

11 November 2017

Education Bureau Internal Circular No. 6/2017

**Taking Up Outside Work by Non-directorate
Civil Servants Retiring/ Retired from the Government**

[Note : This circular should be read by all staff of the Education Bureau.]

Purpose

This Circular announces the updated arrangements governing the taking up of outside work by non-directorate civil servants retiring / retired from the Government on pensionable terms. The guidelines on outside work during an officer's active service in the Education Bureau (the Bureau) or outside work to be performed by a non-directorate civil servant during pre-retirement leave only (i.e. the work will end on or before expiry of leave period) are promulgated in Education Bureau Internal Circular (EDBIC) No. 5/2017. As regards directorate civil servants, they are subject to the post-service outside work control arrangements set out in Civil Service Bureau Circular No. 7/2011. EDBIC No. 1/2008 is hereby cancelled.

Underlying Principles

2. The control regime is underpinned by two principles, namely protection of the public interest and protection of an individual's right to work. The particular public interest to be protected under the control regime is public trust in the Government, good governance, and integrity and impartiality of the Civil Service. Protection of such public interest will only take precedence over protection of an individual's right to work where there is compelling reason justifying so doing in a particular case.

Policy Objective

3. The policy objective of the control regime, formulated with regard to the aforementioned underlying principles, is to ensure that -

- (a) non-directorate civil servants on pre-retirement leave or former non-directorate civil servants in the first two years of retirement will not take up work 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.

General Arrangement

4. Non-directorate civil servants who are on pensionable terms and leave the Government on retirement are required to apply for prior permission for taking up outside work which commences during pre-retirement leave¹ and continues after the date of retirement or in the first two years of retirement² (hereafter collectively referred to as “post-service outside work”).

5. Outside work 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 Government³ or appointment to a government advisory board/committee is not regarded as outside work.

6. Non-directorate civil servants who wish to take up post-service outside work in Hong Kong, whether paid or unpaid, are required to apply for prior permission from the authority (see paragraph 16 below), save for work covered by the blanket permission described in paragraphs 9 – 15 below. Applications may be approved without conditions or subject to conditions described in paragraphs 19 and 20 below, or rejected.

¹ Non-directorate civil servants who wish to undertake paid outside work during pre-retirement leave only should seek approval under Civil Service Regulation (CSR) 559. For undertaking unpaid outside work during pre-retirement leave only, they should observe CSR 553. For undertaking outside work which commences during pre-retirement leave and continues after the date of retirement or in the first two years of retirement, they should observe the arrangements as promulgated in this Circular and CSR 398.

² For the avoidance of doubt, non-directorate civil servants who are re-employed in the Government on civil service agreement terms without a break in service after retirement on pensionable terms are also subject to the control regime. The two years will count from the date of completion of the re-employment civil service agreement.

³ Re-employment by the Government may take two forms: (a) re-employment by the Government on civil service terms; and (b) re-employment by the Government on non-civil service terms.

7. Non-directorate civil servants who wish to take up paid part-time or full-time post-service 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.) are required to inform the authority of their intended work so that the authority could decide whether prior permission is required.

8. To maintain the integrity and standing of the Civil Service, it is important that non-directorate civil servants, even after they have ceased active service and retired from the Government, continue to act with good sense and propriety when considering what post-service outside work to take up as their actions will be seen by the public as a reflection of the culture and character of the Civil Service. They should avoid work which might be construed as being in conflict with their previous duties in the Government, or might bring the Civil Service into disrepute or cause public controversy.

Blanket Permission

For Work With Specified Non-commercial Organisations

9. Blanket permission is given to all non-directorate civil servants to take up unpaid outside work with the following specified non-commercial organisations during pre-retirement leave and the first two years of retirement -

- (a) charitable, academic or other non-profit-making organisations not primarily engaged in commercial operations;
- (b) non-commercial regional or international organisations; and
- (c) the Central Authorities of the People's Republic of China.

10. Non-directorate civil servants are required to notify the authority at least two weeks before commencing the work referred to in paragraph 9 above by completing the notification form of unpaid outside work with specified non-commercial organisations at **Annex A**⁴. They should seek advice from the respective Senior Executive Officers (Appointments & Personnel) (SExO(AP)s) if they are not sure whether certain work is covered by the blanket permission.

For Civil Servants Remunerated on Model Scale 1 Pay Scale

11. Blanket permission is given to all civil servants remunerated on the Model Scale 1 Pay Scale to take up outside work during the pre-retirement leave and within the first two years of retirement. They are not required to obtain prior permission or submit prior notification to the authority for taking up post-service outside work.

⁴ Retiring/retired non-directorate civil servants appointed on pensionable terms who ceased active duty before 1 September 2015 should also use the Notification Form at **Annex A** for submitting their notifications.

For Non-directorate Civil Servants of Specified Ranks

12. Blanket permission is given to all non-directorate civil servants at the ranks listed at **Annex B** to take up outside work during the pre-retirement leave and within 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 of the kinds as prescribed below with the prospective employer in his/her last two years of government service. Such dealings include -
 - (i) involvement in preparation and/or assessment of contracts and/or tenders in which the prospective employer was one of the bidders or the awardee;
 - (ii) involvement in evaluating and/or assessing applications to the Government for funding, licence, project or on other matters in which the prospective employer was an applicant or an applicant's agent/representative;
 - (iii) monitoring of the performance of the prospective employer under a Government contract (or related sub-contract(s))/tender/licence/franchise;
 - (iv) supervision of a Government contract (including material testing and payment checking), the works carried out or services provided by the prospective employer in the capacity of a party to the contract or a subcontractor of any tier of a party to the contract;
 - (v) performing enforcement/regulatory duties against the prospective employer;
 - (vi) participation in work related to court processes and/or quasi-judicial matters which are related to the prospective employer;
 - (vii) involvement in investigation into the prospective employer or the prospective employer's business interests; and
 - (viii) having access to classified or sensitive information which is directly relevant to the prospective employer and may give the prospective employer an unfair advantage if such information were to be made known to the prospective employer.

In assessing whether the non-directorate civil servant has had past dealings with the prospective employer, the "employer" should be taken to mean the prospective employer as well as its parent company or subsidiaries, irrespective of whether or not the non-directorate civil servant will be involved in the business of these entities.

- (b) The non-directorate civil servant concerned has to comply with all the following standard work restrictions in his/her taking up of the post-service

outside work up to the end of the first two years of retirement –

- (i) He/she will not deal, either in his/her own capacity or on behalf of his/her employer, with the bureau(x)/department(s) in which he/she worked in his/her last two years of government service, on matters relating to -
 - the bidding for any government land, property, projects, contracts or franchises; or
 - the application to the Government for funding, licence, project or other matters in which the prospective employer was an applicant or an applicant's agent/representative; or
 - court processes and/or quasi-judicial proceedings.
- (ii) He/she will not directly or indirectly undertake or represent any person in any work including but not limited to any litigation, inquiries or lobbying activities that are connected in any way with -
 - contractual or legal dealings;
 - assignments or projects; and
 - enforcement or regulatory dutiesin which he/she had been involved or to which he/she had access during his/her last two years of government service.
- (iii) He/she will not use or disclose any classified or sensitive information acquired while he/she was in government service in the course of his/her appointment with the prospective employer/taking up his/her own business.

13. While giving blanket permission to the non-directorate civil servants of specified ranks, to address any concerns about conflict of interest or negative public perception, the authority will have discretion to -

- (a) widen the scope of past dealings set out in paragraph 12(a) above; and/or
- (b) impose additional work restriction(s) on top of the standard work restrictions set out in paragraph 12(b) above.

In such case, the authority is required to promulgate the arrangements to the non-directorate civil servants concerned clearly.

14. While non-directorate civil servants of specified ranks are not required to obtain prior permission for taking up post-service outside work, they are required to notify the authority at least two weeks before commencing such work by completing the notification form of outside work by non-directorate civil servants of specified ranks at **Annex C**.

15. For the avoidance of doubt, no blanket permission would be given if the non-directorate civil servant concerned fails to meet any of the two pre-determined conditions set out in paragraph 12(a) and (b) above or any additional conditions imposed by the authority under paragraph 13 above. In such case, he/she has to submit a post-service outside work application in accordance with paragraph 16 below to the

authority for approval if he/she intends to take up the post-service outside work. On the other hand, if the non-directorate civil servant does not wish to be subject to the pre-determined conditions, he/she may apply to the authority for taking up the post-service outside work concerned in accordance with paragraph 16 below. In both cases, the authority will consider and decide on the application in accordance with paragraphs 17 to 20 below.

Application for taking up post-service outside work not covered by blanket permission

Application Submission

16. The authority for deciding on applications to take up post-service outside work by departmental non-directorate civil servants, clerical and secretarial grades civil servants retired on pensionable terms is vested in Principal Assistant Secretary (Administration) (PAS(Adm)). Approving authority for applications from other general grades civil servants rests with the respective Heads of Grade. Departmental non-directorate civil servants, clerical and secretarial grade civil servants on pre-retirement leave and during the first two years of retirement who wish to take up post-service outside work not covered by the blanket permission stated in paragraphs 9 - 15 above are required to complete and submit the application form at **Annex D** to the authority for a decision⁵. It is incumbent upon an applicant to provide full information as required in the application form in a frank and honest manner. The applicant should allow at least one month for processing of an application before the commencement date of the proposed work.

Assessment Criteria

17. Each application will be assessed having regard to the underlying principles and the policy objective set out in paragraphs 2 and 3 above and the key considerations 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 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;

⁵ Retiring/retired non-directorate civil servants appointed on pensionable terms who ceased active duty before 1 September 2015 should also use the Application Form at **Annex D** for submitting their applications.

- (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.

Decision

18. The authority will consider and decide on each application, having regard to the underlying principles and policy objective set out in paragraphs 2 and 3 above and the assessment criteria described in paragraph 17 above. An assessment form is prescribed at **Annex E** for this purpose. The concerned Division/Section has to complete Part A of the assessment form and forward it to PAS(Adm) [Attn: Clerical Officer (Service & Record) (CO(S&R)) of the Appointments & Personnel (AP) Section] for further action. The authority may approve (subject to the conditions described in paragraphs 19 and 20 below) or reject an application. The decision will be conveyed to the applicant in writing.

Conditions

Sanitisation Period

19. The purpose of imposing a sanitisation period is to forestall conflict of interest or negative public perception. The sanitisation period counts from the date of cessation of active duty. The authority may decide whether it is necessary to impose a sanitisation period (and if so, its duration) on an application-specific basis, having regard to concerns over conflict of interest and public perception. The applicant can only take up the applied-for post-service outside work after the expiry of the sanitisation period, failing which sanctions will be imposed (see paragraph 23 below). For the avoidance of doubt, where a sanitisation period is imposed on an applicant in relation to his/her post-service outside work with a specified non-commercial organisation, despite the blanket permission described in paragraph 9 above, the applicant is not allowed to undertake any unpaid work that is connected with his/her post-service outside work with the same

specified non-commercial organisation during the sanitisation period.

Work Restriction(s)

20. The purpose of imposing work restriction(s) is to address concerns over conflict of interest or negative public perception. The authority may, where necessary, impose work restriction(s) on an application-specific basis. Applicants should consult the respective SExO(AP)s if they have any question on the work restriction(s) imposed. Applicants must comply with all the work restrictions, failing which sanctions will be imposed (see paragraph 23 below).

Monitoring

21. All applicants who take up the approved applied-for work are required to seek prior approval from the authority regarding any material change to their approved and taken-up work (including change in major duties) during the pre-retirement leave and/or the first two years of retirement. They should submit written application to PAS(Adm) [Attn: CO(S&R) of the AP Section] prior to any change.

Review/Representation Channels

22. Where an applicant is aggrieved by the decision of the authority, he/she may ask the authority for a review of the decision by providing justifications and supplementary information. The authority will inform the applicant of the decision on the review in writing. The applicant may also write to the Secretary for the Civil Service who will give advice on the authority's decision. The applicant may also make representations to the Chief Executive.

Sanctions

23. Where there is a breach of the requirements set out in the revised CSR 398, this Circular, or any other relevant CSB/EDB Circulars/Circular Memoranda/Memoranda, the authority may, having regard to the nature and gravity of the breach, invoke either one or a combination of the following sanctions -

- (a) suspension of monthly pension payments under the pension legislation⁶;
- (b) initiating civil action to seek an injunction or sue for damages;
- (c) withdrawal of approval;
- (d) suspension of approval for a specified period;

⁶ The authority to suspend pension is vested in the Secretary for the Civil Service.

- (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.

Enquiries

24. Any enquiries about this Circular may be addressed to the respective SExO(AP)s or Senior Clerical Officer (Personnel) at 2892 6146.

Alice LAU
for Permanent Secretary for Education

RESTRICTED (STAFF)**Notification of Unpaid Outside Work
with Specified Non-commercial Organisations^{Note 1}**

(Before filling out this Notification Form, an officer should read
Civil Service Regulation 398 and Education Bureau Internal Circular No. 6/2017.
An officer should complete this Form in a full, frank and honest manner.)

To^{Note 2:} PAS(Adm)
(Attn: CO(S&R))

I hereby notify you of the following outside work which I shall undertake under the blanket permission given for unpaid outside work with specified non-commercial organisations -

(A) Personal particulars

Name
(Chinese and English): _____ Last government
post & rank: _____

Address: _____

Telephone: _____ E-mail: _____

Date of cessation of active duty (*commencement of pre-retirement leave, if applicable*): _____

Date of leaving the Government (*on expiry of pre-retirement leave, if applicable*): _____

(B) Details of outside work

Name of organisation: _____

Work address : _____

Nature of organisation: charitable / academic / other non-profit-making organisation not primarily engaged in commercial operations*
 non-commercial regional / international organisation*
 the Central Authorities of the People's Republic of China

Organisation's major
business activities: _____

Job title: _____ Job commencement date: _____

Major duties and responsibilities: _____

* Please delete as appropriate

Signature : _____

Date : _____

Notes

Note 1: Specified non-commercial organisations are listed below -

- (a) charitable, academic or other non-profit-making organisations not primarily engaged in commercial operations;
- (b) non-commercial regional or international organisations; and
- (c) the Central Authorities of the People's Republic of China.

Blanket permission is given for all civil servants subject to post-service outside work control to take up unpaid outside work with the above organisations.

Note 2: This notification must be given at least two weeks prior to the taking up of the unpaid outside work. A non-directorate civil servant retiring / retired on pensionable terms should return the completed Notification Form to the relevant authority.

Note 3: Use of Personal Data

Purpose of Collection

- (a) The personal data and other related information provided by the officer in this Form or through subsequent communication will be used for the purposes of -
 - (i) processing the notification by government bureaux / departments;
 - (ii) verifying information with government bureaux / departments and / or parties outside the Government which are relevant to the notification; and
 - (iii) applying sanctions against the officer 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 EDB Internal Circular No. 6/2017 and any other circulars or circular memoranda issued by CSB and EDB 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 Notification Form is obligatory.

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 (a)(i) and (ii) above;
 - (ii) parties outside the Government which are relevant to the notification for the purpose stated in (a)(ii) above; and
 - (iii) the employer of the officer, the relevant professional body and / or the public including the media and Legislative Council for the purpose stated in (a)(iii) above.

Access to Personal Data

- (d) An officer 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.

**Specified Ranks for Blanket Permission for
Taking up Post-service Outside Work**

Ranks

1. Artisan
2. Assistant Clerical Officer
3. Calligraphist
4. Chauffeur
5. Clerical Assistant
6. Computer Operator II
7. Confidential Assistant
8. Laboratory Technician III
9. Motor Driver
10. Office Assistant
11. Personal Chauffeur
12. Personal Secretary II
13. Projectionist
14. Supplies Assistant
15. Supplies Supervisor II
16. Works Supervisor I
17. Works Supervisor II

RESTRICTED (STAFF)**Notification of Outside Work
by Non-directorate Civil Servants of Specified Ranks** ^{Note 1}

(Before filling out this Notification Form, an officer should read
Civil Service Regulation 398 and Education Bureau Internal Circular No. 6/2017.
An officer should complete this Form in a full, frank and honest manner.)

To ^{Note 2:} PAS(Adm)
(Attn: CO(S&R))

I hereby notify you of the following *paid / unpaid outside work which I shall undertake under the blanket permission given for non-directorate civil servants of specified ranks -

(A) Personal particulars

Name
(Chinese and English): _____ Last government
post & rank: _____

Address: _____

Telephone: _____ E-mail: _____

Date of cessation of active duty (*commencement of pre-retirement leave, if applicable*): _____

Date of leaving the Government (*on expiry of pre-retirement leave, if applicable*): _____

(B) Details of outside work

Name of employer / details
of my own business: _____

Work address: _____

Business nature
& activities: _____

Outside work title: _____ Commencement date
of outside work: _____

Major duties
and responsibilities: _____

* Please delete as appropriate.

2. I confirm that (a) I have had no past dealings with the prospective employer in my last two years of government service^{Note 3}; and (b) I shall comply with the standard work restrictions in my taking up of the post-service outside work up to the end of two years of retirement^{Note 4}. I undertake that I shall submit an application to seek prior permission from the authority in accordance with the promulgated arrangements if there is any material change to the said outside work (including change in major duties) to the effect that I will no longer meet the above two conditions for taking up the outside work.

Signature : _____

Date : _____

Notes

Note 1: This Notification Form is required to be filled in by non-directorate civil servants of specified ranks who wish to take up outside work during their pre-retirement leave and / or 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 the standard work restrictions in his / her taking up of the outside work up to the end of two years of retirement.

Note 2: This notification must be given at least two weeks prior to the taking up of the outside work. A non-directorate civil servant retiring / retired on pensionable terms should return the completed Notification Form to the relevant authority.

Note 3: Past dealings with the prospective employer include -

- (a) involvement in preparation and / or assessment of contracts and / or tenders in which the prospective employer was one of the bidders or the awardee;
- (b) involvement in evaluating and / or assessing applications to the Government for funding, licence, project or on other matters in which the prospective employer was an applicant or an applicant's agent/representative;
- (c) monitoring of the performance of the prospective employer under a Government contract (or related sub-contract(s)) / tender / licence / franchise;

- (d) supervision of a Government contract (including material testing and payment checking), the works carried out or services provided by the prospective employer in the capacity of a party to the contract or a subcontractor of any tier of a party to the contract;
- (e) performing enforcement / regulatory duties against the prospective employer;
- (f) participation in work related to court processes and / or quasi-judicial matters which are related to the prospective employer;
- (g) involvement in investigation into the prospective employer or the prospective employer's business interests; and
- (h) having access to classified or sensitive information which is directly relevant to the prospective employer and may give the prospective employer an unfair advantage if such information were to be made known to the prospective employer.

In assessing whether a non-directorate civil servant has had past dealings with the prospective employer, the "employer" should be taken to mean the prospective employer as well as its parent company or subsidiaries, irrespective of whether or not the non-directorate civil servant will be involved in the business of these entities.

Note 4: The standard work restrictions that the non-directorate civil servant concerned has to comply with include -

- (a) He / she will not deal, either in his/her own capacity or on behalf of his / her employer, with the bureau(x) / department(s) / organisation(s) in which he / she worked in his / her last two years of government service, on matters relating to -
 - (i) the bidding for any government land, property, projects, contracts or franchises; or
 - (ii) the application to the Government for funding, licence, project or other matters in which the prospective employer was an applicant or an applicant's agent / representative; or
 - (iii) court processes and / or quasi-judicial proceedings.
- (b) He / she will not directly or indirectly undertake or represent any person in any work including but not limited to any litigation, inquiries or lobbying activities that are connected in any way with -
 - (i) contractual or legal dealings;
 - (ii) assignments or projects; and
 - (iii) enforcement or regulatory dutiesin which he / she had been involved or to which he / she had access during his / her last two years of government service.
- (c) He / she will not use or disclose any classified or sensitive information acquired while he / she was in government service in the course of his / her appointment with the prospective employer / taking up his / her own business.

Note 5: Use of Personal Data

Purpose of Collection

- (a) The personal data and other related information provided by the officer in this Form or through subsequent communication will be used for the purposes of -
- (i) processing the notification by government bureaux / departments;
 - (ii) verifying information with government bureaux / departments and / or parties outside the Government which are relevant to the notification; and
 - (iii) applying sanctions against the officer 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 EDB Internal Circular No. 6/2017 and any other circulars or circular memoranda issued by CSB and EDB 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 Notification Form is obligatory.

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 (a)(i) and (ii) above;
 - (ii) parties outside the Government which are relevant to the notification for the purpose stated in (a)(ii) above; and
 - (iii) the employer of the officer, the relevant professional body and / or the public including the media and Legislative Council for the purpose stated in (a)(iii) above.

Access to Personal Data

- (d) An officer 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.

CONFIDENTIAL**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 Education Bureau Internal Circular No. 6/2017. An applicant should complete this Form in a full, frank and honest manner.)

To: PAS(Adm)
(Attn: CO(S&R))

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 Education Bureau (EDB) Internal Circular No. 6/2017 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 EDB Internal Circular No. 6/2017, CSR 398 and relevant Circular Memoranda or Memoranda promulgated by CSB and EDB 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 PAS(Adm) [Attn: CO(S&R)].

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 EDB Internal Circular No. 6/2017 and any other Circulars or Circular Memoranda issued by CSB and EDB 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 EDB Internal Circular No. 6/2017 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.

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

(Please provide your assessment on the basis of the applicant’s duties during the last two years of government service. If the applicant will be involved in the business of employer’s parent company or any of its subsidiaries (see item 20 of the Application Form (Annex D of EDBIC No. 6/2017)), the reference to the employer below includes the parent company and/or the subsidiaries, as applicable. Where necessary, a longer period of service history may be considered.)

PART A *(To be completed by an officer familiar with the duties of the applicant and at a rank with a pay point of Master Pay Scale Point 34 or above (or equivalent) and at least two substantive ranks above the applicant.)*

- 1. If any of the information provided by the applicant in Parts I to III of the Application Form is, to your knowledge, incorrect, please indicate below -

- 2. Please provide elaboration if the applicant was / is involved in the formulation of any policy or decisions, the effects of which directly or specifically benefited, or could directly or specifically benefit his / her employer or his / her own business.

- 3. (a) Please provide elaboration if the applicant had / has any access to sensitive information while in government service, including that of competitors of the applicant’s employer / the applicant’s own business. Please also provide details and assessment as to whether the employer / the applicant’s own business might gain an unfair advantage over the competitors because of the applicant’s access to sensitive information.

- (b) Please provide elaboration if the applicant had / has any contacts or dealings with companies which may be considered as competitors of the employer or his / her own business while in government service. Please also provide details and assessment as to whether the employer / the applicant’s own business might gain an unfair advantage over the competitors as a result of such contacts or dealings.

- 4. (a) Please provide elaboration if the applicant had / has any contractual dealings to which the employer was / is a party and the details of his / her involvement (e.g. award of a contract,

CONFIDENTIAL

contract administering and monitoring, giving professional / technical advice before or after the award of the contract, the number / value / nature of the contracts, etc.)

- (b) Please provide elaboration if the applicant had / has any legal dealings with the employer and the details.

- (c) Please provide elaboration if the applicant had / has any other official contacts / dealings with the employer and the details.

- 5. Please provide elaboration if the applicant was / is involved in any assignments / projects and / or regulatory / enforcement duties which are connected in any way with his / her duties and responsibilities under the applied-for outside work and the details.

- 6. Apart from the information elaborated in items 2 to 5 above, please advise if the applicant had / has gained any other information / knowledge while in government service which is relevant to the business of the employer or his / her own business and which is also relevant to the assessment of the application.

- 7. Please provide other information (if any) on the connection between the applicant's former government duties and his / her applied-for outside work which is relevant to the assessment of the application.

- 8. Please give an assessment on whether the applicant's applied-for outside work would constitute any real conflict of interest or public suspicion of conflict of interest with his / her former government duties. Please also give an assessment on whether the applicant's taking up of the applied-for outside work would give rise to other impropriety.

CONFIDENTIAL

PART B *(To be completed by the relevant decision authority, if Part A is not completed by him / her).*

12. Having regard to the information and elaboration provided in items 24 to 28 of the Application Form and items 2 to 10 above, please provide other information (if any) on the connection between the applicant's former government duties and his / her applied-for outside work which is relevant to the assessment of the application.

13. Please give an assessment on whether the applicant's applied-for outside work would constitute any real conflict of interest or public suspicion of conflict of interest with his / her former government duties. Please also give an assessment on whether the applicant's taking up of the proposed outside work would give rise to other impropriety.

14. Please give an assessment on whether a fair-minded and informed observer, having considered the relevant facts, would conclude that the applied-for work will give rise to reasonable apprehension of deferred reward or benefit.

15. 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.

CONFIDENTIAL

16. Decision on the application -

- Approve the application without sanitisation or any restriction.
- Approve the application subject to the following conditions -
 - a sanitisation period of _____ months from cessation of active duty; and / or
 - the following restrictions -

Reasons: _____

- Reject the application.

Reasons: _____

Signature	Name	Rank / Post	Date
-----------	------	-------------	------

Please tick in the appropriate box.