

# Occupational Deafness Compensation Scheme



The Occupational Deafness Compensation Scheme is set up under the Occupational Deafness (Compensation) Ordinance to compensate persons suffering from noise-induced deafness by reason of their employment.

## Application for Occupational Deafness Compensation

### *Eligibility Criteria*

#### © **What are the qualifying conditions for compensation?**

Any person who has been employed in Hong Kong to work in specified noisy occupations may apply for compensation if he suffered from noise-induced hearing loss due to employment. Occupational deafness is an occupational disease and a person has to fulfill both following occupational and hearing loss requirements before he/she is entitled to compensation.

Any person who is awarded compensation for occupational deafness could apply for further compensation if he/she has continued to be employed in worked in specified noisy occupations for a period and suffered from greater hearing loss as exemplified by additional percentage of permanent incapacity.

#### **A. Compensation for the First Time**

##### 1. *Occupational requirements:*

- (a) at least 10 years of employment in aggregate in specified noisy occupations in Hong Kong or at least 5 years in the case of the 4 occupations that are particularly noisy; and
- (b) having been employed under a continuous contract in a specified noisy occupation in Hong Kong within the 12 months prior to making the application for compensation. (A continuous contract means a contract of employment where the employee has worked for the same employer for 4 weeks or more, prior to a given date, for at least 18 hours in each of the 4 weeks.)

##### 2. *Hearing loss requirements:*

- (a) Binaural hearing loss - sensorineural hearing loss amounting to not less than 40 dB in each ear, where such loss of at least one ear is due to noise; **or**
- (b) Monaural hearing loss - sensorineural hearing loss amounting to not less than 40 dB in only one ear, where such loss is due to noise.

The sensorineural hearing loss mentioned above is obtained from the average of hearing losses measured by audiometry over the 1, 2 and 3 kHz frequencies.

#### **B. Further Compensation**

##### 1. *Occupational requirements:*

- (a) at least 3 years of employment in aggregate in specified noisy occupations in Hong Kong after the application date of his/her last application for which compensation has been approved; **and**

- (b) having been employed under a continuous contract in a specified noisy occupation in Hong Kong within the 12 months prior to making the application for further compensation.

2. *Hearing loss with additional permanent incapacity requirements:*

- (a) Binaural or monaural hearing loss; **and**
- (b) the percentage of permanent incapacity is greater than that of the latest application for which compensation has been approved.

⊙ **Is there a deadline for making an application?**

Any person who is still being employed in specified noisy occupations and satisfies the above conditions can apply for compensation at any time.

Any person who is no longer employed in specified noisy occupations should apply **within** 12 months from being last employed in such occupations.

⊙ **What are specified noisy occupations?**

There are 29 types of specified noisy occupations. They include occupations involving -

1. The use of power driven grinding tools on metal or on billets of metal or blooms, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used;
2. The use of power driven percussive tools on metal or on billets of metal or blooms, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used;
- 3\*. The use of power driven grinding, chiselling, cutting or percussive tools on rocks, concrete or marble, or work wholly or mainly in the immediate vicinity of those tools whilst they are being so used;
4. Work wholly or mainly in the immediate vicinity of plant (excluding power press plant) engaged in the forging (including drop stamping) of metal by means of closed or open dies or drop hammers;
5. Work in textile manufacturing where the work is undertaken wholly or mainly in rooms or sheds in which there are machines engaged in weaving man-made or natural (including mineral) fibres or in the high speed false twisting of fibres;
6. The use of, or work wholly or mainly in the immediate vicinity of, machines engaged in cutting, shaping or cleaning metal nails or screws;
7. The use of, or work wholly or mainly in the immediate vicinity of, plasma spray guns engaged in the deposition of metal;
8. The use of, or work wholly or mainly in the immediate vicinity of, any of the following machines: multi-cutter moulding machines, planing machines, automatic or semi-automatic lathes, multiple cross-cut machines, automatic shaping machines, double-end tenoning machines, vertical spindle moulding machines (including high-speed routing machines), edge banding machines, bandsawing machines with a blade width of not less than 75 mm and circular sawing machines;
9. The use of chain saws;
- 10\*. The use of, or work wholly or mainly in the immediate vicinity of, machines engaged in percussive pile or metal plank driving on construction sites;
- 11\*. Work wholly or mainly in the immediate vicinity of abrasive blasting operations;
12. The use of, or work wholly or mainly in the immediate vicinity of, machines engaged in grinding of glass;
13. Work wholly or mainly in the immediate vicinity of machines engaged in crushing or screening of rocks or stone aggregate;
14. The use of, or work wholly or mainly in the immediate vicinity of, machines engaged in granulating of plastic materials;
15. Work wholly or mainly in the immediate vicinity of machines or hand tools engaged in descaling of ships;
16. Work wholly or mainly in the immediate vicinity of internal combustion engines or turbines or pressurized fuel burners or jet engines;
17. Work wholly or mainly in the immediate vicinity of car body repair, or of making metal articles by manual hammering;
18. The use of, or work wholly or mainly in the immediate vicinity of, machines engaged in extruding of plastic materials;
19. The use of paper corrugating machines, or work wholly or mainly in the immediate vicinity of those machines whilst they are being so used;

20. Work wholly or mainly in the immediate vicinity of bleaching and dyeing of fabric involving machines using pressurised steam;
  21. Work wholly or mainly in the immediate vicinity of glass-bottling lines;
  22. Work wholly or mainly in the immediate vicinity of metal-can bottling lines;
  23. The use of paper folding machines, or work wholly or mainly in the immediate vicinity of those machines whilst they are being so used;
  24. The use of high speed web-fed offset printing machines, or work wholly or mainly in the immediate vicinity of those machines whilst they are being so used;
  - 25\*. Work wholly or mainly in the immediate vicinity of gun-firing operation;
  26. Work wholly or mainly in the immediate vicinity of a place where the electric stunning of pigs for the purpose of slaughter takes place;
  27. Playing mahjong (as the main duty) inside a mahjong parlour licensed under section 22(1)(b) of the Gambling Ordinance (Cap. 148);
  28. Preparing or serving drinks (as the main duty) in the immediate vicinity of the dancing area of a discotheque; or
  29. Controlling or operating a system for playing back and broadcasting recorded music in a discotheque.
- \* These 4 noisy occupations only require a minimum 5 years of employment

⊙ **Examples of specified noisy occupations:**

- the use of pneumatic drills, pile drivers or rock-crushing machines in construction sites or quarries;
- the use of spinning or weaving machines in textile factories;
- the use of power press or lathes in metal-work factories;
- the use of lathes, planing machines, circular sawing machines or high-speed routing machines in carpentry;
- the use of plastics granulating machines in plastics factories.

## *Application Procedures*

⊙ **How to apply?**

A claimant should complete an application form and submit it to the Occupational Deafness Compensation Board.

⊙ **What information should the claimant provide to the Board?**

Apart from personal particulars, the claimant should provide details about each of his/her previous employment in noisy occupations as follows:

1. the name, contact address and telephone number of the employer;
2. the dates of employment, post, earnings and details relating to the use of noisy tools/machines; and
3. the contact addresses and telephone numbers of two co-workers who know the details about the claimant's engagement in the relevant employment.

⊙ **Why should the claimant provide information about his co-workers?**

In verifying the claimant's employment history, the Board may need to contact his/her co-workers to clarify the details of his employment.

⊙ **Is the claimant required to provide documentary evidence when submitting the application?**

The claimant should try his best to submit any documentary evidence that could substantiate his/her previous employment in noisy occupations. Some examples are:

1. letters issued by employers certifying the claimant's period of employment, post and earnings;
2. employment contracts;
3. notification on the computation of severance payment or termination payments;
4. salary tax returns filed by employers;
5. documents pertaining to the contribution of mandatory provident fund; or
6. wage receipts, etc.

Furthermore, the claimant should also provide documentary evidence on the earnings received by him/her in respect of his last 12 months' employment in specified noisy occupations prior to the date of his application.

⊙ **How would the Board process an application for compensation?**

After receiving an application, the Board will first undertake employment verification. The employers and co-workers of the claimant will be contacted in order to verify the employment details of the claimant.

After verification, the Board will inform the claimant who satisfies the occupational requirements to undergo hearing assessment. The claimant should attend hearing tests and medical examination arranged by the Board so as to ascertain whether he satisfies the hearing loss requirements.

After confirming that the claimant has met the requirements for compensation, the Board will issue a certificate of determination of compensation to him/her. The certificate will state the percentage of permanent incapacity resulting from occupational deafness and the amount of compensation payable. If the claimant agrees to the amount of compensation, the Board will issue the payment to him accordingly. The claimant will lose the right to object to the amount of compensation once he has received the payment.

If, at any stage, the Board determines that a claimant is not entitled to compensation, it will issue a notice of refusal to him/her. The reasons for refusal will be stated in the notice.

⊙ **If a claimant is not satisfied with the Board's decision, what should he/she do?**

The claimant may request the Board to review its decision by sending to the Board a written request stating his reasons within 14 days beginning on the date of the notice of refusal or certificate of determination of compensation. Upon receiving the request, the Board will review the application and inform the claimant of the result in writing.

⊙ **Is a claimant is still not satisfied with the result of review, what he/she do?**

A claimant who is not satisfied with the result of review undertaken by the Board may appeal to the District Court. The appeal should be lodged within 6 months from the determination of the review made by the Board, unless the District Court agrees to extend the time limit.

⊙ **Can a claimant apply again if his/her application has been refused by the Board?**

A claimant whose application has been turned down on or after 6 March 1998 because of failing to fulfill the *hearing loss requirements* can re-apply if he has been employed in Hong Kong for at least 2 years in aggregate in any specified noisy occupations after the date of his previous application.

If a claimant was refused because of failing to meet the employment requirements, he/she could re-apply to the Board any time when he/she considers himself/herself as being about to meet the employment requirements, provided that the application is made within 12 months from the date of he/she was last employed in such occupations..

⊙ **Can a claimant withdraw his application?**

A claimant can withdraw any time before he/she undergoes hearing test arranged by the Board. Once a claimant has undergone any hearing test or medical examination arranged by the Board, the Board is empowered to make determination on his/her application even if he/she requests to withdraw the application.

*Computation of Compensation*

⊙ **How the amount of compensation is determined?**

The amount of compensation payable to a claimant is determined in accordance with his/her age at the time of application, monthly earnings and the percentage of permanent incapacity/additional percentage of permanent incapacity as follows:

compensation for the first time :

<i>Age</i>	<i>Amount of Compensation</i>
Under 40	96 months' earnings X % of permanent incapacity
40to under 56	72 months' earnings X % of permanent incapacity
56 or above	48 months' earnings X % of permanent incapacity

further compensation :

<i>Age</i>	<i>Amount of Compensation</i>
Under 40	96 months' earnings X additional % of permanent incapacity
40to under 56	72 months' earnings X additional % of permanent incapacity
56 or above	48 months' earnings X additional % of permanent incapacity

⊙ **How the amount of monthly earnings is determined?**

In accordance with the Occupational Deafness (Compensation) Ordinance, the monthly earnings means the average monthly earnings received by the claimant in his/her last 12 months' employment in specified noisy occupations in Hong Kong prior to the date of application. If the claimant cannot provide documentary evidence on his/her earnings or the evidence so provided is not accepted by the Board, the compensation will be computed in accordance with the median employment earnings of the total employed population of Hong Kong published by the Census and Statistics Department. In either case, the ceiling is subject to a maximum amount of \$36,550 for the purpose of computing the amount of compensation.

The Board will determine the monthly earnings as above, and also be taking the relevant provisions under the Minimum Wage Ordinance into consideration.

⊙ **What documents will be regarded as evidence on earnings?**

Below are some examples of the documentary evidence on earnings:

1. letters issued by employers certifying the earnings received by the claimant for the last 12 months' employment in specified noisy occupations;
2. salary tax returns filed by employers;
3. wage record books;
4. documents of contribution to the mandatory provident fund; and
5. employment contracts, etc.

⊙ **How the percentage of permanent incapacity is determined?**

The percentage of permanent incapacity suffered by the claimant is determined by reference to the following table:

FOR BETTER EAR	FOR WORSE EAR	Percentage of permanent incapacity (%)
below 45 dB	40 to below 45 dB	0.5
below 45 dB	45 to below 50 dB	1
below 45 dB	50 to below 55 dB	1.5
below 45 dB	55 to below 60 dB	2
below 45 dB	60 to below 65 dB	2.5
below 45 dB	65 to below 70 dB	3
below 45 dB	70 to below 75 dB	3.5
below 45 dB	75 to below 80 dB	4
below 45 dB	80 to below 85 dB	4.5
below 45 dB	85 to below 90 dB	5.5
below 45 dB	90 dB or above	6.5
40 to below 45 dB	40 to below 45 dB	1
40 to below 45 dB	45 to below 50 dB	2
40 to below 45 dB	50 to below 55 dB	3
40 to below 45 dB	55 to below 60 dB	4
40 to below 45 dB	60 to below 65 dB	5
40 to below 45 dB	65 to below 70 dB	6
40 to below 45 dB	70 to below 75 dB	7
40 to below 45 dB	75 to below 80 dB	8
40 to below 45 dB	80 to below 85 dB	9
40 to below 45 dB	85 to below 90 dB	11
40 to below 45 dB	90 dB or above	13
45 to below 50 dB	45 to below 50 dB	5
45 to below 50 dB	50 to below 55 dB	6
45 to below 50 dB	55 to below 60 dB	7
45 to below 50 dB	60 to below 65 dB	8
45 to below 50 dB	65 to below 70 dB	9

FOR BETTER EAR	FOR WORSE EAR	Percentage of permanent incapacity (%)
45 to below 50 dB	70 to below 75 dB	10
45 to below 50 dB	75 to below 80 dB	11
45 to below 50 dB	80 to below 85 dB	13
45 to below 50 dB	85 to below 90 dB	14
45 to below 50 dB	90 dB or above	16
50 to below 55 dB	50 to below 55 dB	10
50 to below 55 dB	55 to below 60 dB	11
50 to below 55 dB	60 to below 65 dB	12
50 to below 55 dB	65 to below 70 dB	13
50 to below 55 dB	70 to below 75 dB	14
50 to below 55 dB	75 to below 80 dB	15
50 to below 55 dB	80 to below 85 dB	17
50 to below 55 dB	85 to below 90 dB	18
50 to below 55 dB	90 dB or above	20
55 to below 60 dB	55 to below 60 dB	15
55 to below 60 dB	60 to below 65 dB	16
55 to below 60 dB	65 to below 70 dB	17
55 to below 60 dB	70 to below 75 dB	18
55 to below 60 dB	75 to below 80 dB	19
55 to below 60 dB	80 to below 85 dB	21
55 to below 60 dB	85 to below 90 dB	22
55 to below 60 dB	90 dB or above	24
60 to below 65 dB	60 to below 65 dB	20
60 to below 65 dB	65 to below 70 dB	21
60 to below 65 dB	70 to below 75 dB	22
60 to below 65 dB	75 to below 80 dB	23
60 to below 65 dB	80 to below 85 dB	25
60 to below 65 dB	85 to below 90 dB	26
60 to below 65 dB	90 dB or above	28
65 to below 70 dB	65 to below 70 dB	25
65 to below 70 dB	70 to below 75 dB	26
65 to below 70 dB	75 to below 80 dB	27
65 to below 70 dB	80 to below 85 dB	29
65 to below 70 dB	85 to below 90 dB	30
65 to below 70 dB	90 dB or above	32
70 to below 75 dB	70 to below 75 dB	30
70 to below 75 dB	75 to below 80 dB	31
70 to below 75 dB	80 to below 85 dB	33

FOR BETTER EAR	FOR WORSE EAR	Percentage of permanent incapacity (%)
70 to below 75 dB	85 to below 90 dB	34
70 to below 75 dB	90 dB or above	36
75 to below 80 dB	75 to below 80 dB	35
75 to below 80 dB	80 to below 85 dB	37
75 to below 80 dB	85 to below 90 dB	38
75 to below 80 dB	90 dB or above	40
80 to below 85 dB	80 to below 85 dB	43
80 to below 85 dB	85 to below 90 dB	45
80 to below 85 dB	90 dB or above	46
85 to below 90 dB	85 to below 90 dB	51
85 to below 90 dB	90 dB or above	53
90 dB or above	90 dB or above	60

## Enquiries

Please contact the Occupational Deafness Compensation Board if you need further information.

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