CIVIL SERVICE BUREAU CIRCULAR NO. 2/2007

Guidelines on the Management of Time-off Granted under CSR 904

To: Directors of Bureau
   Permanent Secretaries
   Heads of Department
c.c. Commissioner, Independent
   Commission Against Corruption
   Judiciary Administrator
   Secretary, Public Service
   Commission
   The Ombudsman

(Note: Distribution of this circular is Scale C. It should be read by Permanent Secretaries, Heads of Department, Departmental Secretaries and officers dealing with personnel matters and brought to the attention of all officers concerned.)

This circular promulgates the revised guidelines on the management of time-off granted under CSR 904. The guidelines, setting out the broad principles for granting time-off under CSR 904 and the scope of application, have been revised to take account of the feedback collected from bureaux and departments. Departmental management are advised to review their internal measures and procedures with reference to the revised guidelines in the light of their own operational circumstances. Heads of Departments are reminded to ensure that applications under CSR 904 are properly administered in accordance with the general principles stated in the revised guidelines and that proper control measures commensurate with their operational circumstances are in place.

2. For enquiries about this circular or assistance in drawing up the in-house measures and procedures, please contact Chief Executive Officer (Conditions of Service) at 2810 3083 or Senior Executive Officer (Conditions of Service) 1 at 2810 3082.

3. CSB Circular No. 10/2004 is hereby cancelled.

(Miss Anita Leung)
for Secretary for the Civil Service
Guidelines on the Management of Time-off Granted under CSR 904

The following guidelines aim to facilitate the effective management of time-off under CSR 904. They clarify the underlying principles of CSR 904 and its scope of application. They also set out administrative measures which departmental management may adopt in administering CSR 904.

Broad principles

2. CSR 1270(b) states that “sick leave” means any period during which an officer is permitted to be absent from duty on account of illness or other medical treatment or investigation without forfeiting leave of any other description. CSR 1271 provides that sick leave is granted in half-day units. Under the existing sick leave arrangements, officers may apply for sick leave for attending medical treatment or investigation.

3. CSR 904 provides that an officer will be allowed time-off for attendance at clinics for approved treatment, examination or consultation. The time-off arrangement under CSR 904 is a concession to encourage staff to return to work, if medical conditions permit, before and / or after medical treatment, examination or consultation to minimise any negative impact of staff absence (e.g. due to sick leave) on the service provision of the department concerned.

Scope of application

4. For the purpose of CSR 904, time-off may be granted for treatment, examination or consultation provided or referred by Government medical officers, Hospital Authority (HA) medical officers, registered private practitioners in the medical and dental field and exempted clinics published in the Gazette.

(Note: As promulgated vide CSB Circular Memorandum (CSBCM) No. 10/2017, the concessionary arrangement under CSR 904 has been extended to cover counselling sessions provided by clinical psychologists under the Hotline Counselling Service on Stress Management organised by CSB and other clinical psychologist counselling programmes provided by Departments for their own staff.)

5. The duration of time-off granted under CSR 904 should be less than half a day. Where medical treatment, examination or consultation involves absence of half a day or more but less than one day, the duration of absence may be fully covered by -

(a) sick leave, earned leave, unpaid leave or time-off counted against uncompensated overtime balance as appropriate, subject to the relevant
rules and procedures\(^1\); or

(b) a combination of any one of the factors in (a) above with time-off under CSR 904.

Time-off under CSR 904 is to encourage staff to return to work before and / or after a medical appointment. It does not apply to absence of one day or more, the whole period of which should be covered by sick leave, earned leave, unpaid leave or time-off counted against uncompensated overtime balance as appropriate, subject to the relevant rules and procedures.

6. In connection with paragraph 5(a) and (b) above where absence for attending medical appointment is not covered in full or in part by time-off under CSR 904, sick leave should normally be deducted to cover such absence, unless there are reasons to have it covered by earned leave, unpaid leave or time-off counted against uncompensated overtime balance, e.g. owing to insufficient sick leave balance, overflow of earned leave or uncompensated overtime balance, suspected abuse, etc.

7. Time-off granted under CSR 904 does not cover circumstances where a medical practitioner has issued sick leave certificate to the officer concerned, in which cases the whole period should be covered by sick leave. In cases where rest time after medical treatment is considered necessary by the officer himself, he should seek approval for such absence to be covered by sick leave, earned leave, unpaid leave or time-off counted against uncompensated overtime balance, as appropriate, subject to the relevant rules.

8. Time-off granted under CSR 904 is different from time-off earned from overtime work. Time-off under CSR 904 may be granted irrespective of whether the officer has any uncompensated overtime balance and it is not counted against any uncompensated overtime balance that an officer may have accrued.

9. Time-off under CSR 904 should be withheld for an officer for whom CSR 1291 is invoked. CSR 1291 provides that if an officer is considered to be abusing the privilege of obtaining sick leave, he may be required to attend before and obtain medical certificates from Government or HA clinics or medical officers every time he applies for sick leave, or to be examined by a Medical Board.

10. Time-off under CSR 904 should also be withheld if the concession for granting sick leave not exceeding two working days without the production of a medical certificate under CSR 1273(2)(a) is withdrawn due to a doubt on whether the officer concerned is genuinely sick.

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\(^1\) While sick leave and paid vacation leave may be granted in half-day units, unpaid vacation leave can only be taken on a full-day basis.
11. Where the departmental management has withdrawn the concession for sick leave under CSR 1273(2)(a) as a general measure (i.e. not due to suspected abuse) for specified categories of staff, the departmental management may consider whether or not time-off under CSR 904 may nevertheless be granted or be withheld. If the concession under CSR 904 is granted, and following the general principle in paragraph 6 that sick leave should normally be deducted to cover absence for attending medical treatment, examination or consultation which lasts half a day or more, departmental management may accept medical attendance slips (or proof to the same effect) as supporting document for granting sick leave to cover such absence.

12. Where time-off under CSR 904 is withheld under the circumstances mentioned in paragraphs 9, 10 or 11 above, the officer’s absence for attending medical treatment, examination or consultation may be covered by sick leave, earned leave, unpaid leave or time-off counted against uncompensated overtime balance, subject to the relevant rules and procedures. Where the departmental management is satisfied that the officer attending medical treatment, examination or consultation is genuinely sick, sick leave should normally be granted to cover the period of absence.

Application, approval and recording of time-off under CSR 904

13. An officer who wishes to take time-off under CSR 904 should seek prior approval from his supervising officer, unless in exceptional circumstances where an officer is prevented from doing so. In such circumstances, covering approval should be sought immediately afterwards.

14. If the approving officer decides not to approve an application under CSR 904, he should inform the officer concerned the reasons (e.g. due to suspected abuse). The officer may apply for sick leave, earned leave, unpaid leave or time-off counted against uncompensated overtime balance, subject to the relevant rules. Any period of absence not covered by approved leave / time-off should be treated as unauthorised absence and consideration should be given to taking disciplinary action against the officer.

15. For effective management and monitoring, departmental management should keep proper record of time-off granted under CSR 904 as considered appropriate.

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2 Meaning sick leave alone or sick leave in combination with time-off under CSR 904, depending on whether the absence is covered in accordance with paragraph 5(a) or (b) of these Guidelines.
For tighter control / suspected abuse cases

16. Depending on the operational circumstances of individual bureaux / departments, departmental management may consider drawing up more detailed internal guidelines on the granting of time-off under CSR 904, whether for the entire bureau / department or specified groups of staff, for instance, requiring the production of documentary proof such as appointment slip, attendance slip or referral letter; and withholding the application of CSR 904 and requiring the officers concerned to apply for sick leave under CSR 1270.

17. Departmental management should pay particular attention to cases involving frequent applications for time-off under CSR 904. They should put in place appropriate arrangements to monitor such cases. Where necessary, they may consider setting trigger points having regard to their operational circumstances to facilitate monitoring. Such trigger points should be reviewed from time to time in the light of experience and operational requirements. For officers taking frequent time-off under CSR 904, the management should take appropriate management action in a timely manner, for instance, ascertaining from the officer concerned the reasons for frequent applications for time-off and taking follow-up action as necessary (e.g. advise the officer to take sick leave where appropriate; require the officer concerned to provide documentary proof to support his time-off application under CSR 904, etc.).

18. For cases of suspected abuse of CSR 904, the departmental management should inform the officer concerned. They should also inform the officer what follow-up measures would be taken (e.g. require the officer to produce documentary proof of attendance of medical treatment, withhold the grant of time-off under CSR 904, etc.), and that disciplinary action may be taken if the circumstances so warrant. These cases should be kept under regular review. The advice of the Secretariat on Civil Service Discipline may also be sought as necessary. It would also be useful for the respective grade management to be informed of cases of suspected abuse.

Arrangements in respect of cases of injury on duty or occupational disease

19. For officers injured on duty or suffering from occupational disease, there is a case for departmental management to exercise the discretion to grant time-off under CSR 904 more flexibly. Since the illness arises from performance of duties, the management should make efforts to facilitate the employees’ recuperation from the illness which is duty-related. For this reason, the half-a-day rule under CSR 904 (see paragraph 5 above) would not apply in such cases. However, departmental management should continue to exercise its judgment to guard against abuse.
20. To facilitate monitoring and to guard against abuse, departmental management may consider keeping separate records of time-off granted to officers for attending medical treatment in connection with duty-related injury or occupational disease. Departmental management should also pay attention to the frequency and duration of the periods of absence in individual cases and initiate investigation in a timely manner where abuse is suspected. If there is evidence proving that abuse is involved, the periods of absence should be deducted from the officer’s earned leave and disciplinary action may be considered if the circumstances so warrant.

Enquiries

21. Enquiries concerning the above guidelines should be addressed to Departmental Secretaries. If Departmental Secretaries themselves are in doubt, they may contact Miss Anita Leung, Chief Executive Officer (Conditions of Service) at 2810 3083 or Ms Elena Shum, Senior Executive Officer (Conditions of Service) 1 at 2810 3082.

Civil Service Bureau
January 2007
Guidelines on the Granting of Time-off under CSR 904

Frequently Asked Questions

Q1: Who are the “registered private practitioners in medical and dental field” referred to in the guidelines?

A1: For the purpose of CSR 904, they normally refer to doctors, dentists, Chinese medicine practitioners, chiropractors and physiotherapists who are registered under the relevant statutes. Where the grant of sick leave is applicable, the provisions set out in CSR 1273(2) should be followed. If production of a medical certificate is required for the purpose of granting sick leave, the medical certificate must be issued by registered medical practitioners, registered dentists or registered Chinese medicine practitioners (for non-duty related sick leave only) in Hong Kong as provided under CSR 1273(2)(d). Medical certificates issued by other healthcare professionals (e.g. chiropractors, physiotherapists and speech therapists) cannot be accepted except for those working in the exempted clinics.

(Note: As promulgated vide CSBCM No. 10/2017, the concessionary arrangement under CSR 904 has been extended to cover counselling sessions provided by clinical psychologists under the Hotline Counselling Service on Stress Management organised by CSB and other clinical psychologist counselling programmes provided by Departments for their own staff.)

Q2: How can I know if the private practitioner is registered?

A2: Relevant information can be obtained from the website of Department of Health [www.dh.gov.hk].

Q3: Can time-off under CSR 904 be granted for self-arranged medical examination of preventive nature?

A3: Bureaux / departments may grant time-off under CSR 904 for self-arranged medical treatment, examination or consultation if they are provided or referred by Government / Hospital Authority medical officers, registered private practitioners in the medical and dental field and exempted clinics published in the Gazette.
Q4: Does CSR 904 cover x-ray checks, blood tests etc.?

A4: These examinations are also covered provided that they form part of the medical treatment or consultation and prescribed by a registered practitioner.

Q5: Cervical screening, family planning services and antenatal and postnatal services are health programmes provided by Department of Health (DH). Can time-off under CSR 904 be granted for attending such services performed by nurses at DH’s clinics?

A5: Time-off under CSR 904 may be granted for attending cervical screening, family planning services and antenatal and postnatal services provided by nurses at DH’s clinics, even without referral by Government / Hospital Authority medical officers and registered private practitioners. However, talks or seminars recommended by Government / Hospital Authority medical officers and registered private practitioners are not covered by CSR 904 as they do not involve medical treatment, examination or consultation.

Q6: In the case of medical attendance lasting half a day or more, an officer may cover the absence by a combination of time-off under CSR 904 and sick leave / earned leave / unpaid leave / time-off counted against uncompensated balance as appropriate. How should the period of absence be covered under the following scenarios –

(a) absence for medical attendance lasting half a day;

(b) absence for medical attendance lasting more than half a day but less than one day;

(c) absence for medical attendance lasting one whole day?

A6: Under scenario (a), absence of half a day should normally be covered by sick leave, unless there are reasons to have it covered by earned leave, unpaid leave or time-off counted against uncompensated overtime balance, e.g. owing to insufficient sick leave balance, overflow of earned leave or uncompensated overtime balance, suspected abuse, etc.

Under scenario (b), absence of half a day, in the am session or the pm session, should normally be covered by sick leave, unless there are reasons to have it covered by earned leave / unpaid leave / time-off counted against uncompensated balance, with the remaining absence period covered by
time-off under CSR 904.

Under scenario (c), absence lasting one whole day falls outside CSR 904. The entire absence period should be covered by sick leave, earned leave, unpaid leave, time-off counted against uncompensated balance as appropriate.

Q7: Is the departmental management allowed to exercise discretion to grant time-off under CSR 904 for half a day or more under special circumstances for genuine cases?

A7: The time-off arrangement under CSR 904 is a concession to encourage staff to return to work, if medical conditions permit, before and/or after medical treatment, examination or consultation to minimise any negative impact of staff absence on the service provision of the department concerned. Since sick leave is granted in half-day units, we consider it reasonable to set the duration of time-off granted under CSR 904 at less than half a day. As such, departmental management should follow the “less than half a day” rule in granting time-off under CSR 904.

Q8: Can an officer be granted time-off under CSR 904 for cases involving treatment at specialist clinics, physiotherapy treatment, chronic illnesses, pregnancy or treatment requiring long travelling time which last more than half a day?

A8: The “less than half a day” rule should still apply as such “prolonged” absence should be covered by sick leave / earned leave / unpaid leave / time-off counted against uncompensated overtime balance. Bureaux/departments may apply flexibility in reviewing these cases for monitoring purposes, for example to exclude them from triggering a review.

Q9: In case an officer attends two medical appointments in the same day, can he be granted time-off under CSR 904 for more than half a day?

A9: If the two medical appointments are distinctly different, the officer may be granted time-off under CSR 904 two times in a day. If situation does not allow the staff to return to work between the two appointments, supervisors may exercise discretion to grant time-off under CSR 904 for a total duration of more than half a day. If the two medical appointments are in fact part and parcel of the same medical case, the “less than half a day” rule should apply.
Q10: Why should CSR 904 be withheld for an officer for whom CSR 1291 is invoked or the concession under CSR 1273(2)(a) is withdrawn?

A10: The time-off granted under CSR 904 is a concession made under specified circumstances. CSR 1291 is invoked or the concession under CSR 1273(2)(a) is withdrawn where an officer is suspected to be abusing the privilege of obtaining sick leave. In such circumstances, we consider it reasonable to withhold the concession otherwise available under CSR 904.

Q11: In case the provision under CSR 904 is withheld from an officer, should he be required to apply for vacation leave for attending medical treatment? If so and if he subsequently obtains a medical certificate recommending sick leave, he will not be allowed to offset the vacation leave already approved with sick leave, as CSR 1273(4) provides that an officer who has commenced leave of other types is not eligible for sick leave before his approved leave expires. This would be unfair to the officer.

A11: Where time-off under CSR 904 is withheld for the reason that the officer is suspected of abusing sick leave (see A10 above), the officer’s absence for attending medical treatment, examination and consultation should be covered by sick leave / earned leave / unpaid leave / time-off counted against uncompensated overtime balance as appropriate, subject to the relevant rules. Procedurally, the type of leave which will be used to cover the absence for medical attendance may be determined after the medical treatment, examination and consultation. If the officer produces an acceptable medical certificate recommending sick leave, he may apply for sick leave in accordance with the relevant provisions and procedures. If he cannot produce any medical certificate recommending sick leave, he should seek covering approval for earned leave, unpaid leave or time-off counted against uncompensated overtime balance. Otherwise, his absence will be treated as unauthorised absence.

Q12: How should the departmental management keep records of time-off granted under CSR 904? Can e-LAPS be enhanced to enable recording of such information?

Q12: Bureaux / departments should keep record of time-off granted under CSR 904 to facilitate effective management and monitoring, but we do not consider it necessary to prescribe the format of recording, e.g. to record such information on the e-LAPS. Bureaux / departments may consider making use of the departmental Human Resource Management Information System to record such information if deemed appropriate.
Q13: Can CSB provide guidelines on the setting of trigger points for review in respect of time-off granted under CSR 904?

A13: We consider it more appropriate for bureaux / departments to determine the most appropriate trigger points for review in respect of time-off granted under CSR 904 having regard to their own experience and operational requirements. We shall continue to monitor the situation and review the need to issue further guidelines to bureaux / departments where appropriate.

Q14: Are the guidelines also applicable to NCSC staff?

A14: The CSRs on sick leave and the concession provided by CSR 904 do not apply to NCSC staff. NCSC staff should be managed in accordance with relevant circulars on the NCSC scheme.

Civil Service Bureau
January 2007