

立法會
Legislative Council

LC Paper No. CB(3) 668/09-10

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From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 12 May 2010

**Proposed amendments to motion on
“Protecting the safety and health of employees at work in inclement weather”**

Further to LC Paper No. CB(3) 636/09-10 issued on 27 April 2010, four Members (Hon CHAN Hak-kan, Hon Audrey EU Yuet-mee, Hon IP Wai-ming and Hon LEE Cheuk-yan) have respectively given notice of their intention to move separate amendments to Hon LI Fung-ying’s motion on “Protecting the safety and health of employees at work in inclement weather” scheduled for the Council meeting of 12 May 2010. As directed by the President, the respective proposed amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon LI Fung-ying to speak and move her motion;
- (b) the President proposes the question on Hon LI Fung-ying’s motion;
- (c) the President calls upon the four Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon CHAN Hak-kan;
 - (ii) Hon Audrey EU;

- (iii) Hon IP Wai-ming; and
- (iv) Hon LEE Cheuk-yan;
- (d) the President calls upon the designated public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon LI Fung-ying to speak for the second time on the amendments;
- (g) the President calls upon the designated public officer(s) again to speak;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the four Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon CHAN Hak-kan to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon CHAN Hak-kan's amendment;
- (i) after Hon CHAN Hak-kan's amendment has been voted upon, the President deals with the other three amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon LI Fung-ying to reply. Thereafter, the President puts to vote the question on Hon LI Fung-ying's motion, or her motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Protecting the safety and health of employees at work in inclement weather”
to be held at the Legislative Council meeting
of Wednesday, 12 May 2010**

1. Hon LI Fung-ying’s original motion

That this Council urges the Administration to review the relevant guidelines and legislation for employees at work under very hot weather warnings, typhoon or rainstorm warnings so as to enhance the protection of employees’ safety and health when working in inclement weather.

2. Motion as amended by Hon CHAN Hak-kan

That, *in view of the aggravating problems of global climate change and air pollution*, this Council urges the Administration to review the relevant guidelines and legislation for employees at work under very hot weather warnings, typhoon or rainstorm warnings *and severe air pollution*, so as to enhance the protection of employees’ safety and health when working in inclement weather *or severe air pollution, especially when working outdoors*.

Note: Hon CHAN Hak-kan’s amendment is marked in *bold and italic type*.

3. Motion as amended by Hon Audrey EU Yuet-mee

That, *as the global climate change has led to frequent occurrence of extreme climate incidents*, this Council urges the Administration to review the relevant guidelines and legislation for employees at work under very hot weather warnings, *when air pollution reaches severe level and under* typhoon or rainstorm warnings so as to enhance the protection of employees’ safety and health when working in inclement weather.

Note: Hon Audrey EU Yuet-mee’s amendment is marked in *bold and italic type*.

4. Motion as amended by Hon IP Wai-ming

That, *in the face of the threat from global climate change, the chance of extreme weather conditions occurring in Hong Kong will increase*; this Council urges the Administration to review *and formulate* the relevant guidelines and legislation for employees at work under very hot weather warnings, *cold weather warnings, early warnings on sandstorms, when the Air Pollution Index reaches severe level, as well as under* typhoon or rainstorm warnings so as to enhance the protection of employees' safety and health when working in inclement weather, *which include*:

- (a) *to stipulate that employees who have contracted a disease attributable to working in inclement weather may be regarded as suffering from work injury and are entitled to statutory compensation;*
- (b) *to provide employees with rest breaks or arrange for them to take turns to work when working in inclement weather, such as making arrangement for employees to take rest during periods of very hot weather, or to take turns to work in very hot and chilly workplaces, so as to shorten their period of working continuously in a very hot environment;*
- (c) *the Labour Department should step up inspections and strictly institute prosecutions against employers who have not taken appropriate preventive measures for their employees in accordance with the Occupational Safety and Health Ordinance or the Factories and Industrial Undertakings Ordinance; and*
- (d) *employers should take appropriate preventive measures and install suitable facilities to protect the occupational safety and health of their employees.*

Note: Hon IP Wai-ming's amendment is marked in *bold and italic type*.

5. Motion as amended by Hon LEE Cheuk-yan

That this Council urges the Administration to review the relevant guidelines and legislation for employees at work under very hot weather warnings, typhoon or rainstorm warnings *and when the Air Pollution Index reaches very high or severe level*, so as to enhance the protection of employees' safety and health when working in inclement weather.

Note: Hon LEE Cheuk-yan's amendment is marked in *bold and italic type*.