

LD/CR 1/814 Pt 44

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11 January 2005

Clerk to the LegCo Panel on Manpower
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn : Mrs Sharon Tong)

Dear Mrs Tong,

LegCo Manpower Panel Meeting

With reference to the discussion on the Voluntary Rehabilitation Programme in the meeting of the Panel on Manpower held on 16 December 2004, I am writing to provide the information as requested by Members.

Work trial

One of the features of the Voluntary Rehabilitation Programme (VRP) is the arrangement for work trial in appropriate situations so as to facilitate speedier recovery and better adaptation in returning to work for injured workers. Under this arrangement, employers are encouraged to provide opportunities for light work to their injured employees. It must be stressed that if work trial is to be arranged under the VRP, the concerned injured worker must be examined and certified fit for such work by a medical practitioner.

Participation in the VRP is voluntary. We have explained to insurers and will continue to explain to concerned parties that better and speedier recovery could only be achieved with the genuine participation of all parties.

Temporary incapacity and periodical payments

Section 10 of the Employees' Compensation Ordinance (ECO) provides that an employee who suffers total or partial temporary incapacity as a result of a work injury is entitled to periodical payments. It is also defined under section 3 of the Ordinance that total temporary incapacity means such incapacity of a temporary nature as incapacitates an employee for any employment which he was capable of undertaking at the time of the accident. Partial temporary incapacity is also defined to mean such incapacity which reduces the earning capacity of an employee in any employment in which he was engaged at the time of the accident.

The legislative provisions mentioned above show that the ECO recognises that some injured employees may suffer from partial temporary incapacity. Some may also be able to return to some work during the period of temporary incapacity. Indeed, section 10(1) of the ECO stipulates that the amount of periodical payment should be "four-fifths of the difference between the monthly earnings which the employee was earning at the time of the accident and the monthly earnings which he is earning, or is capable of earning, in *some suitable employment or business during the period of the temporary incapacity* after the accident".

For the purpose of compensation in the case of temporary incapacity, section 10(2) of the ECO provides that a period of absence from duty certified to be necessary by a medical practitioner, a registered dentist, an Ordinary Assessment Board or a Special Assessment Board shall be deemed to be a period of total temporary incapacity irrespective of the outcome of the injury. It is for the medical professionals to decide on the basis of their professional judgement if a period of absence from duty is necessary.

Injury during work trial

In arranging work trial under the VRP, rehabilitation professionals will advise on the type and duration of such work to be taken up by the injured worker. The survey results of the pilot scheme conducted in 2004 show that workers engaging in work trial are not particularly susceptible to injury.

Nonetheless, if the worker sustains injury at work during the work trial, his statutory rights and benefits under the ECO would not be

undermined.

Survey on injured workers participating in the VRP

Detailed results of the survey on injured workers who joined the pilot scheme are set out at Annex.

Yours sincerely,

(Mrs Jenny CHAN)
for Secretary for Economic Development
and Labour

Encls.

b.c.c. SLO(C)(CS)1

The Voluntary Rehabilitation Programme Survey on injured workers

The survey

To gauge the views of injured workers who participated in the pilot Voluntary Rehabilitation Programme for Injured Workers in the Construction Industry, the Labour Department (LD) conducted a telephone survey in June 2004. Among the 147 injured workers who joined the Programme in the first year of its operation, LD traced the contact telephone numbers of 77 workers. We successfully surveyed 49 workers. The response rate was 64%.

Results

2. The response to the questionnaire survey is set out below -

(1) Have you completed the rehabilitation programme?

- Completed the programme	38	(78%)
- Dropped out from the programme	3	(6%)
- Still undergoing the programme	8	(16%)

(2) Have you resumed work?

- Yes	31	(63%)
- No	18	(37%)

(3) Have you been arranged work trial?

- Yes	16	(33%)
- No	33	(67%)

(4) Have you sustained a second injury during work trial?

- Yes	0	(0%)
- No	16	(100%)

(5) Would you recommend your colleagues to join the VRP if they get injured at work?

- Yes	38	(78%)
- No	11	(22%)

(6) Did VRP benefit you in the following aspects?

a. Speeded up my recovery		
- Yes	37	(76%)
- No	12	(24%)
b. Relieved the pain		
- Yes	31	(63%)
- No	18	(37%)
c. Enabled better recovery		
- Yes	36	(73%)
- No	13	(27%)
d. Enhanced my confidence in recovery		
- Yes	34	(69%)
- No	15	(31%)
e. Strengthened employers' confidence in my work capability upon recovery		
- Yes	24	(49%)
- No	25	(51%)

(7) Overall speaking, did VRP facilitate your recovery?

- Yes	37	(76%)
- No	12	(24%)

3. The 12 employees, who considered that the VRP did not facilitate their recovery, had the following comments:

- ✧ Three indicated that the VRP was not of much help in facilitating their recovery.
- ✧ Two indicated that the services provided by the Hospital Authority (HA) or the HA doctors were better.
- ✧ Two indicated that only consultation / medical examination was provided.
- ✧ One indicated that treatment by bonesetter should be more effective.
- ✧ Four did not provide further comment.