

政府總部
公務員事務局
香港中環雪廠街11號
中區政府合署西座



**CIVIL SERVICE BUREAU
GOVERNMENT SECRETARIAT**
WEST WING
CENTRAL GOVERNMENT OFFICES
11 ICE HOUSE STREET
HONG KONG

本函檔號 Our Ref.: CSBCR/DP/4-075-002/4
來函檔號 Your Ref.:

電話號碼 Tel. No.: 2810 2140
傳真號碼 Fax No.: 2530 0986
電郵地址 E-mail Address: csbts@csb.gov.hk
網址 Homepage Address: <http://www.csb.gov.hk>

17 November 2008

Clerk to Panel on Public Service
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Attn: Ms Sarah YUEN)
(Fax No.: 2121 0420)

Dear Ms Yuen,

**Disciplinary framework for civil servants
whose retirement benefits are provided under the
Civil Service Provident Fund Scheme and other related proposals**

I refer to the letter of 14 November 2008 from the Government Electrical & Mechanical Works Supervisors, Craftsmen & Workmen Association (“the Association”) addressed to you. Our responses to the views made therein are set out in the ensuing paragraphs.

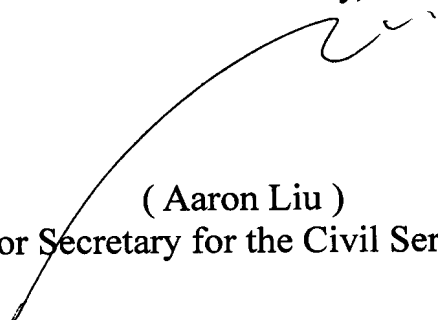
In the letter, the Association points out that to introduce the above proposals this year when the Administration is recruiting civil servants under the Civil Service Provident Fund (“CSPF”) Scheme (“CSPF civil servants”) may trigger the staff so affected to leave the civil service because of a change in the government policy. We would like to clarify that at the time of introduction of the CSPF Scheme, we already set out clearly in the contract terms that the accrued benefits attributable to the Government’s voluntary contribution (“GVC benefits”) of a CSPF civil servant may by contract be forfeited in whole or in part, if he is found guilty of a disciplinary or criminal offence and is so punished for the offence. Civil servants joining the CSPF Scheme have a clear understanding of the disciplinary provisions contained in the Scheme. We cannot thus subscribe to the view of the Association that the proposals would

lead to a greater wastage of the civil servants concerned. Having said that, we will continue to monitor closely the overall staffing position with a view to ensuring that the civil service will continue to attract talents for the purpose of serving the community.

We propose in the Panel paper to put in place three levels of removal punishment, namely, dismissal with forfeiture of full GVC benefits (Level 1), compulsory retirement with reduced GVC benefits (Level 2), and compulsory retirement with full GVC benefits (Level 3). Insofar as the Level 2 punishment is concerned, our proposal is to cap the level of forfeiture at up to 25% of the GVC benefits, but not 25% of the accrued benefits attributed to the government total contribution as mentioned in the Association's letter.

Lastly, regarding the appeal mechanism, the Association has suggested in its letter that appeals should be referred to "an independent non-statutory panel for final adjudication". As explained in the Panel paper, the CSPF Scheme currently contains no provision for representations made to the Chief Executive ("CE") to be considered by an independent appeal body. We therefore propose, by mirroring the appeal arrangements applicable to pensionable civil servants, to set up a similar appeal mechanism for CSPF civil servants, including the establishment of an independent appeal panel on a non-statutory basis, to advise the CE on appeals for forfeiture of CSPF benefits. We trust this proposal could effectively and appropriately handle such appeals.

Yours sincerely,



(Aaron Liu)
for Secretary for the Civil Service

c.c. Government Electrical & Mechanical Works Supervisors,
Craftsmen & Workmen Association
(Attn: Mr NG Yue-him, Chairman)