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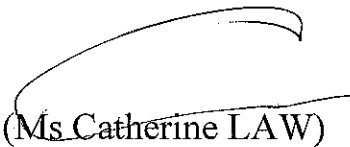
Ms Joanne MAK
Clerk to Subcommittee on Rights of Ethnic Minorities
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms MAK,

Legislative Council Subcommittee on Rights of Ethnic Minorities

At the Subcommittee's request, we enclose herewith a consolidated response to the deputations' major views and concerns raised in the meeting held on 27 March 2018 (Annex).

Yours sincerely,


(Ms Catherine LAW)
for Commissioner for Labour

c.c. Secretary for Civil Service (Attn: Mr Brian MOK)
Secretary for Education (Attn: Mr Ivan SO)
Secretary for Labour and Welfare (Attn: Miss Crystal HUI)
Secretary for Security (Attn: Miss Alice WONG)
Director of Home Affairs (Attn: Mr KY CHENG)

Legislative Council Subcommittee on Rights of Ethnic Minorities

Consolidated response to the deputations' major views and concerns raised in the meeting on 27 March 2018

The Government has all along been very concerned about the employment situation of ethnic minorities (EMs), especially those of South Asian origins, and their difficulties in finding jobs. In consultation with the relevant policy bureaux/departments, our consolidated reply to the deputations' major views and concerns raised at the meeting of the Legislative Council Subcommittee on Rights of Ethnic Minorities on 27 March 2018 is provided in the ensuing paragraphs.

Support for non-Chinese speaking students

Support for non-Chinese speaking students' effective learning of Chinese to prepare them for further studies and career pursuits

2. The Government is all along committed to encouraging and supporting the integration of non-Chinese speaking (NCS) students¹ (notably EM students) into the community, including facilitating their early adaptation to the local education system and mastery of the Chinese language. The Education Bureau (EDB) has, starting from the 2014/15 school year, implemented the "Chinese Language Curriculum Second Language Learning Framework" ("Learning Framework"), which was drawn up in consultation with teachers and language experts and developed from the perspective of second language learners, to help NCS students overcome the difficulties in learning Chinese as a second language and lay a solid foundation with a view to facilitating their bridging over to mainstream Chinese Language classes as early as possible. Starting from the 2014/15 school year, EDB has also substantially increased the additional funding to schools to currently over \$200 million per year to facilitate primary and secondary schools' implementation of the "Learning Framework" and creation of an inclusive

¹ For the planning of educational support measures, students whose spoken language at home is not Chinese are broadly categorised by EDB as NCS students.

learning environment in schools.

3. Besides, to meet NCS students' diverse needs and expectations in the learning of Chinese, starting from the 2014/15 school year, EDB has introduced Applied Learning Chinese (for NCS students) (ApL(C)) at the senior secondary levels to provide NCS students with an additional channel to obtain an alternative Chinese Language qualification. In addition to the Hong Kong Diploma of Secondary Education (HKDSE) qualification, ApL(C) is also pegged at the Qualifications Framework (QF) Levels 1 to 3 to prepare students for further studies and career pursuits. The first two cohorts of ApL(C) completed the courses in 2017 and 2018 respectively. For the HKDSE Examination, around 90% of the candidates were awarded "Attained" or above and around 20% of them were awarded "Attained with Distinction" in each cohort. As regards QF, around 80% of the students were awarded qualifications at QF Levels 1 to 3 respectively in each cohort.

4. In fact, in the past years, EDB has implemented a series of support measures to facilitate NCS students' mastery of the Chinese language with a view to helping them integrate into the wider community and preparing them for future career pursuits. To ensure the quality of the support measures, EDB will continue to review them and refine individual measures where appropriate. However, effective language learning is based on multiple factors. Besides the curriculum, teaching and learning in schools, learning motivation of NCS students, study skills, time invested in learning Chinese, and parents' cooperation and expectation, etc. are also important factors which contribute to NCS students' mastery of the Chinese language. In addition to appropriate support, NCS students must also endeavour to learn Chinese so that their language proficiency will improve gradually. Therefore, the attribution of whether NCS students have attained the Chinese language proficiency required to meet their job needs to the prevailing education system is unfair. We expect that various stakeholders, in their respective positions, can facilitate NCS students' learning of Chinese. We also appeal to employers for showing more understanding towards the Chinese proficiency of EM and encouraging them to continually enhance their Chinese language proficiency through various means.

Support for NCS students' life planning

5. Regarding life planning, EDB has been fostering partnership with the business sector, government departments and community organisations to provide a wide range of career exploration activities to students (including NCS students) in secondary schools through the “Business-School Partnership Programme”. Starting from the 2014/15 school year, EDB has provided more resources and strengthened the support for schools to implement Life Planning Education which helps students understand themselves, learn more about all walks of life, make informed choices for their academic and career aspirations with due regard to their interests, abilities and orientations, and make the best of the opportunities ahead along multiple pathways.

6. To prepare NCS students for further studies and career pursuits, EDB commissioned a non-governmental organisation (NGO) to, on a pilot basis, organise work experience programmes for NCS students over a three-year period from the 2015/16 school year. The pilot project aimed to enable NCS students to understand their career orientations and provide them with knowledge of different kinds of jobs through related work experience. Practical guidelines in different aspects were also developed in the project for parents, teachers and mentors to prepare NCS students for a smooth transition from secondary school to the workplace. A total of 1 800 NCS students participated in this three-year project. Relevant practical guidelines have been uploaded onto the EDB webpage for use of schools.

7. EDB will continue to provide support for NCS students in life planning to help NCS students learn about the workplace culture in Hong Kong and understand the operation of different local industries so as to prepare them well for future studies and transition to the workplace, and help them integrate into society.

Support measures to promote employment of EMs

Employment services of Labour Department

8. In addition to the general employment services, job centres of the Labour Department (LD) provides dedicated services for EM job seekers

through special counters, resource corners, employment briefings, etc. Job centres also arrange free telephone interpretation services for EM job seekers who speak neither Chinese nor English to facilitate their access to the required employment services.

9. EM job seekers in need may also meet employment officers to obtain personalised employment advisory service. Since May 2017, LD has engaged two Employment Assistants proficient in EM languages at the Kowloon West Job Centre in Sham Shui Po and the Employment in One-stop in Tin Shui Wai on a pilot basis to help provide personalised employment services for EM job seekers. They partner with experienced employment officers who are familiar with the local employment market and proficient in English to provide EM job seekers with job search advice and match them to suitable jobs in accordance with their individual needs and preferences.

10. To acquaint more EM job seekers with the abovementioned employment services, LD has translated the relevant promotional leaflets in English and six EM languages (including Tagalog, Bahasa Indonesia, Thai, Hindi, Urdu and Nepali) and distributed them through various channels. Besides, Home Affairs Department (HAD) publishes guidebooks on public services in the above six EM languages and English providing comprehensive information on LD's services for EM job seekers.

11. LD also proactively reaches out to EMs at their popular gathering spots such as mosques, district-based organisations, grocery stores, food establishments, etc. and distributes the promotional leaflets. Job centres also liaise with EM bodies, NGOs serving EMs, religious bodies, schools, etc. in their locality and disseminate information on job fairs and schedules of employment briefings to them regularly. They are also encouraged to refer EMs with employment needs to LD for services.

12. LD is currently administering various special employment programmes such as the Youth Employment and Training Programme, the Employment Programme for the Elderly and Middle-aged and the Work Trial Scheme, etc. to enhance the employability of job seekers with different employment difficulties (including EM job seekers) through the provision of financial incentives to employers.

13. In tandem, LD endeavours to provide accurate and updated job vacancy information for job seekers (including EMs). LD translates and displays key information of all job vacancies in Chinese and English on the Interactive Employment Service (iES) website, its mobile application and vacancy search terminals² to facilitate EMs to browse vacancy information. LD has also set up a dedicated webpage for EM job seekers on the iES website (www.jobs.gov.hk/EM), which features job vacancies which are posted by employers welcoming EM job seekers and having no or little Chinese language requirements, to facilitate their search for suitable vacancies. Job seekers (including EMs) are encouraged to approach LD directly in case they have spotted any discrepant vacancy information (including that relating to the language requirements) posted by LD. LD would take follow-up actions accordingly.

14. To enhance the employment opportunities of EM job seekers, LD proactively canvasses vacancies suitable for them from various industries and occupations. Employers are constantly reminded to consider the genuine occupational qualifications of the posts when specifying the language requirements and encouraged to relax the language requirement so as to enable more EM job seekers to apply for their vacancies. Furthermore, LD regularly organises large-scale, district-based and thematic job fairs (including inclusive job fairs) to facilitate job seekers (including EMs) to submit job applications and attend interviews with employers on the spot. These job fairs offer a wide range of job vacancies covering professionals and associate professionals (such as assistant engineer and engineer), craft and related workers, plant/machine operators and assemblers, managers and administrators (such as guest services manager), etc. which are open for applications from job seekers with different levels of educational attainment and working experience. LD also launched the Higher Education Employment Information e-Platform, which displays vacancies targeted at degree holders (including EMs), in December 2016.

15. To further strengthen the employment support for EM job seekers, LD will launch a pilot programme in conjunction with NGOs to provide employment services for EM job seekers through a case management approach so as to utilise NGOs' community network, expertise in case

² LD has installed vacancy search terminals in six support services centres/sub-centres for EMs funded by HAD.

management and experiences in serving EMs.

16. In 2017 and in the first three quarters of 2018, the numbers of placements secured for EM job seekers through LD's employment referral services were 94 and 88 respectively. Currently, the vast majority of employers using LD's recruitment services readily accept direct applications from job seekers. In applying for vacancies provided by these employers, job seekers do not need to register with LD for employment services or make use of its referral services. Job seekers (including EMs) who are placed into employment through direct application are not required to report their employment status to LD. As such, the abovementioned numbers of placements secured through LD's employment referral services do not reflect the overall employment situation of the EM job seekers.

Employees' compensation

17. LD has all along taken multi-pronged measures to safeguard the statutory rights and benefits of employees, including EMs, under the Employees' Compensation Ordinance (ECO).

18. To enhance EMs' awareness of their statutory rights and benefits, the Employees' Compensation Division (ECD) of LD has, through various channels and measures, provided EMs the information in relation to ECO. These measures include: (i) publishing leaflets in major EM languages on the important messages in relation to compensation for work injuries and occupational diseases. These leaflets are distributed in all branch offices of ECD and are downloadable from LD's website; (ii) placing advertisements on employees' compensation claims in newspapers targeted at EMs to strengthen their understanding of the procedures for making employees' compensation claims; (iii) providing interpretation and translation services to EMs with limited proficiency in Chinese or English and those in need to ensure necessary assistance is rendered to safeguard their statutory rights and benefits. Posters publicising the availability of interpretation and translation services are put up in all of the branch offices of ECD, and (iv) attaching a reminder in major EM languages to the letters issued to injured EM employees, informing EMs who are not conversant with Chinese and English may approach LD/the relevant organisation for interpretation and translation services.

Occupational safety and health

19. Pursuant to the Occupational Safety and Health Ordinance (Cap 509) and its subsidiary regulation, every employer shall ensure the safety and health of employees, including the provision and maintenance of plant (includes machinery) and systems of work that are, so far as reasonably practicable, safe and without risks to health, and the provision of such information, instruction, training and supervision as may be necessary to ensure the safety and health at work of the employer's employees. Therefore, before EM workers operate a machine, it is the employer's responsibility to provide suitable training and guidance to them to ensure that they understand relevant instructions for protecting their safety at work. If there is sufficient evidence to show that the employer has not taken adequate safety measures for his employees at work, LD will consider taking out prosecution.

20. In respect of occupational safety and health (OSH) promotion and publicity, LD will continue to provide information, publicity and promotion services to meet the OSH needs of EM workers through different channels to enhance their OSH awareness. LD has produced picture-based, simple and reader-friendly leaflets; and relevant OSH publications and promotional materials in EM languages. The publications have been uploaded to the LD's website. For example, LD has recently produced a poster and a plastic card holder showing LD's OSH complaint hotline in Chinese, English and six EM languages (Bahasa Indonesia, Hindi, Nepali, Tagalog, Thai and Urdu) to step up promotion of the current complaint channel to EM workers, with a view to encouraging them to be more vigilant to site safety and to enabling LD to conduct more targeted inspections.

Provision of assessment services for individuals on non-local qualifications

21. The Hong Kong Council for Accreditation of Academic and Vocational Qualifications provides assessment services for individuals on qualifications awarded by granting bodies outside Hong Kong, and offers professional opinion on whether the totality of the educational qualifications of an individual meets the standard of a particular level of qualification in Hong Kong. At present, the qualifications assessment fee for general

purpose is \$2,615. Persons with financial needs may apply for subsidy from the Community Care Fund for conducting qualifications assessment for general purpose.

Child care services

22. To assist parents who cannot take care of their children temporarily because of work or other reasons (including EM families), the Government subsidises NGOs to provide a variety of child care services to meet the different needs of parents and young children. On the long-term development of child care services, the Government commissioned The University of Hong Kong in December 2016 to conduct a “Consultancy Study on the Long-term Development of Child Care Services” (the Study), which is expected to be completed within 2018. The consultant team has consulted the stakeholders on the direction of the Study’s recommendations, and is preparing the Final Report. To enhance the quality of child care service as soon as practicable, the Chief Executive announced in her 2018 Policy Address a series of measures to strengthen the services to integrate care and development in phases from 2019-20 onwards. Measures will include: formulating planning ratio for Child Care Centre (CCC) places; improving service quality by enhancing the existing manning ratios for qualified child care workers serving in CCCs; increasing the level of subsidy for CCC service so as to alleviate parents’ financial burden in paying service fees; enhancing the service quality of the Neighbourhood Support Child Care Project by strengthening the training for home-based child carers and raising their incentive payments; and re-engineering in phases the existing Mutual Help Child Care Centres so as to further meet child care needs in the community.

23. On the other hand, in response to the community demand for child care services, the Government is exploring the provision of after-school care services for children aged three to six in suitable welfare facilities settings, with the study expected to be completed around October 2019. The Government will also commission NGOs to set up three designated outreaching teams, which will hire EMs, in Hong Kong, Kowloon and the New Territories to proactively reach out to EMs and connect those in need to mainstream welfare services by outreaching method. The designated outreaching teams will also provide case counselling, groups and activities for EMs, so as to meet their social and welfare needs.

24. Meanwhile, starting from 2019-20, the Government will provide in phases a total of about 300 additional places in aided standalone CCCs in North District, Kwun Tong, Kwai Tsing and Sha Tin. The Government will keep in view the demand for various child care services and the planned provision of CCCs in districts with high demand.

Employment of non-ethnic Chinese in the civil service

25. It is the Government's policy to maintain a fully biliterate (Chinese and English) civil service to maintain effective communication with the general public. In order to ensure that non-ethnic Chinese (NEC) have equal access to job opportunities in the Government, the Government makes continuing efforts to ensure that the Chinese language proficiency requirements (LPRs) set for all the civil service grades are no more than necessary for performance of the job. The Government completed a comprehensive review in 2018, and lowered the entry requirements relating to Chinese LPRs for 22 more civil service grades (including degree/professional grades and grades involving technical or operative duties), increasing the total number of grades that have lowered/will lower their Chinese LPRs since 2010 to 53.

26. Meanwhile, relevant bureaux and departments have continued to undertake appropriate measures to tap into the pool of talents possessing knowledge in NEC languages and cultures, with a view to facilitating the provision of public services for these communities. For example, the Police Force, the Social Welfare Department and the Immigration Department have employed NEC to strengthen communication with NEC communities. These efforts will continue.

Entry requirement of members of the Immigration Department

27. The language proficiency requirement of the recruited members of the Immigration Department is based on the operational needs of the respective entry posts. Currently, there is no Chinese written test in the recruitment procedures for the post of Immigration Assistant.

Training on cultural sensitivity for civil servants

28. The Government has been adopting a multi-pronged approach in providing training on cultural sensitivity and equal opportunities for civil servants, e.g. through seminars/workshops, induction training for new recruits, and e-learning resources. The Civil Service Bureau (CSB) will continue to strengthen civil service training in these areas by increasing the number of training places for civil servants and by developing more e-learning resources in handling culturally sensitive issues.

Persons lodging non-refoulement claims

29. For persons who lodged non-refoulement claims in Hong Kong, their immigration statuses as illegal immigrants, overstayers or refused landing passengers will not be changed. Under the Immigration Ordinance, they are prohibited from taking up any employment in Hong Kong. Offenders will be fined up to \$50,000 or imprisoned for three years. In October 2010, the Court of Appeal laid down the sentencing guideline that anyone who breaches the relevant provision shall be sentenced to 15 months' imprisonment. In February 2014, the Court of Final Appeal confirmed that non-refoulement claimants do not have the right to work in Hong Kong under the constitution or other laws of Hong Kong.

30. Hong Kong's situation is unique with a dense population, a long coastline, a well-developed transportation network as a regional hub, and a liberal visa regime to facilitate business and tourism. Therefore, we must have a firm immigration control policy and take stringent enforcement actions, so as to safeguard Hong Kong's immigration control and protect the labour market from the problems of illegal immigrants which would affect the livelihood and employment of the Hong Kong people. We must avoid sending any false message to illegal immigrants that they can work in Hong Kong legally when they lodge a non-refoulement claim after sneaking in. Otherwise, the risk of massive influx of illegal immigrants is very high, hence impacting the immigration control, public safety and social stability.

Training courses for EMs

31. To enhance the employability of NCS school leavers, the Standing Committee on Language Education and Research has launched the Vocational Chinese Language Programme for NCS School Leavers. Courses under the Programme, pegged at Level 1 or 2 of QF, cater for the needs of NCS school leavers with different backgrounds, and the number of tuition hours is in line with the requirements of QF. Upon successful completion of the courses, students not only obtain qualifications recognised by the Government and different sectors, but also enhance their capability and confidence in the use of Chinese.

Employees Retraining Board's services

32. The Employees Retraining Board (ERB)'s service targets are local employees aged 15 or above with educational attainment at sub-degree level or below. If applicants with education qualifications beyond sub-degree level (including qualifications granted by the Mainland or overseas universities), they are generally not eligible for enrollment in ERB courses. ERB already runs a discretionary mechanism to process special cases with genuine employment difficulties. ERB will introduce more flexible arrangements to expedite the processing of "over-qualified" EMs' applications for enrolment in dedicated courses by exempting their submission of proof of employment difficulties.

33. Apart from full-time placement-tied courses of normally eight hours a day, ERB also provides more flexibility by offering "Skills Upgrading Scheme Plus" courses and generic skills courses in half day or evening class mode.

34. ERB has been offering a wide range of skills training dedicated to EMs (including EM women) to enhance their employability. Apart from catering, construction and language programmes as quoted at the meeting, ERB also offers EM-dedicated courses in other specific industries and areas, including property management & security, hairdressing, beauty care, hotel, business, social services, healthcare services, electrical & mechanical services, job searching and interviewing skills, work place culture, etc. Amongst them, some foundation certificate courses on beauty care and catering are

more popular (especially for women). In 2018-19, ERB offers more than 40 courses dedicated for EMs, including healthcare services courses with English training materials to assist EM women to join the healthcare industry.

35. In addition, in 2018-19, ERB offers 13 workplace language courses (five for Chinese reading and writing, five for Cantonese, two for Putonghua, and one for English vocabulary) dedicated for EMs. Five of these courses are recognised at Level 1 under QF. In 2019-20, ERB will launch two new Chinese language courses proposed to be pitched at QF Level 2 to provide EM trainees with progression ladder to cope with the more complicated language needs in their work. ERB also plans to submit more language courses dedicated for EMs for QF accreditation in order to enhance recognition. The “Task Force for Reviewing Language Courses” of ERB also meets regularly to review the effectiveness of the language training courses so as to assist trainees (including EMs) to overcome communication barriers and uplift their employability.

36. ERB regularly consults its “Focus Group on Training for EMs” (the Group) to identify and address the training and employment needs of EMs and to develop appropriate industry-specific courses. The Group comprises EM groups, social service organisations, training bodies, employers and relevant government bodies.

Language classes offered by support service centres for EMs

37. Language classes offered in the support service centres for EMs were designed to meet EMs’ daily social needs and help their early integration into the community. The classes were provided at basic, intermediate and advanced levels for EM participants at appropriate language proficiency. The curriculum, covering mainly listening and speaking skills and supplemented with simple reading and writing, was taught by tutors possessing Bachelor’s degrees or equivalent qualification. Should EMs consider that the advanced level classes offered by the centres cannot meet their needs for employment-related or educational purposes and wish to attend more advanced classes, the centres would provide relevant information, such as language classes organised by ERB and the Institute of Vocational Education, for their reference.