

For discussion
On 16 February 2009

LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE

Committee on Review of Post-service Outside Work for Directorate Civil Servants Work Progress and Public Consultation Plan

Purpose

This paper briefs Members on the work progress and public consultation plan of the Committee on Review of Post-service Outside Work for Directorate Civil Servants; and invites Members' views on the control regime for post-service outside work for former directorate civil servants.

Background

2. In response to public concern over the post-service outside work of former directorate civil servants, the Chief Executive (CE) decided to set up an independent committee to review the relevant existing policy and arrangements. On 30 September 2008, the CE announced the terms of reference and membership of the Committee on Review of Post-service Outside Work for Directorate Civil Servants (hereafter referred to as the "Review Committee"), which are set out in the attached **Annex**.

Work Progress

3. The Review Committee is to complete its work and submit its findings to the CE in mid-2009. As at 9 February 2009, it has held 13

meetings. It has examined in detail the current post-service outside work control regime for former directorate civil servants, including its broad underlying principles; its policy objective; its coverage; and its design and operation.

4. The Review Committee has also, with the help of a consultancy commissioned by the Civil Service Bureau, studied the control regimes in seven overseas jurisdictions, which are among the top twenty jurisdictions considered to be most transparent and least corrupt¹ and represent a good mix of jurisdictions from different parts of the world. The studied jurisdictions are Australia, Canada, France, New Zealand, Singapore, the United Kingdom, and the United States of America.

5. The Review Committee has set up a dedicated website (www.dcspostservice-review.org.hk) in October 2008 to keep the public posted of its work and to receive written submissions from members of the public and stakeholders.

6. Having examined the current control regime in detail and made reference to overseas practices, the Review Committee has identified a number of salient issues which are set out below –

Underlying Principles

Issue 1: Should protecting the public interest and protecting an individual's right continue to be recognised as the two underlying principles of the control regime?

Policy Objective

Issue 2: Is the current policy objective appropriate? What is the view on including the following specific references in the policy objective –

- (a) avoidance of suspicion or perception of 'deferred reward' for past favour done during government

¹ The seven jurisdictions were among the top twenty jurisdictions on the Transparency International Corruption Perceptions Index and/or the 'Freedom from Corruption' ranking compiled by the Heritage Foundation as part of the Index of Economic Freedom for 2007 and 2008.

service?

- (b) gainful use of limited human resources and attractiveness of the civil service as a career?

Design and Operation of the Control Regime – The ‘3-Ps’

Periods of restriction

- Issue 3: Is the current length of ‘periods of restriction’ for post-service outside work appropriate? What is the view on –
- (a) the length of ‘periods of restriction’ for former directorate civil servants engaged in specified fields of work while in government service?
 - (b) the length of ‘periods of restrictions’ for post-service outside work in the same field as that pursued by a former directorate civil servant before leaving the government service?

Process

- Issue 4: Should the past dealings of a former directorate civil servant with the prospective employer’s parent and/or other related companies during his last few years of government service be disclosed and assessed for the purpose of conflict of interest, irrespective of whether the former directorate civil servant will have any future business dealings with these entities in the applied-for post-service work?
- Issue 5: Is the current imposition of work restrictions on approved taken-up outside work appropriate? Can the imposition of work restrictions address and mitigate public concern over potential or perceived conflict of interest?
- Issue 6: Should there be any change to the composition of and/or institutional support for the Advisory Committee on Post-service Employment of Civil

Servants?

Issue 7: Should there be any change to the pension suspension arrangement for post-service employment in specified subvented organisations by retired civil servants?

Issue 8: Are the sanctions provided under the current control regime adequate?

Public disclosure

Issue 9: Is the current public disclosure arrangement appropriate? What is the view on -

- (a) disclosing the post-service outside work taken up by former junior directorate civil servants as well?
- (b) disclosing the advice of the Advisory Committee on Post-service Employment of Civil Servants on each of the post-service appointments taken up by former directorate civil servants?

7. The Review Committee has an open mind on these issues at this stage. Before it formulates its position, it wishes to consult widely and receive views from members of the public and stakeholders.

Public Consultation Plan

8. The Review Committee will issue a public consultation document later this month. The consultation document will be put on the Review Committee's website. Copies will also be available at the Civil Service Bureau and District Offices of the Home Affairs Department. The public consultation will last for about two months.

9. The Review Committee will reach out to the public (including District Councils, academics, etc.) and relevant stakeholders (including civil service groups and individual serving or former directorate civil

servants) through a number of public forums and consultative sessions. The Review Committee also welcomes written submissions by post, fax or e-mail.

Advice Sought

10. Members are invited to note the Review Committee's work progress and the public consultation plan; and to offer views on the issues listed in paragraph 6 above.

Committee on Review of Post-service
Outside Work for Directorate Civil Servants
February 2009

**Committee on Review of Post-Service Outside Work for
Directorate Civil Servants**

Terms of Reference

The terms of reference of the committee are –

- (a) to review the existing policy and arrangements governing post-service outside work for directorate civil servants;
- (b) in the course of conducting the review in (a) above, to invite and consider submissions and representations; and
- (c) to submit findings and recommendations to the Chief Executive in mid 2009.

Membership (By alphabetical order)

Chairman : The Honourable Ronald ARCULLI, GBS, JP

Members : Mr Haider BARMA, GBS, JP

The Honourable CHAN Mo-po Paul, MH, JP

Professor CHAN Yuk-shee, BBS, JP

Professor CHEN Hung-yee Albert, JP

Mr CHEN Nan-lok Philip, SBS, JP

The Honourable EU Yuet-mee Audrey, SC, JP

The Honourable HO Chun-yan Albert

The Honourable LEUNG Kwan-yuen Andrew, SBS, JP

The Honourable TAM Yiu-chung, GBS, JP

Secretary for the Civil Service

(The Honourable YUE Chung-yee Denise, GBS, JP)