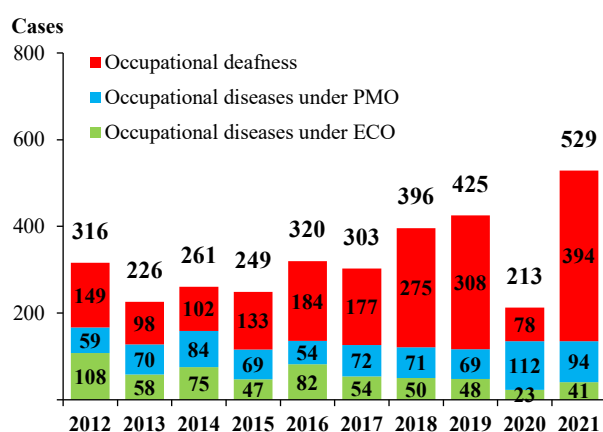


## Prescribed occupational diseases in Hong Kong

**Figure 1 – 52 prescribed occupational diseases**

	ECO	PMO	ODO
<b>Number of occupational diseases</b>	48	3	1
<b>Salient examples</b>	Occupational dermatitis	Asbestosis, silicosis and mesothelioma	Occupational deafness
<b>Most recent additions</b>	SARS & Avian Influenza A (2005)	Mesothelioma (2008)	Occupational deafness (1995)
<b>Source of compensation</b>	Employers	Public fund	

**Figure 2 – Confirmed cases of occupational diseases**

**Figure 3 – Average amount of compensation per case to victims of occupational deafness<sup>(1)</sup>**

Loss of capacity	Number of cases <sup>(2)</sup>					Average amount of compensation per case (HK\$)
	2016	2017	2018	2019	2020	
0.5%	25	29	34	58	8	7,064
1%-4.5%	58	60	89	102	22	26,828
5%-10%	36	42	58	62	6	87,925
11%-20%	47	49	72	66	13	180,716
21%-40%	11	18	27	26	6	320,858
≥41%	0	3	0	0	0	813,799
<b>All</b>	<b>177</b>	<b>201</b>	<b>280</b>	<b>314</b>	<b>55</b>	<b>100,505</b>

Notes: (1) Data refers to claimants seeking compensation for occupational deafness for the first time only. Average figure for the five years between 2016 and 2020.

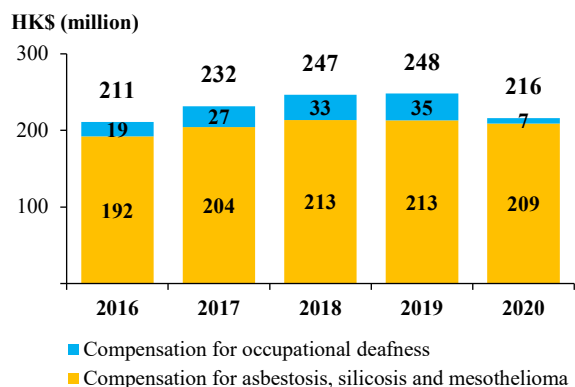
(2) Year beginning in April.

### Highlights

- In Hong Kong, a person is entitled to compensation for incapacity due to contracting an occupational disease prescribed under any of the following three ordinances: Employees' Compensation Ordinance ("ECO"), Pneumoconiosis and Mesothelioma (Compensation) Ordinance ("PMO"), and Occupational Deafness (Compensation) Ordinance ("ODO"). Since the addition of mesothelioma in 2008, the total number of prescribed occupational diseases has stayed unchanged at 52 for some 14 years (**Figure 1**). Compensation is paid by employers or public funds under the law.
- Over the past decade, incidences of occupational diseases exhibited wide fluctuation, averaging 324 confirmed cases per annum (**Figure 2**). There were 529 confirmed cases in 2021, representing a 67% increase over nine years earlier and of which the lion's share (74%, or 394 cases) was occupational deafness.
- For occupational deafness specifically, hearing testing services were suspended in most of 2020 due to the COVID-19 pandemic, causing the case number to fall to under 100 that year. The caseload rebounded visibly in 2021, as hearing testing services resumed and as pent-up cases were processed. It is worth noting that occupational deafness has been the most dominant form of occupational disease since 2010, upon the widening of compensation coverage of hearing loss from binaural to monaural after a legislative amendment in April that year. Also contributing was the increased number of large-scale infrastructure and development projects over the past decade.
- For the confirmed victims of occupational diseases, the amount of compensation generally depends on (a) the degree of loss in earning capacity; (b) monthly earnings of the victims or the market wage; and (c) the victims' age. Taking occupational deafness as an example and based on the average figures for the period from 2016 to 2020, the amount of first-time compensation ranged from a low of HK\$7,064 under a scenario of 0.5% loss of capacity to a high of HK\$813,799 under a scenario of at least 41% loss of capacity (**Figure 3**). As a whole, the compensation amount averaged HK\$100,505, as most victims (67%) suffered from incapacity not greater than 10%.

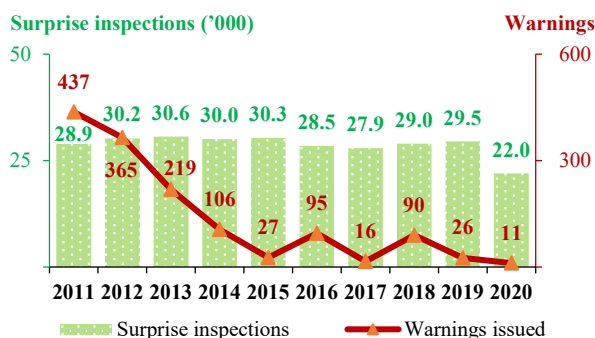
## Prescribed occupational disease in Hong Kong (cont'd)

**Figure 4 – Compensation for occupational diseases under ODO and PMO<sup>(1)</sup>**



Note: (1) Reference period for occupational deafness compensation is for year beginning in April.

**Figure 5 – Heat stroke inspections and warnings issued by the Labour Department**



**Figure 6 – Outcome of concluded cases of employees contracting COVID-19 (as of June 2022)**

Outcome	Number of cases by year the cases were received by LD <sup>(1)</sup>		
	2020	2021	First half of 2022
Employees received or were entitled to compensation	86 (32.5%)	56 (32.9%)	9 (0.5%)
Employees not entitled to compensation	6 (2.3%)	6 (3.5%)	149 (8.7%)
Cases privately settled	54 (20.4%)	5 (2.9%)	2 (0.1%)
Cases withdrawn or unable to be processed further	119 (44.9%)	103 (60.6%)	1 552 (90.7%)
<b>All</b>	<b>265</b>	<b>170</b>	<b>1 712</b>

Note: (1) Percentage is the share of cases of a specific outcome amongst all cases received in that year/period.

## Highlights

- As regards the total amount of compensation paid to victims by two public funds under ODO and PMO, it averaged at HK\$231 million per annum between 2016 and 2020 (**Figure 4**). Most (89%) of the compensation was paid for the three prescribed occupational diseases under PMO, partly because victims are entitled to monthly payments till their death. By comparison, victims of occupational deafness can receive one-off payment of at most 96 months of earnings under ODO.
- For total amount of compensation paid by employers for the 48 prescribed occupational diseases under ECO, the Government does not compile such data. As shown in **Figure 2** above, ECO-related cases made up no more than 15% of all occupational disease cases in the past four years.
- In view of an increased number of very hot days in recent years, there is advocacy to make heat stroke a prescribed occupational disease in order to protect employees. However, the Government refrains from doing so on the grounds that heat stroke stems from risk factors such as sunshine and air flows that are not specifically related to work. Instead, the Labour Department (“LD”) promotes awareness of heat stroke in workplaces and undertakes surprise inspections of workplaces during summer. Between 2011 and 2020, LD conducted around 28 700 such inspections annually on average, issuing warnings to employers who fail to take appropriate heat stroke prevention measures (**Figure 5**). Between 2011 and 2020, such warnings plunged by 97%.
- There are also calls to classify COVID-19 as a prescribed occupational disease, but the Government holds the view that the epidemic does not have specific occupational origins. Yet employees can still claim compensation for contracting COVID-19 under ECO, if it is an injury caused by a work-related accident. Between 2020 and mid-2022, LD received 5 364 workplace injury cases in which employees were suspected to have contracted COVID-19 at work. Amongst the 2 147 cases concluded thus far, employees could receive compensation in around one-third of the cases in 2020 and 2021 (**Figure 6**). However, the respective proportion fell to 0.5% in the first half of 2022, conceivably due to greater difficulty in determining an infection was work-related during the large-scale outbreak in the community in 2022.

Data sources: Latest figures from the Labour Department, Occupational Deafness Compensation Board and Pneumoconiosis Compensation Fund Board.

Research Office  
Research and Information Division  
Legislative Council Secretariat  
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Tel: 3919 3181

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