

立法會
Legislative Council

Ref : CB2/BC/8/01

LC Paper No. CB(2) 2529/01-02
(These minutes have been seen by
the Administration)

Bills Committee on
Employees Compensation Assistance (Amendment) Bill 2002

Minutes of the tenth meeting
held on Friday, 7 June 2002 at 8:30 am
in the Chamber of the Legislative Council Building

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon LEE Cheuk-yan
Hon CHAN Kwok-keung
Hon Bernard CHAN
Hon LEUNG Yiu-chung
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP
- Members absent** : Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon Eric LI Ka-cheung, JP
Hon Abraham SHEK Lai-him, JP
- Public Officers attending** : Mrs Jenny CHAN
Assistant Commissioner for Labour (Rights and Benefits)
- Mr LAI Ka-tong
Senior Labour Officer (Compensation)
- Mr Geoffrey A FOX
Senior Assistant Law Draftsman
- Mr Lawrence PENG
Senior Assistant Law Draftsman (Acting)

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2) 1

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Dora WAI
Senior Assistant Secretary (2) 4

I. Confirmation of minutes of meeting held on 29 May 2002

The minutes of the meeting held on 29 May 2002 were confirmed.

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

Request for written response

3. The Administration was requested to provide a written response on the following -

- (a) the amount of financial assistance, if any, that a seriously injured employee who required long term care and attention by other persons would receive in addition to the relief payment under the Bill, the compensation under section 8(1) of the Employees' Compensation Ordinance, and the non-means tested monthly higher disability allowance of \$2,520; and
- (b) an assessment of the financial implications on the Fund of increasing the amount of monthly payment of relief payment from \$10,000 to \$30,000 for seriously injured employees who required long term care and attention by other persons.

Drafting of the Bill

4. In the light of members' views, the Administration agreed to -

- (a) consider amending the proposed section 25B(2) and 25(B)(3) to the effect that the Employees Compensation Assistance Fund Board (the Fund Board) would have discretion to relax the respective period required in the case of a person who satisfied the Fund Board that there were good reasons why he could not or failed to comply with these two provisions in

relation to the required period;

- (b) review the drafting of the proposed section 25B(4)(a) to improve its clarity; and
- (c) consider whether the word "are" currently after "in respect of the amount" in paragraph (b) under the proposed section 37(2) should be placed before the word "transferred" as appeared in the latter part of this provision.

5. Having regard to the view expressed by the Chairman, the Administration agreed to delete its proposed Committee Stage amendment (CSA) to add "as determined by a court of competent jurisdiction in Hong Kong" after the word "non-fatal" in the first sentence of paragraph (a) under "eligible person" in section 2(1). Likewise, the similar CSA proposed by the Administration for paragraph (b) under "eligible person" in the same section would also be deleted.

Proposals put forward by Mr LEE Cheuk-yan

6. As there were divided views among members on Mr LEE Cheuk-yan's proposal to increase the prescribed monthly amount of relief payment from \$10,000 to \$30,000 for seriously injured employees who required long term care and attention by other persons, a vote was taken on whether the proposed amendment should be moved by the Bills Committee. The result of the vote was that Mr LEE Cheuk-yan, Mr Andrew CHENG, Ms LI Fung-ying and Mr LEUNG Fu-wah voted in favour of the Bills Committee moving the amendment, Mr Kenneth TING voted against, and Mr TAM Yiu-chung abstained from voting. The Bills Committee decided by a majority vote that the proposed amendment should be moved by the Bills Committee.

7. In addition, Mr LEE Cheuk-yan proposed, on behalf of Mr LEUNG Yiu-chung, that dependant brothers and sisters under the age of 21 should be eligible for relief payment if the deceased employee did not leave any surviving spouse/cohabitee, child and parent. As there were also divided views among members on the proposal, a vote was taken on whether the proposed amendment should be moved by the Bills Committee. The result of the vote was that Mr LEE Cheuk-yan, Mr Andrew CHENG and Ms LI Fung-ying voted in favour of the Bills Committee moving the amendment, Mr Kenneth TING voted against, and Mr TAM Yiu-chung and Mr LEUNG Fu-wah abstained from voting. The Bills Committee decided by a majority vote that the proposed amendment should be moved by the Bills Committee.

8. Mr LEE Cheuk-yan indicated that in view of the complexity involved in dealing with the estate of the deceased, he would re-consider whether or not to pursue the proposal to make relief payment in relation to the damages awarded to the estate of a deceased employee.

9. Mr LEE Cheuk-yan also proposed that the level of surcharge imposed on uninsured employers be increased from three times to 10 times the levy payable on the

premium paid on the employees' compensation insurance policy taken out after the offence was detected. As the majority of members did not support the proposal, he said that he would re-consider whether or not to pursue the proposal.

III. Any other business

New proposal on relief payment and date of resumption of Second Reading debate on the Bill

10. Members noted that there might be a new proposal by the Administration on the amount of monthly payment of relief payment to seriously injured employees after further consultation with employer representatives of the Labour Advisory Board. The Administration would provide an information paper on the new proposal, if any, at the beginning of the following week for circulation to members for consideration. In this connection, the Bills Committee agreed that, unless members considered that a further meeting was required, the Bills Committee would report its deliberations to the House Committee, incorporating members' views on the new proposal, if any, at its meeting on 14 June 2002, recommending the resumption of the Second Reading debate on the Bill at the Council meeting on 26 June 2002.

11. Members also noted that if the Second Reading debate on the Bill would be resumed at the Council meeting on 26 June 2002, the deadline for giving notice of amendment to the Bill was 17 June 2002.

12. There being no other business, the meeting ended at 1:05 pm.

Council Business Division 2
Legislative Council Secretariat
9 July 2002

**Proceedings of the tenth meeting of the
Bills Committee on
Employees Compensation Assistance (Amendment) Bill 2002
held on Friday, 7 June 2002 at 8:30 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000150	Chairman	(a) Confirmation of minutes of meeting on 29.5.2002; and (b) Papers to be discussed at the meeting	
000150 - 000654	Admin	Admin's paper on proposed arrangement for interest payment (LC Paper No. CB(2)2207/01-02(01))	
000654 - 001417	Chairman Admin	- ditto -	
001417 - 001554	Chairman Admin	Arrangement for interest payment in respect of applications made under section 17	
001554 - 001607	Mr Kenneth TING	Composition of the Fund Board	
001607 - 001627	Admin	- ditto -	
001627 - 001730	Mr Kenneth TING	Different arrangements for employers and employees in respect of application for payment from the Fund and the proposed arrangement for interest payment	
001730 - 001804	Chairman	Time limit for an employer to make compensation payment to his employee after the Court had passed down the judgment	
001804 - 001840	Admin	- ditto -	
001840 - 001910	Mr Kenneth TING	Different arrangements for employers and employees in respect of application for payment from the Fund and the proposed arrangement for interest payment	
001910 - 001946	Chairman	Inclusion of interest payable to an injured employee as damages	
001946 - 002139	Admin	Reasons for proposing 180 days under the proposed section 18A	
002139 - 002228	Chairman	Inclusion of interest payable to an injured employee as damages	
002228 - 002234	Admin	- ditto -	
002234 - 002246	Chairman	- ditto -	
002246 - 002253	Admin	- ditto -	
002253 - 002325	Mr Kenneth TING	Views on the proposed arrangement for interest payment	
002325 - 002328	Chairman	Arrangement for interest payment in respect of applications made under section 18	
002328 - 002434	Admin	- ditto -	
002434 - 002508	Chairman	- ditto -	
002508 - 002728	Admin Chairman	- ditto -	
002728 - 002745	Chairman	Admin's paper on re-apportionment of relief payment upon the death of one of the eligible persons (LC Paper No. CB(2)2207/01-02(04))	
002745 -	Admin	- ditto -	

Time	Speaker	Subject(s)	Action required
002903			
002903 - 002912	Chairman	- ditto -	
002912 - 002939	Admin	- ditto -	
Clause-by-clause examination of the Bill			
002939 - 003025	Chairman	Clause 21 - Application of this Part	
003025 - 003303	Admin	- ditto -	
003303 - 003315	Chairman	Clause 22 - Survival of rights	
003315 - 003344	Admin	- ditto -	
003344 - 003352	Chairman	- ditto -	
003352 - 003400	Admin	- ditto -	
003400 - 003453	Chairman	(a) Deferment of discussion on clause 23 with proposed CSAs; and (b) Clause 24 - Subrogation	
003453 - 003711	Admin	Clause 24 - Subrogation	
003711 - 003750	Chairman	Admin to consider whether the word "are" currently after "in respect of the amount" in paragraph (b) under the proposed section 37(2) should be placed before the word "transferred" as appeared in the latter part of this provision	
003750 - 003812	Admin	- ditto -	✓ Admin to consider
003812 - 003925	Chairman	Policy intent of the proposed section 37(2)	
003825 - 003949	Admin	- ditto -	
003949 - 003957	Chairman	The proposed section 37(6)	
003957 - 004033	Admin	- ditto -	
004033 - 004042	Chairman	Clause 25 - Section added (the proposed section 37A concerning recovery of payment)	
004042 - 004139	Admin	- ditto -	
004139 - 004156	Mr LEE Cheuk-yan	- ditto -	
004156 - 004247	Admin	- ditto -	
004247 - 004257	Chairman	Clause 26 - Recovery of payment made by mistake	
004257 - 004411	Admin	- ditto -	
004411 - 004418	Chairman	- ditto -	
004418 - 004427	Admin	- ditto -	

Time	Speaker	Subject(s)	Action required
004427 - 004441	Chairman	Clause 27 - Offences	
004441 - 004524	Admin	- ditto -	
004524 - 004534	Chairman	- ditto -	
004534 - 004615	Admin	- ditto -	
004615 - 004631	Chairman	(a) Clause 28 - Regulations; and (b) Clause 29 - Section added (the proposed section 45A concerning amendment of Schedule 4)	
004631 - 004704	Admin	Clause 29 - Section added (the proposed section 45A concerning amendment of Schedule 4)	
004704 - 004708	Chairman	- ditto -	
004708 - 004716	Admin	- ditto -	
004716 - 004758	Chairman	(a) Deferment of discussion on clause 30 with proposed CSAs; and (b) Clause 31 - Provisions regarding the Board and its members	
004758 - 004806	Admin	Clause 31 - Provisions regarding the Board and its members	
004806 - 004810	Chairman	Clause 32 - Schedule added (the proposed Schedule 4)	
004810 - 004845	Admin	- ditto -	
004845 004849	Chairman	- ditto -	
004849 - 004944	Admin	- ditto -	
004944 - 004955	Chairman	- ditto -	
004955 - 005008	Admin	- ditto -	
005008 - 005037	Chairman	Clause 33 - Consequential amendments	
005037 - 005257	Admin	Proposed consequential amendments to the Employees' Compensation Ordinance	
005257 - 005321	Chairman	- ditto -	
005321 - 005446	Admin Chairman	- ditto -	
005446 - 005501	Chairman	Proposed repeal of the Employees Compensation Assistance (Notice of Insolvency of Insurer) Regulation	
005501 - 005530	Admin	- ditto -	
005530 - 005542	Chairman	Proposed consequential amendments to the Employees' Compensation Insurance Levies Ordinance and the Employees' Compensation Insurance Levy (Rate of Levy) Order	
005542 - 005846	Admin	- ditto -	
005846 - 005851	Chairman	- ditto -	
005851 - 010012	Admin	- ditto -	
010012 -	Mr Andrew CHENG	- ditto -	

Time	Speaker	Subject(s)	Action required
010029			
010029 - 010227	Admin	- ditto -	
010227 - 010245	Mr Andrew CHENG	- ditto -	
010245 - 010431	Admin	- ditto -	
010431 - 010446	Mr Andrew CHENG	- ditto -	
010446 - 010529	Admin	- ditto -	
010529 - 010545	Mr Andrew CHENG	Consequence if the Fund Board still had insufficient funds to meet its liabilities after the proposed increase of the levy rate from 5.3% to 6.3%	
010545 - 010645	Admin	- ditto -	
010645 - 010659	Mr Kenneth TING	Possibility of lowering the levy rate if the financial position of the Fund permitted in future	
010659 - 010721	Admin	- ditto -	
010721 - 010733	Mr Kenneth TING	- ditto -	
010733 - 010810	Mr Andrew CHENG	Reasons for repealing the original section 38(2)	
010810 - 010852	Admin	- ditto -	
010852 - 010859	Mr Andrew CHENG	Commencement of the Bill	
010859 - 010903	Admin	- ditto -	
010903 - 010919	Chairman	- ditto -	
010919 - 011001	Admin	- ditto -	
011001 - 011137	Chairman	(a) Proposals put forward by Mr LEE Cheuk-yan (LC Paper No. CB(2)2222/01-02(01)); and (b) Admin's response to the proposals (LC Paper No. CB(2)2207/01-02(03))	
011137 - 011410	Mr LEE Cheuk-yan Chairman	Mr LEE Cheuk-yan's proposal to increase the prescribed monthly amount of relief payment from \$10,000 to \$30,000 for seriously injured employees who required long term care and attention by other persons (Paragraph 1 of LC Paper No. CB(2)2222/01-02(01))	
011410 - 011446	Chairman	- ditto -	
011446 - 011534	Mr LEE Cheuk-yan	- ditto -	
011534 - 011650	Admin	- ditto -	
011650 - 011838	Mr LEE Cheuk-yan	- ditto -	
011838 - 011926	Admin	- ditto -	
011926 - 011947	Chairman	- ditto -	

Time	Speaker	Subject(s)	Action required
011947 - 012001	Admin	- ditto -	
012001 - 012037	Chairman	- ditto -	
012037 - 012051	Admin	- ditto -	
012051 - 012102	Chairman	Admin to provide a written response on the amount of financial assistance, if any, that a seriously injured employee who required long term care and attention by other persons would receive in addition to the relief payment under the Bill, the compensation under section 8(1) of the Employees' Compensation Ordinance, and the non-means tested monthly higher disability allowance of \$2,520	✓ Admin to provide a written response
012102 - 012238	Mr Kenneth TING	Admin's proposals on relief payment	
012238 - 012441	Ms LI Fung-ying	Mr LEE Cheuk-yan's proposal to increase the prescribed monthly amount of relief payment	
012441 - 012515	Chairman	Remote possibility that a seriously injured employee who required long term care and attention by other persons would be able to receive his full entitlement of relief payment	
012515 - 012706	Mr LEUNG Fu-wah	Mr LEE Cheuk-yan's proposal to increase the prescribed monthly amount of relief payment	
012706 - 012846	Mr Kenneth TING	Implications on the levy rate in case of an increase in the prescribed monthly amount of relief payment	
012846 - 013101	Mr Andrew CHENG	Mr LEE Cheuk-yan's proposal to increase the prescribed monthly amount of relief payment	
013101 - 013217	Mr LEUNG Fu-wah	- ditto -	
013217 - 013446	Chairman	Assessment of the financial implications on the Fund of increasing the amount of monthly payment of relief payment from \$10,000 to \$30,000 for seriously injured employees who required long term care and attention by other persons	
013446 - 013547	Admin	Need for the Bills Committee to conclude its deliberations at the meeting in order that the Second Reading debate on the Bill could be resumed at the Council meeting on 26.6.2002	
013547 - 013554	Chairman	- ditto -	
013554 - 013642	Clerk	(a) Date of reporting the deliberations of the Bills Committee to the House Committee; and (b) Deadline for circulating CSAs proposed by Admin for members' consideration	
013642 - 013710	Mr LEUNG Fu-wah	Need to further discuss with employer representatives of the Labour Advisory Board on the monthly amount of relief payment	
013710 - 013727	Chairman	CSAs to be proposed concerning arrangements for relief payment	
013727 - 013745	Admin	- ditto -	
013745 - 013751	Chairman	- ditto -	
013751 - 013830	Admin	Need for the Bills Committee to conclude its deliberations at the meeting in order that the Second Reading debate on the Bill could be resumed at the Council meeting on 26.6.2002	
013830 - 013903	Chairman	CSAs to be proposed concerning arrangements for relief payment	

Time	Speaker	Subject(s)	Action required
013903 - 013907	Admin	- ditto -	
013907 - 013922	Chairman	Admin to provide an assessment of the financial implications of increasing the amount of monthly payment of relief payment from \$10,000 to \$30,000 for seriously injured employees who required long term care and attention by other persons	
013922 - 013928	Admin	- ditto -	✓ Admin to provide an assessment
013928 - 013939	Chairman	- ditto -	
013939 - 014055	Mr Kenneth TING	Admin's proposals on relief payment	
014055 - 014120	Chairman	Need to decide whether the amendment proposed by Mr LEE Cheuk-yan concerning relief payment should be moved by the Bills Committee	
014120 - 014147	Mr LEUNG Fu-wah	- ditto -	
014147 - 014201	Chairman	- ditto -	
014201 - 014210	Mr LEE Cheuk-yan	- ditto -	
014210 - 014233	Mr Kenneth TING	- ditto -	
014233 - 014350	Mr Andrew CHENG	- ditto -	
014350 - 014405	Mr Kenneth TING	- ditto -	
014405 - 014446	Chairman Members	Vote taken on whether Mr LEE Cheuk-yan's proposed amendment concerning relief payment should be moved by the Bills Committee	
014446 - 014746	Mr LEE Cheuk-yan	His proposal that some items of damages, such as pre-trial and post-trial loss of accumulation of wealth, awarded to the estate of the deceased employee should be taken into account when determining the amount of relief payment payable to eligible persons (Paragraph 2 of LC Paper No. CB(2)2222/01-02(01))	
014746 - 015226	Admin	- ditto -	
015226 - 015335	Mr LEE Cheuk-yan	- ditto -	
015335 - 015429	Mr LEUNG Fu-wah	Difference between receiving relief payment and the estate of the deceased employee	
015429 - 015533	ALA5	- ditto -	
015533 - 015552	Mr LEUNG Fu-wah	- ditto -	
015552 - 015624	ALA5	- ditto -	
015624 - 015632	Mr LEUNG Fu-wah	- ditto -	
015632 - 015644	ALA5	- ditto -	
015644 - 015705	Mr LEUNG Fu-wah	Savings by the Fund Board under the existing arrangements for relief payment	

Time	Speaker	Subject(s)	Action required
015705 - 015735	Admin	- ditto -	
015735 - 015743	Mr LEUNG Fu-wah	Mr LEE Cheuk-yan's proposal to make relief payment in relation to the damages awarded to the estate of a deceased employee	
015743 - 015827	Mr Kenneth TING	- ditto -	
015827 - 020046	Mr Andrew CHENG	- ditto -	
020046 - 020313	Mr LEE Cheuk-yan	- ditto -	
020313 - 020407	Admin	Probate procedures dealing with damages awarded to the estate of the deceased	
020407 - 020858	Chairman	Court to be persuaded to avoid awarding damages to the estate of the deceased employee in fatal cases	
020858 - 020941	Mr LEE Cheuk-yan	Need to re-consider whether or not to pursue the proposal to make relief payment in relation to the damages awarded to the estate of a deceased employee	
020941 - 021129	Admin	Probate procedures dealing with the estate of the deceased	
021129 - 021223	Chairman	Power of the Fund Board to require the Court to apportion the relief payment	
021223 - 021321	Admin Chairman	- ditto -	
021321 - 021436	Mr LEE Cheuk-yan	Proposal put forward by Mr LEE Cheuk-yan on behalf of Mr LEUNG Yiu-chung that brothers and sisters should be included in the definition of "eligible person" in non-fatal cases (Paragraph 3 of LC Paper No. CB(2)2222/01-02(01))	
021436 - 021556	Chairman Mr LEE Cheuk-yan	- ditto -	
021556 - 021651	Admin	- ditto -	
021651 - 021823	Ms LI Fung-ying	- ditto -	
021823 - 021833	Mr Kenneth TING	- ditto -	
021833 - 021927	Admin	- ditto -	
021927 - 021954	Mr Kenneth TING	- ditto -	
021954 - 022012	Mr LEE Cheuk-yan	- ditto -	
022012 - 022024	Admin	- ditto -	
022024 - 022127	Mr LEE Cheuk-yan Admin	- ditto -	
022127 - 022205	Mr Kenneth TING	- ditto -	
022205 - 022215	Chairman	- ditto -	
022215 - 022223	Mr LEE Cheuk-yan	Request for taking a vote on whether the proposed amendment to include brothers and sisters in the definition of "eligible person" in non-fatal cases should be moved by the Bills Committee	
022223 - 020322	Mr LEUNG Fu-wah	Mr LEE Cheuk-yan/Mr LEUNG Yiu-chung's proposal to include brothers and sisters in the definition of "eligible person" in non-fatal	

Time	Speaker	Subject(s)	Action required
		cases	
022322 - 022338	Mr Andrew CHENG	- ditto -	
022338 - 022350	Mr LEUNG Fu-wah	- ditto -	
022350 - 022357	Chairman	- ditto -	
022357 - 022408	Mr LEE Cheuk-yan	- ditto -	
022408 - 022421	Admin	- ditto -	
022421 - 022443	Mr LEE Cheuk-yan	- ditto -	
022443 - 022532	Admin	Need to prove dependency of spouse/cohabitee, children under the age of 21 and parent for entitlement to relief payment in order to be fair	
022532 - 022540	Chairman	- ditto -	
022540 - 022624	Mr LEE Cheuk-yan	- ditto -	
022624 - 022703	Mr Kenneth TING	- ditto -	
022703 - 022732	Chairman	- ditto -	
022732 - 022848	Mr LEE Cheuk-yan	Inclusion of dependant brothers and sisters under the age of 21 for entitlement to relief payment if the deceased employee did not leave any surviving spouse/cohabitee, child and parent	
022848 - 023041	Mr Andrew CHENG	Need to prove dependency of spouse/cohabitee, children under the age of 21 and parent for entitlement to relief payment in order to be fair	
023041 - 023126	Chairman	- ditto -	
023126 - 023203	Mr Andrew CHENG	- ditto -	
023203 - 023320	Mr LEE Cheuk-yan	- ditto -	
023320 - 023354	Ms LI Fung-ying	- ditto -	
023354 - 023530	Mr TAM Yiu-chung	Mr LEE Cheuk-yan's proposal to include dependant brothers and sisters under the age of 21 for entitlement to relief payment if the deceased employee did not leave any surviving spouse/cohabitee, child and parent	
023530 - 023618	Mr LEE Cheuk-yan	- ditto -	
023618 - 023703	Chairman	- ditto -	
023703 - 023709	Mr TAM Yiu-chung	- ditto -	
023709 - 023720	Mr LEE Cheuk-yan	- ditto -	
023720 - 023733	Mr TAM Yiu-chung	- ditto -	
023733 - 023759	Mr LEE Cheuk-yan	- ditto -	
023759 - 023859	Chairman Members	Vote taken on whether the amendment proposed by Mr LEE Cheuk-yan on behalf of Mr LEUNG Yiu-chung concerning eligibility for	

Time	Speaker	Subject(s)	Action required
		relief payment of dependant brothers and sisters under the age of 21 should be moved by the Bills Committee	
023859 - 024028	Mr LEE Cheuk-yan	His proposal to increase the level of surcharge imposed on uninsured employers from three times to 10 times the levy payable on the premium paid on the employees' compensation insurance policy taken out after the offence was detected (Paragraph 4 of LC Paper No. CB(2)2222/01-02(01))	
024028 - 024317	Admin	- ditto -	
024317 - 024403	Mr LEUNG Fu-wah	- ditto -	
024403 - 024432	Mr Kenneth TING	- ditto -	
024432 - 024443	Mr LEE Cheuk-yan	- ditto -	
024443 - 024517	Chairman	Admin's paper on late notification of technical CSAs due to re-organisation of policy bureaux (LC Paper No. CB(2)2207/01-02(02))	
024517 - 024749	Admin	- ditto -	
024749 - 024804	Chairman	- ditto -	
024804 - 024938	Admin	- ditto -	
024938 - 025004	Chairman	- ditto -	
025004 - 025252	Admin Chairman	- ditto -	
Marked-up copy of the Bill with the draft CSAs proposed by Admin (position as at 7.6.2002)			
025252 - 025334	Chairman	<u>Clause 3 - Interpretation</u> The proposed section 2(2)	
025334 - 025458	Admin	- ditto -	
025458 - 025538	Chairman	<u>Clause 3 - Interpretation</u> Proposed CSAs to section 2(1)	
025538 - 025656	Admin	- ditto -	
025656 - 025723	Chairman	- ditto -	
025723 - 025731	Admin	- ditto -	
025731 - 025740	Chairman	- ditto -	
025740 - 025747	Admin	- ditto -	
025747 - 025905	Ms LI Fung-ying	- ditto -	
025905 - 025918	Chairman	- ditto -	
025918 - 025959	Ms LI Fung-ying	- ditto -	
025959 -	Chairman	Eligibility for assistance from the Fund in the case where an employee	

Time	Speaker	Subject(s)	Action required
030105		of a Hong Kong company died as a result of an employment-related injury occurred in the Mainland or a place outside Hong Kong	
030105 - 030211	Admin	- ditto -	
030211 - 030245	Chairman	<u>Clause 7 - Application by employer for payment from the Fund</u> Proposed CSAs to section 17	
030245 - 030345	Admin	- ditto -	
030345 - 030404	Chairman	- ditto -	
030404 - 030444	Admin	- ditto -	
030444 - 030448	Chairman	- ditto -	
030448 - 030454	Admin	- ditto -	
030454 - 030458	Chairman	- ditto -	
030458 - 030503	Admin	- ditto -	
030503 - 030505	Chairman	- ditto -	
030505 - 030537	Admin	- ditto -	
030537 - 030541	Chairman	- ditto -	
030541 - 030634	Admin	- ditto -	
030634 - 030652	Chairman	- ditto -	
030652 - 030715	Admin	- ditto -	
030715 - 030727	Chairman	- ditto -	
030727 - 030810	Admin	- ditto -	
030810 - 030822	Chairman	- ditto -	
030822 - 030847	Admin	<u>Clause 8 - Application by employer for payment from the Fund to third party</u> Proposed CSAs to section 18	
030847 - 030852	Chairman	<u>Clause 12 - Sections added</u> Proposed CSAs to the proposed section 20A concerning application by employee etc for relief payment from the Fund in relation to unpaid damages	
030852 - 031005	Admin	- ditto -	
031005 - 031011	Chairman	- ditto -	
031011 - 031228	Admin	- ditto -	
031228 - 031240	Chairman	- ditto -	
031240 - 031253	Admin	- ditto -	

Time	Speaker	Subject(s)	Action required
031253 - 031321	Chairman	- ditto -	
031321 - 031326	Admin	- ditto -	
031326 - 031333	Chairman	- ditto -	
031333 - 031615	Admin	- ditto -	
031615 - 031619	Chairman	Proposed CSAs to the proposed section 20B concerning amount of relief payment	
031619 - 031706	Admin	- ditto -	
031706 - 031717	Chairman	- ditto -	
031717 - 031850	Admin	- ditto -	
031850 - 031945	Chairman Admin	<u>Clause 14 - Determination of applications by the Board</u> No proposed CSA to section 22(2)	
031945 - 032021	Chairman	<u>Clause 14 - Determination of applications by the Board</u> Proposed CSAs to the proposed section 22(6)	
032021 - 032053	Admin	<u>Clause 17 - Sections added</u> Proposed CSAs to the proposed section 25A which provided that the Board might apply to be joined as party to proceedings	
032053 - 032120	Chairman	<u>Clause 17 - Sections added</u> Proposed CSAs to the proposed section 25B concerning notification of proceedings	
032120 - 032338	Admin	- ditto -	
032338 - 032405	Chairman	Reasons for not imposing the 45-day requirement on an applicant who intended to enter into an agreement with the other party in respect of the settlement of the claim 45 days after the date on which the notice of proceedings had been served on the Fund Board	
032405 - 032417	Admin	- ditto -	
032417 - 032443	Chairman	- ditto -	
032443 - 032546	Admin	- ditto -	
032546 - 032628	Chairman	- ditto -	
032628 - 032705	Admin	- ditto -	
032705 - 032844	Chairman	- ditto -	
032844 - 033009	Admin	- ditto -	
033009 - 033154	Chairman	- ditto -	
033154 - 033323	Admin	- ditto -	
033323 - 033420	Mr Andrew CHENG	- ditto -	
033420 - 033658	Admin	- ditto -	
033658 -	Chairman	- ditto -	

Time	Speaker	Subject(s)	Action required
033808			
033808 - 033826	Admin	- ditto -	
033826 - 033851	Chairman	- ditto -	
033851 - 034201	Admin	- ditto -	
034201 - 034250	Chairman	- ditto -	
034250 - 034323	Admin	- ditto -	
034323 - 034332	Chairman	- ditto -	
034332 - 034402	Mr TAM Yiu-chung	- ditto -	
034402 - 034525	Chairman	(a) Ditto; and (b) Policy intent of the proposed section 25B(4)	
034525 - 034602	Admin	Policy intent of the proposed section 25B(4)	
034602 - 034653	Chairman	- ditto -	
034653 - 034738	Admin	- ditto -	
034738 - 034752	Mr LEE Cheuk-yan	- ditto -	
034752 - 034836	Chairman	- ditto -	
034826 - 034849	Mr LEE Cheuk-yan	- ditto -	
034849 - 034853	Chairman	- ditto -	
034853 - 034859	Mr LEE Cheuk-yan	- ditto -	
034859 - 035032	Chairman	- ditto -	
035032 - 035144	Admin	- ditto -	
035144 - 035221	Mr LEE Cheuk-yan	- ditto -	
035221 - 035320	Chairman Mr LEE Cheuk-yan	- ditto -	
035320 - 035422	Admin	- ditto -	
035422 - 035502	Chairman	- ditto -	
035502 - 035517	Admin	- ditto -	
035517 - 035539	Mr LEE Cheuk-yan	- ditto -	
035539 - 035612	Admin	- ditto -	
035612 - 035619	Chairman	- ditto -	
035619 - 035649	Admin	Admin agreed to review the drafting of the proposed section 25B(4)(a) to improve its clarity	✓ Admin to

Time	Speaker	Subject(s)	Action required
			review the drafting
035649 - 035702	Chairman	The proposed section 25B(5)	
035702 - 035753	Mr LEE Cheuk-yan	- ditto -	
035753 - 035902	Admin	- ditto -	
035902 - 035929	Mr LEE Cheuk-yan	- ditto -	
035929 - 040001	Admin	- ditto -	
040001 - 040044	Mr TAM Yiu-chung	- ditto -	
040044 040151	Admin	- ditto -	
040151 - 040218	Mr TAM Yiu-chung	- ditto -	
040218 - 040229	Admin	- ditto -	
040229 - 040256	Ms LI Fung-ying	- ditto -	
040256 - 040323	Admin	- ditto -	
040323 - 040501	Chairman	The proposed section 25B(2)	
040501 - 040608	Admin	- ditto -	
040608 - 040633	Mr LEE Cheuk-yan	- ditto -	
040633 - 040737	Admin	Admin agreed to consider amending the proposed section 25B(2) and 25(B)(3) to the effect that the Fund Board would have discretion to relax the respective period required in the case of a person who satisfied the Fund Board that there were good reasons why he could not or failed to comply with these two provisions in relation to the required period	✓ Admin to consider
040737 - 040745	Mr TAM Yiu-chung	- ditto -	
040745 - 040755	Chairman	The proposed section 25B(5), 25B(6) and 25B(7)	
040755 - 040801	Admin	- ditto -	
040801 - 040813	Chairman	- ditto -	
040813 - 040826	Admin	- ditto -	
040826 - 040832	Chairman	- ditto -	
040832 - 040837	Mr LEE Cheuk-yan	- ditto -	
040837 - 040907	Chairman	<u>Clause 19 - Payments in anticipation of entitlement under section 16, etc Proposed CSAs to section 28</u>	
040907 - 041136	Admin	- ditto -	
041136 -	Chairman	<u>Clause 23 - Section added</u>	

Time	Speaker	Subject(s)	Action required
041146		The proposed section 36A concerning surcharge	
041146 - 041438	Admin	- ditto -	
041438 - 041506	Chairman	<u>Clause 30 - Section added</u> The proposed section 46A concerning transitional provisions in relation to Employees Compensation Assistance (Amendment) Ordinance 2002	
041506 - 041723	Admin	- ditto -	
041723 - 041805	Chairman	- ditto -	
041805 - 041835	Admin	- ditto -	
041835 - 041840	Chairman	- ditto -	
041840 - 041844	Admin	- ditto -	
041844 - 041847	Chairman	<u>Clause 26 - Recovery of payment made by mistake</u> Proposed repeal of section 38(2)	
041847 - 042120	Admin	- ditto -	
042120 - 042208	Chairman	- ditto -	
042208 - 042253	Admin	- ditto -	
042253 - 042301	Chairman	- ditto -	
042301 - 042316	Admin	- ditto -	
042316 - 042320	Chairman	- ditto -	
042320 - 042335	Admin	- ditto -	
042335 - 042349	Chairman	- ditto -	
042349 - 042403	Admin	- ditto -	
042403 - 042409	Chairman	- ditto -	
042409 - 042421	Admin	- ditto -	
042421 - 042514	Chairman	Need for a further meeting	
042514 - 042632	Clerk	(a) Date of reporting the deliberations of the Bills Committee to the House Committee; and (b) Deadline for giving notice of amendment to the Bill	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
9 July 2002