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12 January 2009

Ms Joanne MAK
Clerk to Panel on Public Service
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Ms Mak,

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

Having received deputations on the proposed disciplinary framework for CSPF civil servants from the Disciplined Services Consultative Council Staff Side (“DSCC Staff Side”) and the Government Disciplined Services General Union (“GDSGU”) at its meeting held on 17 November 2008, the Panel asked the Administration to conduct further staff consultations to fully address the staff sides’ concerns. I write to update the Panel on the follow-up actions taken by the Administration.

The Civil Service Bureau met the DSCC Staff Side and the GDSGU again on 12 December 2008 and 6 January 2009 respectively. We explained to them our plan to introduce the relevant amendment bill into the Legislative Council in the first half of this legislative year, and our target to bring the legislative amendments, together with the requisite amendments to other instruments such as the Public Service (Administration) Order (“PS(A)O”) and the relevant Civil Service Bureau circulars, into effect before mid-2010. At the same time, we reiterated to them our undertaking to conduct separate reviews regarding concerns which fell outside the scope of the above-mentioned amendment bill (namely, certain discrepancies in the disciplinary proceedings of

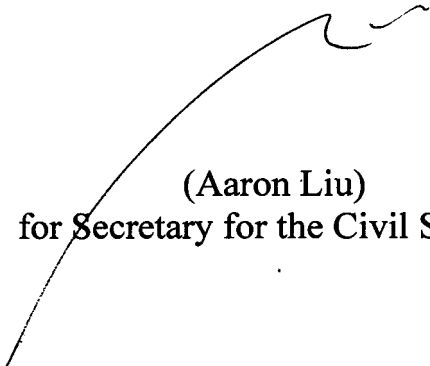
different disciplined services and details of the review board under section 20(2) of the PS(A)O). Both the DSCC Staff Side and the GDSGU took note of the Administration's explanation and agreed that the processing of the amendment bill and the aforesaid reviews could proceed in parallel.

As regards the GDSGU's concern over the inclusion of investment returns in the forfeiture formula for the proposed level 2 punishment for CSPF civil servants who have misconducted themselves, at the meeting held with the GDSGU on 6 January 2009, the Administration further elaborated on the detailed considerations behind the proposal, including the agreed contractual terms for CSPF civil servants when they first joined the service, the policy intent to achieve parity treatment among pensionable civil servants and CSPF civil servants as far as circumstances allow, and the need to maintain sufficient punitive and deterrent effect for staff who have committed the most serious types of misconduct. The GDSGU expressed appreciation of the Administration's stance.

On the basis of the foregoing, the Administration intends to proceed with the drafting of the amendment bill concerned, with a view to introducing the bill into the Legislative Council before the end of February 2009.

Thank you for your attention.

Yours sincerely,



(Aaron Liu)
for Secretary for the Civil Service