

**The 36th Report on
the Work of
the Advisory Committee on
Post-service Employment of Civil Servants**

(1 January – 31 December 2024)

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INTRODUCTION

The Government exercises control over the taking up of post-service outside work by civil servants in accordance with two guiding principles, namely, protection of public interest and protection of an individual's right to work. The particular public interest to be protected is public trust in the Government, good governance, and integrity and impartiality of the Civil Service. Protection of public interest will only take precedence over protection of an individual's right to work where there is compelling reason justifying so doing in a particular case.

CONTROL OF POST-SERVICE OUTSIDE WORK BY DIRECTORATE CIVIL SERVANTS

2. The degree of control exercised over post-service outside work by directorate civil servants is greater than that over non-directorate civil servants because of the former's seniority and influence on policy formulation and decision-making. Directorate civil servants are subject to a control regime¹, a brief description of which is set out in **Annex A**.

3. The policy objective of the control regime is to ensure that –

- (a) directorate civil servants on final leave or former directorate civil servants will not take up work during the prescribed 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

¹ The control regime currently in force applies to directorate civil servants on pensionable/new permanent terms who ceased/cease active service on or after 1 September 2011, and directorate civil servants on agreement terms who entered/enter into new or renewal agreements on or after 1 September 2011.

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.

4. Under the control regime, directorate civil servants who leave the Government on retirement ground are subject to a minimum sanitisation period of six months (for those below Directorate Pay Scale Point D4 or equivalent) or 12 months (for those at D4 or above or equivalent) counting from cessation of active government service. During the minimum sanitisation period, outside work of a commercial nature is normally not permitted. Directorate civil servants who leave the Government on non-retirement grounds are not subject to any pre-determined minimum sanitisation period. Where appropriate, a sanitisation period of a specific length on an application-specific basis may be imposed, having regard to concerns over conflict of interest and public perception. Separately, all directorate civil servants are normally not permitted to take up outside work of a commercial nature or full-time remunerated work, other than part-time or notionally remunerated work with specified non-commercial organisations², for the whole duration of their final leave period (even if it exceeds the afore-stated minimum sanitisation period), in which they still retain the status of civil servants (though not on active service).

5. Under the control regime, directorate civil servants who leave the Government on retirement ground or who have served the Government continuously for six years or more are subject to a control period of two years (for those below D8 or equivalent) or three years (for those at D8 or

² The specified non-commercial organisations are –

- (a) charitable, academic or other non-profit making organisations not primarily engaged in commercial operations;
- (b) non-commercial regional or international organisations; and
- (c) the Central Authorities of the People's Republic of China.

equivalent), counting from departure from the Civil Service (i.e. after exhaustion of final leave if any). Those who leave the Government on non-retirement grounds with less than six years of continuous service are subject to half of the control period of their peers who retire from the Government. Directorate civil servants need to seek and obtain prior approval before they take up outside work during the control period. The authority will consider and decide on all applications for taking up outside work, having regard to the guiding principles and policy objective of the control regime as set out in paragraphs 1 and 3 above, the assessment criteria stated in paragraph 6 below, the views of the relevant parties within the Government, and the advice of the Advisory Committee on Post-service Employment of Civil Servants (hereafter referred to as “the Advisory Committee”).

6. An application for post-service outside work from a directorate civil servant will be assessed by the relevant parties within the Government, including the Civil Service Bureau (CSB), against the following key considerations –

- (a) the duties and responsibilities of the applicant during a specified period of time (three years or more) before cessation of his/her active government service;
- (b) whether the applicant, while in the above specified period of government service, had been involved in the formulation of any policies or decisions, the effects of which directly or specifically benefited or could directly or specifically benefit his/her own business or his/her prospective employer;
- (c) 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 the above specified period of government service;
- (d) whether the applicant, while in the above specified period of government service, had been involved in any contractual or legal dealings to which the prospective employer was a party;

- (e) 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 the above specified period of government service;
- (f) whether the applicant's taking up of the applied-for work would give rise to public suspicion of conflict of interest or other impropriety;
- (g) 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
- (h) whether any aspects of the applied-for work would cause well-founded negative public perception embarrassing the Government or undermining the image of the Civil Service.

7. Upon completion of assessment of an application, CSB will submit the application, together with its preliminary views and those of the parties consulted within the Government, to the Advisory Committee for advice. Upon receipt of the Advisory Committee's advice, CSB will submit the application with the Advisory Committee's advice and the views of all the parties within the Government for a decision by the authority, namely, the Secretary for the Civil Service (SCS).

8. Under the control regime, all approved post-service outside work applications by directorate civil servants will be subject to the following standard work restrictions, unless SCS, having regard to the Advisory Committee's recommendations and other relevant considerations, decides otherwise –

- (a) directorate civil servants will not directly or indirectly be involved in the bidding for any government land, property, projects, contracts or franchises;
- (b) directorate civil servants will not directly or indirectly undertake or represent any person in any work including any litigation or

lobbying activities that are connected in any way with formulation of any policies or decisions, sensitive information, contractual or legal dealings, assignments or projects, and enforcement or regulatory duties in which they had been involved or to which they had access during their last three years of service; and

- (c) directorate civil servants will not directly or indirectly engage in any activities which will cause embarrassment to the Government or bring disgrace to the Civil Service.

In addition to the above, SCS may, where necessary, impose additional conditions on an application-specific basis.

9. Under the control regime, an approved and taken-up post-service outside work application by a directorate civil servant will be included in a register until expiry of the control period applicable to the said civil servant or receipt by CSB of notification of cessation of the approved and taken-up work, whichever occurs first. The register is posted on CSB's website (<https://www.csb.gov.hk>) for public inspection.

THE ADVISORY COMMITTEE

10. The Advisory Committee (formerly known as the Advisory Committee on Post-retirement Employment) was established in October 1987. Its terms of reference are –

- (a) to advise the Government on the principles and the criteria to be adopted in formulating policy and arrangements to control post-service employment;
- (b) to consider and advise on all applications to take up post-service employment from directorate officers; and
- (c) to consider and advise on other applications which may be referred by SCS.

MEMBERSHIP OF THE ADVISORY COMMITTEE

11. The Chairman and Members of the Advisory Committee are appointed by the Chief Executive on an *ad personam* basis. In 2024, the membership of the Advisory Committee was as follows –

Chairman

Prof Wong Sze-chun, BBS, JP

Members

Mr Thomas Ho On-sing, JP (*up to 16 July 2024*)

Mr Cheng Yan-kee, BBS, JP

Mrs Betty Yuen So Siu-mai, JP

Miss Christine Leung Wan-chong

Dr James Wong Kong-tin, BBS, JP

Hon Chan Chun-ying, BBS, JP

Ms Eva Kwong Pui-han

Mr Victor Lam Wai-kiu, SBS

Ms Christina Maisenne Lee, JP (*from 17 July 2024*)

Secretary

Chief Executive Officer (Committee) of JSSCS³

12. The Chairman and Members are subject to a set of rules on declaration of interest. They are required to disclose general pecuniary and other interests on appointment and annually thereafter, in addition to reporting conflicts of interest as and when they arise. They are also required to keep confidential the applications considered and the discussions held.

³ JSSCS stands for the Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service.

WORK OF THE ADVISORY COMMITTEE IN 2024

A. Mode of Operation

13. Information on the Advisory Committee's mode of operation is available to the public through the JSSCS' website (<https://www.jsscs.gov.hk>). Briefly put, the Advisory Committee will consider an application received from CSB having regard to the guiding principles and policy objective described in paragraphs 1 and 3 above, the key considerations set out in paragraph 6 above, and the views of the assessment parties within the Government. Upon deliberation, it will tender its advice to SCS.

14. Depending on the nature and contents of applications, and subject to the guiding principles established from time to time by the Advisory Committee to facilitate more efficient consideration of the applications, the Advisory Committee may convene meetings or circulate papers for considering them. Applications such as those involving part-time teaching work with non-profit making academic institutions or outside work in the applicant's own profession (e.g. doctor, engineer, lawyer) may be processed by circulation of papers if there are no unusual circumstances as assessed by all the relevant parties in the Government. Where a meeting is to be held, the quorum is six, i.e. two-thirds of the total membership.

15. The Advisory Committee may invite government officials who have participated in the assessment of applications to its meetings to explain or clarify their views. Views expressed by invitees will be duly referenced by the Advisory Committee.

16. Where the Advisory Committee supports an application for post-service outside work, it may, based on the specific circumstances of the application, recommend that the applicant be subject to a sanitisation period that is different from any prescribed applicable minimum duration. It may also recommend imposing the standard work restrictions stated in paragraph 8 above or modified and/or additional restrictions on an applicant, having regard to the specific circumstances of the application.

17. The Advisory Committee's advice on an approved and taken-up post-service outside work application by a directorate civil servant subject to the control regime is included in the register posted on CSB's website.

B. Applications Considered

18. During 2024, the Advisory Committee considered a total of 32 applications for post-service outside work from 25 directorate civil servants. In the light of their nature and substance, all applications were considered by way of paper circulation.

19. The Advisory Committee recommended the approval of 31 applications with conditions, and the rejection of one application. Among the 31 recommended applications, the Advisory Committee considered that 29 should be subject to various additional restrictions on top of the standard work restrictions. Further details of the 32 applications considered, including the rank of applicants when in government service, the business nature of the prospective employers and the functional nature of the approved post-service work, are set out in **Annex B**. The Advisory Committee's recommendation on each of the 32 applications was accepted by SCS. In sum, the Advisory Committee noted that applications for post-service outside work from directorate civil servants were processed robustly under the control regime having regard to the principles of protecting public interest and an individual's right to work.

C. Notifications / Applications Noted

20. Blanket permission is given to all directorate civil servants to take up unpaid outside work with specified non-commercial organisations during the restriction periods. They are required, before commencement of such work, to notify CSB by completing a prescribed notification form. In 2024, a total of 60 notifications from 39 directorate civil servants were received by CSB. The Advisory Committee was presented with the statistics on these notifications as set out in **Annex C** for information.

21. Applications for post-service outside work from non-directorate civil servants who retire on pensionable terms are considered and decided by the relevant Permanent Secretary/Head of Department/Head of Grade⁴. In 2024, a total of 428 applications from 338 non-directorate civil servants were considered. Among them, three were rejected, 44 were approved with conditions, and the remainder were approved without any sanitisation requirement or work restriction. The Advisory Committee was also presented with the details of these 428 applications, including the rank of applicants when in government service, the business nature of the prospective employers and the functional nature of the approved post-service work, as set out in **Annex D** for information. With regard to notification, a total of 142 notifications from 126 civil servants were received.

* * * * *

⁴ With effect from 1 September 2015, blanket permission is given to 157 specified ranks of non-directorate civil servants whose maximum pay points do not exceed Master Pay Scale Point 20 or equivalent for taking up post-service outside work after retirement.

**Key Elements of the Control Regime
Governing Post-service Employment of Directorate Civil Servants**

<i>(I) Underlying principles</i>
1. Protection of the public interest (namely, public trust in the Government, good governance, and integrity and impartiality of the Civil Service) and protection of an individual's right will be the underlying principles of the control regime. Protection of the public interest will only take precedence over protection of an individual's right, where there is compelling reason justifying so doing in a particular case.
<i>(II) Policy objective</i>
1. The policy objective of the control regime is to ensure that – (a) directorate civil servants on final leave or former directorate civil servants will not take up work during the prescribed 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.
<i>(III) Coverage</i>
1. Directorate civil servants who are on pensionable/new permanent terms and cease active service on or after 1 September 2011. 2. Directorate civil servants who are on agreement terms and enter into new or renewal agreements on or after 1 September 2011.

(IV) Sanitisation period (counting from cessation of active service during which outside work is normally not permitted)

1. Minimum sanitisation period for directorate civil servants retired or retiring on pensionable or new permanent terms –
D4 or above (or equivalent) – 12 months;
Others – 6 months.
2. No minimum sanitisation period is specified for directorate civil servants leaving the Civil Service on grounds other than retirement (e.g. agreement officers and resignees). Each case will be considered on its own merits.
3. The minimum sanitisation period is normally shortened or waived for notionally remunerated work and may be shortened for remunerated work taken up with the following organisations (the specified organisations) –
 - (a) charitable, academic or other non-profit making organisations not primarily engaged in commercial operations;
 - (b) non-commercial regional or international organisations; or
 - (c) the Central Authorities of the People's Republic of China,where the work would not give rise to conflict of interest and is unlikely to cause negative public perception.
4. For all other outside work (in particular work of a commercial nature), the minimum sanitisation period would only be shortened where there are special considerations, and provided that the work would not give rise to conflict of interest or negative public perception.
5. Having regard to the circumstances of a particular case, a longer sanitisation period may be imposed if so required to more fully forestall conflict of interest or negative public perception.

(V) Final leave period

1. The taking up of outside work during the final leave period is subject to the rules governing sanitisation.
2. Directorate civil servants are not permitted to take up any full-time paid work or any work of a commercial nature (including self-employment) during the final leave period, unless there are special considerations. Directorate civil servants on final leave may, upon approval, take up part-time or notionally paid work with specified non-commercial organisations, subject to there being no problem of dual identity.

(VI) Control period (counting from formal departure from the Government during which prior permission is required for taking up outside work)

1. Directorate civil servants retired on pensionable or new permanent terms –
D8 or equivalent – 3 years;
Others – 2 years.
2. Directorate civil servants who left the service on grounds other than retirement after six or more years of continuous service –
D8 or equivalent – 3 years;
Others – 2 years.
3. Directorate civil servants who left the service on grounds other than retirement after less than six years of continuous service –
D8 or equivalent – 1.5 years;
Others – 1 year.

(VII) Assessment criteria

1. The key factors of consideration are as set out in the policy objective under Section (II).
2. The specific considerations of an application include –
 - (a) the duties and responsibilities of the applicant during his/her last six years (for a D4 to D8 (or equivalent) civil servant) or three years (for a D1 to D3 (or equivalent) civil servant) of government service. Where necessary, a longer period of service history will be considered;
 - (b) whether the applicant was involved in the formulation of any policies or decisions, the effects of which directly or specifically benefited or could directly or specifically benefit his/her own business or his/her prospective employer;
 - (c) whether the applicant or his/her prospective employer might gain an unfair advantage over its competitors because of the applicant's access to sensitive information while in government service;
 - (d) whether the applicant was involved in any contractual or legal dealings to which the prospective employer was a party;
 - (e) whether the proposed 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;

(f) whether the applicant's taking up of the proposed work would give rise to public suspicion of conflict of interest or other impropriety; (g) 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 (h) whether any aspects of the applied-for work would cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service.
<i>(VIII) Standard work restrictions</i>
1. Standard work restrictions will be imposed on all approved cases of outside work. The applicants 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 they had been involved or to which they had access during their 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.
<i>(IX) Blanket approval</i>
1. Blanket permission is given for unremunerated work with the specified organisations throughout the entire period from cessation of active service to the expiry of control period.
<i>(X) Transparency</i>
1. For approved outside work taken up by directorate civil servants, the basic information (limited to the name of the applicant, his/her last civil service post title, date of cessation of active service, restrictions/sanitisation imposed on the approved work, commencement date of the approved work, and where applicable, identity of outside employer, the applicant's position in the outside organisation and a brief description of his/her main duties in the outside organisation) as well as the advice of the Advisory Committee will be included in a register maintained by CSB for public inspection. The register is posted on CSB's website (https://www.csb.gov.hk).

2. As regards unpaid outside work performed under the blanket permission for all directorate civil servants, the relevant information may be disclosed on a case-by-case basis where there is public concern.

Annex B

**Applications for Post-service Outside Work by Directorate Civil Servants
(1 January – 31 December 2024)¹**

(A) Applications

No. of applications considered by the Advisory Committee:	32
No. of applications recommended for approval by the Advisory Committee:	31
No. of applications approved by SCS:	31
No. of applications recommended for rejection by the Advisory Committee:	1
No. of applications rejected by SCS:	1

(B) Break between government service and applied-for outside work recommended for approval by the Advisory Committee

No. of applications where the applicants were suggested to commence the applied-for outside work upon the end of the pre-determined minimum sanitisation period of 6/12 months	19 ²
No. of applications where the applicants were suggested to take up the applied-for outside work earlier than the end of the pre-determined minimum sanitisation period of 6/12 months	3 ³
No. of applications where the applicants were not subject to any pre-determined minimum sanitisation period ⁴	9 ⁵
Total	31

¹ Data are prepared on the basis of the date of approval/rejection of an application by SCS.

² In all cases, the approved date of commencement of the applied-for work was the same as that recommended by the Advisory Committee.

³ Two applications involved work with specified non-commercial organisations while one application involved work of a commercial nature with no real, potential or perceived conflict of interest with the applicant's former government duties. All these three applications warranted exceptional considerations, and the approved date of commencement of the applied-for work (which was eventually approved) was the same as that recommended by the Advisory Committee.

⁴ There is no pre-determined minimum sanitisation period for directorate civil servants leaving the Civil Service on grounds other than retirement (e.g. on completion or termination of agreement, or resignation). Where appropriate, a sanitisation period on an application-specific basis may be imposed, having regard to concerns over conflict of interest and public perception.

⁵ Three applications involved work with specified non-commercial/statutory organisations while six applications involved work of a commercial nature with no real, potential or perceived conflict of interest with the applicants' former government duties. The average break from cessation of active service for these cases was 8.8 months. In all cases, the approved date of commencement of the applied-for work was the same as that recommended by the Advisory Committee.

(C) Number of applicants by rank and applications

Directorate rank (or equivalent)	Number of applicants	Number of applications⁶
D1	6	8
D2	11	12
D3	3	6
D4	1	2
D5	0	0
D6	4	4
D8	0	0
Total	25	32

(D) Approved post-service outside work applications by nature of prospective employers

Work nature	Private commercial organisations	Non-commercial entities	Total
Paid work	6	19	25
Unpaid work	5	1	6
Total	11	20	31

⁶ An applicant has to submit an application for each applied-for work. Hence the number of applications can be greater than the number of applicants.

(E) Approved post-service outside work applications with private commercial organisations by nature of business

Nature	Paid work			Unpaid work			Total
	Part-time	One-off project	Full-time	Part-time	One-off project	Full-time	
Banking / Finance			1				1
Event Management	1						1
Information Technology						1	1
Legal Service					3		3
Manufacturing / Trading / Retailing	1						1
Media / Publishing / Broadcasting				1			1
Medical	2						2
Transport / Logistics			1				1
Total	4	0	2	1	3	1	11

(F) Approved post-service outside work applications with non-commercial entities

Nature	Paid work			Unpaid work			Total
	Part-time	One-off project	Full-time	Part-time	One-off project	Full-time	
Academic institutions	4	2	3				9
Non-profit making organisations not primarily engaged in commercial operations	1	1		1			3
Statutory organisations	1	1	6				8
Total	6	4	9	1	0	0	20

(G) Approved post-service outside work applications by functional nature

Functional nature	Number of applications
Advisory Service	1
Banking / Finance	2
Consultancy	1
Corporate Governance	1
Education	11
Entertainment	1
Legal Service	1
Management	6
Manufacturing / Trading / Retailing	1
Media / Publishing / Broadcasting	1
Medical	2
Works	3
Total	31

Annex C

**Notification of Unpaid Outside Work
with Specified Non-commercial Organisations
(1 January – 31 December 2024)¹**

(A) Number of directorate civil servants by rank and notifications

Directorate rank (or equivalent)	Number of directorate civil servants	Number of notifications²
D1	9	10
D2	14	19
D3	9	11
D4	1	1
D5	0	0
D6	5	17
D8	1	2
Total	39	60

¹ Data are prepared on the basis of the date of CSB's receipt and acknowledgement of the notification.

² A directorate civil servant has to submit a notification for each unpaid outside work. Hence the number of notifications can be greater than the number of directorate civil servants.

(B) Notifications of unpaid outside work with specified non-commercial organisations by nature of organisations

Nature of organisations	Number of notifications
Academic institutions	14
Charitable organisations	32
Non-profit making organisations not primarily engaged in commercial operations	14
Total	60

(C) Notifications of unpaid outside work by functional nature

Functional nature	Number of notifications
Advisory	15
Education	8
Management	7
Others	30
Total	60

Annex D

**Post-retirement Outside Work of Non-directorate Civil Servants
(1 January – 31 December 2024)**

(A) Applications

No. of applications considered by bureaux/departments:	428
No. of applications approved by bureaux/departments:	425
No. of applications rejected by bureaux/departments:	3

(B) Number of applicants by rank and applications

Master Pay Scale (MPS) (or equivalent)	Number of applicants	Number of applications¹
Below MPS Point 14	1	1
MPS Point 14 – 33	199	239
MPS Point 34 or above	138	188
Total	338	428

**(C) Approved post-service outside work applications by nature of
prospective employers**

Work nature	Private commercial organisations	Non-commercial entities	Total
Paid work	176	243	419
Unpaid work	3	3	6
Total	179	246	425

¹ An applicant has to submit an application for each applied-for work. Hence the number of applications can be greater than the number of applicants.

(D) Approved post-service outside work applications with private commercial organisations by nature of business

Nature	Paid work			Unpaid work			Total
	Part-time	One-off project	Full-time	Part-time	One-off project	Full-time	
Accommodation and Food Service	5		3				8
Administrative / Support Service	2		2				4
Banking / Finance	2		2				4
Education	4	2	1	1			8
Entertainment / Recreation	4	3		1			8
Legal Service			1				1
Maintenance Management	4		7				11
Management Consultancy	2	1	7				10
Manufacturing / Trading / Retailing	3		2				5
Medical	19	1	5				25
Printed Media / Broadcasting / Publishing	1						1

Nature	Paid work			Unpaid work			Total
	Part-time	One-off project	Full-time	Part-time	One-off project	Full-time	
Real Estate / Property Development	1		8				9
Security	5	1	7				13
Transport and Logistics	10		9				19
Works	4		32				36
Others	12	1	3	1			17
Total	78	9	89	3	0	0	179

(E) Approved post-service outside work applications with non-commercial entities

Nature	Paid work			Unpaid work			Total
	Part-time	One-off project	Full-time	Part-time	One-off project	Full-time	
Academic institutions	35	9	8	1			53
Charitable organisations	20	7	1			1	29
Non-profit making organisations not primarily engaged in commercial operations	19	9	8	1			37
Regional / International organisations	2						2
Statutory organisations	40	8	77				125
Total	116	33	94	2	0	1	246

(F) Approved post-service outside work applications by functional nature

Functional nature	Number of applications
Columnist/Talk Show Host	1
Consultancy Service	15
Driving	17
Education	78
Finance and Accounting	1
Information Technology	1
Legal Service	1
Management	24
Medical	88
Office Administration / Support	44
Real Estate / Property Development	12
Sales / Marketing	5
Security	20
Works	61
Others	57
Total	425