



Our Ref.: MTG/ODCB

Mrs Constance Li
Clerk to Subcommittee
Legislative Council Subcommittee on Regulations
relating to Occupational Safety & Health
3/F Citibank Tower
3 Garden Road
Hong Kong

26 August 1999

Dear Mrs Li,

Factories & Industrial Undertakings
(Medical Examinations) Regulation

On behalf of the Occupational Deafness Compensation Board, I wish to express our support to the enactment of the captioned Regulation.

According to the statistics from the Labour Department, there are some 195,000 workers who are exposed to hazardous substances and physical agents at work. Amongst them, a great majority of the workers (182,000) are exposed to the hazards of excessive noise. They have no doubt contributed significantly to the productivity and economic development of Hong Kong. On the other hand, the illnesses that they suffered as a result of their occupations pose a heavy burden on medical and health care, particularly treatment and rehabilitation services which are on a long term basis. A healthy workforce will ensure efficiency, productivity, quality and thus increase economy. This concept is well supported by the World Health Organization and many leading industrialists in the world. Therefore any legislation which is to better protect the safety and health of the workers should be vigorously supported.

Last year, our Board received 1,328 applications for occupational deafness compensation and compensation payout amounted to \$53 million for 618 workers. Despite the money awarded, the permanent physical impairment, the reduced earning capacity, the social and personal sufferings that they have to bear throughout the remainder of their lives cannot be fully redressed.

It is a positive and proactive approach to introduce a legislation which makes pre-employment and periodic medical examinations a statutory requirement and imposes penalty both on the employers and employees who fail to abide by the Regulation. The Regulation will definitely achieve a very important effect in primary and secondary prevention. In the area of occupational noise, employers and employees in the noisy occupations would be given early warning on the noise hazards and the importance of noise reduction, control and hearing conservation. Workers who are in the early stage of occupational deafness will become more alerted to the noise hazards and be ready to cooperate with their employers in the noise preventive measures so that their hearing will not be further impaired. In the long run, there should be less applications for compensation and the Board's resources can be channeled more for preventive, promotive and rehabilitative activities related to hearing conservation. Employers and the society at large will benefit from a healthier and more productive workforce. More importantly, the workers will enjoy a higher level of quality of working life which they deserve.

For the implementation of the statutory medical examinations regulation to be successful, it is a prerequisite that there is a backbone team of qualified and experienced medical practitioners (Appointed Medical Practitioners) to conduct the medical examinations. It is essential that the AMPs should have recognized training in occupational medicine because the prevention and diagnosis of various occupational diseases including medical and laboratory examinations require specialized knowledge and skills. General practitioners will not have the expertise to carry out such tasks and the competency to advise the employers and the workers of the necessary actions to be taken. This system will ensure high standard of professional input, good quality of care and uniformity of standards and procedures.

I understand that some labour organisations have expressed concern over the employment protection of the workers as under the Regulation, the AMPs may recommend that the workers be suspended from employment temporarily (until certified fit to work in that occupation) or permanently as a result of medical examinations. The fear over losing employment in my view is unfounded. I have recently visited the Ministry of Manpower in Singapore and have had discussions with the Industrial Health Department of the Ministry. Singapore has similar provisions in the medical examinations legislation and the system has been running very well for over 10 years. In Singapore, employers and employees work in collaboration and understanding to tackle the noise problem at the workplace. This spirit of partnership between employers and employees has worked very well in Singapore. Primary prevention and early detection are always better than cure. Workers should be reassured that they will get the benefits of early detection and prevention facilitated by periodic medical examinations instead of fear over losing their employment.

For the better protection of workers in safety and health at work, the Board is in full support of the early implementation of the Regulation.

Yours sincerely,

(Professor LEE Shiu-hung)

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Board Chairman

Occupational Deafness Compensation Board

bcc
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