

**Bills Committee on
Employees Compensation Assistance (Amendment) Bill 2002**

LC Paper No. CB(2)2054/01-02(02)

**The Administration's Response –
Relief Payment for Non-fatal Cases where
the Damages are Awarded after the Death of the Injured Employee**

Introduction

This paper provides information requested by members of the Bills Committee at the meeting held on 14 May 2002 on the payment of relief payment for non-fatal cases where the damages are awarded after the death of the injured employee.

Response

2. We have been asked to clarify on whether the family members of an injured employee in a non-fatal accident would be entitled to relief payment if the injured employee dies (for a cause not related to the work accident) before the damages are awarded by the Court. The existing provisions of the Amendment Bill do not cater for such cases.

3. In formulating the proposal on relief payment, the LAB has recognised that assistance should continue to be made to the immediate family members of an injured employee even after his/her death irrespective of the cause of the death. Taking account of this principle, we shall propose to move necessary amendments to the Amendment Bill to clarify that the eligible persons who would be entitled to relief payment in a non-fatal accident should still be able to receive relief payment if the injured employee dies before the court passes down the award. The condition that there must be a court order on the amount of damages remains unchanged. There is no impact on the rate of levy to be charged on the insurance premium.

Labour Department
May 2002