

Ref : AP 295/47-C IV

Government Secretariat  
Hong Kong

6 January 1997

**CIVIL SERVICE ~~BRANCH~~-BUREAU CIRCULAR NO. 3 /97**

**Permission to Take Up Outside Appointment  
on Completion of Agreement**

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To : Heads of Departments      c.c : ~~Branch~~-Bureau  
Secretaries

Judiciary Administrator  
Secretary, PSC

*(Note : Distribution of this circular is Scale B : it should be read by ~~Branch~~-Bureau Secretaries, Heads of Departments, Heads of Grades, Departmental Secretaries, officers dealing with personnel matters and brought to the attention of all agreement officers. A Chinese translation is attached.)*

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This circular announces a new arrangement whereby officers who are on Directorate Payscale D3 or above (or equivalent) and are appointed on agreement are required to seek approval before taking up any outside employment or appointment, or engaging in any business, trade or profession the principal part of which is carried on in Hong Kong *within one year* immediately following the expiry of their terminal leave. Outside work by agreement officers while on leave will continue to be governed by CSR 559 except where the work is to extend beyond their terminal leave in which case the provisions in this circular will apply. The new arrangement will take effect when new contracts are entered into, and should be reflected in the contract documents.

**OVERALL OBJECTIVE**

2. This new arrangement aims to make sure that senior officers leaving the civil service on completion of agreement do not enter into employment which may compromise them or Government due to a conflict of interest in view of their access to confidential or commercially sensitive Government information in their official capacity. It applies to all agreement officers on Directorate Payscale D3 or above, or equivalent.

3. The arrangement is designed to strike a balance between the public interest and the interests of officers wishing to seek employment at the end of a contract. Unless there is a direct conflict of interest, an application for post-contract employment will normally be approved.

#### **PRINCIPLE GOVERNING APPROVAL OF POST-CONTRACT EMPLOYMENT**

4. In determining whether approval should be given, account will be taken of any direct relationship between the officer's areas of duty as a civil servant and the duties he proposes to undertake in his subsequent outside employment, with particular regard to possible conflicts of interest. This is considered necessary to protect confidential / commercially sensitive Government information, and may prevent the officer from -

- working on a project where he previously had direct dealings in the negotiation of such;
- being involved in contracts of provision to Government where he had direct dealings in the past;
- advising on deals with Government on policy or other subject areas where he had direct dealings in the past.

#### **AMENDMENTS TO MEMORANDA ON CONDITIONS OF SERVICE**

5. The relevant Memoranda on Conditions of Service for Officers on Agreement Terms will be revised. Pending the printing of the revised forms, the following provision should be inserted after the clause on 'Resolution of Agreement by Mutual Consent' in existing forms for new appointments or renewal of agreements with immediate effect -

An agreement officer on Directorate Payscale D3 or above, or equivalent, requires Government's agreement before taking up employment or appointment, or engaging in any business, trade or profession the principal part of which is carried on in Hong Kong within one year immediately following the expiry of their terminal leave where the employment is in the same field as his civil service employment and where there is a possible conflict of interest.

## APPLICATION PROCEDURES

### Standard Application Form

6. All applicants should complete a Standard Application Form (CSB/PRA/2, specimen attached).

### Approving Authorities

7. Authorities to approve applications are vested as follows -

- (a) Chief Secretary - ~~Branch~~ Bureau Secretaries and Heads of Departments
- (b) Secretary/Deputy Secretary for the Civil Service - Directorate officers (D3 - D6) other than Heads of Departments and ~~Secretaries~~ Administrative Officer Staff Grade A1

### Processing Arrangements

8. An application form should be completed and processed as follows -

- (a) An applicant should complete Parts I and II of the form, and forward it to his Head of Department or Grade, as appropriate.
- (b) The Head of Department/Grade will complete Part III of the form after consulting the applicant's former supervisors. For applications from a Head of Department or a ~~Branch Secretary~~ Administrative Officer Staff Grade A1, Civil Service ~~Branch~~ Bureau will arrange for completion of Part III of the form.
- (c) Applications should be forwarded to Civil Service ~~Branch~~ Bureau for referral to the Advisory Committee on Post-retirement Employment (retitled as Advisory Committee on Post-service Employment of Civil Servants) prior to submission to the approving authority. To facilitate consideration by the Advisory Committee, departments should provide comprehensive information under Part III of the form including an account of -
  - (i) whether there is any direct relationship between the officer's areas of duty as a civil servant and the duties he proposes to undertake in his subsequent alternative employment; and

- (ii) whether the applicant is in a position to exercise unfair influence within Government in favour of the prospective employer.

## Decisions

9. Decisions by the approving authority may include one of the following -

- (a) unqualified approval;
- (b) approval subject to conditions, e.g. imposition of a deferred commencement date (to reduce the risk of conflict of interest and/or of the disclosure of confidential / commercially sensitive Government information), a ban on involvement by the applicant in dealings between the prospective employer and Government, either absolute or with reference to a stated issue or issues; or
- (c) application not approved.

10. The rules are not designed to restrict or prohibit employment at the end of a contract and in general terms applications for post-contract employment will normally be approved where there is no direct conflict of interest between the officer and Government. Each case will be considered and determined on its merits.

## ENQUIRIES

11. Enquiries on the contents of this circular should be directed to the Departmental Secretary in the first instance who, in case of doubt, may contact CEO(Pensions) (Tel. 2810 32023842) of the Pensions and Provident Fund Section, ~~Appointments Division, Civil Service Branch~~ Bureau.

Ms Sandra LEE  
for Secretary for the Civil Service

# ~~Restricted (Staff)~~

FORM CSB/PRA/2

## APPLICATION FOR PERMISSION TO TAKE UP AN OUTSIDE APPOINTMENT AT THE END OF AGREEMENT

### PART I : PARTICULARS OF THE APPLICANT (To be completed by the applicant)

1. Name \_\_\_\_\_
2. Post \_\_\_\_\_
3. Address and Telephone \_\_\_\_\_
4. Date of last day in Government Service \_\_\_\_\_  
(on expiry of end-of-tour leave)
5. Last date of active service \_\_\_\_\_
6. Service history during the last two years of Government service

Title of post held	Dates		Substantive rank	Brief description of duties
	From	To		

# ~~Restricted (Staff)~~

## PART II : INFORMATION ON THE PROPOSED APPOINTMENT (To be completed by the applicant)

7. Regarding the prospective employer :

- (a) Company's name \_\_\_\_\_
- (b) Company's address \_\_\_\_\_
- (c) Nature of Company's business \_\_\_\_\_
- (d) Company's parent company or group \_\_\_\_\_

8. Regarding the prospective appointment :

- (a) Job title and description of duties of the proposed appointment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (b) Proposed commencement date of appointment

\_\_\_\_\_

- (c) Is the proposed appointment full time or part time?

full time      part time \_\_\_\_\_ days per week/month/year      one-off assignment

- (d) Will the appointment be paid?

salary

Fee

unpaid

Approximate amount \_\_\_\_\_  
of remuneration

- (e) How the offer of the appointment arose?

in response to  
an advertisement

through other means \_\_\_\_\_  
(please specify  
and give name of  
introducer)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ~~Restricted (Staff)~~

9. The applicant's previous contacts with the prospective employer during his last two years of service

- (a) Any direct or indirect involvement in contractual dealings between the Government and the prospective employer      Yes      No

If the answer to (a) is 'Yes', please elaborate on your involvement (e.g. receipt and awarding of contracts, administering and monitoring contracts, giving professional/technical advice before or after the contracts were awarded, the number, value and nature of the contracts etc.).

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- (b) Any official but non-contractual contact with the prospective employer?      Yes      No

If the answer is 'Yes', please give details with indication of frequency of contact.

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- (c) Any involvement in decisions (other than those about contracts) which might affect the employer's business with the Government?      Yes      No

~~Restricted (Staff)~~

If the answer is 'Yes', please give details.

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\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

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PART III : ASSESSMENT OF THE APPLICATION (To be completed by an officer designated by the Head of Department in which the applicant serves, or the Head of Grade as appropriate; and to be completed by an officer designated by the Secretary for the Civil Service if the applicant is a Head of Department or Secretary.)

10. Do you have any doubts on the information provided in Parts I and II?

Yes (Please give reasons)

No

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~~**Restricted (Staff)**~~

11. If the applicant had previous dealings with the company, please give below -

- (a) an assessment of how much influence he had in decisions affecting his prospective employer; and
- (b) an account of the relationship between the officer's areas of duty as a civil servant and the duties he proposes to undertake in this post-contract employment, with particular regard to any possible conflict of interests.

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12. Please give your recommendations on the application.

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13. Do you consider it necessary to impose any restriction ?

Yes (Please specify the restriction required below)

No

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Signature	Name	Rank/Post	Date
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~~Restricted (Staff)~~

PART IV : DECISION ON THE APPLICATION

14. Decision :

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\_\_\_\_\_  
Signature of  
approving authority

\_\_\_\_\_  
Name

\_\_\_\_\_  
Rank/Post

\_\_\_\_\_  
Date