

立法會
Legislative Council

LC Paper No. LS33/14-15

**Paper for the House Committee Meeting
on 23 January 2015**

**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 notice to move three motions at the Legislative Council meeting of 4 February 2015 respectively under section 48A of the Employees' Compensation Ordinance (Cap. 282)¹, section 40 of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360)² and section 39(2) of the Occupational Deafness (Compensation) Ordinance (Cap. 469)³. The proposed resolutions seek to increase the amount of 18 compensation items under the three Ordinances with effect from 5 March 2015.

2. The proposed resolution under Cap. 282 seeks to amend the Sixth Schedule (Specified Amount of Compensation) to Cap. 282 to make the following revisions -

Item	Existing amount (\$)	Proposed amount (\$)	Increase (%)
(a) Ceiling of monthly earnings for calculating compensation for death and permanent total incapacity	23,580	26,070	+10.56%
(b) Minimum monthly earnings	3,490	3,690	+5.73%

¹ Cap. 282 provides for the payment of statutory compensation to employees injured at work or suffering from prescribed occupational diseases or their family members (in fatal cases).

² Cap. 360 provides for the payment of statutory compensation to persons suffering from pneumoconiosis and/or mesothelioma or family members of persons who died of the diseases.

³ Cap. 469 provides for the payment of statutory compensation to persons who suffer from noise-induced deafness by reason of employment in specified noisy occupations.

Item	Existing amount (\$)	Proposed amount (\$)	Increase (%)
(c) Minimum compensation for death	340,040	375,950	+10.56%
(d) Minimum compensation for permanent total incapacity	386,110	426,880	+10.56%
(e) Compensation for attention	462,890	511,770	+10.56%
(f) Minimum surcharge on late payment of compensation			
(i) initial surcharge	550	610	+10.91%
(ii) further surcharge	1,100	1,220	+10.91%
(g) Funeral expenses	70,000	76,220	+8.88%
(h) Cost for supplying and fitting of a prosthesis or surgical appliance	33,460	36,430	+8.88%
(i) Cost of repair and renewal of a prosthesis or surgical appliance	101,390	110,390	+8.88%

3. The proposed resolution under Cap. 360 seeks to amend the First Schedule (Amounts of Compensation) to Cap. 360 to make the following revisions -

Item	Existing amount (\$)	Proposed amount (\$)	Increase (%)
(a) Monthly compensation for pain, suffering and loss of amenities	3,220	4,650	+44.41%
(b) Compensation for bereavement	101,390	110,390	+8.88%
(c) Minimum compensation for death	101,390	110,390	+8.88%
(d) Funeral expenses	70,000	76,220	+8.88%
(e) Monthly compensation for care and attention	4,520	4,930	+9.07%

4. The proposed resolution under Cap. 469 seeks to amend Schedule 5 (Amount of Compensation) to Cap. 469 to make the following revisions -

Item	Existing amount (\$)	Proposed amount (\$)	Increase (%)
(a) Maximum sum for calculating compensation for permanent incapacity			
- Age under 40	2,263,680	2,502,720	+10.56%
- Age 40 to under 56	1,697,760	1,877,040	+10.56%
- Age 56 and above	1,131,840	1,251,360	+10.56%
(b) Minimum sum for calculating compensation for permanent incapacity	386,110	426,880	+10.56%
(c) First-time financing limit for hearing assistive devices	12,000	15,000	+25%
(d) Aggregate financing limit for hearing assistive devices	36,000	52,000	+44.44%

5. The proposed increases in the amount of the compensation items under paragraph 2 to 4 above range from 5.73% to 44.44%. According to the Administration, the proposed increases are based on the findings of the biennial review which took into account the wage movement as reflected by the Nominal Wage Index, price movement as reflected by the Consumer Price Index (A) and other relevant factors such as the benefits provided under the Comprehensive Social Security Assistance Scheme in the period from 2012 to 2013. Items (c) and (d) under paragraph 4 above are proposed to be reviewed starting from this exercise. The remaining compensation items (except item (b) under paragraph 2⁴) were last revised in 2012. The Labour Advisory Board supported the proposal at its meeting on 12 September 2014. For more details on the basis for the proposal and other background information, Members may refer to the Legislative Council Brief (File Ref: LD ECS2/50/2(C)) issued by the Labour and Welfare Bureau, and the Labour Department in January 2015.

6. As advised by the Clerk to the Panel on Manpower, the Panel was consulted on the proposed revisions at its meeting of 18 November 2014. While some members expressed concern about the adjustment mechanism and the

⁴ Last revised in 1998.

amounts of some compensation items, members expressed support for the proposal.

7. No difficulties in relation to the legal and drafting aspects of the proposed resolutions have been identified.

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