

**Reply to follow-up questions
raised by Members of the Public Service Panel
at the meeting on 25.6.2007 (LC Paper No. CB(1)1915/06-07(02))**

Item 4(a)

In determining the level of punishment to be imposed on an officer convicted of a criminal offence, the disciplinary authority will examine the background and circumstances of each case carefully, and take into account the following factors –

- (a) the gravity of the convicted criminal offence (which depends on but not limited to a number of considerations, such as whether the offence is duty-related, whether it has reflected adversely on the officer's integrity, whether it is premeditated, whether it is a repeated incident, the officer's position in the civil service, etc.);
- (b) the service and disciplinary record of the officer;
- (c) relevant mitigating factors; and
- (d) the customary level of punishment revealed in precedents of a similar and comparable nature.

The gravity of the convicted criminal offence will be the primary consideration. Where applicable, the disciplinary authority will consult the Public Service Commission before determination of the punishment.

Item 4(b)

Please see the attached breakdown.

**Breakdown of Criminal Conviction Cases leading to Dismissal and Compulsory Retirement in the Civil Service by Rank
(2000/01 – 2006/07)**

		No. of Dismissal (D) and Compulsory Retirement (CR) Cases													
		2000/01		2001/02		2002/03		2003/04		2004/05		2005/06		2006/07	
		D	CR	D	CR	D	CR	D	CR	D	CR	D	CR	D	CR
PS(A)O cases ¹	Directorate	0	0	0	1	1	1	0	0	0	0	0	0	0	0
	MPS Pt. 14-49 or equivalent ²	4	6	6	3	6	11	9	3	5	6	10	6	5	1
	Below MPS Pt. 14 or equivalent	8	4	10	6	10	5	2	2	9	3	1	4	1	3
	Sub-total	12	10	16	10	17	17	11	5	14	9	11	10	6	4
DSL cases ³	Middle-ranking officer ⁴	N/A						3	1	1	1	4	2	1	1
	Junior-ranking officer ⁵	N/A						17	13	20	4	2	5	9	6
	Sub-total	N/A						20	14	21	5	6	7	10	7
Total		N/A						31	19	35	14	17	17	16	11

1 Cases processed under the Public Service (Administration) Order.

2 Also including senior officers in disciplined services departments with equivalent pay scale.

3 Cases processed under disciplined services legislation. Cases involving senior officers in the disciplined services departments (e.g. Superintendent of Police or above) are processed under the PS(A)O.

4 Officers at inspectorate ranks (e.g. Inspector of Police, Inspector of Customs and Excise, Assistant Divisional Officer, etc.).

5 Rank and file officers (e.g. Police Constable, Customs Officer, Fireman, etc.).

N/A Not available.