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By Mail and Fax: 2509 9055

Mrs Constance Li
Legislative Council Secretariat
3/F Citibank Tower, Garden Road
Hong Kong

Dear Mrs Li

Thank you for your letter of 9 March 2000.

My comments on the draft section 12(3) are as follows:

I agree that a worker who is found medically unfit for employment in a designated occupation can be redeployed to another job where the hazards concerned are not present. But the most important solution is the removal or reduction of the hazards so that the worker can safely return to his employment in his original job after he has become fit again so that further employment in the original job will not adversely affect his health.

However, redeployment arrangement is only one option, and this may entail a change of wages and working conditions, and is subject to the experience and skills of the worker as well as the availability of a suitable job.

In this regard, mutual agreement between the worker and his employer on the redeployment arrangements is required as in all other situations involving a change of job. The proposed section 12(3) has specified the responsibility of the employer but there is no penalty for violation. There may be difficulties in enforcement. For example, it would be difficult to determine whether a suitable job does exist and whether the employee accepts the redeployment and the related arrangements. Hence, it seems that a guidance note from the Labour Department to advise employers and employees in such situations would be more practicable.

Yours sincerely

Professor T H Lam, MD, FFPHM, FFOM, FHKCCM, FHKAM, FRCP
President

cc Professor T W Wong (Fax: 2606 3500)