

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 20 February 2013

**Amendments to motion on
“Ensuring occupational safety”**

Further to LC Paper No. CB(3) 347/12-13 issued on 1 February 2013, three Members (Hon LEE Cheuk-yan, Hon TANG Ka-piu and Hon SIN Chung-kai) have respectively given notices of their intention to move separate amendments to Hon POON Siu-ping’s motion on “Ensuring occupational safety” scheduled for the Council meeting of 20 February 2013. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon POON Siu-ping to speak and move his motion;
- (b) the President proposes the question on Hon POON Siu-ping’s motion;
- (c) the President calls upon the three Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon LEE Cheuk-yan;
 - (ii) Hon TANG Ka-piu; and

- (iii) Hon SIN Chung-kai;
- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon POON Siu-ping to speak for the second time on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon LEE Cheuk-yan to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon LEE Cheuk-yan's amendment;
- (i) after Hon LEE Cheuk-yan's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon POON Siu-ping to reply. Thereafter, the President puts to vote the question on Hon POON Siu-ping's motion, or his motion as amended, as the case may be.

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

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Ensuring occupational safety”
to be held at the Council meeting of 20 February 2013**

1. Hon POON Siu-ping’s original motion

That, as more large-scale works projects will commence in Hong Kong in the future, but the number of fatal industrial accidents in the construction industry remains high, this Council urges the Government to expeditiously adopt effective measures to ensure occupational safety.

2. Motion as amended by Hon LEE Cheuk-yan

That, as more large-scale works projects will commence in Hong Kong in the future, but the number of fatal industrial accidents in the construction industry remains high; *in this connection*, this Council urges the Government to expeditiously adopt effective measures to ensure occupational safety; *the relevant measures should include:*

- (1) *to raise the level of work safety in construction design management, including studying the enactment of legislation to require sufficient regard for safety of construction and subsequent maintenance during the design stage, and the formulation of corresponding proposals on eliminating hazards and risks;*
- (2) *to set a reasonable duration of construction to reduce industrial accidents caused by working against the clock;*
- (3) *to enact legislation to require principal contractors to take out workmen’s compensation insurance for all workers engaged in construction works (including employees of subcontractors and other self-employed workers), and to shoulder jointly with subcontractors the legal responsibility of reporting work injury accidents;*
- (4) *to enhance the Labour Department’s inspections and prosecutions, and impose heavier penalties on law-breaking employers; and*
- (5) *to enhance occupational safety and health training for workers, and raise their awareness of occupational safety and health.*

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

3. Motion as amended by Hon TANG Ka-piu

That, ~~as~~ more large-scale works projects will commence in Hong Kong in the future, but the number of fatal industrial accidents in the construction industry remains high; *the traffic and transportation industry also indicates that the rate of occupational injuries of the industry remains high, with the annual number of deaths reaching double digits, but owing to the lack of a clear employer-employee relationship, the industry is not covered by the protection under the Employees' Compensation Ordinance, whereas the Occupational Safety and Health Ordinance also does not cover the driver's seat of a vehicle, rendering the regulation of professional drivers' occupational safety and health not comprehensive enough; in addition, quite a number of occupations (such as tour escorts and tourist guides in the tourism industry) also lack protection under the Employees' Compensation Ordinance due to an unclear employer-employee relationship; in this connection,* this Council urges the Government to expeditiously adopt effective measures to ensure occupational safety, *including:*

- (1) *to comprehensively review the policy on occupational safety and health to reverse the existing policy of relying on the trades to self-regulate in respect of occupational safety and health;*
- (2) *to 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;*
- (3) *to enact dedicated legislation to provide for the work procedures, safety measures and criminal liabilities, etc. for work-at-height activities, so as to reduce the occurrence of accidents involving fall of workers from height, which constitute the largest number of fatal cases in the construction industry;*
- (4) *to motivate employers to dutifully shoulder the responsibility for ensuring employees' occupational safety and health, allocate resources for employees' training, and provide facilities and a work environment that ensure employees' occupational safety and health;*
- (5) *to 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;

- (6) *to comprehensively review the Employees' Compensation Ordinance, including the inclusion of mental impairment in the category of injury under Schedule 1 and the classification of repetitive strain injury and heat stroke as prescribed occupational diseases under Schedule 2, so as to provide more comprehensive protection for employees who suffer work-related mental disorders, physical injuries or heat stroke; and in addition to providing employees with financial compensation, improve the mechanisms for prevention of work injuries and occupational diseases as well as rehabilitation to assist injured employees in recovering and rejoining society; and*
- (7) *to set up a 'central employees' compensation fund' or compensation funds for employees by industry (such as a central employees' compensation fund for professional drivers), so as to provide comprehensive compensation protection to employees for all injuries and deaths or occupational diseases arising from work irrespective of the employer-employee relationship.*

Note: Hon TANG Ka-piu's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon SIN Chung-kai

That, *the working class at large in Hong Kong has all along not been provided with comprehensive protection for their rights and interests (including occupational safety), and its aspiration for enacting legislation on setting standard working hours to ensure occupational safety, among others, has persistently been disregarded and stalled by the Government;* as more large-scale works projects will commence in Hong Kong in the future, but the number of fatal industrial accidents in the construction industry remains high, this Council urges the Government to expeditiously adopt effective measures to ensure, *such as enacting legislation on setting standard weekly working hours and working hour limits for the construction industry and other industries, and enacting legislation to require employers, except in the case of emergency services, to allow employees to enjoy a rest of at least 20 minutes after five hours of continuous work, so as to ensure that employees have a healthy state of mind and maintain a high level of vigilance while working, with a view to*

reducing the possibility of industrial accidents and ensuring employees' physical and mental health as well as occupational safety.

Note: Hon SIN Chung-kai's amendment is marked in *bold and italic type* or with deletion line.