

政府總部  
公務員事務局  
香港金鐘添美道2號  
政府總部西翼



**CIVIL SERVICE BUREAU  
GOVERNMENT SECRETARIAT**  
WEST WING  
CENTRAL GOVERNMENT OFFICES  
2 TIM MEI AVENUE, ADMIRALTY  
HONG KONG

本函檔號 Our Ref.: CSBCR/AP/5-090-005/25

來函檔號 Your Ref.:

電話號碼 Tel. No.: 2810 2358

傳真號碼 Fax No.: 2523 6416

電郵地址 E-mail Address: csbts@csb.gov.hk

網址 Homepage Address: <http://www.csb.gov.hk>

8 November 2011

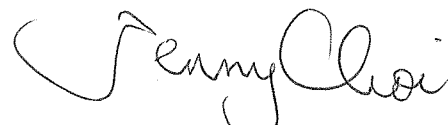
Ms Annette Lam  
Clerk to Panel on Public Service  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms Lam,

**Panel on Public Service  
Follow-up to meeting on 1 August 2011**

At the meeting of the Panel on Public Service on 1 August 2011, the Administration was requested to provide for the Panel's information the draft sample of the new application form for post-service outside work by directorate civil servants. A copy each of the application form and assessment form under the improved control regime governing the taking up of post-service outside work by directorate civil servants from 1 September 2011 are attached for Panel Members' reference. Members may wish to note that the application and the assessment for ex-directorate civil servants covered by the pre-September 2011 control regime are incorporated in one single form whereas for ex-directorate civil servants covered by the post-September 2011 control regime, the application and the assessment have been separated into two forms.

Yours sincerely,



( Jenny Choi )

for Secretary for the Civil Service

# CONFIDENTIAL

Form CSB/PSW/3 (9/2011)

## **Application for Permission to Take up Outside Work by Directorate Civil Servants on Final Leave or by Former Directorate Civil Servants**

(Before filling out this Application Form, an applicant should read Civil Service Regulation 397 and Civil Service Bureau Circular No. 7/2011. An applicant should complete this Form in a full, frank and honest manner.)

**To:** Secretary for the Civil Service  
(Attn: Pensions and Provident Fund Section)

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**Policy Objective:** Directorate civil servants on final leave (i.e. those who are still in the Government's employment but have ceased active duty) or former directorate civil servants (i.e. those who have left the Government's employment) are subject to a prescribed control regime on post-service outside work during the specified restriction periods. The policy objective of the control regime is to ensure that –

- (a) the above said individuals will not take up any outside work during the specified 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 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.

**Application:** The above said individuals are required to apply for prior permission from the authority (i.e. Secretary for the Civil Service) if they wish to take up post-service outside work during the specified restriction periods, save for unpaid work with specified non-commercial organisations. Applications may be approved subject to work restrictions and (if appropriate) other conditions or rejected.

**Assessment Criteria:** An application will be assessed having regard to the underlying principles set out in Civil Service Bureau (CSB) Circular No. 7/2011, Civil Service Regulation (CSR) 397 and relevant Circular Memoranda or Memoranda promulgated by CSB from time to time, the policy objective set out above and relevant key considerations which include the following –

- (a) whether the applicant had been involved in the formulation of any policy or decisions while in government service, the effects of which directly or specifically benefited or could directly or specifically benefit his / her own business or his / her prospective employer;

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- (b) 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 government service;
- (c) whether the applicant, while in government service, had been involved in any contractual or legal dealings to which the prospective employer was a party;
- (d) 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 government service;
- (e) whether the applicant's taking up of the applied-for work would give rise to public suspicion of conflict of interest or other impropriety;
- (f) 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
- (g) whether any aspect of the applied-for work would cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service.

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### PART I: PARTICULARS OF THE APPLICANT *(To be completed by the applicant)*

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- 1. Name (English): \_\_\_\_\_ (Chinese): \_\_\_\_\_
- 2. Last substantive rank : \_\_\_\_\_
- 3. Correspondence address: \_\_\_\_\_
- 4. Telephone: \_\_\_\_\_ 5. E-mail: \_\_\_\_\_
- 6. Date of cessation of active duty  
(commencement of final leave) : \_\_\_\_\_
- 7. Date of leaving the Government  
(on expiry of final leave) : \_\_\_\_\_
- 8. Terms of appointment:
  - ☐ Pensionable
  - ☐ New Permanent
  - ☐ Agreement (local / locally modelled / overseas / common / new probationary / new agreement / re-employed without a break in service after retirement \*)
- 9. Circumstances of leaving the Government:
  - ☐ Retirement under Old Pension Scheme / New Pension Scheme / Civil Service Provident Fund Scheme \*
  - ☐ Completion / termination \* of agreement
  - ☐ Resignation
  - ☐ Others (Please specify)  
\_\_\_\_\_

☐ Please tick in the appropriate box.

\* Please delete whichever is inappropriate.

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10. Service history during the **last three years of government service** for an applicant at D1 to D3 (or equivalent) or the **last six years of government service** for an applicant at D4 or above (or equivalent):

Title & rank of post	Date		Description of major duties (list five items for each post)
	From	To	

*(Please use and attach a separate sheet if the space provided is insufficient.)*

**PART II: INFORMATION ON APPLIED-FOR OUTSIDE WORK** *(To be completed by the applicant)*

**(A) The Prospective Employer (Company/Organisation/Partnership/Self-Employed, etc.)**  
**(hereafter referred to as the employer)**

11. Name of employer  
(English): \_\_\_\_\_ (Chinese): \_\_\_\_\_

12. Contact person of employer and telephone no.: \_\_\_\_\_

13. Address of employer: \_\_\_\_\_

14. Type of employer :

- ☐ charitable / academic / other non-profit-making organisation not primarily engaged in commercial operations \*
- ☐ non-commercial regional / international organisation \*
- ☐ Central Authorities of the People's Republic of China
- ☐ Private commercial
- ☐ Others (please specify): \_\_\_\_\_

☐ Please tick in the appropriate box.

\* Please delete whichever is inappropriate.

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15. Nature of employer's business:

- |  |   |
|--|---|
| <input type="checkbox"/> Accounting / Tax        | <input type="checkbox"/> Media / Publishing / Broadcasting  |
| <input type="checkbox"/> Banking / Finance       | <input type="checkbox"/> Medical                            |
| <input type="checkbox"/> Education               | <input type="checkbox"/> Real Estate / Property Development |
| <input type="checkbox"/> Information Technology  | <input type="checkbox"/> Security                           |
| <input type="checkbox"/> Legal Service           | <input type="checkbox"/> Transport / Logistics              |
| <input type="checkbox"/> Management              | <input type="checkbox"/> Works                              |
| <input type="checkbox"/> Management Consultancy  | <input type="checkbox"/> Others (please specify): _____     |
| <input type="checkbox"/> Manufacturing / Trading | _____   |

16. Major business activities of employer (Please list at least but not limited to 4 items and provide company prospectus, information sheet, website address, etc. where appropriate):

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17. Employer's major clientele: \_\_\_\_\_

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18. Employer's parent company, if applicable: \_\_\_\_\_

19. Employer's subsidiaries<sup>1</sup>, if applicable: \_\_\_\_\_

*(Please use and attach a separate sheet if the space provided is insufficient.)*

20. Employer's associates<sup>1</sup>, if applicable: \_\_\_\_\_

*(Please use and attach a separate sheet if the space provided is insufficient.)*

21. Employer's jointly controlled entities<sup>1</sup>, if applicable: \_\_\_\_\_

*(Please use and attach a separate sheet if the space provided is insufficient.)*

<sup>1</sup> A subsidiary means any incorporated or unincorporated entity such as a partnership, that is controlled by another entity (known as the parent). An associate means any incorporated or unincorporated entity such as a partnership, over which the prospective employer has significant influence but not in the nature of a subsidiary or an interest in a joint venture. A jointly controlled entity is a joint venture that involves the establishment of a corporation, partnership or other entity in which the prospective employer is one of the venturers and has an interest. A jointly controlled entity operates in the same way as other entities, except that a contractual arrangement between the venturers establishes joint control over the economic activity of the entity. Reference should be made to the Hong Kong Accounting Standard issued by the Hong Kong Institute of Certified Public Accountants for the up-to-date definitions of subsidiaries, associates and jointly controlled entities.

☐ Please tick in the appropriate box.

\* Please delete whichever is inappropriate.

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**(B) The Applied-For Outside Work**

22. Job title (English): \_\_\_\_\_ (Chinese): \_\_\_\_\_

23. Work address (if different from the address in item 13 above): \_\_\_\_\_  
\_\_\_\_\_

24. Functional nature of the proposed work:

- |  |   |
|--|---|
| <input type="checkbox"/> Accounting / Tax        | <input type="checkbox"/> Media / Publishing / Broadcasting  |
| <input type="checkbox"/> Banking / Finance       | <input type="checkbox"/> Medical                            |
| <input type="checkbox"/> Education               | <input type="checkbox"/> Real Estate / Property Development |
| <input type="checkbox"/> Information Technology  | <input type="checkbox"/> Security                           |
| <input type="checkbox"/> Legal Service           | <input type="checkbox"/> Transport / Logistics              |
| <input type="checkbox"/> Management              | <input type="checkbox"/> Works                              |
| <input type="checkbox"/> Management Consultancy  | <input type="checkbox"/> Others (please specify): _____     |
| <input type="checkbox"/> Manufacturing / Trading | _____   |

25. Major duties and responsibilities (please list at least but not limited to 4 items):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

26. Will you be involved in any way in the business of the employer's parent company or subsidiaries or associates or jointly controlled entities listed in items 18 to 21? If yes, please provide details. ☐ Yes ☐ No

\_\_\_\_\_

27. Proposed commencement date of the applied-for work: \_\_\_\_\_

28. The applied-for outside work is

- (a) ☐ full time ☐ part time \_\_\_\_\_ hours / days \* per week/ month/ year\*
- ☐ one-off project from \_\_\_\_\_ to \_\_\_\_\_

(b) ☐ paid ☐ unpaid

Approximate amount of remuneration : \$ \_\_\_\_\_ per month / annum / assignment\*

☐ Please tick in the appropriate box.

\* Please delete whichever is inappropriate.

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29. How did you first come to know about the applied-for outside work; and when and how did you acquire the applied-for outside work (please specify the name (if applicable) of the introducer and your relationship with him/her)?
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### **PART III: SELF-EVALUATION OF APPLICATION** *(To be completed by the applicant)*

*(Please answer the questions in items 30 to 37 in a frank and honest manner. In answering the questions, you should take "your employer" to mean your prospective employer as well as its parent, subsidiaries, associates or jointly controlled entities. You should provide to the best of your knowledge your material past contractual, legal, official and other contacts / dealings (if any) with the employer and its parent, subsidiaries, associates or jointly controlled entities during your last three years of government service for an applicant at D1 to D3 (or equivalent) or during your last six years of government service for an applicant at D4 or above (or equivalent), irrespective of whether or not you will be involved in the business of these entities.)*

30. Were / are you involved in the formulation of any policy or decisions, the effects of which directly or specifically benefited, or could directly or specifically benefit your employer / your own business? If yes, please provide details. ☐ Yes ☐ No
- 
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31. (a) Did / do you have any access to sensitive information while in government service, including that of competitors of your employer / your own business? If yes, please provide details and assess whether as a result of such access your employer / your own business would gain an unfair advantage over the competitors. ☐ Yes ☐ No
- 
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- (b) Did / do you have any contacts or dealings with companies which may be considered as competitors of your employer / your own business? If yes, please provide details and assess whether as a result of such contacts or dealings your employer / your own business would gain an unfair advantage over the competitors. ☐ Yes ☐ No
- 
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32. (a) Did / do you have any contractual dealings to which your employer was/is a party? If yes, please provide details (e.g. award of a contract, contract administering and monitoring, giving professional / technical advice before or after the award of the contract, the number / value / nature of the contracts etc.) ☐ Yes ☐ No

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- (b) Did / do you have any legal dealings with the employer? If yes, please provide details. ☐ Yes ☐ No

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- (c) Did / do you have any other official contacts / dealings (e.g. disbursement of funds, approval of applications, regulation of business etc.) with the employer? If yes, please provide details. ☐ Yes ☐ No

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- (d) Did / do you have any unofficial contacts / dealings with the employer before the work offer was made? If yes, please provide details. ☐ Yes ☐ No

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33. Were / are you involved in any assignments / projects and / or regulatory / enforcement duties which are connected in any way with your duties and responsibilities under the applied-for outside work? If yes, please provide details. ☐ Yes ☐ No

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34. Please give an assessment on whether your taking up of the applied-for outside work would give rise to public suspicion of conflict of interest or other impropriety.

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- ☐ Please tick in the appropriate box.  
\* Please delete whichever is inappropriate.



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35. Please give an assessment on whether a fair-minded and informed observer, having considered the relevant facts, would conclude that the applied-for work would give rise to reasonable apprehension of deferred reward or benefit.

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36. Please give an assessment on whether any aspect of the applied-for work would cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service.

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37. Please provide any other information (if any) which you consider relevant to the assessment of your application.

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### **PART IV: NOTES TO THE APPLICANT**

#### **(A) Works Restrictions**

The taking up of any outside work by a directorate and former directorate civil servant during the specified restriction periods is subject to the following work restrictions that the said individual 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 the formulation of any policy or decisions, sensitive information, contractual or legal dealings, assignments or projects, and enforcement or regulatory duties in which he / she had been involved or to which he / she had access during his/her last three years of service; and
- (c) directly or indirectly engage in any activities which will cause embarrassment to the Government or bring disgrace to the Civil Service.

#### **(B) Sanctions**

Failure to obtain prior permission from the authority before taking up post-service outside work during the specified restriction periods or failure to comply with the work restrictions and other conditions imposed by the authority on any approved application constitutes a breach of the control regime. The authority may invoke either one or a combination of the following sanctions against the individual committing the breach –

- (a) suspension of monthly pension payments under the pension legislation;

☐ Please tick in the appropriate box.

\* Please delete whichever is inappropriate.

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- (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 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.

### (C) Submission of Application

A directorate civil servant should complete and return the Application Form to the Pensions and Provident Fund Section of the Civil Service Bureau (CSB), by mail, or to e-mail address: csbpen@csb.gov.hk, or by fax at 2523 6416).

### (D) Use of Personal Data

#### Purpose of Collection

- (a) The personal data and other related information provided by the applicant in this Form or through subsequent communication will be used for the purposes of –
  - (i) processing the application by government departments / bureaux;
  - (ii) verifying information with government departments / bureaux and / or parties outside the Government which are relevant to the application;
  - (iii) disclosing the basic information on approved and taken-up outside work to the public; and
  - (iv) applying sanctions against the applicant in the event of non-compliance with any of the stipulated rules or arrangements,in accordance with the rules and arrangements promulgated in CSR 397 and CSB Circular No. 7/2011 and any other Circulars or Circular Memoranda issued by CSB from time to time on the taking up of outside work by directorate civil servants on final leave and former directorate civil servants.
- (b) The provision of personal data and other information as required in this Application Form is obligatory. The processing of an application will be delayed if the applicant fails to provide adequate and accurate data as requested in this Application Form or through subsequent communication.

#### Classes of Transferees

- (c) The personal data and other related information provided in this Form or through subsequent communication may be disclosed to:
  - (i) government departments / bureaux for the purposes stated in Section D (a)(i) and (ii) above;
  - (ii) parties outside the Government which are relevant to the application for the purpose stated in Section D (a)(ii) above;

☐ Please tick in the appropriate box.

\* Please delete whichever is inappropriate.

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- (iii) the public including the media and the Legislative Council (LegCo) for the purpose stated in Section D (a)(iii) above; and
- (iv) the employer of the applicant, the relevant professional body and / or the public including the media and LegCo for the purpose stated in Section D (a)(iv) above.

### Access to Personal Data

- (d) An applicant has the right to request access to or correction of the personal data and other related information provided in this Form or through subsequent communication with the authority in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486). Such requests should be made in writing to the Pensions and Provident Fund Section of CSB by mail, or to e-mail address: [csbpen@csb.gov.hk](mailto:csbpen@csb.gov.hk), or by fax at 2523 6416.

### **(E) Declaration**

- (i) I have read CSR 397 and CSB Circular No. 7/2011 and the Notes on Use of Personal Data above.
- (ii) I confirm that the information provided in this Application Form is full and accurate. I understand that if I wilfully mislead the authority or wilfully give any false information or withhold any material information in this Application Form, the authority may suspend or withdraw the permission granted for my application and, where necessary, invoke appropriate sanction including legal action.

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Signature of applicant

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Date

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Form CSB/PSW/4 (9/2011)

## Assessment on Application for Permission to Take up Outside Work by Directorate Civil Servants on Final Leave or by Former Directorate Civil Servants

*(Please provide your assessment with reference to the applicant's employer and its parent, subsidiaries, associates or jointly controlled entities, irrespective of whether or not the applicant will be involved in the business of these entities, during his / her last three years of government service (for an applicant at D1 to D3 (or equivalent)) or during his / her last six years of government service (for an applicant at D4 or above (or equivalent)), as provided by the applicant in item 10 of the Application Form. If the work handled by the applicant while in government service is of particular sensitivity, the applicant's last six years of government service may also be taken into account even if he /she is at D1 to D3 (or equivalent).)*

**PART A** *(To be completed by the relevant Head of Department (if the applicant served in a department immediately before ceasing active duty) or relevant Permanent Secretary of a Bureau (if the applicant served in a bureau immediately before ceasing active duty) and Head of Grade (if the applicant formerly belonged to a general / common grade))*

1. Please state the period of government service before cessation of active duty which has been taken into account in assessing the application.  
☐ last 3 years of active government service      ☐ last 6 years of active government service
2. If any of the information provided by the applicant in Parts I to III of the Application Form is, to your knowledge, incorrect, please indicate below –

3. Please provide elaboration if the applicant was / is 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 employer or his / her own business.

4. (a) Please provide elaboration if the applicant had / has any access to sensitive information while in government service, including that of competitors of the applicant's employer / the applicant's own business. Please also provide details and assessment as to whether the employer / the applicant's own business might gain an unfair advantage over the competitors because of the applicant's access to sensitive information.

- (b) Please provide elaboration if the applicant had/has any contacts or dealings with companies which may be considered as competitors of the employer or his / her own business while in government service. Please also provide details and assessment as to whether the employer / the applicant's own business might gain an unfair advantage over the competitors as a result of such contacts or dealings.

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5. (a) Please provide elaboration if the applicant had / has any contractual dealings to which the employer was / is a party and the details of his / her involvement (e.g. award of a contract, contract administering and monitoring, giving professional / technical advice before or after the award of the contract, the number / value / nature of the contracts etc.)

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- (b) Please provide elaboration if the applicant had / has any legal dealings with the employer and the details.

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- (c) Please provide elaboration if the applicant had / has any other official contacts / dealings with the employer and the details.

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6. Please provide elaboration if the applicant was/is involved in any assignments / projects and / or regulatory / enforcement duties which are connected in any way with his / her duties and responsibilities under the applied-for outside work and the details.

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7. Apart from the information elaborated in items 3 to 6 above, please advise if the applicant had/has gained any other information / knowledge while in government service which is relevant to the business of the employer or his / her own business and which is also relevant to the assessment of the application.

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8. Please provide other information (if any) on the connection between the applicant's former government duties and his / her applied-for outside work which is relevant to the assessment of the application.

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- ☐ Please tick in the appropriate box.  
\* Please delete whichever is inappropriate.

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9. Please give an assessment on whether the applicant's applied-for outside work would constitute any real conflict of interest or public suspicion of conflict of interest with his / her former government duties. Please also give an assessment on whether the applicant's taking up of the applied-for outside work would give rise to other impropriety.

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10. Please give an assessment on whether a fair-minded and informed observer, having considered the relevant facts, would conclude that the applied-for work will give rise to reasonable apprehension of deferred reward or benefit.

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11. Please give an assessment on whether any aspect of the applied-for outside work would cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service.

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- ☐ Please tick in the appropriate box.  
\* Please delete whichever is inappropriate.

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12. Recommendation on the application –

- ☐ Approve the application without \*sanitisation / further sanitisation or any restriction (other than the work restrictions set out in paragraph 25 of Civil Service Bureau Circular No. 7/2011).
- ☐ Approve the application subject to the following conditions –
  - ☐ a sanitisation period of \_\_\_\_\_ months from cessation of active duty; and
  - ☐ the following conditions (in addition to the work restrictions set out in paragraph 25 of Civil Service Bureau Circular No. 7/2011) –

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Reasons:

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- ☐ Reject the application.

Reasons:

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Signature

Name

Rank / Post

Date

- ☐ Please tick in the appropriate box.
- \* Please delete whichever is inappropriate.

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**PART B** (To be completed by the relevant Permanent Secretary of a bureau (if the applicant served in a department immediately before ceasing active duty) after the relevant Head of Department has completed Part A.

13. Please state the period of government service before cessation of active service which has been taken into account in assessing the application.

☐ last 3 years of active government service      ☐ last 6 years of active government service

14. Having regard to the information and elaboration provided in items 30 to 37 of the Application Form and items 3 to 12 above, please provide other information (if any) on the connection between the applicant's former government duties and his/her applied-for outside work which is relevant to the assessment of the application.

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15. Please give an assessment on whether the applicant's applied-for outside work would constitute any real conflict of interest or public suspicion of conflict of interest with his / her former government duties. Please also give an assessment on whether the applicant's taking up of the proposed outside work would give rise to other impropriety.

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16. Please give an assessment on whether a fair-minded and informed observer, having considered the relevant facts, would conclude that the applied-for work would give rise to reasonable apprehension of deferred reward or benefit.

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- ☐ Please tick in the appropriate box.  
\* Please delete whichever is inappropriate.



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17. Please give an assessment on whether any aspect of the applied-for work would cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service.

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18. Recommendation on the application –

- ☐ Approve the application without \*sanitisation / further sanitisation or any restriction (other than the work restrictions set out in paragraph 25 of Civil Service Bureau Circular No. 7/2011).
- ☐ Approve the application subject to the following conditions –
- ☐ a sanitisation period of \_\_\_\_\_ months from cessation of active duty; and
  - ☐ the following conditions (in addition to the work restrictions set out in paragraph 25 of Civil Service Bureau Circular No. 7/2011) –

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Reasons: \_\_\_\_\_

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- ☐ Reject the application.

Reasons: \_\_\_\_\_

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Signature

Name

Rank / Post

Date

- ☐ Please tick in the appropriate box.
- \* Please delete whichever is inappropriate.