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Dr Hon LO Wing Lok
Chairman, the Bills Committee on
Occupational Deafness (Compensation)
(Amendment) Bill 2002
Legislative Council Building
8 Jackson Road
Central
Hong Kong

By Fax and Post

Dear

Ref : Occupational Deafness (Compensation)(Amendment) Bill 2002

We refer to your letter dated 27/12/2002 on the captioned subject and present herewith HKCA's comments as follow:

1. HKCA considers it is not appropriate to raise the minimum and maximum levels of compensation at this moment. It is no secret that Hong Kong is currently facing serious economic down-turn and budget deficit. If the minimum and maximum levels of compensation were reviewed and were not implemented in 1998, they should not be raised now as the present situation is no better, if not worse, than in 1998. The reduction in salary and cost of living in the past few years have reflected the actual situations and we do not support the proposal 40% increase in the compensations.
2. On the condition that the minimum and maximum levels of compensation are not raised, HKCA considers the proposed upward revisions of the percentage of permanent incapacity acceptable as such mild adjustments will be not cause heavy financial burden to the fund.
3. HKCA agrees with the proposal to provide reimbursement of expenses incurred in purchasing, repairing and replacing hearing assistive devices to reflect the actual need of the claimants.
4. HKCA has no objection to the inclusion of four new specified noisy occupations. However, HKCA recommends also Government should at the same time review the relevant legislation on the use of personal protective equipment to reduce the noise exposure and to enhance enforcement against non-compliance of statutory requirements in relation to noise at work as the measures to the root of the problems.

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5. HKCA agrees with the proposal to empower the Board to conduct or finance rehabilitation programme as this will help the deafness sufferers to overcome the obstacles caused by the disability.
6. HKCA agrees with the proposal to disregard no-pay leave in determining a claimant's earnings as this will better reflect the average earnings of the claimants and be in line with the current practice with regard to maternity leave and sick leave.

In summary, HKCA considers it is not the right time to raise the minimum and maximum levels of compensation due to the current socio-economical situations and the financial difficulties we are facing now. As noise-induced deafness cases can only be diagnosed after over 10 years exposure to noisy environment, the number of noise-induced deafness cases may increase sharply with years pass-by and the specified noisy occupations broadened. As the levy rate will be reduced, it is therefore prudent that we should not deplete the fund in the near future in raising the levels of compensation and increase the Government's financial burden. The recent experience of the financial difficulties encountered by the Employees Compensation Assistance Scheme is a good example to note.

With the above conditions, HKCA agrees with the other proposals put forward in the Amendment Bill.

Thank you for your kind attention.

Yours sincerely

Patrick Chan
Secretary General