



## 1. Introduction

1.1 Public services in Hong Kong have been facing increasing criticisms of being too bureaucratic and unprepared to meet the fast-changing needs of society in recent years, despite the Civil Service Reform implemented in 1999.<sup>1</sup> Reflecting in part the alleged inadequacies in the civil service, the annual average number of complaints over maladministration of public bodies filed to the Ombudsman has increased significantly by 29% over the past two decades or so, from 3 920 cases for the five-year period ending 2003-2004 to 5 050 for the five-year period ending 2018-2019.<sup>2</sup> Most recently in fighting the Coronavirus Disease 2019 ("COVID-19"), the public also felt that there were certain gaps in government's coordination of emergency responses and in execution of virus testing, contact tracing and quarantine arrangement amidst the four waves of infection during 2020.<sup>3</sup>

1.2 While some attribute the unsatisfactory public services to certain institutional factors (e.g. overlapping responsibilities amongst departments and introduction of Principal Officials Accountability System), others are concerned about a lack of motivational factors in the performance management system ("PMS") of civil service. In short, the performance grading is alleged to be "over-generous" with most of appraisees (99%) being given the top three grades on a six-grade scale in 2003, whereas the disciplinary procedures are considered

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<sup>1</sup> Major reform measures implemented since 1999 included (a) granting increment only to those civil servants with satisfactory work performance; and (b) setting up an independent secretariat to process formal disciplinary cases. These will be further discussed in Section 3 of this note. See Civil Service Bureau (1999) and 中國評論通訊社 (2021).

<sup>2</sup> In 2019-2020, the relevant complaints surged threefold from 4 990 to 19 770 over a year. Of these, 76% or over 15 000 were topical complaints mostly related to recent political events and social movements. This exceptional year is excluded in the calculation of annual average statistics for the five-year period. See Office of the Ombudsman (2004 and 2020).

<sup>3</sup> By end-April 2021, there were more than 11 700 confirmed cases of COVID-19 in four major waves of infection in Hong Kong. The allegations against civil service in fighting the pandemic included (a) inability to stop the origin of infection at border control; (b) slow and lengthy decision making; and (c) inefficient and ineffective isolation arrangement in the community.

to be too lengthy.<sup>4</sup> To address the allegation of work avoidant mentality in the civil service and to elicit better work performance, there are renewed calls in the community to introduce additional civil service reforms especially on the reward and penal system.<sup>5</sup>

1.3 At the request of Dr Hon CHIANG Lai-wan, the Research Office has studied the PMS and disciplinary mechanisms for civil servants in selected places. Singapore and South Korea are chosen for the study because (a) they added incentive elements in their PMS in the 1980s-1990s; (b) they adopted quota or ranking in performance appraisals to differentiate effective performers from others; and (c) they laid down time-limited procedures in their statutory disciplinary actions against civil servants with misconduct. This information note begins with a summary of recent global trends on civil service reforms, followed by major issues of concerns over civil service performance in Hong Kong. It then switches to PMS and disciplinary mechanisms for civil services in Singapore and South Korea, along with a concise table for easy reference (**Appendix**).

## 2. Global developments of performance management for civil service

2.1 Pioneered in the United Kingdom ("UK") in the 1980s and mirroring the market efficiency approach in the private sector, the principles of New Public Management ("NPM") have reshaped PMS and delivery of public services across the globe.<sup>6</sup> Under NPM, public services are more customized to meet the needs of citizens with due regard to cost-effectiveness. ***For civil servants as service providers, they are increasingly rewarded with pay differentiation based on work performance which is coined as performance-related pay ("PRP")***, instead of standardized pay regardless of work quality. According to a study conducted by the Organisation for Economic Co-operation and Development ("OECD") in 2019, PRP had been introduced to the senior civil servants in 20 or 56% of OECD member states.<sup>7</sup>

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<sup>4</sup> GovHK (2005), 卜約翰 (2010) and 黃湛利 (2016).

<sup>5</sup> On 6 May 2021, the Legislative Council passed a Member's motion on "Seizing the opportunities to improve governance", urging the Government to step up efforts in "breaking the civil service's culture of procrastination and evasion of responsibilities". See Legislative Council Secretariat (2021), 智經研究中心 (2021) and GovHK (2021).

<sup>6</sup> Rao, S. (2013).

<sup>7</sup> Organisation for Economic Co-operation and Development (2019).

2.2 ***After almost four decades of implementation, PRP displays a couple of salient features.*** *First*, application of PRP has been progressively extended from the top of the occupation hierarchy of civil service to the bottom. *Secondly*, assessment criteria of PMS have become more elaborate for enhanced accuracy in measurement of work performance. *Thirdly*, numerical quotas for each performance grade are set for a clearer distinction between outstanding and incompetent civil servants. *Fourthly*, unsatisfactory performance may result in dismissal. In 2019, this was applied to senior civil servants in 19 or 53% of the member states of OECD.<sup>8</sup> *Fifthly*, decision power of PRP has become more decentralized to heads of individual departments. *Lastly*, civil service pay under PRP can vary with macro-economic conditions. For instance, 8 or 29% of the surveyed member states of OECD cut their civil service pay during 2008-2013 after the outbreak of global financial crisis.<sup>9</sup> By and large, PRP is acclaimed to be effective in motivating civil servants and raising their productivity, though not without challenges in measurement.<sup>10</sup>

2.3 Moreover, ***disciplinary measures are devised to hold civil servants accountable for their ethical misconduct under NPM.*** *First*, there are dedicated laws on disciplinary mechanisms for civil service with statutory procedures and penalties. *Secondly*, penalty is proportional to gravity of the misconduct, with stepwise punishments for repeated wrongdoing. *Thirdly*, while accused civil servants are given fair opportunities for explanation of their cases beforehand, disciplinary decisions are usually made by impartial third parties, with an independent appeal mechanism.<sup>11</sup> While such disciplinary measures could reduce misconduct in civil service, they are deemed to be "difficult" and "time-consuming" in practical application.<sup>12</sup> For instance in the United States, supervisors in the civil service were noted to be "reluctant to use" disciplinary tools for avoiding confrontation with their subordinates.<sup>13</sup>

2.4 Over time, application of NPM and PRP has spread from advanced places to emerging places. ***Taking the Mainland as an example, the "Law of the People's Republic of China on Civil Servants" came into effect in January 2006, stipulating differentiated reward and punishment for its***

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<sup>8</sup> Organisation for Economic Co-operation and Development (2019).

<sup>9</sup> The survey covered 28 OECD member states only. See Organisation for Economic Co-operation and Development (2016).

<sup>10</sup> Cardona, F. (2007) and Organisation for Economic Co-operation and Development (2016).

<sup>11</sup> Cardona, F. (2003).

<sup>12</sup> Bossaert, D. (2005) and Stanley, M. (2019).

<sup>13</sup> Dresang, D.L. (2017).

**civil service.**<sup>14</sup> For civil servants attaining the top two grades in work performance appraisal (i.e. "Outstanding" and "Competent"), they are entitled to both fast-track promotion and year-end bonus amounting to a month of salary.<sup>15</sup> By contrast, those attaining the lowest grade (i.e. "Incompetent") for two consecutive years will be demoted or even dismissed. For disciplinary procedures on misconduct, the statutory time limits are 6-12 months, depending on the complexity of the case.<sup>16</sup> While some academics applaud that the bonus has offered "sustained incentives" for recruiting and retaining talented civil servants in the Mainland, others note that the granting of bonus remains too loose in practice.<sup>17</sup> Over 99% of civil servants receive the top two grades in their appraisals and hence are entitled to bonus each year, making it "hard to motivate enthusiasm" of civil servants.<sup>18</sup> Also, there are wide variations in the application of PRP across 31 provinces, municipalities and autonomous regions in the Mainland.<sup>19</sup>

### 3. Performance management of civil service in Hong Kong

3.1 In tandem with the global developments of NPM, the Government launched the Civil Service Reform in 1999. ***While one of the reform objectives was to make the civil service "more flexible" and "more responsive to community needs", it also aimed to downsize the public service in response to severe fiscal deficit after the outbreak of the Asian Financial Crisis in late 1997.***<sup>20</sup> Under the Enhanced Productivity Programme ("EPP"), the size of civil service was cut by a total of 18% to only 153 700 during 1998-2008, with cost savings of 5.2% during 2000-2003 (**Figure 1**).<sup>21</sup> However, the number of civil servants has rebounded visibly by a cumulative 15% to 177 300 by

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<sup>14</sup> This law led to the passage of three more detailed regulations in 2007-2008, including "Provisions on Assessment of Civil Servants", "Provisions on Reward of Civil Servants" and "Regulation on the Punishment of Civil Servants of Administrative Organs".

<sup>15</sup> Civil servants in the Mainland are evaluated annually and divided into four performance grades. Yet quota is only set for the top grade at 25% at maximum, but not for the three lower grades. See 何憲(2015) and 國家公務員局(2021).

<sup>16</sup> 國家公務員局(2008).

<sup>17</sup> 華曉晨及張軼賢(2007).

<sup>18</sup> The lack of specific measurement for five assessment criteria (e.g. morality, capability, diligence, achievement and uprightness) is believed to be the main reason for the uneven distribution of performance grades. See Wu, A.M. (2014) and 陳小晨及劉曉雯(2016).

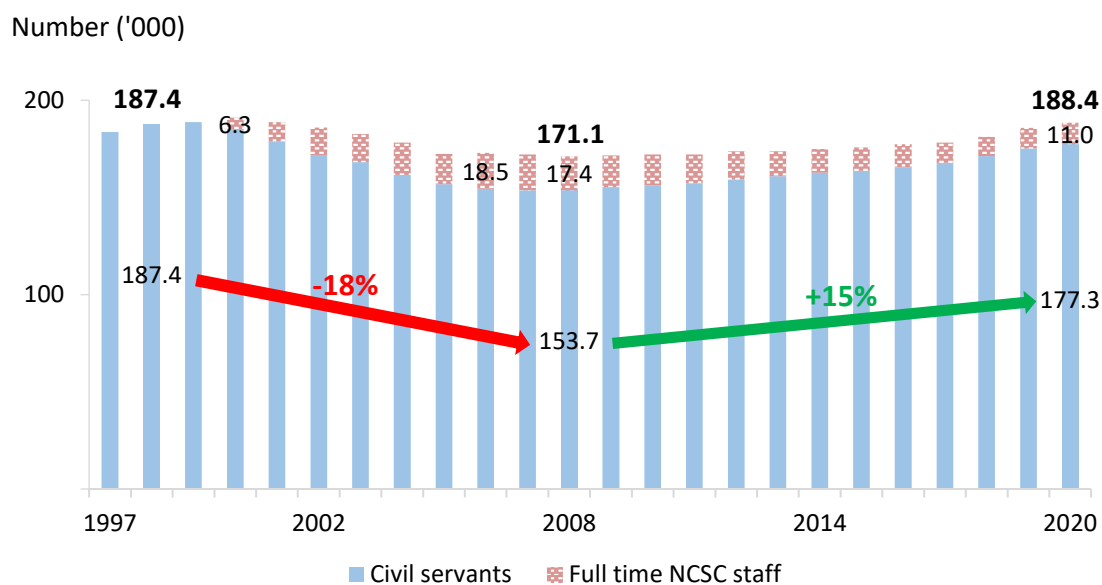
<sup>19</sup> Zhou, Z. (2017).

<sup>20</sup> Civil Service Bureau (1999).

<sup>21</sup> Excluding non-civil service contract staff ("NCSC"). NCSC staff had increased from 6 250 in 2000 to a peak of 18 540 in 2006, before easing to 11 030 in 2020.

mid-2020, upon sustained economic recovery and rising demand for social services. The Government is now the largest employer in Hong Kong, taking up 4.9% of total employment.

**Figure 1 — Civil servants and non-civil service contract staff, 1997-2020<sup>(1)</sup>**



Note: (1) Data as at end-June.

Sources: Civil Service Bureau (2020) and Census and Statistics Department (2021).

3.2 Before the late 1990s, the local civil service was globally acclaimed as one of the "most efficient, clean and vibrant".<sup>22</sup> However, its recent work performance has been rated by some commentators as "declining" and "unsatisfactory".<sup>23</sup> The adverse comments on local civil servants include (a) sluggish, inflexible and bureaucratic attitude; (b) work avoidant mentality; and (c) inability to respond to the changing needs of the local community.<sup>24</sup> Conceivably, certain institutional factors may contribute to this lacklustre performance, such as new socio-political environment after Hong Kong's return to the Mainland in 1997 and a tenuous relationship between the executive and legislative branches upon increased number of elected seats in the legislature after 1998.<sup>25</sup> Some academics pinpoint the Principal Officials Accountability System ("POAS") introduced in 2002, as it reshaped "the working relationships

<sup>22</sup> 黃湛利 (2016).

<sup>23</sup> 林朝暉及鄭媛文 (2016).

<sup>24</sup> 黃海 (2017) and 中國評論通訊社 (2021).

<sup>25</sup> Burns, J.P. and Li, W. (2015) and Legislative Council Secretariat (2020a).

between politicians and bureaucrats" and eroded both the "neutrality and meritocracy" of the local civil service.<sup>26</sup> Others consider the overlapping regulatory responsibilities and the inadequate policy coordination amongst bureaux and departments ("B/D") as the contributory factors to the declining performance of the civil service.<sup>27</sup> According to a global ranking of "government effectiveness" by World Bank, Hong Kong slipped from the third place in 2015 to the ninth place in 2019.<sup>28</sup>

3.3 On top of these institutional factors, ***there are a couple of public concerns about inadequate motivational factors in PMS of the local civil service, notwithstanding early reforms attempted in 1999.***<sup>29</sup> *First*, the Public Service Commission ("PSC") noted that the "over-generous appraisals" of work performance in the civil service might make it difficult for B/D to identify suitable officers for promotion.<sup>30</sup> Based on very limited information available, over 99% of civil servants received the top three performance grades on a six-grade scale in 2003.<sup>31</sup> Not only does it defeat the whole purpose of PMS, it also fails to differentiate between effective and ineffective performers. *Secondly*, PSC noted many defects in the appraisal process, including (a) late completion of appraisal reports; (b) identical comments on the performance of an officer across the years; and (c) lack of action to set up Assessment Panels ("APs") to standardize the appraisal criteria within individual departments.<sup>32</sup> All these undermine the integrity of the performance appraisal system. *Thirdly*, with the aforementioned generosity in performance grading, most of the civil servants are entitled to "automatic increment" each year, irrespective of work quality. Although heads of B/D are asked to stop or defer increments to civil servants with sub-standard performance under the reformed increment policy since October 2000, just 25 civil servants were penalized in such a manner each year on average during 2001-2004. The corresponding figure even plunged to just 10 during 2015-2020.<sup>33</sup> *Fourthly*, promotion decisions are criticized to have

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<sup>26</sup> Cheung, C.Y. (2011) and Lee, E.W.Y. and Yeung, R.L.K. (2017).

<sup>27</sup> In a recent research paper on "Review of town planning in selected places", it is noted that the slow and tedious town planning process in Hong Kong is partly due to duplicated regulatory requirements of the Planning Department, Buildings Department and Lands Department. For details, see Legislative Council Secretariat (2020b).

<sup>28</sup> 209 places were covered in the ranking in 2019. See World Bank (2020).

<sup>29</sup> The reform initiatives were carried out in five main areas, covering (a) entry and exit; (b) pay and conditions of service; (c) conduct and discipline; (d) performance management; and (e) training and development. See Civil Service Bureau (1999).

<sup>30</sup> Public Service Commission (2020).

<sup>31</sup> GovHK (2005).

<sup>32</sup> PSC noted that only 33% of 1 100 ranks had set up such APs in 2011. See Public Service Commission (2014 and 2020).

<sup>33</sup> Statistics from the Civil Service Bureau upon enquiry.

placed too much emphasis on seniority, rather than performance. *Lastly*, action against continued sub-standard performers (i.e. those with bottom two grades in appraisal) is rarely taken, with compulsory retirement in 16 cases each year on average during 2015-2020.<sup>34</sup> As such, the remuneration packages are still allegedly "decoupled from work performance" of civil servants, with little incentive for performance improvement.<sup>35</sup>

**3.4 *There are likewise suggestions that the disciplinary mechanism does not have enough deterrent effect on civil servants with misconduct.***

At present, there are two types of disciplinary actions in the civil service:

- (a) B/D can take **summary disciplinary action** (e.g. issue verbal or written warnings) to civil servants committing minor misconduct (e.g. occasional unpunctuality and breach of government regulations of a minor nature) after investigation; and
- (b) However, **formal disciplinary action** will be taken against those civil servants with (i) repeated minor misconduct; (ii) more serious misconduct (e.g. absence from duty, abuse of official position and wilful neglect of official instructions); and (iii) conviction of criminal offence. Under a streamlined mechanism set up in April 2000, B/D can refer these cases to the Secretariat on Civil Service Discipline ("SCSD") for centralized processing, with punishments ranging from reprimand to dismissal. To ensure a fair hearing, the accused officers have the rights to cross-examine witnesses and make representation under the principle of "natural justice".<sup>36</sup>

Yet PSC noted that a considerable number of disciplinary cases had taken "a very long period of time to conclude", as there was no statutory time limit on each of the procedures.<sup>37</sup> During 2015-2020, about 25% of the disciplinary cases subject to hearing could not be completed by the SCSD within nine months.<sup>38</sup> PSC also noted that it took more than one year to conclude the

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<sup>34</sup> For those civil servants with "unsatisfactory" performance grade and after counselling and forewarning, the Government can ask them to retire under the "Public Service (Administration) Order".

<sup>35</sup> 卜約翰 (2010) and 黃湛利 (2016).

<sup>36</sup> Civil Service Bureau (2013).

<sup>37</sup> Public Service Commission (2020).

<sup>38</sup> Statistics from the Civil Service Bureau upon enquiry.

whole procedure, though the criminal offences of some defaulting officers were relatively minor in nature. For some extreme cases, the processing time could be as long as three years on the grounds of heavy workload and lengthy investigation by B/D.

During 2015-2020, 656 disciplinary actions were taken against civil servants on average each year, representing some 0.4% of civil service strength (**Figure 2**). Most of these actions were taken in a mild form of warnings, with only 5.5% resulting in removal by dismissal and compulsory retirement. Civil servants with grievance against the disciplinary decisions may appeal to the Chief Executive or apply for judicial review.

**Figure 2 — Disciplinary actions taken against civil servants, 2015-2020**

Disciplinary actions		2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
1.	Summary disciplinary actions <sup>(1)</sup>	343	488	454	421	339
2.	Formal disciplinary actions					
	(a) Dismissal	18	18	14	14	15
	(b) Compulsory retirement	16	25	7	18	14
	(c) Other punishment <sup>(2)</sup>	175	193	241	304	163
<b>Total</b>		<b>552</b>	<b>724</b>	<b>716</b>	<b>757</b>	<b>531</b>

Notes: (1) Including verbal warning, written warning and admonishment.

(2) Including reduction in rank, severe reprimand, reprimand, financial penalty, etc.

Source: Statistics from the Civil Service Bureau upon enquiry.

3.5 Most recently, in reply to a question on "performance management of government officers" raised at the Legislative Council on 6 January 2021, the Government responded that "some public administration work ... could hardly be quantified or measured by cost effectiveness".<sup>39</sup> Given that civil service pay administration is usually based on "specific needs" of a place, the Government comments that it is "not appropriate" to apply pay arrangements of other places directly to Hong Kong.

<sup>39</sup> GovHK (2021).



## 4. Performance management of civil service in Singapore

4.1 The Singaporean government is the largest employer in the country, with 85 000 civil servants taking up 2.3% of total employment.<sup>40</sup> Ever since the People's Action Party assumed office in 1959, the Singaporean government has been conducting a series of civil service reforms to enhance public sector efficiency. After six decades of meritocracy-oriented reforms, the Singaporean civil service is acclaimed for its efficiency, cleanness and accountability.<sup>41</sup> Reflecting this, the Singaporean civil service has been ranked at the top position in "government effectiveness" amongst 209 places across the globe for five straight years during 2015-2019.

4.2 ***Singapore is an early practitioner of PRP, introducing flexible wage system in 1988 and merit increment in 2002 to incentivize work performance of civil servants.*** Moreover, disciplinary legislation targeted at civil servants was enacted in 1970, vesting statutory penal power for serious misconduct of civil servants and minor misconduct of civil servants in the Public Service Commission ("PSC-SG") and permanent secretaries respectively.<sup>42</sup>

4.3 After decades of refinement and based on limited information on civil service administration there, the salient features of PMS and disciplinary mechanism for the Singaporean civil servants are summarized as follows:

- (a) **Relative ranking in work performance:** In the annual appraisal of work performance, each civil servant is given a preliminary grade from "A" to "E" at the outset.<sup>43</sup> However, these preliminary grades will then be converted into an ordinal and comparable ranking amongst officers of the same grade for (i) ensuring consistent assessment criteria; and (ii) differentiating the best performers from the overall civil servants. That said, there is no publicly available information on whether quota is assigned

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<sup>40</sup> Excluding 61 200 employees in statutory boards. See Public Service Division (2020a).

<sup>41</sup> Haque, M.S. (2009) and Saxena, N.C. (2011).

<sup>42</sup> There are three separate pieces of disciplinary legislations, namely "Public Service (Disciplinary Proceedings) Regulations" for serious misconduct, "Public Service Commission (Delegation of Disciplinary Functions) Directions" and "Public Service Commission (Prison Officers) (Disciplinary Proceedings – Delegation of Functions) Directions" for minor misconduct. See Singapore Statutes Online (2021a-c).

<sup>43</sup> The performance grade is determined by (a) achievement of work targets; and (b) demonstration of appraisal qualities (e.g. analytical capacity, collaboration and motivation for excellence).

to each performance grade. The converted ranking will be endorsed and finalized by 34 statutory personnel boards, with significant implications for bonus, increment and promotion prospects for individual officers;

- (b) **Performance bonus:** The Singaporean government began to offer performance bonus to senior civil servants in 1989 and extended it to all civil servants in 2000. Performance bonus is usually paid in March, with its amount varying with (i) aforementioned performance grade; (ii) job rank; and (iii) financial resources of the departments concerned. For civil servants receiving grade "C" and above in 2020, the performance bonus is reportedly set within a range of 1.5-6.0 months of salary.<sup>44</sup> Political appointment holders such as ministers are also entitled to performance bonus, averaging at 4.3 months of salary during 2013-2017.<sup>45</sup>

Yet performance bonus should not be confused with other variable pay components. Unlike Hong Kong, all Singaporean civil servants are entitled to an extra month of pay each year (non-pensionable annual allowance ("NPAA")), together with mid-year and year-end bonuses (annual variable component ("AVC")) which are based on national economic performance. Both NPAA and AVC are identical amongst civil servants, irrespective of their performance grading. During 2010-2020, NPAA and AVC as a whole averaged at 2.11 months of salary annually;<sup>46</sup>

- (c) **Identifying highly effective performers for promotion:** Singapore incorporates currently estimated potential ("CEP") in its annual performance appraisal of civil servants, foreseeing the highest level he or she could reach in long-term and providing another benchmark for promotion and merit increment. While CEP for most civil servants are adjusted upwards or downwards by 1-5 grades in the first five years of their services, the best performers could be promoted to permanent secretaries as early as at the age of 40s, much faster than those at 50s in Hong Kong.<sup>47</sup>

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<sup>44</sup> Salary.sg Forums (2021).

<sup>45</sup> Public Service Division (2018).

<sup>46</sup> AVC was cancelled in 2020 amidst the economic adversity brought by COVID-19. See Ho, T. (2020).

<sup>47</sup> The average age of first appointment to permanent secretary is just 45 years old in Singapore, about 8 years earlier than that in Hong Kong. See Saxena, N.C. (2011) and Public Service Division (2020b).

More recently, CEP system has been refined in 2020 after a review in 2019;<sup>48</sup>

- (d) **Follow-up actions against poor performers:** For civil servants receiving the bottom two performance grades of "D" and "E", they will be put on the performance review process for six months. The civil servants must improve their grades throughout the review process, otherwise they may be refused to renew their employment contracts or even dismissed;
- (e) **Time-limited investigation for minor misconduct:** There are 17 types of statutory misconducts subject to disciplinary action in the civil service of Singapore.<sup>49</sup> If public complaints on such misconducts are proved valid after investigation, the civil servants could face a wide range of penalties (e.g. written warning, reprimand, stoppage of increment, fine, retirement in the public interest, reduction in rank and dismissal).

Unlike Hong Kong, there is a statutory time limit in each step of disciplinary procedures in Singapore. For minor misconduct, the accused officer needs to submit a written explanation within 24 hours upon notification of complaint. The permanent secretary may then appoint a senior officer to conduct investigation. Based on the investigation result, the permanent secretary will decide whether to impose penalties and submit a report to PSC-SG within seven days accordingly. In case a more severe penalty (e.g. dismissal) is needed, the permanent secretary should refer the case to PSC-SG; and

- (f) **Time-limited proceedings for serious misconduct:** For more serious misconduct, the accused officer will be given 14 working days to submit exculpatory statements upon notification of complaint. If the statement is unsatisfactory, PSC-SG may appoint a dedicated committee to inquire into the matter and carry out related proceedings on daily basis.

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<sup>48</sup> Refinements of CEP included (a) no longer seeing CEP as the single major determinant of career progression; (b) weighing more on the competencies demonstrated instead; and (c) helping civil servants identify and achieve their career goals within a short to medium term of three to five years. See Public Service Division (2020c).

<sup>49</sup> Examples of misconducts are (a) speaking disparagingly of the Government to bring Singapore into disrepute; (b) being rude to the public in speech; (c) insubordination; and (d) neglect of duty.

This committee is required to submit an inquiry report to PSC-SG within 14 working days after conclusion of proceedings.

For cases involving criminal conviction, PSC-SG could even impose penalty directly after considering the court proceedings, without going through proceedings as aforementioned.

4.4 On policy effectiveness, ***PMS and PRP appear to be "quite successful" in motivating Singaporean civil servants.***<sup>50</sup> Many commentators point out that both performance bonus and other variable pay components (e.g. AVC) enable civil servants to share the fruits of individual achievement and national success, incentivizing performance improvement.<sup>51</sup> The World Bank also notes that Singapore "pays its bureaucrats best" in East Asia, whereas the Singaporean civil service generally supports the idea of performance bonus prevailing in the private sector.<sup>52</sup> For disciplinary mechanism, PSC-SG completed 98 disciplinary cases in 2019, representing 0.1% of the civil service.<sup>53</sup> About 16.3% of these disciplinary cases resulted in dismissal or retirement, with apparently significant deterrent effect.

## 5. Performance management of civil service in South Korea

5.1 In South Korea, there were 1.1 million civil servants in 2019, taking up 4.1% of total employment and making the Korean government the largest employer in the country.<sup>54</sup> The civil service in South Korea is merit-based, attracting the "best and brightest" talents through open and competitive examinations.<sup>55</sup> After years of public sector reforms, the Korean civil service has improved its quality of service, with the global ranking in "government effectiveness" rising from the 43<sup>rd</sup> to the 25<sup>th</sup> during 2015-2019.

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<sup>50</sup> Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service (2002).

<sup>51</sup> Saxena, N.C. (2011).

<sup>52</sup> World Bank (1993).

<sup>53</sup> Singapore Public Service Commission (2020).

<sup>54</sup> Ministry of Personnel Management (2020).

<sup>55</sup> Kim, P.S. (2020) and Kichukova, M. (2020).

5.2 ***President Kim Dae-jung took the bold step to launch comprehensive reform of civil service in 1999, in view of the allegation that rigidity and a lack of outside competition in the civil service were two of the key reasons leading to the predicament of the country amidst the Asian financial crisis in 1997.***<sup>56</sup>

This directly gave rise to the adoption of PRP in January 1999 and the subsequent enactment of "Regulations on the Performance Evaluation of Public Officials" in June 2004, providing statutory ground for the implementation of PMS.<sup>57</sup> For the statutory disciplinary mechanism for civil servants, it can be traced back to the enactment of the "Decree on Disciplinary Action against Public Officials" ("Decree") in October 1949.<sup>58</sup>

5.3 The salient features of PMS and the disciplinary mechanism for the civil service in South Korea are summarized as follows:

- (a) **Quota in performance grade:** In South Korea, the performance of directorate civil servants (i.e. Grade 1-4) is assessed annually, and lower-grade civil servants (i.e. Grade 5-9) bi-annually. Each civil servant is given an initial performance grading on a four-grade scale (i.e. from outstanding "S", "A", "B" to unsatisfactory "C").<sup>59</sup>

Yet these initial grades are subject to adjustment by the Work Performance Evaluation Committee in accordance with a pre-set percentage distribution. While only up to 20% of appraisees of a given rank are awarded the highest grade of "S", at least 10% of the appraisees must be receiving the bottom grade of "C". PMS can thus effectively differentiate good and poor performers;

- (b) **Performance-based salary and bonus:** Under the PRP principle, directorate civil servants are awarded "performance-based annual salary", which is an additional percentage on top of their monthly

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<sup>56</sup> The closed career system characterized by elementary-level recruitment and internal promotion was alleged to be a contributory factor of the incapability of the senior civil servants to tackle the financial crisis. The Korean government thus introduced the "open position system" in 1999 to fill up 20% of the directorate posts by external talents from the private sector. See Nam, J.H. (2016) and Kim, P.S. (2017).

<sup>57</sup> Korea Legislation Research Institute (2017).

<sup>58</sup> The Decree requires Disciplinary Committees to be set up at two levels (i.e. Central and General) to resolve disciplinary cases concerning civil servants at different grades. See Nam, J.H. (2016) and Korea Legislation Research Institute (2019).

<sup>59</sup> Performance grade is determined by (a) level of attainment of performance objectives; (b) demonstration of individual qualities or capabilities; and (c) evaluation result of operation by department.

basic salary.<sup>60</sup> For example, senior civil servants with the top grade of "S" can receive an additional 18% of monthly salary throughout the year as a reward (or 2.16 months of annual salary).

For lower-grade civil servants, "performance-based bonus" in the form of annual lump sum payment is usually awarded in March. Those with grade "S" (i.e. the top 20% distribution) can receive a one-off bonus amounting to 1.73 months of basic salary. For the top 2% performers, the bonus can even be as high as 2.59 months. Yet in actual practice, ministers have discretion and flexibility in setting (i) the proportion of staff receiving a bonus; and (ii) the amount of bonus in terms of monthly salary;

- (c) **Promotion:** By and large, performance grade plays a critical role in determining 80-95% of the marks in promotion. Career experience takes up only 5-20%, as the length of service year is merely seen as an eligibility requirement, not a key determinant. A promotion list will be updated bi-annually for more objective decisions in promotion. For civil servants with excellent performance, they could be awarded special promotion or given priority in general promotion exercise according to the State Public Officials Act ("SPO Act");<sup>61</sup>
- (d) **Follow-up actions against poor performers:** Similar to Singapore's practice, the senior civil servants in South Korea receiving the bottom grade for two consecutive years are required to undergo an "examination of qualifications" and improve their performance within six months, or else they may be dismissed; and
- (e) **Time-limited disciplinary procedures:** Based on the Decree, disciplinary actions can be taken against civil servants in South Korea on the grounds of (i) violating the SPO Act and relevant orders; (ii) violating or neglecting obligations on duties; and (iii) engaging in conduct detrimental to prestige or dignity of the civil service. Disciplinary actions range from reprimand, reduction of salary, suspension from duty, demotion, dismissal to removal.

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<sup>60</sup> "Performance-based annual salary" has been extended to those at grade five since 2017.

<sup>61</sup> Korea Legislation Research Institute (2018).

For suspected misconduct of civil servants, ministers need to request the General Disciplinary Committee ("GDC") to adopt a resolution on the disciplinary action for lower-grade officers within 30 days. Civil servants have the rights to interrogate witnesses and make statements in their defence in such meetings. For directorate officers, the Central Disciplinary Committee ("CDC") needs to adopt a resolution within 60 days. After the adoption of the resolution by GDC or CDC, ministers or agency heads should deliver a written explanation to the accused civil servant and proceed with the disciplinary actions within 15 days.

5.4 ***After decades of reforms, PMS has become "well-institutionalized" in the Korean civil service.***<sup>62</sup> In particular, the use of a separate PMS for senior civil servants in South Korea also earned a worldwide recognition from OECD.<sup>63</sup> Reportedly, PRP is highly "effective" in enhancing the awareness of performance amongst civil servants and acting as a motivator to work.<sup>64</sup> According to a survey on local government in Busan, about 47% of the civil servants were positive about the bonus system and its contribution to performance improvement, but 26% felt negative as there was a "lack of fairness" in measurement.<sup>65</sup> For the disciplinary mechanism, GDC and CDC took 1 952 disciplinary actions in 2019, with 12.4% of such cases resulting in dismissal and removal.<sup>66</sup> Despite the lack of information on the time taken in completing the disciplinary procedures in general, a high-profile disciplinary case against the Prosecutor General in December 2020 took just 22 days to reach resolution, in line with the statutory time requirement.<sup>67</sup>

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<sup>62</sup> Kim, P.S. (2014).

<sup>63</sup> Organisation for Economic Co-operation and Development (2019).

<sup>64</sup> Han, S. (2010).

<sup>65</sup> Lee, H. (2010).

<sup>66</sup> Ministry of Personnel Management (2020).

<sup>67</sup> On 24 November 2020, the Justice Minister accused the Prosecutor General for six misconducts including illegal surveillance of judges and interference in investigation. CDC later held him accountable for four misconducts after two hearings and decided on 16 December 2020 to suspend him from duties for two months. See Korean Times (2020).

## 6. Concluding remarks

6.1 In **Hong Kong**, the civil service is subject to more criticisms in recent years, such as being too bureaucratic and unprepared to meet the fast-changing needs of society, allegedly due in part to inadequate motivational factors in PMS. In spite of early reforms attempted in 1999, there are still concerns about (a) "over-generous" appraisal of work performance in the civil service; (b) remuneration packages of civil service largely unrelated to work performance; and (c) lengthy disciplinary procedures against civil servants with misconduct.

6.2 In **Singapore** and **South Korea**, both governments have reformed their PMS to incentivize civil servants in work performance and have expedited their disciplinary procedures. Their common measures include (a) introducing PRP to make civil servants' remuneration dependent on work performance; (b) adopting quota or relative ranking in appraisals to differentiate effective performers from ineffective performers; and (c) specifying time-limit in each step of disciplinary procedures for misconduct.

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Prepared by Sunny LAM  
Research Office  
Information Services Division  
Legislative Council Secretariat  
26 May 2021  
Tel: 2871 2114

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## Monitoring of civil service performance in selected places

		Hong Kong	Singapore	South Korea
<b>A. Basic facts</b>				
1.	<b>Number of civil servants in mid-2020</b>	177 300	85 000 <sup>(1)</sup>	1 113 900 <sup>(2)</sup>
2.	<b>Ratio to total employment</b>	4.9%	2.3%	4.1%
3.	<b>Global ranking of government effectiveness</b>			
	- 1998	31 <sup>st</sup>	1 <sup>st</sup>	66 <sup>th</sup>
	- 2015	3 <sup>rd</sup>	1 <sup>st</sup>	43 <sup>rd</sup>
	- 2019	9 <sup>th</sup>	1 <sup>st</sup>	25 <sup>th</sup>
<b>B. Performance management system</b>				
4.	<b>Target setting and interim review</b>	✓	✓	✓
5.	<b>Frequency of appraisal per year</b>	1	1	1-2 <sup>(3)</sup>
6.	<b>Number of performance grades</b>	6	5	4
7.	<b>Adjustment of performance grades for all civil servants</b>	✗ <sup>(4)</sup>	✓	✓
8.	<b>Quota on performance grades</b>	✗	Not specified <sup>(5)</sup>	✓
	- Top grade	-	-	20%
	- Bottom grade	-	-	10%
9.	<b>Performance-related payments</b>			
	- Merit increment	✓	✓	✓
	- Performance bonus / salary	✗	✓	✓
	- Bonus on economic performance	✗	✓	✗
10.	<b>Maximum months of performance bonus for top-grade civil servants</b>	✗	6.0	2.59 <sup>(6)</sup>
11.	<b>Dismissal upon poor performance</b>	✓	✓	✓
<b>C. Disciplinary mechanism</b>				
12.	<b>Disciplinary actions in 2019</b>	531 <sup>(7)</sup>	98	1 952
13.	<b>Ratio of civil servants subject to disciplinary actions</b>	0.3%	0.1%	0.2%
14.	<b>% share of removal / dismissal action</b>	5.5%	16.3%	12.4%
15.	<b>Statutory time-limit in disciplinary procedures</b>	✗	✓	✓

Notes: (-) Not available.

(1) Figure for end-2018.

(2) Figure for end-2019.

(3) Once a year for directorate civil servants (grade 1-4) and twice a year for those at lower-grade (grade 5-9).

(4) Assessment panels only existed in 33% of 1 100 ranks amongst civil servants in 2011.

(5) A relative ranking system is used to rank civil servants by performance.

(6) This applies only to the top 2% performers of lower-grade civil servants in their performance appraisals.

(7) Figure for the financial year 2019-2020.

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