

立法會
Legislative Council

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From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 19 May 2010

**Proposed amendment to motion on
“Reviewing occupational safety and health and
employees’ compensation system”**

Further to LC Paper No. CB(3) 664/09-10 issued on 6 May 2010, Hon LEE Cheuk-yan has given notice to move an amendment to Hon IP Wai-ming’s motion on “Reviewing occupational safety and health and employees’ compensation system” scheduled for the Council meeting of 19 May 2010. As directed by the President, Hon LEE Cheuk-yan’s amendment will be printed in the terms in which it was handed in on the Agenda of the Council.

2. For Members’ ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Reviewing occupational safety and health and
employees’ compensation system”
to be held at the Legislative Council meeting
of Wednesday, 19 May 2010**

1. Hon IP Wai-ming’s original motion

That, in view of the frequent occurrence of industrial accidents in recent years and a number of fatal industrial accidents that happened recently, which is unfortunate for the families, this Council urges that the Government must:

- (a) comprehensively review the policy on occupational safety and health to reverse the existing policy of relying on the trades to exercise self-regulation on occupational safety and health;
- (b) step up regular monitoring and inspection of industrial establishments, impose severe penalties on law-breaking employers, and make public the items in respect of which prosecutions have been instituted by the Labour Department during inspection;
- (c) enact dedicated legislation to provide for the work procedures, safety measures and criminal liabilities for work-at-height activities, so as to reduce the occurrence of accidents involving fall of persons from height, which cause the largest number of fatal cases in the construction industry;
- (d) motivate employers to faithfully shoulder the responsibility for safeguarding employees’ occupational safety and health, allocate resources for employees’ training, and provide facilities and a work environment that safeguard employees’ occupational safety and health;
- (e) stipulate that in the event of occurrence of accidents and occupational diseases in workplaces, including those involving subcontractors and self-employed persons, employers, contractors or persons in charge of the construction sites, etc. have to report such cases to the Government, so as to improve the reporting system for work injuries and occupational diseases, thereby enabling the authorities to obtain more accurate statistics on work injuries and occupational diseases;
- (f) comprehensively review the Employees’ Compensation Ordinance, including the inclusion of mental impairment under the category of injury in Schedule 1 and the classification of repetitive strain injury as a prescribed occupational

disease under Schedule 2, so as to provide more comprehensive protection for employees who suffer work-related mental disorders and physical injuries; and apart from providing employees with financial compensation, improve the mechanisms for preventing work injuries and occupational diseases as well as rehabilitation, so as to assist the recovery of injured employees and their reintegration into the society; and

- (g) set up a 'central employees' compensation fund' to centralize the management of work injuries, which is currently undertaken in a fragmented manner, to provide employees with a comprehensive compensation system.

2. Motion as amended by Hon LEE Cheuk-yan

That, ~~in view of~~ *given* the frequent occurrence of industrial accidents in ~~recent years~~ *Hong Kong over the years* and a number of fatal industrial accidents that happened recently, which is unfortunate for the families, this Council urges that the Government must:

- (a) comprehensively review *and amend* the policy on occupational safety and health ~~to reverse the existing policy of relying on the trades to exercise self-regulation on occupational safety and health,~~ *and the amendments to be made to the relevant policy include increasing the penalties imposed on law-breaking employers, requiring developers to take responsibility for works safety at construction sites, requiring developers to designate a certain percentage of the works cost as the 'works safety cost', tightening the safety standard stipulated in existing relevant legislation, and formulating a comprehensive policy on safety and health education, etc.;*
- (b) step up regular monitoring and inspection of industrial establishments, impose severe penalties on law-breaking employers, and make public the ~~items~~ *list of employers* in respect of ~~which~~ *whom* prosecutions have been instituted by the Labour Department during inspection *and those who are convicted;*
- (c) enact dedicated legislation to provide for the work procedures, safety measures and criminal liabilities for work-at-height activities, so as to reduce the occurrence of accidents involving fall of persons from height, which cause the largest number of fatal cases in the construction industry;
- (d) motivate employers to faithfully shoulder the responsibility for safeguarding employees' occupational safety and health, allocate resources for employees' training, and provide facilities and a work environment that safeguard employees' occupational safety and health;
- (e) stipulate that in the event of occurrence of accidents and occupational diseases in workplaces, including those involving subcontractors and self-employed persons, employers, contractors or persons in charge of the

construction sites, etc. have to report such cases to the Government, so as to improve the reporting system for work injuries and occupational diseases, thereby enabling the authorities to obtain more accurate statistics on work injuries and occupational diseases;

- (f) comprehensively review the Employees' Compensation Ordinance, including *a substantial increase of the statutory amount of compensation, a substantial increase of the employees' monthly income for calculating the amount of compensation, which is currently capped at \$21,000, the inclusion of self-employed persons and all employees who sustain injuries when travelling to and from work under the coverage of the Ordinance*, the inclusion of mental impairment under the category of injury in Schedule 1 and the classification of *back pain and* repetitive strain injury as a prescribed occupational ~~disease~~ *diseases* under Schedule 2, so as to provide more comprehensive protection for employees who suffer work-related mental disorders and physical injuries; and apart from providing employees with financial compensation, improve the mechanisms for preventing work injuries and occupational diseases as well as rehabilitation, *including the establishment of a 'rehabilitation hospital for injuries and diseases caused by occupational accidents' to provide specialized medical and rehabilitation services to those suffering injuries and diseases caused by occupational accidents*, so as to assist the recovery of injured employees and their reintegration into the society; ~~and~~
- (g) set up a 'central employees' compensation fund' to centralize the management of work injuries, which is currently undertaken in a fragmented manner, to provide employees with a comprehensive compensation system; *and*
- (h) *designate 28 April as the Work Injury Memorial Day and erect monuments, commemorative installations or plaques at prominent places in urban areas to commemorate the contribution of victims of occupational injuries to the prosperity of Hong Kong.*

Note: Hon LEE Cheuk-yan's amendment is marked in *bold and italic type* or with deletion line.