

LCQ15: Performance management of civil servants

Following is a question by the Hon Tony Tse and a written reply by the Secretary for the Civil Service, Mr Patrick Nip, in the Legislative Council today (September 15):

Question:

The Government may, on grounds of public interest, require a civil servant with persistent sub-standard performance to retire from the service under section 12 of the Public Service (Administration) Order. The relevant procedure comprises the following three phases: (1) the management to advise and counsel the officer in question; (2) the management to call for special appraisal report(s) on that officer and issue him/her a forewarning (i.e. if his/her work performance remains at a sub-standard level during an observation period, the management may apply section 12 action on him/her); and (3) the Civil Service Bureau (CSB) to consider whether there is adequate evidence to apply section 12 action on that officer and, if so, CSB to issue a letter of intent of requiring retirement to that officer and invite him/her to submit representations before a decision is made on the case. The Chief Executive may, upon considering the relevant circumstances, require that officer to retire from the service. There are views that such a procedure is complicated and lengthy, which has deterred management staff members from taking such course of action, and caused them only "turning a blind eye" to those civil servants with sub-standard performance, thereby affecting the overall performance of civil servants. In this connection, will the Government inform this Council:

(1) of the respective numbers of civil servants who underwent the aforesaid three phases, and the number of those civil servants who were required to retire from the service under the aforesaid procedure, in the past five years;

(2) of the respective shortest, longest and average time taken for each phase in the past five years;

(3) whether it will review the aforesaid procedure, consolidate the various steps involved and shorten the time needed for the various steps, so as to expedite the handling of civil servants with persistent sub-standard performance and at the same time reduce the manpower and financial resources spent on such procedure;

(4) apart from the aforesaid procedure, what other measures are currently in place for handling civil servants with persistent sub-standard performance by the Government, and whether it has evaluated the effectiveness of such measures; and

(5) whether it will explore the introduction of more efficient human resource management measures, so as to expedite the handling of civil servants with persistent sub-standard performance?

Reply:

President,

The Government has a well-established system to manage civil servants' performance. Under the system, good performers are given due recognition and rewards, whereas sub-standard performers are counseled, monitored and offered assistance with a view to bringing their performance up to the required standard. For persistent sub-standard performers, we have in place an established mechanism to retire them in the public interest under section 12 of the Public Service (Administration) Order ("PS(A)O") (hereinafter referred to as "section 12 action"). Section 12 action is an administrative action taken to remove persistent sub-standard performers from the service.

Generally speaking, for a civil servant with sub-standard performance, the bureau/department management concerned (B/D) will give him/her advice and counselling (i.e. management action). Where the management action fails to yield the expected result, the B/D concerned will issue a notification letter to the civil servant concerned, informing him/her that special appraisal report(s) will be called on him/her and forewarning that section 12 action may be invoked if his/her performance remains unsatisfactory during the observation period. If the special appraisal report(s) reveals that the performance of the civil servant concerned still fails to meet the required standard during the observation period, the B/D concerned will notify the Civil Service Bureau (CSB). The CSB will consider whether there are sufficient grounds to invoke section 12 action against the civil servant and, if yes, take necessary actions, including the issue of a letter of intent to the civil servant and invite his/her representations before a decision is taken on his/her case.

Our consolidated reply to the various parts of the question is as follows:

(1) and (2) Giving counselling and guidance to civil servants with sub-standard performance constitutes part of the day-to-day work of staff management and is conducted whenever necessary. We do not keep the related statistics.

For cases where the management action fails to yield the expected result, the Government has instituted pre-section 12 action (i.e. issuing a notification letter to the civil servant concerned, informing him/her that special appraisal report(s) will be called on him/her and forewarning that section 12 action may be invoked if his/her performance remains unsatisfactory during the observation period) against 19 officers in the past five years (from 2016 to 2020). Of these cases, there was no need to proceed to section 12 action for four officers in the light of, say, substantive improvement in performance. For the remaining 15 officers, seven had left the

service due to various reasons after commencement of the procedures for section 12 action (including some who were removed from the service on disciplinary grounds for misconduct), six are still under the observation period (some are more recent cases) with performance being closely monitored and will be retired if no improvement is made in performance; two were retired in the public interest due to persistent sub-standard performance and no improvement in performance during the observation period (which lasted for six and nine months respectively for the two cases).

(3) The principles underlying section 12 action is that, where an officer is not performing up to the required standard, he/she will first be assisted to improve his/her performance through counselling, training or other administrative measures as appropriate, and that section 12 action will be pursued when these measures do not yield the expected results. The Government will continue to impress upon the bureau/department management the importance of taking resolute action to handle sub-standard performers. The Government will also explore the room for streamlining the relevant procedures in the light of operational experience, with a view to enabling timely termination of the service of officers with persistent sub-standard performance after giving them opportunities for making improvement.

(4) and (5) Section 12 action may be invoked to retire officers on permanent establishment with persistent substandard performance. For officers appointed on probationary terms, the management may terminate the service of an officer or refuse an officer's passage of probation bar at the end of the probation period having regard to his/her sub-standard performance by giving one month's notice or payment of one month's salary in lieu of notice. If an officer is suspected to be unfit to perform the principal duties of his/her office due to ill health, a medical board may be convened upon the request of the management to assess the officer's state of health. The Government may also invoke section 12 of PS(A)0 to retire a civil servant without setting aside an observation period if the management considers it desirable to retire him/her in the public interest on grounds other than persistent sub-standard performance.

On performance management of civil servants, the Government has all along strived to maintain an effective performance management system, so that areas of inadequate or deficient performance can be identified and addressed as early as practicable. Civil servants are subject to performance appraisal on an annual basis which enables the management to monitor and assess staff performance. A civil servant may be granted an increment only if his/her performance at work has been satisfactory during the appraisal period. For an appraisee with sub-standard performance, his/her increment could be stopped or deferred. Throughout the appraisal period, the management will regularly monitor the work progress of the staff and the major areas of concern regarding their performance, and provide constant feedback for the staff to address such areas. After completion of the appraisal report, the appraising officer should honestly discuss with the appraisee his/her performance, areas for improvement, potential, development needs, future posting, etc. In case of a civil servant with sub-standard performance, the grade management will also provide counselling, advice and/or warning to the officer concerned.

At the same time, the Government is committed to providing various job and skill related training for staff, and has devoted resources to provide learning opportunities and sponsorship scheme to encourage civil servants to pursue continuous learning in their spare time for enhancing their skills and service quality. The Government will also establish the Civil Service College this year to strengthen the training of civil servants.

At the same time, the Government has made use of various commendation schemes (such as the Civil Service Outstanding Service Award Scheme, the Secretary for the Civil Service's Commendation Award Scheme and the Commendation Letter Scheme, etc.) to recognise exemplary performance of civil servants, motivate and encourage them to continue to excel, and provide quality service to members of the public with dedication.