

Ref. : EDB(PR)/PER/40/1/4 (2)

**Government of the HKSAR  
Education Bureau**

11 November 2017

### **Education Bureau Internal Circular No. 5/2017**

### **Outside Work During Government Employment**

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

#### **Purpose**

This Circular sets out the rules and procedures for seeking permission to undertake outside work –

- (a) during an officer's active service in the Education Bureau (the Bureau); or
- (b) to be performed with pay by a non-directorate civil servant on final leave or during pre-retirement leave only.

The guidelines on 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, to be undertaken by non-directorate civil servants on pensionable terms are promulgated in Education Bureau Internal Circular (EDBIC) No. 6/2017. 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.

#### **Governing Principles and Rules**

2. All officers working in the Bureau, whether on civil service terms or otherwise, must obtain approval from the Bureau (or the respective heads of grade for general grades as appropriate<sup>1</sup>) **before** accepting or undertaking –

- (a) any outside work, paid or unpaid, during normal working hours; or

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<sup>1</sup> Under CSR 559(1), the approving authority for paid outside work to be performed by general grades officers (except Clerical and Secretarial Grades) while on leave exceeding 30 days are vested in respective heads of grade. Officers wishing to apply for permission to undertake such outside work should approach their respective heads of grade for the application procedure.

- (b) any paid outside work out of normal working hours and while on leave, or any paid outside work to be performed by non-directorate civil servants on final leave, or any paid outside work to be performed by non-directorate civil servants on pensionable terms during pre-retirement leave only, i.e., the outside work will end on or before expiry of the leave period<sup>2</sup>.

An officer should not take up any outside work, whether paid or unpaid, during or out of normal working hours which may constitute real, potential or perceived conflict of interest with his official duties or cause negative public perception embarrassing the Government and undermining the image of the civil service. An officer who takes up any outside work without the necessary prior permission is liable to disciplinary action.

3. The granting of permission to an officer to perform outside work is governed by Civil Service Regulations (CSR) 550-564. Staff should note the following in particular –

- (a) approval for an officer to undertake outside work during normal working hours will be given only in very exceptional circumstances. The officer concerned will normally not be allowed to retain more than 50% of the remuneration concerned, except instances set out in paragraph 4(c) below;
- (b) fresh approval must be sought if the work is to be continued after the approval expires or upon the officer's posting to another office;
- (c) officers who wish to perform paid outside work while on leave, final leave and pre-retirement leave are also required to seek permission before engaging in such work; and
- (d) if an officer who has been granted approval to perform paid outside work has undertaken the outside work while on sick leave, he is required to complete the standard form at **Annex A** and submit it to the Administration Division via the approving authority for outside work (see paragraph 9 below) upon resumption of duty. The approving authority should confirm in writing whether there is any abuse of sick leave by the officer concerned for consideration of follow-up action under CSR 1292(1) as appropriate.

4. Subject to the Bureau's operations not being affected, staff may be given permission by the appropriate authority to undertake the following outside work –

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<sup>2</sup> When an officer on final or pre-retirement leave is re-appointed to the Government, he must forgo the right to all civil service fringe benefits and pension benefits in respect of the overlapping final/pre-retirement leave period so long as the remuneration package of the paid employment carries gratuity/cash allowance or fringe benefits in whatever form (such as housing and medical benefits).

- (a) work not exceeding 8 hours per week in connection with activities/courses/school-based programmes run by the Bureau (e.g. Physical Education Section, Curriculum Development Institute, Quality Assurance & School-based Support Division etc.) and the Hong Kong Schools Sports Federation outside school or office hours and during holidays and leave periods. Permission may be granted only if the officer's service will not be required by his own Head of Division/School/Section during the period concerned. Teaching staff must ensure that such outside work does not affect the priority they should give to the extra-curricular activities of their schools which are part of their normal duties;
- (b) work as examination setters/moderators/markers, or examiners/invigilators for the Hong Kong Examinations and Assessment Authority (HKEAA)<sup>3</sup>. Outside work as examiners/invigilators may be performed during normal working hours, and not more than 50% of the remuneration may be retained. However, teaching staff are not required to seek approval for work as invigilators in the Hong Kong Diploma of Secondary Education Examination (HKDSEE);
- (c) duties with the officer's Auxiliary Forces during approved leave, and duties with the Auxiliary Forces during normal working hours in case of emergencies and annual training; and
- (d) teaching in evening classes in recognised institutes (e.g. courses under the Financial Assistance Scheme for Designated Evening Adult Education Courses, tertiary institutes and Vocational Training Council), normally not exceeding 8 hours per week.

5. To avoid possible conflicts of interest or the Bureau's image being called into question, the following rules governing outside work, which supplement the provisions in CSR, are applicable –

- (a) education professional officers as listed in **Annex B**
  - (i) are not permitted to undertake teaching or other teaching related and school administrative outside work in an aided or a private school;
  - (ii) will not normally be permitted to undertake paid private coaching; and
  - (iii) may be permitted to serve as school managers of any schools in a private capacity with the express permission of [the Permanent Secretary for Education \(PS\(Ed\)\)](#) personally. They are required to observe EDBIC No. 4/2016 on Code of Conduct, CSB Circular No. 2/2004 on Conflict of Interest and any prevailing guidelines to

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<sup>3</sup> The arrangements concerning onscreen marking for the HKDSEE undertaken by teaching staff are set out in the guidance notes issued by HKEAA to schools and any prevailing guidelines.

(2020)

avoid conflict of interest. Applications must be made on the prescribed application form as mentioned in paragraph 7 below and submitted to PS(Ed) via the Division Head<sup>4</sup>;

- (b) no officer in the Bureau will be permitted to engage in any outside work, paid or unpaid, in connection with textbooks as defined in **Annex C**. Officers who are already engaged in such work prior to joining the Bureau should refrain from any further involvement. Officers who wish to undertake any outside work involving publishing non-textbook related materials in any publications must seek prior permission to do so; and
- (c) all officers should refrain from having private interests in any educational businesses or any businesses related to education. They are not permitted to engage in such work.

6. For undertaking unpaid outside work out of normal working hours, an officer is not required to seek permission provided that the outside work will not give rise to any real, potential or perceived conflict of interest with the officer's duties nor cause negative public perception embarrassing the Government and undermining the image of the civil service. It is the duty of every officer to consider conscientiously before undertaking the outside work whether it might give rise to any conflict of interest or be seen to be so. If there is any likelihood or any doubt that there might be such conflicts or negative public perception, the officer should seek clarification from the Bureau **before** undertaking the outside work.

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<sup>4</sup> Education professional officers as listed in Annex B are required to obtain permission before they undertake the outside work as school managers, regardless of whether it is paid/unpaid and during/out of normal working hours. Irrespective of the duration of the outside work, the applicant should apply for permission for the full term of school manager.

The applicant is required to complete Section 1 of the application form and support his application with documentary evidence provided by the school that offers him the school manager position, specifying the remuneration, duration and frequency of the outside work, etc. For the documentary evidence, a specimen letter is available in EDB's website at <https://www.edb.gov.hk/en/sch-admin/sbm/sbm-forms-references/index.html>.

The completed application form, with supporting documents, should be submitted to the applicant's Head of School/Section, via the Division Head, for onward submission to PS(Ed) for completion of Section 2. The Head of Division/School/Section should make a recommendation on whether the application should be approved, with due consideration given to whether the outside work will give rise to any real, potential or perceived conflict of interest or cause negative public perception embarrassing the Government and undermining the image of the civil service as set out in paragraphs 2 and 5(a)(iii) above. If approval is granted for outside work that will be undertaken during normal working hours, the applicant must take his own leave to perform the outside work. On completion of the application procedure, the school/section concerned should pass the original application to the Personnel Registry, Administration Division (Attn: CO(TCB)) and send a copy of the application to the applicant.

## Application Procedure

7. All applications for permission to undertake outside work as set out in paragraphs 2 and 5(a)(iii) above must be made on the application form at **Annex D**. The approving authority should send the approved application to the Personnel Registry of the Administration Division (Attn: CO(TCB)) for proper records and monitoring, and inform the applicant with a copy of the approved application.

8. Native English-speaking Teachers who wish to take up outside work (including work in connection with school-based programmes/courses/activities organised by the Bureau) should apply for prior permission from the Director of Immigration, if so required under their visa conditions, before seeking the Bureau's permission to undertake outside work.

## Approving Authorities

9. Applications to undertake outside work may be approved up to six months each time under CSR 550-564 and in accordance with the guidelines set out above. The approving authorities are as follows:

<u>Applicant</u>	<u>Approving Authority</u>
Officers on D3 or D4	PS(Ed)
Officers on D1 or D2	Respective Deputy Secretaries
Officers in Sections	
– on MPS 45-49	Respective Division Heads
– on or below MPS 44	An officer who holds an office not below MPS 45-49 or an officer responsible for administrative duties authorized by the respective Division Heads (Note: The approving officer should be at least one substantive rank above that of the applicant.)
Officers in Government Schools	
– Heads of Secondary School	Respective Regional PEOs
– Heads of Primary School	Respective Regional CSDOs
– Deputy Heads	Respective School Heads
– Other staff	Respective School Heads or Deputy Heads

## **Enquiries**

10. Any enquiries about this Circular may be addressed to the respective Senior Executive Officers (Appointments & Personnel) or Senior Clerical Officer (Personnel) at 2892 6146.

Alice LAU  
for Permanent Secretary for Education

# RESTRICTED (STAFF)

Annex A

## Report of Undertaking Paid Outside Work While on Sick Leave

### Part A (To be completed by the officer concerned)

To : \_\_\_\_\_ [Post title of approving authority vide para. 9 of EDBIC No. 5/2017]

via \_\_\_\_\_ [Name & post title of immediate supervisor, if applicable]

This is to report that I had undertaken paid outside work as set out below while I was on sick leave.

Duration from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

Time from \_\_\_\_\_ to \_\_\_\_\_  
(Starting hours) (Ending hours)

Name of organisation: \_\_\_\_\_

Job title: \_\_\_\_\_

I understand that, on the advice of the Director of Health or the Chief Executive, Hospital Authority as appropriate, the grant of sick leave for ill health attributable to any misconduct or wilful neglect may be withheld under CSR 1292(1).

Signature : \_\_\_\_\_  
Name (in block letters) : \_\_\_\_\_  
Rank/Post Title : \_\_\_\_\_  
Section or School : \_\_\_\_\_  
Date : \_\_\_\_\_

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### Part B (To be completed by the approving authority of the outside work set out in Part A)

To : **Personnel Registry, Administration Division**  
**Attn: SCO(Personnel)**

In accordance with paragraph 3(d) of EDBIC No. 5/2017, I have reviewed the officer's report in Part A. I consider that there \*is / is no abuse of sick leave.

Signature : \_\_\_\_\_  
Name (in block letters) : \_\_\_\_\_  
Rank/Post Title : \_\_\_\_\_  
Date : \_\_\_\_\_

\*Please delete whichever inapplicable.

**Definition of Education Professional Officers**

For the purpose of Education Bureau Internal Circular No. 5/2017, “education professional officers” means

- (a) officers in the following grades :

Education Officer  
Education Officer (Administration)  
Inspector (Graduate)  
Inspector (Non-Graduate)  
Education Assistant  
Primary School Master/Mistress  
Certificated Master/Mistress  
Specialist (Education Services)  
Speech Therapist

(2020)

- (b) all curriculum officers employed by the Curriculum Development Institute;  
and
- (c) all staff on non-civil service contract, secondment or other terms performing duties comparable to officers in (a) and (b) above.



**Definition of Textbooks and  
Work in connection with Textbooks**

For the purpose of Education Bureau Internal Circular No. 5/2017, “textbooks” in general refer to the course books and their accompanying workbooks which are directly related and give support to the recommended curricula of the Curriculum Development Council (CDC) and the Hong Kong Examinations and Assessment Authority (HKEAA) syllabuses.

2. Consultancy or editorial advice, reference materials, teachers’ handbooks, wallcharts and posters, resource files, audio visual material, worksheet collections etc. which are related and give support to the recommended curricula of the CDC and the HKEAA syllabuses are classified as “work in connection with textbooks”.

# RESTRICTED (STAFF)

Annex D

## Application for Permission To Undertake Outside Work under CSR 550-564 and EDB Internal Circular No. 5/2017

### SECTION 1 (To be completed by the applicant)

To : \_\_\_\_\_ [Post title of approving authority vide para. 9 of EDBIC No. 5/2017]

via \_\_\_\_\_ [Name & post title of immediate supervisor, if applicable]

Name of Applicant : \_\_\_\_\_ HKID No. : \_\_\_\_\_ ( )

Rank/Post Title : \_\_\_\_\_ Tel. No. : \_\_\_\_\_

Section or School : \_\_\_\_\_ Division : \_\_\_\_\_

### Details of Outside Work

(a) Job Title : \_\_\_\_\_

(b) Duties : \_\_\_\_\_

(c) Name of Organisation : \_\_\_\_\_

Address of Organisation : \_\_\_\_\_

(d) How did the offer of outside work arise? \_\_\_\_\_

(e) Period : From \_\_\_\_\_ to \_\_\_\_\_ (Maximum of six months except for Auxiliary Forces & School Manager)

(f) Frequency : \_\_\_\_\_ time(s) per week from \_\_\_\_\_ to \_\_\_\_\_ (time)  
(Examples – 2 times per week from 10:00am to 4:00pm)

(g) The work is  out of normal working hours  during normal working hours

(h) Remuneration : HK\$ \_\_\_\_\_ per \_\_\_\_\_ (e.g. hour, day, week or entire job)

(i) Any OTHER outside work to be performed during the period under (e)?

No.  Yes (Please give details): \_\_\_\_\_

(j) Is this a re-application due to change of posting?  No.  Yes.

(k) Is the outside work to be performed during the applicant's final leave?

No.  Yes (Please give details): \_\_\_\_\_

I have read and clearly understood EDB Internal Circular No. 5/2017. I confirm that the information provided in this application is complete and accurate and that no real, potential or perceived conflict of interest in my official appointment is envisaged. I undertake to seek fresh approval if there is any subsequent change in the details provided above or upon my transfer out of my present posting. I also undertake to report to the Administration Division via the approving authority if the above-mentioned outside work will be or has been undertaken during sick leave. I understand that if I wilfully give any false information or withhold any material information in this form, the approving authority may suspend or withdraw the approval granted for my application and where necessary, appropriate sanction, including legal action, may be invoked.

\*Select the appropriate box with ×.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's signature

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## SECTION 2 (To be completed by the approving authority)

File Ref : \_\_\_\_\_

To: \_\_\_\_\_ [Name of applicant](with **copy** of Sections 1 and 2)

To: **Personnel Registry, Administration Div (Attn: CO(TCB))** (with **original** Sections 1 and 2)

Approval is given for you (the applicant above) to take up the outside work set out in Section 1 and

- \* you are only permitted to retain 50% of the remuneration and the remaining sum should be forwarded to the Treasury.
- \* you are permitted to retain the remuneration offered.
- \* you are required to take your own leave to do the outside work.

The permission is granted on the understanding that the commitment will not adversely affect, interfere or give rise to a real, potential or perceived conflict of interest with your official duties or cause negative public perception and that the outside work/and its associated preparatory work are carried out outside your normal working hours.

Your performance of official duties will be kept under constant review by your supervisor and any lapse because of the pressure of outside work will result in the approval being withdrawn. In any event, the permission for you to undertake outside work will be reviewed after six months.

It should be noted that the approval is confined to the period stated in Section 1 during your current posting. You should seek fresh prior approval if you wish to continue the outside work upon expiry of this approval or change of posting, whichever is the earlier.

Signature : \_\_\_\_\_  
Name (in block letters) : \_\_\_\_\_  
Rank/Post Title : \_\_\_\_\_  
Section or School : \_\_\_\_\_  
Telephone Number : \_\_\_\_\_  
Date : \_\_\_\_\_

### Distribution by approving authority

- Original to the Personnel Registry, Administration Div (Attn: CO(TCB))
- Copy to applicant

\*Select the appropriate box(es) with ×; more than one box may be selected.

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### Personal Information Collection Statement

The personal data provided in this form will be used by the Education Bureau for one or more of the following purpose(s) :

- (a) processing of application for permission to do outside work and other employment related purposes;
- (b) provision of education services;
- (c) conducting research and compiling statistics to facilitate planning of education services;
- (d) processing matters relating to the development of the education profession;
- (e) administering and enforcement of the Education Ordinance (Cap. 279) and related regulations.

The personal data collected in this form may be disclosed to other Government Departments or organisations for the purposes mentioned above. The provision of personal data by means of this form is **obligatory**. Failure to provide these data may affect the processing and outcome of the application. The data subject has a right to request access to and correction of the data subject's personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. This right of access includes the right to obtain a copy of the personal data provided in this form. This is however subject to payment of a fee. Enquiries concerning the personal data collected by means of this form, including making of access and correction requests, should be addressed to Senior Clerical Officer (Personnel), Administration Division, Education Bureau (Address : Room 1625, Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong).