

Review of Post-Service Outside Work for Directorate Civil Servants

Comments

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General

1. As one of the general principles in this exercise, a distinction should be drawn between Administrative Officers, Professional Officers, Technical Officers and General Grade Officers. Their involvement in decision-making, their knowledge of government policies and their possible impacts in their prospective new employment are very different. Hence, different approaches have to be adopted to deal with their post-service employment.
2. Another general principle is that the system adopted should not deter bright and capable people from working in the Civil Service. Take, for example, medical officers. No bright medical doctors would prefer to work in public hospitals if, when they are promoted to the Directorate rank, they will not be permitted to take up post-service employment [including setting up their own private clinics] after they leave the Civil Service. They will therefore prefer to leave before they reach the Directorate rank. A lot of talent and experience will be lost to the Civil Service. The same applies to most, if not all, other "professionals". The quality of the Civil Service may decline as a result, although the community outside the Civil Service will gain (paragraph 5.20).
3. The whole report deals only with Directorate officers eligible for pension. How should Directorate officers employed in non-pensionable posts be dealt with? Since the Government now does not employ civil servants with pension, the number of Directorate retirees with no pension will increase with time.

Without pension, they have a much greater need to be employed in paid jobs after retirement from the Civil Service. Should we turn a blind eye to this imminent problem?

4. Why is so much attention given to whether the employment after retirement is paid or not paid? Some unpaid employment may also contradict the principles adopted (for example, generating conflicts with the principles listed under Issue 1).
5. Will work outside Hong Kong be assessed as well? If not, companies can easily establish offices just outside Hong Kong to accommodate retired Directorate civil servants who will actually work on Hong Kong matters irrespective of their employment location..
6. Are non-Directorate posts totally free of the problems discussed in this exercise? It is outside the purview of the present study, but should the matter be left untouched?

Issue 1

7. Yes. They should be. The only issue here is how to strike a balance between the two. Being the key matter of this exercise, this should not be treated lightly and it depends largely on the judgment of the Advisory Committee whose composition is hence very important.

Issue 2

8. Both objectives should be included.

Issue 3

9. 3(a) has gone too far. It will definitely simplify the matter, but has a number of adverse effects:
 - (i) Many civil servants, especially professionals who have the capability to start new employment in the private sector, will leave the civil

service before they reach the Directorate rank.

(ii) The contributions of the capable and experienced persons to the private sector and the subvented organizations [such as universities], think tanks and charitable bodies will be lost. This is a great loss to society.

10. 3(b) Different fields will require different treatments.

11. 3(c) For professional civil servants in the construction and development fields, frank employers have indicated "informally" that they would not employ any such officers after they have left the Civil Service for two years or more. The prospective employers think that by then the particular officers will be out of touch with their departments with respect to inter-person relationship with former colleagues (so much so that they will no longer command adequate respect by officers still in service) and with the practice rules and approaches in the departments. These retirees become "useless" to these employers. Hence, other than exceptional cases, a possible period of restriction is "two years".

However, the same cannot be said to administrative officers who move between many departments/bureaux before they retire. A different approach is perhaps required.

Issue 4

12. Yes. The period should be extended to 10 years (instead of a few years).

Issue 5

13. The imposition of these restrictions has, in the past, achieved the objective of mitigating such public concern. It is unfortunate that a few recent cases have undermined public trust in the system.

Issue 6

14. When an application from a Directorate civil servant is considered by the Committee, a senior representative of the applicant's profession should be invited to sit on the Committee to advise on the particular application.

Issue 7

15. As discussed earlier, the long experience and knowledge of retired Directorate civil servants are usually very valuable to the subvented organizations and, hence, the community. The pension scheme should facilitate such employment. At present, pension is suspended if, for instance, a retired civil servant works full-time for a university. "Full-time" is defined rigidly by the number of hours spent on the work per month. In order to meet the definition, sometimes the involvement of the retired civil servant has to be shortened, to the detriment of the students.