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Panel on Public Service

Meeting on 15 April 2019

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 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 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* - 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 when the Administration adopted a targeted approach in reviewing the Chinese LPRs of specific grades, the number of grades that have lowered or removed requirements for Chinese written proficiency has increased to 53 grades;
- (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 for the purpose of appointments to civil service. Moreover, results of "Attained" and "Attained with Distinction" for Applied Learning Chinese subject for non-Chinese speaking students at senior secondary level² 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 suitably adjusted 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. Some of these departments include the Education Bureau, the Hong Kong Police Force ("HKPF") and the Social Welfare Department. 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. The Labour Department has engaged employment assistants proficient in NEC languages at two job centres on a pilot basis since 2017 to strengthen employment support for NEC job seekers; 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

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.

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 employment of NECs in the civil service since 2013 and received views from deputations at its meeting on 20 July 2015 in this regard. 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 and suggested setting a target ratio of NEC employees in the civil service. They also urged the Administration to regularly update and publicize such information for public scrutiny.

6. The Administration responded 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. Instead of setting a target ratio of NEC civil servants, the Administration considered it more appropriate to facilitate NEC's employment in the civil service by providing them with equal access to openings like other applicants. As neither applicants for civil service posts nor serving civil servants were required to indicate their ethnic origins in the appointment process, information about the number and proportion of NECs in the civil service was unavailable.

7. In this connection, the Administration had 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.

8. 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.

9. The Administration explained that since the response rate of the surveys was low and the accuracy of the information collected could not be verified, the

survey might not be a cost-effective means to gather statistics on the racial profile of the civil service. Given that the number of grades which had lowered/would lower LPRs had been further increased to 53, the Administration would review the effectiveness of the above initiative in facilitating the employment of NEC in the civil service and then decide whether, and if so, how to conduct another survey.

Employment of NECs in the civil service

10. 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 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.

11. In response to members' enquiry about the reasons for the small proportion (only less than 1%) of NECs in HKPF and the Correctional Services Department ("CSD"), the Administration advised that in 2015-2016, 2016-2017 and 2017-2018 (as at end December 2017), HKPF received 67, 67 and 31 applications for Police Constable from NECs respectively, while 11, 18 and 9 of them had been appointed, representing success rates of 16%, 27% and 29%. The rates were higher than those of other applicants at 13%, 11% and 13% respectively. As regards the recruitment exercises of Assistant Officer II of CSD, around one to two out of dozens of applications from NECs were successful in each of the past three years. Besides, a cross-disciplined forces training programme targeting NEC youths had been introduced to provide them with discipline, physical and team-building training.

12. 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.

LPRs for civil service appointments

13. 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 the civil service. Some members noted that many NECs were unable to join the civil service because they failed to meet LPRs for

civil service appointments. In light of the above, members called on the Administration to critically review LPRs for civil service appointments and where appropriate relax the Chinese LPRs.

14. The Administration advised that 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. Heads of Department/Grade 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 had also issued guidelines to Heads of Department/Grade reminding them to review LPRs from time to time.

15. A member expressed concern that some individual B/Ds had their own internal language assessments in addition to LPRs. 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.

Public services provided to NECs

16. With a view to improving the provision of public service for the NEC community in Hong Kong, members suggested that for those departments which provide direct service to the NEC communities, e.g. the Immigration Department, the Administration should increase the number of NEC civil servants in these departments, and substitute the Chinese LPRs for the relevant grades with LPRs of the relevant NEC language. The Administration replied that the Immigration Department had engaged interpreters proficient in specified NEC languages to meet its specific operational needs of communication with NEC on immigration matters. Besides, applicants who possessed foreign language skills would be awarded extra marks in the recruitment selection process for some grades. As mentioned in the policy initiatives of CSB regarding the 2018 Policy Address and Policy Agenda, the Civil Service Training and Development Institute would provide newly recruited civil servants and front-line staff with more training related to cultural sensitivity and equal opportunities to further facilitate access by NECs to public services they required.

17. 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.

18. 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.

19. At its meeting on 26 February 2018, the Panel passed a motion to request the Administration to set up for departments closely related to ethnic minorities some ratios in respect of employing NECs with designated language competencies as holders of civil service posts. The wording of the motion is in **Appendix I**.

Relevant questions raised at Council meetings

20. 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

21. When briefing members on the policy initiatives under CSB in the 2018 Policy Address, the Secretary for the Civil Service advised that the Administration would launch a pilot internship programme in the summer of 2019 for NEC university students in various government departments so as to help young NECs accumulate work experience and enhance their competitiveness for employment.

22. The Administration will update the Panel on the employment of NECs in the civil service on 15 April 2019.

Relevant papers

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

Council Business Division 4
Legislative Council Secretariat
8 April 2019

⁴ See: Examination of Estimates of Expenditure 2017-2018 by the Finance Committee - Reply Serial No. CSB006, CSB035 and SB008.

Panel on Public Service

Motion passed under agenda item V on "Employment of non-ethnic Chinese in the civil service" at the meeting on 26 February 2018

(Translation)

To promote racial integration and provide better services to people of different races in Hong Kong, this Panel urges the Government to set up for departments closely related to ethnic minorities some ratios in respect of employing non-ethnic Chinese with designated language competencies as holders of civil service posts.

Moved by: Dr Hon CHIANG Lai-wan, SBS, JP

Appendix II

Employment of non-ethnic Chinese in the civil service

List of relevant papers

Meeting	Date of meeting	Paper
Panel on Public Service	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
	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

Meeting	Date of meeting	Paper
	15 May 2017	<u>Administration's paper</u> <u>Updated background brief prepared by the Legislative Council Secretariat</u> <u>Minutes</u> <u>Administration's follow-up response to issues raised at the Panel meeting</u>
	26 February 2018	<u>Administration's paper</u> <u>Updated background brief prepared by the Legislative Council Secretariat</u> <u>Minutes</u> <u>Administration's response to the motion passed at the meeting</u>