

LCQ21: Compensation for pneumoconiosis and mesothelioma

Following is a question by the Hon Kwok Wai-keung and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (April 24):

Question:

The Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) seeks to establish a scheme for compensating persons or their family members in respect of incapacity or death resulting from pneumoconiosis or mesothelioma (or both) and to formulate plans for purposes connected therewith. In this connection, will the Government inform this Council:

(1) of the number of patients suffering from pneumoconiosis or mesothelioma who received "compensation for care and attention" under Cap. 360 in each of the past five years, and the amounts involved;

(2) as it is learnt that only 18 patients are currently receiving the compensation mentioned in (1), which represents a significant deviation from the number of persons who are genuinely in need of such compensation, and many patients suffering from pneumoconiosis or mesothelioma and their caregivers have relayed that the patients fail to attend a medical assessment because they are in extremely poor physical condition and even need to be totally bedridden, resulting in the failure of the Pneumoconiosis Medical Board to conduct medical assessments, whether the Government knows the relevant situation; if so, whether it has recommendations for improvement, including but not limited to arranging for outreach medical practitioners to conduct an on-site medical assessment for such patients, relaxing the eligibility criteria for receiving such compensation, and increasing compensation items in order to provide compensation for the caregivers of such patients;

(3) as under Cap. 360, patients may claim reimbursement of outpatient medical expenses at a maximum daily rate of \$300, and the maximum daily rate of reimbursable medical expenses for their inpatient and outpatient treatment received on the same day is \$370, some patient groups have pointed out that such compensation limits were last adjusted by the Government in early 2018, and the relevant compensation limits can no longer reflect patients' actual medical expenses, whether the Government will raise the compensation limits concerned to compensate patients for their medical expenses; and

(4) as some patient groups have pointed out that Cap. 360 does not allow patients to make claims for reimbursement of medical expenses on medical consultations sought on the Mainland, but many patients have travelled between the Mainland and Hong Kong seeking medical consultations in recent years, whether the Government will allow patients suffering from

pneumoconiosis or mesothelioma to make claims to the Pneumoconiosis Compensation Fund Board for reimbursement of medical expenses on medical consultations sought for such diseases on the Mainland?

Reply:

President,

The Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO) provides compensation for persons who are determined by the Pneumoconiosis Medical Board (PMB) as suffering from pneumoconiosis and/or mesothelioma, resulting in incapacity or death and their family members. The compensation includes compensation for incapacity; compensation for pain, suffering and loss of amenities; medical expenses; and compensation for care and attention.

In consultation with the Department of Health, my reply to the Member's question is as follows:

(1) The number of pneumoconiosis and/or mesothelioma persons receiving compensation for care and attention, and the amount of such compensation paid according to PMCO in the past five years are provided below:

Year	Number of persons	Amount of compensation
2019	12	\$672,750
2020	16	\$1,050,148
2021	17	\$984,907
2022	17	\$867,823
2023	15	\$830,100*

*The figure is subject to final auditing.

(2) In accordance with PMCO, pneumoconiosis and/or mesothelioma persons may request PMB to conduct medical examinations on them to determine the degree of incapacity and eligibility for compensation for care and attention, etc. Pursuant to PMCO, these persons may also request further medical examinations by PMB to determine whether the results of the last examinations have changed. PMB is an independent statutory board established under PMCO, with members comprising an Occupational Health Consultant or a Senior Occupational Health Officer or an Occupational Health Officer and two registered medical practitioners appointed by the Director of Health. Based on the results of medical examinations of pneumoconiosis and/or mesothelioma persons, including the results of suitable tests and clinical examinations as well as other relevant information, PMB will, according to its professional medical judgement, determine whether these persons have met the eligibility criteria stipulated under PMCO for payment of compensation for care and attention. Besides, when the medical conditions of pneumoconiosis and/or mesothelioma persons are stable, non-emergency ambulance transfer service could be arranged, if necessary, for such persons to travel to and from specified

places to undergo medical examinations.

Following the established mechanism, the Government adjusts the levels of compensation (including compensation for care and attention) once every two years. The Government has commenced a new round of review, and plans to consult the Labour Advisory Board on the results and recommendations of the review in the fourth quarter of this year and then report to the Legislative Council Panel on Manpower.

(3) PMCO provides that pneumoconiosis and/or mesothelioma persons are entitled to the medical expenses in respect of medical treatment as is reasonably necessary in connection with the diseases concerned, subject to the maximum daily rates. According to the established mechanism, the maximum rates are linked to public healthcare service fees and charges. Based on the prevailing public healthcare service fees and charges, the maximum daily rate reimbursable under PMCO for in-patient or out-patient treatment is \$300, while that for in-patient and out-patient treatment received on the same day is \$370. Under the existing mechanism, the maximum daily rates of medical expenses prescribed by PMCO should be able to cover the necessary expenses on consultation, treatment, medicines, hospitalisation, etc. in public hospitals or clinics incurred by pneumoconiosis and/or mesothelioma persons.

(4) According to PMCO, if pneumoconiosis and/or mesothelioma persons receive medical treatment outside Hong Kong, and such medical treatment is given lawfully in accordance with the laws of that place and Hong Kong by a medical practitioner or Chinese medicine practitioner registered in Hong Kong, the medical expenses on medical treatment in relation to the above diseases are payable to the pneumoconiosis and/or mesothelioma persons.

The Government will review the levels of compensation and coverage of protection under PMCO in a timely manner to ensure that PMCO suits the needs and circumstances of pneumoconiosis and/or mesothelioma persons.