



香港工業總會
FHKI

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Federation of Hong Kong Industries
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20 April 2009

Secretariat
Committee on Review of Post-service Outside
Work for Directorate Civil Servants
10/F, West Wing, Central Government Offices
11 Ice House Street
Central
Hong Kong

Dear Sir,

**Public Consultation on Review of Post-service
Outside Work for Directorate Civil Servants**

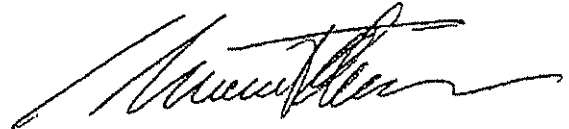
With reference to the above consultation, the Federation of Hong Kong Industries would like to submit the following views to the Review Committee for its consideration.

- We are of the view that as a matter of principle, the post-service outside work control regime for former directorate civil servants should strike a sensible balance between safeguarding the public interest and protecting the rights of ex-senior civil servants, including their freedom to take up gainful employment in the open market, as the latter is enshrined in the Basic Law and two international covenant and labour convention applicable to Hong Kong.
- Noting that the control regimes adopted by some advanced economies, e.g. Australia and New Zealand, explicitly encourage the flow of talents, skills and experience between the public and private sectors to benefit the Government and commercial organisations, we urge that Hong Kong's control regime should maintain suitable flexibility for organisations in the private sector to tap the management, administrative and professional expertise of government retirees and make good use of this pool of human resources for Hong Kong's social and economic development.
- Regarding the concern about 'deferred reward' that a senior civil servant may receive by way of taking up post-service employment offered by the bribing company, we agree with the Review Committee that it is a form of corruption, which is subject to criminal sanction under the Prevention of Bribery Ordinance. Moreover, pursuant to the Official Secrets Ordinance, unauthorised disclosure of official information is strictly prohibited and any offender is liable to prosecution. We believe that these two pieces of legislation already give the Government sufficient backing to take legal actions against any civil servant who accepts bribes, including 'deferred reward', in

exchange for unfair and unlawful favour given to a third party. Given the availability of these legal means to tackle 'deferred reward', we do not find it necessary to impose a lifetime ban on paid employment for retired civil servants.

- While we are generally satisfied with the existing control regime, it can be strengthened by requiring a former directorate civil servant who applies for permission to take up gainful employment during the control period to declare in the application whether his/her past official dealings might give rise to conflict of interest with his/her prospective employer including its parent company and subsidiaries.
- In addition, the Government may consider expanding the composition of the Advisory Committee on Post-service Employment of Civil Servants to enhance its role in the assessment and scrutiny of applications.

Yours faithfully,



Clement Chen
Chairman