

Ref : DC/PM300102L

30th January 2002

Mrs. Percy Ma
LegCo Panel on Constitutional Affairs
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mrs. Ma,

Re: Restrictions on Activities of Former head Of Government and former Senior Members of Government

I shall be able to attend the meeting on the captioned topic on 18th February but would like to submit the following views of the Panel's consideration:

1. In order to assess the issue from the perspective of a continuum, it will be desirable that *present restrictions* on the CE and his senior staff members (as well as other civil servants) be listed so that the transition can be better understood. The difference between the existing in-office and proposed post-office restrictions should be highlighted. For instance, their political activities (campaigning for any party) should be curtailed during office but allowed after retirement from office.
2. As the leader of the civil servants, the CE (and his senior staff) should be a *role model* in integrity and thus post-office restriction underpinned by statute should be introduced.
3. Post-office restrictions should involve *commercial activities only*.
4. A *pension* should be provided to ensure that the restrictions would not impose unreasonable hardship on the retiree. The amount should phase in with the level and duration of restrictions. Provision of security should also be phased out with time.
5. An independent body (a commission formed with mainly LegCo Members) should be formed to assess possible conflicts and violations, and recommend sanctions. The Commission should operate in a *discrete* and *low profile* manner.

6. The *requirement of declaration of interest* should be further clarified, and its enforcement and implications (at several levels) should be *reassessed* so that there are equity among people holding elected and political positions and transparency.

Wishing you every success in this important endeavor.

FHF/

Sincerely Yours,

Professor Frank Fu
Dean