

立法會
Legislative Council

LC Paper No. LS33/00-01

**Paper for the House Committee Meeting
of the Legislative Council
on 8 December 2000**

**Legal Service Division Report on
Motion under section 40 of the Pneumoconiosis
(Compensation) Ordinance (Cap. 360)**

The Secretary for Education and Manpower has given notice to move a motion at the Council meeting of 20 December 2000 under section 40 of the Pneumoconiosis (Compensation) Ordinance (Cap. 360).

2. Section 40 provides, among other things, that the Legislative Council may by resolution amend any monetary amount specified in the First Schedule, which specifies the amounts of various compensation payable under the Ordinance.

3. The sole purpose of the motion is to increase the amount of funeral expenses payable to any person who has incurred reasonable expenses of the funeral of a person to whom compensation has been payable under the Ordinance and who dies as a result of pneumoconiosis.

4. At present, an amount not exceeding \$16,000 is payable against any sum actually spent for the burial or cremation of the deceased and for any ceremony connected with his burial or cremation. It is now proposed to raise this maximum amount to \$35,000 with effect from 1 January 2001.

5. As the Administration explains in the LegCo Brief EMB CR 2/1/581/57 issued by the Education and Manpower Bureau in November 2000, the maxima for funeral expenses under the Ordinance and the Employees' Compensation Ordinance (Cap. 282) (ECO) have all along been set at the same level. With the enactment of the Employees' Compensation (Amendment) (No. 2) Ordinance 2000, the maximum amount of funeral expenses under ECO was raised from \$16,000 to \$35,000 with effect from 1 August 2000. The proposed increase

will therefore provide better financial relief to the family members of deceased pneumoconiotic persons in line with the adjustment under ECO.

6. The draft resolution is legally in order.

Prepared by

CHEUNG Ping-kam, Arthur
Assistant Legal Adviser
Legislative Council Secretariat
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