

LCQ19: Establishing alternative framework for same-sex partnerships

Following is a question by the Hon Mrs Regina Ip and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (May 29):

Question:

It has been reported that the Court of Final Appeal (CFA) delivered its judgment on September 5 last year in the case of Sham Tsz Kit v Secretary of Justice, ruling that the Government had failed to fulfil its positive obligation to establish an alternative means for same-sex couples to have their marital relationship recognised and to give appropriate rights to same-sex couples. The CFA also made an order on October 27 last year, requiring the Government to establish an alternative framework for same-sex partnerships (alternative framework) within two years from that date, so that same-sex partnerships could be legally recognised. In this connection, will the Government inform this Council:

- (1) of the current progress of the work relating to the formulation of the alternative framework;
- (2) as the CFA has allowed the Government to apply to the Court for an extension of the deadline for the implementation of the alternative framework for compelling reasons, whether the Government has assessed if, given the current progress, it will be able to complete the formulation of the alternative framework within the two-year time frame; if it has, of the estimated legislative timetable; if it has not, how the Government ensures that the work can be completed within that time frame;
- (3) whether the Government will draw up criteria to assist it in determining if a same-sex partnership meets the application threshold under the alternative framework, so as to prevent abuse of the alternative framework; if so, of the factors to be considered; if not, the reasons for that; and
- (4) given that, as pointed out in paragraph 181 of the judgment handed down by the CFA on September 5 last year in the aforesaid case, the Government should provide for the "core" of rights necessary for same-sex partnerships in formulating the alternative framework, whether the Government has considered how to define and distinguish between the core rights and the "supplementary" rights that may be included in the alternative framework?

Reply:

President,

In consultation with the Department of Justice (DoJ), the consolidated reply to the question raised by the Hon Mrs Regina Ip is as follows:

In the case of *Sham Tsz Kit v Secretary for Justice* (FACV 14/2022), the Court of Final Appeal ruled that the Government has positive obligation to establish an alternative framework, so that same-sex relationship would be provided legal recognition (alternative framework), and also to provide for the appropriate rights and obligations arising from the recognition of same-sex relationship. The Court furthermore directed its judgment to be suspended for a period of two years from the date of its final order (i.e. October 27, 2023).

As the subject involves complexity and a wide spectrum of issues, we are now following the Court's relevant judgment and timetable, conducting detailed study with the DoJ and relevant bureaux on the mechanism relating to the legal recognition of same-sex relationship, thresholds of recognition, eligibilities, conditions, how to effectively avoiding abuses of the alternative framework, etc, as well as the rights and obligations arisen, including "core rights" and "supplementary rights", and formulating implementation.

Currently, we are actively taking forward the relevant work. We will seek the views of the Legislative Council in due course when there are concrete recommendations.

[EDB announces arrangements for fifth round of Basic Law and National Security Law Test in 2023/24 school year](#)

The Education Bureau (EDB) today (May 29) announced that the fifth round of the Basic Law and National Security Law Test (BLNST) in the 2023/24 school year will be open for application from 9am on May 31 to 5pm on June 13. The test will be held on July 20 (Saturday).

The target participants for the fifth round of the test are persons with a bachelor's degree or those who will attain a bachelor's degree in the 2023/24 or 2024/25 academic year and are planning to join or change to another secondary school, primary school or kindergarten to take up a teaching post. Applications can be made through the EDB's online application system (www.edb.gov.hk/en/blnst). Limited places for the test will be available on a first-come, first-served basis. Those who have already obtained a pass result in the BLNST organised by the EDB, the Civil Service Bureau or recruiting departments/grades for degree holders will not be accepted to sit the test again.

Starting from this school year, all newly appointed teachers in public sector schools, Direct Subsidy Scheme schools and kindergartens joining the Kindergarten Education Scheme (including newly joined teachers and teachers changing schools) are required to pass the BLNST in order to be considered for appointment. The requirement applies to all ranks of the teacher grade including principals.

Details about the test are available on the EDB webpage (www.edb.gov.hk/en/blnst).

LCQ16: Government public transport fare concession scheme

Following is a question by the Hon Yang Wing-kit and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (May 29):

Question:

The latest Budget proposes to review the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (commonly known as the \$2 scheme), and the Secretary for Labour and Welfare has indicated earlier on in a television interview that the Government hopes to continue the policy without changing the existing target beneficiaries and scope, and that it will step up publicity on how to make good use of the concession and combat abuses of the scheme. In this connection, will the Government inform this Council:

(1) whether it will ask franchised bus companies and public light buses (PLBs) to fully implement two-way section fares and require beneficiaries to tap their cards when alighting in order to enjoy the \$2 concessionary fare, otherwise they will have to pay the normal fare, so as to avoid the problem of "taking long-haul routes for short journeys"; if so, of the details; if not, the reasons for that;

(2) whether it will propose to the MTR Corporation Limited (MTRCL), franchised bus companies, PLB operators and ferry operators to install closed-circuit televisions (CCTVs) at locations such as exit gates or card machines for alighting passengers, and provide subsidies to the aforesaid organisations to facilitate the Government's monitoring of the implementation of the \$2 scheme; if so, of the details; if not, the reasons for that;

(3) whether it will apply facial recognition technology and artificial intelligence to analyse the CCTV footage, so as to determine whether the persons enjoying the \$2 concessionary fare are eligible persons; if so, of

the details; if not, the reasons for that; and

(4) whether it will discuss with the MTRCL and ferry operators the provision of special passageways for use only by beneficiaries of the \$2 scheme to prevent abuse of the \$2 scheme by ineligible persons; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Transport and Logistics Bureau, the reply to the question raised by the Hon Yang Wing-kit is set out below:

(1) The Transport Department (TD) has all along been encouraging franchised bus and green minibus (GMB) operators to provide fare concessions, including one-way or two-way section fares, as far as possible to help reduce passengers' travelling expenses, taking into account their commercial considerations, including operating and financial conditions, overall economic environment, passenger needs and impact on vehicle resources.

At present, one-way or two-way section fares are available on about 80 per cent of the franchised bus routes. As most of the remaining 20 per cent of the routes are short-haul, the fares of these routes are already relatively low owing to their short journey distance, and section fares are thus considered infeasible.

Besides, there are currently about 60 per cent of the GMB routes offering section fares. During the TD's regular assessments of the overall service performance of a GMB route, the offer of new concessionary section fares to passengers by the operator is one of the considerations for the TD to further extend the period of the operator's Passenger Service Licence.

Regarding whether to request the franchised bus and GMB operators to provide section fares, the TD needs to give due consideration to the overall transport services and planning matters, including how to address and balance different travel needs of short-haul and long-haul passengers; and the feasibility and specific arrangements for individual routes are also subject to the actual situation of the routes. Full implementation of section fares may result in more short-haul passengers travelling on long-haul routes, taking up the capacity of long-haul routes and affecting long-haul passengers; if franchised bus operators have to increase the trip frequencies of their long-haul routes, it would aggravate the burden on road traffic. Moreover, when short-haul passengers alight midway, the occupancy rates of long-haul routes may become too low to make effective use of public transport resources. Introducing more section fares may also lead to duplication of resources with existing short-haul routes or other public transport services, upsetting the delicate balance among various public transport services. Hence, the TD will carefully assess the feasibility of providing section fare of individual routes.

The Government has rolled out TV and Radio Announcements in the Public Interest and posted posters at major public bus and public light bus termini as well as public light bus compartments on the routes for which two-way section fares are offered to encourage beneficiaries of the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (\$2 Scheme) to make appropriate use of short-haul routes and to assist passengers to understand the operation of two-way section fare, so as to reduce the differential fares under the \$2 Scheme and save public funds.

(2), (3) and (4) The Financial Secretary announced in the 2024-25 Budget to review the mode of operation of the \$2 Scheme with a view to maintaining the financial sustainability of the Scheme. In the review, the Government would take into account the effectiveness of different options in containing the growth of expenditure and factors including the practicability of these options.

To combat abuse of the \$2 Scheme, the TD has all along been requesting Public Transport Operators (PTOs) to strengthen ticket inspection and passenger identity verification work and to strictly enforce the penalty as set out in relevant legislation and by-laws to prevent abuses of the \$2 Scheme by ineligible persons. The TD also conducts surveys and monitors the situation, and will continue to conduct joint special inspection and enforcement actions with PTOs and refer suspected abuse cases to the Police for follow-up and criminal investigation where there is sufficient evidence so as to ensure that the resources of the \$2 Scheme are spent on target beneficiaries.

Besides, the Government has reminded persons aged 60 to 64 that they must use JoyYou Cards to benefit from the \$2 Scheme through TV and Radio Announcements in the Public Interest and posters. The Government has also stressed that it is an offence for an ineligible person to abuse the \$2 Scheme. Any person who is convicted is liable to imprisonment.

LCQ20: Compensation for pneumoconiosis and mesothelioma

Following is a question by the Hon Kwok Wai-keung and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (May 29):

Question:

Regarding the compensation for pneumoconiosis and mesothelioma, will the Government inform this Council:

(1) as there are views that mesothelioma patients are faced with high medical expenses and heavy financial burden, and they are in dire need of support and attention from society, whether the Government will suggest the Pneumoconiosis Compensation Fund Board (the Board) to introduce clearer support policies and take measures, such as setting up a dedicated fund and support scheme for mesothelioma and implementing more targeted initiatives, so as to support mesothelioma patients and their families;

(2) given that many mesothelioma patients have relayed that their current drug expenses are very high, and it is learnt that some patients who purchase Self-financed Items have used up their subsidy of \$630,000 from the Brewin Trust Fund, whether the Government has plans to help such patients reduce their drug expenses, including but not limited to the payment of their relevant drug expenses by the Board; and

(3) given that many mesothelioma patients have relayed that they currently have to undergo regular examinations, including positron emission tomography, computer tomography scan and genetic test every three to six months, but as the Hospital Authority is unable to arrange the examinations for them in a timely manner, they need to instead undergo these expensive examinations at private healthcare institutions at their own expense, whether the Government has plans to introduce measures to relieve the financial burden of such patients, including but not limited to the payment of their relevant examination expenses by the Board?

Reply:

President,

In accordance with the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO), the Pneumoconiosis Compensation Fund Board (PCFB) administers the Pneumoconiosis Compensation Fund (the Fund), which provides compensation for eligible pneumoconiosis and mesothelioma persons or their family members as well as disburses expenses as specified in PMCO, etc.

My reply to the Member's question is as follows:

(1) The Fund provides compensation for persons who are determined by the Pneumoconiosis Medical Board as suffering from pneumoconiosis and/or mesothelioma resulting in incapacity or death and their family members. The compensation includes compensation for incapacity; compensation for pain, suffering and loss of amenities; medical expenses; expenses for medical appliances; and compensation for care and attention. In addition, the Fund conducts and finances educational and publicity activities relating to pneumoconiosis and mesothelioma, research programmes on prevention of pneumoconiosis and mesothelioma, programmes for rehabilitation tailored to the conditions of these persons, etc.

(2) and (3) PMCO provides that pneumoconiosis and/or mesothelioma persons are entitled to medical expenses in respect of medical treatment as is reasonably necessary in connection with the diseases concerned, subject to the maximum

daily rates. According to the established mechanism, the maximum rates are linked to public healthcare service fees and charges. The Government adjusts the levels of compensation under the related employees' compensation ordinances once every two years. The Government has commenced a new round of review, and plans to consult the Labour Advisory Board on the results and recommendations of the review in the fourth quarter of this year and then report to the Legislative Council Panel on Manpower.

Apart from payment of medical expenses pursuant to PMCO, the Brewin Trust Fund subsidises mesothelioma persons with financial needs to purchase self-financed drugs listed in the Hospital Authority Drug Formulary for treatment of mesothelioma. Starting from July 1, 2024, the scope of subsidy will be expanded to cover the costs of specified medical tests and the subsidy ceiling will be adjusted upwards from the prevailing level of \$630,000 to \$970,000.

The Government will continue to review the compensation under PMCO and the work of PCFB in a timely manner, striving to cater for the needs of mesothelioma persons.

[LCQ22: Designated Hotline for Carer Support](#)

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (May 29):

Question:

The 24-hour Designated Hotline for Carer Support 182 183 (Carer Hotline) launched by the Government commenced operation in September last year. With a total of 30 phone lines, the Carer Hotline is answered by registered social workers to provide timely support for high-risk carers. In this connection, will the Government inform this Council:

(1) whether it will review the manpower deployment of the Carer Hotline based on the outcome of the analysis on the number of cases handled by the Carer Hotline and the nature of assistance sought since September last year, such as increasing or decreasing the number of phone lines as necessary and adjusting the number of persons on duty for different time sessions; if so, of the details; if not, the reasons for that;

(2) of the follow-up procedures upon receipt of requests for assistance by the Carer Hotline; as it is learnt that for cases in need of emergency support and outreaching visits that require follow-up services, service

operators would usually refer the cases to the parties concerned within one day, whether it has reviewed if referrals for such cases can all be made within one day; if it has, of the details; if not, the reasons for that; and

(3) of the measures in place to step up publicity about the Carer Hotline among older carers, so as to increase the utilisation rate of the Carer Hotline?

Reply:

President,

My reply to the question raised by the Hon Chan Kin-por is as follows:

(1) The Designated Hotline for Carer Support (Carer Hotline) has received 16 490 calls up to March 31, 2024. By nature of the calls received, about 38 per cent and 23 per cent sought emotional support and made enquiries about community support services respectively, whereas care issues and financial problems accounted for about 14 per cent and 7 per cent of the calls respectively. The rest of them were related to health and housing problems, requests for respite service, etc.

The Social Welfare Department (SWD) commissioned the Tung Wah Group of Hospitals (the service operator) to operate the 24-hour Carer Hotline, with a total of 30 phone lines answered by over 100 professional social workers on shift duties. The Carer Hotline is able to cope with the current and potential additional service demand in the short term, and has been operating smoothly so far. Under the prevailing subvention system, the service operator may exercise flexibility in deploying resources and arranging suitable manpower for meeting the relevant requirements and service needs. The SWD will also closely monitor the operation of the Carer Hotline with the service operator and make timely service adjustments, such as increasing or reducing the number of phone lines as necessary, so as to provide carers with appropriate services.

(2) The social workers of the Carer Hotline will first seek to understand the callers' immediate conditions and needs upon receiving calls, and assess the welfare needs and risk factors of the cases. They will provide relevant information and recommend suitable support services according to the circumstances and make referrals with the consent of callers in case of need. If it is necessary to arrange emergency support and outreaching visits, the social workers of the Carer Hotline will usually reach the caller and provide services within one hour, and make referrals within one day if follow-up services are required. The social workers will also follow up after making referrals to ensure that services are provided to the cases in need. The service operator has continued to meet the above-mentioned requirements since the Carer Hotline was set up in September 2023.

(3) The Labour and Welfare Bureau (LWB) and the SWD publicise and promote the Carer Hotline through various channels. These include organising publicity activities under the "Care the Carers Campaign"; promoting on the LWB's

social media platform and public transport; conducting interviews with newspapers, radio, television and social media; displaying posters in social welfare service units, public housing estates, hospitals/clinics, etc; distributing leaflets and souvenirs, etc. The SWD has also introduced the Carer Hotline to service users of elderly and rehabilitation service units and their family members/carers through district platforms. In the social welfare service briefing sessions for the 18 District Councils (DCs), the SWD has introduced and encouraged the DC members and the District Services and Community Care Teams to assist in promoting the Carer Hotline. The Government will continue with the publicity and promotion work, so that needy elderly persons, persons with disabilities and their carers could receive necessary information and support.