

立法會
Legislative Council

LC Paper No. CB(1)1286/17-18

(These minutes have been seen by
the Administration)

Ref : CB1/SS/11/17/1

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

**Minutes of the first meeting held on
Wednesday, 6 June 2018, at 8:30 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon HO Kai-ming (Chairman)
Hon LEUNG Yiu-chung
Hon WONG Ting-kwong, GBS, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Dr Hon Pierre CHAN

Public officers attending : **Agenda item II**

Miss Joey LAM Kam-ping, JP
Deputy Secretary for Development (Works)1

Mr Dominic CHOW Wing-hang
Principal Assistant Secretary for Development (Works)1

Miss Mabel LI Po-yi, JP
Deputy Commissioner for Labour (Labour Administration)

Mr Simon LI Chi-chung
Assistant Commissioner for Labour (Employees' Rights &
Benefits)

Ms Kate TAM Wing-tsz
Senior Labour Officer (Employees' Compensation
Division) (Central Services Section 1)
Labour Department

Miss Queenie WU Chung-yi
Government Counsel
Department of Justice

Attendance by Invitation : Agenda item II

Miss LEE Oi-yen
Assistant Director – Registration Services
Construction Industry Council

Clerk in attendance : Ms Doris LO
Chief Council Secretary (1)2

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Miss Rita YUNG
Senior Council Secretary (1)2

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I Election of Chairman

Mr LEUNG Yiu-chung, the member who had the highest precedence among those present at the meeting, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. At that juncture, only the presiding member, Mr LEUNG Yiu-chung, and two other members, Mr WONG Ting-kwong and Mr POON Siu-ping, were present. The presiding member and the other two members present did not accept the nominations for the chairmanship. The presiding member then ordered that the meeting be temporarily suspended for 10 minutes until more members were present in order to continue with the election of Chairman of the Subcommittee. The election then resumed upon resumption of the meeting.

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3. Mr HO Kai-ming was nominated by Mr LEUNG Yiu-chung and the nomination was seconded by Mr Fernando CHEUNG. Mr HO accepted the nomination. There being no other nomination, Mr HO Kai-ming was declared the Chairman of the Subcommittee. Mr HO then took over the chair. Members agreed that there was no need to elect a Deputy Chairman.

II Meeting with the Administration

(Appendices 1 and 2 to LC Paper — Proposed resolutions under
No. CB(3)600/17-18 section 70 of the Construction
Industry Council Ordinance

(Cap. 587) and section 36 of
the Pneumoconiosis and
Mesothelioma (Compensation)
Ordinance (Cap. 360)

File Ref: DEVB(CR)(W)1-10/22 — Legislative Council Brief on
Construction Industry Council
Ordinance (Chapter 587):
Proposed Resolution under
Section 70 of Construction
Industry Council Ordinance

File Ref: LD ECS1/50/24 (C) — Legislative Council Brief on
Resolution of the Legislative
Council under Section 36 of
the Pneumoconiosis and
Mesothelioma (Compensation)
Ordinance (Cap. 360)

LC Paper No. LS60/17-18 — Legal Service Division Report
LC Paper Nos. — Marked-up copies of the
CB(1)1069/17-18(01) and (02) proposed resolutions under
section 70 of the Construction
Industry Council Ordinance
(Cap. 587) and section 36 of
the Pneumoconiosis and
Mesothelioma (Compensation)
Ordinance (Cap. 360) prepared
by the Legal Service Division
(Restricted to members)

LC Paper No. CB(1)1069/17-18(03) — Paper on the proposed
resolutions under section 70 of
the Construction Industry
Council Ordinance (Cap. 587)
and section 36 of the

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Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) prepared by the Legislative Council Secretariat (Background brief))

4. The Administration briefed members on the proposed resolutions under the Construction Industry Council Ordinance (Cap. 587) ("CICO") and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) ("PMCO") ("the proposed resolutions").

5. The Subcommittee deliberated (index of proceedings attached at **Appendix**).

Follow-up actions

6. According to the Administration, a study was currently underway to review the feasibility of expanding the list of medical appliances specified in Part II of the Second Schedule to PMCO ("listed medical appliances") in respect of which reasonable expenses should be payable to eligible patients suffering from pneumoconiosis or mesothelioma (or both). The study was expected to be completed in 2018. On this, the Administration was requested to provide the following information:

- (a) the kinds of medical appliances covered in the above study and the study progress;
- (b) the timetable for respectively consulting the Pneumoconiosis Compensation Fund Board and the Labour Advisory Board on the recommendations of the above study, and for introducing relevant legislative amendments to the Legislative Council; and
- (c) whether any interim administrative measures could be implemented to assist those patients suffering from pneumoconiosis or mesothelioma (or both) and needing to use non-listed medical appliances, such as breathing machines.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)1109/17-18(02) on 11 June 2018.)

7. Given the ambit of the proposed resolutions under scrutiny by the Subcommittee, the Chairman and members generally considered that the wider policy issues relating to the review of the statutory compensation under

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PMCO largely fell outside the purview of the Subcommittee. The Subcommittee agreed that the relevant issues would be referred to the Panel on Manpower for following up where appropriate, including deciding whether and when a public hearing should be arranged to receive views from stakeholders, in particular the patients concerned, their families and relevant patient groups.

(Post-meeting note: The Clerk to Subcommittee referred the views of the Subcommittee on the wider policy issues relating to the review of the statutory compensation under PMCO to the Clerk to Panel on Manpower on 28 June 2018.)

Legislative timetable

8. The Chairman concluded that the Subcommittee had completed the scrutiny of the proposed resolutions. The Administration advised that in addition to the proposed resolutions under CICO and PMCO, the legislative exercise also involved the amendment of levy threshold under the Construction Workers Registration Ordinance (Cap. 583) ("CWRO"), which would be introduced into the Legislative Council for negative vetting after the passage of the proposed resolutions under CICO and PMCO. To avoid confusion to contractors paying the levies, the effective dates of the new levy thresholds under CICO, PMCO and CWRO had to be aligned. The Administration would advise the date of giving fresh notice to move the proposed resolutions later. Subject to the Administration's advice on the legislative timetable, members would be informed of the deadline for giving notice to amend the proposed resolutions in due course.

(Post-meeting note: Members were informed vide LC Paper No. CB(1)1092/17-18 on 8 June 2018 that the Administration had advised that it would give fresh notice to move the proposed resolutions at the Council meeting of 27 June 2018, and the Chairman would report the deliberations of the Subcommittee to the House Committee at its meeting on 15 June 2018. The deadline for Members to give notice to amend the proposed resolutions was 20 June 2018. No members raised objection to the above arrangement.)

III Any other business

9. There being no other business, the meeting ended at 10:19 am.

Council Business Division 1
Legislative Council Secretariat
18 July 2018

**Proceedings of the first meeting of
Subcommittee on Proposed Resolutions under
Construction Industry Council Ordinance and
Pneumoconiosis and Mesothelioma (Compensation) Ordinance
on Wednesday, 6 June 2018, at 8:30 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Election of Chairman			
000759 – 002306	Mr LEUNG Yiu-chung Mr WONG Ting-kwong Mr POON Siu-ping Dr Fernando CHEUNG Mr HO Kai-ming	Mr HO Kai-ming was elected as the Chairman of the Subcommittee	
Agenda Item II – Meeting with the Administration			
002307 – 002549	Chairman Administration	Briefing by the Administration on the proposed resolutions under the Construction Industry Council Ordinance (Cap. 587) ("CICO") and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) ("PMCO") ("the proposed resolutions")	
002550 – 003826	Chairman Dr KWOK Ka-ki Administration	Expression of views by Dr KWOK Ka-ki that the prevailing compensation under PMCO was inadequate and the eligibility criteria for certain compensation items were too stringent Discussion on the provision of medical expenses and expenses for medical appliances under PMCO	
003827 – 005326	Chairman Mr LEUNG Yiu-chung Mr POON Siu-ping Administration	Expression of support by Mr POON Siu-ping to the proposed resolutions Expression of views by Mr LEUNG Yiu-chung and Mr POON that the prevailing compensation under PMCO was inadequate, and the Administration should squarely and proactively respond to the long-term and repeated appeals from the relevant patient groups and conduct a comprehensive review of the statutory compensation under PMCO	
005327 – 010032	Chairman Mr LEUNG Yiu-chung Administration	Enquiries by Mr LEUNG Yiu-chung about the total annual expenditure/forecast expenditure of the Pneumoconiosis Compensation Fund set up under PMCO, and the number of new patients diagnosed to	

Time marker	Speaker	Subject(s)	Action required
		be suffering from pneumoconiosis or mesothelioma (or both) in 2017	
010033 – 011159	Chairman Dr Fernando CHEUNG Administration	<p>Expression of views by Dr Fernando CHEUNG that he had no objection to the proposed resolutions, while the prevailing compensation under PMCO was inadequate</p> <p>Discussion on the provision of medical expenses and expenses for medical appliances under PMCO, and the expenses of the Pneumoconiosis Compensation Fund Board for implementing rehabilitation programmes</p> <p>Expression of views by Dr CHEUNG on the legislative proposal to be introduced by the Administration to relax the restrictions for carrying oxygen cylinders for self-medical use onto buses by passengers</p>	
011200 – 011409	Chairman Mr POON Siu-ping Administration	Enquiries by Mr POON Siu-ping about why the levy thresholds had not been reviewed for more than 30 years and whether a regular review mechanism would be introduced	
011410 – 011910	Chairman Mr LEUNG Yiu-chung Administration	<p>Discussion on the timetable for introducing legislative amendments to the Legislative Council to expand the list of medical appliances specified in Part II of the Second Schedule to PMCO ("listed medical appliances")</p> <p>Enquiries by the Chairman on whether any interim administrative measures could be implemented to assist those patients concerned who needed to use non-listed medical appliances, such as breathing machines</p>	
011911 – 014113	Chairman Dr KWOK Ka-ki Mr LEUNG Yiu-chung Administration	<p>Reiteration of views by Dr KWOK Ka-ki and Mr LEUNG Yiu-chung that the prevailing compensation under PMCO was inadequate and the eligibility criteria for certain compensation items were too stringent</p> <p>Discussion on the timetable for introducing legislative amendments to the Legislative Council to include breathing machines as listed medical appliances</p>	

Time marker	Speaker	Subject(s)	Action required
		Referral to the Panel on Manpower for following up on the wider policy issues relating to the review of the statutory compensation under PMCO, including deciding whether and when a public hearing should be arranged to receive views from stakeholders, in particular the patients concerned, their families and relevant patient groups	Clerk (paragraph 7 of the minutes refers)
014114 – 014311	Chairman Assistant Legal Adviser ("ALA")5 Administration	Confirmation by ALA5 that no difficulties had been identified in relation to the legal or drafting aspects of the proposed resolutions Completion of scrutiny of the proposed resolutions Legislative timetable	
014312 – 015304	Chairman Dr KWOK Ka-ki Mr LEUNG Yiu-chung Dr CHIANG Lai-wan	Request for provision of written information by the Administration Referral to the Panel on Manpower for following up on the wider policy issues relating to the review of the statutory compensation under PMCO, including deciding whether and when a public hearing should be arranged to receive views from stakeholders, in particular the patients concerned, their families and relevant patient groups	Administration (paragraphs 6(a) to 6(c) of the minutes refer)
Agenda Item III – Any other business			
015305 – 015322	Chairman	Concluding remarks	