

**立法會**  
***Legislative Council***

LC Paper No. LS71/02-03

**Paper for the House Committee Meeting  
on 7 March 2003**

**Legal Service Division Report on  
Motion under section 40 of the  
Pneumoconiosis (Compensation) Ordinance (Cap. 360)**

The Secretary for Economic Development and Labour (SEDL) has given notice to move a motion at the Council meeting on 19 March 2003. The motion seeks the Legislative Council's approval of the amendments to Part I of the Second Schedule to the Pneumoconiosis (Compensation) Ordinance (Cap. 360) (PCO). The amendments increase the amount of medical expenses payable under the following provisions of Part I of the Second Schedule :-

Paragraph	Brief description of medical expenses	Existing amount	Revised amount
1(b)	Amount for each day of stay in hospital	\$175	\$200
2(b)	Amount for each day of medical treatment other than as an in-patient in an hospital	\$175	\$200
3	Amount for each day of medical treatment for the person both as an in-patient and other than as an in-patient in a hospital	\$175	\$280

**Background**

2. Under section 12 of PCO, a person suffering from pneumoconiosis and to whom compensation is payable under the PCO is entitled to reasonable expenses for medical treatment reasonably necessary in connection with his pneumoconiosis. Such expenses for medical treatment shall be payable in accordance with Part I of the Second Schedule of PCO, which stipulates the daily rates.

3. The fees structure for public health care services has recently been revised. The new increased fees will become effective on 1 April 2003. The Administration therefore proposes the revision of the daily rates of medical expenses payable to persons entitled to compensation under PCO, so that "an adequate cover for the treatment of ... pneumoconiosis persons" may be maintained. The amendments will come into operation on a date to be appointed by the SEDL. The Administration intends to appoint 1 April 2003 to be that date. Members may wish to refer to the briefing paper

to the Panel on Manpower (Ref.: CB(2)1188/02-03(04)) on the proposal issued by the Economic Development and Labour Bureau in February.

4. Section 40(a) of PCO provides that the Legislative Council may by resolution amend any monetary amount specified in the First or Second Schedule to PCO. Thus, the motion is to be moved by the SEDL on 19 March 2003.

### **Consultation**

5. According to the Administration, the Pneumoconiosis Compensation Fund Board was consulted and agreed to the proposed revision.

6. The Panel on Manpower was briefed on 20 February 2003 of the proposed amendments. Members generally supported the proposal but some members had expressed concern about the implications of the proposal on the premium level of employees' compensation insurance.

### **Conclusion**

7. The amendments are technical in nature. No difficulties in the legal or drafting aspects of the proposed resolution or the proposed amendments have been observed.

Prepared by

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