

Information Paper

**Employment of retired officers of
Education Department in aided schools**

Purpose

This paper informs members of the existing mechanism governing the employment of retired officers of the Education Department (ED) in aided schools.

Control Mechanism of Employment after Retirement

2. There are established rules and regulations governing civil servants taking up employment after retirement. Officers who have retired from the civil service are required under the pension legislation to seek approval before taking up any employment during their pre-retirement leave and the first two years after retirement. The purpose is to ensure that retired officers do not enter into any employment which may compromise them or the Government, whether through a conflict of interests or by taking up a job which could reflect badly on or otherwise embarrass the Government. Non-compliance with this requirement may result in the suspension of an officer's pension.

3. For directorate officers, civil service policy requires a minimum sanitization period of six months from the cessation of active service. During this period, approval will not normally be given for them to take up post-retirement employment. However, depending on individual circumstances, if it can be established that there will be no conflict of interest, a shorter sanitization period may be approved by the Secretary for Civil Service. For non-directorate officers, heads of departments may impose a requirement of a sanitization period of such length as they see fit on their officers.

4. Applications for taking up employment during pre-retirement leave only (i.e. their work will not continue after their leave) are processed in the same manner as applications from serving civil servants for taking up outside work. If the work is paid, an officer has to obtain permission before taking up the work. Amongst other factors, consideration will be given to whether the outside work may conflict with the officer's previous duties. If the work is unpaid, the officer concerned is required to consider conscientiously whether conflict of interests exists or may exist, and if so, he must seek the appropriate authority's consent.

5. Civil servants who wish to take up employment in their first two years of retirement need to make applications to the appropriate authorities. Similarly, those who wish to take up employment during their pre-retirement leave and to continue with their employment after

their leave will also need to apply to the same authorities. All applications are considered having regard to the following factors –

- (i) whether the staff have been involved in policy formulation or decision, the effects of which could benefit their prospective employers;
- (ii) whether the prospective employers might gain an unfair advantage over competitors because of their previous knowledge and experience;
- (iii) the public perception of the officers taking up the proposed employment; and
- (iv) whether the proposed employment would result in an undesirably high public profile, embarrass the Government or give rise to any suggestions of impropriety.

Existing Practice of ED

6. As with all civil servants, staff of ED are required to follow the relevant civil service-wide rules and regulations outlined in paragraphs 2-5 above, on taking up employment (including employment by aided schools) during pre-retirement leave and the first two years after retirement. Applications for taking up employment during pre-

retirement leave only (paragraph 4 above) are considered by senior officers of ED (detailed list of relevant approving officers at Annex A). As for post-retirement employment or employment taken up during pre-retirement leave but will continue after the leave (paragraph 5 above), applications from all non-directorate officers in ED are approved at Assistant Director (for applicants of MPS 44 or below) or Deputy Director (for applicants of MPS 45-49) levels. Applications from directorate officers are scrutinized and recommended by the Director and are submitted to the Secretary for the Civil Service for approval.

7. The number of ED officers taking up employment in aided schools after retirement in the past three years is at Annex B.

Education Department

December 1999

Annex A

Authority to approve applications to undertake outside work

Applicant

Director of Education

Deputy Director of Education

Directorate officers on D1-D3

Officers on MPS 45-49

Officers on or below MPS 44

Approving Officers

Secretary for Civil Service

Director of Education

Deputy Director of Education

Directorate officers on D1 or D2

A substantive officer on MPS 45-49
and/or an officer responsible for
administrative duties to be authorised by
Assistant Directors

Annex B

ED officers taking up employment in aided schools after retirement

	1999 (up to 30 November)	1998	1997
Directorate officers	2	1	3
Non-directorate officers	2	0	2