

C023-e

Amend the Employees' Compensation Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Employees' Compensation (Amendment) Ordinance 2000.

(2) This Ordinance shall be deemed to have come into operation on 5 July 1999.

2. Employer's liability for compensation for death or incapacity resulting from accident

Section 5(4)(f) of the Employees' Compensation Ordinance (Cap. 282) is amended---

(a) by repealing "both as defined in section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62),";

(b) in subparagraph (ii), by repealing the semicolon and substituting a comma;

(c) by adding after subparagraph (ii)---
"and for the purposes of this paragraph---

(A) "gale warning" (烈風警告) means a warning of the occurrence of a tropical cyclone in, or in the vicinity of, Hong Kong by the use of the tropical cyclone warning signals issued by the Director of the Hong Kong Observatory to the effect that any of the tropical cyclone warning signals commonly referred to as No. 8NW, 8SW, 8NE, 8SE, 9 or 10 is in force;

(B) "rainstorm warning" (暴雨警告) means a warning of a heavy rainstorm in, or in the vicinity of, Hong Kong by the use of the heavy rainstorm warning signals issued by the Director of the Hong Kong Observatory to the effect that any of the heavy rainstorm warning signals commonly referred to as Red or Black is in force;"

Explanatory Memorandum

The purpose of this Bill is to amend section 5(4)(f) of the Employees' Compensation Ordinance (Cap. 282) to include definitions of "gale warning" and "rainstorm warning" instead of making reference to the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62). This will restore the protection afforded to employees against accidents occurring during travelling to and from work when the Red rainstorm warning signal is issued.

2. This Bill, when enacted, shall be deemed to have come into operation on 5 July 1999. The reason for this is that that date is the date when the amendment to exclude Red rainstorm warning signal from the definition of "rainstorm warning" contained in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62) took effect.