

立法會
Legislative Council

LC Paper No. CB(2)439/14-15
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Tuesday, 18 November 2014, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon WONG Kwok-kin, SBS (Chairman)
Dr Hon CHIANG Lai-wan, JP (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon LEUNG Kwok-hung
Hon CHAN Yuen-han, SBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon SIN Chung-kai, SBS, JP
Hon POON Siu-ping, BBS, MH

Members absent : Hon LEE Cheuk-yan
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon IP Kwok-him, GBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon TANG Ka-piu, JP
Hon CHUNG Kwok-pan

Public Officers attending : Item IV
Mr David LEUNG, JP
Deputy Commissioner for Labour
(Occupational Safety and Health)

Mr WU Wai-hung
Acting Assistant Commissioner for Labour
(Occupational Safety)

Item V

Mr Donald TONG Chi-keung, JP
Commissioner for Labour

Mr Ernest IP Yee-cheung, JP
Assistant Commissioner for Labour
(Employees' Rights & Benefits)

Miss Teresa FONG Yuk-sim
Senior Labour Officer
(Employees' Compensation Division)
(Central Services Section) 1
Labour Department

Miss Christine BUT Wing-tung
Senior Labour Officer
(Employees' Compensation Division)
(Central Services Section) 2
Labour Department

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Ms Rita LAI
Senior Council Secretary (2) 1

Ms Mina CHAN
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting

(LC Paper No. CB(2)114/14-15)

The minutes of the meeting held on 9 October 2014 were confirmed.

II. Information papers issued since the last meeting

(LC Paper Nos. CB(2)152/14-15(01), CB(2)153/14-15(01) and CB(2)234/14-15(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) joint letter dated 17 October 2014 from Miss CHAN Yuen-han and Mr TANG Ka-piu;
- (b) referral from the Panel on Environmental Affairs on issues relating to the protection of the occupational health of outdoor workers on days with poor air quality; and
- (c) letter dated 3 November 2014 from Mr TANG Ka-piu.

3. In respect of paragraph 2(a) above, members noted that issues relating to review of the requirement of continuous contract under the Employment Ordinance had been included in the Panel's list of outstanding items for discussion and that the Administration would revert to the Panel after the Labour Advisory Board ("LAB") had completed its deliberation on the subject.

4. In respect of Mr TANG Ka-piu's proposal stated in his letter dated 3 November 2014 (paragraph 2(c) above referred), the Chairman advised that the Research Office of the Legislative Council ("LegCo") Secretariat would be requested to produce an information note on the overseas experiences and practices in respect of severance payments ("SP") and long service payments ("LSP") payable to employees and the arrangement of offsetting SP and LSP against accrued benefits arising from an employer's contribution to an occupational retirement scheme. Members agreed.

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III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)261/14-15(01) and (02))

5. The Chairman informed members that he and the Deputy Chairman had discussed the work plan of the Panel for the 2014-2015 session with the Secretary for Labour and Welfare on 21 October 2014. The Panel's list of outstanding items for discussion had been updated accordingly.

6. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting at 4:30 pm on 16 December 2014 -

- (a) Tung Chung Job Centre; and
- (b) Results of review of the special arrangement for employees with disabilities under the Statutory Minimum Wage regime.

IV. Hong Kong's Occupational Safety Performance in the first half of 2014

(LC Paper Nos. CB(2)261/14-15(03) and (04))

7. At the invitation of the Chairman, Deputy Commissioner for Labour (Occupational Safety and Health) ("DC for L (OSH)") briefed members on Hong Kong's occupational safety performance in the first half of 2014 as detailed in the Government's paper. DC for L (OSH) highlighted that the Labour Department ("LD") had, among others, stepped up inspections and enforcement actions on work-at-height, lifting and electrical work. A total of 360 suspension notices ("SNs") were issued and 500 prosecutions were initiated in the first three quarters of 2014. As at 18 November 2014, there were 20 industrial fatalities in the construction industry in 2014, which was higher than 16 construction fatalities in the same period of 2013. He stressed that LD would spare no effort to curb unsafe work practices in the construction industry.

8. Members noted the background brief entitled "Occupational safety performance in Hong Kong" prepared by the LegCo Secretariat.

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Occupational injuries statistics

9. Mr POON Siu-ping expressed grave concern that there were 15 industrial fatalities in the first half of 2014, increasing by two times when compared with the same period of 2013 and that the number of construction fatalities was tripled from three cases to 12 cases during the same period. In the light of commencement in sequence of major infrastructure projects, Mr POON enquired whether the Administration had conducted investigation and analyses of the causes of the high fatality of industrial accidents in the construction industry. Mr CHAN Kin-por and Miss CHAN Yuen-han expressed similar concerns. Mr CHAN Kin-por sought information on the follow-up measures taken by the Administration to address the situation.

10. Notwithstanding the downward trend of the occupational injuries statistics, Mr LEUNG Yiu-chung expressed grave concern about the occurrence of industrial accidents in the construction industry in the light of the dire consequences to the construction workers and their families. Mr LEUNG was of the view that the Administration should address the issue squarely and explore measures to prevent the occurrence of industrial accidents in the construction industry.

11. DC for L (OSH) responded that in addition to robust inspection and enforcement, LD had conducted in-depth work safety audits on the processes involved and analyses of the underlying systemic risks. It was noted that the serious industrial accidents mainly involved work-at-height, lifting operations and electrocution. To raise the industry's awareness of the systemic safety problems and the proper implementation of preventive measures, LD had from time to time organised thematic large-scale promotional and educational programmes to urge them to pay specific attention to these systemic safety risks.

12. Expressing concern about the increasing number of construction fatalities, Mr Tommy CHEUNG queried whether it was attributed to the labour shortage in the construction industry. He called on the Administration to consider increasing the importation of labour under the Supplementary Labour Scheme to relieve the labour shortage problem in the construction industry.

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13. Miss CHAN Yuen-han, however, held a different view and considered that the high fatalities of industrial accidents did not necessarily relate to labour shortage in the construction industry but owing to other causes such as improper operation and maintenance of machineries.

14. DC for L (OSH) said that it was the responsibility of the proprietor of an industrial undertaking to implement reasonably practicable measures to ensure the occupational safety of his employees. In view of the spate of serious accidents in the first quarter of 2014, LD had stepped up inspections to construction sites and taken rigorous enforcement actions, including the issuance of SNs and improvement notices if imminent risks were detected at a work place. LD would continue to conduct more special enforcement operations to deter unsafe work practices.

15. Noting from paragraph 3 of the Administration's paper that eight natural death cases involving fatalities of employees at workplaces were pending autopsy reports, Mr SIN Chung-kai expressed concern about the time taken for preparing the autopsy reports and sought clarification about the relevance of the cases concerned.

16. Acting Assistant Commissioner for Labour (Occupational Safety) advised that the eight natural death cases concerned were individual cases and were independent from one another. The investigations of these cases were underway and were awaiting the autopsy reports to ascertain whether the causes of death were work-related.

17. In response to the enquiry of Mr SIN Chung-kai and the Chairman about the latest position of eight cases pending autopsy reports and the average time taken for completing such autopsy reports, DC for L (OSH) said that LD would provide the information after the meeting.

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Safety performance of the construction industry

18. Mr LEUNG Yiu-chung said that because of labour shortage in the construction industry, a considerable number of construction workers were under extreme work pressure and had to work long hours in order to catch up with the works progress and meet project deadlines. As a result of the physically demanding nature of work, the construction workers would become exhausted easily and would therefore be more prone to industrial accidents. In anticipation of the continuous construction boom, he called on the Administration to draw up measures to address the situation.

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19. DC for L (OSH) said that the proprietor of an industrial undertaking had responsibility under the laws to take reasonably practicable steps to ensure his employees' OSH. Employers would be liable to prosecution for non-compliance with the OSH legislation. The need to catch up with works progress or to meet project deadlines would not constitute a valid defence.

20. Mr LEUNG Yiu-chung, however, pointed out that industrial accidents in the construction industry might sometimes be caused by the negligence of fatigued construction workers. Echoing a similar view, the Chairman also expressed concern about the occupational safety of the new entrants of young persons to the industry.

21. In response, DC for L (OSH) said that in response to the previous concern of the LegCo Panel on Manpower about the threat of heat stroke to construction workers, LD liaised with the employers' associations and workers' unions in the construction sector, resulting in the introduction of an additional rest break during the summer months at construction sites. The Construction Industry Council ("CIC") published a guideline on the arrangement last year and LD would check compliance by contractors during routine inspections of construction sites. He said that LD would continue to liaise with the key stakeholders in the construction sector in respect of providing construction workers with suitable rest breaks to safeguard their safety and health at work.

Work-at-height safety

22. Mr CHAN Kin-por noted with concern that among the 12 fatalities of the industrial accidents in the construction industry in the first half of 2014, four cases involved "fall of person from height" which had been the major cause for the construction fatalities over the years. Mr CHAN asked about the counter-measures taken by the Government to prevent accidents related to work-at-height and to enhance construction workers' awareness of occupational safety. Mr LEUNG Yiu-chung shared a similar concern and held the view that the Government should enhance its efforts in addressing the situation.

23. Responding to members, DC for L (OSH) made the following points -

- (a) the Government was very concerned about the construction fatalities and injuries which were mainly associated with work-at-height, which was also one of the major causes of

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fatal accidents in overseas countries. Annually, about 60% of the construction fatal accidents were related to fall of persons from height involving workers falling from bamboo scaffolds and falling from A-shaped ladders. Apart from stepping up inspections and enforcement actions as well as enhancing publicity and promotion, LD in collaboration with the Occupational Safety and Health Council ("OSHC") and the insurance sector launched a safety accreditation scheme for the renovation and maintenance industry in June 2012 with focus on bamboo scaffolding sector. As an financial incentive for work safety, accredited contractors could enjoy premium discount up to 50% when procuring employees' compensation insurance under the Employees' Compensation Insurance Residual Scheme;

- (b) to address the risk of work-at-height, including places of work of two to three metres high or less, a sponsorship scheme was launched in 2013 for the small and medium-sized enterprises to purchase mobile working platforms for replacement of folding step-ladders. LD and OSHC were considering how to improve the design of mobile working platforms so that working platforms could be used at sites with space constraints; and
- (c) LD had, in collaboration with CIC, published the "Guidelines on Planking Arrangement for Providing Working Platforms on Bamboo Scaffolds" in May 2014 with a view to ensuring that suitable working platforms were available for use by workers carrying out works at the external wall. LD also revised the "Code of Practice for Bamboo Scaffolding Safety" ("CoP") in June 2014 accordingly. LD would take into account the aforesaid Guidelines and CoP when enforcing safety regulations relating to the use of bamboo scaffolds for work-at-height.

Support to ethnic minorities ("EMs")

24. Pointing out that many EMs were working in the construction industry, Miss CHAN Yuen-han was concerned whether these workers had received sufficient training before joining the industry. Miss CHAN sought information on the number of construction fatalities and injuries involving EM construction workers.

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25. DC for L (OSH) said that LD had prepared promotional leaflets and posters with simple and easy-to-understand pictorial aids which were printed in various ethnic languages. LD would continue to deliver OSH message to EM construction workers and foster their occupational safety at workplaces.

Industrial accidents in the food and beverage services sector and related insurance issues

26. Mr Tommy CHEUNG recalled that the number of industrial accidents in the food and beverage services sector in a year was as high as some 16 000 cases 10 years ago and the figure had persistently decreased to some 5 700 cases in 2013 and 2 643 in the first half of 2014 (as compared with 2 844 in the first half of 2013). Given the downward trend of the number of industrial accidents in the sector which had a workforce of more than 200 000 employees, Mr CHEUNG was of the view that the sector had taken effective preventive measures to enhance employees' occupational safety. Under such circumstances, he considered it unreasonable that the premium rates for taking out employees' compensation insurance (commonly known as labour insurance) in the sector had not been adjusted downward correspondingly. He called on the Government to look into the issue and the difficulties encountered by employers in this regard. The Chairman said that similar difficulties in taking out labour insurance were also encountered by individual employers in other sectors.

27. Referring to a survey conducted by OSHC on the injured employees in the catering sector, Mr POON Siu-ping observed that a considerable number of injuries sustained by employees involved slip, trip or fall on same level at workplaces. He held the view that the relevant industrial accident rate could be further reduced if the employers concerned could improve the occupational safety performance. Mr POON sought information on LD's inspections to the catering establishments.

28. DC for L (OSH) acknowledged that the number of industrial accidents in the food and beverage services sector had substantially reduced over the years and the occupational safety performance had been improving. Therefore, LD aimed to inculcate OSH culture in the catering industry, and to commend catering establishments, supervisors and workers with good OSH performance. To further improve the work safety of the catering industry practitioners, and encourage the industry to

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raise tidiness and cleanliness standards at workplaces, DC for L (OSH) said that LD and OSHC launched the "Outstanding OSH Restaurant - Pilot Scheme on Catering Safety Accreditation" for the catering industry in June 2013. Relevant safety training would be provided to employees of the enterprises participating in the Scheme to enhance their OSH awareness. The enterprises might also participate in the "Accreditation Scheme for Catering Establishments with 5S Good Housekeeping" in order to improve the workplace safety and tidiness and cleanliness standards. Enterprises passing the audits were awarded OSHC's "Outstanding OSH Catering Restaurant Certificate", plus a subsidy up to \$5,000 for the purchase of slip resistant shoes and cut resistant gloves in compliance with the safety standards. As at October 2014, there were more than 800 catering establishments participating in the Scheme. DC for L (OSH) added that a task force under OSHC was striving to further enhance the occupational safety of the catering sector and would liaise with the insurance sector on the premiums of employees' compensation insurance at a suitable juncture.

29. Referring to Mr Tommy CHEUNG's concern, Mr CHAN Kin-por said that to his understanding from the insurance sector, the premium rates for taking out labour insurance had been reduced by 30% for employees of the western-styled restaurants from the maximum rate of 3.5% to the region of 2.2% to 2.5%. It was understood that most of the employers, except for those with adverse records, would not encounter difficulties in taking out labour insurance for their employees.

Container handling industry

30. Mr POON Siu-ping said that he had been informed by some workers in the container handling industry that LD's inspections to the container terminal yards were mostly conducted during daytime. As such, it would be difficult for LD's labour inspectors to fully assess the occupational safety performance in the industry which operated on a 24-hour basis.

31. DC for L (OSH) advised that LD officers would conduct surprise inspections to workplaces of different industries outside office hours where necessary to monitor employers' compliance with the labour legislation.

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Level of penalty for offences

32. Mr POON Siu-ping expressed concern about the prevailing fine level for employers who had breached the OSH legislation and sought information on the level of penalty imposed on non-compliance with the OSH legislation involving industrial accidents.

33. DC for L (OSH) advised that the Government was aware of the public concern over the penalty imposed on fatal industrial incidents. In the past, the average fine for non-compliance of the OSH legislation was in the region of \$15,000 to \$20,000. In light of the above, LD had been providing the court with supplementary information for considering the appropriate level of penalty to be imposed upon conviction. It was noted that the level of fines in some fatal cases had increased significantly to six digits in the past year or so. LD would continue with its work in such direction.

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34. At the request of Mr POON Siu-ping and the Chairman, the Administration agreed to provide information on the level of penalty imposed on common types of non-compliance with the OSH legislation involving industrial accidents.

V. Review of the Levels of Compensation under the Employees' Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance
(LC Paper Nos. CB(2)2311/13-14(01), CB(2)261/14-15(05) and (06))

35. At the invitation of the Chairman, Commissioner for Labour ("C for L") briefed members on the findings of a review conducted by the Government on the levels of compensation under the Employees' Compensation Ordinance (Cap. 282) ("ECO"), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) ("PMCO") and the Occupational Deafness (Compensation) Ordinance (Cap. 469) ("ODCO") (hereinafter referred to as "the three Ordinances") covering the years 2012 and 2013, and the proposal of increasing the amounts of a total of 18 compensation items under the three Ordinances based on the review findings, as detailed in the Government's paper.

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36. Members noted the background brief entitled "Review of the levels of compensation under the Employees' Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance" prepared by the LegCo Secretariat.

Adequacy of adjustment to the levels of compensation

37. Mr POON Siu-ping expressed support for the proposed upwards adjustment of the 18 compensation items under the three Ordinances. Mr KWOK Wai-keung held the view that instead of making adjustment to the levels of compensation items with reference to the price indicators and wage movement, the Government should take into account the actual needs of the eligible claimants in proposing adjustments.

38. C for L said that apart from proposing upwards adjustment to 15 compensation items with reference to the established indicators including Nominal Wage Index ("NWI"), the Consumer Price Index ("CPI")(A), benefits provided under the Comprehensive Social Security Assistance ("CSSA") Scheme and the monthly wage and food allowance for a foreign domestic helper as appropriate, the Government also suggested making special adjustment to three compensation items, i.e. the amount of monthly compensation for pain, suffering and loss of amenities ("PSLA") under PMCO be increased by 44.41% from \$3,220 to \$4,650, with reference to the scale of PSLA awards set by the court in 2013; the financing limit for first-time hearing assistive devices ("HAD") applications be increased by 25% from \$12,000 to \$15,000; and the aggregate financing limit for HADs be increased by 44.44% from \$36,000 to \$52,000, with reference to the experience of the Occupational Deafness Compensation Board ("ODCB") in administering the HAD financing scheme ("the Scheme"). C for L further said that in order to accord appropriate protection to workers who suffered from noise-induced deafness by reason of their employment in specified noisy occupations (hereinafter referred to as "OD persons") under the Scheme, the Government proposed that both the first-time financing limit and the aggregate financing limit be reviewed every two years with reference to the experience of ODCB in administering the Scheme, as part of the established biennial review of the levels of compensation under the three Ordinances.

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Review cycle

39. In the light of the biennial review of the levels of compensation under the three Ordinances, Mr POON Siu-ping was concerned that the adjustment lagged behind the actual economic situation. Mr POON asked whether the Government would consider conducting the review exercise on an annual basis so that more up-to-date compensation levels could be determined. Sharing a similar concern, Mr KWOK Wai-keung expressed the view that the Government should consider projecting the inflation rates for the coming two years in reviewing the levels of compensation under the three Ordinances.

40. Mr LEUNG Yiu-chung shared a similar concern about the lagged-behind adjustment mechanism, as this would cause considerable hardship and pressure to the livelihood of the eligible claimants. Mr LEUNG pointed out that under the biennial review mechanism of the statutory minimum wage ("SMW") regime, it did not preclude more frequent rate reviews if there was evidence supporting the need. As compared with the SMW regime, the review of the compensation levels under the three Ordinances involved less complex considerations. He called on the Government to seriously consider conducting annual review of the levels of compensation under three Ordinances so as to ensure that the payments of statutory compensation and other benefits to eligible claimants could catch up with the inflation.

41. C for L explained that under the established mechanism, the levels of compensation under the three Ordinances were reviewed every two years. C for L further elaborated on the necessary procedures involved in conducting a review of the levels of compensation, notably, collation of latest statistics in relation to the wage and price movements in the review period, including NWI, CPI(A), benefits provided under CSSA Scheme and other relevant factors, consultation with the Hong Kong Federation of Insurers, ODCB and the Pneumoconiosis Compensation Fund Board on the impact of the proposed increases in the levels of compensation under the three Ordinances. Then, the review findings and proposal had to be discussed by LAB before submission to the LegCo Panel on Manpower for deliberation. After having secured support from various stakeholders, the Government would introduce the relevant amendment proposal into LegCo for approval. C for L said that the biennial review cycle was considered appropriate.

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Levels of compensation under ECO

42. Mr POON Siu-ping noted with concern that the monthly earnings of construction workers undertaking high-risk processes, such as bar-bending and digging works, far exceeded the proposed ceiling of monthly earnings (i.e. \$26,070) for the purpose of calculating compensation for death and permanent total incapacity under ECO. Mr POON asked whether the Administration would consider adjusting the ceiling further upwards.

43. While the ceiling of monthly earnings under ECO was adjusted by reference to NWI, C for L also advised that the ceiling of monthly compensation for incapacity under PMCO, which was compiled by reference to the average daily wage of a worker engaged in public sector construction projects provided by the Census and Statistics Department, would be adjusted automatically in accordance with the latest statistics.

Medical expenses under ECO and PMCO

44. Mr POON Siu-ping was concerned that the daily rate of maximum medical expenses reimbursable under ECO and PMCO was \$200, which had remained unchanged for a long period of time. Mr POON sought explanation in this regard.

45. C for L advised that under ECO and PMCO, a claimant who had received medical treatment as a result of a work injury or in connection with pneumoconiosis and/or mesothelioma might claim reimbursement of the actual amount of medical expenses incurred, subject to a daily maximum i.e. \$200 for receiving outpatient treatment or inpatient treatment on any one day and \$280 for receiving both outpatient treatment and inpatient treatment on the same day. The maximum amounts were set to cover the costs for consultation, medicine, injection and dressing, physiotherapy and hospitalisation on any one day in a public hospital or clinic. The daily maximum rates for medical expenses under the two Ordinances were last revised on 4 April 2003 to align with the revision of the fee structure of public health care services in 2003. Since then, the charges in public hospitals and clinics for these treatments remained at the same level, hence a freeze in the daily limits for reimbursement. The Government considered it appropriate to adopt the charges for public health care services as the basis of adjustment.

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Compensation for pain arising from OD

46. Mr LEUNG Yiu-chung expressed concern about the adequacy of the current protection offered to OD persons. In the light of the sound financial position of the Occupational Deafness Compensation Fund ("ODCF"), Mr LEUNG urged the Government to make reference to the provision of monthly compensation for PSLA under PMCO and grant periodic compensation for pain and suffering to OD persons.

47. C for L made the following response -

- (a) ODCB set up a study group comprising a specialist in Otorhinolaryngology, an audiologist as well as representatives of employers, employees, ODCB and LD in March 2012 to conduct a comprehensive and detailed study on the proposal of the establishment of "Compensation for Pain arising from Occupational Deafness";
- (b) under ODCO, an employee was entitled to lump sum compensation according to the degree of his permanent incapacity resulting from noise-induced deafness by reason of employment in specified noisy occupations. After having reviewed the Occupational Deafness Compensation Scheme and the related employees' compensation system of Hong Kong and made reference to the practices and experience of other places in providing relevant compensation to OD persons, ODCB had reached a consensus that there were insufficient justifications for establishing "Compensation for Pain arising from Occupational Deafness";
- (c) as compared with sufferers of pneumoconiosis or mesothelioma, those persons who suffered from OD might continue to work and did not need regular medical treatment. Since the patients concerned had different nature of suffering, it would not be appropriate to make a direct comparison between the compensation items under PMCO and ODCO; and
- (d) the Government accepted the study group's recommendation that ODCB should render more appropriate and long-term assistance to OD persons through improving its rehabilitation programmes, initiating

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research on relief or treatment methods for tinnitus and enhancing the provision of information on the acquisition and use of HADs and tinnitus maskers.

48. Mr LEUNG Yiu-chung, however, remained concerned about the provision of compensation to OD persons. Mr LEUNG appealed to the Government to make reference to the experience of expanding the coverage of compensation under ODCO to employees who had developed noise-induced monaural hearing loss and consider making similar monthly compensation to OD persons. In his view, the financial implication would not be significant as the number of OD persons would be decreasing having regard to the strengthening of noise control measures in noisy occupations and the stepping up of publicity efforts on hearing conservation.

49. Assistant Commissioner for Labour (Employees' Rights & Benefits) ("AC for L (RB)") said that ODCB endeavoured to explore measures to reduce the extent of OD persons' suffering from tinnitus, notwithstanding that tinnitus was primarily a subjective symptom which was difficult to verify its presence and could not be measured objectively. C for L said that whilst the conclusion of the study against the establishment of "Compensation for Pain arising from Occupational Deafness" had been made by ODCB's study group not long ago, the Government and ODCB would keep the subject under review. It was also noteworthy that the Government had been adopting an objective and evidence-based approach in setting and reviewing the compensation levels of various items under the three Ordinances and would continue to do so.

50. Echoing Mr LEUNG Yiu-chung's view, the Chairman said that the Government should consider enhancing the protection of OD persons in the light of the stable financial position of ODCF. C for L undertook to relay members' views and concerns to ODCB for consideration.

51. Mr POON Siu-ping informed members that he and Mr LEUNG Yiu-chung had met with deputations of OD persons in respect of the request for enhancing their benefits and compensation under ODCF. Mr POON was concerned about the research on tinnitus being undertaken by ODCB and the timetable for introducing measures to alleviate OD persons' affliction by tinnitus.

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52. In reply, AC for L (RB) said that a dedicated research committee under ODCB was conducting study on measures to alleviate OD persons' affliction by tinnitus, including acquisition and use of HADs and tinnitus maskers and other follow-up measures. The Administration would report on the progress in due course.

Financing limits for HADs under ODCO

53. Mr KWOK Wai-keung noted with concern that while the prices of more sophisticated hearing aids were in the range of \$14,000 to \$16,000, the Government proposed adjusting upwards the financing limit for first-time HAD applications from \$12,000 to \$15,000 only. Mr KWOK was of the view that the Government should raise the upper limit to \$16,000 so as to enable OD persons to have a wider choice of HADs.

54. C for L advised that it was necessary to strike a balance between safeguarding the rights and benefits of OD persons and ensuring the prudent use of ODCF. From the implementation of the last revised HAD financing limits on 16 April 2010 up to 31 December 2013, ODCB recorded 43 HAD applications with a claimed amount exceeding \$12,000, of which 76.7% (or 33 applications) involved a claimed amount ranging from \$12,001 to \$15,000. The proposed financing limit for first-time HAD applications, therefore, should be able to cater for the needs of the majority of OD persons. The Government would closely monitor the situation and propose upwards adjustment as appropriate.

55. Noting from paragraph 20 of the Administration's paper about the proposal of raising the aggregate financing limit from \$36,000 to \$52,000, Mr KWOK Wai-keung sought clarification as to whether those OD persons who had exhausted the current aggregate financing limit would be entitled to the proposed increased limit. C for L replied in the affirmative.

Whether rehabilitation services should be covered

56. Mr KWOK Wai-keung said that to his understanding, expenses on rehabilitation services for injured employees were covered under the compensation packages in neighbouring areas including the Mainland and Taiwan. Mr KWOK called on the Government to study the viability of such arrangement and providing counselling support for injured employees.

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57. C for L responded that the Government attached great importance to the rehabilitation services for injured employees, which could facilitate their recovery and return to work as early as possible. LD, in collaboration with the insurance industry, launched the Voluntary Rehabilitation Programme in 2003 to provide injured employees with an additional channel to receive free and timely medical and rehabilitation services in the private sector. In addition, an internal working group comprising representatives of the relevant bureaux/departments and organisations was undertaking a study on improving protection for employees in high-risk industries in relation to insurance, compensation for work injuries, therapy and rehabilitation. The Government would revert to the Panel on Manpower on the subject in due course.

58. The Chairman concluded that members supported in principle the introduction of the amendment proposal to LegCo to increase the amounts of a total of 18 compensation items under the three Ordinances.

59. There being no other business, the meeting ended at 6:13 pm.

Council Business Division 2
Legislative Council Secretariat
15 December 2014