Public Service Commission

公務員敍用委員會

Annual Report 2005
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Having retired from the civil service for three years, I feel especially honoured and privileged to be appointed as the Chairman of the Public Service Commission. The Commission has a vital role to play in safeguarding the impartiality of the recruitment and promotion systems as well as the integrity of the disciplinary mechanism in the civil service. I am infused with a sense of mission in taking up this job.

Since my assumption of office in May 2005, I have maintained close dialogues with the Secretary for the Civil Service and the Permanent Secretary for the Civil Service as well as their deputies on the Commission’s concerns of important human resources management (HRM) issues affecting the civil service. This close working relationship has resulted in a number of policy reviews and new initiatives being introduced or under consideration. Chapters 3 (on Civil Service Appointment Matters) and 4 (on Civil Service Discipline Issues) of this Report give a detailed account of those policy issues and initiatives raised by the Commission for the Administration’s consideration. We shall continue to actively play our “think tank” role to contribute to improving HRM practices and procedures in the service.

In upholding its core values of being clean, impartial and efficient, the civil service must be staffed by officers of merit, ability and integrity. In providing checks and balances to the processing of recruitment, promotion and disciplinary cases put up by the Administration, the Commission ensures that the most suitable candidates are recruited, the most deserving officers are promoted, and those who have misconducted themselves are appropriately punished. But over-generous reporting and tolerance of sub-standard performers or officers who have misconducted themselves could cloud one’s judgement. To address this concern, I have, on behalf of the Commission, urged the Administration to take more vigorous measures to strengthen the performance management of civil
servants. We shall continue to monitor the improvement measures made by the Administration in enhancing the system.

Another issue which the Commission has proactively taken up with the Administration is the problem of directorate succession faced by a number of departments. We see the need for more strategic planning and to address the problem at the fundamental level. We have strongly advocated, through attendance at promotion board meetings and good will visits to departments, the need to identify young and bright officers with exceptional potential for early grooming for directorate responsibilities.

It has been a busy year for the Commission. I am indebted to my predecessor, Mr Haider Barma, for the solid foundations he has laid down for me to carry on the work of the Commission, and to Members for their wise counsel and contributions. In particular, I pay tribute to Dr. Elizabeth SHING who retired from the Commission during the year and extend my warm welcome to Mrs Paula KO, our new Member.

Nicholas NG Wing-fui
Chairman

委員會主動與當局研究的另一課題，是部分部門面對的首長級人員接任問題。委員會認為解決問題，應由根本着手，規劃未來要高瞻遠矚。透過旁席晉升選拔委員會會議，以及前往部門進行親善訪問，委員會倡議當局須及早挑選潛質非凡、才智過人的年青人員，栽培他們成為首長級人員的接班人。

年內，委員會工作繁忙。前任主席鮑文先生為委員會奠下穩固基礎，讓我得以繼續順利推展工作，謹此深表謝忱。此外，我也衷心感謝各委員提供精闢意見，貢獻良多。我更要特別向年內離任的成小澄博士致意，和歡迎柯黃秋梅女士加入委員會。

吳榮奎
主席
1.1 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) stipulate the remit of the Commission. The Commission’s fundamental role is to advise the Chief Executive (CE) on civil service appointments, promotions and discipline.

Functions

1.2 With a few exceptions¹, the Commission’s advice on appointments and promotions relate only to the senior ranks of the civil service. This covers posts with a maximum monthly salary of $31,860 (Point 26 of the Master Pay Scale) or more, up to and including Permanent Secretaries, Heads of Departments and officers of similar status. At the end of 2005, the number of established civil service posts under the Commission’s purview was 32,610.

1.3 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 fall outside the Commission’s purview. In addition, following the introduction of the Accountability System on 1 July 2002, Ministers or Directors of Bureaux are not civil servants and their appointments also need not be referred to the Commission.

1 The following types of cases, irrespective of rank, must be submitted to the Commission for advice -
- non-renewal/offer of shorter-than-normal agreements;
- deferment/refusal of passage of probation/trial bar; and
- retirement in the public interest under section 12 of the Public Service (Administration) Order [PS(A)O].

See paragraphs 3.9 to 3.18 of Chapter 3 on pages 15 to 20.

1.1 委員會於一九五零年成立，是一個獨立法定機構，《公務員覲用委員會條例》及其附屬規例 (香港法例第 93 章) 訂明委員會的職權範圍。委員會的主要職責，是就公務員的聘用、晉升及紀律事宜，向行政長官提供意見。

職責

1.2 除少數個別情況外¹，委員會就聘用及晉升事宜提供的意見，其範圍僅限於高職級公務員，包括頂薪點達每月薪金 31,860 元（總薪級表第 26 點）或以上的職位，及常任秘書長、部門首長和職位相若的人員。截至二零零五年年底，在委員會職權範圍內的設定公務員職位共有 32,610 個。

1.3 政務司司長、財政司司長、律政司司長、審計署署長，以及司法機構、香港警務處和廉政公署人員等職位，不在委員會的職權範圍內。此外，自二零零二年七月一日創設制推行之後，各局首長或局長已不是公務員，其聘任事宜也無須交由委員會處理。
1.4 As for disciplinary cases, this covers all Category A officers with the exception of exclusions specified in the Public Service Commission Ordinance. This covers virtually all officers except those on probation, agreement and those remunerated on the Model Scale I Pay Scale. At the end of 2005, the number of Category A officer was about 138,000.

1.5 The Commission also handles representations from officers on matters falling within the Commission's statutory responsibilities and in which the officers have a direct and definable interest. During the year, the Commission dealt with 12 representations relating to appointment issues. After careful and thorough examination, the Commission was satisfied that the grounds for representations in all these cases were unsubstantiated. There were also four other complaints relating to matters outside the Commission's purview. They were referred to the relevant departments for follow-up action.

1.4 部分涉及紀律事宜，所有甲類公務員的紀律個案（不包括《公務員就任委員會條例》訂明豁免的人員的個案），都經委員會處理。甲類公務員實際上包括例試用人員、合約人員和第一標準薪級人員以外的所有公務員。截至二零零五年年底，甲類公務員約有138,000人。

1.5 委員會也處理公務員在委員會法定權限內就本身有直接和實際利益關係的事宜提出的申述。年內，委員會處理了12宗與聘任事宜有關的申述個案。經詳細審查後，委員會認為所有個案的理由均不成立。委員會另外收到四宗投訴，所涉事宜不屬於委員會的職權範圍，已全部轉交有關部門跟進。

2 Under the Pension Benefits Regulations, Cap. 99A of the Laws of Hong Kong, a "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.

根據《退休金利益規例》（香港法例第99A章），”甲類公務員“指受聘擔任設定職位，並在退休或辭職時實任設定職位的人員。

3 With the exception of certain members of disciplined services departments who are subject to the respective disciplined Ordinance (i.e., Prisons Ordinance, Fire Services Ordinance, etc.), all civil servants are governed by disciplinary provisions in the P(SA)O.

除某些紀律部隊人員受有關紀律部隊法例（即《監獄條例》、《消防條例》等）約束外，所有公務員一律受《公務員 (管理) 命令》的紀律條文規管。
1.6 In examining submissions from the Administration, the Commission always ensures that the recommendations are sound and the related process is carried out fairly, meticulously and thoroughly. The Administration is required to clarify or justify its recommendations in response to the Commission's observations and queries. On many occasions, the Administration has changed its recommendations following comment from the Commission whilst, in other instances, the Commission has been satisfied with the propriety of the recommendations after seeking further clarifications or additional justifications. The Commission also draws the Administration's attention to deviations from established procedures or practices and staff management problems identified during the processing of submissions and, where appropriate, recommends measures to tackle these problems.

1.7 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 acts 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 Resources Management subjects.

1.6 委員會在審閱政府所提交的建議時，會確保建議合理，及處理程序公平、審慎和妥善。政府須就委員會的意見和疑問，澄清或解釋所提建議。在許多個案中，政府都因應委員會的意見，修改建議；也有部分個案，經政府澄清或詳加解釋後，委員會認為建議恰當。委員會審閱建議時，如果發現有偏離既定程序／做法的情況或人事管理問題，便會促請政府注意，並建議改善方法。

1.7 此外，委員會須就任何由行政長官轉介而與公務員有關的事宜，提供意見。委員會也充當公務員事務局局長的“智囊團”，凡與聘用、晉升和紀律有關的政策和程序，以及與人力資源管理相關的檢討和發展事宜，當局都會徵詢委員會的意見。
Mission and Performance Target

1.8 The Commission’s mission is to safeguard the impartiality and integrity of the appointment and promotion systems in the civil service and to ensure that the principle of broad consistency in punishment is maintained throughout the service.

1.9 In 2005, the Commission advised on 765 submissions covering recruitment and promotion exercises, disciplinary cases and other appointment-related subjects. Altogether 245 submissions were queried, resulting in 117 re-submissions (48%) with recommendations revised by the Civil Service Bureau and departments after taking into account the Commission’s observations. A statistical breakdown of these cases is shown in Appendix I.

1.10 In dealing with recruitment, promotion and disciplinary cases, the Commission’s target is to tender its advice or respond formally within six weeks upon receipt of departmental submissions. In 2005, 99.9% of the 765 submissions (compared with 99.2% in 2004) were dealt with within the pledged processing time. The only submission not meeting the pledge related to a very complicated exercise which necessitated a longer processing time.

使命和工作目標

1.8 委員會的使命，是確保公務員的聘用及晉升制度公平公正，以及在公務員體系中恪守普遍一致的處分原則。

1.9 年內，委員會就765項建議提供意見，涵蓋範圍包括招聘和晉升工作、紀律個案和其他與聘用有關的事宜。委員會對其中245項建議提出疑問，公務員事務局和有關部門考慮委員會的意見後，修訂其中117項（佔48%），並向委員會重新提交建議。有關個案的分項數字載於附錄I。

1.10 在處理招聘、晉升及紀律個案方面，委員會的目標是在接獲建議後六個星期内，正式提供意見或作出回應。年內，在接獲的765項建議中，有99.9%（二零零四年為99.2%）是在目標時間內處理。只有一項建議涉及極為繁複的個案，需要較長時間處理，未能達標。
2.1 Under the Public Service Commission Ordinance, the Commission comprises 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

2.2 The membership of the Commission during 2005 was as follows:

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<th>Chairman: 主席：</th>
<th>Mr Nicholas W. F. NG, GBS, JP (since May 2005)</th>
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<tr>
<td></td>
<td>Wai Wai, GBS, JP (由二零零五年五月起)</td>
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<td>Mr Haider BARMA, GBS, JP (August 1996 to April 2005)</td>
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<td>鮑文先生, GBS, JP (一九九六年八月至二零零五年四月)</td>
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<td>Members: 委員：</td>
<td>Mr Vincent CHOW Wing-shing, BBS, JP (since February 1998)</td>
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<td>周永成先生, BBS, JP (由一九九八年二月起)</td>
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<td>Dr Elizabeth SHING Shiu-ching, JP (June 1999 to May 2005)</td>
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<td>成小澄博士, JP (一九九九年六月至二零零五年五月)</td>
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<td>Miss Eliza CHAN Ching-har, BBS, JP (since December 2001)</td>
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<td>陳清霞女士, BBS, JP (由二零零一年十二月起)</td>
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<td>Mr Wilfred WONG Ying-wai, JP (since February 2002)</td>
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<td>王英偉先生, JP (由二零零二年二月起)</td>
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<td>Mr Simon IP Sik-on, JP (since May 2003)</td>
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<td></td>
<td>葉錦安先生, JP (由二零零三年五月起)</td>
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<td>Mr Michael SZE Cho-cheung, GBS, JP (since February 2004)</td>
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<td></td>
<td>施祖祥先生, GBS, JP (由二零零四年二月起)</td>
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<td>Mr Thomas Brian STEVENSON, SBS (since February 2004)</td>
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<td></td>
<td>施文信先生, SBS (由二零零四年二月起)</td>
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<tr>
<td>Mrs Paula KO WONG Chau-mui (since June 2005)</td>
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<td></td>
<td>柯黃秋梅女士 (由二零零五年六月起)</td>
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<td>Secretary: 秘書：</td>
<td>Mrs Stella AU-YEUNG KWAI Wai-mun (since November 2002)</td>
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<td></td>
<td>歐陽桂慧敏女士 (由二零零二年十一月起)</td>
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Curricula vitae of the Chairman and Members are at Appendix II. 主席及委員的簡介載於附錄II。
Secretariat of the Commission

2.3 The Commission is served by a small team of civil servants from the Executive Officer, Secretarial and Clerical grades. Submissions from the Civil Service Bureau (CSB) and government departments are meticulously vetted, with further clarifications and justifications obtained where necessary, before the advice of the Commission is sought. Promotion cases form the bulk of the work of the Commission Secretariat and a flow chart illustrating the vetting process of promotion cases is at Appendix III.

2.4 During the year, the Chairman and Commission Secretariat continued to carry out efficiency savings measures by redistributing duties and streamlining work procedures. Under the various initiatives, one Chief Executive Officer post was deleted in 2005, in addition to eight other posts deleted in 2000 - 2004. The updated organisation chart of the Secretariat is at Appendix IV.

Method of Work

2.5 Business of the Commission 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. The CSB and senior management from departments are 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 the Administration.

委員會秘書處

2.3 委員會秘書處由行政主任、秘書和文書職系等公務員所組成的小組提供服務。公務員事務局和政府部門所提交的建議，秘書處會先行詳細審議，如有需要，會要求有關方面進一步澄清和解釋，然後向委員會徵詢意見。委員會秘書處處理個案工作，大部分為晉升選拔個案，有關的審查程序流程圖載於附錄 III，以資說明。

2.4 年內，主席和委員會秘書處繼續通過重新分配職務和簡化工序等措施，提高效率，節約開支。這些措施卓見成效，繼二零零零至二零零四年删減八個職位後，二零零五年再删減一個總行政主任職位。秘書處的最新組織架構圖見附錄 IV。

2.5 委員會的工作通常以傳閱文件的方式進行。如須討論政策事宜，複雜或涉及重要原則問題的個案，便會舉行會議。公務員事務局和部門的高級管理人員會獲邀出席會議，向委員會闡述所關注的事宜，讓委員會多加了解當局所面對的問題。
2.6 The Commission’s homepage can be accessed through the Government Information Centre or at the following address:

http://www.psc.gov.hk

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 2000 onwards) can also be viewed on the homepage and can be downloaded\(^4\). The total number of recorded visits to our homepage increased from 94 846 in 2004 to 114 775 in 2005.

2.7 The Commission’s homepage has also been uploaded onto the CCGO since January 2001. It provides an easily accessible alternate route for officers in departments and bureaux to grasp the Commission’s general views and latest advice on procedural and policy aspects of appointments and disciplinary matters and thus, hopefully, help them in their work. This homepage attracted a total of 20 198 visits last year which represents an increase of about 500% as compared with the figure in 2004.

\(^4\) Hard copies of the Annual Report are also available in public libraries and District Offices.

委員會年報的印行本也可在公共圖書館和各區民政事務處索取。
3.1 The Commission’s fundamental role is to advise on appointment matters relating to the filling of vacancies in the senior ranks of the civil service covering cases of open/in-service recruitment, promotion and secondment. The Commission also advises on other appointment matters relating to an officer’s continued employment or termination of his service. They cover non-renewal of agreements/ofer of shorter-than-normal agreements and deferment/refusal of passage of probation/trial bar of new appointees on conduct/performance grounds, early retirement of directorate officers under the Management Initiated Retirement (MIR) Scheme and compulsory retirement under section (s.) 12 of the Public Service (Administration) Order [PS(A)O]. In addition, the Commission advises on extension of service/re-employment after retirement, opening-up arrangement and revision of terms of employment of serving officers in the senior ranks of the civil service. In vetting the related departmental submissions, the Commission also offers advice to departments on good performance management practices with a view to further enhancing the staff performance management systems in departments.

3.1 委員會的主要職貴，是就高職級公務員職位空缺的聘任事宜（涵蓋公開／內部招嫖、晉升和借調等個案）提供意見。委員會也就繼續聘用或終止聘用公務員的其他聘任事宜提供意見，有關個案涵蓋不獲續約／提供任期較正常為短的合約、新聘用人員因品行／表現問題而遭延長／拒絕通過試用／試任期間、首長級人員根據補償退休計劃提早退休，以及根據《公務人員（管理）命令》第12條訂令退休等情況。此外，委員會也就退休後延任／重行受僱、開放職位安排、修訂高職級的在職公務員聘用條款等提供意見。委員會在審核部門所提交的有關建議時，還會就良好的工作表現管理方法向部門提供意見，以期進一步改善其員工表現管理制度。

5 They refer to those senior ranks under the normal appointment purview of PSC (i.e. those attracting maximum monthly pay at MPS Pt. 26 (currently $31,860) and above or equivalent). They exclude (i) the basic ranks of non-degree entry and non-professional grades with a maximum monthly salary at MPS Pt. 26 or above, and (ii) the judicial service and the disciplined ranks of the Hong Kong Police Force which are specifically outside the purview of the Commission.

這是指屬委員會職權範圍內正常聘任的高職級人員（即頂薪點達總薪資表第26點（現為31,860元）或以上或同等薪點的人員），當中不包括：(i) 頂薪點達總薪資表第26點或以上屬於非學位及非專業職系的基本職級人員；以及(ii) 不在委員會職權範圍內的司法人員及香港警務處紀律職系人員。
3

Chapter

An Overview of Vacancies Filled in 2005 as Advised by the Commission

3.2 The Commission advised on the filling of 1,356 vacancies during the year, a breakdown of which by salary group is at Appendix V.

Open/in-service recruitment

3.3 Since the establishment of the Hong Kong Special Administrative Region (HKSAR) Government on 1 July 1997, new appointees to the civil service must be permanent residents of the HKSAR. However, in accordance with Article 101 of the Basic Law, professional and technical posts may be filled by non-permanent residents if there are no qualified and suitable candidates with permanent resident status. While recruitment is to be undertaken by the Civil Service Bureau (CSB) and Government departments, the Commission is involved in the recruitment process through overseeing the procedural aspects and advising on vetting criteria and recommendations for appointment.

3.4 With the continuation of general civil service recruitment freeze affecting mostly the basic ranks as well as the down-sizing of the civil service establishment (from about 198,000 in early 1999/2000 to around 160,000 by 2006/07) covering virtually all grades and ranks, the number of new recruits remained on the low side during the year. Where exceptionally justified on operational grounds, approval was given by the Joint Panel (co-chaired by the Chief Secretary for Administration and the Financial Secretary and with the Secretary for the Civil Service (SCS) as member) to conduct open recruitment in the year. The

二零零五年徵詢委員會意見填補的職位空缺概況

3.2 年內，委員會就填補1,356個職位空缺事宜提供意見，這些職位空缺按薪俸組別列出的數字載於附錄V。

公開／內部招聘

3.3 香港特別行政區（特區）政府於一九九七年七月一日成立後，新聘用的公務員必須是特區永久居民。然而，根據《基本法》第一百零一條，就專業及技術職位而言，假如永久居民當中沒有合資格和合適人選，則可招聘非永久居民填補。招聘工作由公務員事務局及政府各部門進行。委員會的職責，是監察有關程序，並就審查準則和聘用建議提出意見。

3.4 年內，當局繼續全面暫停招聘公務員，受影響的主要為基本職級，又繼續縮減幾近全部職系及職級的公務員编制（由一九九九至二零零零年度初期的約198,000人減至二零零六至零七年度的約160,000人），因此，新招聘人員數目依然偏低。年內，由政務司司長與財政司司長共同擔任主席及公務員事務局局長擔任成員的聯席委員會，只在有非常充分運作理由的情況下，才批准進行公開招聘。獲
appointments made through recruitment exercises approved exceptionally by the Joint Panel included, for instance, Forestry Officer in the Agriculture, Fisheries and Conservation Department, Station Officer in the Fire Services Department and some senior positions such as Assistant Postmaster General in the Post Office.

3.5 In 2005, the Commission advised on the filling of 223 posts by local candidates, of which 152 were through open recruitment and 71 by way of in-service appointment. This represents an increase of 142% in the number of recruits compared with 2004 and an increase of 321% compared with 2003. No appointment of non-permanent residents to fill professional or technical posts was made in 2005. A statistical breakdown of these appointments and a comparison of the number of appointees in 2005 with that in the previous two years are provided at Appendix VI.

**Promotion**

3.6 During the year, the Commission advised on 1,132 promotions to fill vacancies in 359 ranks. These included 118 promotions to directorate vacancies. The actual number of promotions has increased by 26% from 901 in 2004 to 1,132 in 2005. The Commission also advised on promotion-related appointment cases involving 1,999 officers in 2005, broken down as follows:

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

7 A statistical breakdown is included in Appendix V.
3.7 The Commission remains particularly vigilant that inconsistencies in the standard of reporting do not result in an undeserving officer gaining promotion. The Commission is pleased to note that most departments continue to count on assessment panels, preceding promotion boards, to moderate and comment on appraisal reports so as to achieve consistency in the reporting standard.

<table>
<thead>
<tr>
<th>Promotion-related appointment cases in 2005 as advised by the Commission</th>
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<tbody>
<tr>
<td><strong>No. of officers</strong></td>
</tr>
<tr>
<td><strong>人員數目</strong></td>
</tr>
<tr>
<td>Waitlisted for promotion</td>
</tr>
<tr>
<td>簡入晉升候補名單</td>
</tr>
<tr>
<td>Acting with a view to substantive promotion (AWAV)</td>
</tr>
<tr>
<td>署理以待實際升職</td>
</tr>
<tr>
<td>Waitlisted for AWAV appointment</td>
</tr>
<tr>
<td>署理以待實際升職候補名單</td>
</tr>
<tr>
<td>Acting for administrative convenience (AFAC)</td>
</tr>
<tr>
<td>署理職位以方便行政</td>
</tr>
<tr>
<td>Total no. of officers</td>
</tr>
<tr>
<td>總數</td>
</tr>
</tbody>
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3.7 委員會最關注的，仍是評核準則的不一致並不會導致那些不該得到晉升的人員獲得晉升。委員會欣悉，大多數部門在召開晉升選拔委員會前，會成立評核委員會評議和調節評核報告，務求評核準則一致。

### Secondment

3.8 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/expertise for a short period of time and such skills/expertise are only available from another civil service grade. In the past year, the Commission advised favourably on one secondment case which involved a directorate post.

### 借調

3.8 借調是暫時免除有關人員的責任職務，以有時限和非實際的方式，安排該員填補另一個不屬於其本身職系的職位。一般而言，假如某部門一段短時間內需要某些技能／專長來配合運作，而具備這些技能／專長的人員只能在另一個公務員職系中找到，該部門便會考慮借調有關人員填補轄下的職位。年內，委員會就一宗涉及首長級職位的借調個案提供意見。
An Overview of Cases of Continuous Employment Versus Termination of Service in 2005 as Advised by the Commission

Non-renewal/Offer of shorter-than-normal agreements

3.9 In 2005, the Commission advised on 39 cases involving officers on agreement terms. Among them, the agreements of two officers were not renewed and the agreement of another officer was offered for a shorter-than-normal duration, all on performance grounds.

Deferment/Refusal of passage of probation/trial bar

3.10 The Commission remains of the firm view that confirmation to the permanent establishment should not be "automatic" and that departments should make full use of the probationary/trial period to observe the performance of probationers/officers on trial before confirming their appointment on permanent terms. If an officer is found clearly unsuitable or cannot measure up to the required standard, the department should take the initiative to terminate the probationary/trial service, particularly when under the new entry system, a probationer is normally given three years to prove his worth. If, however, there are adequate reasons to further test an officer’s performance which could, for example, relate to an officer’s health condition, an extension of his probationary/trial service could be arranged to ascertain his suitability for confirmation.
3.11 In 2005, the Commission advised on one case of termination of trial service with reversion of the officer back to his former office and 15 cases of deferment of passage of probationary/trial service. Of these 15 deferment cases, ten were necessitated to cover sick leave ranging from one to nine months taken by the officers concerned so as to allow for a full assessment of their performance before confirmation of their passage of probation/trial bar. The remaining five cases involved officers who had demonstrated that they were very close to meeting the standard for the grade/rank in all respects and the respective Head of Department (HoD) considered that they should exceptionally be given more time to prove themselves.

MIR Scheme

3.12 The MIR Scheme, first introduced in 2000, provides for the retirement of directorate officers on the permanent establishment to facilitate organisational improvement and to maintain the high standards expected of the directorate. It can be invoked on management grounds if the approving authority has been fully satisfied that -

(a) the retirement of an officer from his present office is in the interest of the organisational improvement of a department or grade; or

(b) there would be severe management difficulties in accommodating the officer elsewhere in the service.

3.11 二零零五年，委員會就一宗終止試任個案及15宗延長試用／試任關限個案提供意見。在終止試任個案中，有關人員重返原先的職位。在該15宗延長試用／試任關限個案中，有十宗是因有關人員放取一至九個月不等的病假而須延長關限，讓部門有充裕時間全面評核其表現，然後才確定是否准予通過試用／試任關限。其餘五宗個案所涉人員在各方面的表現均十分接近所屬職系／職等的應有水準，有關部門首長認為應破例給予較長期限，讓他們證明本身的能力。

補償退休計劃

3.12 補償退休計劃在二零零零年首次推出，讓屬於常額編制的首長級人員提早退休，以便改善部門組織和維持首長級公務員應有的高水平表現。假如批核管理層批有下列情況出現，便可根據管的理由，實行這項計劃：

(a) 有關人員從現任職位退休，有助所屬部門或職系改善組織；以及

(b) 管理層難以把有關人員安置在其他政府工作崗位。
The officer concerned will be notified in advance and given the opportunity to make representations. A panel chaired by the SCS will consider each case following which the Commission’s advice will be sought on the recommendation to retire these officers. In 2005, two cases under the MIR Scheme were referred to the Commission for advice.

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

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

(a) "persistent substandard performance" - when an officer fails to reach the requisite level of performance despite having been given an opportunity to demonstrate his worth; or

(b) "loss of confidence" - when the management has lost confidence in the officer and cannot entrust him with public duties (in such cases the officer is normally interdicted from duty until a decision is made on his case).

An officer who is to retire in the public interest will have his pension benefits deferred until the date he reaches his statutory retirement age.
3.14 During the year, a total of 68 officers from 30 bureaux/departments were put under close observation in the context of the s.12 procedures. Whilst the Commission advised on the retirement of four officers under s.12 on grounds of persistent substandard performance, 42 officers remain under close observation as at the end of the year. Nine officers were taken off the watch-list after their performance had improved to the required standard. The other 13 officers left the service for reasons including resignation and removal on disciplinary grounds.

3.15 In the course of vetting staff appraisal reports in connection with promotion exercises, the Commission has continued to draw attention to possible s.12 cases for departmental action. The Commission has also impressed upon CSB the importance of strengthening the performance management system across the service to drive for honest reporting and determination to pursue s.12 action where warranted.

3.16 The procedures for handling persistent sub-standard performers, which were last revised in March 2003, were further streamlined by CSB this year. Under the new arrangement, where an officer’s performance is dropping/has deteriorated close to “unsatisfactory” level or below, the supervisor should immediately write a special full appraisal report on the officer without waiting for the next annual appraisal as was practised by most supervisors in the past. More importantly, the threshold for invoking s.12 action has been reduced from 12 to six months of unsatisfactory performance. In addition, when an officer is forewarned of potential s.12 action, the Head of Department/Head of Grade (HoD/HoG) will consider the representations made, if any, and decide whether or not to withdraw the notification having to consult,
3.17 The Commission, when consulted by the Administration, supported the proposed changes which aim to improve further the timeliness in taking management action on persistent sub-standard performers. The Commission also offered observations to CSB on the caution arrangement against relapse of unsatisfactory performance. Under CSB’s original proposal, if an officer’s performance within the observation period was found satisfactory and the independent panel so recommended, the HoD/HoG might decide not to take s.12 action and the officer be so advised in a letter with the caution that should his performance subsequently deteriorate with another unsatisfactory staff appraisal covering a consecutive period of six months, the HoD/HoG might consider initiating s.12 action without going through the notification process. In other words, an officer would be subject to s.12 action for an indefinite period of time without further warning which, in the Commission’s view, was slightly harsh. The Commission considered that the caution should remain valid for a specified period and should an officer’s performance relapse to an unsatisfactory level after the expiry of the validity period, the notification process should be reinstated and he should be suitably warned before s.12 action was initiated against him. After discussion, CSB modified the caution statement with the imposition of a time bar whereby the warning against relapse will be valid for three years from the date of the notification or until the officer is promoted, whichever is earlier.
3.18 The revised procedures for handling sub-standard performers were promulgated by CSB vide Civil Service Bureau Circular No. 9/2005 in October 2005. The Administration considers that it would take about six to nine months for the effect of the further streamlined procedures to be assessed. The Commission will keep a watchful eye on the readiness of departmental management in pursuing s.12 action under the new arrangement.

An Overview of Other Appointment-related Cases in 2005 as Advised by the Commission

Extension of service/re-employment after retirement

3.19 The Commission advised favourably on nine cases of extension of service/re-employment after retirement, all of which were justified on exceptional operational grounds such as acute succession problem or the need for continuity of service required of project-based or time-limited assignments. All cases, except one, involved directorate officers.

Opening-up arrangement

3.20 During the year, the Commission advised on 12 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 agreement 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.
Revision of terms of employment

3.21 In the past years, consecutive offers of Local Agreement Terms/Common Agreement Terms had been made by some departments, notwithstanding that the officers concerned would have been considered for transfer to Local/Common Permanent and Pensionable terms if not for the uncertainties in manpower requirements arising from the efficiency savings exercise and the two Voluntary Retirement (VR) Schemes. As the manpower situation has become much clearer with the finalisation of the efficiency savings plans and the completion of the VR Schemes, CSB reviewed and lifted in July 2005 the restriction whereby departments should not offer further appointment on permanent terms to agreement officers in VR grades, so that such officers may be offered permanent terms subject to there being long-term service needs and availability of posts. Some departments concerned have since reviewed their service needs and invited officers serving on agreement terms to transfer to permanent terms. In 2005, the Commission advised favourably on 18 cases of this nature.

Observations

3.22 In the course of scrutinising submissions from departments, the Commission has taken the opportunity to review current policy as well as rules and practices pertaining to appointments matters with a view to streamlining procedures. This approach has facilitated the identification of irregularities, and should help the Administration to make improvements in their human resources management practices. The succeeding paragraphs provide an account of the appointment issues raised with CSB, together with the improvement measures and new initiatives suggested by the Commission. HoDs and their Departmental Secretaries are encouraged to draw on the examples highlighted to improve their practices and take note of policy issues currently under review by CSB.

更改聘用條款

3.21 過去數年，一些部門接連地按本地／劃一合約條款與合約人員續約。這些人員如非因政府推行節約措施和兩次自願退休計劃而致人手需求情況不明朗，或會獲考慮轉為按本地／劃一常額及可享退休金條款受聘。隨着節約計劃的落實和自願退休計劃的完成，人手情況較為明朗，公務員事務局經檢討後，於二零零五年七月撤銷了部門不可按常額條款續聘自願退休職系的合約人員的限制，讓部門可因應長期服務所需和職位的多寡，按常額條款續聘該等人員。部分部門其後檢討了服務需求，並邀請按合約條款受聘的人員轉為按常額條款受聘。在二零零五年，委員會已為18宗這類個案提供了意見。

意見

3.22 委員會在審研部門所提交的建議時，會同時檢討與聘任有關的現行政策、規則和做法，以期精簡程序，此舉有助找出疏漏，以便當局改善人力資源管理方法。下文各段闡述委員會向公務員事務局提出與聘任有關的事宜，及所建議的改善措施和新獻。委員會鼓勵各部門首長和部門主任秘書從中借鏡，改善他們的工作安排，和留意公務員事務局正在檢討的政策事宜。
Vetting of disabled candidates in recruitment exercises

3.23 Under existing practice, an applicant for a civil service post can indicate in the application form whether he is a candidate with a disability and request special arrangements to take the written examination and/or attend an interview. If he meets the basic entry requirements for the post, he will be invited to a selection interview without being subject to shortlisting criteria which are drawn up with a view to reducing the number of candidates for interview. Departments are advised to request proof of a candidate’s disability in case of doubt. It is only when he is found suitable for appointment that he has to undergo a detailed medical check, including the assessment of the nature and degree of his disability.

3.24 The Commission is concerned about the situation. The existing practice may bring about the embarrassment of recommending a candidate who has claimed the status of being disabled but is not accorded such a status after medical checking. The Commission has requested CSB to conduct a review on the existing practice and to consider including the requisite provision of documentary evidence certifying the disability of the candidate by an approved authority before the interview.

3.25 CSB is preparing an additional set of guidelines with a view to giving practical pointers on making arrangements for people with disabilities who apply for government vacancies. On the requirement for disabled applicants to provide documentary evidence to certify their disability, taking account of the provisions in the Disability Discrimination Ordinance, the policy objective to promote employment of people with disabilities in the Government, possible burden on people with disabilities, CSB considers it appropriate to more prominently remind departments to request medical proof in case of doubt.
Handling of probationers

3.26 Over the years the Commission has noted with concern a number of cases involving probationers which had not been handled properly by departments through either tolerance of unsatisfactory performance of a probationer until the end of the probationary period or resorting to disciplinary proceedings instead of invoking CSR 186 to terminate the service of a probationer who had committed misconduct. The Commission considers that cases of this kind should have been dealt with more efficiently by the departmental management.

3.27 If at any time during the probationary period, the continued service of a probationer is considered undesirable for reasons of general unsuitability of temperament, personal characteristics, misconduct, or inefficient performance of duties or for other reasons, the department concerned should take early action to terminate his service, without awaiting the end of the probationary period, in accordance with CSR 186. In taking such action, it is important for the department concerned to properly record the advice, counselling, early warning or other actions taken by the management or supervisors. It is also important that supervisors should reflect truly any shortcomings or unsatisfactory performance or conduct of the probationer in the probationer’s appraisal reports.

3.28 If there is evidence that a probationer has misconducted himself and it is undesirable for him to continue to hold office, the department should terminate the probationer’s service in accordance with CSR 186, without recourse to disciplinary action in respect of the misconduct. On the other hand, if the department concerned has come to a view that the probationer is still generally suitable to remain in service taking into account the alleged misconduct, appropriate disciplinary action should be taken in respect of the misconduct. Since a probationer’s service cannot be terminated subsequently for the same misconduct for which punishment has been awarded, departments are reminded of the importance of making a critical assessment on the suitability of a probationer with a possible blemished record of conduct to remain in the service before taking disciplinary action.

處理試用人員個案

3.26 多年來，委員會關注到有若干宗涉及試用人員的個案，部門沒有妥為處理。有關部門不是姑息表現欠佳的試用人員，讓其留任至試用期結束為止，就是只對行為不當的試用人員進行紀律研訊，而不是引用《公務員事務規例》第186條終止其服務。委員會認為，有關部門的管方便應採用更有效方法來處理這類個案。

3.27 有關部門如在試用人員的試用期內發現，基於性情、品格欠佳，或行為不當，或辦事效率欠佳或其他原因，該員不適宜留任，則應根據《公務員事務規例》第186條及早採取行動，終止該員的服務，而不應待試用期結束才處理。在採取有關行動時，部門必須把管方或主管人員向該員作出的勸諭、輔導、預早警告或其他行動，妥為記錄在案。此外，主管人員亦須在該員的評核報告內，如實反映該員的缺點或工作表現或操守欠佳之處。

3.28 如有證據證明某試用人員的確行為不當，不宜讓他留任，部門便應根據《公務員事務規例》第186條終止該員的服務，而無須就其不當行為採取紀律行動。另一方面，有關部門如在考慮該名試用人員被指稱的不當行為後，認為他大致上仍適宜留任，則應就他的不當行為採取適當的紀律行動。但當部門已就試用人員的不當行為對其作出懲處，其後便不可再以同一理由終止其服務。因此，部門應記住採取紀律行動前，必須審慎衡量是否適宜讓試用人員在可能有違紀記錄的情況下繼續留任。
Chapter 3

Review of the practicability of imposing the Common Recruitment Examination (CRE) on directorate posts

3.29 With effect from 1 January 2003, applicants for civil service posts at degree or professional level are required to obtain a pass in two language papers, i.e. Use of Chinese and Use of English, in the CRE arranged by the Civil Service Examinations Unit of the CSB. This requirement is applicable in both open recruitment and in-service appointment exercises, but exemptions would be allowed depending on the nature and demand of individual exercises. In practice, recruitment exercises in relation to directorate posts have so far been conducted with the waiver of this CRE requirement having regard to the specific entry/job requirements and/or difficulties in recruitment. As reflected in the 2004 Annual report, the Commission questioned the practicability of imposing a language proficiency requirement in the form of CRE for such senior positions and invited CSB to review the matter.

3.30 The Commission considers that the waiving of the CRE requirement for directorate recruitments, in practice, points to the need for reviewing if the CRE should target more appropriately at candidates seeking entry to professional or degree grades at the basic ranks only. Besides, the requirement to sit for the CRE held only once or twice a year together with undergraduates and applicants for mostly basic rank positions, albeit at degree and professional level, might become a disincentive for potential candidates to apply for directorate openings. The Commission has requested CSB to consider a substitute of CRE in testing language proficiency of candidates in directorate recruitment exercises. In response, CSB has agreed to review the CRE requirement in respect of the recruitment exercises for directorate ranks.

檢討就首長級職位實施綜合招聘考試規定的可行性

3.29 由二零零三年一月一日起，凡申請學位或專業類別公務員職位的人士，必須在公務員事務局公務員考試組所舉辦的綜合招聘考試的中文運用和英文運用兩份試卷中，取得及格成績。無論是公開招聘還是內部聘任，這項規定均適用，但當局可根據個別招聘工作的性質和要求准予豁免。由於特定的入職／工作要求及／或招聘困難，迄今為止，首長級職位的招聘工作實際上一直獲豁免，無須符合這項綜合招聘考試規定。正如二零零四年年報所述，委員會曾質疑，就高級職位而言，訂立以綜合招聘考試成績為準的語文能力要求是否切合實際。委員會並邀請公務員事務局就此事作出檢討。

3.30 委員會認為，讓首長級職位的招聘工作獲得豁免，無須符合有關綜合招聘考試的規定，實際上已反映出，當局有必要作出檢討。這項規定是否應只向專業或學位職系的基本職級職位申請人實施。此外，規定首長級職位申請人需與大學毕业生或主要為基本職級職位（雖然屬學位或專業類別）的申請人，一起參加每年只舉行一次的綜合招聘考試，可能會令有意申請首長級職位者卻步。委員會已要求公務員事務局考慮在首長級職位招聘工作中，捨棄以綜合招聘考試成績為準的做法，改用其他方法去測試應徵者的語文能力。因應委員會的要求，公務員事務局同意就首長級職位的招聘工作，檢討綜合招聘考試的規定。
### Updating of Guides to Appointment (G/As)

3.31 Departments are required to prepare G/As as a reference document for individual ranks in each grade to specify, inter-alia, the qualifications, requirements and terms of appointment for recruitment/promotion to respective ranks, and to obtain endorsement from CSB when changes are introduced. During the year, G/As for 31 ranks were submitted to the Commission for noting by the CSB after their updating by departments.

3.32 In vetting departmental submissions on recruitments and promotions, the Commission has noticed that many G/As are still in the draft form or have not been updated to reflect changes in the starting salaries, the appointment terms under the new entry system\(^8\) and the language proficiency requirement. It is also noted that the entry qualifications/requirements for in-service recruitment exercises of some basic ranks are significantly lower than those adopted for open recruitment. This phenomenon does not meet present day standard, particularly in the light of the expansion of tertiary education and rising expectations of the public for quality service delivery. The Commission considers that there is a genuine need for in-service appointees to possess academic qualifications commensurate with the job demands and equivalent to those required of the new recruits from open recruitment.

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\(^8\) The new entry system was introduced on 1 June 2000. With effect from this date, new recruits to the basic ranks will normally be appointed on three-year new probationary terms to be followed by three-year new agreement terms before they are considered for appointment on new permanent terms.

新入職制度在二零零零年六月一日開始實行。自該日起，新入職的基本職級人員一般先按新試用條款聘用三年，繼而按新約合約條款聘用三年，然後方會獲考慮按新長期聘用條款聘用。
3.33 Throughout the past years, the Commission has reminded departments to review/update the G/As by incorporating up-to-date requirements brought about by new policy changes, and also to align, as appropriate, the entry qualifications and requirements for in-service recruitment exercises with those adopted for open recruitment. As at close of the year, G/As involving 57 ranks as updated by departments were noted by the Commission. As there are some 1 100 civil service ranks, the Commission has expressed concern over the slow progress in completing the updating work.

3.34 Upon the Commission’s request, CSB has agreed to expedite the updating of the G/As for ranks which will not be affected by the pay level survey/grade structure reviews, with priority being given to those ranks for which recruitment, in-service appointment or promotion exercises will be conducted in the coming year. The updating of G/As for the remaining ranks will be taken forward upon completion of the pay level survey and grade structure reviews.

3.35 Over the years, the Commission has made observations and invited departments to make serious efforts to address the following common performance management problems -

(a) over-generous reporting;

(b) late/bunched completion of staff reports;

(c) non-compliance of CSR 231(1), i.e. failure on the part of the appraising officer (AO) to consult the countersigning officer (CO) on the draft appraisal when the AO is of the same substantive rank as the appraisee; and
(d) non-compliance of CSR 232(2), i.e. conduct of the appraisal interview before the CO completes his assessment.

3.36 Since October 2004, the Commission has adopted a new approach of asking departments to provide statistics relating to the above performance management problems in respect of the latest reporting period. It is pleasing to note that many departments have responded positively to the Commission’s request and have made some improvements in their performance management, particularly in ensuring compliance with CSRs 231(1) and 232(2) on completion of staff appraisals. However, the problems of over-generous reporting and late/bunched completion of staff appraisals, though improved as compared to the record in the previous year, have still been observed in many departments.

3.37 Honest reporting and timely completion of staff appraisals are imperative for maintaining genuine recording and trustworthy assessments of an officer’s performance. Failure to do so will defeat the objective of using performance appraisals to monitor staff performance for timely feedback to the appraisees to make improvements. In cases of late completion of staff appraisals, they could lead to complaints against the departmental management which, in turn, has to spend additional time and efforts in handling these complaints. More importantly habitual delay in staff reporting could impede the management’s identification of sub-standard performers in good time for any decisive action to be taken against them under s. 12 of the PS(A)O.
3.38 To address the common performance management problems and upon the Commission’s request, the CSB has since 1 September 2005 requested departments to provide statistics relating to these problems in respect of the latest reporting period for promotion exercises at D2 level and above with the SCS as the appointment authority. Noting the Commission’s concern of the need for further improvement work to be done on timely and honest reporting, the Civil Service Training and Development Division under the CSB would enhance its efforts in driving home the important messages of honest reporting and timely completion of staff reports. Furthermore, the CSB would consider the Commission’s proposals to include the measurement of an officer’s timeliness in completion of staff reports as one of the indicators to assess his staff/performance management competence, in the interest of ensuring that due weight is given to all relevant aspects of staff/performance management in assessing his promotability.

Candidates to fill HoD posts

3.39 In attending two promotion board meetings as observers in May 2005, the Commission Chairman and Members observed that some of the officers recommended for taking up HoD posts had only a short period of two years to serve. Given the important role played by HoDs in developing strategies for and taking up overall management of the departments under their supervision, the Commission is concerned about the need for HoDs to remain in post for a sufficiently long period of time to ensure sustainability of departmental initiatives and long-term planning of service delivery.

3.38 為解決常見的表現管理問題和回應委員會的要求，公務員事務局規定，自二零零五年九月一日起，各部門須就首長級薪級第2點或以上人員有關，而聘任當局為公務員事務局局長的晉升選拔工作，提交最近評核期內出現的表現管理問題統計數字。委員會關注到，在依時和如實評核員工表現方面仍有改善餘地。為此，公務員事務局轄下公務員培訓處會加倍努力，廣為宣揚如實評核和依時填寫評核報告的重要訊息。此外，公務員事務局會考慮按照委員會的建議，把主管人員是否依時填寫評核報告，列作衡量其員工／表現管理才能的其中一項標準，以確保在評審該員是否適宜晉升時，能充份地從多方面考慮其員工／表現管理的能力。

擔任部門首長職位的人選

3.39 二零零五年五月，委員會主席和委員以觀察員的身分，列席兩個晉升選拔委員會的會議。據他們觀察所得，一些獲推薦出任部門首長職位的人選，服務期只餘短短的兩年。鑑於部門首長責任重大，要為所管轄的部門制定策略，又要負起部門的整體管理工作。委員會關注到，他們需要在任一定的時間，以確保部門的措施得以持續，以及就服務的提供作長遠規劃。
3.40 Following up its concern, the Commission has suggested to the Administration that officers recommended for promotion to HoD posts should have preferably at least three years active service to serve counting from the date of their assumption of HoD posts. To achieve this, the Commission has requested the Administration to make complementary efforts in identifying more vigorously promising officers at the non-directorate level at an early stage for further grooming in the context of directorate succession so that those who have exceptional potential will have at least three years to serve when taking up the HoD posts. The Administration has responded positively to the proposal and will provide guidelines for promotion board members in this regard.

Review of existing pool of eligible candidates for HoD posts in the works group of departments

3.41 Promotion to the HoD posts under the Environment, Transport and Works Bureau (ETWB) and Housing, Planning and Lands Bureau (HPLB) has been subject to the "open directorate" arrangement. Under this arrangement, professional officers with relevant administrative experience at the substantive ranks of D5 and D3 in these Bureaux and their group of departments are eligible candidates. The existing pool of eligible candidates includes engineers, architects, building surveyors, town planners, solicitors, government counsel and environmental protection officers.

3.40 委員會就其關注的問題向當局建議，凡獲推薦升任部門首長的人選，由接任部門首長職位當日起計，最好至少有三年實際服務期。為此，委員會要求當局多花點工夫，及早在非首長級人員中物色有魄力、具潛質的人員，加以栽培，使他們可成為首長級職位的接任人。這樣，這些極具潛質的人員出任部門首長職位後，至少會有三年的服務期。對於委員會的建議，當局積極回應，並會為晉升選拔委員會委員提供有關指引。

檢討工務部門內符合資格晉升部門首長職位的現有人選組合

3.41 環境運輸及工務局和房屋及規劃地政局轄下部門首長職位的晉升事宜，向來按“開放首長級職位”的安排處理。根據這項安排，該兩個局及轄下各部門內具有相關行政經驗，而實任職級為首長級薪級第5點或第3點的專業人員，均符合晉升資格。符合資格的現有人選包括工程師、建築師、屋宇測量師、城市規劃師、律師、政府律師及環境保護主任。
3.42 The Commission has noted that some eligible officers, though included for historical reasons, do not possess the relevant professional experience and/or knowledge in engineering, architect, surveying or planning to make them realistic contenders. The Commission has suggested to the Administration that the eligibility of the existing pool of candidates be re-examined, drawing reference to the job requirements for the HoD posts in question. In response, the CSB has undertaken to jointly review with ETWB and HPLB the appropriate constitution of candidature for the senior directorate posts in the works group of departments. The Commission will keep in view the outcome of the review.

Dual track system in promotion exercises

3.43 Some departments have a practice of inviting candidates to express interest to be considered in a promotion exercise through submitting an application. Such an arrangement is different from the normal practice in that it will shift the initiative to consider the claims of eligible officers for promotion from the management onto the staff. It may also discourage some eligible officers from applying for the vacancy because of the hassle involved or the speculation about the chance of success.

3.44 The Commission has suggested that a dual track system be adopted whereby the management can take the initiative to consider eligible candidates in a relevant field while continuing to open up the vacancies for application by other staff concerned.
3.45 The Commission has started advising the relevant departments to switch to the dual track system. For those departments which have a long-standing practice of conducting a sounding-out exercise before convening a promotion board to determine the number of eligible officers to be considered in a particular exercise, they have also been advised to adopt the practice of asking all eligible officers to indicate their wish or otherwise to be considered in the sounding-out forms; or requiring only those candidates who decline to be considered for promotion to return the reply slips so that the promotion board will consider the claims of all remaining eligible candidates.

Rotational acting appointments

3.46 Rotational acting is practised in a few ranks in professional departments. Given the highly specialised nature of the work of these ranks, there is a practical need for these departments to try out the abilities of the prospective recommendees and to compare their acting performance in the higher rank in order to identify those suitable for promotion.

3.47 The Commission has noted that some recommendations for rotational acting do not seem to have good justifications and may even give rise to various management problems. In a promotion exercise to consider the filling of a Deputy HoD post in a department, the board recommended two candidates of comparable track records for rotational acting, each for an equal period of more than six months, on the grounds that they did not have a clear edge over each other. The Commission considers that rotational acting for directorate vacancies should not be necessary because under normal circumstances, directorate succession plans should have been drawn up for the intended purpose of grooming promising officers to fill such vacancies.

3.45 委員會已着手提議有關部門轉用雙軌制度。有些部門長久以來都是在召開晉升選拔委員會前先進行意向調查，以確定某次晉升選拔工作須予考慮的合資格人選的数目。委員會也建議這些部門應要求所有合資格人員在意向調查表上表明是否願意納入考慮之列，或只要求無意晉升的人員交回回條，以使晉升選拔委員會考慮其餘合資格的人選。

輪流署任職位

3.46 有些專業部門在少數職級實施輪流署任安排。由於這些職級的工作十分專門，部門確實有需要考覈各個可能獲推薦的人員的能力，並比較他們署任較高職級時的工作表現，從而物色適合晉升的人選。

3.47 委員會注意到，部分輪流署任職位的建議欠缺充分理據，更可能引發管理問題。某部門曾就一個副部門首長職位進行晉升選拔工作，當時晉升選拔委員會有見兩名往績相若的人員不相伯仲，遂推薦他們輪流署任該職位，每人的署任期為六個月。委員會認為首長級職位不應輪流署任，因為在正常情況下，部門應訂有首長級職位的接任計劃，以栽培有潛
some situations where there is only one senior directorate post, the arrangement of rotational acting appointment will also give rise to an awkward scenario of a "reversed" supervisor-subordinate relationship which is highly undesirable and disruptive from the staff management point of view.

3.48 The Commission takes the view that rotational acting should be a very exceptional arrangement, rather than an ordinary option, to be recommended by promotion boards. The Commission has requested the Administration to draw up some guiding principles on the circumstances under which rotational acting appointments may be exceptionally considered and to devise the related administrative arrangements, including the need for reviewing the performance of selected officers vis-a-vis that of non-selected officers when fresh rounds of appraisals become available.

Filling of consequential vacancies in promotion exercise

3.49 Concern had been expressed by the CSB in the past regarding the substantive filling of consequential vacancies by promotion in circumstances when the vacancy at the higher rank was filled on an AWAV/AFAC basis. The Commission, however, holds the view that vacancies should be calculated realistically on a grade rather than a rank specific basis and that as long as there is a vacancy in the higher rank, the vacancy at the next lower rank can be filled by substantive promotion unless there is a possibility that the higher rank vacancy is to be filled through outside appointment or posting from another grade. The stance of the Commission was published in its 2004 Annual Report.
3.50 Commencing October 2004, the Administration has required all departmental grade officers who are recommended for promotion to HoD posts to go through a minimum six-month AWAV appointment before substantive promotion, save for special cases which deserve exceptional arrangement, such as in the case of an officer who has acted up continuously in the HoD post for a sufficiently long period or there are very special operational requirements which call for an officer's immediate substantive promotion to the HoD post. Following this new requirement, the question of how consequential vacancies should be filled has cropped up again. After thorough discussion with the CSB, it has been agreed that -

(a) for the consequential vacancy at the Deputy HoD level, it should only be filled on an acting basis (i.e. either an AWAV or AFAC appointment). If there is an extension of the AWAV appointment of the officer acting in the HoD post, there should be a corresponding extension of the AWAV appointment at the Deputy HoD level; and

(b) as regards consequential vacancies at the Assistant HoD level and below, a promotion board could recommend the filling of these consequential vacancies by substantive promotion.

On (b), in relation to recommended promotions at the Assistant HoD level, CSB, as the authority for appointment at D2 level and above, will assess carefully if the Board's recommendation should be supported taking into account the risk of over-establishment at the Assistant HoD level with due reference to the AWAV/AFAC appointments at the Deputy HoD level.

3.50 當局規定由二零零四年十月起，所有獲推薦晉升部門首長職位的部門職系人員，必須在實際升職前署理較高職級最少六個月，除非有須予破例處理的特殊情況，例如有關人員已連續署任部門首長一段相當長時間，或運作上有非常特殊的要求，需要讓有關人員立即實際晉升部門首長職位，始作別論。在新規定實行後，因現職人員署理較高職位而產生的空缺如何填補的問題，又再度出現。委員會與公務員事務局詳細討論後，議定了下列安排：

(a) 在副部門首長級別所產生的空缺，應只限以署任方式填補（即署理以待實際升職，或為方便行政而署理職位）。倘若署理部門首長職位以待實際升職的人員署任期延長，副部門首長級別職位的署任期也應相應延長：以及

(b) 在助理部門首長或以下級別所產生的空缺，可由晉升選拔委員會建議以實際晉升方式填補。
Prolonged acting appointments

3.51 The Commission has time and again advised departments to guard against prolonging acting appointments without good reasons. The same advice was highlighted in the Commission’s 2004 Annual Report. In processing the recommendations of a promotion exercise in the year, the Commission noted again that in one department some officers had been acting for prolonged periods ranging from three to eight years. Amongst them, the one who had acted for over eight years was recommended by the board to step down as his performance fell short of the management’s expectation.

3.52 The Commission remains of the view that prolonged acting appointments are not conducive to good staff management and that departments should be critical in reviewing an officer’s acting performance. If an officer’s acting performance has not measured up to the expected standard despite suitable coaching and guidance, the department should take decisive action to cease his acting appointment. Prolonged acting appointments not only raise false expectations for promotion of those officers who cannot make the rank, but also deprive other more meritorious officers of the chance of an earlier acting opportunity which would otherwise be available to them. The department concerned has been advised accordingly.

長期署任職位

3.51 委員會一再勸諭各部門・如沒有充分理由・應避免讓屬下人員長期署任職位。這項意見已在委員會二零零四年年報內特別提及。年內，委員會在審議晉升選拔建議時再次注意到，某部門有部分人員署任職位的年期，長達三至八年不等。其中一名署任職位逾八年的人員因工作表現未能達到官方要求，最近被晉升選拔委員會建議停止署任。

3.52 委員會仍認為，讓屬下人員長期署任職位並非員工管理之道，而各部門也須審慎覆檢有關人員在署任期間的表現。如某人員在署任期間雖然曾接受適當輔導及指導，但表現仍未達應有水準，部門應果斷地終止該員的署任安排。任由有關人員長期署任職位，不僅令那些力有不逮的人員對晉升抱有不切實際的期望，也剝奪了其他表現更勝一籌的人員應有的機會，使他們無法較早署任職位。委員會已向有關部門提出意見。
Applications for extension of service and re-employment after retirement, including re-employment after retirement on attaining maximum pension status

3.53 Under existing policy, applications for extension of service or re-employment after retirement, including re-employment on agreement terms on attaining maximum pension status before normal retirement age and extension of service/re-employment beyond normal retirement age, are only approved in special circumstances to meet strong operational needs, subject to the officer’s physical fitness, good conduct and performance as well as the consideration that his retention would not cause any promotion blockage in the lower ranks. Amongst these applications, the Commission’s advice is required for applications for extension of service lasting for more than 90 days/re-employment beyond retirement age from officers occupying posts under the Commission’s purview.

3.54 The Commission remains of the view that applications for extension of service/re-employment after retirement should be vetted most stringently and should be approved as the exception rather than the rule. While the approved precedent cases indicate that the exceptional grounds accepted include acute succession problem or need for continuity required of project-based or time-limited assignments, no guiding principles have been promulgated on what constitutes an "exception". To ensure consistency of standards across the service in processing these applications, the Commission has requested CSB to identify rational parameters for exceptional consideration of future applications. Noting that the rigour in vetting such applications by HoD/HoG may vary from case to case, CSB has agreed to the Commission’s proposal to draw up guidelines setting out the parameters. The proposed guidelines will be promulgated by CSB after re-affirming their practicability with departmental management.

申請在退休後延任或重行受僱，包括在取得可享最高退休金資格後退休並重行受僱

3.53 根據現行政策，申請在退休後延任或重行受僱，包括在正常退休年齡前取得可享最高退休金資格後按合約條款重行受僱，以及在正常退休年齡後延任／重行受僱，只限在運作上有必要的特殊情況下，當局審冊批准，惟有關人員須健康和品行良好，工作表現令人滿意，而且其留任也不會阻礙低級人員晉升。如申請在退休年齡後延任超過 90 天／重行受僱擔任在委員會職權範圍內的職位，當局便須就其申請徵詢委員會意見。

3.54 委員會仍認為，在退休後延任／重行受僱的申請務須嚴加審核，給予批准屬例外而不是常規的做法。根據以往獲批准的個案，當局所接納的特殊理由包括接任有嚴重困難、需要有關人員繼續執行個別或有時限的任務等，但何謂“特殊”，則並沒有公布任何指導原則。為確保政府各部門按規一標準處理這些申請，委員會已要求公務員事務局訂立合理準則，以便日後考慮有關申請的特殊理由時，有所依循。公務員事務局注意到，部門／職系首長審核有關申請時寬嚴各異，因此同意委員會的建議，制訂指引，提供適用準則。擬議指引經部門管方覆實可行後，便會由公務員事務局公布。
3.55 The Commission has also observed an anomaly of different approving authorities in respect of applications for re-employment after retirement on attaining maximum pension status. Under existing arrangement, applications from directorate officers other than HoDs under the New Pension Scheme (NPS) and all non-directorate officers are approved by HoDs/HoGs or their delegated officers while those from directorate officers under the Old Pension Scheme and HoDs under the NPS by the SCS. To ensure consistency, the Commission has requested CSB to align the different approving authorities. In response, CSB has agreed to tidy up the anomaly. All applications for re-employment after retirement involving directorate officers, irrespective of the pension status, will in future be subject to SCS’s approval. Correspondingly for applications involving non-directorate officers, HoDs/HoGs will be required to personally approve such applications on the basis of those guidelines to be promulgated by the CSB to ensure consistency.

3.55 委員會也察覺，對於在取得可享最高退休金資格後退休並重行受僱的申請，負責批核的人員級別高低不一，有違常規。根據現行安排，新退休金計劃所涵蓋的除部門首長以外的首長級人員，以及所有非首長級人員所提交的申請，由部門／職系首長或其授權的人員批核；舊退休金計劃所涵蓋的首長級人員，以及新退休金計劃所涵蓋的部門首長所提交的申請，由公務員事務局局長批核。為確保一致，委員會已要求公務員事務局劃一批核人員的級別。該局在回應時同意糾正這個不合常規的情況。日後，首長級人員在退休後重行受僱的申請，無論涉及何種退休金計劃，一律由公務員事務局局長批核。至於非首長級人員的申請，則須由部門／職系首長按照公務員事務局所公布的指引親自批核，以確保一致。
4.1 Another important function of the Commission is to provide independent and impartial advice to the Chief Executive (CE) on matters affecting the conduct and discipline of all Category A officers in the civil service. With the exception of a small number of exclusions specified in the Public Service Commission Ordinance, the Administration is required under section (s.) 18 of the Public Service (Administration) Order [PS(A)O] to consult the Commission before inflicting any punishment upon a Category A officer in the civil service.

4.2 The Commission’s advice is based on the principles of equity and fairness, taking into account the nature and gravity of the misconduct/offence involved in each case, the officer’s service record, any mitigating factors, whether there have been court proceedings, and the level of punishment in precedent cases. Moreover, the Commission has always been mindful of the need to ensure that the principle of broad consistency in punishment is maintained throughout the service.

9 Under the Pension Benefits Regulations, Cap. 99A of the Laws of Hong Kong, a “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. At the end of 2005, the total number of Category A officers in the civil service was about 138,000.
An Overview of Disciplinary Cases Advised by the Commission in 2005

4.3 The Commission advised on the punishment of 104 disciplinary cases in 2005, which represents a decrease of 28.8% from 146 cases in 2004. This downward trend is an encouraging sign of increased staff awareness of the Administration’s intolerance of acts of misconduct and also of the consequence of transgressions. In this regard, the Administration’s continued efforts in promulgating its policy of widening the range of punishment for repeat defaulters of “minor criminal offence” to include removal from the service, uploading examples of acts of misconduct/criminal offences to the Intranet website of the Resource Centre on Civil Service Integrity Management and securing departments’ co-operation in drawing the staff’s attention to these examples, are indeed commendable. Apart from having raised the staff’s general awareness of the consequence of misconduct/criminal offences, such initiatives have also helped ensure broad consistency in determining the level of punishment by different Heads of Department.

4.4 A breakdown of the 104 cases advised by the Commission in 2005 by misconduct/offence and the form of punishment is at Appendix VII. An analysis by salary group and penalty is at Appendix VIII. Of these 104 cases, 45 (43.3%) have resulted in the removal of the officers concerned from the service. Severe reprimand plus fine (35 cases or 33.6%) is the next most common form of punishment. The chart on the opposite page gives a breakdown of the cases advised in 2005 by the punishment awarded.

二零零五年委員會提供意見的紀律個案概況

4.3 二零零五年，委員會就104宗紀律個案提供意見，與二零零四年的146宗相比，減少28.8%。紀律個案案數下降是令人鼓舞的現象，因為顯示員工不但日漸意識到當局對不當行為絕不姑息，而且也更清楚違規的後果。這些委員會持續宣傳有關政策，申明對觸犯“輕微刑事罪行”者的懲處方式加重為可致免職；把過失行為／刑事罪行的事件上載公務員誠信管理資源中心的內聯網網頁，並得到部門通力合作，提醒員工注意該等案例。這些措施不僅令員工普遍知道犯不當行為／刑事罪行的後果，也可確保各部門首長在決定作出何種懲處時，都能恪守普遍一致的原則。

4.4 委員會在二零零五年提供意見的104宗個案，按不當行為／刑事罪行類別和懲處方式劃分的數字載於附錄 VII。按薪俸組別和懲處方式作出的分析，載於附錄 VIII。在上述104宗個案中，有45宗（佔43.3%）所涉人員最終遭免職。第二種最常用的懲處方式，是嚴厲譴責另加罰款（有35宗，佔33.6%）。委員會在二零零五年提供意見的個案按懲處方式劃分的數字，載列於右頁。
Disciplinary Cases Advised by the Commission in 2005
Breakdown by the Form of Punishment

二零零五年委員會提供意見的紀律個案
按懲處方式劃分的數字

- Reprimand
  - 警告
  - 9 (8.7%)
- Reprimand + Fine
  - 警告 + 罰款
  - 7 (6.7%)
- Severe Reprimand
  - 嚴厲警告
  - 8 (7.7%)
- Severe Reprimand + Fine
  - 嚴厲警告 + 罰款
  - 35 (33.6%)
- Dismissal
  - 革職
  - 21 (20.2%)
- Compulsory Retirement + Fine
  - 迫令退休 + 罰款
  - 9 (8.7%)
- Compulsory Retirement
  - 迫令退休
  - 15 (14.4%)
- Removal from service
  - 免職
  - 45 (43.3%)
Observations

4.5 Apart from deliberating on the appropriate level of punishment to be awarded in each disciplinary case submitted to it for advice, the Commission also makes observations on areas that call for improvement and initiates reviews and discussions with the Administration on policies and procedures relating to disciplinary matters. The major issues of concern reviewed/discussed in 2005 together with the observations and recommendations made by the Commission are set out in the ensuing paragraphs.

Development subsequent to discussions on the imposition of an additional tier of punishment between dismissal and compulsory retirement

4.6 The Administration has embarked on a study to develop a framework for determining different tiers of disciplinary punishment applicable to officers employed under the Civil Service Provident Fund (CSPF) Scheme\(^{10}\) with specifications on the circumstances under which an officer’s CSPF benefits may be partially forfeited on disciplinary grounds, and the extent of the partial forfeiture. This study is targeted for completion in 2006. Once the framework is worked out and endorsed by the Commission, the Administration would consider extending the forfeiture arrangement to pensionable officers, which may require amendments to the pension legislation.

\(^{10}\) Applicable to officers who joined the service under the new entry system on or after 1 June 2000 and have been confirmed to the permanent establishment.

意見

4.5 委員會除了考慮向其徵詢意見的紀律個案，所處懲罰的輕重是否恰當外，還會就可予改善的方面提出意見，以及向當局提出檢討和討論有關紀律處分的政策和程序。下文各段載述在二零零五年檢討／討論的主要關注事項，以及委員會的意見和建議。

就在革職和迫令退休之間增加懲處級別一事進行討論後的發展

4.6 當局已着手研究，為按公務員公積金計劃條款\(^{10}\)受聘的人員建立一套釐定不同級別懲罰的制度，並具體列明在什麼情況下，公務員的公積金可於紀律理由而被部分沒收，以及沒收的幅度。這項研究預計於二零零六年完成。待有關制度敲定並獲委員會同意後，當局會考慮把該制度的適用範圍擴大至包括可享退休金人員，此舉或須對退休金法例作出相應修訂。

公務員公積金計劃適用於在二零零零年六月一日或之後按新入職制度受聘並已獲實聘成為常額編制人員者。
Informal versus formal disciplinary action

4.7 Informal disciplinary action in the form of a verbal or written warning is normally taken for less serious acts of misconduct which do not warrant the conduct of formal disciplinary proceedings. The Commission is concerned that there are incidents where some departments have resorted to informal disciplinary action so as to save time and effort, even when the gravity of the misconduct warrants a heavier punishment through the conduct of formal disciplinary action under s.9 or 10 of PS(A)O. The Commission considers this unacceptable and has asked the Administration to remind departments to exercise care in determining whether informal or formal disciplinary action should be taken. In cases of doubt, the Secretariat on Civil Service Discipline should be consulted. The Administration shares the Commission's view and the Secretary for the Civil Service personally relayed the message to departments at a Heads of Department's meeting held in the year.

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4.7 有關部門對惟不當行為即使不嚴重，無須進行正式紀律研議，部門一般會採取非正式紀律行動，向他作出警告。委員會注意到，有些部門在處理不當行為時，未有遵循《公務員（管理）命令》第9或10條，僅作出警告。委員會認為此做法欠妥，已要求有關部門在作決定時，應按照《公務員（管理）命令》第9或10條，採取正式紀律行動。委員會認為這做法難以接受，並已要求有關部門在作決定時，應按照《公務員（管理）命令》第9或10條，採取正式紀律行動。部門如有質疑，應徵詢公務員律事辦事處的意見。當局應按委員會的意見，於年內，公務員事務局局長與部門首長舉行會議時，已親自向部門轉達這信息。

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11 Verbal warning is used for minor and isolated cases of misconduct where the officer has not been warned previously. Written warning is used for cases of minor misconduct where an officer commits the same misconduct repeatedly or several different acts of misconduct over a short period of time. It is used where the misconduct is not serious enough to warrant formal disciplinary action, but where counselling or verbal warning appears insufficient to deter the officer from repeating the misconduct. The debarring effect of a warning for promotion and appointment purposes will lapse after one year.

12 Formal disciplinary action under s.9 of PS(A)O is instituted where the alleged misconduct is not serious enough to warrant the removal of the officer from the service. Otherwise, action under s.10 of PS(A)O should be taken to allow the disciplinary authority the power to inflict such punishment, including dismissal and compulsory retirement, as may seem to him to be just upon the officer if the misconduct is proven.

假如有關的不當行為及不夠嚴重，無須進行正式紀律研議，部門一般會採取正式紀律行動，向他作出警告。如果有關的不當行為不夠嚴重，但涉事人當局未有作出警告，當局會做出警告。如果有關的不當行為不足以採取正式紀律行動，這種行為不足以阻礙不當行為，當局會作出警告。警告會帶來晋升和職任方面的限制，為期一年。
4.8 "Careless driving" is a minor criminal offence punishable under s.11 of PS(A)O13. Under normal circumstances, punishment would not be awarded if the offence is non-duty-related and the officer involved is not a government driver. For duty-related "careless driving" cases, administrative or informal disciplinary action, i.e., an advice or a warning, was taken in almost all cases prior to 2001. In late 2001, the level of punishment in duty-related "careless driving" cases was raised. Depending on the circumstances of individual cases, the punishment for a duty-related offence of "careless driving" ranged from administrative action (i.e., advice) to formal disciplinary action leading to a punishment of up to a severe reprimand plus fine. Removal from the service in the form of compulsory retirement had also been meted out on a few occasions in very serious cases where the government drivers concerned had committed the same duty-related offence on many occasions despite repeated warnings and punishments.

4.9 As reported in the Commission’s 2004 Annual Report, the Administration had examined in that year the appropriateness of the level of punishment prevailing then in criminal conviction cases. With the Commission’s support of a tougher stance on cases of repeated "minor criminal offences", the Administration promulgated in March 2005 guidelines widening the range of punishment for such cases to include removal from the service. Following this the Administration recommended in two duty-related "careless driving" cases punishments that...

13 In accordance with s.11 of PS(A)O, if an officer has been convicted of a criminal charge, the disciplinary authority may, upon consideration of the proceedings of the court on such charge, inflict such punishment upon the officer as may seem to him to be just, without any further proceedings.
were stiffer than the norm on the grounds of compliance with the new policy. In the first case, a severe reprimand plus a fine equivalent to reduction in salary by one increment for 12 months was recommended for the government driver's third conviction of duty-related “careless driving” within a span of five years when the norm was a reprimand plus a fine of one increment for three months. In the second case, a reprimand plus a fine of one increment for six months was recommended for the government driver's fourth conviction of duty-related “careless driving” within a span of 19 years when the customary level of punishment in comparable cases was a reprimand plus a fine of one increment for three months.

4.10 The inclusion of traffic offences as "minor criminal offences" warranting stiffer punishment was not explicitly mentioned when the Administration consulted the Commission of its new punishment benchmark for repeat defaulters of "minor criminal offences". On re-visiting the subject, the Commission considered that the target cases should be those that were integrity related. The imposition of a stiffer level of punishment for repeat defaulters of duty-related “careless driving” offences across the board was therefore unwarranted. The Commission took the view that offences of "careless driving" were committed purely due to carelessness instead of the lack of integrity. If the carelessness was caused by bad driving habits or skill, the officer’s poor performance as a professional driver should be reflected in his performance appraisals. Remedial training, instead of stiffer punishment, would be more appropriate in such cases. The view of the Commission was accepted by the Administration and the two government drivers concerned were subsequently punished in accordance with the customary level of punishment.
4.11 Alongside its stance that a stiffer punishment is not warranted for duty-related "careless driving" offences, the Commission has called for a new punishment benchmark to be devised to allow for duty-related traffic offences of a long time span and relatively minor nature to be disregarded. The Administration, in consultation with the Director of Government Logistics, as the Head of the Driver Grade, and also big user departments such as the Food and Environmental Hygiene Department and Water Supplies Department, is in the process of devising this new punishment benchmark. The Commission’s view would be sought by the Administration before the new benchmark is promulgated.

Guidelines for punishment in cases involving failure to report criminal proceedings

4.12 Under existing regulations, it is incumbent upon an officer to report to his Head of Department if he is subject to criminal proceedings. The Civil Service Bureau (CSB) Circular Memorandum on "Disciplinary Punishment for Criminal Offences" issued in March 2005 also serves to remind disciplinary authorities to take disciplinary action against officers who have failed to report criminal proceedings.

4.13 Upon receipt of the first case involving an officer’s failure to report criminal proceedings in the year, the Commission requested the Administration to draw up punishment guidelines so as to ensure that the right benchmark was set for consistent application across the service. In response, the Administration proposed that the punishment imposed should usually be no more severe than that which was awarded or warranted for the criminal offence itself under s.11 of PS(A)O. The only exception was where the failure to report criminal proceedings had resulted in action under s.11 being barred. In such cases, the disciplinary authority could consider inflicting a punishment which reflected the cumulative effect of the failure to report and also the
criminal offence itself. Besides, the Administration also spelt out the factors relevant to the imposition of a fine which included the consideration of whether the officer concerned was a repeat defaulter. The Commission has accepted these general principles.

Criminal convictions outside Hong Kong

4.14 Apart from criminal convictions in Hong Kong, civil servants should also be mindful of the need to report convictions outside Hong Kong because such convictions may also be subject to disciplinary action under s.11 of PSA(O). A case submitted to the Commission for advice in the year was related to an officer’s criminal conviction of multiple charges by a court in a foreign country when he was on vacation leave outside Hong Kong. As advised by the Department of Justice, s.11 of PSA(O) is applicable in that case because the offences involved are also illegal in Hong Kong and the records relevant to the convictions are available. That officer was subsequently punished by a severe reprimand under s.11 for his criminal conviction in a foreign country.

Review of the application of a “caution” statement of removal from the service in the event of further misconduct

4.15 In awarding disciplinary punishment of a non-removal nature, the Administration may add a “caution” statement of removal from the service in the event of further misconduct in order to enhance the deterrent effect. However, Members of the Commission have noticed with concern that the “caution” statement had in recent years been added to punishments nearly as a matter of course. As such indiscriminate use of the “caution” statement may jeopardise its desired impact and deterrent effect, the Commission has asked the Administration to review the need for a more stringent application.

The public service is committed to providing a high level of service to the public. The public service is also committed to providing a safe and healthy workplace for its members. The public service is also committed to providing a fair and just workplace for all its members. The public service is also committed to providing a respectful and inclusive workplace for all its members. The public service is also committed to providing a transparent and accountable workplace for all its members. The public service is also committed to providing a sustainable and environmentally friendly workplace for all its members.
4.16 After reviewing the existing practice, the Administration has come to the view that "caution" statements should be used selectively for warranted cases only. Specifically, cases warranting a "caution" statement would be those attracting the severest punishment short of removal (e.g., severe reprimand plus a heavy fine) and the caution is meant to seriously remind the officer concerned that it is the last chance for him to prove his worthiness of remaining in the service. The Administration has since June 2005 started a more stringent application to require the imposition of a "caution" statement only in cases of a serious nature that render the officers concerned liable to being removed from the service should further misconduct be committed.

Acceptance of excessive/lavish entertainment

4.17 As defined in s.2 of the Prevention of Bribery Ordinance (POBO), "entertainment" means the provision of food or drink for immediate consumption and of any other entertainment provided at the same time. Although entertainment is an acceptable business practice and social behaviour and not considered an advantage under the POBO, civil servants are not free to accept invitations to meals or entertainment that are excessive in nature or frequency, or are inappropriate (e.g., from persons with whom they have direct official dealings), or are undesirable (taking into account the character of the host), so as to avoid being placed in a position of obligation or giving rise to the perception that their impartiality might be compromised. Inappropriate acceptance of entertainment by an officer may bring his department and the government into disrepute and render him liable to disciplinary action leading to his removal from the service.

4.16 當局檢討現行做法後認為，"告誡"字句應只限在有必要的情況下使用。具體來說，有必要使用"告誡"字句的情況是，那些受到幾可免職的最嚴厲懲處的個案（例如懲處罰款）出類拔萃的。提出告誡旨在向有關人員嚴正申明，這是最後的一次機會，讓他留任證明自己仍是可用之才。自二零零五年六月起，當局已收緊了"告誡"字句的應用範圍，規定只在有關人員犯性質嚴重的不當行為，如再度犯者，便有可能被免職的情況下才使用。

接受過分豐厚／奢華的款待

4.17 《防止賄賂條例》第2條界定，"款待"指供應在場享用的食物或飲品，以及任何同時提供的其他款待。儘管根據該條例，款待是可以接受的商業慣例和社交活動，不視為利益，但公務員不可隨意接受過分豐厚、過分頻密、不恰當（例如與對方有直接公務往來）或不適宜（因對方的品格關係）的宴請或款待，以免欠下他人人情或在履行公職時令人覺得他有所偏私。公務員接受不恰當的款待，可能會損害所屬部門及政府的聲譽，使該員可受紀律處分，以致有被革職之虞。
4.18 In 2005, two officers were punished by compulsory retirement and another two by severe reprimand plus fine for accepting excessive entertainment in the forms of free meals, karaoke nightclub entertainment, cruise trips, etc. from persons with whom they had official dealings. Noting that these four officers were amongst a group of officers of the same department who had committed similar acts of misconduct, the Commission has expressed concern about the general lack of alertness on the part of the staff of the need to avoid perceived or real conflicts of interests in work situations. To address the problem, the Administration is developing an integrity management manual with comprehensive guidelines to deter improper practice for observance by the relevant staff. Moreover, theme-based workshops on integrity management would also be arranged for the staff in 2006.

Supervisory accountability

4.19 While officers who have misconducted themselves must be appropriately punished, their supervisors should also be subject to disciplinary action if it is found that they are accountable for their subordinates’ misconduct. The Commission has from time to time reminded the Administration to look into the issue of supervisory accountability, particularly in duty-related misconduct/offence cases.

4.20 In the acceptance of excessive entertainment case mentioned above, the department concerned had conducted a review of the accountability of all the concerned supervisors. Except for those who clearly had no knowledge of their subordinates’ close social contacts with people who had official dealings with them, the department had issued advisory letters to remind the other supervisors of their supervisory role over their subordinates in observing the relevant guidelines on real

4.18 二零零五年，四名同屬一個部門的人員因接受與他們有公務往來的人士過分慷慨的款待 (包括免費宴請、卡拉 OK 夜總會玩樂、郵輪旅行等) 而遭處分，兩人被迫令退休，另外兩人遭嚴厲譴責另加罰款。委員會關注到，除這四人外，同一部門還有其他人員犯類似的不當行為，這反映了員方普遍欠缺警覺性，不懂得在工作環境中，避免涉及可能引起實際或表面上的利益衝突。針對這問題，當局正編製誠信管理手冊，詳細訂明指引，列明必須遏止的不當行為供有關人員遵循。此外，當局亦會在二零零六年為員工舉辦有關誠信管理的專題工作坊。

監督責任

4.19 行為不當的人員固然須受到適當懲處，但其上司如被認實須為下屬的不當行為負責，同樣應受到紀律處分。委員會不時提醒當局注意主管人員的監督責任問題，特別是在出現與公職有關的行為不當／刑事罪行時，更應倍加注意。

4.20 在上述接受過分慷慨款待的個案中，有關部門審研了各有關主管人員的監督責任。除了那些對其下屬與有公務往來人士過從甚密一朝顯然毫不知情的主管人員外，該部門已向其餘主管人員發出勸諭信，提醒他們執行監督職責，確保下屬遵守當局就實際或表面上的利益衝突所頒布的指引。在另一宗個案中，有關
or perceived conflicts of interests. In another case involving an officer who was dismissed for committing a duty-related offence of “theft” by embezzling payments from members of the public, his supervisor was given a verbal warning for failure to perform his supervisory duty vigilantly in ensuring the proper functioning of the shroff office.

### Delay in taking disciplinary action

4.21 Disciplinary action should always be taken and punishment imposed in a timely manner to demonstrate that misconduct will not be tolerated by the management. However, in considering the punishment of compulsory retirement plus fine proposed by the Administration in a disciplinary case, the Commission noted that although the investigation into the officer’s misconduct of failure to follow government regulations in handling money collected from members of the public and in the procurement of books had already been completed, his supervisors had failed to report the case to the departmental management for taking disciplinary action until more than two years later. Having considered the circumstances of the case and the concerned officers’ explanation, the department subsequently issued a verbal warning to each of these supervisors. This failure to take prompt action which would inevitably have a damaging effect on management credibility and staff morale, must be guarded against. The Commission has already reminded the department concerned to brief its line managers of the importance of handling disciplinary cases in a timely and proper manner.

延誤採取紀律行動

4.21 無論何時，管方均應盡時採取紀律行動並作出懲處，以示對不當行為絕不姑息。當局曾就某宗紀律個案建議作出迫令退休另加罰款的懲處，委員會在審議這項懲處建議時注意到，雖然該員的上司，早已完成調查，知悉該員有違照政府規例處理市民的繳款和採購書籍，行為失當，但卻拖延至兩年以後才把個案上報，予部門管方採取紀律行動。有關部門考慮過案情及有關人員的解釋後，向其上司逐一發出口頭警告。主管人員沒有從速採取行動，難免有損管方的管治和員工士氣，必須加以防範。委員會已提醒該部門向前線管理人員闡明，必須及時和適當處理紀律個案。
Requirement under CSR 551 to seek permission before engaging in outside work for remuneration

4.22 The Commission noted with concern of staff being punished for failing to seek permission for performing paid outside work due to their ignorance of the rule. The officers involved in three such cases submitted to the Commission for advice in the year were punished by a severe reprimand plus fine. As observed from these cases, had the officers concerned applied, permission would have been given as the outside work involved should not pose any conflict to their full-time work as civil servants. The Administration has been requested to consider issuing reminders to civil servants of the requirement under CSR 551 to seek the Head of Department’s permission before engaging in outside work for remuneration of any sort, and also the consequence of failure to comply.

Publicity on Examples of Acts of Misconduct

4.23 Responding to the Commission’s request that misconduct cases should be promulgated to raise staff awareness of the consequence, the Administration has uploaded onto the website of the Resource Centre on Civil Service Integrity Management a new web page on “Examples of Acts of Misconduct”. Apart from serving to remind civil servants of the basic principles to be observed to avoid committing acts of misconduct, these examples also serve as a reference for departmental managers and supervisors responsible for staff management matters. The examples of misconduct cases that have been uploaded to the web page cover areas on unauthorised absence, falsification of attendance records, violation of rules governing the granting of sick leave, supervisory responsibility, conflict of interest and misconduct in public office. At the request of the Commission, the Administration has also uploaded new examples of criminal conviction cases involving
4.24 Apart from inviting all civil servants to read those sample cases on the web page, the Administration has also enlisted the assistance of departments and bureaux to publicise the examples of misconduct as widely as possible through various channels including circulation by departmental memo, putting the sample cases on departmental intranet, using the sample cases in training courses and publishing the sample cases through departmental newsletters. The Commission appreciates the continuous efforts made by the Administration in arranging publicity to promote staff awareness of the serious consequence of acts of misconduct/offences.

fraud/forgery, theft and assault as a supplement to CSB Circular Memorandum No. 7/2005 on "Disciplinary Punishment for Criminal Offences" to demonstrate the raising of the benchmark in punishment for criminal offences.

4.24 除了籲請各公務員閲覽網頁上的不當行為案例之外，當局也籲各部門及各局協助，透過各種途徑讓這些案例得以廣傳，包括把案例登載於部門便箋、內聯網和通訊，以及用作培訓教材等。當局努力不懈地安排提高公務員的意識，讓他們警覺不當行為／刑事罪行的嚴重後果，對此委員會深感欣慰。
5.1 In the past year, the Commission continued to maintain close ties with relevant organisations/commissions overseas and in the Mainland.

5.2 On 2 June 2005, the First Civil Service Commissioner of the United Kingdom, Baroness Usha Prasha, visited the Commission Secretariat. During the visit, she was briefed on the role and functions of the Commission. The Chairman exchanged views with her on topics of mutual interest, particularly on recruitment to the civil service.

5.3 The Chairman attended the conference "Public Service Commissions: Professionalism performance - excellence" organised by the Public Administration International from 21 to 25 November 2005 in London, United Kingdom. Nine Commissions from various places were represented. A wide range of topics including the role and functions of Civil and Public Service Commissioners, and modernising the civil service and improving its effectiveness were discussed with insightful views exchanged. The conference also provided a forum for participants to share their experience and review their own challenges.

5.4 A delegation of civil servants from the Xiamen city of the Fujian province visited the Commission Secretariat on 22 December 2005. They were briefed on the work of the Commission. Topics on civil service recruitments and promotions were discussed and views exchanged.
6.1 The Commission would like to express its sincere gratitude to the Secretary for the Civil Service and his staff for their continued support and assistance in all areas of its work. The Commission also warmly acknowledges the ready co-operation and understanding shown by Permanent Secretaries, Heads of Departments and their senior staff in responding to the Commission’s queries and suggestions during the year.

6.2 As always, the staff of the Commission Secretariat continued to provide unfailing support to the Commission by working most efficiently and maintaining a very high standard in vetting departmental submissions. The Chairman and Members of the Commission wish to place on record their appreciation to the Secretary and her team for their steadfast work and contribution.

6.1 公務員事務局局長及屬下職員不斷鼎力支持並協助委員會各方面的工作，委員會此衷心致謝。年內，各常任秘書長、部門首長及高層人員對於委員會的提問和建議給予衷誠合作，理解有加，委員會在這裏也一併致謝。

6.2 一如以往，委員會秘書處職員繼續向委員會提供全力支援，在審核部門建議方面，克盡職職，全力以赴，主席及各委員謹此表揚他們的貢獻。
Submissions with Revised Recommendations after the Commission Secretariat’s Observations
委員會秘書處提供意見後曾作修訂的建議

| Category 類別數目 | Open/In-service Recruitment 招聘／內部聘任 | Promotions/Acting Appointments 晉升／署任職位 | Continuous Employment/Termination of Service
c1 延任／不予續聘 | Other Appointment-related Submissions
c2 其他聘任相關案 | Discipline 紀律 | Total 總數 |
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<td>51%</td>
<td>0%</td>
<td>32%</td>
<td>78%</td>
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Comparison with Previous Years
與過去數年的數字比較

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<th>2005</th>
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<tr>
<td>(b) / (a)</td>
<td>28%</td>
<td>41%</td>
<td>48%</td>
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1 Continuous employment/termination of service cases cover non-renewal/non-extension of agreements, offer of shorter-than-normal agreements, deferment/refusal of passage of probation/trial bar on conduct/performance grounds, early retirement of directorate officers under the Management Initiated Retirement Scheme and compulsory retirement under section 12 of the Public Service (Administration) Order.
延任／不予續聘的個案包括不獲續約、不獲延長合約、提供短於正常有效期的合約、新聘人員因品行／表現問題而被延長／拒發試用／試任期限、首長級人員根據補償退休計劃提早退休和按《公務人員（管理）命令》第12條為公眾利益着想而退休。

2 Other appointment-related submissions cover renewal/extension of agreements under the old/new entry system, extension of service/re-employment after retirement, review of acting appointments made to meet operational needs, opening-up, secondment, revision of terms of employment and updating of Guides to Appointment.
其他聘任相關的個案包括在新／舊入職制度下續約／延長合約期、退休後延任／重行受僱、覆職署任安排以符合運作需要、開設職位安排、借調／修訂聘用條款和更新《聘任指南》。
Curricula Vitae of the Chairman and Members of the Public Service Commission
委員會主席及委員簡介

Mr Nicholas NG Wing-fui, GBS, JP
Chairman, Public Service Commission
(appointed on 1 May 2005)
Occupation : Chairman, Public Service Commission
Qualification : B.Soc.Sc. (Hons) (HKU), F.C.I.S., F.C.S
Mr Ng was a veteran civil servant. He joined the Administrative Service in 1971. Senior positions he held prior to his retirement include Deputy Secretary for the Civil Service (Staff Management) (1985 – 1987), Secretary-General of the Standing Commission on Civil Service Salaries and Conditions of Service (1989 – 1991), Director of Administration of the Chief Secretary’s Office (1991 - 1994), Secretary for Constitutional Affairs (1994 - 1997) and Secretary for Transport (1997 - 2002).

Mr Haider BARMA, GBS, JP
Chairman, Public Service Commission
(appointed from 1 August 1996 to 30 April 2005)
Occupation : Chairman, Public Service Commission
Qualification : B.A (Hons) (HKU)
Mr Barma was a veteran civil servant. He joined the Administrative Service in 1966. Senior positions he held prior to his 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).

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Mr Vincent CHOW Wing-shing, BBS, JP
Member, Public Service Commission
(appointed on 1 February 1998)
Occupation : Director and Group General Manager,
Chow Sang Sang Holdings
International Ltd.
Qualification : B.Sc., M.Sc.
Mr Chow is a Member of the Council of the City University of Hong Kong. He serves on the Board of Governors of the Hong Kong Philharmonic Orchestra and as the Chairman of the Hong Kong Repertory Theatre Ltd.

Dr Elizabeth SHING Shiu-ching, JP
Member, Public Service Commission
(appointed from 1 June 1999 to 31 May 2005)
Occupation : Director-General, Hong Kong Management Association
Qualification : BA(Hons), MBA, DBA(Hons), FCMI
Dr Shing is a Member of the Advisory Committee on Post-retirement Employment, the Consumer Council and the Management Committee of the Consumer Legal Action Fund.

Mr Vincent CHOW Wing-shing, BBS, JP
委員會委員（一九九八年二月一日獲委任）
職業：周生生集團國際有限公司集團董事兼總經理
學歷：理學士、理學碩士
周先生是香港城市大學校董會成員，也是香港管弦樂團監察委員會委員，並擔任香港話劇團有限公司主席。

Dr Elizabeth SHING Shiu-ching, JP
委員會委員
（任期由一九九九年六月一日至二零零五年五月三十一日）
職業：香港管理專業協會總幹事
學歷：（榮譽）文學士、工商管理碩士、工商管理（榮譽）博士、英國特許管理學會會士
成博士是退休公務員就業申請諮詢委員會、消費者委員會及消費者訴訟基金管理委員會的成員。
Mr Wilfred WONG Ying-wai, JP  
Member, Public Service Commission  
(appointed on 1 February 2002)  
Occupation: Vice-Chairman of Shui On Holdings Ltd.  
Mr Wong is the Chairman of the Social Welfare Advisory Committee, a Member of the Board of the Airport Authority, a member of the Commission on Poverty, the Deputy Chairman of the Court and Council of the Hong Kong Baptist University, and a member of the Commission on Strategic Development. He is also the Chairman of the Hong Kong International Film Festival Society, a trustee of the Business and Professionals Federation of Hong Kong and the Vice-President of the Shanghai-Hong Kong Council for the promotion and development of the Yangtze.

Miss Eliza CHAN Ching-har, BBS, JP  
Member, Public Service Commission  
(appointed on 1 December 2001)  
Occupation: Senior Partner of Jewkes Chan and Partners, Solicitors and Directorships in several companies  
Qualification: LL.B., B.Sc., Diploma in PRC Law  
Miss Chan is the Chairman of the Kowloon Hospital and the Hong Kong Eye Hospital. She is a China-Appointed Attesting Officer appointed by the Ministry of Justice of the People’s Republic of China. She is a Standing Committee Member of the Tianjin Committee of the Chinese People’s Political Consultative Conference, the Foreign Economic Affairs Legal Counsel for the Tianjin Municipal Government, an arbitrator of the China International Economic and Trade Commission and a Disciplinary Panel Member of the Hong Kong Institute of Certified Public Accountants. She is also the legal adviser to the Hong Kong Chinese Enterprises Association, Vice-chairman of the University of Victoria Foundation and Governor of the Canadian Chamber of Commerce in Hong Kong.

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Mr Simon IP Sik-on, JP
Member, Public Service Commission
(appointed on 23 May 2003)
Occupation: Businessman
Qualification: Solicitor of Supreme Court of Hong Kong

Mr Ip is a Member of the Board of Stewards of the Hong Kong Jockey Club and an Independent Non-Executive Director of Hang Lung Group Limited. Mr Ip is also a member of the Advisory Committee on Post-retirement Employment, the Exchange Fund Advisory Committee, the Council of the Queen Elizabeth Foundation for the Mentally Handicapped, the Board of Trustees of Sir Edward Youde Memorial Fund, the Hang Seng Index Advisory Committee, and the AIDS Foundation Advisory Board. He also serves as an Honorary Court Member of the Hong Kong University of Science and Technology, an Honorary Lecturer in the Department of Professional Legal Education of the University of Hong Kong, an Honorary Research Fellow of the Faculty of Law of Tsinghua University, Beijing, and an Honorary Fellow of the Management Society for Healthcare Professionals.

Mr Michael SZE Cho-cheung, GBS, JP
Member, Public Service Commission
(appointed on 1 February 2004)
Occupation: Independent Non-Executive Director of Swire Pacific Ltd. and Non-Executive Director of Lee Kum Kee Co. Ltd.
Qualification: B.A.(Hons) (HKU)

Mr Sze is a Member of the ICAC Operations Review Committee. He was a career civil servant and joined the Administrative Service in 1969. In a career of some 26 years, he headed a number of Departments and Policy Branches. He retired from the post of Secretary for the Civil Service in 1996 to be Executive Director of Hong Kong Trade Development Council. He retired from this position in May 2004.

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Mr Thomas Brian STEVENSON, SBS
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(appointed on 1 February 2004)
Occupation: Businessman
Qualification: CA (Scotland), LL.B(Glasgow), LL.M (HKU)
Mr Stevenson is a Non-Executive Director of the Hong Kong and Shanghai Banking Corporation Limited and the MTR Corporation Limited and a member of the Asia Pacific Advisory Board of BT. He is also a Member of the Board of Stewards of the Hong Kong Jockey Club.

Mrs Paula KO WONG Chau-mui
Member, Public Service Commission
(appointed on 1 June 2005)
Occupation: Head of Human Resources, Special Projects, Human Resources-Asia, Standard Chartered Bank (HK) Ltd.
Qualification: B.Soc.Sc.(Hons) (HKU)

施文信先生, SBS
委員會委員
（二零零四年二月一日獲委任）
職業：商人
學歷：特許會計師、格拉斯哥大學和香港大學法学學位
施文信先生是香港上海滙豐銀行有限公司和地鐵有限公司的非執行董事，也是英國電訊亞太諮詢委員會委員和香港賽馬會董事。

柯黃秋梅女士
委員會委員
（二零零五年六月一日獲委任）
職業：渣打銀行（香港）有限公司人力資源特別項目－亞洲人力資源部主管
學歷：社會科學（榮譽）學士（香港大學）
Flow Chart Illustrating the Vetting Process of Promotion Cases

1. Departments/Grades
2. Notification on convening of a promotion board
3. Convening of promotion board with revised arrangements, if necessary
4. Conclusion and submission of board recommendations
5. Re-examination and elaboration on queries raised by the Commission Secretariat
6. Re-examination and elaboration on further queries raised by the Commission Secretariat
7. Follow-up on Commission's advice and observations
8. Commission Secretariat
9. Arrangements and previous observations checked
10. Formal vetting
11. Queries raised
12. No query
13. Further vetting
14. Further queries raised after consultation at senior level
15. No further query
16. Queries remain unresolved
17. Bringing up to Chairman/Members of the Commission
18. No further query
19. Tendering of Commission's advice and observations
## Vacancies Filled in 2005 as Advised by the Commission

### Breakdown by Salary Group

二零零五年徵詢委員會意見填補的職位空缺

按薪俸組別列出的數字

<table>
<thead>
<tr>
<th>Vacancies Filled by 載補空缺方式</th>
<th>Salary Group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Open recruitment 開放招聘</td>
<td></td>
</tr>
<tr>
<td>In-service recruitment 內部招聘</td>
<td></td>
</tr>
<tr>
<td>Promotion 晉升</td>
<td></td>
</tr>
<tr>
<td>Secondment 借調</td>
<td></td>
</tr>
<tr>
<td>Sub-total 小計</td>
<td></td>
</tr>
</tbody>
</table>

Total No. of Vacancies Involved 所涉及的空缺總數 1 356
### Number of Appointees by Terms of Appointment in the Open and In-service Recruitment Exercises in 2005

二零零五年公開和內部招聘人數（按聘用條款列出）

<table>
<thead>
<tr>
<th>Open Recruitment</th>
<th>Number of appointees</th>
</tr>
</thead>
<tbody>
<tr>
<td>• on probationary terms</td>
<td>142</td>
</tr>
<tr>
<td>• on agreement terms</td>
<td>3</td>
</tr>
<tr>
<td>• on transfer (between departments or grades)</td>
<td>7</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>152</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In-service appointment</th>
<th>Number of appointees</th>
</tr>
</thead>
<tbody>
<tr>
<td>• on trial terms</td>
<td>50</td>
</tr>
<tr>
<td>• on probationary terms</td>
<td>20</td>
</tr>
<tr>
<td>• secondment on pensionable terms</td>
<td>1</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>71</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>223</strong></td>
</tr>
</tbody>
</table>

### Comparison with figures in previous years

與過去數年的數字比較

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Local Candidates Appointed</th>
<th>No. of Non-permanent Residents</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>223</td>
<td>-</td>
<td>223</td>
</tr>
<tr>
<td>2004</td>
<td>90</td>
<td>2</td>
<td>92</td>
</tr>
<tr>
<td>2003</td>
<td>53</td>
<td>-</td>
<td>53</td>
</tr>
</tbody>
</table>
## Disciplinary Cases Advised by the Commission in 2005

### Breakdown by Category of Misconduct/Offence and Punishment

<table>
<thead>
<tr>
<th>Category of Misconduct/Offence</th>
<th>Traffic related offences</th>
<th>Theft</th>
<th>Criminal conviction not under columns 1 and 2*</th>
<th>Negligence, Failure to perform duties or follow instruction, Supervisory accountability and Insubordination</th>
<th>Unpunctuality, Unauthorised absence, Abscondment</th>
<th>Other Misconduct**</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissal 舉職</td>
<td>-</td>
<td>3</td>
<td>10</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>21</td>
</tr>
<tr>
<td>Compulsory Retirement + Fine 迫令退休 + 罰款</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>9</td>
</tr>
<tr>
<td>Compulsory Retirement 迫令退休</td>
<td>-</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td>Lesser Penalty 較輕微的懲罰</td>
<td>14</td>
<td>4</td>
<td>6</td>
<td>8</td>
<td>11</td>
<td>16</td>
<td>59</td>
</tr>
<tr>
<td>Total 合計</td>
<td>14</td>
<td>12</td>
<td>22</td>
<td>11</td>
<td>22</td>
<td>23</td>
<td>104</td>
</tr>
</tbody>
</table>

Note: (a) The Commission advised on 104 disciplinary cases in 2005.

(b) 48 of the 104 disciplinary cases followed upon conviction.

(c) In 4 of the remaining 56 disciplinary cases, the officers concerned have absconded.

(d) The 104 disciplinary cases include 8 in the Disciplined Services (including 1 from the Police Force and 4 from the Correctional Services Department seeking the Commission’s informal advice).

* Including assault, misconduct in public office, undischarged bankrupt obtaining credits, agent using a document to deceive his principal and acceptance of advantage.

** Including unauthorised outside work, breach of housing benefit rules and accepting excessive entertainment.
### Disciplinary Cases Advised by the Commission in 2005

#### Breakdown by Salary Group and Punishment

<table>
<thead>
<tr>
<th>Punishment</th>
<th>At or Below Master Pay Scale Pt.13 or equivalent</th>
<th>Master Pay Scale Pt.14 to 33 or equivalent</th>
<th>Master Pay Scale Pt.34 and above or equivalent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>薪俸組別第13點或以下或同等薪點</td>
<td>薪俸組別第14-33點或同等薪點</td>
<td>薪俸組別第34點或以上或同等薪點</td>
<td></td>
</tr>
<tr>
<td>Dismissal</td>
<td>6</td>
<td>12</td>
<td>3</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>革職</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compulsory Retirement + Fine</td>
<td>1</td>
<td>5</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>迫令退休十罰款</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compulsory Retirement</td>
<td>5</td>
<td>9</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>迫令退休</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe Reprimand + Fine</td>
<td>16</td>
<td>17</td>
<td>2</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>嚴厲譴責十罰款</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe Reprimand</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>嚴厲譴責</td>
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<tr>
<td>Reprimand + Fine</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>7</td>
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<td>譴責十罰款</td>
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<td>9</td>
</tr>
<tr>
<td></td>
<td>譴責</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>47</td>
<td>47</td>
<td>10</td>
<td>104</td>
</tr>
<tr>
<td></td>
<td>合計</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>