

**立法會**  
**Legislative Council**

LC Paper No. LS32/16-17

**Paper for the House Committee Meeting  
on 10 February 2017**

**Legal Service Division Report on  
Proposed Resolutions under the Employees' Compensation Ordinance,  
the Pneumoconiosis and Mesothelioma (Compensation) Ordinance  
and the Occupational Deafness (Compensation) Ordinance**

The Secretary for Labour and Welfare has given notice to move three motions at the Legislative Council meeting of 1 March 2017 respectively under section 48A of the Employees' Compensation Ordinance (Cap. 282), section 40 of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) and section 39(2) of the Occupational Deafness (Compensation) Ordinance (Cap. 469). The proposed resolutions seek to increase the amount of 18 compensation items under the three Ordinances with effect from 1 April 2017.

2. Cap. 282 provides for the payment of statutory compensation to employees injured at work or suffering from prescribed occupational diseases or to their family members (in fatal cases). The proposed resolution under Cap. 282 seeks to amend the Sixth Schedule (Specified Amount of Compensation) to Cap. 282 to make the following revisions -

| Item  | Existing amount<br>(\$) | Proposed amount<br>(\$) | Increase<br>(%) |
|---|-------------------------|-------------------------|-----------------|
| (a) Ceiling of monthly earnings for calculating compensation for death and permanent total incapacity | 26,070                  | 28,360                  | +8.78%          |
| (b) Minimum compensation for death  | 375,950                 | 408,960                 | +8.78%          |
| (c) Minimum compensation for permanent total incapacity   | 426,880                 | 464,360                 | +8.78%          |
| (d) Compensation for attention  | 511,770                 | 556,700                 | +8.78%          |
| (e) Minimum surcharge on late payment of compensation   |                         |                         |                 |
| (i) initial surcharge   | 610                     | 660                     | +8.78%          |
| (ii) further surcharge  | 1,220                   | 1,330                   | +8.78%          |

| Item   | Existing amount (\$) | Proposed amount (\$) | Increase (%) |
|--|----------------------|----------------------|--------------|
| (f) Funeral expenses   | 76,220               | 83,700               | +9.82%       |
| (g) Cost for supplying and fitting of a prosthesis or surgical appliance | 36,430               | 40,010               | +9.82%       |
| (h) Cost of repair and renewal of a prosthesis or surgical appliance     | 110,390              | 121,230              | +9.82%       |
| (i) Minimum monthly earnings   | 3,690                | 4,090                | +10.84%      |

3. Cap. 360 provides for the payment of statutory compensation to persons suffering from pneumoconiosis and/or mesothelioma or to family members of persons who died of the diseases. The proposed resolution under Cap. 360 seeks to amend the First Schedule (Amounts of Compensation) to Cap. 360 to make the following revisions -

| Item   | Existing amount (\$) | Proposed amount (\$) | Increase (%) |
|--|----------------------|----------------------|--------------|
| (a) Monthly compensation for pain, suffering and loss of amenities | 4,650                | 5,110                | +9.82%       |
| (b) Compensation for bereavement                                   | 110,390              | 121,230              | +9.82%       |
| (c) Minimum compensation for death                                 | 110,390              | 121,230              | +9.82%       |
| (d) Funeral expenses   | 76,220               | 83,700               | +9.82%       |
| (e) Monthly compensation for care and attention                    | 4,930                | 5,210                | +5.68%       |

4. Cap. 469 provides for the payment of statutory compensation to persons who suffer from noise-induced deafness by reason of employment in specified noisy occupations. The proposed resolution under Cap. 469 seeks to amend Schedule 5 (Amount of Compensation) to Cap. 469 to make the following revisions -

| Item  | Existing amount (\$) | Proposed amount (\$) | Increase (%) |
|---|----------------------|----------------------|--------------|
| (a) Maximum sum for calculating compensation for permanent incapacity |                      |                      |              |

| Item  | Existing amount (\$) | Proposed amount (\$) | Increase (%) |
|---|----------------------|----------------------|--------------|
| - Age under 40  | 2,502,720            | 2,722,560            | +8.78%       |
| - Age 40 to under 56  | 1,877,040            | 2,041,920            | +8.78%       |
| - Age 56 and above  | 1,251,360            | 1,361,280            | +8.78%       |
| (b) Minimum sum for calculating compensation for permanent incapacity | 426,880              | 464,360              | +8.78%       |
| (c) First-time financing limit for hearing assistive devices          | 15,000               | 16,470               | +9.82%       |
| (d) Aggregate financing limit for hearing assistive devices           | 52,000               | 57,110               | +9.82%       |

5. The proposed increases in the amount of the compensation items (last revised in 2015) under paragraph 2 to 4 above range from 5.68% to 10.84%. According to the paragraph 3 and 4 of the LegCo Brief (File Ref: LD ECS2/50/2(C)) issued by the Labour and Welfare Bureau, and the Labour Department in February 2017, 16 of the compensation items are proposed to be adjusted in accordance with established indicators or factors, including the wage movement as reflected by the Nominal Wage Index and price movement as reflected by the Consumer Price Index (A) ("CPI(A)") in the period from 2014 to 2015. The remaining two items (items (c) and (d) under paragraph 4 above) are proposed to be adjusted with the adoption of CPI(A) as the adjustment indicator starting from this exercise. The Labour Advisory Board supported the proposal at its meeting on 29 November 2016.

6. As advised by the Clerk to the Panel on Manpower, the Panel was consulted on the adjustment proposal at its meeting of 20 December 2016. Members raised no objection to the proposal but some members expressed concerns about the adjustment cycle and the increased amounts of some compensation items.

7. No difficulties in relation to the legal and drafting aspects of the proposed resolutions have been identified.

Prepared by

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