

Occupational Safety and Health Council
Submission to Subcommittee on
Proposed Factories and Industrial Undertakings (Medical
Examinations) Regulation and the related subsidiary legislation
on 27 September 1999

The Occupational Safety and Health Council supports the Factories and Industrial Undertakings (Medical Examinations) Regulation to expand the scope of mandatory medical examination for workers exposed to hazardous substance and physical agents at work. The Occupational Health Advisory Committee (OHAC) of the Council has conducted a discussion on this proposed Regulation and members have the following views and suggestions:

1. Should be introduced under the “Occupational Safety and Health Ordinance” (OSHO)

For the long term interest and wider protection of occupational safety and health of all employees in Hong Kong, the Regulation should be introduced under the OSHO to protect persons who may expose to hazardous chemicals, physical or biological agents at work. However, we do understand that the OSHO had not yet been enacted at the time when the Regulation was being proposed. In order to avoid further delay in the legislative process, we support the proposed Regulation to be made under the Factories and Industrial Undertakings Ordinance (FIUO) but allowing the flexibility to expand to non-industrial sectors when the need arise.

2. Appointed Medical Practitioners

We concur that the statutory medical examination for workers in hazardous occupation should be conducted by Appointed Medical Practitioners (AMPs) who are specialized in occupational medicine. It is suggested that the training for AMPs on recognition of potential occupational hazards in the working environment and relevant preventive measures should be strengthened and AMPs should work closely with other safety & health professionals such as safety officers, occupational hygienists to protect safety and health of workers.

There are at present about 20 medical practitioners possessing the required AMP qualification. To ensure the effective implementation of the Regulation, it is suggested that training courses leading to the AMP qualification should be increased and provided by more recognized institutions to meet with the demand for additional AMPs.

It is estimated that about 200,000 workers will be covered by the proposed Regulation on statutory medical examination, and the majority of which (around 182,000 workers) are exposed to the hazard of excessive noise. Auroscopic and audiometric examinations for this group of employees require a large number of audiometric technical personnel. To make sure that we have sufficient number of qualified persons to conduct the auroscopic and audiometric examinations, we suggest the Administration should assess the current supply and demand of these competent audiometric technical

personnel, and specify the qualification and training requirements for such persons.

3. Guidance from the Medical Council

Under the proposed Regulation, statutory medical examination should only be conducted by AMPs appointed by the proprietors. Members of the OHAC are of the opinion that a conflict of interest may occur when an AMP appointed by the proprietor carries out the medical examination and submits the report to the proprietor. They opined that this is not in agreement with the general guideline on professional code and conduct issued by the Medical Council to all registered medical practitioners in Hong Kong. We suggest that a list of AMPs should be available to the general public and the employees should be given the choice to select from this list of AMPs.

4. Administrative Arrangement for Medical Examination of Construction Worker

Due to the unique characteristics of the construction industry in having a multi-layer sub-contracting system and a high workers' mobility, it is feasible and appropriate that the Construction Industry Training Authority (CITA) acts as an agent for proprietors in the construction industry to undertake the administrative arrangement for the medical examination of workers. The OHAC would like to caution the Administration on some of the problems that may be encountered in the arrangement of medical examination, such as the

nomination of AMPs, transparency of the system and the monitoring procedures.

5. Conclusion

The Council fully supports the Factories and Industrial Undertakings (Medical Examinations) Regulation to expand the scope of mandatory medical examination for workers exposed to hazardous substances and physical agents at work. Issues that may arise from the medical examination at implementation are raised for concern, namely the appointment of AMPS, training of qualified personnel. In the long run, it would be beneficial to the entire workforce of Hong Kong if the statutory medical examination could be further expanded to include workers in the non-industrial sector. Employers would also benefit from a healthier workforce in form of higher productivity and competitiveness.

Occupational Safety and Health Council

21 September 1999