

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

**Information provided by the Administration in response to
the Clerk to Select Committee's letter of 4 June 2009**

	Document No.
<u>Mr LEUNG Chin-man's post-service work applications</u>	
<p>(1) In SC(2) Paper No. C7(C), Mr LEUNG's application for taking up a part-time appointment as the Chairman of Trust (Hong Kong) Limited, Trust Company International Pty Limited (TCL) was approved by the Secretary for Civil Service ("SCS") on 4 January 2007. The paper shows that Mr LEUNG's remuneration package was approximately \$50,000 (Australian) per annum on a part-time basis (about 16 hours per month).</p> <p>At the hearing on 19 May 2009, Mr LEUNG gave evidence that his remuneration had been reduced to HK\$100,000 per annum. Please advise whether it is necessary for Mr LEUNG to inform CSB about changes in remuneration packages, whether Mr LEUNG has informed CSB about the change in the remuneration package for his appointment with TCL, and if so, the date of his notification and the revised remuneration package.</p> <p><i>CSB's Response : Under the prevailing arrangement, there is no specific requirement for the applicant to notify CSB of changes in remuneration packages. Mr LEUNG did not inform CSB of the change in the remuneration package for his appointment with TCL.</i></p>	
<p>(2) According to Mr LEUNG's evidence given at the hearings on 12 and 19 May 2009, approval was given for him to take up a part-time paid appointment as Executive Director of PuraPharm International (Hong Kong) Limited ("PuraPharm"). Please</p>	

<p>provide:</p>	
<p>(a) the application form provided by Mr LEUNG for the post-service work with PuraPharm;</p> <p><i>CSB's Response : Please see attached the application form provided by Mr LEUNG for the post-service work with PuraPharm.</i></p>	<p>C58(C) CSB96(E)</p>
<p>(b) the submission to SCS seeking her approval of Mr LEUNG's application, including the views made by the relevant Government bureaux/departments and the Advisory Committee on Post-Service Employment of Civil Servants on Mr LEUNG's application, and recommendations on the application; and</p> <p><i>CSB's Response : Please see attached the relevant documents –</i></p>	
<p>(i) <i>submission from Chief Executive Officer(Pensions) to SCS dated 3 January 2007 via Permanent Secretary for the Civil Service (Acting)/Deputy Secretary for the Civil Service(1);</i></p>	<p>C59(C) CSB97(E)</p>
<p>(ii) <i>memo dated 7 December 2006 from the Permanent Secretary for Housing, Planning and Lands (Housing) to SCS;</i></p>	<p>C60(C) CSB98(E)</p>
<p>(iii) <i>memo dated 12 December 2006 from the Director of Health to SCS;</i></p>	<p>C61(C) CSB99(E)</p>
<p>(iv) <i>memo dated 13 December 2006 from the then Permanent Secretary for Health and Welfare (Acting) to SCS;</i></p>	<p>C62(C) CSB100(E)</p>
<p>(v) <i>assessment dated 15 December 2006 made by the then Deputy Secretary for the Civil Service 1 as the Administrative Officer Grade Management; and</i></p>	<p>C63(C) CSB101(E)</p>
<p>(vi) <i>paper dated 22 December 2006 from the Secretary of the Advisory Committee on Post-Service Employment of Civil</i></p>	<p>C64(C) CSB102(E) CSB103(E)</p>
	<p>C65(C)</p>

	<p><i>Servants ("ACPE") to Members of ACPE with the views of the Chairman of ACPE incorporated and the reply slips from Members.</i></p> <p>(c) an information note on Mr LEUNG's application, including the date of his application, the date of his appointment with PuraPharm, major business activities of PuraPharm, nature of his post-service work, remuneration package, reasons for approval, whether additional work restrictions had been imposed and the details, and whether PuraPharm has any connection with organizations in the real estate sector.</p> <p><i>CSB's Response: Please see attached the following document –</i></p> <p><i>Information note on Mr LEUNG's application with PuraPharm International (Hong Kong) Limited.</i></p>	<p>C66cc) CSB104 (E/E)</p>
<p>(3)</p>	<p>As shown in SC(2) Paper No. C24(C), SCS approved on 25 September 2006 Mr LEUNG's application for taking up a part-time and unpaid appointment as a member of the Supervisory Board of the Hong Kong Housing Society ("HKHS") without further sanitisation, subject to the standard work restrictions and an additional work restriction that he should not use or disclose any classified or market sensitive information acquired while he was in government service to HKHS.</p> <p>According to Mr LEUNG's evidence given at the hearing on 19 May 2009, he has resigned from the Supervisory Board of HKHS. Please provide/advise:</p> <p>(a) the application form provided by Mr LEUNG for the post-service work with HKHS; and</p> <p><i>CSB's Response : Please see attached the application form provided by Mr LEUNG for the post-service work with HKHS and the exchange of e-mails between CSB and Mr LEUNG dated 1 September 2006.</i></p>	<p>C67cc) CSB105 (E) CSB106 (E) C68cc)</p>

	<p>(b) the respective dates when: (i) Mr LEUNG commenced his appointment with HKHS; (ii) Mr LEUNG ceased to be a member of the Supervisory Board of HKHS; and (iii) Mr LEUNG gave notice to CSB on his resignation from the Supervisory Board of HKHS.</p> <p><i>CSB's Response : Mr LEUNG (i) commenced his appointment with HKHS on 25 September 2006; (ii) ceased to be a member of the Supervisory Board of HKHS from 11 September 2007; and (iii) gave notice to CSB on his resignation from the Supervisory Board of HKHS on 11 September 2007.</i></p>	
<p><u>Appeal mechanism</u></p>		
<p>(4)</p>	<p>It is noted from paragraph 3.34 of the Consultation Document issued by the Committee on Review of Post-Service Outside Work for Directorate Civil Servants that “if a former directorate civil servant is aggrieved by the decision of the authority on his application for post-service outside work, he can require the authority to review the decision. The authority will do so having regard to the justifications and any supplementary information provided by the applicant; and will decide on the appeal”. Please provide/advise:</p> <p>(a) who is “the authority” and will he/they be different from officers who have processed the relevant applications;</p> <p>(b) the procedure for considering appeals; and</p> <p>(c) whether directorate civil servants and applicants have been informed of the appeal mechanism. If so, please provide copies of the circulars and/or notifications.</p> <p><i>CSB's Response: The information requested is as follows –</i></p> <p>(a) <i>The “authority” referred to in paragraph 3.34 of the Consultation Document issued by the Committee on Review of Post-Service Outside Work for Directorate Civil Servants is</i></p>	

the decision authority, i.e. SCS.

(b) Under the prevailing control regime, there is no established appeal mechanism against the decision of the authority on application for post-service outside work. Nevertheless, if an applicant is aggrieved by the decision of SCS, he/she may seek a review of the decision. SCS will then review the application having regard to the justifications and any supplementary information provided by the applicant. Comments from the relevant parties within the Administration or advice from the Advisory Committee on Post-service Employment of Civil Servants may be sought, depending on the circumstances of each case. If the applicant (who has not yet left the Government, i.e. on final leave) makes representations to the Chief Executive under section 20 of the Public Service (Administration) Order, the Chief Executive shall consider and act upon each representation as public expediency and justice to the individual may require. An applicant may also lodge a petition or a complaint to the Chief Executive under Article 48 of the Basic Law. It is a generally established administrative practice that a decision authority should review his/her decision if requested by the applicant to do so.

(c) The Public Service (Administration) Order and the Basic Law are public documents accessible to all civil servants. We have therefore not made specific reference to these "mechanisms" to directorate civil servants applying for post-service outside work.

Note:

1. (E) denotes that the document is available in English only.
2. Document Nos. which are shaded and bold are graded as "Confidential".