



15 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 Members of the Review Committee,

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

The letter of 20 February 2009 from your Secretary regarding the subject refers. As the major dental professional body, we write to air our concern over this consultation for which we hope the Review Committee will give heed to when drawing up recommendations for submission to the Chief Executive.

We in principle agree that post-service employment can facilitate the flow of expertise and experience between the private and public sectors and hence maximize the utilization of limited human resources of the community, which is facing the problem of ageing population. However, to avoid any arbitrary judgment and suspicions of "transmitting of interest" or obtaining "deferred reward" through outflanking means, a more comprehensive and clear guidelines should be set in particular for those officers who have involved in tender award or who have handled work of particular sensitivity before leaving the government service. The role of Advisory Committee on Post-service Employment of Civil Servants is of paramount importance as it gives advice to the Secretary for the Civil Service on applications. Among the 9 issues that have been raised in the document, we have identified the following areas for which we consider are the cruxes of the question.

**Issue 1:** Should protecting the public interest and protecting an individual's right continue to be recognized as the two underlying principles of the control regime?

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As mentioned, human resources are limited and valuable. In light of this reason, we see no point to adopt a lifetime ban on any paid employment or paid employment with commercial organizations for retired directorate civil servants. Protecting the public interest and protecting an individual's right to work should continue to be upheld as the two underlying principles of the control regime. Through maintaining the attractiveness of the civil service, the public can be benefited as individuals of high caliber will be attracted to choose the civil service as a career. The Government employs civil servants to serve the public and the community has high expectation towards the integrity and impartiality of the civil service. Therefore, reasonable restrictions should be imposed on civil servants' post-service employment to avoid any constitution of a real or potential conflict of interest with one's previous official duties. The key is how to strike a balance between these two principles by the judgement of the Advisory Committee. The composition of the Advisory Committee is hence important.

**Issue 6:** Should there be any change to the composition of and/or institutional support for the Advisory Committee on Post-service Employment of Civil Servants?

The Advisory Committee of Post-service Employment of Civil Servants is currently made up of five members including a serving or retired judge as Chairman, a member of the Public Service Commission who is not a former public officer, and three other members of the public.

We are of the view that the membership can also comprise retired civil servants who have high reputation, retired politicians, academic caliber / scholars as well as experts from various sectors who have a good understanding of the operation of business sector. We consider such inclusion can help further uplift the credibility of the Advisory Committee by collecting views in a broader sense. Furthermore, senior Government official of a bureau /department should also be invited to sit in the Advisory Committee to give advice on particular application whenever applications for post-service outside work are



come from their former colleague and related to their bureau/department. There is no perfect system in the world and the involvement from various sectors is by no means a panacea, but it can at least further enhance the Advisory Committee's sensitivity to the operation of different business sectors and hence help stop up any loopholes when processing assessment.

**Issue 9: Is the current public disclosure arrangement appropriate?**

The presumption that the public is more concerned about post-service outside work taken up by more senior directorate civil servants is invalid because whether the case arouse the public interest or not depends very much on the nature itself. We therefore opine that the Committee's advice and decision on every approved post-service appointment taken up by former directorate civil servants (including junior directorate civil servants) should be made available in the public register. This move can increase the transparency of information and enable the public to have an oversight on the mechanism.

Thank you in advance for taking our views into consideration.

Yours sincerely,

For and on behalf of the HKDA Council

Dr Sigmund Leung  
President  
Hong Kong Dental Association

