

**Extract from minutes of meeting on  
Panel on Constitutional Affairs on 18 March 2002**

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**V. Restrictions on activities of former heads of government and former senior members of government**

(Research Reports conducted by RLSD on “Restrictions on Activities of Former Heads of Government and Former Senior Members of Government” (RP02/01-02) and “Process of Appointment of Senior Members of Government in Selected Countries” (RP05/01-02); LC Paper No. CB(2)2042/00-01(04))

27. SCA said that the Administration had prepared a paper (LC Paper No. CB(2)2042/00-01(04)) for discussion by the Panel at its meeting on 9 July 2001. The paper highlighted a study conducted by the Administration on the arrangements applicable to heads of governments after stepping down from office in eight countries, viz, Australia, Belgium, Canada, Germany, Japan, New Zealand, the United Kingdom and the United States. The study contained similar findings to that of the Research Reports conducted by RLSD. For example, the findings showed that legislation was not the only means to imposing post-office restrictions. Among other things, the threat of hostile public reaction and media comments could be a powerful disincentive to former members of government to refrain from engaging in activities which might create suspicion or impropriety. He said that the Administration would take into account the systems operating in other countries in its consideration of the issue of post-office restrictions on activities of a former CE and senior members of government.

28. SCA drew members’ attention to Appendix II to the RLSD’s Research Report (RP05/01-02) on “Guidelines on the Acceptance of Appointment or Employment Outside Government by Former Ministers of the Crown”. In considering how to implement post-office restrictions, the Administration would carefully consider different approaches with a view to achieving the right balance between avoiding possible conflicts of interest on the one hand and protection of the right to move into other areas of public life after leaving office on the other.

29. Mr James TIEN opined that any system adopted should not have the effect of deterring dedicated and capable people from serving Hong Kong. He said that the Administration should finalize its proposals and revert to the Panel as early as possible, preferably at the next meeting on 15 April 2002.

30. Ms Cyd HO and Ms Emily LAU said that in conducting its study, the Administration should not rule out the possibility of introducing legislation for the monitoring of post-office activities of the CE and senior members of government. Ms Cyd HO pointed out that a strict comparison of Hong Kong with other overseas countries might not be possible in view of the different political systems in operation, e.g. the absence in Hong Kong of universal suffrage for the election of the head of

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government and the absence of a ruling party etc. These could limit the effect of media comments and hostile public reactions in deterring unethical conduct of former senior members of government.

31. SCA said that the Administration would take into consideration members' views.

32. Ms Emily LAU asked whether the Administration would promulgate post-office restrictions on the activities of the CE before the second term CE assumed office on 1 July 2002. She opined that to be fair to the CE, such restrictions should be publicized before 1 July 2002.

33. SCA replied that the issue of post-office restrictions on the activities of CE would be considered in a separate context from that relating to senior members of government. He said that the Administration would try its best to finalize the proposed arrangements as soon as possible.

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