

CONFIDENTIAL

Form CSB/PSW/3 (non) (9/2015)

Application for Permission to Take up Post-service Outside Work by Non-directorate Civil Servants Retiring / Retired on Pensionable Terms

(Before filling out this Application Form, an applicant should read Civil Service Regulation 398 and Civil Service Bureau Circular No. 9/2015. An applicant should complete this Form in a full, frank and honest manner.)

To: _____

Policy Objective: Non-directorate civil servants on pre-retirement leave or former non-directorate civil servants in the first two years of retirement are subject to a prescribed control regime on post-service outside work during the 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 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: Unless otherwise specified in Civil Service Bureau (CSB) Circular No. 9/2015 and Civil Service Regulation (CSR) 398, non-directorate civil servants retiring / retired from the Government on pensionable terms are required to apply for prior permission from the authority if they wish to take up post-service outside work during the pre-retirement leave and/or in the first two years of retirement. Applications may be approved without conditions or subject to conditions or rejected.

Assessment Criteria: An application will be assessed having regard to the underlying principles set out in CSB Circular No. 9/2015, CSR 398 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 -

- (a) the duties and responsibilities of the applicant during his / her last two years of government service. Where necessary, a longer period of service history will be considered;
- (b) whether the applicant, while in the above specified period of government service, had been involved in the formulation of any policy or decisions, the

CONFIDENTIAL

- 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 aspect of the applied-for work would cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service.

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

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 pre-retirement leave, if applicable) : _____
7. Date of leaving the Government *(on expiry of pre-retirement leave, if applicable)* : _____
8. Pension Scheme:
- Old Pension Scheme
 - New Pension Scheme

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

CONFIDENTIAL

9. Service history during the last two years of government service:

| 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)

10. Name of employer
(English): _____ (Chinese): _____

11. Contact person of employer and telephone no.: _____

12. Address of employer: _____

13. 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):

14. Employer's major clientele: _____

15. Employer's parent company, if applicable: _____

16. Employer's subsidiaries, if applicable: _____

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

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

CONFIDENTIAL

(B) The Applied-For Outside Work

17. Job title (English): _____ (Chinese): _____

18. Work address (if different from the address in item 12 above): _____

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

20. Will you be involved in any way in the business of the employer's parent company or subsidiaries listed in items 15 and 16 above? Yes No
If yes, please provide details.

21. Proposed commencement date of the applied-for work: _____

22. 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*

23. 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)?

PART III: SELF-EVALUATION OF APPLICATION *(To be completed by the applicant)*

(Please answer the questions in items 24 to 28 on the basis of your duties during the last two years of your government service. If you will be involved in the business of the employer's parent company or any of its subsidiaries (see item 20 above), the reference to the employer below includes the parent company and /or the subsidiaries, as applicable.)

Please tick in the appropriate box.

* Please delete whichever is inappropriate.

CONFIDENTIAL

24. 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

25. (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

(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

26. (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

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

(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

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

CONFIDENTIAL

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

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

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

PART IV: NOTES TO THE APPLICANT

(A) Sanctions

Failure to obtain prior permission from the authority before taking up post-service outside work during the pre-retirement leave and / or the first two years of retirement or failure to comply with the 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;
- (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) issue of a reprimand letter which may be copied to the relevant employer; and / or
- (h) issue of a warning letter which may be copied to the relevant employer.

(B) Submission of Application

A non-directorate civil servant retiring / retired from the Government on pensionable terms should complete and return the Application Form to the relevant authority.

An applicant should allow at least one month for processing of an application before the commencement date of the proposed work.

Please tick in the appropriate box.

* Please delete whichever is inappropriate.

CONFIDENTIAL

(C) 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 bureaux / departments;
 - (ii) verifying information with government bureaux / departments and / or parties outside the Government which are relevant to the application; and
 - (iii) 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 398 and CSB Circular No. 9/2015 and any other Circulars or Circular Memoranda issued by CSB from time to time on the taking up of outside work by non-directorate civil servants retiring / retired from the Government on pensionable terms.
- (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 bureaux / departments for the purposes stated in Section C (a)(i) and (ii) above;
 - (ii) parties outside the Government which are relevant to the application for the purpose stated in Section C (a)(ii) above; and
 - (iii) the employer of the applicant, the relevant professional body and / or the public including the media and Legislative Council for the purpose stated in Section C (a)(iii) 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 relevant authority.

(D) Declaration

- (a) I have read CSR 398 and CSB Circular No. 9/2015 and the Notes on Use of Personal Data above.
- (b) 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.
- (c) I understand that I should seek prior approval from the authority regarding any material change to my approved and taken-up work (including change in major duties).

Signature of applicant

Date

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