

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 18 February 2000**

**Legal Service Division Report on
Employees' Compensation (Amendment) Bill 2000**

Object of the Bill

To restore the protection afforded to employees against accidents occurring during travelling to and from work when the Red rainstorm warning signal is issued.

LegCo Brief Reference

2. EMBCR 11/4/3231/77 dated 3 February 2000, issued by the Education and Manpower Bureau.

Date of First Reading

3. 16 February 2000.

Comments

4. Prior to the Administration of Justice (Miscellaneous Provisions) Ordinance 1999, which came into force on 5 July 1999, the Employees' Compensation Ordinance (Cap. 282) (the principal ordinance) provided that if an employee was injured by accident while travelling between his home and his place of work within 4 hours before or after his working hours when a gale warning or rainstorm warning (either the Red or Black signals) was in effect, the accident was deemed to arise out of and in the course of his employment and the employee would be entitled to compensation from the employer. For these purposes, "gale

warning" and "rainstorm warning" were defined as having the same meanings as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62).

5. However, the 1999 Ordinance amended the definition of "rainstorm warning" to exclude the Red rainstorm warning so that judicial proceedings would not be adjourned while that signal was in force. The amendment also affects, apparently inadvertently, the principal ordinance so that the employee loses his entitlement to compensation if the accident occurs during a Red rainstorm warning.

6. The Bill now proposes to restore his entitlement to the position before the 1999 Ordinance by re-defining "rainstorm warning", for the purposes of the principal ordinance, as including both Black and Red rainstorm warnings.

7. It is also proposed that the amendment will take retrospective effect as from 5 July 1999.

Public Consultation

8. According to the LegCo Brief, the Labour Advisory Board was informed of the amendment.

Consultation with LegCo Panel

9. The policy aspects of the Bill have not been referred to any Panel for discussion.

Recommendation

10. The legal and drafting aspects of the Bill are in order. Subject to Members' views, it is ready for resumption of Second Reading debate.

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