Employees' Compensation Insurance Levies Management Board

Annual Report 2012/13

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Mission

The Employees' Compensation Insurance Levies Management Board (the Board) is responsible for collecting and distributing the Employees' Compensation Insurance Levy (the levy) remitted by insurers. The levy, which is imposed on employers when they take out the employees' compensation insurance, is distributed to specified bodies for the protection of employees' occupational safety and health, for making payments to injured employees or family members of deceased employees who are unable to receive compensation from employers or insurers, as well as for paying compensation to those employees suffering from occupational deafness respectively.

Establishment and Functions of the Board

The Board was established on 1 July 1990 under the Employees' Compensation Insurance Levies Ordinance (Cap. 411). Its functions are:

- (a) to collect the levy remitted by insurers;
- (b) to make recommendations to the Chief Executive in Council with respect to the rate of levy;
- (c) to distribute the net resources to the specified bodies, namely the Occupational Safety and Health Council, the Employees Compensation Assistance Fund Board, and the Occupational Deafness Compensation Board; and
- (d) to perform such other functions as are provided for under the Ordinance.

The Board is made up of 10 members appointed by the Chief Executive of the Hong Kong Special Administrative Region. They include representatives of employees, employers, the insurance industry, the Occupational Safety and Health Council, the Employees Compensation Assistance Fund Board, the Occupational Deafness Compensation Board and the Government. The term of each member shall not exceed three years.

Membership of the Board for 2012/13 is at Appendix 1.

Collection of Employees' Compensation Insurance Levy

The Employees' Compensation Insurance Levies Ordinance was enacted in 1990 to impose a levy on employees' compensation insurance premiums. When the levy was first introduced, its rate was set at 2% of the premium level. The rate has been revised over the years. The latest revision, introduced by the Occupational Deafness (Compensation) (Amendment) Ordinance 2010, that at the same time amended the Employees' Compensation Insurance Levy (Rate of Levy) Order and the Employees' Compensation Insurance Levies Ordinance, came into effect on 1 July 2010.

Revision of the Levy Rate

• The levy rates over the past years are as follows:

Effective Date	Levy Rate
1 July 1990	2.0%
1 July 1995	3.5%
1 January 1998	4.5%
1 April 1998	5.3%
1 July 2002	6.3%
1 July 2010	5.8%

When employers pay employees' compensation insurance premium to insurers, they should pay the levy at the same time. According to the Employees' Compensation Insurance Levies Ordinance, the insurers should remit to the Board the levies that are paid by employers within a period of three months. Such a three-month period is referred to as "relevant period".

At the end of each relevant period, the Board sends out prescribed forms to all insurers who are authorised to carry on employees' compensation insurance business in Hong Kong. They are required to return the completed prescribed forms and remit the levy to the Board within two months from the end of each relevant period.

Insurers are allowed to deduct the following from the levy remittance:

- (a) the amount of any refund of levy paid to an employer;
- (b) the amount of levy deemed to have been received by the insurer but failed to reach him at the end of three months from the date of issue of the insurance policy to which the levy is related.

They are also authorised to deduct 5% of the total levy payable as handling charge for collecting the levy on behalf of the Board.

As at 31 March 2013, 66 insurers were authorised to carry on employees' compensation insurance business in Hong Kong. Statistics on the number of authorised insurers in the past 10 years are given in Appendix 2.

Distribution of Levy

On receiving the levy remittance, the Board deducts the necessary operating expenses. The remaining net resources are then distributed to the specified bodies no later than three months from the end of any relevant period. At present, the following bodies are entitled to receive distributions from the Board:

- (a) Occupational Safety and Health Council;
- (b) Employees Compensation Assistance Fund Board; and
- (c) Occupational Deafness Compensation Board.

The proportion of the net resources of the Board to be distributed is set out in Schedule 2 of the Employees' Compensation Insurance Levies Ordinance. At the current levy rate of 5.8%, which came into effect on 1 October 2010, the Board distributes its net resources to the specified bodies according to the following proportions:

(a)	Occupational Safety and Health Council	20/58
(b)	Employees Compensation Assistance Fund Board	31/58
(c)	Occupational Deafness Compensation Board	7/58

Duties of Employers and Insurers

As required by the Employees' Compensation Insurance Levies Ordinance, employers should retain information pertaining to the payment of premiums and levy for three years. Such records shall be provided to the Board when required. Insurers shall also maintain and present records for inspection by the Board when required.

Activities Conducted during the Year 2012/13

Levy Remitted to the Board

- The Board collected a total of HK\$307,553,694 of levy in the year 2012/13. This represented an increase of 26.48% over the previous year's amount of HK\$243,161,205.
- Details of the levy income received by the Board, with breakdown in quarterly periods, in the past 10 years are given in Appendix 3.

Net Resources Distributed

• In 2012/13, the total amount of net resources available for distribution to the three specified bodies was HK\$307,265,329. The respective amounts so distributed were as follows:

Specified Body	Amount Distributed
	(HK\$)
Occupational Safety and Health Council	105,953,562
Employees Compensation Assistance Fund Board	164,228,021
Occupational Deafness Compensation Board	37,083,746
	307,265,329

Distribution of the net resources of the Board in the past 10 years is given in Appendix 4.

Finance

For the year 2012/13, 99.95% of the Board's income came from the levy remitted by insurers. The remaining 0.05% was generated from interest on bank deposits. Expenditure of the Board mainly covered the service fee for administrative support and other minor expenses. The Board always prioritises its work to ensure accurate and detailed reporting from insurers, with the aim of protecting the interest of the three specified bodies receiving distribution of resources from the Board.

After deducting the operating expenses, the Board distributes all the net resources to the specified bodies at regular intervals. As the Board does not normally retain any surplus, a contingency fund, at an amount of not more than twice the average monthly expenditure, is established to ensure the smooth operation of the Board.

Auditor's Report and Financial Statements

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF

EMPLOYEES' COMPENSATION INSURANCE LEVIES MANAGEMENT BOARD

(Established under the Employees' Compensation Insurance Levies Ordinance)

We have audited the financial statements of Employees' Compensation Insurance Levies Management Board (the "Board") set out on pages 8 to 15, which comprise the statement of financial position as at 31 March 2013, the income and expenditure account, the statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

The Board's responsibility for the financial statements

The Board is responsible for the preparation of financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants and the Employees' Compensation Insurance Levies Ordinance, and for such internal control as the Board determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. This report is made solely to you, as a body, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Board, as well as evaluating the overall presentation of the financial statements.

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF

EMPLOYEES' COMPENSATION INSURANCE LEVIES MANAGEMENT BOARD

(Established under the Employees' Compensation Insurance Levies Ordinance)

Auditor's responsibility (Continued)

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements give a true and fair view of the state of the Board's affairs as at 31 March 2013 and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards and have been properly prepared in accordance with the Employees' Compensation Insurance Levies Ordinance.

CCIF CPA Limited
Certified Public Accountants
Hong Kong, 21 June 2013

Alvin Yeung Sik Hung Practising Certificate Number P05206

EMPLOYEES' COMPENSATION INSURANCE LEVIES MANAGEMENT BOARD INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2013

	Note	2013	2012
		HK\$	HK\$
INCOME			
Levies income	4	307,553,694	243,161,205
Interest income from bank deposits		150,568	174,293
		307,704,262	243,335,498
EXPENDITURE			
Audit fee		24,219	23,694
Operating expenses	5	365,000	335,000
Sundry expenses		49,729	49,750
		438,948	408,444
SURPLUS FOR THE YEAR		307,265,314	242,927,054
UNDISTRIBUTED NET RESOURCES AT BEGINNING OF YEAR			901
TOTAL NET RESOURCES AVAILABLE			
FOR DISTRIBUTION		307,265,314	242,927,955
DISTRIBUTION OF NET RESOURCES	6		
The Employees Compensation Assistance			
Fund Board		164,228,021	129,840,804
The Occupational Deafness Compensation			
Board		37,083,746	29,318,891
The Occupational Safety and Health Council		105,953,562	83,768,260
		307,265,329	242,927,955
OVER DISTRIBUTED NEW DESCRIPTORS			
OVER-DISTRIBUTED NET RESOURCES AT END OF THE YEAR		(15)	

The notes on pages 11 to 15 form an integral part of these financial statements.

EMPLOYEES' COMPENSATION INSURANCE LEVIES MANAGEMENT BOARD STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2013

	<u>Note</u>	<u>2013</u>	<u>2012</u>
		HK\$	HK\$
CURRENT ASSETS			
Cash and cash equivalents		116,685	11,300
CURRENT LIABILITIES			
Accrued expenses	7	60,000	54,600
NET CURRENT ASSETS		56,685	56,700
REPRESENTED BY			
Contingency fund	9	56,700	56,700
Over-distributed net resources		(15)	
		56,685	56,700

Approved and authorised for issue by the Board on 21 June 2013.

On behalf of the Board

Mr. Carlson Tong, JP Chairman

The notes on pages 11 to 15 form an integral part of these financial statements.

EMPLOYEES' COMPENSATION INSURANCE LEVIES MANAGEMENT BOARD STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 31 MARCH 2013

	<u>2013</u>	<u>2012</u>
	HK\$	HK\$
OPERATING ACTIVITIES		
Surplus for the year	307,265,314	242,927,054
Adjustment for: Interest income	(150,568)	(174,293)
	(150,500)	(1::,2>0)
Changes in working capital	307,114,746	242,752,761
Increase in accrued expenses	5,400	9,300
Distribution of net resources for the year	(307,265,329)	(242,927,955)
	(1.17.100)	(4.57.004)
NET CASH USED IN OPERATIONS	(145,183)	(165,894)
INVESTING ACTIVITIES		
Interest received	150,568	174,293
NET CASH GENERATED FROM INVESTING		
ACTIVITIES	150,568	174,293
INCREASE IN CASH AND CASH EQUIVALENTS	5,385	8,399
CASH AND CASH EQUIVALENTS AT		
BEGINNING OF YEAR	111,300	102,901
•		
CASH AND CASH EQUIVALENTS AT		
END OF YEAR	116,685	111,300

The notes on pages 11 to 15 form an integral part of these financial statements.

EMPLOYEES' COMPENSATION INSURANCE LEVIES MANAGEMENT BOARD NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

1. CORPORATE STATUS

The Board is incorporated by virtue of the Employees' Compensation Insurance Levies Ordinance. The registered office and place of operation of the Board is situated at 15/F., Grand Centre, 8 Humphreys Avenue, Tsimshatsui, Kowloon.

2. SIGNIFICANT ACCOUNTING POLICIES

a) Statement of compliance

These financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards ("HKFRSs"), which collective term includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards ("HKASs") and Interpretations issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA"), accounting principles generally accepted in Hong Kong and the requirements of the 《Employees' Compensation Insurance Levies Ordinance 》 (the "Ordinance"). A summary of the significant accounting policies adopted by the Board is set out below.

The HKICPA has issued certain new and revised HKFRSs which are first effective or available for early adoption for the current accounting period of the Board. Note 3 provides information on any changes in accounting policies resulting from initial application of these developments to the extent that they are relevant to the Board for the current and prior accounting periods reflected in these financial statements.

b) Basis of preparation of the financial statements

The measurement basis used in preparing the financial statements is historical cost basis.

c) Income recognition

i) Levies income

Levies are recognised as income only when it is probable the levies will be received and are stated net of a 5% administration charge made by the insurers, which is deducted at source.

ii) Interest income

Interest income is recognised on a time proportion basis, taking into account the principal amounts outstanding and the effective interest rates applicable.

EMPLOYEES' COMPENSATION INSURANCE LEVIES MANAGEMENT BOARD NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

2. SIGNIFICANT ACCOUNTING POLICIES (Continued)

d) Distribution of net resources

The Board distributes net resources to the specified bodies under Section 7(1) of the Ordinance. The right to receive payment is established when net resources are recognised.

Pursuant to Section 6 of the Ordinance, net resources that are recognised in relation to a relevant period are the net balance of levies received in and interest income of that same relevant period, the respective recognition policy of which is stated in note 2(c) of the financial statements, after making deductions in respect of:

- i) expenses incurred and levies refunded in that same relevant period; and
- ii) additional amounts paid into the contingency fund as referred to in note 9.

Net resources recognised in any given relevant period are distributed in the proportions specified in note 6. Relevant period is defined under the Ordinance as any period of three months determined by the Board under Section 9(1) of the Ordinance.

e) Cash and cash equivalents

Cash and cash equivalents comprises cash at bank and on hand, demand deposits with banks and other financial institutions, and short-term, highly liquid investments that are readily convertible into known amounts of cash and which are subject to an insignificant risk of changes in value, having been within three months of maturity at acquisition.

3. APPLICATION OF NEW AND REVISED HONG KONG FINANCIAL REPORTING STANDARDS ("HKFRSs")

In the current year, the Board has applied the following new and revised HKFRSs issued by the HKICPA.

Amendments to HKFRS 7 Financial Instruments: Disclosures

- Transfers of Financial Assets

Amendments to HKAS 12 Deferred Tax: Recovery of Underlying Assets

The application of the amendments to HKFRSs in the current year has had no material effect on the Board's financial performance and positions for the current and prior accounting years and/or on the disclosures set out in these financial statements.

4. LEVIES INCOME

Pursuant to Section 14 of the Ordinance, a levy known as the Employees' Compensation Insurance Levy shall be payable on each premium payable by an insured in respect of any insurance policy issued by an insurer, for the purposes of Part IV of the Employees' Compensation Ordinance, on or after 1 July 1990. For the year ended 31 March 2013, the levy rate was prescribed at 5.8%. Pursuant to Section 15(4) of the Ordinance, an insurer who, during any relevant period, receives any levy under Section 14 of the Ordinance shall remit such sums to the Board within two months by the end of that period.

5. OPERATING EXPENSES

An agreement has been entered into between the Board and the Occupational Deafness Compensation Board ("ODCB") whereby ODCB provides administrative support services to the Board for an annual fee of HK\$365,000 (2012: HK\$335,000).

6. DISTRIBUTION OF NET RESOURCES

Pursuant to Section 7(1) of the Ordinance, the Board distributes its net resources not later than three months after the end of each relevant period to the specified bodies in the following proportions:

Proportion of the net resources for period on and Specified body after 1/10/2010

The Occupational Safety and Health Council 20/58

The Employees Compensation Assistance Fund Board 31/58

The Occupational Deafness Compensation Board 7/58

7. ACCRUED EXPENSES

The fair value of the Fund's accrued expenses at 31 March 2013 was approximate to the corresponding carrying amount.

8. TAXATION

The Board has been granted exemption from taxation under Section 88 of the Inland Revenue Ordinance.

9. CONTINGENCY FUND

This contingency fund represents the amounts set aside by the Board in accordance with Section 8 of the Ordinance to meet any expenditure of an unexpected or urgent nature and any outgoings of a kind specified in Section 6(3)(a), (b) or (c) of the Ordinance. The Board shall not pay into the contingency fund under this Section any sum which would, if added to the fund as then existing, increase the level of the fund beyond an amount equal to twice the average monthly expenses of the Board or such other greater amount as may be approved by the Secretary for Labour and Welfare from time to time.

10. FINANCIAL RISK MANAGEMENT

Financial instruments consist of cash and cash equivalents and accrued expenses. The Board is exposed to interest rate risk which is discussed below:

Interest rate risk

The Board's exposure to market risk for changes in interest rates relates primarily to the cash and cash equivalents.

Prevailing market-interest rate interest income is charged to the income and expenditure account as incurred.

11. POSSIBLE IMPACT OF NEW STANDARDS, AMENDMENTS AND INTERPRETATIONS ISSUED BUT NOT YET EFFECTIVE, FOR THE YEAR ENDED 31 MARCH 2013

Up to the date of issue of these financial statements, the HKICPA has issued the following amendments, new standards and Interpretations which are not yet effective for the year ended 31 March 2013.

11. POSSIBLE IMPACT OF NEW STANDARDS, AMENDMENTS AND INTERPRETATIONS ISSUED BUT NOT YET EFFECTIVE, FOR THE YEAR ENDED 31 MARCH 2013 (Continued)

Amendments to HKFRSs	Annual Improvements to HKFRSs 2009-2011 Cycle ¹
Amendments to HKFRS 7	Disclosures - Offsetting Financial Assets and Financial Liabilities ¹
Amendments to HKFRS 9 and HKFRS 7	Mandatory Effective Date of HKFRS 9 and Transition Disclosures ³
Amendments to HKFRS 10, HKFRS 11 and HKFRS 12	Consolidated Financial Statements, Joint Arrangements and Disclosure of Interests in Other Entities: Transition Guildance ¹
Amendments to HKFRS 10, HKFRS 12 and HKAS 27	Investment Entities ²
HKFRS 9	Financial Instruments ³
HKFRS 10	Consolidated Financial Statements ¹
HKFRS 11	Joint Arrangements ¹
HKFRS 12	Disclosures of Interests in Other Entities ¹
HKFRS 13	Fair Value measurement ¹
HKFRS 19 (as revised in 2011)	Employee Benefits ¹
HKFRS 27 (as revised in 2011)	Separate Financial Statements ¹
HKFRS 28 (as revised in 2011)	Investments in Associates and Joint Ventures ¹
Amendments to HKAS 1	Presentation of Items of Other Comprehensive Income ⁴
Amendments to HKAS 32	Offsetting Financial Assets and Financial Liabilities ²
HK (IFRIC) – Int 20	Stripping Costs in the Production Phase of a Surface Mine ¹

Notes

- $^{1}\,$ Effective for annual periods beginning on or after 1 January 2013.
- ² Effective for annual periods beginning on or after 1 January 2014.
- ³ Effective for annual periods beginning on or after 1 January 2015.
- ⁴ Effective for annual periods beginning on or after 1 July 2012.

The Board is in the process of making an assessment of what the impact of these new and revised HKFRSs is expected to be in the period of initial application, So far, the Board has concluded that the adoption of new and revised HKFRS is unlikely to have a significant impact on the financial statements.

Membership of the Employees' Compensation Insurance Levies Management Board

Chairman

Mr Carlson TONG, JP Chairman

Members

(up to 13 January 2013)

(from 14 January 2013)

Mr LAU Man-wai, Joseph, BBS, JP Employer representative

Mrs CHOI KWAN Wing-kum, Janice, MH Employer representative

Mr LEUNG Fu-wah, BBS, MH, JP Employee representative

Ms NG Wai-yee, MH Employee representative

Mr YAU Chun-hung, Jonathan Insurance industry representative

Mr KWONG Ching-wai, JP Representative of the Occupational Safety &

Health Council

Ms LEUNG Chung-yan, Juan Representative of the Employees

(up to 30 June 2012) Compensation Assistance Fund Board

Ms LAM Suk-fun Representative of the Employees

(from 26 November 2012) Compensation Assistance Fund Board

Dr WONG Nai-keung, Philco Representative of the Occupational Deafness

Compensation Board

Mr FONG Siu-leung, Raymond Senior Labour Officer of Labour Department

responsible for matters relating to employees'

compensation

Mr LEUNG Kwok-kee, Raymond Senior Labour Officer of Labour Department

responsible for matters relating to employees'

compensation

Number of Authorised Insurers to Carry On Employees' Compensation Insurance Business (2003/04 – 2012/13)

Year	Number of Insurers
2003/04	91
2004/05	85
2005/06	82
2006/07	81
2007/08	79
2008/09	81
2009/10	79
2010/11	77
2011/12	72
2012/13	66

Appendix 3

Levy Income in Quarterly Periods (2003/04 – 2012/13)

(in \$'000)

	Quar	Quarterly Period (in month)			Total levy	*Levy per	Change
Year	1 st Q (4-6)	2 nd Q (7-9)	3 rd Q (10-12)	4 th Q (1-3)	remitted	1% of premium	over last year (+/-%)
2003/04	76,308	59,693	67,007	54,212	257,220	40,829	+5
2004/05	60,722	54,135	38,431	40,144	193,432	30,703	-25
2005/06	48,897	44,883	40,000	31,203	164,983	26,187	-15
2006/07	46,080	49,874	44,661	36,628	177,243	28,134	+7.4
2007/08	42,361	47,830	46,951	35,599	172,741	27,419	-2.5
2008/09	47,525	50,477	47,503	36,059	181,564	28,820	+5.1
2009/10	57,357	50,900	52,578	39,453	200,288	31,792	+10.3
2010/11	62,721	69,126	58,520	42,068	232,435	38,271	+20.4
2011/12	61,488	64,986	60,120	56,567	243,161	41,924	+9.6
2012/13	79,345	79,030	80,944	68,235	307,554	53,027	+26.5

*Note : Levy per 1% of premium = Total levy remitted \div Effective rate of levy

Appendix 4

Distributions of Net Resources by the Board (2003/04 – 2012/13)

(in \$'000)

Year	Occupational Safety and Health Council	Employees Compensation Assistance Fund Board	Occupational Deafness Compensation Board	Total
2003/04	81,544	126,393	48,926	256,863
2004/05	61,304	95,022	36,783	193,109
2005/06	52,411	81,237	31,447	165,095
2006/07	56,356	87,352	33,814	177,522
2007/08	54,885	77,211	40,792	172,888
2008/09	57,413	71,766	51,671	180,850
2009/10	63,638	79,548	57,275	200,461
2010/11	76,435	105,931	49,746	232,112
2011/12	83,768	129,841	29,319	242,928
2012/13	105,953	164,228	37,084	307,265