

**Subcommittee on Proposed Resolutions under
Construction Industry Council Ordinance and
Pneumoconiosis and Mesothelioma (Compensation) Ordinance**

Follow-up actions arising from the meeting held on 6 June 2018

Purpose

This Note provides the information as required in the list of follow-up actions arising from the meeting of the Subcommittee held on 6 June 2018 as prepared by the Clerk to the Subcommittee.

Relevant provisions

2. Under section 12A of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO), an eligible person who suffers from pneumoconiosis and/or mesothelioma is entitled to the reasonable expenses of the use or supply of medical appliances where such use or supply is reasonably necessary in connection with any incapacity arising from the above diseases suffered by him. Expenses for medical appliances are payable under PMCO only in respect of those appliances specified in Part II of the Second Schedule which at present include: (a) wheelchair; (b) oxygen concentrator and its accessories; and (c) oxygen cylinder and its accessories. Under section 40 of PMCO, the Legislative Council (LegCo) may by resolution amend Part II of the Second Schedule.

Current study being undertaken

3. In response to the views of patients' and concerned groups to expand the list of medical appliances under PMCO to cover the breathing apparatus and sputum suction device, the Labour Department (LD) in collaboration with the Pneumoconiosis Compensation Fund Board (PCFB) is undertaking a study on the feasibility of the proposed expansion. Relevant information about this study as required in the aforesaid list of follow-up actions is set out below.

(a) Kinds of medical appliances covered in the study and the study progress

4. The study on the proposed extension of medical appliances under PMCO covers the non-invasive positive pressure ventilation device and sputum suction device. LD together with PCFB has gathered further detailed information from patients, relevant associations and trade unions. The current study concerns whether the proposed medical appliances are relevant to the treatment of the pneumoconiosis and/or mesothelioma patients, the accessories and any ancillary devices involved, cost incurred, etc. Expert advice is also being sought on the safety and precautions of using the appliances which include, for instance, any follow-up guidance provided by medical professionals to patients and their carers that is required for ensuring the safe use of these appliances. To ensure the safety of pneumoconiosis and/or mesothelioma patients when using these appliances and the proper management of the funding of PCFB, LD and PCFB have to conduct thorough assessment.

(b) Timetable for consulting PCFB and the Labour Advisory Board (LAB) on the recommendations of the study, and for introducing relevant legislative amendments to LegCo

5. PCFB would need to be consulted on the proposal as well as the details of its application procedures of the proposed medical appliances. Similar to other legislative proposals in the labour portfolio, LD will also seek the views of LAB on the proposal. We aim to consult these two bodies in the fourth quarter of 2018. Subject to the outcome of consultation, we will then submit the proposal to LegCo as soon as possible.

(c) Any interim administrative measures to assist pneumoconiosis and/or mesothelioma patients in using non-listed medical appliances

6. To assist patients who, arising from pneumoconiosis and/or mesothelioma, require the use of medical appliances not yet listed in PMCO pending the legislative process mentioned above, LD will liaise with PCFB to explore any possibility in financing the use of such appliances subject to the statutory ambit of PCFB and PMCO. LD will monitor the issue closely.

Labour and Welfare Bureau
Labour Department
June 2018