

Feedback to “ Review of Post Service Outside Work for Directorate Civil Servants”
from Ms Mee Chun Wong JP

(1) Policy objective of current control regime and underlying principles (Public interest and the right of staff to employment)

There is no need to shift the existing equilibrium to either end of the two principles. However, maybe there should be some guide notes to cover situations where there is equal weighting on these two principles. I think, in these circumstances, the public interest principle should be of primary consideration.

I do not think this ‘guidance note’ would weaken the attractiveness of the civil service.

(2) Onus to state there is no conflict

The onus to state that there is no conflict of interest or that there is no “reward for past favour” should rest with the applicant. The former directorate civil servant is the best person to assess that there is any real or perceived conflict of interest involved. Hence, he/she should be making that statement to his/her former employer.

(3) How rigorous the process need to be

More sensitive positions can go through a more rigorous process. For example, relatively junior directorate civil servants or directorate civil servants going to unpaid positions can go through the current process. More senior (say D8) to more sensitive positions, can go through a more rigorous process which includes not just submitting his/her assessment of any real/perceived conflict of interest in the application but :

(i) to present to the Advisory Committee, or a selected panel or subset of the committee, that there is no such conflict and why, and/or

(ii) to have the statement of no conflict be made under oath.

4) Composition of Advisory Committee

I am not sure how the membership for this committee is selected. Given the current political climate and the public wishing to have more transparency, I think the Committee should include at least one member who is chosen by Legco (does not need to be a Legco member given their heavy workload , for example, it can be a past Legco member nominated by Legco)