

## Civil Service Regulations 550-564

### OUTSIDE WORK

#### I. While on duty

##### Principles governing “outside work”

550 The principles governing outside work by Government officers are as follows : -

- (a) Government has a prior call at all times on the abilities, energies and attention of all its staff;
- (b) outside activity (whether paid or unpaid) which may impair an officer’s performance of his duties or distract his attention from them must be avoided;
- (c) no Government employee has a right to supplement his income by outside work;
- (d) only in the most exceptional circumstances is outside work permissible during the officer’s normal working hours;
- (e) no Government employee may wear Government uniform or protective clothing while undertaking outside work;
- (f) if permission is given for an officer to take part in radio or television broadcasts/programmes which contain advertising or are commercially sponsored it will be on condition that no Government material is used (unless that material has been officially supplied to the Company); that the programme is not connected in any way with his official duties; that he does not take part actively in or between programmes in advertising commercial products or firms; and that no contract is signed with the Company concerned;

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- 550 (g) No professional or assistant professional officer may undertake paid  
(Cont'd) outside work in his profession either by way of private practice or as a paid employee, except for teaching work or where the work is clearly in public interest, and with the approval of the Head of Department;
- Mar 94 (h) Heads of Departments will not normally be permitted to undertake paid outside work. In exceptional circumstances, the Secretary for the Civil Service's permission should be sought.
- Mar 94 (i) Heads of Department may personally approve requests from other governments or international organisations for the provision of an expert in a particular field to advise on a project. However, cases involving the Head of Department himself should be forwarded to the Secretary for the Civil Service for consideration. Officers who are given permission to undertake such tasks on a consultancy basis are regarded as on duty during the period of their attachment. Permission will not be given in any case for the officer to retain more than 50% of the fee or honorarium offered and a lower percentage may well be judged appropriate.
- Mar 94 (j) Heads of Department may approve requests from other associations or organizations for officers to deliver talks or lectures on behalf of their departments. Officers delivering talks or lectures in their official capacity may be allowed to retain up to 100% of the honorarium offered provided that the talk is prepared and delivered outside office hours. If the talk is to be delivered within office hours, permission will not be given for the officer to retain more than 50% of the honorarium. The remaining sum should be forwarded to the Treasury.

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### PAID OUTSIDE WORK OUT OF WORKING HOURS

- 551 (1) An officer must obtain his Head of Department's consent before he: -
- (a) engages on his own account in outside work for remuneration of any sort; or
  - (b) accepts paid employment of any sort, outside of his normal working hours.
- (2) In considering applications, the Head of Department will take into account: -
- (a) the timing, frequency and duration of the work and its possible effect on the officer's efficiency;
  - (b) whether the remuneration involved is so considerable in relation to the officer's salary as possibly to result in some loss of interest in his Government appointment;
  - (c) whether the outside work proposed may (or appears to) conflict with the officer's duties as a Government servant;
  - (d) whether the arrangement proposed might be a source of embarrassment to Government;
  - (e) whether the outside work is in line with the principles of Regulations 520 – 525.
- (3) Such consent may be withdrawn at any time should it appear to the Head of Department that it is in the public interest to do so.

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- 551 (4) Heads of Departments must in any case review all such  
(Cont'd) arrangements every six months, and satisfy themselves that the officer's performance of his official duties is not suffering by reason of such outside work.

### **OUTSIDE WORK DURING WORKING HOURS (PAID OR UNPAID)**

- Mar 94 552 (1) Any officer wishing to undertake outside work of any sort during his normal working hours must first obtain permission from the Head of his Department. He should state in his application the amount of remuneration payable, if any, and whether the use of Government equipment is involved. The officer's Head of Department may give permission after considering the effect such work might have on the officer's performance of his duties, and being satisfied that the work is clearly in the public interest. Except as provided for in Regulations 563 and 564, an officer will not normally be allowed to retain more than 50% of the remuneration, and in some cases a lower percentage may be considered more appropriate. Outside work in connexion with a recognized Government staff association or trade union will normally be permitted during office hours where it does not interfere with the efficient discharge of the officer's duties.
- (2) A Head of Department must seek permission from the Secretary for the Civil Service if he wishes to undertake unpaid outside work during his normal working hours.

### **UNPAID OUTSIDE WORK OUT OF WORK HOURS**

- 553 An officer may, without official permission undertake outside activities, out of normal office hours, provided that he does not receive any remuneration in cash or in kind and further provided that there is no actual or potential conflict with the principles laid down in these Regulations. It is the responsibility of the officer before entering upon any such undertaking to consider conscientiously whether such conflict exists or may exist and if he thinks there is or may be any such conflict he must seek his Head of Department's consent.

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### **USE OF GOVERNMENT EQUIPMENT FOR OUTSIDE WORK**

Mar 94      554      An officer must obtain the Head of Department's consent before using Government equipment in respect of any outside work (paid or unpaid) undertaken under Regulations 551-553. Consent, if given, will be given only provided the officer pays to Government hire charges for the use of such equipment, in accordance with the rates which may from time to time be prescribed. In case of doubt as to the appropriate charge to be made in such circumstances, the Secretary for Financial Services and the Treasury should be consulted.

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### **GUIDANCE TO BE SOUGHT FROM CIVIL SERVICE BUREAU**

556      If departments are in doubt about whether or not to allow any particular application, the details should be forwarded to the Civil Service Bureau and guidance sought.

### **WORK FOR OTHER DEPARTMENTS**

557      For the purposes of these Regulations "outside work" includes work being done for other Government departments (including auxiliary services).

### **FAILURE TO COMPLY WITH REGULATIONS ON OUTSIDE WORK**

- Mar 94      558      (1) Disciplinary action will be taken against any officer who undertakes outside work without his Head of Department's written consent (Regulations 551 & 552), or who uses Government equipment for such work without his Head of Department's written consent (Regulation 554).
- (2) Failure to exercise proper judgment as to whether permission under Regulation 553 should be sought or not may render an officer liable to adverse notice in an annual or other staff report.

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### II. While on leave

- Mar 94      559      (1) Except as provided for in Regulation 388, prior approval for an officer to accept paid employment while on leave exceeding 30 days should be obtained from the following authorities who shall have regard to the principles laid down in Regulations ~~326(2)~~, 550 & 551 : -
- Dec 2005
- 398(2)

<u>Officer/Grade</u>	<u>Authority</u>
(a) Heads of Departments	Secretary for the Civil Service
(b) Officers in a centrally administered general grade except as specified in (c) below	Head of Grade
(c) Other officers (including officers in Clerical, Secretarial, Confidential Assistant and Telephone Operator Grades)	Head of Department

(2) An officer whose application under paragraph (1) is rejected may appeal to the Secretary for the Civil Service through his Head of Department or Head of Grade.

(3) Except as provided for in Regulation 388, prior approval for an officer to perform paid outside work while on leave of 30 days or less should be obtained under Regulation 551.

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Dec. 2005 559 (4) For non-directorate officers, except where specifically exempted, (Cont'd) prior approval is required for an officer to take up paid outside work whilst on pre-retirement leave, irrespective of whether such work is undertaken in Hong Kong or elsewhere. Where the paid outside work commences during pre-retirement leave and continues after the date of retirement and is undertaken in Hong Kong, the application procedure and approving authorities will be as set out in CSR 398. If the work whilst on pre-retirement leave is to be undertaken outside Hong Kong approval should be sought under CSR 559.

Dec. 2005 (5) Directorate officers who wish to take up outside work during their final leave should apply for prior permission in accordance with CSR 397.

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### III. Outside work with the Auxiliary Forces

562 (1) Government employees should be given every encouragement to join the Auxiliary Forces and, having joined, to fulfil their training and other commitments. However, all officers who are members of the Auxiliary Forces must conform with Regulations 550 to 559 and obtain permission from their Head of Department when they wish to perform duties with the Auxiliary Forces, except when this is done out of working hours for no remuneration.

Dec. 1997 (2) For the purposes of Regulations 562 to 564, the following organisations are considered to be Auxiliary Forces: the Government Flying Service, the Hong Kong Auxiliary Police Force, the Auxiliary Medical Service, and the Civil Aid Services.

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563. As a general rule, Government employees should not be released to perform duties with the Auxiliary Forces during normal working hours. However, approval may be given for an officer to take leave in order to perform duties with the Auxiliary Forces. In addition, as exceptions to the general rule, Heads of Departments are requested to give officers permission to perform duties with the Auxiliary Forces during working hours in the case of : -
- (a) Emergencies (e.g. rescue of disaster victims, arrival of refugees in large numbers, combating oil pollution, search and rescue operations on land or sea), except where the department in which the officer works is itself affected by the emergency and the Head of Department considers that the officer should not be released for that reason; and
  - (b) Annual training, provided that the work of the department will not be disrupted unduly. In this connexion, some staff are required to work on shifts or at weekends and, if possible, they should be enabled to attend training by a variation of shift or weekend working hours. For the information of Heads of Departments : -
    - (i) the Government Flying Service and the Hong Kong Auxiliary Police Force require attendance at annual training camps and a set number of hours of training, usually in the evenings and at weekends; and
    - (ii) the Auxiliary Medical Service and the Civil Aid Services do not normally hold annual training camps, but their members are required to put in a set number of hours and days of training each year.

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564. (1) Government employees who are members of the Auxiliary Forces may be permitted to attend training in places outside Hong Kong with the Auxiliary Forces in addition to the minimum required annual training, so long as they can be spared by their Head of Department and subject to certification by the Auxiliary Force concerned that the training is essential and to support by the Secretariat policy bureau.
- (2) Training in places outside Hong Kong permitted under paragraph (1) shall count as active service for the purposes of regulation 795.
- March 88 (3) Officers on training in places outside Hong Kong permitted under paragraph (1) shall be eligible for subsistence allowance in accordance with Regulation 1015.
- (4) Officers on training in places outside Hong Kong permitted under paragraph (1) shall not earn leave during their absence.