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Panel on Public Service

Meeting on 26 February 2018

Updated background brief on employment of non-ethnic Chinese in the civil service

Purpose

This paper provides background information on issues relating to the employment of non-ethnic Chinese ("NECs") in the civil service, and summarizes the major views and concerns expressed by members 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 (Cap. 602) ("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 language proficiency requirements 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 reviews of LPRs of all civil service grades from time to time, in consultation with the bureaux/departments ("B/Ds"). Since 2016, the Administration has adopted a targeted approach in reviewing the Chinese LPRs of specific grades. Through this targeted approach, the number of grades that have lowered or removed requirements for Chinese written proficiency has increased to 31 grades;
- (b) *Acceptance of results of non-local public examinations and Applied Learning Chinese subject* - In addition to local qualifications as meeting LPRs, the results of specified non-local public examinations¹ on the subject of Chinese language are accepted 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
- (d) *Implementation of employment initiatives* - Departments may employ NECs to meet operational needs where appropriate. For instance, the Education Bureau has employed NECs as teaching staff in government schools with NEC students; the Hong Kong Police Force ("HKPF") and Social Welfare Department have employed

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

² The first cohort of non-Chinese speaking students completed the Applied Learning Chinese subject in summer 2017.

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.

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 work in its Race Relations Unit to support its work on promotion of racial harmony and enhancement of support services for NECs; and the Immigration Department has required staff with proficiency in specified languages of NECs for services e.g. handling of non-refoulement claims; and

- (e) *Dissemination of recruitment information* - CSB has been encouraging more B/Ds to place recruitment advertisements, where appropriate, with the support service centres for NECs run by the Home Affairs Department, with the objective of widening the trawl for NECs for the recruitment exercises concerned.

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 NECs in the civil service since 2013, and received views from deputations regarding the employment of NECs 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. Some members enquired about the number and proportion of NECs in the civil service. They also urged the Government to regularly update and publicize such information for public scrutiny.

6. The Administration responded that as neither applicants for civil service posts nor serving civil servants were required to indicate their ethnic origins in the appointment process, such information was unavailable. 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 NEC 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.

7. With a view to evaluating the effectiveness of the measures adopted by the Administration in facilitating the employment of NECs in the civil service,

as well as to better understand the employment situation of NECs for providing relevant support, members urged the Administration to resume the survey to collect some baseline figures for comparison purpose.

8. Regarding some members' suggestion on setting a target ratio of EM employees in the civil service, the Administration advised that it had adopted a policy of equal opportunities in employment, the race of a candidate was not a relevant consideration in the recruitment process. As such, the suggestion might not be appropriate.

Employment of non-ethnic Chinese in the civil service

9. Some members expressed concern on the employment package for interpreters proficient in NEC languages engaged by individual B/Ds, in particular for those with university degree. The Administration pointed out that depending on operational needs, B/Ds might engage staff proficient in NEC languages to provide interpretation service on a full-time basis, on non-civil service contract ("NCSC") terms or on an hourly rate basis through procurement of services. The terms and conditions of service for NCSC interpreters would be determined according to a host of factors, including the employment market situation, and B/Ds would seek necessary resources to convert NCSC positions for which the long-term needs had been established to civil service posts.

10. At the Panel meeting on 15 May 2017, members noted that the Labour Department ("LD") had implemented the Employment Services Ambassador ("ESA") Programme for NECs in which trainees of the Youth Employment and Training Programme who could communicate in NEC languages would be engaged as ESAs to work at LD's job centres or industry-based recruitment centres for six months. However, the effectiveness of the ESA Programme was in doubt as ESAs were not employed by LD afterwards. In reply, the Administration stressed that although the ESA Programme was a pilot scheme, it was effective in enhancing participants' ability to secure employment after the completion of the ESA Programme.

11. Members were concerned that while many NEC youths were interested in joining the disciplined services, only less than 1% of the total number of staff in HKPF and the Correctional Services Department ("CSD") were NECs in 2017.

12. The Administration advised that in the past few years, HKPF had been making sustained efforts to recruit more NECs to meet its operational needs. In 2010-2011, only one of the three NEC applicants was appointed as Police Constable, but the applications received from NECs and numbers of appointments in 2016-2017 increased to 55 and 18 respectively, and the success rate of NECs was 33%, compared with 11% for other applicants. Applicants

who had failed could also 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 NEC students so as to instil their interests in joining HKPF. As for the recruitment exercises of CSD, the Administration advised that with CSD's efforts in promoting recruitment exercises to NEC groups, there had been a notable increase in the number of applications for Assistant Officer II received from NECs. From 2010-2011 to 2015-2016, 10 NECs were employed as Assistant Officer II and the success rate matched that of other applicants.

13. 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.

14. As to the suggestion of providing Chinese language training to NEC 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. In this connection, a member suggested the Administration organizing Chinese language classes to NEC youths in districts to equip them with Chinese language skills to apply for civil servant posts.

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 NECs in civil service. Some members noted that many NECs 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. In light of the above, members 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 NECs still could not meet the Chinese LPRs. Members 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. HoDs/HoGs were requested to specifically examine the necessity for proficiency in written Chinese particularly for jobs the duties of which should not involve much written communication or could accommodate written communication in either English or Chinese. CSB would liaise with B/Ds on ways to facilitate the employment of NECs 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 NEC communities, the Administration should specify LPRs in respect of the relevant NEC 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.

Public services provided to non-ethnic Chinese

19. Some members criticized the Administration for not keeping the number of NEC users of public services. Without such statistics, the Administration could not ascertain NECs' needs for public services and whether public services provided to them was adequate. In this connection, members recommended the Administration to establish a dedicated department to provide centralized service to the NEC communities.

20. The Administration advised that it had all along paid much attention to the needs of NECs. Subject to resources availability, CSB would assist B/Ds to

create additional posts to provide relevant services to NECs as and when appropriate.

Relevant questions raised at Council meetings

21. 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 NECs in civil service in examining the Estimates of Expenditure 2017-2018.⁴

Latest development

22. The Administration will update the Panel on the employment of NECs in the civil service on 26 February 2018.

Relevant papers

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

Council Business Division 4
Legislative Council Secretariat
20 February 2018

4 See: Examination of Estimates of Expenditure 2017-2018 by the Finance Committee - Reply Serial No. CSB006 and CSB035.

Employment of non-ethnic Chinese 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
	18 April 2016	Administration's paper Updated background brief prepared by the Legislative Council Secretariat Minutes
	15 May 2017	Administration's paper Updated background brief prepared by the Legislative Council Secretariat Minutes Administration's follow-up response to issues raised at the Panel meeting
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)