

LCQ20: Sick leave and compensation related to work injuries

Following is a question by the Hon Kwok Wai-keung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 26):

Question:

Regarding the sick leave and compensation related to injuries caused to employees by accidents arising out of and in the course of employment (work injuries), will the Government inform this Council:

(1) of the respective numbers of employees who were incapacitated by work injuries for a period of (i) three to seven days, (ii) eight to 14 days, (iii) 15 to 30 days, (iv) 31 days to three months, (v) more than three months to six months, (vi) more than six months to one year, (vii) more than one year to two years, and (viii) more than two years, in each year since 2019;

(2) of the respective numbers of employees injured at work who were assessed, by the Employees' Compensation Assessment Boards in each year since 2019, to have suffered from the following percentages of permanent loss of earning capacity: (i) five per cent or below, (ii) six per cent to 10 per cent, (iii) 11 per cent to 20 per cent, (iv) 21 per cent to 30 per cent, (v) 31 per cent to 50 per cent, (vi) 51 per cent to 70 per cent, and (vii) 71 per cent or above;

(3) given that employers and employees may, in respect of work injury cases which entail a period of sick leave exceeding seven days, agree on applying to the Labour Department (LD) for making settlement by "Paper Medical Clearance", of the number of work injury cases which were settled in this way in each year since 2019; and

(4) whether the LD has, since 2019, enhanced the follow-up procedures for work injury sick leave, so as to further facilitate employers and employees to settle their claims in the aforesaid manner, thereby speeding up the processing of the relevant cases; if the LD has, of the details; if not, whether the LD will enhance the relevant procedures?

Reply:

President,

My reply to the Member's question is as follows:

(1) From 2019 to 2021, the yearly figures of settled compensation claims involving incapacitation of employees for more than three days as a result of work injuries (including compensation claims reported to the Labour Department (LD) under the Employees' Compensation Ordinance (ECO) in or

before the respective settlement year) with a breakdown by the number of working days lost are provided below:

Number of working days lost (Note)	Number of settled compensation claims		
	2019	2020	2021
Below eight days	11 037	8 848	9 977
Eight to below 15 days	5 534	4 039	4 765
15 to below 30 days	3 907	2 700	3 439
30 to below 90 days	4 267	2 957	4 100
90 to below 180 days	2 710	1 731	2 555
180 to below 360 days	2 585	1 767	2 471
360 to below 720 days	2 083	1 726	2 617
720 days or above	4	1	12
Total	32 127	23 769	29 936

Note: The number of working days lost includes both the number of sick leave days granted and taken and the period of absence from duty certified to be necessary by the Employees' Compensation Assessment Board under the ECO.

If the work injury sick leave of an employee does not exceed three days and no permanent incapacity is involved, the employer should make direct payment of compensation to the employee in accordance with the ECO. The LD does not keep statistics on the number of working days lost for this type of cases.

(2) From 2019 to 2021, the yearly figures of settled compensation claims involving incapacitation of employees for more than three days as a result of work injuries (including compensation claims reported to the LD under the ECO in or before the respective settlement year) with a breakdown by the percentage of permanent loss of earning capacity of employees are provided below:

Percentage of permanent loss of earning capacity	Number of settled compensation claims		
	2019	2020	2021
Assessment not required	17 903	14 277	16 417
Zero per cent to five per cent	13 254	8 800	12 689
Above five per cent to 10 per cent	696	474	552

Above 10 per cent to 20 per cent	164	136	162
Above 20 per cent to 30 per cent	53	34	44
Above 30 per cent to 50 per cent	43	28	33
Above 50 per cent to 70 per cent	6	6	12
Above 70 per cent	8	14	27
Total	32 127	23 769	29 936

(3) and (4) In work injury cases where the period of sick leave of the injured employee concerned exceeds seven days and the injury does not lead to any permanent loss of earning capacity, employers and employees may request the LD to complete the follow-up procedure for work injury sick leave by "Paper Medical Clearance" (PMC) when the sick leave has already ended. For cases adopting the aforesaid handling approach, the LD will issue the "Certificate of Compensation Assessment" direct for settling the claims in accordance with the ECO.

Since December 2019, the LD has implemented a pilot scheme on enhancing the follow-up procedure for sick leave relating to work injury and invited seven establishments mainly from the catering and aviation industries to join the scheme. Under the pilot scheme, the LD scrutinised suitable cases and proactively invited relevant employers and employees to complete the follow-up procedure for work injury sick leave by PMC. While the injured employees joining the pilot scheme were not required to attend the medical clearance in person, the LD would issue the "Certificate of Compensation Assessment" direct under the ECO so as to speed up the settlement of the cases. After reviewing the pilot scheme, the LD will further promote PMC in 2022 by proactively inviting employers and employees of all suitable cases to complete the follow-up procedure for work injury sick leave by PMC with a view to expediting the processing of work injury cases through simplified procedures.

The LD has been keeping statistics on the number of compensation claims settled by PMC since 2020, with the yearly figures shown below:

Year	Number of compensation claims settled by PMC
2020	2 752
2021	2 622