downloaded. Last year's Annual Report received an average of 87 visits each month (*Note 2*).

Compared with 2000, the total number of recorded visits to our homepage in 2001 had increased by 42% to 7 724. This shows an increasing interest in our work. A comparison of visits over the past three years is appended below –

Statistics of PSC Homepage Visit Counts



Note 2: Hard copies of the Annual Report are also available in public libraries and District Offices.

PSC's Homepage on the Central Cyber Government Office (CCGO)

The PSC's homepage was uploaded onto the CCGO in January 2001, on which an easily accessible alternate route is provided for officers in departments and bureaux to grasp the Commission's general views and latest advice on procedural and policy aspects of appointment and disciplinary matters and thus, hopefully, help them with their submissions to the Commission. This homepage is well received by CCGO users and has attracted a total of 4 586 visits last year.

IV. Recruitment, Promotion and Discipline

Recruitment

Recruitment is undertaken by CSB and government departments. The Commission is involved in the process through overseeing the procedural aspects and advising on vetting criteria and on recommendations for appointment.

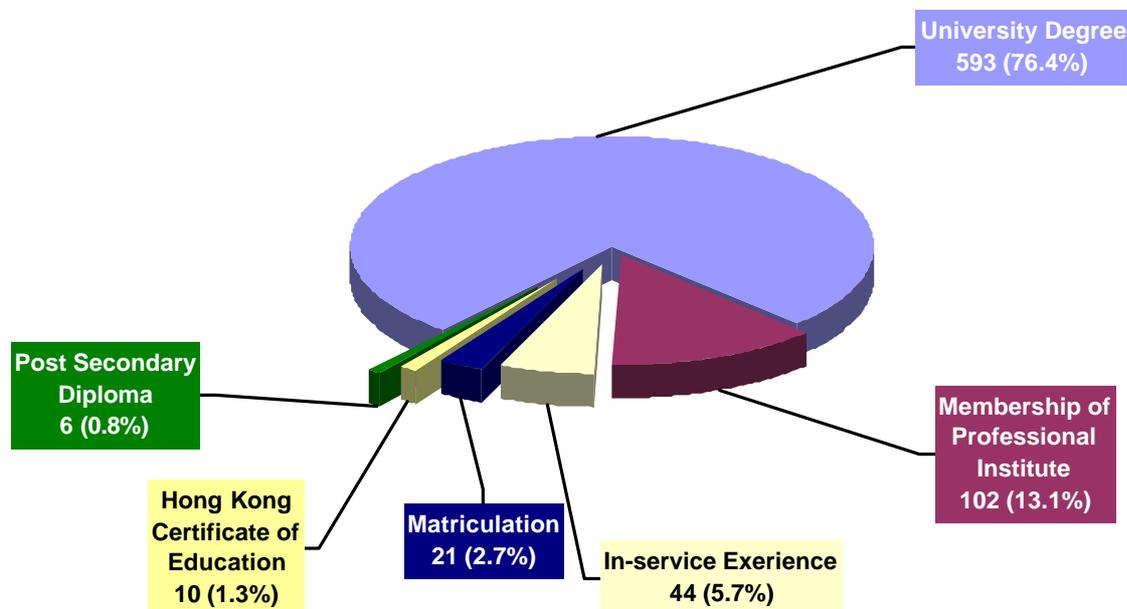
In April 2001, the general freeze on civil service recruitment exercises was lifted. The number of new recruits increased again. During the calendar year, the Commission advised on the filling of 776 posts in 66 ranks by recruitment (*Note 3*). A statistical breakdown of these appointments is given below:

Recruitment 2001		Number
New appointments through local press advertisements		
• on probation		377
• on temporary month to month terms		58
• on transfer (between departments or grades)		27
• on agreement terms		33
New appointments by other means (e.g. in-service appointments, applications for long term vacancies)		
• on probation		64
• on agreement		3
• on transfer (between departments or grades)		214
Total		776
Comparison with figures for previous years :		
Year	No. of New Recruits	
1999	343	
2000	240	
2001	776	

Note 3 : The number of applications received in response to advertisements, which also requires the Commission's vetting, is manifold the number of new recruits shown above, e.g. there were some 8 000 applications for a disciplined services grade and some 3 000 applications for a degree grade.

The following table shows the breakdown of qualifications held by successful candidates.

New Appointments in 2001 – By Qualifications



The expansion of local tertiary education in recent years, the widening of opportunities for obtaining professional qualifications locally and the Government's overseas training schemes have enabled the Administration to fill almost all vacancies by permanent residents. Indeed, since the establishment of the Hong Kong Special Administrative Region Government in 1997, departments may only recruit candidates who are not permanent residents to fill professional and technical posts if there are insufficient qualified and suitable candidates with permanent resident status. This is stipulated in Article 101 of the Basic Law.

Last year the Commission advised on the filling of 4 vacancies i.e. 3 Senior Operations Officer (Senior Operations Inspector) and 1 Deputy Principal Government Counsel by non-permanent residents.

Vacancies Advised for Filling by Non-Permanent Residents in 2001			
Department/Post	1999	2000	2001
Civil Aviation Department			
Senior Operations Officer (Flight Operations Inspector)	1	1	-
Senior Operations Officer (Senior Operations Inspector)	-	-	3
Department of Justice			
Deputy Principal Government Counsel	-	-	1
	<u>1</u>	<u>1</u>	<u>4</u>

Senior Operations Officer (Senior Operations Inspector) is a highly technical professional post requiring candidates to possess a professional pilot licence and substantial experience. As there are insufficient qualified and suitable candidates in the local market, overseas recruitment had to be conducted and non-permanent residents were offered appointment. For the Deputy Principal Government Counsel, the post-holder was required to possess specific commercial law experience in certain specialised subjects. Again, experienced lawyers capable of handling complex commercial law were in short supply in the open market. As such, non-permanent resident candidates were also invited to apply for the post and a non-permanent resident was finally selected for appointment.

For serving overseas agreement officers in the civil service, they are retained primarily on operational and specialist grounds. They can apply for transfer to local terms subject to their obtaining permanent resident status and their satisfying language and other criteria.

Special Appointments

The Government has an extremely diversified range of functions to perform. Civil servants do not always have the expertise to carry out specialised functions; hence special appointments are made. These appointees do not compete with the civil servants for promotion and the continued need for their employment is reviewed regularly.

During the year, the Commission advised on the filling of 1 post by special appointment (*Note 4*).

Special Appointments Referred to the Commission for Advice in 2001	
Department/Post	Number
Economic Services Bureau	
Electricity Advisor	1
Comparison with figures for previous years :	
Year	No. of Special Appointments
1999	4
2000	3
2001	1

Note 4 : Such appointments do not occupy an established post in the civil service.

The Economic Services Bureau is responsible for mapping out the future directions for the post-2008 regulatory regime for the electricity supply sector in Hong Kong. As there was a lack of the requisite expertise and skills in the civil service for the exploration and formulation of alternative regulatory frameworks for this sector, an Electricity Advisor post, remunerated at the rank of D3 was created in the Bureau to provide the required expert advice and assistance.

Promotion

During the year the Commission advised on 1 240 promotions to fill vacancies in 352 ranks (*Note 5*). These comprised 157 promotions to directorate vacancies which included 60 to the senior directorate ranks (see *Appendix 4*). The Commission has been particularly concerned that inconsistencies in standard of reporting do not result in an undeserving officer gaining promotion. The Commission is pleased to see that, preceding promotion boards, most departments have established assessment panels to comment on reports so as to achieve a consistent standard of reporting.

Note 5 : The number of eligible officers far exceeded the number of promotions. In a number of promotion exercises, over 300 candidates were shortlisted for detailed consideration by the board.

Complaints/Appeals

During the year the Commission dealt with 6 representations/complaints relating to promotion exercises. After careful and thorough examination, the Commission was satisfied with the departments' findings in 5 of these 6 cases. Nevertheless, the Commission advised the departments concerned that representations arising from promotion exercises should be brought to the attention of the next promotion boards.

The only justified complaint related to an anonymous letter against a promotee's misconduct. The department concerned revised its recommendation after detailed investigation and reconvening the promotion board. As the misconduct indeed reflected on the officer's inadequacy, the department concluded that he was not yet ready for promotion. The Commission advised that the officer concerned should be interviewed and told clearly why the promotion board arrived at the decision pertaining to him. On the other hand, as the complaint was received before the department's recommendation was endorsed by its Head of Department and forwarded to the Commission, the department was advised to take measures to maintain strict confidentiality to prevent premature leakage of the recommendation.

The Commission also received 3 complaints relating to other issues, namely, renewal of agreement, staff performance appraisal system and training requirement for promotion. Whilst allegations in the first two cases were found unproven, the Commission advised the departments concerned to take necessary remedial measures in areas where procedural lapses were identified. In the last case, the department later acceded to the complainant's request of recognising the training course which he attended as fulfilling the requirement for promotion after re-examination of the facts. The Commission further advised the department to promulgate a list of recognised courses to all staff.

Renewal/Extension of Agreement

The Commission advised on the renewal of contracts of 100 officers in 2001. They comprised 9 on overseas terms, 43 on local terms and 48 on common terms. In tendering advice, the Commission suggested that departments should remind officers on contract terms of their eligibility to apply for transfer to pensionable and permanent terms.

The Commission also advised on 64 cases of extension of agreement. These comprised 2 on overseas terms, 46 on local terms and 16 on common terms.

Extension of Service/Re-employment after Retirement

The Commission advised on 3 cases of re-employment after retirement under the Old Pension Scheme, which were all approved on operational grounds. No submissions on extension of service beyond the normal retirement age under the New Pension Scheme were received in the year.

Refusal/Deferment of Passage of Probation/Trial Bar

The Commission remains of the firm view that confirmation to the permanent establishment should not be "automatic" and thus continued to advocate the need for a more realistic assessment of the performance of probationers/officers on trial. It is pleased to note that most departments have now adopted this approach and made full use of the probationary/trial period to observe these officers' performance. Where there are adequate reasons to further test an officer on performance grounds, an extension period of 12 months has been widely adopted as the norm so as to allow sufficient time for the management to ascertain the progress made by the officer and his suitability for confirmation. Where the officer is clearly unsuitable, departments have also taken the initiative to terminate the probationary/trial service without waiting till the full period was up.

In the past year, 39 officers were granted extension of probationary/trial service and 14 officers had their respective services terminated. A statistical breakdown is given below –

Probationary/Trial Service	1999	2000	2001
• extended for 6 months or less	13	12	19 <i>(Note 6)</i>
• extended for 8 months	-	-	1
• extended for 12 months	10	21	18
• extended for 18 months	-	-	1
• extended for 2 years	1	-	-
• services terminated	29	19	14
Total	53	52	53

Note 6 : Most of these officers' probationary/trial service were extended to cover their period of sick/maternity leave or to allow the officer to obtain the required qualification. Hence the period of extension was much shorter.

Opening-up Arrangement

During the year the Commission advised on 17 cases under the opening-up arrangements whereby positions in promotion ranks occupied by agreement officers were opened up for competition between the incumbent officer and eligible officers one rank below. This arrangement applies to both overseas officers who are permanent residents and are seeking a further agreement on locally modelled conditions, or other agreement officers applying for a further agreement on existing terms.

Localisation - Transfer to Local Permanent and Pensionable Terms

There were 20 officers seeking transfer from local agreement/locally modelled agreement terms to pensionable terms in 2001. These comprised 12 applications for transfer from local agreement terms to pensionable terms and 8 from locally modelled agreement terms to pensionable terms.

Appendix 5 shows a breakdown of appointments, promotions by salary group and related matters advised by the Commission in 2001.

Section 12 of PS(A)O – Compulsory Retirement in the Public Interest

Compulsory retirement under Section 12 of PS(A)O is *not* a form of disciplinary action or punishment but pursued as an administrative measure in the public interest on the grounds of :

- (a) “loss of confidence” – the officer is initially interdicted from duty while proceedings are in progress because the management has lost confidence in the officer and cannot entrust him with public duties; and
- (b) “persistent substandard performance” – the officer is warned that action is being contemplated to retire him but is allowed to remain on duty during the observation period to assess whether his performance has improved to an acceptable standard.

During the year, the Commission advised on 7 cases under Section 12, of which 2 officers were retired after the management had lost confidence in them and 5 officers were retired because of their persistent substandard performance.

Management Initiated Retirement (MIR) Scheme

The MIR Scheme was implemented during the year. It provides for the retirement of directorate officers on the permanent establishment to facilitate organisational improvements and to ensure the quality of the directorate. It will be invoked on management grounds and will only apply if the approving authority has been fully satisfied that –

- (a) the retirement of an officer from his present office is in the interest of the organisational improvement of a department or grade; and
- (b) there will be severe management difficulties in accommodating the officer elsewhere in the service.

Ten officers were retired under this scheme in the past year. The officers concerned were notified beforehand and given the opportunity to make representations. A panel chaired by the Chief Secretary for Administration considered each case following which the Commission's advice was sought on the recommendation to retire these officers. Meetings were held and the Commission deliberated each case submitted by the Administration thoroughly and was fully satisfied that the recommendations should be supported.

Disciplinary Cases

The Commission is responsible for advising on disciplinary cases on all Category A officers in the public service (*see Note 1 on page 2*) with the exception of a small number of exclusions specified in the Public Service Commission Ordinance. It is noteworthy that the number of disciplinary cases advised in 2001 has increased by 42, 44% more than that in 2000. The Commission does not initiate action per se but has long encouraged the Administration to investigate misconduct. In turn, the efforts of the Secretariat on Civil Service Discipline to streamline the disciplinary procedures has provided some impetus. Of the 136 disciplinary cases on which the Commission advised in 2001, 43% involved officers on or above Master Pay Scale 14 (or \$19,510 a month as at the end of 2001), for which the Secretary for the Civil Service is the authority to inflict punishment. The Commission's advice is based on the principles of equity and fairness, taking into account the nature and gravity of the misconduct involved in each case, the officer's service record, any mitigating or aggravating factors, whether there have been court proceedings, and the level of punishment in precedent cases.

This year has seen an increase in the number of criminal conviction cases – 52 as compared with 31 in 2000. The increase is probably a result of the management's determination to tighten up discipline and initiate formal disciplinary action on defaulters. For instance, traffic related offences, which in the past have largely been dealt with by a warning or even an advisory letter are now followed up on more occasions by formal disciplinary action where justified.

The following tables provide analysis of penalties advised on during 2001.

Disciplinary Cases Referred to the Commission for Advice - Misconduct/Offences and Penalties Advised on During 2001

Category of Misconduct/Offences							
Penalties	Corruption related offences	Theft	Crimes not under columns 1 and 2	Abuse of official position, negligence, insubordination, loss of confidence, poor performance	Unpunctuality, unauthorised absence, abscondment	Others (accepting unauthorised loans, outside work, falsify claim of allowance, etc)	Total
Dismissal	2	1	6	1	13	5	28
Compulsory retirement + Fine	-	1	-	-	-	-	1
Compulsory retirement	-	1	7	7	3	7	25
Lesser penalty	-	10	24	11	14	23	82
TOTAL	2	13	37	19	30	35	136 <i>(Note 7)</i>

Comparison with previous years

1999	115
2000	94
2001	136

Note 7 :

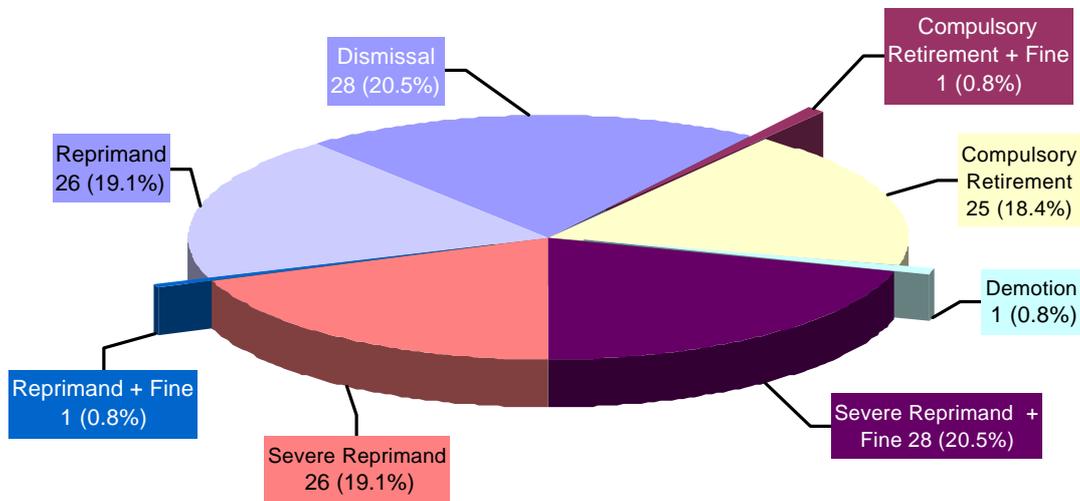
- (a) 52 of the 136 cases followed upon conviction.
- (b) In 11 of the remaining 84 cases, the officers have absconded.
- (c) The 136 cases include 5 in the Disciplined Services (including 1 from the Police Force on which the Commission's informal advice was sought).
- (d) 7 cases under PS(A)O S.12 are included.

Penalties Advised On During 2001 Breakdown by Salary Group

Salary Group			
Penalties	At or Below Master Pay Scale 13 or equivalent	Master Pay Scale 14 to 33 or equivalent	Master Pay Scale 34 and above or equivalent
Dismissal	15	10	3
Compulsory Retirement + Fine	-	-	1
Compulsory Retirement	13	10	2
Demotion	-	-	1
Severe Reprimand + Fine	13	12	3
Severe Reprimand	18	8	-
Reprimand + Fine	1	-	-
Reprimand	17	8	1
Total	77	48	11

Analysis of Penalties Advised On During 2001

Removal from service : 39.7%
(Dismissal + compulsory retirement)



V. Disciplinary Policy and Procedures

The Commission fully supports the Administration's determination to maintain a clean, trustworthy and efficient civil service. Indeed we have worked closely together to streamline the disciplinary procedures and arrive at the right benchmarks on punishment.

The main observations and recommendations made by the Commission in the past year are described in the paragraphs below.

Removal from service

The Commission has continued to advocate that the management should not hesitate to initiate action against officers who have misconducted themselves, and impose appropriate levels of punishment to uphold the highest standard of integrity and conduct of civil servants. Where an officer has committed a serious or repeated misconduct, the management should be decisive in removing him from the service. The Commission has held brainstorming sessions with CSB to consider the circumstances for applying the two different modes of removal from service, i.e. ***dismissal or compulsory retirement***. It is vital to establish appropriate benchmarks for dismissal which involves total forfeiture of pension benefits.

CSB is of the view that for very serious offences, particularly those leading to criminal convictions, and which were committed with wilful intent, the level of punishment should be dismissal, unless there are very strong and exceptional mitigating factors to argue for consideration of a lesser punishment. The Commission will continue to exchange views with CSB on this difficult subject to arrive at some clearly defined yardsticks.

Compulsory retirement with reduced pension

At present, if an officer is removed from service, he will either retain his full pension benefits by way of compulsory retirement; or forfeit his total pension benefits upon dismissal. The Commission's view is that compulsory retirement with reduced pension should be included as an alternative where the severity of misconduct so warrants, but where dismissal, which results in forfeiture of all benefits, would be too harsh. In fact the Pension Benefits Ordinance provides for this option in defined circumstances. In order to simplify the matter, the Commission suggests that this level of punishment should only apply to cases bordering on dismissal where the award of compulsory retirement would be too lenient. As such the maximum rate of reduction, i.e. 25%, should be adopted to obviate argument over the basis for calculating the percentage to be reduced. For cases bordering on dismissal but where the criteria for reduced pension in the Pension Benefits Ordinance do not apply, the Commission suggests that the staff be compulsorily retired with an appropriate fine. This has been exceptionally awarded once during the year and the Commission suggests that the Administration should keep this option open. CSB's position is that any amendment must be considered in the context of maintaining a high standard of probity in the civil service in that it should not be seen to lower the threshold of dismissal decisions.

PSC's advice on formal disciplinary cases involving Category B officers

Currently, as provided by the PS(A)O, the Commission only advises on the Administration's recommendation for punishment of Category A officers, i.e., officers employed on permanent terms. This excludes Category B officers, namely those on probation, Model Scale 1 Pay Scale and agreement terms. Having regard to the implementation of the new "3+3" entry system which means that an officer would spend 6 years on probation cum agreement terms before becoming a Category A officer (as opposed to the previous 2-year probation), the size of Category B staff will grow significantly. The Commission believes there is a need to also cover probation and agreement officers with a view to ensuring consistency and parity in treatment. As there are no reasons to exclude only the Model Scale 1 Pay Scale staff from the Commission's purview, the Commission has indicated it would be happy to also examine and advise on these cases. CSB has agreed to examine the proposals in the context of the study to convert the Model Scale 1 Pay Scale staff onto the Master Pay Scale and will consult departmental management on the conversion proposals including the disciplinary aspects.

Financial penalty in informal punishment

During the Chairman's visits to departments, it was suggested that a fine should be more flexibly inflicted in justifiable cases; or that a Head of Department should be empowered to impose a fixed-amount fine for certain types of minor misconduct if he is satisfied that the misconduct has been proven. This will avoid the need to go through formal disciplinary hearings for relatively minor infringements. CSB has agreed to consider these suggestions.

Deferral of passage of probation/trial bar with financial loss

The Commission constantly reminded departments that since officers on probation/trial are being tested on their suitability for long-term appointment, the management should be decisive in terminating the probationary service if there are doubts regarding their overall suitability. Only in justified cases should the probationary service be extended. In cases where an officer is in all respects suitable but is being investigated on a complaint, the Commission noted that departments usually recommend deferral of the bar without financial loss. The Commission considers that this should be with financial loss in the first instance, and if subsequently the staff is found innocent and suitable for confirmation in all respects, the increment withheld should be reinstated and seniority duly adjusted retrospectively. CSB has agreed to this and will formally promulgate the new arrangement.

The Commission considers that if the investigation reveals the complaint to be very serious so as to cast grave doubt on the staff's integrity and overall suitability to remain in the service, the officer's probationary/trial service may be terminated without proceeding with formal proceedings. Depending on circumstances, where a criminal charge has been laid, it would not be necessary to await the outcome of the court proceedings.

Punishment for offences convicted under the Prevention of Bribery Ordinance (POBO)

Not all offences convicted under the POBO are corruption related; examples are borrowing money without approval or producing false document to deceive his principal. Some departments tend to recommend a heavier punishment simply because the officer has been convicted under the POBO. Departments should be reminded that in recommending the level of punishment, it is always the gravity and the nature of offence that matter, not the fact that action was initiated under the POBO.

Punitive effect on an individual

Sometimes departments have advocated that, to enhance the punitive effect, personal circumstances be taken into account with a heavier punishment given to the officer. For example, one approach is to add a fine to a severe reprimand if the officer will retire shortly or has already reached the top rank without promotion prospects, as the severe reprimand and its associated debarring effect on appointment will not in itself serve any purpose. The Commission considers that imposing a fine in such circumstances to be against equity. The discipline authority should inflict a punishment commensurate with the gravity of the misconduct taking into account both mitigating and aggravating factors.

VI. General Observations and Recommendations by the Commission

During the year, the Commission continued to maintain a close tie with departments to exchange views on human resource management practices and problems, as well as procedures pertaining to appointments, promotions and staff management. The Chairman participated in major and difficult selection and promotion exercises, and Members of the Commission also attended such board meetings as observers on a selective basis. The Chairman also continued with his programme of visits to departments to discuss, with the Heads of Department, specific departmental issues as well as disciplinary matters and other subjects of common concern. These visits have proved to be fruitful and constructive to both the Commission and departments.

It is encouraging to note that many departments have made improvements in their human resource management practices and the quality of their submissions. Nevertheless, deviations from established rules and practices are still found from time to time. The following paragraphs point out the major shortcomings and also the measures suggested by the Commission during the past year to solve these problems. Heads of Department and their Departmental Secretaries are urged to draw on the incidents highlighted below so as to avoid similar mistakes in their future submissions.

Promotion

Vacancy position

The number of vacancies available is crucial when deciding on the recommendations for promotion or acting appointment. It is the duty of the Departmental Secretaries to report as accurately as possible this material fact to the Commission. In one case, the department only reported half of the vacancies, which was only uncovered through meticulous checking on the part of the Commission Secretariat. It further transpired that very junior yet professionally unqualified officers acted up in some of the unreported vacancies on operational grounds. This arrangement is entirely unsatisfactory because acting appointments to meet operational needs should also be made on a fair basis. Such acting appointments are subject to a review in accordance with CSR 160(1)(b) if they are expected to last/have lasted for more than six months. The department has been advised to ensure that future acting appointments are properly administered.

Shortlisting criteria

In addition to or in place of experience requirement, some departments shortlist candidates on the basis of their promotability as assessed by their supervisors. This is unnecessarily restrictive - reference should also be made to the overall performance during the review period. In one department, this approach has resulted in screening out candidates with consistently very good to outstanding records while candidates with mediocre gradings were shortlisted. The department concerned has been advised to improve on the reporting standard and shortlisting arrangement.

Promotion interview

A number of departments proposed to conduct interviews in the selection of staff for promotion. The Commission, however, views that selection for promotion should normally be made on the basis of documented evidence such as appraisal reports and recommendations of supervisors. Promotion interviews are not encouraged and should only be held if genuinely necessary. To facilitate the selection process, the Commission has asked these departments to improve its performance management system through enhancing the reliability of performance assessments, strengthening the role of the grade management and rotating board members.

Undue emphasis on recent performance

Selection of officers for promotion to fill higher rank vacancies is based on the criteria of character, ability and experience in accordance with CSR 109(1)(a), and usually the officers' performance and conduct over a period of time, say the last three years, are taken into account. In one department, the promotion board has identified a junior officer for promotion on the basis that his latest year's performance is the most impressive. However, it was noted that there were two non-recommendees who were senior to him by 3 to 8 years and who had displayed comparable if not more meritorious records with consistently very good to outstanding performance in the past few years. The department has been advised that the track records of the candidates should be accounted for and the board's focus on the most recent performance should be seen in proper perspective. On further review, the department agreed that the senior officer was more deserving for promotion and has accordingly revised its recommendation.

Pre-mature release of board recommendations

It is the responsibility of departments to ensure strict confidentiality of promotion recommendations prior to their promulgation. In a specific case the departmental management ceased the acting appointment of a non-recommended officer before the board's recommendations were promulgated. This invited a complaint from the contender while the Commission had yet to tender its formal advice. Departments are reminded again of the need to observe confidentiality of the board's recommendations.

Career Counselling

In promotion exercises, meritorious candidates normally outnumber promotion posts and senior officers may lose out as a result of the competition. Ideally the management should interview and career counsel these officers but it may not be practicable when there is a large number of officers being bypassed. Under the circumstances, career counselling has to be conducted on selective basis. For example, priority for career counselling should be given to officers performing strongly or already acting and have high expectation; those who have identified areas for improvement or where board Members have applied personal knowledge and made adverse remarks that should be drawn to the officer's attention.

Indeed, it would be totally wrong for management not to conduct career counselling interviews simply because this was not suggested by the Commission. Management should take the initiative – on the other hand, individual officers can themselves seek an interview.

Axioms in promotion exercises

In the light of anomalies observed in a number of promotion exercises, it is worthwhile to remind departments of the following general principles:

Validity period of waiting list – the waiting list should lapse when the current appraisal cycle expires instead of specifying “6 months” or “until next year”. With the fresh round of appraisal reports, performance in the reviewing period and relative claims will change, hence necessitating a fresh board. Thus the waiting list of the last board should lapse.

Effective date of promotion to supernumerary posts – promotion may be made to supernumerary posts even with retrospective effect subject to CSR125, so long as there are permanent posts available to accommodate the officers when the supernumerary posts lapse.

Priority for acting and deciding factor for stepping down – when supernumerary posts lapse and officers have to cease acting, the order should be based on their acting performance and having regard to operational need. The priority for acting as recommended by the last board does not in itself have a direct bearing.

Review of acting appointment – Acting appointments made to meet operation exigencies are required to be reviewed by a promotion board if they have exceeded/are expected to exceed 6 months. For those acting appointments recommended through a promotion board, they should also be reviewed by the next promotion board upon availability of fresh appraisal reports. The former type of acting appointments could be reviewed at the same time. There have been cases in which departments have either conducted the review itself without convening a board or did not carry out any review at all. In some glaring cases, the annual promotion boards were not held for a few years resulting in the non-review of long term acting appointments. For the purpose of fair competition, annual promotion boards should be held to review long-term acting appointments notwithstanding the absence of substantive vacancies for promotion.

Recruitment

Assessment on candidates in a selection interview

In some cases, the boards adopted a mechanical approach to select candidates simply because they achieved high scores in interviews. For example, a board in its write-up doubted whether a candidate apprehended the gist of the more complicated questions and hence his ability for the job but still recommended him in view of the high score; in another case, a candidate was recommended for a computer job because his total score was the highest despite the fact that he failed in the sub-total score on knowledge of work. Departments should bear in mind that the scores given to a candidate need to be commensurate with the write-up, and must take a sensible and critical approach when making recommendations.

Appointment of candidates by divisions

A department had initially recommended appointment of candidates to fill posts in different divisions under separate lists of priority. As there was no streaming in the rank, appointment by divisions is inappropriate and the selected candidates should be prioritised based on their overall relative merits. The recommendations were revised accordingly.

Performance Appraisal System

The lack of performance appraisals

Delay in making staff performance appraisal is a common bad practice. The worst case the Commission has seen in the year is where staff reports of the entire rank had not been written for several years until the convening of a promotion board. This resulted in the completion of a senior officer's performance appraisals covering five years in one go. As performance appraisal is an integral part of the performance management system, prompt completion of appraisal reports is essential in ensuring that good and bad performances are timely and duly recognized and rectified. The Head of Department was urged to uphold the performance appraisal system even in the absence of a promotion exercise.

Importance of proper handling of staff appraisals

In handling staff appraisals, delay in reporting in some departments is still a concern and in one exercise, half of the latest round of annual staff reports were completed by the reviewing officer after the promotion board had met. In one extreme case, the staff report was only made by the appraising officer after the board meeting, which meant the board did not have an up-to-date assessment on the performance of the officer concerned. In yet another case, the staff appraisal was found missing after the board met, and the reconstructed report was only available 7 months later. Such improper practices are clearly unsatisfactory and the departments concerned have been reminded to seriously tackle the problems and to ensure that these would not recur.

Downgrading of assessments in appraisal reports

The countersigning and reviewing officers are tasked with the responsibility to comment on the gradings and assessments made by the appraising officers, and to make adjustments where necessary. Moderation panels, if in place, should also perform the leveling work as appropriate. In cases where the appraisees appeal against the appraisal, supervisors should review the assessments made, and make amendments if justified. Nevertheless, in one appeal case, the appraising officer had further downgraded the assessments on review after disagreements were voiced by the appraisee. This is considered unacceptable as consistent and accurate reporting should have been made and ensured in the original assessment. The Secretary for the Civil Service has thus been invited to consider promulgating this point to departments for observation.

Necessity of a full report

Owing to the change of postings/appraising officers, some officers did not receive a full report in a reporting cycle. Instead, their performance throughout the year was covered by memo form reports. This is not fair to the officers concerned, as memo form reporting does not provide assessments on their core competencies hence potential. The department was told that a full report should be written if the appraisal period exceeds three months and coincides with the year-end appraisal. This would also facilitate assessment by the promotion board.

Over-generous reporting

Whilst determined efforts have been made by many departments to ensure an honest, fair and accurate performance appraisal system, over-assessment is still a serious problem in some departments. In one extreme case, some 80% out of 106 officers within the promotion zone received an "outstanding" report. This made the task of the promotion board very difficult in identifying the most meritorious officers. The Commission has urged the department to tighten up the marking standard.

Accurate and consistent staff reporting

Honest and accurate reporting has been a perennial problem that require departments' urgent attention. Any inconsistencies in staff appraisals would render the work of the promotion board difficult when deliberating on the claims of the contestants. It would also be ironic to give an officer a "B" rating for "Manner with public" while he was served a verbal warning for being impolite to the public; or for "Punctuality" when he was warned not to be late. Appraising officers should be mindful of giving accurate and honest staff performance appraisal in order to uphold the integrity and effectiveness of the appraisal system.

Probation/Trial Bar Cases

Deferment of passage over probation bar for failure to attain the requisite qualification

In processing departmental recommendations on such cases, it is noted that some departments tend to grant an automatic extension to probationers who fail to acquire the pre-requisite qualification for confirmation to the rank. Departments should take note that save in deserving cases, granting of extension in the circumstances is not automatic. The extension, if justified, should be with financial loss as the qualification so required is necessitated by duties of the rank and is performance related.

Handling of probationers whose performance is affected by health condition

In the past year, the Commission has come across a few cases whereby departments have put up recommendations to extend instead of terminating the probation of officers who have displayed substandard performance and conduct. The reason advanced was that further observation was required on their health condition. In one or two cases, the situation was complicated by the yet to be settled compensation involving injury on duty. While due allowance and accommodation have to be given to officers whose performance has been affected by their medical condition, the Commission considers that these cases should not be allowed to drag on for an unduly long period, especially in the cases involving persistent poor performers or those who have misconducted themselves. For injury on duty cases, the Commission has suggested the Government to review whether a certain degree of flexibility could be allowed within the statutory framework and to consider how best to deal with these cases.

VII. Case Studies

During the year, there were some submissions revealing departments' shortcomings in adhering to established policy and procedures. Other submissions demonstrated good initiatives. Five of these cases are highlighted: the Commission hopes that these cases will be of interest and help to departments in their quest to enhance human resource management practices.

Case A – A poorly handled promotion case

Background

A department conducted a promotion board in February 2001, based on appraisal reports ending March 2000. There was also undue delay in the submission of the board report.

Problems identified

The board report was only submitted to CSB five months afterwards despite the fact that only 45 candidates were shortlisted for detailed consideration. There were six vacancies but the board recommended four officers for promotion and waitlisted 17 officers for acting appointment. The assessment on individual officers in the board report was stereotype and lacked any comparison of merits; it failed to differentiate the claims of close contenders. After exchanging a series of correspondence with the department, CSB cut short the waiting list to two and submitted the revised recommendations to the Commission for advice in November 2001. As a result, the Commission could only tender its advice nearly nine months after the board met, based on performance reports ending some 20 months ago.

Conclusion

This is one of the worst examples of delay relating to a promotion exercise. The board was already a belated one and the processing was far too slow. The late completion of the appraisal reports also contributed to the delay. A board was skipped in 2000 resulting in the non-review of the acting appointments of several officers who commenced acting between 1998 and 1999.

The Commission drew the problems to the personal attention of the Director and strongly advised that the next board should be conducted as soon as possible to select promising officers to act if there were additional vacancies. The need to review in good time the acting performance of the selected officers was also highlighted.

Case B - Effective date of promotion

Background

In a promotion exercise, the department recommended an officer to be promoted with effect from a current date. The Commission considered it fairer to the officer concerned to backdate his promotion to an earlier date, i.e. when he had taken up the higher rank post and been confirmed by the board to be suitable in all respects for promotion.

Problems identified

There had been great delays in processing the promotion exercise by the department. The board was convened five months after the end of the annual reporting cycle. It further took another five months to submit its recommendations to the Commission for advice. Coupled with the need for clarification by the Commission Secretariat with the department on the recommendations, the promotion exercise was completed one year after the last reporting cycle. If the promotion were to take effect from a current date, the officer concerned would have suffered through no fault of his own. In view of this, the Commission considered it appropriate to have the promotion backdated in this exercise.

The department initially insisted on keeping its original recommendation in view of its normal practice. It subsequently took heed of the Commission's advice and revised the promotion date to take effect from a much earlier date (i.e. seven days after the board's meeting).

Conclusion

The Commission is of the view that if departments handle the entire promotion process promptly with an early submission to the Commission for advice, there should be no problem in effecting the promotion from a current date. But it would not be conducive to staff morale if there were great delays; staff interests should be carefully weighted and should not be at the expense of the management's delays.

Case C – Review/revision of recommendation by department ahead of observations from PSC

Background

A relatively junior officer, who consistently put up outstanding performance in the past three years, was identified by the promotion board as having exceptional potential, and was thus recommended to act in the higher rank for six months with a view to substantive promotion. He was even accorded top priority for the acting-with-a view (AWAV) appointment ahead of two senior officers. As there were sufficient vacancies for the three officers to take up acting appointments, the Commission Secretariat informed the department that there was no need to prioritise them.

Development

In considering the above observation, the Director also reviewed the board's recommendation. As all the officers recommended for promotion on AWAV have been tested through long-term acting appointments, except for the officer in question, the Director revised the board's recommendation on him from AWAV to acting for administrative convenience. He should be fully tested at the higher rank before his overall suitability for advancement would be assessed by the next promotion board.

Conclusion

It is pleasing to note the attention paid by the department to the promotion exercise. The Director, of her own volition, extended her review to beyond the priority for AWAV and revised the recommendation on the officer from AWAV to long-term acting.

Case D – Early termination of probationary service

Background

A professional officer appointed on probationary terms for two years was unable to measure up to the required standard. Upon the Commission's advice, his probationary service was terminated before his full probationary period was up. There is another case related to the termination of the probationary service of an officer appointed on probationary terms for three years as his performance was unsatisfactory during the first-year overseas training.

Action taken by the departments

The professional officer displayed signs of incompetence in his first and second probationary reports but his overall performance was still maintained at the 'Effective' level. His performance dropped to 'Moderate' in his third probationary report. The department took expeditious action in handling the substandard performance. A 3-month special report was called to closely monitor his performance. The department also took timely action to issue him with an advisory letter shortly after the completion of his third report, urging him for improvement and forewarning him of the consequences if he could not meet the expected standard. As there was further deterioration in his performance and he received an overall rating of 'Poor' in the 3-month special report, the department acted decisively and proceeded to terminate his probationary service well before the expiry date of his probationary period.

In the second case, the officer was sent overseas to attend a 12-month training course after completion of the one-month induction training. His overall performance in the first probationary report was assessed as 'Less than adequate'. He could not acquire the basic skills and failed in the Progress Test twice. Additional training cost was incurred for him to receive remedial training. As he made no marked improvement despite repeated counselling by the overseas training school and the departmental management, the department seriously doubted his suitability to continue with the training and considered that he did not have the qualities to make the grade. Prompt action was taken to stop his training and terminate his probationary service after eight months.

Conclusion

The Commission gratefully acknowledges the departments' early initiatives to terminate the probationary service of the two officers without waiting till the end of the probationary period. Where the case is clear-cut, prompt and decisive action should be taken to terminate a substandard performer's probationary/trial service within the probationary/trial period.

Case E - Termination of probationary service while an officer is being charged

Background

A professional officer on probationary terms was investigated by ICAC on charges pertaining to his professional conduct before he joined the civil service. He was interdicted from duty but later reinstated with posting restrictions. He was subsequently charged with "Conspiracy to Defraud". As the department had no confidence to entrust him any duty commensurate with his professional status, he was interdicted from duty for the second time. The department then recommended to the Commission for an extension of his probationary service pending conclusion of the criminal proceedings.

Developments

The Commission expressed grave concern on the laid charge against the officer which called into question his professional ethics. As there was doubt on his suitability for continued employment and the department had no confidence to entrust him with any duty, the officer could not prove his suitability and is unfit for further testing. The Commission was of the view that the department should consider terminating the probationary service under CSR 186 without recourse to disciplinary proceedings. Taking into account the Commission's views as confirmed by legal advice, the department finally agreed that the court case did by itself cast doubts on the officer's suitability for continued employment in the civil service. Thus they revised the recommendation.

Conclusion

The Commission advised favourably on the revised recommendation and the officer's probationary service was terminated.

The Commission's view is that a probationer has no right to nor legitimate expectation of continued employment. His service could be terminated without recourse to the disciplinary proceedings under CSR 186 if the appointment authority considers that for general unsuitability or for other reasons he should not continue to hold office. Unlike dismissal, termination of service is not a punishment but pursuant to the contract of service. Legal advice confirmed that the principles of natural justice are complied with by the procedures set out in CSR 186 if an officer is informed of the reasons for the termination and his representations are duly considered.

VIII. Visits and Events

The Commission continued to maintain close ties with relevant overseas organisations/commissions. During the period covered by this Report, Mr Aly Galal Bassiouny, Consulate-General of Egypt visited the Chairman on 26.7.2001 and a Vietnam delegation led by Dr Thang Van Phuc, Vice Minister, Vice-Chairman of the Government Committee on Organisation and Personnel visited the Commission on 5.9.2001. They were briefed on the role and functions of the Commission. Topics of mutual interests were discussed and views exchanged.

The Chairman invited the Honourable Donald Tsang, Chief Secretary for Administration for lunch with Commission Members on 23.10.2001. He very much welcomed the initiatives taken by the Commission and encouraged the Commission to continue to give independent advice. He emphasised that this was much valued by the Administration.

IX. Acknowledgements

The Commission would like to express its sincere gratitude to the continuing support and assistance received from the Secretary for the Civil Service and his staff in all areas of our work and the co-operation and assistance provided by Heads of Department and their senior staff in responding to the Commission's queries and suggestions during the past year.

The Chairman and Members of the Commission also wish to place on record their appreciation of the Secretary, Mrs Lena CHAN and her diligent staff for their contribution and dedicated support. They have continued to work most efficiently in maintaining a very high standard in vetting departmental submissions.

Appendix 1

Submissions with Revised Recommendations after the Commission Secretariat's Observations

Submissions with Recommendations Revised following PSC Secretariat's Observations – 2001					
Category	Recruitment	Promotion	Renewal of Agreement/ Re-employment after Retirement	Discipline	Others*
Number of Submissions advised on	287	455	175	136	156
(a) Submissions queried	58	233	14	22	53
(b) Submissions with revised recommendations following query	44	138	1	16	12
(b) / (a)	76%	59%	7%	73%	23%
Comparison with Previous Years					
Year	1999	2000	2001		
Total No. of submissions advised on	1 441	1 069	1 209		
(a) Submissions queried	419	430	380		
(b) Submissions with revised recommendations following query	165	181	211		
(b) / (a)	39%	42%	56%		

* Submissions on acting appointments, passage of bar, opening-up, revision of terms and Guides to Appointment, etc.

Appendix 2

Biographies of the Chairman and Members of Public Service Commission

Mr Haider Barma, JP

Chairman, Public Service Commission (appointed on 1 August 1996)

Occupation : Chairman, Public Service Commission

Qualification : B.A., HKU

Mr Barma has been a career civil servant. He joined the Administrative Service in August 1966. Senior positions held prior to retirement include Deputy Secretary for the Civil Service (Appointments) (1986 - 1988), Director of Regional Services (1988 - 1991), Director of Urban Services (1991 - 1993) and Secretary for Transport (1993 - 1996).

Mr David Gregory Jeaffreson, JP

Member, Public Service Commission (from 1 February 1992 to 31 January 2002)

Occupation : Deputy Chairman, Big Island Construction (HK) Ltd.

Qualification : MA Cambridge University, England

Mr Jeaffreson had extensive experience in the civil service, having served for thirty years in a number of senior posts in the former Commerce and Industry Department, Finance Branch and Economic Services Branch. His last posting was Secretary for Security (1982 - 1988) before his secondment to the ICAC as Commissioner (1988 - 1991).

Mr Christopher CHENG Wai-chee, JP

Member, Public Service Commission (appointed on 15 July 1993)

Occupation : Chairman of Wing Tai Corporation Ltd. & USI Holdings Limited

Qualification : BBA, MBA

Mr Cheng is the Chairman of the Hong Kong General Chamber of Commerce, Member of the Council of the University of Hong Kong, the Court of the Hong Kong University of Science and Technology and the Town Planning Board.

Dr Thomas LEUNG Kwok-fai, BBS, JP

Member, Public Service Commission (appointed on 1 May 1994)

Occupation : Chairman of Vision in Business Consulting Ltd.

Qualification : Ph. D.

Dr Leung is the Vice-Chairman of the Council of the Hong Kong Institute of Education, Member of the Council of the Hong Kong University of Science and Technology. He also serves as Member of the Barrister Disciplinary Tribunal and the Independent Commission on Remuneration for the Members of the Executive Council and the Legislature of the Hong Kong Special Administrative Region.

Mrs NG YEOH Saw-kheng, JP

Member, Public Service Commission (appointed on 1 June 1995)

Occupation : Director of several private companies in Hong Kong

Qualification : MBBS (University of Singapore)

Mrs Ng is a Member of the Queen Elizabeth Hospital Governing Committee, the Diocesan Girls' School School Council and the Advisory Committee on Post-retirement Employment.

Ms Bebe CHU Pui-ying, JP

Member, Public Service Commission (from 1 December 1995 to 30 November 2001)

Occupation : Solicitor with Stevenson, Wong & Co.

Qualification : LL.B.(HKU), P.C.LL.(HKU)

Ms Chu served on the Board of Directors of the Surviving Spouses' and Children's Pensions Scheme from 14 November 1993 to 13 November 2001. She is also Chairman of the Family Law Committee of the Law Society of Hong Kong and Member of the Equal Opportunities Commission.

Mr Vincent CHOW Wing-shing, JP

Member, Public Service Commission (appointed on 1 February 1998)

Occupation : Director & Group General Manager, Chow Sang Sang Holdings International Ltd.

Qualification : B.Sc., M.Sc.

Mr Chow is Member of the Council of the City University of Hong Kong, and Chairman of the Academic Affairs Committee of the Council of the Hong Kong Academy for Performing Arts. He serves on the General Committee of the Hong Kong Philharmonic Orchestra and as Chairman of the Hong Kong Repertory Theatre Ltd..

Mr Frank PONG Fai, JP

Member, Public Service Commission (appointed on 1 February 1998)

Occupation : Executive Director, Shiu Wing Steel Ltd.

*Qualification : B.Sc., Fellow Member, HKIE, Fellow Member,
the Chartered Institute of Transport in Hong Kong*

Mr Pong is Member of the Court of the Hong Kong Polytechnic University and the Solicitors Disciplinary Tribunal.

Dr Elizabeth SHING Shiu-ching, JP

Member, Public Service Commission (appointed on 1 June 1999)

Occupation : Director-General, Hong Kong Management Association

Qualification : BA(Hons), MBA, DBA(Hons), FIM

Dr Shing is Member of the Electoral Affairs Commission.

Miss Eliza Chan Ching-har, JP

Member, Public Service Commission (appointed on 1 December 2001)

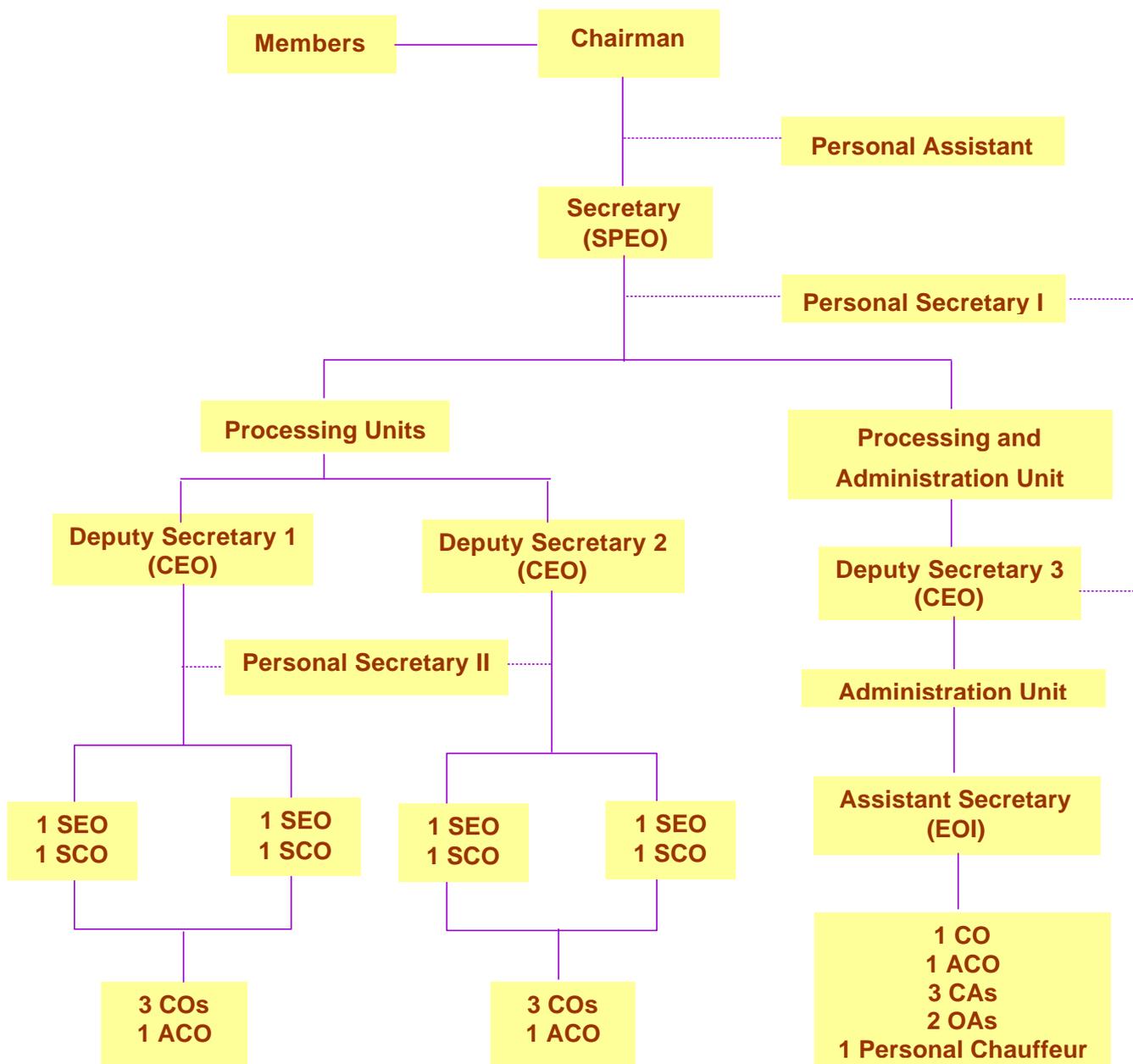
*Occupation : Senior Partner of Bryan Cave in association with Jewkes Chan & Partners.
Directorships in several companies*

Qualification : LL.B, B.Sc., Diploma in PRC Law

Miss Chan is a Member of the Hospital Authority and Chairman of its Public Complaints Committee, the Kowloon Hospital and the Hong Kong Eye Hospital. She is also a Member of the Hong Kong Examinations Authority and an adjudicator of the Immigration Tribunal.

Appendix 3

Organisation of the Public Service Commission Secretariat



Legend

SPEO	- Senior Principal Executive Officer
CEO	- Chief Executive Officer
SEO	- Senior Executive Officer
EOI	- Executive Officer I
SCO	- Senior Clerical Officer
CO	- Clerical Officer
ACO	- Assistant Clerical Officer
CA	- Clerical Assistant
OA	- Office Assistant

Establishment

Directorate Executive Officer	1
Executive Officer Grade	8
Clerical Officer Grade	19
Secretarial Grade	3
Chauffeur Grade	1
	<u>32</u>

Appendix 4

Promotions/Appointments to the Senior Directorate (D3 & above) in 2001

Filling of Vacancies in Senior Directorate Advised by PSC Breakdown by Pay Scale	
Directorate Ranking Pay Scale	No. of Vacancies
D8	5
D6/DL6/C4	13
D5	1
D4	6
D3/DL3/C3	35
Total	60 #

Of the 60 vacancies, 37 were filled by promotion, 5 by acting appointment with a view for promotion, 10 by acting for administrative convenience, 2 by appointment, 1 by renewal of agreement, 1 by re-employment after retirement and 4 by the posting of Administrative Officer.

Promotions/Appointments to Heads of Department Advised by PSC	
Post Title	Directorate Ranking Pay Scale
Commissioner of Inland Revenue	D6
Director of Water Supplies	D6
Director-General of Telecommunications	D6
Commissioner of Customs & Excise*	C4
Director of Information Technology Services*	D5
Land Registrar*	D4
Government Chemist	D3

* Appointment from outside the departmental grade.

Legend

- C General Disciplined Services (Commander) Ranks
- D Directorate Group
- DL Directorate (Legal) Group

Appendix 5

Breakdown of Appointments, Promotions (by salary group) and Related Matters in 2001

Filing of Vacancies Advised by PSC Breakdown by Salary Group 2001				
Salary Group				
Vacancies Filled by	Master Pay Scale Points 26-44	Master Pay Scale Points 45-49	Directorate	General Disciplined Services Pay Scale
Appointments after local advertisement	374	4	2	115
Appointments by other means (e.g. in-service appointments, applications for long term vacancies)	242	1	1	37
Overseas recruitment	-	3	1	-
Promotion	770	192	157	121
Renewal/Extension of agreement	150	10	4	-
Re-employment after retirement	-	1	2	-
Opening-up arrangement	7	4	6	-
Secondment	-	-	5	-
Sub-total	1 543	215	178	273
Total No. of Vacancies Involved *				2 209
Comparison with figures for previous years :				
Year	No. of vacancies referred to PSC	No. of vacancies advised to be filled locally	No. of vacancies advised for filling by non-PR	Percentage of such vacancies
1998	3 721	3 715	6	0.2%
1999	2 070	2 069	1	0.05%
2000	1 522	1 521	1	0.07%
2001	2 209	2 205	4	0.18%

* in a total of 1 209 submissions

Other Appointment-related Matters in 2001

Other appointment-related matters referred to the Commission for advice during 2001 are set out as follows :

Guides to appointment	<u>No. of ranks</u> 19						
Representations from individuals	<u>No. of cases</u> 9						
Extension/Refusal of Passage over	<u>No. of officers</u>						
<table style="border: none;"> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-left: 5px;">Probation bar</td> </tr> <tr> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-left: 5px;">Trial bar</td> </tr> </table>	{	Probation bar	{	Trial bar	<table style="border: none;"> <tr> <td style="padding-left: 20px;">38</td> </tr> <tr> <td style="padding-left: 20px;">15</td> </tr> </table>	38	15
{	Probation bar						
{	Trial bar						
38							
15							
Revision of terms: (Transfer from local agreement terms to pensionable terms)	12						
(Transfer from locally modelled agreement terms to pensionable terms)	8						
Promotion waiting list	79						
Acting for administrative convenience	2 019						
Acting with a view to substantive promotion	318						
Acting with a view to substantive promotion waiting list	<u>9</u>						
Total No. of officers	<u>2 498</u>						