

For information on
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Legislative Council Panel on Manpower

Prescription of Occupational Diseases and Occupational Disease and Occupational Health Situation in 2019

Purpose

This paper explains the considerations and principles of the Labour Department (LD) in prescribing occupational diseases and briefs Members on the occupational disease and occupational health situation in Hong Kong in 2019, as well as the related promotion and enforcement work of LD.

Prescription of Occupational Diseases

2. According to the definition of the International Labour Organization (ILO), occupational disease refers to a disease which has a causal relationship with specific exposure in the working environment or work activity, and the risk of the disease occurring among the exposed workers is significantly higher than that in the rest of the population, so that the occupational origin of the disease in an exposed worker can be reasonably presumed.

3. In Hong Kong, there is currently a total of 52 occupational diseases prescribed under the Employees' Compensation Ordinance ("ECO"), Occupational Deafness (Compensation) Ordinance ("ODCO") and Pneumoconiosis and Mesothelioma (Compensation) Ordinance ("PMCO"). In considering whether a particular disease should be prescribed as a statutory occupational disease or whether the coverage of certain occupational diseases should be expanded, LD makes reference to the ILO criteria and adopts an evidence-based approach to assess objectively whether a definite causal relationship exists between a disease and a certain type of work, and whether the risk of the disease occurring among the exposed workers is significantly higher than that of the general public. This includes perusing relevant medical evidence and local research or epidemiological data, etc., in order to make necessary assessment and recommendation.

Coronavirus Disease 2019

4. Coronavirus Disease 2019 (COVID-19) has been spreading quickly over the world. The World Health Organisation (WHO) officially declared COVID-19 a pandemic on 11 March 2020. Based on the WHO Situation Report on 6 April 2020, there was a total of 1 210 956 confirmed cases globally, with 77 200 cases newly confirmed on the preceding day. The population worldwide is at risk of the infection. For an infectious disease that can transmit widely in the community, exposure to its infectious agent may not only occur in particular workplaces but generally in the community as well. In Hong Kong, as at 7 April 2020, a total of 936 cases have been confirmed. The infection of a vast majority of these cases was community-acquired rather than of occupational origin.

5. LD understands that there are views in the community that COVID-19 should immediately be listed as a statutory occupational disease for different industries. In prescribing a new occupational disease, LD has to clearly specify in the legislation what industries and processes in which the employees are engaged have definite risks posed by the disease, as well as the prescribed period within which the employees must have been employed to work in those industries and processes. Based on the ILO criteria mentioned above, if employees engaged in specified industries or processes unfortunately contracted COVID-19, it can reasonably be presumed that their disease is caused by infection during work, and the employers have to pay compensation accordingly. As the outbreak situation of COVID-19 is still evolving in Hong Kong and globally, LD is keeping a close watch on relevant medical and epidemiological data, especially the number of cases originated from work and their industry distribution, as well as the extent of community infection, in order to make necessary recommendations.

6. Moreover, when proposing to prescribe a new occupational disease, LD will also need to consult relevant stakeholders including employers, employees and the insurance sector on the legislative amendments and relevant issues such as the implications for insurance premium and related liabilities under the legislation. LD therefore needs to have a good grasp of definitive information on the impact of COVID-19 on different industries as a basis for discussions. LD will closely monitor the development of the COVID-2019 outbreak and take appropriate actions once there is sufficient relevant information.

7. ECO provides that if an employee sustains an injury or dies as a result of an accident arising out of and in the course of his employment or

contracting a prescribed compensable occupational disease, his employer is in general liable to pay compensation under ECO. Although COVID-19 is currently not a compensable occupational disease prescribed under ECO, Section 36 of ECO stipulates that an employee contracting a disease not prescribed as an occupational disease may still claim compensation from the employer under the Ordinance if it is an injury or death by accident arising out of and in the course of employment, and the employer is in general liable to pay compensation under ECO. If an employee contracts or suspects to have contracted COVID-19 by accident arising out of and in the course of his employment, he should inform his employer as soon as possible for notification to LD.

8. Hong Kong had an outbreak of Severe Acute Respiratory Syndrome (SARS) in 2003. The disease was not yet prescribed as a compensable occupational disease at that time. According to LD's information, a total of 415 cases of employees' compensation claim for SARS infection were received, of which over 90% were from the healthcare sector. Some 90% of these 415 cases were settled through LD's handling and the employers concerned admitted their employees' compensation liabilities without dispute. As for most of the cases in dispute at the earlier stage, the employers subsequently affirmed that the employees were infected with SARS in the course of employment after considering the contact tracing reports prepared by the Department of Health.

Confirmed Cases of Occupational Diseases in 2019

9. In 2019, the number of confirmed cases of occupational diseases was 442. The common occupational diseases included occupational deafness, silicosis and tenosynovitis of the hand or forearm. Details are set out in paragraphs 10 to 13 below and the relevant statistics are at [Annex](#).

Occupational Deafness

10. Occupational deafness is permanent hearing loss arising from at least five to ten years of exposure to noisy environment at work in specified occupations. Most of these cases are related to rock grinding, chiselling, cutting or percussion, metal grinding and working in close proximity to internal combustion engines, turbines or pressurised jet engines. In 2019, there were 308 confirmed cases of occupational deafness (including monaural hearing loss). According to ODCO, applicants can apply to the Occupational Deafness Compensation Board (ODCB) for compensation as long as they meet the relevant criteria like occupation and deafness

requirements. In view of the long latent period of occupational deafness and workers' awareness about this disease, the number of applications for compensation received by ODCB can vary greatly every year.

Silicosis

11. Silicosis is a chronic disease with fibrosis of the lungs owing to inhalation of silica dust. Its latent period could be as long as 10 to 20 years. The patients of most cases are construction workers who were exposed to silica dust many years ago. The number of confirmed cases of silicosis was 52 in 2019.

Tenosynovitis of the Hand or Forearm

12. ECO prescribes six musculoskeletal diseases (including tenosynovitis of the hand or forearm) as occupational diseases, because epidemiological evidence reveals that these diseases have specific relationship with certain occupations. For example, prolonged repetitive actions or excessive force exerted by the hand at work could cause tenosynovitis. In 2019, there were 35 confirmed cases of tenosynovitis of the hand or forearm, with patients engaged in service industries and sales, clerical support, elementary occupations, etc.. LD will continue to conduct publicity for duty holders and workers of relevant industries to enhance their awareness on prevention of upper limb musculoskeletal diseases.

Other Occupational Diseases

13. Other confirmed cases of occupational diseases in 2019 include 10 cases of mesothelioma, 5 cases of tuberculosis, 17 cases of gas poisoning, 5 cases of occupational dermatitis, 7 cases of asbestosis, 1 case of compressed air illness, 1 case of Legionnaires' Disease and 1 case of beat knee.

Occupational Health Situation

Initiatives of LD in Enhancing Occupational Health

14. LD has been promoting the awareness of employers and employees on the prevention of occupational and work-related diseases by organising health talks and seminars, distributing educational publications, broadcasting Announcements in the Public Interest (APIs) on television

and the radio, publishing feature articles in newspapers, showing educational videos and displaying advertisements on mobile advertising media from time to time. Besides, LD organises outreaching health talks. In 2019, over 1 100 occupational health talks on various topics, including prevention of upper limb and lower limb disorders, manual handling operations and prevention of back injuries, heat stroke prevention, occupational stress and occupational health of catering workers, etc., were organised for nearly 38 000 participants.

15. LD collaborates with the Occupational Safety and Health Council (OSHC), Pneumoconiosis Compensation Fund Board, ODCB, employers' associations and workers' unions in promoting occupational health through a variety of activities which include health talks, carnivals, as well as occupational health award presentations and experience-sharing sessions, etc..

Prevention of Heat Stroke at Work

16. Hong Kong is getting increasingly hot during summer. LD is very concerned about the hazard of heat stroke to which employees may be exposed while working under very hot weather. To reduce the risk of heat stroke to employees, LD has adopted a three-pronged strategy of publicity and promotion, education and training, as well as inspection and enforcement. In respect of publicity and education, LD launched a large-scale promotion campaign on heat stroke prevention in collaboration with OSHC in May 2019, which lasted for about five months. Through distributing protective equipment, broadcasting a new publicity video and conducting extensive publicity, the campaign sought to remind outdoor workers of the potential hazards of working under very hot weather and the need to take suitable preventive measures, including drinking more water or other electrolytes-containing beverages, wearing light-coloured air permeable clothing, wearing wide-brimmed hats or safety helmets with neck shades, wearing arm covers, etc.. We also reminded workers to be more alert of their body conditions on the occurrence of symptoms of heat-related illnesses, take rest at a shaded area and drink water immediately upon noticing the symptoms, and notify supervisors to take appropriate actions. The main targets of this large-scale campaign were employees undertaking manual work and/or those who often needed to work outdoors. These included construction workers, outdoor cleansing workers, horticulture workers, security guards, container terminal workers and airport apron workers. Given the positive response received in the promotion campaign, LD and OSHC will organise a similar campaign in

May this year with the inclusion of recycling workers as the promotion target.

17. In view of the higher risk of heat stroke to workers in the construction industry, LD, in 2019, proposed to revise the Guidelines on Site Safety Measures for Working in Hot Weather promulgated by the Construction Industry Council (CIC) to include new measures about provision of neck shades for safety helmets and sun protection arm covers to outdoor construction workers. CIC has accepted LD's proposal and issued the revised Guidelines in December 2019 to strengthen protection of construction workers.

18. On very hot days, LD also reminds employers and employees to take preventive measures against heat stroke through issuing press releases and the radio. Recently, LD has also liaised with the Hong Kong Observatory (HKO), and HKO has agreed, with effect from this summer, to add an alert on heat stroke prevention when issuing a push message of Very Hot Weather Warning to the public through mobile apps. HKO is now working on this proposal to provide timely message to employees. The new alert is expected to be issued in this summer.

19. In respect of inspection and enforcement, LD conducted around 29 500 inspections targeting at outdoor workplaces with a higher risk of heat stroke, including construction sites, container terminals/container yards, and workplaces of outdoor cleansing workers, horticulture workers and security guards, and issued 26 warning letters during April to September 2019. During the inspections, LD would check whether the duty holders had taken appropriate preventive measures, including providing adequate drinking water to employees, keeping employees off direct sunlight as far as possible, ensuring good ventilation at the workplaces, etc., with a view to effectively safeguarding employees' occupational safety and health. During the inspections, if employers were found to have failed to adopt appropriate measures, LD would take appropriate enforcement actions, including taking out prosecution against suspected offenders where there was sufficient evidence.

Prevention of Health Hazards associated with Standing at Work

20. Many employees often work in a standing position. For some standing work involving restricted movement, for example, cashier work at retail shops or customer service counter work in other service industries, employees are more likely to have muscle ache and fatigue, and pressure on the legs. Continuous pressure at legs is associated with various kinds

of lower limb disorders. LD therefore has always been very concerned about the occupational health of employees whose work involves standing, and has strengthened the relevant occupational safety and health awareness of employers and employees through different means and channels.

21. To further safeguard employees against the health risks associated with standing at work, LD issued “Guidance Notes on Standing at Work and Service Counter Design” (“GN”) in December 2018. In addition to setting out the possible health hazards which may be caused by standing at work and the preventive measures, the GN also emphasises that employers must, so far as reasonably practicable, provide suitable work chairs or chairs for occasional resting at the working locations to the employees who are engaged in standing work with restricted movement. The GN also provides recommendations on service counter design.

22. Since its issue, LD has widely publicised the GN and will continue the work in this area. Besides, LD has produced television and radio APIs. LD strives to enhance the awareness of employers and employees on reducing the health risks of standing at work through broadcasting the APIs, publishing feature articles in newspapers, organizing health talks and distributing pamphlets. On the other hand, LD has also deployed manpower to strengthen promotional visits and inspection work to assist employers in complying with the requirements of the GN. Appropriate enforcement actions are taken against employers found to have failed to take necessary measures in accordance with the new GN during inspections.

23. In 2019, LD conducted 281 inspections targeting at standing at work and issued 18 warnings. The warnings mainly concerned failure to provide chairs to employees and failure to suitably arrange employees to take rest by sitting while at work. During the routine inspections, LD also distributed the GN to employees so that more employees can better understand how to reduce the health risks associated with standing at work.

Clinical Consultation Service of Occupational Health Clinics

24. LD runs two occupational health clinics in Kwun Tong and Fanling, providing clinical consultation service to all employees in Hong Kong Island, Kowloon, and the New Territories. Employees who suspect their diseases to be work-related can make an appointment in these two clinics for diagnosis and treatment. The doctors will examine the patients’ comprehensive medical and occupational history and the circumstances of

the work, body condition and the relevant living habit, and conduct physical examinations and arrange relevant laboratory tests. They may also arrange inspections to patients' workplaces if necessary to understand whether there are hazardous factors in their workplaces that are related to the diseases. Through comprehensive analysis of such information, the doctors can diagnose whether the patients' conditions are consistent with occupational diseases or other work-related diseases, and provide suitable treatment for them. For the convenience of employees who have to work from Monday to Friday in seeking clinical consultations, the occupational health clinics are also open on Saturday mornings. In 2019, the clinics provided 10 718 clinical consultations.

25. LD promotes the services of the occupational health clinics to employers and employees through health talks, large-scale public talks, seminars and distribution of pamphlets and posters, as well as showing information videos and displaying advertisements in major public transport facilities from time to time. Besides, LD also disseminates information about the occupational health clinics through the internet, newsletters of unions and publications of OSHC to promote the services of the clinics.

Way Forward

26. LD will continue to actively promote the prevention of occupational and work-related diseases to enhance the awareness of employers and employees on occupational health, and will continue to ensure that employers comply with OSH legislation through enforcement.

Labour and Welfare Bureau
Labour Department
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Confirmed Cases of Occupational Diseases from 2015 to 2019

Occupational disease	2015	2016	2017	2018	2019
Occupational deafness	133	184	177	275	308
Silicosis	56	43	54	59	52
Tenosynovitis of the hand or forearm	31	63	39	39	35
Mesothelioma	13	7	16	10	10
Tuberculosis	9	6	9	4	5
Gas poisoning	7	14	1	4	17
Occupational dermatitis	3	11	3	3	5
Asbestosis	0	4	2	2	7
Compressed air illness	2	0	1	1	1
Others	2	2	2	3	2
Total :	256	334	304	400	442