

**The Administration's response to questions raised on the
FIU (Medical Examinations) Regulation
at the Meeting of the Subcommittee on Regulations relating to
Occupational Safety and Health on 21 October 1999**

1. The responsible party for paying the medical examination fees of casual workers and daily-rated employees in industries other than the construction industry.

For industries other than the construction industry, a proprietor intending to employ a worker in a designated occupation, irrespective of the terms of employment, is required to arrange a medical examination for the worker and bear the necessary expenses unless the worker already possesses a valid medical examination certificate. Similarly, the proprietor is required to do the same if the worker is still in his employment when the latter's periodic medical examination is due.

2. Number of reported cases of occupational diseases in the past three years and the follow-up action taken by Labour Department, for example, number of sites inspections, prosecutions and implementation of improvement measures by proprietors.

The number of occupational diseases notified to the Labour Department and subsequently confirmed in 1996, 1997 and 1998 were 522, 555 and 948 respectively. We do not keep statistics on follow-up actions taken on these occupational diseases. However it is a normal practice for staff of the Labour Department to make investigations upon receipt of a notification of disease to determine whether the disease is work-related. They will conduct medical consultations and workplace assessments as necessary. Proprietors will be advised of the appropriate control measures for preventing recurrence of the incidents. Where the situation so warrants, the Labour Department will issue suspension or improvement notices or take out prosecutions.

3. Whether the Government will review the Employment Ordinance and legislation on occupational safety and health to provide some form of ex-gratia payments to those workers who are found medically unfit and have their employment terminated on enactment of the medical examinations regulation.

The purpose of the proposed Regulation is to provide for medical examinations of workers for the early detection of absorption of hazardous substances and for early prevention of occupational diseases, especially those with long latent periods, so as to avoid permanent damage to their health. Under the existing scope of the proposed Regulation, all occupational diseases or injuries identified at the medical examinations are, where relevant, already eligible for compensation under the Employees' Compensation Ordinance, the Occupational Deafness (Compensation) Ordinance or the Pneumoconiosis (Compensation) Ordinance. If a worker is found medically unfit for his job and has his employment terminated, he can follow the procedures and claim the benefits as provided under the Employment Ordinance. We therefore have no intention to review the Employment Ordinance or other occupational safety and health related legislation to provide for any kind of ex-gratia payments to workers.