

立法會
Legislative Council

LC Paper No. CB(2)1465/19-20
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP

Panel on Manpower

Minutes of meeting
held on Tuesday, 21 April 2020, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex

- Members present** : Hon HO Kai-ming (Chairman)
Hon CHU Hoi-dick (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Claudia MO
Hon YIU Si-wing, BBS
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Hon CHUNG Kwok-pan
Hon Andrew WAN Siu-kin
Hon SHIU Ka-fai, JP
Hon SHIU Ka-chun
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon LUK Chung-hung, JP
Hon Jeremy TAM Man-ho
Hon Vincent CHENG Wing-shun, MH, JP
- Members absent** : Hon WONG Kwok-kin, SBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP

Public Officers : Item IV
attending

Ms Agnes LO Kit-mui
Assistant Commissioner for Census and Statistics (Labour)

Ms Anny CHEUNG Kit-man
Senior Statistician (Labour)
Census and Statistics Department

Mr Raymond HO Kam-biu, JP
Assistant Commissioner for Labour (Development)

Mr Eric LEE Yiu-kwong
Principal Economist
Office of the Government Economist

Item V

Mr Jeff LEUNG Wing-yan, JP
Deputy Commissioner for Labour
(Occupational Safety and Health)

Dr WAN Yuen-kong
Occupational Health Consultant (1)
Labour Department

Dr WOO Wai-man
Acting Occupational Health Consultant (2)
Labour Department

Mr Simon LI Chi-chung, JP
Assistant Commissioner for Labour
(Employees' Rights & Benefits)

Mr Raymond LIANG Lok-man
Assistant Commissioner for Labour (Labour Relations)

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

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

Ms Priscilla LAU
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Information paper issued since the last meeting
(LC Paper No. CB(2)799/19-20(01))

Members noted that a letter dated 3 April 2020 from Mr Andrew WAN suggesting the Panel to discuss issues relating to the remuneration and conditions of employment of non-skilled employees engaged under outsourcing service contracts of the Leisure and Cultural Services Department during the temporary closure of venues and suspension of facilities with services in view of the latest situation of the Coronavirus disease 2019 ("COVID-19") had been issued since the last meeting. The Chairman advised that the Administration had been requested to provide a written response to the issues raised in the letter.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)828/19-20(01) and (02))

Regular meeting in May 2020

2. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting at 4:30 pm on 19 May 2020:

- (a) Latest development in the employment services of the Labour Department; and
- (b) Formulation of sector-specific working hours guidelines.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, item (b) was subsequently revised as "Latest development in the formulation of sector-specific working hours guidelines and relevant initiatives".)

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III. Matters arising from the meeting on 17 March 2020
(LC Paper No. CB(2)743/19-20(01))

3. The Chairman advised that at the last Panel meeting on 17 March 2020, a motion proposed by Mr LUK Chung-hung under agenda item IV "Enforcement of labour legislation by the Labour Administration Branch of the Labour Department" was tabled at the meeting. He ruled that the motion was related to the agenda item and members agreed that the motion should be proceeded with. Owing to insufficient meeting time, members further agreed to deal with the motion at the next regular meeting in April 2020.

4. The Chairman put the following motion moved by Mr LUK Chung-hung to vote:

"本港失業率持續攀升，企業裁員、僱員被迫減薪及放取無薪假等情況持續不斷，惟勞工處不但沒有針對僱員的實際需要作出足夠支援，反以疫情安全為由縮減服務，包括只於星期一、三及五提供櫃位服務及增設派籌制度限制求助人數；將所有勞資調解會改為電話處理；以及熱線電話長期無人接聽等。就此，本會要求政府正視疫情對勞動市場的衝擊，並敦促勞工處：

- (a) 在加強防疫措施的前提下，全面恢復正常運作，包括辦公時間及勞資調解會等；
- (b) 恢復原有接見市民安排，取消派籌配額制度；及
- (c) 加強保障及宣傳疫情下的勞工權益，包括增加人手以應對未來可能出現的大量求助個案，並向社會大眾發出清晰明確的信息，讓勞資雙方明白抗疫期間自己所享有的僱傭責任及權益。"

(Translation)

"While the unemployment rate in Hong Kong continues to rise and cases of layoffs by enterprises as well as employees being forced to accept pay cuts and take no pay leave, etc., continue to occur, the Labour Department ("LD") has not only failed to provide adequate support to meet the actual needs of employees, but has even cut its services on grounds of epidemic precautions by, among others,

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providing counter services only on Mondays, Wednesdays and Fridays and introducing a chips allotment system to limit the number of people seeking assistance; replacing all conciliation meetings for employers and employees with telephone conferencing; and leaving its telephone hotlines unmanned for long periods. In this connection, this Panel requests the Government to squarely address the impact of the epidemic on the labour market and urges LD to:

- (a) on the premise of enhancing epidemic prevention measures, fully resume normal operation including the office hours and conciliation meetings for employers and employees, etc.;
- (b) revert to the original arrangement of meeting with members of the public and abolish the chips allotment quota system; and
- (c) enhance the protection of labour rights and benefits under the epidemic and step up publicity in this regard by, among others, strengthening its manpower to cope with a potentially large number of requests for assistance in the future, and sending a clear and precise message to the community so that employers and employees may understand their respective employment obligations, rights and benefits in the fight against the epidemic."

5. The Chairman said that four members voted for the motion, no member voted against it, and three members did not vote. The Chairman declared that Mr LUK Chung-hung's motion was carried.

IV. Major findings of the 2019 Annual Earnings and Hours Survey
(2019 Report on Annual Earnings and Hours Survey, LC Paper Nos. CB(2)828/19-20(03) and (04))

6. Members noted the powerpoint presentation materials which highlighted the major findings in the 2019 Report on Annual Earnings and Hours Survey ("the 2019 AEHS Report") tabled at the meeting.

(Post-meeting note: The softcopy of the powerpoint presentation materials was issued to members vide LC Paper No. CB(2)864/19-20(01) on 21 April 2020.)

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7. Members noted an updated background brief entitled "Annual Earnings and Hours Survey" ("AEHS") prepared by the Legislative Council Secretariat.

Disparity of wage level between male and female employees

8. Pointing out that the median monthly wage of male employees was 30% higher than that of female employees during the reference period of May to June 2019 as reflected in the 2019 AEHS Report, Ms YUNG Hoi-yan expressed concern about the disparity of wage level as well as the situation of "different pay for the same job" between male and female employees. In her view, the Administration should put in place measures to enhance women's competitiveness in the labour market and encourage employers to recruit more women, especially postnatal women.

9. While acknowledging the difference in wage level between male and female employees in the 2019 AEHS Report, Assistant Commissioner for Census and Statistics (Labour) ("AC/C&S") advised that similar findings were also observed in previous rounds of AEHS. The difference was attributable to a number of factors, including educational attainments, choice of occupations and industry sections, as well as years of service in the serving business undertakings. AC/C&S added that the proportion of male employees who were engaged in higher-paid occupations such as managers and administrators, professionals and associate professionals was higher than the corresponding proportion of female employees. When compared with their male counterparts, some female employees' years of service in the serving business undertakings, in particular married women with children, might be relatively shorter as some female employees might have left the labour market temporarily in earlier years after marriage or giving birth to children. It should be noted that apart from Hong Kong, the difference in wage level between male and female employees also existed in overseas countries, such as Australia, Canada, the United Kingdom and Singapore.

10. Assistant Commissioner for Labour (Development) ("AC for L(D)") added that the Administration had introduced training programmes, employment services and measures to strengthen child care services in order to facilitate women, especially those with children, to enter or stay in employment. Ms YUNG Hoi-yan called on the Administration to enhance measures to support women employment, in particular the provision of child care services.

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Wage and working hours statistics

11. Mr POON Siu-ping noted with concern that among the low-paying sectors, the percentage increase in the median monthly wage of employees in the retail trade (3.8%) was lower than that of the food and beverage services (5.6%) and the estate management, security and cleaning services (5.1%) in the reference period of May-June 2019 when compared with the corresponding reference period in 2018. AC/C&S advised that the relatively low wage increase in the retail trade was due to its various nature of business covering the operation of small shops, supermarkets and department stores, etc. and also the relatively lower wage increase of supermarket and department store workers. However, it should be noted that the overall median monthly wage of employees in Hong Kong in May-June 2019 was also 3.8% higher than that in May-June 2018.

12. Mr POON Siu-ping, Mr LUK Chung-hung and Mr Vincent CHENG considered that survey results of the 2019 AEHS, with reference period as May-June 2019, were unable to reflect the adverse impact of recent social incidents and the Coronavirus disease 2019 ("COVID-19") epidemic on the current employment situation and the wage level in Hong Kong. Mr POON enquired whether the Administration would collect the latest wage information of the employees enumerated in 2019 AEHS so as to update the survey results. The latest wage statistics would be useful for the formulation of policies and specific measures to encourage employment.

13. AC/C&S advised that a new round of AEHS would be conducted in May-June 2020, with a new sample of about 10 000 business undertakings and 60 000 employees in Hong Kong. The sample would be selected randomly based on scientific sampling method and therefore the data collected would be representative of the overall situation in May-June 2020. The survey findings would be useful in reflecting the changes in the level and distribution of wages as well as employment pattern during May-June 2019 to May-June 2020.

14. In response to Mr Vincent CHENG's enquiry about the availability of latest statistics on earnings and working hours, AC/C&S advised that the Census and Statistics Department also conducted a Labour Earnings Survey and released wage statistics related to full-time employees engaged in occupations at supervisory level or below on a quarterly basis. In addition, a General Household Survey ("GHS") was conducted on a

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monthly basis to provide information on the characteristics of the labour force as well as hours of work and employment earnings of the employed persons. The GHS report covering the period from January to March 2020 would be released in May 2020.

Data collection and methodology for the Annual Earnings and Hours Survey

15. Mr LUK Chung-hung remarked that overtime hours not worked at the direction of employers and unpaid hours worked at the place of work were not included in AEHS. He noted with concern that while the median weekly working hours of Hong Kong employees was around 44 hours during the reference period (May to June) of AEHS in both 2018 and 2019, the results of GHS indicated that the median weekly working hours was 44 hours in April to June 2019 which was more than that of 40 hours in the corresponding period of 2018. Expressing concern about the long working hours situation under the worsening economic conditions and in the slackening labour market with rising unemployment, Mr LUK called on the Administration to improve the data collection methodology of AEHS in order to reflect accurately the working hours situation. To this end, the Administration should collect the actual working hours, including overtime work hours, from employees so as to have comprehensive statistics on the long working hours situation in various trades and industries.

16. AC/C&S explained that the statistics obtained from AEHS provided essential inputs for analyses related to the Statutory Minimum Wage. The working hours statistics published in the AEHS Report followed the definition of hours worked under the Minimum Wage Ordinance (Cap. 608). Data on wages and working hours were collected from employers and hence, overtime hours not worked under the direction of employers were not included. Separately, GHS collected information on working hours from employees, with a different definition of hours of work which referred to the number of hours which an employed person actually worked in all employment during the seven days before enumeration. All paid and unpaid hours worked at the place of work were included, but meal breaks were excluded. AC/C&S supplemented that the GHS results showed that the median weekly working hours was generally around 44 hours in the past few years. The median weekly working hours was 40 hours during the period from April to June 2018 because more employed persons took leave or were engaged in part-time jobs during the seven days before enumeration.

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17. Mr LUK Chung-hung remained of the view that actual working hours including overtime hours not worked under the direction of employers should be covered in the AEHS statistics. AC for L(D) responded that LD had commissioned a service contractor to conduct a working hours situation household survey later this year to collect working hours data and information from members of the households, including employed persons.

Other issues

18. Mr Vincent CHENG considered that employees engaged in food and beverage services, retail trade and travel industry were most affected by the unstable economic environment. He was concerned about whether trainees who completed the training courses under the newly launched "Love Upgrading Special Scheme" ("the Scheme") would engage in jobs related to their training courses. AC for L(D) advised that the Scheme launched by the Employees Retraining Board provided training courses to assist employees affected by the economic downturn. Trainees who completed "vocational skills" courses would receive follow-up placement services. Mr CHENG was of the view that the Administration should encourage trainees who completed training to re-enter the employment market or switch to other trades through strengthening the job-matching and placement services.

19. Expressing concern about the calculation of unemployment rate, the Chairman sought clarification about the meaning of unemployed person and leaver from the labour force. AC/C&S advised that the unemployment rate referred to the proportion of unemployed persons in the labour force. Unemployed persons were those aged 15 and over who were available for work but did not have a job during the seven days before enumeration, and had sought work during the 30 days before enumeration. If a person (aged 15 or over) who did not have a job had not sought work because he/she believed that work was not available, he/she was also classified as unemployed, being regarded as "discouraged worker". Separately, leavers from the labour force referred to persons aged 15 and over who were economically inactive at the time of enumeration but economically active previously. A person without a job was considered as outside the labour force if he/she was not available for work or did not want to work, or he/she had not sought work (except discouraged worker). AC/C&S added that there was a decline in labour force in recent months. It was partly because some mature persons chose to leave the labour market. However, leavers might consider re-entering the labour force when the employment market improved.

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[The Chairman declared at 5:04 pm that the meeting be suspended for five minutes.]

V. Prescription of occupational disease, and occupational disease and occupational health situation in 2019
(LC Paper Nos. CB(2)828/19-20(05) and (06))

20. At the invitation of the Chairman, Deputy Commissioner for Labour (Occupational Safety and Health) ("DC for L (OSH)") explained to members the considerations and principles of LD in prescribing occupational diseases and briefed members on the occupational disease and occupational health situation in Hong Kong in 2019, as well as the related promotion and enforcement work of LD, as detailed in the Administration's paper.

21. Members noted an updated background brief entitled "Occupational diseases and occupational health performance in Hong Kong" prepared by the LegCo Secretariat.

Whether the Coronavirus disease 2019 should be prescribed as a compensable occupational disease

22. Dr KWOK Ka-ki sought information on the criteria adopted by the World Health Organization ("WHO") in defining an occupational disease.

23. Referring to the International Labour Organization ("ILO") List of Occupational Diseases (revised 2010), Mr Andrew WAN was of the view that COVID-19 met the requirements stated therein that the disease was caused by biological agents at work where a direct link was established scientifically between the exposure to these biological agents arising from work activities and the disease contracted by the worker. Therefore, COVID-19 should be prescribed as an occupational disease under the Employees' Compensation Ordinance (Cap. 282) ("ECO").

24. Dr Fernando CHEUNG expressed the view that COVID-19 was an infectious disease with confirmed instances of human-to-human transmission. Employees engaged in certain working environment, such as medical and nursing institutions, aircraft cabins were exposed to high risk of contracting COVID-19 at workplace for having close contact with confirmed/probable cases. There existed a clear causal relationship between the disease and the working environment of occupations. It

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was thus undisputable that COVID-19 met the requirements of an occupational disease as adopted by ILO. Mr POON Siu-ping, Mr Andrew WAN and Mr LUK Chung-hung were concerned that healthcare personnel, cleansing workers and employees engaged in the service industries were exposed to high risk of contracting COVID-19. Mr SHIU Ka-chun was concerned that employees engaged in medical research and laboratory work, post-mortem or funeral services were also exposed to high risk of contracting COVID-19. Mr LEUNG Yiu-chung and the Chairman echoed that there was a recent COVID-19 case in which the patient concerned worked at the Hong Kong International Airport. The Chairman added that the adoption of special work arrangements for civil servants to work from home demonstrated that the Government considered that employees were exposed to the high risk of contracting COVID-19 at workplace. Pointing out that the COVID-19 epidemic was severer than the outbreak of Severe Acute Respiratory Syndrome ("SARS") in 2003, Mr WAN called on the Administration to proactively consider prescribing COVID-19 as a statutory occupational disease under ECO. Mr LUK appealed to the Administration to adopt an open mind on the matter.

25. Mr KWOK Wai-keung said that as the Hospital Authority ("HA") and the Government were the two largest employers of healthcare personnel, the Administration should seriously consider prescribing COVID-19 as an occupational disease without delay as in the case of SARS.

26. In response to members' views and concerns, DC for L (OSH) said that according to WHO, "occupational disease" was any disease contracted primarily as a result of an exposure to risk factors arising from work activity. According to ILO's definition, occupational disease referred to a disease which had a causal relationship with specific exposure in the working environment or work activity, and the incidence rate of the disease among the exposed workers was significantly higher than that in the rest of the population, so that the occupational origin of the disease in an exposed worker could be reasonably presumed. The Administration would make reference to the criteria adopted by ILO and adopt an evidence-based approach to assess objectively in determining whether a disease should be prescribed as an occupational disease. Taking SARS infection as an example, over 90% of the 415 cases of employees' compensation claim were from the healthcare sector. After considering the contact tracing reports prepared by the Department of Health ("DH"), it was subsequently affirmed that the employees

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concerned were infected with SARS at work. In respect of more than 1 000 confirmed cases of COVID-19 in Hong Kong, LD was keeping a close watch on relevant medical and epidemiological data and would take appropriate actions once there was sufficient evidence.

27. Mr POON Siu-ping pointed out that while monaural hearing loss was categorized as an occupational disease under the Occupational Deafness (Compensation) Ordinance (Cap. 469) in Hong Kong, there was no similar categorization by ILO. Mr POON sought more information on the epidemiological data that was being monitored by LD in considering whether COVID-19 should be listed as a statutory occupational disease.

28. DC for L (OSH) advised that LD would monitor closely the number of COVID-19 cases originated from work and their industry distribution as well as the extent of community infection. DC for L (OSH) stressed that in determining whether a disease should be prescribed as an occupational disease for employees' compensation, it was imperative that the link between the disease and the occupation could be reasonably presumed or established in individual cases. It was noteworthy that for an infectious disease that could transmit widely in the community, exposure to its infectious agent might not only occur in particular workplaces but generally in the community as well. If COVID-19 was prescribed as a statutory occupational disease, employees engaged in specified industries or processes unfortunately contracted COVID-19 would reasonably be presumed that their disease was caused by infection during work, and the employers had to pay compensation accordingly. As the outbreak situation of COVID-19 was still evolving in Hong Kong and globally, LD was keeping a close watch on relevant medical and epidemiological data in order to make necessary recommendations.

29. Dr Fernando CHEUNG raised query about the need of collecting relevant medical and epidemiological data of COVID-19 for making a decision on prescribing the disease as an occupational disease, as it was beyond doubt that employees engaged in specific occupations such as healthcare were exposed to high risks posed by the disease. Citing Legionnaires' disease as an example, Dr CHEUNG said that although the number of employees contracted the disease was small, it was still prescribed as an occupational disease under ECO because of the work-related link between the disease and the types of work that employees were engaged. In this connection, Dr CHEUNG sought

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information on the number of employees infected with Legionnaires' disease in the past three years.

30. DC for L (OSH) responded that as opposed to Legionnaires' disease, COVID-19 was widely transmitted in the community. In addition, in prescribing a new occupational disease, the incidence rate of the disease among workers engaged in specified industries should be significantly higher than that in the rest of the population, such that a causal relationship between the disease and the occupations in which the employees were exposed to the risks posed by the disease could be reasonably presumed.

31. Occupational Health Consultant (1)/LD ("OHC(1)/LD") supplemented that in considering whether a particular disease should be prescribed as an occupational disease, the number of infected cases was not the only consideration. Other factors that would be considered included whether there was medical evidence proving a significant relationship between the disease and certain occupation(s) and thereby indicating a high risk to the employees concerned, as well as transmission of the disease in the general community. In the absence of local cases, reference could be drawn from research/literature in overseas countries that was applicable to the local circumstances.

32. Mr LEUNG Yiu-chung, Dr KWOK Ka-ki, Mr KWOK Wai-keung and Dr Pierre CHAN considered it inappropriate and unacceptable to set a significantly higher incidence rate for cases originated from work than that of the general population as a criterion for prescribing COVID-19 as an occupational disease. Dr KWOK was gravely concerned that COVID-19 might have long-term severe impact on the lung function of the patients and expressed strong dissatisfaction at the Administration's refusal to prescribe COVID-19 as an occupational disease under ECO in order to protect the employees concerned. Mr LEUNG and Dr CHAN held the view that the small number of COVID-19 cases in Hong Kong was attributed to the fact people were more well-prepared to protect themselves in the epidemic in the light of the SARS experience. Notwithstanding this, they stressed that there existed a high work-related risk of COVID-19 infection during work. For instance, the emergence of a large number of confirmed COVID-19 cases related to the bar and band cluster.

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33. Dr Pierre CHAN highlighted that COVID-19 had been spreading rapidly globally and resulted in huge number of infection and fatalities in the healthcare sector and related trades/industries in many overseas countries. WHO had also disseminated a message appealing to various countries to attach importance to the occupational safety and health ("OSH") of healthcare workers in reducing the risk of infection. Dr CHAN asked whether the Administration would take into account the number of local cases and the characteristics of COVID-19 in determining whether it should be prescribed as an occupational disease. Dr CHAN further sought information on the data collection being undertaken by LD in respect of COVID-19 infection among general population and employees in the healthcare sector and related trades/industries in different countries.

34. DC for L (OSH) reiterated that it was imperative to consider whether the incidence of COVID-19 in workers of particular occupations was significantly higher than that in the rest of the population. In considering whether a disease should be prescribed as a statutory occupational disease, LD would make reference to the characteristics of the disease and the local situation as well as the overseas situation. Given that the outbreak situation of COVID-19 was still evolving in Hong Kong and globally, comprehensive and definitive medical and epidemiological data was therefore not yet available. It was also worthy to note that the employees' compensation systems were different in various countries/places, which needed to be taken into account in considering whether a disease should be prescribed as a statutory occupational disease.

35. Dr KWOK Ka-ki and Mr SHIU Ka-chun pointed out that a number of countries, including Italy, Canada, Germany and Malaysia, had already listed COVID-19 as an occupational disease and a number of other countries, including Belgium and South Africa, had provided healthcare personnel with special work allowance. Mr SHIU sought information on the supporting measures taken by the Administration to safeguard OSH of employees engaged in the healthcare sector and related trades/industries. Mr SHIU was concerned that while employees infected with the disease at work were currently protected under section 36(1) of the ECO, the onus was on the employee to prove that the infection was by accident arising out of and in the course of employment. He then asked about the rationale and timing for prescribing SARS as an occupational disease under ECO. Dr Fernando CHEUNG elaborated the difference in employees' entitlement to compensation between work

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injury compensation claims and that for prescribed occupational disease under ECO and called on the Administration to prescribe COVID-19 as an occupational disease immediately in order to enhance protection for the employees concerned.

36. DC for L (OSH) responded that Hong Kong had an outbreak of SARS in 2003. The disease was prescribed as a compensable occupational disease in 2005 after having conducted a review and collated relevant information, including the number of confirmed cases of patients, the number of employees infected arising out of and in the course of employment and the type of work involved. It was noteworthy that healthcare personnel infected with SARS accounted for 22% of the total number of 1 755 confirmed cases during its outbreak in 2003, demonstrating that employees engaged in the healthcare sector had a high risk of infection posed by the disease. Hence, the occupational origin of the infection of healthcare personnel could be reasonably presumed. As regards the listing of COVID-19 as an occupational disease in some countries, DC for L (OSH) drew members' attention to the high percentage of infected healthcare personnel in these countries, such as Italy, as compared with the rest of the population.

37. DC for L (OSH) and Assistant Commissioner for Labour (Employees' Rights & Benefits) ("AC for L (RB)") further advised that although COVID-19 was currently not a compensable occupational disease prescribed under ECO, section 36 of ECO stipulated that an employee having contracted a disease not prescribed as an occupational disease could still claim compensation from the employer under the Ordinance if it was an injury or death by accident arising out of and in the course of employment, and the employer was in general liable to pay compensation under ECO. AC for L (RB) added that for a case in dispute, LD would duly follow up and collect information related to the accident, such as medical reports and contact tracing reports prepared by DH, with a view to finding out the likelihood and relevance of the case being an infection by accident arising out of and in the course of employment.

38. In response to the Chairman's enquiry, AC for L (RB) said that LD had proactively followed up with both employees and employers on the suspected cases of employees infected with COVID-19 at work with reference to the contact tracing reports prepared by DH. At the request of the Chairman and Mr SHIU-Ka-chun, the Administration agreed to provide information on the follow-up work undertaken by LD upon

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notification of employees having contracted or suspected to have contracted COVID-19 at work.

39. Noting the settlement of some 90% of the 415 cases of employees' compensation claim for SARS infection in 2003, Mr POON Siu-ping sought information on the breakdown of the unresolved cases by industry and work types as well as the number of employers involved. In response, AC for L (RB) said that of the 415 cases of employees' compensation claim for SARS infection received by LD, 372 cases were settled through LD's handling and the employers concerned admitted their employees' compensation liabilities without dispute. For the remaining 43 cases, 12 claims involving disputes required mediation or adjudication by the court. Of these claims, HA was the employer of five employees concerned while the other seven employees concerned were engaged in other trades/industries. As regards the other 31 cases, the employees concerned subsequently withdrew their claims or decided not to pursue. Of these cases, HA was the employer of 18 employees concerned while the other 13 employees were engaged in other trades/industries.

40. Mr POON Siu-ping enquired about the timing for determining whether to prescribe COVID-19 as a new occupational disease. Acknowledging members' concern and views, DC for L (OSH) stressed that LD had collaboratively been working with DH in closely monitoring the development of the COVID-19 outbreak. LD was collecting the relevant information and would take appropriate actions once there was sufficient relevant information.

Heat stroke at work

41. Mr LUK Chung-hung noted with grave concern that practitioners in various industries suffered from work-related diseases which were not covered in the list of 52 occupational diseases as prescribed in the relevant ordinances would not be duly compensated. These included heat stroke, strain of lower limbs arising from prolonged standing at work and sudden death caused by overexertion at work. Expressing concern about a high risk of heat stroke when working in construction sites and outdoor cleansing workplaces during hot summer time, Mr LUK pointed out that heat stroke at workplace was prescribed as a compensable disease in the Mainland and Taiwan and relevant guidelines had been drawn up. Mr LUK enquired whether the Administration had any plan to conduct a comprehensive review of the scope and coverage of the list of compensable occupational diseases in the Second Schedule to ECO in the

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light of the latest changes in the situation of occupational diseases in Hong Kong.

42. DC for L (OSH) reiterated that LD would make reference to the criteria adopted by ILO as well as the local pattern of the disease and other relevant factors in considering whether a disease should be prescribed as an occupational disease under the labour legislation. The Administration reviewed the list of compensable occupational diseases from time to time and updated the list in the light of international development. Since 1991, 13 new occupational diseases had been added to the list. The Administration would continue with such reviews as and when necessary.

43. OHC(1)/LD gave a brief account of the symptoms of heat stroke and advised that employees suffering from heat stroke at work could file employees' compensation claims under section 36 of ECO.

Confirmed cases of occupational diseases in 2019

44. Mr LEUNG Yiu-chung expressed concern about the continuous increase in the number of confirmed cases of several occupational diseases, including occupational deafness, in the past five years. Mr LEUNG sought explanation in this regard.

45. OHC(1)/LD responded that the increase in the number of confirmed cases of occupational disease in the past two years was mainly cases of occupational deafness and gas poisoning. Given that occupational deafness was a chronic disease and its symptoms were not conspicuous at the early stage, the patients might not be aware of them. It was noteworthy that the Occupational Deafness Compensation Board had strengthened its publicity and educational efforts in respect of preventing occupational deafness and promoting rights and benefits of persons suffering from the disease in recent years. This could also be the cause of increase in the number of applications for compensation. As regards the confirmed cases of gas poisoning in 2019, there were a total of four incidents with one of them involving 10 persons.

Motions proposed by members

46. The Chairman said that Dr Fernando CHEUNG and Mr LUK Chung-hung had indicated their respective intention to propose motions under this agenda item. He ruled that the two motions were directly

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related to the agenda item, and the motions would be voted in the order they were presented. Members agreed that the motions should be proceeded with.

Motion moved by Dr Fernando CHEUNG

47. Dr Fernando CHEUNG moved the following motion:

"鑒於 2019 冠狀病毒明顯地符合國際勞工組織對職業病的定義，本事務委員會促請政府立即將此病列入《僱員補償條例》附表二，成為職業病。"

(Translation)

"Given that Coronavirus disease 2019 obviously falls under the definition of occupational diseases adopted by the International Labour Organization, this Panel urges the Government to list this disease in the Second Schedule to the Employees' Compensation Ordinance as an occupational disease immediately."

48. The Chairman put Dr Fernando CHEUNG's motion to vote. The Chairman said that all members present unanimously voted for the motion and declared that the motion was carried.

Motion moved by Mr LUK Chung-hung

49. Mr LUK Chung-hung moved the following motion, which was seconded by Mr POON Siu-ping:

"由於 2019 冠狀病毒肆虐，本港僱員正面對嚴峻的職業安全健康風險，尤以前線醫護及服務性行業為甚。就此，本事務委員會要求政府履行責任，敦促全港僱主為其員工提供足夠的個人防護裝備，並盡快將 2019 冠狀病毒納入「職業病」範圍，以加強保障僱員的職業安全健康及勞工權益。"

(Translation)

"As Coronavirus disease 2019 ("COVID-19") has become rampant, employees in Hong Kong, particularly frontline healthcare personnel and those engaged in service industries, are facing severe risks to occupational safety and health. In this connection, this

Action

Panel requests the Government to fulfil its obligations by urging employers in Hong Kong to provide their employees with sufficient personal protective equipment, and listing COVID-19 within the scope of occupational diseases as soon as possible, so as to enhance the protection of employees' occupational safety and health as well as labour benefits."

50. The Chairman put Mr LUK Chung-hung's motion to vote. The Chairman said that all members present unanimously voted for the motion and declared that the motion was carried.

51. There being no other business, the meeting ended at 6:31 pm.

Council Business Division 2
Legislative Council Secretariat
2 September 2020