

立法會
Legislative Council

LC Paper No. CB(2)1663/07-08
(These minutes have been seen
by the Administration)

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Panel on Manpower

Minutes of meeting
held on Thursday, 20 March 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Chin-shek, JP (Chairman)
Hon KWONG Chi-kin (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEUNG Kwok-hung
- Members attending** : Dr Hon Fernando CHEUNG Chiu-hung
- Members absent** : Hon Frederick FUNG Kin-kee, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
- Public Officers attending** : Item III

Mr CHEUNG Kin-chung, Matthew, GBS, JP
Secretary for Labour and Welfare

Mrs TSE LING Kit-ching, Cherry, JP
Commissioner for Labour

Mr IP Yee-cheung, Ernest
Senior Labour Officer (Special Duties)
Labour Department

Ms NG Wai-lan, Reddy
Principal Economist (4)
Financial Secretary's Office

Item IV

Mr CHEUNG Kin-chung, Matthew, GBS, JP
Secretary for Labour and Welfare

Mrs TSE LING Kit-ching, Cherry, JP
Commissioner for Labour

Mr NG Kwok-keung, Byron
Assistant Commissioner (Employment Services)
Labour Department

Ms NG Shuk-fong, Betty
Senior Labour Officer (Employment Services)
(Transport Support Scheme)
Labour Department

Item V

Mrs TSE LING Kit-ching, Cherry, JP
Commissioner for Labour

Mrs HUI LAM Yin-ming, Erika, JP
Deputy Commissioner (Occupational Safety and Health)
Labour Department

Dr LEUNG Lai-man, Raymond, JP
Occupational Health Consultant (1)
Labour Department

Dr HO Mang-yee, Mandy
Occupational Health Consultant (2)
Labour Department

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Mr Watson CHAN
Head (Research & Library Services)

Mr Jackie WU
Research Officer 1

Ms Diana WONG
Research Officer 2

Ms Janet SHUM
Senior Council Secretary (2) 8

Miss Helen DIN
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1354/07-08)

The minutes of the meeting held on 21 February 2008 were confirmed.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1353/07-08(01) and (02))

2. Members agreed that the following items would be discussed at the next meeting to be held on 24 April 2008 from 2:30 pm to 5:30 pm -

- (a) retention of a supernumerary post for secondment to the Employees Retraining Board as Executive Director;
- (b) enforcement of Labour Tribunal Awards; and
- (c) preparatory work for introducing a statutory minimum wage for cleaning workers and security guards if the Wage Protection Movement fails to yield satisfactory results - Definitions of cleaning workers and security guards

3. Miss CHAN Yuen-han urged the Administration to submit a detailed legislative proposal for the introduction of a statutory minimum wage (SMW) in June 2008. She said that, to tie-in with the Panel's discussion, the Administration should work closely with the Labour Advisory Board (LAB) and expedite the deliberations on all the key issues identified. Mr WONG Kwok-hing shared the same view.

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4. The Secretary for Labour and Welfare (SLW) said that should the overall review to be conducted in October this year find that WPM had failed, the Administration would introduce the bill on a SMW for the two specified occupations within the 2008-2009 legislative session. In the meantime, the Administration was studying the issues strenuously and collaborating with LAB to work out details of the proposal. The Administration would make all efforts to submit detailed papers to the Panel on the issues related to the introduction of SMW before the end of this session.

III. Research report on minimum wage system in selected places
(LC Paper No. RP04/07-08)

5. With the aid of PowerPoint, Head, (Research & Library Services) (H/RL) briefed members on the main findings of the research report on minimum wage system in selected places (the Report).

6. Mr LEE Cheuk-yan noted that the minimum wage system of South Korea had expanded from covering only the manufacturing establishments in 1988 to all establishments in 2000. He asked about the process of expanding the coverage of the minimum wage system in South Korea.

7. H/RL said that the minimum wage system in South Korea initially covered only manufacturing establishments with 10 or more employees in 1988. Since 2000, all establishments, regardless of the number of employees employed, had been under the coverage of the minimum wage system.

8. Mr LEE Cheuk-yan also asked whether the Research and Library Services Division (RLSD) could provide further information on how the median wage of the selected places had been worked out, such as whether wages of the managerial profession had been included in compiling the median wage.

9. H/RL said that there was no unique standard as to how the median wage of the places studied was determined and RLSD had no further information in this respect on hand.

10. In response to Mr LEE Cheuk-yan, H/RL said that the places studied mostly used average wage in their minimum wage system while some places used median wage. Mr LEE requested RLSD to list out those places studied where median wage or average wage or both were used in their minimum wage system, information on the median wage in these places and obtain information on the average wage in Hong Kong from the Census and Statistics Department.

11. Mr WONG Kwok-hing asked whether average wage or median wage was preferred in determining the minimum wage rate.

RLSD

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12. H/RL said that the places studied mainly used average wage, amongst other criteria, in determining a minimum wage rate. It would be for members or the Administration to consider whether average wage or median wage should be used as a criterion for determining the SMW in Hong Kong.

13. Dr Fernando CHEUNG noted that prevailing wage was used in some places such as the United States to describe the sectoral wage of a trade which was determined by the trade.

14. Mr Tommy CHEUNG asked whether there was information on the minimum wage rate relative to the average wage at the time the minimum wage was first introduced in the places studied, and how the minimum wage rates in the past compared with the current rates.

RLSD

15. Referring to Table 6 in the Report, H/RL said that apart from Taiwan and the United States, the real value of the minimum wage rate of the places studied had been appreciating since 2001, and the minimum wage rates were adjusted annually. He said that RLSD would provide information on the minimum wage rate relative to average wage at the time the minimum wage was introduced in the places studied, if needed.

RLSD

16. Miss CHAN Yuen-han asked whether the minimum wage system of the places studied covered most workers or only certain categories of workers, and whether these places had adopted one single minimum wage rate applicable to all trades. She also asked whether the rate was determined in respect of the specific circumstances of the places studied. Noting that Germany was not within the scope of the research, she further asked RLSD to provide information on the legislation in extending the coverage of specific trades under Germany's minimum wage system, if possible.

17. H/RL responded that by and large, the minimum wage system of the selected places studied covered the entire workforce and adopted one single minimum wage rate. In some places, reduced minimum wage rates were set for particular working groups such as apprentices, youths and workers on probation. The minimum wage system of some places did not cover disabled employees.

18. Miss CHAN Yuen-han said that the Hong Kong Federation of Trade Union held the view that a SMW at 50% of the average wage should be introduced in Hong Kong, in order for workers to sustain a reasonable standard of living. She considered that workers of the places studied which adopted a relatively low minimum wage rate would likely be given further assistance under the social welfare system. She asked about the social welfare system of the places studied in order to facilitate members' consideration of the issue of minimum wage.

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RLSD

19. H/RL said that RLSD did not have information on the relevant social welfare system of the places studied as the subject was not within the scope of the research. Nevertheless, he would try to provide the relevant information.

20. Mr WONG Kwok-hing considered that in Hong Kong, a SMW should be set at a rate not lower than the allowance paid under the Comprehensive Social Security Assistance Scheme to ensure that workers could sustain a minimum level of living. He asked whether any of the places studied had adopted similar criterion in determining the minimum wage level.

21. H/RL said that when determining the minimum wage rate, criteria adopted by the authorities of the places studied were similar. They included, among other things, the current economic performance, workers' basic needs, average wage, and labour productivity. Amongst the places studied, the authorities of Guangdong and Shenzhen had considered the amount of social security benefits.

22. Mr LEUNG Kwok-hung considered that a SMW should be introduced as early as possible in Hong Kong. He noted that Article 7 of the International Covenant on Economic, Social and Cultural Rights stipulated that the remuneration to workers should be sufficient for providing a decent living for the workers and their families. He said that minimum wage should be viewed as part of the social welfare system aiming to assist low-income workers to sustain a basic standard of living. He added that a minimum wage system which provided subsidies for small and medium-sized companies (SMEs), as that implemented in France and Taiwan, would help to relieve employers' financial burden.

23. Mr LEE Cheuk-yan asked about the relief measures implemented by the authorities in France and Taiwan. H/RL said that in France, companies which paid their employees up to 160% of the minimum wage were eligible for exemption in social security contribution. As for Taiwan, the major relief measures included providing financial subsidies to SMEs and reimbursing up to 80% of the cost of employee training.

24. Referring to paragraph 4.7.2 in the Report, Mr WONG Kwok-hing pointed out that the findings of the evaluation conducted by the Shenzhen Bureau of Labour and Social Security had revealed the benefits brought by its minimum wage system. He said that employers in Hong Kong should shed their prejudice against a minimum wage system. He sought the Administration's response to the findings of the Shenzhen authority.

25. SLW said that the Administration had endeavoured to promote a harmonious socio-economic environment in Hong Kong and kept an open mind in exploring ways to safeguard the benefits of low-paid workers such as

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launching the Wage Protection Movement for cleaning workers and security guards in October 2006. As stated in the Chief Executive's Policy Address, should the overall review in October 2008 find that the movement had been ineffective, the Administration would introduce minimum wage legislation for the two specified occupations. SLW added that the Administration would forward the Report, which contained useful information, to LAB for reference.

26. Dr Fernando CHEUNG said that the Civic Party supported the introduction of a SMW in Hong Kong. In tandem with the Administration's policy to encourage people to join the workforce and live on self-reliance, it should secure for the low-income workers a minimum wage to enable them to sustain a basic level of living. He considered that the wage structure in terms of household median income in Hong Kong appeared to be incompatible with the high living standard. Dr CHEUNG requested RLSD to compile a comparison of the wage structure in Hong Kong with those of the places studied. H/RL said that RLSD would follow up the issue, if needed.

RLSD

27. Dr Fernando CHEUNG sought the Administration's response to the introduction of a minimum wage in Hong Kong, in view of the world trend of implementation of minimum wage system.

28. SLW said that the Administration had also conducted research on the minimum wage regimes of other places. The Administration kept an open mind and was proceeding with the preparatory legislative work for introducing a minimum wage as mapped out in the Chief Executive's Policy Address. The Administration would continue to study the keys issues concerned and make reference to the information in the Report.

29. Mr WONG Kwok-hing asked whether and, if so, how the economy of the places studied had been affected due to the implementation of a minimum wage. He said there had been concern that the implementation of a SWM in Hong Kong would scare away investors.

30. H/RL said that in the light of the empirical studies undertaken by the relevant authorities of the places studied, the impact of minimum wages on the economy remained inconclusive. RLSD had tried various channels to obtain information on the impact on the economy in relation to implementation of a minimum wage. RLSD would try its best again to obtain the relevant information.

RLSD

31. Mr Tommy CHEUNG said that the impact of minimum wage was a controversial issue, and some economists held the view that the implementation of a minimum wage system might not be able to help low-paid and low-skilled workers. He asked whether the implementation of the minimum wage system in the places studied had induced adverse effect on employment.

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32. H/RL said that the findings of the empirical studies on the minimum wages system revealed that there was no unanimous view on the effect of a minimum wage system on employment. In analyzing the causes of unemployment, it was difficult to isolate, amongst others, the factor of a minimum wage.

RLSD

33. Mr Tommy CHEUNG further asked whether it was possible to provide information on the employment situation of the places studied pursuant to the implementation of a minimum wage system. H/RL said that RLSD would go through the material in hand and identify the relevant information.

34. Mr LEE Cheuk-yan said that according to the findings of the Organization of Economic Co-operation and Development, the impact of a minimum wage on the economy or employment remained inconclusive.

35. Mr LEUNG Yiu-chung enquired about details of enforcement of the minimum wage system in the places studied. He also enquired whether it was mandatory for workers in these places to be a witness in court in cases of litigation against employers failing to pay a minimum wage.

36. H/RL said that in cases of non-compliance, the enforcement agents of the places studied would take actions such as gathering information from the parties concerned and interviewing employers, employees and relevant third parties. Table 5 of the Report provided information on the enquiries and complaints to the relevant authorities in the United Kingdom and the enforcement action taken between 2003 and 2006. As noted from the Table, the number of enforcement notices issued by the authorities concerned against non-compliant cases was relatively small. H/RL added that there was little information on enforcement statistics in the other places studied.

RLSD

37. Ms LI Fung-ying requested RLSD to provide further details on the Australian Fair Pay Commission such as the criteria in selecting appointed members, composition of the Commission, and the terms of appointment of members. H/RL agreed.

RLSD

38. Mr LEUNG Kwok-hung asked RLSD to advise on whether those places studied had in place a mandatory collective bargaining system, maximum working hours for workers and provisions for penalty against employers for unreasonable dismissal.

RLSD

39. To facilitate members' consideration on the issue of minimum wage, the Chairman requested RLSD to provide the additional information sought by members as far as possible.

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IV. Proposed relaxations under the Transport Support Scheme
(LC Paper No. CB(2)1353/07-08(03))

40. SLW said that the Administration planned to submit the proposed relaxations under the Transport Support Scheme (TSS) to the Finance Committee of the Legislative Council (LegCo) for approval at the meeting of 25 April 2008, with a view to implementing the relaxations as early as possible.

41. Mr WONG Kwok-hing welcomed the proposed relaxations under TSS. He, however, suggested that the requirements of personal asset value at no more than \$44,000 and an average of 18 working hours per week should be removed, and the Scheme should also be extended to people other than the four designated districts (i.e. Yuen Long, Tuen Mun, North and Island Districts.)

42. SLW stressed that TSS was launched in June 2007 on a one-year pilot basis in response to the recommendation of the former Commission on Poverty. The objective was to provide a time-limited transport subsidy as an incentive to encourage the unemployed and low-income employees with financial difficulties living in the designated remote districts to seek jobs and work across districts.

43. SLW further explained that -

- (a) the personal asset limit requirement of no more than \$44,000 was far less stringent than that under the Comprehensive Social Security Assistance Scheme which was set at \$22,000. As the target groups of TSS was the unemployed and the low-income workers living in the designated districts with financial difficulties, the Administration did not consider it appropriate to relax the personal asset limit;
- (b) people living in the designated districts would be eligible to claim the Cross-district Transport Allowance (CTA) under TSS if they fulfilled the criteria, amongst which they were required to work across districts for 72 hours or more a month (or an average of 18 hours or more a week). The applications would be approved as long as the applicants had fulfilled the 72 hours per month requirement and other requirements; and
- (c) as the original policy intent of TSS was to provide incentive to needy job-seekers and low-income employees living in the designated remote districts to find jobs and work across districts, the territorial coverage under TSS should remain unchanged. Nevertheless, the Administration had made improvement in proposing to relax, among others, the eligibility criteria to cover transport cost for intra-district travels.

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44. Mr WONG Kwok-hing requested the Administration to review the personal asset limit requirement to enable more people to benefit from the scheme in the future. SLW responded that the Administration would consider reviewing this requirement one year after the implementation of the proposed relaxations of the Scheme.

45. In response to Mr LEE Cheuk-yan's suggestion to remove the personal asset limit requirement, SLW said that as TSS was targeted at the needy unemployed and low-income workers living in the designated districts, the Administration considered it necessary to maintain such a requirement. Under TSS, an applicant was required to provide documentary proof or make self-declaration regarding their personal asset value. When there were suspected cases in breach of the requirement, LD would take follow-up action accordingly.

46. While welcoming the Administration's proposal to improve TSS, Miss CHAN Yuen-han considered that transport subsidy should be extended to low-paid workers living in the urban areas but needed to travel to remote districts for work. She said that while CTA would be renamed "On-the-job Transport Allowance", it would be logical that the transport subsidy be extended to assist all the low-income workers living in the non-designated districts. She urged the Administration to conduct an overall review of the Scheme in the next few months and revert to the Panel in the 2008-2009 legislative session.

47. SLW responded that having taken into consideration members' views, the Administration proposed to relax TSS to cover intra-district travels in view of the large geographical spread of the four designated districts and relatively high intra-district transport cost. He stressed that any improvement should be worked out within the policy objective of TSS.

48. Mr LEE Cheuk-yan urged the Administration to further relax TSS to operate on a long-term basis in order to provide assistance to all low-income workers.

49. SLW said that TSS was intended as a short-term incentive to provide time-limited transport subsidy to motivate people living in the designated districts to seek jobs and work across districts, rather than a long-term measure to assist the low-income group in the territory. Having considered the views of members and the community, the Administration had proposed to extend the duration of transport allowance from six months to 12 months and raise the monthly income ceiling from \$5,600 to \$ 6,500.

50. While welcoming the Administration's proposed relaxations, Ms LI Fung-ying considered that the Administration should extend TSS to low-income workers living in other districts so as to help resolve the problem of

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working poverty. She said that the original intent of TSS as deliberated by the former Commission on Poverty was to help combat poverty. It was discriminatory to deprive low-paid workers living in other districts of the opportunity to be eligible for the transport subsidy. She added that the Administration should provide full explanation to its decision for not extending TSS to other districts, such as the additional cost to be incurred.

51. SLW said that the Administration had no intention of discriminating low-paid workers living in the non-designated districts. TSS had been initiated owing to the relative paucity of local employment opportunities in some remote districts and transport costs might become a disincentive for needy unemployed persons and low-income employees living in these districts to work across districts. To relax TSS to cover all low-paid workers in the territory would be a departure from the objective of the Scheme. He added that the Administration had already made significant improvement in proposing to raise the monthly income ceiling to \$6,500, cover intra-district travels, and extend the duration of transport allowance to 12 months.

52. Dr Fernando CHEUNG enquired when the Administration would conduct an overall review of the pilot scheme, and whether it would consider alleviating working poverty as a prime objective of the Scheme in its future review.

53. SLW said that, under the proposed relaxations, applicants admitted to the Scheme could claim the transport allowances within 24 months from the approval date of applications. The Administration would consider an overall review one year after the implementation of the proposed relaxations of the Scheme.

54. Dr Fernando CHEUNG expressed concern that in the light of the transport subsidy, unscrupulous employers might adjust downward the salary of those employees earning close to \$6,500 accordingly. He asked about the measures that the Administration would undertake to avoid such problem. SLW said that such occurrence should be rare and if such circumstances did arise, LD would follow up the case and take appropriate action accordingly.

55. Mr LEUNG Kwok-hung said that the Administration should adopt a holistic approach in combating working poverty. He criticised that there was a lack of overall policy to assist the low-income group and the early decision to confine TSS to the designated districts was wrong. He urged the Chief Executive to accord priority to solve the problem of working poverty.

56. Mr LEE Cheuk-yan shared the view that substantive measures should be implemented to underpin the Chief Executive's commitment to combat poverty. He said that the Administration should extend TSS to cover all low-income workers in the territory as an interim measure to combat working poverty prior

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to the introduction of a statutory minimum wage.

57. The Chairman concurred with members' views that the Administration should consider further relaxing TSS to cover low-paid workers not living in the four designated districts. He said that he would follow up the issue within the Administration.

V. A review of occupational diseases in Hong Kong in 2007
(LC Paper No. CB(2)1353/07-08(04))

58. Referring to paragraph 4 of the Administration's paper, the Commissioner for Labour (C for L) said that the number of confirmed occupational disease cases and the incidence rate in 2007 had decreased. LD would continue to monitor the situation of occupational diseases in Hong Kong, and review the Ordinances relating to compensation as well as the amount of compensation payable under those Ordinances when needed.

59. Mr WONG Kwok-hing asked about the Administration's response to the issues raised in the two submissions from the Alliance of Self-help Groups for the Occupational Injuries and Diseases and the Pneumoconiosis Mutual Aid Association. The issues were, namely, the pneumoconiotics' eligibility to claim expenses of Chinese medicine and medical treatment given by registered Chinese medicine practitioners, adjustment of the amount of compensation for pain, suffering and loss of amenities, and the listing of strains of hand and forearm (including elbow) arising from employment as an occupational disease.

60. C for L responded that provisions had been made in the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006 to enable pneumoconiotics to claim expenses related to Chinese medicine and medical treatment given by registered Chinese medicine practitioners. However, there were technical issues relating to the licensing of Chinese medicine retailers and the registration of proprietary Chinese medicine that needed to be resolved. The Statute Law (Miscellaneous Provisions) Bill 2007, which had been introduced into LegCo, would, among others, deal with the technical issues (i.e. to provide for the provisions relating to payment of such medical expenses to pneumoconiotics to commence operation with specified provisions concerning the aforesaid technical issues excepted). She said that LD would review the amount of the relevant compensation every two years. The Administration would take into account the views of the deputations in the next review to be conducted by the end of this year.

61. Mr LEE Cheuk-yan considered that LD should advance the review so that the compensation amount could be revised as early as possible. LD should also consider shortening the review interval to one year in view of the high inflation.

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62. The Chairman said that as pneumoconiosis was a fatal disease, LD should advance the review so that pneumoconiotics could receive the benefits as early as possible.

63. As regards the suggestion to prescribe strains of hand and forearm (including elbow) arising from employment as an occupational disease, Occupational Health Consultant (1)/Labour Department (OHC(1))/LD explained that the Employees' Compensation Ordinance (Cap. 282) (ECO) had already been amended some years ago to prescribe tenosynovitis of the hand or forearm, including elbow, as a compensable occupational disease.

64. Miss CHAN Yuen-han considered that the Administration should establish an appeal mechanism or mediation channel to enable an employee to lodge an appeal when he objected the result of the diagnosis on whether his illness was an occupational disease. Ms LI Fung-ying and Mr LEUNG Kwok-hung shared the same view.

65. C for L said that employees could claim for compensation under ECO if it could be established that the disease was a prescribed occupational disease, and was due to the nature of any specified occupation in which the employee was engaged at any time within the prescribed period immediately preceding the incapacity so caused. In determining whether a disease should be prescribed as an occupational disease, LD would make reference to the criteria adopted by the International Labour Organization (ILO), i.e. the disease would impose significant and recongnized risks to workers engaged in a particular occupation in Hong Kong; and the link between the disease and the occupation could be reasonably presumed or established in individual cases. She noted that the Occupational Health Service (OHS) of LD would make reference to international standards in the diagnosis of occupational diseases, which would require medical judgment and scientific proof. OHC(1)/LD added that in determining whether a disease in individual cases should be considered to be an occupational disease, it was necessary to establish a causal relationship between the disease and the occupation. The process involved was a complicated one.

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66. C for L further said that there was a need to note the difference between adjudication of disputes through an appeal channel, which would take into consideration objective evidence, and the settling of disputes through mediation, which would be a process of negotiation. Nevertheless, LD would examine appeal mechanisms, if any, in other jurisdictions and consider the need to set up a similar mechanism in Hong Kong, taking into account international practice and in consultation with the industries.

67. Mr LEUNG Kwok-hung considered that the Administration could include medical professionals in the proposed appeal mechanism to adjudicate

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disputes arising from LD's decision. The fact that the adjudication would involve medical judgment and scientific proof should not deter the Administration from considering the setting up of an appeal mechanism. He said that provisions for reviewing the decision of the Occupational Health Clinics of LD could save the employees to take cases direct to court, which would involve complicated procedures.

68. Ms LI Fung-ying queried whether the figures provided by OHS could accurately reflect the situation of occupational diseases in Hong Kong. As she understood, cases of occupational diseases such as tenosynovitis of hand or forearm and tuberculosis were on the rise in other places. She asked why the number of such kind of occupational diseases had dropped in Hong Kong.

69. C for L said that the two Occupational Health Clinics provided treatment for employees who were diagnosed with occupational diseases or suspected of suffering from diseases related to work. Notwithstanding the possible existence of different opinions on whether an illness should be identified as an occupational disease, a disease would only be so classified if there was sufficient proof to verify objectively that it was a prescribed occupational disease under ECO. She added that the data provided in the Administration's paper included only those cases confirmed to be occupational diseases as prescribed in ECO. In fact, the total number of consultations of the two Occupational Health Clinics had risen significantly.

70. Occupational Health Consultant (2)/Labour Department (OHC(2)/LD) supplemented that the data on occupational diseases had been compiled on the basis of cases diagnosed by the Occupational Health Clinics and those reported by medical practitioners, employers and employees, which were subsequently confirmed. Since the opening of the Occupational Health Clinic in Fanling, there had been a significant increase in the number of consultations. The increase apparently revealed a growing health awareness among employees, who would seek medical advice for their health problems at an early stage.

71. Mr WONG Kwok-hing asked about the progress of the Administration's follow-up on the issue of overnight work which was regarded as probably carcinogenic to humans by the International Agency for Research on Cancer of the World Health Organization (WHO). He requested the Administration to submit a paper to the Panel on the issue before the end of this legislative session.

72. Deputy Commissioner (Occupational Safety and Health)/Labour Department said that there had not yet been conclusive medical evidence to prove that overnight work was carcinogenic. Taking into account the interest in the WHO's report, LD was working on a guide on overnight shift-work arrangements, and was seeking comments from relevant parties on the draft. C for L agreed to report to the Panel on the issue within this session.

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73. Mr LEE Cheuk-yan said that there was a huge gap between the numbers of consultations at the two Clinics and that confirmed as occupational diseases. For instance, there were only 35 confirmed cases of tenosynovitis of hand or forearm. In order to reflect the real situation of occupational diseases in Hong Kong, he considered that the Administration should review and update the definition of occupational diseases in accordance with international standard. He pointed out that musculoskeletal disorders, which constituted over 80% of patients seeking consultations from the Occupational Health Clinics, had been listed as occupational disease by the ILO. He requested the Administration to look into the matter and revert to the Panel.

74. C for L said that, in determining whether a disease should be prescribed as an occupational disease, LD would make reference to the criteria adopted internationally. For most cases of musculoskeletal disorders of the hand or forearm, there was no conclusive evidence to prove that they were caused by a specific occupation. Nevertheless, LD would look into the latest position of ILO in respect of occupational musculoskeletal disorders, and study the need to include other musculoskeletal disorders of the hand or forearm in the list of occupational diseases prescribed in ECO in consultation with medical experts. C for L agreed to revert to the Panel in due course.

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75. The meeting ended at 5:00 pm.

Council Business Division 2
Legislative Council Secretariat
23 April 2008