

立法會
Legislative Council

LC Paper No. CB(3)154/2023

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 9 March 2023

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 15 March 2023

**Debate and voting arrangements for
three proposed resolutions to be moved by
the Secretary for Labour and Welfare**

Members were informed vide email (LC Paper No. CB(3)119/2023) on 16 February 2023 that the Secretary for Labour and Welfare (“SLW”) will respectively move the following three proposed resolutions at the Council meeting of 15 March 2023:

- (a) the proposed resolution under section 48A of the Employees’ Compensation Ordinance (Cap. 282) (“**the first proposed resolution**”);
- (b) the proposed resolution under section 40 of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) (“**the second proposed resolution**”); and
- (c) the proposed resolution under section 39(2) of the Occupational Deafness (Compensation) Ordinance (Cap. 469) (“**the third proposed resolution**”).

The speech which SLW will deliver when moving the above proposed resolutions is in LC Paper No. CB(3)154/2023(01) attached.

2. Given that the above three proposed resolutions all seek to increase the amounts of a total of 18 compensation items under the above Ordinances based on the established indicators (i.e. wage movement and price movement) and/or other relevant factors, to make effective use of the Council’s time and avoid repetition of arguments, the President has decided that **a joint debate** be held on the proposed resolutions and then they be **voted upon one by one**.

3. To assist Members in considering the proposed resolutions, I set out the relevant proceedings under which the President will:

- (a) first call upon SLW to speak and move the first proposed resolution, and then propose the question on it to kick off the joint debate;
- (b) invite other Members to speak;
- (c) call upon SLW to reply and order that the debate comes to a close;
- (d) put to vote the question on the first proposed resolution;
- (e) irrespective of whether the first proposed resolution is passed, invite SLW to move the second proposed resolution and forthwith propose and put to vote the question on it; and
- (f) irrespective of whether the first and/or second proposed resolution(s) is/are passed, invite SLW to move the third proposed resolution and forthwith propose and put to vote the question on it.

4. Members are reminded that in accordance with Appendix IIIA to the House Rules, the **maximum duration of this joint debate (including voting on the three proposed resolutions) is four hours. Each Member may speak once up to a maximum of five minutes in the joint debate.** The public officer will not be subject to any speaking time limit.

5. For enquiries, please contact **Ms Kathy SHEK at tel. no. 3919 3328.**

(Miranda HON)
for Clerk to the Legislative Council

Encl.

DRAFT

Speech by the Secretary for Labour and Welfare in moving the Resolutions under the Employees' Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance and the Occupational Deafness (Compensation) Ordinance at the Legislative Council meeting on 15 March 2023

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

President,

I move that the first resolution, as printed on the Agenda, be passed to increase the amounts of nine compensation items under the Employees' Compensation Ordinance (ECO). I will also shortly be moving the second and the third resolutions as printed on the Agenda be passed to increase the amounts of five compensation items under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (PMCO), and to increase the amounts of four compensation items under the Occupational Deafness (Compensation) Ordinance (ODCO) respectively.

I. Proposed Resolution under Section 48A of ECO

2. The purpose of this resolution is to increase the amounts of nine compensation items under ECO. ECO provides for the payment of statutory compensation to injured employees and family members of deceased employees for injuries or deaths caused by accidents arising out of and in the course of employment or prescribed occupational diseases. According to

the established mechanism, the levels of compensation under ECO, together with those under PMCO and ODCO, 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 2.68% and 2.18% respectively in 2020 and 2021.

4. We propose to increase the amounts of five compensation items under ECO by 2.68% in line with the aforesaid wage movement as reflected by NWI. The proposed revisions include increasing the ceiling of the monthly earnings for calculating compensation for death and permanent total incapacity from \$35,600 to \$36,550. We also propose to increase the minimum amounts of compensation for death from \$473,610 to \$486,300 and for permanent total incapacity from \$537,780 to \$552,190. 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 \$644,710 to \$661,990. 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 \$760 to \$780 and the minimum amount of a further surcharge imposed three months after the expiry of the payment period from \$1,540 to \$1,580.

5. At the same time, we propose to increase the amounts of three compensation items by 2.18% in line with the aforesaid price movement as reflected by CPI(A). The proposed changes

include increasing the maximum amount of funeral expenses from \$92,670 to \$94,690, and increasing the maximum payments to be made by an employer towards the cost of supplying and fitting a prosthesis or surgical appliance from \$44,300 to \$45,270 and towards the cost of the repair and renewal of a prosthesis or surgical appliance from \$134,220 to \$137,150.

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 \$5,310 to \$5,500, with reference to the relevant items provided under the Comprehensive Social Security Assistance Scheme as at April 2022.

II. Proposed Resolution under Section 40 of PMCO

7. President, I will now address the proposed increase of the amounts of five compensation items under PMCO. PMCO provides for the payment of compensation to persons or their family members in respect of incapacity or deaths resulting from pneumoconiosis and/or mesothelioma.

8. According to the established mechanism, we propose to increase the levels of compensation for four items under PMCO by 2.18% according to the cumulative price movement as reflected by CPI(A) in 2020 and 2021. The proposed revisions include increasing the monthly amount of compensation for pain, suffering and loss of amenities from \$5,660 to \$5,780 and increasing the amount of compensation for bereavement from \$233,440 to \$238,530. As the minimum amount of compensation for death is pegged to the amount of compensation for bereavement, it will be adjusted automatically from \$233,440 to \$238,530, following the revision of the amount of

compensation for bereavement. We also propose to increase the maximum amount of funeral expenses from \$92,670 to \$94,690.

9. 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 \$5,750 to \$5,930.

III. Proposed Resolution under Section 39(2) of ODCO

10. President, lastly, I will address the proposed increase of the amounts of four compensation items under 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.

11. According to the established mechanism, we propose to adjust the maximum and minimum sums for calculating the amount of compensation for permanent incapacity under ODCO in accordance with the wage movement as reflected by NWI in 2020 and 2021, and with reference to the proposed adjustment in the ceiling of monthly earnings under ECO. We propose to increase the amounts of these two compensation items under ODCO by 2.68% in line with the aforesaid wage movement and the proposed increase in the ceiling of monthly earnings under ECO.

12. Specifically, we propose that the maximum sums for calculating the amount of compensation for permanent incapacity under ODCO be adjusted upwards by 2.68% to \$1,754,400, \$2,631,600 and \$3,508,800 for employees of respective age

groups. As for the minimum sum for calculating the amount of compensation for permanent incapacity, we propose to increase the amount from \$537,780 to \$552,190.

13. 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).

14. With a view to according better protection for OD persons in terms of HADs, we propose to take into account the experience of ODCB in administering the HAD financing scheme for the adjustment of the financing limits relating to expenses on HADs. The proposed revisions include adjusting upwards the financing limit for first-time HAD applications by 19.05% from \$20,160 to \$24,000 to allow OD persons to have wider choices of HADs which better cater for personal needs. Separately, during the period of 1 January 2020 to 31 December 2021, the average approved amount for HAD financing per applicant was \$14,230. Taking into account the aforementioned average HAD expenses of an OD person, we propose to raise the aggregate financing limit for HADs by \$14,230 or 16.97% from \$83,830 to \$98,060, 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 their entitlement to the financial assistance.

15. The Pneumoconiosis Compensation Fund Board and ODCB have endorsed the respective parts of the proposals regarding PMCO and ODCO. The Labour Advisory Board has been consulted for views on the aforementioned proposals on the

three Ordinances. Members in attendance unanimously supported the proposals. The Legislative Council Panel on Manpower has also expressed support to the proposals. We propose that the new levels of compensation shall come into effect on 13 April 2023.

16. I hope that Members will support and pass the three resolutions so as to enhance the protection for injured employees, sufferers of occupational diseases, and family members of employees or persons who die as a result of work injuries or occupational diseases as early as possible.

17. Thank you, President.

- End -