

立法會
Legislative Council

LC Paper No. LS71/11-12

**Paper for the House Committee Meeting
on 1 June 2012**

**Legal Service Division Report on
Proposed Resolutions under the Employees' Compensation Ordinance,
the Pneumoconiosis and Mesothelioma (Compensation) Ordinance
and the Occupational Deafness (Compensation) Ordinance**

The Secretary for Labour and Welfare has given notices to move three motions at the Legislative Council meeting of 13 June 2012 respectively under section 48A of the Employees' Compensation Ordinance (Cap. 282) (ECO), section 40 of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) (PMCO) and section 39(2) of the Occupational Deafness (Compensation) Ordinance (Cap. 469) (ODCO). The proposed resolutions seek to increase the amount of 15 items of compensation/surcharge with effect from 14 July 2012.

2. The proposed resolution under ECO seeks to amend the Sixth Schedule to ECO so that the amount of the following items be increased as follows -

Item	Existing amount (\$)	Revised amount (\$)
1. Ceiling of monthly earnings for calculating compensation for death and permanent total incapacity	21,500	23,580
2. Minimum compensation for death	310,000	340,040
3. Minimum compensation for permanent total incapacity	352,000	386,110
4. Compensation for attention	422,000	462,890
5. Minimum amount of surcharge on late payment of compensation		
(a) initial surcharge	500	550
(b) further surcharge	1,000	1,100

Item	Existing amount (\$)	Revised amount (\$)
6. Funeral expenses	35,000	70,000
7. Cost for supplying and fitting of a prosthesis or surgical appliance	33,000	33,460
8. Cost of repair and renewal of a prosthesis or surgical appliance	100,000	101,390

3. The proposed resolution under PMCO seeks to amend the First Schedule to PMCO so that the amount of the following items be increased as follows -

Item	Existing amount (\$)	Revised amount (\$)
1. Compensation for pain, suffering and loss of amenities	3,180	3,220
2. Compensation for bereavement	100,000	101,390
3. Minimum compensation for death	100,000	101,390
4. Funeral expenses	35,000	70,000
5. Compensation for care and attention	4,160	4,520

4. The proposed resolution under ODCO seeks to amend Schedule 5 to ODCO so that the amount of the following items be increased as follows -

Item	Existing amount (\$)	Revised amount (\$)
1. Maximum sum for calculating the amount of compensation for permanent incapacity		
- Age under 40	2,016,000	2,263,680
- Age 40 to under 56	1,512,000	1,697,760
- Age 56 and above	1,008,000	1,131,840
2. Minimum sum for calculating the amount of compensation for permanent incapacity	341,000	386,110

5. According to the Administration, the proposed amendments are made broadly in the light of wage movement as reflected by the Nominal Wage Index or price movement as reflected by the Consumer Price Index (A) in the relevant period. For more detailed information on the basis for the proposed

amendments and other background information, Members may wish to refer to the Legislative Council Brief (with no reference number) issued by the Labour and Welfare Bureau/Labour Department in May 2012.

6. The Panel on Manpower was consulted on the Administration's proposals on 20 January and 23 May 2012. At the meeting on 20 January 2012, the Panel passed a motion urging the Government to, among others, increase the levels of compensation under various occupational compensation ordinances. The Panel also passed another motion urging the Government to raise the maximum amount of funeral expenses reimbursable under ECO and PMCO to \$85,000. In response to members' views, the Administration revised the proposed levels of compensation under the three Ordinances. At the meeting on 23 May 2012, the Panel had detailed discussions about the Administration's revised proposal and, in order to have an early implementation of the proposed amendments, members agreed that it was not necessary to set up a subcommittee to further study the proposed resolutions.

7. The proposed amendments are technical in nature. No difficulties in relation to the legal and drafting aspects of the resolutions or the proposed amendments have been identified.

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