

COMPENSATION AND PREVENTION OF OCCUPATIONAL DEAFNESS IN HONG KONG SAR

S.H. Lee

Occupational Deafness Compensation Board, Hong Kong SAR

Introduction In Hong Kong SAR, the compensation for occupational deafness is administered by the Occupational Deafness Compensation Board which is a statutory body established by the Occupational Deafness (Compensation) Ordinance on 1 June 1995. The Board manages the Occupational Deafness Compensation Fund, administers the Occupational Deafness Compensation Scheme for the purpose of providing compensation to employees suffering from noise-induced deafness by reason of their employment, and conducts as well as finances educational and publicity programmes for the purpose of preventing occupational deafness. It has nine members including employers' and employees' representatives, medical professionals and public officers.

The Board is also advised by the Occupational Deafness Medical Committee in the technical, medical and professional aspects of the hearing assessment work. The Medical Committee, comprising four medical practitioners and an audiologist, is another statutory body established under the Occupational Deafness (Compensation) Ordinance.

Occupational Deafness Compensation Fund The funding of the compensation Scheme is based on the principle of employers' collective liability. It is funded by a 1.2% across-the-board levy charged on employees' compensation insurance premiums. Before 1 July 2002, the rate of levy was 2.3% of the employees' compensation insurance premiums. The Hong Kong SAR Government, as an employer, also contributes to the Fund.

Occupational Deafness Compensation Scheme The Scheme was launched on 1 July 1995. Compensation under the Scheme will be paid in the form of a lump sum payment calculated by reference to the claimant's age, earnings and degree of permanent incapacity resulting from occupational deafness. To be eligible for compensation under the Scheme, a claimant has to fulfill certain disability and occupational requirements.

In respect of disability requirements, the claimant should be suffering from sensorineural hearing loss amounting to not less than 40dB averaged over the 1, 2 and 3kHz frequencies in each ear and the hearing loss is due to noise in at least one ear.

As regards occupational requirements, the claimant should have at least ten years of employment in aggregate in specified noisy occupations in Hong Kong (or at least five years in the case of four occupations that are particularly noisy). Furthermore, he should have a period of continuous employment in a specified noisy occupation in Hong Kong within the 12 months before he applies for compensation.

Specified noisy occupations refer to those occupations involving noisy production processes or the use of noisy machinery. The Scheme at present covers 25 specified noisy occupations.

Operation of the Scheme Up to October 2002, the Board has received a total of 3,917 applications. Of these, 2,029 applications have been approved with a total compensation payout of over \$198.8 million. There have been 234 cases rejected for failure of the applicant to meet the occupational requirements while 1,229 cases were rejected for failure to meet the medical requirements.

Prevention through Education and Publicity With a view to raise the public awareness and understanding in the importance of noise hazards, noise control and hearing conservation at the noisy workplaces, the Board takes an active role in initiating a variety of promotional activities to publicize hearing conservation as well as the compensation scheme. To reach out to the workers of noisy occupations, members and staff of the Board pay regular promotional visits to the noisy workplaces. Promotional advertisements have been placed in the mass media and local railways. Publicity materials such as posters, information leaflets and hearing conservation kits are distributed to members of the public and the workers unions. Exhibitions are held in busy shopping arcades and during special promotional activities. A programme to encourage labour groups to help publicize the hearing conservation message through sponsorship of these activities has proved to be popular among labour groups.

To gain from the pooled resources, the Board has joined hands with the Labour Department, the Occupational Safety & Health Council and other prominent safety promotion organisations to launch large-scale promotional campaigns on occupational safety including hearing conservation. These activities attract extensive mass media coverage and achieved great publicity effect.

With the stabilization of the compensation application cases, the Board has been shifting more resources on education and publicity to prevent occupational deafness.