

Improvements since the previous report:

Occupational Deafness (Compensation)(Amendment) Ordinance 2003

- (a) **Minimum and maximum levels of compensation:** Under the Ordinance, the amount of compensation payable is calculated with reference to the age, monthly earnings and percentage of permanent incapacity of the claimant. It is also subject to a minimum and a maximum level. The minimum level of compensation has been raised from the previous \$248,000 to \$341,000, and the maximum level from \$1.44 million to \$2.016 million;
- (b) **Percentage of permanent incapacity:** In determining the amount of compensation, the degree of hearing loss suffered by a claimant will be translated into the percentage of permanent incapacity in accordance with Schedule 4 of the Ordinance. The scale of percentages of permanent incapacity for different levels of hearing loss has been revised upwards whilst the maximum level of loss of earning capacity of 60% is maintained;
- (c) **Reimbursement of expenses incurred in purchasing, repairing and replacing hearing assistive devices:** Claimants who are successful in obtaining compensation for permanent incapacity under the Ordinance will be provided with hearing assistive devices. This item is paid by way of reimbursement of the expenses incurred and subject to a maximum amount of \$18,000 in aggregate per applicant. If the device is a hearing aid, it must be purchased on the recommendation of qualified professionals;
- (d) **Specified noisy occupations:** To be eligible for compensation under the Ordinance, claimants have to prove that they have worked for a minimum period of time in any of the specified noisy occupations. On top of the existing 25 specified noisy occupations, four new specified noisy occupations have been added to Schedule 3 of the Ordinance;

- (e) **Functions of the Occupational Deafness Compensation Board:**
The Board is empowered to conduct or finance rehabilitation programmes for occupational deafness sufferers; and
- (f) **Determination of a claimant's earnings:** In determining a claimant's earnings for the purpose of calculating the compensation payable, the Board mentioned in item (e) would disregard no-pay leave taken with the consent of the employer during the last 12 months' of employment in aggregate. This will better reflect the average earnings of claimants and also fall in line with the practice with regard to maternity leave and sick leave.