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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)

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.

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 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):

17. Employer's major clientele: _____

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

19. Employer's subsidiaries¹, if applicable: _____

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

20. Employer's associates¹, if applicable: _____

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

21. Employer's jointly controlled entities¹, if applicable: _____

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

¹ 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)?

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

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

(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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* Please delete whichever is inappropriate.

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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

(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

(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

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

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.

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.

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.

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

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;

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* 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;

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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, 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.

Signature of applicant

Date

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