

**Bills Committee on
Pneumoconiosis (Compensation) (Amendment) Bill 2008**

**Explanatory Paper on
Committee Stage Amendments Proposed by the Administration**

Introduction

This paper explains the Committee Stage Amendments (“CSAs”) to the Pneumoconiosis (Compensation) (Amendment) Bill 2008 (“the Bill”) proposed by the Administration.

Coverage of the Bill

2. The Bill proposes to extend the scope of the Pneumoconiosis (Compensation) Ordinance (“PCO”) to cover malignant mesothelioma and to provide the same compensation and benefits to malignant mesothelioma patients as those for pneumoconiotics.

3. The primary consideration in proposing to make malignant mesothelioma a compensable disease under the PCO is the causal relationship between the disease and exposure to asbestos. As there is no medical evidence to support a causal relationship between benign and non-cancerous mesothelioma and exposure to asbestos, the current legislative exercise does not cover benign and non-cancerous mesothelioma.

Deliberation by the Bills Committee

4. At the Bills Committee meeting held on 28 February 2008, some Members clarified that they had no intention to extend the scope of the Bill to cover cases of benign and non-cancerous mesothelioma. However, some Members considered that all cases of mesothelioma were already cancerous and thus ‘malignant’ in a medical sense. The use of ‘malignant mesothelioma’ in

the Bill may cause confusion in implementation, especially with respect to medical diagnosis that rarely makes distinction as to whether a mesothelioma case is a 'malignant' or a 'benign' case.

Proposed CSAs

5. To address Members' concerns, the Administration will introduce CSAs to delete the word 'malignant' wherever the term 'malignant mesothelioma' appears in the Bill. The amendments do not alter the purpose of the Bill on providing compensation to persons suffering from mesothelioma which is of a cancerous nature and which is caused by exposure to asbestos, because the definition of 'mesothelioma' under the Bill will retain the reference to 'primary malignant neoplasm of the mesothelial tissue due to dust of asbestos or dust containing asbestos'.

6. The proposed CSAs are at the Annex.

Labour and Welfare Bureau/Labour Department

29 February 2008

PNEUMOCONIOSIS (COMPENSATION) (AMENDMENT) BILL 2008

COMMITTEE STAGEAmendments to be moved by the Secretary for Labour and Welfare

<u>Clause</u>	<u>Amendment Proposed</u>
Long title	By deleting "malignant".
2	By deleting "malignant".
3	By deleting "Malignant".
4(1)	By deleting "Malignant".
4(6)	In the proposed definition of "mesothelioma", by deleting "malignant mesothelioma which is".
24	By deleting "Malignant".
29(2)	By deleting "Malignant".
31	By deleting " MALIGNANT ".
32	By deleting "Malignant".
33	By deleting " MALIGNANT ".

34 By deleting "Malignant".

35(1)(a) By deleting "P.M.M.C.A." and substituting "P.M.C.A.".

35(1)(b) By deleting "Malignant".

35(2)(a) By deleting "P.M.M.C.A." and substituting "P.M.C.A.".

35(2)(b) By deleting "Malignant".

36 By deleting "Malignant".

37 By deleting "Malignant".

38 By deleting "Malignant".

39 By deleting "Malignant".

40 By deleting "Malignant".

41 By deleting "Malignant".

42 By deleting "Malignant".

43 In the proposed paragraph 2(7)(a)(ii), by deleting "Malignant".

44(1) By deleting "Malignant".

44(2) By deleting "Malignant".

45 In the proposed section 36(2)(a), by deleting
"Malignant".

46 By deleting "Malignant".

47 By deleting "Malignant".

48 In the proposed paragraph 7(a)(ii), by deleting
"Malignant".

49 In the proposed paragraph 6(b)(ii), by deleting
"Malignant".

50(1) By deleting "Malignant".

50(2) By deleting "Malignant".

51(1) By deleting "Malignant".

51(2) By deleting "Malignant".

52 By deleting "Malignant".

53 By deleting "MALIGNANT".

54

By deleting "Malignant".