

[TYPED-OUT VERSION]

Mr Ronald Arculli
Chairman, Committee on Review
of Post-Service Outside Work
for Directorate Civil Servants
c/o Civil Service Bureau
West Wing, CGO

Dear Mr Arculli,

Committee on Review of Post-Service
Outside Work for Directorate
Civil Servants

I cannot tell you how pleased I am that the Chief Executive has decided to set up this Committee nor how happy I am that you have been chosen as its Chairman.

The reason for my pleasure is that the current rules, introduced partly as a result of a certain retired AO's indiscretion in her post-retirement employment with Hong Kong Ferry Holdings and partly because of the scurrilous allegations of CTOB (my reduction to initials of the oft uttered "collusion and transfer of benefits" nonsense, of which more later), are so unfairly and unjustly weighted against the retired civil servant as to offend any notion of natural justice, or for that matter, common sense, and clearly need revision. The reason for my happiness is that knowing you as a rational and fair-minded person, you will appreciate the above and guide your Committee to making just and sensible recommendations.

The element of the current rules that I find particularly offensive is that which is officially described as "whether the officer's taking up the proposed work would give rise to public suspicion of conflict of interest or other impropriety", more commonly referred to as "perceived conflict of interest". That anyone, let alone a Government which sets itself up as

[TYPED-OUT VERSION]

a model employer, could contemplate, never mind introduce, a criterion for the approval of its retired employees' further employment of "the possibility of someone saying they imagine there might be a conflict of interest" (which is the essence of "perceived conflict of interest", is it not?) is, or at least was, a matter of incredulity to me. It is now simply a matter of anger.

To return to CTOB, I reduced this to its initials as a way of deriding the disgraceful allegations made by certain legislative councillors and others and carried widely in the press, that post-retirement employment is a pay off for corruptly given favours granted during an officer's government service. As a Deputy Director in the Lands Department responsible for the negotiation and approval of billions of dollars in premiums for land grants and lease modifications, these accusations cut to the quick. Derision was a way of coping with it. However, CTOB was nothing compared with the Government's diabolical response. Instead of saying "that is rubbish and anyone who believes it to be otherwise should immediately make a report to the ICAC. As a matter of fact, retired and other ex civil servants bring highly ethical practices to the private sector when employed there" as one - or at least a civil servant - might reasonably have expected, it said "yes, you are right, there is such a thing as CTOB and from now on, when considering any ex civil servant's application for further employment in the private sector we will consider whether anyone might say they think there could be CTOB and, if our conclusion is positive, the application will be rejected." This was a terrible insult to civil servants I think you will agree.

I would also mention another element of the current rules, the so called "sanitization period" which blocks the retired civil servant from any kind of employment for 6 months after ceasing active service (12 months for D4 and above officers). This, I put it to you, is yet another irrational, unfair and unnecessary restriction designed purely to pander to pedlars of the CTOB myth. Please ask your Committee whether this achieves anything in mitigating any actual conflict of interest.

Further, the last of the current criteria ("whether any aspects of the proposed work would cause embarrassment to the Government or disgrace to the civil service") is yet another manifestation of the

[TYPED-OUT VERSION]

hysterical paranoia which pervades Government thinking on this issue. What possible embarrassment or disgrace could an ex civil servant's working in legal employment where there is no conflict of interest with his government service bring? And even if by some convoluted thought process the Government were to convince itself that it could bring embarrassment or disgrace, what of it? Why should the applicant be denied because of the Government's hyper sensitivity to criticism however illogical and baseless that criticism may be?

Lastly, in the "standard restrictions" section of the current rules, rule (a) states that the ex civil servant should not "be personally involved directly or indirectly, in the bidding for any government land, property, projects, contracts or franchises". Why ever not? If there is no conflict of interest, what earthly objection could there be to it?

Sir, the task with which you and your Committee is faced is an important one and I am sure you will agree that any criteria against which ex civil servant's applications for further employment are to be judged must be logical, rational and reasonable. The current set of rules and criteria is not. Please put it to your Committee that the only appropriate criterion for these purposes is whether or not there is any real conflict of interest between the proposed employment and the applicant's government service and that before rejecting an application on this ground, full consideration should be given to granting approval subject to conditions to overcome any identified conflict. I feel confident that you will appreciate the rationality and justice of that and hope you will be able to convince your Committee of it.

Yours sincerely,

(Signed)

J.S. Corrigall