CIRCULAR MEMORANDUM NO. 18/2004

From: Secretary for the Civil Service

To: Directors of Bureau
Permanent Secretaries
Heads of Department

Ref.: PC/700/000/62

Tel.: 2810 3100

Date: 25 November 2004

Hospitalisation of Officers Injured on Duty/
Suffering from Occupational Disease

(Note: Distribution of this circular memorandum is Scale A,
i.e. it should be read by all staff in the civil service. A
Chinese version is attached.)

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Purpose

This circular memorandum serves to –

(a) announce that with immediate effect, the arrangement set out in Circular Memorandum No. 31/94 for bureaux and departments to submit to the Hospital Authority (HA) half-yearly returns on hospitalisation of officers injured on duty is no longer required; and

(b) update the procedural arrangements for exemption of hospital maintenance fees in the same Circular Memorandum.

Hospitalisation of officers injured on duty/suffering from occupational disease

2. Circular Memorandum No. 31/94 requires departments to keep a register and forward half-yearly returns on cases of hospitalisation of officers resulting from injury sustained on duty to HA for accounting and auditing purpose. This arrangement is no longer required by HA and should cease with immediate effect. We have taken the opportunity to update the procedural arrangements for exemption of hospital maintenance fees of officers suffering from a duty-related injury or an occupational disease. The revised procedures are set out in the Appendix. CSB Circular Memorandum No. 31/94 is hereby cancelled.
3. Enquiries concerning this circular memorandum should be addressed to Departmental Secretaries, who, if in doubt, may contact Ms Patricia LO, CEO(COS) on 2810 3083 or Miss Lana CHEN, SEO(COS)1 on 2810 3082.

( Ms Maggie Wong )
for Secretary for the Civil Service

c.c. Chief Executive, Hospital Authority
     Judiciary Administrator
     The Ombudsman
     Secretary General, Legislative Council Secretariat
     Director of Health (Attn.: Hospital Staff Division)

Internal
P(A)
P(SR)
PEO(M)
PEO(G)
Appendix

Exemption of Hospital Maintenance Fees for Officers Injured on Duty or Suffering from Occupational Disease

An officer, who is injured as a result of an accident attributable to the nature of his duties and not caused by his own serious and wilful misconduct or is suffering from an occupational disease, is exempt from paying hospital maintenance fees in the hospitals under the management of the Hospital Authority (HA). When an officer is admitted to a HA hospital after having been apparently injured on duty or suffering from an occupational disease, his supervisor/section head should immediately report the case to the Departmental Secretary with the following details -

(i) name of the officer;

(ii) Hong Kong identity card number;

(iii) date of the admission;

(iv) name of the hospital; and

(v) ward number and bed number.

2. The Departmental Secretary should then send by fax as soon as possible, and followed by post, a letter (sample at Annex A) with the required information to the HA hospital concerned. This letter is to advise the HA hospital to exempt the officer from paying hospital maintenance charges if it is confirmed that the officer is injured as a result of an accident attributable to the nature of his duties and not caused by his own serious and wilful misconduct or is suffering from an occupational disease; or to withhold charging the hospital maintenance fees pending the outcome of the necessary investigation by the department in accordance with CSR 794(1) and Annex 4.5 to Civil Service Regulations to establish whether the officer is suffering from a duty-related injury (not caused by his own serious and wilful misconduct) or an occupational disease. Within two weeks from the completion of the investigation, the department should notify the Accounts Office of the HA hospital concerned of the outcome of the investigation and in particular, whether it is necessary for the hospital to charge the officer concerned hospital maintenance fees. A sample letter to this effect is at Annex B.

1 Civil servants on sick leave granted under CSR 1286(1) are exempt from paying hospital maintenance fees under CSR 924(a). Non-civil service contract staff, if injured in the course of their duties, are eligible for free medical advice and treatment at the Government or HA medical facilities as stipulated in their employment contracts. This free medical treatment also includes hospitalisation in HA hospitals.
3. If the officer is discharged within a very short period, say one or two days after admission and before the letter at Annex A is issued to the hospital concerned, he will be required to pay hospital maintenance fees first and may claim refund from the hospital concerned afterwards, provided that the condition in paragraph 1 above is satisfied. The Departmental Secretary should therefore ensure that the letter is issued as soon as possible to minimise the need for the officer to pay.

4. The hospital cannot exempt the officer from paying or withhold charging hospital maintenance fees without the necessary confirmation by means of Annex A (and Annex B where appropriate) from the department concerned. If the officer considers that his hospital maintenance fees should be exempted but have not been waived, he should approach his Departmental Secretary but not the Accounts Office of the hospital concerned.

5. If the investigation mentioned in paragraph 2 above concludes that the officer is not suffering from a duty-related injury, or the accident is attributable to the officer's own serious and wilful misconduct, or the officer is not suffering from an occupational disease, the officer will be required to pay the hospital maintenance fees although such payment has been initially exempted or withheld. HA will issue a demand note to the officer for the outstanding hospital maintenance fees.

6. The above procedures apply to admission to all hospitals under the management of HA. They do not apply to the situation where an officer is admitted to private hospitals even in cases of emergency. The Government is not responsible for the medical expenses incurred in such cases.

Civil Service Bureau
November 2004
SAMPLE LETTER

URGENT BY FAX

[date]

Officer-in-charge
Accounts Office
[Name of HA hospital]
[Address of hospital]

Dear Sir/Madam,

Name of officer: ____________________________
HKID: ____________________________________

The above-named officer has been admitted to [bed no.], [ward no.] of your Hospital on [date].

*It is confirmed that this officer is * [injured as a result of an accident attributable to the nature of his/her duties or suffering from an occupational disease]. He/She is therefore exempted from paying hospital maintenance fees.

*It appears that the officer is *[injured as a result of an accident attributable to the nature of his/her duties or suffering from an occupational disease]. Further investigation is being undertaken. In the meantime, I should be grateful if you would withhold the charging of hospital maintenance fees pending the completion of our investigation. I shall advise you in due course of the outcome of our investigation, including whether the officer should be charged hospital maintenance fees.

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A GF 181 for the above-named officer is enclosed herewith. If there are any questions, please contact [name of officer] on [telephone no.].

Yours sincerely,

(____________________________________)

for *[Permanent Secretary/Head of Department]

* Delete where inapplicable
SAMPLE LETTER

URGENT BY FAX

[date]

Officer-in-charge
Accounts Office
[Name of HA hospital]
[Address of hospital]

Dear Sir/Madam,

Name of officer: 
HKID: ____________________________

Please refer to my previous letter [ref.] of [date].

The above-named officer was admitted to [bed no.], [ward no.] of your Hospital on [date] due to an apparent injury on duty or occupational disease. We have completed the investigation of the case and confirm hereby that:

*the hospitalisation of the officer was the result of *[a duty-related injury or an occupational disease] and he/she should be exempted from paying hospital maintenance fees. Please arrange refund to the officer the hospital maintenance fees that had been paid previously, if any.

*the hospitalisation of the officer was the result of a duty-related injury which however was caused by his/her serious and wilful misconduct. He/she is not eligible for exemption from paying hospital maintenance fees, and is required to pay such fees according to the prevailing rates.

*the hospitalisation of the officer was not the result of *[a duty-related injury or an occupational disease]. He/she is not therefore eligible for exemption from paying hospital maintenance fees and is required to pay such fees according to the prevailing rates.
If you have any questions on the above, please contact [name of officer] on [telephone no.].

Yours sincerely,

( ___________________________ )
for *[Permanent Secretary/Head of Department]

* Delete where inapplicable