

**Legislative Council Panel on Constitutional Affairs
Meeting on 19 March 2001**

Employment Arrangements for Principal Officials

Purpose

This paper briefs Members on the employment arrangements for principal officials and related issues.

Appointment and Removal of Principal Officials

2. The appointment and removal of principal officials is governed by Article 48(5) of the Basic Law, which stipulates that the Chief Executive is to nominate principal officials to the Central People's Government for appointment, and to recommend to the Central People's Government the removal of principal officials.

Employment Arrangements for Principal Officials

3. The appointment and removal of principal officials is distinct from the contractual arrangements on which these principal officials are employed and remunerated. At present, all principal officials are employed and remunerated on the same package as applied to civil servants corresponding to the rank and pay point of their posts. A list of principal officials and the corresponding rank and pay point of their posts is at *Annex A*.

4. Commissioner, Independent Commission Against Corruption and Director of Audit do not occupy civil service posts. They are remunerated on packages approved under the Independent Commission Against Corruption Ordinance (Cap 201, s.5(3)) and Audit Ordinance (Cap 122, s.4A) respectively, which are in turn pegged to the packages applicable to civil servants at D8 (Point D8 on the Directorate Pay Scale) equivalent level and a level equivalent to between D6 and D7 respectively. Both of them are subject to Government Regulations including the Civil Service Regulations as applied to civil servants.

5. The employment terms and conditions of service as applicable to civil servants in general are specified in the Civil Service Regulations and various circulars and circular memoranda issued by the Civil Service Bureau. The key provisions are also specified in the memoranda on conditions of service (MOCSs) attached to appointment letters for civil servants. A copy of the standard MOCS applicable to newly appointed civil servants on agreement terms is at *Annex B*.

6. The employment procedures as applicable to civil servants are also applicable to principal officials. These employment procedures include medical examination and integrity checking.

Post-Service Employment of Civil Servants

7. Under the provisions of the pensions legislation, a retired directorate officer will require prior approval of the Government before he takes up employment or engages in any business activity the principal part of which is carried on in Hong Kong within two years after retirement, or within three years after retirement for officers retired at ranks of Director of Bureau or above.

8. Since 1997, the Government has specified in the agreement terms for civil servants at D3 and above of the Directorate Pay Scale that they will be required to seek prior approval from the Government within one year after completion of their agreements, before taking up any outside employment or engaging in any business the principal part of which is carried on in Hong Kong. This provision is equally applicable to principal officials who are appointed on civil service agreement terms.

List of Principal Officials

Post	Rank	Pay Point
Chief Secretary for Administration	Administrative Secretary	D10
Financial Secretary	Financial Secretary	D9
Secretary for Justice	Secretary for Justice	DL7 (equivalent to between D8 & D9)
Secretary for the Civil Service	Director of Bureau	D8
Secretary for Commerce and Industry	Director of Bureau	D8
Secretary for Constitutional Affairs	Director of Bureau	D8
Secretary for Economic Services	Director of Bureau	D8
Secretary for Education and Manpower	Director of Bureau	D8
Secretary for the Environment and Food	Director of Bureau	D8
Secretary for Financial Services	Director of Bureau	D8
Secretary for Health and Welfare	Director of Bureau	D8
Secretary for Home Affairs	Director of Bureau	D8
Secretary for Housing	Director of Bureau	D8
Secretary for Information Technology and Broadcasting	Director of Bureau	D8
Secretary for Planning and Lands	Director of Bureau	D8
Secretary for Security	Director of Bureau	D8
Secretary for Transport	Director of Bureau	D8
Secretary for the Treasury	Director of Bureau	D8
Secretary for Works	Director of Bureau	D8
Commissioner of Police	Commissioner of Police	PPS 59 (equivalent to D8)
Director of Immigration	Director of Immigration	GDS(C)4 (equivalent to D6)
Commissioner of Customs and Excise	Commissioner of Customs and Excise	GDS(C)4 (equivalent to D6)
Commissioner, Independent Commission Against Corruption	-	pegged to D8
Director of Audit	-	pegged between D6 & D7

Abbreviations

D: Directorate Pay Scale

DL: Directorate (Legal) Pay Scale

PPS: Police Pay Scale

GDS(C): General Disciplined Services (Commander) Pay Scale

**THE GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION**

MEMORANDUM ON CONDITIONS OF SERVICE

FOR

OFFICERS APPOINTED ON NEW AGREEMENT TERMS

Note: *This Memorandum on Conditions of Service is applied to -*

- (a) *new recruits who are first offered appointment on or after 1 June 2000; or*
- (b) *officers who are offered re-appointment to the civil service with a break in service on or after 1 June 2000*

GF 608 (June 2000)

TABLE OF CONTENT

Content	Paragraph
General	1
Working Hours	2
Terms of Engagement and Date of Appointment	3
Salary and Increments	4
Eligibility for Fringe Benefits	5
Medical and Dental Treatment	6
Leave of Absence	7
Leave Passages	8
Leave and Passage Arrangements in Other Circumstances	9
Subsistence Allowance	10
Housing Benefits	11
Gratuity	12
Retirement Benefits	13
Suspension of Monthly Pension/Retirement Allowance	14
Injury and Death Benefits	15
Conduct and Discipline	16
Dismissal or Punishment for Misconduct, etc.	17
Termination of Appointment	18
Resignation	19
Resolution of Agreement by Mutual Consent	20
Further Appointment	21
Permission to take up Outside Appointment on Completion of Appointment	22
Changes in Terms of Employment and Conditions of Service	23
Advances of Salary on First Appointment	Appendix I
Entry Pay not Linked to Annual Salary Adjustment	Appendix II
Annual Salary Adjustment	Appendix III
Medical and Dental Facilities in Hong Kong	Appendix IV

(Note: (1) The Appendices to this Memorandum on Conditions of Service are advisory and are provided for information only. Detailed information and the procedures to be followed in making applications for the allowances can be found in the relevant Civil Service Regulations.

(2) Words and expressions importing the masculine gender include the feminine gender.

(3) The references to "Government" in this Memorandum mean "The Government of the Hong Kong Special Administrative Region".)

1. **GENERAL**

- 1.1 The officer is subject to Executive Orders issued from time to time by the Chief Executive for the administration of the public service and to regulations and directions made under these Orders; and also subject to Government Regulations and Circulars, Departmental Instructions, and to any Ordinances or Regulations which apply to the office or to the department to which he is appointed. On assuming duty, it is the responsibility of the officer to acquaint himself with all such regulations and instructions. Any officer in doubt as to where to find them should consult his Department Secretary or his senior officers.
- 1.2 The duties of the officer include the usual duties of the office in which he is engaged, and any other duties which his Head of Department or the Secretary for the Civil Service may call upon him to perform. Such duties will normally include the training of less qualified or less experienced staff working in the same field. All officers are required to encourage and assist such staff with a view to advancing the efficiency of the civil service and the Government's policy of localisation. The officer may be required to attend prescribed courses of instruction before taking up appointment or at any time during his service.
- 1.3 The officer shall devote the whole of his time and attention to the service of the Government, and shall use his utmost exertions to promote the interests of the Government.

2. **WORKING HOURS**

The normal hours of attendance for officers whose conditioned hours are 44 hours gross per week are from 9 a.m. to 5 p.m. from Monday to Friday with one hour for lunch, and from 9 a.m. to 1 p.m. on Saturday. The normal hours of attendance of officers whose conditioned hours are 45 hours net per week are from 8:30 a.m. to 12 noon and from 1 p.m. to 5 p.m. from Monday to Saturday exclusive of lunch breaks. However, the hours of work for the officer may vary depending upon the operational needs of the department to which he is appointed. In some departments officers are required to work shifts to provide 24-hour coverage.

3. **TERMS OF ENGAGEMENT AND DATE OF APPOINTMENT**

- 3.1 The appointment is on agreement terms for a period of service (inclusive of vacation leave taken within this period) specified in the letter of

appointment.

- 3.2 The officer's service will commence on the date of his assumption of duty and will cease on the date of expiry of the appointment. This appointment expires at the end of the specified period of service, or when the appointment is otherwise terminated (including dismissal, termination, resignation or mutual resolution of agreement).

4. **SALARY AND INCREMENTS**

- 4.1 Full salary will be paid from the date of assumption of duty.

- 4.2 Salary is paid monthly in arrears in local currency, i.e. Hong Kong dollars.

(Note: The Government encourages its staff to accept payment of their salaries directly to their bank (current or savings) accounts and the vast majority find this both convenient and safe. Arrangements will normally be made for the officer's salary to be paid in this manner.)

- 4.3 Emoluments are subject to local taxation.

- 4.4 The Government may deduct from an officer's salary any amount that it may have overpaid the officer; any advances of salary; any charges that the officer may have incurred in respect of any facilities or benefits provided to the officer or his family by the Government including, but not limited to, those facilities or benefits referred to in this memorandum and in the Civil Service Regulations, and any other debt whatsoever that may arise and become due from the officer to the Government either during his service with the Government or upon his leaving such service.

- 4.5 Advances of salary are payable on first appointment of officers selected from outside Hong Kong and under certain other circumstances (see Appendix I).

- 4.6 On appointment, the officer's salary will start at an amount stated in the appointment letter or an amount calculated in accordance with Civil Service Regulation 130. Dependent on rank, this salary could be a rate equivalent to an entry pay point on the appropriate pay scale which is not linked to the annual pay trend adjustment (see Appendix II) or a pay point on the increment pay scale of the officer's rank as appropriate.

- 4.7 Subject to Civil Service Regulations 451 and 452, the officer will move

to the appropriate pay scale on completion of one year's service. The pay scale will be subject to review in accordance with the annual pay adjustment exercise. Such adjustment may take the form of pay increase, pay freeze or pay reduction (see Appendix III).

- 4.8 Increments of salary, if any, will be payable from the officer's incremental date which is determined, in accordance with his date of first appointment, as follows -
- (a) if he assumes duty between the 1st and the 15th of the month, his incremental date will be the 1st of that month;
 - (b) if he assumes duty between the 16th and the end of the month, his incremental date will be the 1st of the following month.
- 4.9 Increments are not automatic. Where justified, increments will not be granted or their payment stopped or deferred. Details of the provisions are laid down in Civil Service Regulations 451 and 452.

5. ELIGIBILITY FOR FRINGE BENEFITS

- 5.1 An officer will only be eligible for fringe benefits, including those benefits referred to hereunder and the benefits laid down in Civil Service Regulations, in accordance with the regulations relating to the provision of such benefits.
- 5.2 The officer will not be eligible for pension, gratuity or other allowance under the Pensions Ordinance (Cap 89) and pension benefits under the Pension Benefits Ordinance (Cap 99).
- 5.3 "Family" when used in relation to medical and dental treatment means the officer's spouse and unmarried children under the age of 19. It also includes unmarried children aged 19 or over but under 21 who are in full-time education or vocational training or who on account of physical or mental infirmity are dependent on the officer.
- 5.4 The officer is required to inform his Departmental Secretary immediately of the birth, adoption, marriage and death of each dependent child, or the assumption of responsibility for any step-children; of the date when a dependent child reaches the age of 19; of the date when a dependent child in full time education or vocational training or who on account of physical or mental infirmity is dependent, reaches the age of 21; and of any change in his marital status, including marriage, divorce, or death of his spouse.

6. MEDICAL AND DENTAL TREATMENT

Medical advice and treatment, investigative procedures and medicines are available in Hong Kong free of charge to the officer and his family when these benefits are provided by the Government or the Hospital Authority. A charge is made for hospital maintenance. Dental treatment (extractions and fillings) is provided free of charge in Government dental clinics and reasonable charges are made for dentures and dental appliances. Spectacles are not provided by the Government. For further details, see Appendix IV.

7. LEAVE OF ABSENCE

7.1 Vacation leave

7.1.1 Vacation leave is earned at the following rates according to the officer's substantive salary point and length of service -

Category of officers	Number of days of vacation leave per year of resident service	Vacation leave accumulation limit
(a) On Directorate Pay Scale or equivalent		
(i) with ten years' service or more	26	52
(ii) with less than ten years' service	22	44
(b) On or above MPS Point 14 or equivalent		
(i) with ten years' service or more	22	44
(ii) with less than ten years' service	18	36

Category of officers	Number of days of vacation leave per year of resident service	Vacation leave accumulation limit
(b) Below MPS Point 14 or on Model Scale 1 Pay Scale or equivalent		
(i) with ten years' service or more	18	36
(ii) with less than ten years' service	14	28

7.1.2 Normally, vacation leave is regarded as resident service for leave-earning purposes. Subject to the exigencies of the service, vacation leave may be taken freely within the appointment. Untaken days of vacation leave earned during the current appointment may be carried forward to subsequent appointment, if applicable, subject to the maximum accumulation limit.

7.1.3 Vacation leave is counted on a working-day basis and may be taken in half-day units. An officer on alternate Saturday-off system who takes leave of any type in a spell of 12 days or more will cease to be eligible for a "day-off" on any intervening Saturdays as well as on the Saturday at the end of the period of absence. In other words, he has to take half a day leave to cover his absence in respect of each Saturday morning concerned.

7.1.4 Subject to the availability of a credit leave balance, the leave accumulation limit and relevant leave rules, pay in respect of any vacation leave accrued by an officer up to and including the last day of his appointment will be encashed upon his leaving the service. Vacation leave balance to be encashed will not attract any fringe benefits including gratuity.

7.1.5 Study leave/any type of unpaid leave does not count as resident service for leave-earning purposes. Therefore, an officer does not earn leave while taking such leave. The Government may extend the period of service by up to the full duration of any study/unpaid leave taken by the officer within the appointment.

7.1.6 Teaching staff, heads of school and any other officers who enjoy school

holidays are not eligible for vacation leave. If operational needs require, such staff will have to perform duties during school holidays.

7.2 **Sick leave**

A newly appointed officer who has yet to pass a medical examination and be classed as medically fit may be granted 14 days sick leave on full pay and 14 days on half pay on the recommendation of a Government or Hospital Authority medical officer or a private medical practitioner. An officer who is classed as medically fit will then be eligible for 91 days sick leave on full pay and 91 days on half pay. Sick leave up to a total of 182 days on full pay and 182 days on half pay less any paid sick leave granted in the 4 calendar years immediately preceding the first day of a current sick absence may be granted to an officer with not less than 4 years of service. In this context, "service" includes all periods spent in or outside Hong Kong on full or half pay except periods of continuous sick leave (including sick leave arising from injury on duty or occupational disease) exceeding 31 days.

7.3 **Maternity leave**

7.3.1 Maternity leave of up to 10 weeks may be granted to a female officer because of her pregnancy or confinement. The maternity leave should commence from and be inclusive of -

- (a) a date 4 weeks immediately before the expected date of confinement, or if the officer chooses, a later date but not less than 2 weeks before the expected date of confinement; or
- (b) the actual date of confinement, if the confinement occurs before the date of commencement of maternity leave in (a) above.

7.3.2 An officer with not less than 40 weeks of continuous service immediately before the date of commencement of her maternity leave as determined in (a) above will be granted maternity leave on full pay to cover a total absence from duty of up to 10 weeks. An officer with less than 40 weeks of continuous service immediately before the date of commencement of her maternity leave as determined in (a) above will commence her maternity leave by first taking any earned leave in credit to her, and may then be granted maternity leave without pay to cover a total absence from duty of up to 10 weeks. Where maternity leave without pay is granted, the officer's agreement will be extended by the period of unpaid leave taken.

8. LEAVE PASSAGES

(Applicable only to officers on Directorate Pay Scale or equivalent)

- 8.1 Leave passages are provided in the form of a non-accountable but taxable Leave Passage Allowance (LPA). LPA is provided at the end of each 12-month eligibility period (termed as 'cycle' hereafter) at different levels according to the officer's substantive salary point.
- 8.2 LPA is not payable in respect of study leave or any type of unpaid leave taken within the cycle. LPA for an incomplete cycle will be calculated on a *pro rata* basis.
- 8.3 Leave passage benefits are provided to the officer only. His family members (including spouse and dependent children) are not eligible for any leave passage benefits.

9. LEAVE AND PASSAGE ARRANGEMENTS IN OTHER CIRCUMSTANCES

9.1 Resignation

- 9.1.1 Subject to the exigencies of the service, the availability of a credit leave balance and the leave accumulation limit, an officer who has tendered resignation may be allowed to take a limited number of days of leave as specified in the Civil Service Regulations during the notice period for resignation. Pay in respect of any leave accrued up to and including the last day of the notice period will be encashed.
- 9.1.2 An eligible officer who has tendered resignation may be granted LPA in respect of his service rendered up to and including the last day of the notice period.
- 9.1.3 The Secretary for the Civil Service may forfeit all the leave and leave passage benefits of an officer if he is of the opinion that the officer resigns in order to avoid disciplinary proceedings.

9.2 Termination of appointment

- 9.2.1 For an officer whose service is terminated by the Government for reasons other than misconduct, pay in respect of any leave accrued up to and including the last day of the notice period for termination of service will be encashed. Subject to the exigencies of the service, the availability of a credit leave balance and the leave accumulation limit, the officer may be allowed to take a limited number of days of leave as

specified in the Civil Service Regulations during the notice period. If the officer is eligible for leave passage benefits, he may be granted LPA in respect of the service rendered up to and including the last day of the notice period.

- 9.2.2 For an officer whose service is terminated by the Government for reason of misconduct, all his accrued leave and leave passage benefits, if any, will be forfeited.

9.3 **Dismissal**

An officer forfeits all his accrued leave and leave passage benefits on dismissal.

9.4 **Resolution of agreement by mutual consent**

- 9.4.1 Subject to the exigencies of the service, the availability of a credit leave balance and the leave accumulation limit, an officer whose agreement is resolved may be allowed to take leave before the date of expiry of the appointment. Pay in respect of any leave accrued up to the date of expiry of the appointment will be encashed.

- 9.4.2 On resolution of agreement, an eligible officer may be granted LPA in respect of the service rendered up to the date of expiry of the appointment.

9.5 **Refund of leave pay on resignation, termination of appointment, dismissal or resolution of agreement**

An officer who leaves the service on resignation, termination of appointment, dismissal or resolution of agreement will be required to refund to the Government the leave pay for any leave the officer has taken but not yet earned.

10. **SUBSISTENCE ALLOWANCE**

On first appointment, if it is necessary for the officer to stay overnight in a hotel before joining a flight to Hong Kong from his normal place of residence, a subsistence allowance may be paid subject to the prior approval of the office through which the officer was appointed.

11. **HOUSING BENEFITS**

- 11.1 An officer may only receive one housing benefit at any one time,

irrespective of whether or not it is provided by the Government. If the officer is married, and both he and his spouse are not eligible for the Non-accountable Cash Allowance (NCA) set out in paragraphs 11.2 and 11.3 below, he must opt for either his own housing benefits or those provided under his spouse's employment. If the officer or his spouse has received any housing benefits from the Government or a publicly-funded organisation, his entitlement to housing benefits may be reduced or otherwise limited. Details of the rules and regulations on prevention of double housing benefits are set out in CSR 809, the relevant CSB Circulars and CSB Circular Memoranda.

- 11.2 Officers on Point 34 of the Master Pay Scale or above or equivalent salary point on other pay scales who meet the eligibility criteria and terms of the NCA Scheme will only be eligible for the NCA. Provisions governing the NCA Scheme are set out in CSRs 2000-2099.
- 11.3 Under the NCA Scheme, a non-accountable but taxable monthly allowance is payable to an eligible officer for a maximum aggregate period of 120 months during the officer's service with the Government, irrespective of whether there is a break in service. There will be no downpayment loan under the NCA Scheme.
- 11.4 Those who have joined, or are only eligible for, the Home Financing Scheme (HFS) or the Rent Allowance Scheme (RAS) will not be eligible for the above-mentioned NCA. They may only apply to re-join/join the HFS or the RAS to receive the allowance for the balance of their 120-month entitlement period, if any, subject to their meeting the eligibility criteria of the HFS or the RAS respectively. Provisions governing the HFS and the RAS are set out in CSRs 1600-1799 and 1900-1999 respectively. Notwithstanding the provision on downpayment loan in CSR 1600-1799, all officers offered appointment/re-appointment on or after 1 June 2000 will be ineligible for the downpayment loan under the HFS.

12. **GRATUITY**

- 12.1 Upon satisfactory completion of the full agreement period or if the officer's service is terminated by the Government for reasons other than unsatisfactory performance or conduct, the officer may be granted a gratuity for the period of service completed, including vacation leave (carried forward from previous agreement(s) and/or earned during the current agreement) taken within the agreement. Specifically, the gratuity will be granted only if the Government is satisfied that the officer's performance and conduct has been satisfactory during the

period of his service. Such gratuity will be payable at a rate as specified in the appointment letter. The Government may reduce the amount of gratuity to be granted or not grant any gratuity if the Government is satisfied that the officer's performance and conduct has not been satisfactory during the period of his service.

- 12.2 Such gratuity will be payable at a rate as specified in the appointment letter not earlier than four clear working days before the expiry of the appointment. The Government may reduce the amount of gratuity to be granted or refuse to grant any gratuity if it is satisfied that the officer's performance and conduct has not been satisfactory during the period of his service. The Government may also withhold the grant of gratuity if the officer is being subject to any disciplinary or criminal proceedings or investigation into any acts which may affect the grant of gratuity.
- 12.3 The gratuity attracts salaries tax and is assessed, for this purpose, as income by way of a lump sum payment in the tax year in which it is payable subject to the right of the officer to have such payment related back as income of the period of service to which it relates, not exceeding three years. In the event of the officer's death during the agreement period, the amount of gratuity payable will be paid to his estate.
- 12.4 If the officer resigns or is dismissed, or his service is terminated for reasons of unsatisfactory performance or conduct, he will not be granted any gratuity.
- 12.5 In circumstances where a gratuity is paid to the officer in the mistaken belief that he has -
- (a) satisfactorily completed his agreement; or
 - (b) not been convicted of any of the following offences during and in respect of his employment with the Government -
 - (i) any offence in connection with the public service under the Government, being an offence which is certified by the Chief Executive to have been gravely injurious to Hong Kong or to be liable to lead to a serious loss of confidence in the public service;
 - (ii) any offence under Part II of the Prevention of Bribery Ordinance, Cap. 201, being an offence related to his previous public service under the Government;

(iii) treason under Section 2 of the Crimes Ordinance, Cap. 200; or

(iv) any other offence that if determined on its own fact, would have led to the officer's dismissal from the service,

Government shall be entitled, without affecting its other rights, to recover from the officer the whole or part of the gratuity commensurate with all the circumstances of the case including the unsatisfactory nature of the officer's service and the seriousness of the offence on his part. Such right of the Government shall survive any termination of the agreement between the Government and the officer.

13. **RETIREMENT BENEFITS**

In compliance with the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (MPFSO), the Government will make arrangements for the officer to become a member of a registered mandatory provident fund scheme (MPF scheme). The Government will make the employer's contribution to the MPF scheme in accordance with the contribution rate prescribed in the MPFSO, and will also arrange to have the officer's own employee's mandatory contributions as determined in accordance with the MPFSO paid into his account with the scheme.

(Note: For the officer's reference, the contribution rate for both the employer's contribution and the employee's contribution prescribed in the prevailing provisions of the MPFSO is 5% of the employee's income, subject to the maximum level of income of \$20,000 per month. Besides, an employee's contribution is also subject to the minimum level of income of \$4,000 per month. That is to say, an employee is not obliged to make any contribution in respect of his income in excess of the maximum level or if his monthly income is less than the minimum level although he may elect to do so.)

14. **SUSPENSION OF MONTHLY PENSION/RETIREMENT ALLOWANCE (Applicable only to officers who are pensioners under the Hong Kong pensions legislation)**

The payment of the officer's monthly pension/retirement allowance will be suspended under the Hong Kong pensions legislation during the period of appointment.

15. **INJURY AND DEATH BENEFITS**

- 15.1 The officer will be eligible for statutory compensation for duty-related injuries or duty-related death in accordance with the Employees' Compensation Ordinance (Cap. 282).
- 15.2 If the officer dies while in service, irrespective of cause and his length of service, a death payment at the rate of 12 months of his final salary will be granted to his estate. Gratuity may be granted for the period of service completed and other accrued benefits including leave and leave passage may be granted on a pro rata basis as appropriate.

16. **CONDUCT AND DISCIPLINE**

- 16.1 For the purposes of conduct and discipline, an officer is subject to Executive Orders issued from time to time by the Chief Executive for the administration of the public service and to regulations and directions made under these Orders; and also subject to Government Regulations and Circulars, Departmental Instructions, and to any Ordinances or Regulations which apply to the office or to the department to which he is appointed. Although particular attention is drawn to the succeeding subparagraphs, regulations on conduct and discipline cover a wider field and it is the responsibility of the officer to acquaint himself with all such regulations and instructions.
- 16.2 An officer must reveal his conviction of any of the following offences before a new agreement starts:
- (a) any offence in connection with the public service under the Government, being an offence which is certified by the Chief Executive to have been gravely injurious to Hong Kong or to be liable to lead to a serious loss of confidence in the public service;
 - (b) any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201), being an offence related to his previous public service under the Government;
or
 - (c) treason under Section 2 of the Crimes Ordinance (Cap. 200).

If it is subsequently discovered that the officer has not disclosed his conviction of any of the above offences, Government may rescind the agreement on ground of misrepresentation. Such right of the Government shall survive any termination of the agreement between the Government and the officer.

- 16.3 An officer must not solicit or accept advantages such as **gifts, loans, discounts and passages** except those for which general or special permission has been given under Section 3 of the Prevention of Bribery Ordinance (Cap. 201). It is a serious criminal offence to solicit or accept bribes and presents given on account of the officer's official duties or position.
- 16.4 An officer must not accept **entertainment** which is likely to cause embarrassment in the discharge of his duties or may bring disrepute to the public service.
- 16.5 An officer may be required by his Head of Department during his service under the Government to declare his **investments** under CSR 463(1)(a) and (b), and other investments to be specified from a current date and thereafter on a regular basis. He may be required to divest himself of the investments if it is considered to be in real or apparent conflict with his public duties.
- 16.6 An officer **must not lend money at interest** or act in any capacity, paid or unpaid, on behalf of a commercial money-lender without the prior permission of the Secretary for the Civil Service.
- 16.7 An officer may not use a subordinate or a junior officer of the same grade or working in the same department as a **guarantor for a loan or hire purchase agreement** or act as a guarantor for a superior or senior officer of the same grade or working in the same department without the prior permission of his Head of Department.
- 16.8 An officer **must not borrow money at interest** other than from certain permitted sources, including licensed money-lenders and banks and registered deposit-taking companies, without the prior permission of his Head of Department. On first appointment, an officer will be required to report any loans and debts on which interest is paid other than those from permitted sources, and may be required to repay them or transfer them to permitted sources.
- 16.9 An officer who becomes **insolvent** or bankrupt, or is subject to proceedings for bankruptcy, should notify his Head of Department as early as possible.
- 16.10 An officer must not undertake paid **outside work** out of normal working hours or any paid or unpaid outside work during normal working hours without the prior permission of his Head of Department.
- 16.11 An officer may not be involved in the production of any publication in

which **paid advertisements** are reproduced without the prior permission of the Secretary for the Civil Service.

16.12 An officer **may not communicate matters of a political or administrative nature** to any unauthorized person or members of the public without the permission of his Head of Department.

16.13 An officer must report to his Head of Department any **criminal proceedings** instituted against him. This requirement does not extend to fixed penalties for traffic offences, but it does apply if a summons is served.

17. **DISMISSAL OR PUNISHMENT FOR MISCONDUCT, ETC.**

17.1 The officer is liable to disciplinary punishment (including dismissal) if he neglects or wilfully refuses to perform his duties or in any manner misconducts himself.

17.2 Upon dismissal, the officer forfeits all rights, privileges and benefits of office.

18. **TERMINATION OF APPOINTMENT**

18.1 The Government may terminate the service of an officer at any time during the appointment by giving him three month's notice in writing or by paying him one month's salary in lieu of notice. Specifically, an officer's service may be terminated without recourse to disciplinary procedure and without any reasons being given.

18.2 When a preliminary decision is taken by the Government to terminate the service of an officer, he will be told the reasons and given seven calendar days in which to make written representations to the Government, following consideration of which a final decision will be taken by the Government.

18.3 If medical evidence is provided to the satisfaction of the Government that the officer is incapable by reason of any infirmity of mind or body (such incapacity not being caused by his own misconduct) of rendering further efficient service, the Government may terminate his service at any time.

19. **RESIGNATION**

19.1 The officer may terminate his service at any time during the appointment

by giving a minimum of three calendar months' notice in writing of his intention to resign, or by paying to the Government one month's salary (including any allowances paid where applicable) in lieu of notice. Leave may not be included as part of a period of notice, except sick leave and vacation leave taken during the notice period as permitted by the leave approving authority subject to the exigencies of the service.

- 19.2 On resignation, the officer forfeits all rights and benefits of his office. The provision of leave and leave passage benefits in the case of resignation shall be in accordance with the relevant clauses in this Memorandum.

20. **RESOLUTION OF AGREEMENT BY MUTUAL CONSENT**

In very exceptional circumstances where the officer has adequate compassionate or personal grounds acceptable to the Government, and/or where public interest as considered by the Government warrants, the agreement may be resolved by mutual consent without loss of accrued benefits in respect of the service completed except for benefits regarding leave and passages. The provision of leave and leave passage benefits in the case of resolution of agreement shall be in accordance with the relevant clauses in this Memorandum.

21. **FURTHER APPOINTMENT**

- 21.1 The offer of further appointment beyond the current appointment is solely at the discretion of the Government. The Government is not obliged to give any reason for not offering further appointment and there should be no presumption that further appointment will be offered.
- 21.2 If so invited by the Government and subject to any terms as may be specified by the Government in the letter of appointment, the officer may make an application for further appointment. Such an application should be made at least 12 months before the expiry of his current appointment. Otherwise, it will be assumed that he does not wish to apply for further appointment and will leave the service upon the expiry of his current appointment.
- 21.3 An application for further appointment is subject to any applicable arrangements and criteria prevailing at the time of the application as may be promulgated from time to time by the Government, or any other conditions and requirements as may be specified by the Government for such an application. The offer of further appointment is subject to,

inter alia, service need, the officer's continued satisfactory conduct, efficient performance of his work, physical fitness and any other criteria or requirements as may be specified by the Government for general application or for the department, grade, rank or post concerned.

- 21.4 Any further appointment shall be for such period and on such terms and conditions, including salary, as may be offered by the Government. The Government is not obliged to refer to the terms and conditions, including salary, of the current appointment in the offer of terms and conditions, including salary, for any further appointment.

22. **PERMISSION TO TAKE UP OUTSIDE APPOINTMENT ON COMPLETION OF APPOINTMENT**

An officer on Directorate Payscale D3 or above, or equivalent, requires Government's agreement before taking up employment or appointment, or engaging in any business, trade or profession the principal part of which is carried on in Hong Kong within one year immediately following the expiry of his appointment where the employment is in the same field as his civil service employment and where there is a possible conflict of interest.

23. **CHANGES IN TERMS OF EMPLOYMENT AND CONDITIONS OF SERVICE**

Notwithstanding anything contained in this Memorandum or in the covering letter of offer of appointment, the Government reserves the right to alter any of the officer's terms of appointment, and/or conditions of service set out in this Memorandum or the said covering letter should the Government at any time consider this to be necessary.

ADVANCES OF SALARY ON FIRST APPOINTMENT

1. All officers on first appointment to Hong Kong who are selected from outside the territory (i.e. are not engaged locally) may receive, not earlier than one month before departure from the country of engagement an advance of salary in a round sum not exceeding one month's salary. Such an advance will be recovered in six equal monthly instalments commencing from the month following that in which the officer arrives in Hong Kong.
2. Applications for these advances from appointees should be made in writing to an authorized agent of the Hong Kong Government.
3. On arrival in Hong Kong, an officer who:
 - (a) has received an advance under paragraph 1 above may, with the authority of his Head of Department, receive a further advance in a round sum not exceeding one month's salary; or
 - (b) has not received an advance under paragraph 1 above may, with the authority of his Head of Department, receive an advance in a round sum not exceeding two months' salary;

provided that written application is made within two weeks of assumption of duty. Such an advance will be recovered in six equal monthly instalments commencing from the month following that in which it is made.

Civil Service Bureau
June 2000

ENTRY PAY NOT LINKED TO ANNUAL SALARY ADJUSTMENT

Civil Service benchmarks/starting salaries are not linked to the annual pay trend adjustment. In other words, the dollar value of the benchmarks/starting pay points will remain the same. To ensure civil service entry pay is kept in line with private sector pay, benchmarks reviews will be conducted every three to four years, with an annual updating in the interim.

On appointment, the officer's salary will start at an amount stated in the appointment letter or an amount calculated in accordance with Civil Service Regulation 130. The salary stated in the appointment letter is equivalent to an entry pay point on the appropriate pay scale which is not linked to the annual pay trend adjustment. Subject to Civil Service Regulations 451 and 452, the officer will join at the next higher pay point on the appropriate pay scale (which is adjusted annually in accordance with the pay trend) in their second year of service and will then move along the relevant increment scale in subsequent years. An officer will be subject to the above provisions if the rate of salary calculated in accordance with Civil Service Regulation 130 is a rate equivalent to an entry pay point on the appropriate pay scale.

Civil Service Bureau
June 2000

ANNUAL SALARY ADJUSTMENT

Civil Service salary adjustments are considered annually and changes are broadly in line with pay adjustments in the private sector. To this end, a survey of private sector pay trends is carried out annually. The results of the survey, after being discounted by the payroll costs of civil service increments, provide the basis for considering the size of the annual salary adjustment. The Government will take into account other factors including increases in the cost of living, the state of the economy, budgetary considerations, the Staff Sides' pay claims, and civil service morale in deciding the adjustment each year.

Civil Service Bureau
June 2000

MEDICAL AND DENTAL FACILITIES IN HONG KONG

A. Medical Facilities

Outpatient Treatment

1. Outpatient treatment may be obtained from the Families Clinics which cater exclusively for civil servants and any of the Government out-patient clinics.

Emergency Treatment

2. Emergency treatment can be obtained from the Accident and Emergency Department of the major public hospitals.

Hospitalisation

3. An officer and his dependents are normally accommodated in a public ward. They may be provided with beds in a private ward (i.e. 1st or 2nd class) or semi-private ward subject to availability and approval of the Medical Officer in charge of the hospital.

B. Dental Facilities

Government Dental Clinics

4. To obtain dental treatment, an officer should make an appointment by telephone or in person at one of the Government dental clinics. Addresses of these dental clinics can be found in the Government Telephone Directory. There is currently a waiting period of about nine months for routine dental check-ups.
5. Emergency treatment is also available at Government dental clinics during normal working hours upon request.

C. General Note

6. The Government is not responsible for private medical or dental expenses under any circumstances.

Civil Service Bureau
June 2000