

**立法會**  
***Legislative Council***

LC Paper No. CB(1)2119/03-04

(These minutes have been seen  
by the Administration)

Ref : CB1/PL/PS/1

**Panel on Public Service**

**Minutes of meeting  
held on Monday, 17 May 2004 at 10:45 am  
in the Chamber of the Legislative Council Building**

- Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon LI Fung-ying, JP (Deputy Chairman)  
Hon LEE Cheuk-yan  
Hon CHEUNG Man-kwong  
Hon CHAN Kwok-keung, JP  
Hon Bernard CHAN, JP  
Hon SIN Chung-kai  
Hon Howard YOUNG, SBS, JP  
Hon Michael MAK Kwok-fung  
Hon Albert CHAN Wai-yip  
Hon LEUNG Fu-wah, MH, JP
- Members absent** : Hon HUI Cheung-ching, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon Andrew WONG Wang-fat, JP

**Public officers attending : Agenda Items III to V**

Mr Joseph W P WONG, GBS, JP  
Secretary for the Civil Service

Mrs Rebecca LAI, JP  
Permanent Secretary for the Civil Service

**Agenda Item III**

Miss Jennifer MAK, JP  
Deputy Secretary for the Civil Service (1)

**Agenda Item IV**

Mr Christopher WONG  
Deputy Secretary for the Civil Service (3)

**Agenda Item V**

Mr W H CHEUK  
Director of General Grades

**Clerk in attendance :** Miss Salumi CHAN  
Chief Council Secretary (1)5

**Staff in attendance :** Ms Rosalind MA  
Senior Council Secretary (1)8

Ms May LEUNG  
Legislative Assistant

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**I. Confirmation of minutes of meeting**  
(LC Paper No. CB(1)1787/03-04 — Minutes of meeting on 19 April 2004)

The minutes of the meeting held on 19 April 2004 were confirmed.

**II. Date of next meeting and items for discussion**

(LC Paper No. CB(1)1786/03-04(01) — List of outstanding items for discussion)

LC Paper No. CB(1)1786/03-04(02) — List of follow-up actions)

2. Members agreed that the following two items proposed by the Administration be discussed at the next regular meeting scheduled for 21 June 2004:

- (a) Update on the development of an improved civil service pay adjustment mechanism; and
- (b) Training in the civil service.

3. The Chairman informed members that he had received a written submission from the Government Employees Association (tabled at the meeting), expressing their concern about the study on the civilianization potential in disciplined services departments. The Chairman proposed and members agreed that the Administration should be invited to brief the Panel on the subject at the next regular meeting scheduled for 21 June 2004.

*(Post-meeting note: To allow more time for the discussion of the two items mentioned in paragraphs 2(a) and (3) above, the Administration agreed that the item on “Training in the civil service” be deferred. The agenda for the meeting scheduled for 21 June 2004 was issued to members vide LC Paper No. CB(1)1858/03-04 on 18 May 2004.)*

**III. Policy governing the acceptance of post-retirement employment by civil servants**

(LC Paper No. CB(1)1786/03-04(03) — Paper provided by the Administration)

LC Paper No. CB(1)1711/03-04 — “The Fifteenth Report on the Work of the Advisory Committee on Post-retirement Employment (1 January 2003 - 31 December 2003)” provided by the Administration)

### Briefing by the Administration

4. At the invitation of the Chairman, the Deputy Secretary for the Civil Service (1) (DSCS1) briefed members on the policy governing the acceptance of post-retirement employment of civil servants, highlighting the following points:

(a) Objectives and principles of the policy

Under section 16 of the Pensions Ordinance (Cap. 89) and section 30 of the Pension Benefits Ordinance (Cap. 99), a retired civil servant who had been granted a pension was required to seek prior permission from the Chief Executive (CE) before he entered into business or took up an employment within two years after his retirement, if the principal part of his business or employment was carried on in Hong Kong. Retired officers at the Administrative Officer (AO) Staff Grade A1 rank had to seek permission within three years after retirement. The objective of the post-retirement employment policy was to ensure that former civil servants did not enter into any business or took up any employment which might constitute a conflict of interest with their previous service in the Government or adversely affect the image of the Government. The basic principle and factors to be taken into account in considering applications for taking up post-retirement employment were set out in paragraph 5 of the paper.

(b) Approving mechanism

Applications from non-directorate officers were handled by the respective Head of Department/Grade (HoD/HoG) under delegated authority. Applications from directorate officers were first scrutinized by HoD/HoG or the Permanent Secretary concerned. Their recommendations would be processed by the Civil Service Bureau (CSB) and forwarded to the Advisory Committee on Post-retirement Employment (ACPE) for consideration and advice. For applications which warranted approval, the Administration would also consider whether there was a need to specify a sanitization period (counting from the date of cessation of active service of the applicant) during which the applicant would be barred from taking up the post-retirement employment. Normally, a six-month sanitization period would be imposed in the case of directorate officers. Where appropriate, the Administration might also impose restrictions on the scope of activities to be undertaken by the retired civil servant.

5. DSCS1 also informed members that the Administration had been considering how the mechanism should be applied to officers joining the civil service under the new entry terms on or after 1 June 2000 who would be eligible for the Civil Service Provident Fund instead of pension upon their appointment to permanent terms. The Administration would consult staff in accordance with the normal procedures when proposals were available.

### Discussion

#### *Need for a review of the existing mechanism*

6. Mr CHEUNG Man-kwong noted that of the 76 applications submitted by retired directorate officers in 2003, one was rejected, 23 were approved with sanitization period and/or restrictions, and 52 were approved without any conditions. With such a high approval rate, Mr CHEUNG doubted whether the existing mechanism was effective in ensuring that the objective of the post-retirement employment policy could be achieved. He also pointed out that the approval given to a number of retired directorate officers to take up employment with private enterprises shortly after retirement, or even during the period of their pre-retirement leave, had undermined public confidence in the integrity of the civil service. Mr CHEUNG therefore urged the Administration to review the existing mechanism as early as possible to restore public confidence. Mr Albert CHAN shared his views. He queried whether the existing mechanism was safeguarding the interest of retired officers and their prospective employers rather than public interest.

7. Mr LEE Cheuk-yan expressed concern about the recent trend that more and more retired directorate officers took up employment with consortia shortly after their retirement. This trend gave rise to the query on whether the retired directorate officers concerned had, during their previous service in the Government, given favouritism towards consortia in their policy formulation or decision in order to pave way for their post-retirement employment. Mr Albert CHAN shared Mr LEE's concern.

8. Mr Michael MAK opined that a due process for handling the applications for post-retirement employment was needed to maintain the impartiality of the mechanism and to safeguard public interests. He considered that the advice of the Independent Commission Against Corruption (ICAC) should be sought by the Administration on the need and means for tightening the control over the application process.

9. DSCS1 stressed that the Government attached great importance to ensuring that post-retirement employment of former civil servants would not result in conflict of interest with their previous service in the Government, and that the existing mechanism for processing applications for post-retirement employment was fair and impartial. Applicants were required to provide detailed information in their applications, including details of the prospective employment, channel through which they applied for the prospective employment as well as whether they had any contact with their prospective employers during their service in the Government. Applications from directorate officers were first scrutinized by the HoD/HoG or the Permanent Secretary concerned. Their recommendations would be processed by CSB and forwarded to ACPE for consideration and advice.

10. DSCS1 also pointed out that of the 75 approved applications from directorate officers, 15 were approved with sanitization period. Of the remaining 60 approved applications, 45 were submitted six months or more after the date of cessation of active service of the officers concerned and only 15 cases were submitted within less than 6 months, with the majority in the latter involving applications for taking up employment in the education sector, or for engaging in business which would not constitute any conflict of interest with the applicants' previous service in the Government. DSCS1 further pointed out that the retired officers were generally aware that any applications for post-retirement employment would be subject to close scrutiny. They were also conscious of the need to avoid potential conflict of interest in seeking post-retirement employment. As regards the query on whether the retired directorate officers concerned had given favouritism towards consortia in their policy formulation or decision during their previous service in the Government, DSCS1 pointed out that integrity, honesty and impartiality were core values followed by civil servants in conducting their work.

11. The Secretary for the Civil Service (SCS) pointed out that under the existing mechanism, retired officers at higher rank were subject to tighter control on their post-retirement employment or business. For example, retired officers at the AO Staff Grade A1 rank had to seek permission for such employment within three years after retirement, instead of two years in the case of other retired civil servants. SCS also pointed out that the number of retired directorate officers taking up employment with private enterprises was not significant. At the request of Mr LEE Cheuk-yan, SCS undertook to provide information on the number of retired directorate officers who had taken up such employment in the past three years, with a breakdown by rank at the time of retirement.

*(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(1)2163/03-04(01) on 15 June 2004.)*

12. The Chairman pointed out that while the number of retired directorate officers taking up employment with private enterprises was not significant, the retired officers previously serving as the Commissioner of Police had taken up such employment shortly after their retirement.

13. Mr LEE Cheuk-yan opined that tighter restrictions should be imposed to prohibit retired civil servants from taking up any employment or enter into any business which would have direct conflict of interest with their previous service in the Government. For example, retired officers previously involved in outsourcing exercises should not be allowed to take up employment with the Government contractors concerned. DSCS1 confirmed that approval would not be granted to applications which constituted a conflict of interest with the applicants' previous service in the Government.

14. Mr Albert CHAN was not convinced that the existing mechanism was fair and impartial. He pointed out that the applications were mainly considered by civil servants, such as HoD/HoG or Permanent Secretary, and that ACPE was established by the Government with its chairman and members appointed by CE. Moreover, information about the applications was not disclosed and the existing mechanism lacked transparency. Mr CHAN requested the Administration to disclose the information provided by the applicants involved in the 76 applications received from retired directorate officers in 2003.

15. SCS pointed out that ACPE was established in 1987 to strengthen the post-retirement employment mechanism and to enhance public confidence. It consisted of independent members and produced an annual report on its work, a copy of which was provided to members of the Panel for information. SCS also pointed out that in pursuing the post-retirement employment policy, the Administration needed to strike a balance between the rights of individuals to pursue employment or business after retirement on the one hand and the public interest and the aspirations of the community regarding the integrity and impartiality of the civil service on the other. To address members' concern, SCS undertook to consider how the transparency of the post-retirement employment mechanism could be enhanced, taking into account the need to strike the balance mentioned above. SCS also undertook to consider whether there was a case to impose more restrictions on the post-retirement employment of directorate officers in the light of present day circumstances and the enhanced expectation of the community on the probity of the civil service.

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16. On members' request for information about the applications for post-retirement employment, SCS said that given that the information provided by the retired officers in respect of the prospective employment was solely for the purpose of enabling the Administration to process their applications, the Administration would seek legal advice on whether the disclosure of information about the applications would infringe the privacy rights of the retired officers concerned. However, he stressed that the disclosure of such information, if considered appropriate, would only apply to future applications but not to the approved applications.

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17. Mr LEUNG Fu-wah noted that ACPE was chaired by a judge and had three non-official members. Responding to Mr LEUNG's enquiry, DSCS1 said that the three non-official members were either of commercial or legal background. Mr LEUNG suggested that the Administration might consider increasing the number of non-official members of ACPE to enhance public confidence in the mechanism.

18. Noting that the sanitization period was counted from the date of cessation of active service of the applicant (paragraph 7 of the paper), the Chairman sought clarification on whether the period of pre-retirement leave of the applicant was counted as part of the sanitization period. DSCS1 explained that the sanitization period was counted from the date the retired officer ceased active duty. She clarified that contrary to the general impression of the public that applicants submitted their applications for post-retirement employment shortly after their cessation of active service, the majority of the applications were submitted several months or even one to two years after the applicants had ceased active service.

19. Mr CHEUNG Man-kwong considered that the granting of approval for post-retirement employment should be tightened up by lengthening the sanitization period for retired directorate officers to one year. He also considered that the sanitization period should be counted from the date on which the retired officers left the civil service, instead of the date of cessation of active service. In other words, retired officers should not be allowed to take up any employment during the period of their pre-retirement leave. Mr LEE Cheuk-yan, Mr Albert CHAN and Ms LI Fung-ying shared Mr CHEUNG's view on the need to tighten up the granting of approval for post-retirement employment. Mr LEE and Mr CHAN considered that the sanitization period for retired directorate officers should be extended to two or three years.

20. SCS pointed out that while a six-month sanitization period would normally be imposed in the case of directorate officers, the length of sanitization



Admin period varied depending on the specific circumstances of each case. He also pointed out that the independent ACPE would provide a third party advice to the Administration on the sanitization period and restrictions to be imposed, if any, on approved post-retirement employment applications. To address members' concern, however, SCS agreed to review the length of the sanitization period, taking into consideration practices in other jurisdiction, as well as members' views mentioned in paragraph 19 above.

Admin 21. On members' request for a review of the existing post-retirement employment mechanism, SCS said that the mechanism had been revised from time to time to ensure that it continued to serve the policy objective effectively and that the procedures were clear and well understood by all officers concerned. The Administration was willing to review the mechanism, taking into consideration members' views expressed at the meeting, including their views on the length of the sanitization period and the calculation of such period as well as the enhancement of the transparency of the existing mechanism. As set out in paragraph 15 of the paper, the Administration would consider how the mechanism should be applied to officers joining the civil service under the new entry terms on or after 1 June 2000. In taking forward the review, the Administration would consult relevant parties on the review, including ACPE, civil servants and the Department of Justice.

Admin 22. In response to the Chairman's enquiry, SCS advised that the aim was to complete the review by end of 2004. At the request of Mr CHEUNG Man-kwong, SCS undertook to convey members' views on the post-retirement employment mechanism to ACPE for reference.

#### *Suspension of monthly pension payment*

23. Mr Albert CHAN considered that monthly pension payment should be suspended for those retired officers who had taken up employment with private enterprises. SCS pointed out that retired civil servants were entitled to the payment of monthly pensions for their past years of service in the Government and it would neither be reasonable nor lawful to suspend the monthly pension payment for those who had taken up employment with private enterprises.

#### *Monitoring of approved applications*

24. Noting that some of the applications from retired directorate officers were approved with restrictions, Mr Bernard CHAN enquired how the Administration could monitor whether the retired officers concerned had complied with the restrictions. Mr Michael MAK expressed similar concern. DSCS1 responded

that in granting approval for post-retirement employment, the applicant and the HoD/HoG or Permanent Secretary concerned would be informed of the restrictions imposed. Responding to Mr CHAN's further enquiry on penalty for non-compliance, DSCS1 said that the monthly pension payment for the officers concerned might be suspended in case of non-compliance. The Administration considered the existing monitoring measures effective and therefore had no plan to introduce additional measures in this regard.

25. Noting that all applications for post-retirement employment from non-directorate officers received in 2003 were approved, Mr LEUNG Fu-wah expressed concern about the control on such employment. DSCS1 advised that the principles and criteria for post-retirement employment were clearly laid down in Government circulars and Civil Service Regulations. Retirees were also reminded of the relevant principles and criteria in letters issued to them before their retirement. Consequently, retirees were unlikely to submit applications which they considered would constitute conflict of interest.

#### *Post-retirement employment outside Hong Kong*

26. Mr Howard YOUNG opined that the present criteria for retired officers to seek prior permission from CE for post-retirement employment or business should be extended to cover post-retirement employment or business carried out outside Hong Kong, as such activities might also constitute a conflict of interest with the retired officer's previous service in the Government. In response, DSCS1 advised that under the existing arrangements, retired directorate officers were required to inform CSB of any paid post-retirement employment undertaken anywhere during the first two years of retirement. CSB would advise the retired officer concerned where necessary if the prospective employment might constitute a conflict of interest with the officers' previous service in the Government. DSCS1 said that as far as she could recall, there was a case where the retired officer had given up post-retirement employment outside Hong Kong on the advice of CSB to avoid conflict of interest with his previous service in the Government.

#### *Employment after completion of agreements*

27. Responding to Ms LI Fung-ying, DSCS1 said that agreement officers on Directorate Pay Scale Point 3 or above were also required to seek prior permission before they took up employment outside the Government within one year after completion of their agreements. The one-year period counted from the expiry of their terminal leave. As regards the mechanism for the Directors of Bureau, DSCS1 said that the relevant details had been provided to Legislative Council Members when the Accountability System for Principal Officials was implemented.

In brief, a Principal Official would be required to seek advice from a committee appointed by CE within one year after stepping down from office if he intended to commence any employment or start any business or profession.

#### **IV. Civil service disciplinary mechanism and procedures**

(LC Paper No. CB(1)1786/03-04(04) — Paper provided by the Administration)

##### Briefing by the Administration

28. At the invitation of the Chairman, the Deputy Secretary for the Civil Service (3) (DSCS3) highlighted the following points in the paper for members' reference:

- (a) In the past few years, various measures had been introduced by the Secretariat on Civil Service Discipline (SCSD) to streamline the disciplinary process. A brief account of these measures was set out in paragraph 9 of the paper. With the implementation of these measures, the processing time for disciplinary cases had been progressively reduced over the years. In 2003-04, over 80% of the disciplinary cases which required a hearing under the Public Service (Administration) Order (PS(A)O) could be completed within the timeframe of three to nine months. Cases which did not require a hearing could generally be dealt with in not more than three months.
- (b) Details of the disciplinary cases in which the officers concerned sought a judicial review (JR) of the disciplinary decisions in the three years ending March 2004 were set out in Annex C (cases processed under PS(A)O) and Annex D (cases processed under the disciplined services legislation) to the paper. The Administration had carefully examined the cases in which the court ruled in favour of the officers and taken appropriate follow-up actions. For example, the Administration noted the court's commentary in the case cited in Annex C to the paper about the clarity of the guidelines on standard of proof provided to inquiry officers responsible for conducting disciplinary hearings. SCSD had, in this regard, refined the guidelines in consultation with the Department of Justice.
- (c) Following a review in 2001, the Administration had called for regular returns from departments on the number of interdiction cases. Departmental management was requested to exercise vigilance to

ensure that interdiction was resorted to only when it was strictly necessary. There had been a steady drop, over the years, in the number of active interdiction cases (from about 150 cases in mid 2001 to 100 in March 2004).

- (d) To streamline the procedures for handling persistent sub-standard performers, CSB had promulgated in March 2003 a set of revised procedures under which an overall “unsatisfactory” performance rating for a 12-month period would be a sufficient basis for compulsorily retiring an officer in the public interest under section 12 of PS(A)O. In the 12 months ending March 2004, some 60 officers were put under the supervision of the “section 12 mechanism”. Eleven officers failed to make substantive improvements to their performance and were retired in the public interest in 2003-04.

## Discussion

### *Punishments handed down*

29. Mr Albert CHAN was disappointed that the information paper provided by the Administration did not give a full picture on the punishment awarded to officers at different ranks by the nature of offences/misconduct, hence failing to address his constant concerns about the fairness of the disciplinary mechanism. He was gravely concerned that there had been cases in which officers at higher ranks were awarded lighter punishment than officers at lower ranks for the same offence.

30. DSCS3 advised that in awarding punishment, the disciplinary authority would take the gravity of the misconduct as the key factor. Other relevant factors that were taken into account included the customary level of punishment, mitigating circumstances, the service and disciplinary record of the officer, and the position he held in the service. It was the Administration’s policy that for the same type of offence, a more senior officer would normally receive a heavier disciplinary punishment than a junior ranking officer, as senior officers were expected to lead their subordinates by personal example. The Administration would also consult the Public Service Commission on the level of punishment. Referring to Annex B to the paper, DSCS3 pointed out that the percentages of removal and dismissal cases were higher for cases involving officers of the higher ranks than those for the lower ranks.

31. SCS also pointed out that in response to the rising public expectations of

the probity of civil servants, particularly officers at higher ranks, the level of punishment handed down had been increasingly stringent and officers at higher ranks were subject to even more stringent penalty in case they committed offences/misconduct. At the request of Mr Albert CHAN, SCS undertook to provide a breakdown of the disciplinary cases in the civil service set out in Annex B to the paper by the nature of offences/misconduct, in particular, offences involving investigation by ICAC.

32. Referring to the information about the number of disciplinary cases resulting in dismissal and compulsory retirement of the officers concerned set out in Annex B to the paper, Mr CHEUNG Man-kwong sought clarification on the differentiation between the two types of punishment, the justifications for awarding one type of punishment but not the other, and the factors considered in making the disciplinary decision.

33. DSCS3 explained that dismissal and compulsory retirement represented two different levels of punishment. Dismissal was the highest level of punishment awarded in disciplinary proceedings whereby the dismissed officer's employment would be terminated and he would not be entitled to pension payment. This level of punishment would be awarded to disciplinary cases involving very serious offences/misconduct, such as corruption or other criminal offences. For cases involving less serious offences/misconduct, the punishment of compulsory retirement might be awarded if the departmental management considered that it would be in the public interest to remove the officer concerned from the service. Officers compulsorily retired would be eligible to their entitled pension payment upon reaching their normal retirement age.

34. Referring to the information on the number of cases involving civil servants subject to disciplinary action for offences/misconduct related to "abuse of official position" set out in Annex E to the paper, Mr LEE Cheuk-yan enquired about the nature and level of punishment awarded to these cases. At the request of Mr LEE, DSCS3 undertook to provide a breakdown of the cases by the type of punishment handed down and by offences/misconduct committed by directorate and non-directorate officers.

#### *Processing time for disciplinary cases*

35. Referring to the statistics about the processing time of disciplinary cases in paragraph 12 of the paper, Mr Albert CHAN queried whether cases which required a disciplinary hearing under PS(A)O could be completed within three to nine months. Quoting the example of a disciplinary case which had involved investigation by ICAC in 1996 and subsequently referred to CSB for disciplinary

proceedings, Mr CHAN said that the disciplinary proceedings had not yet been completed in 2004. He pointed out that the prolonged disciplinary proceedings had caused hardship and frustration to the officers concerned. Moreover, the officers concerned were not allowed to apply for voluntary retirement under the two Voluntary Retirement Schemes (VRS). Mr CHAN considered it very unfair to the officers concerned.

36. Ms LI Fung-ying shared Mr Albert CHAN's concern about the prolonged disciplinary proceedings. Ms LI opined that while longer processing time might be required for complicated cases, the overall processing time for disciplinary cases should be further shortened.

37. DSCS3 pointed out that in 2003-04, over 80% of the disciplinary cases which required a hearing under PS(A)O could be completed within the timeframe of three to nine months. As for the small number of cases requiring longer processing time, they were mostly complicated cases which called for more in-depth investigation and intensive gathering of evidence, including cases for which disciplinary actions had to be held in abeyance pending the outcome of criminal investigations and/or court judgement. Regarding the case mentioned by Mr Albert CHAN, DSCS3 said that the disciplinary proceedings for the 58 officers involved in the case had been completed, except one officer whose case was pending because of his medical conditions. He reiterated that the Administration had made efforts in streamlining the disciplinary process and improvements were shown in the overall processing time for majority of the cases in the past few years.

38. SCS also pointed out that while the Administration endeavoured to reduce the processing time for disciplinary cases, it was unavoidable that for some cases, more processing time would be required because of their complexity and other factors that were outside the control of the disciplinary authority. SCS explained that disciplinary proceedings were subject to due process. Under the current disciplinary mechanism, there were channels for aggrieved officers to make appeals, such as making representation to CE or seeking JR of their cases. The Administration was mindful of the importance of due process so that the disciplinary decisions could stand up to legal challenge by the aggrieved officers. Moreover, the Administration, when implementing the two VRS, had clearly pointed out that officers involved in disciplinary proceedings were not eligible to apply for voluntary retirement under the schemes.

39. Mr Albert CHAN suggested that the Administration might explore the merits of setting a time limit for taking retrospective actions against civil offences/misconduct committed by civil servants. SCS considered that it would

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not be in the public interest to set such a time limit.

*Interdiction*

40. Ms LI Fung-ying enquired whether the Administration had considered the feasibility of re-deploying the officers concerned to take up other duties rather than ordering interdiction during the period of disciplinary proceedings. DSCS3 said that in response to the concern about the arrangements for interdiction during disciplinary proceedings, the Administration had demanded vigilance on the part of departmental management to ensure that interdiction was resorted to only when it was strictly necessary, to identify alternative arrangements for the officers concerned (including re-deployment) where possible, and to keep the period of interdiction with pay the shortest possible. He advised that the number of active interdiction cases had decreased from 150 cases in mid 2001 to 100 cases in March 2004. The average length of the interdiction period had also been shortened.

*Unauthorized access to computer system*

41. In response to Mr LEE Cheuk-yan's enquiry about the JR case in which an ex-Police Constable was found guilty of "Contravention of Police Orders" (unauthorized access to the Force's computer system) (Annex D to the paper), DSCS3 advised that the Administration could not reveal or discuss in public details of individual disciplinary cases. At the request of Mr LEE, DSCS3 undertook to provide information on the number of disciplinary cases involving unauthorized access to the Police Force's computer system in addition to the above-mentioned JR case.

*Management of persistent sub-standard performers*

42. Mr CHEUNG Man-kwong was concerned that the existing arrangements for the management of persistent sub-standard performers were too lenient. He noted that under the revised procedures promulgated in 2003, some 60 officers were put under the supervision of the "section 12 mechanism" and the officers who failed to make improvements were only subject to compulsory retirement. In his view, while sub-standard performers on the watch list should be given opportunity to make improvements, those who failed to do so should be dismissed instead of being compulsorily retired in the public interest. Mr CHEUNG was also concerned that under the revised procedures, the lead time allowed for sub-standard performers to make improvements was still too long, as they would only be put under observation for 12 months after persistent sub-standard performance which might have lasted for two or three years. He considered it unfair to the majority of civil servants who performed up to the standard required. He urged the Administration to review the existing arrangements for the management of



sub-standard performers by imposing more stringent penalty as well as reducing the lead time for application of the “section 12 mechanism”.

43. DSCS3 responded that the deterrent effect of compulsory retirement should be seen in perspective. For example, in some of the section 12 cases, the officers were only in their thirties and there were still years before they reached their normal retirement age for pension payment. DSCS3 reiterated that the Administration attached great importance to maintaining a high standard of staff performance. In the past, longer period was allowed for sub-standard performers to show improvements before applying the “section 12 mechanism”. With the revised procedures promulgated in March 2003, an overall “unsatisfactory” performance rating for a 12-month period would be a sufficient basis for applying the “section 12 mechanism”. Following the promulgation of the revised procedures, departmental management had in general shown greater readiness to apply the “section 12 mechanism” as a means to restore less-than-satisfactory performance. Departmental management was also reminded to keep constant monitoring on marginal cases. DSCS3 added that besides applying the “section 12 mechanism”, issuing of warnings and withholding the granting of annual increment might be used for the management of unsatisfactory performance of the officers concerned.

44. SCS clarified that under the revised procedures, the time allowed for sub-standard performers to demonstrate improvement had been shortened to enhance timely actions for the management of sub-standard performance. The past practice of allowing a sub-standard performer two to three years to make improvement was replaced by the revised procedure under which departmental management could apply the “section 12 mechanism” if an officer had demonstrated “unsatisfactory” performance for a 12-month period.

45. The Chairman and Mr CHEUNG Man-kwong considered that the effect of the revised procedures promulgated in March 2003 on the timely management of persistent sub-standard performers was not clearly set out in the paper provided by the Administration. At their request, SCS undertook to clarify how the revised procedures would facilitate timely management actions for handling persistent sub-standard performers, in particular the arrangements for putting officers under the supervision of the “section 12 mechanism”.

46. Mr Michael MAK commented that the performance of staff could be improved with proper and adequate counseling and training. He considered it the responsibility of supervisors to provide guidance and training to their subordinates for improving the subordinates’ performance. In this connection, the Administration should ensure that sub-standard performers were provided with

adequate guidance and training.

*(Post-meeting note: The information requested under paragraphs 31, 34, 41 and 45 was provided by the Administration and circulated to members vide LC Paper No. CB(1)2174/03-04(01) on 16 June 2004.)*

**V. Civil Service Customer Service Award Scheme 2003-04**

(LC Paper No. CB(1)1786/03-04(05) — Paper provided by the Administration)

47. There being no questions from members on the subject under Agenda Item V, the Chairman thanked SCS and other representatives of the Administration for attending the meeting.

48. SCS took the opportunity to invite members to the prize presentation of the Outstanding Customer Service Award to be held on 30 May 2004. He said that this was an annual occasion for the Government and the community to show their commendations towards the civil servants and government departments demonstrating outstanding performance and excellence in service delivery.

**VI. Any other business**

49. There being no other business, the meeting ended at 1:10 pm.