



For information on 15 April 2013

**Submissions to the Legislative Council Panel on Public Service on  
the Employment of Ethnic Minorities in the Civil Service**

The recruitment of civil servants should be done in accordance with the principle of equal opportunities. This is enshrined in article 25(c) of the International Covenant on Civil and Political Rights, which states that every citizen shall have the right and the opportunity, without any distinctions of any kind such as race and language and without unreasonable restrictions, to have access, on general terms of equality, to public service in his country.

The Government claims that the recruitment of civil servants is based on the principle of fair competition. However, this recruitment with the same entry requirements and assessment methods for all is a form of formal equality rather than substantive equality and is not truly in line with the principles of equal opportunities and fairness. The prohibition of indirect discrimination in the Race Discrimination Ordinance precisely endorses substantive rather than formal equality. As the poor education policy fails to equip ethnic minorities with a Chinese level high enough to compete with Chinese students in a system based on formal equality. As such, an adjustment of the entry requirements, promotion requirements and assessment methods is required to ensure the genuine fairness of the recruitment process. We believe that it is in this spirit that Mr Yuji Iwasawa, member of the United Nations Human Rights Committee, showed concern over issue in the Committee's hearing on Hong Kong in March



2013. More broadly, in its concluding observations on the hearing, the Committee notes with concern that non-Chinese speaking migrants face discrimination and prejudice in employment due to the requirement of written Chinese language skills, even for manual jobs.

Moreover, a racially diverse civil service will be more competent in serving Hong Kong, a cosmopolitan city. The Civil Service Bureau, which has the responsibility of maintaining the competence of the civil service, should also take the further step of liaising with the Education Bureau on the matter.

### **Language proficiency requirements**

#### ***Slow progress in reviewing the language proficiency genuinely required of each post***

There is a wide range of posts in the civil service. The proficiency in Chinese speaking, reading and writing genuinely needed for the performance of the tasks of each post is different. The Civil Service Bureau, in its paper submitted for the meeting of the panel on 15 April 2013, claims that as a general rule, materials and announcements meant for the public are in both Chinese and English. However, writing or making such materials and announcements is mainly the duties of Administrative Officers, Executive Officers and clerks. Also, for degree specialist posts, as a general rule, applicants are required to pass the Chinese part of the Common Recruitment Examination. However, whether the tasks of these specialist posts truly require proficiency in Chinese speaking, reading and writing should be reviewed.



The Government has taken the first step of reviewing the language proficiency requirements by all heads of department or grade in 2010. However, three years has passed and the revision of the language proficiency requirements for the Motor Driver grade by the Government Logistics Department is the only example cited by the Civil Service Bureau in its paper for the meeting of the Panel. The Government does not seem to be sincere in its efforts to ensure the recruitment of civil servants conforms to the principle of equal opportunities.

The lack of progress in the review of language proficiency requirements by heads of department or grade may also reflect that the reluctance of some heads of department or grade because the number of non-Chinese speaking applicants for the posts in each department or grade is too small. The Civil Service Bureau should not just issue guidelines and rely on heads of department or grade. It should collaborate with heads of department or grade, who know the work and operational needs of the respective grades, to review the language proficiency requirements closely.

**Overseas Chinese language qualifications may not satisfy individual departments' internal requirements**

Although the Civil Service Bureau has the policy of accepting overseas Chinese language qualifications such as the GCSE and GCE ones in the recruitment process, in practice some individual departments have their own internal language assessments. This again underlines the importance of reviewing the genuine language proficiency required of all posts.



**Recognizing the value of ethnic minorities such as proficiency in minority languages**

The Police Force has taken the first step of hiring ethnic minorities as liaison assistants. The extension of the scheme from five police districts to 14 police districts shows that the ethnic minority liaison assistants facilitate the work of the Force. We hope that this would be extended to other public bodies or department branches, such as public hospitals, clinics and maternal and child health centres, family service centres of the Social Welfare Department and job centres of the Labour Departments. These public bodies and branches of departments particularly need staff members who understand the cultures and languages of ethnic minorities. The presence of ethnic minority staff will also enhance the visibility of ethnic minorities in the public sphere.

**The lack of ethnicity data**

The Government claims that it does not have the ethnicity data of the whole civil service because race is not a relevant consideration in the appointment and promotion of civil servants. However, as stated in the report of independent expert Gay McDougall to the United Nations Human Rights Council in 2009<sup>1</sup>, in the field of education and minorities, there is a compelling need for accurate data that are qualitative and quantitative, disaggregated by sex, race, ethnicity and disability status in order to assess the necessary requirements in the development of education policies. We believe that, similarly, the Civil Service

---

<sup>1</sup> “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development”, Report of the independent expert on minority issues, Gay McDougall, 2009, A/HRC/10/11/Add.1.



Bureau has the obligation to collect qualitative and quantitative data disaggregated by race about the civil service to ensure ethnic minorities are not underrepresented and to devise the relevant policies. In particular, the data should show the change in the appointment and promotion of ethnic minority civil servants after 1997.

### **Unison's demands and questions**

1. Many ethnic minority youths aspire to serve the Hong Kong society as civil servants and generations have already been unable to fulfil their dreams because of the poor Chinese education. The United Nations Human Rights Committee also pointed out the importance of reassessing the Chinese proficiency required of each post. In this connection, *will the Government provide the timeline for reviewing the language proficiency requirements of all posts and ensuring the internal language assessments of individual departments are in line with the genuine occupational needs of the respective posts?*
2. As the Government manages to claim that a Pakistani lady is the first South Asian policewoman appointed since the handover, *will the Government provide the racial profile of the whole civil service, including information on civil servants' length of service, education level, salary and promotion history?*
3. *What follow-up actions will the Government take in relation to the under-representation of ethnic minorities in the civil service as shown*



Hong Kong Unison Limited  
香港融樂會有限公司

*by the results of the survey conducted by the Civil Service Bureau in 2011?*

- 4. Will the Government provide the timeline for extending the scope of future surveys on the race profile of the civil service?*
  
- 5. Will the Government provide the timeline for reviewing the need for appointing ethnic minority liaison assistants in all government departments and public bodies?*