

For information  
on 18 June 2012

## **LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE**

### **Updated Overview of Post-service Outside Work by Directorate Civil Servants**

#### **PURPOSE**

This paper provides Members with an updated overview of post-service outside work by directorate civil servants.

#### **CONTROL OVER TAKING UP OF POST-SERVICE OUTSIDE WORK**

2. Directorate civil servants leaving the Civil Service are subject to post-service outside work control. The more senior the directorate civil servants are, the greater is the degree of control they are subject to due to their influence on policy formulation and decision-making when they were in active service.
3. The policy objective of the control regime<sup>1</sup> is to ensure that –
  - (a) directorate civil servants will not take up any work during the prescribed restriction periods which may –
    - (i) constitute real or potential conflict of interest with their former government duties, or
    - (ii) cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service, or give rise to reasonable apprehension of deferred reward or benefit

---

<sup>1</sup> This refers to the revised control regime that came into effect on 1 September 2011. This regime governs directorate civil servants on pensionable/new permanent terms who cease active duty on or after 1 September 2011, and directorate civil servants on agreement terms who enter into new or renewal agreements on or after 1 September 2011. Directorate civil servants on pensionable/new permanent terms who ceased active duty from 1 January 2006 to 31 August 2011, and directorate civil servants on agreement terms who entered into new or renewal agreements from 1 January 2006 to 31 August 2011 are subject to the old control regime which came into effect on 1 January 2006 and whose policy objective is similar (though not as detailed) as that of the revised regime.

by a fair-minded and informed observer after having considered the relevant facts;

- (b) the said individuals' right to work after ceasing government service will not be unduly restricted; and
- (c) the attractiveness of the Civil Service as a career will not be adversely affected and that limited human resources will be put to good use.

4. The gist of the control regime is described below –

- (a) the prescribed restriction periods take the forms of a final leave period, a minimum sanitisation period and a control period. During these periods, directorate civil servants must obtain permission from the decision authority, namely Secretary for the Civil Service (SCS), before they can take up any work save for unpaid work with specified non-commercial organisations<sup>2</sup>;
- (b) the final leave period refers to the period of leave directorate civil servants take after they cease active duty and before they leave the Civil Service. During this period, unless there are very exceptional considerations<sup>3</sup>, directorate civil servants are normally not permitted to take up outside work of a commercial nature or full-time remunerated work, other than part-time or notionally remunerated work with specified non-commercial organisations;
- (c) the minimum sanitisation period is set at six or 12 months from cessation of active duty, depending on the rank of the retiring directorate civil servants. Directorate civil servants who leave the Civil Service on non-retirement ground (e.g. resignation, completion of employment agreement, etc.) are not subject to any pre-determined minimum sanitisation period. The need for and if so the length of the sanitisation period is determined on an application-specific basis

---

<sup>2</sup> The specified non-commercial organisations are –

- (a) charitable, academic or other non-commercial organisations not primarily engaged in commercial operations;
- (b) non-commercial regional or international organisations; and
- (c) the Central Authorities of the People's Republic of China.

<sup>3</sup> Exceptional considerations include but are not limited to –

- (a) advancement of significant public interest; or
- (b) personal circumstances warranting compassionate consideration; or
- (c) the outside work applied-for has been approved and taken up during the applicant's active government service.

having regard to concerns over conflict of interest and public perception. During the minimum sanitisation period, applications for outside work of a commercial nature will not be approved unless there are special considerations<sup>4</sup>;

- (d) the control period is set at one to three years from the date of departure from the Civil Service, depending on the rank, years of services and terms of appointment of directorate civil servants. During the control period, applications for post-service outside work will be assessed by the relevant parties within the Administration against the considerations in paragraph 5 below;
- (e) an independent Advisory Committee on Post-service Employment of Civil Servants (the “ACPE”) appointed by the Chief Executive (CE) tenders advice to SCS on every application;
- (f) SCS may reject, or approve with conditions, an application. All approved post-service outside work applications will be subject to a set of work restrictions<sup>5</sup>, unless SCS – having regard to the recommendations of the ACPE and other relevant considerations – decides otherwise;
- (g) every approved and taken-up outside appointment is put on a register which is posted on the website of the Civil Service Bureau (CSB). The register is also available for public inspection; and
- (h) sanctions<sup>6</sup> may be imposed by the decision authority for breach of the

---

<sup>4</sup> Same as footnote 3.

<sup>5</sup> Under the work restrictions, directorate civil servants will not –

- (a) directly or indirectly be involved in the bidding for any government land, property, projects, contracts or franchises;
- (b) directly or indirectly undertake or represent any person in any work including any litigation or lobbying activities that are connected in any way with formulation of any policy or decisions, sensitive information, contractual or legal dealings, assignments or projects, and enforcement or regulatory duties in which they had been involved or to which they had access during their last three years of services; and
- (c) directly or indirectly engage in any activities which will cause embarrassment to the Government or bring disgrace to the Civil Service.

<sup>6</sup> Sanctions include –

- (a) suspension of monthly pension payments under the pension legislation (applicable to pensionable officers);
- (b) initiating civil action to seek an injunction or sue for damages;
- (c) withdrawal of approval;
- (d) suspension of approval for a specified period;
- (e) reporting the breach to the relevant professional body where it concerns professional negligence or misconduct or where it may constitute non-compliance with the code of conduct of the

control regime.

5. Having regard to the policy objective of the post-service outside work control regime, the basic principle for consideration of a post-service outside work application is that there should be no impropriety involved. An application will be assessed against considerations such as the duties and responsibilities of the applicant during a specified period of time (three years or more) immediately before cessation of active duty in the Civil Service; whether the applicant, in the above-mentioned specified period of time, has been involved in the formulation of any policies or decisions, the effects of which could directly or indirectly benefit/have benefitted the prospective employer; and whether the applicant's taking up of the applied-for work would give rise to conflict of interest, deferred reward or other impropriety, or public suspicion of the above scenarios, etc.

## **POST-SERVICE OUTSIDE WORK APPLICATIONS PROCESSED IN 2011**

6. In 2011, CSB considered a total of 47 post-service outside work applications from 37 directorate civil servants, of whom 30 (about 81%) were at the ranks of D1 to D3 while the remaining seven (about 19%) were at the ranks of D4 to D8. After taking into account the assessment of the relevant parties within the Administration and the advice of the ACPE, SCS approved 41 applications with work restrictions and rejected six applications. Among the approved applications, 27 (about 66%) were related to work with non-commercial organisations and the remaining 14 (about 34%) were related to work with commercial organisations.

7. In the same year, CSB received a total of 90 notifications for taking up unpaid work with specified non-commercial organisations<sup>7</sup> from 45 directorate civil servants, of whom 26 (about 58%) were at the ranks of D1 to D3 and the remaining 19 (about 42%) were at the ranks of D4 to D8. Among these 90

---

relevant profession;

(f) issue of a public statement of criticism;

(g) placing a warning or reprimand in the public register;

(h) issue of a reprimand letter which may be copied to the relevant employer; and/or

(i) issue of a warning letter which may be copied to the relevant employer.

<sup>7</sup> Please refer to paragraph 4(a) and footnote 2 for details.

notifications, 49 involved unpaid work with academic institutions and charitable organisations, 39 were for work with non-profit making organisations not primarily engaged in commercial operations, while two were with regional/international organisations.

8. Details of the post-service outside work applications processed and notifications of unpaid outside work with specified non-commercial organisations received could be found in the 23<sup>rd</sup> Annual Report of the ACPE covering its work in 2011, which is at Annex and which has been submitted to the CE and tabled at the Legislative Council on 6 June 2012.

### **ADVICE SOUGHT**

9. Members are invited to note the updated overview of post-service outside work by directorate civil servants and the 23<sup>rd</sup> Report of the ACPE.

Civil Service Bureau  
June 2012

**The 23<sup>rd</sup> Report on  
the Work of  
the Advisory Committee on  
Post-service Employment of Civil Servants**

**(1 January – 31 December 2011)**

## INTRODUCTION

The Government exercises control over the taking up of post-service outside work by civil servants in accordance with two guiding principles, namely protection of the public interest and protection of an individual's right to work. The particular public interest to be protected is public trust in the Government, good governance, and integrity and impartiality of the Civil Service. Protection of such public interest will only take precedence over protection of an individual's right to work where there is compelling reason justifying so doing in a particular case.

## CONTROL OF POST-SERVICE OUTSIDE WORK BY DIRECTORATE CIVIL SERVANTS

2. The degree of control exercised over post-service outside work by directorate civil servants is greater than that over non-directorate civil servants because of their seniority and influence on policy formulation and decision-making. At present, most of the directorate civil servants are subject to either the old control regime which came into effect on 1 January 2006<sup>1</sup> or the new control regime which came into effect on 1 September 2011<sup>2</sup>. A brief description of the key features under each of the control regimes is set out in **Annex A**.

3. The policy objective of both regimes is similar, namely to ensure that –

- (a) directorate civil servants on final leave or former directorate civil servants will not take up work during the prescribed restriction periods which may –

---

<sup>1</sup> Arrangements under the old control regime apply to directorate civil servants on pensionable/new permanent terms who ceased active service from 1 January 2006 to 31 August 2011, and directorate civil servants on agreement terms who entered into new or renewal agreements from 1 January 2006 to 31 August 2011.

<sup>2</sup> Arrangements under the new control regime apply to directorate civil servants on pensionable/new permanent terms who cease active service on or after 1 September 2011, and directorate civil servants on agreement terms who enter into new or renewal agreements on or after 1 September 2011.

- (i) constitute real or potential conflict of interest with their former government duties, or
  - (ii) cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service, or give rise to reasonable apprehension of deferred reward or benefit by a fair-minded and informed observer after having considered the relevant facts;
- (b) the said individuals' right to work after ceasing government service will not be unduly restricted; and
- (c) the attractiveness of the Civil Service as a career will not be adversely affected and that limited human resources will be put to good use.

4. Under both the old and new control regimes, directorate civil servants who leave the Government on retirement ground are subject to a minimum sanitisation period of six months (for those below Directorate Pay Scale Point D4 or equivalent) or 12 months (for those at D4 or above or equivalent) counting from cessation of active government service. During the minimum sanitisation period, outside work is normally not permitted. Directorate civil servants who leave the Government on non-retirement ground are not subject to any pre-determined minimum sanitisation period. Separately, all directorate civil servants are normally not permitted to take up outside work of a commercial nature or full-time remunerated work, other than part-time or notionally remunerated work with specified non-commercial organisations, for the whole duration of their final leave period (even if it exceeds the afore-stated minimum sanitisation period).

5. Under both control regimes, directorate civil servants who leave the Government on retirement ground or who have served the Government continuously for six years or more are subject to a control period of two years (for those below D8 or equivalent) or three years (for those at D8 or equivalent), counting from departure from the Civil Service (i.e. after exhaustion of final leave if any). Those who leave the Government on non-retirement ground with less than six years of

continuous service are subject to half of the control period of their peers who retire from the Government. During the control period, directorate civil servants need to seek (and obtain) prior approval before they take up outside work. The authority will consider and decide on all applications to take up outside work, having regard to the guiding principles and policy objective of the control regimes (ref. paragraphs 1 and 3 above), the assessment criteria (ref. paragraph 6 below), the views of the relevant parties within the Administration, and the advice of the Advisory Committee on Post-service Employment of Civil Servants (hereafter referred to as “the Advisory Committee”)<sup>3</sup>.

6. An application for post-service outside work from a directorate civil servant will be assessed by the relevant parties within the Administration, including the Civil Service Bureau (CSB), against the following key considerations –

- (a) the duties and responsibilities of the applicant during a specified period of time (three years or more) before cessation of his/her active government service;
- (b) whether the applicant, while in the above specified period of government service, had been involved in the formulation of any policies or decisions, the effects of which directly or specifically benefited or could directly or specifically benefit his/her own business or his/her prospective employer;
- (c) whether the applicant or his/her prospective employer might gain an unfair advantage over competitors concerned because of the applicant’s access to sensitive information while in the above specified period of government service;
- (d) whether the applicant, while in the above specified period of government service, had been involved in any contractual or legal dealings to which the prospective employer was a party;

---

<sup>3</sup> Please refer to paragraph 7 of this Report.

- (e) whether the applied-for work would have any connection with the assignments/projects and/or regulatory/enforcement duties in which the applicant had been involved while in the above specified period of government service;
- (f) whether the applicant's taking up of the applied-for work would give rise to public suspicion of conflict of interest or other impropriety;
- (g) whether any aspects of the applied-for work would cause embarrassment to the Government or bring disgrace to the Civil Service; and
- (h) whether a fair-minded and informed observer, having considered the relevant facts, would conclude that the applied-for work might give rise to reasonable apprehension of deferred reward or benefit. (This consideration is only applied to applications from directorate civil servants who are subject to the new control regime.)

7. Upon completion of assessment of an application, CSB will submit the application, together with its own views and those of the parties consulted within the Administration, to the Advisory Committee for advice. Upon receipt of the Advisory Committee's advice, CSB will submit the application with the Advisory Committee's advice and the views of all the parties within the Administration for a decision by the authority, namely Secretary for the Civil Service (SCS).

8. Under both control regimes, all approved post-service outside work applications by directorate civil servants will be subject to the following standard work restrictions, unless SCS – having regard to the Advisory Committee's recommendations and other relevant considerations – decides otherwise –

- (a) directorate civil servants will not directly or indirectly be involved in the bidding for any government land, property, projects, contracts or franchises;

- (b) directorate civil servants will not directly or indirectly undertake or represent any person in any work including any litigation or lobbying activities that are connected in any way with formulation of any policies or decisions, sensitive information, contractual or legal dealings, assignments or projects, and enforcement or regulatory duties in which they had been involved or to which they had access during their last three years of service; and
- (c) directorate civil servants will not directly or indirectly engage in any activities which will cause embarrassment to the Government or bring disgrace to the Civil Service.

9. Under the old control regime, an approved and taken-up post-service outside work application by a senior directorate civil servant (at D4 and above or equivalent) will be included in a register until expiry of the control period applicable to the said civil servant or receipt by CSB of notification of cessation of the approved and taken-up work, whichever occurs first. The register is available for public inspection. Under the new control regime, the public register arrangement has been extended to all approved and taken-up post-service outside work applications by any directorate civil servant. The register is posted on CSB's website (<http://www.csb.gov.hk>).

## **THE ADVISORY COMMITTEE**

10. The Advisory Committee (formerly known as the Advisory Committee on Post-retirement Employment) was established in October 1987. Its terms of reference are –

- (a) to advise the Government on the principles and the criteria to be adopted in formulating policy and arrangements to control post-service employment;
- (b) to consider and advise on all applications to take up post-service employment from directorate officers; and

- (c) to consider and advise on other applications which may be referred by SCS.

11. Up to the end of August 2011, the Advisory Committee comprised the Chairman and four Members. Secretariat support to the Advisory Committee was provided by CSB. Since September 2011, the composition of the Advisory Committee has been expanded from five to nine, with the addition of four more Members; and secretariat support has been provided by the Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service (JSSCS).

12. The expansion in the membership of, and the change of the secretariat support to, the Advisory Committee were decided by the Chief Executive (CE)-in Council upon the recommendations of an Independent Committee on Review of Post-service Outside Work for Directorate Civil Servants<sup>4</sup> and a Select Committee to Inquire into Matters Relating to the Post-service Work of Mr Leung Chin-man<sup>5</sup>.

## **MEMBERSHIP OF THE ADVISORY COMMITTEE**

13. The Chairman and Members of the Advisory Committee are appointed by the CE on an *ad personam* basis. In 2011, membership of the Advisory Committee comprised –

### Chairman

Dr Moses Cheng Mo-chi, GBS, JP

---

<sup>4</sup> This Committee was appointed by the CE in September 2008 to review the policy and arrangements governing post-service outside work by directorate civil servants, following public concern over the approval given to Mr Leung Chin-man, a retired directorate civil servant, to work for a private developer. The Committee submitted its findings and recommendations to the CE in July 2009.

<sup>5</sup> This Committee was appointed by the Legislative Council (LegCo) following public concern over the approval given to Mr Leung Chin-man, a retired directorate civil servant, to work for a private developer. The Committee submitted its findings and recommendations to LegCo in December 2010.

Members

Mr Simon Ip Sik-on, JP

Ms Marina Wong Yu-pok, JP

Mr Yeung Ka-sing, SBS, JP

Mr Nicky Lo Kar-chun, SBS, JP

Mr Vincent Cheng Hoi-chuen, GBS, JP (*since 1 September 2011*)

Prof Paul Lam Kwan-sing, JP (*since 1 September 2011*)

Mr Lee Ming-kwai, GBS (*since 1 September 2011*)

Mr Vincent Lo Wing-sang, BBS, JP (*since 1 September 2011*)

Secretary

Chief Executive Officer (Pensions) of CSB  
(*from 1 January to 31 August 2011*)

Chief Executive Officer (Committee) of JSSCS  
(*since 1 September 2011*)

14. The Chairman and Members are subject to a set of rules on declaration of interest. We are required to disclose our general pecuniary and other interest on appointment and annually thereafter, in addition to reporting conflicts of interest as and when they arise. We are also required to keep confidential the applications considered and the discussions held.

## **WORK OF THE ADVISORY COMMITTEE IN 2011**

### **A. Mode of Operation**

15. The Advisory Committee formalised, and made available to the public through the JSSCS' website (<http://www.jsscs.gov.hk>), its mode of operation. Briefly, the Advisory Committee will consider an application received from CSB, having regard to the guiding principles and policy objective described in paragraphs 1 and 3 above, the key considerations set out in paragraph 6 above, and the views of the assessment parties within the Administration. Upon deliberation, it will tender its advice to SCS via CSB.

16. Depending on the nature and contents of applications, and subject to a set of guiding principles established from time to time by the Advisory Committee, the Advisory Committee may convene meetings or circulate papers to consider them. Where a meeting is to be held, the quorum is six, i.e. two-third of the total membership.

17. The Advisory Committee may invite outside experts in the relevant fields to assist in its consideration of individual applications where necessary. Every effort will be made to ensure that the selection process of outside experts is fair and impartial (e.g. inviting the relevant professional bodies for nominations). Sensitive information will not normally be disclosed to the invited outside experts (e.g. an applicant's identity, his/her prospective employer, the remuneration for his/her applied-for appointment, etc.). The invited outside experts will be requested to respect the confidentiality of the discussions at meetings. The Advisory Committee may also invite government officials who have participated in the assessment of applications to its meetings to explain or clarify their views. Views expressed by invitees will be for the Advisory Committee's reference only.

18. Where the Advisory Committee supports an application for post-service outside work, it may – based on the specific circumstances of the application – recommend subjecting the applicant to a sanitisation period different from the prescribed applicable minimum duration (ref. paragraph 4 above). It may also recommend the imposition of a sanitisation period on an applicant who is not subject to a pre-determined minimum sanitisation period, having regard to the specific circumstances of the application. It may also recommend imposing the standard work restrictions (ref. paragraph 8 above) or modified and/or additional restrictions on an applicant, having regard to the specific circumstances of the application.

19. The Advisory Committee's advice on an approved and taken-up post-service outside work application by a directorate civil servant subject to the new control regime will be included in the register posted on CSB's website (ref. paragraph 9 above).

## **B. Applications Considered**

20. During 2011, the Advisory Committee considered and advised on a total of 47 applications for post-service outside work from 37 directorate civil servants (of whom 31 were subject to the old control regime and six to the new control regime). Ten applications were deliberated at meetings, while the remainder were considered by way of paper circulation.

21. The Advisory Committee recommended approval of 41 applications with work restrictions and rejection of six applications. Of the recommended applications, the Advisory Committee considered 26 should be subject to additional restrictions on top of the standard work restrictions. More details of the 47 applications considered, including the rank of applicants when in government service, the business nature of the prospective employers and the functional nature of the approved post-service work, are set out in **Annex B**. The Advisory Committee's recommendation on each of the 47 applications was accepted by SCS.

## **C. Notifications / Applications Noted**

22. Blanket permission is given to all directorate civil servants to take up unpaid outside work with specified non-commercial organisations<sup>6</sup> during the restriction periods. They are required, before commencement of such work, to notify CSB by completing a prescribed notification form. In 2011, a total of 90 notifications from 45 directorate civil servants were received by CSB. The Advisory Committee is presented with the statistics on these notifications as set out in **Annex C** for information.

---

<sup>6</sup> The specified non-commercial organisations are -  
(a)charitable, academic or other non-commercial organisations not primarily engaged in commercial operations;  
(b)non-commercial regional or international organisations; and  
(c)the Central Authorities of the People's Republic of China.

23. Applications for post-service outside work from non-directorate civil servants who retire on pensionable terms are considered and decided by the relevant Permanent Secretary/Head of Department/Head of Grade. In 2011, a total of 598 applications from 506 non-directorate civil servants were considered. Among them, three were rejected, 21 were approved with conditions, and the remainder were approved without any sanitisation requirement or work restriction. The Advisory Committee is also presented with the details of these 598 applications, including the rank of applicants when in government service, the business nature of the prospective employers and the functional nature of the approved post-service work, as set out in **Annex D** for information.

\* \* \* \* \*

**Key Elements of the Old and New Control Regimes  
Governing Post-Service Employment of Directorate Civil Servants**

Old Control Regime	New Control Regime
<b><i>(I) Underlying principles</i></b>	
<p>1. Protection of the public interest and protection of an individual’s right are the two underlying principles of the control regime on post-service outside work by directorate civil servants.</p>	<p>1. Protection of the public interest (namely public trust in the Government, good governance, and integrity and impartiality of the Civil Service) and protection of an individual’s right will be the underlying principles of the control regime. Protection of the public interest will only take precedence over protection of an individual’s right, where there is compelling reason justifying so doing in a particular case.</p>
<b><i>(II) Policy objective</i></b>	
<p>1. The policy objective of the control regime is to ensure that directorate civil servants on final leave or who have left the Government will not take up any work outside the Government which may constitute real or potential conflict of interest with their former government duties or cause negative public perception embarrassing the Government and undermining the image of the Civil Service, without at the same time unduly restricting the said individuals’ right to pursue employment or other work after ceasing government service.</p>	<p>1. The policy objective of the control regime is to ensure that –</p> <ul style="list-style-type: none"> <li>(a) directorate civil servants on final leave or former directorate civil servants will not take up work during the prescribed restriction periods which may – <ul style="list-style-type: none"> <li>(i) constitute real or potential conflict of interest with their former government duties, or</li> <li>(ii) cause well-founded negative public perception embarrassing the Government and undermining the image of</li> </ul> </li> </ul>

Old Control Regime	New Control Regime
	<p>the Civil Service, or give rise to reasonable apprehension of deferred reward or benefit by a fair-minded and informed observer after having considered the relevant facts;</p> <p>(b) the said individuals' right to work after ceasing government service will not be unduly restricted; and</p> <p>(c) the attractiveness of the Civil Service as a career will not be adversely affected and that limited human resources will be put to good use.</p>
<b><i>(III) Coverage</i></b>	
<p>1. Directorate civil servants who were on pensionable/new permanent terms and ceased active service from 1 January 2006 to 31 August 2011.</p> <p>2. Directorate civil servants who were on agreement terms and entered into new or renewal agreements from 1 January 2006 to 31 August 2011.</p>	<p>1. Directorate civil servants who are on pensionable/new permanent terms and cease active service on or after 1 September 2011.</p> <p>2. Directorate civil servants who are on agreement terms and enter into new or renewal agreements on or after 1 September 2011.</p>
<b><i>(IV) Sanitisation period (counting from cessation of active service during which outside work is normally not permitted)</i></b>	
<p>1. Minimum sanitisation period for directorate civil servants retired or retiring on pensionable or new permanent terms –</p> <p style="padding-left: 40px;">D4 or above (or equivalent) – 12 months;</p> <p style="padding-left: 40px;">Others – 6 months.</p>	<p>1-5. Same as Section (IV) items 1 to 5 under the Old Control Regime.</p>

<b>Old Control Regime</b>	<b>New Control Regime</b>
<p>2. No minimum sanitisation period is specified for directorate civil servants leaving the Civil Service on grounds other than retirement (e.g. agreement officers and resignees). Each case will be considered on its own merits.</p> <p>3. The minimum sanitisation period is normally shortened or waived for notionally remunerated work and may be shortened for remunerated work taken up with the following organisations (the specified organisations) –</p> <ul style="list-style-type: none"><li>(a) charitable, academic or other non-profit making organisations not primarily engaged in commercial operations;</li><li>(b) non-commercial regional or international organisations; or</li><li>(c) the Central Authorities of the People’s Republic of China,</li></ul> <p>where the work would not give rise to conflict of interest and is unlikely to cause negative public perception.</p> <p>4. For all other outside work (in particular work of a commercial nature), the minimum sanitisation period would only be shortened where there are special considerations, and provided that the work would not give rise to conflict of interest or negative public perception.</p> <p>5. Having regard to the circumstances of a particular case, a longer sanitisation period may be imposed if so required to more fully forestall</p>	

Old Control Regime	New Control Regime
conflict of interest or negative public perception.	
<b><i>(V) Final Leave period</i></b>	
<p>1. The taking up of outside work during the final leave period is subject to the rules governing sanitisation.</p> <p>2. Directorate civil servants are not permitted to take up any full-time paid work or any work of a commercial nature (including self-employment) during the final leave period, unless there are special considerations. Directorate civil servants on final leave may, upon approval, take up part-time or notionally paid work with specified non-commercial organisations, subject to there being no problem of dual identity.</p>	<p>1-2. Same as Section (V) items 1 to 2 under the Old Control Regime.</p>
<b><i>(VI) Control period (counting from formal departure from the Government during which prior permission is required for taking up outside work)</i></b>	
<p>1. Directorate civil servants retired on pensionable or new permanent terms –</p> <p style="padding-left: 40px;">D8 or equivalent – 3 years;</p> <p style="padding-left: 40px;">Others – 2 years.</p> <p>2. Directorate civil servants who left the service on grounds other than retirement after six or more years of continuous service –</p> <p style="padding-left: 40px;">D8 or equivalent – 3 years;</p> <p style="padding-left: 40px;">Others – 2 years.</p>	<p>1-3. Same as Section (VI) items 1 to 3 under the Old Control Regime.</p>

Old Control Regime	New Control Regime
<p>3. Directorate civil servants who left the service on grounds other than retirement after less than six years of continuous service –</p> <p style="padding-left: 40px;">D8 or equivalent – 1.5 years;</p> <p style="padding-left: 40px;">Others – 1 year.</p>	
<b><i>(VII) Assessment Criteria</i></b>	
<p>1. The key factors of consideration are as set out in the policy objective under Section (II) of the Old Control Regime.</p> <p>2. The specific considerations of an application include –</p> <p style="padding-left: 40px;">(a) whether the applicant was involved in the formulation of any policies or decisions, the effects of which directly or specifically benefited or could directly or specifically benefit his/her own business or his/her prospective employer;</p> <p style="padding-left: 40px;">(b) whether the applicant or his/her prospective employer might gain an unfair advantage over its competitors because of the applicant’s access to sensitive information while in government service;</p> <p style="padding-left: 40px;">(c) whether the applicant was involved in any contractual or legal dealings to which the prospective employer was a party;</p> <p style="padding-left: 40px;">(d) whether the proposed work would have any connection with the assignments and/or projects and/or regulatory/</p>	<p>1. The key factors of consideration are as set out in the policy objective under Section (II) of the New Control Regime.</p> <p>2. The specific considerations of an application include –</p> <p style="padding-left: 40px;">(a) the duties and responsibilities of the applicant during his/her last six years (for a D4 to D8 (or equivalent) civil servant) or three years (for a D1 to D3 (or equivalent) civil servant) of government service. Where necessary, a longer period of service history will be considered;</p> <p style="padding-left: 40px;">(b) - (f) same as Section (VII) items 2(a)-(e) under the Old Control Regime;</p> <p style="padding-left: 40px;">(g) whether a fair-minded and informed observer, having considered the relevant facts, would conclude that the applied-for work might give rise to reasonable apprehension of deferred reward or benefit; and</p> <p style="padding-left: 40px;">(h) whether any aspects of the applied-for work would cause well-founded negative public</p>

<p style="text-align: center;"><b>Old Control Regime</b></p>	<p style="text-align: center;"><b>New Control Regime</b></p>
<p>enforcement duties in which the applicant had been involved while in government service;</p> <p>(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</p> <p>(f) whether any aspects of the proposed work would cause embarrassment to the Government or bring disgrace to the Civil Service.</p> <p>3. The application will normally be assessed with reference to the applicant’s last three years of active government service. Where the applicant is a D4 to D8 (or equivalent) civil servant or if the work handled is of particular sensitivity, duties prior to the three-year period may also be taken into account.</p>	<p>perception embarrassing the Government and undermining the image of the Civil Service.</p>
<p><b><i>(VIII) Standard Work Restrictions</i></b></p>	
<p>1. Standard work restrictions will be imposed on all approved cases of outside work. The applicants should not –</p> <p>(a) be personally involved, directly or indirectly, in the bidding for any government land, property, projects, contracts or franchises;</p> <p>(b) undertake or represent any person in any work including any litigation or lobbying</p>	<p>1. Standard work restrictions will be imposed on all approved cases of outside work. The applicants will not –</p> <p>(a) directly or indirectly be involved in the bidding for any government land, property, projects, contracts or franchises;</p> <p>(b) directly or indirectly undertake or represent any person in any work including any litigation</p>

<b>Old Control Regime</b>	<b>New Control Regime</b>
<p>activities that are connected in any way with –</p> <ul style="list-style-type: none"> <li>(i) the formulation of any policy or decisions;</li> <li>(ii) sensitive information;</li> <li>(iii) contractual or legal dealings;</li> <li>(iv) assignments or projects; and/or</li> <li>(v) enforcement or regulatory duties</li> </ul> <p>in which they were involved or to which they had access during their last three years of government service; or</p> <p>(c) engage in any activities which will cause embarrassment to the Government or bring disgrace to the Civil Service.</p>	<p>or lobbying activities that are connected in any way with the formulation of any policy or decisions, sensitive information, contractual or legal dealings, assignments or projects, and enforcement or regulatory duties in which they had been involved or to which they had access during their last three years of service; and</p> <p>(c) directly or indirectly engage in any activities which will cause embarrassment to the Government or bring disgrace to the Civil Service.</p>
<b><i>(IX) Blanket Approval</i></b>	
<p>1. Blanket permission is given for unremunerated work with the specified organisations throughout the entire period from cessation of active service to the expiry of control period.</p>	<p>1. Same as Section (IX) item 1 under the Old Control Regime.</p>
<b><i>(X) Transparency</i></b>	
<p>1. For approved outside work taken up by directorate civil servants at D4 or above (or equivalent), the basic information (limited to the name of the applicant, his/her last civil service post title, date of cessation of active service, restrictions/ sanitisation imposed on the approved</p>	<p>1. For approved outside work taken up by directorate civil servants, the basic information (limited to the name of the applicant, his/her last civil service post title, date of cessation of active service, restrictions/ sanitisation imposed on the approved work, commencement</p>

<b>Old Control Regime</b>	<b>New Control Regime</b>
<p>work, commencement date of the approved work, and where applicable, identity of outside employer, the applicant's position in the outside organisation and a brief description of his/her main duties in the outside organisation) will be included in a register for public inspection on request. An entry will be kept until the expiry of the applicant's control period or after he/she has notified the Civil Service Bureau (CSB) of the cessation of the outside work, whichever happens earlier.</p> <p>2. For approved outside work taken up by directorate civil servants below D4 (or equivalent), where there is public concern about the propriety of the work, the basic information may be disclosed on a case-by-case basis.</p> <p>3. As regards unpaid outside work performed under the blanket permission for all directorate civil servants, the relevant information may be disclosed on a case-by-case basis where there is public concern.</p>	<p>date of the approved work, and where applicable, identity of outside employer, the applicant's position in the outside organisation and a brief description of his/her main duties in the outside organisation) as well as the advice of the Advisory Committee will be included in a register maintained by CSB for public inspection. The register is posted on CSB's website (<a href="http://www.csb.gov.hk">http://www.csb.gov.hk</a>).</p> <p>2. Same as Section (X) item 3 under the Old Control Regime.</p>

**Applications for Post-service Outside Work by Directorate Civil Servants  
(1 January – 31 December 2011)<sup>1</sup>**

**(A) Applications**

No. of applications considered by the Advisory Committee:	47 <sup>2</sup>
No. of applications recommended for approval by the Advisory Committee:	41
No. of applications approved by SCS:	41
No. of applications recommended for rejection by the Advisory Committee:	6
No. of applications rejected by SCS:	6

**(B) Break between government service and applied-for outside work recommended for approval by the Advisory Committee**

No. of applications where the applicants were recommended to commence the applied-for outside work upon the end of the pre-determined minimum sanitisation period of 6/12 months	24 <sup>3</sup>
No. of applications where the applicants were recommended to commence the applied-for outside work some time after the pre-determined minimum sanitisation period of 6/12 months	1 <sup>4</sup>
No. of applications where the applicants were recommended to take up the applied-for outside work before end of the pre-determined minimum sanitisation period of 6/12 months	8 <sup>5</sup>
No. of applications where the applicants were not subject to any pre-determined minimum sanitisation period <sup>6</sup>	8 <sup>7</sup>
<b>Total:</b>	<b>41</b>

<sup>1</sup> Data are prepared on the basis of the date of approval/rejection of an application by SCS.

<sup>2</sup> 40 applications were subject to the old control regime, and 7 applications were subject to the new control regime.

<sup>3</sup> In all cases, the approved date of commencement of the applied-for work was the same as that recommended by the Advisory Committee.

<sup>4</sup> The applicant was subject to a 6-month pre-determined minimum sanitisation period and the recommended sanitisation period for the applied-for outside work was 18 months. The approved sanitisation period was the same as that recommended by the Advisory Committee.

<sup>5</sup> Seven of the eight applications involved work with specified non-commercial/statutory organisations and the remaining application involved work of a commercial nature with no real, potential or perceived conflict of interest with the applicant's former government duties. In all cases, the approved date of commencement of the applied-for work was the same as that recommended by the Advisory Committee.

<sup>6</sup> There is no pre-determined minimum sanitisation period for directorate civil servants leaving the Civil Service on grounds other than retirement (e.g. on completion or termination of agreement, or resignation, etc.). Where appropriate, a sanitisation period on an application-specific basis may be imposed, having regard to concerns over conflict of interest and public perception.

<sup>7</sup> Four of these applications involved work with specified non-commercial/statutory organisations and the remaining four applications involved work of a commercial nature with no real, potential or perceived conflict of interest with the applicants' former government duties. The average break from cessation of active service for these cases was 7 months. In all cases, the approved date of commencement of the applied-for work was the same as that recommended by the Advisory Committee.

**(C) Number of applicants by rank and applications**

<b>Directorate rank (or equivalent)</b>	<b>Number of applicants<sup>8</sup></b>	<b>Number of applications</b>
D1	10	12
D2	11	15
D3	9	12
D4	3	3
D5	1	1
D6	2	2
D7	0	0
D8	1	2
<b>Total</b>	<b>37</b>	<b>47</b>

**(D) Approved post-service outside work applications by nature of prospective employers**

<b>Work nature</b>	<b>Private commercial organisations</b>	<b>Other entities<sup>9</sup></b>	<b>Total</b>
Paid work	14	27	41
Unpaid work	0	0	0
<b>Total</b>	<b>14</b>	<b>27</b>	<b>41</b>

<sup>8</sup> A directorate civil servant may submit more than one application for post-service outside work. Such applicants are counted only once.

<sup>9</sup> Other entities include statutory organisations, academic institutions, charitable organisations, non-profit making organisations not primarily engaged in commercial operation and regional/international organisations.

**(E) Approved post-service outside work applications with private commercial organisations by nature of business of the organisations**

Nature	Paid work			Total
	Part-time	One-off Project	Full-time	
Administrative / Support Service		1		1
Education	1			1
Legal Service			3	3
Management Consultancy	1			1
Manufacturing / Trading			1	1
Medical	1		1	2
Security	1		1	2
Transport and Logistics			2	2
Works	1			1
<b>Total</b>	<b>5</b>	<b>1</b>	<b>8</b>	<b>14</b>

**(F) Approved post-service outside work applications with non-commercial entities**

Nature	Paid work			Total
	Part-time	One-off Project	Full-time	
Statutory organisations	1		2	3
Academic institutions	13	6		19
Charitable organisations	1		1	2
Non-profit making organisations not primarily engaged in commercial operation	1		1	2
Regional / International organisations		1		1
<b>Total</b>	<b>16</b>	<b>7</b>	<b>4</b>	<b>27</b>

**(G) Approved post-service outside work applications by functional nature**

Consultancy Service	2
Education	20
Legal Service	3
Management	9
Medical	2
Security	4
Works	1
<b>Total</b>	<b>41</b>

**Notification of Unpaid Outside Work  
with Specified Non-commercial Organisations  
(1 January – 31 December 2011)<sup>1</sup>**

**(A) Number of directorate civil servants by rank and notifications**

<b>Directorate rank (or equivalent)</b>	<b>Number of directorate civil servants<sup>2</sup></b>	<b>Number of notifications</b>
D1	7	8
D2	13	24
D3	6	7
D4	2	8
D5	7	14
D6	4	9
D7	0	0
D8	6	20
<b>Total</b>	<b>45</b>	<b>90</b>

**(B) Notifications of unpaid outside work with specified non-commercial organisations by nature of organisations**

Academic institutions	27
Charitable organisations	22
Non-profit making organisations not primarily engaged in commercial operations	39
Regional / International organisations	2
<b>Total</b>	<b>90</b>

<sup>1</sup> Data are prepared on the basis of the date of CSB's receipt of the notification.

<sup>2</sup> A directorate civil servant may submit more than one notification of unpaid outside work. Such directorate civil servants are counted only once.

**(C) Notifications of unpaid outside work by functional nature**

Advisory	42
Education	17
Finance and Accounting	1
Management	24
Others	6
<b>Total</b>	<b>90</b>

**Post-retirement Outside Work of Non-directorate Civil Servants  
(1 January – 31 December 2011)**

**(A) Applications**

No. of applications considered by bureaux/departments:	598
No. of applications approved by bureaux/departments:	595
No. of applications rejected by bureaux/departments:	3

**(B) Number of applicants by rank and applications**

<b>Master Pay Scale (MPS) (or equivalent)</b>	<b>Number of applicants<sup>1</sup></b>	<b>Number of applications</b>
Below MPS Point 14	102	114
MPS Point 14 – 33	260	303
MPS Point 34 or above	144	181
<b>Total</b>	<b>506</b>	<b>598</b>

**(C) Approved post-service outside work applications by nature of prospective employers**

<b>Work nature</b>	<b>Private commercial organisations</b>	<b>Other entities<sup>2</sup></b>	<b>Total</b>
Paid work	439	152	591
Unpaid work	4	0	4
<b>Total</b>	<b>443</b>	<b>152</b>	<b>595</b>

<sup>1</sup> A non-directorate civil servant may submit more than one application for post-service outside work. Such applicants are counted only once.

<sup>2</sup> Other entities include statutory organisations, academic institutions, charitable organisations, non-profit making organisations not primarily engaged in commercial operation and regional/international organisations.

**(D) Approved post-service outside work applications with private commercial organisations by nature of business of the organisations**

Nature	Paid work			Unpaid work			Total
	Part-time	One-off Project	Full-time	Part-time	One-off Project	Full-time	
Accommodation and Food Service	2		7				9
Administrative / Support Service	6		9				15
Banking / Finance	9		13				22
Education	15	1	1			1	18
Entertainment / Recreation	6		6				12
Information Technology			2				2
Legal Service	1		7			1	9
Management Consultancy	2		2				4
Manufacturing / Trading / Retailing	8		24				32
Medical	12		8				20
Printed Media / Broadcasting / Publishing	4		1				5
Maintenance Management	6		43				49

Nature	Paid work			Unpaid work			Total
	Part-time	One-off Project	Full-time	Part-time	One-off Project	Full-time	
Real Estate / Property Development			14				14
Security	15		76				91
Transport and Logistics	28	1	17				46
Works	14	2	64			1	81
Others	5		8		1		14
<b>Total</b>	<b>133</b>	<b>4</b>	<b>302</b>		<b>1</b>	<b>3</b>	<b>443</b>

**(E) Approved post-service outside work applications with non-commercial entities**

Nature	Paid work			Total
	Part-time	One-off Project	Full-time	
Statutory organisations	29		15	44
Academic institutions	39	9	13	61
Charitable organisations	4		7	11
Non-profit making organisations not primarily engaged in commercial operation	15	4	13	32
Regional / International organisations	4			4
<b>Total</b>	<b>91</b>	<b>13</b>	<b>48</b>	<b>152</b>

**(F) Approved post-service outside work applications by functional nature**

Columnist	4
Consultancy Service	11
Driving	69
Education	103
Finance and Accounting	9
Legal Service	8
Management	32
Medical	46
Office Administration / Support	38
Sales / Marketing	15
Security	153
Works	69
Others	38
<b>Total</b>	<b>595</b>