

**For information
on 12 December 2017**

LEGISLATIVE COUNCIL

**PANEL ON WELFARE SERVICES
PANEL ON HEALTH SERVICES**

JOINT SUBCOMMITTEE ON LONG-TERM CARE POLICY

**Access to Public Transport for Persons Carrying Compressed Oxygen
Cylinders for Self-medical Use**

Purpose

This paper briefs Members on the current situation concerning the access to public transport for persons carrying compressed oxygen cylinders for self-medical use.

Background

2. The Government has all along been committed to providing appropriate public transport services for members of the public with different needs, and recognises that patients with certain illnesses (such as those suffering from Chronic Obstructive Pulmonary Disease) require oxygen therapy and may need to bring along compressed oxygen cylinders for self-medical use when travelling.

Public Bus Services

3. Compressed oxygen is a dangerous goods regulated under the Dangerous Goods Ordinance (“DGO”) (Cap. 295). In general, pursuant to regulation 74 of the Dangerous Goods (General) Regulations (Cap. 295B), a licence is not required for the storage or conveyance of compressed oxygen not exceeding two cylinders. Notwithstanding that, the Public Bus Services Regulations (“PBSR”) (Cap. 230A) have stipulated additional restrictions on carrying dangerous goods when boarding a bus. Regulation 14A of the PBSR stipulates that no substance or article to which the DGO applies (i.e. including

compressed oxygen), regardless of the quantity involved, shall be brought onto any bus. Thus, passengers carrying cylinders containing compressed oxygen for self-medical use are currently not allowed to travel on a franchised bus.

4. As mentioned in the Public Transport Strategy Study Report released by the Government in June this year, in order to further enhance “Transport for All”, the Government proposes to amend the legislation to allow access to franchised buses for persons carrying compressed oxygen cylinders for self-medical use. We have been liaising closely with the Fire Services Department, the Hospital Authority and franchised bus operators to formulate a proposal that can allow the carriage of oxygen cylinders for medical use and at the same time protect the safety of passengers. The implementation details under consideration include: whether a limit should be imposed on the total number of oxygen cylinders for medical use to be allowed on a bus; how the limit requirement could be executed; the rights and obligations of bus captains and persons carrying the oxygen cylinders for medical use; as well as ensuring that the safety of passengers is still well-protected when the proposal is implemented. On the specific arrangements, we are considering that persons carrying oxygen cylinders for self-medical use should inform the bus captains that he / she is carrying oxygen cylinders for self-medical use, and the number of such cylinders when boarding the bus. If the total number of oxygen cylinders for medical use on board the bus exceeds a certain limit, the bus captain could refuse that person to board the bus, with a view to allowing access to franchised bus services for patients requiring oxygen therapy while ensuring passenger safety.

5. Subject to the progress of the discussion with stakeholders on the specific arrangements, it is expected that the legislative proposal could be introduced to the Legislative Council in the 2017-18 legislative year. While amending the legislation, we will also provide guidelines to franchised bus operators on the actual operation of allowing access to franchised bus services for persons carrying oxygen cylinders for self-medical use.

Other Public Transport Services

6. Regarding other public transport carriers (such as taxi, public light bus, ferry and tram), there is no similar strict control on passengers carrying oxygen cylinders under their respective statutory provisions. For the MTR, a passenger who needs to carry an oxygen cylinder for self-medical use while riding the MTR could seek assistance from the MTR staff.

7. Our policy is to allow access to public transport services for patients requiring oxygen therapy on the premise that safety will not be compromised. As such, when formulating the proposal to enable patients carrying oxygen cylinders for medical use to travel on franchised buses, the Government will also liaise with other public transport service operators on the respective legislative provisions applicable to them, and provide appropriate assistance or guidelines to further facilitate the use of other public transport services by patients who need to use oxygen cylinders.

Advice sought

8. Members are invited to note the content of this paper.

**Transport and Housing Bureau
Transport Department
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