

立法會
Legislative Council

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Date : 9 February 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 1 March 2017

**Three proposed resolutions to be moved by
the Secretary for Labour and Welfare**

Secretary for Labour and Welfare will move the attached three proposed resolutions under the following three Ordinances at the above meeting:

- (a) Employees' Compensation Ordinance (Cap. 282) (**Appendix 1**);
- (b) Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) (**Appendix 2**); and
- (c) Occupational Deafness (Compensation) Ordinance (Cap. 469) (**Appendix 3**).

The President has directed that the proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

2. The speeches, in both Chinese and English, which the Secretary will deliver when moving the three proposed resolutions are in **Appendices 4 to 6** respectively.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Employees' Compensation Ordinance

Resolution

(Under section 48A of the Employees' Compensation Ordinance (Cap. 282))

Resolved that, with effect from 1 April 2017, the Employees' Compensation Ordinance (Cap. 282) be amended as set out in the Schedule.

Schedule

Amendments to Employees' Compensation Ordinance

1. **Sixth Schedule amended (specified amount of compensation)**
 - (1) Sixth Schedule, entry relating to section 6(1)(a)—
Repeal
"26,070"
Substitute
"28,360".
 - (2) Sixth Schedule, entry relating to section 6(1)(b)—
Repeal
"26,070"
Substitute
"28,360".
 - (3) Sixth Schedule, entry relating to section 6(1)(c)—
Repeal
"26,070"
Substitute
"28,360".
 - (4) Sixth Schedule, entry relating to section 6(2)—
Repeal
"375,950"
Substitute
"408,960".
 - (5) Sixth Schedule, entry relating to section 6(5)—

- Repeal**
“76,220”
- Substitute**
“83,700”.
- (6) Sixth Schedule, entry relating to section 6C(8)(a)—
- Repeal**
“610”
- Substitute**
“660”.
- (7) Sixth Schedule, entry relating to section 6C(8)(b)—
- Repeal**
“1,220”
- Substitute**
“1,330”.
- (8) Sixth Schedule, entry relating to section 6D(3)(a)—
- Repeal**
“610”
- Substitute**
“660”.
- (9) Sixth Schedule, entry relating to section 6D(3)(b)—
- Repeal**
“1,220”
- Substitute**
“1,330”.
- (10) Sixth Schedule, entry relating to section 6E(9)(a)—
- Repeal**

- “610”
- Substitute**
“660”.
- (11) Sixth Schedule, entry relating to section 6E(9)(b)—
- Repeal**
“1,220”
- Substitute**
“1,330”.
- (12) Sixth Schedule, entry relating to section 7(1)(a)—
- Repeal**
“26,070”
- Substitute**
“28,360”.
- (13) Sixth Schedule, entry relating to section 7(1)(b)—
- Repeal**
“26,070”
- Substitute**
“28,360”.
- (14) Sixth Schedule, entry relating to section 7(1)(c)—
- Repeal**
“26,070”
- Substitute**
“28,360”.
- (15) Sixth Schedule, entry relating to section 7(2)—
- Repeal**
“426,880”

- Substitute**
“464,360”.
- (16) Sixth Schedule, entry relating to section 8(1)(a)—
Repeal
“511,770”
Substitute
“556,700”.
- (17) Sixth Schedule, entry relating to section 8(1)(b)—
Repeal
“511,770”
Substitute
“556,700”.
- (18) Sixth Schedule, entry relating to section 11(5)—
Repeal
“3,690”
Substitute
“4,090”.
- (19) Sixth Schedule, entry relating to section 16A(10)(a)—
Repeal
“610”
Substitute
“660”.
- (20) Sixth Schedule, entry relating to section 16A(10)(b)—
Repeal
“1,220”
Substitute

- “1,330”.
- (21) Sixth Schedule, entry relating to section 36C—
Repeal
“36,430”
Substitute
“40,010”.
- (22) Sixth Schedule, entry relating to section 36J—
Repeal
“110,390”
Substitute
“121,230”.

Pneumoconiosis and Mesothelioma (Compensation) Ordinance

Resolution

(Under section 40 of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360))

Resolved that, with effect from 1 April 2017, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) be amended as set out in the Schedule.

Schedule

Amendments to Pneumoconiosis and Mesothelioma (Compensation) Ordinance

1. First Schedule amended (amounts of compensation)

(1) First Schedule, Part IIA—

Repeal

“\$4,650”

Substitute

“\$5,110”.

(2) First Schedule, Part IV—

Repeal

“\$4,930”

Substitute

“\$5,210”.

(3) First Schedule, Part V—

Repeal

“\$110,390”

Substitute

“\$121,230”.

(4) First Schedule, Part VI—

Repeal

“\$76,220”

Substitute

“\$83,700”.

Occupational Deafness (Compensation) Ordinance

Resolution

(Under section 39(2) of the Occupational Deafness (Compensation) Ordinance (Cap. 469))

Resolved that, with effect from 1 April 2017, the Occupational Deafness (Compensation) Ordinance (Cap. 469) be amended as set out in the Schedule.

Schedule

Amendments to Occupational Deafness (Compensation) Ordinance

1. Schedule 5 amended (amount of compensation)

(1) Schedule 5, section 1(a)(ii)—

Repeal

“\$426,880”

Substitute

“\$464,360”.

(2) Schedule 5, section 1(b)—

Repeal

“\$2,502,720”

Substitute

“\$2,722,560”.

(3) Schedule 5, section 1(b)—

Repeal

“\$1,877,040”

Substitute

“\$2,041,920”.

(4) Schedule 5, section 1(b)—

Repeal

“\$1,251,360”

Substitute

“\$1,361,280”.

2. **Schedule 7 amended (limits of direct payment of expenses and reimbursement of expenses)**

(1) Schedule 7, section 1—

Repeal

“\$15,000”

Substitute

“\$16,470”.

(2) Schedule 7, section 2—

Repeal

“\$52,000”

Substitute

“\$57,110”.

DRAFT

Speech by the Secretary for Labour and Welfare
in moving the Resolution under Section 48A
of the Employees' Compensation Ordinance
at the Legislative Council sitting on 1 March 2017

(This is a draft; please check against actual delivery.)

President,

I move that the resolution, as printed on the Agenda, be passed.

2. The purpose of this resolution is to increase the amounts of nine compensation items payable under the Employees' Compensation Ordinance (ECO). ECO provides for the payment of statutory compensation to injured employees and family members of deceased employees for prescribed occupational diseases, injuries or deaths caused by accidents arising out of and in the course of employment. According to the established mechanism, the levels of compensation under ECO, together with those under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance, are adjusted every two years where appropriate. Adjustments, if required, are generally made with reference to the wage movement or the price movement in the relevant period and having regard to other relevant factors.

3. According to the information from the Census and Statistics Department, the Nominal Wage Index and the Consumer Price Index (A) recorded a cumulative increase of 8.78% and 9.82% respectively in the period from 2014 to 2015.

4. We propose to increase the amounts of five compensation items under ECO by 8.78% in line with the aforesaid wage movement. The proposed revisions include increasing the ceiling of the monthly earnings for calculating compensation for death and permanent total incapacity from \$26,070 to \$28,360. We also propose to increase the minimum amounts of compensation for death from \$375,950 to \$408,960 and for permanent total incapacity from \$426,880 to \$464,360. In addition, we propose that the maximum amount of compensation for employees injured at work who require the attention of another person be increased from \$511,770 to \$556,700. As for the surcharge on late payment of compensation, we propose to increase the minimum amount of surcharge imposed upon expiry of the payment period from \$610 to \$660 and the minimum amount of a further surcharge imposed three months after the expiry of the payment period from \$1,220 to \$1,330.

5. At the same time, we also propose to increase the amounts of three compensation items by 9.82% in line with the abovementioned price movement. The proposed changes include increasing the maximum amount of funeral expenses from \$76,220 to \$83,700, and increasing the maximum payments to be made by an employer towards the cost of supplying and fitting a prosthesis or surgical appliance from \$36,430 to \$40,010 and towards the cost of the repair and renewal of a prosthesis or surgical appliance from \$110,390 to \$121,230.

6. Finally, we propose to increase the amount of minimum monthly earnings specified in ECO for the purpose of calculating compensation from \$3,690 to \$4,090 so that it is not less than the rate of payment to a single and able-bodied adult under the Comprehensive Social Security Assistance Scheme in 2015.

7. The Labour Advisory Board has endorsed the above proposal, and Members of the Legislative Council Panel on Manpower have also expressed support to the proposal. We propose that the revised levels of

compensation should become effective from 1 April 2017.

8. I hope that Members will support and pass the resolution so as to enhance the protection for injured employees, sufferers of occupational diseases and family members of deceased employees as early as possible.

9. Thank you, President.

- End -

DRAFT

Speech by the Secretary for Labour and Welfare
in moving the Resolution under Section 40
of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance
at the Legislative Council sitting on 1 March 2017

(This is a draft; please check against actual delivery.)

President,

I move that the resolution, as printed on the Agenda, be passed.

2. The purpose of this resolution is to increase the amounts of five compensation items payable under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO). PMCO provides for the payment of compensation to persons or their family members in respect of incapacity or death as a result of pneumoconiosis and / or mesothelioma. According to the established mechanism, the levels of compensation under PMCO, together with those under the Employees' Compensation Ordinance and the Occupational Deafness (Compensation) Ordinance, are adjusted every two years where appropriate. Adjustments, if required, are generally made with reference to the price movement in the relevant period and having regard to other relevant factors.

3. According to the information from the Census and Statistics Department, the Consumer Price Index (A) recorded a cumulative increase of 9.82% in the period from 2014 to 2015. We propose to increase the levels of compensation for four items under PMCO by 9.82% in line with the aforesaid price movement. The proposed revisions include increasing the monthly amount of compensation for pain, suffering and loss of amenities from \$4,650 to \$5,110 and increasing the amount of compensation for bereavement from \$110,390 to \$121,230. As the minimum amount of compensation for death is pegged to the amount of

compensation for bereavement, the revision of the amount of compensation for bereavement will automatically adjust the minimum amount of compensation for death from \$110,390 to \$121,230. We also propose to increase the maximum amount of funeral expenses from \$76,220 to \$83,700.

4. Furthermore, we propose to increase the monthly amount of compensation for care and attention from \$4,930 to \$5,210 to take into account the increase in the minimum allowable monthly wage and food allowance for a foreign domestic helper working in Hong Kong in 2015.

5. The Labour Advisory Board and the Pneumoconiosis Compensation Fund Board have endorsed the above proposal, while Members of the Legislative Council Panel on Manpower have also expressed support to the proposal. We propose that the revised levels of compensation should take effect from 1 April 2017.

6. I hope that Members will support and pass the resolution so as to enhance the protection for persons suffering from pneumoconiosis and mesothelioma or their family members as early as possible.

7. Thank you, President.

- End -

DRAFT

Speech by the Secretary for Labour and Welfare
in moving the Resolution under Section 39(2)
of the Occupational Deafness (Compensation) Ordinance
at the Legislative Council sitting on 1 March 2017

(This is a draft; please check against actual delivery.)

President,

I move that the resolution, as printed on the Agenda, be passed.

2. The purpose of this resolution is to increase the amounts of four compensation items stipulated in the Occupational Deafness (Compensation) Ordinance (ODCO). ODCO provides for the payment of compensation to persons who suffer from noise-induced deafness (OD persons) by reason of employment in the noisy occupations specified under the Ordinance. According to the established mechanism, the maximum and minimum sums for calculating the amount of compensation for permanent incapacity under ODCO, together with the levels of compensation under the Employees' Compensation Ordinance (ECO) and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance, are adjusted every two years where appropriate.

3. The maximum and minimum sums for calculating the amount of compensation for permanent incapacity under ODCO are adjusted in the light of the wage movement reflected by the Nominal Wage Index (NWI) in the relevant period according to the mechanism. Based on the information from the Census and Statistics Department (C&SD), NWI recorded a cumulative increase of 8.78% in the period from 2014 to 2015. We propose to increase the amounts of these two compensation items by

8.78% in line with the aforesaid wage movement. Specifically, the proposed revisions include increasing the maximum sum for calculating the amount of compensation for permanent incapacity for employees aged under 40 from \$2,502,720 to \$2,722,560; for employees aged 40 to under 56 from \$1,877,040 to \$2,041,920, and for employees aged 56 or above from \$1,251,360 to \$1,361,280. As for the minimum sum for calculating the amount of compensation for permanent incapacity, we propose to increase the amount from \$426,880 to \$464,360.

4. Moreover, under ODCO, any person who has at any time been entitled to compensation for permanent incapacity may apply to the Occupational Deafness Compensation Board (ODCB) for the direct payment or reimbursement of expenses reasonably incurred in the acquisition, fitting, repair or maintenance of hearing assistive devices (HADs). With a view to enhancing the protection accorded by the HAD financing scheme for OD persons, starting from this exercise, we propose to adopt the Consumer Price Index (CPI(A)), a price movement index, as an indicator to adjust the amounts of two compensation items where appropriate, namely the financing limit for first-time applications for HADs and the aggregate financing limit. This draws reference from the established mechanism of adjusting the maximum amounts of the costs of supplying, fitting, repairing and renewing a prosthesis or surgical appliance under ECO. According to the information from C&SD, CPI(A) recorded a cumulative increase of 9.82% in the period from 2014 to 2015. We propose to increase the amounts of these two compensation items by 9.82% in line with the abovementioned price movement, i.e. increasing the financing limit for first-time applications for HADs from \$15,000 to \$16,470, and the aggregate financing limit from \$52,000 to \$57,110.

5. The Labour Advisory Board and ODCB have endorsed the above proposal, while Members of the Legislative Council Panel on Manpower have also expressed support to the proposal. We propose

that the revised levels of compensation and financing limits should take effect from 1 April 2017.

6. I hope that Members will support and pass the resolution so as to enhance the protection for OD persons as early as possible.

7. Thank you, President.

- End -