

立法會
Legislative Council

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LC Paper No. CB(2)800/16-17
(These minutes have been seen
by the Administration)

Subcommittee on Rights of Ethnic Minorities

Minutes of the meeting
held on Monday, 9 January 2017, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Paul TSE Wai-chun, JP (Chairman)
Hon Alice MAK Mei-ken, BBS, JP (Deputy Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon LEUNG Che-cheung, BBS, MH, JP
Hon KWOK Wai-keung
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun

Member attending : Hon Martin LIAO Cheung-kong, SBS, JP

Public Officers attending : Labour Department
Miss Mabel LI Po-yi, JP
Deputy Commissioner (Labour Administration)

Mr Charles HUI Pak-kwan, JP
Assistant Commissioner (Employment Services)

Miss Cindy YIM Lai-kwan
Senior Labour Officer (Employment Services)
(Operation)

Education Bureau

Ms Pecvin YONG Pui-wan
Principal Assistant Secretary (Further Education)

Employees Retraining Board

Dr MA Chi
Deputy Executive Director (Training Services)

Vocational Training Council

Professor Ronald CHUNG Chi-kit
Deputy Executive Director

Construction Industry Council

Mr Alex LEUNG
Director of Training and Development

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Miss Cindy HO
Senior Council Secretary (2) 3

Mr Dennis HO
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

Action

I. Employment support services for ethnic minorities

[LC Paper Nos. CB(2)518/16-17(01) to (02), CB(2)116/16-17(01), CB(2)539/16-17(01), CB(2)551/16-17(01), and CB(2)562/16-17(01) to (02)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

Admin

2. The Chairman requested the Administration to provide:

- (a) details of the large-scale and district-based inclusive job fairs organized by the Labour Department ("LD");
- (b) information on the training provided by the Equal Opportunities Commission to the Employment Services Ambassadors under LD;
- (c) the number of complaint cases related to payment of wages involving ethnic minority ("EM") employees received by LD;
- (d) the number of employment officers under LD who were EM persons and placement figures of EM job seekers who had received employment services from LD;
- (e) detailed information on the vocational training courses targeting EMs provided by the Vocational Training Council; and
- (f) the unemployment rate of EMs in Hong Kong and detailed information on various dedicated employment services provided by LD for EMs.

II. Any other business

3. The Subcommittee agreed to invite deputations to give views on issues relating to employment support services for EMs at the next meeting on 13 February 2017.

4. There being no other business, the meeting ended at 4:23 pm.

**Proceedings of the meeting of the
Subcommittee on Rights of Ethnic Minorities
on Monday, 9 January 2017, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
<i>Agenda item I - Employment support services for ethnic minorities</i>			
000057 - 000851	Chairman Administration	Opening remarks Briefing by the Administration [LC Paper No. CB(2)518/16-17(01)]	
000852 - 001019	Chairman Dr Helena WONG Administration	<p>Dr Helena WONG expressed support for the Employment Services Ambassador ("ESA") Programme for Ethnic Minorities ("EMs") under the Labour Department ("LD"). She enquired whether:</p> <ul style="list-style-type: none"> (a) the ESA Programme was still a pilot programme; (b) there was adequate funding to support the continued implementation of the ESA Programme; and (c) ESAs could participate in the Programme for a second time. <p>She called on the Administration to set up a dedicated Employment Services Division for EMs.</p> <p>The Administration introduced the ESA Programme and informed members that five batches of trainees had been engaged since its launch in September 2014. With working experience accumulated and Chinese language training received during the six-month on-the-job training period, the trainees would be encouraged to look for jobs in the open market. With a view to granting the training opportunities to more suitable EM job seekers, trainees would not be allowed to participate in the Programme for a second time. Regarding the dedicated employment services for EMs, the Administration explained that all the 13 job centres of LD offered dedicated employment services that catered to the needs of EM job seekers, with employment officers possessing university qualifications to provide such services. Dr WONG requested the Administration to note that many EMs considered the interpretation and employment services unsatisfactory.</p>	

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		<p>Members agreed to Dr WONG's suggestion that the public should be invited to give views on the matter at the next meeting.</p>	
001020 - 002101	<p>Chairman Ms Claudia MO Administration</p>	<p>Ms Claudia MO commented that exploitation of EMs in employment (e.g. they were often paid lower wages for the same job than their Chinese counterparts) was prevalent. Moreover, some EMs who were not given any written employment contracts could not even apply for transport subsidies. She urged the Administration to set up a task force on EM employment matters and to strengthen law enforcement to protect the rights of sub-contracted EM workers .</p> <p>With reference to the submission from the Equal Opportunities Commission ("EOC") [LC Paper No. CB(2)551/16-17(01)], Ms MO commented that there might be a problem of racial biases at the front end in the LD employment services and EMs were often regarded as only suitable to take up low level, unskilled jobs. Besides, she considered it unreasonable to expect the language proficiency of EM applicants to civil service posts in professional grades to be on par with other applicants who were local Chinese.</p> <p>The Administration responded that LD strived to raise its staff's cultural awareness and sensitivity for EMs, through briefings by EOC and non-governmental organizations ("NGOs") serving EMs. Regarding concern about the need to review the language proficiency requirements (LPRs) in civil service appointment, the Administration advised that it would be referred to the Civil Service Bureau.</p>	
002102 - 002700	<p>Chairman Mr Andrew WAN Administration</p>	<p>Mr Andrew WAN considered that the records kept by LD on the use of the interpretation service were not comprehensive enough for evaluation purpose, e.g. information on the waiting time was not kept. He further commented that the interpretation service for EM job seekers provided over the telephone should be replaced by video conferencing. Mr WAN also enquired how the Administration would deal with the problem of "lower pay for the same job" for EM workers as compared with their non-EM counterparts, especially in the construction industry; and whether a high-level task force would be established to coordinate EM employment matters.</p> <p>The Administration advised that records showed that in 2016, LD had introduced the interpretation service provided by the Centre for Harmony and Enhancement of Ethnic Minority Residents ("CHEER") to 2 601 EM job seekers, and each of them had been shown and invited to sign on a form prepared</p>	

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		<p>in seven EM languages for ascertaining whether or not they required the interpretation service. The Home Affairs Department ("HAD") was responsible for coordinating the provision of interpretation service provided by CHEER. The suggestion of adopting other means such as video conferencing would be referred to HAD. The Administration added that in case EM employees suspected that they were offered a lower pay for the same job than their Chinese counterparts because of their race, these cases should be followed up by EOC as racial discrimination might be involved. LD would not allow employers posting job vacancies with the department to offer different pay levels based on ethnicity.</p> <p>Mr WAN expressed support for setting up a dedicated Employment Services Division for EMs.</p>	
002701 - 003251	Chairman Mr POON Siu-ping Administration	<p>Mr POON Siu-ping enquired about:</p> <ul style="list-style-type: none"> (a) the effectiveness of the large-scale and district-based inclusive job fairs organized by LD; (b) whether the Administration would consider providing additional resources to engage more EMs under the ESA Programme; (c) how many of the 800 training places for EMs offered by the Employees Retaining Board ("ERB") had been taken up; (d) how many "Career Talks for School" for upper secondary EM students had been organized by ERB and the feedback; and (e) whether the Administration would make reference to the "Ethnic Minorities Skills Enhancement Courses Pilot Scheme" launched by the Construction Industry Council ("CIC") and organize similar courses for other industries experiencing shortages of labour, such as transportation and catering. <p>The Administration advised that in 2016, 80 establishments had participated in large-scale inclusive job fairs organized by LD, providing over 7 000 vacancies. Among the 1 810 job seekers attending such job fairs, 143 were EM job seekers, with 55 of them being offered employment and 23 taking up the jobs offered. In the district-based inclusive job fairs held in 2016, 35 EM job seekers were offered employment and 23 of them accepted the job offers. The Administration agreed to provide these details in writing after the meeting.</p>	<p>Admin (paragraph 2 of minutes)</p>

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003252 - 003800	Chairman Ms Alice MAK Administration	<p>Ms Alice MAK enquired about the Administration's action taken to follow up the motion passed by the Panel on Manpower on 15 March 2016 urging the Administration to establish an EM Employment Division in one of the job centres under LD. The Chairman considered that such a dedicated Division might provide better and more tailored services for EMs and its staff establishment should include, preferably, employment officers who could speak the EM languages. The Administration said it had considered the suggestion and currently had no plan to establish an EM Employment Division in one of its jobs centres.</p> <p>The Administration explained that the existing 13 job centres offered dedicated employment services to EM job seekers. Information leaflets in EM languages on LD's employment services were available and interpretation services would be provided to those in need. LD would continue to canvass and disseminate information on job vacancies suitable for EMs, and reach out to EMs to promote LD's employment services.</p>	
003801 - 004411	Chairman Mr SHIU Ka-chun Administration	<p>Mr SHIU Ka-chun noted from the submission from the Catholic Diocese of Hong Kong – Diocesan Pastoral Centre for Workers – Kowloon ("DPCW") [LC Paper No. CB(2)539/16-17(01)] that 70% of the EM job seekers surveyed in 2015 indicated that they had encountered employment difficulties. He commented that employment was important to help EMs rid poverty. He considered that ESAs, who also lacked work experience or knowledge of the job market, might not be able to offer any useful employment assistance to EM job seekers. He enquired about the training (e.g. any cultural sensitivity training) provided to ESA trainees.</p> <p>The Administration clarified that the employment officers were the ones who provided job matching and employment advisory services, whereas ESAs helped facilitate communication between staff and EM job seekers. On-the-job training was provided to ESAs through experienced mentors in the office. Chinese language courses organized by ERB and cultural sensitivity training by EOC and relevant NGOs were also provided to them.</p>	
004412 - 005016	Chairman Dr Fernando CHEUNG Administration	<p>Dr Fernando CHEUNG shared Mr SHIU's concerns and suggested that it would be more effective for LD to hire EM employment officers to serve EMs. He requested the Administration to consider EOC's comment that there were still too few EMs working in the Government although LPRs had been reviewed. Dr CHEUNG also asked the Administration to explain why it had decided not to set up an</p>	

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		<p>EM Employment Division and the number of EM employment officers under LD.</p> <p>The Administration said it would revert on the number of EM employment officers after the meeting. The Chairman requested the Administration to provide information on the training provided by EOC to ESAs.</p>	<p>Admin (paragraph 2 of minutes)</p>
005017 - 005537	Chairman Mr SHIU Ka-fai Administration	<p>Mr SHIU Ka-fai noted that many of the EMs in Hong Kong worked to earn a living. He considered that this showed that EMs in general were hardworking but they had very limited career opportunities and more effective employment support services should be provided to them. Mr SHIU supported arranging staff who spoke the EM languages and understood the EM job seekers to serve as employment officers to provide more tailored services to the EM job seekers. He was also supportive of Ms Claudia MO's suggestion of establishing a dedicated task force on EM employment matters.</p>	
005538 - 010232	Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU Hoi-dick suggested that the effectiveness of the employment assistance initiatives for EMs should be evaluated with reference to the poverty and unemployment rates of EMs. He was also concerned about the problem that many EM construction workers only received half of the wages normally received by their local Chinese counterparts. The Administration advised that the issue of "different pay for the same job" fell outside the scope of the Employment Ordinance and racial discrimination was dealt with by the relevant anti-discrimination ordinance. The Chairman requested the Administration to provide the number of complaint cases related to payment of wages involving EM workers received by LD.</p> <p>Mr CHU urged the Administration to keep records of employment-related complaint cases involving EM workers. He enquired why there was no personalized follow-up service after job seekers had sought job matching services from job centres. The Administration explained that the employment officers would follow up with the EM job seekers based on their needs, and would provide them with information such as job vacancies and inclusive job fair updates at regular intervals not longer than a month, unless the job seekers concerned indicated that they did not require the relevant service.</p>	<p>Admin (paragraph 2 of minutes)</p>
010233 - 010705	Chairman Administration ERB	<p>In response to Mr POON Siu-ping's queries, ERB informed members that the enrolment figures for the dedicated training courses for EMs offered by ERB for 2014-2015, 2015-2016 and 2016-2017 (as at November 2016) were 380, 330 and 250</p>	

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		<p>respectively; and two rounds of "Career Talks for Schools" had been conducted in 2016-2017.</p> <p>The Administration said that the suggestion of providing courses similar to the "Ethnic Minorities Skills Enhancement Courses Pilot Scheme" for the construction industry under CIC for other industries such as transportation and catering would be relayed to the relevant policy bureaux.</p> <p>The Chairman requested the Administration to further explain why it would not consider setting up a dedicated EM Employment Division staffed with EM employment officers. The Administration explained that the territory-wide network of 13 job centres was already providing dedicated and convenient employment services to EMs through employment officers proficient in English and familiar with the Hong Kong labour market. The Administration had no plan for setting up an EM Employment Division but would review its services from time to time.</p>	
010706 - 011229	Chairman Mr LEUNG Kwok-hung Administration	Mr LEUNG Kwok-hung urged the Administration to provide justifications for deciding not to set up an EM Employment Division at one of its job centres where more EMs resided nearby. The Administration reiterated that the existing 13 job centres provided a wide range of dedicated employment services to EM job seekers.	
011230 - 011738	Chairman Dr Fernando CHEUNG Administration ERB	<p>Dr Fernando CHEUNG was of the view that there was a relatively small number of training courses specifically for non-Chinese speaking ("NCS") people offered by the Vocational Training Council ("VTC") and ERB. He noted that only four such courses were offered by VTC, and the training venues were all in Ma On Shan. Referring to paragraph 13 of EOC's submission, he shared EOC's concern that not enough had been done to help EM youths enter the care industry under the Navigation Scheme for Young Persons in Care Services. Noting the large number of EM training places not taken up (out of the 800 places offered by ERB), Dr CHEUNG asked whether ERB had looked into that.</p> <p>ERB responded that it had set up a focus group comprising representatives from EM groups and NGOs to evaluate its training courses. ERB reckoned that EM participants who had some Chinese language proficiency might have enrolled in other ERB courses other than those dedicated to EMs. ERB would promote its services through distributing leaflets in EM languages and reaching out to EM groups. Some of the training courses were conducted at HAD's Support Services Centres for Ethnic Minorities.</p>	

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011739 - 012125	Chairman Mr SHIU Ka-fai Administration	Mr SHIU Ka-fai enquired how many interpreters were currently employed by LD, and the normal waiting time for the interpretation service. The Administration replied that interpretation provided by the NGO commissioned by HAD was conducted through telephone. The interpretation service was generally available within a short time, otherwise an appointment would be made with the EM job seeker. Very few complaints on long waiting time for the interpretation service had been received by LD. The Administration added that on-site interpretation service would be arranged in LD's large-scale inclusive job fairs as well.	
012126 - 012447	Chairman Mr SHIU Ka-chun Administration	Mr SHIU Ka-chun said that he had come across cases where EMs had to wait for as long as 45 minutes for interpretation service at LD job centres; and requested LD to keep records of the waiting time. He also expressed concern that job vacancy information was mostly provided in Chinese only and some EM workers' rights were not protected as their employment contracts were in Chinese. Mr SHIU sought information from the Administration on the percentage of job vacancies displayed in different languages (Chinese, English and EM languages). In the absence of job vacancy information presented in EM languages, some EMs had complained that they had been misled by the employers and signed contracts containing exploitative terms and conditions. He expressed support for establishing an EM Employment Division.	
012448 - 012853	Chairman Dr Helena WONG Administration	Dr Helena WONG was of the view that LD should employ in-house EM staff stationed at its job centres to provide interpretation service to EM job seekers rather than relying on the interpretation service provided by the NGO. She referred to paragraph 5.2 of DPCW's submission that a job seeker had once waited for 45 minutes for the interpretation service. The Administration explained that when meeting personally over a year ago with the job seeker who claimed to have waited 45 minutes for the interpretation service, the job seeker concerned said that she could not recall the details including date and place of the incident, which rendered further investigation by the Administration impossible. Dr WONG called on the Administration to compile statistical data for evaluation of the interpretation service.	
012854 - 013323	Chairman Mr CHU Hoi-dick Administration	Mr CHU Hoi-dick suggested that the Administration should hire EM persons as employment officers and Labour Inspectors. He enquired whether the job matching service under LD had been terminated in 2010 as mentioned in paragraph 5.4 of DPCW's submission. The Administration explained that although the Job Matching Programme had ceased to operate, EM job seekers were offered personalized	

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		<p>employment advisory and job matching services through employment officers.</p> <p>The Chairman requested the Administration to provide placement figures of those EM job seekers who had received referral service from LD.</p>	<p>Admin (paragraph 2 of minutes)</p>
013324 - 013846	Chairman Dr Junius HO Administration	<p>Dr Junius HO suggested that the Administration should arrange training for a certain number (say, 100) of the EM persons on the non-refoulement scheme to enable them to be trained as accredited interpreters and translators for EM languages. This would help the EMs concerned embark on a career as interpreters, while tackling the shortage of such interpreters/translators and expanding the panel of EM interpreters for the use by the Government.</p> <p>The Administration replied that the matter of accreditation of interpretation training was under the purview of the Education Bureau and the suggestion of expanding the panel of EM interpreters to provide interpretation service for the Government would be an approach very different from the existing arrangement.</p>	
013847 - 014358	Chairman Mr Holden CHOW Administration	<p>Mr Holden CHOW asked whether the ESA Programme would continue on a long-term basis. He suggested that LD should consider retaining the ESA trainees with good performance and offer them long-term employment with LD to continue to provide the services to EMs. The Administration responded that the ESA Programme was being run continually.</p>	
014359 - 014736	Chairman Administration VTC	<p>VTC briefed members on its vocational training courses targeting NCS persons. The Chairman requested VTC to provide detailed information on such training programmes.</p> <p>In response to Mr SHIU Ka-chun's enquiry, the Administration advised that all job vacancy information was displayed by LD in both Chinese and English, unless the job vacancy concerned required applicants to be able to read and/or write Chinese as a prerequisite and in such cases the key information would still be displayed in both Chinese and English. Regarding the suggestion of displaying job vacancy information in EM languages, the Administration explained that LD processed over 5 000 job vacancies on average on each working day, so it was not feasible to do so. In fact, proficiency in Chinese or English was the job requirement in most vacancies and very few job seekers coming into contact with LD's employment officers knew neither Chinese nor English.</p>	<p>Admin (paragraph 2 of minutes)</p>

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014737 - 015248	Chairman Dr Fernando CHEUNG Administration	Dr Fernando CHEUNG requested the Administration to provide the unemployment rate of EMs and more detailed information with respect to various dedicated employment services provided by LD for EMs. He considered that the Administration should set a clear and objective benchmark for evaluating the effectiveness of those services.	Admin (paragraph 2 of minutes)
<i>Agenda item II - Any other business</i>			
015249 - 015529	Chairman	Arrangement for inviting the public to give views at the next meeting Closing remarks	
015530 - 015448	Chairman Dr Junius HO	Dr Junius HO further suggested that the Administration should spearhead to train and employ a certain number of EMs as interpreters to help resolve the language barrier encountered by EMs in gaining access to public services.	

Council Business Division 2
Legislative Council Secretariat
 10 February 2017