



香港高級公務員協會

HONG KONG SENIOR GOVERNMENT OFFICERS ASSOCIATION

The Honorable Ronald Arculli, GBS, JP
Chairman, 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

8 December 2008

Dear Hon. Arculli

Post-Service Employment of Former Directorate Civil Servants

I refer to the two LegCo Panel Papers from the Civil Service Bureau, regarding “Control Regime for Post-service Outside Work of Directorate Civil Servants” and “Processing of the application from Mr. LEUNG Chin-man to take up post-service employment with New World China Land Limited and related issues”. In response to the subject matter, we would like to express our views as follows:-

1. Our Stance

- 1.1 The Association has great **reservation** on tightening the existing policy on post-service employment of directorate civil servants. We are of the view that there is **nothing wrong** with the existing policy/system on the subject matter (which was merely established in 2006); and that the interest of the majority of the former civil servants **should not be sacrificed** because of one or two rare experiences which relate to employment with large realty developers.
- 1.2 Hong Kong is a free society, practising “open government”. Other than national issues, there is little secrecy within the government. ICAC plays an important and effective role against “collusion” and “corruption”. Hence, there is little worry on adopting the “revolving door” mechanism widely adopted in many advanced liberal/democratic countries.

2. The Fact

- 2.1 The cases (widely caught public attention viz Ms. Elaine CHUNG and Mr. LEUNG Chin-man) involve retired officers in the **upper echelon** of the administrative classes, i.e. D4 and above. Their cases might have been distorted due to undue media and/or political pressure.
- 2.2 Many of the departmental/professional grades such as doctor, accountant, lawyer, engineer etc. have not been involved in the formulation of government policies or profitable projects during their service. We **do not see** the need to lengthen the sanitization period as it will not only **infringe** the right of these law-abiding officers to pursue employment after retirement, it will also hinder the knowledge/technology transfer between public and private sectors. Experienced professionals at age of 55-65 are in short supply due to the rapidly ageing demographic of our professional workforce.

3. Proposal

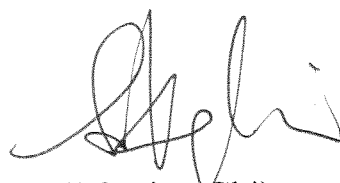
- 3.1 The present system **does not give specific and clear guidelines** to those who are assigned to vet/approve post-service employment applications. As such, their decision will be based upon their own judgment, which are always “**influenced**” by political and public pressure. It is therefore proposed that more specific guidelines should be provided. For example, directorate officers, who are involved in tender award 2 years before retirement, should not be allowed to join these “awarded” companies within 2 years upon retirement.
- 3.2 For those directorate officers of D4 and above, who are involve in formulation of government policies, restrictions on post-service employment could be more stringent. The present guidelines and regulations already reflect this requirement. In addition, the Government should have the discretion to extend the sanitization period for specific class of senior ministers/directorate (e.g. SDev, STH, PSW.) which are very limited in number.

4. Conclusion

Senior civil servants are valuable asset of the Government; and their experience, expertise and knowledge should be put to good use so as to benefit Hong Kong as a whole. The Government should not deprive them of the opportunity to continue serving our society after retirement. This Association strong objects to the proposed tightening of the existing policy/system on post-service employment of directorate civil servants.

Thanking you in anticipation of your kind consideration on our views.

By Order of the Council

A handwritten signature in black ink, appearing to read 'SO Ping Chi', written in a cursive style.

(SO Ping Chi)

Chairman,

Hong Kong Senior Government Officers Association

c.c.: Miss Denise YUE, GBS, JP, Secretary for the Civil Service