

立法會
Legislative Council

LC Paper No. LS120/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 5 May 2000**

**Legal Service Division Report on
Motion under section 36 of the Pneumoconiosis
(Compensation) Ordinance (Cap. 360)**

The Secretary for Education and Manpower has given notice to move a motion at the Legislative Council meeting on 17 May 2000 under section 36 of the Pneumoconiosis (Compensation) Ordinance (Cap. 360) (the Ordinance).

2. Section 36 of the Ordinance stipulates that the Legislative Council may by resolution prescribe the rate of levy on the value of construction works and quarry products. The levy provides a source of income for the Pneumoconiosis Compensation Fund (PCF) set up under the Ordinance.
3. The motion now seeks to reduce the present rate of levy at 0.3% on the value of construction works with a value not below \$1 million and of all quarry products, set by the Legislative Council by resolution in 1993, to 0.25%.
4. According to the draft speech of the Secretary, the current financial position of the PCF is very healthy. The proposed lower levy rate will still generate an annual levy income sufficient to cover compensation payments and other expenditure every year, as well as maintain a reasonable level of reserve to cater for long term commitments and contingencies. Members of the Labour Advisory Board have also given their support to the proposal.
5. In accordance with section 36(3)(a) of the Ordinance, a resolution varying the rate of levy shall come into effect 30 days after the publication of the resolution in the Gazette.
6. The legal and drafting aspects of the draft resolution are in order.

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2 May 2000