

## LCQ14: Treatment and rehabilitation services for employees injured at work

Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 30):

Question:

Under the Employees' Compensation Ordinance (Cap. 282), if injury is caused to an employee by accident arising out of and in the course of his/her employment (injury at work), his/her employer shall pay the medical expenses for the medical treatment in respect of such injury, subject to a ceiling of \$300 per day (where an employee is given medical treatment as an in-patient in a hospital or where an employee is given medical treatment other than as an in-patient in a hospital) or \$370 per day (where an employee is given medical treatment on the same day both as an in-patient in a hospital and other than as an in-patient in a hospital). Some employees have relayed that as the charges for private medical services are generally higher than such ceilings, employees injured at work usually choose to receive public medical services. However, due to the long waiting time for public medical services (especially for specialist outpatient and rehabilitation treatment services), the injured employees may miss the prime time for receiving treatment and cannot return to work as early as possible. In this connection, will the Government inform this Council:

(1) of the number of cases in which employees were temporarily incapacitated by work injuries for three months or longer and, among such cases, the number of those in which the employees were hospitalised for one month or less, in each of the past five years;

(2) of the measures put in place to expedite the recovery of employees injured at work, and the details of such measures; whether it will allocate additional resources to the Labour Department (LD), so that LD's Occupational Health Clinics can provide employees injured at work with medical treatment and occupational health counselling more comprehensively; if so, of the details; if not, the reasons for that;

(3) whether it will (i) subsidise community groups to establish rehabilitation centres for employees injured at work, and (ii) set up a rehabilitation fund for work injuries and occupational diseases to be administered by LD, with a view to enabling employees injured at work and those suffering from occupational diseases to expeditiously receive the medical treatment and rehabilitation services they need; if so, of the details; if not, the reasons for that; and

(4) as the Chief Executive mentioned in last year's Policy Address that the Government was studying the provision of timely treatment and rehabilitation

services for injured employees in need through private medical services, of the progress of the study, as well as the specific direction of the proposed measures and the implementation timetable?

Reply

President,

My reply to the question raised by the Member is as follows:

(1) From 2014 to 2018, the number of compensation claims settled in each year involving temporary incapacity of employees for more than three days as a result of work injuries (including compensation claims reported to the Labour Department (LD) under the Employees' Compensation Ordinance (ECO) in or before the respective settlement year) with a breakdown by the number of working days lost is provided below:

Number of working days lost	Number of settled compensation claims				
	2014	2015	2016	2017	2018
Below 90 days	28 107	27 824	26 686	25 251	25 909
90 days or above	6 746	7 034	7 110	6 840	7 218
Total	34 853	34 858	33 796	32 091	33 127

If the work injury sick leave of an employee does not exceed three days and no permanent incapacity is involved, the employer should make direct payment of compensation to the employee in accordance with ECO. LD does not keep statistics on the number of working days lost for this type of cases. Moreover, LD does not keep statistics on compensation claims with a breakdown by the hospitalisation condition of the employees.

(2) to (4) LD recognises that rehabilitation services are very important to facilitate the recovery and early return to work of employees injured at work.

At present, for employees who sustain work injuries or suffer from occupational diseases prescribed by ECO, hospitals and clinics under the Hospital Authority (HA) provide integrated treatment and rehabilitation services which include, among other things, specialist treatment, physiotherapy and occupational therapy.

The Occupational Health Clinics of LD provide medical treatment and occupational health counselling to employees who have sustained injuries at work or contracted occupational diseases. Besides, subject to the patients' clinical conditions and needs, the occupational health doctors in the clinics will refer the patients to hospitals and clinics under HA for rehabilitation treatment to facilitate their early recovery from the injury. Depending on the patients' rehabilitation progress, the occupational health doctors will also give advice to the patients on resumption of work and provide

recommendations to the employers on relevant work adjustments as necessary to facilitate the patients' gradual return to work.

In addition, the insurance industry has launched the Voluntary Rehabilitation Programme (VRP) since March in 2003 to provide injured employees with an additional channel to receive free rehabilitation services in the private sector through the insurers' arrangements to facilitate their speedy recovery and early return to work under safe circumstances. Under VRP, the participating insurers identify appropriate cases, initiate contacts with the injured employees and invite them to participate in the programme on a voluntary basis. Injured employees can decide on their own whether to accept the insurers' invitation or not and participation in VRP will not affect their rights and benefits under ECO.

The Government understands that injured employees using public medical services, like other members of the public, are facing a relatively long waiting time for certain specialty services, thus preventing them from receiving early treatment and rehabilitation for their injury. Furthermore, the public healthcare system may not be able to provide sufficiently coordinated treatment and rehabilitation services geared towards helping the injured employees to return to work early. In light of this, LD is actively looking into a feasible way forward, with a view to providing timely and coordinated treatment and rehabilitation services to injured employees in need as well as speeding up and enhancing the effectiveness of rehabilitation, thus facilitating their early recovery and return to work.

The scope of LD's study includes the design and operation of a feasible scheme, content of the services, the necessary expenditure and financial arrangements, the legislative work that may be required, etc. Preliminary ideas include pairing an independent case manager with each participating injured employee to follow up on the case, coordinate the communication amongst relevant stakeholders (including medical professionals, injured employees, insurance companies and employers) and assist the injured workers to return to work. Engaging the private sector in the provision of relevant medical and rehabilitation services is also being considered. The purpose is to provide timely and highly-coordinated treatment and rehabilitation services for injured employees. LD will complete the study and come up with recommendations as soon as possible. The views of different stakeholders will be sought in the process.

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## **Contractors of Harbour Glory construction site in North Point**

## convicted for illegally carrying out construction works on Sunday

Contractors of Harbour Glory construction site, Aggressive Construction Company Limited and Wise Max Engineering Limited, violated the requirements of a construction noise permit (CNP) and caused noise nuisance to nearby residents. The contractors were convicted and fined a total of \$90,000 at Eastern Magistrates' Courts today (January 30) for contravening the Noise Control Ordinance (NCO).

The Environmental Protection Department (EPD) received reports from members of the public in January last year that the Harbour Glory construction site in North Point generated noise nuisance by carrying out construction works on a Sunday. The EPD staff conducted investigation and found that the contractors carried out construction works during restricted hours on a Sunday and did not comply with the requirements of the CNP as they used unpermitted powered mechanical equipment and handled rubble. The EPD immediately revoked the CNP of the construction site concerned and prosecuted the two contractors after collecting the evidence.

The NCO aims to protect the public from disturbance of rest. An EPD spokesman stressed that construction contractors should schedule works for the daytime and non-general holidays as far as possible, so as to minimise noise nuisance to the surrounding population. If there is a need to use powered mechanical equipment or conduct "Prescribed Construction Work" (i.e. erection or dismantling of formwork or scaffolding; loading, unloading or handling of rubble, wooden boards, steel bars, wood or scaffolding materials; or hammering) during the restricted hours (between 7pm and 7am on the following day, or at any time on a general holiday), the contractor has to obtain a CNP from the EPD prior to the commencement of works. The contractor shall comply with the requirements of the CNP to use specified powered mechanical equipment and conduct specified "Prescribed Construction Works". The contractor must also implement noise mitigation measures to minimise noise nuisance. Otherwise, it constitutes an offence. First-time offenders are liable to a maximum fine of \$100,000. A maximum fine of \$200,000 may be imposed on second or subsequent convictions.

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## Illegal worker jailed

A Pakistani illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts yesterday (January 29).

During an anti-illegal worker joint operation conducted by the

Immigration Department (ImmD) and the Food and Environmental Hygiene Department on January 27, enforcement officers arrested a male Pakistani illegal worker, aged 39, who was found selling clothes in Central. Upon identity checking, he produced for inspection a recognisance form issued by the ImmD, which prohibits him from taking employment. Further investigation revealed that he was a non-refoulement claimant.

The illegal worker was charged at Shatin Magistrates' Courts yesterday with taking employment after landing in Hong Kong unlawfully and remaining in Hong Kong without the authority of the Director of Immigration or while being a person in respect of whom a removal order or deportation order was in force. He pleaded guilty to the charge and was sentenced to 15 months' imprisonment.

The ImmD spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied in such cases.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to the court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening on vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation, with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant

departments.

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## **LCQ12: Occupational safety for repair and maintenance work for installations on external walls of buildings**

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 30):

Question:

Some trade union representatives have relayed to me that due to design deficiencies of the external walls of over 150 buildings completed between 2003 and 2016, strong and stable truss-out bamboo scaffolds cannot be erected onto such external walls. As a result, it is difficult for workers to carry out repair and maintenance work for installations on such external walls and the workers' occupational safety is jeopardised. In this connection, will the Government inform this Council:

(1) Whether it will enhance the contents on how to erect strong and stable truss-out bamboo scaffolds in the Code of Practice for Bamboo Scaffolding Safety, including how workers can fasten scaffolds onto the external walls using three expansion anchor bolts in a situation where there is not enough space to do so or where the external walls are made of materials which cannot provide the necessary support; if so, of the details; if not, the reasons for that;

(2) Whether it will comprehensively update the Code of Practice for Safe Use and Operation of Suspended Working Platforms to set out clearly (i) the uses of the suspended working platforms (e.g. whether, in addition to carrying workers, heavy weights can be carried on the platform at the same time), and (ii) the circumstances under which the employers' provision of a suspended working platform cannot be regarded as their having provided a safe means of access for workers; if so, of the details; if not, the reasons for that;

(3) Given that currently there are many buildings with deficiencies in the designs of their external walls, making it difficult for workers to carry out repair and maintenance work for installations on their external walls, of the authorities' remedial measures to ensure the occupational safety of such workers; and

(4) Whether it will, by drawing reference from the Construction (Design and Management) Regulations of the United Kingdom, enact legislation to stipulate that developers, contractors, and the relevant professionals must take into

account the needs of future repair and maintenance work for installations on external walls when designing new buildings, so as to ensure that the risk of the relevant work is reduced to a minimum; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government is highly concerned about work-at-height safety (including work carried out at external walls of buildings). The Occupational Safety and Health Ordinance (Cap. 509), the Factories and Industrial Undertakings Ordinance (Cap. 59) and their subsidiary regulations, administered by the Labour Department (LD), stipulate the safety requirements for work-at-height, including erecting safe working platforms and equipping them with secure fences, providing safe access and egress, and furnishing workers with suitable fall arresting devices when necessary. Before commencing work, duty-holders shall conduct task-specific risk assessment with due regard to site environment. The safe working methods so formulated should take into account the concerned working environment and risks, so as to safeguard workers' safety at work.

In consultation with the Development Bureau and the Buildings Department (BD), a consolidated reply is provided as follows:

(1) to (3) In order to help contractors/employers understand and comply with the legal requirements with regard to work-at-height, LD has published various Codes of Practice (CoP)/Guidelines, which set out practical operation requirements and safety measures in respect of external wall work safety in general working environment and conditions.

As the designs of external walls of buildings vary, contractors/employers have the duty to conduct task-specific risk assessment before commencing repair and maintenance works at external walls, including taking the actual working environment and conditions (such as the uniqueness of building design) into consideration. Based on the risk assessment results, contractors/employers should formulate appropriate safe working methods, procedures and necessary safety measures, including the provision of suitable working platforms and fall arresting devices for the workers and ensuring their proper use, so as to comply with statutory work safety requirements. When necessary, they should seek professional advice.

LD is however aware that the external wall designs of some residential buildings constructed in recent years are not conducive to the adoption of common work methods for repair works and replacement of facilities, that involve work at height, at external walls of buildings. In view of this, LD will work with relevant professionals to study and analyse the external wall designs of these buildings and identify possible problems encountered when common work methods are used to conduct external wall works. Subject to the study findings, LD will make recommendations relating to these problems. LD will commence the work as soon as possible.

(4) BD reviews the subsidiary legislation under the Buildings Ordinance (Cap. 123) from time to time and proposes suitable amendments as necessary with a view to keeping abreast of latest building technology advancement and responding to the industry's requests. Specifically, upon reviewing the Building (Construction) Regulations (B(C)R) (Cap. 123B), BD proposes introduction of requirements mandating the provision of adequate safety facilities in the design of new buildings to facilitate future repair and maintenance works at external walls. Apart from the relevant proposed amendment, BD also proposes that the provisions of B(C)R be comprehensively transformed into performance-based instead of prescribing a set of standards applicable to all buildings so as to allow greater flexibility in building design thus catering for the rapid building technology advancements. Along this direction, when the amended regulations commence operation, BD will require Authorized Persons to provide information on the facilities for external repair of buildings, such as working platforms that conform to occupational safety and health legislation, etc. Such facilities must be specified on the building plans for consideration and approval by BD. To complement the proposed amended regulations, BD has completed a draft code of practice on design for safety for external maintenance and is now consulting the building industry following the established procedures.

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## Guangdong and local Chiu Chow opera troupes to perform in March and April

The Raoping Chiu Chow Opera Troupe of Guangdong will collaborate with the Sun Hon Kwong Chiu Chow Opera Troupe for three performances in March and April. Details of the performances are as follows:

"A Comedy of Betrothals"

March 30 (Saturday), 7.30pm

Auditorium, Ko Shan Theatre New Wing

"Qin Xianglian"

March 31 (Sunday), 7.30pm

Theatre, Sheung Wan Civic Centre

"Cheng Ying Saves the Orphan of Zhao"

April 1 (Monday), 7.30pm

Theatre, Sheung Wan Civic Centre

The main cast from the Raoping Chiu Chow Opera Troupe of Guangdong includes Wang Guojun, Yu Yuyun, Yang Rongyu, Huang Chengzhong, Li Muming, Shen Mingtong, Shen Shaojun and Shen Xinge.

Chiu Chow opera is performed in the Chiu Chow dialect and is one of the



principal Chinese operatic genres. The genre's repertory origins lie in South China's operatic plays of the Song and Yuan periods, and are characterised by vivid, affable dialogue and lyrics, making the performances highly accessible and enjoyable.

Founded in 1956, the Raoping Chiu Chow Opera Troupe of Guangdong has built up a repertoire of distinctly colourful opera works, in the form of both new productions and adaptations. Most works, with new ideas merged, are performed by budding young actors. The troupe is committed to promoting the heritage and development of the art of Chiu Chow opera.

The Sun Hon Kwong Chiu Chow Opera Troupe, formerly the Hon Kwong Chiu Chow Opera Troupe, was founded in 1959 and turned professional in 1987. Its members consist of virtuosi in Chiu Chow opera in Hong Kong, as well as young artists groomed in recent years. The troupe has maintained close contacts with other troupes in the Mainland and often collaborates with them in giving joint performances. The artistic exchanges are conducive to the development of the genre.

The above-mentioned performances are presented by the Leisure and Cultural Services Department, with Chinese surtitles while English synopsis will be available upon request. Tickets priced at \$140, \$180 and \$220 are now available at URB TIX ([www.urbtix.hk](http://www.urbtix.hk)). For telephone credit card bookings, please call 2111 5999. For programme enquiries and concessionary schemes, please call 2268 7325 or visit [www.lcsd.gov.hk/CE/CulturalService/Programme/en/chinese\\_opera/programs\\_721.html](http://www.lcsd.gov.hk/CE/CulturalService/Programme/en/chinese_opera/programs_721.html).