

## Civil Service Regulation 398

Sept 2015 (b) *Non-directorate officers retiring on pensionable terms*

- Sept 2015 398 (1) Non-directorate officers who are on pensionable terms and leave the Government on retirement are required to apply for prior permission from the authority before taking up post-service outside work which commences during pre-retirement leave and continues after the date of retirement or in the first two years of retirement.
- Sept 2015 (2) (a) Non-directorate officers on pre-retirement leave and in the first two years of retirement are required to apply for prior permission before taking up outside work in Hong Kong.
- (b) Non-directorate officers on pre-retirement leave and in the first two years of retirement should inform the authority before taking up paid outside work involving duties outside Hong Kong but with Hong Kong connection (e.g. the work requires working in Hong Kong for part of the time, or the work is in a business connected with Hong Kong, or the employer is connected with Hong Kong, etc.) for the authority to decide whether prior permission is required.
- Sept 2015 (3) Outside work in this regulation and the relevant CSB Circulars, Circular Memoranda or Memoranda on the subject refers to paid or unpaid, full-time or part-time appointment, employment or any other work. It includes entering into business on one's own account, becoming a partner in a partnership, becoming an executive or non-executive director of a company, becoming an employee, etc. Re-employment by the Government (which includes re-employment on civil service terms and re-employment on non-civil service terms) or appointment to a government advisory board/committee is not regarded as outside work.

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- Sept 2015 398 (Cont'd) (4) Non-directorate officers on pre-retirement leave and in the first two years of retirement are given permission to take up unpaid post-service outside work with the following non-commercial organizations -
- (a) charitable, academic or other non-profit making organizations not primarily engaged in commercial operations;
  - (b) non-commercial regional/international organizations; or
  - (c) the Central Authorities of the People's Republic of China.

They should notify the authority at least two weeks prior to their taking up such work using a prescribed form.

- Sept 2015 (5) Blanket permission is given to all officers remunerated on the Model Scale 1 Pay Scale to take up any post-service outside work during pre-retirement leave and the first two years of retirement. They are therefore exempted from the requirement of obtaining prior permission or submitting prior notification for taking up post-service outside work.

- Sept 2015 (6) Blanket permission is given to non-directorate officers of the ranks as specified in relevant CSB Circulars, Circular Memoranda or Memoranda on the subject to take up any post-service outside work during pre-retirement leave and the first two years of retirement, subject to both of the following two conditions being met -

- (a) the non-directorate civil servant concerned has had no past dealings with the prospective employer in his/her last two years of government service; and
- (b) the non-directorate civil servant concerned has to comply with standard work restrictions in his/her taking up of the post-service outside work up to the end of two years of retirement.

They should notify the authority at least two weeks prior to their taking up such work using a prescribed form.

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- Sept 2015 398 (Cont'd) (7) The authorities for deciding on applications from non-directorate officers to take up post-service outside work are vested as follows -
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| (a) Head/Deputy Head/Assistant Head of Department or Grade, and Departmental Secretary   | Non-directorate officers   |
| (b) Head/Deputy Head/Assistant Head of Department, Chief Superintendent, Conditions of Service and Discipline/Senior Superintendent, Conditions of Service and Discipline and Superintendent, Conditions of Service, Retirement and Agreements | Non-directorate disciplined officers of the Hong Kong Police Force, including junior police officers |
- Sept 2015 (8) An application may be approved without conditions or subject to conditions (i.e. sanitization period and/or work restrictions) or rejected.
- Sept 2015 (9) Applications for post-service outside work should be made by way of a prescribed form and be submitted to the authority for a decision at least one month before the commencement date of the outside work.
- Sept 2015 (10) The key considerations to be taken into account when assessing an application are set out in the relevant CSB Circulars or Circular Memoranda or Memoranda, including whether there is real or potential conflict of interest between the applicant's former government duties and the proposed outside work, whether the applicant's taking up of the proposed outside work would cause well-founded negative public perception embarrassing the Government and undermining the image of the Civil Service, and whether the applicant's taking up of the proposed outside work would give rise to reasonable apprehension of deferred reward or benefit by a fair-minded and informed observer after having considered the relevant facts.
- Sept 2015 (11) The last two years of government service of the applicant will be taken into account when making the assessment. Where necessary, a longer period of service history will be considered.
- Sept 2015 (12) Applicants who have taken up the approved applied-for outside work should seek prior approval from the authority regarding any material change to their approved and taken-up work during the pre-retirement leave and/or the first two years of retirement.

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- Sept 2015 398 (Cont'd)
- (13) If an applicant is aggrieved by the decision of the authority on his/her application, he/she may ask the authority for a review of the decision by providing justifications and supplementary information. The applicant may also write to Secretary for the Civil Service who will give advice on the authority's decision. The applicant may also make representations to the Chief Executive.
- Sept 2015
- (14) Where there is a breach of the rules in this Regulation and/or the relevant CSB Circulars or Circular Memoranda or Memoranda, the authority may consider invoking either one or a combination of the forms of sanction as set out in the relevant CSB Circular, having regard to the nature and gravity of the breach.