

**立法會**  
**Legislative Council**

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Tel : 3919 3300

Date : 22 February 2019

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 20 March 2019**

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

The Secretary for Labour and Welfare will move the three proposed resolutions in **Appendices 1 to 3** under the following Ordinances respectively at the above meeting:

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

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 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.

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## Employees' Compensation Ordinance

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### Resolution

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

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**Resolved** that, with effect from 12 April 2019, the Employees' Compensation Ordinance (Cap. 282) be amended as set out in the Schedule.

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## 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**  
"28,360"  
**Substitute**  
"30,530".
  - (2) Sixth Schedule, entry relating to section 6(1)(b)—  
**Repeal**  
"28,360"  
**Substitute**  
"30,530".
  - (3) Sixth Schedule, entry relating to section 6(1)(c)—  
**Repeal**  
"28,360"  
**Substitute**  
"30,530".
  - (4) Sixth Schedule, entry relating to section 6(2)—  
**Repeal**  
"408,960"  
**Substitute**  
"440,200".
  - (5) Sixth Schedule, entry relating to section 6(5)—

- Repeal**  
“83,700”
- Substitute**  
“87,330”.
- (6) Sixth Schedule, entry relating to section 6C(8)(a)—
- Repeal**  
“660”
- Substitute**  
“710”.
- (7) Sixth Schedule, entry relating to section 6C(8)(b)—
- Repeal**  
“1,330”
- Substitute**  
“1,430”.
- (8) Sixth Schedule, entry relating to section 6D(3)(a)—
- Repeal**  
“660”
- Substitute**  
“710”.
- (9) Sixth Schedule, entry relating to section 6D(3)(b)—
- Repeal**  
“1,330”
- Substitute**  
“1,430”.
- (10) Sixth Schedule, entry relating to section 6E(9)(a)—
- Repeal**

- “660”
- Substitute**  
“710”.
- (11) Sixth Schedule, entry relating to section 6E(9)(b)—
- Repeal**  
“1,330”
- Substitute**  
“1,430”.
- (12) Sixth Schedule, entry relating to section 7(1)(a)—
- Repeal**  
“28,360”
- Substitute**  
“30,530”.
- (13) Sixth Schedule, entry relating to section 7(1)(b)—
- Repeal**  
“28,360”
- Substitute**  
“30,530”.
- (14) Sixth Schedule, entry relating to section 7(1)(c)—
- Repeal**  
“28,360”
- Substitute**  
“30,530”.
- (15) Sixth Schedule, entry relating to section 7(2)—
- Repeal**  
“464,360”

- Substitute**  
“499,840”.
- (16) Sixth Schedule, entry relating to section 8(1)(a)—  
**Repeal**  
“556,700”  
**Substitute**  
“599,230”.
- (17) Sixth Schedule, entry relating to section 8(1)(b)—  
**Repeal**  
“556,700”  
**Substitute**  
“599,230”.
- (18) Sixth Schedule, entry relating to section 11(5)—  
**Repeal**  
“4,090”  
**Substitute**  
“4,500”.
- (19) Sixth Schedule, entry relating to section 16A(10)(a)—  
**Repeal**  
“660”  
**Substitute**  
“710”.
- (20) Sixth Schedule, entry relating to section 16A(10)(b)—  
**Repeal**  
“1,330”  
**Substitute**

- “1,430”.
- (21) Sixth Schedule, entry relating to section 36C—  
**Repeal**  
“40,010”  
**Substitute**  
“41,750”.
- (22) Sixth Schedule, entry relating to section 36J—  
**Repeal**  
“121,230”  
**Substitute**  
“126,490”.

**Pneumoconiosis and Mesothelioma (Compensation)  
Ordinance**

**Resolution**

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

**Resolved** that, with effect from 12 April 2019, 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**

“\$5,110”

**Substitute**

“\$5,330”.

(2) First Schedule, Part IV—

**Repeal**

“\$5,210”

**Substitute**

“\$5,600”.

(3) First Schedule, Part V—

**Repeal**

“\$121,230”

**Substitute**

“\$220,000”.

(4) First Schedule, Part VI—

**Repeal**

“\$83,700”

**Substitute**

“\$87,330”.

2. **Second Schedule amended (medical expenses and expenses for medical appliances)**

Second Schedule, Part II, after item 3—

**Add**

- “4. Non-invasive positive pressure ventilation device (and humidifier when used with the device) and their accessories.
5. Sputum suction device and its accessories.”.

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## Occupational Deafness (Compensation) Ordinance

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### Resolution

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

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**Resolved** that, with effect from 12 April 2019, the Occupational Deafness (Compensation) Ordinance (Cap. 469) be amended as set out in the Schedule.

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### Schedule

## Amendments to Occupational Deafness (Compensation) Ordinance

### 1. Schedule 5 amended (amount of compensation)

(1) Schedule 5, section 1(a)(ii)—

**Repeal**

“\$464,360”

**Substitute**

“\$499,840”.

(2) Schedule 5, section 1(b)—

**Repeal**

“\$2,722,560”

**Substitute**

“\$2,930,880”.

(3) Schedule 5, section 1(b)—

**Repeal**

“\$2,041,920”

**Substitute**

“\$2,198,160”.

(4) Schedule 5, section 1(b)—

**Repeal**

“\$1,361,280”

**Substitute**

“\$1,465,440”.

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

(1) Schedule 7, section 1—

**Repeal**

“\$16,470”

**Substitute**

“\$19,000”.

(2) Schedule 7, section 2—

**Repeal**

“\$57,110”

**Substitute**

“\$79,000”.



**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 20 March 2019

(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 7.64% and 4.34% respectively in 2016 and 2017.

4. We propose to increase the amounts of five compensation items under ECO by 7.64% 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 \$28,360 to \$30,530. We also propose to increase the minimum amounts of compensation for death from \$408,960 to \$440,200 and for permanent total incapacity from \$464,360 to \$499,840. 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 \$556,700 to \$599,230. 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 \$660 to \$710 and the minimum amount of a further surcharge imposed three months after the expiry of the payment period from \$1,330 to \$1,430.

5. At the same time, we also propose to increase the amounts of three compensation items by 4.34% in line with the abovementioned price movement. The proposed changes include increasing the maximum amount of funeral expenses from \$83,700 to \$87,330, and increasing the maximum payments to be made by an employer towards the cost of supplying and fitting a prosthesis or surgical appliance from \$40,010 to \$41,750 and towards the cost of the repair and renewal of a prosthesis or surgical appliance from \$121,230 to \$126,490.

6. Finally, we propose to increase the amount of minimum monthly earnings specified in ECO for the purpose of calculating periodical payments during work injury sick leave from \$4,090 to \$4,500, with reference to the relevant items provided under the Comprehensive Social Security Assistance Scheme as at April 2018.

7. The Labour Advisory Board has endorsed the above proposal, and the Legislative Council Panel on Manpower has supported in principle the proposal and urged for its early implementation. We propose that the revised levels of compensation should become effective from 12 April 2019.

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 20 March 2019

(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) and to expand the list of medical appliances under 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 or mesothelioma. According to the established mechanism, the levels of compensation for these five items, 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. Moreover, under PMCO, an eligible person who suffers from pneumoconiosis or mesothelioma is entitled to the reasonable expenses of the use or supply of

medical appliances specified in Part II of the Second Schedule to the Ordinance.

3. According to the information from the Census and Statistics Department, the cumulative price movement reflected by Consumer Price Index (A) for 2016 and 2017 was 4.34%. We propose to increase the levels of compensation for two items under PMCO by 4.34% in line with this price movement. The proposed revisions include increasing the monthly amount of compensation for pain, suffering and loss of amenities from \$5,110 to \$5,330 and increasing the maximum amount of funeral expenses from \$83,700 to \$87,330.

4. Regarding the amount of compensation for bereavement under PMCO, we propose to adjust the level of compensation with reference to the latest sum of damages for bereavement under the Fatal Accidents Ordinance (FAO). The Legislative Council passed on 11 July 2018 the Government's resolution to increase the sum of damages for bereavement under FAO to \$220,000 which took effect from 13 July 2018. In view of this, we propose to adjust the level of bereavement compensation under PMCO from \$121,230 by 81.47% to \$220,000. As the minimum amount of compensation for death under PMCO is pegged to the level of compensation for bereavement, we also proposed that the minimum amount of compensation for death be revised from \$121,230 to \$220,000.

5. Furthermore, making reference to the latest minimum allowable monthly wage and food allowance for a foreign domestic helper working in Hong Kong in September 2018, we propose to adjust upwards the monthly amount of compensation for care and attention from \$5,210 to \$5,600.

6. In response to views of patients and concern groups on expanding the list of medical appliances under PMCO to cover breathing apparatus and sputum suction device, the Labour Department has, in collaboration with the Pneumoconiosis Compensation Fund Board (PCFB), undertaken a study which involved collection of information from patients, relevant associations and trade unions and consultation with the Department of Health and the Hospital Authority for their expert advice. Subsequent to the study, it is proposed to expand the list of medical appliances specified in Part II of the Second Schedule to PMCO by including two more items, namely, 1) non-invasive positive pressure ventilation device (and humidifier when used with the device) and their accessories; and 2) sputum suction device and its accessories.

7. The Labour Advisory Board and the PCFB have endorsed the above proposal, while the Legislative Council Panel on Manpower has supported in principle the proposal and urged for its early implementation. We propose that the revised levels of compensation and the new list of medical appliances should take effect from 12 April 2019.

8. 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.

9. 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 20 March 2019

(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. According to the information from the Census and Statistics Department, NWI recorded a cumulative increase of 7.64% for 2016 and 2017. We propose to increase the amounts of these two compensation items by 7.64% 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 \$2,722,560 to \$2,930,880; for employees aged 40 to under 56 from \$2,041,920 to \$2,198,160, and for employees aged 56 or above from \$1,361,280 to \$1,465,440. As for the minimum sum for calculating the amount of compensation for permanent incapacity, we propose to increase the amount from \$464,360 to \$499,840.

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). In the current exercise, with a view to enhancing protection for OD persons under the HAD financing scheme, we propose to take into account the experience of ODCB in administering the financing scheme for the adjustment of the relevant financing limits.

5. To allow OD persons to have a wider choice of HADs to cater for their individual needs, we propose adjusting upwards the financing limit for first-time HAD applications by 15.36% from \$16,470 to \$19,000. In addition, taking into account the estimated average annual HAD expenses of an OD person as well as the biennial adjustment where appropriate, we propose raising the aggregate financing limit from \$57,110 to \$79,000 by



38.33%, such that those OD persons who have exhausted the aggregate financing limit can have their entitlement to the financial assistance revived, whereas those approaching the limit can continue to be benefited from the financial assistance.

6. The Labour Advisory Board and ODCB have endorsed the above proposal, while the Legislative Council Panel on Manpower supported in principle the proposal and urged for its early implementation. We propose that the revised levels of compensation and financing limits should take effect from 12 April 2019.

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

8. Thank you, President.

- End -