

Major Legislative Amendments During the Period from 1970 to 2001

For the legislative year 1970-71 to the year 1975-76

- In 1970, to make provisions for maternity protection and to provide 10-week maternity leave under the Employment Ordinance.
- In 1972, FIU (Electrolytic Chromium Process) Regulations were made to provide safety measures for electrolytic chromium process.
- In 1973, Construction Sites (Safety) Regulations were made to provide specifically for safety, health and welfare measures on construction sites.

- In 1973, FIU (Lifting Appliances and Lifting Gear) Regulations were made to provide safety measures for lifting appliances and lifting gear.
- In 1974, to make provision for severance payment, and to provide protection for workers against acts of anti-union discrimination under the Employment Ordinance.
- In 1974, to raise the maximum compensation for total permanent incapacity and death under the Workmen's Compensation Ordinance (re-named as Employees' Compensation Ordinance at present) by one third.
- In 1975, FIU (Abrasive Wheels) Regulations were made to provide for the safety of persons employed in operating abrasive wheels.
- In 1975, FIU (Work in Compressed Air) Regulations were made to provide safety measures for persons working in compressed air in tunnels, caissons or other pressure chambers.
- In 1976, to increase the number of statutory holidays from six to 10 under the Employment Ordinance.
- In 1976, FIU (Spraying of Flammable Liquids) Regulations were made to control spraying of flammable liquids.
- In 1976, FIU (Goods Lifts) Regulations were made to control the use of goods lifts.
- In 1976, FIU (Dry Batteries) Regulations were made to protect workers from health hazards arising from the manufacturing of dry batteries.
- In 1976, FIU (Guarding and Operation of Machinery) Regulations were made to provide guarding for dangerous machinery and parts thereof.

For the legislative year 1976-77 to the year 1980-81

- In 1977, to increase the maximum number of paid sickness days that can be accumulated from 24 to 36, and to increase sickness allowance to two thirds of a day's wages, and to provide for paid annual leave under the Employment Ordinance.

- In 1977, FIU (Cartridge-Operated Fixing Tools) Regulations were made to regulate the safe operation of cartridge-operated fixing tools, including training and certification of operator.
- In 1977, FIU (Protection of Eyes) Regulations were made to protect workers from eye injury at work.
- In 1980, to extend the coverage of the Employees' Compensation Ordinance to all non-manual workers so that all manual and non-manual workers are given protection under the Ordinance.
- In 1980, to set up the Pneumoconiosis Compensation Scheme through enactment of the Pneumoconiosis (Compensation) Ordinance to provide compensation for pneumoconiotics who were diagnosed to have contracted the disease in 1981 or later.
- In 1981, FIU (Fire Precautions in Notifiable Workplaces) Regulations were made to provide for fire safety precautions in notifiable workplaces.

For the legislative year 1981-82 to the year 1985-86

- In 1981, to provide for maternity leave pay for female employees at the rate of two thirds of their normal wages under the Employment Ordinance.
- In 1982, to require all employers to take out employees' compensation insurance policy for their employees under the Employees' Compensation Ordinance.
- In 1982, FIU (Electricity) Regulations were made to ensure worker's safety in connection with the use of electricity.
- In 1983, to increase the number of statutory holidays to 11, and to increase the maximum number of paid sickness days which can be accumulated to 120 under the Employment Ordinance.
- In 1983, to increase the number of compensable occupational diseases under the Employees' Compensation Ordinance from 21 to 34.

- In 1984, to increase the rate of severance payment from one half to two thirds of a month's wages for every year of service under the Employment Ordinance.
- In 1985, to provide for long service payment to employees under the Employment Ordinance.
- In 1985, the Protection of Wages on Insolvency Ordinance provided for the establishment of the Protection of Wages on Insolvency Fund. Under the ordinance, employees who are owed wages, wages in lieu of notice and severance payments by their insolvent employers may apply to the Fund for ex gratia payments.
- In 1986, FIU (Asbestos) Special Regulations were made to control work with asbestos.

For the legislative year 1986-87 to the year 1990-91

- In 1986, FIU (Safety Officers and Safety Supervisors) Regulations were made to provide for compulsory employment of safety officers and safety supervisors in construction sites.
- In 1986, FIU (Carcinogenic Substances) Regulations were made to require control and labelling of certain carcinogenic substances.
- In 1988, to provide for long service payment to be paid to employees who resign because of ill health or old age, and to dependants of employees who died in service under the Employment Ordinance.
- In 1988, to expand the scope of the Employees' Compensation Ordinance to include employees of local establishments injured while working outside Hong Kong.
- In 1988, FIU (Dangerous Substances) Regulations were made to require control and labelling of dangerous substances.
- In 1990, to remove the wage ceiling for non-manual employees for application of the Employment Ordinance; and to increase the number of

days of paid annual leave to between seven to 14 under the Employment Ordinance.

- In 1990, FIU Ordinance was amended to cover catering establishments.
- In 1991, to set up the Employees Compensation Assistance Scheme through the enactment of the Employees Compensation Assistance Ordinance to provide assistance to injured employees who were not able to obtain compensation because their employers failed to take out insurance or their insurers became insolvent.

For the legislative year 1991-92 to the year 1995-96

- In 1992, FIU (Noise at Work) Regulation was made to protect workers' hearing at work.
- In 1992, FIU (Cargo and Container Handling) Regulations were made to provide safety measures for handling cargoes and containers.
- In 1993, to raise the maximum compensation for total permanent incapacity and death under the Employees' Compensation Ordinance by 1.3 fold. Eight compensable occupational diseases were added in the same year.
- In 1993, to replace the lump sum compensation for pneumoconiotics by a monthly compensation for incapacity, payable until their deaths, through the amendment of the Pneumoconiosis (Compensation) Ordinance. In addition, to introduce new compensation items including compensation for pain, suffering and loss of amenities, expenses for medical treatment, expenses for care and attention, and so on.
- In 1994, Construction Sites (Safety) Regulations were amended to prohibit the employment of persons under 18 years of age in construction sites.
- In 1994, FIU (Suspended Working Platforms) Regulation was made to regulate the safe operation of suspended working platforms.
- In 1995, to remove the maximum limit of 12 months' wages for calculating severance payment and long service payment; and to increase

the maternity leave pay to four fifths of an employee's normal wages under the Employment Ordinance.

- In 1995, to extend the maximum period in respect of which periodical payments for temporary incapacity are payable under the Employees' Compensation Ordinance from two years to three years.
- In 1995, to provide compensation for employees suffering from noise-induced deafness due to their employment in specified noise occupations through the enactment of the Occupational Deafness (Compensation) Ordinance.
- In 1995, to enact the Mandatory Provident Fund Schemes Ordinance for the setting up of mandatory provident fund schemes to provide for retirement protection for employees and the self-employed.

For the legislative year 1996-97 to the year 2000-01

- In 1996, to increase the rate of sickness allowance from two thirds to four fifths of an employee's wages under the Employment Ordinance.
- In 1996, to increase the periodical payment payable to injured employees during their period of temporary incapacity under the Employees' Compensation Ordinance from two thirds to four fifths of their normal earnings. Furthermore, to eliminate the 3-day qualifying period of sick leave for entitlement to periodical payments and medical expenses.
- In 1997, to reduce the qualifying period of service for pro-rata end of year payment; to improve the maternity provisions by removing the qualifying service for maternity leave, relaxing the criteria for entitlement to maternity leave pay, and enhancing the protection for pregnant employees.
- In 1997, to provide employment protection for employees against unreasonable dismissal, unreasonable variation of the terms of employment contract as well as unreasonable and unlawful dismissal under the Employment Ordinance, and employees can claim for compensation from their employers.

- In 1997, new FIU (Asbestos) Regulation was made to replace the old FIU (Asbestos) Special Regulations to strengthen the control of the work with asbestos.
- In 1997, Occupational Safety and Health Ordinance was made to ensure the protection of safety and health of employees in non-industrial sectors.
- In 1997, Occupational Safety and Health Regulation was made to protect the safety and health of employees in workplaces and workers engaged in manual handling operations.
- In 1997 and 1998, to improve the Occupational Deafness Compensation Scheme by revising the Occupational Deafness (Compensation) Ordinance. Improvement items included lowering the deafness threshold for compensation from 50 dB to 40 dB, increasing the number of compensable noisy occupations by eight and lowering the qualifying service period from 10 to five years in respect of occupations that are particularly noisy.
- In 1998, new FIU (Confined Spaces) Regulation was made to replace the old FIU (Confined Spaces) Regulations to strengthen the safety measures for work in confined spaces.
- In 1998, Construction Sites (Safety) Regulations were amended to provide higher safety standards to persons working in construction sites.
- In 1999, to include the Labour Day as a Statutory Holiday under the Employment Ordinance.
- In 1999, FIU (Safety Management) Regulation was made to require certain industrial undertakings including construction sites and container handling industries to implement a safety management system.
- In 1999, FIU Ordinance was amended to introduce Mandatory Safety Training to workers in construction and container handling industries.
- In 2000, to clarify the wordings of certain provisions of the Employment Ordinance such that an employer may not summarily dismiss an employee without notice or payment in lieu of notice on the ground that the employee takes part in a strike.

- In 2000, to improve the settlement mechanism of fatal compensation claims by revising the Employees' Compensation Ordinance so that employers are required to pay compensation in full to family members of the deceased instead of his dependants. The Amendment Ordinance also provides an additional avenue for the Commissioner for Labour to determine claims where there is no dispute between the parties concerned, whereby shortening the processing time for fatal compensation claims by nine to 15 months. Furthermore, the funeral expenses borne by the employer was raised from \$16,000 to \$35,000.
- In 2000, FIU (Loadshifting Machinery) Regulation was made to regulate the safe operation of loadshifting machines, including training and certification of operator.
- In 2001, to make clear the intention of the provisions that an employer shall not dismiss an employee during pregnancy or paid sick leave, except in the circumstances where summary dismissal is justified under section 9 of the Employment Ordinance.