

Extract from the discussion paper on "Review of Policy on Post-service Employment of Former Directorate Civil Servants" and Annexes A and B attached to the discussion paper issued to the Advisory Committee on Post-retirement Employment for discussion on 5 October 2005

Approving Criteria (item 7 in Annex B)

8. The two primary factors for considering the propriety of a proposed outside appointment / employment are conflict of interest and public perception. We recognize the general concern of staff that an assessment on the propriety of a proposed appointment / employment and/or public perception should be based on rational considerations. In this regard, although the making of such assessment would unavoidably involve judgement, in most cases we will have regard to the nature of the proposed employment, the background of the prospective employer and/or the relationship between the prospective employer and the officer concerned while he/she was still in government service. It is also relevant that consultation with the independent Advisory Committee on each and every application will help ensure a reasonable balance among different considerations in the vetting of the applications and parity across-the-board.

Extract from the discussion paper on “Review of Policy on Post-service Employment of Former Directorate Civil Servants – Summary of Comments Received” issued to the CSB Strategy Group for discussion on 23 May 2005

Summary of Comments Received

X X X X

Approving criteria

- Public perception, which fluctuates with time and political sentiment, is difficult to assess. Public perception is not a ground recognized in the law. Have doubts on the “perceived conflict” criteria.
- Should define “work of particular sensitivity” “senior officers” who are subject to a vetting period of longer than 3 years.

X X X X

**Extract from Annex B of the discussion paper on
 "Review of Policy on Post-service Employment of Former Directorate Civil Servants" issued to the Advisory
 Committee on Post-retirement Employment for discussion on 5 October 2005**

Existing Arrangement	Proposed Arrangement	Related Issues / Considerations
7. Approving criteria		
<ul style="list-style-type: none"> • The key factors of consideration are conflict of interest (real or potential) and public perception. • In applying the tests of conflict of interest or possible negative public perception, the HoD/HoG and approving authority normally focus on the duties in which the applicant was involved in the last two years of his/her active service. 	<ul style="list-style-type: none"> • The key factors of consideration remain to be conflict of interest (real or potential) and public perception. • The specific points to be taken account of by the approving authority include: <ul style="list-style-type: none"> (a) <i>Conflict of interest</i> <ul style="list-style-type: none"> - whether the officer was involved in policy formulation or decisions, the effects of which directly or specifically benefited or could directly or specifically benefit his/her prospective employer; - whether the prospective employer might gain unfair advantage over competitors because of the officer's access to sensitive information while in government service; - whether the officer was involved in any contractual or legal dealings to which the 	<ul style="list-style-type: none"> • To facilitate consideration of an application, the applicant will be required to provide - <ul style="list-style-type: none"> - an account of his/her duties in the last three years (presently two) of his/her government service; - a detailed account of the nature and scope of business of the prospective employer; and - a detailed account of his/her major duties and responsibilities under the proposed employment. • Assessment from the public perception perspective will be based on rational considerations and a due process. The independent advice of the Advisory Committee will help ensure a reasonable balance among different considerations.

Existing Arrangement	Proposed Arrangement	Related Issues / Considerations
	<p>prospective employer was a party; and</p> <ul style="list-style-type: none"> - whether the proposed employment would have any connection with the assignments / projects and/or regulatory / enforcement duties in which the officer was involved before leaving the service. <p><i>(b) Public perception</i></p> <ul style="list-style-type: none"> - whether the officer's taking up of the proposed employment would give rise to public suspicion of impropriety or conflict of interest; and - whether the proposed employment (e.g. the nature of the employment or the background of the prospective employer) would cause embarrassment to the Government. <p>• In applying the tests of conflict of interest or possible negative public perception, the HoD/HoG and approving authority would normally focus on the duties in which the applicant was involved in the last three years of his/her active service. However, where the applicant is a directorate officer at D4 or above or if the work he/she has handled is of</p>	

Existing Arrangement	Proposed Arrangement	Related Issues / Considerations
	particular sensitivity, his/her duties prior to the three-year period might also be taken into account.	