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香港特別行政區政府
政務司司長辦公室轄下行政署



The Government of
The Hong Kong Special Administrative Region
Administration Wing,
Chief Secretary for Administration's Office

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28 March 2013

Clerk to Panel of Security
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Mr Raymond Lam)

Panel on Security

Dear Mr Lam,

I refer to your letter of 18 January 2013 addressed to the Commissioner of the Independent Commission Against Corruption (ICAC) and copied to us. Please find below the Administration's coordinated response on item 4 of the list of follow-up actions –

- (a) Regarding the number of posts in the public service which did not set out any limit on the tenure or prescribe the retirement age, as far as the civil service is concerned, under the modified entry system, appointments are usually first offered on new probationary terms or new agreement terms, which are normally for a three-year period. Subject to satisfactory completion of the probationary/agreement period and other prevailing guidelines, officers may be considered for further appointment on new permanent terms, which normally will last until their prescribed retirement age. Further employment may be offered to officers beyond their prescribed retirement age under exceptional circumstances (such as special succession or operational needs).

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As regards other posts within the public service, since there has yet been a widely agreed definition for the term "organisations providing public service" considering the different nature of individual bodies or agencies that provides public service in terms of their modus operandi and method of subvention, the Administration is therefore unable to provide further information. Nevertheless, to the Administration's understanding, statutory bodies like the Equal Opportunities Commission, Office of the Privacy Commissioner for Personal Data, Office of The Ombudsman, and Urban Renewal Authority have in place mechanism to set out the limit on tenure or prescribe the retirement age in respect of the appointments of staff within these bodies.

- (b) In accordance with the Basic Law, the Chief Executive (CE) nominates and reports to the Central People's Government for appointment of principal officials including the Commissioner of ICAC. The appointment of the Commissioner of ICAC is made on an ad personam basis. In making the nomination, CE takes into account the candidate's ability, experience, integrity and commitment to serve the public. The post of the Commissioner of ICAC may be filled by a civil servant and if so, he will be subject to the civil service policy on retirement in (a) above. Should the post be filled by a person other than a civil servant, a fixed-term contract is offered, which normally coincides with the term of CE. The same also applies to the appointment of the Commissioner of ICAC of the Fourth Term HKSAR Government.

Yours sincerely,



(Derrick Chow)
for Director of Administration

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c.c. Commissioner, ICAC (Attn: Mrs Jennie Au Yeung)
(Fax No: 3586 0019)

Perm Secy, Chief Executive's Office (Attn: Mr Steve Tse)
(Fax No: 2524 3099)

Secretary for Civil Service (Attn: Miss Natalie Li)
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Secretary for Constitutional and Mainland Affairs
(Attn: Miss Helen Chung) (Fax No: 2523 4889)

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