

## Advisory Committee on Post-service Employment of Civil Servants

### Note on Declaration of Interest

This note sets out the requirements and the guidelines to be observed for declaration of interest by members of the Advisory Committee on Post-service Employment of Civil Servants (the Advisory Committee).

#### General Principles

2. When a member (including the chairman) has a potential conflict of interest in a matter placed before the Advisory Committee, he/she should make full disclosure of his/her interest. The basic principle to be observed is that members' advice should be disinterested and impartial and it is the responsibility of each member to judge and decide if the situation warrants a declaration, and to seek a ruling from the chairman in case of doubt.

3. It is impossible to define or describe all the situations that would call for such a declaration, because each individual case differs, and because of the difficulty of catering for unusual and unforeseen circumstances. It is not the intention that a member should make a declaration of interest simply because the Advisory Committee is considering a matter in which he has knowledge or experience.

#### Potential Conflict of Interest Situations

4. For illustration, some potential conflict of interest situations are set out below :

- (a) Pecuniary interests in a matter under consideration by the Advisory Committee, held either by a member or by any close relative of his/hers. Members are themselves the best judge of who, in the particular circumstances, is a "close relative".
- (b) A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is connected with, or the subject of, a matter or an application under consideration by the Advisory Committee.

- (c) Some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe a member's advice to have been influenced by the closeness of the association.
- (d) A member who, as a barrister, solicitor, accountant or other professional adviser, has personally or as member of a company, advised or represented or had frequent dealings with any person or body connected with a matter or an application under consideration by the Advisory Committee.
- (e) Any interest likely to lead an objective observer to believe that a member's advice might have been motivated by personal interest rather than a duty to give impartial advice.

### Declaration of Interests

5. The following guidelines governing declaration of interests when matters or applications are considered / discussed by the Advisory Committee either at meetings or through circulation of papers should be observed:

- (a) If a member (including the chairman) has any direct personal or pecuniary interest or if he/she is acquainted with the individuals in any matter or applications under consideration by the Advisory Committee, he/she must, as soon as practicable after he/she has become aware of it, disclose to the chairman (or the Advisory Committee) prior to the discussion of the item.
- (b) The chairman (the Advisory Committee) shall decide whether the member disclosing an interest may express views or vote on the matter, may remain in the meeting / discussion as an observer, or should withdraw from the meeting / discussion.
- (c) If the chairman declares an interest in a matter under consideration at meetings, the Advisory Committee shall elect a member to take over the meeting in respect of the discussion of the matter in question.
- (d) When a known direct pecuniary interest exists in respect of a member, the secretary may withhold circulation of relevant papers to him/her. Where a member is in receipt of a paper for discussion which he/she knows presents a direct conflict of interest, he/she should immediately inform the secretary and return the paper.

- (e) All cases of declaration of interests shall be recorded in the minutes of the meeting or in other appropriate format where no meeting is held.

-0-0-0-