

立法會
Legislative Council

(issued by email only)
LC Paper No. CB(3) 355/20-21

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 22 February 2021

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 17 March 2021

**Three proposed resolutions under
the Employees' Compensation Ordinance,
Pneumoconiosis and Mesothelioma (Compensation) Ordinance and
Occupational Deafness (Compensation) Ordinance**

The Secretary for Labour and Welfare will respectively move the three proposed resolutions in **Appendices 1 to 3** under the Employees' Compensation Ordinance (Cap. 282), Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) and Occupational Deafness (Compensation) Ordinance (Cap. 469) at the above meeting. 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 for Labour and Welfare will deliver when moving the three proposed resolutions are in **Appendices 4 to 6** respectively.

(Miranda HON)
for Clerk to the Legislative Council

Encls.

Employees' Compensation Ordinance

Resolution

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

Resolved that, with effect from 15 April 2021, 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
 "30,530"
Substitute
 "35,600".
 - (2) Sixth Schedule, entry relating to section 6(1)(b)—
Repeal
 "30,530"
Substitute
 "35,600".
 - (3) Sixth Schedule, entry relating to section 6(1)(c)—
Repeal
 "30,530"
Substitute
 "35,600".
 - (4) Sixth Schedule, entry relating to section 6(2)—
Repeal
 "440,200"
Substitute
 "473,610".
 - (5) Sixth Schedule, entry relating to section 6(5)—

- Repeal**
“87,330”
- Substitute**
“92,670”.
- (6) Sixth Schedule, entry relating to section 6C(8)(a)—
- Repeal**
“710”
- Substitute**
“760”.
- (7) Sixth Schedule, entry relating to section 6C(8)(b)—
- Repeal**
“1,430”
- Substitute**
“1,540”.
- (8) Sixth Schedule, entry relating to section 6D(3)(a)—
- Repeal**
“710”
- Substitute**
“760”.
- (9) Sixth Schedule, entry relating to section 6D(3)(b)—
- Repeal**
“1,430”
- Substitute**
“1,540”.
- (10) Sixth Schedule, entry relating to section 6E(9)(a)—
- Repeal**

- “710”
- Substitute**
“760”.
- (11) Sixth Schedule, entry relating to section 6E(9)(b)—
- Repeal**
“1,430”
- Substitute**
“1,540”.
- (12) Sixth Schedule, entry relating to section 7(1)(a)—
- Repeal**
“30,530”
- Substitute**
“35,600”.
- (13) Sixth Schedule, entry relating to section 7(1)(b)—
- Repeal**
“30,530”
- Substitute**
“35,600”.
- (14) Sixth Schedule, entry relating to section 7(1)(c)—
- Repeal**
“30,530”
- Substitute**
“35,600”.
- (15) Sixth Schedule, entry relating to section 7(2)—
- Repeal**
“499,840”

- Substitute**
“537,780”.
- (16) Sixth Schedule, entry relating to section 8(1)(a)—
Repeal
“599,230”
Substitute
“644,710”.
- (17) Sixth Schedule, entry relating to section 8(1)(b)—
Repeal
“599,230”
Substitute
“644,710”.
- (18) Sixth Schedule, entry relating to section 11(5)—
Repeal
“4,500”
Substitute
“5,310”.
- (19) Sixth Schedule, entry relating to section 16A(10)(a)—
Repeal
“710”
Substitute
“760”.
- (20) Sixth Schedule, entry relating to section 16A(10)(b)—
Repeal
“1,430”
Substitute

- “1,540”.
- (21) Sixth Schedule, entry relating to section 36C—
Repeal
“41,750”
Substitute
“44,300”.
- (22) Sixth Schedule, entry relating to section 36J—
Repeal
“126,490”
Substitute
“134,220”.

**Pneumoconiosis and Mesothelioma (Compensation)
Ordinance**

Resolution

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

Resolved that, with effect from 15 April 2021, 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
“\$5,330”
Substitute
“\$5,660”.
 - (2) First Schedule, Part IV—
Repeal
“\$5,600”
Substitute
“\$5,750”.
 - (3) First Schedule, Part V—
Repeal
“\$220,000”
Substitute
“\$233,440”.
 - (4) First Schedule, Part VI—
Repeal
“\$87,330”
Substitute
“\$92,670”.

Occupational Deafness (Compensation) Ordinance

Resolution

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

Resolved that, with effect from 15 April 2021, 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

“\$499,840”

Substitute

“\$537,780”.

(2) Schedule 5, section 1(b)—

Repeal

“\$2,930,880”

Substitute

“\$3,417,600”.

(3) Schedule 5, section 1(b)—

Repeal

“\$2,198,160”

Substitute

“\$2,563,200”.

(4) Schedule 5, section 1(b)—

Repeal

“\$1,465,440”

Substitute

“\$1,708,800”.

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

(1) Schedule 7, section 1—

Repeal

“\$19,000”

Substitute

“\$20,160”.

(2) Schedule 7, section 2—

Repeal

“\$79,000”

Substitute

“\$83,830”.

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 17 March 2021

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

President,

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

2. The purpose of this resolution is to increase the amounts of nine compensation items 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 (NWI) and the Consumer Price Index (CPI) (A) recorded a cumulative increase of 7.59% and 6.11% respectively in 2018 and 2019.

4. We propose to increase the amounts of four compensation items under ECO by 7.59% in line with the aforesaid wage movement as reflected by NWI. The proposed revisions include increasing the minimum amounts of compensation for death from \$440,200 to \$473,610 and for permanent total incapacity from \$499,840 to \$537,780. 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 \$599,230 to \$644,710. 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 \$710 to \$760 and the minimum amount of a further surcharge imposed three months after the expiry of the payment period from \$1,430 to \$1,540.

5. At the same time, we propose to increase the amounts of three compensation items by 6.11% in line with the aforesaid price movement as reflected by CPI(A). The proposed changes include increasing the maximum amount of funeral expenses from \$87,330 to \$92,670, and increasing the maximum payments to be made by an employer towards the cost of supplying and fitting a prosthesis or surgical appliance from \$41,750 to \$44,300 and towards the cost of the repair and renewal of a prosthesis or surgical appliance from \$126,490 to \$134,220.

6. Furthermore, 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 \$4,500 to \$5,310, with reference to the relevant items provided under the Comprehensive Social Security Assistance Scheme as at July 2020.

7. Moreover, taking into consideration the employees' compensation protection accorded to employees with higher monthly earnings, we propose a one-off arrangement in adjusting upwards the ceiling of the monthly earnings for the purpose of calculating compensation for death and permanent total incapacity under ECO, by making reference to the wage level of non-fatal (excluding those cases with work injury sick leave not exceeding three days and not resulting in permanent incapacity) and fatal EC cases settled through Labour Department in 2019, from \$30,530 to \$35,600.

8. The Labour Advisory Board has been consulted for views on the aforementioned proposal. All members present agreed in general to the proposal after deliberation. The Legislative Council Panel on Manpower has also expressed support to the proposal. We propose that the new levels of compensation shall come into effect on 15 April 2021.

9. 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 employees who die of work injuries or occupational diseases as early as possible.

10. 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 17 March 2021

(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 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.

3. According to the information from the Census and Statistics Department, the cumulative price movement reflected by Consumer Price Index (A) for 2018 and 2019 was 6.11%.

We propose to increase the levels of compensation for four items under PMCO by 6.11% in line with this price movement. The proposed revisions include increasing the monthly amount of compensation for pain, suffering and loss of amenities from \$5,330 to \$5,660 and increasing the amount of compensation for bereavement from \$220,000 to \$233,440. 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 \$220,000 to \$233,440. We also propose to increase the maximum amount of funeral expenses from \$87,330 to \$92,670.

4. Furthermore, making reference to the existing minimum allowable monthly wage and food allowance for a foreign domestic helper working in Hong Kong, we propose to adjust upwards the monthly amount of compensation for care and attention from \$5,600 to \$5,750.

5. The Pneumoconiosis Compensation Fund Board and the Labour Advisory Board have endorsed the above proposal, while the Legislative Council Panel on Manpower has also expressed support to the proposal. We propose that the new levels of compensation shall come into effect on 15 April 2021.

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 17 March 2021

(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 levels of compensation under ODCO, the Employees' Compensation Ordinance (ECO) and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance, are adjusted every two years where appropriate.

3. According to the established mechanism, we propose to increase the minimum sum for calculating the amount of compensation for permanent incapacity under ODCO from \$499,840 to \$537,780 by 7.59% in accordance with the wage movement reflected by the Nominal Wage Index in 2018 and 2019.

4. The maximum sum for calculating the amount of compensation for permanent incapacity under ODCO has been adjusted with reference to the ceiling of the monthly earnings under ECO. On par with the proposed increase in the ceiling of monthly earnings under ECO, we propose that the maximum sum for calculating the amount of compensation for permanent incapacity under ODCO be adjusted upwards correspondingly to \$35,600. Specifically, the proposed revisions include increasing the maximum sum for calculating the amount of compensation for permanent incapacity for employees aged under 40 from \$2,930,880 to \$3,417,600; for employees aged 40 to under 56 from \$2,198,160 to \$2,563,200, and for employees aged 56 or above from \$1,465,440 to \$1,708,800.

5. 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).

6. According to the established mechanism, we propose to increase the levels of compensation for two items under ODCO by 6.11% in accordance with the rate of price movement as reflected by the Consumer Price Index (A) for 2018 and 2019. The proposed revisions include adjusting upwards the financing limit for first-time applications for HADs from \$19,000 to \$20,160 and raising the aggregate financing limit for HADs from \$79,000 to \$83,830.

7. ODCB advised that the proposed adjustment of the

amounts of compensation items and HAD financing limits under ODCO would not have significant financial implications for the Occupational Deafness Compensation Fund. The Labour Advisory Board has endorsed the above proposal, while the Legislative Council Panel on Manpower also supported the proposal. We propose that the revised levels of compensation and financing limits should take effect from 15 April 2021.

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

9. Thank you, President.

- End -