

勞工處處長箋札的信頭
Letterhead of COMMISSIONER FOR LABOUR

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29 March 2000

Mrs Constance Li
Clerk to Sub-committee on Regulations
relating to Occupational Safety and Health
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Li

**Sub-committee on
Regulations relating to Occupational Safety and Health**

**Factories and Industrial Undertakings
(Medical Examinations) Regulation**

Further to my letter of 14 March 2000, I write to provide the above Sub-committee with the Labour Advisory Board's comments on the proposed amendments to the Factories and Industrial Undertakings (Medical Examinations) Regulation. The Sub-committee's proposals are:

- (a) a new subsection (3) be added under section 12 of the regulation to require an employer to arrange a change of post, so far as is reasonably practicable, for a worker who is found temporarily unfit for employment in his particular occupation, where sick leave is not recommended; and
- (b) no penalty is to be imposed on a proprietor who contravenes the new subsection (3) in (a).

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At its meeting held yesterday, the Labour Advisory Board discussed the Subcommittee's proposals. In the course of their deliberations, members noted that employers would normally make redeployment arrangements for workers who were found temporarily unfit for employment in their particular occupations, where sick leave was not granted to the latter. In the circumstances, it would not be necessary to stipulate employers' obligations in this regard in the regulation by making the proposed no-penalty provision. Moreover, members were of the view that given the advisory nature of the proposed provision, it would be more desirable to incorporate the advice in a guidance note to be prepared and published by the Labour Department, rather than in the regulation itself. As a practical approach to the matter, members also suggested that the Labour Department could monitor the situation to see if the advice was observed, following the implementation of the statutory medical examination scheme.

I hope the above comments of the Labour Advisory Board will be useful to the Sub-committee in formulating its view on the matter.

Yours sincerely

(Matthew CHEUNG Kin-chung)

Chairman

Labour Advisory Board

c.c. Hon Andrew CHENG Kar-foo (Chairman)

Secretary for Education and Manpower

(Attn: Mr K K Lam, PAS(EM)7)