## Subcommittee on Regulations relating to Occupational Safety and Health

## Summary of submissions on the proposed amendments to section 12 of the proposed Factories and Industrial Undertakings (Medical Examinations) Regulation

	Organizations/Paper No.	Comments
1.	Construction Industry Training Authority [Paper No. CB(2)1497/99-00(01)]	- <u>no objection</u> to the addition of the proposed section 12(3).
2.	Hong Kong Institute of Occupational and Environmental Hygiene [Paper No. CB(2)1497/99-00(02)]	- <u>suggests</u> incorporation of the proposal in a guide of good management practice as this is more related to the conditions of employment.
3.	Occupational Deafness Compensation Board [Paper No. CB(2)1497/99-00(03)]	- <u>suggests</u> Labour Department to issue a Code of Practice to give guidance on temporary suspension of employment arising from medical examinations. The Board envisages practical and enforcement problem in implementing the re-deployment requirement in the proposed section 12(3).
4.	Hong Kong College of Community Medicine [Paper No. CB(2)1497/99-00(04)]	<ul> <li><u>suggests</u> Labour Department to issue guidance note on redeployment arrangement, given the implementation difficulties for a legislative requirement such as the proposed section 12(3); and</li> <li>redeployment arrangement is only one option, as the solution lies in the elimination of hazardous substances in workplaces.</li> </ul>
5.	Federation of Hong Kong Industries [Paper No. CB(2)1497/99-00(05)]	- <u>strong reservation</u> on the feasibility and desirability of introducing a statutory requirement for redeployment of worker as this would create immense practical difficulties which would strain the relations between employers and employees as regards the terms of an alternative job even if one exists.

6.	Hong Kong Occupational Safety and Health Association [Paper No. CB(2)1497/99-00(06)]	<ul> <li>although the proposed section 12(3) will convey the message that employers have to arrange change of post for the worker, the obligation of the proposal will not be enforceable due to a lack of penalty provision;</li> <li><u>suggests</u> to amend section 12(2) of the Regulation so that the proprietor should be required to take measures to improve the working environment, working process, and safety equipment; and</li> <li><u>suggests</u> to amend the proposed section 12(3) so that the employee would not be suspended from employment in his original occupation in case it is not practicable for the proprietor to do so.</li> </ul>
7.	Employers' Federation of Hong Kong [Paper No. CB(2)1497/99-00(07)]	<ul> <li>alternate job arrangement may lead to more labour disputes and would add to the employer's cost;</li> <li>alternative employment is only practicable if it is voluntary and with the mutual consent of the employer and employee; and</li> <li><u>suggests</u> Labour Department to incorporate the proposal in the guidance note on best management practices.</li> </ul>
8.	The Hong Kong Construction Association Ltd [Paper No. CB(2)1497/99-00(08)]	<ul> <li><u>disagree</u> with the proposed section 12(3) because :</li> <li>vacancy may not be available for redeployment;</li> <li>taking up new job may pose higher risk to the worker concerned and his co-workers; and</li> <li>the terms of redeployment will lead to more conflicts between employer and employee.</li> </ul>

9. Estate Doctors Association	- no comment.
10. The Chinese General Chamber of Commerce	- no comment.
11. Occupational Safety and Health Council	- no comment.
12. Labour Advisory Board [Paper No. CB(2)1591/99-00(01)]	<ul> <li>it would be more desirable to incorporate the redeployment arrangement under the proposed section 12(3) in a guidance note to be prepared and published by the Labour Department; and</li> <li><u>suggests</u> Labour Department to be held responsible for monitoring the situation.</li> </ul>
13. CityU SCOPE OSH Alumni Association [Paper No. CB(2)1638/99-00(01)]	<ul> <li><u>concurs</u> with the spirit of the proposed amendment; and</li> <li>concerns that litigation may arise in case of disputes between employers and employees.</li> </ul>

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