



Civic Party's Position Paper on Review of "Post-Service Outside Work for Directorate Civil Servants" (Summary)

I. Civic Party's view on the consultation exercise

1. The public is at a disadvantage because the consultation document provides too little information for the public including information about how the Civil Service works, what powers civil servants have and what they do thus disabling the public from giving informed views.. Civil servants are at an advantage because they have more information.. This imbalance and the presence of the Secretary for the Civil Service on the Committee does not give credibility to recommendations which the Committee may make.
2. Much more comprehensive information should be provided, and the consultation period should be extended. Information required is set out in CP's Position paper. No recommendation should be finalized until the report of LegCo's Select Committee on the post-retirement employment of C.M. Leung is published, so as to take the findings and views contained in it into account.

II. Civic Party's Views on the Issues of the Consultation Document

1. Civic Party firmly believes that confidence in the integrity and competence of the civil service is an essential ingredient of good governance, and public perception is of great importance. Confidential information and connections and contact within the civil service acquired as a civil servant should not be allowed to be used for the benefit of the new employer.
2. Civic Party is in favour of a clear definition of key elements of conduct which should be prevented and clearer guidelines on vetting applications for permission. An independent Advisory and Vetting Committee 獨立諮詢及審批委員會 with full power to decide on applications should be established to replace the existing Advisory Committee.

Issue 1: The public interest and individual's right

Civic Party believes the public interest must come first. Protecting the public interest is the primary basis of the system of control. Procedures are already available to everyone including former civil servants to seek redress for any infringement of their individual rights.



Issue 2: Policy objectives

More detailed policy objectives and guidelines should be given, especially to plug the gap of use of confidential information and personal connections. Avoiding reasonable concerns of “deferred reward” for past favours should be made an explicit objective.

Issue 3: Periods of restriction

Period of being subject to a control regime should depend on the nature of the work undertaken during the last 10 years of the person’s civil service career. Periods of restrictions should be tailored to address the relevant points of the detailed objectives/guidelines. The nature of restrictions imposed will also depend upon the nature of the work sought by the civil servants. Where any of the policy objectives/guidelines are involved, the period of being subject to the control regime should be up to an age to be determined by the independent Advisory and Vetting Committee.

Issue 4: Past dealings with parent and/or other related companies

Past dealings or contacts with the prospective employer’s parent and/or other related companies should be disclosed and assessed, since this will be a necessary element in deciding what restriction, if any, should be imposed.

Issue 5: Imposition of work restrictions on approved outside work

The current imposition of work restrictions on approved outside work is appropriate but does not by itself address all areas of concern, e.g. use of confidential information and personal connections. Refusal of permission for that outside work may be necessary as determined by the Advisory and Vetting Committee.

Issue 6: Composition and support of Advisory Committee

The Advisory Committee should be replaced by an Advisory and Vetting Committee with full power to decide upon applications for permission falling within its terms of reference and to offer advice on the system generally. It should also offer advice on appropriate contractual restrictions on post-service employment for all the employees of the many quasi-governmental organizations who are equivalent to the directorate grade-level. The Committee should be completely independent of the Civil Service, its membership should be broadened and it should not be chaired by a serving member of the Judiciary. No board members of developers, banks or conglomerates should be included.



Issue 7: Pension suspension arrangements

Civic Party considers that having former civil servants extensively employed or employed in leading positions in subvented organisations may not be healthy for the development of the NGO sector. If the existing pervasive practice of such appointments were discontinued, and non-former civil servants were to be employed in these organizations, the issue of double pay would not arise.

Issue 8: Current sanction

Civic Party has no comments on this issue.

Issue 9: Public disclosure arrangements

With the regime proposed in this position paper, Civic Party considers it sufficient for the Advisory and Vetting Committee to make an annual report with the freedom to make reference to any case it considers merits public attention.

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