

# 立法會 *Legislative Council*

LC Paper No. CB(4)545/12-13(05)

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## **Panel on Public Service**

### **Meeting on 15 April 2013**

#### **Background brief on employment of ethnic minorities in the civil service**

#### **Purpose**

This paper provides background information on issues relating to the employment of ethnic minorities in the civil service, and summarizes the major views and concerns expressed by members when the subject was discussed at meetings of the Panel on Public Service ("the Panel").

#### **Background**

2. According to the Administration<sup>1</sup>, 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 are assessed consistently on the basis of merit and having regard to the stipulated entry requirements, including language proficiency requirements ("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. Similarly, the race of a serving civil servant is not a relevant consideration in the assessment for promotion, which is based on merit and prescribed assessment criteria. As a general rule, LPRs are not included as an eligibility criterion for promotion within the same grade in the civil service.

3. The Administration considers that the existing arrangement of specifying the appropriate Chinese and English LPRs as part of the entry requirements for appointment to different grades in the civil service is in accordance with the guidance of the Equal Opportunities Commission ("EOC")

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<sup>1</sup> LC Paper No. CB(1)1911/09-10(03)

as set out in its Code of Practice on Employment under the Race Discrimination Ordinance ("Code of Practice") issued in July 2009. Under the Code of Practice, 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.

4. As regards the race profile of the civil service, the Administration has advised that as race is not a factor in assessing the suitability of a job applicant for appointment to the civil service or that of a serving civil servant for promotion to the higher ranks, the Administration has not collected race-related information in the civil service appointment context. However, the Administration is aware that the Code of Practice encourages employers to take reasonably practicable steps to regularly monitor and review the implementation of their equal opportunities policies and good employment procedures and practices. The objective of such monitoring is to gain an appreciation of the situation regarding, for example, the composition of the workforce by racial group, and for comparison with benchmarks such as census data. In this regard, the Administration conducted a voluntary and anonymous survey to gather statistics on the racial profile of the civil service in March/April 2011. A total of 26 671 civil servants (or 17% of the 156 781 civil servants serving on 31 March 2011) responded to the survey. Of the respondents, 26 446 (or 99.2%) were of Chinese ethnicity whereas 225 (or 0.8%) were of non-Chinese ethnicities (hereafter referred to as "ethnic minorities"). The five largest ethnic minority groups, in descending order of their size, were White, Indian, Mixed, Pakistani, and Bangladeshi<sup>2</sup>.

### **Discussions by the Panel**

5. The Panel discussed LPRs for civil service appointments on 24 May 2010 and the racial profile of the civil service on 20 June 2011. At the former meeting, the Panel received views from ethnic minority persons, EOC and the Hong Kong Unison<sup>3</sup>. The major views and concerns expressed by Panel members and the Administration's responses are summarized in the ensuing paragraphs.

#### LPRs for civil service appointments

6. Some Panel members queried whether there was a genuine need for imposing a high level of Chinese LPRs, particularly in written Chinese, for appointment to almost all civil service posts. Such requirements had made it

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<sup>2</sup> Details of the survey findings were provided in the Administration's paper LC Paper No. CB(1)2436/10-11(02).

<sup>3</sup> An advocacy group for the rights of ethnic minority people

difficult for the ethnic minority residents to meet relevant appointment requirements. The members were particularly concerned that with the imposition of proficiency requirement for Chinese language since 1997, many ethnic minorities had become unable to join the disciplined services departments. They called on the Administration to critically review the LPRs for the grades concerned, and where appropriate adjust the requirements in assessing ethnic minority persons' suitability for joining the disciplined services departments.

7. Panel members generally shared the view that the Administration should allow ethnic minority persons' proficiency in other languages/dialects to make up for their shortcoming in Chinese language proficiency, in recognition that they could provide assistance in communicating and serving the growing population of ethnic minorities in Hong Kong. Pointing out that formal Chinese language education was made available to ethnic minority children in Hong Kong only in 2004, some members suggested relaxing the Chinese LPRs for ethnic minority job applicants and deferring the imposition of the Chinese LPRs by a decade or so.

8. In response, the Administration explained that the purpose of stipulating LPRs according to operational needs was to ensure the quality and efficiency of public services. Different LPRs were stipulated for different grades according to the relevant job requirements, and the LPRs for some grades were set at Primary Six level only. Under the existing policy, exemption from the prescribed LPRs for a particular grade would be granted only when there were recruitment problems encountered by the grade concerned. As to the query on the changes in LPRs for certain grades after 1997, the Administration explained that before 1997 the official language of Hong Kong was English, whereas after 1997 the official languages were both Chinese and English. The need to impose a higher level of Chinese LPRs also arose from operational changes, as the Government's contact and communication with the public had become closer and more frequent.

9. The Administration however undertook to issue a circular to remind Head of Departments and Heads of Grades ("HoDs/HoGs") of the need to adhere to the policy promulgated in August 2007 that Chinese language results in certain international examinations were accepted for civil service appointment purpose from August 2007 onwards. The Administration also undertook to remind HoDs/HoGs to be more sensitive about the difficulties encountered by ethnic minority persons in applying for civil service posts.

10. As a follow-up to Panel members' concerns about the difficulties faced by ethnic minorities in joining the disciplined services departments, the

Administration provided a paper<sup>4</sup> in July 2012 to explain the changes in the LPRs for rank and file officers which the Correctional Services Department and the Hong Kong Police Force had introduced since December 2010 and May 2011 respectively. The Administration also advised that the Police Force launched a scheme to hire non-ethnic Chinese persons as Police Community Liaison Assistants in five selected Police Districts in September 2010 on a trial basis. As the pilot scheme was well received, the Police Force had extended the scheme to cover 13 Police Districts. By July 2012, 11 non-ethnic Chinese persons had been recruited to serve as Police Community Liaison Assistants.

### Racial profile of the civil service

11. Taking note of the findings of the Administration's voluntary and anonymous survey on the racial profile of the civil service in 2011, Panel members generally considered that it was necessary to collect more comprehensive information in order to ascertain whether the Administration had adhered to its recruitment policy of fair competition and meritocracy, as well as whether ethnic minorities enjoyed equal opportunities for promotion. Such information would also be useful to evaluate the implications of the changes in LPRs after the reunification in 1997 on the recruitment of ethnic minorities to the civil service. Some members also commented that the response rate of the survey was too low, and urged the Administration to make greater publicity efforts when conducting the next survey.

12. The Administration agreed that greater publicity efforts should be made when conducting the next survey in order to encourage more people to take part in the survey. In planning the next survey, the Administration would examine the feasibility of expanding the survey scope to collect more relevant information.

### **Relevant questions raised at Council meetings**

13. At the Council meeting of 15 December 2004, Hon Albert HO raised a written question on the employment of ethnic minorities in the civil service and public bodies. In its reply, the Administration advised that it had only been able to obtain the required information from a few public bodies providing public services in the areas of housing (e.g. Hong Kong Housing Authority), medical services (e.g. Hospital Authority) and educational services. These public bodies adopted the same principle as the Administration in setting their entry requirements, i.e. their entry requirements were set on the basis of

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<sup>4</sup> LC Paper No. CB(1)2371/11-12(01)

academic or professional qualifications, technical skills, work experience, language proficiency and other relevant qualities and attributes. Ethnic origin was never a consideration for appointment. Also, like the Administration, the public bodies did not collect or keep information on the race of their employees.

14. Hon IP Kwok-him raised an oral question on the Chinese LPRs for appointment to the civil service at the Council meeting of 20 January 2010. In its reply, the Administration advised on the changes made by the Government in 1995, 2003, 2006 and 2007 to the LPRs for appointment to the civil service.

15. Hon Emily LAU raised a written question on the Chinese LPRs for appointment to the civil service at the Council meeting of 27 February 2013. In reply, the Administration advised on the recent changes made by the Hong Kong Police Force, Correctional Services Department, and the Government Logistics Department to the LPRs as entry requirements to certain grades in the departments.

### **Latest development**

16. The Administration would update the Panel on the employment of ethnic minorities in the civil service at the meeting on 15 April 2013. Pursuant to a Panel member's request at the meeting on 18 March 2013, the Administration would also gather information on the employment of ethnic minorities in government-funded public bodies as far as possible for members' reference.

### **Relevant papers**

17. A list of relevant papers is in the **Appendix**.

**Employment of ethnic minorities in the civil service  
and government-funded public bodies**

**List of relevant papers**

<b>Date of meeting of</b>	<b>Minutes / Paper</b>
Panel on Public Service 24 May 2010	Administration's paper on language proficiency requirements for appointments to the civil service LC Paper No. <u>CB(1)1911/09-10(03)</u>  Minutes of meeting LC Paper No. <u>CB(1)103/10-11</u>
Panel on Public Service 20 June 2011	Administration's paper on racial profile of the civil service LC Paper No. <u>CB(1)2436/10-11(02)</u>  Minutes of meeting LC Paper No. <u>CB(1)173/11-12</u>  Administration's follow-up paper LC Paper No. <u>CB(1)2371/11-12(01)</u>
LegCo meeting 15 December 2004	<u>Official Record of Proceedings</u> <u>Pages 55 - 57 (Written Question 9)</u>
LegCo meeting 20 January 2010	<u>Official Record of Proceedings</u> <u>Pages 7 - 17 (Oral Question 1)</u>
LegCo meeting 27 February 2013	<u>Official Record of Proceedings</u> <u>Pages 68 - 71 (Written Question 15)</u>