

**Legislative Council Panel on Public Service
Meeting on 21 May 2001**

Management-Initiated Retirement Scheme

Purpose

This paper informs Members about the progress of the implementation of the Management-Initiated Retirement (MIR) Scheme and the Administration's commitment to maintain confidentiality of proceedings under the Scheme.

Background

2. The MIR Scheme was first proposed as part of the Civil Service Reform announced in March 1999. The Scheme was proposed as a mechanism to allow pensionable civil servants at the directorate ranks to be directed by the management to retire early to cater for management needs, as an exit avenue additional to the existing ones for specific circumstances mainly relating to serious misconduct, non-performance, medical condition or staff surplus situation. The Scheme is not a scheme for removal of non-performing officers and is not a punitive act to deal with conduct and discipline cases, which shall continue to be dealt with in accordance with the established procedures.

3. We consulted the staff sides, departmental and grade management, the Public Service Commission and the LegCo Panel on Public Service on the detailed proposals for the scheme in April and May 2000. After consultation, the Chief Executive in Council approved that an MIR Scheme should be introduced in the civil service as a management tool to provide for the retirement of directorate civil servants on permanent and pensionable terms to facilitate improvement in the government organisation. We briefed LegCo Members on the Scheme in a Legislative Council Brief issued on 9 June 2000 and sought the approval of the Finance Committee on 16 June 2000 for the grant of a proposed ex-gratia payment to civil servants who retire under the scheme.

Confidentiality of Proceedings under the Scheme

4. During the consultation on the MIR Scheme proposals, many staff associations, individual staff members and departmental management have expressed concerns over the negative labelling effect that might be brought to the officers retired under the Scheme. The respondents were of the view that proceedings under the scheme should be kept strictly confidential to respect their rights to privacy.

5. To address these concerns and in line with the established policy and Personal Data (Privacy) Ordinance, the Administration has undertaken that all proceedings as well as the personal data of individual officers retired would be kept strictly confidential and have accordingly briefed the staff sides and the LegCo Panel. The Administration has also underlined this commitment in the Legislative Council Brief issued on 9 June 2000. Having regard to this policy commitment, we are extremely cautious with disclosure of information relating to the scheme, such as the number of persons retired under the scheme, which although on its face is anonymous, could nonetheless lead to the speculation or identification of persons affected.

Procedural Safeguards

6. Various procedural safeguards have already been built in to ensure that the MIR scheme is invoked **only where sufficiently justified**. In particular, all cases are considered at the highest level of the Administration and assessed by a panel chaired by the Chief Secretary for Administration comprising various senior officials to ensure that all cases are processed on a fair and objective basis. The officers concerned are allowed the opportunity to make representations against the recommendation to retire them under the Scheme, and cases would only be approved if it can be established that the retirement of an officer from his office is in the interest of organisational improvement of a department or a grade, and there are severe management difficulties to accommodate the officer elsewhere in the service. Recommendations of the panel are forwarded to the Public Service Commission for advice before they are submitted to the Chief Secretary for Administration for approval.

Latest Progress of Implementation

7. We promulgated the detailed procedures of the MIR Scheme by way of a Civil Service Bureau Circular on 4 September 2000. It is a standing scheme to be invoked as and when necessary and appropriate to cater for management needs. Given that the Scheme has only been introduced since September 2000, the Administration considers it inappropriate to disclose at this stage the number of cases approved under the MIR Scheme as this may lead to speculation as to who, among the small pool of retired directorate officers, were directed to retire under the Scheme. We would provide information on the number of retirement cases under the MIR Scheme at an appropriate future date.

立法會公務員及資助機構員工事務委員會

二零零一年五月二十一日會議

補償退休計劃

目的

本文件旨在向議員闡述當局設立補償退休計劃的進展，以及當局對計劃下的個案進程予以保密的承諾。

背景

2. 補償退休計劃，是當局在一九九九年三月提出的公務員體制改革的其中一項建議（當時稱為“指令離職計劃”）。當局建議推行此計劃旨在提供一個機制，讓管理層可以要求按可享退休金條款受聘的首長級公務員，提早退休以配合管理需要。該計劃在現行的離職機制以外，增設另一個離職途徑。現行的離職機制主要適用於嚴重的行為失當、工作表現差劣、健康理由或人手過剩等特定情況。補償退休計劃並非撤換工作表現差劣人員的計劃，亦不是用以針對行為紀律個案的懲罰性措施。工作表現差劣和行為紀律的個案，會繼續沿用公務員管理制度內的既定程序處理。

3. 我們於二零零零年四及五月期間，就計劃的詳細建議諮詢職方、部門和職系管理層、公務員敍用委員會、以及公務員及資助機構員工事務委員會。經諮詢後，行政長官會同行政會議通過在公務員體系引入補償退休計劃，作為一項管理工具，讓按常額及可享退休金條款聘用的首長級公務員提早退休，以助改善政府機構的組織。我們曾在二零零零年六月九日發出立法會參考資料摘要，向議員闡釋這計劃，並在同月十六日向財務委員會申請批准，向根據這個計劃退休的公務員支付建議的特惠金。

對計劃下的個案進程予以保密

4. 當局就補償退休計劃的建議進行諮詢時，不少職方協會、個別公務員和部門管理層，均關注到對該計劃下退休的人員可能產生的負面標籤效應。他們均認為計劃下的個案進程必須嚴加保密，以尊重員工的私隱權。

5. 為了回應這些關注，以及符合既定政策和《個人資料（私隱）條例》的規定，當局承諾一切個案進程以及退休人員的個人資料均會嚴加保密，並曾分別向職方和本事務委員會闡釋當局的承諾。當局亦在二零零零年六月九日所發出的立法會參考資料摘要中強調此項承諾。鑑於此項承諾，我們對提供有關此計劃的資料時，必須格外謹慎。因為某些資料例如在此計劃下退休的人員數目，即使表面上並無透露個別人員的姓名，但仍有可能令人揣測或分辨出受影響人員的身分。

程序上的保障

6. 為確保只有在理據充分的情況下才引用補償退休計劃，我們已在計程序上加入充分保障；包括所有個案均會提交政府最高層審理，並經由政務司司長擔任主席，成員包括其他高層官員的評核委員會作出評核，以確保所有個案均獲公平客觀的處理。有關人員會可就着令他按補償退休計劃退休的建議作出申述。當局必須確定該名人員從現職退休，符合改善部門或職系組織的利益，並且管理層有重大困難在政府內其他工作崗位安置該名人員，方會批准有關個案。而所有經評核委員會審核的建議，在提交政務司司長批核前，須先徵詢公務員敘用委員會的意見。

實施計劃的最新進展

7. 我們在二零零零年九月四日發出公務員事務局通告，公布補償退休計劃的詳細程序。該計劃會是一項常設計劃，可以在必需而適當的情況下因應管理需要而引用。由於這計劃在二零零零年九月才開始實施，當局認為在現階段不宜公布獲准在該計劃下獲批准的個案數目，以免令人在為數不多的已退休首長級人員中，猜測在此計劃下退休人員的身分。我們樂意日後在適當時間向委員會提供在此計劃下退休的個案數字。

公務員事務局

二零零一年五月十四日