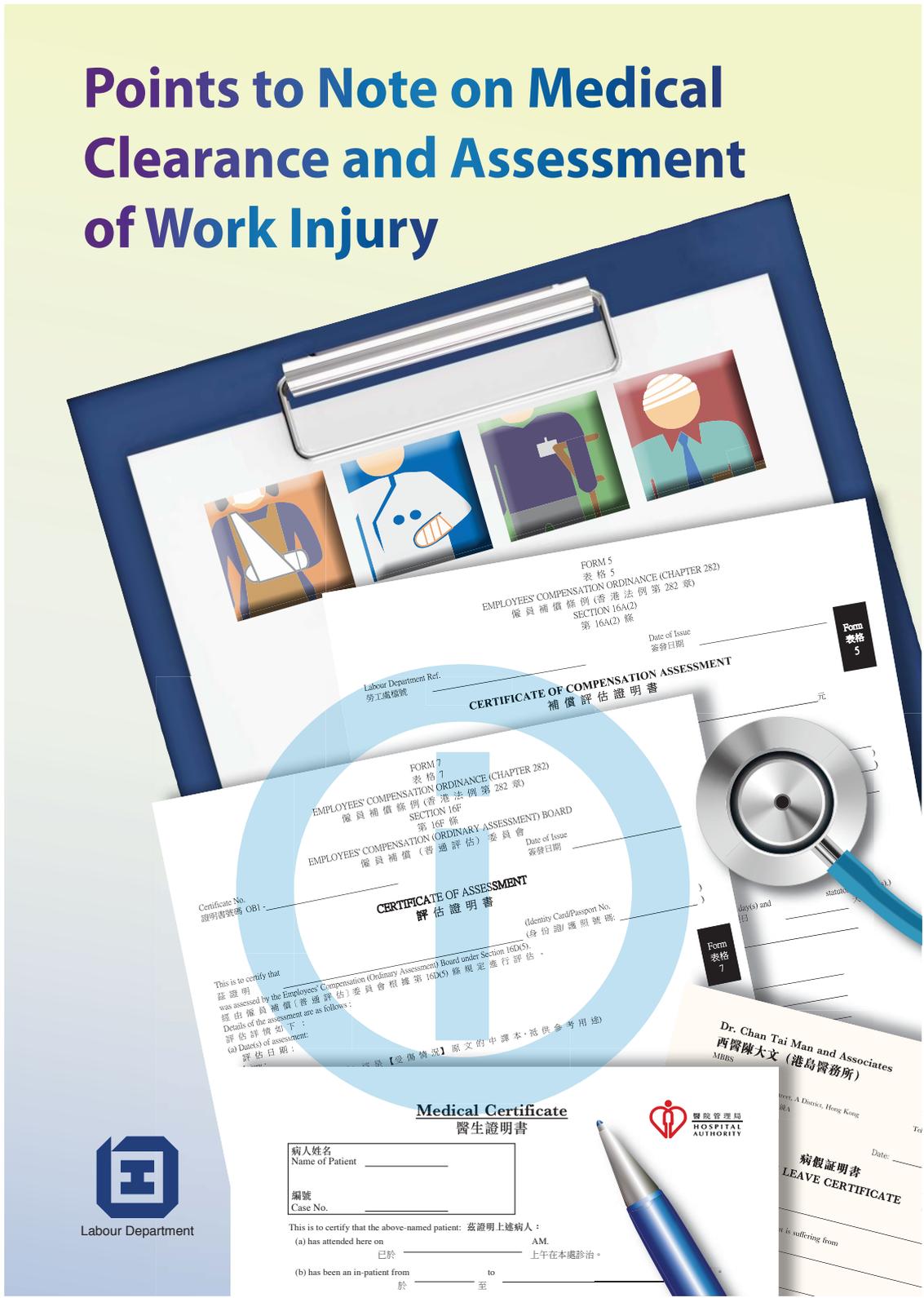


Points to Note on Medical Clearance and Assessment of Work Injury



Labour Department

FORM 5
表格 5
EMPLOYEES COMPENSATION ORDINANCE (CHAPTER 282)
僱員補償條例 (香港法例第 282 章)
SECTION 16A(2)
第 16A(2) 條

Labour Department Ref.
勞工處編號

Date of Issue
簽發日期

Form
表格
5

CERTIFICATE OF COMPENSATION ASSESSMENT 補償評估證明書

FORM 7
表格 7
EMPLOYEES COMPENSATION ORDINANCE (CHAPTER 282)
僱員補償條例 (香港法例第 282 章)
SECTION 16F
第 16F 條
EMPLOYEES COMPENSATION (ORDINARY ASSESSMENT) BOARD
僱員補償 (普通評估) 委員會

Date of Issue
簽發日期

Certificate No.
證明書號碼 OBI -

CERTIFICATE OF ASSESSMENT 評估證明書

(Identity Card/Passport No.)
(身份證/護照號碼)

This is to certify that
茲證明

was assessed by the Employees' Compensation (Ordinary Assessment) Board under Section 16D(5).
經由僱員補償 (普通評估) 委員會根據第 16D(5) 條規定進行評估。

Details of the assessment are as follows:
評估詳情如下:

(a) Date(s) of assessment:
評估日期:

Medical Certificate 醫生證明書

病人姓名
Name of Patient _____

編號
Case No. _____

This is to certify that the above-named patient: 茲證明上述病人:

- (a) has attended here on _____ AM.
已於 _____ 上午在本處診治。
- (b) has been an in-patient from _____ to _____
於 _____ 至 _____



Form
表格
7

Dr. Chan Tai Man and Associates
西醫陳大文 (港島醫務所)
MBBS



病假證明書 LEAVE CERTIFICATE

Date: _____

is suffering from _____

Points to Note on Medical Clearance

1. What is medical clearance?

A: Medical clearance refers to the vetting and recording of medical certificates as well as updating the rehabilitation progress of the injured employees by the Occupational Medicine Unit (OMU) of the Labour Department, and the arrangement of medical assessment if necessary.

2. What are the procedures of medical clearance?

A: Upon receipt of the work injury notification from the employer, the Employees' Compensation Division (ECD) of the Labour Department will issue a "Medical Clearance Notification" and other related information to the injured employee by post. The employee should, as per the Notification, approach the designated office of the OMU, bringing along the copies of all medical certificates, follow-up or appointment slips and medical reports and records etc for medical clearance.

3. Why is an injured employee not notified by the Labour Department for medical clearance despite a lapse of time after injury? What should be done?

A: This is probably because either the employer has not notified the Labour Department of the work injury, or the employer has cast doubt on the injury claim. The injured employee should contact the ECD of the Labour Department for their follow-up actions and assistance.



4. Why are some injured employees not required to go through the procedures of medical clearance?

A: For work injury involving sick leave not exceeding 7 days and with no permanent incapacity, the employer only needs to report the case to the Labour Department and pay the employee as to the compensation payable under the Employees' Compensation Ordinance, and make such payments and medical expenses on time. The injured employee is not required to undergo the medical clearance procedures.

5. What is settlement of employees' compensation case by "Paper Medical Clearance"?

A: To speed up the settlement of the employees' compensation case, the employer and employee may agree on making the settlement through "Paper Medical Clearance" and make such application to the Labour Department. The application must fulfill all of the following conditions:

- there is no dispute over the case;
- the period of sick leave should last for more than 7 days (if the period of sick leave does not exceed 7 days, the employer and the employee should settle the case via direct payment by employer or determination of compensation by agreement in accordance with section 10(11) or section 16CA of the Ordinance respectively);
- the injury does not lead to any permanent incapacity;
- the injury does not involve damage to teeth or the need for fitting of prostheses / surgical appliances;



- all medical certificates are issued by registered medical practitioners, registered Chinese medicine practitioners or registered dentists;
- the employee's sick leave has already come to an end;
- the employer must provide copy of all of the employee's medical certificates in respect of the employees' compensation case; and
- for occupational disease case, it should be the one specified in the Second Schedule of the Ordinance as advised by the Occupational Health Officer.

If the case meets the above requirements, an employer, with the agreement of an employee, may submit an **application** to the branch office of the ECD to settle the employees' compensation case by "Paper Medical Clearance". If the application is approved, the employee will not be required to attend the medical clearance in person at the OMU of the Labour Department. After approval, the Labour Department will issue Certificate of Compensation Assessment (Form 5). The application form is available at branch offices of ECD.

Points to Note on Assessment of Work Injury

6. Why is an injured employee required to undergo a medical assessment of his injury?

A: If a work injury is likely to result in permanent total or partial incapacity, the OMU of the Labour Department will arrange the injured employee to attend medical assessment for assessing the percentage of permanent loss of earning capacity caused by the injury and the period of absence from duty so required, which will serve as the basis for calculating the amount of compensation for the work injury. If it could be substantiated that the injury sustained by the employee, including injuries to limbs and body parts, functional impairment of organs and mental impairment, etc, are related to the work accident and have caused temporary and/or permanent loss of earning capacity, the amount of employees' compensation would be assessed accordingly.

7. When is an injured employee suitable for medical assessment of his injury?

A: The suitable time for an injured employee to undergo medical assessment is a matter of professional medical opinion, usually to be determined by the attending doctor. After the injured employee has received the necessary treatment and his medical conditions and injury have stabilized, he is already suitable for medical assessment, despite he may still need to attend follow-up consultations. Where appropriate, the attending doctor would notify the Labour Department to make arrangement for assessment. Upon notification, the Labour Department would arrange for the assessment as soon as possible. If the employee does not hear from the Labour Department, he may contact the OMU of the Department by phone for enquiries.

8. If an injured employee still receives medical certificates from a medical practitioner, does it mean that he is not yet suitable for medical assessment?

A: The fact that an injured employee continues to be granted medical certificates by a medical practitioner only suggests that the injured employee, by reason of his medical conditions and injury, is still not fit for work for the time being. But it does not mean that he is not yet suitable for medical assessment. Provided that his medical conditions and injury have stabilized, the injured employee is already suitable for medical assessment.

9. Is an injured employee unable to resume work prior to medical assessment?

A: Whether an injured employee can resume work prior to medical assessment mainly depends on his rehabilitation progress, confidence, capability and the nature of his work. If special arrangements for resumption of work are required, the employee should discuss them with his employer as soon as possible.

10. Should sick leave be granted to an injured employee until he is assessed for the work injury?

A: A medical practitioner will exercise professional judgment to determine whether the injured employee should be granted further sick leave, having regard to the medical conditions of the employee.

11. What should an injured employee do if he is not granted further sick leave by a medical practitioner?

A: An injured employee should in principle resume work as arranged by the employer if he is not granted further sick leave, but he may discuss other arrangements with the employer (if necessary).

12. What are the procedures of medical assessment?

A: If a work injury is likely to result in permanent total or partial

incapacity to the injured employee and he is already suitable for medical assessment, the OMU of the Labour Department will arrange for him to attend medical assessment by the Employees' Compensation (Ordinary Assessment) Board.

The Assessment Board, established in accordance with provisions of the Employees' Compensation Ordinance (ECO), comprises two registered medical practitioners, registered Chinese medicine practitioners or registered dentists and a Labour Officer appointed by the Commissioner for Labour. The Assessment Board will examine carefully the medical records and reports of the injured employee, and, in the light of the actual medical conditions and state of recovery of the injured employee, assess the percentage of permanent loss of earning capacity caused by the injury and the period of absence from work required in accordance with the provisions of the ECO, and issue a Certificate of Assessment (Form 7) to the employer and the employee.

FORM 7
表格 7
EMPLOYEES' COMPENSATION ORDINANCE (CHAPTER 282)
僱員補償條例 (香港法例第 282 章)
SECTION 16F
第 16F 條
EMPLOYEES' COMPENSATION (ORDINARY ASSESSMENT) BOARD
僱員補償 (普通評估) 委員會

Certificate No.
證明書號碼 OB1 - _____

Date of Issue
簽發日期 _____

CERTIFICATE OF ASSESSMENT
評估證明書

This is to certify that
茲證明 _____ (Identity Card/Passport No.
(身份證/護照號碼: _____))
was assessed by the Employees' Compensation (Ordinary Assessment) Board under Section 16DG.
經由僱員補償 (普通評估) 委員會根據第 16DG 條規定進行評估。

Details of the assessment are as follows:
評估詳情如下:

(a) Date(s) of assessment:
評估日期: _____

(b) Injury:
受傷情況: _____
(重要聲明: 這是【受傷情況】原文的中譯本, 祇供參考用途)

(c) Period(s) of absence from duty necessary as a result of the injury:
由於受傷而須缺勤的期間: _____
from 由 _____ to 至 _____
from 由 _____ to 至 _____

(d) Loss of earning capacity permanently caused by the injury:
由於受傷而引致永久性的收入損失: _____

Form
表格
7

The OMU will issue a "Notification of Medical Assessment" to the injured employee. The employee should notify his employer of the assessment date and time, and attend the appointment at the designated hospital punctually for the assessment, bringing along with him the Notification, identity card and copies of all medical certificates.

13. Will the injured employee be paid wages for attending the medical assessment?

A: According to the ECO, the employer is obliged to grant the injured employee the necessary leave of absence from work for him to attend the medical assessment. If the injured employee still works with the same employer as when he was injured, the employer should pay him normal wages for the above leave of absence from work. The Labour Officer will issue a "Notice to Employer" to the injured employee on the spot during the medical assessment to certify the employee's attendance of the medical assessment that day.

14. When will the assessment result be known?

A: About two weeks after the Assessment Board has completed the assessment, the Labour Department will send by post a Certificate of Assessment (Form 7) issued by the Assessment Board to the injured employee and his employer, together with information on the procedures for settling the employees' compensation claim and raising an objection to the assessment result.

15. What are the procedures for raising an objection to the assessment result?

A: An objection to the assessment result by either party should be made in writing to the Commissioner for Labour within 14 days after the issue of the Certificate of Assessment (Form 7), with a copy of the notice to the other party. Unless there are significant changes to the medical conditions or treatment of the injured employee at the time he raises an objection, the Labour Department will, on receipt of the objection notice, arrange an Assessment Board to

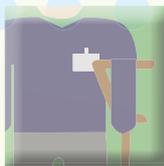
review the assessment as early as possible. The Assessment Board will issue a Certificate of Review of Assessment (Form 9) upon completion of the review. Further objection by either party to the review result should be made to the District Court within 6 months after the issue of the Certificate of Review of Assessment.

16. If an objection is raised to the assessment result, will the result of the review assessment (including the period of absence from work required and the percentage of permanent loss of earning capacity) be an upward adjustment only?

A: No, the result of the review assessment can be adjusted upward or downward, or no change at all. It depends mainly on the actual medical conditions and state of recovery of the injured employee.

17. What are the consequences if an injured employee fails to attend a medical assessment?

A: If an injured employee fails to attend a medical assessment without good cause, the Labour Department will presume that the employee does not wish to have medical assessment and has abandoned his claim for compensation for permanent incapacity, and will assess the period of absence from duty so required (i.e. periodical payments) only. Therefore, if an injured employee is unable to attend a medical assessment due to special reasons, he must notify the OMU of the Labour Department promptly and provide good reasons and supporting evidence. The OMU will consider arranging another assessment date in accordance with the actual circumstances.





Enquiries

Enquiries	Contact means
General enquiries on work injury legislation	<ul style="list-style-type: none">⇒ Call the Labour Department 24-hour hotline : 2717 1771 (the hotline is handled by the "1823")⇒ browse the homepage of the Labour Department at : http://www.labour.gov.hk
Individual work injury case	⇒ Contact staff of the handling office of the Employees' Compensation Division of the Labour Department by using the telephone number provided on the "Medical Clearance Notification" (Please quote the injury case reference number)
Arrangement concerning medical clearance and medical assessment	⇒ Contact staff of the Occupational Medicine Unit of the Labour Department

Offices of the Employees' Compensation Division of the Labour Department:

Hong Kong Office (cases on Hong Kong Island, outlying Islands and outside Hong Kong)	Rm 1605, 16/F, Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong
Kowloon Office (cases in Kowloon East and Kowloon West)	Rm 1007, 10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon

Tsuen Wan Office (cases in Kwai Chung, Tsing Yi, Tsuen Wan, Tuen Mun and Yuen Long)	6/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories
Government Employees and Seamen Office (cases in Tseung Kwan O, Sai Kung, and cases involving government employees and seamen)	Rooms 05-06, 23/F, KOLOUR ● Tsuen Wan I, 68 Chung On Street, Tsuen Wan, New Territories
Shatin Office (cases in Shatin, Taiipo, Fanling and North District)	Rm 239, 2/F, Shatin Government Offices, 1 Sheung Wo Che Road, Shatin, New Territories

Offices of the Occupational Medicine Unit of the Labour Department:

Hong Kong Office	22/F, Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong
Kowloon Office	10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon

Office Hours: Mondays to Fridays:
9:00 a.m. to 1:00 p.m.
2:00 p.m. to 6:15 p.m.

Saturdays, Sundays and Public Holidays: Closed



**Office address of Employees' Compensation Division
Labour Department (w.e.f. 7.2.2022)**

Office	Address
Work Injury Cases	
Submit relevant forms for reporting work injury cases or prescribed occupational disease cases:	
• Employees' Compensation Division Operations – Central Processing Team	Room 1007, 10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon
Enquire reported work injury cases or prescribed occupational disease cases:	
• Employees' Compensation Division Operations – Team A	Room 1605, 16/F, Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong
• Employees' Compensation Division Operations – Team B	18/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon
• Employees' Compensation Division Operations – Team C	6/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories
• Employees' Compensation Division Operations – Team D	Rooms 05-06, 23/F, KOLOUR•Tsuen Wan I, 68 Chung On Street, Tsuen Wan, New Territories
	Room 239, 2/F, Shatin Government Offices, 1 Sheung Wo Che Road, Shatin, New Territories
• Employees' Compensation Division Operations – Team E	18/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon
Fatal Cases	
Fatal Cases Office	Room 601, 6/F, Harbour Building, 38 Pier Road, Central, Hong Kong

Office Hours:

Mondays to Fridays:	9:00 a.m. to 1:00 p.m. 2:00 p.m. to 6:15 p.m.
Saturdays, Sundays and Public Holidays:	Closed

For the latest office address, please visit the Labour Department's website (<https://www.labour.gov.hk>) or call 2717 1771 (the hotline is handled by the "1823").

Labour Department's Homepage

<http://www.labour.gov.hk>

Employees' Compensation Division
Labour Department
February 2013
(Batch IP 01/Feb 13)