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Government Secretariat
Hong Kong

1 December 2005

CIVIL SERVICE BUREAU CIRCULAR NO. 10/2005

**Taking Up Outside Work by Directorate Civil Servants
After Ceasing Active Service**

To: Directors of Bureau Permanent Secretaries Heads of Department Heads of Grade	c.c. Judiciary Administrator Commissioner, Independent Commission Against Corruption Secretary, Public Service Commission
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(Note: Distribution of this Circular is Scale B. It should be read by Directors of Bureau, Permanent Secretaries, Heads of Department, Heads of Grade, Departmental Secretaries and all directorate officers, including those on leave or outside Hong Kong.)

Following a review, we have revised the policy and arrangements governing the taking up of outside work by directorate officers / former directorate officers during their final leave and/or after they have left the Government. This circular sets out such revised policy and arrangements.

Policy Objective

2. The policy on post-service work aims to ensure that 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.

General Arrangement

3. In general terms, directorate officers who wish to take up outside work, paid or unpaid, full-time or part-time, during their final leave period before their formal departure from the Government (retirement, completion/termination of agreement, resignation etc.), and/or within a specified control period counting from the said departure, should apply for prior permission from the Secretary for the Civil Service (SCS). "Outside work" refers to appointments, employment or any other work undertaken outside the Government and includes entering into business on one's own account, becoming a partner in a partnership, becoming a director of a company, becoming an employee, etc. SCS will decide on such applications on the advice of an independent Advisory Committee on Post-service Employment of Civil Servants. Permission may be granted with or without conditions, or be refused.

Details

Control coverage

4. Directorate officers on final leave or former directorate officers, irrespective of their terms of appointment (pensionable, new permanent, agreement terms¹ etc.) and the circumstances under which they have left / are leaving the Government, should apply for prior permission from SCS to take up any outside work of which the principal part is carried on in Hong Kong during their final leave or the respective control periods. The authority to determine whether the principal part of certain outside work is being carried on in Hong Kong rests with SCS, and advice from the Civil Service Bureau (CSB) should be sought where there is doubt. For the avoidance of doubt, re-employment with the Government or appointment to a government advisory board / committee is not regarded as outside work and is therefore not subject to the arrangements set out in this circular.

5. For the avoidance of doubt, directorate officers should seek prior permission in respect of paid outside work involving duties outside Hong Kong during their final leave and/or control period, if they are to be based in Hong Kong, or if they are to work outside Hong Kong, either for an organization or on their own account, in a business that has any connection with Hong Kong. They are further required to

¹ Officers on agreement terms include those who are appointed on local agreement terms, locally modelled agreement terms, overseas agreement terms, common agreement terms, new probationary terms or new agreement terms.

continue to apply for prior permission to take up any other paid work outside Hong Kong during their final leave, and to notify CSB of the taking up of such work during their control period. A form will be prescribed by CSB for such notification.

Control period

6. The control period is to count from an officer's formal departure from the Government (on exhaustion of final leave if any), and during the control period prior permission is required for taking up outside work. The control periods for different categories of directorate officers are as follows -

Directorate officers below D8 or equivalent

- * *who have retired on pensionable / new permanent terms²; or* 2 years
- * *who have left the Government for a reason other than retirement after six or more years of continuous service; or* 2 years
- * *who have left the Government for a reason other than retirement after less than six years of continuous service* 1 year

Directorate officers at D8 or equivalent

- * *who have retired on pensionable / new permanent terms²; or* 3 years
- * *who have left the Government for a reason other than retirement after six or more years of continuous service; or* 3 years
- * *who have left the Government for a reason other than retirement after less than six years of continuous service* 1-1/2 years

Approving criteria

7. The key factors to be taken into account by the relevant Head of Department (HoD), Head of Grade (HoG), Permanent Secretary, and SCS in vetting /

² Where an officer retired on pensionable / new permanent terms and has been re-employed in the Government on agreement terms without a break in service, the control period will count from the completion of the re-employment period. Where there is a break in service between his/her service on pensionable / new permanent terms and the re-employment, the officer will be subject to the respective control periods.

approving an application to take up outside work 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 specific considerations include –

- (a) whether the applicant was involved in the formulation of any policy or decisions, the effects of which directly or specifically benefited or could directly or specifically benefit his/her own business/prospective employer;
- (b) whether the applicant/prospective employer might gain unfair advantage over competitors because of the applicant's access to sensitive information while in government service;
- (c) whether the applicant was involved in any contractual or legal dealings to which the prospective employer was a party;
- (d) whether the proposed work would have any connection with the assignments/projects and/or regulatory/enforcement duties in which the applicant was involved while in government 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.

8. In applying the considerations above to an application, the relevant HoD / HoG / Permanent Secretary and SCS as the approving authority would normally focus on the duties in which the applicant was involved during the last three years of his/her active government service. However, where the applicant is a directorate officer at D4 or above (or equivalent) or if the work handled is of particular sensitivity, duties prior to the three-year period may also be taken into account.

Standard restrictions on scope of work

9. The taking up of any outside work by a directorate officer during final leave and / or the control period is subject to the standard restrictions that the officer should not –

- (a) be personally involved, directly or indirectly, in the bidding for any government land, property, projects, contracts or franchises;

- (b) undertake or represent any person in any work including any litigation or lobbying activities that are connected in any way with –
 - (i) the formulation of any policy or decisions;
 - (ii) sensitive information;
 - (iii) contractual or legal dealings;
 - (iv) assignments or projects; and/or
 - (v) enforcement or regulatory dutiesin which he/she was involved or to which he/she had access during his/her last three years of government service; or
- (c) engage in any activities which will cause embarrassment to the Government or bring disgrace to the civil service.

10. In addition to the standard restrictions set out in paragraph 9 above, the approving authority may, having regard to the circumstances of a case, impose further restrictions on the scope of work so that the officer will not be permitted to take up the restricted work within a specified period. If there is doubt on the interpretation of the restrictions on scope of work, the officer should seek clarification from CSB.

Sanitization period

11. The purpose of specifying a sanitization period is to forestall real or potential conflict of interest and/or negative public perception by instituting a break between an officer's government duties and outside work. During the sanitization period the officer is not permitted to take up any outside work other than that covered by the blanket permission mentioned in paragraph 15 below. The sanitization period is to count from the date on which an officer ceases active government service (and proceeds on final leave, if any).

12. For directorate officers who are retiring / retired on pensionable or new permanent terms³, the respective minimum sanitization periods are –

³ The minimum sanitization periods are applicable to directorate officers who retired on pensionable or new permanent terms and who have been re-employed in the civil service on agreement terms, with or without a break in service. For those officers who have been re-employed without a break in service, the minimum sanitization period will count from the completion of their re-employment period. For those officers who have been re-employed with a break in service, the specified minimum sanitization period imposed with regard to their service on pensionable / new permanent terms, and the sanitization period imposed with regard to their re-employment, if any, will be applied separately.

- * *Directorate officers at D4 or above(or equivalent)* 12 months
- * *Directorate officers below D4 (or equivalent)* 6 months

The minimum sanitization period will normally be shortened or waived for notionally remunerated⁴ work with the non-commercial organizations listed in paragraphs 15(a) to (c) below, and may be shortened for remunerated work with these organizations, subject to there being no conflict of interest and the work being unlikely to cause negative public perception. For all other outside work (in particular that of a commercial nature), the sanitization period will only be shortened where there are special considerations⁵, subject to there being no conflict of interest and the work being unlikely to cause negative public perception. On the other hand, having regard to the circumstances of a particular case, a longer sanitization period may be specified if so required to forestall conflict of interest or negative perception.

13. No minimum sanitization periods are specified for directorate officers other than those retiring / retired on pensionable or new permanent terms (e.g. agreement officers and resignees). For outside work involving such officers, the relevant HoD, HoG, Permanent Secretary and SCS will consider the need for and length of the sanitization period on a case-by-case basis. Generally the sanitization period in such cases would not exceed that applicable to their counterparts on pensionable or new permanent terms under similar circumstances.

Restrictions on outside work during final leave

14. The taking up of outside work during the final leave period is subject to the rules governing sanitization. In addition, as directorate officers on final leave remain civil servants on full pay, they are not permitted to take up any full-time remunerated work or any work of a commercial nature (including self-employment) during the final leave period, unless there are special considerations and no problem of dual identity. In this regard, directorate offices on final leave may, on application, normally only take up part-time or notionally remunerated work with the non-commercial organizations listed in paragraphs 15(a) to (c) below, subject to the rules on sanitization and there being no problem of dual identity.

⁴ The guiding principle in considering whether certain work is “notionally remunerated” is that the remuneration involved should be token in nature and the onus would be on the applicant to advance sufficient proof for CSB’s consideration.

⁵ As an illustration, special considerations may include –

- (a) significant public interest that will be advanced by the taking up of the outside work; or
- (b) personal circumstances that warrant compassionate consideration.

Blanket permission

15. Blanket permission is given for all directorate officers to take up unremunerated work with the following non-commercial organizations –

- (a) charitable, academic or other non-profit making organizations not primarily engaged in commercial operations;
- (b) non-commercial regional/international organizations; or
- (c) the Central Authorities,

throughout the final leave and control periods, i.e. the entire period from cessation of active service up to the expiry of the relevant control period. No application for permission is required for the said unpaid work but an officer should notify CSB of the taking up of such work beforehand on a form to be prescribed by CSB. Advice from CSB should be sought if an officer is in doubt as to whether certain unpaid work is covered by the blanket permission.

Application procedures

16. Applications should be made on an application form to be prescribed by CSB. An application should be forwarded to the relevant HoD, HoG and Permanent Secretary for them to assess against the considerations set out in paragraph 7 above, before it is transmitted to CSB for further processing. Applications from Permanent Secretaries or HoD should be sent to CSB direct. When all the requested information and assessments are available, CSB will submit the application, together with the assessments made by the relevant HoD, HoG and/or Permanent Secretary, to the Advisory Committee on Post-service Employment of Civil Servants for advice before submitting the application to SCS for a decision. The provision of certain personal data and information relating to the proposed work is obligatory. An application will not be processed if the applicant fails to provide the requested information.

17. In view of the time required for consultation with the various parties, an application should be submitted in good time, at least one month before the commencement date of the proposed work. Failure to do so may result in the application not being processed in time. Retrospective approval is not normally given.

Monitoring of approved cases

18. Before commencing any approved outside work (including self-employment), the officer should confirm the commencement date of the work with CSB, and where applicable, notify the prospective employer of the terms of approval including any sanitization or restrictions imposed. Thereafter, the officer should notify CSB of any material change to the approved work including cessation, and update CSB on the status of his/her involvement in the approved work annually within the control period or upon request by CSB.

Disclosure of basic information on approved cases

19. For approved outside work taken up by officers at D4 or above (or equivalent), the basic information (limited to the name of the applicant, his/her last government post title; date of cessation of active government service; restrictions/sanitization imposed on the approved work; commencement date of the approved work; and where applicable, identity of the outside employer, the applicant's position in the outside organization and a brief description of his/her main duties in the outside organization) 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 CSB of the cessation of the outside work, whichever happens earlier.

20. For approved outside work taken up by officers below D4 (or equivalent), CSB may, where there is public concern about the propriety of the work, disclose the above basic information in response to public enquiries / queries on a case-by-case basis.

21. As regards unremunerated work performed under the blanket permission in paragraph 15 above, the relevant information may also be disclosed on a case-by-case basis where there is public concern.

Sanctions

22. Where there is a breach of the rules in the new CSR 397, this circular, or any other relevant CSB Circulars / Circular Memoranda / Memoranda, depending on the nature and gravity of the breach, SCS may consider invoking either one or a combination of the following forms of sanction –

- (a) pension suspension under the pension legislation for officers on pensionable terms;
- (b) initiating civil action to seek an injunction or sue for damage;
- (c) withdrawal of approval;
- (d) suspension of approval for a specified period;
- (e) reporting of an incident to the relevant professional body where it concerns professional negligence/misconduct or may involve a possible breach of the code of conduct of the relevant profession;
- (f) issue of a public statement of criticism;
- (g) placing a warning/reprimand in a register for public inspection;
- (h) issue of a reprimand letter which may be copied to the outside employer; and/or
- (i) issue of a warning letter which may be copied to the outside employer.

Implementation

23. The arrangements set out in paragraphs 3 to 22 above will apply to
- (a) directorate officers appointed on pensionable or new permanent terms and who will cease active service on or after 1 January 2006; and
 - (b) directorate officers appointed on agreement terms who will enter into new agreements, including upon renewal of agreement, on or after 1 January 2006.

Applications from directorate officers who have ceased / will cease active service before 1 January 2006 and have retired / will retire on pensionable terms⁶, and those from agreement officers at D3 or above who entered / will enter into their last agreement with the Government before 1 January 2006, will continue to be dealt with under CSB Circular No. 13/95 dated 12 July 1995 and CSB Circular No. 3/97 dated 6 January 1997 respectively. The blanket permission in paragraph 15 above, however, is extended to these two groups of officers with effect from 1 January 2006.

⁶ If an officer is re-employed on agreement terms without a break after retirement on pensionable terms, and if his/her last agreement is entered into on or after 1 January 2006, his/her application to take up outside employment will be dealt with in accordance with CSR 397 and the arrangements set out in this circular.

Advisory Committee on Post-service Employment of Civil Servants

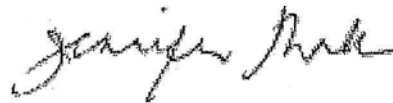
24. The Advisory Committee on Post-retirement Employment has been renamed as “Advisory Committee on Post-service Employment of Civil Servants” to reflect its new span of responsibilities. In addition to advising the Government on the principles and criteria to be adopted in formulating policy and arrangements to govern post-service outside work, the Advisory Committee will consider and advise on all post-service outside work applications from directorate officers and other applications which may be referred by SCS.

Amendment to Civil Service Regulations

25. The arrangements in paragraphs 3 to 23 are reflected in the new CSR 397. CSR 559 has also been slightly revised. The existing CSR 326 has been transferred to the new CSR 398, with minor amendments mainly consequential upon the making of a separate regulation for directorate officers, to set out the existing arrangements which will continue to apply to non-directorate officers who retired / will retire on pensionable terms. The replacements sheets of the CSRs are enclosed.

Enquiries

26. Enquiries on this circular should be directed to the Departmental Secretaries who, if in doubt, may contact the Pensions Sections, Appointments Division of this Bureau.



(Miss Jennifer Mak)

for Secretary for the Civil Service

CHAPTER II – TERMINATION OF SERVICE

Jun. 2004 (The provisions of CSRs 326-359 apply only to officers who are serving on terms which attract pension benefits under the pensions legislation, specifically the Pensions Ordinance (Cap.89) and the Pension Benefits Ordinance (Cap.99).)

NORMAL RETIREMENT AND VOLUNTARY PREMATURE RETIREMENT

(a) General

- Jun. 2004 (i) Replacement for a retiring officer
- Jun. 2004 325 When approval has been given for an officer to retire, his Permanent Secretary or Head of Department should take necessary action to ensure that a replacement will be available at the appropriate time.
- Dec. 2005 (ii) (Deleted)
- Dec. 2005 326 (Deleted)

CHAPTER II – TERMINATION OF SERVICE

Dec. 2005 **TAKING UP OUTSIDE WORK AFTER CEASING ACTIVE SERVICE**

Dec. 2005 *(a) Directorate Officers*

Dec. 2005 397 (1) Directorate officers on final leave or former directorate officers, irrespective of their terms of appointment (pensionable, new permanent, agreement terms etc.) and the circumstances under which they have left / are leaving the Government (retirement, completion/termination of agreement, resignation etc.), should apply for prior permission for taking up outside work, paid or unpaid, part-time or full time, the principal part of which is carried on in Hong Kong, during the final leave period and/or a specified control period.

Dec. 2005 (2) Directorate officers should seek prior permission in respect of paid outside work involving duties outside Hong Kong during their final leave and/or control period, if they are to be based in Hong Kong, or if they are to work outside Hong Kong, either for an organization or on their own account, in a business that has any connection with Hong Kong. They are also required to apply for prior permission to take up any other paid work outside Hong Kong during their final leave, and to notify Civil Service Bureau (CSB) of the taking up of such work during their control period.

Dec. 2005 (3) Outside work in this regulation and the relevant CSB Circulars / Circular Memoranda / Memoranda on the subject refers to appointments, employment or any other work outside the Government and includes entering into business on one's own account, becoming a partner in a partnership, becoming a director of a company, becoming an employee etc.

Dec. 2005 (4) The control period for an officer counts from his/her formal departure from the Government (upon exhaustion of final leave if any). The respective control periods for different categories of directorate officers are set out below –

CHAPTER II – TERMINATION OF SERVICE

- 397 (4) (a) Directorate officers below D8 or equivalent
(Cont'd)
- (i) who have retired on pensionable / new permanent terms; 2 years
 - (ii) who have left the Government for a reason other than retirement after six or more years of continuous service; or 2 years
 - (iii) who have left the Government for a reason other than retirement after less than six years of continuous service 1 year
- (b) Directorate officers at D8 or equivalent
- (i) who have retired on pensionable / new permanent terms; 3 years
 - (ii) who have left the Government for a reason other than retirement after six or more years of continuous service; or 3 years
 - (iii) who have left the Government for a reason other than retirement after less than six years of continuous service 1-1/2 years

Dec. 2005 (5) The Secretary for the Civil Service (SCS) is the approving authority for all applications from directorate officers up to D8 or equivalent for permission to take up outside work during the final leave period and/or control period.

Dec. 2005 (6) The key factors to be taken into account when vetting / approving an application are whether there is real or potential conflict of interest between the applicant's former government duties and the proposed outside work, and whether the applicant's taking up of the proposed work is likely to give rise to negative public perception. Specific pointers for consideration are set out in the relevant CSB Circular / Circular Memorandum / Memorandum. In considering an application, the relevant Head of Department / Head of Grade / Permanent Secretary and SCS as the approving authority would normally focus on the duties in which the applicant was involved during the last three years of active government service. However, where the applicant is a directorate officer at D4 or above (or equivalent) or if the work handled is of particular sensitivity, duties prior to the three-year period may also be taken into account.

Amendment No. 14(b)/2005

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Dec. 2005 397 (7) Blanket permission is given for directorate officers to take up
(Cont'd) unremunerated work with the following non-commercial organizations –

- (a) charitable, academic or other non-profit making organizations not primarily engaged in commercial operations;
- (b) non-commercial regional / international organizations; or
- (c) the Central Authorities

throughout the final leave and respective control periods. The officers concerned however should inform CSB of their taking up the work beforehand.

Dec. 2005 (8) Directorate officers who retired / retiring on pensionable terms or new permanent terms are subject to the following minimum sanitization periods –

- (a) Directorate officers at D4 or above (or equivalent) 12 months
- (b) Directorate officers below D4 (or equivalent) 6 months

During the sanitization period, no outside work other than that covered by the blanket permission in CSR 397(7) is permitted. As the objective of sanitization is to forestall real/potential conflict of interest and/or negative public perception by instituting a break between an officer's government duties and outside work, the sanitization period counts from the date on which the officer ceases active service (and proceeds on final leave, if any).

Dec. 2005 (9) The sanitization period specified in CSR 397(8) may be shortened for remunerated work with the non-commercial organizations listed in CSR 397(7), subject to there being no conflict of interest and the work being unlikely to cause negative public perception. For other outside work (in particular that of a commercial nature), the sanitization period will only be shortened where there are special considerations, as well as subject to there being no conflict of interest and the work being unlikely to cause negative public perception. A longer sanitization period may be imposed if such is required to avoid conflict of interest and/or negative public perception in the circumstances of a case.

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- Dec. 2005 397 (10) No minimum sanitization periods are specified for directorate officers who did not retire / are not retiring on pensionable / new permanent terms (e.g. agreement officers and resignees). In considering applications from these officers, the relevant Heads of Department / Heads of Grade / Permanent Secretaries and SCS will consider the need for and length of sanitization period on a case-by-case basis.
(Cont'd)
- Dec. 2005 (11) The taking up of outside work during the final leave period is subject to the sanitization rules above. In addition, directorate officers are normally not permitted to take up full-time remunerated work or work of a commercial nature (including self-employment) during the final leave period, unless there are special considerations and there is no problem of dual identity.
- Dec. 2005 (12) The taking up of any outside work during the final leave period and/or the control period is subject to a set of standard restrictions promulgated through the relevant CSB Circular / Circular Memorandum. In addition to the standard restrictions, SCS may, having regard to circumstances of a case, impose further restrictions on scope of work so that an officer is not permitted to take up the restricted work during a specified period.
- Dec. 2005 (13) Applications should be made on an application form to be prescribed by CSB. The relevant Head of Department / Head of Grade and Permanent Secretary should assess an application from the conflict of interest and public perception perspectives before submitting it to CSB for further processing. CSB will seek further comments from other relevant bureaux/departments on the application where necessary, and will obtain the advice of the Advisory Committee on Post-service Employment of Civil Servants before submitting the application to SCS for a decision. The provision of certain personal data and information relating to the proposed work is obligatory. An application will not be processed if the applicant fails to provide the requested information. The application procedures are detailed in the relevant CSB Circular / Circular Memorandum / Memorandum.

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- Dec. 2005 397 (14) Before commencing any approved employment, the applicant should (Cont'd) notify the prospective employer of the terms of approval including any sanitization or restrictions imposed.
- Dec. 2005 (15) For any approved outside work, the officer concerned should observe the reporting requirements as promulgated by CSB from time to time.
- Dec. 2005 (16) Basic information relating to cases of approved outside work may be disclosed as follows –
- (a) For approved outside work taken up by officers at D4 or above (or equivalent), certain specified basic information (e.g. name of the applicant, his/her last post title in the Government, date on which he/she ceases active government service, identity of the outside employer etc.) 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 CSB of the cessation of the outside employment, whichever happens earlier.
 - (b) For approved outside work taken up by officers below D4 (or equivalent), the basic information may be disclosed on a case-by-case basis, where there is public concern about the propriety of the employment.
 - (c) As to outside work performed under the blanket permission set out in CSR 397(7), the basic information may also be disclosed on a case-by-case basis where there is public concern.
- Dec. 2005 (17) Where there is a breach of the rules in this Regulation and/or the relevant CSB Circulars / Circular Memoranda / Memoranda, depending on the nature and gravity of the incident, SCS may consider invoking either one or a combination of the forms of sanction set out in the relevant CSB Circular.

CHAPTER II – TERMINATION OF SERVICE

- Dec. 2005 397 (18) This Regulation applies to (a) directorate officers on pensionable or new permanent terms who cease active service on or after 1 January 2006; and (b) directorate officers on agreement terms upon their entering into agreements, including upon renewal of agreement, on or after 1 January 2006.
(Cont'd)
- Dec. 2005 (b) *Non-directorate officers appointed on pensionable terms*
- Jul. 1995 398 (1) Section 16 of the Pensions Ordinance, Cap. 89, and Section 30 of the Pension Benefits Ordinance, Cap. 99 provide that any pension or allowance granted to a person may be suspended if such person has, within 2 years of his retirement, or such longer period as may be determined by the Chief Executive, without the prior permission of the Chief Executive in writing -
- Dec. 1997
- (a) entered business on his own account;
 - (b) become a partner in a partnership;
 - (c) become a director of a company; or
 - (d) become an employee,
- if the principal part of such business or of the business of such partnership or company or of his employment is, in the opinion of the Chief Executive, carried on in Hong Kong.
- Dec. 1997
- Dec. 2005 (2) Non-directorate civil servants on pre-retirement leave and during the first two years of retirement, or such longer period as may be determined by the Chief Executive, should write to their approving authority (referred to in CSR 398(4) below) informing it of any intended paid part-time or full-time work which involves duties outside Hong Kong, if they are to be based in Hong Kong or are to work in places outside Hong Kong for a company that has any business connections at all with Hong Kong, to see whether permission is required.
- Jul. 1995 (3) It is important that there should be no impropriety in the proposed employment, for example, conflict of interest. Account will be taken of -

CHAPTER II – TERMINATION OF SERVICE

- 398 (3) (a) whether the officer had been involved in policy formulation or decision, the effects of which could have benefitted the prospective employer;
- (Cont'd) (b) whether the employer might gain an unfair advantage over their competitors because of the officer's previous knowledge and experience;
- (c) the public perception of the officer taking up the employment in question; and
- (d) especially for senior officers, whether the proposed employment would result in an undesirably high public profile, embarrass the Government or give rise to any suggestions of impropriety.

Dec. 2005 (4) The authorities for approving applications to take up outside employment are vested as follows –

- | | | |
|-----|---|---|
| (a) | Head/Deputy Head/Assistant
Head of Department or Grade,
and Departmental Secretary | Non-directorate officers |
| (b) | Head/Deputy Head/Assistant
Head of Department, Chief
Superintendent, Conditions of
Service and Discipline/
Senior Superintendent,
Conditions of Service and
Discipline and Superintendent,
Conditions of Service,
Retirement and Agreements | Non-directorate disciplined
officer of the HKPF,
including junior police
officer |

Dec. 2005 (5) Applications should be made by way of a prescribed form.

Dec 2005 (6) An applicant should complete the relevant part of the prescribed form and forward the form to his Head of Department and / or Grade, as appropriate, for a decision in accordance with the criteria set out in CSR 398(3).

CHAPTER II – TERMINATION OF SERVICE

- Jul. 1995 398 (7) The decision on an application should be conveyed to the applicant in writing.
(Cont'd)
- Dec. 2005 (8) Blanket permission is given for non-directorate officers to take up unremunerated work with the following non-commercial organizations –
- (a) charitable, academic or other non-profit making organizations not primarily engaged in commercial operations;
 - (b) non-commercial regional / international organizations; or
 - (c) the Central Authorities
- throughout the final leave and respective control periods. The officers concerned however should inform the approving authority of their taking up the work beforehand.
- Jul. 1995 (9) Officers remunerated on Model Scale 1 are exempted from the provisions of CSR 398(1) – (7).

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CHAPTER III – CONDUCT AND DISCIPLINE

- Dec. 2005 559 (4) For non-directorate officers, except where specifically exempted, (Cont'd) prior approval is required for an officer to take up paid outside work whilst on pre-retirement leave, irrespective of whether such work is undertaken in Hong Kong or elsewhere. Where the paid outside work commences during pre-retirement leave and continues after the date of retirement and is undertaken in Hong Kong, the application procedure and approving authorities will be as set out in CSR 398. If the work whilst on pre-retirement leave is to be undertaken outside Hong Kong approval should be sought under CSR 559.
- Dec. 2005 (5) Directorate officers who wish to take up outside work during their final leave should apply for prior permission in accordance with CSR 397.

560 – 561

III. Outside work with the Auxiliary Forces

- 562 (1) Government employees should be given every encouragement to join the Auxiliary Forces and, having joined, to fulfil their training and other commitments. However, all officers who are members of the Auxiliary Forces must conform with Regulations 550 to 559 and obtain permission from their Head of Department when they wish to perform duties with the Auxiliary Forces, except when this is done out of working hours for no remuneration.
- 2) For the purposes of Regulations 562 to 564, the following organisations are considered to be Auxiliary Forces: the Government Flying Service, the Hong Kong Auxiliary Police Force, the Auxiliary Medical Service, and the Civil Aid Services.