

立法會
Legislative Council

LC Paper No. CB(2)1435/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/BC/10/01

**Bills Committee on Occupational Deafness
(Compensation) (Amendment) Bill 2002**

**Minutes of the 4th meeting
held on Wednesday, 26 February 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members Present : Dr Hon LO Wing-lok (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan
Hon Bernard CHAN, JP
Hon LEUNG Yiu-chung
Hon YEUNG Yiu-chung, BBS
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, JP
Hon Frederick FUNG Kin-kee
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Albert HO Chun-yan
Hon CHAN Kwok-keung
Hon CHAN Yuen-han, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Michael MAK Kwok-fung

Public Officers Attending : Mrs Jenny CHAN, JP
Assistant Commissioner for Labour
(Employees' Rights and Benefits)

Dr LO Wai-kee
Occupational Health Consultant
Labour Department

Mrs Bernadette LAI
Senior Labour Officer
Labour Department

Mr Sunny CHAN
Senior Government Counsel

Miss Amy CHAN
Government Counsel

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Dora WAI
Senior Assistant Secretary (2) 4

I. Meeting with the Administration

(LC Paper Nos. CB(2)1246/02-03(01) to (05), CB(2)1279/02-03(01) and CB(2)1309/02-03(01))

The Bills Committee deliberated (Index of proceedings attached at **Annex**).

2. The Bills Committee noted the submissions from the Federation of Hong Kong Industries and the Employers' Federation of Hong Kong.

3. As there were divided views among members on the Administration's proposal of raising the reimbursement ceiling for the initial purchase of hearing assistive devices from \$6,000 to \$9,000 and the overall ceiling per applicant from \$15,000 to \$18,000, a vote was taken on whether the Bills Committee should support the proposal. The Chairman, Mr Kenneth TING, Mr Bernard CHAN and Mr YEUNG Yiu-chung voted in favour of the proposal, while Ms Cyd HO, Mr LEE Cheuk-yan and Mr LEUNG Yiu-chung expressed reservation about it.

4. In the light of views expressed by members during the clause-by-clause

examination of the Bill, the Administration agreed to -

- (a) consider reviewing the drafting of the last sentence in the Chinese version of the proposed section 21 to improve its clarity;
- (b) examine whether "The Governor in Council" / "總督會同行政局" as appeared in the existing section 39 and "立法局" as appeared in the Chinese version of the same section should be amended to reflect their current titles; and
- (c) provide a response on whether it would re-consider expanding the scope of protection provided in the newly added paragraph (za) under Schedule 3 to cover all mahjong parlour workers instead of only those playing mahjong as their main duty inside a mahjong parlour, and whether the drafting of the Chinese version of paragraph (za) would be amended, where appropriate, to ensure its consistency with the English version.

5. The Administration indicated that it would move the following Committee Stage amendments (CSAs) to the Bill, and would provide members with the relevant CSAs prior to the next meeting -

- (a) replacing "教育統籌局局長" in the Chinese version of the proposed section 39(3) by "局長" which meant "經濟發展及勞工局局長" by virtue of section 2 of the Principal Ordinance; and
- (b) amending the reimbursement limits of \$6,000 and \$15,000 in the proposed Schedule 7 to \$9,000 and \$18,000 respectively.

6. The Bills Committee agreed that employer and employee representatives of the four newly added noisy occupations should be invited to give views on the Bill at the next meeting.

II. Date of next meeting

7. The Bills Committee agreed that the next meeting originally scheduled for 3 March 2003 at 10:45 am be re-scheduled to 11 March 2003 at 10:45 am.

8. There being no other business, the meeting ended at 10:10 am.

**Proceedings of the 4th meeting of the
Bills Committee on Occupational Deafness
(Compensation) (Amendment) Bill 2002
on Wednesday, 26 February 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
000000 - 002336	Chairman Administration Ms Audrey EU Mr YEUNG Yiu-chung Mr LEUNG Yiu-chung Mr Kenneth TING	(a) Administration's proposal of raising the reimbursement ceilings for hearing assistive devices (LC Paper No. CB(2)1246/02-03(01)) (b) Whether doctor's consultation fee should be reimbursable under the Bill (LC Paper Nos. CB(2)1246/02-03(03) and (05))	
002337 - 003048	Chairman Administration Mr LEE Cheuk-yan	Excess risk of noise-induced hearing impairment under different levels of noise exposure (LC Paper No. CB(2)1246/02-03(02))	
003049 - 003256	Chairman ALA5 Ms Cyd HO Administration	Requirement on employment under a continuous contract in noisy occupation within 12 months before the date of application (LC Paper No. CB(2)1246/02-03(04))	
003257 - 003320	Chairman	Submissions from Federation of Hong Kong Industries and Employers' Federation of Hong Kong (LC Paper Nos. CB(2)1279/02-03(01) and CB(2)1309/02-03(01))	
003321 - 003624	Mr Kenneth TING Administration Mr Andrew CHENG Ms LI Fung-ying Chairman	Inviting views from employer and employee representatives of the four newly added noisy occupations	Clerk to follow up [see paragraph 6 of minutes]
Clause-by-clause examination of the Bill			
003625 - 003905	Chairman Mr Andrew CHENG Administration	Clause 2 - Long title amended	
003906 - 004457	Chairman Mr Andrew CHENG Administration	Clause 1 - Short title Clause 3 - Interpretation Clause 4 - Functions and powers of the Board Clause 5 - Payments by the Board from the Fund Clause 6 - Functions of Medical Committee	
004458 - 005234	Chairman Administration Mr Andrew CHENG	Clause 7 - Determination of compensation Clause 8 - Payment of compensation	Admin to provide a response [see paragraph 4(a) of minutes]
005235 - 011012	Chairman Administration ALA5 Mr Andrew CHENG Ms LI Fung-ying	Clause 9 - Part added	
011013 - 011314	Chairman Administration	Clause 10 - Appeal Clause 11 - Offence Clause 12 - Section added	

Time Marker	Speaker	Subject(s)	Action required
011315 - 011729	Chairman Administration Mr Andrew CHENG Ms LI Fung-ying	Clause 13 - Compensation or reimbursement of expenses not to be assigned, charged or attached Clause 14 - Designations by the Board Clause 15 - Amendment of Schedules	Admin to provide a response [see paragraph 4(b) of minutes]
011730 - 013438	Chairman Mr Andrew CHENG Administration Mr Kenneth TING Ms LI Fung-ying	Clause 16 - Noisy occupations	Admin to provide a response [see paragraph 4(c) of minutes]
013439 - 013650	Chairman Administration	Clause 17 - Schedule substituted Clause 18 - Amount of compensation Clause 19 - Schedules 6 and 7 added Clause 20 - Transitional	
013651 - 013749	Chairman Administration	CSAs to be moved by the Administration	Admin to provide the relevant CSAs [see paragraph 5 of minutes]
013750 - 013927	Chairman	Date of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
 10 March 2003