

Legislative Council Panel on Public Service

Creation of one Directorate Post of Senior Principal Executive Officer in the Civil Service Bureau as Head of the Secretariat on Civil Service Discipline

Purpose

This paper informs members of the Administration's proposal to create one directorate post of Senior Principal Executive Officer (SPEO) in the Civil Service Bureau (CSB) to take forward the proposal of the Civil Service Reform relating to the setting up of an independent Secretariat on Civil Service Discipline.

Background

2 The provisions and procedures for disciplinary proceedings in the Civil Service are provided in the Public Service (Administration) Order 1997 [PS(A)O] and the Public Service (Disciplinary) Regulation [PS(D)R] made under the Order. The review of the disciplinary mechanism under the Civil Service Reform aims to streamline the disciplinary procedures provided in the Order and the Regulation, and put in place an efficient and effective disciplinary mechanism in the Civil Service to punish misconduct and to maintain deterrent effect, while complying with the principles of natural justice.

3 This Panel was informed of the Civil Service Reform on 15 March 1999 and subsequently on 21 June 1999 on the progress of the Reform.

Existing Disciplinary Mechanism

4 In the context of the Civil Service Reform, the CSB has undertaken a fundamental review of the existing disciplinary mechanism and has identified the following problems in the mechanism -

- the existing disciplinary procedures are cumbersome and time-consuming;

- disciplinary cases are processed by officers in departments and in CSB as part of their duties in human resource management. They are not fully dedicated to disciplinary matters and have varying levels of experience in handling these matters; and
- disciplinary hearings are conducted by officers appointed on an ad hoc basis. They are deployed from departments to conduct the hearings in addition to their normal duties, and may not have experience in handling disciplinary matters.

The problems identified above have resulted in some delays in taking appropriate actions against the officers concerned, and possible inconsistency in the standard of disciplinary action and the punishment imposed.

Proposal

5 The Secretary for the Civil Service (SCS) proposes to set up a new disciplinary secretariat (to be titled as Secretariat on Civil Service Discipline), and to create a permanent post of SPEO (D2) with effect from 1 April 2000 to head the new secretariat.

6 The secretariat, comprising dedicated officers with experience and expertise in disciplinary matters, will centrally process all disciplinary cases in the Civil Service under the PS(A)O on behalf of the disciplinary authority (i.e. Chief Executive, SCS or Heads of Department, as appropriate). SCS also proposes to form a dedicated pool comprising officers of various ranks, grades and disciplines with knowledge and experience in disciplinary proceedings to serve as inquiry officers, or chairmen and members of the inquiry committees at disciplinary hearings.

7 CSB has consulted departmental management and the staff sides through the Working Group set up under the Civil Service Reform. Feedback received indicates that there is general support to the setting up of a Secretariat on Civil Service Discipline.

Roles and Functions of the Secretariat

8 The Secretariat on Civil Service Discipline will be responsible for performing the following roles and functions -

- advising departments in preliminary investigation and collation of

evidence of alleged misconduct, seeking legal advice in this connection if necessary;

- serving as designated officer to present evidence and call witness at disciplinary hearings;
- providing logistical support to the inquiry officers/committees at disciplinary hearings and seeking legal advice in this connection if necessary;
- acting as a resource centre on precedent disciplinary cases for consideration by the disciplinary authority on punishments to be imposed;
- maintaining a pool of officers to serve as inquiry officers, or chairmen and members of inquiry committees at disciplinary hearings, and arranging appropriate training and briefings for these officers; and
- liaison with departments and disciplinary authority on all matters relating to the standards, procedures and practices of disciplinary actions.

The secretariat, together with the dedicated pool of officers set up for disciplinary hearings, will ensure that the disciplinary cases will be processed promptly and efficiently, with more consistency in the standard of action and punishment.

9 In addition, the Secretariat on Civil Service Discipline will visit departments, after it is set up, to establish channels of communication with senior departmental management. The secretariat will seek their continued support for a high standard of discipline. With the experience gathered from processing disciplinary cases, the secretariat will help departments in identifying areas vulnerable to misconduct and to find ways to improve their staff management systems.

Caseload of the Secretariat

10 It is estimated that, the Secretariat on Civil Service Discipline will be required to process some 200 cases of formal disciplinary action a year, more than half of which require disciplinary hearings. As departments become more familiar with the work of the secretariat, it is likely that the number of cases to be processed will increase. Also, the secretariat will provide advice to departments in the investigation and processing of about 1,000 misconduct

cases a year. These cases may lead to formal or informal disciplinary actions.

Responsibilities of the SPEO

11 Having regard to the responsibilities and the estimated workload of the Secretariat on Civil Service Discipline, it is considered that the secretariat should be headed by a SPEO and supported by a group of general grades officers who are experienced in handling disciplinary matters in the Civil Service. Initially, the SPEO will be responsible for setting up the secretariat including equipping the new office for hearings and other disciplinary proceedings. He will take part in the review of the disciplinary provisions in the PS(A)O and the PS(D)R. He will also review the disciplinary procedures taking into account prevailing circumstances and trend of civil service discipline, and develop guidelines and manuals for conducting disciplinary actions at various stages, such as the conduct of preliminary investigation, collation of evidence, formulation of disciplinary charges, arranging disciplinary hearing, etc.

12 As head of the secretariat, the SPEO will be responsible for the overall direction and management of the secretariat, and will oversee its operation to ensure that the secretariat is effectively performing its roles and functions as described in paragraphs 8 and 9 above. He will arrange suitable training and briefing for secretariat staff and officers appointed for conducting disciplinary hearings, devise internal administrative and operational guidelines for case processing, and set up various database to ensure consistency in punishment. Apart from processing the disciplinary cases quickly and efficiently, he will ensure that the cases are handled in compliance with the principles of natural justice.

13 The Secretariat on Civil Service Discipline is an independent set up but administratively will be part of the CSB under the schedule of a Deputy Secretary for the Civil Service (i.e. Deputy Secretary (Civil Service)3). The Deputy Secretary is currently overseeing 3 policy divisions and a Task Force on Civil Service Integrity Programme. The heads of the policy divisions at Administrative Officer Staff Grade C (D2) level are already heavily engaged in policy and administrative matters relating to staff relations, human resource management, training, trading funds, and conduct and discipline. In addition, these divisions are also responsible for staff matters in 37 departments. The Task Force is headed by a Principal Executive Officer (D1). The post is created on a supernumerary basis to implement a service-wide Integrity Programme. The Task Force is working closely with the Independent Commission Against Corruption and government departments to review departmental guidelines on avoidance of conflict of interest in discharging official duties and to provide advice and support in integrity training in

departments. The policy divisions and the Task Force, in view of their current workload, are unable to take up the duties and responsibilities of the Secretariat on Civil Service Discipline.

Encls. 1&2

14 The proposed duty list of the SPEO, the organisation chart of the Secretariat on Civil Service Discipline are shown at Enclosures 1 and 2 respectively.

15 Having regard to the duties and responsibilities of the Secretariat on Civil Service Discipline, and the extensive experience and ability required of the head of the secretariat in handling staff management issues, it is considered that the post should be ranked at SPEO (D2) level. The proposed ranking has the support of the Director of General Grades.

Staffing And Financial Implications

16 The annual salary cost of the proposed Senior Principal Executive Officer post at MID-POINT is –

| | \$ | No. of Post |
|--------------------|-----------|-------------|
| New permanent post | 1,443,000 | 1 |

The full annual average staff cost of the proposal, including salary and on-cost, is \$2,461,000.

17 We have critically examined the staffing requirement of the secretariat and considered that, to ensure it will function effectively, the secretariat should be supported by ten non-directorate Executive Grade officers (two Chief Executive Officers, four Senior Executive Officers and four Executive Officers I) for processing all disciplinary cases. The secretariat will also have eight general grades officers (three secretarial and four clerical staff and one Office Assistant) who will provide the necessary secretarial and clerical support to the secretariat. They will also provide the logistical and secretarial support to the inquiry officers/committees when hearings are conducted.

18 The total notional annual mid-point salary cost and the full annual average staff cost of these 18 non-directorate posts are \$ 8,623,320 and \$ 13,267,000 respectively. The creation of the posts and redeployment of resources will be considered separately under the normal departmental establishment committee machinery.

19 The additional cost of the proposal will be met by redeployment of

savings from General Expenses of the Civil Service and existing resources in the reserve in CSB, and in departments now engaged in the processing of disciplinary cases. We have included sufficient provision in the 2000-01 Estimates to meet the cost of the proposal.

Way Forward

20 The proposal will be submitted to the Establishment Subcommittee on 23 February 2000 for consideration and recommendation to the Finance Committee for approval.

Civil Service Bureau
February 2000

**Job Description of the Proposed Post of
Senior Principal Executive Officer**

Post Title : Senior Principal Executive Officer (Disciplinary Secretariat)

Rank : Senior Principal Executive Officer (D2)

Responsible to : Deputy Secretary (Civil Service)³

Main duties and responsibilities :

As head of the Secretariat on Civil Service Discipline, the SPEO shall be responsible for -

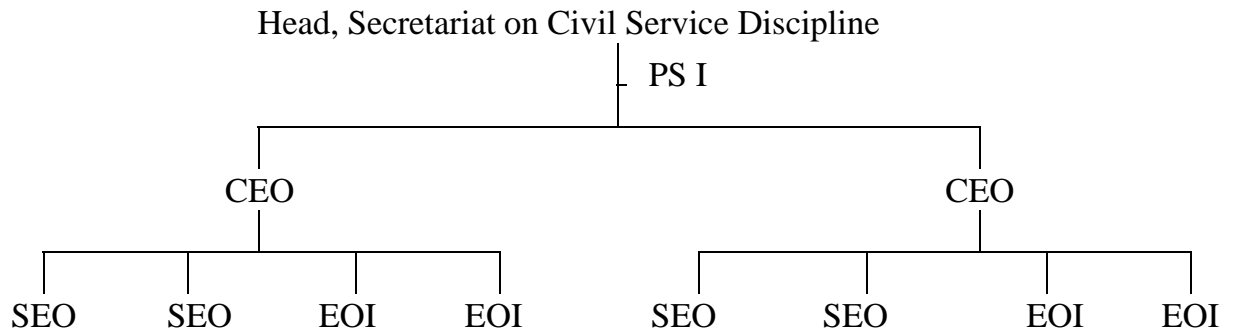
1. overseeing the operation of the secretariat in processing civil service disciplinary cases under the Public Service (Administration) Order 1997;
2. reviewing the disciplinary mechanism and procedures in the civil service, ensuring the system is efficient and up-to-date;
3. developing guidelines and manuals for conducting disciplinary actions, including preliminary investigation, collation of evidence of alleged misconduct, informal disciplinary action, etc.;
4. setting up and maintaining a pool of officers to serve as inquiry officers or chairmen and members of inquiry committees at disciplinary hearings;
5. setting up a resource centre on the standard of punishment and precedent disciplinary cases in civil service;

Enclosure 1

6. providing training to secretariat staff and inquiry officers in disciplinary proceedings and regulations; and
7. liaison with departments and disciplinary authority on matters relating to the standards, procedures and practices in disciplinary actions, and assisting departments in improving their staff management systems and procedures.

**Proposed Organisation Chart of the
Secretariat on Civil Service Discipline**

SPEO



- Advisory
advising departments on investigation and courses of actions
- Case processing
drafting charges, seeking legal advice, liaison with the disciplinary authority, consultation with Public Service Commission on punishment
- Disciplinary hearing
presenting evidence, providing logistical support
- Research and statistics
maintaining database on precedent cases, developing punishment yardsticks

- Advisory
advising departments on investigation and courses of actions
- Case processing
drafting charges, seeking legal advice, liaison with the disciplinary authority, consultation with Public Service Commission on punishment
- Disciplinary hearing
presenting evidence, providing logistical support
- Training and development
arranging training/briefings for staff and inquiry officers
- Administration
providing administration support to the secretariat, maintaining a pool of officers for hearings

General Registry

2 COs, 2 ACOs, 1 OA and 2 PS IIs