

EXTRACT

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Legislative Council

LC Paper No. CB(2) 854/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP/1

LegCo Panel on Manpower

**Minutes of meeting
held on Thursday, 20 December 2001 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon CHAN Kwok-keung (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon YEUNG Yiu-chung, BBS
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon LI Fung-ying, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Hon Frederick FUNG Kin-kee

Member attending : Hon Audrey EU Yuet-mee, SC, JP

Members absent Hon LAU Chin-shek, JP (Chairman)
Hon Cyd HO Sau-lan
Dr Hon LUI Ming-wah, JP
Hon Michael MAK Kwok-fung

Public Officers :
attending

Item III

Mrs Fanny LAW, JP
Secretary for Education and Manpower

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Mrs Rachel CARTLAND, JP
Principal Assistant Secretary for Education and Manpower (5)

Item IV

Mrs Fanny LAW, JP
Secretary for Education and Manpower

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Mrs Rachel CARTLAND, JP
Principal Assistant Secretary for Education and Manpower (5)

Mr Gary AU Kam-hung
Assistant Secretary for Education and Manpower

Item V

Mr Philip K F CHOK, JP
Deputy Secretary for Education and Manpower

Mr LAM Kam-kwong
Principal Assistant Secretary for Education and Manpower (7)

Mrs Jenny CHAN
Assistant Commissioner for Labour (Rights and Benefits)

Mr LAI Ka-tong
Senior Labour Officer

Clerk in
attendance

: Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in
attendance

: Ms Dora WAI
Senior Assistant Secretary (2) 4

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V. Progress of the review of the Occupational Deafness Compensation Scheme and rescue package for the Employees Compensation Assistance Scheme (LC Paper No. CB(2)688/01-02(06))

51. Deputy Secretary for Education and Manpower (DSEM) briefed members on the progress of the review of the Occupational Deafness Compensation Scheme (the ODC Scheme) and the rescue package for the Employees Compensation Assistance Scheme (the ECA Scheme) as set out in the Administration's paper. He informed members of the Administration's plan to introduce the legislative amendments for the ECA Scheme into LegCo on 27 February 2002 and, after the said amendments had been introduced, to seek the Finance Committee's approval to extend a loan to the Employees Compensation Assistance Fund Board in March 2002.

52. Mr Frederick FUNG asked whether the requirement of 10 years of employment in aggregate in any noisy occupation under the ODC Scheme could be reduced to five or seven years. Assistant Commissioner for Labour (Rights and Benefits) (AC for L(RB)) pointed out that the 10-year requirement was in line with international standards. She added that under normal circumstances, obvious symptoms of sensorineural hearing loss caused by prolonged exposure to noisy working environment would only appear after 10 years. Nevertheless, the Administration relaxed the 10-year requirement to five-year for some particularly noisy occupations in 1998.

53. Mr Frederick FUNG asked why the five-year requirement was not extended to apply to all noisy occupations. AC for L(RB) pointed out that sensorineural hearing loss might be caused by a number of factors which included exposure to excessive noise at work, old age or disease. As it was not practicable to ascertain the single cause leading to the sensorineural hearing loss, an employee would be presumed to be suffering from occupational deafness and therefore entitled to compensation under the ODC Scheme if he had worked in the specified noisy occupation(s) for a required number of years. The 10-year employment requirement was a widely accepted standard. Only in some highly noisy occupations that it was known that the employees might suffer from occupational deafness in a shorter period. As such, it was considered appropriate to lower the 10-year requirement to five-year for such highly noisy occupations only.

54. Ms LI Fung-ying welcomed the Administration's proposal to extend the eligibility for ex-gratia payment, payable in lieu of common law damages under the ECA Scheme, to parents of a deceased worker. In view of the urgent need to restore the long-term viability of the ECA Scheme, she expressed support for the package of measures proposed by the Administration.

55. Mr LEE Cheuk-yan urged the Administration to give assurance to workers suffering from employment-related noise-induced hearing loss that their rights and benefits would not be affected following the reduction of the levy rate for the Occupational Deafness Compensation Board. In addition, the Administration should

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continue to examine the following proposals –

- (a) whether the Brewin Trust Fund could provide assistance to those who suffered from hearing loss in one ear and were not covered under the ODC Scheme;
- (b) whether the life-time maximum of \$15,000 for the purchase, repair and replacement of hearing assistive device could be increased to \$25,000;
- (c) whether the scope of the ODC Scheme could be extended to cover workers of all industries, including non-specified occupations; and
- (d) whether compensation for pain and suffering would be awarded as in the Pneumoconiosis (Compensation) Ordinance.

56. DSEM said that the financial position of the Occupational Deafness Compensation Board was sound and therefore the proposed reduction in its share of levy income should not have implications on the operation of the Fund. In fact, the Administration had recommended a package of proposals to improve the ODC Scheme. Any other proposed improvements should be considered in accordance with the established principles for the operation of the Fund. He added that the Administration was actively examining the suggestions put forward by members at the meeting on 15 November 2001 with a view to incorporating possible adjustments in its legislative amendments for introduction into LegCo. He agreed to consider the views of Mr LEE.

57. Mr Albert CHAN asked about the difference between Hong Kong, after the implementation of the Administration's proposed improvements to the ODC Scheme, and other developed countries in respect of the level of compensation for workers suffering from employment-related noise-induced hearing loss.

58. AC for L(RB) said that the statutory minimum level of deafness in Singapore was 50 dB in both ears whereas the minimum level in Hong Kong was only 40 dB in both ears. The required length of employment in noisy occupation in Singapore was 10 years across the board which was also more stringent than Hong Kong. While compensation would be awarded to claimants on the basis of loss of earning capacity in Hong Kong and Singapore, the method for calculating the compensation varied.

59. The Deputy Chairman said that members generally expressed support for the proposed package of measures to restore the long-term viability of the ECA Scheme.

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Council Business Division 2
Legislative Council Secretariat
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