

LegCo Panel on Public Service

Post-retirement Employment of Former Civil Servants - Supplementary Information

Purpose

At the meetings of the Panel on Public Service held on 21 December 2004 and 17 January 2005, Members requested the Administration to provide supplementary information on a number of issues relating to post-retirement employment of former civil servants. This note provides the further information as requested.

Supplementary Information

Review of Approved Cases of Post-retirement Employment

2. Among the cases of post-retirement employment approved in the past three years, for those in which the ex-officers concerned are still within the control period, we have written to the ex-officers concerned to seek updates on their approved employment, as well as to remind them of the scope of the approved employment and the need to comply strictly with the terms of approval. Follow-up action will be taken as and when there is information indicating non-compliance.

Disclosure of Details of Individual cases of Post-retirement Employment

3. We have sought legal advice on whether the Administration could disclose details of individual applications for post-retirement employment without infringing on the privacy rights of the applicants concerned. The advice obtained points out that Data Protection Principle 3 of the Personal Data (Privacy) Ordinance, Cap. 486, requires that personal data must not be used for any purpose other than the purpose for which the data was to be used at the time the data was collected or a directly related purpose. Under the existing system, there is no mention at the time of collection of the data in the application forms that such data would be used for any other purpose than to

facilitate the approving authority to assess whether or not approval should be given for the ex-officers concerned to take up outside employment. As such, there is an expectation from ex-officers that there will be no disclosure of their personal data. However, one of the proposals arising from our review of the policy on post-service employment of former directorate civil servants is to make the system more transparent by expressly making known to applicants at the time of application that certain basic information concerning their application would be disclosed to the public.

Further Information on Post-retirement Employment Cases

4. The Secretary for the Civil Service (SCS) has already provided some statistics relating to post-retirement employment of former senior directorate officers who retired between 2002 and 2004 in his reply to a question raised by Hon Leung Yiu-chung at the LegCo sitting on 5 January 2005. Further statistics are set out below.

5. Among the 37 ex-directorate civil servants ranked at Directorate Pay Scale point 4 (D4) or above who retired between 1 January 2002 to 31 December 2004, 19 of them submitted 46 applications to take up outside employment, details as follows:

No. of approved applications for paid employment	31
No. of approved applications for unpaid employment with charitable/non-profit making/non-commercial organisations	13
No. of applications rejected because the proposed employment is closely connected with the applicant's former government duties or would give rise to negative public perception	2
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Total no. of applications submitted	46

6. For the 31 approved cases involving paid outside employment, there was an average break of 12 months between cessation of active service and commencement of the outside employment. In 10 cases the paid outside

employment commenced within six months from cessation of active service; five of them involved provision of medical services (of which three concerned government medical officers continuing their service in the Hospital Authority after cessation of active service/retirement), and in the remaining five cases, the employment was unrelated to the applicant's former government duties. Further breakdown on the 31 approved cases for paid outside employment is at Annex.

7. Among the 18 ex-officers who were permitted to take up paid outside employment, the average length of final leave is 10 months. There were three ex-officers who were given approval to accumulate final leave exceeding one year. Approval was given in these cases because the ex-officers concerned could not take leave while in active service for operational reasons.

Opinion Poll

8. It was suggested by a Member at the Panel meeting on 17 January 2005 that the Administration should explore the possibility of conducting an opinion poll to ascertain the public's expectations on the policy governing post-retirement employment of former civil servants. The Administration has examined the matter and considers that while it is important to gauge public views, opinion poll may not be the only or the most cost-effective way to achieve the purpose. As an inherent part of our review of the policy governing post-service employment of former directorate civil servants, the Administration has been monitoring and collecting views from all quarters through various channels. In particular, we have taken account of views and comments reported in the media, expressed by the Staff Sides through the normal consultative channels or made available to the Administration through other means when drawing up the proposed improvement measures which we have presented at the Panel meeting on 21 March 2005. We will continue to take into account feedback received during the consultation period before making a final decision.

**Approved Paid Outside Employment in Respect of 18
Directorate Officers at D4 or Above Who Retired Between 1.1.2002 And 31.12.2004**

(A) Breakdown of 16 cases in which the paid outside employment commenced after retirement

Applicants had already ceased active service for 6 months or more at the time of approval and no additional sanitisation period was imposed <i>[Average break from cessation of active service: 21 months]</i>	12
Sanitisation period of 6 months or more imposed <i>[Average sanitization: 20 months]</i>	3
Applicant was allowed to take up the outside employment within 6 months from commencement of final leave <i>[Break from cessation of active service: 1 month]</i>	1 ¹
Total:	16²

(B) Breakdown of 15 cases in which the paid outside employment commenced during final leave

Applicants had already ceased active service for 6 months or more at the time of approval and no additional sanitization period was imposed <i>[Average break from cessation of active service: 7 months]</i>	3
Sanitisation period of 6 months or more imposed <i>[Average sanitization: 7 months]</i>	3
Applicants were allowed to take up the outside employment within 6 months from cessation of final leave <i>[Average break from cessation of active service: 2 months]</i>	9 ³
Total:	15⁴

¹ The case concerned a former government medical officer continuing his service in the Hospital Authority after retirement.

² Overall average break between cessation of active service and commencement of the outside employment is 20 months.

³ Out of the 9 cases, 4 involved provision of medical service (of which 2 concerned government medical officers continuing their service in the Hospital Authority after cessation of active service), and the remaining 5 involved employment with commercial entities and in each case the employment was unrelated to the applicant's former government duties.

⁴ Overall average break between cessation of active service and commencement of the outside employment is 4 months.

