

**Select Committee to Inquire into Matters relating to  
the Post-service Work of Mr Leung Chin-man**

**Information provided by the Administration in response to  
the Clerk to Select Committee's letter of 25 March 2009**

	Document No. (Only English available unless otherwise specified)
1. <u>SC(2) Paper Nos. C6, C7 and C8 (Administration's reference : CSB1, CSB2 and CSB3)</u>	
<p>Following a review on the policy governing post-service work of directorate civil servants conducted in 2004-2005, the following six specific assessment criteria have been incorporated and set out in the Civil Service Bureau Circular No. 10/2005</p> <p>(a) whether the applicant, while in the civil service, had been involved in the formulation of any policy or decisions, the effects of which directly or specifically benefited or could directly or specifically benefit his own business or prospective employer;</p> <p>(b) whether the applicant or his prospective employer might gain unfair advantage over competitors because of the applicant's access to sensitive information while in the civil service;</p> <p>(c) whether the applicant, while in the civil service, had been involved in any contractual or legal dealings to which his prospective employer was a party;</p>	

- (d) whether the proposed work would have any connection with the assignments/projects and/or regulatory/enforcement duties in which the applicant had been involved while in the civil service;
- (e) whether the applicant's taking up of the proposed work would give rise to public suspicion of conflict of interest or other impropriety; and
- (f) whether any aspects of the proposed work would cause embarrassment to the Government or bring disgrace to the civil service.

Please provide the reasons and the policy intent for incorporating the above six assessment criteria as well as relevant documents and records relating to these criteria including discussion papers, consultation documents and views from consulted parties such as civil service bodies and associations and the Advisory Committee on Post-service Employment of Civil Servants and notes/record/minutes of formal/informal meetings.

*CSB's Response : CSB Circular No. 10/2005 sets out the revised policy and arrangements governing the taking up of outside work by concerned directorate civil servants on final leave and/or former directorate civil servants subject to the prescribed control period. In considering an application for outside work from concerned directorate civil servants, the policy objective as set out in CSB Circular 10/2005 and the six assessment criteria are taken into account. The key factors of consideration in vetting an application are whether there is any real or potential conflict of interest between the applicant's former government duties and the proposed work, and whether the applicant's taking up of the proposed work is likely to give rise to negative public perception. The first four assessment criteria are mainly to facilitate the consideration of any conflict of interest while the last two assessment criteria are to facilitate the*

<p><i>consideration of the public perception issue.</i></p>	
<p><i>We have traced the relevant documents and have identified the following extracts from various documents which contain the discussion on the assessment criteria -</i></p>	
<p><i>(i) Extract from Annex A of Secretary for the Civil Service's memo (dated 22 January 2005) to the Independent Commission Against Corruption (ICAC) and the Department of Justice (DoJ) inviting their comments on the review of the policy on post-service employment;</i></p>	<p>C38 <del>CSB83</del></p>
<p><i>(Note: According to our file record, ICAC and DoJ did not make specific comments on the proposed assessment criteria.)</i></p>	
<p><i>(ii) Extract from the discussion paper on "Review of Policy on Post-service Employment of Former Directorate Civil Servants" and Annex B attached to the discussion paper issued to the Advisory Committee on Post-retirement Employment (now renamed as Advisory Committee on Post-service Employment of Civil Servants) for discussion on 7 March 2005;</i></p>	<p>C39 <del>CSB84</del></p>
<p><i>(iii) Extract from the Notes of Meeting of the Advisory Committee on Post-retirement Employment held on 7 March 2005 to discuss the paper on "Review of Policy on Post-retirement Employment";</i></p>	<p>C40 <del>CSB85</del></p>
<p><i>(iv) Extract from the consultation paper on "Review of Policy on Post-service Employment of Former Directorate Civil Servants" and Annex B attached to the consultation paper issued to the relevant Staff Councils (namely the Disciplined Services Consultative Council, the Police Force Council and the Senior Civil Service Council), Permanent Secretaries and Heads of Department/Grade inviting their comments on the proposals set out in the consultation paper;</i></p>	<p>C41 <del>CSB86</del></p>

<p>(v) <i>Extract of views from Bureaux/Departments, Staff Councils/Associations and Individual Officers/Groups of Officers on the "Approving Criteria" proposed in the consultation paper on "Review of Policy on Post-service Employment of Former Civil Servants" issued in March 2005;</i></p>	<p><del>CSB87</del> C42</p>
<p>(vi) <i>The discussion paper on "Review of Policy on Post-service Employment of Former Directorate Civil Servants" issued to the Legislative Council Panel on Public Service for discussion on 21 March 2005 (LC Paper No. CB(1)1112/04-05(05));</i></p>	<p>C43 <del>CSB88</del></p>
<p>(vii) <i>Extract from the minutes of the Legislative Council Panel on Public Service meeting held on 21 March 2005 on discussion on the findings and preliminary proposals from CSB's review of the policy on post-retirement employment of former directorate civil servants (LC Paper No. CB(1)1247/04-05);</i></p>	<p>C44 <del>CSB89</del></p>
<p>(viii) <i>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;</i></p>	<p>C45 <del>CSB90</del></p>
<p><i>(Note: According to our file record, the CSB Strategy Group did not make specific comments on the assessment criteria during its meeting held on 23 May 2005.)</i></p>	
<p>(ix) <i>Extract from Annex A attached to the discussion paper on "Review of Policy on Post-service Employment of Former Directorate Civil Servants" issued to the CSB Strategy Group for discussion on 2 August 2005;</i></p>	<p>C46 <del>CSB91</del></p>
<p><i>(Note: According to our file record, the CSB Strategy Group did not make specific comments on the assessment criteria during its meeting held on 2 August 2005.)</i></p>	

<p>(x) <i>Extract from the discussion paper on "Review of Policy on Post-service Employment of Former Directorate Civil Servants" and Annexes A and B of the discussion paper issued to the Advisory Committee on Post-retirement Employment for discussion on 5 October 2005;</i></p>	<p><del>CSB92</del> C47</p>
<p><i>(Note: According to our file record, the Advisory Committee on Post-retirement Employment did not make specific comments on the assessment criteria during its meeting held on 5 October 2005.)</i></p>	
<p>(xi) <i>The Information paper on "Arrangement Governing the Taking Up of Outside Work by Directorate Civil Servants after Ceasing Active Government Service" issued to the Legislative Council Panel on Public Service for its meeting on 21 November 2005 (LC Paper No. CB(1)295/05-06(03)); and</i></p>	<p>C2 <del>CSB93</del></p>
<p>(xii) <i>Extract from the minutes of the Legislative Council Panel on Public Service meeting held on 21 November 2005 on the discussion on review of policy on post-service employment of former directorate civil servants (LC Paper No. CB(1)674/05-06).</i></p>	<p>C48 <del>CSB94</del></p>