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Panel on Public Service

Meeting on 15 May 2017

Updated 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, appointments to the civil service are based on the principle of open and fair competition. The race of a candidate is not a relevant consideration in the assessment for selection, appointment and promotion of civil servants. The arrangement of specifying the appropriate Chinese and English language proficiency requirements ("LPRs") as part of the entry requirements for appointment to individual grades having regard to the job requirements of the concerned grades is in line with the guidance of the Equal Opportunities Commission ("EOC") as set out in its Code of Practice on Employment under the Race Discrimination Ordinance ("the 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.

Review of LPRs and other relevant measures

3. As advised by the Administration, the following measures have been implemented to facilitate the recruitment of candidates whose first language is not Chinese:

- (a) *Review of LPRs* - To ensure that Heads of Department/Grade ("HoDs/HoGs") make continuous efforts in reviewing and where appropriate, adjusting LPRs, the Civil Service Bureau ("CSB") conducts, in consultation with the bureaux/departments ("B/Ds"), reviews of LPRs of all civil service grades from time to time. Since 2010, the Chinese LPRs of over 20 civil service grades have been suitably lowered;
- (b) *Acceptance of results of non-local public examinations and Applied Learning Chinese subject* - The results of specified non-local public examinations¹ on the subject of Chinese language are accepted in addition to local qualifications as meeting LPRs for the purpose of appointments to civil service. Moreover, in tandem with the introduction of Applied Learning Chinese subject in 2014-2015 school year for non-Chinese speaking students at senior secondary level,² results of "Attained" and "Attained with Distinction" for this subject are also accepted for the purpose of meeting the relevant Chinese LPRs for civil service appointments;
- (c) *Adjustments in recruitment selection process* - Some departments have made suitable adjustments to their recruitment selection process, particularly the part concerning tests of communication ability;³ and
- (d) *Implementation of employment initiatives* - Departments may employ ethnic minorities to meet operational needs where appropriate. For instance, the Education Bureau ("EDB") has employed non-ethnic Chinese ("NECs") as teaching staff in government schools with NEC students; the Hong Kong Police Force ("HKPF") and Social Welfare

¹ Chinese language results in the United Kingdom International General Certificate of Secondary Education ("IGCSE")/General Certificate of Secondary Education ("GCSE")/General Certificate of Education ("GCE") 'Ordinary' Level as well as GCE 'Advanced'/'Advanced Subsidiary' ("A/AS") Levels are accepted for the purpose of appointments to the civil service.

² The first batch of about 180 non-Chinese speaking Secondary Four students (10% of the total number of these students) had enrolled to study Applied Learning Chinese.

³ For example, applicants of Police Constable who meet the basic academic qualifications and prescribed English language proficiency standard but do not meet the required Chinese LPRs will be arranged to sit for the Government Standard Examination.

Department have employed Police Community Liaison Assistants in Police Districts and Welfare Support and Liaison Assistants in Integrated Family Service Centres respectively; the Home Affairs Department has designated positions for people who can command South/Southeast Asian language(s) widely spoken in Hong Kong to support its work on promotion of racial harmony and enhancement of support services for ethnic minorities; and the Immigration Department has required staff with proficiency in specified ethnic minority languages for services e.g. handling of non-refoulement claims.

Discussions by the Panel

4. The Panel discussed LPRs for civil service appointments on 24 May 2010, the racial profile of the civil service on 20 June 2011 and employment of ethnic minorities in the civil service on 15 April 2013, 20 January 2014 and 18 April 2016, and received views from deputations regarding the employment of ethnic minorities in the civil service at its meeting on 20 July 2015. The major views and concerns expressed by Panel members and deputations, and the Administration's responses are summarized in the ensuing paragraphs.

Racial profile of the civil service

5. At the meeting on 20 July 2015, both members and deputations urged the Government to regularly update and publicize the information on the employment of ethnic minorities in the civil service for public scrutiny.

6. The Administration responded that it did not collect information about the ethnic origins of individual civil servants (including new recruits). However, the Administration conducted voluntary anonymous surveys to gather statistics on the racial profile of the civil service in 2011 and 2013. In the latter survey, 24 690 civil servants (15.4% of the 160 441 serving civil servants as at 31 March 2013) responded to the survey while 470 (or 1.9%) of them were NECs. The Administration considered that the distribution of individual ethnic minority groups in the civil service as revealed in the 2013 survey was comparable to that in the general population as noted in the 2011 Population Census.

Employment of ethnic minorities in the civil service

7. Members noted that many ethnic minority persons in Hong Kong possessed good academic qualifications, and yet were unable to join the civil service because they failed to meet LPRs for civil service appointments. The

Administration was urged to adopt a more proactive approach in promoting the employment of ethnic minorities by setting a target ratio of ethnic minority employees in the civil service.

8. The Administration responded that setting a target proportion of civil service posts for appointment of ethnic minorities to the civil service might not be the most appropriate and effective means for promoting the employment of ethnic minorities, in particular that ability to meet the job requirements and prospects for career advancement should not be compromised. Rather, the Administration would ensure that ethnic minorities would continue to have equal access to job opportunities in the civil service. Efforts would also be made to communicate with NEC groups with a view to disseminating information on initiatives to facilitate the employment of ethnic minorities in the civil service.

9. A member asked whether CSB had received any complaints from applicants for government jobs that they were being discriminated because of the adjustment made to LPRs and recruitment formats set for the jobs they were applying. The Administration replied in the negative and stressed that appointments to the civil service were open and fair. All candidates were assessed on the basis of their ability, performance and character, and having regard to the stipulated entry requirements set according to the job requirements of the grade concerned. Race was not a consideration in assessing the suitability of the appointment or promotion to higher ranks.

10. As to the suggestion of providing Chinese language training to ethnic minority civil servants to better assist them in performing their duties, the Administration responded that Chinese language training tailored for the vocational needs of NEC staff had already been organized to facilitate their effective performance of duties and career advancement and where necessary, more training courses on Chinese language could be organized. However, the Administration was of the view that introducing strengthened Chinese language courses for NEC students at early stage of their academic development would be more effective.

Employment of ethnic minorities in certain B/Ds

11. On the suggestion of employing ethnic minorities to fill some civil service posts for providing service to ethnic minority communities exclusively, the Administration advised that holders of civil service posts were expected to be able to perform the full range of duties of the ranks concerned. Appointing ethnic minorities who did not fully meet the entry requirements, in particular the specified Chinese LPRs of the grades concerned, would limit the appointees' posting and promotion prospects. That said, where appropriate and when there

were no comparable civil service grades performing the required tasks, B/Ds might engage ethnic minorities on non-civil service contract terms to meet the specific operational needs.

12. Noting that many NEC youths were interested in joining the disciplined services, yet the number of applications received from ethnic minority applicants and their success rates for appointments for the posts of Police Constable of HKPF and Assistant Officer II of the Correctional Services Department ("CSD") from 2010 to 2013 were low, members enquired about the reasons.

13. The Administration explained that applications from NECs for the post of Police Constable had increased from three in 2010-2011 to 62 in 2015-2016, and the number of appointments surged from one to nine during the same period. The success rate of NECs was 15% in 2015-2016 compared with 12% for other applicants, and applicants who had failed could re-apply in 12 months as HKPF recruited officers all year round. Besides, HKPF had put in much effort in conducting career talks in secondary schools with ethnic minority students so as to instill their interest in joining HKPF. As for the recruitment exercises for Assistant Officer II of CSD, the Administration advised that with CSD's efforts in promoting recruitment exercises to ethnic minority groups, there had been a notable increase in the number of applications received from ethnic minorities. 10 NECs were employed as Assistant Officer II from 2010-2011 to 2015-2016, and the success rate matched that of other applicants.

14. In response to a member's enquiry on whether the Administration would engage EOC and other concerned bodies in adjusting LPRs to facilitate NEC candidates for applying jobs in HKPF and CSD and assessing the effectiveness of such adjustments, the Administration said that it had all along been maintaining dialogue with EOC and other parties concerned in this regard.

LPRs for civil service appointments

15. At the meeting on 20 July 2015, the deputations generally opined that suitable adjustments to the recruitment selection process concerning language requirements could be made to more civil service posts to better facilitate the employment of ethnic minorities in civil service. Some members also queried whether there was a genuine need for imposing a high level of Chinese LPRs, particularly written Chinese, for appointment to civil service posts. They were concerned that although the Administration had relaxed LPRs for some grades to a certain extent, a lot of ethnic minorities still could not meet the Chinese LPRs. They called on the Administration to critically review LPRs for civil service appointments and where appropriate relax the Chinese LPRs.

16. The Administration advised that Hong Kong was a multi-cultural society, and to ensure effective delivery of public services, the Administration had to specify appropriate Chinese and English LPRs as part of the entry requirements for appointment to individual grades having regard to the operational needs and job requirements of the concerned grades. HoDs/HoGs were responsible for stipulating LPRs for each of the grades under their management and making suitable adjustments in response to changes in the community and operational needs. CSB would liaise with B/Ds on ways to facilitate the employment of ethnic minorities to civil service posts which required comparatively lower entry requirements, e.g. Artisan and Motor Driver, etc. Review of LPRs was also an ongoing process, and CSB had issued guidelines to HoDs/HoGs reminding them to review LPRs from time to time.

17. A member expressed concern that although there was a policy of accepting overseas Chinese language qualifications as meeting the stipulated LPRs, some individual B/Ds had their own internal language assessments. The Administration clarified that all B/Ds had to accept the Chinese language results of specified non-local public examinations, in addition to local qualifications. During the selection process, some B/Ds might arrange other tests or interviews which could help assess the applicants' job-related communication ability, and that should not be regarded as additional language tests imposed on applicants.

18. A member suggested that for those civil service posts which involved direct service provision to the ethnic minority communities, the Administration should specify LPRs in respect of the relevant ethnic minority language, and such LPRs should substitute for the Chinese LPRs for the relevant grades. The Administration replied that for some grades, applicants who possessed foreign language skills would be awarded extra marks in the recruitment selection process. The Administration would ensure that LPRs specified would remain relevant to and commensurate with the satisfactory performance of the duties of the grades concerned.

Relevant questions raised at Council meetings

19. Questions on the Chinese LPRs for appointment to the civil service were raised at the Council meetings of 20 January 2010 and 27 February 2013; and members had raised questions on the employment situation of and support services provided to ethnic minorities in civil service in examining the Estimates of Expenditure 2017-2018.⁴

4 See: Examination of Estimates of Expenditure 2017-2018 by the Finance Committee - Reply Serial No. CSB006 and CSB021.

Latest development

20. The Administration will update the Panel on the employment of ethnic minorities in the Civil Service on 15 May 2017.

Relevant papers

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

Council Business Division 4
Legislative Council Secretariat
9 May 2017

Appendix

Employment of ethnic minorities in the Civil Service

List of relevant papers

Meeting	Date of meeting	Paper
Panel on Public Service	24 May 2010	Administration's paper Minutes
	20 June 2011	Administration's paper Minutes Administration's follow-up response to issues raised at the Panel meeting
	15 April 2013	Administration's paper Background brief prepared by the Legislative Council Secretariat Minutes Administration's follow-up response to issues raised at the Panel meeting
	20 January 2014	Administration's paper Updated background brief prepared by the Legislative Council Secretariat Minutes Administration's follow-up paper

Meeting	Date of meeting	Paper
	20 July 2015	Administration's paper Updated background brief prepared by the Legislative Council Secretariat Minutes
Council Meeting	20 January 2010	Official Record of Proceedings Pages 7 - 17 (Oral Question 1)
	27 February 2013	Official Record of Proceedings Pages 68 - 71 (Written Question 15)
Panel on Public Service	18 April 2016	Administration's paper Updated background brief prepared by the Legislative Council Secretariat Minutes

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