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Panel on Manpower

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 19 November 2019**

Rehabilitation services for employees injured at work

Purpose

This paper provides background information on the provision of rehabilitation services for employees sustained injuries at work and summarizes the discussions by the Panel on Manpower ("the Panel") on related issues in the Sixth Legislative Council ("LegCo").

Background

2. Hospitals and clinics under the management of the Hospital Authority ("HA") provide integrated treatment and rehabilitation services, including specialist treatment, physiotherapy and occupational therapy, for employees who sustained work injuries or suffered from occupational diseases prescribed under the Employees' Compensation Ordinance (Cap. 282) ("ECO"). Occupational health clinics ("OHCs") run by the Labour Department ("LD") provide medical treatment and occupational health counselling to employees who have sustained injuries at work or contracted occupational diseases. Subject to the patients' clinical conditions and needs, the occupational health doctors in OHCs will refer the patients to hospitals and clinics under HA for rehabilitation treatment.

3. According to the Administration, an internal working group comprising representatives of the relevant bureaux/departments and organizations had undertaken a study on improving protection for employees in high-risk industries in relation to insurance, compensation for work injuries, therapy and rehabilitation. The Task Force on Improving Work Injury Protection for Employees in High-risk Industries ("TFWIP") coordinated by LD was set up in February 2016 to explore the proposals put forward by the inter-departmental working group. Three working groups, one each on employees' compensation insurance, case processing and therapy/rehabilitation, had been set up under

TFWIP to further the discussions, conduct consultations and implement the agreed measures in phases once they were ready so as to improve protection for injured employees in high-risk industries.

Deliberations of the Panel

Review of the provision of rehabilitation services for injured employees

4. Members generally held the view that provision of timely rehabilitation services for employees sustained injuries at work would facilitate their early recovery and return to work. Members shared the deputations' views that the existing provisions under ECO mainly focused on making statutory compensation for incapacity of work and did not cater for the provision of rehabilitation services for occupational injury cases. Grave concern was raised about the deficiency in the provision of rehabilitation services for injured employees at work under the public healthcare sector. Given the long waiting time for receiving rehabilitation treatment at public hospitals and clinics, which normally exceeded three months, members were concerned that many employees injured at work had missed the golden period for recovery. In these members' view, the Administration should formulate specific policy to provide timely and appropriate rehabilitation services for injured employees at work.

5. The Administration stressed that it recognized the importance of rehabilitation services for the recovery and early return to work of injured employees. Acknowledging that there was room for improvement to the existing rehabilitation services in terms of recovery progress of the injured employees and coordination among different parties involved, the Administration would critically review various options for improvement. While it was unable to provide a concrete timetable for the review, the Administration would consider seriously the views so expressed on the subject which provided useful reference for the study on how the rehabilitation services for injured employees could be improved, including the role played by the Occupational Safety and Health Council in providing rehabilitation services for injured employees at work, timing of service provision, acceptability of service providers and coordination of efforts among different parties involved. The Administration pledged to pay close attention to different modes of referral and rehabilitation for occupational injury cases when conducting a review of the existing rehabilitation services and would maintain close liaison with relevant stakeholders, including HA, the insurance industry and relevant government departments.

6. To enable injured employees to receive timely medical and rehabilitation services for speedy recovery and early return to work, members urged the Administration to establish an independent mechanism for implementing an occupational rehabilitation programme and introduce legislation on the

framework for occupational rehabilitation. At its meeting on 19 June 2018, the Panel passed a motion requesting the Government to study the above proposals.

7. In response to the motion passed by the Panel, the Administration advised that in order to strengthen the protection of the rights and benefits of employees injured at work and suffered from occupational disease, LD was actively looking into new measures, including considering the provision of timely and coordinated treatment and rehabilitation services to injured workers in need through case management model and private medical services, with a view to speeding up their recovery and facilitating their early return to work, and maintaining the overall productivity of Hong Kong.

Effectiveness of the Voluntary Rehabilitation Programme

8. In light of the long waiting time for receiving rehabilitation treatment at HA hospital and clinics, some members considered that employees who had sustained injuries at work or contracted occupational diseases should be reimbursable with rehabilitation treatment fees charged by the private healthcare sector so as to encourage them to seek relevant treatment as early as practicable. There was also a view that a designated government clinic should be set up to provide rehabilitation services for these employees.

9. Members were advised that the insurance industry had launched the Voluntary Rehabilitation Programme ("VRP") since 2003 to provide injured employees with an additional channel to receive free rehabilitation services in the private sector through the insurers' arrangements to facilitate their speedy recovery and early return to work under safe circumstances. The participating insurers would identify appropriate cases, initiate contacts with the injured employees and invite them to join VRP. The injured employees could decide on their own whether to accept the insurers' invitation or not. Participation in VRP would not affect the injured employees' rights and benefits under ECO.

10. Members noted with concern that out of some 35 000 occupational injury cases in 2016, there were only 3 505 cases accepted the offers of the participating insurers to join VRP in the year. Members generally considered the figure was on the low side and cast doubt about the effectiveness of the Programme in serving as an additional channel for injured employees to receive rehabilitation services in the private sector. Members also expressed concern that although the injured employees could join VRP to receive free rehabilitation services in the private sector, the Programme was implemented by the insurance industry and the rehabilitation services were arranged through the insurers' arrangement. As such, injured employers would sometimes be assessed to be fit for work even though they were not yet fully recovered.

11. The Administration advised that some 80% of the 3 505 cases involved a loss of working days for 40 days or more. They represented more than 20% of

the some 11 000 cases reported under ECO in 2016 with the same working days loss upon settlement and those pending settlement. Nonetheless, the Administration agreed that there was room for improvement in the participation rate, and would take this into account in reviewing the overall provision of rehabilitation services.

New measures for provision of rehabilitation services for injured employees

12. Members noted that it was announced in the Chief Executive ("CE")'s 2018 Policy Address that the Government was actively looking into new measures, including considering the provision of timely and coordinated treatment and rehabilitation services to injured workers in need through case management model and private medical services, with a view to speeding up their recovery and facilitating their early return to work and maintaining the overall productivity of Hong Kong. Members expressed concern about the progress and implementation timetable of the new measures to strengthen the rehabilitation services for injured employees as well as the relevant funding arrangements. According to the Administration, an internal working group set up under LD would consider the views of different stakeholders when taking forward the initiative. The Administration was also exploring various options for funding the new measures, including the suggestion of setting up a designated fund.

Recent development

13. It was announced in the CE's 2019 Policy Address that the Administration would introduce a three-year pilot rehabilitation programme for employees injured at work targeting at injured employees from the construction industry. The pilot programme would adopt a case management approach to provide private treatment and rehabilitation services for eligible injured employees in a timely and coordinated manner to facilitate their early recovery and return to work. The Administration will brief the Panel on the pilot programme at its meeting on 19 November 2019.

14. A list of relevant papers on the LegCo website is in the **Appendix**.

Relevant papers on rehabilitation services for injured employees

| Committee | Date of meeting | Paper |
|---------------------|--------------------------|---|
| Panel on Manpower | 18.11.2014 (Item V) | Minutes |
| Panel on Manpower | 23.1.2017 (Item III) | Agenda Minutes |
| Panel on Manpower | 21.3.2017 (Item IV) | Minutes Administration's response: LC Paper No. CB(2)1980/16-17(01) (Follow-up item 8) |
| Panel on Manpower | 18.7.2017 (Item IV) | Agenda Minutes |
| Panel on Manpower | 27.4.2018 (Item IV) | Agenda Minutes |
| Legislative Council | 2.5.2018 | Official Record of Proceedings (Question 21) |
| Panel on Manpower | 19.6.2018 (Item III) | Agenda Minutes |
| Panel on Manpower | | Report of the Panel on Manpower (LC Paper No. CB(2)1734/17-18) |
| Panel on Manpower | 16.10.2018 (Item III) | Agenda Minutes |
| Panel on Manpower | | LC Paper No. CB(2)267/18-19(01) |
| Panel on Manpower | 8.11.2019 (Item I) | Agenda |