

**Bills Committee on
Occupational Deafness (Compensation) (Amendment) Bill 2009**

**Administration's Response to Issues Raised
at the Bills Committee Meeting Held on 11 November 2009**

Introduction

This paper provides information requested by Members of the Bills Committee at its meeting on 11 November 2009 and sets out the Administration's proposals in further enhancing the improvement measures made under the Occupational Deafness (Compensation) (Amendment) Bill 2009 (the Bill).

Vetting of Occupational Requirements

2. Some Members requested the Administration to provide information on how the occupational requirements of applications made under the Occupational Deafness (Compensation) Ordinance (ODCO) were vetted by the Occupational Deafness Compensation Board (ODCB). In particular, they would like to know whether ODCB would exercise flexibility in the vetting process so that applicants would not be unduly excluded from the coverage of ODCO because of overly stringent criteria.

3. In practice, instead of simply requiring an applicant to prove that he has met the occupational requirements, ODCB would render suitable assistance to the applicant in the application process as far as possible. ODCB will first contact all the employers of the applicant to enlist their assistance in confirming the employment particulars that the applicant can furnish. If the employers cannot be found or the information provided is

found to differ from that provided by the applicant, ODCB would clarify with the applicant and request further information, such as contacts of their co-workers and direct supervisors. ODCB would approach these persons for additional information to substantiate the applications. Very often, ODCB would make use of statements given by co-workers or direct supervisors, who have first-hand knowledge of the working environment of the applicant, as reliable evidence to ascertain that the applicant can meet the occupational requirements. In addition, in assessing the case, ODCB would also consider any other relevant documentary evidence provided by the applicant, including employment contracts, wage records, tax returns, attendance cards, statements of Mandatory Provident Fund contributions, staff cards, etc.

4. ODCB has all along been exercising reasonable flexibility in vetting the occupational requirements of applications. It will continue providing appropriate assistance to the applicants in this respect.

Proposals to further enhance the improvement measures

5. After carefully considering the views expressed by Members and concerned organisations, the Administration proposes that the following amendments be made to the improvement measures provided in the Bill:-

- (a) The ceiling for the first-time reimbursement of hearing assistive devices (HADs) expenses be increased from \$9,000 to \$12,000; and
- (b) The aggregate length of employment required for making applications for further compensation be reduced from five to three years.

6. Details are set out in the ensuing paragraphs.

To increase the ceiling for the first-time reimbursement of HAD expenses

7. At present, under ODCO, the ceiling for first-time reimbursement of expenses in relation to the acquisition and fitting of hearing assistive devices (HADs) is \$9,000. The setting of a first-time maximum reimbursable amount for HADs is to help ensure that applicants who have little experience in using HADs would make a prudent choice in their first-time purchase.

8. Some Members suggested that the current ceiling for first-time reimbursable amount for HADs should be increased to allow a wider choice of HADs. In response to the request, we have considered the existing purchase pattern of applicants, consulted medical experts and examined the current prices of HADs in the market.

9. According to information provided by ODCB, only about 3% of first-time applications for reimbursement of expenses relating to HADs involved amounts exceeding \$9,000, with most of these applications involving expenses between \$9,000 and \$12,000. According to the medical experts, there are currently more models of HADs available in the market with functions designed to suit the different needs of individuals. In view of these considerations, we have no objection to increasing the ceiling for the reimbursable amount for first-time application of HADs and propose that the amount be revised from the current level of \$9,000 to \$12,000.

To reduce the required aggregate length of employment for making applications for further compensation

10. It is proposed in the Bill that an employee should have at least five years of employment in aggregate in any of the specified noisy occupations in Hong Kong before he can apply for further compensation. Some Members

opined that the required aggregate length of employment should be suitably reduced so that more employees could benefit.

11. Studies show that while prolonged exposure to excessive noise can cause noise-induced hearing loss, the rate of hearing loss is fastest in the first 10 years and then slows down thereafter. On the basis of these studies, we consider that five years of aggregate employment in noisy occupation is a suitable interval for the purpose of re-assessment of the deterioration in hearing due to continuing exposure to noise at work. Nevertheless, since those employees have already been assessed to be suffering from occupational deafness, the adoption of a shorter interval for re-assessment may be beneficial to them as ODCB can then keep closer track of their hearing conditions and provide them with necessary information on hearing conservation where appropriate. With this in mind, it is proposed that the required aggregate length of employment for making applications for further compensation be reduced from five to three years.

Way forward

12. If Members find the proposals set out at paragraph 5 agreeable, the Administration would proceed with the preparation of the related Committee Stage Amendments to the Bill.

Labour and Welfare Bureau
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