

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 693/13-14

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 9 July 2014**

**Amendments to motion on  
“Ensuring occupational safety”**

Members were informed vide LC Paper No. CB(3) 687/13-14 issued on 27 May 2014 that pursuant to the House Committee’s recommendation at its meeting on 23 May 2014, the President has agreed to arrange for Hon POON Siu-ping’s motion, which was originally scheduled to be dealt with at the Council meeting of 4 June 2014, to be dealt with at the Council meeting of 9 July 2014.

2. Further to LC Paper No. CB(3) 673/13-14 issued on 22 May 2014, Hon TANG Ka-piu and Hon CHAN Kin-por have respectively given notices of their intention to move separate amendments to Hon POON Siu-ping’s motion on “Ensuring occupational safety”. As directed by the President, Hon TANG Ka-piu’s and Hon CHAN Kin-por’s amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

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

- (a) the President calls upon Hon POON Siu-ping to speak and move his motion;
- (b) the President proposes the question on Hon POON Siu-ping’s motion;

- (c) the President calls upon the two Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
  - (i) Hon TANG Ka-piu; and
  - (ii) Hon CHAN Kin-por;
- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon POON Siu-ping to speak for the second time on the two amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the two Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon TANG Ka-piu to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon TANG Ka-piu's amendment;
- (i) after Hon TANG Ka-piu's amendment has been voted upon, the President deals with Hon CHAN Kin-por's amendment to the motion; and
- (j) after Hon CHAN Kin-por's amendment has been dealt with, the President calls upon Hon POON Siu-ping to reply. Thereafter, the President puts to vote the question on Hon POON Siu-ping's motion, or his motion as amended, as the case may be.

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

(Odelia LEUNG)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on  
“Ensuring occupational safety”  
to be held at the Council meeting of 9 July 2014**

**1. Hon POON Siu-ping’s original motion**

That, as the number of work injury accidents and fatal industrial accidents in Hong Kong remains high, this Council urges the Government to establish a dedicated committee for comprehensively reviewing the policies on Hong Kong employees’ occupational safety and health, including the protection coverage of occupational diseases and improvement of the protection for workers in high-risk occupations (i.e. insurance, compensation, therapy and rehabilitation).

**2. Motion as amended by Hon TANG Ka-piu**

That, as *in recent years*, the number of work injury accidents and fatal industrial accidents in Hong Kong remains high, *but the existing legislation is unable to provide employees with comprehensive protection; taking the traffic and transportation industry as an example, the numbers of occupational injuries and deaths reach double digits every year, but owing to the lack of a clear employer-employee relationship, some professional drivers are not covered by the protection under the Employees’ Compensation Ordinance, and also the Occupational Safety and Health Ordinance does not cover the driver’s seat of a vehicle, rendering the regulation of occupational safety and health in respect of the traffic and transportation industry not comprehensive enough; in view of this*, this Council urges the Government to establish a dedicated committee for comprehensively reviewing the policies on Hong Kong employees’ occupational safety and health, including the protection coverage of occupational diseases and improvement of the protection for workers in high-risk occupations (i.e. insurance, compensation, therapy and rehabilitation), *etc., so as to reverse the existing policy of relying on the sectors to self-regulate occupational safety and health; specific proposals are as follows:*

- (1) *to step up regular monitoring and inspection of industrial establishments, impose severe penalties on law-breaking employers, and make public the items in respect of which prosecutions have been instituted by the Labour Department during inspection;*

- (2) *to enact dedicated legislation to provide for the work procedures, safety measures and criminal liabilities, etc. for work-at-height activities, so as to reduce the accidents of construction workers falling from height; and to specify a useful life for the machinery used in the construction industry to ensure its efficiency and safety;*
- (3) *to motivate employers to dutifully shoulder the responsibility for ensuring employees' occupational safety and health, such as allocating resources for employees' training, and providing facilities and a work environment that ensure employees' occupational safety and health;*
- (4) *to stipulate that when employees, including subcontractors and self-employed persons, have accidents in workplaces and suffer from occupational diseases, employers, contractors or persons in charge of the construction sites must report such cases to the Administration, or else they will constitute a criminal offence, so as to protect employees' rights and interests;*
- (5) *to comprehensively review the Employees' Compensation Ordinance, including the addition of mental impairment in the category of injury under Schedule 1 and the classification of repetitive strain injury and heat stroke as prescribed occupational diseases under Schedule 2; and in addition to providing employees with financial compensation, to improve the mechanisms for prevention and rehabilitation of work injuries and occupational diseases, so as to assist injured employees in expeditious recovery and rejoining society; and*
- (6) *to set up a 'central occupational insurance compensation fund' or compensation funds for employees by industry (such as a 'central employees' compensation fund for professional drivers'), so as to provide comprehensive compensation protection to employees for all injuries and deaths or occupational diseases arising from work irrespective of the employer-employee relationship.*

Note: Hon TANG Ka-piu's amendment is marked in *bold and italic type* or with deletion line.

### **3. Motion as amended by Hon CHAN Kin-por**

That, as the number of work injury accidents and fatal industrial accidents in Hong Kong remains high, this Council urges the Government to establish a dedicated committee for comprehensively reviewing the policies on Hong Kong employees' occupational safety and health, including the protection coverage of

occupational diseases and improvement of the *safety awareness of and* protection for workers in high-risk occupations (i.e. insurance, ~~and~~ compensation, ~~therapy and rehabilitation~~), *and reviewing the existing rehabilitation policy for workers injured at work, including making reference to local and overseas experience and concepts in respect of rehabilitation management for work injury, so as to assist employers, labour groups and the insurance sector in jointly promoting a rehabilitation scheme for workers injured at work, so that workers injured at work may expeditiously receive proper diagnosis and therapy in order to rehabilitate early.*

Note: Hon CHAN Kin-por's amendment is marked in *bold and italic type* or with deletion line.