

LegCo Panel on Home Affairs
Sub-committee to study
Discrimination on ground of sexual orientation

Purpose

Members observe that civil service medical benefits are not extended to homosexual partners of civil servants and have asked to discuss ways to extend the benefits to such partners. This paper briefs Members on the current policy relating to medical and dental benefits for civil servants and sets out the Administration's views on the matter.

Existing Policy

2. Civil servants, by virtue of their appointment, are entitled to specified medical and dental benefits. Under the current policy, the sexual orientation of a civil servant does not affect his/her own eligibility for such benefits. Medical benefits are extended to the spouse and dependant children^{note 1} of civil servants. Spouses are individuals under a monogamous marriage^{note 2}, in line with Hong Kong's marriage system. Proof of family relationship is needed to confirm eligibility.

^{note 1} Dependant children are those who are unmarried and under the age of 21. In the case of those who are 19 or above, they must also be in full-time education or full-time vocational training, or dependent on the civil servant as a result of physical or mental infirmity.

^{note 2} Marriage that involves one man and one woman to the exclusion of all others.

Eligibility or otherwise of homosexual partners for civil service medical benefits

3. A suggestion has been made that eligibility for civil service medical benefits should be extended to homosexual partners of civil servants. As explained in paragraph 2 above, our existing policy on civil service medical benefits is firmly based on the prevailing marriage system in Hong Kong which recognises only monogamous and heterosexual marriages. We shall consider revising our policy in the light of changes to the marriage system practised locally.

4. Another suggestion has been made that we should allow civil servants to nominate certain specified persons who will be eligible for medical and dental benefits provided by the Government. Under such a system, a civil servant may choose as the beneficiaries any persons who may or may not be his/her spouse or dependant children. It is argued that this arrangement would, for instance, allow a civil servant to nominate his/her homosexual or heterosexual partner as eligible persons for medical benefits provided by the Government.

5. This approach would, however, deviate from our current policy that civil service medical and dental benefits are only extended to nuclear family members. Such a policy is necessary in order to ensure effective use of limited public resources. We do not see any justification, from the perspective of prudent financial management, to extend the scope of the existing eligibility criteria insofar as homosexual partners are

concerned. We shall continue to be guided by the prevailing views of the community at large on who may be recognised as a legal spouse.

Conclusion

6. The existing eligibility criteria for civil service medical benefits is in line with the monogamous and heterosexual marriage system in Hong Kong which reflects the socio-moral values and family ethics of the community. It has also taken into account the need for prudence in the use of public resources and practical operational requirements.

Civil Service Bureau

October 2001