



香港工人健康中心
Hong Kong Workers' Health Centre



本計劃由香港公益金資助
This project is supported by The Community Chest

Issue224

June 2023



Occupational Health

Prevention

- OHS Expert Interview Series - Dr. Kwok Kai-him
- Re-examining the Loopholes in Hong Kong's Occupational Health and Safety Management through a Series of Fatal Industrial Accidents

Rehabilitation

- Reflecting on the Importance of Occupational Rehabilitation from Work-related Accidents in 2022

Content

Prevention

- 02 OHS Expert Interview Series - Dr. Kwok Kai-him
- 08 Re-examining the Loopholes in Hong Kong's Occupational Health and Safety Management through a Series of Fatal Industrial Accidents

Rehabilitation

- 11 Reflecting on the Importance of Occupational Rehabilitation from Work-related Accidents in 2022

Publisher	Hong Kong Workers' Health Centre Ltd.
Professional Consultant	Prof. Ignatius Tak Sun Yu
Chief Editor	Sabrina Wan
Editor	Kay K. K. Lau
Contact Address	Room 1429-1437, 14/F., 87-105 Chatham Road South, TST, Kowloon, Hong Kong, SAR China
Contact Method	info@hkwhc.org.hk Tel: (852) 27253996 Fax: (852) 27286968
Web site	www.hkwhc.org.hk
Acknowledgement	English version of this magazine is provided by Mr. CHAN Ting Him, Issac

"Occupational Health" is the publication of Hong Kong Workers' Health Centre (WHC). The purpose of this newsletter is to share our concerns, issues and initiatives on occupational health with the general public in Hong Kong and Mainland China. The information and comments that appear in this newsletter do not necessarily represent the official position of WHC, and WHC will not assume any legal liability or be responsible for damages caused by use of the contents in this newsletter. For those who want to use the contents of this newsletter for their own writings, please quote references to this newsletter accordingly.

OHS Expert Interview Series -

Dr. Kwok Kai-him

In the expert interview section of the last issue, Dr. Lam Chor-yin shared with us the role of rehabilitation management in occupational health and his views on its future development in Hong Kong. For this latest issue, Dr. Kwok Kai-him, who has been dedicated to promoting occupational health examinations in Hong Kong for many years, explains how "occupational health examinations" can help workers with prevention.

Background

Dr. Kwok is a senior registered specialist in respiratory medicine. Since the outbreak of the SARS epidemic in 2003, Dr. Kwok has been helping the Hospital Authority to establish occupational medicine clinics and training programmes for the public healthcare system. These have qualified him as a specialist in occupational medicine. Over the years, in addition to diagnosing and treating patients in both public and private healthcare systems, Dr. Kwok has also been invited to visit and analyze actual work environments in different industries to identify potential occupational health hazards. Moreover, he provides professional advice and recommendations to the responsible parties, assisting them maintain a good level of occupational health and safety for frontline workers.

Additionally, Dr. Kwok frequently discusses and shares with experts from other fields through different interdisciplinary platforms and channels to strengthen his practical support to different stakeholders. Being a member of the Prevention Steering Committee of WHC, Dr. Kwok provides valuable advice and opinions for the prevention education and promotion work of occupational health based on his experience.

Healthcare Professionals Should be Fully Prepared for Complicated Construction Work

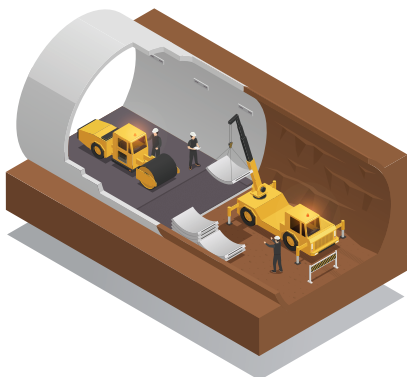
At the beginning of the interview, Dr. Kwok stated that local laws require workers in certain designated industries that require mandatory health examinations. These industries include tunnel engineering, pressurized work, asbestos work, and work associating with statutory carcinogens. Healthcare professionals have a certain role and responsibility in maintaining the health



of these workers. Dr. Kwok suggested, "Some large contractors in Hong Kong hired nurses and doctors to provide workers with timely medical services on the sites. The nurses mainly measure workers' daily vital signs such as heart rate and blood pressure to monitor whether they are suitable for continued work. Meanwhile, the healthcare professionals need to handle workers' emergency needs when necessary. For example, when a worker gets injured, they should apply first aid to stop his/her bleeding. The appointed doctors mostly served workers in specific industries only (such as pressurized work) under mandatory designation. While other workers were injured, they were usually sent to public hospital emergency rooms for treatment."

Dr. Kwok has served as an appointed doctor for more than ten construction projects, including tunnel engineering projects such as the High-Speed Rail, the Sha Tin to Central Link, the Tuen Mun-Chek Lap Kok Link, and Liantang/ Heung Yuen Wai Cross-boundary Control Point. These tunnel engineering projects are more special than common

construction projects because they involve construction in compressed air. In these projects, in accordance with Factories and Industrial Undertakings (Work in Compressed Air) Regulations (Chapter 59M of the Laws of Hong Kong), employers needed to hire appointed medical practitioners to supervise all medical matters related to the construction project.



"For tunnel engineering, tunnel boring machines need to drill into thick mud and rocks and continuously

compress the air to force the groundwater away, so that the project can proceed smoothly. However, every tiny link may affect workers' health and even threaten safety throughout the process. The site safety officer needs to remain vigilant and continue to monitor the entire process to identify loopholes that threaten health and safety in a timely manner to prevent adverse consequences. When workers encounter health problems caused by pressurization, the safety officer would notify the appointed doctor and nurse to provide appropriate treatment immediately." As the working environment on construction sites is constantly complicated, workers face many potential dangers.

Dr. Kwok Feels Emotional by Promoting Hearing Conservation Programme for Workers

Dr. Kwok has devoted a lot of effort to occupational health examinations. He got the deepest sense of accomplishment by promoting the Hearing Conservation Programme for Workers in his past jobs, for which he won the Occupational Medicine Award. Dr. Kwok shared his profound experience, "the environment in the power plant is very noisy. Appropriate measures must be taken to control the noise; otherwise, workers' hearing and health must be significantly harmed.



Dr. Kwok offered more preventive recommendations, and the proprietor and senior management strongly supported and promoted the programme" The management of the power plant were fully aware of the importance of regular occupational health examinations for workers and Dr. Kwok was deeply gratified about that. Thanks to implementation of the programme, the power plant has won the Hearing Protection Award hosted by the Occupational Safety and Health Council.

Yet, Dr. Kwok frankly stated that not every experience goes smoothly. He cited a regrettable experience, "people often tend to categorize 'noise' as an occupational health problem only in construction and building industries, but I have found significantly noisy situations throughout some procedures in public healthcare institutions. I hoped to provide support and protection for the relevant staff members as early as possible to prevent them from suffering hearing damage due to work. I made recommendations to their senior management. Nevertheless, the conservation programme cannot be implemented due to doubts, concerns, and conservative attitudes among the senior management. It was even suspended shortly after I left the team."

Similar programmes, when implemented in different places, can have completely different results. Dr. Kwok reflects that the recognition and cooperation of senior management are crucial to the smooth implementation of occupational health examinations and other policy measures in Hong Kong. If senior management can promote the culture of "prevention is better than cure" and "nip diseases in the bud" in the workplace and put words into actions, it can achieve unity and benefit both employers and employees.

Hong Kong still Needs to Strive for Mandatory Occupational Health Examinations

Dr. Kwok believes that the reason for occupational health examination not receiving enough attention from senior management or relevant departments in Hong Kong is the lack of sufficient legislation and regulations in the city. "Currently, there are only a few occupations in Hong Kong that require mandatory physical examinations under the laws, such as workers who handle asbestos work or workers who are exposed to compressed air in tunnel excavation projects. These workers are set out in Factories and Industrial Undertakings Regulations, Chapter 59 of the Laws of Hong Kong. The number of such occupations is really too few." Considering the news of occupational drivers causing accidents due to physical discomfort, Dr. Kwok continued, "currently there is no legislation in Hong Kong that requires occupational drivers of public transport to undergo regular occupational health examinations before and after starting to become a driver. Even if some companies require them to undergo physical examinations before employment, the examination items usually only include basic checks such as urine and electrocardiogram. These are insufficient to cover the relevant parameters required by their work and they cannot help solve the problems that may occur during their work." There are a diverse range of occupations and industries in Hong Kong. In Dr. Kwok's view, it is undesirable that only single-digit percentages of occupations require mandatory occupational health examinations.

When talking about the importance of improving legislation and regulations, Dr. Kwok pointed out that legislation and standards serve as the foundation, and they can effectively and specifically promote the accumulation of resources. Resources do not just refer to financial resources, but also to changes and interaction between manpower, operations, education, and awareness. Without a set of comprehensive legislation to provide mandatory motivation, employers, management, and employees may not fully understand the need for occupational health examinations. Dr. Kwok shared, "In foreign countries, the optimisation of legislation has promoted the establishment of highly systematic institutions.

Both management and workers at a low level have a deep understanding of occupational health examinations. Employers are aware that providing regular health check-ups for employees can safeguard the interests of both parties, and employees understand the benefits of occupational health examinations for their own physical and career planning. Hong Kong people, by contrast, fail to raise their awareness of safety and health prevention from legal provisions and requirements due to the lack of legislation. As many employers and employees know little about occupational health examination, they regard it as a daunting task." He also mentioned the cases in mainland China. There are over 100 types of occupations that are legally required to undergo health check-ups, which is a far cry from the only a few types of occupations in Hong Kong that require mandatory health check-ups.

Regarding the shortage of talent, Dr. Kwok strongly agrees that occupational health examinations encounter the same difficulties as vocational rehabilitation. "The medical curriculum does not provide medical students with sufficient knowledge of rehabilitation management and occupational health examinations. Even if related courses are offered, it is not enough to alleviate the shortage of talent. For example, the Chinese University of Hong Kong had offered a diploma course in occupational and environmental medicine, providing students with professional knowledge and skills in occupational safety and health. Yet, due to the lack of legislation and limited market demand, institutional employers and management still did not feel the need for talent in this field though the Occupational Safety and Health Ordinance specifies the employer's responsibilities and requirements. As a result, the graduates did not have room to grow. This affected the subsequent enrollment and led to the suspension of the course around the year of 2010, exacerbating the gap in professional talent over the past decade." Offering courses merely cannot solve Hong Kong's shortage of talent. Creating demand for such talent in the market is rather essential!

Dr. Kwok thinks that the law itself can serve as a benchmark, enabling different stakeholders to reach consensus by following the same regulatory system, thereby gradually changing attitudes, raising awareness, and promoting the prevalence of occupational health examinations in Hong Kong. He is concerned that occupational health examinations in Hong Kong may face a situation of decline if there is no progress. "People who have contributed to the development of occupational health examinations will also gradually age. There are fewer and fewer experienced professionals in society. If the authorities can invest more in this field and seek to solve the problem of resource shortages, they can help maintain the already vulnerable occupational health examination system and may even enhance the system's popularity in Hong Kong." The law can directly highlight the

necessity of medical examinations and further motivate the industry to allocate resources. The occupational health examinations system can only be effectively implemented with the cooperation of employers.

Concluding Remarks

In the conclusion of the interview, Dr. Kwok sincerely wishes Hong Kong people "everything goes well with health and work." This simple message contains Dr. Kwok's observations and insights from years of working in different environments. It is his opinion that the government should revise the legislation system for occupational health examinations to include more types of occupations that require mandatory health check-ups before and during employment; employers and management should provide and maintain a good working environment for employees, and supervise and guide work processes; employees should also consider their own occupational health and safety, cooperate with employers and wear personal protective equipment when performing specific tasks. A win-win career can be built only through everyone's efforts.

The Prevention of Pneumoconiosis Campaign

With the initiation of major transportation and infrastructure projects, construction works such as old buildings maintenance, renovation and clearance projects have increased significantly. However, without the implementation and adherence to appropriate occupational health and safety preventive measures, frontline construction workers become susceptible to occupational health hazards, resulting in injuries and occupational diseases.

To increase awareness about pneumoconiosis (including silicosis and asbestosis) and mesothelioma among frontline construction workers, the Hong Kong Workers' Health Centre and Hong Kong Construction Industry Employees General Union are conducting health promotion campaigns in various districts. These campaigns are sponsored by the Pneumoconiosis Compensation Fund Board and the details are as follows:

Campaign Period:

1st January 2023 – 31st December 2023

Target:

- Frontline construction workers at construction sites, involved in building maintenance, renovation, and clearance works projects, including both current workers and apprentices
- Homeowners or households planning for building maintenance, renovation, and clearance works, along with workers and contractors providing relevant services

Activities:

- "Pneumoconiosis Prevention and Promotion Ambassadors" Training Workshop
- Health Talk on Pneumoconiosis Prevention
- Roadshows at the Workers Registration Service Centre and Construction Sites
- Case Referral Service for Pneumoconiosis Sufferers

Prevent and Reduce
Dust Generation
Smart and Health First



Organizer:



香港建造業總工會
H K C I E G U



香港工人健康中心
Hong Kong Workers' Health Centre

Sponsor:



肺塵埃沉着病補償基金委員會
PNEUMOCONIOSIS COMPENSATION FUND BOARD

Re-examining the Loopholes in Hong Kong's Occupational Health and Safety Management through a Series of Fatal Industrial Accidents



The Hong Kong Government's proposed amendments to the Occupational Safety and Occupational Health Legislation (Miscellaneous Amendments) Bill, which was already published in May 2022, are still pending review. Nevertheless, there were successively several workplace fatalities in December 2022. On 8 December, a truck-mounted crane in operation suddenly overturned at a recycling yard in Tuen Mun yard and crashed into a pile of scrap metal nearby, causing a 52-year-old male supervisor to be hit on the head by a collapsing I-beam and died. On 13 December, a 42-year-old Pakistani scaffolder fell from a height of 3 meters while working on a scaffolding project at a mansion in Ho Man Tin. On 14 December, a 55-year-old male worker was crushed to death by a falling steel beam while dismantling a building at a construction site in Yau Tong. Again, on the next day, i.e. 15 December, a 37-year-old male worker was killed during an inflation leak test when a blast wall suddenly exploded and threw him more than 10 meters by the explosion force at a container terminal in Kwai Chung.

The nature of the job involved in these four accidents was not the same and the causes were different. It is however not difficult for the simple 5-M accident causation model (Man, Machine, Material, Method, Medium) to deduce the direct causes of the accidents. The causes could be the worker's negligence in wearing appropriate personal protective



equipment or insufficient awareness of the hazards (Man factor), could be due to improper maintenance of machinery and equipment (Machine factor), missing or defective materials (Material factor), incorrect operating methods (Method factor), or an unsuitable working environment that caused an undesirable separation of workers, machinery, and materials (Medium factor). Yet, regardless of the direct causes, the underlying cause is always inadequate safety management.

To enhance the effectiveness of safety management, we must re-examine the implication of "safety management". "Management" requires authority. Only with authority, one has the right to manage. "Responsibility" is, however, a duty. If authority and responsibility are not clearly defined, safety management cannot be effectively carried out. Take construction projects as an example, project directors and managers who have absolute control over the site have the power to control safety issues but no accountability. Even if there are several fatal industrial accidents, project directors and managers are not held accountable as long as the project is not delayed, over budget, or involve quality issues that prevent them from being delivered on time. At the end of the year, they still receive bonuses and awards based on these delivery standards, which are their key performance indicators (KPI).

Safety officers, on the other hand, have responsibility but have no authority. They have no right to make any final decisions about construction methods and timing. Their role is to simply monitor and advise. Years ago, the job title of "Safety Officer" changed to "Safety Advisor" in the UK. This has been clearly stated in Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations - Regulation 15. It stipulates that the statutory duty of a safety officer is only to provide advice to the proprietor or contractor of an industrial undertaking to help them promote the safety and health of their employees. Section 15(K) further clarifies that safety officer only has the duty to advise the proprietor or contractors and assist in establishing a safety and health policy, devising in-house safety rules and regulations, establishing a safety committee, assist in job hazard



analysis, conducting safety promotion, implementing safety and health plans, organizing a safety and health training programme, etc. In other words, these responsibilities are the proprietor's responsibility, and safety officers are primarily responsible for providing advice to help proprietors or contractors fulfill their legal safety responsibilities. Unfortunately, most proprietors or contractors simply assume that by hiring a safety officer, they can delegate all safety matters, including safety management and responsibilities, to the safety officer. Engineering management at all levels are happy with this. What is even worse is that some law enforcement officers who regulate safety and safety auditors in the industry also hold this attitude. When they inspect the construction site or conduct safety audits, they require the safety officer to provide the necessary information. Although the safety officer is required to give advice to assist the proprietor to abide by regulations, they cannot act as the proprietor's representative. Some judges are also unfair to criticize safety officers.

Effective implementation of safety responsibilities of construction management personnel depends on the joint efforts of the government and employers. The Labour Department can refer to the UK's best practices and strictly enforce Chapter 14 of the Factories and Industrial Undertakings Ordinance and Chapter 33 of the Occupational Safety and Health Ordinance. Based on these laws, the Labour Department can directly prosecute management at all levels for work safety negligence. Employers should make job safety one of the performance indicators for these management staff. For example, if there is a fatal accident, the annual bonus will be reduced by half. If there is a second accident, it will be reduced by half again, and so on. It is expected that these management personnel will pay more attention to safety.



In WHC's view, addressing safety and health issues must start from the source in order to cure them. If we only review and correct them after a serious industrial accident occurs, the results will be undesirable though tremendous effort is made. In a system where there is an imbalance of power between employers and employees, achieving zero accidents is as difficult as aiming Zero-COVID. In the end, "zero accidents" will only become a slogan that can never be achieved.

Reflecting on the Importance of Occupational Rehabilitation from Work-related Accidents in 2022

According to the figures released by the Labour Department, there were a total of 123 occupational deaths (i.e., deaths during working hours) in the first half of 2022. As of 20 December, the Labour Department recorded 26 fatal industrial accidents (as regulated by the Factories and Industrial Undertakings Ordinance), with the construction industry accounting for the highest number at 17.

From July to December 2022, the number of severe industrial accidents increased, including accidents involving construction site scaffolding and other large-scale industrial accidents. These prompted public concerns and discussions on safety awareness, developers' responsibility, regulation of contractors, and other issues including compensation as stipulated in laws. The most sensational accident involved a concert screen falling and injuring dancers. Related videos and news reports received over a million views on various social media platforms.

Whenever work-related accidents occur, media coverage mainly focuses on the Labour Department's investigation into the cause of the accident, how they described the accident process and results. Nonetheless, for non-fatal or less severe work injury cases, the media seldom pays attention to and reports on their rehabilitation needs, and the coordination and planning required for their returning to work. For example, in the case of the concert accident, the later media coverage focused on whether the dancers were self-employed or employed, and the involved labor disputes, which were primarily related to compensation disputes.

Needs of Injured Workers

The aforementioned explored the general views of Hong Kong's society on work-related accidents from a macro perspective. If we take a more micro perspective, we may think about the needs of injured workers. The first thing that should come to our mind is usually medical treatment. It is also the most urgent need of workers. When workers are

injured at work, the first priority is to seek medical treatment and properly manage their injuries. After receiving initial treatment and achieving stable medical condition, related rehabilitation treatment will be carried out. With the assistance of occupational therapists and physical therapists, the worker will be gradually trained to recover their work ability. In addition to medical treatment and compensation, when it comes to the issues relating to injured workers, we may think of the need for compensation and civil litigation. According to recent news reports, labor unions or organizations have been advocating for compensation for injured workers or calling for improvements to related regulations.

However, injured workers do not only need medical treatment and compensation, but they also need psychological, social, and reemployment support. Regarding psychological and social needs, some injured workers may reduce their outings and social activities during the treatment and recovery period due to physical limitations and chronic pain, leading to a vicious



cycle of long-term confinement at home. Some workers may experience anxiety or depression as a result. A foreign study reveals that there is a correlation between work-related injuries and depression. Injured workers are more likely to suffer from depression than those injured in other circumstances. With respect to returning to work, workers face challenges and requirements when they return to the workplace after rehabilitation. Due to the work-related injury, they may need to readjust their job duty or even switch to a different industry and adapt to a new job position.

Yet, whenever society discusses work-related accidents in Hong Kong, the focus often lies on compensation and prosecution. Too little attention is paid to work injury rehabilitation. In comparison to other countries and regions, Hong Kong is lagging behind in terms of work injury rehabilitation systems. In Hong Kong, a voluntary rehabilitation model is adopted. That is to say, employers purchase worker's compensation insurance from private insurance companies, and the insurance companies simply follow up suitable cases according to their own criteria. There is less involvement from the government and employers. In Queensland, Australia, by contrast, there is legislation that mandates the participation of both employers and employees in rehabilitation services. In Japan, although participation is voluntary, the legislation requires designated medical institutions and rehabilitation experts to provide relevant services.

How can Work Injury Rehabilitation Help Injured Workers Get Back to Normal

In Hong Kong, there are ample resources in the treatment of work injuries, but it lacks policy support for the rehabilitation needs of injured workers and resources to help them return to society and work. Injured workers may eventually find them difficult and helpless to receive rehabilitation treatment and return to work. In particular, some workers who suffer from long-term pain due to work-related accidents may even feel lost and anxious about their future. Appropriate policy review and resource allocation are therefore crucial for the development of work injury rehabilitation.

Future Development of Work Injury Rehabilitation in Hong Kong

In September 2022, the Labour Department launched the Pilot Rehabilitation Programme for Employees Injured at Work, which targets employees in the construction industry and the programme would last for three years. The programme is based on a case management model that enables injured workers to receive private outpatient rehabilitation treatment at the price of public healthcare, thereby promoting return-to-work services. The implementation of this programme is no doubt an important milestone. However, besides improving the implementation model, it is also important to raise public awareness for the future development of work injury rehabilitation in Hong Kong.



Community Education

As aforementioned, people in society focus more on the compensation and rights of injured workers. For enhancing the awareness of the timely rehabilitation and return-to-work support for occupational injury cases among the public, community education is indispensable. Through education, the public can learn about the various treatments and their functions that injured workers need during medical rehabilitation, their course of rehabilitation, how they overcome and coped



with the chronic pain caused by work injuries, the importance of communication between injured workers and employers during the process, factors to consider, and preparation required before returning to work etc.

Policy Formulation

Stakeholders are not only concerned about the effectiveness of the "Pilot Rehabilitation Programme for Employees Injured at Work" launched by the Labour Department but are also discussing how to further promote the model of work injury rehabilitation three years later. This is another important issue. As an organization dedicated to helping injured workers return to work, WHC hopes that the model can be expanded to every industry so that every injured employee can receive timely assistance and return to their job as soon as possible. WHC understands that such a significant change requires policy reformulation. WHC will therefore actively engage with other relevant organizations to discuss and explore policy revisions, such as establishing the Central Compensation Mechanism.



建造業工傷僱員復康先導計劃



私家復康治療
公立醫院收費



無需輪候
公立醫院服務



專人跟進
治療及復工



早日康復
重投工作

勞工處查詢電話

2417 6594

先導計劃服務熱線

2293 7000

先導計劃網站

www.prp-wiro.gov.hk

先導計劃單張



中文 (繁體)



英文

先導計劃網站



工傷復康先導計劃
PILOT REHABILITATION PROGRAMME



To promote occupational health and safety (OHS) culture and reduce occupational injuries among NGOs in Hong Kong, we are now running a project under the Jockey Club Charities Trust which offers a series of OHS consultancy and promotion services. The project consists of 2 phases:

	Phase I	Phase II
Objectives	To increase employees' participation, knowledge and awareness on OHS issues	To train up internal OHS ambassadors for participating organizations
Details	<ul style="list-style-type: none"> • Workplace environment inspection and assessment • OHS training with industry-specific topics • Set up internal OHS Committee • Consultancy and follow-up 	<ul style="list-style-type: none"> • OHS Ambassadors Courses with minimum 9 hours of training and teaching • Experience sharing sessions • Professional seminars <p>** Certificates will be delivered to participants who accomplishes all the components of the project</p>
Fees	Free of charge (Fees will be waived upon completion of all components in the project)	

For enquiries, please contact us at 2725 3996 or via email at info@hkwhc.org.hk.