

**Hong Kong Chinese Servants' Association
Environmental Protection Officers Branch**
香港政府華員會 環境保護主任分會

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7 April 2009

By fax 2147 5241

The Secretariat,
Committee on Review of Post-service
Outside Work for Directorate Civil Servants
10/F, West Wing, CGO,
11 Ice House Street,
Central, HK

Dear Sir,

Consultation Document on
Review of Post-service Outside Work
For Directorate Civil Servants

With reference to the above consultation document and the consultative session on 21 March 2009, I write on behalf of the Environmental Protection Officers Branch of Hong Kong Chinese Civil Servants' Association to offer our views to the Review Committee for consideration as follows:

- (i) The current concerns by the public on this issue are triggered by two recent cases of retired senior directorate civil servants having taken up employment in the property or property related sector. This constitutes 2% of the total number of applicants for post-service work in the past 3 years. It would be very misleading or over-reacting to draw the conclusion that the present control system fails to protect the public interest. We object to imposing across the board tightening control measures, such as a total ban on retired directorate

civil servants to take up post-service employment and lengthening the sanitization period for all retired directorate civil servants, as some may have suggested in the community.

- (ii) The "3-P" control regime has served the purpose to strike the balance between protection of public interest and protection of individual's right. However, we agree that there are rooms to fine-tune the "3-P" control system to regain public confidence because of the damage done by a couple of inappropriately approved cases.
- (iii) The length of restriction period, including sanitisation and control period currently imposed on the retired directorate civil servants at various levels is appropriate and comparable to, if not more stringent than, that of other socially and economically developed countries.
- (iv) The membership of the Advisory Committee on Post-service Employment of Civil Service can be extended to embrace views from a wider perspective, in particular from the public's perception. As such, we would suggest to increase the number of members to include for example scholars from the local universities in social or political studies to advise the government from the public's dimension.
- (v) From past experience, employment of retired senior directorate in property or real estate development related sectors is always on the spot light when it comes to conflict of interest or "deferred reward". More close examination on the past service history of the applicants, including the duties and responsibilities detailed in the staff appraisal reports, should be conducted by the Administration as part of the assessment process.
- (vi) Great majority of the professionals in the civil servant at directorate rank when retired would be in the junior directorate category, i.e. D1 to D3. Their duties while in

service are mostly confined to the professional working level. Their involvement in policy formulation is very limited or insignificant to warrant greater control on their post-service outwork. In fact the professional experience and expertise of these retired professionals from the civil service should be put into beneficial use for the community at large. Any general restriction to debar them from going into their own profession in the private sector after retirement would be irrational.

- (vii) We believe enhanced transparency would help to regain public trust on the present "3-P" control regime. Advice and summary of discussions of the Advisory Committee for each approved case should be disclosed in the public register. This would help the public to understand the rationale behind each approval. With this disclosure, it would also ensure the Advisory Committee's advice to the Administration is also accountable to the public. As mentioned in point (vi) above that the role of junior professional directorates in the government is neither sensitive nor political, disclosing the post-service work of this category of retired professionals wouldn't help to address the present concerns of the public.

- (viii) As we have pointed out in the consultation section that there are genuine need of some retired professionals to continue their work in order to support their family because of their late marriage. Late marriage is the trend nowadays as revealed in the HK Statistics especially for the well-educated groups, including the professionals. We are aware that there are about 8% of professionals who are aged 40 and above in the Environmental Protection Department are still single. Therefore we have grounds to believe that quite of number of professionals in the Civil Service as a whole when they retire do have the financial burden to raise their kids.

We hope our views would be taken into account in your recommendations to the Chief Executive.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Alan H.L. Yim', written over a horizontal line.

(Alan/H.L. YIM)

Chairman

Environmental Protection Officers Branch
Hong Kong Chinese Civil Servants' Association