

(Translation)

**Motion on
“Ensuring occupational safety”
moved by Hon POON Siu-ping
at the Council meeting of 26 November 2014**

Motion as amended by Hon TANG Ka-piu

That, 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.