

For information on
24 May 2010

Legislative Council Panel on Public Service

Language Proficiency Requirements for Appointments to the Civil Service

Purpose

This paper sets out the language proficiency requirements (LPRs) for appointments to the Civil Service and their application to candidates of different racial groups.

Need for a biliterate and trilingual Civil Service

2. Article 9 of the Basic Law states that “*In addition to the Chinese language, English may also be used as an official language by the executive authorities, legislature and judiciary of the Hong Kong Special Administrative Region.*” Section 3 of the Official Languages Ordinance (Cap. 5) states that “(1) *The English and Chinese languages are declared to be the official languages of Hong Kong for the purpose of communication between the Government or any public officer and members of the public and for court proceedings. (2) The official languages possess equal status and, subject to the provisions of this Ordinance, enjoy equality of use for the purpose set out in subsection (1).*” In light of the statutory provisions, it is the Administration’s policy to maintain a fully biliterate (Chinese and English) and tri-lingual (Cantonese, Putonghua and English) Civil Service.

3. As a general rule, all written materials and announcements meant for the public, such as reports, forms, pamphlets, booklets, posters, notices, signs, rules and regulations, etc., are issued in both Chinese and English. Verbal announcements intended for the general public (such as radio and television advertisements and announcements made at large-scale outdoor events) are bilingual. The Government’s Internet

home pages are bilingual. Bureaux and departments reply to correspondence or answer oral enquiries from members of the public in either Chinese or English, depending on the language used in the incoming correspondence or enquiries.

Prevailing language proficiency requirements

4. In order to maintain a biliterate and tri-lingual Civil Service, the Administration needs to specify the appropriate Chinese and English LPRs as part of the entry requirements for appointment to each grade, having regard to the job requirements of the concerned grade. This arrangement is in accordance with the guidance of the Equal Opportunities Commission as set out in its Code of Practice on Employment under the Race Discrimination Ordinance (the Code of Practice) issued in July 2009, namely that an employer must ensure that any language requirement for a job is relevant to and should be commensurate with the satisfactory performance of a job.

5. Heads of Department/Grade (HoDs/HoGs) are responsible for stipulating the LPRs for each of the grades under them, as they are best placed to know the work and operational needs of the grades under their charge. A HoD/HoG may prescribe the same or different proficiency requirements for the English and Chinese languages for a particular grade. A HoD/HoG may apply to CSB for exemptions from the prescribed LPRs for a particular grade on a case-by-case basis in the event of recruitment difficulties. LPRs for individual grades are reviewed and revised as necessary from time to time to take account of changing operational requirements of the grades concerned.

6. To-date, the most commonly prescribed LPRs for appointment to the Civil Service may be summarised as follows –

- (a) Level 2 in both Use of Chinese (UC) and Use of English (UE) papers in the Common Recruitment Examination (CRE)¹, or equivalent results in public examinations such as Grade C or above in Chinese Language and Culture and Use of English of the Hong Kong Advanced Level Examination (HKALE); or
- (b) Level 1 in UC and Level 2 in UE in CRE, or Level 2 in

¹ The CRE is conducted by the Civil Service Bureau. The CRE language papers are set at graduate level by language academics. Results in the UE and UC papers are classified as Level 2, Level 1 or Fail, with Level 2 being the highest.

UC and Level 1 In UE in CRE, or equivalent results in public examinations such as Grade C/D or above in Chinese Language and Culture and Use of English of the HKALE; or

- (c) Level 1 in both UC and UE papers in the CRE, or equivalent results in public examinations such as Grade D or above in Chinese Language and Culture and Use of English of the HKALE; or
- (d) Level 2 in English Language and Chinese Language in the HKCEE, or equivalent results in other public examinations such as Grade D in Chinese Language or English Language in International General Certificate of Secondary Education (IGCSE) / UK General Certificate of Secondary Education (GCSE) / General Certificate of Education 'Ordinary' Level (GCE 'O' Level); or
- (e) English Language and Chinese Language at Form 4 level; or
- (f) English Language and Chinese Language at Form 3 level; or
- (g) English Language and Chinese Language at Primary Six level.

Possible impact of LPRs on candidates of different racial groups

7. It has always been the Administration's policy to conduct open recruitment exercises as far as possible to fill vacancies in the Civil Service. All the candidates in an open recruitment exercise to fill vacancies in a particular grade are assessed consistently on the basis of merit and having regard to the stipulated entry requirements, including LPRs, set with regard to the job requirements of the grade concerned. The race of a candidate is not a relevant consideration in the assessment process. This is in line with the guidance set out in the Code of Practice, namely that the consistent assessment criteria (including language requirements) may not make any reference to race and that race may not be a ground for refusing employment. As race is never a consideration in the recruitment process, a candidate applying to join the Civil Service or one who has been appointed to the Civil Service is not required to inform the Administration of his or her race.

8. It is also the Administration's long-standing policy that promotion of civil servants from a lower rank to a higher rank of the same grade in the Civil Service is based on merit and on prescribed assessment criteria such as acquisition of specific professional qualification, past work performance, potential, etc. The race of a serving civil servant is not a relevant consideration in the assessment for promotion. This is also in accordance with the guidance set out in the Code of Practice, namely that employees are promoted on merit and the criteria adopted are not discriminatory on the ground of race. As a general rule, LPRs are not included as an eligibility criterion for promotion within the same grade in the Civil Service. As race is never a consideration in the promotion assessment of civil servants, civil servants in the field for consideration of promotion are not required to inform the Administration of their race.

9. A few departments offer special in-service advancement schemes, under which civil servants of a lower-ranking grade meeting prescribed assessment criteria are selected to advance to a different higher-ranking grade. These criteria may include prescribed academic qualifications, prescribed number of years of relevant operational experience in the department, good service records, relevant skills tests, etc., having regard to the job requirements of the higher-ranking grade. Race is not a relevant consideration. Accordingly, a serving civil servant taking part in such special in-service advancement schemes is not required to inform the Administration of his or her race.

10. As explained above, the Administration does not require a candidate applying to join the Civil Service, or a new recruit to the Civil Service, or a serving civil servant to declare his or her race. Therefore, the Administration does not have any statistics on the number of applicants or serving civil servants by different race groups. While an attempt may be made to arrive at an estimation of the number of applicants or serving civil servants of non-Chinese race based on the surnames of the individuals concerned, we are not in favour of this approach as the result would be unreliable. In addition, the international practice is to invite an individual to declare his or her race and not to have a third party to guess what the race of the individual is.

11. The Administration notes that the Code of Practice issued by the EOC encourages employers to take reasonably practicable steps to regularly monitor and review the implementation of the equal opportunities policy and the good employment procedures and practices,

with a view to gaining an appreciation of the situation regarding, for example, the composition of the workforce by racial group for comparison with benchmarks such as census data. The Code of Practice further advises that in organisations with larger structure, monitoring will require formal processes for collecting, analyzing and evaluating information, for example, through surveys, consultation and feedback. The Codes also advises that when collecting and using information, the Personal Data (Privacy) Ordinance (PDPO) should be observed. Accordingly, the Civil Service Bureau is considering what reasonably practical steps, which are in compliance with the PDPO, may be taken to gain an appreciation of the situation regarding the composition of the Civil Service by racial group.

Advice sought

12. Members are invited to note the content of this paper.

Civil Service Bureau
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