

LCQ12: Confirmed cases of Coronavirus Disease 2019

Following is a question by Dr the Hon Pierre Chan and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (May 5):

Question:

Regarding the confirmed cases of Coronavirus Disease 2019 (COVID-19), will the Government inform this Council:

(1) of the number of cases since January 2020 in which healthcare personnel and allied health professionals (i.e. (i) doctors, (ii) nurses, (iii) physiotherapists, (iv) occupational therapists, (v) clinical psychologists, (vi) dietitians, (vii) audiologists, (viii) optometrists, (ix) orthoptists, (x) speech therapists, (xi) pharmacists, (xii) dispensers, (xiii) radiographers, (xiv) medical laboratory technologists, (xv) medical social workers, (xvi) prosthetist-orthotists and (xvii) podiatrists) as well as (xviii) support personnel working in (a) public hospitals, (b) the Department of Health, (c) private hospitals, (d) private clinics and (e) residential care homes for the elderly and for persons with disabilities were suspected of having contracted COVID-19 arising out of and in the course of their employment, and set out in the table below a breakdown of such number by their occupation and the type of organizations in which they worked;

Occupation	(a)	(b)	(c)	(d)	(e)
(i)					
.....					
(xviii)					

(2) whether the Labour Department (LD) has received employers' reports on the confirmed cases mentioned in (1); if so, among such reports, of the number of those in which compensation claims were lodged under the Employees' Compensation Ordinance (Cap. 282), together with the following information on such cases:

(i) the number of cases of successful claims,
(ii) the number of cases of unsuccessful claims and the main reason(s) for the claims being unsuccessful, and
(iii) the assistance provided by the Government for those employees whose compensation claims were unsuccessful; and

(3) of the number of cases since October 1, 2020, in which employees lodged compensation claims under Cap. 282 for contracting COVID-19 arising out of

and in the course of their employment, together with the following information on such cases:

- (i) breakdown of the number of cases by the industry in which the employees concerned were engaged,
- (ii) the number of cases reported by the employers,
- (iii) the number and percentage of cases of successful claims,
- (iv) the number of cases of unsuccessful claims and the main reason(s) for the claims being unsuccessful, and
- (v) the assistance provided by the Government for those employees whose compensation claims were unsuccessful?

Reply:

President,

In consultation with the Food and Health Bureau, my reply to Member's question is as follows:

(1) and (2) For employees who have contracted diseases (including COVID-19) but the infections have not arisen out of and in the course of employment, and the employees have been granted sick leaves supported by appropriate medical certificates[^], the employers should pay the employees sickness allowance in accordance with the Employment Ordinance and the relevant employment contract terms. These cases are not required to be reported to the Labour Department (LD) in accordance with the Employees' Compensation Ordinance.

([^]An appropriate medical certificate refers to that issued by a registered medical practitioner, a registered Chinese medicine practitioner or a registered dentist. It should specify the number of days on which, and the nature of the sickness or injury on account of which, the employee is unfit for work.)

During January 2020 to April 21, 2021, among the employees' compensation claims with employees suspected to have contracted COVID-19 while at work received by the LD, 56 claims involved employees of the public hospitals, including 3 doctors, 23 nurses, 3 allied health professionals and 27 staff members from the support or executive ranks. Besides, there were 3 cases which involved staff members of the Department of Health, including 1 doctor and 2 ambulancemen.

During the period, the LD also recorded 12 cases reported by private hospitals or private clinics involving 7 nurses, 2 allied health professionals and 3 supporting workers; while care homes for the elderly and people with disabilities reported 47 cases to the LD, including 4 nurses, 33 care workers and 10 supporting workers.

Out of the 118 reported cases mentioned above, employers in 15 cases admitted the liability to employees' compensation and out of which one case was settled after the employer had made payment in accordance with the

Certificate of Compensation Assessment issued by the Commissioner for Labour. Besides, employees in 17 cases withdrew their claims or did not pursue further with their claims owing to various reasons. The LD has been actively following up on the remaining 86 cases.

(3) During October 1, 2020 to April 21, 2021, the LD had received a total of 324 employees' compensation claims with employees suspected to have contracted COVID-19 in employment. The breakdown of reported claims by industry is as follows:

Industry	Number of Compensation Claims
Public Administration, Social and Personal Services	140
Finance and Insurance, Real Estate, Professional and Business Services	57
Food and Beverage Services	20
Import/Export, Wholesale and Retail Trades, Accommodation Services	19
Transportation, Storage, Postal and Courier Services, Information and Communications	15
Construction	54
Manufacturing	10
Others	9
Total	324*

(*Out of the 118 reported cases in parts (1) and (2) of the reply, 85 cases were reported during October 1, 2020 to April 21, 2021. These 85 reported cases are included in the 324 reported cases above.)

Among these 324 reported cases, employers in 52 cases admitted the employees' compensation liability and out of which two cases were settled after the employers had made payments in accordance with the Certificate of Compensation Assessment issued by the Commissioner for Labour. Besides, employees in 59 cases withdrew their claims or did not pursue further with their claims owing to various reasons, and one case was subsequently confirmed that the employer did not have the liability to compensation under the Employees' Compensation Ordinance. The LD has been actively taking follow-up actions for the remaining 212 cases.

The LD has been proactively following up on employees' compensation claims with employees suspected to have contracted COVID-19 in employment based on information published by the Centre for Health Protection. A note on employees' rights and protection under the Employees' Compensation Ordinance,

together with the contact means of the LD, has been distributed through hospitals to all confirmed COVID-19 patients. In case of disputes over employees' compensation cases, the LD will obtain medical reports and other relevant information and provide its views to the employees and employers concerned on the likelihood of the cases being work injuries from the medical perspective and in accordance with the Employees' Compensation Ordinance. The LD will remind the employers to comply with the relevant labour laws in the course of clarifying the work-relatedness of these reported cases. Injured employees may approach the LD should they require any assistance. The LD will take appropriate follow-up action according to the circumstances of individual cases.