



Correctional Services Officers' Association 懲教事務職員協會

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9 June 2015

Dear Members,

**Extension of the Service of Civil Servants-
Adjustments to the Further Employment Mechanism**

Further to the letter of 14 January 2015 from the Secretary for the Civil Service to all colleagues, I write to seek your views on the draft implementation framework of the adjusted further employment mechanism.

We should be grateful if your views on the draft implementation framework could reach us by hand or mail in written format on or before 30 June 2015. (Address: CSOA, Lower Basement, Wanchai Tower, 12 Harbour Road, Wan Chai, Hong Kong)

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'CHENG Yuk-leung', written in a cursive style.

(CHENG Yuk-leung)
Junior Section Chairman

**Adjusted Further Employment Mechanism
Draft Implementation Framework**

Overview

The existing further employment (FE) mechanism is officer-based, meaning that justification is based on the need to retain, beyond retirement age, individual officers whose service cannot be met through other means such as promotion, acting appointment, recruitment, redeployment or redistribution of work.

2. The adjusted FE mechanism will be based on functional/succession needs of individual ranks, under which eligible officers may apply and be considered for FE through a fair and objective selection process to fill vacancies identified in the relevant ranks, if any. It will apply to all grades and ranks, provided that the case is fully justified and the relevant conditions are met.

Approval criteria

3. The criteria in **both** of the limbs below must be met in approving FE applications, including final extension of service (other than those on personal grounds) –

First limb

- (a) genuine and operational needs to facilitate completion of important, time-limited project(s) or task(s) without undue disruption due to personnel change; **or**
- (b) retention of valuable experience and/or expertise to upkeep the quality of public service; **or**
- (c) facilitation of succession planning to make ready a pool of well-qualified officers to take up higher positions.

Second limb

- (d) no undue promotion blockage. A balance needs to be struck between this criterion and facilitation of succession planning under the first limb above, as appropriate;
- (e) satisfactory performance and conduct of the further employed officers (i.e. reference should primarily be made to the officers' performance appraisals over the last three years or earlier appraisals for close contenders with comparable performance track records during the three-year review period, and their disciplinary records should be scrutinised to ascertain whether any of them should not be recommended for FE because the debarring effect of disciplinary punishment is still in force); **and**
- (f) further employed officers must be physically fit (e.g. reference may be made to the candidates' sick leave records over the last three years) and can be fully employed during the FE period.

In assessing FE applications against the above criteria, due regard should also be given to the duration of individual cases of FE given its relevance to such assessment. In the case of final extension of service, given its short duration of no more than 120 days, criterion (d) above concerning promotion blockage should unlikely be a concern in most cases. For FE other than final extension, duration of each FE should normally be in the range of 12-18 months and may be renewed subject to the above criteria being met. The total duration of FE, including final extension, if any, which may follow the FE should be subject to a maximum period of five years.

Applications for final extension of service for a maximum period of 120 days on **personal grounds** should be approved only where fully justified.

Procedures

(a) Final extension of service

4. Applications for final extension of service should be submitted no more than six months before the date of the final extension of service is to commence. They will be considered by the approving authority against the approval criteria in paragraph 3 above (including that their shorter duration of extension vis-à-vis other FE cases should be given due regard in the assessment).

(b) FE other than final extension of service

5. The selection process will be institutionalised such that openings for FE will be determined in a reasonable and objective manner and that applications for FE will be assessed through a fair and objective process. Reference will be made to the modus operandi of the existing mechanisms on promotion and recruitment whereby a selection board will be convened to consider the applications of relevant officers for FE if vacancies available for FE are identified. Details are set out below.

FE at a promotion rank

6. The steps to be taken are as follows –

Availability of FE vacancies

(i) Conduct of promotion exercise:

- (1) The Head of Grade/Department (HoG/HoD) concerned should ascertain the number of promotable vacancies in the current reporting cycle. For the avoidance of doubt, vacancies arising from an officer at a promotion rank who will reach normal/prescribed retirement age and an officer who has tendered application/notice of retirement and the application/notice has been approved/noted should be counted,

regardless of whether the officer concerned is a candidate for the subsequent FE selection exercise.

- (2) The promotion board should be convened to assess the suitability of individual eligible officers in the lower rank(s) concerned for substantive promotion and/or long-term acting appointment.
- (3) While cases involving substantive promotion are more clear-cut, in assessing whether officers at the eligible lower rank(s) should be tried out at the promotion rank on a long-term acting basis, the promotion board should duly take into account the succession planning of the grade/rank concerned, including the need for transfer of expertise or experience to younger officers or the need to allow more time for officers in the lower rank(s) to consolidate with a view to facilitating smoother succession in the longer term.
- (4) Where the appointment authority concerned has considered the recommendation of the promotion board and confirmed that there is an insufficient number of suitable candidates from the eligible lower rank(s) for promotion to/long-term acting in the promotion rank in question, he may consider FE of officers beyond retirement age, apart from the currently available options (e.g. direct recruitment at the promotion rank concerned).

Pool of FE candidates

- (ii) Individual civil servants may indicate, by completing and returning a specified form¹ normally 18-24 months before they reach the normal/prescribed retirement age², whether they are willing to be

¹ B/Ds concerned should make available means for officers to access the form and the relevant guidelines on the FE mechanism.

² The advance indication period of 18-24 months is waived in the case where an FE selection board is conducted within the first 18 months from the introduction of the adjusted further employment mechanism, but a reasonable period (say one month before the selection board meeting) should be set for submitting FE applications. For the avoidance of doubt, the FE candidate should still be in active service when his FE

considered for FE and their preferred FE duration (hereafter referred as "FE candidates" and "FE applications" respectively). Should there be FE vacancies identified, the FE selection board should, before the FE selection exercise, define the "valid selection cycle", which will commence not earlier than three months after the board meeting and last for 12 months normally. CSB's prior advice should be sought if the FE selection board considers that the selection cycle should be defined alternatively having regard to the circumstances of the rank concerned. Only FE candidates whose expected dates of commencing FE will fall within the valid selection cycle will be considered in the current FE selection exercise. Officers who are already on FE (except final extension of service) may also complete and return a specified form to indicate in writing their willingness to be considered for FE after the end of the current FE period and the preferred FE duration. FE applications would be considered only as and when there are civil service vacancies identified for the purpose of FE and the applications fall within a valid selection cycle. This point will be made clear to FE candidates when they make the FE applications. For the avoidance of doubt, FE of the selected officers should commence without a break in service.

FE selection exercise

(iii) Conduct of FE selection exercise:

- (1) A selection board should be convened to assess the FE applications against the approval criteria in paragraph 3 above. The selection board should recommend the selected FE candidate(s) as well as duration of FE for individual selected candidate(s) after taking into account all relevant considerations such as operational needs to retain the service of the selected FE candidates, succession planning, etc. All eligible candidates, irrespective of whether they are on pensionable terms or New Permanent Terms (NPT) of

commences (if he is selected and approved for FE).

appointment, are considered on equal basis.

(2) The grade/department should submit a board report on FE selection for Civil Service Bureau (CSB)'s endorsement/approval and/or Public Service Commission (PSC)'s advice (if the rank falls with the Commission's purview) and approval of the approving authority. The report should cover, among other things, the following –

- ✧ the composition of the selection board, which should normally comprise a chairman, a minimum of two members and a secretary. The substantive ranks of the chairman and members should be higher than the rank being considered for FE, and at least one of the members should be conversant with the job requirements of the rank concerned. To ensure that the assessments of the selection board and the preceding promotion board are made independently, the composition of the two boards should, as far as practicable, be different;
- ✧ the number of FE vacancies with a brief account of the number of promotable vacancies at the rank concerned and the unavailability of sufficient number of officers at the eligible lower ranks identified for filling all the promotable vacancies;
- ✧ the valid selection cycle and a list of FE candidates considered;
- ✧ any shortlisting criteria (if applicable) and the selection criteria adopted;
- ✧ a list of FE candidates recommended for FE, the recommended duration of FE for individual selected candidates, and the recommended field(s) of work for FE of selected officer(s) concerned where appropriate, with

individual assessments and justifications for FE based on the relevant considerations/conditions as per deliberation of the board;

- ✧ general comments on officer(s) not recommended for FE;
- ✧ a statement certifying that the performance appraisals and sick leave records of the FE candidates considered during the last three (or more) years of service have been examined, and that no relevant warnings and punishments have been overlooked; and
- ✧ records of any declaration of relationship with any of the FE candidate(s) that may be perceived as having a conflict of interest, and if so, the approving authority's decision on actions taken.

FE in an entry rank/one-rank grade

7. The steps to be taken are as follows –

Availability of FE vacancies

(i) Conduct of recruitment exercise:

- (1) Before launching a recruitment exercise, the HoG/HoD concerned should consider the relevant factors including manpower planning of the grade/rank concerned. The latter will cover the need for transfer of expertise or experience to younger officers, wastage of the grade/rank concerned, need for retaining a sufficient number of experienced officers to ensure operational efficacy, injection of new blood into the grade, etc.

- (2) After taking into account all relevant factors, the HoG/HoD should decide whether a recruitment exercise should be launched and/or whether there is a case to further employ officers beyond retirement age at the rank concerned rather than filling all the existing/anticipated vacancies by drawing from a waiting list compiled in the last recruitment exercise or launching a new recruitment exercise.
- (3) The HoG/HoD should seek CSB's prior endorsement/approval and/or PSC's advice (if the rank falls within the Commission's purview) of the number of FE vacancies.

Pool of candidates

- (ii) Individual civil servants may indicate, by completing and returning a specified form³ normally 18 to 24 months before they reach the normal/prescribed retirement age⁴, whether they are willing to be considered for FE and their preferred FE duration. Should there be FE vacancies identified, the FE selection board should, before the FE selection exercise, define the "valid selection cycle", which will commence not earlier than three months after the board meeting and last for 12 months, normally. CSB's prior advice should be sought if the FE selection board considers that the selection cycle should be defined alternatively having regard to the circumstances of the rank concerned. Only FE candidates whose expected dates of commencing FE will fall within the valid selection cycle will be considered in the current FE selection exercise. Officers who are already on FE (except final extension of service) may also complete and return a specified form to indicate in writing their willingness to be considered for FE after the end of the current FE period and the preferred FE duration. FE applications would be considered only as and when there are civil service vacancies identified for the purpose of FE and the applications fall within a valid selection cycle. This point will be

³ See footnote 1.

⁴ See footnote 2.

made clear to FE candidates when they make the FE applications. For the avoidance of doubt, FE of the selected officers should commence without a break in service.

FE selection exercise

(iii) Conduct of FE selection exercise:

(1) A selection board should be convened to assess the FE applications against the approval criteria in paragraph 3 above (except for the criterion on promotion blockage which is not relevant to entry rank/one-rank grade). The selection board should recommend the selected FE candidate(s) as well as duration of FE for individual selected candidate(s) after taking into account all relevant considerations such as operational need to retain the service of the selected FE candidate(s), etc. All eligible candidates, irrespective of whether they are on pensionable terms or NPT of appointment, are considered on equal basis.

(2) The grade/department should submit a board report on FE selection for CSB's endorsement/approval and/or PSC's advice (if the rank falls with the Commission's purview) and approval of the approving authority. The report should cover, among other things, the following –

- ✧ the composition of the selection board, which should normally comprise a chairman, a minimum of two members and a secretary. The substantive ranks of the chairman and members should be higher than the rank being considered for FE, and at least one of the members should be conversant with the job requirements of the rank concerned. To ensure that the assessments of the selection board and the associated recruitment board are made independently, the composition of the two boards should, as far as practicable, be different;

- ✧ the number of FE vacancies with a brief account of the number of recruitment vacancies in the entry rank/one-rank grade concerned and considerations taken into account in identifying the number of FE vacancies out of the number of recruitment vacancies;
- ✧ the valid selection cycle and a list of FE candidates considered;
- ✧ any shortlisting criteria (if applicable) and the selection criteria adopted;
- ✧ a list of FE candidates recommended for FE, the recommended duration of FE for individual selected candidates, and the recommended field(s) of work for FE of selected officer(s) concerned where appropriate, with individual assessments and justifications for FE based on the relevant considerations/conditions as per deliberation of the board;
- ✧ general comments on officer(s) not recommended for FE;
- ✧ a statement certifying that the performance appraisals and sick leave records of the FE candidates considered during the last three (or more) years of service have been examined, and that no relevant warnings and punishments have been overlooked; and
- ✧ records of any declaration of relationship with any of the FE candidate(s) that may be perceived as having a conflict of interest, and if so, the approving authority's decision on actions taken.

Extension and renewal of agreement under CSRs 280-282

8. As set out in the attachment to the letter dated 14 January 2015 from the Secretary for the Civil Service to colleagues, the principles and spirits of the adjusted mechanism on FE will equally apply to agreement officers appointed on a fixed-term duration. Accordingly, the following adjustments will be made –

- (a) the duration of extension of agreement without the need of seeking PSC's advice under CSR 280 (currently set at 90 days) will be changed to 120 days; and
- (b) as regards applications for extension of agreement beyond 120 days and renewal of agreement that will carry the employment beyond the relevant age, which is the same age as the retirement age applicable to the contemporaries on permanent terms of the agreement officer concerned, they will be processed taking into account the approval criteria and based on the FE selection process above where appropriate.

Approving authority

9. Given that the FE selection process will be embedded in/linked to the promotion and recruitment exercises, the authorities for approving FE cases will be aligned with those for approving substantive appointments and promotion. In other words, for cases involving directorate ranks at D2 or above (or equivalent), CSB will normally be the approving authority. For ranks below D2 (or equivalent), whether the HoD or HoG will be the approving authority will depend on whether the grade concerned is a departmental/common grade or general grade.

10. The mechanism will continue to be subject to checks and balances by CSB and/or PSC as appropriate. Specifically, PSC's prior advice should be sought if the ranks in question fall under its purview. For non-PSC posts, CSB's prior endorsement of the recommendations of the selection boards should be obtained before seeking the approval of the approving authorities. Details are summarised in **Appendix**.

Appendix

Approving Authorities for Further Employment Beyond Normal/Prescribed Retirement Age

Final extension of service	Officers on Old Pension Scheme, New Pension Scheme or New Permanent Terms		PSC's advice	Remarks
	HoD	Others		
	SCS	HoD/HoG	Not required, except for the cases mentioned in the "Remarks" column	Officer who is serving on extension of service/re-employment after retirement without a break in service may be granted a final extension of service. The approving authority for this type of final extension is the same as that for the officer's previous extension of service/re-employment after retirement, and would be subject to PSC's advice in the same manner as his previous period of extension of service/re-employment after retirement.
Other further employment cases other than final extension	Appointment authority of the rank concerned		Required for PSC posts	CSB's prior endorsement is required for non-PSC posts.

Legend

- CSB: Civil Service Bureau
- HoD: Head of Department
- HoG: Head of Grade
- PSC: Public Service Commission
- SCS: Secretary for the Civil Service